EVE SUN - 5/12/49

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But he admitted that the critical report made this week by State

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Other original papers of other old cases against Pollack, including a street assault case in which he was given a 30-day jail sentence, still were on file and the public records of docket and index entries still were in proper condition in all matters.

Special Search Ordered

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He said he personally had seen and filed them about three weeks ago when the old indictment had been inspected by Wallace Reidt, official of the Criminal Justice Commission.

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They cited misuse of cash bond deposits to defray expenses of the office, while the more regular source—the city—could not be billed because office accounts were months behind.

The report was signed by State Auditor Daniel L. Clayland 3d, and by his deputy, Michael J. Potthast.

Course Is Uncertain

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Governor Lane took the position that another constitutional provision ties his hands in the case.

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Wells Waits On Bench

"There is no action," the Governor said, "that I can take."

He suggested that the first move is up to the State's attorney, J. Bernard Wells.

Mr. Wells said he is awaiting recommendations from the Supreme Bench.

"I don't care to be shirking any responsibilities," he said, "but this matter is so peculiar to the Supreme Bench that I am awaiting advices from them. So far, I have heard nothing."

Record Removal Denied

Meanwhile, Mr. Carter emphatically denied reports that some of his office records had been removed since the audit.

Asked whether private auditors or any one else had removed any books, records, or accounts for purposes of a private audit or any other purpose, the Court Clerk replied:

"I will say the records of my office are intact. They have not been moved."

No Private Audit Now

Asked whether private auditors were making a survey of his office, Mr. Carter answered that no private audit was under way.

He added that he had not determined for certain that such a private audit would be made.

About a month ago, when State auditors began their study of the Criminal Court office, Mr. Carter asked the Supreme Bench if he could have a simultaneous private audit.

Worksheets Available

The judges replied that no such private audit could interfere with the State auditors, and that the clerk could have a private audit at his own expense.

State Auditor Clayland also at the same time informed the court clerk that after the State audit was completed, its work sheets could be made available to any private auditor that Carter might want to have check his accounts.

Man Gets 6 Years On Assault Charges

Sentences totaling six years in the Penitentiary today were imposed on Arthur Berry, Jr., 21-year-old colored man of the 200 block North Dallas street, for assault on a police officer and his own sister.

Judge Robert France pronounced in Criminal Court a five-year sentence for the attack on Patrolman Edward Poist last April 23 and an additional one-year sentence for the other assault.

MORN SUN - 5/13

NO SEARCH YET FOR POLLACK'S COURT RECORD

Carter Says He Lacked Time To Look For Missing Murder Papers

Although it was brought to his attention Wednesday that original papers in a 1921 murder charge against James H. Pollack are missing from the Criminal Court files, Wilford L. Carter, clerk of the court, said late yesterday he has not had time to search for the records.

"I haven't had time to get around looking for them," Mr. Carter said shortly before the clerk's office closed yesterday.

Meanwhile, Chief Judge W. Conwell Smith announced that the judges of the Supreme Bench would reconvene in special session this morning to study the report of the recent audit of the books and records of Mr. Carter's office.

Meet In Joint Session

The judges met in joint session for more than an hour and a half at noon. Judge Smith declined to say what took place.

The auditor's report criticized the clerk's action in using bail funds for office expenses and suggested it may be a violation of the State criminal code. The auditor, Daniel L. Clayland 3d, also reported finding "flagrant violations of sound accounting practices."

Mr. Carter said yesterday morning he would order a special search for the missing papers among files, but there had apparently been no effort to find the records as of closing time yesterday. Assistants in the office said they had not been instructed to make the search.

Indicted With 4 Others

Pollack and four other persons had been indicted September 6, 1921, on the murder charge. The case was dropped when the State entered a nolle prosequi on May 10, 1923. J. Bernard Wells, then an assistant prosecutor, and now State's attorney, entered the final action in court.

Duplicate papers dealing with the same charge also are no longer in the State's attorney's office, it was discovered.

Present officials in that office said complete files prior to 1927 were destroyed on the instructions of Senator O'Conor, when he was State's attorney. Lack of space was responsible for the directive, it was explained.

However, docket entries in connection with the case remain intact, in the office of the State's attorney and in the Criminal Court, a survey of the dockets disclosed.

Docket Entries Intact

Also complete are the Criminal Court docket entries and original papers in connection with two other charges placed against Pollack in 1921. One charge was assault with intent to rob and the other was carrying a deadly weapon. The State also entered a nolle prosequi in those two cases.

Court papers and docket entries are in order in connection with a 1923 charge of assault on a policeman. Pollack was acquitted of that charge by a jury.

Other Records Complete

The records are complete in connection with a subsequent charge of assault, also in 1923, which resulted in a conviction and a 30-day jail sentence being imposed on the Fourth district political leader.

Mr. Carter said he had seen all the original papers dealing with the murder accusation about three weeks ago when they were inspected by Wallace Reidt, executive director of the Criminal Justice Commission.

The clerk denied rumors that other papers had been removed from his office since the audit.

Mr. Carter declared no records have been taken out for the purpose of a private audit or for any other reason. He added that he has not determined whether he will have an audit made by private auditors.

Man Gets 6 Years In Policeman Case

Convicted of assaulting a policeman, Arthur Berry, Jr., 21, yesterday was sentenced to six years in the Penitentiary by Judge Robert France in Criminal Court.

Berry, a Negro, who also was convicted of assaulting his sister and of disturbing the peace, blamed his actions on intoxication. He was convicted of assaulting Patrolman Edward Poist last April 23 while three patrolmen were attempting to arrest him.

In view of the defendant's plea of guilty to the assault on Poist, the State accepted Berry's plea of innocent to assaults on the other two policemen.

Mr. Orth said Berry hit Patrolman Frank Seglinski with a telephone and knocked Patrolman Francis Selig down when they attempted to arrest him.

MORN SUN 5/13

Demurrer Filed In Ober Act Suit

Hall Hammond, attorney general of Maryland, yesterday filed a demurrer to the suit attacking the validity of the Ober anti-Communist bill.

The demurrer contended that the Ober law is constitutional, and denied the contention of the plaintiffs that the measure violates guarantees of the State and Federal constitutions.

The injunction action was filed by a number of university and college instructors in Circuit Court No. 2. The action is expected to bring the case before Judge Joseph Sherbow for arguments on the preliminary legal point within two weeks.

EVE. SUN - 5/13

Supreme Bench Renews Carter Investigation

Judges of the Supreme Bench met for the second successive day in a special session to consider problems involving the office of the Criminal Court.

At the start of today's session they called the head of the office, Wilford L. Carter, the elected court clerk, before them.

Session Continues

Carter remained with the judges in their private conference room for 71 minutes. When he emerged at 11.16 A.M., the judges remained in session.

After more than 30 minutes of further conference, the judges called George F. J. Brown, deputy clerk of the court who heads Carter's force, before them.

The eleven judges, they revealed, had met yesterday to study criticisms leveled by the State auditors at Carter's office. State Auditor Daniel L. Clayland, 3d, had reported finding "flagrant violations of sound accounting practices."

The auditor also had reported that the clerk's office had used cash-bail deposits, which they were holding as bailee, to defray office expenses because the arrearages in their accounting prevented their billing the city for costs and fees that normally support the office.

Possible Violation

The auditors said the use of the bail money might be considered a violation of the Criminal Code.

At the court office today, it was revealed that the missing original papers for the 1921 murder charges against James H. (Jack) Pollack had not been located. Mr. Pollack had been Carter's supporter when the clerk ran successfully for election.

Books Up To Date

As auditors stated in their report last week, the Criminal Court dockets and account books now have been brought up to date. The books that had been in arrears were made current by extra work performed by various clerks in the office, some of whose dockets and books already were in proper order.

Prior to being called before the Supreme Bench today, Carter had various of his clerks sign statements that their respective dockets and books were now up to date and in proper order.

MORN SUN - 5/14

Biddison To File Test Case On City Contracts

Thomas N. Biddison, city solicitor, announced last night that on Monday he will file the test case to determine whether certain contractors who have done cost-plus work for the city can be required to open their books to city auditors.

The draft of the suit, drawn up by Mr. Biddison's office, has been examined by J. Bernard Wells, State's attorney, and, after being approved, was returned to the city solicitor yesterday afternoon.

SUNDAY SUN - 5/15

COURT CLERK REFUSES TO RESIGN POST

Carter Charges Report Of Audit 'Was Conceived In Political Malice'

Charging that the report of the State audit of his office was "conceived in political malice," Wilford L. Carter yesterday refused to resign as clerk of the Criminal Court.

Instead, he will have another audit made, by a private firm.

"Like yourselves," he wrote the members of the Supreme Bench of Baltimore City, "I have been elected by the people of Baltimore city as clerk of the Criminal Court under provisions of the constitution of Maryland.

"I was elected to serve for four years and my term does not expire until after the general election of 1950."

The Supreme Bench wrote Mr. Carter, requesting his resignation, last Friday, after considering the State auditor's report of "flagrant violations of sound accounting practices" and possible violation of "the spirit, if not the letter" of the law by the clerk's office.

Carter Replies To Bench

Yesterday, Mr. Carter, whose political patron is James H. (Jack) Pollack, wrote Chief Judge W. Conwell Smith and other members of the bench as follows:

"Honorable Sirs:

"I am in receipt of your communication this date which concludes with the following sentence: 'It is the considered opinion of the bench that, in view of the statements in the report, you should tender to the bench your resignation as clerk, to take effect at once.'

"Like yourselves, I have been elected by the people of Baltimore city as clerk of the Criminal Court under the provisions of the constitution of Maryland. I was elected to serve for four years and my term does not expire until after the general election of 1950.

"I observe from your letter that your opinion is based upon statements contained in a report of the State auditor. In my considered opinion there are wrongful and colored statements giving an interpretation which is unfair to me.

Charges Political Malice

"I am satisfied that the report of the State auditor was conceived in political malice. You will note that despite deliberate disparaging inferences and innuendoes the State auditors could not find a shortage of one penny of public funds.

"In order that the office of the Clerk of the Criminal Court may function meanwhile in a most efficient and competent manner, I respectfully renew my request made to you last Friday morning for permission to discharge certain employés. Should your Honors favorably consider this request, I will forthwith submit to you the names of those whose dismissal is desired.

Plans Own Audit

"In order that the people of Baltimore may have the facts and the correct conclusions, I am arranging to employ a competent and trustworthy certified public accountant to audit the office. I am positive that when the true facts are known, the people of Baltimore will be satisfied with my conduct in office.

"Be assured that I shall tender each of you a copy of the audit when it is completed."

Article IV of the State Constitution provides that clerks of courts shall continue in office until their successors have been elected and qualified, subject only to removal for "willful neglect of duty or other misdemeanors in office, on conviction in a court of law."

Duty Of Judges Cited

The article also provides that: ". . . the office and business of said clerks, in all their departments, shall be subject to the visitorial power of the judges of their respective courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said offices; and it shall be the duty of the judges of said courts, respectively, to make from time to time such rules and regulations as may be necessary and proper for the government of said clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly."

The State auditor, Daniel L. Clayland 3d, when Mr. Carter's letter was read to him, said he had no comment to make, at least at this time.

"I'll stand on the report," he said.

Report Of Auditors

The report, prepared by Mr. Clayland and his deputy, Michael Potthast, said:

"Such conditions as were found at the time of this audit constitute flagrant violation of sound accounting practices and efficient management; their continuance or a recurrence of them cannot be condoned.

"The use of bail-bond money for operating expenses of the office also would appear to be in conflict with the spirit, if not the letter, of Section 5-A, Article 27, of the Public General Laws of Maryland."

The report notes that "the books of the office were brought up to date by the clerk's office in the course of this audit and, at its conclusion, they were current."

But, as of April 5, the report continued, "the obligation of the clerk, $28,876.30, exceeded the cash balances available to him, $2,644.20, by $26,232.10."

$30,950 Reported Diverted

This, the report said, "was attributable principally to the clerk's having diverted $30,950 of bail bond deposits from the bail deposit account to the general account in order to provide funds for the payment of salaries and expenses of the office. . . .

"With respect to the accounting records, very few entries had been made in the cash book since the time of the last audit (August, 1947) and bank accounts apparently had not been reconciled since that time. . . .

"The general account was frequently overdrawn and there was evidence that the clerk's office had no knowledge of such a status until attendtion was called to it by the depository.

Absence Of Control Noted

"No control whatsoever was maintained over the bail deposit account. Checks for the refund or bail deposits were prepared in advance and held for dating upon their release."

The report noted that $5,000 in currency was deposited in the bail deposit account "early in the morning of April 6," the day the audit was begun.

"This currency was purported to have been held in the safe in the office," the report said, "and no explanation of its source could be given us by the clerk's office."

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Above (at left) is a news article published in The Evening Sun Thursday in connection with an account of the inquiry by the Supreme Bench into the office of the clerk of the Criminal Court. The information contained in the article is the subject of the communication by James H. (Jack) Pollack that begins on Page 32 and continues in an adjoining column.

Pollack Calls For Probe Of 'Theft' Of Public Papers

In a communication to *The Sun*, James H. (Jack) Pollack yesterday called for a grand-jury investigation of an "alleged theft of public papers" from the office of the Clerk of the Criminal Court.

The communication was based on information first published in a news article in *The Evening Sun* Thursday and later set forth in *The Sun's* news columns Friday.

The Evening Sun article was printed in connection with an investigation of conditions in the office of the Clerk of the Criminal Court, first by State auditors and then by judges of the Supreme Bench of Baltimore city. The article preceded by one day a formal request by the judges for the resignation of Wilford L. Carter, Clerk of the Criminal Court.

The missing papers relate to a 1921 indictment of Mr. Pollack. The Clerk of the Criminal Court had informed a *Sunpapers* reporter that he was unable to find the papers.

Text Of Pollack Letter

In his letter, Mr. Pollack accused the *Sunpapers* of "cheap, coarse, yellow journalism." He said:

"Once again in your papers without the slightest justification, rhyme, or public reason, you have attempted to revive an old ghost which had been laid and found to be nonexisting. Although the official papers and records indicate that this antiquated case has no basis or foundation and that I was completely exonerated at that time, you have attempted to revive the matter for the purpose of discrediting me.

"As a citizen and taxpayer entitled to all the constitutional guarantees that should be accorded in the American tradition of fairness to rich and poor alike, you have deliberately once again fouled those rights. I resent the cheap, coarse, yellow journalism involved therein. Of course, the people of Baltimore are entitled to know the facts, but you deliberately ignore them.

Cites Murder Charge

"If you decline to publish these facts, I will see to it through other media, that the public is acquainted with them. What is the truth? In 1921, nearly 30 years ago, there was a murder charge against a group of persons among whom I was included. Upon investigation by the State's attorney's office there was entered a nolle prosequi on May 10, 1923."

(EDITOR'S NOTE: The news article in *The Evening Sun* so stated.)

"The present State's Attorney, J. Bernard Wells, publicly and in open court, informed the court and public there was no basis to the charge. Despite this fact, your paper has repeatedly revived this matter not for the purpose of informing the public in regard to any facts in connection therewith, but with the obvious purpose of injuring my character, destroy my reputation and embarrass my family.

"On August 11, 1933, the late Robert F. Leach, who had been States attorney during the time of the false accusation made against me, wrote a letter to the then Police Commissioner General Charles D. Gaither, in which he specifically detailed the essential facts exonerating me from the charge. General Gaither in a letter replying to Mr. Leach ordered that the letter be filed with the papers in the case.

Quotes Letter From Leach

"On August 29, 1935, Mr. Leach sent me the following letter which is self-explanatory:

"'*Dear Mr. Pollack:* I note your request for a copy of a letter written by me to Governor Ritchie at the time your name was first mentioned in connection with appointment as a member of the Boxing Commission. Evidently in moving my office effects a year or two ago, I either mislaid or destroyed the copy I kept of the letter I wrote.

"'I remember very well writing such a letter in your behalf, in which I heartily endorsed and urged your appointment. Political opponents had brought to the Governor's attention what they were pleased to call your "criminal record." Inasmuch as I knew more about the matter than any other person, I, without any solicitation on your part, addressed the Governor, and told him of the facts: that the indictment referred to had been found during my term as State's attorney for Baltimore city; that the cause had never been brought to trial for the lack of evidence to sustain it; that your attorney had more than once requested the case to be put down for trial; that after a thorough investigation, I "threw the case out"; that furthermore I had become convinced that a great injustice had been done to you.

"'I don't think I so stated to the Governor in that letter, but the fact is that before I became State's attorney, and even for several months afterward, before I got the "hang of things," it was entirely possible, and the police did, more than once, "make a case" against a man when the same was not warranted. It was because of that system that I instituted a method whereby all cases of consequence were taken in charge by a representative of the State's attorney's office, before being allowed to go to the grand jury. Thereafter mere police indictments were avoided—at least in major cases.

"'I am sorry I can't find a copy of the actual letter I wrote, but the above is the substance of it.

"'Sincerely yours,

"'ROBERT F. LEACH, JR.'

Asks Truth Be Known

"Frankly, I would like to feel that there is still a modicum of fairness in your newspaper operations. Surely, some of that liberality, courtesy and decent consideration which prevailed in the *Sunpapers* of olden days must be inherited by you. You have not, however, shown that human tolerance and simple justice which should be accorded every man free of guilt and imputation. You have developed, it seems, a Pollack epidemic in your office.

"I ask for no special consideration from any man or newspaper, as I can stand squarely on my own feet and defend myself against any unjustifiable attack. All that I ask is that the truth be known. I am satisfied to leave the matter to that innate sense of fairness which is instinctive, I have always found, in every human being, even though he happens to be a newspaper man.

"In your article of last Friday, you make a great to-do about a missing paper or papers in this ancient case. You attempted to make the inference that, in some way, I was a party to its disappearance. I ask what motive would I have in obtaining such a paper? Frankly, I am at a loss to know what it is all about. Everybody knows that the dockets of the court relating to each and every fact is still intact."

(Editor's Note: The news article in *The Evening Sun* so stated.)

"I am convinced, as is everyone else who has looked into the matter, that the removal of this paper was the handiwork of a political trickster. This is demonstrated conclusively by an incident which occurred several weeks ago. Mr. Wallace Reidt, managing director of the Criminal Justice Commission, reported to Mr. Carter, the clerk of the Criminal Court, that there was a rumor that a paper or papers had disappeared from the files of the case. Mr. Wilford Carter and Mr. Reidt then examined the folders. Finding every paper intact, Mr. Reidt then dictated a letter certifying to his findings.

Calls For Investigation

"Isn't it rather singular that several weeks later the same papers should be found to be missing? The snide trick pepetrated by a political enemy is thus exposed. This is a matter of public importance and I call upon the grand jury and the State's attorney's office to directly investigate this alleged theft of public papers. When this investigation is completed, I know it will lead directly to the door of the real designer of this bold and bungling trick.

"On Wednesday, May 11, 1949, a representative of your office called upon Mr. Carter and informed him that certain papers were missing. He further stated that his city editor had given him that information. Now, if you really desire the true facts, here is your opportunity! Let the public know who was that person that informed you regarding these missing papers. Undoubtedly there will be revealed the assassin of character who conceived this diabolical scheme. I invite your co-operation."

EVE SUN - 5/16

Free Legal Aid Cost $15,605

Costs of supplying attorneys for indigent defendants have amounted to $15,605 in the past four months of 1949, it was revealed today.

Judge Robert France, of the Supreme Bench, disclosed that such a total had been paid to court-appointed attorneys between January 13 and May 12 last in the three sections of the Criminal Court of Baltimore.

$78 Average

The average fee paid the court-appointed lawyers amounted to $78.81.

In Judge France's section of the court, where the greater number of criminal cases have been tried this year, a total of $8,875 was paid to 109 attorneys.

In the court section presided over by Judge John P. Tucker, a total of $4,880 was paid to 73 lawyers.

Judge E. Paul [illegible] in the third section of the court, has paid $1,850 to 16 court-appointed attorneys.

The statistics released by Judge France showed that the average fee under Judge Mason's appointments was $115.62, while second highest average was in Judge France's appointments, $81.42, and the appointments by Judge Tucker averaged $66.86 in fee per case.

Under United States Supreme Court decisions and Maryland Court of Appeals decisions in recent years, the judges have been compelled to hold preliminary arraignments in all serious offenses and to furnish counsel for defendants who wanted legal representation and could not personally afford it.

As a result, the number of court appointments of defense counsel has increased sharply in recent years.

NEWS - 5/16

Judges Turn Case Over To State's Attorney

State's Attorney J. Bernard Wells today said he would take the controversy over the conduct of Wilford L. Carter's office as clerk of the Criminal Court to the Grand Jury.

His statement followed a request by the Supreme Bench that he take "whatever action he deems appropriate," after Chief Judge M. Conwell Smith had received a letter from Carter implying his refusal to resign.

The judges requested Carter's resignation on Friday.

Photostats of three cancelled checks were sent to Wells along with the request that he act in the controversy.

STATE AUDIT MADE

The request for Carter's resignation was made following a State audit which asserted his office accounts were muddled and confused.

There was no question of any shortage of funds.

Judge Smith, acting for the bench, sent to Wells a copy of the letter he received from Carter.

LETTER TO JUDGES

In it Carter, addressing the judges, said:

"I am satisfied the report and the audit were based on political malice."

He said that "in my considered opinion there are wrongful and colored statements" in the report and declared its interpretation was "unfair" to him.

Carter told the judges that, "like yourselves," he was elected by Baltimore voters and pointed out his term does not expire until after the general election of 1950.

He added he intended to employ a "competant and trustworthy" certified public accountant to give the people the true picture.

WELLS WILL ACT

When informed of the judges' request Wells said he would take the dispute to the Grand Jury.

He said:

"I am morally certain that is what the judges intended me to do. Coming from the bench the request is more or less a mandate."

Carter declined to comment on the judges' action.

Along with the letter from Carter the judges sent Wells a copy of the auditor's report on May 9, transcripts of interrogations of Carter and George F. Brown by the State auditors, and the photostats.

Wells, who is ill in a hospital, did not say when he would act.

EVE SUN 5/16

Building Firm Found Guilty Of Violations

Judge Robert France in Criminal Court today entered guilty verdicts against the National Home Building Company, of the 3000 block West Baltimore street, on 89 counts charging building-code violations in 20 houses.

The company had entered pleas of *nolo contendere* on the counts. Verdicts of not guilty were entered on nearly 300 other counts in the 20 indictments.

Not-guilty verdicts were also entered in favor of five officials of the company—Ralph A. Garner, Edith C. Garner, George E. Garner, Guy D. Garner, Jr., and John F. Fisher.

Settled For Sixth Defendant

The charges were stetted as to a sixth defendant, Ralph Neal Garner, who has been absent from Maryland and has never been apprehended in the cases.

Under the procedure adopted in GI housing cases, Judge France referred the violations to Paul A. Cohen, building inspection engineer, for further inspections and new reports, in order to see that violations can be corrected so far as possible.

Deputy State's Attorney William H. Maynard presented the cases.

The company had been presented by the grand jury last July on charges involving houses in the first block and the 100 block North Kossuth street, the 100 block Mount Olivet lane, the 200 block North Culver street and the 3100 block Phelps lane.

New Motions Filed

In another series of building-code charges, the Triangle Realty and Construction Company and its officers, Bernard De Boskey and Albert A. and Lillian Separo, today fined new preliminary motions in court through Eldridge Hood Young, attorney.

As a result, the scheduled trial of seven cases was deferred until next week. They were set for trial on May 24.

Action By Jury Due To Follow Court Move

Acting for the Supreme Bench, Chief Judge W. Conwell Smith today referred the file of Wilford L. Carter, clerk of the Criminal Court, to the State's attorney for "whatever action" he deemed appropriate.

Mr. Wells, who is in a hospital, revealed that he regarded Judge Smith's action as a "mandate" to have the grand jury pass on questions arising in connection with the Criminal Court office.

It was expected that the State's attorney's deputy, who was engaged in court, would bring the matter to the attention of the grand jury tomorrow.

The letter handed over to State's Attorney J. Bernard Wells lists four items of the Supreme Bench file in connection with the Criminal Court clerk's office.

Text Of Letter

The letter said:

"*Dear Mr. Wells*—I refer to you herewith for whatever action you deem appropriate the following:

"1. Report of the State auditor, dated May 9, 1949.

"2. Typed transcript of interrogation of Mr. Wilford L. Carter at the office of the State auditor, 1401 Standard Oil Building, Baltimore, Md., on May 3, 1949, at 2 P.M.

"3. Typed transcript of interrogation of Mr. George F. J. Brown at the office of the State auditor, 1401 Standard Oil Building, Baltimore, Md., on May 3, 1949, at 10 A.M.

"4. Photostat copies of three canceled checks, No. 479, No. 522 and No. 2601.

"Yours very truly,

"(Signed) W. CONWELL SMITH."

Delivered By Clerk

The judge's letter was delivered to Mr. Wells's office this morning by the judge's law clerk, Joseph P. Rieger.

It was sent shortly after Judge Smith opened and saw the letter which Carter made public Saturday, declining to resign in accordance with the Supreme Bench.

Judge Smith had already read the letter as printed in the newspapers.

Resignation Asked

The Supreme Bench request for Carter's resignation was made Friday after a four-hour bench session in which both the head of the Criminal Court office and his chief deputy, Brown, had appeared as witnesses.

Previously, the State auditor, Daniel L. Clayland 3d, had filed with the State comptroller, the Governor and the Supreme Bench an official report of the audit of Carter's office.

The report cited improper accounting practices, long delays in posting accounts and records that were to be kept current and use of cash bail deposits to defray expenses of the office pending collection of such supporting funds from the city.

State's Attorney Wells is at St. Joseph's Hospital. He entered the hospital for a checkup Saturday.

Grand Jury Action

Reached by telephone, the prosecutor said, "Naturally, I will want to talk to William H. Maynard, my deputy. I must regard the records in connection with Criminal Court as sent to me by the Supreme Bench primarily for the purpose of bringing the matter to the attention of the grand jury.

"I will have Mr. Maynard go before the grand jury with the matter."

MORN SUN - 5/17

CARTER DATA GOING TO GRAND JURY

Judge Smith Submits Information On Court Clerk To Wells

Information gathered during the recent audit of the books and records of Wilford L. Carter, clerk of the Criminal Court, will be submitted this morning to the grand jury, J. Bernard Wells, State's attorney, announced last night.

"I have appointed my two top-ranking men, William H. Maynard and Anselm Sodaro, to carry on this investigation and I expect them to submit the facts to the grand jury tomorrow morning," Mr. Wells said yesterday.

"I have gone over the matter with Mr. Maynard and Mr. Sodaro and have instructed them to follow through with the investigation with whatever action is required of them," Mr. Wells added.

Got Letter From Judge

He disclosed that the grand jury was informed yesterday morning that they would be asked to consider the matter today.

The State's attorney took action in the case after receiving a letter from Chief Judge W. Conwell Smith in which Mr. Wells was told that all information gathered during the audit was being turned over to the prosecutor's office "for whatever action you deem appropriate."

Judge Smith's letter followed a week end during which the Supreme Bench requested Mr. Carter to resign his elective post, and the clerk countered with a request for permission to discharge certain of his clerks.

Judges Are Silent

In refusing to give up his clerkship position, Mr. Carter charged that the State auditor's report on the Criminal Court records was "conceived in political malice."

The clerk informed the judges that he, like them, was elected by the voters of Baltimore and that his term does not expire until next year.

In their letter to Mr. Carter on Friday, the judges asked the clerk's immediate resignation.

Judge Smith said yesterday that the judges had no statement to make regarding the counter-request of Mr. Carter. Judge Smith said the matter now is in the hands of the State's attorney.

Letter To Wells

Mr. Carter also said he had no further statement to make at this time.

Judge Smith's letter to the State's attorney read as follows:

"Dear Mr. Wells: I refer herewith for whatever action you deem appropriate the following:

"1. Report of the State auditor, dated May 9, 1949.

"2. Typed transcript of interrogation of Mr. Wilford L. Carter at the office of the State auditor, 1401 Standard Oil Building, Baltimore, Maryland, on May 3, 1949, at 2 P.M.

"3. Typed transcript of interrogation of Mr. George F. J. Brown at the office of the State auditor, 1401 Standard Oil Building, Baltimore, Maryland, on May 3, 1949, at 10 A.M.

"4. Photostat copies of three canceled checks, No. 749, No. 522 and No. 2601."

Mr. Brown is Carter's chief deputy.

Meanwhile, it was disclosed that James H. (Jack) Pollack, Democratic leader in the Fourth district, has requested a grand-jury investigation to determine who is responsible for the absence of a murder indictment against him.

The murder charge was dropped in 1923 when the State entered a nolle prosequi.

ANOTHER BUILDING FIRM IS CONVICTED

Found Guilty Of 89 Violations Of Baltimore Code

The National Home Building Company, builder of homes in West Baltimore, yesterday was convicted of 89 violations of the Building Code of Baltimore in twenty houses built for veterans.

The company was the twenty-seventh building concern convicted of violating the Building Code since a probe of veterans' housing was begun about a year ago.

Judge Robert France returned guilty verdicts on the 89 counts. Innocent verdicts were returned on about 300 additional counts.

Five Are Acquitted

Five officials of the company were acquitted. They were Ralph A. Garner, Edith C. Garner, George E. Garner, Guy D. Garner, Jr., and John F. Fisher.

Judge France referred all the cases to the building inspection engineer for further inspection and report before imposing sentence. William H. Maynard prosecuted the cases.

EVE. SUN 5/17

Officials Study Carter Audit For Jurors

Deputy State's Attorney William H. Maynard and Assistant State's Attorney Anselm Sodaro today began detailed study of the situation in the office of Wilford L. Carter, clerk of the Criminal Court, in preparation for grand jury consideration of the matter.

The clerk's office situation already has been brought to the official attention of the grand jury by Mr. Maynard.

That action was taken late yesterday after Chief Judge W. Conwell Smith sent the prosecutor's office the Supreme Bench file on the audit of the Criminal Court, for whatever action the prosecutor's office deemed appropriate.

Conference Held

State's Attorney J. Bernard Wells, who is now in St. Joseph's Hospital, had named Maynard and Sodaro, the two top-ranking men of his staff, to handle the Carter probe.

Meanwhile, State Auditor Daniel L. Clayland 3d consulted today with Maynard and Sodaro. A copy of his detailed report on the audit of Carter's office was one of the four elements of data in the Supreme Bench file that was turned over to the prosecutors.

No witnesses have yet been called before the grand jury. None are yet scheduled, although it was said to be a possibility that Mr. Clayland would be the first witness to appear. Whether he would appear today was doubtful.

Pollack Asks Probe

The grand jury also has been informed that James H. (Jack) Pollack, Democratic Fourth district leader, has requested a probe concerning the disappearance of official records of one of the old charges against him.

The missing papers are the indictment and other files of a 1921 murder case against Pollack and four other persons that was dismissed and dropped in 1923 when a nolle prosequi was entered.

Although the papers had been inspected only about three weeks ago, last week they were missing.

Mr. Pollack has charged that someone must have purposely stolen or removed the papers in an effort to embarrass him and Carter, whom he supported for election to the court office.

NEWS-5/17

Quiz Witnesses In Carter Case

Preparing for presentation of the findings of a State audit of the office of Wilford L. Carter, clerk of Criminal Court, to the Grand Jury, Deputy State's Attorney William H. Maynard today began questioning of witnesses.

The first to be closeted with Mr. Maynard and Anselm Sodaro, assigned to the case of State's Attorney J. Bernard Wells, were Daniel L. Clayland, State auditor, and other State auditors who assisted with the three-week check of the clerk's office.

Date of presentation of the case to the jury, Mr. Maynard said, will depend on the time consumed in its preparation.

The Supreme Bench last Friday requested the immediate resignation of Mr. Carter after a study of the audit of his office records. Carter, however, has declined to resign, terming the investigation "conceived in political malice."

MORN SUN - 5/18

U.S. JURY INDICTS THREE IN HOLDUPS

Acts On Charges In Bank And Loan Firm Robberies

Federal grand jurors yesterday indicted three men on charges of participating in the holdup of the Walbrook branch of the Union Trust Company and the Occident Federal Savings and Loan Association.

The accused are James Bernett, 23, of Latrobe, Pa.; Carl Close, 31, of Mount Olive, Pa., and Roy L. Mann, 28, of Sabraton, W. Va.

Bernard J. Flynn, United States Attorney for Maryland, said the men may be arraigned Friday.

Other Indictments

The same defendants also are under indictment in the Criminal Court of Baltimore on similar charges arising out of the $32,000 bank holdup and the $2,868 robbery at the savings and loan association.

Since both of the institutions have financial connections with the Federal Government, the men are liable to prosecution in State and Federal courts.

The seven-count indictment charged that sums of money were taken from employés of the two concerns by intimidation, that the money was taken and carried away with intent to steal and that the lives of employés of the bank and the loan association were put in jeopardy through the use of dangerous weapons.

A final count charged that the defendants transported the stolen bank funds in interstate commerce from Baltimore to Front Royal, Va. The bank holdup occurred February 15, while the other robbery took place January 28.

MORN SUN-5/18 EVE. SUN-5/18

COURT CLERK'S BANK ACCOUNTS SUBPOENAED

State's Attorney's Office Takes Action Against Carter And Brown

The State's attorney's office yesterday obtained subpoenas calling for production before the grand jury of the personal bank account records of Wilford L. Carter, clerk of the Criminal Court, and his chief deputy.

In addition, a summons was issued directing Henry Heil, grocer, of the 3600 block Falls road, to appear before the grand jury today in connection with the investigation arising from the recent audit of books and records of Mr. Carter's office.

William H. Maynard, deputy State's attorney, and Anselm Sodaro, assistant, interrogated several employés of Mr. Carter's office during a day-long session yesterday in the presence of Daniel D. Clayland 3d, State auditor.

Presentation Delayed

The preliminary interrogation by the two prosecutors delayed by one day the placing of the entire matter before the grand jury.

Judges of the Supreme Bench initiated the investigation on Monday when they sent to J. Bernard Wells, State's attorney, all available information gathered during the State audit.

The Supreme Bench first had asked Mr. Carter to resign the clerkship, but he refused and countered with a request for permission to discharge certain of his employés. The names of the employés were not disclosed in the clerk's letter to the judges.

Subpoena Ordered

In seeking the bank record of Mr. Carter, the prosecution requested the Criminal Court to "issue a subpoena directed to the Equitable Trust Company, Calvert and Fayette streets, directing it to produce before the grand jury at 10 A. M. on Wednesday, May 18, 1949, all statements, cancelled checks and other documentary evidence relating to the account of Wilford L. Carter, covering the period from July 1, 1948 to date."

A similar subpoena was requested in connection with personal accounts of George F. J. Brown, Mr. Carter's chief deputy, at the First National Bank and the Occident Federal Savings and Loan Association.

Clerks Questioned

Mr. Brown was the first of Mr. Carter's employés to be questioned by the prosecutors and Mr. Clayland behind closed doors in the State's attorney's office yesterday morning.

Others quizzed during the day were Albert Sherr and Carl O. Martin, bail clerks, and two female secretaries in the Criminal Court clerk's office.

COST-PLUS DATA SOUGHT IN CITY'S SUIT

Action Taken To Require Contractors To Open Their Records To Public

The city's test suit to determine whether cost-plus contractors can be compelled to open their records to the city auditor was filed yesterday in Circuit Court against William J. Wiesand, of the 2300 block Maryland avenue.

Judge S. Ralph Warnken gave the defendant until June 1 to answer the proceedings.

The court was asked to decree that the records of the respondent, under City Ordinance 225, were public or quasi-public records and that the right of inspection of the books by the city auditor was made a condition of each cost-plus contract.

Injunction Sought

Further, the court was asked to issue an injunction restraining Wiesand from refusing to permit inspection of his records, showing names and occupations of his employés and wages paid them on cost-plus jobs performed for the Department of Education.

The suit listed 38 separate work orders issued to Wiesand between March 3, 1948, and last October 15.

It contended that all the work orders expressly provided that the contractor was to comply with the provisions of Ordinance No. 225 concerning hours of labor and wages, and schedules of minimum hourly rates.

Requirements Of Contracts

It was alleged that the ordinance provided, among other things, that every contract made by the city required that the contractor keep accurate records of employés and wages paid them, and that the records shall be available for inspection by agents of the city.

The suit alleged that Howard C. Beck, City Auditor, sought permission of Wiesand to inspect the contractor's records, but was refused.

The city contended that "as a result of the wrongful refusal, the Mayor and City Council of Baltimore has sustained irreparable injury and has no adequate remedy at law."

Thomas N. Biddison, City solicitor, and Thomas M. Jacobs, assistant, filed the test case.

Carter Would 'Welcome' Call To Testify

Wilford L. Carter, clerk of the Criminal Court, said today that he would "heartily welcome" a summons to appear before the grand jury as the jury began its study today of conditions in Carter's office.

Mr. Carter said: "I have not been called, but I would most heartily welcome a summons to appear before the grand jury before it concludes its studies."

Personal bank accounts of the clerk, Wilford L. Carter and his deputy, George F. J. Brown, were among the first items to be subpoenaed before that body.

Grocer Summoned

Also summoned to appear was Henry Heil, a grocer of the 3600 block Falls road.

The case is being presented to the jurors by two top-ranking men below the State's Attorney himself, William H. Maynard, deputy, and Anselm Sodaro, assistant.

The study, which may take several days, arose from a request by the Supreme Bench that Mr. Carter resign as clerk of the Criminal Court, an elective position. The request followed a study of the books of his office by the State auditor.

Declines To Leave

Mr. Carter declined to resign and said that the conclusions reached by the State auditor were "conceived in political malice." He countered the request of the bench with a request of his own to dismiss several unidentified employés in the office.

Acting for the Supreme Bench, Chief Judge W. Conwell Smith then referred the matter to State's Attorney J. Bernard Wells for "whatever action" he deemed appropriate.

Mr. Wells revealed that he regarded Judge Smith's action as a "mandate" to have the grand jury review the facts and pass on the questions brought before it.

Yesterday Mr. Maynard conducted preliminary interrogations of employés of the Criminal Court office. He also questioned Louis Kandel and his son, Melvin Kandel, professional bondsmen.

"Violations" Cited

The State auditor reported that practices in the Criminal Court clerk's office were "flagrant violations of sound accounting practices and efficient management," as well as possible violation of "the spirit, if not the letter," of the criminal code.

The auditors' report asserted that Carter's office had utilized $30,950 in cash bail deposits to defray office expenses. It noted:

"The use of bail-bond money for operating expense of the office also would appear to be in conflict with the spirit, if not the letter, of Section 5-A, Article 27, of the Public General Laws of Maryland."

That section prohibits the use of bail monies without the "consent of the owner or owners of such property."

Court Rule 904 Appeal Opens In Annapolis

[From a Staff Correspondent]

Annapolis, May 18—Judges of the Maryland Court of Appeals today are hearing three appeals that for the first time in the upper-court test the validity of Supreme Bench Rule 904 regarding news publication.

Three radio stations that were fined for contempt of court because of news broadcasts about the arrest of Eugene James, colored man now under death sentence for the murder last July of 11-year-old Marsha Brill, took the appeals. A fourth station that was fined later also has appealed, but its appeal has not yet been argued.

The full court of six judges—Chief Judge Ogle Marbury and Judges Edward S. Delaplaine, Stephen R. Collins, C. Gus Grason, William L. Henderson and Charles Markell—heard the case in the mahogany-paneled, quiet Appeals Court hearing room.

Four-Hour Argument

Four hours were allotted for argument. J. Purdon Wright, appearing for Radio Station WCBM, opened the case, followed by Hilary W. Gans, for Station WITH.

The appeals judges at the outset, and frequently thereafter, interrupted attorneys to ask questions.

Mr. Wright, in attacking the validity of Rule 904, contended that the Supreme Bench had no right to pass it as a criminal law which would only be in the power of the Legislature, and that the rule should not be sustained as "an advisory rule or censorship rule for publications."

If the rule is given the effect of criminal law, Mr. Wright argued that it would be a violation of the provision of the Maryland Constitution calling for separation of the legislative, executive and judicial powers.

Supreme Court Ruling Cited

When it was contended that the Supreme Bench rule admittedly was drawn under the "reasonable tendency" doctrine which the United States Supreme Court formerly followed in contempt cases, members of the appeals bench frequently interrupted to say that the newer "clear and present danger doctrine" of the Supreme Court "must now be read into" the rule.

Judge Markell several times asserted that the constitutional decision of the high court is "read into every rule and every statute."

At another point, Judge Markell pointed out to defense counsel that the Bar Association defending the court rule has classed it as warning sign or a danger signal, somewhat "like the new signs now seen all over Baltimore—impounding ordinance will be enforced."

Mr. Gans told the appeals judges that he considered the case to have just two main points: That Rule 904 is unconstitutional and that, regardless of the rule, the facts did not warrant contempt action.

Refers To Citations

First, he pointed out that the citations brought by the judges of the Criminal Court against the radio stations had been couched in the language of the rule, and apparently were based primarily on the theory of "reasonable tendency" to interfere with a fair trial that, the Supreme Court has now discarded.

"At the real bottom of this case is the question of fact of whether the accused man, Eugene James, was deprived of his right to a fair and impartial jury," said Gans.

The WITH lawyer continued:

"There is no proof, absolutely no proof, that the defendant could not have obtained a fair or impartial jury that never even heard of the broadcasts."

Stresses Lack Of Evidence

He added that there was no evidence to show that under the right of removal for capital cases a completely impartial jury could not have been found in any county in Maryland.

The lawyer cited a decision in 1889 by former Chief Judge Alvey of the Court of Appeals in the case titled Garlitz vs. State, in which it was asserted in detail that jurors were not expected to have lived in a vacuum and that mere knowledge of facts did not disqualify them as long as they were unprejudiced.

Mr. Gans pointed out that the only proper basis for contempt-of-court action, under the present Supreme Court decisions, is that there is actual clear and present danger of interference with a fair and impartial trial. For that reason, the Supreme Bench rule clearly attempts to bar publications and statements that are perfectly legal, he argued.

Refers To Confessions

For example, Mr. Gans said, even the Supreme Bench admitted that its rule could not bar mention of confessions and of criminal records that were disclosed at a preliminary, or police-court hearing, even though the defendant still faced trial in Criminal Court.

Likewise, he contended, the courts could not expect to hope to prevent knowledge of facts disclosed at one trial if the defendant took an appeal and won a retrial.

In other words, he asserted, the disclosures banned by the Supreme Bench rule cannot by themselves be deemed unlawful; they can only be banned when they create a clear and present danger of obstruction of justice.

A total of 434 pages of legal argument has been presented to the court by counsel for the radio stations, for the State, and for amici curiae, or "friends of the court," that have intervened on both sides.

Validity Questioned

In opposing the validity of the Supreme Bench rule, attorneys contend it is invalid and unconstitutional, that it violates the constitutional rights of free speech and free press, that it is impractical and unworkable and that it amounts to improper censorship and previous restraint on publication of news and information.

The defendants likewise contended that their broadcasts did not constitute any "clear and present danger" to impartial administration of justice or the rights of the accused man, and that they should not have been held in contempt, either under Rule 904 or under any inherent powers of the court to punish for contempt.

Heard In January

The defendants are station WITH and its former news editor, James P. Connolly, who had been fined $500 and $100, respectively, and WFBR and WCBM, which were fined $300 each when the cases were heard last January by Judge John B. Gray, Southern Maryland jurist who was especially assigned to hear the cases in Baltimore.

As amici curiae in support of the court's action, the Bar Association of Baltimore City and the Junior Bar Association filed printed briefs.

Similar action was taken by The A. S. Abell Company, publishers of the *Sunpapers*, and by the American Newspaper Publishers Association, which intervened on behalf of defendants. Counsel for the amici curiae did not participate in argument.

Start Is Delayed

The start of the hearing, for which the whole day was set aside by the court, was delayed somewhat because of a holdover case which was not completed on schedule yesterday.

The State, represented by Attorney General Hall Hammond and Assistant Attorney General Harrison L. Winter, contended that Rule 904 is valid, that courts also have inherent rights to punish for contempt, and that the broadcasts of the radio concerns actually constituted "clear and present danger" of interference with a right to a fair and impartial trial by jury.

The State's argument, in citing that the radio companies and two of the amici curiae regard the cases as "substantial abridgements of the guarantees contained in the First Amendment" of the United States Constitution, contended:

"These cases involve a greater right, the right of one accused of a crime, for which he may forfeit his life, to obtain a fair, impartial and unbiased adjudication of his guilt or innocence."

Ruling Is Cited

Contending that sections of Rule 904 are not separable, the attorneys for WCBM pointed out that Judge Gray himself had ruled that one section of the rule was void because it was based on the contempt doctrine in effect when the rule was drawn in 1939, but which since has been repudiated by the United States Supreme Court.

Previously, a "reasonable tendency" to interfere with justice was regarded as enough ground for contempt action, but the high court in three recent cases has adopted the doctrine that only "clear and present danger" will justify contempt action.

Sunpapers' Brief Asks Appeals Court To Hold Bench Rule 904 Invalid

Arguments filed by The A. S. Abell Company, publisher of the *Sunpapers*, today asked the Maryland Court of Appeals to hold that the Baltimore Supreme Bench Rule 904 is invalid in connection with news publications because it is an invasion of the right of freedom of speech and a violation of rules now recognized by the United States Supreme Court.

The publishing company, by court assent, appeared as *amicus curiae*, or "friend of the court," in order to file a legal brief in support of three radio stations who are appealing their conviction for contempt of court under the Supreme Bench rule.

Public's Rights Also Cited

Restrictions imposed by the Supreme Bench Rule 904 "operate not only as a restraint upon the rights of radio stations and of newspapers to make news known to the public but also upon the right of the public to be informed of it," the newspaper company brief stated.

The brief for The A. S. Abell Company was filed by Harry N. Baetjer, Edwin F. A. Morgan, Frederick W. Brune, and the law firms of Venable, Baetjer & Howard and Semmes, Bowen & Semmes.

"The twin rights of freedom of speech and of the press and the right of a person accused of a crime to have a fair and impartial jury trial are all rights which are clearly recognized in the American system of law," the brief stated.

Queries Suggested

Pointing out that because of the breadth and speed of communications and information through such developments as radio broadcasting, television and modern printing presses, the public is better informed and more widely informed than ever before, the brief of The A. S. Abell Company continued:

"Certainly, no one adhering to our theories of law and government wishes to see anyone charged with crime deprived of the right to a fair and impartial trial by jury. This immediately suggests there queries:

"What kind of a jury should we have in order to obtain a fair trial? Must it be composed of jurors who never so much as heard of the case until they are called to the jury box?

Status Of Jurors

"The obvious answer is 'No,' and as we expect to develop later in this brief, the kind of a jury which the law of Maryland contemplates is made up of jurors who will faithfully discharge their oath to render their verdict on the basis of the evidence presented to them, and who will not base their verdict on any prejudgment of the case, but who are not required to be either empty-headed or, like ostriches, to bury their heads in the sand."

The argument noted that Supreme Bench Rule 904 was promulgated in 1939 as a rule of the Criminal Court, under a theory of contempt of court that has since been repudiated by the United States Supreme Court.

Then, it was regarded that anything with a "reasonable tendency" to obstruct or interfere with justice would warrant contempt prosecutions.

In more recent years, the newspaper pointed out, the United States Supreme Court has adopted a theory that contempt of court proceedings are not justified unless there is a "clear and present danger" or actual interference with the proper administration of justice.

The Supreme Bench Rule 904 "violates the clear and present danger rule now recognized by the Supreme Court as the test of the propriety of a publication," the brief contended.

"Clear, Present Danger"

It pointed out that paragraph E of the rule outlaws "publication of any matter which may prevent a fair trial, improperly influence the court or the jury, or tend in any manner to interfere with the administration of justice," while other paragraphs adopt the same principle. That principle, the newspaper brief contended, is outmoded and discarded under United States Supreme Court decisions in 1941, 1946 and 1947, which adopted the newer "clear and present danger" theory.

Since the paragraphs of Rule 904 outlaw publications that do not violate the present Supreme Court doctrine, the paragraphs amount to "unconstitutional abridgements of the freedom of the press in contravention of the First Amendment" of the United States Constitution, the brief contended.

Rule 904 Held To Conflict

Supreme Bench Rule 904, by stating that certain acts "shall be subject to punishment as contempt," seeks to adopt "inflexible, all-conclusive rules conflicting with both freedom of the press and due process," the brief stated.

Such a "mandatory and imperative" ban, the brief continued, conflicts with enunciations of the United States Supreme Court in considering state laws.

"Each case must be tested on its own facts," it was argued.

The newspaper company's brief contended that the Supreme Bench rule sought to adopt a standard much more rigid than the Maryland Court of Appeals ever considered in the past.

Three Appellate Decision Cited

It cited three appellate court decisions, two of them being prominent cases from Baltimore, to show that the upper tribunal discarded claims of potential obstruction of justice when actual obstruction was not shown.

The Baltimore cases were the 1909 cases involving prosecution of a City Hall employé named Downs and the 1924 prosecution of a man named Newton, accused in a speculation case. Both cases and another 1913 appeal dealt with refusal of the lower court to grant change of venue or removal of the trial to another jurisdiction because of ad-

Sunpapers File Brief Against Rule 904

[Continued From Page 64]

vance news publications of data connected with the cases.

Ultimate Issue: Fair Trial

The brief said, in part:

"Why, then, should the publication of such news necessarily involve the publisher thereof in contempt of court? Yet that is just what Rule 904 provides.

"It seems nothing short of extraordinary that a publication, or a whole series of publications, which is not necessarily enough to obtain a change of venue for a person whose liberty is at stake, is necessarily enough to make the publisher of the whole, or of any part, of the information guilty of a contempt of court. The ultimate issue in each instance is whether or not the defendant can have a fair trial."

"Predetermined Formula"

In fact, the brief stated, the Maryland constitution expressly provides that a man is entitled to change of venue whenever there is "reasonable ground" to believe he cannot get an impartial trial, while the contempt proceedings are now controlled by the Supreme Court doctrine of "clear and present danger" of obstruction of justice.

No "predetermined formula" like Rule 904 should be used to determine rights of publication, the brief asserted.

Two sections of Rule 904 exceed the rule-making power of the Supreme Bench, which "condemn the clearly lawful as well as the potentially unlawful," the brief stated.

It was argued that there are only three possible sources of rule-making power available to the Baltimore bench. These are "inherent powers" of courts, the State constitution and the State code.

The brief went back to Blackstone, early legal writer, in considering inherent powers of courts, and cited "serious historical error" that had been shown by "modern historical research." It pointed out that the Supreme Court has asserted that American courts were shorn of much of the broad contempt power which English courts wielded at the time of the American Revolution.

The high court had spoken of the "generally accepted historical belief that one of the objects of the Revolution was to get rid of the English common law on liberty of speech and of the press."

Other Powers Weighed

A second source of rule-making power of the Supreme Bench stems from Section 33, Article 4 of the State Constitution, but the brief asserted that source was limited to needed "rules and regulations" to operate courts.

The third source, it was stated, arises from Article 26, Section 37 of the Code, which authorizes the bench to adopt rules of "practice and procedure." The brief asserted that the contempt rule could not arise validly from that grant of power, and that the bench has no right to issue the rule as an "advisory rule or opinion" to control future action.

Viewed As Panel Statute

Supreme Bench Rule 904 also violates the Maryland constitutional provision for separation of legislative, executive and judicial powers, it was stated.

The rule, said the brief, except for its origin, "bears most of the characteristics of a penal statute."

It is rigid and inflexible, and tends to make actual judicial determination unnecessary in order to convict.

"Curious Sort Of Hybrid"

"We concede," said the brief, "that the whole subject matter of contempt is a curious sort of hybrid. Contempt constitutes an offense at common law quite regardless of statute.

"We believe, however, that we have demonstrated that where the alleged contempt consists of a publication by a newspaper which is claimed to interfere with the proper administration of justice, whether it does so or not, must be determined as a question of fact in each case.

"However, if Rule 904 is to stand with regard to such publications, the judicial function is at once reduced from determining both the fact of the publication and its effect . . . to whether or not the publication was in fact made."

Bearing On Present Case

The newspaper argument contended that the facts in the present cases do not warrant contempt punishment.

Evidence at the lower court hearings, the brief asserted, failed to show that there was any "clear and present danger" of interference with justice in the James case.

The newspaper company argument pointed out that the lower court judge adopted a different theory as to the qualifications of jurors from that previously adopted by the Court of Appeals itself in the three older cases involving change of venue moves. It was not shown that a fair and impartial jury could not have been empaneled to try James, said the brief.

Jurors Needn't Be Ignorant

It also pointed out that the Court of Appeals itself had said in the past that jurors need not be ignorant of basic facts, but need merely be "without bias or prejudice."

Citing examples of newspaper publicity in 1909 involving the Downs case, and the upper court rulings on motions of venue changes in that and two other cases, the brief argued that nothing in the James case approached the vehemence of publicity in the older matters.

It said that "clear and present danger" must really be shown before a court should take contempt action.

Prohibitions Set Forth

In an appendix, the brief set forth prohibitions of Rule 904 specifically under attack. They were:

"*(c)* The issuance by the police authorities, the State's attorney, counsel for the defense or any other person having official connection with the case, of any statement relative to the conduct of the accused, statements or admissions made by the accused, or other matter bearing upon the issues to be tried.

"*(d)* The issuance of any statement or forecast as to the future course of action of either the prosecuting authorities or the defense relative to the conduct of the trial.

Held Invasion Of Rights

"*(e)* The publication of any matter which may prevent a fair trial, improperly influence the court or the jury, or tend in any manner to interfere with the administration of justice.

"*(f)* The publication of any matter obtained as a result of a violation of this rule."

The company's counsel contended that these sections are illegal because they are in conflict with the First and Fourteenth amendments to the Federal Constitution and Article 40 of the Maryland Declaration of Rights as invasions of the right of freedom of speech.

MORN SUN - 5/19

POLLACK VISIT LASTS ½ HOUR

Purpose Of Appearance Before Grand Jury Undisclosed

James H. Pollack appeared yesterday afternoon before the grand jury, which was investigating the office of Wilford L. Carter, clerk of the Criminal Court.

It was not known whether Mr. Pollack, Democratic leader in the Fourth district, appeared in connection with the recent audit of books and records of Mr. Carter's office or in regard to his previously expressed desire to have the grand jury investigate the disappearance of papers concerning a case in which Mr. Pollack figured.

The Democratic leader said he was called at his own request, made in a letter to William H. Maynard, deputy State's attorney. Mr. Maynard and Anselm Sodaro, assistant State's attorney, are presenting the case before the grand jury.

State Auditor Appears

Mr. Pollack was before that body for approximately one-half hour.

Daniel L. Clayland 3d, State auditor, appeared before the grand jury for one hour and a quarter.

Tuesday, the State's attorney's office subpoenaed records relating to Mr. Carter's account at the Equitable Trust Company, Calvert and Fayette streets, and accounts of George F. J. Brown, the clerk's chief deputy, at the First National Bank and the Occidental Federal Savings and Loan Association.

Grocer Is Witness

Henry Heil, grocer, was another witness.

The grand jury began its study of the case shortly after 12.30 P.M. and continued until 3 o'clock.

The investigation, which will be resumed today, was initiated Monday by judges of the Supreme Bench, who sent to J. Bernard Wells, State's attorney, information obtained during the State audit.

Refused To Resign

This action was taken following Mr. Carter's refusal to resign the clerkship on request of the Supreme Bench. The clerk countered by seeking permission to discharge certain of his employés.

The request for Mr. Carter's resignation came from the Supreme Bench following a report by the State auditor that practices in the Criminal Court were "flagrant violations of sound accounting practices and efficient management," as well as possible violation of "the spirit, if not the letter" of the criminal code.

NEWS-5/18 MORN SUN-5/19

Crime News Bar Is Censorship, Court Told

ANNAPOLIS, Md., May 18—(AP)—Curbs on crime news laid down in Rule 904 of the Baltimore Supreme Bench amount to "censorship," the Court of Appeals was told today.

Three Baltimore radio stations asked the high court to reverse their convictions on contempt charges. They were fined for pre-trial broadcasts of a police report that a murder suspect had confessed.

Baltimore's unique Rule 904 bans, as contempt of court, publication of confessions, police records of defendants and similar statements in pending criminal cases.

ASKS AFFIRMANCE

Attorney General Hall Hammond asked the Appeals Court to uphold the contempt convictions. He said the broadcasts endangered the right of Eugene H. James to a fair jury trial.

James, a Negro janitor, was later convicted in a non-jury trial of murdering eleven-year-old Marsha Brill in Baltimore last July. The Appeals Court has upheld his death sentence.

Stations WFBR, WCBM and WITH attacked the constitutionality of Rule 904 in a case that is expected to reach the Supreme Court. It involves a clash between basic rights in a democracy.

RIGHT CEASED

"James' right to have a fair and impartial jury trial ceased to exist at the time of the broadcasts," made the night of his arrest, Hammond argued in a brief.

This was denied in the defendants' briefs. Lawyers for WCBM said free speech is "equally, if not more, important."

A free press is the foundation of democracy, the only form of government which permits fair trials, they added.

Arguing for Rule 904 were the Bar Association and the Junior Bar Association of Baltimore.

SAME EVIDENCE

Station WFBR said the Baltimore court should have cited Police Commissioner Hamilton R. Atkinson for contempt under 904 instead of the stations which got the news of James' confession from him.

Station WITH said that if James had been tried by a jury, the same information which had been broadcast about him would have been given as evidence to the jurors, and in greater detail.

Crime news bans outlined in Rule 904 are "a previous restraint on publication by broadcast amounting to a censorship," WCBM said.

Jury Will Get Bank Records Of Carter

Personal bank account records of Wilford L. Carter, clerk of the Criminal Court, were to be produced before the Grand Jury today under a subpoena issued late yesterday at the instance of the State Attorney's office.

Another subpoena directed the production of personal accounts of George F. J. Brown, chief deputy to Mr. Carter.

Both subpoenas were addressed to banks in which the two men maintain accounts, and both directed that "all statements, canceled checks and other documentary evidence" be taken before the jury this morning.

Mr. Carter has been under fire by the Supreme Bench for the manner in which his office accounts have allegedly been kept. He has refused a demand by the Supreme Bench that he resign.

Judge John T. Tucker today reduced a fine imposed on Capt. Jacob K. Knudstad, master of the Norwegian S. S. Millbank, for dumping bilge oil into the lower harbor, from $500 to $250 upon testimony by Harbor Inspector Henry Prenger that the violation was unintentional.

Schecter Freed On Parole

Sol K. Schecter, 49, a former bowling-alley manager, who was convicted of assault on his divorced wife, was released today from the House of Correction and placed on probation for two years by Judge John T. Tucker in Criminal Court.

Judge Tucker had sentenced Schester last May 4 to a year in the House of Correction. He told the man then that if his conduct was good he would release him in fifteen days on condition he support his two children and not molest his former wife, Mrs. Sally M. Schecter, whom he was convicted of assaulting.

Damages Asked

Mrs. Schecter has filed suit for damages in connection with the assault. She is asking $50,000. Papers were served on Schecter in connection with the civil suit yesterday at the House of Correction.

Schecter told the court that he would abide by its provisions. He said he planned to continue his novelty interests in Washington. He was represented by Ellis Levin and Isidor Roman, attorneys.

RULE CALLED INVASION OF FREE SPEECH

Attorneys Argue Judges Have Limited Power To Punish For Contempt

By GEORGE J. HILTNER

[Sun Staff Correspondent]

Annapolis, May 18—The Maryland Court of Appeals today was told that judges of this State have limited power to punish for contempt and that Rule 904 of the Baltimore Supreme Bench is an unconstitutional invasion of freedom of speech and the press.

The contentions were among a number advanced by counsel for three Baltimore radio stations in connection with appeals from contempt-of-court convictions imposed on the broadcasting firms in the Criminal Court of Baltimore.

Arguments in the first Maryland case questioning the powers of the courts to punish for contempt and also the right of the Baltimore judges to enact a rule restricting publication in criminal cases will be continued tomorrow morning.

Questions Interposed

The case is expected to answer many long-debated constitutional questions dealing with the right of free speech on the one hand, and the right to a fair and impartial trial on the other.

The six judge appellate tribunal frequently stopped argument to interpose questions.

The radio stations — WFBR, WCBM and WITH—were convicted of being in contempt because of certain broadcasts about statements and past conduct of Eugene James, who was charged with fatally stabbing an 11-year-old girl.

Main Contentions

The main contentions of the appellants were:

1. Rule 904 is invalid.

2. The power of Maryland judges to punish for contempt is limited to certain specific acts set out in an act of 1853.

3. The interstate commerce clause of the Federal Constitution reserves supervision over radio broadcasts to the Federal Government.

4. The facts of the case did not justify the finding that the broadcasts met the "clear and present danger" test set up by the Supreme Court of the United States. That test provides that an act, to be contemptuous, must present a "clear and present danger" to the administration of justice.

J. Purdon Wright, counsel for WCBM, made the opening argument. Much of his allotted time was consumed in attempting to answer queries from the court.

Mr. Wright argued that the Baltimore rule is invalid because it is an attempt to establish by mere rule that certain acts amount to a crime. He declared the Baltimore judges have no power to lay down rules for punishment for criminal acts.

The attorney said the rule also is "indefinite and uncertain" and consequently difficult of interpretation.

Mr. Wright pointed out that the Supreme Court test in contempt cases, when the rule was enacted in 1939, was whether the act had a "reasonable tendency" to interfere with justice. That doctrine has been supplanted by the new rule, he said.

Lawyers Disagree

Judge Charles Markell, who conducted most of the questioning of attorneys, asked Mr. Wright whether or not the insertion of the words "clear and present danger" in the rule would make the rule valid.

Mr. Wright replied that the insertion might validate the rule, but Hilary Gans, counsel for WITH, later disagreed and asserted that the rule is based on the tendency doctrine and consequently is invalid on its face.

Judge William L. Henderson commended that, in his opinion, the main difference between the two Supreme Court tests was the "quantum of proof" necessary to support a conviction.

Mr. Wright argued further that the Legislature has determined by statute what acts may be punished as contempts by the courts. Any other effort to punish an obstruction of justice should be by indictment and trial, as in any other criminal proceeding, he declared.

Sufficiency Of Evidence

Mr. Gans also attacked the validity of Rule 904 and took up the argument against the sufficiency of the evidence to convict.

On the latter point, he argued that there must be proof under the "clear and present danger" test that there was "no doubt that the administration of justice was interfered with."

Mr. Gans said there had been no proof that it was impossible to get an impartial jury, either in Baltimore or in another part of the State. He contended a "juror is not disqualified unless he has a fixed opinion that cannot be swayed by testimony on the witness stand."

Pointing out that the publicized fact that James had given a confession to police was one of the reasons for the contempt citations, Mr. Gans said the fact of a confession often is a matter of public information in advance of a trial.

Confessions Often Known

He said confessions are frequently introduced at preliminary hearings in police courts. At times, when criminal cases are appealed or new trials are sought and the cases are returned for retrial, the existence of a confession introduced at the first trial is known to the court or prospective jurors, Mr. Gans also pointed out.

The attorney referred to the fact that in another murder case, Governor Lane had announced that the case had been solved and the accused had confessed.

He said that statement was not intended by the chief executive, who is an attorney, to interfere with the administration of justice.

Weight Of Opinion

Mr. Gans asserted he would be inclined to give more weight to the opinion of the Governor regarding the effect of such a statement on the right to a fair trial than he would to the testimony of James's counsel, who asserted the broadcasts caused him to reach the conclusion that James could not obtain an impartial jury.

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The argument on the interstate commerce contention was briefly stated orally by William L. Marbury, counsel for WFBR, but was dealt with more thoroughly in a written brief filed with the court.

Mr. Marbury also raised the contention that newspapers have a valid right to report statements of public officials. He declared that the Criminal Court should have sought a citation against the Baltimore Police Commissioner, who allegedly gave out, or at least verified officially, the broadcast information about James, rather than against the radio concerns.

Cites Old Limiting Act

Mr. Marbury's main argument dealt with the contention that the Legislature of Maryland, by an act in 1853, limited the power of the courts in contempt cases to certain specified acts.

The attorney contended that enactment has never been repealed, but that by later decisions the courts have taken unto themselves other so-called "inherent powers" of contempt.

He declared that "for the courts to say we are going to disregard it [the 1853 act] is unjustified."

The 1853 enactment, he said, provides that the State courts have power to issue attachments and inflict summary punishment for contempt in only seven types of acts.

Acts Are Listed

These were listed as misbehavior of persons in or near the courtroom; misbehavior of officers of the courts; disobedience or resistance of court officers, jurors or witnesses; preventing a person from attending court as a witness or litigant; removing court records or evidence; rescuing a person from custody or removing property from the possession of a court officer, and posing as an attorney.

Hall Hammond, attorney general of Maryland, and Harrison L. Winter, assistant, presented the arguments in support of the convictions and the validity of Rule 904.

Opening the arguments for the appellee, Mr. Winter contended that the cases in which the Supreme Court set up the "clear and present danger" test involved contempt of a judge, who is supposed to be able to resist interference better than an ordinary layman who may be called as a juror.

Mr. Winter declared that the broadcasts contained information about James which constituted "a complete disclosure prior to trial of the main issues presented to the trial court."

Judge Stephen R. Collins, who earlier in the argument told the State counsel that he wanted to be shown what proof there was that a "clear and present danger" had been created, posed a query to Mr. Winter:

"Suppose none of the jurors heard the broadcast?" he said.

Might Have Heard Broadcast

Mr. Winter replied that he did not think it was necessary to prove that. He contended that the broadcasts presented a "clear and present danger" that some of the jurors might have heard the announcements.

Judge Markell interposed with the comment that it should not be necessary "to have to wait until the man has been tried, and possibly hanged, before you say he could not get a fair trial."

Judge Collins asserted he felt that it was the duty of the State, as in all criminal cases, to meet the burden of proof.

On another question from Judge Markell, Mr. Winter asserted he believed there would have been a danger from the broadcasts, even if James had obtained a jury trial and been acquitted.

Rule Called "Red Flag"

"It was the clear and present intent of the broadcasters that people should hear the broadcasts, wasn't it?", Judge Markell asked.

Mr. Hammond contended that the Court has inherent power to punish for contempt and that Rule 904 does not take away from or add to that authority.

He declared that the Baltimore rule was "never more than a red flag, a fair warning to those engaged in newspaper or radio business that this is dangerous territory."

Mr. Hammond denied that the rule is a previous restraint on publication. He said the "clear and present danger" test "is a measure of proof and not a difference in kind" from the "reasonable tendency doctrine."

Judge Gives Illustration

"It is a danger and not a result that the Supreme Court test is concerned with," the attorney general declared.

Judge Markell illustrated that point by saying that if someone tells a 2-year-old child to cross a busy street, there is a "clear and present danger" that she may be injured, even though she reaches the other side unharmed.

Referring to the contention that the police commissioner, and not the broadcasters, should have been cited for contempt, Mr. Hammond declared that the harm was in the publication of the information.

Judge Markell then asked: "Can the police commissioner exempt someone from contempt?"

Action By Governor

Continuing, Mr. Hammond declared he was at a loss to understand what the action of Governor Lane in connection with another case had to do with the matter before the court.

"Not that I condone what the Governor did in the Edwards case," he added.

When Mr. Hammond declared that a "jury trial is one of our most sacred rights," Judge Markell broke in and said:

"You claim he [James] had a right to a trial without the stream being polluted by the radio and newspapers, isn't that right?"

Finally, Mr. Hammond denied that there is a valid right to report statements of public officials.

Sunpapers Ask Court To Find Rule 904 Void

Annapolis, May 18 [*Special*]—Counsel for The A. S. Abell Company, publisher of the *Sunpapers*, in a brief filed with the Court of Appeals, contended here today that Rule 904, a Supreme Bench of Baltimore regulation which restricts publication in criminal cases, is invalid.

The publishing firm, as amicus curiae, or friend of the court, joined with three Baltimore radio stations in asking the appellate tribunal to strike out contempt-of-court convictions handed down in the Baltimore Criminal Court following broadcasts in connection with the Eugene James case.

The company attacked the convictions (1) on the contention that the Baltimore court rule is invalid and (2) on the argument that none of the broadcasts complained of in the contempt citations presented "a clear and present danger" to the due administration of justice.

Four Main Arguments

The brief presents four main arguments in attacking the validity of the Baltimore court rule. It declared:

1. That the rule acts not only as a restraint upon the publication of news, but also impairs the right of the public to be informed.

2. That the rule is inflexible and arbitrary because it condemns that which is "clearly lawful as well as that which may be unlawful," and amounts to a prejudgment of what is news.

3. That the Baltimore rule violates the test adopted by the Supreme Court that publications cannot be punished as contempts unless they actually interfere with the proper administration of justice or present a "clear and present danger" to the administration of justice.

4. That the application of the Baltimore rule is inconsistent with several Maryland cases, including the famous Downs case, where petitions for removal of a trial on the grounds of adverse newspaper publicity was denied.

"Impose Restrictions"

Through Harry N. Baetjer, of the law firm of Venable, Baetjer & Howard, and Edwin F. A. Morgan and Frederick W. Brune, of the law firm of Semmes, Bowen & Semmes, the publisher asserted it was interested in the proceedings because "the convictions in these cases impose restrictions upon the publication of news."

On the contention that the Baltimore rule interferes with the right of the public to be informed, the attorneys said:

"Such restrictions operate not only as a restraint upon the rights of radio stations and of newspapers to make news known to the public, but also upon the right of the public to be informed of it," the brief declared.

"Any cases which affect the right to disseminate news are, consequently, of vital importance to this company and, we submit, to the public, which must rely upon the press, radio and television for the news."

"Twin Rights Of Freedom"

Continuing, the newspaper attorneys said:

"The twin rights of freedom of speech and of the press and the right of a person accused of crime to have a fair and impartial jury trial are all rights which are clearly recognized in the American system of law.

"At times, one or both of the first two may come into actual or seeming conflict with the last.

"Certainly no one adhering to our theories of law and government wishes to see anyone charged with crime, deprived of the right to a fair and impartial trial by jury. This immediately suggests these queries—what kind of a jury should we have in order to obtain a fair trial?

"Must it be composed of jurors who never so much as heard of the case until they were called to the jury box? The obvious answer to the latter query is 'No'; and as we expect to develop later in this brief, the kind of a jury which the law of Maryland contemplates is made up of jurors who will faithfully discharge their oath to render their verdict on the basis of the evidence presented to them, and who will not base their verdict on any prejudgment of the case, but who are not required to be either empty-headed or, like ostriches, to bury their heads in the sand.

"There are some persons (and we hasten to note that the learned trial judge is not one of them) who assert the supremacy of the right to a fair and impartial trial over the right of freedom of the press.

"It is somewhat paradoxical that those who insist most earnestly that trial by jury is the very palladium of our liberties, insist in the next breath that the danger that the jury may be prejudiced is of such importance as to override the constitutional guaranty of freedom of the press.

Supremacy Of Rights

"Doubtless those who are for the supremacy of the right to a fair trial sincerely believe they are 'on the side of the angels'; but we know of no legal support for the view that one constitutional right is to be subordinated to another.

"We believe the contrary to be true and that each is fully effective within its own proper sphere. If it were otherwise, one constitutional right after another could be whittled away on the ground that some other constitutional right was entitled to supremacy over it.

"Under such a doctrine, individual liberties would probably be early casualties.

"The problem at the bottom of these cases, as we see it, is simply this: Where does the line of demarcation fall between that which may properly be reported as news pertaining to a pending criminal case and that which deprives (or seriously threatens to deprive) a man accused of crime his right to a fair and impartial trial?

"Location Of The Line"

"This much, we believe, was also the view of the learned trial judge.

"Our differences with his conclusions are largely over the application of this test to the facts of the cases before him. The application of this test for the location of the line necessarily presents a question of fact—a question of fact which, we believe, can be decided only on the basis of the facts and circumstances of each particular case.

"For the solution of this question, the Supreme Court now gives us substantially this test to be applied to the facts of each case—Does the matter complained of, in the circumstances of the particular case, interfere with, or present, a clear and present danger of interfering with the fair and impartial administration of justice?

Called Arbitrary

"We do not contend that the right of freedom of the press has annulled the right to a fair and impartial trial, and we are perfectly willing to concede that if some excess were committed by the press which did interfere with the due administration of justice, or which did present a clear and present danger of such interference, it would be punishable."

The brief then turned to the contention that Rule 904 is arbitrary and inflexible.

In an appendix, the brief set forth prohibitions of Rule 904 specifically under attack. They were:

"C. The issuance by the police authorities, the State's Attorney, counsel for the defense or any other person having official connection with the case, of any statement relative to the conduct of the accused, statements or admissions made by the accused, or other matter bearing upon the issues to be tried.

Forecast Of Action

"D. The issuance of any statement or forecast as to the future course of action of either the prosecuting authorities or the defense relative to the conduct of the trial.

"E. The publication of any matter which may prevent a fair trial, improperly influence the court or the jury, or tend in any manner to interfere with the administration of justice.

"F. The publication of any matter obtained as a result of a violation of this rule."

The company's counsel contended that these sections are illegal because they are in conflict with the First and Fourteenth Amendments to the Federal Constitution and Article 40 of the Maryland Declaration of Rights as invasions of the right of freedom of speech.

Three reasons were advanced for this contention. They were:

"1. They violate the 'clear and present danger' rule now recognized by the Supreme Court as the test of the propriety of a publication.

"2. They condemn that which is clearly lawful as well as that which may be unlawful and thereby prescribe an inflexible and arbitrary rule. This also involves a denial of due process under the Fourteenth Amendment and Article 23 of the Maryland Declaration of Rights.

"3. They disregard the doctrine that each case must be tested on its own facts."

The publisher also made the added contention that the sections of the rule are "beyond the rule-making power conferred upon the Supreme Bench" and "are in conflict with Article 8 of the Maryland Declaration of Rights as an invasion of the legislative field."

Supreme Court Ruling

Counsel, in the brief, pointed out that the "clear and present danger" rule has been adopted by the Supreme Court in recent cases, and has supplanted the formerly recognized rule which held that publication of any matter which might have a "reasonable tendency" to interfere with the obtention of a fair trial would amount to a contempt.

The old Supreme Court ruling was recognized in 1939 when Rule 904 was adopted, the brief stated.

In support of the argument that Rule 904 is not in accord with the "clear and present danger" test, the publishing firm asserted:

"We believe that it is too clear for argument that under the doctrine enunciated in three recent decisions of the Supreme Court of the United States publications cannot be punished as contempts, unless they actually interfere with the proper administration of justice or present a clear and present danger of such interference."

Quotations Listed

The following quotations from the three Supreme Court cases referred to were then listed:

"Mr. Justice Black, in delivering the opinion of the court in Bridges vs. California, said: 'What finally emerges from the clear and present danger cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished.'

"At page 273, he said: 'In accordance with what we have said on the clear and present danger cases, neither inherent tendency nor reasonable tendency is enough to justify a restriction of free expression.'

"Mr. Justice Frankfurter, dissenting, in Bridges vs. California, said: 'It [referring to a publication] must be calculated to create an atmospheric pressure incompatible with rational, impartial adjudication. . . . The purpose is to protect immediate litigants and the public from the mischievous danger of an unfree or coerced tribunal.'

"Utmost Forebearance"

"And in his closing dissent, he said, at page 304: 'Since the courts, although representing the law . . . are also sitting in judgment, as it were, on their own function in exercising their power to punish for contempt, it should be used only in flagrant cases and with the utmost forebearance. It is always better to err on the side of tolerance and even of disdainful indifference.'

"Mr. Justice Rutledge, in his concurring opinion in Pennekamp vs. Florida, said: 'The question and the standard must be one of degree and effects. It cannot be placed at mere falsity, either in representation or in judgment. The statement, whether of fact or of opinion, must be of such a character, whether true or false, as to obstruct in some clear and substantial way the function of judicial process in pending matters.'

"In the same case, Mr. Justice Reed at page 347 said: 'Courts must have power to protect the interests of prisoners and litigants before them from the unseemly efforts to pervert judicial action. In the borderline instances where it is difficult to say upon which side the alleged offense falls, we think the specific freedom of public comment should weigh heavily against a possible tendency to influence pending cases.'

"Mr. Justice Douglas, in delivering the opinion of the court in Craig vs. Harney, said: 'The history of the power to punish for contempt and the unequivocal command of the First Amendment serve as constant reminders that freedom of the speech and of the press should not be impaired through the exercise of that power, unless there is no doubt that the utterances in question are a serious and imminent threat to the administration of justice.'

"In speaking of the vehemence of the language used, he said: 'The fires which it kindles must constitute an imminent, not merely a likely threat to the administration of justice. The danger must not be remote or even probable; it must immediately imperil.' "

The brief declared that reference to the Supreme Court cases cited leaves "no doubt that the rule (of the Supreme Bench) upon its face, is unconstitutional and invalid."

Called "Imperative"

In that connection, it was declared that the words "shall be" in the Baltimore court rule "are upon their face mandatory.

"They allow for no deviation or consideration of the circumstances," the brief asserted. "They are imperative."

The brief pointed out that the mere doing of any of the specified acts prohibited in the rule was subject to punishment as contempt.

Continuing, the brief said:

"For example, in Bridges v. California, Mr. Justice Frankfurter in his dissenting opinion said:

" 'If a rule of state law is not confined to the evil which may be dealt with, but places an indiscriminate ban on publication that operates as an overhanging threat to free discussion, it must fall without regard to the facts of the particular case. This is true whether the rule of law be declared in a statute or in a decision of court. . . . In the cases before us, there was no blanket or dragnet prohibition of utterances affecting the courts.'

Downs Case Reviewed

Counsel then declared that "the necessity for the consideration of each case on its own particular facts is, we think, shown by a number of authorities."

The brief then dealt with the argument that the application of the rule to the broadcasters was inconsistent with the Downs case and other Maryland decisions.

Considerable space was devoted in the brief to the Downs case. In that case, William F. Downs, an employé of the city of Baltimore, sought removal of his trial on a charge of stealing $67,000 in city funds on the grounds that unfavorable publicity prevented him from getting a fair trial.

Downs's petition was denied by the trial court and the Court of Appeals ruled that the trial judge had not abused discretion confided to him to determine whether "it satisfactorily appeared that the defendant could not obtain a fair trial in Baltimore city."

Articles Are Cited

The appendix to the brief listed twenty pages of references to newspaper articles dealing with the Downs case.

"It seems perfectly clear," the brief stated after quoting from the Court of Appeals decision, "from a study of the Downs case that the Court of Appeals held that widespread publicity of a kind which was obviously damaging to the defendant in the minds of the public, including prospective jurors, did not necessarily prevent the defendant from getting a fair and impartial trial by jury in the city where the damaging information was given wide currency in every newspaper 'possessing any general circulation.'

In those days (1909) newspapers stood practically alone as the great media of publicity, and it is improbable that any substantial number of literate adults in the city of Baltimore was not aware of the charges against Downs, of his low salary, of his large expenditures and his 'sporting' or gambling proclivities, of the ease with which he could have accomplished the thefts with which he was charged or of the State's attorney's confident assertions of Downs's guilt.

Two Other Cases Cited

"And if we are to consider the 'devastating' effect of dramatic news pertaining to a confession, it would seem to us the WITH broadcast of James's confession was no more forceful, no more dramatic, no more 'devastating' than the account of the visit of a city councilman, an old friend of the family, to Downs, a prisoner behind the bars, to urge the prisoner to confess, and the prisoners bland reply: 'Confess about what?'

"Yet none of the publicity in the Downs case, nor all of it together, was regarded as necessarily preventing Downs from getting a fair and impartial trial in Baltimore city."

The brief referred to two other Maryland cases where petition for removal was based on adverse publicity.

EVE. SUN - 5-19-49

Appeals Judges Begin Weighing Rule 904 Case

By T. Denton Miller

[*Evening Sun Staff Correspondent*]

Annapolis, May 19—The Maryland Court of Appeals today took under consideration the appeals of three radio companies from contempt-of-court convictions and the question of the validity of Supreme Bench Rule 904.

The appeal hearing ended with a plea that the Court of Appeals specifically pass on Rule 904, because of its great importance as a partial censorship and control of newspapers, radio and other publications.

Further Appeal Possible

The judges also were informed that unless the defendant companies win a full victory, the case will be carried to the United States Supreme Court.

William L. Marbury, who, with John W. T. Webb, appeared for Station WFBR, made the concluding argument in the appeal hearing that began yesterday morning.

Other stations in the hearing are WCBM and WITH. Station WBAL also was convicted and fined for contempt in connection with broadcasts that, like the others, arose from the Marsha Brill murder case, but its appeal has not yet been set for hearing.

"Monstrosity" Created

In urging the upper court to pass specifically on Rule 904, Mr. Marbury contended that rulings by Judge John B. Gray, Southern Maryland jurist, who heard the contempt cases in Baltimore, had created a "monstrosity" by striking out one section of the court rule.

The remaining rule, Mr. Marbury said, permits punishment for publication of news obtained from such legitimate sources as public officials, and apparently prevents punishment for publication of similar news obtained from "illegitimate sources."

Passed Only On Facts

Stating that Judge Emory H. Niles, in one former case regarding Rule 904, had passed on only the facts and not the broad validity of the rule, Mr. Marbury added that Judge Joseph Sherbow, in addresses and articles about the rule, had admitted that some of its provisions were "too broad to be valid."

The WFBR lawyer said the rule was essentially an attempt at a legislative enactment by the judiciary, which had no such power.

Mr. Marbury told the appeal judges that newspaper and radio opposition to the rule was caused by the fact that "the rule makes their business difficult, extremely difficult."

Theory Is Challenged

"The only cure for it is to eliminate the rule," he added.

In reply to arguments by the State that the contempt convictions were justified under the inherent power of courts, Mr. Marbury denied that such a theory was correct, but urged the tribunal to pass on the rule, even if its decision had to rest in part on inherent powers.

Mr. Marbury particularly urged the court to carefully consider arguments advanced by Hilary W. Gans as attorney for WITH and in the printed brief filed by The A. S. Abell Company, publisher of the *Sunpapers*, who had been allowed to inervene, on the question of whether the facts of the case amounted to a "clear and present danger" under Supreme Court rulings.

From Public Officials

In the contempt cases, Mr. Marbury urged, the court should not feel it was just "balancing two constitutional rights." He pointed out that some of the opposing arguments had taken that view, and then added:

"That might be true, maybe, if the publication in these cases had originated with the defendants, but the publicatioin in these cases came originally from public officials."

Rights Of The Public

Saying that the public has a right to be aware of the action and statements of its public officer, he contended that when statements originate from such public officials an additional element arises for consideration.

Courts, he said, should not restrict freedom of press and publication, except where it is absolutely necessary to protect constitutional rights of others.

When the evil originates from public officials, the evil can be abolished by prosecution of such officials, rather than the press, he said.

Others File Briefs

Pointing out that in many sections of the country it is common to read of predictions and statements by prosecuting officials, Mr. Marbury asserted:

"It is intolerable that a newspaper should be taken by the heels for statements by a prosecuting attorney or other public officers, and that those public officers should go scot free."

In addition to The A. S. Abell Company brief, other printed briefs in favor of the defendants were filed by the American Newspaper Publishers Association, the Society of Radio Broadcasters and the American Civil Liberties Union.

State Branch Disagrees

In an appendix to the Civil Liberties Union brief, a different position was taken by the Maryland branch of the organization.

Briefs supporting the court and Baltimore city were also filed by the Bar Association of Baltimore city and by the Junior Bar Association.

Attorneys for the radio companies contended that the Supreme Bench rule is an improper interference with the rights of free speech and free press and that the Maryland law actually limits the power of Maryland courts to punish for contempt.

Urged To Reverse Itself

The Court of Appeals was urged to reverse some of its own rulings on contempt, on the ground that they had ignored and overlooked the true law of Maryland.

One particular case which the judges were urged to overrule was the 1938 decision in the Hitzelberger case, in which a former lieutenant of police was convicted of contempt.

Mr. Marbury contended that the court should give most serious attention to its construction of Maryland statutes on contempt, since if the case had to go to the Supreme Court the State court's construction of the State laws would not be disturbed unless the construction created a Federal question.

Deprived Of Jury Trial

Attorney General Hall Hammond and Assistant Attorney General Harrison L. Winter represented the State.

In his concluding argument to the court about the conten[illegible] ceedings against the three [illegible] and a fourth station, WBAL, [illegible] appeal is still pending, [illegible] bury said:

"It must always be borne in mind that when a court inflicts summary punishment for contempt, it deprives the person so punished of his right to trial by jury guaranteed in all criminal proceedings by Article 21 of the Maryland Declaration of Rights.

Others Used More Details

"It is the natural hesitation to infringe this fundamental right, which explains the rigid limitations which the Supreme Court has established on the use by the judiciary of the power to punish summarily for contempt."

He pointed out that out-of-town newspapers and radio stations had given far greater details of the confession and criminal record of Eugene H. James at the time of the colored man's arrest last July for the killing of 11-year-old Marsha Brill than had been disclosed anywhere in Baltimore. Mr. Marbury then added:

"A further word should perhaps be said as to the practical effect of Rule 904.

Circulated In Baltimore

"The Criminal Court of Baltimore cannot prevent the circulation in Baltimore city of news of general public interest. The very same items which the newspapers of Baltimore city are forbidden to publish may be found in newspapers published elsewhere.

"Frequently, those newspapers are distributed in Baltimore, and there is no practical way to prevent it."

The arguments were heard before the full bench of six judges.

In addition to the oral arguments extending five or more hours, the court has before it a total of 474 pages of printed briefs. The judges had relaxed their usual rules to permit briefs more extensive than are usually allowed.

Four Main Contentions

Main contentions by counsel for the three radio stations were that Rule 904 is invalid, that the power of Maryland judges to punish for contempt is limited by statute, that the interstate commerce clause of the Federal Constitution vests the Federal Government with power over radio stations and that the facts in the James case did not constitute "clear and present danger."

J. Purdon Wright, counsel for WCBM, argued that the rule is invalid because it attempts to establish by mere rule that certain acts are punishable as crimes.

"Indefinite, Uncertain"

He further maintained that the court rule is "indefinite and uncertain." He pointed out that the Supreme Court laid down the test of "reasonable tendency" to interfere with justice and that this doctrine is supplanted by the Supreme Bench regulation.

Mr. Wright contended that the Legislature has defined what acts of contempt are punishable, and that any other obstruction of justice should be dealt with by indictment and trial, as in the case of all criminal offenses.

No Influence Evidence

Mr. Gans argued that there was a lack of sufficient evidence to convict under the "clear and present danger" doctrine. He said there was no evidence in the lower court proceeding that the jury in the James case was influenced by dissemination of the news.

With reference to James's confession, publicized by WITH, he pointed out that confessions are frequently matters of common knowledge before trials.

They are sometimes introduced at police court preliminary hearings, and in retrials, the courts and juries are often cognizant of confessions introduced in the original trials.

1853 Act Is Cited

Mr. Marbury's principal argument was that the Maryland Legislature, by an act of 1853, limited the power of courts in contempt cases to certain specified deeds.

He argued that the courts have no authority to add the so-called "inherent powers" of contempt to this statutory grant of authority.

The courts' power to prosecute for contempt, he said, is limited to these specific acts: Misbehavior in or near the courtroom; misbehavior of officers of the court; disobedience or resistance of court officers, jurors or witnesses; preventing a person from attending court as litigant or witness; remo[illegible] ing court records or evidence; rescuing a person from cust[illegible] removing [illegible] session of [illegible] as an att[illegible]

Mr. M[illegible] the int[illegible] tion an[illegible] have a[illegible] publ[illegible] Comm[illegible] son issu[illegible] arrest.

NEWS - 5/19

Rule 904 Argued Before Court Of Appeals

ANNAPOLIS, May 19—(AP)—A lawyer suggested today that new contempt rules be drawn up to prevent "trial by newspaper" as the Court of Appeals concluded a two-day hearing in a test of Baltimore's unique Rule 904.

"Let them start all over again" contempt rules, Attorney William L. Marbury said in a 45-minute concluding argument.

Marbury, representing WFBR, one of the three Baltimore radio stations appealing the contempt of court convictions under Rule 904, declared the rule is unconstitutional.

PUBLICATION RESTRICTED

The rule of the Baltimore Supreme Bench bans pre-trial publication of confessions and similar statements which might prevent a fair jury trial.

Marbury said:

"If the court wants to make a fresh start, all right."

But he asked the high court to "eliminate" the present rule.

Lawyers for WCBM and WITH concluded their arguments yesterday. The high court's opinion is expected next month.

The stations were cited for broadcasts of the news about the arrest of Eugene James, a Negro janitor, who was subsequently tried, convicted and sentenced to be hanged for the murder last July of eleven-year-old Marsha Brill.

'CRIMINAL STATUTE'

Attorney General Hall Hammond told the appeals judges:

"James' right to a fair and impartial trial ceased to exist at the time of the broadcasts."

J. Purdon Wright, counsel for WCBM, said, on the other hand, that Rule 904 "amounts to a criminal statute."

EVE. SUN - 5/19

Carter To Face Grand Jury Today

Wilford L. Carter, Clerk of the Criminal Court, and George F. J. Brown, his deputy, are to be taken before the Grand Jury today for questioning in regard to affairs of the Clerk of Court's office.

Acting State's Attorney William H. Maynard said he and Anselm Sodero, Assistant State's Attorney, would take the two men before the jury this afternoon.

Last week Carter was asked to resign his position by the Supreme Bench of Baltimore City, following a report that practices in his office were "flagrant violations of sound accounting practices and efficient management."

Carter refused to resign on the grounds the charges were born of "political malice."

Bozman To Hang; Appeal Denied

[*Special to the Evening Sun*]

Annapolis, May 19—Delmas Edward Bozman, 22-year-old Coast Guardsman, must be hanged for the murder of a Baltimore cab driver, the Court of Appeals ruled today.

The war veteran, from Crisfield, Md., was convicted of first-degree murder in the holdup-shooting of Cornelius A. McDowell, Jr., who was found slain behind the wheel of his cab last May 26.

The high court's decision left Bozman's only hope of escaping the gallows in a possible appeal to the Supreme Court, or to Governor Lane for executive clemency.

"Purely Accidental"

Bozman argued that the shooting was "a purely accidental thing."

He was found guilty of the murder in the Baltimore Criminal Court last December 15 and sentenced to hang. His trial was presided over by Judges Herman M. Moser, John T. Tucker and E. Paul Mason.

Bozman is married and the father of a young child.

Pistol In Marsh

The cab driver's murder remained a mystery from May until November 25, when Baltimore detectives took Bozman into custody at remote Shark Fin Shoal lighthouse, 3 miles below Deal Island in Chesapeake Bay.

During the Coast Guardsman's trial, Lieut. Leo Kelly, of the Baltimore Police Department's homicide squad, testified that the murder pistol was found hidden in marsh grass alongside a Deal Island highway on the Eastern Shore.

"Brutal, Unprovoked"

Bozman told the court that he engaged in the holdup because he was in debt and his wife needed an operation.

Judge Moser, who announced the sentence for the Criminal Court, said the judges could not see an element of accident in the shooting as Bozman had contended.

"It was a brutal, unprovoked and premeditated murder of a defenseless man," the court declared.

EVE SUN - 5/19

BALTIMORE, THURSDAY, MAY 19, 1949

Building Inspections

A major weakness in city building inspection procedure appears on its way to correction as the result of the decision to issue certificates showing compliance with the building code. The 1941 code required such certification upon completion of construction, but this practice has not been followed. Lack of manpower in the Bureau of Building Inspections during and after the war was the reason.

The many instances of poor construction since the war indicate the need of home buyers for protection against contractors who have hedged on plans and specifications and on the building code. In a great number of cases violations escaped attention of building inspectors.

Although city inspections in the past have afforded some protection for home purchasers, the dealings of the Inspection Bureau have been entirely with the builder. The buyer either has had to take the builder's word for the condition of a house, or he has had to employ independent appraisers. More than a few of those who took a builder's word that a house was well built soon discovered they were holding the short end of the stick.

As soon as the machinery is set up, the Bureau of Building Inspections will make a regular practice of issuing to the builder of every house constructed in Baltimore a certificate of compliance with the building code. The builder in turn will be required to show this certificate to any prospective purchaser who demands to see it. Once this system is in operation, anyone who gets stung by buying a house that fails to pass the inspectors' muster will have only himself to blame. Assuming, that is, that the inspectors do a good job.

EVE SUN - 5/20

Condition Report For Home Buyer

Prospective homebuyers in Baltimore will soon be able to get a detailed report on the condition of a house before they purchase it.

Arrangements to provide purchasers with inspection reports are being made by the Bureau of Building Inspection, it was disclosed today.

Muth Tells Plan

The plan was revealed when William J. Muth, City Council vice president, announced withdrawal of a bill that would require builders, or real estate agents and brokers, to provide buyers with construction plans and specifications.

Muth said the inspection bureau's plan will have the same effect as the proposed ordinance, which was intended to insure buyers against getting a house not constructed according to plans and specifications.

The Councilman asserted that the bill was withdrawn when he received assurances from officials of the inspection bureau that they were setting up a section to provide the inspection report service within 30 days.

The bill was submitted in 1947 when Muth was opening his fight for official action on veterans' complaints of shoddy construction of their homes.

Muth said that action on the bill, which he filed jointly with Councilmen Kennedy and McMenamen, was held in abeyance pending establishment of the inspection system.

Paul A. Cohen, head of the inspection bureau, said the existing building code, adopted in 1941, provides that building inspection certificates be issued upon completion of a new building.

War Affect

However, an amendment to the code allowed the building inspection bureau chief to defer putting the system into effect until after the war, because of manpower shortages.

Mr. Cohen said it may be two to three months before the inspection report system can be put into effect.

John Russell, deputy chief of the [illegible] quired to apply for a final inspection certificate when they request a building permit for new construction.

The builder will then be required to present the inspection report when it is requested by a prospective buyer.

Inspection reports will be provided by the bureau for existing structures only when they are requested by an owner who has been asked to produce a certificate by a prospective buyer.

The certificates will list the reports of building inspectors' examinations made during construction and the final report made after a structure has been completed.

Mr. Russell said he believed it might be possible to have the system functioning in a month's time.

Difficulties in securing personnel for the new section and the necessity for City Council action on an ordinance setting up a new joint fee schedule for building permits and the inspection certificates are responsible for the delay, the officials declared.

NEWS - 5/20

ArraignMann In Bank Holdup

Roy L. Mann, one of three men accused of robbing the Walbrook branch of the Union Trust Company, was arraigned before Judge Robert France today on four holdup charges in which the loot ranged from $31,715 to 50 cents in pennies.

Mann, held in custody of the State, is accused in the bank holdup along with James Barnett and Carl Close, who were arrested by Federal authorities and will be arraigned later today before Judge William Coleman in Federal Court.

Mann was charged with participating in the bank robbery on February 15, and robbing the Occidental Federal Savings and Loan Company of $2,868 on January 28.

He was also accused of holding up Kenneth L. George of Dundalk on January 26 and taking $26 and George's car keys, and with robbing Owen Harris, a grocer, in the 300 block West Mosher street, on January 27. Only 50 cents was taken from the grocery.

Attorney Paul B. Mules entered a plea of not guilty for Mann on all four charges, but said he did not know whether he was going to represent Mann at the trial.

He said he is representing the other two men and would tell the court within 48 hours if he is going to continue in Mann's case.

Parents To Be Returned In Baby's Death

John Golik, twenty-eight, and his wife, Jean, twenty-six, will be brought back from Chicago to face charges of causing the death of their two-year-old baby girl by neglect and abandoning the child in St. Mary's Catholic Church, Govans.

Detective Sergeant Joseph Mahrer and Policewoman Frances Seidlich were sent to Chicago today by Capt. Henry J. Kriss to return the couple for trial. Kriss said he understood the pair had waived extradition.

Golik and his wife were indicted on the murder charge early this week. The child's body was found under a pew in St. Mary's on October 23, 1946, and death was attributed to malnutrition. The Goliks were arrested in Chicago a week ago.

MORN SUN - 5/20

2d Jury Differs On Copsey Case

A second Criminal Court jury yesterday failed to agree in the case of William R. Copsey, former policeman, who is charged with assault and intent to murder.

Copsey, who was dismissed from the Police Department for drunkenness on duty and conduct unbecoming an officer, was charged with shooting Dan Anderson, Negro, of the 800 block West Fayette street, on February 5.

The jury, after two hours' deliberation, reported to Judge Robert France that it was unable to come to a verdict.

EVE SUN - 5/20

2 Being Returned In Baby's Death

Baltimore's police net reached out to Chicago today to gather up a young couple charged with causing the death of a baby here three years ago.

The couple, John Golik, 28, and his wife, Jean, have been the object of a police search since the 2-year-old infant was found dead under a church pew in 1946.

Today Detective Sergeant Joseph Mahrer and Policewoman Frances Seidlich left for Chicago to take over the couple from that city's police custody.

Arrested Last Week

Golik has been held for the Baltimore authorities since he was arrested last week on a disorderly conduct charge in Chicago. The charge was dropped on word from Baltimore that Golik was wanted here in connection with the baby's death.

The police were equipped with certified copies of indictments for the couple charging neglect and abandonment of the child, thereby causing its death.

An autopsy made shortly after discovery of the body showed the child had been suffering from malnutrition. It had been abandoned beneath a pew in St. Mary's Catholic Church, Govans.

MORN SUN - 5/20

JURORS NAME PARKS AIDE IN FRAUD INQUIRY

Construction Official Is Linked To Cost-Plus Contract Operation

A construction supervisor of the Bureau of Parks was charged yesterday by the grand jury with conspiracy to defraud the city in cost-plus contract operations.

A presentment accused the official, whose name was withheld pending his arrest, of conspiring with Meredith R. Howard, a plumbing contractor, now under indictment for allegedly obtaining more than $6,000 from the municipality by false pretense or larceny.

The irregularities are alleged to have occurred in connection with cost-plus contracts handled by the plumbing firm between April 4, 1947, and December 7, 1948.

Trial Opens Monday

The trial of Howard, whose business address is given as the 1600 block of East Oliver street, is scheduled to open Monday in Criminal Court.

He is the first cost-plus contractor scheduled for trial after the completion of a full audit of his records. His indictment contains 80 counts.

Only one of the cost-plus cases has been brought to trial. In actions against Arthur P. Shamer, another plumbing contractor, two trial juries failed to agree.

Three Witnesses Appear

The evidence against the parks official was presented to the grand jury yesterday afternoon by William J. O'Donnell, assistant State's attorney.

R. Brooke Maxwell, director of the Bureau of Parks, and two city auditors from the office of Howard C. Beck, municipal auditor, appeared as witnesses.

MORN SUN-5/20

APPEALS COURT BEGINS STUDY OF RULE 904

Case Involves Legality Of Publication Of Certain Criminal News

By GEORGE J. HILTNER
[Sun Staff Correspondent]

Annapolis, May 19—Maryland's Court of Appeals today began deliberating on the validity of Baltimore Supreme Bench Rule 904 which limits in advance of trial publication of certain information in criminal cases.

The six-judge appellate tribunal was given the matter for final consideration after William L. Marbury, counsel for one of three radio stations appealing contempt-of-court convictions, presented a brief concluding argument in the remaining time allotted by the court.

Extensive arguments on a number of points dealing with constitutional rights and the facts of the case were heard by the State's highest court yesterday. Mr. Marbury used the less-than-an-hour in remaining time to sum up the contentions of the appellants today.

Chief Judge Accepts Case

Chief Judge Ogle Marbury formally accepted the case for final decision without comment.

There was no indication as to when a decision would be rendered.

The three appellants were radio stations WFBR, WCBM and WITH.

Because of the national, as well as local, interests in the issues raised in the case, there were a number of parties admitted as amici curiae, or friends of the court, on both sides of the issue.

Supporters And Opponents

Supporting the contentions of the State were the Baltimore Bar Association, the Junior Bar Association of Baltimore and the Maryland committee of the American Civil Liberties Union.

Entering the proceedings in asking the court to strike down Rule 904 were The A. S. Abell Company, publishers of the *Sunpapers;* the American Civil Liberties Union, the American Newspaper Publishers Association and the National Association of Broadcasters.

Mr. Marbury, who represented WFBR, in arguing that in order to prove a contempt there must be a showing that there was a "clear and present danger" to the administration of justice, said such a showing "must be the strongest kind of proof."

"Clear And Present Test"

He declared that if a removal of the trial of Eugene James had been sought on the grounds that James could not receive a fair trial on a murder charge because of information in the broadcasts made by the appellants, such a petition would have been denied.

He pointed out that the "clear and present test" has been established by the Supreme Court of the United States, and added:

"I just don't believe that you have enough in this case to measure up to that."

The information contained in the broadcasts was that James had given a confession to police, that he had a prior criminal record and that he had shown police where the weapon was hidden.

Importance Of Right

Mr. Marbury contended that the Supreme Court has taken the position that the right of the press to print information is of such importance that it can be restricted only where it is in conflict with some other greater interest.

The attorney declared that he was of the opinion that the case did not involve "the balancing of two constitutional rights," they being the right to free speech and freedom of the press on one hand and the right to a fair trial on the other.

He contended that if the publications had originated with the broadcasters, that issue might be involved. But he declared that the publicized information emanated officially from the police commissioner of Baltimore.

Control Of Statements

That fact presents a "new element," Mr. Marbury declared. He pointed out that if the courts were to punish public officals who issue the statements, then the real "danger" would be eliminated. "It is not necessary to punish newspapers and radios to prevent the danger," he added.

Mr. Marbury said the courts can control the issuance of statements by public officials.

Isn't it intolerable to say that the evil is in the newspapers when a public official gives out a statement which may be contemptuous, and then the public official is allowed to go scot free?", Mr. Marbury argued.

Denies "Red Flag" Contention

Mr. Marbury took occasion during his argument to praise the manner in which counsel for the A. S. Abell Company handled in its brief the question of the application of the "clear and present danger" test to the Baltimore court rule.

Discussing the contention of the State that the Baltimore rule is merely a "red flag" to publishers and broadcasters, Mr. Marbury denied that it was ever intended by the Supreme Bench to serve only that purpose.

Mr. Marbury also discounted the assertion of Judge Charles Markell, a member of the appeals court, that the rule is analagous to a sign announcing that under the "impounding ordinance" a car improperly parked could be removed.

Stand By Two Judges

Mr. Marbury said addresses by Judges Emory H. Niles and Joseph Sherbow clearly indicate that Rule 904 was intended to be a rule and not merely a guide.

He declared judges of the Baltimore courts have given official rulings on the application of the rule when consulted by reporters.

The attorney also pointed out that on one occasion one of the Baltimore judges refused to give a ruling because he was not sitting in the Criminal Court at that time. The judge took the position that it was a rule of the Criminal Court and needed to be passed on by a judge in that section of the court, the appeals court was told.

The rule actually attempts to regulate what should appear in a newspaper regarding certain criminal cases, Mr. Marbury declared.

Finally, the WFBR counsel contended that the "clear and present

"matter of likelihood" that there was an obstruction, but there must be present the "irresistible inference" that justice was hampered.

Mr. Marbury was aided in the preparation of an extensive brief by John W. T. Webb. J. Purdon Wright argued on behalf of WCBM, while Hilary Gans represented WITH at the argument.

Other points raised during the argument yesterday were that the interstate commerce clause reserves jurisdiction over radio stations to the Federal Government, and that the power of the judges in Maryland is limited to certain specified acts by a legislative act of 1853. These acts do not include the wrongful acts alleged in the citations against the stations, the appellants argued.

Right Of Trial By Jury

Any effort to punish publishers or broadcasters for the type of acts charged against the three radio stations should be through indictment and trial, including the right of trial by jury, it was argued.

The three stations were tried summarily, without a right to a jury trial.

In connection with the argument that public officials who give out statements later used as the basis for a contempt citation should be punished, attorneys contended that newspapers have a right to keep the public informed of statements by public officials.

Called "Misconception"

Mr. Marbury yesterday contended in arguing the legal restrictions on the courts' right to punish for contempt that the 1853 act has never been repealed. He said decisions of the appellate court since that time have taken the position that the court has additional "inherent" powers of contempt.

Those decisions, it was argued, were based on a "misconception" of the law. Mr. Marbury urged the court to reverse the prior decisions, including one involved in the contempt case against a Baltimore police lieutenant.

The court which heard the appeals included Chief Judge Marbury, Judge Markell, Judge William L. Henderson, Judge C. Gus Grason, Judge Stephen R. Collins and Judge Edward S. Delaplaine.

EVE SUN 5/20

Carter Called In Probe By Grand Jury

Wilford L. Carter, clerk of the Criminal Court, today was called to appear before the grand jury in that body's investigation of the affairs of his office.

Deputy State's Attorney William H. Maynard, acting prosecutor during the illness of State's Attorney J. Bernard Wells, stated that the grand jurors had called for the presence of Mr. Carter, and that they also would hear testimony of other members of his office.

Two of the office employés were before the grand jury yesterday afternoon. They were George F. J. Brown, deputy clerk, and Alfred Scherr, one of the bail clerks.

Declined To R[illegible] In

The grand [illegible] at[illegible]

[illegible] Judge W. [illegible] Carter declined to resign at the request of the bench, sent its files on his office to the prosecutor for whatever action was deemed appropriate.

The bench request for Carter's resignation followed an audit of the Criminal Court office by State Auditor Daniel L. Clayland 3d, and his staff.

The State auditor in a report to the Governor, the State comptroller and the Supreme Bench, had asserted that the audit showed "flagrant violations of sound accounting practices" and inefficient handling of records and accounts.

The auditor also called attention to the fact that arrearages in handling the records and entires of the office had prevented the city being billed on time for the costs and fees that finance the office's operations.

Consequently, the auditor asserted, the Criminal Court office had used $30,950 in funds deposited with the court as cash bails in order to finance the operations of the office pending receipt of the city money.

MORN SUN 5/21

Couple Now Want Abandoned Child

A young couple yesterday was released on probation without a verdict in connection with a charge of abandoning their infant baby child.

George J. Kelly and Miss Ardath Cuff, both of New York, had been charged with abandoning their child on the steps of the SS. Philip and James Convent last April 1. Kelly was identified as a student in Washington.

Judge Robert France was told by Thomas J. Kenney, defense counsel, that the defendants have since been married and desire to have the child. The court was told that the only object of the couple in leaving the infant on the convent steps was to assure the child a good home.

Supervision over the case will be exercised by a welfare agency in New York, the court announced.

Tavern Man Fined In Sales-Tax Case

Asserting that a storekeeper who fails to turn in sales-tax collections has violated a trusteeship imposed upon him, Judge Robert France in Criminal Court yesterday fined Charles E. Kirkpatrick $2,000 for failing to pay the tax to the State comptroller.

Kirkpatrick, a tavernkeeper, of the 1600 block East Federal street, was convicted of failing to turn in tax receipts for ten months. According to William J. O'Donnell, prosecutor, the defendant owed the State about $2,800.

Judge France said he did not regard the failure to report and pay sales taxes in the same light as he regarded the failure to pay income taxes. He said the storekeeper merely exercised the duty of a trustee over public funds.

Jury Calls Carter In Probe Of Office

Wilford L. Carter, clerk of the Criminal Court of Baltimore, yesterday was before the grand jury for three hours in connection with a special probe by the investigating panel of Mr. Carter's office.

Mr. Carter went into the grand jury room at about 1.15 P.M. and remained there until 4.15 P.M.

William H. Maynard, deputy State's attorney, and Anselm Sodaro, assistant prosecutor, said the jury would resume the investigation Monday.

More Witnesses Expected

The prosecutors, picked by J. Bernard Wells, State's attorney, to assist the jury in the calling of witnesses and the production of records, said it was likely that the jurors would hear witnesses next week.

The probe is the result of a report by Daniel L. Clayland 3d, State Auditor, who said an audit of the records and books of the clerk's office revealed "flagrant violations of sound accounting practices."

After judges of the Supreme Bench received a report of the audit, they requested Mr. Carter to resign his elective position.

Refused To Resign

The clerk refused and requested on his own that he be permitted to discharge certain unnamed employes of his office.

Through Chief Judge W. Conwell Smith, the Supreme Bench then sent the auditor's report and other information to the State's attorney for whatever action was deemed necessary.

Two of Mr. Carter's employés were called before the jury on Thursday. They were George F. J. Brown, chief deputy clerk, and Alfred Scherr, a bail clerk. Mr. Clayland also was before the panel.

Bank Holdup Case Slated For June 2

Trial of two of the three men charged with holding up a Baltimore bank and a savings and loan association was set yesterday by Judge W. Calvin Chesnut in Federal Court for June 2.

The trial date was fixed after the two men—Carl Close and James Bernett—were arraigned before Judge Chesnut. They pleaded innocent through Paul B. Mules, their counsel.

The men are charged with the $32,000 robbery of the Walbrook branch of the Union Trust Company and the $2,800 holdup of the Occident Federal Savings and Loan Association.

State And Federal Courts

Roy L. Mann, who also is charged with the two holdups, was absent from the Federal Court arraignment, but yesterday pleaded innocent to the two holdup charges when arraigned before Judge Robert France in Criminal Court.

The three men face the robbery charges in both the State and Federal courts. Close and Bernett are in custody of the Government, while Mann is in the hands of Baltimore police.

Bernard J. Flynn, United States attorney for Maryland, told the court yesterday he hoped to obtain custody of Mann for trial in Federal Court.

Government's Interest Cited

The United States has received jurisdiction in the cases because the bank is a member of the Federal Reserve System, while the loan association is associated with the Federal Home Loan Bank, Mr. Flynn told the judge.

J. Bernard Wells, State's attorney for Baltimore, unsuccessfully sought to have the Attorney General of the United States surrender Close and Bernett to State authorities for trial on the State indictments.

Cohen Is Accused Employe Of City

Myer J. Cohen, a construction supervisor for the Bureau of Parks, yesterday was identified as the city employé accused by the grand jury on Thursday of conspiring to defraud the city in connection with cost-plus contract work.

Identity of Cohen as the individual named in a grand jury presentment was made known after the accused posted $1,000 bail with the clerk of the Criminal Court.

Cohen, who lives in the 3200 block Vickers road, is accused of conspiring with Meredith R. Howard, city cost-plus contractor, who is scheduled to go on trial Monday on a charge of obtaining more than $6,000 from the city by means of false pretenses.

Cohen is accused of engaging in the alleged conspiracy between April 4, 1947, and December 7, 1948.

MORN SUN-5/23

PAIR RETURNED IN BABY CASE

Couple Charged In Death Of Infant Found In Church

A young married couple, charged with murder in connection with the death of their 2-year-old daughter here in 1946, were returned to Baltimore yesterday under guard.

They are John Golik, 30, and his wife, Jean, 29. Both were returned from Chicago where Golik was held in the county jail under $5,000 bond on a charge of disorderly conduct and Mrs. Golick was held without charge.

Detective Sergeant Joseph Mahrer and Policewoman Frances Seidlich brought the couple from Chicago where police had held them since they were arrested on the disorderly conduct charge.

Body Found In Church

The Baltimore police took with them certified copies of indictments for the couple charging neglect and abandonment of the child, thereby causing its death.

Police records show the baby's body was found in a pew of St. Mary's Catholic Church, Govans, on October 23, 1946.

After an autopsy, the medical examiner said that the child had been suffering from malnutrition and apparently had died from natural causes.

To Question Couple

Detective Captain Henry J. Kriss said he would question the couple this morning before turning them over to the Baltimore sheriff.

The warrants charging the couple with the death of the child were issued on the request of the local Detective Bureau after a routine fingerprint check of Golik, by Chicago authorities, revealed that the couple had been sought for questioning in connection with the death of their child.

EVE. SUN - 5/23

Howard Denies Cost-Plus Charges, Goes On Trial

Meredith R. Howard, cost-plus contractor on city work who does business as the Howard Plumbing Company, 1600 block East Oliver street, denied guilt today and went on trial in Criminal Court on charges of defrauding the city.

Howard is charged with obtaining a total of $6,635.30 improperly from the city since September 2, 1947, through 39 different bills for city work.

The 39 items range from as little as $1.11 allegedly overcharged in one instance to as much as $744.14 in another.

Start of the actual trial was delayed through a shortage of available jurors.

The defendant is represented by H. Mortimer Kramer, Edward H. Burke and Leonard Leipman, attorneys. Assistant State's Attorneys Charles E. Orth, Jr., and William J. O'Donnell prosecuted.

Two Labor Rates Asserted

The other sort of alleged violations, Mr. Orth continued, was for Howard to bill the city a higher price for labor than he actually paid his workmen.

The prosecutor charged that although Howard paid his men from 85 cents to $1.70 an hour, he charged the city $1.85 to $2 an hour for the work. The margin of profit allowed under the cost-plus system was based on the higher labor rate, Mr. Orth pointed out.

Edward H. Burke, defense counsel, along with Mortimer H. Kremer, denied that Howard charged the city an excessive amount for work performed by a subcontractor.

Laid To Oral Instructions

He said the difference in the amounts represented additional work performed by Howard under oral instructions from park officials.

"In every one of these cases involving subcontractors, Howard gave value for money received," Mr. Burke declared.

The contractor was instructed to include the cost of the work done on oral instructions on the bills for work done under written orders, the defense maintained.

Mr. Burke dealt with the legal definitions of larceny and false pretense, and argued that the violations charged to Howard do not fall into either. He contended that the case involved a civil dispute rather than a criminal act.

Charter And Size Of Contract

He said the City Charter does not require that contracts under $1,000 be in a written form. Therefore, he said, oral work orders are proper.

"If Howard performed the work and it was accepted by city officials, then there was an implied obligation on the city to pay for it," Mr. Burke told the jury.

He said city officials refused to look at all of Howard's records when they demanded the right to see his books, but were interested only in the pay-roll ledgers.

The defense attorney charged that the cost-plus contracts are indefinite as to whether they mean actual labor cost, or overall labor cost to the employer.

Computing Labor Costs

"Is the labor cost what actually appears on the books, or is it the cost for productive hours of employment?" he queried.

He said Howard paid some of his men on a weekly basis and that they received the salaries when they were sick, not working or on vacation.

Mr. Burke said an accountant figured that Howard's actual cost of labor, without the cost of supervision included, ranged from $2.26 to $2.57 an hour.

The first witness called by the State was Mr. Dittmar, who was called on to produce duplicate bills of work he performed for Howard.

Flashes

Brown's Records To Jury

Records of insurance business handled by George F. J. Brown, Deputy Clerk of the Criminal Court, today were called before the Grand Jury in its investigation of the Criminal Court Clerk's office headed by Wilford L. Carter. Several clerks in the office also were recalled as witnesses.

MORN SUN 5/2

JURY HEARS 10 WITNESSES

Probe Of Criminal Court Office Is Continued

Grand jurors yesterday heard ten witnesses in connection with their investigation into the condition of books and records of Wilford L. Carter, clerk of the Criminal Court.

William H. Maynard and Anselm Sodaro, members of the State's attorney's staff who are assisting in the grand jury probe, said the jurors will meet in special session again this afternoon on the matter. No additional witnesses have been summoned, they said.

The investigation was assigned to the grand jury by the State's attorney after judges of the Supreme Bench turned over all information learned during a recent audit of the clerk's records to the prosecutor for whatever action deemed necessary.

Witnesses Are Listed

Previously, the judges had asked Mr. Carter to resign, but he refused and countered with a request for authority to discharge certain of his employés.

The auditor's report referred to "flagrant violations of sound accounting practices."

The witnesses appearing before the grand jury yesterday were Mr. Carter; George F. J. Brown, his chief deputy; Andrew J. Heimbach, grand jury clerk; Carl O. Martin, bail clerk; Francis X. Donovan, court clerk; Thornton Murray, former clerk in the Criminal Court; Louis Kandle, professional bondsman; Samuel K. Levin, deputy State auditor; Wallace Reidt, executive director of the Criminal Justice Commission, and an insurance company representative.

The jurors remained in special session until after 4.30 P.M.

SUBCONTRACT BILLS CITED IN HOWARD TRIAL

Cost-Plus Violations Also Alleged In Labor Computations

Meredith R. Howard, plumbing contractor, engaged in a "persistent pattern of false representations to the city," prosecutors declared yesterday in opening the trial against him in Criminal Court.

Howard is charged with unlawfully obtaining $6,635 from the city in connection with cost-plus contracts.

He faces larceny and false pretense charges in connection with 131 jobs he performed for the Bureau of Parks during 1947 and 1948, the jury under Judge John T. Tucker was told. The trial will be resumed today.

According to statements by Charles E. Orth, Jr., prosecutor along with William J. O'Donnell, violations charged to Howard fall into two classes.

Subcontracting Costs

Eighteen of the work orders awarded to Howard were subcontracted to a roofer identified as Harry Dittmar, of the 2500 block Aisquith street, the jury was told by the State's attorneys. On these jobs, Howard in turn billed the city for more than twice as much as the work cost the accused, the prosecutors declared.

For example, the jurors were told, the total work given to Dittmar cost Howard $1,498.41. Howard then charged the city a total of $3,257.75, Mr. Orth said in the opening remarks.

Mr. Orth recited to the jury the difference in the costs in each instance. In one job, he said, Dittmar charged $565.50 for the work, while the city was billed $889.25 by Howard for the same work.

In another case, it was said, Howard charged the city $55.70 for a job that cost him $6.15. In another case, the city paid $660.73 for work that cost Howard $235, Mr. Orth charged.

Filing Time Extended In Cost-Plus Test Suit

Time for the filing of an answer by William J. Wiesand, city cost-plus contractor named defendant in a "test" suit, was extended yesterday by Judge S. Ralph Warnken in Circuit Court to July 1.

The "test" suit was filed by the city in an effort to determine whether a city ordinance requires cost-plus contractors to open their books and records to city auditors.

Paul Berman, counsel for Wiesand, sought the extension on the grounds that he desires to obtain a deposition from J. Bernard Wells, State's attorney. The petition pointed out that Mr. Wells is at present in a hospital.

The answer originally was to have been filed by June 1.

EVE SUN 5/24

Contracts Books Closed But 5 Draw Pay

Since January 1 the city has paid more than $29,000 to five cost-plus contractors who have refused to reveal their books to auditors or who are under indictment as a result of cost-plus work for the city.

Most of this total has been paid since the Mayor's cost-plus committee of department heads ordered that these and ten other contractors be barred from cost-plus jobs, and that payments be held up.

City Hall officials explained the payments by saying that contracts and agreements entered before February 1, when the committee made its report, had been honored and payments made on these.

Howard Beck, Jr., city auditor, said that partial payments had been made to another contractor, previously identified as one who was withholding his books, but who later allowed auditors to inspect them.

It was understood that the order applied only to cost-plus work, and not to contracts. The city took the view that violations or alleged violations on cost-plus work should not bar contractors on contract work, under which the city has greater protection.

Payments Are Listed

Payments made to those who have been indicted in the investigation of cost-plus work:

Carl H. Klinejohn, $18,693.05, for construction at Schools 137 and 153. Invoices dated from January 1 to February 11, and work done prior to February 1, on contract. Only one payment was made before the committee's ruling, and payments of over $6,500 were made on the day of the committee's action.

Arthur P. Shamer (twice tried before hung juries), $2,069.55, on February 11, as payment on a larger contract (of some $7,400) for work on an athletic field. This was on contract.

Payments to those listed by Mr. Beck as withholding their books from the city:

Harvey A. Stambaugh & Sons, $3,340.65, for repairs to motors, tanks, boilers and machinery. Most of the larger bills were paid in February and March.

William J. Wiesand, $2,883.05, chiefly for alterations to the city garage, Municipal Building. Payments from January 5 to February 22, on contract work.

The Sline Company, $2,323.38, for painting engine houses, a library building and a City Hall room, on invoices dated from January 19 to March 1. [The January 19 job was on a cost-plus basis.]

Jurors To Resume Carter Inquiry

After approximately two and a half hours of deliberation, the grand jury adjourned late yesterday and announced that it would resume this afternoon its investigation into the affairs of the office of the clerk of the Criminal Court.

The jurors heard no additional testimony yesterday, but were closeted for about an hour with William H. Maynard and Anselm Sodaro, prosecutors assigned to aid the grand jury in the probe.

The jurors have heard testimony from a number of employés of the office, as well as from Wilford L. Carter, the elected clerk. As a result of a recent audit of the books and records of the office, judges of the Supreme Bench requested Mr. Carter to resign. When he refused, the matter was turned over to J. Bernard Wells, State's attorney.

Mr. Well then placed the investigation before the grand jury.

NEWS-5/25

Forgeries Alleged On Time Slips

Time tickets supporting charges to the city by Meredith R. Howard, plumbing contractor, for cost-plus work in some instances bore forged signatures, jurors at his trial were told today.

Harry Dittmar, roofing and spouting contractor, who had been given subcontracting work on 18 of the 131 jobs involved in the charges against Howard, pointed out several instances where his name was signed on time tickets for jobs on which he had not worked at all.

Dittmar also pointed out a number of other time tickets where his name appeared, but denied the signature was his, although he had done subcontracting work on those jobs.

Denies He Authorized Use

During 1948, he testified, Howard had said he would take charge of the time tickets, but Dittmar denied authorizing the other man to sign his name.

Questioned by Charles E. Orth, Jr., and William J. O'Donnell, assistant prosecutors, Dittmar identified bills and other papers regarding the subcontracting jobs he had done. In identifying the amounts which he had billed Howard for the work, the witness added:

"I received the money my bills called for, and that's every nickel I received."

Prosecutors' Allegations

In opening statements yesterday, the prosecutors said Dittmar had been paid a total of $1,498.41 for his subcontracting jobs, but that Howard had billed the work to the city for $3,257.75.

Judge John T. Tucker presided at the trial in Criminal Court. Howard is the second cost-plus contractor on city work to go on trial.

Earlier this year another plumbing contractor, Arthur P. Shamer, was tried before two different juries, but neither was able to agree on a verdict.

Howard is charged with obtaining a total of $6,635.30 from the city improperly.

He is represented by Edward H. Burke, H. Mortimer Kremer and Leonard Liepman, attorneys.

MORN SUN 5/25

JUDGE MOVES TO SPEED UP HOWARD TRIAL

Subcontractor Denies He Did Some Jobs Listed By Defendant

Judge John T. Tucker moved yesterday in Criminal Court to speed up the trial of Meredith R. Howard on larceny and false pretense charges in connection with city cost-plus contracts.

The major portion of the day was consumed by the introduction of bills and other work records connected with jobs which Meredith performed for the city.

At the judge's suggestion, counsel in the case agreed on certain stipulations concerning city work which Howard gave to a subcontractor.

Long Trial Expected

But even so, the trial is expected to be a lengthy one, counsel said, because of the extent of the documentary evidence to be introduced in connection with the 131 jobs which Howard performed for the city.

In connection with jobs which the defendant subcontracted, the State contends that Howard charged the city more than twice as much as the jobs cost him.

Harry Dittmar, the subcontractor given work by Howard, testified early yesterday that certain time sheets submitted by Howard to the city and bearing the purported signature of the witness dealt with jobs on which he had not done any work.

Charge "Padding" Of Records

Dittmar also denied in several other instances that his name appearing on time tickets was in his handwriting.

William J. O'Donnell and Charles E. Orth, Jr., prosecutors, declared in opening statements to the jury that Howard overcharged the city by increasing the subcontractor's charges and by "padding" labor costs.

Counsel for the defendant countered with the contention that Howard did additional work under oral instructions and was told by city officials to include the cost on the bill for work done by the subcontractor. The charge for labor was for the overall cost of labor, rather than the cost of workmen on a particular job, the defense further contended.

20-Yr. Term Of Bandit Is Suspended

A gunman who pleaded guilty to robbing two Baltimore building and loan associations of more than $2,500 was sentenced to twenty years in prison, which was then suspended, at his trial before Judge Robert France in Criminal Court today.

The prisoner, William Aycock, twenty-six, 3100 block Howard Park avenue, had the sentence suspended on condition that he leave the United States and never return; that he make restitution and that he take psychiatric treatment.

'SOFT-SPOKEN BANDIT'

Known as the "soft-spoken bandit wearing gloves," after his armed holdup of the Premier Building and Loan Association, 2800 block Hillen road, last April 29, Aycock was specifically charged with obtaining $2,751 in the robbery.

Upon arrest, however, he was indignant, declaring, according to Assistant State's Attorney Alan H. Murrell, that he had made a list of the money taken following the holdup and found it to be only $1,972.

The second charge was that of armed robbery of the Beverly Hills Building and Loan Association last April 1 and stealing $7.

GUTTMACHER STATEMENT

Aycock's twenty-year sentence was suspended on the recommendation to the court of Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench, who declared Aycock to be:

"Of excellent intelligence, but a psychopath who would yield to psychotherapy not obtainable in a penal institution."

Aycock was released in care of his father, J. Felix Aycock, an official of the United Fruit Company in charge of the company's banana plantations in Honduras.

Judge France ordered him to go to Honduras with his parents and "never return to the United States."

TO RETURN MONEY

Aycock's father, who flew here from South America to intercede for his son, promised to make restitution to the building and loan associations.

The amount to be returned, the court stipulated, would be determined by Paul B. Mules, attorney for Aycock, and counsel for the victimized institutions.

Assistant State's Attorney Murrell pointed out to the court that Aycock, following the robbery of the Hillen road association last April 29, used the money to pay on a defalcation charged to Aycock in connection with a company which had previously employed him, and to pay several tailor, garage and gasoline bills.

It Looks Bad . . .

An outsider, reading Baltimore newspapers these days, would get the impression that government here is as messy as Tammany produced at its worst.

The Criminal Court Clerk is being investigated by the Grand Jury, after refusing the judges' request that he resign.

The police department is—technically, at least—being investigated by the Grand Jury.

Contractors are on trial, charged with cheating the city on contracts.

A city employee is alleged to have conspired with one of these contractors.

And there probably are several more situations that leave a sinister impression.

Actually, government in Baltimore is about at its normal state of honesty and efficiency . . . which is far from perfect but somewhat better than in most big cities.

It just happens that several unpleasant situations have arisen at the same time.

EVE SUN 5/25

William Aycock Released For Treatment

William Hugh Aycock, 26-year-old war veteran and member of a well-to-do family, who admitted two armed holdups of building associations about six weeks ago, today was released under a twenty-year suspended sentence, to take private psycho-analytic treatment.

Judge Robert France in Criminal Court released the man in the custody of his father, official of a 65,000-acre fruit plantation in Honduras. The man and his father will leave Baltimore Friday by steamer for Honduras.

"Gentleman" Bandit

Aycock was the bandit who held up the Beverly Hills Building and Loan Association on Arlington avenue and the Premier Building and Loan Association on Hillen road. He had been reported "a gentlemanly bandit."

Although he was charged with taking $2,571 in the Premier robbery, Aycock had asserted and had produced memoranda of the number and value of bills, that he actually got only $1,972. He was charged with getting $3 in the other holdup.

Unusual Outcome

One of the unusual facts which caused his counsel, Paul B. Mules, and the prosecutor, Assistant State's Attorney Alan H. Murrell to suggest a psychiatric examination was the use that Aycock had made of the stolen money.

He had used a large part of the money to pay bills; partly legitimate bills for purchases, but also $500 on a "shortage" of about $680 which grew out of his former work as an adding-machine salesman.

Receipt Found

When arrested he was found to have a receipt for the $500 paid to his former employer.

Mr. Mules produced in court a $500 check from the employer, pointing out that since the payment was recognized to be stolen money it would be used as part of the restitution which Aycock and his family were making.

In view of the dispute concerning the amount of the robbery loot, Judge France left the matter of restitution amount to be worked out by attorneys.

Psychiatrist Reports

Dr. Manfred S. Guttmacher, court psychiatrist, had filed a detailed report on Aycock, pointing out that as a youth he had attended the Boys Latin School and the University of Baltimore, although he was born in Honduras. The defendant's Baltimore address was given in the 3100 block of Howard Park avenue.

The psychiatrist's examination reported that Aycock was subject to "severe character neurosis" and Dr. Guttmacher asserted that penal incarceration would serve no useful purpose in rehabilitating the man.

Treatment Recommended

Dr. Guttmacher reported that Aycock could be benefited by private "psycho-analytic study lasting several years," but pointed out that such treatment is very expensive, costing "nearly $1,000 a month" in private hospitals where it is available.

Aycock's father told the court that a 300-bed hospital manned by competent physicians was available in the Honduras town run by the fruit plantation and that treatment could be provided the man there.

Released To Father

Judge France decided not to hold Aycock in custody until Friday but released him in the father's care because of the necessity of shopping for supplies and equipment prior to their departure.

In Dr. Guttmacher's report the defendant was quoted as saying that he owed "an apology" to the woman employé he held up in one of the building association robberies because "she had more nerve than I did."

Howard Records Submitted In Cost Quiz

Detailed records and exhibits of city cost-plus work done by Meredith R. Howard, plumbing contractor, today were submitted before the jury which has heard the case since Monday in Criminal Court.

A total of 56 State exhibits had been filed before the jury this morning. At the suggestion of Judge John T. Tucker, presiding jurist, prosecution and defense attorneys had worked out a new scheme of submitting exhibits without detailed testimony.

Both Sides Censured

The tedious handling of connecting records several times brought about flare-ups between counsel, resulting in Judge Tucker censuring both sides.

At one time, when Charles E. Orth, Jr., prosecuting the case with William J. O'Donnell, was reading entries from city bills, H. Mortimer Kramer, one of three defense lawyers, charged that the prosecutor was "interpreting." Orth, in turn, retorted that the defense was trying to "hide all facts from the jury."

Labor Costs Record

Records submitted today dealt with labor costs which the State charges were exaggerated by the contractor. It was testified that he billed the city $2 an hour on one contract for the services of two men who were actually paid only $1.50 and $1 an hour.

The slowly moving case resulted in desertion of the courtroom by the spectators who normally crowd all courthouse hearings.

During most of the day, except for five lawyers, a court clerk, a deputy sheriff and a bailiff, the twelve members of the jury panel and the judge, there were no more than a dozen other persons in the courtroom, mostly potential witnesses.

Howard, who operates the Howard Plumbing Company, is represented by Edward H. Burke and Leonard Liepman in addition to Kremer.

MornSun-5/26

Prosecutors Offer Evidence To Prove 'Padded' Pay Rolls

Evidence that Meredith R. Howard, cost-plus plumbing contractor, charged the city of Baltimore from $2 to $2.25 an hour for labor when he actually paid his workmen from 65 cents to $1.80 per hour was introduced yesterday at the trial of Howard on larceny and false-pretense charges.

William J. O'Donnell and Charles E. Orth, Jr., prosecutors, at the conclusion of yesterday's session had introduced 101 exhibits dealing with approximately that many of the 131 cost-plus jobs Howard allegedly performed for the Bureau of Parks.

The two prosecutors pointed out to the jury that all work orders issued by the city on cost-plus jobs contain the provision that the charge for labor must not exceed the amount actually paid the workers.

"Padding" Is Contended

While the city contends that labor costs were "padded," counsel for the accused declared in an opening statement to the Criminal Court jury that Howard's labor charge to the city was for the overall cost of labor, and not for the cost on a particular job.

The defendant also is alleged to have subcontracted certain jobs awarded to him, and to have charged the city more than twice as much for the work as it cost him. His defense in that connection is that the difference in the charge to the city represents additional work he performed under oral instructions from city officials

EveSun 5/27

9 Suggestions Are Offered In Report

The Grand Jury today dropped its investigation of charges against Wilford L. Carter, Clerk of the Criminal Court.

However, it filed a special report containing nine recommendations.

The action was taken before Judge Robert France in Criminal Court. Clinton Carrick, jury foreman, signed the report for the jurors.

Amendment Sought

Recommendations also included amendment of the State Constitution to permit judges to remove court clerks for cause.

Other recommendations asked for more frequent audits, increase in bond required of employés, quarterly instead of annual reports to the comptroller, quarterly remittals to the State treasurer, law changes regarding misappropriation of money, requirement that the clerkship be a full-time job, imposition of penalties for failure to keep proper accounts and provision for suspension of any accused employés.

The grand jury hearings on the Criminal Court investigation were begun after judges of the Supreme Bench requested Carter's resignation, which the clerk declined to submit.

Chief Judge W. Conwell Smith thereupon had referred the matter to the State's attorney's office for whatever action was "deemed appropriate."

Auditors Report

Prior to the Supreme Bench request for Carter's resignation, State Auditor Daniel L. Clayland 3d, handed in a long report, after a complete audit of the office by three of his men.

This report stated that the office had violated rules of proper accounting practices and that use of bail bond deposits to help pay office expenses appeared to violate "the spirit, if not the letter," of the Criminal Code.

The grand jury reports stressed the lack of any power to suspend or remove any of the elected court clerks, who, as constitutional officers, are removable only for wilful neglect of duty or other misdemeanor "after conviction in a court of law."

Long sessions on the Criminal Court and Carter investigation had been held all this week, and witnesses had been heard during prior weeks.

Attracted Attention

The inquiry had attracted great attention around the Courthouse, where numbers of persons, many with political associations, gathered each day when the grand jury was discharged, in anticipation of whatever action might be taken.

The jurors deliberated for more than an hour today on the matter, several times calling before them Deputy State's Attorney William H. Maynard and Assistant State's Attorney Anselm Sodaro, who had been assigned to the case by State's Attorney J. Bernard Wells, prosecutor, who is ill.

The interim report was immediately read by Judge France when Mr. Carrick handed it over. The jurist questioned the grand jurymen as to whether there were any charges at all in connection with the matter. The jurymen said no.

squad to determine why the officer on the beat had not acted.

They urged an investigation along the lines of those carried on by the Federal Bureau of Investigation, using highly skilled operators.

Stress Jury Report

The report of the retiring grand jury was called to the attention of the May term grand jury by three judges of the Criminal Court.

Judge Robert France, in his charge to the new jury, said that copies of the report of the retiring group would be made available and suggested that Albert L. Stephens, foreman of the January term grand jury be asked to discuss the situation.

The foreman of the present grand jury is Clinton I. Carrick, 5620 Stonington avenue, an employé of the Consolidated Gas, Electric Light and Power Company.

Meanwhile, Governor Lane has appointed Col. Beverly Ober, former superintendent of State police, to the office of Police Commissioner of Baltimore city.

Colonel Ober, who was sworn in yesterday, will take over his new duties on Wednesday, replacing Hamilton R. Atkinson.

EveSun-5/26

Conferences Delay Howard Trial

Conferences in the chambers of Judge John T. Tucker today delayed the cost-plus trial of Meredith R. Howard for more than an hour.

Howard, plumbing contractor charged with obtaining $6,635.30 improperly on city work for the Park Board, went on trial before a jury in Criminal Court last Monday.

Judge Tucke ris presiding at the trial. His conferences today were with the defense and prosecuting attorneys, plus two additional prosecuting officers who were called into the meeting. The purpose of the conference was not officially revealed.

So far, approximately 200 prosecution exhibits have been filed before the jury in connection with 131 jobs on which Howard was contractor.

The prosecutors have been obliged to enter, as exhibits in the case, record of work orders, time and cost sheets filed by the contractor, and checks through which he was paid by the city.

MornSun-5/27

JURORS WARNED IN COST-PLUS CASE

Told To Refrain From Discussing Howard Trial

Jurors at the trial of Meredith R. Howard, cost-plus plumbing contractor, accused of defrauding the city of $6,635, yesterday were emphatically cautioned by Judge John T. Tucker to refrain from discussing the case with anyone while the trial is in progress.

The warning came after the trial was delayed more than an hour while the judge and counsel held an extended conference in secret session.

The reason for the meeting was not officially disclosed, but it was rumored in the Courthouse that one of the jurors reportedly had been heard discussing the case in a downtown lunchroom.

Records Are Offered

Judge Tucker advised the jury that "unfortunate results may occur" if the warning is not heeded. He instructed the jury not to discuss the case "at lunch or at breakfast or at any time."

Meanwhile, prosecutors continued to offer into evidence work orders, time and material sheets and canceled checks in an effort to prove that the accused overcharged the city for labor on the 131 cost-plus jobs he performed for the Bureau of Parks.

Howard, in outlining his defense through his counsel, contended that his labor charge was figured on the basis of overall labor costs rather than on the cost of workmen on a particular job.

Mann Turned Over To U.S. For Trial

Roy L. Mann yesterday was turned over to Federal authorities for trial next week in Federal court on charges of participating in the holdup of the Walbrook branch of the Union Trust Company and the Occident Federal Savings and Loan Association.

Anselm Sodaro, assistant State's attorney, advised Bernard J. Flynn, United States attorney for Maryland, that Maryland would surrender Mann for trial jointly with Carl Close and James Bernett on the two holdup charges. All three men are accused of the two crimes in both the State and Federal courts.

Two Now In U.S. Custody

Bernett and Close already are in the custody of the Federal prosecutor.

Mr. Sodaro said that Mr. Flynn agreed to permit the State authorities to obtain custody of the men after the Federal trial if the State prosecuors still want them then.

The trial in Federal court will begin next Thursday before Judge W. Calvin Chesnut.

No New Action From Jury On Police Probe

After considering reports of the last grand jury which held a brief investigation of charges against the Police Department, the present grand jury has so far taken no steps to press a new investigation in its three weeks of office.

The January grand jury, in its final report, had stated that there was no probability of holding a successful probe of the Police Department unless outside agencies, whose operatives would be unknown to the police and to gambling interests, conducted the investigation.

Comment Declined

Courthouse officials today declined to comment on the situation, pointing out that grand jury proceedings and plans are kept secret by law unless actual action is taken.

A number of officials, however, expressed the opinion that the forthcoming change in the administration of the Police Department would soon lead to a determination of whether investigations should be held. Complaints of alleged police laxity in prosecuting gamblers, which had been aired before the City Council and in broadcasts by several radio commentators, provided the impetus for this consideration.

Cite Police Lag

In urging the investigation, the January grand jury declared that only Capt. Alexander L. Emerson and the vice squad are making any "real effort" to bring gambling-law violators to justice and that officers on the beat rarely bring in bookmakers or lottery violators.

The jurors further stated that as far as they knew no action is taken following raids by the vice

NEWS-5/27/49

Louis Azrael Says: A LAW FOR CHILDREN; THE WAYS OF JUSTICE

By LOUIS AZRAEL

For Children's Sake . . .

Fortunately, it doesn't affect many persons. To those whom it does affect, however, it is a good, important thing. Chalk this up, therefore, to the credit of the Maryland Legislature . . .

Marriages are annulled, occasionally, because one of the parties was found to be a bigamist.

Marriages have been annulled for other reasons.

Sometimes the couples had children before the annullments were granted.

Under the present Maryland law, those children are illegitimate.

They bear the social stigma of this status. They do not inherit from the father. They are under other legal disadvantages.

That need not be so after June 1.

Under a law passed by the last Legislature, when a marriage is annulled or a divorce is granted under circumstances which make the marriage void from the beginning, the judge may declare the children of the marriage to be legitimate.

This is possible, the law provides, only if either parent entered the marriage in good faith, not knowing the facts which made it void or voidable.

Oh, Yeah! . . .

To young Jack Dunn, president and acting manager of the Baltimore Orioles, goes the prize for making the emptiest statement of the week.

Discussing his quest for a new manager, Dunnie told reporters: "We wouldn't give even Lou Boudreau a three-year contract."

I'd bet 367 (the Oriole's present win-and-loss average) to one against it.

The Faces of Justice . . .

It is any wonder that this thing called justice seems strange, seems many-faced, to many persons?

Consider the case of twenty-six-year-old William Aycock, which was decided in the Criminal Court of Baltimore this week.

Aycock admitted, at the trial, that he had committed armed holdups at two building and loan associations.

The judge sentenced him to twenty years in prison. In the next breath, however, the judge suspended the sentence and set the criminal free.

In a way, that makes good sense . . .

Court psychiatrists reported that the boy, though intelligent, has a psychiatric condition which causes him to do strange things.

This condition, they said, can not be cured in prison. It may be cured with private, long, expensive care.

Aycock's father, fortunately for him, is a well-to-do-man, with business connections in Honduras.

The father had agreed to take the boy there, never to return to the United States, and to put him in care of good psychiatrists.

Furthermore, the father agreed to pay back the money his son had stolen.

It is not hard to see how the judge felt . . .

If young Aycock is put into prison here, his mental condition won't improve; it probably will get worse.

If he is given proper treatment, he may become a useful citizen.

And since he will leave the country, he can't do any more harm here.

Furthermore, taxpayers will be saved the expense of housing and feeding him.

The judge's action, from that viewpoint, seems entirely laudable.

But there's another side . . .

Suppose you were one of the many men now serving prison sentences for thefts or burglaries . . . or one who has already served time. Or suppose you are related to such a person.

Many men with the same psychiatric condition, have served, and are serving, prison terms.

The difference between them and Aycock is not a difference in guilt or in responsibility. It is a difference in money.

And that is a difference which justice is not supposed to recognize. But yet, wasn't it the best thing to do?

Strange thing, justice.

Carter, Aide Cleared By Grand Jury

The Grand Jury today cleared Wilford L. Carter, clerk of the Criminal Court, and his deputy clerk, George F. J. Brown, of all charges against them.

The jurors, however, recommended that the State Auditor make a second audit of the books and accounts of Carter's office and file its report before the expiration of the grand jury's term.

The jury, following an eight-day investigation of the clerk's office, dismissed all of the six presentments handed it by the office of the State's Attorney, charging "nonfeasance in office" and other infractions.

The jury in an interim report, simultaneously made nine recommendations for stricter supervision of the office, including the delegation of more power to the Supreme Bench in that matter.

JUDGE GETS REPORT

The presentments, marked dismissed by Clinton I. Garrick, foreman of the Grand Jury, and the interim report, were handed today to Judge Robert France in the Criminal Court, culminating the lengthy probe of Carter's office in which the jury had reviewed bank accounts and examined numerous witnesses.

The most serious charge made against Carter was one of making a false statement to Daniel L. Clayland III, State auditor, who had examined Carter under oath concerning the activities of his office during an audit of his books and accounts, which precipitated the Grand Jury investigation.

In a second presentment it was charged that he "knowingly failed and refused" to comply with the State Comptroller's order to maintain the records of his office in current condition.

In a third presentment Carter and Brown had been charged jointly with unlawfully and wilfully appropriating and using cash bail bonds deposited in the office, for the payment of general office expenses, including salaries.

Carter, in a fourth presentment, was charged with collecting and wilfully detaining State revenues, neglecting to pay them to the State Treasurer.

The nonfeasance in office charge was made in the fifth presentment, which charged that Carter neglected and refused to faithfully execute the duties of his office.

CHANGES SUGGESTED

The sixth presentment charged Brown similarly.

The recommendations made by the Jury in the interim report were:

1. That the laws be amended to extend the powers of the Supreme Bench concerning Court Clerks' offices.

2—That the State Auditor should audit the books and accounts at more frequent intervals, and that the auditor again audit the books and accounts of the Clerk of the Criminal Court and make a report before the Grand Jury time expires.

BOND FOR AIDES

3—That each individual in the Clerk's office handling bail money be required to post a substantial sum as bond.

4—That the law be amended to require quarterly reports.

5—That it be mandatory for the Clerk to remit quarterly to the State all cash collected.

6—That the law be amended so as to clearly apply to the appropriations and use by the Clerk of Court, money deposited with him as cash bail.

7. That the law be amended so as to provide a penalty for the failure by the clerk to devote full working time to his duties.

8. That the law be amended so that all clerks of the courts of Baltimore be required to keep accurate accounts covering all fees.

9. That legislation be enacted to giving the Supreme Bench the power, upon presentment by the Grand Jury of any clerk, his deputy, or employees, to suspend them and, upon conviction, to remove them from office.

"The grand jury, under our system, is our most representative body of citizens. They have given this matter ten days of thorough study. I am gratified, naturally, at their judgment. The people of Baltimore can rely upon me to conduct my office on the highest plane of efficiency."

The grand jury hearings on the Criminal Court investigation were begun after judges of the Supreme Bench requested Carter's resignation, which the clerk declined to submit.

Chief Judge W. Conwell Smith thereupon had referred the matter to the State's attorney's office for whatever action was "deemed appropriate."

Charges Considered

Grand jury records revealed that they had conidered five charges against Carter and two against George F. Brown, his deputy clerk, who had been made deputy after the Supreme Bench twice declined to approve a man Carter sought for the post.

The charges that had been considered against Carter involved perjury before the State Auditor, nonfeasance in office, detention of State fees and revenue, failure to comply with an order of the State Comptroller to maintain current records and use of bail-bond money to pay expenses of his office.

Brown had been considered as codefendant with Carter in connection with the bail money, and a charge of nonfeasance also had been considered against him, the grand jury records showed.

Papers bearing those records were marked "dismissed."

Auditor's Report

Prior to the Supreme Bench request for Carter's resignation, State Auditor Daniel L. Clayland 3d handed in a long report, after a complete audit of the office by three of his men.

This report stated that the office had violated rules of proper accounting practices and that use of bail bond deposits to help pay office expenses appeared to violate "the spirit, if not the letter," of the Criminal Code.

The grand jury reports stressed the lack of any power to suspend or remove any of the elected court clerks, who, as constitutional officers, are removable only for willful neglect of duty or other misdemeanor "after conviction in a court of law."

Long sessions on the Criminal Court and Carter investigation had been held all this week, and wi

nesses had been heard during prior weeks.

Attracted Attention

The inquiry had attracted great attention around the Courthouse, where numbers of persons, many with political associations, gathered each day when the grand jury was discharged, in anticipation of whatever action might be taken.

The jurors deliberated for more than an hour today on the matter, several times calling before them Deputy State's Attorney William H. Maynard and Assistant State's Attorney Anselm Sodaro, who had been assigned to the case by State's Attorney J. Bernard Wells, prosecutor, who is ill.

The interim report was immediately read by Judge France when Mr. Carrick handed it over. The jurist questioned the grand jurymen as to whether there were any charges at all in connection with the matter. The juryman said no.

Many Witnesses

The actual language of the report is:

"This grand jury has heard many witnesses in connection with its investigation of the office of the clerk of the Criminal Court. It has carefully reviewed the law covering the duties of the clerk of the Criminal Court and of the powers of the Supreme Bench to supervise that office, including its power or the lack of power in proper cases to suspend or remove the clerk.

"The grand jury, therefore, makes this interim report and recommends:

1. That Article 4, Section 10, of the Constitution of Maryland, be amended so as to give the judges of the Supreme Bench of Baltimore the power to extend their visitatorial powers so as to enable them in proper cases to suspend or remove any of the clerks, their deputies or employés under their jurisdiction.

2. That the State auditor should audit the books and accounts of the several courts of Baltimore at more frequent intervals, and we ask that the State auditor again audit the books and accounts of the clerk of the Criminal Court of Baltimore and make a report to this grand jury before its term of office expires.

(Editor's Note—The present May term grand jury is scheduled to go out of office September 10.)

Individual Bonds

3. The clerk of the Criminal Court of Baltimore handles more than $200,000 per year in cash bail. None of the clerks who actually handle this large sum of money is individually bonded. The clerk himself is bonded for $14,000, and there is a small insurance policy covering loss or robbery from messengers. It is recommended that each of the clerks who actually handle this large amount of cash should be individually bonded for a substantial sum.

4. Article 15, Section 1, covering the requirements for reports by the clerk of the Criminal Court to the comptroller of the State of Maryland should be amended so as to require quarterly reports and to provide that if such reports are not made, the clerk shall be guilty of a misdemeanor and subject to fines and penalties therefor.

Penalties Recommended

5. We recommend that Article 27, Section 81, of the Annotated Code of Maryland, be amended so as to make it mandatory for the clerks of the courts of Baltimore to remit quarterly to the treasurer of the State of Maryland all revenue due the State of Maryland and to provide that if such a remission of funds is not made, the clerk shall be guilty of a misdemeanor and subject to fines and penalties therefor.

6. We recommend that Article 27, Section 5a, of the Annotated Code of Maryland, be amended so as to clearly apply to the appropriation and use by the clerk of the Criminal Court of Baltimore of money deposited with him as cash bail.

7. We recommend that Article 17, Section 19, of the Annotated Code of Maryland, be amended so as to provide a penalty for the failure by a clerk to devote his full working time to the duties of his office.

"Full And Accurate"

8. We recommend that the law be amended so that all clerks of court of Baltimore be required to keep full, complete and accurate books of accounts covering all fees or emoluments and receipts of that office, and that upon failure to do so, appropriate penalties be imposed.

9. We recommend that legislation be enacted giving the Supreme Bench the power, upon presentment by the grand jury of any clerk, his deputy, or employés, to suspend them, and upon conviction to remove them, and upon such suspension or removal, to appoint their successors.

"The grand jury would like to take this opportunity to commend William H. Maynard, Deputy State's Attorney, and Anselm Sodaro, assistant State's attorney, for their untiring and unbiased aid in the investigation of this case."

EveSun-5/27

Carter Inquiry Ends As Jury Files Report

The Grand Jury today dropped its investigation of charges against Wilford L. Carter, Clerk of the Criminal Court.

However, it filed a special report containing nine recommendations.

The action was taken before Judge Robert France in Criminal Court. Clinton Carrick, jury foreman, signed the report for the jurors.

Amendment Sought

Recommendations also included amendment of the State constitution to permit judges to remove court clerks for cause.

Other recommendations asked for more frequent audits, increase in bond required of employés, quarterly instead of annual reports to the comptroller, quarterly remittals to the State treasurer, law changes regarding misappropriation of money, requirement that the clerkship be a full-time job, imposition of penalties for failure to keep proper accounts and provision for suspension of any accused employés.

Mr. Carter, after the grand jury action, issued a statement which said:

"The action of the grand jury speaks for itself. I have felt that when a thorough and complete study of the affairs of my office was made, that I would be vindicated from any charge of wrong-doing.

"I Am Gratified"

GRAND JURY DISMISSES CARTER CASE

Urges Changes For Improving Functioning Of Clerk's Office

The Baltimore grand jury yesterday dismissed five presentments against Wilford L. Carter, clerk of the Criminal Court, and made nine specific recommendations to improve the functioning and supervision of his office.

The dismissals concluded an investigation of the affairs of the office.

The presentments marked "dismissed" had accused Carter of perjury, nonfeasance in office, unlawful use of bail funds for general office expenses, failure to keep records up to date and failure promptly to pay revenues of the office over to the State Treasury.

Also marked "dismissed" were a similar nonfeasance presentment and a charge of unlawfully using cash bail funds for general office expenses against George F. J. Brown, Mr. Carter's chief deputy.

Carter Issues Statement

After learning of the grand jury's action, Mr. Carter issued the following statement:

"The action of the grand jury speaks for itself. I have always felt that when a thorough and complete study of the affairs of my office was made that I would be vindicated from any charge of wrong-doing.

"The grand jury under our system is our most representative body of citizens. They have given this matter ten days of thorough study. I am gratified, naturally, at their judgment. The people of Baltimore can rely upon me to conduct my office on the highest plane of efficiency."

The grand jury took up the investigation after information gathered in a recent audit by the State auditor and his assistants in the Criminal Court office was turned over to the investigating body of J. Bernard Wells, State's attorney.

Report Made By Auditor

Daniel L. Clayland 3d, State auditor, reported to the judges of the Supreme Bench that he found "flagrant violations" of sound accounting practices during the audit. Mr. Clayland also reported the possibility that the State Criminal Code may have been violated when cash bail funds were used for general office expenses.

The judges then requested Mr. Carter to resign his elective post, but he refused and countered with a request to discharge certain of his employés. The judges then turned the entire matter over to the prosecutor for "whatever action deemed necessary."

Mr. Wells assigned William H. Maynard and Anselm Sodaro, aides in the office, to assist the grand jury in its probe. The jurors heard [illegible] witnesses, including Mr. Carter, Mr. Brown and other workers in the clerk's office.

Several special sessions were held by the jurors in connection with the inquiry.

Report By Grand Jury

In an interim report submitted to Judge Robert France by the grand jury and signed by Clinton I. Carrick, foreman, the jurors said:

"This grand jury has heard many witnesses in connection with its investigation of the office of the Clerk of Criminal Court.

"It has carefully reviewed the law covering the duties of the Clerk of the Criminal Court and of the powers of the Supreme Bench to supervise that office, including its power, or the lack of power, in proper cases to suspend or remove the clerk. The grand jury, therefore, makes this interim report and recommends:

"1. That Article 4, Section 10 of the Constitution of Maryland be amended so as to give the judges of the Supreme Bench of Baltimore the power to extend their visitatorial powers so as to enable them in proper cases to suspend or remove any of the clerks, their deputies or employés under their jurisdiction.

Frequent Audits Urged

"2. That the State Auditor should audit the books and accounts of the clerks of the several courts of Baltimore at more frequent intervals and we ask that the State Auditor again audit the books and accounts of the Clerk of the Criminal Court of Baltimore and make a report to this grand jury before its term of office expires.

"3. The Clerk of the Criminal Court of Baltimore handles more than $200,000 per year in cash bail. None of the clerks who actually handle this large sum of money are individually bonded. The clerk himself is bonded for $14,000 and there is a small insurance policy covering loss by robbery from messengers. It is recommended that each of the clerks who actually handle this large amount of cash should be individually bonded for a substantial sum.

Quarterly Reports Suggested

"4. Article 15, Section 1 covering the requirements for reports by the Clerk of the Criminal Court to the Comptroller of the State of Maryland should be amended so as to require quarterly reports and to provide that if such reports are not made, the clerk shall be guilty of a misdemeanor and subject to fines and penalties therefor.

"5. We recommend that Article 27, Section 81, of the Annotated Code of Maryland be amended so as to make it mandatory for the clerks of the courts of Baltimore to remit quarterly to the treasurer of the State of Maryland all revenue due the State of Maryland and to provide that if such a remission of funds is not made the clerk shall be guilty of a misdemeanor and subject to fines and penalties therefor.

Concerns Use Of Money

"6. We recommend that Article 27, Section 5A, of the Annotated Code of Maryland be amended so as to clearly apply to the appropriation and use by the Clerk of the Criminal Court of Baltimore of money deposited with him as cash bail.

"7. We recommend that Article 17, Section 19, of the Annotated Code of Maryland be amended so as to provide a penalty for the failure by a clerk to devote his full working time to the duties of his office.

"8. We recommend that the law be amended so that all clerks of the courts of Baltimore be required to keep full, complete and accurate books of accounts covering all fees or emoluments and receipts of that office and that upon failure to do so, appropriate penalties be imposed.

"9. We recommend that legislation be enacted giving the Supreme Bench the power upon presentment by the grand jury of any clerk, his deputy or employés to suspend them and upon conviction to remove them and upon such suspension or removal to appoint their successors.

"The grand jury would like to take this opportunity to commend William H. Maynard, deputy State's attorney, and Anselm Sodaro, assistant State's attorney, for their untiring and unbiased aid in the investigation of this case."

The dismissed perjury charge against Carter had accused the clerk of falsely stating under oath to Mr. Clayland that cash bail funds were not used for general office purposes.

There was no comment from the judges regarding the grand jury's action.

A Grand Jury Fails To Go To The Heart Of The Matter

Earlier this month the judges of the Supreme Bench invited Mr. Wilford L. Carter, the Pollack man who is clerk of the Criminal Court, to resign.

But Mr. Carter is an elected official, and the judges lack legal authority to compel his resignation. Mr. Carter refused to resign. The matter was handed to the grand jury.

The grand jury has refused to make any charges against Mr. Carter. It has contented itself, instead, with offering numerous recommendations regarding the clerks' offices. Chief of these is a recommendation that the State constitution be amended to permit judges to remove court clerks for cause.

Thus we are left with the highly unsatisfactory situation that a court clerk, who in practice is the servant of the court, is able to stay in office despite the fact that he lacks the confidence and respect of the judges.

Nor can it be said that the recommendations of the grand jury have gone to the heart of the question.

The Bond Commission for the reform of the State judiciary did go to the heart of the question in its famous report, published in 1942. There are no less than six clerkships in the Courthouse, five of them superfluous. These six clerkships, as the report said,

> have been preserved for many years out of good will for the clerks, or those who might become clerks, *solely to provide the extra offices and salaries.*

The clerkships, in other words, are unnecessary political offices.

What the Bond Commission recommended was that a single clerk should take the place of the [illegible] clerk should be appointed by the bench and [illegible] to the bench, not elected.

When it came time to act on the recommendations of the Bond Commission, large changes were made in the State judicial system. But precisely because the clerkships are a focal point of politics, the reform and consolidation of these offices was politely bypassed.

The Carter episode shows us that the reforms recommended by the Bond Commission are still needed as badly as ever.

MornSun-5/28

STATE COST-PLUS EVIDENCE ENDED

Trial Of Contractor To Be Resumed Tuesday

State's evidence at the Criminal Court trial of Meredith R. Howard, cost-plus contractor, on charges of defrauding the city of about $6,635, was concluded late yesterday before a jury under Judge John T. Tucker.

The trial will be resumed Tuesday.

First witness called by the defense was Herbert Marks, of the 3300 block Moravia avenue, who worked part time as a bookkeeper and accountant for Howard's concern, the Howard Plumbing Company.

Installed System

Marks testified that about twelve years ago he installed a bookkeeping system for Howard and has helped to maintain it ever since.

On crossexamination, Marks testified that Howard paid bonuses to two employés for the year 1947 between February and October of 1948. These bonuses amounted to $880 for each of the two men, the witness said.

Bonuses have been "set up" for seven of Howard's workmen for the year 1948, but have not yet been paid, the witness said. He testified that all bonuses are paid out of profits of the company. About sixteen other employés of Howard's are not scheduled to receive bonuses, Mr. Marks told the jury.

Howard is accused of overcharging the city for labor on the 131 cost-plus jobs he performed for the Bureau of Parks in 1947 and 1948.

Attorney Suspended From Practicing Here

D. Lindsay Baynham, Baltimore attorney, yesterday was suspended from practicing as a lawyer for a period of two years for allegedly attempting to obtain divorces for two persons who were not residents of Maryland.

Baynham, a Negro, had been charged in a petition filed by the Bar Association of Baltimore City with attempting to obtain divorces for two persons from New York. The lawyer denied knowing that the litigants lacked Maryland residences.

Baynham, who has offices in the 1200 block Pennsylvania avenue, also denied he supplied the two out-of-State persons with local addresses. The judges of the Supreme Bench heard final arguments in the case yesterday morning. Testimony had been heard about two weeks ago.

EVE SUN 5/31/49

Parked With Mahlan At Place Body Was Found, Girl Says

Two new pieces of evidence in the Mahlan-Kline murder case were filed today in Criminal Court in an affidavit supporting a motion for a new trial.

The revelations were made by defense attorneys for Thomas A. Edwards, 23-year-old colored man, who was convicted of the dual slaying last February 9.

Alleged Facts

The new facts alleged were:

That John H. Mahlan ,25, had been to the Chesterfield clearing where his body was found prior to his murder.

That the dirt area where a cartridge case was found had been sifted one week earlier by a State trooper.

Woman Named

The affidavit, filed today in Criminal Court, was sworn to by former Judge William J. McWilliams and Ridgely P. Melvin, Jr., defense attorneys.

It named Margaret Armstrong, of Glen Burnie, as the young woman who knew that Mahlan had parked in the Chesterfield clearing before his murder.

Miss Armstrong, the affidavit said, "took Lieutenant (Wilbur) Wade (of the Anne Arundel county police) and Trooper (Noble) Collison (of the Maryland State police) to the clearing at Chesterfield and told them that she had parked there on one occasion prior to the murders and that the party consisted of three people besides herself, one of whom was John H. Mahlan, the deceased."

The State contended at Edwards's trial that the colored man drove Mahlan and his companion Mary C. Kline, 18, to the Chesterfield clearing.

Further Contention

The State also contended that the killer first approached the couple 26 miles away from the Chesterfield clearing.

The affidavit said that Miss Armstrong fainted when told by police that the spot she had visited before with Mahlan was the place where his body was found.

Other "newly discovered evidence" was that "On 20 September, 1948, Trooper James J. Harbaugh, Maryland State poliec, returned to the clearing at Chesterfield where the bodies . . . had been found earlier that day. Trooper Harbaugh arrived at the Chesterfield clearing sometime after 9 P.M. and remained there until around 3 A.M. on Tuesday, 21 September.

"He was alone. Trooper Harbaugh made a careful and intensive search of the area immediately where the bodies had lain.

Raked Over Ground

He raked over the ground in that area with great care. He cut down weeds and grass and placed them in a box. He procured a piece of screening, sifted the ground, grass and other debris."

"The spot at which the cartridge case was found a week later," the affidavit continued, "by Carl P. Phelps lies within the area examined by Trooper Harbaugh. Trooper Harbaugh did not find any cartridge case of any description in the clearing."

The young Glen Burnie couple were slain last September 17. Their bodies were not discovered until three days after the man's bloodstained automobile was found in a bean patch just off the Old Annapolis road near Lipins Corner.

Ballistics Evidence

According to ballistics evidence introduced at the trial, the cartridge found by Phelps nine days after the killings was fired from a foreign-make pistol owned by Edwards, a World War II veteran.

Edwards was arrested twice for questioning before he was finally taken into custody November 8 [...] gave an eleven-page sign[...]tion-and-answer confession [...]ry J. Kries, Baltimore c[...] [de]tectives, on November 11.

The affidavit filed today stated that the defense attorneys "believed then, and believe now, that (Miss Armstrong's visit with police to the Chesterfield clearing) . . . was an important and material item of evidence.

"All attempts of the affiants to learn the name of the girl and the names of the officers who accompaneid her were unsuccessful.

"At the trial, Chief John Souers of the Anne Arundel county police, on cross-examination, although admitting that he had heard something about it, denied any knowledge of the name of the girl or the names of the officers who accompanied her."

Sworn Statement

The sworn statement concluded: "The affiants now believe and so state, that at the new trial Trooper Harbaugh will testify as above set forth and that Lieutenant Wade and Trooper Collison will also testify as above set forth."

The statement declared that had this evidence "been before the court at the trial . . . the verdict . . . would have been in favor of . . . Edwards"

Cost-Plus Trial Is Delayed By Conferences

The Criminal Court trial of Meredith R. Howard, plumbing contractor, today was delayed fo[r] hours while Judge John T. Tucker and counsel in the case engaged in protracted conferences.

After conferring about one hour and thirty minutes, during which time one member of the jury panel hearing the case was called before the judge and lawyers for nearly half an hour, Judge Tucker adjourned court until 1.30 P.M.

There was no explanation.

Juror From No. 12 Seat

The juror called before hte judge and prosecuting and defense attorneys in the judge's office was Fred A. Rochester, 200 block East Twenty-fifth street, a retired wholesale dealer in meats who has held the No. 12 seat in the jury box since the trial of Howard on charge of defrauding the city in cost-plus contracts was begun on Monday of last week.

Judge Tucker had the court stenographer, Joseph A. Moylan, in the conference office while Rochester was before the judge.

Attorneys figuring in the meeting were William J. O'Donnell and Charles E. Orth, Jr., assistant States' attorneys, and Edward H Burke, H. Mortimer Kremer and Leonard Liepman, defense council.

Mistrial May Be Topic

In the courtroom where the defendant sat and numerous witnesses on [...] reported that [...] kept waiting, it was [...] was being considered. [...] possible mistrial [...] reported that some development had taken place over the holiday week end, out of court.

Last week, on Thursday, there had been another delay while possibility of a mistrial was under consideration, because one of the jurors had been talking about the case in a downtown lunchroom, where he was having breakfast.

NEWS 5/31

Howard's Trial Again Halted By Judge

Trial of Meredith R. Howard, plumbing contractor charged with false pretenses in connection with 131 municipal cost-plus contracts, was abruptly halted in Criminal Court today to permit a secret conference in Judge John T. Tucker's chambers.

Those attending the conference, in addition to Judge Tucker, were the defendant, defense attorneys and prosecuting counsel, and the court stenographer, Joseph Moylan.

After the conference had been in session for a time, Juror No. 12—identified as Fred A. Rochester, 200 block East Twenty-fifth street, a retired wholesale meat dealer—was called in.

TRIAL RECESSED

Later Judge Tucker recessed the trial for two hours and it was understood he would issue a statement relative to the trial.

Today's interruption was the second since the trial started on Monday of last week.

After the hearing had been in progress several days, Judge Tucker halted the trial for a conference in chambers. It was understood the conference was to consider a report by Assistant State's Attorney Alan H. Murrell that a juror had allegedly made a statement in a downtown restaurant pertaining to the case on trial.

JURORS WARNED

On that occasion Judge Tucker resumed the trial after warning all jurors not to discuss the case.

Today's conference was attended William J. O'Donnell and Charles E. Orth, Assistant State's Attorneys, who are prosecuting the case, and H. Mortimer Kremer and Edwin Burke, defense attorneys.

The State concluded its case against Howard on Friday, and today the defense put on the stand Herbert Marks, 3300 block Moravia avenue, identified as a part-time bookkeeper and accountant for Howard's plumbing firm.

MORN SUN 6/1

COURT CALLS MISTRIAL IN HOWARD CASE

Juror In City Cost-Plus Hearing Is Charged With Contempt

Because of "improper conduct" on the part of a juror, a mistrial was declared yesterday in the case of Meredith R. Howard, cost-plus plumbing contractor charged with defrauding the city of about $6,635.

The juror—Fred A. Rochester, 60, of the 200 block East Twenty-fifth street—was given by Judge John T. Tucker until next Monday to show cause why he should not be adjudged in contempt of court.

The motion that a mistrial be granted was filed by Mortimer H. Kremer, one of the defense counsel.

The trial had been in progress for one week. Last Thursday, after receiving reports that Rochester had publicly discussed the case in a downtown lunchroom, Judge Tucker warned the jury against discussing the case with anyone.

Declared After Phone Call

The mistrial was declared after Rochester, last Saturday, telephoned to one of the defense lawyers and again attempted to discuss the case, according to the contempt citation issued by the judge.

Two affidavits were filed with the citation, which was served on Rochester by Sheriff Joseph C. Deegan after the juror left the courtroom.

No mention of the contempt move was made by Judge Tucker when he announced that certain "occurrences" during the trial made it "reasonable and necessary" for him to grant the motion for a mistrial.

The affidavits were signed by Alan H. Murrell, assistant State's attorney, who said Rochester discussed the case in a North Calvert street restaurant last Thursday morning, and by Mr. Kremer, who told of the telephone conversation last Saturday.

Discharged By Clerk

The jury was discharged by Francis X. Donovan, court clerk, on instructions by Judge Tucker, who said:

"It is unfortunate that there have been occurrences during the trial of this case that make reasonable and necessary the motion made by defense counsel, and also make necessary, it seems to the Court, its ruling on this motion."

"The Court has considered the matter carefully and even though we have spent five days in trial, the Court has no difficulty really in forming the conclusion to grant the motion."

Earlier in the day Rochester had been called into the judge's chambers, where a private conference was participated in by the Court and counsel. The juror was closeted with the group for about 20 minutes.

Seated Next To Him

The affidavit filed by Mr. Murrell related that the assistant prosecutor was in the downtown restaurant at about 9 A.M. and was seated alongside a gentleman later identified as Rochester. Continuing, Mr. Murrell said:

"One of the occupants at the table asked me whether or not I had been present during the trial then going on in Part 2 of the Criminal Court. I replied that I had not; whereupon Mr. Rochester broke into the conversation, stating as follows:

"'It is certainly tiresome to hear the State's attorneys mumbling all day long about invoices, etc., and the whole case seems to be made up around padding of expense accounts.

Cites Officials' Trip

"'I see no reason why the city should worry about this fellow when the other day Neil McCardell padded an expense account on a trip to New York with Mayor D'Alesandro and the City Solicitor, to the extent of $980 which he did not even itemize and the city paid it, but have not indicted either McCardell, D'Alesandro or the City Solicitor.'"

Mr. Murrell said Rochester then moved to another chair and announced in a loud tone of voice that he was "certainly tired of hearing the testimony." Continuing, Mr. Murrell said:

"I then said to him, 'Well, you don't have to listen to it unless you want to.' Whereupon, he replied, 'The hell I don't, I am sitting on the jury.'"

Mr. Murrell said he then reported the conversation to William H. Maynard, deputy State's attorney, and to William J. O'Donnell and Charles E. Orth, Jr., assistant State's attorneys, who were prosecuting Howard.

Mr. Kremer, in his affidavit, asserted:

"I, Mortimer H. Kremer, a member of the bar of Baltimore city and one of the defense counsel engaged in t[...] vs. Meredith R. Howa[...]ereby state and declare that on Saturday, May 28, 1949 at about 11 A.M., I was in my office, 900 Fidelity Building, when I received a phone call which I answered.

"The voice at the other end said, 'Hello, Mr. Kremer,' and I replied, 'Hello, how are you today?' The caller then said, "This is No. 12.' I then said, 'You have the wrong number.' The caller then replied, 'No, I want to talk to you. This is juror No. 12, Rochester. I want to ask you and Mr. Burke. . . .'

"I interrupted and said, 'My God, you oughtn't to call me up; you know you're not allowed to talk to me, and I can't talk to you. You had better hang up.' I then dropped the receiver and cut off the conversation.

"Recognized The Voice"

"I declare and state that I recognized the voice as that of Mr. Fred Rochester, who was a member of the jury empaneled to hear the case of State vs. Howard; that I heard his voice during the questioning of jurors on their *voir dire;* I also heard his voice again in Judge Tucker's chambers on Tuesday, May 31, when this matter was being discussed with the Court and other counsel in the case."

Edward H. Burke and Leonard Liepman were other defense counsel in the case.

Rochester is a retired wholesale meat dealer.

Meanwhile, prosecutors said no date has been fixed for a new trial of the case. Two other trials of another cost-plus contractor, Arthur P. Shamer, ended without a verdict when juries failed to agree.

NEW EVIDENCE IS ALLEGED IN EDWARDS CASE

Counsel Files Affidavit In Support Of New Trial Motion

Counsel for Thomas A. Edwards, convicted of the first-degree murder of John H. Mahlan and Miss Mary C. Kline, yesterday contended in an affidavit filed in support of a motion for a new trial that two pieces of important new evidence have been discovered.

In the affidavit filed in the Criminal Court, William J. McWilliams and Ridgely P. Melvin, Jr., counsel for Edwards, alleged:

1. That a State trooper had carefully sifted ground around the area where the bodies of the two young people were found in the Chesterfield clearing. It was at this location that a week later a curious passerby found an empty cartridge, which allegedly had been fired from Edwards's gun.

To Be Heard Saturday

2. That a young Glen Burnie woman has told of accompanying Mahlan to the Chesterfield site, a location used by "spooners," prior to the twin killing. The young woman fainted when told the bodies had been found there, the affidavit declared.

Though the affidavit does not formally argue the significance of the alleged new evidence, those familiar with the case point out that State evidence placed the scene of the first killing—where Mahlan was slain—on a dark road 26 miles from the Chesterfield area.

Chesterfield Site

According to the State case, Miss Kline was knocked unconscious and, with Mahlan's body, was carried the 26 miles to the spot where she was killed and the bodies were later found.

If the defense can produce a witness to prove Mahlan customarily parked at the Chesterfield site, it could presumably question the coincidence of Edwards's allegedly having taken the bodies by chance to that particular spot.

It was further pointed out that such evidence might be the basis for arguing that the Chesterfield area was the scene of both murders.

The motion for a new trial will be heard on Saturday by the judges of the Supreme Bench. Edwards, a Negro, was convicted by Judges

(Continued on Page 21, Column 6)

Robert France, Emory H. Niles and Joseph Sherbow.

In connection with the first item of alleged new evidence, the affidavit identified State Trooper James J. Harbaugh as the policeman who sifted ground and made a thorough search in the grass at the Chesterfield location.

Ground Was Sifted

Trooper Harbaugh last September 20—the day the two bodies were found—searched the area from 9 P.M. to 3 A.M. in a "careful and intensive" manner, the affidavit contended. The trooper also sifted the ground around the bodies through a screen, including the ground at the spot where the empty cartridge was found a week later by Carl P. Phelps, it was alleged.

A full report of the search was made by Trooper Harbaugh to his superiors, the affidavit further contended.

On the second item of alleged new evidence, the defense attorneys said they had read in a news item prior to the trial that a young Glen Burnie woman had taken police to a spot visited by "spooners," and one of the spots was the Chesterfield area.

Girl Is Identified

At the trial, it was continued, Chief John Souers, of the Anne Arundel county police, testified he had heard of the report of the young woman, but did not know the name of the girl or the names of the policemen who accompanied her.

Since the trial, the girl has been identified as Margaret Armstrong and the police who went with her as State Trooper Noble Collison and Lieut. Wilbur Wade, of Anne Arundel police, the affidavit said.

The young woman told the policemen that she had gone to Chesterfield with Mahlen and two other persons. When told that the bodies of Mahlan and Kline had been found there, she fainted, counsel alleged.

MARGARET ARMSTRONG
Mentioned in Edwards case affidavit

EVE SUN 6/1

Housing Firm Convicted On 36 Counts

The United States Constructon Company, residential developers in northwest Baltimore, today was faund guilty on 36 counts charging violation on building-code provisions in twelve houses.

Judge Robert France, in Criminal Court, entered the guilty verdict when the company, through Joseph T. Brennan, attorney, entered pleas of nolo contendere to the 36 counts. The company and other defendants were exonerated on 90 counts.

Following the usual practice, Judge France referred the cases to the building inspection engineer for inquiry and reports, to ascertain whether the defects have been corrected.

Four Sets Remain

The company's cases represented the twenty-eighth set of housing violations to be aired before the court in the series of charges arising from the GI housing investigation. Only four more sets of cases remain.

Deputy State's Attorney William H. Maynard, the prosecutor, agreed to accept the not-guilty pleas offered by Mr. Brennan and William Sinsky, attorney, for John Kennedy, Erna Weil and Toni Mandel, individual defendants, and also for two other companies, the Dollar Corporation and the American Developing Corporation. Judge France entered not-guilty verdicts for them.

End Anchors Lacking

Defects on which the United States Construction Company was adjudged guilty involved lack of end anchors for beams, lack of anchors for beams paralleling walls and absence of fire stopping around chimneys.

Four of the houses are in the 4800 block Wilern avenue, the prosecuting witnesses being Mr. and Mrs. Joseph I. Paper, Mr. and Mrs. Harry Baitch, Rose Katz and Sylvan Leavey.

Edgemere Avenue Houses

The other houses are in the 4900 block Edgemere avenue, where the householders were listed as Mr. and Mrs. Herbert G. Criddle, Mr. and Mrs. Wesley L. Trimble, Mr. and Mrs. David Kaufman, Mr. and Mrs. Edwin E. Hoffmeyer, Mr. and Mrs. Philip A. Hoffman, Mr. and Mrs. Harry L. Judman, Mr. and Mrs. Christopher Carlson and Mr. and Mrs. Michael J. P[...]cky.

MORN SUN 6/2

FORMAL BIDS NOT BANNED IN COST RULING

School Contract Question Decided By Estimates Board

The city's ban on work for contractors involved in the investigation of cost-plus overcharges does not apply in the case of formal bidding for municipal contracts.

This was decided by the Board of Estimates yesterday after the question was raised by the Department of Education.

The board acted on the advice of Thomas N. Biddison, city solicitor.

The Department of Education has a low bid from Carl H. Klinejohn for installation of a heating plant in School 99. The bid is $31,136.

Would Be Bonded

The department officials, in a letter to the board, noted that Mr. Klinejohn, one of the indicted cost-plus contractors, was on the list from City Hall of those who are to receive no more city work.

The department pointed out that the contractor, under the formal contract, would be bonded to complete the work at the bid price. Education officials pointed out they have "no information that Mr. Klinejohn is other than a responsible bidder."

Different From Cost-Plus Work

Mr. Biddison pointed out that while Mr. Klinejohn has been indicted for alleged overcharges in cost-plus work for the city, he has not been convicted. The city, Mr. Biddison said, like the Department of Education, has no information other than that the contractor is a responsible bidder.

Mr. Biddison also pointed out that formal contracts "are different from cost-plus work," and the two should not be confused.

The board voted to notify the Department of Education that the contract for the heating plant installation could be awarded to Mr. Klinejohn.

Beck In Agreement

Howard C. Beck, Jr., city auditor, who first called official attention to the alleged cost-plus overcharges, agreed with the ruling of the board.

Mr. Beck said he never intended when he recommended the ban on future work for the contractors to have it applied to contracts awarded formally.

The Board of Estimates yesterday also agreed to the termination of an agreement with Robb Tyler, hauling contractor, for the operation of the city's No. 2 incinerator on the Pulaski highway.

In ending the agreement, Mr. Tyler will pay the city $5,200 for damage to and wear and tear on machinery at the plant. The payment will consist of $3,200 in cash and $2,000 in a tow motor which originally cost $3,600. The city will return to him his $25,000 certified check posted for good faith in carrying out the contract.

BUILDING FIRM IS CONVICTED

36 Violations Involved In Construction Of GI Homes

Judge Robert France in Criminal Court yesterday convicted the United States Construction Company of 36 violations of the Building Code of Baltimore in the construction of veterans' homes on Wilern and Edgemere avenues.

The company was the twenty-eighth building firm to be convicted of building code violations since the grand jury began a probe into GI housing about a year ago. Four other companies under indictment still face trial.

Judge France acquitted the United States Construction Company of 90 other counts.

Inspection Is Ordered

Exonerated on all counts were the Dollar Corporation, the American Developing Corporation and Erna Weil, Toni Mandel and John Kennedy, officers of the corporations.

Judge France followed the usual procedure of referring the case to the building inspection engineer for further inspection to determine whether the defects have been corrected.

The company was convicted of failing to install adequate anchors at ends of beams, anchors on parallel wall beams and firestopping around chimneys.

EVE SUN 6/2

Miss Armstrong To Be Quizzed On Death Case

An Asistant State's Attorney and two members of the Police Department's homicide bureau left for Alexandria, Va., today to question a young woman in connection with the Mahlan-Kline murder case.

Deputy State's Attorney William H. Maynard said he has dispatched Assistant State's Attorney Anselm Sodaro, Detective Sergeant Joseph H. Mahrer and Mrs. Rosaline B. Batt, police stenographer, to the Virginia city.

The woman, Miss Margaret Armstrong, formerly of Glen Burnie, was named in an affidavit filed in support of a motion for a new trial for Thomas A. Edwards, 23-year-old colored man, who was convicted of the dual slaying last February 9.

Affidavit Allegations

The affidavit, which cites two new pieces of evidence, alleges:

That John H. Mahlen, 25, had been to the Chesterfield clearing, where his body was found, prior to his murder.

That the dirt area where a cartridge case was found had been sifted one week earlier by a State trooper.

The affidavit also contended that Miss Armstrong knew that Mahlan had parked in the Chesterfield clearing before his murder.

Trip To Clearing

It declared that Miss Armstrong had accompanied two investigating officers to the Chesterfied clearing and told them she had parked there with young Mahlan on one occasion prior to the murders.

The affadavit in support of a motion for a new trial was filed in Criminal Court this week by former Judge William J. McWilliams and Ridgely P. Mevlin, Jr., defense attorneys.

Trio In $31,000 Bank Holdup Go On Trial Here

Less than a half hour was required to pick a jury in Federal Court today as the three men charged with the daring $31,000 holdup of the Walbrook branch of the Union Trust Company on February 15 went on trial before Judge W. Calvin Chesnut.

The three are Carl Close, thirty-three, of Pittsburgh, Pa.; James Bernett, twenty-three, also of Pittsburgh, and Roy L. Mann, twenty-eight, of Sabraton, W. Va.

Bernett and Mann are married to Cloe's sisters.

SECOND CHARGE

The three also are charged with the robbery on January 28 of the Occident Federal Building and Loan Association, where $2,868 was stolen.

The Walbrook bank holdup netted $31,715.

U. S. Attorney Bernard J. Flynn told the jurors in his opening statement that the trio came here in January, left and returned to the city shortly before each robbery.

ALL ARMED

He described the two holdups in detail.

He said the men all were armed.

Mann, captured by State officers, was turned over to the Federal Government for trial to expedite the proceedings.

The trio is being tried on a seven-count indictment.

Paul B. Mules is defense counsel.

Witnesses Identify 2 As Hold-Up Men

Carl Close and James Bernett today were pointed out in the courtroom as two of the three participants in the armed robbery of the Occident Federal Savings and Loan Association on January 28 last.

The two, with Roy L. Mann, went on trial in Federal Court before Judge W. Calvin Chesnut and a jury of eleven men and one woman.

They are also charged with the armed robbery of the Walbrook branch of the Union Trust Company on February 15. All three had pleaded not guilty.

Identified By Employes

Identifying the two were James E. Turner, assistant secretary, and Mrs. Rena Armiger, cashier, of the Occident association.

Under questioning by United States District Attorney Bernard J. Flynn, they described the robbery of the institution, which is located at Carrollton avenue and Fayette street.

The men were indicted on seven counts, and charged with robbing the association of $2,860 and the branch bank of $31,715.

Ordered Into Back Room

Mr. Turner testified that three men appeared at the association about 11.15 A.M. on January 28, all of them armed, that Bernett ordered several employés into a back room, and that Close pointed a .38 caliber blue-steel revolver at him, came behind the counter, and ordered:

"Where is it? Get it out!"

After getting a few bills from a cash drawer, he testified Close said:

"Where's the rest of it?"

Threat Is Charged

Turned then went to a safe and took $2,000 from an envelope, telling the man that was all the money in the place. He said the bandits threatened to shoot if employés did not keep quiet.

NEWS 6/2

'New Proof' Claimed For Edwards

Assistant State's Attorney Anselm Sodaro left for Alexandria, Va., today to question a former Glen Burnie girl, named as a witness in the new trial action for Thomas Alexander Edwards, convicted as the slayer of Miss Mary C. Kline and Thomas H. Mahlan.

The new witness, Miss Margaret Armstrong, now a resident of Alexandria, is reported in the new trial motion, scheduled for hearing before the Supreme Bench, Saturday, to have stated that she parked with Mahlan in the Chesterfield clearing where the bodies of the Glen Burnie couple were found.

SAYS SHE FAINTED

According to Miss Armstrong's statement, as filed in the Criminal Court with new trial motion, she "fainted" upon hearing for the first time of the spot where the bodies were found.

Sodaro, prosecutor in the trial in which Edwards was convicted last February 9 of the murders which occurred last September 16, pointed out that Miss Armstrong had made no such statement during the police investigation of the case.

He said he would take her statement, under oath, for use at the new trial hearing.

ACCOMPANIED BY POLICE

The Assistant State's Attorney was accompanied to Alexandria by Sgt. Joseph Mahrer of the Baltimore Detective Bureau, and Patrolman John Praley of the Anne Arundel County Police.

The new trial motion is based on "new evidence" and partially on "errors in court rulings."

MORN SUN 6/3

THREE IDENTIFIED IN BANK HOLDUP

Two Also Named In Robbery Of Savings Association

Three men on trial in Federal Court were identified yesterday by at least five persons as participants in the $32,000 robbery of the Walbrook branch of the Union Trust Company last February 15.

The defendants are James Bernett, Carl Close and Roy L. Mann.

Close and Bernett also were identified as two of the three men who took part in the robbery last January 28 of the Occident Federal Savings and Loan Association.

The trial will be resumed at 11 o'clock this morning before a jury under Judge W. Calvin Chesnut.

Defendants Identified

According to testimony, Close gathered up the money in the bank robbery while the other two defendants held employés or spectators at gun point. He was identified by five witnesses. Bernett was pointed out by seven witnesses to the bank robbery, while five witnesses identified Mann as the "door man" in the bank crime.

Other testimony produced by Bernard J. Flynn, United States attorney for Maryland, disclosed:

1. That on the day of the loan association robbery and of the bank holdup, the three defendants registered in a "motor hotel" under the name of "Stevens," of Front Royal, Va. After the bank holdup, they told the operator of the hotel that they had just returned from a trip to Florida, the jury was told.

Called "Dead Ringers"

2. That an automobile operator's card used in connection with the renting of the automobile used in the bank holdup had been stolen last January in a robbery from Kenneth L. George, of Dundalk. Mr. George, a 23-year-old veteran, told the jury that he could not positively identify his two assailants in the robbery, but said persons in the courtroom were "dead ringers" for the pair if they weren't actually the assailants.

Witnesses in the two robberies told the jury that similar methods were used in both crimes.

Names Close And Bernett

James E. Turner, assistant secretary of the loan association, which is located at Baltimore street and Carrollton avenue, said he was in the front of the establishment with a cashier when three men walked in and one of them, identified as Close, announced:

"Where is it? Get it out."

Turner testified that Close forced him to remove about $868 in bills from a cash drawer and an envelope containing $2,000 from a safe. Meanwhile, the witness said, Bernett forced four other employés in a rear room to lie face down on the floor.

Turner said the holdup men were not in the place more than five minutes. He said he could not identify the third man who kept watch at the front door.

$20,600 BAIL SET IN POLICE SHOOTING

J. M. Stewart Charged With Wounding Officer Valenti

Charged with wounding one patrolman and shooting at another Jackson Moses Stewart, 22, yesterday was held in $20,600 bail for action of the grand jury after a hearing in Southern Police Court.

In connection with the predawn shooting in a Cherry Hill school yard on May 2, Stewart was held on the following charges:

Shooting Patrolman Charles A. Valenti with intent to kill, $15,000 bail.

"Shooting at" Patrolman Anthony C. Nerkiewicz with intent to kill, $5,000 bail.

Carrying a concealed weapon, $500 bail.

Discharging firearms within the city limits, $100 bail.

Through his counsel, U. Theodore Hayes, Stewart, a Negro, pleaded not guilty to all charges.

Valenti Unable To Testify

Officer Valenti, who has been out of the hospital only five days, was unable to testify at the he[...]

[...]int and was ordered to take a [...]at by James F. Price, assistant [...]ate's attorney.

Valenti was a patient in South [...]altimore General Hospital for 28 [...]ys during which time he was on [...]e critical list for nearly a week [...] a result of a bullet which lodged [...] his liver.

Sergt. John White, of the South[...]n district, testified that on the [...]orning of May 2 he went to the [...]airfield section on a tip to pick [...] Stewart in connection with the [...]ooting.

"While walking down Fairfield [...]enue in the 3300 block," Sergeant White testified, "we spotted [...]tewart running through a backyard. In company with Politis Patrolman Peter Politis, Southern [di]strict), I chased him to a basement and he finally came out when [I] threatened him with tear gas."

Stewart's Statement Cited

White said he brought his prisoner to the Southern district where he was questioned by Capt. Fred [...]rd and Inspector John R. Schue[...]

"We received statements from [S]tewart," White continued, "in [w]hich he admitted shooting at the [o]fficers 'to scare them'."

White showed as evidence a [.]765" pistol which he said Stewart [h]ad identified as the one used in [th]e shooting.

Cartridges for the pistol were recovered and four empty shells which were picked up in the school yard, the sergeant testified.

Tells Of Shooting

In relating his experiences on the night of the shooting, Patrolman Nerkiewicz, who was in the patrol car with Valenti, said:

"About 3 A.M. we saw a car parked in the intersection of Round road and Bridgeview avenue. We called to the driver, Stewart, and made him get into the back of the police car.

"We thought," he continued, "the car may be stolen and we checked downtown for the license. When we found it to be Stewart's brother's we let him go.

Deny Physical Violence

"About two hours later we went to the Cherry Hill school for a routine check. Our headlights were on. Valenti was standing by the right front door of the car and I was standing at the rear when the shots came from the shadows of the school.

"After the shots, Valenti yelled to me, 'Tony, I've been hit,' and I ran around to the front of the school to look for the man and get help."

Reads Part Of Statement

On continued questioning from the defense counsel both Nerkiewicz and Sergeant White denied there had been any physical violence committed on Stewart when the officers first met the man, nor had there been any threats.

White read the following excerpt from Stewart's statement:

Question—Did the police hurt you in any way when they stopped you first?"

Answer—No, sir.

Stewart did not testify and the defense did not offer any witnesses.

DEFENSE LISTS NEW FACTS IN EDWARDS CASE

Amends Affidavit Filed For Defendant In Anne Arundel Slayings

More new facts have been discovered since the conviction of Thomas A. Edwards of first-degree murder in the slaying of John H. Mahan and Mary C. Kline, it was alleged in an amendment to an affidavit filed yesterday in Criminal Court.

An original affidavit was filed earlier this week by William J. McWilliams and Ridgely P. Melvin, Jr., defense counsel, alleging that the Chesterfield area where the bodies were found has been pointed out by a Glen Burnie woman as a "spooners" site which had been visited by Mahlan.

Sifting Of Ground Alleged

The original affidavit also alleged that it has been learned that a State trooper, after the bodies were found, sifted ground around the location of the bodies.

It was on this site that an empty cartridge fired from a gun belonging to Edwards, a Negro, was found a week later by a curious searcher.

The amended affidavit contends:

1. A young woman, Miss Margaret Armstrong, of Alexandria, Va., and formerly of Glen Burnie, had parked at the Chesterfield road clearing "with a young Glen Burnie man who was acquainted with John H. Mahlan," prior to the murders.

2. The Glen Burnie man had had dates with Mary Kline before and after he and Miss Armstrong had parked at the scene where the bodies were later found.

"Almost Fainted" When Told

3. Baltimore city police knew that Miss Armstrong, in the company of two investigation officers, had visited the Chesterfield clearing and that she "almost fainted" when told the bodies had been found there.

The amendment to the affidavit, filed by Ridgely P. Melvin, Jr., defense attorney, declared:

"Subsequent to the filing of the affidavit in support of the fourth ground of the motions for a new trial in the above cases, the affiants have learned that a portion of subdivision Two of the affidavits is not entirely in accord with the facts. The affiants now amend the second paragraph of subdivision Two to read as follows:

"Since the trial of the above cases, as a result of their further investigation, the affiants have learned and now state that the name of the girl is Margaret Armstrong, then a resident of Glen Burnie (now a resident of Alexandria, Va.), and that the police officers were Lieut. Wilbur Wade, Anne Arundel county police, and Trooper Noble Collison, Maryland State police.

Took Police To Area

"The affiants have further learned and now state that the said Margaret Armstrong took Lieutenant Wade and Trooper Collison to the entrance to the clearing at Chesterfield and told them that she had parked there on one occasion prior to the murders with a young Glen Burnie man, who was acquainted with John H. Mahlan, the deceased, and who had had dates with Mary Kline both before and after the time the said Margaret Armstrong had been with him to the entrance to the Chesterfield clearing.

"When the said Margaret Armstrong was told that the Chesterfield clearing was the place where the bodies were found she became very much upset and almost fainted.

As To Same Statement

"The said Margaret Armstrong made the same statement in the presence of Lieut. George Bryan, Lieut. Frank Schmidt and Sergeant Mahrer, of Baltimore city police, and Officer John Praley, of the Anne Arundel county police.

"The affiants also amend the final paragraph of the affidavit to read as follows:

"The affiants now believe and so state that at the new trial Trooper Harbaugh will testify as above set forth and that Lieutenant Wade, Trooper Collison and Margaret Armstrong will also testify as above set forth."

Meanwhile, an assistant State's attorney and two members of the Police Department's homicide bureau went to Alexandria yesterday to question Miss Armstrong.

Deputy State's Attorney William H. Maynard said he has dispatched Assistant State's Attorney Anselm Sodaro, Detective Sergeant Joseph H. Mahrer and Mrs. Rosaline B. Batt, police stenographer, to the Virginia city.

NEWS 6/3

State Counters Data Filed By Counsel For Edwards

State prosecutors filed today with the Clerk of the Criminal Court a sworn statement by Miss Margaret Armstrong, formerly of Glen Burnie but now of Alexandria, Va., that she never visited a clearing off Chesterfield road, Anne Arundel county, with John H. Mahlan.

In that clearing the bullet-riddled bodies of Mahlan and Miss Mary Kline were found last September—victims of a dual slaying for which Thomas A. Edwards, Negro, was convicted.

CITE 'NEW FACTS'

Seeking a new trial for Edwards, his attorneys, William J. McWilliams and Ridgely P. Melvin, Jr., both of Annapolis, filed an affidavit and later an amended affidavit reciting that new facts uncovered in the case justified their appeal for a new hearing.

Yesterday Assistant State's Attorney Anselm Sodaro visited Alexandria with Detective Sergt Joseph H. Mahrer and Mrs. Rosalind B. Batt, police stenographer, and interviewed Miss Armstrong.

Today Mr. Sodaro filed, as part of the record in the case, a statement which he said Miss Armstrong had made under oath to a notary public.

DENIES PARKING

The statement, in part, follows:

"That I knew slightly John H. Mahlan, the deceased; that I have never been in the company of said John H. Mahlan; that I have never parked in an automobile in the clearing off the Chesterfield road together with a party consisting of three people, one of whom was John H. Mahlan, the deceased.

"That about one year prior to September 17, 1948, I had stopped in an automobile on Chesterfield road with a person not John H. Mahlan, temporarily stopped and left immediately at my request, and that I at no time parked with anyone in the clearing off Chesterfield road where I was shown by Lt. Wilbur Wade and Trooper Cullison of the Maryland State police that the bodies of John H. Mahlan and Miss Kline were found.

"That about 8 P. M., on the first day of June, 1949, Mr. William J. McWilliams and Ridgely P. Melvin, Jr., met me in Washington, D. C., and discussed this matter with me, and after the conversation informed me that they had been misinformed about my being out with John H. Mahlan and having parked with him and others in the clearing off Chesterfield road."

EVE. SUN. 6/3

Flash

Robbery Defendants Try Break

Two alleged bank robbers on trial in the Federal Court made a break for freedom at lunch time today and temporarily were free, one of them with a deputy marshal's gun in his possession. The men, Carl Close and James Bernett, were recaptured when Marshal Richard C. O'Connell seized one by the back of the neck and had one of his deputies, Daniel W. Miller, Jr., cover Bernett, who then dropped the gun he had seized.

The prisoners threw a tray of dishes into the face of Deputy Marshal George Butt, when that official opened the cage to take back the empty dinnerware. Bernett then seized the deputy's gun and had it pointed at Marshal O'Connell, who ran into the room when he heard the dishes crash. The third prisoner, Roy Mann, was loose in the marshal's room, but made no break.

The Court commented on the evidence which indicated that a rented automobile was used in the bank holdup and then abandoned as a "smoke screen."

The judge further said the accused apparently wanted a "thrill" and "wanted unearned ease."

Mann Was "Door Man"

Testimony during the two-day trial disclosed that Mann acted as the "door man," both during the loan association holdup last January 28 and at the bank holdup the following February 15.

In each robbery, Close was the bandit who gathered up the money, while Bernett went into rear rooms and held officials of the two concerns at gun point, witnesses said.

Close, 32, was arrested April 21 near Nashville, Tenn., according to FBI agents. At that time, about $1,560 was taken from him, it was testified, and that defendant's gun was taken out of an automobile glove compartment.

Tells Of Sum In Pittsburgh

Before he was sentenced, Close advised the court through Mr. Mules that he was willing to turn over a sum of money in a safe deposit box in Pittsburgh, Pa.

Bernett also was arrested April 21 in a main street drugstore in Memphis, Tenn., the jury was told.

Judges To Hear New Facts In Edwards Case

Supreme Bench judges tomorrow are set to hear arguments and offers of new testimony in Thomas Alexander Edwards's efforts to strike out his double-murder convictions and obtain a new trial.

Edwards was found guilty by a three-judge court last winter of first-degree murder in the shooting of a young Glen Burnie couple, John H. Mahlan and Mary C. Kline.

At the trial in Criminial Court, where the cases had been removed for trial from Anne Arundel county, William J. McWilliams, one of two defense lawyers, contended that there seemed to have been a deliberate effort to shift suspicion to the county Negro community of Freetown, and away from Glen Burnie.

New Testimony

The defense is offering new testimony, on the ground it tends to discredit the State's case against Edwards.

Edwards, a colored laborer who formerly worked at a Baltimore sugar refinery, had given a detailed confession to Capt. Henry J. Kriss, of the Baltimore detective force.

The defense had contended that the details had been suggested to Edwards during the period he was held by county police and State troopers.

McWilliams, former Annapolis judge, and Ridgely P. Melvin, Jr., were appointed as defense lawyers by the Anne Arundel county court.

Their offers of new testimony are contained in affidavits placed on file with the Supreme Bench. Two main points are raised.

Cartridge Case Point

In one, it is asserted that State Police Trooper James J. Harbaugh, on the night that the bodies of the slain couple were discovered in a woods clearing on the Chesterfield road, had carefully sifted ground in the vicinity and found no signs of pistol cartridges or similar evidence, although a cartridge case was found at the same spot a week later by a mere bystander.

The shell case, from firing pin marks, has been traced to a pistol owned by Edwards.

The other point deals with alleged use of the Chesterfield road clearing as a "parking spot" by persons who knew both Mahlan and Miss Kline.

Uncalled Witness

The defense is claiming that at least three Baltimore policemen who participated in the original trial, as well as both county and State officers, were acquainted with the fact that a young woman named Miss Margaret Armstrong, now of Alexandria, Va., had told of various persons visiting the death spot, around 20 miles from Glen Burnie and from Edwards's home, prior to the killing.

One visitor to the clearing before the murders had been a Glen Burnie youth who knew both of the dead persons, according to the affidavits. No testimony regarding those matters had been given at the original trial.

Amended Affidavit

An earlier affidavit filed by the defense lawyers had stated that police knew of a woman who had been one of a party of four, including Mahlan, who had stopped at the Chesterfield road clearing. Their amended affidavit had corrected some of those allegations.

The State, in answering the first affidavit, today filed in court a signed and sworn personal affidavit by Miss Margaret E. Armstrong, which denied that she had ever parked at the spot with anyone, and which asserted that she knew Mahlan but slightly.

The young woman's affidavit continued by saying: "That about 8 P.M. on June 1, 1948, Mr. William J. McWilliams and Mr. Ridgely P. Melvin, Jr., met me in Washington, D.C., and discussed this matter with me, and after the conversation, informed me that they had been misinformed about my being out with John H. Mahlan and having parked with him and others in the clearing off Chesterfield road."

MORN SUN - 6/4

BREAK FAILS, BANDITS GET LONG TERMS

35-Year Total Imposed After 3 Bank Robbers Try To Escape

A few hours after three men yesterday made a daring and almost successful attempt to escape from the Postoffice Building, they were sentenced to 35 years' imprisonment and fined $15,001 in the Federal Court for holding up a Baltimore bank and a savings association.

The sentences were imposed on Carl Close, 31, Roy L. Mann, 27, and James Bernett, 22, by Judge W. Calvin Chesnut after a jury convicted them of the $32,000 armed robbery of the Union Trust Company, Walbrook branch, and the $2,800 holdup of the Occident Federal Savings and Loan Association.

Judge Chesnut imposed a twenty-year term and a $10,000 fine on the bank charge and a fifteen-year sentence and a $5,000 fine on the loan association conviction. He directed that the sentences run consecutively.

Term For Transporting Funds

A concurrent term of five years and an additional fine of $1 was imposed on a third charge of transporting the stolen funds across State lines.

Court attaches said it was one of the heaviest penalties ever imposed in the Federal court in Maryland.

According to witnesses, one of the defendants initiated the attempted escape by throwing a tray of dishes into the face of George Butt, a deputy, as he was standing in the door of the cell and about to take a tray from the prisoner. This occurred during the recess for lunch.

After the dishes were thrown at Butt, the men ran out into the main office used by deputies, it was revealed. Mann ran into a rear room used by Leo J. Stalla, chief deputy, but was foiled in his attempt to escape through a door leading to a corridor because the door was locked.

Does Not Resist

Mann then submitted to apprehension by Stallo without resistance.

Meanwhile, Close succeeded in vaulting over a counter and in getting out of an open door into the corridor. There, he was grabbed by Richard C. O'Connell, United States marshal, who had run to the office from a near-by commissioner's hearing room when he heard the sound of crashing dishes.

As the marshal was leading Close back through the door, he was faced by Bernett brandishing a gun, reported to have been dropped by Butt while that deputy was attempting to hold on to one of the prisoners.

Drops Weapon On Order

Marshal O'Connell, who was being followed through the door by Deputies Daniel J. Miller, Jr., and Edward Crew, ordered Bernett to drop the gun, and then warned the prisoner that if he did not, Miller would shoot him. Bernett dropped the weapon and was led, along with Close, to the cell.

One of the witnesses to the escape attempt was Mrs. Mary Conroy, a waitress in the Post Office cafeteria on the sixth floor, immediately above the floor on which the marshal's offices and the courtrooms are located.

Mrs. Conroy was standing behind Butt when the dishes were thrown at the deputy. She screamed and fled into the room occupied by Stallo, and was present in that room when Mann was seized by the chief deputy.

Session Is Delayed

Upset by the incident, Mrs. Conroy was given a sedative by other cafeteria workers, and then permitted to go home.

The cell break caused a delay in the resumption of the afternoon session of the trial. When the prisoners finally were led into the courtroom, their handcuffed hands were behind them and each was escorted by two deputy marshals.

They were permitted to occupy seats behind the trial without handcuffs, but a heavy guard was put around them and at each exit.

Withheld From Jury

The jury was not informed of the attempted escape until after the verdict had been returned. Then, at the request of Judge Chesnut, Bernard J. Flynn, United States Attorney for Maryland made a public statement explaining the incident.

It was reported that Chief Judge William C. Coleman is planning to call a conference with Judge Chesnut, Mr. Flynn and other Federal police agencies in connection with the attempt of the prisoners to flee.

The news of the break spread throughout the downtown area and attracted a large number of spectators to the afternoon session.

The trial came to an abrupt end when Paul B. Mules, defense counsel, announced at the conclusion of the Government's case that the defense would offer no testimony. Then, counsel submitted the case without final argument and Judge Chesnut immediately began his charge.

The jury, after deliberating about 35 minutes, found each defendant "guilty generally."

Judge Chesnut declined to order a psychiatric examination of Close, who said he had been discharged from the Army for phychoneurosis. The Court commented that the defendants had been "practically at war with society."

Notes Unusual Circumstances

Noting that none of the accused had a serious criminal record, if any, Judge Chestnut said it was unusual to find persons who do not "get into a life of crime by degrees."

He said the three men had engaged in a "deliberate scheme" to commit the crimes and had apparently made "elaborate plans."

JUDGE GETS FACTS OF BREAK ATTEMPT

Marshal O'Connell Submits Account To Chesnut

A complete report of the attempted cell break yesterday by three men on trial in Federal Court on bank-robbery charges was submitted by Richard C. O'Connell, United States marshal, to Judge W. Calvin Chesnut, who presided at the trial.

The account of the nearly successful flight from custody read as follows:

"The three bank robbers had been fed in the cell block. They were through eating. There were two additional meals ordered for the two prisoners brought from Judge Coleman's (William C. Coleman) court.

Dishes Thrown At Deputy

"When these meals were brought in, the bank robbers were stacking the dishes on one tray to hand them to the waitress, Mrs. Mary Conroy. Mr. George H. Butt, deputy marshal, was standing in the doorway of the cage.

"Instead of handing the dishes to the waitress, one of the robbers threw the dishes at Butt, the deputy. Butt was tackling one man when the holster of his gun broke and fell to the floor. The other two managed to get by Mr. Butt; one man had gone over the counter, the other man ran back to Room 517.

"When he found that the door was locked, both inside and outside, he moved back to come back to Room 513, but was grabbed by Leo J. Stallo, chief deputy marshal, who held him and put him back in the cage, which was opened by Deputy Marshal Butt.

Heard Crash And Scream

"The other two men who ran out of Room 513 were caught by Marshall O'Connell, Deputy Marshal Daniel J. Miller, Jr., and Deputy Marshal Edward Crew.

"The undersigned was conferring with United States Commissioner Ernest Volkart in the commissioner's office when he heard a tremendous crash and scream. The undersigned rushed to the hallway and encountered Federal prisoner Close.

"Deputy Marshal Miller had drawn his service pistol as had Deputy Marshal Crew and covered Close, who threw up his hands in the corridor, and the undersigned grabbed Close. I started through the door of Room 513 with Deputies Miller and Crew behind me, and was confronted by Bernett, who had the service pistol of Deputy Marshal Butt, having picked it up as stated above.

Ordered To Drop Gun

"The undersigned ordered Bernett to be shot down or drop the gun. He dropped the gun. The Marshal took the gun and with the aid of the deputies, the men were returned to the cage."

One of the deputies said he heard one of the prisoners say after the attempted flight was foiled; "We tried it, we're not successful."

EVE. SUN 6/6

Slaying Mandate In Lane Hands

A transcript and mandate from the Court of Appeals upholding the death sentence of Roy Arnold Wood in the slaying of a Baltimore policeman have been in the hands of Governor Lane less than a month, it was stated today.

The statement from the Governor's office followed earlier questions as to when the Governor was "going to act" in the case.

The appeals court ruling itself was delivered December 9, 1948. However, it was said the transcript and mandate from the court did not arrive at the Governor's office until mid-May.

Wood was convicted of first-degree murder in the slaying of Patrolman Joseph D. Benedict in February, 1948, and was sentenced to death by the Criminal Court in Baltimore city. The appeals court upheld the lower court's decision.

NEWS MORN SUN 6/7

Charges Suspended For Sentenced Trio

Bank-robbery charges in the State court against Carl Close, Roy L. Mann and James Bernett were stetted yesterday by prosecutors in view of the long sentences the three men received in Federal Court last week on similar charges.

The stets were entered by William H. Maynard, deputy State's attorney, before Judge John T. Tucker in the Criminal Court. Last Friday, each of the men was sentenced to 35 years' imprisonment and fined $15,001 by Judge W. Calvin Chesnut in Federal Court, for robbing the Union Trust Company and the Occident Federal Savings and Loan Association.

NEWS-6/6

Contempt Count Denied By Juror

Fred A. Rochester, juror cited for contempt of court in the cost-plus hearing against Meredith R. Howard last week, today filed a demurrer with the Clerk of the Criminal Court asking that the contempt charges against him be dropped.

Howard's hearing was declared a mistrial by Judge John T. Tucker after it was reported Rochester had made statements concerning the case.

In the demurrer filed through his attorney, Preston A. Pairo, Rochester denied having had any phone conversations with Defense Counsel H. Mortimer Kramer.

He admitted he had held a conversation in a downtown restaurant, but insisted the conversation would not have affected his judgment in the trial.

MORN SUN 6/7

Man From Worcester County Freed On Habeas Corpus Writ

A Worcester county Negro who was jailed under an eleven months' sentence, imposed on a charge drawn up by counsel for a woman who sought to satisfy a civil claim for $200, yesterday was released on habeas corpus action by Judge Michael J. Manley.

The man, Bronson Redden, 31-year-old Negro, had been sentenced to the House of Correction by Magistrate H. G. Payne, of Snow Hill, last March 10 on a charge of aiding and abetting a relative to wilfully damage the home of Mrs. Lena Y. Ward.

Reckless Driving Charged

According to statements yesterday by James F. Price, assistant State's Attorney for Baltimore city, the charge resulted from the following facts:

A woman relative of Redden's had borrowed his automobile without his knowledge and subsequently ran into the house of Mrs. Ward. The relative was charged with reckless driving by a State trooper and fined $5.

Then, at the request of an attorney for Mrs. Ward, a warrant prepared by the lawyer was issued against Redden by Magistrate Payne, charging the man with aiding the relative in damaging the house.

Has No Data On Hearing

Mr. Price said he has no information about the hearing before the magistrate, but added he was told that the State trooper who charged the relative was not there because of illness.

Redden told the court the magistrate promised to release him after ten days if the $200 were paid. The Negro said he actually was held that long in Worcester county before being sent to the House of Correction.

Mr. Price exhibited a letter written by Franklin Upshur, State's Attorney for Worcester county, in which the prosecutor said both he and the trooper agreed that "if the boy served one day, he served one day too many on this charge."

Mr. Upshur further asserted that the case was "nothing more or less than a criminal prosecution to collect money claimed."

Trial Misconduct Denied By Juror

Fred A. Rochester, former juror accused of contempt of court because he allegedly discussed a Criminal Court trial while it was still in progress, yesterday denied that he was guilty of improper conduct in a demurrer and answer.

The alleged actions of Rochester caused Judge John T. Tucker to declare a mistrial recently in the case of Meredith R. Howard, cost-plus contractor, accused of defrauding the city. Judge Tucker then issued the contempt citation.

Rochester denied that his part in a conversation in a downtown restaurant violated instructions of the Court to the jury. He also denied that he made a telephone call later to one of the defense attorneys and attempted to discuss the case.

The accused said he is 60, retired, and has served on several State and Federal juries. He contended he always discharged his duties honorably. Preston A. Pairo is counsel for Rochester.

Chief Judge W. Conwell Smith will hear the contempt case.

EVE. SUN - 6/8

Milkman Is Held On Larceny Charge

Guy Hassler, Jr., 27, of the 5500 block Fair Oaks avenue, was turned over to Sheriff Joseph Deegan today after being arrested yesterday by Central District police.

Hassler is held pending grand-jury action on two charges of larceny after trust presented yesterday. He is charged with the larceny after trust of a total of $5,570 from Mrs. Isabella Dinsmore, of Cambridge, Md.

Hassler, a former cabbie, is now a driver of a milk delivery truck. He was arrested at his place of employment in the 1200 block of Winchester street yesterday afternoon by Detective Lieutenants Millard Horton and Leo Vogelsang and Detective Sergeant Francis Murphy.

MORN SUN - 6/9

LABORER JAILED IN BIGAMY CASE

29-Year-Old Man Was Married Four Times In Six Years

Four-times married Hugh P. McGainey, of Essex, yesterday was sentenced to one year in the House of Correction after he pleaded guilty to bigamy before Judge E. Paul Mason in Criminal Court.

McGainey was convicted of unlawfully marrying Miss Josephine Jacobs, of the first block North High street, in November, 1944, while he was still legally married to Miss Thelma Christian, of Winchendon, Mass. The marriage to Miss Christian occurred in May, 1943, Judge Mason was told.

Two More Marriages

However, there were two more marriages after the one to Miss Jacobs, testimony revealed. Six weeks after that mating, McGainey married Miss Dolores Zyski, of Essex. Then last March 6, the defendant was wed to Miss Ethel Bevans, of Chase, Md.

The last marriage was legal because on January 4, 1947, wife No. 1 secured a Massachusetts divorce on the grounds of cruel and abusive treatment, J. Harold Grady, prosecutor, told the Court.

Detective Lieutenant Edward Dunn disclosed that McGainey, who used the name of McGee at his first two marriages and gave inconsistent ages, claimed to have received a letter that wife No. 1 had been killed in an automobile accident, thus allowing him to legally marry wife No. 2.

All of the wives are still alive, the lieutenant revealed. Wife No. 4 told the court yesterday that she is through with McGainey, a 29-year-old laborer.

EVE. SUN - 6/9/49

Flash

Judges of the Maryland Court of Appeals today reversed convictions of three Baltimore radio stations for contempt of court. They held that the State "had not met the burden of proof" that news broadcasts created "a clear and present danger" of interference with justice. [Earlier details on the back page.]

Court Rule Awaited On Restriction Of Criminal News

Maryland's Court of Appeals was expected to rule today on the validity of a ten-year-old Baltimore court rule which restricts publication of certain crime news in advance of trial.

In the same opinion, it is expected to decide the case of three Baltimore radio stations which have appealed from contempt of court convictions under the so-called "Supreme Bench Rule 904." The six-judge appellate body has had the case, involving Stations WITH, WFBR, WCBM and one commentator, under consideration since May 19. The commentator involved is James P. Connolly, former WITH news editor.

Cited For Contempt

The three radio stations and two others were cited for contempt of court last July because of news broadcasts on July 8 dealing with the arrest of Eugene H. James, colored man under death sentence for the Marsha Brill murder.

One radio station, WSID, was found to be not guilty at the original trial before John B. Gray, Southern Maryland jurist who had been assigned to try the contempt matter.

Another station, WBAL, was tried in a separate proceeding. It was found guilty and fined, but its appeal was filed later than the WITH, WFBR and WCBM appeals, and consequently has not been heard by the upper court.

Intervenors Join Case

Both in the Criminal Court of Baltimore and at the appeal hearing, intervenors joined in the case on either side.

Defending the power of the courts, the Bar Association of Baltimore City, the Junior Bar Association and the Maryland Committee of the American Civil Liberties Union intervened and filed briefs in the case.

The A. S. Abell Company, publishers of the *Sunpapers*, although it did not participate in the lower court hearing, filed a 70-page brief and appendix in the appeals court on behalf of the defense.

The Civil Liberties Union, the National Association of Broadcasters, and the American Newspaper Publishers Association intervened in behalf of the defense in both courts.

Past Criminal Record

James, the handyman who was convicted in the murder case, had a past criminal record and had been released from prison only a short time before the little girl was fatally stabbed while bicycling on a North Baltimore street last July 6.

On the afternoon of July 8 he had given a confession to police. Judges Emory H. Niles and John T. Tucker issued two contempt citations because of radio revelations regarding the criminal record and the confession, on the ground that those disclosures were prohibited under Supreme Bench Rule 904 and the so-called inherent power of courts to assure defendants a fair trial.

The original hearing before Judge Gray was begun last January 26. When the original case was concluded after a hearing of several days, Judge Gray returned a lengthy opinion in which he invalidated one section of the Supreme Bench rule on the ground that it was in conflict with Supreme Court decisions, inasmuch as it followed the discarded "reasonable tendency" theory instead of the present Supreme Court theory that "clear and present danger" of obstruction of justice is necessary to justify courts to punish for constructive contempt by publications.

Theories Advanced

Attacks on the convictions covered many grounds.

The upper court was told that it should reverse a number of its own past decisions recognizing the so-called inherent contempt power of courts, on the theory that Article 26, Section 4 of the Maryland Code specifically limits the power to prosecute constructive contempts to a series of seven specified acts.

Arguments on that part went back in the history of law to as early as Blackstone, famous English legal commentator, and it was argued that historical studies recently had disproved many old theories.

Violations Claimed

The upper court also was told by defense lawyers that Rule 904 of the Supreme Bench was in direct conflict with the Supreme Court theories of contempt, that it violated constitutional provisions for the freedom of speech and the freedom of the press, and that it violated and overextended whatever rule-making powers the Baltimore judges possessed.

It was also argued that the Baltimore rule was in conflict with provisions of the Maryland Constitution and Declaration of Rights regarding the separation of legislative, executive and judicial powers.

In addition, it was insisted by the defense that the facts of the cases did not justify contempt accusations.

According to the defense, there was no evidence that showed any real danger of miscarriage or obstruction of justice and that there was no reason why James could not have been able in Baltimore city to get a fair and impartial jury, had his attorney elected a jury instead of a nonjury trial.

WFBR was represented in the case by William L. Marbury, John W. T. Webb, and the law firm of Marbury, Miller and Evans. WCBM was represented by J. Purdom Wright, W. Frank Every and Paul D. P. Spearman.

Counsel Listed

WITH and its former news editor were represented by Hilary W. Gans and Charles Markell, Jr. Attorney General Hall Hammond and assistant Attorney General Harrison L. Winter represented the prosecution in the upper court, while Assistant States Attorneys Anselm Sodaro and J. Harold Grady, aided by George Cochran Doub and Charles G. Page for the bar association and J. Nicholas Shriver and other lawers of the junior bar represented the State in the lower court hearings.

The A. S. Abell Company brief was submitted by Frederick W. Brune, Edwin F. A. Morgan, Harry N. Baetjer, and the law firms of Venable, Baetjer & Howard Semmes, Bowen & Semmes. The A.N.P.A. was represented by William K. Van Allen, James L. Fly, former Federal Communications commission head, represented the Civil Liberties Union, while Joseph Paper on behalf of the Maryland branch of that organization supported the power of the courts, in disagreement with Fly's position.

NEWS - 6/9/49

Bulletin

The Maryland Court of Appeals today reversed the conviction of three radio stations charged with contempt of court, for alleged violation of Rule 904 of the Supreme Bench of Baltimore.

The stations—WFBR, WCBM, WITH—were convicted of violating the rule by broadcasting the news that Eugene H. James, Negro janitor, had confessed the murder of Marsha Brill, eleven. In reversing the conviction only one judge dissented from the Court of Appeals ruling.

MORN-SUN - 6/10/49

Radio And Press Officials Hail Court's Contempt Case Ruling

The Court of Appeals' action striking out key sections of Rule 904 and reversing contempt convictions against three radio stations was subject for comment last night by many Marylanders concerned with the progress of the case.

Blair Lee 3d, president of the Maryland Press Association, said, "I think its splendid."

"It puts the responsibility back where it belongs—with the newspapers themselves.

"It is my hope that they will not jeopardize their freedom by failing to observe the legal rights of defendants in criminal cases."

Embry Sees "Great Victory"

R. M. Embry, general manager of WITH, called the decision "A great victory for press and radio and for freedom of the press."

"If it goes to the Supreme Court," he added, "We will welcome such a fight."

"We're very happy at the result," commented J. H. L. Trautfelder, manager of WFBR.

James P. Connolly, former news editor of WITH, remarked "I'm gratified, of course."

Council for the Maryland Civil Liberties Committee, Joseph Paper, who represented that organization on the side of the court during the contempt proceedings, last night congratulated the national organization which had sided with the defendants.

Says Good Many Are Glad

"I'll congratulate our parent organization," he announced, "they are winning one victory after another."

Joseph Burke, president of the local Civil Liberties Committee, felt that "probably a good many in the organization are glad the court ruled as it did."

Oscar Morris, editor of the Sun-bury *Times*, stated that his paper would carry an editorial today saying, "Removal of Rule 904 returns to Baltimoreans the right to be informed from official sources on crime news.

"It does not give newspapers or radio stations license to make a circus of the courtroom or to subject an accused to pretrial by newspapers. Removal of the rule does not remove the wide powers of the courts to cite for contempt those whose actions or publications constitute a clear and present danger to a fair and impartial trial.

"Not Held In Vacuum"

"Removal of the rule is merely an acknowledgement of the court that trials cannot be held in a vacuum.

"Today with court censorship lifted, Baltimore newspapers can ask the State's attorney or the police commissioner for crime news as the authoritative source with the same freedom that they can ask the Weather Bureau for weather information, a county agent for farm news, or Dr. Byrd for the University of Maryland budget."

R. Dorsey Watkins, *president of the Baltimore City Bar Association*, stated that he would not comment on the decision until he had read both the majority and dissenting opinions.

Walsh Has No Comment

William C. Walsh, president of the Maryland Bar Association, said he had no comment.

B. M. McKelway, president of the American Society of Newspaper Editors, and editor of the Washington *Star*, announced the "A.S.N.E. is gratified at the court's decision and hopes it will stand. The society has been determined to seek removal of what it regarded [illegible] example of newspaper censo[illegible]

Two Famous Criminal Cases Bracket History Of Rule 904

Two of the most celebrated criminal cases in Baltimore in modern times were responsible, first, for the formulation of the contempt-by-publication rules of the Supreme Bench and, secondly, for their being overruled by the Court of Appeals.

Rule 904 was devised as a result of the "torso murder" case in the Spring of 1939.

Pieces of a woman's body were found in sewers of East Baltimore, beginning April 14, and only a week later Aurelio Marco Tarquinio, steelworker and a former Broadway tavern keeper, was arrested and charged with murder.

Head Found Under Bush

The head of the victim was unearthed beneath a concrete slab which was found buried under a freshly planted rosebush in Tarquinio's backyard in the 100 block South Durham street.

She was identified as Tarquinio's housekeeper, Mrs. Evelyn Rice, a 30-year-old Georgia born divorcee and former peach-blossom queen.

An 8-year-old boy chased a rubber ball down a sewer opening and came upon a hand and leg section to start the murder hunt.

Publication following Tarquinio's arrest that he had confessed, along with pictures taken of the accused man, contributed to the decision of the Supreme Bench judges to set up Rule 904, the sections of which have been known as the "Niles rules."

Tarquinio lost an insanity plea, was found guilty on May 25 of killing Mrs. Rice with a butcher knife and was sentenced to life imprisonment for first-degree murder.

11-Year-Old Girl Slain

Tarquinio claimed in his defense that he had killed the housekeeper accidentally by pushing her through a cellar door and that then, because of fear, he dismembered and disposed of her body.

The case of Eugene H. James attracted equal attention and spurred one of the largest manhunts the city has ever seen.

On the afternoon of June 6, 1948, 11-year-old Marsha Brill was bicycling with two playmates near her home in Northwest Baltimore when she was accosted and stabbed to death.

James was arrested the same night and was subjected to intensive questioning.

Two days later he made an oral statement to police and took them to the spot where he had buried the murder knife beneath a rock cairn in a wood close to the scene of the slaying.

Signs Written Confession

Late the same day James was formally charged with killing the little girl and was docketed at the Northern Police Station. A few hours later he had signed a written confession.

James was detected because a policeman remembered he had been involved in a series of assaults on women some years earlier and had been sentenced to prison.

He served eight years and had been out of jail only a short time when the Brill murder occurred.

All the broadcasts which resulted in contempt citations, excepting one, stated that James had confessed and mentioned his past offenses.

Station WBAL mentioned only the criminal record, omitting the confession.

At least two of the broadcasts cited the recovery of the knife and the trip police made with James on which the knife was found.

James also was charged with raping and robbing a Northwest Baltimore housewife a short time before the murder of the little girl.

Mentioned In Broadcast

The victim had told police her attacker was wearing a string of beads. James, according to police, was wearing beads when he was taken into custody.

The beads were mentioned in at least one of the broadcasts cited by the court.

The mention of the accused man's confession and his previous prison term were singled out in the contempt actions.

The Court of Appeals yesterday ruled that neither furnished a "clear and present danger" to the administration of justice.

James is under sentence to hang.

MORN-SUN 6/10

BENCH DENIES SECOND TRIAL FOR EDWARDS

Anne Arundel County Man Convicted Of Slaying County Couple

A new trial yesterday was denied Thomas A. Edwards, who was convicted of fatally shooting John H. Mahlan and Mary C. Kline, of Glen Burnie.

The action denying a second trial was by six of the eight judges who heard arguments on the motion. Judge Michael J. Manley did not sign the official document overruling the plea.

Judge Charles E. Moylan, who was not present when the signatures were affixed, will sign the paper today, concurring in the denial, it was announced by Chief Judge W. Conwell Smith.

Judges Deliberated 2 Hours

There was no official explanation of Judge Manley's position on the new-trial request.

Edwards, an Anne Arundel county Negro, was convicted of the dual murder charge by Judges Robert France, Emory H. Niles and Joseph Sherbow, who did not participate in the new-trial proceedings.

The judges deliberated about two hours today before handing down the decision.

The judges who presided at the trial in Criminal Court said no date has been fixed for the imposition of sentence.

Bodies Found In Clearing

Edwards was convicted of murdering the young couple last September. Their bullet-riddled bodies were discovered in a Chesterfield clearing two days after Mahlan's blood-stained automobile was found at a spot 26 miles away.

The defense, presented by William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed counsel, contended throughout the extended trial that certain physical facts precluded Edwards from being the killer.

The defense argued that Edwards was "framed" by someone other than police and that a confession obtained by police was the result of a repeated reiteration of the police theory of the case to the 23-year-old accused man.

Arguments Heard Saturday

Arguments on the new-trial plea were heard by the judges last Saturday. Anselm Sodaro, Baltimore prosecutor, and James C. Morton, State's Attorney of Anne Arundel county, argued in support of the conviction.

They contended that the verdict was justified by the evidence, pointing out that in his confession, Edwards told police details of the crimes which had not been known up to that time.

McWilliams To File Appeal

It also was pointed out by prosecutors that an empty cartridge found at the Chesterfield spot a week after the bodies were discovered was definitely proved to have been fired from Edwards's gun.

Judges who denied the motion were Judges Smith, John T. Tucker, E. Paul Mason, S. Ralph Warnken, J. Abner Sayler and Herman M. Moser.

Mr. McWilliams said last night that he will file an appeal after sentence has been imposed.

5-1 DECISION REVERSES 3 CONVICTIONS

Regulations Of Baltimore Bench Called Against Press Freedom

The Maryland Court of Appeals yesterday struck out the key sections of the Baltimore court rules restricting dissemination of crime news and reversed the contempt-of-court convictions of three Baltimore radio stations.

The Court of Appeals held that the rules, drawn up ten years ago by the Supreme Bench of Baltimore, contravened the United States Supreme Court's interpretations of constitutional guarantees of freedom of the press.

Some of the prohibitions enforced by the rules were described by the court as "illogical, if not fatally discriminatory."

Fines Voided

By a 5-to-1 decision, the State's highest tribunal voided fines that had been imposed in the Criminal Court of Baltimore city on radio stations WFBR, WCBM and WITH, and WITH's former news editor, James P. Connolly.

All three stations had broadcast news of the confession and prior criminal record of Eugene H. James, Negro handyman, who later was convicted and sentenced to die for the murder of 11-year-old Marsha Brill on July 6 of last year.

"Trials cannot be held in a vacuum," the Court of Appeals declared in its majority opinion written by Judge William L. Henderson. It said court proceedings could not be "hermetically sealed against rumor and report."

Four Others Concur

"If a mere disclosure of the general nature of the evidence relied on would vitiate a subsequent trial," the court added, "few verdicts would stand."

Chief Judge Ogle Marbury and Judges Edward S. Delaplaine, Stephen R. Collins and C. Gus Grason concurred in the majority ruling.

The judges' action struck from Rule 904 of the Baltimore Criminal Court all sections mentioning contempt by publication.

Hall Hammond, attorney general, said that in view of the decision, "I feel that Rule 904 is definitely gone—all of it."

Appeal Seen Possible

Mr. Hammond said the State would appeal the decisions to the Supreme Court, if such action is possible.

He said he could not decide before closely studying the court's 7,500-word opinion.

"If we find the road to appeal is open, we probably will appeal," he said.

He said, however, he knew no definite ground for appeal or any precedent for the action.

The Court of Appeals did not challenge the courts' inherent power to punish for contempt when administration of justice is clearly endangered. The judges said no such danger had resulted from the broadcasts.

Quote High Court

"We think," they added, "the proof does not meet the present test laid down by the Supreme Court, which requires more than an inherent or reasonable tendency to prejudice, or even the probability that it will do so."

They quoted the Supreme Court to the effect that American constitutional liberties must be given the "broadest scope" possible "in an orderly society," and are not affected by legal customs in England, where contempt regulations are much more severe.

The majority of the court also stated it was not a point at issue whether courts could "deal with" cases of false, inflammatory or intimidating statements.

The Appeals Court considered the validity only of the sections of Rule 904 specifying causes of contempt by publication.

Other sections ban the taking of photographs of an accused without his consent and forecasts of what action the prosecution or the defense may plan to take.

Judge Markell Dissents

In a strong dissent, Judge Charles Markell declared the majority opinion placed freedom of the press above the right to a fair trial and threatened the substitution of "trial by newspaper or radio for trial by jury."

In his dissenting opinion, Judge Markell asserted yesterday's decision would govern the appeal from a similar radio station WBAL contempt-of-court conviction.

In Absence Of Evidence"

Judge Markell upheld the verdicts of Judge Morris A. Gray, Jr., Southern District Court judge, who was specially assigned to hear the Baltimore contempt citations, the Court of Appeals declared:

1. It had not even been "suggested" that "mere public knowledge of a confession" would make a fair trial impossible.

2. The exclusion in court of a defendant's past criminal record is "a rule of evidence, not a constitutional right."

3. There was "force" to the defendants' arguments that the controversial rules amounted to censorship.

4. The appeals court lacks power to contravert decisions of the United States Supreme Court or to "attempt to whittle away the effect of such decisions."

5. The broadcasts concerning James failed to meet the Supreme Court test for contempt since they did not "immediately imperil" the administration of justice or present a "clear and present danger" of doing so.

6. There was "no direct evidence of prejudice in the community because of the broadcast information."

Analyzes Regulations

Analyzing the rules, the Court of Appeals pointed out they forbade statements by either police or prosecutors on "matter bearing upon the issue to be tried."

"A rule that would condemn the publication of statements made by responsible officials, but condone the publication of similar statements from other sources, would be illogical, if not fatally discriminatory," the court's majority opinion said.

Ruling on a preliminary point, the court upheld Chief Judge Marbury's assignment of Judge Gray, who is from Prince Frederick, Calvert county, to hear the contempt cases.

Voids One Section

In the lower court trial, Judge Gray voided one section of the rules which he found was so broad as to violate the constitutional press safeguards.

The section in question declared contemptuous "the publication of any matter which may prevent a fair trial, improperly influence the court or jury, or tend in any manner to interfere with the administration of justice."

The Court of Appeals affirmed Judge Gray's action in throwing out the section, but declared that the only other section mentioning publication could not be separated from the first and was also invalid.

"Matter Obtained As Result"

The latter section described as contempt of court the publication of "any matter obtained as a result" of a violation of Rule 904.

In denying that the broadcasts concerning James were contemptuous, the Court of Appeals said:

"We are not concerned with deliberate attempts to influence the outcome of a pending case.

"The statements were not argumentative, but factual. . .

"We are asked to hold that the disclosure of the fact the accused had confessed, and had previously been convicted of similar crimes, presented such a clear and present danger as to deprive the accused of his right to a fair trial."

Refuses To Accept This

The court said it refused to accept this as true.

The court said that a defendant's former criminal record, although inadmissible at his trial, "may have logical relevancy" and in the James case "was the clue that led to his apprehension by the police."

"The rule that previous convictions are inadmissible [in court] is based upon the desirability of avoiding a confusion of issues, as well as the unconscious influence upon the trier of the facts," the court said.

Was Arrested Previously

It declared that in sex crimes, particularly where the accused pleaded innocent through insanity, the defense itself frequently sought to bring out the defendant's past criminal actions.

James had been arrested previously and had served a jail term for sex offenses.

The court declared that proponents of the court rules had admitted the regulations were "merely designed as a warning, or declaration of judicial policy," and that the "source of the power to punish for contempt is inherent in the court."

Find Force In Claims

The appellate judges said they found force in the radio stations' claims that such a regulatory system, extending even at times to having judges give advance opinions whether news articles were contemptuous, was censorship.

In passing, the appeals court stated that, whatever the laws of a state, Federal constitutional provisions superseded them and Supreme Court rulings on these provisions were binding.

Declaring the provisions of free speech and press would naturally "extend to radio broadcasts," the court said that in the past the Supreme Court had decided the "problem of conflict between free speech and a fair trial."

Quotes High Court Ruling

The solution of this conflict, it was added, resulted in the "clear and present danger" doctrine.

Quoting directly from a Supreme Court decision refusing to follow English contempt-of-court practice, the Court of Appeals opinion said:

"The First Amendment cannot reasonably be taken as approving prevalent English practices. On the contrary, the only conclusion supported by history is that the unqualified prohibitions laid down by the framers were intended to give to liberty of the press, as to other liberties, the broadest scope that should be countenanced in an orderly society."

The Court of Appeals opinion then added:

"In the recent cases, the Supreme Court was not concerned with publications merely 'scandalizing' the trial court, but with publications calculated and designed to influence the court's decision.

"The [contempt] judgments were reversed because the court found that the danger the trial court would be influenced was remote.

"It has been suggested that the Supreme Court, which has not hesitated to extend the constitutional protection to procedural due process, might take a different view where juries or potential juries are concerned, rather than trial judges.

"Hardly Tenable"

"The distinction is hardly tenable. Judges are not so 'angelic' as to render them immune to human influences calculated to affect the rest of mankind.

"Conversely, while juries represent a cross-section of the community, it cannot be denied that in every community there are citizens who by training and character are capable of the same firmness and impartiality as the judiciary. It is plainly a matter of degree.

"The dissenting opinions argue that neither judges nor juries can remain unaffected by comments and recriminations while a case is pending.

"Did Not Prevail"

"This contention did not prevail, even in cases where the statements threatened the judges with retaliation, if they should reach a particular decision."

Counsel for James testified at the contempt hearings they had believed it would be impossible to pick an impartial jury, as a result of the radio broadcasts, and therefore chose trial by the court.

The majority opinion concluded with praise for the "high motives of the Maryland bench and bar in attempting to keep the stream of justice undefiled by sensationalism and the dramatization of crime."

Long Dissent Filed

"We do not suggest that the courts lack the traditional power to discipline officials who are a part of the administration of justice," the appeals judges said. "The question whether they can now deal with the radio stations or the press in cases where the statements are inflammatory, false or designed to intimidate is not before us."

Judge Markell's sharply-worded dissent was nearly as long as the majority opinion. He made no direct reference to Rule 904, but said:

"No case has been cited, and I have found none, in which so much inflammatory matter, prejudicial to fair trial by jury, has been compacted into one short publication as was done in these broadcasts."

Cites Racial Feeling

He said at another point that "the 'mad-dog' philosophy of criminal justice, which underlies lynch law, is a concise, familiar expression of precisely the kind of prejudice that was inevitably aroused by these broadcasts."

Racial feeling is widespread and must be taken into account, Judge Markell argued.

"Even though a Negro may eventually waive a jury trial to escape any race prejudice in a jury, he has a right to be protected against newspapers and radio, from the necessity of such a choice," he said.

Change Of Venue "Exception"

Neither the questioning of prospective jurors to eliminate those with predetermined views nor the power of the courts to grant change of venue, is sufficient alone to insure a fair trial, Judge Markell asserted.

"Change of venue," he said, "is an exception, of necessity, to the ordinary course.

"If by the wilful acts of sensation vendors, this necessity is created, or the ranks of the eligible are thinned to those who are unconscious of prejudice or dishonest enough to deny it, then the administration of justice is not merely endangered or threatened but actually obstructed."

"Change of venue does not prevent the obstruction of justice, but is only an attempt to flee from it."

Says "Flight Is Futile"

And he added that "flight from radio is futile."

"Unless the Supreme Court says so, I cannot believe the broad fundamental right to a fair trial can lawfully be defeated by a blast from the radio."

Judge Markell also attacked the broadcasters' defense that the information which was put on the air had been given them by the Baltimore police commissioner.

Gives "Gist" Of Opinion

"This defense, now sympathetically received by this court, was first made in the Garden of Eden and is still made before juries, sometimes successfully," he said.

The Markell dissent offered this as the "gist of the decision" handed down by the majority of the appeals bench:

1. The broadcasts were not in fact a "clear and present danger" to the administration of justice.

2. Freedom of speech and the press are "paramount over the right to a fair trial by jury."

Judge Markell declared he could not accept either of the conclusions and therefore believed the contempt convictions should have been upheld.

The Supreme Bench rules and the contempt citations stemming from them had drawn the fire of the Maryland Press Association and publishing and radio groups throughout the country.

Essex Station Acquitted

One broadcasting station, WSID, which is in Essex, was acquitted in the lower court on the grounds that doubt existed as to whether its broadcasts constituted a danger or were heard in Baltimore on the days in question.

The case of WBAL was tried separately.

The appeal hearings were argued by one of the largest groups of lawyers ever to face the high court.

The Bar Association of Baltimore City, the Junior Bar Association and the Maryland Civil Liberties Committee intervened in defense of the courts, and supported Rule 904, both in the lower and the Appeals Court.

Abell Company Files Brief

The A. S. Abell Company, publishers of the *Sunpapers*, although it did not participate in the lower court hearing, filed a 70-page brief and appendix in the appeals court on behalf of the defense.

The Civil Liberties Union, the National Association of Broadcasters and the American Newspaper Publishers Association intervened for the defense in both courts.

The A. S. Abell Company brief was submitted by Frederick W. Brune, Edwin F. A. Morgan, Harry N. Baetjer and the law firms of Venable, Baetjer & Howard, and Semmes, Bowen & Semmes.

Counsel Listed

Counsel for WFBR were William L. Marbury, Jr., and John W. T. Webb. Hilary W. Gans and Charles Markell, Jr., represented station WITH, and J. Purdon Wright, W. Frank Every and Paul D. P. Spearman were counsel for WCBM.

The radio stations were cited for contempt by Judges Emory H. Niles and John T. Tucker.

The Court of Appeals last October deferred consideration, pending the outcome of the contempt cases, a proposal to extend contempt rules similar to those in Baltimore to other parts of Maryland.

Text Of Dissenting Opinion

The text of the dissenting opinion, filed by Judge Charles Markell, in the contempt-of-court case before the Court of Appeals follows:

The gist of the decision in these cases is: (1) The broadcasts in question did not constitute a "clear and present danger" to the administration of justice. (2) Freedom of speech and of the press, under the Fourteenth Amendment, is paramount over the right to *(a)* fair trial *(b)* by jury, under the Fourteenth Amendment and the Maryland Constitution, and includes a right to substitute trial by newspaper or radio for trial by jury. I am unable to concur in either of these conclusions—or aspects of one conclusion.

In the factual aspect various contentions were urged upon us in support of this conclusion, not all urged by the same counsel or reflected in the court's opinion. It was faintly argued that it is not known how many persons the broadcasts reached—as if they were expected or intended to waste their poison on the desert air.

The National Association of Broadcasters, which filed a brief as *amicus curiae*, evidently has no doubts on this score. In its brief it says, "While there are some 1,887 daily newspapers in existence, there are more than 2,631 radio stations licensed or about to be licensed to broadcast to the general public. There are now in excess of 83,000,000 radios and 1,474,416 television sets in operation in the United States. And it is estimated conservatively that every day more than 135,000,000 people utilize the services rendered by such radio broadcast licensees."

Publishers' Statement

The American Newspaper Publishers Association in a brief filed by it as *amicus curiae* says, "This membership embraces more than 780 newspaper publishers whose publications represent approximately 90 per cent of the total daily and Sunday circulation of newspapers published in the United States. The Association is vitally interested in the issue presented in these cases namely, as to the right of persons to publish news stories concerning matters of vital public interest which may come before a court free from censorship or intimidation by the court."

In Craig v. Harney, 331 U.S. 367 the same association filed a brief as *amicus curiæ*, which contained a statement that was almost exactly the same as the one just quoted (except that "780" was then "700" and "approximately 90 per cent" was "in excess of 80 per cent") and was quoted by Mr. Justice Jackson in his dissenting opinion.

He prefaced the quotation by saying:

"In this very case the American Newspaper Publishers Association filed a brief *amicus curiæ* on the merits after we granted *certiorari*. Of course, it does not cite a single authority that was not available to counsel for the publisher involved, and does not tell us a single new fact except this one." After the quotation he remarked, "This might be a good occasion to demonstrate the fortitude of the judiciary." 331 U.S. 367, 397. Other contentions, which will not be mentioned, ranged from one pole to its opposite, *viz.*, *(a)* Prejudice in a jury can always be prevented. So, why worry? *(b)* Prejudice in a jury can never be prevented. So, why try?

On Panacea Against Prejudice

There is (we are told) a panacea for preventing prejudice in a jury, viz., examination of jurors on their *voir dire*. If perchance this panacea should prove to be less than a panacea, there is another one, viz., change of venue. The first part of this contention is ascribed to Judge Alvey, *Garlitz vs. State*, 71 Md. 293, 299. Judge Alvey did not profess such faith—or any faith—in the questioning of jurors, an old procedure which then and now is habitually abused when there is no real prejudice but then and now is futile when actual prejudice is sufficiently deep-seated and widespread to be either unconscious or covered by perjury.

In the *Garlitz* case a man had killed his wife on the street in Cumberland. So far as appears, no newspaper had printed more than the bare facts of the public killing, which without any printing would have quickly circulated in the community by word of mouth. The case did not involve a confession of the crime charged or other crimes or race or individual prejudice or any prejudice other than the "natural bias" of human beings against crime, which "in fair-minded men" produces impressions that are "always of a hypothetical nature" and do not prevent impartial consideration of facts and evidence. Judge Alvey, speaking for this court, refused to permit the right to challenge jurors for cause to be abused so as to exclude, not only prejudiced jurors, but all jurors except intellectual ciphers.

On Change Of Venue

As a panacea, change of venue is no less futile than questioning of jurors. At best, neither panacea can avert a "clear and present danger" to the administration of justice, but either can only diminish or circumvent some consequences of an achieved obstruction of justice.

Primarily, trial by jury is trial by a jury of the vicinage, selected from the whole body of those who are eligible. Change of venue is an exception, of necessity, to the ordinary course. If by the willful acts of sensation-venders this necessity is created, or the ranks of the eligible are thinned to those who are unconscious of prejudice or dishonest enough to deny it, then the administration of justice is not merely endangered or threatened but actually obstructed.

Downs vs. State, 111 Md. 241, is cited as an indication of presumed toughness of fibre of jurors. It was rather an illustration of the narrow scope of review, on appeal, of the discretion of the trial judge on an application for removal.

Discretionary Powers

Later, in *Lee vs. State*, 161 Md. 430, this court, by Judge Bond, stated more broadly the scope of review and the question before the trial court:

"The meaning of discretionary power in a trial court, and the rule governing review of discretionary orders on appeal, have often been stated in vague, loose terms which furnish no exact guidance; but for the purposes of this case it seems to us sufficient to observe only that the judgment and discretion must be exercised in solving the exact problem of the law, upon all the considerations which properly enter into the problem, and form it. . . The problem before the judge when removing this case from the Circuit Court for Worcester county was solely that of the selection of a new jurisdiction which, so far as could be seen, was likely to be free of the hazard of an unfair prejudiced jury. . . . It was not the problem of keeping order in the town and in the courtroom, or of preventing bodily injury to the accused or his counsel, but the further problem of obtaining a fair, impartial jury to decide the case in such an orderly trial.

"It was not a problem, again, of having it adjudicated as a fact, with certainty, that a trial in one jurisdiction or another would not be fair and impartial, but a problem of the appearance of danger of having a material amount of unfairness and prejudice drawn into the jury box with persons taken from that neighborhood. And we dwell on this distinction because, upon the representations made to this court, there would appear to us to have been confusion on the point in the lower court." 161 Md. 441-442.

"Garden Of Eden" Defense

In the *Downs* case eventually the jury disagreed and there was no verdict. If we should follow that case to its ultimate repository—in the gossip of forty years ago—we should find that the anti-*Downs* explanation of the outcome was that *(a)* arithmetic and bookkeeping tend more to confusion of a jury than to prejduice and *(b)* prejudice "backfired" by arousing a counterprejudice against "higher-ups" supposed to be involved. In the instant cases one of the defenses was that what the appellants broadcast the police commissioner had told them. This defense, now sympathetically received by this court, was first made in the Garden of Eden and is still made before juries, sometimes successfully.

Change of venue does not prevent obstruction of justice, but is only an attempt to flee from it. Flight from the radio is futile.

The Maryland reports teach us that race prejudice is usually more intense in homogeneous rural communities than in Baltimore. *Dutton v. State*, 123 Md. 373; *Fountain v. State*, 135 Md. 77, 97; *Lee v. State*, 161 Md. 430; *Jones v. State*, 185 Md. 481. Unlike newspapers, the radio penetrates sparsely settled communities no less than large cities. The more rural the community, perhaps the fewer competing interests to distract attention from the radio.

"Trial By Law And Radio"

This court mentions the fact that at James's trial before a judge without a jury his record came out [not without his consent] in medical testimony and his confession was admitted in evidence. This fact is irrelevant and also incomplete. Neither his record, which was indirectly disclosed, nor his confession, which was admitted in evidence as such, included the confession (which the broadcasts included) of rape upon an adult white woman a short time before the murder of the child.

Aside from this discrepancy between the evidence admitted at the trial by law and that introduced in the trial by radio, comparison between the two trials is only the time-honored excuse or apology for lynch law, *viz.*, that it usually reaches, more expeditiously, the same result as would be reached by due process of law.

A "clear and present danger" or a "serious and imminent threat" to the administration of justice, or a "danger" or "threat" qualified by any other adjective, necessarily may be something short of an accomplished obstruction of justice. If this were not so, the danger or threat could not be averted or punished except by waiting till the victim is hanged and then proving him innocent.

Holmes's Literary Phrase

Mr. Justice Holmes, when he first gave utterance to the "literary phrase" "clear and present danger," in a prosecution under the Espionage Act for attempting to cause insubordination in the military forces, said, "We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. *Aikens v. Wisconsin*, 195 U.S. 194, 205, 206.

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. *Gompers v. Bucks Stove and Range Company*, 221 U.S. 418, 439.

"The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.

"When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced. The statute of 1917 in S4 punishes conspiracies to obstruct as well as actual obstruction. If the act (speaking or circulating a paper), its tendency and the intent with which it is done are the same, we perceive no ground for saying that success alone warrants making the act a crime." *Schenck v. United States*, 249 U.S. 47, 52.

Matter Most Inflammatory

No case has been cited, and I have found none, in which so much inflammatory matter, prejudicial to fair trial by jury, has been compacted into one short publication as was done in these broadcasts.

The prejudicial nature of the ingredients of these broadcasts has been recognized by various courts, including this court.

The words "clear and present danger" are no part of English law, but the fact that trial by newspaper is a clear and present danger to trial by jury is recognized by English judges. After Dr. Crippen murdered his wife and fled from England and had been arrested at Quebec, but before he was indicted, a London newspaper published a report of an alleged confession by him at Quebec. On citation for contempt the King's Bench Division (Mr. Justice Darling, Mr. Justice Pickford and Lord Coleridge) held that the court was not without jurisdiction because the publication occurred before indictment. "It is possible very effectually to poison the fountain of justice before it begins to flow." *Rex v. Parke*, [1903] 2 K. B. 432, 437, quoted in *Globe Newspaper Company v. Commonwealth*, 188 Mass. 449, 450.

The Crippen Case

On the facts referring to the publication, Mr. Justice Darling said:

"That was really saying that Crippen had made a confession and that he had confessed to the crime in respect of which he was charged, and that it was only a matter of dispute as to the term whether one calls it an admission or confession. The effect upon the prisoner would be precisely the same by whatever name it was called. It was that he had admitted himself guilty of the crime with which he was charged.

"Anything more calculated than that to prejudice the defense of a man can hardly be conceived. This statement is circulated among those who will be jurors at the trial, if the accused were committed for trial, because the jurors are drawn from the whole body of the county of Middlesex, in which this paper is widely circulated. No one can suppose that the jurymen entered the box in this case without ever having heard of it; but the less they hear of a case before they come to listen to the evidence the better, and newspapers do not help in the administration of justice by publishing what I can only describe as idle gossip, which at best may have been wormed out of those who had the man in custody or who were engaged in investigating the case when he was being charged before the judge in Quebec.

Justice Should Not Be Hampered

. . . The court, therefore come to the conclusion that a contempt of court was committed here, as was admitted, once the point of law was got rid of, in the publication of this matter; and we are of the opinion that it was a very grave contempt of court. It is most important that the administration of justice in the country should not be hampered as it is hampered in some other countries, and it is not enlarging the jurisdiction of this court—it is refusing to narrow the jurisdiction of this court—when we say that we are determined while we are here to do nothing to substitute in this country trial by newspaper for trial by jury; and those who attempt to introduce that system in this country, even in its first beginnings must be prepared to suffer for it." *Rex v. Clarke, ex parte Crippin* (1910, K.B.D.), 103 L.T.R. 636, 639-640.

On March 25, 1949, Lord Goddard, Lord Chief Justice, fined the *Daily Mirror* £10,000 and sent its editor to prison for three months for contempt of court in publishing a story about a murder case. The charge was that the publication had prejudiced the accused's defense. Lord Goddard (to quote, in the absence of an official report, the Associated Press report in the Baltimore newspapers) said:

"Anybody who has had the misfortune, as this court has had, to read these articles must be left wondering how it can be possible for that man to obtain a fair trial after that which has been published in this paper. Not only does it describe him as a vampire and proceed to give reasons why they call him a vampire, but in addition to saying he has been charged with the particular murder of which he has been charged, these articles go on to say not merely that he is charged with other murders, but that he has committed others and gives the names of persons whom, they say, he has murdered."

English Cases Passed Over

This court politely passes over the English cases, as if they may reflect an un-American prejudice against trial by newspaper. Nelles and King, apologists for trial by newspaper, foes of punishment for contempt by publication, and prophets of *Nye vs. United States*, 313 U.S. 33, offer a less flattering explanation of the comparative paucity of American cases on the conflict between trial by newspaper and trial by jury, *viz.* lack of fortitude on the part of judges. *Nelles and King, Contempt by Publication*, (1928) 28 Columbia Law Review 401-431, 525-562. "The elimination of outside influence by publication seems impracticable where it would be most desirable, and undesirable in many cases where it might be practicable. It would be most desirable to eliminate it where it is most rampant—in sensational jury cases involving crime or sex.

"Obviously, however, efforts to eliminate it in such cases bulk almost negligibly. In only 15 out of 58 reported cases of publications held punishable since 1831 did the publication relate to a case on or near trial before a petit jury. Only five of these fifteen jury cases appear to have been of a character to interest the sensational press. [Two of these five were *Ex parte Burns* (1927) before Judge O'Dunne, and *Globe Newspaper Company vs. Commonwealth*, 188 Massachusetts 449].

"Mr. Henry W. Taft's collection of instances in which the 'trial by newspaper' of senational cases has proceeded with impunity might easily be augmented by any reader from his own observation. Mr. Taft, a believer generally in a wide scope of unchecked judicial power, concedes that it is idle to expect that many judges will have the hardihood to brave the sensational press by punishing as contempts its circulation-breeding excesses. Except in this class of cases 'trial by newspaper' is rarely an unmixed evil." [Footnotes omitted]. 28 Col. L.R. 543-549.

Cites Newspapers' Good Faith

Fortunately for the administration of justice—to date—the Baltimore judges for the last decade or two (*i.e.*, before and since adoption of Rule 904) have had the "hardihood" and also the judgment, tact and self-restraint, without exhibitions of power, personalities or pique on their part, to check and stop trial by newspaper in its worst forms. The Baltimore newspapers, likewise, have, in good faith and with apparent willingness, co-operated toward this end. In the instant cases, the newspapers are confronted by the possibility of "unfair competition" from the radio. Whatever the motives, one Baltimore newspaper publisher as *amicus curiae*, has filed a most excellent and helpful brief in support of appellants' position.

[Editor's Note—The reference is to the brief filed by attorneys for The A. S. Abell Company, publisher of the *Sunpapers*.]

In *Globe Newspaper v. Commonwealth*, (1905) 188 Mass. 449, a newspaper, which had published part of the evidence for the prosecution before the trial of a murder case, was convicted of contempt. In affirming the conviction the court said, "It needs no argument to show that such publications were highly improper, and were a gross interference with the administration of justice in an important criminal case.

"The effect of the first publication, as described in the second, was such as no newspaper had a right to attempt to produce in anticipation of a trial." In *Hunt v. Clarke*, 58 L. J. Q. B. 490, Lord Justice Cotton said in the opinion: 'If anyone discusses in a paper the rights of a case or the evidence to be given before the case comes on, that, in my opinion, would be a very serious attempt to interfere with the proper administration of justice. It is not necessary that the court should come to the conclusion that a judge or a jury will be prejudiced, but if it is calculated to prejudice the proper trial of a cause, that is a contempt and would be met with the necessary punishment in order to restrain such conduct.'

"The effect of this publication would naturally be to absolutely disqualify many persons to sit as jurors, and thus make more difficult the work of the court in endeavoring to impanel an impartial jury. It would be likely, even without their consciousness of bias, to affect the minds of other persons who might be permited to sit upon the jury on the ground that they had not formed such an opinion as to render them unfit to perform this public duty. In other ways which it is not necessary to state, such publications might be detrimental to the public interest involved in the pending case." 188 Mass. 452-453. The court does not say "clear and present danger," but in the words quoted describes a clear and present danger to trial by jury—not with respect to the judge, who must now be presumed to possess fortitude to surmount such danger.

Judge Bond's Views

Judge Bond was well aware of the danger (and the effect) of race prejudice and trial by newspaper to trial by jury. Referring to waiver of jury trial and election of trial without a jury, he said: "The reasons which prompt the choice of a trial before the court in one case and another are, of course, many and various. . . . But there are more important reasons. Fear of the effect of popular prejudice upon a jury, either because of the nature of the charge, or because of something connected with the accused personally, is a very frequent ground of choice.

"It is common for defendants with known bad records to prefer trial before the court alone. And when the crime has aroused anger in the community from which the jury is chosen, trial before the court is frequently preferred. . . . Charges of a revolting nature, as of crimes against women and girls seem to be tried more frequently before the court. Trial before the court, again, has been preferred in cases in which it has been feared that newspaper discussion might render the jury impatient of any defense, or of some particular defense.

"Trial by the court offers an escape from some of the evils of 'trial by newspaper,' or, at least, some mitigation of them. Negro prisoners constitute a large proportion of the defendants in the criminal courts of Maryland and they frequently prefer this method of trial to avoid any race prejudice in the jury box. "Negro men charged with crime against women commonly elect trial by the court alone." *The Maryland Practice of Trying Criminal Cases by Judges alone, without Juries* (1925), 11 A. B. A. Jour. 699, 702. Judge Eli Frank has expressed similar views. *Trying Criminal Cases without Juries*, 17 Virginia Law Review, 253.

Inversion Of Normal View

At the argument it was suggested that because of the smoldering prejudice in any jury, courts should not try to prevent newspapers and the radio from arousing this prejudice. This suggestion is an inversion of the normal view of Mr. Justice Holmes that the greater the prejudice the greater the "clear and present danger" of fanning it into flames. *Schenck v. United States, supra.* Even though a Negro may eventually waive a jury trial to escape any race prejudice in a jury, he has a right to be protected against newspapers and radio, from the necessity of such a choice. "A citizen should not be coerced to relinquish the right to a jury trial and submit to a trial before the court, in order to escape an intolerable situation of a trial before a prejudiced jury." *Jones v. State*, 185 Md. 481, 486.

At the argument appellants commended to our consideration the able brief for a radio station whose case has not yet been brought to hearing in this court but will actually be governed by the decision in the instant cases. In this brief we are admonished that it would be very "serious" "to place in hands of people who would condemn our system" the finding of Judge Gray "that [quoting from the brief of Judge Gray] this man James, who by every fact was but a mad dog, had been deprived of his constitutional right of jury." Evidently the sacred right and duty of furnishing information to the public would stop short of letting "people who would condemn our system" know that we dispose of human "mad dogs" only by due process of law.

"Mad-Dog" Philosophy

The "mad-dog" philosophy of criminal justice, which underlies lynch law, is a concise, familiar expression of precisely the kind of prejudice that was inevitably aroused by these broadcasts. *(a)* A Negro man, *(b)* who has a criminal record, is said to have confessed *(c)* murder of an 11-year-old white girl and *(d)* recent rape of a white woman. Being a "mad dog," he should be disposed of as summarily as possible, without waste of time and money on an orderly trial, or even on investigation of his sanity.

This philosophy may have no logical relation to race prejudice but prejudice is not logical and a white man charged with crime against a Negro woman is not a "mad dog." This kind of prejudice is actually intensified by efforts of this court to combat it after the event. *Cf. Dutton v. State, supra; Fountain v. State, supra; Lee v. State, supra*, also 163 Md. 56; *Jones v. State, supra*, Reversals on such "technicalities" as denial of due process and consequent new trials are regarded as intolerable delays which illustrate the advantages of the "mad-dog" philosophy.

Case Of Reversible Error

Until this collision with the right of trial by newspaper and radio this court has looked far to find prejudice in evidence or mention before a jury, of other crimes or confessions not proved to be admissible. In *Dobbs v. State*, 148 Md. 34, the court held that in a trial without a jury admission of evidence of another crime was reversible error. Three judges dissented because the case had been tried before three experienced judges without a jury.

Four of the eight judges were of the opinion that permitting mention of other crimes in the State's attorney's opening statement was also reversible error. This court has been unanimous in the opinion that evidence as to admissibility of a confession should be heard out of the presence of the jury, because the jury is apt to be unduly influenced by knowledge of a confession that is incompetent and inadmissible, although the confession may have been excluded and the jury instructed not to consider it. *Smith v. State*, — Md. —, 56 A. 2d. 818, 822-823.

Immediately after the argument in the instant cases, the court heard reargument of a murder case and was a second time equally divided on the question whether permitting mention, in the presence of the jury, of the fact (not the contents) of a statement by the decreased, which out of the presence of the jury was afterward ruled not admissible as a dying declaration, was reversible error.

"Argumentative" And "Factual"

The court now says that "we are not concerned with deliberate attempts to influence the outcome of a pending case" and that "the statements were not argumentative, but factual." A few weeks ago the relative force of "argumentative" and "factual" statements was appraised in holding that error in stopping, and directing the jury to disregard, a legitimate argument for the accused was not reversible error because the jury could have made the argument for themselves after they were directed to disregard it. *Dodd v. State*, — Md. —, 65 A 2d 319, 321.

Appellants understand the fairness and the effect of their broadcasts. They intend the natural consequences of their deliberate act. The difference between intent and effect is not material. Our concern with appellants is not with the effect of sin upon their conscience but with the effect of their broadcasts upon the administration of justice. To hold that, after a man is sworn to decide a case on evidence alone, it may be assumed that he will violate his oath and pursue "factual statements" and surmises unsupported by evidence, but before he is sworn newspapers and radio have a constitutional right to poison his mind, is a grim way to keep the word of promise to the ear and break it to the hope.

Thinks Judge Gray Is Right

In quantity, the Baltimore judges necessarily have the largest experience regarding the effect of prejudice on jury trials. In quality, Judge Gray's experience may be more varied. His circuit includes most of the second or third largest "city" in Maryland (suburban Washington) and also several of the most rural counties. He says, "Now, the court cannot help but feel that the broadcast referred to in these cases must have had an indelible effect upon the public mind and that that effect was one that was bound to follow the members of the panel into the jury room. The court hardly needs evidence in this factual situation to reach the conclusion that James' free choice to either a court trial on the one hand and a jury trial on the other, has been clearly and definitely interferred with." I think Judge Gray is right.

Other Court Citations

This court holds that under the decisions of the Supreme Court (*Bridges v. California*, 314 U.S. 252; *Pennekamp v. Florida*, 328 U.S. 331, and *Craig v. Harney*, 331 U.S. 367) the judgments below violate the freedom of speech and of the press under the Fourteenth Amendment. If this is the correct interpretation of these decisions, of course they are conclusive. If there had been no right of trial by jury in Maryland, they would have been conclusive.

In the *Craig* case, it is said, "Conceivably, a plan of reporting on a case could be so designated and executed as to poison the public mind, to cause a march on the court house, or otherwise so disturb the delicate balance in a highly wrought situation as to imperil the fair and orderly functioning of the judicial process." 331 U.S. 375.

A power to punish for contempt, which comes into being only when "a march on the courthouse" is begun—or called, is an imponderable. For practical purposes, under the decisions to date, there is no power to punish, as contempt, publications which attempt to coerce the administration of justice by judges. This is not because the court professes no concern for the administration of justice; on the contrary it professes great concern. "The other evil feared, disorderly and unfair administration of justice, is more plausibly associated with restricting publications which touch upon pending litigation. The very word 'trial' connotes decisions on the evidence and arguments properly advanced in open court. Legal trials are not like elections, to be won through the use of the meeting-hall, the radio and the newspaper." *Bridges v. California*, 314 U.S. 252, 271. The court has not said that the fair and orderly administration of justice may be subordinated to freedom of speech and comment.

In the *Pennekamp* case, *supra*, the court said: "The [*Bridges*] case placed orderly operation of courts as the primary and dominant requirement in the administration of justice." 328 U.S. 331, 334. "

ministraion of justice is that all judges are expected to have more "fortitude, firmness, wisdom and honor" than can be expected from everyone in private life. In the three cases this is the *ratio decidendi* and the point of departure between the majority and the minority of the court. Mr. Justice Frankfurter, in his dissenting opinions in the *Bridges* case (Chief Justice Stone, Mr. Justice Roberts and Mr. Justice Byrnes concurring) and the *Craig* case (Chief Justice Vinson concurring) and his concurring opinion in the *Pennekamp* case, and Mr. Justice Jackson, in his dissenting opinion in the *Craig* case, sharply deny what Mr. Justice Jackson calls "the myth that judges are not as other men are." 331 U.S. 367, 396. The "myth" is not a fact; it is a working fiction, *i.e.*, it is law. It is not for us to pass upon the wisdom of these decisions or the philosophy that underlies them. The decisions and the philosophy are at least understandable.

Judge-baiting is now a constitutional right. The court in effect says that "judges are *not regarded* as other men are." This is not flattery; it gives judges no rights or protection but imposes on them, and not on their assailants, responsibility for coercion of them.

"Myth" As Supermen

The question that now confronts us is whether these decisions and the underlying philosophy deny the state power to prevent or punish poisoning the fountain of justice in trial by jury. The relevant features of the cases are: (a) None of the three cases involved any danger to jury trial. In the Bridges and Craig cases the accused timed their blasts at the judge after the jury had completed their functions. (b) The "myth" that judges are regarded as supermen is inapplicable to jurors, who are only a cross section of the community, hold no office and have only ephemeral existence as jurors. (c) All references to jury trial in majority or minority opinions recognize this difference between judges and jurors. (d) None of the justices have suggested that jurors may be like judges in this respect, though the dissenters, denying the "myth," have suggested that judges may be not wholly unlike jurors.

In the *Bridges* case, referring to one of the editorials in question, the court said, "To regard it, therefore, as in itself of substantial influence upon the course of justice would be to impute to judges a lack of firmness, wisdom, or honor—which we cannot accept as a major premise." 314 U.S. 252, 273. In the same case Mr. Justice Frankfurter said, "If it is true of juries it is not wholly untrue of judges that they too may be 'impregnated by the environing atmosphere.' Mr. Justice Holmes in *Frank v. Mangum*, 237 U.S. 309, 349." 314 U.S. 252, 300.

In the *Pennekamp* case, referring to an editorial, the court said, "The comments were made about judges of courts of general jurisdiction—judges selected by the people of a populous and educated community. They concerned the attitude of the judges toward those who were charged with crime, not comments on evidence or rulings during a jury trial.

Some More Sensitive

"Their effect on juries that might eventually try the alleged offenders against the criminal laws of Florida is too remote for discussion. Comment on pending cases may effect judges differently. It may influence some judges more than others. Some are of a more sensitive fiber than their colleagues. The law deals in generalities and external standards and can not depend on the varying degrees of moral courage or stability in the face of criticism which individual judges may posses any more than it generally can depend on the personal equations or individual idiosyncrasies of the tort-feasor. *The Germanic*, 196 U.S. 589, 596; *Arizona Employers' Liability Cases*, 250 U. S. 400, 422, 432. We are not willing to say under the circumstances of this case that these editorials are a clear and present danger to the fair administration of justice in Florida. *Cf. Near v. Minnesota*, 283 U. S. 697, 714-15.

"What is meant by clear and present danger to a fair administration of justice? No definition could give an answer. Certainly this criticism of the judges' inclinations or actions in these pending nonjury proceedings could not directly affect such administration. This criticism of their actions could not affect their ability to decide the issues. Here there is only criticism of judicial action already taken, although the cases were still pending on other points or might be revived by rehearings." 328 U. S. 331, 348.

Fine-Drawn Assumptions

Referring to a suggestion that a judge may be influenced to placate an accusing newspaper to secure re-election, the court said, "In this case too many fine-drawn assumptions against the independence of judicial action must be made to call such a possibility a clear and present danger to justice. For this to follow, there must be a judge of less than ordinary fortitude without friends or support or a powerful and vindictive newspaper bent upon a rule or ruin policy, and a public unconcerned with or uninterested in the truth or the protection of their judicial institutions." 328 U. S. 331, 349.

In the *Craig* case, referring to an editorial which denounced a judge and tried to force him to grant a new trial in a landlord and tenant case after he had required a recalcitrant jury to render a directed verdict, the court said, "The fact that the jury was recalcitrant and balked, the fact that it acted under coercion and contrary to its conscience and said so were some index of popular opinion.

Men Of Fortitude

"A judge who is part of such a dramatic episode can hardly help but know that his decision is apt to be unpopular. But the law of contempt is not made for the protection of judges who may be sensitive to the winds of public opinion. Judges are supposed to be men of fortitude, able to thrive in a hardy climate. Conceivably a campaign could be so managed and so aimed at the sensibilities of a particular judge and the matter pending before him as to cross the forbidden line. But the episodes we have here do not fall in that category. Nor can we assume that the trial judge was not a man of fortitude." The court also said, "Judges who stand for re-election run on their records. That may be a rugged environment." 331 U.S. 367, 377.

The *Bridges* case appears to have been cited in almost 50 cases in state courts or lower Federal courts. We have been referred to no case, and I have found none, in which the effect of a publication on trial by jury was involved and in which either the *Bridges*, *Pennekamp* or *Craig* case was cited.

Distinction Not Tenable

This court now says: "It is suggested that the Supreme Court, which has not hesitated to extend the constitutional protection to procedural due process, might take a different view where juries or potential juries are concerned, rather than trial judges. The distinction is hardly tenable. Judges are not so 'angelic' as to render them immune to human influences calculated to affect the rest of mankind.

"Conversely, while juries represent a cross-section of the community, it cannot be denied that in every community there are citizens who by training and character are capable of the same firmness and impartiality as the judiciary." In the *Pennekamp* case Mr. Justice Frankfurter says, "To deny that bludgeoning or poisonous comment has power to influence, or at least to disturb, the task of judging is to play make-believe and to assume that men in gowns are angels." 328 U. S. 331, 359.

This is Mr. Justice Frankfurter's view, not the view of the majority of the court. With great respect for the opinion of my colleagues, I think the conclusion of this court (a) purports to follow the Supreme Court decisions, but (b) rejects that court's doctrine, and adopts the minority view, as to the relation of *judges* to publications and (c) departs from that court's decisions, and from the reasoning of all the justices, by applying the disputed doctrine, regarding judges, to jurors, to whom none of the justices have applied it.

Interpretation Difficult

To interpret, and apply to the facts of the instant cases, these three decisions on freedom of speech and of the press is a difficult problem. In undertaking it we cannot ignore other Supreme Court decisions on other constitutional rights during the long period of seven years since the *Bridges* case and the more gradual period of the previous 25 years. No recent constitutional development has been more marked or more rapid than the expansion of the Fourteenth Amendment with respect to (a) so-called "procedural due process" and the all-comprehensive right to a fair trial in criminal prosecutions and (b) both the substantive and the adjective law regarding race prejudice and discrimination.

Even outside the field of constitutional rights, if Maryland were part of the District of Columbia, James's confession would not have been admissible in evidence. *McNabb v. United States*, 318 U.S. 332; *Upshaw v. United States*, 335 U.S. 410; *James v. State*, ... Md. ......, 65 A 2d 888. Admission of an involuntary confession evidence may amount to denial of due process. *Haley v. Ohio*, 332 U.S. 596; *Lisenba v. California*, 314 U.S. 219.

Within a few months we have subordinated the Maryland concept of due process to the Supreme Court decisions regarding the right to counsel in a criminal case, *Raymond v. State, ex. rel. Szydlouski*, . . . Md. . . ., 65 A. 2d 285, and have overruled our decisions regarding covenants in deeds involving race discrimination (*Goetz v. Smith*, . . . Md. . . ., 62 A. 2d 602), to conform with Supreme Court decisions.

A little earlier, four justices of the Supreme Court voted to reverse a unanimous decision of this court which held that the drawing of jurors in Baltimore did not involve race discrimination. *Zimmerman v. State*, . . . Md. . . ., 59 A. 2d 675; 335 U.S. 901. Unless the Supreme Court says so, I cannot believe that the broad fundamental right to a fair trial can lawfully be defeated by a blast from the radio.

I think the judgments should be affirmed.

Majority Opinion On Contempt Cases

Appeals By City Radio Stations Bring Ruling Voiding Key Parts Of Bars On Publication

The text of the opinion of the majority of the Court of Appeals reversing the contempt-of-court convictions of three Baltimore radio stations follows:

These three appeals are from separate orders on January 28, 1949, of the Criminal Court of Baltimore City finding the appellants guilty of contempt, and imposing fines, for broadcasting over local radio stations certain news dispatches relating to Eugene H. James, at a time when he was in custody of the police on a charge of murder. We have been greatly assisted in the consideration of the case by the excellent arguments and briefs of counsel on both sides, as well as by the briefs of *amici curiae*.

On the early afternoon of July 6, 1948, Marsha Brill, an 11-year-old girl, was stabbed to death by an unidentified man in the northwestern section of Baltimore, while she was at play with two other children. Because of the atrociousness of the crime, great public interest was aroused, and parents residing in the vicinity became greatly concerned for the safety of their children.

James Arrested

At about 10.45 P.M. on the same day, Eugene H. James was arrested and held for investigation. On the afternoon of July 8, 1948, he was taken to the scene of the crime, at which time he made an oral statement to the police admitting his guilt, and directed the police to the spot where he had buried the knife with which the murder was committed. At about 6 P.M., James was formally charged with murder at the Northern Police Station.

A few hours later, James signed a written confession. Miss Taggert, the night editor of the United Press, called Hamilton R. Atkinson, police commissioner of Baltimore city, about 7 P.M., stating that she intended to write a story embodying the information which he would either give or verify for her. Commissioner Atkinson verified certain information already possessed by her, and gave her certain other information relative to the case.

Later that evening, Commissioner Atkinson was interviewed by the press outside his office at Police Headquarters, and in response to questions, gave further information, although he denies that he gave out a formal press release for publication.

Story Dispatched

At about 9.45 P.M. Miss Taggart placed on the teletype, operated by United Press, a dispatch concerning the case. This dispatch was received by the three radio stations and broadcast at various times during the evening, in slightly different forms. The broadcasts were capable of being heard throughout the city and in many of the counties of the State, and were heard by a substantial but indeterminate number of listeners.

Similar broadcasts were made by other radio stations located within and without the State, and similar news items were published in newspapers published in Washington, D. C., Philadelphia and New York, circulating in the State. The newspapers published in Baltimore city did not publish the items complained of.

Commentator's Broadcast

At 8.45 P.M., on July 8, 1948, the Appellant Connolly broadcast over the facilities of the Appellant WITH the following information:

"After three days of unrelenting hard work on the part of, every man in the department, the Baltimore police have just broken the Brill murder case—broken it wide open. Police Commissioner Hamilton R. Atkinson announced only a few moments ago that a man has been arrested and formally charged with the crime—the brutal and apparently pointless stabbing of 11-year-old Marsha Brill in the Pimlico neighborhood Tuesday afternoon. The funeral of the little murder victim was held today and hundreds of persons attended. *The man now charged with the Brill girl's murder is Eugene James, a 31-year-old Negro and convicted former offender, whose home is at 3311 Paton avenue, not far from the scene of the crime.*

"The police said James not only admitted the Brill murder and another recent assault in the same area but that he went over the scene of the crime with them late this afternoon and showed them where the murder weapon was buried. It turned out to be an old kitchen carving knife. Immediately after the finding of the knife the prisoner was taken downtown to police headquarters for a formal statement. The story of how James came to be charged with the Brill murder is an account of police work at its best. James was taken into custody yesterday mainly because of his record. Police remembered that he had been charged or suspected in past years with a series of assaults and that about ten years ago he was sentenced to the Maryland Penitentiary for an attack on a 10-year-old child. The police took into account also the fact that James's home was close to the scene of the Brill crime.

Connected With Other Crime

"James was questioned, along with other suspects, but no information of much importance was obtained from him until today. The police did not use any force, of course, but questioned him persistently. Then, this morning, according to the officers, James admitted an attack on a white woman recently in the same woods near where the Brill girl was slain. In that case, too, James used a knife but only to threaten his victim into submission. She was not otherwise injured. With more information supplied by James, police recovered the woman's pocketbook, which had been taken from her. Police said James was familiar with every foot of the ground on which offenses, the assault of the woman and the slaying of the girl, occurred.

"James is not an obvious mental case. Throughout all his questioning, said the police, he seemed, as they put it, 'quite cute,' in other words, wary. When James freely admitted the assault on the woman the police were encouraged and renewed their interrogation with renewed vigor. They felt that James had admitted the lesser assault only to throw the police off the main track, and the police felt they were close to a confession in the Brill case. They were in fact.

"A few hours later the prisoner broke again and this time it was the break that broke the Brill case. James admitted that crime also and consented to accompany the police to the scene. On the ground, said the police, he made a more detailed admission. Among those who accompanied him to the scene of the crime were the highest ranking officers of the department. They were led by Commissioner Atkinson. With him were Chief Inspector M. Joseph Wallace, Inspector Joseph Itzel, who had directed the examination of James and other suspects, and Capt. Oscar Lusby, the comparatively new commander of the Northern police district.

Hundreds Drawn To Scene

"The appearance of the high-ranking police officials with an obvious suspect on the scene of the crime soon drew hundreds of idle spectators, and for that reason the police did not linger on the ground any longer than necessary. Instead, they took James and the evidence they had accumulated downtown to police headquarters for a formal statement. From headquarters the prisoner was taken to the Northern station. He probably will be arraigned in Northern Police Court tomorrow.

"The first hint that the police were close to an important break in the Brill case came with word from an officer of rank at headquarters that, while no arrests had yet been made and no charges had been placed, the police felt they had a very good suspect. James was the suspect, of course. *At that time he had not confessed the Brill crime, although he had admitted the earlier offense against the the woman in the same neighborhood.* Since the break in the case came so late in the day, the police at first were inclined to postpone making the actual charge against James until tomorrow. In view of the intense interest in the case, however, and in view of the alarm and agitation among parents and children in the area in which the crime occurred, Commissioner Atkinson decided to make the charge and the announcement immediately in order to relieve anxiety among the families in the Pimlico area.

Police Commended

"The police are deserving of the utmost commendation for the comparatively quick break in the case, and the commendation is merited by every man who worked on the assignment, from the highest to the lowest in the department. From the first Commissioner Atkinson personally took charge of the investigation. The hunt for the slayer promised to be a long, hard routine search. The killer had escaped from the scene despite a wide dragnet thrown around it soon after the alarm. Usually when an arrest is not made on or near the scene such cases develop into long, exhausting investigations that end, usually, only when the police get some favorable break. *In this case the officers made their own break by remembering James's record and taking him in hand promptly.* Had the police not been so alert and so prompt James might have fled the city. With the prisoner in hand, all the rest was accomplished by patient and skilled interrogation. Dozens of suspects were examined and released until the police felt reasonably sure that the lone man remaining in custody was the one they wanted.

"The police are to be congratulated. And it is tragic that all the community can do otherwise is commiserate with the bereaved family. Fifteen hundred dollars in reward money has been offered for the arrest and conviction of the Brill slayer, and the distribution of that money among these who have earned it remains to be decided. But, if I am not mistaken, the police do not consider themselves eligible for rewards.

"And now a brief pause. Here is our announcer, Gil Kriegel, again with a message from our sponsor. I'll be with you again in a moment with more news and comments.

Cited Muth Statement

"Tonight's development in the Brill case blasts sky-high City Councilman Bill Muth's misguided effort to pin the crime directly on the Supreme Bench of Baltimore. As a result of tonight's arrest, the local judiciary stands exonerated of any complicity. In a sweeping condemnation of the Bench, Muth yesterday laid the blame for the Brill murder directly at the door of the judiciary. The City Council vice president assailed the local courts for coddling criminals and accused the jurists of excessive leniency, especially in the cases of first offenders. Muth complained that even old offenders are let off with light sentences or suspended sentences and that it was common talk around the Courthouse that almost any old first offender can have his first offense free—that is, that he can get off without any penalty.

"Muth further stated that in cases where more severe penalties are imposed the sentences are reduced almost before the prisoners get their noses inside the Penitentiary doors. One thing Muth said was vindicated in a measure. He said he was willing to go out on a limb and bet that, if and when an arrest was made in the Brill case, the prisoner would turn out to be an old offender who had been up before for similar offenses. And, as you know now, that turned out to be the case. *When James, the defendant in the Brill case, was up before for assaulting a 10-year-old girl, his sentence was 23 years. His release recently means, therefore, that he served only about ten years of the original sentence.*"

United Press Message

The information received by the representative of the United Press was teletyped into the office of the Appellant WCBM, which is a subscriber of the United Press, and at about 7.45 P.M. to 8 P.M. and 8 P.M. to 8.02 P.M. on July 8, 1948, there was broadcast over the facilities of the Appellant WCBM the following information which had been received from the representative of the United Press:

"8 P.M. and 7.45 P. M., July 8, 1948.

"Baltimore . . . Police Commissioner Hamilton Atkinson announced tonight that the killer of little Marsha Brill is now in custody at the Northern District Police Station. Atkinson identifies the man as 31-year-old Eugene James, a Negro handyman, who lives at 3311 Payton avenue. James was recently released from prison after serving eight years for a series of stabbing attacks on women.

"8-8.02 July 8, 1948.

"Commissioner Atkinson says police broke the case shortly after James was taken to the murder scene this afternoon. According to the Police Department head, the colored man showed detectives exactly how he stabbed the little girl to death on Glen avenue near Park Heights, and then led them to a spot at Key and Whitney avenues, where he said he buried the murder weapon—a large butcher knife.

Was Former Prisoner

"James, who is unmarried, has been employed at an apartment house and done odd jobs in the Pimlico neighborhood for several months. *He was released last December from the State Penal Farm after serving eight years on a ten-year sentence for a series of stabbing attacks on women in North Baltimore. He was arrested late Tuesday night after Capt. Oscar Lusby, of the Northern district, remembered the earlier cases. Commissioner Atkinson says James also has been linked with an attack on a woman last June 15 in the rear of the 4700 block Wabash avenue. The woman told police her assailant wore a string of beads around his neck. Police say James was wearing beads when arrested Tuesday.*

"James's arrest ends one of the biggest manhunts in Baltimore history. Hundreds of policemen have been combing the woods in the Pimlico section since Tuesday afternoon when Marsha Brill was dragged from her bicycle and slashed to death Tuesday afternoon.

"The Police Commissioner says no formal charges have been placed against James as yet. Says Atkinson: 'We have only an oral statement. We expect to get a written one later tonight and then we will put the formal charges on the docket.'

"Baltimore . . . Eugene James was formally charged with the murder of 11-year-old Marsha Brill at 7.45 P.M. tonight. James was docketed at Northern Police Station and taken immediately to police headquarters."

Summary Given

Later during the evening of July 8, 1948, Miss Taggert placed on the teletype operated by United Press for the benefit of its subscribers a dispatch summarizing the information which had been given to or verified for Miss Taggert by Commissioner Atkinson. The dispatch in the following form was received at about 9.45 P.M. by the Appelants WCBM and WFBR and broadcast by them:

"Baltimore . . . a Negro janitor *with a long prison record has been charged with the murder of 11-year-old Marsha Brill. The schoolgirl* was dragged from her bicycle and stabbed to death last Tuesday afternoon while she and two playmates were on their way home from a picnic.

"The man charged tonight is 31-year-old Eugene James, of 3311 Payton avenue. James, who is unmarried, has been working as a handyman around a Pimlico apartment house for several months. He was released last September from the State Penal Farm, where he had served eight years of a ten-year setence for stabbing attacks on women in North Baltimore.

"Police Commissioner Atkinson said James was arrested Tuesday night just a few hours after the brutal murder.

"Questioned about the arrest, Atkinson said: 'This man had a record. He attacked a 12-year-old girl some time ago. And we picked up anybody we thought would or could have done this thing.'

"Atkinson said earlier that Northern district police broke the case late yesterday afternoon after James was taken to the scene of the crime in the Pimlico section. The man was led through the woods in handcuffs, and when police returned to the station house they carried a 6-inch butcher knife, which will be used in evidence.

Other Attack Mentioned

"James was charged with the murder at 7.30 o'clock tonight at the Northern Police Station. He also was charged with attacking and robbing a 38-year-old Baltimore housewife in the 4700 block of Wabash avenue. He is accused of taking $5 from her.

"When the woman reported the attack, she told police her assailant wore a string of beads around his neck. Police say James was wearing beads when arrested Tuesday.

"The Negro was viewed in a police lineup yesterday by the attack victim, and also by 8-year-old Alan Sapperstein and his 11-year-old sister, Barbara. The Sapperstein children witnessed the savage attack on their playmate, Marsha Brill.

"Police were still questioning James at headquarters late tonight. Commissioner Atkinson says the man will be arraigned on the murder and rape charges in Northern Police Court at 9 A.M. tomorrow morning.

"Meanwhile, three Washington detectives are waiting to question him. They have been in Baltimore since Tuesday investigating the parallel between the Brill slaying and a similar one in Washington's Rock Creek Park one week ago last Sunday. In that case, 11-year-old Carol Bardwell was dragged from her bicycle and slashed to death.

Another Clue

"Atkinson says James denies this crime and contends he has not been in Washington since 1940. The Washington detectives will question him as soon as Baltimore officials are through with him.

"The only clue linking the Baltimore case with the slaying in Washington is an excursion boat badge found in the woods near Pimlico. The badge is a souvenir issued by a Washington steamer line. It apparently is brand new and was torn from the clothing of someone running through the undergrowth."

[The italicized portions of these broadcasts were italicized in the State's bill of particulars to inform the appellants as to the particular words considered as contemptuous.]

Indicted For Two Crimes

On July 9, 1948, James was indicted by the Grand Jury of Baltimore City for the Brill murder, and for the assault and rape of a certain woman some weeks before the Brill murder. At his arraignment on the indictment for murder on July 13, 1948, through counsel, he pleaded not guilty, and not guilty by reason of insanity. On September 20, 1948, he submitted to trial before the Criminal Court of Baltimore City, without a jury. He was found guilty of murder in the first degree, and after a motion for new trial had been denied by the Supreme Bench of Baltimore City, sentenced to capital punishment. Upon appeal to this court the judgment was affirmed. *James v. State, Md.* 65A(2)888. The only question argued was the admissibility of the confessions.

Citations for contempt were issued July 20, 1948. At the appellants' trials upon these citations, in addition to the stipulated facts regarding the broadcasts, William H. Murphy, one of the counsel for James, testified that he represented James at the time of his arraignment. He did not seek a removal, but elected to be tried by the court without a jury.

Attorney's Reasoning

One of his reasons for waiving a jury was that he "felt that, inasmuch as it was common knowledge throughout the city that James had, allegedly, made a confession, and that he had been previously convicted for crimes somewhat similar to his then present indictment, I did not feel that I could have picked a jury that had not been infected, so to speak, by the knowledge of this man's confession and his criminal background."

On crossexamination he stated that one of the reasons he elected trial by the court was because of the broadcasting of information about his client's confession and past criminal record, and that he had talked to numerous people who had heard those broadcasts.

Another reason was "the nature of the crime," which appeared so unnatural as to suggest insanity. During the trial in September both the oral and written confession were admitted in evidence, there was extended testimony of five psychiatrists concerning his mental condition, and in the course of the medical testimony his previous convictions and incarceration were brought to the court's attention.

A preliminary question is raised concerning the authority of Judge Gray, Associate Judge of the Seventh Judicial Circuit, to sit in these cases. His assignment was by Chief Judge Marbury, of this court on January 14, 1949, "under the authority given me by Section 18A of Article IV of the Constitution of the State of Maryland and pursuant to the request of the Judges of the Supreme Bench of Baltimore City . . . to sit as a Judge of the Criminal Court of Baltimore City in the contempt cases now pending in said Court . . ." (The cases were there particularly designated.) Judges Niles and Tucker, who issued the citations, thereupon entered an order referring the cases to Judge Gray.

Section 18A provides, in part that "the Chief Judge of the Court of Appeals shall be the administrative head of the judicial system of the State. . . . He may . . . designate to sit as a judge of the Circuit Court of any county or of any Court or Courts of Baltimore City, either alone or with one or more other judges, in any case or for a specified period, any judge of the Court of Appeals or of any other Circuit Court or of the Supreme Bench of Baltimore City."

Supports Judge Assignment

The appellants contend that this provision is inapplicable because a citation for constructive contempt is not a "case." We find no merit in that contention. It is true that it was held in *ex parte Sturm*, 152 Md. 114 (1927) and *Kelly v. Montebello Park Co.*, 141 Md. 194, that, in the absence of express statutory provision, no appeal would lie in a contempt case, and that the general provision for appeals from final "judgments in criminal cases" was inapplicable.

In short, the holdings were that contempt proceedings were *sui generis* and not criminal cases within the meaning of the appeal statute. After the decision in the *Sturm* case, the General Assembly passed a statute conferring the right of appeal "in all such cases." Code, Article 5, Section 107 (Chapter 357, Acts of 1927). When Section 18A of Article IV was adopted and ratified in 1944, one of its chief purposes was to give flexibility to the Maryland judicial system. In the instant case, the reason for the assignment was, of course, to enable a judge who had not participated in the formulation of a rule of court to pass upon its validity.

Within Spirit And Letter

The assignment was thus within the spirit of the constitutional provision, and we think it was within the letter as well. The word "case" is broad enough to include all proceedings where issues are judicially determined. *Gabrill v. State*, 164 Md. 50, 53; *Baltimore v. Ritchie*, 51 Md. 233. The order of Judges Niles and Tucker could add nothing to the authority of Judge Gray, derived from the order of Chief Judge Marbury, nor could it subtract from it. It is clear that they could not assign a criminal case to a judge of another circuit. *Brack v. State*, 187 Md. 542. But since Section 107 provides that cases of constructive contempt shall be tried "before a judge or judges other than the judge issuing the citation," their order did serve the purpose of making their disqualification a matter of record.

The citations, as amplified by the bill of particulars, were declared to be "based upon Rule 904 of the Rules of the Supreme Bench of Baltimore City" and also "upon the general power and authority of the courts to issue citations for contempts for the protection of a prisoner's rights to a fair trial." Since much of the appellants' fire is directed at Rule 904, we shall first consider it.

The rule reads:

"In connection with any case which may be pending in the Criminal Court of Baltimore, or in connection with any person charged with crime and in the custody of the Police Department of Baltimore City, or other constituted authorities, upon a charge of crime over which the Criminal Court of Baltimore has jurisdiction, whether before or after indictment, any of the following acts shall be subject to punishment as contempt:

(a) The making of photographs of the accused without his consent.

(b) The making of any photograph in violation of Rule 3 hereof.

(c) The issuance by the police authorities, the State's attorney, counsel for the defense, or any other person having official connection with the case, of any statement relative to the conduct of the accused, statements or admissions made by the accused, or other matter bearing upon the issues to be tried.

(d) The issuance of any statement or forecast as to the future course of action of either the prosecuting authorities or the defense relative to the conduct of the trial.

(e) The publication of any matter which may prevent a fair trial, improperly influence the court or the jury, or tend in any manner to interfere with the administration of justice.

(f) The publication of any matter obtained as a result of a violation of this rule."

The 1939 Rule

The Rule was adopted in 1939 and has not since been modified. Judge Gray, in a careful opinion, held that paragraph E was "too broad under the clear and present danger doctrine," and was "based clearly upon the original Federal rule of the doctrine of reasonable tendancy." He held, however, that the rule was severable and rested his finding of contempt upon the violation of paragraph F, that is to say, upon the publication of matter obtained from or statements issued by the police commissioner, in violation of paragraph C. The Appellants contend that paragraph F is also invalid. We think this history and background of the rule, as developed in the addresses of Juge Niles, 45 Transactions, Maryland State Bar Association, page 101 (1940) and Judge Sherbow, 53 Transactions, Maryland State Bar Association, page 165 (1948), support the court's conclusion as to the invalidity of paragraph E. But we do not agree that paragraph F can stand under the doctrine of severability. As the appellants argue, a rule that would condemn the publication of statements made by responsible officials, but condone the publication of similar statements from other sources, would be illogical, if not fatally discriminatory. We are not persuaded that the rule would have been adopted in that limited form. *Cf. Schneider V. Duer*, 170 Md. 326, *Theatrical Company v. Brennan*, 180 Md. 377, 386.

Contempt Regulations

Moreover, counsel for the State and counsel representing the bar associations concede that the rule cannot be construed so as to create an offense of a criminal nature, if, indeed, it can alter in any respect the substantive law. They admit that the source of the power to punish for contempt is inherent in the court, and that the rule was merely designed as a general warning or declaration of judicial policy.

The appellants contend that even when viewed in this light the rule is objectionable as being in the nature of a censorship. They point to a practice whereby judges sitting in the Criminal Court have undertaken to advise the press as to whether particular statements would or would not be contemptuous, and suggest that this runs counter to the accepted Maryland principle that the courts are not at liberty to give advisory opinions, except through the medium of declaratory judgments in contested cases. We think there is force in these contentions, but it is sufficient to say that even if the rule could be sustained as a warning, it could not, standing alone, support the judgments appealed from, which must stand or fall upon the alternative ground set out in the bill of particulars. *Cf. Washington-Southern Navigation Co. v. B.& P. Steamboat Co.*, 263 U.S. 629. If the decision below was correct on either ground, it must be affirmed. *Helvering v. Gowran*, 302 U.S. 238, 245. *Cf. Rollman v. Rollman*, 175 Md. 379.

Argued Power Limit

The appellants do not deny the inherent power of a court to punish for contempt, but they argue that the power has been limited by statute. Code, Article 26, section 4 (Chapter 450, Act of 1853, as amended by Chapter 31, Acts of 1898). This section provides that "the power of the several courts of the State to issue atachments and inflict summary punishments for contempt . . . shall not be construed to extend to any cases except the following:" (The section then sets out seven classes of contempts, none of which in terms cover publications.) In the original Act of 1853, the title described the Act as "declaratory of the law concerning contempts of court." (Section 2 of that Act, providing criminal penalties, is now codified as Code, Article 27, section 30.) The appellants contend that this statute was intended to limit the inherent power of the courts to punish summarily for contempt, and that the General Assembly had the constitutional power to do so.

The doctrine that, under the separation of powers, a court cannot be stripped of its inherent power to protect itself or persons in its custody, has been widely recognized in this country. Nelles and King, "Contempt by Publication," 28 Col. L.R. 554. We find it unnecessary to decide the point, for we think our statute, as construed by this court, is not all-inclusive, despite the argument based upon its contemporary legislative history.

In *Ex parte Maulsby*, 13 Md. 625 (1859), Judge Bartol, in an opinion in a habeas corpus proceeding (not then reviewable by the Court of Appeals), held that a judgment of contempt was not void, although it did not appear upon its face to have been based on facts within the Act of 1853. He pointed out that contempt "is an offense at the common law; it is not created by the Act of 1853, nor is the jurisdiction to punish it conferred by that act alone. . . . The Act of 1853 does not confer upon the courts jurisdiction: it is merely declaratory of what shall constitute a contempt; and while it is intended to restrain the courts from punishing, as a contempt, anything which does not fall within the terms of the act, it necessarily devolves upon each court which is called upon to enforce it, the power and duty of construing it. . . ."

Other Cases Cited

In *Kelly v. Montebello Park Company*, 141 Md. 194, it was held that the statute authorizing appeals in criminal cases was not broad enough to supplant the common-law rule that no appeal would lie from a judgment in a contempt case. The court referred to the inherent power to punish for contempt, without mentioning the Act of 1853.

In *Ex parte Sturm*, *supra* (152 Md. 114), the court referred to the Act of 1853, but said: "The judicial power to punish for contempt did not emanate from the statute just cited. It is a common-law power possessed, independently of statute, by our courts of constitutional origin." In the case of *In re Lee*, 170 Md. 43, decided after the enactment of Chapter 357, Acts of 1927 (Code Article 5, Section 107), establishing appeals on both "the law and the facts" in contempt cases, the court said: "The power and authority possessed by courts may not be destroyed or abridged by legislative enactment. It is recognized as a constitutional attribute, and is preserved as a necessary function of the judiciary."

In *Hitzelberger v. State*, 173 Md. 435, 439 (1938), citations were issued upon information that the defendant had attempted to influence a member of the grand jury, prior to his arrest and indictment. It was contended that the court was without jurisdiction to punish these acts as contempts because they did not fall within any of the provisions of Code, Article 26, Section 4. But the court took the position that the "summary punishments," mentioned in that section, were confined to cases of direct contempt by Code, Article 5, Section 107, which prescribed a different procedure in cases of constructive contempt. "There is no need to reconcile these statutes or to express an opinion of the power of the Legislature in the matter of contempts until presented in a proper case. What we say now is that this is a case of constructive contempt, which the Legislature has not undertaken to construe, define or forbid. It did, however, prescribe the procedure in cases of constructive contempt, and in doing so merely followed the law as already existing and generally observed." Again in *Freedman v. State*, 176 Md. 511 (1939), where the contemnor wrote a letter to the trial judge, in an effort to influence his verdict, the court dealt with the case as one of constructive contempt. We think the *Hitzelberger* and *Freedman* cases are controlling on the question of construction.

The Attorney General makes the further point that the General Assembly has not seen fit to amend these statutes since these cases were decided, so as to repudiate the alleged misconstruction. On the contrary, Section 107 of Article 5 was amended by Chapter 493 of the Acts of 1941, merely to provide that, in cases of constructive contempt, trial shall be "before a judge or judges other than the judge issuing the citation."

Chief Contention

We come, then, to the chief contention of the appellant, that the power to punish for contempt is limited by the First and Fourteenth Amendments to the Federal Constitution, and that the facts in the case at bar cannot support the judgments, in the light of those amendments, as authoritatively construed by the Supreme Court.

It is now perfectly clear that whatever the law of the State, embodied in its constitution, statutes or judicial decisions, the provisions of the Federal Constitution are supreme. *Bridges v. California*, 314 U.S. 252. It is also clear that the guarantees contained in the First Amendment, safeguarding free speech and a free press, are implicit in the concept of due process contained in and made applicable to the states in the Fourteenth Amendment. *Gitlow v. New York*, 268 U.S. 652; *Near v. Minnesota*, 283 U.S. 679; *Schneider v. State*, 308 U.S. 147, 160. We assume that those guarantees extend to radio broadcasts. *United States v. Paramount Pictures*, 334 U.S. 131.

"Clear And Present Danger"

In *Bridges v. California*, *supra* (314 U.S. 252) the Supreme Court was squarely faced with the problem of conflict between free speech and a fair trial. It referred to the earlier case of *Nye v. United States*, 313 U.S. 33, in which the case of *Toledo Newspaper Company v. United States*, 247 U.S. 402 was disapproved. It applied the test laid down in *Schenck v. United States*, 249 U.S. 47, 52, whether or not "the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils."

"What finally emerges from the 'clear and present danger' cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished." Pressed with the argument that the power to punish for contempt was deeply rooted in the English common law, the court said: "The First Amendment cannot reasonably be taken as approving prevalent English practices.

"On the contrary, the only conclusion supported by history is that the unqualified prohibitions laid down by the framers were intended to give the liberty of the press, as to other liberties, the broadest scope that could be countenanced in an orderly society." The court also pointed out that the effect of the publication during the pendency of the trial appeared "to be double: disrespect for the judiciary; and disorderly and unfair administration of justice."

Brushing aside the first effect and considering the second, the court said: "We cannot start with the assumption that publications of the kind here involved do threaten to change the nature of legal trials, and that to preserve judicial impartiality, it is necessary for judges to have a contempt power by which they can close all channels of public expression to all matters which touch upon pending cases."

Editorial In Bridges Case

One of the specific statements alleged to have been contemptuous in the *Bridges* case was an editorial commenting upon a pending prosecution against labor leaders and stating that the judge would make *a serious mistake if he put them on probation. As to this the court* said: "To regard it . . . as in itself of substantial influence upon the course of justice would be to impute to judges a lack of firmness, wisdom or honor—which we cannot accept as a major premise." In the companion case, while a motion for new trial was pending, Bridges telegraphed the Secretary of Labor calling the judge's previous decision an outrage and stating that his union did not intend to follow it. This was construed as a threat to strike, if the court did not change its decision.

Despite the powerful dissent of Mr. Justice Frankfurter in that case, in which three justices concurred, the same principle was applied in *Pennekamp v. Florida*, 328 U.S. 331 (in which all of the participating justices concurred), and in *Craig v. Harney*, 331 U.S. 367. In the latter case the court said: "The danger must not be remote or even probable; it must immediately imperil." In that case, as in the *Bridges* case, there were direct threats and attempts to influence the decision of the trial judge in a pending case, not merely unfounded criticism after the event. Mr. Justice Frankfurter filed a dissent in which the Chief Justice concurred. Mr. Justice Jackson filed a separate dissent.

Construing 14th Amendment

It is trite to observe that we are bound by the decisions of the Supreme Court construing the Fourteenth Amendment. "We are not at liberty to decide to the contrary, or to attempt to whittle away the effect of such decisions by holding that some of the statements are dicta." *Goetz v. Smith*, Md., 62 A (2), 602, 603. In the recent cases, the Supreme Court was not concerned with publications merely "scandalizing" the trial court, but with publications calculated and designed to influence the court's decision. The judgments were reversed because the court found that the danger that the trial court would be influenced was remote.

It is suggested that the Supreme Court, which has not hesitated to extend the constitutional protection to procedural due process, might take a different view where juries or potential juries are concerned, rather than trial judges. The distinction is hardly tenable.

Judges And Juries

Judges are not so "angelic" as to render them immune to human influences calculated to affect the rest of mankind. Conversely, while juries represent a cross-section of the community, it cannot be denied that in every community there are citizens who, by training and character are capable of the same firmness and impartiality as the judiciary. It is plainly a matter of degree. The dissenting opinions argue that neither judges nor juries can remain unaffected by comments and recriminations while a case is pending. This contention did not prevail, even in cases where the statements threatened the judges with retaliation, if they should reach a particular decision. Granted that the decisions are not directly in point, they seem to go further than we are required to do in the case at bar.

In the case at bar, we are not concerned with deliberate attempts to influence the outcome of a pending case. The statements were not argumentative but factual. "If there was electricity in the atmosphere it was generated by the facts," not by the "explicit statement of them." *Bridges vs. California, supra*, p. 278. It was at least a mitigating circumstance that the broadcasts reported statements made or verified by the public authorities. We are asked to hold that disclosure of the fact that the accused had confessed, and had previously been convicted of similar crimes, presented such a clear and present danger as to deprive the accused of his right to a fair trial. It is appropriate to consider, in this connection, the legal effect of such disclosures in the course of a trial.

When Confession Is Admissible

A confession is inadmissible in evidence until such time as the State can show that it was freely and voluntarily made. During this preliminary examination we have said that it is the better practice to exclude the jury, although we have held that it is not reversible error to deny a motion to exclude the jury, if the court subsequently rules that the confession is admissible. *Smith vs State*,——(Md.) ——; 56a (2) 818. The practice of excluding the jury is by no means universal. In many states it is held to be discretionary with the trial judge. Wigmore, Evidence (3d ed.) 861. In none has it been elevated to the status of a constitutional right. Nor has it ever been suggested that mere public knowledge of a confession would vitiate a subsequent trial. If that were so, after a case had been reversed on appeal, for the improper admission of a confession, the case could not be retried.

As we pointed out in *James vs State, supra*, the present English practice is to exclude altogether confessions obtained by the police from persons under arrest, implemented by rules of court and instructions to the police. The practice in this country is quite to the contrary, although in the Federal courts the admissibility of a confession is scrutinized more closely, particularly in cases of protracted or illegal detention. Upon the question whether disclosure of a confession is contemptuous, there is not an abundance of American authority, although the instances in which it has been done are legion. Sullivan, Contempts by Publication (2d ed. 1940) page 125. In *Publishing Co. vs. Lewis*, 42 Utah, 188 (1913), the court reversed a finding of contempt because of rulings by the trial court. Chief Judge McCarty concurred on the ground that there was no showing of actual prejudice to the accused in the publication of the confession.

Inadmissible Evidence

In trials before court or jury evidence that the accused has been convicted of other crimes, wholly unrelated to the crime charged, is inadmissible. *Wood v. State*, — Md. —, 62 A (2) 576, 578; *Dobbs v. State*, 148 Md. 34. However, such evidence may have logical relevancy, particularly where it tends to establish a behavior pattern. In the case at bar the previous record of the accused was the clew that led to his apprehension by the police.

There is also a widely recognized exception to the exclusionary rule in cases involving sex crimes or abnormalities. *Wentz v. State*, 159 Md. 161, citing Wigmore, Evidence (3d ed.) §398. (See also the dissenting opinion of Chief Judge Bond.) The rule that previous convictions are inadmissible is based upon the desirability of avoiding a confusion of issues as well as the unconscious influence upon the trier of the facts.

After verdict, it is universal practice for the court to be informed of past offenses in determining the appropriate sentence. *Murphy v. State*, 184 Md. 70, 82. Without questioning the soundness of the rule of exclusion prior to verdict, it remains a rule of evidence, not a constitutional right. As bearing upon the issue of insanity, it can hardly be doubted that the psychiatrists would have been permitted to disclose, in a jury trial, the prior offenses and predilections of the accused, as they did without objection in the trial by the court.

Use Of Word "Wary"

The suggestion of prejudice in the broadcast that the accused was "wary" and "not an obvious mental case," can hardly be maintained. These statements fall short of an expression of opinion that the accused was sane, which would be inadmissible from a witness not qualified to express such an opinion.

Assuming that the case at bar was "pending" as soon as the accused was arrested and charged, but before his indictment, *Berland v. Commonwealth*, 50 N.E. (2) 210, 216 (Mass.) it seems clear that the mere fact of public statements as to matters that might, or might not be admissible in evidence against him, would not prevent a trial or vitiate a subsequent jury verdict. Our decisions so hold. In *Garlitz v. State*, 71 Md. 293, 300, a tale

A, examined upon his voir dire, admitted that he had formed an opinion based upon newspaper reports and rumors, but that it could be changed by the evidence. The court, speaking through Chief Judge Alvey, said: "In our present state of society, all that can be required of a juror, to render him competent, is, that he shall be without bias or prejudice for or against the accused, and that his mind is free to hear and impartially consider the evidence, and to render a verdict thereon without regard to any former opinion or impression existing in his mind, formed upon rumor or newspaper reports." *Cf. Lockhart v. State*, 145 Md. 602. 614.

Prejudice And Fair Trial

In *Downs v. State*, 111 Md. 241, it was held that the trial court had not abused it discretion in declining to remove a case, although it was undisputed that the newspaper had published statements that the accused had confessed. The court said:

"Such comment does not always arouse such a general prejudice against the accused as to render it impossible for him to secure a fair trial in the county or city where the crime is committed, and it is for the judge to whom the suggestion is made, to determine, on the proofs presented to him, whether such prejudice exists."

In *Newton v. State*, 147 Md. 71, 77, three persons were jointly indicted for criminal conspiracy. Two of them elected to be tried by the court without a jury and were convicted. This fact, together with the evidence produced at the trial, was published in the Baltimore newspapers. Newton, who elected a jury trial, filed an affidavit and suggestion of removal, which was denied. On appeal, this court, speaking through Judge Offutt, said:

"We cannot assume as a matter of law, as we were asked to do, that either judges or jurors will be influenced by considerations which under their official oaths *they are bound to disregard*. And the statements made by the jurors in this case tend to confirm that view. . . . Before he was sworn in this case every juror on the panel expressly denied that he would be influenced in rendering his verdict as to Newton by the verdict of the three judges, and stated affirmatively that his verdict would be based solely upon the law and the evidence uninfluenced by the action of the three judges in the case against Gillespie and Dickey."

Justice Holmes's Opinion

In *Jones v. State*, 185 Md. 481, 485, 491, we held that, upon petition for a change of venue, the trial court should determine the truth or falsity of the facts alleged as to local prejudice. It was not suggested that "statements printed in local and State-wide newspapers alleging confessions and admissions of guilt" would, without more, require removal. In *Holt v. United States*, 218 United States 245, 251, where in a Federal case it was contended that members of the jury were influenced by newspaper accounts published during the trial, Mr. Justice Holmes, speaking for the court, said: "If the mere opportunity for prejudice or corruption is to raise a presumption that they exist, it will be hard to maintain jury trial under the conditions of the present day." See also *Welch v. United States*, 135 F (2) 465 (C.C.A., D.C.); certiorari denied, 319 United States 769.

An accused, of course, has a right to examine prospective jurors on their *voir dire*. *Alexander v. Grier*, 181 Md. 415; *Whittemore v. State*, 151 Md. 309, 314. In a capital case, he has an unqualified right of removal. Code, Article 75, Section 109. These rights are predicated upon the ever-present possibility of public indignation and prejudice against an accused, where a crime of a wanton or shocking character is committed. The mere fact of arrest, or indictment, implies that the police believe the accused to be guilty, or that the grand jury has found a *prima facie* case. Knowledge that the public authorities are active may have a tendency to allay public excitement and fears, so often magnified by word of mouth. *Trials cannot be held in a vacuum, hermetically sealed against rumor* and report. If a mere disclosure of the general nature of the evidence relied upon would vitiate a subsequent trial, few verdicts could stand.

Has Not Met Burden Of Proof

With due respect for the finding of Judge Gray, we find no direct evidence of prejudice in the community because of the broadcast information. The testimony of James's counsel that he felt the disclosures would prevent him from obtaining an impartial jury, were only conclusions of the witness and not statements of fact. Unless we can infer prejudice from the broadcasts themselves, the State has not met the burden of proof.

The State earnestly contends, however, that the question is not whether there is such a showing of prejudices to vitiate a trial, but whether the statements were reasonably calcuated to influence a potential jury. We should have grave difficulty in holding that the same statements that would not be so prejudicial as to require the reversal of a death sentence, could still be so prejudicial as to support convictions for contempt. But even drawing the inference, we think the proof does not meet the present test laid down by the Supreme Court, which requires more than an inherent or reasonable tendency to prejudice, or even the probability that it will do so.

In so holding, we are well aware of the high motives of the Maryland Bench and Bar in attempting to keep the stream of justice undefiled by sensationalism, and the dramatization of crime, so prevalent in this country and so roundly condemned in England. We do not suggest that the courts lack the traditional power to discipline officials who are a part of the administration of justice. The question whether they can now deal with the radio stations or the press in cases where the statements are inflammatory, false, or designed to intimidate is not before us. We simply hold that upon this record the broadcasts did not create such a clear and present danger as to meet the constitutional test.

In view of our conclusion it is unnecessary to discuss the other points raised in the briefs.

JUDGMENTS REVERSED.

NEWS - 6/10

10-Year Gag On Press Seen Over

On a basis of the Appeals Court ruling yesterday voiding Rule 904 of the Supreme Bench of Baltimore, newspapers and radio stations no longer are required to observe the provisions of the much-discussed rule, Attorney General Hall Hammond said today.

Rule 904 limited the dissemination of certain phases of news involving criminal cases, and was effective in Baltimore for more than 10 years.

PRESS FREEDOM CITED

In striking out the key portions of Rule 904, the Appeals Court held they infringed upon the Supreme Court's interpretations of the constitutional right of freedom of the press.

However, there is a possibility the State of Maryland, through the attorney general, may take the case to the Supreme Court for a final, definitive ruling.

There is some doubt such action is possible, the attorney general said, but he added he will study the 7,500-word opinion of five judges who concurred in the decision outlawing Rule 904 before he decides if the State can legally carry the case to the Supreme Court.

Mr. Hammond said he probably will decide next week if an appeal is possible.

RADIO FINES VOIDED

Meanwhile, he said, Rule 904 is abrogated now, for all practical purposes. The Court of Appeals mandate in the case will be handed down within a month, formally striking out the principal portions of the rule.

Attorneys who have studied the appellate cour's ruling said the central point of the court's far-reaching decision is this:

Publication of the facts in a criminal case is clearly proper now. The publication of such factual material is permissable to newspapers provided it is not "inflammatory, false or designed to intimidate."

In particular, the attorneys said, courts must not adopt any rule designed to prohibit newspapers from printing statements by public authorities when such statements could properly be published if they had been made by someone else not a public official.

FREE SPEECH CITED

The ruling does not abridge the right of any accused person to a fair trial by due process of law, bust such right must be read as being limited by the constitutional rights of free speech and free press.

Accordingly, the press cannot be prevented from publishing reports of confessions, of prior records of the accused, and similar matters.

The courts retain their powers to discipline individuals within the court system, but newspapers are not under the court system and hence cannot be disciplined in the manner applicable to individuals within the court system.

That means, in essence, that a court clerk could be disciplined—because he is a part of the court system. But a newspaper or radio station, not being a part of the court system and furthermore having the constitutional right of freedom within legal limits, cannot be disciplined.

ANOTHER POINT IN RULING

Another point in the Appellate Court's ruling is that no difference was found in a situation where the accused in a criminal case is tried by a jury or by the court.

In handing down its decision, the Court of Appeals also voided fines which had been imposed on three radio stations and the news editor of one of the stations for broadcasting news of the Eugene H. James case.

James, a Negro handyman, had been arrested as a suspect in the slaying of Marsha Brill, aged eleven. Radio broadcasts referred to James' prior criminal record, in violation of Rule 904.

CONVICTED BY GRAY

Judge John B. Gray, Jr., of the Southern Maryland circuit, sitting in Criminal Court in Baltimore on special assignment by the Court of Appeals, convicted the defendants on the strength of the rule itself.

In abrogating Rule 904, the majority opinion of the Court of Appeals held:

"Trials cannot be held in a vacuum. Court proceedings cannot be hermetically sealed against rumor and report . . .

"If a mere disclosure of the general nature of the evidence relied on would vitiate a subsequent trial, few verdicts would stand."

Five judges of the appellate court signed the opinion—Chief Judge Ogle Marbury and Associate Judges Edward S. Delaplaine, Stephen R. Collins, William L. Henderson and C. Gus Grason. Judge Henderson wrote the opinion.

One judge dissented — Judge Charles Markell of Baltimore.

Edwards Request For New Trial Turned Down

His bid for a new trial thwarted, Thomas A. Edwards today prepared to face sentence for the murder of John H. Mahlan, twenty-five-year-old Glen Burnie postal clerk, and his date, Mary C. Kline, eighteen.

The defendant's prospects of sentence were narrowly circumscribed by law: Either death on the gallows or life imprisonment. An appeal, of course, may be taken.

Edwards' attorneys, William J. McWilliams and Ridgely P. Melvin, asked for a retrial on the basis of new evidence they said they had uncovered. And they claimed the twenty-four-year-old Negro had been "framed"—not by police, but "by someone else."

But yesterday the Supreme Bench of Baltimore overruled the motion for new trial. Six of the seven judges who considered it signed an order to that effect. Judge Michael J. Manley withheld his signature. No opinions or comments went along with the order.

Edwards was convicted of first-degree murder last February. No date for his sentence has been set, but court attaches expect it within a week or so.

EVE. SUN 6/10

Wider Adoption Of Court Rules Doubtful

Action by Maryland's Court of Appeals yesterday on three contempt-of-court appeals was deemed a final blow that prevents any State-wide adoption of court rules.

A proposed rule nearly similar to Rule 904 of the Supreme Bench of Baltimore had been up for consideration by the rules committee of the upper court, for possible State-wide adoption.

The 5-to-1 decision of the high court in striking out key sections of Rule 904 that deal with publications was regarded by lawyers today as assurance that the similar proposed rule, suggested as Rule 9 of the Court of Appeals, was doomed.

Appeal Issue Weighed

Meanwhile, Attorney General Hall Hammond still is considering whether the State may appeal to the United States Supreme Court from the Maryland court's reversal of the three contempt convictions.

Judge John B. Gray, in the Criminal Court of Baltimore, had fined Radio Stations WFBR, WCBM and WITH, and the former news editor of the latter for news broadcasts in connection with the Eugene H. James murder arrest.

As a result of the upper-court ruling, the judges of the Supreme Bench, in absence of appeal by the State, are expected to take steps to clarify remaining sections of Rule 904.

Its sections which are not disturbed by the contempt-case decision still ban taking of photographs without consent of accused persons, taking of photographs about or around courts in violation of another rule; issuance by police, prosecutors or other officials of statements regarding confessions, admissions and other matters "bearing upon the issues to be tried."

Still another section of the rule which appears to remain intact bans the issuance of predictions or forecasts of future actions by either prosecution or defense counsel in criminal cases.

Rule Never Modified

Rule 904 was enacted originally as a rule of Criminal Court and later was incorporated into the Supreme Bench rules. It never has been officially modified, although the judges frequently have authorized relaxations of some aspects of the rule in particular instances.

Last summer, before the Maryland State Bar Association at Atlantic City, where proposed enactment on a State-wide basis first came under heavy fire, Judge Joseph Sherbow delivered an address that advocated a number of alterations in the rule.

Judge Gray's initial decision last winter in the contempt cases had stricken down the broadest section of the rule on the ground that it conflicted with Supreme Court decisions.

Section Ruling Defined

The majority of the Court of Appeals agreed with Judge Gray that the one section was unconstitutional. They overruled his position that another section, which banned "publication of any matter obtained as a result of violation of this rule," was severable, on the ground that what was left was "illogical, if not fatally discriminatory."

The majority decision of the upper court was written by Judge William L. Henderson. The lone dissent was by Judge Charles Markell, who asserted the majority ruling would permit substitution of "trial by newspaper or radio for trial by jury."

EVE. SUN 6/13

2 More Firms Guilty In Vets' Housing Quiz

Two housing corporations today were found guilty in Criminal Court by Judge Robert France on building-code violation charges arising from the GI housing inquiry.

The defendant concerns were:

Edison Realty Company, developer of houses in the 2700 and 2800 blocks of East Federal street.

Roland Construction Corporation, developer in the 4200 block of Falls road and the 1100 block of Roland Heights avenue.

Referred To Inspector

The defendants were the twenty-ninth and thirtieth housing companies to be called to trial since the housing probe wsa put before the grand jury fourteen months ago by Judge Herman M. Moser.

Under the usual practice in the building-code cases Judge France referred the matter to Building Inspector Paul A. Cohen for reinspection and reports to the court.

Only two more sets of cases now remain to be tried.

Five Individuals Cleared

The court, with the assent of Deputy States Attorney William H. Maynard, entered not guilty verdicts as to Harry, Frederick and Sarah Bart, three individuals charged with the Edison Realty Company and as to Albert Stark and Benjamin Bart, individuals charged along with the Roland Construction Company. Attorneys for the defendants were H. Mortimore Kramer and Joseph G. Finnerty.

The Edison concern was ruled guilty on a total of 30 counts in ten indictments, where the violations were said to be lack of bridging over steel beams, absence of end-wall anchors, and absence of parallel wall anchors.

The Roland concern was ruled guilty in a total of fifteen counts in five indictments and the defects were listed as improper fire walls and absence of end-wall anchors and lateral-wall anchors.

MORN-SUN - 6/14

TWO HOUSING FIRMS GUILTY

Verdict Brings To 30 Total Convicted Following Probe

Two more housing concerns yesterday were convicted in Criminal Court of violating the Building Code of Baltimore in the construction of veterans' housing.

Found guilty of the charges were the Edison Realty Company, which built homes in the 2700 block of East Federal street, and the Roland Construction Corporation, builder of houses in the 4200 block Falls road and the 1100 block Roland Heights avenue.

A total of 30 housing concerns now have been convicted of similar charges since a grand jury probe of GI housing was begun by the grand jury more than a year ago.

Judge Robert France referred the cases before him yesterday to the building inspection engineer for further inspection and report before imposing sentence.

Individual officers of the two companies were found not guilty of the code-violation charges.

Findings Listed

Lack of end-wall anchors and lateral-wall anchors was found in houses built by both defendants, according to William H. Maynard, Deputy State's Attorney.

Inadequate fire walls were discovered in the Roland Construction houses, and lack of bridging in the Edison Realty homes, the prosecutor added.

MORN SUN 6/15

Crime News Ruling Will Be Appealed

Hall Hammond, attorney general, yesterday said he would seek a United States Supreme Court review of the decision of the Maryland Court of Appeals striking out key sections of the Baltimore court rules restricting dissemination of crime news.

The ruling handed down last Thursday also reversed contempt-of-court convictions of three Baltimore radio stations.

Mr. Hammond said he would file a petition for a writ of certiorari in two to three weeks on behalf of the State.

The Court of Appeals, in a 5-to-1 decision, declared the court rules formulated ten years ago by the Supreme Bench of Baltimore City violated Supreme Court interpretations of constitutional guarantees of freedom of the press.

EVE. SUN - 6/14

Youth Gets 10 Years In Stabbing Slaying

Found guilty of manslaughter at his trial on a charge of murdering his girl friend, Raymond Jackson, 19, colored, today was sentenced to a term of not more than ten years in the State Reformatory.

Judge Robert France acquitted Jackson on the more serious murder count. The man was accused of stabbing Mary Miles Young, colored, during an argument at her home in 200 block Montford avenue. Assistant States Attorney Alan H. Murrell prosecuted.

EVE. SUN 6/15

$575 Awarded For Defective GI Home

A cash award of $575 to cover housing defects today was recorded in Circuit Court in a test case involving a specific performance suit against a builder by a dissatisfied home-owner.

Judge Emory H. Niles, after the conclusion of an extended hearing awarded the damages in favor of Harry Himelfarb, of 5005 Sunset road, against the Laurel Realty Company.

Himerfalb's suit and a similar proceeding asking specific performance against another developer had gone to the Court of Appeals last year. Attorneys had hailed the case as an important test of whether a purchaser receiving a defective home could successfully demand a house in conformance with the contract or win damages instead of the old doctrine of *caveat emptor* (let the buyer beware).

First To Be Tried

The Court of Appeals had sent both cases back for hearings on the facts and Himelfarb's case against the Laurel Realty Company was the first to be tried.

That company is one of the 32 development concerns which have faced building code charges in Criminal Court as a result of the GI housing inquiry by the grand jury.

The Laurel Realty Company was found guilty on 49 counts of violating the building code in connection with eight houses located on Sunset road, Laurel avenue and Colburn avenue.

Wait Final Report

The case, like the other GI housing cases, is being held for final disposition after two more series are heard and the building inspection engineer makes a final report to the court on all defects.

Himelfarb, through Henry M. Decker, Jr., and Morris Rosenberg, attorneys, had sought to have the court order correction or full performance, or else award damages, in connection with a number of alleged defects.

Judge Niles ruled out a large number of the complaints on the ground that they were waived by the purchaser's acceptance of the house because the troubles were apparent, and ruled out a number of other claims as not proved.

The court's $575 award was based on six defects.

The main matter involved unevenness of the first-floor flooring of the home, and $425 was awarded on that score.

Another $30 was awarded because of work that would be required to correct twisting and unevenness of first-floor joists that were said to require bracing. A $50 award was based on unevenness in the flooring of the second floor near the stairway.

Crack In Plaster

Another $50 award was based on a plaster crack that was deemed not to be due to settling. The remaining awards of $10 each were for lack of handrail on the cellar steps and to cover sanding work to improve unevenness of woodwork finish.

During the hearing, which covered nine different days at various sessions, both sides produced expert witnesses, but the awards were based in part upon inspection of the house by Francis Jencks, architect, who was selected by Judge Niles with the assent of both sides to report after an impartial survey.

MORN-SUN-6/16

APPEAL GROUNDS BEING WITHHELD

Hammond Seeking Review On Crime News Rule

Grounds for the petition asking the United States Supreme Court to review the decision of the Maryland Court of Appeals invalidating key sections of the Baltimore court rule which restricts crime news will not be divulged until the petition has been filed, Hall Hammond, State attorney general, said yesterday.

Mr. Hammond said he is working on the petition for a writ of certiorari, or request for a review, but did not think it would be proper to make public the grounds in advance of the filing of the petition.

The Maryland court decision struck down the conviction of three Baltimore radio stations on charges of being in contempt of court because of certain broadcasts about the arrest and statements of Eugene James, charged with murder.

Found Based On Old Rule

The high State court ruled that the broadcasts did not create a "clear and present danger" to a fair trial for James under the test established by the Supreme Court.

The Maryland tribunal also struck down key sections of Rule 904, of the Baltimore Supreme Bench, on the grounds that they were based on the old Supreme Court "reasonable tendency" rule.

Mr. Hammond said he did not think a reversal of the Maryland court by the nation's highest court would amount to "double jeopardy" for the radio stations because the ruling would be based on a question of constitutional law.

Will File Petition

The attorney general said he expects to file the petition before the Supreme Court within three weeks.

The Maryland high court ruled in favor of the radio stations—WITH, WFBR and WCBM—by a 5-to-1 decision.

The case attracted national interest. National publishing and broadcasting groups, civil liberties groups, associations of lawyers and The A. S. Abell Company, publisher of the *Sunpapers*, intervened in the proceedings.

'SANTA' HEIM FINED $100

Convicted Of Failing To File State Income-Tax Return

Harry H. Heim, Christmas ornament maker known as "Santa Heim," yesterday was fined $100 and costs for failing to file a Maryland income-tax return for the year 1947, when he had an income of $31,200.

Heim blamed his failure to file a return on the contention that he thought his private auditor had filed the return for him.

Judge Robert France, in imposing sentence, said he did not believe there had been any deliberate intention to evade the tax obligation. The judge added that the case did not reflect on Heim's moral character or honesty.

Increase In Business

Heim, who operates a plant at Savage, Md., increased revenues of the business from about $61,000 in 1943, when he purchased it, to about $1,659,000 last year, according to G. C. A. Anderson and Richard W. Emory, defense counsel, who entered a plea of nolo contendere.

William J. O'Donnell, prosecutor, said the charge against Heim resulted after the manufacturer filed a claim for a refund on his 1946 corporation tax. Then it was discovered that no corporation taxes actually had been paid for that year, due to the failure of an auditor to complete the tax transaction, Mr. O'Donnell said.

Later, when returns were filed for the concern and the salaries of officers were listed, it was learned that Heim had not paid taxes on his $31,200 income for 1947, the prosecutor told the court.

MORN SUN - 6/17

CITY JOB COST TRIAL OPENS

Roofing Contractor Charged With False Pretense

Charles E. Butler, roofing contractor "consistently overcharged the city on labor costs," prosecutors declared yesterday at the opening of his trial in Criminal Court.

Butler is charged with obtaining by false representation $1,441.65 from the city in connection with cost-plus contracts.

Butler's trial is the fourth in a series resulting from an investigation of cost-plus contracts with the city. The inquiry began in December, 1948, when the city auditor discovered irregularities.

29 Jobs Are Probed

Butler faces false pretense charges in connection with 29 jobs he performed for the city during 1948, the jury under Judge John T. Tucker was told.

The trial recessed yesterday with the introduction of the defendant's pay roll book as evidence.

According to statements by Charles E. Orth, Jr., prosecutor along with William J. O'Donnell, violations charged to Butler are of two types.

Mr. Orth said Butler would charge the city $1.87 an hour for mechanics and $1.25 an hour for helpers on most of his contract jobs.

Roofing Work Mentioned

But according to his pay-roll books, it is alleged, the defendant only paid his workers on the job $1.25 for mechanics and 75 cents for helpers.

In the other type of alleged violations, Mr. Orth said, Butler would subcontract to another roofer, and bill the city for more than twice as much as the work cost him.

Joseph Rosenthal, defense counsel along with Reuben Shiling, denied that Butler overcharged the city on his labor costs.

He said that it is impossible to figure labor costs based on any one job, that those costs must be based on the overall expenses necessary to keep a working force and pay the workers regularly throughout the year.

"We will show that the defendant's profit was actually below the twenty per cent allowed under cost-plus contracts, because he failed to consider properly his overhead in figuring the costs of each of the jobs," Mr. Rosenthal declared.

Man Is Given Year In Obscene Picture Case

Convicted of possessing obscene pictures and of selling pictures to students at the Roland Park public school, Peter Schlauch, Jr., 37, employé at the school, yesterday was sentenced to one year in the House of Correction.

The sentence was imposed by Judge Robert France in Criminal Court after Schlauch, a locker-room attendant, pleaded guilty to the charge.

Alan H. Murrell, prosecutor, told the judge that pictures were recovered from two boy students at the school and those photographs were used as the basis of the prosecution.

EVE. SUN 6/17 / MORN SUN 6/18

Court Declares 4th Cost-Plus Mistrial

For the fourth time since prosecution of city cost-plus contractors was started this spring, a mistrial today was ordered. As a result, all of the cases are expected to go over until the fall court term for trial.

Today's mistrial was declared at the hearing of Charles E. Butler, roofing contractor, for allegedly obtaining about $1,400 improperly from the city on cost-plus work. His trial began yesterday.

Judge Tucker Grants Motior

Judge John T. Tucker, after discussions lasting about an hour and a half, granted the motion for mistrial filed by Joseph Rosenthal and Reuben Shiling, Butler's lawyers.

Their motion was based upon action of prosecutors yesterday in making a demand in open court, in the presence of the jury, for Butler to produce his original pay-roll books. Judge Tucker previously had declined to permit use of extracts, when the defense objected.

The defense lawyers contended that the call for production of the original records in the presence of the jury had the effect of causing the defendant either to give evidence against himself or possibly be prejudiced in the minds of the jury if he refused to comply.

Other Mistrials Recorded

Other mistrials had occured twice in a case brought against Arthur P. Shamer, plumbing contractor, when two different juries failed to agree.

The third mistrial occurred recently during the trial of Meredith R. Howard, another plumbing contractor, on the ground that a juror had acted improperly. The juror is under citation for contempt of court.

Carter Is Silent On Next Move For Office

Wilford L. Carter, clerk of the Criminal Court, today declined to make any comment concerning his next steps for changes in his office, which has been under criticism by the Supreme Bench and the State auditor.

The clerk declined to make any answer as to whether he will take further steps in an effort to discharge four veteran employés. He had asked the Supreme Bench for the right to fire the men, but it had been denied.

Judges Halted Firing Of Four

Chief Judge W. Conwell Smith in a letter to Carter had stated that if charges of incompetency or neglect of duty were to be made, the men were entitled to "specific charges" and "a hearing."

The chief judge had pointed out that no such causes for discharge had been cited, and repeated previous advices to Carter that "deputy clerks ought not to be discharged or replaced for purely personal or political reasons."

Four Long In Office

The four veterans whose removal Carter had sought are George F. J. Brown, his chief deputy clerk; Paul O. Martin, and Alfred Scherr, bail clerks; and Andrew C. Heimbach, grand jury clerk.

The four, and two other veterans of less service, are the only office employés whose tenure began under Carter's predecessor in office.

BALTIMORE, FRIDAY, JUNE 17, 1949

Clerkships And Politics

The judges of the Supreme Bench have told Mr. Wilford L. Carter in no uncertain terms that he cannot discharge the four deputies whose tenure in the office of the Criminal Court he sought to end. The rejection is based on the sound principle that experienced employés ought not to be deprived of their jobs except on specific charges and after a hearing.

The implications of the rejection, however, are much broader than this single principle. The fact is that the offices of the various courts ought to be completely separated from politics and the clerks and deputies ought to be in law as well as in fact career men. That is the system which the Bond Commission actually proposed some years ago, and if the commission's plan had been adopted, none of the current difficulties in the office of the clerk of the Criminal Court would have occurred.

What the Bond plan contemplated was a consolidation of the clerkships. It was proposed that there be just one clerk with deputies for each of the separate courts. The clerk was to be appointed by and subject to the control of the court. Such a plan is obviously better than the present system, under which six clerks are elected by popular vote.

The present system puts a premium on politics and deprives the Supreme Bench of the control over the clerks which courts ought to have. The judges still have a proper say over the hiring and firing of deputies, as this incident shows. But such control is negative and partial. It will remain so until the sort of reform proposed by the Bond Commission is carried out. Only by that means can service in the courts become in every sense of the word a career service free from any taint of politics.

JUDGE HALTS PROFITS TRIAL

Interrupts Cost-Plus Case After State Asks Pay Data

The State's fourth effort to complete the trial of a cost-plus contractor charged with defrauding the city yesterday again resulted in a mistrial.

The first two trials involving Arthur P. Shamer, plumbing contractor, resulted in mistrials when the juries were unable to agree. A third trial involving Meredith R. Howard was declared a mistrial after a juror allegedly discussed the case publicly.

Yesterday, a mistrial was declared in the case of Charles E. Butler, roofing contractor, accused of defrauding the city of about $1,400, on the ground that prosecutors improperly called on the defendant to submit his pay-roll records in open court before the jury.

Defense Motion Granted

Judge John T. Tucker granted the motion of Joseph Rosenthal, defense counsel, to declare a mistrial.

The State called for the production of the records after Judge Tucker sustained a defense motion to rule out of evidence transcripts of the actual pay roll records made in advance of trial by deputy city auditors.

Mr. Rosenthal contended that the transcripts constituted "secondary evidence" which should not be admitted into testimony unless it could be shown that the real records could not be produced by the State.

Fears Prejudice To Case

The defense lawyer argued that the open-court demand for Butler's records amounted to an effort to compel the accused to present evidence against himself. If the man refused, then his case might be prejudiced before the jury, Mr. Rosenthal asserted.

He contended that the State should have sought the records by formal summons. A refusal to produce them might then have made the so-called "secondary evidence" admissible, Mr. Rosenthal said.

Reuben Shiling also was a defense counsel.

Hanging Date Set In Hatchet Killing

Annapolis, June 17 (AP)—Howard Andrew Fram, 32-year-old baker's helper who admitted killing an elderly Baltimore grocer with a hatchet, will be hanged July 8, the State House announced today.

A spokesman said Governor Lane has signed a death warrant for the man who waited on customers in the neighborhood grocery after concealing his victim's body beneath packing crates.

Fram, who lived in Kensington, pleaded guilty to the hatchet attack on 77-year-old George Lehr a week before Christmas, 1947. He was sentenced to die three months later.

Fram pleaded he had just lost his job, suspected his wife of "running around" and needed money to buy Christmas presents for his two children.

MORN-SUN - 6/21

WOOD TO HANG JULY 8; SLEW POLICEMAN

Joseph Benedict Killed In February While Investigating Holdup

Roy Arnold Wood, 24-year-old bricklayer from White Hall, Md., will be hanged July 8 for the murder of Patrolman Joseph D. Benedict who was slain in February, 1948, while investigating a cab holdup.

Governor Lane has signed a death warrant setting the date for Wood's execution.

Howard A. Fram, 32, of Kensington, Md., will go to the gallows at the State Penitentiary on the same day for the hatchet-slaying of a 77-year-old grocer, it was announced last Friday.

Routine Investigation

Wood, who was the object of one of the city's most intensive manhunts, was convicted of shooting Patrolman Benedict in the early morning of February 13 at The Alameda and Thirty-third street.

Benedict was making a routine investigation of a taxicab shortly after the holdup of another cab in the North Baltimore area. As he approached the halted taxi, the gunman opened the door, shot the policeman and fled.

Wood was captured 72 hours later in an elaborate police trap set at Pratt street and Broadway after Mary Bates Tolliver, 30-year-old widow, had told police she was to meet him there that night.

Wrote Own Appeal

After his conviction, while he was awaiting sentence in the City Jail, the convicted gunman attempted to hang himself in his cell, but was stopped by guards who caught him with a makeshift noose looped around his neck.

Subsequently he wrote a 34-page plea in his own behalf addressed to the Court of Appeals. Last December the appeals court upheld his conviction and death sentence.

MORN SUN - 6/21/49

MOTORMAN FREED IN DEATH

Brakes Failed Due To Defective Fuse, Court Told

After testimony that his streetcar suffered a mechanical failure, the motorman of a No. 13 car which rammed an automobile at North and Fulton avenues May 24 was acquitted yesterday of causing the motorist's death.

The motorman, Allen Casey, 54, of the 4100 block Moravia avenue, told Magistrate Thomas L. Fitzpatrick in Northwestern Police Court that his brakes would not work nor would any emergency means of stopping the streetcar.

Saw Auto And Trolley

The streetcar rammed into the rear of the automobile, crushing it against another streetcar. The first streetcar and the automobile had been stopped for a redlight, according to testimony.

The occupant of the automobile, John Schmidt, 54, of the 1100 block Overbrook road, died of a crushed skull and chest, police testified.

Mr. Casey said that he saw that the streetcar in front of him and the automobile were stopped when he was four blocks away but was unable to stop.

Edward W. Bowen, a supervisor for the Baltimore Transit Company, said that he was the first company official to arrive on the scene of the accident.

Tells Of Defective Fuse

He checked the equipment carefully, he said, and determined that the brakes failed because of a loss of air pressure due to a defective fuse.

His testimony was corroborated by John W. Abel, a shop foreman.

Asked whether a motorman has any warning that a fuse has blown and the air pressure for the brakes is dropping, the company officials said that normally he would.

However, in this case, they said, he didn't, because the fuse was defective.

GRAND JURORS ARE NAMED

September Group Consists Of 6 Women, 17 Men

Grand jurors for the September term of court were selected yesterday at a term meeting of the Supreme Bench of Baltimore. The panel of six women and seventeen men includes:

DAVID A. ABRAHAMS, 3313 Taney road.
L. WESLEY COOPER, 2803 Strathmore avenue.
NICHOLAS J. DEBINSKI, 527 South Kenwood avenue.
FRANK H. DURKEE, SR., 3700 North Charles street.
FRANK G. FAYMAN, 3206 Ramona avenue.
MRS. LILLIAN K. FOSTER, 2210 Linden avenue.
MRS. MIRIAM B. GILE, 3401 North Calvert street.
EDWARD A. HEIL, 3517 Denison road.
LEON N. HIRSCHMAN, 2519 Eutaw place.
JOHN M. JOHNSON, 1700 Druid Hill avenue.
HERRICK F. KIDDER, 1012 Poplar Hill road.
MRS. CHARLOTTE B. KING, 219 West Lanvale street.
THOMSON KING, 216 Longwood road.
DR. EDWARD L. KNOEBEL, 1763 Montpelier street.
ANDREW C. KRUG, 3107 Gibbons avenue.
JOHN N. MACKALL, SR., 12 Merrymount road.
MRS. CHARLOTTE E. NOLTE, 3700 North Charles street.
JOSEPH T. NOSSELL, 2217 Crest road.
WILLIAM V. O'BRIEN, 2722 East Madison street.
MISS AMALIE G. RUPPEL, 4308 Roland avenue.
CHARLES D. SADOWSKI, 1808 Eastern avenue.
MRS. EVELYN H. SAMLER, 7311 Park Heights avenue.
JAMES H. VONHAGEL, 510 Lyndhurst street.

The jurors will be charged and sworn into office when the September term of court opens.

MORN SUN - 6/23

Man Given 5 Years On Assault Charge

Convicted of assaulting an 8-year-old girl on a playground near the City Hospitals, where he worked as an orderly, Frederick Collins, 53, yesterday was sentenced to five years in the Penitentiary.

Collins was acquitted of molesting a 5-year-old girl because the child was unable to qualify as a witness. Edwin A. Gehring, assistant State's attorney, told the court that Collins had been convicted in New York on similar charges on three prior occasions.

The defendant lived at quarters in the hospital, but his home is in New York, Mr. Gehring told Judge E. Paul Mason in Criminal Court.

MORN-SUN-6/24

PLUMBING FIRM IS INDICTED IN COST CASE

3 Officers Also Charged With Obtaining $2,587 By False Pretense

False pretense in obtaining $2,587.74 in city cost-plus work was charged to a plumbing and heating contracting company and three of its officers yesterday by the grand jury.

The investigating body filed indictments and presentments naming Harry Elgin & Sons, Inc., of the 300 block South Highland avenue, and Harry, Melvin A., and Gilbert H. Elgin.

Bail totaling $4,000 was arranged through their attorney, Joseph Rosenthal.

Charges Cover 3 Years

Separate indictments covered alleged offenses in 1948 and two previous years and charged the defendants defrauded the city "unlawfully and knowingly" by false pretenses.

The indictment covering 1946 cited a total of $53.04, and broke that figure down into specific amounts of $44.20 on November 25, and $8.84 on December 13.

Thirty-two separate dates and items were listed in the indictment covering 1947, for a total of $1,385.37.

Beck Was Witness

Last year, a third indictment charged the firm obtained $1,149.33 fraudulently on 31 items.

The indictments listed Howard S. Beck, city auditor, among the witnesses before the grand jury.

The firm had done work for the Bureau of Parks and the Department of Buildings, an official said.

In four cases, resulting from the investigation of municipal cost-plus work, mistrials have resulted. Yesterday's action by the grand jury was the ninth against a cost-plus contractor since the start of the cost-plus investigation.

A juror in one of them, Fred A. Rochester, 60, of the 200 block East Twenty-fifth street, will appear before Chief Judge W. Conwell Smith this morning on contempt charges.

Judge John T. Tucker cited him for "improper conduct" in discussing the case of Meredith R. Howard outside the court.

EVE. SUN-6/24

Edward Grear Sentenced To Hang

Edward L. Grear, 43-year-old colored man, today was sentenced to hang for the murder last December of Patrolman John W. Arnold.

The sentence was imposed in Criminal Court by Judges E. Paul Mason and Herman M. Moser, who tried the man last February for the slaying.

Judge Mason spoke for the court in pointing out that Grear had a past record of gun-carrying and shooting at police. Judge Mason said:

"If any murder is to be punished by capital punishment, that sentence must be imposed in this case."

Patrolman Arnold and a companion, Patrolman Norman Mike, of the Northwestern district, both were shot by Grear on the morning of last December 12 while they were investigating a disturbance in Little Pine street. Grear also was indicted for shooting Officer Mike.

Stet Entered

In view of the sentence in the murder case, Assistant State's Attorney William J. O'Donnell, the prosecutor, entered a stet to drop the assault-to-murder charge in connection with the shooting of Patrolman Mike.

Grear, in 1944, had received a three-year sentence imposed by Judge Moser on three assault charges in which he was accused of shooting at a civilian and two policemen.

T. Barton Harrington, court-appointed defense lawyer, declined today to make any statement concerning any possible appeal, but in view of the present Maryland law permitting appeals at State expense by indigent persons in capital-punishment cases, court officials expected the case to be taken to the Maryland Court of Appeals.

New Trial Delay

The Criminal Court trial was held last February. The delay in sentence was due to a motion for a new trial and the necessary delays in preparing the transcript of testimony for consideration by the judges of the Supreme Bench. They reviewed the case and denied the new-trial motion last Monday.

Medical reports which showed Grear to be sane, but which stated an old brain injury and a tendency toward excitement while drinking and under stress, were called to the attention of the sentencing judges.

Mr. Harrington had used the reports before the Supreme Bench in contending that Grear should only be convicted of second-degree murder, and not be held to have premeditated and deliberated the killing.

Dr. H. S. Rubenstein, defense psychiatrist, had reported that "in a situation of intense excitement and under the influence of alcohol, Grear could commit a serious act of violence before the was really aware of what he was doing."

"Menace To Society"

The defense doctor spoke of the man as having "underlying schizophrenic tendency" which made him a "menace to society."

Dr. Manfred S. Guttmacher, court expert, had reported that Grear had been shot in the head while a child and that the bullet was still imbedded in his skull.

Such a person, the doctor said, might be especially susceptible to disturbance while intoxicated.

In pronouncing sentence, Judge Mason stated that the court on the basis of all the evidence was convinced that Grear purposely had shot at the policeman.

A young Negro woman, who had been with him at the time, testified that he knew it was patrolmen who had approached him in the small street that is practically an alley.

Mistrial Juror Found Guilty In Contempt

Fred A. Rochester, former juror whose conduct caused a mistrial in a cost-plus contractor's case in Criminal Court, today was found guilty of contempt of court for his actions.

Chief Judge W. Conwell Smith imposed a 30-day jail sentence and a $100 fine, but in view of the man's state of health suspended the jail sentence on payment of the fine.

Rochester, retired meat grader, lives at 229 East Twenty-fifth street.

Comments Cited

He held the No. 12 juror's seat during the four-day trial of Meredith R. Howard, cost-plus plumbing contractor, until the mistrial was ordered on the ground of Rochester's public comments in a lunchroom and his alleged telephone call to a defense lawyer.

A diabetes sufferer, Rochester is under insulin treatments which, according to a medical report, causes "insulin shock" and temporary memory lapses.

His wife declared he is subject to "extreme nervousness," spells of irritability and that "if not really ill, he is definitely upset."

Was "Not Well"

Preston A. Pairo, Rochester's lawyer, contended that the man had not done anything that justified punishment and said he was "not well, either mentally or physically."

The lawyer added:

"I say it is a reflection on our jury system that Mr. Rochester was ever called for service as a juror in passing on a criminal or any other kind of case."

Rochester, in fact, had served several years ago as Federal court juror and in 1947 had served for a short while on the Baltimore Grand Jury, which he left by special permission to take a part in Senator Herbert R. O'Conor's election contest.

Denied Phoning

Abraham Rubenstein, insurance man who served on the same grand jury, testified that he sat nearly an hour with Rochester in Bickford's Restaurant after noon on Saturday, May 28, the day Rochester was supposed to have made a telephone call to H. Mortimer Kremer, one of Howard's lawyers.

Rochester had denied making such a call, and had asserted that at the 11 A.M. hour when the call was supposed to have been made, he was actually en route to Ocean City, after having taken the 10 o'clock ferry.

The same restaurant had been the scene of the breakfast-time conversations of Thursday, May 26, when Rochester was said to have commented on the cost-plus case and to have referred to un-itemized expense accounts of Mayor D'Alesandro's and City Comptroller J. Neil McCardell's trip to New York.

Varied Conversation

Several witnesses, including the defendant, described the restaurant as a scene of conversations on everything, ranging from betting and race horses through politics to million-dollar deals.

MORN SUN 6/25

JURIST MAKES OWN INQUIR

Judge Mason Leaves Bench T Inspect Housing Conditions

Judge E. Paul Mason yesterda left his bench in order to go the scene of an alleged Housing Code violation to determine whether the actual conditions were as bad as pictures showed them to be.

He said, when he arrived at the rear yard of a home in the 400 block Pine street, that the pictures were not exaggerated.

An inspection of back yards up and down the same block showed conditions of deterioration to be "as bad if not worse" than those existing on the premises of the defendant, Roger Hurlock, of the 3400 block Park Side drive.

Asked As To Summons

Judge Mason asked Yates Cook, housing inspector for the Health Department, who accompanied the judge on the tour, why the remaining home owners in this block have not been summoned before the court for "these deplorable conditions?"

Mr. Cook explained that it was impossible for his small staff to prosecute all slum conditions that exist in the city.

Says Others Are Worse

He pointed out to Judge Mason that "as bad as these backyards seem, my men are at work on cases that are even worse."

The housing inspector said that in cases such as those involved yesterday, summons were issued in isolated instances when the conditions were brought to the attention of the health authorities.

When Mr. Hurlock protested that the Health Department "is giving me the works while even worse conditions exist in the same block," Judge Mason replied that it was almost impossible to determine which yard was in the worst condition.

"Cannot Be Excused"

"The conditions on your premises cannot be excused because a neighbor's seem to be a little worse," the judge declared.

Earlier, Judge Mason surprised the court with his suggestion that he personally visit the premises of the defendant.

The case appeared originally in Housing Court in May. At that time, Magistrate Harry Kruger granted a jury trial, when Hurlock declared he did not wish to be tried before the magistrate.

While on the tour yesterday, Hurlock admitted that he asked for the jury trial "because Magistrate Kruger gave me a hard time of it, the last time I went before him."

The defendant appeared in Criminal Court yesterday on charges of failing to provide a concrete floor 10 feet wide in the back yard at 421 Pine street for proper drainage; and failing to take steps to prevent rat infestation.

He told the judge that he felt the health authorities were given too much "leeway" in the interpretation of their powers under the Housing Code.

Pictures Introduced

When pictures were introduced by the assistant State's attorney, Harold Grady, to show dilapidated conditions existing in the back yard and the poor drainage, Hurlock contended:

"The pictures do not show the true conditions. I am an amateur photographer, and I know that pictures can be taken to show just about anything that you want, and especially to emphasize the worst details."

Turning to Judge Mason, he continued, "if you were to go there yourself, you would not find the condition to be so bad."

Judge Mason then asked Mr. Grady if he wished to present any more testimony, and when the answer was in the negative, recessed the court and announced:

"I will do just that Mr. Hurlock, accompanied by you, the State's Attorney and Mr. Cook, if that is agreeable with all parties."

A decision in the case will be given on Monday when the court is reconvened before Judge Mason.

EX-JUROR FINED $100

F. A. Rochester Sentenced For Contempt Of Court

Found guilty of contempt of court in causing a Criminal Court mistrial in a cost-plus contractor's case, Fred A. Rochester, former juror, yesterday was sentenced to 30 days in jail and fined $100.

In view of the man's poor health, Chief Judge W. Conwell Smith suspended the jail sentence on payment of the fine.

Rochester was accompanied in the court room by his wife who testified on behalf of the retired meat grader whose home is at 229 East Twenty-fifth street.

His Wife Testifies

The defendant served as No. 12 juror in the four-day trial of Meredith R. Howard, cost-plus plumbing contractors.

Because Rochester was alleged to have made public comments in a restaurant and made an alleged telephone call to a defense lawyer to discuss the Howard case, a mistrial was ordered.

Mrs. Rochester said her husband suffered from diabetes, and because he received insulin treatments, was subject to nervousness and spells of irritability.

Telephone Call Denied

Contending that the defendant was "mentally and physically in bad health," Preston A. Pairo, for defense, said Rochester never should have been called for jury service.

It was testified by Arthur Rubenstein, who served on the same jury with the defendant, that he and Rochester were together in a restaurant Saturday afternoon, May 28, the same day the telephone call to H. Mortimer Kremer, one of Howard's lawyers, was made.

GREAR GIVEN TOP PENALTY

Sentenced To Hang For Murder Of Patrolman Arnold

Convicted of the murder of Patrolman John W. Arnold last December, Edward L. Grear yesterday was sentenced to hang.

Judges E. Paul Mason and Herman M. Moser imposed the penalty on the 43-year-old Negro in Criminal Court.

The same judges tried the man last February for the slaying.

Convict's Record Cited

Pointing out that Grear had a record of gun-toting and shooting at police, Judge Mason, speaking for the court, said the maximum sentence was fully justified in the case "if any murder is to be punished by capital punishment."

Because the full sentence was imposed, William J. O'Donnell, assistant State's attorney, who prosecuted, chose to drop the assault-to-murder charge in connection with the shooting of Patrolman Norman Mike.

Crime Last December

Arnold and his companion, Patrolman Mike, both of the Northwestern district, were shot by Grear while they were investigating a disturbance in Little Pine street last December 12. Grear also was indicted for shooting Mike.

The court-appointed defense lawyer, T. Barton Harrington, declined to say whether he would appeal.

The sentencing followed a denial last Monday by the Supreme Bench on a new trial motion, which, because of the necessary preparation of transcripts of testimony for consideration by the bench, had delayed disposition of the case.

Despite medical reports which showed Grear to be sane, but which stated an old brain injury caused a tendency toward excitement whil drinking and under stress, Jud Mason said the court on the bas of all the veidence was convinc that Grear purposely had shot the policeman.

A Negro woman, who had bee with Grear at the time, testifi she knew it was patrolmen who h approached him in the small stre that is practically an alley.

NEWS-6/21

2 Convicted Of 15 Larcenies

Two youths found guilty of 15 charges of larceny and one of burglary were sentenced today to not more than five years in the Maryland State Reformatory by Judge Robert France in the Criminal Court.

The defendants were John Bailey, eighteen, of the 2500 block Calverton Heights avenue, and Thomas Poles, sixteen, of the 1800 block West Lafayette avenue. A third defendant, James Blakos, seventeen, of the 1500 block Moreland avenue, was acquitted.

The charges involved a series of automobile larcenies and the robbery of a commercial garage in which $5,300 in war bonds and a quantity of merchandise was taken.

The boys were arrested June 1 near Walbrook avenue and Edgewood street after a short chase in which police fired one shot.

MORN SUN - 6/22

MOSER URGES LAW ON DEATH SENTENCES

Asks Time Limit Within Which Governor Must Act On Execution

Judge Herman M. Moser yesterday urged the Legislative Council to consider the advisability of having the Legislature fix a time limit within which the Governor must act on the execution of death sentences imposed by the courts.

Judge Moser gave four reasons for his proposal, addressed to Joseph R. Byrnes, chairman of the Legislative Council. They were:

1. Punishment should be administered while the crime still is fresh in the public mind, if it is to act as a deterrent.

2. It might help prevent uncalled-for sympathy for the convicted person.

Cites Mental Torture

3. It would prevent the "terrible mental torture" all condemned persons must go through with the indefinite period of waiting for the last appeal to be acted on.

4. If a Governor had conscientious or religious scruples against capital punishment, it would permit enforcement of the law without compelling the Governor to do violence to those scruples.

Judge Moser refused to comment on the reasons which prompted him to make the proposal. However, it was reported in the Courthouse that the judge, for certain of the reasons incorporated in the proposal, was concerned over the Governor's delay in fixing an execution date for Howard A. Fram, convicted of murdering a Baltimore grocer.

Judge's Letter Listed

The judge's letter said:

"May I suggest the Legislative Council study the advisability of the Legislature setting a time limit, after jurisdiction has attached, at the termination of which a Governor must act in capital cases, and further, upon the failure to so act, that the date of execution be automatically fixed. Should unusual or extraordinary circumstances arise, the Governor might be given the right to extend the time for acting.

The judge then outlined the four purposes and concluded with the statement that "on the other hand, there may be reasons for leaving in the hands of a Governor his unlimited power of executive clemency."

2 Boys Sentenced In Auto Thefts

Two youths convicted of stealing fourteen automobiles, of burglarizing a garage and of attempting to force open a compartment of a police radio car yesterday were sentenced to five years' imprisonment each.

The sentences were imposed by Judge Robert France on John Bailey, 18, of the 2500 block Calverton Heights avenue, and Thomas Poles, 16, of the 1800 block West Lafayette avenue.

The arrest occurred in the vicinity of Walbrook avenue and Edgewood street.

MORN-SUN - 6/22/49

$15,000 PAID IN NOVAK CASE

5 Alleged Bookmakers Settle Claims Against Them

Alleged bookmakers yesterday paid $15,000 in full settlement of claims against them by the trustee for the assets of the Frank Novak, Jr., Realty Company in connection with efforts of the trustee to recover $77,000 of company funds allegedly lost by Novak through gambling.

The settlement was ratified by Paul R. Kach, referee in bankruptcy, after the trustee recommended acceptance of the $15,000 in view of the difficulty expected in successfully prosecuting civil suits against the alleged bookmakers.

The trustees had filed suits in Superior Court claiming that Novak had lost $22,000 to Jacob Kemper; $25,000 to Leroy C. Cochran; $10,000 to Samuel Messina, and $20,000 to Albert J. Wiessner and Margaret P. Hildebrand.

Novak Serving Four Years

Frank Novak, Jr. last year was sentenced to four years in the Penitentiary for embezzling $135,840 from the company which he headed.

Howard C. Bregel, trustee for the bankrupt building firm, through Michael F. Delea and Irving B. Grandberg, counsel, in a petition filed with the referee, said after numerous conferences with counsel for the alleged bookmakers, the defendants asserted that $15,000 was the highest settlement offer possible.

This was because one of the defendants now is "impecunious and several others have suffered severe financial reverses during the last few months," Mr. Bregel reported.

The trustee expressed grave doubt as to the ability to successfully prosecute the civil suits, pointing out that the main witness would be Novak, himself. Mr. Bregel said some of the creditors of the bankrupt firm opposed the settlement, while others approved it.

Claims against the firm total about $150,000, including a claim of $110,000 by the mother of Novak.

Undertaker Sues Hotel For Arrest

A Virginia undertaker yesterday filed a $25,000 damage suit based on alleged false arrest last February 22 after he came here to get a body for burial at Rainswood, Va.

Andrew Hobson Jones, the plaintiff, filed the suit in Superior Court against the Emerson Hotel, Carl Brown, hotel detective; Sergt. George Hipsley and Patrolman Sylvester Hammer. Jones contended he suffered great humiliation and damage.

Jones had been charged at the time of his arrest with failing to pay for his hotel lodging.

EVE. SUN - 6/22

Judges Propose Court-Clerk Merger

The Supreme Bench of Baltimore recommended to the Legislative Council today that all city court clerks' offices be consolidated into one and placed under one chief clerk subject to "complete control" by the bench.

The recommendation was transmitted to Council President Joseph R. Byrnes in a letter from Chief Judge W. Conwell Smith.

Judge Smith enclosed with his letter the findings of a committee of three judges, headed by Judge Joseph Sherbow, urging the consolidation. Other jurists on the committee were Judges Robert France and Charles H. Moylan.

Consolidation Held Urgent

Judge Smith said in his letter to Senator Byrnes:

"The time has now arrived when complete control by the Bench over the operation of the Clerks' offices in Baltimore city can no longer be postponed; and consolidation of the various courts into one court under a single chief clerk should, in the interest of efficiency and economy, also be accomplished."

The chief judge's letter did not specifically refer to the recent grand jury investigation of the conduct of the office of the Criminal Court clerk, but stated "recent events have convinced us of the necessity" for the change.

Carter Refused To Quit

The bench asked for the resignation of Wilford L. Carter, Criminal Court clerk, after the State auditor had discovered alleged laxity in keeping the financial records of the office. Mr. Carter refused to resign.

The grand jury took no action after its investigation.

Judge Smith said the bench desired a constitutional amendment which would do away with the six elective court clerk positions and consolidate the court clerks offices into a single unit.

Bench Would Pick Clerk

A chief clerk, to be appointed by the bench, would adminster the single office, the judges propose.

The proposals are the newest in a series of plans for consolidation of the court clerks offices. Similar recommendations were made by the Bar Association in 1917 and the Bond Commission report in 1942.

Judge Smith gave three reasons why the bench felt it was an appropriate time to make the change.

Deputies Select Aides

He said the "selection of employés in the various administrative branches may safely be confided to the deputies to be placed in charge thereof.

"Second, the construction work authorized by the courthouse loan will provide added space which may be utilized conveniently; and third, the clerks in office at the time of the adoption of the amendment, after the selection of one of their number to be chief clerk, will continue in office as deputy clerks in charge of the various administrative divisions . . . [criminal, law (jury and nonjury), equity, and a separate equity division for juvenile causes]."

Some Fail To Co-Operate

Judge Smith pointed out that "it is now all too clear that the clerks hold their offices subject to the vicissitudes of factional politics; that clerks may be elected who will not co-operate with the Bench and who may cause the judges to be drawn into controversy over the conduct of the clerk's office, whether they desire it or not."

He said a single clerk's office would be simpler to administer. "Authority can more readily be exercised to accommodate the assignment of judges and clerks, to courtrooms and offices to care for whatever increase or shift in the volume of litigation may hereafter occur."

Counties' Setup Noted

The committee report noted that a single consolidated court "exists in all the counties of Maryland and in all the United States district courts."

It added that the constitutonal amendment could be submitted to the voters at the 1950 fall election.

Orderly Sentenced On Molesting Charge

Frederick Collins, a hospital orderly, was sentenced today to five years in the penitentiary when he was convicted in Criminal Court on one of two charges of assault by molesting young girls.

Collins, 53, who has worked at City Hospitals, was convicted on the complaint of an 8-year-old girl. In the second case, a 5-year-old girl was unable to qualify as a responsible witness and acquittal resulted.

Judge E. Paul Mason, who imposed the five-year sentence, announced that men convicted on such charges could expect even heavier penalties in the future.

DAILY RECORD 6/21

Motions For New Trials Are Ruled Upon By The Supreme Bench

Arguments on motions for new trials in criminal cases were presented before the Supreme Bench of Baltimore yesterday.

The Bench granted new trials in the cases of Idell Blackwell, Richard Blackwell and Mary Hill, who were convicted on lottery charges and who were represented by R. Palmer Ingram; Blaney McKnight, who was found guilty of bastardy and who was represented by Albert A. Levin; Albert Gaskill, who was convicted of burglary, being represented by Paul B. Mules and Percy M. Perkins, who was found guilty of assault to murder, and who was represented by Joel J. Hochman.

New trial motions which were overruled by the Bench were those of: John E. Matthews, Wilford Carter, Julian B. Corbin and Norman Gaddy, who were convicted on lottery charges; Samuel Good, found guilty of assault and Edward Grear, who was convicted of murder.

Assistant State's Attorney Charles E. Orth, Jr., appeared on behalf of the State in the lottery cases, while Assistant State's Attorney Edwin A. Gehring presented the arguments on behalf of the State in the Good case. The State was represented in the Grear case by Assistant State's Attorneys William J. O'Donnell and James F. Price.

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Court Consolidation Is Urged By Judges

Bench's Proposal Would Take Clerkships Out Of Politics

By WILLIAM E. TIPTON

Consolidation of the courts clerk's offices of Baltimore city and elimination of politics from the appointment of court clerks were urged today by a committee of judges of the Supreme Bench of Baltimore.

The committee—Judges Joseph Sherbow, Charles E. Moylan and Robert France—proposed that the consolidation follow the pattern recommended by the Bond Commission in 1942.

With respect to the court clerk situation, the committee's report said:

"It is now all too clear that the clerks hold their offices subject to the vicissitudes of factional politics; that clerks may be elected who will not co-operate with the Bench and who may cause the judges to be drawn into controversy over the conduct of the clerk's office whether they desire it or not."

RECALLS CARTER CASE

This was interpreted as a reference to the Supreme Bench's concern over the Criminal Court clerkship, now held by Wilford Carter, who was elected in 1946 with the support of James H. ("Jack") Pollack, Fourth District political leader.

For months the Supreme Bench and Mr. Carter wrangled over the conduct of the clerk's office, with the result that the Bench finally asked for Mr. Carter's resignation.

He refused to quit, and a special audit of the clerk's office was ordered and a grand jury probe was begun. Carter subsequently was cleared.

ACTION URGED

Today's committee report, released to the public by Chief Judge W. Conwell Smith in the form of a letter to Joseph R. Byrnes, president of the Legislative Council of Maryland, said:

"The time has now arrived when complete control by the Bench over the operation of the clerks' offices in Baltimore can no longer be postponed; and consolidation of the various courts into one court under a single chief clerk should, in the interests of efficiency and economy be accomplished.

"You are familiar with the long history of political conflict which is responsible for the existing court organization in Baltimore.

POLITICAL CHANGES

"Meantime the employees in the various offices who have proved their efficiency have managed to survive political changes with remarkable hardihood.

"The clerks themselves have been either career men, or men with long experience in office, co-operative with the Bench, whose public service entitles them to deserve recognition and consideration.

"But recent events have convinced us of the necessity for this added authority and responsibility. It is now all too clear that the clerks hold their offices subject to the vicissitudes of factional politics; that clerks may be elected who will not co-operate with the Bench, and who may cause the judges to be drawn into controversy over the conduct of the clerk's office whether they desire it or not."

CALLS FOR CHANGES

Following the committee report, Judge Smith announced:

"The Bench has authorized me to recommend to the Legislative Council the approval and submission to the coming session of the General Assembly of the proposed consolidation of the courts of Baltimore city in order that the amendment, if adopted by the Legislature, may be submitted for the approval of the people at the 1950 election."

PLAN OF JUDGES

The changes suggested in the report are as follows:

"1. The clerk of the court should be appointed by the court from among the clerks in office at the time of the approval of the amendment, and each of the other clerks approved by the Bench would act as chief-clerk-in-charge of one of the seperate divisions of law, equity, criminal, license and record office; and 2., every employee in the clerks' offices would be retained in his position, without examination, subject to the approval of the court for life, or until retirement, at the pleasure of the Bench."

EVE. SUN - 6/23

Court Consolidation

The consolidation of the six Baltimore city court clerks' offices into one is long overdue. The Supreme Bench proposal to submit to the voters in 1950 a constitutional amendment to effect this reform is therefore welcome.

For years consolidation has been advocated by those interested in and responsible for the conduct of the courts' affairs. The last effort in this direction was made in 1942, when the Bond Commission recommended changes quite similar to those the judges now are seeking.

The Supreme Bench plan has two principal objectives. One is the operation of the courts with greater efficiency and economy. Another is to remove the clerks' offices from politics.

As to the first, the advantages are obvious and need no elaboration. This is a matter of mechanics and would arouse no controversy were it not for its political overtones.

The clerks of court now are elected, so that the judges have nothing whatever to do with their selection. The judges do have veto power over the appointment of subordinates. But the system doesn't work too well, as the recent case of Mr. Wilford L. Carter, clerk of the Criminal Court, showed only too well.

In a letter placing the matter before the Legislative Council, Chief Judge W. Conwell Smith wrote, "It is now all too clear that the clerks hold their offices subject to the vicissitudes of factional politics." This situation is intolerable and demands correction.

Under the judges' plan, the chief clerk would be their appointee. The first to fill the position would be chosen from the six clerks now in office. The remaining five would become deputies. The deputies would employ other assistants. All employés would serve at the pleasure of the Supreme Bench.

The plan is an eminently sensible one and commends itself to the approval of the General Assembly and the voters of the State.

EVE. SUN - 6/23

Court Reorganizing Plan May Bring Reprisals

By T. Denton Miller

Political repercussions already are being threatened as the result of the court-consolidation move made yesterday by the Supreme Court judges themselves.

Friends of court clerks who feel their political positions would be minimized under the proposed court plan are threatening "to take out on" Judge S. Ralph Warnken.

Judge Warnken, who was appointed to the bench last year upon the retirement of former Judge Edwin T. Dickerson, is the only Supreme Bench member to face election in the Fall of 1950 as a sitting judge."

Judge Not Alone

But Judge Warnken is not the only Courthouse figure who is threatened with political troubles. The present clerks, it is reported, will face new, concentrated opposition in the coming primary as part of a political struggle for factional power.

While none of the leaders had been heard publicly to express opinions, political workers who staff many of the Courthouse jobs freely predicted that James H. (Jack) Pollack and his Courthouse protegé, Wilford L. Carter, would seek to enhance the Pollack power at the expense of the other Democratic clerks.

Carter, elected clerk of the Criminal Court, himself was the figure that precipitated the present tension, his friends as well as his enemies admit.

Report By Jury

The Supreme Bench judges offered their new consolidation plan after vainly seeking to have Carter leave the office.

They had requested his resignation after a State auditor's report that the Carter office had been inefficiently and improperly operated, and a grand jury that investigated the situation made a report advocating greater control being given the jurists.

The judges now have advocated that an altered "bond plan" be adopted to consolidate the court clerks' offices, under one chief clerk to be appointed by the judges themselves.

Under the plan, the present clerks who are deemed satisfactory by the bench would be retained in office.

The plan would abolish the six present court posts that go before the voters every four years, and instead would have the court head an appointive official.

NEWS-6-24

Policeman's Slayer To Hang

Death upon the gallows was ordered today in Criminal Court for Edward L. Grear, Negro packing house employee convicted of fatally shooting Patrolman John H. Arnold, Northwestern District, last December 12.

The death sentence was pronounced by Judge E. Paul Mason and Judge Herman M. Moser, who presided at Grear's trial several months ago.

Grear, who is forty-one, listened impassively as the judges ordered that he be hung.

'FAIR TRIAL'

In imposing sentence Judge Mason said that Grear had been given a "fair and adequate" trial and that he had been given the benefit of every doubt.

Patrolman Arnold was in uniform at the time he was shot, the judge added. He said it was the court's opinion that Grear knew what he was doing and that he "intended to shoot and to kill."

Judge Mason concluded:

"There are no extenuating circumstances. If there ever was a murder in which capital punishment should be imposed, this is the one."

FATALLY SHOT

Patrolman Arnold was wounded fatally on the night of December 12 when he and Patrolman Norman Mike investigated a report that several shots had been fired in an alley in the rear of Little Pine and Biddle streets.

Patrolman Mike was wounded in the leg but recovered.

Morn Sun 6/25

BALTIMORE, SATURDAY, JUNE 25, 1949

The Torture Of Waiting In The Death House

On March 5, 1948, Howard Andrew Fram was brought into the Criminal Court before Judge Herman M. Moser on a charge of murder. He was accused of the hatchet slaying a week before Christmas, 1947, of a 77-year-old West Baltimore grocer. Fram pleaded "guilty generally." There was a hearing for the purpose of determining the degree of guilt. Fram was convicted of first degree murder.

On March 10, 1948, Judge Moser imposed a sentence of death, the date of execution to be fixed by Governor Lane in accordance with the usual procedure.

There was no motion for a new trial. There was no attempt to take the case to the Court of Appeals. The plea of guilty generally and the hearing to determine the degree of guilt brought an obvious end to court action. The testimony in the case was written up and presented to the Governor who talked with Fram's court-appointed lawyer. No executive clemency was forthcoming and there was never any public indication that there would be.

So, from March 10, 1948, to June 17, of this year, Fram sat in the death house at the Maryland Penitentiary. During the far greater part of that time he must have been aware of the fact that all avenues for escape under Maryland procedure had been closed, that it was merely a matter of awaiting a date of execution.

On June 17, fifteen months after the imposition of the death penalty, it was announced at the State House that Fram would be hanged July 8.

There have been other recent cases of men remaining in the death house for periods longer than called for by normal procedure. But there is none that compares in length to the Fram case. That case is one that produced cruelly long punishment of a kind that the court had no intention of imposing and that is not called for in any circumstances under the Maryland law.

It undoubtedly was the Fram case which Judge Moser had in the back of his mind when he put forward his recent suggestion that the Legislative Council consider the advisability of limiting the time in which the Governor must take action on death sentences. Fifteen hopeless months in the death house is c[illegible] cruel punishment in itself.

NEWS-6/27

Appeal Will Be Filed In Ten Days

Thomas Alexander Edwards, twenty-four-year-old Anne Arundel county Negro, today was sentenced to hang for the murders of John H. Mahlan and Mary Kline, young Glenburnie couple, by Judges Robert France, Emory H. Niles and Joseph Sherbow in Criminal Court.

William J. McWilliams, chief defense counsel, announced he would file an appeal within 10 days.

COURTROOM CROWDED

Sentence was pronounced by Judge France in a courtroom crowded with spectators, including Mr. and Mrs. J. Edgar Kline, parents of the slain eighteen-year-old girl, and the Rev. Mr. Edward T. Kirkley, Glenburnie minister, who was active in searching for the slayer.

Judges France, Emory H. Niles and Joseph Sherbow waited in their chamber nearly half an hour for the arrival of Mr. McWilliams and Ridgely P. Melvin, Jr., also of defense counsel.

Shortly before entering the courtroom they conferred with Dr. Manfred S. Guttmacher, psychiatrist for the Supreme Bench, who made a pretrial examination of Edwards.

EDWARDS GRINS

Edwards, grinning slightly as he did throughout his trial, entered the courtroom wearing a brown sport shirt, green trousers, yellow socks and tan shoes.

He immediately conferred with his attorneys.

Asked by Judge France if he had anything to say, Mr. McWilliams replied:

"I think not. The Court has given careful consideration to this case."

Edwards, told to stand, then was asked the same question.

He replied, quickly:

"Yes, sir."

Judge France repeated the question and Edwards answered:

"Yes. You found me guilty of this crime. I don't feel guilty of it. They made me say it."

PRONOUNCES SENTENCE

Judge France then pronounced the sentence of death by hanging.

Edwards was immediately removed from the courtroom in custody of Sheriff Joseph C. Deegan.

The prisoner was taken to the Penitentiary, where he will be placed in the death house to await announcement of the execution date by Governor Lane.

Mahlan, a Glen Burnie postal clerk, and Miss Kline were found murdered in a clearing at Chesterfield, Md., after police previously had found Mahlan's blood-stained automobile.

In pre-trial examinations, Dr. Guttmacher said that Edwards presents "an essentially normal picture, and there certainly is no evidence that he is suffering from any definite mental disease."

'RESPONSIBLE AGENT'

He is "surely a responsible agent," Dr. Guttmacher added.

According to objective psychological tests which were given Edwards, Dr. Guttmacher said, his underlying attitudes disclosed that he is "quite seriously maladjusted and has embittered attitude toward society.

Among the spectators in the courtroom were Chief John H. Sauers, head of the Anne Arundel county police, and a number of State and city policemen.

As proceedings began in the courtroom, Mrs. Kline began to cry, but she composed herself and remained in court until sentence was pronounced.

EVE. SUN-6/27

Doomed In 2 Glen Burnie Murders

Thomas Alexander Edwards, 34, was sentenced to hang today for last September's double murder near Glen Burnie. The victims were John H. Mahlan and Mary C. Kline, both of Glen Burnie.

Judge Robert France pronounced the sentence for himself and the other judges, Joseph Sherbow and Emory H. Niles, of the three-man court which tried the Anne Arundel county colored man in Criminal Court last February.

Today's proceedings were brief. Few were present in the courtroom at the time of sentence, which was slightly delayed because Edwards's court-appointed counsel, former Judge William J. McWilliams and Ridgely P. Melvin, Jr., were late in arriving from Annapolis.

"Still Don't Feel Guilty"

The entire sentencing procedure consumed less than five minutes. Judge France, for the court, asked Edwards if he had anything to say. His counsel already had stated that they had nothing else to present.

"Yes sir," replied Edwards in the clipped, fast, almost stuttering accents that make him hard to understand. He continued: "You find me guilty of this crime and I still don't feel guilty of it."

Without further comment, the judge then pronounced the standard form of death sentence, committing the prisoner to the custody of the Penitentiary warden until such time as the Governor shall designate for execution by hanging.

First-Degree Convictions

Under Maryland law, in view of the first-degree convictions for the double murder of Mahlan and Miss Kline, the court was limited to the alternatives of the death sentence or to life imprisonment.

Since Edward's conviction was upheld by the Supreme Bench, a mental and medical examination made at defense request. Dr. Manfred S. Guttmacher, court psychiatrist, reported to the court that Edwards "is surely a responsible agent."

The report said that he presented an "essentially normal picture" and that his intelligence was "in the normal range."

"Embittered Attitude"

Dr. Guttmacher's report added that psychological tests "suggest that this patient is quite seriously maladjusted with an embittered attitude toward society."

The psychiatrist also stated that the man seemed "unstable emotionally but imposes a rigid control upon himself."

The bodies of Mahlan and Miss Kline were discovered in a clearing along the Chesterfield road near Lipin's Corner.

Trial In Baltimore

Sentencing of Edwards was delayed by a new trial motion, and the time required to prepare the record for submission to the Supreme Bench.

The Baltimore judges ruled on the new-trial move last June 9 and affirmed the double conviction.

The case was removed to Baltimore for trial on motions of the defense lawyers.

Detailed Confession

Edwards gave a detailed confession of the double crime, which for weeks had baffled Anne Arundel county police and the combined forces of State troopers and city detectives, who were called into the case.

His attorneys contended the confession, however, was due to "psychological pressure" by the county officers before Edwards was brought to Baltimore. His confession was given shortly after he was turned over to Henry J. Kriss, captain of city detectives.

James C. Morton, Jr., State's attorney of Anne Arundel county, and Assistant State's Attorney Anselm Sodaro, of Baltimore, prosecuted the case.

Inconsistencies Challenged

In spite of the confession, an oral admission and a reenactment of the crime moves, the defense lawyers challenged a series of inconsistencies in the evidence which they said raised doubts of Edwards's guilt.

Mr. McWilliams contended before the Supreme Bench that Edwards must have been "framed," not by the police but by others who sought to shift suspicion for the crime to some member of the colored colony at Freetown, in the Marley Neck section of the county.

Flashes

Housing Case Bail Forfeited

Forfeiture of $4,000 in bail posted for the Triangle Realty and Construction Company and three of its officers was ordered today when the defendants failed to appear on schedule in Criminal Court for a hearing on seven charges of building-code violations.

In addition to the company, the defendants were Bernard DeBoske, of the 3800 block Labyrinth road, and Albert A. Sapero and Lillian Sapero, of the 2200 block Sulgrave avenue. Bail of $1,000 each had been put up for the four defendants.

Landlord Spared Sentence

Judge E. Paul Mason today declared in Crminal Court No. 3 that a landlord was guilty of housing violations, then refused to sentence him while other violators went unpunished.

The jurist made the ruling in Criminal Court No. 3 in a decision resulting from his personal, one-the-spot investigation of conditions of property at 421 north Pine street last Friday. It is owned by Roger Hurlock, of the 3400 block Park Side drive.

The judge said he made the personal inspection because it had been contended Health Department photographs made conditions at the Pine street premises appear worse than they actually are.

Conditions "Worse"

To the contrary, Judge Mason said, conditions are worse than in the pictures. Specifically, he found that water from a rain spout forms a pool in the yard creating an unhealthy condition."

However, added the Judge, "I also found six other houses in the block, and all of them were in as bad shape as the Hurlock property. Yet I found no Health Department notices (of housing violations) on those."

"I'm not willing to pass sentence . . . because I don't think it's fair to make Hurlock the scapegoat."

Sentence Withheld

The judge said he would withhold sentence, holding the matter sub curia, "until I see what the Health Department intends to do about the other five (allegedly code-violating) houses in the block."

Morn Sun-6/28

MIXUP OVER BAIL STRAIGHTENED OUT

Housing Concern Due For Trial Gets Delay To July 11

Bail totaling $4,000 yesterday was forfeited, but later reinstated, in connection with the failure of a housing concern and three of its officers to appear in Criminal Court on Building Code violation charges.

Judge Robert France forfeited the $1,000 bail posted by each of the defendants, but later rescinded the order after counsel for the accused declared that because of his absence from the city, he had not received a notice to appear.

The defendants in the case are Bernard DeBoskey, Albert A. Sapero, Lillian Sapero and Triangle Realty and Construction Company, builders of veterans's homes in the 3700 and 3800 block Glengyle avenue. Their counsel is Eldridge Hood Young.

Thirty-first Group

The defendants are the thirty-first home-building group to face charges since the grand jury began a probe of GI housing. Charges are still pending against one more housing group.

Judge France fixed July 11 as the date for the trial of Triangle and the three officers of the company.

That company is charged with failing to install adequate bridging between ends of joists, fire stopping, wall anchors, fire walls and roof parapets on seven homes.

William H. Maynard, deputy State's attorney has prosecuted all the cases.

EDWARDS TO HANG FOR TWO SLAYINGS

Glen Burnie Killer Listens Stolidly To Death Sentence

Ohio man is accused in holdup case.....Page 7

Thomas Alexander Edwards, 23, yesterday was sentenced to hang for the murder of John H. Mahlan and Miss Mary C. Kline, both of Glen Burnie, last September in Anne Arundel county.

Edwards, a Negro, was almost without emotion, as he was through out his lengthy trial, while Judge Robert France pronounced the death sentence in behalf of the three-judge court, which also included Judges Emory H. Niles and Joseph Sherbow.

Edwards's only comment before the imposition of sentence was: "I don't feel guilty of it. They made me say it."

Defense Maps Appeal

There were no remarks by prosecutors or defense counsel prior to the sentencing, and the proceedings took less than four minutes.

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed counsel for Edwards, said an appeal would be taken. Judges of the Supreme Bench recently denied Edwards a new trial.

The bodies of the young couple were found in a clearing near Chesterfield two days after Mahlan's blood-stained automobile was discovered at a spot about 26 miles distant.

According to a confession introduced into evidence by Anselm Sodaro and James C. Morton, prosecutors, Edwards shot the couple as they were seated in the parked automobile because he had been forced by Mahlan's car off a near-by road, on which he had been walking.

An empty cartridge found near the spot where the bodies were discovered was identified by an FBI expert as one which had been fired from a gun belonging to Edwards and found in his home.

The defense contended Edwards had been "framed" by someone other than police and that there were inconsistencies in the evidence which gave reasonable doubt as to his guilt.

NEWS-6/28/NEWS-6/30

Lawyer Not Convinced . . .

In legal circles the most re[illegible] markable thing about the case o[illegible] Thomas A. Edwards, who wa[illegible] yesterday sentenced to be hange[illegible] for a double murder, is the att[illegible] tude of his lawyer.

To the three judges who trie[illegible] the case and to many others wh[illegible] heard it, the evidence again[illegible] Edwards was conclusive.

However, ex-Judge William [illegible] McWilliams, counsel for the ma[illegible] seems fervently convinced that [illegible] great injustice is being done.

Since the conviction he ha[illegible] spent much time and energy hunt[illegible] ing new evidence. He argued i[illegible] vain for a re-trial. Now he i[illegible] planning an appeal.

It might be suspected of som[illegible] lawyers that they would be seek[illegible] ing publicity or additional fees. No such suspicion can attack t[illegible] McWilliams.

NEWS-6/29

Couple Freed In Death Of Baby

John Marko Golik, thirty, an[illegible] his wife, Jean F. Golik, twenty nine, were found not guilty o[illegible] murdering their eight weeks' ol[illegible] daughter, Ann, today in Crimina[illegible] Court by Judge Robert France.

The child's body was found un[illegible] der a pew in St. Mary's Catholic Church, Govans, October 23, 1946 and the parents recently were picked up and returned from Chicago.

Prosecutor J. Harold Grady confined his case to reading statements from each of the two defendants.

Golik said the baby died naturally, and the reason he failed to report the death was because he was "afraid the FBI would get me and send me back to the Army," from which he was a deserter.

The Army has a detainer against Golik and at the close of the trial Judge France remarked:

"Some day you will answer to a higher Judge for what happened to your baby. In the meantime I hope the Army keeps you a long time at Leavenworth."

Morn Sun-6/30

DEAD INFANT'S MOTHER FREED

Couple Found Not Guilty But Army Holds Father

John and Jenny F. Golik, parents of a 2-month-old baby whose body was found under a church pew here in 1946, yesterday were found not guilty of causing the infant's death after a trial before Judge Robert France in Criminal Court.

The body of the baby, Ann, was discovered in St. Mary's Catholic Church, Govans, on October 23, 1946.

The parents were returned here last month from Chicago, where Golik had been arrested on charges of disorderly conduct.

Evidence introduced yesterday was limited to the reading of statements from both defendants by J. Harold Grady, assistant State's attorney.

Cites Fear Of FBI

In the statement, Golik said the baby had died of natural causes and that her body had been left in the church because he was afraid to report the death lest the FBI discover that he was a deserter from the Army.

At the time the body was discovered, the medical examiner reported the infant showed signs of malnutrition and apparently had died of natural causes.

Informed that the Army has a detainer against Golik, Judge France, after finding the couple not guilty of the charge, remarked:

"Some day you will answer to a higher Judge for what happened to your baby. In the meantime, I hope the Army keeps you a long time at Leavenworth."

Five Convicted In Tavern Holdup

Five youths charged with armed robbery of a Southwest Baltimore tavern and its patrons on May 11 were found guilty on five indictments yesterday after a trial before Judge John T. Tucker in Criminal Court Part 2.

Two others, similarly charged, were acquitted.

No immediate sentence was imposed because several additional indictments against each of the defendants are yet to be tried.

Prosecuted By O'Donnell

The young men, all Negroes, were charged with holding up a tavern at 323 Scott street, using sawed-off shotguns and pistols, and one wearing a handkerchief as a mask.

Convicted were Samuel Beard, Clifton Barnes, Nathaniel Raghner, James Robinson and Jerry Washington.

Judge Tucker found Walter Webster and Charles Harris not guilty of the charges under which they were tried yesterday.

The cases were prosecuted by William J. O'Donnell, assistant State's attorney.

Wright Asks Action On Rule 904

J. Purdon Wright, attorney for Radio Station WCBM, today branded as "persecution" efforts of Attorney General Hall Hammond to have the Court of Appeals mandate knocking out "gag" rule 904 held up until an appeal can be made to the Supreme Court of the United States.

Mr. Hammond on Tuesday filed a petition "to stay the mandate" of the Court of Appeals on the gag rule until he can ask the Supreme Court for a "writ of certiorari" to review the case and get a final ruling on Rule 904 from the highest court in the land.

PETITION FILED

In a petition filed today with the Court of Appeals pretesting against Mr. Hammond's action, Mr. Wright said:

"The mandate will be issued 30 days after June 9, 1949, or on or about July 9, 1949.

"The petitioner states in its petition that it desires to petition the Supreme Court of the United States for the issuance of a write of certiorari to review the decision of this Honorable Court . . . stating that it can neither present its petition nor can the Supreme Court be expected to act thereon prior to July 9, 1949.

"That the appellant (Radio Station WCBM) finds no authority in the Maryland Code nor in the rules of court for the stay of its said mandate to be issued by this Honorable Court in accordance with its decision of June 9, 1949.

"The appellant . . . feels the action of the petitioner . . . is in the nature of a persecution of the appellants, and is entirely unjustified in view of the decision of the Court, as said decision in no way abridges the powers of the Supreme Bench of Baltimore City to issue citations for contempt under its inherent powers."

'ENTIRELY SUPERFLUOUS'

Mr. Wright's petition further stated that the Supreme Bench, even if the mandate were sent down, as scheduled, on July 9, would still be able to act under the powers which Rule 904 sought to define, if facts were broadcast which presented a clear and present danger to the rights of an accused person.

It added:

"Wherefore your objector believes the said petition . . . is uncalled for, unnecessary and entirely superfluous and not provided for by the rules of this court or authority by the Statutes of Maryland, and that suchm petition should be denied."

Eve. Sun-6/30

State Asks Stay Pending Appeal On Rule 904

Attorney General Hall Hammond has asked the Maryland Court of Appeals to stay its order invalidating key sections of Rule 904 and reversing contempt of court convictions of three Baltimore radio stations.

In a petition filed yesterday, Mr. Hammond requested the delay pending a petition to the Supreme Court of the United States to review the Court of Appeals decision.

J. Purdon Wright, attodney for WCBM, one of the convicted radio stations, informed the appeals court that the State's petition for a stay of mandate is "uncalled for" and "should be denied."

Sent To Judge's Home

The Attorney General's petition was forwarded to Chief Judge Ogle Marbury at his Marlboro home, since the court is in recess until October. It was expected that the judge would talk with his appeals-court colleagues by telephone.

Rule 904, which was drawn up ten years ago by the Supreme Bench of Baltimore, imposed limitations on the publication and broadcast of crime news.

The regulation was dealt with in an appeals court decision June 9 which cleared Baltimore radio stations WCBM, WFBR and WITH, and James P. Connolly, former news editor of WITH, of contempt charges arising from alleged violations of Rule 904.

Press Freedom Issue

In striking out sections of the rule, the Appeals Court held that they contravened the United States Supreme Court's interpretations of constitutional guarantees of freedom of the press.

It further held that the defendants had reason to assert that the rule was "in the nature of censorship."

Among other things, the rule prohibited police, State's attorneys, and defense lawyers from disclosing before a trial details of the accused person's conduct.

Mandate Due July 9

Under the rules of procedure of the Court of Appeals, its mandate is to be issued 30 days after June 9, or on July 9. Mr. Hammond said his petition to the Supreme Court cannot be presented or acted on before July 9.

Morn Sun-7/1/49

JUDGE DENIES MANDATE STAY ON RULE 904

Marbury Declares Full Court Is Necessary; One Jurist Abroad

Chief Judge Ogle Marbury said yesterday the Maryland Court of Appeals could not postpone a mandate to be issued July 9 striking out the key sections of the Baltimore court rules restricting publication of crime news.

The jurist said the action upsetting parts of Rule 904 of the Supreme Bench of Baltimore could not be delayed "in view of the circumstances that the court is dispersed for the summer."

Hammond Sought Delay

The petition for a delay was made to the court by Hall Hammond, attorney general. Judge Marbury said the request is "a proposition to be taken up by the entire court, and one member is in Europe. I don't see what can be done now."

"I don't recall ever having given a stay; and since we have never done it, the entire court would have to decide about it," Judge Marbury added.

Order Is Due July 9

The order invalidating parts of the ten-year-old rule and reversing contempt-of-court convictions of three Baltimore radio stations is scheduled to be issued July 9. Legal procedure calls for the order to be made 30 days after the Appeals Court decision on June 9.

Mr. Hammond asked the court on Wednesday to hold up the order since he wanted to ask the Supreme Court of the United States to review the decision of the Maryland high court.

The Court of Appeals had reversed a lower court decision finding Radio Stations WCBM, WFBR and WITH, and James P. Connolly, former news editor of WITH, guilty of contempt of court for broadcasting information about the confession and prior record of Eugene H. James, later sentenced to death for murder.

Wright Filed Objection

Mr. Hammond said after the reversal he would appeal to the United States Supreme Court.

After Mr. Hammond made his petition to the Court of Appeals, J. Purdon Wright, attorney for WCBM, filed an objection to the attorney general's request for a delay.

Mr. Wright charged that Mr. Hammond was attempting "persecution" of the radio stations and said the move to have the United States Supreme Court review the case is "entirely unjustified."

The petition of the Attorney General to the State high court follows:

"1. That by its majority opinion filed June 9, 1949, this Honorable Court reversed the judgments of the Criminal Court of Baltimore City, in the above entitled cases and, under the rules and procedure of this Honorable Court, the mandate will be issued thirty (30) days after June 9, 1949, or July 9, 1949.

"2 That your petitioner desires to petition the Supreme Court of the United States for the issuance of a writ of certiorari to review the aforesaid decision of this Honorable Court, but your Petitioner can neither present its petition, nor can the Supreme Court be expected to act thereon prior to July 9, 1949.

"Wherefore, your Petitioner prays that this Honorable Court may, by its proper order, stay the issuance of its mandate in the above entitled cases pending the determination of your Petitioner's petition for a writ of certiorari by the Supreme Court of the United States."

Answer By Wright

The petition of Mr. Wright for WCBM follows:

"The Baltimore Broadcasting Corporation, a body corporate, WCBM, by J. Purdon Wright, its attorney, respectfully objects to the prayer of the petition of the State of Maryland in a petition filed on or about June 29, 1949, praying the court to stay the issuance of its mandate in the above entitled cases, Nos. 170, 171 and 172, which mandate will be issued thirty (30) days after June 9, 1949, on or about July 9, 1949.

"1. The petitioner states in its petition that it desires to petition the Supreme Court of the United States for the issuance of a writ of certiorari to review the decision of this honorable court filed on June 9, 1949, in said cases, stating in its petition that it can neither present its petition nor can the Supreme Court be expected to act thereon prior to July 9, 1949.

Finds No Reason For Stay

"2. That the appellant, the Baltimore Broadcasting Corporation, in case No. 171 finds no authority in the Maryland Code or in the Rules of Court for the stay of its said mandate to be issued by this Honorable Court in accordance with its decision of June 9, 1949, nor can the issuance of such mandate have any effect whatsoever upon the right of the petitioner, the State of Maryland, to present a petition to the Supreme Court of the United States for the issuance of a writ of certiorari.

"Said petition may be filed regardless of the mandate of this Honorable Court at any time within the rules of the said Supreme Court of the United States, and the staying of the mandate as prayed for in said petition will have no effect whatsoever nor can it have any effect upon the action of the Supreme Court on the proposed petition to be filed therein by the State of Maryland for the issuance of a writ of certiorari to review the decision of this Honorable Court.

Called "Persecution"

"3. The appellant, the objector herein, the Baltimore Broadcasting Corporation, feels that the action of the petitioner, the State of Maryland in the instant cases, in presenting the petition to the Supreme Court of the United States for the issuance of a writ of certiorari to review the decision of this honorable court is in the nature of a persecution of the appellants, and is entirely unjustified in view of the decision of this court in said cases, as said decision in no way abridges the powers of the Supreme Bench of Baltimore city to issue citations for contempt under its inherent powers, nor even under its powers which Rule 904 attempted to define where facts are broadcasted when such facts, so broadcasted, will present a clear and present danger to the rights of the accused.

"Wherefore your objector believes that said petition of the State of Maryland filed herein praying that the issuance of the mandate of this court in the above entitled cases be stayed pending the determination of the petitioner's petition for a writ of certiorari by the Supreme Court of the United States in uncalled for, unnecessary and entirely superfluous and not provided for by the rules of this court or authorized by the statutes of Maryland, and that such petition should be denied."

Man Is Exonerated In Robbery Slaying

Gregores Konstandinidic, 43-year-old manager of a restaurant in the 1300 block Pennsylvania avenue, was exonerated yesterday in Northwestern Police Court on charges of fatally shooting a man in the restaurant Sunday.

Magistrate Thomas L. Fitzpatrick dismissed the defendant and called the slaying "justifiable homicide" after testimony that the victim had drawn a knife and was robbing the cash register when Konstandinidic began to struggle with him.

The dead man was identified as Tommie Covington, 35, address unknown. The restaurant manager was stabbed twice by Covington and received treatment at Maryland General Hospital. An assistant State's attorney attended the police-court hearing.

Morn. Sun-7/2/49

EX-POLICE AIDE FACES CHARGE

Lample Posts Bond In Bookmaking Case

A former member of the Board of Police Examiners, abolished several years ago, was one of three men indicted in Criminal Court yesterday on bookmaking charges.

The former board member, charged in five indictments, was John Lample, first block of North Fremont avenue. He posted $2,000 bond after being charged with knowingly permitting the placing of wagers in a garage in the same block on June 18, 20, 22, 23 and 25.

Indicted with him were Morris Rubin, 5500 block Park Heights avenue, and Harris I. Silverman, 2300 block Anoka avenue.

Had Been Dismissed

Lample was dismissed by Magistrate J. A. Romano in Western District Police Court last week after the three had been arrested in a raid by Capt. Alexander Emerson, during which four telephones and alleged bookmaking equipment were found in the garage.

Rubin and Silverman were held for the grand jury after the preliminary hearing. Lample was indicted with them after the case was presented to the grand jury.

EVE-SUN 7-6-49

Arrest For Theft Arrests Marriage

Joseph Michalski's would-be honeymoon was definitely terminated today when the man was sentenced to the State Reformatory for a two-year term by Judge Joseph Sherbow for theft.

Michalski admitted that he had taken $1,140 from his elderly uncle's tin bank before he started off on the trip with a young woman he met in a nightclub.

Several hundred dollars had been spent in entertainment and somewhat more than $400 had been spent in buying clothes for the girl, paying rent for a Philadelphia apartment and buying household equipment.

Interrupted By Arrest

According to statements made to Detective Lieutenants Edward Dunn and Thomas Cremin, the 25-year-old defendant and his newly made acquaintaince had planned to marry in Philadelphia, but changed their plans to marry at Elkton when they had difficulty in getting a Pennsylvania marriage license. The arrest interrupted marriage plans.

The prosecutor, J. Harold Grady, told the court that the theft occurred on June 12 while Michalski's 75-year-old uncle was attending church services.

Michalski, an electrician, had lived in the 2000 block Portugal street.

NEWS-7-7-49

Lane Refuses Reprieve For Wood

Governor Lane today refused a reprieve to Roy Arnold Wood, asserting psychiatric examiners had found "that he is legally sane at this time."

A last-minute reprieve for Roy Arnold Wood, scheduled to be hanged shortly after midnight for the slaying of Patrolman Joseph D. Benedict, still appeared today to be within the realm of a possibility.

The chance hinged on an announcement from Governor Lane's office, revealing that the Governor still is "considering" a report on Wood's sanity, received late yesterday from Dr. Manfred Guttmacher, psychiatrist to the Supreme Bench of Baltimore.

TWO DUE TO DIE

No word had been received at the Maryland Penitentiary, however, indicating that a stay of execution was being considered either for Wood or for Howard A. Fram, also scheduled to die tonight.

Fram was sentenced to be hanged for the hatchet-murder of George Lehr, seventy-two-year-old neighborhood grocer, in a Christmas week robbery in 1947.

Wood, trapped dramatically by a girl who said she had been in love with him, killed Patrolman Benedict on February 13, 1948.

LAST-MINUTE EFFORT

A desperate last-minute effort to save him from the gallows was made several days ago by his attorney, Bennett B. Cockey of Towson, who appealed to the Governor on the ground that Wood, although declared sane at his trial, now has become psychotic.

Governor Lane requested the psychiatrist's report following Cockey's plea. Neither his office nor Dr. Guttmacher would disclose today what the report contained, and the psychiatrist declined to say whether it was based on a new examination, or on material previously gathered.

NO CHANGE IN BEHAVIOR

Penitentiary officials said there had been no change in the behavior of either Wood or Fram as the time of their execution approached.

No decision had been made up to midafternoon on the menu for their last meal. Contrary to widespread opinion, condemned Maryland prisoners are not permitted, Assistant Warden William P. Kennedy said, to order their final dinners themselves.

The prison chaplain visited both men during the morning, and members of their immediate family will be permitted to see them if they arrive at the Penitentiary during the afternoon.

Wood also saw a priest during the day, and displayed his usual interest, Kennedy said, in the daily newspapers, which he has read avidly since his trial.

Barring last-minute reprieves the two men will be hanged within the first half-hour tomorrow in the high, narrow execution chamber at Maryland Penitentiary.

Twenty-five witnesses, including members of the press, will see the executions, carrying out the requirements of State laws.

Edwards Asks Review Of Trial

Attorneys for Thomas Alexander Edwards, Anne Arundel county Negro sentenced to hang for the murders of John H. Mahlan and Mary C. Kline of Glen Burnie, today asked that the case be reviewed in the highest court in the State—the Maryland Court of Appeals.

William J. McWilliams and Ridgely P. Melvin, Jr., Edwards' lawyers, filed the appeal with the Clerk of the Criminal Court.

The Negro was sentenced to hang by Judges Robert France, Emory H. Niles and Joseph Sherbow, who convicted him of the double murders after a lengthy trial some months ago. Recently a motion for a new trial in the case was denied by the Supreme Bench of Baltimore City.

EVE-SUN 7-7-49

Double Execution Is Scheduled

Two convicted slayers, Roy Arnold Wood and Howard A. Fram, are scheduled to be executed tonight at the Marylahd Penitentiary.

Wood, a 24-year-old bricklayer, was found guilty of the fatal shooting of Patrolman Joseph D. Benedict in February, 1948. The officer was making a routine check of a taxicab shortly after the holdup of another cab driver.

As Benedict approached the cab's door, Wood, a passenger, shot him and fled. Wood was arrested in an elaborate police trap set for him at Pratt street and Broadway.

Declared Sane

At his subsequent trial on the murder charge, psychiatric testimony was given that Wood was legally sane.

Fram, 32-year-old father of several children, was convicted of murdering a 70-year-old grocer, George Lehr, during Christmas week of 1947.

Lehr was slain with a hatchet in his West Baltimore store. Following his arrest, Fram said that he killed Lehr to get money to buy Christmas presents for his children.

The Court of Appeals upheld the convictions of both doomed men.

EVE-SUN 1-7-49

Edwards Appeal In Murders Filed

Appeals today were filed on behalf of Thomas A. Edwards, Anne Arundel county colored man, in order to have the Maryland Court of Appeals review his conviction for last September's dual murder near Glen Burnie.

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed counsel for the man, filed the appeals with the clerk of the Criminal Court.

They had announced they would seek to appeal at State expense under the law for appeals in capital cases by indigent defendants.

The pauper's affidavits required for appeal at State expense have not yet been filed, but the law allows 30 days for submission of such affidavits. Edwards was sentenced to hang last week for the murder of John H. Mahlan and Miss Mary C. Kline.

MORN-SUN 7-8-49

Edwards Appeals Death Sentence

An appeal from the first-degree murder conviction and death sentence imposed on Thomas A. Edwards in connection with the murder of John H. Mahlan and Miss Mary C. Kline was field yesterday in the Criminal Court.

The appeal was noted by William J. McWilliams and Ridgley P. Melvin, Jr., court-appointed defense counsel. Court clerks said the defense attorneys indicated they would ask the State to defray cost of the appeal on the grounds that Edwards, a Negro, is without funds.

Edwards was found guilty of shooting fatally the young Glen Burnie couple by Judges Robert France, Joseph Sherbow and Emory H. Niles. A motion for a new trial subsequently was denied and the court sentenced Edwards to hang.

MORN-SUN 7-8-49

France Hears 3,094 Cases In Six Months

Judge Robert France in his section of the Criminal Court tried a total of 3,094 cases during the first six months of this year according to a report compiled by James A. Cole, court clerk.

During the same period, Judge France imposed fines totalling $74,445, primarily in gambling cases. Costs in that section of the court amounted to $15,431.55.

Judge France heard 3,046 of the cases without a jury. A total of 1,238 of the cases resulted in pleas of guilty and sentence was changed in fourteen cases, according to Mr. Cole's report to the judge.

MORN. SUN-7-8-49

Slayer Of Policeman Cuts Throat In Cell

Takes Own Life In Death House Here One Hour Before Time For His Execution

Roy Arnold Wood, 24-year-old bricklayer from White Hall, Md., took his own life in the death house of the Maryland Penitentiary last night just one hour before he was to go to the gallows for the murder of a Baltimore policeman.

Wood, who was scheduled to be hanged shortly after midnight, was found "limp and bleeding" in his cell by the Rev. Joseph J. Ayd, S.J., who was reading just outside the cell door at approximately 10.45 P.M.

The execution of Howard A. Fram, 32, went ahead as scheduled at 12.40 A.M. today. He had been convicted of slaying George Lehr on December 17, 1947.

Dr. Earl Royer, acting medical examiner of Baltimore city, said death resulted "from hemorrhage due to an incise wound of the neck."

He Cut His Jugular Vein

"Wood cut his jugular vein," Dr. Royer stated.

The weapon which he used was half of a safety-razor blade. It was found lying in a hole in the blood-soaked mattress in Wood's cell.

Warden Edwin T. Swenson, terming the eleventh-hour suicide "the most fantastic thing that has ever happened," was unable to say how Wood had slashed his own throat.

"The last thing Wood said," Warden Swenson recounted, "was that he wanted to sleep."

Prison officials said Wood had been shaved yesterday by a prison guard, and were unable to explain how he procured the razor blade. Prisoners in the death house, it was pointed out, are not permitted to shave themselves.

Father Ayd's Account Of It

In a statement released early this morning Father Ayd gave the following account of the suicide:

He had returned to the death house about 8.30 P.M. and found the condemned man apparently sleeping in his cell, he recounted.

Earlier in the day, he continued, Wood had told him, "If you have any good news, or whatever you have when you come back, let me know it when you come back, whether it is good or bad."

Upon his return, Father Ayd said, the Rev. B. F. Blubaugh, who was attending Fram, "told me that Roy was going to take a little rest."

Thought Wood Was Asleep

Looking in the cell, he continued, he thought that Wood was asleep. "It was pretty dark," he said.

"He was in a pretty deep shadow. . . . I thought I saw his chest go up and down, but I did not disturb him. . . .

"Once or twice I looked into his cell but there was no response and I had no suspicion there was anything wrong."

At about 10.15, Father Ayd continued, "I thought it was time to awaken him and start to prepare him for the end.

Even Then Not Suspicious

"I called into him, 'Roy, Roy,' and got no response. . . . Even then I was not suspicious."

When he dropped a tin cup on the floor and still failed to arouse the prisoner, he said, "I thought he must have had some dope. . . . I went to Holmes (the guard) and asked for a stick."

He said he found an umbrella in an empty cell, "put it through the bars and hooked it around his elbow."

He said he hooked the umbrella around Wood's elbow and shook it, but still got no response.

Then he said the Rev. Blubaugh approached him and pointed to Wood's arm which was hanging out of the shadow. The arm was covered with blood.

Feeling the pulse, the Rev. Blubaugh said, "Father, he has no pulse. I believe he is dead."

Wood was still alive, Warden Swenson said, but his face was covered with blood and he was barely able to speak.

He died a short time later, at approximately 11 o'clock.

First "Miscarriage"

It was the first time since 1921, when executions were first transferred to the Penitentiary, that there has been a "miscarriage" of plans, according to Harold E. Donnell, State superintendent of prisons.

For Wood it was the second attempt to cheat the gallows. The first occurred in the City Jail in March, 1948, when he was awaiting sentence on the first-degree murder conviction.

At that time the gunman was found in his cell with a noose fashioned from his necktie looped about his neck. After a struggle with guards, he was subdued.

Two days later he went berserk in his cell at the City Jail and attacked two guards who were sent to quiet him.

ROY ARNOLD WOOD

Father Ayd this morning told the warden, "I would take an oath that Wood was breathing while I was reading to him."

A prison guard, Peter J. Holmes, said he had been walking up and down before the cells in the death house throughout the evening.

At 8.30 P.M., he said, he had brought Wood a piece of cake, an aluminum bowl of milk and a spoon. After drinking the milk and eating the cake, he said, Wood returned both the bowl and the spoon.

Nine other prisoners in the 150-year-old Penitentiary death house, including Fram, sat "silent and dazed" in their cells while prison officials worked in Wood's cell.

Warden Swenson said Fram, convicted of the hatchet murder of Lehr, a 77-year-old grocer, remained "in a dazed state" throughout the incident.

Examination Refused

Earlier yesterday, Governor Lane refused a request for Wood to be examined again by a psychiatrist. The petition was submitted last week by Bennett Cockey, attorney and friend of Wood, who sought to save his client's life by a psychiatric examination in which Wood might be adjudged insane.

The Governor, in turning down the eleventh-hour appeal, pointed out he was satisfied with the original verdict by examiners that Wood was "legally sane" at the time he shot Patrolman Benedict in February, 1948.

"I can find no justification for interfering with the sentence that the court has imposed upon him," the Governor said.

Wood was found guilty on March 12, 1948, of murder in the first degree for the slaying of Patrolman Joseph D. Benedict. The officer was fatally shot a month before as he started to make a routine check of a taxicab after another cab driver had been held up.

As Patrolman Benedict stepped from a patrol car Wood pulled a gun on his driver and ordered him to get away. The cab stalled and Wood opened the door, shot the officer and ran.

The slayer later was trapped at Broadway and Pratt street in an elaborate police net set in anticipation that he would be lured to the spot by a young girl with whom he had a date.

As the girl gave a prearranged signal, policemen came from doorways and private automobiles to arrest Wood, wrest away a .38-caliber pistol he was carrying, and take him to Central Police Station.

Confession Introduced

At the trial the prosecution succeeded in introducing a confession Wood had made after being taken in custody.

In his confession Wood admitted he had committed the holdup and taken the taxicab for which police were looking.

Wood said he abandoned the stolen car and started for his home in the 1700 block East Thirty-third street. He hailed a second cab and was less than two blocks from the house where he rented a second-floor room when Patrolman Benedict and Sergt. Fred Mann, looking for the stolen cab, drew alongside.

After Wood fired the fatal shots, he said, he ran past the wounded policeman northward on the Alameda, circling to his rooming house, then went to bed.

Wood was tried and convicted by Judges Emory H. Niles, John T. Tucker and Robert France. Attempts to have him adjudged insane failed, and he was sentenced to death.

The Court of Appeals upheld the lower court decision and an attempt to have Governor Lane change the death sentence also failed.

Fram was convicted of the hatchet murder of George Lehr, a 70-year-old grocer, during Christmas week of 1947.

The father of several children, Fram, 32, pleaded guilty to first-degree murder. He admitted he struck Lehr several times with a hatchet, dragged him behind the counter and covered him with packing cases. He said he waited on several customers who came in, then left with $40, a carton of cigarettes and the grocer's overcoat.

Unemployed at the time of the murder, Fram said he took the money to buy Christmas presents for his children, and pleaded that he suspected his wife of "running around."

Judge Herman M. Moser sentenced Fram to death, and the Court of Appeals upheld the conviction.

His court-appointed attorney, Benjamin C. Howard, sought to have Governor Lane commute the sentence, but failed.

EVE-SUN-7/8/49

Mystery Cloaks Razor's Source In Wood Death

The question of how Roy Arnold Wood got the razor blade to kill himself in his death cell last night two hours before he was to go to the gallows remained cloaked in official mystery today.

Wood, sentenced to die for the slaying of a Baltimore policeman, left three suicide notes—one of them naming someone within the prison as the person who provided him with the suicide weapon.

Prison officials today declined to reveal the name of the man listed by Wood, saying that the case will probably be investigated by the State's attorney.

The 25-year-old bricklayer slashed his throat and jugular vein with half of a razor blade and bled to death two hours before he was to "be hanged by the neck until dead" for the gun killing in February, 1948, of Patrolman Joseph D. Benedict.

Two prison chaplains were less than six feet away from the condemned killer when he apparently jabbed the broken safety-razor blade into the right side of his neck while lying face down on his cell cot.

3 Notes Left

Three notes were left by Wood, according to Harold E. Donnell, State superintendent of prison, and Col. Edwin T. Swenson, Penitentiary warden.

In one addressed to Colonel Swenson, the doomed man named "someone" within the prison as the person who provided him with the suicide weapon.

Mr. Donnell declined to reveal the name of the person allegedly involved, nor would he say whether the individual was an inmate or an employé at the institution.

"It involves allegations which I believe will have to be investigated by the State's Attorney," said Mr. Donnell.

Prison Quiz Due

"There may have to be some questioning done, and for that reason I don't think it would be proper to divulge the contents of the note, or the person named in it."

The prison superintendent said that all the information he gathered during the night at the prison from guards and officials, plus the three notes, would be turned over to the State's Attorney today.

Mr. Donnell pointed out in refusing to identify the individual named by Wood that the convicted slayer's accusations may be without foundation, or may have been made to get even with someone against whom he had a grudge.

Colonel Swenson and Mr. Donnell, who was summoned from his home in Stoneleigh when Wood's suicide was discovered about 10.35 P.M., revealed also that the doomed man had come into possession of two other pieces of metal.

Cell Lock Jammed

Those two pieces were found wedged in the cell door lock, when Deputy Warden William P. Kennedy and several guards with keys to the death row cells tried, but couldn't unlock the door to Wood's cubicle.

A quick inspection of the lock showed the two pieces of metal stuffed halfway back in its 2½ inch deep interior.

After almost two minutes of probing, the metal pieces, each about 1 inch long and a half inch wide, were removed, permitting the guards to enter the cell. Prison officials were of the opinion he put them in the lock to forestall aid reaching him in time to save his life.

Jugular Vein Cut

Wood, according to Kennedy, was breathing his last when he was turned over on his back. Dr. Henry W. Holljes, prison physician, pronounced Wood dead at 11.28 P.M. —37 minutes before the killer was to be taken to the gallows a few steps away.

Dr. Earl Royer, medical examiner, who arrived at the prison's execution chamber—known as B Dormitory—at 2 A.M., said Wood had died of a hemorrhage due to an incise wound of the neck that cut the jugular vein.

Painful Death

The wound, Colonel Swenson said, was about two inches deep, and one inch wide. Authorities were amazed at Wood's ability to withstand the pain, which was apparently intense, they said, as he dug the sharp-pointed weapon into his neck to reach the artery.

The chaplains—the Rev. Joseph J. Ayd, S.J., a Catholic priest, and the Rev. B. F. Blubaugh, Evangelical United Brethren minister—reported that they did not hear "any extraordinary noises, breathing or sighs of any kind" emanate from Wood's cell.

Wood's suicide delayed the execution of Harold Andrew Fram for the hatchet killing of a West Baltimore grocer, George Lehr, 70, in Christmas week, 1947.

Fram Pays Penalty

Fram, who would have been 32 on July 16, dropped through the trap at 12.23 A.M. and was pronounced dead by Dr. Holljes nineteen minutes later. He had been slated to follow Wood, Colonel Swenson said.

The fact that something was amiss in Wood's cell was not discovered until 10.30 P.M. At that hour, Father Ayd, who had reached death row at 8.10 to attend Wood in his last hours, tried to awaken the presumably sleeping convict.

The Rev. Mr. Blubaugh, who arrived at 7 o'clock to prepare Fram for death, told Father Ayd when he reached death row that Wood had stretched out on his cot a half hour earlier saying: "I'm going to take a rest."

Demeanor Normal

A few minutes before that, according to Mr. Blubaugh, the telephone on Guard Peter J. Holme's desk had rung. As he started toward the phone, Reverend Blubaugh related, Wood said: "If that is for Father Ayd, tell them that he will be in soon." The call, however, was for the minister, and after completing his conversation, Reverend Blubaugh relayed this fact to Wood, who then remarked that he was going to lie down for a rest.

"All right, Roy," the Rev. Mr. Blubaugh told Wood, "go ahead and rest, and relax."

Ate Hearty Meal

The doomed killer's demeanor during the day gave no indication that he intended to take his own life, officials said. Both he and Fram had their last full meals—a whole chicken each, mashed potatoes, peas, jelly and ice cream—at 2.30 o'clock in the afternoon, according to the statement of Guard Charles H. Fink, officer in charge of the death house on the day shift.

"That was the best meal I ever had," Fink quoted Wood. Earlier in the morning, at 8.15 o'clock, after receiving holy communion from Father Ayd, the condemned man told Fink that he "never felt better in my life."

Personal Favor Asked

He asked Fink to perform a personal favor for him—give Colonel Swenson three sketches he made of an infantryman, General MacArthur and John L. Lewis.

Father Ayd reported that he was with Wood in the morning and afternoon, and when he arrived at night to find that the convict was apparently sleeping, he talked with the other eight condemned men in death row.

Tried To "Awaken "Roy"

Holmes, according to Father Ayd, was walking up and down the aisle between the twelve cells, keeping watch. The priest said that he also walked up and down the corridor, "once or twice," looking in at the presumably sleeping form of Wood.

When he tried to awaken Wood, Father Ayd said, he failed to respond to calls of "Roy, Roy." Then, the priest continued, he took Wood's metal water cup and dropped it on the floor, thinking its noise would awaken him.

Attempts Fail

Failing that, but still not suspecting that anything was wrong, Father Ayd said he went to Guard Holmes's cell, where the desk is located, in search of a stick. Unable to find one, he took a guard's umbrella and went back to Wood's cell.

Inserting the umbrella through the bars, Father Ayd related, he nudged Wood on his exposed left elbow, but that didn't arouse him either. Realizing then that something was wrong, Father Ayd told the warden that he hooked the umbrella handle around Wood's arm and pulled it to the side of the cot.

Death Try Revealed

Wood's arm fell limp, and Father Ayd told the Rev. Mr. Blubaugh about his suspicions. Reaching in through the bars, Mr. Blubaugh took hold of Wood's wrist to feel for a pulse beat. Unable to detect any, he withdrew his hand and found it covered with blood.

"Father," said Mr. Blubaugh, "I believe he is dead."

After notifying Guard Holmes, Father Ayd went to the telephone and called Mr. Kennedy, who was in the administration offices of the penal institution, and excitedly told him to hurry over to the death house with the doctor.

Arriving at Wood's cell door, Mr. Kennedy and other guards found the lock blocked by the pieces of metal, which turned out to be strips cut from a tobacco can. Each piece bore a strip of adhesive tape.

Turning Wood over on his back, the prison officials found he was lying in a pool of blood, which was seeping into a hole in the mattress. Authorities said he apparently tore the hole into the mattress so that his life's blood would not drip on the floor and betray him before he had accomplished his suicide.

Fram Death Delay

Colonel Swenson was in his home on the prison property when Kennedy called him to report Wood's suicide. The warden called Mr. Donnell at his home, and the prison superintendent told Swenson to hold up Fram's hanging until he arrived.

The warden also tried to reach Governor Lane, who earlier yesterday had turned down a last-minute plea to hold up Wood's execution so his sanity could be determined. Governor Lane was returning to Annapolis from Chestertown and called Swenson later, ordering that a complete investigation be made.

Fram Death Reslated

When Mr. Donnell reached the prison at 12.15 A.M. and learned that Wood had been pronounced dead and the medical examiner notified, he gave orders for the execution of Fram to be carried out.

Colonel Swenson described Wood's suicide as the "most fantastic thing that ever happened."

"With all the precautions we took with him," added the warden, "it is the most fantastic thing I ever heard of."

The warden said he is convinced that Wood did not get the half blade and the other metal strips yesterday, the third day he had occupied the No. 1 cell beside the door leading to the gallows.

Baffling Suicide

"I just can't believe it," Col. Swenson said. "This was too carefully thought out and carried through. But for the life of me I can't understand how he got those things."

The warden said that Wood was moved into the cell on Tuesday. He was stripped of all the clothing he wore before the move was made, and thoroughly examined when given a bath that afternoon.

Barber Shop Visit

On the following afternoon, he was taken from the cell to the barber shop for a haircut. Yesterday afternoon he was escorted to the barber shop for a shave, being returned to his cell about 1.30 P.M.

Under prison regulations, Colonel Swenson said, keys to death row cells are kept in a desk in the administration building and cannot be removed without the knowledge of the officer in charge.

Self-Locking Door

The cell doors in the death house, he explained, are opened with a key, but to lock them they are simply slammed shut, locking themselves.

The last time the key was used on Wood's door was yesterday, when he was taken out for the shave. Since regulations prevent guards in the death house from having the keys, there was no way of knowing that the pieces of tin were in the lock.

It was apparent, however, officials said, that the strips were placed in the cell-door lock sometime after 1.30 o'clock yesterday afternoon. The half blade with which Wood committed suicide was discovered after the body was moved in the mattress hole where his head was resting.

Blade Source Mystery

How he managed to conceal the blade remained a mystery to authorities. Colonel Swenson said the cubicle, which contained the cot, a wash bowl and toilet, was thoroughly examined each time Wood left it under escort.

All conceivable hiding places were searched for possible suicide weapons. On one other occasion, while confined to the City Jail awaiting trial last year, Wood tried to hang himself but was foiled by guards.

First Such Case

Deputy Warden Kennedy, who has been at the prison for 30 years, said that it was the first time that a condemned man had cheated the hangman's noose since all the State's executions began to be carried out at the Penitentiary in 1923.

Wood was visited yesterday morning by his parents, sister and an uncle. Fram had an aunt as his last visitor. They were all there together, in the morning, and remained for an hour, separated by four feet from the condemned men by a fine-wire mesh screen, Swenson said.

Catholic Convert

Wood, a Methodist, was converted to the Catholic faith since he entered the death house on April 12, 1948. He was baptized by Father Ayd on Wednesday, and received his first Holy Communion yesterday morning. His body was taken to the City Morgue on orders of Dr. Royer, who later gave a verdict of suicide.

A crowd of more than 300 persons massed around the entrance to the prison hospital to watch removal of the bodies in a patrol wagon. Two radio car crews of police maintained order.

NEWS-7/8/49

Md. Prison Head Opens Inquiry In Self-Slashing By Slayer Facing Noose

Harold E. Donnell, State Superintendent of Prisons, declared today that he thought someone "inside the prison" gave Roy Arnold Wood the split razor blade with which he took his life just before he was scheduled to be hanged.

Wood, who last February robbed a taxi driver, then robbed Patrolman Joseph Benedict of his life by shooting him through the heart, robbed the noose by taking his own life shortly before he was to be hanged at midnight.

FOUND DEAD IN CELL

Mr. O'Donnell, as he launched a full-dress investigation of the suicide, said:

"I am positive that no person outside the Penitentiary gave Wood the razor blade with which he killed himself.

"I am going on the assumption that somebody inside the prison did, and I intend to find out who."

Wood, in the next cell to Howard Andrew Fram, thirty-two, who was hanged for murder in what was scheduled to be a double execution, was found fatally wounded by the Rev. Joseph J. Ayd, prison chaplain, who had been sitting quietly outside the cell door while Wood committed suicide.

Medical Examiner Earl Royer gave an official verdict of suicide and said:

"The wound was made with a double-edged razor blade, split endwise.

"Wood severed the internal jugular vein, making a wound an inch and a half deep."

HAS TWO BRANCHES

The jugular vein has two branches in the throat, the external, which one notices when fastening a collar too tight, and the internal, which runs close to the Adam's apple. Wood missed the outer branch, Dr. Royer said.

Mr. Donnell said he considered the suicide of Wood an extremely serious matter.

He said:

"I know some people may say that it doesn't make much difference, that the man was to die in a few minutes, and that now he's dead anyway, but that is not the way we feel about it.

"It is our duty and our orders to carry out an execution, and the prisoner is placed in our custody for that purpose.

"Not only is it our duty to do this, but to many persons suicide is a very serious matter from a religious viewpoint, and it is our duty to protect the prisoner from harming himself.

"I am absolutely positive that no visitor to Wood gave him that razor blade.

SPOKE THROUGH CAGE

"All visitors had contact with him only through the regular wire cage, through which nothing can be passed.

"I can only assume someone inside the prison passed the blade to Wood and I'm going to find out who, if possible."

As to when Wood killed himself doctors at the Penitentiary said it must have been only a few moments before he was found. One of them said, after inspecting the wound:

"That would bring death within seven minutes, not longer."

STILL BREATHING

Wood was still breathing when he was found wounded.

A sudden rush of excitement swept the "death row's" nine inmates and guards like fire.

Attendants came running. Doctors were summoned. Warden Edwin T. Swenson was called.

It was too late to save Wood's life, even for a legal death that then was minutes away.

INFORMS NEWSMEN

All this had happened while the legal 25 witnesses, including newspaper reporters, were sitting quietly in an anteroom of the prison, waiting for the long walk downstairs, through the recreation area and to the execution chamber underneath the "death row."

Suddenly a door opened and Colonel Swenson, obviously agitated, summoned newspapermen outside. He told them, briefly, what had happened.

He said:

"We don't yet know how this happened. Naturally it will delay the other execution somewhat."

Fram had been scheduled to be hanged immediately after Wood, and Wood was to have been executed exactly at midnight. It was 12.23, however, before the spectators saw Fram drop to his death.

INQUIRY LAUNCHED

Col. Swenson, during this execution, stood with other prison personnel on the platform through which Fram dropped. After Fram was pronounced dead, at 12.42 A. M., Swenson came down the stairs to where the spectators stood.

He explained what Wood had done, and that as the sole remaining execution had been carried out, they could be dismissed.

The chaplain's story of what happened was this:

"The Rev. Mr. Brubaugh told me that Roy had said he would take a little rest and I said that that was fine and looked in the cell where he was apparently sleeping.

"It was pretty dark and his head was in deep shadows so I didn't disturb him."

GETS NO RESPONSE

Once or twice Father Ayd called Wood without receiving any response but at approximately 10.10 P. M. he said:

"I decided to awaken him and prepare him for the end.

"I called, 'Roy, Roy,' but got no response.

"Then I dropped a tin cup with ice in it onto the floor.

"I thought he must have had some dope.

"I asked Mr. Holmes (Peter J. Holmes, a guard on duty in the death house), if he had a stick to push into the cell to wake him . . .

"Then I got an umbrella belonging to a guard and put it through the bars and hooked it around Wood's elbow and shook him but still got no response and thought there must be something wrong.

"I pulled his arm out from under him into the light and Mr. Brubaugh said:

"'One minute, Father Ayd, his hand is all covered with blood.'

"And I said, 'Oh my goodness, it is!'

"Mr. Brubaugh felt his pulse and said:

"'I believe he is dead.'"

Father Ayd told prison officials he baptized Wood on Wednesday, administered Holy Communion to him at 8.15 A. M. yesterday, and had left him kneeling in prayer.

Wood was visited by his parents and his sister during the day. Father Ayd returned at 4 P. M., remained two hours and left at 6 P. M. for supper.

He had returned at 8.05 P. M. to stay with Wood until the end, but found him apparently sleeping.

PROMISED TO BEHAVE

Colonel Swenson and Deputy Warden William J. Kennedy were at a loss to explain how Wood could have obtained the blade.

They said Wood became violent in his stay in the prison, and was confined for one day in a straitjacket. After this experience he promised to be good, and Swenson said there was no further trouble with him.

He said Wood became especially mild and docile after the death warrant was read to him 17 days ago.

Colonel Swenson offered the hint that the blade being so small, Wood might have brought it into the prison himself, concealed in some way.

He said he had given orders that Wood was to be guarded with extreme care because of his previous suicide attempt in jail, and his attack on two guards.

In March, 1948, while held in the City Jail, he made a noose of his necktie and tried to hang himself, but was saved by guards.

Two days later he went berserk in his cell and attacked two guards who attempted to quiet him.

Just when he cut his throat was not known, but Guard Holmes said he brought an aluminum bowl of milk, a piece of cake and a spoon at about 8.30 P. M., that Wood ate the food and returned the utensils.

The two crimes for which Wood and Fram paid with their lives were particularly brutal and spectacular.

Fram, thirty-two, chopped his former employer, George Lehr, seventy-seven-year-old grocer, to death with a hatchet for a robbery motive.

VICTIM GAVE ALARM

Wood's crime occurred early in the morning of February 13, 1948.

He had held up one taxicab and then had boarded another, his pistol hidden in his pocket. He told the driver to take him to Thirty-third street and the Alameda, which is near his home.

Meanwhile his first victim had given the alarm, and police cars were searching for the bandit.

Seeing the police car, Wood warned his driver at pistol point to take a devious route, which put one of the police cars on his trail.

In this car were Patrolman Benedict and Sgt. Fred Mann.

As the policemen approached, Wood warned his driver to take off, but the driver stalled the motor and the cab came to a stop.

KILLED INSTANTLY

Benedict was first to the door of the cab to question the fugitive, and Wood fired once at close range, the bullet killing Benedict instantly.

Then Wood leaped from the cab, ran across lots in the darkness, got onto back streets and went to his rooming house and to bed.

His hat and other clues led to this room, and in it police found an abandoned snapshot showing Wood and his girl friend. This led to the girl, and the police made a deal with her to trap the suspect.

An elaborate net was set at Broadway and Pratt streets, with the then Commissioner Atkinson on hand personally to spring it.

Wood came to the spot at a prearranged time for a date with his friend, and at her signal concealed police leaped out from all directions.

ADMITTED SLAYING

They wrested from him the .38-caliber pistol with which he had killed Benedict, and hustled him off to headquarters.

There he confessed to the slaying, a confession which was later introduced at his trial.

Such throngs came to the trial that special guards had to be stationed in the corridors and hundreds remained outside, unable to get in.

Wood was sentenced to death, and all efforts to obtain clemency proved fruitless.

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GUARD QUIZZED ON HOW WOOD GOT WEAPON

State Opens Inquiry Into Cell Suicide That Kept Killer From Noose

A guard at the Maryland Penitentiary was questioned for two hours at Police Headquarters yesterday afternoon as Edward A. Gehring, assistant State's attorney, opened an investigation to find out how Roy Arnold Wood obtained the piece of razor blade he used to commit suicide just before he was to go to the gallows.

The guard, who was not named, was questioned by Chief Inspector M. Joseph Wallace and Detective Lieutenant Leo Kelly in the presence of Mr. Gehring.

Later Mr. Gehring said the guard was one of several who had been questioned about Wood's suicide.

"How Wood got the razor blade is a real question," the State's attorney's assistant added.

Discovered By Chaplain

Wood, sentenced to hang for slaying a policeman, cut his throat by jabbing half of a safety razor blade, split lengthwise, into his neck. The blade severed the jugular vein, and he bled to death as two prison chaplains sat within 6 feet.

The suicide was discovered when the Rev. Joseph J. Ayd tried to rouse Wood from what the chaplain thought was sleep.

Father Ayd and the Rev. B. F. Blubaugh, who was attending Harold Andrew Fram in a near-by cell, discovered blood on Wood and called prison officers, who found Wood near death as they entered the cell.

Their entry into the cell was delayed by two pieces of a tobacco can jammed into the lock.

Mr. Gehring said the investigation was to find out where Wood got the razor blade and the two pieces of tin.

Three Notes Left

The State's attorney's office is studying three notes Wood left, he added.

One, addressed to Col. Edwin T. Swenson, Penitentiary warden, named the person who had given him the razor blade. Colonel Swenson declined to reveal the name, because, he said, Wood might have had a grudge against the man and thought he could "put the finger on him" with the note.

Colonel Swenson said his note was a "friendly statement of the situation," telling how he managed the suicide.

The second note, addressed to Father Ayd, dealt, Colonel Swenson said, with Wood's "philosophies of life and his defense of his decision to commit suicide."

Attached to Father Ayd's letter was a shorter note, addressed to the prison officer on duty in the cell block. Colonel Swenson described it as "a note of regret for putting the guard on the spot."

Another Letter To Parents

The third letter was addressed to Wood's parents. Colonel Swenson said he had not read this note.

The chief warden said all notes had been turned over to the State's attorney, and transcripts were being made of testimony taken from guards and witnesses on the night of the suicide.

Although Wood was permitted to use tobacco, he was not allowed to have a tobacco can. Colonel Swenson said Wood could have taken the tobacco tin from an ash tray, but that it was unlikely.

Asked if there was any evidence of negligence by prison guards or officials, Colonel Swenson said:

"That will have to come out in the investigation. It might have been impossible to prevent; there may have been negligence by the guards."

Baltimore city police were asked yesterday to assist in the investigation, and Lieutenant Kelly, in charge of the homicide squad, was named to aid the State's Attorney.

It was reported that Capt. Henry J. Kriss, chief of detectives, also had made a long report on the Wood case to the State's attorney's office.

Wood had been sentenced to hang for shooting Patrolman Joseph D. Benedict in February, 1948. While awaiting trial in City Jail last year he had rigged a noose in his cell, but guards seized him before he could commit suicide then.

A former Methodist, Wood was converted to Catholicism after he entered the death house.

A final attempt to spare Wood's life had been made last week by Bennett Cockey, attorney and friend of the condemned man. Cockey asked Governor Lane to order another psychiatric examination for the slayer.

On the day of execution, Governor Lane announced he had granted the request for another examination to determine Wood's mental condition, and that two psychiatrists had made the examination and advised that the slayer was legally sane.

For that reason, the Governor said, he would not interfere with the sentence of the court.

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FATHER AYD TELLS OF PRISON SUICIDE

Thinks Wood Was Dead When He Came To Cell At 8.05

To explain how Roy Arnold Wood was able to commit suicide in the Penitentiary death house Thursday night despite the presence of a prison chaplain outside his cell door, the Rev. Joseph J. Ayd, S.J., the chaplain who attended Wood, yesterday released the following statement:

"I had spiritual charge of Roy Wood for about a couple of weeks, but I had had quite a number of contacts with him since the first day he landed in jail.

"Even in jail he manifested symptoms of an advanced type of psychopathic personality with a suicidal tendency, although, during the many months he spent in the death house (B dormitory) of the Penitentiary, not once did he do anything overtly that manifested this tendency.

(Editor's Note—In March, 1948, when he was waiting to be sentenced, Wood attempted to hang himself in the City Jail by his necktie, but was discovered by a guard.)

Periods Of Depression

"In the death house he had many periods of deep depression, refusing to eat and converse with anyone, although he would always talk to me. Various obsessions possessed him, and he constantly insisted that he was not guilty of murder.

"When asked by the deputy warden whose spiritual care he desired at the end, he said: 'Father Ayd's.'

"I baptized him Wednesday afternoon, July 6, and he expressed sincere pleasure thereat. He received his first Holy Communion Thursday morning, July 7, and was very pious and prayerful.

"I visited him again at about 4 o'clock in the afternoon and remained with him until about 6 o'clock, when I left the death house to get supper.

Expected To Hear From Plea

"When I left he was apparently in good disposition, and his parting words to me were: 'Father, when you return, bring me news, good or bad.'

"He expected to hear something about the final plea of his parents in their afternoon visit to Annapolis.

"When I returned at about 8.05 P.M., I was told that Roy was 'taking a rest.' I went at once to his cell and found him, apparently, in a deep sleep.

No Change Of Position

"He was lying flat on his stomach, in bed, with his legs in 'spread eagle.' Because of the complete darkness of parts of the cell, I could not see above his shoulders or his head.

"When a person is lying in that position, partly in darkness, it is difficult to discover whether he is breathing or not, but I thought I saw some signs of breathing.

"Not once, during the time between 8.05 and 10 o'clock, when I attempted to awaken him, did he move or change his position one fraction of an inch.

"His position was a kind of physiological fixation. Not once during that time did he sigh out loud, groan or express pain in any way.

"When I tried, fruitlessly, to awaken him at 10 o'clock, I said, "Roy must be doped." I had not the slightest suspicion then that he might be dead.

Believes He Was Already Dead

"It is my considered opinion and conviction now that he was already dead when I returned to the death house at 8.05 or thereabout.

"From 8.05 to 10 o'clock there were, in the narrow aisle of the small death house, in addition to myself the Protestant chaplain and his assistant, the watchful guard and eight other condemned felons.

"No one of all these heard or saw anything that would even remotely indicate a suicide attempt during that time.

"This fact, together with what I have already said, convinces me that Roy Wood was dead when I came back to the death house.

"I so informed the assistant State's attorney when he questioned me early Saturday afternoon."

Triangle Realty Co. Guilty On 14 Counts

Officers Cleared In Vet Housing Probe

The Triangle Realty and Construction Company, one of 32 firms charged in the veterans' housing investigation with violating the city building code, today was found guilty on 14 counts.

The officers of the company, Bernard Deboskey, Albert A. Sapero and Mrs. Sapero, were found not guilty.

RESERVES SENTENCE

Judge Robert France, in Criminal Court, reserved sentence and referred the case to the city building engineer for a report before final disposition.

The same procedure has been followed in all the other cases. No sentences have been passed yet.

If the Buildings Engineer reports that the housing flaws alleged have been corrected by the builders that fact will be considered in the imposition of sentence.

THIRTY-FIRST DEFENDANT

The Triangle Company was the thirty-first of the 32 defendants to be tried.

It was accused of responsibility for defective conditions in houses in the 3700 and 3800 blocks Glengyle avenue.

Among the conditions complained of were faulty joints, poor bridging and defective floor surfacing in the basements.

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Jailing Policy Boosts Total Alimony Paid

The heaviest alimony and nonsupport payments on Baltimore court records—$1,477,623.87 so far this year—were revealed today by Charles F. Snyder, chief probation officer. At the same time it was reported that 171 men were imprisoned for failure to make family payments.

Court observers credited the record to the "firm treatment" policy of Judge E. Paul Mason in domestic cases since he returned to Criminal Court early this year.

The collections primarily consist of alimony, nonsupport and bastardy payments, Mr. Snyder said, although a small proportion represents monetary restitutions and court costs which probationers in other types of cases are required to make.

Started In January

Judge Mason, who had gathered record collections of alimony and support in 1936 when he last handled such cases in Criminal Court, began a firm treatment of delinquent domestic cases when he again returned to Criminal Court early last January.

The judge pointed out that delinquent husbands are "usually poor pay" unless they are forced to pay up. Imprisonment or threat of imprisonment results in the productions of cold cash in most instances, according to the judge.

Insisted They Couldn't

For instance, Mr. Snyder pointed out, men called into court for trial and sentenced for arrearages in payments have paid a total of $57,503.93 in the past six months, although originally they had insisted they were unable to pay.

Many of those men made payments after spending merely a few hours in custody, some after weeks or months in the House of Correction.

Judge Mason cited one instance when a seaman who said he was broke and couldn't help his family was given an 18-month term, on condition that payment would bring probation. He owed $700.

Pays From Money Belt

In the court house lockup, while waiting to go to the House of Correction, the man revealed that he wore a money belt containing more than $1,000. He not only paid up the arrearage, but posted bond against future delinquency.

The judge pointed out that in another case of a well-known stage and radio performer paid up approximately $1,100 in arrearages when the prison doors yawned.

More And More To Lockup

On alimony and nonsupport days, there has been a steady parade of prisoners from Judge Mason's court to the lockup. Three deputy sheriffs instead of the usual single deputy have had to be stationed in his court to take charge of prisoners.

About half of the sentenced men paid up before they left the court house, officials estimated.

Records of the Probation Department show that 474 men have been committed this year by Judge Mason for alimony, nonsupport or bastardy delinquencies.

175 Imprisoned

At the House of Correction there are now 121 colored and 54 white delinquents serving time because of failure to make payments.

In bastardy cases the sentences are usually two-year terms; in nonsupport instances the terms range up to eighteen months.

Judge Mason revealed that periodic checks are made for Mr. Snyder by Thomas McCarthy and Harry Cummings, deputies respectively of the white and Negro sections of the probation department.

When prisoners show any willingness to pay any substantial portion of their arrearages, they are usually freed to make good on the balance of the payments.

Another Housing Firm Convicted

Guilty verdicts today were entered by Judge Robert France in Criminal Court against the Triangle Realty and Construction Co. on fourteen counts charging building-code violations.

The company is the thirty-first building concern to be tried in court as a result of the GI housing inquiry which began in February 1948. Only one more set of cases remains to be tried.

Judge France entered the guilty verdicts on counts to which the company, through its attorney, Eldridge Hood Young, entered pleas of nolo contendere. Not guilty verdicts were entered as to 113 other counts.

Officers Acquitted

Three individual officers of the corporation were acquitted, with the assent of the prosecutor, Deputy State's Attorney William H. Maynard.

In accordance with the practice followed in the housing series, Judge France referred the cases to Buildings Inspection Engineer Paul A. Cohen for new inspections and further reports.

The seven houses involved in the cases against the Triangle concern are in the 3700, 3800 and 3900 blocks of Glengyle avenue. The charges were returned by the grand jury last October.

Guilty verdicts were entered on seven counts involving lack of joist bridging, three counts involving inadequate fire protection space at ends of joists, two counts involving inadequate fire-stopping precautions, and two counts involving absence of wall anchors.

MORN-SUN 7-12-49

HOUSING PROBE IS NEAR END

Another Builder Of GI Homes Convicted Of Violations

Baltimore's year-and-a-half investigation of GI housing neared completion yesterday after the thirty-first home-building firm to face the Criminal Court was convicted of violating the Building Code.

The defendant was the Triangle Realty and Construction Company, builder of veterans' homes in the 3700, 3800 and 3900 blocks Glengyle avenue. Bernard DeBoskey, Albert Sapero and Lillian Sapero, officers of the company, were acquitted of the charges.

Convicted On Fourteen Counts

Only one more house-building concern under indictment still remains to be tried.

Judge Robert France convicted the Triangle company on fourteen counts out of a total of 117 in the seven indictments. The fourteen counts charged the company with installing inadequate firestopping devices and with failure to install bridging between joists and wall anchors.

Judge France, as in the other cases before the court, referred the matter to the building inspection engineer for further inspection of the houses before imposing sentence.

William H. Maynard, deputy State's Attorney, prosecuted the cases.

GI Hits Firm's Failure To Fix Homes Here

Defective fire walls still exist in a group of veterans' homes constructed by a firm convicted of building code violations, it was charged today.

Henry L. Sherwood, Jr., protested that his home and those of other veterans on Mondawmin and Hanlon avenues could be swept by fires similar to those which mushroomed through a number of dwellings after causing five deaths here this week.

Convicted Months Ago

"Quite a few months have passed since the building company which constructed the home in which I live was found guilty and fined in our Criminal Court, yet it seems as if the Building Inspection Engineer's office has done nothing about forcing corrections to be made, . . ." Sherwood declared.

Sherwood's home at 3014 Mondawmin avenue, and other buildings in that block and those on Hanlon avenue were erected by Hanlon Homes, Inc., headed by Edward A. Myerberg.

In June, 1948, Myerberg and other officers of the company were acquitted, but the firm was found guilty of building-code violations and fined $1,000.

Testimony On Defects

During trial of the company, an engineer, testifying for the prosecution, said that a fire starting in any house in the four rows built by the firm could spread to every other house because of defective fire walls.

The Hanlon company was the first one convicted following a grand jury investigation of veterans' housing complaints.

Muth Writes Cohen

As a result of Sherwood's complaint, and others which he said he has received, William J. Muth, City Council vice president, today asked Paul A. Cohen, Building Inspection Engineer, what action has been taken to force firms to correct violations of which they were found guilty.

Muth, who led the veterans home owners in the fight which was followed by the grand jury probe, made his request to Cohen in a letter mailed late yesterday.

Cohen could not be reached today for comment on Sherwood's charge or Muth's request.

Sherwood Cites Code

In a statement today, Sherwood said:

"To avert tragedies such as those which occurred in the 2100 block North Calvert street there was embodied in the building code of Baltimore city a section which, among other things, stated that there must be fire walls in row houses built after the enactment of this code section.

"Many cases have been before the Criminal Court of our city in which building companies which did not meet this and other requirements of the code in their construction of GI homes were prosecuted and many have been fined.

"My understanding is that the code states that a continuing violation exists every day that the defective condition exists, and being fined does not relieve the violator of his responsibilities.

Asks Immediate Repairs

"I am not one of the fortunate who is blessed with children. However, there are many children living in the blocks in which these GI homes are located and God must certainly be watching over them until the powers that be decide that these defects should be rectified.

A similar fire in a house in my block would probably cause death or injury to some of the many children living there."

Sklar Files Suit For $10,000 For 'Malicious Prosecution'

A $10,000 damage suit for alleged malicious prosecution today was filed in Superior Court by Bernard Sklar, one of two men who had been indicted in September, 1947, on charges of larceny, false pretenses and conspiracy.

Sklar, who lives in the 5300 block Beaufort avenue, filed the suit against Abraham and Louis Wise, of the 3700 block Chatham road. He was represented by Hyman A. Pressman, attorney.

The criminal charge in late 1947 had been against Sklar and Arthur P. Von Nordeck a political figure in West Baltimore. The complaint had concerned an alleged payment said to be in connection with passage of a city ordinance.

Charge Dropped

The charge had been dropped four months later on April 20, 1948, when the State's Attorney's office entered a nolle prosequi and informed the court that the facts of the case "do not set out a violation of any law."

Sklar's suit contended that the Wises had brought about the prosecution "without any reasonable or probable cause whatsoever" and that he had been "greatly injured in his reputation and . . . brought into public scandal, infamy and disgrace."

Wood Had Second Weapon; Sharpened Rosary Cross

Roy Arnold Wood, police murderer who cheated the gallows last week by taking his own life with half a razor blade, had a second and alternative improvised weapon in his cell.

State officials disclosed today that the convict's rosary had been tampered with to make it a possible weapon.

The cross at the end of the rosary had been sharpened down at a 45-degree angle to make a miniature almost razor-sharp knife blade.

Kept In Box

The rosary had been kept in a box with other personal objects in the man's cell and it was not until yesterday that Col. Edwin T. Swenson, Penitentiary warden, noted that the crucifix had been transformed into a possible knife.

The warden turned the rosary over late yesterday to Edwin A. Gehring, assistant State's attorney, who had been assigned by State's Attorney J. Bernard Wells to investigate how Wood might have obtained the half of a razor blade that he stuck in his throat to cause his death.

Handwriting On Wall

It also was revealed today for the first time that in addition to the three written messages which were found in Wood's cell at the time of his death Friday night, the man had written three other brief statements on the inner wall of his cell.

They had been written in crayon, according to Mr. Gehring, on the portion of the wall above the cell door where they could not be observed from outside. The statements bore the same type of religious import that had been apparent in the man's three penciled notes.

Personnel Changes

Meanwhile, Colonel Swenson revealed that he has made changes among officers supervising the death house.

Officers on all but the day shift have been replaced by new men, drawn from duty elsewhere in the institution, the warden reported.

Colonel Swenson said that the move does not constitute disciplinary action. The decision to replace certain personnel was reached after a conference between himself and Harold E. Donnell, State superintendent of prisons, the warden said.

—By LOUIS AZRAEL—

PRIEST EXPLAINS . . .

Father Joseph J. Ayd takes exceptions to a statement in this column that Roy Arnold Wood's suicide in a Maryland Penitentiary death cell occurred while Father Ayd sat outside the cell door, reading.

It was 10.15 last Thursday night that Father Ayd and penitentiary officials discovered Wood was dead. The priest writes me:

"My considered conviction is that Wood was already dead when I came back to the death house at 8.05 P. M.

"Had I not been told he was resting, I would have made a much closer inspection of him.

"Our death house is very poorly illuminated, and it was quite impossible, looking through the bars, to see Wood's head and neck."

EVEN-SUN-7/15/49

Judge Criticizes Legal Language

Modernization of language used in state indictments should have been made when new rules modernized large parts of criminal procedure, Judge S. Ralph Warnken, Baltimore's newest judge, has announced after his first experiences in Criminal Court.

The judge made his feelings known in publicly overruling a contention made by Joel J. Hochman, defense lawyer, that a certain robbery indictment "just didn't make sense."

Judge Warnken ruled that the sense was there, even though it was difficult to find. He commented:

"The indictment forms seem to try to put the words in such a way as to make them most difficult to understand, and here they seemed to have succeeded almost completely.

"Antique" Language

"The language is antique to say the least, and ought not to be tolerated in this modern day. Modernization of indictment forms ought to accompany modernized procedure."

The language which had puzzled the defense lawyer was the standard robbery charge, which said that a defendant "in and upon one John Doe, feloniously did make an assault and him, the said John Doe, in bodily fear of his life, then and there, feloniously did put and $10 current money of the value of $10 current money, one man's lumber jacket of the value of $32 current money, the goods and chattels, monies and property of John Doe from the person and against the will of the said John Doe, then and there feloniously and violently did steal, take and carry away."

MORN-SUN 7-16-49

'Counterfeiter' Gets 30 Months

Emanuel McNeil, confessed inventor of a scheme he claimed would produce counterfeit paper currency simply by putting good bills against plain paper and pouring on a little cleaning fluid, yesterday was sentenced to 30 months in the Penitentiary.

McNeil, a Negro, was convicted of stealing by trick a total of $2,250 from Fred Hill, Negro storekeeper. McNeil said he and two accomplices split the take three ways.

Major Goines, Negro, was acquitted of a similar charge about two years ago, but subsequently was given a seven-year team in Washington for defrauding a man of about $7,000 through a similar scheme. The third man is still at large, according to J. Harold Grady, prosecutor.

Mr. Grady said the three men advised Hill that the counterfeiting scheme had failed when they purportedly placed the wad of money and paper on the stove and it went up in flames. Actually during the hocus-pocus, a phony roll was substituted for the real cash, the prosecutor told Judge S. Ralph Warnken.

Man Gets 2-Year Term For Assault With Brick

Convicted of assaulting an elderly North Gay street merchant with a marble brick used as a door stop, John C. Blanks, 30, yesterday was sentenced to two years in the Penitentiary.

Samuel Lewis, 69-year-old clothing-store proprietor in the 200 block North Gay street, testified that Blanks hit him with the brick after he turned his back on the defendant while in the act of hanging up clothes Blanks had been shown.

The defendant contended he used the brick on Lewis only after the prosecuting witness made certain unkind remarks about him. Blanks, a Negro, who lives in Fairfield, had a prior criminal record, according to statements by J. Harold Grady, prosecutor, to Judge S. Ralph Warnken.

Probers Lack Evidence In Wood Death

There is not enough evidence as to how Roy Arnold Wood obtained the razor blade with which he cheated the gallows Thursday night to warrant going to the Grand Jury, State's Attorney's office announced today.

Edwin A. Gehring, assistant State's Attorney in charge of the investigation, said that most phases of the probe are finished, and that practically all of the information has been obtained that is obtainable.

The time when Wood killed himself is still undetermined, and yet it is believed probable that he was already dead when the Rev. Joseph J. Ayd, stationed outside his cell, attempted to awaken him about two hours before he was to have been executed.

The State's Attorney's office said the only crime legally possible to charge in the giving of a weapon to a would-be suicide is murder.

A spokesman admitted such a crime would be difficult to prove, inasmuch as it would be necessary to convince a jury that the person giving the weapon knew that it was to be used in a suicide, and thus was an accessory to self-murder.

In one of four notes left by Wood in his cell, he named one of his guards as having provided him with the blade.

It was half of a double-edge blade, split endwise, which Wood plunged into his neck, severing the internal branch of his jugular vein.

Woman Gets Year As Bigamist

Pleading guilty to a charge of bigamy, Mrs. Margaret Duff, twenty-six, 100 block Greenmount avenue, was sentenced in the Criminal Court today to a year in the State Reformatory for Women.

Judge Robert France told her that, if she could get her marital affairs straightened out, he would consider suspending the balance of her sentence.

It was alleged that the young woman married Thomas Novak, Jr., here last December 3, while she still was amrried to Donald Webster, of Louisiana. It was further charged that she also married a seaman, who later was deported to the British Isles.

The court was told that Webster, who is farming in Wisconsin now, is willing to resume his marriage with Mrs. Duff.

EVE-SUN 7-11-49

Woman Admits 2 Illegal Nuptials

Pleading guilty of bigamy and admitting two illegal marriages Mrs. Margaret Cofflin, who was indicted under her maiden name of Duff, today was committed to the Reformatory for Women for an indefinite term of not more than one year.

However, Judge Robert France in Criminal Court promised suspension of sentence and probation when Miss Rose Zetzer, the woman's attorney, can arrange dissolution of an existing marriage so the woman can marry one of the other men legally.

The 26-year-old defendant was married for the first time at the age of 14 in Virginia to a man named Cofflin. They had three children.

Second Husband A Deserter

After he divorced her in 1945, the young woman had married a man named Don Leslie Graham in the Spring of 1946, but he turned out to be a British Navy deserter and was taken back to England.

In the Summer of 1947, she married an American seaman, from Minnesota, named Donald Webster. He is the man who now wishes to marry her legally, if the Graham marriage can be nullified.

Last January 31, while Webster was away at sea, the woman had married a man named Thomas Novak, Jr., while, she said, she was under the influence of intoxicants.

Rule 904 Mandate Is Formally Filed

The mandate of the Maryland Court of Appeals which reversed the lower court in contempt citations against three Baltimore radio stations was formally filed with the clerk of the Criminal Court today.

It was signed by Maurice Ogle, clerk of the Court of Appeals, and arrived here by mail. Recently the Court of Appeals struck out the majority of Rule 904 in an opinion on the case. This rule restricted the broadcast and publication of crime news.

MORN-SUN 7-12-49

Judges Weigh New Contempt Ruling

A "simplified" rule of court regulating publication in criminal cases may be considered by judges of the Supreme Bench next fall, Chief Judge W. Conwell Smith said yesterday.

The announcement was made after the Court of Appeals' mandate reversing convictions of three Baltimore radio stations on contempt-of-court charges was received in the Coutrhouse.

The radio stations had been accused of violating Baltimore Court Rule 904, which limits publication in criminal matters. Part of that rule was invalidated by the high court.

"A simplification of the rule regarding publications has been in contemplation for some time and its consideration had been deferred because of the pendency of the contempt litigation," Judge Smith said.

"It is probable that that subject will be taken up when the Supreme Bench meets in the fall."

NEWS 7-12-49

Sharp-Point Cross Left By Wood

Roy Arnold Wood, who killed himself in the death house a few hours before he was ot be hanged, had sharpened a rosary cross down to a knife-lilke point, apparently to use it as a suicide weapon if no other was available, it was revealed today.

Edwin A. Gehring, assistant State's attorney assigned to investigate Wood's suicide, said he discovered the rosary in a cardboard box containing the condemned man's effects.

The cross is about one inch long and a half-inch wide, Mr. Gehring said.

FILED TO SHARP POINT

It had been filed down to a fine, sharp point at one end and would have been capable of severing an artery if Wood had used it on his wrist or throat, the attorney declared.

He added that the rosary had been given to Wood by Father Joseph Ayd, prison chaplain, explaining that it is permissable to give death house prisoners rosaries.

However, Mr. Gehring said, in the light of what Wood did with the crucifix on his rosary, henceforth chaplains probably will have to supply crosses made of some form of plastic, rather than metal.

BAPTISED IN CELL

Wood had the rosary in his possession for some time, the attorney continued, since Fathere Ayd had given it to him in the course of preparing Wood for his conversion to the Catholic fath.

On the day he was scheduled to hang, shortly before he cut his throat with a razor blade, Father Ayd baptised Wood in his cell.

NEWS 7-12-49

Suit For $10,000 Charges False Arrest

A $10,000 damage suit, charging that he had been falsely arrested and indicted, was filed in Superior Court today by Bernard Sklar, 5300 block Beaufort avenue, against Abraham and Louise Wise, both of the 3700 block Chatham road.

The litigation was filed for Sklar by his attorney, Hyman A. Pressman.

In his suit, Sklar maintained that he had suffered embarrassment and loss of reputation when he and Arthur P. von Nordeck, a tavernkeeper and political leader, were forced to appear before Judge Herman M. Moser on charges of false pretenses and conspiracy.

CASE DROPPED

Judge Moser ordered the case dropped when the State admitted it had no case against them.

In December, 1947, Sklar and Von Nordeck were accused of obtaining $1,200 from Abraham Wise, a building contractor, in return for a promise to use their influenec to have an ordinance passed by the City Council.

The ordinance would have waived a provision of the Building Code.

LATER VETOED

Actually the ordinance was passed but was later vetoed by Mayor D'Alesandro when reports of the $1,200 deal were circulated.

Judge Moser dismissed the charges against Sklar and Von Nordeck, but said they had been "lobbying in a pretty disgraceful fashion."

MORN-SUN 7-20-49

JAMES TO HANG AUGUST 12 FOR BRILL MURDER

Janitor To Be Followed To Gallows By Man Who Killed Girl Friend

Eugene H. James, 32-year-old Negro janitor, will be hanged at the Penitentiary Friday, August 12, for the murder a year ago of 11-year-old Marsha Brill, Governor Lane announced yesterday.

James will die at midnight and will be followed to the gallows by John Thomas Knowles, 26, Negro, who stabbed his girl friend to death the afternoon of Sunday, June 13, last year, before the eyes of a score of strollers in Druid Hill Park.

The Maryland Court of Appeals last April upheld the death sentences in both cases.

"Torture" Plea Rejected

The appellate court rejected the plea of James's counsel that he confessed as a result of "psychological torture" by Baltimore police.

The defense said it was because of a subconscious hatred of young girls that James emerged from behind a bush and stabbed Marsha with a butcher knife as she was bicycling along Glen avenue, Pimlico, with two playmates.

James later was indicted by Washington authorities for the similar slaying of 11-year-old Carol Bardwell in Rock Creek Park in the Capital.

Quizzed In Washington

James was questioned by Washington police following his arrest here and they announced he admitted cutting Carol Bardwell's throat after he had sat for some time in Rock Creek Park, watching swans, during a visit to the Capital.

Carol also was bicycling when she was slain. This was nine days before, the Brill murder.

James was arrested within a few hours of Marsha's death and was charged on July 8, 1948, two days after the killing July 6.

Tried In September

When he was tried in September, his confession was admitted into evidence and he was found guilty of murder in the first degree.

Sentence was withheld pending an appeal for a new trial, but the Supreme Bench, sitting as a body, denied the new-trial motion at a hearing November 6. James was sentenced to death four days later.

His lawyers had described James as a high-grade moron with separate "Jekyll and Hyde" personalities, but Judge Herman M. Moser, who imposed sentence, pointed out it had been decided James knew the difference between right and wrong.

"Horrible Offense"

The judge declared he could not imagine a "more horrible, outrageous offense" and committed in ruling the defendant should hang that the courts in administering criminal justice must consider primarily "the protection of the community."

The James case also figured prominently in a legal battle involving the court rules of the Supreme Bench of Baltimore restricting publication of crime news.

Four radio stations and a news commentator were convicted of contempt of court for broadcasting details of James's arrest and confession and his previous criminal record.

Reversed Convictions

They appealed and the Court of Appeals reversed the convictions and struck out the key sections of Rule 904 of the Baltimore bench, the rule relating to publication of articles dealing with crime.

The judges of the State's highest court ruled, 5 to 1, that Rule 904 violated constitutional guarantees of freedom of speech and freedom of the press.

Governor Lane made no comment as he announced he had set the date for the double hanging of James and Knowles.

Knowles, a merchant seaman, stabbed Ruby Davis, 22, a total of 25 times, it was testified at his trial.

The Court of Appeals refused to accept defense arguments that the slaying was a "crime of passion" and was not premeditated. Knowles had previously threatened to kill the victim, according to trial testimony.

2 Brothers Sentenced On Burglary Charges

Two brothers, both married, yesterday were given not more than two years in the Reformatory for Males for twice burglarizing the Salawitch Auto Parts Company on the Washington boulevard. Judge Joseph Sherbow imposed the sentences.

Judge Sherbow cited the good family background of the defendants in asserting he could not understand the reasons for the offenses. The defendants were Roland Furst, 25, and Jay Marvin Furst, 21, both of whom formerly served in the Marine Corps.

Although a total of $5,260 had been reported stolen in the two burglaries, the defendants contended they actually had taken only about $700. Judge Sherbow promised the two he would consider granting probation in a few months if a later investigation disclosed they had adjusted themselves properly.

MORN-SUN 7-20-49

Arrested Man Faces False Pretense Count

Louis Schwartz, 72, yesterday was arrested by detectives on an indictment charging him with obtaining a total of $2,965.64 from the Department of Public Welfare by means of theft or false pretenses over a period of about twelve years.

Details of the accusation were not disclosed by prosecutors, but the indictment charged that the sum was illegally obtained over a period of years ended last December 14. Bail for Schwartz was fixed at $5,000.

The address of the defendant on court papers was given as the first block of Exeter street. Edwin A. Gehring, assistant State's attorney, took the case before the grand jury.

Man Given Two Years On Charge Of Burglary

Convicted of burglarizing the office of a restaurant in the 200 block West Baltimore street where he has been employed as night manager, Saul Dunefeld, 49, of New York city, yesterday was sentenced to two years in the House of Correction.

According to testimony produced by J. Harold Grady, assistant State's attorney, Dunefeld was caught in the office in front of a safe. The defendant at that time was removing a pair of black gloves and in his possession was found a duplicate key to the office and a paper on which was written the combination of the safe, witnesses said.

Dunefeld was acquitted of stealing about $750 from the safe on a prior occasion. The defendant contended he had returned to the restaurant and merely was looking for the owner when he was apprehended. He said the key and the safe combination had been supplied him by the owner. Dunefeld contended he had been sent to New York by the owner to find a prospective purchaser, but the owner testified the accused had been discharged. Judge J. Abner Sayler presided at the trial.

MORN-SUN 7-23-49

Man Accused Of Theft Of City Welfare Funds

Louis Schwartz, 72, had about $5,000 in the bank while he was collecting relief payments from the Department of Public Welfare, it was declared yesterday in Criminal Court.

Schwartz was arraigned on a charge of the larceny of $2,965 from the city welfare department.

He is accused of fraudulently obtaining welfare payments from the city for a period of about twelve years while he had the sizable bank account, according to Edwin A. Gehring, prosecutor.

The defendant was arraigned before Judge J. Abner Sayler, who had to enlist the services of Ellis Levin, lawyer, to interpret what Schwartz had to say. Schwartz maintained that he was innocent of the charge, but acknowledged that he has "a couple thousand" in the bank.

EVE-SUN 7-25-49

Woman Is Sentenced For Abortion Attempt

Pleading guilty to a charge of attempted abortion, Mrs. Katherine Carson, of the 2100 block Huntingdon avenue, today was sentenced to a term of one year in the State Reformatory for Females.

Judge John T. Tucker in Criminal Court was told that police received an anonymous complaint last June 23, and arrested the woman after a brief investigation. Mrs. Carson was said to be the mother of five children.

6/30/49-MornSun

Policeman's Assailant Sentenced To 10 Years

Sentence of ten years in the Penitentiary was imposed yesterday on Jackson M. Stewart, 22, who was convicted of assault with intent to murder Patrolman Charles Valenti last May 2.

Stewart, a Negro, who lives in the 2700 block Clafflin Court, shot and seriously wounded Patrolman Valenti as the policeman was about to enter a police radio car after making a routine check of a school building in the 700 block Bridgeview road.

According to James F. Price, prosecutor, the shooting victim and Patrolman Anthony Nerkiewicz earlier in the night had questioned Stewart about an automobile. Stewart in a statement to police said he fired the shots only to scare the policemen, Mr. Price told Judge John T. Tucker.

Jail Break Effort To Be Told Jury

Information on the attempted prison break by three inmates of the Penitentiary will be presented to the grand jury early next week, it was announced yesterday by J. Bernard Wells, State's attorney.

The attempt to escape was made yesterday by three long-term convicts — Irvin D. Limper, Howard Hentz and Reginald Butler. They held a guard at the point of a knife and had planned to scale the wall with a crudely made rope ladder, made of cloth strips and iron bolts. A sentry on the wall halted them.

"I am having an investigation made and have requested the assembling of all facts concerning the alleged attempted jail break so that the matter can be taken before the grand jury early next week," Mr. Wells said.

William J. O'Donnell, assistant State's attorney, has been assigned by Mr. Wells to assist in the investigation.

MORN-SUN 7-26-49

ARNOLD IN GRIP OF LAW AGAIN

Given Two Years In Pen For Passing Bogus Checks

Lawrence Arnold, 34, who has spent most of his years in prisons and reform schools, was up again in Criminal Court yesterday just as predicted thirteen years ago.

Arnold, who lives in the 1700 block Park avenue, was convicted of passing two bogus checks in 1947, and sentenced to two years in the Penitentary.

He had been out of Federal prison only three days when police arrested him.

"Chronic Offender"

Since he was sent to the Maryland Training School for Boys at the age of 12, Arnold has not been free from prison for more than a few months at a time, according to a statement by J. Harold Grady, prosecutor, to Judge John T. Tucker.

The prediction concerning Arnold's future was made by Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench, in 1936.

At that time he described Arnold as a type of "chronic offender who should be put in a special institution for defective delinquents." The doctor said he still was of the same opinion.

$100,000 Bogus Check Cited

Arnold was released from the Federal institution, a mental hospital in Missouri, last June 6, and was arrested on the local charges three days later by Detective Lieutenants Leo Vogelsang and Millard B. Horton.

Mr. Grady and Paul C. Wolman, court-appointed defense counsel, said Arnold once posed as a big business contractor in attempting to deposit a bogus check for $100,000 and obtain a book of blank checks.

MORN SUN-6/30 NEWS-8/1

'BABY RACKET' POSSIBILITY IS SEEN HERE

Judge Orders State's Attorney's Office To Begin Investigation

Judge Charles E. Moylan, in the Division for Juvenile Causes, yesterday called on the State's attorney's office to investigate the possibility that a "baby racketeer" may be operating in the city.

Judge Moylan called for the probe after hearing testimony against Mrs. Gertrude Haley, of the 1100 block Forrest street, who was charged with neglect of Kathleen Anne Kelly and "losing or giving away" the child, born July 23, 1947.

The testimony disclosed that the child had been left at a home operated by Mrs. Haley by George J. and Ardath Kelly, parents, who last May were released on probation without a verdict in connection with the abandonment of another child on the steps of SS. Philip and James's Church.

Parents Moved To New York

The Kellys subsequently moved to New York, but because of the inability of the father to obtain a position, that child still is being cared for by the welfare department.

The 2-year-old child involved in the case before Judge Moylan was left at the home operated by Mrs. Haley in September, 1947, by Kelly, but later was taken away by a man who paid $190 in board which was owing and who identified himself as an uncle of the baby, testimony disclosed.

Mrs. Haley said when the child was left in her care no name was given, but the man who brought it paid one week's board and left a few articles of clothing.

Neither Parent Came

Although the father promised that the child's mother would call the next day, neither of the parents ever came to see the child, Mrs. Haley testified. She said after a week she notified police and a complaint was lodged in the juvenile section of the court.

The baby-home operator testified that police told her there could be no hearing until the child's parents were located. She said she was instructed to locate the parents, but after about two months, the case was dismissed by police.

The accused said it was about Thanksgiving Day, 1947, when the man who said he was a brother of the child's father or mother showed up and claimed the child. Mrs. Haley said she permitted the man, whose name she could not remember, to take the child only after consulting with her attorney.

Lacked Money, He Says

Both Mr. and Mrs. Kelly admitted to Judge Moylan that they never communicated with Mrs. Haley after leaving the child. The father said he never had enough money to make further payments on the board bill. He testified his only brother is a 7-year-old boy.

In withholding a verdict on the charges against Mrs. Haley, Judge Moylan declared that "it would be a miscarriage of justice to handle this case on a pure neglect basis."

He added that "precautions must be taken to prevent unscrupulous racketeers."

By Babies And Mothers

Mrs. Haley contended that her home customarily is used by babies and their mothers.

Judge Moylan said persons operating a home for the care of infants first are required to obtain the approval and permission of the Department of Public Welfare.

Later yesterday, Anselm Sodaro, assistant State's Attorney, reported that he had talked with Mrs. Haley and the Kellys and that the entire matter was being fully investigated.

BABY PROBE WILL CONTINUE

Wells Wants To Know What Happened To Kelly Infant

Although no direct evidence of a "baby racket" in Baltimore has been uncovered so far, "we have enough certainly to require us to go on" with the investigation, J. Bernard Wells, State's attorney said last night.

The investigation began on Saturday as the aftermath of testimony against Mrs. Gertrude Hailey, given before Judge Charles E. Moylan in the Division for Juvenile Causes on Friday.

Sodaro Visited Home

Anselm Sodaro, assistant State's attorney, visited Mrs. Hailey's nursery in the 1100 block of Forrest street and her residence, in the 2500 block of North Calvert street on Saturday, accompanied by representatives of the Police Department. The woman is charged with neglecting 2-year-old Kathleen Anne Kelly and with "either losing her or giving her away."

There were no new developments in the investigation yesterday, according to Mr. Wells, who said that "we expect to take up tomorrow (Monday) where we left off Saturday night."

He added that "if there is trafficking in children," in Baltimore, "we will certainly prefer charges."

Wells Seeking Baby

In regard to the Kelly child, he declared that "we want to know where that baby is."

According to testimony before Judge Moylan, the baby, who was born in July, 1947, was left with Mrs. Haley in September, 1947, by the parents, George J. and Ardath Kelly.

The parents never returned, it was testified, but about Thanksgiving of that year a man who claimed to be an uncle of the child came to Mrs. Hailey's place and claimed the girl. Mrs. Hailey testified she gave the child up after consulting her attorney.

'Baby Racket' Data May Be Given To Jury

State's Attorney J. Bernard Wells said today that he believes he will be able to find Kathleen Anne Kelly, two, a child who has been missing since her infancy, "sometime during the day."

He also said that facts uncovered in his office's investigation of Judge Charles E. Moylan's charge that a "baby racket" exists in Baltimore will warrant his laying the facts before the Grand Jury.

HOME INVESTIGATED

Over the week end Anselm Sodaro, one of Mr. Well's assistants, investigated, on Judge Moylan's request, a home operated by Mrs. Gertrude Hailey, 1100 block Forrest street at which, he learned, 16 babies are house.

Judge Moylan charged Mrs. Hailey with neglect of Kathleen Anne Kelly, and "losing or giving away this child, born July 23, 1947."

The fact that Kathleen Anne was officially "lost" came to light in the hearing of charges that George J. and Ardath Kelly, in May, had abandoned their second child on the steps of SS. Philip and James Catholic Church.

PAID BOARD BILL

It was testified that the Kellys had left Kathleen Anne with Mrs. Hailey about two months after she was born.

Testimony further disclosed that Kathleen Anne was taken away later by a man who paid $190 board bills and said he was an uncle of the child.

In addition to saying that he now hopes definitely to have located the missing child before the day is over, Mr. Wells said:

"Facts uncovered by our investigation so far are such that I shall certainly want to lay them before the Grand Jury.

"It is difficult to say how far the ramifications will lead, but they are of such a nature as to justify fully Judge Moylan's unusual concern over the situation."

DAUGHTER QUESTIONED

A reporter questioned Miss Virginia Hailey, a daughter of Mrs. Hailey who lives at the home on Forrest street, and were told that babies are admitted there "no matter who brings them and no questions are asked."

Board and room charges for babies are $12 a week, and $17 a week if the mother of the baby lives at the house also, Miss Hailey told the reporter.

She said there were 16 babies at the house currently, and six mothers, and that two of the mothers have two babies each there.

At the time Mr. Sodaro was investigating the case for Mr. Wells' office, he hinted that the investigation "might reach into other States," and also that the Kathleen Anne case might involve the disappearances of other children.

EVE-SUN-8/1

Early Recovery Of 'Lost' Child Is Expected

Officials expect to find Kathleen Anne Kelly, missing 2-year-old baby, before the day is over.

The child was supposedly claimed by an "uncle" in November, 1947, from a baby home where she had been abandoned.

Intensive activity today among investigators at the State's attorney's office was capped by a statement from State's Attorney J. Bernard Wells, who said:

"We are continuing our investigation and we have uncovered some facts that we certainly will want to bring to the attention of the Baltimore grand jury.

"At this time it is difficult to say how far the ramifications will lead, but they are of such a nature as to fully justify the concern which Judge Charles E. Moylan, in the Juvenile Court, showed about the general situation."

Definite Information

"We have some very definite information as to the whereabouts of the missing girl baby. We have reason to believe that we will obtain actual possession of the child some time today."

Judge Moylan on Friday had held under consideration a charge brought against Mrs. Hailey of neglecting the missing infant, and had sent the matter to the State's attorney for investigation both as to the disappearance of the baby and as to the handling of unwanted children.

Mrs. Hailey, in testimony Friday before Judge Moylan in the juvenile section of Circuit Court, said she had turned the little Kelly child over to a man who stated he was her uncle, in late November of 1947.

The baby, then unidentified, had been left with her on September 5, 1947, by a man who paid her first week's board of $15.50 but gave no information.

The father, now identified as George J. Kelly, of New York, and the mother, Ardath Kelly, also abandoned a second baby girl in Baltimore last May.

Left At Church

They left that infant at SS. Philips and James Church, Charles and Twenty-ninth streets. The man was released in Criminal Court on probation without a verdict to provide support for the second baby. It was placed by the Department of Welfare, for eventual removal, in charge of the Catholic charities of New York city.

The "uncle," meanwhile, continued to be the only clue available to police in their efforts to locate the missing child. Policewomen Gladys Berger and Agnes Tawney said they had questioned Mrs. Hailey at length on Saturday and visited both her own home and the baby home.

NEWS-8-1/49

Prosecutor Says He Has Sufficient Data For Grand Jury

Just as State's Attorney J. Bernard Wells announced he was going to lay the facts in the case of "missing" two-year-old Kathleen Anne Kelly before the Grand Jury today the child was brought into his office by its "foster parents," Mr. and Mrs. Ellick Stoneberger.

The State's Attorney entered the search for the child after Judge Charles E. Moylan, in Juvenile Court, had charged Mrs. Gertrude Hailey, who operates a baby home in the 1100 block Forrest street, with having neglected, lost or given away the Kelly child.

UNCOVERS FACTS

Mr. Wells announced he had uncovered sufficient facts to go to the Grand Jury, and that Judge Moylan was justified in his "unusual concern" over the situation.

Kathleen Anne is the older child of Mr. and Mrs. George J. Kelly, who had been brought before Judge Moylan charged with having abandoned their infant child on the steps of SS. Philip and James' Church.

During this hearing it developed that Kelly had taken Kathleen to the home of Mrs. Hailey, and there, for some time, at least, the trail had ended.

The mystery was dispelled when Mr. and Mrs. Stoneberger and Mrs. Hailey came to Mr. Wells' office today.

PICTURE OF HEALTH

Kathleen, bright, washed and smiling, with clear blue eyes and a pretty blue dress, appeared the picture of health.

Mr. Wells said:

"It is obvious that this child has been well cared for."

Mrs. Hailey told a News-Post reporter the details of what had happened from the time when Kelly placed the child in her care. Her story follows:

"September 5, 1947, a man who said he was the child's father came to my home and left the baby.

"He wore a sailor's uniform.

"He left me $15.50 and said the baby's mother would stop by in a few days and give me full information and clothing.

LATE FOR DUTY

"The man said he was late for duty and in a hurry.

"When two weeks passed and I heard nothing more, I got in touch with the police, who called in the juvenile authorities, who told me they could do nothing until they located the parents.

"I wanted to put a picture of the baby in the newspaper in the hope of locating the parents but my attorney advised me against that.

"Now, this baby was quite ill, and required much more personal attention than is possible in a nursery home.

"A friend of mine, a Mrs. Marie Berger, said her sister, a Mrs. Stoneberger, who lives at Magothy Beach, would take the child and nurse it back to health.

PAYS $90

"That was in October, 1947. Mr. Stoneberger paid me $90 back board and took the baby on the understanding that his money would be refunded if we found the parents.

"They took the baby to a doctor who told them it was seriously ill, and that if it cried badly it might mean death.

"So Mr. and Mrs. Stoneberger had to watch it all night, and tend to it night and day.

BABY BAPTIZED

"Meantime Mrs. Stoneberger's sister had taken the veil, and the baby was baptized a Catholic in St. James' Church.

"Mr. Stoneberger has been in touch with my attorney at least twice since then, to ascertain if the baby's parents had been found.

"When all this came up, I didn't reveal that I knew where the baby was, because I wanted to act for the baby's own good.

"But Mr. and Mrs. Stoneberger who have been at their summer home in Virginia, returned to Baltimore today and so Kathleen Anne is back in Baltimore again."

MRS. ELLICK STONEBERGER AND KATHLEEN ANN KELLY

LOST AND FOUND — Kathleen Ann, two, is the little girl who seemingly had dropped out of sight since she was taken from a foundling home here some time ago. However, she reappeared in company with her foster parents, Mr. and Mrs. Stoneberger of Magothy Beach. (Story on Page 11).

KATHLEEN ANN KELLY
In a pensive mood.
News-Post Photos.
By Jim Kelmartin.

MORN-SUN-8-2-49

KATHLEEN ANNE KELLY
FOUND—"Missing" child was in foster home.

MRN SUN 8-2-49

A Story Of Half-Dead Baby Returned To Best Of Health

Mr. and Mrs. Stoneberger last night related how they obtained and cared for the little girl they call Bernadette Stoneberger but whom they have found out was originally named Kathleen Anne Kelly.

The family is staying at the home of Mrs. Stoneberger's sister, Mrs. Marie Berger, at 930 East Chase street. The child is being allowed to remain with the only two people she has ever known as parents.

"I was visiting my sister and happened to be right here in this parlor when my sister's insurance man was here and telling us about his baby, that he had adopted," 23-year-old Mrs. Genevieve Stoneberger said.

$90 Board Money Paid

"I mentioned that I wanted to adopt a baby, and he said he thought he knew where I could get one. He didn't mention Mrs. Hailey (Mrs. Gertrude Hailey) because he did not want to disappoint us if she did not have a baby that we could adopt.

"He got in touch with her and found out there was a baby. I went to the place on Forrest street to see Mrs. Hailey. She showed me the baby and said two months' board bill—$90—was due her.

"She said a sailor had left the baby there while she was away and never called for her, and she had no record of the parents.

"I had to go out and shop for the baby. She had no diapers, bottles or clothes. On the same day, after I had done the shopping, my husband and I went back and got the baby. We paid Mrs. Hailey the money ($90 for board), and I was tickled to death."

Weighed About Seven Pounds

That was about October 14, 1947, Mr. and Mrs. Stoneberger said.

The next day, according to the foster parents' account, the baby was taken to Mrs. Berger's family doctor for a checkup.

"The baby had a ruptured navel as big as an egg," Mrs. Stoneberger said.

"She couldn't keep anything on her stomach," Mr. Stoneberger added.

"She weighed about seven pounds," he continued, "and was very delicate."

They named the baby Bernadette Elizabeth. Bernadette is Mrs. Stoneberger's middle name, and Elizabeth is for Mr. Stoneberger's mother.

Mrs. Stoneberger said she had to take the baby to the doctor on an average of twice weekly for three months. "Then he told me that the baby was out of danger," Mrs. Stoneberger said.

"The doctor said that when I had first brought Bernadette to him, she was half dead."

The little girl, whose real parents were later revealed as George and Ardath Kelly, was born on July 23, 1947.

The baby was more than two and one half months old when the Stonebergers got her, according to the date given by Mrs. Stoneberger.

A birthday of August 27 was decided for the child.

"We celebrated that day last year and we were going to celebrate it again this year," Mrs. Stoneberger said.

"At first," she continued, "the baby required constant care."

In Best Of Health Now

"My wife rocked her day and night," Mr. Stoneberger said.

"Now she weighs about 32 pounds and is in the best of health."

Anselm Sodaro, assistant State's attorney, said yesterday that "the child presents the appearance of having been very well cared for. It looks fine and healthy."

From the beginning, the Stonebergers said, they have wanted to adopt a baby.

Mr. Sodaro said he understood there had been no formal proceedings for adoption because the Stonebergers had not received proper authorization from the real parents.

The Stonebergers have been living on Magothy Beach, Pasadena, Md., but three months ago they went to the farm of Mr. Stoneberger's sister in Mount Jackson, Va., and have been renting their Magothy Beach place, it was stated.

"Sweet As Anybody Could Be"

Mrs. Berger said that when she and Mr. Berger returned home from the motion pictures about 5 o'clock on Sunday, Mrs. Hailey and the insurance man who had first told her sister about the baby were at the house waiting.

"That was the first time in my life I had ever seen Mrs. Hailey," Mrs. Berger said.

Mrs. Hailey had made contact with the insurance man because she did not have the Stoneberger's address, according to Mrs. Berger.

"We drove down to Mount Jackson to tell the Stonebergers about the situation, and the whole family came back right away," Mrs. Berger said.

"We all feel like the baby was born here," she continued, adding that "she looks just like her father," pointing to Mr. Stoneberger.

The foster father said, "Bernadette is as sweet as anybody could be."

present are living on a farm near Mount Jackson, Va., where Mr. Stoneberger is temporarily employed.

Mrs. Genevieve Stoneberger, the foster mother, is 23. Her husband is 26.

Obtained Baby In 1947

It also was learned yesterday that Mrs. Hailey journeyed to the Virginia farm over the week end and made arrangements with the Stonebergers to return the child to Baltimore.

Mrs. Stoneberger said she obtained the baby on October 14, 1947. She said the little girl at that time appeared to be "half dead" and it took considerable care and medical attention to restore the child to a healthy condition.

The probe also revealed that the foster parents learned of the existence of the abandoned baby through a friend and that boarding expenses were paid by them to get the baby.

No Formal Charges

Mrs. Stoneberger said the child has been christened and its birthday had been fixed by her and her husband as August 27, 1947. They said they have been desirous of legally adopting the little girl, but inability to find the real parents has been a stumbling block.

Meanwhile, prosecutors said the probe is still continuing, particularly to ascertain whether there is in existence here any illegal traffic in babies unwanted by their parents.

Although no formal charges have yet been brought, prosecutors indicated that the matter will be brought to the attention of the grand jury as soon as the investigation has been completed.

Judge Moylan, in bringing the case to the attention of the State's attorney, reserved a verdict on the charge before him.

NEWS 8-2-49

MRS. ELLICK STONEBERGER KATHLEEN ANNE KELLY ELLICK STONEBERGER
"MISSING" CHILD FOUND IN CUSTODY OF FOSTER PARENTS
Young couple seek to adopt youngster whose whereabouts were unknown to court for three days. —Picture by News-Post Photographer.

EVE. SUN 8/2

Officials Widen 'Baby-Racket' Probe Here

Prosecutors and police today broadened their investigation on the possibility of "baby rackets" in Baltimore after receiving reports regarding approximately half a dozen baby homes.

Both by letter and by telephone, State's Attorney J. Bernard Wells and his top aide, Assistant State's Attorney Anselm Sodaro, have received word of such places.

Partly for that reason, it was revealed, a staff of detectives and policewomen headed by Detective Lieutenant John M. Hettchen, now are assigned to the State's Attorney's baby investigation.

Child Is Located

Judge Charles E. Moylan last Friday in Juvenile Court had requested the prosecutor to investigate both the possibility of a "baby racket" and the whereabouts of the missing child of George J. and Ardath Kelly who was located within three days.

The girl, known as Bernadette Stoneberger, was brought to Mr. Welles's office yesterday by the foster parents who then registered with the Department of Welfare so that they could hold the child in their care pending further developments.

The Stonebergers revealed that they planned to engage an attorney aond seek to bring formal adoption proceedings, Sodaro said.

Two Abandoned

The girl was the first of two children abandoned in Baltimore by the Kelleys, who live in New York.

The second baby, Theresa, had been abandoned on the steps of SS. Philip and James Church last May.

The first baby had been turned over to a baby home operated by Mrs. Gertrude Hailey, at 1117 Forrest street. Judge Moylan is holding under consideration a charge against Mrs. Hailey of neglecting the gil, pending the outcome of the State's attorney's investigation

Patrolman To Be Given Medical Test

A decision in the case of Patrolman Edmund J. McGee, forty-five, Central district, who was charged with disturbing the peac today at his wife's apartment in the 900 block St. Paul street, was postponed until after McGee is given a medical examination. McGee, who is separated from his wife, according to police, was given a preliminary medical examination following his arrest today, but a further examination was recommended.

5 Assigned To 'Baby Racket' Probe

Three detectives and two policewomen were assigned today to investigate by the office of the State's Attorney of the possible existence of a "baby racket" operating in Baltimore.

The action followed the "return" of pretty little Kathleen Anne Kelly, two, as investigators were conducting a general search for the child, who had allegedly been turned over to unidentified parents at a Forrest street baby home.

The policemen and policewomen, according to Assistant State's Attorney Anselm Sodaro, who was designated several days ago to conduct the investigation at the direction of the Court For Juvenile Causes, will be assigned to "investigate conditions at the baby home in the 1100 block Forrest street, operated by Mrs. Gertrude Hailey."

Sodaro said there is "no specific instance, as yet, to work on, but there is every indication that there may be other cases of children let out by homes under similar circumstances."

The Kelly child, daughter of parents who allegedly abandoned her younger brother in a pew in the Sts. Phillips and James Church last year, was turned over to "a man who said he was a brother of the girl's father," according to testimony several days ago in Juvenile Court.

The man, it was testified, had paid Mrs. Hailey $190.

Kathleen was brought to the State's Attorney's office yesterday by her present foster parents, Mr. and Mrs. Ellick Stoneberger, of Magothy Beach, after they had learned of the search for the search for the child.

The child has been left in their custody until the investigation is concluded.

They want to adopt Kathleen Anne, and Welfare Department officials have authorized the Stonebergers to care for the child pending a final decision as to where she is to live.

Mrs. Stoneberger, who is twenty-three, and her husband, twenty-six, told Sodaro at the Court House yesterday that they had obtained the child about a year and a half ago from a Forrest street home.

PEN INMATE DENIED PLEA

One Of 'Slickest' Prisoners Takes Case To Judge

A Penitentiary inmate, described as one of the "slickest' ever encountered by the FBI because of his apparent ability to feign the need of medical treatment and thereby obtain access to a hospital and possible escape, yesterday was denied another plea for medical aid.

Judge Herman M. Moser in the Baltimore city court denied the prisoner—William P. Gempp, 51, a writ of mandamus through which the Penitentiary inmate sought to compel prison authorities to give him surgical treatment.

Serving 10-Year Term

Prison officials told Judge Moser that Gempp's "record of criminal schemes and plots is one of the most interesting in the annals of modern police history." "His diabolical acts perpetrated while out of prison and even while in prison are so uncanny and fantastic that they seem fabulous," the judge also was told.

Gempp, who has an extended criminal record, is presently serving a ten-year term for forgery and carrying a deadly weapon.

Records disclose that Gempp in some manner sent to the United States Public Health Service a specimen of skin found to be affected with leprosy. Although Gempp reported the skin to be his, it turned out to be that of a Negro, Judge Moser was told.

Is Wanted Elsewhere

Judge Moser said Gempp is wanted in a Southern town to which he went and, through the use of faked credentials, represented to city officials and merchants that he was a physician interested in building a large hospital and sanatorium.

Through the false misrepresentations, Gempp won the confidence of the mayor, was allowed personal use of the mayor's automobile and even was offered a free site for the hospital.

"Before he departed, he swindled many of the city's merchants and even the mayor himself was victimized," according to a report to Judge Moser by Colonel E. T. Swenson, warden of the penitentiary.

Prison Doctor Away

It also was disclosed that Gempp has been found irritating a leg sore by putting poisonous substances into the wound and by endeavoring by all means to prevent healing. In addition, he has complained of having tuberculosis, cancer, a fractured skull and several other ailments.

Judge Moser ruled that Gempp's petition was not filed in good faith. Prison authorities contended the petition was well timed because it was filed while the prison physician was away on a three-week vacation.

STONEBERGERS RETURN 'LOST' KELLY CHILD

Baby To Stay With Foster Parents Until Inquiry Is Completed

Kelly girl "half-dead" when Stonebergers got her... *Page 16*

A three-day search for 2-year-old Kathleen Anne Kelly, abandoned by her parents at a Forrest street home shortly after her birth, ended yesterday when her foster parents brought the child to the State's attorney's office.

The foster parents are Mr. and Mrs. Ellick Stoneberger, of Magothy Beach. The little girl is now known as Bernadette Stoneberger.

An investigation and search for the little girl followed charges in Juvenile Court last week by Judge Charles E. Moylan that a "baby racket" might be operating in Baltimore.

To Stay With Foster Parents

The child will remain with her foster parents until the investigation has been completed, it was decided late yesterday after Anselm Sodaro, assistant State's attorney, conferred with officials of the Department of Public Welfare.

In order to comply with the law, the Stonebergers registered with the department and were accepted as suitable guardians of the child. Mr. Sodaro and J. Bernard Wells, State's attorney, expressed the opinion that the young child obviously has been well cared for by the Stonebergers.

The hearing before Judge Moylan on Friday involved a neglect charge against Mrs. Gertrude Hailey, who operates a baby home in the 1100 block Forrest street and lives in the 2500 block North Calvert street.

Lengthy Questioning

Mrs. Hailey was charged with "losing or giving away" the infant who, according to testimony, was born to Mr. and Mrs. George Kelly on July 23, 1947. The Kellys left the infant child at the boarding home shortly thereafter and never returned, Judge Moylan was told.

At that hearing, Mrs. Hailey contended that around Thanksgiving Day, 1947, a man who identified himself as an uncle of the little girl paid board due and took the little girl away. The home proprietor testified she did not know the name of the man or the whereabout of the child.

Both Mrs. Hailey and the Stonebergers were quizzed at length yesterday in the State's attorney's office.

Another Child Abandoned

The little girl's real parents are living now in New York city, but are separated, it was disclosed. The same couple last April abandoned another new-born child of theirs on the steps of a Baltimore church. Later, they were released on probation in the Criminal Court, but because of their inability to support that child, the youngster is still under welfare care.

The investigation thus far has disclosed that the foster parents of little Kathleen Kelly have a home at Magothy Beach, but for the

Patrolman Held As Disorderly

A twenty-year veteran of the Police Department now attached to the State's attorney's office today was charged with disorderly conduct by his estranged wife before Magistrate James R. Cadden in Central Police Court.

Pleads Not Guilty

Patrolman Edmund J. McGee, 45, of the 200 block East Church street, is being held for a hearing late today following an examination by a psychiatrist as recommended by police physician Dr. Eugene Zeller.

McGee was arrested at 919 St. Paul street at 2.37 A.M. by Lieut. Edward Eben and Patrolmen James Santmyer and Charles Moran on a complaint of the man's wife, Mrs. Grace McGee, who lives in a third floor apartment at that address.

She alleged that officer McGee had been calling to her and making noise. McGee pleaded not guilty to the charge.

Seek Psychiatry Test

Lieutenant Eben testified today that he took McGee to Dr. Zeller for an intoxication test. Dr. Zeller said the man was not intoxicated but had drunk about two bottles of beer.

The police doctor recommended that McGee be examined by a psychiatrist and Magistrate Cadden said he would concur with the suggestion.

MORN SUN - 8/3/49

Domestic Relations Prober Gets Court Warning Himself

A police investigator for the State's attorney's domestic-relations department was brought into Central Police Court yesterday with domestic troubles of his own but was dismissed with a warning.

Patrolman Edmund J. McGee, who is a law-school graduate and has passed the State bar examination, was charged with disorderly conduct by his estranged wife, Mrs. Grace McGee.

The charge resulted from a disturbance early yesterday outside the apartment house where Mrs. McGee lives in the 900 block St. Paul street.

Arrested At 2.30 A.M.

Lieut. Edward Eben and Patrolmen Charles Moran and James Santmyer were called to the scene about 2.30 A.M. and arrested McGee, whose home is in the 200 block East Church street, Brooklyn.

Mrs. McGee testified she had refused to talk to her husband on the telephone, asked the operator not to place any more calls and left the receiver off the hook.

Then her husband came to the house, began ringing the bell and "disturbing the residents," she said.

"He said he would keep on ringing the bell till I came out because he wanted to talk to me," Mrs. McGee continued.

Police Are Called

She said she finally went to the door, but first she called police. A radio car reached the scene in a few moments.

McGee testified he "just wanted to ask" his wife "what she was doing coming home in a taxi at 2 A.M."

The policeman told Magistrate James R. Cadden he was sorry the whole thing ever happened.

Mrs. McGee's counsel indicated she did not want to see the defendant punished but wanted him to know once and for all "she doesn't want to see him and he has to stay away."

Under Mental Strain

"I assume you were under a mental strain," Magistrate Cadden told McGee. "It strikes me that way, anyhow.

"In the future you go your way and let Mrs. McGee go hers.

"I will dismiss this case, but don't go back there any more."

McGee, 45, is a veteran of twenty years on the police force. He is a Central district policeman detached for duty in the State's attorney's office.

McGee was temporarily suspended by Capt. John B. Kenealy, Central district commander, pending a report to the chief inspector. Cases of the kind usually are reviewed by the police commissioner.

MORN-SUN - 8/3

GIVEN CUSTODY OF KELLY BABY

Foster Parents Get Temporary Order As Probe Continues

In a move to make sure that little Kathleen Anne Kelly will remain with her foster parents here and to prevent possible removal of the child from Baltimore by her real parents, Judge Herman M Moser yesterday signed a habeas corpus order giving the foster parents temporary custody of the child.

Although court officials would not comment on the reason for throwing the added safeguard around the 2-year-old girl, it was reported that the real parents have expressed a desire to regain custody of the infant child they abandoned about two years ago in a Forrest street baby home.

Meanwhile, police and prosecutors broadened their probe into the possibility that "baby racketeers" may be operating in Baltimore. A number of reports of babies being disposed of illegally are being "run down," it was learned from J. Bernard Wells, State's attorney.

Probe Office Set Up

Three members of the Baltimore Detective Bureau, two policemen and Anselm Sodaro, assistant State's attorney, are actively working on the probe and have set up a temporary headquarters in two offices of Mr. Wells's quarters, the State's attorney said.

"Other matters have come to our attention and we certainly want to run them down," Mr. Wells asserted. "We are working on records of other missing infants.

"Tips coming to us over the telephone are being investigated. We do not know yet whether the information will be of sufficient importance or concern to take before the grand jury."

The State's attorney said reports have been received of babies missing from about a half dozen baby homes in the city.

Filed In Court

The petition for a court order giving the 2-year-old Kelly child temporarily to Mr. and Mrs. Ellick Stoneberger was filed in Baltimore City Court by Mr. Wells. Judge Moser's order read as follows:

"Upon the foregoing petition, it is ordered by the Baltimore City Court this second day of August, 1949, that the said Ellick Stoneberger and his wife, Genevieve Bernadette Stoneberger, temporarily retain custody of the said Kathleen Anne Kelly, also known as Bernadette Stoneberger, until the completion of the investigation now being conducted by the State's attorney of Baltimore city, and until the final adjudication of the custody of the said infant, and until the final disposition of the proceedings pending against Gertrude Might Hailey in Circuit Court."

EVE. SUN 8/3

Child-Adoption Law In State Held Model

Maryland child-adoption laws, which State Department of Public Welfare officials claim are models for other states, are especially designed to keep unlicensed and unregistered persons from taking children into their homes in a manner that results in unexplained disappearances.

The disappearance of Kathleen Anne Kelly from the unlicensed home of Mrs. Gertrude Hailey, 1117 Forrest street, in whose care she was left by her father, George J. Kelly, in September, 1947, is the type of case which the Maryland laws try to eliminate, the department said.

Operating Method

Here is the way the adopting registration and licensing laws of Maryland operate:

Persons desiring to care for children, whether one or several, apply to the Department of Public Welfare for a license. At the same time they register, furnishing information on income, character, home facilities and state how many children they expect to care for.

In addition, they must give information on health care to be received by children in their charge, state how they will function in event of infectious diseases and state whether or not formulas for infant feeding will be prescribed by physicians. Applicants must undergo physical examinations.

Regulations Cited

After investigation by both municipal and State authorities, the license is granted and the licensee is informed of the rules and regulations with which he must conform.

Briefly, the licensee is required to obtain full background information on all children; names, addresses and telephone numbers where parents can be reached day or night. This information, along with the child's name, must be registered with the public welfare officials.

Welfare officials make periodically a check on licensed homes. They inspect books, records, financial transactions, medical records and intake and discharge records. If parents of a child in the care of a commercial baby-care home fall behind in board payments or otherwise appear to lose interest in the child, the licensee is required to inform city and State welfare officials and an immediate check is made.

Parents Licensed

If a child is placed for adoption by a licensed commercial home, the operator is required to obtain minute information from the adopting parents concerning financial responsibility and also secure character references. This information also must be turned over to the welfare officials, who, in turn, require a license from the adopting parents, after their background information has been checked.

In addition, a properly drawn "consent" agreeing to waive all claim to the child must be secured from the natural parents or persons who have legal custody of the child.

Adopting parents can institute formal-adoption proceedings immediately. Before the court acts, however, it must have before it complete records in the case, including formal records from the State Department of Public Welfare on its investigation during the time the child has been a ward of the State.

When the court hands down a formal adoption decree, all records pertaining to the case are sealed by court order and can only be opened for "extraordinary" cause.

Bureau Petitioned

At this time, adopting parents petition the State Bureau of Vital Statistics for a birth certificate for the adopted child. When the certificate is issued, it bears the child's new name, date and place of birth, but carries the names of the adopting parents instead of the natural parents.

In cases of illegitimate children, this procedure serves as a protection against future embarrassment. Information on natural parents of illegitimate children is not made except to official persons.

The State Department of Public Welfare said any person violating the registration and licensing laws is subject to a fine of $100 or three months' imprisonment, or both. It was said also that if a licensed home was in violation of the law, that the license would be revoked. It is doubtful, it was said, if the department would consider granting a license to any person who had been guilty of flagrant violations.

The department would like to see all commercial-type baby-care homes eliminated, it was said, because they are frequently operated by persons who hire only untrained assistants and, under the best conditions, constitute a dangerous source of care.

There are 202 licensed commercial baby-care homes in the counties and twelve in Baltimore, it was stated. The low number of homes in Baltimore is surprisingly low, it was said, and would seem to indicate that many homes are operating without licenses.

In the majority of cases, the department said, when police find baby-care homes operating without licenses, the matter is reported immediately to the City Department of Public Welfare. The operator is informed of the licensing requirement by both city and State officials. If requirements are met, a license is granted. If the operator continues to function without a license, the welfare agencies then resort to court action to force closing.

Escaped Convict Gets 40 Years

Benjamin Gillum, 31-year-old escaped convict, who tried two armed robberies in downtown Baltimore in late June, today was sentenced to a total of 40 years in the Maryland Penitentiary.

Judge Robert France, in Criminal Court, imposed consecutive 20-year sentences in the holdup cases and refused a request that Gillum be returned first to Texas and then to Oklahoma, where he is wanted for escaping.

"Don't Seem To Keep Him"

"They don't seem to keep him out there in those Western states," said Judge France in refusing the suggestion of court-appointed defense lawyer Hamilton O'Dunne, who urged that the Western taxpayers, rather than Maryland taxpayers, support the man.

Gillum was caught in the act of robbing William K. Thacker, night clerk at the Maryland Hotel, in the first block East Fayette street, on the night of June 26.

He had already pocketed $188 from the cash drawer when Patrolman Charles E. Bayrle, in plainclothes, covered him with his gun.

The officer had been observing the man through the hotel window and suspected a holdup was in progress. The automatic pistol which the holdup man was using turned out to be unloaded and had broken firing pin so that it would not fire even if loaded.

Judge France publicly commended the patrolman, saying: "Officer, let me state here publicly that I think it was a very fine piece of work that you did."

The other holdup attempt occurred the previous evening when Gillum drew a pistol on James Pennypacker, clerk in charge of the Baltimore street Western Union office. He fled when Pennypacker refused to hand over the money.

Police Continue Inquiry Into Baby Homes

Investigation of baby homes in Baltimore was continued today by a staff of detectives and policewomen working under Assistant State's Attorney Anselm Sodaro, who was assigned to the probe by State's Attorney J. Bernard Wells.

The investigation which began when Judge Charles E. Moylan requested a probe because of a pending Juvenile Court charge against Mrs. Gertrude M. Hailey, has been extended beyond the baby home which that woman operated at 1117 Forrest street.

Tips Given Prosecutor

Numerous telephone and written communications to State's Attorney Wells's office had caused the additional investigation of other places, where, it was reported, young infants are sheltered.

The original hearing in Juvenile Court dealt with the supposed disappearance of Katherine Ann Kelly, who had been left at Mrs. Hailey's place when she was less than 2 months old and had been supposed to have been later given to someone who posed as an uncle.

Investigation showed the girl really had been turned over to Mr. and Mrs. Ellick Stoneberger, of Magothy Beach.

The baby now is known as Bernadette Stoneberger.

An order signed late yesterday by Judge Herman M. Moser officially placed the child in the temporary custody of its present foster parents pending ultimate decision in Mrs. Hailey's case and conclusion of the prosecutor's investigation.

Cost-Plus Data Suit Dismissal Is Requested

William J. Wiesand, cost-plus contractor sued by the city in a test case to determine whether such contractors can be forced to reveal records to investigators, today filed a petition urging dismissal of the suit.

The contractor, through Paul Berman, attorney, cited the testimony taken from State's Attorney J. Bernard Wells in recent pretrial depositions to show that the suit brought in Circuit Court about the records was really designed to produce evidence for use in a Criminal Court prosecution.

"Unclean Hands" Alleged

The city, which was the complainant against Wiesand, has no proper standing in the Circuit Court proceeding and "comes into this court with unclean hands" by seeking to achieve a different purpose than set forth in its suit, the contractor contended.

Other reasons offered for dismissal of the suit without a hearing were that compulsory disclosure of the contractor's records would be unconstitutional, in compelling him to give evidence against himself, and because of violation of search and seizure protection of the constitution.

Judge Signs Order

The contractor's motion contended that the only proper tribunals to test the right to compel production of records and documents would be the grand jury or Criminal Court.

Judge Herman M. Moser signed an order in conection with the new motion that deferred the time the contractor's final answer is due until fifteen days after the motion for dismissal is passed on.

Numbers Sale Hit Near Police HQ

Numbers violations and lottery charges heard yesterday in Criminal Court included a charge against a man who operated practically in the shadow of Police Headquarters.

Frank Broussard, charged with two lottery violations, had used a spot "practically under the windows of the Police Building" as a station to pass over lottery numbers, Assistant State's Attorney William J. O'Donnell told Judge Robert France in Criminal Court.

Fined $200 Plus Costs

Broussard was fined a total of $200 and costs. He had been arrested last June 8 by Captain Alexander Emerson, head of the vice squad.

In other lottery cases, fines ranged from $100 to $300. Judge France imposed a $300 penalty on Clarence Bland, colored, who was caught with lottery numbers in an automobile after having faced a similar charge in court a few months ago.

Fines of $100 each were imposed on Oliver Birt, colored, Iantha Bailey, colored, Mary Giles, colored, Angelina Watkins, colored, and Milton Ashman.

NEWS - 8/3

Hold-Ups Bring 40-Year Sentence

Forty years in the Maryland Penitentiary was the sentence imposed upon Benjamin C. Gillum, thirty, today after he had pleaded guilty in Criminal Court to charges of robbing the Maryland Hotel of $188 and attempting to hold up the Western Union office, where he was arrested in June.

Assistant State's Attorney Saul A. Harris told Judge Robert France that Gillum was a native of Cincinnati, Ohio, and had criminal records in Texas and Oklahoma.

Gillum contended that the pistol he used was unloaded and that the firing pin had been removed.

Judge France gave Gillum years in each case, the sentences to run consecutively.

Dismissal Of Cost-Plus 'Test' Suit Requested

Contending that a "test" suit filed against a cost-plus contractor has been instituted solely for the purpose of securing evidence to be used in a criminal prosecution, counsel for the contractor yesterday asked the Circuit Court to dismiss the proceedings.

The dismissal move was filed on behalf of William J. Wiesand, who did cost-plus contracting work for the city. The suit asks the court to determine whether, under a city ordinance, cost-plus contractors can be compelled to open their books to city auditors.

Through Paul Berman, counsel, the contractor declared that the city has come into the Circuit Court "with unclean hands." Wiesand contended the relief asked for by the city would be a violation of the constitutional privilege against self-incrimination.

Three Prisoners Presented By Jury

Three Penitentiary inmates serving long terms yesterday were accused by the grand jury of conspiracy and attempted escape and one of them was charged with assault with intent to murder a guard as a result of their unsuccessful effort to gain freedom last week.

The presentments were returned against Irvin D. Limper, Reginald Butler and Howard Hentz. All three are accused of conspiring to escape and of attempting to escape. Hentz, alone, is charged with assault with intent to murder Guard Myron D. Breece.

The cases were presented to the grand jury by William J. O'Donnell, assistant State's attorney. J. Bernard Wells, State's attorney, later announced that the three men will be brought to trial during the September term of the Criminal Court.

The three prisoners had planned to scale the Penitentiary wall with a crude rope ladder made of strips of cloth and iron bolts, but they were foiled by an alert sentry atop the wall.

One of the men held Guard Breece with a knife at his throat while the other two men endeavored to reach the wall, prison officials reported.

Gillum Given 40 Years For 2 Holdup Attempts

Sentences totaling 40 years in the Penitentiary were imposed in Criminal Court yesterday on Benjamin C. Gillum, 31, who pleaded guilty to two attempted holdups in the downtown section of the city.

Gillum, who is wanted in two western states on similar charges, was arrested June 26 by Patrolman Charles E. Bayrle as he was attempting to hold up the night clerk of a hotel in the first block East Fayette street.

The previous night, Gillum attempted to rob a clerk in a telegraph office on Baltimore street, but fled when the clerk refused to surrender any money, according to Saul Harris, assistant State's attorney. The prosecutor said Gillum has an extended criminal record, and has been imprisoned during ten of the last eleven years.

Break In Pipe Causes Wet Courtroom

Antiquated plumbing in the Court House today caused the building's summertime main hearing room to be water conditioned as well as airconditioned.

Criminal Court proceedings were heard to the acompaniment of dripping and gurgling water coming from the decorative, festooned ceiling.

Water Pipe Breaks

A large water pipe alongside of second-floor courtroom of Circuit Court gave way early today. Workmen said the pipe had practically rusted in two.

Judge Robert France continued the criminal proceedings in the only air-conditioned courtroom, but a group of washtubs and buckets had to be placed to attempt to catch the dip and the floor was being swabbed periodically. Meanwhile, the water supply was shut off while repairs were being made.

Damage Undetermined

The extent of damage to the ceiling was uncertain.

While the Courthouse renovations and alterations planned by a committee of judges have not yet begun, physical improvement of the building has been pressed during the early summer months.

Dingy corridor walls and ceilings have been repainted and a number of offices as well as corridors have been washed and painted to achieve a new look.

EVE SUN-8/4

2d 'Lost' Child Rumored; Probe Is Continued

Active investigations concerning baby homes and baby placements were continued today by police and prosecutors as it was unofficially reported that a second young child is supposed to be "missing" from a baby home.

The investigators who early this week located Kathleen Ann Kelly, 2-year-old girl, whose whereabouts were supposed to have been unknown since the Autumn of 1947, were working as late as 2 A.M. today on probes begun yesterday.

Approximately ten mothers of young children were under interrogation today at the office of State's Attorney J. Bernard Wells.

Sodaro Heads Quiz

They were questioned by Assistant State's Attorney Anselm Sodaro and members of the police squad, headed by Detective Lieutenant John M. Hettchen. Nursing babies were included in the group that appeared.

The widened scope of the baby investigation has resulted from numerous reports received by letter and by telephone after the newspaper publicity began a week ago concerning the Kelly baby. All of the reports, even those that are not backed with factual detail, are being run down by the investigators.

The Kelly baby, first of two children to be abandoned in Baltimore by George J. and Ardath Kelly, New York couple, now is being cared for by Mr. and Mrs. Ellick Stoneberger, Magothy Beach couple who obtained the child from a baby home when she was several months old.

Adoption Try Set

Jerome Robinson has been engaged as attorney by the Stonebergers to try to arrange official adoption of the baby, now called Bernadette Stoneberger.

The child, it was testified by Kelly in a Juvenile Court hearing, had been left at Mrs. Gertrude M. Hailey's at 1117 Forrest street in September, 1947.

No record as to the names of its parents had been left. The Kellys were accused last May of leaving a second baby girl on the steps of SS. Philip and James Church. Kelly was released on probation without a verdict to pay for the support of the child, who was in the hands of the Welfare Department.

EVE SUN-8/4

Police Reform Survey Done Before With No Result: Muth

Suggestions for police improvements in Baltimore have been getting progressively more expensive, and they say nothing that has not already been suggested free of charge, Councilman William J. Muth said today.

Furthermore, apparently nothing has been done about the suggestions, whether paid for or offered free of charge, the City Council vice president added. Muth declared that Police Department reforms suggested by the Mayor's Advisory Committee last week were proposed following surveys of the force in 1941 and 1946.

Letter To Ober

In a letter to Police Commissioner Beverly Ober, Mr. Muth said:

"Like many citizens of this community, I have read with considerable interest the recent recommendations made by the desk-to-desk survey of the Police Department.

"They all had a familiar ring and I was not surprised to find that similar recommendations appeared in the Bruce Smith report of 1941 (estimated cost to Baltimore city taxpayers $10,000) and in the grand jury investigation of 1946 (estimated cost to Baltimore city taxpayers $35,000).

Stanton Era Survey

Robert F. Stanton was police commissioner when the 1941 report was made following a survey of the department by Bruce Smith, of the Institute of Public Administration of New York.

Hamilton R. Atkinson, who was succeeded by Commissioner Ober on June 1, headed the department when the 1946 grand jury investigation report was made.

In his letter to Commissioner Ober today Muth said he feels the public is entitled to know whether any of the previous recommendations were followed and "if not, why not."

Present Recommendations

The Mayor's Advisory Committee report on July 31 is based on studies of the Police Department by the staff of the Public Administration Service, which is making a desk-to-desk survey of the city government to increase efficiency at lower cost.

Among its recommendations were proposals to abolish the police marine division, to establish a central record system, and to redistribute the department's patrol force.

"Just how much money was allotted to the desk-to-desk survey was actually expended in securing identical data available in the grand jury report of 1946 is not too important . . .," Muth declared.

Action Made Clear

However, he added that "this latter report made it quite clear that the Criminal Justice Commission, the State's attorney of Baltimore city and the police commissioner were to co-operate and immediately effectuate the recommendations contained in the 84-page minute report of the deficiencies of the Police Department."

The councilman said copies of his letter to Commissioner Ober were forwarded today to James M. Hepbron, head of the Criminal Justice Commission, and to State's Attorney J. Bernard Wells.

Muth Lists Questions

After pointing out that three years have passed since the 1946 report was presented to the group and individuals charged with carrying out its recommendations, Muth's letter listed the following questions:

1. Has there been a revision, post by post, of the district patrolmen, and especially the distribution made of the 212 additional patrolmen added to the force since 1946 which costs the citizens of Baltimore $500,000 annually (report showed ridiculously overmanning of some posts and equal undermanning of others)?

Firearms Training

2. Has there been an increase in firearms training? (Report showed 70 per cent of the members of the Police Department were not qualified with the weapons they carried and 30 per cent could not hit a stationary target at 15 yards.)

3. Has there been a complete revision of the Widows Pension Fund? (Report showed $500,000 in bonds and cash administered by the police commissioner and secretary with bonds registered in the name of the police commissioner, negotiable by him and bonded only for $10,000.)

4. Has there been any additional trained personnel in the gambling division? (Report showed four men covering entire city of Baltimore on number and lottery violations.)

Marine Division

5. Has there been any change in the marine division? (Report shows salaries in excess of $30,000 per year to maintain force of sixteen policemen, including captain and lieutenant, who during the year 1945 made one arrest.)

6. Has there been any change in the bicycle squad (report showed several detectives assigned exclusively trying to locate stolen bicycles)?

Mr. Muth added to his question concerning the department's gambling division the information that the 1946 report recommended enforcement of the rule that reprimands and demotions be given officers and patrolmen in districts where gambling raids were made by the vice squad.

Immediate establishment of a system under which district personnel would be required to report on suspected gambling activities in their areas also was recommended, Mr. Muth declared.

MORN SUN-8/5

OBER SAYS HE WILL COMPLY WITH SURVEY

Police Commissioner To Meet With Members Of Mayor's Group

Col. Beverly Ober, police commissioner, said yesterday that he will "to the maximum extent possible" conform to the recommendations of the Mayor's Advisory Committee for reorganizing the Police Department.

At the same time, he revealed that he and other police officials will meet next week with representatives of the Public Administration Service to discuss the changes recommended by the service as the result of its desk-to-desk survey of the Police Department.

The meeting will be called at Colonel Ober's request by Walter F. Perkins, chairman of the Mayor's Advisory Committee.

Writes To Muth

"It is my objective that out of this meeting will come a plan for effecting the recommendations pertaining to this department," said the commissioner.

The plan for the meeting was revealed by Commissioner Ober in a letter to William J. Muth, vice president of the City Council, who protested that suggestions for improvements in the Police Department have been getting progressively more expensive and asked whether any of the previous recommendations had been followed.

Mr. Muth had pointed out that recommendations quite similar to those embraced in the Mayor's Advisory Committee's report of July 30 had been embraced in a survey made at a cost of $10,000 in 1941 and another made in 1946 at a cost of $35,000.

Lists Six Questions

After pointing out that three years had elapsed since the 1946 report was presented, Mr. Muth listed six questions about what had been done in reference to:

1. Revision of posts in connection with the assignment of 212 patrolmen added since 1946.
2. Increasing firearms training.
3. Revision of the administration of the Widows' Pension Fund.
4. Assigning additional trained personnel to the gambling division.
5. Change in the marine division.
6. Changes in the detective's "bicycle squad."

Mr. Ober made no attempt to answer Mr. Muth's questions one by one. Instead he replied:

"I think I can safely say that all the recommendations made in the past have not been put into effect, but I must also add that I am not in a position to answer why this has not been done.

Sees Responsibility

"I certainly feel it is my responsibility to review the recommendations before the department during my administration."

Mr. Ober also told Mr. Muth:

"I have read and studied the Bruce Smith report of 1941, the report of the grand jury investigation of 1946, and have recently received the report of the Public Administration Service."

Mr. Ober wrote that "the three reports in question are tremendously comprehensive and, in my judgment, it would be very difficult and perhaps costly to institute all the recommended changes at one time.

"Duty To Conform"

"Certainly I feel it my duty to conform to the recommendations to the maximum extent possible," Mr. Ober wrote.

Since the grand jury's 1946 report suggested that recommendations could best be put into effect by joint action by the Criminal Justice Commission, the State's attorney of Baltimore and the police commissioner, Mr. Muth addressed the same letter and questions to James M. Hepbron, head of the Criminal Justice Commission, and to J. Bernard Wells, State's attorney.

Mr. Hepbron said last night:

"I am in thorough agreement with the plan of action devised by Mr. Ober. I think the scheduled conference is the way to get things started.

Asks Committee Of 7

Mr. Hepbron said that the Criminal Justice Commission has already moved to "be of maximum assistance to the police commissioner" by designating a chairman and a committee of seven "to work with the commissioner in appraising the recommendations and finding means of carrying them out, when found feasible and within the limits of the money available."

Mr. Hepbron said that the name of the suggested chairman "will not be announced until we find if the man selected can serve."

The committee in addition to being designed to aid the police commissioner "directly will be charged with moulding public opinion for acceptance of the changes which may be made," said Mr. Hepbron.

Questions "Being Studied"

Saying that the six questions voised by Mr. Muth were "being studied" by a Criminal Justice Commission staff member, Mr. Hepbron declared:

"One of the most important recommendations made in the most recent survey cannot be given too much emphasis. It is the imperative, urgent need for early installation of a comprehensive centralized records system.

"The present system of many bureaus and divisions collecting facts is antiquated."

In this connection, Mr. Hepbron pointed out that the commission had "followed up" the 1946 recommendations with the then Commissioner of Police Hamilton R. Atkinson.

Atkinson Volunteers

Yesterday, Mr. Atkinson, who emphasized that he "would lean over backward" not to interfere in the present administration of the Police Department, "volunteered the benefit of his experience to the end that it may be helpful."

On the question of the operation of the Widows' Pension Fund, raised by Mr. Muth, the former commissioner explained:

"The day after the 1946 report was filed arrangements were made with the First National Bank, where a safe deposit box is maintained, to prohibit one person (the commissioner) from opening the box alone.

"It was agreed that the commissioner must be accompanied by either the secretary or the assistant secretary."

Bonding Discussed

Taking up the question of bonding the commissioner and the secretary in amounts of $10,000 and $5,000, Mr. Atkinson said:

"Those figures may be too low in view of the sums handled, but that is what the State law prescribes. The law must be changed if higher bonds are arranged."

Commenting on the assignment of the "212 additional patrolmen," Atkinson explained:

"Before we assigned the extra men a comprehensive survey of every post in the city was made. The direction of this job, I assigned to then Lieut. Thomas J. Keyes, since made a captain, and two men.

"Months Of Field Work"

"It required months of field work. In addition, I asked the captain of every district to give me recommendations for revision of each post in his respective district.

"Sight must not be lost of the fact that when the city went to radio cars that 125 foot posts were pre-empted of regularly assigned men. That necessitates making longer posts, revising them generally and in some instances assigning men in cars to handle specially long posts."

"I believe in the foot patrolman. I think he can do a job, in an area that needs such policing, better than any other type of man."

Men Assigned In North

On the basis of the findings of the 18-month long survey made by Police Department personnel, Mr. Atkinson recalled that a "big number of the extra men were assigned to the northeast and northwest districts because it was there that crime was on the increase and it was from those sections that calls for police help kept increasing."

As for the bicycle squad of detectives, questioned by Mr. Muth, Mr. Atkinson said: "My most recent recollection is that one man was assigned to that task and that is was entirely justified on the basis of the number of bicycles stolen."

Taking up the problem of manning the vice squad, the former Commissioner declared:

"After the 1946 survey we added six men to the squad, making its strength 21.

Marine Unit Questioned

Cognizance was taken, too, of the questionable value of the marine division's efforts, said Mr. Atkinson, "when Capt. Timothy Welsh, who headed the division left no captain was named. Hence the division is directed by a lieutenant."

J. Bernard Wells, State's attorney, who was intimately associated with the 1946 survey, declared "I cannot subscribe to Mr. Muth's suggestions that nothing ever came out of the prior surveys.

"I think that progress has been made. It must be recognized that before some reforms can be instituted legislation is required.

As for the 1946 survey, it was our job to present the recommendations and it was not our responsibility to put them into effect."

SECOND BABY BEING TRACED

Probers Check Report Another Child Is Missing

Police and prosecutors investigating baby homes in Baltimore are checking information which may reveal that a second baby has been "missing" from one of the homes under scrutiny, it was disclosed yesterday.

J. Bernard Wells, State's attorney, and Anselm Sodaro, his assistant, said a number of persons have been interrogated in connection with the report of another missing baby.

Some of those persons and others who could not be reached during the day were questioned into the early hours of yesterday morning, the prosecutors said. Mr. Wells said all leads reaching his office by letter or telephone are being run down.

Making Thorough Probe

The prosecutors declined to say whether they personally are convinced that the alleged information about another missing baby has any foundation in fact. They merely stated that the report is being thoroughly probed.

The investigation into a reported "baby racket" began last week after Judge Charles E. Moylan heard testimony which disclosed that a 2-year-old baby girl had been missing from a Forrest street home since the Fall of 1947.

That baby—Kathleen Anne Kelly—on Monday was brought to the State's Attorney's office by Mr. and Mrs. Ellick Stoneberger, who said they obtained custody of the child on October 14, 1947, from Mrs. Gertrude M. Hailey.

Accused Of Neglect

Mrs. Hailey is accused before Judge Moylan, in the Division for Juvenile Causes, of neglecting the child, left at her baby home by Mr. and Mrs. George J. Kelly, of New York. The Kellys paid one week's board for the baby and never returned, it was testified before Judge Moylan.

The Stonebergers have been given temporary custody of the Kelly girl pending the completion of the investigation. Through their attorney, Jerome Robinson, they will attempt to legally adopt the little girl, now called Bernadette Stoneberger.

Mr. Wells said the matter will not be placed before the grand jury, if at all, until the investigation has been completed.

EVE SUN-8/5

Police Surveys

Councilman Muth is troubled because so little has been done to carry into effect the recommendations of surveys of the Police Department in former years. His inquiries on this score are designed to underline the importance of the survey just conducted by the Public Administration Service for the Mayor's committee.

It is all right to emphasize this report and also to point out the failure to do enough about earlier surveys, but there is this notation to be made. The fact that the latest survey was made just when a new commissioner was taking office provides an unusual opportunity to get action. In the case of the earlier surveys, the commissioner had been in office for some time and was more or less set in his ways.

This may be said without reflecting on former Judge Stanton, who was in office when the Bruce Smith report was made in 1941, or on Mr. Atkinson, who was in office when the 1946 survey was published. The important thing is that when sweeping changes are proposed in a public department there is a better chance of getting action from a new executive than from one established in office.

Thus we find Colonel Ober responding to Mr. Muth's letter with the announcement that he has asked for a meeting with the men who wrote the latest survey to make plans for carrying out its recommendations. He says that he feels it to be his "duty to conform to the recommendations to the maximum extent possible."

This statement does not promise to follow the report to the letter, but it does promise a sympathetic consideration of the various proposals. Colonel Ober is not the sort of man who says a thing without meaning it in any circumstances. Being just installed in office he has a most favorable opportunity to give broad effect to his promise.

Retired Numbers Man Pays Fine

A man who said he was a retired numbers racket "pickup man" appeared in Housing Court yesterday—and paid a fine for failure to obtain a license for a rooming house.

Isaiah Willis, a 71-year-old Negro, told Magistrate Harry S. Kruger that:

1. He paid a $2,000 fine on a numbers charge in 1943, and had $400 worth of business when arrested, "a pretty good day's work."

2. He had no connection with a numbers arrest made in his rooming house last month.

Officer Irvin Marders, the sanitarian who inspected the nine-room house owned by Willis at 115 West Twenty-second street, said he found Dorothy Simpson in one of the rooms with 100 numbers slips and a "play" of $4.07 on them.

First Such Case

On Tuesday of this week, the first sanitarian to do so, Officer Marders appeared in Criminal Court to charge Miss Simpson with participating in a lottery. The case was dismissed by Judge Robert France.

Marders entered the house without a warrant, as is customary in making housing inspections.

Willis, who lives at 2206 North Howard street, told Magistrate Kruger his only income was $72 a month from the rooming house, and from "working around the market." He later paid a $25 fine from a large roll of $20 bills, and when Marders joked with him about the mysterious source of his income he grinned.

"Can't Do Much"

Willis told Mr. Kruger: "I'm 71 years old, your Honor. I got nothing to do with numbers now. I can't do much, and nobody will give me a job.

"Yes Sir, I been in trouble before. Well, for gambling and suchlike that, playing cards. Judge O'Dunne gave me that $2.00 fine, and that was a nice fine for a colored fellow. That was in '43 and about that time they got me again and I paid $150. I didn't know that judge.

No Sir, they didn't fine the man I was picking up for. . . . I paid the fine myself. I got the money because my sister died and left it to me."

Mr. Kruger fined him after testimony from Officer Marders and a Health Department inspector that people, most of them women, individually occupied eight of the nine rooms as sleeping quarters.

After the hearing Willis continued to deny, under questioning, that he knew the identity of the man he was "picking up" for in the 1943 numbers racket case, but finally said:

Fellow Named "Baker"

"It was a fellow named Baker. I'd just meet him in the street. Yeah, a white fellow. I just don't know his first name. He's dead now. . . . Yeah, there was another fellow I picked up for, a fellow Constantine, an Italian fellow. He's out off the business now."

He said his attorney in the 1943 case was Sam Levin, and that he paid for the attorney's services himself.

Willis said the local numbers racket paid off on Stock Exchange figures, mutuel results and financial reports. He said he didn't know what figures were being used now, but the though most play was on race results.

EVE SUN-8/5

2d Baby Probe Is Continuing

Investigators working out of the State's attorney's office today continued their probe into the baby home situation in Baltimore and into reports that a second infant is "missing" as a result of being placed in an unrecorded foster home.

The investigation was requested by Judge Charles E. Moylan, of Juvenile Court, after a 2-year-old girl, originally named Kathleen Ann Kelly, had been reported missing from the baby home operated by Mrs. Gertrude M. Hailey.

Confers With Judge

The Kelly child, now known as Bernadette Stoneberger, was located within three days by the investigators.

Assistant State's Attorney Anselm Sodaro, who was assigned by State's Attorney J. Bernard Wells to head the probe, today conferred with Judge Moylan concerning the progress of the investigation. No announcements were made by the officials.

The assistant prosecutor and five police investigators, headed by Detective Lieutenant John M. Hettchen, today continued their questioning of numerous young mothers, who had stayed, or whose children had stayed at some of the approximately half dozen home brought to the attention of authorities.

Jury Session, Court Action, Raid Follow Ober Racket War

There was action on several fronts today following yesterday's declaration of war on the numbers racket by Police Commissioner Beverly Ober.

In an extraordinary, and secret, session of the grand jury in an unused courtroom at the Courthouse, all of the city's police magistrates were present, as well as Anselm Sodaro, the senior prosecutor of the State's attorney's office.

Gambling Discussion Reported

The session was reported to involve gambling and the numbers racket. Judge Robert France, who authorized use of the room when other quarters were found to be inatdequate, said he had no knowledge of the subject of discussion.

The meeting began at about 11.30, when the jury had finished its routine business of the day.

Earlier four defendants appeared before Judge France on numbers-racket charges.

Lottery Fines Vary

Today's crop of violations aired before Judge France in Criminal Court brought a variety of punishment representative of the court's treatment of numbers violators.

The cases were merely incidental lottery violations, involving no numbers ring or operator. All had arisen from police districts, either through officers noting the violations or finding lottery slips on men arrested for other offenses.

Judge France's fines ranged from $25 on a "player" to $200 on a man in court for the second time this year, who was told that a third appearance would bring a $500 fine.

$200 And Costs

The warning was given to Percy McCloud, colored, who had been arrested writing numbers in a neighborhood grocery. The $200-and-costs fine was paid.

Fines of $100 and costs each were imposed on Harvest Coleman and on Luther Howard, both colored. A numbers slip had been found on Howard by a police turnkey who searched him after another arrest.

The "player" before the court today was Clarence Purnell, colored, who five years ago had been fined $300 as a numbers writer.

Convinces Court

Purnell, however, now works in a tavern and he convinced the court that the number he had put down on a slip of ordinary paper was a "hunch" bet which he wanted to play himself.

He said he had found that number on another piece of paper at the same time he had found a stray 25-cent piece on the tavern floor. Despite the past record, Judge France ruled that Purnell apparently deserved to be "treated as a player, instead of a numbers writer."

Numbers Raid But No Charge

The first raid after Commissioner Ober's order for more vigorous action was staged by Capt. Alexander Emerson yesterday afternoon in a lunchroom-poolroom at 1019½ West North avenue.

The case was postponed in Northwestern Police Court this morning, on the plea of defense counsel Morris T. Siegel, Fourth district delegate. Mr. Siegel said pressure of business forced him to ask the postponement until next Tuesday.

Numbers Slips Found Too

Captain Emerson said he found numbers slips on the second floor of the place, in addition to baseball-pool slips and racing slips. Despite this, the only charges were for bookmaking and operating a baseball pool.

Those charged: Ray Sullivan, 50, 3026 Oak Forest avenue, and Guy Stein, 45, 3310 Dorithan avenue, operating a baseball pool; Samuel Leonard, 38, 2910 Reisterstown road, charged with bookmaking on August 1, 3 and 4.

Assault Also Charged

Leonard is also charged with assaulting and striking Captain Emerson.

All were released in $1,000 bail. Ten other men were arrested in the raid and they were released after posting collateral of $6.45 each. They were charged with disorderly conduct in the lunchroom.

MORN SUN 8/6

ANTI-GAMBLING DRIVE NETS 3 ARRESTS

Uniformed Policemen Charge Men With Operating Lottery

Uniformed policemen arrested three men on lottery charges yesterday—24 hours after the police commissioner ordered a crackdown on gambling.

Following police court hearings, three defendants, all of whom were Negroes, were held pending grand jury action in $1,000 bail each.

In calling for more gambling arrests, Col. Beverly Ober said that he was dissatisfied with the number of arrests made by uniformed patrolmen assigned to police districts.

Defendants Identified

Yesterday's arrests were said to be the first in several weeks in which district policemen placed gambling charges.

The defendants were identified as Robert Lowery, 32, of the 200 block North Amity street; Leroy Williams, 35, of the 200 block Myrtle avenue, and Thomas Holt, 46, of the 1300 block North Caroline street.

Lowery and Williams were arrested by Lieut. Louis Vinup, Sergt. Richard Johnson and Patrolman Anthony Bizzarri, of the Western district, on tips, according to testimony before Magistrate Julius A. Romano.

Arrested In Automobile

Holt was arrested by Sergt. George Hisley and Patrolman Bernard Spangler as Holt sat in his automobile which was double-parked on Holliday street near Pleasant street.

Meanwhile, yesterday, Baltimore's police magistrates met in closed session with members of the grand jury, reportedly to discuss the treatment of lottery and gambling cases by the magistrates.

Members of the investigating panel and of the State's attorney's staff refused to discuss the nature of the conversations at the conference.

It was reported that the large number of police court dismissals of such cases, requiring police to go over the heads of magistrates and take the dismissed cases before the grand jury, was one subject of discussion.

Decline Comment On Parley

The two-hour conclave was held in a courtroom not now in use. In addition to the magistrates, Anselm Sodaro, assistant State's attorney, also was requested to attend the session.

Both Clinton I. Carrick, foreman of the grand jury, and Mr. Sodaro declined to comment on the special meeting.

Judge Robert France in Criminal Court yesterday imposed fines on four men who pleaded guilty to lottery charges. All four were arrested by uniformed patrolmen.

Draws $200 Fine

A fine of $200 was imposed on Percy McCloud, Negro, who was observed writing numbers in a store. McCloud, according to William J. O'Donnell, prosecutor, has been fined earlier this year by Judge France on similar charges.

Harvest Coleman and Luther Howard, both Negroes, were fined $100 each as lottery writers, while a $25 fine was imposed on Clarence Parnell, Negro tavern worker, who said he played a number on a "hunch."

Parnell said he found a slip with a number on it and a quarter on the floor of the tavern and decided to play the number with the coin.

N.Y. Numbers Probe Recessed

New York, Aug. 5 (AP)—A county grand jury investigating an alleged $50,000,000-a-year numbers racket heard several witnesses today and recessed until Monday.

The witnesses were not identified.

However, authorities said Dennison Duble, former secretary-manager of the Cincinnati Clearing House who is accused of working with the numbers ring, did not testify. He was questioned at the district attorney's office and told to come back Monday for further questioning. He had appeared before the jury yesterday.

Duble has been in protective police custody here on charges of contriving a lottery and other counts. He allegedly juggled published daily clearing-house business totals to keep the ring's payoffs to a minimum. Winning numbers were based partially on the house's totals.

MORN SUN-8/9

WELLS URGES LAWS TO BAR BABY NEGLECT

Declares Staff Found Evidence Of Cruel And Inhuman Treatment

Declaring that instances of undernourishment and neglect of babies have been discovered in some baby homes in Baltimore, J. Bernard Wells, State's attorney yesterday declared that legislation is needed to better regulate such institutions.

Mr. Wells announced that his investigating staff has found evidence of "cruel and inhuman treatment" of infants in some homes operated for the care of babies.

Legislation on a city or State level is necessary to give authorities a closer check on such places and also on the character of the persons operating them, the State's attorney stated.

Calls Laws Weak

Present laws regulating homes for infants "are weak and the enforcement is lax," he added.

Mr. Wells said the investigators of baby homes have found infants who are undernourished and, at times, left unattended for long periods of time.

He declared that "something has to be done to tighten up the looseness in the situation."

A report containing recommendations will be made public as soon as the probe of baby homes has been concluded.

Five Investigating

Three detectives and two policewomen are working with Mr. Wells and Anselm Sodaro, assistant State's attorney, on the probe which began last week after it was discovered that the whereabouts of a baby left in a Forrest street home had been unknown to authorities for nearly two years.

Public disclosure of that case resulted in a number of telephone calls and letters being received by the State's attorney's office.

Mr. Wells said the investigating force, which has set up offices in the prosecutor's quarters, was on the street all day yesterday "running down" the various complaints.

Difficulties Noted

Changes in the appearance of infants as they grow older, lack of information about their parents and confused and incomplete birth records make the task of locating reportedly missing babies very difficult, Mr. Wells pointed out.

The current baby-home probe began after 2-year-old Kathleen Anne Kelly was found to have been "missing" for nearly two years from a baby home operated by Mrs. Gertrude M. Hailey on Forrest street.

The little girl subsequently was brought to the State's attorney's office by Mr. and Mrs. Ellick Stoneberger, who said they obtained custody of the child from Mrs. Hailey in October, 1947.

Parents Never Returned

The baby girl, now known as Bernadette Stoneberger, is the child of George J. and Ardath Kelly, who left the infant at the Hailey home, paid one week's board and never returned.

The same Kelly couple last May abandoned another child on the steps of a Baltimore church.

They were released on probation without a verdict in the Criminal Court, but that child still is being cared for by welfare agencies because of the father's inability to obtain work. The Kellys live in New York.

EVE. SUN-8/8

Bigamist 'Thought Self Divorced'

Admitting his marriage in 1947 to a Baltimore woman, but insisting that he had really thought his real wife had obtained a divorce, George S. Glore, 36, of the 200 block East Cross street, pleaded guilty in Criminal Court on a bigamy charge.

Mrs. Ullah Glore, of Pottsville, Pa., mother of three children, made the bigamy complaint. She and Glore were married in 1936.

Glore said he had been living in Baltimore and saw a divorce notice in his hometown paper and thought that Mrs. Glore had obtained a decree. Actually, she had started proceedings, but had not pressed them because of lack of funds.

Glore married Annie V. Thompson in Baltimore in 1947.

Judge Robert France imposed a one-year sentence, dating from the time of the man's arrest last month. Assistant State's Attorney William J. O'Donnell prosecuted.

MORN SUN - 8/9/49

Youth Acquitted Of Crimes Which He Allegedly Admitted

A 19-year-old youth who, according to police, voluntarily admitted four burglary and ten larceny charges and took police over the scenes of the crimes, yesterday was acquitted of the charges by Judge E. Paul Mason in the Criminal Court.

And in winning the acquittal, the youth also sliced twelve days off a 30-day jail stay to which he had been destined.

The case involved Charles Graves, Negro, of Winston-Salem, North Carolina.

Four Burglaries, 10 Thefts

According to testimony before Judge Mason, Graves was being held in the Northwestern Police Station last July 21 pending removal to jail to serve 30-day jail sentence for vagrancy when he announced that he had something to say to the captain.

According to Capt. William Feehley, Graves then confessed to four office burglaries and to ten thefts from automobiles and took police over the scenes of the alleged crimes.

Statement Not Signed

In view of the alleged admission of the more serious crimes, the 30-day vagrancy sentence was suspended by the magistrate.

Captain Feehley said although they took a written statement from Graves, he refused to sign, saying: "I just won't sign nothing."

Yesterday, Graves denied making the statement and also denied committing the crimes charged to him.

Since the State had no witnesses to the alleged crimes and none of the articles allegedly stolen were recovered, Judge Mason ruled the prosecution had failed to prove the cases.

Under the 30-day sentence, Graves would have been in jail until August 20. He was freed yesterday, August 8. It wasn't a matter of record in the trial, but prosecutors discovered later that at the time Graves, according to his alleged statement, was supposed to have committed four of the crimes, he actually was in jail on other charges.

NEWS - 8/9

Three Deny Pen Break Attempt

Three prisoners charged with attempting to escape from the penitentiary on July 28 pleaded not guilty today in a Criminal Court room heavily guarded by deputy sheriffs and police.

The defendants said they had no means to employ counsel and asked that counsel be appointed by the court.

The trial was postponed, however, Assistant State's Attorney William O'Donnell explaining that the prosecution was not ready to proceed.

Defendants are Irvin Limper, "hop-skip-and-jump bandit" serving 59 years for armed holdup and assault and previous escape attempts; Howard Hentze, with a sentence of 20 years for holdup, and Reginald Butler, serving 20 years for attempted assault.

In addition to the escape charge Hentze is charged with assaulting a prison guard with a knife with intent to murder.

In the escape attempt the guard was held at bay with a kitchen knife while the prisoners tried to reach the wall with an improvised rope ladder. The attempt was broken up by an armed guard on the wall.

EVE. SUN - 8/9/49

Baby Inquiry Reveals Handling Of Infants At A Profit

The "baby-racket" probe conducted by the State's attorney's office today disclosed that infants under one year are being handled for profit in some of the city's nursing homes.

Assistant State's Attorney Anselm Sodaro, who was designated by State's Attorney J. Bernard Wells to conduct the investigation after a 2-year-old child was reported "missing" from a Forrest street home, today blamed welfare agencies, bith city and State, for laxity in law enforcement. He said they had failed to shut down homes trading in babies as a business and homes in which neglect and undernourishment amount to "cruel and inhuman" treatment.

Pattern Disclosed

"We have discovered a definite pattern of attempting to obtain babies under the age of 1 year from the mothers for compensation with a view to having them legally adopted and even in some instances of placing or giving these children away without legal adoption, thereby circumventing adoption laws," Mr. Sodaro said.

"Winking At Law"

"A great deal of this racket is brought about or at least winked at, by welfare agencies in their failure to enforce present laws and also by a policy of laxity in the State and city welfare deprtments.

"The welfre agencies, both State and municipal, have knowingly countenanced abominable conditions in some of these nursing homes and have failed to take proper action to close the doors of these homes.

"The laxity of these agencies has given encouragement to trading in babies.

Records Inadequate

"There has been failure to require the nursing homes to maintain accurate and sufficient records and frequent reporting of the status of children under their care."

Mr. Sodaro revealed that in some instances the infant was known to nursing-home proprietors only by a first name, the child's mother only by her first name and no record was made or known either of the child's father or surname.

The investigator also said that attempts to "later unload" infant children after purchasing them from their parents had been discovered.

Kelly Girl Located

The niquiry, now in its second week, began after 2-year-old Kathleen Anne Kelly was found to have been "missing" for nearly two years from a baby home operated by Mrs. Gertrude M. Hailey, in the 1100 block Forrest street.

The little girl subsequently was brought to the State's attorney's office by Mr. and Mrs. Ellick Stoneberger, who said they obtained custody of the child from Mrs. Hailey in October, 1947.

The baby girl, now known as Bernadette Stoneberger, is the daughter of George J. and Ardath Kelly, who left the infant at the Hailey home, paid a week's board and did not return.

3 Plead Innocent In Escape Effort

Three Maryland Penitentiary convicts pleaded not guilty to charges of attempted escape today in Criminal Court.

The three were:

IRVIN D. LIMPER, 49, serving 50 years for robberies with deadly weapon and a previous attempt to escape.

REGINALD BUTLER, 32, serving twenty years for attempted rape.

HOWARD HENTZE, 26, serving twenty years for a series of holdups after escaping from the Maryland Fensl Farm.

In addition, Hentze pleaded not guilty to a charge of assaulting Myron D. Breece, Penitentiary guard, with a table knife with intent to murder.

Prosecutor Not Ready

Judge E. Paul Mason told Assistant State's Attorney William E. O'Donnell that he was ready to hear the cases. The prosecutor replied he was not ready to present them.

The judge then asked Hentze if he could afford counsel. The convict replied he could not, and Judge Mason said he would take the matter of appointing counsel for all three "under consideration."

Three extra patrolmen from the Central district were assigned to patrol the corridor outside the courtroom and Sheriff Joseph C. Deegan had several extr. deputies stationed in the courtroom.

Prisoner Once Shot

Limper, known to police as the "hop, skip and jump bandit," was sentenced to the Penitentiary in 1930 and was badly wounded in an attempted escape in 1931. He formerly lived in the 3300 block of Eastern avenue.

Hentze, before he was sentenced, gave an address in the 3300 block of Keswick road and Butler was said to be from Elkton, Md.

4 Boys In Holdups Get Total Of 51 Years

Four 17-year-old boys were sentenced to a total of not more than 51 years in the Reformatory for Males today in Criminal Court after their convictions on a series of holdups.

Judge John T. Tucker, before he passed sentence, identified the ringleader as Clifton Scruggs, of the 2000 block Clifton avenue. In giving Scruggs an aggregate of not more than fifteen years, Judge Tucker said Scruggs handled the gun and supplied the automobile in the holdups which occurred in small places of business during last May and June.

The other three youths were sentenced to aggregates of not more than twelve years apiece. All high school students, they are: Ricardo Diaz, 1900 block Clifton avenue; Carlton Stuckey, 2100 block North Smallwood street, and Charles Kenner, 2200 block West North avenue.

MORN-SUN - 8/10

ILLEGAL BABY HOMES HUNTED

Wells Asks Public Help In Locating 'Missing' Infants

J. Bernard Wells, State's Attorney, yesterday called for public assistance in locating unlicensed baby homes after investigators disclosed that certain of the homes had engaged in commercial trafficking of infants.

Mr. Wells and members of the investigating force pressed their city-wide search to find illegal baby homes and to track down reports that babies left for nursing care are "missing."

Already, Mr. Wells and Anselm Sodaro, assistant State's attorney, have reported finding undernourished and neglected infants in certain homes, evidence of "cruel and inhuman treatment" of babies and a laxity in the enforcement of existing laws regulating baby homes.

New Disclosures

The investigation disclosed yesterday:

1. That welfare agencies of the city and State have "knowingly countenanced abominable conditions in some of these nursing homes," thereby giving encouragement in trading in babies.

2. That babies under 1 year of age are being handled for profit by baby-home operators.

3. That many homes for babies in the city cannot be located by the investigating force because they are unlicensed and there are no records of their locations.

Supervision Lacking

In urging the public to assist him in locating unlicensed homes, Mr. Wells said:

"As our investigation into the care and custody of infants proceeds, it becomes ever more apparent that there are many homes in our city having custody of infants that have neither licenses for their operation nor records of locations.

"Manifestly, these places are operating without supervision. Sometimes, properly but too often, as we have found out, to the harm of the infants placed within them.

"My assistants, Mr. Sodaro, especi[illegible] assigned to this case, and th[illegible] officers working in the matte[illegible] putting forth every effort to locate these places, but with much difficulty. We know many exist that we have not as yet come up with.

"Daily we are receiving telephone calls and anonymous letters telling us of homes heretofore unknown to us. We would prefer signed communications, but anonymous tip will help and we welcome them."

Mr. Sodaro made the disclosure that instances of a "definite pattern of attempting to obtain babies under the age of 1 year from the mother for compensation" have become known.

Adoption Laws Flouted

The assistant prosecutor charged that attempts at baby trafficking are made with the view of having the babies legally adopted or, in some instances, of having the babies placed in homes without legal adoption.

"A great deal of this racket is brought about or at least winked at by welfare agencies in their failure to enforce present laws, and also by a policy of laxity in the State and city welfare departments," Mr. Sodaro declared.

"The welfare agencies, both State and municipal, have knowingly countenanced abominable conditions in some of these nursing homes, and have failed to take proper action to close the doors of these homes.

"The laxity of these agencies has given encouragement to trading in babies.

Names Records Lacking

"There has been failure to require the nursing homes to maintain accurate and sufficient records and frequent reporting of the status of children under their care."

Mr. Sodaro further revealed that at many homes the babies and their mothers are known only by their first names, and there is no record of the surnames or the names of the fathers.

The probe of baby homes began about ten days ago after it was revealed that the operator of a Forrest street home was unable to account for the whereabouts of an infant left with her nearly two years ago.

The child subsequently was brought to authorities by Mr. and Mrs. Ellick Stoneberger, of Magothy Beach, who said they had obtained the little girl from the woman, Mrs. Gertrude M. Hailey, on October 14, 1947.

3 Plead Innocent Of Escape Effort

Three long-term Penitentiary inmates pleaded innocent to attempted escape charges when they were arraigned in Criminal Court yesterday before Judge E. Paul Mason.

The pleas were entered by Irvin D. Limper, 49; Reginald Butler, 32, and Howard Hentz, 26. Hentz also pleaded innocent to a charge of assault with intent to murder Guard Myron D. Breece.

Judge Mason said he would consider appointment of counsel for the defendants. No date for a trial was fixed.

Prison auth.rities said the attempted prison break was foiled last July 28 by an alert sentry on the wall, who observed the three men with a crude ladder made of cloth strips and iron bolts. William J. O'Donnell is prosecuting the cases.

4 Youths Jailed For Robberies

Sentences ranging from twelve to fifteen years in the Reformatory for Males were imposed in Criminal Court yesterday on four 17-year-old youths convicted of participating in a series of armed robberies.

The defendants and the sentences imposed on them by Judge John T. Tucker were:

CLIFTON SCRUGGS, of the 2000 block Clifton avenue, described by the judge as the "ringleader," fifteen years.

CARLTON STUCKY, of the 2100 block North Smallwood street, twelve years.

RICARDO DIAZ, of the 1900 block Clifton avenue, twelve years.

CHARLES KEENER, of the 2200 block West North avenue, twelve years.

'Numbers' Brought Into Murder Arraignment

Nine indicted in New York numbers ring. [Page 1.]

Baltimore's multimillion-dollar numbers racket was brought into the arraignment of a 23-year-old colored man on a charge of murder in Criminal Court today.

William Sampson, Jr., was arraignet on a charge of shooting and causing the death of John Davis, colored, last June 11.

At the arraignment, Assistant State's Attorney Alan H. Murrell told the court that Davis was known to the police as a numbers "writer" and had been convicted in Criminal Court three times on gambling charges.

Speedy Trial Asked

The prosecutor asked that Sampson be tried as quickly as possible.

Murrell then pointed out that, since June 11, when the murder is alleged to have occurred, the State has held "a great many eyewitnesses in protective custody."

"Your Honor knows what happens to witnesses in this type of case," Murrel said.

When Sampson appeared for arraignment he immediately pleaded innocent to the murder charge in an indictment returned against him by the grand jury on August 2.

Arrested In Carolina

The indictment followed Sampson's arrest on August 1 in Elizabethtown, N.C.

Following Sampson's plea, Judge Mason asked if he had an attorney and the defendant replied that his father was attempting to secure one.

Sampson said he probably would know by Saturday whether or not he would have his own counsel.

Judge Mason then instructed him to advise the court if he had been successful in securing counsel so that a court-appointed attorney could be named if necessary.

Request For Speed

It was at this point that Prosecutor Murrell arose and asked that Sampson's trial be arranged as soon as possible.

"I wish to call to the court's attention the circumstances surrounding this case in view of the defendant's request for additional time to secure counsel," Murrell said.

After stating that the indictment charges Sampson with the murder of Davis, the prosecutor began to outline information secured by police investigators but was interrupted by Judge Mason.

"Don't Tell Me"

"Don't tell me the facts of the case at this time," the judge said.

Murrell replied that he intended to discuss only facts related to the murder victim and went on to say that "Davis was engaged in business at 403 North Central avenue.

Murrell said that the garage building at that address is used as a social club.

"Police and court records show that Davis was engaged in the business of writing numbers," the prosecuting attorney continued.

He then said that Sampson allegedly fled, but was apprehended in Elizabethtown, N.C., following the issuance of a warrant by the Baltimore Police Department.

Murrell then disclosed that eyewitnesses to the alleged murder have been in protective custody since June 11.

Prompt Disposal

Judge Mason again asked Sampson what arrangements he was making to secure counsel and closed the arraignment proceedings with the statement: "I will dispose of it promptly."

Police records show that Davis was arrested three times in the building where he is alleged to have been murdered.

Following his first arrest on March 13, 1946, he was convicted of maintaining a lottery and fined $250. Arrested at the same address again on January 31, 1947, he was convicted of the same violation and fined $300.

His last arrest was on December 28, 1948, and upon conviction on a lottery charge he was again fined $300.

BALTIMORE, WED., AUGUST 10, 1949

The Law On Baby Care

That present laws regulating baby homes in Baltimore "are weak and enforcement is lax," as State's Attorney J. Bernard Wells has stated, may come as something of a surprise. Less than a week ago officials of the State Department of Public Welfare claimed that the laws are models for other states.

Whether there is a real difference of opinion between the two departments will not be known until the State's attorney's office completes its current investigation. One thing that is becoming clear is that there are two deficiencies in the present arrangement.

Day nurseries, where the child is still maintained and controlled by the mother but left during the day, do not come under the detailed supervision that commercial foster homes receive. The second deficiency has been the lack of knowledge on the part of the public of the laws licensing and regulating the commercial foster homes, as opposed to day nurseries.

The publicity arising from the case of a 2-year-old girl "missing" from an unlicensed foster home for almost two years has done much to correct public ignorance. A number of people operating foster homes have claimed not to know that licenses were needed. Other unlicensed homes have been uncovered on information from neighbors.

What is needed now is full enforcement of a generally adequate law in the case of those homes that had not previously been licensed. Whether day nurseries ought to be brought under some sort of similar supervision is a problem that can well be left until the State's attorney has completed his investigation. On the face of it, common sense says they should.

MORN SUN - 8/11

NUMBERS LINKED TO MURDER CASE

Speedy Trial Of Sampson Sought By Prosecutor

A murder case pending in the Criminal Court yesterday was linked to the city's numbers racket and a speedy trial of the case was sought by the State prosecutor because it has been necessary to keep about nine witnesses "under protective custody."

"Your Honor knows what happens to witnesses in this type of case," Alan H. Murrell, assistant State's attorney, told Judge E. Paul Mason.

Fatal Shooting Charged

The case involve William F. Sampson, 23-year-old Negro, who pleaded innocent at his arraignment to a charge of fatally shooting John Davis, 40, also a Negro, last June 11.

Mr. Murrell told the court police records disclosed Davis was engaged in the business of writing numbers at a garage and club in the 400 block North Central avenue. He said three lottery convictions had been returned against Davis.

Told To Get Counsel

Judge Mason directed the accused to obtain counsel within two days. Otherwise, the court will appoint counsel, Judge Mason told Sampson.

The judge refused to permit Mr. Murrell to disclose information which had been gathered by police in an investigation of the killing.

Mr. Murrell said Sampson was not arrested until August 1, when he was seized by police in Elizabethtown, N.C. Witnesses have been guarded by police since the day of the murder, Mr. Murrell added.

James Hanging Slated Tonight

Eugene H. James will be hanged shortly after midnight tonight for the murder of 11-year-old Marsha Brill.

Just before or after the Negro janitor is executed, John Thomas Knowles, a 26-year-old Negro who stabbed his girl friend to death, also will go to the Penitentiary gallows.

The Court of Appeals in April upheld the sentences in both cases.

James was convicted of stabbing the Brill girl in July, 1948, while she was bicycling with friends.

Knowles, a merchant seaman stabbed Ruby Davis, 22, to death in Druid Hill Park last summer before scores of witnesses.

Governor Lane signed death warrants for both men last month.

CITY BOARD BALKS AT $50-A-DAY JOB

Wells Wants To Hire Engineer To Help In Cost Probe

The Board of Estimates balked yesterday at the proposal of Bernard J. Wells, State's attorney, to engage a $50-a-day engineer to assist in the city's cost-plus contract investigations.

On a motion by Mayor D'Alessandro, the board made a counterproposal that the assistant director of public works, George E. Finck, be assigned to the engineering phase of the investigation with no extra cost to the city.

The issue is not yet settled and probably will result in a conference between the Mayor and Mr. Wells, unless the latter accedes to the proposal of the board.

Wells Has Man Picked

"Mr. Finck is perfectly qualified to do the work and he has, at present, the time to do it," said Paul L. Holland, director of public works.

"I see no reason why we should spend $50 a day for the work when we have a man who can do it," said the Mayor.

The State's attorney had urged the engagement of William P. Kahl, 1021 North Calvert street, who was employed by the city's solicitor's office in the recent investigation of veterans' housing construction.

Mr. Wells said the engagement of an engineer is necessary to "make certain examinations in the field and testify as to his findings in court."

"It is respectfully requested," he wrote, "that the Board of Estimates authorize the employment of Mr Kahl to assist Mr. Howard C. Beck (the city auditor) in connection with his investigations in the cost plus contract cases. I understand that Mr. Kahl would expect compensation at the rate of $50 per day—$25 for part of a day, the same rate he was paid in connection with the housing investigation."

He asked that Mr. Kahl's initial employment be for 20 days.

The letter to the board was not the first intimation of what Mr. Wells had in mind nor will the official counterproposal of the board be news to the State's attorney.

The Mayor said Mr. Beck told him ten days ago of the Wells proposal. He said he immediately consulted with Mr. Holland and George A. Carter, deputy director of Public Works, and that both had suggested the assignment of Mr. Finck. The decision was sent to Mr. Wells and Mr. Finck has been waiting for the assignment. Mr. Wells ignored the proposal for the use of Mr. Finck in his official letter to the Board of Estimates yesterday.

"If Mr. Wells considers Mr. Finck not satisfactory," said Mr. Holland, he should at least say so."

In addition to being assistant director of Public Works, Mr. Finck is secretary-engineer of the Off-Street Parking Commission.

MORN SUN - 8/11 NEWS - 8/11

Succeeds The Late Dr. H. J. Maldeis In State Post

Dr. Walter W. Jetter, who for nine years has been doing post-mortem work for the Massachusetts State Police and county medical examiners in Massachusetts, today was named Chief Medical Examiner of Maryland to succeed the late Dr. Howard J. Maldeis.

Announcement of his selection to fill the $15,000-a-year vacancy was made today by Dr. Robert H. Riley, head of the Statewide commission to make the choice.

MAN FOR POST

Dr. Riley said of Dr. Jetter:

"We have been searching since Dr. Maldeis' death in January for the top man we could possibly get for the post, and in Dr. Jetter we think we have found him."

Dr. Jetter was born in Buffalo, N. Y., September 4, 1905, is married and has two children.

GRADUATED IN '31

He graduated in medicine in Buffalo in 1931 and got his Master of Science degree in 1938.

After being pathologist at the Buffalo City Hospital, he went in 1940 to Taunton, Mass., where he was pathologist for the State hospital there.

For several years he taught legal medicine at Harvard, and recently was made full professor of legal medicine at the medical school of Boston University.

He will take up his duties here September 15.

Two To Die On Gallows At Midnight

Eugene H. James, knife-wielding Negro handyman who slashed to death eleven-year-old Marsha Brill in July, 1948, will go to his death soon after midnight tonight on the Maryland Penitentiary gallows.

Also scheduled to die is John Thomas Knowles, twenty-six, a merchant seaman, who stabbed his girl friend, Ruby Davis, twenty-two, to death as scores watched in Druid Hill Park last summer.

James was convicted of the slaying of the Baltimore child and also confessed to a similar murder in Washington a short time before the little girl was slain here.

The two murder convictions were upheld by the Court of Appeals in April and Governor Lane signed the death warrants last month.

Louis Azrael Says: NOTES ON 2 ASPECTS OF LAW ENFORCEMENT

—By LOUIS AZRAEL—

To the State's Attorney of Baltimore City . . .

Dear Bernie Wells:

Last April 5, the body of a four-year-old boy was found in a wagon on a West Baltimore street. The boy had been maltreated and killed.

Four days later, police arrested a man named Lewis Barker, as a suspect in this case.

Two days after that, the Baltimore Grand Jury indicted Barker, charging him with murder.

It is four months today since the indictment was issued.

Since then, the man has been in jail, awaiting trial.

Is it consistent with Baltimore's policy of quick justice to keep a man in jail over four months without bringing him into court to decide if he is innocent or guilty?

To the Police Commissioner of Baltimore City . . .

Under your urgence, the Police Department apparently has bestirred itself about the "numbers racket." There have been a few arrests and a lot of talk.

The most impressive part of the talk is that, according to your vice squad captain, about 25,000 persons are engaged in the numbers racket in Baltimore. All except a few are small fry.

It is only the small fry, however, who are ever arrested.

Your subordinates, and important persons in official and non-official places, bemoan the fact that the higher-ups can't, apparently, be caught. Nobody seems to know who are the big shots in the numbers racket.

Much of this talk, Colonel, is bunk.

There are any number of men in your department; there are any number of politicians and other persons in Baltimore, who have pretty clear ideas as to who are the big numbers operators in this city.

Perhaps they couldn't go into court and prove it, because they haven't the tangible, technical kind of evidence that courts require.

But they know. And a serious crimp could be put into gambling operations in Baltimore if people—including the important, official people—really wanted to do it.

LOOK AT THE LISTS

Colonel, there's an awful lot of sham in the pious disapproval of gambling operations in this city.

Do you want to know who are some of the big gambling operators?

Take the list of contributors to any big political campaign—the mayoralty campaign, the gubernatorial campaign—and ask the campaign manager, or even the candidate himself, which of the contributors represent the gambling element.

If the answers are truthful, you'll have a list containing names of many of the persons your department now says it can't discover.

LOWER LEVELS

You don't have to go that high for your information.

Ask the politicians of lower estate, ask district leaders, ward leaders, bosslets.

If they are frank—and they won't be—they will tell you they depend on the "gambling element" to help them maintain their organizations and to conduct campaigns.

As a matter of fact, Colonel, you can probably ask within your own department, among some of its highest-ranking men, and get a fairly accurate list of the top men in the number and bookmaking rackets; the men you are trying to apprehend.

Now, of course, there i. often a great difference between knowing who operates a racket and getting the evidence with which to convict him. It may be the everyone in your department sincerely and intelligently tr to stop—or at least reduce gambling rackets in Baltim

Maybe they just can evidence against th know are guilty.

Tha', however, is talk is going.

THE REAL SIT

The talk is that wh to pick up small-fry there is great mystery secret characters who the small fry.

I don't believe there any such mystery.

The gambling rackets so freely here because, pr there is no real wish on t of the populace, including men in official positions, t them.

In votes, in contributions, i fluence, the "gambling elem is an important political fact Baltimore, as any practical tician can tell you.

And as long as the help o gambling element is accepted, long as this element is part o political machinery, your el to curb them will be of lim effectiveness and of short d tion.

EVE SUN - 8/11

Dr. Jetter Named Chief Medical Examiner

Dr. Walter W. Jetter, 43, former member of the Harvard Medical School faculty and professor of legal medicine at Boston University, today was named to succeed Dr. Charles J. Maldeis as chief medical examiner for the State of Maryland. The office has been vacant since Dr. Maldeis's death January 15.

Announcement of the appointment was made by Dr. Robert H. Riley, chairman of the State Post-Mortem Examiners Commission at a meeting today.

The choice of Dr. Jetter, said Dr. Riley, was made on the unanimous decision of board members, Dr. Hugh R. Spencer, vice chairman; Dr. Huntington Williams, commissioner of health of Baltimore; Dr. Arnold R. Rich, and Carey Jarman, superintendent of State police.

Canvassed Entire Field

Dr. Riley said the commission canvassed the entire but limited field of qualified persons who could fill the position. He said the commission "set its sights high and Dr. Jetter's name headed the list."

Dr. Jetter will take over his new post September 15, Dr. Riley said. His office will be located at 700 Fleet street.

DR. WALTER W. JETTERS

Born in Buffalo in September, 1905, Dr. Jetter received his medical degree from the University of Buffalo Medical School in 1931 and his M.S. in medicine in 1938 from the same school.

Experienced Pathologist

From 1934-1939, Dr. Jetter was a pathologist at Buffalo City Hospital and the University of Buffalo. In 1939 he went to the Taunton (Mass.) State Hospital, where he served as pathologist for one year.

In 1940 Dr. Jetter was named to the post of State pathologist for the Department of Mental Health and was director of legal medicine for Massachusetts in that department.

For the past nine years, he has been actively engaged in conducting medical, legal autopsies for Massachusetts police and local and county medical examiners.

Director Of A.B.P.

Serving on the Harvard Medical School faculty since 1940, Dr. Jetter was assistant professor of legal medicine until his appointment as professor and head of the department of legal medicine at the Boston University School of Medicine.

He is a member of the American Board of Pathologists the American College of Pathologists, the Council on Tests for Intoxication for the National Safety Council, and is pathologist for the Registry of Gerontology. He has published more than 35 articles on medicine in various scientific and medical journals.

Dr. Jetter is married and has two children, aged 5 and 7. He said he is happy to take over the job of chief medical examiner in the State because the medical examiners system in Maryland is second to none in the country.

3 Cited; Didn't Pay Numbers Fines

Judge Robert France today issued bench warrants to apprehend three numbers writers who had defaulted on their $100 fines after conviction on lottery charges last May in Criminal Court.

The three being sought, all colored, are:

WILFORD CARTER, of the 1500 block North Pulaski street.

NORMAN GADDY, of the 1200 block Shellbank road.

JULIAN CORBIN, of the 1700 block McKean avenue.

Given Time To Pay Fines

The men were tried in criminal ccurt last May 7 and found guilty. They filed motions for new trials, which were denied last June 20.

The fines were levied June 30 and the court allowed them time to raise the money. They failed to pay the fines by the deadline and the warrants for their arrests were issued today.

MORN SUN 8/13

WRONG ROAD ENDS IN IMPRISONMENT

Man Makes Error In Driving Stolen Auto By Courthouse

David P. Lochner, 28, made a mistake in driving a stolen automobile past the Courthouse because the vehicle was quickly spotted by two policemen who had attended a trial in the Criminal Court, according to testimony before Judge E. Paul Mason.

Lochner, who lives in the 3700 block Falls road, was convicted of stealing an automobile from Kelly Buick, automobile agency by which he had been employed.

Observed 11 Days Later

Alan H. Murrell, prosecutor, disclosed that Lochner had borrowed the automobile for two hours on the pretext of wanting to take his mother to a hospital. It was eleven days later that police observed the stolen vehicle on Calvert street, Mr. Murrell disclosed.

Lochner contended he was about to return the car when he was arrested. Judge Mason sentenced him to a year in the House of Correction after being told that Lochner previously had been convicted of unauthorized use and larceny of automobiles.

MORN SUN - 8/13

Bad Checks Bring 28 Months In Cut

Convicted of passing seven bogus checks and obtaining more than $300 in cash and merchandise, Elmer Lindermore, 56-year-old father of five children, yesterday was sentenced to 28 months in the House of Correction.

Lindermore, who also is known as Lewis Yeager, was arrested last July 26 in the vicinity of O'Donnell Heights after he attempted to pass a bogus check at a filling station, according to Alan H. Murrell, assistant State's attorney.

Mr Murrell told Judge E. Paul Mason the defendant had been convicted twice before of bad-check charges.

MORN SUN-8/12

JAMES IS HANGED FOR BRILL MURDER

John T. Knowles Also Goes To Gallows For Killing Woman

Eugene H. James, Negro janitor and handyman, was hanged at the Penitentiary early this morning for the murder thirteen months ago of 11-year-old Marsha Brill.

Preceding James to the gallows was John Thomas Knowles, who stabbed his girl friend to death one Sunday afternoon last year in Druid Hill Park.

Prison officials said the noose slipped during James's hanging, the first time such a thing had happened at an execution in more than twenty years.

Morphine Administered

But he was pronounced dead at 12.36 A.M., fifteen minutes after the trap was sprung.

Meanwhile, morphine was administered to James by Dr. Henry W. D. Holljes, prison physician. Dr. Holljes said James died from a broken neck and strangulation.

Knowles went to the gallows at two minutes after midnight and was pronounced dead fourteen minutes later.

Knowles was impassive, but James almost collapsed and had to be supported by guards on the way to the platform.

Had Little To Say

James was 32. According to the Rev. B. F. Blubaugh, Protestant chaplain, he said little in the hours before the execution.

Neither he nor Knowles had visitors yesterday.

Knowles, 26, killed Ruby Davis, 22, before dozens of onlookers near the Columbus Monument in the park June 13, 1948.

Knowles stabbed the woman a total of 25 times, according to testimony at his trial, but his plea that it was a "crime of passion" was rejected because he had previously threatened to kill her.

Riding Her Bicycle

The Court of Appeals upheld both death sentences in April and Governor Lane signed the death warrants last month.

James emerged from bushes along Glen avenue, Pimlico, and stabbed Marsha Brill to death as she was riding her bicycle along the road with two playmates.

The courts rejected claims by James's counsel that he was mentally unbalanced, with a subconscious hatred of young girls, or that he confessed as a result of "psychological torture" by Baltimore police.

Indicted In Washington

James was indicted in Washington for a similar murder, the killing of 11-year-old Carol Bardwell, who was bicycling in Rock Creek Park when she was raped and stabbed to death only nine days before the Brill slaying.

Washington police quoted James as admitting he killed Carol after he had sat for hours watching swans in the park while on a visit to the Capital.

The James case also was the cause of a lengthy legal battle which resulted in a State Court of Appeals decision striking out key sections of the Criminal Court rules here restricting publication of crime news.

Convictions Upset

Four radio stations and a news commentator were convicted of contempt of court for broadcasting details of James's arrest and confession following the Brill murder, plus details of the prisoner's past crime record.

The stations and the commentator appealed, and the higher court upset the convictions, remitted fines that had been imposed and ruled the crime-news rules of the courts here violated constitutional guarantees of freedom of speech and press.

Happened In July, 1948

James was arrested within a few hours, after Marsha's death July 6, 1948, and on July 8 was charged with killing her. He was tried in September and convicted of first-degree murder by a judge who described the crime as a "horrible, outrageous offense."

The Supreme Bench of Baltimore later denied James a new trial. He then was sentenced to hang and the sentence was affirmed by the Court of Appeals.

Three Face Arrest Again In Lottery Case

Bench warrants were issued yesterday for the arrest of three men who failed to pay $100 lottery fines imposed last May 7 by Judge Robert France in Criminal Court.

The three men had taken a motion for a new trial after they were convicted of the numbers charges June 30.

The warrants were issued for Wilford Carter, of the 1500 block North Pulaski street; Norman Gaddy, of the 1200 block Shellbank road, and Julian B. Corbin, of the 1700 block McKean avenue.

EVE. SUN-8/12

Wells Approves City Handling Of Gambling

State's Attorney J. Bernard Wells said today that Baltimore police have been handling numbers racket and other gambling violations "efficiently and well," and that his office should not be given a special gambling squad of police officers such as that used in New York.

Asked to express himself on the city's numbers racket and possibilities of checking it, Mr. Wells said:

"We will prosecute vigorously all numbers, lotteries and other forms of gambling cases."

He added that he did not consider it his duty to direct investigation of the numbers racket.

Specialists Not Wanted

Mr. Wells said that he did not think a special investigation squad of specially trained officers should be assigned to his office, for two reasons. First, he said, it would take a legislative act to provide it. Second, it would cost "a tremendous amount of money."

He admitted, however, that he felt that "unlimited funds" made available to hire such trained investigators would aid in "clearing up" the Baltimore numbers racket rings.

He said that such a squad had been previously suggested in various grand jury reports, but that no such action had been taken.

"Courtesy" Loan

When asked of the five special policemen assigned to his office in the current investigation of the "baby racket," Mr. Wells said those officers were with him only "by courtesy" and that they were responsible to Commissioner Ober as well as to the State's attorney.

When asked if he thought it possible to get a special gambling squad "by courtesy," Mr. Wells said: "It would require the approval of the Supreme Bench and the Board of Estimates." No such approval was required in the case of the baby-racket probe.

Unlike N.Y. Detail

The office of Mr. Wells is quite unlike that of New York county in organization. New York has about 100 detectives and special officers attached to its office, and the launch broad-scale investigations of their own, quite independently of the Police Department.

Mr. Wells said he was familiar with the New York organization, but that he had not made a study of it. He said: "The investigation of the numbers racket now going on in New York has probably cost several hundred thousand dollars to date. They have squads of specially trained men specifically assigned to gambling and numbers investigations."

Mr. Wells maintained that his office must wait for police to launch investigations and make arrests before prosecution.

MORN. SUN-8/13

MASEK GETS TERM IN REFORMATORY

Youth, 18, Draws 5 Years For Slaying New York Divorcee

Charles F. Masek, 18-year-old former City College student, convicted of the brick-bat slaying of a New York divorcee, yesterday was given a reformatory sentence of not more than five years following his release from a New York sanatorium.

Masek was convicted of manslaughter in the slaying of Mrs. Mina Taylor on August 16, 1947, in the 4200 block Parkmont avenue.

The killing baffled police and the court because of the lack of any apparent motive.

Masek was convicted of the charge by Judge Joseph Sherbow in December, 1947. Judge Sherbow, after hearing reports from psychiatric and medical experts, said no adequate explanation for the youth's act had been found.

Takes Institutional Treatment

The judge had suspended sentence on condition Masek submit to observation and treatment under Dr. Bernard C. Glueck, head of a mental institution at Ossining, N.Y.

Yesterday, the judge told Masek that he had received full treatment at the New York institution.

Testimony at the trial disclosed that Masek had been drinking at a neighbor's party for a returning soldier and that he had walked out of the house when he heard a quarrel about a block away.

On the way to investigate the quarrel, he picked up a brick, it was testified. Finding the woman alone, he followed her for a short distance. When she turned and scratched him on the face, he hit her with the brick, Masek said in a confession to police.

NEWS-8/12 8/12

Noose Slips, But James Hangs For Brill Murder

Eugene H. James, Negro handyman who stabbed to death eleven-year-old Marsha Brill 13 months ago, paid for that crime on the gallows of the Maryland Penitentiary today.

He was hanged a few minutes after the State executed John Thomas Knowles, twenty-six, who murdered his girl friend on a Sunday afternoon in Druid Hill Park before the eyes of scores of people.

It was the second consecutive double execution scheduled in the Penitentiary that was marred by the unexpected.

ENDED OWN LIFE

In the previous one, Roy Arnold Wood, slayer of a policeman, committed suicide just before he was to be led to the gallows.

As James dropped through the trap the noose slipped and instead of becoming unconscious immediately he continued to struggle. His outcries were plainly audible throughout the execution chamber.

It was necessary for two guards to hold his legs, and, with the sanction of Warden Edwin Swenson, Dr. Henry W. Holljes, prison physician, gave him an injection of morphine to dull the pain.

FREES ONE ARM

James managed to struggle one arm free from the strap with which he was bound and reached upward to the noose. He had almost reached it when his body went suddenly limp.

The trap was sprung at 12.21 A. M. and at 12.36 A. M. Dr. Holljes declared James dead.

James not only was convicted for the death of Marsha Brill, but also, according to Washington police, confessed to the similar murder of Carol Bardwell, also eleven, who was attacked and slain in Rock Creek Park.

SUNDAY SUN 8-14-49

MUTH TAKES WELLS TO TASK ON 'NUMBERS'

Expresses Surprise At His 'Refusal' To Direct Drive On Gambling

William J. Muth, vice president of the City Council, yesterday expressed "surprise and anxiety" at the "refusal" of the State's attorney to direct an all-out drive against gambling in the city—particularly against the numbers racket.

In a letter to J. Bernard Wells, Councilman Muth declared:

". . . Only through district attorneys has any headway been made against . . . the so-called higher-ups of the gambling rackets.

Says They Must Go

"Gambling rackets and the vicious racketeers now operating in this community must go, and our citizens are looking to you and the Police Department for action on all fronts and by all possible means."

Meanwhile, as eight more persons were arrested on numbers charges, Capt. Alexander Emerson, chief of the vice squad, reported he found 1,000 numbers slips in a single raid.

Mr. Muth's letter was in reply to Mr. Wells's recent statement that "Baltimore police have been handling gambling violations effectively and well."

Text Of Letter

The text of the Councilman's letter follows:

"I have noted with mingled surprise and anxiety your recent public statement that 'Baltimore police have been handling gambling violations effectively and well.'

"It is not clear just how you reconcile this statement with Captain Emerson's remarks that 25,000 persons are presently operating in the numbers racket alone, unless you consider this a normal employment figure in a rapidly expanding local industry.

"I am, however, much more deeply disturbed over your refusal to personally direct a special squad of police in an all-out drive against gamblers in this community.

Cites County Prosecutor

"Surely you must be aware that only through such action, by district attorneys, has any headway been made against the principals, political or otherwise, or so-called higher-ups of the gambling rackets.

"Indeed, you have an example only 8 miles from Baltimore at Towson, where the State's attorney of Baltimore county has for several years conducted successfully a special squad against gambling and vice generally.

"Gambling rackets and the vicious racketeers now operating in this community must go and our citizens are looking to you and the Police Department for action on all fronts and by all possible means.

"If this objective demands a special prosecutor and staff of police, it is your duty now to ask the city and State authorities for such help. Contemplated expense of criminal investigation and prosecution should never be a deterrent in the wiping out of crime and criminals in this community."

Six of the persons arrested yesterday were apprehended in a raid by Captain Emerson and Patrolmen Hubert Hogan and Vincent Gillease in a residence in the 1500 block East Madison street.

All Busy, He Says

At the hearing before Magistrate August A. Kozlovsky in Northeastern Police court, the captain testified he kicked in the front door and discovered four men and two women—all Negroes—busily at work about a large table.

On the table, he said, were approximately 1,000 numbers slips.

Four of the six persons were charged with possessing numbers slips yesterday.

Those Accused

They are:

WILLIAM MORGAN, 43, of the 800 block North Dallas street.

ALBERT BERRY, 35, of the 1600 block McElderry street.

WILLIAM IRVINS, 25, of the 1500 block East Madison street.

MRS. PENSACOLA ROSS, 42, of the 1600 block East Madison street.

The other two were charged with possessing numbers slips on four dates, July 30, August 6, August 9 and yesterday. They are:

JAMES WHITE, 35, of the 1500 block East Madison street.

MISS ARIZONA MICKLE, 47, of the 1500 block East Madison street.

All six were released in $1,000 bail each.

Two Are Arrested

In South Baltimore, meantime, Sergt. Wade Poole and Patrolman Leroy Moody arrested two men on numbers charges when, they testified, they saw one of them take a bet from the other.

Those charged, both Negroes:

JAMES COON, 54, of the 2400 block Huron street, who, the policemen said, took the bet.

CHARLES SMITH, 51, of the 900 block China street, who, they said, placed it.

They also were released in $1,000 bail each.

Asks As To Luck

Sergeant Poole told Magistrate Herbert F. Franklin in Southern Police Court that he had asked Smith if he thought he had a lucky number.

"Yes, sir," he quoted Smith as replying. "I dreamed it."

"Well," said Magistrate Franklin, "that's one dream that won't pay off."

EVE. SUN - 8/15

Legal Status Of Spiritualists Seems Vague As A Ghost

Like muffled sounds from another world, the voices of Baltimore's legal and law enforcement officials came back confused and unsteady today when asked the status of spiritualists under local statutes.

Dr. Horace E. Flack, director of legislative reference, summing up the law's attitude toward mediums and such, murmured, "It's a knotty problem—just where to draw the line in such cases."

So saying, he vanished behind what well may have been a cloud of scat-away powder.

Section Is C[illegible]

Later Dr. Flack [illegible] and together with J. [illegible]lls, State's attorney, [illegible]ector M. Joseph W[illegible] to-gether an interpretation of Section 1146 of the City Charter.

That section clearly prohibits the "forecasting or foretelling or pretending to forecast or foretell the future of another by cards, palm reading, or any other scheme, practice or device. . . ."

The rub comes in interpretation of the words "foretelling" and "future."

Character Reading

"It's not illegal, for example, to predict that this or that person will turn out this or that way," said Mr. Wells. "That's character reading. We all do that."

And, according to Inspector Wallace, it's not forbidden to assure the survivors of the deceased that he is doing well in the hereafter.

"That's religion," he explained.

Even lucky boxes, seven-day candles, and money-drawing incense are legal, provided the buyer is told that his faith is a key factor and no unqualified prediction is made.

It is, Dr. Flack elucidated, outside the law to predict that the user of a love potion will definitely run into an amiable redhead within 24 hours after its use.

On the other hand, it is quite acceptable to say that the potion "will make people love you if you believe in it."

In matters of ghostly and supernatural, the law is anything but specific. Take, for example, scat-away powder, which, when scattered, is said to discourage a man's enemies from bothering him.

Recalls Convictions

"You might make out a case for fraud there," Dr. Flack said, "if the advertisement on the box didn't hedge. But suppose the buyer didn't have any enemies. What would the prosecuting attorney do then?"

The prosecuting attorney in such cases, Mr. Wells, remembers, some spiritualist convictions a few years ago, usually cases of clear fraud or violations of the Federal Food and Drug Act.

The Federal Government, he said, is interested only if a given potion is actually dangerous or if a box is illegally labeled—that is, if a container marked "Dove's Blood" is filled with something other than Doves's blood.

Crystal Ball

No given article of spiritualist paraphernalia is in itself verboten. Even a crystal ball, which, if gazed into, can become a prosecutor's Exhibit A, is harmless if used for decoration.

To cover themselves, sellers of mediums, equipment usually label their potions, incenses, and oils "so-called" or "alleged," or "This is sold as a novelty curio only—we make no supernatural claims."

Most spritualists are exempt from the law, Inspector Wallace explained, because they deal with the past, not the future.

"You're in love, see? And you come to me. I go into a trance. I pray. I tell you what a hard time you've been having, tell you all about your troubles. That's the past I'm telling you about. Nobody can arrest me."

MORN-SUN-8/16

EX-PRISONER BACK IN JAIL

Man Free 15 Hours Gets Year On Car Charge

Within fifteen hours after he had been released from serving a prison sentence for unauthorized use of an automobile, Edward Wheelton, 26, was again in the clutches of the law on similar charges, according to evidence yesterday in Criminal Court.

Wheelton, a Negro, of the 1000 block West Clay street, was arrested last July 31 as he was driving a stolen car 70 miles an hour over the Orleans street viaduct, Saul Harris, prosecutor, told Judge E. Paul Mason.

11-Month Sentence Cited

Mr. Harris said Wheelton had just completed an eleven-month sentence for unauthorized use of another automobile. The prosecutor also disclosed that Wheelton has an extended larceny record which has kept him in prisons almost continuously since 1941.

Judge Mason sentenced the defendant to one year in the House of Correction.

Thief Taken Back By His Employer

Because of the intercession of his employer from whom he stole more than $400, Roland Smith, 17-year-old radio mechanic, yesterday was released on probation to make restitution of approximately $170, representing the unrecovered portion of the theft.

Smith, a Negro, who lives in the 500 block Parrish street, was convicted of stealing $407.66 from the cash register of an appliance store in the 1800 block Pennsylvania avenue, where he worked part-time.

According to Saul Harris, assistant State's attorney, Smith remained in the store after closing hours after severing wires to the burglar alarm system. Sherlock Grinage, the employer, offered to re-employ Smith at $25 a week and to permit the youth to pay $5 a week on the unrecovered portion of the theft. Judge E. Paul Mason fined Smith $100, but suspended a two-year prison sentence and placed the youth on probation for three years.

NEWS-8/16

Gas Chamber Or Electric Chair For Maryland?

THE revolting spectacle of the botched hanging of Eugene H. James, handyman who murdered little Marsha Brill, should end an era in the marred history of legal executions in Maryland.

Eugene James was sentenced to death, BUT NOT TO TORTURE. He died in slow, dreadful agony, after the noose failed to function properly.

However richly he deserved execution, he retained the right to die as the law provides—protection against failure of the machinery of execution, which previous bungled hangings have shown to be too fallible.

Twenty-five years ago, the notorious criminals, Charles ("Country") Carey and Benjamin F. Spragins, were hanged in the Penitentiary after the killing of a prison guard. In both their hangings the noose slipped and Carey, particularly, died by slow strangulation.

The execution of James was a SPECTACLE that sickened even experienced observers.

To spare the reader the more revolting details, it is sufficient to say that when the condemned man plunged through the trap at 12.21 A. M., the knot placed behind his ear, which was supposed to break his neck instantly, slipped around under his chin.

HIS body jackknifed and he screamed and uttered choking, guttural sounds for four minutes as his torso and limbs writhed convulsively.

About one minute after he fell through the trap, three guards seized his feet in an effort to keep him still. At direction of Warden Swenson, the prison physician gave James an injection of morphine in a leg, but he continued to scream and writhe for three more minutes.

He slipped the strap binding his arms to his side and reached one clutching hand nearly to his throat, almost succeeding in getting his fingers inside the noose.

At 12.30, nine minutes after the trap was sprung, he uttered his last guttural sound. At 12.36 his body was lowered to a point near the floor for stethoscopic examination by the physician. It was left hanging until 12.41, 20 minutes after the trap was sprung, when, after another examination, the physician nodded to the assistant warden.

The official time of death was announced by the warden as 12.36.

Until a generation ago, condemned persons were hanged in county jails as well as in Baltimore. Some of the spectacles outraged the sensibilities of citizens.

At the hanging of Isaac Winder, murderer, in Towson jail before World War I, spectators broke through a fence around the jail yard and plucked hairs from the head and fragments from the clothing of the man hanging dead, for preservation as "SOUVENIRS."

THIS sort of thing caused a change in the law requiring all executions to be carried out in Maryland Penitentiary, in relative privacy.

But experience has shown that the hanging method of execution does not sufficiently safeguard the condemned man from the possibility of frightful torture not contemplated by the law and reminiscent of the savage BRUTALITY attending executions in ancient and medieval times.

The gas chamber and the electric chair have been chosen in many jurisdictions as an improvement on hanging.

Is it not time that the Maryland Legislative Council and Governor Lane give earnest attention to the problem, with a view to placing the question of modernization of the Maryland method of executions before the Legislature for consideration and action?

EVE. SUN-8/16 49

State Gambling Is Seen Going Underground

Maryland's gambling industry was in the throes of a mild recession today.

Bookmaking was under cover in Baltimore as collectors of the two-dollar race-track bet gave themselves a vacation from business and Capt. Alexander Emerson's Police Department vice squad.

"Numbers" were much quieter in the city and adjacent counties now that the ranks of "runners" (collectors) and a few "bankers" (operators) have been somewhat riddled by recent raids and arrests.

Slot Machines

But slot machines, except for a few closed locations, were almost as strong at Ocean City, where they are illegal, as in Anne Arundel, Calvert, Charles and St. Mary's where they are within the law.

Too much publicity and an outbreak of law enforcement had sent a lucrative industry partially underground until more favorable conditions prevail, according to some of its better informed clients.

Many Baltimore operators were said to be on an "extended vacation," some seeking the healthier climes of Ocean City, Md., where officially "suppressed" gambling operations are reportedly flourishing with the exception of a few shut down by Worcester county authorities.

Others Moving

Others were said to be moving to new addresses in the city and preparing for a reopening as soon as current Police Department vice squad pressure ceased on numbers and bookmaking operations.

Patrons of the more pretentious gambling houses at State resorts reported week-end playing of dice games, roulette and black jack were uninterrupted by attacks on rackets and vice.

Harder To Wager

Bookmakers were hesitant about making any formal announcement regarding their movements, but it was indicated that wagering would be increasingly difficult in Baltimore for at least a week. Strangers had difficulties laying bets. Bookmakers were reported reluctant to accept any by telephone.

Many of those who parlay the public's money across the tote boards of the nation's horse-racing tracks are also recipients of wagers on "today's lucky number," it was explained. The drive by State's Attorney J. Bernard Wells and City Police Commissioner Beverly Ober against the "numbers" racket have made the general occupation somewhat uncertain and unstable.

Coin Machines

Coin machines still accounted for a major share of the gambling profession's daily income as distributors reported little or no interference with their operations.

In the Southern Maryland counties, now known as "slot machine heaven," the one-armed bandits and other coin machines were twirling cherries, pears and lemons with the usual adandon and appeal to the nickel, quarter and half-dollar investor.

Ocean City

Ocean City slot machines were not yet back on a full-time operation basis after Sheriff Arthur Duer of Worcester county shut down the paradoxical legal illegality of such devices and gambling in general. However, it required no search for those desiring to play the machines to find a full supply of the source of their amusement in many of the resort's "centers."

Saturday Sheriff Arthur E. Duer, of Worcester county, confiscated one Ocean City slot machine and declared, "the town's as clean as a whistle."

Mayor Daniel Trimper, of Ocean City, acknowledged that the confiscated machine "was maybe just put out there as a blind." Whatever the reason, open gambling has been soft pedalled by the local console tycoons.

No gambling paraphernalia is seen on the boardwalks now, the Mayor said. As far as he can see, games of chance in the resort town are now limited to bingo games.

EVE. SUN-8/19

Proof Of Job Draws $25 Fine

A man who handed a police court magistrate a lottery ticket as proof of employment today received a fine of $25 and costs in Criminal Court.

The man is John E. Pittman, colored. He was summoned into Magistrate Thomas L. Fitzpatrick's court by his wife, on complaint of drinking and losing jobs, Assistant States Attorney William O'Donnell said in court today.

Mr. O'Donnell told the court that Pittman told the magistrate he had a job and showed a piece of paper to prove it. The paper was a numbers ticket.

MORN-SUN-8/20

BABY PROBE NEARING END

Data Expected To Be Presented To Grand Jury

Investigation by the police and the State's attorney's office into baby homes in Baltimore will be completed next week and certain information gathered is expected to be brought to the attention of the grand jury, it was announced yesterday.

J. Bernard Wells, State's Attorney, and Anselm Sodaro, assistant assigned to head the baby probe, also disclosed that a full report of the investigation would be made public, and that there would be recommendations for improving methods of controlling homes for babies.

To Suggest Legislation

The prosecutors also said they would suggest additional legislation covering activities by baby-home proprietors which under present laws cannot be the basis of criminal action.

Mr. Sodaro said several detectives and policewomen assigned to aid in the investigation have been working night and day interrogating individuals and running down reports of missing babies and actions of certain home operators.

"Missing" Baby Traced

The inquiry began several weeks ago after testimony in the juvenile section of the courts disclosed that a baby had been "missing" for almost two years from a Forrest street baby home operated by Mrs. Gertrude M. Hailey.

Judge Charles E. Moylan, of the juvenile division, turned the matter over to the prosecutor's office for investigation. Two days later it was revealed that the baby, abandoned at the home by a New York couple, had been turned over to a young couple living at Magothy Beach.

Given Temporary Custody

The foster parents—Mr. and Mrs. Ellick Stoneberger—brought the 2-year-old girl to the State's attorney's office and were given temporary custody of the child pending the completion of the probe and possible criminal action.

The girl's real parents, George and Ardath Kelly, left the baby at the Hailey home, paid one week's board and never returned, it was disclosed. The same Kelly couple last May abandoned another infant child on a local church steps.

They later were released on probation in Criminal Court after they expressed a desire to regain custody of the baby.

2 SEAMEN JAILED FOR BURGLARIES

Convictions Involve Thefts Of $2,700 In Cash, Goods

Convicted of stealing about $2,700 in cash and merchandise in a series of safe burglaries, two young seamen yesterday were sentenced to prison terms ranging from 42 to 48 months by Judge E. Paul Mason in Criminal Court.

Henry Shipman, 22, was given the 42-month term, while William Bishop, Jr., 23, was sentenced to four years. Both gave an address in the 600 block East Baltimore street.

Samuel Eakes, operator of a rooming house at the East Baltimore street address, was acquitted of a charge of receiving stolen goods.

No Evidence, He Finds

Although one of the defendants testified that Eakes took him and the other seaman to Richmond, Va., and introduced them to a slot-machine merchant who gave them bills for coins taken in the burglaries, Judge Mason agreed with Joseph Rosenthal, counsel for Eakes, that there was no evidence showing the rooming-house proprietor knew the money was stolen.

According to evidence produced by William J. O'Donnell, prosecutor, the burglaries occurred in various sections of the city in taverns, restaurants, a movie house and at a wholesale candy store.

About $2,000 Taken

The latter place, in the 2100 block Cambridge street, was entered and about $2,000 was taken from a safe, the court was told. About $184 was taken from a West North avenue movie, Mr. O'Donnell said.

Shipman several years ago was sentenced to a one-year term for burglarizing the same movie, the prosecutor added, pointing out that both of the defendants had criminal records.

'FAGIN'-LIKE MAN BLAMED BY YOUTH

Robert McLucas, 16, Pleads Guilty To Burglary Charge

A 16-year-old youth, who contended that a "Fagin"-like man, known by local police as "D" and an ex-convict, persuaded him and two boys under threats to steal cases of cigarettes, yesterday pleaded guilty to a burglary charge in Criminal Court.

Judge E. Paul Mason, deferred imposition of sentence on the defendant—Robert McLucas, of 1700 block South Charles street—pending a further investigation.

Threats Alleged

According to William J. O'Donnell, the three boys were playing cards on a South Baltimore street corner when they were approached by the man, called "Richardson" or "D," who threatened to have them arrested unless they got some cigarettes for him.

Mr. O'Donnell said "Richardson" is a known ex-convict who is being sought by police.

Cigarette Theft Cited

The man promised each youth a motorbike for getting him the cigarettes, Judge Mason was told. He led them to the Atlas Candy and Supply Company, in the 200 block South Hanover street, and instructed them to climb a wall and enter the building.

The boys dropped seven boxes over the wall and the man loaded them in his automobile. An eighth box broke and it was left there, the defendant told police.

McLucas said he saw the man the next day and the man complained that the cigarettes could not be sold because they lacked stamps. The boy said he never got the motorbikes.

EVE. SUN-8/22

'Baby-Rackets' Probe Nears Completion

Investigations into the housing of infants and handling of babies in foster homes are practically completed, State's Attorney J. Bernard Wells revealed today.

The prosecutor plans to place evidence before the grand jury on Wednesday.

Mr. Wells also revealed that he and Anselm Sodaro, assistant State's attorney who had been named to head the investigation, expect to report to Judge Charles E. Moylan in Juvenile Court on various phases of the probe.

Initiated By Judge

Judge Moylan precipitated the investigation when, in July, he requested the State's attorney to investigate facts concerning the disappearance of Kathleen Anne Kelly, the first of two children abandoned in Baltimore by a New York couple, George and Ardath Kelly.

The child was located two days later after an intensive investigation by Sodaro. She had been left by Kelly at a baby home, operated by Mrs. Gertrude Hailey, in the 1100 block of Forrest street.

A charge against Mrs. Hailey of contributing to the neglect of the Kelly infant is still being considered by Judge Moylan.

Apparent Neglect

Mr. Wells declined to state what witnesses will be taken before the grand jury, but they are expected to include Department of Welfare officials, Detective Lieutenant John M. Hettchen and other police investigators.

The prosecutor previously had announced that his investigations showed apparent instances of neglect and mistreatment of children, and that it suggested the need for more comprehensive legislation concerning the handling, placement and adoption of babies.

Undecided Question

Also hanging on the investigation is the question of which parents the Kelly baby, just 2 years old, will finally reside with—her real parents, the Kellys, or her foster parents, Mr. and Mrs. Ellick Stoneberger, of Magothy Beach.

The child is now in the custody of the Stonebergers, with whom she has been living since shortly after she was allegedly left with Mrs. Hailey, at the age of 2 months. She has been known, in fact, as "Bernadette Stoneberger."

She was officially placed with the Stonebergers by Judge Herman M. Moser in a move to prevent possible removal of the child by the Kellys. It had been reported that the Kellys wish to take back the baby. The Stonebergers also went ber.

NEWS-8/22

Baby Homes Report Is Planned

Investors who spent five weeks probing into conditions in Baltimore homes where infants are care for will submit their report to the Grand Jury on Wednesday for possible legal action, it was announced today by State's Attorney J. Bernard Wells.

Mr. Wells said the investigators included Assistant State's Attorney Anselm three detectives and two policewomen.

As a result of the investigation, the State's Attorney added, he will probably submit to the Grand Jury "several suggestions for better legislation dealing with children's homes."

It was understood the probe has produced evidence which may justify proceedings against at least six infants' homes in Baltimore.

EVE. SUN-8/23

New Execution Method Urged By Judge

A more modern method of execution than the Maryland system of execution by hanging may be desirable, Judge Herman M. Moser said today in connection with the Louielsner Barker murder case he was trying in Criminal Court.

The judge referred to the Eugene James execution, where a slipped noose knot in the hagman's rope was said to have caused the convicted slayer of an 11-year-old girl to strangle slowly at his execution.

The comment was made after Judge Moser asked prosecutors whether they considered asking the death penalty in the Barker case. He was told they were not.

"Should Not Happen"

"During the past 30 days three men whom I had tried, convicted and sentenced, paid the supreme penalty by executions," he said. "And, according to newspaper reports, one of them died under horrible circumstances.

"This should not happen, even occasionally. The citizens of this State, I am certain, expect that those who, under the law, have forfeited their lives to the State, should be dispatched as humanely and efficiently as possible.

"Apparently the Maryland method is subject to human mistakes. Perhaps the Legislative Council should give consideration to other methods that can carry out the mandate of the court with greater decency and efficiency."

Barker, 55-year-old junk collector, went on trial under combined pleas of not guilty and not guilty by reason of insanity in connection with the sex murder of a 4-year-old boy last April 5.

Barker, who originally had been named incorrectly as Louis Elsnor Barker, was described by three psychiatrists as an apparent imbecile who, although he might know the difference between right and wrong, does not meet the full test of legal responsibility by appreciating the normal consequences of his acts.

Found By Driver

The boy, Lawrence Darrell, was found on the early morning of April 6 in a parked produce truck. Robert Lee Alston, colored driver, discovered the body in the truck, parked in the rear of a building in the 200 block of North Eutaw street.

Dr. Earl L. Royer, assistant State medical examiner, testified that death was due to strangulation and that the boy had been sexually assaulted.

Defense counsel drew from Dr. Royer an estimate that death occurred 8 P.M. on April 5. Other witnesses testified the boy had been seen playing earlier with other children at his home in the 200 block North Greene street.

Criminal Court Gets New Audit

State auditors today began the second audit within three months of the records of Criminal Court as a result of the grand jury's request for such a new examination before it goes out of office on September 9.

The jury, in a special interim report, filed last May 27, at the time it dropped potential charges after an investigation of the court office conducted by Wilford L. Carter, had urged frequent audits, including one before it retired from duty.

Criticized By Auditor

That recommendation had been part of a nine-point program which also proposed several amendments of laws and the State constitution to place the court clerks' offices under control of the Supreme Bench.

The investigation arose last Spring when State Auditor Daniel L. Clayland 3d submitted a report criticizing the situation in the office which Carter headed.

Brief Job Expected

Mr. Clayland today assigned two auditors under Deputy State Auditor Michael J. Potthast to the job of bringing the Criminal Court audit up to date. At the court house it was said that since the last audit the records have been kept in proper shape. Consequently the supplemental audit is expected to be brief.

Mr. Carter, who had gone to a hospital in mid-summer for a check up, last week returned to his court house duties.

NEWS-8/22

Jails Assailant Of Policeman

Henry Strayhorn, of the 1200 block Sarah Ann street, was sentenced to 60 days in Jail by Chief Judge W. Conwell Smith in Criminal Court yesterday after Patrolman Elmer C. Gubernaitis testified Strayhorn struck him and tore off his badge. Gubernaitis said he was removing Strayhorn from a restaurant when the attack occurred.

NEWS - 8/23

Hangings In Maryland Are Scored By Judge; Humane Penalty Asked

Maryland's need for a form of execution other than hanging for felons sentenced to die was publicly stressed today by Judge Herman M. Moser in Criminal Court.

MORN-SUN-8/24

MOSER FINDS ACCUSED JUNK DEALER INSANE

Barker Is Declared Not Guilty In Death Of 4-Year-Old Boy

Charged with the murder of a 4-year-old boy, Louielsner Barker, 35-year-old junk collector, yesterday was found not guilty by reason of insanity.

In rendering the verdict, Judge Herman M. Moser declared that "this case points up clearly the dire need for an institution for mental defectives in the State."

Earlier in the trial, Judge Moser took occasion to recommend consideration of some other method of execution in Maryland than hanging.

Refers To 3 Executions

"During the past 30 days, three men whom I had tried, convicted and sentenced paid the supreme penalty, and, according to newspaper reports, one of them died under horrible circumstances," he said.

[The judge was referring to the recent execution of Eugene James, convicted of the slaying of 11-year-old Marsha Brill. It was reported that James had strangled slowly.

"This should not happen, even occasionally. The citizens of this State, I am certain, expect that those who under the law have forfeited their lives to the State should be dispatched as humanely and as efficiently as possible.

Suggests Other Methods

"Apparently the Maryland method is subject to human mistakes. Perhaps the Legislative Council should give consideration to other methods that can carry out the mandate of the court with greater decency and efficiency."

Judge Moser's comment was made after he had asked prosecutors whether they planned to request the death penalty for Barker. He was told that they did not.

Later, announcing his decision on Barker, Judge Moser said he would sign an order committing the man to an institution.

"Under the new act that became effective June 1, he cannot be released by the head of the institution except by coming back to this court," the judge commented, adding that, in such event, "the court would have the opportunity to have the community decide" the matter.

Judge Halts Trial Abruptly

"I shall get the advice of the court psychiatrist on the best institution to which to commit Barker," he said.

The defendant was tried for the strangulation of Lawrence Darrell, of the 200 block of North Greene street. The child, whose body was found in a truck on the morning of April 6, was also the victim of a sex crime.

Judge Moser halted the trial abruptly and announced his decision.

During the trial of Louielsler Barker, thirty-five-year-old junkman charged with strangling four-year-old Lawrence Darrell last April, Judge Moser asked prosecuting attorneys if the State was seeking the death penalty in case the man was convicted.

'RELIEVES THE COURT'

Assistant State's Attorney Charles Orth, Jr., told the court that the State did not ask Barker's execution.

Judge Rosen then remarked that such information "relieves the court considerably," and added:

"During the past 30 days three men, whom I had tried, convicted and sentenced, paid the supreme penalty and according to the newspaper reports, one of them died under horrible circumstances.

"This should not happen, even occasionally.

DISPATCHED HUMANELY

"The citizens of this State, I am- certain, expect that those who under the law have forfeited their lives to the State should be dispatched as humanely and as effectively as possible.

"Apparently the Maryland method is subject to human mistakes. Perhaps the Legislative Council should give consideration to other methods that can carry out the mandate of the court with greater decency and efficiency."

Judge Moser was referring to he execution of Eugene James, onvicted slayer of eleven-year-old Marsha Brill. The hanging of ames nearly two weeks ago was eported to have been "bungled" nd the prisoner wass aid to have trangled on the gallows.

EVE SUN 8/24

Grand Jurors Probe Baby Placements

State's Attorney J. Bernard Wells and Assistant State's Attoney Anselm Sodaro today climaxed their month-long investigation into baby placements and adoptions by taking a few more than a dozen witnesses before the Baltimore grand jury.

The grand jurors were called on to decide what charges, if any, should be brought in connection with alleged informal placement of babies and operation of several baby homes in Baltimore.

Mothers Among Witnesses

Witnesses included actual mothers of several children and foster-parents who had taken such children into their homes with the idea of eventual adoption.

Also called as witnesses were representatives of the State Department of Welfare and the Department of Welfare of Baltimore city, which helped bring prosecution in Juvenile Court against Mrs. Gertrude M. Hailey, who operated a baby home in the 1100 block Forrest street.

Charge Still Pending

The Juvenile Court charge against Mrs. Hailey still is under consideration by Judge Charles E. Moylan.

It accuses her of contributing to the neglect and disappearance of a child named Kathleen Ann Kelly, who had been left at the Hailey place approximately two years ago and who, after a several-day investigation by the prosecutors, was found in the custody of Baltimore foster parents. The little girl now is known as Bernadette Stoneberger.

Probe Asked By Judge

The State's attorney investigation was begun at the request of Judge Moylan. When it was started, there was no official knowledge of what became of the Kelly child.

Mrs. Hailey had testified before Judge Moylan that the baby had been claimed by someone who professed to be its uncle, but she then said she did not know the person's name.

Mr. Wells, during the course of his investigation, announced that other baby homes besides the Hailey place had been located. He stated that, in his opinion, the information obtained by investigators showed the need for tighter laws involving placement and adoption of infants.

Judge Promised A Report

The prosecutor has announced that a detailed report of his investigation will be submitted to Judge Moylan after the grand jury passes on its phase of the matter.

Other witnesses called to appear before the grand jurors included Dr. W. H. Schulze, of the sanitary section of the Baltimore City Health Department; Yates Cook, housing official of that department; Detective Lieutenant John M. Hetchen, Policewomen Agnes Tawney and Alice Burger, and Detective Sergeants Charles J. Hudak and Anthony Nelligan.

Auditing Started On Court Records

An audit of Criminal Court records was begun yesterday under the direction of Daniel L. Clayland 3d, State auditor, in compliance with a request made by the grand jury in a report filed on May 27.

At that time the jury dismissed presentments against Wilford L. Carter, clerk of the Criminal Court, and submitted nine recommendations designed to improve the functioning and supervision of that office.

Among these was a request for an audit before the jury goes out of office on September 9.

Violations Reported

The grand jury investigation followed an audit of Criminal Court records made last Spring, when Mr. Clayland reported to the Judges of the Supreme Bench that he had found "flagrant violations" of sound accounting practices.

Mr. Clayland yesterday said two auditors were working under him on the current audit of the Criminal Court records.

"Personally I don't think it will take long," he said. "When we left the books before, we had brought them up to date."

Jury Presents Central Turnkey

Edward B. O'Keefe, suspended Central district turnkey, yesterday was presented by the grand jury on six counts of larceny and fraud.

He is accused of taking $11 collateral from each of three prisoners and issuing receipts for only $5 or $6 on August 7.

When one of the prisoners complained, Col. Beverly Ober, police commissioner, ordered an investigation after which the charges were placed and O'Keefe was suspended from duty.

Following yesterday's grand-jury action, O'Keefe's bail was increased from $1,500 to $3,000. He is a veteran of 25 years in the Police Department.

NEWS - 8/24/49

Louis Azrael Says: "I HEREBY GIVE ONE BABY GIRL, FOR LIFE"

By LOUIS AZRAEL

Assistant State's Attorney Anselm Sodaro looked at the two clean-looking, well-dressed young women who stood before him.

He looked at the beautiful, four-month-old girl who lay sucking its thumb, in the arms of one of the women.

Sodaro shook his head, mystified, and said:

"I can't understand how you could have done it—either of you."

The one with the baby flashed back, weeping:

"I couldn't suport her. I couldn't let her starve. I was desperate. That's why I did it."

The other said:

"I love babies. I want one. And I can't have any. That's why I did it."

A NEIGHBOR SUSPECTED

This took place yesterday afternoon in Sodaro's office in the Court House.

It wasn't a formal case, with criminal charges against anybody. It was one of the little, informal incidents in the city's life which normally go by unnoticed.

It started when somebody told a Baltimore policeman that a young woman, living in the neighborhood, had brought a baby home several days ago. The woman was unmarried, as far as the neighbor knew. She worked. She didn't seem able to take care of the child.

The neighbor's suspicions were sharpened because the papers have been telling about the current investigation into baby placement rackets. Indeed, the neighbor thought the girl might have kidnaped the baby, since it was obviously several months old.

The police investigated. Yesterday they brought the baby, the girl who had it, and the baby's mother and father into Sodaro's office. It happened that I was there and heard their recitals.

PAY OR TAKE IT

The child's father deserted the mother several months before the baby was born. There was already one child, who is in a baby-care home. The mother, a waitress, paid $75.00 a month for its care.

When the second child was born, it was placed in the same home. The charge was $70.00 a month.

And, said the mother yesterday, she just couldn't pay that much money. She got behind in the board bill. The manager of the place said she would have to pay up or take the baby out.

THE RECEIPT

There was a solution, she thought. A friend of hers, an unmarried woman, was anxious to take the baby and rear it.

This seemed better, to the mother, than letting a public agency take the child.

So she turned the baby over to her friend, with a note which reads like a receipt for money.

It says:

"I hereby give —— my baby girl. She is to keep custody of it as long as she lives."

She gave the girl ten dollars with which to buy diapers and other necessities. There was some difference in the two women's stories as to other arrangements. The mother said she intended to pay her friend ten dollars a week for the child's care. The friend said there had been no talk of further payments.

The latter story seems more likely, in view of the fact that the mother hadn't been able to pay for the baby's care, which was less than ten dollars a week, heretofore.

The prospective foster-mother was vague when we asked how she planned to rear the child. She works all day as a waitress. She said she had planned to let some relatives care for the baby during the day, paying them eight dollars a week. The relatives, however, said they had made no such arrangement, and wouldn't.

It seemed obvious to us, as we heard the girl talk, that she was obsessed with the desire to care for a baby.

She had jumped at the chance to take this one, with no clear plans for the future.

JUST AN INCIDENT

The baby's father was in Mr. Sodaro's office, too. Police had found him. The reasons for the desertion were not discussed. He admitted that he had not done his duty. He promised that the child would be placed in a foster-home and that he would pay for its care.

He hoped he and his wife would be reunited, he said. The wife said that in view of his record she wouldn't go back to him.

And so, carrying the sleeping baby in her arms, the young mother left with her husband. And Mr. Sodaro arranged that welfare agencies would keep track of the case.

The girl who wanted to be the foster-mother wept a little.

And a minor incident in the citys life of yesterday ended—at least temporarily.

MORN-SUN-8/25 — EVE SUN 8/25 — MORN SUN-8/26

GRAND JURY INDICTS 7 IN BABY PROBE

Six Women Named After 12 Witnesses Testify At Special Session

The grand jury yesterday returned eleven presentments and indictments against a total of seven persons in connection with the probe of the handling, placement and adoption of babies in Baltimore.

This action came at the end of a special session of the jury lasting nearly all day.

One woman was named in eight of the presentments. All but one of the seven persons involved were women.

Under court rules, identity of the persons presented by the grand jury cannot be divulged until their arrest or posting of bail.

J. Bernard Wells, State's attorney, opened the discussion before the grand jury.

12 Witnesses Appear

Anselm Sodaro, assistant State's attorney, handled the appearance of twelve witnesses, including mothers of several children and foster parents, as well as representatives of the State and City Welfare Departments, Police Department, Bureau of Child Hygiene, City Health Department and Fire Department.

Mr. Sodaro said that while one phase of the investigation had been completed, the probe was "by no means at an end."

Investigation of the baby handling situation was begun by the State's attorney's office late in July on request of Judge Charles E. Moylan, following testimony in Juvenile Court in the case of Mrs. Gertrude Hailey, operator of a baby home in the 1100 block of Forrest street.

"Losing Or Giving Away"

Mrs. Hailey was charged with "losing or giving away" 2-year-old Kathleen Anne Kelly.

The child was located in the custody of Mr. and Mrs. Elick Stoneberger.

Commenting on general aspects of the situation, Mr. Wells said "there seems to be considerable confusion in the minds of various social agencies as to their respective obligations and duties in regard to the placement, care and handling of infants.

"It is to the interest of everybody to have this situation clarified," he added.

3 Held For Jury In Bookmaking Case Here

Three men arrested as a result of a bookmaking raid at 57$6 Bellona avenue were held today in $1,000 bail each for the grand jury.

They were Robert Gill, 35, operator of a pet shop at the Bellona avenue address; Stewart C. Hale, 37, of 701 Regester avenue, and Ray Ostendorff, alias May Martin, of 1552 Pentwood avenue.

Charges of ocnspiring to violate bookmaking laws against the three, and against a fourth man, Ray Jarrett, proprietor of a dry-cleaning establishment in the same building, were dismissed by Magistrate Reuben Caplan.

Rental Arrangement

Gill told the court that he rented an upstairs office, raided by Capt. Alexander Emerson and his vice squad Tuesday afternoon, to Ray Martin, identified also as Ray Ostendorff, to be used as a vending machine office.

He said he had been away on his honeymoon since the rental agreement was made and knew nothing of what went on in the office.

Captain Emerson testified that he went into the place at 4.15 P.M. Tuesday, took several bets over a telephone and found a quantity of bookmaking paraphernalia.

No One There At Time

No one was in the office at the time, but Officer Frank Diggins said he saw Hale and Ostendorff enter the building around 12.30 P.M. the same day.

Hale was arrested Tuesday night at his home. Captain Emerson quoted him as saying, in response to a question if he ran the bookmaking establishment, "No, I'm only a five percenter."

When asked his occupation, Hale was said to have replied, "The captain there just put me out of business."

Ostendorff, at the request of police, appeared at the station yesterday afternoon and was docketed.

2 INDICTED IN BABY PROBE POST BAIL

One Woman, Named In 8 Jury Presentments Pays $2,500

Charged in eight presentments and indictments involving the handling and adoption of babies, Mrs. Gertrude M. Hailey yesterday was released in $2,500 bail pending further proceedings.

Mrs. Hailey, operator of a baby home in the 1100 block of Forrest street, was one of seven persons presented and indicted by the grand jury on Wednesday.

Mrs. Mae Purdy, of the 1500 block of North Caroline street, one of the defendants named by the grand jury, was released in $1,000 bail, posted through a bondsman. A third defendant, Mrs. Elizabeth Kavanaugh, of the 600 block of Venable avenue, was temporarily in the custody of Sheriff Joseph C. Deegan, pending posting of bail.

Bail For Four Others Expected

Bail for four other persons was expected to be posted this morning. Until this is done their names cannot be divulged.

An attorney and a bondsman appeared at the Courthouse to arrange Mrs. Hailey's bail. Mrs. Purdy and Mrs. Kavanaugh were brought in by Deputy Sheriff Edwin L. Haase.

One of the charges against Mrs. Hailey was perjury, allegedly committed at a hearing before Judge Charles E. Moylan in Juvenile Court several weeks ago in connection with the disappearance of 2-year-old Kathleen Ann Kelly from Mrs. Hailey's baby home.

Resulted In Probe

It was this hearing that precipitated, at Judge Moylan's request, an investigation of the baby handling situation in Baltimore, leading up to Wednesday's action by the grand jury.

Three charges by the grand jury against Mrs. Hailey involved unlawfully receiving money for rendering service in connection with the placement of a child for adoption.

It was alleged she had received $180 for such purpose from Mr. and Mrs. David P. Goss last October 29; $120 last June 3 from Mr. and Mrs. Stanley Sussman; and $90 from Mr. and Mrs. Ellick Stoneberger in October, 1947.

License Violation Charged

Two other indictments charged that Mrs. Hailey unlawfully acted as a child placement agency for adoption without having obtained a license from the State Department of Public Welfare.

Another indictment alleged she unlawfully assumed the care of seven minors without a license from the State Department of Public Welfare, and the eighth indictment charged failure to have a rooming house license.

Mrs. Purdy and Mrs. Kavanaugh were both charged with unlawfully assuming the care of minors—five in the case of Mrs. Purdy and three in the case of Mrs. Kavanaugh—without having obtained a license from the State Department of Public Welfare.

J. Bernard Wells, State's attorney, and Anselm Sodaro, assistant State's attorney, who have headed the probe of the baby situation, stated that their investigation is not yet entirely completed.

NEWS-8/25

'5 Per Cent' Bookmaker Held Here

The term "five per cent," having a vogue in the Washington "influence" investigation, was echoed today in a bookmaking case in Northern police court.

Capt. Alexander Emerson, of the vice squad, said Stewart Hale, one of the defendants, admitted after his arrest that he had been taking bets for a "higher up" for give years on a five per cent commission.

According to Emerson, however, Hale denied knowing the "higher up's' 'name.

Hale, Robert Ostendorff, of the 600 block Pentwood avenue, and Robert Gill, of the 5700 block Bellona avenue, all were held in $1,000 bail on bookmaking charges.

The hearing consumed two hours, largely in legal arguments over technicalities. It was argued that Hale's arrest without a warrant near his home in the 700 block Regester avenue was illegal.

The arrest resulted from a raid Tuesday in the 5700 block Bellona avenue.

Women's Names In Baby Case Revealed

Three women, alleged operators of baby homes, late today were identified as among seven persons indicted yesterday by the Baltimore grand jury in the baby-placement investigation.

The three are:

MRS. GERTRUDE M. HAILEY, of the 2500 block North Calvert street, who faces eight charges in connection with the operation of a baby home at 1117 North Forrest street.

MRS. MAE PURDY, who faces one charges of operating a baby home at 1509 North Caroline street without the required license from the State Department of Welfare.

MRS. ELIZABETH KAVANAUGH, who faces one charge of operating a baby home at 600 Venable avenue without the required license from the State Department of Welfare.

Four Others Accused

Four other persons, jointly accused in one indictment, also face charges that have not been revealed publicly, since the four are neither in custody nor under bail.

Mrs. Hailey, whose appearance last month in Juvenile Court in connection with the supposed disappearance of an infant, brought about the baby-placement investigation, gave bail through a professional bondsman. She did not appear at the Courthouse.

Bail was arranged through an attorney and was set at $2,500, with the approval of Assistant State's Attorney Anselm Sodaro.

Technical Custody

Mrs. Purdy and Mrs. Kavanaugh were brought to the Court House by Deputy Sheriff Edwin L. Haase. Mrs. Purdy gave $1,000 bail. Mrs. Kavanaugh, an elderly woman who could not raise bond before the closing of the court office, was permitted to go home under the technical custody of Sheriff Joseph C. Deegan.

The eight charges against Mrs. Hailey are grouped in five categories. In one case, she is charged with operating a rooming house without a license from the City Department of Health. In two cases, she is charged with acting as a child-placement agency without a State license, and in one case she is charged with operating a baby home without a State license.

In another case, Mrs. Hailey is charged with perjury during the course of her testimony last July 29 before Judge Charles E. Moylan, in Juvenile Court, regarding the supposed disappearance of Kathleen Ann Kelly, 2, who later was found to have been turned over to foster parents, who are seeking to adopt her.

Charge On Fees

The final set of charges against Mrs. Hailey consist of three indictments accusing her of illegally receiving fees for the placement of babies, one of them being the Kelly child.

The Kelly child, now known as Bernadette Stoneberger, had been given to the foster parents on October 14, 1947, and, according to the indictment, Mrs. Hailey illegally received $90 from Mr. and Mrs. Ellick Stoneberger for the placement.

NEWS-8/26

3 Fined For Signaling Pen Convict

The wife of a notorious convict, now serving 15 years in Maryland Penitentiary, and two men who accompanied her were each fined $50 and costs today for attempting to signal to the prisoner from outside the penitentiary walls.

The three were captured early today on Eager street through the alertness of Col. Edwin T. Swenson, penitentiary warden, who notified police after watching the signaling, with lighted matches, for several minutes.

The woman, who identified herself as Mrs. Carrie Marie Flint, alias Carrie M. Bevans, pleaded not guilty to a charge of disturbing the peace, but admitted to Magistrate James H. Ellis that she had attemtped to signal to the prisoner, Milton Bevans.

She just wanted to let him know, she said, that she was still "thinking about him."

Bevans, who has served about a year and a half of his 15-year term, was reported to be awake and standing at the door of his cell, facing Eager street, at the time of the capture of the trio, about 12.50 A. M.

Twenty-two .25-caliber automatic pistol cartridges were found on the floor of the police patrol wagon, according to Capt. John A. Kenealy, after the woman and two men with her were taken to Central police station.

The men identified themselves as Lee Deeds, twenty-six, a stevedore, of the 2300 block Maryland avenue, and James Mitchell, fifty-five, a seaman, formerly of Scotland, and now living in Mt. Vernon, N. Y. They pleaded guilty.

EVE SUN 8/26

Larceny And Assault Nets 5-Year Term

A five-year Penitentiary sentence today was imposed by Chief Judge W. Conwell Smith in Criminal Court on Ben Hall, who was convicted of larceny of a truck and assault on two policemen and a civilian.

The 25-year-old colored man was arrested August 12 last after he had been seen to steal a parked truck. The owner gave chase and the man was caught by Patrolman James Aquilla.

After the arrest, Hall attempted to escape. He was overpowered by Patrolman Aquilla and other officers, and John Dyser, a civilian who aided them. In the police station the man also assaulted Patrolman Edmund Welsh. He was convicted for assaulting both Aquilla and Welsh as well as the citizen.

NEWS-8/26

Louis Azrael Says: BRIEF LEGACY OF THINGS TO WATCH

By LOUIS AZRAEL

MEMO TO THE CITY DESK

By the time this paper appears on the streets I'll be up in New York State, or maybe Connecticut, starting a short vacation.

There are several situations around town that I've been watching.

Will you have some of your men keep an eye on them, in case something breaks?

1. The "baby racket" investigation has already produced horrible, scandalous facts. They haven't been made public and the investigation is still continuing. It should be watched.

THE VICTIMS ARE IN JAIL

2. The case of the Central Police District turnkey, which I turned over to the Police Department, has an angle that bears watching.

The turnkey has been indicted on charges of gypping prisoners out of money.

He is out on bail, but two men whom he is alleged to have gypped are in jail, held as witnesses. They couldn't afford bail.

The criminal courts are now on summer schedule. Usually, when someone is accused of crime during this period and furnishes bail, he isn't tried until the fall term of court begins, on September 12.

Efforts may be made to delay the turnkey trial until that date or later.

If that happens, two men who are not accused of crime but who are wanted merely as witnesses will be kept in jail.

The accused man, however, would be at liberty because he could afford bail.

I think that would be a great unfairness and that the case should be tried immediately. Please check and see if it is.

IN ONE BIG GRAVE

3. A Baltimore soldier will be buried soon—and it is a gruesome story.

The body of Lt. Robert Stallings, a World War flier, is on its way to the United States. But it is not identified.

Lieutenant Stallings' plane crashed into another plane over Austria in 1944. Seventeen men were killed. Austrians buried their bodies in one grave.

Later, the United States Army Graves Registration Bureau found the grave and were able to identify six of the bodies.

The other eleven, however, were so mangled that, although the names of all the dead are known, there is no way to tell which body is which.

The eleven bodies, therefore, will all be reburied in one grave in St. Louis. That city was chosen because it is closest to the various places in which the families of the eleven boys live.

Members of Lieutenant Stallings' family will go there. You can check with them for the date of the funeral and other facts.

BEAUTY IN THE ARMY

4. A Baltimore girl has just left home to conduct a new kind of Army activity. You can get the story from her.

She is Miss Arlene Green, who lived at 3601 Garrison boulevard.

Miss Green was a first lieutenant in the WAC during the war.

Afterward she did fashion work in Baltimore, delivered beauty lectures to women's groups and did make-up for television performers.

Now the Army has called her back to active duty. She is at Camp Lee, Virginia, and her job is to start a sort of glorified "charm school" for WAC.

She is to conduct classes in personal grooming, skin care, speech, posture, etc.

It should make a good picture story.

PENDING SCANDAL

5. Keep watch on the investigation of the divorce racket in Baltimore. Police are working on it at the request of the Supreme Bench.

In order to get a divorce in Maryland the applicant must have lived here a year.

Judges suspect that many people come here from States where divorce laws are stricter and, in order to get decrees, swear falsely that they have lived up to the local residence requirement.

It is also suspected that some lawyers are parties to such frauds.

A 'CHARACTER' IS ILL

6. "The Mayor of McMechen Street" is very ill. There should be a story about him.

He is Tommy McGuire, 1603 Linden avenue, and one of the most picturesque characters in town.

He has been a coal miner, a brakeman, a watchman (he's the man who roller-skated through the Montgomery Ward building each night, acting as watchman); but most of all he has been a bartender, friend to anyone who came along, and a teller of amusing yarns.

Well, so long. If you need me, I haven't any idea where you'll be able to reach me.

Appeal Court Getting Data In 2 Slayings

Wilford L. Carter, clerk of the Criminal Court, and his chief deputy, George F. J. Brown, went to Annapolis today with the most voluminous record they have ever handled—1,666 pages of evidence and proceedings in the Mahlan-Kline murder case, for which Thomas A. Edwards is under death sentence.

The appeal is being taken at the expense of the State under a new law, and on the request of former Judge William McWilliams of Annapolis, court-appointed defense attorney.

Edwards, a Negro, convicted of shooting John Mahlan and Mary C. Kline to death as they parked in their car in a "lover's lane," is in the death house here.

The appeal is one of the last chances Edwards will have to evade the noose for the crime of which he has been convicted.

A three-judge court found him guilty February 9.

4 Released On Bail In Baby Probe

Presented and indicted by the Grand Jury in connection with the baby probe, four persons, charged with operating a rooming house in the 4000 block Maine avenue without a license, today were released in $1,000 bail each.

They are Anna, Charles, Evelyn and Beatrice Trummert.

Following an investigation touched off several weeks ago by the disappearance of a two-year-old girl from a nursery, the Grand Jury has indicted seven persons.

Mrs. Gertrude M. Hailey, 1100 block Forrest street, has been released in $2,500 bail on charges involving handling and adoption of babies.

Mrs. Mae Purdy, 1500 block North Caroline street, and Mrs. Elizabeth Kavanaugh, 600 block Venable avenue, were indicted on charges of unlawfully assuming the care of minors.

NE. SUN-8/26

Four Identified In Baby Case

Four alleged operators of a baby home in the 4000 block Maine avenue, Forest Park, today were revealed to be the remaining defendants placed under presentment and indictment last Wednesday in connection with the baby-placement investigation.

The four defendants, whose names were revealed when bail was posted for them today in Criminal Court, are Anna Trummert, Evelyn Trummert, Beatrice Trummert and Charles Trummert.

They face only one charge, which accuses them of failing to failing to have a rooming-house license from the City Department of Health.

3 Others Identified

Yesterday, the identities of three other defendants were made known when they reported at the Courthouse. Mrs. Gertrude M. Hailey, operator of a baby home in the 1100 block Forrest street, was docketed on charges of perjury, three charges of receiving fees for baby placement, two charges of operating a child placement agency without a State license, and other charges of failing to have a rooming house license and failing to have a State license to take custody of minors at the home.

Mrs. Mae Purdy, also was docketed on a charge of assuming custody of minors at a baby home at 1509 North Caroline street without a State license. Mrs. Elizabeth Kavanaugh was docketed on a similar charge involving minors in a home at 600 Venable avenue. Mrs. Kavanaugh, who had been released yesterday in technical custody, placed bail today in court.

EVE. SUN 8/26

3 Are Fined After Signaling Pen Prisoners

A woman and two men arrested outside the Maryland Penitentiary early today were fined $50 each on disorderly conduct charges after Warden Edwin T. Swenson testified he saw them "signaling" to prisoners.

The woman, Mrs. Carrie Marie Flint, alias Mrs. Carrie Bevans, admitted at a hearing this morning that she was lighting matches and waving her hands as a signal to Milton Bevans, a prisoner doing a fifteen-year stretch for burglary.

"Was Feeling Low"

She told Magistrate James H. Ellis, Jr., that she was drinking and "feeling low" and went to the Penitentiary to revive her spirits.

She said that she had arranged with Bevans, whom she spoke of as her husband, to signal him when passing the Penitentiary.

The prison was thrown into alarm shortly after midnight when the warden, from the window of his home, observed a man and a woman standing by the railing on the Eager street side of the Penitentiary gesturing and lighting matches.

Alerted By Warden

He alerted prison guards, but ordered them to remain at their posts and stand by for the arrival of city police.

A police car drove up a few minutes later, and Mrs. Flint and her companion, Lee Deeds, 26-year-old stevedore, of the 2300 block Maryland avenue, were arrested.

Seaman Also Arrested

The officers also took into custody James Mitchell, a 55-year-old seaman of Mount Vernon, N.Y., who was sitting in a car double parked in front of the prison.

Mrs. Flint said neither of the men knew her husband, and were just doing her "a favor" by accompanying her on her trip.

Warden Swenson said the woman often visited Bevans at his cell, representing herself as his wife.

Confesses Signal Plan

Mrs. Flint said the signaling arrangements were made with Bevans during one of these visits.

The warden said Bevans was at the door of his cell "watching what was going on outside." He said Bevans, whom he described as a "defiant prisoner and hard to handle," would be questioned today by prison authorities.

Warden Swenson said he glanced out the window of his home, which is on the prison grounds, and saw an automobile double park on the Eager street side.

He watched a woman and a man as they got out, crossed the street and paused at the railing along the Penitentiary wall.

Warden, Guards Join Police

Observing their gestures and flashes of light, he called the guard desk, gave his orders for guards to stand at their posts and directed the desk to call the police.

When the police car arrived, he and several guards rushed outside to where the pair were standing.

At the hearing this morning, officers produced fifteen .25-caliber pistol cartridges which they said were found on the floor of the police wagon after the three prisoners were removed.

Mrs. Flint was arrested with Bevans when he was nabbed by detectives after breaking into the home of Charles Rosen at 2308 Ocala avenue March 25, 1948.

Sentenced On Two Charges

Bevans was given ten years on this charge and was sentenced to five years more for the burglary of another home and the theft of $2,200 worth of jewelry.

Mrs. Flint, who was in a car outside the Rosen home, was freed.

She told Magistrate Ellis that she worked as a barmaid in the 1100 block Hull street.

MORN SUN 8/27

4 More Identified In Baby Case

The names of four more defendants presented and indicted Wednesday in connection with baby handling were revealed yesterday when bail was posted for them in Criminal Court.

They are Anna Trummert, Charles Trummert, Evelyn Trummert and Beatrice Trummert, of the 4000 block of Main avenue.

The four, who were among seven persons presented and indicted by the grand jury, face only one charge—failure to have a rooming-house license from the commissioner of health.

Others Under Indictment

Bail was also posted for Mrs. Elizabeth Kavanaugh, of the 600 block of Venable avenue, who had been released Thursday in technical custody.

Others under indictment include Mrs. Gertrude M. Hailey, operator of a baby home in the 1100 block of Forrest street, against whom eight indictments and presentments were returned, and Mrs. Mae Purdy, of the 1500 block of North Charles street.

Charges Listed

Charges against Mrs. Hailey include perjury; unlawfully receiving fees for baby placement; operating a placement agency without a State license; failure to have a rooming house license, and assuming custody of minors without a State license.

Mrs. Kavanaugh and Mrs. Purdy were charged with assuming custody of minors without a State license.

High Court Gets Edwards Record

The six-volume, 1,666-page transcript of the trial of Thomas A. Edwards, convicted in the Mahlan-Kline murders, was delivered personally to the Court of Appeals in Annapolis yesterday by Wilford L. Carter, clerk of the Criminal Court, and George F. J. Brown, his chief deputy.

The records were too voluminous to be mailed conveniently, it was said.

Verdict Expected In 1950

The Court of Appeals is expected to pass judgment early next year on the death sentence given Edwards in the Criminal Court here for the slaying of John A. Mahlan, 25, and Mary Kline, 18, in Glen Burnie last September.

Inasmuch as his case is listed as No. 75 on the docket, it probably will not be argued until January unless a motion is made and granted to advance it. The court reconvenes in October.

Edwards, 24-year-old Negro, was convicted by a three-judge court last February. On June 27 he was sentenced to hang.

Court Named Counsel

An appeal was taken by his court-appointed counsel, William J. McWilliams and Ridgely P. Melvin, Jr., of Annapolis.

The bodies of Mr. Mahlan and Miss Kline were discovered last September in a clearing off Chesterfield road, Anne Arundel county, two days after Mahlan's empty automobile had been found 26 miles away.

MORN SUN - 8/27

Why Adoption Proceedings Must Be Carefully Supervised

The presentment by the grand jury of seven persons in connection with the current investigation of the handling, placement and adoption of babies in Baltimore represents the first major test of the adequacy of the adoption-reform laws passed by the Legislature in 1947. If any part of those laws is "weak," as State's Attorney Wells has suggested, the coming trials should expose the weaknesses and point the way to appropriate corrective action.

Everything pertaining to the relinquishment of a child by its natural parent or parents, its care in foster homes and its subsequent adoption by new parents is bound up in the most deep-seated of emotions. That is why a government through its courts must move at least as cautiously in this field as in any other legal domain. A child is not a material possession to be disposed of or acquired through the ordinary due process of law. A child is a living part of its parents and, if adopted, quickly becomes a living part of its foster parents through its assimilation of their mannerisms and standards of value.

The mother who decides to give up a child is going against instincts as old as motherhood. She must be made aware of the utter permanency of her decision and carefully drawn out to make sure that her decision is not the result of a passing fit of depression, to be regretted later. Likewise, the couple that wishes to adopt the offspring of others must be made to realize that adoption means that the child is theirs from then on, and no one else's, no matter what the child becomes or what becomes of their own desires to have a child. They, too, must therefore be thoroughly questioned by competent investigators to make sure their decision is not a passing fancy.

And there is more to it than that. Sound adoption procedure calls for the psychological matching of adopted children and their foster parents. Whereas the emphasis was once on placing children in homes where they would have a great many material benefits, the professional stress today is placed on selecting parents that are temperamentally suited to the child, and vice versa. For such matchmaking, exhaustive studies must be made of a child's antecedents and the nature of the home into which he may go.

Under proper supervision, adoptions are the salvation of childless couples and unwanted infants. But there must be proper supervision. Maryland, since the 1947 move to wipe out the "black market" in babies, has relaxed under the impression that all aspects of the handling of foster children was getting that supervision. The proceedings of the current grand jury will reveal whether or not that relaxation was justified.

EVE. SUN - 8/31/49

State Asks High Court To Hear Its Appeal For Rule 904

The State of Maryland today petitioned the Supreme Court of the United States to issue a writ of certiorari and hear its appeal from the Maryland Court of Appeals ruling exonerating radio stations of contempt and invalidating most of Supreme Bench Rule 904.

In a 13-page petition and 33-page brief filed by Attorney General Hall Hammond and Assistant Attorney General Harrison L. Winter, the State contended that the radio cases created a new and novel question that was not settled by past Supreme Court decisions.

Cites State Court Denial

It was contended that the State's own high court, in practical effect, had denied the State's right to enforce Federal and State constitutional guarantees for the protection of individual rights of accused persons.

The State's new petition was sent to Washington by messenger and was filed with the Supreme Court, which will rule on it at a later date.

The Appeals Court ruling last June, the State contended, was based "solely under the compulsion of its misconstruction and misinterpretation of the decisions" of the United States Supreme Court itself.

Petition Involves 3 Stations

Eugene H. James's arrest for the murder of 11-year-old Marsha Brill in North Baltimore a year ago last July was the basis of the radio broadcasts that resulted in the contempt convictions against four radio broadcasting stations and the news editor of one of them.

Only three of the stations, WFBR, WCBM and WITH are involved in the present petition, since WBAL's case is still pending in the Maryland Court of Appeals.

Judge John B. Gray, of Southern Maryland, decided in Criminal Court that the broadcasts were contemptious, and imposed fines ranging from $100 to $500.

The Court of Appeals reversed the lower court action.

Attorneys for the State made it clear in their certiorari petition that both the validity of the Supreme Bench rule and the general judicial powers of contempt are involved in the radio cases.

3 Main Grounds Cited

The nation's high court was asked to take jurisdiction on three main grounds.

They were:

1. That the Maryland Court of Appeals decision involved a Federal question that had not been finally settled by the Supreme Court.

2. That the Maryland court's decision "was not necessarily, or even logically, in accord with applicable decisions of the Supreme Court.

3. That the Maryland decision deprives the State and its courts of the power to protect its own administration of pustice and to enforce its own constitutional guarantees.

Outright Reversal Asked

The certiorari petition asked outright reversal of the Maryland Court of Appeals ruling. That ruling had been by a 5-to-1 decision, with Judge Charles Markell dissenting.

Supreme Court decisions upon which the Maryland ruling was based, the State lawyers contended, had dealt with contempt by criticism of jurists and scandalization of courts, instead of with impact of publicity that might influence potential jurors.

Case's Importance Stressed

In support of its contention that the question is of "substantial importance," the State's petition pointed out that the National Association of Broadcasters, representing more than 1,900 broadcasters, the American Newspaper Publishers Association, representing more than 780 newspaper publishers, or 90 per cent of newspaper circulation, the American Civil Liberties Union, the American Society of Newspaper Editors and The A. S. Abell Company, publisher of the *Sunpapers*, had participated in the appeal proceedings on behalf of the radio stations.

On the other side, in support of the contempt powers of court, had appeared the Baltimore City Bar Association and the Junior Bar Association, and the Maryland Civil Liberties Committee, it was pointed out to the high court.

3 Main Questions

The main questions presented, according to the petition, are:

1. Do the First and Fourteenth Amendments to the Constitution of the United States prohibit the imposition of disciplinary action" by the State for alleged interference with right to a fair trial and impartial jury as guaranteed by the Maryland Declaration of Rights?

2. Is the State of Maryland, in order to prevent a denial of due process of law, or to punish its actual denial (namely the right to trial by an impartial jury within the area where the facts arise) prohibited by the First and Fourteenth Amendments to the Constitution of the United States from disciplining the making of publications which clearly and presently tend to nullify or, in fact, do nullify that right?

3. Did the particular broadcasts actually create a "clear and present danger" that might justify limitations upon freedom of speech and freedom of the press?

Sees Prevailing Principle

In such a conflict between constitutional principles of freedoms of speech and press and the accused individual's right to an impartial trial, the principle of "fair and impartial administration of justice must prevail," Maryland's lawyers contended in their brief.

Their conclusion asserted:

"Whether an accused be a member of a minority group against whom popular prejudice, difficult to combat, is mounted, or whether he be a member of a majority against whom such difficulties are not encountered, it is the touchstone of American democracy as buttressed by the decisions of this court, that the particular procedure adopted by the State of Maryland in administering its criminal law shall be applied fairly and impartially and that justice be administered orderly and without prejudice.

Free-Press Obligation

"There is also a grave obligation imposed on the State of Maryland not to infringe upon the guarantees of freedom of speech and freedom of the press.

"But the decisions of this Court teach us that where a conflict ensues between these two principles, the fair and impartial administration of justice must prevail."

The State's brief cited the change in recent years from the theory of "reasonable tendency" to the theory that there must be a "clear and present danger" of interference with justice before courts could interfere with publication of news by contempt action.

English Court Action Cited

It contended that the recent decisions of the upper tribunal did not deal with possible influencing of minds of potential jurors.

It also cited the English court action last March in the notorious "vampire murder" case of a London paper being fined 10,000 pounds and its editor receiving three months' imprisonment for alleged improper news publications.

EVE. SUN - 9/1

Bigamy Sentences Of GI Set Aside

Three wives of Corporal Earl G. Grathwohn, 39-year-old soldier of the Aberdeen Proving Grounds, today appeared in Baltimore Criminal Court as potential witnesses to two bigamy charges against the man, who pleaded guilty to two illegal marriages.

As a result of the plea, the women did not testify. Judge Michael J. Manley, after hearing testimony from army officials praising the soldierly abilities of Crahtwohn, released the man to return to the service under two suspended sentences of one-year each on the bigamy charges.

Assistant State's Attorney Saul A. Harris told the court that the soldier, who is from Tulsa, Okla., was first married in Kentucky in 1931, and that he and his wife were divorced in 1935, but remarried in 1942. They have one child.

The two illegal marriages occurred in Baltimore. Mr. Harris told the judge that on November 14, 1947, the soldier married Doris M. Foster, 35, and that nearly a year later on November 3, last, he had married Marie A. Atkins, 35-year-old nurse.

Judge Manley signed orders officially annuling both illegal marriages.

MORN-SUN-9/1

CRIME NEWS DECISION IS APPEALED

State Asks Supreme Court To Set Aside Verdict On Publication

Maryland yesterday filed a petition with the United States Supreme Court asking restoration of the Baltimore court rules which restrict publication of crime news.

The State claimed its courts had been denied the right to insure criminal defendants a fair trial by jury and asked the Supreme Court to overrule a recent decision of the Maryland Court of Appeals.

Hall Hammond, attorney general, contended the Court of Appeals had misinterpreted Supreme Court precedents in reversing contempt-of-court convictions of three Baltimore radio stations.

Conviction Upset June 9

A 5-to-1 majority of the Court of Appeals upset the contempt convictions last June 9.

At the same time, the appeals court struck the contempt-by-publication sections from the crime-news rules of the Supreme Bench of Baltimore, holding that these sections contravened constitutional guarantees of free speech and a free press.

The Court of Appeals held also that radio broadcasts to the effect that Eugene H. James, a Negro janitor with a past criminal record, had confessed the murder of an 11-year-old girl did not meet the Supreme Court test for contempt since they were not a "clear and present danger" to the administration of justice.

Attorney's Argument

In seeking a reversal of the appellate-court ruling, Maryland's attorney general argued that:

1. The broadcasts denied James his constitutional right that an impartial jury hear his murder trial.

2. Federal guarantees of freedom of speech and press cannot deny Maryland the power to punish acts which make trial by an impartial jury impossible.

3. Under the circumstances, the broadcasts "as a minimum" satisfied the clear and present danger test required as a condition "to a limitation upon freedom of speech and freedom of press," although the Maryland Court of Appeals ruled otherwise.

4. The question of the influence of published or broadcast matter on prospective jurors has never been decided in the Supreme Court.

5. In making its decision, Maryland's highest court acted "solely under the compulsion of its misconstruction and misinterpretation of [Supreme Court] decisions relating to freedom of speech and freedom of the press."

Mr. Hammond claimed the Court of Appeals was "obviously acting reluctantly."

The broadcasts immediately followed the arrest of the 32-year-old James, who was hanged about two weeks ago for the knife-slaying of Marsha Brill.

Appeals Successful

Radio stations WFBR, WCBM and WITH successfully appealed after they were convicted and fined in the Criminal Court of Baltimore.

Mr. Hammond and Harrison L. Winter, assistant attorney general, told the Supreme Court the broadcasts undoubtedly prejudiced James's case and adversely influenced prospective jurors.

The broadcasts contained facts which "under no conceivable rule of evidence" would have been admissable at James's trial, the attorneys general said.

State Denied Right

Admission of such facts in a courtroom would, in fact, have compelled reversal of any convictions obtained, they added.

In a thirteen-page petition for Supreme Court review, supported by a 34-page brief, Mr. Hammond said the Court of Appeals denied Maryland the right to enforce its own constitutional guarantee that a defendant is entitled to a speedy trial by an impartial jury in the vicinity where the crime was committed.

The State's appeal petition, seeking a writ of certiorari, was sent to Washington by special messenger and was filed shortly after 1 P.M., Mr. Winter said yesterday.

The radio stations will be given time to file opposing briefs before any action is taken by the nation's highest court.

The Supreme Court was asked to intervene in the case on several more specific grounds:

1. Mr. Hammond declared that counsel for James discarded the idea of asking a jury trial because they feared it would be impossible to find a jury "that had not been infected" by knowledge of James's confession and criminal background.

Actual Prejudice Seen

2. The attorney general said that "improper knowledge of such facts irrevocably and irresistibly constitutes actual prejudice against an accused" and the defendant's rights therefore were abridged.

3. He said that in any conflict between press freedom and the rights of an accused person "the fair and impartial administration of justice must prevail."

The attorney general elaborated on the alleged "inflammatory" nature of the broadcasts about James.

Jury Area Covered

"These broadcasts saturated the area from which the jurors . . . would be selected," the State's brief declared.

It said the broadcasts contained facts which would otherwise have been presented "only under the direct supervision of a court" and with "strict application of constitutional and evidencial principles."

"For example," the State argument continued, "the broadcasts clearly informed the population of the city of Baltimore, as well as most, if not all, of the State, that James had confessed.

"The use of confessions in criminal prosecutions has recently been re-examined by this Court (the Supreme Court), and strict constitutional doctrines laid down regarding the use, depending on how they were obtained.

Reversal Possibility Seen

"Knowledge of a confession improperly obtained would not of necessitate reversal of any conviction obtained as a matter of the law of evidence, but as a matter of constitutional right.

"Thus the restraint with which the fact of the existence of a confession should be handled is made obvious.

"Such fact, if an accused is to have a fair and impartial trial, must be made known only in the forum of a courtroom, where there is present a judge cognizant of the law of evidence and constitutional law relating to confessions, able to apply such law, and able to afford to an accused all of his constitutional rights.

"It is impossible to conclude otherwise than that the publications . . . not only had great likelihood, but, as found by the trial court, actually prejudiced any prospective juror against the accused.

"Thus, it clearly appears that the substantial evil of a denial of due process of law was occasioned . . . by the broadcasts and their inescapable effect on prospective jurors.

"That the Court of Appeals concluded otherwise, it is submitted, was the gravest error."

Outright Reversal Asked

The Maryland attorneys made clear that both the Baltimore court rules and the general judicial powers to punish for contempt were under trial in the current case. Their brief sought outright reversal of the Court of Appeals ruling, which was handed down with only one judge, Charles Markell, dissenting.

The State attorneys general argued that Supreme Court decisions on which the Maryland Court of Appeals ruling was based had dealt with the possible effect of criticism on judges, and scandalization of the courts, rather than the impact of publicity on potential juries.

These are separate and dissimilar problems, Mr. Hammond and Mr. Winter claimed. They declared judges possess special abilities "to render a decision uncoerced and to remain unaffected" by outside influence.

Decisions Recognize Difference

They added that prior Supreme Court rulings appeared "to recognize the difference between judges and jurors in determining whether any particular publication constitutes a clear and present danger to the fair and impartial administration of justice."

Their brief charged that the State Court of Appeals not only decided a point of law never considered by the Supreme Court, but "undoubtedly" did so in "a manner directly opposite" from the way the Supreme Court would have decided.

Proper Application Sought

This was because the Court of Appeals applied to jurors a test which the Supreme Court has applied only to judges, and then only because it considered judges "a separate and distinct category of trained and tempered person . . . peculiarly immune to outside influence," Mr. Hammond and Mr. Winter said.

The attorneys stated a proper application of the clear and present danger rule would have brought a sustaining of the contempt-of-court convictions.

EVE. SUN - 9/2

Loser Loses 6 Days, But Is Loosed

A six-day jail sentence for playing numbers was imposed by Judge Michael J. Manley today on Bernard Loser, because the man already had been in jail that long. It was dated from the date of his arrest.

Loser was arrested August 27 when Patrolman Hubert Hogan saw hsim making a numbers notation at Baltimore and Pine streets. Another lottery slip for the previous day was found in his pocket.

Since the usual penalty for possession of numbers slips by patrons of the numbers business is a $10 fine, Assistant State's Attorney Saul A. Harris pointed out that Loser had already paid more than the normal penalty because he was unable to furnish bail pending trial.

MORN-SUN-9/3

THREE FORBIDDEN TO RIDE IN AUTOS

Judge Puts Youths On Probation In Two Cases

Three youths received suspended sentences in the reformatory yesterday for unauthorized use of automobiles and were put on probation on condition that during the two years of the sentence they must not ride at all in a privately owned automobile, even as a guest.

In the case of one youth, 19-year-old Raymond Phelning, of Pasadena, Md., Judge E. Paul Mason relaxed his ruling to the extent that the boy will be permitted to ride to and from work in his father's car. He made this exception after being told that it would cost $1.65 in cab fare for the youth to go from his home to a bus line to take him to work.

In Greenmount Collision

Phelning and Richard Willis, 17, of the 2100 block of Moyer street, were arrested last month when the cars they were driving, which had been taken without the consent of their owners, were in collision on Greenmount avenue.

The third defendant, Larry Dermott, 16, of the 2700 block of Greenmount avenue, was arrested near Towson with an automobile he admitted belonged to another.

Judge Mason told the youths that, with the exception of the special work provision regarding Phelning, they must restrict all of their transportation to public vehicles and warned that if they were caught riding in a private car the provisions of the probation would be violated and they would have to serve their terms.

EVE. SUN - 9/5

Baby Placement Cases Pushed, Wells Reports

Investigations of baby placement are still being pressed State's Attorney J. Bernard Wells revealed today.

Police investigators working under Assistant State's Attorney Anselm Sodaro have been busy the last week probing new leads concerning placement cases and baby homes which already have cause grand jury action against seven defendants.

The present grand jury goes out of office on Friday. The prosecutor declined to state whether new aspects would come before the grand jury this week, or whether production of witnesses would be deferred until the September term grand jury takes office on September 13.

Assisting Prosecutor

Detective Lieutenant John M. Hettchen, Detective Sergeants Anthony Nelligan and Charles J. Hudak, and Policewomen Alice Burger and Agnes Tawney are working with the prosecutor's office.

Mr. Wells stated that the new activities have delayed final preparation of the report that he and Mr. Sodaro are to make to Judge Charles E. Moylan, of the Juvenile Court, in connection with baby placements.

The investigations were begun when Judge Moylan requested a probe regarding a supposedly missing baby, and also had asked a general check on the existence of baby homes.

Woman Under Indictment

Mrs. Gertrude M. Hailey, who has operated one home in the 1100 block Forrest street, is the person who faced Juvenile Court proceedings concerning the supposed disappearance of Kathleen Ann Kelly, who was found by the prosecutors to be in the care of foster parents who are endeavoring to adopt her.

Mrs. Hailey is under indictment on charges of receiving fees for the placement of that child and two other babies, as well as on charges of perjury, two charges of operating a baby-placement agency without a license, and charges of failing to have a rooming-house license and a license from the State Department of Welfare.

Two other women face charges of operating homes for babies without a State license and another group of four defendants faces a charge of operating such a home without a rooming-house license.

MORN-SUN - 9/7

Apartment Burglar Sentenced To 3 Years

Sentence of not more than three years in the Reformatory for Males was imposed on William Pannell, 24, who was convicted of burglary and larceny charges by Chief Judge W. Conwell Smith in Criminal Court.

Pannell, a Negro, was found guilty of stealing a suit of clothes from another man last August 6 and of breaking into two apartments in the 3200 block Greenmount avenue two days later. The apartment burglaries netted the defendant about $325 worth of clothing and other articles, Judge Smith was told.

NEWS - 9/7

Trio In Pen 'Break' Are Sentenced

Three long-term prisoners in the Penitentiary who tried to "go over the wall' July 28 with an improvised ladder, pleaded guilty in Criminal Court today to attempted escape and were sentenced to three more years, to begin when their present terms expire.

Charges of assault with intent to kill a guard during the escape attempt were dropped.

They were based on the fact that one of the trio held a guard at bay with a table knife while the two others made for the wall with the ladder.

BALKED BY GUARD

The break was balked when a guard on the wall called a halt on the prisoners and covered them with a shotgun. The prisoners are:

Irvin Limper, forty-nine, so-called "hop-skip-and-jump bandit, originally sentenced in 1930 on holdup charges.

Reginald Butler, twenty-nine, sentenced early this year for criminal assault.

Howard Hentze, twenty-six, sentenced in 1943 for armed robbery.

Limper's present terms expires in 1981, Butler's in 1965 and Hentze's in 1960.

SOLITARY CONFINEMENT

Since the escape attempt all three were held in solitary confinement on bread and water. They appeared in court today in prison garb.

None of them said anything—their pleas were entered by court appointed counsel, Deeley K. Nice and John R. Norris.

Limper was called the "hop-skip-and-jump bandit" for a quick succession of holdups on the same day. In a previous escape attempt several years ago he was shot in the chest.

EVE. SUN - 9/7

11 Murder Trials Due This Month

Eleven murder cases await trial during the September term of Criminal Court which will open next Tuesday.

State's Attorney J. Bernard Wells said the accumulation of such homicide cases during the past summer was lighter than usual, although the rest of the court dockets are heavy.

Court-appointed counsel are representing defendants in three of the pending cases.

One of those is a murder case against William Fields Sampson, colored man charged with the fatal shooting last June 11 of John Davis, Negro, who was said to have been engaged in the numbers business in the 400 block North Central avenue, where the shooting occurred.

Counsel For Sampson

Judge E. Paul Mason early last month appointed Hilary W. Gans, one-time assistant prosecutor, as counsel for Sampson after Assistant State's Attorney Alan H. Murrell explained that the shooting arose in a controversy regarding numbers play, that the State had a number of witnesses "under protective custody" and that the defendant had been sought for seven weeks before he was apprehended in North Carolina.

Judge Joseph Sherbow has appointed James A. Pine as defense counsel for George Jones, 24, colored, who is charged with killing another Negro last February 21. Donald P. Roman has been appointed defense counsel for Mehemiah Watson, colored man charged with killing another Negro last June 30.

Assistant State's Attorney Saul A. Harris today set two of the eleven cases for arraignment next Friday in order to determine whether counsel needs to be appointed. No lawyers have filed to appear for Mrs. Viola Shane, colored, charged with killing a Negro man last August 7 or William Robinson, colored, charged with killing a Negro woman last August 6.

Two On Bail

Defendants in two other of the pending murder cases are on bail. Marion Wilbert Diggs, of the 800 block Bouldin street, who is represented by Harry I. Kaplan, attorney, was released under $3,000 bail set by Judge Herman M. Moser on a charge of murdering his father last June 15. Hum Lee Shing, a Chinese, is out on $3,000 bail authorized by Judge J. Abner Sayler, for killing a Negro man last June 11. The defendant is represented by William Curran and R. Palmer Ingram.

In the other pending murder cases, Stanley Bell, represented by Samuel Rosenthal, is charged with causing the death of a 60-year-old man in fisticuffs last July 8; Robert Adkins, colored, represented by Joel J. Hochman, is charged with causing the death of another man last July 24 by a fist blow; James A. Johnson, colored, represented by Mr. Kaplan, is charged with killing another Negro last April 30, and Melvin Marshall, colored, represented by Michael Freedman, is charged with killing another Negro last June 19.

3 Convicts Get New Terms In Foiled Escape

Additional three-year sentences were imposed today by Judge S. Ralph Warnken on the three long-term Penitentiary convicts who made a vain attempt to escape July 28.

The three men, Irvin D. Limper, Reginald Butler and Howard Hentze, pleaded guilty today in Criminal Court on the charge of attempted escape.

Judge Warnken, in considering the plea of court-appointed defense counsel that continued idleness had left the men in a state of hopless frustration, said the court unfortunately could not improve the situation of idleness that now prevails in most prisons throughout the nation.

"Elaborate Preparations"

The judge said "most elaborate preparations" had been made for the escape attempt, and he felt that, although the prisoners already had lost their rights to privileges and "good behavior time," it was necessary to have prison inmates realize they would get additional punishment for attempting to flee.

Shortly before noon on July 28, Limper and Butler made a dash to the Forrest street wall with an improvised scaling ladder, while Hentze, using a kitchen table knife as a weapon, cornered and threatened a prison guard, Myron Breece, who had been at lunch in his guard station.

One Charge Dropped

A separate charge of intent to muder against Hentze was dropped today by the prosecutors, Assistant State's Attorneys Charles E. Orth, Jr., and William J. O'Donnell, when the men pleaded guilty to the escape indictment.

Hentze was characterized by the prosecutors as the tool of the other men. It was explained that he probably would have been unable to get away evn if Limper and Butler had scaled the wall.

The attempted prison break, they said, was stopped abruptly when Joseph M. Snyder, guard stationed at a post on the prison wall, saw the excitement and covered Limper and Butler with his shotgun.

Limper Shot In 1931

Both men threw up their hands and pleaded with him not to shoot.

Limper had been shot before in an attempted escape in 1931.

The prosecutors produced in court the ladder made from braided thread from the prison shoe shop, with 6-inch iron bolts from a construction job used as rungs.

Three long broom handles had been joined together as a pole to place hooks at the end of the ladder on the prison wall.

Many Things Hidden

When Judge Warnken expressed astonishment that the device could have been hidden within the prison, prosecutors said that wardens had explained that the ancient prison had so many corners and cubbyholes that many astonishing things were often hidden away.

The convicts had explained their move was in the planning for about three weeks.

Limper, 49, was first sentenced to a twenty-year term in 1930 when his series of fourteen holdups within a few hours earned him the sobriquet of "hop, skip and jump bandit."

Once Free Two Years

His escape attempt in 1931 brought an additional three-year term. In 1937, he escaped again and was at large more than two years.

Another robbery while out brought him sixteen years more in sentences. In 1947, however, Limper was paroled. Within ten months, he again faced robbery charges for holding up *Sunpaper* distributors, and got an additional twenty-year term which made his minimum term end in 1981, not counting today's sentence.

Pointing out that Limper would be past 80 before prior terms ended, Judge Warnken commented that "apparently time is not important to him."

Fled From Prison Farm

Butler, 29, originally was sentenced to five years for extortion and got an additional year for an escape from the prison farm. Early this year, about three years after completing those sentences, was sentenced to a twenty-year term from Cecil county for attempted rape.

Hentze, 26, originally received a five-year term in 1940 for robbery. In 1943 he escaped from the prison farm and perpetrated additional robberies in Washington county, for which he was sentenced to another twenty years.

MORN SUN - 9/8

4 Face Charges On Sales Taxes

Three Baltimore area business men and one woman yesterday were charged with failing to pay sales taxes to the State.

The accused are:

GABRIEL B. MADDOX, Maddox Printing Company, 700 block Druid Hill avenue.

JOSEPH MAZER, Olde Mill Tavern, 600 block North Fremont avenue.

JEANNETTE FRIEDMAN, Jan's Shop, 500 block North Gilmor street.

CLARENCE TREON, Lansdowne Inn, Hammonds Ferry road, Baltimore county.

All except Treon were presented yesterday by the grand jury of Baltimore city.

Peach Files Papers

Treon was charged in criminal informations filed in the Circuit Court for Baltimore county.

Signed by Francis T. Peach, county State's attorney, these informations alleged that Treon failed to collect sales taxes for May and June, and failed to file returns or make payments for those months.

The cases of the remaining defendants were presented to the city grand jury by William J. O'Donnell, assistant State's attorney. The jury returned presentments that charged the defendants with failure to pay the taxes in various months between September of last year and July, 1949.

Two Bogus-Check Men Sent To Cut

Three men yesterday pleaded guilty to a bogus-check scheme which involved the printing of checks and fictitious identification cards through which they were able to obtain about $500 from Baltimore merchants.

Theodore Patterson, 45, of Philadelphia, and Harry C. Wilson, 39, who gave an address at a Pennsylvania avenue hotel, were sentenced to one year each in the House of Correction. William L. Riley, 20-year-old Florida youth, was placed on probation on condition he return home. All three are Negroes.

William J. O'Donnell, prosecutor, disclosed that the checks were printed to appear as pay-roll checks of a local steel concern or life insurance company. He told Judge S. Ralph Warnken the men also had faked labor union cards and social security cards.

NEWS - 9/9

Group Also Wants Bars Closed On Sundays

Either pass legislation which will permit police to control gambling or legalize gambling, the May term of the Grand Jury advised today in its report submitted to Judges Robert France, John T. Tucker and E. Paul Mason of the Criminal Courts.

In disbanding today, Foreman Clinton I. Carrick submitted his report, together with a special committee report on liquor licenses signed by Howard R. Harr, chairman.

Mr. Carrick's report said the Grand Jury found the Police Department to be doing a "splendid job" of apprehending law violators "with the exception of gambling."

PLAN SUGGESTED

After pointing out that most violators in gambling were arrested by Capt. Alexander Emerson, the report suggested that violators might be curbed by being given a fine and a suspended jail sentence, the jail term being reserved for second offenders and thus held over the heads of arrested violators.

The Grand Jury's final recommendation was that the laws be made adequate for the arrest of violators, or that gambling should be legalized. And, it continued:

"This jury is fully cognizant of the dangers of legalized gambling."

Th ereport also gave the office of Wilford L. Carter, clerk of the Criminal Court, a clean bill of health after a second audit had been performed.

CHECKS FOR BAIL

The report suggested that in the future bail be accepted in the form of checks or money orders, and that the practice of accepting cash be abandoned.

The special committee, headed by Mr. Harr, suggested that too many liquor licenses are being given out, particularly to owners who exploit their patrons; hours should be shortened and bars should be closed all day Sunday.

They also suggested that where there are multiple bars, a license should be assessed against each, and that particularly large bars should be licensed according to their footage.

EVE. SUN - 9/9/49

Fines, Possible Jail Terms Urged

Criticism of police enforcement of anti-gambling laws was voiced today by the retiring May-term grand jury in its report to the judges of Criminal Court by Clinton I. Carrick, its foreman.

The report urged heavier fines and possible prison sentences as a deterrent to gambling violators, and stated that if gambling laws were not more strictly enforced the "only alternative" would be legalization of gambling.

The Grand Jury also reported in detail on the office of Wilford L. Carter, clerk of the Criminal Court.

Jurors Uregd Audit

Last May, when it declined to institute prosecutions in connection with the office, the jury submitted a nine-point program of recommendations calling for legislation to give the courts power over the court clerks, and urging a new audit of the office before the jury retired.

The new report recounted the results of the suplemental audit made late last month by State Auditor Daniel L. Clayland 3d and his staff.

The report showed that the Criminal Court office is now in order, that accounts are kept up to date and that the fiscal year report due June 30 was filed on time.

Monthly Statements

Mr. Clayland reported, the jury revealed, that he planned to require monthly statements from the Criminal Court clerk to show the condition of his records, and he also recommended that the court office decline to receive currency for cash bails, but only receive cash in the form of checks or money orders.

The jury's report on gambling said:

"After having the opportunity of associating with the many members of the Police Department who have had occasion to testify before us, this grand jury is of the opinion that our law-enforcement body is doing a splendid job of apprehending criminals. There is one exception, however, and that is in reference to gambling.

"No Marked Improvement"

"There have been some changes in that respect recently, but no marked improvement.

"The only noticeable or effective work in the enforcement of the gambling laws is being done by the vice squad of headquarters division under the direction of Capt. Alexander Emerson.

"This Grand Jury feels that Captain Emerson cannot be too highly commended for his zealous work under the existing gambling laws. The great difficulty encountered at present is securing the necessary evidence for conviction.

First Offense Suspension

"In connection with this subject it is felt that a more substantial fine and a possible prison sentence for a nominal time (for example, 30 or 60 days) would have a more drastic effect upon violators.

"In cases where the accused is a first-offender imprisonment sentences could be suspended on probation; thus holding the imprisonment sentence in abeyance pending their further participation.

"It is highly desirable at this time either to pass the necessary legislation so that these violators may be apprehended, or as the only alternative, the legalizing of gambling.

Complications Seen

"This grand jury is fully cognizant of the complications involved in the legalization of gambling and, therefore, wish to offer this only as a secondary recommendation."

Concerning public institutions, the grand jury foreman said they are marked by overcrowding, understaffing and idleness of inmates.

It urged that magistrates be empowered to send ill and physically incompetent persons to Baltimore City Hospitals, where there is an unused building, instead of committing them to penal institutions.

Little Improvement

A jury subcommittee on mental institutions headed by James M. Knight, referred to Howard M. Norton's survey in the *Sunpapers* and said:

"There has been little or no improvement since the Norton survey. Although our last Legislature approved a large sum of money for building, as this report is written nothing has been started in the way of building."

PrUompt appointment of a director of mental hospitals by Governor Lane was urged. The committee also proposed that a new hospital unit be built in Western Maryland, near Hagerstown.

Negro Help Urged

Concerning the Crownsville Hospital for Negro Insane, the committee urged the use of Negro help instead of white workers, numerous physical improvements and location of criminal insane and feeble-minded children in separate new buildings located elsewhere.

The Cheltenham School for Colored Boys drew an especially critical committee report which called it "still a disgrace to the State of Maryland."

A special minority report handed by Maud P. Bell, a Negro member of the grand jury, unfavorably compared facilities at Cheltenham and at other Negro institutions with the facilities at comparable white institutions.

Joint Management Asked

She particularly urged that Cheltenham be placed under joint management with the Maryland School for Boys.

A special subcommittee on taverns, headed by Howard R. Harr, urged earlier closing hours and Sunday closing.

Mr. Carrick's report said that inspections of the harbor showed the need to remove floating debris, to clean up the harbor and prevent industrial pollution if increased business settlement is expected in Baltimore.

Collections Increase

His report also cited large increase in activities and collections of the probation departmet of the Supreme Bench under Charles F. Snyder, chief probation officer.

Nonsupport, alimony, restitution and other collections by the department in its banking business amounted to $1,477,623.87 for the first six months of 1949, more than was collected in a full twelve-month period in former years.

EVE. SUN - 9/9

Trial In Numbers Racket Death Set For Sept. 28

Prosecutors today set the murder trial of William Fields Sampson, colored man accused in a killing involving the numbers racket, for Wednesday, September 28.

Sampson is charged with murdering John Davis, another colored man, on June 11. He was arrested almost two months later in North Carolina.

Judge E. Paul Mason will preside at the trial. Hilary W. Gans, court-appointed defense lawyer, has elected a jury trial.

Witnesses In Custody

Alan H. Murrell, assistant State's attorney, announced at the time of Sampson's arraignment in Criminal Court early last month that police have a number of witnesses "in protective custody."

The assistant prosecutor stated publicly in Criminal Court at the time of arraignment that the shooting involved the lottery business.

Davis was killed in the 400 block of North Central avenue. Court records show that Davis had been convicted for numbers violations in the same vicinity.

The case is one of eleven murder trials which accumulated during the summer and await trial during the September term of court that begins Tuesday.

EVE. SUN 9/13

Wells To Probe Slum Buying Contracts

By Burke Davis

State's Attorney J. Bernard Wells said today he would investigate long-term purchase contracts involving slum properties.

The State's Atorney took action after a member of the Real Estate Board who own extensive slum properties today called for an inquiry into long-term "contracts" under which hundreds of Baltimore "home buyers" are paying for dilapidated houses in the slums.

Philip Needle, who earlier criticized the Baltimore Plan for cleaning slums for being too lenient, characterized the contracts as "vicious practice."

Had Sought Action

He said he had asked the Real Estate Board to take action to outlaw the contracts but had not been successful.

Mr. Wells said that "certain real-estate transactions," as reported in the public press . . . seem somewhat irregular. I am having them looked into to determine whether or not they involve illegality. If they do, the proper action will be taken."

"In this connection," he continued, "I might say that there now is pending in the Maryland Court of Appeals a very closely related matter from one of the civil courts involving an attempted forfeiture of rights under so-called purchase contract. The result and upper-court decision in that case would be most helpful in determining the proper course of action of the prosecuting office."

David M. Nichols, president of the Real Estate Board, said that while some dealers were "very obviously taking advantage" of purchasers no board action was planned.

No Control Of Nonmembers

Mr. Nichols said the board had no supervision over nonmembers who are using such contracts, but that if cases of members using them were presented the group would take action.

Typical of such contracts is one for the sale of a slum house at 514 North Mount street. In its original typewritten form the last names of the purchasers, Wilbert Keys and his wife, Roberta, appear as "Keyes," although each of them signed the contract under the name of "Keys."

The seller, William Mailman wrote on the bottom of this contract in longhand: "I hereby assign the within contract to William Queen witness my hand and seel," and the Keys again scribbled their names, "Keys," on the edge of the document.

Mr. Needles said:

"This is something the State's attorney ought to handle. These dealers are taking money under false pretenses. They are selling houses they know are in bad repair, to escape making repairs themselves.

Taking Life Savings

"They are charging two or three times what the rent laws allow and in many cases they taking from poor people the $200 or $300 that is their life savings.

"The purchasers won't live long enough to own the houses. These contracts are used only to relieve owners of responsibility. They often frighten tenants into buying and it's surprising how much money they get out of them.

"I brought this up at the Real Estate Board but I don't think anything has been done. I don't think any board members would use these contracts."

G. Yates Cook, chief of the Health Department's housing division, said he had seen numerous cases where the contracts were in use. He suggested that the Legislature set limits to the contracts to protect purchasers.

This might be done, he said, by requiring that notice of the default be given the "purchasers" in writing when they were behind on payments, rather than continue the present system of reposessing the houses without further notice.

Guy T. O. Hollyday, president of the Title Guarantee Company and past president of the Mortgage Bankers Association of America said:

"These contracts have been used in a widespread practice to get rents raised. Often the sale was set up so that the purchaser lost his rights and this is a pernicious practice to perfectly legally take advantage of the slum dweller. There are many possibilities of abuses.

"These would be valid contracts but if properties were presented to us of course we'd want to examine them very thoroughly. There are a good many loopholes for those who want to take advantage of them and unfortunately some do.

System "Inequitable"

"Perhaps some abuses could be corrected by legislation requiring notice in writing to those who defaulted. Certainly the present system is inequitable."

The legal department of the Baltimore office of the housing expediter said that it often saw such contracts but that it had interpreted a recent Federal court decision in Maryland as meaning that the contracts were not a violation of OHE regulations.

One of the attorneys said: "The majority of these people, of course, will never own titles to the houses and most of them have no intention of doing so. They are willing to pay usually and sometimes payments are not much higher than the rents although they are in most cases. Two weeks ago we had the case of a Negro who was paying $20 a week on a contract for a house which had a rent ceiling several times lower.

"These things are working hardships on lots of people, but our hands are tied."

Protection In Courts

Louis Jira, vice president of the Maryland Title Guarantee Company, said he knew that there had been some cases of such sales in an effort to escape rent regulations but that he had not seen many such contracts recently.

He said that purchasers who were given insufficient notice could be protected in equity courts. He said that the buyer should always enforce his rights. As an example, he said, if the seller of the house kept too much money as rent or damages when the buyer defaulted the buyer could take a claim to court.

Mr. Jira said that he would insure the title for either buyer or seller under these contracts, "subject to the operation of the contracts."

Magistrate Harry S. Kruger, of the Housing Court, said "certainly, title firms would guarantee titles with such an exception but that doesn't help much. You may as well say a title would be guaranteed except for an outstanding mortgage."

Probably Thousands

Mr. Kruger said there were probably thousands of such contracts in the city and that he was uncovering more and more in his court. He said "when it is apparent that the contracts are merely an effort to evade the law they are pernicious. The purchasers apparently won't live to own these houses . . . it is inequitable that they should lose them without notice when they miss one or two payments."

He suggested that legislation might require mortgages written and a deed transferred. Then, he pointed out, the purchaser would be given four or five weeks of unpaid payments by law before he was in debt.

Philip Pitt, secretary of the Real Estate Board, said he did not know any board members who used the contracts. He said he did not wish to make a public statement on the practice, although he was thoroughly familiar with it and held a very positive opinion as to the fairness of its operation.

Mr. Nichols said:

"I don't believe that dealers should use conditional contracts of sale for selfish purposes. They certainly don't have our sympathy. Undoubtedly some are using them to circumvent rent and city housing laws.

Limited Supervision

"If we had concrete cases of actual members of the board we would see what could be done. We have no supervision over nonmembers that are."

Speaking of the common provision of the contract allowing sellers to repossess houses without notice when payments were missed, Mr. Nichols said:

"I think anyone is entitled to notice in writing. I think there could be legislation to stop that practice.

"It doesn't seem fair, either, that the purchaser has no right to get a mortgage when he has paid a fair down payment.

"We've got a job to clean up the slums and the sooner we do it the better. I worked on a good many slum houses, but I saw the handwriting on the wall and sold most of them at a terrific loss.

Baby-Placement Probe Still On, Judge Says

Judge Robert France today, in his charge to the September-term grand jury, said that the baby probe would be continued.

He told the jurors that "certain matters having to do with alleged irregularities in the adoption and placement of infants" was brought before the retiring grand jury, which "returned a number of indictments."

"It is our information that the matter is not yet completed," he said, "and you may therefore expect that during your term of office you will have this unfinished business brought to your attention for such action as you may deem proper."

Fire Hazards Cited

Judge France also asked the jurors to "direct your attention to fire hazards that may exist in public-gathering places" and told them that "the judges in the criminal courts are determined to deal with the use of deadly weapons in the commission of criminal offenses with proper severity."

The judge declared there had been an increase in crimes of violence and that "greater effort, more diligence, harder work on the part of the police, the State's attorney, and the courts are called for."

Frank H. Durkee, Sr., was appointed jury foreman, and John N. Mackall, Sr., was named assistant.

EVE. SUN - 9/13/49

Kraemer, Whittemore Gang Member, Free From Prison

Leon Kraemer, last of the notorious Richard Reese Whittemore gang of holdup men who terrorized a tri-state area during the "Roaring '20's," completed serving a 22-year term at the Dannemora Prison in New York State today.

The mob of hoodlums in a few years was held responsible for a dozen holdups that netted them more than $1,000,000 in loot in Baltimore, Philadelphia, New York and Buffalo.

They also were blamed for at least a half a dozen murders.

"Real Brains" Died In 1930

Although Whittemore was the recognized leader of the band, the "real brains" of the mob, police said, was Leon Kraemer and his brother, Jake, who died of tuberculosis in Dannemora in 1930.

The brothers, who were born in Russia and had criminal records there and in Belgium and England before coming to the United States, were sentenced under the name of Miller to ten years in the Maryland Penitentiary for the robbery of a Howard street jewelry store in 1916.

Given 40-Year Terms

In the same year they were released from the Penitentiary—1925—the brothers robbed a New York jewelry store. Tried and convicted, they were sentenced to 40 years each.

Whittemore, who was known as "The Candy Kid," was hanged in the Maryland Penitentiary on August 13, 1926, for bludgeoning a prison guard to death the previous year during an escape attempt.

All other members of the gang led by him died, most of them from natural causes while serving time.

Stabbed Fellow Inmate

Leon Kraemer had been in Dannemora less than a year, according to records, when he stabbed another inmate. Two years after that incident, he was a ringleader in the riots at the prison, and later he was transferred to the Great Meadow Prison at Comstock, New York.

On August 23, 1932, he escaped by hiding in an automobile that had been repaired in the prison for the warden's son. Ten months later, while investigating a shooting in a New York apartment, police found Kraemer seated in a chair with bullet wounds in the chest and leg.

No Time Off Given Him

No time off for good behavior figured in Kraemer's release today. He was always known as a bad actor, but the New York State Board of Parole had no choice in the matter, despite Kraemer's record.

The law stipulates that a man must be set free after he completes his minimum term. Kraemer completed the minimum twenty years of a 40-year sentence, plus two years for the escape.

Baltimore police said they had no interest in Kraemer, now 57.

NEWS - 9/13 / MORN SUN - 9/14

Judge France Charges New Grand Jury

The September term of the Baltimore City Grand Jury was organized today by Judges Robert France, John T. Tucker and E. Paul Mason. Frank H. Durkee, Sr., head of a chain of motion-picture theaters, was named foreman.

Serving with Mr. Durkee as assistant foreman will be John N. Mackall, Sr., an engineer and former chairman of the State Roads Commission.

The new jurors were informed by Judge France in his charge that matters concerning the irregularities in the adoption and placing of children investigated by the May term grand jury have not been completed and they may wish to consider them further.

The charge was concluded with a reference to the increase in crimes of violence, which Judge France said was not unusual in the wake of war. He said these must be met and overcome by greater effort, more diligence and harder work by the police.

Leon Kramer Ends Prison Term

DANNEMORA, N. Y., Sept. 13 (AP)—Leon Kramer, the surviving member of the notorious "Candy Kid" Whittemore gang of the early 1920's, ends a 22-year term at Clinton State Prison today.

Warden J. Vernel Jackson said Kramer was being released "like any other regular inmate. There'll be no bands out for him."

Kramer and his brother, Jake, were sentenced June 11, 1926, to serve 40 years each for robbing a Manhattan jewelry store of $6,000. Jake died in Dannemora in 1930.

The Whittemore gang was led by Richard Reese (Candy Kid) Whittemore, who was hanged in Baltimore in 1926 for the murder of a prison guard. The gang was linked with a dozen holdups in New York, Baltimore, Buffalo and Philadelphia and was blamed for at least six murders.

MORN SUN - 9/14

GAMING FINES TOTAL $4,200

8 Are Involved In Bookmaking, Lottery Charges

Fines totaling $4,200 were imposed on eight persons yesterday, after they were convicted by Judge Robert France in Criminal Court on bookmaking, numbers and other gambling charges.

None of the defendants received a prison sentence.

The retiring grand jury last week urged that violators of the State's gambling laws be imprisoned for brief terms as a means of discouraging offenders.

Two Men Plead Guilty

Fines of $1,500 each were imposed on Harry Silverman, 42, of the 2300 block Anoka avenue, and Morris Rubin, 35, of the 5400 block Park Heights avenue, who pleaded guilty to accepting race bets at garage premises in the first block North Fremont avenue.

They were arrested June 24 by a squad of policemen under Capt. Alexander Emerson after the raiders were forced to batter down three doors to gain admission to the bookmaking establishment, according to Saul Harris and J. Harold Grady, prosecutors.

Captain Emerson said Silverman and Rubin, partially-clothed, were burning pieces of paper in the building. He said he seized more than $4,000 worth of bet slips from the two men and took over $1,000 in additional bets by telephone.

The captain estimated the defendants received about $6,000 in bets that day.

Woman Is Fined $500

A fine of $500 was imposed on Miss Florence Lyde, Negro, of the 1000 block North Bond street, who attempted to hide a book of numbers slips beneath her clothing to escape arrest, the prosecutors said. Taken to a police station, she was relieved of the book by a matron and charged.

She recently was fined $100 for a similar violation, it was testified.

Fines of $100 each were imposed on Bena Torrain, Gunner N. M. N. Worthan and John Evans, all Negroes, convicted as numbers game agents.

Samuel Leonard was fined a total of $300 for accepting bets on a baseball pool and horse races at premises in the 1000 block West North avenue. John Hoenig, owner of the premises, was fined $100.

COURT RENEWS BABY PROBE

Wells To Give New Grand Jury More Evidence

Judge Robert France, in a charge to the new September-term grand jury, yesterday told the jurors they will be called on to continue investigating "alleged irregularities" in the operation of baby-placement homes in Baltimore.

Later, J. Bernard Wells, State's Attorney, announced that new evidence gathered by a corps of investigators will probably be placed before the grand jury later this week.

The retiring grand jury returned indictments against several Baltimore women charging them with operating baby homes in violation of the law and, in some cases, with unlawfully collecting fees for placing infants in foster homes.

Investigation Prompt

In connection with the baby-home probe, Judge France said:

"During the May term of court certain matters having to do with alleged irregularities in the adoption and placement of infants came to the attention of the judge presiding in the Juvenile Court.

"The matter was promptly brought to the attention of State's Attorney Wells who, through his office, and in conjunction with the Police Department, has been conducting an investigation into these alleged irregularities.

Proper Severity Promised

"As a result of information obtained by them the retiring grand jury returned a number of indictments. It is our information that that matter is not yet completed and you may therefore expect that during your term of office you will have this unfinished business brought to your attention for such action as you may deam proper."

Judge France also told the new jurors that judges of the Criminal Courts are determined to deal "with proper severity" with criminal offenses involving the use of deadly weapons.

Frank H. Durkee, Sr., was appointed foreman of the new grand jury by Judge France.

PLANS PROBE OF SLUM SALES

Wells To Investigate Long-Term Purchase Contracts

J. Bernard Wells, State's Attorney, announced yesterday that his office will investigate long-term contracts to purchase slum properties in Baltimore.

Mr. Wells declared that certain real-estate transactions involved in the sale of slum-type dwellings have been brought to his attention.

"They seem somewhat irregular," the prosecutor said. "I am having them looked into to determine whether or not they are illegal. If they are, the proper action will be taken."

Pending Case Is Factor

Mr. Wells pointed out that the course of his investigation may be determined by the outcome of a case now pending in the Court of Appeals.

He said that case involves an appeal from a ruling by Judge Joseph Sherbow in connection with an attempted forfeiture by a seller under a so-called long-term purchase contract.

Mr. Wells's decision to investigate the long-term sales coincided with the demand for an inquiry by a member of the Real Estate Board, who termed the contracts a "vicious practice."

That type of contract was bitterly attacked by Philip Needle. Mr. Needle declared that he had unsuccessfully sought to have the Real Estate Board take action to ban such contracts.

Wants Action

"This is something the State's attorney ought to handle," Mr. Needle declared. "These dealers are taking money under false pretenses. They are selling houses they know are in bad repair to escape making repairs to them."

Mr. Needle contended the sellers are charging two or three times more than the rent-law allows and, in addition, are taking from poor people $200 or $300 representing their life savings.

Under the contracts being investigated, purchasers agree to payment terms which take as long as 60 or 70 years to complete the purchase and make the price of the slum dwellings many times more than they are worth.

EVE. SUN - 9/14

Bill To Protect Slum Buyer Proposed

A law to prevent real estate dealers in slum properties from gouging tenant buyers through long-term purchase contracts is to be put before the Legislative Council by Marshall A. Levin, a Baltimore attorney.

State's Attorney J. Bernard Wells has announced that his office will investigate current business operations under such contracts which involve forfeiting of a purchaser's rights through temporary default in installment payments.

Main Provisions

Mr. Levin's proposed bill would not prevent installment buying but would erect a hedge against unscrupulous operators through two main provisions:

1. It would prohibit the seller of a house from collecting more than a "fair" share of the sum previously paid in by an installment buyer upon the eviction of the buyer for failure to keep up his installments. A court would prescribe the "fair" share.

2. It would prohibit contracts with "speed-up" clauses which force an installment buyer to pay the whole remaining amount of the selling price immediately if he misses a specified number of installments.

Loopholes in the present law have made possible a number of "sale" contracts drawn in the interests of the seller and putting the buyer in danger of losing everything he has put in the house.

To Explain Proposal

Mr. Levin said he hopes to appear before the next session of the council to explain his proposal. He said he expected support from Magistrate Harry S. Kruger, of the Housing Court; Allan W. Rhynhart, chief judge of the People's Court, and G. Yates Cook, chief of the housing division of the City Health Department.

His measure, introduced at the last session of the Legislature, was unanimously passed in the Senate. It bogged down in the House Judiciary Committee, reportedly under pressure from elements of the James H. (Jack) Pollack Democratic organization.

MORN SUN - 9/15

Man Is Fined $1,000 On Lottery Charges

Convicted of lottery violations for the fifth time, Charles Ross, of the 1500 block Swallow circle, yesterday was fined $1,000 and costs by Judge Robert France in Criminal Court.

Ross, a Negro, was arrested last August 6 in the 1200 block East Monument street after police observed him drop a numbers book containing lottery playing totaling about $950.

Charles E. Orth, Jr., prosecutor, said Ross was fined $500 and costs when he was in court last February on a similar violation.

NEWS - 9-14-49

Louis Azrael Says: NO ACCUSATION, BUT HE'S LOCKED IN JAIL

By LOUIS AZRAEL

"Equal justice under the law," we're supposed to have.

Let me tell you a little story . . .

Almost a month ago a young man walked into my office to get some advice.

He was in a jam with his family.

A few days previously he had been arrested on a drunkenness charge, largely because he was jobless and loafing on the City Hall Plaza. A few hours after his arrest he gave bail and was released without standing trial.

For reasons that needn't be explained here, he found it necessary to prove to his family that he had been arrested. And he couldn't do it.

His name did not appear on the police docket.

How, he asked me, could he solve his problem?

UNEXPECTED FRUIT

The solution proved to be ridiculously easy. The man's name had been misspelled on the docket. That's why, when his family asked police if he had been arrested, they were told he hadn't been.

Ordinarily, that would have ended the matter. But a strange thing happened.

Out of my simple investigation of the man's story came some facts which seemed suspicious. As a result of those suspicions, a police turnkey is now indicted on charges of getting money by fraud from three men who were in his custody.

The indictment was issued over three weeks ago. The turnkey immediately gave bail and is now at liberty, awaiting trial.

But the man who came in to see me is in jail.

HE SITS IN JAIL

There is no charge against him. He is not even suspected of committing any crime.

He is being held as a witness.

He could, of course, get out on bail. But he isn't as fortunate as the man who is under charges in this case. He can't raise the money.

His only connection with the case is that somebody else is accused of cheating him.

But he has been in jail about three weeks and will be there at least until next week, when the turnkey is supposed to go on trial.

INCONVENIENCES

The case could have been tried a few days after the indictment was issued. Many cases which originated at the same time have been disposed of by now.

But the turnkey's lawyer asked for a jury trial, which is a basic right of every American.

And the courts were on summer schedule.

Baltimore's court system, whose leaders do much boasting about the speedy justice they mete out, has no routine method of trying jury cases during the summer season.

Judges are on duty in the criminal courts during the summer so that, if anyone wants to waive his right to a jury trial, he can be brought into court promptly.

It would be inconvenient, however, to make juries available during the summer time. So it isn't done.

THE CHOICES

One might point out, of course, that it is also inconvenient for the man I'm writing about—and others in his position—to stay in jail for a month, though not accused of crime.

It is inconvenient even for an accused man, unable to furnish bail, to be faced with a legal system which forces him to waive his right by a jury trial or else languish in jail for weeks.

The right to a speedy trial is part of justice. So is the right to a jury trial.

In Baltimore, there is no right to a jury trial during the summer months, except in unusual circumstances.

The only way for a man to go on trial during the summer is to waive his right to be tried by a jury.

If he claims this basic right he can await trial at his home—if he is lucky enough to have money or friends who will put up bail.

If he is less fortunate, he can remain in jail until the judges have finished their summer schedule.

JUSTICE FOR WHOM?

Even to men charged with crime, that is not fair; not consistent with speedy and equal justice.

But here we have a case in which the victim isn't even under suspicion of crime. Somebody else is asking a jury trial, so he sits in a cell.

He is held, presumably, in the interests of justice.

But not justice to him.

MORN-SUN - 9/15

Love Brings California Girl To Parolee's Aid

When a girl is pretty, blond and 22 she thinks about love and devotion, and the world is fine.

Once in awhile there is a girl like Peggy Peterson—pretty, blond and 22—who finds that falling in love is easy, but that staying devoted takes courage.

Yesterday, 3,000 miles from home, alone, and nearly bankrupt, Miss Petersen went into court for the first time in her life to plead for the ex-convict she met and fell in love with while working in a California prison.

Met Ex-GI In Prison

Her story involves William J. Sansbury, 24-year-old ex-GI, who was serving a sentence in San Quentin Prison for a California burglary.

While working as chief inmate clerk in the prison psychiatric office, Sansbury met Miss Petersen, then a typist and receptionist in the same unit.

For fifteen months, the couple worked side by side and friendship grew into love.

"I don't know when or how we fell in love exactly," Miss Petersen said. "Whenever I had a problem, I took it to Bill."

Paroled From San Quentin

Two weeks ago Sansbury was paroled from San Quentin. Maryland authorities stepped in, and he was returned to Baltimore on a detainer accusing him of forging checks in 1947.

When Miss Petersen heard he was being sent here, she told Sansbury she intended to come along "to help him out."

"Bill was flabbergasted," she said. "He wouldn't believe me, so I took a day off, bought an airplane ticket and showed it to him.

"He tried to argue me into staying in California, but I guess I'm stubborn. I'd decided to come in case he needed me."

Quits Job And Comes Here

Last Wednesday, after quitting her job, she arrived here, and registered in a downtown hotel.

Yesterday she went before Judge Robert France in Criminal Court where Sansbury had pleaded guilty to forgery charges involving $875.

On the witness stand, Miss Petersen offered $200, nearly all that's left of her dwindling savings, to help make partial restitution. She offered to work to help repay the balance.

Judge France commented that forgers tend to be repeat offenders.

"Judge, I know he'll go straight," she declared.

Worried, Lonely, Short Of Money

Judge France referred the case to the probation department for advice on Sansbury's plea for release on probation.

Last night, Miss Petersen was worried, lonely and running short on money. Her entire savings, about $550, were nearly exhausted. Hotel bills, lawyer's fees, food and the $200 restitution offer left her with only $40.

"I haven't done anything since I've been here," she said. "Just walk the streets to kill time without spending money."

Today, she said, she intends to look for a typist's job and to try again to get a more reasonably priced room through the Y.W.C.A.

Seeks Free-Lance Modeling

"I'd like to do some free-lance modeling," she smiled, "but there doesn't seem to be as much modeling work here as there was in San Francisco."

The worst feature of being in love with an ex-convict, she realizes, is the social stigma that is bound to rise "especially in a small town where everybody talks about everybody else's business."

But Miss Petersen is determined, even if the gods of love continue to frown upon her:

"They all tell me I'm foolish," she shrugged. "But I just know Bill won't go wrong again."

PEGGY PETERSEN
Staying devoted takes courage

MORN SUN 9/16

3 YOUTHS HELD AFTER CHASE

Plead Guilty To Unauthorized Use Of Automobiles

Three youths yesterday pleaded guilty to unauthorized use of automobiles and, according to testimony, two of the boys led police on a 90-mile-chase through city streets.

Police said they were required to go 100 miles an hour at times to keep up with the fleeing automobile and the high speed caused three tires and two wheels on the police vehicle to be wrecked.

The defendants were Dennis Walter, 16, of the 1400 block North Gay street; Joseph P. Nolan, 19, of the 2600 block Llewellyn avenue, and Joseph C. Thompson, 16, of the 1400 block North Lakewood avenue.

Gets 2-Year Sentence

Walter was sentenced to two years in the Reformatory for Males by Judge Robert France, who pointed out that last March, the defendant had been released on probation after he was convicted of stealing two motor scooters. The judge said Walter "had had his chance."

Nolan was the driver of the automobile which raced from police at 90 miles an hour in Southeast Baltimore, while Walter was a passenger in the car, the court was told.

Judge France ordered a probation report on Nolan and Thompson, but commented that he did not think Nolan deserved to be released on probation.

No Past Record

Thompson has no past criminal record and was not connected with the chase at high speed, attorneys said.

Nolan, at the time of his arrest after the chase, had in his pocket a summons to appear in court on automobile-theft charges involving the taking of an automobile from the 1900 block East Thirty-first street, police said. Thompson was charged in that case.

The cases were prosecuted by J. Harold Grady and James Price, assistant State's attorneys.

EVE. SUN - 9/15

Worries Multiplying For Parolee's Girl

By Margaret Dempsey

Pretty Peggy Peterson, the San Quentin prison receptionist who followed the ex-convict she loves from California to Baltimore, is getting more bewildered by the minute.

"When I was home, thinking about doing this, it seemed so simple," she said. "I just told my friends I was going East to try to get a modeling job, and bought a ticket. I thought Bill would be out by the time I got here."

Bill—William J. Sansbury— 24-year-old ex-army paratrooper, was serving a sentence in San Quentin for a California burglary, when she met him as an inmate employe working in the same prison office as she.

Forgery Charge

Sansbury was paroled two weeks ago, but Maryland authorities brought him to Baltimore on a detainer accusing him of forging checks here in 1947.

His case came up yesterday before Judge Robert France in Criminal Court, and it is now in the hands of the Probation Department.

Peggy said the checks amount to about $875, but "Bill will have to pay something like $1,300 because he has to pay for his transportation from the coast.

Money Dwindling

"That worries me, too," she said. "I don't know where we'll get all that money. I told the judge I would pay $200 on credit, kind of, and my money is dwindling so fast I don't know where I'll get it. If I don't have it, maybe the judge will think I'm not sincere.

Peggy, beside herself with worry, was near tears this morning in her downtown hotel room.

An only child, who has never before faced many worries in her 22 years, she suddenly seemed to realize that she was alone in a strange city, without a job and without friends, perilously close to running out of money.

Now that she is here, she wants to stick it out and at least see how "Bill makes out."

However, she has telephoned to her mother twice and though she originally came here with her mother's permission, Mrs. Peterson has now changed her mind and wants her daughter to return home immediately.

Peggy's father still thinks she came East for a modeling career. So does her best friend, who told Peggy that she would follow her East if she were able to find a job.

That's what she must do before she does anything else, Peggy said. She has to find a job immediately and find a room, preferably at the Y.W.C.A.

No Early Marriage Plans

She said she certainly has no plans to marry Sansbury right away, even if he should be paroled.

"I worked with him for more than a year in the prison," she said, "but naturally I didn't ever have a chance to go out with him.

"I want to get to know him outside of the prison and date him awhile before I think of getting married."

She said that Sansbury was a clothing salesman in Los Angeles before he entered the San Quentin prison. His family, whom she has never met, were originally from Ohio, but they are now living in Los Angeles.

Home Near Frisco

Her family lives in a small town outside San Francisco.

Peggy said she had never been East before, to stay for any time, but in 1947 she was briefly in New York city on her way to Europe with her family.

She has no idea what her plans will be.

"I only see Bill a half an hour a day, and then we have to shout at each other through bars. I try to reassure him that everything is going to be all right and I certainly don't want him to see how upset I am.

"I came to help him. He has troubles enough of his own."

$2,000 Gaming Fines Put On Credit Basis

Two thousand dollars in gambling fines credit has been extended by Judge Robert France during the first two days of the new September court term, it was revealed today as thirteen persons faced 24 numbers charges in Criminal Court.

Seven violators were granted time to pay up the penalties imposed by the court. Four yesterday and five today were given a week each to pay their fines.

One man, George Cuffin, colored, fined $100 and costs yesterday, paid up within a few hours, through his attorney, S. Alfred Mund. None of the others have yet met the financial imposts.

$5,860 Fines In Two Days

During the first two days of the term, Judge France imposed fines totaling $5,860 in race-bet, numbers and gambling cases.

On Tuesday he granted time for John Hoenig, accused bookmaker represented by Maurice T. Siegel, to pay a $100-and-cost penalty, and granted a week's time for Florence Lyde, colored, numbers violator represented by Ernest Perkins, Negro lawyer, to pay a $500 and costs fine.

On the same day Judge France granted a week's delay in payment to Bena Torrain and Gunner Worthan, two colored numbers violators represented by William I. Gosnell, Negro lawyer, to pay penalties of $100 in costs each.

Records Kept By Sheriff

Yesterday, Judge France granted a week's grace of payment to Charles Ross, colored, fifth offender on a numbers charge, to pay up $1,000 and costs. Ross was represented by Ulysses T. Hayes, Negro lawyer.

The judge yesterday also granted a similar delay in the payment of a $100-and-costs numbers fine by George Scott, colored, represented by Gosnell.

The records of the delayed fines are kept by Sheriff Joseph C. Deegan and his chief deputy and Under Sheriff Louis A. Giron, who serves as cashier at the sheriff's office.

Any payments that are not made within the period of grace granted by the court, are reported to the judge. In a few instances this year, new bench warrants had to be issued for defendants who failed to come forward with their fines.

NEWS-9/15/49

LOOKS FOR JOB TO AID CONVICT SHE LOVES
Peggy Petersen's sweetheart in jail here.

Beauty Pledges All To Aid Forger

Even as her parents begged her to come home, a twenty-two-year-old California beauty today resolved to find a job here until she learns the fate of the man she loves, now in City Jail.

She is Peggy Petersen, who fell in love with convict William J. Sansbury while she was a receptionist in the San Quentin prison in California.

FREED AND REARRESTED

Sansbury was paroled two weeks ago, but Maryland authorities immediately brought him to Baltimore, where he was wanted on charges of forging checks in 1947.

Positive her man "would go straight," Peggy withdrew her entire savings of $550 and followed Sansbury to Baltimore to plead for his freedom.

Today the enormity of what she had done began to catch up with her.

SHE REFUSES TO GO

Between frequent spells of crying in her room at the Emerson Hotel, she said:

"I'm really scared.

"My family has found out about it. They must have read a newspaper story about me.

"I'd told them I was in love with a man, but they didn't know he was a convict.

"Now they keep calling me, telling me to come home and quit this foolishness."

But Peggy refuses to go home.

Yesterday she appeared before Judge Robert France in Criminal Court where Sansbury had pleaded guilty to the forgery charges, which involve $875.

She begged that he be released, offered to give up just about all the money she has left as partial restitution and said she would work to help repay the rest.

Judge France turned the case over to the probation department.

The uncertainty of the future was begining to bother the pretty blonde girl today.

LOOKING FOR A JOB

She has found a less-expensive room in the city and plans to look for a job as a typist or a model this afternoon, but her relationship with Sansbury was beginning to bother her. She said:

"Naturally, I've never had a date with him.

"I thought I loved him—I was sure I loved him—but if he isn't paroled, I guess I'll have to go home.

"And even if he is paroled, I guess we couldn't get married for awhile.

"I'm sure he'll go right, but, if he doesn't, what am I going to do?"

BELLS FOR QUEZON

MORN SUN-9/16/49

Parents Give Peggy Sanction To Stand By Her Sweetheart

The world seemed bright last night for Peggy Petersen, the pretty blonde who came to Baltimore to plead for her convict sweetheart.

Her parents had given their sanction by telephone—after four calls—for her to remain in Baltimore until a decision is reached in his case.

Several persons had made job offers. She intends to call on them this morning.

Others have come through with rooms for rent at prices within her means.

And still another insisted on giving her $50 "as a loan" to "help see you through."

When she headed for her bed at the Y.W.C.A. last night, she remarked with a smile.

Praises Baltimoreans

"It'll be the first good night's sleep I've had since I've been here."

"I think Baltimoreans are wonderful."

Peggy arrived in Baltimore September 7 to see if she could help William J. Sansbury, 24-year-old ex-GI, with whom she fell in love while he was working as chief inmate clerk in the San Quentin prison psychiatric office. She was a typist and receptionist in the office.

When he was paroled from San Quentin two weeks ago, Maryland authorities brought him back to Baltimore on a detainer accusing him of forging checks in 1947. He has pleaded guilty before Judge Robert France, and his sentence is pending.

Peggy flew to Baltimore, after drawing out all of her savings, to see if she could help in any way.

Parents Reconsider

"At first her mother sanctioned the trip. Her father knew nothing of it until after she had left her home in San Francisco.

But yesterday, her parents ordered her to return home when they first heard of the whole story. Later they reconsidered and said they would back her all the way, "just don't do anything wrong."

The weight of the world seemed to be on her shoulders about the same time her parents were objecting. She started to cry when she heard a report from the West Coast that her action in trying to help Sansbury had complicated matters and San Quentin was going to take him back.

But a quick telephone check with the proper authorities proved the rumor to be false.

Troubles Decrease

"Oh, I'm so glad," the 22-year-old said through her tears. "I didn't think I did anything wrong. And I certainly wouldn't do anything to hurt Bill.

"He's upset enough as it is, and I don't want to upset him any more."

Although her troubles had not disappeared last night, they were not as many as in the morning when she was facing dwindling funds, no job prospects and her parents' wrath. All this, plus the fact that this was her first venture away from home.

"It all seemed so simple when I planned it at home, and resigned my job," she explained.

Peggy does not intend to marry Sansbury as soon as he is released from prison.

"I want to get to know him better and date him as a free person, on his own, before I think of getting married," she said. "I worked with him a year in prison, but naturally I never had a chance to go out with him."

EVE. SUN-9-16-49

'Abuses' In Home Sales Assailed By Realtors

The Real Estate Board of Baltimore has instructed its legal counsel to study the practice of selling houses under long-term installment contracts and to recommend what action the board should take to correct abuses.

"Some owners of low-value, substandard houses are engaging in what we consider reprehensible practices to evade their responsibilities under the Baltimore city Housing Code by 'selling' such houses to uninformed tenants on long-term contracts which are grossly unfair to such tenants," the board's executive committee said in a resolution.

The committee said it recognized that many Baltimoreans had acquired homes from reputable builders and dealers under such contracts, but added that "we nevertheless condemn such practices as have recently come to our attention."

Signed By Nichols

The resolution, signed by David M. Nichols, president of the board, asked F. Murray Benson, general legal counsel, to "study this problem, confer with the State's attorney and city solicitor of Baltimore and recommend any action which the Real Estate Board may take to prevent further abuses in the use of installment contracts. . . ."

State's Attorney J. Bernard Wells has announced his office will investigate installment sales of real estate to see if they involve illegalities.

"Conditional Sales"

Charges have been made that some unscrupulous dealers have been selling slum houses on "conditional sales" contracts that extend over long years, but under which very little of the principal is retired in heavy monthly payments.

In many instances, purchasers never get legal title to the homes, and when they default in payment of installments, they are evicted. The houses are then resold on the same basis, according to the charges.

Term To Ponder Past Given Man

A three-month jail sentence to allow the defendant to sit in idleness and have time to "think the whole thing over" was imposed today by Judge S. Ralph Warnken on a 40-year-old Eastern Shore man who admitted squandering a $7,000 inheritance within a few months.

The defendant, Carlton G. Noble, had pleaded guilty in Criminal Court on two charges of defrauding hotels of small board bills and to cashing two bad checks, for $25 and $20.

Bad Check Record

Noble also had a record of issuing small bad checks, which usually had been made good by his family. His deceased father had been postmaster at Federalsburg, where the family operated a canning business. The inheritance Noble received last year was from his mother.

Most of the money, Noble explained, had been wasted in high living or spent on horse races. He blamed "fair-weather friends" for much of his trouble, and said that he would have "plenty of money to meet expenses and to spare" if he could only collect sums he had loaned his companions in a long stay at Ocean City.

Former State Employe

Noble had been living recently in Baltimore at a Eutaw place apartment. At one time he had been a State employé.

In imposing sentence, Judge Warnken added that he hoped "the three months' idleness in jail will give time for thought, and for preparation to seek employment in order to make a livelihood thereafter."

The cases against Noble were prosecuted by Assistant State's Attorneys Charles E. Orth, Jr., and William J. O'Donnell.

Criminal Court Fee Total Is $35,585

Fees paid by the Criminal Court judges for representation of indigent defendants totaled $35,585 in the first eight months of this year, a report made to Chief Judge W. Conwell Smith revealed today.

The sum was paid to court-appointed lawyers who represented defendants who said they could not afford counsel and who faced charges that entitled them to representation by attorneys under decisions made in recent years by the Supreme Court and other high tribunals.

The report to Judge Smith covered the period from the beginning of the January court term until the start of the September term on September 13.

Most Awarded By France

Fees totaling $14,425 had been awarded by Judge Robert France, whose section of Criminal Court disposed of the greater number of trials. In the other two court sections, Judge John T. Tucker had awarded fees totaling $7,695 and Judge E. Paul Mason fees totaling $8,025.

The remaining $5,440 had been awarded by the other judges of the Supreme Bench who sat for weekly periods in Criminal Court during the summer.

MORN. SUN-9/17

Czech Youth, 18, Put On Probation

An 18-year-old Czechoslovakian youth, who apparently was unable to break a stealing habit acquired during the war when it was his only means of survival, yesterday was released on probation on the plea of his Baltimore foster parents.

The youth, adopted by a couple here after their son had become attached to the boy while serving as a mess sergeant under the late Gen. George S. Patton, admitted before Judge Robert France that he stole two watches from his new parents.

Defense counsel said the young boy's parents were sent to a concentration camp after Hitler invaded Czechoslovakia and their whereabouts are unknown.

The case was prosecuted by Saul Harris, assistant State's attorney.

EVE SUN-9-16-49

Candy Kid 'Brain' Wants A Break

"All I want now is a break," declared Leon Kraemer, last of the Richard Reese (Candy Kid) Whittemore gang, following his release this week from New York State's Dannemora Prison after completing a 22-year term for robbery and jail break.

The ageing, native Russian—now 57—was often described by police as the brain of the mob which killed and plundered in a tri-state area in the "Twenties."

The gang netted more than $1,000,000 in holdups and was blamed for at least a half-dozen killings.

Knew Whittemore

Kraemer insisted that he "paid for a crime that I never committed," and disclaimed membership in the Candy Kid's outfit.

"I happened to know the man," said Kraemer concerning his relationship with Whittemore, who was hanged at the Maryland Penitentiary 23 years ago for killing a guard during an attempted escape.

Leon and his brother, Jake, who died in prison of tuberculosis, were convicted here of a Howard street jewelry store holdup in 1916 and sentenced to ten years. Within a year of their release in 1925, the brothers were convicted in New York for robbing a jewelry store there and given 40-year sentences.

"All Behind Me"

"That is all behind me," Kraemer said. "I have paid—paid for a crime I never committed."

The big thing now, Kraemer added, is getting a job, preferably as a salesman. "I'd like to go where I'm not known, but that is up to the Parole Board. Somewhere there must be work for a little fellow like me."

Kraemer, who now prefers the name Miller, was regarded as a dangerous prisoner. He was a ringleader in the Dannemora riots in 1929, and escaped from another prison in 1932 by hiding in an auto that had been repaired in the prison for the warden's son. He was recaptured a year later.

MORN SUN-9/17

OFFICER ACQUITTED IN EX-GI'S DEATH

Hundertmark Was Charged With Shooting Berserk Man

Patrolman Donald Hundertmark, charged with fatally shooting a berserk war veteran, was acquitted yesterday by Magistrate Julius Romano, in Western Police Court.

All witnesses produced at the trial testified that Lawrence Moyer, 24-year-old victim of the shooting, was shot by the defendant only after the patrolman's life was endangered by a knife thrust at him by Moyer.

Patrolman Hundertmark, a member of the police traffic division, was immediately returned to duty on the force and was given back his service equipment. He had been temporarily suspended from duty pending outcome of the criminal charges.

Officer Was Off Duty

The witnesses at the police-court hearing testified that young Moyer appeared to be out of his mind.

Testimony disclosed that the policeman was off duty and was at his home in the 1100 block Sterrett street earlier this week when he was informed that Moyer, who lived in that same block, had gone on a rampage.

Barely Missed Being Stabbed

Patrolman Hundertmark was told that Moyer had stabbed Charles Burke, 31, also of that block, and had wrecked the living room of a next-door neighbor, according to statements to Magistrate Romano.

In his effort to apprehend Moyer, the policeman was thrown to the ground and barely missed being stabbed by the young veteran before he drew his revolver and fired, the magistrate was told.

MORN SUN-9/19

DELLA MAY RUN AGAINST WELLS

Friends Think State Senator Will Enter Primary

State Senator George W. Della 3d is giving serious thought to seeking the Democratic nomination for State's attorney next year, close friends and associates say.

J. Bernard Wells, the incumbent, also is expected to seek the nomination for a fifth term in the office.

Also mentioned as potential candidates are Alan H. Murrell and Anselm Sodaro, both assistants to Mr. Wells.

Unlikely, Is Belief

Friends of Mr. Sodaro, however, consider it highly unlikely that he would enter a political fight against the boss. They say that for some time he has had the assurance of Mr. Wells that the latter would support him for the office in the event of his own retirement.

Should Senator Della decide to make the race, it is understood, he would expect the support of the city administration of Mayor D'Alesandro and of the State administration of Governor Lane. He and the Sixth district political organization, which he jointly heads with Joseph M. Wyatt, have a record of extreme loyalty to the heads of both governments.

Pollack Backing Likely

Such support probably would carry with it also the backing of the powerful James H. Pollack organization in the Fourth district.

Any hesitancy on the part of Mr. Della, friends say, is based on the fact that he could take the office only at considerable personal sacrifice. They describe his private law practice as lucrative.

It also is pointed out that Senator Della can be nominated and reelected to his Sixth district seat in the Senate almost without a fight. He is chairman of the Senate's important Judicial Proceedings Committee.

Should Mr. Della decide to forego the Senate for the State's attorney race, it might remove from the upper house of the Legislature two of the city's veteran representatives. Senate President Joseph R. Byrnes still insists that he will not seek re-election to the Senate next year.

EVE. SUN-9/19

Turnkey's Trial On Larency Charge Opens

Edward J. O'Keefe, veteran policeman and turnkey at the Central Police Station, today went on trial in Criminal Court on three charges of false pretense or larcency of money from cell inmates under his care.

The accused policeman pleaded not guilty. He selected a jury trial. Judge Robert France presided.

O'Keefe is represented by Paul B. Mules. His address is the 3400 block of Brendon avenue. Assistant States attorney Charles E. Orth, Jr., the prosecutor, told the jury that $18.65 allegedly had been obtained improperly from cell prisoners.

EVE. SUN-9/19

Contractor Asks Court Ruling

Meredith R. Howard, plumbing contractor trading as the Howard Plumbing Company, today filed suit asking the Circuit Court to construe and interpret his dealings with the city's Board of Recreation and Parks that have been the basis of Criminal Court proceedings against him.

Howard is awaiting trial on charges of obtaining money improperly from the city on cost-plus contracts. A Park Board employé also faces a charge of conspiracy with him.

Requests Award

Through H. Mortimer Kramer, attorney, the contractor informed the Civil Court that in 1947 and 1948 he had received a total of 127 written orders for city work and that in conjunction with them he had received 16 other verbal orders for additional work.

The contractor's new civil suit said that the city now has repudiated the arrangements which had been made by its engineers and representatives. He asked the Circuit Court to construe both the written and verbal orders and to award him whatever sums should properly be due him.

EVE. SUN-9/20

Legal Aid Offered Slum Buyers

The Legal Aid Bureau offered its facilities to victims of "slum contracts" today, and Gerald Monsman, its director, called for "clear cut" legislation to control phases of the long-term agreements under which many would-be purchasers make heavy payments without becoming home owners.

Investigations of the contracts, which are not recorded, and under which no title passes, are underway now by the Baltimore Real Estate Board and the State's Attorney's office.

Tomorrow a number of officials will meet to discuss drawing a new bill to curb vicious practices involved in contracts for slum houses.

Officials Are Invited

Marshall A. Levin, an attorney, has invited Judge Allan W. Rhynhart, Magistrate Harry S. Kruger, David M. Nichols, president of the real estate board; G. Yates Cook, chief of the Health Department's housing division, and J. Harold Grady, assistant State's attorney, to meet with him.

The purpose of the meeting is to plan a bill to present to the Legislative Council for eventual introduction to the Legislature.

Mr. Monsman said today: "There are any number of these contracts being made. We see a great many of them. There is simply not adequate legislative control. We need appropriate legislation to outlaw them.

"Always A Question"

"If some of these contracts got into court, I think the courts would try to outlaw some phases of them, but the trouble is that there is nothing clear-cut against them in the law, as in the case of installment buying of chattels.

"As it is now, if we can finagle some kind of settlement for a purchaser who has lost his house and payments, we take that, but there is always a question as to what will happen if we go to court, in the absence of a clear-cut law.

"The tragedy of it is that most people caught by these contracts come to us too late. They have not only signed the contracts, but have lived up to their terms for a period of time. . . .

Often Lose Everything

"Yet the contract is most often the kind that a person of low income will struggle along with for a time, and then, when hit by some reverse, will have to default and lose everything.

"Many of the contracts are written to get around rent regulations. It's a nice way to get higher rents, and yet be just as sure as can be that the property will soon revert to the owner.

Youths Sentenced In Eleven Robberies

Two colored youths charged in eleven robberies and thefts, today received terms of not more than fifteen years each in the Reformatory for Males. They pleaded guilty before Judge Robert France in Criminal Court.

The defendants were Emmett Mason, 20, of the 1000 block Pennsylvania avenue, and Charles Burman, 16, of the 600 block West Lanvale street.

They were arrested August 20 after an attempted robbery of a Franklin street cleaning shop, when Robert Crawford, 21-year-old Negro grocery clerk working near the store, pursued and helped catch the fleeing youths.

NEWS-9/20

Some Tips . . .

To the Court reporters:

Watch out for some more indictments in connection with "baby farms" and adoptions of children.

A lawyer who has handled many adoption cases in Baltimore during the past few years may be on the list.

EVE. SUN-9/20

Grand Jury Gets Baby Probe Thursday

New developments in Baltimore's baby-placement investigation will be presented to the grand jury on Thursday for possible criminal prosecution, State's Attorney J. Bernard Wells announced today.

The prosecutor stated that "approximately 30" witnesses will be called, the probe continuing on Friday, if necessary.

As a result of testimony taken before the last grand jury, operators of several baby homes now face charges of operating without proper licenses.

License Violations

In one instance, the home operators are merely charged with failure to have a rooming-house license, while operators of two other places are charged with failing to have a license required from the State Department of Health for homes where babies stay without mothers.

The investigation, headed by Assistant States Attorney Anselm Sodaro has been devoted for the past several weeks to the investigation of baby placement methods.

During the course of the probe a number of doctor's lawyers have been questioned. A special squad, headed by Detective Lieutenant John M. Hettchen, assisted in the investigation.

MORN SUN-9/21

Court Acquits Police Turnkey

Patrolman Edward O'Keefe, member of the Police Department for 25 years and turnkey at the Central Police Station, has been acquitted in Criminal Court of obtaining about $18 from three prisoners by means of false pretenses or larceny.

A jury acquitted Patrolman O'Keefe of charges involving one of the prisoners. After that verdict was returned, Paul B. Mules, defense counsel, submitted the other two cases on the testimony heard by the jury to Judge Robert France and the other two acquittals were handed down by the judge.

The three prisoners, all of whom had been arrested for drunkenness, contended that the turnkey had collected $11.45 collateral from each of them for release from the station house pending trial, but had turned over only $6.45 collateral apiece to the desk lieutenant and pocketed the rest. The policeman denied the accusations.

EVE. SUN-9-21-49

Appeals Court To Rule On Property Forfeiture

A case involving the rights of buyers under long-term purchase contracts of slum properties, which State's Attorney J. Bernard Wells said his office will investigate, will come before the Maryland Court of Appeals during its coming term.

When the appeal case was heard in Circuit Court No. 2, last April, Judge Joseph Sherbow ruled that the purchaser under such cantract does not forfeit his rights by a temporary default in installment payments.

Called Inequitable

Judge Sherbow dubbed an attempt by a seller to deprive the buyer of such rights "inequitable, unjust and illegal," and said the court "cannot allow that action to stand."

He signed a decree to have a court auditor examine the case to determine what were the respective rights of the parties and called for issuance of a deed to the property when the account was settled.

The case involved property in the 1700 block North Calhoun street which had been sold in 1937 for $2,600 to a Negro woman named Mollie Grando, subject to a ground rent of $65.

After payments that ran for a little more than a year, there was a temporary default which the seller claimed caused a forfeiture.

The seller, Mrs. Minnie Fox, of the 2900 block Allendale road, contended that all subsequent payments were to be treated as rental that would give the would-be purchaser mere possession from week to week as payments were made.

Equity Of $1,200

Judge Sherbow said that the property was now said to be worth nearly $4,000. He figured that the Negro woman, if her weekly payments were treated as applying to the purchase, had an equity in the property of around $1,200.

The woman also had expended $158 to pave a yard, $45 to cement a walk and $65 to fix the roof, which Judge Sherbow said tended to suggest ownership rather than a tenancy.

The lower-court judge ruled that there was no valid forfeiture in 1938 under the purchase contract. He said that "it is a well-known principal of law that the courts have an abhorrence of forfeitures and will not grant a forfeiture except under proper circumstances."

"Completely Unilateral"

Judge Sherbow's decision called the contract as "completely unilateral as it would be possible for such contracts to be" with nothing to describe what kind of default would cause forfeiture of rights.

In his decree he named Hyman A. Pressman, attorney for the Grando woman, as trustee to hold the property. The appeal was taken by Mrs. Fox.

Commenting on the type of contract, Judge Sherbow's opinion said: "I want to say that the forms of conditional contract of sale, have served a very useful purpose and still served a very useful purpose.

"Unjust And Illegal"

"There is nothing the matter with procedure itself when used properly and when it does not operate just one way, or does not deprive an ignorant purchaser of rights.

"The theory of the form is good. The defendant's attempted forfeiture is inequitable, unjust and illegal. The court cannot allow that action to stand."

Contempt Case Answer Date Announced

Counsel for three radio stations that succeeded in having the Maryland Court of Appeals reverse contempt convictions involving Supreme Bench Rule 904 have been given until September 30 to file reply arguments to the appeal request that is now before the United States Supreme Court.

The appeal to the high court was taken by the State of Maryland through Attorney General Hall Hammond and Harrison L. Winter one of his aides. They petitioned the Supreme Court to grant a writ of certiorari that would call the cases before it.

Court officials pointed out that it is not necessary for the radio stations, WFBR, WITH and WCBM, to file the replies. No hearing is held before the Supreme Court on such a certiorari request. If certiorari is granted, the three radio stations then would have to participate in subsequent appeal proceedings.

Future Course

The future course of action, officials explained, depends upon the Supreme Court ruling on the preliminary petition. Counsel for the radio stations are William L. Marbury and John W. T. Webb for WFBR, Hilary W. Gans for WITH, and J. Purdom Wright for WCBM.

Station WBAL, which likewise had been convicted of contempt at the Criminal Court proceedings before Judge John B. Gray of Southern Maryland, did not have its appeal heard with the other cases. Its appeal is still pending at the Maryland Court of Appeals at Annapolis. The contempt citation grew out of radio broadcasts concerning the arrest of Eugene H. James in the murder of an 11-year-old Baltimore girl.

NEWS-9/21

Five Draw Fines In Numbers Case

Pleading guilty to lottery law violations, five defendants were fined today by Judge Robert France in Criminal Court.

The heaviest fine, a total of $1,000 on two charges, was imposed on Henry Arnoldt, of the 3100 block Chestnut avenue, a previous offender, according to the prosecution.

Others fined were Irvin Heller, 5100 block Peerless avenue, $100 each on five charges; Joseph Liberto, 1600 block East Fort avenue; Roger Crallis, 1200 block East Biddle street, and James Gilchrist, 1800 block East Biddle street, $100 each.

Numbers Fines Total $1,800

Fines totaling $1,800 today were imposed for numbers violations by Judge Robert France, who announced to new violators a schedule calling for jail sentences for third offenses.

New numbers writers were fined $100 and costs each by the judge. He announced to their attorneys that he wanted new people in the business to know that a second offense would mean a $500 penalty and a third offense would mean a jail term.

$1,000 Fine Levied

Fines totaling $1,000 and costs were imposed by Judge France on Henry Arnoldt, one of two men charged with a series of lottery violations after raids last July on two restaurants in the 100 block west Camden street. There were two charges against Arnoldt and he was fined $500 on each.

Facing five lottery charges in the same set of cases, Irving Heller was fined $100 in each, a total of $500.

Newcomer Fined

Fines of $100 each were imposed on Rogers Crallie, colored, of the 1200 block East Biddle street, James H. Gilchrist, colored, of the 1800 block East Biddle street, and John Liberto, of the 400 block Lyndhurst street, a motoring numbers writer, who said he had been working in the business only two days on five percent commission when he was arrested by police, who observed his activities.

Assistant States Attorney Charles E. Orth, Jr. prosecuted the cases.

Louis Azrael Says:

THEY SAT IDLY BY; NOW THEY'RE AGOG

By LOUIS AZRAEL

All of a sudden there's a great ruckus in town about the way some people are being cheated in the purchase of homes.

The State's Attorney announces he will investigate.

The Legislative Council will take the matter up.

The Housing Court judge, the People's Court judges are urging steps.

Even the Real Estate Board is said to favor some sort of action.

A newspaper is feverishly revealing instances in which people are victims of unconscionable "conditional sales" contracts for homes.

One would think it's a new thing, or something which has heretofore remained hidden.

WHEN THE IRON WAS HOT

Let me reprint part of a column which appeared here on March 30 of this year, when the Maryland Legislature was in session:

"You know how persons who needed to buy homes during the last seven or eight years, particularly poor persons, have been at the mercy of the sellers.

"To some of these sellers, unfortunately, mercy is an unknown quality.

"Such persons have had an ideal legal blackjack.

"They have sold houses under 'installment contracts.'

"Now, there is nothing inherently wrong about this method of sale. But it can easily be made wrong when the buyer is helpless, guileless or ignorant."

THE SAME STORY

"In many cases the contract calls for monthly payments which are far higher than the landlords could get as rent.

"Many victims pay regularly for long periods and then, because they miss a few payments, are evicted.

"Gerald Monsman, head of the Legal Aid Bureau, tells me he knows of real estate men who deliberately draw these contracts in ways they know the purchaser will not be able to meet.

"When these sellers have collected their high monthly rentals as long as the buyer can hold out, they evict. Then they sell the house over again.

"I know of one real estate sharp-shooter who sold a house four times that way."

QUIETLY STRANGLED

The column told of a bill, drawn by Marshall A. Levin, a young Baltimore lawyer, which sought to end, or at least ameliorate, these evils. It was introduced in the Legislature by Senator Robert Kimble of Allegany county.

The State Senate passed that bill unanimously.

But the members of the House of Delegates never even got a chance to vote on it.

The bill died in the Judiciary Committee when the Legislature adjourned.

In the closing days of the Legislature this column pleaded and argued for passage of the bill.

The voice cried in the wilderness.

YES . . .BUT

Real Estate Board representatives said, very piously, that they knew "installment sales" were often abused; knew some property owners were gypping people. They would be pleased, they said, that some law be passed to remedy this situation.

But they thought the proposed law went too far.

Sponsors of the measure were willing to change it. They agreed to amendments which would have removed most of the teeth from the bill, but would have been at least a step forward.

The Real Estate Board never agreed to those amendments; never proposed any of its own; never took one step to pass some sort of legislation to remedy an admitted evil.

SUDDEN HORROR

Perhaps it might have. At least it gave lip service to the principle.

But the issue was settled by others. Men who were interested in retaining the right to gyp people got persons with political influence. A political boss put thumbs down on the measure. And his henchmen gave it the axe.

Except in this column, there was no public voice raised to save the bill.

And now, all of a sudden, there are expressions of great horror at a situation that nobody bothered to remedy when there was a good chance.

DON'T REPEAT

It is late but, nevertheless, the present commotion is good.

Perhaps there will be such public sentiment that political bosses won't have nerve enough to kill the bill next time.

There is a danger, however. The next Legislature doesn't meet until 1950. Public interest wanes quickly. By that time the commotion may have subsided.

And the people who killed the previous bill—many of whom now express horror at the evils that could have been cured—will be able safely to do it again.

That mustn't happen!

NEWS-9/21

Louis Azrael Says:

REPORT ON THE TRIAL OF A POLICE TURNKEY

By LOUIS AZRAEL

Twice within the past few months, Baltimore policemen have been acquitted in Criminal Court after being charged with gypping prisoners out of money.

Both men were turnkeys, who have charge of the cells in which accused men are held in police stations.

The second acquittal came a few days ago.

Since I was instrumental in bringing the case into court, I'd like to tell you something about it . . .

THE MISSING ARREST

A young man walked into my office a few weeks ago to get advice because he was in trouble with his family.

He had been arrested a few days previously, charged with being drunk. From the police station, he telephoned his relatives, long distance with charges reversed, to get money for bail.

The man told me that, several hours later, he received $15 by Western Union messenger and paid $11.45 bail and was released.

Then he showed me a letter from his relatives. It berated him angrily for cheating them. It said they had written to Baltimore police to get information about his case and were told there had been no such arrest.

The man asked me: How could he prove to his family that he had been arrested?

DISCREPANCY

I telephoned to the Central Police Station and asked the clerk to look at the docket of August 7 to see if a man named Harry T. Morris had been arrested that day. The answer was:

"No, but we have a Harry T. Morse listed."

That cleared up the mystery. It indicated that when Morris was booked at the police station the clerk wrote his name down incorrectly. To make sure I asked what else the record showed.

The clerk said:

"The man was arrested for drunkenness and posted $6.45 bail and was released."

Morris had told me, as an incidental part of his story, that he paid $11.45 bail.

The record showed he paid $6.45.

INVESTIGATION

I remember the previous case, in which a turnkey was charged with keeping money he had collected from prisoners. Furthermore, I had heard more or less similar complaints from time to time during many years.

In most cases, the prisoners are in no position even to make formal complaints. It's just their word against that of an officer of the law.

I felt that if it were true that arrested men, many of them down-and-out or drunk, were being cheated at a police station, something should be done. So I took Harry T. Morris to Central Police Station to talk with Capt. Charles Kenealy.

TWO MORE MEN

There, Morris repeated his story. At one point, in giving additional details, he pointed out that three other men, also accused of drunkenness, had been in adjacent cells.

Capt. Kenealy looked at the docket and said:

"That's right. There were three men arrested the same day. Two of them paid $6.45 each for bail and were released. The third stayed overnight and was tried before a magistrate."

Morris looked a bit surprised and asked:

"How much bail did the others pay?"

Kenealy said the record shows they paid $6.45.

Morris commented:

"I don't know the men but I heard them talking. They were saying they had about thirty dollars between them and that was enough to get two of them out. They said they would come the next day for the third one."

As a result of this conversation, Kenealy hunted up the two men. They both have long records of arrest for drunkenness and, indeed, Kenealy found them in jail.

After talking to these men, the police captain placed charges against a turnkey in his station, on charges of cheating all three prisoners.

Morris was placed in jail as a State's witness, though there were no charges against him.

MATTER OF VERACITY

This week the case came up for trial. Defending the turnkey was Paul B. Mules, one of the most astute criminal lawyers at the Baltimore bar. It was he, incidentally who obtained acquittal for the previous turnkey on similar charges.

Cross-examining the two drunkards, Mules had no trouble impressing the jury with the fact that they both are shiftless fellows, denizens of flop-houses and jail cells.

When the turnkey was acquitted of cheating them, he went on trial in the Morris case. It was then the word of a police officer, who had never been accused of crime before, against one accuser, who had no standing in the community and who had once been arrested for drunkenness.

Judge Robert France believed the police officer and acquitted him.

MORN SUN 9/22

Lottery Offenders Face Jail Terms

Jail terms for third offenders of the State's laws against lottery was promised yesterday by Judge Robert France in Criminal Court.

Judge France, who imposed fines totaling $1,500 on lottery-law violators yesterday, informed counsel for lottery defendants that a second offense would mean a $500 fine, and a third offense would bring a jail term.

Judge France imposed fines totaling $1,000 on Henry Arnoldt, who was arrested during raids on two restaurants in the 100 block West Camden street last July.

Irving Heller was fined a total of $500 on lottery charges arising from the same raid. Fined $100 each were John Liberto, James H. Gilchrist and Rogers Crallis. Charles E. Orth, Jr., prosecuted the cases.

Brother Involves Self In Larceny

Irving Silverman, of the first block North Wolfe street, yesterday involved himself in a larceny charge which originally had been placed against hs brother. So Judge Robert France acquitted the brother and sent new charges to the grand jury against the confessed participant.

The original defendant in the case was Sidney Silverman, who was charged with stealing or receiving 12,000 pounds of potatoes in 100-pound bags. Sidney Silverman denied the charge yesterday, and then Irving Silverman testified it was he who had been the driver of a truck in which the potatoes had been hauled from a warehouse last May 26.

Testimony developed by Joseph Rosenthal, counsel for the defendant, disclosed that Irving Silverman had borrowed his brother's operator's license and had used it to rent a truck.

EVE. SUN - 9/22

Formal Protest On Emerson's Words Filed

Formal complaints against Capt. Alexander Emerson, police vice squad commander, charging him with humiliating a police court magistrate, were filed with Police Commisioner Ober today.

The complaints were made by Chief Magistrate James R. Cadden and Magistrate Frank J. Schap, of the Eastern District Police Court.

The chief magistrate said that Magistrate Schap "was humiliated in public" by remarks attributed to the police captain during an argument in the Eastern Police Station Tuesday.

Numbers Case

The sharp exchange between Emerson and the magistrate is reported to have resulted from a discussion of gambling cases in which more than 70 additional charges were placed by the police captain against eight persons arrested in a "numbers" gambling raid last week.

Magistrate Schap criticized the fact that the added charges had been telephoned to the Eastern Police Station and is reported to have told Emerson that they should have been placed by an officer in person.

Then, according to a report made to Chief Justice Cadden, the police captain told the desk officer, in the presence of Magistrate Schap and others in the stationhouse: "The magistrate has noting to do with the dockets."

During an argument that followed that remark, Captain Emerson made statements that embarrassed and humiliated him, Megistrat Schap reported.

To See Wallace

Following the conference with Commissioner Ober today, it was announced that the two magistrates will meet tomorrow with M. Joseph Wallace, chief inspector of the Police Department, and State's Attorney J. Bernard Wells, to discuss procedures for adding charges to those already placed against persons at the time of arrest.

Captain Emerson was unable to attend the meeting in the commissioner's office at police headquarters today because he was testifying in a court trial.

The commissioner said action on the complaint against Emerson will not be considered until the police captain can be present to hear the magistrate's accusation.

State Resumes 'Baby' Probe

Grand-jury investigation of adoptions and baby placements in Baltimore was resumed today. State's Attorney J. Bernard Wells revealed that "approximately 30" witnesses had been summoned before the new grand jury at a special session.

The prior grand jury which considered first phases of the baby-placement probe returned charges against seven persons. The cases, which range from charges of illegal fees for placements to failing to have rooming-house licenses, still are pending in Criminal Court.

Three-Week Probe

Today's probe follows about three week's intensive investigation by a staff under Assistant States Attorney Anselm Sodaro.

Doctors and lawyers were among the witnesses in the new phase of the probe.

Police investigators who have worked in the probe were Detective Lieutenant John F. Hettchen, Detective Sergeants Anthony Nelligan and Charles J. Hudak and Sergt. Gladys Berger and Agnes Tawney, policewomen.

NEWS - 9/22

30 Before Jury In Baby Probe

Thirty witnesses were taken before the Grand Jury today by Assistant State's Attorney Anselm Sodaro, to testify in connection with the investigation into the alleged practice of unlawful placement of children for adoption.

In addition to the witnesses the compiled information gathered by five law enforcement officers, including policewomen, will be presented to the Grand Jury.

Thus far in the investigation eight persons are on bail pending trial on indictments listing various charges in connection with such adoptions.

EVE. SUN - 9/22

Change In Hous Sale Practices Proposed

A group of legal and housing experts met yesterday and laid preliminary plans to outlaw vicious practices in contract sales of slum houses which have victimized hundreds in Baltimore.

After more than two hours of discussion, some of it complex and legalistic, there was general agreement on these two suggestions made by Chief Judge Allan W Rhynhart of People's Court:

1. That every purchaser under an installment land contract be given a copy of the contract. (Many have "bought" houses without even a copy of that instrument.)

2. That, regardless of the terms of the contract, the buyer must be given adequate notice in writing when he is in default, and be given an opportunity to meet terms of the contract.

Chance To Kill "Two Vices"

"If that goes into law," Judge Rhynhart said, "then you have killed two of the greatest vices of the law and two of the chief weapons of the racketeers."

The group which discussed filling "voids" in the law for the purpose of drawing a bill for the Legislative Council includes:

C. Philip Pitt, secretary, and Murray Benson, counsel, of the Baltimore Real Estate Board; Gerald Monsman, Legal Aid Bureau; J. Harold Grady, Assistant State's Attorney; Magistrate Harry S. Kruger, Housing Court; G. Yates Cook, Health Department housing division; William Boucher 3d and Dan Brewster, Americans for Democratic Action; Marshall A. Levin, attorney, and Judge Rhynhart.

The meeting was held in the office of Mr. Levin.

Opportunity To Sue Urged

The group held a long discussion of contracts which rob the buyer of all his "equity" when he misses payments. Judge Rhynhart suggested that the bill permit the buyer to present his claim in a court of equity, so that he could be refunded the money not due the seller as fair "damages."

There was not general agreement on that point. Mr. Monsman suggested that the buyer would be unable to post a deposit against costs, as Judge Rhnyhart proposed. He suggested that, instead, the buyer pressing a claim be allowed to maintain payments during the action, and pay nothing more.

Contract Recording Discussed

There was more controversial discussion of the advisability of recording such contracts of sale. Mr. Pitt and Mr. Benson, especially, objected, saying that a deluge of recorded papers would confuse dealers, lawyers and everyone else.

Judge Rhynhart said:

"I can give the history of that in Baltimore. Just after World War I there was a 'Bourse' at a fruit-stand at St. Paul and Lexington where millions of dollars worth of real estate changed hands every year. The men traded in contracts, and even recorded receipts. During pauses they sat and watched the pigeons and ate apples."

Mr. Benson recalled that, during the Florida boom, single pieces of land changed hands under such contracts hundreds of times with only one transfer of title. He said that such a contract, recorded, would become "a cloud on the title."

EVE. SUN - 9/23

4 Fined $3,110 In Gambling Cases

Fines totaling $3,110 were imposed in bets and numbers cases by Judge Robert France in Criminal Court yesterday.

Fines for bookmaking bets totaled $1,200 including $1,000 levied against Samuel Heilpern, of the 200 block West Franklin street, for bookmaking on two days. Heilpern was also fined an additional $500 on a numbers charge. Two fines of $100 each for bookmaking were imposed on Anna B. Citrano as a result of a raid on her home in the 5500 block Midwood avenue.

Numbers cases included those of James Koon, fined $500, and James Randolph, colored, fined $200.

EVE. SUN - 9/26

Flash

Doctors Named In Baby Case

Dr. Paul Schonfeld, of 2301 Annapolis road, and Dr. Samuel Tompakov, of the 3600 block Park Heights avenue, were revealed today to be two of the doctors charged with conspiracy and with accepting unlawful compensation for baby placement. Their names were disclosed when attorneys appeared at the Court House to negotiate bail for them. [Earlier details on Back page.]

Jury Presents 6 More In Baby Adoption Quiz

Four physicians and two lawyers today were presented by the grand jury in a new series of charges involving baby placements.

Thirteen presentments were returned in the new series. Charges included conspiracy and unlawful compensation for placement of babies.

Compensation of as much as $1,500 for placement of a child was alleged. Names of defendants were temporarily kept secret under court rules.

Seven Indicted Earlier

Witnesses taken before the grand jury by Assistant States Attorney Anselm Sodaro were heard last Thursday and Friday. Other engagements caused the grand jury to adjourn as soon as the testimony was concluded on Friday.

The baby-placement inquiry already has resulted in one series of charges. Seven persons were indicted by the grand jury which went out of office about two weeks ago.

The grand jury investigation was begun after States Attorney J. Bernard Wells was requested by Judge Charles E. Moylan, of Juvenile Court, to look into "the entire question of baby placement in Baltimore."

Supplemental To Probe

That investigation was supplemental to a special probe of a "missing" baby, which was said to have been taken from a baby home.

The "missing" baby was Kathleen Ann Kelly, one of two children which a young New York couple allegedly left in Baltimore at different times.

Mrs. Gertrude M. Hailey, operator of a baby home on Forrest street, testified before Judge Moylan on charges of neglecting the youngster, that the Kelly child was claimed by an alleged uncle who gave no name.

"Adopted" By Couple

Within a few hours after the start of the State's Attorney's investigation, the "missing" child was discovered. She had been taken for intended adoption by Mr. and Mrs. Ellick Stoneberger and had been renamed Bernadette Stoneberger.

Woman Sentenced On Bigamy Count

Convicted of bigamy in Criminal Court, Mrs. Gloria Zink, 24, who went through the first of her four marriages when she was only 15, today was sentenced to the reformatory for women for a term of not more than one year.

Judge Robert France pronounced sentence after the Probation Department recommended against a probationary release. Assistant State's Attorneys Alan H. Murrell and Charles E. Orth, Jr., prosecuted.

Divorces Doubted

Mrs. Zink, who lived in the 100 block North Carey street, was charged with bigamy in her fourth marriage, which occurred last May 21 to Lewis W. Smith. She had married Alfred Zink, of Brooklyn, approximately a year ago.

The Probation Department reported that there also was doubt as to whether the woman's second marriage, in 1946, after being divorced by her first husband, had ever been legally terminated.

Mrs. Zink contended that she was intoxicated at the time of the fourth marriage last May, and that she knew nothing about it until the next day.

Needed Law

Support for a law to prevent the misuse of contracts of sale in real estate transactions is growing. At a meeting last week a group of judges, lawyers, real estate men and others approved the outlines of a bill proposed by Chief Judge Allan W. Rhynhart of the People's Court. This measure, which will be submitted to the Legislative Council, would set up two safeguards against abuses.

Conditional contracts of sale serve a useful and worthwhile purpose when properly employed. They make it possible for persons of limited financial resources to buy homes. Yet they can work to the detriment of unwary purchasers.

Some instances of serious abuse recently have been brought to light. The scale of payments under some long-term contracts has been questioned. In many instances the contracts provide that if the purchaser misses one, or a very few payments, the property automatically and without any notice reverts to the seller and the buyer loses any equity he may have built up.

The proposed law would require that a purchaser in default receive notice of forfeiture and that he have an opportunity to bring his payments up to date. In case of forfeiture, the purchaser would have the privilege of having a court determine how much, if any, equity he might have acquired in the property. In addition sellers would have to give a copy of the contract to every purchaser.

A bill of similar intent was introduced at the last session of the General Assembly, but it failed to pass. With the backing that is accumulating behind it, the new bill should receive better treatment.

Bulletin

Presentments were returned today by the Grand Jury against four physicians and two attorneys on charges of "accepting unlawfully compensation for placement service for adoption of children." The jury's action follows a two-month inquiry by police and the State's Attorney's office into conditions within foster homes for children in Baltimore.

MORN SUN 9/27

JURY PRESENTS FOUR DOCTORS IN BABY CASES

Also Accuses 2 Lawyers After Probe Of Alleged Foster-Home Racket

Presentments charging four doctors and two lawyers with unlawfully receiving or attempting to collect compensation for placing infant children in foster homes were returned yesterday by the Baltimore grand jury.

Names of five of the defendants were made public late yesterday after they posted $1,000 bail or announced that they would meet the bail requirement this morning. Identity of the sixth defendant—a physician—was not made public yesterday.

Five Named So Far

The accused thus far identified are:

DR. PAUL SCHONFELD, of the 2300 block Annapolis road.

DR. SAMUEL TOMPAKOV, of the 3600 block Park Heights avenue.

DR. ALFRED JOSEPH COLE, of the 1900 block Wilkens avenue.

M. RICHARD MOSS, an attorney of the 3500 block Cedardale road.

STAFFORD H. PLIMACK, an attorney, of the 2400 block Eutaw place.

Dr. Schonfeld faces a total o five charges, one of conspiring with Dr. Tompakov and Plimack; two of unlawfully collecting compensation for baby-placement services and two of attempting to collect compensation for the same purpose.

Conspiracy Charge

The conspiracy charge against the three men accuses them of "conspiring with each other to unlawfully charge and receive compensation, to wit: $1,500 from and on behalf of Edward Henry Taubman and Cecile B. Taubman, his wife, for the placement service in connection with the placement of one baby girl Bernstein for adoption with the said Edward Henry Taubman and Cecile B. Taubman his wife, on or about June 16, 1949."

The Taubmans live in the 3900 block of West Rogers avenue.

Dr. Schonfeld, alone, is charged with receiving $1,000 from the Taubmans for placement service in connection with baby Bernstein in violation of Article 16, Section 85 P. of the Annotated Code of Maryland.

He faces another accusation of attempting to charge and receive $1,000 from Mr. and Mrs. Samuel J. Hankin, of the 3200 block Strathmore avenue, for the placement of the same Bernstein baby on June 11.

Dr. Schonfeld also is accused of attempting to charge $1,500 as compensation for the placement of baby boy Carpenter from Mr. and Mrs. Jessie Benesch, Jr., of Towson, and of receiving $325 from Mr. and Mrs. George Jacobs, of the 3200 block Chelsea terrace, for the placement of the same child.

Plimack, in addition to the conspiracy charge, is accused of receiving from the Taubmans in connection with the placement and adoption of baby girl Bernstein.

Plimack also is accused of receiving $700 from Mr. and Mrs. Henry Newirth, of the 3400 block Virginia avenue, in connection with the placement and adoption of baby boy Rosenberger.

Further Conspiracy Counts

Dr. Tompakov is charged with receiving $400 for placement service in connection with the Bernstein child from the Taubmans He also is charged in the conspiracy presentment involving the same baby.

Dr. Cole is charged with receiving $400 in connection with the placement of baby boy Rosenberger with the Newirths. He also is accused of conspiring with Plimack to charge the Newirths $1,100 for the placement of the Rosenberger boy.

Moss faces a charge of receiving $500 from Mr. and Mrs. Nathan Rofsky, of the 2400 block West Cold Spring lane, in connection with the placement and adoption of baby girl Miller.

Probe Declared Ended

The presentments were prepared by Anselm Sodaro, assistant State's attorney, who conducted an extended investigation with the aid of detectives and policewomen into an alleged baby-placement racket in this city.

J. Bernard Wells, State's attorney, announced that the probe has been ended.

The last grand jury returned presentments against several women accusing them of operating homes for baby care without the proper licenses and, in one instance, a woman proprietor was accused of making an unlawful charge for placement services.

3 'Strikes'—Out Of Circulation

Judge Robert France yesterday fulfilled his warning to third violators of the State's numbers laws and sentenced a thrice-convicted writer to six months in the House of Correction.

The sentence was imposed on Canty McFadden, Negro, of the 700 block West Lexington street. McFadden had been fined $200 on a similar charge last February, and three months later received a fine of $350 when he appeared before Judge France again, according to Charles E. Orth, Jr., prosecutor.

McFadden pleaded guilty to the new charge and admitted that he had been writing numbers in a lunchroom in the 100 block North Pine street last August 16. Mr. Orth said McFadden also had a record

NEWS - 9/26 / EVE. SUN - 9/27

Fourth Physician Cited In Probe

Dr. Leon Greenwald, of 2406 Brambleton road and 1801 Eutaw place, today was revealed to be the fourth doctor facing criminal charges in the grand jury baby-placement probe.

Three other doctors and two lawyers yesterday were presented by the grand jury, but Greenwald's name was not disclosed under court rules, although the action was taken against him at the same time.

Dr. Greenwald faces two charges. In one presentment he is charged with receiving unlawful compensation of $500 last June 14 for the placement for adoption of a child known as "baby boy Jordan" with Mr. and Mrs. Myer Stoler, of 101 North Ellwood avenue.

In the second presentment, he is charged with receiving unlawful compensation of $425 last June 9 for the placement for adoption of a child known as "baby girl Wolf" with Mr. and Mrs. Helman L Meyers, of 3230 Tioga parkway.

The name of Dr. Greenwald, as a defendant, was revealed today when Henry M. Siegel, his attorney, and Maurice Berman, professional bondsman, appeared at the offices of Criminal Court to arrange his bail.

NEWS - 9/27

Local Briefs

The sixth defendant in the grand jury presentments charging irregularities in the placement of babies in foster homes posted bail today. He is Dr. Leon Greenwald, of the 2400 block Brambleton road, whose office is in the 1800 block Eutaw place. His bond is $1,000, the same as that of the other defendants. The presentment charges Dr. Greenwald with obtaining $500 from one couple and $475 from another in connection with the placement of two children.

MORN SUN - 9/28

DOCTOR NAMED IN BABY CASE

Fourth Physician Identified As Dr. Leon Greenwald

The fourth doctor accused of illegally accepting money for helping to place infants in foster homes was identified yesterday as Dr Leon Greenwald, of the 1800 block Eutaw place and the 2400 block Brambleton road.

Dr. Greenwald is charged in two presentments with collecting $425 and $500 from two couples who adopted infants last June.

He is accused of illegally receiving $425 from Mr. and Mrs. Helman Meyers, of the 3200 block Tioga parkway, in connection with the adoption of "baby girl Wolf."

The other presentment charges Dr. Greenwald with unlawfully receiving $500 for the placement of "baby boy Jordan" from Myer and Shirley Stoler, of the 100 block North Ellwood avenue.

Other Defendants Listed

Other defendants, whose names were made public on Monday, include three other doctors and two attorneys.

Those defendants, who face similar charges, are:

DR. PAUL SCHONFELD, of the 2300 block Annapolis road, five charges.

DR. SAMUEL TOMPAKOV, of the 3600 block Park Heights avenue, two charges.

DR. ALFRED J. COLE, of the 1900 block Wilkens avenue, two charges.

STAFFORD H. PLIMACK, of the 2400 block Eutaw place, an attorney, four charges.

M. RICHARD MOSS, of the 3500 block Cedardale road, an attorney, one charge.

Each of the accused is at liberty under $1,000 bail.

Will Attack Validity Of Statute

Meanwhile, it was learned that counsel for the accused are planning to attack the validity of the recently enacted statute used as the basis for the prosecution.

The two-month probe which resulted in charges being placed against the physicians, attorneys and several women operators of baby-care homes was conducted by Anselm Sodaro, assistant State's attorney, and a corps of detectives and policewomen.

The women defendants were accused by the last grand jury, which retired earlier this month.

JURY PRESENTS COMI, 7 OTHERS

Gaming Charges Laid To Man Convicted In County

John Comi, 45, who on Monday was given a 30-day jail term and fined $500 on gambling charges in a Baltimore county court, yesterday was presented, with seven other persons, on numbers and bookmaking charges by the Baltimore grand jury.

Comi, who lives in the 200 block of South Conkling street, is charged in nine cases with using premises at 3720 Claremont avenue "for the purpose of selling lottery for compensation or reward" on the last two days of August and seven days this month.

He is charged jointly with Pascal Cuomo, 46, of the 600 block South Eaton street, with using the same premises to accept race bets on September 17.

Comi's Daughter Named

Accused along with Comi and Cuomo in the nine numbers cases are:

MISS THERESA COMI, 19-year-old daughter of Comi, of the 200 block South Conkling street.

ALEXANDER DEFABIO, 24 of the 200 block South Robinson street.

WALTER FREDERICK, 38, of the 1800 block East Twenty-ninth street.

MANUEL HOFFMAN, 41, of the 4900 block Edgemere avenue.

MISS CLARA MORGERETH, 30, of the 500 block South Glover street.

FRANK KRYSIAK, 38, of the 3700 block Claremont avenue.

Krysiak, alone, is charged with conspiring to violate the State numbers laws between August 30 and September 17.

All the defendants, except John Comi and DeFabio, are charged with numbers violations on six other dates in September. Cuomo, Frederick and Krysiak face still another numbers violation charge.

Raid Biggest In Drive

In all, the grand jury returned a total of eighteen presentments, all but one charging numbers violations.

Capt. Alexander L. Emerson, vice squad head who led the raid on the Claremont avenue premises, testified at a police court hearing last week that he seized 87,414 numbers slips representing $13,831.77 in bets.

The raid was described by police as the biggest of the two-month-old gambling crackdown in Baltimore.

EVE. SUN 9/28

Supreme Court Asked To Deny 904 Appeal

Radio Station WCBM, operated by the Baltimore Broadcasting Corporation, today asked the Supreme Court of the United States to deny the appeal of the State of Maryland in contempt cases against it and other radio stations resulting from a crime news broadcast.

The motion was filed with the Supreme Court by J. Purdon Wright, W. Frank Every and William Bruce Oswald, attorneys for WCBM. Counsel for WFBR and WITH have revealed they are filing no petitions, but are merely awaiting Supreme Court action on the State's appeal move.

State Has Made Appeal

The State, through Attorney General Hall Hammond and Assistant Attorney General Harrison L. Winter petitioned the Supreme Court nearly a month ago to issue a writ of certiorari and thereby entertain the State's appeal from the Court of Appeals decision that invalidated Supreme Bench rule 904 and reversed the Criminal Court conviction of the three stations and a fourth radio station whose initial appeal is still pending.

Rule 904 placed restrictions on reporting certain information in criminal cases in advance of trial.

Claims "Frivolous" Grounds

The WCBM attorneys contended that the State is attempting to raise merely "frivolous" grounds for claiming that a Federal question exists that should compel the Supreme Court to consider the case.

They argued that the State "has no interest," except possibly of an official nature, in the outcome in this case and, therefore, has no standing in this court to attack the decision of its own Court of Appeals."

Under Maryland law, the WCBM attorneys contended, the State has no right to appeal from an acquittal order in contempt proceedings or to request certiorari.

Stems From James Arrest

The original contempt citations were issued because of news broadcasts on the arrest of Eugene H. James for the Marsha Brill murder a year ago last summer. The colored man, after conviction and upholding of the conviction on appeal, was hanged a short time ago.

The WCBM lawyers contended, in part:

"There is no statute of the State of Maryland, as such, involved in this case.

"Only a local rule of the Supreme Bench of Baltimore City has been attacked and found invalid by the Court of Appeals of Maryland as a violation of the freedom of speech and of the press as guaranteed by the Federal constitution.

"Validity No Longer At Issue"

"The question of the validity of Rule 904 is not pressed by the petitioner in its petition for writ of certiorari and thus the validity of the rule is no longer at issue."

Contending that the State seeks a reversal of the Court of Appeals on the ground that the radio publications constituted "a clear and present danger to the administration of justice," the WCBM attorneys asserted that the facts showed there was no threat to the administration of justice and no actual claim that the murder defendant had been prejudiced.

Denies Justice Endangered

The lawyers contended that the State "should be satisfied with a ruling by its own court of last resort" on the question of whether there had been clear and present danger of interference with justice.

In contending that the State's position was "frivolous" the radio lawyers asserted that the "clear and present danger rule" already had been plainly laid down by the Supreme Court and that there obviously was "no merit in the contention that a different rule is necessary in contempt-by-publication cases where prospective jurors are involved as distinguished from judges."

Under Supreme Court rules, the radio stations had been given until September 30 to file any replies they wished to make to the State's certiorari petition. The question of whether certiorari will be granted or denied is awaiting decision by the Supreme Court justices, without further proceedings in advance of their decision.

Numbers Case Murder Trial Begins Here

William Fields, Sampson, 32, colored, gave police an eight-page written statement about his shooting of John Davis, numbers writer, it was revealed today as the murder trial began in Criminal Court before an all-male all-white jury.

The defendant pleaded not guilty. His attorneys made a claim of self-defense and "provocation." The testimony showed that Davis, a Negro, had failed to pay off a 700-1 "hit" which Sampson made in numbers play.

Sampson was shown to be a relief beneficiary. His statement said he played numbers approximately three times a week, or whenever he had cash, playing as much as $2 a time.

The State rested its case just before the luncheon recess. The judge announced the trial would be resumed at 2 P.M. because he had to attend a funeral. Defense lawyers had previously stated that they would call only one witness, the defendant himself.

Sampson was a relief beneficiary who was said to have "played the numbers practically every day of his life." Davis operated a numbers writing station for years in an empty garage at 403 North Central avenue.

The defendant pleaded not guilty through his court-appointed counsel, Hilary W. Gans and Norman C. Melvin, Jr. The defense attorneys told the jury sitting under Judge E. Paul Mason in Criminal Court that self-defense, and "provocation" by Davis's failure to pay off a 700-to-1 numbers "hit" was claimed.

Statement Admitted

Sampson's eight-page written statement was offered as State's exhibit seven, with the assent of defense attorneys, who said they also desire its admission in evidence.. Previously, witness after witness to the shooting had been asked if they knew the backer of syndicate behind Davis, and most replied they had no such knowledge.

Assistant prosecutor Murrell then read the full statement to the jury.

Stenographic Report

Following, in part, is a stenographic report of the questioning of Sampson by Detective Lieutenant Leo Kelly:

Question—Did you play a number with John Davis?

Answer—Yes, sir.

Q.—What number?

A.—384 straight.

Q.—How much money did you put on that number?

A.—Fifty cents.

Q.—Start right there and tell us from the very first time you played that number, and what took place, and what led up to the shooting.

Hit The Number

A.—I played the number with John Davis, and left the club, and went down to the Stag Bar, and a boy come in and told me I hit the number. I went to the club and looked for John Davis, and he was not there, and I went to the pool room in front of the Dunbar Theater on Central avenue and stayed around there for about an hour.

Q.—Were you by yourself when you went to the pool room?

A. No sir, a boy named Jitterbug was with me. I don't know his name.

Q.—Was Jitterbug with you when you played the number 384 with John Davis?

A.—He was in the club.

Q.—Was anyone there when you played that number? Would anyone know you played that number?

A.—I can get four or five to say what number I played. Everybody was joking about my playing the number and winning and asking for a loan, and I said I would loan them the money when I got it.

Q.—Who was it told you you hit that number?

A.—Jitterbug was the first one, and Moot Green and Smitty. I don't know his name. Several of them. Howard Witt. I don't know where they live, but they can be located. They all hang in the poolroom.

Q.—Who first told you you hit?

A.—Jitterbug. He's my cut partner. After I learned I hit, I stayed around the club and borrowed 50 cents from Smitty, and then went to Eden street and met Dave Cooper, and we went down Eden to Orleans, and there was another boy along with me. I left Jitterbug around the poolroom. I told this boy to go around the club and get John Davis and tell him to come around to Stag Bar. I forget the boy's name, but as soon as I get in touch with my father I can get his name. I told him to get John Davis and tell him to come around to the Stag Bar to see me.

Q.—Did John Davis come around?

A.—Yes, and we went in the back.

Q.—John Davis and you?

A.—Yes, we went in the back and he looked in his book and tried to find the number 384, and he looked and looked and could not find it, and the proprietor come in the back and said he did not allow number books in here and to carry it out, and me and John Davis went around the club and he started looking for the number in the driveway alongside the club.

Q.—That club is a garage, isn't it?

A.—Yes. We was in the front of that. He could not find the number, and I left.

Had No Argument

Q.—Did you have an argument there with John Davis?

A.—No, sir.

Q.—Did he deny at that time that he had any record of your playing the number with him?

A.—He denied I played 384.

Q.—Getting back to the Number 384, how long have you been playing that number?

A.—Ever since 1943.

Q.—How long have you been playing the number with John Davis, the man you shot?

A.—Off and on since 1947.

Q.—How long have you known John Davis?

A.—Ever since I was a kid coming up.

Q.—Would you play that number daily or every week?

A.—I played when my money allowed me to play.

Q.—At this time, how often had you been playing that number?

A.—Just about two, three or four times a week.

Q.—What number would you play?

A.—384.

Rarely Played Others

Q.—Any other number you played?

A.—I hardly mess with any others.

Q.—What amount would you play with 384?

A.—Anything I happened to have in my pocket. Two dollars was the largest amount I ever played, and one penny.

Q.—This fifty cents you claim you played on June 11, was that yours, or was Jitterbug cut in on it?

A.—That was mine.

Q.—What amount was that number to pay you?

A. $315.50.

Q.—How do you figure that?

A.—Seven to one.

Q.—That would make it $350, wouldn't it?

A.—I figured it.

Q.—There was no one there at the time that knew you played 384 except the man you shot?

A.—No, sir.

Q.—Did John Davis tell you you did not play that number, or that he had no record of your playing that number?

"Not In The Book"

A.—He said it was not in the book.

Q.—But he did not say he would not pay you, did he?

A.—He said if it was not in the book he can't pay me.

Q.—Did he indicate he might try to adjust the payment some time later?

A.—No, sir. He said to wait until the pickup man come.

Q.—To straighten it out?

A.—To see him when the pickup man comes.

Q.—Did this shooting take place before the pickup man came?

A.—I don't know.

Question Jury Views

Alan H. Murrell, Assistant States Attorney, in his opening statement to the jury said the whole matter arose from "the numbers racket." He asked a first degree murder verdict and qualified the jurors as to their views on capital punishment.

"If I were writing a radio drama or a play about this," Murrell declared in his opening statement to the jury, "and I were called on to give it a title, I would call it 'The Numbers Racket Murder'—because that is exactly what it is."

Neurosis Of Miser Cited In Relief-Case Trial

Classed by the court psychiatrist as a miser who is sane but who cannot control his "abnormal urge to acquire and keep money," Louis Schwartz, 72-year-old relief beneficiary with $5,000 in a savings bank, today went on trial in Criminal Court.

Schwartz, a gray, unkempt-looking old man, is charged with defrauding the Department of Public Welfare by receiving welfare payments when he actually possessed substantial funds.

Schwartz pleaded not guilty. When he was arraigned last summer contended he could not afford a lawyer, and the court had considered appointment of free counsel until the prosecutors, Edwin A. Gehring and Charles E. Orth, Jr., pointed out that possession of wealth was the very basis of the charge.

Interpreter's Aid

Consequently, Schwartz was officially without a lawyer when he went on trial today before Judge John T. Tucker. However, the Russian-born defendant was aided by a court-supplied interpreter, and Herbert Myerberg, attorney representing the Jewish Big Brothers League, also sat at the trial table to safeguard his rights.

Dr. Manfred S. Guttmacher had reported to the court that the defendant was mentally sane and competent, but that she suffered from "a very severe neurosis" of a lifelong miser characteristic which tends to be exaggerated when senile changes occur."

Neither treatment nor imprisonment offers any "real reformative value," the psychiartrist reported, particularly if board in such a public institution was free."

"Dollar Is Best Friend"

Schwartz, who said he came to America after having served in the Russian Army in the Russo-Japanese war, had told the psychiatrist that "My best friend is a dollar in my pocket."

Dr. Guttmacher stated that although the man is sane, his neurosis probably "deprives him of the ability to really understand that what he is doing is criminally wrong."

NEWS - 9/28

Numbers Racket Murder Case Opens Here

At the outset of the trial the 12-man jury declared itself unopposed to capital punishment.

PAYMENT HELD OUT

Murrell stated that Sampson had played fifty cents on No. 384 last June 11 and would have received $350, less 10 per cent for the writer of the number, had he been paid.

He said Sampson threatened Davis with a knife for non-payment and later shot him to death.

Sampson pleaded not guilty through his court-appointed attorney, Hilary W. Gans.

The numbers racket is Maryland's second largest industry, surpassed in the number it employs only by the Bethlehem Steel Company, a Criminal Court jury was told today as what was dubbed "The Numbers Racket Murder Case" began.

The statement was attributed to Capt. Alexander Emerson, vice squad head, by Assistant State's Attorney Alan H. Murrell, in his opening statement to the jury and Judge E. Paul Mason.

SLAYING IN CLUBROOM

On trial is William F. Sampson, Jr., Negro, twenty-three, 500 block North Caroline street, described as a "numbers player," who is charged with the pistol slaying of John Davis, forty, Negro, 900 block South Wolfe street, last June 11 in a clubroom in the 400 block North Central avenue.

Woman Freed In Death Case

Miss Helen Kupcek of the 3900 block Southern avenue today had been freed on charges of causing the death of John W. Clark, Jr., who lived at the same address.

Magistrate Leroy C. Chaughnessy dismissed the charges against the twenty-four-year-old woman after testimony that Clark was killed during a struggle for a paring knife September 6.

Miss Kupcek said that during a bitter argument Clark had thrown a glass of water at her and then cut her dress with the knife. She said she struggled with him until he suddenly clutched his stomach and became motionless.

MORN - 9/29

2 Men Fined $600 In Numbers Case

Two men yesterday were fined $600 and costs each in the Criminal Court on numbers charges after police revealed that one of the men had papers indicating that numbers play totaling $2,403 had been picked up from 74 different locations.

The defendants were Ernest W. Meyer, who gave an address in the Pimlico Hotel, described as a "pick-up" man, and Bernard Palmer, Negro, of the 3100 block Leeds avenue, identified as a writer and "turn-in" man.

William J. O'Donnell, prosecutor, said the pair met in automobiles on the Frederick road, near Irvington, and were arrested there by police under Capt. Alexander L. Emerson.

Meyer had about $1,400 on his person when arrested, Judge Robert France was told.

MORN - 9/29

CRIME-NEWS CASE APPEAL ANSWERED

Radio Station WCBM Asks High Court To Deny Review

Radio Station WCBM yesterday asked the United States Supreme Court to deny Maryland's appeal in the crime news contempt cases.

The motion was filed by J. Purdon Wright, Frank W. Every and William Bruce Oswald, attorneys for the radio station.

Through Hall Hammond, attorney general, the State asked the Supreme Court nearly a month ago to consider an appeal from the decision rendered by the Maryland Court of Appeals. In that decision the State Court of Appeals reversed the conviction of three radio stations accused of violating Rule 904 of the Baltimore Supreme Bench.

Ruled Invalid On Appeal

Rule 904 restricted the publication of crime news, and the Court of Appeals ruled it invalid on the ground it violated the First Amendment to the Constitution.

Attorneys for WCBM, requesting the Supreme Court to deny Maryland's petition for a writ of certiorari that would put the case up for review, contend that the State has no right to appeal from an acquittal in contempt proceedings.

"Nowhere in the Maryland Code is the State given any right to appeal in contempt cases," the argument contends.

Double Jeopardy Cited

The attorneys declare that, under Maryland criminal law, an accused party who has been acquitted may not be placed "twice in jeopardy for the same offense" by a State appeal from the acquittal.

In another phase of the argument, the brief holds that that State is trying to raise "frivolous grounds" for claiming that a "Federal question" exists which should compel the court to consider the case.

It contends that the State, in effect, bases its appeal on the argument that the Supreme Court should set up a different "clear and present danger" rule to govern cases where prospective jurors—as distinguished from judges—are involved.

". . . A claim for such a distinction is untenable and raises a frivolous question not worthy of serious consideration . . ." the brief argues.

"No Legal Justification"

Further, the WCBM attorneys contend that the State has no interest, except of "an official nature," in the outcome of the case and, therefore, "has no standing in this court to attack the decision of its own Court of Appeals."

Also, they declare, the State's request for a writ of certiorari has no legal justification in Maryland law.

"Only a local rule of the Supreme Bench of Baltimore city has been attacked and found invalid by the Court of Appeals of Maryland as a violation of the freedom of speech and of the press as guaranteed by the Federal Constitution," they assert.

"No Threat To Justice"

"The question of the validity of Rule 904 is not pressed by the petitioner in its petition for a writ of certiorari and thus the validity of the rule is no longer at issue."

The lawyers said the facts showed there was no threat—no "clear and present danger to the administration of justice"—and no actual claim that the murder defendant had been prejudiced.

The contempt citations originally were issued last year because of news broadcasts made after the arrest of Eugene H. James for the murder of Marsha Brill. James, a Negro, later was convicted and executed for the crime.

MORN SUN-9/29

4 SALES TAX FINES IMPOSED

Merchants Assessed $30 To $300 For Failing To Pay

Four Baltimore merchants yesterday were fined from $30 to $300 after they were convicted in Criminal Court of failing to file returns and pay sales taxes collected to the State comptroller.

The heaviest fine—$300—was imposed on Joseph Mazer, tavern keeper in the 600 block North Fremont avenue, who was convicted of failing to turn over to the State $614.78 in sales taxes.

Failed To Pay $2,712 Taxes

A fine of $250 was levied on Benjamin Kushner, who operates a tavern in the 300 block of Pearl street and was convicted of failing to pay $2,712.40 in taxes.

Mrs. Jeannette Friedman, dress-shop operator in the 500 block North Gilmor street, was fined $30 for failure to turn over $96.48 in sales taxes. Gabriel Maddox, Negro printer in the 700 block Druid Hill avenue, was fined $120 and costs because of a $707 tax delinquency.

Judge Robert France imposed the fines, William J. O'Donnell prosecuted the cases.

NUMBERS LOSER GUILTY OF MURDER

Sentencing Of Sampson Withheld Pending New Trial Motion

William Fields Sampson, 23, yesterday was convicted of first-degree murder in the fatal shooting of a numbers writer who allegedly had "welshed" on a winning bet.

Judge E. Paul Mason deferred imposition of sentence pending a motion for a new trial. The conviction carries either the death penalty or life imprisonment.

Sampson admitted he shot and killed John Davis, 40, last June 11 a couple hours after they had argued over the winning numbers bet, but contended in a statement to police that he shot in self-defense because he thought Davis was about to approach him with a gun. Both men are Negroes.

Number Was 384

Testimony produced by Alan H. Murrell, prosecutor, disclosed that the two men argued after Davis denied that Sampson had played and "hit" number 384 and won $315.50, to $315.50 on the winning digits.

Mr. Murrell, during the course of his closing argument to the jury, took occasion to attack recommendation of the last grand jury that the legalization of gambling be considered.

"The very same grand jury which returned the indictment against Sampson wrote a report in which they recommended that legalized gambling might be permitted," he asserted.

"I wish they could have been here today," he said.

"Backer's" Name Unknown

State's evidence also disclosed that Davis had been engaged as a numbers writer for several years and that he had been convicted of that charge. Mr. Murrell was unable to elicit from witnesses the name of the "backer" for whom Davis worked.

Davis operated the gambling enterprise from premises in the 400 block North Central avenue, testimony revealed.

Sampson did not take the witness stand in his defense at the day-long trial, but his full statement to police was admitted into evidence without objection by court-appointed defense counsel.

The statement disclosed that Sampson at the time of the shooting was receiving public relief assistance and that he was using some of that income to play numbers three or four times a week.

Stenographic Report

Following, in part, is a stenographic report of the questioning of Sampson by Detective Lieutenant Leo Kelly:

Question—Did you play a number with John Davis?

Answer—Yes, sir.

Q.—What number?

A.—384 straight.

Q.—How much money did you put on that number?

A.—Fifty cents.

Q.—Start right there and tell us from the very first time you played that number, and what took place, and what led up to the shooting.

Hit The Number

A.—I played the number with John Davis, and left the club, and went down to the Stag Bar, and a boy come in and told me I hit the number. I went to the club and looked for John Davis, and he was not there, and I went to the pool room in front of the Dunbar Theater on Central avenue and stayed around there for about an hour.

Q.—Were you by yourself when you went to the pool room?

A. No sir, a boy named Jitterbug was with me. I don't know his name.

Q.—Was Jitterbug with you when you played the number 384 with John Davis?

A.—He was in the club.

Q.—Was anyone there when you played that number? Would anyone know you played that number?

A.—I can get four or five to say what number I played. Everybody was joking about my playing the number and winning and asking for a loan, and I said I would loan them the money when I got it.

"Jitterbug" Told Him

Q.—Who was it told you you hit that number?

A.—Jitterbug was the first one, and Moot Green and Smitty. I don't know his name. Several of them. Howard Witt. I don't know where they live, but they can be located. They all hang in the poolroom.

Q.—Who first told you you hit?

A.—Jitterbug. He's my cut partner. After I learned I hit, I stayed around the club and borrowed 50 cents from Smitty, and then went to Eden street and met Dave Cooper, and we went down Eden to Orleans, and there was another boy along with me. I left Jitterbug around the poolroom. I told this boy to go around the club and get John Davis and tell him to come around to Stag Bar. I forget the boy's name, but as soon as I get in touch with my father I can get his name. I told him to get John Davis and tell him to come around to the Stag Bar to see me.

Q.—Did John Davis come around?

"Went In The Back"

A.—Yes, and we went in the back.

Q.—John Davis and you?

A.—Yes, we went in the back and he looked in his book and tried to find the number 384, and he looked and looked and could not find it and the proprietor come in the back and said he did not allow number books in here and to carry it out, and me and John Davis went around the club and he started looking for the number in the driveway alongside the club.

Q.—That club is a garage, isn't it?

A.—Yes. We was in the front of that. He could not find the number, and I left.

Had No Argument

Q.—Did you have an argument there with John Davis?

A.—No, sir.

Q.—Did he deny at that time that he had any record of your playing the number with him?

A.—He denied I played 384.

Q.—Getting back to the Number 384, how long have you been playing that number?

A.—Ever since 1943.

Q.—How long have you been playing the number with John Davis, the man you shot?

A.—Off and on since 1947.

Q.—How long have you known John Davis?

A.—Ever since I was a kid coming up.

Q.—Would you play that number daily or every week?

A.—I played when my money allowed me to play.

Q.—At this time, how often had you been playing that number?

A.—Just about two, three or four times a week.

Q.—What number would you play?

A.—384.

Rarely Played Others

Q.—Any other number you played?

A.—I hardly mess with any others.

Q.—What amount would you play with 384?

A.—Anything I happened to have in my pocket. Two dollars was the largest amount I ever played, and one penny.

Q.—This fifty cents you claim you played on June 11, was that yours, or was Jitterbug cut in on it?

A.—That was mine.

Q.—What amount was that number to pay you?

A. $315.50.

Q.—How do you figure that?

A.—Seven to one.

Q.—That would make it $350, wouldn't it?

A.—I figured it.

Q.—There was no one there at the time that knew you played 384 except the man you shot?

A.—No, sir.

Q.—Did John Davis tell you you did not play that number, or that he had no record of your playing that number?

"Not In The Book"

A.—He said it was not in the book.

Q.—But he did not say he would not pay you, did he?

A.—He said if it was not in the book he can't pay me.

Q.—Did he indicate he might try to adjust the payment some time later?

A.—No, sir. He said to wait until the pickup man come.

Q.—To straighten it out?

A.—To see him when the pickup man comes.

Q.—Did this shooting take place before the pickup man came?

A.—I don't know.

"Welshing On A Bet"

Defense counsel argued that Davis had "provoked" the shooting by "welshing on a bet." They asked the jury to consider the state of mind of the accused who, having been informed by his friends that he had "hit" on a number he had played for two years, is told by the writer that there was no record of the number having been played.

They pointed out that the evidence showed that in celebration of his contemplated winnings on the 700-to-1 hit, Sampson had borrowed money from a friend to treat his companions and had promised to lend all of them money.

The defense denied that Sampson returned to the Central avenue premises to shoot Davis, but that he returned with a gun after the earlier argument only for the purpose of collecting the money.

"I Want My Money"

In his statement, Sampson later stated that when he entered the premises and observed Davis standing at a counter, he said:

"John Davis, I want my money."

He said the numbers writer then wheeled and took one step toward him. Sampson said he then shot because he feared that if he didn't, he might be shot first. He admitted he saw no weapon on Davis.

Although Sampson fled immediately after the shooting and was not apprehended until almost two months later in Elizabethtown, N.C., witnesses said a money bag which Davis carried all the time was missing shortly after the killing occurred.

None of the witnesses was able to say what happened to the money bag or how much it contained.

EVE. SUN-9/29

Bet-Case Jury Trials Sought; Three Freed

Because one Criminal Court jury returned not guilty verdicts at the trial of three persons charged with bookmaking by Capt. Alexander L. Emerson, jury trials were demanded today by several other groups accused on betting charges.

Acquitted after brief jury deliberation, were Mr. and Mrs. Samuel Warner, operators of a confectionary in the 3500 block Park Heights avenue and Paul Potlock, iceman, who police said was in the place when it was raided June 28.

Police testimony was that seventeen telephone calls were received over a pay-booth phone in efforts to place bets with some one named "Piggy." The Warners represented by Joseph Rosenthal, attorney, denied knowing anything about such calls. While police contended that a list of figures represented bet records, the defense contended they were merely Potlock's ice receipts.

Enthusiasm Cited

In taking two bet charges against Edward Jenkins, William Roland and Anthony Lanasa before another Criminal Court jury, Defense Attorneys Paul B. Mules and George W. Della contended the police raid was due to "overzealousness and imagination" of a rookie police officer on the vice squad.

The raid last July 8 at Jenkins's tavern in the first block east Cross street resulted in an open tavern door being kicked in by Captain Emerson, the defense claimed. Defense lawyers charged that police testimony had been changed since police-court hearing.

Still other defense attorneys announced intentions to ask jury hearings in additional bet cases set for today.

Murder Trial

Yesterday's murder trial of William Fields Sampson in what the prosecutor called "the numbers-racket murder" today was commented on by Judge Robert France, when Alfred Clark, colored, came before him on a charge of having a revolver in the glove compartment of his automobile.

Judge France pointed out that Sampson's killing of John Davis, colored, numbers writer, showed what can happen. He fined Clark $100 on a numbers charge and an additional $50 for having the pistol.

The court-appointed counsel for Sampson, 23, today filed a motion for a new trial asking a Supreme Bench review. Late yesterday a jury under Judge E. Paul Mason returned an unqualified first-degree verdict requiring hanging or life-imprisonment.

Jdge France in other numbers cases fined Henry Wilson, colored, of the 800 block Edmondson avenue, a second offender as a numbers writer, $200; and Elvira Morrow, colored numbers writer giving an address in the 900 block North Fulton avenue, $100.

MORN SUN-9/30

SAMPSON ASKS FOR NEW TRIAL

Convicted Slayer Of Numbers Writer Files Appeal

William Fields Sampson, 23, who was convicted on Wednesday of first-degree murder of a numbers writer who allegedly failed to pay the 700-to-1 odds on a winning number, yesterday filed a motion for a new trial through his court-appointed counsel.

Meanwhile, Judge Robert France in Criminal Court took occasion yesterday to remind a numbers writer found to have a gun in his automobile that the case against Sampson is an example of what happens to gamblers who carry deadly weapons.

Judge France gave the warning to Alfred Clark, Negro, of the 100 block West Montgomery street, who was fined $100 as a numbers writer and $50 for carrying a deadly weapon.

Warned Of Jail Sentence

The judge imposed a fine of $100 on Miss Elvira Morrow, Negro, of the 900 block North Fulton avenue, on a numbers charge and fined Henry Wilson, Negro, of the 800 block Edmondson avenue, $200 and costs with a warning that another conviction would result in a jail sentence.

Sampson was convicted of fatally shooting John Davis, 40-year-old Negro numbers writer, last June 11 after the two had argued over the alleged failure of Davis to pay off on winning number 384. Davis denied that Sampson, a Negro, had played the number with him, testimony disclosed.

The verdict was returned against Sampson by a jury under Judge E. Paul Mason. Hilary Gans filed the new-trial motion.

MORN SUN-10/1

Man Given Term In Numbers Case

James Webb, given a suspended prison sentence and fined $1,000 on numbers charges last year, yesterday became the second Criminal Court defendant to feel the sting of Judge Robert France's threat of jail sentences for gambling-law violators.

Webb, a Negro, who lives in the 1600 block North Smallwood street, was sentenced to six months in the House of Correction by Judge France for accepting number bets last August 4.

Testimony produced by Saul Harris, prosecutor, disclosed that Webb attempted to flee in his automobile from police who accosted him on Edmondson avenue, and during the flight threw a money bag containing $35 and numbers slips out of the car.

Judge France paroled Mrs. Margaret Fuller, 66, of the 3400 block Hickory avenue, without a verdict after she denied she was a bookmaker, but contended that she liked to bet the horses and at times forwarded bets for certain of her relatives who also liked to bet.

Mrs. Fuller was required to pay $74.30 in court costs.

EVE. SUN 9/30 + 9/29

Numbers 'Backer' Gets 6 Months

Said by police to be a "backer" of a small-scale numbers operation, James Webb, colored, of the 1600 block North Smallwood street, today was sentenced to six months in the House of Correction.

Judge Robert France ruled that although the man had not been arrested for numbers this year, he must be imprisoned because he continued in the business despite a maximum fine of $1,000 and a suspended three-month sentence about a year ago.

Sergt. Wade Poole, of headquarters, arrested Webb after an automobile case when numbers records were noticed in his car.

Race-Bet Case

In a race-bet case before Judge France in Criminal Court, probation without a verdict was granted a 66-year-old woman who faced charges of forwarding bets on four different days.

The woman, Mrs. Margaret Fuller, of 3417 Hickory avenue, was required to pay court costs of $74.30. Her attorney, Joseph G. Finerty, told the court that she was not a bookmaker but had placed the bets both for herself and for her brother and sister.

In other gambling cases, Judge France fined Irving Rozier $200. He had a numbers writer's book in his pocket when arrested for being drunk. George Smallwood, Darious Leigh and Anna Woodland, all colored, were fined $100 each as numbers writers. Assistant State's Attorney Saul A. Harris prosecuted.

MORN-SUN-10/3

YOUTH SEIZED IN GIRL'S ROOM

Faces Hearing Today In Attempt To Attack Child, 5

Discovered in the bedroom of a 5-year-old girl early yesterday morning, a 20-year-old youth was charged with choking the child and attempting to rape her.

Identified as Charles E. Wolfe, of th 5700 block Harford road, he will be given a hearing today in Northeastern Police Court.

Police were told that the girl's mother, grandmother and a friend of the mother discovered the intruder after being summoned from a next-door party by the girl's young brother who cried that a man was trying to murder his sister.

Treated At Hospital

The mother's friend, Earl V. Boyd, of Sparrows Point, said that he struck the intruder while the others summoned police to the Northeast Baltimore home.

After he was arrested, Wolfe was treated for a broken nose and lacerations and bruises of the face.

The girl was examined at St. Joseph's Hospital and treated for bruises of the head and face.

In addition to the girl's mother, who is a divorcee, her grandmother and Mr. Boyd, Wolfe was a guest at the next-door party.

Also at the party were the couple who live in the apartment over that of the mother and grandmother.

The couple's 14-year-old son said that he was awakened about 2.30 A.M. by a man who pulled the covers off the bed and then left.

When, a few minutes later, the boy heard his sister downstairs crying, he started downstairs with his father's .38 revolver. Before he could get to the first floor, however, the adults arrived.

EVE. SUN-10/3

Park Killing

The killing of a Negro youth in Carroll Park occurred in a clash between Negro and white youths in a public park. The Negro boys wanted to play in the park, as they had every right to do. The white boys tried to chase them out. In the fight that followed, a knife was plunged into the chest of one of the Negro boys.

The incident had been foreseen. Park police knew about similar previous occurrences in the same park. They had expected "that something like this would happen." An anonymous park policeman is quoted as having said about the killing: "It's been brewing for a long time."

Certainly there could have been no way to know that at any given spot and time there would be a fight in which someone would lose his life. Yet knowledge of the general situation called for special precautions which apparently were lacking. Under these circumstances, were the park police negligent?

Another question which presents itself is: Would the fight and the killing have occurred had the Police Department been responsible for law enforcement in the parks? A proposal by the Perkins Committee that the Police Department assume this responsibility is under consideration now.

Whatever the answers to these questions, every possible effort must be exerted to prevent repetitions of similar incidents. Such a crime as this easily might be the tinder to set off serious interracial disorders. That must not happen.

The police are, of course, unable to remedy the basic cause of this crime. It is rooted in irrational racial prejudice and the roots go deep. The real problem is to eliminate this prejudice, and that is a job for all of us.

Journal and American
AN AMERICAN PAPER FOR THE AMERICAN PEOPLE
12—Tues., Sept. 27, 1949 ****

4 Doctors Indicted In Baby Racket Quiz

BALTIMORE, Sept. 27 (AP).—Four Baltimore doctors and two lawyers have been charged with illegally aranging for the adoption of babies.

State's Attorney J. Bernard Wells said that, with the return of the Grand Jury presentments against the professional men, his office had finished its investigation of an alleged baby-placement racket operating in the city.

A Grand Jury previously had accused several women of operating baby homes without proper licenses. In one instance, a woman proprietor was accused of making an unlawful charge for her services.

CONSPIRACY ALLEGED.

Five of the six named in the last batch of presentments were:

Dr. Paul Schoenfeld, Dr. Samuel Tampakov, Dr. Alfred Joseph Cole, M. Richard Moss and Stafford H. Plimack, the latter two attorneys. The name of the fourth doctor was not disclosed, pending his posting of bail.

MORN SUN-10/4

YOUTH HELD IN STABBING

Charged With Death Of Negro Boy In Carroll Park Fight

An 18-year-old huckster's helper last night was charged with stabbing a Negro youth to death Sunday during a battle between white and Negro boys in Carroll Park.

The white youth held by the police is Robert Henry Kurtz, of the 200 block South Mount street.

He is charged with killing Linwood Matthews, Jr., 19, of the 1400 block of Ward street.

The date for a preliminary hearing is to be set by the State's attorney's office.

Surrendered Sunday Night

Meanwhile, Kurtz is held at the Southwestern police station.

Kurtz and an older white youth surrendered themselves to police early Sunday night, several hours after the slaying.

They were questioned at length yesterday, then Kurtz was charged and the other youth was released.

Officers at Southwestern spent several hours taking statements from all available witnesses.

Twelve Witnesses Listed

Twelve such witnesses are listed on the Southwestern police docket.

Written on the docket as complainant is "Family of Linwood Matthews."

Matthews was stabbed under the heart and died before he could be taken to a hospital. Earlier, witnesses told police, a group of white boys had chased a group of Negro boys out of the park. The witnesses said the Negro boys returned and a fight ensued, with both sides using clubs.

Lieutenants George Courtney and Ernest Garner and Sergt. Charles Lutts headed the police investigation.

Attempted Rape Charge Denied

Pleading not guilty to attempted rape of a 5-year-old girl, a 20-year-old youth was held without bail for grand-jury action after a hearing yesterday in Northeastern Police Court.

The defendant was identified as Charles E. Wolfe, 5700 block Harford road.

In a statement Wolfe wrote himself in the presence of police, according to testimony, he admitted trying to stop the girl from screaming, but denied he was trying "to kill her." The statement was read into evidence by Alan H. Murrell, assistant State's attorney.

MORN SUN 10/5

BOARD RESTRICTS TALK ON STABBING

Parks Officials Put Ban On Open Discussion

The Board of Recreation and Parks yesterday clamped a taboo on official open discussion about the stabbing of a Negro youth in Carroll Park Sunday.

Dr. Bernard Harris, the only Negro parks commissioner, raised the subject when it did not come up during consideration of routine business on the administrative agenda.

"I think the board should pay some attention to the incident in Carroll Park last Sunday," Dr. Harris said. "It may be that it calls for a review of board policies. . . ."

Interrupted By Maxwell

He was interrupted by R. Brooke Maxwell, parks director, who leaned over and whispered to him.

Dr. Harris listened, then said: "Mr. Maxwell has answered my question."

Mr. Maxwell had told him the death of Linwood Matthews, 19, in a fight with white boys would be discussed in executive session.

Robert Garrett, board president, said members would go into the case "and probably take it up with City Hall."

EVE. SUN-10/5

Park Board

Those who objected yesterday at a councilmanic hearing to the reappointment of Mr. J. Marshall Boone as a member of the Board of Recreation and Parks based their protests largely on the fact that he sponsored the resolution under which the golf courses are set aside on certain days of the week for Negro golfers. Yet the whole policy of the board on interracial matters was passed in review in the course of the discussion.

It is difficult to read any particular significance into the vote by which Mr. Boone was finally confirmed, for he himself announced to the Council committee that the policy for which he was attacked is about to be changed. He predicted that the golf courses would be thrown open to all players regardless of race as was done during the war. The proposed change will be commendable, for the policy of separate days did not work, while the policy to which the board is reverting did.

In general it may be said that the board's attitude toward this problem suggests a disposition to follow the line of cautious experimentation in race relationships. That will not satisfy the extremists on either side, but it is at least understandable, and it could, if pursued with intelligence, lead to better things.

In pursuing this or any other line, the Park Board will be confronted by one imperative duty—that of maintaining public order and of preventing a repetition of the tragedy which occurred last Sunday in Carroll Park.

MORN SUN-10/6

'TEST' TRIAL DELAYED AGAIN

Bill Of Complaint About Contractors Ruled Insufficient

Further delay in the trial of a "test" case to determine whether cost-plus contractors doing work for the city can be required to open their books to city auditors was brought about yesterday after Judge S. Ralph Warnken asserted he did not think the city's bill of complaint was sufficient.

The case, involving William J. Wiesand, contractor, came before the Circuit Court on a motion of the defendant for a summary judgment dismissing the bill of complaint. The move was made by Paul Berman, counsel for the contractor.

Questions Real Dispute

After asserting that he did not think the complaint alleged a real dispute between the parties, but merely sought authority to examine the company's books, Judge Warnken gave city attorneys the right to amend the bill of complaint.

Judge Warnken said he would have sustained a demurrer to the original complaint if such a preliminary move had been made by Wiesand.

In seeking the dismissal, Wiesand contended that the city had come into court with "unclean hands" because it was seeking to achieve a different purpose than that set forth in the complaint.

MORN. SUN 10/6

BALTIMORE, THURSDAY, OCTOBER 6, 1949

The Carroll Park Tragedy And The Segregation Question

The killing of a young Negro in a boys' gang fight in Carroll Park on Sunday has brought to the front again the issue of segregation in the city park system.

Those who favor segregation are using this tragic case to strengthen their argument on the ground that if segregation were complete the two groups of boys would never have clashed. Opponents of segregation, on the contrary, argue that such incidents are the direct consequence of segregation—that official segregation actually stirs up and maintains the kind of hostility which led to the boy's death.

Less doctrinaire persons are likely to be more cautious about generalizing from this incident. They know that gang fights among boys are not in themselves particularly unusual. Nearly all of us can cite incidents of such hostilities and rivalries from our own childhood. And in the raising of such fights, almost anything can serve as a *casus belli:* street and block rivalries, neighborhood rivalries, Sunday-school rivalries, public school rivalries—practically anything. In the case of Sunday's incident, the hostility was along racial lines. But it would be a mistake to assume too much from that.

And in dealing with the whole painful question of segregation or nonsegregation, it is likewise a mistake to press doctrine all the way. In the continuous process of adjustment between the races here in Baltimore, as elsewhere, little that is good can be accomplished by talking in all-or-none terms. What is necessary is to treat various aspects of the question one by one as they emerge, and with good humor and resilience.

Golf in the public parks offers an illustration. There used to be strict segregation, separate links for white and Negro players. During the war there was no segregation; after the war segregation was re-established.

Then the courts stepped in and said that all links must be available to all players. The Park Board then devised a rather ludicrous compromise, under which the various public links are given over exclusively to each race according to a schedule as complicated as a railroad timetable.

The result has, of course, been a wasteful falling off in use of the public links. Segregation on the links has been reduced to an absurdity; and it must be obvious that before long the Park Board will reconsider its position and abandon segregation so far as the ancient Scottish game is concerned.

But we can think of other park activities—say, the use of the swimming pools—in which the total abandonment of segregation would be unwise.

Every level-headed man knows that racial prejudice, however deplorable, does in fact exist, and that if serious friction in the community is to be avoided it must be taken account of. There are situations in which efforts to eliminate prejudice, and the official recognition of prejudice, lead to trouble pressed too far. Old campaigners in the cause of tolerance all know that. Groups and individuals bent on causing trouble also know it.

All-or-none thinking usually causes mischief when applied to social questions. The important thing is to narrow the issue down and consult common sense for an answer.

EVE. SUN-10/6

Seaman Pay Case Is Dismissed

A charge of failure to pay wages to a crew member, originally brought in Southern Police Court last week against Capt. Michael Canakis, skipper of the Greek S.S. Farmakidis, has been dismissed by the Baltimore grand jury.

According to usual grand jury procedure in such a situation, the original police station papers were merely marked "dismissed" without other explanation. However, in addition to the usual papers filed in Criminal Court in such cases, a special memorandum was contained in the file of the skipper's case.

Seaman's Statement

Typewritten on the grand jury summons for the appearance of Mena Gletzos, seaman, who was the prosecuting witness, was the following statement, over a written, apparent signature of M. Gletzos:

"I hereby authorize 'Judge' Joseph Kolodny to retrieve the warrant against Capt. M. Kanakis as the matter has been settled."

Two other signatures were appended as witnesses. The case originally had been brought before Southern District Magistrate Herbert M. Franklin in Police Court, where Max Israelson, attorney for the captain, protested against the charge and the holding of the skipper in $100 bail.

October 6, 1949 EVE. SUN

It's Fez-On Or Fez-Off, But Fingers Crossed

The "oriental customs" of the sect, since 1928. He testified Moorish Science Temple of America, whose Negro members wear a red felt fez, ran into conflict today with the dignity and decorum of the Baltimore courts, and lost out, also with dignity but with fingers crossed.

Four members of the sect appeared in court, although one, defendant on a charge of cutting a brother member, was fezless. The other three insisted on wearing their headpieces, and first were permitted to do so when they informed Judge John T. Tucker that their "religion" compelled it.

As testimony in the cutting case unfolded, it was revealed that members of the sect all changed their names upon joining. All then assumed a new surname of either "Bey" or "El."

Discharged From Sect

James Harrell Bey, the defendant, admitted that he had cut George Young Bey, one of the three witnesses at a dance at their "temple" in the 1400 block Laurens street. He admitted he was "drunk," and that the sect is not supposed "to let liquor get the best of em." James Harrell Bey admitted that he had been "discharged" from the sect.

But, under questioning of Judge Tucker, James Harrell Bey said he was one of the old-time members that that the fezzes do not "absolutely have to be worn," and that most of the members didn't wear them when at work, but only when at leisure. That habit and the use of the sect surname was described as "oriental customs of our Moorish ancestors."

After hearing that testimony, Judge Tucker changed his original ruling about the wearing of the headpieces in court. George Young Bey and his two companions were ordered to remove their fezzes.

The Grand Departure

They demurred, quietly. Court bailiffs were insistent. The three befezzed Negroes then arose, stepped into the courtroom aisle, did about-faces in unison, and still wearing their fezzes, but each with both arms extended above his head, paraded slowly out of the courtroom. Also, each had the fingers on both hands crossed.

In disposing of the criminal case against James Harrell Bey, whose boss said he was a good, steady worker as a paperhanger, Judge Tucker granted the plea of the court-appointed defense counsel, E. Paul Mason, Jr., that the man be released on probation.

Judge Tucker imposed a four-month sentence dating from Bey's arrest on September 6 and suspended the balance of the term so he could be released from jail.

Court Balks City Effort To Open Firm's Books

Judge S. Ralph Warnken in Circuit Court today told the city that it had not alleged sufficient reasons for the court to compel a contractor to open his books.

The city announced it would file an amended complaint. The city seeks to force the contractor, William J. Wiesand, to reveal his wage-and-cost records. Judge Warnken also refused to rule in Wiesand's favor.

Paul Berman, Wiesand's attorney, had contended that the city was attempting to gather the information in an effort to make it the basis for Criminal Court proceedings, such as are now pending against a number of other contractors.

The lawyer contended that compulsory disclosures would violate the contractor's constitutional rights.

Cites Business Procedure

While the judge declined to rule at present on the constitutional point, he informed Assistant City Solicitor Thomas M. Jacobs that the city's suit did not show sufficient reason for the court to order basic cost disclosures on closed and completed contracts.

He commented that "it is normal business procedure to check up on the propriety of charges before you pay, and it is almost a presumption that what was paid was correct."

The city announced that an amended bill of complaint would be filed in the case to give additional reasons for the request for compulsory disclosures.

NEWS-10/6

20 Years Added To Hirons' Term

Already serving six years in a State reformatory for a shooting affray, Patrick J. Hirens, twenty-two, today was given an added 20 years in the Penitentiary after his conviction on three charges of armed robbery by Judge John T. Tucker in Criminal Court who ruled the terms should be served concurrently.

Convicted with him on one charge of armed robbery was Louis J. Malone, twenty-two, who was sentenced to 15 years in the Penitentiary.

James Price, Assistant State's Attorney, who prosecuted the cases, told the court that Hirens' implication in the robberies, which took place earlier this year, became known only after he had been tried and sentenced in the shooting case.

EVE. SUN-10/7

3 Still Quizzed In Motorman Stab Death

Northwestern District Police today resumed questioning of three colored men held in connection with the murder of Orval Edwin Ericson, transit company motorman.

Capt. William C. Feehley said that he would "place charges" today in the case. He indicated that no more than two men would be charged.

The prisoners, all taken into custody yesterday morning, are docketed as "held for investigation, suspected of murder."

Stabbed To Death

The 28-year-old trackless-trolley motorman was stabbed to death and robbed late Wednesday night at the northern terminal of the No. 21 line, at Carey street and Westwood avenue.

There were no passengers in the transit vehicle at the time.

Ericson's body was found on the trolley floor near the front door. He had been stabbed twice in the back and three times in the chest and had several cuts on his hands.

The door of the trolley was jammed, and the pole was not connected with the overhead wires.

Patrolman John Gardner, a Negro policeman off duty and returning from a movie, came upon the halted vehicle and saw two men tugging at the trolley pole.

He asked them what they were doing, and one of them replied that they were trying to adjust the pole on the wire to see what had happened to the driver.

As Gardner walked toward the front of the vehicle, the two fled down an alley. He pursued them for a short distance, and then returned to the transit vehicle, where he found Ericson's body.

3 Get 10 Years In $593 Holdup

Three colored men today were sentenced to ten years each in the Penitentiary in connection with an armed robbery last August 5 of two officials of a building association.

The trio was convicted of holding up Martin L. Zimmerman and Delores V. Weitzel at the Equitable Building and Savings Association, 402 North Paca street, taking $593.08.

Judge Robert France in Criminal Court imposed the sentences. The defendants, who range between 20 and 24 years of age, were Robert Walton, James Kertley and Calvin Shivers.

The three men were caught within a few minutes after the robbery. Assistant States Attorney Saul A. Harris told the court that police officers found them in a house in the 500 block North Pine street, where they were dividing their loot.

EVE SUN 10/7

Girl's Faith Helps Give Ex-Convict Freedom

Largely due to the efforts of a California girl who fell in love with him while he served time in a prison where she worked, William J. Sansbury today was released under three-year probation on forgery charges by Judge Robert France in Criminal Court.

The judge told Stansbury that he was "exceptionally lucky in having by your side and willing to help you, a young lady who believes in you and your ability to once again take your place in the society of decent people."

"It is her belief in you that to a large extent is responsible for your receiving a suspended sentence," the judge continued.

"Do not let her down and above all do not forget that a violation of the terms of your probation means that you have ten years to serve in Maryland and also more sentence thereafter in California."

PEGGY PETERSON

Job Arranged

Arrangements have been made through W. Perry Bradley, probation worker, and Charles F. Snyder, probation chief, for Sansbury to take a Baltimore job, and Judge France told him it would be ready for him Monday morning.

Lodgings also have been arranged for the man pending any other arrangements he might wish to make. The court revealed that George E. Rogers, president of the Harbor Towing Company and also president of the Lions Club, arranged to employ Sansbury.

Judge France had pronounced a ten-year sentence, suspended under the probation terms, good behavior, restitution, payment of extradition costs from California amounting to about $600 and three additional terms which Judge France specified.

They were:

1. No part of Miss Peggy Peterson's personal funds are to be used to make restitution.

2. You and Miss Peterson are not to marry during the period of one year; I have discussed this with Miss Peterson and she agrees.

3. That is, as and when you receive Federal money from your National Service Life Insurance, you will use this sum toward making restitution.

Conflicting Roles

Sansbury was depicted in various and conflicting roles in formal and official reports to Judge France.

In one report the 24-year-old Ohio-born convicted forger was cited as "better than an even risk for probation."

In another official report he was called a "psychopathic personality" who was likely to turn out to be a recurrent offender.

Record Began At 14

Sansbury, the record showed, had forged checks at the age of 14. Later he had been punished for forgery and burglary, in addition to settling up a charge of swindling.

Similar differences of opinion were expressed in additional and informal reports to Judge France, who on Wednesday talked at length in his private offices with Miss Peterson, the young California woman who came here to aid Sansbury and hopes to wed him.

Earlier this week, Judge France pledged himself to try to advise the woman.

"Reliance In Discretion"

John Mason, former Baltimore lawyer who is a next-door neighbor to Mr. and Mrs. Axel Peterson, had written to Judge France, saying the parents have "great reliance in the young girl's discretion," but hoped she could get dispassionate and mature advice.

Judge France replied to the California lawyer that he would seek to counsel Miss Peterson.

"Under no circumstances will I permit Peggy to use any of her personal funds to apply on restitution," the judge said.

"Excellent Example"

Dr. Manfred S. Guttmacher, court psychiatrist and medical adviser to the Supreme Bench, placed the "psychopathic personality" label on Sansbury.

In his official recommendation to the court, Dr. Guttmacher said:

"This patient is an excellent example of a psychopathic personality. He is an attractive-looking man with good intelligence.

"Completely Unreliable"

"He is a very smooth talker and completely unreliable. He comes from a broken home and has been in constant difficulty in and out of the army.

"This examiner knows of no practical method for this patient's rehabilitation. He is sure to be in further difficulties of a similar nature."

Dr. Guttmacher, saying that Sansbury explained that he met 22-year-old Miss Peterson, daughter of a San Quentin Prison guard, when she was employed as stenographer to the prison psychiatrist, quoted the man as saying:

"Gullible Kid"

"It was her idea to come on here. I tried to talk her out of it, but she wouldn't listen. She is just an innocent, gullible kid."

Dr. Guttmacher added that Sansbury said that while he was awaiting extradition in the San Francisco jail "he and Peggy arranged for her mother to come to the jail and he tried to get the mother to dissuade her daughter from coming to Baltimore."

The records show that Sansbury once had spent some time in Baltimore, a.w.o.l. from the army post at Aberdeen. During that time he lived as apparent common-law spouse with a 27-year-old Baltimore woman, who subsequently bore a child.

Thinking "Stereotyped"

In a special report by Carl Schoenrich, psychologist connected with Dr. Guttmacher's office, Sansbury was shown to be a highly intelligent person whose performance fell far behind his capabilities.

The probation report at first bore no recommendation whatsoever, apparently due to a difference of opinion among probation officials. The probation worker who compiled it classed Sansbury as having good innate ability and capacity for self-advancement which "warrants the belief that the defendant is better than an even risk on probation."

Sansbury's history of offenses was said by the probation worker to be due, apparently, to early environment. His father drank to excess and beat his mother, a divorce occured in the child's early life and the mother married a total of four times while Sansbury was still youthful.

Now, the probation report stated, Sansbury seems definitely sincere. He has a good record and "good adjustment" at San Quentin.

The defendant was quoted by the probation worker as saying: "Perhaps for the first time I am being absolutely honest in everything I say or report as it paints a decidedly unfavorable picture for me. I know I will have an awful time convincing anyone I am sincere.

Realizes Bad Record

"For the first time in my life, I understand and realize what a bad record I have and the kind of person I have been."

Miss Peterson, whose full name is Marguerite B. Peterson, once worked for the FBI before being typist-receptionist at San Quentin, the probation report said.

She was quoted by the probation investigator as saying of Sansbury: "I want to marry him at the first opportunity and have obtained a marriage application. . . ."

NEWS 10/7

Police To Quiz 3 In Slaying Of Motorman

Three men, held for questioning in the fatal stabbing of Motorman Orval Edwin Ericson, were to be quizzed at length today by detectives and Northwestern District police.

No charges have been placed, as yet, against the trio. One was identified as a student, another as laborer and the third as a soldier.

The three men, all Negroes, were docketed as "held for investigation, suspected of murder."

SLAIN IN TROLLEY

Ericson, a World War II veteran who was awarded the Purple Heart, was slain in his No. 21 line trackless trolley late Wednesday night. Two men, apparently intent on robbing him, took part in the stabbing, police believe.

Patrolman John Gardner, off duty and on his way home from the movies, saw two men tampering with the trolley pole of Ericson's vehicle. When Gardner attempted to question them, the men ran.

STABBED IN BODY

Gardner tried to pursue them, but they eluded him. He then returned to the trolley and found Ericson dying on the floor, several stab wounds in his body. He was pronounced dead at West Baltimore General Hospital.

The three suspects were picked up yesterday by detectives and Northwestern District police.

MORN SUN 10/8

2 Are Sentenced In Holdup Cases

Sentences of fifteen and twenty years in the Penitentiary were imposed yesterday on two youth convicted of participating in armed holdups of Baltimore storekeepers early this year.

Patrick J. Harons, 22, of the 2200 block East Lombard street was given the longer term, while the fifteen-year sentence was imposed on Louis J. Malone, 21, of the 200 block North Madeira street. Both men have past criminal records, according to James F. Price, prosecutor.

Mr. Price told Judge John T. Tucker that Harons recently was sentenced to five years for assault and shooting, and that the defendant was linked by police with the robberies while serving that sentence. The robberies were committed before the earlier sentence. Judge Tucker said the five-year term Harons is now serving will run concurrently with the new twenty-year term.

Three Get 10 Years In Equitable Robbery

Three youths, ranging in age from 20 to 24, were sentenced yesterday to ten years each in the Penitentiary for holding up officials of the Equitable Building and Savings Association and taking $593.08 last August 5.

The defendants—Robert Walton, James Kertley and Calvin Shivers, all Negroes—were arrested within several minutes of the robbery at a house in the 500 block North Pine street, Saul Harris, prosecutor, told Judge Robert France. Mr. Harris said the three ordered Martin L. Zimmerman and Delores V. Weitzel, officials of the North Paca street association, to lie on the floor.

MORN SUN-10/8

TWO CHARGED IN SLAYING OF MOTORMAN

Soldier And Watchmaking Student Are Held Pending Hearing

Two young men, a soldier and a watchmaking student, yesterday were charged with the slaying of a trackless trolley motorman Wednesday night and were held without bail pending a hearing.

At their arraignment in Northwestern Police Court, Lieut. Harry Ernest told Magistrate James H. Ellis, Jr.:

"One accuses the other; however, both admit being there."

"You mean they both confessed to being at the scene of the murder?" William J. O'Donnell, assistant State's attorney, asked.

The Two Did Not Testify

"They did," Lieutenant Ernest replied.

The two men did not testify, however. They were not represented by counsel, and at Mr O'Donnell's suggestion, Magistrate Ellis entered pleas of not guilty for each.

They identified themselves as:

RUSSELL S. LEWIS, 25, the soldier, who lives in the 1400 block North Fulton avenue.

GERALD DAY, 24, the watchmaking student, who lives in the 600 North Carey street.

Both are Negroes.

A Third Man Is Released

A third man questioned early by police was released after their arraignment.

Each man faces two charges: assaulting and robbing the motorman, Orval E. Ericson, and assaulting and stabbing Ericson and causing his death.

Ericson, who was the father of a 4-year-old boy, was killed late Wednesday night while seated in his No. 21 trackless trolley at Carey street and Westwood avenue, the northern terminus of his route.

Day and Lewis were arrested at their homes Thursday by Lieut. Frank Deems.

Lieutenant Ernest told Magistrate Ellis that he and Sergts. Joseph Davey and Leslie Comer had spent the night questioning them and taking statements.

MORN SUN-10/10

PARK KILLER'S KNIFE MISSING

One Found Near Scene Not It, Police Assert

Police yesterday denied persistent reports that the weapon used in the slaying of a 19-year-old Negro youth in Carroll Park had been recovered.

Sergt. Charles Lutz, of the Southwestern district, who assisted Lieut. George Courtney in the investigation, said the only weapon found in the area where the slaying occurred a week ago yesterday, was a small penknife.

Analyzed by a metallurgist, that knife proved to be covered with rust and appeared to have been exposed to the weather for a long period of time, police said.

The sergeant said that investigators do not believe it has any connection with the slaying.

Witnesses to the killing had described the weapon used as a switch-blade knife with a 3-inch blade.

The dead youth, Linwood Matthews, of the 1400 block Ward street, was stabbed just below the heart during a fight between white and Negro boys in the park.

Reports Circulated

Robert Kurtz, 18, of the 200 block South Mount street, was charged with the killing and held without bail pending grand jury action following a preliminary hearing on Friday.

Sergeant Lutz said the reports that the weapon had been found began circulating immediately following the killing, and despite the fact that police denied them, they persisted.

He said he checked yesterday with Park Police to determine whether they had found the weapon after friends of the victim inquired why the knife had not been produced at Kurtz's hearings.

"We've had any number of versions of what happened to the knife," said the sergeant, "but one thing is certain, we don't have it."

And, he added: "It's my personal opinion that it's probably somewhere in the Patapsco River."

MORN SUN 10/11

JUDGE SAYS GOP RAIDS ARE FEW

Obiter Dictum Follows Case Of Democratic Club Members

Republicans may not win elections, but they do manage to keep their political clubs from being raided for gambling.

That was the off-the-cuff decision of Judge Robert France (D.) in Criminal Court yesterday.

Standing before him were six good Democrats, all arrested for bookmaking after a raid July 10 by Capt. Alexander Emerson on the Central Young Men's Democratic Club, 117 North Eutaw street.

"They climbed out on the roof while we were trying to get through five doors into the place," Captain Emerson told the court.

"Had To Crash Partition"

He waved a handful of lottery tickets, pointed to a battered door in the courtroom, then picked it up and dropped it to show how heavy it was.

"Solid," he said. "I couldn't break through this one and had to crash the partition."

The club vice president, Joseph Jeppi, pleaded guilty to the bookmaking charge.

The five other defendants, Pete D'Anna, Harry Alascio, James Blizzard, Larry D'Anna and John D'Anna, pleaded innocent through their attorneys, Morgan L. Amaimo and Harold Lee Frankel.

That was good enough for the prosecution, said Saul A. Harris, assistant State's attorney.

"Your Honor," said the defense, "the Central Young Men's Democratic Club was launched by Mayor D'Alesandro.

"Failing We All Have"

"It was founded to promote party ideals which are the basis for the democratic way of life that has made this country great, and Joseph Jeppi agreed to do his part by serving as an officer of the club.

"His fault is the failing we all have—he happened to make a mistake."

Judge France leaned back on the bench, paused a moment, then found Jeppi guilty and fined him $100 and costs.

"The club can afford to pay your fine," he added.

He dismissed the charges against the five other men and asked:

"Why is it the Republicans never get raided?"

MORN SUN-10/8

YOUTH, 18, IS HELD IN FATAL FIGHT

White Boy Charged With Killing Negro During Row

Charged with killing a Negro youth during a fight between white and Negro boys in Carroll Park Sunday, Robert H. Kurtz, 18, of the 200 block South Mount street, yesterday was held without bail pending grand-jury action.

The dead youth, Linwood Matthews, 19, of the 1400 block Ward street, was stabbed just below the heart. He died before he could be taken to a hospital.

In a statement introduced by police, Kurtz admitted stabbing Matthews but said he did it in self defense, asserting that his adversary also was armed with a knife.

Witnesses Deny It

This was denied by Negro witnesses who testified that the dead boy was not armed.

The fight, all agreed, occurred after a group of the white boys chased the Negroes out of the park. The latter returned a short time later and the pitched battle resulted.

Lieut. George Courtney introduced the following statement which he said Kurtz made in the presence of his father:

"I stabbed him because he was going to stab me.

Hears Brother Was Hit

"I was watching the game with Donald Walters. Someone told me that a colored boy hit my brother Charles.

"We chased the colored boys out of the park. They came back with some friends and surrounded us.

"This one colored boy took a knife from his pocket and someone handed me a knife. He swung at me and I swung at him.

"I handed the knife to someone who said he would get rid of it for me. I never had any trouble with the colored boys in the park before."

Differ As To Numbers

The white youths who testified said that they were outnumbered by the Negroes. The Negroes said they were outnumbered by the whites. Disinterested observers, however, said that both sides were about evenly matched.

Jerome Matthews, 16-year-old brother of the dead boy, said that he and his friends had been run out of the park and returned with two friends.

"I saw Kurtz hit at him [Matthews]," the witness said but saw no knife. Kurtz struck the first blow. My brother didn't have a knife."

Youth Testifies

Donald R. Walters, 19, of the 1900 block Wilkens avenue, said there were about 50 Negroes when the fight broke out and about six or seven whites.

"During the fight, I got on the side of Bobby [Kurtz]. I kicked Matthews when he ran at Bobby and Bobby stabbed him. I saw the colored boy draw a knife from his pocket."

Witnesses said that after the stabbing the principals scattered.

James R. Greenfield, 14, of the 300 block South Calhoun street said that Kurtz gave him the knife and he threw it into the woods. Police later recovered the weapon which was described as a switch blade knife with a 3-inch blade.

NEWS-10/13

Local News In Brief

Mrs. India Lewis, sixty-six-year-old widow, 2400 block Arunah avenue, was found guilty of telling fortunes in a downtown lunchroom by Judge E. Paul Mason today in Criminal Court. She was given a suspended sentence of a $100 fine and placed on probation for a year with a warning that if the offense is repeated, the fine will be enforced either in cash or as a jail sentence.

EVE SUN-10/11

Gambling Cases Draw Fines Of $3,300

Fines totaling $3,300 in gambling cases, mostly numbers violations, were levied today by Judge Robert France in Criminal Court.

Two women and three men charged in one series of cases involving numbers operations in the 2200 block Liberty Heights avenue were assessed $2,200 plus about $135 in costs.

Defendants in that series were Fannie Meyrowitz, 2800 block Reisterstown road, fined a total of $600 on six charges; Jeanette Cohen, 2211 Liberty Heights avenue, $100; Alfred Fox, 26 North Carrollton avenue, fined a total of $1,000 in two cases; Joseph Lafferman, 1500 block North Smallwood street, fined a total of $400 in two cases, and Saul Emmer, 4000 block Annellen road, fined $100.

Other Cases Fined

In another numbers case, involving operations in the 600 block Arlington avenue, Lester Bethel, colored, who lives in the 700 block, was fined $500, and John Ware, colored, of the 700 block West Franklin street, was fined $100.

Charged with accepting race bets in the 1900 block Eutaw Place, Irvin Dubin, 22, of the 4200 block Oakford avenue, was fined $500 by Judge France.

$1,000 Bail Set In Numbers Case

A 25-year-old colored man, charged with operating a numbers lottery, was held in $1,000 bail for the grand jury by Magistrate Herbert Franklin in Southern Court.

Jacob W. Logan, of 213 Hill road, was arrested by detectives George Fuchs and Lyman Gonce on a warrant from Capt. Alexander Emerson, Saturday. Logan was specifically charged with having lottery numbers and operating a lottery at his home.

Progressives Protest Carroll Park Slaying

The Druid Hill Club of the Progressive party announced today it had passed four resolutions. They were:

1. A request to Attorney General J. Howard McGrath to quash indictments against eleven Communist leaders "now being unjustly tried for their political ideology" in New York.

2. A protest against the violence which took place at the recent Paul Robeson concert in Peekskill, N.Y., with a request to Gov. Thomas E. Dewey for a fair and impartial investigation.

3. A protest against the killing of a Negro youth in Carroll Park and against the reappointment of J. Marshall Boone and R. Wilburt Marscheck to the Park Board, together with a plea against racial segregation in the parks.

4. A demand for relief of unemployables.

The resolutions were signed by Milton Bates, chairman of the club.

MORN SUN-10/13

RIOT DANGER SEEN IN GAME

Hammond Asks That Tennis Case Convictions Be Upheld

Annapolis, Oct. 12 (AP)—Hall Hammond, attorney general, said today that an interracial tennis tournament in a Baltimore park could have ignited "a full scale race riot."

Hammond asked the Maryland Court of Appeals to uphold the convictions of seven white participants on charges of conspiracy to disturb the public peace.

All seven appealed from sentences handed down in Baltimore Criminal Court by Judge Herman M. Moser.

The defendants were involved in a tennis contest staged among Negroes and whites on July 11, 1948, at Druid Hill Park to test the Baltimore Park Board's policy of segregation on public tennis courts.

Three sets of doubles were played on adjoining courts reserved in advance by members of the Progressive party, two Negroes and two whites playing on each court.

The games were never finished. After 30 minutes, park police arrested 22 players and spectators. All the Negroes and all but seven of the whites were later acquitted of riot and conspiracy charges.

Stanley L. Askin, director of the Young Progressives of Maryland, one of the players, and Harold Buchman, attorney and Maryland director of the Progressive party, a spectator, were among the group of seven whites convicted and given suspended jail terms.

EVE SUN-10/13

Court Pondering Park-Arrests Appeal

Annapolis, Oct. 13 (AP)—The Court of Appeals had before it today opposing arguments in a case growing out of an interracial tennis match in Baltimore's Druid Hill Park last July. Seven white persons, including the director of the Progressive party of Maryland, were given suspended jail sentences in Criminal Court on riot and conspiracy charges after the matches. They appealed the convictions.

Attorney General Hall Hammond told the court that the tournament could have ignited a "full-scale race riot." Defense attorneys contended that the whole prosecution was inspired by "bureaucratic officialdom, whose caprice and racial bigotry have become the foundation for criminal prosecution." They said there was no thought of trying to stir up a riot. The court took the arguments under advisement.

MORN SUN-10/15

Murder Charged In Fatal Stabbing

A presentment charging murder was returned yesterday by the grand jury against Robert Henry Kurtz, of the 300 block South Calhoun street.

Kurtz is accused of stabbing fatally Linwood Matthews, Jr., Negro youth, last October 2 in Carroll Park. Matthews lived in the 1400 block Ward street.

Police reported the stabbing occurred after a group of Negro and white youths engaged in a pitched battle in the park. Matthews was stabbed just below the heart and died before he could be taken to a hospital.

$1,000 Fine In Numbers Case

Electing to pay a fine rather than serve a prison sentence, William Shreck yesterday was fined $1,000 and costs by Judge Robert France after he pleaded guilty to a numbers charge in Criminal Court.

MORN SUN-10/17

CHURCHMEN BLAME SELVES FOR STABBING

116 Religious Leaders Share 'Guilt' In Death Of Youth

In a joint statement, more than 100 Baltimore ministers and religious leaders yesterday took upon themselves part of the blame for the fatal stabbing of 19-year-old Linwood Matthews in Carroll Park two weeks ago.

"There must be countless other citizens who feel as we do," they said, "guilty before God simply because we have been citizens of a city where a boy could be stabbed to death because of the color of his skin.

Would Follow Better Way

"May God forgive us all and give us courage to find and follow a better way."

Linwood Matthews, a Negro, was stabbed in a battle between white and Negro youths after the white boys had chased the Negroes out of the park once.

He died before he could be taken to a hospital. Subsequently an 18-year-old white boy was charged with the slaying and presented by the grand jury.

Park police said they had been expecting trouble for some time, and Mayor D'Alesandro immediately ordered an investigation by the Board of Recreation and Parks and the park and city police.

116 Sign Statement

The ministers' statement, signed by 116 Protestant, Jewish and Quaker leaders, was drafted by a committee consisting of Rabbi Morris Lieberman, of the Baltimore Hebrew Temple; the Rev. T. Guthrie Speers, of Brown Memorial Presbyterian Church, and three officials of the Council of Churches and Christian Education of Maryland-Delaware; the Rev. Willis R. Ford, executive secretary; Frank T. Rhoad, Jr., director of the department of Christian social relations, and Mrs. Vera G. Scott, member of that department.

"We, the ministers of religion in the city of Baltimore, have been trying to help build here more of the brotherhood in which God has led us to believe," the statement began.

"In the tragedy that occurred in Carroll Park in which a Negro boy was stabbed to death in a fight between Negro and white boys we see evidence of our common failure and sin. We humbly admit that part of the blame is ours.

"Indifferent," They Say

"In our hearts, still not completely overcome, is some of the pride of race that expresses itself in prejudice against other races; in our own lives there has been an indifference to social conditions that helped to produce this outbreak; we were called to be leaders for God in bringing the members of His one family to mutual understanding and respect and trust—and we have failed.

"In penitence we bow in the presence of our common Father God and ask His forgiveness, believing that only to the humble and penitent will He give insight into what all of us, white and colored together, should do in our city to right this wrong and to unite our citizens in mutual respect and in the mutual endeavor to make our city a good place in which to live and play and learn and work and worship for all the people."

Those Who Signed

The signers:

REV. MAURICE D. ASHBURY, St. Mary's Protestant Episcopal.
REV. FRANK AULD, Mount Vernon Methodist, Hampden.
REV. M. C. BASCOM, Douglas Memorial Community.
REV. FRANCIS R. BAYLEY, Retired Methodist.
REV. FRANK BOSTIAN, Messiah Evangelical and Reformed.
REV. HILARY BOWEN, Randall Street Christian.
REV. LESLIE M. BOWLING, Grace Baptist.
REV. J. HOWARD BRAUNLEIN, Ridgely Street Presbyterian.
REV. RAYMOND HUNTER BROWN, Summerfield Methodist.
REV. J. R. BUTLER, Mount Sinai Baptist.
REV. H. FAIRFIELD BUTT 3D, Christ Protestant Episcopal.
REV. OSCAR W. CARLSON, Ascension Lutheran.
REV. J. H. CASHEN, Falls Road A.M.E.
REV. W. H. CHEATHAM, Berea Temple Seventh Day Adventist.
REV. WILLARD A. CLAYTON, Macedonia Baptist.
REV. S. CARROLL COALE, Wilson Memorial Methodist.
REV. JOHN T. COLBERT, Grace Presbyterian.
REV. WALTER CREMEANS, Presbyterian.
REV. ROBERT BEACH CUNNINGHAM, Hamilton Presbyterian.
REV. ALBERT E. DAY, Mount Vernon Place Methodist.
REV. IRA M. DINKLE, Broadway Methodist.
REV. W. W. DELAPLAIN, Methodist Board of Education.
REV. E. LEON DAGE, Violetville Methodist.
REV. H. R. DEAL, Starr Methodist.
REV. JOHN L. DEATON, Christ Lutheran.
RABBI NATHAN DRAZIN, Shaarei Tfiloh.
REV. DON FRANK FENN, St. Michael and All Angel's Protestant Episcopal.
REV. J. FRANK FIFE, Director of Maryland Synod, United Lutheran.
REV. HARRY W. FOOT, Brown Memorial Presbyterian.
REV. EDDY L. FORD, Strawbridge Methodist.
REV. WILLIS R. FORD, The Council of Churches.
REV. CLARENCE L. FOSSETT, Homestead Methodist.
REV. W. F. FOSTER, Ebenezer A.M.E.
REV. T. C. FREEMAN, Allen A.M.E.
REV. LAURENCE A. FREE, East Baltimore Baptist.
REV. EDMUND L. GETTIER, St. John's Protestant Episcopal, Huntington.
REV. CASPER GLENN, Cherry Hill Community.
ROE E. A. GODSEY, St. John's of Hamilton Methodist.
RABBI ISRAEL M. GOLDMAN, Chizuk Amuno Congregation.
REV. H. OCTAVIUS GRAHAM, Knox Presbyterian.
REV. J. RUSSELL HALE, Our Saviour, Lutheran.
REV. B. M. HARGROVE, Eastern Chapel Methodist.
REV. E. A. HAYNES, Ames Memorial Methodist.
REV. FREDERICK W. HELFER, Christian Temple.
MR. EARNEST HERBSTER, Stony Run Friends Meeting.
REV. JOHN S. HOLLENBACH, Christ Evangelical and Reformed.
REV. LOYD A. HOLT, Augustana Evangelical Lutheran.
REV. KELLY JACKSON, District Superintendent Methodist Church, Washington Conference.
REV. WALTER THOMAS JACKSON, Faith Presbyterian.
MRS. EUGENE L. JENNESS, Stony Run Friends.
REV. W. A. KEESE, Grace North Baltimore Methodist.
REV. THEODORE F. KENNEDY, Hampden Presbyterian.
REV. CLAUDE TALMAGE KING, Trinity Evangelical and Reformed.
REV. BRUCE KNISLEY, St. Matthew's, E.U.B.
REV. W. H. KOCHHEIM, St. John's Evangelical and Reformed.
REV. CHARLES C. KYLE, Salem E.U.B.
REV. WILLIAM LEWIS, Fayette Bennett Methodist.
RABBI MORRIS LIEBERMAN, Baltimore Hebrew Temple.
REV. NORRIS LINEWEAVER, East Baltimore Station Methodist.
REV. MANFRED MANRODT, Friedens Lutheran.
REV. BRUCE McDONALD, Westminster Presbyterian.
REV. EVERETT G. MILLER, Swindell Memorial Methodist.
REV. THEODORE E. MILLER, First Baptist.
REV. FRANK J. FRYE, District Superintendent Methodist Church, Washington Conference.
RABBI URI MILLER, Beth Jacob Synagogue.
REV. CEDRIC MILLS, St. James Protestant Episcopal.
REV. W. P. MITCHELL, Payne Memorial A.M.E.
REV. JAMES L. MOORE, Sharon Baptist.
REV. A. M. NEWELL, Wilton Heights Methodist.
REV. CHARLES E. OLEWINE, Northminster Presbyterian.
REV. JAMES OOSTERLING, Lutheran Inner-Mission.
RABBI JACOB PEARLMUTTER, Beth Yehuda Onshe-Kurland.
REV. JOSEPH N. PEDRICK, Faith Evangelical and Reformed.
REV. CHARLES PHILLIPS, District Superintendent Methodist Church, Baltimore conference.
REV. T. ROLAND PHILLIPS, Arlington Presbyterian.
RABBI SAMUEL PLISKIN, B'nai Israel.
RABBI MANUEL POLIAKOFF, Beth Isaac Adath Israel.
REV. CLAYTON PRIESTNAL, Sweden Borgian.
REV. LEWIS RANSOM, West Baltimore Methodist.
REV. ROLAND A. REIS, Zion United Lutheran.
REV. JACOB REPLOGLE, First Church of the Brethren.
REV. LUKE G. REYNOLDS, Gospel Tabernacle Baptist.
REV. ROLAND RENKEL, Second Lutheran.
MR. FRANK T. RHOAD, JR., The Council of Churches.
REV. DEWEY ROBINSON, Waters A.M.E.
RABBI SAMUEL ROSENBLATT, Beth Tfiloh Synagogue.
REV. EDWIN A. ROSS, Howard Park Methodist.
REV. HERBERT L. SCHLUDERBERG Redeemer United Lutheran.
REV. M. C. SCHOLLENBERGER, First Christian.
REV. GUSTAV SCHMIDT, West Baltimore Baptist.
REV. ERNEST SCHNEPPE, St. Paul's A.L.C.
RABBI ABRAM SCHUSTERMAN, Har Sinai.
MRS. VERA G. SCOTT, the Council of Churches.
REV. CHARLES E. SEYMOUR, Boundary Methodist.
REV. GOTTLIEB SIEGENTHALER, St. Matthew's Evangelical and Reformed.
REV. LOUIS B. SILL, Poplar Grove Baptist.
REV. BENNETT SIMS, Church of the Redeemer, Protestant Episcopal.
REV. GEORGE H. SOMMERMEYER, Calvary, Missouri Synod.
REV. T. GUTHRIE SPEERS, Brown Memorial Presbyterian.
REV. J. T. SPICKNALL, Methodist Superintendent.
REV. ASBURY SMITH, Walbrook Methodist.
REV. FRANCIS B. SMITH, St. Philip's Lutheran.
REV. FREDERICK SMITH, Maryland Temperance League.
REV. HIRAM SMITH, Mount Lebanon Baptist.
REV. MORGAN SMITH, Holy Apostle Episcopal.
REV. JOHN C. STUFF, St. Luke's Lutheran.
REV. MELVIN C. SWANN, Berkley Circuit A.M.E.
RABBI ISRAEL TABAK, Shaarei Zion.
REV. C. G. THOMAS, Maryland Baptist Union.
REV. ALFRED J. THOMAS, Church of Our Faith.
REV. PAUL WARNER, Arlington Methodist.
REV. C. L. WHITFIELD, Mount Olivet Christian.
REV. FRANK E. WILLIAR, North Baltimore Church of the Brethren.
REV. ROBERT L. WOOD, Govans Methodist.
REV. RALPH W. WOTT, Hampden Methodist.
REV. CARL E. YOUNG, Walbrook Memorial E.U.B.

The statement was decided upon at a meeting last Friday attended by the Rev. Asbury Smith, the Rev. Arthur J. Payne, the Rev. Baxter Matthews, the Rev. Theodore E. Miller, the Rev. Mr. Butt, the Rev. Mr. Siegenthaler, the Rev. Mr. Williar, the Rev. Mr. Young, the Rev. Mr. Fife, Rabbi Lieberman, the Rev. Mr. Speers, the Rev. Mr. Ford, Mr. Rhoad and Mrs. Scott.

EVE SUN-10/17

Man Gets 10 Years In Grandfather Death

Pleading guilty to manslaughter at his trial on a murder charge, Purcell Phornton, 27, colored, today was given a maximum manslaughter sentence of ten years.

Judge Robert France sent the man to the House of Correction. The court was told that Thornton had "struck his grandfather," Addison Burrell, last August with a cane, in a quarrel over correction of a child.

The dead man was actually grandfather only through a second marriage. The death occurred at the family home in the 1100 block woodyear street.

MORN-SUN 10/18

JURY INDICTS FIVE IN PROBE OF BABY DEALS

4 Doctors And Lawyer Charged With Taking Fees For Placement

The grand jury yesterday indicted four doctors and an attorney on charges of illegally receiving compensation for the placement of infants, but dropped charges originally instituted against a second attorney.

The grand jury "reconsidered and ignored" a similar charge originally placed against M. Richard Moss, lawyer, in a presentment last month.

There was no official explanation for the dismissal in the Moss case.

Procedure Often Followed

Prosecutors, however, said the grand jury usually reconsiders and drops charges against accused persons when the investigating panel considers the evidence to be insufficient or unreliable.

The physicians accused are Dr. Paul Schonfeld, Dr. Samuel Tompakov, Dr. Alfred Joseph Cole and Dr. Leon Greenwald. The attorney indicted is Stafford H. Plimack.

Moss had been accused of unlawfully receiving $500 for the placement of "baby girl Miller" last August with a couple living in the 2400 block West Cold Spring lane.

$325 To $1,500 Fees

The other defendants are accused of receiving or attempting to receive amounts ranging from $325 to $1,500 for baby-placement services.

The indictments were prepared by Anselm Sodaro, assistant State's attorney, who was named by J. Bernard Wells, State's attorney, to conduct an investigation with the aid of police into the operations of infant homes in Baltimore.

Several women were accused of operating such homes without the proper license in indictments returned several months ago.

EVE SUN-10/18

3 Men Charged In '47 Murder Of Weaver

Three men were charged with murder today in the 1947 slaying of Charles L. Weaver, 63-year-old vending-machine dealer.

The three were charged at Central police headquarters this morning and the case was taken before the grand jury later. With the charge, Captain of Detectives Henry J. Kriss said, "the case is cleared up, as far as we're concerned."

Those charged were:

JOHN L. WRIGHT, 22, of the 200 block North Durham street.

ROBERT BROWN, 24, of the 1600 block Miller street.

BERNHARD COOPER, 27, now serving a three-year burglary sentence in the House of Correction.

All three men are colored.

Robbed Of $60

Mr. Weaver was killed and robbed of $60 in his little shop at 215 North Frederick street on the afternoon of April 28, 1947, and for more than a year police sought in vain to develop clues.

Mr. Weaver, who lived in the 3000 block of East Baltimore street, and was survived by his wife, had been a city inspector of street installations for many years.

In addition, he operated a small coin-machine business from his office on Frederick street.

Blow From Pipe Fatal

He was in the office on the day of his death. A 7-year-old boy witnessed the slaying. He told police at the time that he saw three colored men enter the shop, and that one of them struck Mr. Weaver with a length of pipe. The blow was fatal.

The men escaped and, despite testimony of others in the neighborhood who described three men seen near Mr. Weaver's office that day, police were unable to obtain sufficient evidence to make an arrest.

Tip From Prisoners

Captain Kriss said detectives worked on the case without results until last February, when he got a tip that a prisoner in the House of Correction knew something about the case. Detectives talked with the man at intervals and on a court writ had him brought to headquarters for questioning.

As a result of this questioning, Wright was arrested Saturday. This morning the third man, Brown, was arrested by Lieutenant John Hetchen and Sergeant George Mintiens, of the Detestive Bureau.

Grand Jury Case Prepared

All three were charged with the robbery and the murder, and Captain Kriss, after the charge, made a special case to be taken before the grand jury immediately. After being charged, Cooper was returned to the House of Correction, where he has completed about a year of a three-year burglary sentence.

The charge accuses the three of stealing Mr. Weaver's money bag containing checks in an unknown amount and $60 in cash.

New Trial Sought In Traffic Death

Found guilty of manslaughter in connection with a traffic death, Leo O. Van Dale, 27, of the 5300 block Remmell avenue, today sought a motion for a new trial and a review of his conviction by the Supreme Bench.

Judge E. Paul Mason in Criminal Court found Van Dale guilty in connection with the death of Clarence E. Williams, truck operator. Van Dale's car and Williams's truck collided at Monroe and Mulberry streets on the morning of June 23.

Court records showed that Van Dale had a past record of two speeding convictions. Assistant State's Attorney Edwin A. Gehring contended the fatal accident was caused by running through a red light. Williams was killed when he was pinned beneath his overturned truck.

Van Dale was released on bail pending the further proceedings. He was represented by H. Lee Brill, attorney. As a result of the new-trial motion, sentence was withheld by Judge Mason.

NEWS-10/18

Three Seized In Weaver Slaying

After a year and a half of tireless and persistent investigation into the mystery murder of Charles L. Weaver in his Frederick street machine shop, detectives today announced the arrest of three men as his slayers.

The three, all Negroes, were charged at Headquarters this morning with murdering Weaver on April 28, 1947.

Police identified the accused men as John L. Wright, twenty-two, 200 block North Durham street; Bernard Cooper, twenty-five, now an inmate of the House of Correction, and Robert Brown, twenty-four, 1600 block Miller street.

Chief Inspector M. Joseph Wallace said the arrests were made as a result of investigations by Detective Capt. Henry J. Kriss, Detective Lt. John H. Hettchen and Detective Sgt. George Mintiens.

Weaver, a part-time city employee who operated a vending machine repair shop, was fatally beaten in his shop by intruders who sought to rob him. Several witnesses, including a seven-year-old boy, saw three Negroes run from the shop shortly before Weaver's body was found.

EVE SUN. 10/19

Judge Suspends Bus Bandit's Sentence

Vernon William Brooks, Baltimore Transit Company bus driver who used a day off to hold up and rob another transit company driver, today was given a suspended five-year term and released on probation by Judge Robert France.

In disposing of the case in Criminal Court, Judge France noted that Dr. Manfred S. Guttcacher, court psychiatrist, reported that Brooks would be unlikely to commit such a crime again and would benefit by probation supervision.

"It's the first time that I have granted probation to a man found guilty of armed holdup, but I'll give you a sentence and suspend it," Judge France told Brooks.

Judge Issues Warning

"It is not usual to give probation after an armed holdup. The sentence is five years in the Penitentiary, suspended. You are released on probation, but if you do not behave perfectly you will have the sentence to serve."

Brooks, who lives in the 800 block West Thirty-fifth street held up Donald Lee, driver of a Roland avenue bus, last September 9, taking a money bag said to contain $14.80. He had parked his automobile near by on Lake avenue, then boarded the bus, holding up the driver after the last passenger dismounted.

Arrested On Same Day

Brooks was arrested later the same day. He had boarded another bus shortly before the holdup and has been recognized by that driver.

Police said he was armed with an Italian pistol which he brought back as a war relic after service overseas in World War II.

Dr. Guttmacher and Carl Schoenrich, psychologists, reported in court that examinations under a drug showed that Brooks had been worried by an accumulation of debts, family troubles and physical ailments. He told them, they said, that he used an unloaded pistol which he always carried after having been held up more than a year ago while driving a Transit bus.

Dr. Guttmacher, in explaining the case, reported:

"His crime represents a morbid attempt on his part to solve a series of conflicts through an impulsive display of aggressiveness."

Brooks had told the psychiatrists that "when I got home I had to try and figure out what I had done and why I done it."

EVE. SUN - 10/20

Police Arrest 8 In Raids On Alleged Abortion Ring

Following a three-month investigation of an alleged abortion ring, special police squads last midnight staged simultaneous raids on four houses and arrested eight persons.

Four of those in custody at the Central Police Station are women, one of whom said she was secretary to a physician.

Three of the places raided were in the northern and northwestern sections of the city. The other was a farmhouse in Carroll county, near the Maryland-Pennsylvania border.

Police described two of the dwellings as "convalescent homes."

Ober Ordered Investigation

Among articles seized by raiders for evidence were bandages, pillows, pharmaceuticals, record books and telephones.

Interior and exterior photographs also were taken at all of the raided sites.

Police secured search and seizure warrants for the Baltimore houses from Judge Michael J. Manley.

The Carroll county raid was based on a warrant issued by Judge James E. Boylan, of the Fifth Judicial Circuit.

Investigation of the alleged ring started last July on personal orders from Commissioner Beverly Ober.

At that time a group of policemen from the districts were assigned to the inquiry. They included Sergt. Theodore Maxwell and Patrolman William Pence, of the Northern district; Patrolman William Poska, of the Western, and Patrolman Joseph O'Donnell, formerly of the vice squad. The men worked in plain clothes.

Last Monday it was decided the time had arrived for moving in and the raids were set for last night.

Twenty-five police assembled at headquarters yesterday for a briefing on their duties. Early last evening they were divided up into groups and left the Police Building in cars without Police Department markings.

Ranking officers in charge of the raiding squads were Lieut. Ralph Amrein, of the Northeastern, and Lieut. William Stein, of the Northern. Others were Sergeants William J. Klump, Frank Battaglia, Ellis Gilmore, Frank Krauk and Maxwell.

The city raids were conducted on a house on Woodhaven avenue, another on West Lake avenue, and the third on Liberty Heights avenue.

Expect Other Arrests

A woman and two men, were taken at the farm; three women and another man at the Lake avenue site, and a man at the Woodhaven avenue home. No one was apprehended on Liberty Heights avenue.

On the police docket, three of the women were listed as married, the other single. Two of the men were described as contractors, and the other two as farmers.

Police intimated that others will be taken into custody on warrants.

Flashes

2 Charged In Trolley Death

Two men today were charged with murder and robbery in special presentments returned by the grand jury in connection with the killing of Orval E. Ericson, trackless trolley operator, last October 5. The men charged in the cases are Gerald Sylvester Day, 600 block North Carey street, and Russell Sinclair Lewis, 1400 block North Fulton avenue. Both are colored.

NEWS - 10/20

Eight Seized In Police Probe Of Operations

The climax of a four months' investigation of an alleged conspiracy in Baltimore to commit illegal operations came today when police squads of undercover men swooped down in three raids and took four men and four women into custody.

The eight, three of whom were arrested in Carroll county and five in Baltimore at two different addresses, were docketed simply as State's witnesses, and "held for investigation."

It was learned that the four months' search for evidence of the alleged conspiracy was started personally by Police Commissioner Ober, who assigned Sgt. Theodore Maxwell and five undercover men from the Northern district to the task. No detectives were used.

WARRANT ISSUED

Some time yesterday a search and seizure warrant was obtained from Judge James E. Boylan of Carroll county, and last midnight Lieut. Ralph Amrein, with a squad of 25 officers in five police cars went to execute it.

The warrant was aimed at a residence northeast of Taneytown, close to the Pennsylvania line.

The officers, accompanied by photographers who took pictures of the interior of the house, returned with two men and one woman in custody, also considerable medical material, beds, bedding, surgical supplies, and a telephone.

CITY RAIDS

Lieutenant Amrein then joined Lieut. William Stein and another squad which went to the 800 block of West Lake avenue, where three women and one man were taken into custody.

The eighth prisoner was taken in a raid on a house in the 3900 block of Woodhaven avenue.

The police who conducted the investigation and made the arrests planned during the day to present the matter to State's Attorney J. Bernard Wells for further action.

MORN. SUN - 10/21

MAN SEIZED IN $282,026 THEFT CASE

Junk Dealer, 37, Allegedly Bilked 83-Year-Old Pawn Broker

Arrested yesterday for the alleged theft of $282,026, a young junk dealer was held in $50,000 bail on charges he bilked an octogenarian pawn broker through a quick-profits scheme to buy and sell carload lots of steel.

Prosecutors described it as probably the largest single theft charge in Baltimore legal history.

Three detectives arrested the accused, Nathan Brenner, 37, of the 2300 block Tioga parkway, as he was entering his automobile near police headquarters.

$1,600,000 In Loans Alleged

According to the State's charges, he took the $282,026 from approximately $1,600,000 he obtained in loans from Harris D. Miller, 83, proprietor of a pawn brokerage office in the 400 block East Baltimore street and owner of Florida real estate.

The loans covered a period of some thirteen months, the State charges.

Brenner was arrested on a bench warrant issued by Judge Robert France after evidence against him had been taken before the grand jury.

The jury presented Brenner on the theft charge yesterday morning and he was arrested about 3.30 P.M.

To Be Transferred To Jail

Finger prints and photographs of the accused were taken at the Central Police Station, where he was held last night. He will be delivered to Sheriff Joseph C. Deegan today for transfer to the City Jail.

Meanwhile, the prisoner has begun negotiations seeking release in bail.

The grand jury acted against Brenner after hearing Mr. Miller and three other witnesses.

The others who testified were Lieut. Frank T. Schmidt, who had been investigating the case for several months; Milton B. Edelson, Mr. Miller's son-in-law, and James L. Rimler, an auditor.

Police Followed Brenner

Charles E. Orth, Jr., and William J. O'Donnell, assistant State's attorneys, took the case to the jury.

The State alleges that many of the steel carloads Mr. Miller believed were bought with his money did not even exist. It charges the loans began with small sums but then pyramided until the total passed the million-dollar mark.

Police had been following Brenner and shortly after the warrant for him was issued he was picked up near Fayette and Gay streets.

Lieutenant Schmidt and Detective Patrolmen Albert Kendrick and Harry Frantz were the arresting officers.

Linked With Meyers Probe

Miller's name received wide attention during the 1947 Senate War Investigating Committee probe into the affairs of Maj. Gen. Bennett E. Meyers when he was named as the source of a $25,000 loan to a witness in the case.

Robert Cuse, New Jersey manufacturer, testified he received his first war contract after advancing that amount to Meyers.

Asked where he obtained the money, the New Jersey man said he borrowed it from Mr. Miller simply by making a telephone call to the Baltimore pawnbroker from Dayton, Ohio. He described Mr. Miller as a "very old friend."

SIX ARE CHARGED IN ABORTION RAIDS

Arrests Follow Investigation By Policewoman

Following midnight raids in Baltimore city and Carroll county, in one of which a policewoman represented herself as pregnant, four men and two women yesterday were charged with conspiring to perform abortions.

The raids, conducted by plain-clothes city police, followed a three-month investigation initiated by Beverly Ober, commissioner of police, shortly after he took office last June.

The policewoman, Mrs. Ethyle Diven, entered a farmhouse near Taneytown alone and inquired about an operation.

Other Policemen Assist

After a few minutes, police said, Lieut. Ralph H. Amrein, wearing street clothes, entered and represented himself as a friend of Mrs. Diven.

A moment later, other policemen, who had surrounded the house, rushed in, arrested two men and a woman.

Subsequently, they and another woman arrested in Baltimore were charged with conspiring to perform an abortion "upon . . . one Ethyl Diven."

Working on a carefully-calculated schedule, police made two raids in the city, at Lake and Roland avenues and in the 3900 block Woodhaven avenue, and visited a third house on Liberty Heights, but made no arrests there.

Those Charged Listed

Those charged:

RAYMOND W. COFFMAN, 34, a contractor, of the 800 block West Lake avenue.

EDWARD C. COFFMAN, 33, a contractor, of the 4100 block Buckingham road, Pikesville.

PAUL T. LEATHER, 35, a farmer, of Hampstead, Carroll county.

CHRIS C. CAMPBELL, 43, a farmer, of Upperco, Baltimore county.

MRS. LAURA M. HITCHENS, 54, a secretary, of the 3900 block Woodhaven avenue.

MISS THELMA A. ENSOR, 38, of Boring, Baltimore county.

Miss Ensor, Leather and Campbell were arrested at the farm near Taneytown.

Mrs. Hitchens and Raymond Coffman were arrested at the Lake avenue house, and Edward Coffman was arrested at the Woodhaven avenue house.

Other Women Cited

Miss Ensor, Mrs. Hitchens, Leather and Campbell were charged with conspiring to perform an abortion on Mrs. Diven.

Mrs. Hitchens and the two Coffmans were charged with conspiring to perform abortions on other, unnamed women.

Magistrate James R. Cadden released the defendants in $2,000 bail each for a hearing at 4 P.M. November 3.

Two women identified as the wives of Raymond and Edward Coffman were taken into custody at the Lake avenue house as State's witnesses. Magistrate Cadden released them on their own recognizance.

Reticent To Discuss Raids

There was no testimony, and police officials were reticent to discuss the raids.

"My lips are sealed," said Commissioner Ober after the arrests. "The case is in the hands of the State's attorney."

Other policemen, however, described two of the houses as convalescent homes and said that bandages, pillows, pharmaceuticals, account books and telephones were seized.

MORN. SUN 10/22

MAN ACCUSED OF SHOOTING WIFE SEIZED

Louisville Police Arrest George Mohr After 2-Month Search

A man charged here in a warrant with shooting his wife five times last August in a Reisterstown road restaurant was arrested yesterday by police in Louisville, Ky.

The woman, Mrs. Virginia Mohr, 23, of the 3600 block Reisterstown road, was released from West Baltimore General Hospital last month.

Her husband, George Joseph Mohr, 38, was picked up by Kentucky authorities at the request of Northern district police who have charged him with shooting Mrs. Mohr with intent to kill.

Baltimore detectives will probably leave today for Louisville in order to return Mohr here.

Employed As Waitress

At the time of the shooting, Mrs. Mohr was employed as a waitress in the restaurant.

Witnesses told police that a man entered the establishment on the night of August 25 and asked to speak to her.

A minute later, Mrs. Mohr stepped from the kitchen and the gunman started shooting.

Hit by the first bullet, the waitress fell to the floor and was attempting to rise when she was shot a second time.

Mrs. Mohr made a second effort to get up and the man fired his third shot, then emptied the gun into her body, whirled and fled from the restaurant.

Four Others In Restaurant

There were four customers in the restaurant at the time.

One of the bullets struck Mrs. Mohr's right clavicle, lodging in her back, and was later removed by surgeons. The other shots inflicted little more than surface damage, according to doctors.

Police were told that Mrs. Mohr and her husband had been separated some time before the night of the shooting.

MORN. SUN 10/22

Two Get 5 Years In Holdup Of Taxi

Convicted of holding up and robbing a taxicab driver by placing the end of a finger against his neck and pretending it was a gun, two brothers yesterday were sentenced to five-year prison terms.

The sentences were imposed on Walter J. Lloyd, 29, and Alfred S. Lloyd, 20, by Judge Robert France, who convicted them in Criminal Court of assaulting and robbing Leo Romeo of his taxicab and about $30 in cash.

John Ford, 26, a third defendant, was convicted of unauthorized use of the taxicab and was placed on probation for one year, under a suspended House of Correction term.

Abandoned On Biddle Street

Testimony produced by Saul Harris, prosecutor, disclosed that the three men hailed the cab in the vicinity of Washington boulevard and Ostend street, and later abandoned it in the 500 block West Biddle street.

Ford contended he did not know the brothers planned to rob the driver.

Alfred Lloyd was arrested in the 1800 block Bolton street, police said.

EVE. SUN - 10/24

Driver Sentenced In Fatality

Convicted of manslaughter in the death of a 25-year-old motorcyclist Marion Frank Mleczko, 24, 3221 East Fairmount avenue, was sentenced today to six months in the House of Correction by Judge E Paul Mason in criminal court.

The judge declined to make any reduction in the sentence when leniency was asked on the ground that Mleczko still faces a hit-and-run charge in traffic court. Judge Mason said failure to stop and render aid might have contributed to the death of the motorcyclist who left a widow and small child.

Hayward Hoffman Killed

Hayward Hoffman, of the 1800 block East Fairmount avenue, was killed June 11 at Fayette street and East avenue. The case was prosecuted by Assistant State's Attorney Charles E. Orth, Jr.

While Mleczko had no criminal record other than traffic charges Chief Probation Officer Charles F Snyder and O. L. Hall, probation assistant, reported a number of traffic violations in opposing clemency.

Traffic Record Given

The man's traffic record, as reported by the probation officials was:

1941—Accident, reckless driving, $10 and costs.
1941—Speeding, offense noted on license.
August 7, 1944—Reckless driving, $15 and costs.
September 27, 1944—Hearing, probation for two years.
October 2, 1944—Speeding (no disposition noted).
October 17, 1944—Hearing, warned.
December 23, 1946—Speeding, $5 and costs.
November 22, 1947—Failing to obey automatic signal, $2 and costs.
April 20, 1948—Speeding, fined (no amount stated).
August 9, 1949—Driver's license suspended because of fatal accident and failure to meet automobile responsibility law.

EVE. SUN - 10/25

Diggs's Trial Opens In Murder Case

Marion W. Diggs, 23, today pleaded not guilty to a charge of murder and went on trial before Judge Robert France in Criminal Court for the fatal shooting of his father, John Diggs, last June 15.

The defense admitted the shooting, and agreed by stipulation for the production without objection of a two-page statement which young Diggs had signed shortly after the shooting with a .30-caliber hunting rifle

Father Threatens Ejection

The statement said that the elder Diggs had been threatening to eject his wife and daughter from his home at 3212 Leverton avenue when the son attempted to patch up the troubles.

Later, members of the family telephoned the son at his home at 815 South Bouldin street and informed him that the older man was throwing out clothing of the family, according to the statement.

Got Hunting Rifle

When young Diggs went back to the Leverton avenue house his father came toward him with a knife and shouted "I will cut your —heart out," the statement continued. The son then returned to his home and got his hunting rifle and shot when his father came toward him again, his statement said.

The defendant has been on $3,000 bail, set by a member of the Supreme Bench. He was represented by Harry I. Kaplan, attorney. Assistant States Attorneys Anselm Sodaro and Charles E. Orth, Jr., prosecuted.

NEWS - 10/24/49

Louis Azrael Says: THEY ARE SHUNTED FROM PILLAR TO POST

—By LOUIS AZRAEL—

Let me tell you of an incident that occurred in Baltimore recently.

There's a man—a salesman who hasn't been making much money lately—who had an artificial eye.

It fell to the ground accidentally and broke while he was cleaning it.

The same thing had happened several times previously in this man's life. On the other occasions, however, he either had another eye in reserve or he had money enough to buy one.

This time he didn't.

And he quickly found that calling on customers, trying to sell goods, with an exposed eye-socket or a black patch over one eye was futile.

People undoubtedly didn't mean to be cruel. But they turned him away as quickly as possible because the sight of him was unpleasant.

PLACE TO PLACE

The man went to the City Welfare Department, asking if they could get him an artificial eye.

They said "No." He is able-bodied, they said. He is physically able to work. And the Welfare Department budget is so small that help can be given only to unemployable men. Someone at the office suggested, however, that he go to the Presbyterian Eye, Ear and Throat Hospital. They might help.

At that hospital, they said they were sorry. They explained that it is a privately financed institution, with meager income. The University Hospital, they suggested, is State supported and might be in a better position to help.

So he went to the University Hospital.

"Sorry," they said to him. No funds are available for such a purpose. They suggested that the best place to try is the Wilmer Eye Clinic, at Johns Hopkins Hospital.

He went there.

THE MONEY EBBED

The Wilmer officials were also sorry—and also refused to help.

They suggested, however, that there is an organization named "The Maryland Society for the Prevention of Blindness" on Fallsway.

This organization might have the money and the desire to help him.

Meantime, the man's few remaining dollars had gone for food and lodging.

He was staying at a mission and, to get money for food, was going from door to door in the suburbs asking jobs at raking up fallen leaves. Also, he got a few pocket combs and tried to sell them.

BACK AGAIN

At the Maryland Society for the Prevention of Blindness, they were at least equally sorry. And their suggestion was that he go to the City Welfare Department.

So he went, hoping for a different answer. He didn't get it. And he didn't know where else to go.

In a few days, while trimming someone's hedge, he got a suggestion.

A customer said:

"I am a member of the West Baltimore Lions' Club. Our organization finances an eye clinic at the West Baltimore General Hospital. Go there. Tell them I sent you. You probably can get an artificial eye."

He went.

And they told him to go to the City Welfare Department.

This time, he gave up. He hunted a regular job but prospective employers took one look at him and sent him away.

FINALLY

Last week he was raking leaves in the neighborhood where Assistant State's Attorney Allan H. Murrell lives. Somehow, he got into conversation with Murrell and told his story. The Assistant State's Attorney told him to come to his office. There, the man was put in touch with Charles Snyder, head of the Probation Department.

Now, Snyder has less to do with such a case, officially, than any of the persons the man had previously visited. But he got on the phone, made a few calls, and sent his now-skeptical visitor to the Vocation Rehabilitation Bureau of the State Education Department.

There, with a minimum of red tape, he got an artificial eye.

JUST ONE EXAMPLE

Now, this story is unusual only because it is somewhat more dramatic than many others. But there's hardly a day that someone doesn't come into my office and tell a story which is, in principle, similar.

People with troubles of various sorts—people who can be helped—don't know where to apply. So they go wherever they think best. And if it isn't the right place, they are often shunted around, from place to place, from pillar to post.

Always, this involves inconvenience. Sometimes it involves great suffering. Sometimes they never get to the right place.

One of the first things Mayor D'Alesandro said when he took office was that he planned to establish a central bureau; a clearinghouse where people could come and get help or intelligent information.

He hasn't done it.

He could do few things that would be so helpful to people who are greatly in need of help.

MORN. SUN - 10/26

Woman Complains Suitor Got Love And Finance Mixed Up

Sigmund Engel, Chicago's elderly Lothario, seemingly has a budding rival here, according to testimony yesterday in Criminal Court, where Henry Boller, 40, was convicted of theft and false pretense.

The complainant, Mrs. Mildred F. Smith, a divorcee, described Boller, a German alien, as a man who "would make love to me one minute and say 'Honey, lend me a thousand dollars,' the next minute."

Boller was sentenced to thirteen months in the House of Correction. He was identified during the proceedings as a mystery bidder who offered the top amount to rent a hangar at the Municipal Airport recently and then could not be located for several days.

Stole Title To Car

He was described in court as a "research engineer" interested principally in aviation. He gave Dundalk as his address.

Judge E. Paul Mason found Boller guilty of stealing the title to Mrs. Smith's $2,195 automobile and making two loans totaling $600 on it.

According to evidence offered by J. Harold Grady, prosecutor, Boller and Mrs. Smith had been friendly to the point of considering marriage and she placed the title to the car in Boller's name when she was having trouble with her former husband.

But, Mrs. Smith testified, Boller signed the title back over to her so she could have it returned to her own name at any time she wanted, and she never intended to give Boller the car and never authorized him to get a loan on it.

Counsel for the defendant claimed Mrs. Smith was getting revenge after she learned Boller had several other love affairs and was engaged to another woman.

Mrs. Smith was asked about Boller's financial situation and replied:

"I never saw him with any money in his pocket unless I gave it to him."

Defense counsel declared the conviction would ruin Boller's chances to become a citizen. He has taken out first papers, the Court was told.

To Judge Mason, that made no difference. The judge said he wasn't impressed by Boller's arguments. He said Mrs. Smith had "put herself in a vulnerable position in the affair."

Hangar Bid Turned Down

Then speaking of Boller, Judge Mason added:

"I think he took full advantage of it."

Boller's bid for the hangar at the airport was turned down by the city, although it was the high one. The Board of Estimates wasn't satisfied with Boller's explanation of his financial status.

Although Boller was convicted of swindling Mrs. Smith, whose home is in the 4000 block of Edgewood road, the one conviction leaves him an amateur, compared to Chicago's Engel. The 73-year-old love pirate has boasted, "I took women for millions."

EVE. SUN 10/25 — MORN SUN - 10/26

Howard Retrial Set Nov. 29 In Cost-Plus Case

Retrial of false pretense charges against Meredith R. Howard, cost-plus contractor on city work, has been set for November 29.

Howard is one of eight accused cost-plus contractors. Four trials so far have been held, without a decision in any of the cases.

Howard was tried last May. His hearing resulted in a mistrial being declared by Judge John T. Tucker on the ground that a member of the trial jury had acted improperly. The juror was later cited for contempt of court.

Shamer Juries Disagree

Arthur P. Shamer, cost-plus contractor on plumbing work, has twice been tried, but both juries disagreed.

After the first Howard case, the cost-plus trial against Charles E. Butler was heard before Judge Tucker and resulted in a mistrial that arose from a court ruling regarding production of evidence.

State's Attorney J. Bernard Wells has assigned Assistant State's Attorney William J. O'Donnell to prosecute the cases. Howard is being represented by Edward H. Burke and H. Mortimer Kremer, attorneys.

Two Civil Cases Pending

In addition to the pending cases in Criminal Court, two civil proceedings involving the cost-plus contract investigation are in Circuit Court. In one, Howard seeks to force the city to clarify and interpret the contracts under which he worked. He also seeks to collect sums which he says are due him.

In the other civil case, the city has sued William J. Wiesand, a cost-plus contractor who has not been prosecuted, in an effort to ascertain whether that contractor, and other contractors who had not made their company records available to city investigators, can be required to disclose the data which the city wishes to investigate.

DIGGS FREED IN SHOOTING

Spectators Cheer As Man Is Cleared In Father's Death

When Judge Robert France yesterday found Marion W. Diggs, 23, innocent in the fatal shooting of his father, John Diggs, nearly everyone in the courtroom stood up and cheered. Witnesses and spectators hugged and kissed each other and defense counsel.

Diggs contended that he shot his father last June 15 in self-defense after he had gone to the aid of his mother and other relatives whose lives had been threatened by the 46-year-old parent.

The crowded courtroom included a large number of character witnesses called by Harry I. Kaplan, defense attorney, and other interested persons form East Baltimore.

Says He Aimed At Feet

The young defendant said he shot at his father's feet to scare off the elder Diggs who was coming at him with a knife, but the bullet struck the father in the head when he stepped down several steps leading from a porch.

The defendant gave an address in the 800 block South Bouldin street and said his parents lived in the 3200 block Leverton avenue.

Diggs, a war veteran, who is married and has one child, said he had been at his parents' home earlier in the day when his father had threatened to cut his mother "from ear to ear." Diggs said his father also had threatened to throw the elder Mrs. Diggs, their daughter and son-in-law out of the house and promised to "get" him for interfering.

The defendant contended he did not want to shoot his father because they had been on friendly terms and frequently went crabbing together.

He said he returned to the home later after being advised that his father was throwing out his mother's clothes and had ordered the daughter and her husband to get out.

Defense witnesses testified that the elder Diggs frequently mistreated his wife.

EVE. SUN - 10/26

Racial Aspects Are Denied In Park Slaying

Robert Henry Kurtz, 18, today pleaded not guilty and claimed self-defense when he went on trial in Criminal Court on a murder charge involving the fatal stabbing of a Negro youth in Carroll Park on Sunday, October 2.

At the outset of the case, Judge Robert France was told by the State that the evidence tended to show that the killing had really no racial aspect.

In spite of reports, Deputy State's Attorney William H. Maynard and Assistant State's Attorney Edwin A. Gehring told the court the facts were that the killing occurred because "two bad boys, neither of whom was a credit to his respective race," came into conflict.

Both Had Records

The fact that both boys had "extensive criminal records" was announced with the assent of the defense attorney, Frank J. Blair.

Conflicts of testimony marked the trial, as they had the earlier investigations. State and defense attorneys told the court that part of the conflict of testimony was whether both boys were armed with knives.

Kurtz contends that the dead youth, Linwood Matthews, Jr., 19, of the 1400 block Ward street, came at him first with a knife and that a white boy in his group handed him the weapon which he admitted using.

Returned After Chase

Testimony showed that the dispute between the groups of white boys and Negro boys arose while police-sponsored boys' clubs were holding a football game in the park.

The Negroes were chased out of the Bayard street entrance of the park but came back later by the Bush street entrance, "armed and with reinforcements," Deputy State's Attorney Maynard told Judge France. The fatal fracas followed.

Medical evidence reported by the postmortem examination showed that the Matthews boy died as the result of a knife stab wound which penetrated his heart.

Dr. Earl L. Royer, assistant medical examiner, made the postmortem report.

EVE. SUN - 10/27

Police Retake Boys Who Dug Out Of Lockup

Northern district police early today recaptured two 15-year-old boys, charged in connection with twenty burglaries, who had escaped from a detention room in Northern Police Station yesterday by digging through a plaster wall.

The pair were discovered shortly before 7 A.M. in an old automobile parked on a lot on Hoffman street just east of Greenmount avenue.

Taken Back To Station

They were taken back to the station by Sergt. Fred Mann and Patrolman Raymond Ratcliffe, who had been searching the area since the escape was discovered about 6 P.M. yesterday.

Chief Inspector M. Joseph Wallace today ordered Capt. Lusby to make a thorough investigation of the escape and submit a report of his findings as soon as possible.

Both Held On Bail

At a hearing later this morning before Magistrate Reuben Caplan in Northern Police Court, one of the two was held on $18,000 bail for action by the Grand Jury on twenty charges. The other, charged on nine counts, was held on $7,000 bail.

Magistrate Caplan entered pleas of not guilty for both boys, who were not represented by counsel.

MORN SUN - 10/27

MANSLAUGHTER VERDICT GIVEN IN STABBING

Robert H. Kurtz, 18, Convicted In Killing Of Negro In Park

Robert Henry Kurtz, 18, yesterday was convicted of manslaughter in the fatal stabbing of a Negro youth on October 2 in Carroll Park.

Judge Robert France returned the verdict after declaring that Kurtz could have retreated into a crowd assembled in the park to witness a football game, rather than stab the Negro youth, Linwood Matthews, Jr., 19, of the 1400 block Ward street.

Kurtz contended he stabbed Matthews with a knife handed him by an unidentified associate after the Negro approached him menacingly with a knife in his hand. The defendant testified he retreated almost to a cable fencing around the football field before he was forced to stab Matthews in self-defense.

Sentence Deferred

Judge France deferred imposition of sentence pending a new-trial motion. The verdict carries a maximum prison sentence of ten years.

William H. Maynard and Edwin A. Gehring, prosecutors, denied at the outset of the trial that the stabbing resulted from racial prejudice, and contended that the killing was due to "just a crowd of bad boys."

Mr. Maynard pointed out that both Matthews and Kurtz were "bad boys" and that both had extended criminal records for their age. Neither, he said, was a credit to his race.

Chased Out Of Park

Testimony disclosed that Kurtz had gone to Carroll Park with a friend to watch a football game, and that he and some other white boys had chased a group of about six Negroes out of the park after they were told that a Negro boy had struck Kurtz's younger brother.

A number of defense witnesses testified that the Negroes chased out of the park returned in a few minutes, augmented by other Negro boys to form a gang estimated at approximately 25 to 50 persons. The defense also contended that the returning gang carried long sticks, broken bottles and stones wrapped in stockings.

Prosecution witnesses denied that the returning gang was armed or that the group of Negroes returned to the park to "get" the leader of the white boys.

EVE. SUN - 10/27

Woman Pleads Guilty To Abortion Charge

Pleading guilty to an abortion charge, Mrs. Myrtle Tignor, 44, of the 2000 block East Federal street, today was released on probation under a one-year suspended sentence by Judge Robert France, on condition of payment of a $100 fine.

The woman admitted that she had attempted to treat a married woman acquaintance, who subsequently became ill and required hospitalization last August. Evidence showed that the defendant was not accustomed to engage in such practices.

Because of the defendant's poor health and former good record, the probation department recommended clemency and a fine. Mrs. Tignor originally was from Davis, W.Va., but has lived here since shortly before her third marriage a few years ago.

MORN SUN - 10/28

Grand Jury Acts On Stadium Flyer

Francis McNaney, 33-year-old airplane pilot, yesterday was presented by the grand jury on a charge of unlawfully flying an airplane over the Baltimore Stadium last Sunday during the professional football game between the Baltimore Colts and the Chicago Hornets.

McNaney, who lives in the 100 block Bloomsbury avenue, in Catonsville, was accused of "unlawfully, wilfully piloting a Steerman airplane over the municipal Stadium while the seats and boxes of the said Stadium were occupied with people and while an athletic contest was in progress, for the purpose of advertising."

Testimony at a preliminary hearing before Magistrate August A. Kozlovsky, in Northeastern Police Court, disclosed that McNaney was towing a streamer advertising storm windows. The accused was arrested on a complaint of a member of the Board of Park Commissioners.

Bail was fixed at $1,000.

NEWS 10/28

Charged with participating in a dice game, Thomas Dana, 400 block North Greene street, was fined $1,000 and costs today in Criminal Court after it was disclosed by Sol Harris, Assistant State's Attorney, that he had been previously found guilty of bookmaking early this year and in 1947.

EVE. SUN - 10/20

Comi, 7 Others Fined $4,100 Plus Costs

John Comi and seven other persons connected with his numbers operations were fined a total of $4,100, plus court costs of more than $300 in Criminal Court today.

They pleaded guilty to a portion of the charges entered against them after a police raid September 17 in the 3700 block of Claremont avenue.

The place was described by Capt. Alexander L. Emerson as a "numbers headquarters." He also told Judge France that "its the largest haul we ever got, the largest we got in Baltimore."

The Comi series was the main set of gambling cases before the court today, fines in other cases ranged from as little as $10, to as much as $1,000.

Comi Fined $1,600 Plus

In the Comi cases, eight $200 fines ,or $1,600 plus costs, were levied against Comi himself. Eight $100 were set against Alexander DeFabio, 24. Comi's 17-year-old daughter, Theresa, drew two $100 fines.

Pascal Cuomo, 46, who like Comi had a gambling record, drew three $200 fines. Three $100 fines were entered against Walter Frederick, 32, and Manuel Hoffman, 41. Clara Morgereth, 30, drew two $100 fines and Frank Krysiak, 38, who owned the property but was not present at the time of the raid, was fined $100.

Comi, 45, had just been released from a 30-day jail sentence imposed in Baltimore county after his arrest for a dice game in a political club.

"One Of Finest Men"

His attorney, Maurice T. Siegel, who with Joseph Rosenthal appeared for the defendants, declared that in spite of the county case and a $100 gambling fine in 1946, "Johnny Comi is one of the finest men in the city of Baltimore."

The remark drew from Judge France:

"I have nothing against gambling, morally. But John Comi seems to be a professional gambler."

In view of the pleas of guilty in the cases where evidence was clear, Assistant State's Attorney William J. O'Donnell agreed to accept the not-guilty pleas in betting cases, conspiracy cases and as many as seventeen other numbers charges against many defendants.

Captain Emerson said that at the time of the raid the group was sitting around a table working out computations on the numbers records of three days' bets.

Records of five other days were found in a waste basket, the captain said, and about $3,000 in cash and records of $13,831.77 in numbers bets for the one day were found.

In imposing the fines, Judge France said of Comi: "I am not trying to soak him, but I think this will take the main profit out of the enterprise."

9,000 Pigs— Of Solder

Four men today pleaded guilty to various charges involving theft of more than 9,000 pigs of solder weighing approximately 46,000 pounds from the Chesapeake and Potomac Telephone Company.

The solder is specially treated with poisons to prevent rat damage on underground installations

Judge Robert France in Criminal Court granted probation under a three-year suspended sentence to Mitchell Radinsky, 27-year-old veteran who admitted that he had bought the solder at a low price over a period of many months, because he was "tempted" by the chance for profit.

Dealer Aided Police

Police and Assistant State's Attorney William J. O'Donnell stated the junk dealer had aided in solving the case.

Other defendants were John F. Sifford, 35, colored driver for the phone company; Sterling Williams, colored, 28-year-old truck helper, and Woodrow Green, colored junk dealer who aided the men in melting down the solder for resale.

Judge France withheld sentence on the three pending further investigations.

MornSun 10/29

AFRO AMERICAN 10/29/49

Making Too Much Of "Just Another Fight"

Robert Henry Kurtz, 18, convicted of manslaughter in the fatal stabbing of a Negro youth in Carroll Park, had one significant statement to make in court. Asked why he went calmly off to the movies after the stabbing, he replied, "Then I just thought it was another fight."

Young Kurtz was soon given to understand differently. The deplorable fight between two boys with extended criminal records was exalted for propaganda purposes as the beginnings of race rioting in this community. Political agents went to work in Negro neighborhoods, fanning latent fears of belligerent white supremacy. Kurtz no longer was Kurtz, but a symbol of something so much bigger than himself that 117 religious leaders felt compelled (in advance of court action) to share his guilt.

Seldom has so much energy been devoted to making an emotional and political issue of an incident, tragic though it was, that was for the most part just plain juvenile delinquency. A simple trial was surrounded with an atmosphere of tension that had been deliberately created to foster disunity among two groups of Baltimoreans. Fortunately, Judge Robert France saw the case for what it was and gave no judicial weight to the claims that segregation, not Kurtz, was on trial. But that probably will not deter the propagandists.

We can look forward, no doubt, to further efforts to make the community believe that the Carroll Park case was rampant racism. But for all attentive readers to remember are the words of the surviving boy that it was just another fight. This is not to discount the need for constructive work in the field of racial relations, but only to remind responsible citizens that prejudices are aroused, not broken down, by making a racial issue of this criminal case.

Judge France said that he was convinced by the testimony that no general racial feeling existed in the park that day, and that should ease the minds of all except those who have a continuing stake in race friction.

More Than 'Bad Blood'

Public officials sometimes exhibit ostrich-like tendencies which often prove detrimental to the public welfare.

We believe there was an example of this in court on Wednesday when both the deputy and assistant State's Attorneys showed a tendency to belittle what they called the racial aspect of the Carroll Park Ruling.

At the outset of the trial, which resulted in a conviction of manslaughter for the 18-year-old white youth who stabbed Linwood Matthews, 19, to death in the park on Oct. 2, the attorneys told the court that evidence tended to show that the killing had really no racial aspects.

Their too simple explanation of the tragedy was that it resulted from "two bad boys" coming into conflict; that it had really nothing to do with race or color.

In arriving at the guilty verdict, Judge Robert France also narrowed the issue down to where it was nothing more than bad blood between two bad boys.

It is plain then that the judge and the State's attorneys do not see eye to eye with the ministers and religious leaders who last week attributed the killing to racial differences.

The ministers pleaded guilty to being residents of a city "where a boy could be stabbed to death because of the color of his skin."

Who is right?

We agree with the ministers, because no matter what was said in court, the facts and evidence plainly show that the fight which led to Matthews's death was the outgrowth of ill will between colored and white boys of the neighborhood.

Whether it is admitted by public officials or not, there is plenty of evidence that this racial animosity is traceable to the Park Board's policy of segregation.

This is true because too many white persons of the area have come to believe that colored people have no right to use public recreational facilities there.

Part of this evidence was shown in the statement by police, after the killing, that such an outbreak had been expected for a long time.

The State's attorneys and the court may feel that since the young knife wielder has been convicted, the case is closed. Not only is this an incorrect point of view, it is dangerous. The source of the trouble still exists.

If we are to prevent additional tragedies of this sort, the discriminatory and bigoted policy perpetuated by the Park Board and approved by the City Administration must be rooted out.

COMI FINED $1,600 IN NUMBERS CASE

7 Others Also Found Guilty After Emerson Raid

John Comi, 45, described by Judge Robert France as a "professional gambler," yesterday was fined a total of $1,600 and costs after he pleaded guilty in Criminal Court to eight numbers charges.

Comi recently was released from a 30-day jail term imposed in Baltimore county on a gambling charge resulting from a raid on a political club.

Seven other persons were convicted along with Comi yesterday on the numbers charges leveled against the group by Capt. Alexander Emerson following a raid on premises in the 3700 block Claremont avenue.

Says Raid Set Record

Captaint Emerson testified the premises were a "numbers headquarters" where, he said, "we made the largest haul we ever got the largest we got in Baltimore." Numbers bets taken in by the group on the day of the raid totaled more than $13,000, Captain Emerson said.

Other defendants who pleaded guilty and the amount of fines imposed were:

MISS THERESA COMI, 17, daughter of John Comi, $200.
ALEXANDER DE FABIO, 24, $800.
PASCAL CUOMO, 46, $600.
WALTER FREDERICK, 32, $300.
MANUEL HOFFMAN, 41, $300.
CLARA MORGERETH, 30, $200.
FRANK KRYSIAK, owner of the premises raided, $100.

Testimony produced by William J. O'Donnell, assistant State's attorney, disclosed that when the raiding squad entered the premises, they observed the defendants seated around a table computing numbers records of bets for three days.

Other Data Reported Found

Records of numbers play on five other days were found in a waste basket near the group, Judge France was told.

The group had originally been accused of accepting numbers bets on nine other days, but in view of the pleas of guilty to cases involving days evidenced by numbers slips found on the table and in the waste can, the State accepted innocent verdicts on the other days.

Charges of conspiracy to violate the lottery laws and bookmaking also were dropped.

Maurice T. Siegel, defense counsel along with Joseph Rosenthal, contended that despite Comi's conviction in Baltimore county and a $100 gambling fine in 1946 "Johnny Comi is one of the finest men in the city of Baltimore."

"Nothing Against Gambling"

"I have nothing against gambling morally, but Johnny Comi seems to be a professional gambler," Judge France replied.

Before imposing the fines totaling $1,600 on Comi, Judge France said: "I'm not trying to soak him, but I think it will take the main profit out of the enterprise."

In another case before Judge France, Thomas Dana, of the 400 block North Greene street, was fined $1,000 and a $100 fine was imposed on Albert Weinstein, of the 4300 block Forest Park avenue, who were convicted of conducting a dice game in the 800 block Linden avenue.

Kurtz Guilty in Park Killing

Victim's Family Calls Judge's Verdict 'Just'

TERM WITHHELD

Issues Behind Slaying Ruled Out by Court

BULLETIN

Frank J. Blair, attorney for the convicted slayer of Linwood Matthews, said Thursday that a new trial motion will not be filed. This means that Robert Kurtz, convicted of manslaughter in the death of Matthews, will be brought in for sentence by Judge Robert France early next week.

In a verdict hailed by the dead boy's family as "just and fair," Judge Robert France Wednesday, convicted an 18-year-old white youth of manslaughter in the Carroll Park slaying of 19-year-old Linwood Matthews.

Sentence for Robert (Bobby) Kurtz, who has spent some time in reform school, was withheld pending a new trial motion by his attorney, Frank J. Blair. Under the conviction, sentence up to 10 years could be imposed.

The testimony in the trial consisted of two conflicting sides. Friends and acquaintances of Matthews said he had no weapon when he was felled by Kurtz in the park on Oct. 2.

Ten white witnesses for Kurtz said, on the other hand, that Matthews had a knife of his own. One of these witnesses, George Lutts, 13, said on the stand, "When the n------s, I mean the colored boys, were coming . . ."

Narrows Issue Down

Judge France, in rendering the verdict, narrowed the issue down past the element of racial conflict over use of the park.

He commented that in view of the interest shown in the case the record showed that the stabbing did not result from an earlier incident when colored youths playing football, had relinquished the field to a white group which had a permit for the Sunday game.

He commented, here, that colored citizens of Baltimore have a "perfect right" to be in Carroll Park and to witness a football game on Sunday or any other time.

He added, however, that the case narrowed down to a small group of teen-agers between whom bad blood had developed.

Self-Defense Plea Scorned

He pointed out that when the conflict narrowed down even further between Kurtz and Matthew, assuming even if the colored boy had a knife, Kurtz could have run in self defense into the crowd of some 2,000 colored and white spectators who were watching the ball game, scarcely 100 feet away.

The judge added that even the park police were there, if Kurtz wanted protection, but instead, Kurtz said, somebody handed him a knife, "he used it, and Matthews was killed."

Judge France commented that he did not believe that Matthews and his group consisted of any 50 or 75 marching "like an Army" with sticks and stones as the white group declared.

Tale Held Fantastic

He pointed out that if this had been so, the adults watching the football game certainly would have been aroused.

Park police said they found no evidence of sticks, or stones nor a knife, after combing the area thoroughly.

Officer James E. Wilson, who was assigned to the Park area that day, said he did not know anything was wrong until someone told him a boy had been cut.

Deputy State's Attorney William Maynard, a native of South Carolina, declared that the "demeanor and attitude of the white boys was that of witnesses telling an agreed story."

Colored Witnesses Forthright

He added that the colored witnesses gave testimony that was "simple, direct and truthful."

Gist of the chain of events given Judge France was:

(1) Matthews and a group of boys about his age had played a scrub game of football in the park that Sunday morning, but had given up the field when a Police Boys' Club with a permit arrived.

(2) Matthews left the park, but his 16-year-old brother, Jerome, and a group of younger boys got into an argument with a group of whites, who chased them out of the park. Kurtz was in this group that chased them out.

(3) The smaller boys rturned with Matthews and several other older boys.

(4) Matthews asked Kurtz why the little boys were chased. Kurtz said one of them struck his younger bother. The stabbing followed.

Groups' Testimony Differs

The testimony differed on the two sides as to how many colored boys returned, whether they had sticks and stones, whether Matthews struck the first blow, and whether he was armed with a knife.

According to the colored youths, only 6 or 7 came back with Matthews. The white witnesses said there were 25 to 50.

James Jones, 16, of the 1400 block Ward St., in which Matthews lived, said Kurtz "hauled off and hit Linwood with his right hand, then pulled a knife and stabbed him with his left hand."

Stabbing Ends Fracas

John Autrey, also of Ward St., said he was watching the game alone when "I looked around and all of a sudden somebody raised a stick to hit me." He said when three other white boys came toward him, he began to run, but halted when he saw Matthews had fallen.

"Flemmie (the nickname for Matthews) wasn't one to ever start anything," said Bernard Smith, a Morgan College student of 1445 Ward St., who said he simply saw Matthews talking with Kurtz who had his arms folded.

Donald Walters, white, of the 1900 block Wilkens Ave., testified that he kicked Matthews a moment before Kurtz stabbed the youth. "But Matthews already had his knife out," Walters added.

Fatal Weapon Not Found

James Greenfield, white, of the 300 block S. Calhoun St., said that after the stabbing, he took the knife away from Kurtz and threw it in the woods. Police were unable to find it, however.

After the stabbing, Kurtz, of 230 S. Mount St., went to the Movies. A medium-sized boy with close-knit features, he declared on the stand, "I didn't know I killed him. I stood there with the knife, scared, and kept saying 'I got him, I got him.' He said he did not know who handed him the knife.

MORE MORE MORE

Judge France asked him, "Why didn't you turn and run? There were 1500 or 2,000 people watching the game."

Kurtz said "I was scared, and couldn't hardly move. It was either me or him. I didn't think about those things then."

Returned to Uphold Rirghts

Young Jerome Matthews, when asked by the defense attorney why he came back to the park after being chased out, answered, "I thought we had just as much right to be there as they did."

Three younger brothers, Percy 13, Edward, 7, and Sylvester, 10, were presented to the court as being available to testify that they were among the youngsters chased out.

One white witness, Raymond Steigman of the 1300 block Herkimer St., said he had his son in the park and they were watching the football game when some 25 colored boys came from two directions armed with sticks.

Fabulous Tales Narrated

He said one had a knife, but he did not know which one, and that when the fight started, the white boy was backing away, and the "colored boy was swinging at him with something in his hand."

In several instances, Mr. Maynard and Edwin Gehring, assistant State's attorney, pointed up the differences between written statements given by the white boys to police and their testimony in court.

At another point, Mr. Maynard noticed that a witness named Lutts faltered in his testimony, and said to him, "You kind of forgot your story didn't you?" Lutts said "Yes."

Kurtz Juvenile Delinquent

Kurtz, it was revealed, was in the St. Mary's Industrial School when he was between 12 and 16-years-old, and on the penal farm before he was 18.

It was said that his charges ranged from stealing a purse to burglary, automobile larceny and two assaults.

Matthews also had a record, and was on probation for a sex crime involving a 14-year-old girl when he was killed, it was revealed.

Plays Down Riot Angle

Mr. Maynard remarked at the outset of the case, "Both men had records, and neither was a credit to themselves or their respective races," adding:

"The press has introduced the angle of racial roits in this case. I don't think the evidence shows that.

"I think that it was just two crowds of boys who in the jubilance of youth got into a fight. Unfortunately, a knife was used and one was killed."

Automobile Thief Given 3-Year Sentence

An 18-year-old Poplar Grove street youth, who twice had been placed on probation on automobile-theft charges, yesterday was sentenced to not more than three years in the Reformatory for Males when he faced another similar charge in the Criminal Court.

The sentence was imposed by Judge Robert France on Joseph W. Laslo, of the 800 block Poplar Grove street, who was arrested last October 5 as he was entering an automobile in the 4000 block of Clifton avenue. At that time, he had three stolen registration cards.

Alan H. Murrell, prosecutor, disclosed that on September 18, Laslo was granted a conditional parole from a Federal reformatory at Chillicothe, Ohio, where he was serving a term for automobile theft. In November, 1946, the defendant had been placed on two-year probation for another car theft, Mr. Murrell said. A probation officer described the youth as an "inveterate delinquent."

PENALIZED IN SHRIMP THEFT

Two Men Ordered To Pay $2,000 In Restitution

Two men, one the son of a South Baltimore seafood merchant, yesterday were placed on probation for three years and ordered to make restitution totaling more than $2,000 after they admitted the theft of about $2,775 worth of shrimp from a Lexington street warehouse.

Judge Robert France granted the probation to Angelo Manerchia, 37, of Philadelphia, and William J. Nichols, Jr., 25, of the 500 block North Rose street, son of a West West street fish dealer.

Sums Ordered Paid

Both were given suspended male reformatory terms of three years.

Manerchia was ordered to pay back $300 and Nichols, $1,724.75. Probation department officials, in a report to the court, pointed out that Nichols provided transportation to haul the stolen shrimp to Washington and took advantage of his business associations in connection with the crime.

Gramley W. Buehler, a third defendant in the burglary case, recently was sentenced to six years in the House of Correction for that crime and for passing bogus checks.

The three men burglarized a seafood warehouse in the 800 block East Lexington street, according to Saul Harris, prosecutor.

Matthews Family Hails Conviction

Bigoted Park Rule Change Advocated

"I feel a little better now," said Linwood Matthews Sr., Wednesday, a few moments after the slayer of his son had been convicted of manslaughter.

Mrs. Matthews, the dead boy's stepmother, added that they certainly had witnessed an act of justice on the part of Judge Robert France.

The Matthews family was represented at the trial by E. Everett Lane, attorney, who in turn represented the Baltimore NAACP.

Mrs. Lillie M. Jackson, president of the organization, told the AFRO: "Now it's up to the citizens of Baltimore to see that the Park Board stops this business of agitating by segregation."

She commended the State's Attorney's office in the prosecution of Robert Kurtz and praised Judge France for a "just and fair verdict."

Mrs. Jackson said it is "now up to society to teach our youth to respect human rights. The NAACP believes that these boys, white and colored, are the victims of society today," she declared.

EveSun-10/31

Youth On Parole Gets 3 Years For Car Theft

Theft of two automobiles within two weeks after he was given Federal parole on a similar charge today resulted in a three-year House of Correction term for Joseph W. Laslo, 18, of the 1800 block Poplar Grove street.

The youth had been charged with automobile theft when he was about 15 years old and for a second theft and interstate transportation of a stolen car was given a three-year Federal term in 1947. His conditional release was granted last September 18, and the first of the new car thefts occurred eight days later.

Judge Robert France in Criminal Court imposed the House of Correction sentence.

Federal officials also have a detainer against the defendant. Deputy State's Attorney William H. Maynard and Assistant State's Attorney Alan H. Murrell were the prosecuting officers.

MornSun-11/1/49

Advice For 'Guilty' Ministers

TO THE EDITOR OF THE SUN—Sir: My brothers in the ministry would do well if they issued another statement to correct their ill-advised and hasty judgment in the case of the Negro youth stabbed in Carroll Park. I agree with them that as clergymen we share heavily in the community's guilt when actual instances of race prejudice arise. We also share the guilt when, out of cases of juvenile delinquency shame is brought upon the community. But juvenile delinquency and race prejudice are different things and clergymen should take time enough and have wisdom enough to distinguish between them.

I did not sign the original statement because I remembered my boyhood days in East Baltimore when, often enough, pitched battles were fought between different gangs that used what came to be calle the "New Park" (now part of Patterson Park) as the place for their fighting. What happened at Carroll Park was clearly the sort of thing that might grow out of battles between juvenile gangs.

Judge Robert France should be commended for his wisdom and fairness in this matter. The signers of the statement of guilt owe Judge France an apology for their possible interference with the processes of the Court.

Perhaps a "statement of guilt" should be issued by the clergymen in this matter. The least the clergymen who signed could have done was to wait until after the trial before they issued any statement.

EDWARD G. CONRAD.

Our correspondent is minister of the Asquith Presbyterian Church.—THE EDITOR.

EveSun-11/2

Doctor Presented In Abortion Case

Dr. Albert MacCrowe today was presented by the grand jury along with four other men and five women on a series of charges dealing with criminal abortions.

Other persons accused, most of whom had originally been charged after a series of special police raids, are Thelma Ensor, of Upperco; Cris T. Campbell, of Upperco; Paul T. Leather, of Hampstead; Laura M. Hitchens, 3900 block Woodhaven avenue; Raymond Coffman, Marie Coffman and Freda Coffman, all of 800 West Lake avenue; Edward Coffman, 4100 block Buckingham road, and Mary Taylor, 5600 block Park Heights avenue.

Police and witnesses had been taken before the grand jury by Deputy State's Attorney William H. Maynard and Assistant State's Attorney Anselm Sodaro while most of the accused persons were awaiting a preliminary hearing tomorrow in police court. Dr. MacCrowe and several others were new defendants in the case.

Reported To Be Ill

The physician, whose address was listed on court papers as 3403 Liberty Heights avenue, is said to be seriously ill. Arrangements for bail were made through Maurice Berman, professional bondsman, by Paul B. Mules, one of the doctor's attorneys.

Nine presentments were returned by the grand jury.

MornSun 11/3

TEN CHARGED IN ABORTIONS

Dr. Albert MacCrowe And 9 Others Indicted By Jury

Dr. Albert MacCrowe, of the 3400 block Liberty Heights avenue, and nine other persons were charged with conspiracy to perform criminal abortions and with attempted abortions in presentments returned yesterday by the grand jury.

The remaining defendants and the charges against them are:

MRS. LAURA M. HITCHENS, of 3900 block Woodhaven avenue, seven charges of abortion and one of attempted abortion.
RAYMOND COFFMAN, alias "Dr. Evans," of the 800 block West Lake avenue, six charges of abortion.
EDWARD COFFMAN, of the 4100 block Buckingham road, six charges of abortion.
MRS. MARIE COFFMAN, of the 800 block West Lake avenue, six charges of abortion.
MRS. FREDA MAE COFFMAN, of the 4100 block Buckingham road, six charges of abortion.
MISS THELMA ENSOR, of Upperco, Carroll county, one charge of attempted abortion.
MISS MARY TAYLOR, of the 5600 block Park Heights avenue, one charge of abortion.
PAUL T. LEATHER, of Hampstead, Carroll county, one charge of attempted abortion.
CHRIS C. CAMPBELL, of Upperco, one charge of attempted abortion.

Each of the defendants faces the conspiracy charge, which accuses them of conspiring to perform abortions on five women who are named in the charges, as well as other women whose names are unknown to the grand jury. The alleged conspiracy occurred between July, 1942, and October 19, 1949, the presentments charged.

Bail Set At $10,000

Dr. MacCrowe, in addition to the conspiracy charge, is accused of performing seven illegal operations and of attempting to perform another.

According to the charges, one of the illegal operations was performed in January, 1937, on a woman who subsequently underwent illegal operations in 1940, 1944 and 1949.

Bail for Dr. MacCrowe and Mrs. Hitchens was fixed at $10,000 each. Bail for Miss Ensor is $3,000 and that of the others $5,000.

Dr. MacCrowe was before the Criminal Court in 1939 on a similar charge, but was acquitted after a second trial. His first trial resulted in a conviction, but a new trial was granted by the Supreme Bench.

Reported Seriously Ill

Dr. MacCrowe is reported to be seriously ill. Paul B. Mules, one of his attorneys, arranged bail through Maurice Berman, professional bondsman.

One of the main prosecuting witnesses is a policewoman, who allegedly feigned pregnancy, it was disclosed.

The cases were taken before the grand jury by William H. Maynard and Anselm Sodaro, of the State's attorney's office.

EveSun-11/3

Numbers Man Freed From Jail, Fined

Judge Robert France today freed a jailed numbers writer who had served more than a month. Then he fined the writer $500 and costs.

In suspending the balance of the man's six-month House of Correction term, Judge France warned that the man's experience should teach him to "stay out of the numbers business."

The judge aded: "Besides, the higher-ups are not paying off these days."

James Webb, colored, of the 1600 block North Smallwood street, was the numbers writer. The six-month sentence was given him September 30. Webb had been arrested in August for his third numbers' offense this year. He had been fined by Judge France in January and again in the spring.

There was no explanation of the change in sentence. Court records showed that Webb had been a traveling numbers writer who was caught by police with numbers' records in his auto.

MornSun-11/4

NUMBERS PAYOFFS DOWN, JUDGE SAYS

France Tells Of Losses As He Commutes Prison Term

"The higher-ups are not paying off these days," Judge Robert France said yesterday of numbers operators in commuting the remainder of a man's six-month's prison sentence on payment of a $500 fine.

Judge France made the assertion to James Webb, Negro, of the 1600 block North Smallwood street, who because of three numbers convictions this year had been sentenced on September 30 to six months in the House of Correction.

Cites Family Hardship

The judge suspended the remainder of the prison term because of financial hardship on Webb's family, because Webb promised to stay out of the numbers-writing business and because there is a job waiting for the man.

Further explaining his assertion about "higher-ups not paying off" on winning numbers, Judge France said reports reaching him indicate that because of the concerted police action against numbers violators and several big "hits" recently, some backers have been unable to pay off their financial obligations.

Many of the numbers operators have been hard hit by Criminal Court fines imposed on their employés as a result of the police activities, the judge also pointed out.

He cited the case of one numbers-ring operator who recently had to pay about $15,000 in court fines and, in addition, suffered several big "hits." That man has left the city, Judge France said.

MornSun-11/4

Pair Admit Holdup Attempt; 'Bookmaker' No Soft Touch

A young man and woman yesterday admitted in Criminal Court that they attempted to hold up a man known to them as a "bookmaker with money" because they thought he would not complain to police.

The guilty pleas were entered by Miss Carol Wanda Fisher, 18, of the 400 block North Charles street, and Adrian Bullam, 26-year-old musician and former Army Air Corps lieutenant, of the 1200 block West North avenue.

Judge Robert France deferred imposition of sentence pending probation department reports.

Man Caught In Hotel

The attempted holdup occurred in the intended victim's room in a downtown hotel after Miss Fisher had arranged a "date" with him by telephone, the court was told.

According to Saul A. Harris, prosecutor, the male defendant followed Miss Fisher into the man's room and produced a pistol. When the intended victim took the affair as a joke, he was hit on the head with the revolver. Miss Fisher fled, but Bullam was caught in the hotel by persons attracted by the man's shouts, Mr. Harris related.

The prosecutor said Bullam had been attending a music conservatory in New Orleans, but came here last summer to play in a night club. Miss Fisher's home is in Poughkeepsie, N.Y., it was disclosed.

COURT ORDERS WELLS ACT ON INDICTMENTS

Judges Demand Defendants Be Given Copies As Required By Law

Judges of the Supreme Bench yesterday demanded that J. Bernard Wells, State's attorney, comply with a new State-wide statute which requires that a copy of the indictment be furnished to every defendant.

The judges advised Mr. Wells that beginning Monday they will not permit the arraignment of any accused person who has not been furnished with a copy of the indictment or information against him.

Mr. Wells said he was not sure how he could implement the law, and declared that he twice had written the bench asking for advice.

Effective Last June

The new law became effective last June 1. Courthouse attachés expressed the opinion that the alleged failure to supply all defendants with a copy of the indictment may result in litigation contesting the validity of trials and commitments since June.

In a letter written on behalf of the Baltimore judiciary to Mr. Wells by Judge Robert France, the jurist stated:

"For some time past, Judge Tucker, Judge Mason and myself (presiding in the three sections of the Criminal Court) have been seriously concerned with the failure of the State's attorney's office to furnish a copy of the indictment or information to the traverser. . . .

Will Act On Monday

"This matter also has been the subject of discussion by all the members of the Supreme Bench and I am given to understand that Judge Smith wrote you in connection therewith some two or three weeks ago.

"Judge Mason, Judge Tucker and myself, with the approval of the Supreme Bench and commencing on Monday next, will not permit the arraignment of any traverser who has not heretofore been furnished a copy of the indictment or information."

Available Upon Request

It was disclosed that it has been the practice of the State's attorney's office to make copies of all indictments or informations, but only defendants requesting them have been supplied copies.

Mr. Wells said that in order to serve the papers his office would have to employ an additional writ clerk.

Says He Suggested Move

He said he wrote the Bench on July 12 suggesting that the sheriff's office be assigned the duty of serving copies of the indictment on the defendants.

When he did not receive an answer to his request for guidance, Mr. Wells wrote again to the Bench October 6 and the same day received a reply in which the judges said:

"The law does not place any responsibility on the sheriff for carrying out its terms and your suggestion that you can pass off your responsibility onto the sheriff's office is, therefore, entirely out of order."

EveSun-11/5

Wells Starting New System Monday

State's Attorney J. Bernard Wells today stated that a system of holding arraignments in accordance with the new 1949 law will go into effect Monday to prevent disruption of the regular arraignment of defendants and to ascertain whether counsel need be appointed for them.

The new law, passed by the 1949 Legislature, states that copies of indictments or information against defendants shall be furnished by the prosecutor.

Judges of the Criminal Court had threatened to cease holding arraignments until a system was set up to provide records showing that the new law was complied with.

Became Effective June 1

The new act became effective June 1. Since then Mr. Wells said, copies of indictments have been available for defendants, but have been claimed by less than five per cent of the accused persons. Those who sought copies were given them.

Serious problems are presented by the fact that a great proportion of defendants are out on bail at the time of indictment and the law creates no system of supplying such persons, whose physical whereabouts might be uncertain, with copies.

Wrote Two Letters

Mr. Wells revealed that he had written to Chief Judge W. Conwell Smith of the Supreme Bench on July 12 to seek advice as to how the problem could be met. In that letter he suggested that possibly the copies could be served by the sheriff's office.

No reply to the July letter was received by the prosecutor until he addressed another letter to the bench on October 6. The chief judge's reply then stated that the law did not authorize service of copies by the sheriff's office, and told the prosecutor he could not "pass off your responsibility."

"I have asked advice from the judges as to how to start a system that might be satisfactory. All I have heard in reply is that it is my responsibility," said Mr. Wells.

Cites Added Expense

"The prosecutor's office operates on a budget. The Legislature has given it new duties without providing means of carrying them out.

"Any system that we can devise to provide copies of indictments for defendants who are at large, or even to provide copies for those in jail, will entail considerable expense."

EveSun-11/1/49

Judge Questions Welfare Aid In Support Case

Judge E. Paul Mason in Criminal Court today viewed with disfavor a Department of Welfare system whereby a nonworking father of an illegitimate child was relieved of the infant's support by a new welfare grant to the mother.

Judge Mason sentenced the father, Willie T. Holland, 39, colored, and divorced, to the House of Correction for two years unless he makes up $45 in payments for the support of his 6-month-old illegitimate baby and $5 a week from now on.

Assistant State's Attorney John T. Weiss, after Holland had pleaded guilty on a bastardy charge, read to the court a letter in which the Department of Welfare had refused Holland, who already receives $92 a month from the city on the theory that he is incapacitated, an additional $5 to meet the court order.

Mother's Aid Increased

The department wrote that instead it was increasing the $19.75 a month relief support that the child's mother already draws.

"Do I understand that our city Welfare Department is planning to make payments to assume this man's support burden directly to the child's mother?" Judge Mason asked.

Told that that was the department's position, the judge commented: "A false situation, I must say, for the taxpayers of Baltimore to face."

Holland, who lives in the 1600 block of McElderry street, said he was unable to work because of high blood pressure and bad nerves. He is divorced from his first wife and has two children by that marriage. He formerly was an insurance agent.

Planned To Get Married

The man told Judge Mason that he and the mother of his new child had planned to get married.

"What on?" the judge asked.

Holland seemed uncertain and finally muttered that "the Lord would provide."

The judge commented: "Apparently he figured that the welfare would support them both and any additional offspring that they might have."

MornSun-11/2

CHILD SUPPORT IS EXPLAINED

"A False Situation," Mason Says Of Relief Case

The Department of Public Welfare enforces the Maryland law "requiring fathers to support their children whether they are living with them or not," T. J. S. Waxter, director of the department, said yesterday.

"If the father is getting relief, we would not give him the money to pass on to the mother for the child's support, but would give the money direct to the mother," Mr. Waxter added.

The comments of the welfare department head were made in answer to a query regarding a case tried before Judge E. Paul Mason in Criminal Court.

Refused Additional $5

Appearing before Judge Mason, Willie T. Holland, 39, Negro, pleaded guilty to a bastardy charge. John T. Weiss, assistant State's attorney, read to the court a letter from the Department of Public Welfare, in which Holland was refused an additional $5 to meet the court order for support of the child. (Holland receives $92 a month from the city because of incapacitation.)

The letter continued that the department was increasing the $19.75 monthly relief which the mother draws.

"A False Situation"

"Do I understand that our city welfare department is planning to assume this man's support burden directly to the child's mother?" Judge Mason asked.

On being told that such was the case, the judge said, "a false situation, I must say, for the taxpayers of Baltimore."

Mr. Waxter declared that "before we can help a mother who has minor children, she must go to court and get an order against the father. He must accept responsibility under a court order before the Department of Public Welfare can take over.

Man Produces $45

"If the father is unable to work and is getting relief, we expect him to use every resource to aid the child, but we would not give him the money for the child, for him to pass over to the mother. We would give it to the mother direct."

Later yesterday, the defendant was released on probation after he produced $45, representing the arrearage on the $5 weekly payments due the mother of the child.

Asked where he obtained the money, the man replied that he "has some friends."

NEWS-11/1/49

—By LOUIS AZRAEL—

when Judge Abner Sayler reaches retirement age next year.

States Attorney J. Bernard Wells, weighing the problem of running for another term, probably will decide yes.

NEWS-11/2

10 Presented In Illegal Operations

Grand Jury presentments were returned today against Dr. Albert MacCrowe, 3400 block Liberty Heights avenue, and nine other individuals on charges of conspiracy, performing illegal operations and attempting to perform such operations.

A grand total of 56 charges were brought against the ten accused persons.

State prosecutors reached back seven years in bringing the case before the Grand Jury. Deputy State's Attorney William H. Maynard and Assistant State's Attorney Alselm Sodaro said the conspiracy charge against each of the ten defendants is one of a general nature dating from July 22, 1942, to October 19, 1949.

Attorneys for the defendants are Paul B. Mules and Henry Siegel. They told the court Dr. MacCrowe is ill at his home from a heart attack.

EveSun-11/4

Grear's 'Confession' Hit In Arnold Slaying

The alleged confession of Edward L. Grear, colored man sentenced to hang for murder, should not have been admitted, counsel for Grear contends in a brief and argument filed with the Maryland Court of Appeals.

T. Barton Harrington, court-appointed attorney, informed the high court that Grear was coerced into giving the confession, that police held him incommunicado and failed to arraign him promptly before the nearest magistrate.

Grear was sentenced for the killing of a Baltimore policeman last December 30. The case is awaiting a hearing at Annapolis.

Tells Of Beating

Grear was convicted and sentenced last June by Judges E. Paul Mason and Herman M. Moser. Assistant State's Attorney William J. O'Donnell prosecuted.

Grear contended that he was beaten and required to run between ranks of officers who beat him about the head at the Northwestern Police Station.

The coercion charges were denied by officers.

Grear was arrested within a few hours after Patrolman John W. Arnold was shot down in Little Pine street at the same time that Patrolman Norman Mike was wounded.

Was Removed

Grear was arrested in the Western district and was taken at first to that station house, then was removed to the Northwestern. However, he was not arraigned before the magistrate sitting there until the following day, after he had signed a statement.

In his brief, Harrington contends:

"From all the facts in this case, the appellant asserts that the failure of the police to arraign him immediately, as required by law, before the police magistrate, was indicative of coercion and that his treatment during his allegedly illegal detention lacked that fundamental fairness essential to the very concept of justice.

Reversal Asked

"Thereby, he was denied due process of law in violation of the Fourteenth Amendment to the Constitution of the United States."

The defense counsel sought a reversal of the conviction and contended that the yield testimony would fail to show premeditation, and thereby would make the crime no more than second-degree murder.

EVE. SUN-11/7

Youthful Crowd At Rape Trial Forced Out

Calling the situation "perfectly outrageous," Judge Robert France today had ejected from Criminal Court between 20 and 30 bobby-sox girls and young boys who had taken over the front court benches where a rape case was to be heard.

Seven youths, from 15 to 18, were defendants charged with attacking two high-school girls, 15 and 16, last October 21 after a high-school football game at the Stadium.

Judge France, when prosecution and defense counsel officially called his attention to youngsters, commented:

"The court is much disturbed about this situation, about these people possibly hooking school to come down here to listen to what they think will be dirty testimony."

Counsel Agrees

Assistant States Attorney Alan H. Murrell, who had called the situation to the court's attention, spoke of the problem whether members of the public could be excluded from a courtroom but Deputy State's Attorney William H. Maynard urged ejection of the group on the ground that "unauthorized persons should not use the court for improper purposes."

Defense counsel agreed. Speaking for five attorneys, Paul B. Mules and Joseph Rosenthal both urged that the youngsters be removed. The judge then ordered the group to leave. Court recessed for about ten minutes to permit departure of about fifteen girls and approximetly ten young men.

Testimony was then heard in open court, when defense lawyers objected to a private hearing. Three of the seven defendants face two rape charges each. The other defendants face one charge each.

The two prosecuting witnesses testified that they were attacked by the group as they were walking across the Eastern High School grounds after the night football game.

NEWS-11/7

2 Phone Workers Sentenced In Solder Theft

Two employees of the Chesapeake & Potomac Telephone Company, who pleaded guilty today in Criminal Court to charges of stealing 10,000 five-pound pigs of solder valued at $30,000, were sentenced to two-year teams in the Maryland House of Correction by Judge Robert France.

The men are John F. Sifford, thirty-five, 1100 block Whitelock street, formerly a driver for the C&P, and Sterling Williams, twenty-eight, 900 block Edmondson avenue, Sifford's helper. Both are Negroes.

Judge France also imposed a one-year House of Correction sentence upon Woodrow W. Green, 1100 Whitelock street, a junk dealer, charged with receiving stolen goods from Sifford and Williams.

Assistant State's Attorney William J. O'Donnell told the court that the specially-treated solder was stolen from the C&P's Elgin avenue warehouse over a period of months. Part of the loot has been recovered.

MORN SUN-11/8

VERDICT HELD IN RAPE CASE

About 30 Teen-Agers Ordered From Court By Judge

Thirty teen-agers were ordered yesterday to leave the Criminal Courtroom where they had obtained front-row seats for a rape trial.

The trial verdict for seven youths charged with criminally attacking two girls, aged 15 and 16, was withheld by Judge Robert France for further study.

Judge France described as "perfectly outrageous" the presence of the boys and girls who, he said, probably had "hooked school" to listen to what they think will be dirty testimony.

Peered Through Transom

The judge adjourned court for about ten minutes and directed the youthful spectators to leave the courtroom during his absence.

The group left the courtroom, but continued to mill around the corridor during the trial. On one occasion, one of the boys hoisted himself on to the shouiders of another boy and peered through the glass transom of an unused entrance.

All Counsel Agree

Alan H. Murrell and William H. Maynard, prosecutors, brought to the attention of the judge the presence in the courtroom of the large group of young people.

They recommended that the group be ordered out and said the judge has the common-law power to determine who shall attend sessions in his court.

Judge France's action was approved by Joseph Rosenthal, Paul B. Mules, Anthony S. Federico and Maurice T. Siegel, defense counsel.

The judge announced he wanted to study the charges and the evidence further before returning verdicts against the accused.

After Football Game

The alleged attacks occurred last October 21 on the campus of the Eastern High School after a night football game between two high-school teams in the Stadium, according to testimony.

The girls testified they were grabbed by the youths as they were taking a short cut across the campus to their homes.

The defendants did not testify, but their statements to police were offered as the defense. In the statements, the accused contended that two of them made the acquaintance of the girls at the football game and that the girls voluntarily accompanied them to the campus.

The remainder of the group followed the four, but denied that acts charged to them were forced on the girls, according to the statements.

EVE. SUN-11/8

'Getting-Even' Forger Given Three Years

Melvin Krebs, 32-year-old misanthrope who admitted cashing about $700 in checks in a desire to "get even" today was sentenced to three years in the House of Correction by Judge Robert France in Criminal Court.

Dr. Manfred S. Guttmacher, court psychiatrist, pronounced the man legally sane and responsible, but reported that he had an "incipient psychotic condition" that might eventually lead to his transfer to a psychiatric institution.

Krebs, whose home was in the 5600 block Edmondson avenue, was charged in twelve cases of forgery and one case of larceny. He explained to the psychiatrist that he passed most of the checks on saloons and bookmakers, because of his losses on "pinball machines and the horses" and his waste of money in drinking.

"They took my money so I took theirs," Krebs had told the court physician.

Protection Of Accused

TO THE EDITOR OF THE EVENING SUN—*Sir:* It was indeed gratifying to note the stand taken by the Supreme Bench of Baltimore City, and especially Judge France of the Criminal Court, in connection with the failure of the State's attorney to furnish an accused a copy of the indictment with respect to the commission of the alleged crime for which he has been charged.

The statute pertaining to this matter was not couched in technical legal phraseology. There can be no doubt as to its meaning. It can be understood by all. It reads, "In every indictment or information for the alleged commission of a criminal offense in this State, the accused shall be furnished a copy thereof as soon as practicable after the same shall have been prepared, and at the expense of the prosecuting attorney."

The statute is specifically applicable to the cases where it has become necessary for the Court to appoint counsel for an accused. In many cases an accused is not aware of the many counts in an indictment concerning the various ramifications and elements of a certain crime which may in themselves constitute other separate and distinct crimes. Such an accused, unless he has been furnished a copy of the indictment, usually learns of these other crimes for the first time during his first appearance in open court when he is there for the purpose of arraignment. As he is asked to plead to the various counts of the indictment, it is then that confusion arises in the mind of the accused, with the result that the court usually appoints counsel to represent him.

In the past, the writer has visited the office of the clerk of the Criminal Court and has been compelled to make notes from or copy verbatim the indictment. It seems hardly worth while to mention that if improper and incorrect notes have been made of the indictment or that the copying of the indictment has not been verbatim, through inadvertence, a meritorious defense to the indictment might be lost which would not have been so lost if the attorney had had before him for study in the quiet of his office an exact copy of the indictment in the matter.

In view of legislative intent to make certain that all persons accused of crime are given fair play and within the confines of due process, it matters little that another writ clerk, or even more clerks, are required to carry out this statutory requirement of providing a copy of the indictment to the accused at the expense of the prosecution.

WELDON L. MADDOX.
Baltimore, Nov. 4.

MORN-SUN 11/9

Pair Convicted Of Bookmaking

Two men were convicted in Criminal Court yesterday of accepting horse-race bets at Hilde's Richmond Café in the 200 block West Chase street.

The verdicts were returned by Judge Robert France against Albert Wiessner, manager of the establishment, and Sylvester Kilduff, of the 2000 block Boone street. Judge France deferred sentence pending a possible motion for a new trial.

The judge acquitted Mrs. Mary Hildebrand, owner of the café; Frank M. White, an employé, and Raymond Lurz, bartender.

The raid on the café was conducted last July by Capt. Alexander Emerson and members of his vice squad.

No bet slips were seized, police said, but more than $13,000 in cash was taken from Wiessner.

Patrolman Frank Diggins testified he visited the restaurant before the raid was conducted and observed men giving money to Wiessner and also money being passed between Wiessner and Kilduff. He also said he saw the café manager pay off a bet.

Wiessner denied accepting bets and explained the large amount of cash on his person by saying that he had just completed a mortgage transaction prior to the raid.

MORN-SUN 11/9

Man Gets 3 Years For Killing Wife

Convicted of manslaughter because he choked his 24-year-old wife to death after she came at him with a butcher knife, Louellis Evans, 32, yesterday was sentenced to three years in the Penitentiary by Judge John T. Tucker in Criminal Court.

Evans, a Negro, lived at 9 Quay alley. He was convicted of causing the death of Pearlena Evans, his wife, last August 27 after she came to their bedroom with the knife and insisted that he go to sleep.

The defendant testified that when he refused to sleep as long as she kept the knife by the bedside and attempted to leave the room, she came at him with the knife and he grabbed her by the throat.

Evans said his wife earlier in the evening had complained about his coming home late. The defendant said when he returned to the house after the choking and discovered his wife was dead, he called police and surrendered himself.

'Reprisal' Forger Gets 3-Year Term

Melvin Krebs, 32, started forging checks and passing them on bookmakers, saloonkeepers and pinball machine operators to get back at them for taking his money, according to evidence in Criminal Court yesterday where Krebs was given a three-year prison term.

Explaining twelve forgeries totaling $700 and the theft of blank checks and a check writer, Krebs told D. Manfred S. Guttmacher, medical adviser to the judges:

"They used to take my money when I was working—saloons, pinball machines and the horses. I wrote some checks and gave them to those people. They took my money so I took theirs."

Krebs, who lived in the 5600 block Edmondson avenue, formerly worked as a truck driver. Recently he has been wandering around the country, Judge Robert France was told. The defendant was sent to the House of Correction.

EVE. SUN-11/9

Kurtz Gets Term Up To 5 Years In Stabbing

Robert Henry Kurtz, 18-year-old white youth convicted of manslaughter in the fatal stabbing of a Negro youth last October 2 in Carroll Park, today was sentenced to an indeterminate term of not more than five years in the Maryland Reformatory.

Judge Robert France, who returned a not-guilty verdict on the more serious charge of murder at the recent trial in Criminal Court, pronounced the sentence and called attention to the defendant's bad background.

Kurtz has been in corrective institutions for most of the past six years. When he was before Criminal Court on larceny and burglary charges in 1947 the Probation Department reported that he "seems to be a lawless character in urgent need of discipline."

Stabbing Victim

The stabbing victim was Linwood Matthews, Jr., 19, of the 1400 block Ward street. He, too, had a past criminal record.

Although the stabbing case originally was regarded as a racial conflict, since a quarrel between groups of white and Negro boys preceded the affray, Deputy State's Attorney William H. Maynard and Assistant State's Attorney Edwin A. Gehring told the judge at the trial that it was not really a racial matter, but "a fight between two bad boys."

Young Kurtz has been living in the 200 block South Mount street. He had been released from the State reformatory only this summer, and since his release had been fined in Police Court for assault.

Probation Report

A new probation report filed by Chief Probation Officer Charles F. Snyder and Probation Officer J. Albert Schneider called the youth "a criminal type" and "a member of the proverbial gang." They reported that probation was "definitely out of the question."

One of a family of twelve children, the youth had lacked proper parental authority, the court was told. He had attended several parochial schools but had both scholastic and disciplinary troubles. The record showed that he had been expelled from four schools.

Date Of Sentence

Judge France dated the youth's sentence from October 7, the day on which he was committed to jail. Testimony at the trial showed that 2,000 or more people had been present in Carroll Park watching two football games when groups of white and Negro boys met on the athletic field after young Negro had first been chased away by whites.

In spite of Kurtz's claim that the Matthews youth first came at him with a knife, Judge France pointed out that in view of the large crowd of orderly spectators there was no excuse for the knife duel which Kurtz said had occurred. Investigators found no knife on or near the stabbed boy.

NEWS-11/9

Cases of reported building code violations arising from veterans' housing complaints will be disposed of Thursday, November 17, Deputy State's Attorney William H. Maynard said today.

Some time ago the alleged violations were referred to the city building engineer for reinspection, with a view toward correction or refunds to the home-owners. About 30 building firms are involved.

EVE. SUN-11/2

Real-Estate Group Sentencing Set

Three judges next week will finally impose sentence on 27 groups of real estate developers facing building-code charges as a result of the G.I. housing inquiry which was begun in January, 1948.

The cases have been held under consideration by the three jurists pending collection of data, so far as was possible, on housing defects and pending submission of final reports by Building Inspection Engineer Paul A. Cohen.

Most of the cases had been heard before either Judge Herman M. Moser or Judge Robert France. One case, however, had been heard before Judge Emory H. Niles. The three judges are expected to sit jointly in disposing of the cases.

There were 32 sets of prosecutions as a result of the G.I. housing inquiry, but the first set of five cases were disposed of early in 1948 Chief Judge W. Conwell Smith.

One case has not yet been tried before the Criminal Court, but is scheduled to be heard on or before the arranged sentencing date, November 17.

The one open case consists of eight charges against the Mullan Contracting Company, Thomas Mullan, Thomas Mullan, Jr., Charles A. Mullan, John M. Ellis and John Heinz, involving houses in the 1300 block West Thirty-seventh street.

MORN SUN-11/10

Marse Callaway Gets Three-Year Suspended Term

Marse S. Callaway, 67-year-old real-estate dealer and Republican political figure, yesterday pleaded guilty to theft charges and received a three-year suspended sentence in the House of Correction.

He was placed on probation for the same length of time.

Callaway, a Negro, admitted in Criminal Court he stole about $5,780 which twelve persons had entrusted to him as down payments on homes he was to buy for them.

Opposing counsel agreed in court the larceny-after-trust cases involved about $8,500, although the smaller amount was mentioned in the charges.

Prosecutors said Callaway took deposits on some homes that weren't even for sale and stole amounts that represented the life savings of a number of couples.

Character witnesses for Callaway included Negro educational and religious leaders and several GOP politicians, including former Mayor McKeldin. It was disclosed in court that friends of Callaway have raised nearly $3,000 toward restitution.

BUILDING FIRMS TO BE SENTENCED

Penalties For Code Violations Due Next Thursday

At least 26 contracting firms will be sentenced in Criminal Court next Thursday for building-code violations in connection with veterans' housing, William H. Maynard, deputy State's attorney, announced yesterday.

The 26 defendants have been convicted and are waiting sentence and a twenty-seventh will be tried within the next few days.

Three judges presided in the cases and will impose the penalties. They are Judges Herman M. Moser, Robert France and Emory H. Niles.

Trials Followed Probe

Five other concerns already have been found guilty and fined by Chief Judge W. Conwell Smith.

The indictments and trials followed a grand jury probe into defective homes bought by veterans.

Sentencing was postponed in the 26 pending cases so that the builders might make an effort to correct the defects.

The defendant in the one case still to be tried is the Mullan Construction Company.

The companies scheduled for

YOUTH JAILED FOR STABBING

Kurtz Gets Five Years After Slaying In Carroll Park

Sentence of not more than five years in the Reformatory for Males was imposed in Criminal Court yesterday on Robert H. Kurtz, 18, who recently was convicted of manslaughter in the fatal stabbing of Linwood Matthews, Jr., 19-year-old Negro youth, in Carroll Park.

The sentence was imposed by Judge Robert France, who referred to the past criminal activities of Kurtz, described by probation investigators as a "criminal type."

The stabbing occurred last October 2 while crowds of people were watching football games in the park, according to testimony produced by William H. Maynard and Edwin A. Gehring, prosecutors.

Chase Group From Park

A group of white boys had chased a group of Negro boys from the park because one of them allegedly struck the defendant's younger brother, the Negroes returned later, augmented by some older boys, and an argument and the stabbing followed, witnesses said.

Kurtz contended that someone in the crowd slipped him a knife after Matthews drew a knife and came at him. He said he stabbed the young Negro boy only in self-defense.

Judge France disclosed that Kurtz has been in correction institutions for most of the past six years and has been convicted of burglary and larceny charges. The stabbing victim also had a past criminal record, the evidence disclosed.

The State denied during the trial that the fight resulted from racial disturbances, and contended that it was an affray "between two bad boys."

BUILDING FIRMS TO BE SENTENCED

Penalties For Code Violations Due Next Thursday.

(*Continued from Page 36*)

sentencing and the presiding judge in each case are:

Edison Realty Company, Judge France.
Roland Construction Corporation, Judge Moser.
Henry Knott Realty Company, Judge Moser.
Garden Homes Company, Judge Moser.
Eastern Home Builders Company, Judge Moser.
William B. Shoals and W. B. Shoals Building Company, Judge Moser.
National Home Building Company, Judge France.
Brady Realty Corporation, Judge Moser.
John Kablis and Ace Development Company, Judge Niles.
Woodhaven Investment Corporation, Judge Moser.
Fairfax Investment Corporation, Judge Moser.
O'Donnell Building Corporation, Judge Moser.
Shulman Building Company, Judge France.
Cherry Hill Village, Inc., Judge France.
Mueller Construction Company, Judge France.
Triangle Realty and Construction Company, Judge France.
Laurel Realty Company, Judge France.
Cole Construction Company, Judge France.
Haven Home Building Company, Judge France.
United States Construction Corporation, Judge France.
Kenhill Construction Company, Judge France.
Pem Construction Company, Judge France.
The Poe Construction Company, Judge France.
Clover Realty, Inc., Judge Moser.
Panway Builders, Inc., Judge Moser.
Panway Housing Corporation, Judge Moser.

Also, Judge Moser has not pronounced sentence in the cases of Leon J. Panitz and Stanley Panitz, officials of the Panway Housing Corporation and Panway Builders.

Homes Reinspected

According to Mr. Maynard, the Panway corporation and two other firms are in receivership. The others are the W. B. Shoals Building Company and the National Home Building Company, he said.

Since trial, all homes involved in the prosecutions have been reinspected by municipal inspectors.

EVE. SUN-11/14/49

Psychiatrist Asked To Help Decide Suspect's Identity

Faced with an apparent puzzle as to the actual identity of a robbery defendant, Judge Robert France today called on medical science for aid and directed that Dr. Manfred S. Guttmacher, court psychiatrist, add his findings to the several reports on the individual.

Louis M. Gonzalez is the Baltimore name of the robbery defendant, but the FBI and the Bureau of Immigration and Naturalization insist he is really someone else.

The man's real name, the Federal officers report, is Vincente Aguilar Ledo, 23, also known as Vincente Aguilar, a Mexican illegally in the United States and with a criminal record.

Names "Sound Familiar"

Judge France questioned the man at length today as to his real identity, but he insisted he was Gonzalez. However, he did make the strange admission that the other names "sound real familiar."

On the basis of Government records and fingerprint identifications, Victor J. Holahan, investigating officer of the Immigration Service, has ordered that a Federal detainer be placed against Gonzalez.

The man gives his age as 20 and his birthplace as Mission, Texas. Federal records place him three years older and his birthplace as Monterey, Mexico.

"Being Untruthful"

The probation investigation by Chief Probation Officer Charles F. Snyder and Probation Officer William F. Gemmill, concluded that the man was being untruthful in his statements to the Baltimore authorities.

The defendant's attorney, Maurice T. Siegel, reported that he could draw no admissions from the man to back the Government suspicions.

Address Changed

The prosecutors, Saul A. Harris and Edwin A. Gehring, said that Ganzalez lived for a while in the 1600 block West Fayette street, although his present home address is the 3700 block Spaulding avenue. He had worked here at a downtown hotel and two years ago married a 17-year-old Baltimore girl.

After his marriage he enlisted in the Army and received an undesirable discharge. The robbery charged against Gonzalez occurred last October 15 when Mrs. Gertrude Shulman was held up and robbed of $40 at her restaurant in the 1000 block East Baltimore street.

Arraignments Put Off By Court

Under the orders of Judge Robert France in Criminal Court, court clerks today declined to arraign criminal defendants who had been called in by the State's attorney's office for arraignment.

The judge issued the order because the defendants had not been served in advance with copies of the charges.

Under an act of the 1949 Legislature which became effective last June 1, copies of indictments must be furnished defendants in criminal cases. Until recently, the Baltimore prosecuting office only supplied the copies on request, until Judge France and Judges John T. Tucker and E. Paul Mason, of other sections of Criminal Court, directed that no more arraignments be held until the new law was complied with.

Receipts Ordered

The judges also directed that a system of receipt forms be set up, so that the official papers would contain a record showing that the defendant had a opy of the charges. It was explained that the judge thought prisoners might later raise the point in habeas corpus proceedings unless the official record was established.

Under the system now used by State's Attorney J. Bernard Wells and his staff, copies of indictment are supplied to defendants in jail in advance of their arraignment. Those on bail, who usually are free before the indictments are ever prepared, cannot be readily served with copies, prosecutors contend.

As a result the number of arraignments has been greatly increased by calling all bail defendants in for preliminary arraignments in order to supply them with indictment copies and obtain receipts from them.

Two Steps Necessary

Under Judge France's ruling, two arraignment steps are required in many cases. Where the bail defendants are represented by counsel who waived the "informal" supplying of indictment copies, the arraignments were accepted by Judge France.

Where the defendants had no lawyers, the judge declined to arraign them on the date that they first saw indictment copies and ordered that the State's attorney's office bring the defendants in for arraignments at later dates.

MORN SUN 11/15

ALL INDICTED TO GET COPIES

Arraignment Delayed Until They Get To Read Them

Defendants in criminal cases will not be arraigned until they have had ample opportunity to read the indictment, or unless they have counsel, Judge Robert France ruled yesterday in Criminal Court.

Under a new act of the Legislature, which became effective last June, all persons indicted for an alleged offense must be supplied with a copy of the indictment.

Recently, the judges presiding in the three sections of the Criminal Court advised J. Bernard Wells, State's attorney, that they would not arraign an accused person who had not previously been supplied a copy of the indictment.

Furnished On Request

Mr. Wells disclosed at the time of the judges' announcement that he had been making copies of all indictments, but that he had been furnishing them only on request.

The judges further ordered that a receipt be taken from persons supplied with the copies to avoid possible habeas corpus suits later.

Mr. Wells then adopted a system of supplying copies to accused persons in jail through a policeman assigned to his office. Defendants at liberty on bail were summoned into court for arraignment and supplied with copies at that time.

Arraignment Held Up

Yesterday, Judge France declined to arraign defendants on bail who had been supplied with indictment copies only a few minutes before, on the grounds that they had not had ample time to read the formal charges.

Consequently, two arraignment steps will now be required in many bail cases, one for the serving of copies of indictments on defendants and the other for the actual taking of a plea.

MORN SUN-11/17

Applauds "Guilty" Ministers

TO THE EDITOR OF THE SUN—*Sir:* In spite of the determined efforts of the State's attorney, with the concurrence of the court, to exclude all mention of evidence of racial conflict from the testimony at the trial of the lad convicted of killing Linwood Matthews in Carroll Park, it cropped out sufficiently from the witnesses in their narrations to be obvious to all courtroom observers.

The outline of facts, which had previously been reported in *The Sun* immediately after the slaying, is clear to all who are interested in the truth.

The park police had received instructions to break up interracial play in the parks. This they had been doing. White youths, observing this policy, took it upon themselves to enforce it. They went further. They developed a habit of running colored youths out of the park.

It was not an ordinary gang fight. It was a racial conflict which had directly developed from the fostering of a policy of racial separation by the Park Board. An independent investigation, made by our association among the residents in the immediate neighborhood of Carroll Park, bears out the fact that colored children have been run out of the park and been mistreated over a period of time.

The ministers are to be commended for pointing out the truth, and for announcing to Christian Baltimore that this is contrary to the Christ way of human brotherhood. It is gratifying to churchmen to see our religious leaders speaking out against wrong, regardless whom it may offend.

MRS. LILLIE M. JACKSON,
President Baltimore Branch,
National Association for the Advancement of Colored People.

Baltimore, Nov. 15.

Judge Robert France, after hearing the evidence, said he was convinced that there was no general racial feeling at Carroll Park on the Sunday of the fatal stabbing.—THE EDITOR.

MORN SUN-11/16

Hunger Plea Fails As Father Of 5 Gets 21 Years In Holdups

Convicted of using two 10-cent store toy pistols in a series of holdups that netted him over $400 in cash, Edward H. Chalk, 39, father of five children, yesterday was sentenced to 21 years in the Penitentiary.

Chalk, through his court-appointed defense counsel, E. Milton Altfeld, contended that lack of food and milk for his children impelled him to commit the robberies. He pleaded guilty to the charges.

Alan H. Murrell, assistant State's attorney, told Judge Robert France that the four robberies occurred over a period of less than a month. Victims included two truck drivers, the operator and patrons of a beauty parlor and a husband and wife who were alone in their home.

Had Previous Record

Mr. Murrell revealed that Chalk had a past criminal record, including convictions for burglary and grand larceny. The last conviction, for grand larceny, was in Washington in 1938, the prosecutor stated.

In one of the robberies, Chalk halted a delivery truck operated by John R. Brandau, of the 900 block Armistead way, exhibited the toy gun and forced a helper to the back of the truck. Then the driver was ordered to drive to Howard and Preston streets, where the helper was ordered to bind up Brandau, who then was robbed of about $53.

In another case, Mr. and Mrs. Sylvester Eskridge were seated at their home at 3309 Bloomingdale road when the doorbell rang. Answering the ring, the husband was confronted by Chalk, who was brandishing a revolver.

Locked In Bathroom

The couple were ordered to the bathroom and were locked in that room. Then Chalk stole $12 from Mrs. Eskridge's purse and also took two watches and a piggy bank containing $15, it was testified.

Later, Chalk entered a beauty parlor operated by Miss Ada Leatherbury in the 1300 block South Charles street and announced that his wife was to meet him there and that in the meantime he would read a newspaper.

Chalk held a paper in front of his face for a while, but suddenly jumped up and exhibited what appeared to be a steel revolver. He then ordered Mrs. Eva Stefan, an employé, to give him $60 from a cash register.

Chalk also robbed Mrs. Catherine Gardner, Riviera Beach, of $100 and took $15 from Mrs. Mary Parks.

The final robbery with the use of a toy gun was of Carl G. Bierman, laundry truck driver, of the 3100 block Fait avenue, who felt a hard object pressed into his back when he got into his truck in the 3000 block West North avenue.

Bierman was ordered by Chalk to drive to Paca and Baltimore streets where he was robbed of $115 and several checks. Chalk was traced by police after he cashed one of the checks at a North Charles street cocktail lounge, Mr. Murrell disclosed.

EVE. SUN

November 16, 1949

Use Of City Jail For Ill People Hit By Judge

Use of the City Jail "as a clearing house for ill people" was deplored today by Judge Michael J. Manley and half a dozen witnesses, when Baltimore City Court was called on to release a temporary prisoner who had been sent to the jail because police knew no other place to get him hospital aid.

Hospitals, witnesses told Judge Manley, refused to take anything but emergency cases from the police and often turned back people who turn out to be real emergency cases.

Charles P. Price, City Jail warden, told the judge that he often sought aid from hospitals and found difficulty in transferring ill persons.

"Dying" Man Returned

"We sent a man who was dying down to Baltimore City Hospitals last week and he came back because they had no bed for him down there, so he just died in jail two days later," declared the warden.

Dr. Thomas F. White, jail physician, testified that City Hospitals usually could provide a bed for emergency cases. He said the whole question was what view the hospital admitting officer took of the particular case.

"How often do you have such instances arise?" asked Judge Manley.

"There are innumerable . . .," began Dr. White.

"You mean too many?" interrupted Judge Manley.

"Too many," said the doctor.

Stricken On Way To Work

The Baltimore City Court case before Judge Manley arose because an elderly man named Francis Bracken, of the 800 block North Eutaw street, was stricken with pains in his back and legs last Monday morning on his way to work.

The man stopped at the Northwestern Police Station for aid. A friend on the police force took him before Magistrate Thomas L. Fitzpatrick, because, as the policeman and the magistrate both testified, past experience had shown them that hospitals would not help. A "technical" charge of disorderly conduct was placed, a $10 fine was imposed and Bracken was sent to jail with a notation on his commitment saying: "This man needs a physical and a medical check."

Termed Illegal

At the jail, Bracken got temporary treatment but raised objections to having a jail record. A habeas corpus case was filed, with Warden Price and Foster H. Fanseen, lawyer, who is secretary of the jail board, aiding in presenting the case.

The judge immediately noted that the commitment was illegal, partly because a jail guard had filled out part of it after it was signed by the magistrate. The judge, however, interrogated witnesses about the general picture.

He asked Dr. White where the particular man could have been sent, and was told that he could have "tried" the medical dispensary at any of the hospitals.

"Then, he just went to the wrong place. He should have gone to a hospital instead of to a police station. And in the second place, the magistrate sent him to the wrong place," commented Judge Manley.

While there was a delay in proceedings as the judge called for the appearance of Magistrate Fitzpatrick, Solomon Liss, lawyer, who served four years as Southern district magistrate, was called to the stand by Assistant State's Attorney William J. O'Donnell, when he proffered a suggestion to that official.

Held Not Unusual

Mr. Liss said: "This is not an unusual situation by any means in our police stations. Fully 200 cases like this occurred when I was at the Southern Police Station during the four war years. Hospitals were especially crowded then.

"Many chronically ill persons, with tuberculosis and other things the hospitals do not regard as emergencies, often were held over for as much as two days in the station-house deception rooms while we vainly sought to get them hospital admission, and finally committed them to jail in order to get them some attention, rather than turn them out on the street to die."

Magistrate Fitzpatrick, saying that Mr. Bracken had merely been sent to jail to help him, agreed with Mr. Liss that such commitments are "lesser evil" when there is no other recourse than to put an ill man back on the streets.

Mr. O'Donnell told the court of an instance where a Negro woman, main witness in a murder case, had been in bad shape, mentally as well as physically, and finally had to be held several months under police station detention because police could find no other place for her.

Judge's Conclusion

The officials and witnesses agreed that the general problem "needs meeting and solving," but it was agreed that such was not the function of the court.

"I will say this," said Judge Manley in conclusion, "In any case like this, that is brought to my attention I will have no hesitancy in releasing the man if he wants to be released, and I do not think that the Baltimore City Jail should be a clearing house for people who need medical treatment."

Numerous official reports in recent years have criticized the use of the jail to house and provide treatment for ill or homeless people.

Dr. Manfred S. Guttmacher, psychiatrist and medical adviser to the courts, has urged in several reports that the problem be met in a proper way. Numerous retiring grand juries also have called attention to the situation and urged that the city and State provide necessary facilities.

MORN SUN-11/17

Vetters Is Acquitted Of Accepting Race Bets

James F. Vetters, employe in the city Highways Department for about 26 years, has been acquitted by a Criminal Court jury of accepting race-horse bets in a restaurant and bar in the first block South Charles street.

Vetters admitted he frequently bets on the races, but denied he used the bar to accept bets and transmit them by telephone. Through his counsel, Joseph Rosenthal, he argued that as a bettor he was not in violation of the laws against bookmaking.

Vetters, who is 63 and lives in the 2100 block Sydney avenue, testified that a paper which police described as a "payoff slip" was merely a list of names of persons and amounts he had loaned them at the track when they ran out of funds.

Police told Judge Robert France they had observed Vetters take bets and heard him call them in over a telephone. Vetters contended the telephone calls were social calls that had no relation to betting.

EVE. SUN 11/17

14 Firms Fined $2,400 In GI Housing Cases

Fines totaling $2,400 for buildin code violations in GI housing wer assessed today against fourtee building concerns in Crimin Court as the two-year judicial i vestigation of GI housing neare completion.

Sentencing of twelve other buil ing concerns was postponed sinc the builders had failed to complet adjustments ordered by the judge They were given two weeks to se if the required adjustments cann be completed.

That pattern was set by the thre judges, Herman M. Moser, Robe France and Emory H. Niles, wh had heard the original trials of th housing cases. It was restated in a official pronouncement today in th joint court.

Costs Assessed

Court costs also were assesse against the builders and are ex pected to total hundreds of dollars Calculations have not yet been com pleted by court clerks, who testi mated costs in some instances would exceed $400. Fines in in dividual cases range from a low of $40 to $445.

The hearing was marked by one instance of householder dissatis faction. Solomon Liss, attorney rep resenting fifteen purchasers of homes from the United States Con struction Corporation, said that an agreement of settlement had been reached fourteen months ago with counsel for the builder, involving a payment of $500 to each of the home owners. However, the agreement "had not been honored," the lawyer told the court. That concern's cases were among those postponed.

Individuals Commended

Judge Moser, who placed the GI probe in the hands of the grand jury nearly two years ago, after a series of newspaper articles concerning veterans' housing and complaints of owners, made the main announcement for the joint court, prior to the disposition of the cases.

The judges highly commended Deputy State's Attorney William H. Maynard, the prosecutor, City Solicitor Thomas N. Biddison and Anthony Purcell, F. Clifford Hane, W. Randolph Tucker and Marshall A. Levin, who had helped Biddison prepare the cases for presecution, and also priased the work of city buildings inspection engineer, Paul A. Cohen, for his co-operation in obtaining adjustments.

The court pointed out that it had particularly sought adjustments to arrange the following:

"First, that all building code violations that could be corrected would be corrected; second, that those building code violations which could not be corrected would not affect the safety of the homes or create a neighborhood hazard; third, [illegible] any difference in costs as a [illegible] of uncorrectable violations would be paid by the builders to the homeowners and fourth, that no home owner at any future time could be prosecuted as a result of code violations existing in the construction of their houses."

Code Criticized

The judge announced that Biddison's staff and the prosecuting office had received and investigated more than 1,000 complaints, with the final result that 245 indictments entered charges against 37 corporations and 107 persons. The judges also pointed out that the building code cases were the only thing before it, and did not deal with housing defects of the Office of the Housing Expediter.

The judges also said:

"We believe these investigations indicate two things.

"First, the present building code, a massive document of 1,959 pages, although an improvement on what went before, has many inconsistencies. In attempting to cover the building of everything from toolsheds to skyscrapers, it falls of its own detailed minuteness.

"A code setting forth, in general language, accepted definitions of strength and safety (a code of performance rather than specifications) might prove to be a more workable document and perhaps to tend to lower building costs.

One Case Dismissed

"Second, to load a building inspector wi'n too many building permits is worse than having no inspection at all, as it gives the guise of legality and correctness without in truth affecting it one whit.

"The Court is further of the opinion that this investigation has had the effect of educating the honest, competent builders, who are the great majority in the community. As a result of that education, the general public is getting better values for their property dollars, and with the present system of long-term mortgages, our building associations and investors are receiving better protection."

Deputy State's Attorney Maynard concluded the day's hearing by dropping the one remaining untried case, against the Mullan Contracting Company and five individuals connected with it.

In entering a nolle prosequi to dismiss the cases, brought as a result of alleged defects in eight houses in the 1300 block West Thirty-seventh street, it was explained that defects had been very minor or technical and had been corrected.

$5 Per Violation

The heaviest penalty went against [illegible] company that is in receivership, chiefly because a greater number of houses were involved and a greater number of violations were specified. An attorney representing the receivership pleaded that any fine "would really be a penalty against the creditors," but Judge France, who handled that case, said the standard penalty of $5 for each violation of a Building Code provision must be assessed.

The company involved was the National Home Building Company. A total of $445 in fines, plus court costs, was assessed. The company had constructed houses on Kossuth street, Culver street, Mount Olivet lane and Phelps lane.

Other fines imposed were:

O'Donnell Building Corporation, $360 and costs for defects in eight houses in the 6400 block O'Donnell street.

Laurel Realty Company, $245 and costs for violations in eight houses on Laurel avenue, Cylburn avenue and Sunset road.

Garden Homes Company, fined $240 and costs for violations in six houses in the 2200 block Montebello road.

[illegible]tern Home Builders Company, [illegible]ship, fined $175 and costs. [illegible] that case returned not[illegible]cts against three of the [illegible] defects in seven houses on Primrose avenue.

Woodhaven Investment Corporation, fined $225 and costs for defects in eleven houses in the 4100 blocks of Woodhaven avenue and Fairfax road.

Other Fines Listed

Cherry Hill Village, Inc., fined $150 and costs for defects in ten houses on Seagull avenue, Ascension street, Swale road, Roundview road, Bridgeview road and Cherry Hill road.

Stullman Building Company, Inc., fined $120 and costs for defects in six houses in the 400 block Random road.

Poe Construction Company, fined $90 and costs for defects in six houses in the 4900 block Poe avenue.

Kenhill Construction Company fined $90 and costs for defects in six houses on North Kenhill avenue, North Linwood avenue and North Potomac street.

Pem Construction Company, Inc. fined $90 and costs for defects in eight houses on Price avenue and Rogers avenue.

Clover Realty Inc. fined $80 and costs for defects in four houses in the 5500 block Highgate drive.

Roland Construction Corporation, fined $50 and costs for defects in five houses on Falls road and Roland Heights avenue.

Applies To All

Fairfax Investment Corporation fined $40 and costs for defects in two houses in the 4100 block Fairfax road.

While there was no public discussion of the fact in court, the judges have required building code corrections and financial settlements of matters that could not be corrected be applied to all houses in each development, not merely the houses named in the test indictments.

Appeals Court Upholds Tennis Case Guilt

Annapolis, Nov. 17 (AP)—Maryland's highest court today upheld the convictions of seven participants in an interracial tennis tournament at Baltimore.

The Court of Appeals affirmed fines handed down in Baltimore Criminal Court on charges of conspiracy to disturb the public peace.

Attorney Harold Buchman, Maryland director of the Progressive party, and Stanley L. Askin, director of the Young Progressives of Maryland, were among the group of seven who were fined and given suspended jail terms.

Tests Racial Policy

They were accused of staging tennis matches among Negroes and whites on July 11, 1948, at Druid Hill Park to test the Baltimore Park Board's policy of segregation on public tennis courts.

Park police arrested 22 players and spectators. All the Negroes and all but seven of the whites were later acquitted.

The State said the interracial tennis games could have ignited "a full-scale race riot."

The court split 5-1 in the decision. Judge Charles Markell dissented.

The majority declined to pass on the constitutionality of the Park Board's segregation policy.

Even if it weer illegal, Chief Judge Ogle Marbury wrote for the majority, the seven convictions in this case must stand. At issue was simply the question whether the seven men had conspired to disturb public peace, he said.

The Appellate Court is powerless to review the evidence, "whether or not their convictions were justified," Judge Marbury wrote. Attorney General Hall Hammond had made the same point when the appeal was argued last month.

The majority asserted the record shows the lower court "acted in good faith and in the exercise of an honest judgment, even if we were disposed to disagree with their conclusion."

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Louis Azrael Says:

WHAT WAS HIS CRIME? ONLY THAT HE IS ILL

—By LOUIS AZRAEL—

I didn't go to the dog hearing yesterday. Something else was happening in town which, it seemed to me, also justified some attention from persons who are interested in helpless creatures.

It was a case in Judge Michael Manley's court. An elderly man had filed a petition asking to be released from jail. He said he was sent their illegally. Jail officials agreed with him.

Here is the story that came out in testimony . . .

SUDDEN PAINS

Monday of last week, Francis Bracken started to walk from his lodging room in the 800 block Eutaw place to the Belvedere hotel, where he worked as a handyman.

Suddenly, he was seized with terrible pains in his back. He rested a while and started on again. The pains became worse. He knew he couldn't make it to the hotel.

Bracken lives alone. His best course, he decided, was to struggle several blocks to the Northwestern Police Station and ask his friend, Patrolman Gavin, to get him to a hospital.

A PHONY CHARGE

At the station, Gavin was sympathetic, but he didn't know what to do. So he took Bracken before Magistrate Thomas L. Fitzpatrick.

On the witness stand yesterday, Magistrate Fitzpatrick said he had faced similar problems before and he knew there was little or no chance that a hospital would take the man. The hospitals always say they are overcrowded. They take only emergency cases and unless a man is unconscious or bleeding badly, or something like that, it isn't considered an emergency.

"I did the only thing I could to help the man," Fitzpatrick testified.

He charged Bracken with disorderly conduct or with disturbing the peace. (The testimony on this point wasn't very clear) and fined him $11.45.

He knew, of course, that the man wouldn't pay. The object was to get Bracken to jail, where there is a hospital for prisoners. The magistrate wrote on the commitment paper:

"Sent for medical attention."

HE WANTED OUT

Bracken, who had never before been arrested, says that until the police patrol brought him to jail he thought he was being taken to City Hospital.

There was other testimony that the real situation was thoroughly explained to him at the station.

In view of his physical condition at the time, both stories may be true.

At any rate, the jail doctor examined the man, strapped his back and gave him other treatment and sent him to a cell.

Bracken insisted he hadn't committed a crime and wanted to go to City Hospital, or at least wanted to get out of jail. Authorities, however, had no power to release him because, technically, he was a convicted criminal who had to serve his time.

They were so aroused by the case, however, that they advised Bracken to seek release through the courts. A member of the Jail Board, Foster Fanseen, acted as his lawyer at yesterday's hearing.

HUNDREDS OF THEM

It happened that one spectator at the trial was Solomon Liss, who was a police magistrate in Baltimore for four years. He took the witness stand and said:

"There's nothing unusual about this case.

"In the time I was magistrate I guess I sent to jail more than 200 men who hadn't committed any crime."

He did it, he said—and other magistrates do it all the time—because sick people and helplessly old people are brought in and there are only two possible alternatives:

1. Trump up a fake criminal charge and send them to jail, where they can get medical attention, or . . .

2. Send them out to drop on a street.

Getting hospital beds for them, said Liss, is usually impossible.

IS IT BETTER NOW?

Judge Manley asked Liss, and he asked Magistrate Fitzpatrick, if they think it is right to convict innocent people of crime and send them to jail.

Both said they don't. But they said it is kinder, more humanitarian than it would be to turn them out.

Judge Manley said the case presents a serious social problem, but not for him. His problem, as a judge, was to decide if Francis Bracken was sent to jail illegally—and there's no question about that.

He ordered the man released at once.

ISSUES WARNING

He also issued a public warning to police magistrates: He will release every prisoner who comes before him in a similar situation.

Of course, he added, few of the victims file petitions. Most of them serve their jail terms in silence.

As a result of Judge Manley's warning, magistrates probably will obey the law. They will steel their hearts against the pleas of helpless ones. They will not convict the men on phony charges.

The men will then be able—in this city which gets so worked up about the fate of homeless dogs—to die on the streets.

14 Building Firms Fined $2,400 Here

Fourteen house-building concerns today were fined $2,400 and costs as the Criminal Court began disposing of cases involving 37 concerns in a series of building code-violation indictments.

In assessing the fines, the court set a standard of $5 for each count in each indictment.

The sentences were pronounced in turn by Judges Herman Moser, Robert France and Emory H. Niles, Judge Moser making the general announcement and declaring that:

1. There had been 1,000 complaints, resulting in 245 indictments involving 107 individuals and 37 corporations.

VIOLATIONS CORRECTED

2. That he had been advised that all possible violations had been corrected, and that those not correctable did not endanger the safety of the occupants of the homes involved.

3. That no home owner involved could now be prosecuted for a building violation still existent in his home.

4. That, wherever differences obtained in home costs because of violation of building codes, these differences had been paid by the builders to the home owners.

He praised City Solicitor Thomas N. Biddison for his handling of the investigation, and sharply criticized the city building code, calling it a "maze of documents covering 1,959 pages," and said inspectors [illegible]aded with this and given [illegible]ny inspections were worse [illegible] no inspectors at all."

The sentencing then began as follows, with Judge Moser's cases coming first:

Garden Homes Company, 48 violations, $240 fine (involving homes in the 2200 block Montebello road).

Grover Realty Company, 16 violations, $80 fine (homes in 5200 block Highgate drive).

Woodhaven Investment Corporation, 45 violations, $225 fine (4100 block Woodhaven avenue).

Fairfax Investment Comporation, 8 violations, $40 fine (4100 block Fairfax road).

Eastern Homes Building Company, 35 violations, $175 fine (Philip Bank, one of four war veterans in this firm, volunteered to take the responsibility. Homes were in the 3900 block Primrose avenue).

O'Donnell Building Corp., 72 violations, $360 fine (6400 block O'Donnell street).

Judge France's cases:

Stulman Building Co., Inc., 24 violations, $90 fine (homes in 400 block Random road).

Poe Construction Co., 18 violations, $90 fine (4900 block Poe avenue).

14 VIOLATIONS

Pem Construction Co., Inc., 14 violations, $70 fine (5400 block Price avenue, 3900 block and 4000 block Rogers avenue).

Kenhill Construction Co., 24 violations, $120 fine (1500 block North Kenhill avenue, 1300 block North Potomac street).

Cherry Hill Village, Inc., 30 violations, $150 fine (500 block Seagull avenue, 3000 block Ascension street, 400 block Swayle avenue, 400 block Roundhill road, 500 block Bridgeview avenue and 500 block Cherry Hill street).

Laurel Realty Company, 49 violations, $245 fine (5100 block Laurel avenue, 2600 block Cylburn avenue, 5000 block Somerset road).

Roland Construction Company, 10 violations, $50 fine (4200 block Falls road, 1100 block Roland Heights avenue).

National Home Building Company, 85 violations, -445 fine (first block North Kossuth street, 3100 block Phelps lane, 100 block Mount Olivet lane).

Judge Niles' single case was postponed.

MORN SUN 11/18

14 BUILDERS FINED IN CODE VIOLATIONS

2-Year Probe And Trial Concerned Erection Of Veterans' Housing

Fines totaling $2,400 and costs exceeding that figure were imposed in Criminal Court yesterday on fourteen building concerns convicted of violating the city building code in the construction of veterans' housing.

The fines were levied by Judges Herman M. Moser, Robert France and Emory H. Niles, who heard the cases over a period of nearly two years. The firms were fined $5 for each violation.

The amount of the fines on individual builders ranged from $40 to $445. Costs ranged between $250 and $600, according to James A. Cole, deputy Criminal Court clerk.

Some Are Postponed

Twelve other builders were scheduled for sentence yesterday on similar violations, but most of those cases were postponed for two weeks after it was asserted that financial adjustments with the purchasers had not been completed. Two cases were postponed because of the absence of defense counsel.

The sentencing had been delayed for several months in order to give the builders time to correct defects or make financial adjustments for other defects which could not be corrected.

William H. Maynard, deputy State's attorney, who prosecuted the cases, dropped similar charges against another builder, the Mullan Contracting Company, after informing the court that no violations of the code exist. Mullan built homes in the 1300 block West Thirty-seventh street.

Handle 1,000 Complaints

At the outset of the proceedings yesterday, Judge Moser publicly commended city officers who sifted over 1,000 complaints that resulted in indictments against 37 corporations. It was Judge Moser who initiated the G.I. housing probe by calling for a special grand-jury investigation.

The judge said the court, in the prosecutions, had in mind the correction of all code violations where possible, making sure that violations which could not be corrected would not affect safety of the homes; cash settlements with the purchasers for violations which could not be remedied, and the protection of the purchaser against possible prosecution in the future for code violations existing at the time of sale.

Judge Moser said reports submitted by Paul A. Cohen, building inspection engineer, show that all of the desires of the court were carried out.

Notes Inconsistencies

The judge noted that the present Building Code is a massive document which contains many inconsistencies because of its own detailed minuteness in attempting to cover everything from tool sheds to skyscrapers.

He suggested that a code phrased in general language and setting forth accepted definitions of strength and safety might prove to be more workable.

Finally, the judge concluded that the housing probe has had the effect of "educating the honest, competent builders" with the result that the general public are getting better values for their property dollar.

All Houses Listed

The court pointed out that the accused builders were required to take care of violations in all houses and not just those used as the basis of criminal prosecution.

The firms fined yesterday, the amount of the fines and the violations charged are:

GARDEN HOMES COMPANY, builder of homes in the 2200 block Montecello road, $240. Excessive stress on second floor joists, inadequate sub-flooring, lack of end joist anchors, no stairway to flat roof, insufficient firestopping and firewalls, lack of pargeting on cinder block walls, insufficient fire-resisting rating on firewalls.

CLOVER REALTY, INC., builder of homes in the 5500 block Highgate Drive, $80. Firewalls with insufficient fire-resistive rating, no end joist anchors, no parallel wall anchors, no firestopping on top of cellar walls.

O'DONNELL BUILDING CORPORATION, builder of homes in the 6400 block O'Donnell street, $360. Less than four-inch clearance of wood beams in party wall, built-in chimneys made of cinder block, lack of bridging between joists, no twelve-inch parapet over asphalt shingle roof, lack of firestopping around pipes and chimney, inadequate subflooring, firewalls with insufficient fire-resistive rating, no pargeting on cinder block walls.

WOODHAVEN INVESTMENT CORPORATION, which built homes in the 4100 block Woodhaven avenue and the 4100 block Fairfax road, $225. No firestopping between beams rising on firewalls, no bridging between certain joists, no parallel wall anchors, cinder block firewalls with insufficient fire-resistive rating, basement toilets and baths with less than 7 feet clear height.

FAIRFAX INVESTMENT CORPORATION, builder of houses in the 4100 block Fairfax road, $40. Lack of firestopping on top of cellar walls, lack of briding over certain joists, no parellel joist anchors, insufficient fire-resistive rating in firewalls.

EASTERN HOME BUILDERS AND PHILIP BANK, builders of homes in the 3900 and 4000 blocks of Primrose avenue, $175. Violations of plans and drawings, no metal straps where joists rest in metal girders, wood joists inadequately spaced, built-up beams not bolted together, no firestopping around chimneys.

ROLAND CONSTRUCTION CORPORATION, builder of GI houses in the 4200 block Falls road and the 1100 block Roland Heights avenue, $50. No parallel wall anchors and less than 4-inch clearance in party walls.

STULMAN BUILDING COMPANY, builder of houses in the 400 block Random road, $120. Inadequate built-in chimneys, lack of certain bridging, no firestopping around soil pipe, inadequate scuttles.

THE POE CONSTRUCTION COMPANY, builder of homes in the 4900 block Poe avenue, $90. Inadequate firewalls, lack of certain firestopping, no bridging between joists resting on steel beams.

CHERRY HILL VILLAGE, INC., builder of homes in the 500 block Seagull avenue, the 3000 block Ascension street, the 400 block Swale road, the 400 block Roundview road, the 500 block Bridgeview road and the 500 block Cherry Hill road, $150. Violations of plans and drawings, no 12-inch parapet over roofs and less than 4-inch clearance in firewalls.

KENHILL CONSTRUCTION COMPANY, builder of homes in the 1500 block North Kenhill avenue, the 1400 and 1500 blocks North Linwood avenue and the 1400 and 1500 blocks North Potomac street, $90. No end wall anchors, no parallel wall anchors, no 12-inch parapet over roofs.

PEM CONSTRUCTION COMPANY, builder of homes in the 5400 block Price avenue and the 3900 and 4000 blocks of Rogers avenue, $90. No end wall anchors, no parallel wall anchors, inadequate clearance between party walls, no 12-inch parapet over roofs.

LAUREL REALTY COMPANY, builder of houses in the 5100 block Laurel avenue, the 2600 block Cylburn avenue and the 5000 block Sunset road, $245. Laminated wooden compression members not tied together with cover plates, built-up beams not bolted together, chimneys built of cinder blocks, no bridging between certain joists, no handrails for cellar steps, inadequate clearance between party walls, insufficient fire-resistive rating in party walls.

NATIONAL HOME BUILDING COMPANY, builder of homes in the first and 100 blocks of North Kossuth street, $445. No bridging between certain joists, improper firestopping around pipes, no pargeting on cinder-block firewalls, inadequate clearance between firewalls, no firestopping at ends of first-floor joists, no firestopping around chimneys, insufficient fire-resistive rating in firewalls.

Counsel for many of the twelve other firms not sentenced yesterday announced they were not aware that a financial settlement had been ordered, and assured the court that the settlements would be taken care of promptly.

The settlement amounts ordered paid were small, ranging from $1.20 to about $40 a purchaser. Mr. Maynard said the amounts were arrived at by determining what would have been the cost of the work if it had been done when the houses were built.

Interracial Case Appeals Denied

Annapolis, Nov. 17 (AP)—The Maryland Court of Appeals today upheld criminal convictions growing out of an inter-racial tennis match in Baltimore.

Seven sponsors lost their appeal from suspended jail sentences and fines on charges of conspiracy to disturb the peace.

Attorney Harold Buchman, Maryland director of the Progressive party, and Stanley L. Askin, director of the young Progressives of Maryland, were among those convicted.

Cites Lack Of Power

"Whether or not their convictions were justified," the State's highest court is powerless to review the evidence, it ruled.

Three sets of doubles among Negroes and whites were arranged last year at Druid Hill Park to test the Baltimore Park Board's policy of segregation on public courts.

Park police broke up the contest, arresting 22 players and spectators on charges of violating the segregation rule. Later because of "disorder and name calling," the charges were changed to disturbing the peace.

All the Negroes involved were acquitted. Seven of the whites were convicted by Judge Herman M. Moser after trial in Baltimore Criminal Court.

Judge Moser and other judges of the Baltimore Supreme Bench who reviewed the evidence "acted in good faith and in the exercise of an honest judgment, even if we were disposed to disagree with their conclusion," the Appeals Court said.

Chief Judge Ogle Marbury wrote the majority opinion for himself and four other judges.

EVE. SUN-11/18

2 Slot Machine Smashers Banned From Taverns

Two men, who admitted breaking up a $400 slot machine, because, they said, the owner would not make a $29 payoff, today were fined $150 each and granted clemency under three-month suspended sentences on terms designed to make the punishment fit the crime.

Judge E. Paul Mason, in Criminal Court, set as terms of probation that neither of the men should go into any tavern for a year. The slot machine they broke up was located in a tavern at 2228 Washington boulevard, which they said they often had patronized.

The wrecking of the machine, called a "console" but described as the modern-day electrically operated version of the old-time one-arm bandits, occurred on the morning of October 29.

Defendants Are Brothers

The defendants, William Malinowski, 24, and his brother Joseph, 22, said they kicked the machine apart.

The previous evening, William had "hit" the machine for $29 and had been paid off by the tavern proprietor, Samuel Wormser, according to testimony by William and another witness, Charles Wellington, 23.

Wellington and the defendants said a tavern bartender had paid off a $4 "hit" the night before that.

The Malinowskis, who live in the 2000 block Griffiss avenue, said that they had played five nickels to get a "five times multiple," and had "hit three bar bells," meaning a $29 win, when the dispute about payment arose.

They said they had already played back most of their winnings of the night before.

Questioned By Judge

Mr. Wormser took the witness stand to deny the story of previous payoffs. Judge Mason questioned him at length concerning the reasons people . . . play the machine, and Wormser said it was just to "watch the wheels go around."

"But it is a fact, I guess, that people bet privately between themselves on the game?" asked the judge.

"Oh, no," replied Wormser, "there is no payoff and not even any betting."

"Things are getting better than I thought," commented Judge Mason drily.

Eugene Hettleman, defense attorney, asked that his clients be given the opportunity to make restitution for the damage under suspended jail terms. Judge Mason said he was leaving the matter of restitution open.

Housing Fines

With the fining yesterday of fourteen builders convicted of violating the city building code in the construction of veterans' housing, the two-year probe and legal proceedings on this matter approach an end. Twelve other builders are scheduled for sentencing in two weeks. That should end action on charges brought to date. More important, it should put an end to this sort of thing for some time to come. It has been a long, drawn-out process, but a useful one.

Considering the nature of the violations, it might seem that the fines and costs imposed are not large. But it should be noted that in each instance builders convicted of violations have made restitution, either by way of cash settlement or through construction changes to make the buildings conform to the code. The important thing about the fines is not the amount but the fact that they serve notice that city officials and the courts are not disposed to gloss over this sort of thing now or in the future.

Responsibility for seeing that construction conforms to the code devolves principally on the building construction engineer, Mr. Paul A. Cohen, who was commended by Judge Moser for the part he played in sifting the complaints which led to the indictments. His work would be easier and the chances of future violations would be lessened if Judge Moser's suggestions relative to simplifying the building code were to be put into effect. But the main thing is for Mr. Cohen to keep his men on their toes.

MORN SUN-11/19/4

2 Slot-Machine Smashers Barred

Judge E. Paul Mason in Criminal Court yesterday tried to make sure that two brothers won't smash any more slot machines—at least, for a year.

He barred them from taverns for one year under penalty of a three-month prison sentence. Each was fined $150.

The slot-machine smashing was admitted by William Malinowski, 24, and Joseph Malinowski, 22, both of the 2000 block Griffiss avenue, but the defendants contended they kicked the machine apart because the owner failed to pay off on a $29 "hit."

Samuel Wormser, tavern keeper in the 2200 block Washington boulevard and owner of the slot machine, denied he had ever paid off on the machine and contended it was in his establishment only for the pleasure of patrons.

The defendants contended they had "hit" on the two prior days and a bartender had paid off, one time $29, and the other time $4.

Judge Mason questioned Womser at length on the reasons why persons play the machine—described as an electrical version of the one-armed bandit." The tavern-keeper said he did not pay off on the machine and did not even permit private betting.

"Things are getting better than I thought," Judge Mason commented.

High Court Test In Tennis Case Being Sought

Convictions in the interracial tennis meeting a year and a half ago in Druid Hill Park, will be taken before the United States Supreme Court in an effort to raise a direct question on racial-segregation rules, it was announced today.

The majority of the Maryland Court of Appeals, which upheld the convictions on a charge of conspiracy to commit disorder by a 5-to-1 decision, declined to pass on the claims of defendants that the Park Board's segregation rules are illegal and unconstitutional.

I. Duke Avnet, one of counsel for the seven convicted defendants, who included officials in the Progressive party, announced the appeal. As soon as the mandate of Maryland's high court is filed, he said, the defendants will promptly move for a stay of judgment pending appeal and also will file a petition for a writ of certiorari before the United States Supreme Court.

"We feel that the prosecution of this case was a sham and a masquerade to impose segregation on the people of Baltimore whether they want it or not," Mr. Avnet said.

Some Acquitted

He added that the appeal would be designed to try to raise the segregation issue directly before the Supreme Court.

The seven defendants, all white, were convicted at a group trial in Criminal Court where a dozen or more others, some white and some Negroes, were acquitted on the ground that they were not proved parties to a conspiracy.

Fines and suspended jail sentences were imposed by Judge Herman M. Moser. The case was prosecuted by Assistant State's Attorney Alan H. Murrell.

Among the seven fined were Harold Buchman, Baltimore attorney and Maryland director of the Progressive party, and Stanley L. Askin, director of the Young Progressives of Maryland.

MORN SUN-11/19

WOMAN IS ACCUSED OF $11,290.55 THEFT

Bookkeeper At Butler Brothers Held In $10,000 Bail

A 40-year-old woman bookkeeper yesterday was held pending grand-jury action on charges of embezzling $11,290.55 from the Butler Brothers Employment Credit Union.

Identified as Mrs. Armonia J. S. Davidson, of the 1500 block West Mount Royal avenue, she was ordered held in $10,000 bail by Magistrate Julius A. Romano in Western Police Court.

She pleaded not guilty to the charge which accuses her of taking the money during 1948 and through October of this year.

Said To Admit Shortage

Lieut. Leo Vogelsang introduced a statement in which he said Mrs. Davidson admitted a shortage in her account.

According to the lieutenant, employés of the company were supposed to make their deposits each Wednesday.

However, frequently employés would neglect to pay their money until later. Lieutenant Vogelsang testified that Mrs. Davidson said she "never deposited in the bank" the money turned in on days other than Wednesday.

Discovered By Bank Examiner

Christopher J. Frank, a State bank examiner, testified that he discovered and totaled the shortage.

Mr. Frank said he asked Mrs. Davidson three times to examine her books "and each time she stalled me off." He finally insisted, on the fourth time, he said, and then discovered that no entries had been made since April, 1948.

Although Mrs. Davidson did not testify, her attorney, Robert L. Weinberg, contended that the shortage was not as great as alleged.

EVE SUN 11/21/49

Adams Numbers Case To Go To Grand Jury

State's Attorney J. Bernard Wells today called upon police to submit to the grand jury all evidence involving Saturday's numbers and lottery raid, so that the inquest may determine whether additional charges should be brought.

Fifteen defendants already have been held for grand-jury action at a magistrate's hearing, but the charges originally placed against three others, including William Adams, Negro tavern owner known as "Little Willie," had been dismissed.

Mr. Wells, in revealing that he called on police to produce evidence before the grand jury tomorrow, stated that the Police Department had not yet requested him officially to consider whether "special cases" should be sought against persons not held by Magistrate Thomas L. Fitzpatrick.

Clerk Gets Records

Police Captain Alexander L. Emerson, vice-squad commander who led Saturday's raid in the 2000 block West North avenue, had stated that he would recommend charges against Adams and others who were dismissed at the preliminary hearing, but the formal request had not yet come through channels.

Meanwhile, the clerk of the Criminal Court today received official records in the charges against the fifteen persons already accused in connection with the raid. Evidence to support the charges for grand jury presentment and indictment is scheduled for submission tomorrow.

Mr. Wells declined to state names of any persons whose indictment will be sought. He stated that he merely plans to submit all available evidence, so that the grand jurors may decide who shall be prosecuted.

Others Are Listed

Magistrate Fitzpatrick had dismissed charges against Thomas Wilson, 34, and Mrs. Pearl Benton, 34, both of the 2000 block West North avenue, in addition to dismissing Adams.

The fifteen persons already held for grand jury action are Morris Fox, 39; John Roush, 33; Frank Reddish, 33; Henry Baker, 29; Joseph Quill, 35; Rudolph Fortune, 47; John Payne, 30; Carlos Hutchins, 30; Charles Dotson, 38; Clyde Martin, 38; Nolan Clark, 33; Henry Taylor, 29; Howard Anderson, 26; Mrs. Louise Taylor, 27, and Mrs. Edmonia Wilson, 36. All the defendants now held are colored except Fox.

Adams was found not guilty by the magistrate on grounds of illegal arrest.

Short Struggle Reported

According to testimony, Mr. Adams was taken into custody as he approached the front of the raided premises while the police were inside.

The arresting officer, Patrolman Hubert Hogan, detained Adams after a short struggle.

A subsequent search of Adams, police said, disclosed that he was carrying $2,000 in $50 and $100 bills.

Eleven years ago, Adams's Druid Hill avenue tavern was bombed. Months after a man was arrested and charged with the offense, the cases were dropped before they reached court because of insufficient evidence.

47 Tapes, He Testifies

During yesterday's hearing Captain Emerson testified that he seized 24,372 betting slips and 47 numbers tapes, with 267,758 numbers representing wagers amounting to $43,201.37.

The hearing of the 102 charges placed on the docket against Adams and the other defendants took 2½ hours.

2 Given Year On Narcotic Charges

Commenting that both men "seem to be serving life sentences by installment," Judge Robert France today ordered two out-of-town narcotic law offenders to the House of Correction for one year each.

The men were Raymond Gray, 47, of Bridgeport, Pa., who has been in and out of institutions since 1932, and John E. Smith, 39, of Buffalo, N.Y., whose long police record dates from 1934.

The men were arrested October 29 at a Howard street hotel by Detective Lieutenant Harry Walsh and Sergt. James Butler, Negro detective, who were investigating a jewelry-sales racket.

Narcotic needles and improvised syringes found in the men's possession brought about the narcotics charges.

Man Gets 3 Years On Bad Check Charge

Passing of eight checks in Baltimore in 1947 and 1949 today brought a sentence of three years in the House of Correction to Hope B. Hand, 53, of Ashland, Va. Hand is now wanted in three other states.

The checks passed in Baltimore, mostly given to filling-station proprietors, totaled a little more than $150. Judge Robert France pronounced sentence in Criminal Court.

Charles E. Orth, Jr., prosecuted. Detective Lieutenant Millard B. Horton told the court that Hand had a record dating from 1920 for check violations.

MORN SUN 11/22

MUSICIAN, GIRL GIVEN 3 YEARS

Sentenced For Attempted Hold Up Of Man In Hotel

A young music student and his 18-year-old girl companion yesterday were sentenced to three years' imprisonment each for attempting to rob a man in his downtown hotel room last October 20.

Adrian W. Bullam, 26, of the 1200 block West North avenue, ex-service man and Louisiana Conservatory student, was sentenced to three years in the House of Correction.

Miss Carol Fisher, of the 400 block North Charles street, was sentenced to not more than three years in the Women's Prison. Judge Robert France imposed the sentences in Criminal Court.

Girl Supplied Gun

They were convicted recently of attempting to rob, at gun point, Jerry Dunn., 49, described by the defendants as a bookmaker with whom Miss Fisher arranged a date.

Judge France said an investigation indicated that Miss Fisher was the instigator of the purported robbery and supplied the gun which Bullam pointed at the victim.

A probation report disclosed that Miss Fisher's father was a member of the famous New York Hines gang, and that he disappeared in Kansas City, Mo., after he had moved there to avoid being called as a witness against certain members of the gang accused of a crime.

Bullam formerly lived in Baltimore, but after his discharge from military service, he attended a music conservatory in New Orleans, and needed only about eighteen last April in New Orleans, according to Saul Harris and Anselm Sodaro, prosecutors.

2 Serving Terms, 'In Installments'

Going through prison on the installment plan, Raymond Gray and John E. Smith both were sentenced to another year apiece yesterday for illegal possession of narcotics equipment.

Charles E. Orth, Jr., prosecutor, said the men were arrested in a North Howard street hotel by police investigating reported sales of bogus diamonds. Police, Orth disclosed, found a hypodermic needle and a syringe in their possession.

Gray, who is 47 and comes from Bridgeport, Pa., has a criminal record that dates back to 1932. Smith, 37 year-old native of Buffalo, has spent most of his life since 1934 in prison.

Judge Robert France, who passed sentence, commented that both men were "serving life terms by installments."

EVE. SUN 11/22

Mayor Urges Early Trial Of Builders

Mayor D'Alesandro moved today to get more expeditious action on cases before the State's Attorney involving alleged irregularities in bills of contractors for work done for the city on the cost-plus basis.

Stating that it is in the public interest to get the cases disposed of as quickly as possible, the Mayor, in a letter to State's Attorney J. Bernard Wells, asked for information on the status of the cases.

"As you know," the Mayor continued, "the moment reports of such alleged irregularities were brought to my attention, I immediately turned the matter over to your office.

"All Posisble Expediency"

"It seems to me that the best interests of the people will be served by bringing these cases to trial with all possible expediency, taking into consideration the thorough preparation of the cases.

"I am sure that you share with me the desire that these cases be fully aired and disposed of by the courts without unnecessary delay.

"You may count on this administration to co-operate in any way possible in the proper disposal of these cases."

Discovered By Auditor

City Auditor Howard C. Beck, Jr., first reported the alleged irregularities to the Mayor about a year ago and within an hour Mr. D'Alesandro had sent the Beck report to Mr. Wells.

Then followed further investigation by Mr. Beck to provide the State's Attorney staff with complete detail for the preparation of cases.

At the request of Mr. Wells a city engineer, George E. Finck, was assigned by the Board of Estimates last summer to aid in preparing the technical details of the cases. Some weeks ago Mr. Beck said he had finished the compilation of data for the cases and had turned over all the information produced to Mr. Wells.

Contractors Barred

The City Auditor is furnishing data to aid Mr. Finck's technical investigations. All contractors involved in the allegations are barred from cost plus work for the city until the matter is disposed of.

Three contractors have been brought to trial. In the case of one juries disagreed in two trials. The other two cases resulted in mistrials.

Action by the city to recover money improperly charged for the cost plus work is to be deferred until all the criminal prosecutions are disposed of.

EVE. SUN 11/22

Police Place 80 Numbers Charges

Eighty lottery charges for alleged numbers racket activities today were docketed in Criminal Court against defendants arrested Saturday in a West North avenue raid.

Fifteen defendants who were held for grand jury action by Magistrate Thomas L. Fitzpatrick face the total of 80 charges. They consist of 14 colored persons and one white man, Morris Fox, 39, of the 2700 block Cylburn avenue.

Police Captain Alexander L. Emerson, who led the raid, submitted evidence on the cases before the grand jury today.

He had been instructed by State's Attorney J. Bernard Wells to present all evidence involving the raid. This included the police contentions that Magistrate Fitzpatrick should have held charges against William Adams, Negro tavernkeeper known as "Little Willie," and against two others, Thomas Wilson, 34, and Mrs. Pearl Benton, 34.

Jury Takes No Action

The grand jury today took no action concerning those three individuals. It later will consider the case again when indictments have been prepared against the fifteen defendants who were presented.

Fox and twelve other defendants face six lottery charges each. Two of the defendants face only one case each.

MORN SUN - 11/23

CONTRACTORS' TRIALS DELAY IS EXPLAINED

Due To Conditions He Couldn't Control, Wells Answers Mayor

Replying to Mayor D'Alesandro's request for prompt trials of cost-plus contractors accused of overcharging the city for labor, J. Bernard Wells, State's attorney, last night declared that delays in the trials "have been brought about by circumstances beyond our control."

In a letter to Mr. Wells, the Mayor declared that the "best interests of the people would be served by bringing these cases to trial with all possible expediency" and pointed out that the city was prepared to co-operate in disposing of the cases quickly.

In his reply, Mr. Wells said:

"I beg to acknowledge your communication of the twenty-first, inquiring as to the status of the cases in this office involving alleged irregularities in the cost-plus work done for the city.

Case Set For Tuesday

"Replying, beg to advise you that the case of State vs. Meredith R. Howard was set for trial some two weeks ago, and will come up in Criminal Court, Part 2, this Tuesday, the twenty-ninth of November.

"However, to refresh your recollection on the progress of these cases through our courts, I am submitting herewith some statistical information having to do with the prosecution of these cases.

"Promptly after the receipt of the data through your auditing department, the matter was submitted to the then officiating grand jury. Indictments were returned against seven individual contractors and one corporation.

"The traversers in these cases were promptly arraigned and the first trial got under way on February 16. This case (State vs. Shamer) resulted in a mistrial, the jury failing to agree. On February 24, this case was again assigned for trial with the same result as before—disagreement of the jury.

"It was thought that these mistrials were the result of insufficient spot auditing, and it was accordingly determined, in conference with your city solicitor and city auditor, that the next case tried should be based on a full and complete audit.

"This necessitated delay and we were unable to go on with the trial until May 23, when the case of State vs. Meredith R. Howard was assigned. Howard, as a result of the further audit, had been reindicted.

"After this case had been under way for five days, the court stopped further proceedings and declared a mistrial because of misconduct of one of the jurors.

Recessed For Summer

"Thereafter, on June 16, a third defendant, Charles E. Butler, was brought to trial, with the same result as in the three previous cases. The courts then recessed for the summer and there were no juries available.

"Since the beginning of the fall term of court, suits in equity, brought at the instance of the city and of the traversers, have operated to delay the trial of these cases.

"In one of the suits, filed by the city solicitor, the right to inspect the books of contractors is at issue.

"In the other suit, by one of the defendants, an interpretation of the terms of the contract is sought, as well as damages based on the same contracts under which the defendant has been indicted.

Awaited Determination

"It was thought that the determination of the issues involved in these two cases should be of material help in deciding the issues involved in our indictments. Notwithstanding this fact, about the middle of October, after conference with counsel for Howard and the court, it was arranged that his case would be recalled for trial on Tuesday, November 29.

"I assure you there is no disposition on the part of this office to retard the trial of these cases and every delay has been brought about by circumstances beyond our control. The assistance of your departments, and your further proffers of co-operation are gratefully acknowledged."

Contractors brought to trial thus far have contended that their charge to the city for labor constituted the overall cost of labor, including bonuses, vacations, travel time and other items and not just the per hourly payments made to the workmen.

EVE. SUN - 11/23

Man Fined $500 In Numbers Case

A $500 fine and warning of jail for further numbers-racket violations was given Alexander Defabio in Criminal Court today when the 24-year-old man faced Judge Robert France for the second time within a month.

Defabio was arrested by Capt. Alexander Emerson on November 1, two days after Judge France had fined him a total of $800, $100 on each of eight different numbers charges.

Defabio pleaded guilty today to one of three charges brought against him by Captain Emerson and drew the $500 fine for that one. The judge told him that "the next time it will be jail."

One Of Eight

Defabio, who lives in the 200 block South Robinson street, was one of the group of eight persons headed by John Comi who were fined a total of $4,100 last month. Comi was fined $1,600 as a result of the earlier raid in the 3700 block Claremont avenue.

Two other persons, a man and wife, were charged jointly with Defabio.

Assistant State's Attorney Charles E. Orth, Jr., said the man, Edward Bellestri, had a barbershop in the 2000 block East Eager street, and that Defabio had been caught making a numbers collection there.

Bellestri pleaded guilty in one case and was fined $100. Mrs. Ethel Bellestri was held on two numbers charges and was fined a total of $200.

EVE SUN - 11/25

Lane Comments On Vice-Squad Controversy

By Bradford Jacobs

Annapolis, Nov. 25—Commenting on reports of political-gambling pressure to remove Capt. Alexander Emerson from the Baltimore Police Department vice squad, Governor Lane said today:

"I have no disposition to transfer or remove any individual officer or man in either the Baltimore city police department or the State police force."

The Governor cautioned, however, that operation in both State offices must be carried out "with a dignity and decency of performance."

"Resent Editorial"

The Governor said of an editorial in *The Sun* this morning, which suggested that he might be swayed in the matter by demands from undesirable quarters, that "I resent the implication of this editorial."

Governor Lane's comment followed reports that Captain Emerson's activities against liquor-law violators and illegal gambling interests had cut into certain political allies of the State administration.

These activities by Captain Emerson are said, in some political circles, to have driven high-ranking political leaders in the city to demand that Captain Emerson be removed from the vice squad.

Complete Text

The complete text of the Governor's statement follows:

I resent the implication of the editorial in *The Sun* this morning.

"Yes, I am trying to work out with Colonel Ober, the police commissioner, certain problems in the Police Department to make it a better State department than ever.

"I have read in the *Sunpapers* and received numerous complaints about arbitrary and unnecessary molestation of law-abiding citizens.

Dignity And Decency

"I have no disposition to transfer or remove any individual officer or man in either the Baltimore city Police Department or the State police force.

"But if the operation of either is to be successful, it must be accomplished with a dignity and decency of performance.

"Upon this I will insist, and from my conversation with both Colonel Ober and Colonel Jarman, superintendent of State police, they are in agreement.

"From time to time, I have heard that there are some so-called, big-time racketeers operating in Maryland, who have come here from other states.

"I am determined to either catch them or run them out of the State of Maryland."

EVE. SUN - 11/28

'Numbers' Trial Set For Dec. 7

Trial of William (Little Willie) Adams, colored tavern proprietor, and seventeen other persons charged with numbers-racket violations in connection with a raid in the 2000 block West North avenue today was set tentatively for December 7.

The defendants entered pleas of not guilty through counsel. Morris Fox, only white defendant in the group, was represented by Gilbert Friedel, attorney. Ernest Perkins, Negro lawyer, spoke for the others, but stated that eventually he would not represent Adams.

Face Six Charges Each

The eighteen defendants in the series face six charges each, involving dates of alleged numbers operations.

Deputy State's Attorney William H. Maynard suggested the setting of a definite trial date, which was designated by Judge Robert France, subject to possible change.

In other numbers cases actually heard before the court today, fines ranged from $10 to $300. George Holmes, colored, with a past numbers record, was fined $200. Andrew Juno, colored, with no record but charged in three cases involving different dates, was fined $100 on each charge for a total of $300.

EVE. SUN - 11/25

Adams Indicted On 6 Numbers Charges As Raid Sequel

William (Little Willie) Adams, 35-year-old colored tavern proprietor, whose establishment was bombed in gangland style more than ten years ago, today was presented and indicted by the grand jury on six charges in connection with last week's police raid on an alleged numbers racket headquarters in the 2000 block West North avenue. The six "special cases" were brought against Adams and two other persons who, like the tavern proprietor, had been dismissed at a preliminary hearing in Northwestern Police Court.

Ordered Up All Evidence

State's Attorney J. Bernard Wells earlier this week had assigned Deputy State's Attorney William H. Maynard to the investigation and had directed that "all evidence concering the raid" be placed before the grand jurors; not just the cases originally held for the grand jury action.

In addition to Adams, the grand jury also named Pearl Benton, 34, of 2008 West North avenue, and Thomas Wilson, 34, of 2006 West North avenue, as codefendants in the new cases.

Howard Anderson and Edmonia Wilson, who had been accused in the original grand jury action earlier this week, also were named as codefendants in five of the six new cases.

Charges Now Total 108

All six of the cases involving Adams charge him and his codefendants with participating in the setting up of a numbers and lottery business at 2006 West North avenue, on November 14, 15, 16, 17, 18 and 19.

The 28 new charges brought today—six against Adams, six against the Benton woman, six against Wilson and five each against Anderson and the Wilson woman—bring the total numbers charges involving the North avenue raid to 108.

Eighty charges had been returned earlier in the week against fiteen defendants in the case. The raid was led by Capt. Alexander Emerson.

Emerson Upheld By McKeldin

One Republican's reaction to the reported controversy over Police Captain Emerson was voiced today by former Mayor McKeldin, who demanded that there be no political interference with the vice-squad leader's operations.

"Baltimore has always been free of racketeers," Mr. McKeldin said. "We have boasted of this. Anything which would cause the racketeering element to gain the ascendency would be a tragedy for the law-abiding citizens of the city.

"There are many who do not agree with the police captain's methods, but there can be no questioning of the fact that he is doing an effective job," the Republican leader continued.

"No politician, of whatever size, should be permitted to interfere."

Will Aid Police, Says Wells

State's Attorney J. Bernard Wells today offered the assistance of his office to police in the police-court stages of any numbers-racket or gambling case.

The prosecutor said assistants on his staff will attend and render legal aid at any police-court hearing where the Police Department calls on him for such assistance.

Mr. Wells was questioned regarding the policy of his office as a result of the absence of any member of his staff at any of the preliminary hearings of numbers cases brought into court recently by Capt. Alexander Emerson and his vice squad.

Daily Check

At present, under a system started by Mr. Wells several years ago, an assistant prosecutor checks each day with the district police stations to see if there are any homicide cases, important felony cases or serious misdemeanors that would make it advisable for the prosecution office to be represented at the preliminary hearing.

"The police have only to ask and they will get assistance from us," said the State's attorney.

"It has been my policy ever since I became State's Attorney to send an assistant prosecutor to participate in police station hearings of all serious cases.

"We try to cover the police stations as well as we can, with a comparatively small staff of prosecuting officers whose main duty is to handle cases in the three sections of Criminal Court. Those men have to prepare their cases as well as try them in court."

Mr. Wells pointed out that for years the police department, the prosecutors office, and the grand jury have joined to make "special cases" in any instance where it was felt that an individual was improperly dismissed at a preliminary police court hearing.

That system, said Mr. Wells, has effectively prevented any injustice to the general public.

Asked whether an assistant prosecutor would be sent to every preliminary police station hearing on numbers racket cases, Mr. Wells replied:

"If the Police Department felt it was required, certainly a man would be assigned from this office. An assistant prosecutor would be provided in any case where the police thought they needed such help.

"Presence of an assistant prosecutor hardly seems to be necessary in every cut and dried type of case before the police courts."

EVE SUN 11/28

2-Name Man Given 1 Year For Robbery

Now admitting that he is Vincente Aguilar Munoz Ledo, Mexican, who has twice been put out of the United States, a 23-year-old defendant docketed as Louis Gonzalez, today was given a year in the Penitentiary for armed robbery.

When first brought to Criminal Court about two weeks ago, the man denied his real identity and only stated that the name attributed to him by Federal officials "sounds familiar."

"Entirely Unreliable"

Judge Robert France had called for an investigation by the probation department and an examination by Dr. Manfred S. Guttmacher, court psychiatrist, to help solve the identity problem.

Dr. Guttmacher reported that the defendant is sane, but entirely unreliable and untruthful. However, the prisoner admitted his identity to a psychologist who interviewed him.

In Baltimore, the Mexican had been working in the kitchen of a downtown hotel. He had also been a professional fighter. After serving his prison term, the man is due to be turned over to Federal officials for deportation.

Assistant State's Attorneys Saul Harris and Edwin A. Gehring prosecuted. The case involves the holdup of an East Baltimore restaurant owner.

MORN SUN - 11/29

18 ENTER PLEAS OF INNOCENT

Adams, 17 Others Arraigned On Numbers Charges

Pleas of innocent yesterday were entered in Criminal Court by William Adams, known as "Little Willie," and seventeen other persons arraigned on numbers charges arising from one of the city's largest numbers-racket raids recently.

Adams's tavern was the target of a mysterious bombing more than ten years ago. He and sixteen of the other defendants are Negroes.

The accused were arraigned before Judge Robert France. A tentative date of December 7 was fixed for the trial.

$1,310 In Fines Imposed

The defendants were arrested during a raid on a house in the 2000 block West North avenue, where police testified they seized more than $43,000 worth of numbers slips covering a period of six days.

Judge France later yesterday imposed fines totaling $1,310 on seven persons convicted of numbers or bookmaking charges.

Convicted of numbers violations were:

JOHN LOUDON, Negro, of the 200 block North Amity street, $100 fine.
ANDREW JUNO, of the 600 block West Lee street, $300 fine.
LUVINIA FOUNTAIN, Negro, of the 800 block North Caroline street, $100 fine.
JOHN HURTT, Negro, of the 900 block Gay street, $10 fine.
GEORGE HOLMES, Negro, of the 1400 block Ashland avenue, $200 fine.
JUNITTA NEWMAN, Negro, of the 3200 block McTeague street, $100 fine.

Ashby Wood, 63, of the 600 block Maude avenue, was fined $500 and costs after he was convicted of accepting race-horse bets in his automobile last November 14. The man was arrested in the vehicle near his home by members of the vice squad, who had a search warrant for the car.

Capt. Alexander Emerson reported that he seized bet slips totaling more than $500 in play for a period of five days. Wood was working on a 5 per cent commission basis, the captain stated.

Prisoner Treated For Poisoning

Louis Gonzales, sentenced yesterday to five years in the Penitentiary for armed robbery, was treated last night at Mercy Hospital for possible poisoning and returned to jail.

Officials reported that the prisoner acted peculiarly in the Courthouse cellroom and they feared he might have swallowed some poison.

He was rushed to the Penitentiary Hospital and then transferred to Mercy Hospital, where doctors pumped out his stomach. After his return to the Penitentiary, he was described as being in "excellent" condition.

MORN SUN - 11/26

ADAMS INDICTED IN NUMBERS CASE

Grand Jury Acts After Dismissal By Magistrate

William Adams, known as "Little Willie," whose Druid Hill avenue tavern was bombed in gangster fashion about eleven years ago, yesterday was presented and indicted by the grand jury on numbers charges arising out of what police called the city's biggest numbers raid last Saturday.

Police and prosecutors succeeded in having numbers charges placed against Adams and two other persons, despite the fact that they were dismissed last Sunday by Magistrate Thomas L. Fitzpatrick in Northwestern Police Court.

The grand jury returned "special" cases against the three individuals not held for grand jury action by the magistrate. Cases of that type are frequently sought by police and prosecutors who do not agree with the action of police magistrates.

Two Others Charged

Adams, a Negro, who lives in the 2300 block of Druid Hill avenue, is accused of numbers violations on six different days. Charged jointly in the special cases are Thomas Wilson, Negro, 34, of the 2000 block West North avenue, and Pearl Benton, 34-year-old Negro, also of that block.

The grand jury also returned indictments against the fifteen other persons, all Negroes except one, who were arrested during the raid on premises in the 2000 block West North avenue, where police said they seized more than $43,000 in numbers play.

According to testimony in police court, Adams was taken into custody as he approached the raided premises. Members of the vice squad, under Capt. Alexander Emerson, testified Adams was carrying about $2,000 in cash.

2 Face Additional Charges

Two other Negroes who were among the fifteen held for grand jury action by the magistrate faced additional charges yesterday. Howard Anderson and Edmonia Wilson, both of the 2000 block West North avenue, had been presented originally on one charge each, but yesterday the indictments placed five additional charges against each.

The six days on which the eighteen defendants are accused of accepting numbers play are November 14, 15, 16, 17, 18 and 19.

J. Bernard Wells, State's attorney, and William H. Maynard, his deputy, announced that the eighteen defendants would be arraigned before Judge Robert France in Criminal Court on Monday.

Mr. Wells further announced that he was prepared to offer the assistance of his staff in numbers cases before police magistrates. The prosecutor pointed out that his assistants customarily attend all police court hearings involving serious charges.

To Check With Inspectors

Asked if he would request the assistance of Mr. Wells's office in all numbers cases, Beverly Ober, commissioner of police, said he would check with his inspectors to see whether this is necessary.

He said he also would check with his inspectors to see whether Mr. Wells's office might be of other assistance in the preparation of petitions for search and seizure warrants, for example.

EVE. SUN 11/29

2d Trial Opens For Cost-Plus Contractor

Meredith R. Howard, a cost-plus contractor for the city, today went on trial for the second time on a charge of improperly obtaining $6,635.30 by improper charges on municipal work.

Under an arrangement made in advance with the court, the State's case was submitted on the basis of the transcribed record of the first trial last May, which ended in a mistrial after a week-long hearing because of misconduct of a juror.

Nineteen items of alleged misdcharges are cited in the indictment by the State, which is represented by Assistant State's Attorney William J. O'Donnell. The items range from alleged overcharges as low as $1.11 to as much as $744.

Plumbing Contractor

The arrangement to submit the State's case on the former record was made possible by defense action in demanding a court trial on this occasion, without a jury. Judge John T. Tucker, who sat in the former hearing, presided at the retrial.

Howard, a plumbing contractor trading as the Howard Plumbing Company, is represented by H. Mortimer Kremer, Edward H. Burke and Leonard Leipman, attorneys.

There have been four trials of cost-plus charges, without any verdict being reached. In addition to the prior mistrial in the Howard case, another cost-plus charge against Arthur P. Shamer, another plumbing contractor, resulted in disagreed juries on two occasions.

Subsequently a third cost-plus contractor was placed on trial and another mistrial resulted because of a court ruling.

NEWS 11/29

Howard On Trial Again In 'Cost Plus'

The second trial of Meredith R. Howard, plumbing contractor, on charges of defrauding the city in cost-plus contracts opened today before Judge John T. Tucker, in Criminal Court.

Howard's first trial ended in a mistrial through a juror's discussing the case in a downtown restaurant.

PREVIOUS RECORD

Today Howard pleaded not guilty and chose to be tried by the court. In a stipulation, opposing counsel agreed to the use of the stenographic record from the previous trial.

Promising to show that there was no fraud, the defense called as its first witness T. Herbert Marks, a private auditor employed by Howard, to explain Howard's bookkeeping system.

80 COUNTS

Howard, trading as the Howard Plumbing Company, 1600 East Oliver street, is accused in 80 counts of defrauding the city of $6,600 in 1947-48.

Trial of another cost-plus defendant, Arthur P. Shemer, has resulted in two mistrials. These are the only two of eight cost-plus defendants so far brought to trial.

Recently Mayor D'Alesandro asked State's Attorney J. Bernard Wells to expedite trial of all the cases.

NEWS - 11/30

Seer's Killing Clues Lead To Greece

An international aspect appeared today in the probe of the toaster-cord slaying of Mrs. Emma A. Kefalos, Fleet street medium, as police pressed their hunt for her murderer.

It was reported that police assigned to the investigation will go, within a few days, before the Grand Jury to seek indictment, and subsequent extradition from Greece, of a native of that country, suspected as the slayer.

It also was learned that, under the direction of Inspector Joseph Itzel, two policemen, Sgt. Theodore Maxwell and Patrolman William E. Pence, extended their investigation to Pittsburgh last week, and yesterday traveled to Lancaster, Pa., to gather new evidence.

LETTER FROM GREECE

The new impetus in the probe resulted, it was learned, from a letter, mailed from Greece, and received by a Baltimorean.

On the strength of it the Pittsburgh and Lancaster trips were made, it was learned, although their purpose was not revealed.

Although the policemen in the investigation were not available immediately for confirmation or comment, it was learned they will present whatever evidence they have gathered to the Grand Jury, soon.

FLEES COUNTRY

It was understood they also will present several witnesses to the jury for questioning.

It was intimated that the man sought in the sensational slaying, which occured last August 8 in the medium's apartment in the 2000 block Fleet street, had been in Baltimore, later went to the Pennsylvania cities, and then left the country for Greece.

The sixty-year-old widowed spiritualist was found beaten, tied hand and foot, and strangled, an electric toaster cord around her throat, in her living room a few feet from the crystal ball which was the symbol of her trade.

EVE. SUN 11/30

Doctor Faces New Abortion Counts

Four new abortion charges today were entered against Dr. Albert E. MacCrowe and five of his nine codefendants o nother charges.

The new cases were presented and indicted by the grand jury at the same time that Deputy States Attorney William H. Maynard had the jury act on indictments drawn upon the original abortion and conspiracy charges.

A total of eleven abortions and one attempted abortion now are alleged by the State, in addition to a conspiracy charge. The four new cases are based upon alleged operations upon out-of-town women.

Annapolis Woman Named

An Annapolis woman is named as the prosecuting witness on two of the new charges which were said to have occurred within a five-month period earlier this year.

The other prosecuting witness in the new cases are a Silver Spring woman and a woman from Northbrook, Pa. The five codefendants with Dr. MacCrowe in the new cases are Laura M. Hitchens, Raymond Coffman, Marie Coffman, Edward Coffman and Fredda MacComan.

The other codefendants in the earlier charges are Thelma Ensor, Chris T. Campbell, Paul T. Leather and Mary Taylor.

EVE SUN 11/30

Flash

Search for the slayer of Mrs. Emma Kefalos, Fleet street medium found murdered in her home last August, has turned to Greece, it was learned today. A suspect, now resident in that country, is being sought by police. Extradition proceedings are expected to be instituted to bring the suspect back to Baltimore for trial, it was reported.

MORN SUN 12/1

Dr. MacCrowe, 5 Others, Indicted

Dr. Albert E. MacCrowe, Liberty Heights avenue physician, and five other persons yesterday were indicted by the grand jury on four additional abortion charges, bringing to a total of thirteen the number of abortion or conspiracy charges against them and others.

The new charges are against Dr. MacCrowe, Mrs. Laura M. Hitchens, Raymond W. Coffman, Edward C. Coffman, Mrs. Freda M. Coffman and Mrs. Marie Coffman.

They are accused of performing abortions on one woman twice within a period five months this year. Another indictment accuses them of performing an operation on another woman last July 23 and the fourth accusation charges an abortion on July 29.

Other defendants charged about a month ago are Chris T. Campbell, Paul T. Leather, Thelma Ensor and Mary Taylor. One indictment accuses all ten of conspiring to perform abortions on eight named women between 1942 and this year.

The new cases were taken before the grand jury by William H. Maynard, Deputy State's Attorney.

HOWARD 'LOSS' ON LABOR CITED

Witness Says He Examined Cost-Plus Plumber's Books

Meredith R. Howard, cost-plus contractor on trial in Criminal Court on charges of defrauding the city of $6,635 by overcharging for labor, actually lost money on his workmen, a defense witness testified yesterday.

Clayton Crouch, accountant and business school instructor, who testified he examined the records of the Howard Plumbing Company, told the court that labor actually cost Howard $2.26 an hour, excluding the cost of supervision, and $2.37 an hour with supervision costs included.

Howard charged the city from $1.85 to $2.25 an hour for labor during 1947 and 1948 when he performed cost-plus work for the city, according to State's evidence before Judge John T. Tucker.

Crouch testified that the defendant made his profit primarily from markups on materials and from the retail sales of appliances. He stated further that about 34 per cent of labor hours were lost because of bad weather and other causes.

The trial will be continued today.

William J. O'Donnell and Charles E. Orth, Jr., prosecutors, contend that actually the work done by Howard for the city was under a "fixed formula" contract, rather than a cost-plus agreement.

They pointed out that the contract, on its face, requires the contractor to charge the city the actual amount of hourly wage paid to the workmen.

The defense takes the position that Howard was entitled to charge the overall cost of labor, including transportation of workmen, bonuses, vacation pay, truck equipment and office work attributable to the job.

The prosecutors further pointed out that Howard was entitled to charge a profit of 20 or 25 per cent, depending on the amount of the contract itself, on the total cost of the labor and the materials which were involved.

Eve Sun 12/1

Housing Inquiry Ends; 12 Fined $2,335

Baltimore's GI housing inquiry was finally closed today when fines totaling $2,335 were levied in Criminal Court on the final group of twelve housing concerns.

The penalties made a total of $4,575 in fines, plus court costs amounting to almost an equal amount and an uncomputed total of adjustments and restitutions as a result of the two-year inquiry.

Two weeks ago, fourteen building concerns were fined a total of $2,400 on 480 building code violation counts. Today's concluding session of the housing cases resulted in the $2,335 fines on 467 building code counts. In one instance, a fine imposed last week was reduced slightly.

Three Judges Preside

The three Supreme Bench judges who have sat in the housing cases presided jointly today.

In each instance, Deputy State's Attorney William H. Maynard and Paul A. Cohen, the city's building inspection engineer, assured the judges that all collectable code violations have been corrected and that restitution had been made in cases that were not correctable.

The restitutions and corrections involved all houses of the developments, not merely "sample" houses used for the test indictments.

In some instances, Mr. Cohen said, the office of the housing expeditor reported that "extras" home owners had received over and above building specifications had canceled out and often greatly exceeded the deficiencies.

Now Without Funds

Fines today ranged up to a total of $515 on one group of housing developers.

Fines totaling $280 on William B. Shoals, the only builder to be fined personally, was suspended because the man is now without funds and already has spent time in jail.

Judge Herman M. Moser levied fines totaling $8,000 when Mr. Shoals first was in the court and acknowledged inability to correct any of the code violations in houses in the 3900 block Oakford avenue.

However, other persons in the building industry, not personally connected with Shoals, provided funds for the corrections and restitutions.

Firm In Receivership

Shoals had been released at that time. His company, the W. B. Shoals Building Company, is in receivership, and Judge Moser announced that he would not impose fines because they would only penalize the creditors.

Judge Moser also reduced by $160 the penalties imposed two weeks ago on the O'Donnell Building Corporation. Mr. Cohen and the prosecutor agreed that four counts did not involve real building-code violations.

The penalty against the company for violations in houses in the 6400 block O'Donnel street was reduced from $360 to $200.

Companies Only Fined

Judge Emory H. Niles and Judge Robert France sat with Judge Moser.

In a second group of companies in receivership, where Leon J. and Stanley Panitz had been found guilty, the individuals were acquitted and the companies were fined when Judge Moser was assured that the fines would be paid from other funds and would not come out of receivership money.

Penalties on the Panitz concern totaled $515.

The Panway Housing Corporation was fined a total of $315 for 63 building violations in nine houses in the 1200 block of Ashburton street, while Panway Builders, Inc., was fined a total of $200 for 40 violations in eight houses on Oakford avenue.

Guilty Verdict Dropped

Henry Knott Realty Company was fined $140 for 28 violations in 12 houses on North Decker street and East Federal street, and the Brady Realty Corporation $360 for 72 code violations in eight houses in the 400 block Hornel street.

Judge Niles fined the Ace Development Company, Inc., and struck out a guilty verdict that had been returned against an official, John Cablis.

On 31 code violations in 16 houses on Richwood avenue and East Cold Spring lane, the company was fined $155.

Judge France imposed the other penalties on cases heard this year. They were:

EDISON REALTY COMPANY, $150 for 30 violations in 10 houses on East Federal street.

MUELLER CONSTRUCTION COMPANY, $160 for 32 violations in eight houses in the 400 block Gusryan street.

TRIANGLE REALTY AND CONSTRUCTION COMPANY, $65 for thirteen violations in seven houses on Glengyle avenue.

COLE CONSTRUCTION COMPANY, INC., $210 for 42 violations in six houses on Daniels and Taylor avenues.

HAVEN HOME BUILDING COMPANY, $180 on 36 violations in eight houses on Benton Heights avenue.

UNITED STATES CONSTRUCTION COMPANY, $120 for 24 violations in twelve houses on Edgemere and Wilern avenues.

BALTIMORE, THURSDAY, DEC. 1, 1949

Do The Job

Suggestions from the City Council that the questions raised in connection with the S.P.C.A. contract for the disposal of stray dogs be the subject of a referendum are nonsense.

This is a matter which sensible men acting for the best interest of the city ought to settle right away. The present S.P.C.A. contract expires December 31. The proposal to amend the contract in such a way as to let the city's two medical schools have for research some of the dogs that are to be destroyed in any event has run into a legal snag.

The City Council has been asked to remove this snag. It ought to get on with the job so that before January 1 a new contract can be made that will meet the needs of the medical schools and uphold the city's standing as a medical center.

Popular Ballot On Dog Issue Held Illegal

A growing move among city councilmen to throw the dogs-for-research question into the 1950 election by means of a referendum was thwarted today when Dr. Horace E. Flack, director of legislative reference, disclosed that such action would be illegal.

The Board of Estimates and the City Council, he said, must thrash the question out among themselves.

"They cannot delegate their authority to the people," Dr. Flack said. "The courts have so ruled."

The referendum movement followed yesterday's meeting of the Board of Estimates, when Thomas N. Biddison, city solicitor, asked for clarification of the stray-dog law "at the earliest possible time."

"Most Humane Manner"

Present legislation, the solicitor said, merely specifies that dogs be killed in the most humane manner possible.

He added that there has been conflicting opinion on which is the most humane: death by gas at the S.P.C.A. or death by anesthesia in the medical schools.

Last night a number of city councilmen, faced with the urgency of a decision—the present dog pound contract expires December 31—said they favored submitting the question to the people.

The court decision, Dr. Flack declared, was made November 15, 1916, by the Court of Appeals. It followed an attempt by the City Council to refer the matter of Sunday baseball to the people.

Boys Are Arrested

The law then provided a fine of $1 for anyone participating in Sunday sports. At the insistence of the Lord's Day Alliance, boys playing baseball were arrested in droves every Sunday afternoon.

The Council passed an ordinance wiping out the fines, subject to the approval of the voters in the November, 1916, elections. The Lord's Day Alliance contested this. The Court of Appeals upheld this stand.

In 1931, the matter of Sunday observance passed from the hands of the City Council to the voters, Dr. Flack said.

"There are only three matters which may go on the ballot in a referendum," he said. "They are loans, bond issues and Sunday observance."

State Petition Provided

On the State level, petitions from the people may force issues to a referendum, as in the case of the Ober Act. This, Dr. Flack said, may not be done in the city, since there is no provision for it.

Thus, he said, a petition on the dog question could not bring the matter before the voters.

The only way that could be done, he said, is to pass legislation at Annapolis authorizing a petition. The petition would follow; then would come the referendum.

Kefalos Murder Motive Seen As Rancor

Rancor over the dealings of Mrs. Emma A. Kefalos, Fleet street spiritualist, with her Greek clients now appears to have been the motive for her murder last August 8, police said today.

Police, who seek to question a suspect now living in Greece, say they have a letter written by the man, a seaman, to his wife here in Baltimore.

Under the direction of Inspector Joseph Itzel, police are also searching for a woman who allegedly heard the suspect threaten Mrs. Kefalos. He was quoted as having said:

"She has cheated the Greeks badly and I am going to kill her."

Probe Provides Tip

Chief Inspector M. Joseph Wallace said investigation of alleged abortions by Baltimore doctors led to the latest tip in the Kefalos murder, although the cases are not related.

The inspector said Sergt. Theodore R. Maxwell was on an abortion investigation in Pennsylvania when he received information that put the Greek sailor under suspicion. The man was reported to have left Baltimore for Pennsylvania shortly after the murder. He later sailed to Greece.

Before the suspect can be extradited, an indictment must be returned by the Baltimore city grand jury. Police said the case could not be brought before the grand jurors until the woman who allegedly overheard the threat was found.

Inspector Itzel is now in possession of all the records in the case, both from the detective bureau and from the Eastern police district.

Mrs. Kefalos was beaten and strangled amid her occult paraphernalia in a second-floor apartment in the 2000 block Fleet street. The body was trussed hand and foot. The apartment had been ransacked but a quantity of jewelry and $68 in cash was not taken.

Eve Sun 12/1

"This man is under arrest"—Norman P. Huster, S.P.C.A. agent (holding dog) orders arrest of John S. Tuck, Hershey dog dealer (left). The police officer is Patrolman John Hannon.

Dog Dealer Arrested By S.P.C.A.

By William R. Manchester

John S. Tuck, Hershey (Pa.) animal dealer, was arrested at the University of Maryland Medical School this morning on a complaint by an agent of the Maryland S.P.C.A. alleging cruelty to animals.

Two policemen from Western district were present, but they did not make the arrest. One of them—Patrolman John Hannon—said:

"I don't have anything to do with it. The S.P.C.A. man is arresting. We're just here."

Hearing Scheduled

Tuck and his consignment of sixteen dogs were taken to Western Police Station. A hearing was set for later today.

Earlier in the year Tuck was acquitted of an animal-cruelty charge brought by the S.P.C.A.

The arrest today was made by Norman P. Huster, S.P.C.A. agent. With him was Horace Sibley, also of the humane society.

Tuck brings animals to both medical schools from time to time from his Hershey kennels. A few moments after his arrival this morning, Huster and Sibley entered the alley behind the medical school where the dogs are unloaded.

The agents were followed by Patrolmen Hannon and George Brook.

"You'll Need It"

Word of their presence spread through the medical school, and Dr. D. C. Smith, professor of physiology; Dr. William F. Amberson, also professor of physiology, and Dr. C. J. Carr, associate professor of pharmacology, hurried down to the alley.

"You got your camera?" Huster inquired of a newspaper photographer. "Good. You'll need it."

To questions, Huster replied that this was a "routine check."

"We want to make sure there's no cruelty to animals," he said.

The two policemen said they were there at the request of the S.P.C.A. Sibley, in the background, was silent.

Tuck began unloading dogs. The animals are placed in metal trucks on rollers. Each truck has two compartments. When he had handed down several dogs from the truck, Huster, who was standing by the truck gate, seized one.

"This man," he said to Officer Hannon, "is under arrest."

Doctor Protests

Dr. Smith protested.

"Doesn't this man need a warrant?" he inquired.

"No, I don't need no warrant," Huster replied.

"I don't have a thing to do with it," Hannon said. "The S.P.C.A. man is arresting. We're just here."

Dr. Smith and Dr. Carr attempted to examine the dog, but Huster turned away from them.

"I'm Not Telling"

"Where are you taking him?" Dr. Smith asked.

"I'm taking him to a veterinarian," Huster said, "but I'm not telling you where."

"What's the matter with him?" Dr. Smith inquired.

"Ain't no use talking about it," Huster replied.

He turned to walk away. Then he looked up at Tuck, who was peering over the truck gate.

"You don't even have a cover on that truck," he said. "And on a cold day like this!"

Then he disappeared down a side alley with the dog.

Tuck appeared undecided. He wanted to know if he should unload the rest of the animals. The policemen didn't know.

"Yes," said Dr. Smith, "I believe he said we could unload them." Just then Huster returned.

"Didn't you say we could unload the rest of the dogs?" he asked.

"No!" said Huster. "You can't. Take them all to Western Police Station. They're all our property now."

Tuck climbed into the truck cab to drive to the police station.

"Call My Wife"

"Call my wife," he instructed one of the doctors. "Tell her I'm tied up in this business again. She'll understand."

By now a crowd of about 100 medical students had gathered. When they began to arrive, Huster and Sibley disappeared.

Tuck drove his truck to Western police station and parked.

Huster demanded there that the police turn the consignment of twenty dogs over to him, but the officers refused.

The animals, they explained, were temporarily in the custody of the police department and could not be released to the S.P.C.A. without the permission of the chief inspector.

The hearing was set in Western Police Court.

"Can They Do That?"

Tuck was placed in a cell block to await the arrival of his attorney and the posting of collateral.

At the medical school, Dr. Maurice C. Pincoffs, assistant to the president of the University of Maryland, expressed surprise over the incident.

"Can they do that?" he asked, "without a warrant?"

Dogs Inspected

A few moments after Tuck was placed in a cell, Dr. Smith arrived with Dr. Albert B. Armstrong of the Baltimore Animal Hospital.

After conferring with Lieut. Michael Hoban, acting captain in Western district, Dr. Armstrong inspected the condition of the animals in the truck.

Lieutenant Hoban agreed the dogs should remain for a "reasonable amount of time"—until all the animals could be thoroughly examined and their condition ascertained by experts.

A dual examination developed in the rear of Western Police Station, with doctors from both sides examining the dogs.

"They Look Good"

Inspecting for the university were Dr. Smith, Dr. Armstrong, Dr. Arlie Mansberger, Dr. Bennett Smelser, Dr. Gordon Crabb, Dr. James R. McNinch, Jr., Dr. Amberson and Dr. Earl H. Dearborn.

The doctors, most of them in white coats, crowded around the truck and climbed on it to look at the animals. At the end of the inspection, Dr. Smith said: "They look good to me."

Dr. Marvin Scham, of the S.P.C.A., also looked at the dogs. He declined to comment on their condition. Dr. Smith asked Huster to produce the dog he had seized.

"You can't get me to tell you where that is," Huster said.

Officers told Dr. Smith they had no jurisdiction over the dog he had seized and could not make his produce it.

Wells Seeks Law To Control Sales Of Slum Homes

By Burke Davis

State's Attorney J. Bernard Wells today called for a legislative act to curb unscrupulous slum landlords who "sell" houses to tenants on long-term contracts of sale.

Mr. Wells, summarizing a two-month investigation of these contracts by Harold Grady, of his staff, said his office had been unable to find a single case it could prosecute, and that all practices revealed were apparently legal.

He said, however, that an act by the General Assembly regulating such contracts should be passed, similar to the 1941 act regulating installment contracts on furniture and other household goods.

Need "Teeth"

He went further than anyone else who has proposed a new law regulating contracts under which houses are paid for by purchasers over terms of up to 70 years.

"We need a law with teeth in it," he said, "so we can prosecute. None of the other bills presented to the Legislative Council provides for punishment, so far as I know."

He will submit his report and recommendations to the Legislative Council, which is already considering several suggested measures of reform.

The campaign for a new law to regulate the contracts began in September, after cases in the Housing Court revealed that many tenants had become "buyers" under these contracts. Many of them did not have copies of the instruments. Many contracts provided that they would lose their houses after missing one or two payments, without further notice.

Must Live To 100

Judge Harry S. Kruger probed the practice from his Housing Court bench in a dozen or more cases, and discovered that some "purchasers" would have to live to be 100 years old before they had paid off the principal on their houses.

Mr. Wells's report said:

"The facts disclosed by this investigation prove conclusively that the use of installment contracts for the sale of real estate and the form of such contracts must be regulated by law.

"No criticism is made of the use of these contracts per se, or of the great majority of real estate sellers who use them.

Advantage Over Unwary

"However, the use of these contracts in the form now prevalent, in the hands of unscrupulous dealers, gives them overwhelming advantages over unwary and unthinking buyers. It is against these operators that the law must array itself. . . .

"The law must throw its mantle of protection over the unsophisticated and inexperienced so that they may not become a prey to the unscrupulous charlatans who ply their trade without regard to ethical procedure."

The report took no stand for any of the bills now before the Legislative Council, but referred to the act regulating contract sale of personal property, and urged that a law governing real estate sales contain at least two provisions of the personal property act:

1. A simple, understandable notice to the buyer of his rights.
2. A provision for criminal penalties.

Bills Submitted

The bills now before the Legislative Council were submitted by Marshall Levin, an attorney, who attempted to have a similar bill passed by the last Legislature; Judge Alan W. Rhynhart of People's Court, and others.

Mr. Wells urged that any act passed in Annapolis include these provisions, and especially the punitive section, "for the purpose of protecting the unwary investor from the machinations of gyp operators in real estate."

The report was made after Mr. Grady had sifted the reports of city detectives on more than 50 reported cases of alleged fraud in conditional contracts of sale. Several of these cases were brought to the State's Attorney's office, and the principals interviewed by Mr. Grady.

Operators Involved

The real-estate operators interviewed were:

Victor and Morris Posner, 514 St. Paul street; Robert Seff and R.& S. Construction Co., 231 St. Paul place; H. J. Weber & Sons, 3033 Eastern avenue; Jacob Petrushansky, 556 West Conway street; Marse S. Callaway, 2128 Madison avenue; William Mailman, 3611 Grantley road; Morris Harmatz, 110 East Lexington street; Paul Liebegott, 822 West Fayette street.

Eve Sun 12/1

Training School Parolee Faces Fire Quiz

A 14-year-old boy, paroled from the Maryland State Training School where he had been committed on an arson charge, is being held by police in connection with five fires in the northeastern area of the city.

Police and an assistant State's attorney today questioned the boy in connection with these three major fires:

1. The November 16 blaze, which took the lives of two children in a North Gay street apartment.
2. A fire Monday, which destroyed a two-story building in the 1500 block North Bethel street.
3. Tuesday night's $350,000 blaze at a Chester street printing plant.

The boy was arrested by Sergt. Howard Collins, head of a special police detail which has been searching alleys in the district for an arsonist. The boy was taken on a tour of the area this morning with Lieut. Ralph Amrein and a court stenographer.

Most Tragic Fire

Most tragic of the blazes was that at 1423 North Gay street, in which Phyllis Dicke, 11, and her brother Leonard, 9, were killed. The boy died in the burning three-story apartment building after his father and mother had made a futile effort to save him. Phyllis died later, at the Johns Hopkins Hospital, of burns which covered her entire body.

Six of the nine persons in the building when the fire started in a basement storage room were treated for burns and smoke poisoning.

When flames roared up the stairway through the house, Leonard became frightened and refused to go out on the window ledge with his parents. He ran back into the flames. Charles McCormick, a visitor in the house, carried Phyllis across the ledge to an adjoining building. The apartment was destroyed.

The blaze was started with a candle, which set the building on fire in three places, police said.

$350,000 Loss

The spectacular printing-plant fire came exactly two weeks later. The block-long building in the 1000 block of North Chester street burst into flames after an explosion at 9 P.M., and within a few minutes the fire was roaring 100 feet into the air. The plant and equipment of three printing firms were destroyed, at an estimated loss of $350,000.

The explosion blasted away a 60-foot section of the plant's brick wall and rocked near-by houses. The blaze was out of control for more than an hour as firemen pumped tons of water into the building and a crowd estimated at 10,000 watched.

The fire was started by the ignition of a drum of kerosene in a passageway, according to police.

The third fire police questioned the boy about was on November 28, at 1522 North Bethel street, where a two-story brick building, a combination grocery and dwelling, were burned without loss of life. This fire started at 10 P.M.

Arrested In Yard

The boy was arrested in a rear yard in the 1600 block of Lansing street about 8 o'clock last night. Sergeant Collins said he had seen him dodging through dark alleys. The boy was questioned at Northeastern Police Station.

This morning William H. Maynard, deputy State's attorney, sent Allen H. Murrell of his office to Northeastern Police Station to aid in the investigation.

The special detail, made up of volunteer officers, had been combing the alleys between Preston and North and Bond and Rutland avenue for two nights.

The first night of their detail, the Chester street printing plant was destroyed.

15 Fires Reported

Men of the special detail, led by Sergeant Collins, were Sergt. Robert Cohen, Patrolmen Nicholas Cortezi, Gordon Holle, William Hamilton and Henry Zukowski.

In the past two months fifteen fires have been reported in the area covered by the search.

Fires have been found under porches, against fences and the walls of homes. Many automobile fires have also been reported, most of them originating in glove compartments.

Morn Sun — 12/2/49

S.P.C.A. Aide's Cruelty Charges Against Animal Dealer Dismissed

Pennsylvania Man Seized While Delivering Dogs To U. Of M. School For Medical Research

Law gives S.P.C.A. authority to make arrests...........Page 23

NORMAN P. HUSTER

CASE DISMISSED—S.P.C.A. agent clutches dog he claimed was being treated cruely. Later, the magistrate ruled otherwise.

Magistrate Julius A. Romano yesterday dismissed a charge of cruelty to animals against John S. Tuck, Hershey (Pa.) animal dealer, who had been arrested earlier in the day on orders of a Maryland S.P.C.A. agent while delivering a consignment of dogs to the University of Maryland Medical School.

A veterinarian employed by the S.P.C.A. to examine the dogs testified they were in "fairly good health" and that he found no evidence of torture or cruel treatment.

Two employés of the S.P.C.A. who cared for the dogs after the arrest of Mr. Tuck said the compartments where the dogs were kept were "a little dirty" and "smelled," but they offered no evidence of torture or cruelty.

Proceedings Lively

Proceedings in the Western Police Court were lively, with frequent interruptions of testimony by attorneys and by Magistrate Romano as he tried to get the evidence straight.

Saul A. Harris, assistant State's attorney, represented the State's Attorney's office.

G. C. A. Anderson, attorney for Mr. Tuck, asked a jury trial in Criminal Court after pleading not guilty.

At the preliminary hearing to determine whether there was sufficient evidence in the case, he said, "I move to suppress all evidence on the grounds that the arrest was absolutely illegal and was made without a warrant. I think that should be considered first before we consider whether there is evidence for the charge."

Made Without Warrant

Magistrate Romano said, "I can't decide how far to go until I have some kind of testimony."

Patrolman George Brooks, of the Western district, was called to testify.

He told the magistrate he made the arrest without a warrant on orders from Norman P. Huster, S.P.C.A. agent.

Patrolman Brooks and Patrolman John Hannon, who were in radio car No. 3, had been dispatched to the medical school "about 10.15," according to testimony.

Picks Up Dog In Arms

Patrolman Brooks said he met Mr. Huster on Paca street near Redwood street and that the S.P.C.A. agent directed him to where the dogs were being unloaded.

"He told me to wait a minute to see if there was evidence of cruelty," Patrolman Brooks said. "We waited about ten minutes; then Huster picked up a dog in his arms and ordered the arrest."

"What did you observe?" Mr. Harris asked him.

"I saw the truck. Each dog was in a pen. I counted the dogs, and . . .

"Cold And Shaking"

"I move that all this be stricken out," Mr. Anderson said.

Permitted to continue, Patrolman Brooks said he "observed nothing, only the unloading of the dogs."

He said one load of dogs had already been taken in when he ar-

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S.P.C.A. Aide's Cruelty Charges Against Animal Dealer Dismissed

Pennsylvania Man Seized While Delivering Dogs To U. Of M. School For Medical Research

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rived. When the first dog of the second load was taken out, "Huster grabbed it," he declared.

"And what was the condition of the dog?" Mr. Harris asked.

"He looked like a dog that was cold and shaking," the patrolman replied.

The patrolman said the truck was parked outside the University of Maryland laboratory.

"You say Huster went up to the dog?" Mr. Anderson asked.

"Yes," was the reply.

"And where were you?" Mr. Anderson continued.

"I was alongside of him."

"And did you have a warrant?" Mr. Anderson asked.

"No. I went ahead and made the arrest on Huster's word. I saw the dog in his arms, and it didn't look any too healthy to me."

"I'm No Doctor"

Asked whether the dog was sick, he replied, "I don't know whether he was sick or not. I'm no doctor."

"I move to suppress all the evidence," Mr. Anderson said. "There is no legal justification for the arrest."

Magistrate Romano declared that "I'm not prepared to make a ruling. All the testimony has not been offered on the question of whether the police officer's arrest was legal."

He said that if an officer observes a misdemeanor he can make an arrest, regardless of whether he had a warrant or not and regardless of whether someone else told him to make the arrest.

"Like To Limit Evidence"

"I'd like to limit the evidence to how the arrest was made," Mr. Anderson said.

Mr. Huster then was called to testify.

"What do you know about the truck and dogs?" Mr. Harris asked.

"That's what I was afraid of," Mr. Anderson interrupted, objecting to the testimony.

"Objection overruled," commented the magistrate.

Mr. Huster told the court that he had the authority to make the arrest himself.

He told the court that he discovered the delivery of the animals while on a routine patrolling mission.

"Mr. Sibley was with me (Horace Sibley, also of the humane society).

Did Not Want To Risk Boos

"I said to Mr. Sibley——"

"I object," said Mr. Anderson.

"I found parking space," Mr. Huster continued. "The dogs were in the truck whining and crying, I said.

In a comment after the hearing, he said he did not make the arrest himself because he did not want to risk incurring the boos of students and doctors.

"I stood around ten minutes while Mr. Sibley went to call the police. No one made an effort to unload. Then a man came out rolling a small metal conveyor which he pushed up to the back of the truck."

Mr. Huster said he let six dogs go by, and they were "bad enough."

"Ought To Hear More"

Mr. Anderson said, "Again I'm trying to limit the testimony to the question of a valid arrest. The officer made the arrest without a warrant. Was the officer justified in making the arrest? That's why I pressed to limit the testimony to allow the examination until my veterinarian had arrived."

"And after your veterinarian arrived you allowed the university doctors to examine the dog?"

"I take orders, not give them," Mr. Huster countered.

Asked To See Dog

"And wasn't Dr. Smith (Dr. D. C. Smith, professor of physiology at the University of Maryland) here when your veterinarian arrived?" Mr. Anderson asked.

"Yes."

"And while your veterinarian was here, didn't Dr. Smith ask to examine the dog?" the attorney continued.

"I didn't exactly refuse," Mr. Huster replied.

"Say yes or no," Mr. Harris said.

"Why did you refuse?" Mr. Anderson asked. "In other words you didn't want Dr. Smith to see if the dog had been cruelly treated?"

"I don't think a doctor. . . . Is he a veterinarian?"

"Suppose He Would"

"Don't you think Dr. Smith would know?" Mr. Anderson asked.

"I suppose he would," said Mr. Huster.

Magistrate Romano intervened to say that "I want to rule now" on Mr. Anderson's motion to suppress the evidence on grounds the arrest was illegal.

"I deny the motion," he said.

It was agreed by both attorneys that the testimony that had been given would be offered in evidence.

Dr. Scham, the veterinarian engaged by the S.P.C.A., then was called.

Asked to describe the condition of the dog that had been seized by Mr. Huster, he replied:

"He was dirty. I wouldn't say he was healthy."

He added, in answer to another question, "there was no evidence of cruelty or torture."

"How long did you examine him?" asked Mr. Harris.

"About five minutes."

"And there was nothing unusual in his condition?"

"Nothing I would say," replied the veterinarian.

"Was he a sick dog?" asked Magistrate Romano.

"No," replied Dr. Scham. "He could have been better fed. He was dirty and scared."

"And what was the condition of the truck and kennels?" Mr. Harris wanted to know.

"that was from riding a lot. They did smell."

At this point, Mr. Anderson asked the magistrate to dismiss the case.

"Hungry And Thirsty"

In answer to further queries, Mr. Kaminski said that "when we fed the dogs they were quite hungry and really thirsty."

He said the dogs were fed about 1 o'clock.

Mr. Bowersox had testified that he and Mr. Kaminski "got here about 10.30 or a quarter to 11."

Mr. Huster explained that "we had to go to the shelter to get food."

He declared, "I don't think a veterinarian can say that the animals were healthy."

Magistrate Romano said "it was the testimony of the doctor for the S.P.C.A. that the truck was passable for use. There is nothing cruel there, on his testimony," he continued.

"I'm Not A Veterinarian"

"We have testimony simply that the animals showed an enormous appetite when they were fed and watered.

"I'm not a veterinarian, but we have had testimony by a veterinarian."

He then turned to Mr. Harris and Mr. Anderson and asked if they had anything further to say. They both replied in the negative.

"But you crave a jury trial," the magistrate said to Mr. Anderson.

"I'll waive a jury trial," Mr. Anderson said.

"On the basis of testimony," the magistrate said, "I fail to see that the State has made out a prima facie case of torture or suffering caused to animals by the defendant.

"I dismiss the case."

Police released to Mr. Tuck the thirteen dogs at the station house and the S.P.C.A. turned over the dog Mr. Huster had seized.

Mr. Tuck then delivered the fourteen dogs to the university, according to Dr. C. Jelleff Carr, associate professor of pharmacology. (Six had been delivered before the arrest.)

This was Mr. Tuck's second arrest and acquittal in Baltimore on the same charge.

Doctors Awaiting Dogs

In November, 1948, while delivering a load of cats and dogs to the Johns Hopkins Medical School, he was arrested on complaint of the S.P.C.A. Judge E. Paul Mason acquitted him last March.

It was stated yesterday that doctors in experimental surgery at the university medical school

Law Gives S.P.C.A. Authority

Maryland law makes special provisions for the S.P.C.A., granting its officers authority to make arrests and giving the society one half of all fines imposed for cruelty to animals.

As to what constitutes an "animal," the law specifies that the word "shall be held to include every living creature except man."

Provisions relative to cruelty to animals are contained in Article 27, Sections 70 through 80, 1939 edition of the Annotated Code of Maryland.

Section 70 Quoted

Section 70 reads as follows:

"Any person who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, or by any act, conduct, neglect or omission wilfully causes, permits or suffers any animal to undergo any species of torture or cruelty, shall be deemed guilty of a misdemeanor."

According to Section 72, "the words 'torture or cruelty' shall be held to include everything whereby unjustifiable physical pain, suffering or death is caused or permitted, and the word animal shall be held to include every living creature except man."

Half Goes To Society

Section 74:

"Whenever a fine is imposed in any such case by any court or justice of the peace, one half thereof shall be paid to the Maryland Society for the Prevention of Cruelty to Animals of Baltimore city; in case there shall be no society of similar character in the county, city or town where the offense shall have been committed, in which latter event the said one half of the fine shall be paid to the said local society; and any officer of said society, or any society or association incorporated for the prevention of cruelty to animals, duly incorporated under the laws of this State, shall upon his own view of any misdemeanor in relation to cruelty to animals make arrests and bring before any magistrate or justice of the peace offenders found violating the laws of this State in relation to cruelty to animals."

that one point.

"I think we ought to hear more," Mr. Harris said.

Mr. Anderson said the question in his opinion was whether the officer had made a valid arrest without a warrant.

Magistrate Romano said that if the officer saw "an act of cruelty in his presence, he was not divested of authority."

"Seized Seventh One"

Allowed to continue, Mr. Huster said that after six animals had gone by "I seized the seventh one. In my opinion, it was in terrible condition. That's when I said, 'I order his arrest for cruelty.' "

"And what was his condition?" the magistrate asked.

"Well," said Mr. Huster, "the dog appeared to be underfed."

"What was his condition?" Mr. Harris queried.

"The animal was in very poor condition, and I mean poor condition."

Mr. Huster said he called his headquarters and asked to have a veterinarian sent. The veterinarian, Dr. Marvin H. Scham, examined the dog about two and one half hours later, he stated.

Refused Examination

Mr. Anderson asked Mr. Huster if he had not refused to let "doctors from the University of Maryland" examine the dog the S.P.C.A. man had seized. (The remainder of the dogs were taken to the Western Police Station, where, still in the truck, they were kept in the garage —"where it is warm," a police officer explained.)

Mr. Huster said: "I refused to

"They Were Dirty"

"They weren't too bad," Dr. Scham replied. "They were dirty."

Magistrate Romano asked if Dr. Scham had official connection with the S.P.C.A.

Dr. Scham replied, "No."

In answer to further questions regarding the truck, he said its condition "was not ideal. There might have been paper on the floor or bedding, but it was not too bad"

"Then would you say that the truck was not in an improper condition?"

"The truck was passing," replied the veterinarian.

"Did you find anything organically wrong with the dogs?" Magistrate Romano wanted to know.

"They were in fairly good health," replied Dr. Scham.

Two Sent To Station

Franklin D. Bowerseox, a dogcatcher for the S.P.C.A.', and Walter Kaminski, another employé of the society, were sent to look after the dogs at the police station, it was testified.

Mr. Bowersox said the cages were "a little dirty and smelled" and that the dogs were "dirty and messed up like—they were probably sick from riding."

Mr. Harris asked him if there was evidence of torture.

"I wouldn't know," the dogcatcher replied.

Mr. Kaminski said the "cages were a little dirty, but I guess

awaiting the shipment of dogs fro Mr. Tuck in order to continue r search projects in which they ar engaged.

Refers To "Some Little Things"

It was said the doctors had onl four dogs that had not already bee operated on and that they we anticipating the twenty dogs order to continue research on suc projects as heart ailments, intes nal operations and repair of larg abdominal hernia.

Doctors working on such projec who attended the hearing include Dr. Arlie Mansberger, researc fellow in surgery at the Universi of Maryland Medical School; D James R. McNinch, Jr., assista resident in surgery at the Unive sity of Maryland hospital ar medical school; Dr. Rennert Sm ser, assistant resident in surgery Mercy Hospital, and Dr. Gordo Crabb, assistant resident in su gery at Baltimore City Hospitals.

They were not called upon testify.

2 MURDERS AND ARSON LAID TO BOY

12 Charges Are Booked Against 14-Year-Old Recently Paroled

Prosecutors yesterday directed that two charges of murder and ten more of arson be placed against a 14-year-old boy who was paroled from the Maryland Training School for Boys only two months ago.

He is charged with setting fire to a dwelling at 1423 North Gay street November 15, fatally burning a boy, 9, and his sister, 12, and with setting a $350,000 print-shop fire in the 1100 block North Chester street Tuesday.

All twelve charges were placed on the books at the Northeastern Police Station last night.

First-Degree Charges

Alan Hamilton Murrell, assistant State's attorney, who scheduled a police court hearing for 3.30 P.M. Monday, said first-degree murder charges automatically result from arson fatalities.

According to Mr. Murrell, the boy was convicted as a juvenile delinquent in November, 1947, for setting fire to a dairy and to some desks at Public School No. 6, which he was attending, at Ann and Aliceanna streets.

He was committed to the training school but was paroled in September.

Held When 8 Years Old

Fire Department officials said he was held on similar charges when only 8 years old but at that time was not committed to an institution.

The boy was arrested in a back yard in the 1600 block of Lansing avenue by a special detail of policemen, some of whom had volunteered for extra night duty on their own time to track down an arsonist in the Northeast Baltimore area.

At least fifteen fires of a suspicious nature had occurred during October and November in an area bounded roughly by Preston street and North avenue on the north and south, and Wolfe and Bond streets on the east and west.

The number in itself was considered not unusually high but police said fires were found under porches and against fences and the walls of homes. Some automobile fires were reported, most of which started in the glove compartments.

The defendant was arrested by Sergt. Howard Collins and Patrolmen Nicholas Cortezi and Gordon Holle. The special detail also included Sergt. Robert Cohen and Patrolmen Henry Zukowski and William Hamilton.

Lieut. Ralph H. Amrein, acting Northeastern captain, said the boy will be arraigned in Northeastern Police Court today, but police will ask the magistrate to continue the case until Monday and to hold the defendant without bail.

Arson-Death Charges

According to Mr. Murrell, Monday's hearing will involve only the arson-death charges.

Mr. Murrell said the Criminal Court has "complete jurisdiction" on the murder charges but on the arson counts would have to petition the Juvenile Court in each case to ask if it would waive jurisdiction.

Police said the boy has been required to be home by 10 o'clock every night since he was released from training school. The fires he is charged with setting were discovered before 10 P.M.

Visits Scenes Of Fires

Accompanied by firemen and a stenographer, police took the boy yesterday to the scenes of the fires mentioned in the charges.

One stop they made was at the house on Gay street where Leonard V. Dicke, Jr., 9, was burned to death and his sister, Phyllis, 12, suffered burns that later caused her death in the Johns Hopkins Hospital.

The children's parents and four other persons also were burned.

According to police, the Gay street fire was started when a drum of kerosene in a downstairs hallway was ignited.

Trapped In Apartment

Most of the members of the Dicke family, trapped in their upstairs apartment, climbed out a window and across a narrow ledge to a house next door.

Leonard, who became frightened and refused to go out on the ledge, broke away from his mother and ran back into a flaming front room.

His sister was carried out a window unconscious by Charles McCormick, 22, a friend of the family. She suffered burns over most of her body.

Blaze Follows Blast

The printing-plant blaze on Chester street was exactly two weeks later.

The block-long building burst into flames following an explosion about 9 P.M. and within a few minutes flames were roaring 100 feet into the air. The plant and equipment of three printing firms were destroyed and officials estimated the losses at $350,000.

The blaze was started with a candle, which set the building on fire in three places, police reported.

Two-Month Investigation

Chief John S. Knoerlein, of the Fire Department arson squad, said his men had been investigating blazes in Northeast Baltimore the last two months.

Speaking of the boy who is charged, Chief Knoerlein said:

"We had no idea he was back in the neighborhood."

The boy was arrested Wednesday night after Sergeant Collins saw a figure moving in the shadows of the 1600 block Lansing avenue.

Charged In Truck Case

The sergeant called Patrolmen Cortezi and Holle. They followed the boy and arrested him a minute or two later.

He is charged with setting a fire in the cab of a truck in the same block of Lansing avenue November 7.

Another count alleges he set a blaze which seriously damaged a two-story grocery and dwelling in the 1500 block North Bethel street Monday.

Other Arson Counts

Other arson counts, in addition to ones covering the Gay and Chester streets blazes, involve:

Small trash fire at rear of a house in 1400 block North Wolfe street November 8.

Fire which burned fence in yard of a second house in 1400 block North Gay street, also on November 8.

Rubbish and fence fire in yard of house in 1500 block North Broadway November 10.

Fire with estimated $1,000 damage in rear of factory, 1700 block North Bethel street, November 17.

Small fire in yard of another house, 1500 block North Broadway, November 23.

Trash fire in rear yard of house, 1600 block North Broadway, last Friday.

Police described the boy as tall and well built with straight, blond hair.

LABOR IS LISTED IN COST-PLUS CASE

Howard, Plumbing Contractor, Tells Of Assessments

Meredith R. Howard, cost-plus plumbing contractor, yesterday testified that he was told by an assistant parks superintendent, now under indictment, and others to bill as labor the cost of new installations or repairs requiring materials.

The assistant superintendent named by Howard, who is accused of defrauding the city of $6,635 by overcharging the city for labor, is Meyer J. Cohen. Cohen had been temporarily suspended pending trial on charges that he conspired with Howard.

Among the accusations against Howard are that he increased the bills he received from a subcontractor he employed to do some of the city work.

Costs Are Noted

Howard contended yesterday at his Criminal Court trial that the extra charges were for work he did on oral instructions of park employés. He stated that it was on those extra charges that he was told to list all of the work as labor.

Howard also contended that although his charge to the city for labor was in excess of the amount his books show he paid his men, his actual labor costs were in excess of the charge to the city.

He said he charged the city for overall labor costs, including office expenses, vacations, sick-time pay, travelling time and other items.

Prosecutors contended before Judge John T. Tucker that the written contracts require the cost-plus contractors to charge as labor only the amounts actually paid the workmen. The contractors then are permitted to charge a profit of 20 or 25 per cent on the actual cost of labor and materials, they pointed out.

The trial will be continued today, but it is not expected to conclude this week.

12 BUILDING FIRMS ARE FINED $2,335

Were Convicted Of Erecting Defective Veterans' Homes

Baltimore's year and a half investigation into GI housing ended yesterday as fines totaling $2,335 were imposed on the last twelve building firms convicted of erecting defective veterans' homes.

In all, 31 companies have been found guilty of Building Code violations since the probe was begun by the grand jury.

Fourteen firms were fined a total of $2,400 about two weeks ago. Five other companies were fined last year.

$5 Fines For Each Violation

Judges Herman M. Moser, Emory H. Niles and Robert France, who presided in the final series of cases, imposed $5 fines for each violation of the code.

Imposition of the fines was delayed several months until the judges were assured by Paul A. Cohen, buildings inspection engineer, that all correctible defects had been remedied or financial adjustment made with the buyers for those that could not be corrected.

The builders were required to make corrections and adjustments on all houses they had erected and not just those used as the basis for criminal prosecutions.

Violations Charged Listed

The companies fined yesterday, the amounts of the fines and the violations charged to them follow:

ACE DEVELOPMENT COMPANY, builder of homes in the 700 and 800 blocks of Richmond avenue and the 800 block East Cold Spring lane, $155 for less than 4-inch clearance in firewalls and violations of plans and drawings.

PANWAY HOUSING CORPORATION, builder of homes in the 1200 block Ashburton street, $315 for fire-resistance rating of less than four hours, lack of bridging between some joists, no metal straps on other joists, no parallel wall anchors, no scuttle to flat roofs, no windows or skylights in furnace room.

PANWAY BUILDERS, builder of homes in the 2800 and 2900 blocks of Oakford avenue, $200 for lack of bridging between certain joists, no parallel wall anchors, no end joist anchors, firewalls of less than four-hour fire-resistance rating, no scuttle to flat roofs.

BRADY REALTY CORPORATION, builder of houses in the 400 block Hornel street, $360 for lack of bridging between certain joists, no firestopping around chimneys and where joists rest on top of cellar walls, less than 4 inches between wooden members in party walls, fire-resistance rating of less than four hours, inadequate built-in chimneys, inadequate gutters and leaders.

HENRY KNOTT REALTY COMPANY, builder of homes in the 1400 and 1500 blocks of North Decker street and the 3000 and 3100 blocks East Federal street, $140 for fire walls of less than four-hour fire resistence rating, no fire stopping at each floor and ceiling level.

EDISON REALTY COMPANY, builder of homes in the 2600, 2700 and 2800 blocks East Federal street, $150 for lack of parallel wall anchors, no end joist anchors and no bridging between certain joists.

MUELLER CONSTRUCTION COMPANY, builder of houses in the 400 block Gusryan street, $160, for less than 4-inch clearance in firewalls, joists failed to bear into hangers, no firestopping around vertical ducts, no end-joist anchors.

TRIANGLE REALTY AND CONSTRUCTION COMPANY, builder of homes in the 3700, 3800 and 3900 blocks of Glengyle avenue, $65, for inadequate clearance between beams on some party walls, no firestopping at ends of first-floor joists, no bridging between ends of certain joists.

COLE CONSTRUCTION COMPANY, builder of homes in the 7600 and 7800 blocks of Daniels avenue and the 3200 block Taylor avenue, $210 for firewalls of less than four-hour fire resistance rating, less than 4-inch clearance in firewalls, no bridging between certain joists, no firestopping at ends of joists, no firestopping around chimneys, inadequate built-in chimneys.

HAVEN HOME BUILDING COMPANY, builder of houses in the 5800 block Benton Heights avenue, $180 for lack of firestopping at ends of joists, no bridging between certain joists, no 12-inch parapet over asphalt shingle roofs, no parallel wall anchors.

UNITED STATES CONSTRUCTION CORPORATION, builder of homes in the 4800 block Wilern avenue and the 4900 block Edgemere avenue, $120 for lack of end-joist anchors, no firestopping around chimneys.

W. B. SHOALS BUILDING COMPANY, builder of houses in the 3900 block Oakford avenue, $280 in fines suspended because William B. Shoals, who also was convicted, is without funds and spent some time in prison after he was found to have made no corrections. The corrections subsequently were made through the aid of friends. There were no bearing plates under steel beams resting on piers, no scuttle to flat roofs, no hand-rail on rear porch stairs, no hand-rail to cellar steps, inadequate head room from cellar stairs, no end-wall anchors.

Judge Reduces Fine

Judge Moser reduced the fine on the O'Donnell Building Corporation from $360 to $200 after the buildings engineer agreed that four counts did not allege actual code violations. The O'Donnell company was fined two weeks ago.

Judge Moser also struck out verdicts of guilty against Leon J. and Stanley Panitz, officers of the two Panway companies, which are in receivership. The court was as-

[illegible] that the fines would not come out of receivership funds.

William H. Maynard, deputy State's attorney, prosecuted all the cases.

The State's Attorney Reports On Housing "Sales"

The State's attorney's office, after a two-month investigation, has come out with a strong statement against the "prevalent" use of long-term installment housing sales and has recommended that unwary buyers be given the same protection under State law which was accorded in 1941 to purchasers of household goods. Going one step further, the State's attorney has urged criminal penalties for violations of whatever new law is enacted.

The report of the State's attorney's office is only the latest of denunciatory remarks concerning the terms of installment contracts under which former tenants of slum housing are signed up as "buyers" without any guarantee that they will ever obtain legal title to their homes. Mr. Wells did not condemn installment housing sales as such, because they are a worth-while tradition in Baltimore, but he said that the law must come to the aid of the "unsophisticated and inexperienced" so that they may not become a "prey to the unscrupulous charlatans who ply their trade without regard to ethical procedure."

Others share Mr. Wells's sentiments, and there is a move to prepare a bill to obtain State regulation of installment housing sales. But so far one main point has been avoided: Who is the legal owner of a slum house that is tied up in a 50 to 70-year "sale" and is in need of extensive alterations to comply with municipal health and building regulations? That is an essential point, because the city must prosecute somebody for housing violations and to date has made little progress in prosecuting erstwhile tenants who are presently carrying a full economic load as the dubious "buyers" of slum property.

On the city's books, of course, there is no question of legal ownership of slum property. The owner is the man who holds the deed. If someone also has a mortgage on the property, that too is recorded. But under some of the installment contracts now in use, the ownership of a piece of property is not supposed to be what the city's records would have it but what a slip of paper in the "seller's" pocket would have it. When a tenant misses a weekly payment, the property belongs to the "seller," but when the Health Department demands that a basement be rat-proofed, the property belongs to the "buyer."

So far there has been no real pressure to determine the legal responsibility for housing violations under the long-term contracts, and the question of recording the "sales" to preserve the validity of the city's records has been skillfully skirted. The emphasis, well intended, has been on the protection of ignorant buyers. What is lacking is parallel emphasis on protecting the city's legitimate interest in the ownership of all property within its borders.

EVE. SUN 12/2

Boy Arraigned On Charge Of Arson Here

A 14-year-old parolee from the Maryland Training School for Boys was led into the bare courtroom at Northeastern police station this morning to face charges of arson and murder.

Magistrate August Kozlovsky sat in his chair and waited for him. Four fire department men were the only other people in the room. Just before 9 o'clock Sergt. Howard Collins, the policeman who arrested the boy in an alley behind the 1600 block of Lansing street Wednesday night, led in the defendant.

The boy was dressed in a blue-striped shirt, with the sleeves rolled up. His long blond hair was mussed up. He stood in front of the magistrate and looked blankly at him. He was about 5 feet 7 inches tall, and weighed about 130 pounds. He was tieless, with his shirt open.

Apartment-House Fire

On the magistrate's docket he was charged with setting fire to an apartment house at 1423 North Gay street on the night of November 15, and thereby causing the death of Leonard Dicke, 9, and his sister, Phyllis, 11.

Deaths resulting from arson carry automatic charges of first-degree murder.

Judge Kozlovsky asked Sergeant Collins if he wanted to proceed with the trial.

Want Postponement

"No, your honor. We'd like to ask postponement until Monday, at the request of Mr. Allen Murrell, assistant State's attorney."

Murrell was not present.

"Postponed until Monday, at 3 P.M.," the judge said. "No bail."

The boy was led away from the bar. He paused and looked around once at the magistrate, without speaking, and then went out with the policeman. He went back to the second-floor detention cell where he had spent the night.

8 Other Cases

On the Juvenile Court docket, the boy is charged with eight other cases of arson, including last Tuesday night's $350,000 fire which destroyed three printing firms in the 1000 block of Chester street.

The boy was first in trouble as an arsonist when he was 8 years old, and went to juvenile court. He was not punished at that time.

In November, 1947, he was committed to the training school for two years after he had set fire to some desks in School 6, at Ann and Aliceanna, which he was attending at that time. Two months ago he was paroled.

Since his parole, at least fifteen fires of mysterious origin have been started in the area between Preston street and North avenue, and Wolfe and Bond streets.

EVE. SUN 12/2

Dog-Row Split Within S.P.C.A. Is Reported

Three new developments highlighted Baltimore's dogs-for-research controversy today as the debate between supporters and opponents of animal experimentation neared its climax.

The were:

1. A division of opinion within the S.P.C.A. board of directors over whether dogs should be used for research.

2. The dismissal of animal cruelty charges brought by the S.P.C.A. against John S. Tuck, Pennsylvania animal dealer who procures dogs for Baltimore medical schools.

3. A move among city councilmen to introduce a bill Monday authorizing the medical use of pound animals.

6 Dissenters Reported

Within the S.P.C.A.'s nineteen-member board of directors there are at least six who are dissatisfied with Miss Mary Shearer's debate with a committee of Baltimore scientists, it was learned today. Miss Shearer is president of the S.P.C.A.

The dissenters particularly resent the presentation of the case against research which was made in the name of the S.P.C.A. before the Board of Estimates in the War Memorial November 16. This case was prepared, they protest, without consulting the board.

The dissention within the S.P.C.A. board came out at a stormy session Friday.

Regular Session Canceled

The meeting was called, it was learned, by three members of the board. The society's by-laws provide that "special meetings may be called by the president upon his own suggestion, or shall be called at any time upon the request of any three members of the board."

The regular monthly meeting of the board, which fell on Monday, November 14—two days before the War Memorial hearing—was cancelled at the last minute by Miss Shearer.

A resolution approving the use of dogs in research had been prepared for introduction in that meeting by one of the directors.

Held "Dognapping" Blow

This resolution argued that if condemned animals from the city pound were turned over to scientists, the practice known as "dognapping" would be eliminated through want of profit. It provided for inspections of medical laboratories by veterinarians.

Last Friday's meeting was held at 612 North Calvert street at 3.30 P.M. After Miss Shearer had called it to order, she turned it over to Paul Berman, attorney, who acted as a special counsel for the society during the War Memorial hearing.

One resolution presented to the meeting never came to a vote.

$50,000 Fund Involved

This resolution provided that in the event city authorities should decide to turn doomed stray dogs over to medical schools, the society should continue to work to prevent suffering among helpless animals.

Tacked on was the provision that, in such event, the S.P.C.A. would "accept no responsibility for such disposition or express any indorsement or approval thereof."

This was done because the society would lose a $50,000 endowment if it should "sanction" animal experiments. The Home for Incurables would get the $50,000.

Veterinarian Testifies

The meeting was suddenly adjourned without taking any action on the resolution.

Mr. Tuck, who was arrested at the University of Maryland Medical School yesterday morning by Norman P. Huster, S.P.C.A. agent, was acquitted in Western Police Court yesterday afternoon.

Dr. Marvin Scham, a veterinarian employed by the S.P.C.A., testified that Tuck's dogs were in normal condition and showed no evidence of cruelty or torture.

It has not yet been decided who will introduce Monday's measure, but it is understood that at least four members of the City Council —and probably more—are ready to attach their names to the bill.

The ordinance is expected to be brief.

Reform Needed

Twice recently, agents of the Society for the Prevention of Cruelty to Animals have engineered arrests of a decent business man on trumped-up charges of cruelty. It is clear the charges were trumped up because in each case, after careful study of the facts, the charges were dismissed.

The S.P.C.A. serves or should serve a useful purpose in the community. Its function is to prevent wanton cruelty to animals, and to achieve that end its agents are clothed with almost plenary powers to make arrests. For reasons that are obscure, but certainly not inexplicable, the society is also given half of any fines which are imposed on those found guilty of cruelty to animals.

We are here and now making no argument against the legitimate purposes of the society nor indeed criticizing the laws and contracts under which it operates in this city. But it is proper and even necessary to criticize the society's recent activities as far as the hospitals in this community are concerned.

The hospitals are prevented by law from getting any of the city's stray dogs. This means that they must arrange to get those dogs, when they can, from out of town. They have made a legitimate business arrangement with an out-of-town supplier.

But even this arrangement, forced on them by the contract under which the S.P.C.A. collects local strays, seems to be offensive to the S.P.C.A., and it now appears that the society is engaged in a continuing effort to make it even more difficult for the hospitals to get dogs at all.

Which is to say, that for all intents and purposes, the society is using its extraordinary powers in such a fashion that necessary medical research to save human lives is being carried on under a constant threat, so that at least one legitimate business man has twice been arrested on charges impossible to sustain.

We doubt the community will permit such a situation to continue.

The Baltimore News-Post
Friday, Dec. 2, 1949—3

Animal Dealer Is Freed, Dogs OK'd For Vivisection

Cruelty charges today had been dropped against John S. Tuck, an animal dealer from Hershey, Pa., and a consignment of dogs he had brought here by truck was turned over to the University of Maryland Medical School for vivisection purposes.

After hearing testimony in Western Police Station, following Tuck's arrest, ordered by an SPCA agent, Magistrate Julius Romano ruled the State had not made out "a prima facie case of torture or suffering caused to animals by the defendant," and the case was dismissed.

ENCASED IN PENS

Tuck, who had been in the Maryland courts before on cruelty to animal charges, was arrested yesterday as he was unloading the consignment of dogs at the medical school.

Six dogs, encased in individual wooden pens, already had been unloaded from the truck and turned over to the school when Norman P. Huster, SPCA agent, seized the seventh dog and ordered Tucks' arrest.

Patrolman George Brooks made the arrest at Huster's direction, and Tuck, the truck and the remaining dogs on it were taken to Western Police Station.

When the hearing opened late yesterday, G. C. A. Anderson, attorney for Tuck, moved to have the case dropped on the basis Patrolman Brooks had no warrant for an arrest.

AGENTS AUTHORIZED

It was pointed out, however, that the arrest was made at Huster's direction and that SPCA agents have such authority.

Huster told Magistrate Romano that when he arrived at the Medical School "the dogs in the truck were whining and crying."

He said he let six dogs go by, declaring:

"They were bad enough. I seized the seventh one. In my opinion it was in terrible condition. That's when I said, 'I order his arrest for cruelty.'

"The dogs appeared to be underfed. One was in very poor condition, and I mean poor condition."

Mr. Huster went on to say the dog he had seized was dirty.

He said, however, in answer to another question that "there was no evidence of cruelty or torture."

DOGS 'VERY HUNGRY'

Further testimony followed from representatives of the SPCA that the pens in which the dogs were carried were "dirty and smelled, but that the truck was passable."

Dr. M. H. Cham, veterinarian summoned by the SPCA, added that the dogs in the shipment were not sick but "they were dirty and very hungry."

In making his decision, Magistrate Romano declared:

"There is nothing cruel there on his testimony. We have testimony simply that the animals showed enormous appetite when they were fed and watered.

"I dismiss the case."

Tuck then delivered the remainder of the dogs to the laboratory.

It was the animal dealer's second arrest and acquittal in Baltimore on the same charges.

MORN. SUN 12/3

BALTIMORE, SATURDAY, DECEMBER 3, 1949

The S.P.C.A. Should Not Abuse Its Privileges

Most Baltimoreans will feel a touch of sadness that so useful an institution as the Society for the Prevention of Cruelty to Animals should permit itself to be used as a puppet in the present intense debate over the question of animal experimentation.

On two occasions recently, the S.P.C.A., through its agents, has interfered with the legitimate delivery of stray dogs from out of town to the local hospitals. The charge in both cases was that the dogs were being cruelly used. But in both cases, after careful trials, the charge was found to be without basis and the arrested man dismissed.

But the conclusion that many people will inevitably draw is that the S.P.C.A., instead of sticking to its praiseworthy aim, the aim which has led thousands of Baltimoreans to support it, is now seeking to disrupt the honest efforts of our physicians to discover the causes of disease and the best means of curing it. There can be no greater perversion of a noble purpose.

The law under which the society operates is a broad one. It gives to its officers the right to make summary arrests of persons whom they believe guilty of cruelty to animals. Animal is defined as every living creature except man. In addition, the society is given half of any fines which may be imposed upon those convicted of cruelty to animals.

It is easy to understand—and for elders to recall—how such an all-inclusive law came into being. In the days of horses, nothing was more heart-rending than to see a man abusing, with a black-snake whip or even a club, an ill-fed and overworked animal. The ordinary citizen was usually helpless when he witnessed such sights, for he could rarely find a policeman. But the society's agents were often about and arrested a sufficient number of such low-grade individuals to put the fear of punishment in the hearts of many of them.

When the law was placed on the books, it certainly never occurred to those who supported it that it would come to be an instrument for persecuting decent people. Least of all, did anyone think that it would be perverted so as to endeavor to stifle humanitarian effort rather than promote it. But apparently we are just about to reach that ironic result.

Emotions have reached such a pitch as a result of the effort of the medical schools and hospitals to procure a small proportion of the dogs annually killed by the S.P.C.A. that not everyone concerned is using the good judgment which we normally expect of high-minded citizens.

But certainly even overwrought emotions cannot justify the course upon which the S.P.C.A. seems to have embarked. Abuse of the special privileges under the law which the S.P.C.A. now enjoys is the surest way of bringing about a change in the law. Persistent abuse will lose for the S.P.C.A. all the good will which it has built up over the years.

EVE. SUN - 12/5

Juvenile Paroles

The ten charges of arson and two of arson-murder against a 14-year-old boy who was on parole from the Maryland Training School present such a serious case of parole failure that they inevitably raise questions about the system. Two questions in particular press for an answer. One is how an alleged pyromaniac was paroled in the first place. Another, brought up by the police, is why they had no knowledge of the parole and therefore of the presence of a likely suspect in the neighborhood.

With respect to both questions one point should be made clear. Unlike adult prisoners, the juvenile parole cases are not passed upon by the Parole Board and the Governor, but are decided by the school and the juvenile court.

It is clear, on the first question that the screening of the boy before release was obviously inadequate. Under the present system of indeterminate sentences for such youthful offenders, a boy becomes eligible for "nonresident assignment" when he has acquired enough points, based on his attitude and activities in the school and his general character development.

In this case the boy had, by all the normal standards, reached a stage of character development that ordinarily would have made him a good risk for parole. What was not taken into account was a highly unusual and not wholly understood quirk in his psychology. That he was released was a mistake, and brought tragic consequences. The recent addition of a psychologist to the training school's staff, however, who will help in the screening of potential parolees, should prevent many such errors in the future.

As for the police and their understandable question of why they are not given notice of juvenile parolees, it should be made clear that withholding such information is not an oversight but a matter of policy. Juveniles are not fingerprinted, nor are their names published in the press. Those concerned with rehabilitation have found that juvenile delinquents can be best helped if they feel the law is for them, not against them. Whether the gains outweigh the loss in occasional crimes that go undetected by an uninformed police force is, for the police at least, a moot point. It should be clear, however, that withholding information on juvenile delinquents is a matter of policy, not oversight.

MORN SUN 12/6

BOY, 14, ACCUSED IN 2 FIRE DEATHS

Jury To Probe Murder Charge In Burning Of Children

A 14-year-old boy yesterday was held without bail for the grand jury on charges of murdering two children who died in a fire the night of November 15.

At the hearing in Northeastern Police Court, police read a statement by the boy describing how he had set fire to the home in the 1400 block North Gay street.

Lieut. Ralph Amrein testified the boy said he set fire to some kerosene, then watched the house burn, the firemen fight the blaze and finally saw them carry out the children who were burned. One was dead at the time, the other died later.

Pleads Not Guilty

Magistrate August A. Kozlovsky entered pleas of not guilty to the charges of causing the death of Leonard Dicke, Jr., 9, and Phyllis Dicke, 11. In addition to the murder charges, the boy also is accused on ten counts of arson.

Sergt. Howard Collins read the statement in which the boy admitted setting the series of fires. In describing the fatal fire, the boy was quoted as saying he went into the apartment through a rear door.

"I saw a tank of either oil or gas, I do not know which, laying on its side on a stand," the statement said.

"I then turned on the spigot and left the oil run on the floor. I then turned the spigot off and lit a match and threw it on the floor.

"The oil started to burn and I ran out the back way leaving the door open and went around front of the place.

"I stood there until the ambulance and the fire engines came and left and went home."

The statement was taken by Lieut. Clarence Wehage and Patrolmen Nicholas Cortesi and Gordon Holle.

The charge against the boy specifically accused him of "unlawfully, wilfully and with malice aforethought setting fire to a dwelling at 1423 North Gay street and thereby causing the death" of the two children.

Alan H. Murrell assistant State's attorney, explained that first-degree murder charges automatically result from arson fatalities.

During the hearing the boy stood motionless with his head slightly bowed. He did not testify.

MAN FREED IN BAIL IN 3 AUTO DEATHS

Seaman Posts $3,000 After Battered Car Is Found

Charged with causing the death of three men killed Saturday by a hit-and-run automobile, Walter Stankiwicz, 33-year-old merchant seaman, was released yesterday in $3,000 bail pending a hearing in Northeastern Police Court.

Stankiwicz, who lives in the 5600 block Wright avenue, was arrested Sunday after his damaged car was found in a South Baltimore repair shop.

Arraigned before Magistrate August A. Kozlovsky, he was released in $1,000 bail on each of three separate charges. The date of the hearing is to be set by the State's attorney.

Three Hurled 65 Feet

He is accused of causing the death of John Vogt, 80, of the 2900 block East Monument street; Andrew Lockman, 70, of the 500 block North Potomac street, and Harry Edgett, 65, of the 3000 block East Monument street.

They were struck by a speeding automobile at Monument and Potomac streets and their bodies were hurled 65 feet.

Vogt was dead on arrival at the Johns Hopkins Hospital and the other two died within two hours.

After finding bits of the automobile's grill and radiator ornament at the scene, police set up an elaborate search apparatus to locate the hit-and-run automobile.

Imprisoned By Germans

Stankiwicz spent two and a half years in a German prison camp during the war after his ship was torpedoed by a submarine off Norway. On his return to this country, he and his shipmates were described as "heroes of the seas."

At a City Hall reception in 1945, former Mayor McKeldin gave Stankiwicz and five other Baltimore seamen keys to the city.

MORN SUN 12/6

FAKED BILLS ON PARK WORK, SAYS HOWARD

Defendant In Cost-Plus Case Says Official Ordered Bathroom

Meredith R. Howard, on trial in Criminal Court on charges of defrauding the city on cost-plus contract work, testified yesterday that he was instructed by a park official to install a $2,200 bathroom in a superintendent's house and submit fake bills to cover the cost.

Howard testified he installed the bathroom in the lake cottage at Clifton Park—a house occupied by the park superintendent.

The defendant identified several bills, which he said were for park repair work which he never actually did. Howard said he has received only about $1,100 on the bathroom bill.

Has Sued City

He has sued the city in civil court for money allegedly due him for that work and other jobs.

A picture of the bathroom was shown to Judge John T. Tucker, who is presiding at the trial. The trial, which is in its second week, will be continued this morning when the accused will be cross-examined.

The contractor said a fancy, glass door on a shower stall in the bathroom cost about $117. The bathroom also included the other usual equipment, including a recessed tub and tiled walls.

Identifies Official

Howard identified the park official who instructed him to charge the cost of the bathroom on faked bills as Meyer J. Cohen, principal assistant superintendent of parks, who is under indictment on charges of conspiracy and is temporarily under suspension.

Howard is accused of defrauding the city of about $6,635 on cost-plus charges for labor. He has contended that his charge for labor was the rate fixed for him by park officials.

EVE. SUN 12/6

Howard Defends Dating In Bills

Meredith R. Howard, plumbing contractor, today insisted under crossexamination that defense exhibits of workmen's time reports dated from the time he did the city work.

Prosecutors, in questioning the cost-plus contractor before Judge John T. Tucker in Criminal Court, repeatedly called attention to "corrections and erasures" on his records and asked him whether the records were not prepared after the city was billed for the work.

Further Quiz Pending

Crossexamination as to Howard's testimony that park officials instructed him to submit fake bills to cover the cost of a $2,200 bathroom in a park superintendent's home and as to costs involved in a $900 set of goal posts at the Stadium had not been reached by the prosecutors during this morning's court session.

The contractor, who is charged with defrauding the city of about $6,635, through overcharges involving mostly labor costs, admitted there were many instances in which the exact work hours reported in his own job tickets did not coincide with work hours billed to the city.

Work Dates Disagree

In some instances, he admitted, the work did not show on the same precise dates, but he explained that "it's impossible to always to get the workmen to put down the right dates or sometime to put down any date at all."

Detailed questioning by Charles E. Orth, Jr., and William J. O'Donnell, assistant State's attorneys, arose when they discovered that job memoranda for work done by a subcontractor in 1947 and submitted as a defense exhibit was on a ticket form that bore scratched-out records of a subsequent job ordered by the city in April, 1948.

Asked About Job Ticket

After twenty minutes of questioning about the work, materials and workmen's hours, Mr. Orth asked:

"The question merely resolves itself to this, Mr. Howard: Just how could you have made out a bill in 1947 based on a job ticket, which also contained records of work called for in 1948?"

Howard then produced, through his attorneys, Leonard Leipman, H. Mortimer Kramer and Edward H. Burke, another slip from his files which he said was the original record from the subcontractor for the 1947 job.

Since it was merely on a white memoranda sheet, jotted down at the time of his conversation with the subcontractor, he subsequently had transferred the memoranda to a job ticket form on which the scratched-out notations of 1948 work appeared, he explained.

Question On "Duplication"

In many other instances, Howard gave explanations for apparent discrepancies.

I none case, where a labor workman's time was carried on the wage reports of plumbers and helpers, in view of another statement that such labor usually figured in the overhead charge, Judge Tucker asked:

"If the laborer is charged as labor in your bill and such labor is also charged as overhead, there is a duplication of charges, isn't that correct?"

Howard replied:

"Yes, sir, it might seem so, but I do not think that these two tickets match up. I think they represent different matters."

Life Terms Given 3 In Slaying

Three men pleaded guilty today to murder in the old killing of a North Frederick street merchant, and were sentenced to terms of life in the Penitentiary when Judge Robert France in Criminal Court ruled the killing was first-degree murder.

The murder, on April 28, 1947, remained unsolved until a House of Correction prisoner serving a three-year term for burglary confessed recently to "ease his conscience."

Bernard Cooper, 27, was the man who confessed.

The other two defendants, who also pleaded guilty today, were Robert Brown, 25, of the 1600 block of Miller street, and John Louis Wright, 25, of the 200 block of North Durham street. All three are colored.

Hit On Head With Pipe

The prosecutors, Assistant State's Attorneys Anselm Sodaro and Charles E. Orth, Jr., told the court that, while the men were robbing the store of Charles Weaver, in the 200 block North Frederick street, Wright hit the 62-year-old storekeeper on the head with a piece of pipe.

The three men took $20 and a quantity of cigarettes.

Detective Lieutenants Leo Kelly and John Hettchen, who had pressed the investigation of the murder case, obtained statements from the defendant.

MORN SUN 12/7

3 GIVEN LIFE FOR MURDER

Men Plead Guilty To Slaying Merchant Here In 1947

Life-imprisonment terms were imposed in Criminal Court yesterday on three men who pleaded guilty to the murder of a 62-year-old vending-machine merchant bludgeoned to death when he attempted to resist their robbery attempts more than two years ago

Judge Robert France orderec life sentences in the Penitentiary for Bernard Cooper, 27; Robert Brown, 25, and John L. Wright, 25-year-old veteran and father of three children. All of the defendants are Negroes.

The killing had baffled police for more than two years before they obtained information which led them to question Cooper, who was serving a three-year term in the House of Correction, imposed last October for larceny.

Anselm Sodaro and Charles E Orth, Jr., prosecutors, said Cooper admitted his part in the murder and then involved the other two defendants, who subsequently confessed.

The killing occurred April 28 947, in Weaver's vending-machine hop on North Frederick street, udge France was told.

The three defendants entered the shop and one of them, pretending to be armed, demanded cartons of cigarettes, Mr. Sodaro said.

Weaver tussled with two of the defendants and was struck over the head with a piece of pipe by one of the men, who then took 60 packs of cigarettes and about $60 in cash and fled.

Joseph Rosenthal, J. Howard Payne and E. Everett Lane, court-appointed defense counsel, said the three men were glad to get the killing off their consciences.

HOUR RECORDS CITED AT TRIAL

Discrepancies Are Brought To Light In Howard Case

Discrepancies between the number of hours of labor charged to the city for cost-plus work and hours credited to workmen on pay roll records for the same jobs were brought to light yesterday by prosecutors on crossexamination of Meredith R. Howard, plumbing contractor, accused of defrauding the city.

Howard admitted that some of the discrepancies appeared on his records, but contended that all bills submitted to the city for labor actually represented the true number of hours required to do the job.

He blamed certain discrepancies on possible errors by clerical help during 1947 and 1948, when he is accused of defrauding the city of about $6,635 on labor charges for cost-plus work done in the parks.

Bear Official's Signature

Howard repeatedly pointed out during the crossexamination by Charles E. Orth, Jr. and William J. O'Donnell, prosecutors, that all of his labor time sheets bear the signature of a park official, who approved the number of labor hours charged to the jobs.

One park superintendent is under indictment on a charge of conspiracy in connection with the cost plus work.

On one occasion during his testimony, Howard noted that the record of labor hours was approved by the superintendent of Clifton Park, in whose park home Howard testified earlier that he installed a $2,200 bathroom and was directed to make up fake bills to cover the cost.

Tells Of Instructions

Howard said his instructions to make up fake bills to cover the cost came from Meyer J. Cohen, the superintendent under indictment.

Mr. Orth attempted to show during his examination of the defendant that Howard's pay-roll records indicate that certain workmen were credited with no work on days when the city was billed for as much as eight or nine hours for work allegedly done by those same men.

Judge John T. Tucker, who is presiding at the trial, refused to let Mr. Orth ask a question dealing with the possibility that certain records of the defendant's may have been altered since he was indicted.

Trial Slated Dec. 16 On Baby-Adoption Cases

J. Bernard Wells, State's attorney, has announced that the trial of a number of persons on charges arising from the recent investigation of baby-placement homes and adoption of infants will be held December 16 before Judge E. Paul Mason in Crimina Court.

The defendants include four doctors and an attorney, who are accused of making illegal charges for the placement or adoption of infants. Other defendants are women operators of baby-placement homes, accused of conducting such homes without the proper licenses.

Counsel for the defendants have indicated that they plan to make legal attacks on the validity of the indictments. If such action is filed, it probably will be argued on the data set for the trials. Anselm Sodaro, assistant State's attorney, will prosecute the cases.

EVE. SUN 12/7

Adams Numbers Case Put Off On Search Issue

Pending attacks on the constitutionality of Maryland's ten-year-old search-warrant law today caused indefinite postponement of six numbers-racket charges against William (Little Willie) Adams and seventeen other defendants.

Judge Robert France ordered the postponement in Criminal Court after defense lawyers filed special motions to quash the search-and-seizure warrant in the numbers case.

The motions, filed by Joseph H. A. Rogan as counsel for Adams, colored tavernkeeper; by Gilbert Friedel as counsel for Morris Fox, lone white defendant, and by Maurice T. Siegel, Ernest L. Perkins and Robert P. McGuinn as attorneys for the other sixteen, Perkins and McGuinn are Negro attorneys.

Quashing of the charges was sought on the ground "the search warrant was issued pursuant to provisions of Chapter 749 of the General Laws of 1939, which act or chapter is unconstitutional and void."

Defense lawyers contended that the search warrant law, as it was signed by former Governor O'Conor and as it appears in the code, does not contain one amendment that was actually passed by both houses of the Legislature, and on the other hand does contain another amendment that was passed by only one of the legislative branches.

Point Raised At Towson

The same point also has been raised in a bookmaking case at Towson by Jerome Robinson and John Grason Turnbull, defense lawyers. Judge J. Howard Murray, of Towson, because of the seriousness of the point, has withheld decision and inited the Attorney General's office to participate in the case by filing briefs. An ultimate decision by the Maryland Court of Appeals is expected.

Still another pending case involves the point. Judge France was told. R. Palmer Ingram, seeking a motion for a new trial for a convicted bookmaker, announced that he will press the constitutional issue in the case already heard.

Important Cases Pending

Because of several important cases expected to run at considerable length that are already scheduled for hearings, it was decided not to hold a preliminary legal hearing on the new defense motions, since the other cases are on the way to decision by Maryland's high court.

Alan H. Murrell, assistant prosecutor appearing with Deputy State's Attorney William H. Maynard for the prosecution, said that it seemed to be "Tweedledum or Tweedledee whether we or the State's attorney of Baltimore county fight this matter through the Court of Appeals."

Adams's counsel, Mr. Rogan, pointed out that the search-warrant law now purports to contain a section making statements under it subject to perjury, which, he asserted, is shown by legislative journals to have been passed only by the House of Delegates.

Liwekise, he asserted, the law as it stands on the books does not contain an amendment passed by both houses which sought to provide that any search warrant should become void if it was not used in exercise within fifteen days from its issuance.

The attorneys asserted that the new points were precipitated by the Maryland Court of Appeals's own recent decision on the 1949 school-bond act, in which the journal records were held to be binding. As a result the bond act was thrown out and an extraordinary session of the General Assembly has been called by Governor Lane.

The numbers cases against Adams and the other seventeen defendants arose from a raid by Capt. Alexander L. Emerson and his squad last November 19 in the 2000 block West North avenue.

NEWS 12/7

Police Test Scene Of 3 Auto Deaths

For about an hour last night traffic was halted on Monument street for several blocks while police made a series of tests at the spot where three men were killed by a hit-and-run auto Saturday night.

The tests were made about 7.30 P. M.—the same hour that the crash occurred in which the trio died.

Police declined to discuss the tests or to describe their nature, but they were said to have been conducted at the direction of Assistant State's Attorney Alan H. Murrell. They were carried out by Sgt. Ulysses B. Huff and Patrolman Charles Gross of the Accident Investigation Division, under orders of Capt. Clarence O. Forrester, Jr., of the Traffic Division.

Monument street was blocked off during the tests, with policemen diverting traffic to other streets.

EVE. SUN - 12/7

Prosecutors Question Dates On Howard's Records

Prosecutors today continued cross-examination of Meredith R. Howard, plumbing contractor, in efforts to show that the city had been overcharged for labor on cost-plus work, and that the contractors records are not reliable.

Judge John T. Tucker, who is hearing the case without a jury in Criminal Court, prevented prosecutors from putting the direct question of whether detailed work records of 1947 and 1948 actually had been compiled during the past summer after Howard's first hearing resulted in a mistrial, but the State officers continued to ask when each record had been made.

Howard insisted all were made at the time the work was done. One record, however, was on a form bearing Howard's present telephone number, which the State contended was not assigned until nine months after the work was done.

Reports Studied

In examining detailed hourly reports of time spent by workmen in specific jobs, the prosecutors, Charles E. Orth, Jr., and William J. O'Donnell, found two sets of tickets for different jobs on June 9, 1948, where, within the same span of working hours, one worker was listed as being on two different projects.

Howard at first insisted the work tickets were for different days, and Judge Tucker finally examined them personally. Mr. Orth finally asked the defendant:

"One ticket shows that this worker was billed against the city for eight hours' work plus one-half hour travel time each way, and on the other the same man is billed for three and a half hours' work plus three-quarters hour travel time each way. Isn't that right?"

Denies Duplication

Howard replied: "According to the tickets, that is what it shows, but according to my belief one ticket is June 9 and one is June 19."

Then, turning toward the judge, Howard added:

"Your Honor, there never was any intent to duplicate charges as to men."

"You were not asked that," the jurist replied.

Both sides had sought the right to have accountants and auditors examine Howard's pay-roll books last night while court was not in session, but the city auditors working with the State prosecutors were given first chance at the records, since Howard is still under State examination.

The contractor is represented by Leonard Leipman, H. Mortimer Kremer and Edward H. Burke, attorneys. Throughout his two previous days on the witness stand, he has asserted that, to the best of his knowledge, no overcharges ever were made against the city with intent to defraud. Howard admitted that there might be numerous errors on his job records, and repeatedly stated that it was hard to get workmen to use care in filling out details such as dates.

"Were you authorized to subcontract sheet-metal work?" asked Mr. Orth.

"How else could we do it?" said the witness.

"Why did you take sheet-metal jobs when you weren't doing that work?"

"It all added up on our volume of business," said the witness.

"But who authorized you to handle it that way?" asked Orth.

"I don't think anyone authorized me to do it," replied Howard.

COST-PLUS SHOWER—A frosted swan and water reeds decorate the glass door of this shower stall in the $2,200 bathroom in the superintendent's cottage in Clifton Park. Cost-Plus Contractor Meredith R. Howard said he was told to install the bathroom for $2,200 and charge off on fake bills for other work. The room is about ten feet square and is done in glazed tile.

Emerson Raided Christmas Club, Defendants Say

Capt. Alexander Emerson yesterday raided what he said was the headquarters of a numbers lottery, but this morning in Northwestern Police Court those arrested announced themselves to be the Christmas Godfathers Club.

After hearing the stories of Samuel Smith, 34, salesman, and William Holland, 42, chauffeur, Magistrate Thomas L. Fitzpatrick asked Captain Emerson if he wanted to call for dismissal of the case.

When the vice squad leader refused, Magistrate Fitzpatrick postponed action so the State's attorney's office might investigate.

Produces Two Exhibits

To support his charges, Captain Emerson had produced two exhibits: a search-and-seizure warrant obtained from Judge John T. Tucker, of the Supreme Bench, and a packet of torn paper, allegedly numbers slips.

The paper, both sides admitted, came from a trash pile behind the raided house in the 1900 block of Harlem avenue. Some pieces were charred; others were wet. While Captain Emerson held four men indoors for questioning and search, Patrolman Frank Diggins had sifted the trash.

Smith, who gave the house as his address, and Holland, of the 1200 block of Madison avenue, were represented by Attorney V. Theodore Hayes, who called several defense witnesses.

Club Minutes Read

James Jones, of the 1000 block of North Eden street, colored, as are Smith and Holland, testified that he is secretary of the Christmas Godfathers' Club. The club ha been meeting at the house daily, he said, to organize a solicitation of merchants on behalf of 100 needy children.

Jones read from club minutes, which listed both defendants as officers. He read also a copy of a letter to Thomas J. S. Waxter, asking Welfare Department advice on singling out 100 needy Negro families.

The attorney then asked Captain Emerson to cite the law under which the warrant had been obtained. When the captain said he couldn't, offhand, but would recognize it if read to him, the attorney declared this was an "unpardonable sin."

Then the attorney asked the magistrate to read through the four-page warrant, in which the description of one defendant, identified by Patrolman Diggins as Holland, varied from fact by four inches of height and 60 pounds of weight.

William Bundy, of Catonsville, another defense witness, said he was club president. He had been cooking hamburgers at the time of the raid, he said.

MORN SUN 12/8

Bookmaking Case Ends In $1,000 Fine

Albert Weissner, manager of Hilde's Restaurant in the 200 block West Chase street, yesterday was fined $1,000 and costs on bookmaking charges by Judge Robert France in Criminal Court.

Judge France also imposed a $100 fine on similar charges on Sylvester Kilduff, of the 2000 block Boone street, who also was arrested as a result of a vice squad raid on the restaurant.

The pair had been convicted several weeks ago, but sentence was deferred pending a possible new-trial motion, which was abandoned. Mrs. Margaret Hildebrandt, Raymond Lurz and Frank M. White, also arrested on the bets charges, were acquitted at the trial.

Patrolman Frank Diggins, of the vice squad, testified that he saw Weissner take money from various patrons and call bets in over a telephone. The policeman said he saw Kilduff pay off on a bet. Saul Harris prosecuted the case.

Murder Charges Returned On Boy

Presentments charging George Crisp, 14-year-old East Federal street boy, with the murder of two children whose home he allegedly set afire, were returned yesterday by the grand jury.

Meanwhile, Judge Charles E. Moylan, in the Division for Juvenile Causes, waived his jurisdiction over the young defendant in a series of arson charges.

Alan H. Murrell, assistant State's attorney, disclosed that he will present evidence before the grand jury for whatever action that body may wish to take on the arson accusations.

Crisp was accused yesterday of setting fire last November 15 to 1423 North Gay street and causing the death of Leonard Dickey, Jr., 9, on that date. Phyllis Dickey, 11, died as a result of the fire three days later, the murder presentment charged.

MORN-SUN 12/8

FRANCE, WELLS ASK RULING ON WARRANT LAW

State's Attorney Says Doubt Delays Trial Of Gambling Cases

Prompt action in having the Court of Appeals pass on the validity of Maryland's 1939 search-warrant law was urged yesterday by Judge Robert France and J. Bernard Wells, State's attorney, to avoid a cluttering of the dockets with numbers and bookmaking cases.

Mr. Wells, in a letter to Hall Hammond, attorney general of Maryland, pointed out that until the high court finally rules on the validity of the search and seizure law, the criminal courts will be unable to try any numbers or bets cases in which search warrants are involved.

The letter was dispatched yesterday afternoon after William Adams and seventeen other persons succeeded in having their trial on numbers charges postponed until after the legal question, raised in a Baltimore county court, has been finally decided.

Judge Murray Hears Arguments

Judge J. Howard Murray has heard arguments on the legal attack on the law and is awaiting the filing of a brief by Mr. Hammond, who was invited to intervene in the proceedings.

Mr. Wells suggested to Mr. Hammond that the situation might best be remedied, if the law is held defective, through legislation and said the special session of the General Assembly December 17 would be "timely" if Mr. Hammond concurred.

The two attorneys who attacked the law in the Baltimore county case—Senator Turnbull (D., Baltimore county) and Delegate Robinson (D., Fourth Baltimore)—presented a bill to the Legislative Council yesterday afternoon to correct the alleged errors.

No Indication Of Move

There was no indication that the council would propose it for special session action. It will have an opportunity to consider it, however, at a meeting December 15—two days before the session.

Adams and the other defendants in court yesterday were arrested recently in a West North avenue location during what police termed one of the largest numbers raids in the history of the vice squad. Numbers slips representing about $43,000 in play allegedly were seized during the raid.

Adams, a Negro, was operating a Druid Hill avenue tavern when it was mysteriously bombed about eleven years ago.

The legal attack on the search warrant law was advanced yesterday by Joseph H. A. Rogan, Gilbert Friedel, Maurice T. Siegel, Ernest L. Perkins and Robert P. McGuinn, counsel for the accused.

HOWARD NAMES NEW PARK AIDE IN 'CONSPIRACY'

Superintendent Also Told Him To Cover Bathroom Cost, Contractor Says

A second city parks official yesterday was accused in Criminal Court testimony of being involved in a scheme to install a $2,200 bathroom in a superintendent's house and hide the cost with faked bills.

Charles H. Heintzeman, Jr., superintendent of Clifton Park, was implicated through testimony of Meredith R. Howard, cost-plus contractor being tried on charges of defrauding the city of $6,635.

The work by Howard was done for the parks system.

According to the testimony, the bathroom was installed in the home in Clifton Park that the city supplies Mr. Heintzeman, who also has charge of the Stadium.

Assistant Superintendent Named

Yesterday, Mr. Heintzeman was named in the Howard testimony as one of two men who directed him to prepare fake bills to cover the cost of the bathroom.

Earlier, Howard's testimony had implicated Meyer J. Cohen, principal assistant superintendent of parks who was also superintendent of construction.

Cohen is under indictment on charges of conspiring with Howard to defraud the city. He has been temporarily suspended from duty.

Tells Of Goal Post Bills

Howard testified yesterday that he also was instructed by Cohen to submit bills for work which he had not done to make up for the cost of goal posts installed in the Stadium for the Colts football games.

The defendant explained that the cost of the posts and the installation was $905, but Cohen instructed him to bill the city $548 for that job and to make up the difference through the false bills. He said Cohen considered the $905 charge to be too high.

Howard testified the posts had originally been constructed of inadequate strength.

Had To Be Refitted

After stronger posts were erected, it was discovered that they would not fit into ground piping, so they again had to be taken down and refitted, according to the testimony.

Involving Heintzeman in the fake-bill scheme, Howard testified the Clifton Park official supplied him with a list of materials allegedly used on other park jobs and told him the approximate cost of the jobs used as a basis for the fictitious bills.

Howard testified he then prepared bills, including materials and labor, that totaled approximately Heintzeman's estimate. The defendant was unable to say whether the jobs used as the basis for the fake bills actually were ever done by park workmen or other contractors.

EVE. SUN - 12-8-49

Howard Tells Of Emergency City Work

Meredith R. Howard, plumbing contractor, today pointed out details before Judge T. Tucker in Criminal Court of how park officials often had him do emergency jobs without formal work orders and had him build the second job fictitiously along with the first.

Questioned as to why he did not demand new formal work orders, Mr. Howard said he often had.

"They told me it was too much trouble," he added. "They didn't have enough help in the office to get these orders through."

Still under cross-examination in his sixth day on the witness stand in defense to charges of defrauding the city of more than $6,600 in cost-plus work, the contractor recited numerous instances of the special emergency work. One sample was an order for flashing on a park engineer's office, when jobs of toilet repair were ordered in emergency and put on the same billing.

Another Job Cited

Another was an order for stove piping and pipe capping, when more toilet repair work was called for and put in the same building.

A roof-repair job at the Druid Hill Park conservatory which was done by a subcontractor for $565.50 was billed to the city, Mr. Howard reported, at $889.25, because it included an emergency installation of a hot-water boiler in the superintendent's house at Clifton Park.

All the work was billed under work order 202 in 1947. The final bill called for material at $96.66; 20 per cent profit on material, $19.33; 327 hours of labor at $1.85, $604.95; 20 per cent profit on the job, $120.99, and insurance allowances, $15.82.

The subcontractor's bill for the actual roofing job, according to private records that Mr. Howard produced, had been $96.66 for material and $468.84 for labor, or a total of $565.50.

Boiler Included

The hot water boiler work, he asserted, included a boiler at $40.55, and 15 other pl[illegible] terial items amounting [illegible] of $81.94, workers' t[illegible] plus insurance cost[illegible] ances, and profits [illegible] total bill to $889.25 [illegible]

The original work or[illegible] issued in the name of "M. J. Cohen," a park supervisory official. Mr. Howard was questioned in detail about why he put the Clifton Park hot water boiler work on the same bill. He replied that Cohen had. Asked whether Gus Hook, Clifton Park superintendent in whose home the boiler had been placed, had given him any instructions at all, Mr. Howard replied in the negative.

When questioned as to how the boiler work had been put into the other bill, Mr. Howard said:

"As I have been instructed by Mr. Cohen, I broke the materials down as labor and charged as we did before."

Questioned By Judge

Judge John T. Tucker himself questioned Mr. Howard in detail about the cambined job, asking if there had been any preliminary estimate as to whether the roofing work would exceed the $500 limit then placed on informal work orders. The contractor said he had received no preliminary estimates on the subcontractor's roofing work at the time he was told to put the boiler job along with it.

He said he had not received any special instructions concerning the notice printed in red ink on the face of the work orders, saying:

"Important. You are not authorized to do any work not called for by this order. If additional work seems necessary, or the work to be done threatens to exceed the $500 Charter limit, return this order at once for cancellation or amendment."

The boiler installation at the Clifton Park residence had been emergency because of a burst boiler, Mr. Howard said.

Some Called Unfair

The tension of the long-drawn-out hearing, as in the past several days, brought attorneys to occasional conflicts. As many objections arose to the prosecutor's questioning, Judge Tucker at one occasion commented that he thought that many of the questions were "unfair."

Several brushes between counsel arose from side remarks made by the lawyers. Mr. Howard is represented by Edward H. Burke, Leonard Leipman and H. Mortimer Kramer.

EVE SUN - 12/8

Attorneys Urge Form Changes

Simplification of indictment forms in Maryland was urged last night by members of the Lawyers' Civic Association of Maryland.

Multitudinous counts stating charges in slightly different wording and language that sometimes has followed the same form for centuries often have been criticized in the past by lawyers and judges.

A new need for simplifying the forms, and restating charges in easily understandable language has arisen under the new Maryland law requiring that defendants receive copies of indictments against them, the lawyers stated.

Maddox Speaks

Roy Maddox, Baltimore attorney, spoke before the association regarding problems arising from the new law, including the possibil that persons imprisoned in the fi four months the law was in eff might subsequently contest the judgments against them.

Although the new law went into effect last June 1, the present system of serving copies of indictments on each defendant was not put into effect until this winter, when Criminal Court judges declined to have defendants arraigned until after such copies were presented.

Mr. Maddox, in discussing the fact that many defendants from June to November did not get copies of charges, took the view that submission to trial probably would be held an effective waiver of the new law's provisions, so that the sentences could not be set aside if attacked under habeas corpus proceedings.

Thomas J. Tingley, president of the Lawyers' Civic Association, presided at the meeting.

Greater Policing Of Park Asked

Increased police protection and lighting for a section of Venable Park have been requested as the result of a case where two teen-aged girls charged attacks by seven boys last October 21 after a high school football game at the Stadium.

Judge Robert France in Criminal Court revealed that he had taken up the policing and lighting questions with Police Commissioner Beverly Ober, although the area comes under the Park Board and the park police.

The judge revealed his action when he pronounced verdicts in the cases against the seven boys, who range from 15 to 18 years of age. He found them all not guilty of rape.

To Seek Review

However, when Judge France returned common-assault verdicts against six of the seven boys, defense counsel asked that sentence be deferred pending a possible motion for a new trial. They stated a review by the Supreme Bench would be asked.

The oldest boy, Joseph Greoski, 18, was found guilty of carnal knowledge. Maryland's carnal-knowledge statute is not applicable to boys under 18, the judge pointed out, in adjudging the others guilty of assault.

Ralph Juliano, 16; Daniel Perna, 16, and Bernard Sloman, 17, were found guilty of perverted practice as well as assault. The other boys are Vincent Platesoto, 15; Gilbert Promutico, 16, and Marshall Vendetta, 15.

Judge France agreed with defense counsel that the fact that a policeman had surprised the group and warned them to go home convinced him that the case did not warrant rape convictions. He stated that much of the blame falls on the parents of all the children.

MORN-SUN 12/

ADMITS HELPING MAN IN CITY TEST

Contractor Is Being Tried On Conspiracy Charges

Meredith R. Howard, cost-plus contractor, who is alleged to have conspired with a parks official to defraud the city, yesterday admitted using influence to try to help the official pass a municipal examination.

On trial in Criminal Court, Howard said the man he tried to help was Meyer J. Cohen, recently suspended from his job as principal assistant superintendent of parks and superintendent of construction.

$2,900 For Bathroom

Howard said that when Cohen was about to take a civil-service examination for the superintendent of construction job last January, he asked a member of the special examining board to "take it easy on" Cohen.

Cohen is under indictment, accused of conspiring with Howard in the alleged frauds against the city.

Howard testified he had never given Cohen money or other gifts for favors, but said he once gave Cohen $50 for "some man's" political campaign.

Yesterday's trial proceedings disclosed there was a charge of nearly $2,900 for the bathroom which Howard installed in the Clifton Park home of Charles H. Heintzeman, Jr., instead of $2,200, which prosecutors formerly had thought was the price.

Howard, a plumbing contractor, is on trial before Judge John T. Tucker on charges of defrauding the city of about $6,635 on cost-plus work.

Crossexamination of Howard was completed yesterday by William J. O'Donnell and Charles E. Orth, prosecutors. He had been on the witness stand about six days.

Fictitious Bills Alleged

When Howard testified yesterday that he had succeeded in obtaining about $1,800 from the city on the cost of the bathroom by submitting fake bills at the direction of park officials, and that the city still owed him about $1,100 on the job, it was explained that the $2,200 was merely Howard's actual cost, without figuring in profit.

Howard testified that Cohen and Mr. Heintzeman instructed him to make up fictitious bills for other work, which Howard never performed, to cover the cost of the bathroom in the house the city supplied Heintzeman, superintendent of Clifton Park.

The defendant said he also was instructed by Cohen to recover part of the $905 cost of installing goal posts in the Stadium in the same manner. He said he billed the city only $548 for the posts.

The trial will be continued this morning. Edward H. Burke, H. Mortimer Kremer and Leonard Leipman are defense counsel.

MORN SUN 12/9

NEW WARRANT LAW FAVORED BY HAMMOND

Tops Proposals Piling Up For Special Session December 17

By ANNE W. HUTCHISON

Enactment of a new search-warrant law at the special legislative session December 17 was favored yesterday by Hall Hammond, attorney general.

This and other proposals for legislation at the extraordinary session made original estimates of a "one or two hour" session seem optimistic.

The session, called by Governor Lane to enact a new $50,000,000 school-construction bond authorization, probably will be asked, according to information yesterday, to consider such diversified—and familiar—matters as:

Oyster dredging
Welfare fund shortages
A local school bill
Financing of construction at the Maryland School for the Blind and
A court attaché's salary.
There may be others.

In addition, the Legislature must appropriate funds to meet the cost of the one-day session itself.

Last Such Session In 1946

It is likely to have hard going, therefore, to equal or better the record of the last one-day session, December 27, 1946, when the General Assembly enacted three laws between 12.18 P.M. and 6.03 P.M.

Mr. Hammond said he believed the search-warrant law should be put "beyond suspicion."

"This does not imply necessarily that the present one is void," he said.

A new search warrant law would not affect cases now pending in the Circuit Court for Baltimore county and the Baltimore city Criminal Court in which the validity of the present law has been challenged.

Trial of William Adams and seventeen other persons on numbers charges has been postponed pending a final decision of the legal question raised in the Baltimore county case now before Judge J. Howard Murray.

Seeks To Clarify Bond Bill

Mr. Hammond, at the same time, revealed plans for introduction of another bill—to clarify a $350,000 bond bill for building and equipping a new building for the Negro deaf and blind at the Maryland School for the Blind.

Maturity dates in the original measure, passed at the 1949 session, run a few months over the constitutional limit of fifteen years, he pointed out. He said the State also wished to make it possible to issue the bonds at the same time other State bonds are sold.

The oyster legislation, according to Senator Phoebus (R., Somerset), its sponsor, will not be controversial. He intends to present legislation to restore the 10½-ton weight limit for dredge boats in Somerset county waters.

Relief Funds Sought

An act of the 1949 session failed to mention Somerset county in the weight-limit clause and consequently large boats have been able to operate this season in Tangier Sound. Senator Phoebus said his bill would be drawn as an emergency measure to become effective immediately.

Senator Kimble (R., Allegany) has announced he will request relief funds for families of unemployed in the Cumberland area, to be appropriated from surplus.

The most recent one-day session was called by Governor O'Conor to provide supplemental funds for State departments hit by rising costs and to revise the State's racing taxes.

HAMMOND GIVES OPINION ON LAW

Says Ruling Search Act Invalid Wouldn't Affect Convicted

There would be no mass releases from the State prisons or returning of fines if the Court of Appeals should declare the 1939 Search and Seizure law invalid, in the opinion of Hall Hammond, State attorney general.

The 1939 search warrant law is under legal attack in a Baltimore county court on the grounds that it contains technical defects.

Mr. Hammond said the Court of Appeals already has ruled on the position of persons convicted and sentenced under statutes later declared invalid.

The effect of the decisions, said Mr. Hammond, is, "if you don't put up a defense available to you at the time, it is too bad."

"You can't play the ball game over because the umpire made a mistake," Mr. Hammond commented.

EVE. SUN-12/9/49

Fraud Season On, Public Warned

The arrest of a man who allegedly bilked more than a score of persons by promising to give them jobs today brought a warning from the Better Business Bureau that the confidence game's lush season is approaching.

The man who inspired the warning is Hyman S. Yankeloff, held under $12,500 bail for the grand jury on 25 false pretense charges. He is accused of obtaining a total of $814.50 from 23 persons.

Yankeloff, a 51-year-old former butcher, was arrested last Monday by Detective Lieutenant Millard Horton and Detective Sergeant Francis R. Murphy. Arraigned later in the Southwestern District Police Court before Magistrate J. Elmer Thater, he pleaded not guilty.

Sees Operations Intensified

For some unexplainable reason, Gail B. Ussery, general manager of the Better Business Bureau, said confidence men seem to intensify their operations around this time of the year.

Their methods vary from the door-to-door offer of a $5 all-wool sweater for $1.98, because he "bought from a big manufacturer who was overstocked," to the sale of bogus stock, Mr. Ussery said.

Yankeloff, 51, a former butcher, heard Magistrate Thater read one charge. The accused then waived the reading of the remainder and prayed a jury trial.

Puts Up "Bond" For Job

One of the complainants against Yankeloff is Frank J. Poskocil, 1737 Cliftview avenue. He said Yankeloff obtained $50 from him last November 12 and an additional $125 two days later.

Mr. Poskocil told police that he had advertised for a job in a newspaper. On November 12, he said, a man called him on the telephone and said he was a cattle dealer at a local stock yard. The caller said he could give him a job as a checker handling money, and, therefore, he would have to be bonded, Mr. Poskocil said.

Put Up $25, She Says

That same day, Poskocil said, the man visited him and obtained $50 as part of the bond money. Two days later, Mr. Poskocil said, the man returned and obtained $125 more for the bonding and gave a receipt for the full amount.

Mr. Poskocil was told to report to work a few days later, according to his story, but when he did there was neither a job nor anyone who knew anything about it.

Mrs. Ruth Donnell, of 1642 North Payson street, reported a similar case to police. A man offered her and two of her friends a job paying $1.20 per hour packing sausages at a local firm, she said.

Mrs. Donnell reported that the man told her she must be honest and dependable and would have to be bonded because she would handle money. She told police she then gave him $25.

As in the other cases there was no job forthcoming. Later, Mrs. Donnell said, "the man was perfectly calm while talking to me."

Others Yankeloff is charged with defrauding, and the amounts he is alleged to have received from them between October 7 and December 5, are:

SAMUEL YERMAN, 2200 East Fairmount avenue, $50.
EDWARD JOHNSTON, 1208 South Hanover street, $25.
FABIUS WEISMAN, 1724 West Baltimore street, $25.
CHARLES HENSON, 1500 Clifton avenue, $20.
MRS. EVELYN PHILLIPS, 1701 West Baltimore street, $15.50.
MRS. FLORA SMITH, 1718 West Baltimore street, $10.
JOHN N. CLARKSON, 111 South Durham street, $25.
PHILIP BELSKY, 947 East Chase street, $25.
MRS. HELEN SMITH, 122 Scott street, $10.
MRS. HELEN LEWIS, 5 South Potomac street, $25.
NUNCIE PICKET, 709 Mosher street, $25.
MRS. BEULAH HAMIEL, 1642 North Payson street, $24.
MASIE McCORMICK, 1316 North Broadway, $25.
MRS. CARRIE IRENE BROWN, 615 Brice street, $50.
MRS. ELIZABETH HINTON, 615 Briscoe street, $50.
MRS. ETHEL HENDERSON, 410 North Washington street, $25.
MRS. FRANCES PARRISH, 2335 North Calvert street, $40.
GEORGE MELICHOR, 1304 Poplar avenue, $75.
ISAAC RUBENSTEIN, 205 East Twenty-third street, $20.
PAULINE APPEL, 825 North Linwood avenue, $50.

Boone Takes Stand To Defend Howard At Cost Trial

J. Marshall Boone, a member of the Board of Parks and Recreation, appeared today as a voluntary witness for the defense in the cost-plus fraud trial of Meredith Howard, plumbing contractor.

After telling the court that he communicated with Defense Council Edward Burke last night to offer himself as a witness for the defendant, Mr. Boone declared that he approved the practice of getting work done for the city park department without bids "in the public interest."

The park commissioner's testimony marked the second week of the trial before Judge John T. Tucker.

The defendant is charged with defrauding the city of more than $6,000 while doing cost-plus work in 1947 and 1948.

Aware Of Policy

Mr. Boone testified that as a member of the Park Board he has been aware of the policy of switching funds from the department's maintenance and capital improvement appropriations "when we have to get certain things done rather quickly."

In an exchange with Assistant State's Attorney William O'Donnell, the witness declared that after twenty years in Baltimore's banking business he has been unable to learn of any sharp distinction between a maintenance job and a capital improvement.

Declaring that he had complete confidence in the ability of M. J. Cohen, a construction superintendent in the Park Department, Mr. Boone said he approved that official's orders to get work done with money left over from some other project.

Would Give Go-Ahead

"As a member of the board, I have been aware of this general policy of transferring funds when we want certain things done rather quickly. If we paint the Mansion House and money is left over to paint another house, I would say 'go ahead and paint it,'" the commissioner testified.

After Mr. Boone read aloud from a work order a clause prohibiting any other work but that specified, he was asked by the prosecutor if the construction superintendent then had authority to install a $2,900 bathroom in the park superintendent's house in Clifton Park without competitive bids.

"Under this he would not," replied Mr. Boone.

"Would he have such authority under the terms of the City Charter?" the prosecuting attorney asked.

"No," the witness answered, "but how would we get this work done?"

Judge Interrupts

Judge Tucker then interrupted the prosecutor's questioning of the witness.

"You know, don't you, Mr. Boone, that the City Charter sets up procedures for contracts over $2,000. Couldn't that work have been done if the Board of Estimates called for competitive bids?" the judge asked.

"Yes, it could have, but we would be forever and a day getting things done," Mr. Boone replied.

The park commissioner insisted that the work was of an emergency nature because the toilet facilities in the superintendent's house were bad.

"I wouldn't have liked to use them," he declared.

Judge Tucker then pointed out that this particular bathroom job was started in May and was not finished until nearly five months later.

"Would not the work have been completed just as quickly by bids," inquired Judge Tucker.

"Desperate Situation"

"No," Mr. Boone answered, "definitely not because the machinery is so slow when bids go through the Board of Estimates. We are faced with desperate situations."

"Am I to understand," Judge Tucker asked, "that the Board of Parks and Recreation feels that it is not bound by the terms of the City Charter."

"Oh, yes, but I feel that, in the interest of the public, the City Charter was drawn up so that we could get things done," Mr. Boone answered.

"It was more important then to get this bathroom installed quickly than to get bids on it at a lower cost?" the judge asked.

"Yes," the park official answered.

Attorney Resumes Questioning

The prosecuting attorney then resumed the questioning of Mr. Boone and asked if the witness approved the practice of breaking a job into several projects to keep the total cost under the limit requiring competitive bids.

"If, from the standpoint of public interest and health the work has to be done quickly, of course," Mr. Boone answered.

COMPARISON IN CHAPEL STREET—Boarded up doors and windows of slum house at 1004 North Chapel street (right) make a poor showing with neighboring house.

PATIO IN PINE STREET—Broken brick and mud back yard of house at 421 North Pine street brought its owner into Criminal Court on charges of having failed to make repairs.

Sampson Given Life Term In Numbers Racket Killing

William Fields Sampson, 23-year-old colored man convicted of first-degree murder in a numbers racket killing, today was sentenced to life imprisonment by Judge E. Paul Mason.

Sampson shot and killed John Davis, Negro numbers writer, last June 11 at 403 North Central avenue, where Davis for some time had operated a numbers writing station. Failure to make a 700-to-1 payoff on Number 384 was said to be the cause of the killing.

Judge Mason, who had presided at the trial before a Criminal Court jury on September 28, imposed sentence with brief comment. He said to Sampson:

"You are convicted of murder in the first degree. Your request for a new trial was argued before the Supreme Bench and denied.

"Extreme Provocation"

"I want to say this is you frankly: If there ever was a case of murder in the first degree, yours was the case.

"There were, however, some circumstances not exculpatory because there can be no real excuse for murder—but it is true the provocation was extreme. You are entitled to some consideration and some mercy on account of that provocation. Therefore, instead of capital punishment, the sentence is life imprisonment."

Testimony at the trial had shown that Davis professed to know nothing of Sampson's bet on the winning number, and Sampson had warned that he would return later expecting payment. When Davis still professed to know nothing of the bet, Sampson left and got a pistol and returned to fire the fatal shot.

"Racket Behind It"

At the jury trial, Alan H. Murrell, assistant State's attorney who prosecuted the case, told the jurors:

"The numbers racket is 100 per cent behind this killing and everyone connected with it."

Guilty Plea Made By 'Mutt' In Thefts

Richard H. Zlotkowski, 23, of Newark, N.J., pleaded guilty when he was arraigned today in Criminal Court before Judge Robert France on five charges of armed robbery.

Arrested within minutes of a holdup at an East Baltimore street pharmacy the night of November 30, Zlotkowski was subsequently identified as the "Mutt" of a "Mut and Jeff" team who allegedly had held up four other small business places in East Baltimore during the two previous weeks.

His alleged accomplice, identified as Frank R. Regalodo, also 23, is under arrest in Newark for violation of parole, while authorities there also investigate his connection with a series of holdups in Newark.

Loot Put At $400

The comic-strip title was given the pair by police, after victims reported their assailants were tall and short. More than $400 was taken in the robberies, police said.

At his arraignment, Zlotkowski declined Judge France's offer to appoint an attorney to defend him.

Second Death Trial Brings Acquittal

Leo Otto Van Dale, of 5302 Remmel avenue, today was acquitted when he came before Judge E. Paul Mason in Criminal Court for the second time on an automobile manslaughter charge.

Van Dale had been convicted of manslaughter at his trial last October 1, but when his attorney H. Lee Brill, took the case before the Supreme Bench for review, a new trial was granted.

No new testimony was submitted at today's rehearing. Assistant State's Attorney Edwin A. Gehring and the defense lawyer both stated they had no new facts to offer, and resubmitted the case on the record of the original testimony.

The motorist was charged with causing the death of Clarence Emmett Williams, of Earleigh Heights, last June 23. Williams's truck overturned and crushed him after a collision with Van Dale's car at Monroe and Mulberry streets.

Conviction Theory

Judge Mason had convicted Van Dale on the theory that he ran through a red light just after it changed. In altering his verdict in conformity with the Supreme Bench decision, Judge Mason said:

"I held that it was criminal negligence. The Supreme Bench differed on that. Apparently the Supreme Bench felt that the facts did not amount to gross negligence. Therefore I am obliged to find him not guilty."

State To Pay

In an unusual aspect of the case, the defense attorney asked that the cost of transcribing the testimony and preparing the record for submission to the Supreme Bench be taxed in the costs of the case, so that the burden of that expense not fall on the defendant.

Judge Mason said that he was "inclined to believe" that if Van Dale has to be found not guilty, he should not be penalized by those expenses, and ordered that the State pay for the costs of the new trial proceedings.

NEWS 12/9

Life Sentence In 'Numbers' Slaying

A life sentence was imposed today upon a man in the slaying of an alleged "numbers" writer who refused to pay off after No. 384 had "hit."

The sentence was pronounced by Judge E. Paul Mason in Criminal Court upon William Fields Sampson, twenty-three-year-old Negro. Sampson had been found guilty, September 28, by a jury of slaying John Davis, Negro, in a poolroom on North Central avenue.

Sampson asked for a new trial, but this was refused Saturday by the Supreme Bench.

Owner Of Slum Houses Fined $150, Warned

Judge E. Paul Mason fined a slum landlord $150 in Criminal Court this morning and warned him to repair his properties or face possible future indictment on each day's offense.

Roger W. Hurlock, who said he chose trial in the higher court because of "landlord baiting which goes on in Housing Court," said he would appeal one of the fines.

Mr. Hurlock was charged with failure to improve houses at 421 North Pine street and at 1004 North Chapel street, although notice was served by the city about two years ago on one of the properties.

Judge Inspects Houses

Judge Mason himself had inspected the houses.

"I saw the places and distinctly remember that they were in very bad condition," Judge Mason said, before imposing sentence. "I saw raw sewage in the yard which was running into the next yard.

"There was never any question in my mind but that these houses were in very insanitary condition. What concerned me was that other properties in the neighborhood were so bad. I did what I thought necessary to get the Health Department started on the other houses."

Judge Mason had urged the Health Department to speed up the "Balitmore Plan" by sending notices to other property owners in these neighborhoods.

In sentencing Mr. Hurlock the judge pointed out that the fines were limited to one offense for each count of the indictments and that he was unable to fine him for each separate day.

He then said to Mr. Hurlock: "If I were you I'd have them fixed up. It is possible that indictments might come in charging you with each day as a separate offense. That would be serious."

Fined On 3 Counts

He fined Mr. Hurlock $50 on each of two counts on the Pine street house and $50 on one count on the Chapel street house. He said Mr. Hurlock's plea that he did not have money to repair one of the houses was not a sufficient answer.

Of the Chapel street house, which is boarded up and unoccupied, the judge said:

"It does not seem to me that a man can leave a dwelling in disrepair to rat infestation simply because he boards it up."

Another Warning

He pointed out that neighbors were affected by such conditions and again warned Mr. Hurlock that the State's atorney's office might come in with indictments, including "a multiplicity of charges."

Mr. Hurlock said that he thought Judge Mason had dealt fairly with him and added:

"I chose this court because of the landlord baiting that goes on in Housing Court. I don't feel I'm guilty, but I feel that you've gone to extreme lengths to see my side, as well as that of the Health Department."

Losing, He Says

He said he owned 68 houses, one third of which were slum properties, that he made his living from these, but that he operated them at a loss.

"I am certainly being made a goat by the Health Department on the Chapel street house. I want to ask you if you will suspend the fines until I can prepare an appeal."

The judge refused to do so, saying "$50 is a moderate fine for cases like these. This has been going on for two years on the Pine street houses."

Fears New Notices

Mr. Hurlock replied: "Yes, your honor, but Pine street is being clouded by Health Department testimony on things I am not being charged with. In addition to fourteen complaints they made me spend money on, they have got me in a box and will probably give me a lot of new notices."

Judge Mason said: "I'm not your attorney, Mr. Hurlock, but I advise you to get those houses out of their way. They may come in with 25 or more counts. They would have to have an indictment for each separate day, but you know about that now. I don't think I can do any more."

G. Yates Cook, the city housing law enforcement chief, testified that he had inspected both properties Wednesday and recited a long list of alleged housing and sanitary violations.

Mr. Hurlock urged in vain that Mr. Cook's testimony be stricken out, saying that it involved items on which he was not charged. He said that a brick-paved yard which he was ordered to repair had been taken up brick by brick, relaid and set in place in concrete. Mr. Cook later said these repairs had not been made.

Decision Called Important

Mr. Cook characterized the decision as "the most important single decision yet rendered in a housing law enforcement case." He said the fines and Judge Mason's warning would be of inestimable value in obtaining co-operation from landlords.

Judge Mason's statement was the second to be made from a Baltimore bench pointing out that offenses for each separate day, entailing maximum fines of $50 per day, would help speed up the Baltimore Plan.

Judge Harry S. Kruger made a similar statement at Housing Court recently.

MORN-SUN 12-10-49

Testimony Ended In Howard Trial

Testimony was concluded yesterday afternoon in the three-week trial of Meredith R. Howard, plumbing contractor, accused of defrauding the city on cost-plus work done in the city parks.

Final arguments will be heard on Monday by Judge John T. Tucker in Criminal Court.

The testimony ended shortly after a member of the Board of Recreation and Parks appeared voluntarily as a defense witness and testified that he approved the practice of getting work done in the parks without resorting to bids.

J. Marshall Boone declared that the "public interest" often required such a policy.

Mr. Boone also testified he had full confidence in the ability of Meyer J. Cohen, construction superintendent in the parks. He added that he approved of Mr. Cohen's action in attempting to get work done with money left over from some other project.

Cohen is presently suspended from duty pending trial on charges that he conspired with Howard to defraud the city.

"As a member of the board," Mr. Boone testified, "I have been aware of this general policy of transferring funds when we want certain things done rather quickly. If we paint the Mansion House and money is left over to paint another house, I would say 'go ahead and paint it.'"

Landlord Warned, Given Fine Of $150

After warning a Baltimore landlord that if he failed to repair slum properties, additional prosecution and substantial punishment might result, Judge E. Paul Mason in Criminal Court yesterday fined the man $150 and costs.

The fine was imposed on Roger W. Hurlock for failure to correct defects and unsanitary conditions in houses in the 400 block North Pine street and the 1000 block North Chapel street. Correction notices were sent on one of the properties nearly two years ago.

Judge Mason disclosed that he had visited the houses and that he had seen raw sewage in the yards. The judge said he also had urged the Health Department to send correction notices to other property owners in the neighborhoods.

The judge pointed out that Hurlock could be indicted and fined for an offense on each day that the defects remained uncorrected.

Before the judge imposed the fines, Hurlock explained that he had chosen to be tried in Criminal Court because of the "landlord baiting that goes on in Housing Court." The defendant also asserted that he felt Judge Mason had gone to "extreme lengths to see my side, as well as that of the Health Department."

Hurlock also contended that the case had been "clouded" by testimony on items not used as the basis of the indictments against him.

G. Yates Cook, city housing-law enforcement chief, testified that he had visited both properties last Wednesday and observed a number of housing and health violations.

MORN-SUN 12-10-49

8 RULES ADDED BY HIGH COURT

Appeals Body Would Insure Elements Of Fair Trial

Annapolis, Dec. 9 (AP)—The Court of Appeals today announced eight new rules to "insure all the elements of a fair trial" of criminal cases in Maryland.

Effective January 1, they give the high court greater latitude in reviewing convictions by a lower court.

They also give judges in the circuit courts more freedom to "advise" a jury on points of law and to sum up evidence.

No Departure, He Says

Frederick W. Invernizzi, reporter for the Appellate Court's Standing Committee on Rules of Practice and Procedure, declared the changes do not "involve a departure from the constitutional provision as interpreted by the Court of Appeals that the jury shall be the judges of the law, as well as of fact."

The committee recommended the new rules after more than a year of study and after analysis by bar associations. Headed by Judge Levin C. Bailey, of the First Judicial Circuit on the Eastern Shore, the committee includes both jurists and attorneys.

Rule 7 authorizes the Court of Appeals to determine whether evidence at a trial conducted by a judge without jury is legally sufficient to justify conviction.

Rules Restrict Court

Under present rules, Maryland's high court is restricted in its power to pass on criminal cases heard before a judge alone or by a judge and jury. About the only major point it may review is whether evidence was properly admitted, such as testimony or a statement of the accused.

Even under Rule 7 the appellate court cannot stray too far. Rule 7 specifies that "the verdict of the trial court shall not be set aside on the evidence, unless clearly erroneous." It adds that "due regard shall be given to the opportunity of the trial court to judge" whether a witness is trustworthy.

Defense May Request

Linked to this revision is Rule 6, which requires a circuit judge to give the jury "advisory instructions" on request of either the prosecution or defense.

The defense also may ask the judge to tell a jury sufficient evidence is lacking as soon as the State completes its case.

"Advisory instructions" may touch on points of law, and evidence, or summarize a case to clarify what must be decided. In any case, the court must remind jurors they are the "final judges."

If a judge "instructs" before the closing legal arguments, either attorney may dispute what he says.

And on appeal, the high court may pass on "any plain error" to which defense counsel failed to object.

Other New Rules

Other new rules:

1. An accused must be given a copy of the indictment or information against him before called on to plead at arraignment. Now he need only receive a copy "in due time to prepare for his defense."

2. Pleas allowed under existing law and practice are restated. Nolo contendere, described by Invernizzi as equivalent to a guilty plea as far as punishment is concerned, may be pleaded only with consent of court.

3. Motions to dismiss or grant "appropriate relief" are substituted for a variety of existing pretrial objections. The aim is to dispose of preliminary matters before actual trial begins, except that objections based on "lack of jurisdiction" or "failure to charge an offense" may be raised any time.

4. Limits depositions, or sworn statements from witnesses unable to appear at the trial, largely to the defense, and only by court order. Any of several joint defendants may block a deposition offered by another.

5. Recognizes the right of an accused to examine written statements he may have made, also documents or other articles obtained by the prosecution from other parties if important to the defense. (Rules 6 and 7 covered above.)

8. Requires a judge to order witnesses out of the courtroom until their turn to testify whenever requested by prosecution or defense.

9. States effect of the new rules on existing laws and rules.

Members of the standing committee besides Judge Bailey are Chief Judge W. Conwell Smith, Judges Joseph Sherbow and Emory H. Niles, of the Baltimore Supreme Bench; Circuit Judges Charles C. Marbury, Seventh, and J. Howard Murry, Third; Former Appellate Judge D. Lindley Sloan, of Cumberland; former Circuit Judge William J. McWilliams, Annapolis, and these attorneys: H. Vernon Eney, Paul Higinbothom, Frederick W. Brune and Eli Frank, Jr., Baltimore; Parsons Newman, Frederick, and F. W. C. Webb, Salisbury.

Sampson Is Given Life For Murder

Life imprisonment was imposed yesterday on William Fields Sampson, 23, who was convicted of first-degree murder for shooting a numbers writer who allegedly failed to pay off on a "hit."

Sampson, a Negro, was convicted by a jury under Judge E. Paul Mason in Criminal Court of fatally shooting John Davis, also a Negro, last June 11 in the 400 block North Central avenue.

Sampson testified at the trial that he had hit No. 384, which he had been playing for many months, and that he was entitled to a 700-to-1 payoff. He contended he shot Davis in self-defense after the numbers writer appeared to be reaching for a weapon.

The defendant's motion for a new trial was denied recently by judges of the Supreme Bench.

Alan H. Murrell, assistant State's attorney, prosecuted the case.

MORN-SUN 12-10-49

POLICE BARE 'ILLEGAL' USE OF FRISKING

'How Else Find The Guys With Guns?' Bandit Hunters Ask

In their efforts to break the current wave of holdups, police have resorted to methods described by the State's attorney's office as "strictly illegal."

A squad of plainclothesmen has been roving through Northwest Baltimore frisking suspicious persons and, when the occasion warrants, charging them with carrying guns or knives.

In the past week, Magistrate Thomas L. Fitzpatrick in Northwestern Police Court has sentenced to jail nine men who were arrested after they had been frisked.

Against Present Laws

Anselm Sodaro, assistant State's attorney, said last night that under present State laws "patting and frisking are not allowed."

Evidence found in a person's pocket, he said, is admissable only if the person has been legally arrested before the evidence is uncovered.

The police who have been looking for concealed weapons readily admit that they are sidestepping the law.

"But," they add, "we've got a job to do. How else can you find the guys with the guns?"

In the Northwestern police district three plain-clothesmen have been devoting their time almost exclusively to searching pool parlors and taverns for men who might be carrying guns.

Describes Operations

Here, according to one of them, is the way they operate:

One of them stands guard at the front door and another at the rear door while the third walks through the place.

The latter makes it a point to bump up against the patrons in an effort to feel whether they are carrying weapons.

Sometimes the two at the doors apprehend a man who attempts to flee when he notices the one officer.

The plainclothesmen say that with a little practice they have developed a knack for picking out the ones actually carrying guns.

Most of their arrests, they say, are made in poolrooms and the others in taverns or on the street.

In the last three weeks, the squad has arrested twelve men carrying guns. Last Saturday night they arrested five and charged them with carrying pistols. All but one were convicted and sent to jail for periods of from 60 to 90 days.

Magistrate Fitzpatrick could not be reached last night to comment on his policy in such cases.

Legalization Sought

Last year the Police Department sought to legalize frisking by means of a bill introduced at the last session of the Legislature. The bill, however, failed to pass.

Hamilton R. Atkinson, police commissioner at that time, told a committee hearing that the bill was a "dire need."

The bill to legalize frisking would have amended the Bouse Act, which was passed during Prohibition to prohibit the introduction of evidence obtained by illegal search and seizure.

One Exception Made

Mr. Sodaro said that under the act the only time evidence obtained by frisking or patting is permissible is in the case of narcotics.

He said that he personally is in favor of amending the law to permit the introduction of deadly weapons.

"I guess," he said, "that it is a case of the end justifying the means."

He pointed out that Baltimore county permits frisking for deadly weapons "and it seems to be working very well there, I have not heard of any complaints."

As the law stands, however, he said, it is illegal for a policeman to frisk a man and then, if he finds a gun, to charge him with carrying a deadly weapon.

"Must Be Arrested First"

"The person must be arrested first," he said, "and the arrest must be legal."

At times, Mr. Sodaro added, police have employed subterfuges in order to frisk a man legally.

Several years ago, he recalled, a sergeant arrested a number of men for spitting on the sidewalk, searched them and found they were carrying lottery slips.

Most of them, since they had—in the legal sense of the word—been arrested and searched legally, were convicted of gambling.

Finally, Mr. Sodaro recalled someone had to warn the sergeant not to carry a good thing too far

MORN-SUN 12-11-49

4 Men Appeal Convictions In Parkville Betting Case

A Parkville tavernkeeper and three other men moved yesterday to obtain a review before the Maryland Court of Appeals after Judge J. Howard Murray found them guilty of bookmaking.

The jurist, in the Circuit Court for Baltimore County, imposed six-month terms in the House of Correction and $1,000 fines on Henry Fischer, the tavern operator, and Bradford H. Houck, also of Parkville, whom he described as "principals."

Earl A. Reich, of the 3400 block Mount Pleasant avenue, and Brent L. Atkins, of the 500 block Regester avenue, employed at the bookmaking establishment upstairs in the Harford road property where Fischer's tavern occupies the main floor, were each fined $500 and placed on probation for a year. Six-month terms in their cases were suspended.

Two Others Acquitted

Two others arrested as a result of a raid by county police on November 3, Michael J. O'Shaughnessy, of the 8000 block Harford road, and Nolan S. Brown, of the first block Mosher street, were acquitted.

In passing sentence, Judge Murray described the case in which betting slips amounting to $2,795 were introduced in evidence, as "an instance of organized, blatant, commercial gambling operation of a size and extent that has not been excelled in recent years in this court."

"Fiscner and Houck," he added, "in my judgment, are the operators and principals of a big-time, racketeering, gambling business."

Counsel for the defendants, Bennett B. Cockey, Michael Paul Smith and John D. C. Duncan, rested their case suddenly after calling Francis T. Peach, State's attorney, as their only witness.

Seeking to show that the prosecutor's office had sufficient advance information or suspicion to apply for a search warrant before the raid, Mr. Cockey asked a series of questions, starting with, "Did you order the raid?"

John E. Raine, Jr., assistant State's attorney, objected to each question as irrelevant, and was upheld by Judge Murray.

Final arguments were waived, as the issue on which the pending appeal is based—the legality of the search and seizure of evidence without a warrant—had been raised regularly during the day-and-a-half trial.

Defense Contentions Stated

The defense contended:

1. That the right to enter and search the tavern did not extend to other parts of the building.

2. That although the police progressed to the betting room through open doors, a "show of force" was indicated by the mallet and crowbar carried by one officer.

3. That the State's attorney had ample time to apply for a warrant before the raid.

4. That the search violated the rights of the defendants under the Federal Constitution and the Maryland Declaration of Rights.

"Every conceivable defense has been passed upon," Judge Murray remarked in discussing precedents cited by Mr. Cockey and Mr. Smith.

The jurist added that differences in interpretation are expressed in concurring as well as dissenting opinions "in virtually every search and seizure case" on which the United States Supreme Court ruled.

EVE. SUN 12/12

Trusty Says He Fell, Not Trying Escape

It wasn't that William O. Gardner, a trusty, was trying to escape from the Maryland Penitentiary last year. He simply fell off a truck while working outside the prison walls and when the truck didn't come back to pick him up, he stayed out, he said.

The 27-year-old colored man spent 76 days in Philadelphia before being rearrested. His attorneney, T. J. Hense, today told Judge Robert France his client was dazed by his fall and, besides, didn't have a nickle to telephone anyone about it.

Gardner, sentenced in 1948 to four years for burglary, was given another year in prison by Judge France.

EVE. SUN 12/10

Correction

In an article on an investigation of contracts of sale for slum properties conducted by State's Attorney J. Bernard Wells, *The Evening Sun*, on December 1, reported that the following real estate firms were interviewed by Mr. Wells's office:

Victor and Morris Posner, 514 St. Paul street; Robert Seff and R. & S. Construction Co., 231 St. Paul place; H. J. Weber & Sons, 3033 Eastern avenue; Jacob Petrushansky, 556 West Conway street; Marse S. Callaway, 2128 Madison avenue; William Mailman, 3611 Grantley road; Morris Harmatz, 110 East Lexington street; Paul Liebegott, 822 West Fayette street.

This was incorrect.

The article should have said that detectives, working under direction of Mr. Wells interviewed tenants and purchasers of homes dealing with these firms.

There was no intimation in the article that any of these firms had committed illegal practices. The story of December 1 quoted Mr. Wells as saying that his office had found no violations of law in contracts of sale investigated.

The Evening Sun regrets the error.

Rule Of Legal Ethics Cited

Judges of the Supreme Bench of Baltimore have published a special notice warning attorneys against violation of one of the canons of professional ethics.

The bench action was taken, it was reported, because of numerous instances in which trial attorneys have themselves taken the witness stand to testify regarding disputed matters in the cases they were trying.

The ethical canon, known as Canon 19, which the bench specially cited to the bar reads:

"When a lawyer is a witness for his client, except as to merely formal matters such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client."

EVE. SUN 12/12

Prosecutors Cite Fictitious Bills

Fictitious billing for park plumbing work justify criminal conviction of Meredith R. Howard, contractor, on false-pretense charges, prosecutors argued today at the conclusion of Howard's trial.

Answering defense contentions that Howard collected proper labor costs plus other allowances permissible for cost-plus work done for the city, the State contended that the proper billings for labor were the wages actually received by the workmen.

Howard and other defense witnesses testified during the trial that labor costs represented many factors in addition to workmen's wages, including pay for idle time, travel time, supervision, and the necessity of maintaining staffs of workers on hand.

Own Testimony Cited

The prosecutors, Charles E. Orth, Jr., and William J. O'Donnell, contended that even on the basis of Howard's own testimony he should be found guilty. The fictitious billing, and false work reports, even if done with the assent of park employés, showed an intent to defraud the city that justifies a false pretense conviction, they said.

Howard is represented by Edward H. Burke, H. Mortimer Kremer, and Leonard Leipman, attorneys. The trial, before Judge John T. Tucker, lasted three full weeks.

Jury Presents Man For Embezzlement

A state employé, Edward M. Glantz, of the 4800 block of Anntena avenue, today was presented by the Baltimore grand jury on a charge of embezzlement while employed at the University of Maryland. Bail for Glantz was set at $5,000. He was arraigned last week before Police Magistrate Julius A. Romano.

The presentment charges Glantz with taking $2,532.43. State Auditor Daniel L. Clayland 3d was one of the witnesses before the grand jury.

MORN SUN 12/13

HOWARD FREED IN FRAUD CASE

Plumber Was Charged With Cost-Plus Violations

Judge John T. Tucker in Criminal Court yesterday acquitted Meredith R. Howard, plumbing contractor, of charges of defrauding the city of about $6,635 on cost-plus contracts.

The innocent verdict was the first decision to be returned by the Criminal Court in connection with a series of similar charges against cost-plus contractors who have done work for the city. Howard and two other contractors had previously been brought to trial, but a mistrial resulted each time.

Prosecutors were unable to say late yesterday what effect the decision will have on the trial of the remaining cases. They said the matter probably will be discussed today with J. Bernard Wells, State's attorney.

"Verdict Is Not Guilty"

After delivering an oral opinion lasting more than an hour, Judge Tucker concluded with the statement: "The decision of this court is that the State has failed to prove the allegations of the indictment beyond a reasonable doubt, and the verdict is not guilty.

The judge ruled that he could find nothing in the evidence to refute successfully Howard's testimony that Meyer J. Cohen and other city park officials had instructed him to resort to "irregular" procedures in billing the city.

Cohen, an assistant park superintendent who had charge of construction work, is temporarily under suspension pending trial on a charge that he conspired with Howard to defraud the city.

Larceny Charges Dismissed

Judge Tucker heard four hours of argument by counsel before he delivered his opinion. The trial lasted over three weeks.

At the outset, he ruled that "there is not a word of evidence to support the charge of larceny" and promptly found innocent verdicts on those counts.

The State's case, the judge said, originally was based primarily on its prima facie evidence that Howard's pay-roll records indicated that he did not pay his workmen the hourly rate which he charged the city.

The prosecution rested partially on an interpretation of the language of the cost-plus contracts, which require the contractor to charge the city no more than he actually pays his men, the judge said.

Testimony Is Reviewed

"The first impression would be that this man has defrauded the city of a lot of money," Judge Tucker continued. He said it then became necessary for Howard to "make an explanation."

The judge asserted that the evidence "uncovered enormous irregularities of procedure," pointing out that Howard admitted he had submitted false bills under instructions of Cohen to cover the cost of work given him orally by that park superintendent. Howard also had admitted faking time sheets and signing other persons names to them.

During the course of the opinion, the judge referred also to testimony about the manner in which Howard submitted bills for installing a boiler in the home of a park official and the goal posts in the Stadium, and putting a $2,900 bathroom in the lake cottage in Clifton Park, used as a home by Charles Heintzeman, Jr., superintendent of that park.

"Famous $2,900 Bathroom"

The judge referred to the bathroom job as "the now famous $2,900 bathroom."

"The way those jobs were handled was most irregular," the judge declared. "One might say that a man who made a success of his business as Howard has should have known he shouldn't do it, even though Mr. Cohen told him to."

Discussing the question as to whether Howard's testimony that Cohen told him to submit false bills should be believed, Judge Tucker said he was "unable to find any reason why he should not give weight to that evidence."

"Weak Inferences"

The judge ruled there was no affirmative evidence produced by the State to support its contention that Howard was not instructed by Cohen.

"The State's case must be based on more than weak ineferences," the judge asserted.

Judge Tucker also ruled that Howard had a right to believe that Cohen was authorized to issue the instructions about preparing the bills. He pointed out that most of the work orders bore Cohen's signature and the city disbursing agency paid bills bearing that official's name.

Switching Of Accounts

Judge Tucker also pointed out that J. Marshall Boone, a member of the Board of Recreation and Parks, had testified as a voluntary defense witness that it has long been the practice of the park officials to switch accounts to different funds, and to break up larger jobs into small jobs to avoid the taking of bids.

Howard has testified during the trial that it was his understanding that oral work orders were charged as labor because of the desire to use up certain funds which could not be retained from year to year.

"This Court does not agree with Mr. Boone as to his reasonableness in bypassing the Board of Estimates and the provisions of the City Charter, but the correctness of Mr. Boone's opinion is not an issue in this case," the judge declared.

"It Is An Old Practice"

"It is not for the Court to decide in this case whether he is right or wrong in his views.

"What his testimony shows in relation to this case is that in so far as switching accounts is concerned, it is an old practice pursued for many years.

"It also shows that if a member of the board is not astounded by the practice, why should Mr. Howard be astonished when it is proposed to him. Why should it be said that he, in following the instructions of Cohen, was defrauding the city?"

EVE. SUN 12/13

Cost-Plus Verdict

Although finding Mr. Meredith R. Howard not guilty of having defrauded the city on cost-plus plumbing work, Judge John T. Tucker said in delivering his opinion that the evidence presented in the case "uncovered enormous irregularities of procedure." Mr. Howard performed the acts of which he was accused, but the court absolved him of responsibility because he acted at the direction of park officials.

Mr. J. Marshall Boone, a member of the Board of Recreation and Parks, appeared voluntarily as a witness for Mr. Howard. He testified that he knew about and approved the practices which brought the charges.

The City Charter stipulates the manner in which contracts for city work shall be awarded. Mr. Boone made it quite plain that to him "getting things done quickly" was more important than following the provisions of the City Charter. This is a surprising admission to come from a public official. It overshadows in importance the specific charges against Mr. Howard, because it may indicate that it is Park Board policy to ignore the City Charter.

Explaining that "Mr. Boone's opinion is not an issue in this case," Judge Tucker nevertheless said that "this court does not agree with Mr. Boone as to his reasonableness in bypassing the Board of Estimates and the provisions of the City Charter." That is a judgment in which the citizens of Baltimore will concur. The City Charter is not to be brushed aside to suit the convenience of anyone, even to "get things done quickly."

MORN SUN 12/14

10 Arson Charges Put Against Boy

Ten charges of arson or attempted arson were returned by the grand jury yesterday against George Crisp, 14-year-old East Baltimore youth. Last week Crisp was accused of the murder of two children who died from burns in a fire which he allegedly started in their home.

The new indictments accuse Crisp of setting or attempting to set fire to buildings or fences in the general vicinity of Broadway and Gay street.

One of the charges accuses Crisp of setting fire to a house in the 1400 block North Gay street, where the children suffered the fatal burns. All the alleged crimes occurred between November 8 and November 29, it was charged in the indictments prepared by Alan H. Murrell, assistant State's attorney.

Judge Charles E. Moylan waived jurisdiction over the youth in the Division of Juvelnile Causes because of the serious nature of the charges.

EVE. SUN 12/14

Search-Law Set For Hearing Friday

Further arguments on the validity of Maryland's 1939 search-warrant law are scheduled before Judge J. Howard Murray in the Circuit Court for Baltimore county at 10 A.M. Friday.

Hall Hammond, State's attorney-general, has intervened in the proceedings upon invitation of Judge Murray.

Constitutionality of the law was challenged in a bookmaking case before the county court. John Grason Turnbull and Jerome Robinson, defense counsel, moved to quash the warrant used in a raid in the 5900 block Liberty road on October 26.

Substitute Measure

Meanwhile, Mr. Turnbull, who is State senator from Baltimore county, and Mr. Robinson, a city member of the House of Delegates, have presented a substitute measure to the Legislative Council.

Both Judge Robert France and J. Bernard Wells, State's attorney, have urged prompt action in having the Court of Appeals pass on the validity of the law. Enactment of a new law has been recommended by Mr. Hammond.

Title Of Act

The 1939 act, it is contended, is not sufficiently described in the title. The title referred to a new section, while two new sections were added. The law as printed and published on the books does not conform to the act as passed.

Trial of William (Little Willie) Adams and several other persons on numbers charges in the city has been postponed pending a final decision of the question before the Circuit Court at Towson.

An opinion holding the search-warrant law invalid would not result in a mass release from State prisons or returning of fines, Mr. Hammond said. The Court of Appeals has previously taken that view concerning persons sentenced under laws later declared invalid.

MORN-SUN 12/15

Extension Given In Edwards Case

Annapolis, Dec. 14 (AP)—Attorneys appealing the death sentence of Thomas A. Edwards for the double murder of a young Glen Burnie couple have been given ten extra days to prepare their case, a Court of Appeals spokesman said today.

Deadline for filing defense briefs is now December 24, the spokesman announced. It had been set for tomorrow, but Attorneys William J. McWilliams and Ridgely P. Melvin, Jr., applied successfully for an extension. As a consequence, the case probably will be argued next February.

Edwards was sentenced to be hanged for the murders of John H. Mahlan, 25-year-old Glen Burnie postal clerk, and [illegible] Kline,

EVE. SUN 12/14

Wells Seeks Talks On Cost Cases

State's Attorney J. Bernard Wells said today that his course in regard to pending false pretense charges against seven cost-plus contractors will be determined after consultation with city officials.

The conference is to be called as a result of Judge John T. Tucker's decision last Monday acquitting Meredith R. Howard, plumbing contractor who was charged with obtaining about $6,600 from the city through fictitious billings.

The prosecutor said that he had instructed the stenographer of Criminal Court to prepare a copy of Judge Tucker's oral opinion which took slightly more than an hour to deliver, and in which the jurist held that the accused contractor apparently had depended upon instructions given by city employés in preparing fictitious billings for park work.

Solicitor, Auditor Sought

City Solicitor Thomas N. Biddison and Howard C. Back, city auditor, will be asked to confer on the pending cases as soon as the transcript of Judge Tucker's opinion is ready, Mr. Wells said.

One of the seven contractors accused in pending cases already has been tried twice before different criminal court juries, both of which failed to reach agreements.

'Mutt' Given 26 Years; 'Jeff' Indicted

Twenty-six years imprisonment in the Penitentiary today was ordered for Richard Henry Zlotkowski, the "Mutt" of a "Mutt and Jeff" team accused in a series of East Baltimore robberies.

Zlotkowski, 23, of Newark, N.J., was given five five-year sentences in robbery cases and an additional year on a larceny charge. Judge Robert France made the sentences consecutive.

The "Jeff" of the same bandit team today was presented and indicted by the grand jury and awaits trial on charges of four robberies and one attempted robbery. He is Frank Regalado, also from New Jersey.

Caught After Robbery

Plainclothes Policemen Peter J. Malinsi and Thomas J. McKew, specially assigned to holdup investigations, had caught Zlotkowski shortly after the robbery of a pharmacy in the 1500 block East Baltimore street. The other man was recently arrested in New Jersey and returned here for trial.

Saul A. Harris, assistant State's attorney, pointed out to Judge France that Regalado was being accused in other pending cases, but the jurist, in view of Zlotkowski's plea of guilty, ruled there was no reason to delay his sentencing.

In 13-Day Period

Police Lieutenant Ralph Amrein testified that the robberies charged against Zlotkowski occurred between November 16 and 29.

The larceny, he said, involved a suit of coveralls stolen from a station wagon. Lieutenant Amrein stated that Zlotkowski had used the coveralls for a "quick-change trick" in order to help escape detection after the holdups.

NEWS-12/14

'Mutt' Sentenced To 26 Years; 'Jeff' Indicted

Sentences totaling 26 years in the Maryland Penitentiary were imposed today on Richard Henry Zlotkowski, twenty-three, who pleaded guilty in Criminal Court to being the tall member of a "Mutt and Jeff" bandit team.

At the same time the Grand Jury indicted Frank Regalado, of Newark, N. J., named as the "Jeff" of the team, on four charges of armed robbery and one of attempted robbery. He recently was extradited from Newark.

Zlotkowski of Newark refused counsel at his trial on five armed-robbery charges and one of larceny.

Lt. Ralph Amrein, Northeastern district, told the court Zlotkowski and the other member of his team, whom he did not name, packed their guns, including a sawed-off shotgun, in a bus station locker between holdups.

MORN SUN-12/15

Driver Indicted In 3 Auto Deaths

Indictments charging Walter Stankiwicz, 33, with manslaughter in the death of three elderly men by running into them with an automobile he was driving last December 3, were returned yesterday by the grand jury.

Stankiwicz, a merchant seaman who spent over two years in a German prison camp during the last war, is accused of causing the death of John Vogt, 80; Andrew Lockman, 70, and Henry Edgett, 65. The men were struck as they were crossing the intersection of Monument and Potomac streets.

The automobile which struck the three men failed to stop, and police went through an intensive search of cars to find one on which pieces of grillwork found at the scene of the accident fit. The accused, who lives in the 5600 block Wright avenue, is at liberty on $3,000 bail.

MORN SUN 12/15

WELLS TO TAKE UP COST-PLUS CASES

Will See City Officials About 7 Accused Contractors

J. Bernard Wells, State's attorney, said yesterday he will confer with city officials to decide if seven contractors accused of cost-plus fraud will ever be brought to trial.

Judge Tucker, of the Supreme Bench, recently acquitted Meredith R. Howard, plumbing contractor, on charges similar to those the seven others face.

Mr. Wells disclosed yesterday he had asked Joseph Moylan, court stenographer, to make a transscript of Judge Tucker's hour-long oral opinion in the Howard case.

Court Ruled State Failed

In acquitting Howard, the court ruled the State had failed to disprove testimony that Howard was acting under instructions from a city park official in resorting to irregular billing procedures.

Mr. Wells said he would confer with Thomas N. Biddison, city solicitor, and Howard Beck, city auditor, before reaching a decision on the trial of the remaining cases.

Two of the contractors facing charges have been brought to trial one of them on two occasions, but mistrials were declared all three times.

'MUTT' BANDIT GETS 26 YEARS

Tall Member Of Team Pleads Guilty To 5 Holdups

The tall member of the "Mutt and Jeff" holdup team yesterday was sentenced to 26 years in the Penitentiary after he pleaded guilty to five robbery charges and one larceny charge before Judge Robert France in Criminal Court.

Meanwhile, the grand jury returned indictments against Frank Regalado, 22, the alleged other member of the robbery team, on five robbery charges. Regalado charged with being the "Jeff," or little man, in the holdups was arrested recently in Newark, N.J., his home.

Seized After Lone Holdup

The Penitentiary sentence was imposed on Richard Henry Zlotkowski, 23, of Dundalk, who was arrested shortly after he committed a robbery alone in the 1500 block East Baltimore street. The other robberies allegedly involved both men, according to Saul Harris, prosecutor.

Mr. Harris disclosed that Zlotkowski, who has a prior criminal record, carried a sawed-off shotgun in the robberies and that the accomplice also was armed. The weapons were found in a bus-station locker, Mr. Harris told the court.

Five Years For Each

Judge France gave Zlotkowski five years for each of the holdups and an additional year for stealing a pair of coveralls from an automobile.

The coveralls were used to make a quick change of clothing after the robberies in liquor stores and other business places, Mr. Harris stated.

Zlotkowski refused appointment of counsel to represent him.

WOMAN EMBEZZLER IS GIVEN 3 YEARS

Took $11,290 Of Savings From Butler Brothers Employes

Convicted of embezzling about $11,290 from an employés' credit fund which she served as treasurer, Mrs. Armona J. S. Davidson, 42, yesterday was sentenced to three years in the Reformatory for Women by Judge John T. Tucker in Criminal Court.

Mrs. Davidson, who gave an address in the 1500 block Mount Royal avenue, took the money over a period of several years, according to J. Harold Grady, assistant State's Attorney.

The funds were embezzled from the Butler Brothers Employés' Credit Union, it was charged. Mrs. Davidson had been employed in the accounting department of Butler Brothers for about seven years, Judge Tucker was told.

Embezzled Odd Payments

The woman deposited collections received from employés on the regular weekly collection day, but embezzled funds given her on other days of the week, Mr. Grady explained.

Many employés at Butler Brothers have recently lost their positions because of business changes, but are unable to collect savings deposited in the credit union because of the actions of Mrs. Davidson, Mr. Grady told the Court.

The defendant said she had hoped at the start to repay money she took and used primarily for household purposes. She insisted she still intends to make the shortage up after she leaves the penal institution.

Husband Out Of Work

She explained also that during part of the time she was embezzling funds, her husband was out of work. Mrs. Davidson also contended that if bank examiners had examined her books closely, the shortage would have been apparent.

A cursory examination of the books did not reveal the defalcation because she falsified figures reducing the stated assets, the prosecutor said.

MORN SUN-12/16-49

Moser Orders New Trial, Strikes Out Burglary Term

Judge Herman M. Moser yesterday declared the 1947 trial of Emanuel Johnson, 25, a "nullity" and struckout a five-year sentence, but ordered the man held in jail or under $2,000 bond pending a second trial on burglary and assault-to-murder charges.

Judge Moser, however, warned the defendant that at the second trial, a maximum sentence of 30 years could be imposed upon a conviction, and that the trial judge could ignore the more than 32 months already served under the original sentence.

Johnson, a Negro, contended through habeas corpus action that he was not given the right to employ an attorney, although he had sufficient funds, and that he was not given an opportunity to summon witnesses.

He is charged with burglarizing a store in the 1200 block of North Carey street, where he was allegedly arrested, and with stabbing Charles A. Taylor.

He had been convicted of both charges on April 1, 1947, by Judge Michael J. Manley in Criminal Court.

Edwin A. Gehring, assistant State's attorney, said the records of the first trial do not disclose any information tending to show whether or not Johnson asked the right to employ counsel and summons witnesses.

All Statements Not Recorded

The prosecutor pointed out that it was not then the practice to have the court stenographer, on arraignment, take down all statements about the plea and defense counsel. All such information is now made a part of the record in each case, Mr. Gehring stated.

Judge Moser told the defendant of two cases where men sentenced to life imprisonment on murder charges won new trials, and then were sentenced to death on the second convictions.

R. Lewis Bainder was counsel for Johnson.

EVE. SUN-12/15

Judge Suggests Rule Change On Charges

Suggestions that a change could be made in the new rules of criminal procedure adopted for Statewide use by the Court of Appeals were made today by Judge Michael J. Manley in denying the habeas corpus application of a penitentiary prisoner.

The judge's decision involved the 1949 statute which says that copies of charges should be given to defendants, but the suggestion dealt with the procedural changes which become effective next January 1 through promulgation by the Maryland Court of Appeals.

A provision in the new Statewide rules supersedes the 1949 statute.

Prosecution Bears Cost

Judge Manley pointed out that the 1949 law merely says that defendants should have copies of the charges at the expense of the prosecuting authorities, while the new rules that take effect January 1 specify that such copies shall be given defendants before arraignment, at the expense of the prosecution, and that compliance with that and other sections of the rule "shall affirmatively show" on the records.

Judge Manley said that unofficial explanations published along with the new rules state that the method of showing compliance "is left to local practice" in the city and the 23 counties.

Differences Minimized

"The difference in local practice among the counties of the State and the city of Baltimore," Judge Manley said in a written opinion, "are not so great that matters of procedure should not be provided for in a general rule as a guide for the public officials in the various political subdivisions and a standard to which they would be required to conform."

In Baltimore, State's Attorney J. Bernard Wells at the direction of the Criminal Court judges has adopted a system of having defendants or their attorneys receipt for copies of charges that are furnished them. The State's attorney has called attention of the judges to Judge Manley's new decision.

James Gaines, three-year prisoner on a robbery charge, as a result of sentence last June 21, was held by Judge Manley to have waived any right to a copy of charges when he went to trial, represented by an attorney. At that time, copies were not furnished defendants unless requests were made.

1-3 Of Holdups Solved, Says Wallace

More than one third of what he described as an "extraordinary" wave of 124 preholiday robberies have ben solved by the arrest of fourteen men, Chief Inspector M. Joseph Wallace reported today.

The police official added that six other armed robberies are believed to have been committed by a fifteenth man now in custody of Northwestern district police.

Inspector Wallace said that this year's preholiday wave of holdups is greater than in previous years, but pointed out that police are making headway in solving the crimes.

Outbreak "Extraordinary"

Compared with similar periods in other years, the 1949 pre-Christmas outbreak of armed robberies is "extraordinary," Inspector Wallace said.

Of the fourteen men charged with having committed 43 holdups, three are white, Inspector Wallace said.

Twenty-nine of the robberies attributed to the fourteen involved cab drivers. Store owners and pedestrians were victims in the other cases.

Inspector Wallace said the majority of the arrests were made in the last three weeks, and resulted from increased plainclothes patrol in various sections of the city.

One Gets 26 Years

Among those arrested were Richard H. Zlotkowski, 23, the taller of a "Mutt and Jeff" team of bandits who held up five East Baltimore business places. He was sentenced to 26 years in the Penitentiary yesterday. Zlotkowski was arrested shortly after a pharmacy was robbed.

Frank Regalado, 22, his alleged companion, was extradited following his arrest in Newark, N.J. He pleaded not guilty today when he was arraigned in Criminal Court on five charges. When he said he had no attorney, Judge Robert France, saying he "hated to waste the taxpayers' money," agreed to appoint defense counsel at State expense.

Charged with an attempted street robbery of a pedestrian last October 9, William R. Murphy today was sentenced to a term of not more than three years in the reformatory by Judge John T. Tucker in another section of Criminal Court.

EVE. SUN-12/16

4 Doctors, Attorney Released In Baby Placement Cases

Four doctors and a lawyer charged with receiving improper fees in baby placement cases were released today when Judge E. Paul Mason agreed to dispose of their cases by entries of "probation without a verdict."

The professional men were included in a group of twelve defendants called before the judge in Criminal Court on baby-placement and baby-home charges arising from last summer's special investigation.

Judge Mason, in following the defense suggestion on the ground that neither the legal nor medical profession nor the public had been acquainted with a 1947 law prohibiting fees for baby placements, commented that to him the monetary charges made seemed "high."

Seemed More Reasonable

On the basis of adjustments in the fees which were returned by the professional men, the charges seemed more reasonable, the judge said, but he added:

"I can't escape a conviction in the back of my head that in these fees was some improper charge for placements over and above medical, hospital and legal services."

Under the 1947 statute, ordinary and reasonable fees for medical, hospital and legal services are permissible. Attorneys attacked the statute's language and Assistant State's Attorney Anselm Sodaro, prosecutor, revealed that efforts are to be made to clarify the law.

Five Released

The defendants released without verdict are:

Dr. Paul Schonfeld, 2301 Annapolis road, charged with receiving fees in two placements and two attempted placements for babies.

Dr. Samuel Tompakov, 3600 Park Heights avenue, charged with a fee for a baby placement.

Dr. Leon Greenwald, 2406 Brambleton road, charged with receiving fees in two placements.

Dr. Alfred Joseph Cole, 1934 Wilkens avenue, charged with a fee in one placement.

Stafford H. Plimack, attorney, 2400 block Eutaw place, charged with connection with 2 placements and arrangements with doctors.

The cases were heard, by agreement of defense counsel, on the explanatory statement by Mr. Sodaro. The defendants all entered pleas of not guilty.

Fees asked for professional services in the baby placement ranged as high as $1,500.

In one case where $1,500 was paid, Sodaro said that amount went to Plimack, who gave $1,000 to Dr. Schonfeld, who in turn divided that amount with Dr. Tompakov; the latter passing $100 on to the infant's mother for her hospital expenses. Subsequently each doctor refunded $200 and the lawyer refunded $250 to the adopting parents, who therefore recovered $650 of their original $1,500 expense.

$1,100 Fee Reported

In another instance, Plimack had received $1,100 to cover medical and legal fees and expenses, and the lawyer retained $650 for his services, court costs and expenses, later refunding $400. In that case, Dr. Cole had received $450, Mr. Sodaro said, and later refunded $200.

In another case, Mr. Sodaro explained, a lawyer who is not charged had received $527.50 for total expenses and had paid $325 to Dr. Schonfeld and had kept $175 as a fee, with $27.50 going for court costs.

In a fourth case, the prosecutor said that $500 had been given to Dr. Greenwald to cover a $200 fee to a lawyer who is not charged, and $27.50 in court costs. An additional voluntary payment had been made to the doctor by the adopting parents. Defense lawyers Joseph Rosenthal and James S. Morrow, who represented Greenwald, contended the prosecutor's figures were not correct, but no detailed explanation was given of the actual charges.

$75 For Services

In the remaining adoptions, Dr. Greenwald had received $425, of which $75 was paid for services rendered by another doctor and $141.50 was used for hospital expenses, with $250 later being refunded to the adopting parents.

Plimack and Dr. Schonfeld were involved in the two attempted placements, Sodaro. A $1,500 fee total was asked in one and a $1,000 fee total was asked in the other, with both adoptions not completed because of the high costs. Sodaro said that doctors not involved in the cases had filed complaints against Dr. Schonfeld with the medical authorities as a result.

William Curran, who with Ellis Levin and Sol Liss represented both Dr. Schonfeld and Dr. Tompakov, made the first plea for the probation release. A similar plea was made by Henry M. Siegel, who with Samuel J. Aaron was counsel for Plimack.

Opinion Expresed

Judge Mason called on the prosecutor to express an opinion. Sodaro acknowledged that there had been general lack of professional or lay information about the 1947 law, and asserted that he felt there should be no legislative regulation of professional fees and that any placement fees should be strictly forbidden.

"I don't like for a minute this setup where doctors and lawyers have gotten together for a trafficing in babies," said Judge Mason.

EVE SUN 12/16

Five In Baby Cases On Probation

Four physicians and a lawyer, charged with violating Maryland laws in the placement of babies for adoption, pleaded not guilty before Judge E. Paul Mason in Criminal Court today and were placed on probation without a verdict.

Judge Mason, in announcing his ruling, said he believed the publicity which has attended cases of "trafficking in babies" in Baltimore during the last six months should constitute notice to the medical and legal professions that excessive fees in connection with infant adoption cases are not to be tolerated.

THOSE ON PROBATION

Those placed on probation are: Dr. Paul Schonfeld, 2300 block Annapolis road; Dr. Samuel Tompakov, 3600 block Park Heights avenue; Dr. Leon Greenwald, 2400 block Brambleton road; Dr. Alfred J. Cole, 1934 Wilkens avenue, and Stafford H. Plimack, an attorney, 2400 block Eutaw place.

Judge Mason ordered all except Dr. Cole to make periodic reports to the Probation Department over a period of two years.

Attorneys for the accused included William Curran, Malcolm Tibbs, Ellis Levin, Joseph Rosenthal and Henry Siegel. The case was prosecuted by Assistant State's Attorney Anselm Sodaro.

LAW CALLED VAGUE

Before Judge Mason, Mr. Curran and Mr. Siegel argued that the law as it now stands is "vague" with reference to child placement cases. The attorneys asked the court to put the accused on probation without a verdict.

Following the hearing of the four doctors and the lawyer, three women accused of conspiracy to charge fees for the placement of babies went on trial before Judge Mason. They are Gertrude M. Hailey, accused in six cases, and Mae Purdy and Elizabeth Kavanaugh, accused in two cases apiece.

MORN SUN - 12/17/49

State's Attorney's Adoption Report Assails 'Trafficking In Human Flesh'

Wells, Sodaro Cite Lack Of Supervision, Tell Of Unsanitary Conditions At Baby Homes

In a special report yesterday, the State's attorney's staff declared that many baby adoptions in Baltimore were "effected by unscrupulous black-marketeers trafficking in human flesh for personal gain."

J. Bernard Wells, State's attorney, and Anselm Sodaro, his assistant, told Judge Charles E. Moylan that there has been no supervision over baby-care homes here and made seven recommendations to remedy the present conditions.

Recommendations Listed

Their recommendations were:

1. That the Legislature determine whether the State Department of Public Welfare, the Baltimore City Department of Public Welfare or the Bureau of Child Hygiene of the Health Department should supervise and control baby homes. The report pointed out that all three disclaimed responsibility for regulating such homes.

2. That frequent inspections of existing licensed boarding homes for children be made to assure strict compliance with all regulations of the State Department of Public Welfare.

3. A program of public education pointing out the desirability of effecting adoptions of infants through the services of a licensed agency clothed with safeguards.

4. No child, for purpose of adoption, should be removed from any hospital unless accompanied by its natural mother.

Would Inquire Into Fees

5. That the Probation Department of Baltimore city, in making its investigation in connection with an adoption, inquire into the matter of medical and legal fees, with the purpose of reporting to the constituted authorities, whose duty it will be to determine whether these fees are in fact for medical and legal services rendered, or payment for individual placement service.

6. No compensation or payment should be permitted to be made to the natural mother whose child has been placed for adoption, and such sale or barter by a mother of her own child should be condemned.

7. The statute of limitations requires all violations under existing adoption laws be prosecuted within one year from the date of commission. Accordingly, it is recommended that offenses under this act be made felonies or penitentiary misdemeanors so as to remove the impediment of limitations.

Appointed By Wells

Mr. Sodaro had been appointed by Mr. Wells to conduct an intensive investigation into all phases of baby-home activities and adoption procedures in Baltimore. Mr. Sodaro was aided in the several months of the probe by Lieut. John F. Hettchen, Sergeants Charles E. Hudak and Anthony Nelligan, Sergt. Gladys Berger and Policewoman Agnes Tawney.

The investigators said they found day nurseries well managed and well supervised by public agencies, but added that this could not be said of homes engaged in overnight care of children.

"Our investigation of them disclosed that a number were operating without the formality of having obtained a license from the State Department of Public Welfare," the report stated.

"Some Found Dilapidated"

"Some of these unlicensed homes were found to be in an unhealthy and dilapidated condition. The rooms were dirty and much in need of plastering, papering and painting. Children of different ages and of both sexes were required to sleep in the same room.

"In one particular home, the windows were without screens, and the filthy condition attracted swarms of flies. The eating quarters were located in a dingy and damp basement. A number of health and fire-code violations were noticed.

"In many unlicensed boarding homes, no records of any kind were kept; while in other instances, records were wholly inadequate.

"Supervision Negligible"

"Supervision of children, especially those under 12 months of age, was negligible, even to the extent of permitting infants only several months of age to be without personal attention.

"At one of these unlicensed homes a small child was observed, suffering from an infectious disease, sleeping in the same room and on the same cot with other children. No attempt was made at isolation. Recreational facilities were practically nonexistent. Many of these children were in a dirty and unbathed condition, off the premises and in the nearby streets and alleys. There was no prescribed diet for any of them."

The investigators further reported finding instances of severe discipline amounting to mistreatment and "palpable malnutrition." In some homes parents were not allowed to visit children in the same boarding homes after 6 P.M., the report stated.

"Relief Is Declined"

Reporting that each of the three social agencies referred to in the first recommendation did not consider itself the proper authority to control and supervise baby homes, the investigating force said:

"As it is now, when complaints are made to one of these public agencies, relief is promptly declined on the ground that they have no authority to act."

The probing group asserted that it found that "in some adoptions, decent and well-intentioned persons were involved, while in other cases, placements were effected by unscrupulous, black-marketeers, trafficking in human flesh for personal gain."

"Characteristics Overlooked"

"Notwithstanding the avarice and greed that motivated many of those in the latter group, it was found at times, that the child actually benefited. Unfortunately, this was not often the case. It always has been considered that family characteristics should be of first concern in the placement of children.

"In most of these cases consideration of this fundamental characteristic was grossly overlooked. In other instances, the investigation disclosed that hereditary defects and physical handicaps in the child came to light only after adoption, to the chagrin and disappointment of the adopting parents.

"Although it is an accepted fact that the established social agencies by experience and training are the best qualified to bring about thoughtful adoptions, in all cases examined not once was it found that they played any part.

"In many of the cases, adoptions were arranged by the physician attending the natural mother during her late stages of pregnancy, and the adopting parents were contacted by the same physician.

"Often the natural mother was approached for the first time just a few hours after the birth of the child when she was emotionally and physically unfit to pass on such an important matter. There was no protection accorded her against making an ill-advised, impulsive decision.

"The practice of getting babies under these circumstances and placing them in the hands of adopting parents is a reflection on an honorable profession and merits the condemnation of all thoughtful people.

5 Released In Adoption Cases

Four physicians and an attorney yesterday were released on probation without verdicts on charges of demanding and receiving excessive fees for baby-placement services, and three baby-home operators were convicted of operating rooming houses without a license.

The trials resulted from an extended investigation by prosecutors and police of infant adoptions and overnight baby-care homes in Baltimore.

Judge E. Paul Mason, in releasing the five professional men on probation, warned that in future cases he would not entertain as a defense the argument that the accused were unfamiliar with the 1947 statute which makes it unlawful to charge a fee for baby placement services.

Doctors Named

The probationary releases were granted to Dr. Leon Greenwald, Dr. Paul Schonfeld, Dr. Alfred Joseph Cole, Dr. Samuel Tompakov and Stafford H. Plimack, 28-year-old attorney.

Fined $50 each for operating a rooming house for infants and their parents in the 4000 block Maine avenue without a license were Mrs. Anna Trummert and her son, Charles. Mrs. Trummert's twin 16-year-old daughters were acquitted of the charge.

Testimony before Judge Mason disclosed that the Trummerts operate a 22-room house on Maine avenue, with infants housed in a separate nursery, away from the parents.

Lieut. John F. Hettchen testified that when he visited the home last August, bedding on the cribs was spoiled and smelly, and the nursery was full of flies because of the lack of screens in the windows.

Say Department Has Approved

The Trummerts testified that those conditions have been rectified and that the rooming house has been approved by the Health Department. They said Fire Department approval is being awaited.

Judge Mason also convicted Mrs. Gertrude Hailey, operator of baby-care home in the 1100 block Forrest street, of committing perjury by testifying before Judge Charles E. Moylan that she did not know the whereabouts of an infant which had been left at her home. She also was convicted of failing to have a license for the home.

Judge Mason temporarily deferred imposition of sentence.

Mrs. Hailey's refusal to disclose the whereabouts of the baby prompted Judge Moylan to request the full investigation of baby homes and adoption procedures.

The baby subsequently was located and was found to have been left at the Hailey home by a young couple who later abandoned a second baby on the steps of a local Catholic church. The people, Mr. and Mrs. George Kelly, were convicted in Criminal Court of an abandonment charge.

Mrs. Hailey's defense to the perjury charge was that she did not want the Kellys to find out where the child was, because she had nursed the infant back to health and did not want the parents to get a second chance to mistreat it.

Judge Mason deferred, pending further investigation, the finding of a verdict against Mrs. Mae Purdy, accused of operating a baby home in the 1500 block North Caroline street without a license.

Refunds Of Fees Made

The charges against the doctors and the lawyer were submitted on an agreed statement of facts submitted by Anselm Sodaro, assistant State's attorney, who headed the investigating force.

Mr. Sodaro disclosed that in most of the cases, refunds of part of the fees charged were made to the adopting parents.

The statute under which the five professional men were indicted reads as follows:

"It shall be unlawful for any agency, institution, or individual rendering any service in connection with the placement of a child for adoption to charge or receive from or on behalf of either the natural parent or parents of the person to be adopted, or from or on behalf of the person or persons legally adopting such person, any compensation whatsoever for the payment by any interested persons of reasonable and customary charges or fees for hospital or medical or legal services."

Agree Statute Is Vague

Defense counsel argued, and the State agreed, that the statute was vague and indefinite on what constitues a "reasonable" fee for medical or legal services.

Mr. Sodaro said the original combined fees for medical and legal services charged the adopting parents by the defendants ranged from $500 to $1,500, including the hospital and court costs.

Pointing out that last year in the Circuit Court No. 2, he had handled many adoption proceedings Judge Mason asserted that it had occurred to him that "the Court possibly had been so concerned with the interest of the youngsters in the cases, that it never occurred to me to inquire whether inadequate or oppressive fees were charged."

Says Justice Is Served

The judge said he believed the ends of justice could be served in the cases by adopting the suggestion of defense counsel that the accused be released on probation without verdicts.

"However," he continued, "so far as I am concerned, I would say that any future cases, in view of the publicity and the fact that everyone knows now that there can't be any charge for placement services, should be tried strictly on their merits."

"I will assume then that the statue is "valid, legal and enforceable," Judge Mason declared. "If the fee includes a charge for placement services, the accused will not get any mercy."

"I don't like these setups where doctors and lawyers get together, for it appears that they are trafficking in babies."

Defense counsel included William Curran, Joseph Rosenthal, Solomon Liss, Ellis Levin, James S. Morrow, Jr., Henry T. Siegel, Samuel J. Aaron and Malcolm B. Tebbs.

NEWS - 12/22

MANY FOES

For State's Attorney J. Bernard Wells . . .

He would like a lot of presents.

He would like each of these presents to be a candidate for the Democratic nomination to the job Mr. Wells now holds.

In other words, he would like to have as many opponents as possible when, and if, he seeks renomination.

For Mr. Wells learned last time that the easiest way for him to win is to have a great many persons running against him. In that way, the voters who don't feel that he should continue in office will spread their votes thin among all the others.

MORN SUN - 12-20-49

Judges Assigned For Year Of 1950

Assignment of judges for next year was announced yesterday at a term meeting of the Supreme Bench.

The 1950 assignment, as announced, is:

Criminal Court, Part 1—Judge Michael J. Manley.

Criminal Court, Part 2—Chief Judge W. Conwell Smith.

Criminal Court, Part 3—Judge Joseph Sherbow.

Circuit Court — Judge Herman M. Moser.

Circuit Court No. 2 — Judge Emory H. Niles.

Court of Common Pleas—Judge Robert France.

Baltimore City Court—Judge E. Paul Mason.

Superior Court—Judge S. Ralph Warnken.

Superior Court — Judge J. Abner Sayler.

Superior Court, non-jury cases—Judge John T. Tucker.

Division for Juvenile Causes—Judge Charles E. Moylan.

Judge Sherbow will serve as jury judge.

SEARCH WARRANT LAW IS SIGNED

Last Of 9 Special Bills To Be Validated By Lane

Governor Lane signed the new search-warrant law at 12.20 P.M. yesterday, putting into effect the last of the nine bills passed at Saturday's special session of the General Assembly.

The eight other bills, including the $50,000,000 school-construction loan and the $300,000 emergency relief appropriation, were signed immediately after adjournment of the session.

An amendment to the search-warrant law made it necessary, because of time required for printing the final version, to postpone its signing until yesterday.

As enacted, the law duplicates the text but corrects an error made in recording the measure now on the books, the validity of which has been challenged in the Circuit Court for Baltimore county.

Judge J. Howard Murray will hear arguments in the Baltimore county case at 10 A.M. today.

EVE SUN 12/20

Jail Terms Of 12 Due Correction

J. Bernard Wells, States's attorney, and William H. Maynard, his deputy, today instituted habeas corpus proceedings to produce twelve inmates from the State Reformatory for Males at the Courthouse for technical correction of their sentences. The men will be brought before Judge Herman M. Moser tomorrow in Baltimore City Court.

Persons sentenced to the State Reformatory are sentenced to indeterminate periods of not more than a specific number of years. The twelve apparently were given flat sentences.

Prescott Ruling

Although some decisions have held that sentences to the reformatory automatically are indeterminate for not more than the number of years pronounced, Judge Steadman Prescott, in Montgomery county, recently ordered release of a man who had been sentenced in that manner, on the ground that he was not properly sentenced. Therefore, prison authorities requested that the corrections be made.

One of the men to be produced tomorrow was sentenced correctly by Judge Moser, but a clerical error failed to make the term indeterminate.

Of the other eleven, two were sentenced by former Judge Edwin T. Dickerson, two were sentenced by Judge Michael J. Manley and seven were sentenced by Judge J. Abner Sayler.

MORN SUN 12/21

25 Years Given In Mutt, Jeff Case

Frank Regalado, 22, the so-called "Jeff" of the "Mutt and Jeff" robbery pair who terrorized Baltimore merchants recently, yesterday was sentenced to 25 years in the Penitentiary after he pleaded guilty to five robbery charges.

Richard Henry Zlotkowski, 23, tall member of the holdup team, last week was sentenced to a total of 26 years imprisonment on similar charges. Zlotkowski also admitted the theft of a pair of dungarees he used to make a quick change of clothing after the robberies.

Saul Harris, assistant State's Attorney, produced testimony which disclosed that in their first robbery a wooden gun was used by the defendants. Thereafter, Regalado carried a real German Luger and his companion was armed with a sawed-off shotgun. Both men said they came here from Newark, N.J. Judge Robert France imposed the sentences.

GRAND JURORS ARE NAMED

Nine Women Appointed To January-Term Panel

Grand jurors for the January-term of court were chosen at a term meeting of the Supreme Bench yesterday. The new panel includes nine women.

Selected to serve as the new investigating panel were:

Elmer Amos, 449 East Twenty-third street.

Mrs. Helen V. Cann, 3810 Hillsdale road.

Kenneth L. Carter, 1505 Pentridge road.

Charles L. Coleman, 304 West Thirty-first street.

Robert M. Eades, 2252 Annapolis road.

Clarke J. Fitzpatrick, Sr., Greenwich Garden Apartments.

Milton M. Frank, 1007 West North avenue.

Miss Marie C. Hebner, 3401 Greenway Apartments.

Robert H. Heistand, 5 East Thirty-third street.

Mary C. Hessenauer, 4301 Walther avenue.

Cubbard C. Hutchinson, 4102 Roland avenue.

Mrs. Elizabeth A. Krug, 196 Oakdale road.

Mrs. Emma V. Lohman, 3314 Elgin avenue.

Mrs. C. Dulany Lowndes, 109 East Melrose avenue.

James G. McCallister, Sr., 2810 Bayonne avenue.

Roland L. Miller, 4 North Hadley square.

Charles W. Patterson, 102 West Thirty-ninth street.

William C. Rhodes, 2433 Druid Hill avenue.

Frederick A. Saffran, 4509 Bayonne avenue.

Jacob Sause of C., 343 South East avenue.

Mrs. Claire M. Stieff, 108 Ridgewood road.

Mrs. Caroline Strobel, 5213 West North avenue.

Mrs. Charlotte VanNatta, Cambridge Arms Apartments.

The new jury will begin its duties on January 9.

EVE SUN - 12/21

Sodaro Urges New Curb In Baby Trade

Baltimore was today called "a hotbed of black market activity in babies" by Anselm Sodaro, Assistant State's Attorney.

Mr. Sodaro, appearing before the judiciary committee of the Legislative Council, urged tightening of present adoption laws to eliminate the traffic in babies.

Mr. Sodaro said that while only a small part of this black-market activity has received publicity the traffic is "tremendous."

Cites Present Laws

He added that while present laws prohibit payment of fees for the placing of children in homes, many "haphazard" placements are made especially by doctors who receive excessive fees under the guise of legal and medical costs.

One doctor in a Baltimore hospital, he said, effected twenty adoptions within a year. The placements were often arranged before the child was born.

Thse haphazard placements, he said, often result in children being put into homes of persons mentally and physically unfit to care for them.

The only way to check the traffic, Mr. Sodaro said, is to follow the pattern of a New York statute which forbids placement of children by anyone other than the court, a licensed agency or the child's mother.

In Force Elsewhere

Although this would be a "revolutionary statute" for Maryland, Mr. Sodaro said, it is in force elsewhere.

In recommending that mothers be allowed to place their children, Mr. Sodaro was in disagreement with J. Milton Patterson, director of the State Department of Public Welfare, who urged that only the courts, licensed agencies or local welfare departments be allowed to arrange placements.

Mr. Patterson's proposal would permit mothers only to place their children in the homes of relatives.

His recommendation was challenged by Senator George W. Della (D., Sixth), who declared that taking control of a child away from its mother would be going too far.

Della Comments

"I expect you fellows to come in soon and tell parents how to raise their children," said Senator Della.

Senator Stanford Hoff (R., Carroll) commented that the present trend toward statism would give the state control of everyone from birth to death anyway.

Gerald Monsman, counsel for the Legal Aid Bureau, who explained that he was speaking not for the bureau but as secretary of the adoption commission which studied the laws before the 1947 legislative session, backed Mr. Sodaro's recommendation.

EVE. SUN - 12/22/49

Driver's 60-Day Sentence Upheld

Refusing to alter a 60-day jail sentence imposed on a motorist in Traffic Court for operating a car when his license was suspended, Judge John T. Tucker today sent the man to City Jail to serve the remainder of his term.

The defendant, Leo Gosnell, an electrician who now lives in Newcastle, Del., was given credit for the four days he had served prior to the filing of his appeal.

Gosnell was sentenced in Traffic Court by Magistrate Joseph Leiter. It was shown that he had his license suspended in May, 1948, after being fined for reckless driving and driving under the influence of liquor, and that he subsequently obtained a Tennessee license and later a Delaware license.

Gosnell was arrested after an employé of the commissioner of motor vehicles found that the man was operating an automobile in Baltimore. Judge Tucker ruled that there was no reason to disturb the magistrate's verdict of guilty or the sentence. Assistant State's Attorney J. Harold Grady prosecuted.

MORN-SUN - 12/22/49

ADAMS TRIAL FACES DELAY

Is Unassigned Due To Chance Of Search Law Appeal

In view of the possibility of an appeal from Judge J. Howard Murray's ruling that the 1939 search and seizure law is valid, the trial of William Adams and others on numbers charges will not be assigned now, J. Bernard Wells, State's attorney, announced yesterday.

Adams, former operator of a Druid Hill avenue tavern which was mysteriously bombed about eleven years ago, and seventeen other persons were arrested as a result of a numbers raid on premises in the 200 block West North avenue. The trial was postponed because of the case before Judge Murray.

Wells Issues Statement

Mr. Wells issued the following statement yesterday afternoon:

"I have discussed with His Honor, Judge Robert France, the matter of the reassignment for trial of the Willie Adams and associated cases.

"It is his view that these indictments should not be reassigned until after we have learned definitely whether or not an appeal will be taken from Judge Howard Murray's ruling in Baltimore county, holding the search and seizure law, under which our indictments were found, valid.

Says Defendants May Appeal

"It is quite possible that the defendants in that case may take an appeal, and with this in mind it is thought advisable that our cases be not reasigned at this time."

The Legislature at a recent special session passed an act similar to the 1939 measure to take care of contentions advanced in Baltimore county that the 1939 act did not appear on the statute books in the exact form in which it was passed by the Legislature.

Judge Moser Plays Santa, Frees 2 Convicts, Aids 10 More

The Christmas spirit pervaded Baltimore City Court yesterday where Judge Herman M. Moser gave surprise releases to two inmates of the Reformatory for Males and reduced the sentences of ten other prisoners.

The twelve convicts had been brought before Judge Moser solely for the purpose of having their commitment papers corrected.

The law requires that terms in the reformatory be indeterminate, but in the case of the twelve men, definite sentences were imposed.

William H. Maynard, deputy State's attorney, filed habeas corpus proceedings to have the wording of the sentences changed to say "not more than" the fixed terms that had been imposed.

When Judge Moser learned that two of the men had only three months or so to serve, he ordered their outright release.

They were Robert Hardy, 20, who had been sentenced to two years in 1948, and Robert Summers, sentenced to a two-year term by Judge Moser himself.

Judge Moser had sentenced Summers properly, but the commitment papers had been prepared incorrectly.

Summer's mother appeared in the courtroom with a Christmas package for her son.

When he was released outright, Summers turned and gave the package to one of the other prisoners, with a wish for a "Merry Christmas."

To all of the other prisoners, Judge Moser announced he would give them credit for the time they served in jail awaiting trial.

The judge pointed out that Criminal Court judges this year have been giving defendants credit for that prison time on their final sentences.

It was disclosed that another one of the prisoners, Frank Bongiovano, 27, sentenced to three years for burglary in 1948, had been granted a pardon yesterday by Governor Lane.

Man Gets 5 Years In Shooting Case

Sentence of five years in the Penitentiary was imposed in Criminal Court yesterday on Vilcent Vivero, 44, of the 1600 block Linden avenue, who pleaded guilty to a charge of assault with intent to murder Miss Dolores Breeden, with whom he had been living for five years.

According to Charles E. Orth and Alan H. Murrell, prosecutors, Vivero shot Miss Breeden three times, and one of the bullets went through her body and broke a window pane across the street.

Vivero admitted he and the woman had been arguing and that he became angered when he saw her drinking.

The shooting occurred last November 18 in the vicinity of Baltimore and Harrison streets. Counsel for the defendant, a Filipino, asked Judge Robert France to arrange for the deportation of Vivero, if possible. Judge France said if deportation to the Philippine Islands can be arranged, the balance of the sentence will be suspended.

EVE. SUN - 12/22

Welfare Director Indorses Baby Adoption Proposals

A proposal that revelation of medical costs and legal fees in baby adoptions be mandatory under the law, as well as requiring placemenst only under a recognized agency, was indorsed today by Thomas J. S. Waxter, Director of public welfare.

Mr. Waxter supported the argument by Anselm Sodaro, assistant State's attorney, who urged the Legislative Council to tighten Maryland's adoption laws.

"Should Go Further"

Mr. Sodaro declared Baltimore to be a "hotbed of black-market activity in babies." He asked adoption of a law similar to one in force in New York which permits baby adoptions only through recognized authorities.

The present Maryland law recommends, but does not require, the latter provision.

"While our present law says that the charge shall be 'reasonable,' and that there be no specific charge for placement, I think we should go further," Mr. Waxter said.

"Administration of adoption of nonrelated children should be limited to courts through the Department of Probation, the Department of State Welfare, the city's Department of Public Welfare and private agencies properly empowered, such as the Associated Jewish Charities, the Catholic Charities, the Board of Child Welfare and various church organizations. And the courts should be fully informed as to fees, both medical and legal."

400 Adoptions Annually

Approximately 400 babies are adopted here annually. The Department of Probation during 1948 handled 350 cases; this year, not so many. It does not, however, officials said, have records on all adoptions.

In its processing, the department said it always requests information as to medical and legal fees but never gets that information.

"One thing we must do is to take the profit out of the baby-adoption business," Mr. Waxter said. "This is all important to the adopted children and to the community."

Of the approximate 400 cases handled here yearly, about 200 are normal legalizations, and the remainder are regarded as placements.

Majority Turn Out Well

By far the majority of adoptions turn out well, Mr. Waxter said, but added that the community should be more vigilant about the remainder.

"The fact that foster parents pay well to adopt a baby should not be regarded as reprehensible," Mr. Waxter said. "It may reveal that they are well able to take care of the child.

"But many of these arrangements are made prior to the birth of the child. Decisions about an unwanted child are often made under pressure by the expectant mother. Advice should be given and administered by competent persons under the law.

Criticizes Doctor

"Some of the ablest doctors, even with the best intentions, render a real disservice to the community in acting in baby-adoption cases. We feel in this business they are 'getting out of their area of competence.'

"It must be remembered, too, that there are wealthy persons, able to financially take care of adoptions, but are not suited temperamentally or otherwise for caring for a child. Some cases of this sort have come to our attention. There are others where parents trying to 'save their marriage' are just as unsuitably prepared to care for adopted children."

Maryland laws concerning adoption were changed in 1947, displacing a 50-year-old statute. Two companion laws, passed providing investigation and other procedures for the courts, did not make it mandatory to use independent agencies, nor to reveal fees concerning such cases.

Woman Given 60 Days For Perjury

Mrs. Gertrude M. Hailey, 41, operator of a baby home at 1117 Forrest street, today was sentenced to 60 days imprisonment for perjury.

Judge E. Paul Mason, who found Mrs. Hailey guilty last week in Criminal Court, today found her to be not guilty on another charge of operating a baby home without a rooming house license. It was testified that her license application for this year had not been acted on by the Health Department.

In view of a defense plea by Foster H. Fanseen, attorney, that Mrs. Hailey was needed to care for her family and other children over the holiday period, the beginning of sentence was deferred until January 3.

Called In Investigation

The perjury charge against Mrs. Hailey, whose home is in the 2500 block North Calvert street, involved her testimony last July 29 before Judge Charles E. Moylan in Juvenile Court. She testified during an investigation into the supposed disappearence of a baby girl, the child of George and Ardath Kelly, of New York, from her home. The child actually had been placed with Mr. and Mrs. Ellick Stoneberger for adoption, after having been left at the home by Kelly.

At her trial, Mrs. Hailey contended through her attorney that she told an untruth before Judge Moylan because she knew the Kellys had abandoned a second baby in Baltimore at St. Philip and James' Church. She said she was afraid they might try to reclaim the baby that is now with the Stonebergers.

Assistant State's Attorney Anselm Sodaro prosecuted the Hailey case, along with a series of charges against other baby-home operators and a group of professional men consisting of four doctors and one lawyer.

The professional group last week were released on probation without verdicts, two operators of a baby home were fined a total of $100 and another home operator, Mrs. Mae Purdy, is awaiting decision of the court on license charges against her.

MORN-SUN 12/23

WOMAN FACES 60-DAY TERM

Court To Impose Sentence Jan. 3 In Baby-Home Case

Judge E. Paul Mason in Criminal Court yesterday announced a 60-day prison sentence would be imposed January 3 on Mrs. Gertrude Hailey, operator of a Forrest street baby home, who was convicted of perjury last week.

Judge Mason actually imposed the sentence yesterday, but temporarily withdrew the punishment to give the defendant time to arrange for someone else to take care of the home while she is imprisoned.

Sought To Protect Child

Mrs. Hailey, who is 41 and operates a home in the 1100 block Forrest street, was convicted of falsely testifying that she did not know the whereabouts of an infant left in her care.

She contended she deliberately told an untruth to protect the child, pointing out that the parents of the baby had abandoned a second child on church steps and that she did not want the baby left with her to be treated in the same manner.

Tried With Professional Men

Judge Mason acquitted Mrs. Hailey of a charge of operating a baby home without a license.

Mrs. Hailey was tried last week with four doctors and an attorney, who were accused of making unlawful charges for the placement of infants in foster homes. The professional men were released on probation without verdicts.

Anselm Sodaro prosecuted the cases.

Bank Examiner Put On Probation

Francis Wallace Deming, 33-year-old junior bank examiner for the State of Maryland, yesterday pleaded guilty to stealing and forging $20 and $100 travelers' checks.

Judge Robert France in Criminal Court imposed House of Correction terms totaling twelve years, but suspended the sentence and placed Deming on probation for two years, on condition he make full restitution in the amount of about $3,400.

Indictments Tried Jointly

According to Alan H. Murrell, prosecutor, Deming stole checks in Baltimore and in five counties of the State. Indictments returned against him here and in Prince Georges county were tried jointly yesterday.

Deming lives in the 2000 block Barclay street. He contended he needed the money for household expenses.

Mr. Murrell disclosed that Deming earned $45 a week as a bank examiner and that the thefts and forgeries occurred over a period of about two and a half years. Deming had been an examiner since 1946.

Arrested Last October

Deming was arrested last October and held in jail since that time pending a complete investigation to determine the total amount of the defalcations. He was taken into custody by Lieut. Millard B. Horton and Sergt. Francis R. Murphy.

Most of the checks were cashed here and in Washington, Mr. Murrell told the court.

Wright Convicted, Fined $500 For Perjury In $1,500 Suit

Nelson A. Wright, ex-army officer, a major in the Maryland National Guard and commander of the Yankee division of the Veterans Association, yesterday was convicted of perjury and fined $500 and costs by Judge John T. Tucker in Criminal Court.

Judge Tucker also imposed a six-month jail term, but suspended the imprisonment on payment of the fine and costs.

Wright, who is 43 and in the coin-machine business, gave an address in the 1600 block of Pentwood road. He was convicted of deliberately giving false testimony earlier this month in a trial before Judge Emory H. Niles in Superior Court. Judge Niles sent the testimony to the State's attorney for possible indictment of Wright.

Judge Tucker stated, in imposing sentence, that he was considering the defendant's good record and the fact that a conviction for perjury takes away certain citizenship rights.

Word On Check Disputed

According to testimony produced by John C. Weiss, prosecutor, Wright falsely testified in Superior Court that the word "loan" on a $1,500 check he gave to Jacob Kline in 1947 was on the check at the time it was delivered.

Kline, who at that time operated a Reisterstown road café, contended Wright gave him $1,500 in return for permission to place coin machines in Kline's place of business.

Wright, on the other hand, contended the $1,500 constituted a loan to Kline, except that Kline was to consider $500 of the amount as a concession for using Wright's machines for at least one year.

Wright then sued Kline for $1,500 in the Superior Court. Albert L. Sklar, counsel for Kline at the trial of that suit, produced a bank's photostatic copy of the check showing that the world "loan" was not on the paper when it was deposited by Kline.

Didn't Understand Questions

Wright admitted yesterday he wrote the word "loan" on the check after the paper was returned to him by the bank. He contended he did not fully understand the questions being asked him when he testified at the Superior Court trial.

He said that since Kline sold the café within three months after the $1,500 check was delivered, he considered the proprietor owed him the entire $1,500 and was not entitled to a $500 concession.

Kline testified Wright kept after him for several weeks for permission to put coin machines in the tavern. He said he finally gave in when Wright offered him the $1,500. Thereafter, Kline testified, his share of the receipts from the machines totaled as much as $100 in one week.

A number of high-ranking National Guard officers appeared as character witnesses for Wright.

Counsel Named For Boy Facing Murder Charge

G. C. A. Anderson, past president of the Bar Association of Baltimore city, yesterday was appointed counsel for George M. Crisp, who is charged with the murder of two small children and with a series of arson charges.

Mr. Anderson was appointed defense counsel by Judge Robert France in Criminal Court. Alan H. Murrell, assistant State's attorney, said there is a need for counsel for the boy because of his apparent unwillingness to co-operate with Dr. Manfred S. Guttmacher in the pretrial efforts to obtain a complete medical and psychiatric report.

Crisp, who lives in the 1600 block East Federal street, is accused of causing the death of two young children by setting fire to their home in the 1400 block North Gay street. He also faces ten arson or attempted arson charges. No trial date has yet been fixed.

Man Gets Three Years On 12 Forgery Charges

Charles F. Cummings, 51, who pleaded guilty to twelve forgery charges and is wanted in five Maryland counties for similar violations, yesterday was sentenced to three years in jail by Judge Robert France in Criminal Court.

Cummings, who gave an address in the 4900 block Benton Heights avenue, admitted that he cashed in Baltimore bogus checks totaling about $472. The checks were passed on department stores, hotels and even personal friends, according to William J. O'Donnell, prosecutor.

Lieut. Millard B. Horton and Sergt. Francis R. Murphy, of the Detective Bureau, said Cummings is wanted in Anne Arundel, Baltimore, Carroll and Frederick counties on similar charges. The forgeries here occurred between last October 1 and November 21, the detectives said.

EVE-SUN-12/23

Baby-Case Complaint Filed Against Doctor

A formal complaint against one of four physicians released on probation without verdict last week by the Criminal Court in connection with baby-adoption cases has been lodged with the Baltimore Medical Society, it was learned today.

A member of the society admitted that the organization is "definitely perturbed about the baby-adoption business generally."

There has not been sufficient time to act upon th ecomplaint following the court decision, he said. Usual procedure, under the society's regulations, is for its honor committee to consider such complaints and make recommendations to its board of censors.

Concerning disciplinary moves against attorneys, the Bar Association said that under its procedures no revelation of complaints is made until after hearings and the association has recommended action to the Supreme Bench.

Excessive Fees

Probationary releases were granted by Judge E. Paul Mason to Dr. Leon Greenwald, Dr. Paul Schonfeld, Dr. Alfred Cole and Dr. Samuel V. Tompakov, and to Stafford H. Plimack, an attorney.

The charges against the defendants were for allegedly demanding and receiving excessive fees for baby-placement services.

Assistant State's Attorney Anselm Sodaro, who prosecuted the cases, has since appeared before the judiciary committee of the Legislative Council, urging revision of adoption laws to eliminate traffic in babies.

Through Agencies

It is his contention that adoptions should be made only through recognized agencies. Thomas J. S. Waxter, director of public welfare, also has urged that revelation of fees, medical and legal, be made mandatory.

Mr. Sodaro said that under the present law, passed in 1947, it is difficult to determine what is an "unconscionable" fee or to obtain an admission that such fees are for baby placements rather than medical and legal services.

He added that in recent cases refunds were made. In one case, the attorney refunded $250 of an original $500 fee; one physician refunded $200 of a $400 fee, and a second doctor refunded $250 of a $500 fee.

Able To Pay

In this case, he said, the adoption was approved by the courts, but the refunds were made long after an investigation had been started, but before the court had acted. The foster parents were well able to pay.

"If baby-adoption cases were handled only by authorized agencies, doctors and lawyers would not have charged such fees," Mr. Sodaro said, "for those charges were really placement fees."

$1,500 Asked

In another case, a physician refunded $250 to foster parents able to pay the $500 fee originally demanded, according to Mr. Sodaro.

He cited another adoption case where a physician asked a fee of $1,500, of which $1,200 was considered the medical charge.

While the foster parents were well able to pay such a fee, negotiations "never reached the paying stage" when an investigation was started.

In giving his verdict last week, Judge E. Paul Mason said: "I don't like these setups where doctors and lawyers get together, for it appears that they are trafficking in babies."

EVE. SUN-12/23

Defense Attorney Files Brief With Appellate Court

[Special to The Evening Sun]

Annapolis, Dec. 23—William J. McWilliams, defense attorney for Thomas A. Edwards, Negro, who was sentenced to hang for the murder of John H. Mahlan and Mary Kline in Glen Burnie, said today that he had received an anonymous letter purporting to be a confession of the double slaying.

Mr. McWilliams said that he found the letter in his post office box at 6 P.M. yesterday. It was postmarked in Baltimore, with the date December 22, and was signed "Tennesseans."

The letter made public by the defense attorney, said that Edwards, whose case is now before the Maryland Court of Appeals, did not kill the young couple, but that they were murdered in a fight between Mahlan and two young men, presumably the writers.

Letter Not Filed

The letter came a day before the deadline for filing the defense brief in Edwards' appeal. The brief was filed this morning by Mr. McWilliams and Ridgely P. Melvin, Jr., the other attorney in the case. The letter was not filed with the brief.

Mr. McWilliams said:

"I found the letter in my post office box at 6 P.M. last night. Neither Mr. Melvin nor I have any idea as to its significance, but if the police show any interest in it, we shall be happy to turn it over to them."

Lawyers Retain Letter

The letter is in the hands of the two lawyers.

"*Gentlemen:* I am writing you to let you both know that the Negro, Edwards, did not kill Mary Klein and Johny Mahlan. The night that they were killed, my budy had date with Mary Klein, and I had one with another girl, both of whom were met at the ice cream parlor in Glen Bernie.

"We were to meet them, where Johny and Mary Klein killed. They were to be in a car driven by Mary's friend. When we got there Mary was with Johny a fight was started John slugged my pal in the jaw. A pistol, a German Luger, was used on Johny. Mary screamed we both were scared, Mary was shot because she said that was going to tell the police.

"The pistol that was used was thrown in the Severn River at Annapolis.

"Afraid" Of Hanging

"I wanted tell the truth, but I am afraid of being hanged. My pal says that one white man's life is worth 20 Negroes.

"Jack father says not to tell any one because we both would be hanged.

"If you will promise my by writing a statement in one of the papers in Nashville, Tenn., that we will not be hanged or sent to prison for life, we both will come back to Baltimore. Are leaving Balto. for Christmas.

"You will find the pistol in the river under the bridge in Annapolis. Pray for us, not the Negro.

"TENNESSEANS."

Mahlan's Car Found

Mahlan and Miss Kline were killed between 10 P.M. and midnight of September 17, 1948.

They were last seen at a drive-in restaurant on Ritchie highway and Mountain road. Mahlan's car was found at 8 A.M. the next day, on Old Annapolis road, between Lipin's Corner and Marley Creek. Its discovery started one of the largest manhunts in Maryland's history.

The car had bullet holes in two windows, and bloodstains on front and rear seats. Despite mass searching parties and assignment of many police officers to the case, it was three days before the bodies of the 2 ear-old postal clerk and the 18-yea.-old secreetary were found 28 miles from the spot Mahlan's car hau been abandoned.

Found In Clearing

The bodies were discovered in a clearing off Chesterfield road, about six miles west of Annapolis, by a county road worker. Both had bullet holes in the head, and there were indications both had been beaten. Police arrested a number of men for questioning, and the search continued until November 10.

On that date police announced that Edwards, who had been questioned earlier and released, was charged with the double murder. Trial was set for Anne Arundel county, but court-appointed counsel for Edwards asked a change of venue, to Baltimore.

Judges Robert France, Joseph Sherbow and Emory H. Niles sat in the eight-day trial, and after deliberation of an hour and a half, pronounced Edwards guilty last February. Two confessions taken from him by police were admitted as evidence.

Appeal Filed

In June a motion for a new trial was denied, but last July Edwards filed an appeal, the defense charging that the verdict had been rendered in the face of evidence that Edwards was innocent, that new evidence was available, and that the defendant was the victim of "a plant."

Former Judge McWilliams and Ridgely P. Melvin, Jr., counsel for Edwards, contended that Edwards could not have killed the two young people as the two confessions said.

In August, the 1,666-page record of the trial went to the Maryland Court of Appeals.

Deadline Set

Earlier this month the Appellate Court granted the defense an additional ten days to prepare its case, and made December 24 the deadline for the filing of briefs. The case will probably be heard in February.

Edwards has been in the penitentiary since last June, when he was sentenced to hang for the murders. He is 24 years old, a war veteran and former sugar refinery worker.

MORN-SUN-12/24/49

NEW MURDER PROBE UP TO PROSECUTOR

Note Confessing Mahlan-Kline Slayings May Reopen Inquiry

Possible reopening of the investigation of the Mahlan-Kline murders awaited yesterday the decision of James C. Morton, Jr., State's attorney for Anne Arundel county.

The Glen Burnie pair, John H. Mahlan and Miss Mary Kline, were slain in September, 1948. Thomas A. Edwards, a Negro, is now under sentence to hang for their murders.

Edwards' attorney, William J. McWilliams, said last night he was trying to find Mr. Morton to turn over an anonymous letter confessing the murder and denying that Edwards is guilty.

Not At Annapolis Office

Mr. Morton was not at his Annapolis office to receive the document, Mr. McWilliams said, and members of the Morton family said they did not know where he could be reached.

The confession letter being held for Mr. Morton's inspection was dated December 21, signed "Tennesseans," postmarked December 22 in Baltimore, and received Thursday night in Mr. McWilliams's Annapolis postoffice-box.

Mr. McWilliams disclosed the document on the same day that he filed the defense brief in Edwards's appeal before the Maryland Court of Appeals.

Say Gun Was Thrown In River

"Tennesseans," in a mixture of good and bad grammar and spelling, wrote that Mr. Mahlan was killed after a fight and Miss Kline because she threatened to go to the police.

The "German Luger" used in the slaying, the letter said, was later thrown into the Severn River at the bridge in Annapolis.

No search for the weapon was anticipated by John Souers, Jr., chief of the Anne Arundel county police, who conducted the murder investigation with the assistance of the State police and Baltimore city police.

Asked if he would order a dragging of the Severn near the bridge, Chief Souers said:

"I feel positive we won't drag the river because we don't have any basis to go on."

"Right Out Of The Air"

The anonymous letter "is something right out of the air," Chief Souers said, and denied that he had been officially notified of its existence.

Furthermore, said Chief Souers, "I know it couldn't have been anybody else but Edwards who did that killing."

Also waiting for instructions from Mr. Morton was Capt. George E. Davidson, head of the State police department of investigation, who worked on the original investigation with Anne Arundel county police.

"I have no knowledge of this letter you speak of," Captain Davidson said, "but my department will be guided by any instructions which may be given by the State's attorney for Anne Arundel county."

Ober Declines Comment

Beverly Ober, Baltimore police commissioner, who headed the State police at the time of the murders, declined to comment on the anonymous confession.

It had been addressed to Mr. McWilliams and Ridgely P. Melvin, who assisted in Edwards's defense. Mr. McWilliams said he found it in his box about 6 P.M. Thursday night.

"Neither Mr. Melvin nor I have any idea as to its significance, but if the police show any interest in it, we shall be happy to turn it over to them," Mr. McWilliams said.

It would be kept in a safe until given to Mr. Morton, he added.

Text Of Letter

The text of the letter follows:

"*Gentlemen:* I am writing you to let you both know that the Negro, Edwards, did not kill Mary Klein and Johny Mahlan. The night that they were killed, my budy had date with Mary Klein, and I had one with another girl, both of whom were met at the ice-cream parlor in Glen Bernie.

"We were to meet them, where Johny and Mary Klein were killed. They were to be in a car driven by Mary's friend. When we got there Mary was with Johny a fight was started John slug my pal in the jaw. A pistol, a German Luger, was used on Johny. Mary screamed we both were scared, Mary was shot because she said that was going tell the police.

"The pistol that was used was thrown in the Severn River at Annapolis.

"I wanted tell the truth, but I am afraid of being hanged. My pal says that one white man's life is worth 20 Negroes.

"Jack father says not to tell anyone because we both would be hanged.

"If you will promise me by writing a statement in one of the papers in Nashville, Tenn., that we will not be hanged or sent to prison for life, we both will come back to Baltimore. Are leaving Balto. for Christmas.

"You will find the pistol in the river under the bridge in Annapolis. Pray for us, not the Negro.

"TENNESSEANS."

Killed September 17, 1948

Mahlan, a 25-year-old postal clerk, and Miss Kline, 18-year-old secretary, were killed on the night of September 17, 1948.

Mahlan's car, in which both had been seen that night, was found about 8 o'clock the next morning on Old Annapolis road, between Lipin's Corner and Marley Creek. Neither the owner nor Miss Kline was in it.

Two windows were marked with bullet holes, and both the front and back seats were stained with blood.

Despite an organized manhunt by police and volunteer searchers the bodies of the victims were not found until three days later, and then 28 miles from the bean field where Mahlan's car had been abandoned.

Discovered In Clearing

They were discovered in a clearing off the Chesterfield road, about six miles west of Annapolis, by a county road worker. Each had a bullet hole in the head.

Many suspects were arrested and questioned, and on November 10 police announced that Edwards, who had been questioned earlier and released, had been charged with the double murder.

Two confessions police said Edwards made were admitted as evidence in his eight-day trial in Baltimore last February. That trial ended in a finding of first-degree murder by Judges Emory France, Joseph Sherbow and Emory H. Niles.

Two Arguments In Appeal

The brief filed yesterday for Edwards's appeal included two major arguments:

1. Edwards's confessions should not have been permitted as evidence in the Trial Court.

2. The cartridge case purported to have been fired from Edwards's gun and said to have been found near the bodies should also have been excluded as evidence.

The defense contended that duress and subterfuge was used in obtaining the confessions.

The brief suggested the cartridge case had been brought to the crime scene after the slaying and furthermore stated the prosecution had failed to prove it had been fired from the gun Edwards owned.

Call Investigation "Inept"

The murders produced "the most sensational and the most inept criminal investigation in the history of Anne Arundel county," Mr. McWilliams and Mr. Melvin said in the appeal.

Newspapers focused public attention on "the failure of the police to provide a solution," the brief continued, and a conference of county, State and Baltimore city police about seven weeks after the murders resulted in an agreement to arrest Edwards because he "was a good suspect."

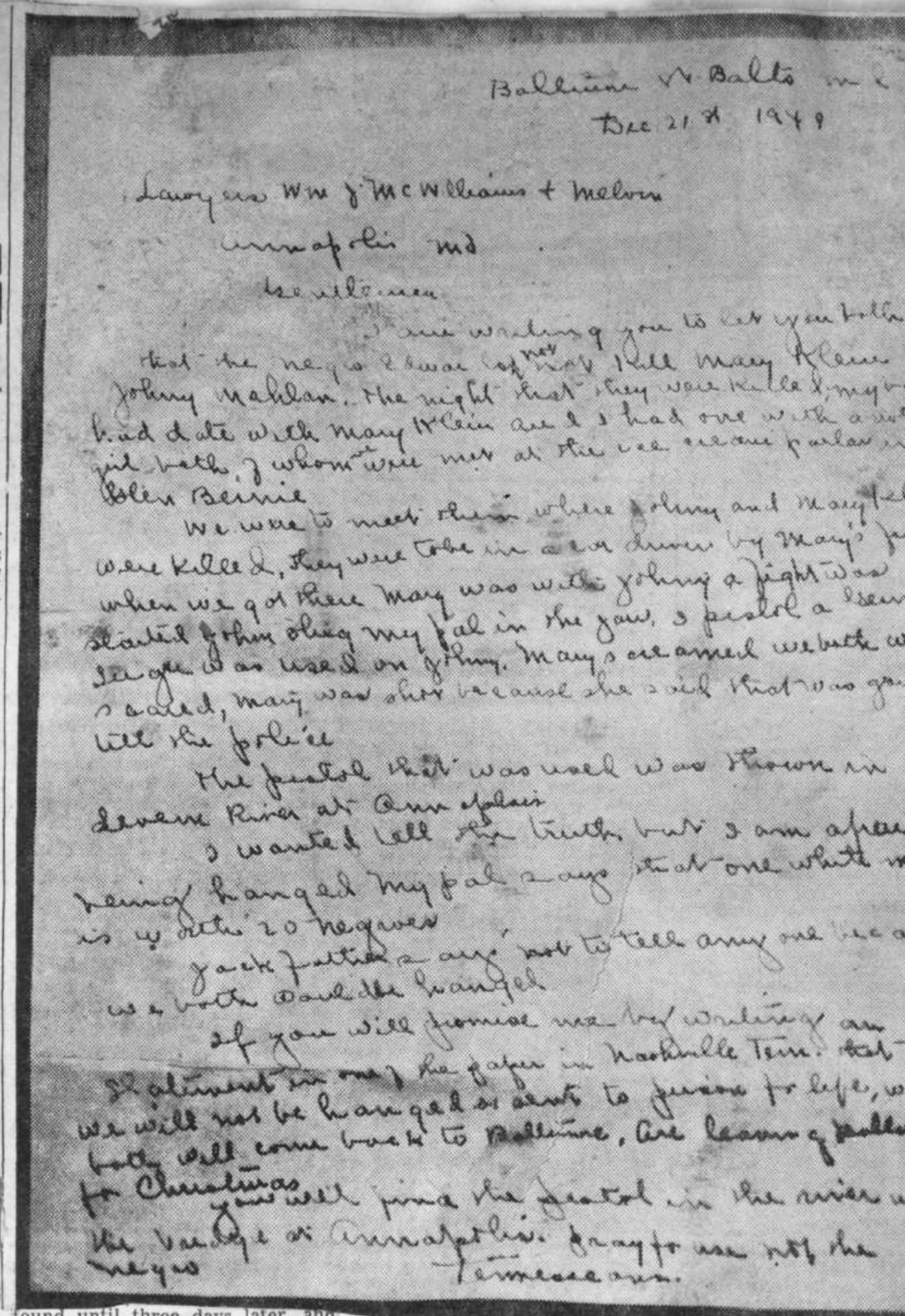
Edwards was questioned in Ferndale, in Waterloo and in Baltimore. The defense contended he admitted the slaying only after Capt. Henry Kriss, of the Baltimore Police Department, threatened to send him back to Ferndale.

Cite Police Accounts

Edwards said his confession was based on police accounts of the slaying and on police photographs of the crime scenes.

The details of his admissions are not compatible with actual evidence found at the abandoned car and near the bodies, the brief continued.

The cartridge case was found six days after the bodies were discovered, although the area had been intensively searched earlier, the defense attorneys said. Furthermore, it was picked up by a sightseer, turned over to a second person and a third person before handed to police, they added.



Baltimore N. Balto md
Dec 21st 1949

Lawyers Wm J McWilliams + Melvin
annapolis md
Gentlemen
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We were to meet them where Johny and Mary Klein
were killed, they were to be in a car driven by Mary's friend
when we got there Mary was with Johny a fight was
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The pistol that was used was thrown in the
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Tennesseans

MORN-SUN 12/27/49

TRIAL IN COUNTY MAY AFFECT LAW

Bookmaking Case Ruling By Murray Awaited

Unless a trial of two men charged with bookmaking in Baltimore county results in their conviction, a decision in which Judge J. Howard Murray upheld the State's 1939 search-warrant law may not reach the Court of Appeals.

This possibility was pointed out by attorneys yesterday. Trial of similar cases on the Criminal Court of Baltimore City docket was delayed when the law was contested in the court at Towson.

The General Asembly in a special session ten days ago re-enacted the 10-year-old statute to remove doubts of its validity for the future.

As To "Presumptive Validity"

Judge Murray, in the Circuit Court for Baltimore County, Tuesday ruled the "presumptive validity" of the law could not be overthrown by contradictory entries in legislative journals "without additional competent proof" of error. Decisions by appellate courts on this point are "positive," the jurist added, declaring that "going behind authenticated acts could lead to hopeless confusion."

The validity of the act was challenged by Jerome Robinson and John Grason Turnbull, members of the General Assembly, who are attorneys for two men arrested in a Liberty road raid.

Concedes Need Of Authority

Kenneth C. Proctor, assistant attorney general, conceded that statutory authority is needed to search a man's home, except for a common-law right to search for stolen goods.

Judge Murray overruled the defense on a secondary point, holding that the title of the disputed bill described the contents sufficiently.

Six witnesses on legislative procedure were called to testify for the defense, which introduced a photostat of the "enrolled" measure signed by the Governor.

EVE SUN 12-28

Moser Hits Prison Term Disparities

Judge Herman M. Moser, a former prosecutor and former head of the State parole system, believes that disparity in sentences is the cause of much trouble in penal institutions, he said today.

Asserting that gradations in seriousness of offenses prevents standardization of penal sentences, Judge Moser still declared that judges should endeavor to prevent glaring disparity.

In making technical adjustments this week in sentences of twelve State Reformatory prisoners at the request of the State prison system, Judge Moser also gave each man credit for "jail time," or the period he had waited in jail before trial.

Allowed By Judges

He asserted that in doing so, he mainly considered the fact that judges sitting in Baltimore Criminal Court this year usually have dated sentences from the time prisoners first went to jail.

He also considered, he said, the fact that the prisoners whose sentences were altered were all young offenders serving moderately short terms, and that they originally had been deemed proper subjects for reformatory detention, rather than more rigid prisons.

There has been increasing tendency in Baltimore to date prison sentences from the time the offenders first were imprisoned, in order to credit them with what prisoners call "jail time," the jurist said.

He added that Baltimore judges may adopt a standard practice in that respect.

MORN·SUN 12/29

Release Appeal Cases Set Record

The number of habeas corpus cases filed in Baltimore this year reached a new all-time high when 563 suits for release were docketed in the Baltimore City Court.

By comparison, there were 413 habeas corpus cases instituted last year, 491 in 1947 and 403 in 1946. The 1947 total had previously been the largest number ever filed in one year.

In 354 of the cases, judges of the Supreme Bench denied hearings under provisions of a 1945 legislative enactment, which provides that a judge may deny a hearing if the same contention has been raised before another judge.

Forty-four of the applicants were released outright and 24 others were released on bail. A total of seventeen of the prisoners appealed to the Court of Appeals and 106 were remanded after hearings.

Judge Herman M. Moser received the largest number of applications for release, 177. He denied hearings to 71, remanded 73 others after a hearing and released 23, two on bail.

Judge J. Abner Sayler passed on 162 applications for release under habeas corpus. He denied hearings to 137, remanded three after hearings and granted release to only six.

Seven other judges handled the rest of the habeas corpus petitions.

John O. Rutherford, clerk of the Baltimore City Court, attributed the increase in the number of habeas corpus cases to the fact that the Supreme Court of the United States and the Maryland Court of Appeals, in recent decisions, have imposed stricter requirements in trial procedures and have thrown additional safeguards around the rights of accused persons.

EVE-SUN 12/28

New Defense Counsel Named In Arson Case

George Crisp, 14-year-old boy facing two charges of murder and ten charges of arson or attempted arson for allegedy setting a series of fires in November, has had new defense counsel appointed for him by Judge Robert France in Criminal Court.

Judge France announced the appointment of Cornelius P. Mundy, a former assistant Federal prosecutor, to represent Crisp.

The judge earlier had named G. C. A. Anderson as defense counsel, but the lawyer had been unable to act.

The murder charges arise from a fire in which two children were burned to death in the 1400 block North Gay street. Deputy State's Attorney William H. Maynard and Assistant State's Attorney Alan H. Murrell have been assigned to prosecute the cases.

EVE. SUN 12/29

Job-Fraud Case Draws 3-Year Sentence

Hyman S. Yankeloff, 51, was sentenced today to three years in the Penitentiary for a series of frauds last fall on job-seeking Baltimoreans.

Judge Robert France told Yankeloff that he had "absolutely no sympathy" for him.

The defendant was charged in 25 cases of false pretenses, involving approximately $1,000, Judge France commented. The money had been obtained in amounts ranging from $10 to $175 by promising jobs to various persons and demanding deposits purporting to be for bond.

Contacted Job Hunters

Yankeloff had used newspaper advertisements in the "situations wanted" columns to contact prospective victims.

After a series of complaints in October and November, Detective Lieutenant Millard Horton and Detective Sergeant Francis Murphy arrested the man when he went to an Alameda address to see a woman who advertised that she wanted part-time employment.

Yankeloff's police record dated back to 1928. He lived in the 1000 block of East Lombard street.

Dr. Manfred S. Guttmacher, court psychiatrist, reported that the defendant was "a defective delinquent" but mentally responsible. Contrary to the usual acute mentality which the psychiatrist said is customary in swindlers, Yankeloff was described as a "dull" type, not far from being feeble minded.

Dr. Guttmacher asserted that the man's dull attitude and demeanor probably aided him as a swindler.

2 Get Year's Term In Extortion Case

Two young men today were sentenced to one year each in the State Reformatory by Judge Robert France on conviction of attempted extortion. A third defendant awaits later sentence.

The men sentenced were Paul Zyck, of the 1700 block East Fairmount avenue, who also was charged with posing as a plainclothes policeman, and William Seibert, 22, of the 8200 block Dundalk avenue.

Last November 14 Zyck, Seibert and the third man met another youth at a North Howard street motion -picture theater, where Zyck posed as a plainclothes officer.

In a conversation the defendants spoke of the new acquaintance being subject to possible fine. Finally, the group went to the victim's home to get $40 which he said was there. The would-be victim turned out to be the brother of a Baltimore policeman.

Lie-Test Figures In Theft Trial

With lie-detector experiments involved in his case, James Murray today went on trial before Judge John T. Tucker in Criminal Court after pleading not guilty to charges of stealing several suitcases from an automobile.

Judge Tucker was told at the start of the trial by Assistant State's Attorney J. Harold Grady that there were "unusual aspects."

The theft occurred on the night of October 22. An army sergeant, now stationed in Baltimore, had been visiting friends in the 900 block Iris avenue, and his and his family's belongings were taken from their parked car.

Murray was accused after police first arrested Nathan Wilkins, colored, while trying to pawn a stolen ring. On the man's story that the ring was given to him, police had released Wilkins, who later met Murray, the prosecutor said.

Refused To Talk

Murray declined to talk under a full day's police questioning on November 10, Mr. Grady said, and the following day underwent a test given by Raymond Holmes, so-called lie-detector expert, using a Keeler polygraph.

Mr. Grady told the court that the defendant subsequently made admissions.

Testifying before Judge Tucker, Wilkins today asserted that he heard the lie-detector representative tell Murray: "If you tell me the truth I might be able to help you."

2 Youths Of 17, Get 4 Years In Car Theft

Two 17-year-old youths today weer sentenced to terms of not more than four years each in the State Reforamtory as a result of an auto larceny conviction.

Judge John T. Tucker dated the sentence from October 26. The defendants, James K. Dize and Alvin Lee Myers, had applied for a new trial review before the Supreme Bench, causing delay in imposition of sentence.

EVE. SUN - 1/3/50

2 Youths Get 15 Years In Holdup

Fifteen-year Penitentiary terms today were imposed on two young colored holdup men, who admitted being part of a group of four who held up an insurance collector on North Gilmor street last December 12.

The youths sentenced by Judge Robert France in Criminal Court were Joseph Pikett, 16, 1700 block McKean avenue, and Ravanna Harrell, 18, 1400 block Parrish street.

Two other youths in the street holdup are being sought by police. Harrell and Pikett each face additional robbery charges for striking a woman pedestrian and taking her purse.

Both Pikett and Harrell gave confessions to Detective Lieutenant Harry Walsh, Charles E. Orth, Jr., assistant State's attorney, prosecuted the cases.

EVE. SUN - 1/4

Wells To Clear Up New Court Rule

J. Bernard Wells State's attorney, has asked for a conference with the three judges presiding in Criminal Court for 1950 to prepare for the application of the new rules of criminal practice and procedure which became effective Sunday.

The rules were adopted by the judges of the Maryland Court of Appeals last December 6, to become effective at the start of 1950 on a State-wide basis.

The new rules permit advisory instructions by Criminal Court judges to petit juries, provide for judicial charges to the jury in criminal cases, and permit examination by the Court of Appeals of the bases for judicial verdicts in cases tried by the court without jury.

The new rule regarding criminal arraignments also supersedes the statute enacted by the last Legislature, although similar requirements are set forth. The rule goes beyond the recent statute in requiring that the court records must show compliance with the arraignment rule.

Mr. Wells has requested the conference tomorrow with Chief Judge W. Conwell Smith and Judges Michael J. Manley and Joseph Sherbow, who on January 9 take over the three sections of Criminal Court.

NEWS - 1/4

A total of five years in the Maryland Penitentiary was imposed tedya in Criminal Court on Gilbert Dietzel, twenty-one, 3400 block West North avenue, who pleaded guilty to four charges of larceny and two of burglary.

Lt. Frank Schmidt testified before Judge Robert France that Dietzel had broken into four automobiles and two homes, escaping with loot in jewelry and clothing valued at $5,865.

Fifteen years each in the Penitentiary was the penalty imposed today on Ashford Lawson, 600 block Roundview road, and Elliott Jackson, 600 block West Franklin street, convicted in Criminal Court on a charge of hold-up of a cleaning establishment, 800 block Pennsylvania avenue, where $5 was taken at pistol point.

MORN. SUN - 1/5

5-Year Burglary Term Given Youth

Convicted of a series of burglary and larceny charges, including the theft of about $5,000 worth of jewelry, clothing and other personal articles from a parked automobile, Gilbert Dietzel, 21, yesterday was sentenced to not more than five years in the Reformatory for Males.

The sentence was imposed by Judge Robert France in Criminal Court. Dietzel, who lived in the 3400 block West North avenue and had a prior criminal record, was convicted of stealing the baggage of an army general's wife from a car parked near the Sheraton Belvedere Hotel.

According to Saul Harris, prosecutor, part of the stolen loot was recovered from a secret hiding place in the ceiling of the defendant's home. Mr. Harris said Dietzel twice had been released on probation after he was convicted of minor offenses.

Attorneys Here Back Change In Court Rules

By WILLIAM E. TIPTON

Baltimore attorneys today generally expressed approval of the new rules of procedure in criminal cases, adopted by the Maryland Court of Appeals.

The new rules became effective on January 1.

The rules affect procedure not only in the Appellate Court, but in lower courts as well, since the right of appeal is dependent on the application of the new regulations.

The new procedure give a broader interpretation to the right of appeal, enables the Appellate Court to pass upon evidence and law as well as upon technicalities, and gives judges generally the authority to advise and instruct juries on both the law and the facts.

CALLED GOOD

Attorney Ellis Levin, former assistant State's Attorney, said:

"I think the new rules are generally very good.

"We never in this State have been able to build up any body of substantive criminal law approved by our Appellate Court.

"In the past, whenever a mixed question of law and fact was presented to the Court of Appeals, the court refused to pass on it.

"This was on the grounds that the jury, or the lower court sitting as a jury, was constitutionally the sole judge of both law and facts.

"This constitutional provision remains unchanged, but under the new procedure it will be possible to reverse, in the Appellate Court, the finding of guilty by a lower court jury, when such finding is not clearly supported by both facts and law."

RIGHT OF APPEAL

Commenting on the changes, Attorney Paul B. Mules, said:

"The new rules give us an opportunity to have some real criminal law in Maryland.

"The change that most interests me is in the right of appeal. Under the new procedure it looks as if a defendent upon conviction could appeal immediately and get a full review of the facts.

"I don't think that applies, however, in the case of a jury trial, unless the questions of fact are properly raised during testimony.

"As a result of this discrepancy, if it actually exists, I think the effect will be more court trials."

SAFEGUARD RIGHTS

Attorney John O. Rutherford, former Traffic Court magistrate and now clerk of the Baltimore City Court, said:

"The changes in procedure are further evidence of the tendency of modern courts to safeguard the rights of defendants in criminal cases.

"In recent years sweeping changes have taken place in civil litigation, and there is a similarity of method in the new rules for criminal procedure and those of civil practice, particularly in the use of depositions and in the inspection of documents.

"This, I think, is a change for the better.

"The enabling of the court to give instructions to the members of the jury, who under the constitution are the sole judges of both law and facts, seems to me also to be a sensible change."

STEP IN RIGHT DIRECTION

Attorney Solomon Liss, former magistrate in Southern District Police Court, said:

"Adoption of the new rules is a great step in the right direction.

"The greatest benefits will be in the use by the Court of Appeals of the right to review the evidence in the cases appealed, and the determination of whether the minimum standards for conviction have been met by the State.

"The changes also will eliminate the guessing from the defense counsel's decision on whether to proceed with a defense, or to rest at the end of the State's case.

"The State will be required to present a prima facie case before the defense is burdened with going forward. This will make for a better and fairer administration of criminal justice."

MORN SUN 1/6/50

Trial Record Set By Judge France

Judge Robert France set a trial record in the main section of the Criminal Court last year when he disposed of 5,690 cases.

In 1948, Judge Herman M. Moser set a new record when he disposed of 4,258 cases. Judge France's total tops that of Judge Moser by 1,432 cases.

Judge France also imposed fines and costs totaling $176,471.55, which was less than the record total of levies and costs meted out by Judge Moser the preceding year.

Moser Holds Fine Record

Judge Moser that year levied $187,132.60 in fines and costs.

Court clerks pointed out, however, that Judge France tried no bookmaking or lottery cases after the middle of November because of a suit attacking the validity of the search-warrant law. Most of the fines are imposed in gambling cases.

James A. Cole, deputy court clerk, prepared the figures on cases tried and fines imposed.

BOYS' CRIME CAUSE NOTED

Judge France Cites Lack 'Parental Discipline'

Lack of "parental discipline," particularly during the recent war years, was cited yesterday by Judge Robert France as being largely responsible for the "tragic number" of youthful offenders in the Criminal Court last year.

Judge France, in closing out his year of judicial service in the main section of Criminal Court, noted the "increasing number of youths between the age of 17 and 21 who are stealing automobiles, merely for the purpose of joy-riding."

The judge said most of the young defenders before the courts are the children of parents who worked during the war years, leaving their children to roam the streets "like stray animals."

As To What To Do With Them

Judge France said his experience in the Criminal Court indicated two things to him. One, he noted, is that "it is not too difficult to determine the guilt of defendants."

"The difficult thing is to determine what to with the defendants," the judge added.

The judge said his experience also indicated to him that auto theft cases against youths are increasing at an "alarming rate," and that the number of "repeaters" in this category is likewise on the increase.

"You send them to the penal farm, and they are hardly out before they come back again," he declared. "They operate in gangs of never less than three or four."

Some From Good Families

The judge said he had many cases of youths stealing vehicles where the defendants had no prior record of brushes with the law and they came from good families.

He cited one automobile-larceny case which involved the backfield star on a high school football team.

A similar charge was against boy who stole his mother's automobile and wrecked it because punishment she deprived him the use of a car given him, the judge said.

EVE. SUN

January 6, 1950

Jury Calls City's Transit Service Inadequate

Inadequacy of bus and trolley service in Baltimore was charged today by the retiring grand jury for the September court term, which filed its official report with the judges of Criminal Court. The report was filed by Frank H. Durkee, jury foreman.

The report also noted improved policing in gambling cases.

Commenting on the transportation in Baltimore, Mrs. Charlotte B. King, chairman of the Nuisance and Sanitation Committee, said the bus and trolley service of the Baltimore Transit Company is "inadequate."

Reports Many Complaints

The transit situation was dealt with by the Nuisance and Sanitation Committee under the head of "public transportation." The full report said:

"Many complaints reached the committee about the inadequate bus and trolley service now being furnished the citizens of Baltimore.

"Overcrowding is constant because not enough busses and trolleys are in use. Schedules are such that excessive speed seems to be required of the drivers.

"On some lines old, inadequate equipment is being used."

6 Others Sign Report

Serving with Mrs. King on the nuisance subcommittee, and also signing the subreport, were James M. Ballard, Nicholas J. Debinski, Leon N. Hirschman, Andrew C. Krug, Evelyn H. Samler and Charles D. Sadowski.

The same subcommittee said it was impressed by "the oversupply of taverns" in some sections of the city.

Another subcommittee, dealing specially with liquor licenses, headed by William V. O'Brian, said that the existing licenses seemed too many for a city the size of Baltimore and that the number of such licenses should be limited.

Suggests Parking Area

In reporting on public markets, Mrs. King's committee asserted that there is little need nowadays for Richmond Market because of changes in the neighborhood it formerly served, and suggested that the area could be used as a public parking space.

The same group's report also urged that junk collectors be personally licensed, in addition to license being required for junk wagons, and they be banned from the streets before 8 A.M. and after 6 P.M. to reduce the likelihood of thievery by such collectors.

Other Recommendations

The jury's penal committee headed by James H. von Hagel urged erection of a new jail and a new penitentiary, and use of alarm devices by guards to spread quick alarms in case of jailbreak attacks.

It also urged provision of hospital facilities for many persons who now are sent to the city jail for mere medical treatment, and installation of automatic cell locks and fire protection at the present penitentiary.

New Jail Urged

Another committee which visited the State penal institutions urged the construction of a new Penitentiary outside the city limits and a new jail beyond the congested part of the city.

That committee, headed by James H. Von Nagel, found overcrowding and idleness in the two prisons, and recommended that the practice of sending persons to the City Jail solely for the purpose of receiving medical treatment be stopped.

Decry Transit Service

The jurors also decried the inadequacy of bus and trolley service, and asserted that "overcrowding is constant because not enough busses and trolley are in use."

"Schedules are such that excessive speed seems to be required of the drivers," the grand jury also reported.

A nuisance and sanitation committee report declared that Richmond Market has lost its usefulness and proposed that the space occupied by the market be used as a city parking lot.

EVE. SUN 1/6/50

Mahlan-Kline Case Reopening Asked

A reopening of the Mahlan-Kline murder case was asked today by the National Association for the Advancement of Colored People, in letters to Governor Lane and the State's attorneys of Anne Arundel county and Baltimore city.

Mrs. Lillie M. Jackson, president of the Baltimore branch of the organization, urged that full investigation of the case be made in the light of the recently published anonymous "confession" of the double murder.

Thomas A. Edwards, colored, of Anne Arundel county, is under a death sentence after conviction of the crime.

Discrimination Charged

The pleas of N.A.A.C.P. were made to State's Attorneys James C. Morton, of Anne Arundel, and J. Bernard Wells, of Baltimore, in addition to Governor Lane.

Mrs. Jackson wrote: "As members of a racial minority group which has long been oppressed and discriminated against, it has been our experience through 40 years . . . that many colored citizens have been deprived of their constitutional rights to a fair and impartial trial, and in many cases have been convicted on slim circumstantial evidence.

OVERCROWDING OF MENTAL HOSPITALS HIT

Retiring Grand Jury Ask Acceleration Of Building Programs

Although noting many improvements in the State's mental hospitals, the retiring Baltimore grand jury yesterday reported that overcrowding still exists and urged that building programs be speeded up.

The grand jury, through its committee on State hospitals, also found that, although personnel at the mental hospitals has increased, many vacancies still exist in important positions.

The jurors asserted that the State was "slow in appointing a Commission for Mental Hospitals and the position of Commissioner of Mental Hygiene was allowed to remain vacant too long."

Asks More Money Per Inmate

The report, submitted to the Criminal Court judges, also urged that more money be spent annually per inmate, declaring that the present annual outlay of about $610 per inmate a year is insufficient.

Cleanliness and a cheerful attitude on the part of patients was noticed at all of the mental hospitals, the jury said.

New wage scales have made it possible to fill personnel vacancies, the jury asserted.

The report said 88 per cent of the authorized force has been filled at Springfield State Hospital, but pointed out that only 6 of the 42 graduate nurse positions have been filled.

Tells Of Overcrowding

As an indication of the overcrowding there, only a space of 10 inches is allowed between beds and many patients sleep on cots in halls, the jurors said. They stated that the maximum capacity of that mental hospital, based on 60 square feet per bed, is 2,150, but at present 3,059 patients are there.

The jurors criticized the requirement that mental patients be in bed by 7 P.M., especially in the summer time. They said the overcrowding is responsible for that requirement.

At Crownsville State Hospital, for Negroes, only 299 of the authorized 399 personnel positions are filled and the institution is "considerably undermanned," the committee of the jury stated.

Cites Lack Of Attendants

There is a decided lack of hospital charge attendants, the jurors reported, pointing out that 38 are needed, but only thirteen are employed.

Spring Grove State Hospital, the oldest of the State's mental hospitals, includes many buildings which are unsuited for the purpose for which they are used, the jury asserted.

The maximum capacity of that hospital is 1,647 patients, but at present there are 2,355 patients housed there.

The jurors commended the personnel at Spring Grove for carrying on an occupational therapy course, citing an exhibition of handicraft work which they saw on their visit.

Jurors Praise Institutions

The jurors also praised the institutions for the high percentage of patients who are released as cured or sufficiently recovered to be returned to their homes. The percentage released for those reasons ranged from 60 to 70 per cent of the "first-admission" cases, it was noted.

Finally, the jurors urged that the practice of each of the three grand juries yearly visiting the institutions be discontinued and that one annual inspection be made by one of the investigating bodies.

Retiring Jurors Praise Emerson

Capt. Alexander Emerson, head of the police vice squad, yesterday received a pat on the back from the retiring September-term grand jury.

The jury's special liquor license committee made the following statement about Captain Emerson in a term-end report to the judges of the Criminal Court:

"We shudder to think what would happen to our city should Captain Emerson be released from his duties as head of the vice squad. He is truly a sincere, efficient and zealous policeman. You discover these qualities after practically living with the captain and his men for a period of three and a half months."

William V. O'Brien was chairman of the special committee.

Three Sentenced In 8 Cab Holdups

Three young men convicted of participating in eight taxicab holdups were sentenced yesterday by Judge Robert France in Criminal Court to 25 years in the Penitentiary each.

The defendants, all Negroes, at the number of holdups they were convicted of taking part in, are:

JOHN HENRY FORD, 29, of the 1700 block Pierce street, three cases.

FRANK LEWIS, JR., 23, of the 400 block North Bruce street, six cases.

ROBERT J. MARTIN, 23, of the 400 block North Bruce street, six cases.

According to testimony produced by Anselm Sodaro and Charles E. Orth, Jr., prosecutors, all the holdups occurred during November. Victims were threatened with knives or a straight razor and one of the taxicab drivers was tied to a door handle with a coat hanger, it was testified.

Also, Judge Frances was told one of the defendants would be at the destination point and join the holdup team when it reached there. The crimes netted the accused about $80 and several watches, according to Sergt. Joseph C. Albert and Patrolman William Eberman.

EVE. SUN - 1/9

Review Of Case On Contempt Denied

[Special to The Evening Sun]

Washington, Jan. 9—Baltimore court regulation 904, designed as a check on publication of news about crime, was denied a review by the United States Supreme Court today.

By its action, the nation's highest tribunal agreed with the Maryland Court of Appeals which had thrown out the Baltimore-applied regulations which had operated as a gag upon publication of certain crime news prior to trials of accused.

The court's refusal was announced in an unusual opinion by Justice Frankfurter.

It said the tribunal's action "simply means that fewer than four members of the court deemed it desirable to review a decision of the Maryland court as a matter of sound judicial discretion.'"

Convictions Upset

In addition to nullifying the gag rule on crime news, the lower court decision, given by the Maryland Court of Appeals, also upset contempt convictions of three Baltimore radio stations and a radio newscaster.

Frankfurter said "a variety of considerations" figured in the tribunal's refusal to review the State court's findings.

Then he went on to say that one thing that can be said with certainty about the refusal to review "is that it does not remotely imply approval or disapproval of what was said by the Court of Appeals of Maryland."

MORN SUN - 1/10

HIGH COURT WON'T TEST NEWS RULING

State Decision Voiding Regulation On Crime Reporting Stands

By JOSEPH H. SHORT

[Washington Bureau of The Sun]

Washington, Jan. 9—The Supreme Court today refused to pass upon the merits of Baltimore court rules restricting crime-news reporting in that city.

The effect of this order of the nation's highest court was to let stand the June 1949 decision of the Court of Appeals of Maryland holding those rules invalid.

No reason was given by the Supreme Court for its refusal to review the case and Justice Felix Frankfurter, in a written opinion, declared that it was impractical for the court to give its reasons for denying hearing. He said the court was too busy to do so.

Result Of Contempt Cases

The Baltimore case was brought to the Supreme Court by the State of Maryland after the Maryland Appellate Court voided rules of the Criminal Court of Baltimore city relating to contempt for publishing crime news and reversed the conviction of three Baltimore radio stations and one individual.

The Criminal Court had found guilty of contempt stations WFBR, WCBM and WITH and James P. Connolly, former news editor of WITH. All three stations had broadcast news of the confession and prior criminal record of Eugene H. James, who later was hanged for the murder on July 6, 1948, of 11-year-old Marsha Brill.

NEWS - 1-9-50

Bulletin

WASHINGTON, Jan. 9—(AP)—The Supreme Court today refused to review a decision which struck down Baltimore's unique gag rule on crime news.

(The Supreme Court's action in effect signed a death warrant for Rule 904, which for ten years imposed a gag rule on Baltimore's newspapers and other press services.)

The court's refusal was announced in an unusual opinion by Justice Frankfurter.

It said the tribunal's action "simply means that fewer than four members of the court deemed it desirable to review a decision of the Maryland court as a matter of 'sound judicial discretion.'"

In addition to nullifying the gag rule on crime news the lower court decision—given by the Maryland Court of Appeals—also upset contempt convictions of three Baltimore radio stations and a radio newscaster.

The Supreme Court's action ends the case, since the Court of Appeals already had voided the portions of Rule 904 of the Criminal Court to which Baltimore newspapers and radio stations had objected. No new cases may arise on which appeal could be taken.

No "Approval Or Disapproval"

The Frankfurter opinion, however, was explicit to point out that the court's denial of a review of the case meant only that fewer than four members of the court thought that Maryland's petition for the review should be granted.

"The one thing that can be said with certainty about the court's denial of Maryland's petition in this case," wrote Justice Frankfurter, "is that it does not remotely imply approval or disapproval of what was said by the Court of Appeals of Maryland.

"The issues canvassed in the opinions of that Court, and which the State of Maryland has asked us to review, are of a nature which very readily lend themselves to misconstruction of the denial of this petition.

Needfulness Of Redundancy

"The present instance is peculiarly one where the redundant becomes the necessary.

"It becomes necessary to say that denial of this petition carries no support whatever for concluding that either the majority or the dissent in the court below correctly interpreted the scope of our decisions in Bridges vs. California, Pennekamp vs. Florida, and Craig vs. Harney.

It does not carry any implication that either, or neither, opinion below correctly applied those decisions to the facts in the case at bar.

"Basic Problems" Involved

"The issues considered by the Court of Appeals bear on some of the basic problems of a democratic society. Freedom of the press, properly conceived, is basic to our constitutional system. Safeguards for the fair administration of criminal justice are enshrined in our Bill of Rights.

"Respect for both of these indispensable elements of our constitutional system presents some of the most difficult and delicate problems for adjudication when they are before the court for adjudication.

"It has taken centuries of struggle to evolve our system for bringing the guilty to book, protecting the innocent, and maintaining the interests of society consonant with our democratic professions.

Demands On Either Side

"One of the demands of a democratic society is that the public should know what goes on in courts by being told by the press what happens there, to the end that the public may judge whether our system of criminal justice is fair and right.

"On the other hand our society has set apart court and jury as the tribunal for determining guilt or innocence on the basis of evidence adduced in court, so far as it is humanly possible.

"It would be the grossest perversion of all that Mr. Justice (Oliver Wendell) Holmes represents to suggest that it is also true of the thought behind a criminal charge '. . . that the best test of truth is the power of the thought to get itself accepted in the competition of the market.'

"Not In Competition"

"Proceedings for the determination of guilt or innocence in open court before a jury are not in competition with any other means for establishing the charge."

At that point, Justice Frankfurter concluded his opinion with a fifteen-page appendix summarizing "recent English decisions dealing with situations in which publications were claimed to have injuriously affected the prosecutions for crime awaiting jury determination."

Frankfurter cited thirteen cases since 1902 in which British courts had imposed fines or imprisonment or, at least, the costs of the cases on newspapers or newspaper men for printing material considered prejudicial to defendants in pending criminal cases. In four other cases cited, the courts found there was no contempt.

Fourteenth Amendment Cited

"Reference is made to this body of experience," said Justice Frankfurter, "merely for the purpose of indicating the kind of questions that would have to be faced were we called upon to pass on the limits that the Fourteenth ("equal protection of the laws") Amendment (to the Constitution of the United States) places upon the power of states to safeguard the fair administration of criminal justice by jury trial from mutilation or distortion by extraneous influences.

"These are issues that this court has not yet adjudicated. It is not to be supposed that by implication it means to adjudicate them by refusing to adjudicate."

Unusual Aspects Of Opinion

The opinion delivered by Frankfurter was an unusual document. Normally when the Supreme Court agrees or declines to review a case there is a brief order citing the title of the case and a single word, either "Granted" or "Denied."

In the Baltimore case, Frankfurter wrote nine pages plus the fifteen-page appendix.

The title of the opinion also was unusual. In those instances where the court is passing on the merits of a case, the opinion is headed "Mr. Justice Blank delivered the opinion of the court." This time, the heading read "Opinion of Mr. Justice Frankfurter respecting the denial of the petition for a writ of certiorari." This seemed to say that this was merely the opinion of one man.

Different Paths To One End

Justice Frankfurter said, "A variety of considerations underlie denials of writ (of review), and as to the same petition different reasons may lead different justices to the same result."

"This is especially true," he added, "of petitions for review on writ of certiorari to a state court.

"Narrowly technical reasons may lead to denials. Review may be sought too late; the judgment of the lower court may not be final. . . .

"Wise adjudication has its own time for ripening.

"Since there are these conflicting and, to the uninformed, even confusing reasons for denying petitions for certiorari, it has been suggested from time to time that the court indicate its reasons for denial. Practical considerations preclude."

During the 1948-49 term of the Supreme Court, Justice Frankfurter added, the court disposed of 224 cases on their merits and denied 1,189 petitions for discretionary review.

"If the court is to do its work," he said, "it would not be feasible to give reasons, however, brief, for refusing to take these cases."

THEFT KILLING CHARGED TO 2

Youths Held Without Bail In Death Of Uncle Of One

Two young men yesterday were held without bail on charges of killing Stanley Ensey, 77, uncle of one of the defendants, while robbing him December 5.

According to the charges read in Southwestern Police Court, the accused pushed Mr. Ensey down a flight of cellar stairs at his home in the 2300 block of Frederick avenue.

He was left with head injuries and died next day in Franklin Square Hospital.

In statements which police said were taken from the accused men, they admitted meeting the afternoon of December 5 and going to Mr. Ensey's home with the intention of robbing him, although the statements said they were not certain what means they would use.

Edwin A. Gehring, assistant State's attorney, offered the statements as evidence and read them before Magistrate James H. Ellis, Jr.

Mr. Gehring read a statement from Albert C. Ensey, 28, of the 400 block Burns court, in which he said he and his uncle were going down the stairs when he slipped and pushed the older man, causing him to fall.

Two Versions Given

Two statements from the second defendant, George L. Smith, 22, of the 1900 block Ramsay street, were read in court.

In the first, Smith said he and Ensey found the latter's uncle unconscious at the foot of the steps, but in the second statement Smith's story was changed to say Ensey struck his uncle in the jaw while they were together at the cellar stairs.

Smith also faces the assault charge and both are docketed on the robbery count.

Ensey's statement said he and Smith became frightened and fled when they saw the uncle bleeding about the head.

Robbery Recounted

Before leaving, according to the statement, they took $52 from Mr. Ensey's wallet and three watches and a ring from rooms on the upper floors of the house.

It was only by chance that Mr. Ensey was discovered the day of the robbery. Two young boys were peering in one of the basement windows and saw him lying on the floor unconscious.

According to the statements, the defendants got a room in a small hotel, pawned two of the watches and a ring for $17 and then left town for a couple of days. They returned and surrendered to police December 9, according to testimony.

Magistrate Ellis sent all the charges to the grand jury. Both defendants, who pleaded not guilty are married, it was disclosed at the hearing.

MORN-SUN 12/30

2 Boys Sentenced For Theft Of Auto

Two 17-year-old youths, who fled from Towson and Baltimore police in a stolen automobile during an 85-mile-an-hour chase, yesterday were sentenced to not more than four years each in the Reformatory for Males on a car-theft charge.

The sentences were imposed by Judge John T. Tucker in Criminal Court on Alvin Lee Myers and James K. Dize, both of the 2200 block Linden avenue. They were convicted of stealing an automobile last October 24 from the vicinity of Calvert and Twenty-ninth streets.

Stopped by Towson police for going in the wrong direction on a one-way street, the youths sped off. They drove along the York road toward Baltimore, with Towson police and later Baltimore police in pursuit. After police began firing at the stolen vehicle, the youths abandoned the vehicle and attempted to escape. Myers was caught a short distance away, and Dize was arrested after police checked laundry marks on a piece of torn trousers which caught on to a barbed wire fence, according to William J. D'Donnell, prosecutor

Man Gets 3 Years In 'Employer' Case

Hyman S. Yankeloff, who answered newspaper advertisements for positions wanted and required persons to whom he offered jobs to post a "bond," yesterday was sentenced to three years in the Penitentiary on a series of 25 false pretense charges.

Yankeloff, who is 51 and lives in the 1000 block East Lombard street, posed as an employer in offering alleged jobs to persons who had sought positions through paid advertisements, according to testimony before Judge Robert France in Criminal Court.

Prosecutors said the defendant obtained about $1,000 through the false representations, collecting amounts ranging from $10 to $175 from the individual victims. Yankeloff was arrested earlier this month by Det. Lieut. Millard Horton.

NEWS - 1/3/50

Local News In Brief

Convicted of perjury on December 16 and sentenced to 60 days in the City Jail, Mrs. Gertrude Hailey, forty-one, operator of a baby home in the 1100 block Forrest street, surrendered herself today to Sheriff Joseph C. Deegan to begin her term. Judge E. Paul Mason had given Mrs. Hailey until today to arrange her business affairs before starting sentence. At the trial Mrs. Hailey admitted she had told an untruth to Judge Charles E. Moylan in testifying as to the whereabouts of a child which had been left in her care.

EVE. SUN - 1/3/50

Women Back New Adoption Laws

Proposed changes in the Maryland adoption laws, made to the State Legislative Council by Anselm Sodaro, assistant State's attorney, have the backing of the League of Women Voters.

In a letter to Joseph R. Byrnes (D., Baltimore Fifth), Senate president, Mrs. Joseph Hirschmann, president of the league, said the "present law, passed in 1947," is "inadequate in many respects."

She recalled the league's criticism after the 1947 Legislature in which the then adoption laws committee chairman, Mrs. Thomas Bartram, of Montgomery county, declared the law "accomplished practically nothing" and contained "not one of the major points recommended by the Children's Bureau."

Strengthen Law

"We feel that changes such as those proposed by Mr. Sodaro," Mrs. Hirschmann wrote to Senator Byrnes, "represent a strengthening of our adoption laws and are, therefore, definitely desirable.

"We are pleased to see that a bill embodying these changes has been approved by the Legislative Council. This bill will have the full support of the league."

Defense Statement

"Mr. Morton and Mr. (Anselm) Sodaro may be correct, and certainly their wide experience with criminal investigations makes their joint opinion worthy of serious consideration. However, I do not think I would care to express an opinion without first making a careful and thorough investigation."

—WILLIAM J. MCWILLIAMS, attorney who defended Thomas A. Edwards, 24-year-old Negro

3 In Fake Holdup Get Probation

Three men who admitted that the holdup tale told by one of them was false today were released under one-year sentences after pleading guilty to larceny in Criminal Court.

Judge Robert France accepted recommendations of the probation department, which held that the fake robbery report had been "more of a prank" than anything else.

Reported $400 Loss

On November 25, the youngest of the men, Thomas Shaw, 21, 3500 block Oakmont avenue, reported that he was held up and robbed of more than $400 while driving a delivery truck. He claimed he had been gagged and bound.

Later, Shaw admitted that George Taylor, 23, 4900 block Denmore avenue and George Painter, 30, 4300 block Parkmount avenue, had "helped him stage the robbery."

The two younger men were given suspended sentences to the reformatory, while Painter was given a suspended sentence to the House of Correction. Charles E. Orth, Jr., prosecuted.

EVE. SUN - 1/10

Judge Develops Penalty Pattern On Numbers

A pattern of penalties for numbers violations was revealed today by Judge Michael J. Manley in Criminal Court, where he heard cases covering "lower stages" of the numbers racket.

The judge said that so far he has been faced with no cases involving old offenders, main headquarters of a numbers ring or even substations of a numbers system.

His penalties today ranged from $10 fines on numbers players or patrons who were found with tickets, to a top penalty of $150 each on two operators of "turn-in stations" for tickets. In between were a range of fines on various classifications of numbers writers.

$150 Plus Costs

Fines of $150 plus costs were imposed by Judge Manley on Joseph Darasca, 100 block South Symington avenue, operator of a Carey street shoe-repair shop used as a "turn-in station" and on Talmadge Ford, colored, whose place in the 600 block West Hamburg street had been used for such a station.

Five colored men arrested in Capt. Alexander Emerson's raid on Darasca's shop were fined as follows: William Hoffman and George Cooper, players, $10 each; Arthur Gale, Otha Williams and Harry Lewis, "writers," $50 and costs each.

Another writer, Matthew Allen, colored, 900 block Booth street, arrested December 22 while he was out on bail on another numbers charge, was fined $100 and costs. Yesterday before Judge Manley he was fined another $100 for the first of the offenses.

Arrested with Ford in the Hamburg street raid, Hammett Lemmon and Josephine Ford, both colored, were fined $10 and costs each as "players." Assistant State's Attorney Edwin A. Gehring prosecuted.

705 Imprisoned For Arrearages

Domestic charges in Criminal Court during 1949 resulted in jail sentences for 705 men for failure to support their families or dependents. Of this number, 276 "paid out" to gain their release after brief imprisonment.

Judge E. Paul Mason, who presided in the domestic section of Criminal Court in 1949, today was told that his policy of imprisoning defendants found guilty on domestic charges had caused correction during the year of $106,817.95 in arrearages.

That arrearage correction, either at the time the defendants were called into court or after they served varying portions of one-year sentences, helped contribute to a new record for annual corrections by the probation department.

Gain Over 1948

The courts were informed that $2,989,45[illegible].43 was corrected by the department last year in alimony, support, restituiton and court-cost payments. Chief Probation Officer Charles F. Snyder reported that it was a gain of $519,000 over any previous year's totals.

Records submitted to Judge Mason by Thomas P. MacCarthy and Harry S. Cummings, heads of the two sections of the probation department, showed that 429 domestic prisoners were confined at the end of 1949 for failing to make payments. Most had been committed in the later months of the year and had failed to "pay out."

The statistics show that a total of 1,098 men had been called before Judge Mason for arrearages. Two hundred and seventy-six of them paid their arrearages after sentence. The records show that most of the men imprisoned raised the amount of their arrearages within two weeks.

EVE. SUN - 1/11

Edwards Appeal Hearing Slated

[Special to The Evening Sun]

Annapolis, Jan. 11—The appeal of Thomas A. Edwards from a hanging sentence for the Glen Burnie double murder will come before the Court of Appeals next week.

Deputy Clerk James L. Young said the high court will probably hear arguments in the appeal next Wednesday or Thursday.

Edwards, who is colored, was convicted of murdering John H. Mahlan and Mary C. Kline.

Tried in Baltimore Criminal Court, on a change of venue, he was found guilty and sentenced to die on the gallows.

Three days before Christmas, William C. McWilliams, chief defense counsel, received in the mail a letter, post-marked in Baltimore, which purportedly confessed the killings.

Signed "The Tennesseeans," the anonymous letter related that the authors shot and killed the couple, [illegible] and disposed of the death weapon by throwing it into the Severn River from the bridge.

The appeals court today cleared Radio Station WBAL of contempt charges arising from broadcasts of a murderer's confession in violation of the now defunct Rule 904 of the Baltimore Supreme Bench.

In a brief order by Chief Judge Ogle Marbury, the high court reversed the radio station's conviction, clearing up the last of five cases under the news rule.

The action followed the United States Supreme Court's decision two days ago refusing to review the Maryland court's invalidation of the rule.

EVE. SUN

Delays In Paying Numbers Fines Hit By Manley

Judge Michael J. Manley today put an end to a former Criminal Court policy of granting deferred payments to convicted bookmakers and numbers offenders.

The judge announced that, beginning Monday, gambling offenders must be ready to pay their fines with cash or else go to jail.

Last year, Judge Robert France, in bookmaking and numbers cases, had made a practice of granting a week's time for the defendants to raise their fines, meanwhile releasing them in custody of their lawyers.

No Reason For "Privilege"

"I see no reason why the court should extend any special courtesy to people in the numbers and gambling business," Judge Manley said today in announcing his new policy.

"I think such defendants are not entitled to any other privilege or courtesy than would be granted to any other defendants before this court. Unless there are exceptional circumstances which would justify such treatment in any case, the gambling offenders should be ready to pay when they come into court."

Since attorneys for some defendants said the new position was a surprise to them, Judge Manley granted a week's time to pay in some of today's cases, and made his new ruling applicable as of Monday.

Two Freed, One Fined

In the first bookmaking case to come before him Judge Manley today acquitted two defendants and imposed a fine of $250 and costs on a third man who pleaded guilty.

The bookmaker, Sam Vinci, 1934 Sulphur Spring lane, was arrested by Capt. Alexander L. Emerson and his squad on December 30 at the corner of Poplar Grove street and Frankintown road, within a few feet of the same spot where he had been arrested last spring as a "walking bookmaker."

Informed by Assistant State's Attorney Saul A. Harris that Vinci had been fined $100 in last year's court appearance, Judge Manley made the fine $250 for the new offense, without explanatory comment. The men acquitted in the same case were Benjamin Stevenson and Fred Rudolph.

One Goes To Jail

Fines totaling $700 also were imposed by Judge Manley in numbers-racket cases. In one instance for the first time this year, a defendant went to jail to serve out his fine because of professed inability to pay.

The man was Wister Rhodes, colored, fined $150 and costs for numbers writing. He was arrested on December 29 at his home in the 900 block North Fulton avenue, where police found 395 numbers slips. Rhodes had a numbers record.

George Harrison, colored, West Mulberry street grocer, was fined a total of $225 for numbers writing on four different dates.

Samuel Peace, colored, charged with two days' numbers operations from an automobile, also was fined $225.

Walter Bryant and McKinley Falcon, both colored, were fined $50 each for numbers violations at a North Caroline street barber shop.

Emerson '49 Numbers Arrests Total 1,053

Increased activity by both the plainclothes squad under Capt. Alexander Emerson and the uniformed district patrolmen was noted in the annual report on vice arrests submitted today to Col. Beverly Ober, police commissioner, by Chief Inspector M. Joseph Wallace.

Inspector Wallace noted that Captain Emerson and his men had arrested 1,053 people on numbers charges last year, as compared with 878 in 1948, and 689 for bookmaking, against 713 last year.

The squad also made 197 arrests on prostitution and allied charges, 60 more than were reported a year ago. The vice men booked 244 people this year for liquor law violations.

Activity Stepped Up

The uniformed police, who made only 43 arrests on numbers charges in 1948 and six for bookmaking, this year arrested 191 numbers violators and 15 bookmakers, Inspector Wallace reported.

Stimulated activity by the uniformed patrolmen was noted in the second six-month period during 1949, he said.

The report also showed that numbers and bookmaking activities, viewed by the number of arrests, are heaviest in the Northwestern district, where 368 lottery violators were picked up and 106 people accused of taking bets.

Defendants To Get Charges Mailed

Use of registered mail to serve defendants in domestic cases with copies of criminal charges against them has been arranged by Judge Joseph Sherbow, to provide a more efficient method of complying with new court rules.

Defendants in nonsupport and desertion cases who had been on bail, previously were obliged to appear twice at the courthouse since last June in compliance with new regulations regarding arraignments. They had been called in to obtain a copy of the charge against them in order to comply with the arraignment rule, and later had to appear for trial.

Judge Sherbow, upon taking over the domestic cases in Part Three of Criminal Court for 1950, arranged with the State's attorney's office and city officials to set up the method of distributing copies of the charges by registered mail.

The judge classed the new plan as "a more practicable way" of complying with the new court rules that supercede last June's law, but which still require copies of charges to be served on defendants, and also require that the court files contain records of that fact.

The former method called defendants, most of whom are daily wage earners, to the Courthouse twice for each domestic case, thereby causing the men to lose time from work and cut into their income at the very time when they were being haled into court because of financial and domestic difficulties.

Precedent Noted

Judge Sherbow pointed out that the registered-mail procedure had been used in People's Court for many years. He once served as a magistrate there. Last year, 27,000 summonses were served by registered mail to call defendants into the People's Court.

The cost of the new registered-mail service is 33 cents for each letter. The judge said that the additional clerical work is minor, and that fiscal authorities at the City Hall had arranged to defray the additional expense.

NEWS - 1/11

Clear WBAL Of Contempt Charges

ANNAPOLIS, Jan. 11 — (AP). Clearing up the last of five cases under Baltimore's defunct newsgag rule, the State Court of Appeals today cleared radio station WBAL of contempt charges.

In a brief order by Chief Judge Ogle Marbury, the court reversed the conviction of Hearst Radio, Inc., operator of WBAL.

The action followed the U. S. Supreme Court's decision two days ago refusing to review the Maryland court's invalidation last June of crime news curbs outlined in Rule 904 of the Baltimore Supreme Bench.

In that decision, the Appeals Court reversed the contempt convictions of radio stations WFBR, WCBM and WITH and Newscaster James P. Connolly.

WBAL's case, which reached Annapolis some time after the others, was never argued. Marbury's order merely stated the case was reversed for reasons outlined in the earlier decision.

Tip to Home Buyers . . .

Do you remember that, some months ago, there was a great public hue and cry about the way some home buyers were being gypped through "conditional sale" contracts for property?

Do you remember that the State's Attorney and other officials said this type of contract, while perfectly okay if properly used, was being abused by some real estate sharps and that the law should be changed to protect uninformed or helpless purchasers?

Do you remember that real estate dealers said they were in favor of such a law if it was not made too onerous for them?

Well, the dealers agreed but they made some suggestions. Then other interested persons made suggestions.

The net result is that, as the proposed new law is now drawn, the buyer would probably be worse off, with less real protection, than he is now.

MORN-SUN - 1/12

CITY DROPS COST-PLUS PROSECUTIONS

However, Grand Jury May Get 'Another Phase' Of Contractors' Probe

Cost-plus contractors indicted for alleged frauds against the city will not be prosecuted further in Criminal Court, J. Bernard Wells, State's attorney, announced yesterday.

Mr. Wells said the decision not to proceed with the cost-plus trials was reached after a conference with Thomas N. Biddison, city solicitor; Howard S. Beck, city auditor, and William J. O'Donnell and Charles E. Orth, Jr., assistant State's attorneys.

Three contractors already had been tried. Criminal Court juries twice disagreed on a verdict in the case of Arthur P. Shamer and a mistrial was declared for technical reasons in the case against Charles E. Butler.

Howard Tried Twice

Meredith R. Howard, plumbing contractor, was tried twice and at his second trial was found innocent of larceny and false-pretense charges by Judge John T. Tucker.

Judge Tucker delivered a lengthy decision reviewing the entire cost-plus procedures. Howard's first appearance in court ended in a mistrial.

However, Mr. Wells disclosed that "another phase" of the cost-plus investigation may be brought to the attention of the grand jury.

He said if indictments are returned, prompt trials will be asked.

Stets Will Be Entered

The State's attorney announced that stets will be entered before Judge Michael J. Manley in Criminal Court this morning in the pending indictments against cost-plus contractors.

Although stetted cases may be reopened, Mr. Wells indicated he does not expect to do so.

Among the charges to be stetted is the conspiracy indictment against Howard and Meyer J. Cohen, a park superintendent.

Howard testified during his trial that Cohen instructed him to make up fake bills to cover the cost of jobs for which no work orders had been issued.

Judge Tucker, in acquitting Howard, ruled that he could not find in the criminal case that the cost-plus contractor erred in construing the words "actual labor cost" on the contracts to mean the overall cost of labor rather than the actual cost of labor on a particular job.

However, the judge said his decision was not intended to have any bearing on any civil action that might result from the cost-plus probe.

Mr. Wells pointed out yesterday that the action in deciding not to further prosecute the contractors did not impair the city's right to institute civil claims against the contractors.

Undisposed Cases Listed

In announcing that the prosecution would be discontinued, Mr. Wells said:

"In the series of indictments generally referred to as the cost plus cases, there remain undisposed of the following.

"State vs. Arthur P. Shamer and Nicholas G. Fleischman.

"State vs. Nicholas G. Fleischman.

"State vs. Arthur P. Shamer.

"State vs. Carl H. Klinejohn.

State vs. Charles Farnan.

State vs. Rowland Y. Mills.

State vs. William H. Jolly, Inc. and James O. Onderdonk.

State vs. Charles E. Butler.

State vs. Meyer J. Cohen and Meredith R. Howard.

State vs. Harry Elgin & Sons, Inc., Harry Elgin, Melvin A. Elgin and Gilbert H. Elgin (three cases).

"The State has twice tried charges against Arthur P. Shamer, and once the charge against Charles E. Butler, and in each instance the result was a mistrial.

Refers To Latest Case

"In the latest case, that against Meredith R. Howard, which consumed over two weeks, his Honor, Judge Tucker, delivered a lengthy opinion setting out his reasons for his conclusions in finding Howard not guilty, and in effect disposed of the issue raised in the case against Meyer J. Cohen and Meredith R. Howard, charged jointly.

"In none of the cases has either the court or jury returned a verdict of guilty.

"In analyzing these cases, in the light of Judge Tucker's opinion, with my two assistants, William J. O'Donnell and Charles E. Orth, Jr., who appeared in court for the State, I am unable to find any marked differentation in their character, or in the evidence to support the charges between those already tried and those not yet assigned to trial.

"All the cases are concerned with wages billed the city as having been paid to employés by the contractors charged in the indictments, and also involve the interpretation of the stipulations set out in the contract whereby work was authorized.

"In view of the fact that the cases already brought to trial were regarded as the strongest from the State's standpoint, I have concluded to direct that a stet be entered in each of the above referred to cases.

"The city solicitor, Mr. Thomas N. Biddison, and the city auditor, Mr. Howard S. Beck, are in accord with this action.

"It may be said, however, that there are other matters which represent another phase of the cost-plus investigation, which have not yet been brought to the attention of the grand jury. These are now under inquiry and will in the very near future be laid before the grand jury for its consideration. Should indictments be returned prompt trial will follow."

Man Gets 15 Years In Cafe Shooting

Edward Cheatham, 23, yesterday was sentenced to fifteen years in the Penitentiary for shooting a restaurant proprietor, whose life was saved when the bullet struck a steel back brace.

Cheatham, a Negro, who lives in the 1600 block Madison avenue, was convicted of assault with intent to murder James Sataris, who operates a restaurant at Madison avenue and McMechen street. The penalty was imposed by Judge Joseph Sherbow in Criminal Court.

A war injury caused Sataris to wear the back brace, according to evidence produced by James F. Price, assistant State's attorney. The shooting occurred last November 1 after Cheatham had argued with the proprietor over the price of a "pepper steak."

Sataris suffered permanent internal injuries as a result of the bullet wound, Judge Sherbow was told.

EVE. SUN - 1/12

New Action Set In Cost-Plus Investigation

Prompt action to have the Baltimore grand jury consider a new phase of city cost-plus contract work was assured today when the State dropped other pending cost-plus cases in Criminal Court.

In filing a request to test and thereby drop the pending charges against nine contracting concerns and a Park Board employé, State's Attorney J. Bernard Wells publicly revealed that the grand jury will get for investigation "other matters which represent another phase of the cost-plus investigation."

New Inquiries Open

The new matters, prosecutors revealed, already have been investigated before submission to the grand jury. Engineering and estimate work has already been done.

Assistant State's Attorney William J. O'Donnell filed in court before Judge Michael J. Manley the stet requests prepared by Mr. Wells. Judge Manley accepted the stets and directed they be filed to close out the pending cases.

Pending Cases Listed

Meyer J. Cohen, a park superintendent and the contractors, Meredith R. Howard, Arthur P. Shamer, Nicholas G. Fleischmann, Carl H. Klinejohn, Charles Farnan, Rowland Y. Mills, William H. Jolly, Inc., Charles E. Butler and Harry Elgin & Sons were the defendants against whom pending cases were dropped.

Mr. Wells's statement pointed out that three different cases had been tried without any verdict being reached and that retrial of one of them resulted in acquittal by Judge John T. Tucker.

That verdict was reached in a case against Howard, who was represented in court by Leonard Leipman, Edward H. Burke and H. Mortimer Kramer, attorneys.

Lawyers Named For Poor Cost City $48,430

Court-appointed attorneys for indigent defendants in criminal cases cost the City $48,430 last year, or practically half the cost of the full year's budget of the State's Attorney's office.

An official report for the three court terms for 1949 today revealed to Chief Judge W. Conwell Smith that 686 instances of court-appointed counsel were required during the year in the three sections of criminal court.

The State's Attorney's office prosecutes approximately 6,000 cases in a year, with a budget of $97,110 to cover its operation and the salaries of State's Attorney J. Bernard Wells, a deputy prosecutor, ten assistant prosecutors and nine women clerical employés.

New Bureau Urged

The size of the year's expense for court-appointed lawyers gave weight, in the views of some attorneys to contentions that a Public Defender's Bureau should be created.

Two hunderd and sixty lawyers received court appointments as defense counsel during the year.

Negro attorneys formed the bulk of the top-paid appointees, handling the greater number of separate appointments. It was pointed out that a large proportion of the indigent defendants are Negroes.

The top sixteen lawyers on the appointment list received about one fifth of the total paid out to the 260 attorneys.

Attorneys Listed

Those topping the list, with their compensation and number of appointments, were:

Linwood G. Koger, Negro, $1,050, eleven appointments.

Ernest L. Perkins, Negro, $950, eleven appointments.

Dallas F. Nicholas, Negro, $860, eight appointments.

J. Howard Payne, Negro, $825, ten appointments.

Ellis Levin, $825, nine appointments.

U. Theodore Hayes, Negro, $805, twelve appointments.

Michael F. Freedman, $800, twelve appointments.

Joel J. Hochman, $800, eleven appointments.

William I. Gosnell, Negro, $775, nine appointments.

Herbert R. O'Conor, Jr., $750, eight appointments.

Josiah F. Henry, Negro, $725, seven appointments.

E. Everett Lane, Negro, $650, seven appointments.

Harry I. Caplan, $650, ten appointments.

Maurice T. Siegel, $625, six appointments.

Rubin Gertz, $560, six appointments.

E. Milton Altfeld, $550, six appointments.

Part I Chief Source

The report to Chief Judge Smith showed that the bulk of the court appointments arose from Part 1 of the Criminal Court, where Judge Robert France presided last year and where the greater number of criminal cases tried last year were heard.

No Free Counsel If Out On Bail

Judge Joseph Sherbow today warned all criminal defendants that they cannot expect to get free legal service at the expense of the State if they have money or, if even though they claim to be without funds, they can afford professional bail.

The judge made the ruling, which he had followed during his former service in Criminal Court several years ago when an elderly colored man, charged with obtaining $600 by forging a check, came before him and desired court-appointed counsel.

Out On Bondsmen's Bail

The defendant, James Smothers, of the 700 block Vine street, was out on $1,000 bail furnished by a professional bondsman.

"If the defendant can afford the cost of professional bail, rather than remain a few days in jail awaiting trial, it seems to me that he can afford the expense of hiring his own attorney," Judge Sherbow declared.

Smither's case was postponed until next week to give him the opportunity to engage a lawyer.

NEWS - 1/12

State To Drop Cost-Plus Case Prosecutions

The cost-plus cases against contractors charged with defrauding the city were dropped today, after a conference of prosecutors and city officials, but State's Attorney J. Bernard Wells said "another phase" of the investigation may be called to the attention of the Grand Jury.

The pending cases, involving about a dozen defendants, were stetted before Judge Michael J. Manley in the Criminal Court. With regard to the possibility of other cases, Mr. Wells said:

"There are other matters which represent another phase of the cost-plus investigation which have not yet been brought to the attention of the Grand Jury.

MATTERS BEING PROBED

"These are now under inquiry and will be laid before the Grand Jury in the very near future for its consideration. Should indictments be returned prompt trial will follow."

Three cost-plus cases had been tried without any convictions and Mr. Wells said the tried and the untried cases all were substantially the same. He added that dropping the prosecutions does not affect the city's right to start civil claims.

NEWS - 1/12

TWO HUNG JURIES

Of the three cost-plus cases tried, one resulted twice in a hung jury, one ended in a mistrial and the third ended in acquittal.

Louis Azrael Says: SUPPORTING KIDS IS NO DUTY, COURTS SAY

By LOUIS AZRAEL

It is a crime, of course, and immoral and antisocial not to support your wife and children.

As a practical matter, however, almost any Marylander can get away with it. Thousands do.

Legally, the defaulting husbands and fathers can be indicted for nonsupport. Practically, men who skip rarely are brought back for trial. Somebody has to pay the expenses of bringing them.

WHO WILL PAY?

The wives rarely have the money, the State has little.

Last year only 60 absconding husbands were brought back to Baltimore, all from nearby cities.

The Baltimore courts have only $3,000 a year available for extraditions of all kinds. If six or seven Baltimore criminals — murderers, robbers, etc.—flee to California, the whole appropriation would be spent bringing them back.

This is an old situation. Yet an effort being made to remedy it now is frustrated because Maryland has some law which, it seems to me, is silly and illogical.

Furthermore, I don't believe it is really the law. It is some nonsense imposed upon us by the courts.

THE PROPOSAL

There is an effort among States to act jointly on this problem. Ten States have already enacted a "Uniform Support of Dependents Law."

In essence, it provides that a deserted woman can appeal to the courts where she lives. The husband can be arrested, wherever he may be, and the courts of the two places take joint action. The husband then can be forced to make regular payments from the State where he is living.

STRANGE LOGIC

It is such a sensible plan, one would think Maryland would leap to join it. But Maryland can't.

The Maryland Appeals Court handed down a decision in 1929, when Movie Actor Francis X. Bushman was having wife trouble.

Try, please, to follow the strange logic of that decision . . .

Under American law, nobody can be sent to prison for not paying a debt.

The Maryland courts (and most others) say, however, that when a court orders a man to support his wife, that isn't a debt. It is a duty, and a man can be sent to jail for contempt of court.

In the Bushman case, however, the court held that supporting children isn't a duty.

A BETTER WAY

It seems to me that makes no sense at all, particularly since another law makes it a crime not to support children.

When a man is charged with crime, however, he must be brought back to the place where the crime was committed. Consequently, the co-operation between States on defaulting husbands, avoiding the need for extradition, can't do any good as long as Maryland holds to the Bushman case doctrine.

The Legislative Council is talking about a constitutional amendment to remedy this situation. A better way would be for the judges to reverse the nonsensical precedent they have been following.

Local News In Brief

Arrested in a raid on an apartment in the 1200 block Pennsylvania avenue, three men were given sentences to the Maryland House of Correction at a hearing in Criminal Court today on charges of possession of narcotics. The men, and the sentences imposed, were Eugene Wong, twenty-eight, 2500 block Madison avenue, one year; Samuel Blackwell, thirty-seven, 1000 block Linden avenue, 18 months, and Eugene Ashford, twenty-nine, 1200 block Pennsylvania avenue, one year.

MORN-SUN - 1/13

CIVIL SUITS FACED BY CONTRACTORS

Cost-Plus Criminal Prosecution Is Abandoned

Civil action to recover excessive charges allegedly paid by the city to cost-plus contractors for labor will be filed promptly, Thomas N. Biddison, city solicitor, announced yesterday after criminal prosecution of the contractors was abandoned.

Meanwhile, J. Bernard Wells, State's attorney, announced that the grand jury, possibly next week, will be given facts arising out of "another phase" of the cost-plus investigation.

He said if the grand jury decides to institute criminal action as a result of that information, the accused will be brought to trial promptly.

Overcharging Alleged

Mr. Biddison disclosed that Howard S. Beck, city auditor, already has prepared a statement setting forth the amounts allegedly overcharged the city on cost-plus work. He said the city plans to go ahead with the filing of civil suits based on those figures.

As announced on Wednesday, Mr. Wells yesterday entered stets in the indictments against nine cost-plus contractors and a parks official. The contractors had been accused of defrauding the city on labor charges, while the parks official, Meyer J. Cohen, had faced a conspiracy charge.

5 Ended In Mistrials

Mr. Wells, in abandoning the criminal prosecution, pointed out that Judge John T. Tucker in a lengthy opinion acquitted Meredith R. Howard, plumbing contractor, and gave reasons for deciding that the criminal charges could not be sustained.

Five other trials of cost-plus contractors ended in mistrials, Mr. Wells also pointed out.

Mr. Wells declined to discuss the nature of the new phase of the probe, but disclosed that it does not involve any of the defendants in the indictments stetted yesterday.

State Court Rules On Trial Request

Annapolis, Jan. 12 (AP)—A speedy trial is guaranteed only to a man who requests it, the Maryland Court of Appeals held today.

Rejecting the plea of a prisoner who has five-year-old charges pending against him, the high court said "it is the duty" of the prisoner to demand his rights.

"If he fails to demand such a trial, he waives his right to a speedy trial," the court ruled.

Unanimously, the court refused to quash charges pending in Prince Georges County Circuit Court against Ronald Harris, a prisoner in the Maryland Penitentiary.

Harris, once known as Baltimore's "manic bandit," in and out of prison from the age of 13, was sentenced to ten years on Baltimore automobile-theft charges about the time he was indicted in Prince Georges county in 1944 on robbery and assault charges.

Although, appellate judges have commented, most prisoners prefer to postpone the evil day, Harris said he has been asking for trial for several years.

The high court found there was no proof he sought trial until last year. When the trial was set five months later, Harris argued the case should be dropped on grounds of delay.

MORN-SUN - 1/13

$48,430 SPENT FOR LEGAL AID FOR INDIGENTS

Change In Court-Appointed Defense Counsel System Being Studied

By GEORGE J. HILTNER

The expenditure last year of $48,430 in public funds to pay for counsel for indigent defendants in criminal cases has created talk about the possibility of establishing some sort of public defender system, it was learned yesterday.

At the same time, many lawyers who practice regularly in the Criminal Courts are complaining that the increasing number of court-appointed defense counsel is cutting deep into their income from legal fees.

The cost of appointing counsel reached a new high last year and was about one third higher than the $36,000 cost in 1948, according to a report released by Chief Judge W. Conwell Smith.

Half Of Prosecuting Cost

The $48,430 figure was approximately half the cost of maintaining a prosecuting staff consisting of a State's attorney, his deputy, ten assistant prosecutors and nine female clerical workers.

Last year, there were 686 defense counsel appointments. Judge Robert France made 369 appointments at a cost of $25,775, or about $69.85 per appointment.

Judge John T. Tucker appointed 176 defense attorneys for indigent accused persons at a cost of $12,045, or an average of $68.43 per appointment.

Judge E. Paul Mason appointed defense counsel for 55 defendants at a cost of $4,850, or an average of $88.18 per appointment. Eighty-six other appointments were made by other members of the Supreme Bench.

Average Cost Of $70.60

The average cost per appointment was $70.60.

Judge France tried more cases in his section of the Criminal Court than in the other two sections combined.

The appointments were divided among 260 attorneys, with no one lawyer receiving more than twelve appointments. The largest number of appointments were for Negro defendants and four Negro attorneys received the highest total amounts in fees. Linwood G. Koger received a total of $1,050 in fees to lead the list.

Although many judges believe that eventually some system for providing a staff of public defenders will have to be established, most feel that, for the present, costs of appointing defense counsel are under what a staff of regular public defenders, with clerical help, would require.

Reports From The Jail

One system studied by the judges placed the public-defender job in a legal aid bureau and provided for fixed fees in all types of cases.

Criminal lawyers who practice regularly in the Baltimore courts contend that it is general knowledge in the City Jail that the State will refray the cost of counsel if such is requested, and that defendants are relying more on that means of obtaining legal aid.

However, there are still many accused persons who prefer to employ their own defense counsel on the theory that private counsel will put up a better and more vigorous defense.

Safeguard Of Rights

Recent decisions of the Maryland Court of Appeals and the United States Supreme Court are responsible for the increase in the number of court-appointed defense attorneys.

Those courts have demanded that more safeguards be thrown around the rights of accused persons and have practically made it mandatory that defendants in serious cases be represented by counsel.

The result has been that in practically all criminal cases, judges are insisting that there be defense counsel.

It was pointed out by several Courthouses attaches that there is some saving to the taxpayers in the new practice. That is in the expense involved in transporting prisoners to various parts of the State and in court charges because of habeas corpus cases.

Sherbow Announces Rule

Formerly, hundreds of habeas corpus actions were filed on the grounds that the petitioner was not represented by counsel at his trial and that he did not fully understand trial procedures. There is no limit on the number of habeas corpus hearings a prisoner may seek, all at no cost to him.

There was an indication yesterday that there may be some effort to cut down on the number of appointments in cases where it appears that the accused may be able to afford legal advice.

Judge Joseph Sherbow announced that he would not appoint counsel for persons who were able to pay professional bondsmen's fees for bail.

The judge made the announcement after refusing to appoint counsel for James Smothers, 43-year-old Negro, who had paid a professional bondsman for a $1,000 bail. Smothers, who is accused of forgery, was told to return for arraignment on Monday.

NEWS - 1/13

Cost-Plus Probe To Be Continued

Far from abandoning action in municipal cost-plus cases, the State's Attorney's office is preparing to present new information to the Grand Jury on "another phase of the cost-plus investigation," State's Attorney J. Bernard Wells said today.

It was also announced by City Solicitor Thomas N. Biddison that civil suits to recover excessive charges allegedly paid to contractors on cost-plus jobs will be filed promptly.

On Wednesday, State's Attorney Wells entered stets in the cases of nine cost-plus contractors and a park official. That action was taken after Judge John T. Tucker acquitted a plumbing contractor who had been on trial in a cost-plus case.

Assistant State's Attorney Anselm Sodaro said:

"Baltimore has prided itself on bringing alleged criminals to trial very quickly. On an average, trials have taken place about six days after the persons were indicted. Few cities in the country can match this.

"Now, however, the situation will have to change. Under new court rules every accused person must be given a copy of his indictment before he is arraigned. This involves a lot of clerical work. In many cases it involves mailing indictments under registered mail and getting return receipts.

"There's no way to avoid a considerable slowing down of criminal trials."

EVE. SUN - 1/13

Probation Department Blamed For 2d Burglary Offense

A man today blamed the Probation Department for the fact that he was back in court for the second time within four months on a safe-burglary charge.

Earl Miles, 25, colored, explained his latest offense by saying that probation officials had been "putting the heat" on him to make installment restitutions for the first burglary, and that he stole in order to meet his court obligations.

Take $850

Judge Michael J. Manley, who heard the explanation in Criminal Court, ordered a three-year House of Correction sentence for the new offense.

Miles also faces confinement for violating probation under last September's suspended sentence of two years.

Miles and Norman Scribner, 27, colored, burglarizing the house of Jesse Bumbray, Negro, in the 1700 block North Calhoun street last December 22, had taken a wall safe containing $850. Police recovered $250 of the money, but the men had spent the rest.

Judge Manley was told of Miles's explanation by John P. Zebelean, Jr., court-appointed lawyer for the two men. Scribner was given an eighteen-month term.

EVE. SUN 1/18

MORN-SUN-1-18

EDWARDS CASE APPEAL TODAY

Was Convicted Of Fatal Shooting Of Glen Burnie Couple

The Maryland Court of Appeals this morning will hear the appeal of Thomas A. Edwards, 23-year-old sugar refinery worker, for a reversal of his conviction and death sentence on charges of fatally shooting a Glen Burnie couple in September, 1948, in Anne Arundel county.

Arguments are expected to begin at about 11 o'clock this morning after the appellate court hears concluding arguments in another case.

Edwards will be represented at the hearing by William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed counsel for the Negro defendant in the murder case.

Was Convicted Last February

The conviction will be supported in arguments by Kenneth C. Proctor, assistant attorney general of Maryland, and Anselm Sodaro, assistant State's attorney of Baltimore. James C. Morton, Jr., State's attorney of Anne Arundel county, also will represent the State at the appeal hearing.

Edwards was convicted of the murder of John H. Mahlan and Miss Mary C. Kline by Judges Robert France, Joseph Sherbow and Emory H. Niles last February in the Criminal Court of Baltimore.

Counsel for the young Negro are expected to urge the Court of Appeals to rule that the lower court should not have admitted into evidence a cartridge found near the spot where the body of Miss Kline had been discovered a week earlier.

Bodies Found In Clearing

The bodies of both victims were found in a clearing off the Chesterfield road, nearly 26 miles from the spot where the abandoned automobile of young Mahlan had been located two days earlier.

That cartridge, according to FBI testimony at the trial, was fired from Edwards's gun found by police in a cupboard in the home of the defendant's father.

Admissibility of alleged statements made by Edwards to Police also will be challenged in the arguments.

No Mention Of "Letter"

Prosecutors indicated they are prepared to argue that all evidence found at or near the scene of a crime is admissible into evidence, and the question of its weight is left to the trial court.

It was disclosed that no mention of a "letter" in which Edwards was exonerated of the killings has been made in briefs filed with the court by counsel for Edwards.

The alleged two writers of the letter, postmarked last December 22 in Baltimore, claimed that they had murdered the couple. The letter was received by Mr. McWilliams' postoffice box.

Judge Lists Chief Penal Need Here

Judge Joseph Sherbow, in Criminal Court today, called the erection of an institution for sexual psychopaths "top priority" among all the State's mental and penal needs.

His comment, with which Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench agreed, came after a 20-year-old youth had pleaded guilty to the attempted rape of a 5-year-old girl last October 1 in the 2900 block of Rosalie avenue.

Judge Sherbow pointed out that the Legislative Council has recently recommended to the coming Assembly session that enough money be appropriated to start building the psychopath institution. The judge said he prayed the proposal "would not be lost in the shuffle."

Called "Fit Case"

In describing the youth, Charles E. Wolfe, Guttmacher said:

"Had we a special institution for sexual psychopaths, he would be a very fit case for such disposition. The examiner feels that society should be given adequate protection from such individuals."

Three psychiatrists testified that there was a possibility Wolfe would respond to treatment. They said, in reply to a question by Judge Sherbow, that they did not think Wolfe's condition would deteriorate severely if he were incarcerated for two or three years.

Judge Sherbow expressed the hope that the institution would be built within two years. He said that there were more than 400 persons now in penal institutions who would be fit cases for the new treatment center.

Wolfe had attended a party in a near-by home and when the parents of the child joined the party he went to the Rosalie avenue home and attacked the little girl about 2 o'clock in the morning.

NEWS - 1/18

Pleading guilty to charges of passing 15 bogus checks on downtown department stores, Mrs. Marguerite E. Hillard, forty, 1100 block North Charles street, was sentenced in Criminal Court today to not more than nine months in the State Reformatory for Females. Detective Lt. Millard Horton, who arrested Mrs. Hillard, testified she had obtained merchandise and cash amounting to $225.

EVE.SUN 1/18

Defense Attacks 'Confession' In Edwards's Case

By T. Denton Miller
Evening Sun Staff Correspondent

Annapolis, Jan. 18—Defense attorneys argued before the Maryland Court of Appeals today that Thomas A. Edwards signed a "confession" in the Mahlan-Kline murder case because he feared being sent back to the Ferndale Police Station.

More than a normal amount of spectators filled the scanty seating facilities in the courtroom. Among them were Mr. and Mrs. J. Edward Kline, parents of the murdered girl, and the Rev. Edward T. Kirkley, Glen Burnie clergyman and friend of the family, who had led the search for evidence to solve the crime.

Maps Are Set Up

At the outset of the hearing, William J. MacWilliams, former Anne Arundel county judge, acknowledged that recent court rulings foreclosed review of the facts which is called for in cases starting after January 1, 1950.

Arguments by defense and State counsel are scheduled to run throughout the day, possibly into tomorrow in view of a delay in starting the hearing.

A set of maps and drawings, showing Anne Arundel and portions of its roads system, were set up on a standard in the appeals courtroom that is usually bare of such trial court equipment.

Termed "Apparatus"

Chief Judge Ogle Marbury spoke of the setup as an "apparatus" when it was first raised. The chief judge was flanked on the right by Judge Edward S. Delaplaine, and on the left by Judge Steuhen R. Collins, a former Eastern Shore prosecutor.

Next to Judge Collins sat Judge William L. Henderson, of Baltimore.

Judges C. Gus Grason of Baltimore county and Charles Markell, of Baltimore, were on the other end of the judicial bench.

"Main Question" Cited

Mr. MacWilliams told the appellate judges that in spite of the old rule against review of facts, they still were obliged to scrutinize carefully the entire evidence of the case because of its bearing on "the main question," admissibility of the confession Edwards signed in Baltimore for Captain of Detectives Henry J. Kriss.

Principal issues before the court were whether Edwards's confession and a cartridge case picked up where the bodies of the young couple were found should have been admitted into evidence at his trial in Baltimore nearly a year ago.

The State denied that the "germ of fear of being lynched" was implanted in the mind of the 23-year-old colored man, causing him to sign the confession.

Nearly a year after Judges Robert France, Emory H. Niles and Joseph Sherbow in Baltimore's Criminal Court found Edwards guilty of dual murder, his court-appointed attorneys argued the final points that might bring about a new trial.

Facts Compiled

While court rules — now outmoded in Maryland, but still effective for cases starting before 1950 —bar examination into facts and weight of evidence by the appellate court, the defense lawyers nevertheless set forth a recitation of facts before the upper court judges.

The high court, in another recent murder appeal, has pointed out that the new criminal rules specifically apply only to cases tried after January 1.

Nevertheless, factual material underlies much of the defense argument presented to Chief Judge Marbury and the five other appellate judges in the 63-page defense brief. The State took exception to some of the factual background recited by defense lawyers, and in reply set forth 23 separate points wherein the 1,650-page trial record was cited to make major or minor corrections in the defense points.

Hint Supreme Court Appeal

Possibility that an adverse decision might be taken to the United States Supreme Court was raised by the defense arguments based on recent Supreme Court decisions, as part of a claim that admission of the Edwards written confession amounted to "denial of due process" under the Fourteenth Amendment to the United States Constitution.

In spite of a confession, given in the presence of his father, Edwards has denied the crimes. His attorneys, former Judge McWilliams and Ridgely P. Melvin, both of Annapolis, contend the confession is refuted by facts and "couldn't be true.

Argued In Baltimore

Under the old Maryland rules of appeals, that point isn't even argued before the upper court jurists. It was argued fully on a new trial motion before the judges of the Baltimore Supreme Bench, in the interim proceedings between the February trial and the final imposition of the death sentence last June 27.

The signed confession had been supplemented by a motor tour the next day, in which Edwards led police throughout Anne Arundel county in a re-enactment of the crime. It also had been supplemented by a verbal admission to a Negro detective of the Baltimore police force.

Limited To Two Points

Meanwhile, since the trial there have been private investigations on the possibility that someone else killed the couple. Last month, an anonymous letter to Mr. McWilliams suggested that the writer and another white man killed the couple. Police regarded the letter as work of a "crank."

The appeal argument, however, was strictly limited to two points.

Those points are:

1. Was the confession given by Edwards at Baltimore police headquarters on the afternoon of November 11, 1948, properly admitted in evidence?

2. Was it correct for the trial court to admit in evidence a cartridge case found by a spectator at the Chesterfield death scene six days after discovery of the murdered pair?

John H. Mahlan and Miss Mary Kline, of Glen Burnie, were killed on the night of September 17, 1948. The youth had called for the girl about 9 P.M. that evening, expecting to take a motor ride. They never returned.

Automobile Found

Early the next morning, Mahlan's blood-stained car was discovered in a bean patch off the Old Annapolis road, near Lipins Corner. A widespread search followed. Authorities blamed volunteer searchers for obliteration of possible clues. The search went on for days by foot, by auto and by plane.

Finally, on the afternoon of September 20, a county road employé discovered the two bodies in the Cherterfield road clearing, not far from the Defense highway and about 20 miles by road from the spot where the there car was found.

Charged In November

Edwards was not charged with the killings until early November, when he was arrested for the second time by police. His week-long trial began last February 1.

In attacking the confession, the defense contends it was not free and voluntary. The State, represented on the appeal by Assistant State's Attorney Anselm Sodaro, of Baltimore, and Assistant Attorney General Kenneth C. Proctor, cites the presence of the accused man's father, and contends the confession was entirely voluntary and uncoerced.

Implied Lynching Threats

The defense asserts that there had been implied threats of lynching, that some violence was employed in the county, and that even Edwards's removal to Baltimore tended to induce the man to "confess" along lines of the police theory of the crime.

McWilliams and Melvin, in their 63-page briefed argument in the appeals court, contend that background facts caused "at least a reasonable probability that when he did 'confess' the 'confession' would be false."

While the defense lawyers had not objected legally to the record of the supplemental "tour" re-enacting the crime, or to the supplemental admission to the Negro detective, they contended that the State failed to show by advance proof that either were voluntary.

Deny Cartridge Link

The cartridge case found at Chesterfield, and said by FBI testimony to have been fired from a pistol owned by Edwards, was not shown to have real connection with the crimes, the defense claims.

The finding by a curious bystander, a farmer, after the spot had been searched for several days by police, was stressed. The defense suggested that it was "planted." Curious searchers as well as police, the defense claimed, had visited the section where Edwards lived and could have picked up the alle edly incriminating cartridge ca and taken it to the Cheste clearing.

Cite Earlier Rulings

On the theory that no con connection was shown betwe shell and the actual crime, t wards lawyers urged that the should not have been admitted evidence by the trial court and tha the upper court should reverse the convictions.

The State lawyers, however, cited earlier decisions of the Maryland court itself to the effect that the lower court ruled properly.

In a Baltimore murder case of a few years ago, involving a Negro woman killed and buried in the cellar of her home, the court had ruled that a pick, shovel, hatchet and axe found on the premises were admissible in evidence even though they were not proved used in the crime.

Obtained Venue Change

"A lack of positive identification of an instrument of crime affects the weight of the evidence rather than its admissibility," the Court of Appeals had asserted in its earlier decision.

While the dual crime had occurred in Anne Arundel county and all facts except the contested confession and statement arose there, the murder cases were tried in Baltimore under a venue change sought by the defense. State's Attorney James C. Morton, Jr., of the county, tried the case in lower court with Mr. Sodaro.

EDWARDS CASE PERSUASION EFFORT BARED

Prosecution Admits Police Tactics In Appeal Of Murder Conviction

By RUSSELL W. BAKER
[Sun Staff Correspondent]

Annapolis, Jan. 18—Under close questioning by judges of the Court of Appeals, a prosecution lawyer today admitted police attempted to persuade Thomas A. Edwards to confess to the Mahlan-Kline murders.

Kenneth C. Proctor, assistant attorney general who bore the full weight of the six judges' long questioning, denied, however, that Edwards had been affected by police tactics at the time of his arrest.

Edwards, 23-year-old Negro who was convicted of murdering the young couple in the Fall of 1948 and dumping their bodies in a desolate clearing near Annapolis, is now in the Maryland Penitentiary under death sentence.

Hearing Continues Today

The Court of Appeals today heard defense arguments that the confession which convicted him should never have been admitted as evidence in the lower court. The hearing will continue tomorrow.

Mr. Proctor's admission that Capt. Henry Kriss, chief of Baltimore detectives, had used persuasion tactics came late in the day after Proctor had been questioned nearly an hour.

Trying to prove that Edwards had not been intimidated into confessing the slaying, Mr. Proctor told the court:

"As a matter of fact, when he came into Captain Kriss's office, he was given a lunch. Two sandwiches and two cokes. And later, testimony shows Edwards said that Captain Kriss was better than any of them."

Cites Penitentiary Letter

Judge Charles Markell interrupted: "Captain Kriss, wasn't he the one who gave Edwards that letter of recommendation from the Penitentiary?"

The letter referred to was a note which the detective captain admitted showing Edwards just before taking the confession. It came, apparently from a convict, then in the Penitentiary, and in a repentant tone urged the captain to show it to others who did not see the error of their ways.

Mr. Proctor said the State had not denied that Edwards had been shown the letter. "But," he added, "it had no effect."

Judge Henderson—Isn't that an indirect way of holding out an inducement?

Mr. Proctor—It might be, if it had had any effect.

Admits Attempt To Persuade

Judge Henderson—That isn't the law is it—that an inducement must have effect?

Judge Markell—The inference was that somebody who hadn't listened to Kriss had suffered. And that the best thing Edwards could do would be to take advantage of another's lack of wisdom and talk to Kriss.

"No doubt," Mr. Proctor yielded, "it was an attempt to persuade, but I don't think it's holding out an inducement.

"If you knock out confessions because of attempts to persuade, then no confession can stand up."

Hints At New Trial

Chief Judge Ogle Marbury, hinting that the court might order a new trial for the condemned man if it feels Edwards was offered inducements to confess, said:

"We've never sustained a confession in this court that was obtained by inducement."

Judge Markell—Kriss's letter is an attempt to persuade by holding out a very dramatic example of what'll happen to you if you don't confess.

The court also showed interest in testimony by Edwards that an unidentified policeman told him:

"Edwards, if you know anything about this crime at all, just go on and tell me, because if you do it may be a little good. If you don't tell me you won't live to be a hundred years old."

Mr. Proctor denied the police chief made the statement.

Edwards, he said, was a "smart aleck" and an "admitted liar," and did not take seriously the interrogation by police.

Earlier, William J. McWilliams, attorney for the convicted man, asked the judges to "scrutinize the evidence very closely."

"Except for the confession and the cartridge case," he said, "all the evidence in this case points away from Edwards instead of toward him."

Discusses Cartridge

The cartridge case in question was the one found six days after the bodies were discovered, lying at the spot where the murdered couple were found. FBI ballistics tests showed this cartridge was fired from Edwards's gun, but were unable to show that the bullets found in the bodies and in the car came from the same weapon.

This cartridge, Mr. McWilliams said, should not have been admitted as evidence in the lower court.

"Six days after the bodies were found, and after an intensive search was made by police looking for clues," he said, "a visitor walks into the clearing and picks up the exploded cartridge case right on the spot where Miss Kline's head had rested."

Also, he argued, Police Chief John H. Souers, who conducted the investigation, had failed to mark the cartridge when it was given him.

"The cartridge," he said, "wasn't there when the bodies were found. It was put there sometime after the bodies were found by somebody for some peculiar reason."

Murders Recalled

Because of Chief Souers's failure to mark the cartridge, Mr. McWilliams continued, there was no way of knowing that the cartridge sent to the FBI was really the same one found at the Chesterfield clearing.

The defense attorney, who with Ridgely P. Melvin, Jr., was appointed by the court to defend Edwards, spent most of the morning attacking the discrepancy between the facts of the crimes and the Edwards confession.

The murders occurred on the night of September 17, 1948. John H. Mahlan, 25, Glen Burnie postal clerk, and his date, Mary C. Kline, 18, were found dead three days after their blood-stained, bullet-riddled car was found near Lipin's Corner.

According to the Edwards confession, he murdered Mahlan after chasing his car 7 of a mile because Mahlan forced him off the road.

Calls Confession "Crazy"

After knocking Miss Kline unconscious, he then drove both about 25 miles across Anne Arundel county, shot the girl in the head when she made a noise and drove back to a spot near his home in Marley Neck.

This confession, Mr. McWilliams said, "is crazy."

He cited the following inconsistencies:

1. The confession says Edwards abandoned the car about 1 A.M. Yet, the oil pan beneath the motor was still warm when the car was found about 8 o'clock that morning.

Tells Of Garage Tests

Garage tests show the motor would have cooled in three to four hours, he said.

2. The confession says Edwards shot Miss Kline in the head while she was lying on the ground at Chesterfield. Thick blood stains, of Miss Kline's blood type, were found on the back seat, however, and the defense attorney said these could have come only from the bullet wound in her head.

"She was dead before she was brought to Chesterfield," he said.

3. The confession says Edwards took Mahlan's registration card from the dashboard, tore it up and dropped it in the grass near the place the car was abandoned.

Mahlan's father, however, testified his son always carried his registration card in his wallet, Mr. McWilliams said.

SEX PSYCHOPATH INSTITUTION URGED

Judge Sherbow Asserts State Unit Should Get Priority

Declaring that an institution for sex psychopaths should have "top priority" in the State's plans for the future, Judge Joseph Sherbow in Criminal Court yesterday asserted that "it's almost a prayer" that the General Assembly will approve plans for such an institution.

Judge Sherbow made the assertion during the taking of evidence in connection with a guilty plea entered by a 20-year-old youth to a charge of attempted rape last October 2 on a 5-year-old girl whose home he entered while her family was attending a party next door.

The guilty plea was made by Charles A. Wolfe, who lives in the 5700 block Harford road. Testimony disclosed that Wolfe also had been attending the party where the little girl's relatives had gone, but that he had slipped out unnoticed and gone next door to her home.

Seized By Partygoers

Wolfe was seized by several of the partygoers as he was choking the little girl and slamming her head on the floor, witnesses said.

Judge Sherbow announced he will impose sentence on Wolfe next Wednesday after studying thoroughly the reports of the three psychiatrists, who testified during the trial that Wolfe was legally sane but a sexually maladjusted youth who should be removed from society.

The three alienists agreed that intense treatment in a suitable institution might result in Wolfe's eventually becoming a normal individual.

In deferring imposition of sentence, the judge took occasion to praise the efforts of court-appointed defense counsel to put all of the facts concerning the case and the youth before him.

Praises Lawyer

The judge said that Leonard Weinberg, an "eminent lawyer," and members of his firm had accepted as a "public duty" and at "great sacrifice to themselves" the appointment to defend Wolfe.

Two psychiatrists also had been persuaded by Mr. Weinberg as a public service to interrogate and report their conclusions on Wolfe, the judge said.

Alan H. Murrell, prosecutor, also received the court's praise for permitting all evidence to be placed before the court without insisting that strict rules of evidence be followed. The judge also noted that the case lacked the "battle of alienists," which he said is not uncommon in trials in other states.

$250,000 Appropriated

In noting the need for a State institution for sex psychopaths, Judge Sherbow pointed out that $250,000 has been appropriated for architectural and engineering surveys and that, if the plans are approved, the institution could be ready for use within about two years.

"I want to say that such an institution has top priority, as far as I am concerned," the judge declared. "My only hope is that it doesn't get lost in the shuffle.

"It's almost a prayer that the Legislative Council's recommendations will be accepted and approved."

Judge Sherbow disclosed that already there are more than 400 prisoners in State penal institutions who belong in a hospital for sex delinquents.

Character Witnesses Heard

Wolfe did not testify at the trial, but a number of his acquaintances testified that he has always enjoyed an excellent reputation among his neighbors, social friends and school mates.

One witness testified she considered Wolfe to be "one of Hamilton's nicest boys," while several others testified that, despite the attempted assault on the young child, they still believed the accused to be a young man of high character and good morals.

Brother Daniel Henry, principal of Calvert Hall High School from which Wolfe was graduated, testified that out of the 140 boys in the defendant's class, Wolfe was the last one he would have picked to commit such an act of assault.

Employer Testifies

Similar testimony was given by the defendant's employer in a downtown stationery store and by several of his coworkers there.

Psychiatric testimony came from Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench; Dr. William Elgin, superintendent and director of Sheppard and Enoch Pratt Hospital, and Dr. George G. Merrill, a member of the faculties of the Johns Hopkins and University of Maryland medical schools.

Dr. Guttmacher testified that Wolfe would be a "very fit case" for a special institution for sexual psychopaths.

BALTIMORE, THURSDAY, JANUARY 19, 1950

The Meaning Of A High Court Refusal To Review A Decision

At a time when Government is trying to do more and more, it is quite probable that litigation will increase. That makes it important for the courts of the land to conserve their strength against an always rising tide of work. This conserving process has been going on in the Supreme Court for the last 25 years. It was in 1925 that Congress passed a statute largely freeing the Supreme Court to take only the cases in which it felt the public interest required review.

But such denial by the Supreme Court of review in numerous cases has long confused laymen as to its precise meaning. There has been a natural tendency to conclude that when the high court denied review, it approved of what the lower court had done. This view is erroneous and likely to be mischievous.

That may be part of the reasoning which moved Justice Frankfurter to explain the other day in a quite unusual opinion that the Supreme Court's refusal to review a Maryland Court of Appeals decision did not at all mean that it approved of the Maryland decision. The case was that involving pretrial comment on the murder of a little girl in Baltimore city. The Maryland Court of Appeals held that this particular pretrial comment had not impaired the right of the defendant to an unbiased trial.

When the high court refuses to review a lower court decision, that, and only that, happens, said Justice Frankfurter. The high court refuses to review. It does not uphold the lower court's decision. It takes no position either way, pro or con. Its refusal to review is, precisely, a refusal to take such a position.

"Narrowly technical reasons may lead to denials," says Justice Frankfurter. "Review may be sought too late. . . . A case may raise an important point, but the record may be cloudy. It may be desirable to have different aspects of an issue further illumined in the lower courts. . . ."

Of course the lower court decision stands when the Supreme Court refuses to review it. But it stands only within the jurisdiction of the lower court, state or Federal. In voting against review, the justices don't extend the authority of the court whose work they allow to stand.

But isn't there some chance that the justices will abuse this power to refuse review? Not much. Refusal is not by mere majority vote, as is decision on the cases actually decided. If a minority of four justices want review, their brethren take the case. Only if there is no such large minority does review fail. And, to repeat, in such cases, that is all that happens—failure of the high court to review.

EVE.SUN 1/19

Arguments End In Edwards's Appeal

By T. Denton Miller

Maryland's Court of Appeals today took under consideration the question of whether Thomas Alexander Edwards's double murder conviction in the Mahlan-Kline case should be reversed.

Main point before the six appellate judges was whether the 23-year-old Anne Arundel county colored man's confession was obtained by improper inducement, and therefore should be ruled out and the conviction reversed to permit a new trial.

Final argument by State lawyers today sought to persuade the court that there was no inducement.

Letter Is Disputed

On the other hand, the concluding argument, submitted by Ridgely P. Melvin, Jr., who handled the defense case with former Judge William J. McWilliams, both court-appointed, was that the formal confession as well as two supplementary ones, should be stricken out and reversal granted.

"There can be no doubt the letter read to Edwards by Capt. Henry J. Kriss was an inducement," contended Melvin.

Captain Kriss's letter, which came to light a year ago at Edwards's trial in Baltimore Criminal Court before Judges Robert France, Emory H. Niles and Joseph Sherbow, was analyzed today before the high court.

Inducement Denied

Anselm Sodaro, assistant State's attorney of Baltimore, contended that it did not, on its face, amount to an inducement to confess, and that it should not be so interpreted.

Mr. Sodaro, in his concluding argument for the State, contended that the Kriss letter was shown by the evidence to be "coincidentally produced" and not planned as an inducement.

Marbury Raises Question

He argued that Edwards's own contention at the trial ignored any inducement theory, and based the whole objection on the confession upon the idea that it was given because of his fear of being taken back either to the Ferndale Police Station or to the Waterloo State Police barracks.

Chief Judge Ogle Marbury raised a question concerning the State view of the letter. He said:

"The whole purpose of the conversation with Edwards was to see what statement could be gotten out of him. It is hard to assume that the letter was produced and shown merely idly."

The letter, Kriss had testified, was received from a Penitentiary convict, and showed the man's repentance. Kriss admitted showing it to Edwards while the colored man was being questioned before his confession.

Partial Text

The letter, which was before the court in so far as it was set forth in the trial record, said:

"Here it is, captain. You asked me to drop you a line and tell you that you are right. You were, captain. Thank you for being so patient. It is over now as far as I am concerned, so I thought I would get this over with because next week, next year won't change anything.

"The time I get won't matter either. You know it is really a laugh, captain, how a person who has been around as much as I could be so wrong on everything. All my life it's been the cop who was wrong.

"I know now that was true. I made a fatal mistake of not knowing the right cop when I saw one. Yes, I have a lawyer. Also have the money. I guess if he hasn't or maybe you can tell me what good either are. Don't bother, captain, I know *now*.

Next time you get a smart guy who *knows*, show him this letter from another wise guy, and don't forget to tell him what it cost me for not listening to you. Thank you for all you tried to do. You are a square cop. That is a compliment coming from me. Lots of luck, Captain. Sincerely,

PAUL DOWNEY.

P.S.—While I am at it, I include my apology to Lieut. F. Schmidt.

Judge Charles Markell, who had been active throughout the hearing in questioning lawyers on both sides, pointed out that testimony involving the letter concerned a "smart guy" and suggested it was produced to check that attitude on Edwards's part.

Cites Court Ruling

Mr. Sodaro asserted that court decisions rule that police may properly use "artifice" to obtain confessions.

"But not if the artifice amounts to an inducement," answered Judge Markell.

At the end of his argument Mr. Sodaro said that numerous facts corroborated the confession. He asserted that it was "ridiculous" to contend that the empty cartridge shell found in September at the Chesterfield clearing six days after the two bodies were found there could have been a "plant."

The man's gun had never been obtained by police until November and Edwards had not been held for questioning until many weeks later, Sodaro pointed out.

Examine Pictures

Both in Mr. Sodaro's argument and in the concluding argument by Mr. Melvin, the judges frequently had extracts read from the trial testimony concerning the Kriss letter and other points. The judges sometimes read such question and answer testimony aloud themselves.

One unusual aspect near the end of the case was the court's call for an inspection of photographs of the scene where the bodies were found, and other pictures brought before the trial court. The photographs were produced by Melvin and McWilliams.

Disputes Story Of Events

Mr. Melvin, as his associate had done yesterday, insisted that the events could not have happened the way the confession said.

He asserted that even though the defense had not objected to the alleged third confession, or transcript of the re-enactment tour led by Edwards on the day after his formal confession and his supplemental statement to Negro detectives, the court should rule it out.

Questions Father's Presence

The presence of Edwards's father at the time the formal confession was dictated and signed did not tend to dissipate the effect of the alleged inducements, so as to make the confession good, contended Mr. Melvin.

The man's father, James Rufus Edwards, and another member of the family appeared in the Appeals Court shortly before the end of the session. Mr. and Mrs. J. Edward Kline, parents of Miss Mary C. Kline, the dead girl, appeared at both sessions.

Captain Kriss, as well as other officers, had specifically testified that no promises, inducements or threats had been made to Edwards.

Quizzed By Lawyer

The prisoner, however, questioned at the trial by William J. McWilliams, who represented him with Ridgely P. Melvin, Jr., had testified as to his talk with Kriss.

Sodaro Denies Motive

Anselm Sodaro, assistant State's attorney of Baltimore, in reply, denied that the letter had been shown Edwards as an inducement, and contended that it merely had been shown to the prisoner more or less coincidentally.

Mr. Sodaro argued that Edwards, at the trial, had not contended that he had been induced to make a statement. The man's only defense to the alleged confessions were that he admitted the crimes because he feared he would be returned to the Ferndale Police Station or the State police barracks at Waterloo, Mr. Sodaro declared.

The State lawyer also pointed out that defense counsel, at the trial, had raised no objections to the admission of a second statement which Edwards allegedly made while he was directing police over the scene of the crimes.

Considered By 3 Judges

Mr. Sodaro also pointed out that the Kriss letter had been fully considered by the three trial judges, and later on a motion for a new trial by the other judges of the Baltimore Supreme Bench. He contended their judgment should carry some weight before the appeals court.

Finally, Mr. Sodaro argued that courts have held that police may use artifices to obtain a confession.

"But not if the artifice amounts to an inducement," Judge Charles Markell asserted.

Both Mr. McWilliams and Mr. Melvin argued that the killings could not have happened in the manner described in the confessions, contending that many undisputed facts in the testimony proved that contention.

They also contended that someone had "planted" on the spot where the bodies had been found a week earlier an empty cartridge which, FBI ballistics experts said, was fired from Edwards's gun.

NEWS-1/19

State Defends Confession Of Edwards

ANNAPOLIS, Md., Jan. 19 — (AP)—The State insisted again today that Thomas A. Edwards had not been compelled or cajoled to make a statement admitting the murder of a young Glen Burnie couple.

Edwards "never considered" the actions of a Baltimore police captain as "an inducement," Anselm Sodaro, assistant State's attorney for Baltimore, told the Court of Appeals.

OPENS ARGUMENTS

A member of the original prosecution staff, Sodaro opened arguments in the second day of Edwards' appeal of the death sentence. Edwards was convicted of slaying John Mahlan and Mary Kline, a crime which gripped the State more than a year ago.

As yesterday, judges of Maryland's high court hammered away with questions about the circumstances under which Edwards confessed the killings to Detective Captain Henry J. Kriss. Kriss had shown Edwards a letter from a prisoner calling the detective "a square cop" and expressing regret for not taking his advice.

Sodaro said:

"Captain Kriss never meant it to be an inducement."

Of Kriss' displaying the letter to Edwards, Judge Charles Markell asked:

"You don't ask us to say that kind of a conversation is just an exchange of compliments?"

WAS COINCIDENT

No, replied Sodaro. It was coincidentally or "accidentally" produced, he said.

Markell asked:

"Wasn't it exactly the sort of thing calculated to outsmart a smart aleck?"

MORN-SUN-1/20

JUDGES STUDY EDWARDS CASE

High Bench Hears Challenge Of Alleged Confession

Annapolis, Jan. 19 [*Special*]—The Maryland Court of Appeals today began considering whether Thomas A. Edwards should be given a new trial for the dual Glen Burnie murder.

It appeared that the main issue facing the court was whether Edward's alleged confession was obtained by inducement.

The State's high court heard final arguments today on the appeal of Edwards from his Baltimore Criminal Court conviction on charges of murdering Miss Mary C. Kline and John H. Mahlan in September, 1948, in Anne Arundel county.

The life of the 23-year-old Negro defendant balances on the opinion of the court here, since last February he was sentenced to hang by Judges Joseph Sherbow, Emory H. Niles and Robert France.

Ruling Important To State

Counsel for the State admitted today that if the Court of Appeals finds the alleged confession was illegally obtained, there would not be enough evidence to convict at a second trial.

Out of the mass of testimony taken at the extended Criminal Court trial of Edwards, it was significant to note here today that the court's decision may hinge on its interpretation of the effect of about fourteen words on the defendant.

Those words appeared in a letter which Capt. Henry J. Kriss, chief of the Baltimore Detective Bureau, showed to Edwards shortly before the alleged confession was taken.

Kriss had testified at the trial that the letter was written to him by a penitentiary convict, and it amounted to an attitude of repentance on the part of the writer.

The significant words, as far as the court here was concerned, came after the writer asked the captain to show the letter to "a smart guy who knows." The important words were "don't forget to tell him what it cost me for not listening to you."

William J. McWilliams and Ridgely P. Melvin, court-appointed counsel for Edwards, argued that the letter was an inducement to the Negro to confess to the dual slaying. They contended, consequently, that two alleged written confessions and an oral admission should be ruled out of the case.

New Psychopathic Criminal Institution Plans Prepared

Tentative plans have been prepared for Maryland's new criminal institution for psychopaths and mental defectives, Reuben Oppenheimer, chairman of the State Board of Correction, reported yesterday.

He said construction work could begin next summer if sufficient funds were provided at the 1950 Legislative session.

The Legislative Council has recommended appropriation of enough money to pay for construction that can be accomplished during the coming fiscal year.

As yet, Governor Lane has not announced his plans in this respect. He was not available for comment yesterday on a statement by Judge Joseph Sherbow that an institution for sex psychopaths should have "top priority" in the State's construction program.

Visits To Other States

Since the General Assembly appropriated $250,000 for planning and initial work on the new institution, studies have been under way.

Visits have been made to other states to acquaint Maryland officials and Lucius R. White, Jr., architect for the project, with institutions elsewhere.

The new institution will be built on the Oak Ridge road near Jessups. Present plans include a diagnostic clinic with a capacity of 100, a unit for sex and other psychopaths to hold 100 and a unit for mental defectives, with room for 400.

The last will be subdivided into an intake unit, a unit for prisoners who are behavior problems and an intermediate unit.

Allowance is being made for future expansion of the institution to a maximum capacity of 1,000.

EVE.SUN-1/20

Probation Office Reports Totals

Charles F. Snyder, chief probation officer of the Baltimore courts, today reported that monetary collections totaling $2,989,451.43 were made by his office during 1949.

All but approximately $56,000 of the total involved domestic matters. Mr. Snyder reported that restitution payments, fines and court costs in criminal cases accounted for $53,286.68 and that fees for adoption investigations amounted to $2,730. The remainder of the payments were alimony and wife-and-child or parents' support.

During 1949, an aggregate of 18,001 persons were under the supervision of 29 probation officers.

4,092 New Cases

At the beginning of 1950, 11,749 probationers were under supervision.

Mr. Snyder reported that 4,092 new cases arose during the year, all but 691 arising from family domestic matters. The other 691 involved criminal cases, and Mr. Snyder reported that accurate checks of ages of the probationers showed 45½ per cent to be 21 years old or younger.

"This percentage of probationers in the age group from 16 to 21 years indicates need for close supervision by home visits, employer contacts, etc., which is not possible because of the investigational work required of probation officers assigned to criminal cases," reported Mr. Snyder.

He added: "Investigational work must, of necessity, take priority in order to avoid long incarcerations in the Baltimore City Jail pending disposition of cases."

The criminal courts, during 1949, called for a total of 594 investigations, either pre-sentence or post sentence, it was reported.

The Probation Department brought about 44 reconciliations in estranged couples and 67 marriages involving illegitimacy cases or cases where spouses had already been divorced. In addition, 28 adoptions were arranged in family separations.

MORN-SUN 1/21

PROBATIONER RULING ISSUED

Sherbow Says Those Freed Must Pay Costs, Counsel

Criminal Court defendants appearing before him who are released on probation and were represented by court-appointed counsel will be required to repay the cost of an attorney through regular payments, Judge Joseph Sherbow announced yesterday.

The judge made the announcement after freeing James Carter, of the 2000 block East Pratt street, on probation on an automobile theft charge.

Must Pay Costs And Counsel

"One of the conditions of the probation will be to pay the costs of the case and to repay to the city the amount it has had to expend to employ counsel for you," Judge Sherbow told Carter.

Carter was sentenced to not more than one year in the Reformatory for Males, but the sentence was suspended and he was placed on probation for one year.

Last year the cost to the city of paying for court-appointed counsel for indigent defendants totaled more than $48,000, about one third more than the costs of such appointments in 1948.

NEWS-1/23

— By LOUIS AZRAEL —

UNDERPAID

Judge Joseph Sherbow, in Criminal Court a few days ago, pointed this out . . .

Men and women who serve on juries in the State courts in Baltimore get paid three dollars a day. Those who serve on juries in Federal courts, right across the street, get seven dollars a day.

City officials, when making the budget for this year, refused the Supreme Court's plea to raise the local jury wage to five dollars.

They know that regardless of the rate of pay, there will be juries. The law can compel people to serve. And the city officials, apparently, don't care about the quality, the make-up, of the juries. But they should.

It happens that juries are rarely used in criminal cases in Baltimore; probably more rarely than in any big city in America. About 98 per cent of accused persons, when asked if they choose to be tried by a jury or by a judge, choose the latter in Baltimore.

Juries sit every day, however, in civil cases—in damage suits arising from accidents, in business disputes, in cases involving contracts, etc.

With pay fixed at three dollars, a large proportion of men and women who depend on weekly earnings for a living try their best to be excused—and many are.

Those who welcome or willingly accept jury service are jobless citizens, retired citizens or citizens who can afford to give up a large part of their pay for several weeks.

A group of this sort does not really present the cross-section of American life which a jury is supposed to be.

EVE.SUN-1/23

Boy, 15, Is Given 5 Years In Thefts

Tried in Criminal Court in spite of his age, William Leek, 15, today was sentenced to a term of not more than five years in the State Reformatory.

The boy, in an eight-day period after escaping from the Maryland Training School last December, committee three burglaries and an automobile larceny, William J. O'Donnell, assistant State's attorney, told Chief Judge W. Conwell Smith.

The boy's address was given as the 2200 block Sidney avenue. Juvenile Court authorities had waived jurisdiction over him because of his record.

MORN SUN 1/24

Woman In College Theft Case Freed

Mrs. Lillian Becker, the so-called "woman with the white shoes," who was sentenced in 1948 to three years' imprisonment for thefts in a woman's college dormitory, yesterday was released on habeas corpus action by Judge Robert France in Baltimore City Court.

Judge France ruled that Mrs. Becker is entitled to freedom under a commutation of her sentence granted last December 9 by Governor Lane. She had been held since that time because of four detainers against her.

Hamilton O'Dunne, her counsel, said all of the detainers have been lifted, except one from Virginia, involving an alleged theft at Sweet Briar College there. Authorities of the college had advised that articles stolen there were recovered, and no indictment against the woman has been sought in that State.

MORN SUN 1/24 / NEWS 1/25/50

COURT WON'T SEE DOORS FROM RAIDS

Judge Suggests Photographs, Levies Bookmaking Fine

Judge Michael J. Manley yesterday instructed Capt. Alexander Emerson, head of the vice squad, to refrain from bringing reinforced doors and other bulky evidence gathered during gambling raids into the courtroom.

Judge Manley also asserted: "I don't think the captain ought to make laborers out of his men by requiring them to haul this heavy equipment up here."

Photographs Suggested

The Judge issued the directive to the Captain during the trial of a bookmaking case in which the Judge, for the first time this year, imposed the maximum fine of $1,000 on the convicted defendant, Edward J. Crane, vice president of the raided Lithuanian-American Democratic Club.

The club is located in the 600 block of West Fayette street.

Judge Manley suggested that police take photographs of bulky exhibits, such as doors or gambling tables, rather than bring those pieces of evidence into the courtroom.

He said only when such evidence is absolutely necessary to the trial of the case should it be brought in physically.

Several doors which the captain said had to be battered down before he could gain entrance to the club were brought into the courtroom for the trial.

It is not uncommon for the vice squad to bring bulky pieces of evidence.

Several years ago, when such evidence was brought into the courtroom before the case in which it was to be used was called to trial, the presiding judge ordered police to remove it on the ground that it might have a tendency to influence prospective jurors who were seated in the courtroom.

The judge at that time said the evidence could be produced at the proper stage of the trial procedure.

Captain Emerson said he was required to break through three doors and was about to break down a fourth to enter the club when two-by-four boards reinforcing it were removed by someone inside. Two of the doors contained peep-holes, the captain asserted.

Use Of Roof Asserted

Many of the patrons in the club escaped by going to the roof, the captain testified. He said there were about 53 persons there when he arrived last January 5.

Crane, who lives in the 800 block West Pratt street, admitted that between $500 and $700 a day was taken in on horse-race bets, Captain Emerson told the judge.

Joseph Paznekas, president of the club, and Joseph Geppi were acquitted of bookmaking charges.

MORN SUN-1/25 / EVE. SUN-1/25

Wells To Reopen Shoplifting Case

J. Bernard Wells, State's Attorney, late yesterday announced that, acting under orders of a judge of the Supreme Bench, he is reopening a shoplifting case against a woman who lives in the Charles Street avenue area of Towson.

Two charges accusing the women of stealing about $100 worth of clothing and other articles from a downtown department store had been dismissed by the former grand jury earlier this month, although she previously had pleaded guilty to the charges in Western Police Court.

Mr. Wells said witnesses in the case have been summoned to appear before the grand jury tomorrow.

Docket entries disclosed that the alleged thefts occurred last December 11 and 16, and that the charge was presented to the grand jury on December 19. The case was marked "reconsidered and ignored" under date of January 4.

NEWS-1/25

Wells To Seek Patella Case Reopening

State's Attorney J. Bernard Wells announced that the grand jury is being asked to reopen and reconsider the case of Mrs. Stella Patella, charged last month with shoplifting.

The prosecutor said he was making the request on instructions from Chief Judge W. Conwell Smith and Judge Joseph Sherbow.

Mrs. Patella was presented by the September term grand jury last December 19 on a charge of larceny of merchandise from a downtown department store.

On January 5 the case was reconsidered and ignored by the September jury, which was discharged a day or two later.

Meanwhile, it was said, the jury had received medical testimony that the defendant suffered from a psychotic condition.

Since then the new January term grand jury has come in.

Mrs. Patella, who gave an address at Charles street and Boyce avenue, was arrested December 16 and held in $1,000 bail for the grand jury in Western Police Court.

Life Term Given Young Attacker Of Girl, 5

A life sentence in the penitentiary was imposed today on a twenty-year-old high school honor graduate convicted of an attack on a five-year-old girl.

Imposing sentence, Judge Joseph Sherbow regretted that Maryland has no indeterminate sentence law and no special institution for "sex psychopaths and other criminal defectives," although plans for such an institution have been launched and an indeterminate sentence law has been recommended.

GOES TO HOSPITAL

Meanwhile, Judge Sherbow recommended that the prisoner, Charles A. Wolfe of the 5700 block Harford road be transfered from the penitentiary to the criminal division of Spring Grove State Hospital and be kept there until the projected psychopathic institution has been built.

ARRESTED OCTOBER 2

Wolfe, who pleaded guilty, was arrested October 2 at a party in the 2900 block Rosalie avenue.

During the party, at which he had been a guest, a small boy came running from next door, crying to his mother and his grandmother, also guests, that someone was "trying to kill sister."

The mother hurried home, with Earl Boyd, of Sparrows Point, and caught Wolfe leaving the house, they said. Wolfe was severely beaten by Boyd.

HOLD SOME HOPE

Judge Sherbow, in Criminal Court, Part 3, said Dr. Manfred S. Guttmacher, chief medical examiner to the bench, and two other psychiatrists had found Wolfe "extremely disordered in his emotional make-up."

The jurist added that the doctors regarded him as dangerous to society, but that they held out some hope for Wolfe if he could be given adequate treatment.

A PRESSING PROBLEM

The judge added that the State has no more pressing problem than the need for an institution for such treatment.

EVE. SUN-1/25

Child's Attacker Is Given Life In Penitentiary

Life imprisonment in the State Penitentiary was imposed by Judge Joseph Sherbow in Criminal Court this morning on a 20-year-old youth who pleaded guilty to attempted rape of a 5-year-old girl.

In passing sentence, Judge Sherbow said, "we do not have any indeterminate sentence law to keep such a person in a restricted environment until it is determined that it is safe for him to associate with others.

"We may have such a law in a few years. We may some day have adequate facilities for treating him and others like him."

Attack Followed Party

The youth, Charles E. Wolfe, wrote out a confession in his own handwriting admitting his attack on the child after a party in the 2900 block of Rosalie avenue October 2.

Witnesses at his trial a week ago testified that he had an "excellent reputation and was a mannerly young gentleman," Judge Sherbow recalled.

He was examined by three psychiatrists, and each regarded him as "dangerous to society," Judge Sherbow added.

The judge outlined plans that have begun which, he said, show that "Maryland is beginning to recognize its responsibility" in the field of sex delinquents.

Institution Planned

He cited the $250,000 appropriation for architectural and engineering studies for an institution and the recent Legislative Council recommendation that sufficient funds be made available in the coming General Assembly session for "erection of so much of the proposed new instiution as can be completed during the next fiscal year.

"I can think of no problem confronting the State which should have greater priority at this time than the need for the appropriation for this institution."

In passing sentence, Judge Sherbow said, "the law says he must be sent to the Penitentiary. He does not belong in that institution.

"He can be treated now at the Spring Grove State Mental Hospital. I am informed that in the criminal division of that hospital, there is adequate security protection. I recommend that the Department of Correction forthwith transfer him to the criminal division of the Spring Grove State Hospital.

"When the psychopathic institution is built he should be sent there for treatment. When, and if it is ever safe to release him is a matter which must await future determination."

MORN. SUN-1/26

Man Freed In Death Of Bandit Who Ignored His Geometry

Magistrate Herbert F. Franklin yesterday closed the case of the holdup man who got killed because he ran against a simple principle of geometry.

The case began in the early afternoon of last Thursday, when Robert Carter, 16-year-old Negro, strode into Harry Lewis's grocery store and ordered a pack of cigarettes.

After the grocer had changed Carter's dollar, he turned to the youth and found himself gazing into a revolver. It was a holdup, Carter announced. "Give me your money."

Hands Over $67

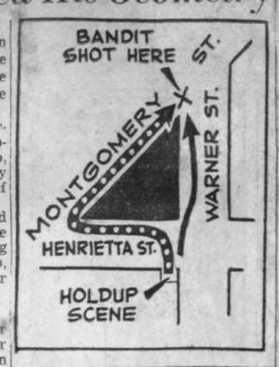
Lewis obeyed and handed over about $67, a little at a time, under repeated threats from the gun wielder. Satisfied at last, Carter backed out the door and began running west on Henrietta street.

The grocer stooped behind the counter, came up with a .32-caliber revolver and moved for the door. He made it just in time to see his holdup man reach the corner of Henrietta and Montgomery streets. Then Carter, displaying a fatal ignorance of Euclidean geometry, made his mistake. He turned into Montgomery street and ran toward Warner.

Lewis hesitated long enough to reason out the geometry problem posed. His store was at the corner of Henrietta and Warner streets, which cross each other at right angles.

Montgomery street cuts diagonally across both, forming a giant right triangle, with Warner and Henrietta the short sides, and Montgomery the long hypotenuse.

The holdup man, he reasoned,



was dashing the long distance along Montgomery street toward Warner.

Lewis decided he could head him off by running the short side of the triangle, along Warner street, and waiting for the gunman to come up Montgomery. He did.

As Carter came panting up Montgomery street, Lewis testified, he ordered him to "stop or I'll shoot."

Shot Three Times

The youth didn't stop, he said, and was shot three times.

A few minutes later, Carter died at South Baltimore General Hospital.

Yesterday, after recounting the story of the bandit who didn't realize the hypotenuse of a right triangle is longer than either of its other two legs, Lewis was cleared of a technical charge of causing Carter's death.

PARK BOARD PLANS RETURN OF M. J. COHEN

Robert Garrett, Chairman, Reported Threatening To Resign

By ALBERT W. QUINN

Over the vehement protests of its president, Robert Garrett, the Board of Recreation and Parks is planning an early move to reinstate Meyer J. Cohen, suspended assistant park superintendent, who was indicted on a charge of conspiracy to defraud the city.

Although Mr. Cohen's case was dropped after the acquittal in Criminal Court of Meredith R. Howard, plumbing contractor and principal in one of the city's cost-plus contract cases, Mr. Garrett is so opposed to the reinstatement, according to those close to him, that he has threatened to resign if the action is carried out.

All of the other members of the Park Board are said to favor the reinstatement of the veteran park employé.

Other Cases Stetted

The stetting of Mr. Cohen's indictment, along with those of a number of other contractors, does not mean that the case could not be reopened. After the acquittal of Mr. Howard, however, J. Bernard Wells, State's attorney, indicated that no further criminal prosecutions in the cost-plus cases were planned.

Mr. Cohen, who had charge of construction in the parks, was accused of conspiring with Mr. Howard to defraud the city of more than $6,000 between April 4, 1947, and December, 1948.

He was charged with instructing the contractor to submit bills in excess of actual costs for some jobs in order to make up payment for other jobs.

Bathroom At Clifton

Among the specific examples cited were the alleged instructions to submit bills for work which had not been done in order to make up the cost of installing a $2,200 bathroom in a Clifton Park house and for the $905 cost of new goal posts in the Memorial Stadium.

While acquitting the contractor, Judge John T. Tucker declared that "the way those jobs were handled was most irregular." He ruled that Mr. Howard had a right to believe that Cohen was authorized to issue the instructions about preparing the bills.

It was noted that J. Marshall Boone, a member of the Park Board, had testified as a voluntary defense witness that it has long been the practice of the park officials to switch accounts to different funds and to break up larger jobs into small jobs to avoid taking bids.

Called "Unfortunate"

"This court," Judge Tucker said, "does not agree with Mr. Boone as to his reasonableness in bypassing the Board of Estimates and the provisions of the City Charter, but the correctness of Mr. Boone's opinion is not an issue in this case."

Mr. Garrett later termed Mr. Boone's testimony "unfortunate" and not representative of the board's official policy.

Mr. Cohen began working for the park system as a laborer in 1928. He was made a general foreman and acting head of the Clifton Park district two years later, working his way up to the position he held prior to his suspension.

Youth Given Life In Rape Attempt

Again urging that the construction of a State institution for sex psychopaths be given "priority," Judge Joseph Sherbow yesterday sentenced a 20-year-old youth to life imprisonment for an attempted rape on a 5-year-old girl.

Judge Sherbow recommended that the defendant—Charles A. Wolfe, of the 5700 block Harford road—be transferred promptly to the criminal division of Spring Grove State Hospital and then, when it is built, to the new institution for sex delinquents. He said the law requires him to send the youth to the Penitentiary.

Wolfe last week admitted that he attacked the young child in her bedroom while her parents were attending a party next door. Wolfe, testimony disclosed, also had been at the party, but slipped out unnoticed and gone to the little girl's home.

Three psychiatrists testified that Wolfe is sexually maladjusted and dangerous to society.

MORN SUN-1/27

Burglary Case Bail Reduced To $5,000

Bail for a Baltimore man wanted in Lebanon county, Pa., on burglary charges was reduced yesterday by Judge S. Ralph Warnken from $10,000 to $5,000 on habeas corpus proceedings.

The wanted man, Anthony Zack, 36, of the 1900 block North Patterson Park avenue, on Wednesday had been held in the higher bail pending an extradition hearing before Governor Lane by Magistrate James R. Cadden in Central police station.

Magistrate Cadden originally had fixed the bail at $5,000, but doubled the levy after Lieut. Frank Schmidt said he had been advised by Pennsylvania authorities that Zack also is wanted on a series of other burglaries in which the cash loot exceeded $8,000.

Judge Warnken said he thought the $5,000 bail was sufficient at this time. Saul Harris, assistant State's attorney, agreed that it is difficult to raise professional bond when the amount exceeds $5,000.

Zack is alleged to be the member of a safe-cracking gang. State police last Saturday set a trap for the gang at Elizabethtown, Pa., killing one Baltimore man and wounding another during an early morning burglary.

Zack is expected to post the bail this morning in Central Police Court.

Joel G. Hochman was counsel for Zack in the habeas corpus case yesterday.

Girl Identifies 2 At Slaying Trial

Two men accused of stabbing fatally a trackless trolley operator during a robbery attempt last October 5 yesterday were identified by a Criminal Court witness as two persons she observed near the vehicle on the night of the killing.

The identification of the two defendants on trial before a jury under Chief Judge W. Conwell Smith was made by Miss Thelma Davis, 17, of the 1800 block Woodyear street.

The defendants—Gerald Day, 24, and Russell Lewis, 25, both Negroes—are accused of murdering Orval E. Ericson, 28, in the vicinity of Westwood avenue and Carey street. Their trial will be continued on Monday.

Prosecutors charged in an opening statement to the jury that the youths, who met in the Army, attempted to rob Ericson, but when one of them was temporarily trapped in the vehicle because the door shut after the other defendant removed the trolley, they dropped the operator's money changer and fled.

EVE SUN-1/27/50

Baby Born In Courthouse To 20-Year-Old Mother

The Courthouse's first birth in its 50-year history was recorded today.

Excitement, even consternation, spread through corridors when word circulated around the building that a young Negro woman was giving birth to a baby in the first-floor woman's washroom.

The baby boy was born within a few minutes after the first alarm was spread.

Dr. Manfred S. Guttmacher, court psychiatrist, was called to check on the birth, a duty often assumed by his twin brother, Dr. Alan Guttmacher, obstetrician and gynecologist.

Present For Hearing

The child's mother is Mrs. Mary Watts, 20, of 1102 Dorn street. She had been at the Courthouse today for a hearing against her husband, Edward, for nonsupport of herself and her two daughters, 27 and 13 months of age.

Even before the baby was born, official Courthouse records noted that its birth was expected. Assistant State's Attorney Charles E. Orth, Jr., before whom the nonsupport hearing was scheduled, had made a notation on his records that the complainant was "expecting new baby any time."

Husband Doesn't Appear

Watts had failed to appear, and the woman had been given instructions to get a police warrant for him.

A city ambulance came to the Courthouse to remove the mother and daughter. Dr. Guttmacher was informed that they were being taken to Mercy Hospital.

Wells Puts Off Till March His Time To 'Announce'

By Bradford Jacobs

Men may come and men may go but J. Bernard Wells is thinking of going on for a fifth term as State's Attorney.

"I owe a great deal to the people of Baltimore," Mr. Wells said, "and I want them to tell me what to do."

Asked if this means he is going to present himself for the people's decision at the polls, Mr. Wells said he doesn't know yet.

"But," he added, "everybody I see tells me I ought to run again. I wish somebody would tell me not to run."

Surprise To Many

This continued indecision on the part of the State's Attorney came as a surprise to many Courthouse habitues. It had been reported last summer that Mr. Wells promised to make up his mind definitely by January 1.

But now he has advanced the date to March.

"I am going on a little vacation to Florida," he said, "and when I come home I'll see how I feel. If I feel all right, I might give the boys a little run again."

In the meantime, a number of the "boys" who are interested in replacing the State's attorney, now reportedly in his 70's, are wondering what their next move is.

Some suspect that Mr. Wells is up to his usual tactics of leading a number of aspirants into the race so that they will run each other into the ground and, consequently, leave an open field for him to win again.

The man generally believed to be the State's attorney's choice for his successor, if he ever gets to that point, is Anselm Sodaro, first assistant in the prosecutor's office.

Mr. Sodaro could also expect the support of most of the city political leaders of the Lane-D'Alesandro group and might even go to the polls unopposed. He is not believed to be willing to run against Mr. Wells, however.

Murrell Another Hopeful

Another hopeful in the same office is Allan H. Murrell, an assistant prosecutor like Mr. Sodaro. But, unlike Mr. Sodaro, Mr. Murrell is reportedly considering a flat jump into the race, Mr. Wells or no Mr. Wells.

None of these three men is generally associated with organization politics. Mr. Wells's support has been almost entirely personal and he has not even had the hazard of a serious organization campaign against him.

A fourth contender of a different stripe, however, is State Senator George W. Della, who is Democratic coleader of the Sixth district. Mr. Della has long played with the idea of seeking the office but has not yet committed himself.

Associates' Viewpoint

It has recently been reported, in fact, that the Senator's city political associates have almost persuaded him that he will be more useful to the organization if he runs again for the Senate, where he should win easily.

Two other possibilities for the job are William L. K. Barrett, who ran unsuccessfully against Mr. Wells in 1946, and Thomas J. Kenney, a former assistant United States attorney.

Term Suspended In Baby Case

Mrs. Mae Purdy, last defendant to face the court in a series of baby-home and baby-placement cases, today was released under a 60-day suspended sentence by Judge E. Paul Mason in Criminal Court.

The woman was found guilty by the judge on a charge of illegally having custody of a number of children in a baby home at 1509 North Caroline street. She had failed to obtain a license from the State Department of Welfare, which is requisite for the operation of such a home.

Suspended sentence was granted after Thomas Dempsey, the woman's lawyer, informed Judge Mason that all but three of the children had been removed from the home, and that the State Department had agreed to issue the license for which Mrs. Purdy has now applied.

Two Are Fined

One woman, Mrs. Gertrude M. Hailey, whose baby home on Forrest street had figured in the start of the baby-placement investigation, now is serving a 60-day term for perjury and other charges.

Judge Mason also had fined two operators of another baby home. Probation without verdict was granted still another baby-home operator, as well as four doctors and a lawyer, who had been charged with taking improper fees in connection with baby placements.

Assistant State's Attorney Anselm Sodaro prosecuted the cases.

William Leek, fifteen, 2200 block Sidney avenue, who pleaded guilty to perpetrating a series of burglaries since he escaped from the Maryland Training School for Boys last December, today was given not more than five years in the Maryland State Reformatory for Males. Sentence was imposed by Judge W. Conwell Smith, who was informed by the Probation Department the youth has had a "hobo's existence most of his life," living in abandoned shacks in the woods and "stealing whenever he could."

MORN SUN-1/28

MOVE IS MADE TO OUST BOONE FROM BOARD

Muth Says Member Of Parks Unit Condoned Charter Violation

A move to oust J. Marshall Boone from the Board of Recreation and Parks was disclosed yesterday by William J. Muth, vice president of the City Council.

Councilman Muth charged that Mr. Boone had condoned a violation of the City Charter which, as a member of the board, he had sworn to uphold.

Furthermore, Mr. Muth said, J. Bernard Wells, State's attorney, should have prosecuted Myer J. Cohen for conspiring to defraud the city and thus prevented the parks board controversy that prompted the resignation of Robert Garrett as its president.

Suspension Followed

Mr. Cohen was suspended last year as construction superintendent for the parks department after he was indicted for instructing a contractor to submit bills above cost to compensate for other work.

The contractor was acquitted after a trial at which Mr. Boone, appearing as a voluntary defense witness, testified that he approved of switching department funds and getting work done without bids "in the public interest."

The charge against Mr. Cohen was later stetted—suspended but not dropped.

At a special parks board meeting on Thursday Mr. Boone introduced a resolution to reinstate Mr. Cohen. The resolution was approved by a 4-1 vote, despite a threat by Mr. Garrett to resign and to make public "a red-hot statement" exposing Mr. Cohen's activities.

Reopening Proposed

The reopening of the case against Mr. Cohen was also proposed yesterday by Councilman Jarosinski, who called on the Mayor to ask for Mr. Boone's resignation.

Still other councilmen, Mr. Muth said, favor, "in varying degrees," a resolution challenging Mr. Cohen's reinstatement.

He questioned the propriety of Mr. Boone's court testimony that shifting of parks department funds was a common practice.

"By condoning Mr. Cohen's action as a voluntary witness in Mr. Howard's defense," Councilman Muth said, "Mr. Boone has willingly and knowingly violated the City Charter he has sworn to uphold.

"The parks department is not an autonomous body and funds approved in the budget should be spent for the specific purposes for which they were appropriated.

Probationary Appointment

"The Mayor can remove Mr. Boone from office now because Mr. Boone's appointment is probationary for six months after he took office last October," Mr. Muth said.

He proposed the Council make an item-by-item comparison of actual expenditures last year by the parks department with the appropriations made in the 1949 budget.

"Any investigation should not be a whitewash."

The controversy over Mr. Cohen should never have been permitted to come up, Mr. Muth added.

"If the State's attorney, J. Bernard Wells, had followed through and prosecuted Mr. Cohen for malfeasance in office we would not have this situation.

No Reason, Says Wells

"Mr. Wells can still withdraw the stet which he entered in the present case against Mr. Cohen and go to trial. This would at least clarify the matter because Mr. Cohen is reliably reported to have stated that if he is further embarrassed, he is going to tell all."

But the State has no reason to reopen the Cohen case now, said Mr. Wells.

"At the time we stetted we did not think we had a case we could prosecute. In the Howard case, Judge [John T.] Tucker's judgment didn't leave us much ground to go on in a case against Cohen.

"If this situation brings out anything that would make a stronger case—a case the State could prosecute with a reasonable expectation of conviction—then we would reopen it.

No Plans At Present

"That would be done on any case. But we have no plans at this time to reopen the Cohen case."

Nevertheless, said Councilman Jarosinski, Mr. Wells should reopen the case against Mr. Cohen before he [Mr. Wells] begins a vacation he is reported to be planning.

"If there is no case of fraud there is at least a case of conspiracy for willful violation of the City Charter for giving contracts ignoring that charter.

"I think Mr. Wells and Mr. [Thomas N.] Biddison, [city solicitor], should take action on Mr. Boone's own testimony and I think the Mayor ought to call for Mr. Boone's resignation from the parks board."

Charges Of Larceny Dismissed Again

For the second time within a month a grand jury yesterday dismissed charges of larceny against Mrs. Stella Patella, Charles street and Boyce avenue.

The case originally was presented by the September term grand jury last December 19 on a charge of larceny of merchandise from a downtown department store. Docket entries showed the thefts occurred on December 11 and 16. The case was marked "reconsidered and ignored" on the docket under date of January 4.

Recently J. Bernard Wells, State's attorney, was instructed by two judges of the Supreme Bench of Baltimore to reopen and reconsider the case. The January term grand jury, which had taken office, received the case. Yesterday it was marked "dismissed" in the docket.

MORN SUN-1/28

WOMAN HELD IN THEFT FROM HER HUSBAND

Case Involves Conflict Of Common Law And State Emancipation Clause

A criminal case that is expected to make Maryland legal history opened yesterday when Mrs. Audrey Dolores Mohr, 24, was arrested and presented by the grand jury on a charge of larceny and embezzlement of $39,621.53 from her husband, Carl R. Mohr.

Mrs. Mohr, who lives in the 4200 block Shamrock avenue, went to the City Jail yesterday afternoon in default of $51,500 bond set by the Criminal Court. Her husband, who filed the complaint against her at the State's attorney's office Thursday, gave his address as the 4600 block Belair road.

Anselm Sodaro, assistant State's attorney, said the case has special significance because under the common law, wife and husband always have been considered as one by the courts. However, he explained, under Article 45 of the Maryland Code the wife is emancipated.

Married In 1947

He said Mr. and Mrs. Mohr were married July 7, 1947. Of the total embezzlement and larceny $492 is alleged to have occurred before marriage and the remainder after.

"There is a division of authority between the common law and the emancipation clause in the Maryland Code," Mr. Sodaro said. "In view of this division the case should be taken to the Court of Appeals to determine if a wife can steal from her husband.

"There is no decision in Maryland and I took the position that the Court of Appeals can pass on the sufficiency of the law and determine for once and for all what a husband and wife can do.

Cites Number Of Cases

"I have taken this position in view of the number of such cases that have come to the State's attorney's office. We can find out if the emancipating clause nullifies the common-law rule."

Mr. Sodaro said that some states recognize emancipating rules while other disregard them.

Mrs. Mohr was arrested yesterday morning by Detective Lieutenant Frank Schmidt and Detective Patrolmen Albert Kendrick and Harry Frantz.

Samuel S. Levin, attorney for Mrs. Mohr, said he would consult with the State's Attorneys office this morning about a reduction of her bond.

MORN SUN-1/30

MUTH DEMANDS TRIAL OF COHEN IN PARKS CASE

Calls On Mayor To Press Conspiracy Charges With Prosecutor

Attacking reinstatement of Myer J. Cohen to his job as principal assistant superintendent of construction for parks, William J. Muth yesterday called on Mayor D'Alesandro to have the State's attorney proceed with trial of Cohen on conspiracy charges.

Mr. Muth, vice president of the City Council, declared also that J. Marshall Boone, a member of the Board of Recreation and Parks, who supported Cohen, "should be forced to resign forthwith."

Following Cohen's reinstatement—at a meeting of the Board of Recreation and Parks last Thursday—Robert Garrett, chairman of the board, submitted his resignation in protest.

Special Meeting Called

The Mayor has called members of the board to a special meeting this morning in his office at the City Hall to consider the reinstatement action.

Mr. D'Alesandro expressed the hope that, regardless of what happens to Cohen, Mr. Garrett will reconsider his decision to resign.

Mr. Muth charged that a majority of the Board of Recreation and Parks, through their action in reinstating Cohen, had condoned irregularities and violations of the City Charter with which Cohen's name had been connected.

Conspiracy Charged

Cohen was charged with conspiracy to defraud the city in connection with similar fraud charges against Meredith R. Howard, cost-plus plumbing contractor.

Howard was acquitted in Criminal Court by Judge John T. Tucker, who nevertheless declared the trial evidence had uncovered "enormous irregularities of procedure" in contract work done for the parks system.

Howard testified that Cohen directed him to submit faked bills to cover certain parks jobs.

Approved Of Practices

Mr. Boone also testified as a voluntary witness at the Howard trial and said he knew parks officials for a long time had switched accounts and broken up large jobs into smaller ones to avoid asking bids.

He said he approved of both practices as a means of getting important work done quickly.

Following the dismissal of the charges against Howard, J. Bernard Wells, State's attorney, stetted the conspiracy case then pending against Cohen.

Mayor D'Alesandro declared Saturday that he would direct members of the Board of Recreation and Parks to conduct a full-scale investigation of Cohen's activities and then hold a public hearing at which "all the facts" would be presented.

Mr. Muth criticized any probe that would be conducted by the board.

"Any administrative decision by the board would be perfectly ludicrous," he said, "following the testimony of Mr. Boone that he co-operated with Cohen in deliberately evading his sworn oath of office and openly circumventing the plain language of the City Charter.

"Rather than have the board investigate and report on its own activities, why does not the Mayor insist that the State's attorney of Baltimore withdraw the stet and go to trial against Cohen.

"In the meantime, Mr. Boone should be forced to resign forthwith."

Mr. Muth commended the Mayor's effort to persuade Mr. Garrett not to resign.

A Strange Commentary

But he then added:

"It is a strange commentary to ask the board at this late hour to investigate Cohen.

"Cohen's action as an official of the city is a matter of public record by virtue of a criminal indictment.

"Whether Cohen should be reinstated is unimportant when compared to his guilt or innocence under the charges of the indictment."

Those who voted with Mr. Boone to reinstate Cohen were S. Lawrence Hammerman, R. Wilburt Marsheck and Dr. Bernard Harris.

Weston B. Scrimger was absent but asked in a letter to be recorded in favor of Cohen's reinstatement. Mr. Garrett voted against the reinstatement and Dr. J. Ben Robinson the seventh member of the board was absent.

EVE SUN 1/30

Garrett To Stay In Post During Cohen Probe

Robert Garrett said today he would remain as president of the Board of Recreation and Parks during the forthcoming investigation by the board of alleged irregularities by Myer J. Cohen in performance of his duties as principal assistant superintendent of construction in the park system.

Mr. Garrett made the statement at a conference between Mayor D'Alesandro and the board which was called by the Mayor to request the probe.

Not Withdrawing

After the board had agreed to make the investigation of Mr. Cohen's activities in the park system, Mr. Garrett said:

"I'll go along with it. But I have certain ideas. It won't amount to much unless Mr. Cohen opens up. But I'm not withdrawing my resignation."

"And I'm not accepting it, replied the Mayor, smiling.

The Mayor's request for the investigation was prompted by the action of the board last week in reinstating Mr. Cohen by a four-to-one vote. Mr. Garrett opposed the reinstatement and said he would resign as president of the board.

Cost-Plus Charges

Mr. Cohen had been suspended last year following his indictment on a conspracy charge along with Meredith R. Howard, plumbing contractor, on charges involving alleged irregularities in cost-plus work in the parks. At the trial Mr. Howard was acquitted and then State's Attorney J. Bernard Wells stetted the charge against Mr. Cohen.

It was testified at the trial that Mr. Howard, under instructions from Mr. Cohen, had concealed a $2,000 charge for a bathroom in a park official's house in Clifton Park by distributing the cost in extra charges on other cost-plus jobs in the park.

In acquitting Mr. Howard, the court cited the violation of charter requirements for competitive bidding in distributing the charge for the bathroom over other jobs.

Mind "Closed" On Matter

At the outset of today's conference between the board and the Mayor, Mr. Garrett said his mind was closed on the Cohen matter.

Later in the day, City Solicitor Thomas N. Biddison is to confer with R. Brooke Maxwell, director of the department, about arrangements for the board's investigation of Mr. Cohen's activities. It is expected that Mr. Biddison will suggest a new suspension for Mr. Cohen that would continue during the period of the probe.

When the conference began, the Mayor requested the investigation and said that if the irregularities on the part of Mr. Cohen prove to be true there would be a sufficient reason for dismissing him from the municipal service.

Robbery Of Student Draws Reformatory Term

Robbery of a Persian student last December 19 today resulted in reformatory sentences for Carol Long and William McGainey.

Judge Joseph Sherbow in Criminal Court sentenced both defendants to indeterminate terms of not more than three years.

The student, Mohamad Tabatabai, who is attending school in East Orange, N.J., complained he was robbed of $90 at the point of a knife after visiting an apartment in the 400 block North Calvert street.

Tabatabai had gone to the apartment with Mrs. Agnes Plewacki. Assistant State's Attorney J. Harold Grady told the court. During an argument at the apartment where the group was drinking, the student had been hit by a bottle. The woman, who was represented by Rubin Gertz, attorney, was acquitted by Judge Sherbow.

MORN SUN 1/31

MOVE TO DEFER COHEN HEARING IS UNDER WAY

A 'Private Study' By 3-Man Group On Fraud Charge Urged

A move to defer a public hearing on the fraud charge against Myer J. Cohen pending a private investigation was disclosed last night by Robert Garrett, president of the Board of Recreation and Parks.

Yesterday morning, Mayor D'Alesandro asked the board to hold an open hearing on the matter in which Mr. Cohen handled cost-plus contracts while he was construction superintendent for the Parks Department.

Suspended Last Year

Later in the day, Mr. Garrett said, some unnamed members urged him to appoint a three-man committee of board members to make "a private study" before making anything public.

"I favor investigation by an independent body," said Mr. Garrett.

Mr. Cohen was suspended last year from his parks job after he was indicted for conspiracy to defraud the city. Prosecution of the charge was later postponed indefinitely and Mr. Cohen was reinstated last Thursday.

As a protest to this reinstatement Mr. Garrett submitted his resignation.

Cohen In Sinai Hospital

Other developments in the parks department controversy:

1. Mr. Cohen was admitted to Sinai Hospital for an undisclosed illness. His condition was "satisfactory," a hospital spokesman said last night.

2. Thomas N. Biddison, city solicitor, said he would recommend that Mr. Cohen be again suspended until the inquiry is completed.

3. Mayor D'Alesandro asked Mr. Garrett to continue in office during the investigation. Mr. Garrett agreed, but said he would resign afterward regardless of the board's ultimate decision on Mr. Cohen.

4. Mr. Garrett, who upon his resignation promised a "red-hot" statement exposing Mr. Cohen's activities, postponed the disclosures, possibly until after the hearing.

5. William J. Muth, vice president of the City Council, introduced in the Council a resolution asking the State's attorney to reopen the case against Mr. Cohen.

6. Another resolution introduced by Councilman Muth asked the Mayor to oust J. Marshall Boone from the Parks Board for condoning practices of Mr. Cohen allegedly in violation of the City Charter.

Mayor Seeks Public Hearing

The public hearing for Mr. Cohen was asked by Mayor D'Alesandro when he met with the Parks Board in his office yesterday morning.

"I ask that you initiate an investigation of Mr. Cohen's activities and then hold a public hearing at which all the facts may be presented and Mr. Cohen be given an opportunity to make an explanation if he so desires," the Mayor said, with heavy emphasis on the word "public."

"If the allegations against Mr. Cohen are sustained, I think it should be clear to all of you that there is no place for him in the city government.

"If they are not sustained after an investigation and public hearing, then and only then do I think it will be proper to reinstate him."

Turning to Mr. Garrett, the Mayor recalled his service for public recreation and asked him to continue as president of the Parks Board.

"That's very kind of you," said Mr. Garrett. "I'm sorry I can't do that."

Furthermore, Mr. Garrett said, the board's attitude toward Mr. Cohen would prevent an effective investigation.

"In tendering my resignation," he added, "I based my action partly on the fact that Cohen has confessed, in part, these accusations."

Suggestion By Biddison

This confession, Mr. Garrett said, had been made by Mr. Cohen verbally to an unnamed person of unquestionable integrity.

With the exception of Dr. Bernard Harris, Mr. Garrett said, "board members knew of the confession."

"I didn't know about it," said Mr. Boone.

Other board members also denied knowledge of the confession.

Mr. Biddison suggested the board give Mr. Cohen an opportunity to explain, elaborate or deny the confession.

"I'll go along with it," said Mr Garrett, "but I have certain ideas and my mind is closed. I feel the confession is conclusive."

Mr. Biddison said later that evidence for the hearing will be based on court records in the trial of Meredith R. Howard, a plumbing contractor accused of conspiring with Mr. Cohen.

Although Mr. Howard was acquitted, the court cited charge violations brought out during the trial.

2 SENTENCED FOR ROBBERY

Draw Three-Year Terms For Holding Up Iran Youth

Two Baltimore men convicted of robbing a student from Iran, who said he accepted the invitation of an unidentified woman to go to her apartment because in his country it would be an insult to refuse, yesterday were sentenced to three-year prison terms each.

The terms were imposed by Judge Joseph Sherbow on Carroll Long, 19, and William McGainey, 21, both from near Essex. Judge Sherbow acquitted the woman, Mrs. Agnes Plewacki, of the 400 block North Calvert street of a similar charge.

Accompanied To Hospital

Testimony produced by J. Harold Grady, prosecutor, disclosed that the student and the woman met near a downtown theater, that the two male defendants joined the group there and that after the assault and robbery in her apartment, Mrs. Plewacki accompanied the student to a hospital.

Victim of the robbery was Mohamad Tabatabai, 25, who told the court his father is a member of the Iranian Parliament.

Tabatabai testified he was en route from his home in East Orange, N.J., to visit a friend in Washington, a member of the Iranian consulate. He said he stopped off here to look over the city.

$10 Refund Out Of $90

The prosecuting witness testified he was looking at the billboards of a movie at Fayette and Holliday streets when the woman struck up a conversation.

He testified he paid for drinks for the group because the two young male defendants appeared to be without funds. At the apartment, he said, Long hit him on the head with a bottle and McGainey took his wallet containing $90.

LAW ON WIVES DUE FOR TEST

Cases To Decide If Theft From Spouse Is Valid Charge

Bail for Mrs. Audrey Dolores Mohr was reduced from $51,500 to $10,000 yesterday in the case where she is charged with embezzling nearly $40,000 from her husband as a similar case was given a hearing in Central Police Court.

According to prosecutors, the charges involve a basic legal question: Whether a wife in such a case can be charged with theft from her husband.

Under the common law, husband and wife have always been considered as one by the courts. But under Article 45 of the Maryland Code the wife is emancipated. Courts in some states recognize such emancipating rules while others ignore them, according to the State's attorney's office.

Furniture Theft Charged

Maryland's emancipation provision is not a new section but has never been subjected to this test in a criminal case.

Mrs. Mohr, 24, who lives in the 4200 block of Shamrock avenue, was presented by the grand jury Friday.

The new charges heard yesterday by Magistrate James R. Cadden in Central Police Court accuse Mrs. Alice E. Hasler, 37, of the 1800 block North Charles street, of theft after trust of $1,500 worth of furniture from her husband. The case was sent to the grand jury and Mrs. Hasler was released in $1,000 bail.

Mrs. Mohr had spent the time since her arrest and presentment Friday in the City Jail. Judge Michael J. Manley reduced her bail after conferring with prosecutors and Samuel S. Levin, defense counsel. The $10,000 amount was met by a professional bondsman and she was released.

She was married to Carl R. Mohr in the Summer of 1947. Mr. Mohr gave an address in the 4600 block Belair road. The charges allege that the larceny and embezzlement of $492 occurred before the couple's marriage and the remaining $39,129 was taken after they were wed.

In Central Police Court, Mrs. Hasler pleaded innocent to charges placed by her estranged husband, Thomas P. Hasler, of the 1300 block St. Paul street.

Her attorney, W. Carroll Parks, asked for a dismissal. He claimed Mrs. Hasler's name was included on the bills of sale for the $1,500 worth of furniture and on the documents when the furniture was insured.

Part Owner

"A wife can't be accused of larceny of merchandise of which she is a part owner," Mr. Parks said.

Magistrate Cadden then cited the case pending against Mrs. Mohr and said he had conferred about the new case with the State's attorney's office and as a result was sending the charges to the grand jury.

Mrs. Hasler, a secretary employed by the city, had been charged Sunday and released in $2,000 bail. Magistrate Cadden reduced the bail to $1,000.

Harry O. Levin represents the husband.

According to testimony, the Haslers were married last August and separated in October. Hasler who now lives in the 1300 block of St. Paul street, said he found out last week that the furniture had been moved away from an apartment they rented in the first block East Madison street.

His insurance agent learned the articles had been sold by the wife it was further testified. Hasler was asked by Mr. Levin if he had contributed anything to his wife's support since their separation. He admitted he had not.

NUMBERS MANIA' IMPRESSES JURY

Report Favors Confiscation In Gambling Convictions

"Sizable segments of the population seem to be infected with the numbers mania and bent on getting something for little or nothing," the Baltimore grand jury has discovered in less than a month of jury duty.

In an interim report filed yesterday the grand jurors favored a bill which would provide that money or property taken from persons convicted of gambling be deemed contraband and forfeited to county or city authorities.

"From the mass of testimony already heard," the jurors reported, "it might be concluded that the Pied Piper of Hamelin was an amateur compared to the mastermind charmers of the numbers business in Baltimore city."

"Virulence And Extent"

The jury asserted that although it has been in office only a few weeks, it was "considerably concerned at the virulence and extent of the numbers industry."

All this activity exists "despite much that the energetic Captain Emerson [Capt. Alexander Emerson, head of the police vice squad] and his squad are doing to stamp out gaming," the jury asserted in the report to Judge Michael J. Manley, in Criminal Court.

"We are informed that there is uncertainty whether the State under existing law may confiscate moneys seized in gambling cases. Returned funds, among other things, could prove a convenient source of reimbursement for defendants in the matter of fines, counsel fees and resumption of operations.

"We are also informed that to discourage the return of seized funds you have adopted the practice of requiring that a claimant of funds seized in a raid or the like must file a petition under oath, alleging that the funds are his personal property before you will sign an order directing the police commissioner to make return.

"The Legislative Council has approved a bill, prepared by Dr. Flack for introduction at this session of the Maryland Legislature, providing that in connection with gambling convictions, money or property seized shall be deemed prima facie to be contraband of law and forfeited to the county or city interested.

"The bill is recommended by former Judge Marvin Anderson, of Anne Arundel county.

Availability Of $10,000

"The recommendations stem from a case in that county in which three persons pleaded guilty to a violation of the lottery laws and were convicted. When arrested, they had on their person about $10,000 in cash and lottery tickets. It was uncertain whether the county could confiscate the money.

"It is not the custom to hand back weapons to their owners after sentences are served, and assuredly money might rightly be regarded as the weapon of the lottery promoters."

EVE. SUN 1/31

Park Board Inquiry

A question has arisen as to whether the proposed investigation of charges against a Park Board employé shall be conducted within the board itself or by outsiders. The answer depends upon the purpose of the investigation.

Two lines of inquiry are involved, although they are closely related. One is the record of Mr. Myer J. Cohen, construction superintendent for the board, who is accused of procedural irregularities in the handling of contracts. The other is the much broader matter of Park Board policies.

If the investigation is to be confined to the narrow issue of whether Mr. Cohen should remain in the city's employ, then the Park Board might make its own study. Under the City Charter, only the board can hire, fire, suspend or reinstate park employes.

Although Mr. Meredith R. Howard, plumbing contractor, with whom Mr. Cohen was accused of conspiring to defraud the city, was acquitted by the court, the testimony indicated that the Park Board knew what Mr. Cohen was alleged to be doing and approved of it. If this is in fact the situation that existed, then it is the Park Board itself that should be investigated. Obviously such a survey would have to be made by impartial outsiders if it were to have any meaning.

Mr. Robert Garrett, who was so outraged when the Park Board voted last week to reinstate Mr. Cohen that he resigned as chairman, has called for "investigation by an independent body." If the Park Board wants to regain public confidence, it will insist upon such an inquiry in order to clear its own record. If that record will not stand up under critical independent analysis, then the public should know about it.

Court Okays Death Case Statement

Prosecutors today won a point which had been fought for a day and a half at the trial of two colored men charged with killing a Baltimore Transit Company trolley operator, when Chief Judge W. Conwell Smith admitted statements made by the men as evidence.

The defendants, Russell Sinclair Lewis, 25, and Gerald Day, 24, are charged with the fatal stabbing of Orval E. Ericson trackless trolley operator last October 5.

The trial before a Criminal Court jury began last Wednesday. After Judge Smith's ruling, Deputy State's Attorney William H. Maynard and Assistant State's Attorney William J. O'Donnell, prosecutors, read to the jury the various, partially conflicting, statements which the defendants had given police.

Improper, Defense Says

Defense Counsel Louis E. Macht and Ernest L. Perkins, the latter a Negro lawyer, had contended that the statements were inadmissable. There were contentions that they were obtained improperly from the defendants.

The trackless-trolley operator was found fatally stabbed in his No. 21 trolley at the line's terminus at Carey street and Westwood avenue. His money changer had been taken and was found lying in the street.

Six Months' Term Set

Charged with possession of six marihuana cigarettes, Charles S. Harris, colored, today was sentenced to six months in the House of Correction by Judge Michael J. Manley in Criminal Court. Harris was arrested when police saw him hand a cigarette to a young woman at an East Pratt street barber shop, the court was told.

NEWS 1/31

Local News In Brief

Fines totaling $750 each were imposed on two men in Criminal Court today after it was testified at their trials on lottery law violations that they were lottery "backers."

The men, Andrew Edwards, 3200 block Guilford avenue, and Gus Nash, 300 block East Twenty-fifth street, were arrested January 23 in an automobile at Pulaski highway and Haven street by Sgt. Wade Poole of the vice squad.

EVE. SUN 1/31

Mohr Gets Writ Against Wife In $39,000 Embezzlement

Court action today was taken by a husband who has accused his wife of embezzling more than $39,000, to protect his creditors and enjoin her from disposing of or making any use of funds she is charged with having misappropriated.

Judge Herman M. Moser issued a restraining order against Mrs. Audrey Delores Heinbaugh Mohr, of the 4200 block Shamrock avenue. The woman is free on $10,000 bail on the larceny-embezzlement charge returned by a grand jury last week.

Former Bookkeeper

Judge Moser's action was taken on the complaint of Carl R. Mohr, 2100 block West Baltimore street, trading as Carl Mohr and Company. Mr. Mohr was represented by Francis B. Burch, attorney.

Mrs. Mohr formerly was Mr. Mohr's bookkeeper when he operated an automobile agency in the 4600 block Belair road. The suit stated she served in that capacity both before and after she was married to Mr. Mohr on July 7, 1947.

Her husband alleged that he was forced to close his business last May due to financial obligations. He said that Mrs. Mohr kept control of the books and that while he received some of them last autumn, she has withheld others.

For the protection of his creditors, he asked the court to issue an injunction. The suit also asked that Mrs. Mohr be required to render a detailed accounting.

Rat Infestation Costs Landlord, 21, $300

Unable to make the punishment fit the crime, Judge Robert France today imposed fines totaling $300 and costs on a 21-year-old law-school student who appeared in Criminal Court as landlord accused in a rat-infestation housing case.

"What I should like to do is to sentence you to live in this house for one year yourself, but I cannot do that," Judge France told Alvin Lapidus, whose address was given as 11 East Lexington street and the 3400 block of Rogers avenue.

Lapidus was tried on a charge of violating housing laws on eleven different days by failing to have property at 109 North Pearl street in proper condition.

Previously, in December, he had paid a $50 fine in Housing Court, but had taken to the Criminal Court a second case pressed in the magistrate's tribunal. Instead of one day, eleven days' violations then were charged by the State.

Six $50 Fines

The $300 in fines were made up of $50 imposts for six days. Paul Mules, defense counsel, urged Judge France not to find Lapidus guilty on all eleven days, and declared, "The housing people probably will try to call him down to the Housing Court again for other alleged violations."

According to testimony, Lapidus had not begun work on the property until he was actually brought before the Housing Court. Even then, the work was not properly done, according to G. Yates Cook, housing enforcement officer who was called as a witness.

"If he paid out good money for the work, he isn't getting his money's worth," declared Cook in describing present conditions.

Bought For $1,200

Lapidus had bought the house about nine months ago, he testified, for $1,200, paying $200 down. There is a $1,000 mortgage. He testified that he has actually expended $618.26 in repairs and has contracted to expend another $90 for painting.

Instead of making a profit on the $20-a-month rent for the house, Lapidus said that he actually has had a loss of approximately $310, not counting more than $325 in plumbing work, which was earmarked as a "capital investment" rather than repair.

Lapidus testified that two housing inspectors had gone over the work on the house and told him it was "very good," but that Cook immediately found fault with it when he saw it. He declared that he had "at all times" tried to co-operate with the Health Department.

Could Not Locate Officer

Lapidus's excuse for not beginning improvement work after receiving Health Department notices was that he was unable for a week to contact the inspector who had sent the notice in order to learn what should be done.

Repeated telephone calls failed to locate the inspector, Lapidus said, and when he finally found the inspector, the man said he couldn't talk because complaint already had been entered in court.

Cook described rat-infestation conditions at the house, saying numerous rat tunnels were evident in the yard and inside the property.

He also complained of sanitation conditions, although a tub and toilet facilities have been installed in what Cook said may be used, nevertheless, as a sleeping room.

Many Children

When Defense Attorney Mules pointed out that sleeping facilities have been moved from the room, Cook replied:

"With as many children as there are in that house, the minute health inspectors stop walking in every day, they'll probably go back to sleeping in the toilet room again."

In imposing the fines, Judge France said he felt he would "take part of the profit" out of the landlord's business.

He added that Lapidus had been given an opportunity to make repairs, and that two court postponements of the case had been granted specifically so that proper repairs could be made in order to "prevent the chances of people being bitten by rats."

The case was prosecuted by J. Harold Grady, assistant State's attorney.

MORN SUN 2/1

WRIT SERVED ON MRS. MOHR

Ordered Not To Sell Property Pending Fraud Charge

Judge Herman M. Moser in Circuit Court yesterday signed an order restraining Mrs. Audrey Delores Mohr, 24, from disposing of or secreting money or property valued at more than $40,000, which she allegedly embezzled or stole from her husband, a former automobile dealer.

Mrs. Mohr is presently at liberty under $10,000 bond on a grand jury presentment charging her with larceny or embezzlement of that sum while she was working for her husband as a bookkeeper in his Belair road automobile agency.

Emancipation Code Test Seen

The criminal case has attracted attention because it is reported to be a test case to determine whether the emancipation clause in the Maryland Code takes precedence over the common-law theory that a husband and wife are considered as one.

In his civil action, Carl R. Mohr alleged that he was forced to give up his automobile business last May because of his inability to pay personal and business creditors a total of $30,000. He said he discovered the alleged misappropriations by his wife thereafter.

Mohr contended through Francis B. Burch, his counsel, that an injunction order against Mrs. Mohr was necessary to protect the interests of the creditors. He also asked that she be required to render a full accounting and to turn over books of the company, which she has refused to relinquish.

Remained As Bookkeeper

Mohr, who gave an address in the 2100 block West Baltimore street, asserted he married the defendant in July, 1947, while she was working for him as a bookkeeper. He said she remained as bookkeeper until the business was discontinued.

Mohr contended he has reason to believe that the amount of the defalcations attributable to his wife will be increased after he has had an opportunity to audit company books, covering a period of more than a year, which she still is retaining.

Mrs. Mohr lives in the 4200 block Shamrock avenue.

Biddison Suggests Hearing For Cohen

The parks department was advised yesterday to file a charge of improper conduct against Myer J. Cohen, its construction superintendent, for irregularities in handling contracts.

The advice came from Thomas N. Biddison, city solicitor, who also suggested the parks board again suspend Mr. Cohen at the board meeting on Tuesday.

Meanwhile, Mr. Cohen remained in a "satisfactory and unchanged" condition at Sinai Hospital, where he was admitted Monday for treatment of what was reported to be a heart attack.

Robert Garrett, parks board president, said he doesn't expect to grant a request that he appoint a three-man committee from the parks board to make "a private study" of the fraud charge against Mr. Cohen.

Mr. Garrett has said it wouldn't be effective.

Councilman Muth put it another way.

"Why not," asked Mr. Muth, "appoint three of the Brink's robbers to make a private study of the way they handled that million-dollar holdup in Boston?"

EVE. SUN 2/1

Support Of Dependents

Among the bills which the Legislative Council will sponsor in the session of the General Assembly which begins today is one to require parents living in another state to support their dependent children living in this State. In an interview published on this page on Monday, Dr. Horace W. Flack, secretary of the Council, stressed the importance of this bill.

Dr. Flack is correct in stressing the importance of the proposed legislation. Under present law a parent who now resides in another state and is unwilling to support his child in Maryland is beyond the reach of the Maryland courts. Extradition is a long and expensive procedure. The State has little choice but to assume the parent's obligations.

The bill, however, will not be a cure-all. Even though thirteen other states have adopted a similar law and will be ready to cooperate with Maryland, there will still be the question of enforcement. Within the State itself that is still a problem.

The bill is a good one. But only a more rigorous application both within and without the State will finally bring the errant husbands to face up to their financial responsibilities. Let the Legislature do its job by passing the bill. Then let the Welfare Department and the State's attorneys do theirs.

EVE. SUN 2/1/50

Son, 12, Teaches Father Facts Of Slum Living

Charles Jones, a young veteran who works for the Social Security Administration, learned the facts of slum life from his 12-year-old son.

One night Bill Jones came home from School 49 to his home at 926 West North avenue with a story of children who couldn't attend school because they had no shoes. Mr. Jones couldn't believe it.

He went to a school nurse, who told him that many Baltimore children were in that condition. He was still not quite convinced.

Goes To Address

"I knew things like that happened somewhere, but not right in Baltimore, in the center of the city."

He went to an address the nurse gave him, at 109 North Pearl street, near the Lexington Market. He walked into the life of Mrs. Catherine Liberto, a middle-aged widow who has always lived within a few blocks of the market.

Mrs. Liberto had six children and a grandchild, and needed clothing, she told Mr. Jones. Casually, she mentioned that she also needed sleep. She showed him a recent rat bite on her arm. She had been bitten while sleeping, for the second time.

"Worst" Seen

There were rat holes all over the house, some of them poorly and clumsily repaired. The city, after fining the landlord in Housing Court, had approved his efforts to ratproof the little house. Mr. Jones was shocked by everything he saw about the dirty house.

"I didn't dream people, even in slums, had to live like that. It was the worst place I've ever seen. But Mrs. Liberto seemed to be trying to keep things clean. She had clean linen on the beds."

Jones took up a collection of clothes and money in his office and notified the State Department of the American Legion, which investigated, and sent clothing and food—and reported to the Health Department.

The landlord, Alvin Lapidus, went to Housing Court again, paid one $50 fine, and took another case on the same charge to Criminal Court.

When that case came to trial yesterday, Judge Robert France imposed fines totaling $300 and told Mr. Lapidus he would like "to sentence you to live in this house for one year yourself. . . ."

Thorough Renovation

Today, after months of action by the city, Mr. Lapidus has workmen in the house for a thorough renovation. It is being papered throughout, and rat holes have been repaired, carefully, this time. Concrete in the yard and cellar, recently poured so thin that an inspector stepped through it, will be strengthened.

The outside toilet, which often froze, has been moved inside, but has not yet been screened off from the bedroom where it is located. An old bathtub, without hot water pipes, has been moved from the third floor, so water won't have to be carried so far. Mrs. Liberto hasn't seen a rat in some weeks, and is happy about the improvements, but fears a rent increase.

She was born just across the street, of Italian parents, and was one of fourteen children. Her father operated a stall in the market. Before she married Vince Liberto about fifteen years ago, she worked in a tailor shop. "I tacked pants," she said.

Ill Several Years

Her husband, ill for several years, worked in the market himself until his death eight years ago. Then the family moved from an apartment in the 600 block of West Lexington street to the Pearl street house. There had been rats on Lexington street; there were more on Pearl.

She pays $20 a month in rent, and her gas and electric bills are high, she says. "I can't cut off this kitchen light, because it burns out the bulb if I do. We have to keep the oven going on cold days to keep the house warm."

Her only income comes from social-security payments of $20 a month, and from her daughter, Carmello, 22, who works in a bakery and earns $22 a week. When asked how she supported eight people on that income she said, "I don't know. I just don't know. We get along somehow."

Eleven Offenses

Her son, 19, is chronically ill and can neither work nor attend school. Her twins, Lucy and Rosie, have been unable to find work, she said, though they quit school to do so. Sara, 15; Frannie, 12, and her granddaughter, 6, are in school.

G. Yates Cook, chief of the city's housing law enforcement program, charged the landlord with eleven separate offenses, for the days after the Housing Court trial during which he did not comply with the order to make repairs. A maximum fine of $550 is possible if Mr. Lapidus is found guilty.

To Mr. Jones, who wonders how many such families now live in Baltimore, Mr. Cook has said:

"There are probably 10,000 or more in conditions like this, most of them families who, like the Libertos, are making an effort to keep things clean.

Eat Garbage

"This is far from the worst case we've seen, though the rat infestation in that house was terrible. On several occasions we have been notified by schools of children in trouble, and have found such conditions at home. Several times we have been told of children who are forced to eat out of garbage cans.

"Recently the Bureau of Sanitation, through its school work, found an 8-year-old boy whose mouth was infected from eating garbage. They found his mother cared little about him, and that there appeared to be no way to help him, despite all our active social agencies.

"What concerns us in the Health Department is that we can't seem to offer help to such children now, and that we have to wait until he grows up, and commits a crime, before any kind of action is taken.

"The rat bites reported by the Libertos, are not unusual, either. Not long ago, on Dallas street, we found an infant who had been attacked by a rat in his crib. His hand was so mangled that it will always be deformed, and part of his lip was eaten away. Only law enforcement can stop this kind of thing."

Mayor Refuses To Comment On Boone

Mayor D'Alesandro said today he had no comment for the time being on the resolution introduced in the City Council requesting him to remove J. Marshall Boone from the Board of Recreation and Parks.

The resolution, submitted by Councilman William J. Muth (D., Fifth) alleged that Mr. Boone condoned practices in billing for cost-plus work that are in violation of the City Charter.

The resolution was submitted to the committee on education, parks, and recreation, which is to hold a public hearing on the proposal.

Mr. Boone was appointed by the mayor to the board for a two-year term in 1947 and reappointed by the mayor last October for a six-year term. He is therefore in the six-month probationary period of his second term and under the charter can be removed at the will of the mayor without charges.

Before Committee

When asked what course he would pursue if the council approves the resolution, the Mayor pointed out that the resolution is still before a committee and has not been acted on. He said that for the present he did not want to say any more about the matter.

The Muth resolution, in part, follows:

"Mr. J. Marshall Boone, a member of the Board of Recreation and Parks, volunteered as a witness in one of the cases against the contractor who was charged with defrauding the city by making excess charges for certain work. He stated that it was the general practice in the Department of Parks and Recreation to split contracts in order to avoid the charter requirements for advertising for public works.

"This constitutes an open and flagrant violation of the provisions of the City Charter . . . it is certainly most inappropriate for any officer of Baltimore City or for a member of any board of the city to continue in office after openly admitting that he has not only condoned but has participated in violating the provisions of the charter."

The case referred to in the resolution is that of Meredith R. Howard, plumbing contractor, charged with conspiring to defraud the city in billing for cost-plus work. Following trial he was acquitted.

Park Racial Case Is Appealed

An appeal to the United States Court of Appeals for the Fourth Circuit was entered today by plaintiffs in a $505,000 damage and injunction suit against the city and the Bureau of Recreation and Parks for alleged violation of civil rights.

The combined damage and injunction suit was filed last year in Federal Court by a large group of white and Negro plaintiffs, who contended that segregation regulations in connection with golf, tennis and other athletics in the Baltimore park system were illegal.

Federal Judge W. Calvin Chesnut several weeks ago dismissed the suit by granting a defense motion, on the ground that under existing rulings of the Supreme Court and upper Federal courts, racial segregation is permissible when substantially equal facilities are provided.

The appeal was entered by attorneys I. Duke Avnet, Edgar Paul Boyko, William H. Murphy, Dallas F. Nicholas, Robert B. Watts and Milton Allen. The last four attorneys are Negroes.

BALTIMORE, THURSDAY, FEBRUARY 2, 1950

Mayor D'Alesandro Must Get All The Park Facts

Mr. Robert Garrett's careful statement concerning his reasons for resigning from the Board of Recreation and Parks discloses a more serious situation in that part of the city government than most people would have believed possible.

Mr. Garrett's disclosures make it clear that any such investigation as that proposed by Mayor D'Alesandro would be inadequate. A board which has permitted or perhaps even abetted such practices as those described is in no position to investigate itself. Its shortcomings need to be shown up in detail by some other agency, say, the city's law department or a group of respected citizens.

Mayor D'Alesandro will not be able to look at himself in the mirror, let alone face his fellow citizens, if he connives at any whitewash procedure in this matter. He owes it to the community to get all the facts even if, in so doing, he steps on the toes of some of his political allies.

The charges have been made. The public is aware of some of the dubious practices which have been going on. A full disclosure is the only possible way in which Mr. D'Alesandro can demonstrate his own good faith.

2 MEN CONVICTED OF FATAL STABBING

Jury Votes First-Degree Murder In Trolley Holdup

Two men yesterday were convicted of murder in the first degree in the fatal stabbing last October 5 of Orval E. Ericson, 28-year-old trackless trolley operator, in the vicinity of Westwood avenue and Carey street.

A Criminal Court jury deliberated only 29 minutes before reaching a verdict against Gerald Sylvester Day, 24, of the 600 block North Carey street, and Russell Sinclair Lewis, 25, of the 1400 block North Fulton avenue. Both are Negroes.

Both Hold Prayer Books

Chief Judge W. Conwell Smith deferred imposition of sentence. The convictions carry either life imprisonment or death penalties.

Both men held prayer books in their hands as the verdicts were being taken by the court clerk.

The defendants admitted they went to the vehicle with the intent to rob the operator, but blamed each other for the fatal stabbing.

William H. Maynard and William J. O'Donnell, who prosecuted the case, contended both were equally guilty.

U.S. HIGH COURT GETS APPEAL

Interracial Cases Defendants Petition Supreme Tribunal

Lawyers for defendants in the Baltimore tennis-court cases yesterday petitioned the Supreme Court of the United States to hear an appeal from lower-court convictions.

In a 38-page brief asking for a writ of certiorari, five attorneys contend that the Maryland Court of Appeals, by upholding the convictions, "sought to subordinate the Bill of Rights of the Federal Constitution to its own judicial proclamations."

Last November 17 the Maryland high court upheld convictions of seven participants in an interracial tennis tournament in Baltimore on charges of conspiracy to disturb the public peace.

Cites Constitutional Issue

In its 5-1 decision to uphold the conviction, the Court of Appeals declined to rule on constitutional issues involved, on the grounds, that, by its own precedents, it was powerless to review evidence in the case.

"It was the constitutional duty of the Maryland high court to review the facts and the law and no State judicial precedent or State constitutional provision could avail the court to do otherwise," the defendants' brief declares.

The controversial case originated last July when police arrested 24 persons who took part in the tournament at Druid Hill Park. The issue, defendants said, was whether white and Negro people could legally play tennis together on city courts.

Five Convicted

The city, eventually, obtained convictions against five defendants on the conspiracy charges. These are the convictions the Supreme Court is asked to consider.

The brief argues the defendants' constitutional rights under the First and Fourteenth amendments were abridged by their arrest and conviction.

A Park Board "policy" of segregation did not exist as a park rule, they add. Further, the brief notes, there was no uniform segregation policy in city parks, and professional football and baseball games at the Stadium are, in some instances, inter-racial sports matches.

"The prosecution for the use of the tennis courts . . . was based on arbitrary determination of bureaucratic officialdom, whose caprice and racial bigotry have become the foundation for criminal prosecution," the attorneys charge.

They also quote the dissenting opinion written by Judge Charles Markell, of the State Court of Appeals, which described the conspiracy charge as "a sham, belatedly devised to obtain and cover a conviction for exercising constitutional rights."

Attorneys who filed the brief are I. Duke Avnet, Edgar Paul Boyko, Mitchell A. Dubow, William H. Murphy and Harold Buchman, one of the defendants in the case.

MORN. SUN 2/2/50

PARK BOARD PROBE URGED BY GARRETT

President Of Group Says Some Members Obtain Special Privileges

Robert Garrett, president of the Board of Recreation and Parks, yesterday denounced special privileges maneuvered by some board members for favored groups and individuals.

Making good his promise last week to disclose such irregularities, Mr. Garrett called for "a thorough investigation and a housecleaning" of the board and department.

Mr. Garrett listed seven examples of irregular procedure:

1. Myer J. Cohen, superintendent of construction, was found by Judge John T. Tucker in Criminal Court to have certified to false statements of completed contracts

Cites Yacht Club Permit

2. The Maryland Yacht Club was granted a bar permit for Broening Park in violation of departmental rules. Club profits due the city from the venture were spent instead on another club project.

3. Politicians send men to be placed on the labor pay roll, sometimes regardless of qualification and available funds.

4. Some park officials live in city houses, with free light, heat, repairs, telephone and water, and pay no property taxes.

Says No Bids Were Asked

5. City Service regulations were modified to permit the appointment of a new superintendent of parks

6. One unnamed department official received a special concession to remove the parks department symbol from a city automobile so that he would not be embarrassed when he used the car for personal reasons.

7. No competitive bids were asked for the renovation of the Mansion House in Druid Hill Park. The department originally proposed to use its own workmen and spend $7,500; it eventually cost the city more than $20,000.

Mr. Garrett is still president of the board, although he submitted his resignation last week after the board, over his objections, reinstated Mr. Cohen, who was suspended last year after his indictment for alleged conspiracy to defraud the city.

Mayor D'Alesandro asked Mr. Garrett to continue in office until the board hears a charge that Mr. Cohen is guilty of improper conduct as a city employé.

The text of Mr. Garrett's statement:

Observations of Robert Garrett concerning experiences with the Board of Recreation and Parks and the Bureau of Parks from 1947 to date:

While the Cohen case has brought about my resignation as President and member of the Board of Recreation and Parks, the more or less serious experiences I have had go back to about the begining of my attempted services in this connection in behalf of the city. I shall recite a few matters that I hope will result in clarifying the trouble and possibly in correcting it.

First, as to the Cohen case. The reinstatement of Mr. Cohen was unjustified in my judgment, because in deciding the criminal case instituted against Meredith R. Howard, the contractor, whose bills to the department were approved by Cohen, Judge Tucker found that enormous and glaring "irregularities" of procedure had developed. Judge Tucker further said in his formal opinion:

"Of course on the same work order, under Mr. Howard's certification, is Mr. Cohen's certificate, certifying that the service specified had been completed in a satisfactory manner. So both certificates are wrong and, strictly speaking, both of them are false. Mr. Cohen signed as 'superintendent of construction.'"

Cites Accusations

"As far as I know Mr. Cohen has not publicly and specifically denied any of the accusations made against him. The shocking performance of J. Marshall Boone in attempting to justify Mr. Cohen's actions may have indicated his own knowledge of what was going on but did not accurately indicate the knowledge of the Board as a whole,—at least I can speak for myself that I did not know Mr. Cohen and perhaps others were acting in the way now made clear.

Incidentally, before Mr. Boone testified in court, he asked Mr. Maxwell to stay away from the courtroom when he (Boone) was to testify. What this signified, I do not know, but to say the least, it was a strange request.

In connection with this case several members of the board went behind my back in an attempt to have Mr. Maxwell, the director of the Department of Recreation and Parks, reinstate Mr. Cohen, as the director, perhaps, had legal authority to do. This demand on the part of the members of the board was firmly declined by Mr. Maxwell.

Tells Of Yacht Club

Another matter of considerable importance is the experience I have had with the Maryland Yacht Club. The trouble came to light long ago. A contract had been entered into in 1940 between the Maryland Yacht Club and the former Department of Parks and Squares, which automatically went out of existence in 1947 when the new department was created.

The document was signed by the then president of the Board of Park Commissioners and by Mr. Marsheck, then Commodore of the Maryland Yacht Club, who is now a member of the Board of Recreation and Parks.

It seems that on both sides this contract was pigeonholed and completely disregarded and the files of the old Park Department contain no subsequent reports or other papers concerning the relationship between the two bodies.

I was horrified to find that some of the explicit provisions of this agreement had been flagrantly disregarded. For instance, in spite of the stringent provisions in the rules of the Park Department, now the Park Bureau, with regard to the sale of liquor, it seems that the Maryland Yacht Club, although leasing Broening Park and the clubhouse in that park, has had a bar ever since the contract was written and I believe had it for many years prior to 1940.

Clause 11 Of Contract

Clause 11 of the contract reads: "That no goods, wares or merchandise of any kind shall be offered for sale upon the premises; provided, however, that until such times as the board shall establish or permit a concession for the sale of any goods, wares or merchandise in Broening Park, the club may arrange for supplying its members and guests with soft drinks, ice and other provisions for boats owned by its members, but not otherwise."

While liquor is not referred to in this paragraph, the clear implication is that it should not be sold. Some time ago, believing that it is normal to have a bar in a club, with the aid of the City Solicitor and others I secured an amendment to the rules in this particular which reads as follows:

"Except that, in the case of premises leased or licensed to any private club, the use and sale of alcoholic beverages may be permitted in any portion of the premises of which exclusive use has been granted to such private club and its members."

Refers To Serious Matter

A still more serious matter is contained in Clause 16 of the agreement, which reads as follows:

"The club represents that between April 15, 1925, and April 15, 1940, it has expended in the improvement of the said Broening Park the sum of forty-five thousand dollars ($45,000.00), said sum being realized from initiation fees and membership dues, boat-slip rentals, locker rentals, gasoline filling station concessions, etc., after deducting from the revenue from these sources the cost of club operation and management. The club, therefore, hereby agrees and promises that during the continuance of this license, it will expend on the said Broening Park all of its income in excess of the amount necessary for the operation and management of the club, said sums to be expended under the direction of the board."

It is to be noted that apparently, in view of this clause, no rental was charged to the Maryland Yacht Club for use of the property.

On careful inquiry I learned that there were no financial reports in the files of the Park Department from the Maryland Yacht Club and there was nothing to indicate whether any expenditures had been made from the "income in excess of the amount necessary for the operation and management of the club." Furthermore, there had been no requests for approval or direction under the clause "said sums to be expended under the direction of the board."

Seeks Proper Reports

While some money has been spent, I believe, on the property by the club, there has been no indication until recently what this has amounted to. In the light of such information as is now available to us, it seems that considerable sums that apparently should have gone to the city have been spent on another property in which the club is interested called Fairview, which lies in Anne Arundel county adjacent to Chesapeake Bay, but in which the city is not concerned.

So far as I have been able to learn, no information about these expenditures was furnished to Baltimore city until I demanded an accounting.

I have struggled for a long time to secure proper reports in this connection but have been stalled frequently by members of the Board of Recreation and Parks and only within a few days of this time a report of certified public accountants has been furnished for the fiscal year November 15, 1948 to 1949. Nothing is available for the years 1940 to 1948, except for an audit, unsigned, for the year ended November 15, 1948, sent to me after the inquiry began.

This os obviously a shocking way to handle business of importance and the present Board of Recreation and Parks is obviously culpable. An adjustment in this matter is still to be worked out and a new contract should be written that is more realistic. Even when this is done, it will be necessary, obviously, for the City authorities to follow through as they have not done in the past.

There are many other things that could be cited as illustrating a deplorable condition in the functioning of the Board of Recreation and Parks and of the Bureau of Parks, although some, while important, are not so vital as those already mentioned.

For instance: when an attempt was made some time ago to control the abuse in the use of automobiles owned by the City, I endeavored to have painted on all of these cars a symbol indicating that they belonged to the Park Bureau.

A few exceptions were agreed upon—reluctantly by myself—but subsequently I learned that one of the officials went, behind my back and that of the Director, to one or more of the committee members and secured further concessions. This same person said in effect in my presence: "I don't like to drive to church and park my car, with that symbol on it."

I might add that this criticism does not refer to the Director of the Department, nor to the officials of the Bureau of Recreation, who own their cars and, in the customary way, receive a mileage allowance for the gasoline used in relation to their work.

Cites Old Practice

This leads me to mention an old practice that still continues, unfortunately—and I have been unable to correct it—with regard to the many houses in the parks that have been taken over as certain properties have been bought by the city. These are occupied by officials of the park system.

It is perhaps well that they should be rent free to these officials. But what I object to is the fact that the officials also get free light, heat, repairs, telephone and water and obviously there are no taxes. There are also at times substantial improvements, as was shown in the testimony in the Howard case.

The result is that they really receive much more than their published salaries, perhaps something like $2,000 each per annum.

Another matter I should mention, in which I share the blame in a measure.

When the time came to appoint a new superintendent of parks, under the leadership of one of the board members, we went to the City Service Commission and secured action that brought about a modification of their regulations whereby the specifications were made to fit the qualifications of the man it was desired to appoint.

I was not at all happy about this but was fearful that if we reached high we might repeat the bad experience the former Park Department had had only a short time before then. Thus I hesitated to oppose this move and make an issue of it, although I felt it was wrong in principle. But I believed the man in question had ability and knowledge relating to the parks.

A case that was also rather bad was the way the interior improvements of the Mansion House in Druid Hill Park were put over. The proposal was to spend about $7,500 in this job, using the regular park forces. Little was said to the board about materials, but all of us should have asked more questions.

In the early stages of the project there was a bit of a row because costs were running up, but even then I suppose few persons, if any, sensed the result. As I understand, the total cost, including the purchase of the birds, was over $20,000. I believe this interesting and fine undertaking should have been handled in the usual manner as provided in the Charter, even if the ultimate cost might have been higher.

One of the basic weaknesses in the operation of the parks is the fact that many men involved in the local political game send men to the Park Bureau to be put on the labor pay roll, sometimes regardless of their qualifications and also of available funds. This, I believe, is an old practice which is still continuing from time to time and it is difficult for the officials immediately concerned to refuse these requests.

It has been my desire to relinquish the repsonsibilities of the presidency and membership on the Board of Recreation and Parks for some time but I have refrained from doing so for two major reasons. One is that there is a vast amount of important work to be done in the department which would increase and improve the facilities and bring the benefits of public recreation to many more thousands of people.

The second reason is that I did not want to take this action and leave in the lurch the capable and honest officials who are employed in the department. I am hopeful, however, that my action will result in a thorough investigation and housecleaning which is very much needed. I trust many of the people concerned as beneficiaries of the program or as taxpayers will insist on straightening out these matters.

MORN SUN - 2/3

Mayor Requests Garrett To List Full Charges

Mayor D'Alesandro today asked for a detailed report on irregularities in the Park Department which have been denounced by Robert Garrett, president of the Board of Parks and Recreation.

In a letter to Mr. Garrett, the Mayor said he would order the city solicitor to make an investigation of the charges and, if necessary, turn them over to the grand jury.

Mr. Garrett, who is still president of the Park Board, although he submitted his resignation last week, issued a statement yesterday in which he called for "a thorough investigation and housecleaning" of the board and the department.

Text Of Mayor's Letter

In his letter to Mr. Garrett, the Mayor said:

"I respectfully request that you immediately furnish me in writing all details of irregularities in the Department of Recreation and Parks of which you have knowledge.

"I propose to transmit this information to the city solicitor for a full investigation, requesting him that if any matters are developed requiring consideration by the grand jury that these matters be immediately turned over to that body.

"Furthermore, I shall expect from the city solicitor a full report on his findings."

Cohen Case Probe Ordered

Last week the Mayor ordered the Park Board to investigate the activities of Myer J. Cohen, who was reinstated by the board as an assistant superintendent of construction in the Park Department.

The Mayor's investigation order was precipitated by Mr. Garrett's resignation in protest against the reinstatement of the superintendent, suspended last year after his indictment for alleged conspiracy to defraud the city.

J. Marshall Boone, whose public indorsement of Mr. Cohen's handling of "cost-plus" contracts brought a demand by City Councilmen for his ouster from the Park Board, had no comment today on the Garrett statement.

Marsheck Unavailable

R. Wilburt Marsheck, another board member mentioned by Mr. Garrett, could not be reached.

Mr. Marsheck was named by the board president as commodore of the Maryland Yacht Club when it was granted a liquor permit for the clubhouse in Broening Park, which it leases from the city.

Money gained by the club from the operation of its Broening Park quarters, which "apparently should have gone to the city," was spent on development of Fairview, and other property owned by yachtsmen in Anne Arundel county, according to Mr. Garrett.

Other municipal officials who are members of the yacht club are C. Markland Kelly, vice president of the City Council, and City Comptroller J. Neil McCardell.

Garrett's Charges

In his statement, Mr. Garrett listed these examples of "irregular procedure":

1. Myer J. Cohen, assistant superintendent of construction in the parks system, certified to false statements of completed contracts, according to a decision of Judge John T. Tucker in Criminal Court.

2. Department rules were violated when the Maryland Yacht Club was granted a bar permit for Broening Park. Club profits due the city from the venture were spent on another club project.

3. After efforts were made to control the abuse in the use of automobiles owned by the city, one department official went "behind my back and that of the director" to receive the special privilege of removing the Park Department symbol from a city automobile. This official said, in effect, in Mr. Garrett's presence: "I don't like to drive to church and park my car with that symbol on it."

4. Mr. Garrett said it is perhaps well that some city officials should live rent free in city-owned houses, but he objects to the fact that they also get free light, heat, repairs, telephone and water and pay no property taxes.

5. A modification in City Service Commission regulations was obtained to permit the appointment of a new superintendent of parks. The specifications were made to fit the qualifications of the man it was desired to appoint.

6. Competitive bids were not asked for the interior improvements of the Mansion House in Druid Hill Park. The department originally planned to spend about $7,500, using the regular park forces. The total cost, including the purchase of birds, eventually cost the city more than $20,000.

7. A basic weakness in the operation of the parks is the fact that many politicians send men to the Park Bureau to be put on the labor pay roll, sometimes regardless of their qualifications and also of available funds.

Ex-U. Of M. Cashier Charged In Theft

Charged with embezzlement of $2,532.43 from the State while acting as cashier and clerk for the Baltimore schools of the University of Maryland, Edward William Glantz today pleaded not guilty in Criminal Court.

The 31-year-old defendant, who lives in the 4800 block Anntana avenue, asked a jury trial through Paul B. Mules, attorney. Judge Joseph Sherbow presided at the trial in Criminal Court.

Resigned In Fall

Assistant States Attorney J. Harold Grady, prosecutor, told the court that Glantz had been employed by the university since 1946, but that he was not placed in the Baltimore office until the Spring of 1948. He resigned from the college on November 30, 1948.

The embezzlement charge against Glantz was entered after a special audit and investigation conducted by State Auditor Daniel L. Clayland 3d, and Deputy State Auditor Michael Potthast.

Guller Faces U.S. Bogus Bill Case

Abe Guller, 50, of the 2600 block of Loyola Southway, today was under arrest by Federal authorities on a conspiracy and counterfeiting charge accusing him of distributing counterfeit notes in five Southern states.

Guller, as a result of recent conviction in Baltimore Criminal Court on a charge of false pretense by passing checks totaling about $7,500, was due for sentence next Tuesday. In view of the Federal action, Judge Joseph Sherbow has called for the man's appearance late today.

Secret Service operatives arrested Guller yesterday. He is scheduled to have a hearing tomorrow before United States Commissioner Ernest Volkert for removal to Atlanta, Ga., to face the conspiracy and counterfeiting charge.

Guller and four other [illegible] service officials announced [illegible] indicted last month by a grand jury at Atlanta in [illegible] tion with the passing of [illegible] and $20 bills in North Carolina, Georgia, Texas.

EVE. SUN 2/3/50

'Frisking' Bill Seen Renewing Fight

By Bradford Jacobs

Annapolis, Feb. 3—An invitation to renew one of the classic battles of the Legislature was issued today as a police "frisking" bill for Baltimore city was introduced.

The bill, sponsored by Delegate Argabright (D., Fifth, Baltimore), aims to give city policemen automatic power to search suspects for concealed weapons and to use such weapons as evidence in court.

It is now forbidden under the Bouse Act to use as evidence any weapons discovered without a legal arrest accompanied by a warrant.

Baltimore policemen have long insisted that this law hamstrings their efforts to curb the criminal element and to prevent violence. The Argabright bill, which would modify the law, has the backing of Police Commissioner Beverly Ober and State's Attorney J. Bernard Wells.

Emergency Bill

Mr. Argabright said he wants to make his measure an emergency bill in order that it will go into effect immediately upon becoming law. He expects to discuss with Speaker Sybert the chances of such a measure qualifying under the constitutional provisions for a 30-day session.

Previous attempts to pass the bill here, however, encountered fatally stiff opposition. It was introduced both as a State-wide bill and as a local bill, but was always smothered.

Opponents fought it on the ground that automatic frisking powers would allow policemen to invade the rights of the individual and to harass innocent citizens.

One-Hour Filibuster

One legislator—Senator Balch (D., Talbot)—made a reputation for himself during a recent session when he filibustered for nearly one hour against the measure.

EVE SUN 2/3

Counterfeit Case Hearing Waived

Abe Guller, 50, Baltimorean charged with conspiracy and distribution of counterfeit money with four codefendants at Atlanta, Ga., waived a preliminary hearing today and was sent to face the Atlanta charge.

Guller received a two-year sentence on a false-pretense charge in Baltimore's Criminal Court yesterday. He appeared under Federal guard. Judge Joseph Sherbow's penalty on the Maryland case, involving passing of two checks totaling $7,500, will take effect after the end of any Federal imprisonment.

The defendant, whose home is in the 2600 block of Loyola southway, is a native of Russia and is not a citizen, Federal officials stated.

The Federal counterfeit charge accuses Guller of participation in counterfeit distribution activities in five Southern states ranging from North Carolina to Texas.

In addition, Guller faces a narcotic charge at Philadelphia, according to Federal officers.

His removal hearing today was before Ernest Volkart, United States commissioner.

NEWS - 2/3

Russian Wanted In Counterfeiting Faces Exile

His past caught up with Abraham Guller all at once in Baltimore today, and legal machinery started grinding out the steps that Federal officials say will lead him back to his native Russia.

Guller, a fifty-year-old naturalized American, was arrested Wednesday in the 2600 block Loyola southway, where he had been living.

Yesterday Judge Joseph Sherbow sentenced him to two years in the Maryland House of Correction for mulcting a North-avenue merchant out of $7,300 last year.

But today he was turned over to U. S. Commissioner Ernest Volkert here, who said Guller is wanted by Federal authorities in Atlanta for spreading counterfeit $20 bills over six Southern States.

At the same time word came from Philadelphia that Guller is wanted in that city for violation of the narcotics act.

Commissioner Volkert announced he is turning Guller over to the authorities in Atlanta and that he has been informed deportation proceedings eventually will be brought against the man and he will be shipped back to Russia.

SUNDAY SUN 2/5/50

MURRELL RAPS FINGERPRINTS

Says Police Experts Couldn't Find Olive In Martini

Police department fingerprint experts "couldn't find an olive in a Martini," an assistant State's attorney declared yesterday in court.

The question of Martinis rose during arguments on the appeal for a new trial for a man convicted of robbery. Judge Ralph Warnken asked Alan H. Murrell, assistant State's attorney, if fingerprints had been taken from a pistol introduced in the case.

"In my four and a half years as assistant State's attorney," Mr. Murrell replied, "I have never seen a fingerprint taken by the Police Department entered into the court record."

Then, speaking of the fingerprint experts, he added, "They couldn't find an olive in a Martini."

Handed A Lemon Peel

"What Murrell doesn't know," Sgt. William J. Flynn, police fingerprint expert said later, "is that sometimes martinis don't have olives. Sometimes they have onions or a lemon peel.

"We were in court before Murrell ever thought of being an assistant State's attorney."

The sergeant added that police very rarely can pick up fingerprints at a crime scene because conditions for a whole, unsmudged print are usually poor.

Bartender Stirs New Answer

A third person, who is well versed in the art of mixing drinks and at least acquainted with fingerprints, added his own comment.

Mike Collins, a local bartender, who has been confronted with countless fingerprints on liquor glasses of all sizes for some years, said the "martini" with an onion mentioned by Sergeant Flynn is really a Gibson cocktail.

The bartender said that while most persons call a martini a martini without considering whether an olive, onion or lemon peeling is involved, they occasionally are wrong.

A Gibson cocktail, or the "martini with an onion" is a pretty well known drink, he added.

MORN SUN 2/6

Perhaps Mr. Murrell Was Not Exaggerating

When it comes to making off-the-cuff remarks about the Baltimore police, a special place must be reserved for Assistant State's Attorney Alan H. Murrell. It all started when one of the judges of the Supreme Bench of Baltimore asked Mr. Murrell if a pistol introduced as evidence in a criminal case had been tested for fingerprints. Mr. Murrell replied that in more than four years as a State prosecutor he had never seen a fingerprint taken by the Baltimore police entered into the court records.

With that opening, Mr. Murrell went on to inform the judges that the district policemen, unfamiliar with fingerprinting techniques, are the first ones on the scene of a crime in Baltimore and that "by the time they get through handling objects that could be used as evidence, any possible fingerprints are obliterated." Then Judge Herman M. Moser asked if the fingerprint experts at police headquarters could not obtain the prints, and Mr. Murrell got off his snappiest crack, "They couldn't find an olive in a martini."

The Baltimore public, schooled by movies, radio dramas and whodunit novels in the importance of touching nothing at the scene of a crime until fingerprint tests have been made, probably find it hard to believe the picture of Baltimore police blithely obscuring potential evidence. There is, however, a suggestion that Mr. Murrell was not merely sounding off. The only comment on his accusations from Col. Beverly Ober, Baltimore's top-ranking policeman, was the statement: "I have made arrangements with the FBI in Washington to send a man here to train a sufficient number of policemen so that there will be men capable of taking fingerprints in each police district."

MUTH ACCENTS PARK CHARGES

Would Avoid 'Whitewash' By Special Group Probe

To avoid an "iron curtain of secrecy" and "a final whitewash," charges of irregularities in the Board of Recreation and Parks should be turned over to a respected group of citizens assisted by a special State's attorney, William J. Muth, vice president of the City Council, declared yesterday.

Mr. Muth was referring to charges brought by Robert Garrett, who tendered his resignation as president of the board when it voted to reinstate Myer J. Cohen as superintendent of construction.

Mr. Cohen had been suspended when he was indicted in connection with cost-plus "irregularities." Charges against him were not pressed.

"Familiar Memories"

Mr. Muth's statement follows:

"The proposal of the Mayor to turn over Mr. Garrett's details of alleged misconduct, otherwise referred to as 'irregularities,' on the part of the members of the Board of Parks and Recreation, to the city solicitor for investigation, etc., conjures many familiar memories.

"I remember the identical proposal of the Mayor when faced with the 'veterans' defective-housing charges and the joint communiqué issued by the city solicitor, [Thomas N.] Biddison, State's Attorney [J. Bernard] Wells and Assistant State's Attorney [Anselm] Sodaro to the effect that a certain statute of limitation definitely precluded any criminal action against the builders.

"This apparent effort to stifle grand-jury presentments went astray when Judge [Herman M.] Moser ordered the grand jury into action.

"Then there was the same act played by the same characters in the great city 'cost plus' probe.

"We all recall the Mayor referring the city auditor's charges to Mr. Biddison for 'screening' and the resultant stampeding through the grand jury of indictments against a handfull of selected contractor defendants.

"Performance Embellished"

"This performance was embellished by the spectacle of Messrs. Wells and Biddison arguing nearly a year after the return of the indictments over the use of public records, which should have been seized at the time the grand jury presented the defendants, provided, of course, there had been a real desire to secure convictions.

"Then there was the mistrial, when a well-known local politician turned up as a juror, accepted by the State, who during the trial publicly announced his belief in the innocence of the defendant. Then, of course, the pending episode of the Howard trial and the stetting of charges against Myer Cohen by the State's attorney.

"One of the many questions unanswered, as to the handling of the fiasco, was why [J. Marshall] Boone's testimony, on behalf of [Meredith R.] Howard and Cohen, was never rebutted, from the witness stand, by Mr. [R. Brooks] Maxwell, whom Boone is alleged to have told to stay away from the courtroom.

"Of course, the answer is obvious. It was never intended to allow our citizens to know the real facts regarding the activities of the persons, who were allegedly responsible for the entire imbroglio.

"As to shutting off public discussion of the real facts, no one can forget what happened to a member of the City Council, who had the temerity to prophesy the actual outcome of the cost-plus investigation. This gentleman was immediately summoned by State's Attorney Wells into the grand jury and threatened with contempt, under the secrecy rule, concerning matters pending before the grand jury."

ARSON CHARGE LAID AGAINST CLOTHING MAN

Leon L. Goldberg Arrested On Scene Of Second Fire In Same Block

Police yesterday charged a 37 year-old clothing manufacturer with arson after he was arrested late Saturday night in a smoke-filled building at 113 West Baltimore street.

The building is two doors from the scene of a six-alarm fire on Saturday afternoon which swept through three buildings in the same block, killing two firemen and seriously injuring a third.

Identified as Leon L. Goldberg of the 4100 block Wentworth road the defendant was released in $10,000 bail for a hearing at 4 P.M. on Thursday in the Central Police Court before Magistrate James R. Cadden.

Text Of Charge

Central district police said Goldberg, proprietor of the Goldberg Clothing Manufacturing Company, which occupies the upper four floors of the building at 113 West Baltimore street, is charged with:

"Arson, unlawfully, wilfully setting fire to the premises third floor 113 West Baltimore street, this building not a parcel of a dwelling house in Baltimore city, Maryland, on about February 5, 1950."

The charge against Goldberg was preferred by Capt. John B. Kenealy, Lieut. Thomas J. Mooney and Sergt. Christopher Schemm, all of the Central district, who made the arrest.

Smoke In Restaurant

Captain Kenealy headed a joint investigation of the premises yesterday with James F. Price, assistant State's attorney, and officials of the Fire Incendiary Bureau of the Fire Department.

Firemen were called to the building shortly after 11 P.M. Saturday, six hours after the fire in another clothing establishment two doors to the west.

When they arrived on the scene smoke was coming from a third floor window of the building, and the basement of the Oyster Bay Restaurant which occupies the first floor was filled with heavy smoke issuing from an elevator shaft.

Evidence Reported Found

The alarm was answered by equipment from No. 15 Engine Company, two of whose men, Capt. Daniel Riordan, commander of the company, and Firefighter Andrew Duffy, Jr., were suffocated when flames, following a violent explosion during the afternoon fire blocked their escape.

Patrons in the first-floor restaurant were ordered out when the smoke in the basement was discovered by Zacharias Zacharious, bartender at the establishment.

The proprietor of the restaurant said firemen had to remove a door leading to the upstairs floors to get into the building and searched the premises for 20 minutes before discovering evidence on the third floor of a fire having been set.

Goldberg On Third Floor

Windows in the building were opened for ventilation and when police arrived on the scene shortly afterward they arrested Mr. Goldberg on the third floor.

Captain Kenealy declined to reveal the exact nature of the "evidence" found, or exactly where Goldberg was at the time of his arrest on the third floor.

The defendant was interrogated at Central Police Station and docketed for "investigation" at 1 A.M. The official charge was entered later in the morning.

Treated For Burns

At the request of Rubin Gertz, attorney for Mr. Goldberg, William H. Maynard, deputy State's attorney, was called by telephone and arrangements were made for Magistrate Cadden to come to the Central Police Station for the posting of bail for Mr. Goldberg's release.

Before the defendant was released, he was taken to Mercy Hospital by Lieutenant Mooney, where he was treated by a staff doctor for burns on wrist and burns on the fingers of both hands.

Meanwhile, Mr. Price had arrived at the station to begin investigating for the State's attorney's office.

Other Fire Being Probed

The defendant was released shortly after 3 A.M. in the custody of his brother, Dr. Sigmund Goldberg, according to police.

Later in the day, investigators visited the premises with employés of the clothing company and made a minute inspection of all four floors.

The Fire Department was represented by Capt. Edward Eller, of the Fire Incendiary Bureau, during the investigation.

The cause of the fire at 117-121 West Baltimore street in three buildings owned by the Manufacturers Clothing Outlet stores, which makes and sells men's clothing, was still being investigated yesterday.

Fireman Also Injured

In addition to the firemen killed, another firefighter, Anthony Herr, of No. 15 Engine, was injured when he was struck by a falling timber.

Rescued by other firemen, he was admitted to the South Baltimore General Hospital with a back injury. He was later released from the hospital.

Ten other firemen in the building at the time of the explosion were blown into the street by the blast.

Funeral services for Captain Riordan wil be conducted at 8.30 A.M. Wednesday at a funeral establishment at North and Pennsylvania avenues.

A requiem mass will be said at St. Edward's Catholic Church, Poplar Grove street near Lafayette avenue, at 9 A.M., and burial will follow in the Lorraine Park Cemetery in Woodlawn.

The 37-year-old captain is survived by his wife, Mrs. Eleanor Riordan, of 840 Whitmore avenue; a daughter, Patricia, 12, and his parent, Mr. and Mrs. John Riordan.

Engaged To Be Married

Funeral services for Fireman Duffy, 26, who was engaged to be married in May, will be held at the home of his parents at 2244 Cecil avenue, at 8.30 A.M. Wednesday. He will be buried in the New Cathedral Cemetery.

In addition to his parents, Mr. and Mrs. Andrew Duffy, he is survived by two sisters, Mrs. John Wolfe and Mrs. Walter Zawadski, and a brother, Francis, who is studying for the priesthood in St. Louis.

FINGERPRINT CLASS SET UP

Murrell Calls Police Training Plan 'Interesting'

A Police Department plan to have fingerprint men on 24-hour duty in each district was termed "very interesting" last night by an assistant State's attorney who Saturday charged that police fingerprint experts "couldn't find an olive in a martini."

The program to expand local fingerprint facilities followed a charge by Alan H. Murrell before the Supreme Bench that fingerprints during his time in office had never been used in the prosecution of a criminal.

Col. Beverly Ober, police commissioner, declined to comment on Mr. Murrell's statement, but announced that a Federal Bureau of Investigation instructor would train about 60 local officers for the eight districts.

Men Picked For Course

Police officials yesterday had piked the men who were to take the three-week course starting March 6.

It was reported that six men from each district would attend the courses, and that two would be assigned to each shift.

When informed of the program Mr. Murrell said he thought it was "very interesting" and added that he thought the place for fingerprint men was in the districts.

Police "don't even bother" with prints in most cases, the assistant State's attorney remarked.

Stolen-Car Cases

"I know there never has been a systematic effort to take fingerprints off the steering wheels of stolen automobiles," he said.

Recalling that the identification of the driver of a stolen car often caused his office a great deal of difficulty, he said the application of finger printing was badly needed in connection with auto thefts.

"The thieves are not going around wearing boxing gloves," he remarked.

"I don't think there is the slightest application of the modern-day approach to fingerprinting," Mr. Murrell added.

Wells Remembers Case

Meanwhile, two other persons—J. Bernard Wells, State's attorney, and Sergt. William J. Flynn, of the fingerprint section of the Bureau of Identification—contended that Mr. Murrell had failed to credit police fingerprint men for their assistance in several cases.

Mr. Wells, remarking that he did not want to get in an argument with his assistant, said he remembers getting a conviction about twelve years ago with the assistance of prints made by policemen.

Sergeant Flynn recalled a case less than a year ago where police fingerprints assisted in obtaining a conviction.

EVE. SUN 2/6

Fatal-Fire Case Investigated By Arson Squad

The Fire Department's arson squad launched an investigation today to determine the cause of Saturday's six-alarm fire, in which two firemen lost their lives.

Members of the department's fire incendiary bureau went to the building occupied by the Manufacturers Clothing Outlet Stores, 117-121 West Baltimore street, to make a minute inspection of the heavily damaged interior.

It was the second multiple-alarm blaze in the building in less than a year.

Last April 19, a four-alarm fire wrecked the Globus Restaurant No. 2, which occupied the first floor of 121 West Baltimore street. The flames spread to upper levels used by the clothing concern.

Five Firemen Injured

Five firemen were injured battling the early morning blaze in the restaurant, which no longer is located in the building.

Saturday's fire, like the one which occurred last April, is believed to have started in the basement, in or near a store room.

In both instances, the first floor was a "roaring inferno," firemen said, within minutes after apparatus arrived and firefighters started to fight the blazes.

Flames on both occasions prevented firemen from raising ladders to upper levels so they could confine the fire.

150 Forced To Flee

Saturday's fire was discovered by employés who first noticed smoke issuing from electric switches on the walls.

Approximately 100 customers and another 50 employés fled the building, many at the urging of Salvage Corpsmen, the first to reach the clothing store.

Battalion Chief John Knorlein, head of the incendiary bureau, and several others in his squad, visited the building today in an effort to fix the origin of the fire.

A violent explosion, thought to have been caused by gasses and smoke, occurred while an estimated dozen firemen and Salvage Corpsmen were near the rear of the first-floor interior.

Flames Block Rescue

Two of the firefighters, Capt. Daniel Riordan and Fireman Andrew Duffy, both of No. 15 Engine Company, were apparently knocked unconscious and suffocated before other firemen could penetrate a wall of flames that blocked rescue efforts.

A third fireman, Anthony Herr, also of No. 15, was hit and injured by a piece of timber knocked loose by the blast.

Funeral services for the fatally injured firemen will be held Wednesday.

EVE. SUN - 2/6

Mayor Assails Muth, Ex-Ally, For Park Board Charges

Mayor D'Alesandro today gave a blistering reply to charges from his former ally and personal friend, City Councilman William J. Muth, of a "whitewash" in the Park Board investigation case.

The Mayor denied the charges and said:

"It has become rather obvious now that Mr. Muth is well down the road to political degeneracy and has become a willing pawn or stooge for unsuccessful political elements who can no longer do anything but make irresponsible attacks."

Biddison Letter Released

He also made public a letter from City Solicitor Thomas N. Biddison, who was involved in the Muth charges, in which Mr. Biddison denied what he called "the most recent claptrap" from the Councilman.

Mr. Muth yesterday made a general attack on the city-administration investigation of alleged irregularities made by Myer J. Cohen, a superintendent of construction for the Board of Recreation and Parks.

The Councilman recalled previous investigations of such matters as veterans defective housing and the cost-plus irregularities, and suggested that the present inquiry is to be "a final whitewash" conducted behind an "iron curtain of secrecy."

Muth's Sentiments

The Mayor's reply today apparently sought to trace Mr. Muth's sentiment to poliitcal factionalism and to identify the Councilman with the anti-D'Alesandro forces led by William Curran.

He said: "In the early part of his brief political career it appeared for a while that the people of Baltimore, particularly in the Fifth district (Mr. Muth's district), were being represented by a sincere, aggressive legislator working solely in the interests of his constituents."

Since then, the Mayor went on, Mr. Muth made his alliance with the "unsuccessful political elements," understood to mean the Curranites.

Commended By Judge

He added that despite Mr. Muth's complaints about the city's investigation of alleged irregularities in veterans housing, Mr. Biddison had been commended by Judge Herman M. Moser after numerous convictions had been made.

"Mr. Muth commits the same sort of error, apparently with deliberation, in his reference to the cost-plus investigation," the Mayor said. "In this case he extends his irresponsible attacks to the grand jury which he accused of allowing itself to be 'stampeded' in connection with its indictment."

The Mayor added a reassurance of his confidence in Mr. Biddison and promised "that he will do a thorough conscientious job in the Park Department investigation."

Hit-Run Fatality Trial Begins

Walter Stankiewicz, 33, charged with manslaughter in three traffic deaths, today went on trial before Judge Joseph Sherbow in Criminal Court after entering a plea of not guilty.

The 33-year-old former seaman, who was presented the key to the city several years ago after repatriation from Nazi Germany, is charged with driving the hit-and-run car that killed three men last December 3 at Monument and Potomac streets.

The victims were Andrew Lockman, 70; John Vogt, 80, and Harry Edgett, 64. All lived in the vicinity of the accident.

Other Driver Testifies

Stankiewicz, who lives in the 5600 block Wright avenue, had been speeding at 35 miles an hour or more just before the accident, according to the testimony of another motorist who said he had followed the man purposely.

The witness said that Stankiewicz had cut him off without reason. The witness said he saw Stankiewicz's car contine for a block and turn off Monument street after the fatal accident.

Goldberg Under Mental Care

Leon L. Goldberg, who is at liberty under $10,000 bail awaiting a hearing on a charge of "wilfully setting fire" to his place of business at 113 West Baltimore street, has been committed to a mental institution, the State's attorney's office was informed today.

G. C. A. Anderson, attorney for Goldberg, told William H. Maynard, deputy State's attorney, that the 37-year-old clothing manufacturer was admitted to the hospital for observation.

Hearing Due Thursday

Goldberg, who lives in the 4100 block Wentworth road, is scheduled for a hearing on the arson charge in Central Police Court at 4 P.M. Thursday. He is owner of the Goldberg Clothing Manufacturing Company, which occupies the upper four floors of the West Baltimore street building, where firemen extinguished a blaze Saturday night.

The defendant was arrested on the third floor of the building, where firemen and police allegedly found evidence of a deliberately set fire.

NEWS - 2/6

Clothing Man Accused Of Arson

A thirty-seven-year-old clothing manufacturer today was being held in $10,000 bail on a charge of setting fire to his plant at 113 West Baltimore street, two doors from the scene of Saturday's six-alarm blaze in which two firemen were killed.

The cause of the fatal fire at 117-121 West Baltimore street is being investigated.

The arson case was turned over today to the State's Attorney's office. Meanwhile, police declined to discuss it. The defendant is Leon Goldberg of the 4100 block Wentworth avenue.

Goldberg has been placed in a sanitarium, his counsel, G. C. A. Anderson, informed Deputy State's Attorney William H. Maynard today.

The prosecutor's office proceeded, however, with plans to arraign Goldberg Thursday in Central Police Court.

Goldberg was arrested early yesterday at his Baltimore street plant. The plant is separated from the scene of the six-alarm fire by a hamburger shop and a narrow alley or areaway.

FIREMEN ON SCENE

The fatal fire at 117-121 West Baltimore street started Saturday afternoon about 2.45. While firemen and police were still on the scene late Saturday night they were called to the building at 113.

Goldberg's place occupies the upper floors of 113. Firemen said smoke was coming from the third-floor windows and also from the basement.

As a precaution patrons of the Oyster Bay restaurant on the first floor were ordered out.

Restaurant employees said firemen had to remove an outside hall door or street door to get to the upper floors. Goldberg, according to the police, was on the third floor when arrested and had burns on both hands and one wrist.

TREATED AT HOSPITAL

He was treated at Mercy Hospital and taken to the Central Police Station and charged. Magistrate James R. Cadden was called from his home and at about 3 A. M. Goldberg was released on $10,000 bail in care of his brother, Dr. Sigmund Goldberg.

Later yesterday a minute examination was made of all four upper floors of the building at 113 West Baltimore street.

Capt. John B. Kenealy said that when Goldberg was arrested windows on the third floor had been opened. Captain Kenealy was one of three officers who made the charge against the defendant.

TWO LOSE LIVES

The firemen killed in the six-alarm blaze at the Manufacturers' Outlet Clothing Store, at 117-121 West Baltimore street, Saturday were Capt. Daniel Riordan and Andrew Duffy, of No. 15 Engine Company.

They were felled in the burning building by an explosion. Other firemen brought them out but efforts to revive them failed.

Dr. Oliver S. Lloyd, Fire Department surgeon, said they died of suffocation and burns.

AFRO-AMERICAN 2/4/50

We Hope Wells Will Run

J. Bernard Wells is toying with the idea of running for his fifth term as State's Attorney for Baltimore.

Mr. Wells's record in office since he first became associated with the State's Attorney office in 1920 supports his contention that he represents all the people and is partial to none.

J. BERNARD WELLS

Mr. Wells has often demonstrated his belief that the government should function for the weak and underprivileged and the public should concern itself with the problems of these people in an understanding and obligatory manner.

His democratic administration has often won the commendation of judges, grand juries, the Criminal Justice Commission, the Monumental Bar Association and outstanding citizens.

His public service has been a credit to all of the people of the city, and we hope that he makes up his mind to run for re-election. He will get our sincere support.

MORN. SUN 2/7/50

Leon L. Goldberg In Mental Hospital

Charged with arson in connection with a fire at his place of business Saturday night, Leon L. Goldberg, 37-year-old clothing manufacturer, has been committed to a mental institution, the State's attorney's office was notified yesterday.

Goldberg, whose home is in the 4100 block of Wentworth road, was free in $10,000 bail pending a police court hearing Thursday. The fire in the 100 block West Baltimore street was only two doors from the scene of a six-alarm blaze in which two firemen were killed earlier Saturday.

G. C. A. Anderson, attorney for Goldberg, proprietor of the Goldberg Clothing Manufacturing Company, informed William H. Maynard, deputy State's attorney, that the accused had been admitted to a hospital for observation.

Meanwhile, the Incendiary Bureau of the Fire Department checked through the ruins of another clothing firm in which the two firemen were killed. This fire, at the Manufacturing Clothing Outlet Stores, was the second multiple-alarm blaze on the premises within a year.

MORN SUN - 2/7/50

AUTO DRIVER ACQUITTED IN 3 FATALITIES

Judge Rules Testimony Fails To Prove 'Gross Negligence'

Judge Joseph Sherbow in Criminal Court yesterday acquitted Walter Stankiewicz, 33-year-old seaman, of manslaughter charges placed against him last December after his automobile struck and killed three men who were crossing Monument at Potomac street.

Judge Sherbow ruled that the testimony failed to prove that Stankiewicz, who lives in the 5600 block Wright avenue, was guilty of "gross negligence," an element necessary to be proved before a manslaughter verdict can be found.

The judge pointed out the fact that the defendant failed to stop after he struck the three men and fled from the scene played no part in the question of guilt or innocence.

Emotional Response

The judge said flight may be an indication that the defendant knew he was guilty of having killed someone, but it is not proof that he was guilty of the technical charge of manslaughter and the proof necessary to sustain it.

The verdict brought considerable emotional response from the court spectators.

The defendant's wife screamed and cried with joy when the judge acquitted her husband.

Several relatives of the traffic victims also screamed and rushed at the defendant, pointing an accusing finger at him and accusing him of killing their father.

Stankiewicz remained silent with his head down while court attachés attempted to quell the outburst and escort those involved from the courtroom.

A Quiet "I'm Sorry"

To one of his accusers, Stankiewicz murmured a quiet, "I'm sorry."

Killed in the accident were John Vogt, 82, of the 2900 block East Monument street; Andrew Lockman, 59, of the 500 block North Potomac street, and Harry Edgett, 64, of the 3000 block East Monument street. The accident ocurred last December 3.

Judge Sherbow pointed out that the accident was a "tragic" one, in which three men were killed by a motorist who failed to stop and give first aid, but he said the court was limited in the case by the legal definition of automobile manslaughter.

The judge said under the law there must be proof that an automobile was operated in a "grossly negligent manner" to sustain a manslaughter conviction.

He pointed out he was called on to decide, beyond a reasonable doubt, that the actions of Stankiewicz at the time of the accident amounted to gross negligence.

Judge Sherbow said it was easy in the case "to be carried away by feeling for the three elderly men."

Testimony disclosed, the judge said, that Stankiewicz was an inexperienced, or "green," driver, who had a driver's license only about two months at the time of the accident.

There was no testimony that the defendant was intoxicated, the judge added.

He said the only evidence of negligence was the testimony that Stankiewicz was driving at a speed of about 36 miles an hour, based on standard tests of speed deduced from the length of skid marks.

Testimony Of Defendant

The judge also pointed out that there was no direct evidence by the State as to where the three men crossed the street.

Stankiewicz testified the men walked between two parked automobiles and suddenly loomed in front of his automobile as he approached the intersection. He said he could not swerve fully to the left because of another car approaching in the opposite direction.

The judge again emphasized that what Stankiewicz did after the accident is "no proof of gross negligence," and pointed out that other statutes dealing with that phase of the case may be applied to the defendant in the Traffic Court.

Man Gets Five Years On Old Slaying Charge

Convicted of manslaughter in connection with a fatal stabbing that occurred more than seven years ago, Willis Baker, 45, yesterday was sentenced to five years' imprisonment by Chief Judge W. Conwell Smith in Criminal Court.

Baker a Negro was convicted of causing the death of Miss Gertrude Walker, his girl friend, on October 7, 1942.

EVE. SUN - 2/7

Freed Death-Car Driver Faces 5 New Charges

Five traffic-law violations have been charged against Walter Stankiewicz, the "hit-run" driver who was acquitted yesterday of manslaughter in the killing of three men struck by his automobile.

Judge Joseph Sherbow ruled in Criminal Court that there was no testimony the 33-year-old seaman was operating his car in a "grossly negligent manner" when it hit and fatally injured three pedestrians at Monument and Potomac streets last December.

In acquitting Stankiewicz of the manslaughter charge, Judge Sherbow pointed out that testimony concerning the defendant's failure to stop after hitting the pedestrians and other alleged traffic-law violations could be presented in Traffic Court.

Filed After Acquittal

Sergt. James Lyston of the Police Department's accident investigation division, said today that five traffic law violation charges were filed against Stankiewicz immediately after his acquittal on the manslaughter charge yesterday.

"Stankiewicz has been charged with reckless driving, driving at a speed greater than reasonable and proper, failing to give pedestrians the right of way, failing to stop after an accident resulting in injury or death of a person and failing to render aid after an accident," Sergeant Lystone said.

The charges will be tried in Traffic Court at 3 P.M. February 16. They were filed by Patrolman Charles Gross of the accident investigation division.

In giving his verdict, Judge Sherbow said running away may indicate the defendant knew he was guilty of killing someone, but did not prove he was guilty of the technical charge of manslaughter.

Stankiewicz, who received the keys to the city in 1945, following his return from a Nazi prison where he was held for three years after his merchant ship was torpedoed off the coast of Norway, was arrested two days after the pedestrians were killed.

The men who died in the accident were Harry Edgett, 64; John Vogt, 80, and Andrew Lockman, 70. They lived in the vicinity of the accident scene.

Woman Accuses Ex-Husband

Mrs. Ella Gross, 40, of the 4600 block York road, today charged her divorced husband, William Gross, with beating her severely, trying to drown her in a bathtub and raping her last January 9.

Testifying before Judge Michael J. Manley in Criminal Court, the woman stated that she had been divorced from Mr. Gross last December 14.

She told of two separate attacks on different dates, the first on Christmas eve.

Not Found By Police

At that time, Mrs. Gross declared, Mr. Gross came to her home and beat her with his fists. She swore out a warrant for him the next day, she said, but during several weeks that the warrant was outstanding she testified that he called her up at work almost daily with "threats to kill." Police had been unable to locate and arrest him.

The second attack occurred on the night of January 9, it was testified. Mrs. Gross went to a hospital for treatment of her injuries. A doctor testified her face was cut, bruised, and swollen and there were numerous other signs of beating on her body.

Assistant State's Attorney James F. Price prosecuted. Gross, who lives in the 5300 block Carter avenue, is represented by Max Sokol, attorney.

Court Asks Letter Edwards Saw

The Maryland Court of Appeals, it was learned today, has called for the original letter which was shown to Thomas Alexander Edwards by Detective Captain Henry J. Kriss when the Glen Burnie murder case defendant was being questioned.

The Appeals Court is considering the 24-year-old colored man's appeal from conviction and death sentence for the 1948 murders of John H. Mahlan and Miss Mary C. Kline.

The letter shown to Edwards by Captain Kriss was brought to light at the man's trial a year ago before Judges Robert France, Emory H. Niles and Joseph Sherbow, after the charges had been removed from the Anne Arundel County Court to Baltimore.

Part Of The Transcript

Although the full text of the letter had been set forth in the transcript and record that was submitted to the six appellate judges, the upper court sent for the original letter after hearing the appeals arguments.

The use of the letter by Captain Kriss was one of the sensational features of the trial. It had not been mentioned prior to Edwards's description of it when he first took the witness stand in an effort to have his confession ruled out.

The lower court judges ruled that no inducement was involved.

The letter purported to come from a prisoner named Paul Downey. While defense counsel had doubted the authenticity of the letter, police said that such a prisoner was serving a sentence at the time it was shown to Edwards in November, 1948.

The letter, dated in June, 1946, was addressed to Captain Kriss. It said in part:

"Here it is captain, you asked me to drop you a line and tell you that you were right. You were, captain. Thank you for being so patient.

"It Is Over Now"

"It is over now as far as I am concerned, so I thought I would get this over with because next week, next year won't change anything. The time I get won't matter either. You know it is really a laugh, captain, how a person who has been around as much as I could be so wrong on everything.

"All my life it's been the cop who was wrong. I know now that was not true. I made a fatal mistake of not knowing the right cop when I saw one.

"Thank you for all you tried to do. You are a square cop. That is a compliment, coming from me Lots of luck, captain."

NEWS - 2/7

Freed Driver Still Faces 6 Charges

Six traffic charges still remained today against Walter Stankiewicz, thirty-three-year-old seaman-motorist who was acquitted yesterday of manslaughter in the killing of three pedestrians on East Monument street last December.

Judge Joseph Sherbow, in Criminal Court, said that other than that the accused was driving at about 36 miles an hour, there was no evidence adduced by the State to show that Stankiewicz was negligent.

TO BE TRIED FEB. 16

The fact, Judge Sherbow said, that the man fled the scene of the accident afterward was evidence that he knew he had been guilty of killing someone, but not necessarily that he had been negligent.

The six charges still remaining against Stankiewicz will be tried February 16 in Traffic Court. They are:

1. Failing to stop after an accident.
2. Reckless driving.
3. Operating at a speed greater than reasonable and proper.

RIGHT OF WAY

4. Failing to give pedestrians the right of way.
5. Failure to stop after an accident resulting in death to a person.
6. Failure to render aid after an accident.

MORN SUN 2/8

PARKS BOARD DECLINES TO SUSPEND COHEN

Votes, 4-2, In Rejecting Recommendation Of City Solicitor

The Board of Recreation and Parks yesterday rejected an administration attempt to have Myer J. Cohen suspended as construction superintendent of the parks department.

The board voted, 4-2, to keep Mr. Cohen in the job to which he was reinstated January 26 after his suspension last year for contract irregularities.

The vote was taken immediately after Thomas N. Biddison, city solicitor, accused Mr. Cohen of nine violations of the City Charter and City Service Commission regulations and then advised the board that as a municipal body it was obligated to suspend Mr. Cohen.

How Members Voted

Voting for reinstatement were: S. Lawrence Hammerman, J. Marshall Boone, Weston B. Scrimger and R. Wilburt Marsheck.

Voting for suspension were: Robert Garrett, president, and Dr. J. Ben Robinson.

Abstaining: Dr. Bernard Harris, only Negro board member.

Mr. Cohen, a patient at Sinai Hospital for the last ten days, declined comment on the board's action and refused to predict when he will answer at a public hearing the charges against him.

These charges, signed by R. Brooke Maxwell, director of the department, failed to state time or details of commission. In brief they set forth:

1. Mr. Cohen was wantonly careless or negligent in following City Service Commission regulations.

Loss To City Alleged

2. Mr. Cohen disobeyed a superior officer with loss and injury to the city and the public.
3. Mr. Cohen failed to follow directives on handling cost-plus contracts.
4. Mr. Cohen permitted Meredith Howard, a plumbing contractor, to submit time sheets for work never performed on an authorized project.
5. Mr. Cohen neglected to carry out work orders and substituted work not properly authorized.
6. Mr. Cohen certified that Mr. Howard had completed work on jobs never performed.
7. Mr. Cohen used "dead orders" to cover the cost of other work performed by Mr. Howard.
8. Mr. Cohen approved bills submitted by Mr. Howard on labor and materials never used on authorized projects.
9. Mr. Cohen committed irregular practices recorded in court testimony of Mr. Howard.

Recommends Hearing

Mr. Biddison closed his reading of the charges with a recommendation that the board suspend Mr. Cohen and set a date for a public hearing on the accusations.

"We welcome an investigation," Mr. Hammerman said. "Everything is fine. If there is anything wrong, I don't know anything about it."

Mr. Scrimger recalled that the State's attorney's office had considered the evidence insufficient to prosecute after Mr. Cohen was indicted last year for conspiracy to defraud the city. The criminal charge was suspended but not dropped.

"Innocence Must Be Presumed"

"It is the feeling of the overwhelming majority of this board that until a man is proven guilty, his innocence must be presumed," Mr. Scrimger said.

"We feel that the action of the board in reinstating Mr. Cohen should stand," Mr. Scrimger said.

Mr. Biddison objected: "You're under a severe misapprehension if you say that the lack of a conviction means Cohen is innocent of acts which justify dismissal from city service. A man may commit many acts requiring dismissal which do not amount to the commission of a crime.

"Your suggested action is completely irregular. The charges are substantial. Your proper action as a responsible body of the city government is not to reinstate."

As To Suggestion

"The suggested reinstatement," Dr. Robinson said, "would compromise the board as a public body."

Mr. Marsheck suggested that irregularities in the department had not been confined to Mr. Cohen.

"Since the reinstatement," Mr. Marsheck said, "we have found irregularities by the person pressing these charges."

"Then file those charges and suspend Mr. Maxwell too," Mr. Biddison said.

Later, however, Mr. Marsheck said no charges are contemplated against Mr. Maxwell.

As soon as the vote was taken Mr. Garrett left the meeting to make an out-of-town business trip.

Asked to comment on the board's action, Mr. Garrett said: "I think it speaks for itself."

Reiterates Resignation Stand

Mr. Garrett also reiterated his determination to resign after the hearing for Mr. Cohen. He first submitted his resignation as a protest against the reinstatement, but Mayor D'Alesandro declined to accept it and asked Mr. Garrett to preside at the Cohen hearing.

Mayor D'Alesandro was in Annapolis yesterday when he learned the parks board had refused to follow an administration recommendation to suspend Mr. Cohen.

The Mayor said: "I disagree with the action of the board and I believe that the proper administrative course for the members to have taken would have been to follow the city solicitor's recommendation that suspended Cohen pending the hearing of the charges."

CAPTAIN EMERSON REBUKED BY COURT

Judge Manley Critical Of 'Unfair Methods'

Capt. Alexander Emerson, head of the police vice squad, who recently was praised by the grand jury, was briefly chastised yesterday by Judge Michael J. Manley in Criminal Court for "unfair methods" of investigation.

The judge's rebuke came at the trial of Miss Rebecca Rice, a Negro, of the 600 block East Twenty-eighth street, who was convicted of three lottery charges and fined $250.

Judge Manley reprimanded the vice squad leader for seeking to gain entrance into private homes by invitation instead of a search warrant to obtain evidence against numbers operators.

Miss Rice was trailed by Captain Emerson as she visited various houses before he arrested her in an automobile at Monroe and Presstman streets.

Testimony was brought out that Captain Emerson later visited these houses and attempted to gain admittance by asking to be invited in. The vice squad leader, it was disclosed, sought to find out whether any of the occupants were numbers writers.

Under such circumstances, Judge Manley said, Captain Emerson's requests carry the implication that if the owners refuse, their homes will be searched.

EVE. SUN - 2/8

'Confession' Not Admissible In Evidence

[Special to The Evening Sun]

Annapolis, Feb. 8 — The Maryland Court of Appeals today granted a new trial for Thomas A. Edwards, 24-year-old Anne Arundel county colored man, convicted of the Mahlan-Kline murders near Glen Burnie.

The appeals court reversed the trial-court conviction of Edwards, holding that an alleged confession by the defendant should not have been admitted in evidence.

In a unanimous decision, the court held that a letter read to Edwards by Capt. Henry J. Kriss, of the Baltimore Police Department, from an inmate of the Maryland Penitentiary, "constituted such an inducement as to make this confession inadmissible."

Cartridge Case Okayed

The appeals judges, however, agreed with the lower court that the confession was not obtained by threats by police officers that the accused would be lynched.

The court also ruled that a cartridge case identified by the Federal Bureau of Investigation as having been fired from Edwards's gun was admissible.

The appeal by Edwards, who was sentenced to hang for the murders of John H. Mahlan and Mary C. Kline near Glen Burnie in September, 1948, was based primarily on the admissibility of the alleged confession and the cartridge case.

Comment On Letter

Commenting on the Kriss letter, the court said:

"We are of the opinion that under the settled law of this State, the exhortation by Captain Kriss to the appellant (Edwards) to tell the truth, supported by the letter shown the appellant, amounted in effect to a recommendation that it was better for a person accused of a crime to do what the officers told him to do, constituted such an inducement as to make this confession inadmissible."

The letter which the police captain read to Edwards was from an inmate of the Maryland Penitentiary who had been questioned by the officer.

One Section Stressed

It was quoted in full in the opinion, and the court cited in particular one part of the letter:

"Next time you get a smart guy who knows, show him this letter from another wise guy, and don't forget to tell him what it cost me for not listening to you."

This, the court held, "was clearly a recommendation (by Captain Kriss) to do what the officer told him to do, that is, in this case, to tell the truth."

"From the authorities," the court said, "it is evident that it is settled law in this State that the burden is upon the State to show that a confession is freely and voluntarily made before it can be admitted in evidence.

Called Inducement

"It is also settled law," the opinion continued, "that if the accused is told it would be better for him to tell the truth, such a statement constitutes such an inducement as to make the confession involuntary and inadmissible."

The court thus based its reversal of the trial court on the ground that a "confession," made by Edwards after he had been told by the officer that it would be better for him to tell the truth, should not have been admitted at the trial.

"It is evident that this letter made some impression on Edwards," the court declared, "because although Captain Kriss did not at first testify that he showed the letter to Edwards, the appellant (Edwards) distinctly remembered it when he testified."

Regarding two alleged subsequent confessions, one to Detective Sergeant James H. Butler, of the Baltimore Police Department, and the other a transcript of notes taken by a stenographer on a crime-scene tour, the court said:

"All these statements are inseparable as one alleged confession . . . and should not have been admitted. . . . Where one confession is held to be involuntary and inadmissible, a presumption exists that any subsequent confession was made by the prior influence. . . ."

The Court of Appeals agreed that the trial court was justified in holding that the confession was not obtained "by threats made by the officers that the appellant would be returned to Ferndale (Anne Arundel county police station) and possibly lynched."

Held Proper Evidence

It also held that the cartridge case, found nine days after the murders off Chesterfield road, where the bodies were found, was proper evidence, since it had been identified by the FBI as having been fired from a pistol belonging to the accused.

Concluding the decision, the court said:

"As we find that the alleged confessions of the appelant should not have been admitted in evidence, the judgments will be reversed and the case remanded for new trials."

The opinion was written by Judge Stephen R. Collins and concurred in by the other five members of the tribunal.

Attorney Pleased

William J. McWilliams, one of two court-appointed attorneys for the defense, expressed "great satisfaction" with the decision.

State's Attorney James C. Morton, who headed the prosecution, was not immediately available for comment.

The case will be sent back to the Criminal Court for Baltimore City for a new trial, in which, presumably, the State will have to prosecute without a confession.

The Court of Appeals yesterday asked for a copy of the letter which Captain Kriss is alleged to have showed Edwards.

The letter, signed by Paul Downey, expressed sorrow at having failed to follow the captain's advice to tell the truth.

Mr. Wahlan, 25, and Miss Kline, 18, were killed September 17, 1948.

Auto Found In Field

Their bodies were discovered two days after Mr. Mahlan's blood-stained car was found in a bean patch off the Old Annapolis road near Lipins Corner.

The bullet-ridden bodies lay in a clearing off the Chesterfield road, about 26 miles from where the car was found.

Later, an empty cartridge was found near where Miss Kline's body lay.

Agents of the FBI, at the trial, testified that the cartridge had been fired from a gun found in the cupboard in the home of Rufus Edwards, father of the accused, near Marley Creek.

Edwards was convicted by a three-judge court comprised of Judges Robert France, Emory H. Niles and Joseph Sherbow.

To Leave "Death Row"

As soon as Penitentiary officials are notified that Edwards has been granted a new trial, the prisoner will be removed from "death row," Harold E. Donnell, head of the Department of Correction, said.

Edwards has been confined to a cell in the shadow of the gallows since his conviction. Four other men are in the death house awaiting execution.

Mr. Donnell said that usually a doomed man granted a new trial is remanded to the jail from which the penitentiary received him. In Edwards's case it would appear that he would be returned to the Baltimore City Jail, since his trial was held here on a change of venue from Anne Arundel county.

The appeals court, it was pointed out, could specify that the prisoner be held at the penitentiary until the new trial date is set.

Delay In Abortion Cases Refused

Chief Judge W. Conwell Smith today ordered defendants in a conspiracy and abortion case series to file special motions and pleas by February 17, but ruled against any indefinite delay in the cases.

Indefinite delay had been sought by counsel for Dr. Albert E. MacCrowe, 72-year-old physician who is charged with nine other persons in both sets of cases.

Described As Ill

Dr. MacCrowe, who now lives near Kingsville, was described as being critically ill. He has been incapacitated for months, and a court appearance could cause death, his attorneys contended.

Judge Smith, after reading medical reports, commented that the physician seems to be "suffering from a stroke and old age." The judge said that indefinite delay could not be granted, and directed that counsel be ready to enter a plea after the court rules upon the motions the defense has indicated it will file.

House Burglary Costs 3-Year Term

Burglary of the Overhill road home of Dr. David Allen Robertson, former president of Goucher College, resulted yesterday in a three-year House of Correction sentence for Arnold Lehardy, 27.

Lehardy, who had been living in a downtown hotel, was sentenced by Judge Michael J. Manley.

The man was arrested January 20 after police were told that someone had broken into the Robertson house, which was then vacant. J. Harold Grady, assistant State's attorney, told the court that Lehardy had a criminal record.

BALTIMORE, WED., FEB. 8, 1950

Park Board Action

After reading a list of nine charges of irregularity against Mr. Myer J. Cohen, parks construction superintendent, the city solicitor yesterday advised the Park Board to suspend him. The board voted, 4 to 2, against such a move and Mr. S. Lawrence Hammerman, apparently speaking for the majority, said:

Everything is fine. If there is anything wrong, I don't know anything about it.

Mr. Robert Garrett, who presided at the meeting, although he had submitted his resignation as board chairman, said of the board's action that it spoke for itself. So does the contrast between the positions of Mr. Biddison and Mr. Hammerman.

The next move in this sorry affair is up to Mayor D'Alesandro. He has been on the right track so far in this matter, but he will have to be more decisive if he is to get anywhere.

NEWS - 2/8/50

MARY KLINE
Glen Burnie girl slain in September, 1948.

JOHN MAHLAN
Other murder victim.

New Trial To Edwards Granted In Glen Burnie Case; Reject Confession

The Court of Appeals today granted a new trial to Thomas Alexander Edwards, convicted Negro slayer in the 1948 slayings of John H. Mahlan and Miss Mary C. Kline near Glen Burnie, Anne Arundel county.

Judgment of the lower court, which convicted Edwards, was reversed on the ground that "the alleged confession" of Edwards "should not have been admitted in evidence."

In a 15-page opinion the Appellate Court held that statements made by Police Capt. Henry J. Kriss to Edwards, urging the prisoner to tell the truth about the case, constituted "an inducement as to make the confession involuntary . . . and therefore inadmissible."

VOLUNTARY REQUIREMENT

Supporting this view, the Court of Appeals' ruling stated:

"From the authorities it is evident that it is settled law in this State that the burden is upon the State to show that a confession is freely and voluntarily made before it can be admitted in evidence.

"It is also settled law in this State that if the accused is told it would be better for him to tell the truth, such a statement constitutes such an inducement as to make the confession involuntary and inadmissible.

"In the case at bar, Captain Kriss admits that he urged the appellant just before the confession was made to tell the truth.

"He also admits that he showed to the appellate a letter purporting to have been written to Captain Kriss by an inmate of the Maryland Penitentiary in which the writer forcefully admits that he made a mistake in not listening to the officer.

CLEAR RECOMMENDATION

"The statement in the above letter, 'Next time you get a smart guy who knows, show him this letter from another wise guy, and don't forget to tell him what it cost me for not listening to you,' was clearly a recommendation to do what the officer told him to do—that is, to tell the truth.

"Instead of Captain Kriss telling the appellant that it would be better for him to tell the truth, this statement was made to the appellant through a third party who had been in custody and who had refused to do what the officer wanted him to do.

"This was exactly the situation of Edwards when this letter was shown to him.

HELD INADMISSIBLE

"We are of the opinion that under the settled law of this State the exhortation by Captain Kriss to the appellant to tell the truth, supported by the letter shown the appellant by Captain Kriss, which amounted, in effect, to a recommendation that it was better for a person accused of a crime to do what the officers told him to do, constituted such an inducement as to make this confession inadmissible."

The letter to Captain Kriss, according to the high court's opinion, was dated June 21, 1946, and, accordingly, had no bearing on the Mahlan-Kline case beyond the fact that it urged truth-telling by an accused person.

REJECTS OTHER POINTS

The Appeals Court held there had been no unlawful detention of Edwards to constitute denial of due process under the Fourteenth Amendment to the Constitution of the United States, and that the State was justified in introducing into evidence a cartridge casing which had been picked up at the scene where the bodies of Mahlan and Miss Kline were found.

In this connection, the court said:

"Implements of crime are admissible in evidence if they are so connected with the crime or the accused as to throw light upon a material inquiry in the case."

CARTRIDGE IDENTIFIED

The cartridge case in question was found nine days after the murders and was turned over to Anne Arundel county police by the finders, who, in turn, delivered the cartridge to the Federal Bureau of Investigation in Washington.

The FBI identified the cartridge as having been fired from Edwards' gun.

The Appeal Court's opinion discussed at some length the circumstances of Edwards' detention in the Ferndale Police Station, and in the Waterloo State Police Barracks, with particular reference to statements alleged to have been made to Edwards by police that they were holding him at Waterloo to "keep the people from Glen Burnie from lynching you."

The high court held:

"We agree that the trial court, in view of the denials made by the officers, was justified in holding that the confession was not obtained because of threats made by the officers that the appellant would be returned to Ferndale and possibly lynched."

Discussing the alleged confession that Edwards made after he had been taken by police on a tour of Anne Arundel county to spots involved in the dual murders, the Appeals Court said:

"Where one confession is held to be involuntary and inadmissible, a presumption exists that any subsequent confession was made by reason of the prior influence, and this presumption must be overcome by the State before a subsequent confession can be offered.

MUST SHOW PROOF

"The improper influence which produced the first confession is presumed to be still in effect until a cessation of that influence is definitely shown, and the evidence to overcome and rebut such a presumption must be clear, strong and satisfactory, and any doubt on this point is resolved in favor of the accused."

The murder of Miss Kline and Mahlan was one of the most sensational crimes in the history of Anne Arundel county.

KILLED IN SEPTEMBER, 1948

The slayings took place on September 17, 1948, and their bodies were found three days later in a clearing beside a country road 25 miles from the murder scene.

Edwards, a sugar refinery worker, who lived less than two miles form the scene of the murders, was arrested on November 8, 1948, and was tried in Criminal Court in Baltimore on a change of venue from Anne Arundel county.

MORN SUN 2/9

Pleas Due Feb. 17 In Abortion Cases

Ten persons, including Dr. Albert E. MacCrowe, 72, a physician, yesterday were given until February 17 to file special motions and pleas to abortion and conspiracy charges against them in Criminal Court.

Chief Judge W. Conwell Smith refused to grant an indefinite delay in the criminal proceedings. Counsel for MacCrowe had sought an indefinite postponement on the ground that the physician is critically ill at his home near Kingsville, and is unable to appear in court or to discuss the question of pleas with his attorneys.

Dr. MacCrowe formerly had offices on Liberty Heights avenue. Other defendants in the series of cases are Mrs. Laura Hitchens, Mrs. Freda M. Coffman, Mrs. Marie Coffman, Raymond W. Coffman, Edward C. Coffman, Chris T. Campbell, Paul T. Leather, Thelma Ensor and Mary Taylor.

Goldberg Gets Hearing Today On Arson Charge

Leon L. Goldberg, charged with arson after his arrest in a smoke-filled building at 113 West Baltimore street Saturday night, will receive a hearing this afternoon in Central Police Court.

Goldberg, 37, a clothing manufacturer, was taken into custody on the third floor of the building located two doors away from the scene of a six-alarm fire fatal to two firemen earlier the same day.

Sunday he posted $10,000 bail and was released. The following day police were notified he had been committed to a mental institution for observation.

MORN SUN 2/9

BALTIMORE, THURSDAY, FEBRUARY 9, 1950

Mechanical Defects And Accident Deaths

On Monday, in Criminal Court, a man was acquitted of manslaughter charges arising out of an accident in which his automobile struck and killed three men. He was acquitted because the judge held that the evidence did not prove "gross negligence." As Judge Sherbow said, he was a "green driver" and had held his driver's license for only two months.

It is not our purpose to offer any opinion regarding the outcome of the case. But there is one aspect of it which should not be lost sight of, in view of the current discussion of the causes of accidents. This case offered no suggestion that the three men died as a result of any mechanical defect in the car which struck them. The issue turned simply on the question whether the driver was guilty of "gross negligence," and no one ventures to suggest or imply that, had there been compulsory State automobile inspections, the accident would not have happened.

At Annapolis the Legislature has before it a bill for compulsory automobile inspections. The implication behind the bill is that defective automobiles are responsible for much of the death toll of our streets and highways.

We submit that this underlying assumption is wrong, and that most of the fatal accidents on our highways are properly attributable to incompetent drivers, dangerous intersections, other hazardous conditions, and human frailty, rather than to mechanical defects. We submit that fluctuations in the death rate on the highways are largely independent of State compulsory inspection programs. In Connecticut, where a system of compulsory inspection prevails, the death rate on the highways in January of this year was approximately twice what it was in January of last year.

MORN SUN 2/9

STATE TO PUSH SECOND TRIAL FOR EDWARDS

Court Of Appeals Overrules Mahlan - Kline Murder Conviction

State prosecutors will soon start preparing their case against Thomas A. Edwards for the new trial granted him in the Mahlan-Kline murders, James C. Morton, State's attorney for Anne Arundel county, said yesterday.

Edwards, 23-year-old Negro, yesterday was freed from a death sentence when the Court of Appeals, ruling he had been coaxed into confessing the double slaying, overruled a first-degree murder conviction.

The State's highest court, in a unanimous opinion, declared Capt. Henry J. Kriss, chief of Baltimore detectives, had improperly "exhorted" Edwards to confess the dual murder.

Other Confessions Cited

In its decision, the Court of Appeals also ruled inadmissible two other confessions Edwards allegedly made after his arrest, and ordered the case sent back to the lower court for a new trial.

The Anne Arundel county prosecutor, head of the legal staff that got the first conviction against Edwards, said he would start work shortly on the new case, in which, presumably, the confessions will not be admitted.

The reversal was a victory for William J. McWilliams, court-appointed attorney for the defendant, who has maintained for the past year that the Glen Burnie murders have yet to be solved.

Mr. McWilliams, who has consistently argued that Edwards was a "frame-up" victim, expressed "great satisfaction" with the decision.

Bases Decision On Letter

In ordering that Edwards be given a new trial the Court of Appeals based its decision on a letter which Captain Kriss admittedly showed Edwards before taking his confession.

The letter, signed by a Paul Downey, then supposedly a resident of the Penitentiary, expressed sorrow for not having taken Captain Kriss's advice.

"Next time you get a smart guy who knows," the letter said, "show him this letter, from another wise guy. And don't forget to tell him what it cost me for not listening to you."

Collins Writes Opinion

Judge Stephen R. Collins, who wrote the opinion, declared:

"It is evident that this letter made some impression on Edwards."

Captain Kriss, he noted, did not mention the letter during his trial testimony, but Edwards "distinctly remembered it when he testified."

Pointing out that legal precedents make a confession inadmissible if it was obtained by inducement, the opinion states:

"Instead of Captain Kriss telling Edwards that it would be better for him to tell the truth, this statement was made to Edwards through a third party who had been in custody and who had refused to do what the officer wanted him to do."

Earlier oral statements in which the captain urged Edwards to tell the truth, the Court added, were also out of order.

"We are of the opinion that . . . the exhortation by Captain Kriss to the appellant to tell the truth, supported by the letter shown the appellant by Captain Kriss . . . constituted such an inducement as to make this confession inadmissible," the opinion concluded.

Ruling On Confession

The court also ruled later confessions Edwards allegedly made to Sergt. James H. Butler, while in a cell at police headquarters, and to police officers while touring Anne Arundel county the next day, were inadmissible.

Both statements, the opinion ruled, "were just an echo of what had been told to Captain Kriss and were not as harmful to the appellant as the first confession."

"All these statements are inseparable as one alleged confession, and, for the same reason that the alleged confession to Captain Kriss should not have been admitted, the Butler statement and the . . . transcript are likewise inadmissible."

Mr. McWilliams, in his appeal to the high court, had also argued a cartridge case fired from Edwards's gun and found at the murder scene should not have been admitted as evidence.

The Court Disagreed

With this, the court, disagreed.

The defense argued the bullet was not clearly enough identified by police for the trial court to be sure it was the same cartridge later tested by the FBI and matched with Edward's gun.

"The State," Judge Collins wrote, "traced the casing to the FBI. If this cartridge casing which was picked up nine days after the alleged murders had not been identified as having been fired from Edwards's gun, it would not be admissible. . . .

"Implements of crime are admissible . . . if they are so connected with the crime or the accused as to throw light upon a material inquiry in the case."

The confession which was struck down stated that Edwards became angry when John Mahlan's car ran him off the road September 17, 1948. Edwards, still enraged, chased the car, on foot, ¾ of a mile, shot Mahlan in the head, then clubbed Miss Mary Kline with the pistol when she tried to dash into the woods.

NEWS - 2/9/50

Louis Azrael Says: ARE CONFESSIONS REALLY VOLUNTARY?

By LOUIS AZRAEL

You can walk into Criminal Court almost any day and, within an hour or so, hear several cases in which prisoners confessed to crimes. Often, these confessions are the most important part of the evidence.

Now, police won't admit this; neither will prosecuting attorneys. The fact, however — and they know it—is that many of these confessions would be thrown out of court if the judges knew exactly how they were obtained.

The point was fully discussed by Maryland's highest court yesterday when it decided that Thomas A. Edwards, convicted of killing two persons, should have a brand-new trial. At this trial, the court said, prosecutors must not use the confession which Edwards made shortly after his arrest.

This confession, said the court, was not made voluntarily. Police "induced" Edwards to make it. Therefore, it was illegally obtained.

HE WAS LUCKY

Actually, this case differs in only two respects from many others in which confessions are used as evidence.

First, Edwards happened to have a lawyer who was willing and able to fight the case vigorously. Incidentally, Edwards didn't have money enough to employ counsel. Ex-Judge William McWilliams was appointed by the judges and paid by the State.

Second, the court didn't have to depend entirely on verbal testimony to know what happened while police were getting Edwards' confession. It happened that, when talking to Edwards just after the arrest, Police Captain Kriss showed him a letter from a penitentiary inmate. This letter said, in part:

"Next time you get a smart guy, show him this letter from another wise guy and don't forget to tell him what it cost me for not listening to you."

The judges said that by showing the prisoner this letter and by urging him to tell the truth, Capt. Kriss had offered such an inducement that the confession could not be considered voluntary.

THEY CAN'T PROVE IT

Without the letter, the judges would have had only the prisoner's word against the police witnesses. That's what most prisoners would have if they were to appeal their cases. And that, normally, wouldn't be enough.

But anyone familiar with policing knows that few confessions really come entirely voluntarily, merely at the request of police.

Often, suspected men are questioned for many hours, even days. It stands to reason the police don't spend all this time saying, "It would be very kind of you to confess."

Legally, however, they can't say much else. As the court pointed out yesterday, even if they say, "It would be better for you to tell," the confession is bad and should not have been presented in court.

Since nobody is in the room except police and the prisoner, it is usually impossible for the latter to prove what actually took place.

A TRIBUTE

Several other things are to be noted about the Edwards case.

One is that on the retrial, without the confession, his chances of going free are much greater.

Another is that the Appeals Court did not suggest the confession was false; it merely said it was improperly obtained.

The third is that a penniless Negro got legal services, at the State's expense, equal to those which a millionaire could have bought. He got, also, the benefit of every legal technicality available under the law.

Regardless of the ultimate outcome; regardless of Edwards' guilt or innocence, this is a tribute to the processes of American law.

O'Dunne Says:

Kriss Words Got Edwards New Trial

When Capt. Henry J. Kriss told Thomas A. Edwards "it would be better" for him to confess, that confession automatically went out of the case, former Judge Eugene O'Dunne said today in discussing the reversal of Edwards' conviction in the Mahlan-Kline murders.

The Court of Appeals in a unanimous opinion yesterday ordered a new trial for Edwards based on the fact that Captain Kriss had told Edwards he'd "better" tell the truth.

Judge O'Dunne, who for many years was a prosecutor and later a judge with wide Criminal Court experience, said the word "better" was the key to the whole situation. He said:

"A police officer during his many hours of questioning a prisoner can beg him to tell the truth, he can say 'please' tell the truth, he can tell him he 'ought' to tell the truth.

"But the law holds that when a police officer uses the word 'better' he is offering an improper inducement to the prisoner.

"The word 'better' is important—it is as broad as the imagination of the prisoner.

"The prisoner may say to himself:

"'What is going to happen next? Maybe I'm going to get my head knocked off if I don't confess.'

THEY PROVED IT

"In the old days that's just what the police officers used to do, tell prisoners they'd better confess and then prove it to them by the use of force and violence.

"The best way and the right way to obtain a conviction is through proper evidence, and the courts have ruled that an induced confession is not proper evidence.

"The Court of Appeals decision was entirely in accordance with the law."

OUT OF DEATH HOUSE

Today Edwards was slated to be moved from the death house to another part of the Penitentiary, as soon as the official mandate of the Appellate Court is received.

Meantime James C. Morton, Jr., State's Attorney, was marshalling his case to see if he could convict Edwards without the confession. Attorney William J. McWilliams, court-appointed defense attorney, said:

"I'm going to Florida for a two-week rest."

Cohen Probe Pressed By Park Board

Investigation of charges of official irregularities against Myer J. Cohen, assistant superintendent of construction in the Bureau of Parks, will be pushed as rapidly as possible, the Park Board said today.

A statement issued by the board said:

"The board will move in an investigation of the charges that have been preferred against Cohen as rapidly as it can, consistent with the ability of the City Solicitor's office to assist in carrying on the hearings."

The investigation and hearings were decided on at the Park Board's meeting Tuesday.

The board had been directed to go into the matter by Mayor D'Alesandro. It refused, against the advice of the City Solicitor, to suspend Cohen pending the hearings.

EVE. SUN - 2/9

'Gentleman Bandit' Presents Judge A Cigar At Hearing

Joseph F. Kohnen, Jr., the "gentleman bandit" who is charged with committing armed robbery while a fugitive from a mental hospital, today presented a cigar to Judge Michael J. Manley in Criminal Court.

Kohnen was brought before Judge Manley for arraignment on six charges of robbery and pleaded innocent on all counts.

Following the pleas, Judge Manley told the prisoner that he would appoint an attorney to defend him.

Draws Cigar From Coat

"Thank you, Judge," Kohnen said, and drew a cigar from his coat. He leaned across the counsel table in front of the bench and asked a court clerk to pass it to the jurist.

Judge Manley took the cigar, but handed it back to the clerk after observing, "somehow I don't think I ought to smoke it."

Kohnen, who is 29, escaped from the Spring Grove Mental Hospital last November. He was armed with a toy pistol at the time of his arrest on a bus bound here from Washington last December 13.

He was charged with robbing two theater cashiers, a pharmacy, a grocery, an ice cream store and a liquor store.

From the city jail, where he was held pending arraignment, Kohnen mailed a Christmas card to Detective Lieutenant Philip Germack and Detectives Francis Cremain and Harry Frantz, the three officers who apprehended him.

State's Attorneys To Study Law Proposals

Maryland's prosecutors are meeting here today to consider legislative matters already submitted to the General Assembly and to decide what part of their own legislative program should go before the short legislative session.

The group, consisting of prosecutors from Baltimore and the 23 Maryland counties who form the State's Attorneys Association of Maryland, met at the Hotel Emerson. The gathering was called by J. Bernard Wells, Baltimore prosecutor and president of the group.

A number of proposed laws that the prosecutors feel may be desirable came up for study at the meeting. Those included a measure to give the state the right of appeal in criminal cases so that a defendant who was improperly acquitted might be re-tried.

"Frisking" Bill

A State-wide "frisking" bill is another measure being considered by the prosecutors. The Legislature a few years ago made such a law effective for Baltimore county, where, prosecutors are informed, it has won general approbation. Other laws suggested by prosecuting attorneys include statutes covering domestic cases and marital desertion.

In addition to considering whether any items on its own legislative program are emergency public measures that should be placed before the short legislative session the law-enforcement officers also are studying numerous bills already put before the present legislative session from other sources. The one-day meeting of the state officials will conclude with a dinner tonight.

State To Plan New Edwards Trial

Prosecuting attorneys today began a preliminary study of plans for the retrial of Thomas A. Edwards, 24-year-old colored man whose conviction for the Mahlan-Kline murders was reversed yesterday by the Maryland Court of Appeals.

Anselm Sodaro, assistant State's attorney, of Baltimore, said that he planned to confer today with State's Attorney James Morton, of Anne Arundel county, who prosecuted Edwards.

Sodaro, who was ssigned to assist Prosecutor Morton when the defendant won an appeal for a change of venue from Anne Arundel county, said it will be several days before plans for the new trial can be completed.

Conviction Reversed

In its decision yesterday the Court of Appeals reversed the conviction of Edwards, who was found guilty by three judges of the Baltimore Supreme Bench following a seven-day trial in Criminal Court.

The lengthy decision by the higher court held that a confession by the defendant should not have been admitted in evidence.

The unanimous decision held that a letter read to Edwards by Capt. Henry J. Kriss, head of the Baltimore police detective bureau, from an inmate of the State Penitentiary "constituted such an inducement as to make this confession inadmissible."

AUTO TESTING BILL OPPOSED

State's Attorney's Association Against Inspection Plan

Members of the State's Attorney's Association of Maryland last night unanimously opposed a pending legislative bill which would require periodic inspections of motor vehicles and create a State inspection system at a cost of $2,500,000.

Meeting in annual session at the Emerson Hotel, prosecutors from all sections of Maryland urged stricter enforcement of existing motor-vehicle laws and declared that the same result—lowering the number of traffic accidents—could be achieved.

State lawyers attending the meeting termed the proposed inspection set-up as another move toward State bureaucracy, and contended it would create as many evils it is intended to abolish.

It was pointed out during the discussion that the present traffic law make it a violation to drive a car with defective brakes, inadequate lights or other defective mechanical parts.

J. Bernard Wells, State's attorney for Baltimore city, was re-elected president of the association for the sixteenth consecutive year and the association adopted a resolution of appreciation to Mr. Wells and his staff for the help given to other law-enforcement agencies throughout the State.

Other Action On Bills

The association also took the following action on bills pending before present session of the General Assembly:

1. It unanimously approved a bill which would prohibit anyone except licensed agencies and close relatives of an infant from bringing about the adoption of the child.

2. It approved by a close vote a bill to require automobiles to stop behind or in front of school busses while children are being discharged or taken on in Baltimore city and incorporated towns of over 5,000 people.

The adoption measure, which had the approval of the Legislative Council of the Legislature, was drawn up following a recent investigation in Baltimore city into alleged "black market trafficking in children."

The investigation led to the indictment of several physicians, an attorney and the operators of infant homes on charges of demanding excessive fees for baby placement services or operating baby homes without licenses.

Anselm Sodaro, assistant State's attorney for Baltimore city, who headed the investigation here, pointed out that under the present statutes, it was almost impossible to prove the charge of excessive fees because the accused pleaded that the charges were for medical or professional services and not for the adoption service.

Delay In Goldberg Case To Be Asked

Indefinite postponement of a hearing for Leon L. Goldberg, clothing manufacturer, on a charge of arson will be asked late today when the case comes up before Magistrate James R. Cadden, in Central Police Court.

Capt. John Kenealy, commander of the Central district, said he will seek the deferment on the advise of State's Attorney Bernard J. Wells, who called the captain and said that Mr. Goldberg is confined to a mental institution.

Goldberg, who is 37 and lives in the 4100 block Wentworth road, is accused of setting fire to his place of business at 113 West Baltimore street last Saturday night.

MORN SUN 2/10

'Bandit' Presents Judge With Cigar

Joseph Frank Kohnen, self-described "gentleman bandit," apparently was attempting to remain in character yesterday in Criminal Court when he offered Judge Michael J. Manley a cigar following his arraignment on six armed robbery charges.

Kohnen, 29, who escaped from Spring Grove State Hospital last November 30, passed the cigar up to the judge by means of a court clerk, but Judge Manley returned it. "Somehow I don't think I ought to smoke it," he said.

The defendant has been ruled legally sane by Dr. Manfred S. Guttmacher, court psychiatrist, but he also has been termed psychopathic.

Pleas of innocent were entered to all of the charges and Judge Manley announced that counsel would be appointed to defend Kohnen. The defendant, who appeared to be in a jovial mood during the proceedings, denied he was armed during the robberies charged to him. He carired a toy pistol when he was arrested, police reported.

Kohnen was seized last December 13 on a bus in Prince Georges county, while en route to Baltimore.

Hearing Postponed On Arson Charges

A police court hearing of arson charges against Leon L. Goldberg, 37-year-old clothing manufacturer, was postponed yesterday because the defendant was still being held for observation in a mental institution.

He was arrested on the scene of a fire at his place of business in the 100 block West Baltimore street Saturday. Two firemen were killed in a blaze at another clothing establishment in the same block earlier Saturday.

Magistrate James R. Cadden postponed the Central Police Court hearing on the arson charge until 3.30 P.M. February 23 on request of Capt. John B. Kenealy, Central district commander. He said the defendant is a patient at the Seton Institute and the postponement had the approval of the State's Attorney's office. Bail of $10,000 for Goldberg was furnished the day of his arrest.

MORN. SUN - 2/14

STANKIEWICZ TO FACE FOUR MORE CHARGES

Nine Traffic Counts Now Against Seaman Whose Car Killed Three

Police yesterday placed four additional charges against Walter Stankiewicz, 33-year-old seaman whose automobile struck and killed three men last December at Monument and Potomac streets.

Stankiewicz was acquitted of manslaughter last week in Criminal Court. He still faces a hearing in Traffic Court Thursday on nine traffic charges.

Three of the charges placed yesterday allege that Stankiewicz fraudulently obtained his driver's license after being previously refused a license by the commissioner of motor vehicles.

Additional Charges Placed

The charges, placed by Patrolman Charles Gross, accuse Stankiewicz of:

1. Operating a motor vehicle while his license was refused.

2. Concealing a material fact in his application for a driver's license.

3. Making a false affidavit.

Patrolman Gross also charged the defendant yesterday with failing to reduce speed when approaching and crossing an intersection.

He earlier had been accused of reckless driving, driving at a speed greater than reasonable and proper, failing to give right of way to a pedestrian, failing to stop after an accident and failing to aid an injured person or make arrangements for aid.

Patrolman Gross said that Stankiewicz could be fined a maximum of $3,600 and be imprisoned up to 4 years and 40 days under the nine counts.

Alan H. Murrell will represent the State's attorney's office at the hearing to be held at 3 P.M. Thursday.

Three Killed December 3

Killed in the accident on December 3 were John Vogt, 82, of the 2900 block East Monument street; Andrew Lockman, 59, of the 500 block North Potomac street, and Harry Edgett, 64, of the 3000 block East Monument street.

In dismissing manslaughter charges against Stankiewicz, Judge Joseph Sherbow held that testimony failed to prove that Stankiewicz, who lives in the 5600 block Wright avenue, had been guilty of gross negligence.

The judge said that the fact the defendant failed to stop after the accident and fled from the scene played no part in the question of guilt or innocence.

EVE. SUN - 2/14/50

—Free Speech In The Free State—

Talk makes news. These selected quotations helped make Maryland news last week.

"I have a lot of respect for the little fellow who wants to hold on to a little something of his own."
—F. MURRAY BENSON, attorney for the Real Estate Board, in opposing the city's low-rent housing program.

"I am against the principle of public housing because I don't believe there should be a penalty on thrift and a bonus on shiftlessness."
—ROBERT A. BREADY, president of the Home Builders Association of Maryland, who said thrifty homeowners will pay the costs while inhabitants buy big cars and television sets.

"They couldn't find an olive in a martini."
—ALAN H. MURRELL, assistant State's attorney, telling judges of the Supreme Bench what he thinks of the Police Department's fingerprint experts.

Mr. Murrell *Pres. Byrd*

"We have reached the point where further expansion in American colleges is financially unsound, and unless students are fully qualified there just will not be enough room or money to take care of them."
—DR. H. C. BYRD, president of the University of Maryland.

Source Of Art

"Art begins in our cells. Later we can grasp their messages and give them expression through the media of sculpture, painting, music, poetry . . . Ideals are in space. We must only catch them."
—ALEXANDER ARCHIPENKO, authority on Twentieth Century sculpture.

"It has become rather obvious now that Mr. Muth is well down the road to political degeneracy and has become a willing pawn or stooge for unsuccessful political elements who can no longer do anything but make irresponsible attacks."
—MAYOR D'ALESANDRO, speaking of Councilman William J. Muth.

"It's frequently difficult to locate the office if you can't loeate Cinquegrani."
—RICHARD W. CASE, head of the Tax Survey Commission, who criticized lack of a central office for State licensing boards and cited the Board of Barber Examiners and its secretary, Vincent A. Cinquegrani, as example of "vest pocket" headquarters.

Shears For Articles

"I do have a pair of shears, but I use them to clip articles such as the one containing Mr. Case's statement."
—VINCENT A. CINQUEGRANI, secretary of the Board of Barber Examiners, denying that the board has no permanent office and that he is connected in any way with the barber shop that happens to be next door to his office.

"We build roads and bridges but we can't take care of the sick."
—SENATOR CARTER (D., Third Baltimore), when reminded by the State budget director that it would cost more than $500,000 to pay the hospitals what they earn on the formula of caring for indigent patients.

"If anyone can make an oyster farming co-operative work, it's the men on Smith Island."
—WELLINGTON TAWES, Crisfield banker and a member of the Bowman Commission.

"Our personal experiences and observations force us to the conclusion that the program as now operated is not in the best interests of the Maryland farmer, nor indeed in the best interests of the United States."
—A statement of the Anne Arundel committee for the resettlement of displaced persons in Maryland in submitting its resignation to Governor Lane in "bitter disillusion."

"I guess I'll be taken for a Republican spy. I haven't been a Democrat nationally since 1933. I came for the same reason everybody else did. I wanted to take a look at the bride."
—MRS. LEON FREEDOM, of 1031 St. Paul street, at a party for Vice President and Mrs. Barkley in Washington.

Nonmodish Cheap Fur

"When a fur gets cheap it goes out of fashion."
—WILLARD H. GEORGE, fur designer, of Los Angeles, predicting that chinchilla coats will never become cheap enough to buy in a department store.

"Everything is fine. If there is anything wrong, I don't know anything about it."
—S. LAWRENCE HAMMERMAN, member of the Board of Recreation and Parks, after hearing Thomas N. Biddison, city solicitor, list nine charges against Myer J. Cohen, construction superintendent of the Parks Department.

"This noise about Baltimore being the second port can't be reconciled with figures of the Steamship Trade Association."
—E. ARCH SEIDL, past president of the association, who said that without the deadweight tonnage of the Bethlehem Steel plant, Baltimore wouldn't even rank as a port.

"He drives through on the rail where others wouldn't take the chance."
—TED ATKINSON, leading jockey, praising the courage of Sammy Boulmetis, 21-year-old Baltimore apprentice jockey who, he says, is on his way to the top in the business.

Judge Manley *Ted Atkinson*

"Somehow I don't think I ought to smoke it."
—JUDGE MICHAEL J. MANLEY, referring to a cigar proffered by a man he was arraigning in Criminal Court on six charges of robbery. The cigar later was found to be loaded with a sulphur match.

Typhoid Threat

"Sewage literally runs in the gutters in the front or rear of homes in some sections of the city. That a typhoid epidemic is possible, I would firmly insist."
—DR. ABEL WOLMAN, authority on sanitary engineering and water problems, speaking of such hazards in the city.

"A dog track would be the ruination of racing in Maryland."
—WILBUR R. DULIN, a member of the State Racing Commission, voicing his opinion to such a proposal.

"Why not spend a few extra dollars today, and reap a real harvest of fine young citizens tomorrow?"
—DAVID BAER, amateur sports fan, urging specially trained and qualified leaders for amateur sports here.

Mayor D'Alesandro Vigorously Chides The Sunpapers

We publish today in an adjoining column an unusual communication from Mayor D'Alesandro. The latter half of this long letter consists of a point-by-point statement of the progress of the Park Board affair, with special emphasis on the Mayor's own part in this. It is an extremely useful summary, of interest to everyone anxious for satisfactory outcome of that affair. It leaves no doubt that so far the Mayor has behaved correctly and confirms belief that he is bent on seeing the matter through.

It is the first half of the Mayor's communication that is the more remarkable. This consists of excerpts from a series of editorials which the *Sunpapers* have published about the Park Board affair. By picking and choosing some passages from these editorials, and concentrating his attention on them, the Mayor has succeeded in convincing himself that *The Sun* is engaged in an attack on his handling of the mess. Nothing could be farther from the truth. From the beginning, *The Sun* has been bent on giving the Mayor support and encouragement.

We cite an illustration from our editorial of January 29:

> The issue confronted Mayor D'Alesandro the moment he stepped off the train yesterday. Faced with the immediate resignation of the chairman, Mr. Garrett, and with moves to reopen the case against Mr. Cohen and to oust Mr. Boone, the Mayor *did the only thing he could do:* ordered an investigation.

The Mayor takes this to be a belittlement of his action and chides us because, instead of the italicized phrase, we did not use some such phrase as "the proper thing" or "the right thing."

But that is exactly what was implied. What the Mayor did was "the only thing he could do"—assuming, as we believe most people would assume, that the Mayor is proud of his administration of the city's affairs and wants to keep it unblemished.

And if the Mayor had looked at the editorial which followed, a few days later, on February 3, he would have read the following comment on his subsequent action in asking Mr. Garrett for a bill of particulars:

> This is exactly the kind of response that the people have a right to expect.

Obviously *The Sun* cannot express a final judgment on the Mayor's handling of this affair until his handling of it has been successfully completed. That is why, in our editorials, we have withheld a final judgment. Since the letter was received in this office, Mr. D'Alesandro has sent to the City Council the names of two reputable citizens to fill vacancies on the Park Board. This makes it even more likely that in the end it will be possible for the community, including ourselves, to give the Mayor that unstinted praise for his behavior which he seems bent on earning.

MORN-SUN - 2-15-50

A Letter From The Mayor

Mr. D'Alesandro "Takes Umbrage" At Certain Editorial Comments

TO THE EDITOR OF THE SUN—*Sir:* I have been rather more than patient with regard to errors and what seems to me to be deliberately contrived insinuations against the Mayor appearing in recent editorials dealing with the Park Board probe. However, I believe the point has been reached at which the most temperate of men must take umbrage at the persistent efforts to paint a false picture for the public. Editorials dealing with Molotov and Stalin rarely have used the tone contained in those attempting to convey the idea that the Mayor is straining every resource to achieve a whitewash of the Park Board affair. A review of some of the editorials, and the facts in the case, which follow, will make it clear to you and to the public why I deeply resent these aspersions. Further, anyone who thinks that I would jeopardize a public career of 25 years to protect anyone is just plain foolish.

First, let me quote from some of the editorials and comment upon them. Editorial of this morning, Monday, February 13: "Despite this judicial notice of 'enormous irregularities' in the handling of city funds, the city dropped its cost-plus investigation." This is erroneous. The investigation was dropped by the State's attorney, who had the sole responsibility for prosecuting the cases, with the approval of the Supreme Bench of Baltimore City. Editorial of Friday, February 10: "Mayor D'Alesandro should also recognize exactly what the board (of recreation and parks) has done in refusing to suspend Cohen, because the Mayor *supposedly* has made it plain that he wants Mr. Cohen suspended pending an investigation. *"If the Mayor is serious* in his attempt to get at the heart of the trouble, then he must realize that he is being bucked by the members of the board who are credited as being most loyal to him.

"Perhaps the Mayor may know better than the public can possibly know what it is about Mr. Cohen that makes his continuance in office so vital a concern of four members of the Park Board.

"Perhaps the Mayor may also know, as the public should know, just what those four members of the board consider justifiable reasons for temporarily suspending an employé.

"If the Mayor does not press harder for a thorough and impartial investigation of what is going on in the Bureau of Parks, there should be enough members of the City Council without administration ties for that body to hold its own investigation."

—o—

I would like to know by what right of free press or by any other right does the writer of this editorial obtain the power to deliberately and plainly insinuate, first, that the Mayor is *not sincere* in his efforts to obtain the facts in the matter, and, secondly, that the Mayor *knows* and is *concealing* nefarious reasons why the majority on the Park Board refused to suspend Cohen.

Editorial, Thursday, February 2: "Mayor D'Alesandro will not be able to look at himself in the mirror, let alone face his fellow citizens, *if he connives at any whitewash procedure in this matter.* He owes it to the community to get all the facts even if, in so doing, he steps on the toes of some of his political allies. . . . A full disclosure is the only possible way in which Mr. D'Alesandro *can demonstrate his own good faith.*"

I think the implications in this editorial are little short of disgraceful. Here we have the suggestion that the Mayor himself is on trial as a defendant, and the clear insinuation that the Mayor is attempting to protect unsavory political allies.

Let us look at the facts. The Mayor is and always has been a Democrat. On the other hand, most of the principal figures involved in this Park Board matter are Republicans. Mr. Robert Garrett, president of the board, is a Republican; Mr. J. Marshall Boone, resigned Park Board member who voted for Mr. Cohen's reinstatement, is a Republican; Mr. R. Brooke Maxwell, director of the Parks Department, who filed charges against Mr. Cohen, is a Republican and, finally, Mr. Cohen himself is a Republican. . . . So here again we have what appears to be a deliberately contrived and wholly erroneous insinuation.

Editorial, February 8: "The next move in this sorry affair is up to Mayor D'Alesandro. He has been on the right track so far in this matter, but he will have to be more decisive if he is to get anywhere." On the one hand this editorial partly acknowledges that the Mayor's actions in this matter have been correct; then it clearly implies that the Mayor has been lacking in decision. It will be clear to thinking people that a Mayor cannot hang people without a trial, but must be temperate and conduct proceedings in an orderly manner.

Editorial, January 29: "The issue confronted Mayor D'Alesandro the moment he stepped off the train yesterday. Faced with the immediate resignation of the chairman, Mr. Garrett, and with moves to reopen the case against Mr. Cohen and to oust Mr. Boone, the Mayor *did the only thing he could do:* ordered an investigation."

I would suggest that an impartial editorial writer would have used, instead of the words "only thing he could do," a phrase such as "the proper thing," "the right thing" or something similar.

Certainly the Mayor had the choice of a number of different courses. But the fact that he chose to do the right thing demonstrates to the impartial that he was not making an attempt to conceal or whitewash anything.

—o—

Now, if I may, I should like to outline the facts of the entire situation:

1. At the first, unpublished, intimation that irregularities existed in cost-plus work done for the city, I immediately made the facts public and turned the matter over to the State's attorney for criminal prosecution. This was not the action of a Mayor who wanted to conceal anything whatever from the public. Furthermore, the facts uncovered showed that these irregular practices regarding cost-plus work had been carried on for many years, through a succession of mayors and city administrations. I put a stop to these inherited practices more than a year ago through the appointment of a committee on cost-plus, which reviewed and abolished all practices not in conformity with the City Charter.

2. Dissatisfied with the slow progress being made in bringing defendants to trial on the cost-plus charges, I publicly requested the State's attorney on November 22 to expedite these cases. An article relative to my request was duly printed in *The Evening Sun* of November 22. Again, this was not the action of a Mayor who wanted to conceal anything whatever from the public.

3. Later came the decision by the State's attorney to drop prosecution of remaining cost-plus cases after certain defendants had been tried and acquitted. While the city solicitor attended a conference resulting in this decision, the decision was the sole responsibility of the State's attorney, who acted with the approval of Judge Michael J. Manley.

The statement in the editorial of February 13 that "the city (*i. e.,* the Mayor and the city administration) dropped its cost-plus investigation" is, therefore, obviously false and, in the light of other editorial innuendos, appears to have been a premeditated error.

4. The matter of Myer J. Cohen's reinstatement came up during my absence from the city. The Park Board, in my absence, voted to reinstate Mr. Cohen as an employé of the Park Department although he had been indicted, but not tried, on a conspiracy charge in connection with the cost-plus probe. The charge against Cohen had been stetted by the State's attorney, with the approval of Judge Manley. Within the hour of my return from vacation I ordered an investigation of alleged irregularities in the Park Department and called a special meeting of the Park Board, at which I requested the board to reconsider the reinstatement of Mr. Cohen. At the same time I publicly stated and it was duly published in the press that I would not tolerate dishonesty or irregularities in the Park Department or any other city department; that if the allegations against Mr. Cohen were sustained, Mr. Cohen must be fired. This was not the action of a Mayor who wanted to conceal anything or bring about a whitewash.

5. Subsequently, Mr. Robert Garrett, president of the Park Board, publicly denounced what he termed special privileges given by the board to favored groups or individuals stating in a release to the newspaper—no copy of which has ever been sent to me—that the condition of affairs extended back to 1940, which would span the administrations of two former mayors.

Mr. Garrett also stated in his release to the newspapers that he knew of, but had not corrected the practices to which he referred. It was in connection with this newspaper statement by Mr. Garrett that the editorial was written stating, "Mayor D'Alesandro will not be able to look at himself in the mirror, etc."

6. Immediately after Mr. Garrett published his charges, I requested him to furnish me in writing the details of the charges so that I might turn these facts over to the city solicitor for that official's use in a thorough public investigation of the Parks Department, which I ordered. After several days Mr. Garrett wrote me that the matters he had mentioned in his newspaper statement were "known by people in and out of the City Hall in greater or less detail." Nothing more. I released a copy of this letter from Mr. Garrett to your newspaper, but your newspaper saw fit to make no mention of it. I assume this comes under the head of "freedom of the press," which nowadays appears to mean a newspaper's freedom to print what it likes and withhold that which does not suit its purposes.

—o—

7. Next we have the action by the Park Board refusing to resuspend Mr. Cohen. I immediately expressed publicly disapproval of the action and my disapproval was duly carried in your own news columns. This was not the action of a Mayor who wanted to conceal anything from the public.

8. Next, the Mayor ordered the city auditor to examine the private audits of the Maryland Yacht Club to determine whether the club's contract with the Park Board has been violated. This was not the action of a Mayor who wanted to conceal anything. The yacht club's contract with the city for use of Broening Park, incidentally, dates back to 1940.

9. Then the Mayor ordered a city physician to find out how soon Mr. Cohen, who had suffered a heart attack, can be ready for a public hearing and, simultaneously, ordered expedition of the Cohen hearing and probe of the Park Board. This was not the action of a Mayor who wanted to conceal anything from the public.

10. Most recently, two of the Park Board members who voted to reinstate Mr. Cohen, J. Marshall Boone and R. Wilburt Marsheck, offered their resignations. I immediately accepted those resignations. Again, this was not the action of a Mayor who wanted to conceal anything from the public.

In conclusion, I have ordered a thorough investigation of the Park Department's affairs and I meant what I said.

THOMAS D'ALESANDRO, JR.,
Mayor.

Baltimore, Feb. 13.

EVE. SUN 2/15/50

5 Violent Death Cases Slated For Trial

Four cases involving fatal stabbings and shootings and one involving a traffic death will be prosecuted by the State's attorney's office at the Northwestern Police Court late today. Testimony will be heard by Magistrate Thomas L. Fitzpatrick.

The defendants and their charges:

Patrolman Jerome Glass, 28, Northwestern district police, of the 4800 block Laurel avenue, charged with assaulting and fatally shooting Alphonso Adams, colored, last January 27.

Otis H. Evans, 39, colored, of the 1900 block Brunt street, charged with assaulting and fatally stabbing Albert Garrett, colored, last September 18.

Mrs. Louise Henson, 43, colored, of the 600 block North Paca street, charged with assaulting and fatally stabbing Leroy Gibbs, 37, colored, February 3.

Mrs. Irene Smith, 41, colored, of the 1400 block Presstman street, charged with assaulting and fatally stabbing Charles Watkins, 55, colored, January 25.

Lester Groupp, 34, of the 2000 block Ruxton avenue, charged with striking with his car and causing the death of Fred Jones, 73, colored, January 26.

Man Ordered To Pay Assault Victim's Bill

An argument at a oyster roast last December 4 today resulted in a six months suspended sentence for Edward C. Fogarty, of the 4400 block Haddon avenue, on condition of paying another man's hospital and medical expenses.

Chief Judge W. Conwell Smith released Fogarty under two years probation on condition he pay $688.50 to Henry C. Henneberger, of the 4200 block Frederick avenue.

The oyster roast was held at St. Joseph's Monastery. Mr. Henneberger, a member of the committee in charge, was struck during an argument over removal of oysters. His skull was fractured when his head hit a wall.

MORN SUN 2/16

Husband Killer Wins Dismissal

The case of a woman who stabbed her husband to death after he refused to let her take a walk resulted in a verdict of "justifiable homicide" yesterday.

Not only did the husband refuse permission for the walk, on one of January's finest warm days, but to enforce his refusal he picked up a chair and began chasing his spouse around the house.

As they ran through the kitchen, she picked up a knife and stabbed him in the heart, according to testimony in Northwestern Police Court.

William J. O'Donnell, assistant State's attorney, recommended dismissal of the charge against Mrs. Irene Smith, 41, Negro, of the 1400 block Presstman street, as "justifiable homicide." Magistrate Thomas L. Fitzpatrick concurred with the view the slaying was justified and freed the defendant.

Mr. O'Donnell said the facts showed the wife acted in self-defense and had been threatened the day of the stabbing and previously.

According to a statement the defendant gave the police, she had waited for her husband to come home so they could take a walk together but he refused to go or to let her leave the house alone.

Policeman Freed In Man's Death

Patrolman Jerome Glass, who shot a man fatally during a pursuit of a stolen auto January 27, was absolved of blame in the shooting following a hearing yesterday in Northwestern Police Court.

He reported that after seeing the stolen car drive past on Pennsylvania avenue he commandeered another automobile and gave chase.

Twice, according to the policeman, they pulled up alongside the fleeing car, but each time the driver of the machine forced them so close against the curb they had to slow up and thus fell behind.

Glass reported he finally fired two shots. One bullet passed through the rear window of the stolen car and killed Alphonso Adams, 23, Negro, of the 900 block Pennsylvania avenue, who was riding in the rear seat.

Patrolmen John Williams and Glass had just received orders to be on the lookout for the stolen car when they spotted it. Glass reported he tried to flag the car down, but it kept going at a high rate of speed

Two Fined Total Of $2,000 On Bet Charges

Race-bet and numbers charges cost two men a total of $2,000 in fines today when they faced Judge Robert France in Criminal Court.

The men were arrested November 3 by Northern district police, under Sergt. Russell Disney, on suspicion of a Virginia robbery when they were seen handling large sums of money.

In addition to the money, police found that they had, in their pockets and in their automobile, numbers and race-bet records.

Judge France imposed one-year sentences on each but suspended the jail terms and put them on one-year probation each.

Edwards Fined $1,500

Andrew Edwards, of the 3200 block of Guilford avenue, held on one numbers charge and two race-bet charges, was fined $1,500.

Guy Nash, of the 2300 block of Barclay street, was fined $500 on a numbers charge.

Edwards and Nash were arrested in an automobile in the 3100 block of Greenmount avenue. Police said Edwards had more than $8,500 in his possession when arrested.

Alan H. Murrell, assistant State's attorney, prosecuted the cases, which the defendants took to the Supreme Bench, after conviction, in vain efforts to win a new trial.

4 Post $1,000 Each On Numbers Charges

Four men were released in $1,000 bail each this morning pending grand jury action on charges of maintaining a numbers lottery.

Magistrate Thomas L. Fitzpatrick, in the Northwestern District Police Court, heard the charges. Two of the men are proprietors of a grocery store in the 800 block of North Carey street—Joseph Jontiff, 50, who lives at the store, and his brother, Julino Jontiff, 42, of the 1200 block Garrison boulevard.

The other two men are Willie Hicks, 40, colored, of the 1200 block West Mosher street, and Albert Hayes, 77, colored, of the 300 block North Bruce street.

Arrested In Emerson Raid

All were arrested yesterday in a raid on the grocery store led by Capt. Alexander Emerson.

All of the men denied the charges through their attorneys, Albert Blum and Joel J. Hochman.

Captain Emerson testified that he had a search-and-seizure warrant and entered the premises peaceably. He said he found a piece of paper on the floor near a public telephone and that the paper allegedly bore lottery numbers.

Woman Telephones Bet

During the raid, Captain Emerson said, a woman phoned the store and placed a 25-cent bet on a number.

A member of the squad testified that he visited the store before the raid and observed the proprietors perusing a sheet of paper allegedly bearing about 50 lottery numbers.

In addition, a number of over-the-counter transactions which did not involve groceries took place, he testified.

Youths Sentenced In Rape Case

Six youths, ranging in age from 15 to 18, today were given indeterminate sentences of not more than one year in the State Reformatory as the result of rape and assault charges entered by two teen-age girls last October 21.

Seven youths had been accused. One 16-year-old one has been granted a new trial by the Supreme Bench, but conviction of the others before Judge Robert France in Criminal Court was affirmed.

Attack Followed Stadium Game

The two girls claimed that they were stopped by the group of boys on the Eastern High School grounds after a high-school football game at the Stadium.

The youths sentenced today were Ralph Juliano, 16, of the 600 block Tolna street; Daniel Perna, 16, of the 300 block South Eden street; Vincent Platerote, 15, of the 1000 block Fawn street; Marshal Vendetti, 15, of the 100 block North Lakewood avenue; Bernard Sloman, 17, of the 300 block South Lehigh street, and Joseph Greoski, 18, of the 200 block Mason court.

MORN-SUN 2/15

SHAKEDOWN CASE PUT UP TO WELLS

Harvey Says Governor Can't Act On Report

An alleged attempted political shakedown to increase the campaign fund of Governor Lane last October falls within the jurisdiction of the Baltimore city State's attorney, in the opinion of J. Edgar Harvey, deputy attorney general.

"I know only what I've read in the papers," J. Bernard Wells, State's attorney for Baltimore, said when asked if he had been informed of the case.

"A Lot Of Trouble"

Mr. Harvey forwarded to the Governor in November the report of an investigation by State police of charges by a Baltimore manufacturer that he was threatened with "a lot of trouble" unless he paid $170 more than the set fees for new licenses for his boiler firemen.

At the conclusion of the investigation, Mr. Harvey advised Governor Lane: "There is no action I see you can take in the matter."

He did not notify Mr. Wells of the charges, the investigation or the report, Mr. Harvey said.

Renewed interest in the case was shown last week by Delegate Buffington (D., Third Baltimore), who said he wanted to know what was behind the report and what was done about it.

Report Made Available

The Governor's office announced on Monday that the report was available for inspection.

The investigation was instigated last October when William M. Ives, Jr., reported he had been requested by a man posing as an inspector for the State Board of Examining Engineers to buy new licenses for the men who tend the boilers of his brush factory.

The charge was to be $170 more than the legal fee and the money was to be used for Governor Lane's campaign fund, Mr. Ives said he was told.

Mr. Ives reported the incident in the presence of Mr. Harvey; Ernest E. Green, chairman of the examining board, and Harry W. Hauf, the second member of the two-man board.

The man who posed as the "inspector" was identified at that time by Mr. Green as a member of the board of governors of the New Civic and Democratic Club of the Twentieth ward.

Mr. Green is honorary chairman of the club and Mr. Hauf is president.

Form Of Fraud Different

Commenting on the report yesterday Mr. Harvey said: "It doesn't show any tieup with the State Board of Examining Engineers. That being so, I don't know of any action the Governor could take.

"If he [the 'inspector'] had been connected with the board and acted with the members' knowledge and consent, the Governor could take action against the board.

"If he [the 'inspector'] was misrepresenting himself that would be one of the various forms of fraud prohibited by law and would require the action of the State's attorney for Baltimore city."

Mr. Wells stated that he had followed the investigation as reported in the newspapers and "I assumed that if something of a criminal nature developed I would be notified."

EVE. SUN - 2/15

WIFE IN "TEST" CASE—Mrs. Audrey Dolores Mohr, 34, has been indicted on a charge of theft or embezzlement of nearly $40,000 from her husband. State courts will decide for the first time whether, under the "emancipation" clause of Maryland Code, a wife may be convicted for theft from a husband.

EVE. SUN - 2/15

Interracial Case Appeal Presents New Issue

Baltimore's interracial tennis case raises a new racial segregation issue that has not been passed upon previously, according to a petition and brief through which seven convicted persons are seeking to have the United States Supreme Court pass on their case.

The group, convicted of conspiracy to disturb the peace in connection with an interracial tennis tournament in Druid Hill Park in July, 1948, has petitioned the Supreme Court for a writ of certiorari.

A new segregation issue, as to whether persons "may be forcibly prevented from mingling in sports activities in public parks solely because of the color of their skin," is raised by the appeal move, the group contends.

Appellants' Lawyer Convicted

Voluntary associations in interracial athletics were sought in the 1948 tennis case, the Supreme Court was told by I. Duke Avnet, Edgar Paul Boyko, Harold Buchman, Mitchell A. Dubow and William H. Murphy, attorneys representing the convicted group. Buchman, former official of the Progressive Party of Maryland, is one of the seven convicted persons.

"In an age where caste and race as a basis for imposing inferior status are recognized as relics of a barbaric and fading past, where cultural and international demands make continuation of discrimination intolerable, the State of Maryland insists that members of the Negro and white races can use public recreational facilities together only on pain of conviction as criminal conspirators," the petition to the high court says.

World Scorn Alleged

"The world has derided our pretentions as defenders of democracy, pointing with scorn at our institution of segregation. What can our answer be when one of our 48 states can arrest and convict young boys and girls, on the sole ground of differing pigmentation, for the high crime of playing tennis together on public courts?"

MORN SUN 2/16/50

COHEN OFFERS TO QUIT BUT PARKS BOARD MAY NOT ACCEPT RESIGNATION

Garrett To Delay Action Until Ruling Is Made On Back Salary Claims And Civil Service Status For Aide Who Faced Dismissal

Myer J. Cohen, parks department construction superintendent facing dismissal for violating the City Charter and municipal regulations, yesterday offered his resignation to the Board of Recreation and Parks.

But it may not be accepted as submitted. Twenty-four hours before Mr. Cohen mailed his letter, Thomas N. Biddison, city solicitor, anticipated the resignation and moved to question it.

Mr. Biddison advised the parks board president, Robert Garrett, to delay accepting any Cohen resignation until the board had a legal opinion from the solicitor. Mr. Garrett agreed to follow the advice.

In addition, Mr. Biddison said, he has proposed that a representative from his office sit in on all parks board meetings.

Minimum conditions for permitting Mr. Cohen to resign would be that he forfeit all rights to back salary and status under the City Service Commission, Mr. Biddison said.

Probe To Continue

Furthermore, Mr. Biddison said, Mr. Cohen's offer to resign would not end the current probe into his activities and the operations of other members of the parks department.

To the parks board Mr. Cohen had written that his resignation was "due to my present condition of health and on the advice of my physician."

Mr. Cohen spent the first ten days of this month in Sinai Hospital for treatment of hypertension and cerebral symptoms. He was admitted January 30—the same day Mayor D'Alesandro ordered a public hearing on the charges against him.

When Mr. Cohen left the hospital February 10, his physician, Dr. Daniel J. Schwartz, said it might be weeks before he would be well enough to stand trial by the parks board.

Irregularities Charged

The irregularities with which Mr. Cohen is charged were first made public last year when he was indicted for conspiracy to defraud the city on cost-plus contracts. As a result the parks board suspended Mr. Cohen.

In the companion trial of Meredith R. Howard, plumbing contractor indicted with Mr. Cohen, witnesses testified that Mr. Cohen had instructed Mr. Howard to submit excess bills on authorized work to cover payment on unauthorized work.

Although Mr. Howard was acquitted, Judge John T. Tucker termed "most irregular" the method Mr. Cohen used in handling contracts.

After this acquittal the State's attorney, J. Bernard Wells, postponed the prosecution of other cost-plus cases, of which Mr. Cohen's was one.

Reinstated Over Protest

Last month the parks board reinstated Mr. Cohen over the protest of Mr. Garrett, and over his threat to resign and disclose other irregularities condoned by the parks board.

At the Mayor's request, Mr. Garrett later agreed to continue as president for the hearing of charges against Mr. Cohen. The Mayor also asked the board to reconsider the reinstatement of Mr. Cohen.

At the next meeting the board voted 4-2 to turn down the Mayor's request. Four days later two of Mr. Cohen's backers—J. Marshall Boone and R. Wilburt Marsheck—resigned. Since both had been appointed within the last six months the Mayor could have discharged them.

To replace Mr. Boone and Mr. Marsheck the Mayor appointed two Republicans: George G. Shriver, an investment banker, and Gerald S. Wise, general manager of Sears, Roebuck & Co. in Baltimore.

'SHAKEDOWN' PROBE ASKED

Wells Requests Reports On Alleged Political Demand

J. Bernard Wells, State's attorney, yesterday announced that he had requested all available reports on an alleged political shakedown and that he had assigned J. Harold Grady, assistant prosecutor, to handle an investigation of the affair.

"I am asking J. Edgar Harvey, deputy attorney general of Maryland, to submit to me his entire file and report in the investigation he and State police have made for the Governor," Mr. Wells said.

Mr. Harvey last November reported to Governor Lane that "there is no action I see you can take in the matter."

However, the matter was revived in the General Assembly by Delegate Buffington (D., Third Baltimore) and it was noted that no report had been made to prosecuting authorities.

Manufacturer Charges Threat

William M. Ives, Jr., a manufacturer, charged that he was threatened last October with "a lot of trouble" unless he paid $170 in excess of fees due for licenses for boiler firemen. Ives said the money demand came from a man posing as an inspector of the State Board of Examining Engineers.

The $170 supposedly was to go to the Governor's campaign fund.

NEWS-2/17/50

Louis Azrael Says: SPARRING FOR THE PROSECUTOR'S JOB

By LOUIS AZRAEL

Of course nobody who is a crook, or is too big a fool or too vicious a politician ought to hold public office. But if any such person should be elected in Baltimore, the last job he should hold is that of State's Attorney.

A very bad State's Attorney probably can disrupt the city's life more than even a very bad mayor or governor.

It is unfortunate, then, that while political maneuvering for other jobs gets a lot of attention, little is being said about the subsurface sparring for the prosecutor's job.

HE WANTS IT

J. Bernard Wells has been in the State's Attorneys' office for 26 years; has headed the office for 16 years. He hasn't said if he will run for a fifth term in this year's election. He says he wants to wait and see if there is public demand for him.

Actually, I think, Mr. Wells wants to hold on to his job. He would rather not run, however, unless he is fairly sure of election. Two situations could give him such assurance.

One, which isn't likely to happen, is that no formidable opponent will seek the Democratic nomination. The other (it happened last time) is that so many people will seek it that they would scatter the opposition vote.

TWO VIRTUES

Heretofore, Mr. Wells has had little trouble being elected. Many persons felt that he was not a particularly strong State's Attorney but he had two great virtues. He is honest. And he doesn't play politics with the administration of justice.

Consequently, he was always strongly supported by a large body of voters who realize the horrors of letting the State's Attorney's job get into too-political hands.

Mr. Wells still has these virtues. During the last few years, however, there has been more criticism of him than previously. Many persons, even among the bench and bar which has hitherto supported him strongly, feel the time has come for a new State's Attorney.

TWO ASPIRANTS

Anselm Sodaro, one of Wells' assistants, would like to run. He won't do so, however, if Wells runs. He has discussed the matter with his boss and Wells has indicated that, if he doesn't seek re-election, he will favor Sodaro, who is an able man.

Allen H. Murrell, the most outspoken and vigorous of Wells' assistants, also wants the job.

Police Vice Squad's Newest 'Sergeant Blue' Disappears

The vice squad's newest "Sergeant Blue," who acts as a "stool pigeon" in tracking down liquor and morals laws violators, has disappeared since someone on Pennsylvania avenue snapped his picture over the past week end, it was disclosed yesterday in Criminal Court.

Although police said their latest "private eye," identified as Lee Huggins, Negro, is reported to have gone to the Eastern Shore to pursue his private detective work there, Judge Joseph Sherbow suggested yesterday that police investigate the possibility of "foul play."

J. Harold Grady, assistant State's Attorney, forced to dismiss a disorderly house case yesterday because of the absence of Huggins from the courtroom did so with the conclusion: "I guess the private eye is looking for greener pastures on the Eastern Shore."

Appeared In Several Cases

Huggins has appeared as prosecuting witness in several criminal cases. He usually identified himself after taking the oath as "Detective Lee Huggins, headquarters division." For a while, some defense lawyers actually believed him to be a member of the police force.

Subsequently, on further interrogation, he would identify himself as a private detective, who was gaining experience by working with the police. On at least one occasion, he offered to exhibit a diploma he said he received from a private detective school, court attachés said.

"Foul Play" Suggested

Huggins was a somewhat loquacious and, at times, witty witness. He frequently had to be called down by the court for recounting unimportant details about a case.

Police believed that Huggins became scared when someone snapped his picture and decided to leave town.

In suggesting that Huggins may have been the victim of "foul play," Judge Sherbow told Sergt. Joseph Koenig yesterday:

"You have been using him. You had better check to see whether there has been any foul play."

Several years ago, the vice squad made frequent use of another so-called "Sergeant Blue," a young Negro who resembled Huggins in many respects, but his detective career ended after he was convicted of a criminal charge.

NEWS-2/16

Siskind Approved For State Office

The Supreme Bench today approved the appointment of William L. Siskind as an Assistant State's Attorney at the request of State's Attorney J. Bernard Wells.

Siskind, who is twenty-five years old, lives in the 4400 block Groveland avenue. He will be sworn in immediately, Mr. Wells said, and assigned to the domestic relations branch of the State's Attorney's office.

Siskind is a graduate of Polytechnic Institute, was a former student at Northwestern University, a graduate of the Harvard Law Class of 1948 and attended the University of North Carolina, where he received his A.B. degree. He was admitted to the Maryland bar in 1948.

MORN SUN 2/17/50

'SHAKEDOWN' PROBE TALKS SCHEDULED

Several Persons Will Testify On Alleged Political Demand

Several persons will be interviewed in the State's attorney's office early next week in connection with the investigation into an alleged political shakedown of a manufacturer who reported he was required to pay excessive fees for boiler firemen's licenses, it was announced yesterday.

In disclosing that witnesses will be interviewed, J. Bernard Wells, State's attorney, said he has received from the Governor some reports submitted to the chief executive in connection with an investigation into the report by State police and a member of the attorney general's staff.

Expects Additional Reports

Mr. Wells said he expects to receive additional reports from the Governor. Meanwhile, he said, he is working with J. Harold Grady, an assistant prosecutor, on the case. Witnesses will be summoned as soon as they can be located, Mr. Wells declared.

William M. Ives, Jr., the manufacturer, charged that he was threatened with a "lot of trouble" unless he paid $170 in excess of the regular license fees for the Governor's campaign fund.

Mr. Ives reported that the demand came from a man posing as an inspector of the State Board of Examining Engineers.

J. Edgar Harvey, deputy attorney general, in a report on the incident to the Governor last November, asserted "there is no action I see you can take in the matter."

MORN-SUN 2-17-50

WELLS NAMES NEW ASSISTANT

William L. Siskind To Join State's Attorney's Staff

William Leigh Siskind, 25, yesterday was named a new assistant State's attorney by J. Bernard Wells, State's attorney for Baltimore city.

Judges of the Supreme Bench confirmed the appointment after Mr. Wells declared that the press of criminal work and the absence of William H. Maynard, deputy State's attorney, due to illness made it imperative that a new assistant prosecutor be added to the staff.

Mr. Siskind is expected to take the oath of office and begin his duties on Monday. He will be assigned temporarily to the domestic relations department of the office.

Graduated At Harvard

Mr. Siskind is married and lives at 4400 Groveland avenue. He was graduated from the Harvard Law School in 1948 and previously attended the University of North Carolina and Northwestern University.

During the last war, Mr. Siskind served as an ensign in the United States Navy. He is ranked as a lieutenant, junior grade, in the naval reserve.

Since his graduation from the law school, Mr. Siskind has been in the private practice of law with his father.

Mrs. Mohr Files Special Plea To Indictment

A special plea to the indictment charging Mrs. Audrey Delores Mohr with the larceny of $39,621 from her husband, Carl R. Mohr, was filed today by the defendant under the new rules of the State court set up by the Maryland Court of Appeals January 1.

Her attorney, Howard Calvert Bregel, filed the petition for a bill of particulars to the indictment, calling upon the State's Attorney office to specify how and when she allegedly stole the money.

SOLE OWNER

The petition states that her husband was the individual and sole owner of Carl Mohr and Company, an automobile agency in the 4600 block Belair road, on April 8, 1949, the date the State charges she stole the money.

The petition also states that the couple were married by religious ceremony on July 7, 1947, and that the marriage has never been dissolved by divorce or annulment.

TECHNICAL QUESTION

Mr. Bregel raises the technical question in the petition as to whether a wife can steal property of her husband or vice versa.

According to the assistant State's Attorney, Anselm Sodaro, there is no law on this in Maryland.

Because of this technical aspect the case will go to the Court of Appeals for final determination.

Pair Released On Bail To Await Trial

Two men today are charged in connection with larceny of foodstuffs and merchandise valued at approximately $70,000 from a wholesale grocery firm in the 100 block West Barre street, in presentments returned by the Grand Jury.

Charged with larceny of the merchandise and released in $7,500 bail is Reuben Silberman, an employee of Louis Sachs & Sons, the firm at which the theft occurred. Isadore Schultz, owner of a food market, is charged with receiving the stolen goods, and is released in the same bail. Both men are charged with conspiracy in connection with the theft.

According to Detective Capt. Henry J. Kriss, the men were arrested following a 10-day investigation conducted by Detective Lts. Leo Vogelsang, Millard F. Horton, and Detective Sgt. Francis Murphy.

The case was taken before the Grand Jury by Anselm Sodaro. Bail was set by Judge Michael J. Manley and was posted by Maurice Berman, professional bondsman.

The men will stand trial in Criminal Court.

Quantities of merchandise were removed from the wholesale firm's warehouse and were delivered to the food market, according to the detectives.

MORN SUN 2/18/50

2 Men Convicted Of $1,000 Robbery

Two men yesterday were convicted of robbing a used-car dealer of more than $1,000 in cash and jewelry after forcing him at pistol point to accompany them to the 4900 block Alhambra avenue, where he was given $1 and pushed out of the vehicle.

Convicted by Judge Joseph Sherbow were Lewis M. Broening, 24, of the 500 block North Pulaski street, and Lee E. Miller, 32-year-old ex-boxer, of the 2600 block Harlem avenue. Judge Sherbow withheld imposition of sentence pending a possible new-trial motion.

Charles T. Clark, victim of the robbery, testified he was parking his car in front of his home in the 1200 block East Thirty-sixth street shortly after midnight last December 31, when the two defendants entered the vehicle and one of them drove the automobile while the other pointed a gun at him. He testified they robbed him of $700 in cash, a $300 diamond ring and a watch.

Clark said the defendants then gave him $1, put him out of the car and then drove off. He testified they told him they would notify him by telephone the next day where the car could be found.

The next day, the witness continued, Boening called by telephone and told him the car had been left in the 400 block East Coldspring lane. Police found the vehicle there, the court was told.

Wife Files Plea To Bar Larceny Indictment

Mrs. Audrey Delores Mohr, who is accused of the larceny or embezzlement of about $40,000 from her husband, yesterday filed a special plea to bar her indictment on the grounds that under Maryland law she cannot be accused of misappropriating funds of her spouse.

Mrs. Mohr also asked that the State be required to file a bill of particulars, giving details as to how and when she allegedly took the money from Carl R. Mohr while employed as his bookkeeper in a Belair road automobile agency he formerly operated.

The accused wife filed the special motions through Howard C. Bragel, her counsel. Her plea for a bar to the indictment requires the Criminal Court to determine whether emancipation statutes of the Maryland law take precedence over the common-law rule that a husband and wife are one. The Mohrs were married in 1947 and have never been divorced.

EVE. SUN 2-18-50

Drug Overdoses Blamed In 2 Mystery Deaths

Narcotic overdoses caused two deaths which had baffled police since February 7, when the bodies of the Negro youths were found in Northwest Baltimore, Dr. Russell H. Fisher chief medical examiner reported today.

Dr. Russell said his report was based on an analysis of the vital organs of the youths made by Dr. Henry Friemuth, toxicologist on the medical examiner's staff.

Death was caused by overdoses of heroin, the most powerful of the opium drugs, Dr. Russell told Police Captain William C. Feehley, Northwestern district commander.

Found On Sidewalks

The bodies of the 19-year-old youths, Norman Gibbs and Eugene Woodford, were found lying on sidewalks about a block apart early on the morning of February 7.

Shortly after the medical examiner's report was announced, Captain Feehley said he had ordered the arrest of two colored youths who had been seen with the poison victims on the eve of their deaths.

The two being held reported they last saw the youths, now dead, getting into an automobile about 9.30 P.M. on February 6, at Pennsylvania avenue and Oxford street.

Full Probe Promised

Captain Feehley said a full investigation is to be conducted, but expressed the belief that there are no large narcotic rings operating in Northwestern district.

There were no signs of violence on the bodies of the victims.

Gibbs was found in the 1000 block Arlington avenue. About four hours later, Woodford was discovered on Riggs avenue, near Fremont avenue.

The mysterious circumstances surrounding the discovery of the bodies caused police to link the deaths with the $16,000 holdup at Morgan College on February 6.

MORN-SUN 2/18/50

Quiet Meeting Gives Murrell Nod To Run For State's Attorney

At a meeting characterized by the presence of few known holders of political strength, Alan H. Murrell last night received a nod to run for the office of State's attorney.

Listed on the Emerson Hotel bulletin board as a Citizens Committee, the group was reported to be made up of representatives of civic and improvement associations throughout the city. About 100 attended.

The man who called the meeting, George Ennis, chairman of the Independent Civic Club, failed to appear and after an hour's wait, and learning that Mr. Ennis was out bowling, City Councilman William Muth mounted the rostrum.

There As Personal Friend

"Ennis invited Murrell, not me," Mr. Muth said, but he hastened to add that he was there as a personal friend of the assistant State's attorney.

And then in a few brief sentences Councilman Muth gave Mr. Murrell his unqualified support.

Without further ceremony Mr. Murrell came forward and told the group that "the purpose of this meeting, I suppose, is to sponsor me for State's attorney. I haven't said I would be a candidate."

"I haven't the slightest idea of announcing my candidacy," the speaker said, then adding after a slight pause, "tonight."

Of the administration of the State's attorney's office at the present time Mr. Murrell would only say, "I've been tired of it for four and a half years."

No One Speaks

Since the evening was still early, Councilman Muth appeared again and asked if anyone had something to say. No one spoke.

Would they like to have another meeting, Mr. Muth suggested, perhaps a luncheon meeting? There were sounds of agreement.

Would the first Tuesday in March be satisfactory? he inquired. A lone protest was heard. The second Tuesday? There was no disagreement.

"I think that's unanimous," Mr. Muth said.

Mr. Ennis arrived and walked to the front of the room. "I'm sorry to be late," he said, "I was detained."

The two leaders held a whispered conference and Mr. Ennis turned toward the audience. "Would anyone like to say something?" he asked.

Failing to get a response, Mr. Ennis told the representatives to bring their friends to the luncheon and adjourned the meeting.

EVE. SUN 2/17/50

Mrs. Mohr Raises Legal Issue Of Wife's Status

Mrs. Audrey Delores Mohr, accused in a criminal court indictment for embezzlement or larceny of nearly $40,000 from her husband, today filed a special plea raising the question of whether a wife can properly be charged in Maryland with misappropriation from her husband.

Through Howard C. Bregel, attorney, Mrs. Mohr filed the preliminary defense to the charge. Thereby, the court was called on to decide in advance of trial the special point concerning a wife's situation under present Maryland law.

Legal Question

In legal circles, ever since the charge was first brought against the wife, there has been speculation as to whether the various "emancipation" statutes giving women equality of rights have had the effect of doing away with such old common-law rules as the theory that a husband and wife were one and could not, legally speaking, steal from one another.

Mrs. Mohr's special plea definitely asserted that she and Carl R. Mohr were married July 7, 1947, that there has never been an annulment or divorce and that the marriage is still in existence.

It was also stated in the special plea that Mohr was the sole owner and operator of the motor business known as Car! Mohr and Company. Mr. Bregel, the wife's lawyer, also filed a demand for additional particularization, calling on the prosecutors to supply dates, details and names of witnesses involved in the larceny and embezzlement complaint.

Grocer, Employe Of Food Firm Held In Theft

Reuben Silberman, 42, of the 2700 block of West Garrison avenue, a warehouse foreman, was presented today by the grand jury on a charge of larceny of "about $70,000" worth of groceries from the wholesale firm of Louis & Sons, 106 West Barre street, during the last fifteen months.

Accused of having received the food, "knowing the same to have been stolen," was Isadore Schultz, 46, a grocer, of the 3900 block of Barrington road. Schultz, according to police, operates a retail food market in the 700 block Washington Boulevard.

Silberman, police added, had been employed by the wholesale firm for the last 27 years.

Specific Charges

He was specifically charged with the theft of $466.59 worth of groceries, property of the wholesale firm, on February 8, last. Schultz was charged with having received the stolen foodstuffs on that occasion.

A third charge accused both men of conspiring to steal the groceries.

Bail for each was set at $7,500, and both were released after it was posted by Maurice Berman, a professional bondsman.

Police said the case was taken to the grand jury as a "special," thus bypassing the usual preliminary police court hearing.

According to the charges, the thefts began in November, 1948, continued through last year and up to February 8 of this year.

Ten-Day Probe

Captain of Detectives Henry J. Kriss said the men were arrested after an investigation by Detective Lieutenants Leo Vogelsang and Millard Horton, and Sergt. Francis Murphy.

The probe began ten days ago, Captain Kriss said, when an official of the grocery concern asked police for assistance, explaining that he suspected merchandise was being stolen.

Police said that the stolen foodstuffs were delivered weekly to the store by a company truck, whose driver was unaware the goods were being improperly handled.

Captain Kriss said that the arresting officers conferred today with the State's attorney about the case.

Judge Disputes Emerson Term

Racing-bet fines totaling $900 today were recorded in Criminal Court as a result of two bookmaking cases tried before Judge Michael J. Manley.

Judge Manley imposed fines totaling $750 on Anthony Bouchet, who was arrested in a raid by Capt. Alexander Emerson last summer at a clubroom in the 1300 block Greenmount avenue, where 25 men, mostly cab drivers, also were arrested.

Bouchet was fined $250 for each of three days of bookmaking operations, as a result of evidence gathered by police.

Judge Disputes Description

Captain Emerson described the clubroom as a "bullpen" or "place where they pay off after each race." Judge Manley, however, struck out the captain's designation, with the remark that "his description of the large, bare room did not meet the usual description of a bullpen."

The judge said such a place would have special cashiers' windows for intake and payoff, plus blackboards for posting of results.

In the other case, Judge Manley imposed a $150 fine on John Ward, 51, of the 1800 block St. Paul street, on a charge of accepting bets at a bar in the 1700 block North Charles street.

Murrell May Run For State Post

The name of Assistant State's Attorney Alan H. Murrell was added to the list of "probable" political candidates today. It was announced that he will be the guest of a group of civic association representatives meeting tonight to discuss the coming election campaign.

George Ennis, Jr., who is to be chairman of the meeting in the Emerson Hotel, said he invited Mr. Murrell "because we are interested in who is to seek the office of State's Attorney."

Mr. Ennis said the meeting will be attended by representatives of civic and community associations in all sections of the city.

Sodaro Mentioned

Speculation in political corners today also listed the name of another assistant State's attorney—Anselm Sodaro—as a "probable" candidate for the office.

The report was current that J. Bernard Wells, now completing his fifth term as State's attorney, will announce his retirement and support of Mr. Sodaro.

EVE. SUN 2/20/50

Luck Charm, License Numbers Play Part In Jailing Pair

The acuteness of a landlady's daughter and police investigations—involving a sailor's good luck charm—have resulted in two colored men being held in Baltimore city jail as convicted robbers. They are awaiting sentence by Judge Michael J. Manley.

The good luck charm was an East Indian lucky root. The two men were among a group of four that held up and robbed Santiago Colon, Portugese seaman, on East Monument street last January 28.

The two men convicted are Wallace Gregory, 29, 1400 block East Lafayette avenue, and James Haywood, 24, 700 block West Saratoga street. The other two men have not been caught.

Posed As Officers

The seaman was walking on the street when he was stopped by three men who posed as Federal officers, Prosecutor William J. O'Donnell told the court.

Mr. Colon was forced to get in an automobile driven by the fourth man. The group took his pocket book, containing $150, his lucky charm, and a religious medal.

According to the tale told Judge Manley, Mr. Colon did not resist because he thought the Federal badges shown by the men were real. Not satisfied with their loot the group demanded to search Mr. Colon's quarters in a seaman's rooming house in the 500 block Ensor street.

Notes License Numbers

That is where Thelma Elicerio, the landlady's daughter, played an important part in the case. She noted that the badges "looked like tin," she told police. Therefore

Alabama Fugitive Gets 17½ Years

Leonard Allen, 25-year-old escapee from an Alabama prison, today was sentenced to a total of 17½ years' imprisonment for a series of Baltimore offenses early this winter.

Known as "the Guilford burglar" because of a series of jewel thefts in that area, Allen pleaded guilty in Criminal Court to five burglary and two larceny charges. He was found guilty on an assault charge of a rape indictment charging him with attacking a woman in her Eutaw place apartment.

Judge Michael J. Manley imposed three-year sentences in the burglary cases, one-year sentences in the larceny cases, and a six-month term in the assault case.

Served Eight Years

Allen escaped last November from an Alabama prison after serving eight years of a 25-year term, Assistant State's Attorney J. Harold Grady told the court. Allen was represented by Hamilton O'Dunne, court-appointed counsel.

Much of the jewelry taken in the burglaries was not recovered. Allen said he gave many valuable articles to casual women acquaintances.

Several pieces of jewelry were recovered from pawn or from women to whom they were given. Allen's attempt to pawn an emerald ring brought about his arrest. Detective Sergeant Joseph Koudelka saw him in a pawnshop.

NEWS 2/20/50

Burglar Draws 17½-Year Term

Leonard Allen, twenty-five, who was termed "an outspoken psychopath" by Dr. Manfred S. Guttmacher, chief medical officer to the Supreme Bench, was sentenced today to 17½ years in the Maryland Penitentiary for a series of burglaries here

Allen, who escaped from Alabama State Prison, where he was serving 25 years, before coming to Baltimore last September, was convicted in a $2,818 clothing and jewelry burglary at the Guilford home of Charles Guth in the 200 block Edgemere avenue.

Dr. Guttmacher told Judge Michael J. Manley that Allen is "not a good person to be at large in society."

The term "psychopath" is regarded by psychiatrists as a "wastebasket classification," and has been variously defined as "moral imbecility," "emotional infantilism," and "lack of conscience."

Two sixteen-year-old boys who pleaded guilty to a series of garage robberies in the Hampden-Woodberry district on January 27 and 29 were sentenced in Criminal Court today to not more than two years in the Maryland Reformatory.

The boys are Arnold Perryman of the 3500 block Poole street and Thomas A. Robertson of the 1400 block West Thirty-sixth street.

William L. Siskind, who was admitted to the bar here in 1948 following his graduation from Harvard Law School, took the oath of office today as an assistant State's Attorney. The oath was administered by Judge Michael J. Manley.

Mr. Siskind is twenty-five and lives in the 4400 block Groveland avenue.

MORN-SUN 2-21-50

MARYLAND SEARCH LAW SEEN IN LINE

Sodaro, State Prosecutor's Aide, Comments On Ruling

Maryland law affecting search and seizure in a criminal case is "pretty much in line" with yesterday's Supreme Court decision, Anselm Sodaro, first assistant State's attorney, said last night.

In a 5-to-3 decision, the Supreme Court upheld the right of Federal officers to search and seize evidence of a crime without a warrant so long as the action was part of a lawful arrest.

The Federal men had had a warrant for the arrest of a New York city stamp dealer on the charge of selling four altered postage stamps.

Without a search warrant they searched his office after arresting him, found 573 more altered stamps and charged him with possession of illegal stamps as well as with selling four of them.

Issue Has Been Raised Here

Although Mr. Sodaro cautioned that he was speaking generally and could not give an extensive opinion until he had read the complete decision, he observed:

"I have argued cases before the Supreme Bench of Baltimore where the same issue was raised.

"When a man is arrested for disorderly conduct or picked up drunk, and contraband—betting slips or a deadly weapon, for example—is found on him, he is charged with its possession.

"Our courts and the Court of Appeals have held it perfectly legal to do this because the search is incident to a lawful arrest."

Search On Premises

Mr. Sodaro said court decisions had, in past cases, approved a search on premises to which police had been admitted to make an arrest.

The Court of Appeals also has upheld a police search, without a warrant, on premises where a man had been arrested some hours earlier.

He pointed out, however, that while the law was clear, its application to complex circumstances is often difficult.

The most important law affecting search and seizure in Maryland is the Bouse Act, passed in 1929 as an outgrowth of the rising tide of opposition to prohibition and the methods being used to enforce the dry laws.

Applications Of Bouse Act

The act makes evidence obtained by illegal search and seizure, in cases of misdemeanors, inadmissible in Maryland courts.

"The exceptions to the Bouse Act now almost equal the cases where it applies," Mr. Sodaro observed.

Some instances where it would apply include arresting a man, on a warrant, on the street and then searching his house, room or office for evidence without a search warrant.

Another case would be where officers went to a man's home with a warrant for his arrest. If he stood on his front steps and offered himself up and yet refused admittance to his house, the police could not enter and search without a warrant.

Misdirected But Competent

On the other hand, if police have a search warrant for premises because they believed bookmakers were operating there but found, when they get in, that the place was actually a disorderly house—then they could arrest for the second offense no matter how surprised they might be.

Under the Bouse Act people in a home are protected against a search without a warrant if they are the lawful owners or occupants.

However, the house can be entered without a warrant if the police believe someone, not the legal owner or occupant, is writing numbers there.

In a case several years ago police arrested several persons on the charge of spiriting away a witness in a pending case.

The arrested persons took protection under the Bouse Act and said the police had not witnessed the commission of a crime. However, in its opinion, the Court of Appeals ruled that the police knew what was coming off and said "the law is not impotent as all that."

Although police could charge a man with carrying a deadly weapon if they found it searching him after he was arrested for another crime, they cannot stop persons on suspicion and search them for weapons.

Between-Floors Precision

A variation on this is during a raid on a house where the search warrant specifies a search of the first and second floors only.

If police find a barred door at the top of the third-floor stairs or hear voices that sound like "put five on . . ." they can legally go through the door.

But if number slips are hid in a trunk on the third floor, they are mute and police cannot legally discover them.

EVE. SUN – 2-23-50

Courts Handle $3 Million Yearly As Price Of Domestic Troubles

By T. Denton Miller

Dollars by the millions flow through the Baltimore courthouse yearly—the high cost of alimony and domestic troubles.

The total now reaches nearly $3,000,000 a year, including all forms of domestic payments. It is growing steadily.

The divorce courts set part of the figures; the Criminal Court the rest.

The Probation Department of the Supreme Bench, generally speaking, keeps the tallies, sees that payments are properly made, and serves as the strong arm of the courts in keeping things going smoothly. It is getting a steadily increasing share of the work.

Problems Considered

A lot of problems are involved. Ability to pay and family need are samples. Unemployment, illness, accident and depressions are bugabooes that hit hard at times. Nevertheless, the money usually flows steadily.

In addition—and most people are surprised when court officials say the proportion is almost negligible—there is the problem of the money earner whose bitterness causes him to "skip," leaving his family stranded behind.

In those cases, other big-city probation officials co-operate, or criminal proceedings with extradition are restorted to when child support is involved. Some skip succesfully.

Sometimes, an old English common law theory is invoked to prevent the wage-earner fleeing "the realm," and he is held within Maryland's borders by the court issuing a writ "ne exeat regno."

Collections Tightened

Baltimore judges years ago acted to tighten collection measures for the aid of wives and children. For the past four years, nearly all alimony and support payments are routed through the Probation Department. Supreme Bench Rule No. 602, Section D, says:

"All payments of alimony pendente lite, permanent alimony and for support and mainteance of children shall be made through the Probation Department, unless otherwise directed by the court."

Chief Judge W. Conwell Smith verified the judicial theory behind the rule. In past years, too many disputes arose between estranged or divorced spouses, few of whom were equipped to keep accurate records.

Controls Maintained

Also, enforcement used to depend largely upon wives keeping the ex-spouse up to date in payments by complaining to court when he lapsed in payments. Nowadays, regular check-up controls are maintained by probation workers.

Of course, split couples usually were quick enough to complain even in the past, as Chief Probation Officer Charles F. Snyder points out.

"The divorced or separated wife," Mr. Snyder said, "often depends utterly on the weekly payment to provide for herself and children. They budget on that basis, and even a one or two-day delay brings complaints."

Nowadays, the control set-up of Mr. Snyder, his two deputy department heads and his staff of 29 probation workers, provides for a crack-down if arrears in support payments pass two weeks.

Urban Problem

Baltimore's two divorce courts, Circuit Court and Circuit Court No. 2, have granted 34,523 divorce decrees in the past ten years. Approximately two thirds of the total of Maryland divorces are in the city. That fact in the past has caused judicial authorities to comment that divorce is an urban, not a rural, problem.

Alimony clients of the probation office are "steady clients," as alimony usually runs until death or remarriage of the spouse. Nonsupport proceedings in Criminal Court often lead eventually to divorce courts.

Collections in all classes of cases still are running heavy in 1950, Courthouse employés say.

Two of the three members of the Supreme Bench committee on probation are assigned to the divorce courts for 1950. They are Judge Emory H. Niles and Judge Herman M. Moser. The other member of the probation committee is Judge Charles E. Moylan, of Juvenile Court.

Judge Joseph Sherbow this year is handling non-support, bastardy, and similar domestic matters in Criminal Court, where Judge E. Paul Mason last year enforced strict adherence to payment obligations, on pain of imprisonment until arrears were met.

Brings Results

The "tough policy" brought quick results, officials say. Records show 321 men were imprisoned, at least for short periods, for domestic matters last year.

The probation staff, at the start of 1950, is supervising 11,749 probationers. Most are domestic-support cases; either from Criminal Court or the divorce courts.

Detailed record systems aid officials in keeping track of their tremendous case load.

"Arrears are checked weekly by the probation officer in charge of each case," Mr. Snyder said. If payments get two weeks behind, notices are sent out. The delinquent is called before his probation officer, who considers the excuses that are presented and tries to bring the case up to date.

Case Goes To Judge

"If the man fails to appear, the case is referred to the proper judge, either in Criminal Court or the equity court. Orders are issued for the man to appear personally. Action then is up to the judge."

Police aid often is sought when probationers cannot be located. There is a standard form by which Chief Police Inspector M. Joseph Wallace is called on for aid and is given all available data to track down the delinquent.

"In out-of-town cases, we are handicapped," said Mr. Snyder. "Probation departments of other large cities co-operate, as we do with them. Some very good results in maintaining collections are possible in that way."

Most Pay Weekly

Most payments by husbands and ex-husbands are made weekly. About one third appear in person to pay in cash, or have others appear for them. Payments are received by a staff of seven cashiers, bookkeepers and disbursers. Payments go out by check, at the rate of 18,000 checks a month. A nominal deduction of one per cent is made, as provided by law, to help defray clerical expense.

The money flows in and out, promptly. There are no delays. The department does not even wait for its intake checks to "clear"; nevertheless, very few "bad" checks show up, Mr. Snyder said.

Domestic Cases Collections

Collections by the Probation Department during the past ten years in the four classes of domestic cases are as follows:

	Alimony	Non-support	Bastardy	Indigent parents
1940	$267,286.87	346,901.80	93,296.43	2,117.04
1941	304,056.72	382,212.20	129,046.74	2,235.87
1942	345,832.15	413,175.70	165,264.68	4,072.52
1943	366,464.96	440,550.80	145,459.91	15,656.08
1944	440,245.93	515,434.15	174,956.52	21,284.48
1945	526,016.39	563,303.75	188,023.48	22,476.50
1946	655,989.89	638,015.58	192,040.65	22,627.60
1947	812,576.38	822,720.48	213,510.88	21,941.64
1948	1,138,435.26	976,594.49	261,633.79	25,831.74
1949	1,359,275.80	1,179,048.26	337,993.93	36,954.48

Supreme Bench Judges Act On Rule 904

The Supreme Bench judges today took up the question of enacting a revised Rule 904 to protect and assure a prisoner's right to a fair trial without improper disclosures.

Rule 904 was voided in part by decisions in the contempt of court cases against Baltimore radio stations as a result of broadcasts dealing with the arrest, record, and confession of Eugene H. James, colored man later hanged for the knife slaying of 11-year-old Marsha Brill.

The bench had taken no prior specific action on the rule since the Maryland Court of Appeals reversal June 9 of the contempt convictions of the radio stations and held that portions of the rule were in conflict with the constitutional rights of free speech and free press.

The Supreme Court subsequently refused to take action in the matter.

Judge Gray's Ruling

Even before the Court of Appeals ruling, Judge John B. Gray, Jr., Southern Maryland jurist assigned to hear the contempt cases, had stricken down one paragraph of the rule. Although the upper court reversed him on the convictions, it agreed with his view on that point.

Long before the contempt cases arose to test the rule, which had been criticized in press circles in other cities as "The Baltimore Gag Rule," Judge Sherbow of the Supreme Bench publicly had urged its modification.

In a speech before the Maryland State Bar Association at Atlantic City in June, 1948, the judge urged a new draft of the rule to simplify it, make it more workable in its effect on press and radio, and to eliminate portions which were felt to conflict with prevailing contempt views of the United States Supreme Court as to publications.

May Still Curb Police

Since the Court of Appeals decision, there has been no official pronouncement as to what part of the rule remained effective but it was generally thought in legal circles that the rule still remained fully binding on police, court and public officials.

Its restrictions on revelations by such officials were believed to be binding, even though the upper court had stricken out the restrictions affecting newspaper and radio publications.

The original rule of the Supreme Bench reads:

"Rule 904. Photographs, Statements for Publications, Etc.,

"In connection with any case which may be pending in the Criminal Court of Baltimore, or in connection with any person charged with crime and in the custody of the Police Department of Baltimore city or other constituted authorities, upon a charge of crime over which the Criminal Court of Baltimore has jurisdiction, whether before or after indictment, any of the following acts shall be subject to punishment as contempt:

"A. The making of photographs of the accused without his consent.

"B. The making of any photograph in violation of Rule 3 hereof. (Rule 3 bans pictures of accused in custody of police and pictures around the courthouse.)

"C. The issuance by the police authorities, the State's Attorney, counsel for the defense, or any other person having official connection with the case, of any statement relative to the conduct of the accused, statements or admissions made by the accused, of other matter bearing upon the issues to be tried.

"D. The issuance of any statement or forecast as to the future course of action of either the prosecuting authorities or the defense relative to the conduct of the trial.

"E. The publication of any matter which may prevent a fair trial, improperly influence the court or the jury, or tend in any manner to interfere with the administration of justice.

"F. The publication of any matter obtained as a result of a violation of this rule."

The rule was adopted in 1939.

Language "Too Broad"

The first time any portion of it was stricken down was when Judge Gray, in the lower court trial of the contempt cases, ruled that Section E was "too broad" to be valid under Supreme Court rulings.

The Court of Appeals definitely struck down both Sections E and F.

Legal authorities have felt that Sections A, B, C and D are still valid, although Section C might need amendment to strike out the broad language, "any statement relative to the conduct of the accused."

Maryland's high court said it was "well aware of the high motives of the Maryland bench and bar in attempting to keep the stream of justice undefiled by sensationalism, and the dramatization of crime, so prevalent in this country and so roundly condemned in England."

Not Lacking In Power

The decision, written by Judge William L. Henderson, concluded: "We do not suggest that the courts lack the traditional power to discipline officials who are a part of the administration of justice."

It also added that the court simply held that the broadcasts in the James case "did not create such a clear and present danger as to meet the constitutional test" permitting to interference with free speech and free press.

NEWS – 2/23

Man Is Slain By Policeman

One man was shot and killed by a policeman last night, another arrested and a third escaped when two officers surprised a group of three breaking into a parked auto in the 700 block West Redwood street.

A technical charge of homicide was placed against the policeman, who was released through habeas corpus proceedings before Judge E. Paul Mason for trial "when called."

Patrolmen John T. Dunn and John Ravadge trailed the three two blocks, saw them smash the window of a car and then closed in at Lombard and Greene streets and chased them to the 700 block of West Redwood street, where the three gave fight.

Patrolman Dunn was struck and pummeled, then drew his pistol and fired three times. A man identified as Edward J. Chase, Negro, twenty, 1900 block West Mulberry street, was fatally wounded.

MORN-SUN 2-24-50

'Shakedown' Data Slated For Jury

The Baltimore grand jury on Monday will be told about an investigation into an alleged political shakedown through the sale of boiler firemen's licenses at excessive fees, J. Bernard Wells, State's attorney, announced yesterday.

Mr. Wells disclosed that he and an assistant, J. Harold Grady, had interrogated several witnesses and also had been in conference with J. Edgar Harvey, deputy attorney general, who had investigated the reported shakedown last November.

The probe followed a complaint by William M. Ives, Jr., manufacturer, that one of his employés had been approached by a man posing as an inspector of the State Board of Examining Engineers, who asked an excessive fee for a license. The excess amount was to go to the Governor's campaign fund, it was reported.

Mr. Harvey advised the Governor last November that "there is no action I see you can take in the matter," but the complaint recently was revived in the General Assembly, where it was noted that the matter had not been called to the attention of prosecutors.

It was then that Mr. Wells was asked to make a further investigation.

MORN-SUN 2-24-50

CRIME NEWS RULE REPEALED BY CITY BENCH

Court Regulation Had Been Subject Of Recent Litigation

Made almost ineffectual last June by a decision of the Maryland Court of Appeals, Baltimore Supreme Bench Rule 904, which restricted publication of crime news, was repealed yesterday.

In a statement issued by the judges, the 11-year-old rule quietly passed out of existence. The action was taken at a weekly luncheon meeting which rarely makes news.

Courthouse attachés noted that the much-discussed rule, which the Supreme Court of the United States refused to consider on the State's petition for a review, was erased from the Baltimore court rules with an announcement of only a few words by the bench after litigation, speeches and opinions concerning it took up thousands of pages.

Text Of Announcement

The announcement of the repeal of the rule read as follows:

"The following resolution was adopted today by the Supreme Bench at its regular Thursday meeting:

"'Resolved: Rule 904 is hereby repealed.

"'The repeal of Rule 904 shall not be construed to impair the powers of the judges from time to time assigned to the Criminal Court of Baltimore to punish for contempt.'"

The final paragraph of the resolution returns the contempt power of the judges to regulate publications to the same status it held before 1939, when 904 was adopted.

Contempt Power Remains

In other words, the judges still have the general power of contempt, subject to the "clear and present danger" rule set up by Supreme Court decisions.

In defending Rule 904 during recent litigation involving radio stations accused of violating portions of the regulation, counsel for the State contended that Rule 904 had been adopted merely as a guide to newspapers or other news disseminators to help them determine what could be published in crime cases.

Counsel for the defendants contended, however, that the rule had been strictly enforced to the point where it interferred with constitutional guarantees of freedom of the press.

Major Issue In Case

The litigation involved the major issue of whether that guarantee took precedence over, or was subordinate to the constitutional guarantee of a fair and impartial trial.

The Maryland high court voided one portion of the rule which forbade the publication of any matter which may prevent a fair trial, improperly influence a jury or tend to interfere with the administration of justice, and another section which forbade the publication of any matter obtained as a result of the rule.

Other Portions Of Rule

Other portions of the rule forbade (1) the making of a photograph of the accused without his consent, (2) the making of a photograph of the accused while in custody of the police or taking pictures in the Courthouse, (3) the issuance of statements by police, prosecutors, counsel or others having official connection with the case about the conduct of the accused, or statements made by the accused, and (4) statements forecasting the future course of action relative to the trial.

MAN CLEARED OF MURDER

State Fails To Show Youth Caused Friend's Death

Edward Klemkowski, 22, yesterday was acquitted of the murder of his friend, Raymond Hoffmaster, after the State was unable to prove that death was not due to natural causes.

Through Samuel S. Levin, his attorney, Klemkowski contended that a blow with the back of his hand on the face of Hoffmaster, who was 23, was not severe enough to cause a hemorrhage around the brain, and that the hemorrhage was due to undersized blood vessels leading to the brain.

Hoffmaster, who lived in the 1500 block West Lombard street, died last January 13 in an apartment in the 100 block North Carey street after he and the defendant had engaged in an argument that resulted in Hoffmaster being struck in the face, State's evidence disclosed.

Drinking In Tavern

Earlier, the two men had been drinking in a tavern together. Hoffmaster left and went to the Carey street apartment and when Klemkowski followed him there, they argued over Hoffmaster's reason for leaving the tavern, Judge Michael J. Manley was told.

A friend of Hoffmaster's testified that the victim had complained of pains in the head for several months and was sick just before the two men argued.

Dr. Russell S. Fisher, chief medical examiner for the city, testified he was unable to ascertain from an autopsy whether Hoffmaster died from natural causes or an external blow.

He said there was no evidence of any external blows and noted that some vessels carrying blood to the victim's brain were below normal size. Such vessels, he said, could burst from unusual pressure, causing the hemorrhage.

Klemkowski lives in the first block North Calhoun street.

JUDGE REQUESTS PROBE OF POLICE

Sherbow Says Special Men Abuse Authority

Judge Joseph Sherbow yesterday called for a general investigation of special police appointments by the Police Commissioner after ruling that the authority given to one special policeman had been "shamefully abused" to the point of "dictatorship."

In calling for the probe, Judge Sherbow acquitted one man accused of armed robbery and on assaulting a special policeman, and took steps to have the conviction and eighteen-month prison sentence of another man stricken out.

Judge Sherbow found that the special policeman involved in the case, George E. Banks, Negro, of the 1100 block Orleans street, had very little supervision by regular policemen, operated "on his own" without any interest in the general public welfare and had been involved in a "sad miscarriage of justice."

Uniform And Badge Provided

Banks, testimony disclosed, had been given a special appointment at a tavern at the same address where he lives. The man wore a uniform similar to that worn by regular police and had a special badge.

The judge acquitted John Taylor, 21, of the 1900 block East Chase street, and announced he would take steps to have Judge Robert France strike out the sentence imposed last December on Arthur Lee Willis, Negro, 25, of the 100 block North Aisquith street.

Taylor and Willis had been charged with the attempted armed robbery of Weaver Edwards, Negro, November 26, and with assault on Banks.

Reports Robbery Attempt

Banks testified at the trials of the men that Edwards ran into the tavern and reported he had been the victim of a robbery attempt. Subsequently, Taylor came into the restaurant and was seized after Edwards pointed him out, Banks said.

Then, the special policeman said, Willis entered the tavern and forced him to free Taylor after brandishing a knife. The men then fled, Banks testified.

Judge Sherbow pointed out that Banks made no written report of the alleged robbery and assault to the Northeastern district, but merely mentioned casually the next night to a sergeant that there had been trouble in the establishment.

Radio Cars Not Called

No radio cars were called and Banks attributed his failure to file a written notice of the alleged crime to the fact that he did not know the names of the alleged assailants or the victim, the judge said.

Actually, the judge pointed out, it was subsequently shown that Taylor's mother worked in the tavern and that Willis's girl friend was as acquaintance of the special policeman.

Seven days after the alleged assault, Banks arrested Taylor near the tavern and more than three weeks later took Willis into custody, the judge pointed out.

Meanwhile, the judge said, no warrants had been obtained and even if Banks did not know the names of the parties, it would have been easy to find out the names.

Concern About Officers

"In Baltimore, we have always been a little concerned about special police officers, special deputy sheriffs and other people who are under very little supervision, but who have some power or they feel they have extreme power—power I think in this instance was shamefully abused," the judge declared.

"Something in the way of an investigation is needed and I shall recommend to the Police Commissioner that there be an investigation of these special officers who are supreme to the point of dictatorship in a neighborhood where they can carry around in their vest pockets the ability to arrest anybody they please on charges unknown anywhere to the Police Department, and let them possibly face very severe penalties."

Asserting that the incident had never been reported to police, Judge Sherbow said Banks apparently had operated "on his own, without supervision, undoubtedly paid by the tavern without any interest in the general public welfare."

The judge praised Alan H. Murrell, prosecutor, who made an investigation to get the facts in the case and had not "taken the position that there has to be a prosecution at all hazards."

Allen Fisher, Jr., was court-appointed counsel.

EVE. SUN – 2/27

Flash

Inspector Presented

Floyd Byers, of 2619 Sloatfield avenue, a former smoke inspector for the city, was presented by the Baltimore grand jury today on two charges as the person who attempted a "shakedown" on two plant engineers for the supposed benefit of Governor Lane's campaign fund.

Byers was presented on a charge of obtaining $43 by false pretense from an engineer at the brush handle factory of William M. Ives Company, Inc., on October 12.

Maynard Operated Upon At Hopkins

Deputy State's Attorney William H. Maynard has undergone three serious operations during the past two weeks at Johns Hopkins Hospital. His condition was reported "very good" yesterday.

During his illness and in the absence of State's Attorney J. Bernard Wells, who is in Florida, Anselm Sodaro is acting State's attorney.

EVE. SUN 2/27/50

Two Get 20 Years Each In Holdup

Twenty-year terms in the Penitentiary were imposed today each on Lewis M. Boening, 24, and Lee E. Miller, 32, for armed robbery of Charles Clark in front of his East Thirty-sixth street home last December 31.

Judge Joseph Sherbow imposed the sentences in Criminal Court after both defendants declined to make any statement. The Judge specifically asked them if they had anything to say and their attorneys urged them to utilize that "last chance."

Since the trial, more than a week ago, it had been reported that new revelations would be forthcoming as to the facts of the robbery, including the amount of money taken.

Wife Hysterical

In pronouncing sentence, Judge Sherbow reminded the men that "nothing has been offered in mitigation." He said that swift trial and severe punishment was the best way to halt armed holdups, which "must be stamped out."

Boening's young wife became hysterical and had to be helped from the courtroom after the sentence.

Clark had identified Boening as the nervous "tough-talking" bandit with a large pistol who held him up as he reached his automobile in front of his home in the 1200 block East Thirty-sixth street.

Taken In Auto

With Miller driving the car and Boening seated on the other side, the pair had taken Clark about a dozen blocks before putting him out of his automobile, after taking a watch and two rings and $700 in cash, Clark testified.

Later that day, Boening had called him by telephone to tell him where his car was abandoned, Clark testified.

At the trial Clark was questioned at length by defense counsel concerning his occupation.

Although he claimed to be a used-car salesman he said he made no sales recently and was unable to name anyone to whom he had sold an automobile in the past year.

Zack Surrenders, Bail Sought

Joseph A. Zack, 37-year-old Baltimorean who walked out of the State House at Annapolis on Friday while Governor Lane was signing papers that would extradite him to Pennsylvania to face burglary charges, surrendered today to Captain of Detectives Henry J. Kriss.

He was accompanied by his wife and his attorney, Joel J. Hochman. A governor's warrant for Zack's arrest was issued Saturday.

Shortly before surrendering his client to police, Mr. Hochman instituted habeas corpus proceedings in the Baltimore City Court in an effort to bring about Zack's release on bail and prevent his being sent to Lebanon, Pa., where the criminal charges are pending.

Thursday Hearing Set

Judge Robert France set habeas corpus hearings for Thursday afternoon after Acting State's Attorney Anselm Sodaro agreed that $10,000 would be satisfactory for the man's release.

Zack's present bail, according to Central Police Station records, is $5,000, although his attorney and relatives contended that property greatly in excess of $10,000 had been pledged. Zach's address was given as the 1900 block North Patterson Park avenue.

Not Guilty Pleaded In Murder Trial

Albert C. Ensey, 28, and George L. Smith, 22, today pleaded not guilty before a two-judge court on a charge of murdering Ensey's uncle, Stanley Ensey, last December 5. They pleaded guilty to a second charge of robbery.

In presenting the case before Judge Michael J. Manley and Judge Abner Saylor in Criminal Court Edwin A. Gehring and James F. Price, assistant prosecutors, said the State was seeking a first-degree murder verdict.

Ensey and Smith were represented by Michael F. and Leonard Freedman, attorneys.

The 77-year-old victim was found fatally injured at the foot of the basement steps at his home at 2320 Frederick avenue on the afternoon of December 5. George Franklin Stevens, a 17-year-old boy, who occasionally ran errands for the dead man, a part-time spiritualistic medium, said Mr. Ensey's electric phonograph was still running at the end of a record when he reached the home.

Ensey gave his address as the 400 block Burns court. Smith said he lived in the 1900 block Ramsay street. At a magistrate's hearing after their arrest, it was testified that Mr. Ensey had slipped on the stairs. After he had fallen the youths took watches and money and left the house, according to statements made to the police.

MORN-SUN 2/28

JURY PLACES CHARGES IN 'SHAKEDOWN

Former City Inspector Posts Bail Of $500 On Fraud Count

Presentments charging Floyd Byers, 40, with false pretenses and attempted false pretenses were returned yesterday by the grand jury as a result of the investigation of an alleged political shakedown.

The charges involve alleged efforts to sell boiler engineer's licenses at excessive prices.

Byers, who lives in the 2600 block Sloatfield avenue, was released in $500 bail posted by Melvin Weil, professional bondsman.

He is accused of unlawfully obtaining $43 from John D. Hagen, engineer for the William Ives Brush Company, last October 12 and of attempting to obtain $53 from George D. Shriner, Sr., laundry-plant engineer, the next day at a laundry in the 1100 block Ward street.

Former Smoke Inspector

Byers is a former city smoke inspector, it was disclosed. He was accused after the grand jury heard testimony from Ernest E. Green and Harry W. Hauf, examiners of the State Board of Examining Engineers.

Governor Lane ordered an investigation last November after it was charged that amounts above the $3 license fees had been sought by a person or persons who said the excess would go into the Lane campaign fund.

J. Edgar Harvey, deputy attorney general of Maryland, thereafter conducted an investigation of the alleged shakedown attempt, with the aid of the State police, but in November reported to Governor Lane that "there is no action I see you can take in the matter."

Revived By Buffington

Recently interest in the affair was revived in the General Assembly by Delegate Buffington (D., Third Baltimore), who noted that no report on the investigation had ever been turned over to the State's attorney for possible prosecution.

The probe then was reopened by J. Bernard Wells, State's attorney for Baltimore city, and additional information gathered under Mr. Wells's direction was presented yesterday to the grand jury, along with Mr. Harvey's report.

Mr. Wells and Mr. Grady had interrogated several witnesses prior to sending the case to the grand jury.

HOLDUP PAIR SENT TO PEN

Ex-Boxer, Pal Get 20 Years In $1,000 Robbery

Two men, one a former prizefighter, yesterday were sentenced to twenty years each in the Penitentiary for the armed robbery of a used-car salesman of more than $1,000 in cash and jewelry last December 31.

The sentences were imposed by Judge Joseph Sherbow in Criminal Court on Lewis M. Boening, 24, of the 500 block North Pulaski street, and Lee E. Miller, 32, former boxer, of the 2600 block Harlem avenue.

Judge Sherbow gave the defendants an opportunity to give the court further details about the robbery, but they remained silent, as they had at their trial on February 17.

Held Up While Parking

They were convicted of robbing Charles T. Clark after they entered his automobile as he was parking it in front of his home in the 1200 block East Thirty-sixth street, and forced him at pistol point to accompany them to the 4900 block Alhambra avenue, where he was let out of the car.

Clark testified the men gave him $1 after they put him out of the vehicle, and then told him they would notify him by telephone the next day where the car could be found. The victim said Boening called the next day and told him the car was in the 400 block East Coldspring avenue, where police found it.

2 Men Sentenced In Robbery Case

Two young men yesterday were sentenced to ten years each in the Penitentiary for robbing a 77-year-old man, but were acquitted of a charge of murder.

The sentences were imposed by Judges Michael J. Manley and J. Abner Saylor on George L. Smith, 22, of the 1900 block Ramsey street, and Albert Charles Ensey, 28, of the 400 block Burns court.

Ensey was a nephew of Stanley Ensey, of the 2300 block Frederick avenue, who died last December 5 as the result of falling down the cellar steps of his home after he admittedly was "tricked" into going into the cellar by the defendants.

Fell Against Uncle

While the State contended that one of the defendants pushed the elderly man down the stairs, Ensey testified yesterday that he fell against his uncle during the descent of the stairs, causing the latter to fall.

Smith, in a statement to police, asserted he saw Ensey strike the old man, causing him to fall downstairs.

The two defendants admitted they planned to rob the victim, and that they went to his house for that purpose.

"Tricked" Man Into Cellar

They also admitted that they "tricked" the man into going into the cellar on the pretense there was a radio there they wanted to see.

Testimony produced by Edwin A. Gehring, prosecutor, disclosed that the defendants took the elder Ensey's wallet containing $52 as he lay at the bottom of the steps, and that they then went upstairs and stole three watches and a ring, which were pawned.

Michael and Leonard Freeman were defense counsel.

EVE. SUN – 2/28

Ober Ruling Curbs Special Officers

Police Commissioner Beverly Ober issued new regulations today barring special police officers from carrying pistols or making arrests off the premises to which they are assigned.

The regulations were issued, Commissioner Ober said, as a result of recommendations made last week by Judge Joseph Sherbow.

Following a Criminal Court trial involving a special policeman, Judge Sherbow called for an investigation of special police appointments.

"Shameful Abuse"

Ruling that the authority given the special officer, a Negro, had been "shamefully abused" to the point of "dictatorship," Judge Sherbow acquitted one man accused of armed robbery and assaulting the policeman and struck out an eighteen-month prison sentence of another man.

"There should be an investigation of these special officers who are supreme to the point of dictatorship in a neighborhood where they can carry around in their vest pockets the ability to arrest anybody they please on charges unknown to the Police Department," the judge declared.

"I recognize the importance of Judge Sherbow's criticism and recommendations," Commissioner Ober said today in announcing regulations to be followed by the regular police force and employers of special officers.

The new regulations require employers to notify newly-hired special police officers to report to police district commanders for an interview.

Captains commanding the police districts are ordered to determine whether the uniforms to be worn by the special officers, and the protective equipment they are to carry, is in compliance with regulations.

MORN-SUN 3-1-50

Charges Appealed By Stankiewicz

Walter Stankiewicz, 33, yesterday filed an appeal to the Criminal Court from two of the nine Traffic Court charges he was convicted of recently in connection with an accident that resulted in the death of three elderly men.

Stankiewicz was sentenced to a total of 2 years and 60 days and fined $75 by Magistrate Joseph Kolodny in Traffic Court on the nine charges. Stankiewicz, who was acquitted of manslaughter charges by Judge Joseph Sherbow in Criminal Court, appealed from two convictions which resulted in jail sentences totaling 1 year and 30 days.

He appealed from a reckless-driving conviction on which a one-year sentence was imposed and a conviction for failing to aid an injured person, for which he was sentenced to 30 days.

The accident occurred early last December on East Monument street. Stankiewicz was found by Judge Sherbow to be innocent of criminal negligence. Deeley K. Nice is counsel for the appellant, who lives in the 5000 block of Wright avenue.

MORN-SUN 3-2-50

POLITICIANS BACK BYERS, ONCE FIRED

Former Pound Employe Had Been Dismissed As Smoke Inspector

By JAMES M. CANNON

Floyd Byers, dismissed attendant at the city pound, last year was dismissed for using his position as a city smoke inspector to sell tickets to political benefits, Paul L. Holland, director of public works, disclosed yesterday.

And, Mr. Holland said, pressure to put Mr. Byers back on the public pay roll came from politicians on all levels.

Mr. Byers also was identified by Mr. Holland as the same Floyd Byers charged Tuesday by a grand jury with a political shakedown.

Manager Bought Tickets

Mr. Byers's dismissal as a smoke inspector came May 5, 1949.

An unidentified plant manager had complained that Mr. Byers and Joseph Nagle, another smoke inspector, delivered a reprimand for factory smoke and then produced five tickets for a political dance.

The manager paid $1.20 each for the tickets, then complained to the public-works department about "such a holdup."

The facts were verified, Mr. Holland said, and Mr. Byers was dismissed. He had never passed the inspector's examination and held a temporary appointment, which can be terminated at any time.

Mr. Nagle, a permanent appointment, was suspended for two weeks and placed on probation.

One of the first objections was filed by Harry W. Hauf, president of the New Civic and Democratic Organization, Twentieth ward.

"Precinct Executives"

"Mr. Nagle did this on his vacation time," Mr. Hauf wrote to Mayor D'Alesandro. "Mr. Byers did not shirk his duty. We would deem it a privilege if your honor would give this matter your immediate and serious attention."

Nagle and Byers were next indorsed by Charles W. Buckley, Sr., organizer of the Eagle Democratic Club, Inc.

"I found out today that Floyd Byers who started out with me to form our strong club was unjustly laid off by your chief engineer, Paul Holland, without a hearing," Mr. Buckley said in a letter to the Mayor.

"Mr. Joseph Nagle, another member of our board of governors, was suspended. Both are your precinct executives and have carried their precincts for you against Crook as they are two of our most valuable men.

Message From Byrnes

"I think it advisable that you have them reinstated as soon as possible and have their Republican bosses lay off them."

Joseph R. Byrnes, president of the Maryland Senate, wrote the Mayor that "the punishment meted out was very severe. If guilty of violation of a city rule, I am sure that both of these men now realize their error and will not commit another infraction of such a rule.

"I would appreciate it, therefore, if you would intervene for Messrs. Nagle and Byers so that they can return to their work as soon as possible."

The Mayor sent the letters on to Mr. Holland and noted that Councilman John H. Reed had been in to speak "personally in behalf of these men, requesting that they be put back to duty."

Heinekamp Hired Byers

William S. Heinekamp, president of the Classified Municipal Employés Association, also asked the Mayor to reconsider the suspensions. Months later Mr. Heinekamp was put in charge of the dog pound, and within four days he hired Mr. Byers as a laborer.

Mr. Byers asked for a hearing: "I always tried to work for the best interests of our Mayor, the city of Baltimore and for the Democratic party as a whole," he wrote in a sworn statement, "and trust I may be able to re-enter the smoke-control bureau, a job that I learned to love."

Foard E. Smith, past district commander, Veterans of Foreign Wars, offered to represent Mr. Byers at a hearing.

Backed By O'Connell

He was backed up by Richard C. O'Connell, United States Marshal and chairman of the War Memorial Commission.

"A number of veterans have requested that I call (the case) to your attention," Mr. O'Connell wrote the Mayor.

Dr. Herbert C. Blake, Medical Arts Building, sent an appeal to Francis J. Valle, commander of the V.F.W.

"Mr. Byers, a veteran," Dr. Blake wrote, has been having a number of his friends contact me with the idea of having him reinstated to duty."

Mr. Byers had in 1946 asked the City Service Commission for a veteran's preference. The commission turned down his request after he failed to produce a service record or discharge papers.

At a hearing held July 18, 1949, on the dismissal of Mr. Byers, Mr. Holland said the temporary appointment of the former inspector has been terminated after full investigation and for a series of complaints about Mr. Byers's ticket sales, approach to smoke offenders and general conduct.

Once, Mr. Holland said, Mr. Byers and Mr. Nagle noisly entered the cafeteria of Johns Hopkins University and called for John Peach, then chief engineer of the university.

"Bawled Him Out"

Mr. Byers "grabbed Mr. Peach, pulled him to his feet from a table and bawled him out because smoke was being emitted from a power house stack," Mr. Holland said.

Mr. Nagle had a different approach to Mr. Peach.

On April 6, 1949, the inspector sent Mr. Peach two tickets to the Gala May Dance of the New Civic and Democratic Organization, Twentieth Ward, in a letter that opened:

"Enclosed you will find the two tickets you promised to purchase the other day."

In the next paragraph Mr. Nagle remarked pointedly that club officers belonged to a State license examining board for engineers.

"Plans are under way for our Miss Charming contest," Mr. Nagle continued. "I wish you would mention this to some of the campus cowboys. Maybe they could persuade some of the campus cuties to enter our contest and give it an aristocratic air."

Mr. Nagle closed with the wish that Mr. Peach would "attend our affair and compete in our graceful, enchanting waltz contest."

MORN-SUN 3-2-50

Third Daughter Too Much, Father Goes On Gun Spree

Julius W. Kolb, 35, who testified he went on a drinking spree the day after his wife gave birth to their third daughter, yesterday was convicted of assaulting a policeman and shooting another man with a brass "fountain-pen" pistol.

Kolb, who lives in the 3500 block Keene avenue, testified he was disappointed because the third child was another girl, but denied any knowledge of the fountain-pen gun or using it in a tavern in the first block East Cross street February 6.

Judge Joseph Sherbow convicted Kolb of assaulting Patrolman Edward Austin by pointing the gun at him, shooting Carl Bosch, of the 1500 block Light street, in the ankle, possessing a deadly weapon and disturbing the peace.

Remembered Bowling

Kolb was referred to the court medical examiner before imposition of sentence. He said he remembered bowling on the night of the assault but nothing after that until he woke up in a hospital.

Another fact brought out in Criminal Court by J. Howard Grady, prosecutor, was that during efforts to take the gun away from Kolb, Patrolman Austin's police pistol discharged and the bullet went through the shoulder of one patron and grazed the neck of the tavern manager.

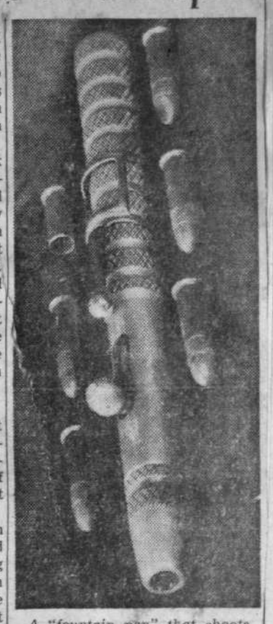
It was testified Kolb exhibited the fountain-pen gun to patrons of the tavern, but when the manager summoned Patrolman Austin, Kolb agreed to leave and went out.

Returns, Points Gun

He returned in a few minutes, however, pointed the gun at Patrolman Austin and said, "If you move, you're a dead duck," it was testified. Austin backed into a telephone booth and ordered Kolb to "drop it."

"You drop it," Kolb was quoted as replying. Meanwhile, a patron Albert McManus, of the 1000 block Hanover street, circled behind Kolb and seized him. While McManus and Austin were struggling with Kolb to get the gun, the policeman's revolver was discharged, Judge Sherbow was told.

The bullet pierced McManus's shoulder and then grazed the back of Martin Sosnorwitz, the tavern manager. While Kolb was lying on the floor, his gun also fired and hit Bosch in the ankle, it was testified.



A "fountain pen" that shoots

EVE. SUN 3/2

HOLDUP VICTIMS AT POLICE LINEUP—Mr. and Mrs. Willis M. King attended a police lineup at Central district today and identified two men being held on charges of robbing the Kings of $4,900 last November. [Article on back page.]

FLIGHT RULE STRICKEN OUT

Sherbow Takes Action In Case Of Plane Over Stadium

Judge Joseph Sherbow in Criminal Court yesterday struck out Park Board rule which prohibits the flying of airplanes over any park in the city, pointing out that it would be practically impossible for an aircraft to fly over the city without violating the rule.

"Park Board Rule 54 is too broad," Judge Sherbow held. "It restricts aircraft from flying over any park whether it be Druid Hill Park, which is hundreds of acres in size, or some small plot of ground elsewhere in the city, which is considered a park under the rule.

Flight Over Stadium

"Indeed, how can aircraft fly over Baltimore without flying over some park or square?"

The judge made the ruling in connection with criminal charges accusing Francis McNaney, of Catonsville, with flying an airplane over the Baltimore Stadium last October and towing an advertising banner.

Judge Sherbow ruled that City Ordinance No. 324, which makes it unlawful to fly for advertising purposes over the Stadium during an event there, is a "reasonable and necessary exercise of police power in order to protect lives and property."

$50 Fine Suspended

McNaney was convicted of violating that ordinance and was fined $50 and costs, but the judge suspended the fine in view of the defendant's "excellent" record.

The judge noted that the case "illustrates the need for a current resurvey of our laws and regulations pertaining to aircraft over Baltimore city to the end that they be brought up-to-date."

The accused denied he flew directly over the Stadium, but admitted he flew close enough for spectators at a Colt football game to see the advertising banner.

J. Harold Grady prosecuted the case.

RECEIVED MONEY

Harry J. Benred, thirty-four, 1900 block North Patterson Park avenue, charged with being an accessory both before and after the robbery, and with receiving $300 of King's money from Geritz.

Catterton, Eaton, Evans and Stewart also were charged with carrying a concealed weapon.

Insanity Caused His Fall, Says Polite Bandit

Pleading not guilty, by reason of insanity, to five charges of robbery, Joseph F. Kohnen, twenty-nine, Baltimore's "Gentleman Bandit," noted for his politeness to victims, today went on trial in Criminal Court before a jury under Judge Joseph Sherbow.

Paul B. Mules, Kohnen's court-appointed attorney, told the jury his client admitted the robberies, but his sanity is a question which the jury must decide.

After his escape from Spring Grove Sanatorium last November 30, Kohnen robbed stores and theater cashiers of a total of $337 cash. In the robberies, Kohnen sometimes presented notes in paper bags either thanking the victims, or requesting they give him money so "my kids will eat on Christmas."

CARRIED TOY PISTOL

At the time of his arrest in Prince George's county, Kohnen carried a toy pistol painted black to simulate an automatic revolver.

Dr. Manfred S. Guttmacher, psychiatrist to the Supreme Bench, told the court that Kohnen has been confined in Spring Grove three times since 1940. Although the man is a "severe psychopath," Dr. Guttmacher testified, he knows the difference between right and wrong.

Dismissed from the Army as a schitzophenic, Kohnen was quoted by Dr. Guttmacher as having said, during his examination:

"It's bad business, ain't it, robbing people, but you can't hurt them with a toy gun. A real gun means real trouble."

SANITY UP TO JURY

Assistant State's Attorney Albert H. Murrell detailed each of the holdups with which Kohnen is charged, then told the jury that it is their duty to determine if the defendant is sane or insane.

All counts in the indictment, indictment involving a deadly weapon were nol prossed by Mr. Murrell, and Kohnen is being tried solely on the robbery counts.

When arraigned on the charges Kohnen, son of a retired Baltimore policeman, gave Judge Michael J. Manley a loaded cigar.

6 Charged In King Holdup Probe

Picture on Page 43

Six men were booked on seven different charges in the Southern District Police Station today in connection with the previously unreported $4,900 armed robbery last November of Mr. and Mrs. Willis M. (Buzz) King, of 1301 Lakeside avenue.

Charged with actual assault and armed robbery are:

THOMAS CHATTERTON, 17, 1300 block Pontiac avenue, also charged with conspiring to rob the Kings and charged with carrying a deadly weapon—a .32-caliber revolver.

WILLIAM GERITZ, 22, 1300 block Cambria street.

Also facing charges of conspiring to rob Mr. and Mrs. King are:

ROBERT EATON, 21, 1600 block Elmtree street.

WILLIAM STEWART, 25, 1500 block Olmstead street.

FRANK E. EVANS, 21, 3600 block Sixth street.

Charged with being an accessory to the crime both before and after the fact and with receiving part ($300) of the robbery haul, is:

HARRY J. BENDER, 34, 1900 North Patterson Park avenue.

Arresting officers in the case are Patrolman Daniel K. Redding, Sergt. John P. Stricker and Lieut. William Link, all of the Southern district.

Arraignment Slated

According to Capt. Fred Ford, the defendants will be arraigned in Southern district police court late today.

It was learned that police will ask for high bail for each defendant and will then seek postponement of the hearing until Saturday.

Police indicated they would seek a grand jury indictment tomorrow, obviating the necessity of a further police court hearing.

Earlier today, Mr. King and his wife attended a police lineup and identified the two men charged with robbing them.

Theft Not Reported

Mr. and Mrs. King were the victims of a robbery last November, which they failed to report until police uncovered the holdup details yesterday.

Police said the bandits had extracted the promise from the Kings that they would not report the burglary. In return for this, police said, the bandits agreed not to lock up the Kings in a tiny closet as they had threatened.

Kohnen Insane, His Attorney Tells Jury

Joseph F. Kohnen, the "Gentleman Bandit," went on trial on charges of armed robbery in Criminal Court today and his attorney pleaded for acquittal on grounds of insanity.

"I think he's nutty as a fruit cake," Paul Mules, defense counsel, told the jury in his opening remarks. He admitted that he felt Kohnen was guilty of the crimes with which he is charged, but contended that his client was insane.

Before outlining the armed robberies alleged to have been committed by Kohnen in various sections of the city last December, the defense lawyer traced what he called a definite pattern of insanity in the defendants's life.

Attended Opera, He Says

Attorney Mules disclosed to the jury that Kohnen made several trips to New York following the robberies.

"Above all things, he attended the opera while in New York and was himself robbed of the money he had stolen here in Baltimore," the defense counsel declared.

The lawyer told the jury that Kohnen went into a saloon in New York and showed his wallet to a barside companion, pointing out in particular a Washington police badge he was carrying.

"When his drinking companion asked to see the wallet to more closely examine the badge, Kohnen readily handed it over," Attorney Mules said.

Money Gone

"A few minutes after leaving the saloon, my client took the wallet from his pocket to get some money and found it had disappeared."

Mr. Mules told the jury that Kohnen had been committed to a mental institution as a schizophrenic, that after enlisting in the Army he had been discharged as a dementia praecox victim and was committed to Spring Grove Hospital at the request of his father, a retired Baltimore police officer now living in Frederick.

Escaped, Rode Trolley Cars

Following Kohnen's escape from the mental institution early last December, he rode continually on streetcars between Catonsville and Towson, the lawyer said.

NEWS-3/2

Police Charge 6 In $4,900 King Holdup

Six suspects today were charged with the $4,900 holdup of Mr. and Mrs. Willis M. ("Buzz") King at their 1300 block Lakeside avenue home on November 17, the last day of the Pimlico fall race meeting.

The charges were placed against the six at Southern police station on orders of Acting State's Attorney Anselm Sodaro after Mr. and Mrs. King had gone to police headquarters to view the suspects in a detective bureau lineup.

CHARGES DIFFER

The suspects, and the charges against them, are:

Thomas Catterton, seventeen, 1300 block Pontiac avenue; Robert Eaton, twenty-one, 1600 Elmtree street; William Stewart, twenty-five, 1500 block Olmstead street; Frank E. Evans, twenty-one, 3600 block Sixth street, charged with conspiring to assault and rob Mr. and Mrs. King at the point of a revolver.

Catterton and William F. Geritz, twenty-two, 1300 block Cambria street, charged with assaulting and robbing Mr. King of $3,900 and assaulting and robbing Mrs. King of $1,000.

BAIL IS $59,000 IN KING HOLDUP

Six Held In Robbery; Sports Figure Lost $4,900

Bail totaling $59,000 was set yesterday for six men held in connection with the $4,900 holdup last November of Mr. and Mrs. Willis M. King, who did not report the robbery until police learned of it more than three months later.

The men were charged yesterday after Mr. King, a sporting figure usually known as "Buzz" and his wife picked two of them out of a lineup at Police Headquarters.

The defendants were arraigned before Magistrate Herbert F. Franklin in Southern Police Court.

Dispenses With Hearing

Anselm Sodaro, acting State's attorney, said the charges will be taken before the grand jury this morning, dispensing with the usual police-court preliminary hearing.

All witnesses have been summoned, including Mr. and Mrs. King, the State's attorney said.

Separate counts of robbing Mr. King and Mrs. King were placed against William Geritz, 22, of the 1300 block Cambria street, and Thomas Catterton, 17, of the 1300 block Pontiac avenue.

They were held in $15,000 bail each on these charges.

Catterton also was charged with conspiring to rob the Kings with the following three men:

ROBERT EATON, 21, of the 1600 block Elmtree street.

WILLIAM B. STEWART, 25, of the 1500 block Olmstead street.

FRANK EVANS, 21, of the 3600 block Sixth street, Brooklyn.

Each of the four was held in bail of $5,000 on the conspiracy charge.

Deadly Weapon Charges

The same four were charged also with possession of deadly weapons and were held in $1,000 bail each on this count.

Harry J. Bender, 34, of the 1900 block Patterson Park avenue, was charged with receiving $300 of the holdup loot from Geritz, knowing it to be stolen, and as an accessory with Geritz before and after the crime.

Bender furnished $5,000 bail on one of two accessory charges and was released in his own recognizance on two other counts.

None of the defendants pleaded guilty or innocent.

Magistrate Franklin explained he believed the bail should be high due to the serious nature of the charges.

Mr. and Mrs. King were robbed at their home, 1301 Lakeside avenue, on November 17. He surrendered $3,900 and she $1,000, according to police.

Rounded Up In 24 Hours

Police said they heard about the robbery Monday from a source which they did not disclose. The defendants were rounded up in about 24 hours.

The couple told police they promised not to report the holdup when the robbers agreed to abandon a plan to tie them up and lock them in a closet in the King home.

Mr. and Mrs. King were held up as they returned home the last day of the Pimlico race meet.

MORN. SUN 3/3/50

20-YEAR SENTENCE GIVEN IN ROBBERIES

Jury Finds 'Crazy Man' To Be Legally Sane

Ruled legally sane by a Criminal Court jury and found guilty of five robberies, Joseph F. Kohnen, Jr., 29, yesterday was sentenced to twenty years in the Penitentiary by Judge Joseph Sherbow.

Kohnen, who testified that "only a crazy man" would rob a storekeeper who knew him, pleaded innocent, by reason of insanity, to five robberies perpetrated in December after he escaped from Spring Grove State Hospital.

Although Paul B. Mules, defense counsel appointed by the court, declared that Kohnen is "nutty as a fruit cake," the jury ruled that Kohnen was sane at the time of the offenses, sane now and guilty of the charges.

Attended Met Performances

Kohnen testified that he spent part of the loot attending performances of the Metropolitan Opera in New York, sitting in a front row seat that cost him $7. He named the operas he attended and gave the names of the stars in the performances.

The defendant was able to recall in detail many of the things he did and saw during his several weeks of freedom, but when asked about the robberies and whether he did what the victims said, he persistently replied:

"I guess so, that's what the newspapers said."

Views On Right And Wrong

Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench, and Dr. Isadore Tuerk, acting superintendent of Spring Grove, testified that Kohnen is a psychopathic personality, but meets the test of legal sanity because, in their opinion, he is able to distinguish between right and wrong and knows the consequences of his acts.

Dr. Tuerk admitted, however, that most of the staff members at Spring Grove are of the opinion that Kohnen is schizophrenic, or insane. He said he did not share that view.

Kohnen was first committed to Spring Grove after he was given a disability discharge by the Army in 1943. However, he was taken out of the institution two days later by his father, a former Baltimore policeman, who took responsibility for his son. The elder Kohnen lives in Frederick.

Arrested On Bus

Kohnen was returned to Spring Grove in 1948 after he was convicted of two other holdups in Baltimore. He then escaped November 30 and was arrested on a bus en route from Washington to Baltimore.

Kohnen testified his mind at times goes blank and that he finds himself riding busses, streetcars and trains. He denied knowing that police were looking for him.

He said he was unable to recall whether he had robbed a former druggist acquaintance of $165, several movie houses and a liquor store, replying "I don't know whether I did it or not."

He said he bought the suit he was wearing in the courtroom from a jail inmate for $3, and asserted he could not recall that he had given Judge Michael J. Manley a loaded cigar during his arraignment, had sent Christmas cards to policemen who arrested him and had sent a special delivery to Mr. Mules inquiring about his health and the health of his family.

EVE. SUN 3/3/50

$70,000 Bail Set In King Holdup

Bail totaling $70,000 was set today following grand-jury charges against six men involved in the robbery of Willis (Buz) King, sporting figure, near his home last November.

Two of the men, William F. Geritz, 22, and Thomas S. Catterton, 17, both of the Brooklyn section, were presented on charges of armed robbery. Each was ordered held in $25,000 bail.

Police alleged that King and his wife, Mary, were robbed of a total of $4,900 on the night of November 18.

According to the police, the robbery was unreported and did not come to light until early this week, when the six were arrested.

Others Presented

Presented by the grand jury for conspiring to rob King on February 20 and again on February 22 were Harry J. Bender, 34, 1900 block North Patterson Park avenue; William B. Stewart, Jr., 25, 1500 block Olmstead street; Robert L. Eaton, 21, 1600 block Elmtree street, Curtis Bay; and Frank E. Evans, 21, 3600 block Sixth street, Brooklyn.

Bail of $5,000 each was set for the conspiracy defendants, who, police said, failed to carry out their plots to rob the gambler.

Bender Posts Bail

Assistant State's Attorney Anselm Sodaro, who presented the case before the grand jury, said that all the defendants are in custody except Bender, who was released after bail was posted for him.

Witnesses called before the grand jury today included King; his wife, who was the widow of Police Inspector Thomas Mooney, and Charles A. Culber, 3700 block Ednor road, who found King's wallet the day after the alleged robbery.

Police witnesses who appeared before the grand jury were Lieut. William R. Link, Sergt. J. P. Stricker and Patrolman Daniel P. Redding.

NEWS-3/6/50

Jail Sentence Struck Out By Court

Judge Robert France in Criminal Court today struck out an 18-month jail sentence he had imposed last December upon Arthur Willis, twenty-five, Negro, after Assistant State's Attorney Alan H. Murrell had criticized the legal procedure which led to Willis' conviction.

Mr. Murrell told the court that Willis had been accused of striking a special policeman employed at an Orleans street tavern and had been arraigned in Northeastern police court.

At the hearing Mr. Murrell continued, the prosecuting witness failed to appear, but a policeman gave hearsay testimony, based only on what he had been told by the special policeman. Subsequently the Grand Jury he said indicted Willis on the same hearsay testimony.

Mr. Murrell described these procedures as "a sad commentary on law enforcement in Baltimore" and was commended by Judge France for his efforts to have Willis freed.

EVE. SUN 3/6/50

Lane Leaders' 'Stake' Outlined

By Bradford Jacobs

In addition to supporting Governor Lane in the coming primary election, the Lane leaders in Baltimore city have a three-way stake of their own.

These three drives involve their prestige in a city-wide effort and to the local leaders, at least, rival their interest in putting the Governor back in office.

At the top of this list is the plan of State Senator George W. Della (D., Sixth)—himself one of the top Lane leaders—to run for State's Attorney.

Next is James H. (Jack) Pollack's determination to re-elect his highest-ranked adherent—Wilford L. Carter—to the clerkship of the Criminal Court.

Personal Strength

Mayor D'Alesandro's personal strength will go behind Magistrate Leroy C. Shaughnessy, the Mayor's former secretary, in a campaign to displace Frank C. Robey as clerk of the Court of Common Pleas.

It is uncertain yet how far these three campaigns will be mutually supporting. But each of the three leaders is reportedly demanding, if not outright support, at least non-opposition from the other two.

This is particularly true in the case of Mr. Della, who faces the hardest fight of the three.

He has not even received definite assurance that the present State's attorney, J. Bernard Wells, will not set forth to win the office for a fifth term.

Sodaro's Claims

And if Mr. Wells does hold back from the struggle, Anselm Sodaro, his first assistant, is believed to have strong claims on the favor of the Mayor.

Further, Mr. Sodaro would probably have the support of Mr. Wells himself, who has been uniformly successful four times in his own behalf.

Those who question Mr. Della's eligibility for the office point to his personal involvment in factional politics. With Joseph M. Wyatt, chief judge of the Traffic Court, the senator leads the dominant faction of South Baltimore Democrats.

Such political involvement, his critics say, should bar Mr. Della from consideration as a candidate for the office of State's attorney, where criminal actions often penetrate into the political field.

Senator Della's friends, on the other hand, discount these arguments as unrealistic. For precedent, they cite the case of Senator O'Conor, who first made his name as a political figure while serving as State's attorney.

Thomas E. Dewey, Governor of New York and twice a candidate for President, got an even more spectacular political start as a public prosecutor, Mr. Della's friends recall.

They see no reason a political figure should be denied a political office, such as State's attorney, simply because he is political.

As to Mr. Pollack's candidate, Mr. Carter, the Fourth district leader expects to take personal issue with the Supreme Bench, which has made no secret of its disapproval of Mr. Carter and particularly of his connection with Mr. Pollack.

MORN-SUN 3-7-50

MAN IS RELEASED IN ASSAULT CASE

Found To Have Been Victim Of 'Perjured' Testimony

Victim of "perjured" testimony, Arthur L. Willis, 25, yesterday was freed from the City Jail after serving about three months of an eighteen-months term imposed last December for assaulting a special policeman.

Judge Robert France, who had convicted Willis, a Negro, of the assault charge, freed the defendant on the recommendation of Alan H. Murrell, prosecutor, who declared that Willis had been denied many of his constitutional safeguards.

The action of Judge France yesterday was the outgrowth of a case before Judge Joseph Sherbow last month. In that case, Judge Sherbow acquitted a codefendant of Willis in the assault case on the grounds that the special policeman had "shamefully abused" his authority.

Privileges Taken Away

Special police privileges of the special policeman — George E. Banks, Negro, of the 1100 block Orleans street—subsequently were taken away by the police commissioner.

Testimony in the cases disclosed that Banks charged the two men with assaulting and robbing a civilian and with assaulting him last November 26.

The two men allegedly fled from the tavern where Banks was given the privilege to work as a policeman, but Banks never made any official, written report of the alleged crime to Northeastern district police.

Arrests Were Delayed

Then, although he could easily have found the two men because their identity was admittedly known and they appeared in the neighborhood thereafter, Banks did not arrest one man until about a week later, and the other until after nearly a month had elapsed, it was testified.

Judge Sherbow, in dismissing John H. Taylor, Negro codefendant, declared that Banks had abused his authority to the point of "dictatorship."

The judge called for a general investigation of special police appointments by the commissioner.

OFFICIALS SCAN SHAKEDOWN TIP IN PAROLE CASE

Courthouse Clerk Named In Complaint As Asking For $150

Members of the State's attorney's staff, with the aid of police, are investigating a complaint that a Courthouse clerk attempted to shake down the family of a young man seeking parole from a one-year jail sentence, it was learned yesterday.

A probe of the reported shakedown was asked by F. Murray Benson, director of probation and parole, on a complaint from a sister of the prisoner.

Anselm Sodaro, acting State's attorney, disclosed that he has assigned J. Harold Grady, assistant State's attorney, to the investigation. Sergt. Anthony J. Nelligan, a detective, is aiding Mr. Grady in the interrogation of witnesses, Mr. Sodaro said.

Sentenced Last October

The young man seeking parole by the Governor was sentenced to the one-year term for assault last October in the Northeastern Police Court. He became eligible for parole last month, it was disclosed.

Prior to the eligibility date, according to the complaint, the Courthouse employé allegedly visited the home of the young man's parents and sought $150 in return for not opposing the parole.

The Courthouse worker was reported to be a close relative of a young man who was prosecuting witness in the assault case.

Application Not Acted On

Mr. Sodaro said that the parents of the prisoner will be summoned to the Courthouse for interrogation today.

Meanwhile, the parole application of the prisoner has not been acted on, the prosecutor said.

One piece of information received by the investigators was that the $150 allegedly was requested to cover the medical expenses resulting from the assault on the prosecuting witness.

His injuries were reported to be lacerations of the face.

EVE. SUN 3-7-50

Parole "Shakedown"?

The reported attempt to "shake down" the parents of a prisoner who has made application for parole demands thorough investigation.

In the operation of any parole system, it is imperative to be on guard constantly against efforts of politicians and others to seek special treatment of a prisoner. If the parole system is functioning properly, every case will be considered promptly and on its merits. The applicant for parole will need no outside assistance of any kind, other than help in obtaining satisfactory employment and living arrangements.

There has been no evidence that our Maryland parole system works in any other way. The instant charge may prove to be a dud, and even if sustained would not necessarily imply anything wrong with the system itself or with the men who actually work it. But the integrity of the system can be maintained only by sifting all charges of this nature and demonstrating to the public at large that no suggestion of influence will be tolerated in this semi-judicial business.

MORN. SUN - 3/8

ACCEPT COHEN RESIGNATION

Park Board Members Vote After Inquiry Report

Myer J. Cohen's proffered resignation was accepted last night by the Parks Board less than four hours after the Mayor's disclosure of irregularities in the parks department.

Meeting in the Stadium board room, the seven-man group listened while City Solicitor Thomas N. Biddison advised them to accept Cohen's resignation or have him dismissed after public hearing.

After Mr. Biddison finished speaking, it took less than a minute for the board to accept his advice, almost unanimously.

"Since you recommend it, I move we accept the resignation," said S. L. Hammerman, board vice president who last month voted to reinstate Cohen in the parks system.

Vote Without Discussion

Robert Garrett, board president, asked if there were any discussion and no one spoke. The vote was carried rapidly in a chorus of "ayes."

Only one member, Weston B. Scrimger, declined to vote. Mr. Scrimger originally had suggested Cohen be reinstated after charges of cost-plus violations against him were suspended but not dropped.

J. Marshall Boone and R. Wilburt Marsheck, whose votes had helped Cohen continue in office February 8, gave their resignations to the Mayor four days afterward, and last night their places were filled by two new members who voted to let Mr. Cohen resign.

After the voting, Mr. Biddison told the group he does not consider the parks board investigation "by any means complete."

Wants An Answer

Particularly, he said, he intends to examine their contract with the Maryland Yacht Club. "There is about it," he said, "one thing that requires your action."

"That is, from 1941 through 1948, that contract stayed out here in your department without anyone checking it. . . . it calls for monies coming to the club over and above expenses of operation be expended in the direction of this board."

Mr. Biddison also advised the board to direct its attention to three other items:

1. Private use of city cars by department members.

2. Rent-free houses provided by the department for individuals with "quite substantial salaries."

3. The activities of Charles H. Heintzeman, Jr., and Harry Kues, both park superintendents.

Both men, he said, had incorrectly filled in time and work reports for city work which was never performed.

'Shakedown' Case Probe Continuing, Sodaro Reports

Anselm Sodaro, acting State's attorney, announced yesterday that he still is investigating reports of an attempted shakedown of parents of a young man eligible for parole from the City Jail.

Mr. Sodaro said he and J. Harold Grady, an assistant, had taken a statement from the father of the youth, and that they planned to interrogate a Courthouse employé against whom the complaint was lodged with Mayor D'Alesandro.

The acting chief prosecutor declined to discuss the case further, pointing out that the complaint may be without substantial foundation. He said he may decide to let the grand jury determine whether the case involves a possible criminal violation.

The complainant, a sister of the young prisoner sentenced to one year for assault, contended that a relative of the assault victim sought $150 to cover medical treatment required for the victim.

MORN-SUN-3-8-50 / EVE. SUN 3/8

MAYOR BARES SERIES OF PARKS DEPARTMENT IRREGULARITIES IN PROBE

Granting Of Special Privileges Disclosed By D'Alesandro In First Report Of Inquiry Started By Cohen Case

Mayor D'Alesandro yesterday disclosed a series of irregularities and special privileges in the parks department in the first report of the Administration's current probe into parks activities.

The major irregularities:

1. Dummy work-orders were issued in the parks department to cover the cost of unauthorized projects.

2. The Maryland Yacht Club has for years violated its contract with the city to spend club surplus on the development of Broening Park.

3. Officials of the parks department have used city cars for private travel.

4. Some park officials also live in homes owned and maintained by the city while paying little or no rent.

Cohen Resignation Accepted

In addition, Myer J. Cohen, parks construction superintendent whose resignation was accepted last night, was accused of having certified to false statements of completed contracts.

Most of the practices previously had been listed by Robert Garrett, president of the parks board, in a protest against the board's reinstatement of Mr. Cohen to his job in January.

Mr. Cohen was suspended last year from the parks department after he was indicted for conspiracy to defraud the city. The case has been postponed indefinitely.

Mayor Ordered Inquiry

It was the Cohen reinstatement that prompted the Mayor to order the parks investigation by Thomas N. Biddison, city solicitor.

Yesterday Mr. Biddison turned over more than 500 pages of testimony by 26 witnesses as an "interim report." A five-man solicitor's committee had privately questioned the parks officials over a three-week period. The Mayor directed Mr. Biddison to submit the report to the parks board for action.

Most witnesses who professed any knowledge of the handling of cost-plus contracts said that irregularities in work orders were sanctioned by Mr. Cohen, who on the advice of his attorney declined to testify.

"Took Care" Of Bills

Charles H. Heintzeman, Jr., district superintendent for Clifton Park and Memorial Stadium, admitted it was his "responsibility to see that [authorized] work is done," but said Mr. Cohen "took care" of the bills for unauthorized work.

Question—Mr. Heintzeman, here are some time sheets calling for Work Order 1872, Clifton Park Division, Madison Square. That is in your division, isn't it?

Answer—It was at that time, yes, sir.

Q.—Is this your signature attached to these time sheets?

A.—Yes, sir.

Q.—The bill for 1872 was for replacing a drinking fountain, renewing water and drain line at Madison Square, wasn't it?

A.—Yes.

Work Never Done

Q.—Was that work ever done?

A.—No, sir.

Q.—Why did you sign the time sheet certifying that those hours were spent on that?

A.—Because it was to be applied to my bath.

The bath to which he referred was installed in a city residence in Clifton Park at an estimated cost of $2,900. Mr. Heintzeman occupies the residence rent-free.

Q.—Who gave you permission to have the bathroom installed under such a work order as this?

A.—The permission was given by our superintendent.

Q.—Who?

A.—My superintendent is Mr. [Charles A.] Hook.

Amplifies Answer

Q.—Mr. Hook authorized you—

A.—No, get me straight, your question was, who authorized to do it that way.

Q.—Yes.

A.—That was authorized to be done by the construction department.

Q.—Did they authorize you to do it in this manner?

A.—No. I mean the superintendent of parks gave us permission to install the bathroom with the understanding that we had money that hadn't been used and it was to be charged out of that.

Q.—Your superintendent didn't give you authority to proceed under work orders other than that authorized, did he?

A.—I don't think that was gone into.

Brought That Way

Q.—Why did you do it in this manner?

A.—Because that was the way it was brought to be by the construction department.

Q.—Did you have any discussion with Mr. Cohen about it?

A.—Mr. Cohen said he would work up the bills and take care of it and that's when I did.

Q.—You knew this was wrong when you signed it?

A.—Mister, if I thought it was wrong, I wouldn't do it.

Mr. Heintzeman said he recalled signing three orders for labor and material on drinking fountains that actually provided for work on the bathroom he had requested for his residence.

Fountain Work Unnecessary

Q.—And in no instance was the work necessary, is that correct, on these fountains?

A.—That's right.

Q.—They weren't necessary?

A.—The fountains were installed. They are there.

Mr. Heintzeman described such work orders as "common practice" in the parks department.

Mr. Hook, superintendent of the Parks Bureau, said it was up to Mr. Cohen to see that fountains—not bathrooms—were constructed.

"I naturally had authority over it," Mr. Hook said, "but the actual supervision of the work and whatnot" was up to Mr. Cohen.

Couldn't Check It All

Q.—Did you assume any responsibility of going around and checking to see that the work was done that they had ordered?

A.—I couldn't possibly do that with all the duties I had with meetings and conferences with many groups and what-not.

Q.—Who did have that responsibility and duty?

A.—Mr. Cohen.

Mr. Hook was asked if he knew that Mr. Cohen certified payments for the installation of fountains when the work was not done.

"No," Mr. Hook said.

Q.—Your answer is, you did not know and that you did not approve of it.

A.—That's right.

Had Dingy Bathroom

Mr. Hook was asked to tell what he knew of Mr. Heintzeman's bathroom.

"Well," he said, "Mr. Heintzeman had a very small, dingy bathroom. He was division superintendent, having been transferred over from the Carroll division to the Clifton division and he is a rather large man and the bathroom is about four by six.

"The tub, he couldn't sit down in—it had no shower or anything in it—and he asked me if he could improve his bathroom and charge it to capital improvements and I told him yes."

Mr. Hook said he was not told the bath was installed under work orders for fountains and did not recall any bills for either.

"After giving approval to the bathroom," he said, "I paid no more attention to it."

Harry Kues On Stand

Harry Kues, superintendent of Carroll Park, testified he certified completed work orders at the suggestion of Mr. Cohen without making personal inspections.

"I didn't have time to go around looking at work and workmen doing various different things," Mr. Kues said.

Q.—Why did you sign the time sheet?

A.—Because it came down from the construction division and they said everything was all right and I just signed it, that's all.

Q.—Who said it was all right?

A.—The construction division.

Q.—Who in the construction division?

A.—Cohen.

Yacht Club Report Due

Mr. Biddison said a complete report on violations of the yacht club contract with the city will be made when an official audit of the club's books is completed.

R. Wilburt Marsheck, parks board member until his resignation last month and club commodore when the contract was signed in 1940, testified the accumulation of a surplus in club accounts had long been condoned by the parks board.

"Just to sum it up generally," Mr. Marsheck was asked, "your position is that inasmuch as the particular provisions of the contract regarding the application of accumulated surplus . . . had been condoned in the past, . . . it was condoned as of the time you were on the board."

"That's right," said Mr. Marsheck.

"Nothing Underhanded"

Q.—And that you were to operate the club as it had been operating and not as represented by the wording of this agreement?

A.—That's correct. In other words, there was nothing underhanded about it.

Mr. Biddison named ten officials who were assigned unmarked cars of the department.

On this list were R. Brooke Maxwell, director of the department; Mr. Hook; Mr. Cohen; Gordon Gaeng, captain of the park police; George A. Keen, superintendent of Druid Hill Park district; L. Edgar Myerly, superintendent of the Gwynns Falls district; George D. LeBrun, superintendent of the Patterson Park district; Arthur R. Watson, director of the zoo, Mr. Kues, and Mr. Heintzeman.

Admit Use Of Cars

Keen, Myerly, LeBrun, Kues and Heintzeman admitted they used their cars for private travel without reimbursing the city.

Mr. Biddison said the investigation disclosed that public residences are now occupied by Mr. Keen, Alfred F. Butcher, Irvin Schloss, John Maher, Mr. Hook, Frank Cordery, William Wickman, Mr. Heintzeman, Mr. Spindler, Mrs. William Wockenfus, C. A. Young, Jr., H. N. Abrisch, Mr. Watson, Stanley Kirk, Mr. Myerly, Mr. LeBrun, Charles Swingler, Frank Young, Jr., Fred Hoh and Fred W. Schaar.

Most witnesses testified they understood their housing to be part of their salaries.

Weston B. Scrimger, parks board member, testified he had indorsed a $5,000 note for Mr. Cohen and had since 1944 rented to him the first floor of the two-story Scrimger residence at 3217 Vickers road.

In addition, Mr. Scrimger said, a brother, James O. Scrimger, was a business partner of Mr. Cohen.

Mr. Biddison asked if Mr. Cohen worked for the private concern "during the time he works for the parks board."

"I can explain," said James Scrimger. "All Mr. Cohen does or did was contribute some cash to the capital assets of this enterprise and periodically we would go over the accounts together with an accountant named Levy. He . . . doesn't have to devote any time to it."

Hunt Acquitted Of Larceny Charge

Joseph Hunt, 808 William street, today was free as a result of acquittal by Judge Michael J. Manley in Criminal Court on a charge of larceny brought against him last month.

Hunt, who several years ago had been one of the workers under Temus Bright in the "MacArthur for President" campaign, had been charged with the larceny of $262 from Bright's motor sales concern, Temus Bright, Inc.

Mrs. Anna Bright had complained that money had disappeared from her purse after she had taken a cash deposit from a customer in an automobile deal. Judge Manley ruled there was no evidence to show that Hunt was guilty, although it was claimed he had been around the sales office at the time. The indictment dated the disappearance of the money as February 16.

6 Held In Robbery, Conspiracy Charges

Six young men today were arraigned in Criminal Court on charges of robbery and conspiracy involving the holdup last November, and other holdups planned last month, against Willis M. (Buzz) King, of the 1300 block Lakeside avenue.

One 17-year-old youth, Thomas S. Catterton, started to enter a plea of guilty, but since he was without counsel, the plea was stricken out. Chief Judge W. Conwell Smith directed entry of a plea of not guilty and told Catterton that a lawyer would be appointed to defend him.

The other five men were represented by counsel and all pleaded not guilty. Acting State's Attorney Anselm Sodaro announced that a trial date would be set after conference with the defense lawyers.

The series of indictments against the men revealed publicly that, in addition to the secret robbery last November, which Mr. and Mrs. King had not revealed, the other two additional robberies were planned in the latter part of February without actually being carried out.

$4,900 Stolen

Catterton and William F. Geritz, 22, are charged in two cases of robbery each as a result of the November 17 holdup when a total of $4,900 was obtained from Mr. and Mrs. King. The couple had been robbed at their home and had been told by the robbers that they would not be left trussed and bound if they would not give an alarm.

The additional conspiracy indictments are against Catterton, William B. Stewart, Jr., 25, Robert L. Eaton, 21, and Frank E. Evans 21. The four are charged in two conspiracy cases. One accuses them of conspiring and agreeing to again rob King on February 20. The other charges a third robbery plan on February 22.

The sixth defendant, Harry Bender, 34, is charged with being an accessory and with receiving stolen goods.

MORN-SUN-3-9-50

4 PRESENTED ON COST-PLUS FRAUD COUNTS

City Department Official Named With Building Firm Members

Four men, including a principal assistant superintendent in a city department, yesterday were presented on conspiracy and false pretense charges in connection with alleged frauds in the performance of cost-plus work for the municipality.

The accused are:

ROGERS WILL, JR., of Powers Lane, Catonsville, partner in the construction business of G. & W. Construction Company.

MILTON GRAHE, of the 200 block Seward avenue, Brooklyn, also a partner in the business.

JOHN E. HARPER, accountant, of the 2500 block Guilford avenue.

LEO B. SORRELL, of the 900 block Argonne drive, principal assistant superintendent of design and construction for the Bureau of Building Inspection.

The G. & W. Construction Company is located in the 1500 block Hollins street, according to the presentments prepared by William J. O'Donnell and Charles E. Orth, Jr., assistant State's attorneys.

Billing For Materials

The presentments constituted a renewal of prosecutions resulting from an investigation of cost-plus contract work awarded by the city in recent years.

The former charges against a number of other contractors involved alleged overcharges for labor on the city work.

The presentments against the new defendants allege fraud in billing the city for materials, it was pointed out by prosecutors.

One presentment accuses the four defendants of "unlawfully obtaining from the Mayor and City Council of Baltimore $11,846.03 by means of false pretense, to wit, false bills and invoices with intent then and there to defraud the Mayor and City Council. . . ."

"With Intent To Cheat"

The other presentment charges that the four "unlawfully did conspire to make, present, tender, approve, certify and pass for payment certain false bills and invoices upon the Mayor and City Council of Baltimore with intent to cheat and defraud the Mayor and City Council of Baltimore."

The presentments fix the period of the alleged crimes as between November 20, 1947 and April 25, 1949.

Joseph Rosenthal, counsel for all of the accused except Sorrell, disclosed that he will arrange to post the bail of $6,000 for each defendant, he represents. Bail for Sorrell also is $6,000.

The prosecutors disclosed that the partnership construction concern did work in the Courthouse, the City Hall, the Municipal Building, the firehouses and in the parks.

'Sergeant Blue' Takes His 'Bow'

After being missing for several weeks and thought to be a possible victim of "foul play," the vice squad's newest "Sergeant Blue" turned up in Criminal Court yesterday.

Lee Huggins, Negro, the police squad's newest informer, recently disappeared, reportedly after someone snapped his picture on Pennsylvania avenue on a Sunday afternoon.

Judge Joseph Sherbow, after a case in which Huggins was principal prosecuting witness was dismissed because of Huggins's absence, suggested that the youth may have been the victim of "foul play."

However, Capt. Alexander L. Emerson, produced Huggins in Criminal Court yesterday as a witness against four men accused of selling beer without the proper license.

Although Huggins was not called to the witness stand because the case was tried on stipulated facts, he was called on to stand and acknowledge his presence before Judge Michael J. Manley. The four defendants were released on probation without a verdict.

MORN-SUN-3-9-50 / EVE. SUN 3-9-50

BALTIMORE, THURSDAY, MARCH 9, 1950

A Sample Of Public Scandal, With Room For More To Come

Mayor D'Alesandro promised that he would get to the bottom of the "irregularities" in the municipal park department, and his promise is holding up. His investigating group, headed by City Solicitor Biddison, has made public a 500-page preliminary report which gives Baltimoreans a distasteful sample of what has been going on in the city, and Mr. Biddison has added that he does not consider the investigation "by any means complete."

The report brings out new testimony concerning the juggling of city funds, the liberal use of public property for private pleasures, the peculiar relationship between the city and the Maryland Yacht Club and the general ineptness or ignorance of some public officials. The highlight, of course, is the $2,900 bathroom which was installed for a city employé with public funds supposedly spent on a public drinking fountain and other park improvements.

That same bathroom was the feature of the trial last year of Mr. Meredith R. Howard, a plumbing contractor, on charges of defrauding the city. Mr. Howard testified that Mr. Myer J. Cohen and other park officials instructed him to submit fake bills to cover the cost of the bathroom. Judge John T. Tucker, in acquitting Mr. Howard, said that he had to give weight to that testimony but added: "One might say that a man who has made a success of his business as Howard has should have known he shouldn't do it, even though Mr. Cohen told him to."

Following the acquittal of Mr. Howard, the joint indictment against him and Mr. Cohen was not pressed. Soon after that came the surprise move of the Park Board to reinstate Mr. Cohen as a construction superintendent. That led to the present investigation of Park Board activities and so far has resulted in the resignations of Mr. Cohen and two of the four board members who voted for his reinstatement, Messrs. J. Marshall Boone and R. Wilburt Marsheck. The other two pro-Cohen members were Mr. S. Lawrence Hammerman and Mr. Weston B. Scrimger.

The surprising reinstatement of Mr. Cohen was credited at the time to the unwillingness of certain Park Board members to hold court testimony against Mr. Cohen when they were not sure of its validity. But Mr. R. Brooke Maxwell, director of the Bureau of Parks, has thrown new light on the matter in his testimony before the current investigating group. Mr. Maxwell has revealed that Messrs. Hammerman, Scrimger and Marsheck had come to him urging the reinstatement of Mr. Cohen and that he, Maxwell, told them that "Mr. Cohen was in this office and made a statement of his own free will that the statements made by Mr. Howard in court were true."

So at least three of the four Park Board members who voted for the reinstatement of Mr. Cohen knew ahead of time about his "irregularities," yet they wanted him back handling city funds. And two of those members, Messrs. Hammerman and Scrimger, are still on the Park Board. That leaves room for more public explanations, which the public will look forward to in subsequent reports from the Mayor and Mr. Biddison.

HABEAS CORPUS DENIED TO ZACK

Judge France Frees Him On Bail Pending Appeal

Judge Robert France yesterday denied release to Joseph Anthony Zack, of the 1900 block North Patterson Park avenue, on habeas corpus action and ordered the man turned over to police for removal to Pennsylvania, where he is wanted on burglary charges.

However, Judge France authorized the release of Zack on $10,000 bail pending an appeal from his ruling to the Maryland Court of Appeals.

Although Zack testified he has never been in the vicinity of Lebanon, Pa., where he is wanted, a witness from that city testified that he accompanied Zack and another Baltimore man during two burglaries in that area last October.

The Pennsylvania witness—Earl S. Firestone—identified Zack as the man who carried the burglar tools and who made entrance into a chemical plant and a feed mill near Lebanon. Firestone is charged in Pennsylvania with participating in the burglaries and was brought here under guard.

Mrs. Eva A. Firestone, wife of Earl Firestone, also identified Zack as having been in Lebanon and as having visited her home last August in the company of a man named Raymond Weber. Her husband identified Weber as the third man in the burglaries he described.

Joel J. Hochman, counsel for Zack, produced a number of witnesses who testified that Zack was in Baltimore at the times he was supposed to be in Pennsylvania.

EVE. SUN 3-9-50

4 Post Bail In New Cost-Plus Case

Four men charged with false pretense and conspiracy in a new cost-plus prosecution involving city work today posted bail in Criminal Court pending their trial.

Acting State's Attorney Anselm Sodaro, with the approval of Judge Michael J. Manley, granted a defense request reducing bail to $4,000 each from the original $6,000 figure.

Defendants Named

The defendants are Rogers Will, Jr., of Catonsville, and Milton Grahe, 200 block Seward avenue, Brooklyn, partners in a construction business known as G. and W. Construction Company, 1500 block Hollins street; John E. Harper, 2500 block Guilford avenue, accountant for the construction concern, and Leo B. Sorrell, 900 block Argonne drive, city official in the Bureau of Building Inspection.

Bails for the four defendants were posted by Mrs. Anna Bressler, a professional bondsman.

Plea Wins Cut In Bail

Officials reduced the bail after their reduction plea was made for the defendants by Joseph Rosenthal, attorney.

The four are accused in one presentment with obtaining $11,846.03 from the city by false pretense. In the other presentment they are accused of conspiracy to present and pass false bills and invoices in connection with work performed for the city.

MORN-SUN 3/10

SHOOTING CASE LEADS TO SUIT

3 Ask $5,000 Each; Fountain-Pen Pistol Involved

Three men, allegedly shot as the result of a "spree" which Julius W. Kolb embarked on because of his disappointment over the birth of a third daughter, yesterday filed suit for $5,000 damages each in the Superior Court.

Although two of the defendants actually were shot by a bullet from the service revolver of Patrolman Edward Austin, the civil suits alleged that their injuries resulted after Kolb threatened to shoot the policeman with a fountain-pen pistol.

Kolb recently was tried in the Criminal Court and convicted of assault and deadly weapon charges, but sentence has been deferred pending a medical report. Kolb testified he has no recollection of the shooting affray and contended he has no idea where he got the strange-looking pistol.

Plaintiffs Named

The plaintiffs in the suits are Carl C. Bosch, of the 1200 block Light street; Martin Sosnoviwitz, of the 700 block Light street, and Albert McManus, of the 1000 block South Hanover street.

Kolb is 35 and lives in the 3500 block Keene avenue.

The alleged shooting occurred last February 6 in a tavern in the first block East Cross street.

Four Post Bail In Cost-Plus Case

Bail of $4,000 was posted yesterday by each of four men presented by the grand jury on Wednesday on charges of false pretense and conspiracy in connection with the performance of cost-plus contracts for the city.

Bail originally had been fixed at $6,000 each, but Joseph Rosenthal, defense counsel, succeeded in having the figure reduced.

One of the defendants is Leo B. Sorrell, principal assistant of design and construction in the Bureau of Building Inspection. Others are Rogers Will, Jr. and Milton Grahe, partners in the G.& W. Construction Company, and John E. Harper, an accountant.

In addition to the conspiracy charge, the men are accused of obtaining $11,846.03 from the city by means of false pretenses.

ATTACKS OFFICE OF PROSECUTOR

Senator Della Pledges Help In 'Good Cleaning Out'

By ALBERT W. QUINN

State Senator George W. Della last night called for a "good cleaning out" of the State's attorney's office and said he was "willing to help" either "as a candidate or as a friend of the city."

Frequently mentioned as a potential candidate for the State's attorneyship, now held by J. Bernard Wells, the Sixth district Democrat said that as the guest of honor at a testimonial dinner "it wouldn't be proper for me to make an announcement."

"However," he added, "I certainly believe the office I have been mentioned for has gone to seed. What it needs is someone who is young, with some ability, who can meet the needs of the city of Baltimore."

Lane Praised And Cheered

Governor Lane, one of the guests at the Della testimonial dinner, was praised by speaker after speaker, and cheered by the crowd of diners in the Francis Scott Key restaurant.

In urging support for Mr. Lane if he seeks re-election, Mayor D'Alesandro hit at the William Curran political organization in the Courthouse.

Without mentioning Mr. Curran by name, the Mayor said "there are a lot of 'ins' who expect a free buggy ride to stay in."

"They are in the Courthouse," he said, "and they sit there and play politics all day to break down the State and city administrations—sometimes with the support of the Supreme Bench."

Charges "Smear Campaign"

He stated that a job recently was "created" in the Courthouse "for a man who lost a job somewhere else." The reference obviously was to the employment of John Burns, former chief clerk of the Board of Liquor License Commissioners.

He charged that a "smear campaign" is "financed by a certain clique to call the Governor a liar and the Mayor a Bum."

He described Mr. Lane's main opposition as a "grudge ticket" made up of "one guy who lost his job and wants to head the ticket, another guy who lost his job and wants a place on the ticket and the third guy from the Eastern Shore who just has a grudge."

Trio Are Identified

The trio was generally recognized as George P. Mahoney, announced candidate for the Democratic gubernatorial nomination; W. Lee Elgin, former commissioner of motor vehicles, a potential candidate for State comptroller, and State Senator Thomas F. Johnson (D., Worcester), who may run for attorney general on the Mahoney ticket.

"Certain leaders," the Mayor continued, "figured it out. They wondered what they could do. They feared they might lose the Courthouse. So they yell 'sales tax, sales tax, sales tax.'"

"Well," said Mr. D'Alesandro, "I wish I could pay all my taxes with pennies."

Promise Of Support

Each speaker paid his respects to Mr. Della, and in nearly every instance promised him support for any office he may seek.

The Mayor, who may have to sit in the final job of making up a city ticket, went only so far as to tell Senator Della: "I don't know what you're going to run for, but whatever you do you have my best wishes."

Governor Lane offered Mr. Della "my continued affection, respect and support."

Representative Garmatz, of the Third congressional district, expressed the hope that Mr. Della "may enjoy the best of everything and anything his heart may desire."

Della Praises Governor

Representative Sasscer, of the Fifth district, wished him "Godspeed in whatever your ambitions may be."

Joseph M. Wyatt, chief judge of the Traffic Court and toastmaster of the dinner, said the Sixth district organization was "wishing Senator Della success in anything he may desire."

Senator Della opened his response by describing Governor Lane as "a personal friend of mine, a good Governor."

"If he seeks the nomination, he will be nominated and re-elected," Mr. Della predicted. "He is not a politician, but a statesman. He is looking to a good State—not only for tomorrow but for the next five, ten, twenty years."

Turning to the State's attorney's office, which he did not mention by name, he said "there are some good assistants there who are my friends, but that office needs a good cleaning out whether it is by George Della or someone else."

NEWS.-3/10

Two Will Hang For Slaying Man

Two men were sentenced today to hang for the murder of Orval Ericson, twenty-eight-year-old trackless trolley operator, last October 5.

The sentences were imposed in Criminal Court by Chief Judge W. Conwell Smith on:

Gerald Sylvester Day, twenty-four, a student, 600 block North Carey street.

Russell Sinclair Lewis, twenty-five, a soldier, absent without leave, 1400 block North Fulton avenue.

Ericson was found stabbed to death on his darkened trackless trolley at its terminus at Carey street and Westwood avenue after he had been robbed.

MORN-SUN-3/

Slayers To Hang In Ericson Case

Death sentences were imposed yesterday on two young men convicted of the first-degree murder of Orval E. Ericson, 28-year-old trackless trolley operator, by a Criminal Court jury recently.

Chief Judge W. Conwell Smith decreed death by hanging for Russell Sinclair Lewis, 25-year-old deserting soldier, and Gerald Sylvester Day, 24, a GI student, both Negroes. The two men were convicted of being responsible for the fatal stabbing of Ericson last October 5.

Testimony produced by William H. Maynard and William J. O'Donnell, prosecutors, disclosed that the two defendants were seen in the transit vehicle shortly before the operator was found slumped inside. The two men gave police statements accusing each other of the murder, the evidence revealed.

The crime occurred at the northern terminus of the transit line at Carey street and Westwood avenue.

EVE. SUN-2/10/50

Mandate For New Edwards Murder Trial Issued

Annapolis, March 10 (AP)—A mandate went down today ordering a new murder trial for Thomas A. Edwards, but where or when the trial will be held remained uncertain.

The Court of Appeals forwarded to Baltimore Criminal Court its mandate, or official word of its February 8 decision reversing Edwards's previous conviction and death sentence.

A conference among prosecutors and defense counsel is being arranged to set a date for the trial, said Assistant State's Attorney Anselm Sodaro, of Baltimore.

Will the second trial be held in Baltimore? Will it be a jury trial? Defense Attorney William J. McWilliams has said these questions have not been settled.

In the first trial, removed from Annapolis to Baltimore on defense request, three judges sitting as a jury convicted Edwards of murdering a Glen Burnie couple on the night of September 17, 1948.

The high court threw out the conviction on the ground Edwards's confession was "induced" by police and should never have been admitted in evidence.

Two Must Hang In Ericson Case

Two men today were sentenced to hang for the fatal stabbing of a Baltimore Transit Company trackless trolley operator, Orval Ericson, at Carey street and Westwood avenue last October 5.

The men, sentenced by Judge W. Conwell Smith, in the Criminal Court, are Russell Sinclair Lewis, 25, and Gerald S. Day, 24, both colored.

They were convicted of first-degree murder by a Criminal Court jury at their trial late in January. Sentence had been deferred because of a possible motion for a new trial, which was not pressed.

The trackless trolley operator had been stabbed in a robbery. Deputy State's Attorney William H. Maynard and Assistant State's Attorney William J. O'Donnell contended.

Intercepted Letter

Dear George—If you could "clean out" that office you spoke of, you could put in some of your own men, couldn't you? Yours,

Oswald

HON. GEORGE W. DELLA,
Maryland Trust Building, City.

MORN. SUN-3/11

STATE UNIT SILENT ON DELLA REMARK

Sodaro Declines Comment On Attack In Wells's Absence

By ALBERT W. QUINN

In the absence from the city of J. Bernard Wells, State's attorney, official silence yesterday greeted the call of State Senator George W. Della for a "good cleaning out" of Mr. Wells's department in the Courthouse.

Mr. Wells is expected to return to Baltimore today from a Florida vacation.

Senator Della, addressing a testimonial dinner sponsored in his honor Thursday night by the Young Democrats of the Sixth district, declared that he was "willing to help" in the proposed "cleaning out" either "as a candidate or as a friend of the city."

Mentioned As Candidate

The Sixth district Democratic Senator frequently has been mentioned as a potential candidate for the State's attorneyship.

In political circles yesterday, his statement was looked upon as "just short of an announcement of his candidacy for the Democratic nomination."

If Mr. Della's official announcement comes, it is believed, it will be only after he has the assurance of support from powerful party leaders.

Such leaders are said to consider it a little early to make definite commitments—particularly since it is not yet known whether Mr. Wells will seek re-election.

Mayor Attends Dinner

There are those who believe Senator Della might be an excellent candidate to pit against Mr. Wells himself, but somewhat less attractive in a contest with a fresh contender who had not previously sought elective office.

One of the leaders who will be in on the decision—Mayor D'Alesandro—attended the testimonial dinner but went only so far as to extend his "best wishes" to the Senator in whatever he does.

Anselm Sodaro, acting State's attorney in the absence of Mr. Wells, and said to be Mr. Wells's choice as a successor if he does not seek re-election, declared yesterday that "if any statements are to be made in reply to Dr. Della, I would prefer that Mr. Wells make them."

"Certainly," said Mr. Sodaro, "I have no comments to make."

Man Sentenced In Check Frauds

Admitting that he bought six television sets, two automobiles and other articles through the use of bogus checks, George E. Wright, 40, alias Robert MacGregor and William S. Russell, yesterday was sentenced to four years in the Penitentiary.

Wright, who lives in the 1800 block Bolton street, was arrested in Texarkana, Texas, and recently was returned here by Detective Lieutenant Millard B. Horton, who investigated the case. Lieutenant Horton said the man posed as a used-car dealer and bought two used cars with bad checks.

Chief Judge W. Conwell Smith in Criminal Court was told that Wright also opened department-store accounts with a stolen identification card, bought six television sets on credit and then made payments with bad checks, receiving some cash in change. Charles E. Orth, Jr., prosecutor, said Wright has a criminal record dating back to 1925.

MORN-SUN-3/11

REPORT OF BRIBE CALLED BASELESS

No Evidence Of 'Shakedown,' Investigators Declare

Prosecutors investigating an alleged shakedown by a Courthouse employé reported yesterday that there was no evidence justifying any prosecution or any other action in the case.

Anselm Sodaro, acting State's attorney, in a letter to F. Murray Benson, director of Parole and Probation, asserted that the complaint which caused the probe was based on "an apparent misinterpretation of a report of a conversation relating to the payment of $150. . . ."

Complaint Made To Mayor

The complaint, made to Mayor D'Alesandro, had charged that the Courthouse worker had sought $150 from the parents of a young man seeking parole from a one-year sentence he received for assaulting another young man, son of the Courthouse employé.

"The true facts are that this conversation referred to a settlement for medical expenses incident to this assault, and not in any way to his parole," Mr. Sodaro wrote.

The acting chief prosecutor, who was aided in the probe by J. Harold Grady, assistant State's attorney, found also that there had been no irregularity of any nature in the parole proceedings of the prisoner.

"No Effort To Interfere"

He reported, in addition, that "there has been no effort or attempt by anyone to interfere with the normal and regular parole procedure."

"Accordingly, in view of these facts, it is concluded that there is no evidence justifying any further action in the matter," Mr. Sodaro concluded.

The prisoner had been sentenced to the one-year term last October 11 in a police court. He became eligible for parole last month.

EVE. SUN-3/13

Wells Delays Decision On 5th Term

By Bradford Jacobs

State's Attorney J. Bernard Wells today brushed aside as "a bunch of piffle" assertions that his office has "gone to seed" and "needs a good cleaning out."

The State's Attorney still declined to say, however, whether he will seek a fifth term.

Although he had said he would make his decision public on his return from a Florida vacation, Mr. Wells today said:

"I didn't say the minute I got home. I'm not quite ready this morning. There are still a few things I want to do and a few people I want to see."

Returned Saturday

He returned to his office Saturday afternoon.

Mr. Wells was quick to point out the motives behind an attack on the prosecutor's office made Thursday night by State Senator George W. Della (D., Sixth Baltimore), who reportedly wants to take over the duties himself.

"It was a very trite statement," the State's Attorney said. "Every fellow who wants another fellow's job says that. Neither he nor anyone else can justify that kind of a statement."

Senator Della remarked that the office "has gone to seed" and that "what it needs is someone who is young, someone with ability . . . a good cleaning out."

Made Little Dent

The reference to a need for youth was understood to be aimed at Mr. Wells himself, who is past 70. If so, it made little dent on the prosecutor.

"My office is filled with young men," he said, "men who are alert, active and capable. There are only a couple of us who have been around a while, Mr. Maynard and myself.

"We still know our way around. We are quite capable of handling the office."

William H. Maynard is Mr. Wells's deputy.

The State's Attorney admitted that he doesn't blame Senator Della for wanting the office. Every man, he said, is privileged to run.

"But I don't expect the public to fall for that bunch of piffle," he said. "The office is in better condition than ever in the history of Baltimore."

Mr. Wells also denied reports that he has privately told Anselm Sodaro, his first assistant and the man he is expected to support if he fails to run himself, to go ahead and prepare a campaign.

"It haven't told anyone either to run or not to run," he said. By the end of the week, Mr. Wells reported, he should be able to announce his own plans about running again.

NEWS - 3/13

— By LOUIS AZRAEL —

fares, it would be very interesting—and perhaps important—to reveal the profits made by dealing in Transit Company bonds during the last few years.

For instance, what bond manipulations were carried out by the St. Louis group which came here and took over the company?

Tip to the Mayor . . .

A remark of yours in a recent speech has attracted much attention.

At a dinner where State Senator George Della hinted that he will run for the State's Attorneyship, you were quoted as saying that some people sit in the Court House and "play politics all day to break down the city and State administrations." And you added that they sometimes have the support of the Supreme Bench.

The implication is clear: It is that the Supreme Bench of Baltimore is involved in factional politics.

The most important thing in government, from the public's standpoint, is that judges should be free of politics. **If you mean what you seemed to mean, then, don't you think you should do more than hint? Don't you think you ought to come out and say when and how, in your opinion, the Supreme Bench of Baltimore is disgracing itself?**

EVE. SUN 3/14/50

Judge Signs Order Moving Edwards

An order for the transfer of Thomas Alexander Edwards from the Penitentiary death cell, where he has been held in the solitary confinement of a condemned prisoner since his sentence nearly a year ago, was signed today by Judge Joseph Sherbow.

Although the Court of Appeals mandate reversing Edwards's conviction and granting him a new trial was mailed last Saturday, Penitentiary officials had notified Assistant State's Attorney Anselm Sodaro they would not transfer the man to the jail without a court order.

Mr. Sodaro prepared the transfer order, signed by Judge Sherbow, one of the three judges who tried the Anne Arundel county colored man for the slaying of John C. Mahlan and Miss Mary Kline near Glen Burnie.

Order Not Received

Clerks in the office of the Criminal Court said the official mandate of the Appeals Court has not been received. Copies mailed to the prosecuting office and other interested parties had arrived Saturday.

The official communication to the clerk of the Criminal Court, officials said, must have gone astray or been delayed in the mails.

DAILY RECORD - 3-15-50

Special Report In Re Grand Jury

The Baltimore Criminal Justice Commission, at the request of a Judge of the Supreme Bench of Baltimore, officially undertook the investigation of a larceny case to determine the following points:

(a) Whether there had been any unusual, irregular, or venal influences involved, and

(b) Whether the proper functions of the Criminal Court, the Grand Jury, or any other agency of criminal justice had been circumvented.

1. *Facts of the Case:*

In December, 1949, a woman was caught shoplifting in a downtown department store by a store detective. She was turned over to the City police who booked her on a larceny charge.

Before the magistrate she pleaded guilty and was held in $500 bail for action of the Grand Jury. She not only admitted theft of the articles, which she was seen taking and which she had in her possession, but also confessed that exchange slips found on her person were for merchandise previously stolen. She would steal readily accessible goods, return them for an exchange slip and ultimately obtain goods of her own choice at her leisure.

Her financial standing was such that she was able to purchase anything within reason, and her credit was good for many times the amount stolen. Her family finances were above average and she has a host of loyal and devoted friends.

In the ordinary course, her case came before the Grand Jury. Only the policeman who made the arrest testified before the Grand Jury; no other witnesses were called in to be heard. She was duly presented by the Grand Jury. However, no indictment followed, as is ordinarily the case.

On the day of the presentment, an Assistant State's Attorney telephoned an official of the department store and requested him to come to the State's Attorney's Office. The official was told that certain members of the Grand Jury wanted further information, as these members of the Grand Jury felt that the case should be treated as "mental" rather than criminal, and that the "fullest type of restitution would be made." The store official replied that approximately $380 in refunds and exchange slips in two different names were involved, that the accused had admitted the offenses, but that he would refer the matter to his superiors.

The Assistant State's Attorney explained that he was merely carrying out the request of an officer of the Grand Jury. He later advised the Grand Jury that the department store officials felt the matter was out of their hands and the Grand Jury should proceed in the manner prescribed by law.

An attorney who was formerly a police magistrate, a very close friend of the accused's family, got in touch with the store official, as a friend, not as a lawyer, asking that the matter be dropped. He spoke to others in authority in the department store, but their attitude was that the matter was in the hands of the Grand Jury and they would take no action. The attorney's motives were out of friendship and not as a lawyer. He did nothing further and stepped out of the case.

In January, 1950, just before the Grand Jury ended its term of office, the case was marked "Reconsidered and Ignored." The attending physician of the accused filed a report, which was attached to the papers, indicating that she was emotionally disturbed. The department store was never officially advised of the action of the Grand Jury. Later in January, 1950, the matter was brought to the attention of the Foreman of the succeeding Grand Jury by a Judge of the Supreme Bench, who called for such investigation as this new Grand Jury deemed advisable. Again all witnesses were summoned, but none of them were heard by that Grand Jury. The new Grand Jury also took no action.

2. *Conclusions:*

It appears that the accused had a great deal of friendly help from many sources; from Grand Jurors who knew the accused and who sought help from the State's Attorney's Office; a friendly attorney who, without compensation, did what he could to help a woman he believed mentally ill; and others.

There seems not the slightest indication that anyone who acted was imbued by any other motives than to help a person in trouble, whom they felt was too upset to be responsible for her acts.

It would appear to the average individual that this was a proper end to the situation anyway, as indictment and trial would only stigmatize the individual and accomplish no good. However, it is clear to us that if the Court had acted, rather than the Grand Jury, this case would have followed the normal, regular procedure, and in the end the accused would have undoubtedly been placed on probation and under proper supervision.

The administration of criminal justice operates through many agencies, each within its own limited, prescribed sphere. Our system is one of checks and balances, and the danger signal is at full mast when one agency usurps or encroaches on the legally prescribed functions of another. The police detect and apprehend criminals; the State's Attorney prepares and presents the case; the Grand Jury indicts; guilt or innocence is for the Court or petit jury, and punishment or treatment is for the Court. This has been pointed out again and again by the Judges of the Supreme Bench in their charges to the Grand Jury at the opening of each term of court.

In this shoplifting case the Grand Jury usurped the function of the Court. With the best of intentions it attempted to try the case in the face of a guilty plea in the magistrate's court, and without hearing witnesses it presumed to dispose of the entire case. The second Grand Jury, which had power to act, likewise ignored the case without hearing any of the witnesses.

In the course of this inquiry we have learned that this is not an isolated case. There has grown up a pattern over the years, particularly where youthful or female offenders are involved, and sometimes others who are known to members of the Grand Jury.

We believe this practice to be dangerous. Grand Juries come and go; the courts remain on indefinitely. The Judges by training and experience are equipped to sift the facts, get to the truth, and under the law mete out punishment to the rich, the powerful, the friendless, alike. It is vitally important that no function of the Court be assumed by any other group, whether by the Grand Jury, the State's Attorney, or anyone else. Otherwise, how can a Judge impartially and in fairness to everyone pass sentence on or prescribe probation for a friendless person only to find that another individual similarly situated was not even brought to trial?

3. *Recommendation:*

(a) We recommend that at the beginning of each term the Judge presiding in the Criminal Court Part I continue to charge the Jury as to its functions by specifically and emphatically advising the Grand Jury as to the limits of its power, and mention the impropriety of such action as occurred in this case.

(b) Grand Jurors should be advised that the Court has a right to dismiss an entire Grand Jury should it fail to carry out its sworn obligations.

(c) The State's Attorney and his staff, who are in daily contact with the Grand Jury, should advise the Grand Jury of the impropriety of such conduct and make certain that the Grand Jury operates exclusively and only within its legally prescribed sphere.

EVE. SUN - 3/16

Boy Sentenced For Series Of Arson Fires

Reform-school confinement, with the likelihood of transfer later to the proposed institution for defective delinquents, was ordered today for 14-year-old George Crisp, who faces charges of murder and arson.

The order solved a court problem involving a juvenile facing a capital charge that, on conviction would have meant life imprisonment or execution.

The two murder charges against the boy arose from a fatal fire he has allegedly confessed setting last November 15. Phyllis Dicke, 11, and Leonard Dicke, Jr., 9, died in the fire, at 1423 North Gay street.

With the co-operation of Assistant State's Attorney Alan H. Murrell and Cornelius P. Mundy, court-appointed defense lawyer, the arson charges against Crisp first were recalled before Judge Charles E. Moylan in Juvenile Court, where Crisp, as a juvenile delinquent, was committed to the Maryland State Training School for Boys until he is 21.

Before Judge Sherbow

The murder charges, over which the Juvenile Court had no jurisdiction, then were taken before Judge Joseph Sherbow in Criminal Court. In view of the juvenile commitment and of the prospect that a new institution for defective deliquents will be available before the juvenile commitment expires, the assistant prosecutor and defense counsel both requested Judge Sherbow to dispose of the murder charges by placing them on an inactive file, subject to recall if necessary.

Both counsel asserted that the action was deemed advisable both for the public welfare and the boy's welfare.

Judge Sherbow, commen[illegible] that the action of both the filin[illegible] the State and the Juvenile C[illegible] sentence "can only be a stop[illegible] ceeding" approved the st[illegible]

Agrees With Mu[illegible]

He agreed with the [illegible] Mr. Murrell that Cri[illegible] belongs in an institu[illegible] tive delinquents. T[illegible] that "this boy is [illegible] patients that shou[illegible] and that no release [illegible] ing school should be p[illegible] after a complete and thoro[illegible] amination.

Judge Sherbow also commented that adoption of the proposed "undeterminate sentence law," now under study by the Legislative Council, would prevent the need for such complex arrangements.

In the proceedings, the boy was described by a court psychologist, as having an approach to life "reminiscent of a predatory animal," while Dr. Manfred S. Guttmacher, court psychiatrist, called him "profoundly neurotic" and acting under a fire-bug compulsion because of "great hostility toward the world in general."

Action Was Delayed

Court action on Crisp had been delayed for some time because of his generally hostile attitude after his arrest. For some weeks he had declined to co-operate sufficiently to permit examination by the psychiatrist, but finally permitted such interviews and tests under persuasion of his court-appointed lawyer.

Today's action was taken as a result of agreement between the prosecution and defense, and of the judges concerning the proper course.

Judge Moylan, in the juvenile section of Circuit Court, imposed the reform-school order on the arson sharges, saying:

"Society must be protected from either adults or youngsters who give vent to a tendency to set fires. For the protection of society and for the boy's own training, I am committing him to the Maryland State Training School for Boys until he is 21 years of age."

The boy, who lives in the 1600 block East Federal street has a history of setting fires since he was 10.

In Court Before

He was in the court for an alleged fire-seting at the age of 10 and again at the age of 12, when he was adjudged delinquent and sent to the training school. A series of fires occurred while he was there, but no prosecution ensued.

Official reports from the school show that, instead of prosecuting, extra supervision was kept over Crisp, and the fires stopped.

The boy had been out of the training school only a short while when the recent series of arson fires started last November. Three of the fires were major, one resulting in the deaths of two children and the other in the destruction of a factory building.

In announcing the reform school term, Judge Moylan said that the youth would be an ideal patient for the proposed institution for delinquent as soon as that place is provided. Better psychiatric treatment then could be assured, he said.

"When this patient was 6 years old he had an inveterate interest in starting fires," Dr. Guttmacher reported.

He called the boy "a seriously maladjusted, tragically unhappy individual who has a great hostility toward the world in general."

"Setting fires must be, for him, a compulsion through which he can work out some of his hostile impulses," the doctor added.

MORN-SUN - 3-17-50

Story Of $90,000 In Hidden Jewels Unfolds At Hearing

Testimony that stolen gems worth $40,000 are buried somewhere in or near Baltimore and other jewels worth $50,000 are buried in Virginia was heard by Judge Michael J. Manley at the trial of three young men on burglary charges yesterday in Criminal Court.

A $6,500 bracelet containing 244 diamonds and 88 sapphires was produced by J. Harold Grady, prosecutor, after a witness testified he found it hidden in a pickle jar on a farm near Baldwin, Harford county.

The testimony about the stolen gems was produced at the trial of Kenneth Cave, 22, and Donald Cave, 21, his brother, and Raymond Wilhelm, 21. The expensive bracelet was stolen from the home of Mr. and Mrs. Joseph La Pides at 4102 Dorchester road, along with about $14,000 worth of other jewels, the court was told.

Pleads Guilty

Kenneth Cave pleaded guilty to the burglary at the La Pides home and Wilhelm was convicted of two burglaries and a larceny. Judge Manley temporarily withheld a verdict as to Donald Cave in the La Pides burglary. The Caves live in the 1400 block Forge avenue and Wilhelm in the 1000 block West Lake avenue.

Police disclosed that a large quantity of jewelry found in the homes of the defendants has not yet been identified.

The testimony about the hidden jewels was given by George M. Abt, of the 2900 block Strathmore avenue, who is at liberty under bond awaiting trial on bad-check charges. The defendants did not testify.

Abt said he was told by Kenneth Cave about the hidden jewels while the two were cellmates in jail. The witness testified Cave asked him to raise bail for him and spoke of the caches as security for the bail.

Abt said after he was released from jail on bail, he was approached by Claude Martin, a relative of Cave, and given the expensive bracelet as security for the bail for Cave.

Martin, who lives in the first block South Ann street, testified he found the hidden bracelet after following instructions given him in the prison by Cave.

Abt said he became frightened after receiving the bracelet and turned the piece of jewelry over to police.

Other Burglaries

Other burglaries charged against the young men occurred in the 3300 block Moravia avenue, where 23 $50 war bonds were stolen, and in the 3300 block Grenton avenue, where $450 in cash and jewelry was taken.

Wilhelm was convicted of the theft of a pistol, $500 in cash, a ring, $98 in Roosevelt dimes and $30 in pennies from a house in the 3000 block Weaver avenue. Mr. Grady stayed proceedings in three other burglary charges.

Kenneth Cave and Wilhelm had previously been convicted of burglary charges, Mr. Grady disclosed. Sentence was temporarily deferred.

EVE SUN - 3/17

Story Of $90,000 Buried Jewels Is Under Probe

A story of $90,000 in buried jewels that was told in Criminal Court by a witness in a burglary case is being investigated today by police.

George M. Abt, the witness, said the story was told him in jail by Kenneth Cave, one of the burglary defendants. As the story goes, $40,000 in gems is buried in or near Baltimore and the rest in Virginia.

A $6,500 bracelet containing 244 diamonds and 88 sapphires was offered in evidence at the burglary trial.

GIVEN TO POLICE

It was turned over to police by Abt, who said it was given him by Claude Martin of the first block South Ann street, a relative of Cave.

Martin, in turn, testified that, following instructions given in jail by Cave, he found the bracelet in a pickle jar in a Harford county farmhouse.

The bracelet was identified as one stolen, along with $14,000 worth of other jewels from the home of Joseph La Pides in the 4100 block Dorchester road.

PLEADED GUILTY

Kenneth Cave, twenty-two, pleaded guilty to the La Pides burglary. A verdict was withheld in the case of his brother, Donald, twenty-one. The Caves live in the 1400 block Forge avenue.

A third defendant, Raymond Wilhelm, twenty-one, of the 1000 block West Lake avenue, was convicted of two burglaries and a larceny.

Other burglaries are being investigated, but there was no testimony as to where the supposed buried jewels came from.

MORN-SUN 3/14/50

Luncheon Is Set For A. H. Murrell

Baltimore may have two near-candidates for State's attorney today.

A group of friends, including civic leaders and others, will give a testimonial luncheon at the Emerson Hotel for Alan H. Murrell, assistant State's attorney.

Mr. Murrell is considered a prospective seeker for the Democratic nomination to succeed his present superior, the incumbent, J. Bernard Wells.

There was no certainty last night as to how close he will come to announcing his candidacy today.

State Senator George W. Della (D., Sixth Baltimore) came close to announcing his own candidacy for the office last week when he declared at a testimonial dinner in his honor that the office needed "a good cleaning out" and that he was willing to assist in the job either as a candidate or as a "friend of the city."

Mr. Wells, returning to his office yesterday from a Florida vacation, termed the Della statements "a bunch of piffle" but declined to say whether he will seek re-election.

MORN-SUN 3-15-50

Murrell Attacks 'Political Bossism'

Alan H. Murrell yesterday promised to wage "a knock-down and drag out struggle" for the office of State's attorney—if he decides to run.

Assuring a group of enthusiastic supporters—mostly amateurs in the field of politics—that he was "not being coy," the assistant State's attorney gave this reason for his present hesitancy about announcing his candidacy:

"We don't know yet who's going to run. . . . When you start punching you want to know who you're going to hit."

With that out of the way, Mr. Murrell talked very much like a man who wants the job of his boss, J. Bernard Wells, who has not yet let it be known whether he will seek the Democratic nomination for re-election.

Attacks "Political Bossism"

As the guest of honor at a luncheon in the Emerson Hotel, he attacked "political bossism" and "the situation which puts goons into office and keeps them there."

Unlike that other almost-candidate for the State's attorneyship—State Senator George W. Della—Mr. Murrell did not call for a "good cleaning out" of Mr. Wells's office. On the contrary, he conceded that, as part of the present administration for the last four and a half years, he is partly responsible for that administration.

He did, however, declare that "never before in the history of the city has it been absolutely necessary that an aggressive prosecutor be elected."

This need, he said, is "not because of an increase in crime" but because "the State's attorney right now is charged with the enforcement of the Ober law"—State statute aimed at the control of subversive activities in Maryland.

"Subversive activities," said Mr. Murrell, is "just a very polite name for treason" and the Court of Appeals' upholding of the Ober law created "a new class of criminal—the subversive person."

NEWS - 3-15

Wise politicians are saying developments in the race for State's Attorney provide a perfect set-up for J. Bernard Wells to run for re-election. By attacking him so early, prospective opponents open the way for him to say he is running for vindication. And a multiplicity of candidates will prevent the anti-Wells vote from being concentrated.

It is practically certain, therefore, that he will announce his candidacy.

CRISP CONFINED AS DELINQUENT

Boy, 14, Accused Of Series Of Arson And Murder Charges

George Crisp, 14-year-old boy accused of a series of arson and murder charges, yesterday was committed to the Maryland Training School for Boys as delinquent minor.

The State, through Alan H. Murrell, prosecutor, then entered stets to the murder and arson charges, but pointed out that the procedure is a "stop-gap" measure, since the charges against the boy may be reopened.

Both Mr. Murrell and Judge Joseph Sherbow, before whom the stets were entered, agreed that Crisp is a fit subject for the proposed institution for mental delinquents and that the boy should be transferred to such a place of confinement when he reaches the age of 21.

Charges Could Be Reopened

Judge Charles E. Moylan sentenced Crisp to the training school until he reaches majority. Then, it was pointed out, the stetted charges could be reopened and further commitment to the mental institution imposed after conviction.

Crisp was charged with setting a series of fires within a radius of five blocks of his home in the 1600 block East Federal street. One of the fires caused $350,000 worth of damage, while another in a North Gay street house resulted in the death of two young children.

Crisp faced possible death if he had been convicted of the murder charges.

Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench, said that Crisp since the age of 6 has had "an inveterate interest in starting fires."

Cites Character Structure

Crisp's character structure "is so profoundly neurotic that he is incapable of functioning at a normal level," the psychiatrist said.

The young defendant is "seriously maladjusted and a tragically unhappy individual who has great hostility toward the world in general," Dr. Guttmacher reported. He added that "setting fires must be, for him, a compulsion through which he can work out some of his hostile impulses."

Crisp has been setting fires ever since he was a child, the psychiatrist reported in recommending that the boy be confined in the "most fire-proof institution available."

MORN-SUN - 3/18

BINGO SETUP TO BE PROBED BY GRAND JURY

West Lexington Street Establishment Was Closed By Police

The Baltimore grand jury on Tuesday will open a special investigation into the operations of a West Lexington street bingo establishment, closed last Saturday by police until further proof is shown that the profits go to charitable purposes, it was disclosed yesterday.

J. Bernard Wells, State's attorney, and two of his assistants, William J. O'Donnell and J. Harold Grady, yesterday issued subpoenas for records of the Redding-St. John's Boys Club and Diamond, Inc., and summonses for twenty persons, including four high police officials.

Col. Beverly Ober, police commissioner, last Saturday declined to continue issuance of one-day permits for the bingo games until the club "has submitted sufficient information to satisfy me completely that it is entitled to a permit under provisions of the law."

Must Produce Contracts

In 1949, the Maryland Legislature authorized bingo games for charitable purposes, provided prizes in excess of $15 were not offered.

The subpoenas call for the production of contracts between the boys club and Diamond, Inc., records of all employés of Diamond, Inc., and receipts and disbursements of the corporation, the address of which was given as 424 East Baltimore street.

A complete roster of the boys club also was ordered produced, as well as receipts of the club from bingo operations at 16 West Lexington street, and disbursements. A record of prizes awarded also is to be produced before the grand jury.

Closed And Reopened

The bingo establishment opened last January 28 and a type of electrically operated machines was used in the games.

It was closed February 9 by police on the ground that the game was not strictly bingo. The games were resumed February 24 when the usual card-and-beans method was used.

Also summoned to appear before the grand jury on Tuesday is a representative of the Better Business Bureau of Baltimore.

EVE. SUN 3/17

Buried Jewelry Still Sought By Police

Police today still were seeking to gather information about buried jewelry which a jail prisoner had talked about to a cellmate but which he kept completely silent about when he was tried yesterday in Criminal Court.

Kenneth Cave, 22, had told the tale of buried jewelry to the man who was held in jail with him last month awaiting trial.

The fellow prisoner, George M. Abt, who is awaiting trial on bad-check charges, gave a statement to police concerning the conversation, including a report of a $6,500 jeweled bracelet.

Bracelet Produced

The bracelet actually was produced in court. It was the only item of jewelry recovered so far. Cave's grandfather, Claude Martin, told police he had been told that the bracelet was buried behind a springhouse on a Harford county farm about two miles from Baldwin. He said he dug it up on a Sunday night visit to the place after being informed that Cave wanted the jewelry to try to arrange bail.

Cave is awaiting sentence in two cases. He pleaded guilty to the theft of about $19,000 in jewels, including the bracelet, from a Dorchester road home last January, and he was found guilty on a charge of receiving stolen property in another case.

4 Charges Dropped

The young man was acquitted in a third case and four other burglary charges were dropped when Assistant State's Attorney J. Harold Grady entered stets.

Cave's younger brother, Donald Cave, faces an open charge of burglary, in which Judge Michael J. Manley still is considering the verdict.

Gets 6 Years For Slaying Brother

Found guilty of manslaughter in the shooting of his brother during an argument in their home in the first block South Albemarle street January 11, Michael Staskunas, forty-seven, was sentenced to six years in the Maryland Penitentiary in Criminal Court today.

He pleaded not guilty, through his attorney, Joseph Rosenthal, to slaying Joseph Staskunas, forty-five, with a sawed-off .22-caliber rifle.

Edward A. Gehring, Assistant State's Attorney, told the court the brothers had continually argued for years, and that Joseph was killed during a continuation of the argument while they were eating and drinking wine. Joseph, he said, had thrown a razor honer at Michael before the shot was fired.

EVE. SUN - 3/20

16 In Numbers Cases Get Total $14,090 Fines, 990 Days

Fines totaling $14,090 and jail terms aggregating 990 days were imposed by Judge Michael J. Manley today on sixteen defendants arrested in a raid on a numbers racket headquarters.

Judge Manley handed down 90-day sentences on eleven defendants, but suspended the terms upon payment of fines. Nine of the men had been fined $1,000 each, but two others had received fines of $2,450 and $2,350, respectively.

William (Little Willie) Adams, colored tavern owner and political figure, also faces six charges in connection with the raid on the numbers headquarters at 2006 West North avenue last November 19. However, his case was severed from the others.

Validity Of Law Attacked

Special defense motions filed for Adams by Joseph H. A. Rogan and J. Francis Ford, counsel, attacked the validity of the search warrant law and the validity of Adams's arrest when he arrived outside the place after the raid. His trial was begun at the conclusion of the other cases.

The two main penalties imposed by Judge Manley were:

John Roush, colored, who pleaded guilty in six cases involving the raid date and five other days. He was fined $1,000, $500, $500, $250, $100 and $100, and received the conditional jail term.

Clyde Martin, colored, who pleaded guilty to five charges, in addition to the conditional jail sentence, was fined $1,000, $500, $500, $250 and $100.

Other Main Penalties

The other nine main defendants received fines of 1,000 each and 90-day sentences, suspended upon payment of the fines.

They were Morris Fox, lone white man arrested in the raid; Frank Reddish, Henry Baker, Joseph Quill, Rudolph Fortune, John Payne, Carlos Hutchins, Nolan Clark and Charles Dotson.

A $250 fine was placed on Henry Taylor, who had not been arrested in the basement of the headquarters but in another part of the house.

Ten dollar fines as numbers players were placed on his wife, Louise Taylor; Thomas Wilson, Edmonia Wilson and Howard Anderson.

Judge Comments

In ordering the heavy fines with conditional jail penalties for the main offenders, Judge Manley said:

"This case is entirely different from the ordinary case of an arrest in a store or a pickup station. This calls for more serious punishment.

"This may be an opportunity to break up the headquarters of an organization that may be spread out all over Baltimore city."

As counsel for Roush, Ernest Perkins, Negro lawyer, contended that the man's pleas of guilty on all six cases were meant to assume that he took responsibility for the operation.

"Foolish Notion" Cited

Mr. Perkins said, however, that Roush had never been in any trouble before and was formerly a legitimate business man "who got the foolish notion that there was more money in the numbers business." He asked the court to consider that Roush was now entirely out of business.

Fox pleaded guilty in one case and not guilty in the others.

Numbers play "amounting to $43,284.56" was found in the raid, Capt. Alexander Emerson, principal State witness and leader of the raid, testified. He said he found a total of 24,494 numbers slips involving lottery play on 268,182 numbers.

An entire Saturday and Sunday week end "into Monday morning" was used by the raiders in counting and tabulating their seizures, Captain Emerson said.

Assistant States Attorney Allan H. Murrell and Charles E. Orth, Jr., pointed out to Judge Michael J. Manley that only three of the defendants had gambling records.

Captain Emerson testified that eleven of the defendants had been found working at a long table in the basement of the North avenue house, tabulating numbers play on adding machines.

NEWS 3/20

Jail Sentences Are Suspended By Judge

Fines totaling $14,000 and suspended jail sentences aggrega[illegible] 990 days were imposed today [illegible] 16 persons arrested, along [illegible] "Little Willie" Adams, in a [illegible] last November 19 on a num[illegible] game headquarters in the [illegible] block West North avenue.

Passing sentence in Crimi[illegible] Court, Judge Michael Manley, who has been more lenient [illegible] other numbers cases, said this o[illegible] gave him opportunity to break [illegible] the base of a city-wide operatio[illegible]

It was testified that the raide[illegible] property was the center for 90 numbers "stations" or writer[illegible]

$15,000 SEIZED

Capt. Alexander Emerson [illegible] the police vice squad, said raiders seized $15,000 in cash [illegible] slips indicating $42,000 in [illegible] He added that there were 2[illegible] slips bearing 268,000 numbers.

The vice squad leader fur[illegible] testified that a battery of add[illegible] machines was found in the ba[illegible] ment and that 24 hours was [illegible] quired by the police to total [illegible] slips on them.

SEPARATE TRIAL

"Little Willie" Adams, who[illegible] tavern in the 2300 block Dru[illegible] Hill avenue was mysterious[illegible] bombed about a decade ago, w[illegible] not among the defendants se[illegible] tenced today. He faced six num[illegible] bers charges, but obtained a sep[illegible] arate trial which began after th[illegible] 16 other defendants had been sen[illegible] tenced.

The sentences ranged fro[illegible] fines of $2,400 and 90-day su[illegible] pended jail sentences to 10 fine[illegible] in the case of a few defendant[illegible] who pleaded they were only pla[illegible] ers. Most of the fines were $1,00[illegible] Some of the defendants plead[illegible] guilty and some not guilty, a[illegible] some pleaded guilty to certai[illegible] charges and not guilty to others

EVE SUN 3/14/50

Grand Jury Hit For Not Citing Shoplifter

A Baltimore grand jury which failed to indict an accused woman shoplifter was sharply criticized today by the Criminal Justice Commission.

The woman, according to the commission report, was caught shoplifting in a downtown department store last December.

Both her financial and credit standing were good, and the report said it was found "she was able to purchase anything within reason."

"Emotionally Disturbed"

A subsequent physician's report indicated the woman was "emotionally disturbed," the report said. Others close to the woman indicated a belief she was not entirely responsible for her actions at the time.

Nevertheless, in failing to indict her, the commission said, the "grand jury usurped the function of the court."

"With the best of intentions," the commission stated, "it (the grand jury) attempted to try the case in the face of a guilty plea in the magistrate's court, and without hearing witnesses it presumed to dispose of the entire case."

A second grand jury, to which the case was subsequently referred, likewise failed to indict.

"It is clear to us," the commission said, "that if the court had acted, rather than the grand jury, this case would have followed the normal, regular procedure, and in the end the accused would have undoubtedly been placed on probation and under proper supervision."

"We believe this practice to be dangerous," the commission said. "Grand juries come and go; the courts remain on indefinitely. The judges, by training and experience, are equipped to sift the facts, get to the truth, and under the law mete out punishment to the rich, the powerful, the friendless alike.

"Vitally Important"

"It is vitally important that no function of the court be assumed by any other group, whether grand jury, State's attorney, or anyone else."

The report recommended:

1. That at the beginning of each term the judge presiding in Criminal Court continue to charge the jury as to its functions by specifically advising the grand jury on its powers.

2. Grand jurors be advised that the court can dismiss an entire jury should it fail to carry out its obligations.

3. The State's Attorney and his staff should advise the grand jury of an impropriety and make certain that it operates only within its prescribed sphere.

DUNN FREED IN KILLING

Shooting Of Youth In Arrest Held 'In Line Of Duty'

Patrolman John T. Dunn, who shot and killed a 20-year-old Negro while making an arrest last February 22, yesterday was acquitted on a charge of causing the youth's death.

Two others, who were with the fatally injured Edward J. Chase, of the 1900 block West Mulberry street, when the three were arrested in the 700 block West Redwood street, were held for the grand jury on charges of assaulting Patrolman Dunn, attempted larceny of an automobile and malicious destruction of property.

Bail Is Set

Bail for Bernard Maker, 22, of the 900 block Little Pine street, and Wardell Hayward, 22, of the 100 block South Stockton street, was set at $1,000 by Magistrate Julius A. Romano in Western Police Court.

Dunn and Patrolman John F. Ravadge were working in plain clothes when they saw the three men prying open a ventilator of an automobile, it was testified, and a fight ensued when Dunn called, "Stay where you are."

Dunn said he fired two shots and that two men fled. Chase, he said, continued grappling with him and he pushed Chase away and fired another shot.

Other Caught

Patrolman Ravadge caught Maker as he ran, it was testified, and Hayward was apprehended later.

Chase, it was said, collapsed as police were walking him down the street after he said, "I've been hit, I've been shot." He died later in University Hospital.

In dismissing the charge against Patrolman Dunn, Magistrate Romano said the shooting was "in line of duty."

MORN. SUN 3-16-50

Policeman Freed In Killing Suspect

Patrolman John L. Biemiller yesterday was dismissed on the charge of shooting to death Francis Clark, a holdup suspect, March 3, during a struggle in a police car at North and Cecil avenues.

At the hearing in Northern Police Court before Magistrate Reuben Caplan, the accused officer's partner, Patrolman Joseph Judd, testified that Biemiller shot the suspect only after Clark had fired at the two policemen while he was covering them from the back seat of the car with a .32 caliber automatic.

This testimony, in the opinion of Magistrate Caplan and J. Harold Grady, assistant State's attorney, offered sufficient evidence to prove that Biemiller acted in self-defense.

Patrolman Judd, who was the principal witness in the State's case, told the court that he and Biemiller picked up Clark because he fitted a description of a man wanted for the holdup of an ice-cream store in the 300 block East North avenue, which had occurred about a half an hour earlier.

Frisked In Tavern

He arrested Clark at Charles and Twenty-first streets, Judd said, after he had frisked him in a lavatory of a near-by tavern.

"I went up to the man and told him we wanted to ask him some questions," the policeman stated.

"He got in the rear of the car, and almost immediately pulled a .32 automatic.

"'This is it,' he said, 'and I mean I can drill you before you draw. Obey my instructions. Don't make one false move.'

"He told Officer Biemiller, who was driving, to go east on Twenty-first to Barclay and to obey the traffic laws. He told us to turn right at Barclay, go to North, turn left at North and go east on North to Greenmount."

Told To Halt Car

At North and Cecil avenues, Judd said, Clark told Biemiller to stop the car.

"When we had pulled over to the curb, he told Biemiller to keep his hands in the air, and he asked me for my revolver. I gave it to him on it and he put in on the seat and sat.

"Then he told Biemiller to keep his 'left hand in the air and to take your right hand and give me your gun.'"

"Then I jumped on the back seat," Judd continued, "and he (Clark) fired one shot. I told him to drop the gun. He said 'I will like hell' and then he fired again. Then I hit him in the right eye. Then Biemiller shot at him and then Biemiller fired two more shots and Clark said 'Boys, you got me. I give up.'"

"Then we called headquarters." Judd concluded.

Following the policeman's testimony, Miss Catherine Street and Mrs. Alice Austin, employed at the ice cream store where the holdup occurred, testified that they identified the body of Clark at the morgue as that of the man who had held up the store.

When Magistrate Caplan asked at the conclusion of the hearing if there was any one else who wished to give testimony, a spectator in the courtroom asked if Clark had died from head injuries or bullet wounds.

He identified himself as Charles P. Kavanaugh, 322 East Twenty-second street, an **uncle of the alleged holdup man.**

MORN-SUN - 3-17-50

Man Extradited In Swindle Case

Indicted by the grand jury two months ago, Charles Raymond, 48, has been extradited here from New York on charges of swindling a Baltimore woman out of stock valued at $6,200.

He is charged on the docket at Northwestern Police Station with theft after trust from Miss Ellen Howard, of the 300 block of Dolphin street. The charge alleges he took fifteen shares of A.T.& T. stock.

Other charges are pending against Raymond in New York, according to Anselm Sodaro, assistant State's attorney. The accused gave his occupation as engineer and his address as Baldwin, L.I.

According to Mr. Sodaro, Raymond allegedly took stock which he had promised to sell for Miss Howard. Raymond had promised to reinvest the proceeds in an oil company to guarantee her a regular monthly income, Mr. Sodaro said.

MORN-SUN-3/21

ADAMS FREED IN LOTTERY; 16 ARE FINED

Judge Manley Rules Arrest Of 'Little Willie' Was Illegal

Judge Michael J. Manley in Criminal Court yesterday acquitted William Adams of numbers charges on the grounds that his arrest was illegal, but imposed fines totaling $14,090 on sixteen codefendants.

Adams, known as "Little Willie," formerly operated a Druid Hill avenue tavern which was bombed in gangster-style about eleven years ago.

He and the other defendants were arrested during a vice squad raid last November 19 on premises in the 2000 block West North avenue. Police described the premises as one of the largest numbers operations ever raided here.

Others Pleaded Guilty

The sixteen defendants fined pleaded guilty. Eleven of them also were sentenced to 90 days in jail, but Judge Manley suspended the terms on payment of the fines and costs, and placed them on probation for 90 days.

Judge Manley ruled that police lacked authority to arrest Adams when he rang the bell of the house being raided and made one step into the living room after a policeman opened the door.

Judge Manley struck out all evidence obtained from Adams thereafter, including two keys which opened metal boxes containing nearly 200,000 numbers, representing about $9,200 in play.

Appeal Is Considered

Alan H. Murrell and Charles E. Orth, Jr., prosecutors, said the State probably will appeal from Judge Manley's granting of the defendant's motion to dismiss the charges. Joseph H. A. Rogan and J. Francis Ford were counsel for Adams.

Capt. Alexander Emerson testified that the raiding squad seized a total of 268,000 numbers representing about $43,284 in play for a period of six days. Captain Emerson said 907 numbers writers forwarded their collections to the North avenue headquarters.

Judge Manley's ruling freeing Adams came at the conclusion of the State's case. Consequently, other defense witness called in his behalf.

All but one of the defendants, including Adams, are Negroes.

Struggled With Adams

Patrolman Hubert Hogan testified he was standing by the telephone on the first floor of the premises while other members of the vice squad were seizing numbers paraphernalia in the basement headquarters when, about an hour after the raid began, Adams rang the door bell.

The policeman said when he opened the door, Adams stepped inside the living room. The witness testified he exhibited his badge and said "police," but Adams shoved him and started to run out of the house.

Hogan testified he struggled with Adams across the porch and down the house steps, and finally succeeded in taking the man into custody about two houses away.

Keys Found On Adams

Adams then was returned to the house where he was searched. A key ring containing the keys that fit the metal boxes and more than $2,000 in cash were found on Adams, the captain told Judge Manley.

Prior to the arrival of Adams, more than 100 keys taken from other defendants had been used in an effort to open the metal boxes, but none fit the locks, the vice squad leader testified.

In dismissing the charges against Adams, Judge Manley ruled that the search warrant violated the Maryland Declaration of Rights because it was too general in its terms.

He declared that although Adams could not claim immunity under the warrant, the former tavernkeeper was illegally arrested because police had not observed him do anything wrong.

Takes First Reason

The mere fact that Adams came to the house, sought admission and was admitted does not justify his arrest, the judge held.

Patrolman Hogan at first testified that he arrested Adams under authority of the search warrant, but later added assault as another reason. Judge Manley, in dismissing the charges, said he was impelled to take the policeman's first reason as the real one.

Judge Manley pointed out that two newspaper reporters and a photographer also came to the house during the raid, but were not arrested and searched.

Defendants And Fines

The other defendants, and the amount of the fines imposed on them were:

Howard Anderson, Negro, of the 2000 block West North avenue, $10 and costs.

Mrs. Edmonia Wilson, Negro, of the same address, $10 and costs.

Rudolph Fortune, Negro, of the 2300 block West North aveneu, $1,000 and costs.

Carlos Hutchins, Negro, of the 2600 block Pennsylvania avenue, $1,000 and costs.

Clyde Martin, Negro, of Turner's Station, $2,350 and costs.

Noland Clark, Negro, of the 2400 block Madison avenue, $1,000 and costs.

John Payne, Negro, of the 1800 block East Eager street, $1,000 and costs.

Henry Taylor, Negro, of the 2000 block West North avenue, $250 and costs.

Joseph Quill, Negro, of the 2400 block McCulloh street, $1,000 and costs.

John Rouse, Negro, of the 1500 block Druid Hill avenue, $2,450 and costs.

Charles Dotson, Negro, of the 2500 block Madison avenue, $1,000 and costs.

Henry Baker, Negro, of the 1500 block Pennsylvania avenue, $1,000 and costs.

Frank Reddish, Negro, of the 2000 block Division street, $1,000 and costs.

Mrs. Louise Taylor, Negro, of the 2000 block West North avenue, $10 and costs.

Thomas Wilson, Negro, of the 2000 block West North avenue, $10 and costs.

Morris Fox, of the 2700 block Cylburn avenue, $1,000 and costs.

All of the defendants who were fined $1,000 or more also were given the suspended 90-day jail terms and placed on probation. An eighteenth defendant, Mrs. Pearl Benton, of the 2000 block West North avenue was acquitted after the State confessed not guilty in her case.

Rouse and Martin admitted accepting or possessing numbers for more than one day and, consequently, received heavier fines.

Rouse Takes Blame

In imposing the fines, Judge Manley declared he considered the cases different from the usual numbers cases appearing before him, where police have seized a small writer or player.

He said the cases yesterday presented him an opportunity to break up a numbers headquarters that covers operations over the entire city. He said he hoped the heavy fines would have that effect.

Rouse took the blame for the numbers enterprise raided. His counsel said he had given up a former business after he had "foolishly decided there was money to be made in lattery." Rouse no longer is in the gambling business, the attorney assured the court.

Emerson Is Sad About Doors

Capt. Alexander L. Emerson said yesterday that swinging his heavy maul against the doors of gambling establishments often leaves him heavy-hearted.

Testifying at the trial of a vice-squad numbers case, the captain said he came across two small metal boxes he couldn't open. He testified he appealed to persons in the raided premises to surrender the key to avoid damage to the boxes.

"You don't seem to mind breaking down a lot of doors, do you?" interposed Judge Michael J. Manley.

"I tell you, judge," replied the captain, "it makes you feel terrible to break down a good door."

EVE. SUN-3/21

"We don't know yet who's going to run. . . When you start punching you want to know who you're going to hit."

—ALAN H. MURRELL, Assistant State's Attorney, giving his reason for his hesitancy about announcing his candidacy for the office of State's Attorney now.

MORN-SUN-3/22

BINGO CASE BEFORE JURY

Game Was Conducted Supposedly For Boys' Group

Ten persons yesterday were called before the grand jury in connection with a special investigation into former bingo-game operations in the first block West Lexington street.

The bingo enterprise was closed by police about ten days ago when Beverly Ober, police commissioner, called for the sponsors to produce further proof that the profits are used for charitable purposes.

The bingo games were open to the public for a period of nearly a month.

Witnesses Listed

The enterprise purportedly was for the benefit of the Redding-St. John's Boys Club. Subpoenas issued for production of records of receipts from the bingo business, as well as other records, disclosed that Diamond, Inc., also was connected with the bingo games.

Witnesses called before the grand jury yesterday included:

JOHN F. O'CONNOR, JR., described as resident agent and secretary for the boys' club.
MAX C. COHEN, of 1309 North Charles street, said to be a director of the club.
JAMES FINNERAN, a director of the club.
HERBERT J. HERMAN, reported to be president of the club.
BENJAMIN ROFFMAN, an accountant.
E. PHILBIN SWEREN, an incorporator of Diamond, Inc.
THEODORE BLACK, Negro, also an incorporator of Diamond, Inc.
WILLIAM GOTTLIEB, another incorporator of Diamond, Inc.
CAPT. JOHN B. KENEALY, of the Police Department.
WILLIAM B. HENDRICKS, of the Better Business Bureau of Baltimore.

The witnesses were taken before the grand jury during a more than three-hour probe by William J. O'Donnell and J. Harold Grady, assistant State's attorneys.

4 PRESENTED ON 22 CHARGES

Youths Are Accused In Series Of Holdups, Burglaries

Special presentments charging four youths with participating in a series of armed holdups, burglaries and larcenies were returned yesterday by the grand jury.

The grand jury action disclosed that a fourth defendant, a brother of one of the other three, was added to the list of accused after police docketed the charges on Monday night.

The new defendant is Ralph G. Watson, 20-year-old brother of Joseph E. Watson, 17, of the 2300 block Linden avenue.

Faces Only One Charge

Ralph Watson faces only one charge, that of participating with the other three in the $55 robbery of Mitchell Rothrock, of the 1200 block Brentwood avenue, last February 27.

A total of 22 presentments were returned against the youths. Three burglaries are charged to Roy E. Calhoun, 19, of the 1200 block North Charles street, and Charles E. Blair, 18, of the 2300 block Eutaw place.

Blair, Calhoun and Joseph Watson are all defendants in twelve holdup charges and seven automobile larceny charges.

By-Passes Police Court

Anselm Sodaro, assistant State's Attorney, took witnesses before the grand jury yesterday in obtaining the special presentments, which had the effect of by-passing the usual police-court hearing.

The accused are charged with obtaining more than $18,000 in loot and with stealing automobiles valued in excess of $17,700.

MORN-SUN-3/23

BURIED GEMS RECOVERED FROM GARDEN

Police Find About $5,000 In Stolen Jewels, Hunt More Loot

Police have recovered about $5,000 worth of stolen jewels from a jar buried in the garden in the rear of the home of a confessed burglar, it was disclosed yesterday by J. Bernard Wells, State's attorney, and J. Harold Grady, assistant.

The buried loot was found by police in the rear of 1434 Forge avenue, home of Kenneth and Donald Cave, who were defendants before Judge Michael J. Manley in a series of burglary charges last week, it was asserted.

The prosecutors said all of the gems recovered were tentatively identified as part of the $20,000 jewelry loot taken from the home of Mr. and Mrs. Joseph LaPides, of 4102 Dorchester road.

Asked To Identify Gems

Mr. and Mrs. LaPides have been requested to appear at police headquarters today to positively identify the jewelry.

Meanwhile, Mr. Wells disclosed, police are continuing the investigation in an effort to recover additional loot.

It was reported that some of the stolen jewelry may have been given by the thieves to friends or relatives, and that such articles may be returned to the police anonymously.

Kenneth Cave, who is 22, pleaded guilty to the LaPides burglary. Raymond Wilhelm, 21, a third defendant, who lives in the 1000 block West Lake avenue, also was convicted of that burglary charge and of other similar crimes. Judge Manley temporarily withheld a verdict as to Donald Cave, 21.

Other Gems Hidden

Testimony at the Criminal Court trial last week disclosed that Kenneth Cave may have hidden some $40,000 worth of gems in or near Baltimore, and as much as $50,000 worth of loot in Virginia.

Mr. Grady exhibited a $6,500 diamond and sapphire bracelet at the trial, and offered testimony showing that a relative of the Caves had found it in a buried pickle jar on a farm near Baldwin, Baltimore county. The bracelet was stolen from the LaPides home.

Police heard of the $90,000 worth of gems when George M. Abt, of the 2900 block Strathmore avenue, surrendered the bracelet to them. Abt said it had been given him by the relative of Kenneth Cave as security for bail posted for Cave.

Testimony at the trial disclosed that Abt was told by Cave, while the two were cellmates in the City Jail, of the large quantity of hidden loot. Abt, at that time, was being held on bad-check charges, but was about to be released on bail.

Used For Bail

Cave reportedly spoke of the stolen treasures in assuring Abt that some of the loot could be produced as a surety for bail, which Abt was asked to raise for him.

Claude Martin, of the first block South Ann street, the relative of Cave, testified he recovered the bracelet from the farm and gave it to Abt at the direction of Cave. Abt became frightened and turned the bracelet over to police.

Mr. Wells said police took temporary custody of the defendants in the series of burglaries on Tuesday under authority of a writ of habeas corpus signed by Judge Manley last Saturday.

The prosecutor said he believed that the youths were questioned by police and then taken to the garden spot, where the jewels were hidden.

EVE-SUN 3/23

YOUTH SAYS HE IS GUILTY

Confesses To Assault For Which Kin Received Year

Identity of the young man who assaulted and fractured the jaw of Albert Anuszewski, 17, became confused yesterday when the brother of a youth who was convicted and sentenced for the assault suddenly arose in the Criminal Court and confessed to the crime.

Judge Michael J. Manley had convicted William Farber, 19, of the 1200 block South Decker avenue, of the assault on Anuszewski and sentenced him to one year in the House of Correction when John Farber, 18, came forward and declared it was he who had assaulted the victim.

Sentence Stricken Out

Joseph Rosenthal, counsel for William Farber, then succeeded in having the judge strike out the sentence and announced he would seek a new trial. John Farber was arrested as a "material State's witness."

Bail for the original defendant was fixed at $1,000 and for John Farber at $250. Bail was posted for both.

Anuszewski identified William Farber as the man who struck him last February 11 as he was standing on the corner of Fait and Lakewood avenues. A friend of the victim also identified Farber as the one who struck the blow.

Says He Was Not In Vicinity

William Farber contended he was not in that vicinity at the time of the alleged assault. So did two other youths who allegedly were with William Farber at the time of the attack on Anuszewski, who lives in the 2600 block Hudson street.

William J. O'Donnell prosecuted the case. Mr. Rosenthal asserted he will allege in the new-trial motion that newly discovered evidence justifies the motion.

EVE. SUN-3/24

Press Search For $85,000 Stolen Gems

Spurred on by the discovery of $5,000 worth of jewelry buried in the rear of a home in the 1400 block Forge avenue, police and the State's Attorney's office today were pressing their investigation of the possibility that another $85,000 in gems may be buried underground in Maryland and Virginia.

The loot already recovered is believed to be a portion of the $20,000 worth of jewelry stolen from Mr. and Mrs. Joseph LaPides, 4100 block Dorchester road.

They were to appear at State's Attorney J. Bernard Wells' office today to identify it.

The startling discovery that a large quantity of jewels may be buried underground in the two States came to light during the trial of Kenneth Cave, twenty-two, in the rear of whose home the $5,000 cache was excavated.

In Criminal Court he admitted robbing the LaPides home, but during the course of the trial statements he had made to a cellmate in prison regarding additional hidden treasure were brought to light.

Defendants in the case besides Kenneth Cave are his twenty-one-year-old brother, Donald, and Raymond Wilhelm, twenty-one, 1000 block West Lake avenue.

NEWS-3/24

BETCHA the primary election for the State's Attorney's nomination this year will arouse more interest in the community than any race except the one for Governor. (6 to 1.)

MORN-SUN-3/

Pre-Election Rivalry Brewing In State's Attorney's Office

Feeding on ambition, frustration and personal animosity, one of the bitterest pre-election fights yet to emerge is developing within the State's attorney's office, according to Courthouse observers.

Courthouse attachés describe the office as "a political hotbed," and most of the heat, apparently, is being generated by the hesitation of J. Bernard Wells, the State's attorney, in stating whether he will run for the office for the fifth time.

Four Are Involved

The fight, thus far undeclared and for the most part beneath the surface, involves four members of the State's attorney's office:

MR. WELLS, who some months ago tentatively decided not to run and was reported to have privately promised to back one of his assistants as his successor but who now, to all appearances, has changed his mind and again will be a candidate.

ANSELM SODARO, the assistant in whose favor Mr. Wells reportedly agreed to step down.

ALAN H. MURRELL, assistant State's attorney, who is so openly antagonistic to his superior that some observers believe he is inviting dismissal to provide campaign material for himself.

WILLIAM J. O'DONNELL, assistant, who is said to be waiting for substantial political backing—possibly from Mayor D'Alesandro—before announcing his candidacy.

Two Others Mentioned

The rivalry is further heightened by the likelihood that State Senator George W. Della and William L. K. Barrett also will seek the Democratic nomination. Mr. Barrett has publicly declared, "It will be Wells or I."

It has been traditional in the State's attorney's office that an assistant while in office never runs against the man who appointed him.

Wells Gives Hint

It was, therefore, with gratification that Mr. Sodaro heard last fall that Mr. Wells probably would not run again and would, moreover, lend his support to Mr. Sodaro.

But last December at a testimonial dinner in his nonor, Mr Wells hinted publicly that he might be induced to seek re-election.

In January he refused to commit himself and said that he would decide after returning from a vacation in Florida. But the vacation is over, and Mr. Wells is as noncommittal as ever over his plans.

He says that many friends are urging him to serve another term

Others Urge Him To Quit

Other friends, however, are urging him in behalf of his family to quit the job when his present term expires. Mr. Wells is in his seventies and, according to some not in the best of health.

Since it has become likely that Mr. Wells will again run, Mr. Sodaro has been, according to his friends, bitterly hurt.

There are some who say that Mr. Sodaro seriously is considering breaking with tradition and running for the office whether or not it is against his superior.

Since a promise was broken, they say, he no longer owes Mr. Wells a debt of loyalty.

Friction More Open

The friction between Mr. Wells and Mr. Murrell is far more open.

It is reported that Mr. Wells, when he appointed Mr. Murrell as an assistant, had him write a letter of resignation which the State's attorney holds for future contingencies.

He still has the letter on file and there are some in Courthouse circles who believe that Mr. Murrell would be delighted if it were accepted in the near future.

It would absolve the assistant from the office's loyalty tradition and give him a springboard in his campaign for the nomination.

O'Donnell Least Vocal

Of the three assistants, Mr. O'Donnell is the least vocal in expressing his desires for the job.

But he has confided to friends that he probably would run if he could get the backing of some major political leader. And he reportedly seems to think that there is a chance of gaining the support of Mayor D'Alesandro.

Some are wondering how this sub rosa campaigning will effect the chances of Mr. Wells being reelected.

His unspoken slogan in other campaigns has been "Divide and conquer."

EVE.SUN-3/27

15-Year Term Given In Fatal Shooting

A fifteen-year penitentiary term was imposed today on Percy Whitley, 33, colored, for a fatal street shooting last December 16. Chief Judge W. Conwell Smith sentenced the man in Criminal Court. Whitley had been convicted by a jury last week of second-degree murder in the killing of Morris Carter, another Negro, of the 1500 block West Franklin street.

Whitley, according to evidence produced by Assistant State's Attorney Edwin A. Gehring, shot and killed Carter as the latter was on his way to his home after a dispute in a tavern. Although Whitley claimed self-defense, the State contended that Carter was helplessly drunk at the time of the shooting.

Whitley's home is in the 400 block North Stricker street. Bernard B. Feiken was his attorney.

EVE. SUN-3/28

Acquittal Appealed In Numbers Case

State's Attorney J. Bernard Wells today filed an appeal from the Criminal Court ruling resulting last week in acquittal of William Adams, Negro former tavern owner and political figure who was charged with a numbers racket violation.

Adams was one of eighteen persons facing a series of numbers charges as a result of a raid by Capt. Alexander Emerson and his squad last November on a house at 2006 West North avenue.

Before Judge Michael J. Manley last week one woman was acquitted, and sixteen other defendants were fined a total of slightly more than $14,000. Eleven of them were given suspended jail terms as well.

As to Adams, Judge Manley made a ruling at the end of the prosecution's case which resulted in the suppression of seized evidence, including two keys taken from Adams which were said to fit two steel boxes containing records of numbers bets.

Adams went to the North avenue house about 1¼ hours after it was raided. His attorneys, Joseph H. A. Rogan and F. Francis Ford, contended that the police search warrant was not applicable to him, and that officers had no right to arrest him.

EVE.SUN-3/24

'Curly' Owen Fails In Fine Appeal

Jerry (Curly) Owen, evangelist and former pugilist, today lost out in his attempt to appeal a fine of $25 and costs on a charge of disorderly conduct at another clergyman's meeting room last March 5.

Judge Joseph Sherbow dismissed the appeal on jurisdictional grounds, but took occasion to rule publicly that magistrates' and police dockets are public records.

Northeastern district police had denied attorneys access to the dockets until after the matter was taken before Police Commissioner Beverly Ober, according to testimony. The dockets figured materially in the evangelist's appeal, since two alterations had been made by the magistrate.

Courtroom Filled

The courtroom of Criminal Court, Part Three, was filled for the hearing. The "no standing" rule was flouted, a hundred or more persons, mostly women and many carrying Bibles, crowded the outside corridors in a vain effort to get in.

The disorder fine had been imposed by Magistrate August A. Koslovsky on testimony that Owen and several followers had forced their way into a religious meeting of the Trinity Assembly of God at Harford road and Parkside drive, to complain of statements made concerning the evangelist by another clergyman.

Judge Sherbow, in dismissing Owen's appeal, pointed out that fines are not appealable unless they exceed $50, exclusive of costs. Magistrate Koslovsky testified that he originally imposed a $25 fine. He admitted that in an effort to permit the appeal that Owen desired, he had subsequently changed his entry to a fine of $55 and costs after altering it to the original impose when he found that $50 was the top fine for the charge.

"Public Record"

"The magistrate's docket is a public record," Judge Sherbow said. "The station-house docket or record of arrests likewise is a public docket. Neither the Police Department or anyone else has any right to keep the public or anyone, for that matter, from seeing those dockets on reasonable occasions.

"There need not even be a reason for the inspection. As public dockets they can be seen merely from curiosity. In a democracy such as ours, those records are not to be kept secret, and it was highly improper for police to refuse inspection."

MORN-SUN 2/20/50

TRIBUNAL LETS PARK TENNIS VERDICT STAND

Refuses To Review Convictions Of Disturbing Peace

Other news of the Supreme Court.....Page 2

[Washington Bureau of The Sun]

Washington, March 27—The Supreme Court today refused to review the convictions of seven Baltimoreans who were fined and given suspended jail sentences for unlawful assembly during an interracial tennis tournament in Druid Hill Park.

The matches were sponsored by the Young Progressives of Maryland, a branch of the Progressive party. Harold Buchman, State director of the party, and Stanley Askin, head of the Young Progressives, were among those arrested.

The white defendants arranged the tournament in July, 1948, as a test of the Baltimore city policy of segregation at public tennis courts.

Unlawful Assembly Found

They were later found guilty of conspiring to assemble unlawfully and disturb the peace. Fines ranged from $10 to $50. The suspended jail sentences were from three to eighteen months.

Five attorneys who filed the appeal for the Supreme Court to intervene contended there had been illegal racial segregation.

They contended persons may not "be forcibly prevented from mingling in sports activities in public parks solely because of the color of their skin."

Maryland law-enforcement officials contended the only question was whether the defendants agreed to test the segregation policy by unlawful means. They said the interracial demonstration could have caused "a full-scale riot."

22 Arrested, 15 Acquitted

Park police arrested a total of 22 players and spectators. All but the seven white defendants received acquittals.

The others convicted were Charles M. Swann, 23; Irwin Winkler, 26; Mrs. Regina Silverberg, 42; Warren L. Vestal, 20, and Leonard Collidge, 26.

They appealed to the Supreme Court after the convictions had been upheld by the Maryland Court of Appeals.

The defendants also contended the arrests violated their constitutional rights of free speech and assembly.

State's Contention

The State of Maryland disputed this contention, telling the Supreme Court:

"The only real question presented to the trial judge was: Did petitioners (the seven persons) get together and agree to question a Park Board policy by unlawful means, viz., disturbance of the public peace? The trial court determined that they did and that decision is not subject to review by this (Supreme) Court."

The Maryland brief added: "It was through no fault of petitioners that the park police did not have a full-scale riot on their hands."

The State said the Young Progressives prepared a notice of the policy test which included these phrases: "Kill Jim Crow," "Demand Your Rights," "Organize to Smash Discrimination," "Henry Wallace Says: 'Jim Crow in America Has Got To Go.'"

Denies Segregation Effect

The State's brief argued that "calm consideration of the facts will show that, if the convictions stand, the decision will have no effect one way or the other on the question of the legality of the segregation of races on public recreational facilities.

"Such a decision would merely constitute a finding that these petitioners have not, in this case, properly presented an issue of infringement of some constitutional right; that only the violation of a law of the State (against disturbing the peace) is involved."

Counsel who filed the appeal to the Supreme Court are I. Duke Avnet, Edgar Paul Boyko, Mitchell A. Dubow, William H. Murphy and Mr. Buchman, who was a defendant.

Ruling By Judge Moser

The convictions by Judge Herman M. Moser in the Baltimore Criminal Court also had been upheld by the full Supreme Bench of Baltimore, which denied the defendants a request for a new trial.

The defendants filed a $500,000 damage and injunction suit against the city of Baltimore and the Department of Recreation and Parks in Federal Court at Baltimore, but the suit was dismissed by Judge W. Calvin Chesnut.

MORN-SUN 3/29/50

STATE APPEALS NUMBERS CASE AGAINST ADAMS

Judge Dismissed Charges After He Ruled Out Certain Evidence

An appeal was filed by the State yesterday from Judge Michael J. Manley's ruling dismissing numbers charges against William Adams, former tavernkeeper and political figure.

J. Bernard Wells, State's attorney, and Alan H. Murrell, assistant, filed the notice of appeal with the clerk of the Criminal Court.

Adams, a Negro known as "Little Willie," was freed of the numbers charges recently after Judge Manley ruled that a search warrant for a house in the 2000 block West North avenue did not give the police the right to arrest Adams, who arrived at the residence more than an hour after the vice squad started a raid there.

Evidence Struck Out

Consequently Judge Manley struck out all evidence against Adams, including testimony that police took from Adams two keys which fit metal boxes in which large quantities of numbers slips were found.

The appeal was from Judge Manley's granting of the defendant's motion to dismiss at the end of the State's case.

A vice-squad policeman, who said he unlocked the door and admitted Adams into the house during the raid, testified at the trial that he actually arrested Adams for assault, which occurred when Adams attempted to flee from the house on learning that a raid was in progress.

Judge Manley's Ruling

However, Judge Manley ruled that the policeman's earlier testimony that the warrant was deemed to include the right to arrest Adams was the real reason for arresting the former tavernkeeper.

Sixteen other persons arrested in the raid pleaded guilty to the numbers charges and were fined approximately $14,000. Most of them also were given suspended prison sentences and placed on probation.

Capt. Alexander L. Emerson testified that more than $43,000 in numbers play was seized.

EVE.SUN-3/29

10-Year Robbery Term Imposed

A ten-year penitentiary sentence for unarmed robbery was imposed today on Carl T. Langston, 38, who pleaded guilty to being one of three perpetrators of a holdup last December 7.

Langston and the other two men, whom he said he knew only as Joe and Harry, tossed up five persons in their holdup of a dentist's office in the 2100 block of West Pratt street.

Dr. Jack Ingber, the dentist, lost a watch, a cigarette lighter and $30.

His nurse, Miss Anne Sheehan, had $12 and other property taken. Two patients, William Clark and Dolores Schmidt, also were robbed, and a third patient, Hazel Maury, was held up but lost no property.

Once His Own Dentist

Langston revealed today that Dr. Ingber had once been his own dentist.

He said he and the other two men were drinking when a robbery was suggested. They bought two toy pistols at a drugstore and polished the barrels with shoe polish to make them look more real.

Langston also testified that he and the other men "walked around" for an hour or so, trying to decide whom to rob, until he finally got the idea of going to the office of the dentist who had once extracted one of his teeth.

Although he was charged with armed robbery, the man pleaded guilty to unarmed holdups through his attorney, William Greenfeld. In view of the testimony concerning the toy weapons, those pleas were accepted by Edwin A. Gehring, assistant State's attorney.

EVE. SUN-3/30

3 Gem Burglars Are Sentenced To Reformatory

Reformatory terms of not more than five years today were given two young burglars in the series of cases in which $15,000 worth of buried jewels were recovered.

A third defendant received a term of not more than three years, when the group came before Judge Michael J. Manley in Criminal Court for sentence.

Kenneth Cave, 22, of the 1400 block Forge avenue, was one of the two receiving the five-year terms. The other was Raymond Wilhelm, 1000 block West Lake avenue. Cave's younger brother, Donald, 21, was given the three-year penalty.

Earlier Evaluation Hit

The buried jewelry had been taken from the Dorchester road home of Mrs. Joseph LaPides. All but one piece of jewelry taken in that burglary last January 10 had been located, Cave's attorney, Solomon Liss, told the court.

Mr. Liss told Judge Manley that previous valuations of $90,000 in buried gems were "imagination." The report had been made by a jail prisoner, who said Kenneth Cave spoke of burying that much loot.

Police had recovered one cache of buried jewels in the back yard of Cave's home, while a $6,500 jeweled bracelet was reported to have been unearthed by a relative of the defendant on a Harford county farm, where it had been buried in a pickle jar.

MORN-SUN-3/30

POLICE GIVEN REPRIMAND AT OWEN HEARING

Judge Sherbow Assails Their Refusal To Show Docket; Plea Denied

Dismissing an appeal of Jerry (Curly) Owen, evangelist and former boxer, from a police-court conviction for disorderly conduct, Judge Joseph Sherbow yesterday reprimanded Northeastern district police sharply for refusing to permit inspection of their dockets.

Judge Sherbow ruled that the fine on Owen for creating a disturbance in a Harford road church meeting, being conducted by another minister, was $25 in the police court and that under the law, a fine of less than $50 may not be appealed.

Raised Levy To $55

Testimony disclosed that Magistrate August A. Kozlovsky originally had imposed the $25 fine, but when the evangelist announced he wanted to appeal the case, the levy was raised to $55 to make the appeal possible. Later in the day, the magistrate discovered the maximum fine for that charge was $50, and he reduced the fine on Owen back to $25.

Testimony disclosed that counsel for the defendant had sought to inspect Northeastern dockets to ascertain how the levies had been changed during the day of the trial, but had been refused access to the dockets.

Judge Sherbow said he wanted police to understand clearly that both the police docket and the one used by the magistrate are public information, and must be exhibited to anyone who is interested in seeing them, including the press.

"Need Not Be Reason"

"Neither the Police Department nor anyone else has the right to keep the public from seeing those dockets on reasonable occasions," Judge Sherbow said.

"There need not even be a reason for the inspection. As public dockets they can be seen merely from curiosity."

In addition to refusing the attorney the right to inspect the police docket, police had not informed the lawyer of the existence of the docket kept by the magistrate, the judge said.

A large crowd of Owen's followers appeared in the Courthouse for the hearing, many carrying Bibles and a few shouting "Amens."

Owen contended he had asked for a postponement of the station-house trial, but had been refused. Judge Sherbow ruled the magistrate has discretion in granting or denying delays.

EVE.SUN-3/30

Ober Explains Police Policy On Dockets

Police Commissioner Beverly Ober said today that he had never authorized police officials to refuse the inspection of dockets by interested lawyers.

Judge Joseph Sherbow yesterday reprimanded Northeastern district police for refusing to allow an attorney to see the record in which his client had been fined.

Colonel Ober said the action was without his knowledge or consent. He said he would attempt to see Judge Sherbow today and explain the Police Department's attitude toward docket inspection.

Rule Issued In 1940

The department is operating now on a regulation issued in 1940 by Robert F. Stanton, then commissioner, and modified in 1947 by Commissioner Hamilton R. Atkinson.

The 1940 rule states that the department "will hereafter decline to exhibit or release records of arrest except under the following conditions: (1) When requested by representatives of law enforcement or governmental agencies; (2) when the nature of a request is considered of special interest to the department; (3) when subpoenaed by a court of competent jurisdiction."

Appended to this regulation by Commissioner Atkinson was the following:

No Reason Needed

"The intent of this order is that no person, other than a representative of the press, shall be permitted to inspect police dockets, which are records of arrest, for any reason whatsoever, or in other words, no member of the department is permitted to divulge any information contained in the dockets without the consent of the police commissioner."

The regulation promulgated by Commissioner Stanton, a former Supreme Bench judge, was intended to discourage unethical solicitation of clients by lawyers and professional bondsmen, Commissioner Ober said.

In practice, he added, it was not interpreted to prevent a lawyer from inspecting docket entries relating to his client. Judge Sherbow said the department "has no right to keep the public from seeing those dockets on reasonable occasions," and added that there "need not even be a reason for the inspection."

"As public dockets," he said, "they can be seen merely from curiosity."

NEWS-3/

3 Sentenced To Pen For Burglaries

Found guilty of burglarizing homes in the northern and northeastern sections of the city of jewelry and other items valued at $19,400, three men today were sentenced to the Maryland Penitentiary by Judge Michael J. Manley in Criminal Court.

Sentenced to five years were Kenneth Cave, twenty-one, 1400 block Forge avenue, and Raymond Wilhelm, twenty-three, 1000 block West Lake avenue.

GETS THREE YEARS

The third man, Donald Cave, twenty, brother of Kenneth, was sentenced to serve not more than three years in the Penitentiary for participation in one of the burglaries.

Largest of the burglaries was at the home of Joseph LaPides, 4100 block Dorchester road, where jewelry, including a bracelet valued at $6,500, was stolen.

JEWELRY BURIED

Later the bracelet was turned over to police by relatives of Cave, who dug up the jewelry in Harford county, where it was buried in a pickle jar.

Police believe that jewelry valued at $50,000 bay be buried near Baltimore and in Virginia.

MORN-SUN-3/31

DOCKET INSPECTION WILL BE CLARIFIED

Judge Sherbow, Magistrate Cadden And Ober To Confer

Judge Joseph Sherbow yesterday announced that a conference between Col. Beverly Ober, police commissioner, the chief magistrate and himself will be held in a few days to clarify regulations dealing with the right of persons to inspect police and magistrates' dockets.

Judge Sherbow said he had spoken briefly with Colonel Ober on the subject yesterday, but it was decided to hold the conference within a few days after Magistrate James R. Cadden returns to the city.

Police Reprimanded

The judge on Wednesday sharply reprimanded Northeastern district police for refusing to permit an attorney to inspect a police docket and for not even informing the lawyer of the existence of a magistrate's docket.

The attorney had requested the right to inspect the docket maintained by police in order to check the records of the arrest and fine imposed on a client.

Judge Sherbow declared that the press and public are entitled to inspect the dockets at reasonable times, so long as the inspection does not interfere with the orderly conduct of the police court.

Stanton Regulation Cited

He said the dockets are to be made available, even to persons motivated only by curiosity.

Colonel Ober exhibited to the judge a 1940 regulation of former Commissioner Robert F. Stanton, which prohibits police from exhibiting records of arrest, except on special conditions.

Former Commissioner Hamilton R. Atkinson subsequently ruled that the intent of the order was that no persons, except representatives of the press, should be permitted to inspect police dockets.

FOUR PRESENTED ON TAX RETURNS

Brothers And Wives Accused Of Fraud By State

Two brothers, partners in a millinery concern, and their wives yesterday were presented by the grand jury on charges of conspiring to make fraudulent State income-tax returns and on perjury charges.

William J. O'Donnell, assistant State's attorney, said it was the first time in Maryland that persons have been accused of filing fraudulent State income-tax returns. Previously, the prosecutor said, only persons who failed to file returns have been prosecuted criminally.

The defendants are Jack Sekulow and his wife, Ida, of the 6200 block Wirts avenue, and Abraham Sekulow and Mrs. Florence Sekulow, his wife, of the 3600 block Labyrinth road.

Paca Street Address Given

The business address of the male defendants was given as the first block South Paca street. The brothers were released in $1,500 bail each, and the two women on $1,000 bail each. Harold Brown, professional bondsman, posted the bails.

Jack Sekulow is accused of committing perjury on his individual returns for 1942, 1943, 1944 and 1945, while he and his wife are charged with committing perjury on joint returns for 1946 and 1947.

Abraham Sekulow is charged with committing perjury on individual returns for 1942, 1944 and 1945, while he and his wife also are accused of committing perjury in filing fraudulent returns for 1946 and 1947.

All four are accused of conspiring together to make fraudulent returns from April 1, 1943, to April 15, 1948.

EVE. SUN - 3/31

Says She's Only Bettor; Fined As Bookie

Directly contradicting police evidence and claiming that she was merely a bettor instead of a bookmaker, Mrs. Mary Taylor, 2305 West North avenue, nevertheless was convicted today and fined $350 and costs.

Judge Michael J. Manley, several times during the trial, had commented that records seized in the police raid looked more like the notations of a private bettor than the records of a professional, but at the end his verdict was guilty.

Fined 7 Years Ago

Mrs. Taylor, seven years ago, was fined $1,000 as a bookmaker. She said that she really didn't know how much the old fine was because "the boss paid it."

"I was just a pencil pusher, just working for someone else at that time," Mrs. Taylor explained.

The tall, slender and upper middled-aged woman said that she was really a "bookkeeper, not a bookmaker." She said she had been busily engaged in filling out income-tax returns for numerous customers prior to the police raid on March 15.

Ardent Horse Player

She said she wasn't an expert income-tax accountant, but admitted she was an ardent horse player, adding: "I'm more of an expert at picking the horses."

One item of evidence was a sheet of penciled notations which Police Captain Alexander Emerson asserted was a "payoff slip."

Three of the sizable monetary notations on that slip represented her debts to bookmakers for [illegible] own race bets that she f[illegible] select successfully, Mr [illegible] testified.

When Judge Manley [illegible] that the notations su[illegible] wasn't so expert as a b[illegible] Taylor produced a court [illegible] by saying: "Well, you [illegible] they always say; that [illegible] ride around on good r[illegible] players walk."

Police had testifie[illegible] hour-and-one-half the[illegible] house in their raid [illegible] ceived 22 incoming [illegible] placing bets totalin[illegible] said Mrs. Taylor had shouted and screamed whenever the calls came in.

The women, however, denied that a single telephone call came on her own phone. She said there were some calls on another phone in th[illegible] same house, but there had be[illegible] only four.

MORN-SUN - 4/1

Magistrate Avoids New Reprimand

Taking no chances on being reprimanded by the Supreme Bench, August A. Kozlovsky, magistrate in the Northeastern Police Court, before opening court yesterday inquired:

"Has everyone had an opportunity to inspect the dockets?"

There was no answer from anyone in the courtroom.

Judge Joseph Sherbow, while hearing a case appealed from Magistrate Kozlovsky's court this week, stated that police dockets could be inspected by anyone, even by persons motivated only by curiosity.

MORN. SUN - 4/4

LABORER HELD AS DOPE RING'S DELIVERY MAN

John P. Thorne Charged With Having $20,000 Worth Of Heroin

Police yesterday placed formal narcotics charges against a 28-year-old laborer who allegedly acted as delivery man for a Baltimore dope ring.

Identified as John P. Thorne, he was charged with having in his possession or "immediate control" the $20,000 cache of heroin discovered by Northwestern district police last week.

Thorne and the alleged boss of the ring, Levi Acion, 50-year-old poolroom operator, were arrested Friday, and police found a suitcase containing the heroin under Thorne's bed.

He was arraigned before Magistrate Thomas L. Fitzpatrick in Northwestern Police Court yesterday and was held in $5,000 bail.

Acion was held in $7,500 bail Saturday, charged with selling, furnishing or possessing the heroin. Both are Negroes.

Thorne also was charged with having 24 heroin capsules, value about $50, in his possession. His home is in the 2600 block South Paca street.

Hearings April 11

Hearings for the two men were postponed until April 11 by which time it will be decided if the charges will be pressed by local or Federal authorities.

Three other men were given hearings in Northwestern Police Court yesterday on lesser narcotics charges and were held pending action of the grand jury.

The case of another defendant was postponed until today.

The recent narcotics arrests are the outcome of a two-month investigation of dope traffic principally in Negro areas of Northwest Baltimore.

The probe began after two Negro youths collapsed and died on the street of heroin overdoses.

Revealed By Autopsies

At first the cause of their deaths was a mystery but autopsies revealed the presence of the drug.

According to police, the narcotics traffic is apparently arranged in echelons in much the same way as the numbers racket.

The principals pass the drug along to delivery men who transmit it—in capsule form in the case of heroin—to the peddlers, police said.

The peddlers buy twelve capsules for $20 and sell them for $3 each to addicts, police have learned.

New York is the source of the main supply of contraband heroin, according to Boyd M. Martin, chief of the Federal narcotics agents here.

Mr. Martin also said the local investigation has reached into the higher echelons of the racket.

At one of the police-court hearings before Magistrate Fitzpatrick, Roland Roberts, 23, Negro, was held in $1,000 bail for grand jury action on charges of selling heroin and having six heroin capsules in his possession.

He was arrested a week ago at his home in the 1100 block of Edmondson avenue.

Patrolman Joseph Carroll testified that a police "undercover man" bought heroin from Roberts with marked money before the arrest.

Held In Bail

William Turner, 31, of the 800 block Harlem avenue, was held in $1,000 bail on a charge of illegal possession of narcotics equipment—a syringe of the type used to inject liquid heroin.

Albert Thomas, 19, of the 1000 block of Brantley avenue, was held in $1,000 bail charged with illegal possession of a similar syringe and possessing eight marihuana cigarettes. Turner and Thomas were arrested last week and their hearings were postponed. Both are Negroes.

Magistrate Fitzpatrick granted a 24-hour postponement for the hearing of Haskell Friedman, 18, of the 1600 block Warwick avenue, charged with possessing six marihuana cigarettes.

The youth allegedly purchased the cigarettes on Pennsylvania avenue from Negroes who fled when a policeman approached. Friedman was arrested early yesterday by Patrolman Jerome Glass. He was freed in $500 bail pending a hearing today.

Man Given Year In Shooting Case

Julius Worth Kolb, 35, who shot a tavern patron with a fountain-pen type pistol during a drinking spree on which he embarked after his wife gave birth to a third daughter, yesterday was sentenced to one year in the House of Correction by Judge Joseph Sherbow in Criminal Court.

Judge Sherbow told the defendant that the prison term would be shortened if he behaved properly during confinement. Kolb, who gave an address in the 3500 block of Keene avenue, had been convicted several weeks ago of assault on Patrolman Edward Austin and Carl Bosch, and possessing a deadly weapon. Kolb was described by the court as an almost hopeless alcoholic.

Kolb contended at his trial that he had no recollection of the shooting or of where he obtained the unusual weapon that was fired in an East Cross street tavern last February 6. During efforts to arrest Kolb, Patrolman Austin's service gun also went off and a bullet struck two other persons in the tavern, according to testimony produced by J. Harold Grady, prosecutor.

EVE. SUN - 4/4

Cost-Plus Probe Hearing Set Tomorrow

Four men charged with conspiracy and false pretense against the city in cost-plus work today were called to appear in Criminal Court tomorrow for arraignment on the charges. They will be arraigned before Chief Judge W. Conwell Smith.

The accused men are two partners in the G. & W. Construction Company, of the 1500 block Hollins street, an accountant for the concern, and a city official.

Leo B. Sorrell, of the 900 block Argonne drive, is the city employé. He is an assistant superintendent of design and construction for the Bureau of Building Inspection.

Partners Named

Milton Grahe, of the 200 block Seward avenue, Brooklyn, is one of the accused business partners.

Rogers Will, Jr., of Catonsville, is the other partner.

The accountant is John E. Harper, of the 2500 block Guilford avenue.

Assistant State's Attorneys William J. O'Donnell and Charles E. Orth, Jr., in setting the case for arraignment before Judge Smith, are seeking to have the court set a trial date for the cost-plus accusations. Due to the nature of the case and details involved, a long time is expected to be set aside for the hearing.

The false pretense charge accuses the group of obtaining $11,846.03 by false bills and invoices. At the time when the defendants gave bail after grand jury presentments and indictments, the were represented by Joseph Rosethal, attorney.

MORN SUN - 4/5

Bandit Sentenced To 20-Year Term

John M. Wingert, 20-year-old Allentown (Pa.) man, yesterday was sentenced to 20 years' imprisonment after he pleaded guilty to a series of robbery and attempted robbery charges.

Three accomplices in the holdups—boys of 13 or 14—will be tried as delinquent minors before Judge Charles E. Moylan in the Division for Juvenile Causes.

In two holdups Wingert carried a rifle, while in the other crimes toy pistols were used, according to Charles E. Orth, Jr., who prosecuted the cases before Chief Judge W. Conwell Smith in Criminal Court.

The holdups, all of storekeepers, netted the four about $115, Orth told the court.

EVE. SUN 4/4/50

Pennsylvania Man Gets 20 Years

John M. Wingert, 20, of Allentown, Pa., was sentenced to 20 years in the Penitentiary today for a series of holdups and other charges in which he used three juveniles as his accomplices.

Wingert pleaded guilty in Criminal Court to two charges of robbery in which a rifle was used, two charges of unarmed robbery in which a toy pistol was used, an attempted robbery where nothing was obtained and two charges of receiving stolen automobile tags which he used on the holdup car.

Charles E. Orth, Jr., assistant State's attorney, announced in court that the three juvenile offenders already have received hearings before Judge Charles E. Moylan in Juvenile Court, where they blamed the older man for their implication in the cases.

Chief Judge W. Conwell Smith pronounced sentence on Wingert.

The man had been arrested at Wilmington, where police found the rifle in his automobile. A total of about $140 was obtained in the robberies, which occurred during the first two weeks of March.

Wingert was found not guilty in another armed robbery case where the rifle, handled by one of the boys, went off by accident during the holdup. Wingert had not been seen at the scene of that robbery.

NEWS - 4/4

Gang Leader Gets 20-Yr. Prison Term

A sentence of 20 years in the penitentiary was imposed in Criminal Court today on John M. Wingert, twenty, of Allentown, Pa., who was described as the leader of a teen-age holdup gang called "the rifle bandits."

Wingert pleaded guilty to four holdups, two with a .22-caliber rifle and two with a toy pistol and one attempted holdup in South and Southwest Baltimore early in March. A total of about $130 was stolen.

Wingert was arrested in Wilmington after the last of the holdups. Police said he had a rifle and ammunition in a car.

Assistant State's Attorney Charles Orth described him as the leader of three teen-agers whose cases are pending in Juvenile Court.

Sentence was imposed by Chief Judge W. Conwell Smith.

MORN SUN - 4-5

Grand Jury Ends Bingo Case Probe

The grand jury investigation into the operations of a former West Lexington street bingo establishment was concluded yesterday after the jurors heard three witnesses—Beverly Ober, Police Commissioner, Hall Hammond, Attorney General of Maryland, and Capt. John B. Kenealy.

J. Harold Grady and William J. O'Donnell, assistant State's Attorneys, who assisted the grand jury in the probe, said they did not know what action the grand jury would take, if any, as a result of the probe into the bingo operations which have been closed for more than two weeks.

The games had been conducted in the name of the Redding-St. John's Boys Club, ostensibly for charitable purposes. Commissioner Ober recently declined to issue additional daily permits for the establishment until further proof was shown that the proceeds were being used for charity.

4 To Be Arraigned In Cost-Plus Case

Four men, one a city building official, will be arraigned before Chief Judge W. Conwell Smith in Criminal Court this morning on charges of conspiracy and false pretenses in connection with cost-plus work performed for the city.

The accused to be arraigned are Leo B. Sorrell, an assistant superintendent in the city building inspection division, and Milton Grahe Rogers Will, Jr., and John E. Harper. Grahe and Will are partners in the G. and W. Construction Company, while Harper is an accountant.

The four are accused of unlawfully obtaining $11,846 from the city by means of false bills and invoices, and of conspiring to tender or approve false bills with intent to defraud the city. William J. O'Donnell and Charles E. Orth, Jr., assistant State's attorneys, are prosecuting.

NEWS - 4/5

Local News In Brief

Charged with obtaining $11,846 from the City through conspiracy and false pretenses, two partners in a construction firm, their accountant, and a minor city official entered pleas of not guilty today in Criminal Court. Those charged are Milton Grahe, of Brooklyn, and Roger Will, Jr., Catonsville, partners in the G. & W. Construction Company; John E. Harper, accountant for the firm, and Leo B. Sorrell, assistant superintendant of design, Bureau of Building Inspection.

EVE. SUN - 4/5

Driver's Traffic Record Cited In Bus Case

Bernard Henry Stafford, 27-year-old Baltimore Transit Company bus driver whose vehicle killed one child and injured two others at Linwood avenue and McElderry street last November 30, had a past Traffic Court record of speeding, operating under a suspended license and being involved in a bus accident, it was disclosed today at his trial in Criminal Court.

Stafford came before Judge Joseph Sherbow on appeal on two convictions and fines in Traffic Court. Judge Sherbow found the man not guilty on one charge of failing to give right-of-way to pedestrians, since the evidence failed to show that the children had been crossing at the corner and placed them away from where crosswalk line should be.

But the judge convicted Stafford on the second charge of violating Section 193 of the motor-vehicle law by operating a vehicle so crowded that his vision to the front or side was obstructed.

The jurist imposed the same penalty, a $100 fine, that Magistrate Joseph Kolodny had imposed in Traffic Court.

At the time of the accident last November 30, the Baltimore Transit Company bus operated by Stafford was crowded, mostly with school children.

Door Vision Blocked

Stafford testified that, while he could see through the entire bus windshield, the crowds at the front door prevented him from seeing out the door to his right.

The bus was turning from McElderry street into Linwood avenue when the children were struck. Some of the witnesses testified they were crossing diagonally and ran into the side of the vehicle. Wade Harris, of the 600 block North Clinton street, was killed; Lorraine Hayden, 3300 block McElderry street, and Mary Anne Baker, 600 block North Clinton street, were injured.

All the children were about 8 years of age.

Stafford at first denied the Traffic Court record when he was cross-examined by Assistant State's Attorney Alan H. Murrell. When the prosecutor read from records, Stafford admitted that in June, 1941, he had been fined $5 and costs and had his license suspended for two months for exceeding 50 miles per hour.

License Charge

He also admitted that the following September he had been given a six-month jail term on a charge of operating while his license was suspended, but Stafford claimed that a girl actually had been driving at that time and that he had taken the blame for her. These incidents occurred before Stafford was a transit company driver.

Mr. Murrell then questioned the man, whose license has been suspended since the fatal accident, if he had not figured in a bus accident while driving for the transit company in February, 1949, when thirteen persons were injured.

Stafford replied that his bus had been standing and was hit in the rear by a streetcar.

Judge Sherbow granted a defense objection by J. Nicholas Shriver, Jr., transit company lawyer, and censured the prosecutor for his remark:

"Oh, so you think that doesn't count."

Officials explained that a new marking on the front platform of busses to prevent overcrowding had been put in effect after last November's accident.

Most Of LaPides's Gems Recovered

Baltimore detectives have recovered all but one piece of the $15,760 worth of jewels stolen last January from the home of Joseph LaPides, wealthy bottling-company executive.

A diamond-studded gold bowknot, containing 60 diamonds and worth an estimated $1,200 continues to elude the efforts of searchers. It has been traced as far as Martinsburg, W.Va., where it was offered for sale by a person whose identity is known to police. Recovery of the missing piece is expected, detectives said.

Buried Bracelet Returned

Only today a $2,700 platinum-and-diamond bracelet was returned to Baltimore by State police from Hillsboro, W.Va. It had been buried in the ground there.

Judge Michael J. Manley in Criminal Court on March 30 sentenced three men to reformatory terms for the theft.

Kenneth Cavey, 22, of the 1400 block Forge avenue, and Raymond Wilhelm, 21, of the 1000 block West Lake avenue, received sentences of not more than five years. Cavey's younger brother, Donald, 21, got a three-year term.

One Bracelet Surrendered

Police received their first lead in the solution of the theft when George M. Abt, of the 2900 block Strathmore avenue, surrendered a bracelet worth $6,500 to them. Abt said it had been given him by a relative of Kenneth Cavey as security for Cavey's bail on a burglary charge not connected with the LaPides theft.

Abt, it was disclosed at Cavey's trial, had learned of the loot when he and Cavey shared a cell in the City Jail. Abt was awaiting release on bail on a bad check charge.

Bulk Of It Unearthed

Following Abt's lead and information from other sources, detectives under direction of Captain of Detectives Henry J. Kriss unearthed most of the pieces stolen from the LaPides residence on Dorchester road.

Some pieces were found in a jar buried on a farm in the Shenandoah Valley of Virginia. Others were found buried in a jar in the rear of Cave's home on Forge avenue.

The $6,500 bracelet surrendered by Abt had been recovered by a relative of Cave's from a farm near Baldwin, in Baltimore county, where it had been buried. Abt had become frightened when that bracelet was given to him, and had gone to the police with his story.

Recovered Items

Recovered so far are these articles:

Two sapphire and platinum guard rings, valued at $280 each.

A set of platinum and diamond earrings, $3,000.

One gold and diamond brooch, containing seven round diamonds, $450.

One platinum circle brooch containing eight baguette diamonds, 30 large round diamonds, one small square diamond, 1 small emerald and eight small round diamonds, $1,350.

One platinum bracelet, containing 34 diamonds, $2,700.

One sapphire and diamond link bracelet, containing 230 diamonds and 88 sapphires, $6,500.

4 Plead Not Guilty In Cost-Plus Case

Pleas of not guilty today were entered for the four men—two business partners, an accountant and a city official—accused of conspiracy and false pretense in connection with cost-plus city work.

Chief Judge W. Conwell Smith in Criminal Court gave counsel for the men ten days' time in which to file any motions or special demands. Reuben Shiling, attorney appearing for Joseph Rosenthal, defense counsel, said that a demand for further particularization of the false-pretense charge would be filed.

Defendants Named

The accused partners are Rogers Will, Jr., and Milton Grahe, who operate the G. & W. Construction Company. Other defendants are John E. Harper, accountant, and Leo B. Sorrell, an employé of the Bureau of Building Inspection.

The conspiracy charge accuses them of a plan to file false bills and invoices, while the false pretense charge accuses the defendants of obtaining $11,846.03 improperly.

Assistant States Attorneys William J. O'Donnell and Charles E. Orth, Jr., represented the state. In view of anticipated preliminary proceedings, Judge Smith left open the question of the final trial date.

EVE SUN - 4/4

Wells To Prosecute In Dope-Racket Case

State's Attorney J. Bernard Wells today said his office will take over prosecution of Levi Acion and any others who may be charged in the current investigation of the dope racket in Baltimore.

Acion, a 50-year-old poolroom operator, was charged Saturday with possessing and selling heroin valued at $20,000. Police called him the "No. 1 dope peddler" on the East Coast. Another man arrested with Acion is still being questioned.

Earlier, it was undetermined whether State or Federal agencies would press charges. Today, however, State's Attorney Wells said he was sending an assistant, William J. O'Donnell, to confer with North western District Capt. William C. Feehley in the case.

MORN-SUN - 4/6

BUS DRIVER FINED IN TRAFFIC CASE

Draws $100 Penalty; Vehicle Killed One Child, Injured 2

A 27-year-old bus driver whose vehicle killed one child and injured two others last November 30 was fined $100 in Criminal Court yesterday for permitting overcrowding to obscure his vision.

The defendant, Bernard Henry Stafford, had appealed two Traffic Court convictions relating to the accident at Linwood avenue and McElderry street last fall. On one of the lower court convictions—failure to give right of way to pedestrians—Stafford was found not guilty by Judge Joseph Sherbow yesterday.

Previous Record Cited

Testimony showed Stafford had a previous Traffic Court record. The driver at first denied having a record. Then Alan H. Murrell, assistant State's attorney, produced records showing Stafford had been fined for speeding and given a six-month sentence for operating a vehicle while his license was suspended.

The license was suspended for two months at the time of the speeding conviction. Both convictions were prior to Stafford's employment by the Baltimore Transit Company.

Since that time Stafford has figured in an accident in which thirteen persons were injured. His bus was struck in the rear by a streetcar. At the time of the accident, the bus was standing, Judge Sherbow was told.

Fines Are Identical

The fine imposed by Judge Sherbow was identical with the Traffic Court penalty. The charge was violation of Section 193 of the motor vehicle code by operating a vehicle so crowded that the driver's vision to the front or to the side was impaired.

In this case, Stafford said he could see to the front, but passengers blocked his view through the right front door. The children, all about 8 years old, were struck as the bus turned into Linwood avenue from McElderry street. Wade Harris, 600 block of North Clinton street, was killed, and Lorraine Hayden, 3300 block McElderry street, and Mary Anne Baker, 600 block North Clinton, were injured.

MORN. SUN - 4/6/50

CHINESE FREED OF GUN CHARGE

Tom Fong Kept Submachine Weapon As Souvenir

Tom Fong, 28-year-old operator of a Chinese restaurant in the 600 block Poplar Grove street, yesterday was acquitted of a charge of unlawfully possessing an unregistered submachine gun.

Fong, who became a naturalized citizen afer he served in the American Army during the last war, testified he kept the machine gun as a souvenir of his war experiences in the Philippines and that he had no idea of ever using it as a weapon of aggression.

The defense admitted that the weapon had never been registered with the Secretary of State, as required by law, but denied that Fong, consequently, should be presumed to have the weapon for aggression purposes.

Prosecutor Agrees

Saul Harris, prosecutor, agreed with Judge Michael J. Manley that the presumption is probably untenable if a good explanation for possessing the weapon is given.

There was no testimony at the trial concerning earlier reports that Fong's wife, Dorothy, had carried the weapon because she had been threatened for her activities as an alleged "finger woman" for the police vice squad. The grand jury dismissed gun-possession charges against her.

Fong contended he had kept the weapon in a closet and had moved it only once, when he changed living quarters.

Reported Seeing Gun

Police told the court yesterday that they learned of the weapon after a taxicab driver reported seeing Mrs. Fong with it.

A character witness called by J. Howard Holzer, defense attorney, testified that Fong and his wife have been having domestic troubles in recent years.

Mr. Harris said the submachine gun will be returned to the United States Government along with a clip and 30 rounds of ammunition. The cartridges, police said, are corroded.

Whether Man Was Threatened With Gun Proves Complicated

Whether a witness was threatened with a gun on the steps of the courthouse yesterday proved too complicated a question to solve at a hearing later in Central Police Court.

Magistrate James R. Cadden dismissed assault charges against William Hocutt, 22, and his brother, Samuel, 24, of the 300 block North Pine street.

They were accused of threatening John Murphy, 600 block West Saratoga street, with a pistol a few minutes after a previous shooting case had been postponed in Criminal Court. All three are Negroes.

"Watch Out, They've Got A Gun"

Murphy was scheduled to testify for a fellow roomer at the Saratoga street address, Matthew Williams, who is awaiting trial on a charge of shooting William Hocutt during a fight on February 26.

Murphy testified he had just walked out of the Courthouse when he heard a young woman friend, Miss Lulu Stevens, cry to him:

"Watch out, they've got a gun."

Murphy said he next heard William Hocutt call to his brother, Sam, "Do it to him—the man with the overcoat." Then Sam pulled a black pistol from his pocket and pointed it in his direction, Murphy testified.

He said he fled back into the Courthouse where attendants got police.

Meanwhile, according to Murphy's testimony, the Hocutts and several of their friends climbed into taxicabs and were driven away.

Murphy and Miss Stevens accompanied police to the brothers' home, where they were arrested.

Not only Murphy and Miss Stevens but several others who were with them testified Samuel Hocutt had drawn the pistol and that his brother apparently had urged him to do so.

No Gun Was Found

But the brothers and fully as many of their friends denied vehemently that anything untoward had occurred. Samuel Hocutt said they "got right in the cab" after leaving the Courthouse and had only been home "a couple of minutes" when police burst in.

No gun was found and Magistrate Cadden ruled there was too much conflicting evidence to find anyone guilty.

"Those people have a grudge against us," said William Hocutt, speaking of Murphy and his friends.

Retrial Slated In Dual Murder

Thomas Alexander Edwards, 24, will be retried in the dual murder of John H. Mahlan and Miss Mary Kline in the Baltimore Criminal Court early in June, it was announced yesterday by J. Bernard Wells, State's attorney.

Mr. Wells disclosed that William J. McWilliams, defense counsel for Edwards along with Ridgly P. Melvin, Jr., has agreed to retry the case in Baltimore. The court-appointed defense lawyers have indicated they will ask a jury trial, Mr. Wells said.

The trial will begin on either June 6 or 12, probably before Chief Judge W. Conwell Smith in Part 2 of the Criminal Court, Mr. Wells stated.

A three-judge court convicted Edwards, Anne Arundel county Negro, of the dual slaying in February, 1949, but the Maryland Court of Appeals subsequently reversed the conviction on the grounds that an alleged confession taken from Edwards had been improperly obtained.

Toy-Pistol Bandit Given Eight Years

William E. Heinbuch, 23, who made the mistake of holding up a North Charles street hotel with a toy pistol while a policeman was in the place, yesterday was sentenced to not more than eight years in the Reformatory for Males.

Heinbuch, who lives on Eastern avenue in Baltimore county, pleaded guilty to the charge. According to Saul Harris, prosecutor, the young man exhibited the end of the barrel of the toy gun to James F. McDermott, night clerk, and forced the clerk to hand over $18.

The patrolman disarmed Heinbuch as he was about to leave with the $18, Mr. Harris told Judge Michael J. Manley.

EVE. SUN 4/6

Jury Presents On Narcotic Charges

Without waiting for the sch[illegible]uled magistrate's hearing set next Tuesday, the State today [illegible] narcotic charges involving her[illegible] distribution before the grand j[illegible] as special cases.

Grand jury presentments cha[illegible]ing possession of narcotics [illegible] conspiracy over the last [illegible] months to deal in heroin were [illegible]turned against the two men w[illegible] had previously been scheduled [illegible] a preliminary hearing in Nor[illegible]western Police Court.

The accused persons are: [illegible]

Levi Acion, also said to be kno[illegible] as "Lee White," "Crips," "White [illegible] and "Hop," a 50-year-old Negr[illegible] poolroom operator.

John Plummer Thorne, 28, Ne[illegible]gro laborer.

Found Under Bed

The men were charged by North[illegible]western district police after a suit[illegible]case containing heroin, which po[illegible]lice valued at $20,000, was found under Thorne's bed.

Police charged that Thorne de[illegible]livered narcotics, and contended a dope ring was involved.

A two-month investigation of narcotics traffic in the Negro areas began after two Negro youths collapsed and died on the street, supposedly from overdoses of heroin.

Federal Men Consulted

Today's special grand jury action was taken by Assistant State's Attorney William J. O'Donnell, on instructions from State's Attorney J. Bernard Wells. The officials have conferred with Federal narcotics authorities concerning the course to be taken in the cases.

As a result of the bringing of "special" cases, an open court preliminary hearing is done away with. Acion is represented by Paul B. Mules, attorney, while Thorne's lawyer is David Friedman.

Mr. O'Donnell took Patrolmen Joseph Carroll and Casimer Moniewski, along with Violet White, Negro policewoman, as witnesses before the grand jury.

MORN. SUN 4/11/50

ASSAULT CASE IS DISMISSED

Identification Required Only To "Uniformed" Policemen

A motorist under Maryland law is required to show his credentials only to a "uniformed officer of the law," Judge Michael J. Manley ruled yesterday in Criminal Court in acquitting a driver charged with disorderly conduct and assaulting a park police captain.

Judge Manley made the ruling in favor of John L. Smith, 50, of the 4400 block Grandview avenue, who had been arrested last March 14 in Druid Hill Park by Capt. Gordon Gaeng for questioning as a possible "crawler," or a person who snoops on parked cars.

Captain In Plainclothes

Captain Gaeng, who was in plain clothes and driving an unmarked car at the time, testified he had observed Smith move his car from one parked location to another. The captain said when he approached the vehicle to question the driver, he threw his flashlight on his police badge.

Smith contended that actually the light was thrown in his face. He testified he thought he was about to be held up and robbed, and for that reason attempted to resist being pulled out of the automobile.

The defendant testified he was taken to a police office in the park, and there was slapped and kicked by the captain. Smith, a former athletic instructor, said he was able to ward off some of the blows.

Was Arrested Later

He said he finally exhibited his cards, and was released from custody by the captain, who agreed not to institute any charges. Smith contended he had gone to the park for rest and quiet he requires because of a physical condition.

Later, the defendant testified, he went to a police station to inquire about obtaining an assault warrant against the captain. While Smith was there, police notified Captain Gaeng of the complaint and the captain immediately went to the police station and had the motorist arrested, Judge Manley was told.

Lawrence B. Scally was counsel for Smith.

EVE. SUN - 4/6

373 Criminal Cases On Docket

State's Attorney J. Bernard Wells has announced that only 373 open criminal cases are on the present dockets of Criminal Court. The prosecutor said that in spite of trials being delayed slightly by the system of advance arraignments necessary under present court rules, the dockets were not clogged.

Mr. Wells said that 118 of the 373 open cases are persons held in jail awaiting trial, but that 23 of that number had been arrested so recently that the grand jury has not yet returned presentments against them.

Court officials noted that judges of the Supreme Bench have begun to tighten up on the practice of appointing lawyers for defendants who say they cannot afford counsel. In cases where the defendants are mature persons charged with ordinary offenses, the Criminal Court judges now are instructing such offenders to procure their own counsel.

Man Is Seized On Extortion Charge

An alleged extortionist yesterday afternoon broke a policeman's jaw trying to escape from a trap which detectives sprung as the prisoner collected a package supposed to contain $10,000 "hush" money from a physician.

The suspected extortionist, a 26-year-old produce dealer living in Northeast Baltimore, was captured by a squad of detectives in front of the Custom House on Gay street, after an unsuspecting cab driver handed over the bundle.

Told They Were Love Letters

The cab driver, who was paid $1 to meet two women at Redwood and Charles streets and pick up the package, told police he was told they contained love letters, and that that he would receive a good tip for bringing them back.

Last Friday police seized an unemployed seaman who also thought he was collecting a package of love letters for the man from a woman at Madison and Calvert streets.

Flees, Contacts Woman

The extortionist, who witnessed the arrest from a block away, escaped. According to police, he later contacted the woman, said to be the physician's secretary, and when he inquired about what had happened, was told that some man had tried to snatch her purse and that several men had grabbed him.

Apparently believing the secretary's story, the man arranged a second rendezvous yesterday afternoon. The secretary and the doctor's nurse were to be at Charles and Redwood streets, where a cab would drive up and the operator would ask for the package.

Cab Is Followed

Meanwhile, six detectives had taken up posts around the intersection in private autos. The supposed payoff took place, and police in their cars fell in behind the cab, following it west on Redwood street, south on Hopkins place and east on Lombard street to Gay, where the cab halted in front of the alleged extortionist.

As the cab driver handed over the package, Detective Patrolman Herbert Warren, the first to reach the cab, grabbed the extortionist, who started to struggle and tried to fight loose. Patrolman Warren was struck in the jaw, but held on until the other police arrived and subdued the man.

After being taken to headquarters, the prisoner later was removed to Mercy Hospital for treatment of a head laceration he received in the sidewalk struggle to escape.

Physicians said Patrolman Warren had suffered a fractured bone in his jaw.

The detective squad participating in the investigation and arrest was headed by Lieut. Arthur Godman, and included, besides Warren, Sergt. Loch Humphreys and Patrolmen Harry A. Tracey, Donald Madigan and Charles Mulligan.

Police were called into the case about ten days ago. Following the suspected extortionist's arrest, Detective Captain Henry J. Kriss conferred with Assistant State's Attorney Anselm Sodaro.

Police Story Of Case's Start

According to police, the prisoner saw an expensive-looking car park in front of the doctor's office. A woman of about 30 went into the building, while an elderly man remained in the auto.

Later, according to police, the suspect contacted the owner of the car and then the physician. Asserting, police reported, that he "knew what was going on," the suspected extortionist demanded that the doctor pay over $10,000 or the matter would be reported to the State's attorney.

Told To Get Package, Police Say

After calling the doctor's secretary, the prisoner, police said, told her to have the doctor make up a package containing the money. The secretary, police said, was to go to Madison and Calvert streets and wait there until a man walked past her and asked for the package, on Friday.

Police were spotted about the section, and when the seaman, poorly dressed, appeared and tried to collect, he was arrested. He said later that a man had accosted him on Baltimore street, and promised good pay for going up to get the package, which was supposed to contain love letters.

MORN-SUN-4/11

Country Club Caddy Jailed In Check Case

George W. Wilson, 37, identified as a caddy at a local country club, yesterday was sentenced to eighteen months in the House of Correction after he was convicted of forging ten bogus checks for a total of about $215 in cash and merchandise.

Wilson, who has only one arm, pleaded guilty to the forgery charges. He told Judge Joseph Sherbow that he had been out of work during the winter and that he had passed the bogus checks while he was on a drinking spree last month.

The defendant admitted he stole register checks from a local bank, made them out in amounts ranging from $10 to $48 and then passed them at local grocery and drugstores, William J. O'Donnell, prosecutor, told the court. Wilson gave an address in the 200 block Sharp street.

4 Deny Charges In Cost-Plus Case

Pleas of innocent were entered yesterday in Criminal Court by four men to false pretense and conspiracy charges accusing them of defrauding the city in connection with cost-plus work.

Chief Judge W. Conwell Smith gave the defendants ten days to file special motions or pleas to the indictment. Reuben Shiling, defense counsel along with Joseph Rosenthal, disclosed that the defendants will ask for further particulars.

The defendants are Rogers Will, Jr., and Milton Grahe, partners in the G. & W. Construction Company; John E. Harper, an accountant, and Leo B. Sorrell, an assistant superintendent in the city Bureau of Building Inspection.

Judge Orders Probe In Overcoat Theft Case

Judge Michael J. Manley yesterday ordered a probation department investigation after Joseph Brashears, 24, pleaded guilty in Criminal Court to the theft of four overcoats.

At about the same time, Brashears's wife and two small children — one of them only a few months old—were put on the Department of Welfare rolls.

The family was evicted from a three-room apartment in the 600 block of South Dallas street last week for nonpayment of rent. Saul A. Harris, assistant State's attorney, told Judge Manley that Brashears has not supported his wife and children.

According to the police charge, Brashears took the overcoats from Johns Hopkins Hospital doctors. Three were size 40, and the fourth was size 42. The most expensive coat was valued at $75 by police.

In 1942 Brashears was sentenced to 18 months in the House of Correction following a conviction for unauthorized use of a vehicle.

MORN-SUN-4/11

Man Gets 3-Year Term In $5 Store Burglary

Convicted of burglarizing a Pennsylvania avenue clothing store and stealing about $5 worth of clothing, John Lomax, 26, yesterday was sentenced to three years in the Penitentiary by Judge Michael J. Manley in Criminal Court.

Lomax, a Negro, who lives in the 1500 block McCulloh street, kicked in a glass door and was about to leave with the stolen articles when he was arrested by police, according to Edwin A. Gehring, assistant State's attorney.

Mr. Gehring said the crime occurred last March 22. Lomax had a prior criminal record, the court was told.

MORN-SUN 4/12/50

COURT ACQUITS TRANSIT MAN

Judge Holds Autoist, Hit With Bar, Was Aggressor

Ruling that a motorist, who was struck in the face with an iron switch bar during a tussle with a streetcar operator, was the aggressor in the affray, Chief Judge W. Conwell Smith in Criminal Court yesterday acquitted Newton Brown, the operator, of assault charges.

Brown, who is 28 and lives in the 2800 block North Howard street, had been accused of asaulting Sherwin Epstein, of the first block West Cross street, last March 10 after an argument on the Hamburg street bridge.

Unable To Pass

Testimony disclosed that Epstein was unable to pass the transit vehicle operated by Brown because of its close proximity to a stalled streetcar headed in the opposite direction.

Epstein contended that after the stalled car was drifted back a short distance and he started to drive through the opening, Brown thumbed his nose at him. The prosecuting witness said he stopped his automobile and got out to get the operator's badge number. He contended when he approached Brown, who was standing on the pavement, he was hit on the head with the iron bar.

Operator Gives Version

Brown, on the other hand, contended that when the motorist stopped his car between the two transit vehicles, he got out to see why Epstein had parked there and to try to get a policeman to make him move the car.

The operator testified he then observed Epstein coming toward him menacingly, became frightened and got the iron bar. He denied he struck Epstein and contended the prosecuting witness was struck in the head during a tussle for the bar.

Evidence disclosed that Epstein suffered a fracture of a small bone in the face. Ellis Levin was counsel for Brown.

MORN-SUN-4/13

Police Use Invisible Powder To Trap Servant In Theft

New police techniques involving the use of "invisible fluorescent powder" and infrared light were employed to trap a domestic servant in a $1,139 theft from her employer's money box, according to testimony yesterday in Criminal Court.

Some Courthouse aides expressed the belief that the new police procedure may be the Police Department's answer to the recent charge by a State prosecutor that Baltimore police couldn't find "an olive in a Martini."

The use of the powder and the infrared light resulted in the arrest of Mrs. Lucille West, 25-year-old Negro, who was convicted by Chief Judge W. Conwell Smith of stealing $1,139.65 from Mrs. Lee Lambert, of 2400 Cold Spring lane.

Judge Smith deferred imposition of sentence pending a probation department report. The defendant gave an address in the 3300 block of Weedon avenue.

Testimony produced by John C. Weiss, prosecutor, disclosed that Mrs. West had been employed as a part-time domestic in the Lambert home for about sixteen months, and that recently the Lamberts began missing money from a home-made wooden box in which they frequently deposited sums of money.

Detective Lieutenants Frank Schmidt and Philip Germack, notified of the pilferings, sprinkled the box and the money with the invisible flourescent powder, tied an invisible string to the box and then permitted the defendant to be alone in the Cold Spring lane home for several hours.

They then used the infra-red light on her clothing and hands and noted that both were covered with the powder, the court was told. The string had been broken.

Mrs. West, police said, then admitted she had stolen money from the box that day, and she produced stolen sums from under a sofa cushion and a garbage can. Both of the money caches were covered with the powder also, police said.

The defendant denied she had stolen money on prior occasions.

Boy, 15, Convicted Of Killing Friend

A 15-year-old boy—still 14 when he shot and killed a companion last January 16 after tying the victim to a chair—yesterday was convicted of murder in the second degree by a Criminal Court jury.

Judge Joseph Sherbow deferred imposition of sentence on the defendant—Walter Burman, Negro, 600 block West Lanvale street—pending reports from the probation department and Dr. Manfred S. Guttmacher, medical adviser to the judges.

Burman was found guilty of fatally shooting Wilbur Biddle, 15, of the 1200 block Edmondson avenue, also a Negro, in the cellar of the defendant's home.

Burman contended he accidentally shot the victim while attempting to get Biddle to admit having taken cigarettes from the West Lanvale street home of the accused. He said the fatal shot, which struck Biddle in the lung, was fired from a .22-caliber rifle.

EVE-SUN-4/13

Trial For 10 Slated May 11 In Abortion

Conspiracy and abortion charges against Dr. Albert E. MacCrowe and nine other defendants have been assigned for trial in Criminal Court on May 11, State's Atorney J. Bernard Wells announced today.

The physician's bad health, it was reported, may prevent him from being brought to court. Examinations already have been made by State doctors, and Dr. MacCrowe will be called on to appear if possible, officials said.

Other defendants in the series of cases are Thelma Ensor, Laura M. Hitchens, Raymond Coffman, Marie Coffman, Edward Coffman, Freda Mae Coffman, Paul T. Leather, Chris C. Campbell and Mary Taylor.

MORN-SUN-4/14

Abortion Trial Slated May 11

Trial of Dr. Albert E. MacCrowe and nine other persons on abortion and conspiracy charges will be held in Criminal Court on May 11, it was announced yesterday by J. Bernard Wells, State's attorney.

Mr. Wells said he had assigned the cases for trial, despite reports that Dr. MacCrowe is ill and may not be able to attend the hearing.

The former Liberty Heights avenue physician faced similar charges about ten years ago, but was acquitted after a second trial. He had been found guilty at the first trial, but the Supreme Bench granted his motion for a new trial.

The other defendants are Raymond, Marie, Edward and Freda Coffman, Paul T. Leather, Chris Campbell, Mary Taylor, Thelma Ensor and Laura Hitchens.

SUNDAY SUN-4/16

J. BERNARD WELLS

ANSELM SODARO

NOT TO RUN, SAYS WELLS; FOR SODARO

Prosecutor, Quitting Job After 16 Years, Backs Assistant For Post

J. Bernard Wells, after sixteen years as State's attorney for Baltimore, yesterday announced he will not run again this fall, but will give his support to Anselm Sodaro, his first assistant.

At the same time, Mr. Sodaro declared he is "definitely a candidate for the office."

"After a conference with Mr. Wells," he said, "I propose to file during the early part of the week."

Mr. Wells's flat announcement that he would not be a candidate put an end to speculation that, despite his 70-odd years, he might seek another four-year term.

It also confirmed earlier reports that the State's attorney had agreed to step down in favor of Mr. Sodaro, of whom he said yesterday:

"His ability as a lawyer is well recognized and I have every faith in his integrity and courage. I will support his candidacy and will ask my friends to do likewise."

Ends 30-Year Career

For the State's attorney, the refusal to run spelled the end of a 30-year career as a city prosecutor. Appointed an assistant to Robert F. Leach in 1920, he continued in office under the administration of Herbert R. O'Conor and became chief deputy in 1927.

In 1934, he received O'Conor's backing and was elected State's attorney.

Mr. Sodaro, who is now 40, was appointed assistant to Mr. Wells in 1938. He is now preparing to prosecute Thomas A. Edwards a second time for the Mahlan-Kline murders in Glen Burnie and is handling the Audrey Mohr embezzlement case which is expected to set a precedent in Maryland law for husband-wife legal relationships.

Prepared Contempt Cases

He also prepared contempt cases against five Baltimore radio stations' cases which resulted in the overruling of prohibitive news rules the Baltimore Supreme Bench had set upon newspapers and radio stations.

Mr. Sodaro's formal entry into the campaign will make him the first openly declared candidate in a fight that is expected to develop one of the bitterest political battles in years.

Alan H. Murrell, another assistant State's attorney, has been making overtures to gain political backing for several weeks and is reported openly antagonistic to his chief.

Others In Picture

In addition, State Senator George W. Della and William L. K. Barrett have their eyes on the State's attorney's office.

Mr. Barrett has said publicly, "It will be Wells or I."

Mr. Wells, in his formal statement yesterday, said: "This decision, which will operate to dissociate me from a work that I have come to love, and will sever my official relations with the people who have honored me so highly, was not easily made.

"To my many friends who have urged me to seek re-election, and to those who have supported me so generously in my past campaigns, my heart goes out in undying gratitude."

Tried To Keep Office Free

Mr. Wells added that he has always tried to keep his office free from political domination. He said it is most gratifying to note that after his 30 years in office, "most unsalutary" conditions have been corrected and Baltimore today is not numbered "in that long list of great metropolitan centers, gang-ruled and crime-ridden."

"In this result," he said, "I feel that I may, with becoming modesty, claim a fair share of the credit."

Mr. Wells said that he plans to engage in a general law practice after he leaves office, and noted that he was in good health and "in the enjoyment of a fair amount of useful vigor."

NEWS-4/14

Just Jabber-Jabber . . .

In many saloons now the coasters they put on tables bear the printed legend, "We do not want the patronage of the few who abuse the right to drink" . . . Within a week (unless he changes his mind) State's Attorney J. Bernard Wells will make up his mind about running for a fifth term.

Betting odds on his decision have reversed themselves. The odds, now, are that he won't run.

BALTO. AMERICAN 4/16/50

Wells Not To Run; In State's Attorney Post For 16 Years

State's Attorney J. Bernard Wells yesterday announced that he will not be a candidate for the Democratic nomination for that office, which he has held for four terms, or 16 years.

He revealed that his first assistant, Anselm Sodaro, will be a candidate for the post and Mr. Wells said he will support Mr. Sodaro "and ask my friends to do likewise."

OTHERS IN RACE.

Other candidates are expected to try for the nomination, among them Alan H. Murrell, an assistant State's Attorney.

Mr. Wells' statement follows:

"I will not be a candidate for the office of State's Attorney in this fall's election.

"This decision, which will operate to disassociate me from a work that I have come to love, and will sever my official relations with the people who have honored me so highly, was not easily made.

"To my many friends who have urged me to seek re-election, and to those who have supported me so generously in my past campaigns, my heart goes out in undying gratitude.

FREE OF DOMINATION.

"In return for that great confidence, it has ever been my aim and desire to conduct the business of this important office fairly and efficiently, free at all times from political domination and in the interest of all the people of Baltimore.

"When I first became associated with the office some 30 years ago, the criminal dockets were in a deplorable condition; prosecutions were slow and too often unsuccessful. Crime was on the march, and gangdom had reared its ugly head in our midst.

CONDITION CORRECTED.

"Through the combined efforts of those with whom I worked over those years, and with those who worked with me during my several administrations, that most unsalutary condition has been corrected and today the dockets are in a very healthy condition and our cases are, on the whole, promptly tried.

"It is most gratifying to note that in the long list of great metropolitan centers, gang-ruled and crime-ridden, Baltimore is not numbered.

"In this result, I feel that I may, with becoming modesty, claim a fair share of the credit. But things do not stay put—vigilance is ever necessary.

SODARO CANDIDATE.

"I understand that my first assistant, Mr. Anselm Sodaro, will become a candidate to succeed me. His ability as a lawyer is well recognized and I have every faith in his integrity and courage.

"I will support his candidacy and will ask my friends to do likewise.

"There may be a passing interest in my plans for the future. Despite the many published stories to the contrary, I am in good health and in the enjoyment of a fair amount of useful vigor.

"At the conclusion of my tenure of office I will engage in the general practice of law."

MORN-SUN-4/17

BALTIMORE, MONDAY, APRIL 17, 1950

Mr. J. Bernard Wells's Record Of Public Service

Mr. J. Bernard Wells has not been a spectacular State's Attorney. And there is not a shred of evidence that he ever attempted or hoped to use the State's Attorney office as a spring board to reach some other higher and more lucrative position. Mr. Wells's sound public service has resulted from his steady and painstaking application to the exacting duties and responsibilities that rest on the shoulders of the prosecutor for the State. He has made service in the State's Attorney's office a career.

Mr. Wells became an assistant State's Attorney in 1920 under an appointment from the then State's Attorney Mr. Robert F. Leach. His hard work soon won for him the tag of "wheel horse" in the Leach administration. When Mr. Herbert R. O'Conor succeeded Mr. Leach, Mr. Wells was reappointed. He kept the tag of wheel horse. In 1927 Mr. Wells became Deputy State's Attorney, or second in command of the office. He continued in that post until 1934 when, after Mr. O'Conor had decided to run for Attorney General of Maryland, he made the first of four successful bids for State's Attorney.

Thirty years of uninterrupted service in one public office in this State is not by any means a record. But it is sufficiently long to have made Mr. Wells the dean of Maryland's prosecutors and to have shown that the public appreciated Mr. Wells's work.

In announcing that he will not seek re-election, Mr. Wells has followed the spirit of rules which he legally could have avoided. Reference is made to the constitutional provision calling for mandatory retirement of judges at age 70 and of city and State merit-system laws calling for similar retirement of employés under those laws. The letter of those retirement measures does not apply to the position of State's Attorney. But Mr. Wells, who has passed his seventieth birthday, has given recognition to the spirit of those measures. It is an appropriate crown to a solid career.

NEWS-4-17-50

Well Done, Bernie Wells

FOR SO long has J. Bernard Wells been associated with the prosecutor's office that his decision not to seek further re-election as State's Attorney gives one the feeling that a legal landmark is being removed.

Thirty years have passed since that association began when Mr. Wells became an Assistant State's Attorney. For seven years he so served before becoming Deputy State's Attorney, in which post he continued for eight years.

During this long service, first as an assistant and then as deputy, Mr. Wells so gained the confidence of the people that he was elected State's Attorney and the people have kept on electing him ever since. He has had four successive four-year terms. He declines to seek a fifth, although he has many friends who have tendered him their support.

Mr. Wells' consecutive elections are the truest index of the esteem in which he is held. He is one who considers that a public office is a public trust, and he makes this clear in what may be called his valedictory statement, published yesterday. He says:

"It has ever been my aim and desire to conduct the business of this important office fairly and efficiently, free at all times from political domination and in the interest of all the people of Baltimore."

MR. WELLS recalls that when he first became associated with the State's Attorney's office, "the criminal dockets were in a deplorable condition; prosecutions were slow and too often unsuccessful. Crime was on the march and gangdom had reared its ugly head in our midst."

Now that his thirty years of service are approaching an end, Mr. Wells may, without any affront to modesty and with acknowledgments he makes to his associates, point the contrast, which he does in these words:

". . . Today the dockets are in a very healthy condition and our cases are, on the whole, promptly tried.

"It is most gratifying to note that in the long list of great metropolitan centers, gang-ruled and crime-ridden, Baltimore is not numbered."

It is, indeed, a "most gratifying" distinction for this very considerable city not to be numbered in this census of disrepute and we think that no one will be disposed to deny Mr. Wells his modest claim of "a fair share of the credit."

As Bernie Wells, not seeking perpetuity, goes out of that office with which he has been so long identified, the people who kept him there will say, "Well done thou good and faithful servant." Whoever succeeds him, he will be missed.

EVE. SUN. 4/17/50

Driver In Triple Fatality Has Fines Added In Appeal

Walter Stankiwicz, who was acquitted recently on manslaughter charges involving a triple traffic fatality, was today fined an additional $200 when he appealed to the Criminal Court from Traffic Court convictions.

The 33-year-old man, who was given the "key to the city" in connection with being honored following his return as a prisoner of war, was already under sentences totaling two years and $75 in fines.

Stankiwicz had been punished on seven traffic charges by Magistrate Joseph Kolodny.

Basis For Appeal

He appealed on the ground that two of them should be merged into one offense, and on the ground that there wes no basis for a reckless-driving conviction on which he had been given one year.

Another year had been imposed on a hit-and-run charge, which the motorist claimed was the same offense as the failing to stop and aid injured persons, for which he was sentenced to 60 days.

Chief Judge W. Conwell Smith ruled that the evidence showed that the motorist was driving at excessive speed and failed to have his car under proper control at a pedestrian crossing where he might expect to have to yield the right of way to pedestrians.

Adds Fines

The judge imposed prison sentences on the two charges equivalent to the Traffic Court penalties, but added $100 fines in each instance.

Stankiwicz lives in the 5000 block Wright avenue. Assistant State's Attorney Alan H. Murrell prosecuted the cases.

The fatal accident occurred last December 3 at Monument and Potomac streets, where three elderly men were killed as they were crossing the street.

BALTIMORE, MONDAY, APRIL 17, 1950

Mr. Wells's Decision

The decision of Mr. J. Bernard Wells not to seek re-election as State's attorney for Baltimore city is something of a milestone along the way of public service in Maryland. At the end of his present term, Mr. Wells will have been a public prosecutor for 30 years, the last sixteen of them in the office which he now holds.

Throughout his career, Mr. Wells has given a good account of himself. Under his direction, the State's attorney's office has been run effectively, if not spectacularly. Never has there been any hint of favoritism or politics attached to his administration.

Having passed the age of 70, Mr. Wells can retire from public life with the satisfaction that comes from a record of solid accomplishment and knowledge that the public he served recognizes and appreciates his work.

MORN-SUN-4/18

POLICE DATA RULED PRIVATE BY HAMMOND

Attorney General's Decision Differs With Statement Of Judge Sherbow

Records of police arrests need not be opened to anyone outside the police department, Hall Hammond, attorney general, said yesterday.

His statement, ruling that police dockets are not public documents, but merely departmental records, was almost a flat contradiction to an earlier statement by Judge Joseph Sherbow, of the Baltimore Supreme Bench.

Judge Sherbow, on March 30, had reprimanded Northeastern district police for refusing to let a lawyer inspect their docket.

Suggests Judge Was In Error

He said he wanted police to understand that both police and magistrate's dockets are public information and must be shown to anyone interested in seeing them.

Yesterday, Mr. Hammond suggested that the judge was in error.

The police docket, a record kept at each station house of all persons arrested in the district, is a departmental record, Mr. Hammond said. As such, police are not required to show it to anyone outside the department, except through courtesy.

It is now available to representatives of the press only as a courtesy.

Permission Required

The magistrate's docket, which contains records of all cases in which charges are placed, is a public document, the attorney general ruled.

However, he added, it may be shown the general public only with the permission of the magistrate.

It was pointed out that the magistrate's docket does not show persons who have been arrested for investigation and are still uncharged.

Thus, it would be possible for police to arrest a man without charges and hold him without interested parties being able to get information on his arrest or his whereabouts, unless police chose to give such information.

In his statement last March, Judge Sherbow said:

"In a democracy such as ours, those records are not to be kept secret, and it was highly improper for police to refuse inspection."

Mr. Hammond's contradictory ruling grew out of a conference he held with Beverly Ober, police commissioner, and Chief Magistrate James R. Cadden. The conference was held to clarify regulations pertaining to docket inspection.

Commissioner Ober cited a 1940 ruling by former Commissioner Robert F. Stanton, which prohibited police from exhibiting records of arrest except on special conditions.

That order was subsequently altered by Commissioner Hamilton R. Atkinson to allow members of the press to inspect the dockets without restriction.

Mr. Hammond said he will confer sometime in the near future with Judge Sherbow about the most recent ruling.

MORN-SUN 4/18/50

SODARO FILES FOR POST AS PROSECUTOR

G. C. A. Anderson To Head Campaign Of Assistant State's Attorney

Anselm Sodaro yesterday filed as a candidate for the Democratic nomination for State's attorney and announced that G. C. A. Anderson, former president of the Bar Association of Baltimore city, will be his campaign manager.

Mr. Sodaro, who has been in the prosecuting office since June, 1938, was given the backing on Sunday of J. Bernard Wells, State's attorney, when Mr. Wells announced that he would not seek re-election to a fifth term as the city's chief prosecutor.

"Now that my chief, J. Bernard Wells, has formally stated that he will not be a candidate for re-election to the office which he now occupies, I feel that I may, with propriety, announce my candidacy," Mr. Sodaro said.

First Candidate To File

"I have filed for this office and the Hon. G. C. A. Anderson, former president of the Baltimore Bar Association, has consented to act as my campaign manager. Also, I have arranged to open headquarters in Suite 421, Munsey Building.

Mr. Sodaro is the first candidate to file papers with the Board of Supervisors of Elections for the State's attorney's post.

William J. O'Donnell and Alan H. Murrell, assistant prosecutors, who reportedly were possible candidates for the post, had no comment yesterday.

William L. K. Barrett, who ran second to Mr. Wells in the Democratic primary election for State's attorney four years ago, has definitely stated he will be a candidate again this year, but has not filed.

State Senator George W. Della (D., Sixth Baltimore) also has indicated an interest in seeking the Democratic nomination for State's attorney.

Handled Major Cases

Mr. Sodaro, who is 39, has handled many of the major cases in the prosecutor's office in recent years. He also took part in special investigations of the Maryland Legislature, the Baltimore Police Department and veterans housing, and recently directed a full investigation into alleged "black market" activities in babies.

Married and the father of three daughters, Mr. Sodaro is a member of many civic, fraternal and legal organizations, but pointed out that he is not a member of any political clubs. He lives at 1315 Southview road.

EVE SUN-4/18

Hammond Ruling On Dockets Assailed

One criminal lawyer today described a ruling by the Attorney General that police dockets are not public records as "Iron Curtain stuff."

"Those things ought to be kept out in the open," said Paul Mules, one of the city's more active trial lawyers. "To arrest a man and hide him away is Iron Curtain stuff."

Other lawyers reacted more warily to Attorney General Hall Hammond's ruling that police dockets are not public documents but merely departmental records.

Several leading attorneys were asked to comment today but declined until they have studied the law involved in the issue raised last month when Judge Joseph Sherbow reprimanded police for refusing to permit a lawyer to inspect a docket.

"Around The Horn"

Mr. Mules, however, insisted that keeping dockets secret could lead to a return of the police practice of taking a prisoner "around the horn" to prevent his whereabouts from being known.

The expression "around the horn" describes the practice of transferring a suspect to station houses in various sections of a city to prevent him from being reached by lawyers or friends until police complete their investigation.

Albert A. Levin, a former police court magistrate and formerly an assistant attorney general, attacked the legality of making an arrest without placing specific charges against a suspect.

"I doubt that there is any authority in law for the police to hold a man, as they say 'for investigation,' without placing actual charges," said Attorney Levin.

Magistrate's Dockets Open

Mr. Hammond ruled that the "blotter" or record of arrests kept in police stations is merely a departmental record and that only magistrates' dockets are public records and open to inspection.

Judge Sherbow had declared that both dockets should be available for inspection by lawyers, news reporters and the general public.

"When a man is arrested a charge should be placed," Mr. Lavin said today. "That charge should go on the public record. Both the 'blotter' and the docket should be the same, and the magistrate's docket, at least, is a public record."

Constitution Cited

Attorney R. Palmer Ingram contended that secret dockets of arrests and charges should be held unconstitutional.

"A man is entitled under the constitution to be confronted with the charges against him. The protection of the constitution would be wiped out if secret dockets, or even arrests, are permitted," he added.

State's Attorney J. Bernard Wells said the attorney general's ruling will not prevent members of his staff from examining police dockets.

His only comment on the issue was that it is a matter for the courts to decide, but pointed out that the barring of public inspection of police "blotters" could be compared to secrecy maintained over grand jury presentment and indictments until after an arrest is made.

No New Ruling

In his ruling, Mr. Hammond said there seems to be no direct requirement of law that a docket of arrests be kept.

Mr. Hammond said that he had made no new official ruling. His views on the two sets of dockets were aired at a conversation "about a week ago" with Police Commissioner Ober and Chief Magistrate Cadden.

Members of the Supreme Bench declined to comment on the situation. Judge Sherbow also declined to add to the statement he had made in court last month.

Chief Judge W. Conwell Smith, although refusing to make any comment on the situation, was one of those who suggested that a final decision could be made only after judicial proceedings.

Test Case Cited

"The way for such a question to be settled is for a test case to be brought which a judge can actually decide," said the chief judge.

Although they would not be quoted, some members of the bench take the view that an important issue is involved in police claiming a right to keep records involving a portion of the public without letting it be open to public scrutiny.

Authorities point out that magistrates' dockets in the past often have been regarded as mere private property. Some magistrates have kept them in their personal possession and have even taken them as souvenirs when leaving office, according to reports made to the Supreme Bench.

Youth, 19, Gets 2 Years For Burglary, Thefts

A two-year term in the State reformatory was imposed today on James J. Gallagher, 19, by Chief Judge W. Conwell Smith in Criminal Court for theft of $65 and clothing from a suitcase, and for taking $20 and other articles in a burglary on Cathedral street.

Gallagher, who gave an address in the 1200 block West Ostend street, had a criminal record.

NEWS - 4/18/50

Louis Azrael Says: WILL THE STREAM OF JUSTICE BE DEFILED?

By LOUIS AZRAEL

John Doe is arrested for, let's say, stealing money from his boss. Or perhaps it's something worse. Perhaps it's for grabbing a little girl, who escaped him. Now, John Doe is a pretty good man at getting out votes on election days. Therefore, the political boss of his district drops around to see the State's Attorney. He says:

"Look, pal, this John Doe is a friend of mine. He's a good guy, with a family. Go easy on him, will you?"

The next day in the secrecy of the Grand Jury room the State's Attorney comments on the evidence adduced against John. He said:

"It looks pretty flimsy. I doubt if we can convict him."

The jurors, impressed by the attitude of their legal adviser, decided against an indictment. Or maybe the evidence is such that they can't help indicting. A criminal lawyer drops in to see the State's Attorney and says:

"How 'bout going a little light in the John Doe case?'

So Doe's bail is low and, when the trial arises, it happens that an inexperienced Assistant State's Attorney is in court to prosecute.

CAN HAPPEN HERE

Now, the things described above have not been happening in Baltimore. Whatever imperfections J. Bernard Wells may have as a State's Attorney, he does not listen to politicians. He does not do improper "favors." But some of his predecessors did. And some State's Attorneys in other cities do. I cited these imaginary cases merely to illustrate how easily a State's Attorney can, if he wants to, play hob with the processes of justice.

Now Baltimore must choose a new State's Attorney.

Since the man nominated for this job in the Democratic primary is almost sure of election, the really vital decision will be made by Democratic voters on primary day.

WE MUST CHOOSE

It is hard to exaggerate the harm that an over-political or a crooked State's Attorney can do to Baltimore. The situations cited above are merely random examples. They could be multiplied. Furthermore, the job is such that a man who wants to pervert justice can do it without tipping his hand; without incurring public rage.

As advisor to the Grand Jury he can, merely by the way he presents facts and comments upon them, determine the jury's action. When, for instance, a bookmaker is arrested the State's Attorney can, if he wishes, arrange to have him indicted for only one offense instead of for each offense he committed. A State's Attorney can, if he wishes, favor criminal lawyers or politicians by letting criminals plead guilty to minor offenses and not prosecuting for the major ones. He can show favoritism in fixing bail or in recommending paroles.

He can, in short, defile the streams of justice. With a politician or crook in that office, punishment can depend on whom you know; not on what you did. This could pave the entrance-way for gangsterism and other ills which, fortunately, Baltimore has long been spared.

The moral is plain. If ever there was a situation in which Baltimore voters, particularly Democratic ones, must be interested and thoughtful, it is the situation now facing us.

The Enterprise 4/20/50

Wells Will Not Seek Re-Election

In a letter to the Enterprise, J. Bernard Wells, State's Attorney has this to say: "I will not be a candidate for the office of State's Attorney in this fall's election."

This decision, which will operate to disassociate me from a work that I have come to love and will sever my official relations with the people who have honored me so highly, was not easily made. To my many friends who have urged me to seek re-election, and to those who have supported me so generously in my past campaigns, my heart goes out in undying gratitude.

With thirty years of association with the State's Attorney's office drawing to an end, I Bernard Wells, can now retire from public life with the satisfaction of a job well done."

J. Bernard Wells

NEWS - 5-1-50

Fifth Terms

NOTES UPON HEX THEORY

By JAMES A. NEWELL

In one way I'm sorry my friend Bernie Wells decided not to run again. Had he decided otherwise the result might have tended to confirm or weaken, as the election turned out, what is at present only an hypothesis. It is this: that there is a fifth-term hex.

There are two well-documented instances where good men, running for fifth terms, have encountered defeat, although political fortune had previously smiled upon them. One of these men was Albert Cabell Ritchie; the other is Howard W. Jackson.

ONE SUPERIOR OFFICE

Having been elected Governor four times for a total tenure of 15 years, Ritchie essayed a fifth term. A legend of his invincibility had grown up in which the then Governor himself would seem to have believed. Even by being re-elected the first time he had shattered tradition, and there was only one office he prized above being Governor of Maryland.

The only superior office, from Ritchie's point of view, was the Presidency of the United States. Until he could become President, he would remain Governor. So he ran for Governor once too often. He did not get the fifth term: the fifth term got him.

Jackson was Mayor of Baltimore longer than any other man. All told, he served four terms, with a total of 16 years. They were not, however, four successive terms. The first was separated from the other three by the return of Broening.

MORE DATA NEEDED

Still, Jackson had had four terms. He made a bid for a fifth. The voters, with less appreciation of an excellent Mayor than they might have shown, rejected that bid. In a difficult time, he offered to continue his services. The offer was turned down.

Well, there are two cases of fifth-term political fatalities. But you can't establish a rule from only two cases. There may be a presumption of a fifth-term hex. More data are needed to prove it.

State's Attorney Wells will supply no such additional data. But Senator Millard E. Tydings may. If he runs again it will be for a fifth term and it will be this year.

As in the case of Ritchie, a legend has grown up about Tydings' invincibility. So far as I can recall, he has had no setback in his political career since he was Speaker of the House of Delegates.

He went to the State Senate, then to Congress from the Second Maryland district, thence to the U. S. Senate, having been originally elected in 1926. He should give the fifth-term hex theory a good test.

EVE. SUN 4/20/50

Man Gets 6-Year Term On Rest-Room Robbery

Convicted of assaulting and robbing an 34-year-old man in a tavern rest room, Arthur Johnson, 35, yesterday was sentenced to years in the Penitentiary by Chief Judge W. Conwell Smith in Criminal Court.

Johnson, who gave an address in the 1700 block Maryland avenue, robbed Isaiah Collins of $15 last April 9 at a tavern at Leadenhall and Hamburg streets, according to evidence introduced by John C. Weiss, prosecutor. Both Johnson and Collins are Negroes.

EVE. SUN - 4/20

Relief In 2 States Figures In Case

In an effort to ease relief burdens of two localities, Judge Joseph Sherbow today directed steps to see if one of the three charges against Robert W. Loughry can be dropped.

Loughry was convicted by Judge Sherbow of nonsupport of a wife and two children in Pennsylvania and on a charge involving support of another child born to a woman he married in Maryland.

The second marriage also is the basis of bigamy charges pending at Elkton. In sentencing Loughry to an eighteen-month term, Judge Sherbow announced that he would grant probation for the man to support all three children in case the bigamy charge can be dropped to permit him to work and produce the necessary income.

Payments Set

The judge told Loughry that he must pay $15 a week to his real wife, Betty Jane Loughry, of Blairsville, Pa., for the support of the two children born after their marriage in 1945.

Another $7.50 a week must be paid for the support of the third child born last year to Mary Belle Hildebrand, whom Loughry married at Elkton in 1948. Otherwise, the eighteen-month sentence must be served, the judge said.

Judge Sherbow directed Thomas P. MacCarthy, deputy chief probation officer, to negotiate with Henry Constable, Cecil county State's attorney, in an effort to adjust the bigamy case, so that Pennsylvania and Baltimore welfare agencies would not have to support both families. Meanwhile, the Pennsylvania wife has temporarily settled with the Baltimore wife at a Bolton street apartment.

4/24/50 Morn. SUN

WELLS DECRIES 'PARTNERSHIP'

Can't Get 'Lathered Up' Over Bookies In State

It's hard "to get all lathered up" about the book-making business here as long as the State is in "partnership" with racing interest, J. Bernard Wells, State's attorney, said last night.

He referred to the State's "large financial interest" in the racing business, the licensing of tracks in every section, and authorization for racing through most of the year.

Number Difficult To Learn

"I am not surprised that some of our enterprising citizens decide to set up shop for themselves," Mr. Wells added.

The State's attorney said it is difficult to estimate the number of bookies operating in Baltimore.

Captain Alexander Emerson, chief of the vice squad, estimates 25,000 people here are employed in gambling enterprises, including bookmaking.

Business "Quite General"

Mr. Wells said he would be inclined to accept the captain's estimate because it is "strictly in line with his work."

From the number of cases going through local courts, the bookmaking business seems to be "quite general," Mr. Wells declared.

Clandestine and bootleg betting will be easier to control, Mr. Wells stated, when the State goes out of "partnership" with the racing business.

MORN. SUN. 4/21

PROSECUTOR BATTLE SEEN

O'Donnell And Levin May Enter State's Attorney Race

By ALBERT W. QUINN

Although two of the men actively boomed as candidates for the State's attorneyship appear likely to abandon their ambitions in that direction, a primary battle for the Democratic nomination definitely is in prospect at this time.

Alan H. Murrell, an assistant State's attorney, who has been publicly urged to run by citizens' groups, is expected to announce soon that he will not make the race.

State Senator George W. Della, who has had strong backing for the office, has been looking with increasing interest toward the retention of his present Sixth district seat in the State Legislature. His interest is enhanced by the certain and prospective changes in the Senate leadership.

Della Eyes Byrnes's Post

With Senator Joseph R. Byrnes (D., Fifth Baltimore) retiring from the Senate, friends of Mr. Della see a prospect of his election to the presidency—an office now held by Senator Byrnes.

If Senator Sothoron (D., Prince Georges) should accomplish his ambition by succeeding to the presidency, Mr. Della would be almost certain to become chairman of the Finance Committee and majority floor leader—a position of prestige second only to the presidency.

Mr. Della now is chairman of the powerful Judicial Proceedings Committee.

O'Donnell Seen As Candidate

However, Anselm Sodaro, an assistant State's attorney and the only announced candidate for the office from which the incumbent, J. Bernard Wells, will retire, will, in all probability, have as opponent one of his colleagues in the office, William J. O'Donnell.

Mr. O'Donnell, who has not yet made a formal announcement, said yesterday that he considers himself a candidate for the nomination.

When members of the State's attorney's staff were called into a meeting this week in support of Mr. Sodaro's candidacy, Mr. O'Donnell refused to attend, stating that he was a candidate.

Ellis Levin May Run

When he makes his formal announcement, he said, he will have his campaign managers and other arrangements for a hard fight.

Ellis Levin, a former assistant State's attorney, yesterday confirmed reports that he is considering becoming a candidate for the nomination.

Mr. Levin, a resident of the Fourth district, usually is not with the dominant Pollack forces in that section. Friends say, however, that he has a large following of supporters in political matters there and in other sections of the city.

Prefers Large Field

It is understood that Mr. Levin would prefer to make the race in a large field of candidates, with the city's political leaders divided in their support.

William L. K. Barrett, a former police magistrate, described himself yesterday as "still a highly potential candidate" for the nomination.

Sonntagsblatt des „Baltimore Correspondent" Sonntag, den 23. April 1950

J. Bernard Wells bewirbt sich nicht um Wiederwahl

Doch kandidiert Anselm Sodaro für das Amt des Staatsanwalts der Stadt Baltimore

J. Bernard Wells, der sechzehn Jahre lang das Amt des Staatsanwalts der Stadt Baltimore bekleidete, hat in der verflossenen Woche erklärt, daß er sich in den September - Primärwahlen nicht wieder um den Posten bewerben wird, daß er jedoch die Kandidatur seines ersten Assistenten Anselm Sodaro, der sein Nachfolger werden will, unterstützen werde.

Herrn Wells' Erklärung

Herr Wells legte in seiner Erklärung dar, daß es ihm nicht leicht fallen werde, aus einem Amt zu scheiden, das ihm lieb und teuer geworden ist, und das er stets als eine ihm vom Volk überantwortete Ehrenstellung betrachtete. Sein unauslöschlicher Dank gehe an alle seine zahlreichen Freunde, die seine Wiederwahl gern gesehen hätten,

J. Bernard Wells

wie auch an alle diejenigen, die ihn in früheren Wahlkampagnen ihre Unterstützung in so reichem Maße hatten zukommen lassen.

Das in ihn gesetzte Vertrauen sei für ihn stets ein Ansporn gewesen, das verantwortungsvolle Amt eines Staatsanwalts in fairer und durchaus wirksamer Weise zu betreuen, jegliche politische Einflüsse aus demselben auszuschalten und den Interessen aller Bevölkerungsschichten der Stadt im gleichen Maße zu dienen.

Als er vor etwa dreißig Jahren ins Amt berufen wurde, ließ die Strafverfolgung in der Stadt viel zu wünschen übrig; sie war langwierig und oft auch ohne den gewünschten Erfolg. Das Verbrechertum stand in Blüte und das Bandenwesen überschattete unsere Stadt.

Besserung durch schwere Arbeit

Durch die vereinten Bemühungen seiner Mitarbeiter und all derer, die in seiner langen Amtszeit nur ihm zu arbeiten willens waren, konnten die bestehenden Mißstände beseitigt und es kann wohl im großen und ganzen gesagt werden, daß nun die Strafverfolgung rasch einsetzt und alle vorliegenden Fälle einer prompten Erledigung zugeführt werden.

Mit viel Genugtuung könne festgestellt werden, daß Baltimore unter den großen Verbrecherzentren des Landes derzeit nicht zu finden ist, und mit aller Bescheidenheit könne er wohl diesbezüglich für sich das Recht in Anspruch nehmen, daß er hierzu sein Teil beigetragen habe. Doch sei, um Rückfälle zu vermeiden, Wachsamkeit stets das Gebot der Stunde.

Herr Anselm Sodaro kandidiert nun für den Posten, von dem auszuscheiden er, Wells, gewillt sei, und er werde Herrn Sodaros Kandidatur unterstützen, da er dessen Fähigkeiten als Anwalt zu schätzen wisse und von seiner Ehrenhaftigkeit und Entschlossenheit zu mutvollem Vorgehen völlig überzeugt sei. Seinen vielen Freunden könne er nur die Unterstützung seiner Kandidatur anraten.

Trotz der Last seiner Jahre erfreue er, Wells, sich recht guter Gesundheit und nach dem Ausscheiden aus seinem Amte werde er sich der Rechtspraxis zuwenden.

Sodaro kandidiert

Herr Sodaro hat in der verflossenen Woche den Board of Supervisors of Elections schriftlich verständigt, daß er sich um das

Anselm Sodaro

Amt des Herrn Wells bewerbe und er hat eine Erklärung herausgegeben, in der es u. a. heißt, daß er diesen Entschluß erst gefaßt habe, nachdem sein Chef, Herr Wells, formell bekanntgegeben hat, daß er von seinem Posten auszuscheiden gedenke.

Hon. G. C. A. Anderson, der früher Präsident der Baltimore Bar Association war, wird seine Wahlkampagne leiten und im Munsey Building (Zimmer Nr. 421) werde sein Hauptquartier sein.

Herr Sodaro, der 39 Jahre alt ist, hat in den letzten Jahren in einer Reihe größerer Fälle als Anklagevertreter fungiert. Er nahm auch an Sonderuntersuchungen der Staatslegislatur, der hiesigen Polizeibehörde und der Behausungsbehörde für Veteranen teil, und in jüngster Zeit nahm er einen „Schwarzmarkthandel" in Babys unter die Lupe.

Er ist verheiratet und Vater von drei Kindern. Er gehört einer Reihe bürgerlicher und Anwalts - Organisationen als Mitglied an, hält sich jedoch von politischen Verbänden fern. Er wohnt in dem Hause Nr. 1315 Southview Road.

(Herr Wells war und ist in deutschstämmigen Kreisen der Stadt, mit welchen ihn eine enge Freundschaft verbindet, stets gern gesehen und seine vielen Freunde im Privat- und Geschäftsleben Baltimores sehen ihn nur ungern aus dem öffentlichen Leben scheiden. Die Zahl seiner Jahre — er ist nun über siebzig Jahre alt geworden — berechtigt ihn jedoch dem anstrengenden Dienst eines Staatsanwalts zu entsagen und in ein ruhigeres Fahrwasser überzutreten. — Anm. d. R.)

J. BERNARD WELLS WILL NOT SEEK RE-ELECTION

However Anselm Sodaro has become a candidate for the post of State's Attorney of Baltimore City.

During the past week, J. Bernard Wells, who has been State's Attorney of Baltimore City for the past sixteen years, announced that he would not seek nomination as candidate for this post at the coming September Primary election, but that he would support the candidacy of his First Assistant, Anselm Sodaro.

HERE FOLLOWS translation of Mr. Wells' Statement.

Mr. Sodaro has, during the past week, officially filed with the Supervisor of Elections his candidacy for the nomination as State's Attorney, and issued a statement that he reached this decision only after his Chief, Mr. Wells, formally announced that he would not be a candidate to succeed himself.

Hon. G. C. A. Anderson, a former President of the Baltimore Bar Association, will be his campaign manager, and his headquarters will be in Room 421 Munsey Building.

Mr. Sodaro, who is 39 years old, has acted as prosecutor in the past several years in a ~~xxxxxx~~ series of more than ordinarily important cases. He took part in the probes of the Legislature, the local Police and also the Veterans Housing cases, and lately he investigated the blackmarket in ~~xxxx~~ baby adoption.

He is married, and the father of three children. He is a member of a number of civic and Legal Associations, but keeps apart from political ties. He lives at 1315 Southview Road.

Mr. Wells was and is well liked in the Germanborn element of the City, and enjoys a close friendship among them, - and his many friends in the business and private world reluctantly see him separate himself from the official life. The number of his years - he is now over seventy years old - entitle him to forego the exacting duties as State's Attorney and to step into quieter waters.

NEWS. 5/8/50

Endorsing

Anselm Sodaro

We, the undersigned, representing the present head of the State's Attorney's Office, and members of his staff, urge the election of Anselm Sodaro as State's Attorney of Baltimore City. His splendid work over a period of twelve years, and his eminent fitness to carry on the work of this most important office, impel us to give him our full support.

J. Bernard Wells
William H. Maynard
Morgan M. Buchner
Edwin A. Gehring
J. Harold Grady
Saul A. Harris
Charles E. Orth, Jr.
James F. Price
William L. Siskind
John C. Weiss

By authority of G. C. A. Anderson, Political Agent

MORN-SUN-5/9/50

Endorsing

ANSELM SODARO

We, the undersigned, representing the present head of the State's Attorney's Office, and members of his staff, urge the election of Anselm Sodaro as State's Attorney of Baltimore City. His splendid work over a period of twelve years, and his eminent fitness to carry on the work of this most important office, impel us to give him our full support.

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J. HAROLD GRADY
SAUL A. HARRIS
CHARLES E. ORTH, JR.
JAMES F. PRICE
WILLIAM L. SISKIND
JOHN C. WEISS

By authority of G.C.A. Anderson Political Agent

Morn[illegible] 4/25

NINE WOMEN ARE ON JURY

Largest Representation In History Of Body

Nine women were included on the new May-term grand jury selected yesterday at a term meeting of the Supreme Bench.

The women represent the largest female representation on a grand jury since women were admitted to jury duty about two years ago.

The new panel, which will begin its duties early next month, includes:

David A. Amos, 2401 Brambleton road.
John T. Christian, 519 West Lafayette avenue.
Alfred E. Cross, 800 Mount Holly street.
Thomas E. England, 5 East Thirty-third street.
John J. Enoch, 3704 Echodale avenue.
Mrs. Ethel E. Hall, 572 West University parkway.
William J. Huber, 728 East Belvedere avenue.
Mrs. Ray Dorothy Isaacs, 3908 Callaway avenue.
Mrs. Anna D. James, 1612 Ellamont street.
Miss J. Margaret Jerome, 19 East Eager street.
Mrs. Mabel F. Lewis, 1922 East Thirty-first street.
William C. Meyer, 2706 Grindon avenue.
Frederich J. Moreland, 603 North Ellwood avenue.
Daniel J. Moynihan, 309 St. Dunstan's road.
Mrs. Anna M. Paska, 2 South Curley street.
William L. Rebbel, 3307 Rueckert avenue.
Clarence E. Roy, 1137 North Carey street.
Mrs. F. Louise Scharfe, 3006 Echodale avenue.
Joseph C. Silverman, 3801 Hillsdale road.
P. Henry Starklauf, 4700 Homer avenue.
Arthur E. Thain, 2116 Mount Holly street.
Mrs. Mary Louise Vickers, 5003 Falls Road terrace.

The new grand jurors will be charged by Judge Michael J. Manley on the first day of the new term.

NEWS-4/27/50

Brenner Fined $4,000 In Scrap Metal Deals Case

Pleading guilty to false pretenses in alleged scrap metal deals involving more than a million dollars, Nathan Brenner, thirty-seven-year-old business man, today was given a suspended sentence of four years in the Penitentiary, fined $4,000 and ordered to make restitution of $16,000.

Chief Judge W. Conwell Smith, in Criminal Court, suspended the sentence on condition that Brenner, who lives in the 2300 block Tioga parkway, immediately pay the fine.

CHARGED HUGE LOSS

Brenner's backer in the transactions, Harris Miller, eighty-four-year-old East Baltimore street pawn broker, who financed him to the extent of $1,633,000 and finally brought the charge that Brenner had gained $282,000 from him by false pretenses, did not appear in court.

Mr. Miller, it was explained to the court, is in Florida for his health.

Assistant State's Attorney William J. O'Donnell told the court that Brenner and Miller entered into a business deal in 1948, in which Miller agreed to advance Brenner money to operate a scrap metal business.

BALANCE UNPAID

From May, 1948, to August, 1949, O'Donnell stated to the court, over 755 money transactions transpired between the two, Brenner at times paying part of a loan together with "mythical" profits on fictitious transactions he had never made.

However, of the $1,633,000 advanced by Miller, Brenner, the court was told, returned a total of $1,351,000 in loan payments and alleged profits.

The false pretense suit involved the unpaid balance.

Brenner's attorney, Henry Siegel, told Judge Smith that Brenner is "penniless," having lost the $282,000 during the period of the "business" deal.

No time limit was set on the restitution period.

EVE.SUN-4/27.

Dealer Fined, Freed In Fraud Of $169,000

Nathan Brenner, 37-year-old scrap and metal dealer, charged with defrauding an aged pawnbroker of $282,026 today was freed under suspended sentence and fined after pleading guilty to part of the charge.

Chief Judge W. Conwell Smith after being told of difficulties the State would have in proving a contested case, pointed out that probation was recommended by the Probation Department.

He imposed a four-year sentence and a $4,000 fine, suspending sentence on payment of the fine and costs and setting a three-year probation term.

Restitution Demanded

Another provision was that additional restitution of $16,000 be made by Brenner, who had already turned over everything he possessed. However, the man's attorney, Henry M. Siegel, pointed out that relatives and friends had raised a special trust fund of $20,039 which was available in case Brenner could be granted release.

Brenner, through his lawyer, pleaded guilty to obtaining about $169,000 of the $282,026 charged, by false pretenses. Over a year and a half he had dealt in and pretended to deal in scrap-metal transactions with the pawnbroker's backing, but a lot of the deals, and a number of the reported profits were merely fictitious.

William J. O'Donnell, assistant State's Attorney who prosecuted the case with Charles E. Orth, Jr., described the deals to the court by saying:

"It was a Ponzi-like scheme. Brenner obtained the sums of money from Harris D. Miller, 84-year-old Baltimore street pawnbroker, and while there was some profit, he was mostly paying Mr. Miller back his own money."

755 Deals Reported

The pawnbroker had advanced Brenner money to make scrap deals. There was a total of 755 supposed transactions, some of them mythical.

Brenner had obtained a total of $1,633,531 in advances, and had paid back a total of $1,351,505 in supposed repayments and profits. Actually, O'Donnell said, he was paying Mr. Miller's own money back as supposed profits.

The prosecutors told Judge Smith that Mr. Miller, due to his age, is in fragile health and might not be able to survive a trial of several weeks that would be required to prove a contested case. Proof to establish conviction would have depended largely upon the aged man, they said.

Funds Turned Over

Harry Singerman, attorney representing the Miller family, told the judge that a sizable sum had been recovered through assets which Brenner already had turned over. He pointed out that since the fraud was discovered last summer, Mr. Miller's own son and associate in business had died, probably partially from shock. The Miller family, the lawyer said, already had "suffered deeply, and wouldn't care to have another tragedy inflicted."

Four young defendants, charged with a series of fourteen holdups and a number of burglaries and larcenies, sat on the prisoner's dock in Criminal Court throughout the Brenner proceedings.

Two of the boys, Roy E. Calhoun, 19, 1200 block North Charles street, and Carl E. Blair, 18, 2300 block Eutaw place, pleaded guilty to ten holdups and twelve other charges of burglary and larceny.

Meanwhile, the other boys, Joseph E. Watson, 17, and his 16-year-old brother Ralph, of the 2200 block Eutaw place, who contended they were not involved in any of the actual robberies, pleaded not guilty and went on trial before Judge Smith.

Brenner lives at 3913 Dolfield avenue. He is a married man with a wife and child.

MORN-SUN 4/27/50

TERM SUSPENDED IN $169,000 FRAUD

Brenner Put On Probation; 2 Get 20 Years In Thefts

Nathan Brenner, 37, who admitted he defrauded an elderly pawnbroker of about $169,000 over a period of approximately fifteen months, yesterday was freed on probation when a Criminal Court judge imposed and then suspended a four-year prison term.

Brenner agreed to use the three-year period during which he will be on probation to pay back $16,000 advanced him by friends and relatives for partial restitution.

Chief Judge W. Conwell Smith suspended the prison term for Brenner, who lives in the 3900 block Dolfield avenue, but required payment of a $4,000 fine.

Youths Get 20 Years Each

The leniency shown Brenner by the court was cited later by counsel for two youths convicted in a series of robberies. Their attorney urged similar leniency and declared the combined age of the youths was exactly equal to Brenner's.

Their counsel also pointed out that Brenner had apparently planned and committed his frauds over a period of more t[illegible] while the youthful defe[illegible] committed a series of c[illegible] about two months during a [illegible] "wild spree."

Judge Smith sentenced these two defendants—Roy E. Calhoun, 19, and Carl E. Blair, 18—to twenty years each in the Penitentiary when they admitted stealing seven automobiles and obtaining about $1,000 in the series of armed robberies and burglaries.

Involved Sale Of Metals

Brenner had been accused of defrauding the pawnbroker—Harris D. Miller, 83, of the 2400 block Eutaw place—of $282,026.10, but the State accepted the defendant's plea of guilty to defrauding the elderly man of about 60 per cent of the amount named in the charge.

A probation department report disclosed that Brenner also had agreed to turn over an estimated $40,000 worth of scrap steel to Mr. Miller as partial restitution.

The fraud charged to Brenner was accomplished through approximately 700 separate transactions involving the purchase and sale of scrap metals, according to William J. D'Donnell, who prosecuted the case.

Brenner, a scrap-iron broker, received a total of $1,633,531.27 from Mr. Miller to purchase the scrap metals, but accounted to the pawnbroker for only $1,351,505.17, the court was told.

The original agreement between the two men called for Mr. Miller to advance the money to purchase scrap, it was disclosed. The two men were to share equally the profits on resales.

However, many of the transactions supposedly completed were actually fictitious and, in some instances, Brenner paid Miller profits on nonexistent deals, using new advances from the elderly man to pay those profits and obligations resulting from prior advances, the court was informed.

Mr. O'Donnell and Henry Siegel, counsel for Brenner, told the Court Mr. Miller is in such poor health he would be unable to attend a long trial.

Mr. Siegel said friends and relatives of Brenner had raised about $20,000 to aid him in paying the fine, court costs and restitution.

The probation report and his counsel said Brenner is without funds and that much of the fraud total actually was repaid to Miller with the understanding it was "profits."

Brenner's own business at the time the fraud was discovered showed a net loss of about $51,000, the probation report stated. It further pointed out that on some of the purchases, Brenner lost heavily on resales because of a serious break in the scrap market.

EVE-SUN-4/26

Man Who Helped Find Gem Cache Gets 5 Years

George M. Abt, the former jail prisoner who aided police in recovery of buried stolen jewelry that a cellmate mentioned to him, today was given a five-year Penitentiary term.

Abt, 34, admitted a series of bad checks, including several that were passed while he was supposedly aiding police, and in addition he was convicted of larceny, fraud and false pretense.

The main item in the series of eighteen charges was an accusation of larceny after trust, involving $4,900 Abt obtained last summer from a 36-year-old widow, mother of four children, who said Abt told her he planned to marry her. Actually, the man has a wife and two children.

Chief Judge W. Conwell Smith, in refusing a defense plea for probation and psychiatric treatment, declared:

"The main trouble with this man is that he has an abnormal desire to enjoy other people's money."

Psychiatric Report

Dr. Manfred S. Guttmacher, court psychiatrist, had reported that Abt was mentally responsible and quite intelligent, but that he was an unstable person and apparently a psychopath. Carlos Schoenrich, psychologist attached to Dr. Guttmacher's office, reported that tests showed Abt was the kind of person who couldn't admit his true feelings and reactions even to himself.

Mrs. Josephine Benizio, widow who lost the $4,900, testified.

"I gave it to him because he was going to marry me. All I know is that the money's all gone. After my money was gone he never came around any more."

J. Harold Grady, assistant State's attorney, pointed out to the court that Abt was released on bail while he was aiding police in hunting for stolen jewels buried by Donald Cave, burglar, who had told Abt where some of the jewels were buried.

Judge Smith was told that Abt had received a $150 reward from the owner of some of the recovered gems.

Detective Lieutenant Edward Dunn arrested Abt last winter after investigations of check charges. The defendant gave an address in Rosedale.

MORN-SUN 5/1/50

PROSECUTOR'S POST SOUGHT BY O'DONNELL

Wells's Aide To Run For Democratic Nomination For State's Attorney

William J. O'Donnell yesterday announced his candidacy for the Democratic nomination for State's attorney of Baltimore city.

Mr. O'Donnell, a graduate of Loyola College and the University of Maryland Law School, has been an assistant State's attorney for more than four years and was a naval intelligence officer during World War II.

Rumors Confirmed

His official announcement confirmed rumors he would enter the race for the prosecutor's post, left open when J. Bernard Wells declared his intention to retire at the end of his present term.

Already a candidate, with Mr. Wells's support, is Anselm Sodaro, senior assistant in the State's attorney's office.

Mr. O'Donnell said he will file the necessary papers with the office of the Board of Supervisors of Elections today.

He said friends in professional, civic, fraternal and veterans' groups had urged him to run. He then pledged, if nominated and elected, "honest, vigorous and intelligent administration of the criminal law without partiality or prejudice, and regardless of race, creed or color."

Native Of Baltimore

Born in Baltimore in 1916, he is the son of Mrs. Mary McCormick O'Donnell, of 1531 Windemere avenue, and the late Joseph F. O'Donnell, who for years was magistrate of the Southern Police Court.

Mr. O'Donnell attended Loyola High School as well as Loyola College. On his graduation from college in 1937 he became law clerk and secretary to Chief Judge Samuel K. Dennis, of the Supreme Bench of Baltimore, a post he held while he was attending law school.

He was admitted to the State bar in 1941, prior to his graduation, with honors, from law school. The same year he became an attorney for the Board of Economic Warfare, serving in the division in charge of export control of strategic war materials.

Volunteers For Navy

He volunteered for the Navy soon after war was declared, was commissioned and assigned to naval intelligence. He served in the Navy until early in 1946 and became an assistant State's attorney March 1 of that year.

As one of his first important assignments as a prosecutor, Mr. O'Donnell presented most of the State's case against three men who, during a waterfront labor dispute, used a fire bomb on a Thames street lodging house, causing the death of six foreign seamen.

These defendants were convicted and all three men sentenced to life imprisonment.

Other Cases He Handled

He also prosecuted the case against two holdup men who murdered Orval E. Ericson, operator of a Baltimore Transit Company trackless trolley, and the case against Edward Grear, Negro, who fatally shot Patrolman John Arnold, of the Northwestern district. The defendants in both slayings were convicted and sentenced to hang.

Mr. O'Donnell also prosecuted Delmas Edward Bozman, Coast Guardsman who was brought back from a remote lighthouse in Chesapeake Bay to be tried in the holdup-slaying of Cornelius Arthur McDowell, Jr., a taxicab driver. Bozman was convicted and also sentenced to hang.

While he was in the Navy, Mr. O'Donnell served for fifteen months as an operational intelligence officer on the staff of the deputy commander of the Atlantic Fleet. One of his assignments involved the questioning of the crew of the captured German submarine U-555, the first enemy warship captured by this country since the War of 1812.

Assigned As Counsel

When he returned to the United States following VE Day, he was assigned as a member of the defense counsel staff of the general court martial of the Secretary of the Navy. He was released from the Navy in December, 1945, and had been out of uniform only two weeks when he was recalled to active duty to serve at an important court martial where the defendant was a navy captain.

Mr. O'Donnell is married and has two young daughters. His wife is the former Miss Nancy Teresa Daniels, daughter of Dr. and Mrs. Thomas F. Daniels. They live at 4004 Deepwood road.

Mr. O'Donnell is a member of the American Legion, the Veterans of Foreign Wars and the Catholic War Veterans. He has served on committees of the American, Maryland State and Baltimore bar associations.

Others May Run

He is also a past president of the Loyola College Alumni Association and is a member of the Hibernian Society.

William L. K. Barrett, who ran second to Mr. Wells in the Democratic primaries four years ago, has said he will be a candidate for prosecutor but has not yet filed.

State Senator George W. Della (D., Sixth Baltimore) also has indicated he may seek the Democratic nomination.

EVE.SUN 5/2

Man Gets Parole To Take Treatment

A 32-year-old man who described himeself to psychiatrists as "a louse" was placed on probation on a robbery charge today for special psychiatric treatment.

The man, Milton Miller, was charged with the robbery of a Garrison boulevard storekeeper last February. Judge Michael Manley, in Criminal Court, accepted the recommendation of psychiatrists, who said Miller had a "psychopathic personality" and that confinement would do him no good.

Sentence Suspended

The judge gave him a three-year sentence, then suspended the sentence and placed Miller on probation for five years to take psychiatric treatment.

Miller, who lives in the 3800 block Dolfield avenue, seemed repentant, according to the psychiatrists who recommended treatment. They said he told them he had needed money to provide gifts for a girl friend.

Holding his hand in a pocket to simulate a pistol, Miller took $17 from Herbert Hirschowitz last February 16, it was charged.

He has a criminal record.

MORN SUN-5/5

FUNDS SHORT, CITY CASHIER DISAPPEARS

$2,131 Deficit Discovered In Accounts Of Bureau Of Receipts Employe

A cashier in the city Bureau of Receipts disappeared on Monday with a $2,131.83 shortage in his cash accounts, it was disclosed yesterday.

Police, the State's attorney and the man's bonding company have been notified, Mayor D'Alesandro said late yesterday when he revealed the disappearance and the shortage.

Officials declined to name the man because, they said, recurrent heart trouble may be the reason he has not been at his home or at his job for more than three days.

City Employe 11 Years

However, the Mayor said the man had been employed by the city for about eleven years, had a city-service rating as a cashier and had been working at a window in the Bureau of Receipts.

He worked at his job in that office on Monday until 4.30 P.M.—the customary quitting time, the Mayor said.

Early Tuesday the funds were missed during a routine accounting by Heber S. Dixon, chief cashier, Mr. D'Alesandro continued.

From the employé's family, city officials learned the man had not been home the night before. His books were then reaudited.

On Wednesday the man was listed with police as a missing person.

Bond Protects City

The Mayor said John J. Ghingher, city treasurer, and Howard C. Beck, Jr., city auditor, reported the shortage to him yesterday.

"The city is protected by a blanket bond," said Mr. D'Alesandro, "and I am immediately referring this matter to the State's attorney and the bonding company."

J. Bernard Wells, State's attorney, said last night he would name today an assistant to investigate and prepare the case for the grand jury.

EVE.SUN-5/5

Jury Urges Jail For Numbers Violators

The retiring Baltimore grand jury today recommended jail sentences instead of fines as a way to curb the numbers racket in the city.

It also urged improvements at mental and public hospitals and suggested that the park police should be merged with the Baltimore Police Department.

Among the recommendations of a special hospital subcommittee were:

1. That Sydenham Hospital, being closed by the city, be used as a tubercular hospital.
2. Establishment of a State hospital for incurables, possibly utilizing buildings which Sinai Hospital expects to vacate.
3. That a floor at City Hospitals be set aside for alcoholics and derelicts who now are sent to jail.
4. Immediate installation of "an adequate water supply line" at Spring Grove State Hospital.

In criticizing some of the conditions at Spring Grove, the hospital committee, headed by Mrs. Helen V. Cann, said, "This is indeed an institution of forgotten men."

Nursing Held Inadequate

The grand jury report was submitted by Clark J. Fitzpatrick, foreman. It said that the action of the last Legislature in failing to pass a bill aimed at gambling rackets was difficult to reconcile with "the avowed determination of the State to enforce the laws on illegal gambling."

Mrs. Cann's committee was critical of economies in appropriations that result in inadequate nursing facilities at State mental hospitals, and pointed out that these institutions are overcrowded and lack facilities for the proper treatment of patients.

Water pressure at Spring Grove has been defective for twenty years or more and there is not even enough pressure to provide regular showers for patients, it was reported.

The hospitals committee, however, stated that present appropriations are nearly triple 1946 funds and said the increase shows "public recognition of mental illness as a health problem."

Says Half Are Treated

Only about half the Spring Grove patients receive treatment and less than a dozen receive special modern treatment, it was reported. In speaking of lack of treatment, the committee noted that a large percentage of the patients in all the mental hospitals are either elderly or senile.

Numbers racket comments in Mr. Fitzpatrick's report pointed to the fact that gambling heads cannot seem to be convicted, although police claim to know them, Mr. Fitzpatrick suggested that Federal income agents someday may solve the problem.

The head of the retiring grand jury which has been in office since the first part of January noted that "lottery seems to thrive on persecution." He raised a question of whether the courts might not find jail sentences more effective than fines in an effort to deter the illegal gambling.

Time Consumed

Mr. Fitzpatrick asserted that "the net costs to the taxpayers" of the activities against the numbers racket "would probably be surprising."

In addition to lottery problems taking up much of the grand jury's time, he pointed out that 23 members of the police vice squad work on it, and then large numbers of police in the various districts likewise use much time in fighting gambling.

The jury head also urged a new study by the Legislative Council and the Legislature to clarify the laws permitting bingo under certain circumstances.

Called Incongruous

In suggesting the merger of the park police with the city police force, Mr. Fitzpatrick said that Baltimore is "one of few large cities with two police departments." The park force has 86 patrolmen, seven sergeants, four officers.

Calling the divided policing responsibility "an incongruous situation," Mr. Fitzpatrick pointed out that the Mayor's advisory committee in 1949 urged that most of the park functions be assigned to the regular force. Park officers might be maintained to preserve order and suppress vandalism as special officers, with the main policing done by the regular force, he proposed.

"The plan," Mr. Fitzpatrick reported, "should result in a substantial reduction of the park-police personnel, although we do not agree that it will not entail considerable augmentation of the Baltimore city force. In any event, we strongly indorse a proposal as common sense and desirable."

The report added its voice to that of the Supreme Bench and urged the city to increase the per diem pay of Baltimore jurors from $3 to $5.

Handed To Manley

The various reports were handed to Judge Michael J. Manley in Criminal Court. In commenting upon the volume of criminal charges, Mr. Fitzpatrick stated that it was estimated that "60 per cent of the principals and their families "were born in other states."

The jury head, as well as a special committee on liquor licenses, expressed the belief that "there are still too many liquor dispensaries in Baltimore, particularly in sections conspicuous for idleness and crime."

The committee urged stricter supervision over taverns and night clubs, and suggested that the Board of Liquor License Commissioners should be permitted to increase its staff to provide such control.

Inaction Deplored

The Penitentiary committee, headed by Harry E. Cook, added its recommendation to the hospital committee concerning hospital facilities for alcholics and indigent ill. The committee deplored public inattention to similar recommendations in the past, and called the inaction "an indictment of our city government."

The Penitentiary committee urged positive segregation of first offenders from old offenders in the City Jail, a new jail loan to improve the long-standing jail problem, assignment by the Supreme Bench of a judge to inspect the jail periodically, new efforts to provide work for inmates and prompt action on the proposed hospital for defectives.

The committee deplored reductions in the Penitentiary's budget appropriations, pointing out that only 36½ cents a day is available for food, with limitations being placed even on the amount of bread used by prisoners.

Bus Crowding Hit

The Sanitary and Nuisance Committee, headed by Culbard R. Hutcheson, cited television as "the cause of a lot of overcrowded bars and saloons."

Public bus overcrowding and bus speeding in the city transit system was blamed for many accidents by the committee. It also urged that for the sake of traffic flow, the police check on the real "emergency" of street work being done during traffic hours by the telephone company, Gas and Electric and transit crews.

In traffic recommendations, the committee urged placing of many new traffic signals, including a control light at Greenspring avenue and Druid Park drive. The committee said:

"We all know traffic conditions are bad in the city of Baltimore. We observed in many places that traffic is bottlenecked. One place for instance, is St. Paul street between Fayette and Baltimore. We suggest that it be made a one-way street."

NEWS-5/5/50

Grand Jury Assails Transit Co., Snarls In Baltimore Traffic

Lottery operations in Baltimore were termed "a fantastic business," traffic conditions were described as "bad" and the city's transit service was assailed by the retiring January term Grand Jury today.

With respect to lottery operations the jury suggested that jail terms rather than fines might prove useful in curbing operations of the numbers game operators, and added:

"Strange to note, it is impossible to apprehend and convict the overlords of the several syndicates, although the police claim to know the names of most of them. Federal income tax agents may one day produce the solution."

CITE BOTTLENECK

The jury also:

1. Cited a traffic bottleneck on St. Paul street between Fayette and Baltimore streets, and recommended St. Paul be made one-way at that point.
2. Recommneded Sydenham Hospital be used as a tubercular hospital.
3. Urged that a floor of the new infirmary at City Hospitals be used to house alcoholics and derelicts,, who now are sent to City Jail.
4. Advised installation of a traffic control light at Greenspring avenue and Druid Park drive.

HOSPITAL FUNDS

5. Recommended the State appropriate funds for a hospital for incurables, with Sinai Hospital—soon to be vacated—as a possible location.
6. Suggested members of the State budget committee visit mental hospitals and other State institutions before passing on appropriations.

In its comments on the Baltimore Transit Company's service the jury declared that busses are overcrowded and that many accidents have resulted from the "excessive speeds" at which the busses operate.

BLAST TAVERNS

The jury also turned its guns upon taverns and certain restaurants, noting:

Conditions of "dirt and filth" in food preparation; fire exits closed; overcrowding due to the presence of "two or three television sets" in some establishments; prevalence of "barflies and sitters" even in the better night clubs; and serving of alcoholic beverages to patrons already under the influence of liquor.

There are too many taverns and bars in Baltimore anyhow, the jury said, pointing out that there were 2,769 liquor licenses issues in the city as of June 20, 1949, with as many as 15 bars in a single block in some areas.

WIDESPREAD BUSINESS

The jury's report, submitted to the judges of the Criminal Court by Foreman Clarke J. Fitzpatrick, said the lottery business is so widespread in Baltimore that "in some neighborhoods no family would be without a 'Lottery Dream Book'."

The report went on to say:

"The law-abiding should probably feel less complacent, because any form of organized lawbreaking tends to cultivate the friendship and toleration of politicians.

WELL REGIMENTED

"Lottery backers, pick-up men, operators of turn-in stations, office workers, writers are well-regimented in Baltimore.

"Few of those arrested linger long in a cell, for professional bondsmen and legal counsel usually arrive in the police court on the heels of the accused.

"Excepting the operators of turn-in stations, no one in this five-and-ten business seems to have any other livelihood."

The report mentioned "the two police departments in Baltimore"—the regular city police and the park police—and endorsed the recommendation of the Mayor's Advisory Committee on the Budget that most of the functions of the park police be assigned to the Baltimore City Police Department.

In conclusion, the report urged that the pay of grand jurors be increased from $3 to $5 per day.

MORN-SUN-5/9

MAN CONVICTED IN CITY TEST 'SHAKEDOWN'

Floyd Byers, Ex-Smoke Inspector, Wanted $40 To Obtain License

Floyd Byers, former inspector for the city smoke abatement bureau, yesterday was convicted in Criminal Court of obtaining $40 from a brush plant workman on the promise to get a second-grade engineer's license for the man without a formal examination.

Chief Judge W. Conwell Smith deferred sentence pending possible filing of a motion for a new trial.

Judge Smith said he believed the testimony of John D. Hagen, employé of the William M. Ives Company on Frederick road, that Byers asked $43 for a license that "could be produced in 24 hours" without the necessity of appearing before an examining board.

For "Club's Campaign"

The actual cost of the license is $3, according to testimony produced by J. Harold Grady, who prosecuted the case.

Hagen further testified he was told that the side payment would be used for the "club's campaign."

Evidence disclosed that two members of the State Board of Examining Engineers—Ernest E. Green, chairman, and Harry W. Hauf, associate member — were formerly board members, along with Byers, of the New Civic Democratic Club.

Both Mr. Green and Mr. Hauf appeared in the case as defense witnesses. Both of them attempted to criticize the manner in which Ives conducted his business, but Judge Smith refused to listen to their testimony in that regard on the grounds it had nothing to do with the case.

Money Was Returned

Byers contended he merely had offered to instruct Hagen in preparation for the examination before the board. He denied he suggested a payment of $40 for his services. Byers said before he took his examination, he had received similar assistance.

Hagen paid the $43 to Byers, but on the advice of Ives, demanded its return the same day and got his money back, Judge Smith was told.

Judge Smith acquitted Byers of another charge of attempting to obtain $50 from George D. Shriner, an engineer, by means of false pretenses.

Shriner Tells Of Visit

Shriner testified that shortly after Byers was indicted, Green came to the Ward street plant where he works and said:

"It's a good thing I found you in here. I'm looking for a place to sneak in and catch you out of this boiler room. I put that license on the wall and I can take it off."

Shriner further testified that he was approached during the course of the trial yesterday by Green, who said:

"I thought you were my friend."

Buffington Started It

The witness said when he asked, "Why?", the board chairman replied, "You'll find out."

The charges against Byers resulted after Delegate Buffington (D., Third Baltimore) charged on the floor of the recent General Assembly that the whole affair had been probed by State police and the atorney general's office for Governor Lane, but the matter had never been reported to prosecutors.

Delegate Bufington labeled the incident involving the engineers a "political shakedown" and demanded that a report be submitted to J. Bernard Wells, State's attorney. Mr. Wells subsequently submitted the cases to the grand jury.

MacCrowe Trial Is Delayed Again

Trial of Dr. Albert E. MacCrowe, former Liberty Heights avenue physician, and nine other persons on abortion and conspiracy charges was postponed yesterday by Chief Judge W. Conwell Smith in Criminal Court, despite objections by prosecutors.

Judge Smith postponed the trial until June 1 after counsel for Chris T. Campbell, a contractor and one of the defendants, sought a delay on the grounds that Campbell will not have completed certain contracts with the State before the first of June.

J. Bernard Wells, State's attorney, and Anselm Sodaro, assistant prosecutor, opposed the changing of the trial day from this Thursday to June 1 on the grounds that the trial already had been [illegible]

MORN-SUN-5/9

HORSE MEAT INQUIRY SET

Prosecutors Reveal Plans For Complete Investigation

There will be a thorough investigation by Baltimore detectives of the circumstances surrounding the existence of 3,500 pounds of horse meat on the premises of a local sausage concern, it was disclosed yesterday by J. Bernard Wells, State's attorney, and Anselm Sodaro, assistant.

The two prosecutors announced plans to conduct the complete probe following a meeting in the State's attorney's office with officials of the city and State health departments and with Edwin A Harlan, deputy city solicitor.

Partner In Firm A Suicide

The investigation will be aimed at determining whether there has been any violation of the State health laws or a city ordinance, Mr. Sodaro said.

The announcement of the probe came within a few hours after Dr. Russell Fisher, city medical examiner, reported that Henry Greenebaum, partner in the firm where the horse meat was found last Saturday, had committed suicide by shooting himself through the head.

Mr. Greenebaum was found in a critical condition from the gunshot wound at his plant office at 121 Willard street on Sunday. He died early yesterday morning.

Hearing Postponed

Greenebaum, who was 48, was a coproprietor of the Baltimore High Grade Sausage Company, along with William Zimmerman, of the 2300 block North Monroe street.

The owners of the meat plant had been ordered to appear yesterday before the city Bureau of Meat Inspection, but the hearing subsequently was postponed.

MORN-SUN 5/3

O'Donnell, Sodaro Back Ober Oaths

Two candidates for the post of chief prosecutor for Baltimore city yesterday expressed willingness to sign loyalty oaths required by the Ober law, shortly after a ruling that the oaths are mandatory for candidates for public office.

Hall Hammond, attorney general, gave the ruling. Spokesemen for the Progressive party promptly announced their candidates would challenge the oath requirement in court.

William J. O'Donnell and Anselm Sodaro, candidates for the Democratic nomination for State's attorney, supported the loyalty oaths in separate announcements.

EVE.SUN-5/1

O'Donnell Files Bid For Prosecutor

William J. O'Dennell today made official his bid fo rthe Democratic nomination for State's Attorney of Baltimore.

With Anselm Sodaro, Mr. O'Donnel is the second aspirant to file his candidacy with the Supervisors of Elections to succeed his incumbent, State's Attorney J. Bernard Wells.

Mr. Wells announced last month that he will end his career as the city prosecutor when his fourth term in that office expires this year.

NEWS-5/1

William J. O'Donnell today had announced his candidacy for the post of State's Attorney which will become vacant at the retirement of J. Bernard Wells. Mr. O'Donnell, a graduate of Loyola College and the University of Maryland Law School, at present is an assistant State's Attorney. In the campaign he will oppose Anselm Sodaro, another aide of Mr. Wells, who also has entered the field.

NEWS-5/8/50

The State

A PARTNER IN BETTING

By JAMES A. NEWELL

In view of the commotion about bookmaking and related activities, I find recent remarks by that veteran prosecutor, State's Attorney J. Bernard Wells, most pertinent and stimulating to reflection.

Having concluded "from the number of these (bookmaking) cases going through our courts that the operation is quite general," he proceeds:

"However, in view of the fact that our State has such a large financial interest in the business and has licensed tracks in every section of the State, authorizing racing throughout most of the year, I am not surprised when some of our enterprising citizens decide to set up shop for themselves.

BAD EXAMPLE

"Of course, their operations are against the law and must be condemned, but under the circumstances, it is hard to get all lathered up about it."

It is evident that Mr. Wells thinks the State is setting a bad example, and he goes on to say:

"When the State decides to go out of partnership in the racing business, clandestine and bootleg gambling will be much easier controlled."

Note Mr. Wells' use of the word "partnership" and then consider how that partnership has developed during the thirty years that racing has been under State regulation.

At the outset the State licensed and taxed the tracks—the big tracks, that is, for the half-mile (county fair) tracks as they have now developed and the trotting tracks, as we are now beginning to get them, did not figure.

$6,000 FEE

The State imposed a license fee of $6,000 a day for each day of racing at each track. It also imposed a tax of 15 per cent on net revenues. This was a minor item and the only variable factor.

Later the State, ever seeking more revenue (an old story) exacted a percentage of the pari-mutuel "handle." One per cent was the first cut, then two per cent.

Then came the revolutionary change in State policy towards the race tracks and race-track betting. The daily license fee was cut to $1,000; the 15 per cent net revenue tax was abolished, and the State's cut of the mutuel "handle" was increased to four per cent.

The State as a licensor of the tracks became subordinated to the State as a partner of the tracks in their betting enterprise, with almost an equal share—a 40-60 division and spit the breakage.

The State thus not only condones betting; it participates directly in the rake-off.

THE ENTERPRISE - April 27, 1950 / EVE. SUN 5-9-50

Wells Has Performed Duties As S. A. Above Reproach; Hopes Sodaro Succeeds Him

By KENT WALLACE

J. Bernard Wells, our erstwhile State's Attorney, who at long last decided not to run for re-election, can leave his office at year's end with the satisfaction of a "job well done."

"Bernie," as we like to refer to him, met all challengers on several occasions and always came through with flying colors, receiving at the hands of the electorate, thumping majorities over his opponents.

Spotless Record

This was due to several striking reasons:

First, Bernie's home life is spotless; he's a religious family man, who has successfully raised fine children.

His record in office is spotless, too, for no one can point a finger at him and state that he has committed a single unworthy act.

He has been surrounded with a group of "eager beavers" (a decided asset to any public office) who have sought constantly to carry out their duties and see that justice triumphed.

No Major Crime Wave

Baltimore city has no major crime wave and a good bit of the credit for this can be given to Bernie Wells and his staff—and, of course, the Baltimore City Police Department. The law enforcement agencies have worked harmoniously and with dispatch. Baltimore has a million inhabitants.

Election time is drawing near and hats already are in the ring for Bernie's job. Mr. Wells' selection for the post is a highly qualified member of his office, Mr. Anselm Sodaro, who has made many friends.

There will be at least a half dozen candidates contemplating running for the State's Attorney Office.

Gubernatorial Race

On the gubernatorial front the picture remains about the same. Governor Lane wants to succeed himself and he'll be opposed by a couple of Democrats who, too, want to be governor. Right now it looks like Lane may have a bit of an edge. However, by the time summer rolls around the picture may change.

Candidates for the State Legislature are warming up and as soon as the crab feasts start in full swing and the bungs boom out of the kegs, we'll be treated to some real political arguments.

Tydings Will Win

In the U. S. Senate race it looks like Senator Tydings will not be opposed by Democrats in the Primary.

EVE. SUN - 5/9/50

Endorsing

ANSELM SODARO

We, the undersigned, representing the present head of the State's Attorney's Office, and members of his staff, urge the election of Anselm Sodaro as State's Attorney of Baltimore City. His splendid work over a period of twelve years, and his eminent fitness to carry on the work of this most important office, impel us to give him our full support.

J. BERNARD WELLS
WILLIAM H. MAYNARD
MORGAN M. BUCHNER
EDWIN A. GEHRING
J. HAROLD GRADY
SAUL A. HARRIS
CHARLES E. ORTH, JR.
JAMES F. PRICE
WILLIAM L. SISKIND
JOHN C. WEISS

By authority of G.C.A. Anderson Political Agent

In The
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Manhunt Studied To Reduce City Relief Load

By T. Denton Miller

New steps today are being taken to start a broad-scale "manhunt" in expectation of saving Baltimore taxpayers hundreds of thousands of dollars annually.

"Manhunt" representatives of six public agencies of government are meeting late today at the Courthouse, at the call of Judge Joseph Sherbow, following a suggestion by Thomas J. S. Waxter, director of the department of public welfare.

The problem arises in part from the hundreds of missing fathers and family heads, whose dependents are thrown on relief rolls for support.

At least $250,000 annually, it has been estimated, is being paid out as relief for families where the family head has disappeared, although he often is living somewhere in the city at an address unknown to the authorities.

Evil Outweighs Burden

Mr. Waxter points out that the evil is far greater than the burden thrust on the relief rolls.

Thousands of families, the welfare director asserts, eke their way along through earnings of wives and children without calling on relief aid. They too, he points out, well deserve full public assistance in tracking down the absent family heads.

Many public officials, however, feel that in a large percentage of cases the wives who seek relief are not too anxious to have the absent family head apprehended. Morgan M. Buchner, assistant State's attorney in charge of the Domestic Relations Bureau of the prosecutor's office, points out that many women in the low-income strata are "conditioned to relief."

Steady, reliable relief income often seems to them preferable, Mr. Buchner suggested, to the uncertain fluctuating and unreliable income of a wage-earner without a steady job. Thomas P. MacCarthy, deputy probation officer in charge of court collections, agreed.

Judge Cited Problem

Judge Sherbow himself cited the problem last February 23 at the annual meeting of the Prisoners Aid Association. In a speech at that time, he urged the public to consider the crime of "absconding fathers" as a serious matter.

"I dare say that if a man were wanted for passing a few hundred dollars worth of bad checks he would be hunted down and eventually apprehended. I have also seen nonsupport cases in which the missing defendant has cost the taxpayers hundreds, if not thousands, of dollars in relief grants for the support of his wife and children," the judge said.

"I think it is obvious now that there is a need to recognize desertion and nonsupport as a serious offense. There should be sufficient funds available to extradite the men who hope to escape responsibility by fleeing to other states."

Tough Policy Continued

Judge Sherbow, this year in charge of nonsupport and desertion cases in Criminal Court, has continued a "get-tough policy" inaugurated last year in the same court by Judge E. Paul Mason, and which resulted in greatly augmented family collections.

Judge Mason had started the program of imprisonment for ignoring orders, and found that the money to pay up the obligations usually was forthcoming after comparatively brief stays in jail.

In his February speech, Judge Sherbow likewise spoke of the fact that many women prefer relief to uncertain support of the wage-earner. Such women were "in many cases a reluctant, if not a hostile, witness for the State," he said.

"The reason for this is obvious. If a man is missing and there is no court order imposed upon him she may receive the full allowable relief grant and be guaranteed a steady monthly income. However, if he is placed under a court order, this amount is deducted from her grant and she must depend upon his compliance to receive the allowable amount of relief."

Mr. Waxter, in a letter to Judge Sherbow last April 28, called attention to the fact that the known list of families receiving relief assistance where the whereabouts of the father is unknown exceeded 200 at that time. Mr. Waxter suggested a meeting to plan concerted action of various agencies.

Judge Sherbow therefore called for today's meeting with Police Commissioner Beverly Ober, Sheriff Joseph C. Deegan, Mr. MacCarthy and Mr. Buchner.

MORN SUN - 5/10/50

'Dick Tracy' Twist Is Added To 'Fantastic' Night Of Crime

A man who held up taxicabs and later started driving one for a living was found guilty in Criminal Court yesterday in a series of holdups and assaults "as fantastic," in the opinion of Judge Joseph Sherbow, as a "story-book" crime sequence.

Some inconclusive private sleuthing by an amateur "Dick Tracy" was a "fitting" climax to the "most fantastic series of events" ever brought before him in court, Judge Sherbow observed.

Drove For Same Firm

Earl Knight, 32, the convicted bandit, was found guilty by a jury at the close of a two-day trial. Judge Sherbow said he would impose sentence next Wednesday.

The Dick Tracy of the "plot" was Vincent A. Santos, taxi driver and victim of one of the robbery attempts.

According to testimony, only a few weeks passed after Santos was held up when Knight went to work for the same cab company. Santos was almost certain he recognized Knight, but did not notify police for three months while he unsuccessfully tried to investigate the case on his own, the court was told.

In The Space Of An Hour

According to testimony produced by Alan H. Murrell, prosecutor, crimes charged to Knight occurred within a period of about an hour last October 25. It all happened something like this:

John Speake, Pasadena (Md.) taxicab driver, was driving along North avenue at about 9 P.M. When he reached Linden avenue, the defendant got in the taxicab and asked to be taken to O'Donnell Heights. After proceeding a distance of about 20 feet, Knight, the passenger, said, "Let me see if I have my gun."

The defendant then exhibited a gun, and when Speake attempted to grab it, Knight threatened to shoot him. The passenger ordered Speake to drive on and then began looking in a paper bag for a certain "notched" bullet to use on the driver.

At Park avenue and McMechen street, when the taxicab pulled up alongside a bus, the passenger leaned out a window and shouted at the bus driver, "You're next." In the vicinity of Druid Hill avenue and Lanvale street, Knight demanded and received Speake's bills totalling about $7, but refused to take the small change offered him.

The passenger then got out of the taxicab pointed the gun at a Negro woman and asked her if she wanted a taxi. When she ignored him and kept walking, Knight pointed the gun at several passing automobiles.

Bullet Misses Mark

Theodore Alexander, Negro, was walking on McMechen street near McCulloh street when Knight approached him, exhibited a gun, and ordered him to keep walking. When Alexander reached his home at 1529 McCulloh street, he bolted into the vestibule. A shot fired by Knight at the fleeing victim missed its mark.

Edward M. Wagner, of the 3000 block Chestnut avenue, a taxicab driver, heard the shot and saw a man jump off the steps at 1529 McCulloh street. Wagner turned his head momentarily to look at something else when he heard another shot and a bullet whizzed past.

When Wagner observed Knight approaching his taxicab, he quickly drove off and sought a policeman.

Jumped From Cab

A few minutes later, Santos was waiting for a passenger to come out of a Pennsylvania avenue store when Knight entered the vehicle and said, "Let's go."

Santos explained that he was waiting for another passenger, but Knight pulled a gun from under his coat and ordered the driver to take him to the vicinity of the swimming pool in Druid Hill Park. While the taxicab was approaching a park building, Santos jumped out and let the cab continue until it struck the side of the edifice.

A few weeks later, Santos recognized Knight as his assailant, but decided to make sure by attempting to have fellow drivers ascertain whether the defendant had a gun and to have them take Knight to the park for firing practice so that he could get an empty cartridge. He meant to give the cartridge to police for comparison with empty shells found at the scene of the October 25 gunplay.

Police were not notified of Knight's involvement until about three months later. By that time, Knight had gone to his home in Virginia, where he was apprehended.

Knight gave a local address in the 1200 block Linden avenue.

ACTION TAKEN TO CUT RELIEF IN NONSUPPORT

Jailing Of Husbands Who Do Not Pay Foreseen As One Remedial Step

The first steps in a drive to make it much harder for a man to walk away from his family, throwing the burden of their support on the welfare department, were mapped yesterday.

Representatives of six public agencies which, one way or another, may be drawn into the situation when a husband goes "financially underground" met in the chambers of Judge Joseph Sherbow, who this year is hearing the nonsupport and desertion cases in Criminal Court.

The gravity of the problem, Judge Sherbow said after the meeting, was indicated by an estimate made during the conference that "the amount of relief paid in this class of cases may run as high as one-half million dollars a year."

Drastic Cuts Sought

The agency representatives hope to integrate their work to make a drastic cut in the number of relief checks sent to mothers in either of two situations.

The first is where a husband has been ordered, and has agreed, to make payments for family support but simply fails to do it.

Judge Sherbow has, in the current court term, been continuing the policy inaugurated by Judge E. Paul Mason, who heard nonsupport and delinquency cases last year.

Jail Has "Miraculous Effects"

Both judges have reported that "a taste of jail" has miraculous effects in bringing family-support payments up-to-date.

The second situation, which often costs the city more to untangle, comes when the wife will not cooperate with efforts to prosecute—or even find—her errant spouse.

In such a case, both Judge Sherbow and T. J. S. Waxter, head of the Baltimore Department of Public Welfare, have observed, the wife prefers the regularity of the relief checks to the more sporadic contributions of her husband.

There is more than a strong suspicion that in a number of these cases the husband and wife are acting in collusion.

Perhaps the most important step taken yesterday was for a survey of cases and further meetings of the group of officials, which included representatives of the Baltimore sheriff's office, the missing persons and detective bureaus in the Police Department and the department of probation of the Supreme Bench of Baltimore, as well as Judge Sherbow and Mr. Waxter.

Other Steps Taken

Other steps were:

1. A statement by Judge Sherbow that he will if necessary hear nonsupport and delinquency cases in his court every morning at 10 A.M. to eliminate the time-lag between the initiation of prosecution of a husband and his trial.

2. A recognition of the fact that, to make a significant dent in the problem, two assistants in the probation department of the Supreme Bench must devote their entire time to handling these cases.

3. Mr. Waxter's decision to appoint one person in the welfare department to "work" these cases and be the department's contact man for the other agencies.

4. A recognition by all those attending the meeting that the nonsupporting husband represented as much of a problem, financially, to the city as a forger or pick-pocket.

Those Attending

Those who attended yesterday's meeting included Thomas P. MacCarthy and Harry S. Cummings, of the court's probation service; Morgan M. Buchner, assistant State's attorney in charge of domestic relations; Joseph C. Deegan, Baltimore city sheriff; Lieut. George J. Miller, of the police Detective Bureau, and Sergt. Vincent Gavin of the Missing Persons Bureau.

All of them might be involved in a typical case, starting when Mrs. A. applies for assistance under the aid-to-dependent-children program because her husband has "disappeared."

The welfare department cannot give aid until all the legal resources open to her have been exhausted, so she is sent to her district police station or, more usually, to Mr. Buchner in the State's attorney's office.

Summons May Be Had

If she knows where her husband is, the assistant State's attorney will issue a summons for him to appear for a hearing and, if he fails to show up, can get a warrant.

If she cannot, or will not, tell where he is, a report is made to the missing persons' bureau, and the Detective Bureau may start looking for him.

If he is finally located, he may make an agreement, under the tutelage of the assistant State's attorney, to pay a fixed amount a week to the family's support.

Failure to meet these payments can lead the husband into court, this year before Judge Sherbow, where he will be ordered to make payments and his case will be turned over to the probation department.

What May Happen

After this, one of three things may happen. He may make his payments, he may disappear in Baltimore or he may leave the State. If he takes either the second or third choice, the court's "get tough" policy swings into action and when the law puts its hands on him he is usually headed for jail.

Getting rid of relief racketeers may break down at the beginning when the wife successfully "can't find" her husband.

But last year, more than $2,000,000 passed through the hands of the probation department from husbands whose families might otherwise have been on relief.

Man On Probation Gets 3-Year Term

Edward Moenius, 23, probation violator who is said to have a steady income from a substantial trust estate, yesterday was sentenced to not more than three years in the Male Reformatory on a burglary charge.

Moenius was convicted by Chief Judge W. Conwell Smith in Criminal Court of burglarizing used-car premises at 312 Fallsway and stealing 43 sets of automobile keys and a 1946 model car. He was arrested several hours later at a filling station in the 7200 block Pulaski Highway, where a window had been broken.

The accused was acquitted of a charge of attempting to burglarize the station because of insufficient evidence. John C. Weiss, who prosecuted the case, disclosed that Moenius on February 5 had been released on probation, following a burglary conviction, provided he take psychiatric treatment. Moenius failed to report regularly to probation authorities, Mr. Weiss said.

EVE. SUN - 5/10

Ober Specifies Who May See Police Docket

Police Commissioner Beverly Ober today issued a general order specifically defining who may and who may not inspect Baltimore police dockets.

The order, which followed the commissioner's request to Hall Hammond, attorney general, for advice, said the police would hereafter decline to show the records to any persons except:

1. Representatives of law enforcement or governmental agencies.
2. Authorized representatives of the public press.
3. The prisoner or his counsel.
4. The wife, father, mother or child of the prisoner.
5. Any other "interested persons seeking to aid the prisoner, if, in the judgment of the captain or lieutenant in charge, the request is bona fide and sought in the prisoner's interest."

Also When Subpoenaed

The record also will be shown, he said, when "the nature of the request is considered of special interest to this department" or "when subpoenaed by a court of competent jurisdiction."

In a statement following his order, the commissioner said that "the purpose of limiting access to the dockets is only to prevent their abuse by persons seeking the information contained in them for selfish reasons, personal gain, mere curiosity or malice."

He said his order has the approval of the Attorney General and other high ranking officers of the department.

Those Who May Not See It

After specifying who may see the police docket, the general order added:

"The intent of this order is that no person other than those enumerated above shall be entitled to examine the police dockets, which are records of arrest, for any reason whatsoever.

"This prohibition includes members of the department, who are not permitted to divulge any information contained in the dockets without the consent of the police commissioner."

The order specified that the name of each person taken into custody and the cause and circumstances of his detention "shall be entered on the docket immediately on his arrival at the police station."

Cites Policy

Commissioner Ober added that "it has always been the policy of this department to make records of arrests available to the press and to the prisoner, his counsel, and all others unselfishly interested in his welfare."

He said it was an "amplification" of orders issued in 1940 by Commissioner Robert Stanton and in 1947 by Commissioner Hamilton R. Atkinson.

The docket issue came up on March 30 of this year when Judge Joseph Sherbow reprimanded the Northeastern district police for refusing to let a lawyer see the docket. He said at that time that he wanted the police to understand that the dockets were public records.

Indicated Belief

Attorney General Hammond suggested that the judge was in error, and indicated his belief that the police records were "departmental."

At this same time, other persons raised the question as to whether refusal to open the dockets to the public might not mean a man could be arrested without interested parties knowing his whereabouts, unless police chose to issue such information.

At that time, Mr. Hammond said that the dockets were open to representatives of the press only as a "courtesy." There were requests from several quarters for a legal clarification of the question.

NEWS - 5/10

Welfare Cuts In Desertions Sought

A survey of desertion and nonsupport cases with a view toward reducing relief payments to abandoned wives and families was taken at a meeting yesterday of police, prosecution, probation and welfare officials with Judge Joseph Sherbow.

The plan is to make delinquent husbands assume more responsibilities for their abandoned dependents. The conferees plan to meet again on the problem in the near future. Besides the survey other steps were decided on.

Judge Sherbow said that, if necessary, he will hear desertion and nonsupport cases in his court every day.

It was recognized that the full time of two assistants in the probation department is needed to make any appreciable progress in reducing the desertion and nonsupport load.

The Welfare Department agreed to appoint one man to work exclusively on such cases and to be the contact man with the co-operating agencies.

Man Found Guilty In Threat To Judge

Charged with disorderly conduct when he rushed into Judge E. Paul Mason's court and asserted he wanted to hit the judge in the nose, Patrick P. Kelly, forty, 3600 block Edmondson avenue, today was found guilty and fined $10 and costs by Magistrate James R. Cadden.

Kelly, who has served a term set by Judge Mason, apologized, explaining he had taken "some pills and a few drinks" and didn't know what he was doing when he

MORN SUN - 5/11

MURRELL GETS 'CELL' SUPPORT

Penitentiary Lifer Promises To Back Wells Assistant

When Alan H. Murrell, assistant State's attorney, recently decided not to enter the race for chief of that office he didn't know that at least one cell had been organized in his behalf.

But yesterday, Mr. Murrell learned by letter that he had had the support of a Penitentiary lifetermer who, admitting that his support would not be of much avail, nevertheless promised the votes of his relatives and friends.

More than that, the Penitentiary prisoner declared that he would have been just as enthusiastic for Mr. Murrell if the assistant prosecutor had decided to seek the high office of Governor.

"Thoroughly Convinced"

"I am thoroughly convinced," wrote the prisoner, "that you are prepared to serve justice in a higher degree of real quality than any of our former chief State executives seem to have attained."

"It was none other than his Excellency Winston Churchill who said: 'A nation is judged by that measure of social justice it grants its citizens. . . .' It is clear to me that a State's attorney is the one very essential exponent of justice so visualized by one of the world's greatest men.

"Moreover, executive actions in criminal cases are a sort of final, but not lesser part, of that same justice.

"Means Toward End"

"Our parole and penal systems here in Maryland are important means toward the ends of justice which free society hopes to achieve. There are no reasons why these systems cannot be 100 per cent effective. Yet our prisons have been little more than a place of annihilation for many of the outcast there confined.

"I believe you are the gentlemen who can co-ordinate the many State agencies and system toward fulfillment of the State's and society's best interest, in course of your political career, and I trust the people of Baltimore city and the State of Maryland will not fail to recognize your talent in the coming and future elections where your tender of service appears."

Although flattered by the statements of his admirer, whom he does not know, Mr. Murrell still is firm in his decision not to seek public office.

EVE. SUN - 5/11

Man Is Acquitted After 19 Years

After nineteen years in a mental institution while charges of sending threatening letters were kept pending against him, George A. Smith, 54-year-old Negro, today was acquitted on the charge and freed by Judge Michael J. Manley in Criminal Court.

During his long stay at the Crownsville State Hospital, Smith had petitioned a number of judges for release.

At a hearing about two years ago, testimony before Judge Emory H. Niles was that Smith was "still psychotic" and insane, and that his delusions were addressed primarily against a Negro trained nurse who had brought the original letter charge.

Ruled As Love Letters

Judge Manley today ruled that the alleged threatening letters were no more than love letters. He told the complaining witness that passage of time probably had cured delusions of love. Psychiatrists previously had reported that one of Smith's delusions was that the nurse was in love with him.

The criminal charge had been stetted in 1931 to make it inactive, but after a series of letters from Smith, Judge Manley had the case reopened last month. At the trial he pointed out that the man had been confined nearly twice as long as the maximum punishment for such an offense if he had been convicted.

Reported Insane

Dr. Manfred S. Guttmacher and Dr. Jacob H. Conn., while serving as court physhiatric officers, had reported Smith as insane and subject to dangerous delusions. In 1948, Dr. Jacob Morgenstern, Crownsville official, also reported him insane and "potentially dangerous" although well behaved.

Testimony showed that Smith has been in charge of a ward at the mental hospital, and that he has done his work as efficiently as a hired employe might have. The hospital head said that he had no fear of trusting the man even around his own home at present.

City Orders Probe Of Fine Payments

Financial discrepancies in handling of installment payment fines has caused a special auditing investigation with a view to grand jury action, State's Attorney J. Bernard Wells disclosed today.

The matter was brought to the prosecutor's attention by F. Murray Benson, State director of probation and parole, through whose office the installment fines are usually collected.

Mr. Wells has assigned J. Harold Grady assistant State's Attorney, to the probe. An audit of the installment fines is being made by City Auditor Howard C. Beck.

Mr. Wells said that the matter would be referred to the attention of the grand jury at the conclusion of the audit.

MORN-Sc 5-12-5

SHORTAGE REPORTED IN CITY FINES

State's Attorney Asks Auditor To Check On Collections

A shortage in magistrates' fines collected by the State Division of Parole and Probation has been reported to the State's attorney's office for investigation and possible prosecution, it was disclosed yesterday by J. Bernard Wells, State's attorney.

Mr. Wells announced that he has ordered Howard C. Beck, city auditor, to make an audit of the books of the parole division and to submit a prompt report.

J. Harold Grady, assistant State's attorney, has been assigned by Mr. Wells to aid in the investigation of the shortage, reported to the prosecuting office by F. Murray Benson, director of the parole division.

Complaints Received

Although Mr. Wells has not been informed of the amount of the reported shortage, he indicated that it was not expected to be large. The prosecutor said he expects to have a conference this morning with Mr. Benson.

Mr. Benson said he did not know the amount of money involved.

"There have been complaints from persons who claim they have paid more than they have been credited with," the parole director asserted. "When the question arose, we naturally asked for an investigation."

The funds handled by the State parole office in the Old Town Bank Building, Gay street and Fallsway, come from installment payments of fines imposed by police court magistrates in Baltimore.

Under a 1941 statute, it was pointed out, magistrates were given the authority to permit a prisoner to pay fines on the installment plan. The statute further provides that a duly authorized State or city agency shall collect the installment payments.

Case Going To Grand Jury

Ralph S. Falconer, executive secretary of the State parole division, asserted yesterday that after the law was passed, an effort was made to have the Supreme Bench for Baltimore city supervise the collections, but the judges declined.

In December, 1941, the State division agreed to collect the imposts and remit the money to the city. Before 1941, a magistrate lacked authority to permit the payment of fines by installments.

Mr. Beck was called upon to conduct the audit because the funds eventually are remitted to the city.

Quarrel Over Dope Nets 10-Year Term

Convicted of shooting and seriously wounding a companion during an argument over the purchase of narcotics, James Plump, 28, yesterday was sentenced to ten years in the Penitentiary by Chief Judge W. Conwell Smith in Criminal Court.

Plump, a Negro, was convicted of shooting Adam McGuire, also a Negro, of the 1300 block Pennsylvania avenue, after the latter refused to take him to a man who could arrange for the purchase of dope.

Anselm Sodaro, assistant State's attorney, told the court that McGuire remained in a serious condition for several months following the shooting last December 18 in the vicinity of Preston street and Pennsylvania avenue.

EVE. SUN - 5/12

Bandit's Brother Returned Here

The brother of a man sent to prison for ten years for the top-pistol robbery of a Pratt street dental office has been returned to Baltimore to face a similar charge.

He is Rom Langston, 26-year-old Goldsboro (N.C.) seaman. His brother, Carl, is now serving a ten-year term in the Maryland Penitentiary.

A third man involved in the holdup last December 7 is still at large.

Rom Langston was arrested by detectives in a New York tavern Tuesday. He is now in the City Jail here and will go before the grand jury on four counts of robbery and one of assault and attempted robbery.

Dentist Robbed Of $30

Victims of the holdup were Dr. Jack I. Ingber, his nurse and three patients in the dentist's office at 2116 West Pratt street. Threatening the five persons with toy pistols, the three bandits trussed them up and robbed them of cash and jewelry.

Carl Langston had been a patient of Dr. Ingber, who was robbed of a wrist watch, a cigarette lighter and $30 in cash.

The bandits took $12 and a set of keys from the nurse, Miss Anne Sheehan, of 1811 Ramblewood road. They also removed a wrist watch from the arm of Miss Dolores Schmitt, of 1301 Wilmington avenue, and took $4 from William Clark, of 2235 Ramsey street. Mr. Clark and Miss Schmitt were patients.

One Escaped Loss

Mrs. Hazel Mowry, 25, of the 200 block South Smallwood street, also in the office at the time, escaped without loss, having left her purse in another room.

Rom Langston is charged with assaulting and attempting to rob Mrs. Mowry.

His brother pleaded guilty in Criminal Court March 29.

EVE. SUN-5/12

Fines' Shortage Probers Meet With Benson

Investigation of a reported shortage in magistrates' fines collected by the State Division of Parole and Probation was continued today with F. Murray Benson, head of the State Department, conferring with investigators.

J. Harold Grady, assistant State's attorney assigned to the probe by State's Attorney J. Bernard Wells, arranged for the meeting with Mr. Benson, who had reported the alleged shortage to the prosecutor's office.

Grand jury investigatiton of the matter will be deferred until completion of an audit being made by Howard C. Beck, city auditor, it was stated.

Amount Not Disclosed

The shortage is believed to be small, although the amount has not been disclosed.

Mr. Benson has revealed that some persons paying fines by installments reported that they had paid more than was credited in their favor.

Installment fines were permitted under a 1941 statute, but the law provides that the collections be made by an authorized agency. The power was placed in the State Parole office.

Imposed By Magistrates

The funds handled by the State Parole office come from installment payment of fines imposed by police court magistrates in Baltimore.

Ralph S. Falconer, executive secretary of the State Parole division, said that after the law was passed permitting installment payments, an effort was made to have the Supreme Bench of Baltimore supervise the collections.

MORN. SUN-5/13

EXTORTION CHARGE ACQUITTAL RULED

Witness Found Unqualified In Case Involving Ex-Waitress

Miss Nellie Smith, 29-year-old former waitress, yesterday was acquitted of a charge of attempted extortion of $500 from an East Baltimore tavernkeeper after one of the main prosecuting witnesses, a convicted perjurer, was ruled unqualified to testify in the case.

Miss Smith, also known as Nellie Acors, of the 2000 block Eutaw place, had been accused of extorting $500 from William Bandiere, who operates a tavern in the 500 block East Baltimore street.

Testimony before Chief Judge W. Conwell Smith disclosed that the defendant had collected the $500 through an intermediary, Angelo Perrera, who previously had been convicted of perjury.

Cites Insufficient Proof

Judge Smith ruled the State had offered insufficient proof of verbal threats to Bandiere.

State's evidence disclosed that the woman had lodged a complaint with the Baltimore Liquor Board that Bandiere was using "female sitters" in his establishment. Miss Smith formerly worked for Bandiere.

The complaint was made to the board on the same day that another woman accused of assaulting Miss Smith in Bandiere's tavern was acquitted of the assault charge, the court was told.

Subsequently, Bandiere testified, the woman demanded money through others in return for leaving the city and not prosecuting the accusation before the board.

Says He Gave $500

Bandiere said he gave the $500 in marked bills to Perrera after reporting the extortion demand to police. Miss Smith later was found to be in possession of the money after she was arrested in a restaurant where Perrera works, in the 600 block East Baltimore street, the judge was told.

Judge Smith directed that the money be refunded to Bandiere.

Jury To Receive Data On Deficit

Regardless of the amount involved in a reported shortage in the funds of the State Division of Parole and Probation, all information gathered during an investigation of the deficit will be presented to the grand jury for possible prosecution, J. Bernard Wells, State's attorney, said yesterday.

Mr. Wells announced his intentions to lay the facts before the investigating body following a conference with F. Murray Benson, director of the parole division, and J. Harold Grady, assistant State's Attorney.

Awaiting Results Of Audit

The prosecutor said he is still awaiting the results of an audit of the parole funds books by Howard C. Beck, City Auditor.

The shortage, disclosed recently by Mr. Benson, is said to be in funds collected from persons allowed to pay court fines in installments, by police-court magistrates.

The installments are paid to probation workers in the State agency and subsequently remitted to the city, it was pointed out.

Amount Said To Be Small

Prosecutors declined to identify the individual whose accounts are reported to be short.

Mr. Wells said the conference with Mr. Benson and Mr. Grady dealt with routine matters of handling the case in the event the audit supports the report of a shortage.

The audit report from Mr. Beck is expected within a few days. The amount of the shortage is said to be small.

EVE. SUN-5-15-50

2 Given Probation In Grocery Theft

Pleas of guilty in connection with removal of goods from a wholesale grocery concern today resulted in suspended four-year sentences for two men, who were released on probation upon making restitution totaling $22,500.

The two defendants were Reuben Silberman, 2700 block West Garrison avenue, formerly warehouse foreman for the wholesale concern, and Isadore Schultz, 3900 block Barrington road, independent grocer in the 700 block Washington boulevard.

Silberman pleaded guilty on a charge of larceny, while Schultz pleaded guilty on a charge of receiving stolen goods.

$70,000 Loss Charged

The groceries were taken from the Barre street plant of Louis Sachs & Sons. The indictment charged losses totaling $70,000 over a five-year period, but the defendants pleaded guilty only to the extent of $22,500.

Judge Michael J. Manley, in Criminal Court, said he would accept the recommendation of the prosecutor, Assistant State's Attorney Edwin A. Gehring, that probation be granted.

By a prior out of court adjustment, it had been arranged for Silberman to pay $5,000 in restitution and for Schultz to pay the remaining $17,500. Silberman was represented by Paul B. Mules, while Schultz's lawyers were Henry M. Siegel and Louis J. Sagner.

Owners of the business, Mr. Gehring explained, had been unable to account for losses and finally made a check on a delivery of goods to Schultz's store. They found a large part of the delivery was not charged against the man.

Delivery Checked

Police Lieutenants Leo Vogelsang and Millard Horton and Detective Sergeant Francis Murphy obtained statements from Silberman that he had received about $35 to $60 a load for uncharged groceries. The prosecutor announced that there was no evidence to back up the man's admission that the total might go to $70,000 and that the State, without the pleas of guilty, could not prove the full $22,500.

MORN-SUN 5/16/50

Manley Criticizes Raid Disrobing

Judge Michael J. Manley in Criminal Court yesterday criticized members of the police vice squad for requiring a defendant in a gambling raid to disrobe completely in a search for evidence.

Although police denied that Harry Cammarata, 49-year-old barber, was ordered to remove all his clothing, the defendant and one of his witnesses contended that all of the clothing was taken off in a room in the rear of Cammarata's barber shop in the 700 block Washington boulevard.

Cammarata was convicted of accepting race bets and of playing numbers. He was fined a total of $110.

Warrant Specifies Pockets

"I don't think they ought to subject a man to that indignity," Judge Manley declared. "I don't think the captain (Capt. Alexander Emerson, head of the vice squad) ought to do it."

Judge Manley then pointed out that the search warrant authorized police to "search the pockets" of suspected persons found in the barber shop.

"I don't think that a search warrant is broad enough to require a man to disrobe completely," he asserted. "I would never sign a warrant giving police the right to disrobe a man. They ought to have a little decency."

The raid on Cammarata's shop occurred last April 25. Police contended the man was ordered only to take off his shoes and to lower his trousers.

MORN-SUN-5-1/17

Taxicab Holdup Man Given 15-Year Term

Convicted of robbing a taxicab driver at the point of a gun, David Anderson, 21, of the 1000 block West Lexington street, yesterday was sentenced to fifteen years in the Penitentiary by Chief Judge W. Conwell Smith in Criminal Court.

Judge Smith said the sentence would have been more severe if it had not been for the age of the defendant and his comparatively good past record.

Anderson and Edgar A. Spencer, 21, both Negroes, had been accused of participating in a series of taxicab holdups, according to J. Harold Grady, prosecutor. Spencer already has been convicted of another taxicab holdup and is awaiting sentence. Mr. Grady stetted, or placed on an inactive list, remaining charges against the two men.

Anderson was convicted by a jury of robbing Herman Behringer of $20 last November 23 in the vicinity of Preston and Bond streets.

2 MEN PLACED ON PROBATION

Admit Participation In Theft Of $22,500 In Groceries

Two men who admitted participation in the theft or receipt of $22,500 worth of groceries from the wholesale firm of Louis Sachs & Sons have been given suspended prison terms and released on probation to make restitution.

Edwin A. Gehring, assistant State's attorney, accepted guilty pleas of the defendants—Reuben Silberman, warehouse foreman, and Isadore Schultz, Washington boulevard storekeeper — although the indictment charged theft or receipt of $70,000 worth of groceries.

Both Plead Guilty

Judge Michael J. Manley in Criminal Court accepted the statement of Mr. Gehring that both men were fit subjects for probation because of their good past records.

Silberman, who is 42 and lives in the 2700 block West Garrison avenue, had been working for the wholesale firm for more than twenty years, while Schultz has been a storekeeper in the 700 block Washington boulevard for many years, the prosecutor pointed out.

Mr. Gehring told the court it would have been difficult for the State to prove but a small amount of the theft charged. Silberman agreed to make restitution of $5,000, and Schultz of $17,500.

Silberman, who pleaded guilty to larceny, was sentenced to four years in the Penitentiary, but the term was suspended and he was placed on probation. Schultz, who admitted receiving stolen goods, was given a similar sentence.

Items Not Charged

Owners of the grocery business, in an effort to check losses, made an investigation of deliveries to Schultz and found that many of the items delivered were not charged to that defendant, Mr. Gehring said.

Detective Lieutenants Leo Vogelsang and Millard Horton and Sergt. Francis Murphy obtained statements in which Silberman admitted he received $35 to $60 a load for groceries delivered to Schultz, it was disclosed.

Paul B. Mules was counsel for Silberman and Henry Siegel and Louis J. Sagner were attorneys for Schultz.

EVE. SUN-5-17-50

Prosecutors Deny Mrs. Mohr Has Case For Acquittal

Baltimore prosecutors today filed a reply charging that Mrs. Audrey Delores Mohr should not be acquitted on her special plea against charges of larceny from her husband.

Mrs. Mohr, through her attorney, Howard C. Bregel, pointed out that she was still legally married to Carl R. Mohr and asked acquittal on the basis that Maryland law did not allow charges of one spouse stealing from the other.

The State's reply accepted the facts stated by the defendant, but contended they were "insufficient in law to sustain the defendant's motion."

A preliminary hearing is expected to be set before Chief Judge W. Conwell Smith to settle the legal point of whether a wife may be charged with stealing from a husband.

Two Numbers Players Fined

Two numbers players whose interest in their respective bets caused them to compare notes while at work paid fines of $10 and costs each as the result.

The two men, truck drivers, had pulled from their pockets the numbers slips which they had played and were comparing notes when a policeman chanced to pass and recognized the incriminating slips.

The two were James Jordan, 28, of the 1400 block West Lanvale street, and Edward Palmer, 30, of the 400 block North Ann street, both Negroes.

Judge Michael J. Manley in Criminal Court imposed the fines when Stanley Paul, defense lawyer, admitted the men violated the law by mere possession of numbers tickets. James F. Price was the prosecuting attorney.

EVE. SUN-5/18

2 Pointed Out In Court In $4,900 Theft

Mrs. Willis M. King today pointed out in Criminal Court two young men as the robbers who held up her husband and herself last November 17 in their Lakeside avenue home, taking approximately $4,900.

The youths were two of six men facing robbery and conspiracy charges in connection with two alleged plans to rob the Kings.

Mr. King is better known in the sporting fraternity as "Buzz."

The defendants, identified at their trial before Chief Judge W. Conwell Smith, are Thomas S. Catterton, 17, and William F. Geritz, 21. They were charged with the holdup of the couple at the King home at 1201 Lakeside avenue.

Four Others Await Trial

The other four men, charged with conspiracy for a second robbery, are awaiting trial.

Mrs. King explained that she and her husband had not reported the holdup for several months because she had pledged to the robbers that she would not report it if they would not carry out their announced intention of locking her and her husband in a cupboard.

She said she told the men she feared she and King would suffocate before help arrived if they were so shut in, and that the holdup youths dropped their plan.

Robbery Described

She and her husband had put away their automobile and were entering their home when she was pushed through the door by two masked men who had been hiding in the shrubbery, Mrs. King said. Both men wore handkerchiefs tied just below their eyes, hiding the greater part of their faces, Mrs. King said.

At first she thought it was a joke, but one of the men said: "It's no joke, it's a holdup," said the witness.

Faced with the robbers inside their home, Mrs. King urged her husband to hand over his money, including $3,500 which he had just drawn that day from a bank and which was still wrapped in bank tapes.

Urged Husband To Obey

She said to Mr. King: "Give them the money, because it's better to give them the money than to have a shooting and someone get hurt."

Mrs. King said she had a little more than $1,000 in her own purse. She said she opened it and handed over that money "because I wanted to get it over with as quickly as I could."

Anselm Sodaro and Charles E. Orth, Jr., assistant State's attorneys, called Mrs. King as their first witness.

The two defendants pleaded not guilty to the robbery charge.

BALT. SUN-5/18

POLICE ADVICE TO BE STUDIED

State Attorneys To Consider Law Legalizing Statements

As a result of the recent action of the Court of Appeals in the Mahlan-Kline murder case, members of the State's Attorney's Association next month are expected to advocate a law or rule which would make it proper to advise a prisoner that it would be better for him to "tell the truth."

The Maryland high court granted Thomas A. Edwards a new trial because of alleged improper statements by a Baltimore detective captain jury prior to the taking of a statement.

That change in the Maryland law and others affecting criminal procedures will be discussed at a special meeting of the State's attorneys in Ocean City on June 9 and 10.

State "In The Minority"

According to J. Bernard Wells, State's attorney of Baltimore and president of the association, Maryland's position with regard to the admonition to tell the truth is "definitely in the minority."

In a letter to all members of the association, Mr. Wells said:

"Our jurists are much governed in passing on the admissibility of confessions by the fact that the accused was or was not advised to tell the truth; supplemented by the further admonition that it would be better to do so, in which event the confession would ordinarily be declared inadmissible.

"A search of the various law reports throughout the country shows that the position of our State in this matter is definitely on the minority."

Cites Justice's Opinion

The Baltimore prosecutor contended that one of the Supreme Court justices has asserted that police could hardly be expected to advise a prisoner "to tell a lie."

The State prosecutors also will discuss an alibi witness bill which would require counsel for the accused, whose defense is an alibi, to advise the State some days in advance of the nature of the alibi and the witnesses to be offered in support of the alibi.

Discussions also will center around a bill giving the State the right to appeal in criminal cases. Mr. Wells pointed out that such a law in Connecticut has been held constitutional.

"In view of the many protecting statutes that have been passed throughout the years to assure the accused a fair trial, it becomes a matter of some concern whether or not a measure of this general nature, in the interest of the State, should not be passed to correct errors committed in behalf of the accused," Mr. Wells stated.

EVE. SUN 5/18/50

Theft By Wife From Husband Poses Issue

Whether a wife may be convicted of stealing from her husband in Maryland, today was put squarely before Chief Judge W. Conwell Smith in connection with the larceny and embezzlement charges against Mrs. Audrey Delores Mohr.

The question has never been decided in Maryland. Both the the State and the defense agreed that under common law in Maryland a spouse could not be held guilty of larceny or embezzlement from the other partner.

Cite Common Law

The State, however, contended that since the Married Women's Act of 1898, a wife could be prosecuted in such a case.

Mrs. Mohr, through her attorney, Howard C. Bregel, contended that the common-law rule is still in effect here. The question was presented to Chief Judge Smith through written, briefed arguments, to be decided as a preliminary proceeding arising from a special defense motion.

Both sides claimed to be backed by "the weight of authority" of courts on other states. As Anselm Sodaro and J. Harold Grady, assistant State's attorneys, pointed out in their brief, the question "is a normal one in Maryland."

Decisions Mentioned

They argued that the various "emancipation statutes" have changed the "common-law theory of conjugal unity with respect to the property of married persons."

The prosecutors cited decisions of seven states to back their stand, and claimed that they were supported by lower court decisions in two other jurisdictions.

They contended that married women had been held criminally liable for offenses against spouses as early as 1894 in Indiana. Other main decisions they cited were in Arkansas in 1904, in California in 1922, Kansas in 1927, Florida in 1946, Arizona in 1947 and Kentucky in 1948.

Discerns A Trend

Sodaro and Grady also contended that the decisions holding wives responsible were based on statutes much akin to the Maryland laws, and that the modern trend of cases backed the State's position.

They also declared that Maryland in 1931 had done away with the old common-law presumption that a married woman's crime in the presence of her husband was committed under his coercion. The Legislature thereby recognized "the individual status of a wife and her individual criminal liability.

Served As Employe

In addition, the prosecutors pointed out that Mrs. Mohr was charged with taking property of Carl R. Mohr, whom she married in 1947, while she was working as an employé in his automobile business.

They said the alleged offense was "first and foremost a business transaction made possible by the business relationship between employer and employé, the fact of the marriage between employer and employé being entirely secondary."

Mr. Bregel cited mainly the decisions of five states, Iowa, Ohio, Michigan, Illinois and Minnesota, with lower court decisions in New York.

He particularly mentioned a 1927 Maryland case which, while it did not rule on the point of criminal liability, held that the emancipation laws did not permit a wife to collect damages for civil injury from her husband.

In a later Maryland decision, the same theory was applied when a wife was prevented from suing a partnership of which her husband was a member, Mr. Bregel pointed out.

He cited the common-law rule as set forth in a law compendium, saying: "The legal unity of husband and wife in common law also made it impossible for the wife to be guilty of larceny in taking her husband's goods, even though she had been guilty of adultery and took them in the very act of running away with her paramour."

The defense lawyer asserted that the acts emancipating married women from the old common-law limitations in Maryland did not expressly warrant their prosecution for taking property of her husband. Many states where such criminal liability has been enforced have laws that specifically change the criminal liability, he argued.

MORN-SUN-5/19/50

3 Are Sentenced In King Robbery

Sentences of not more than fifteen years in the State Reformatory for Males were imposed in Criminal Court yesterday on two young men who pleaded guilty to robbing Willis M. King and his wife of about $4,900 last November 17.

Harry Bender, 34-year-old father, received a sentence of eighteen months in the Penitentiary for receiving $300 of the stolen money.

The 15-year term were imposed by Chief Judge W. Conwell Smith on Thomas S. Catterton, 17, of the 1300 block Pontiac street, and William F. Geritz, 22, of the 1300 block Cambria street.

Those two defendants pleaded innocent until they were positively identified by Mrs. King, and prosecutors succeeded in introducing in evidence confessions they gave to police. Then they changed their pleas to guilty.

Although the robbery occurred last November at the King home in the 1300 block of Lakeside avenue, police did not learn of it until more than three months later through a rumor, according to Capt. Fred L. Ford, of the Southern Police Court.

Testimony produced by Anselm Sodaro and Charles E. Orth, Jr., prosecutors, disclosed that the two men hid outside the home of the robbery victims until the Kings returned home in an automobile, and then robbed them inside the dwelling.

Bender, who worked at an engineering company in the 2200 block Sisson street, admitted he told Geritz, a coworker, that he knew King, known in sporting circles as Buzz, carried large sums of money because he had seen King lose as much as $5,000 at dice.

MORN-SUN 5/19/50

Wife Theft Case Support Is Cited

More recent statutes throughout the country support the contention of the State that a wife can be charged with stealing from her husband, prosecutors contended yesterday in a brief filed with Chief Judge W. Conwell Smith.

The written arguments were advanced in connection with the indictment accusing Mrs. Audrey Delores Mohr with the embezzlement or theft of $39,000 from Carl R. Mohr while she was serving as his bookkeeper in a Belair Road automobile agency.

Although admitting that under common law, a wife could not be guilty of larceny or embezzlement of goods of her husband, Anselm Sodaro and J. Harold Grady, prosecutors, contended that the Married Women's Act of 1898 abrogated the common-law theory of conjugal unity with respect to the property of married persons.

Howard C. Bregel, counsel for Mrs. Mohr, contends the common-law theory is still in effect in Maryland.

The question is a novel one in Maryland.

EVE. SUN-5/19

Youth, 17, Given 18 Months For False Alarms

Joseph Gray, 17, oldest of a juvenile group accused of sounding falst fire alarms, was sent to the reformatory for eighteen months today on charges of sounding 22 false alarms during the last year.

Judge Michael Manley, who sentenced the youth in Criminal Court, said the Fire Department regards Gray as "a menace to the community."

Although Gray was charged specifically with only 22 offenses, his companions told authorities that he and others of the group had turned in between 50 and 80 false alarms during a fourteen-month period.

The Park Heights avenue collision of two fire engines last year caused the group to stop sounding false alarms for a while, according to the report prepared by Chief Probation Officer Charles F. Snyder and William F. Gemmill, assistant probation officer. But the records showed no connection between the boys and that accident in which four firemen were killed.

Youngest Of 14

Gray lives at 1721 Longwood street. He is the youngest of a family of fourteen children. A former newsboy, he had been working as a part-time grocery clerk.

His juvenile associates in the fire alarm series, three boys aged 13, 14 and 15, are being held, by order of Juvenile Court Judge Charles E. Moylan, in the Maryland Training School. They were all arrested late in March.

A psychiatric report by Dr. Manfred S. Guttmacher said that Gray was a responsible agent, but that he showed a tendency toward becoming "a serious delinquent." A psychological report by Carlos Schoenrich, of Dr. Guttmacher's office, stated that tests showed Gray has "marked preoccupation with crime" and was given to "fantasies" of criminal acts.

The case was prosecuted by Assistant State's Attorney Saul A. Harris. Gray was represented by Samuel S. Levin, attorney.

Attempted Pen Break Fatal To One Probed

A full-scale investigation has been begun by Penitentiary officials into the attempted break from the institution yesterday morning by three prisoners.

The escape was foiled by a wall guard, who shot and killed Richard Henry Zlotkowski, 23, of Newark, N.J., after the prisoner made a 25-foot leap from a prison building roof to the top of a wall guardhouse.

Although the identity of the slain convict's companions has not been definitely established, authorities are questioning Frank Regalado, 22, also of Newark, and George A. Watts, Jr., also 22.

Hammer Not Found

Investigators are trying to determine how the inmates came into possession of a hammer, with which they threatened a sewing shop foreman in the building from which Zlotkowski jumped to the wall tower.

The hammer has not yet been found, said Col. Edwin Swenson. In all probability, he added, the weapon may never be located. He pointed out that if it came from a toolbox, Zlotkowski's confederates probably returned it. Also, the warden cited the many hiding places in G Building where the prisoners could have secreted the hammer.

Colonel Swenson said the probe may take days, or even weeks, to complete.

"And there is no assurance we will find out exactly how it was engineered," added the warden.

Entered Via Ramp

Colonel Swenson said the well-planned break was tried during the rain and its accompanying murkiness.

The trio entered G building, which is being remodelel into a factory, from C building via a ramp at the third floor level. Rushing up to the fourth floor, they threatened the shop foreman and climbed into the attic from steel drums they piled up.

Zlotkowski went through a skylight to the roof, leaping from there to the wall guard house where Guard George Erb was eating lunch. The thump alerted Erb, who had just time enough to get his gun up to fire point-blank into Zlotkowski's chest as the prisoner rushed into the kiosk.

The other two prisoners on G building roof, cowed by the shooting of Zlotkowski and the appearance of other guards, retreated from sight and apparently "got lost" among other inmates.

Worked As Team

Zlotkowski, who was serving 26 years, and Regalado, a Filipino serving 25 years, were sentenced last December for a series of five East Baltimore holdups committed by a "Mutt and Jeff" team of bandits. The taller member of the duo, identified as Zlotkowski, carried a shotgun during several of the robberies.

Police said the last known address of Zlotkowski, which he gave after being arrested in the holdups, is at 352 New York avenue, Newark. The body was taken to the morgue while police attempted to locate relatives.

Record Dated To 1937

Zlotkowski, according to FBI files, had a record dating back to 1937, when he was confined to a disciplinary home in Newark. Arrested in December, 1943, at Wilmington, Del., for auto theft, he was turned over to Newark police for prosecution on three automobile larceny charges, which resulted in imprisonment at the Annandale Reformatory.

A year later he was paroled, but less than two months later he was picked up for parole violation and returned to the reformatory. As Louis Paul Zemsky, he was listed as a deserter from the Marine Corps on March 8, 1949. He was arrested here later that year, shortly before Newark police asked that he be picked up for burglary there.

EVE. SUN-5/22

Beverly's Sentence Upheld In Fake Driver Card Case

When Cleveland H. Beverly, speeding motorist, was caught on a State highway last February, he was confronted by a State trooper who knew his long record and recognized that his motorist's cards were counterfeit, according to testimony in Criminal Court.

As a result, Beverly, a Negro with an address in the 700 block West Lafayette avenue, first faced charges of speeding and operating with a revoked license, but also eventually faced Traffic Court on an additional charge of obtaining a license by misrepresentation.

His record included two suspensions and three revocations of licenses.

The motorist, whose record extends back to 1938, had his license revoked in January on an earlier speeding case. The new and allegedly spurious license was taken up when he faced Traffic Magistrate Stephen P. Campbell.

Sentence Is Upheld

Judge Joseph Sherbow, when Beverly appealed from a six-month jail sentence on the misrepresentation charge, affirmed the magistrate's sentence, although Beverly already had served a three-month term in the House of Correction for the actual operation of a car after his real license was revoked.

Beverly's record, as supplied by the Department of Motor Vehicles, reads:

March 10, 1938—Larceny of automobile, six months House of Correction.
June 20, 1938—Hearing for above, license indefinitely refused.
October 22, 1938—Released from imprisonment.
January 31, 1941—License reinstated.
June 2, 1941—Reckless driving, $25 and costs.
June 25, 1941—Hearing for above, suspended two months and probation one year.
August 25, 1941—Reinsued.
March 5, 1942—Failing to give right of way, $10 and costs.
April 23, 1942—Hearing, suspended six months.
March 31, 1943—Failing to keep to right, $3 and costs.
May 1, 1943—Accident report, filed.
August 13, 1943—Reckless driving, $5 and costs.
August 16, 1943—Failing to stop at boulevard, $5 and costs.
August 27, 1943—Hearing for above, revoked.
November 19, 1943—Reckless driving, not guilty.
November 19, 1943—Operating on revoked license, $100 and costs.
November 19, 1943—Operating on license issue to another, $100 and costs.
December 17, 1943—Reckless driving, $10 and costs.
December 17, 1943—Operating on revoked license, $100 and costs.
March 12, 1945—Reckless driving, $50 and costs.
March 12, 1945—Improper speed, $25 and costs.
March 23, 1945—Hearing for above, license permanently revoked.
May 2, 1945—Permitting person to operate contrary to law, $5 and costs.
March 3, 1946—Lectured and shown pictures.
March 7, 1949—License reinstated.
May 1, 1950—Accident report, filed. (Two injured.)
May 13, 1949—Reckless driving, $5 and costs.
May 31, 1949—Hearing for above, probation three months, reprimand.
June 14, 1949—Failing to obey automatic signal, $2 and costs.
July 18, 1949—Hearing for above, suspended six months.
December 5, 1949—Operating on suspended license, $200 and costs.
December 5, 1949—Displaying license not his own, $100 and costs.
December 5, 1949—Exceeding 70 miles per hour, sentence suspended, $100 and costs.
January 9, 1950—Hearing for above, license revoked.
February 24, 1950—Operating after license revoked. Three months House of Correction.
February 4, 1950—Improper speed, sentence suspended, $10 and costs.
May 10, 1950—Obtaining license by misrepresentation, six months in jail.

Missing Cashier Held In Probe Of Shortage

Detectives arrested a 53-year-old employé of the city Bureau of Receipts this morning in a downtown office building and held him for questioning about a $2,131.83 shortage in his accounts reported May 5.

The employé, a cashier, was arrested by Lieut. Millard Horton and Sergt. Francis Murphy. He had been reported to the Missing Persons Bureau as missing since May 1.

The funds were missed early May 2 in a routine accounting, but public notice was withheld while a check was made of a report that the man was ill of heart trouble.

Mayor D'Alesandro announced at the time that the city stood to lose nothing, since the missing employé was bonded.

Notified By Wife

The employé's return was reported today to the Missing Persons Bureau by Charles E. Bichy, director of the Bureau of Receipts. Mr. Bichy had been notified by the man's wife.

The cashier reportedly, told his wife and police that he was in a daze and had spent part of the interim in a hospital.

City officials said he had been a municipal employé about eleven years, and held the city-service rating of cashier. He worked at a window in the bureau.

While no charges had yet been filed, the office of J. Bernard Wells, State's Attorney, was understood to be preparing to prosecute the employé for embezzlement.

MORN-SUN-5/23

4 CONVICTED IN TAX CASES

3 Tavern Keepers And Lunchroom Operator Involved

Four tavern or lunch room operators yesterday were fined from $100 to $200 after they were convicted in Criminal Court of failing to pay to the State of Maryland sales taxes which they had collected.

H. William Bauersfeld, who conducts a tavern business in the 3300 block Foster avenue, was fined $200 and given a suspended 60-day jail sentence. According to William J. O'Donnell, prosecutor, Bauersfeld used the tax receipts when business fell off and still has not paid the amount due.

Was Delinquent Before

Fined $150 and given a 60-day suspended prison term was David E. Worley, tavern keeper in the 2700 block Pennsylvania avenue. Mr. O'Donnell said Worley had been delinquent on two other occasions, but had settled both times before criminal prosecution was begun.

George C. George, operator of a luncheonette in the 5300 block Belair road, was fined $100 and costs. George contended he had set up the business for two relatives, and had relied on them to account for the sales taxes collected.

A suspended 30-day jail sentence and a fine of $100 was imposed on Christopher Quinn, who operates a bar at Preston street and Greenmount avenue. Quinn, it was disclosed, filed tax returns but did not pay the amounts collected. He contended his wife became ill and he spent the money on medical expenses.

Life-Termer Gets A New Sentence

Kendall C. Hill, 40-year-old former hospital attendant, who is serving life imprisonment for murder, yesterday was sentenced to fifteen years for an armed robbery he committed two days before the killing.

Chief Judge W. Conwell Smith directed that the fifteen-year term date from 1935, thus making the term end this year and giving Hill the opportunity to seek parole. A life-termer in Maryland is eligible for parole after serving fifteen years.

Hill, whose home was in Harford county, was convicted in October, 1935, of the murder of Albert Atwell, a Baltimore taxicab driver. Two days before the murder, Hill held up and robbed of $3 David Unger, another Baltimore taxi operator, according to Alan H. Murrell, prosecutor.

David A. Hyman, counsel for Hill, pointed out that the defendant had been on a drinking spree at the time of the crimes, and that the man had no other criminal record.

EVE. SUN-5/22

Jury Presents City Employe In Shortage

Samuel S. Gelver, 53, a city cashier, today was presented by the grand jury on a larceny charge and was revealed to be the city employé who has been missing from his job for approximately three weeks.

Gelver was charged with the larceny of $2,131.83 in city funds. His bail was set at $5,000.

J. Bernard Wells, State's attorney, directed Charles E. Orth, Jr., assistant prosecutor, to take witnesses in the case before the grand jury today, after detectives took Gelver into custody yesterday.

Went To Coast, Police Say

City officials revealed early this month that a shortage was discovered after Gelver failed to appear at his job. Police reported they had learned the man had been to the West Coast. The Missing Persons Bureau of the Police Department was informed of his absence after he failed to appear for work.

Gelver lives in the 2000 block Penrose avenue. He had worked for the city about eleven years.

Witnesses listed on the grand jury presentment were City Auditor Howard C. Beck, Jr., Charles E. Bichy and Heber S. Dixon, of the Bureau of Receipts; Ralph O. Barnett, a surety company representative, and Detective Lieutenants Leo Vogelsang and Millard Horton and Detective Sergeant Francis Murphy.

Arrested On Return Here

Although the funds were missed in a routine accounting May 2, public notice was withheld while a check was made of a report that Gelver was suffering from heart trouble.

Gelver was reported to have told his wife and police that he was in a daze and had spent part of the interim in a hospital. He was arrested yesterday in a downtown office building after Charles E. Bichy, director of the Bureau of Receipts, reported to the Bureau of Missing Persons that the cashier had returned to Baltimore.

Mr. Bichy had been notified by the man's wife.

Mayor D'Alesandro announced at the time the shortage of funds was discovered that the city stood to lose nothing, since the missing employé was bonded.

MORN-SUN-5/23

ACCOUNT SHORTAGE ACTION IS SOUGHT

Grand Jurors To Get Data In City-Employe Case

Baltimore grand jurors this morning will be asked to institute criminal charges against a 53-year-old employé of the city Bureau of Receipts, who was arrested yesterday and questioned concerning a $2,131.83 shortage in his accounts.

J. Bernard Wells, State's attorney, said he has delegated Charles E. Orth, Jr., assistant prosecutor, to take witnesses before the grand jury in connection with the case.

Missing Since May 1

The man, a cashier in the city department, had been missing since May 1. The shortage was discovered the next morning during a routine check of the books.

He was arrested yesterday in a downtown office building by Lieut. Millard Horton and Sergt. Francis Murphy, of the Baltimore detective force.

Mayor D'Alesandro, at the time the deficit in the accounts was found, announced that the city would not suffer a loss because the missing employé was bonded.

Return Is Reported

The man's return was reported to the Missing Persons Bureau by Charles E. Bichy, director of the Bureau of Receipts. Mr. Bichy had been so notified by the man's wife.

The city cashier reportedly told his wife and police that he had been in a daze and had spent part of the time in a hospital.

The municipal worker had been an employé of Baltimore for about eleven years.

Judge Assailis 2 For Riding Relief 'Gravy Train'

Judge Joseph Sherbow in Criminal Court today told Woodrow Burch, 33-year-old city employé, that he and his divorced wife "had been riding the gravy train for all it was worth" by receiving public relief. The judge placed the husband under an eighteen-month House-of-Correction sentence which was suspended on probation terms that Burch pay $12 a week for his children's support.

Burch, who lives in the 1800 block Jackson street, was $1,572 in arrears under a support arraignment he made in 1947. Since he now holds a job as assistant cook at only $19 a week at City Hospitals, Judge Joseph Sherbow held the question of the arrearage in abeyance.

Funds For Divorce

Burch's former wife, Mrs. Helen Burch, of the 200 block Herring court, had indicated she did not want to prosecute for the arrearage and the payments for her four children. She herself had gotten a divorce on funds furnished by her uncle. Judge Sherbow commented on private funds being available for divorce but not for the family's support.

Commenting on the wife's willingness to "forget" the arrearage Judge Sherbow said: "I think this whole case is summed up in one sentence in the report of Dr. Manfred S. Guttmacher, chief medical officer of the Supreme Bench, where he said this man is the type that will ride the gravy train as long as possible."

"Train Stops Here"

Turning to Burch, the judge continued: "Well, I just want you to know that the gravy train stops here and now this morning. And the same thing goes for your wife."

Judge Sherbow then enumerated some of the things which he said the family had "gotten away with." He said that both the man and woman had been living on relief that their four children had been supported by relief, that after an injury the man had received a lawyer without payment from the Legal Aid Bureau, and had received full medical expenses and hospital treatment for his trouble.

Although hospital reports showed the man had been able to go back to work in April, he nevertheless continued to "loaf," the judge said.

MORN-SUN-5/24

Gelvar Presented In $2,131 Theft

Samuel S. Gelvar, 53-year-old cashier in the city Bureau of Receipts, yesterday was presented on a charge of stealing $2,131.83 from the city of Baltimore.

Gelvar, who had been missing for three weeks after the shortage in his accounts was discovered, was held in $5,000 bail.

He was arrested Monday in a downtown office building by Detective Lieutenants Millard Horton and Leo Vogelsang and Sergt. Francis Murphy. Police said they learned that the accused had gone as far as the West Coast.

Gelvar, who lives in the 2000 block Penrose avenue, also was reported to have told his wife that he was in a daze during his absence and had spent part of the time in a hospital.

The defendant has been a city employé for about eleven years. The date of the alleged theft was fixed as May 1.

Mayor D'Alesandro announced when the shortage was revealed that the city would suffer no loss because the man was a bonded employé.

EVE. SUN - 5/23

Man To Get Cuts In Prison If He Shuns Driving

Andrew Warfield Hopps, 35-year-old legless war veteran with a three-page traffic record, today was sentenced to jail and fined when his appeal came before Judge Joseph Sherbow in Criminal Court, but he was granted release on probation after 30 days on conditional terms.

The Negro motorist had been given sentences totaling two years and a fine of $100 in Traffic Court. Judge Sherbow imposed similar jail sentences and fines totaling $200.

Telling the man that he had "one of the worst traffic records" the court had seen, Judge Sherbow said that Hopps should never drive again. He told the man that on condition that he not drive and that he get rid of the two automobiles he owns, release would be granted on five years' probation after serving 30 days of the jail sentences.

Installments Approved

The $200 in fines, the judge ruled, may be paid in installments of $25 a month. The probation terms were recommended by George H. Rosedom, Negro, an assistant probation officer of the Supreme Bench. Hopps was represented by Isidore Levin, attorney.

Hopps originally was sentenced on charges of driving while under the influence of liquor, failure to stop after an accident, driving on a revoked license and reckless driving by Traffic Court Magistrate Stephen P. Campbell. He pleaded guilty to all charges when he appealed to Criminal Court.

Hopps, who lives in the 300 block South Eutaw street, appeared in court in a wheel chair. Both legs were amputated after shrapnel injuries in the European war theater in April, 1945, and he also has limited use of his right arm.

A 1947-model car with special controls was given Hopps by the Government. Hopps receives a service-connected disability pension of $300 a month.

The Government-given car, the probation report showed, already is damaged "practically beyond use." Hopps also purchased a 1941-model car which was involved in the last violations and still holds both vehicles.

MORN-SUN 5/25/50

POLICE 'HOLDUP' MAN CONVICTED

Defendant Pulled Gun On Officer At Call Box

A gunman who escaped from a Western district policeman during a long wait for a patrol wagon was convicted of three charges in Criminal Court yesterday.

Chief Judge W. Conwell Smith convicted Clarence Prescoe, 26, Negro, of assault with intent to murder, armed robbery and carrying a deadly weapon.

According to evidence at the trial, Prescoe drew a gun on Patrolman Elmer Gubernatis at a police call box and forced Gubernatis to walk along the street with his hands in the air.

3 Unsuccessful Calls

Judge Smith deferred sentencing Prescoe pending a possible motion for a new trial.

According to evidence advanced by Alan H. Murrell, prosecutor, Prescoe drew a pistol on Gubernatis after the policeman had made three unsuccessful calls for a patrol wagon or police radio car.

Prescoe admitted he drew a gun but contended he had no intention of shooting Gubernaitis but merely wanted to escape.

EVE. SUN - 5/25

Numbers Search Legal, Judge Rules

When a man grants without protest a police request to search his pockets, it is a voluntary submission to search, Judge Michael J. Manley ruled today.

The Judge denied the contention of Maurice T. Siegel, attorney for Master L. Coleman, Negro war veteran, that the police request, following the man's denial that he had numbers, placed him under coercion. The attorney contended Coleman had submitted under pressure of authority, and that the search was illegal.

Police Sergeant Wade Poole, of the plains-clothes squad, testified he had seen Coleman in a Linden avenue bootblack shop and asked him if he wrote numbers. The man replied in the negative. Sergt. Poole then asked if he had any numbers slips in his possession and Coleman made another denial.

Found Numbers Book

"Do you mind if I search you?" was the sergeant's third inquiry, according to his testimony in Criminal Court.

The sergeant said he found a numbers book in Coleman's coat pocket when permission for the search was given.

Because of the two prior denials, the defense lawyer contended that the consent to the search was not voluntary, but Judge Manley overruled the point and imposed a $50 fine.

MORN-SUN-5/26

JURY TO RECEIVE PROBE DATA TODAY

To Study Reported Shortage In Accounts Of State Worker

Information gathered during an investigation of a reported shortage in the accounts of a probation worker in the State Division of Parole and Probation will be presented to the grand jury this morning for possible prosecution, it was disclosed yesterday.

J. Bernard Wells, State's attorney, said the investigation of the alleged shortage has been completed and that an audit report has been received from Howard C. Beck, Jr., city auditor.

Mr. Wells said he and J. Harold Grady, an assistant prosecutor, will take witnesses before the grand jury today.

1941 Statute Cited

The shortage is reported to be in the funds collected from persons permitted to pay in installments fines imposed by police court magistrates.

The alleged deficit was called to the attention of the State's attorney recently by F. Murray Benson, director of the parole division. At that time, it was disclosed that the shortage was not expected to be large.

Under provisions of a 1941 statute, the installments are paid to the State parole and probation agency and subsequently remitted to the city of Baltimore.

EVE. SUN. 5/29

M'Crowe, Others Fined; Terms Suspended

Dr. Albert MacCrowe and eight other defendants today pleaded guilty in Criminal Court in connection with abortion or conspiracy charges and were fined a total of $14,000.

Sentences totaling 16½ years were placed by Chief Judge W. Conwell Smith, but were suspended upon payment of the fines and court costs and on condition of good behavior.

Chief Judge Smith, in pronouncing the penalties, said that a problem had been presented because of the acute physical condition of the doctor, who is confined to his room at his home near Catonsville.

Imprisonment, or even being forced to a trial probably would cause death of the 73-year-old physician, the Court was told.

Earlier Trial Cited

Judge Smith pointed out that about ten years ago he had presided at the trial of Dr. MacCrowe on another abortion charge which ended in a jury acquittal. The judge added that the former verdict "didn't convince me he wasn't engaged in that business, and it has been reported for a long time that he was engaged in that business."

"I am convinced he is the king pin," continued Judge Smith. "Therefore, the important thing in this case is to put Dr. MacCrowe out of business."

Dr. MacCrowe, through Paul B. Mules and Henry M. Siegel, attorneys, pleaded guilty to three counts of a conspiracy indictment and not guilty in the other thirteen cases against him.

Others Are Listed

Other defendants pleading guilty and fined were:

RAYMOND COFFMAN, 800 block West Lake avenue, pleading guilty in twelve cases, $3,000 fine and three-year suspended sentence.

CHRIS C. CAMPBELL, of Upperco, Md., pleading guilty in five cases, $3,000 fine and three-year suspended sentence.

MRS. LAURA M. HITCHENS, 3906 Woodhaven avenue, doctor's secretary, pleading guilty in fourteen cases, $1,000 fine and one-year suspended sentence.

MISS THELMA ENSOR, of Upperco, pleading guilty in four cases, $500 fine and one year suspended sentence.

MRS. MARY TAYLOR, 5600 block Park Heights avenue, pleading guilty in two cases, $500 fine and one year suspended sentence.

MRS. MARIE COFFMAN, wife of Raymond Coffman, pleading guilty in twelve cases, $450 fine and one year suspended sentence.

EDWARD COFFMAN, 4100 block Buckingham road, pleading guilty in twelve cases, $100 fine and six months suspended sentence.

MRS. FREDA MAE COFFMAN, wife of Edward Coffman, pleading guilty in twelve cases, $450 fine and one year suspended sentence.

One defendant, Paul T. Leather, of Hampstead, Md., was acquitted. He pleaded not guilty through Joseph Di Domenico, attorney, and prosecutors, saying he had merely acted as a messenger or driver, accepted the not guilty plea.

Stand Explained

A series of medical examinations had been held to determine Dr. MacCrowe's condition. Deputy State's Attorney William H. Maynard, who prosecuted the case with Anselm Sodaro and Charles E. Orth, Jr., assistants, explained to the Court that both the abortion and conspiracy charges were "penitentiary misdemeanors" and that a plea could be taken in absentia. Dr. MacCrowe's attorneys entered pleas of not guilty to all but the three counts of the conspiracy case.

Representing the four Coffmans, Joseph Rosenthal, attorney filed their pleas of guilt, while E. Paul Mason, Jr. pleaded Mrs. Taylor guilty in the two cases and not guilty in a third. The guilty pleas of Campbell and Ensor were entered by Mr. DiDomenico as attorney.

No testimony was heard. In his statement to the court, Mr. Maynard said that a long police investigation, headed by Sergt. Theodore Maxwell, Northern district, and Patrolman William F. Pence, had traced numerous patrons of Dr. MacCrowe and his associates through following of automobiles, wire-tapping of telephones, and other methods.

Kickbacks Alleged

The officers through wire tapping, Mr. Maynard said, "listenedan in on conversations from Pennsylvania, Virginia, from many parts of Maryland" as persons sought to make abortion arrangements.

He said that many out-of-town persons visited a large Baltimore hotel, where calls also were "tapped."

Many out-of-town people, but none from Baltimore or its environs, were actually referred to Dr. MacCrowe by other physicians, said Mr. Maynard. He added: "We have thirteen canceled checks from a doctor in Washington where he got a kickback for persons he referred to Dr. MacCrowe's office."

The prosecutor said the charges ran "$300 to $400 per abortion." As many as five or six patients were handled a night, Mr. Maynard added.

At Office, He Says

Some of the abortions occurred at Dr. MacCrowe's Liberty Heights avenue office, while others were at the Lake avenue home and the Woodhaven avenue home, with additional illegal operations taking place at the Campbell place "in Carroll county just a few miles below the Pennsylvania line," said the prosecutor.

Musician Placed On Probation

Frederick Train, 43, former coronet player for big-name bands, today was placed under a three-year probation as the third step in settlement for a drinking and check-cashing spree in the Winter of 1947.

Judge Joseph Sherbow in Criminal Court imposed a three-year sentence after Train pleaded guilty to obtaining $1,100 from two Baltimore department stores, but released the man on probation to make restitution of the full amount at the rate of $11 a week.

Other conditions are that Train live at Asbury Park, N.J., his present home, and abstain from drink.

Posed As Doctor

The two Baltimore charges were based on checks passed in March, 1948. In both cases, Train telephoned store cashiers and posed as a top store executive in ordering that checks be honored. He then posed as a doctor in presenting the checks. Train had obtained $700 from one of the Baltimore stores and $400 from the other.

The same "spree" that caused the Baltimore charges resulted in sentences in New Jersey, New York and Pennsylvania, probation officers said.

MORN-SUN. 5/30

9 ADMIT GUILT IN ABORTIONS

Dr. MacCrowe And 8 Others Get Suspended Jail Terms

Dr. Albert E. MacCrowe, Liberty Heights avenue physician, and eight other persons yesterday were fined a total of $14,000 and placed on probation under suspended prison terms after they pleaded guilty to a series of abortion and conspiracy charges.

Dr. MacCrowe was reported to be seriously ill. He was not present in the Criminal Court, but entered his plea of guilty to conspiracy to commit abortions through Henry M. Siegel and Paul B. Mules, his counsel.

Five-Year Sentence Given

Chief Judge W. Conwell Smith, who described Dr. MacCrowe as the "king pin" of the abortion ring, imposed a fine of $5,000 on the physician and sentenced him to five years in the Penitentiary, but suspended the prison term and placed the 73-year-old doctor on probation.

Medical reports submitted to the court declared that any mental or physical strain might be fatal to the Baltimore physician, who about ten years ago won an acquittal on another abortion charge.

Dr. MacCrowe and an assistant then actually had been convicted at a prior trial, but he succeeded in obtaining a new trial and an innocent verdict.

Others Put On Probation

Other defendants fined yesterday and placed on probation were:

MRS. LAURA M. HITCHENS, of the 3900 block Woodhaven avenue, described as Dr. MacCrowe's secretary, $1,000 and one year suspended.

RAYMOND COFFMAN, of the 800 block West Lake avenue, also known as "Dr. Evans," $3,000 and three years suspended.

CHRIS CAMPBELL, of Upperco, Md., a contractor, $3,000 and three years suspended.

MISS THELMA ENSOR, also of Upperco, $500 and one year suspended.

MRS. MARY TAYLOR, of the 5600 block Park Heights avenue, $500 and one year suspended.

MRS. MARIE COFFMAN, wife of Raymond Coffman, $450 and one year suspended.

EDWARD COFFMAN, of the 4100 block Buckingham road, $100 and six months suspended.

Mrs. Freda Mae Coffman, wife of Edward Coffman, $450 and one year suspended.

Described As Messenger

A tenth defendant, Paul T. Leather, of Hampstead, Md., was acquitted. He was described as merely a "messenger" in the illegal operation ring.

William H. Maynard, who, with Anselm Sodaro and Charles E. Orth, Jr., prosecuted the cases, said investigations which led to the arrest of the defendants involved wire tapping, following automobiles, watching homes on Liberty Heights avenue, Woodhaven avenue and Lake avenue and interrogating persons from Pennsylvania, Virginia and Maryland.

Out-of-State patients in the illegal operations were referred by other doctors, Mr. Maynard told Judge Smith. The prosecutor disclosed that telephone wires in Baltimore hotel rooms rented by out-of-town patients were tapped by police.

Canceled Checks Cited

"We have thirteen canceled checks from a doctor in Washington where he got kickbacks for persons he referred to Dr. MacCrowe's office," Mr. Maynard said.

Sergt. Theodore Maxwell and Patrolman William F. Pence, of the Northern District, who conducted the investigation, found that illegal operations were performed at Dr. MacCrowe's Baltimore office, at the homes of other defendants here, and at an "extensive setup in Carroll county a few miles south of the Pennsylvania line," Mr. Maynard revealed. The latter place was said to be the home of Campbell.

The prosecutor said the cost of abortion ranged from $300 to $400 and the defendants took care of as many as five or six patients in a night.

NEWS-5/29

Dr. MacCrowe, 73, Is Fined $5,000

Dr. Albert E. MacCrowe, seventy-three, pleaded guilty today in Criminal Court to charges of conspiracy to perform illegal operations, and was fined $5,000 and sentenced to five years in the Maryland Penitentiary by Judge W. Conwell Smith.

In consideration of the defendant's physical condition, however, Judge Smith suspended Dr. MacCrowe's prison term on condition he pay the $5,000 fine within one week.

ALL TERMS SUSPENDED

Eight other persons, accused in the same case with Dr. MacCrowe, also pleaded guilty and were fined sums ranging from $100 to $3,000 and were sentenced to varying terms in State prisons.

The prison terms of all, however, were suspended.

In sentencing Dr. MacCrowe, Judge Smith said he had presided in a case 10 years ago in which the physician was acquitted. The judge said:

"At that time I was not convinced of his innocence. Now I think his activities have about been terminated due to his physical condition, and I don't think these other people can operate without the MacCrowe brain or the MacCrowe contacts.

GUILTY PLEA ENTERED

"I think he is the kingpin, and the important thing is to put him out of business."

Dr. MacCrowe did not appear at the proceedings, but his attorneys, Paul B. Mules and Henry Siegel, entered the guilty plea in his behalf and also in behalf of five of the other defendants.

All of the other eight were accused of conspiracy to perform illegal operations, performing illegal operations or attempting to perform illegal operations.

Those fined are:

Mrs. Laura M. Hitchens, described by the State as Dr. MacCrowe's secretary, 3900 block Woodhaven avenue, fined $1,000 in 12 cases.

Raymond W. Coffman, alias "Dr. Evans," 800 block West Lake avenue, fined $3,000 in 11 cases.

FINED IN 11 CASES

Edward C. Coffman, 4100 block Buckingham road, fined $100 in 11 cases.

Mrs. Marie Coffman, 800 block West Lake avenue, fined $450 in 11 cases.

Mrs. Freda Mae Coffman, 4100 block Buckingham road, fined $450 in 11 cases.

Mrs. Mary Taylor, 5600 block Park Heights avenue, fined $500 in two cases.

Chris Campbell of Upperco, Md., fined $500 in two cases.

EVE. SUN-6/1

Cashier Gets Two Years In Theft

Samuel S. Gelvar, 53-year-old City Hall cashier, today pleaded guilty to a charge of larceny of $2,131.83 last May 1 when, he said "everything went black" and he stuffed a bundle of city money into his pocket.

Gelvar had ended up at Los Angeles. His statement to police said that in his travels he hardly knew where he was but felt he "had to keep going."

Gelvar returned to his home at 2028 Penrose avenue three weeks later, and communicated with city officials. He also turned over to the surety company which bonded him $1,100 which was left from the $2,131.83.

Shortage Made Up

Gelvar, who pleaded guilty without being represented by counsel, told Chief Judge W. Conwell Smith he already has made good the shortage in full by turning over his pension accumulations to the bonding company. The man had been employed by the city about eleven years, with the last eight years being in the Bureau of Receipts.

Judge Smith saying that "misappropriation of public funds" called for a penal sentence, committed Gelvar for a term of two years in the Penitentiary. Proper behavior, if there is a favorable probation report, would cause him to consider probation release after six months' confinement, the Judge said.

Gelvar's signed statement given to Detective Lieutenants Millard B. Horton and Leo Vogelsang and Detective Sergeant Francis Murphy said:

"I went about my duties as usual on May 1 and as the day dragged on, something went black in my mind and I lost track of everything.

Can't Explain Action

"Something told me I wanted to get away and I just picked up the money and left. Just why I did it I don't know."

There had been about $4,750 in cash, and about $30,000 in checks in Gelvar's cash box, but he had left the checks and little more than $2,600 behind.

Asked by police if there was any reason for taking only a portion of the cash, he replied:

"I think if I had intended doing something like that, I would have taken all of it. I might as well have taken all of it, instead of what I took."

Walked Streets

Without going home, Gelvar had taken a train to Harrisburg, where he spent most of one day, and then went to Chicago. In explaining, he said, "I did not know where I was or what I was doing. I walked around the streets of Harrisburg practically all of one day and something told me to keep going. I went to Chicago and from there I went to Los Angeles."

In the West Coast city, Gelvar had been stricken ill. After eight days in a hospital, he came straight back to Baltimore and got in touch with city officials. Gelvar is married, with one child.

Ex-City Employe Fined $100

Floyd Byers, former city employé convicted several weeks ago on a false-pretense charge, today was fined $100 and sentenced for a 60-day term, which was ordered suspended on conditions.

Chief Judge W. Conwell Smith in Criminal Court told Byers that payment of the fine and court costs, and departure from Baltimore to remain away for two years, were the conditional terms.

Byers has relatives at Mount Airy, Md., and Judge Smith ordered him to live in that community during the two-year period. Through his attorney, Ellis Levin, the man had explained that he desired to locate in the rural community.

Termed "Shakedown"

Byers's convictim involved a case which was referred to as a "political shakedown" when it was aired last winter in the Legislature.

Delegate Buffington (D., Third) had revealed before the body that Byers had demanded $40 to get a stationary engineer's license for a factory employé, on the pretext that a "campaign fund" was needed for Governor Lane.

Byers denied making such a false pretense, but claimed he had offered to coach the worker so that he could readily obtain his license. Judge Smith ruled that the case amounted to false pretense.

EVE. SUN-6/1

No Records Found In Shooting Case

Revelations in Criminal Court today that police had no records of a shooting case resulting in hospital treatment last March caused Judge Joseph Sherbow to call for new investigations and reports next Tuesday.

Meanwhile, Judge Sherbow deferred action on shooting charges against two Negroes, James Ellis and James Taylor.

Complaint had been made that Ellis had shot at a Negro woman April 12.

When police arrested him on a warrant in May, he told of himself having been shot by a relative of the woman on March 11. He had records to show he had been treated at Provident Hospital, but police said they had no information regarding the case.

Judge Sherbow declared that he could not understand how a shooting resulting in hospital treatment could escape being placed on public records.

He called for the appearance next Tuesday of hospital officials and complete records, police officials with their records, and presence of other witnesses, including a doctor, who were believed to know about the instance.

NEWS-6/1

Gelvar Tells Court Something 'Went Black Inside'

Convicted of theft of $2,130 of city funds while working as a cashier in the City Bureau of Receipts, Samuel S. Gelvar, fifty-three, was sentenced to two years in the Maryland Penitentiary in Criminal Court today.

Gelvar, who lives in the 2000 block Penrose avenue said in a statement read to the court by Assistant State's Attorney Charles A. Orth, Jr., that on May 1, when the bureau had a particularly heavy tax collection day, something "went black inside" and he pocketed the money.

He went to Harrisburg immediately, the statement said, then to Chicago and then to Los Angeles.

After a week or more on the West Coast he returned to Baltimore, where he was arrested.

Arrangements were made for repayment of the missing funds from Gelvar's City Pension Fund account. He had worked for the city for 11 years.

MORN-SUN- 6/3/50

Sometimes The Cops Can Be Wrong

When you find a parking ticket on your car it is not unnatural to assume you would have a hard time proving to the authorities that you were right and the cop who put the ticket there was wrong.

So, to save time, you make out a check and mail it to Traffic Court, charging off the loss as inevitable. At any rate, a parking fine spread over six months or a year is not a major financial calamity. That is the easy way to handle a parking ticket.

Perhaps such thoughts ran through the mind of Mr. John P. Woolley, a research chemist, when he found a ticket on his car last April 30 after he had parked it on the west side of Charles street, between Lexington and Fayette, in a bus-stop zone. On the other hand, perhaps because his job is research, something told him to examine the matter further before admitting he was wrong. Fined $10, he took an appeal to the Criminal Court.

We now know that the bus-stop zone had never been given official, permanent status by the City Council. We also know the law says bus stops can be no longer than 100 feet in the middle of a block and this one measured 148 feet. All of that was the result of Mr. Woolley's personal research. Mr. Woolley's findings so impressed Judge Joseph Sherbow that Mr. Woolley was acquitted.

All credit to Mr. Woolley for proving that the requirements of the bus-stop law had not been met by the city or the police. This may impress other ordinary citizens with the fact that the city and the police are not always right and that the ordinary citizen is not always wrong. If the city and the police realize that the people who get parking tickets are going to check the facts before paying up maybe they will take greater pains to meet the requirements of the no-parking laws.

EVE. SUN- 6/5/50

Astrology, Fortune-Telling? No Confusion About Fines

Judge Michael J. Manley today at a long Criminal Court hearing sought to get an official definition of the difference between astrology and fortune-telling, and eventually ended up by deciding four women were guilty of violating the city law against future predictions for pay.

None of the four accused professed to know what fortune-telling is. They said they were either astrologers or interested in spiritual guidance.

The group was charged after a lunchroom raid in the 200 block West Franklin street.

Done Elsewhere, Defendant Says

Mrs. Ethel Fairbanks, 2800 block Ridgewood avenue, the proprietress, said the offering of free readings with food and beverages was only the same custom carried out at several other places.

Nevertheless, she was fined a total of $75 after conviction in four cases, since she had collected part of the amounts paid to her workers.

Fines of $25 each were imposed on Mrs. Ann Clark, 1500 block Eutaw place, "astronogist"; Mrs. Estelle Schaefer, 100 block Meadow road, also as astrologist, and Margaret Toby, 2800 block Ridgewood avenue.

Duties Manifold, She Says

Mrs. Fairbanks told Judge Manley that in addition to running the place, she cooked, washed dishes, was waitress and cashier and added:

"I do have a spiritual knowledge enough to help people who are in trouble. I let them talk to me and tell me their troubles for hours."

While the judge never got a precise answer to his repeated question about the difference between astrology and fortune-telling, Richard W. Stevenson, who appeared as defense counsel with S. Robert Levinson, read from a textbook on astrology.

Astrology Defined

The statement was that astrology purports to "correlate celestial phenomena with the changing courses of human affairs."

The defendants said that every one who got "readings" really got food or beverages for their money, but policewomen who had gone to the place said the fee was for the reading.

Defense counsel pointed to the menu, listing a crabcake lunch at a dollar, and contended "any good crabcake's worth a dollar."

Banned In City, He Stresses

The defense also tried to bring out that astrology reading and future predictions are openly advertised at some amusement places outside the city, but the judge pointed out that the fortune-telling law is in the city charter and doesn't control rural areas.

One of the exhibits was a zodiac chart called "Path of the Planets."

Among the details of astrological information aired in court was that one of the defense counsel, born late in May, was under the Gemini. Since that means "The Twins," the lawyer told Judge Manley, it meant that such a person was subject to indecision, "pulled one way and another."

"You couldn't tell that your customer was a policewoman, could you?" J. Harold Grady, assistant State's attorney, asked Mrs. Schaefer during her testimony.

"No, I could not by astrology," said the witness, "but I could tell she was a very domineering person."

Mrs. Clark told the court that "nobody predicts in astrology; it is a study and a deep one and only intelligent people can understand it."

NEWS-6-6-50

$10,000 Sought From Doctor In City

Details of an attempted $10,000 extortion from Dr. George L. Timanus were bared today in Criminal Court by his secretary and nurse as the trial of Joseph G. Lenoir, twenty-six, on three extortion counts, opened before Chief Judge W. Conwell Smith and a jury.

On the witness stand Miss Bessie E. Nelson, secretary to Dr. Timanus, described the first mysterious telephone call which came to the doctor's office in the 1300 block Maryland avenue last March 30.

DEMANDED PAYMENT

A male voice, she said called her "Bessie" and demanded payment of $10,000 from Dr. Timanus. She said she made arrangements for the caller to telephone again the next day at the apartment of the doctor's nurse, Miss Anne E. Adams, in the 800 block St. Paul street.

She then reported the first call to police.

With police present, the phone call came and, Miss Nelson testified, she recoknized the voice as that of the first caller.

She said she asked the caller:

"Why are you doing this to us?"

VOICE REPLIED

The voice replied, she said:

"The boys want to make some easy money."

Miss Nelson testified:

"I told him I had contacted Dr. Timanus in Miami and said the doctor wanted to know what guarantee he'd have that he wouldn't be bothered in the future if he went through with this. I told him Dr. Timanus wouldn't go for $10,000, but would go for half of it.

"He asked me if I had the money and if it was in 50-dollar bills.

"I told him I did not have it with me, but that it was checked in a hotel.

TO SEND MESSENGER

"He said he'd send a messenger to meet me at St. Paul and Madison streets at 10 P. M. that night ;that the messenger would produce a piece of white paper with the latter A written in red lipstick. He said 'I want no tricks'."

On theadvice of police, Miss Nelson said, she and Miss Adams met the messenger and gave him a package.

Police arrested him a short distance from the scene, but eventually set him free.

Another call was received from the "mysterious voice" early in the morning of April 3, Miss Nelson testified, and the voice said:

"Bessie, the boss is anxious about his ten grand and if you pay it we'll leave town for the coast and not bother you any more. If you don't pay it, we have enough information for the Government on income tax evasion amounting to $100,000, of which we would get ten per cent."

Another meeting was arranged, Miss Nelson said, in which she and Miss Adams handed a package to a cab driver at Charles and Redwood streets.

LENOIR ARRESTED

Police arrested Lenoir on Customs House avenue when the cab driver attempted to deliver the package, police said.

Miss Adams corroborated Miss Nelson's testimony.

Emerson Entry Fails To Win In 'Timber-Topping' Foray

Capt. Alexander Emerson revealed a new vice squad raid technique in Criminal Court yesterday — over-the-back-fence "reconnaissance" without benefit of a search warrant.

He got no convictions, however.

Nobody has complained yet, the captain said, in admitting to Judge Michael J. Manley that one of his officers climbed over a back fence to "reconnoiter" a house two days before a raid.

"You're Liable To Get Shot"

People haven't complained, the judge retorted, because they didn't know they were being watched. It's nothing more or less than trespassing, Judge Manley continued. And he warned fence-hopping Patrolman David L. Hubbard, "You're liable to get shot."

Captain Emerson told the judge he had been over quite a few fences himself in his campaign against vice.

Warrant Too General

Patrolman Hubbard testified he went over a back fence in the 1500 block of North Fulton avenue a couple of days before the Emerson raiders crashed in looking for evidence of numbers writing.

Six men, two of them white, were arrested.

But all charges were dismissed when the judge found the warrant too general to apply to one of them, and two of the Emerson raiders couldn't agree on who picked up the evidence.

Anthony Terry, a Negro, allegedly attempted to dispose of lottery tapes, but Judge Manley decided the officers' testimony was conflicting. And he threw out the other cases also.

Another Emerson technique was disclosed during the testimony—and this one paid off in a fast arrest.

"Better Get Over Here"

When the captain raided the Fulton avenue house, Edward Ruthenburg, one of yesterday's defendants was not present. But Ruthenburg called up while he was making his raid, the captain said.

The captain scooped up the phone. "Is this Ed?" the voice on the other end asked.

"Yeah," the captain replied. "We're having a little trouble. Better get over here right away."

A few minutes later Ruthenburg showed up . . . was searched . . . and arrested.

$30,000 THEFT LAID TO HUBIN

Warrant Charges Firm's Partner With Larceny

Thomas M. Hubin, described as a partner in the Bell Transportation Company, was arrested by detectives yesterday on a warrant charging him with larceny of $30,000 from the firm between September, 1949, and May, 1950.

Hubin, 43, was arraigned in Central Police Court before Magistrate James R. Cadden and posted $5,000 bail for his release.

When docketed at the Central Police Station, Hubin gave an address in the 3700 block North Rogers avenue and gave his occupation as clerk.

The warrant, issued at the request of Maurice J. Bell, Philadelphia transportation executive, names Hubin as a partner of the Bell Transportation Company, located at Pier 6, Pratt street.

Fraudulent Intent Charged

Specifically, it charges Hubin committed larceny by "unlawfully and with fraudulent intent" converting, and appropriating to his own use, "money, securities, assets and property" of the partnership worth $30,000.

Police last night were checking to see whether the man charged is the same Thomas Matthew Hubin convicted three times before on charges of embezzling, conspiracy to defraud the city and bookmaking.

In 1937, a Thomas M. Hubin pleaded guilty and was sentenced to four months for embezzling more than $7,000 from a tire company which he managed.

Hearing Postponed

In 1940, a Thomas M. Hubin was convicted of bookmaking in October, and, the following month, of conspiracy to defraud the city and the taxpayers.

Bell came to Baltimore last week for a conference with the State's attorney.

Following the conference, Lieut. Leo Vogelsang and Millard Horton and Sergt. Francis Murphy were assigned to the case and, subsequently, the warrant was issued for Hubin's arrest.

Magistrate Cadden postponed a preliminary hearing on the larceny charge until June 14.

EVE. SUN-6/6

Le Noir Named By Seaman At Extort Trial

Joseph G. LeNoir, 26-year-old produce dealer, today was identified in Criminal Court as the man who last spring arranged to have a seaman pick up a "packet" from two women who had received extortion demands by telephone.

The identification was given in the testimony of John Arthur Sullivan, 1100 East Baltimore street, who said LeNoir approached him downtown on the night of March 31 and asked him "if he wanted to make ten easy dollars."

The seaman said a folded piece of white paper, which actually bore a large lipstick "A" mark on the inner folds, had been given him to hand over as an identification when he met two women at St. Paul and Madison streets. Sullivan was told by LeNoir that the package was love letters.

Reported To Police

Actually, the extortion threats had been reported to police by Miss Bessie Nelson, secretary to Dr. George L. Timanus, and Miss Anne E. Adams, a nurse. Police were waiting and seized Sullivan when he took the packet. LeNoir, waiting near by, had run, Sullivan said.

LeNoir was arrested when he made new telephone calls and a second rendezvous was set, according to Charles E. Orth, Jr., prosecuting attorney. LeNoir pleaded not guilty and went on trial before Chief Judge W. Conwell Smith and a jury.

Miss Nelson and Miss Adams both testified concerning the calls. Miss Nelson said the first demand was that she produce 200 $50 bills, or $10,000, through Dr. Timanus. She said the telephone caller had explained that he would give income-tax information to Federal officers if his demand was not met.

Anselm Sodaro, assistant prosecutor who had questioned LeNoir with Captain of Detectives Harry J. Kriss after the man's arrest, was called to testify that LeNoir made oral admissions that he made telephones to the doctor's employés.

On cross-examination by Francis X. Dippel, LeNoir's lawyer, Mr. Sodaro said LeNoir also had talked about having information of interest to the Treasury Department.

EVE. SUN 6-9-50

State Attorneys Study Criminal Code Changes

By T. Denton Miller

[Evening Sun Staff Correspondent]

Ocean City, Md., June 9—Maryland prosecutors met here today to consider whether the time has come to alter Maryland law to protect and safeguard the public rather than to "coddle" defendants in crime cases.

Three main questions were set for discussion by J. Bernard Wells, State's attorney of Baltimore city and president of the group. The two-day meeting was at the Hotel Stephen Decatur.

The points under discussion are:

1. Whether the State should be granted additional rights of appeal in criminal cases.

2. Whether alibi defenses should be excluded unless prior notice and opportunity to investigate is given the prosecution.

3. Whether the Maryland rule on confessions and statements by a defendant should be relaxed, to permit exhortations to tell the truth or that it might be "better" to do so.

Cites Present Trend

Members of Mr. Wells's staff, in prepared statements, took the position that trends of law for years past have favored accused persons. On each of the points, they argued, the defendant now is favored.

William H. Maynard, deputy State's attorney of Baltimore, stated the general feeling of some of the prosecutors in urging appeals by the State in criminal cases, saying:

"Instead of the cruelty which characterized Eighteenth Century trials, our courts are now prone to coddling. Today the prisoner is surrounded by every safeguard and practically every presumption is in his favor.

"Counsel is furnished at the State's expense and all statements and documents which the State may use in the prosecution are open to his inspection. If he be admonished to tell the truth, coupled with the further suggestion that it will be better for him, his confession will be excluded at his trial, and then if a conviction be had an appeal to the higher court is open to him.

Submits Draft Of Law

"Some thoughtful people are beginning to wonder whether or not the time may have arrived when some concern for the rights of the people should be urged.

"One such proposal is the granting to the State the right of appeal in criminal cases."

Mr. Maynard submitted a proposed draft of a law, modeled after laws of some other states, to permit appeals by the State from preliminary rulings on validity of charges, from new trial rulings after conviction, from orders arresting judgment, on rulings of law in case of either conviction or acquittal and from illegal sentences. It specifies that it should not permit double jeopardy.

MORN-SUN 6-7-50

Attempted Extortion Case Scheduled For Jury Today

A Criminal Court jury will begin deliberations today on the fate of Joseph G. LeNoir, charged with the attempted extortion of $10,000 from Dr. George L. Timanus and $3,000 from another Baltimorean.

LeNoir, 26-year-old produce dealer, was seized in a police trap April 5. Yesterday afternoon the State rested its case.

Defense Attorney Francis K. Dippel made much of the fact that LeNoir had shouted "get the FBI" and had asked for someone in the Treasury Department when police arrested him.

Tell Of Phone Calls

But Dippel gave no further indication of the final argument he will make when the trial resumes in Chief Judge W. Conwell Smith's court this morning.

Miss Bessie E. Nelson, secretary to Dr. Timanus, and Miss Anne E. Adams, the doctor's nurse, told of telephone calls in late March and in April.

The caller, they said, identified himself only as connected with a law-enforcement agency and threatened to "expose" an alleged $100,000 income tax evasion. He demanded $10,000 from the doctor, the women said.

Other Case Cited

In the other case, Howard E. Cann, Northview road resident, said a telephone caller demanded $3,000 on threat of "reporting" a contract with Dr. Timanus relative to an abortion.

Again the caller identified himself as connected with an official agency.

In both cases the mystery calls were reported immediately to police, and Miss Nelson and Miss Adams participated in the police trap.

Also Charged With Assault

They delivered a package supposedly containing the $10,000 in bills to a cab driver at a prearranged rendezvous, and police seized LeNoir after trailing the cab.

LeNoir is also charged with assaulting Patrolman Herbert P. Warren, of the plain-clothes squad, as detectives made the arrest.

Warren suffered a fracture of a small bone in his cheek. In the scuffle with LeNoir, Sergeant Donald Madigan said he hit him on the head twice with the butt of a pistol to stop the fighting.

Dippel asked Detective Captain Harry J. Kriss if he had not threatened to get "rough" with LeNoir's mother if a confession was not forthcoming. Kriss denied it emphatically.

EVE SUN-6/7/50

Judge Urges Old-Fashion Use Of Woodshed To Curb Boys

Finding one 17-year-old youth guilty on three charges involving what witnesses called "a little gang fight," Judge Joseph Sherbow today deplored the fact that the family woodshed had not been put to the oldtime customary use.

Police recovered from the family's woodshed a German automatic pistol which Theodore Kominski had used in shooting another teen-age youth.

"It is a shame that the woodshed was used to hide the gun instead of for what the woodshed should have been used for long ago," said Judge Sherbow.

"It is only due to the fact that his aim was bad that this whole group is not on trial for murder. It was one gang that set out deliberately looking for another gang of boys."

Theodore was convicted by the judge on charges of assault, disturbing the peace and carrying a deadly weapon last May 4. He withheld sentence pending an investigation of the boy's background by the Probation Department.

With the assent of the prosecutor, Alan H. Murrell, Judge Sherbow acquitted Theodore's brother, Andrew Kominski, Eugene Hubbe and George Leonard, who had been among the group with him.

The shooting occurred on South Collington avenue. The wounded boy was Leo Bahur, 17, of the 100 block South Wolfe street.

Judge Sherbow contradicted the defense lawyer's claim that modern day youth is to blame because it is educated in "acts of force" by radio, television, and newspapers.

"Why blame youth? The people to be blamed in these cases are the parents," declared the judge.

EVE SUN-6/7/50

LeNoir Guilty On 3 Charges Of Extortion

Joseph G. LeNoir, would-be Treasury Department informer in income-tax matters, today was convicted on three extortion indictments by a Criminal Court jury.

Chief Judge W. Conwell Smith stated that, at the request of counsel, he would defer sentence pending examination of LeNoir by the court medical officer and psychiatrist, Dr. Manfred S. Gutmacher.

Meanwhile, LeNoir, who had been free on bail, was remanded to jail. The jury deliberated about 40 minutes before returning its verdict.

LeNoir had testified he really was acting as a volunteer informer for the Treasury Department in hope of winning large sums as reward for turning in tax violators.

His telephone conversations preliminary to the arrangement to turn over a supposed $10,000 package of bills on a Baltimore street corner were made in his efforts to gather evidence of a "tax evasion by Dr. George L. Timanus," LeNoir said.

LeNoir, 26, produce dealer, booking agent for a musicians' union and would-be law school student, is charged with attempting to extort $10,000 from Dr. Timanus, attempting extortion against Miss Bessie Nelson and Miss Ann E. Adams, secretary and nurse for the doctor, and with attempting to extort $3,000 from a Baltimore business man.

Says Evidence Sought

LeNoir testified under questioning by Francis X. Dippel, his attorney, that he had called the business man by telephone to try to interest him in building up evidence to turn over to the Treasury Department. LeNoir admitted that he told the man he hoped to win "a rather phenomenal sum" as a Treasury reward.

According to LeNoir, he did not demand money from the other man. Instead, the defendant declared, the other party asked if he would be "interested in $2,000 or $3,000 to forget about this mess."

Other phone conversations with the two women employés of Dr. Timanus came later. LeNoir said that one of the women suggested that he accept a sum, but he told her he "wasn't interested."

Several times at the beginning of the testimony, Charles E. Orth, Jr., prosecutor, entered objections to the broad scope of LeNoir's testimony on the ground it was not pertinent to the case, but Judge W. Conwell Smith ruled he would give the defendant broad latitude before the jury of men and women who began hearing the case yesterday morning.

LeNoir testified that he had connected Dr. Timanus and Dr. Albert MacCrowe, physician who recently pleaded guilty on an abortion-conspiracy charge, in his conversations with Dr. Timanus's employés. In quoting the statement of one of the women by telephone, LeNoir said:

"She said, to use her exact phrase, that they were not afraid of the cops because they were taken care of."

LeNoir also testified that he had learned (he did not say how) that Miss Nelson had called Dr. MacCrowe's office to give information that it would be raided, 45 minutes or so before the police raid actually occurred.

Tells Of Bribe Offer

In addition to telephone conversations with the women, LeNoir testified that a man who said he represented Dr. Timanus called and "offered me a bribe to keep quiet about this matter." LeNoir said the man had proposed the first street-corner meeting at St. Paul street on March 31 where a dummy package was turned over to a messenger. The man was seized by waiting police and subsequently identified LeNoir as his employer.

A story of the second street-corner meeting on April 5 was told by LeNoir. He said that additional phone calls after the March 31 episode resulted in the second arrangement, where a $10,000 money package was to be turned over at Charles and Redwood streets.

In order to spy on the meeting place and observe what was done when his messenger arrived, LeNoir first sought a vantage point on the top floor of the Mathieson Building. When he found that place did not give him a view of the corner, he went to the eighteenth floor of the First National Bank Building, he said. Then he hired a taxicab driver to act as his messenger and returned to observe the transaction.

NEWS-6/7

BULLETIN

Joseph G. Lenoir was found guilty this afternoon of three charges of extortion and one of assaulting an officer at the time of his arrest. The jury deliberated 40 minutes. Chief Judge W. Conwell Smith postponed sentence but denied Lenoir bail and committed him to jail for a medical examination.

(Details on Page 29.)

Man In Extortion Case Reveals Tax Tips

Joseph G. Lenoir, on trial in Criminal Court on charges of attempting to extort $10,000 from Dr. George L. Timanus, told the court today that on several occasions he had furnished information to Federal officials on income tax matters.

A stipulation filed in the trial said two Federal officers would testify later that Lenoir communicated with Federal officials on or about March 11 relative to alleged Federal offenses but that he did not discuss the Timanus case.

Suit against Dr. Timanus has been filed by the Federal Government in Federal and Superior Courts for $59,000 the Government alleges is due in income taxes.

PACKAGE DELIVERED

Lenoir, twenty-six-year-old produce dealer, was arrested March 31 after claiming, police said, a package supposedly containing $10,000 from a taxi driver. The package had been delivered to the driver at Charles and Redwood streets by Dr. Timanus' secretary, Miss Bessie Nelson, and a nurse, Miss Anne Adams.

According to police, the money had been demanded by an anonymous phone caller who threatened to expose an alleged income tax evasion.

TELLS OF 'BRIBES'

Under examination by his counsel, Francis X. Dippel, Lenoir testified today that he had received an anonymous call offering him the money if he would meet a messenger at Charles and Redwood streets.

In earlier calls, he said, he had been offered a bribe to change his mind about providing any income tax information he might have had to officials.

MORN-SUN-6-8-50

Boy, 18, Convicted In Shooting; Judge Scores Teen-Age Fights

Judge Joseph Sherbow convicted an 18-year-old boy in a shooting case in Criminal Court yesterday but declared the real outrage is that parents permit teen-age gang fights.

Sentence was withheld until the Probation Department investigates the boy's background. The judge found Theodore Kominski, of the 1800 block Fleet street, guilty of assault, carrying a deadly weapon and disturbing the peace.

But the judge asserted the case could have been a murder charge if Kominski's aim had been better.

The judge left no doubt he considered the incident an outgrowth of two gangs deliberately setting out to "get each other."

Leo Bahur, 17, of the 100 block South Wolfe street, was wounded by a .32-caliber bullet. Kominski admitted he had fired a German pistol owned by his father but declared he "intended" to shoot into the air.

The shooting took place in an alley, Kominski testifying that about fourteen boys in his gang met twenty in another gang. The others were armed with pipes and sticks, Kominski said.

Kominski's parents are unemployed, he told the court, but he, a brother and a married sister support the household.

Defense Attorney Leon A. Rubinstein said it is no wonder boys pick up pistols when force is emphasized in newspapers, on the radio and on television.

It was then that the judge said the parents are principally responsible.

Andrew Kominski, Theodore's 19-year-old brother, George Leonard and Eugene Hubbe were acquitted of disturbing the peace.

EVE SUN-6/8

Appeals Court Upholds Zack Extradition

[*Special to The Evening Sun*]

Annapolis, June 8—Maryland's highest court today upheld the extradition of Joseph Anthony Zack, Baltimorean who walked out of the State House here February 7, while Governor Lane was signing papers ordering him sent to Lebanon county (Pa.) to face safecracking charges.

Was missing for a day after Governor Lane signed the extradition warrant.

Plea Turned Down

Later he reported in Baltimore and applied for a habeas corpus writ which would free him from extradition. Judge Robert France rejected the plea.

Unanimously, the Maryland Court of Appeals dismissed Zack's appeal on the ground he failed to prove he was not in Pennsylvania during a series of safe robberies last summer and fall.

Zack has been free in $10,000 bail. He apparently could still take an appeal to the Supreme Court.

One In Gang Shot Dead

Zack, who lives in the 1900 block North Patterson Park avenue, is charged with being a member of a safecracking gang, one member of which, Frank Stadler, of Baltimore, was shot and killed by Pennsylvania police during a burglary at Elizabethtown last January.

Pennsylvania charges Zack with obtaining about $10,000 in safecrackings in Myerstown, Avon, Jonestown and Lebanon last July 31, October 1 and October 13.

He was arrested at his home here January 25.

Witnesses Produced

Zack produced witnesses to testify he was in Maryland at the time of the robbery. Pennsylvania produced witnesses to testify he was on the scene of the robberies.

"The evidence here is merely contradictory on the question of whether the appellant (Zack) was absent from the State," the court said today in a 6-0 decision prepared by Judge Stephen R. Collins. "This is not the proper proceeding to try the question of alibi."

State Prosecutors To Meet Tomorrow

Prosecuting attorneys from Baltimore and the Maryland counties will meet tomorrow at the Stephen Decatur Hotel in Ocean City to consider three proposed changes in Maryland law.

State's Attorney J. Bernard Wells, of Baltimore, president of the State's Attorneys Association of Maryland, suggested three points for the prosecutors to consider.

Admissibility of confessions given by defendants who have been urged to "tell the truth" is one of the points scheduled for discussion. The Maryland Court of Appeals ruling in the Thomas Alexander Edwards murder case, last ruling in a series of cases involving alleged inducements to confess, is to be considered in connection with the confession point.

Alibi Issues

Alibi defenses, and the question of whether Maryland should bar production of alibi testimony unless the defense gives notice in advance to permit investigation by the State are to be discussed.

The question of whether the State should be given right of appeal in criminal cases is the third point set for discussion.

EVE SUN-6/8

New Edwards Trial Slated Monday

Retrial of Thomas Alexander Edwards, Anne Arundel County Negro, for the slaying of a young Glen Burnie couple, is set for next Monday in Criminal Court before a jury, with two judges presiding.

More than 200 prospective jurors are being called for possible selection on the first day of the case, with others due to appear Tuesday if the full panel is not picked at the first day's session.

Since the two sides have a total of 60 peremptory challenges, 40 for the defense and 20 for the State in view of the fact that two murder cases will be tried simultaneously, jury selection is expected to take more than the usual time.

Conviction Upset

Chief Judge W. Conwell Smith and Judge Charles E. Moylan will preside. The case was removed to Baltimore from Annapolis on the defense motion, being heard here before a three-judge court more than a year ago.

The verdict of conviction was reversed last fall by the Maryland Court of Appeals on the ground that a written confession obtained by Edwards was improperly admitted in evidence because Capt. Henry J. Kriss, detective chief, had shown him a letter which the court felt was an inducement.

Prosecutors Listed

The murder victims were John H. Mahlan and Miss Mary Kline. Their bodies were found in a clearing near the Defense Highway several days after the youth's bloodstained automobile was found standing in a bean patch near Lipin's Corner.

John C. Morton, Jr., the Anne Arundel County prosecutor, and Assistant State's Attorney Anselm Sodaro will prosecute.

Defense attorneys are William J. McWilliams, former Annapolis judge, and Ridgely P. Melvin, Jr., of Annapolis, both of whom were appointed by the county court to handle the defense.

Officials Of City Question Crime, 'Hangout' Talk

Statements made in Washington that Baltimore was a possible "hangout" for some gamblers and racketeers brought statements from public officials today that there are no indications of organized protected rackets here, although crime, vice and gambling exist to a degree.

The congressional interest in crime and gambling already had caused Baltimore judges and prosecutors to become interested observers of the Washington developments.

Judge Michael J. Manley, who handles gambling cases in Part One of the Criminal Court, revealed that he and State's Attorney Wells had conferred on the subject, and that officials had considered steps to obtain copies of any testimony bending to show crime here.

Judges To Confer

Chief Judge W. Conwell Smith of Criminal Court, said the Supreme Bench as a whole would discuss the situation.

Judge Herman N. Moser had suggested that since Baltimore had been mentioned by Rudolph Halley, counsel for the special Senate investigating committee, that perhaps the grand jury should consider asking him to appear and give any information he has concerning crime and vice in this city.

Mr. Wells, saying that Mr. Halley could not be forced to appear by [illegible]

summons, asserted that so far he had heard nothing to suggest organized and protected crime here.

"I know of the existence of no organized ring trafficking in drugs and narcotics, or in white slavery and prostitution," the prosecutor said.

No Protection Indicated

"It is certainly manifest to anyone that we do have crime of both kinds," he added, since such cases are successfully prosecuted in our courts.

"Such cases however, seem to indicate the incidental type of vice that is usual in large centers of population. Those cases do not suggest protected crime.

MORN-SUN 6-10-50

POWER TO APPEAL SOUGHT FOR STATE

'Coddling' Tactics Assailed By Attorneys' Association

Ocean City, Md., June 9 [*Special*]—A law granting the State the right to appeal to higher courts in criminal cases was recommended today by the State's Attorneys Association.

Contending that the law at present is weighted on the side of the accused, making the State's burden in proving guilt "more and more heavy," the Baltimore city delegation tomorrow will make two more recommendations:

1. Alibi defenses by the accused should be excluded by the courts unless the State has had prior notice that an alibi defense is to be used and has had an opportunity to investigate the credibility of "these eleventh-hour witnesses" and the accuracy of the alibi.

2. Maryland court rules should be changed to permit use of confessions or statements obtained by exhorting the accused to tell the truth or advising it might be better to do so.

Given "Every Safeguard"

J. Bernard Wells, State's attorney of Baltimore city, and his assistants, in presenting their case for the State's need for right of appeal, told the association that "instead of the cruelty which characterized earlier trials, our courts are now prone to coddling.

"Today the prisoner is surround-

[Continued on Page 8, Column 2]

ed by every safeguard and practically every presumption is in his favor."

The association, in recommending that the State have the right of appealing in criminal cases, went further than a bill which Mr. Wells had submitted.

The group felt that the bill prepared by Mr. Wells and William H. Maynard, assistant State's attorney, was not definite enough since it did not call for the State to be granted the right of a new trial.

Not Double Jeopardy

Mr. Wells, who is also president of the association, was told to appoint a committee to draft a bill which would "give the State the same right of appeal as is now afforded the accused and in the event of a reversal and new trial granted to the State, the new trial shall not be held to be double jeopardy."

The Fifth Amendment to the Constitution of the United States, which states "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb" will not be abrogated by such a law, Mr. Wells contended, since Maryland's Constitution has no such provision.

The United States Supreme Court has held that the Fifth Amendment is binding upon the United States Courts and not upon state courts, he said.

Murder Case Cited

He cited a number of other states which have similar laws to that he proposed.

The case of Thomas A. Edwards who was found guilty by a Baltimore city court in the Mahlan-Kline murder case and later granted a new trial by the Court of Appeals because a confession was "exhorted" from him by police is the basis for a paper to be delivered tomorrow by J. Harold Grady, Baltimore city assistant State's attorney.

Man Who Robbed 2 Gets 20 Years

George E. Taite, 25, pleaded guilty yesterday to robbing two cab drivers of $9 at the point of a butcher knife and was sentenced to twenty years in the Penitentiary.

Judge Joseph Sherbow sentenced the small Negro to twenty years for each robbery and imposed a ten-year term for a third middle-of-the-night assault on a cab driver. The sentences are to run concurrently.

In the third case the cab driver wrestled the knife away from his assailant who fled without getting any money.

The robberies took place May 14 and 15.

Taite gave his address as the 2000 block Rayner avenue. He said he had been unemployed except for part-time work since February.

The pattern was the same in each case. The drivers who were taken for a ride wound up facing a knife point at different locations on Mount street. In each case the assailant rode in the front seat.

Victims were Lee H. Montgomery, 1014 Mount Holly street, and Earl W. Cole, 1200 block East North avenue. Frederick Carter, 3017 Rosalind avenue, is the driver who grappled with the robber.

MORN-SUN 6-10-50

Three In Abortion Ring Plead Guilty

Westminster, Md., June 9 (AP)—Three members of an abortion ring operating out of Baltimore have paid their fines after pleading guilty in circuit court here.

Thelma C. Ensor and Chris C. Campbell, of Hampstead, and Paul T. Leather, of Baltimore county, pleaded guilty to conspiracy charges.

Chief Judge James E. Boyla[illegible] Jr., of the Fifth Judicial circuit, fined Miss Ensor and Campbell $1,000 each and imposed three-year prison sentences which he suspended on condition of good behavior.

Leather drew a $500 fine and a three-year suspended sentence.

Last week all three also were arraigned in Baltimore on similar charges along with seven other persons. Of these ten, Leather was the only defendant to plead innocent and he was acquitted.

The others pleaded guilty and were fined sums ranging up to $5,000.

EVE-SUN 6-12-50

Boy, 15, Sentenced In Play Death

An indeterminate sentence of not more than ten years in the State Reformatory was imposed today by Judge Joseph Sherbow on Walter Burman, 15-year-old Negro, who shot and killed a playmate who was trussed to a chair in a game of cops and robbers.

The Burman boy was 14 years old at the time of the shooting January 16 in the basement of his home in the 600 block of West Lanvale street.

The dead boy, Wilbert Biddle, 16, also a Negro, lived in the 1200 block of Edmondson avenue.

Judge Sherbow had held sentence under consideration after a second-degree-murder verdict was returned sometime ago by a Criminal Court jury. The judge revealed today that neither psychiatric, psychological nor probation investigations threw any real light on the motives of the killing.

Three other boys participated in the game. Burman insisted that the shot was fired from a .22-caliber rifle which he held across his knees and did not aim. One of the other boys, however, said a .25-caliber pistol actually was used for the fatal shot, and police evidence tended to substantiate that contention.

However, even under sodium pentathol, known as "truth serum," the Burman boy stuck to his original story of firing several shots from a rifle while he was questioning the trussed-up boy about the alleged theft of cigarettes from young Burman's father.

Man Gets 2 Years In Pipe Holdup

George Ellis Duke, 21, today was sentenced to two years in the House of Correction for a street holdup last February 2 within 24 hours after his release from prison.

Duke used his pipe as a weapon, sticking it in the ribs of Henry R. Bowman on the street outside the Y.M.C.A. He had taken a box of pills and 50 cents.

The defendant, who has several times been classed as a psychopath, and who has been in trouble intermittently since he was a boy, professed that he had no recollection of the offense.

"A man would have to mentally unbalanced to do that on the day he is released from jail," Duke told Dr. Manfred S. Guttmacher, court psychiatrist, in protesting that he remembered nothing.

Upset By Noise

The ex-prisoner complained that, after the quiet of prison, street noises jangled his nerves. He said he never remembered so much noise, including honking of auto horns, as he heard during his first few hours back in Baltimore from the House of Correction.

Judge Michael J. Manley imposed the new two-year sentence in Criminal Court after Dr. Guttmacher reporte dthat Duke is the type of offender who should be held under indefinite sentence in the proposed institution for psychopaths. In the absence of such an institution, no other sentence is possible, the judge pointed out.

Dr. Guttmacher also proposed that Duke should be given electroencephalograph tests to determine whether he has an organic brain disturbance.

NEWS

Din Of City Blamed For Theft Urge

News

An accused hold-up man declared in Criminal Court today that "jangles nerves," caused by the noise and confusion of the outside world as compared with the quietude of prison life, may have been responsible for the robbery.

The prisoner, George Ellis Duke, twenty-one, was accused of holding up Henry R. Bowmon on the street outside the YMCA Building last February 2, within 24 hours after Duke had been released from the House of Correction.

Duke claimed he did not recall the hold-up, which police said was staged with the stem of a pipe held to simulate the barrel of a pistol. Bowman said he surrendered a box of pills and 50 cents to the robber.

Judge Michael J. Manley sentenced Duke to two years in the House of Correction.

EVE-SUN 6-12-50

Examiner Gives Mahlan-Kline Autopsy Data

Thomas Alexander Edwards, 23-year-old Negro, today pleaded not guilty as his trial for the murder of John H. Mahlan and Mary E. Kline, of Glen Burnie, in 1948 was reopened in Criminal Court.

Edwards, who was convicted of first-degree murder in February of 1949 and sentenced to hang, received a new trial because the Court of Appeals ruled early last winter that two alleged confessions which figured prominently in the early hearing had been obtained improperly by police.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan heard the case without a jury.

Anselm Sodaro, assistant State's attorney in Baltimore, started this new version of the Mahlan-Kline trial in much the same order as the trial which seventeen months ago brought Edwards a death sentence.

Same Line Followed

The defense, led by former Judge William J. McWilliams, also appeared to be following its previous line of throwing doubt over the State's theory of the guilt of Edwards.

The first five [illegible] including the mother of the murdered girl, [illegible] Glen Burnie, were th[illegible] testified in the same order to n[illegible]y the same effect as they had before.

Mrs. Kline told the court that young Mahlan "just happened to drop in" the Kline home about 8.15 P.M. on September 17, and asked her daughter to go out for a ride.

Mrs. Kline described her daughter's clothing and said that the relations between Mahlan and her daughter included "nothing serious," and that the evening ride was "just casual."

Following Mrs. Kline, George W. Rogers, Jr., a Glen Burnie letter carrier, testified that between 9 and 9.15 o'clock the same night, he had seen Mahlan on foot and exchanged a few remarks with him in front of the Glen Burnie Post Office before Mahlan got back in his car and drove away.

Royer Appears First

The first witness, as in 1949, was Dr. Earl L. Royer, the assistant medical examiner, who performed autopsies on the bodies of the two victims of the Anne Arundel county murder.

Questions by Mr. Sodaro and crossquestions from former Judge William J. McWilliams, Edwards's defense counsel, revolved about the causes and effects of bullet wounds in the brains of both Mr. Mahlan and Miss Kline.

Little new light was shed on testimony produced at the earlier trial, and Mr. Sodaro was simply trying to re-establish facts previously brought out.

These dealt, in addition to the two bullet wounds, with lacerations on the girl's knees and with the possibility of a blow having been struck on the right side of the girl's head.

Morton Aids Sodaro

James C. Morton, State's attorney for Anne Arundel county, was assisting Mr. Sodaro's prosecution, and Ridgely P. Melvin, Jr., assisted Mr. McWilliams for the defense.

A search for the young Glen Burnie pair began on the morning of September 18, 1948, after Mahlan's bloodstained auto was found off Old Annapolis road near Lipins Corner.

Hundreds of citizens joined police and the National Guard in the search that led four days later to the discovery of the two battered and bruised bodies 28 miles away in a clearing off Chesterfield road.

Two and a half weeks later, Edwards was arrested at the home of his father in Freetown, a Negro community near where the car was found.

Police Find Gun

An agent of the Federal Bureau of Investigation testified at the first trial that a cartridge case picked up near where the bodies were found was fired in a foreign-make gun which police seized in the home of Edwards's father.

The defense contended that the cartridge case could have been "planted" there by the "real" murderer. The defense attorneys also argued that the confession were procured by "intimidation" and that police "planted seeds in the mind" of the Negro to make him sign the statements.

Edwards was convicted February 9, 1949, by a three-judge court comprised of Judges Robert France, Joseph Sherbow and Emory H. Niles.

Sentenced to die for the murders, Edwards appealed, and last February 8, the Court of Appeals granted the new trial.

The court agreed with Edwards's State-appointed attorneys that the confessions Edwards signed before Detective Captain Henry J. Kriss were inadmissible, but ruled against defense counsel in their argument that the cartridge case also should have been withheld from evidence.

EVE-SUN 6-12-50

Go Slow

Among the recommendations made by the State's attorneys in their annual session at Ocean City was one which will startle many people. It was the proposal that the State be allowed the same right of appeal in criminal cases as the defendant now enjoys.

Those who are familiar with the principle which is embodied in our Federal Constitution that no man shall be twice put in jeopardy for the same offense will wonder at the mere mention of such a proposal. Usually it is held that if a criminal defendant has been once acquitted, a second trial puts him into jeopardy of life or limb a second time. Thus, the prosecution does not have the right of appealing a verdict of acquittal in the Federal courts, and it is denied such a right in most of the states. In a few states, including Connecticut, however, the state does have the right of appeal, and prosecuting attorneys seem to think it would be good to have such a rule here.

Since the men who made the proposal are charged with the duty of securing conviction against criminal offenders and since the whole framework of our criminal jurisprudence depends upon their efforts, what they recommend is at least worth thinking about. But on the face of it the proposal is highly questionable.

To be sure, there are a few criminal cases where the acquittal of the defendant may be clearly due to some erroneous ruling on the part of the trial court. If the State had the right of appeal in such cases, justice might be better served. But cases of this kind are few, and grave evils in other cases might result if the State could appeal any criminal case after there has been an acquittal.

While such appeals would no doubt prevent the escape of a few offenders, the whole idea of subjecting acquitted men to a second trial is inconsistent with our traditional ideas of justice and liberty. It will require a lot of thinking before we begin to move toward this change.

NEWS 6-12-50

Slaying Trial Of Edwards Opened

News

Thomas A. Edwards' new trial on charges of the Kline-Mahlan murders in Anne Arundel county in September, 1948, opened today in Criminal Court with Mrs. J. E. Kline, mother of one of the victims, as a witness.

Mrs. Kline took the stand shortly before the noon recess and began to tell of the drive on which her daughter, Mary Kline, an eighteen-year-old secretary, and her escort, John Mahlan, met their death.

She said the young couple left the Kline home in Glen Burnie early on the evening of September 17, stating that they were going for "a short ride"—the ride from which they never returned.

CAR, BODIES FOUND

Their car, blood-stained and bullet-marked, was found next day near Lipin's Corner, starting a search which ended with the finding of their bodies on a lonely road in a far part of the county on September 21. Both had been shot.

As she took the stand today the bereaved mother was dressed in black, relieved only by a string of pearls. Her manner was composed as she started her testimony.

She was the third witness of the morning, the others being Dr. Henry C. Freymouth, toxicologist, and Dr. Earl L. Royer, of the medical examiner's office.

TELLS OF BRUISES

A new note of testimony was introduced by Dr. Royer, the first witness, who told of finding bruises on Mahlan's ankles but could not state positively whether they had been inflicted before or after death.

Prosecution and defense attorneys seemed interested in the exact time the bruises were suffered but Dr. Royer said he could not say with certainty. There was no indication of what significance the point might have in further trial developments.

As in his first trial, Edwards today pleaded not guilty and asked a trial by the court.

Edwards was convicted of the murders at his first trial and was sentenced to be hanged but the conviction was reversed last February by the Maryland Court of Appeals.

The first new note of evidence introduced today was the identification by Dr. Royer of a photograph showing a bruise on young Mahlan's ankle.

MORN-SUN 6-9-50

JUDGES CALL FOR U.S. AIDES IN CRIME PROBE

Bench Requests Wells To Seek Testimony On Racketeers

Baltimore judges decided yesterday to investigate Washington reports that the city has been used as a hangout by racketeers and asked two Capital officials to testify here.

Harry J. Anslinger, chief of the Federal Bureau of Narcotics, and Rudolf Halley, counsel for the Senate crime investigating committee, were named.

They cannot be summoned, but Judge Michael J. Manley, presiding in Criminal Court, instructed J. Bernard Wells, State's attorney, to ask the men to appear before the grand jury.

Anslinger was not in Washington yesterday afternoon, and Halley could not be reached for a statement. Both have been connected with statements relating to use of Baltimore by racketeers or the narcotics trade.

Judges In Agreement

Judge Manley said the eleven judges on the Supreme Bench were unanimous in the decision to seek direct testimony from the two men.

Mr. Wells said he knew of no "organized ring trafficking in drugs and narcotics or in white slavery and prostitution" here. But it's obvious that a city of this size will have various types of crimes, the State's attorney added.

As for gambling, the State's attorney said "our police are unusually vigilant in the arrest of persons engaged in gambling."

Since horse racing and parimutuel betting is permitted in most sections of Maryland it is "most difficult" to suppress illegal gambling completely, he declared.

Says Many Support Racing

Without the full moral support of the people laws against illegal gambling have no chance of rigid enforcement, according to Mr. Wells. And he observed that many Marylanders support horse racing.

"It is difficult to expect that clandestine betting will not be engaged in," he added.

Other local officials have been skeptical as to the existence of organized racketeering here.

Mr. Wells agreed with several judges that Baltimore is relatively free from organized, protected crime.

The request for direct testimony here was an outgrowth of Washington reports relating to testimony before a Senate investigating committee. Baltimore, it was reported, is one of several cities where out-of-town gamblers or those who deal in narcotics and white slavery spend at least part of their time.

City No Crime Center In Opinion Of Hepbron

Considering the fact that Maryland is something of a racing center, it would be surprising if there were not a "few" gamblers in Baltimore, James M. Hepbron, executive vice president of the Criminal Justice Commission, said yesterday.

"But we are in no sense a center of strongly organized crime," he declared.

Mr. Hepbron said he agreed with law enforcement officials when they expressed doubt that much "organized crime" exists in Baltimore.

Called Gamblers' "Hangout"

The officials had issued their statements following reports from Washington that Baltimore is a "hangout" for some of the gamblers and racketeers being investigated in the Senate probe of nation-wide crime.

Speaking of nation-wide traffic in drugs, Mr. Hepbron said there have been some instances of "marihuana peddling" here.

"But these people are kept on the move by the harassing techniques of the Federal narcotics enforcement agents," he declared. "I don't for a moment believe their activities are centered here."

He described the activities of bookmakers and numbers operators in Baltimore as "petty crime" and declared that Capt. Alexander Emerson and his vice squad "keep them in hand" by constantly raiding every headquarters they set up.

Knows No National Basis

"I don't think either of these types of gambling operate on a nationally syndicated basis here," he asserted.

Alluding to a statement by Tennessee's finance and taxation commissioner, which described Baltimore as one of the main sources of illicit liquor transported into the southeastern states, Mr. Hepbron declared:

"I believe that has been true in the past, but recent changes in the State's regulations governing the shipment of liquor for out-of-state consumption has ended the business."

The Tennessee official had traced the source of much of the liquor pouring into the southeastern states to a Baltimore liquor wholesaler, whose activities recently have been halted.

Hammond Backs Statement

Hal. Hammond, Attorney General of Maryland, confirmed Mr. Hepbron's statement, and said the change in the regulations came at the urging of his office following the indictment of a liquor dealer who had shipped "more than 90,000 cases of liquor to Southern states" before his activities were halted.

MORN-SUN 6-9-50

EDWARDS GETS COURT TRIAL

Defense Switches Plans For Case Opening Monday

In a switch of plans, the defense decided yesterday it does not want a jury when Thomas A. Edwards is tried again starting Monday for the Mahlan-Kline murders in Anne Arundel county in 1948.

The retrial, ordered by the Court of Appeals of Maryland, will be heard by Chief Judge W. Conwell Smith and Judge Charles E. Moylan.

The change by the defense means that more than 200 people summoned for possible jury service will not be needed. Court officials yesterday were busy sending out cancellations, but they feared they could not reach all before Monday.

Kriss "Exhortion" Involved

Edwards, 23-year-old Negro, was reprieved from a death sentence by the Court of Appeals last February. A first-degree murder conviction was overruled when the State's highest court decided Capt. Henry J. Kriss, chief of Baltimore detectives, had improperly "exhorted" Edwards to confess the two slayings.

The victims were John H. Mahlan and Miss Mary Kline. In the nullified confession Edwards allegedly admitted he shot the man in the head and clubbed the woman with a pistol butt because he became angry when Mahlan's car ran him off the road.

Trial Transferred

Edwards was a pedestrian but he followed the car on foot, according to the confession.

John C. Morton, Jr., Anne Arundel county State's attorney, and Anselm Sodaro, assistant State's attorney in Baltimore, will prosecute. For the defense, William J. McWilliams and Ridgely P. Melvin, Jr., are the attorneys designated by the county court.

On a defense motion the trial was transferred from Annapolis to Baltimore.

Morn Sun 6/10/50

CRIME-IN-CITY QUOTES DENIED

Local Plan For Questioning 2 Federal Officials Given Up

The plan for questioning of two Federal officials on crime conditions here was canceled yesterday after both denied saying Baltimore is a hangout for gamblers and racketeers.

J. Bernard Wells, State's Attorney, wrote letters to H. J. Anslinger, chief of the Federal Bureau of Narcotics, and to Rudolph Halley, chief counsel to the Senate committee investigating crime. He withdrew his request that they testify before the local grand jury, stating it would be "purposeless."

Last week, soon after the two capital officials were connected with the statements on Baltimore crime, Judge Michael J. Manley, presiding judge in Criminal Court, asked for them to testify here.

Both Deny Statements

Yesterday the judge agreed with Wells that the testimony would be of little use.

In letters to Mr. Wells both men denied labeling Baltimore a crime hangout, and Anslinger said he could see "no purpose" in testifying as he had "no special information" on Baltimore.

A dispatch connected him with the statement on Baltimore's use by gangsters and racketeers engaged in gambling, narcotics and white slavery, Anslinger said.

Testified In Closed Session

He said the story apparently grew out of secret testimony before the Senate committee investigating crime. And he added:

"At no time during my testimony did I mention the city of Baltimore."

Halley said he would be glad to testify here, but he emphasized he had not listed Baltimore as one of several cities favored by racketeers.

In secret testimony before the Senate committee a number of cities in eighteen states were mentioned as places where certain suspects resided, Halley said.

But there was no testimony, he added, that these suspects carried on their illegal activities in those cities or that those particular cities were favored by gamblers or other criminals or that the cities were crime centers.

Certain people in Baltimore are on the list of suspects, Halley said.

Cautioned Against Inferences

At the time he mentioned the presence in Baltimore of persons on the list, Halley said, he specifically cautioned against drawing any inferences.

The State's attorney wrote the letters requesting the officials to testify here after Judge Manley and other members of the Supreme Bench decided to nail down the reports from Washington.

POLICEMAN, KLINE ALTER TESTIMONY

2 Changes Mark Opening Of Second Edwards Murder Trial

Two important State's witnesses yesterday altered testimony they had given previously as the second trial of Thomas A. Edwards, 25, on charges of murdering John H. Mahlan and Miss Mary Kline opened in Criminal Court.

The two witnesses who told a two-judge court that part of their testimony at the first trial more than a year ago was erroneous were:

Sergt. D. Brooke Meade, of the Anne Arundel county police, who testified he erred when he stated at the first trial that he made an "intensive search" by digging and sifting the ground the day after the bodies of the two young people were found at a Chesterfield clearing.

John Edgar Kline, father of Miss Kline, who testified that he was wrong when he originally testified that the grass and undergrowth around the spot where he found Mahlan's torn operator's card was wet with dew, and also that his shoes were wet from the dew.

The significance of the testimony changes became apparent in the light of defense contentions at the first trial in February, 1949, before a three-judge Criminal Court.

Ruling Of Appeals Court

That court convicted Edwards of first-degree murder in both killings and sentenced him to hang, but the Court of Appeals subsequently reversed the convictions on the grounds that a letter shown Edwards prior to the taking of written statements constituted an improper inducement.

Sergeant Meade had testified at the original trial that the intensive ground-sifting search took place the day after the two bodies were found by a county workman.

Since an empty cartridge found by a curious prober at the spot where Miss Kline's body had lain was not uncovered until six days after the bodies were discovered, the defense contended the intensive police search should have located the shell earlier and suggested that Edwards may have been the victim of a "plant."

Bullet's Place In Argument

There was positive evidence by an agent of the Federal Bureau of Investigation at the first trial that the cartridge found was fired from a gun belonging to Edwards, but the defense pointed out that the accused had frequently practiced with the weapon and that empty cartridges could easily have been picked up.

In explanation of his change of testimony, the police sergeant said he testified without his notes at the first trial. He said about a week ago, in going over his memoranda, he noted that the intensive search by sifting the ground was not carried out until some fifteen days after the cartridge was found.

The bodies were found September 20, 1948—a Monday—and the cartridge the following Sunday afternoon. Young Mahlan's blood-stained automobile had been found on the morning of September 18 in a bean patch off the old Annapolis road, near Lipin's Corner.

Says Search Was For Weapon

That patch is about 26 miles from the Chesterfield clearing.

Seageant Meade told Chief Judge W. Conwell Smith and Judge Charles E. Moylan that the original searches of the Chesterfield area were for weapons.

The witness contended also that the searchers probed the wooded area beyond the clearing, rather than in the clearing, because they figured the killer would attempt to dispose of a weapon in the woods.

Asked by William J. McWilliams, court-appointed defense counsel along with Ridgely P. Melvin, Jr., whether he did not testify previously that the original search of the area was "intensive," the sergeant replied:

"It was intensive for a weapon."

Mahlan's Operator's Card

Mr. Kline testified he found young Mahlan's operator's card, torn into five pieces, at about 9.30 A.M. on September 18 within a city block from the spot where the car was abandoned in a bean patch.

Although he had declared at the first trial that the card was dry, but that the grass and his feet were wet from the dew, Kline contended yesterday that both the grass and his shoes were dry when he picked the pieces up.

The defense takes the position that if, as the State contends, the car was abandoned in the patch shortly after midnight that same morning, the card pieces would have been wet from the dew.

Anselm Sodaro, assistant State's attorney of Baltimore, and James C. Morton, Anne Arundel county prosecutor, disclosed they had not known in advance that Kline would change his earlier testimony.

Girl's Father's Testimony

Kline said he was taken to the bean patch by a neighbor after he learned that Mahlan's automobile had been found. He said he was called to the car to itentify a woman's shoe wedged under the rear of the front seat.

The young girl's father broke down and cried when he said:

"I opened the door and saw my daughter's shoe."

"Did you have an opportunity to examine the car?" he was asked by Mr. McWilliams.

"I didn't want to examine it," Kline replied.

"Did you know whether the car had any dew on it?"

"No, it was dry," the witness replied.

Previous Account Recalled

"You didn't get a chance to touch it, did you?" the attorney then queried.

"No, I didn't touch it," Mr. Kline answered.

"Didn't you testify last time that the grass was wet from the dew and you got your feet wet from tramping around?" Mr. McWilliams then asked.

"I wasn't responsible then what I was saying," Kline asserted. "I'm a little more reconciled now."

"Reconciled to what?"

"To my terrible mishap."

The parent of the 18-year-old victim also denied that he made a statement to the press in which he was reported as saying he felt the automobile and it was dry.

Mr. Kline said he had read his previous testimony about a week ago, but denied he decided then to change it.

Trial Moves More Slowly

The trial progressed more slowly yesterday than it did at the opening day of the first hearing. Only eleven of the State's witnesses, of the 79 summoned, were called to the witness stand as compared with nineteen on the first day of the former trial.

Defense counsel said they would call between 20 and 30 witnesses.

The defendant, who pleaded innocent to both murder charges, remained almost motionless on the prisoner's bench as witnesses testified about the two merciless killings.

He sat with his hands folded across his chest and looking straight ahead.

Other Testimony Varies Little

Witnesses were called by the two prosecutors in almost exactly the same order as at the first trial, and the testimony they gave, with the two exceptions, varied little from their original statements.

Dr. Earl L. Royer, assistant medical examiner of the State of Maryland, was the first witness called by the State. Dr. Royer performed autopsies on the bodies of the young girl and her 25-year-old companion.

Both of the victims died of bullet wounds of the brain, but Miss Kline also suffered a second skull fracture from a blunt object which struck her on the right side of the head above the ear, Dr. Royer said.

Finger And Knees Hurt

In addition, the left index finger of the young girl was nearly shattered by a bullet and her knees were bruised, Dr. Royer asserted. The examiner also testified there was no evidence of a criminal attack, but said such a possibility could not be entirely excluded since both her body and that of young Kline had started to decompose before they were found.

Young Mahlan also suffered bruises on the outside of his right ankle, the doctor told the court.

Mrs. Dorothy Kline, mother of the young victim, said she last saw her daughter at about 8.45 P.M. on the evening of September 17, 1948. At that time, she said, Mary left for a "short drive" with Mahlan, who called at the house unexpectedly.

Fellow Letter Carrier Testifies

Mrs. Kline said the two young people were "just friends, nothing serious, I don't think."

George Washington Rogers, the next witness, testified he knew Mahlan as a fellow-letter carrier and that he last saw Mahlan and a young woman at about 9.15 the same evening in front of the old Glen Burnie Post Office.

Trial of the Negro defendant whose home is at Marley Neck Anne Arundel county, will be continued this morning.

Both trials were removed here from the Circuit Court of Anne Arundel county.

Morn. Sun- 6/13/50

NEWS-6/12/50

Drop Proposal To Question U. S. Aides On Crime Data

Court officials and State's Attorney J. Bernard Wells decided today that it would be "purposeless" to ask two Federal officials to testify before the Grand Jury here concerning allegations that Baltimore is a hangout for gamblers and dope peddlers.

The decision not to ask the Federal men to come here was made after Mr. Wells received letters from them.

HALLEY'S OPINION

One, Rudolf Halley, chief counsel to the U. S. Senate's committee investigating interstate crime, indicated his willingness to come to Baltimore but affirmed that he knew nothing about conditions here.

The other man, U. S. Narcotics Commissioner H. J. Anslinger, in effect declined to come here.

NO SPECIAL DATA

Mr. Anslinger wrote:

"At no time during my testimony (before the Senate committee) did I mention the city of Baltimore. Accordingly, I see no purpose in appearing before the Grand Jury, as I have no special information in relation to Baltimore."

Mr. Halley wrote that secret testimony before the Senate committee brought out the names of a number of cities in 18 States as places where certain suspects in interstate crime lived, but he said Baltimore was not specially singled out as a center of such activities.

EVE-SUN-6/13/50

"I know of the existence of no organized ring trafficking in drugs and narcotics, or in white slavery and prostitution."

—STATE'S ATTORNEY J. BERNARD WELLS, after hearing that secret evidence in the Senate's inquiry into gambling and crime showed Baltimore to be a hangout for gamblers and racketeers.

Mr. Wells *Judge Sherbow*

"It is a shame that the woodshed was used to hide the gun instead of what the woodshed should have been used for long ago."

—JUDGE JOSEPH SHERBOW, in finding a 17-year-old youth guilty on three charges growing out of "a little gang fight" in which the boy shot another, then hid the gun in the family woodshed.

EVE-SUN-6/13/50

Police Chief Relates Defendant's Stories Of Murder Night

Thomas Alexander Edwards's first statement to police when questioned on suspicion after the John H. Mahlan-Mary Kline slayings in Septetmber, 1948, were reported to the judges hearing his retrial in Criminal Court today.

Before Chief Judge W. Conwell Smith and Judge Charles E. Moylan, the prosecutors produced a chain of testimony purporting to link Edwards with the killings.

John H. Souers, chief of police in Anne Arundel county, testified concerning conflicting statements Edwards made after his first arrest.

The Anne Arundel county Negro was arrested for the first time on October 9, 1948, Chief Souers testified.

Questioned by prosecutors, Chief Souers said that Edwards first told of walking from his home to the Old Annapolis road on the night of September 17, the night of this murders, and then, deciding to go home, retracing his steps.

Later, however, the man told of coming to Baltimore to see a movie on Pennsylvania avenue that night, said Chief Souers.

Neither account was similar to the signed statement introduced at the first trial. It was this statement that was thrown out by the Court of Appeals in granting a retrial on the grounds the confession was obtained by improper inducement.

Earlier prosecutors produced exhibits which, at the previous trial sixteen months ago, had been directly connected to Edwards and a foreign-make pistol which he prized as a war trophy.

Three unfired pistol cartridges which were found along a roadside near Edwards's home and a fired pistol cartridge which a curiosity seeker picked up at the spot where the two bodies were found were the two exhibits.

Admitted For Identification

The cartridge shell picked up at the clearing 26½ miles from where the death car was located, so far has been admitted "only for identification."

Karl P. Phelps, Prince Georges county farmer, kicked aside some cotton batting used by undertakers who removed the bodies and found the shell pressed into the ground, he testified today.

However, the discovery was not made until September 26, six days after the bodies were located.

Phelps handed the shell over to a woman who stood alongside him, Mrs. Mildred E. Wade, of Millersville Post Office, who gave it to her husband, Russell Wade. Wade gave the shell to Chief Souers. It later was shown by FBI tests that the shell could have been fired from Edwards's gun.

Notes License Number

Apparently only Mrs. Wade's "good memory" enabled police months later to locate Phelps and put together the evidence regarding the cartridge case. Mrs. Wade, appearing as witness at the retrial, testified she made a mental note of Phelps's auto license tag—Maryland 446-021—and noted it on the back of her 1948 calendar when she returned to her home near Elvaton.

Phelps and Mr. and Mrs. Wade inspected the cartridge shell today and declared it either was or "looked like" the one picked up at the scene.

Sharp crossexamination by William J. McWilliams, defense attorney, occurred as a result of Mr. Wade's positive identification of the shell. When the lawyer questioned the witness as to how he could know the exhibit was the identical shell, Mr. Wade replied:

"After all, if you can't trust the Anne Arundel county police, who can you trust?"

Told To Pick Up Shell

"Is that your reason for identifying it?" asked Mr. McWilliams.

"Yes sirree," replied Mr. Wade.

Mr. McWilliams then told Mr. Wade to pick up the shell and look at it closely. Mr. Wade declined. Again told to pick it up, Mr. Wade replied: "It's not necessary."

Anselm Sodaro, assistant Baltimore prosecutor who is trying the case with State's Attorney James C. Morton, Jr., of Anne Arundel county, declared sharply: "Oh, pick it up Mr. Wade."

Mr. Wade picked up the shell and looked it over. Mr. McWilliams then asked him if a small hole, a cut into the shell during FBI examinations, had been in it when he first saw it.

"I Don't Know"

"I don't know," said Mr. Wade.

"Then you couldn't have really taken a very good look at it before you turned it over to police," commented Mr. McWilliams.

"Well," said Mr. Wade, for the first time hesitating over his words, "that was almost two years ago."

Again pressed as to the certainty of his identification, Mr. Wade replied: "I trust the Police Department. I still say it should be the same one."

"Then, you don't say now that it is the same one?"

"I'm not going to say it isn't," replied Wade. He then added that he personally "doesn't know a .22 from a .32."

The three unfired bullets were found by David Weishaar, of Millersville, one of a group beating the countryside in the search of the murdered couple.

A clergyman, one of the main leaders in the two-day search for the bodies, was the first witness this morning.

Describes Day

The Rev. Edward T. Kirkley, of Glen Burnie, twelfth witness, told of being present when the murdered girl's father, John Edward Kline, picked up the torn pieces of Mr. Mahlan's driver's license near the bean patch where the death car was found.

The clergyman described the day as "dry, warm and very close." At the original trial most witnesses said there was a heavy dew, although Mr. Kline changed his testimony of that point yesterday. All witnesses said pieces of the card were dry.

Edwards, who worked in a Baltimore sugar refinery and lived in the Marley Neck section of upper Anne Arundel county, was convicted at his first trial seventeen months ago and sentenced to hang.

Changes Testimony

Sergt. E. Brooke Meade, of the Anne Arundel county police force, yesterday told the three judges that he had been wrong in testifying that police had made a thorough search of the ground the day the bodies were found.

He said he found some old notes recently which showed the ground was not sifted until almost two weeks later.

Mr. Kline said his previous testimony was that there was a heavy dew the morning after his daughter disappeared.

Ground Was Dry

The ground was dry, when he looked at the bullet-pierced car his daughter and Mahlan had driven off in, he acknowledged yesterday.

The car was found in a bean patch near Glen Burnie. Mr. Kline found Mr. Mahlan's torn driver's license on a plank spanning a brook about a block from the death car.

The father said he "just wasn't responsible for what I was saying" during the first trial.

Those taking part in the case would not hazard a guess as to what effect the changes in testimony may have on the present trial.

Eleven of the State's 69 witnesses were heard yesterday. The defense is waiting to put about a dozen more on the stand.

Predictions were the trial may continue all week and perhaps well into next week.

Edwards Rarely Moves During His Trial

By Burke Davis

Thomas Edwards, again on trial for his life, sat behind his lawyers in the marble-walled little courtroom with an air of calm patience, as if he were waiting in a doctor's office.

The Negro accused of murdering Mary Kline and John Mahlan sat for most of the morning with his feet crossed under the bench, his arms folded, his glance moving quickly from witnesses to judges. Except for his eyes, there was rarely a movement from him.

He wore black and white moccasins, freshly polished, and blue slacks and a pale blue shirt, open about his large strong neck. He wore a small mustache.

Doesn't Look At Diagram

When a witness, the Rev. Edward T. Kirkley, of Glen Burnie, went to a blackboard to draw a diagram, Edwards did not turn his head to look, but stared at the back of William J. McWilliams, one of his attorneys.

Behind him, on the rear row, sat his family. His father, Rufus Edwards, is a short man past middle age about 5 feet tall. His mother, Pearl, is taller. Both wore dark blue. They caned forward now and then to hear.

Of the 50 or 60 persons in the guarded courtroom, about a dozen were Negroes. From the jury box half a dozen retired merchants, who follow most of the city's criminal trials for diversion, looked forth calmly.

Judges Silent Almost Hour

The two judges on the bench leaned forward with chins in hands. The face of Judge Charles E. Moylan was freshly sunburned. Chief Judge W. Conwell Smith was more deeply tanned.

They listened for almost an hour, now and again relaxing against the tall chairs, before there was a sound from them. Judge Smith directed a witness to answer a question.

The Rev. Mr. Kirkley went briskly to the stand—a man with thin sandy hair and a pink face, wearing a dark suit, rimless glasses, and a gay blue tie. Anselm Sodaro, the assistant State's Attorney, put questions to him.

Fidgets With Spectacles

Mr. Sodaro went at the task quietly, fidgeting with his horn-rimmed spectacles, which he held in his hand. He got from the minister the story of the discovery of John Mahlan's driver's license near one of the scenes of the crime.

Mr. McWilliams, a handsome, graying man in a cord suit, is the court-appointed lawyer who won a new trial for Edwards. He cross-examined Mr. Kirkley with care, exhibiting a habit of puckering his lips as he thought. He asked the minister if he got his feet wet in the grass when the driver's license was found.

Mr. Kirkley stammered a bit.

"I don't know," he said. "I couldn't answer that question."

Point Made Of Grass Condition

Throughout, the defense made a point of the condition of the grass at the spot, and of the torn card found there, with Mr. McWilliams hinting that since the grass was wet, and the card was dry, it might have been freshly placed at the scene.

A stout man in the front row, sitting near the defendant, nodded and slept for a brief moment, and woke up with a little start, looking about to see if he had been observed.

In the middle of the crowd were the parents of Mary Kline and John Mahlan. They watched quietly most of the morning, but once Mr. Kline, a small man in a tan summer suit, leaned forward to hear the questioning, and smiled a little at the Rev. Mr. Kirkley, who went to sit beside Mrs. Kline when l left the stand.

Look Past Edwards

Mr. Mahlan, a red-faced, baldi man, yawned at one point, b otherwise looked attentively fr the witnesses to the lawyers. T parents seemed to look past E wards, seated before them, witho seeing him. Mr. Kline once left t room briefly.

Another witness who was at ha when the Mahlan driver's licer was found, said: "I really don't member," when asked if he got feet wet.

David Weishaar, a dark lit man from Millersville, told of fi ing "three fired cartridges unde bag of crab shells in a Hires r beer bottle" off the Marley r near the home of Edwards, made a mark on a map to indic the spot.

Gets No Admission Of Erro

McWilliams said that, in the trial of Edwards, Weishaar marked another spot, farther f the Edwards home, but he c draw no admission of an error f the witness. "I don't remem anything like that," Weishaar s

Edwards sat looking at the c stenographer, and did not glance at the witness.

Carl Phelps, a middle-aged f er from Prince Georges county found an empty cartridge at spot where the bodies of the der victims were found, appe otn the stand, clasping his brown hands before him and g sparse answers in a soft draw

Describes Finding Of She

Phelps told the detailed sto finding the shell and admitt McWilliams that it had been c visible to him and to others were at the spot. Mr. Sodaro showed him a shell in a small box, and Phelps said it seemed to be the shell he had found.

get in touch with him if it became necessary.

"No. I didn't remembered. I'v memory."

She smiled b

"I went home on the back of a I told the police

Her husband, a a fresh and rath followed her to t

Spirited

Under crosse raised his voice spirited exchange They discussed th in court as State's evidence.

"You say that is the shell found there?" McWilliams asked.

"Yes, I'd say so."

"Why do you say so?"

"Why, if you can't trust the Anne Arundel county police, great golly day, who would you trust?"

"You have no other reason for saying it?"

"None whatsoever."

At First Refused To Touch It

McWilliams asked him to pick up the shell and look at it again, and Wade refused several times, vehemently, until Mr. Sodaro quietly said, "Oh, pick it up, Mr. Wade, for goodness sake."

McWilliams tried for several minutes to lead Wade to admit he could not positively identify the shell.

"How do you know it's not one of millions of others?"

"I trust the Police Department."

"It might be another."

"It should be the same one."

Judge Speaks To Him

Finally, Mr. Wade said, "I'm not answering that question," and while McWilliams puckered his lips, studying papers before him, Sodaro looked ahead with a slightly exaggerated Mona Lisa smile.

At last, Judge Smith interrupted and spoke to Wade:

"The reason you believe it is the same shell is because you turned one over just like it to Chief Souers and you believe he took good care of it?"

"Yes, sir."

With Edwards's two confessions ruled out by the Maryland Court of Appeals, the empty cartridge shell in question, allegedly fired from Edwards's gun, was a vital point.

Doesn't Look At Shell

McWilliams had been unable to to have it removed as evidence.

While the attorneys fought about it, and thrust at the witnesses, Edwards did not look at them, or at the shell.

He stil lsat motionless, almost as if listening resignedly to a long sermon.

Notes License Number

She said she did not know Mr. Phelps, but that she had noted his license number so that she might

Noted License Number

Ferndale police station," where her husband turned it over to Anne Arundel county police.

"McWilliams asked, "You don't know if this is the same shell you found or not, do you?" Phelps said he did not know, that he knew only that he had found a similar shell. He said "yes, sir," or "no, sir," in answer to almost all questions.

Mrs. Mildred Wade, of Millersville, a plump woman under a new white straw hat, told of taking the shell from Phelps, and said, "I held it in my hand all the way back to

(Continued on Page 20, Col. 1)

Found Shell, Says Trial Witness

A witness who testified he found a cartridge shell in the Chesterfield clearing where the bodies of John H. Mahlan and Mary Kline were discovered, today asserted he found the shell at the exact spot where the girl's head had been lying.

The witness, Carl Phelps, a farmer, said he had no difficulty in seeing the cartridge shell. He said:

"I kicked aside a piece of cotton and the shell was lying level with the ground under it."

HAIR ON GROUND

Phelps said:

"There was some hair on the ground where I found it (the cartridge case)."

Anne Arundel County State's Attorney James C. Morton, Jr., asked Phelps the date on which he made his find.

Phelps answered:

"September 26, 1948."

Immediately after Phelps' testimony Sergt. D. Brooke Meade, a State witness, was recalled to the stand for further questioning regarding the search of the Chesterfield clearing made by the police.

GAVE CASE TO WOMAN

Meade reviewed the previous day's testimony, but did not make any new statements.

He was followed to the stand by Mrs. Russell Wade, who lives near the Chesterfield clearing, who said that Phelps gave her the cartridge case he had found and she gave it to her husband, who, in turn, handed it to the police.

Chief of Police John H. Souers of Anne Arundel county took the stand shortly afterwards and testified as to Edwards' first arrest on October 9, 1948, when he was taken into custody for questioning.

SEARCHED FOR GUN

Chief Souers said that at that time police were looking for a gun Edwards was reported to have owned.

He reviewed his activities from the time the car was found and identified various exhibits submitted by the State, including the bullets and cartridge shells.

Testimony regarding the cartridge case was the second mention today of cartridges in the Edwards trial before Judges W. Conwell Smith and Charles E. Moylan.

FOUND CARTRIDGES

A previous witness, David Weishaar, testified he found three unfired cartridges in a root beer bottle, under a bag of crab shells, off the Marley road.

Weishaar, who said he was hunting for anything he might find in connection with the murders, located the point at which he found the cartridges on a map in the courtroom.

State's Attorney Morton said:

"I wish to call the court's attention to the spot marked on the map—a point between the road leading to James Edwards' house and the road leading into the home of Rufus Edwards."

James is a brother and Rufus the father of Thomas Edwards.

Turn Over.

NEWS 6/13/50

MORN-SUN 6-14-50

EVE-SUN 6-14-50

NEWS-6-14-50

POLICE QUOTE EDWARDS ON PISTOL STORY

Say Murder Defendant Admitted Weapon Was In Home

Thomas A. Edwards, on trial for the Mahlan-Kline murders near Glen Burnie, first told police he had sold his Czechoslovak automatic pistol, but later admitted the weapon was hidden in a cupboard at his home, it was testified yesterday in Criminal Court..

Then Edwards also told police where they could find .380 caliber cartridges, which had been hidden in an attic trap door in his Marley Neck home, according to Sergt. John J. Cassidy, of the Maryland State Police.

Edwards is on trial for the second time for the murder of John H. Mahlan, 25 and Miss Mary C. Kline, 18, both of Glen Burnie. The bodies were found in a wooded clearing off the Chesterfield road on September 20, 1948, two days after the young man's automobile was located in a bean patch 26 miles away beside Old Annapolis road.

Convictions Reversed

A three-judge Baltimore Criminal Court convicted Edwards of the murder charges in Febraury, 1949, and sentenced him to hang. The Court of Appeals reversed the convictions on the grounds that a letter shown to the Negro defendant by a Baltimore detective captain constituted an improper inducement to sign a written confession.

Mahlan and Miss Kline died of bullet wounds in the head, but the girl also suffered a skull fracture from a blunt blow, a nearly severed finger from a bullet and bruises of the knees.

The two were last seen alive on the evening of September 17, 1948, when they left Glen Burnie for a short drive.

Sergeant Cassidy testified Edwards admitted still owning a gun late in the afternoon of November 8, 1948, after he had been arrested a second time in connection with the killings and was being held at

(Continued on Page 2, Column 1)

the State police barracks at Waterloo.

The sergeant testified Edwards approached him and said:

"Chief, what would happen if you found that gun?"

"I told him," the witness told Chief Judge W. Conwell Smith and Judge Charles E. Moylan, "that a scientific examination would be made of the gun, and it would depend on that as to what would happen."

"He said, 'I'll tell you where the gun is.'" the State police sergeant continued. "He said it was at his home in the kitchen; that at the end of a piano is a small cupboard and the gun would be found in the bottom of that cupboard."

Police Locate Weapon

Several police officers were dispatched to the defendant's home and they found the gun where Edwards had explained it would be, Sergeant Cassidy then testified.

He said Edwards identified the weapon as his and even recalled the first three digits of the serial number—181. The witness said Edwards was able to recall those numbers because he had used that sequence in playing the numbers.

The next day, Edwards also told where a box of .38-caliber cartriges could be found secreted in the ceiling trap door of his brother's home, Sergeant Cassidy testified.

The police officer said he later told Edwards that the .380 caliber automatic had been identified by the Federal Bureau of Investigation as "the fatal weapon." He said he then asked the accused if he had had the gun on the night the couple was shot.

Quoted On Night's Activities

Edwards was quoted by the witness as explaining that on that night, he had placed the weapon in an ice box outside his home and had gone to a party in Freetown. Edwards also said the gun was still there the next morning, the sergeant related.

"I asked him if he could explain, if he placed the weapon in the ice box, how it could walk up the road, kill a couple of people and then come back," the sergeant testified.

"He said, 'Sergeant, sergeant, you just don't understand.'"

Earlier testimony by police disclosed that Edwards had given conflicting accounts of his whereabouts on the night of the slaying, and had told of selling his foreign-make weapon to a stevedore at a sugar refinery in Baltimore, where Edwards worked.

Chief Souers Testifies

John H. Souers, chief of the Anne Arundel county police, testified that Edwards was first arrested for questioning in connection with the killings on October 9, but was released three days later.

During that period of incarceration, Chief Souers testified, Edwards at first said he had walked as far as the Marley Creek bridge and then returned home on the night of the crimes.

Later, the witness said, Edwards contended he had gone to a movie in Baltimore that evening and had returned as far as Glen Burnie by train. From there, Edwards told of getting a "lift" in a private car to the vicinity of Freetown, the chief said.

Edwards also contended originally that he had sold his gun the preceding August to a part-time stevedore for $35 but when police accompanied him to the sugar refinery and two union halls on two separate occasions, the alleged purchaser could not be found by the defendant, several police officers testified.

Farmer Tells Of Cartridge

C. P. Phelps, Prince Georges county farmer, a visitor to the spot where the bodies were found, uncovered a cartridge which turned out to be vital evidence in the case, testimony revealed.

Phelps said he was probing around raw cotton at the location where the body of Miss Kline had lain when he saw a shiny object in the earth. He said he picked it up and found it to be a cartridge shell.

Phelp's visit to the scene was on September 26, six days after the bodies were found.

The farmer testified he gave the cartridge to a Mr. and Mrs. Russell Wade, who agreed to deliver the find to Chief Souers at Ferndale.

Point To FBI Report

Anselm Sodaro and James C. Morton, prosecutors, contend that the cartridge found by Phelps was later shown by the FBI to have been fired from the gun belonging to Edwards.

The defense takes the position that the cartridge may have been "planted" on the spot, and points out that it should have been found earlier during police searches of the area.

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed defense counsel, also attempted to show yesterday that the cartridge found by Phelps may have gotten mixed up with other cartridges admittedly fired from the weapon of the accused.

Expresses Faith In Police

Wade insisted yesterday that the cartridge exhibited to him was the one which Phelps found, although others who had handled the piece of evidence acknowledged that in the absence of special markings, they could say only that it merely "looked like" the cartridge allegedly found in the clearing.

In support of his stand, Wade declared: "Well, if you can't trust the Anne Arundel county police, who can you trust?"

Despite continuous efforts of Mr. McWilliams to get Wade to admit that he could not be absolutely sure of his identification, Wade persisted in expressing his faith in the police.

Finally, Chief Judge Smith ended the parrying by commenting to the witness:

"The reason you say it's the same one is that you turned one just like it over to Chief Souers, and you believe he took good care of it, is that right?"

More Evidence Introduced

"Yes sir," the witness replied.

Three pieces of evidence not submitted at the first trial were introduced during the testimony of Chief Souers.

They included two greasy, blood-stained rags found near the bodies of the murder victims, and a man's white handkerchief containing the initial "J" or "F" which was found near the entrance to the Chesterfield clearing.

Mr. McWilliams pointed out that the handkerchief also contained the inked initials "J. S." in the corner.

Chief Souers admitted he did not have the handkerchief examined scientifically, and denied that stains near the center of the cloth were blood. He said he had concluded that they were fecal stains.

Tells Of Visit To Auto

The Anne Arundel county police head told of his visit to the automobile after it was discovered early on the morning of September 18, and of organizing parties to look for the bodies of the young people.

The witness said he observed footprints running a distance of about 250 feet from the vehicle to a point along a stream, but because of the high grass and weeds he was unable to follow the prints farther.

Bullet holes were noted in the right and left front windows of the vehicle. Bloodstains were seen in the front and rear of the inside, and a small puddle of blood was on one running board, the chief testified.

One item of evidence was reported by the police chief to have been lost at the City Morgue, where it was left for examination of stains.

Tell About Clothing

That evidence was a pair of silk panties which had been worn by Miss Kline.

Several police who visited the clearing after the bodies were found testified that Miss Kline's clothing had been pushed above her waist and that her panties had been separated at the seams and also pushed above her hips.

Chief Souers said the State toxicologist has reported that the panties were lost after they were examined.

The chief denied he ordered a thorough, ground-shifting search at the clearing, or that he instructed searchers to look particularly for cartridge shells prior to the finding of a cartridge by Phelps.

Interested In Weapon

The officer contended he was primarily interested in locating a weapon, although he admitted that his men were instructed to look for anything that might be connected with the killings.

The defense is contending that the police searched the clearing thoroughly and that the cartridge uncovered by Phelps should have been found sooner if it was there when the bodies were found.

Other exhibits offered yesterday included three unfired shells found near the entrance to Edwards's home, and an empty cartridge found just outside the home of the accused.

Although the Maryland high court has ruled Edwards's written confession inadmissible, prosecutors nevertheless were laying the foundation for the introduction of some sort of statement yesterday when they began the usual "chain of custody" interrogation.

Policemen who had Edwards in their charge at one time or another were asked the usual questions as to whether they had offered Edwards any inducements, threatened him or given him promises of immunity. All replied in the negative.

The trial will continue today.

4 State 4-H Boys

Witnesses Say Stories Made Him Suspect

Conflicting statements made by Thomas Alexander Edwards more than a month before he was charged with the 1948 double murder of John H. Mahlan and Miss Mary Kline made him the "No. 1 suspect," police testified today.

The fact that the Anne Arundel county Negro was the main suspect all along was recalled today in testimony of State Police Captain George E. Davidson, who was recalled in proving the "chain of custody" at Edwards's second arrest in November, 1948.

The man was first picked up in early October less than a month after the double slaying on the night of September 17, 1948.

McWilliams Puts Question

Questioned about the fact that Edwards was released in early October and was taken in custody again on November 8, Captain Davidson said:

"Edwards for some time had been the chief suspect in the case."

"And this chief suspect," asked William J. McWilliams, defense counsel with Ridgely P. Melvin, Jr., on crossexamination, "was allowed to remain free and at large for some three weeks?"

Captain Davidson said that on October 12 and ensuing days Edwards made many statements, some conflicting, that required checking. He told of selling his foreign-make pistol, and he was given a chance to locate the fellow workman to whom he said it was sold, the witness said.

Former Detective Lieutenant George G. Bryan also was recalled as a witness today and detailed an account of Edwards's statements at the Waterloo State police barracks in November. It was then that he denied any implication with the killings.

Tells Of Hiding Bullets

At that time, however, Edwards told of placing the three unfired bullets, later found on a roadside near his home, and gave the alibi account, similar to the alibi he sought to establish at his first trial, regarding his movements on the night of September 17.

On cross examination, Mr. McWilliams asked:

"Just why was Edwards taken for questioning to the Waterloo barracks in Howard county?"

"Peace And Quiet"

"So we would have a little peace and quiet over there while talking to him," replied Bryan.

"Do you mean Ferndale wasn't quiet?" asked the lawyer.

"Ferndale was loaded with reporters," said the ex-officer.

"Was that bad?" asked the lawyer.

"From the policing standpoint it was."

"Was it that you wanted some secluded place where no one knew where he was and where you could question him?"

"His mother and father knew where he was."

"But you didn't want anyone else to know where he was?"

Denies Lynching Story

"Quite correct," replied the former officer. He denied that Waterloo police were told Edwards was brought there to prevent possible lynching at Ferndale.

Captain Davidson also was questioned about visitors to Edwards at Waterloo. He replied that not only the man's mother and sister, but several cousins and "quite a few people from the Freetown section came over to see him while he was there."

Other witnesses included Detective Sergeant Freeman Ramer, Pennsylvania State police official who subjected Edwards to lie-detector tests while he was under questioning; State Police Sergeants Champ Clark Zumbrun and G. Earl Newcomer; Anne Arundel County Sergeant Edward C. King and James C. Morton, Jr., the county's State's attorney, who is prosecuting the case with Anselm Sodaro, assistant Baltimore prosecutor, and Lieut. Frank Schmidt, of the Baltimore Police Department.

No testimony was offered concerning the lie-detector tests. Like the other custody witnesses, the Pennsylvania officer merely was questioned about any coercion or any inducement in an effort to gain a confession.

However, Mr. Morton was cross-examined at length concerning the fact that he helped prepare a statement signed by police officials on the day Edwards was charged with the double murder—the day before the invalidated written confession to Captain Kriss.

The statement stated that the FBI had identified the murder weapon. Mr. Morton said that at that time her and the police knew that the FBI reports actually said that the bullets recovered from the bodies bore "rifling" marks, while test bullets fired from Edwards's pistol bore no rifling marks and that the gun therefore could not be established, or discarded, as the murder weapon.

Matter Dropped

The State has contended that the pistol's barrel had been reamed or filed smooth.

Mr. Morton also was questioned about the police statement's language that police had "other information" that Edwards was the criminal. The prosecutor admitted that "anything that I say would be a deduction" and the matter than was dropped.

Chief John H. Souers, of the Anne Arundel county police, was cross-examined as to why he, on November 10, 1948, when he swore out murder warrants, could have known that he was in the proper jurisdiction.

"How could you know the murders were committed in Anne Arundel county?" asked the defense lawyer.

"I was positive of it," replied the police chief.

"How could you be?"

Cites Location Of Car

"From the location of the car, the location of the bodies in the county, and everything that suggested it all occurred there," said Chief Souers.

The police chief denied that he "went over his theory of the crime" with Edwards before the prisoner was brought to Baltimore for final questioning. However, he admitted that he did show Edwards some of the police photographs and questioned him regarding his movements.

As witness after witness, most of whom had previously appeared in the two previous days of the trial, testified before Chief Judge W. Conwell Smith and Judge Charles E. Moylan, prosecutors continued to pave the way for the offering of admissions or confessions by Edwards.

The main written confession of the first trial of sixteen months ago was ruled out by the Court of Appeals.

EVE-SUN 6-14-50

Wells Criticized By Two Aides

William J. O'Donnell, assistant State's attorney who is a candidate for the primary nomination as State's attorney, and one of his associates in the prosecuting office today issued a special statement criticizing actions of their chief and their associates at last Saturday's Ocean City meeting.

They said they "cannot condone" statements made by State's Attorney J. Bernard Wells and agreed in by most of his staff and numerous county prosecutors, which had assailed the Court of Appeals reversal of Thomas Edwards's conviction.

O'Donnell, with Alan H. Murrell, another prosecutor's aide, pointed out that they did not attend the Ocean City meeting and did not agree with the criticism of the Court of Appeals.

Finally, they asserted that they felt that comments about a pending case "on the very eve" of its retrial was improper.

Lie Detector Tests Given Edwards

NEWS-6-14

Anne Arundel county Police Chief John H. Souers today told how Thomas A. Edwards was charged with the murders of John H. Mahlan and Miss Mary Kline after testimony had been given that Edwards agreed to lie detector tests while being held in Waterloo Barracks.

Souers testified for the second time during the third day of Edwards' second trial before Chief Judge W. Conwell Smith and Judge Charles E. Moylan.

GOT WARRANTS NOV. 10

The Police Chief said he read warrants charging the murders to Edwards in his office at Ferndale Police Station on the night of November 10.

The warrants, he said, had been issued at noon that day by an Anne Arundel county magistrate.

The next day, Souers testified, Edwards was taken to detective headquarters in Baltimore where he was held overnight.

Souers stated he saw Edwards on November 12 in Baltimore in company with Anne Arundel county State's Attorney James C. Morton and Detective Capt. Henry J. Kriss.

LEADING TO 'CONFESSION'

Souers' testimony brought the first mention in the present trial of Kriss' name and apparently was intended to pave the way for an attempt by the prosecution to introduce an alleged oral confession Edwards is said to have made to Kriss.

Testimony regarding the lie detector tests made at Waterloo was given by Freeman Ramer of the Pennsylvania State police, who identified himsef as a criminal psychologist.

He said he was called into the case "to give my opinion to investigators."

THREE TESTS GIVEN

He said Edwards was given three tests of not more than five minutes each on the morning of November 10.

Ramer testified he told Edwards he had a right to refuse but that Edwards agreed to take the test.

Neither prosecution nor defense counsel asked Ramer what, if anything, the tests showed.

NOT AS EVIDENCE

Such evidence is not generally admissable in Maryland courts.

The defense tried during the morning to get into evidence a report by Trooper James J. Harbaugh of the State police, which Souers had received, although he wasn't sure when.

An objection by the prosecution, upheld by the two judges, prevented the report from being read into the testimony.

Earlier, Sgt. G. E. Newcomer of the State police had testified to finding the gun the State contends was used in the murders.

Sergeant Newcomer said he found the gun in the home of Edwards' father.

Newcomer and Baltimore Police Lieutenant George G. Bryan were the first witnesses today who had not previously testified at this trial.

GUN IN CUPBOARD

Newcomer testified the gun was in a cupboard "where Edwards said we would find it."

Bryan repeated testimony he had given at Edwards' first trial regarding Edwards' interrogation at the Waterloo Police Barracks of the State police.

He said that Edwards, on November 8, 1948, said he had purchased the gun from a white soldier at Camp Kilmer; had used it for target practice; had loaned it to a friend and finally sold it after going broke in a crap game.

BOUGHT GUN BACK

Edwards, according to Bryan, said he subsequently bought the gun back for $35.

Bryan testified also that Edwards told him:

"John Falls, yardgang, is the man I was going to get."

The detective testified that Edwards said that the gun was shown to several men at the sugar refinery where Edwards worked "so that Edwards wouldn't have any more trouble with John Falls."

Lieutenant Bryan's testimony also reviewed stories Edwards told of his own movements on September 17, presumably the day of the murders.

ATTENDED A PARTY

He said that Edwards contended he had gone to a party at Freetown that night, had returned to the home of his brother, James, about 1 A. M., and had gone to sleep.

He added that Edwards told him he worked all day on September 18 at the sugar refinery.

Bryan declared:

"Edwards said it rained hard all that day—the eighteenth, that is."

On cross-examination by Attorney McWilliams, Bryan said Edwards was taken to Waterloo for questioning because:

"Ferndale was loaded with reporters."

Louis Azrael Says: THE COURT HOUSE IS A HOUSE OF DRAMA

By LOUIS AZRAEL

Roaming in the Court House . .

High city officials and other prominent men are under legal attack, and they are present as witnesses, in the trial involving the city and the Maryland Yacht Club. Such cases normally draw big audiences. Therefore, a special press table was installed in Circuit Court No. 2 and arrangements were made to handle a crowd of spectators. But the room is almost empty, save for witnesses, lawyers and the judge. Court officials had forgotten the competition the trial would have.

The crowd is downstairs, in Criminal Court, Part 1, where Thomas Edwards is on trial, for the second time, on charges of murdering a man and woman in Anne Arundel county almost two years ago. There, every seat is filled. A policeman beside the door helps the regular attendant keep more spectators from coming in, for the judges forbid standees.

REGULARS

Among the spectators are, of course, the usual group who haunt the criminal courts, attending trials almost every day. Many are retired business men who find this an interesting way to while away time. Others are jobless men with time on their hands. For a big trial like this, however, the usual group is augmented. The Edwards case, for some reason, seems to be drawing many well-dressed, elderly ladies.

The show they see is unexciting, so far. There are not, nor will there be, eye-witnesses to give graphic, stirring descriptions of the murders. The State is trying to forge a chain of evidence, link by link, and the audience sometimes finds it hard to see how the links, as they are presented one by one, fit into the general picture.

THE STATUE

The one thing that holds the audience's attention is the man whose life depends on the trial's outcome. Thomas Edwards, tall, powerful-looking, with shiny black face, sits in the prisoner's dock, wearing denim trousers and a blue shirt open at the collar. He is as motionless as a statue.

His arms are folded across his chest. He sits erect, with head high, eyes fixed on the witnesses and not once does he fidget, squirm, move in the slightest. Only by an occasional change in his expression; by the occasional sardonic smile that crosses his face at some of the testimony, do the spectators see that he is reacting at all.

This immobility seems to fascinate the audience. They watch this motionless figure, rather than the witnesses or the lawyers.

GREATER TRAGEDY

Not far down the same corridor of the Court House, another room is crowded. But there are no spectators. Criminal Court, Part 3, is filled with men, women and babies. Every now and then one of the babies cries, and its mother rushes out with it.

This is the court of domestic woes, of nonsupport cases, of nonpayment of alimony cases. One by one, women take the stand and tell miserable stories of domestic fighting, of husbands who left them, of poverty. Husbands, usually sullen, sometimes belligerent, take the stand and defend themselves, or attack their wives.

It is a dismal, depressing spectacle; this court. It has more tragedy than the one which is dealing with a double murder.

Baltimore Day By Day — HOLDUP EXCUSE FAILS, BUT IT DOES MAKE SENSE

By CARROLL DULANEY

A man was sentenced to two years in prison the other day in our Criminal Court for a holdup.

That occurs so often here that it is not news. But the accused man's excuse for the holdup was so original that it makes the case an outstanding one.

The bandit said he had been out of prison only 24 hours at the time he committed the crime and that the noise, confusion and complicated routine of the world outside, after the peace and quiet of prison life, had upset his nerves and caused a sort of contemporary insanity.

The judge did not accept the plea, but personally I believe it makes a lot of sense.

ODOROUS COMPARISON

Compare the orderly, peaceful quiet and routine of the well-conducted prison with the outside world of Baltimore today.

If you happen to live on a one-way street you are awakened before daybreak by the roar and blasts of traffic, of trucks and busses pounding past the house and shaking it to its foundations.

Your lungs are filled with deadly fumes which even tightly closed windows cannot bar.

It may even be that a sleepless, thoughtless neighbor has had his radio turned on during the night and your own rest has been fitful.

With jangled nerves and an aching head you go to breakfast at a nearby hotel or lunchroom. Do you find quiet there while sipping coffee? You do not.

For with your eggs and toast is served what is called "canned music." This is a "must."

A complaint to the waitress or manager brings the explanation that the so-called "music" cannot be turned off.

YOUR MOOD

Perhaps a card on your table explains that the "music" has been carefully selected by experts "to suit your mood." That adds insult to injury.

Even admitting that ALL of it IS music, which I do not admit, it is apparent that no consideration is taken of the fact that there are as many moods as there are types of people. Also, our moods change.

The music which suits our mood in the evening, after a cocktail, certainly does not suit our mood in the morning with a headache.

It is the inalienable right of every free-born American citizen, I maintain, to select his own music, just as it is for him to select his own doctor, his own pastor, and his own liquor.

But, on second thought, I believe the only inalienable rights a citizen has these days are to pay taxes and vote.

And he does not have to vote if he doesn't wish to do so.

MORN-SUN 6-15-50

Pretrial News Under Bar Probe

New York, June 14 (AP)—A committee of the New York City Bar Association is studying the question of whether American newspapers and radio stations should be prohibited by law from disseminating certain information about a person between his arrest and the end of his trial.

Lloyd Paul Stryker, New York attorney and chairman of the committee, said the group for years has been concerned about the impact of stories on jurors.

Stryker, who was chief counsel in the first perjury trial of Alger Hiss, which ended in a hung jury, said subcommittees are collecting data to compare the news coverage of trials here and in England.

He cited the case of the arrest of Klaus Fuchs, saying nothing more than the bare facts of Fuch's arrest could be printed in England until his trial, while American newspaper readers knew he had confessed giving atomic secrets to a Soviet spy.

Stryker said the committee's tentative view is that—so far as the Constitution allows — publishers and radio station owners should be held in contempt of court for disseminating the following news about a defendant after his arrest and before the end of his trial:

His criminal record, if any, an alleged confession, any statement from authorities as to his guilt or evidence against him, any person's testimony as to his guilt, any comment as to the credibility of a witness or prospective witness, any statement as to matter excluded by the judge from evidence.

MORN-SUN-6-15-50

NEW DATA IN EDWARDS TRIAL GIVEN

Ex-State Trooper Tells Of Sifting Earth Before Shell Was Found

The defense took over a State's witness and developed two important new points yesterday during the second trial of Thomas A. Edwards for the Mahlan-Kline murders.

Other fresh evidence disclosed the prosecution still seeks to introduce a statement by the accused.

Edwards was convicted at his first trial but it was later ruled his written confession had been obtained by "inducement." The guilty verdict was thrown out by the Court of Appeals.

John J. Harbaugh, former State trooper who worked on the dual Glen Burnie slayings, was the prosecution witness, who was unexpectedly taken over by the defense.

Harbaugh Testimony

The new evidence included testimony by Harbaugh that:

1. He heard an Anne Arundel county sergeant tell Edwards it "might do some good" to tell the truth.

2. He used a screen to sift the ground at the Chesterfield road clearing where the bodies were found to a depth of about 3 inches the day after the two were found dead, but the search revealed no material clues.

[Later a discharged shell was found at this spot and FBI examination revealed it had been fired by a gun owned by Edwards, according to evidence submitted at the first trial.]

Kriss Takes Stand

Harbaugh was followed on the witness stand by Capt. Henry J. Kriss of the Baltimore Detective Bureau.

Captain Kriss declared he interrogated Edwards before the first trial and had taken an oral statement from the defendant prior to showing Edwards a letter from a Penitentiary prisoner which the appeals court held was an improper inducement for Edwards to confess.

At the conclusion of yesterday's hearing, Captain Kriss was directed by the two-judge court to submit to a speed-writing test which could possibly determine the fate of the 25-year-old Negro defendant.

The detective captain had testified that he took notes of Edwards's oral statement over a period of some twelve to fourteen minutes.

William J. McWilliams and Ridgely P. Melvin, Jr., defense attorneys, challenged the ability of the captain to take the three pages of notes he exhibited in that time, and asked that the witness be timed in recopying the notes to other paper.

The test was performed with Captain Kriss sitting at one of the trial tables, and it took him fourteen minutes to do the writing.

Will Offer Statement

Anselm Sodaro and James C. Morton, Jr., prosecutors, announced that they will seek to have the court admit the oral statement of Edwards this morning.

The existance of the alleged oral statement came somewhat as a surprise, since it was believed that the two written confessions ruled invalid by the State's high court had been the only statements made by the accused.

Former Trooper Harbaugh testified that one reason he quit the State police force last January was that he "was dissatisfied with the organization."

Harbaugh originally had been summoned by the State for the purpose of denying that he threatened Edwards or offered him any inducements to admit the fatal shooting of Miss Mary C. Kline and John H. Mahlan in September, 1948.

However, on crossexamination, when Harbaugh began to give testimony hostile to the State, Mr. Sodaro objected to further interrogation along that line on the grounds that the subject matter had not been gone into on direct questioning.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan sustained the objection. Mr. McWilliams then made the former trooper a defense witness, and questioned him directly.

Tells Of Conversation

Harbaugh said he accompanied Edwards in an automobile from Ferndale to Baltimore police headquarters on November 11, when the accused was being delivered to the detective captain for questioning.

It was on that trip that Harbaugh said he overheard Sergt. D. Brooke Meade, of the Anne Arundel county force, tell Edwards it "might do some good" to tell the truth.

The former policeman said he also heard Edwards tell the sergeant: "If I live to be 100 years old, I'll never be able to tell you anything about it (the dual killing)."

The witness said Sergeant Meade replied: "Don't worry, you won't live to be that old." He said the police officer made the comment in a joking manner.

Harbaugh explained his failure to report the alleged statement to Edwards by saying that he had never interpreted it to be a "threat or a promise."

Shortly before Harbaugh took the witness stand, Sergeant Meade had emphatically denied on crossexamination that he made any such statements to Edwards, or that the defendant spoke to him about such matters.

Referring to the threefold investigation of the double murder by Baltimore city, State and Anne Arundel county police, Harbaugh at one point in his testimony described the heads of the investigating force as the "top brass."

Says He Found Handkerchief

During his testimony as a defense witness, Harbaugh also contended that he discovered one piece of evidence which had previously not figured in the trial.

He told the two judges that shortly after the bodies of Miss Kline and Mahlan were discovered, he found a woman's handkerchief under the right elbow of the 18-year-old female murder victim. He contended he turned the piece of evidence over to Sergeant Meade, but has not seen it since.

One item of Harbaugh's testimony that may prove to be of considerable aid to the defense was his statement that he sifted the ground around where the bodies had lain to a depth of about 3 inches, looking particularly for cartridge shells.

Harbaugh contended he made this intensive search at about 2 A.M. on the morning of September 21, 1948, more than five days before a curious visitor to the clearing found a cartridge at a spot directly under the place where Miss Kline's neck had rested.

The cartridge found by the visitor—a Prince Georges county farmer—later was reported by the Federal Bureau of Investigation to have been fired from a .380 Czechoslovak pistol belonging to Edwards.

In view of the contention of the defense that the cartridge found by the farmer may have been "planted" in the clearing to throw suspicion on Edwards, Harbaugh's testimony in that respect took on considerable importance.

Says He Was Alone

The former trooper testified he was alone when he dug the ground in a wide circle under the spot where the heads of the two victims had rested. He said he used a lug wrench and his hands to remove the weeds and the dirt, and sifted the ground with a screen he had brought along from the home of his former commanding officer.

The witness contended he placed the dirt in two large cereal boxes as he dug it up, and then in sifting removed human hairs and other fragamentary evidence he could find.

Harbaugh said he fell asleep during the sifting operations.

Sifting Testimony Differs

Earlier evidence by the State was to the effect that there had been no ground-sifting search until October 11, and that prior searches were mainly for weapons that could have been discarded in the high weeds or farther into the woods.

Harbaugh was positive he had sifted ground at the spot where the farmer testified he found the cartridge.

On crossexamination by Mr. Sodaro, Harbaugh denied he was merely "guessing" about the conversation between Sergeant Meade and Edwards en route to Baltimore.

Asked To Give "Reasons"

Pressed by Mr. Sodaro for his reasons for leaving the State force, Harbaugh contended it was "to get a better job and for other reasons connected with this case."

The former trooper declined to give the "other reasons" he spoke of and said, "I consider that my personal affair."

Mr. Sodaro appealed to the judges to require Harbaugh to give the additional reasons, and Judge Smith advised Harbaugh that he should comply with the State's request.

"One of the biggest reasons I left the State police was because I was dissatisfied with the organization," the witness then asserted.

Says He Submitted Reports

He contended he had been placed on work he did not like after the police physician found that he had a heart condition. The former trooper contended his own physician had not found the heart disease.

"I also was dissatisfied with attempts people were making to carry out justice, not only in this case but in other cases as well," Harbaugh continued. "Possibly if I hadn't got a better job, I'd still be there."

He said he submitted a report of his sifting activities and the finding of the handkerchief long before he had heard of Edwards or other persons connected with the case.

Kriss Quotes Edwards

The former State policeman denied that he gave so many conflicting oral reports to his superiors that he was finally required to submit written statements "to pin you down."

Captain Kriss appeared on the witness stand with notes he said he had been denied the use of at the first trial of Edwards in February, 1949. He said his preliminary talks with Edwards dealt with the defendant's family and background.

The detective captain said Edwards admitted lying about the ownership of a gun and, at one point in the conversation, asked:

"Captain, if you fire a pistol about 200 times, can a check be made whether a bullet came from that pistol?"

The witness said he replied that it depended on the condition of the gun and the facilities for making the examination.

Finally, after Edwards was importuned to tell the truth, the witness said, the defendant replied, "Captain, if I tell the story, I'm going to tell the whole story."

Captain Kriss said Edwards then proceeded to give a statement in connection with the case. He said he did not exhibit the letter ruled objectionable until after the oral statement had been completed and Edwards paid him a compliment.

Edwards was quoted as saying: "Captain, you're a square cop and I think you're fair."

Read Part Of Letter

Captain Kriss said he then told Edwards that, by coincidence, he had recently received a letter from another prisoner who had paid him a compliment. He said he read part of the letter to Edwards, and then allowed the accused to read the whole thing.

One of the confessions ruled inadmissible was taken later that afternoon in the presence of the defendant's father and a police stenographer, the captain testified.

Earlier yesterday, the State produced a number of policemen from the three investigating forces in connection with the prosecution's efforts to prove that no threats, offers of immunity or inducements were made to the accused.

"Lie Detector" Was Used

One of the witnesses was Sergt. Freeman Ramer, of the Pennsylvania State Police, who subjected Edwards to a Keeler polygraph, or "lie detector." The results of the test were not given, since such evidence is not admissible in Maryland courts, prosecutors said.

Capt. George E. Davidson, of the Maryland State police force, who told of Edwards's incarceration at the Waterloo barracks, testified the prisoner was permitted to see a number of visitors, including members of his family, who came to the barracks from Freetown, Anne Arundel county.

The captain said Edwards was subjected to numerous interviews because he told conflicting stories that had to be checked.

Mr. Sodaro disclosed that one key prosecuting witness—an FBI agent who examined Edwards's gun, the cartridge reportedly found at the Chesterfield clearing and other cartridges—is expected to arrive here tomorrow from the West Coast.

The trial will be continued this morning.

EVE-SUN-6/15

Defense Scores On One Of Main Trial Issues

Thomas A. Edwards's defense won a key point at the retrial today when Chief Judge W. Conwell Smith and Judge Charles E. Moylan barred an alleged oral confession regarding the 1948 murders of John H. Mahlan and Miss Mary Kline.

The State, which at the first trial seventeen months ago had relied on a written and signed confession that was thrown out by the Maryland Court of Appeals, had sought to depend upon an alleged oral confession or statement which, it said, was given to Captain of Detectives Henry J. Kriss prior to the written confession.

The judges, after a brief consultation in chambers on the defense objection to admissibility of the proposed oral statement, sustained the objection.

First Trial Record Read

After the court's ruling on the oral statement, the State continued with its case by submitting Edward's own testimony at the first trial as part of the State's evidence.

The prosecutors pointed out to the court that such action was permitted on retrial by a Court of Appeals ruling, on the ground that a defendant's prior testimony could be proved as his own voluntary statement and admission.

In his prior testimony Edwards had told of having a gun with him on the night of the killing as "protection against dogs," but had denied knowing anything of the crime. While his testimony had told of giving a signed confession, he had denied it was true.

Reading of the defendant's prior testimony consumed an hour or more of the court session.

Coupled With Letter

When Anselm Sodaro, assistant Baltimore prosecutor, and James C. Morton, Jr., State's attorney of Anne Arundel county, sought to point out that the letter shown the defendant by Captain Kriss and which was the basis of the Court of Appeals ruling, had not been shown until after the alleged oral statements, the Court, through Judge Smith, said:

"The record at the first trial shows that exhortations to tell the truth had been coupled with the showing of the letter and that both preceded the confession. We think that the oral admissions as well as the written confession are inadmissible, and we so rule."

For the past two days, the State had laboriously built up the "chain-of-custody" in an effort to produce the alleged admissions. One blow was dealt against it yesterday when a State witness, former State trooper John J. Harbaugh, gave testimony to show that Edwards received a possible inducement to tell the truth. Mr. Harbaugh had stated that County Sergeant D. Brooke Meade, as the prisoner was being brought to Baltimore, had made a statement that "it might be some good" to tell the truth.

Notes Called Incredible

The other main defense point was that Captain Kriss's notes of the questioning on November 11, 1948, are "incredible and impossible" on their face.

The written demonstration by Captain Kriss at the close of yesterday's court session, when he took fourteen minutes to copy a certain portion of his notes, proved that they were not worthy of belief, William J. McWilliams, of defense counsel, argued.

Before Captain Kriss was returned to the defense stand, in an effort to get the oral admissions into evidence, the State recalled former State police trooper Harbaugh, for grilling and then called Chief of Police George W. Rawlins, of Annapolis, and Mrs. Rawlins to refute and contradict his testimony.

Harbaugh had said he borrowed a screen from the Rawlins home to sift the soil at the scene where the bodies were found and that he had a steak dinner at the home that midnight. He was contradicted on both points by Chief and Mrs. Rawlins.

Stenographer Called

The State also called Mrs. Roslynn Batt, police stenographer, to testify that Captain Kriss did have a sheaf of his own notes.

During the discussion by defense and State lawyers, concerning the reliability of his notes and testimony concerning questioning of Edwards, Captain Kriss sat on the witness stand, directly in the line of fire between the attorneys and the two presiding judges. He showed no expression.

The State contended that one point of the case hinged entirely on the comparative credibility of Sergeant Meade and Ex-Trooper Harbaugh. It contended Harbaugh could not be believed. On the contrary, the defense cited Meade's changing of his own testimony from the former trial as proof that he was "irresponsible."

Trooper Acquitted

The former trooper first became a controversial figure several years ago when the death of a Salisbury truck-line operator resulted in a manslaughter charge against Harbaugh.

Harbaugh had arrested the man for drunken driving and was taking him to jail atop the Wicomico county courthouse in Salisbury when a fight broke out in the elevator.

The trooper was acquitted of manslaughter several months later in a trial at Elkton, but was transferred to Anne Arundel county.

In January this year, he quit the State police force, saying he had gotten a better job and was "disgusted with the way some people were trying to carry out justice in the county."

Harbaugh said the Mahlan-Kline investigation was one of the things he had in mind.

As a State trooper, Harbaugh drove Edwards from the county police headquarters at Ferndale to Baltimore for the questioning by Captain Kriss. In the car with him was Sergeant Meade, of the county police force, handcuffed to Edwards.

Meade was asked if this conversation took place on the way to Baltimore:

Meade: "Edwards, if you know anything at all about this case, you better tell me, because if you do, it might be a little good."

Edwards: "If I live to be 100, I still won't know anything about it."

Meade: "Don't worry, you won't live to be 100."

Sergeant Meade denied all three statements.

Harbaugh said he definitely heard Edwards use the line about "living to be 100." And Meade's comeback.

He was less positive about the "be a little good" phrase, a vital part of the exchange in view of the Court of Appeals ruling about improper inducement.

The Forum

Easy On Gunmen?

TO THE EDITOR OF THE EVENING SUN—Sir: The local press recently quoted Judge Joseph Sherbow as saying that there are sections in Baltimore where jungle law prevails and its practitioners resort to weapons to right their grievances. It also mentioned the statement of Assistant State's Attorney James F. Price that the Northwestern police district of Baltimore was the "wild west," where such private settlement of difficulties was common.

In Baltimore, a gunman who either carries a pistol and is caught in the act or who fires a pistol and does not hurt anyone is usually given a sentence of 90 days in jail. I remember reading a statement made by Magistrate Fitzpatrick, of the Northwestern district, and printed in our Baltimore press. He, who handled more pistol-toting and shooting cases than any other police magistrate, deplored the fact that a 90-day sentence was the maximum term that he could impose. All cases of injury or death by shooting automatically went to Criminal Court. He could only pass on cases which involved the possession of guns, or the firing of said guns.

Here is where the Baltimore City Council has been lax in its duties. It evidently fails to realize that a three-month term of imprisonment is no deterrent to the mentally depraved type of individual who habitually packs a gun. Rather it is a short and easy "vacation" at the city's expense.

The situation calls for a new city ordinance that would drastically revise upward the term of imprisonment handed out to a person arrested for the possession of a pistol or revolver.

MILTON WEINER.

NEWS-6/15

Judges Bar 'Confession' Of Edwards

The two-judge court hearing Thomas A. Edwards' second trial for the Mahlan-Kline murders today ruled out the "confessions" given in testimony against him at his first trial.

The ruling blocked further testimony for the State by Capt. Henry J. Kriss, Baltimore's Chief of Detectives, who had given evidence intended to precede the introduction of an oral "acknowledgement" by Edwards.

FIRST TRIAL TESTIMONY

The second trial immediately became an attorneys battle to determine what, if any, testimony given in the first trial could be regarded as pertaining to this one.

This question arose when Assistant State's Attorney Anselm Sodaro offered in evidence "the testimony of Edwards at the first trial."

Defense Attorney William J. McWilliams objected that "portions of this testimony deal with the testimony in the other case."

OBJECTIONS ALLOWED

Chief Judge W. Conwell Smith and Judge Charles E. Moylan allowed Sodaro to begin Edwards' previous testimony, but told McWilliams he would have the right to make further objections as the reading went along.

The most crucial moment so far in the State's presentation came when Captain Kriss was asked to testify earlier in the day "what Edwards said."

The testimony he gave was assailed as "inherently incredible" and not to "be believed" by the defense.

Kriss' account of his interview with Edwards concerning the murders of John M. Mahlan and Mary C. Kline was attacked by defense attorney McWilliams in arguing against the admissibility of a "acknolwedgment" supposed to have been made by Edwards to Kriss.

CITES TIME ELEMENT

McWilliams told the court:

"We have at most fifteen minutes covered by Capt. Kriss' testimony regarding the statement Edwards is supposed to have made.

"In this time, Capt. Kriss said, he made a phone call, received the statement he says Edwards made, interpreted it, wrote down his notes, took the letter from a drawer, showed it to Edwards, talked about it and had it read by Edwards.

"Yesterday in this court Capt. Kriss was asked to copy the notes he testified from. It took him fourteen minutes simply to do the physical task of writing those notes."

McWilliams' attack on Kriss' testimony came as soon as the detective captain was put on the stand early on the fourth day of Edwards' second trial, before Chief Judge W. Conwell Smith and Judge Charles E. Moylan.

Previously three State "surprise witnesses" had been put on the stand to contradict testimony given yesterday by ex-Trooper John J. Harbaugh.

He was the witness, taken over by the defense from the State, who testified to a so-called "inducement" being given Edwards by Sergt. D. Brooke Meade of the Anne Arundel County Police.

HARBAUGH RECALLED

Recalling Harbaugh to the stand this morning, Assistant State's Attorney Anselm Sodaro, who is conducting the prosecution with State's Attorney James C. Morton of Anne Arundel county, did not question the former State witness on the testimony he gave concerning Meade's conversation with Edwards.

Instead, Sodaro questioned him about the "2 A. M. search" Harbaugh said he had made in the Chesterfield clearing where the bodies were found.

In that search, Harbaugh declared, he used a screen from the home of Police Chief George Rawlins of Annapolis.

DENY SCREEN USED

The State immediately put Police Chief Rawlins and Mrs. Rawlins on the witness stand and both denied that any such screen had been given to Harbaugh or taken from their home by him.

A third "surprise witness," a secretary in the Baltimore Homicide Bureau, was put on the witness stand by the State to show that 'Captain Kriss frequently made notes of the type' he used in yesterday's testimony.

Following this, Kriss was recalled to the stand.

EDWARDS' STATEMENT

State's Attorney Sodaro, before putting any questions to him, told the court the State would then attempt to introduce a statement made by Edwards to Captain Kriss.

By agreement between the attorneys, McWilliams then read into the testimony the letter Kriss is supposed to have shown Edwards, on the basis of which the Court of Appeals reversed Edwards' first conviction and ordered a new trial.

Sodaro then asked Kriss to tell "what Edwards said."

OBJECTS TO STATEMENT

At that point McWilliams objected to the testimony and began his lengthy argument against the admissability in this trial of any "confession" by Edwards.

McWilliams said:

"We have here an incredible and impossible situation. This case is being tried against the background of a reversal by the Court of Appeals.

"We now have an attempt on the part of the State to accomplish by indirection what the Court of Appeals says it cannot do."

RULING ON INDUCEMENTS

He then cited the statement supposedly made to Edwards by Meade on the ride to Baltimore as the first "inductment" made to him.

He pointed out that the Court of Appeals has "not gone half so far" in this case as in others regarding the admissability of evidence obtained after an inducement.

He declared the so far uncontradicted testimony that Meade has told Edwards "it might be good" to talk was a clear implication to Edwards that he had something to gain by confessing.

McWililams also attacked the "chain of custody" testimony built up by the State, citing three instances in which testimony had not shown who had custody of the prisoner.

He then went into Kriss' testimony.

MORN-SUN-6/16

STATEMENT BY EDWARDS IS EXCLUDED

Testimony In Connection With 2 Confessions Admitted, However

An alleged oral confession by Thomas A. Edwards to the Mahlan-Kline murders was excluded from evidence yesterday at Edwards's retrial in Criminal Court.

Two judges are presiding at the trial and ruled out the oral statement.

Two written and signed confessions which were accepted as evidence at Edwards's first trial have since been ruled inadmissible by the Court of Appeals, which said they were obtained by "inducement."

However, the trial court later yesterday permitted the State to read into evidence all of Edwards's testimony at the first trial last year, including his admission that he signed the written confessions.

Said Statements Were Untrue

In his testimony at the first trial, Edwards admitted he gave a confession in the presence of his father, a police captain and a woman stenographer, but contended the statements were mere recitals of facts that had been drubbed into him in a series of police grillings.

He contended both of the statements were untrue so far as they involved him in the crimes.

The Court of Appeals had ruled the written confessions inadmissible on the grounds that before they were taken, Capt. Henry J. Kriss, head of the Baltimore Detective Bureau, had shown Edwards a letter which amounted to an improper inducement.

Called Incredible

In attempting to get the alleged oral confession into evidence, the State pointed out that Captain Kriss had testified he took the defendant's oral admissions prior to the exhibition of the letter.

Thus, the State argued, the objections cited by the high court were not present during the taking of that statement.

William J. McWilliams, defense counsel along with Ridgely P. Melvin, Jr., argued that it was incredible to believe the captain's testimony that the entire oral confession, the exhibition of the letter and the making of several telephone calls could have taken place within fifteen minutes.

Witnesses Disagree

The defense attorneys also pointed out that just prior to the taking of the alleged oral statement, an Anne Arundel county sergeant told Edwards that it "would do some good" to tell the truth, according to the testimony of Edwards at the first trial and the testimony of a former State trooper at the present trial.

The former trooper referred to is John J. Harbaugh, who testified he drove the automobile in which Edwards was taken to Captain Kriss' office and that he heard Sergt. D. Brooke Meade make the alleged statement to Edwards. Meade denied he attempted to get Edwards admit the two crimes.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan deliberated in chambers for about five minutes before announcing that the defense objection to the oral statement would be sustained.

Ruled "Unadmissible"

"The record at the first trial," said Judge Smith, "shows that exhortations to tell the truth had been coupled with the showing of the letter and that both preceded the confession. We think that the oral admission as well as the written confessions are inadmissible, and we so rule."

The judge further pointed out that the record before the Court of Appeals after the first trial indicated that no statements were taken by Kriss until after the letter was shown to Edwards.

Following the ruling of the court on the oral statement, Anselm Sodaro, prosecutor along with James C. Morton, offered the testimony of defendant at the first trial under authority of the Court of Appeals ruling in the case of State vs. Henze.

Opposes Testimony

In that case, the high court ruled that the testimony of the defendant at his first trial could be offered at his second trial since it constituted testimony he gave voluntarily under oath.

Mr. McWilliams strenuously opposed the introduction of that testimony, particularly that portion in which Edwards admitted signing confessions, contending that it would permit the State "by indirection to accomplish what the Court of Appeals has ruled it cannot do; namely, introduce the written confessions."

The defense lawyer, a former judge, said no confession was involved in the Henze case. He said Edwards probably would not have been required to testify at the first trial if the court at that trial had not admitted the confessions.

Voluntary Decision

He pointed out further that it was not until Edwards testified at the first trial that the objectionable letter was brought to light.

The introduction of Edwards's prior testimony would "make a complete nullity of the Court of Appeals decision," the lawyer declared.

Judge Smith said it is assumed under the law that a decision to testify is made voluntarily and that once the decision to take the stand is made, testimony given may subsequently be used at a later trial.

He said Edwards did not take the witness stand for a limited purpose, but subjected himself to general examination and crossexamination.

One of the written confessions referred to in the testimony of Edwards, which Mr. Sodaro read for more than three hours and will continue to read this morning, was taken by Captain Kriss at police headquarters.

The other was taken the next day during a tour of the scenes of the crimes, according to the evidence.

Edwards contended during his testimony that Chief John H. Souers, of Anne Arundel county, supplied him all the details of the dual killing and that Captain Kriss supplied the motive.

Said He Was Angered

He said he agreed to make the statements after the captain threatened to send him back to Ferndale Police Station or to the State police barracks at Waterloo, where Edwards said he was mistreated.

The defendant, in the testimony read by Mr. Sodaro, contended he adopted the motive suggested by Captain Kriss that he became angered after he was nearly forced off the road by an automobile driven by John H. Mahlan, one of the murder victims, on the evening of September 17, 1948.

Testimony of the accused at the first trial also disclosed that he signed a statement in which he was quoted as saying that he followed the car to a parking spot, and that he fired shots through the right and left front windows.

Miss Kline Fled Into Woods

Miss Mary C. Kline screamed and fled from the car into the woods, but she was dragged back by Edwards and thrown into the rear of the vehicle, according to testimony read by the prosecutor.

Then the bodies of the two victims were driven to a clearing off the Chesterfield road where they were dumped out of the vehicle, according to the statements given to Kriss, and the accused then drove the vehicle 26 miles to a bean patch near Lipin's corner.

The testimony read into the record disclosed that the signed statement further contained an admission by Edwards that he abandoned the vehicle at the spot, and that he discarded car keys and threw away Mahlan's torn operator's card.

Denied Knowledge Of Crimes

Throughout the testimony, the defendant repeatedly contended he was merely repeating what he had been told and that actually he knew nothing about the crimes.

Edwards also contended he had never been at Chesterfield prior to the tour of the scenes of the crimes, and that actually the directions allegedly given by him to that spot were supplied by one of the occupants en route.

Mr. Sodaro will read his crossexamination of Edwards at the first trial when the present trial is resumed this morning.

Deny He Borrowed Screen

Earlier yesterday, the State attempted to impeach the testimony of former State Trooper Harbaugh that he had sifted the ground where the bodies of the two victims had lain in the clearing.

Harbaugh contended he sifted the ground through a screen he had borrowed from an Annapolis police chief, and that the intensive search for evidence occurred more than five days before a curious visitor found a cartridge shell under the spot where Miss Kline's head had lain.

Mr. and Mrs. George W. Rawlins, from whom Harbaugh said he borrowed a screen and two cereal boxes, denied that Harbaugh had ever obtained a screen or the boxes from them. They said Harbaugh had been a boarder at their home at that time.

Cartridge Found Later

The Annapolis couple also denied the testimony of Harbaugh that they had prepared a steak dinner for him shortly after midnight on the morning of September 21, just before Harbaugh began his alleged 2 A.M. sifting search.

The cartridge found by the curious visitor later was identified by the FBI as having been fired from a gun belonging to Edwards, according to evidence at the first trial.

The defense contends that the cartridge found by the visitor, a Prince Georges county farmer, may have been "planted" there.

Freed In Man's Death

Prosecutors also disclosed that Harbaugh has been examined by a psychiatrist and two neurologists. Several years ago, Harbaugh was acquitted of a manslaughter charge placed against him after a man he was arresting died following a fight in a Salisbury courthouse elevator.

The former trooper then was transferred to Anne Arundel county, and he resigned last January. He said he left the State force because he got a better job and because he was dissatisfied with the "way some people were trying to carry out justice in the county."

Prosecutors said they expected to conclude the State's case today. Two FBI ballistics experts will be called to the witness stand before the prosecution evidence is concluded, Mr. Sodaro said.

MORN-SUN 6-16-50

Western Style Gunmen Jailed

Two men convicted of shooting it out wild-west style in the doorway of a barber shop received sentences of four and five years yesterday from Judge Joseph Sherbow.

Charles W. Orth, Jr., assistant State's attorney, said he understood the firing started because one man claimed the other had attacked his girl friend. Both men are Negroes.

To the Criminal Court judge it was "a frontier style shooting," and he warned he will impose consecutive terms on the different charges in these cases. He found Clyde J. Smith, 700 block George street, and Frank Domneys, 1100 block North Fremont avenue, guilty of assault with intent to murder and of carrying a deadly weapon.

EVE-SUN-6/16/50

Edwards Retrial Hearing First Testimony

Thomas Alexander Edwards's testimony at his first trial seventeen months ago today was read into the record at his retrial today, when Judges W. Conwell Smith and Charles E. Moylan tentatively overruled the defense.

The judges, conceding that a novel point was involved since the testimony concerned mention of a confession that is ruled out of the new case, took the old testimony "subject to exception."

The defense renewed objections today, but the court nevertheless permitted Anselm Sodaro, assistant Baltimore prosecutor who is handling the case with State's Attorney James C. Morton, Jr., of Anne Arundel county, to read into the record his cross-examination of Edwards at the first trial.

The direct testimony was read yesterday.

Parties Confer

Today's court session was delayed by an hour-long conference between the judges and the prosecution and defense, during which they discussed the point involved in the reading of the old testimony.

Aided by a deft legal maneuver, the State today neared the end of its second attempt to convict Edwards of the Mahlan-Kline slayings almost two years ago.

Much of the testimony was about a confession introduced at the first trial. Maryland's Court of Appeals decided early this year that Edwards had been improperly induced to make the confession. It canceled the death sentence imposed on him and ordered a new trial.

Legal Curiosity

So today's presentation of what Edwards said at the first trial was a legal curiosity: The two judges, sitting also as jury, had elected to hear how Edwards attempted to refute a confession but they are prohibited from considering the confession itself.

This state of affairs was brought about by Mr. Sodaro.

Mr. Sodaro remembered a case at least twenty years old. The Court of Appeals ruled then that a defendant's testimony at his first trial could be introduced at a retrial, despite the constitutional guarantee that an accused cannot be forced to testify against himself.

Mr. Sodaro applied this reasoning to the Edwards case.

There was strenuous objection from the defense attorneys, William J. McWilliams, former Annapolis judge, and Ridgely P. Melvin, Jr., young Annapolis attorney. They have been defending Edwards as if a $100,000 fee were at stake instead of the nominal amount the State will pay them as the Negro's court-appointed lawyers.

McWilliams Argument

McWilliams argued that Edwards would never have taken the stand at the first trial if the confession had not been admitted in evidence. Since the court of appeals had ruled admitting the confession was an error, Mr. McWilliams said, the Edwards testimony at the first trial should now be excluded.

Sodaro Counters Objection

Sodaro argued back: Since Edwards waived his right not to testify at the first trial, anything he said then—when he was under oath and had the protection of his attorneys—is admissible as evidence now.

The Edwards testimony at the first trial gave the State, indirectly, at least two things it needed in order to make out a case against him: An alleged reason for killing the young Glen Burnie couple, and the possible place he allegedly accosted them on the night of September 17, 1948.

The State hasn't been able to supply these through its own witnesses.

In the invalidated confession, Edwards said he got mad when Mr. Mahlan's car crowded him off the road while he was walking from his home at Marley Neck, in upper Anne Arundel county, to a vague destination.

Edwards Cites Fear

Edwards saw the car pull up and park, his confession said. He went back and argued with Mr. Mahlan.

When he took the stand, Edwards denied all of this and said it was a story he made up. He said he told it to Capt. Henry J. Kriss, chief of Baltimore detectives, because the captain promised if he'd tell he would not be sent back to Anne Arundel county police headquarters at Ferndale or the State police barracks at Waterloo.

Edwards had been held previously at both places. He said on the stand that because of what officers told him he feared being lynched at Ferndale or beaten up at Waterloo.

Introduction of the earlier Edwards testimony put the State back on it feet after Mr. McWilliams had succeeded in all but breaking its case.

He had blocked the introduction of another confession.

Kriss Notes

The confession was in the form of notes Captain Kriss said he took down as Edwards talked to him on November 11, 1948. Captain Kriss teestified it was at 1.15 P.M. that day when Edwards agreed to tell all about the crime. It was 1.25 when the officer handed Edwards a letter. The letter was a testimonial to the effect that it is a wise thing for a man in trouble to tell Captain Kriss the truth. The letter was the main thing cited by the Court of Appeals when it invalidated the first trial.

Mr. McWilliams required Captain Kriss to copy his notes in court Wednesday and it took him fourteen minutes.

The McWilliams clincher, however, was this: The State argued on the appeal that Edwards had not confessed anything until his father arrived at the office of Captain Kriss. All the evidence showed Rufus Edwards, the father, arrived after his son was shown the letter.

Judges Rule Out Notes

The judges agreed with Mr. McWilliams and ruled out any consideration of the oral admissions as represented by the notes.

They made this ruling without telling whether they believed Sergt. E. Brooke Meade, of the Anne Arundel county police, or John J. Harbaugh, a former State trooper who was stationed in Anne Arundel county and quit in disgust early this year.

Mr. Harbaugh said Sergeant Meade had made a statement to Edwards that the defense interpreted as another unfair inducement. This was just before Edwards talked to Captain Kriss. Sergeant Meade denied it.

NEWS-6/16/50

Much Of Testimony Of Edwards' First Trial Is Read Into Evidence

A considerable portion of Thomas Alexander Edwards' testimony at his first trial, relating to an alleged re-enactment of how John H. Mahlan and Miss Mary Kline were murdered, was read into the evidence at the Anne Arundel county Negro's second trial today.

The bulk of the testimony dealt with Assistant State's Attorney Anselm Sodaro's cross-examination of Edwards during the first trial.

Today, over the strenuous objections of defense attorneys, Sodaro read the testimony before Chief Judge W. Conwell Smith and Judge Charles E. Moylan.

'SECOND-HAND WORDS'

It reported Edwards had definitely accompanied police on a trip through Anne Arundel county and answered questions relating to the slayings.

However, over and over again in the testimony Edwards insisted he was merely telling police what Anne Arundel county police Chief John Souers had told him.

In fact, Edwards' favorite expression at the first trial was that everything he had said to police constituted "second-hand words."

Typical examples of the testimony relating to the alleged reenactment, as read from the transcript by State's Attorney Sodaro, who asked the questions of Edwards at the first trial, were:

Q.—What was it you told police?

A.—I told Captain Kriss the same thing Chief Souers told me the night before that.

QUERIED ON WORDS

Q.—What words did you use?

A.—I'm going to tell you again. The same thing Chief Souers told me.

Q. When you got down to the Chesterfield clearing what happened?

A. We got out and walked over to the clearing and Captain Kriss and Chief Souers were telling me where the bodies had been at.

There was much more of the same type of testimony, all of which established the fact that Edwards had accompanied the police on a re-enactment of the murders, but at the same time reiterated his contention he was doing what he said Chief Souers had told him.

The fact that Judges Smith and Moylan had permitted Sodaro to read the testimony was a matter of frank concern to defense attornies William J. McWilliams and Ridgely P. Melvin.

McWILLIAMS OBJECTS

At the conclusion of the reading from the transcript McWilliams registered an emphatic objection.

It was expected the State would conclude its case against Edwards today with the calling of a few more witnesses, including Federal Bureau of Investigation experts.

Then, it was also anticipated McWilliams would ask the court for a dismissal as soon as the State concludes its case.

Speculation around the Courthouse was animated and varied as to what action the judges would take to such a motion, but McWilliams was preparing to go ahead with his defense.

The Glen Burnie couple were found dead in the Chesterfield clearing, west of Annapolis, two years ago after setting out on an auto ride date.

Also Hits Testimony

Another witness, Trooper Noble Collision, testified that on the morning when Harbaugh was supposed to have sifted the ground, he was with the former trooper during all that time and they were miles away from the Chesterfield site.

Collision testified he met Harbaugh at about midnight and the two of them searched in a section near Brookwood. He said they ate breakfast at about 3 A.M. at a restaurant 25 miles from the clearing and the two then joined up with other officers at about 5.30 A.M. in a search around Freetown, in Anne Arundel county.

The witness exhibited a written report he submitted of his activities with Harbaugh on that particular day, and in connection with the dual murder investigation on several subsequent days.

MORN-SUN 6-19-20

Two Women's Groups Back Sodaro Candidacy

Presidents of two women's organizations yesterday announced that the groups would support the candidacy of Anslem Sodaro for the Democratic nomination for State's attorney.

Mr. Sodaro now is first assistant to States Attorney J. Bernard Wells, who is not seeking renomination.

The announcement of support came from Mrs. William Fitzsimmons, head of the Women's League for Good Government, a Fifth District organization; and Mrs. Julia Weber, president of the Ladies Canton Club, Inc.

EVE-SUN-6-19-50

A Day With A Numbers Writer

Baltimore's numbers racket employs more than 25,000 persons, according to police estimates. Another 100,000 persons patronize this $10,000,000 gambling industry, officials say. Following is an account of an actual day with a numbers writer.

The 11 A.M. sunlight filtered into the room on North Gay street and aroused the middle-aged man sleeping on a disheveled day bed. He got up and began pulling on clothes over his shorts in which he had slept.

He put on a pair of fawn-colored sports slacks—pleated to camouflage an increasing waistline—a silk undershirt, a pair of yellow wool socks and moccasin-type loafers. After morning ablutions, he added a pearl-gray, long-sleeved sports shirt (worn buttoned at the neck with no tie) and a dull blue sports jacket.

Then he stepped out into the street, ready for a day's work.

His work was writing "numbers."

Supports Family

As Nick (a pseudonym) walked toward the restaurant in which he regularly eats breakfast, he may have been thinking about his divorced wife and his three children. He has been supporting them for years with income he makes participating in Baltimore's million-dollar lottery business. One boy works now, one is in college, a girl is in grammar school.

Nick entered the restaurant and ordered bacon and eggs. During the meal, the counterman, without saying a word, handed him a sheet of paper and about $10 in coins and bills.

They represented the first bets of the day in Nick's territory. The counterman, paid $5 a week by Nick for his services, had collected the money and noted the bets from earlier customers who were now hard at work.

Bettors "Coded"

All the bookkeeping was in code. The sheets bore rows of numbers and names of states, the latter being code names of bettors—all well-known to Nick.

The bets were all on three-digit numbers in amounts ranging from 5 cents (lowest sum most white writers will accept) to $2. Nick occasionally covers $30 bets from big-time gamblers, he said, but this is unusual.

He dawdled over coffee in the restaurant for half an hour, talking sports with the counterman. Nick was once a professional athlete himself. But his real purpose was to wait for any regular patrons of the establishment who know him and frequently place bets. None came.

He went outside and approached a newsboy.

"Morning paper," said Nick.

More Numbers Play

"Hy'ya," said the boy.

Nick opened to the sports page. The newsie handed him some bills and another slip of paper—more numbers play. Nick took them without even looking up.

"Right," he said.

He walked a block north to a drugstore. Entering, he asked for a pack of cigarettes. The counterman, again in silence, passed over a pack with a book of matches. Between them nestled more money and more numbers notations.

Has To Look Natural

Nick went on, repeating the process at a barber shop where he gets a daily shine, a small grocery store where he purchased some potato chips, and a news stand where he purchased a scratch sheet. He plays the horses.

"You got to make it look natural," Nick explained. "That's why I get a shine in the barber shop. You wouldn't get a haircut every day and it would look funny going in there too much."

He made a few more stops and by 12.30 P.M. had collected around $100 on several hundred numbers.

About six blocks from where he started out that morning he entered a tavern and sat down near a public telephone. He seemed to know the three men sipping beer at the back, although no one spoke.

Pulling out a "lay-off" chart, Nick checked it against his customers' bets. The chart lists numbers that have paid off frequently in recent years. One bettor had put $20 on one of these and Nick made a note of it. Then he picked up the phone and dialed "the bank."

Nick insisted he doesn't know where the bank is and doesn't want to know. It is only a phone number to him, he said. He began reading in his bets.

"It's All Yours"

"I got twenty bucks on 702," he began, "and it's all yours."

He referred to the lay-off chart No. 1 which almost broke several local numbers banks last fall when hundreds of players held it simultaneously.

Nick pays a small percentage of his gross collections to the bank, or "syndicate," to protect him in cases such as this. However, he forfeits his usual ten per cent commission by passing on the entire responsibility.

"I got two bucks on 126 and I'll ride with it," Nick continued. Later he explained that he did this only for good friends.

By "riding with it" he meant he would bet his commission on 126 along with the customer's $1.80. If the number hit, the payoff would be due on the entire $2 and Nick would get a substantial tip. If the

[Continued On Page 25, Column 2]

. . . the counterman, without saying a word, handed him a sheet of paper and about $10 in coins and bills.

number failed to win, Nick would lose his 20-cent fee.

Nick phoned in the rest of his numbers, talking softly and confidently. After he finished, the receiver crackled a few seconds as someone at the bank issued instructions about picking up the money.

Nick walked to a cab stand about two blocks from the tavern and handed all his money, less commissions, to a driver waiting there. The cabbie grinned.

"O.K.," he said.

"Right," said Nick.

One hour remained before the first race at Delaware Park. Nick returned to the tavern and waited for a sports program which announces results to come on. He ordered a beer. He said it was one of two or three he would drink all day.

Makes $120 A Week

"You got to keep your head in this business," he said. "It's sort of like being an insurance man with a clientele you've built up. Myself, I make around $120 a week at this business. I don't do much else except take an occasional horse bet."

He became a writer, he said, the way most practicing numbers men did—by playing them.

"You hang around a bar or a barber shop enough," Nick explained, "and pretty soon you know who takes numbers. If you play regularly, pretty soon you get two or three other people who give you money to put down. That way you work up a lot of action.

"The writer you're playing with maybe tells his bank about you, and pretty soon a syndicate man phones you and says he heard you had worked up a lot of action in your district. Then he offers it to you exclusive if you pay a certain percentage for protection."

Protection includes payment of legal fees for court defense and compensation for time served in jail for conviction of gambling law violations. The banks include these costs in their overhead expense, which usually amounts to about five per cent of the gross take, Nick said.

Meanwhile the results of the first race came in. Nick wrote down the prices paid by all three horses in the money and added them.

He then designated a numeral in the total and said that was the first digit of the winning number. The same process was duplicated on the second and third races to ascertain the other two numerals.

"Laundry" Delivery

Nick walked out again to another intersection several blocks from the tavern. A few of his small bets were on the winning number and he was on his way to pick up the money. A laundry truck drove up to him. The driver handed him a bundle—clean shirts to any bystander, the payoff to Nick.

It was a small amount, since most of the winning bets were under 50 cents and would receive only 350-to-1 odds. The odds against a number hitting are 1,000 to 1.

Late in the afternoon Nick went around his district paying off. Winners are always paid off in person—never through drugstore countermen or shoe shine boys who collect the bets. Nick meets them in designated locations, usually bars or barber shops.

May Place Bet

By supper time Nick was through for the day. He would eat a steak somewhere, he said, and then maybe go downtown to one of the clubs. In several of the clubs, he remarked, he could (and occasionally did) put $100 or so on a number himself.

"You can get longer odds with big bets," he explained, "but the writers downtown have to phone Washington to get that kind of money covered."

He lit a cigarette and walked toward a cab stand, his gait a bit jaunty. He bounced along on the balls of his feet, bent slightly forward at the waist like an athlete.

Obviously he was a satisfied man.

Mon Sun-6/17/50

SHELL LINKED TO GUN OWNED BY EDWARDS

Cartridge Found Near 2 Bodies Figures In FBI Men's Testimony

An empty cartridge shell picked up at the spot where the victims of the Mahlan-Kline murders were found was fired from a gun belonging to Thomas A. Edwards, testimony by FBI agents at Edwards's retrial disclosed yesterday.

The testimony of two FBI ballistics experts, prosecutors said, nearly brings to a conclusion the State's case against the Negro defendant, whose conviction at a first trial last year was reversed by the Court of Appeals.

In view of the scheduled term meeting of the judges of the Supreme Bench on Monday, the trial will not be continued until Tuesday.

May Rest Case Tuesday

Anselm Sodaro, who is prosecuting the case along with James C. Morton, said the State may decide to rest its case when the court convenes on Tuesday.

William J. McWilliams and Ridgely P. Melvin, Jr., defense counsel, disclosed that they expect to ask the two-judge court to direct a verdict of acquittal at the conclusion of the prosecution's case.

The Anne Arundel county defendant was sentenced to hang following his conviction last year, but the Court of Appeals reversed the guilty verdicts and excluded two written confessions from the evidence on the grounds that they had been improperly procured.

Testimony Admitted

Prosecution efforts to introduce an oral confession at the present trial were unsuccessful, but the State succeeded in having Chief Judge W. Conwell Smith and Judge Charles E. Moylan admit into evidence Edwards's testimony at the first trial.

In that testimony, which required more than four hours to read, Edwards admitted signing confessions, but contended his account of how the murders were committed was merely a recital of information supplied him by Chief John H. Souers, of Anne Arundel county, and Capt. Henry J. Kriss, head of the Baltimore detective force.

As the defendant put it, his statements were "second-hand words."

Reserve Decision

The defense has moved for the exclusion of those portions of the defendant's testimony dealing with the two confessions ruled inadmissible by the appellate court, but the two judges have reserved a final ruling on the motion.

Testifying as they did at the first trial in February, 1949, the two FBI agents positively identified a cartridge found at the spot where the head of Miss Mary Kline had lain as having been fired from Edwards's gun.

The bodies of Miss Kline and her companion, John H. Mahlan, were found in a Chesterfield clearing on September 20, 1948, two days after the young man's bullet-riddled and blood-stained automobile was discovered in a Lipin's Corner bean patch 26 miles away.

Appearing on the Criminal Court stand as the forty-fourth prosecution witness, Robert A. Frazier, special FBI agent, said he could link the cartridge with the Edwards gun by means of firing-pin marks.

Frazier also testified that bullets removed from the bodies of the two victims were fired from the same weapon, but he could not say they were fired from Edwards's gun.

He said he could not reach any conclusion in that respect so far as a third bullet found in the Mahlan car was concerned.

He said land and groove marks on the ammunition were very slight, but concluded that the bullets had been fired from a revolver with a barrel having six lands and grooves, with a clockwise twist. The agent said the defendant's gun had that number of lands and grooves, but admitted that many other make guns also are so constructed.

Second Agent Testifies

At his first trial, Edwards admitted that he had attempted to file the barrel of his gun so that available ammunition could be used.

The agent was unable to link the bullets found in the bodies and the car with the gun of the accused, saying it was impossible to determine any connection definitely.

Robert M. Zimmers, the other FBI agent, testified that three bullets which Edward admitted in his first-trial testimony that he placed in a soft-drink bottle along a county road appeared to be of the same type as the bullets found in the bodies of the victims.

Trial of the case was delayed more than an hour yesterday morning while the judges deliberated over the admissibility of Edwards's testimony at the first trial.

Confer With Counsel

Although they had permitted Mr. Sodaro to read all of the defendant's direct examination the day before, despite strenuous objections by defense counsel, the judges conferred with counsel again on their ruling before the prosecutor was allowed to complete the reading of his crossexamination of Edwards.

The decision to admit that evidence was based on a ruling by the Court of Appeals in the case of State vs. Henze, where the appellate court decided that a defendant's testimony given voluntarily under oath at his first trial could be used against him at a retrial.

Mr. McWilliams opposed the introduction of the evidence on the grounds that it permitted the State to get into the testimony what the Court of Appeals had ruled inadmissible; namely, the written confessions.

Attack Testimony

Prosecutors late yesterday attacked the testimony of former State Trooper John J. Harbaugh that he had sifted ground around the spot where the bodies had lain and had found no vital evidence.

Harbaugh, who admitted he resigned from the State force because he was dissatisfied with the organization, said he sifted the ground through a borrowed screen at 2 A.M., September 21, 1948, more than five days before a visitor to the clearing reported finding the cartridge which the FBI said was fired from Edwards's gun.

Previously, an Annapolis police chief, with whom Harbaugh formerly boarded and from who he said he borrowed a screen and boxes in which he placed the soil, denied ever lending Harbaugh those objects. The chief's wife also denied Harbaugh's testimony.

Deny Cooking Meal

The two rebuttal witnesses, Chief and Mrs. George Rawlins, further denied they had cooked the former trooper a steak dinner just before he left to make the alleged search. Harbaugh contended he had frequently eaten midnight lunches with the Rawlins, but they emphatically denied cooking meals at that hour.

Another rebuttal witness called yesterday was Sergt. D. Brooke Meade, of Anne Arundel county police, who testified he took pictures at the Chesterfield clearing within a few hours after Harbaugh's alleged sifting search.

The State contended that the photograph of the spot where the bodies had lain clearly indicated that the earth had not been dug to a depth of about 3 inches, as Harbaugh testified.

EVE-SUN-6-20-50

Judges Consider Dismissal Plea By Edwards

Criminal Court Judges W. Conwell Smith and Charles E. Moylan considered a main ruling today of whether Thomas Alexander Edwards should be judged innocent of the 1948 murders of John H. Mahlan and Miss Mary Kline, or whether he must proceed with his defense.

The two judges held the matter under consideration when court recessed for luncheon. Defense counsel submitted a motion for a dismissal verdict under new court rules.

William J. McWilliams, Annapolis attorney representing the Anne Arundel county Negro along with Ridgely P. Melvin, Jr., contended in his concluding argument that the State's case was based on circumstantial evidence.

"Two Persons" Possible

The defense lawyer contended that the killing did not seem possibly the act of a country Negro, but that it more likely was committed by two persons.

The main piece of evidence, the lawyer said, is the spent cartridge case picked up six days after the discovery of the bodies. He contended that the cartridge case could have been "planted" there, not necessarily to convict Edwards, but to shift the blame from the real killer.

Inspection of the murder automobile, which showed that bullets had been fired from the outside through both front windows, not only suggested that rape could not have been the motive, but also that two persons might have been involved, Mr. McWilliams argued. He discounted robbery as a motive because the man's money was unmolested.

Cites Possible Motive

The lawyer said that he htought "whatever motive inspired this act," the intention had been to kill both people as quickly as possible.

"I suspect that if the perpetrators of this crime are ever discovered, the motive will be one that will horrify this State and keep it in a state of horror for many days to come," added Mr. McWilliams.

Finally mentioning the cartridge case, the lawyer said:

"It is all the circumstantial evidence, not part of the chain of circumstantial evidence. It is the evidence. There isn't any more. On so frail a reed does the State's case depend."

Discredits Conversation

The lawyer contended that today's new testimony dealing with alleged death-house conversations between Edwards and other condemned murderers before his death sentence was reversed by the Court of Appeals had no real value. It was just prisoners' conversation and "fooling," the lawyer claimed.

State's Attorney James C. Morton, Jr., of Anne Arundel county, and Anselm Sodaro, assistant Baltimore prosecutor, both stressed the death-house conversations. Mr. Morton said it was "inconceivable that the statements were those of a man who is not guilty of these crimes."

Sodaro On Pistol

Mr. Sodaro, answering the arguments of the cartridge case, said it was discovered before Edwards was ever arrested or his pistol was located. He charged that the defendant through army service knew enough about ballistics to file out the barrel of his pistol so that conclusive tests could not be made from it.

A Penitentiary guard, Arthur B. Wilson, testifying from notes which he said he made at the time, told of several conversations between Edwards and other condemned murderers.

The conversations did not implicitly admit the crimes but dealt with connecting events and concerned the murders by inference. Under court procedure, they therefore came in the class of admissions and not confessions.

Mr. Wilson said he had overheard the death-house conversations last fall while Edwards was still under sentence to hang. Among inmates of the death house at the time was Delmas Bozman, Coast Guardsman, charged with killing a taxi driver.

Heated Conversation

Any unusual death-house conversations are noted, and records then are placed in an official "Diary of the Death House." The official book was not produced, but Mr. Wilson introduced his notes.

The first conversation involving Edwards occurred on October 19, 1949. The guard said the conversation had continued over about five hours. When defense objections were overruled, the guard continued:

"I went on duty at the death house at 4 P.M. on Wednesday, October 19. I immediately noticed that there was feeling between the prisoners. Particularly, there was cursing back and forth between Bozman and Edwards."

The guard then described the locations of the various men, Bozman and Edwards were on the same side of the corridor, with an empty cell between them, he said.

"Edwards was saying that Bozman had sneaked up on the taxi driver and shot him in the back," continued the guard.

Edwards's Charge Recalled

Bozman replied that what he did was not as bad as what Edwards did: To sneak up on two people in the dark. Edwards said it was a lie, because the moon was shining bright, and besides he fixed it so no one could prove he did it anyway.

NEWS-6-20-50

Prison Guard Testifies On Death House Talks; Court Bars Confession

The prosecution closed its case in the Edwards murder trial today with a surprise witness—a prison guard—who testified he overheard the defendant say in the death house that he was "too smart for the Anne Arundel county hick cops" and that he "had fixed it so they could never prove it on him."

Defense attorneys fought hard but unsuccessfully to keep out the guard's testimony and at the close of the State's case moved for a directed verdict of acquittal, which was opposed by the State.

The move was still being argued when the court recessed for luncheon.

DEATH HOUSE TALKS

The prison guard who closed the State's case is Arthur B. Wilson. He told of arguments and conversations he said he had overheard between Thomas Edwards, accused in the Mahlan-Kline murders, and Delmas Bozman when they both were occupants of the death house in the Maryland Penitentiary.

Bozman, a former Coast Guardman under sentence to be hanged for the holdup slaying of Cornelius McDowell, a taxi cab driver, in May, 1948, is still in the death house, having been there well over a year.

Edwards' conviction at his first trial and his sentence to be hanged were upset by the Court of Appeals.

DEFENSE CITES DOUBT

Arguing for a directed verdict of acquittal for Edwards today, Defense Counsel William J. McWilliams said "such a could of doubt overshadows the evidence that it cries aloud for a verdict of not guilty."

Another important development in the trial today was the exclusion of Edwards' testimony at his first trial. The testimony was admitted, subject to exception, last week and today the trial judges, Chief Judge W. Conwell Smith and Judge Charles Moylan, allowed the exception.

The testimony lost to the State had to do with Edwards' alleged confession, on which his conviction was reversed. The Court of Appeals held that the confession had been improperly induced by showing the prisoner a letter from a former prisoner.

ARGUED ABOUT CASES

Today's surprise witness, Guard Wilson, testified that when he went on duty in the death house last October 19, Edwards and Bozman were arguing over which offense was worst, the Mahlan-Kline murders or the slaying of McDowell, the cab driver, Wilson added:

"Edwards said that Bozman had sneaked up on the taxicab driver. Bozman said what he did was not as bad as what Edwards did—murdering two people in the dark.

"Edwards replied, 'It wasn't dark, it was moonlight,' and, anyway, he had fixed it so no one could prove he was guilty."

REPORTS SECOND TALK

Defense motions to strike out Wilson's testimony were overruled and guard continued, stating that on December 11, Edwards and Bozman had another argument.

Referring to notes of the alleged conversation Wilson said:

"Edwards was raising —— about everybody connected with the case and said that he was 'too smart for the hick cops in Anne Arundel county.'

"He also said that he had disposed of anything that could prove he was guilty and that he had 'thrown the watch overboard.'"

A wristwatch worn by Miss Mary Kline on the night of the murders never has been found.

TESTIMONY RULED OUT

Earlier in today's session of the trial Anne Arundel County Police Chief John J. Souers testified concerning a trip made through the county on November 12, 1948, when Edwards was accompanied by a number of officers.

However, at the close of Souers' testimony Defense Attorney McWilliams moved that it be stricken from the record and the court so ordered.

MORN-SUN-6-21-50 EVE-SUN-6-21-50 NEWS-6-21-50

ALIBI OFFERED IN EDWARDS MURDER CASE

Defense Counsel Fails To Get Directed Verdict Of Acquittal

Following refusal of the Criminal Court to direct a verdict of acquittal in favor of Thomas A. Edwards, defense attorneys yesterday produced a number of alibi witnesses at the retrial of Edwards for the Mahlan-Kline murders.

William J. McWilliams and Ridgely P. Melvin, Jr., counsel for the 25-year-old Negro defendant, sought an innocent verdict at the conclusion of the State's case during the sixth day of the trial.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan refused the defense move, which was based on the contention that "the evidence is legally insufficient to justify his conviction."

14 Alibi Witnesses

The fourteen alibi witnesses then called by the defense testified that Edwards was elsewhere during at least part of the time he is alleged to have murdered John H. Mahlan and Miss Mary C. Kline, and then attempted to dispose of their bodies and abandon Mahlan's car.

The dual killing occurred, according to the State's evidence, sometime after 9 o'clock on the night of September 17, 1948. Mahlan's blood-stained and bullet-pierced car was found at about 8 A.M. the next morning in a bean patch near Lipin's Corner.

The bodies of the two victims were discovered in a clearing off the Chesterfield road in the afternoon of September 20. The clearing is about 26 miles from the bean patch.

Guard Tells Of Talks

New testimony offered by Anselm Sodaro and James C. Morton, prosecutors, at the end of the State's case yesterday dealt with alleged admissions by Edwards while he was in the death house at the Maryland Penitentiary under a hanging sentence imposed following his conviction at the first trial.

A three-judge Baltimore court convicted Edwards at the first trial, but the Court of Appeals later struck out the convictions and ruled that two written and signed confessions by Edwards were inadmissible because they had been improperly obtained by police.

The testimony about Edwards's alleged statements in the Penitentiary was given by Arthur B. Wilson, a Penitentiary guard, who said he made notes of a conversation between Edwards and other condemned murderers.

"Cursing Back And Forth"

The first conversation related by the guard was on October 19, 1949, according to testimony.

"I went on duty," Mr. Wilson testified, "at the deathhouse at 4 P.M. on Wednesday, October 19. I immediately noticed that there was feeling between the prisoners. Particularly, there was cursing back and forth between Bozman (Delmas Bozman) and Edwards.

"Edwards said that Bozman had sneaked up on the taxi driver and shot him in the back," the witness said.

Second Conversation

Wilson testified Bozman then retorted that what he had done was not as bad as what Edwards did after sneaking up on two people in the dark. Edwards denied it was dark "because the moon was shining bright, and besides I fixed it so no one could prove it anyway," the guard continued, in relating the conversation.

The defendant also was quoted by the guard as saying he was "not as dumb as Bozman because he didn't plead guilty."

Wilson fixed the time of the next conversation as December 11, shortly after midnight. He said it is not unusual for prisoners in the death house to talk for hours, and sometimes all night.

"Too Smart For Hick Cops"

The guard said he had written in his notes that after Sunday visits to the men, "Edwards was still up and raising hell about the visiting seminarians and everyone connected with his case."

"He said the seminarians could do him no good," the witness testi-

(Continued from Page 34)

fied, "because he had done everything to see he could not be caught."

"He said he was too smart for the hick cops of Anne Arundel county, and they couldn't prove anything on him. He said he had thrown the watch overboard."

Wilson told the judges that at the time he heard the conversation, he had not known that a wristwatch belonging to Miss Kline was missing when her body was found.

On crossexamination, the guard admitted that there is little for prisoners in the death cells to do, except talk and play checkers on boards which are numbered to denote moves of the players, who are in different cells.

Wilson said the doomed inmates "do a lot of talking." He said he has instructions to take notes of all portions of conversations he deems important.

Referring to an apparent feeling of Edwards toward Bozman, the guard said: "I think if Edwards could have gotten out of his cell he would have killed Bozman; he would have wrung his neck."

"You mean because Bozman accused him?" Mr. McWilliams asked.

"Yes sir," the guard replied.

"Circumstantial Evidence"

In arguing for a directed verdict of acquittal, Mr. McWilliams thoroughly analyzed the testimony, particularly evidences which linked a cartridge found where the body of Miss Kline had lain with a gun Edwards admitted was his.

The defense lawyer declared that "the Court needs no elaboration on my part to convince your Honors that the State's case is based entirely on circumstantial evidence." He then read from a law book on the danger of convicting a person on such evidence.

Mr. McWilliams, a former judge, pointed out that the only real evidence against Edwards is the cartridge case found at the Chesterfield clearing six days after the bodies were found.

Questions Cartridge Case

He then declared that under facts produced by the State, there should not have been a cartridge case found at that spot. The attorney argued that physical evidence of a large pool of blood on the inside and the running board of the Mahlan car led to the conclusion that the bleeding came from the wound in the head of Miss Kline while she was in the rear of the vehicle.

The medical evidence that the left side of the 18-year-old female victim had decomposed more rapidly than other portions of her body was based on the theory that her body had lain on that side for some length of time, the lawyer pointed out.

Argues Death In Car

Pointing out that Miss Kline was lying on her back when her body was found, Mr. McWilliams said the medical testimony was that the bullet wound in her head caused instant death and made her incapable of any movement thereafter.

Consequently, he argued, death must have occurred before her body reached the Chesterfield clearing and the discharged cartride should not have been at that site.

Even assuming that the murderer shot the young woman while she was in the car at Chesterfield, then the cartridge would have been in the vehicle, Mr. McWilliams declared, and there would have been blood on it from the pools of blood in the vehicle.

"Seeming Impossibility"

Also, he pointed out, if her body was dragged from the car after the bullet was fired and the cartridge was dragged along, the empty bullet case should have been bloodstained.

But even assuming that Miss Kline was shot in the back of the head after she was thrown out of the vehicle, "this creates another seeming impossibility," the defense lawyer contended.

He said if the shot was fired while she was lying on the ground, the cartridge should have been found from three to ten feet from her body and not under the spot where her head had lain.

Expulsion Of Cartridge

The lawyer pointed out that testimony of FBI experts was that a cartridge expelled from Edwards's gun would travel a distance of from three to ten feet to the right, depending on the position in which the gun is held.

But even assuming that the cartridge dropped straight down and fell alongside her body, she had to be lying face down to suffer a bullet wound in the rear of her head, Mr. McWilliams then pointed out.

He said there was no evidence her body was turned over, and the medical evidence was that she was incapable of movement after the wound was inflicted.

"I Contend It Wasn't There"

"How did the cartridge case get under her neck?" he queried. "How did it escape being stained by her blood? It presents an incredible set of circumstances."

"It is a challenge to the imagination, to the inventiveness of the mind to figure out how this cartridge case got under the body of the girl," Mr. McWilliams asserted.

"I contend it wasn't there when the body was left there and couldn't have been there for several days after the bodies were found."

The defense counsel said he was entitled to assume that "police have some sense" and that one of the first things they would look for was a spent cartridge.

Clearing Was Searched

He pointed out there was a 50-50 chance that there would be a cartridge case, since the murderer would have used a revolver that does not expel cartridges; or an automatic, that does.

He said a cartridge case is an important item of evidence, because it gives a clue to the type of weapon, its caliber and the possibility that the murder weapon may later be identified through it.

Mr. McWilliams then pointed out that the clearing was searched by Anne Arundel county police, the State police and hundreds of curious visitors to the spot.

"Place Left Unguarded"

"Under these circumstances, it is simply incredible to believe that a casual visitor six days after the bodies were found should just happen to come and kick over a loose cartridge, a very vital piece of evidence," the attorney contended.

"How did it get there? The inferences are infinite. With the place left unguarded, as it was, anybody coming in during the day or night could have left anything they had a mind to put there.

"It was put there for one purpose and that one purpose was to divert the trail and point suspicions to some direction other than the direction of the real killer."

FBI Is Challenged

Mr. McWilliams also challenged the ability of the FBI to come up with the exact answer so far as the identification of firearms is concerned. He pointed out that certain markings, such as firing pin marks, can be seen only through a microscope.

The attorney pointed out that although the FBI testified that a test cartridge fired from Edwards's gun and the cartridge found in the clearing had been fired from the same gun, the experts had been unable to say the same of a cartridge found in the defendant's yard.

Testimony earlier in the trial disclosed that police had found a cartridge in the yard where Edwards had occasionally fired his weapon.

"On So Frail A Reed"

"On so frail a reed does the State's case depend," Mr. McWilliams declared.

The lawyer contended the crime is "incompatible with the Negro character."

He declared that crimes usually charged to Negroes are the result of fights and jealousies, and are "simple crimes."

"A kills B and goes off and leaves him, or else he goes to a police station and gives himself up," the lawyer explained.

He asserted it was hard to believe that a "young country Negro" would embark on such a crime, kill two people and haul them 30 miles around the county in their car, and then abandon the car 26 miles away.

Background Of Edwards

The court was told that Edwards comes from a good family, has a good employment and service record, does not drink or smoke, has no criminal record and enjoys a reputation in the community for being peaceful.

Mr. McWilliams pointed out that a motive for the killing is missing, so far as Edwards is concerned. He said no money was taken from Mahlan and the evidence disclosed that Edwards had been paid his salary the day before the killings and that he earned in excess of $50 a week.

Also, it was pointed out, there is no evidence of rape and the medical testimony is actually to the contrary. The lawyer contended that if rape had been the motive, the killer would not have shot Mahlan through the left, front car window and then fired a similar shot through the right window at Mary Kline.

"Motive Was To Kill"

"The motive was to kill both as quickly and as effectively as possible," Mr. McWilliams contended.

"I suspect that if the perpetrators of this crime are ever caught, the motive will be one that will horrify the citizens of this State and keep them horrified for many, many days to come."

Mr. McWilliams argued that it was consistent with the Negro character for Edwards to tell police that he had sold his gun, even though he still owned it.

He pointed out that after Edwards was first arrested, but then released to find the alleged purchaser of the weapon, the normal thing would have been for him to get rid of the weapon quickly.

The Court was reminded of the fact that the defendant's home is only a stone's throw from Marley Creek, and that Edwards could have easily disposed of the weapon there.

Finally, the defense lawyer pointed out that no fingerprints of Edwards were found on the Mahlan car, despite the fact that if the defendant committed the crimes, he undoubtedly would have left prints on a number of spots in the vehicle.

In reply, Mr. Morton in a brief argument cited the fact that by his own testimony at the first trial, Edwards admitted that he had used steel wool on the barrel of the gun. Such scraping could destroy identifying marks, it was contended.

3 Conflicting Stories

In addition, the prosecutor pointed out that Edwards gave three conflicting stories as to his whereabouts on the night of September 17.

Mr. Sodaro contended that the State places significance in the testimony of the guard, Wilson, because is revealed that Edwards made admissions to a fellow prisoner who could not be expected to offer him any immunity or reward.

In addition, Mr. Sodaro pointed out that Edwards had admitted having the gun on the night of the shootings, and that the FBI had positively identified the Chesterfield cartridge as having been fired from Edwards's weapon.

Garage Man Testifies

In addition to the alibi witnesses, the defense also produced Raymond A. Barr, former garage mechanic, who testified that when he towed the Mahlan car from the bean patch on the morning of September 18, some portion of the front of the vehicle was still warm. Barr was unable to say whether it was the radiator or the oil pan.

The defense contends that if the vehicle had been left in the patch shortly after midnight, as State's evidence indicates, the car would have completely cooled.

The trial will be continued today.

Man Fined $750 In Numbers Case

A man who lists a downtown Turkish bath as his address was fined $750 and costs in Criminal Court yesterday on a numbers-writing charge.

Benjamin Fooksman, 47, gave that address when police arrested him June 12 on the Hanover street bridge.

In his car were nearly 2,000 slips representing about $1,500 in numbers gambling, police charged. Fooksman said he is a chauffeur.

Police contend Fooksman used the automobile in collecting gambling slips from approximately 90 "stations" in the area. Judge Michael J. Manley imposed the fine.

Taxicab Robber Given 20 Years

Oscar F. Smith, convicted holdup man, was sentenced to a 20-year term in the Penitentiary yesterday for taking $9 and a $1.50 watch from a cab driver at gun point.

Judge Joseph Sherbow imposed the sentence in Criminal Court.

Smith, a Negro, was tried last fall and convicted. A re-trial was granted, and he was again found guilty in March, but sentence was temporarily suspended pending further legal maneuvering.

His sentence will run from October 21, 1949. On a charge of carrying a deadly weapon, Smith was sentenced yesterday to a year, but that term will run concurrently with his 20-year term.

The cab driver, John Brunner, was robbed October 5, 1949. A .32 caliber revolver was used, police said. Smith said Catonsville is his home address.

New Witnesses Appear For Edwards

Two new surprise witnesses appeared today in Criminal Court in the defense of Thomas Alexander Edwards as the retrial of the 25-year-old Anne Arundel county Negro neared conclusion.

One of the witnesses was a white youth who had been questioned after the murders of John H. Mahlan and Miss Mary G. Kline in September, 1948.

The youth testified that after 2.30 A.M. on the morning of September 18, the day after the murders are alleged to have occurred, he had seen Mahlan's 1937 Pontiac, with four persons in it, driving south on the Old Annapolis road toward Lipins Corner, where the deserted, bloodstained car was discovered in a bean patch five hours later.

Woman Testifies

The second new witness, a young blond matron now living on the Eastern Shore but who in 1948 resided near the Old Annapolis road, testified that she had twice driven by the spot where the death car was found and did not see it there as late as 4.30 A.M. on September 18, 1948.

Except for testimony of one witness, a county policeman summoned by the defense but who could not appear until later, both prosecution and defense closed their cases about noon. Arguments will follow appearance of the one witness.

The new testimony tied in with the defense alibi that Edwards was asleep at his brother's home when the car must have been left in the bean patch.

In the retrial, as in the earlier trial seventeen months ago, William J. McWilliams and Ridgely P. Melvin, Jr., defense lawyers, had sought to show that the engine of the death car was still warm when it was discovered, and that consequently it must have been left well after Edwards was shown to be in his own home.

Former Part-Time Cabbie

Lud Spinks, of Brooklyn Heights, formerly part-time cab driver at Glen Burnie, was defense witness No. 23. He told of seeing four persons in what he said was Mahlan's car.

Questioned by Mr. McWilliams about his movements on the early morning of September 18, he was asked what he had done.

"I drove down the Old Annapolis road toward Lipin's Corner. There was one person with me and another car in our group," the witness said.

Question—As you drove down the Old Annapolis road, what happened?

Answer—As I got to Marley, I ran out of gas.

Q.—And your car stopped?

"Joined Other Group"

A.—Yes, sir. We got out of my car and joined the group in the other car and drove down toward Gibson Island. We were hunting for a party at a shore but never did find it.

Q.—Then later you came back and went into Glen Burnie to get gas for your car?

A.—Yes, sir.

Q.—What time?

A.—I would say 2.30 o'clock or a little later when I got the gas.

The witness said his friend's auto was parked back of his marooned car while gas was poured

[Continued On Page 3, Column 3]

into his tank. While that was going on, another car stopped alongside.

Says Car Blocked Road

Q.—Did that car block the road?

A.—It did.

Q.—Then what happened?

A.—I told him, the man, that he had bettr get off the road. While he was there another car came along and blew its horn and slowed down.

Q.—What car was that?

A.—Well, it was a car exactly like Mahlan's, a 1937 Pontiac.

Q.—Could you say how many people were in it?

A.—Four people were in the car at the time, two in the front and two in the back.

"Couple In Front Seat"

Q.—Could you tell whether it was a couple, a man and woman, in the front?

A. There definitely was a couple in the front.

Q. Could you tell whether there was a couple in the back?

A. There were two persons. I couldn't say they were a man and woman.

Q. Where did that car go?

A. The car went on down toward Lipin's Corner.

Q. Did you see it any more that night?

A. No, sir.

Says He Was Questioned

On crossexamination by Anselm Sodaro, assistant Baltimore prosecutor, and James C. Morton, Jr., State's attorney for Anne Arundel county, Spinks revealed that he had been picked up and questioned on the Monday after the murders.

When the prosecutors asked if he had not been charged with theft of a wheel and tire, he said, "not to my knowledge."

Adding that he understood someone else admitted taking the wheel and tire, he said: "They questioned me on Monday after the murder and questioned me about the murder, so it appeared to me that was what I was being held for."

Passed Near Bean Patch

Mrs. Mildred Owings, now living at Vienna on the Eastern Shore was the blond young woman who told of passing within a few hundred feet of the bean patch on the morning of September 18 without seeing the murder car.

She had driven her husband to Brooklyn in their new pickup truck, and said that her headlights should have shown the car if it were there when she left home at 4 A.M. and when she returned at 4.30 A.M.

She saw the car, with police gathered around it, when she left home again to go to market at 8.45 A.M. Mrs. Owings said she then thought there had been an accident.

Additional Witness

Mrs. Catherine Hall, Negro, of Freetown, was an additional alibi witness for Edwards today, as she was at the first trial.

She said she had seen him shortly after midnight on the night of September 17 at the Freetown Hall. There was a dance party which she called "an ordinary promenade."

Gustave Frederick Kiesling, Edwards's former boss at the American Sugar Refinery, also testified how the defendant had appeared for work bright and early on September 18 and appeared his usual "happy-go-lucky self."

Worker's Testimony Read In

Absence from the State of Samuel T. Dodson, formerly of Crownsville, caused his testimony of the first trial to be read into the new case.

Dodson, working at a macadam plant near the Crain highway, said an automobile with two persons, one slouched over as though drunk or asleep, had driven into his plant's gravel pit about midnight on September 17, but had turned and left when the driver saw him.

The same car returned about 2 A.M., Dodson said, and again left. He did not think it was the same make as Mahlan's car.

On his way from work to his home about 7.30 A.M. the following day, Dodson said he noticed what he thought to be the same car parked crosswise on the road into the Chesterfield clearing, where the bodies were found two days later.

He said he saw a man with a hunting license on his coat standing near the car and thought nothing of it until after the bodies were located. He then notified the police.

Part Of Interview Admitted

Weldon Wallace, *Sunpapers* staff reporter, was called as a witness to identify his news account of an interview with the dead girl's father, John E. Kline.

Over the State's objection, the court admitted in evidence portions of the newspaper interview quoting Mr. Kline as saying the murder car was dry when he saw it and that pieces of young Mahlan's operator's card, which he found scattered, were dry, although surrounding grass was wet with dew.

Howard H. Mahlan, the dead man's father, was called as a defense witness to show that young Mahlan usually kept his operator's card in his wallet.

Neighbor Tells Of Tools Used

Other defense witnesses were Theodore DeBrody, Jr., a white neighboring farmer whose tools Edwards had used six months to a year before the murder to try to fit a gun barrel for his foreign pistol to fire American ammunition; Mongure Ali, Negro who said Edwards showed no change in disposition after the deaths, and Henry Buser, Jr., of Annapolis, who made tests about the cooling of automobile systems.

The defense also called Chief John H. Souers and State Trooper Noble Collison for details. The trooper's testimony dealt with a young woman taking him to the Chesterfield clearing to point it out as the parking scenes used by young couples.

The girl had "thrown a spell" when told it was the death scene, officers had reported.

Nineteen Give Brief Testimony

Nineteen defense witnesses appeared yesterday for Edwards. Their testimony was brief and there was no protracted crossexamination.

Most of them were combined alibi and character witnesses. They placed Edwards at his home or around the Negro community of Freetown through most of the night of September 17, 1948, when the Glen Burnie couple was murdered and their bodies left in a woods near the Chesterfield road.

'Death Car' Identified By Witness

An effort by the defense to establish an alibi and to find flaws in the State's case of circumstantial evidence today marked the eighth day of Thomas A. Edwards' second trial for the murders of John Mahlan and Mary Kline in Anne Arundel county on September 17, 1948.

All but one defense witness had testified as the trial neared the luncheon recess, making it a practical certainty that the taking of testimony would end and final argument would start this afternoon.

WOMAN TESTIFIES

One of the last witnesses for the defense testified she saw Edwards outside a dance hall in Freetown, a Negro community, at about midnight on the night of the crime.

Another witness testified he saw a car he believes was the death car with four persons in it some time after the hour the State contends Mahlan and Miss Kline were killed.

Howard Mahlan, father of the victim, was recalled to the stand briefly and testified his son usually kept his operator's card in his wallet in his hip pocket.

Also read into the record as the defense neared its close was testimony given by a night watchman at Edwards' first trial.

The watchman testified he saw a car at 11.45 and again at 2 A. M. on the night of the murders on Chesterfield road near where the bodies were found several days later.

WEATHER DATA GIVEN

Other evidence read into the record—and intended to show variations from stories told by State's wienesses — were the official weather reports for September 17 and 18.

The witness who testified to seeing a car he thinks was the death car after the murders was Lud Spinks, a part-time taxi cab driver of Glen Burnie.

Questioned by Defense Counsel William J. McWilliams and Ridgely P. Melvin, Jr., he told of driving to Gibson Island with several other young men about midnight September 17, 1948, the night of the murders.

CROSS-EXAMINED

Spinks was subjected to a stiff cross-examination by Assistant State's Attorney Anselm Sodaro, who is conducting the prosecution with State's Attorney James C. Morton of Anne Arundel county.

Sodaro brought out the fact that Spinks was arrested for an alleged theft, which supposedly took place late the night of the murder. Spinks was later released and the charge dropped, when, according to the witness, two other youths had admitted the theft.

RUNS OUT OF GAS

Spinks' car, he said, ran out of gas and was left beside the highway just south of Marley on the old Annapolis road. Later, Spinks testified, he and some friends went back to his car with gasoline and, while he was putting the gasoline in his car, an automobile he believed to be Mahlan's drove by.

He said the car with four persons in it, a couple in the front seat and two others persons in the rear seat, ha dto stop because another car in front of it and alongside his car was blocking the road.

Spinks was the fourth witness today. Earlier Gustav Frederick Kiesling, a foreman at the American Sugar Refinery, testified he worked with Edwards on September 18 and saw no change in the man's attitude, conduct, or behavior. Kiesling testified he had supervised Edwards about a year.

Another witness, Mrs. Mildred Owens, who lives on a road near Marley Park, told of taking her husband to Brooklyn at 4 A. M. on September 18 and returning at 4.30 A. M. At that time, she testified, she saw no car in the bean field where the Mahlan car later was found.

She said she saw the Mahlan car in the bean field at 8.45 A. M. when she went to market.

WON'T TAKE STAND

The taking of testimony was expected to end today, the defense having only a few more witnesses.

Edwards' attorneys said he would not take the stand, as he did in his first trial. All testimony taken at the first trial concerning alleged confessions, oral and written, has been excluded from the present trial.

A defense motion yesterday for a directed verdict of acquittal when the State closed its case was denied. The defense attorneys contended the State's case was purely circumstantial and clouded with doubt.

MORN-SUN-6-22

WIFE FORCED TO TESTIFY

Husband Is Found Guilty Of Assaulting Daughter, 2

Judge Joseph Sherbow told a young wife she was required to testify against her husband in a Criminal Court case yesterday involving an assault on the couple's 2-year-old daughter.

Walter Iglihart was found guilty, but sentence for the World War II combat veteran was suspended pending the possible admission of the defendant to the Perry Point veterans' hospital for treatment.

Didn't Want To Testify

The judge said he would revoke the conviction if it meant Iglihart could receive proper treatment.

When Mrs. Helen Iglihart took the stand yesterday she told the judge she did not want to testify against her husband. Judge Sherbow was trying the case on appeal from a magistrate's court, and he ruled the wife was a compellable witness. Ellis Levin, defense attorney, objected.

Slapped For Crying Out

Dr. Harry Gilbert, family physician, and Dr. Agnes Duckworth, of Baltimore City Hospitals, said the child had contusions about the cheeks and a lacerated ear when examined.

The child was slapped, it was testified, when she cried out while the family was riding in a car. Iglihart told the judge that such noises upset him and make him nervous, but that usually he is able to get away from them.

He lives in the 6200 block Ferore way.

Seaman 'Checked' In Assault Case

A 40-year-old Canadian seaman was convicted in Criminal Court yesterday of throttling a cab driver June 3 and fleeing with $12.

Donald Clouter, Newfoundlander, who is a cook on the S.S. Lakeside, received a suspended sentence from Judge Michael J. Manley pending a check of his past by the Probation Department.

He told the judge he is a veteran of 5½ years' service with the Royal Air Force and that he has a wife and five children to support.

Robert Snesil, 2800 block Norfolk avenue, said he picked up Clouter at Port Covington and was chocked and hit over the head on Pratt street just west of Hanover street. The money, he said, was in his shirt pocket.

But Clouter maintained the $12 was his; that Snesil struck him because he would not pay the cab driver $10 in advance for girl companions Snesil promised to provide. He ran, he added, because Snesil had described himself as a prize fighter.

Arnold H. Ripperger defended Clouter, and Charles E. Orth, Jr., assistant State's attorney, was prosecutor.

Man Gets 10 Years For $3 Store Holdup

Henry B. Scott, 500 block North Paca street, received a ten-year sentence yesterday on charges of entering a tailor shop in the 500 block West Franklin street, threatening a woman with a knife and taking $3.

The 30-year-old Negro was arrested within two blocks of the shop. Miss Jean Miller was the clerk on duty at the time of the robbery May 27.

Judge Michael J. Manley imposed the sentence after a trial in Criminal Court.

Morn Sun-6/22

EDWARDS FOUND GUILTY IN GLEN BURNIE KILLINGS; SENTENCE IS POSTPONED

Two-Judge Court Supports First Verdict After Trial Of Two-Year-Old Case; Smith Says Evidence Admitted Is Largely Circumstantial

Thomas Alexander Edwards, 25, yesterday was convicted for the second time of the first-degree murder of Miss Mary Kline and John H. Mahlan in September, 1948.

Chief Judge W. Conwell Smith, who presided at the seven-day trial along with Judge Charles E. Moylan, announced the decision of the court. He said:

"The Court desires at the outset to express its gratitude to counsel for the way in which this case has been presented, both on the side of the prosecution and the defense.

"On our part, we have endeavored to be as scrupulously careful to limit the testimony as we were required to do by the rules of evidence as interpreted by our highest court.

Cites 'Circumstantial Evidence'

"We have given careful consideration to the motions for directed verdicts on the part of the defense, and we have concluded that in both cases they ought to be overruled.

"Limiting the testimony, as we were required to do, has left a case which is largely one of circumstantial evidence, but we have concluded that it is sufficient in law to convict.

"There will be no demonstration in the courtroom when the court's verdict is announced.

"The verdict of the court in both cases is guilty of murder in the first degree. Are you ready for sentence?"

"We ask that sentence be postponed to give us an opportunity to file the usual motions," replied William J. McWilliams, defense counsel along with Ridgely P. Melvin, Jr.

Sentence Is Deferred

"Very well, the sentence will be deferred," Judge Smith said.

The judges deliberated 25 minutes before they returned to the courtroom and announced their decision.

Edwards displayed little emotion as the guilty verdicts were pronounced. He was quickly led out of the courtroom to a Courthouse cell by jail guards.

In compliance with the orders of the Court, spectators at the trial displayed little reaction to the verdicts.

The parents of Miss Kline and the mother of Mahlan wept.

Mr. McWilliams announced that he will file a motion for a new trial before the judges of the Supreme Bench and, if necessary, will again take the case before the Court of Appeals.

A three-judge Baltimore Criminal Court in February, 1949, convicted Edwards of the two killings and sentenced him to hang, but the Court of Appeals subsequently reversed the convictions on the grounds that two written and signed confessions had been improperly obtained from Edwards.

Consequently, the prosecutors—Anselm Sodaro and James C. Morton Jr.—made no effort to introduce those statements at the second trial. They also failed in an effort to get an alleged oral statement by Edwards into the evidence.

The verdict of the court came after the judges heard Mr. Sodaro, who is first assistant State's attorney of Baltimore city, describe Edwards as a "mean, vicious, irreligious and irresponsible killer."

Denies Motive Contention

Mr. Sodaro denied the defense contention that the lack of a motive attributable to Edwards lent credence to the belief that Edwards was innocent.

"The very killing of two people was in itself very senseless, illogical and unbelievable," Mr. Sodaro declared.

He contended that sometimes only a "mind that in itself is criminal and clever" can understand the motive behind a murder.

He referred to the recent killing of little Marsha Brill by Eugene James as one which was committed without any apparent motive.

The prosecutor also called the attention of the Court to a photograph of the body of Miss Kline lying in a Chesterfield clearing, where it was abandoned along with the body of her male companion.

Sees Possible Rape Motive

He pointed out that her clothing had been pushed above her waist, and contended that although the State could not prove rape because of the decomposed condition of the bodies, such a motive for the killing could not be excluded.

The Baltimore prosecutor also contended that although the defense had attacked the scientific testimony of FBI experts regarding the identification of cartridges and bullets, counsel for the defendant also had availed themselves of certain scientific evidence in an effort to prove their case.

Discussing the testimony of nearly twenty alibi witnesses called by the defense to prove that Edwards was elsewhere during at least part of the time the crimes were being committed, Mr. Sodaro pointed out that the courts have warned against the "ease with which alibi evidence can be obtained." He said such evidence should be subjected to "rigid scrutiny."

Says He Carried Gun

The State lawyer denied that Edwards is a peace-loving type of individual, as pictured by the defense, and pointed out that the evidence disclosed that "Edwards attempted to keep peace with a loaded revolver."

Edwards hardly went anywhere without taking his loaded gun, Mr. Sodaro argued, pointing out that the testimony revealed that the defendant carried the weapon to work, crap games and on dates. The prosecutor discredited the defendant's testimony that he used the weapon to protect himself from dogs.

Edwards also was described by the Baltimore prosecutor as "deceitful and untruthful," pointing out that the accused played a "cat and mouse game" with the police by lying to them about the whereabouts of his gun.

"Intelligent And Clever"

Edwards was "intelligent and clever" enough to take the gun apart and attempt to make a new barrel for it, the judges further were told by the prosecutor. In addition, Edwards admitted that he used steel wool to remove rust from the barrel and this occurred after the twin killing, Mr. Sodaro argued.

The prosecutor charged that the abrasive had the effect of removing identifying marks from the barrel, and pointed out that the defendant had boasted that he had "done everything to see he could not be caught."

Finally, Mr. Sodaro charged that statements allegedly made by Edwards while he was in the death house at the Penitentiary could have been made "only by the man guilty of these crimes."

Refers To Guard Testimony

The State lawyer cited the testimony of a Penitentiary guard who reported hearing Edwards tell another doomed murderer about having thrown a watch overboard. A watch worn by Miss Kline has never been recovered.

The guard also testified he heard Edwards boast about having been too smart for the "hick cops" of Anne Arundel county, Mr. Sodaro asserted.

In his concluding argument, Mr. Morton charged that the defense had attempted to bring "red herrings" across the trail by offering testimony of another mysterious car seen on the night of the killings, of a witness who contended he saw Mahlan's car with four persons in it and of other similar evidence.

Asks Directed Verdict

Mr. McWilliams, in arguing for an acquittal, said he wished to advance the same arguments he had made the previous day in seeking a directed verdict of innocent. He advised the judges he did not wish to repeat those arguments.

Directing his attention to defense testimony offered after the arguments in connection with the directed verdict had been made, Mr. McWilliams first discussed the testimony of former State Trooper John J. Harbaugh.

He contended that although considerable effort had been made to discredit Harbaugh, who resigned from the State force because he was dissatisfied with the organization, there was no evidence to rebut the former trooper's statement that he sifted ground at the Chesterfield clearing to find evidence, particularly a spent cartridge shell.

This sifting process, Mr. McWilliams pointed out, took place more than five days before a curious visitor to the clearing found a cartridge under the spot where Miss Kline's head had lain.

Defending the testimony of alibi witnesses, Mr. McWilliams pointed out that the State had made no effort to impeach them, but had merely asked the judge to throw that evidence "out the window."

The defense attorney then traced the whereabouts of Edwards on the night of September 17, 1948, and said the only possible gap in the time was from 9.15 P.M. to about 11.30 P.M.

Mr. McWilliams argued that, conceding that Edwards's whereabouts had not been definitely shown during that period of time, it still would have been practically impossible for the defendant to have committed the crimes within that time.

Cites State's Theory

He pointed out that under the State's theory, the defendant accosted the couple in their parked car after Mahlan's automobile had allegedly forced Edwards off the road, shot both and then drove them a distance of about 30 miles to the Chesterfield clearing, where he abandoned the bodies.

Then Edwards abandoned the vehicle 26 miles from there in a bean patch near Lipin's Corner, the State contended.

Mr. McWilliams, by estimating the minimum amount of time needed to do all of those acts, contended that Edwards could not have been seen at a neighborhood store at 11.30 P.M., as certain alibi witnesses testified.

The defense attorney pointed out that a former garage mechanic, who towed the Mahlan car from the bean patch, testified that the vehicle was still warm after 9 A.M. on the morning of September 18, shortly after the car was found.

Says It Would Have Cooled

He contended that if Edwards had abandoned the car there before midnight, the vehicle would have cooled by the time Barr touched it.

On that point, prosecutors argued that the temperature had already reached 70 degrees by the time Barr arrived, and that the hot sun would have made the metal warm.

The testimony of Mrs. Mildred Owings, who formely lived in a house near the bean patch, also was cited by Mr. McWilliams.

He pointed out that she had driven out a road near the bean patch at about 4 A.M. and returned at 4.30 A.M. on the morning of September 18, but had not seen the Mahlan car.

Cites Cabbie's Statement

Mrs. Owings admitted it was still dark and that she was not looking for parked cars, but said it was a moonlight night and that she had bright headlights on her car.

The testimony of Lud Spinks, a part-time taxicab driver, then was referred to in the final argument of Mr. McWilliams.

Spinks had testified earlier yesterday that at about 2.30 A.M. on the morning of September 18, he observed a car that looked like the Mahlan automobile with four persons in it headed in the direction of Lipin's Corner.

Spinks testified he knew Mahlan and had seen his car before.

Mr. McWilliams then argued that the real killer or killers of the young Glen Burnie couple probably were in searching parties sent out by police to locate the bodies of the victims.

"Planting" Of Cartridge Seen

He pointed out that it would have been easy for them to observe police tactics in the case, and for the murderers to take corrective procedures to throw suspicion on someone else.

He suggested that the real killers could easily have "planted" the cartridge at the Chesterfield clearing, after having found it in the vicinity of Edwards's home, where the defendant had practiced shooting.

The defense lawyer further charged that the real killers may have deliberately planted a trail leading to Freetown, a town inhabited by Negroes, by placing Mahlan's keys and torn operator's card along the ground leading in that direction.

Testimony had disclosed that the torn card and the keys were found some distance from the abandoned car along a path that eventually led to the Negro settlement.

Says He Was Not Nervous

On the other hand, the State had argued that this evidence pointed to Edwards because the path took him to the location where alibi witnesses said he was seen at 11.30 P.M.

Mr. McWilliams then pointed out that the testimony not only was lacking in a motive, but further disclosed that Edwards made no effort to flee the vicinity, exhibited no guilty knowledge, was not nervous and did not attempt to cover up.

He contended it was "unbelievable" that Edwards would retain possession of his gun and then "be so stupid" as to throw away a watch belonging to Miss Kline.

Discussing the testimony of the Penitentiary guard, Mr. McWilliams charged that it was easy for the guard to "pull statements out of context" of notes he had made of the death-house conversations.

NEWS-6/22/50

Edwards' Defense To File Motion For A New Trial

A new trial motion is being filed today for Thomas A. Edwards, who was convicted for the second time in Criminal Court yesterday of the murders of John Mahlan and Mary Kline in Anne Arundel county on September 17, 1948.

The Supreme Bench being in adjournment for the summer, it was expected that the new trial motion will not be heard until fall. A new trial would be Edwards' third, his conviction in the first having been upset by the Court of Appeals.

Whether the new trial motion is granted or denied, Edwards' second conviction also will be appealed, said his attorneys, William J. McWilliams and Ridgely P. Melvin, Jr., of Annapolis. The appeal will be on the ground of "errors" by the trial judges, Chief Judge W. Conwell Smith and Judge Charles A. Moylan.

The attorneys declared their intention of filing a new trial motion and also of taking an appeal immediately after Edwards' conviction yesterday. Meanwhile, they asked that sentence be postponed—a request that was granted—and Edwards was returned to the City Jail.

Morn-Sun-6/23

EDWARDS CASE MOTIONS DUE

McWilliams To File Requests After Murder Conviction

Motions for a new trial will be filed in the Criminal Court this morning for Thomas Alexander Edwards, 25, who was convicted Wednesday of first-degree murder in the fatal shooting of John H. Mahlan and Miss Mary Kline.

William J. McWilliams, court-appointed defense counsel, along with Ridgely P. Melvin, Jr., announced last night that the motions have been prepared and will be filed in the Baltimore court today.

Mr. McWilliams said the moves for a new trial will contain the usual language of such motions. He stated he knew of no new developments in the case.

Convicted Second Time

Edwards was convicted of the charges for the second time by a two-judge court which ruled that the circumstantial evidence against the Anne Arundel county Negro was sufficient to justify convictions.

Edwards had been convicted the first time in February, 1949, by a three-judge Baltimore Criminal court and sentenced to hang, but the verdicts later were stricken out by the Maryland Court of Appeals on the grounds that written and signed confessions had been improperly obtained by police.

He was convicted Wednesday by Chief Judge W. Conwell Smith and Judge Charles E. Moylan. Both trials were removed here from Anne Arundel county, where the crimes occurred in September, 1948.

Mr. McWilliams already has announced that he will take the case again before the Court of Appeals if necessary.

Eve. Sun-6/22

BALTIMORE, THURS., JUNE 22, 1950

Fair Trial

The retrial of Thomas A. Edwards has come to its end. The manner in which both the first and second trials were conducted was exemplary and the people of Maryland may rightly take pride in it.

The crime of which Edwards has been found guilty was horrible and revolting. It aroused tremendous public interest and public feeling. Yet there has been the most scupulous regard for the rights of the accused.

In announcing their verdict yesterday, the judges who presided at the second trial complimented attorneys for both the State and the defense. Anyone who has followed the proceedings will agree that the praise is deserved. Particularly impressive was the able and assiduous effort of the court-appointed defense counsel to clear the defendant of the charge against him.

Since the defense has made it known that a new trial will be sought, the verdict in the second trial may or may not be final. But no one can say that the defendant failed to receive a fair trial.

Edwards Lawyers To Ask New Trial

New-trial motions to have the Supreme Bench review the second conviction of Thomas Alexander Edwards for two 1948 murders, today were being prepared by defense counsel.

William J. McWilliams and Ridgely P. Melvin, Jr., the court-appointed attorneys for the 25-year-old Anne Arundel county Negro, said the motions would be filed promptly, although court rules give them three days for such action.

The motions will again place the case before the Supreme Bench, which considered it on similar action after the first conviction more than a year ago. Defense lawyers stated that, if necessary, the case would again go to the Court of Appeals.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan late yesterday returned the new conviction against Edwards, finding him guilty of first-degree murder in the slaying of John H. Mahlan and Miss Mary C. Kline on the night of September 17, 1948.

Confession Ruled Out

The new trial was required by Court of Appeals action in reversing the first conviction and ruling out of the case the written confession of Edwards and his alleged reenactment of the crime, on the grounds that they were induced by action of Henry J. Kriss, captain of detectives.

At any further appeal hearing at Annapolis, the upper court will be able to consider the case under new rules of criminal procedure, and determine whether or not the evidence was sufficient to convict. At the last appeal under old court rules, the appellate body could only consider rulings of the lower court, and could not pass on the facts of the matter.

State's Attorney James C. Morton, Jr., of Anne Arundel county, and Anselm Sodaro, assistant Baltimore prosecutor, represented the State at the trial.

Eve. Sun-6/23

Appellate Court Ruling Cited As Lesson For Emerson

If Police Captain Alexander Emerson is carrying out the advice of Judge Michael J. Manley, the vice and gambling squad leader and his men have embarked on a new course of summer study.

The first instruction course which Judge Manley in Criminal Court especially advised the officers to peruse has just been released.

It is the Court of Appeals opinion in the appeal of Raleigh E. Walker from a lottery conviction before Judge Charles C. Marbury of Prince Georges county.

A New Decision

Addressing Captain Emerson in court before the opinion was publicly printed, Judge Manley said that it was one of the new decisions which he and his men should read.

The judge added that the officers then would understand why he must rule against them and exclude evidence in many betting, numbers and gambling cases.

Walker had been arrested when his automobile stalled on a public highway. A police car pushed it to the side of the road and officers then noted a number of brown paper bags in the car. They seized them and found they contained numbers slips.

Cites Lack Of Grounds

In reversing Judge Marbury's rulings, the upper court opinion written by Judge C. Gus Grason pointed out that the officers had no grounds to arrest the man, because no apparent misdemeanor was committed in their presence.

The stalling of the car was not a violation and, the upper court ruled, there is nothing in the law "that confers the right of an officer to stop an automobile operated on a public highway and seize and search packages contained therein."

The court pointed out that no incriminating evidence was visible. It added that in another decision this year the court had ruled that seeing lone gamblers enter and leave a poolroom about noon did not justify an officer to believe from that fact alone that lottery or gambling was going on.

Walker's attorneys were Frank M. Hall and C. J. Lancaster.

20-Year Term Given In Holdup

A 20-year penitentiary sentence was imposed today on Clarence Prescoe, Negro, on charges of robbery with assault by shooting at the policeman who had arrested him.

Prescoe, who had a record, was arrested for a $37 robbery of another Negro on April 22. When Patrolman Elmer Gubernatis found that a patrol wagon was unavailable, the defendant broke away at the police callbox at Fayette and Schroeder streets and drew a pistol.

Prescoe had fired one shot at the officer in ordering him to throw up his hands, and was marching the patrolman down an alley when Gubernatis leaped into an areaway and began exchanging shots with Prescoe, according to testimony in Criminal Court.

Other policemen, responding to a special call, arrested the man.

Chief Judge W. Conwell Smith imposed sentences of 20 years for robbery, 15 years for assault, and 2 years for carrying a deadly weapon, but made the terms concurrent. Alan H. Murrell was the prosecuting attorney.

New Trial Sought For Edwards

Attorneys for Thomas Alexander Edwards today filed in Criminal Court motions for a new trial to have the judges of the Supreme Bench review the new conviction of the man for the 1948 murders of John H. Mahlan and Miss Mary C. Kline.

The attorneys, William J. McWilliams and Ridgely P. Melvin, Jr., gave the formal reasons usually specified in such new-trial proceedings. They were that the verdict was contrary to the evidence, that it was against the weight of the evidence, that the Court made erroneous rulings, and "because of newly discovered evidence."

Transcript Ordered

At the same time, arrangements were made with Chief Judge W. Conwell Smith and Judge Charles E. Moylan, who returned the conviction verdict Wednesday at Edwards's retrial, to have the usual extensions of time for preparation of the record of the eight-day trial.

Directions were given to the court stenographer, Joseph A. Moylan, to prepare the typewritten transcript of the lengthy record.

Because of the time necessary to prepare the record and the summer recess of courts, the new trial motion cannot be set before the Supreme Bench until after the new court term begins September 11.

Morn Sun-6/24/50

TERMS OF 30 YEARS IMPOSED

$14,000 Holdup Brings Pair An Equal Sentence For Each

Two young men convicted of stealing a safe containing $14,000 during an armed holdup in a North Pulaski street home were sentenced yesterday to fifteen years imprisonment each by Chief Judge W. Conwell Smith in Criminal Court.

The terms were imposed on Nathaniel Wilson, 28, of the 2500 block Druid Hill avenue, and Lewis Shields, 20, of the 2300 block Guilford avenue. Both are Negroes.

Fourth Man Still Missing

According to evidence produced by William J. O'Donnell, assistant State's attorney, the accused were two of four men who entered the home of Albert Williams, of the 1500 block North Pulaski street, last April 8 and held up Williams, a daughter and another relative.

One of the men accused of taking part in the robbery later died after he leaped from a window in police headquarters. He was identified as Elwood Bishop, a Negro.

In addition to taking the small safe from the home of Williams, the four hold-up men also took cash and jewelry from the victims, Mr. O'Donnell said.

Williams said money in the safe represented income from rent collections and cash he used to purchase property in connection with his real estate business.

The fourth man in the robbery has never been arrested, the prosecutor told the Court.

Eve. Sun-6/26

Youths, 16 To 20, To Be Tried In Special Court

New treatment of youthful defendants in the 16-through-20-age group has been decided upon by the judges of the Supreme Bench, through creation of a so-called "youth court."

The youthful defendants as well as older persons involved with them on criminal charges, are to be tried in a special part of Criminal Court. The plan was proposed in a report by the bench's probation committee—Judge Emory H. Niles, chairman; Judge Herman M. Moser and Judge Charles E. Moylan. The proposal has been approved by a Supreme Bench resolution.

Criminal Court Part Three, where Judge Joseph Sherbow now presides, will handle the youth cases when the September court term begins, provided funds for the new staff positions are made available by the Mayor and the Board of Estimates.

Other Phases Of Plan

Trial of postjuveniles in the special court is only one of the plans adopted by the judges, in following suggestions of the Baltimore Youth Commission appointed by Mayor D'Alesandro, and by an investigating committee of citizens headed by James M. Hepbron.

Other phases of the new plan are:

1. Creation of a number of new positions, for necessary probation, psychological and psychiatric investigations. Eventually, about nineteen new posts would be created. Pending approval of such positions in the 1951 budget, a skeleton force will be used if city funds are made available during the last three and a half months of 1950.

2. Upon presentment or indictment by the grand jury, cases involving youthful defendants shall be listed, with ages stated, and a check made by the probation department as to previous court records, including juvenile records.

Arraignments To Be Prompt

3. Prompt arraignments shall be held, and the court shall consider release, upon their own recognizance or on nominal bail, of first offenders. Recommendations on such action are to be made by probation officials and by the State's attorney's office. The plan is expected to keep many youths from remaining in jail pending trial.

4. Presentence probation and psychological studies will be made. On guilty pleas upon arraignment, full probation investigations and psychological studies will be made at the time. Presentence studies of those who contest guilt will be made after conviction. Psychiatric studies will be made when called for by the court or when recommended by the psychologists.

5. Weekly conferences of the judges, psychologists, and probation workers will be held before imposition of sentences.

6. Greater use of probation-without-verdict in appropriate cases, to prevent creation of criminal records, is expected to be a result of presentence investigations.

Calls For Close Liaison

7. New penalogical developments are expected, since the plan calls for close liaison between the judge, the Probation Department, and the main institutions for young offenders—the Maryland Training School, the State Reformatory for Males, and the State Reformatory for Women.

The judges on the probation committee, in their report to the bench, said:

"It is estimated that the Probation Department will need an increase of ten probation officers and four clerical assistants to carry this additional burden of investigation.

"This matter was discussed with Dr. Manfred S. Guttmacher, chief medical officer of the Supreme Bench, who expressed the hope that consideration would be given to his overall plan for developing therapeutic as well as diagnostic service for persons appearing in the Criminal Court and in need of such service.

The burden of the added psychological and psychiatric service imposed by this new procedure for youthful offenders and the service now rendered by the chief medical officer, would require a staff of two additional psychologists, Dr. Guttmacher on his present basis, and the services of one full-time or two half-time psychiatrists. Two additional clerks would also be needed.

"It is to be noted that this increased personnel would broaden the service available to all appearing in the Criminal Court and not only to younger offenders."

In suggesting the plan for a liaison between the court and the penal institutions, the three judges reported to the bench:

"It is important that this work be related directly to the institutions to which these offenders may be sentenced. This may require changes at the Reformatory for Males and other correctional and training institutions.

Desirable Changes Possible

"The intense application of the judge to this group of offenders in conjunction with the probation department and the heads of the State reform and training institutions may bring about desirable changes on the handling of these prisoners.

Special emphasis may have to be laid on separation of these youthful offenders from the older groups, more effective release procedures, etc."

In taking over the youth cases, Part Three of the Criminal Court is expected to be freed from most routine criminal work. The judges pointed out that the youthful offenders and older persons connected in cases with them form about 23 per cent of the total criminal cases handled, excepting bastardy and nonsupport matters.

NEWS-6/26

Tribunal Would Hear Cases Of Young Offenders

By WILLIAM E. TIPTON

A "youth" court for Baltimore—an entirely new approach to the handling of all cases involving offenders between the ages of sixteen and twenty-one—was recommended today by three Supreme Bench judges.

The proposed court, if established, is expected to deal with approximately 1,050 persons accused of crimes each year—some 900 minors and about 150 older persons accused with them—or in the neighborhood of 23 per cent of all the cases tried before the Baltimore criminal court.

CITIZENS' GROUP STUDY

The recommendation was made, on the basis of nearly a year's study by a citizens' group headed by James M. Hepborn, by the Supreme Bench probation committee, consisting of Judges Emory H. Niles, Herman M. Moser and Charles E. Moylan.

The three jurists, in their report to the entire bench, cited a suggestion of the citizens' group that, for the present and until the new court can formally be established:

"The Supreme Bench of Baltimore City and the State's Attorney for Baltimore City study the advisability of setting aside Part Three of the Criminal Court . . . exclusively for the trial of young offenders.

"This court, if adequately staffed with probation and psychiatric services, could apply the social approach and treatment methods of the present juvenile procedures to the older teen-age offenders and thus pave the way and lay the foundation for the development of procedures in the cases of young offenders which might be embodied in the law and applied in the Courts throughout the State."

The citizens' group, the judges pointed out, stated that the laws and procedures affecting "cases of boys and girls under sixteen years of age . . . are socially sound and wholly adequate." In fact, the group declared, "the division for juvenile cases . . . on the basis of performance, deserves a high rating among the juvenile courts in the United States."

TEN PROBATION OFFICERS

The recommended court for youths, along this same line, probably will be established, at least on the basis suggested by the citizens' group at the beginning of the September term of court.

According to the judges' report, it is estimated that the probation department will need an increase of ten probation officers and four clerical assistants to carry the "additional burden of investigation" the new system will require.

A letter from Dr. Manfred S. Guttmacher, psychiatrist to the Supreme Bench, and included in the report of Judges Niles, Moser and Moylan, says the new setup would call for an "absolute minimum of a chief psychologist and two assistant full-time psychologists, one fulltime, or two half-time psychiatrists, and two additional clerks" to augment the present medical staff.

SAVE FROM RECORD

The three judges' report pointed out:

"Practically all of the more recent legislation affecting youthful offenders provides a method whereby first offenders are saved from a criminal record. This can be accomplished in Baltimore city under existing legislation, permitting the grant of probation without a verdict.

"With more comprehensive information which will be available as a result of the social investigation, suggested, the court will have a greater opportunity to use this type of disposition in deserving cases."

The report, however, asserts that probation without verdict was granted to only five of the 297 offenders under twenty-one in the Criminal Court in the first four months of 1949.

BAIL ARRANGEMENT

Another advantage of the plan, the report adds, would be in connection with bail. The judges said:

"Arraignment in all youthful cases shall follow promptly upon indictment.

"At such arraignment the Court may consider the advisability of releasing the offender who has not as yet posted bond, on his own recognizance or on nominal bail, pending hearing.

"It is suggested that this action be taken upon the recommendation of the probation department and the State's Attorney and be limited to first offenders."

The judges found that "85 per cent of the colored and 65 per cent of the white young offenders were held in the Baltimore City Jail pending indictment and trial during the first four months of 1949."

MORN SUN 6/27

BALTIMORE, TUESDAY, JUNE 27, 1950

The Supreme Bench Considers An In-Between Group

The reasoning behind the new procedure devised by the Supreme Bench for handling criminal cases involving youthful offenders is simple and persuasive.

Baltimore is at present well equipped, through the Juvenile Court, to handle cases involving youngsters up to the age of 16. Our Juvenile Court technique was thoroughly overhauled not long ago.

But any youth over the age of 16 who gets into trouble of a sort laying him open to indictment follows precisely the same procedure as the adult criminal.

This means that he goes to jail, and that in 85 cases out of every 100 he stays in the City Jail pending indictment and trial.

The jail is no place for youthful offenders if there is any other way of handling them that will serve the ends of justice equally well.

Furthermore, this in-between group of offenders—those from the age of 16 through the age of 20—receive the same kind of court treatment that adult offenders receive. This is to say that on conviction they are swiftly sentenced to the appropriate penal institution and are subjected to the same rules regarding parole as adult criminals. For example, "probation without verdict" (a device for giving an offender another chance) was granted in only five cases out of 297 offenders under 21 who got into Criminal Court between January and May of this year.

The current way of handling this group, therefore—and we are expressing the opinion of the judges of the Supreme Bench as well as our own—is well calculated to make a hardened criminal out of many a first offender who might be salvaged for society if handled otherwise.

The new scheme devised by the Supreme Bench is, to put it briefly, an effort to save a higher proportion of salvageable offenders for useful lives.

The method devised is not overly complicated. The normal procedure of indictment is followed, but the age of the offender is always indicated in the records. All cases involving offenders under 21 years are to be assigned for trial to a special part of the Criminal Court.

An immediate check on the previous record of the young offender is to be made, for the guidance of the court. At arraignment, the court may if it chooses release the offender on his own recognition or on nominal bail, thus bypassing incarceration in the City Jail pending trial.

If an offender pleads guilty, his case will be referred immediately to the probation department and also to the chief medical officer for psychological study. If the offender pleads not guilty such study will be postponed until after his trial and the determination of guilt.

Having the benefit of such study, the court will then determine proper disposition of the case. If sentence to an institution is decided upon, the court will retain jurisdiction, in order to keep in touch with the adjustment or progress of the offender. On the other hand, the Supreme Bench anticipates a fairly liberal use of the device of "probation without verdict"—a device which would, under controlled conditions, give the offender another chance and at the same time save him the stigma of a criminal record.

Obviously, any such method of handling young offenders involves increased work for the court. It involves enlargement of the staff for the purpose of making the studies. It involves enlargement and improvement of the probation department. It involves an appropriate adjustment of the budget to take care of these expansions. But the experiment, which the bench has considered at length and unanimously approved, is most certainly worth a trial.

Bench Proposes Teen-Age Court

Special treatment of young defendants in criminal cases in a so-called "teen-age court" was advocated yesterday by a committee of the Supreme Bench of Baltimore City.

The only bar to putting such a court into actual operation, beginning in September, would be the inability to obtain funds to employ the special staff of probation, psychological and psychiatric investigators, according to the committee.

Under the plan proposed by Judges Emory H. Niles, Herman M. Moser and Charles E. Moylan, defendants between the ages of 16 and 20 would be tried in Criminal Court, Part 3, where Judge Joseph Sherbow now presides.

Father Offers Novel Defense

Hillary Cornish, 44, came up with a new defense that sort of "stumped the experts" when he was accused of failing to support his child and permitting the taxpayers to be charged with its maintenance through welfare payments.

"Well, I pay taxes, too," Cornish replied when asked by John C. Weiss, prosecutor, whether he was aware of the fact that the taxpayers were paying for the child's support in the amount of $48 a month.

Cornish, a Negro, who lives in Essex, admitted he is the father of a child born in April, 1949, and that he has paid nothing toward the hospital expenses or the support of the infant.

In addition, the defendant admitted he married a woman other than the child's mother last December. He offered to pay $3 a week to support the child, but Mr. Weiss, contended it was not enough.

Chief Judge W. Conwell Smith sentenced Cornish to two years' imprisonment, but suspended the sentence on condition the accused support the child in accordance with terms fixed by the probation department.

NEWS-6/27/50

Louis Azrael Says:

—By LOUIS AZRAEL—

LOST—15 YEARS . . .

James Edwards and Oscar Smith were sentenced last week to the Maryland Penitentiary.

And who can blame them if, as they sit in their cells, they wonder about this thing called law . . . and wonder, too, what was the proper fee they should have paid their lawyers?

James Edwards and Oscar Smith were arrested last October and charged with committing two taxicab holdups.

They were tried before Judge Robert France in Criminal Court and were convicted. Although he pronounced no formal sentence on them, the judge indicated in conversations with lawyers that he was considering sending the men to prison for five years.

Smith and Edwards, perhaps advised by their lawyers, thought they could do better than this. They filed a motion for a new trial, arguing that there were some legal defects in the evidence against them. And the Supreme Bench granted them the right to be tried all over.

Again the men were convicted this time by two other judges. And again the Supreme Bench was asked to grant still another trial. This time the plea was denied.

Last week the men were sentenced—to 20 years each.

Term Suspended In Larceny Case

After pleading guilty to a charge of larceny after trust in the misappropriation of $17,609 from the Annapolis Banking and Trust Company, William Guy Fairbanks, fifty-nine, of Catonsville, today was given a suspended sentence of two years in the Maryland House of Correction.

Judge Michael J. Manley, who heard the case in Criminal Court, was told by prosecuting attorneys that Fairbanks, who was the Baltimore agent for the Annapolis bank, had engaged in the pre-fabricated building business as a side line and had used some of the money in that business.

Judge Manley was told that all of the money has been recovered and that the bank will suffer no loss.

EVE. SUN-6/28

EVE. SUN-6/27

Terms Suspended In Bank Fraud

Judge Michael J. Manley today released William Guy Fairbank, 59-year-old mortgage official, under a two-year suspended sentence when Fairbank pleaded guilty in Criminal Court to a charge of larceny-after-trust in an embezzlement case.

Fairbank, who lives at Catonsville, had been a mortgage agent for more than sixteen years for the Annapolis Banking and Trust Company. The indictment accused him from the concern.

A sentence of two years in the Penitentiary was suspended on condition of good behavior, without probation supervision. The loss already has been made good by a bonding company, which, in turn, had been protected through mortgages given by Fairbank, the court was told by William H. Maynard, deputy State's attorney, and James K. Cullen, defense lawyer.

"Civil Adjustment" Made

The lawyers told Judge Manley that "civil adjustment" had been made with the bank and the bonding company some time before the shortage came to public attention. State banking examiners noted the situatio nand reported to the State's Attorney's office.

Fairbank now is in another business, through which he expects to complete adjustments with the bonding company, Judge Manley was informed.

The misappropriations arose as a result of the man's ill-fated ventures in a prefabricated housing business.

The Judge was told that cost estimates on the houses had been too low, so that they actually cost more than the prices at which they were sold. Fairbank then used funds involved in his collections for the bank in order to meet the losses in the biulding ventures, it was stated.

Worth A Trial

To set aside a court to handle the 16-to-21 criminal offenders, to provide nineteen new clerical, psychiatric and probationary jobs, to institute a new set of procedures differing from those used for adult criminals and juvenile delinquents—all this might seem an ambitious plan for dealing with one fairly small group. When two factors are taken into account, however, this proposal, which has now been approved by the Supreme Bench, makes good sense.

One factor is that the 16-to-21 group is not so small, after all. At present, this late adolescent category and the older criminals involved with them make up almost a quarter of the total criminal cases. Another factor is that the Supreme Bench proposal looks toward the proper end of all criminal justice—prevention and rehabilitation as well as punishment.

In brief the plan hopes to prevent as many as possible of late adolescent delinquents from becoming adult criminals. The present plan starts at the beginning, when the offender is first booked. It has had thoughtful study by the Supreme Bench's probation committee. It has the approval of Dr. Manfred S. Guttmacher, the chief medical officer. And it has the approval of the Supreme Bench itself. Granted that it is an experiment—surely it is one which is worth a thorough trying out.

Amateur Bookie Status Upheld

Pointing out that some states draw distinctions between professional bookmakers and persons who might place a racehorse bet as a favor, Judge Michael J. Manley today granted release without a verdict for a man he said seemed to be a nonprofessional.

Maryland courts, he pointed out, have ruled that the actual bettor is not guilty of bookmaking.

In releasing James L. Arnold, of the 5300 block Nelson avenue, without a verdict, Judge Manley required the man to pay the court costs of $26.15.

Plainclothes police testified they saw slips and money passed to Arnold in the 5800 block of Falls road, and one officer said he heard the name of a racehorse mentioned.

Judge Manley said Arnold only carried the sporting pages of an evening newspaper and did not posess the scratch sheets., which seemed to be part of the working equipment of a professional bookmaker.

Sodaro Talks Tonight To Hamilton Kiwanis

Anselm Sodaro, assistant State's attorney, will be guest speaker at 6.30 o'clock tonight when the Kiwanis Club of Hamilton holds its regular dinner meeting at the Church of the Messiah, Harford road and White avenue.

Mr. Sodaro will talk on "How the Use of the Powers of the State's Attorney Affects Public Welfare."

The Kiwanis Club of Baltimore will meet at 12.15 P.M. tomorrow at a luncheon in the Emerson Hotel. Officials said that a fund drive to support the Antisubversive (Ober) Act had so far collected $500.

MORN-SUN-6/29

'CARE' URGED FOR PRISONERS

Wells Sees No Need For More Laws To Guide Police

There is no need for strengthened laws to keep police from mistakenly jailing seriously ill people as drunks, J. Bernard Wells, State's attorney, asserted yesterday.

It is simply an "administrative matter," the prosecutor said. "We have all the law now that is necessary."

Several persons, jailed as drunks or on disorderly conduct charges, have died in Maryland jail cells in the last several years, victims of serious illnesses.

Urges "Great Care"

Earlier this month Mrs. Lillian A. Shoap, of Washington, died in the Hyattsville jail of a brain hemorrhage caused by a cranial injury. She had been charged with drunkenness after police found her lying on the ground in a semi-conscious condition.

Mr. Wells said he did not agree with those who are requesting the Legislative Council to prepare a strengthened statute. But he emphasized that "great care" should be taken at police stations if there is any question of a prisoner's physical condition.

Case Of Norman Reese

The prosecutor cited the case of Norman Reese who died here last July 4.

Reese, he said, had been arrested on a charge of being drunk. When he showed signs of illness he was taken to the hospital for an examination, Mr. Wells said. He was returned to his cell but was taken to the hospital for a second examination, the prosecutor continued.

He asserted there was no evidence of lack of diligence on the part of the Police Department.

Sodaro Indorses Youth Court Plan

Anselm Sodaro, first assistant State's attorney, declared last night that the plan of the Supreme Bench to designate a youth court here is a realistic approach to the prevention of crime.

The candidate for State's attorney addressed the Kiwanis Club of Hamilton at the Church of the Messiah, Harford road and White avenue.

He referred to the Supreme Bench recommendation that one special court should try all defendants between the ages of 16 and 21 in criminal cases.

Mr. Sodaro spoke on the State's attorney's powers as they affect the public welfare. A free and independent prosecutor pledged to fairness and impartiality is all important, he stated.

morn Sun 6/29/50

LIFE SENTENCE IS REDUCED

Judge Changes Rape Defendant's Term To 20 Years

A life sentence for Samuel Palumbo, convicted in 1948 of the attempted rape of a 15-year-old baby sitter, was reduced yesterday to 20 years by Judge Herman M. Moser.

The girl and her parents had requested a shorter sentence, and a medical report declared that failure to give some relief "might result in a permanent mental injury."

Called From Vacant Home

Palumbo was 17 at the time of the assault August 1, 1948. His prison record has been exemplary, Judge Moser said.

The youth pleaded guilty in Criminal Court to burglary and to assault with attempt to rape. He was charged with burglarizing a temporarily vacant home in the 3700 block Dolfield boulevard and calling a baby-sitting agency to send the girl to the house.

Neighbors heard screams and the sounds of a struggle in the house and called police.

Judge Moser has had periodic psychiatric examinations of Palumbo made by Dr. J. G. N. Cushing, of the Department of Correction. The latest examination was made June 14.

Reduction "Strongly" Urged

Dr. Cushing's report "strongly" urged a reduction in sentence, the judge said. Palumbo's youth was cited.

The assistant State's attorneys who prosecuted the case, J. Harold Grady and William J. O'Donnell, said they had no objection to a shorter sentence.

Palumbo was sentenced September 23, 1948.

EVE. SUN-6/29

Probation Worker Put On Probation

A plea by Murray Benson, director of the Division of Parole and Probation, today won freedom for one of his office employés charged with the embezzlement of $180.60 from the State.

Mr. Benson asked Judge Michael S. Manley in Criminal Court to grant William T. Rogers, 53, of Severna Park, probation without a verdict. The judge granted the request.

Conditions of the probation were that Rogers make restitution of the money he pocketed from probationers paying small weekly installments on fines levied at the Southern Police Court. Five probationers were involved.

In his plea for leniency, Mr. Benson said Rogers had worked for ten years in the Probation Department with a good record; that he would lose his job automatically, and that he was under a doctor's care.

The case was prosecuted by J. Harold Grady, Assistant State's Attorney. Solomon Liss was counsel for Rogers.

MORN-SUN-6/30

BALTIMORE, FRIDAY, JUNE 30, 1950

Medical Treatment At The City Jail

Our city and State officials are aroused suddenly over the medical treatment or lack of medical treatment accorded those sent to the city and county jails. Their excitement is traceable to two recent events:

1) The death in the Hyattsville jail of a woman charged with drunkenness but actually suffering from a head injury.

2) The report of the recently retired grand jury of Baltimore which carried several pages of criticism and suggestions regarding the inadequate medical treatment available for those sent to the City Jail.

There can be no doubt that the City Jail provides inadequate medical treatment for those who enter its doors. But that is not the fault of those charged with the responsibility of operating the institution, a fact which the grand jury made clear. Jail officials do the best they can under severe handicaps which have been given wide and regular publicity.

For years the jail has been a catch-all institution. It properly houses those awaiting trial, witnesses for coming trials and those sent to it for punishment. On top of all these it is forced to house, clothe, feed and generally provide for the human derelicts, the ill, the aged and the otherwise helpless who, for reasons often beyond their control, can no longer take care of themselves and are sent to jail as a last resort.

It is here that we find the seat of the jail problem. The jail is not, nor was it ever intended to be, a home for the aged, a chronic disease hospital, a tuberculosis sanatorium, a general hospital and a place of refuge for the penniless. But that is what it has become in part and simply because there is, quite often, no other ready place to send helpless people.

The city is expanding the City Hospitals. The State is expanding its tuberculosis sanatoriums and mental disease hospitals. Its plans call for a new chronic disease hospital in the Baltimore area. There is a vague city plan for a new city jail. When all the buildings under way, called for and being planned are ready for occupancy, the jail should be a jail and not a final place of refuge for the hopeless.

NEW-6-29-50

A 'Youth Court'

THIS proposal for a "Youth Court" (for the time being, at least, Part III of the Criminal Court) to have jurisdiction in cases involving persons of from sixteen to twenty years of age, who are thus technically neither juveniles nor adults, is impressively sponsored.

The proposal is in line with results of a lengthy and painstaking study by a citizens' committee, headed by Mr. James M. Hepbron of the Criminal Justice Commission, whose practical experience should be a guarantee against flying off on an idealistic tangent.

The proposal is made by the probation committee of the Supreme Bench. Judges Niles, Moser and Moylan, and is endorsed by that tribunal.

The proposal thus comes into court, so to say, backed by an array of expert witnesses. Further, it seems a logical development of the system for handling juvenile causes—a system which, in the opinion of the citizens' committee just mentioned, is "socially sound and wholly adequate."

Nothing is more natural, then, than that there should be an extension of the system which, if found to work well in juvenile cases, should also work well in cases where the defendants are a few years older, but are still minors in the eyes of the law.

The whole point of the system is to prevent youthful offenders from becoming, to the extent that present procedure is responsible, habitual criminals. The purpose, although the punitive element must not be overlooked, is to reclaim the individual and protect society.

It is proposed, for instance, that "arraignment in all youthful cases shall follow promptly upon indictment" and that first offenders may be released upon their own recognizance or upon nominal bond, thus averting a stay in jail, which is hardly a step towards reclamation.

There is already a way by which first offenders may be saved the blight of a criminal record. This is by placing them upon probation without verdict, but it has been employed in only a few cases—in five of the 297 for which statistics are cited.

The reason for this almost nonemployment would seem to be a lack of data needed for determining whether this procedure should be invoked. And this leads to a very practical consideration—an augmented probation and psychiatric staff, which the probation committee of the Supreme Bench lists as a condition of the "Youth Court."

On this point let us cite an expert witness. Dr. Manfred S. Guttmacher, psychiatrist to the Supreme Bench, says that there would be required "an absolute minimum of a chief psychologist and two assistant full-time psychologists, one full-time, or two half-time psychiatrists, and two additional clerks."

A rather overwhelming array, and something of a budget problem. That, however, is a detail. A question of larger consequence is whether, should the present trend continue, our courts will become merely adjuncts to psychiatric and sociological clinics.

MORN-SUN 6/30

STATE WORKER ON PROBATION

William T. Rogers Charged With Embezzlement

A 53-year-old employé in the Division of Parole and Probation, charged with the embezzlement of $180.60, was released on probation without a verdict yesterday when his chief asked the court for leniency.

Judge Michael J. Manley granted the request of F. Murray Benson, State director of the division, in Criminal Court.

The defendant, William T. Rogers, of Severna Park, will automatically lose his job, Mr. Benson said, and he is under a doctor's care. Mr. Benson said Rogers had worked in the department ten years with a good record.

Collected Fines

Rogers was a supervisor of persons on parole in the Southern police district who were paying fines on an installment basis. He was charged with pocketing money paid by five different probationers.

Rogers said he had got behind in his accounts and had therefore failed to report the collections.

He was ordered to make restitution and to pay court costs of $34.05. J. Harold Grady, assistant State's attorney, prosecuted. Solomon Liss was defense attorney.

NEWS-7-5-50

Firm Ties Up Bank Account Of Defendant

Charging Thomas M. Hubin with misappropriating approximately $100,000, an employer filed an injunction suit against him today to prevent him from making any bank withdrawals.

Judge Herman M. Moser signed an order in Circuit Court No. 2 requiring the defendants to show cause why an injunction should not be granted.

The suit names the Mercantile Trust Company, as well as Hubin, as defendant, stating that Hubin has an account there. Plaintiffs are the Manweld Corporation, the Manweld Shi pCleaning Corporation and the Manweld launch service, at Pier 6, who said that for several years Hubin has been in charge of their local business.

Hubin, whose address was given in the 2700 block Rogers avenue, is under $5,000 bail on a charge of the larceny of $30,000 from the Bell Transportation Company, in which he was a partner.

He waived a hearing in Central police court on June 27 and was held for the grand jury.

EVE-SUN 7-7-50

Sodaro Headquarters Will Open Next Week

Campaign headquarters for Anselm Sodaro's candidacy for State's Attorney of Baltimore, will be opened next week at 215 East Baltimore street, Mr. Sodaro announced today.

The move is aimed to clear his court house office, where he now works as assistant State's Attorney, of campaign politics, the candidate said. G. C. A. Anderson is chairman of the Sodaro campaign.

EVE-SUN 7-5-50

Access To Bank Account Denied

Judge Herman M. Moser today signed an injunction order to prevent Thomas M. Hubin, business man facing a pending misappropriation charge, from having access to his bank account or his safe deposit box.

Hubin, whose address was given as the 3700 block Rogers avenue, was arraigned in Central Police Court ten days ago, and the charge against him now is pending in the State's Attorney's office for investigation prior to submission to the grand jury. Meanwhile, Hubin has been released on $5,000 bail.

According to allegations in the Circuit Court No. 2 injunction case brought before Judge Moser, misappropriations are alleged to approximate $100,000.

The injunction suit was brought by the Manweld Ship Cleaning Company, the Manweld Corporation and the Manweld Launch Service, which alleged they were Hubin's employers. They were represented by Hilary W. Gans, Albert H. Levin and Norman C. Melvin, Jr., attorneys.

MORN-SUN 7-6-50

Father's Assault Term Suspended

Ellwood Fox, 19, blamed his temper for an assault he made on his 2-year-old daughter when he was arraigned in Criminal Court yesterday before Judge J. Abner Sayler.

Judge Sayler suspended a one-year prison sentence and placed Fox on probation after conferring privately with the defendant's wife. Fox held the young child in his arms while the private conference took place.

The judge warned the young father that he would have to serve the prison sentence if he got into any more difficulties.

Fox, who lives in the 1400 block West Baltimore street, beat the child about the face last June 24 and then went to a movie, according to William J. O'Donnell and Charles E. Orth, Jr., prosecutors.

NEWS 7-10-50

Found guilty of having marijuana in his possession, Banks L. Fears, Austin, Texas, was given an 18 months' suspended sentence in the House of Correction today on condition that he stay out of Baltimore for five years. Fears was arrested last June 26 at Locust Point where he was serving aboard the S. S. Elmer Sperry as chief cook. Custom officials testified they found 61 grains of the narcotic weed in his locker. The cook told Judge Herman Moser in Criminal Court, that he was given the dope in the Canal Zone and intended to "try it sometime."

NEWS 7-10-50

Attention: Baltimore Supreme Bench . . .

A well-known lawyer, who asks that his name be omitted, writes me:

"Your comment on the case of Thomas Edwards, who was convicted of two murders, is well taken. The State presented a long line of testimony, despite the objections of defense lawyers. The judges heard this testimony and then ordered that it be stricken out. Theoretically, as you point out, the judges must pretend they never heard the testimony. Actually, this is impossible.

"When a case is tried before a jury and there is a legal argument about the admissability of testimony, the jury is sent out of the room, so that it will not hear the questionable testimony unless judges decide that it is admissable.

"When there is no jury, and the judges act as a jury, the same principle should be followed. Some judge who is not trying the case should hear the questionable testimony and decide whether it should be presented to the jury—which, in this case consists of other judges."

MORN-SUN 7-11-50

MAN IS GIVEN 3-YEAR TERM

Convicted Of Injuring Eye Of Grocer With Brick

Convicted of assaulting a West Baltimore grocer with a brick and badly damaging the sight of one eye, Randolph Allen, 31, yesterday was sentenced to three years in the House of Correction by Judge Herman M. Moser.

Judge Moser described the actions of Allen as an "outrageous assault" and declared that the punishment would have been twice as heavy if medical evidence had borne out the original belief that the victim's sight in one eye had been destroyed.

Allen was accused of mayhem, but Judge Moser convicted him of a lesser count of assault.

Wanted To Buy Beer

Victim of the assault was Israel Levin, 51, of the 600 block West Fairmount avenue, who testified that Allen started an argument in the store after he was told that beer could not be purchased there.

Levin testified that the defendant picked up a glass money dish off a counter and threw it at him. He said the missile failed to hit him. Then, he said, Allen fled from the store.

The assault victim testified he followed Allen to the door and was attempting to lock the door when the defendant picked up several pieces of brick and threw them.

One of the bricks broke through a screen door and a pane of glass and hit Levin in the left eye, the Court was told. The storekeeper appeared in the courtroom with the eye still completely covered with bandages.

Pulled Revolver, He Says

Allen, a Negro, contended he entered the store and asked for cigarettes, but Levin called him a "bum" and ordered him out. He said Levin followed him out and pulled a revolver. Then, Allen said, he threw a brick in self-defense.

The defendant, who lives in the 700 block West Lexington street, had a prior criminal record, according to William J. O'Donnell, assistant State's attorney.

MORN-SUN 7-11-50

Cook, With Marihuana, Banned From State

Banks L. Fears, 27-year-old cook on an American ship, yesterday was released under a suspended prison sentence on condition he remain out of Maryland for five years, following his conviction on a charge of unlawful possession of raw marihuana.

Fears was convicted by Judge Herman M. Moser in Criminal Court of possessing about 61 grains of marihuana, which were found in his locker when the ship docked here. Fears, a Negro, contended the dope had been given him by a friend when the ship was passing through the Panama Canal.

After a customs inspector asserted there was no indication the marihuana had been used by Fears and the defendant contended he was not an addict, Judge Moser agreed to suspend an eighteen-months term and release Fears on condition he stay out of the State. Fears said his home is in Texas.

EVE-SUN 7-11-50

Clergyman Jailed In Fraud Case

Unauthorized collections in the name of a church today brought about conviction on 28 false pretense charges for the Rev. John R. Raines, 44, of the 1600 block John street, and a three-month jail sentence.

The defendant was charged with posing as authorized collector for the Good Will Gospel Church, on Woodyear street, for which he had collected in the past. This time, however, the Rev. Mr. Raines had no authority to collect, the Rev. Peter Jascovey, pastor, testified.

Collection practices, as well as past criminal records of both clergymen, were bared in the Criminal Court proceedings before Judge Herman M. Moser.

Had Retained 50 P.C.

Both clerics admitted that on authorized collections, the Rev. Mr. Raines in the past had held 50 per cent and had paid the other half to the Rev. Mr. Jascovey.

In imposing the three-month sentence dating from the defendant's arrest late in May, Judge Moser declared that he "could say a lot of things that I don't think I should. It seems a shame that generous people's best instincts should be taken advantage of as shown by this case."

The Rev. Mr. Raines, who testified that he was an ordained Baptist minister, has a police record dating back almost ten years, with a number of arrests for disorder (Continued On Page 27, Column 4) and one record of serving eighteen months in a Federal prison for violation of the draft law.

In Second-Hand Business

The Rev. Mr. Jascovey also has a police record, which he said was a result of his former occupation in the second-hand business. The clergyman explained to Judge Moser that "it's a dangerous business and you can get yourself in wrong very quick."

The 28 collections in the false pretense cases represented only three hours' work in one evening, the Rev. Mr. Raines told Judge Moser. Collections totaled $12.08, ranging from 50 cents downward.

The judge commented that it seemed to be "a pretty good business" when the Rev. Mr. Raines said he would have been entitled to one half the sum for his few hours' work.

At the close of the case, Judge Moser said the records of both men might make it hard for him to decide between them except for a long letter which the defendant had written to his former employer during his stay in jail.

Urged Co-Operation

The letter had urged the Rev. Mr. Jascovey to co-operate in helping the Rev. Mr. Raines get out on bail, and said that church principles taught "to give your brother 79 times 97 and so on."

Trial of the case had been somewhat delayed due to investigations by Police Sergeant Arthur High, Northwestern district, in tracing donors to the collector. Saul A. Harris, assistant State's attorney, prosecuted.

MORN-SUN 7-12-50

EX-PREACHER SENT TO JAIL

28 Unauthorized Solicitations Charged To Salesman

John R. Raines, 44-year-old former preacher, yesterday was sentenced to three months in jail on a charge of collecting $12.08 under false pretences by representing to donors that the money would be used for church purposes.

Raines formerly had been an authorized collector of church donations for the Goodwill Gospel Church, now located in the 300 block Woodyear street, but that authority was revoked two years ago by the Rev. Peter Jascovey, pastor of the church, according to Saul Harris, prosecutor.

Raines was convicted by Judge Herman M. Moser of making 28 unlawful door-to-door collections.

The defendant, who lives in the 1600 block John street, is now employed as a match salesman, it was disclosed.

The Rev. M. Jascovey said the defendant formerly had been a collector for him and had been permitted to keep half his collections.

Criminal Records Cited

Both Raines and the clergyman admitted that they have criminal records, the latter explaining that his resulted from the operation of a second-hand business and included convictions for receiving stolen goods.

Mr. Harris revealed that Raines has a record of disorderly conduct, larceny and draft-evasion convictions.

EVE-SUN 7-12-50

Man Loses Appeal In Shooting; Is Jailed

Found guilty of assault on his appeal from a police station conviction for assault and shooting, Leo Muldrow, 33-year-old Negro plasterer, today received an extra term of two months.

Judge Herman M. Moser, in Criminal Court, placed the sentence at fourteen months in jail. He called it a groundless appeal from the twelve-month sentence originaly imposed by Magistrate James H. Ellis.

Muldrow was arrested July 2 on charges of shooting at another Negro in argument at Fairmount avenue and Schroeder street.

MORN-SUN 7-13-50

Citizens Group Indorses Sodaro

Members of the Citizens Group for Good Government of the Sixth district yesterday announced that they have "unqualifiedly" endorsed Anselm Sodaro as a candidate for State's attorney of Baltimore city.

Mr. Sodaro, first assistant State's attorney, is a candidate for the Democratic nomination for the prosecuting post.

Jesse A. Cannon, chairman of the group, said:

"Mr. Sodaro's entire record, covering the twelve years of his connection with the office, has been characterized by conscientious and efficient service. This experience will prove invaluable to him in disposing of the many problems that will confront him as State's attorney.

"He represents a high standard of independent responsibility, for which our association stands. He considers the office he seeks of outstanding importance to the community and one which should be represented by someone free from political domination."

MORN-SUN 7-14-50

$36,000 BAIL SET IN HOLDUP NEAR BANK

Youth Pleads Not Guilty Of Robbing Manager; $32,000 Recovered

Bail of $36,000 on four charges was set by Magistrate J. Elmer Thater in Southwestern Police Court late yesterday for the 17-year-old youth accused of staging the $32,000 holdup of a bank manager earlier in the day.

The defendant, Charles Wayne Johnson, of the 1400 block William street, pleaded not guilty to all four charges through his attorney, Ellis Levin.

Charges Are Listed

The charges, and the bail set for each, were:

Assault by pointing a pistol at Simon I. Kemp, and robbing him of $32,239, property of the Calvert Bank—$30,000 bail.

Assault by pointing a pistol at Miss Virginia Brothers — $2,000 bail.

Assault by striking Mr. Kemp on the head with a pistol—$2,000 bail.

Carrying a dangerous and deadly weapon, a loaded .38 caliber revolver—$2,000 bail.

Holdup On Parking Lot

The holdup occurred at 8.30 A.M. yesterday on a parking lot behind the western branch of the Calvert Bank, located at Baltimore and Carey streets.

Mr. Kemp, bank manager, had gotten out of his car carrying a money bag, containing over $32,000, Miss Brothers, an employé of the bank, was a passenger in his car.

As he walked toward the bank, the youth approached him with a pistol, saying, "All right, hand it over," he told Magistrate Thater.

Money Is Recovered

Both he and Miss Brothers were ordered to turn around and when they did so the youth hit Mr. Kemp over the head with the butt of the gun.

Within fifteen minutes after the holdup a Southwestern district radio car had captured Johnson in a dead-end alley off the 100 block of Bruce street and, at the same time, recovered the bagged money taken from the bank manager.

Sergt. Morris Gorman, in testimony before Magistrate Thater, reported part of a statement he said Johnson had signed in which the youth told of first noticing the bank manager carrying a money bag into the bank over two years ago.

Says He Arrived Too Late

Johnson's statement, Sergeant Gorman said, then told of starting to plan the holdup about six weeks ago when he again noticed Kemp going into the bank.

The youth had scheduled the bank robbery for last Thursday, according to the sergeant, but arrived at the bank too late.

Mr. Kemp told the court that he had talked with Johnson since his arrest and that the youth also had told him that the holdup was planned for last Thursday. Mr. Kemp reported him as saying, "I thought the bank would be getting its supplies for Friday."

Tripped On The Curb

Patrolman John Childs told of chasing Johnson—whose dress of khaki trousers, blue shirt and a green baseball cap, had been described over the police radio—up the alley.

Patrolman Childs said the boy tripped on the curb and fell into the gutter as he ran toward the alley. He threw the money bag over a fence as he entered the alley, the policeman testified.

At the alley end Johnson was attempting to crawl under the fence when the patrolman fired a warning shot. He ceased burrowing and, Patrolman Childs testified, "I grabbed him by the seat of his pants."

Threw Gun Over Fence

After Johnson was on his feet the policeman and his partner, Patrolman Albert F[illegible]g, ordered his [illegible] up. At first Patrolman Childs reported, he suddenly put them up, and with the same motion threw a .38-caliber revolver over a fence.

The revolver was found to be fully loaded and an extra five bullets were found in Johnson's pocket when he was searched after the arrest.

Neither Johnson nor Mr. Levin, his attorney, offered any testimony. The case against the defendant was presented by Charles P. Price, assistant State's attorney.

10 CHILDREN OF HANDY MAN ARE ON RELIEF

7 Supported By Welfare Funds Admitted To Be Illegitimate

The Department of Public Welfare is paying more than $400 a month to support ten of the thirteen children of Willard Gaymon, 50-year-old handyman, who admitted in Criminal Court yesterday that seven of the children are illegitimate.

Gaymon, a Negro, pleaded guilty to having seven illegitimate children within a period of less than seven years by his sister-in-law, but he pleaded innocent to other charges of having two illegitimate children by the sister-in-law's 16-year-old daughter.

Serving Two-Year Term

The defendant is at present serving a two-year House of Correction term imposed on him last March by Judge Charles E. Moylan, in the Division for Juvenile Causes, for contributing to the delinquency of the 16-year-old girl.

Prosecutors temporarily delayed trial of Gaymon on the charges involving the young girl and another charge against Gaymon of failing to support the four children he had by his own wife, Mrs. Pattie Lou Gaymon, who now lives in Philadelphia.

Children In Foster Homes

Testimony produced by Saul Harris, prosecutor, disclosed that the seven illegitimate children admitted by Gaymon and three of his four legitimate children are in foster homes sponsored by the welfare agency, and that the city contributes $40 a month for the support of each.

That does not include costs paid by the city for haircuts, shoe repairs, clothing and other incidentals, Judge Herman M. Moser was told.

Gaymon contended he was supporting all his children until he was imprisoned by Judge Moylan.

Amount To Be Fixed

Judge Moser directed the probation department to fix an amount which the defendant must pay for the support of his children when he is released from the House of Correction.

Mr. Harris disclosed that between 1935 and 1941, Gaymon had four children by his wife. Between November 16, 1942 and April 4, 1949, seven children were born to the sister-in-law.

The State further charged that the young girl gave birth to children on April 2, 1949, and on February 14, 1950, and that Gaymon is father of the children. Gaymon lives in the 700 block of Dover street.

MORN-SUN 7-15-50

Man Gets 5-Year Term For Assault, Robbery

Convicted of assaulting and robbing a pedestrian last June 27 in the vicinity of Central avenue and Gough street, Otis Foster, 26, yesterday was sentenced to five years in the Penitentiary.

Foster, a Negro, was found guilty of robbing Austin Goddard, of the 1300 block William street, of $28. Two codefendants—John Joyner and Mervin Brown, Jr.—were acquitted of the robbery charge by Judge Herman M. Moser because of insufficient evidence.

Testimony produced by William J. O'Donnell, prosecutor, disclosed that Foster was arrested shortly after the assault and that he had $12 in his possession at that time. Rubin Gertz and Harry Herman were court-appointed counsel for the two defendants acquitted.

Urge To Confess Brings $50 Fine

Arrested July 4 on the steps of a church where he had gone in an effort to find a priest to whom he could confess his sins, Chester Young, 39, of Harrisburg, yesterday was fined $50 and costs on a deadly weapon charge.

Young was arrested on the steps of the Mount Vernon Place Methodist Church after he told Patrolman George Martin that he was responsible for his wife's death.

Patrolman Martin testified in Criminal Court that the defendant had told the same story to a taxicab driver who drove Young to the church.

Reaction Described

A search of the defendant, who also threatened to kill himself unless he found a priest, revealed a switch-blade knife, Patrolman Martin told Judge Herman M. Moser.

Joseph Rosenthal, counsel for the defendant, said Young's wife had committed suicide while the defendant was away from home, and the husband has felt ever since that she would be alive if he had been with her.

Young did not testify in his own defense. Mr. Rosenthal unsuccessfully challenged the right of the patrolman to arrest his client on the grounds that no visible crime had been committed and that Young was under no criminal charge at the time. William J. O'Donnell, assistant State's attorney, prosecuted the case.

MORN-SUN 7-16-50

PARK SEGREGATION BACKED BY COURT

Appeals Body Finds It Does Not Violate Constitution

Richmond, Va., July 17 [Special]. Segregation of Negroes and whites in Baltimore city parks does not violate the Constitution, the Federal Fourth Circuit Court of Appeals ruled here today.

The court affirmed the Baltimore District Court's dismissal of a petition for an anti-discrimination injunction against the Mayor, City Council and Baltimore city recreation officials.

The petitioners cited both the Charter of the United Nations and the United States Constitution in their attempt to have the District Court decision reversed.

No Broader, Court Holds

In a brief reference to the alleged violation of the United Nations Charter the appellate court said they would not discuss the point because it did not consider the racial discrimination provision of the charter any broader than those of the United States Constitution.

The United Nations charter, it was claimed, was a treaty of the United States which took precedence over any attempted exercise of state or city power or any state constitutional provision.

The suit arose following an interracial tennis match in Druid Hill Park which was stopped by Baltimore police and resulted in the arrest of 22 persons and the conviction of 7.

Review Refused

The Supreme Court in March refused to review the conviction of the seven, who were fined and given suspended jail sentences by Judge Herman M. Moser in Baltimore Criminal Court.

The plea for the injunction, sought by 21 persons, contended that the Constitution of the United States had been violated by Baltimore city in the adoption of a rule providing for segregation of races in athletic activities in public parks and playgrounds.

In its opinion, the Fourth Circuit Court of Appeals today noted that the parties "entered into a stipulation that, for the purposes of this case, no contention was made the facilities and services furnished the different races were not substantially equal."

Court Explains

The court added:

"The contention of the plaintiffs is that, notwithstanding this equality of treatment, the rule providing for segregation is violative of the provisions of the Federal Constitution."

Judge W. Calvin Chesnut, in the Baltimore District Court, dismissed the injunction proceedings and a $500,000 damage suit.

He based his decision primarily, he said, on the 1896 Supreme Court case of Plessy vs. Ferguson, which established the doctrine that segregation of races with respect to facilities afforded by a state for its citizens is within the constitutional exercise of the police power of the states, provided the separate facilities afforded different races are substantially equal.

Judge Chesnut pointed out that the high court in the 1896 case ruled separation did not imply inferiority of either race to the other.

EVE-SUN 7-18-50

Probation Granted In Theft Cases

Three youths accused of misdemeanors by breaking into and stealing from parked automobiles today were granted one year probation under nine months' suspended sentences by Judge Michael J. Manley in Criminal Court, but the judge refused pleas to keep their records entirely clear for the sake of future education.

Judge Manley granted probation without verdict, however, in one case involving a felony charge, in order to keep the more serious mark off their records.

The judge said that, in spite of one youth's plan to study law and another's to study medicine, perhaps they should not seek such professions.

In pointing to the repeated offenses which were said to be due only to the "desire for adventure and excitement," Judge Manley cited the fact that in one case the top of a convertible had been ripped open to permit thefts from the interior, and that the youths took other persons' equipment in order to decorate their own cars.

Five automobiles had been broken into on the night of April 28. The defendants told probation investigators that there had been other thefts over a year's period.

The defendants were John Huwig, 17, of the 3800 block Lochearn drive; Virgil Wayne, 17, of the 3400 block Ramona avenue, and Max Long, 19, of the 1700 block East Thirty-third street.

MORN-SUN 7-20-50

Mother Convicted In Keeping Money

Mrs. Irene A. Worley, of the 1300 block West Fayette street, yesterday was convicted of receiving more than $300 her 15-year-old son stole while he was in a foster home near Laurel.

William Travers, the defendant's son, is at present confined in the Maryland Training School for Boys under a Howard County Court commitment for theft of $350 from Peter Kraeski, of near Laurel.

Kraeski testified yesterday before Judge S. Ralph Warnken in Criminal Court that the boy loosened hinges of a chest in a bedroom and stole the money from a box. The witness said another box containing an undisclosed amount of cash was untouched.

Young Travers fled from the house after the theft. He testified yesterday he gave his mother $322 at her home in Baltimore and told her he had found it under a bridge.

Sentencing Is Deferred

Although Mrs. Worley returned the boy to the foster home on June 4, the day after the money was stolen, and advised Kraeski that her son had come home with some money, the victim of the theft at that time did not know his money was missing, State's evidence disclosed.

Three other children of the defendant's are in foster homes, according to J. Harold Grady, prosecutor.

Judge Warnken temporarily deferred imposition of sentence pending a probation report. He permitted the woman to remain at liberty on bail.

'YOUTH COURT' IS AUTHORIZED BY CITY BOARD

Will Hear Criminal Cases Arising In Bracket Of 16 To 20 Years

The Board of Estimates yesterday authorized additional court facilities to handle criminal cases involving defendants between the ages of 16 and 21 years.

The "youth court" will start October 1.

Baltimore's juvenile court handles cases involving youngsters up to the age of 16 and the new plan is designed to make the 16 through 20-year group an in-between category. Youths in that group are now treated as adults in the courts.

Cost $25,200 Yearly

Cases in the "youth court" category will be heard in Criminal Court, Part III, where Judge Joseph Sherbow is sitting this year.

Although no extra judge is to be assigned, formation of the "youth court" will call for the employment of nine persons at a total cost of $25,200 per year.

This group includes:

1 supervisor	$ 3,300
4 probation officers at $2,600	10,400
2 clerks at $2,000	4,000
1 psychologist	3,500
1 part-time psychiatrist	4,000

Devised By Supreme Bench

Mayor D'Alesandro said money for three months of operation of the court this year will be made available from unexpended funds under the jurisdiction of the Supreme Bench.

The "youth-court" plan was devised by the Supreme Bench as an atempt to save youthful offenders from becoming hardened criminals.

Judge Emory H. Niles was chairman of the Supreme Bench committee which worked out the plan.

Had Asked $51,400

His group originally asked for an annual budget of $51,400 for two supervisors, eight probation officers, six clerks, two psychologists and a full-time psychiatrist.

The Mayor instructed the budget director to confer with Judge Niles and the proposed budget was then cut in half.

As a final step the Mayor recommended the revised plan yesterday.

EVE-SUN 7-20-50

Youth Court

The Board of Estimates has approved in principle the establishment of a special "youth court," but has made available slightly less than half the amount that the judges of the Supreme Bench had requested for it. Whether this represents real economy remains to be seen.

The idea behind the youth court is to prevent offenders who are too old to be sent to juvenile court but who have not reached their majority from becoming hardened criminals. The key to the plan's success lies in the work that will be done with the youths by psychologists, psychiatrists and probation officers.

The Board of Estimates cut exactly in half the number of this type of personnel the judges thought would be necessary to administer their plan effectively. In some instances, half a loaf is better than none. That may be true here. But there also is the danger that the services of the "youth court" staff will be spread so thin as to prevent their producing the desired results. This is something to watch after the court's inauguration on October 1.

EVE-SUN 7-24-50

Zack Ends Six-Month Fight Against Extradition To Pa.

After a six-month fight to prevent his extradition to Pennsylvania, Joseph Anthony Zack, 37-year-old stevedore, who lives in the 1900 block Patterson Park avenue, surrendered voluntarily to Captain of Detectives Henry J. Kriss this morning. His action followed a ruling by the Maryland Court of Appeals in Annapolis upholding two previous decisions to honor Pennsylvania extradition papers.

Zack is wanted in that State on six charges of burglary, several of which are alleged to involve safe-cracking.

Arrested On Jan. 27

Zack was arrested here January 27 on the request of Pennsylvania authorities, who claimed that he had gotten more than $6,000 in loot from a series of burglaries in the vicinity of Lebanon. Zack denied the charges, and refused to waive extradition proceedings.

According to Pennsylvania police, he had eluded a police trap in which one Baltimorean, Frank Stadler, 42, of the 200 block Eaton street, was killed, and another, Ray Weber, also 42, of the 1000 block Cathedral street, was shot and wounded.

Held in $5,000 bail and later in $10,000 bail, Zack was the object of a second search when he walked out of an extradition hearing on February 24, but his attorney, Joel Hochman, told authorities it was "just a misunderstanding." The following day Zack surrendered to the police.

Decisions Upheld

It was ruled that Zack must return to Pennsylvania. This decision was upheld in Baltimore's Criminal Court by Judge Robert A. France.

It was Judge France's decision which was recently supported by the Court of Appeals.

Zack is being held at police headquarters pending the arrival of Pennsylvania authorities.

EVE-SUN 7-24-50

Man Asks Chance To Repay Funds

Everett L. Martin, also known as Alfred Dean Sallee, today asked for a probation release in Criminal Court in order to make full restitution for an embezzlement here five years ago.

Under the name of Martin, the 32-year-old man was indicted here in April, 1945, for embezzling $11,369.43 from the City Baking Company. The money represented collections by bakery-wagon drivers which had been turned in to Martin as an employé of the company.

Several weeks after the embezzlement, Martin and another man, Richard F. Heilman, were arrested in Colorado, but witnesses told the court they robbed and kidnapped the two Denver officers.

Police Back Request

Chief Judge W. Conwell Smith was told that Heilman wanted to kill the two Colorado officers.

Colorado officials sent word to the court and to Sol A. Harris, assistant State's attorney, that the two Colorado men credited Sallee, as Martin was known to them, with saving their lives. The Colorado police backed the man's request.

On the robbery and kidnapping charges in Colorado, Heilman was given a 15-to-20-year term. Martin was given a sentence of 10 to 15 years, and was recently released under parole after serving five years and four months to answer the Baltimore charge.

Partly Repaid

Approximately $9,100 in restitution already has been made. Mr. Harris said that Denver police had recovered $5,940 in cash, an automobile worth $1,700 and a $1,500 accordion which Martin had just purchased.

The man now has a $600-a-month musician's job waiting for him if he can be freed, Judge Smith was told. In prison he became an expert musician, on half a dozen or more instruments including the organ. In addition he is said to be an expert musical arranger.

Wants Job

Martin asked the opportunity to have an outside job and earn the money to complete his restitution.

Chief Judge Smith granted the man's request to have a special presentence investigation made by the Probation Department. Sentence was deferred.

EVE-SUN 7-25-50

Judge Defers Youth's Trial

The arraignment of Charles Wayne Johnson, 17-year-old youth charged with the $32,000 robbery of the manager of the Western branch of the Calvert Bank, was deferred today pending a medical and psychiatric examination.

Chief Judge W. Conwell Smith granted the deferral at the request of Ellis Levin, attorney for the youth, who said that Johnson previously had spent time at the Rosewood Training School for mentally deficient children.

The youth faces charges of robbery, two assaults and possession of a deadly weapon.

He was arrested on July 13, the day the manager of the bank was held up and robbed of a money bag near the bank, at Baltimore and Carey streets.

MORN-SUN 7-26-50

Doctor To Get Hearing In Abortion Case Today

Dr. Arza Williams, 66, of the 3200 block Avon avenue, will be given a hearing on charges of conspiring to commit an abortion for a city policewoman and of performing an abortion for another woman, in Northern Police Court at 4 P.M. today.

Another physician, Dr. Paul Schonfeld, 42, of the 2300 block Annapolis road, is charged with conspiring with Dr. Williams.

Also charged with conspiring to perform an abortion for the policewoman is Miss Hilda B. Williams, 47, of the 2000 block North Calvert street, whose occupation is listed as an apartment house operator.

The offenses charged are alleged to have been committed on July 10 and 12.

NEWS 7-24-50

Suspect Gives Up In Pa. Robberies

Wanted in Lebanon, Pa., in connection with a series of safe robberies, Joseph A. Zack, 1900 block North Patterson Park avenue, today surrendered to Detective Captain Henry J. Kriss for return to Pennnsylvania after an unsuccessful five months' court battle to escape extradition.

He is charged in Pennsylvania with obtaining about $10,000 in safe-crackings at Myerstown, Avon, Jonestown and Lebanon.

The Maryland Court of Appeals upheld the warrant in a recent decision, backing a Criminal Court ruling that the extradition proceedings were legal.

He Won't Run . . .

William L. K. Barrett, who was runner-up to J. Bernard Wells in the primary fight for the State's Attorneyship in the last election, has changed his mind about running this time. He won't.

In a statement he will soon issue, he explains that the demands of his private law practice make it unwise for him to seek public office now. In the same statement, he comes out for George P. Mahoney for the governorship.

7-25-50 MORN-SUN

Man Gets Two Years On Car-Theft Charge

Benjamin Kosmoczski was sentenced to two years in the House of Correction yesterday for the theft of a 1949 sedan, valued at $1,800, belonging to Robert Fisher, of the 500 block of North Broadway.

The case was tried before Chief Judge W. Conwell Smith in Criminal Court, with William J. O'Donnell, assistant State's attorney, prosecuting.

Two other defendants who had pleaded guilty to the theft of an automobile belonging to John W. Fishpaugh, of the 5300 block of Morello road, received suspended sentences of one year and were placed on probation for two years.

They were Peter Kekenes, of the 5300 block of Holder avenue, and Wade Sunderland, of the 4100 block of Eierman avenue.

Man Gets 9 Months In Bad-Check Case

William L. Marr, 29, of the unit block of Inwood avenue, was sentenced yesterday to nine months in the House of Correction for check forgery.

According to testimony before Chief Judge W. Conwell Smith in Criminal Court, Marr presented the check, which was for $63, at the Food Fair to be cashed on April 29. It was drawn on the Maryland Trust Company and was payable to the Superior Roofing Company. Marr indorsed it.

William J. O'Donnell, assistant State's attorney prosecuted.

NEWS-7-31-50

Louis Azrael Says: WHAT DO LETTERS BY POLITICIANS MEAN?

—By LOUIS AZRAEL—

On December 3 of last year, three old men were struck by an auto as they were trying to cross Monument street, at Potomac. The driver of the car sped on and it took police several days to find him.

On February 21, this driver, Walter Stankiewicz, thirty-three years old, was convicted. He was sentenced to two-and-a-half years in jail. Several fines were also imposed, which he has not paid.

If he serves his full time, and doesn't pay the fines, he would remain in jail until March 29, 1952.

Already, however, though he has served barely five months and would not normally be eligible for parole. Governor Lane has received a letter signed by Congressman Edward Garmatz, asking that executive clemency be given in Stankiewicz's case.

The Governor transmitted this letter to the Parole Board.

NOT REALLY

You may gather from this that the Congressman thinks this hit-and-run driver who killed three men should be freed and is trying to accomplish it.

But that doesn't seem to be the case.

JUST ROUTINE

We have here, apparently, just a routine example of political routine; political sham.

When I learned, at the Governor's office, that the Congressman's letter had been received, I phoned Mr. Garmatz. I was curious to know why he thinks Stankiewicz should be released so soon.

The Congressman didn't know what I was talking about. He hadn't sent any letter, he said. And he didn't know anything about the case.

He suggested, however, that someone in his office may have sent the letter. I asked him to find out and let me know.

Shortly afterward, a member of Congressman Garmatz's staff phoned me.

It was true, he said, that a letter had been sent to Governor Lane, over the Congressman's signature, urging clemency for Stankiewicz. The prisoner's wife had come into the office asking for help. So they obliged. It was merely a routine matter, I was told.

WHICH

Now it seems to be that one of two situations exists.

(A) Congressional influence is being used to release a criminal, without investigation to learn if the man should be released, or

(B) The letter was a sham. The congressman's staff sent it, knowing the Governor would pay no attention to it.

If the first is true, it is a heinous thing. Fortunately, however, that isn't the case. The letter which went to Governor Lane from Garmatz's office is, as I was told, just political routine. There was no thought, and no intention, that the Governor would pay any attention to it. The only idea was to curry favor—and votes—with Stankiewicz's family and friends.

This means, of course, that the letter was a cruel hoax. It led a woman to hope that her husband may soon be freed; may soon be back to support her and her child.

LESSON FOR CITIZENS

In justice to Garmatz, it should be pointed out that fraudulent letters go out of almost every political office almost every day. They recommend people for jobs; they ask favors of many kinds. And the politicians who receive those letters know that, regardless of the text, the real meaning is: "I'm writing this to curry favor. I don't really mean what I have written."

This is a good thing for people to remember when they ask politicians to use influence in their behalf.

Morn Sun 8/1/50

'Borrower' Given Suspended Sentence For False Pretense

Several persons testified yesterday that they had lent money to a stranger who appeared at their homes, said he was in trouble and in immediate need of funds and that he was known to a member of the lender's family.

The lenders told Judge John T. Tucker in Criminal Court they had never been repaid.

The accused man, John A. Forsythe, 28-year-old war veteran, of the 1900 block of East Baltimore street, was given a year's suspended sentence and put on probation on charges of false pretenses. The judge said he must make restitution.

From $3.25 To $10

The sums, as specified in seven cases, ranged from $3.25 to $10.

The accused man's method of obtaining money followed a general pattern, as shown by the testimony.

He would appear at a home, say he needed immediate cash because his car was broken down or because his baby was sick, and declare he was a business associate or friend of a member of the household not at home at the time.

He would promise to make payment within a few days.

An "Honest Face"

One woman who let him have some money declared he had an "honest face" and if her husband were in trouble she would like to think that someone would come to his aid.

Judge Tucker declared that "most people have the milk of human kindness in them," and added that "it is aggravating when people take advantage of it."

Forsythe, who was found guilty in two of the cases, told the judge that he was an infantryman in World War II and that he had been awarded the purple heart for a wound received at Salerno, Italy.

Edwin A. Gehring, assistant State's attorney, prosecuted.

ACTION SOUGHT ON CITY'S BAN

Group To Ask Supreme Court For Park Racial Injunction

The United States Supreme Court will be asked to rule on the constitutionality of Negro-white segregation in Baltimore parks, I. Duke Avnet, attorney for a group seeking an end to the inter-racial sports ban, said yesterday.

The specific relief sought is an anti-discrimination injunction against the Mayor and City Council which, if granted, would keep them from enforcing the city's segregation policy.

Two lower courts have ruled that the segregation ordinance does not violate the United States Constitution.

Ruling Was Affirmed

On December 30, 1949, Judge W. Calvin Chesnut, in the United States District Court, here, dismissed the injunction proceedings and a $500,000 damage suit that was a part of the action.

Mr. Avnet and his associates appealed Judge Chesnut's decision to the Fourth Circuit Court of Appeals at Richmond which, on July 17, affirmed the lower court's ruling.

Judge Chesnut had based his decision on the 1896 Supreme Court decision in the case of Plessy vs. Ferguson.

Lack Of Claim Cited

That case established the doctrine that a State which provides separate but equal facilities for Negros and whites is within the constitutional exercise of its police powers.

The Fourth Circuit Court of Appeals, in its dismissal of the suit, noted that there had been no claim made that the separate facilities provided in Baltimore parks were not equal.

Mr. Avnet said yesterday the Supreme Court will be asked to rule directly on the constitutionality of segregation for public sports facilities, regardless of whether or not the facilities are equal.

Refers To United Nations

He will claim, he said, that "forced segregation" violates the First Amendment to the Constitution, providing for freedom of assembly, as well as of the Thirteenth, Fourteenth and Fifteenth "emancipation" Amendments.

Mr. Avnet also said he will cite the provision in the United Nations charter in which the signatory nations pledge to refrain from discrimination based on race, ancestry or sex.

The request for an anti-discrimination injunction, and the damage suits were filed in the name of 21 petitioners, about half of whom are Negroes and half white.

The cases are based on three incidents—the withholding of approval for an inter-racial basketball team to use a public playing court, in late 1947 the tennis-court case of July, 1948, when police broke up an inter-racial match, and two incidents involving the white-Negro playing days on a public golf course.

Morn Sun 8/2

ASSAULT TERM IS SUSPENDED

Defendant Says Slingshot Was Meant As Rat Killer

George Lee took a slingshot and stones to his girl friend's house to kill rats but found it necessary to use the "rat killer" to protect his friend from humans, he testified in Criminal Court yesterday.

The friend, Mrs. Pearl Copeland, of the 200 block of North Pine street, testified that she went out of the house and someone threw a rock at her.

[illegible] who lives in [illegible] street, said he was at the window and used his slingshot to shoot stones at a group of boys, Judge John T. Tucker was told.

Two Stones Go Astray

Two of the stones went astray, however, and, according to the charges, one of them struck Mrs. Irene Arnold, 47, Negro, of the 600 block of West Mulberry street, and the other hit Daniel Douglas, 9, Negro, of the 600 block of Josephine street.

Lee, who said he works for the city water department, was before Judge Tucker on appeal. He had been given a 30-day sentence in each case in magistrate's court.

Judge Tucker suspended the sentence, with the requirement that Lee pay the costs.

Alan H. Murrell, assistant State's attorney, prosecuted.

Eve. Sun 8-2-50

Grocer Complains Of 'Deadbeats'

A Baltimore grocer who supplied food to needy families today complained that some of the beneficiaries turned out to be "deadbeats," in a letter to State's Attorney J. Bernard Wells.

The grocer, Leon Frieman, of the 900 block South Hanover street, asked information "on the laws of Baltimore concerning deadbeats."

Threats Are Futile

He said that many had come into his store to "cry to me that they have no money, their children are starving, and please give them a few things until their husbands get paid."

Mr. Frieman continued: "Well, my heart is bigger than my good sense, and I am ready to go broke with outstanding bills. I have written, threatened and asked these people a good many times, but no results."

State's Attorney Wells wrote back to Mr. Frieman that he feared the grocer was "in the wrong business unless you have a very big bank roll."

Asks For Advice

The grocery man also asked particularly what he could do if customers got supplies pending receipt of relief checks and said "they would pay me when they get their checks."

Mr. Wells suggested that the grocer lay the details of such cases before the Department of Public Welfare. He said the welfare authorities might give some help. The prosecutor pointed out that no criminal action was involved in the abuse of credit.

Morn-Sun. 8/3

Man Gets Two Years For Hitting Woman

Accused of striking a woman in the eye with a milk bottle, necessitating the eye's removal, Joseph Darby, 33, Negro, of the 1900 block of West Lexington street, was sentenced to two years in the Penitentiary yesterday on a charge of mayhem.

According to testimony in Criminal Court before Judge John T. Tucker, the injury was inflicted on a neighbor in an argument over a kitchen stove.

Darby offered a plea of not guilty by reason of insanity. He is an epileptic, it was testified. Charles E. Orth, Jr., assistant State's attorney, prosecuted.

Morn Sun-8/5

'Conjuring' Held No Excuse For Wrecking Place

Not one to take lightly to "conjuring," Lawrence Parker yesterday learned he must go to jail or pay for the apartment he wrecked when he found salt on his bed and an inscribed egg under it.

The wrecking rampage occurred July 15 in Parker's apartment in the 500 block Pennsylvania avenue when he discovered the mystic signs.

Parker, 24-year-old Negro, explained to Judge John T. Tucker that the egg and the salt convinced him his landlady was trying to "conjure" him.

Salt, he said, was sprinkled on the bed. Underneath, in a pan of salt water, lay the egg with his name written on it.

Not one to take "conjuring" seriously, Judge Tucker sentenced Parker to a year and three months, then suspended the term on condition Parker make $1,000 restitution for damaged property.

2 Men Get 3 Years For Stealing Autos

Charged with automobile larceny, Herman Spence was sentenced to three years in the Penitentiary and Linver Jenkins was sentenced to not more than three years in the Reformatory in separate cases in Criminal Court yesterday.

Spence, who is 27 and from Roanoke, Va., pleaded guilty to stealing a car belonging to Vernon K. Matheson, of Annapolis, on June 18.

Jenkins, a 19-year-old Negro, of the 700 block of Vine street, pleaded guilty to stealing a car from the Maryland Drydock parking lot on July 21.

Louis Azrael Says: THE FARE AND EDWARDS' CASES

By LOUIS AZRAEL

Tip to Car and Bus Riders . . .

Don't build any hopes that the U. S. Supreme Court will knock out the higher fares which the Maryland Court of Appeals has ordered.

Governor Lane issued a high-sounding order to take the case to the Supreme Court. The Public Service Commission announced that it will be done.

But the fact is that, in the opinion of many good lawyers, the Supreme Court won't even hear arguments on the matter.

Cases can't be taken to the nation's highest court merely because some litigant wants to do it. Appelants must first file a petition, telling what the case is about. The Supreme Court then decides if the matter is one that it should hear. Primarily, this depends on whether an issue of Federal law is involved.

There is little likelihood they will grant the Public Service Commission's petition.

All this talk about fighting the case to the bitter end, therefore, is a mixture of two things. One is a long-odds chance that the Supreme Court might agree to hear the case. The other is political stage-play to impress the public with the Administration's zeal to stop higher fares.

Long-Drawn Case . . .

The case of Thomas A. Edwards, who has twice been convicted of murdering a man and a woman in Anne Arundel county, may turn out to be the longest-drawn-out criminal case in Maryland's history.

The crime was committed in September, 1948.

Edwards was tried, convicted and sentenced to death. The Court of Appeals, however, reversed the decision on the ground that a confession had been improperly obtained.

Two months ago he was tried again and again convicted. His counsel asked for a new trial and, pending a Supreme Bench decision on this motion, sentence has not been imposed.

Arguments for and against the new trial will be held next month. If the plea is rejected, the case will be appealed again.

There is no likelihood that the next decision—which still may not be the final one—will be reached until well into 1951.

Weak Winners . . .

During the last scholastic year at St. John's College, according to the just-issued annual report, 35 freshmen and sophomores dropped out. In most cases, it was because the boys didn't meet academic requirements.

Seventeen, or almost half, of these boys entered the college on scholarships given by State Senators.

The annual report says:

"This would seem to imply a responsibility on the part of the college to examine more carefully Senatorial appointees."

It may also imply the need for more sense of responsibility on the part of the Senators who make the appointments.

Good Figures . . .

Anyone born in Maryland in 1914 could expect to live 53 years.

Anyone born here now may expect 68.6 years of life.

These figures are part of a report recently issued by the State Health Department. And figures on specific causes of death indicate the reason. In 1914, almost 199 persons out of every 100,000 died of tuberculosis in Maryland. In 1949, slightly over 44 out of 100,000 died of this disease. And other figures are equally spectacular.

For example, the 1914 death rate from typhoid was 23.6. In 1949 no one died of it.

Carroll Dulaney is away. His column will be resumed upon his return.

Morn Sun 8/9 — Morn-Sun - 8-9-50

Burglar Given Two-Year Term

Convicted of taking $280.90 and checks totaling more than $134 in a burglary on July 27, Chester Strong, 27, was sentenced to two years in the penitentiary yesterday.

Judge Emory H. Niles was told that Strong, a Negro, who lives in the 800 block of West Fayette street, broke into the storehouse of Milton Sitnick at 8 North Fremont avenue and took not only money and checks but also a revolver valued at $35, and a half-pint of whisky.

Alan H. Murrell, assistant State's attorney, prosecuted.

Burglar Given 7-Year Term; 23 Of Last 25 Years In Jail

A man who has spent 23 of the last 25 years in prison for burglary yesterday was sentenced to seven years in the Maryland Penitentiary for burglary and having a deadly weapon.

The defendant, John Fincher, 45-year-old Negro, testified that since getting out of the Penitentiary a year ago, he had obtained several jobs but lost them when his employers learned of his prison record.

Believes Him Sincere

A friend, Mrs. Ethel Brooks, of the 2400 block of Woodbrook avenue, told Judge Emory H. Niles she believed in Fincher and that he had sincerely tried to get and keep employment.

The court was told Mrs. Brooks had lent him $300 for living expenses and that he was trying to repay her.

Policemen arrested Fincher on July 11 after a chase. They had been summoned by Matthew Michalisko, of the 700 block of Conkling street, it was testified.

Pursuit Disclosed

From his store, across the street from his home, Mr. Michalisko saw Fincher coming out of his house and tried to catch him.

Fincher had a pinch bar, gloves and a knife on his person when arrested, it was testified.

Charles E. Orth, Jr., assistant State's attorney, prosecuted.

Eve. Sun 8/8

Woman Sentenced In Forgery Case

Mrs. Frances L. Henry, 28-year-old housewife, today was sentenced to three concurrent one-year terms in the Women's Reformatory by Judge Emory H. Niles in Criminal Court after she had pleaded guilty to charges involving the larceny and forgery of checks worth $118.

Mrs. Henry admitted taking the checks, one drawn on the city for $108, from a mail box in the 1700 block of Eutaw place, and trying to pass the city check in a cab-company office last July 28. Charles E. Orth, Jr., assistant State's attorney, prosecuted the woman, who gave an address in the first block of North Wolfe street.

Eve. Sun 8/9

Youth Sentenced To 15 Years

[Continued From Page 60]

he got the idea for the holdup from reading crime comic books.

Psychiatrist's Report

A psychiatrist who examined the boy characterized him as a feeble-minded individual who knew the difference between right and wrong but would have the reactions of a ten-year-old in determining the course of action.

When sentence was pronounced, and older brother in the rear of the courtroom jumped to his feet and shouted, "Oh, no, God have mercy on that boy!" He was led sobbing from the room by court attendants. Johnson had been living with his mother and stepfather in the 1400 block of Williams street since his parole from Rosewood. He had been employed as an ice truck driver, and brick yard worker.

NEWS- 8-9-50

Goldberg Cleared On Arson Charge

A verdict of not guilty by reason of temporary insanity was returned today in the Criminal Court trial of Leon L. Godlberg, thirty-seven-year-old clothing manufacturer, on a charge of arson by attempting to set fire to his plant in the 100 block West Baltimore street.

After hearing the testimony of three psychiatrists, including Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench, each of whom tesitfied Goldberg was insane at the time of the fire last February 4, but completely recovered now, Judge Michael J. Manley declared Goldberg:

"No guilty by reasons of insanity at the time, but sane now."

ARRESTED IN PLANT

Goldberg was arrested in his plant on the night of February 4. The building is two doors from the scene of a six-alarm fire which, on that afternoon, swept through three buildings, taking the lives of two firemen and seriously injuring a third.

Capt. John Kenealy, Central district commander, testified that at the time he arrived at the Baltimore street plant last February 4, he found a smoldering wood and clothing fire, on which water had been thrown.

HANDS, ARMS BURNED

The police official testified further that Goldberg, "had burns of the hands and arms and seemed to be in a daze."

Dr. Guttmacher said in his examination of Goldberg his impression was that he was "insane."

However, the court psychiatrist testified, it was his opinion that Goldberg has completely recoverd.

Judge Manley rendered his verdict without hearing arguments by either the defense or the State.

Morn-Sun-8/10

Goldberg Cleared Of Arson Charge

Accused of attempting to set fire to his clothing plant in the 100 block of West Baltimore street last February 4, Leon L. Goldberg, 37, was freed of an arson charge yesterday in Criminal Court.

Judge Michael J. Manley found Mr Goldberg not guilty by reason of temporary insanity but ruled he is sane now.

According to testimony, three psychiatrists examined the defendant after his arrest and found him insane. The same three psychiatrists now find he has recovered, the court was told.

The psychiatrists were Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench; Dr Jacob H. Conn and Dr. Robert P. Truitt.

Dr. Conn was the attending physician. Dr. Guttmacher saw the defendant yesterday before he went into court, and Dr. Truitt examined him Tuesday.

Boy Gets 15 Years In $32,000 Holdup

Charles Wayne Johnson, 17, was sentenced to fifteen years in the Penitentiary yesterday for the $32,000 holdup of the manager of the Calvert Bank on July 13.

According to psychiatric testimony in Criminal Court before Judge Emory H. Niles, Johnson knows the difference between right and wrong but has the mentality of a 10-year-old child and is likely to follow any impulse consistent with his environment.

The court was told that Johnson, whose home is in the 1400 block of William street, had been sent to the Maryland Training School for Boys for a juvenile offense, but six weeks later was sent to the Rosewood State Training School because he was found to be feeble-minded.

"Protection Of Society"

In imposing sentence, Judge Niles said the case involves the "protection of society rather than the wickedness of the defendant."

Charles E. Orth, Jr., assistant State's attorney, read a statement made by the boy in which he said that crime comic books had given him the idea for the holdup.

On the stand, Johnson said he had planned to go to his grandmother's in Howard county with the money and send his mother small sums on the pretense of having a job.

The holdup took place in a parking lot behind the western branch of the Calvert Bank. A bag containing more than $32,000 was taken from Simon I. Kemp, manager of the bank.

Eve. Sun-8-9-50

Youth, 17, Gets 15 Years In Attempted Holdup

Charles Wayne Johnson, 17-year-old Rosewood Training School parolee, was sentenced to fifteen years in the Maryland Penitentiary today for his unsuccessful attempt to rob the Carey street branch of the Calvert Bank of more than $32,000 last July 13.

Judge Emory Niles, passing sentence in the Criminal Court, said that it was imposed more for "protection of society than the wickedness of the defendant."

The youth, who had been paroled from Rosewood Training School in June, 1948, after his conviction in Juvenile Court of a burglary charge, held up Branch Bank Manager Simon Kemp, and another employé, Mrs. Virginia Brothers, as they were carrying money from an automobile to the bank building in the first block of North Carey street.

Uses Revolver

Johnson used a .38-caliber revolver, which he said he found in an alley. And after seizing the bag containing $32,239 he struck Mr. Kemp over the head with the butt of the revolver and fled.

Johnson was caught shortly afterward in the 100 block of North Bruce street as he was trying to throw the money bag over a fence. He had taken $1 from it to pay his taxi fare and said he had planned to "hole up" in Howard county for several months.

In his confession Johnson said

[Continued On Page 45, Column 1]

Eve. Sun 8/10

Siskind Assault Case Put Aside By Magistrate

A new assistant State's attorney, charged in Northern police district with assaulting his former father-in-law, sat in the district captain's office today with Magistrate Reuben Caplan. The magistrate did not try the case during the usual court session, although it was listed on his docket.

"We'll discuss this in the captain's office," said the magistrate after hearing his other cases.

Siskind Named Defendant

The defendant was William L. Siskind, 26, of 4400 Groveland avenue, described by Assistant State's Attorney Alan Murrell as "a new assistant State's attorney."

Mr. Siskind was arrested at 8.30 P.M. yesterday on the complaint of Dr. David Silberman, of apartment 6E, Riviera Apartments, Lake drive and Linden avenue. Mr. Murrell said Dr. Silberman was Siskind's former father-in-law.

The arrest was made by Patrolmen Charles Smith and John Delvecchio.

The officers received a call to Hendlers and Brooks lanes, where they were met by Dr. Silberman, who declared he had just been assaulted by Mr. Siskind.

Mr. Siskind was standing near by, talking to a woman identified to police as his former wife. After a brief conversation, the doctor ordered the arrest of his former son-in-law, and this was done.

The charges, listed on the docket at Northern Police Station at 9.10 P.M., were for disorderly conduct and assault by striking Dr. Silberman.

Released After Phone Calls

Mr. Siskind then telephoned Mr. Murrell, who, in turn, telephoned Magistrate Herbert Franklin. Magistrate Franklin ordered Mr. Siskind released in Murrell's custody, and the two assistant State's attorneys left the station together.

This morning they reappeared at 8 o'clock. Court started at about the same time.

The post-court conference in the captain's office lasted about 45 minutes. One of the two men with the magistrate said the defendant identified himself as Mr. Siskind's father.

Magistrate Caplan wrote in his docket that the case was continued until August 24 at 8 A.M. Mr. Siskind was released in his own recognizance.

Dr. Silberman, who last night complained of injuries to his side, did not appear.

NEWS- 8/10

Prosecutor Is Charged With Assault

Charged with disorderly conduct and assault, William L. Siskind, an assistant State's Attorney, was released on his own recognizance in Northern police court today for a hearing August 24.

A hearing originally was scheduled for today but the complaining witness, Siskind's father-in-law, Dr. David Silberman of the Riviera Apartments, Linden avenue and Lake drive, did not appear.

Siskind, twenty-six, of the 4400 block Groveland avenue, was arrested on complaint of Dr. Silberman last night at 8.30 at Hendlers lane and Brooks lane.

The arresting officers, John Delvicchio and Charles Smith said they were called to the intersection and found Dr. Silberman standing on one side and Siskind on the other. All the officers knew was that Dr. Silberman accused the assistant prosecutor of striking him.

Siskind was released in care of another assistant State's Attorney, Alan H. Murrell.

Morn-Sun. 8/12

SISKIND GIVEN 30-DAY LEAVE TO GET REST

Assistant State's Attorney Accused Of Hitting Ex-Father-In-Law

William L. Siskind, assistant State's attorney charged with assaulting his former father-in-law, has been given a 30-day leave from the State's attorney's office "until he gets himself together."

The leave will see Mr. Siskind through a hearing in the Northern Police Court at 8 A.M. August 24 when he will be arraigned before Magistrate Reuben Caplan—who Thursday failed to formally call the case against Mr. Siskind, and instead agreed outside the courtroom to a two-week postponement.

A Little Rest Suggested

J. Bernard Wells, State's attorney, said yesterday that he felt it was better for his 26-year-old assistant "to be less active until he gets himself together."

"I suggested," Mr. Wells said, "that he take a little rest. It is not a suspension."

The charges against Mr. Siskind were placed Wednesday night by Dr. David Silberman, father of Mr. Siskind's former wife.

At the Northern Police Station he was formally charged with assaulting and striking Dr. Silberman and with disorderly conduct.

Mr. Siegel's Busy Day

By Burke Davis

Ten minutes before Criminal Court, Part 1, opened, Maurice T. Siegel, a small, dapper, loquacious lawyer, went to the table and began rapidly signing a number of documents. He spoke to Saul Harris, of the State's attorney's office.

"Give me all of them. And don't call up any of my people. I'll take all the business you give me."

It was numbers racket day in Criminal Court, with a few cases of bookmaking thrown in. Judge Michael Manley was sitting. Capt. Alexander Emerson and his vice squad were on hand, and the courtroom was crowded with defendants, most of them Negroes.

Carries Out New Procedure

Mr. Siegel had eleven of the cases listed on the docket, but tried a few more before it was over. He scrawled his name quickly on copies of the indictments, carrying out the new rule of criminal procedure requiring that defendants get copies before arraignment, on the theory that they should know what they're charged with.

When Mr. Siegel had finished, Mr. Harris called out a dozen or more names, and as many defendants came forward, signed the indictments and returned to their seats. Only one, an aged Negro woman, attempted to read the papers.

With the others, she sat patiently for almost two hours while Judge Manley tried to untangle a complex bookie case. Then the numbers people went on.

Like An Assembly Line

The cases moved quickly, as if on an assembly line. No defendants took the stand. The general procedure went about like this:

Attorney S. Alfred Munn and Assistant State's Attorney Charles Orth stood, and the name of William Brown was called.

"Has he been here before?" the judge asked.

"No, sir," Mr. Mund said.

"One William Brown was here in '46," Orth said.

"Well, I meant this year," Judge Manley said. "He's a writer?"

Usual Fine

"Yes, sir."

"One hundred dollars and costs."

It was the usual fine for a writer—one who takes bets on numbers. The standard fine for a player—or gambler—is $10.

Mr. Mund defended nine lottery cases. Joseph Leiter, a Traffic Court magistrate, was the next lawyer to appear. His first client was Benjamin Fooksman.

Mr. Orth rose and recited court records.

"Your Honor fined him $750 in June. He was fined $50 in '48, and in '47 paid two fines, of $500 and $50."

Was Pickup Man Then

"I don't remember that big fine," the judge said.

"That time, your Honor, you found him to be a pickup man (one who collects money from writers)," Mr. Leiter said. "He's not that any longer. He's just a writer. He had only $17.50 in slips when they caught him."

The police officer from the vice squad who leaned against the bench, ready to testify if needed in the swift process, said, "You kinda slowed him up, your Honor."

"You changed him from a pickup man to a writer, Judge," Mr. Orth said.

Fine, Suspended Sentence

The judge grinned and there was laughter around the tables. Fooksman was fined $250 and costs and given a suspended sentence of 90 days in jail. Judge Manley then spoke to Mr. Leiter.

"You tell him that if he comes back within 90 days he's going to jail. You tell him to get out of the business."

The other defendants came and went, slipping quietly to the prisoner's bench, where no one watched them, and out again. They filed down into the basement behind deputies, and were held in the sheriff's office until their fines were paid.

Now and again Captain Emerson went to the stand, lugging a heavy valise back and forth.

Thick Sheaves Of Slips

Once he paused and dragged out thick sheaves of white slips, when Attorney George P. Welzant defended Joseph Podles, Jr., on bookmaking and numbers-racket charges. The lawyer said small amounts were involved.

Captain Emerson called off several hundred dollars worth of slip totals, but the lawyer charged that some of the slips were duplicates. The captain tossed many bundles of slips to the judge, who glanced briefly, and levied two fines, of $100 and $150 and costs.

Captain Emerson went back to the stand to give evidence against Louis Chios and Costis Billos. Mr. Mund was the attorney.

"The captain wasn't very patriotic, judge. This was on July 4."

$360 In Play

The captain stared at the lawyer, unsmiling, and read slips aloud.

"How much play?" asked the judge.

"There's $360 on these slips."

"Is he a writer?"

"No; somebody left them there for him to turn in."

The lawyer said there was no record on either man, but judge said there was a "big pl[illegible] in the case, and ordered fines $150. The lawyers changed plac[illegible] at the table as quickly and quietl[illegible] as the defendants passed in an[illegible] out, but now and again there was delay, as not guilty pleas were entered.

Agreed To Hear Cases

"I agreed to sit these two days," the judge said, "to hear these cases and let lawyers make some money in the summertime, but th[illegible] understanding was that there wer[illegible] to be guilty pleas."

The vice squad went on with it[illegible] tales of raids and observations [illegible] its members playing the numbe[illegible] and making bets themselves. No[illegible] Siegel then took over, rubbing [illegible] hands.

"Now we'll get to work," he sa[illegible]

The name of Edward Cooper [illegible] called, and Mr. Cooper, a st[illegible] Negro, moved slowly.

"Come on, Cooper," the law[illegible] said.

Blind Grandmother Cited

Sergt. Wade Poole, of the [illegible] squad, said Cooper had no rec[illegible] and that he had taken respons[illegible]ity for the numbers slips bec[illegible] his aged and blind grandm[illegible] was the only person in the h[illegible] where they were found. Co[illegible] drew a fine, and Mr. Siegel c[illegible] up three of his defendants at [illegible] All were fined, one as a writer [illegible] as players.

In one case of a Negro d[illegible]ant, Sergeant Poole came t[illegible] rescue.

"This man's wife had the [illegible] with over $100 in play in i[illegible] said. "I just brought her hus[illegible]

"You'd probably have b[illegible] the wife if he hadn't owned [illegible] it," the judge said.

Quick And Businesslik[illegible]

"I'd have brought her a [illegible] but she was a church membe[illegible]

The $100 fines were called [illegible] monotonously. The attorneys [illegible] quick and businesslike, as [illegible] were familiar and expected. The defendants streamed out the door to await settlement.

They went down the steps into the rear of the Sheriff's office, where those who had no money to pay fines were held in a small room. The room was packed.

Only Benjamin Kline, convicted of bookmaking, seemed to have cash to pay out. He peeled $270 in $10 bills from a roll.

A man behind the desk winked at a traffic policeman who stood near Kline.

"No commission on that one, Frank," he said. "Not even any commission for the big boy (he called a first name).

"Just A Little Busniess"

The policeman smiled at Kline.

"They get you?"

"Yeah. Up on Calvert street. Just a little business. Two weeks."

The man went out.

The crowd in the little room, composed chiefly of Negroes, kept turning faces to the door, looking for someone to come and pay the fines. A woman got permission to leave the room and make a telephne call. She talked to someone, angrily.

"What's that lawyer's name? I got to have $300, and I been here all morning. Yeah, but where is he?

Doesn't Know His Name

"This is the biggest mess I ever saw. Naw, I don't know his name. I saw him up in court, standing around."

She hung up and went back into the pen.

Soon Mr. Siegel came down into the office. He went into the pen where the people were and stayed a moment or two, and came out followed by the stout Cooper.

He asked Cooper, loudly, if he had money enough to pay and Cooper nodded, and went to a desk and threw down several $20 bills. He got 10 cents in change, and both men left.

Morn-Sun 8/15

Back River Snakes Don't Scare Judge

Big snakes in Back River make a fisherman's life precarious, Jack Carpenter explained yesterday when Judge Joseph Sherbow asked him why he carried a gun.

Shooting those snakes, Carpenter argued, is part of his day's activity whenever he goes fishing on Back River.

Carpenter, a 35-year-old Negro, of the 1600 block East Oliver street, was arrested July 21 in the 400 block Spring street—a neighborhood where snakes are rare—on a charge of carrying an Italian automatic in his car.

In addition, it was testified, police also found stolen license plates and a fictitious learner's card in the car.

The tale of reptiles in the river, Judge Sherbow observed as he sentenced Carpenter to nine months in jail, was unlikely.

Marihuana Easy To Get, Driver Tells Court

A 29-year-old taxicab driver yesterday told Judge Joseph Sherbow in Criminal Court that in Baltimore "marihuana is easy to get, no trouble at all if you want it."

That assertion was made by William J. Donella, of the 1400 block Hollins street, who was convicted of possession of about 2 ounces of marihuana and a heroin capsule found in a cigar box in his taxicab last July 21.

Testimony disclosed that Donella had obtained the marihuana in the vicinity of Pennsylvania avenue and Pitcher street, and that the defendant had begun using it through associations with passengers in his taxicab.

Judge Sherbow remanded Donnella to jail pending a medical and probation report. Charles E. Orth, Jr., prosecuted the case.

JUDGE ASSAILS GEORGE BANKS

Special Officer Is Rebuked Again For 'Framing'

A special police officer, who earlier this year was severely criticized by Judge Joseph Sherbow and subsequently had his commission revoked, yesterday was the target of another rebuke by Judge Sherbow in Criminal Court.

The special policeman, George E. Banks, Negro, whose commission as a private officer was revoked last March and who since has been reinstated by Police Commissioner Beverly Ober, appeared in the court as prosecuting witness against a man charged with disorderly conduct.

Denies Having Weapon

Judge Sherbow, in acquitting the defendant, declared that Banks had already been shown to have made attempts "to frame two people."

"I don't know why they keep you in the position you are in now, but that's not for the court to decide," the Judge told Bank[illegible] who works as a special policema[illegible] in a tavern in the 1100 block O[illegible]leans street.

Louis Williams, 30-year-o[illegible] Negro, defendant in the case befo[illegible] Judge Sherbow yesterday, had be[illegible] convicted of the disorderly-condu[illegible] charge by Magistrate August [illegible] Kozlovsky, in Northeastern Poli[illegible] Court, and was sentenced to [illegible] days in jail.

He came before Judge Sherb[illegible] on an appeal.

Banks testified that Williams h[illegible] brandished a gun in the tavern, [illegible] the defendant denied possessing [illegible] weapon and said he had attempt[illegible] to help break up a fight in [illegible] establishment.

Williams, who admitted to a l[illegible] criminal record, commented that [illegible] did not expect the court to beli[illegible] his testimony because of his [illegible]ord, but Judge Sherbow said [illegible] "could and would believe" him.

Judge Sherbow said if Willia[illegible] had exhibited a gun, as Banks c[illegible]tended, more serious charg[illegible] should have been placed, but that's not for the court t[illegible] decide."

Morn Sun 8-15-50

Eve. Sun 8-15-50

Ober Orders Probe Of Special Officer

Commissioner Beverly Ober today ordered an investigation of the latest incident involving Special Policeman George E. Banks, Negro, censured in Criminal Court yesterday for the second time this year by Judge Joseph Sherbow.

Judge Sherbow, who asserted that Banks had attempted to "frame" two other people, made his criticisms after acquiting a 30-year-old Negro before him on an appeal from a 60-day sentence on disorderly conduct. Banks was the complaining witness in the case, heard by Magistrate August A. Kozlovsky in Northeastern Police Court.

"I don't know why they keep you in the position you are in now, but that's not for the court to decide," Judge Sherbow told Banks.

Commenting on his reinstatement of Banks's commission on May 11, after revoking it two months previous, Commissioner Ober said he learned that Banks was not properly instructed regarding his jurisdiction as a special policeman.

Duties Limited

Since then, Commissioner Ober said, a standard set of rules has been devised for the guidance of special policemen, and they are constantly supervised by the police captain in command of the district where the officer works.

Banks' commission confines his special policing to a tavern in the 1100 block Orleans street.

Commissioner Ober said that he has directed Inspector William J. Forrest and the Northeastern district commander, Capt. Julian Forrest, to make a special investigation and report to him on yesterday's case before Judge Sherbow.

MORN-SUN- 8/19/50

Man Charged With Stabbing Cab Driver Gets 20 Years

Patrick Scott, 43, who contended police "planted" a blood spot on his hand after they arrested him on a charge of inflicting serious knife wounds on a taxicab driver, yesterday was sentenced to twenty years in the Penitentiary.

Judge Joseph Sherbow in Criminal Court convicted Scott, a Negro, of assault with intent to murder Robert P. Heard, of 132 North Rose street, a taxicab operator.

Although Heard was unable to identify his assailant, police who arrested the accused shortly after the stabbing testified they saw blood on Scott's wrist and on his trousers.

Judge Commends Police

Judge Sherbow took occasion at the conclusion of the trial to commend the police work of Sergt. John Griffin and Patrolmen August Manzo and James Stevenson, of the Baltimore police force, and Arthur R. Snowden, a special policeman attached to the Edgewood Arsenal.

Snowden happened to be in the vicinity of the crime and assisted the city police in the case, according to evidence produced by Charles E. Orth, Jr., prosecutor.

Heard testified that he was grabbed around the neck while the taxicab was being operated in the vicinity of Mount and Presstman streets and stabbed several times near the heart. The vehicle came to a stop when it ran into a pole.

Defendant Testifies

The defendant testified he was walking in that vicinity when he saw another man running. A little later, he contended, police drove up in a radio car and took him into custody.

He testified that while in the police car, Snowden and one of the city policemen held his left hand and the special policeman then placed blood on the hand. He contended the stain on his pants was paint, and not blood. A State toxicologist identified the stain as human blood.

EVE. SUN- 8-23-50

O'Donnell Charges Sodaro Is Wells 'Crown Prince'

By Bradford Jacobs

Political "royalty," according to William J. O'Donnell, has crept into the democratic process which is to settle the city race for State's attorney next month.

Mr. O'Donnell irately names Anselm Sodaro, his main opponent for the Democratic nomination, as the "crown prince" chosen for the job by J. Bernard Wells, veteran chief prosecutor who is retiring this year.

"Who does Bernie think he is?" Mr. O'Donnell asks, "King Leopold of the Belgians?"

Mr. Sodaro replies quietly that this sort of talk is a lot of nonsense. His father, he points out, was a shoemaker. And who, he asks in turn, ever heard of a shoemaker's son being a crown prince?

Leaders Seem Chary

Otherwise, the primary battle for State's attorney—the first in sixteen years without Mr. Wells as a candidate—is a curious affair in which most of the regular Democratic leaders seem chary of taking an open position.

Mr. Wells and most of his predecessors established a tradition of barring political influence at the door of their office. There is little disposition by either Mr. Sodaro, Mr. O'Donnell, or the third candidate, Thomas Mason, to make a break now.

Consequently, the two major candidates claim support on both sides of the basic factional division between Lane-D'Alesandro Democrats and their rival Mahoney-Curran Democrats. Mr. Sodaro, in addition, has the blessing of the undefeated champion, Mr. Wells.

Strong In Home Areas

The only identifiable pattern on a broad basis finds Mr. O'Donnell strong in South Baltimore, a region where his family was well known for many years and where the dominant Wyatt-Della organization is expected to give him help.

Mr. Sodaro, on the other hand, has a core of power in the First district. This East Baltimore neighborhood contains many of his personal friends and connections as well as the main organization of Mayor D'Alesandro.

The Mayor himself is studiously avoiding any show of favoritism in the contest, although Sodaro supporters in the administration are believed to outnumber O'Donnell men.

As to the contest itself, Mr. Sodaro is conducting a self-selling campaign in which he has yet to mention the name of O'Donnell. Instead, he dwells on the importance of the job, which he rates as high as a spot on the Supreme Bench.

Changes Suggested

He advocates such changes as the addition of a staff of investigators to the prosecutor's office and a youth court.

Mr. O'Donnell, on the other hand, is hammering at the "Crown Prince" theory in particular and at the Wells administration in general, attempting to identify Mr. Sodaro with what he calls the "cobweb system" of operation during the last few years.

He also urges investigators and a youth court as well as the addition of a woman staff member for domestic relations work.

Both Mr. Sodaro and Mr. O'Donnell are currently assistants to Mr. Wells, Mr. Sodaro being the chief assistant. Both are on vacation during August to conduct their campaigns.

NEWS- 8/29

Praise For Mr. O'Donnell

TO THE EDITOR OF THE EVENING SUN—Sir: The war in Korea recalls to my mind the last war, during which so many of us in all walks of life sacrificed so much by entering the armed services of our country and then endured the miseries and hardships of war so that freedom and liberty might continue to exist in these United States.

Among us who went into the armed services at that time was William J. O'Donnell, who is now a Democratic candidate for State's attorney.

At the present he is an assistant State's attorney, which office he accepted upon his return to civilian life, after spending more than three years in the service of our country during World War II, as an officer in Naval Intelligence.

Mr. O'Donnell gives the voters of Baltimore city the opportunity to express their appreciation to a well qualified veteran who served them well in World War II, and is now still serving them fearlessly and courageously without partiality as assistant State's attorney.

THOMAS J. KENNEDY, JR.

Baltimore, Aug. 14.

8-25-50 MORN. SUN

Siskind's Case Set For Sept. 1

Postponed for the second time yesterday, the case of William L. Siskind, assistant State's attorney charged with assaulting his former father-in-law, has been set for September 1 in Northern Police Court.

Magistrate Reuben Caplan granted the postponement at the request of Mr. Siskind's attorney, Hilary W. Gans, who said an important witness in the case was still out of town.

The charges against Mr. Siskind were placed August 9 by Dr. David Silberman, father of Mr. Siskind's former wife. Siskind is charged with assaulting and striking Dr. Silberman and with disorderly conduct.

At the first hearing, Magistrate Caplan did not formally call up the case against Mr. Siskind. Instead, he agreed outside the courtroom to a two-week postponement.

MORN-SUN- 8-25-50

$116,000 BAIL SET FOR 6 MEN IN 4 HOLDUPS

Capt. Kriss Says Partial License Number Led To Arrests

Bail totaling $116,000 was set yesterday for six men charged with robbing four loan companies in the last eight weeks.

The six nattily dressed Negroes were arraigned before Magistrate James H. Ellis, Jr., in the heavily guarded Central Police Court.

Capt. Henry J. Kriss, commander of detectives, testified that all the defendants except one had signed statements admitting their participation in the series of holdups, but he did not submit the statements to the court.

Got License Numerals

Charles E. Orth, Jr., assistant State's attorney, informed defense attorneys that the statements would be made available to them.

Captain Kriss, who was the only person to testify, said the get-away-car had been stolen from the 500 block West Twenty-ninth street on July 6.

A set of license tags were stolen four days later from a car temporarily stored on a Northwest Baltimore parking lot, he said.

From one of the holdup victims, he said, police obtained the first two numerals of the license number and as additional holdups occurred more numbers were supplied by witnesses.

Car And Man Arrested

After the holdup of the Friendly Finance Company, 3 East Centre street, last Saturday police were able to broadcast the complete license number.

Traffic Patrolmen Herbert Airey and Edward Wilson found the car and driver near Eutaw place and Laurens street a few hours later, Captain Kriss testified.

The driver was identified by Captain Kriss as Barton Dorsey, 28, of the 1900 block Madison avenue.

Later Saturday evening, the captain testified, police took Joseph L. Shields, 28, of the 1600 block Madison avenue, and Robert Wingate, 34, of the 1000 block Brantley street, into custody.

Others Arrested

Wingate was the only one who did not sign a statement, he said.

Monday, police arrested Vernon Lightfoot, 19, of the 300 block East Twenty-third street; James Banks, 23, of the 1200 block Madison avenue, and William H. Powers, 19, of the 300 block East Twenty-third street, he said.

Magistrate Ellis determined that a prima-facie case had been established and set bail without calling other witnesses.

All Committed To Jail

Shields, Banks and Lightfoot were charged with participating in four robberies and held in $28,000 bail each. Powers was charged with taking part in one holdup and bail was set at $15,000. Wingate was also charged with one holdup and held in $5,000 bail. Dorsey was charged with one holdup, the larceny of an automobile and a set of license tags and bail was set at $12,000.

All of the defendants were committed to jail to await action of the grand jury.

Loan Offices Listed

The defendants are charged with participating in armed robberies at:

The Trusco Finance Company, 200 block North Liberty street, on June 24 and again on July 12. In the first robbery they obtained $708.75 and $1,396 in the second.

The Ayares Loan Company, 600 block North Howard street, where they obtained $3,366, plus $50 from an employé.

The Friendly Finance Company, 3 East Centre street, where they robbed employés of $818.

Throughout the hearing, policemen were stationed as guards at exits and fourteen officers were in the courtroom.

Charge Fraud In Obtaining Welfare Aid

State prosecutors were investigating reports today that "an individual," as yet unnamed publicly, had obtained a substantial sum of money from the municipal Department of Public Welfare through false representation.

A report on the case was submitted to State's Attorney J. Bernard Wells by Dominic Fleming, counsel to the welfare department.

Mr. Wells said he hopes to present details of the case to the Grand Jury tomorrow.

Meanwhile, another case involving money allegedly obtained from the welfare department by Edith Cook, Negro, mother of five children, was to be heard in Criminal Court in September.

The woman, who lives in the 600 block West Fairmount avenue, has been formally charged with obtaining $6,875 from the welfare department between February, 1944, and this year.

MORN-SUN- 8-30-50

FRAUD BY WELFARE CLIENT REPORTED

Wells Says Facts Will Be Taken To Grand Jury

J. Bernard Wells, State's attorney, yesterday announced that he will present to the grand jury today or tomorrow information regarding a mother of five children who reportedly obtained nearly $6,000 from the Department of Public Welfare by illegal means.

Mr. Wells refused to identify the woman or to discuss details of the case prior to taking the matter before the grand jury. He said Charles E. Orth, Jr., an assistant prosecutor, has been assigned to the case.

The case was referred to the prosecuting office by the welfare department earlier this week.

Over Period Of 8 Years

It was learned that the individual involved in the investigation reportedly obtained the large sum of money over a period of about eight years by means of false representations.

Another similar case resulted in an indictment last June 30 against Mrs. Edith Cook, Negro, mother of five children, who is charged with obtaining $6,875 from the city welfare agency since 1944.

Mrs. Cook, who lives in the 600 block West Fairmount avenue, will be brought to trial in Criminal Court next month, prosecutors said.

EVE. SUN-9/1

Siskind Convicted Of Simple Assault

William L. Siskind, 26-year-old assistant State's attorney, today was convicted of simple assault on his 58-year-old physician father-in-law in a Northern Police Court hearing.

James H. Ellis, Jr., magistrate at large, fined Mr. Siskind $10 and costs on both the assault charge and a charge of disorderly conduct but suspended payment of both penalties.

State's Attorney J. Bernard Wells could not be reached for comment on the case. Mr. Siskind has been inactive since the assault occurred August 9 outside his father-in-law's apartment on Lake drive.

Sent To Hospital

The physician, Dr. David Silberman, testified that he was under a doctor's care from August 9 to 23 after the attack, five days of which were spent in Sinai Hospital. He said he suffered severe contusions of the chest where his son-in-law had struck him.

The attack was said to be an outgrowth of an absolute divorce from Mr. Siskind, obtained last June in Alabama by Dr. Silberman's daughter, Judith.

Dr. Silberman admitted receiving $11,000 from Mr. Siskind' father after the divorce to defray the cost of the couple's wedding June 23, 1949. Mr. Siskind's defense counsel, Hilary W. Gans, told Magistrate Ellis that all attempts at a reconciliation between the young people had been blocked by Dr. Silberman because he wished to keep the $11,000.

Threats Cited

Thomas White, a Negro employé of the apartment where Dr. Silberman and his daughter live, said he saw the clash. He testified that Mr. Siskind told him: "If she gets in his (her father's) car, I'm going to kill them both. I should have done what I planned to do. Kick the door in (the Silberman apartment) and get them there."

The witness said this conversation took place after Mr. Siskind had stopped to talk to his wife in her car.

Mr. Siskind admitted striking his former father-in-law twice, but he did so after the older man rushed him and seized his throat.

$7,615 Welfare Fraud Alleged

A 30-year-old Negro woman accused of improperly obtaining $7,615 in city relief money was arrested early today by detectives.

She was identified as Mrs. Catherine Robinson, also known as Mrs. Catherine Smith, of the 600 block West Mulberry street.

The woman was indicted yesterday by the grand jury on a charge of obtaining the money by larceny or false pretense. Mrs. Robinson is said to be the mother of five children.

Alias Allegedly Used

When the alleged fraud was reported by city officials of the Department of Public Welfare, it was claimed that the woman had obtained two sets of relief payments under different names. State's Attorney J. Bernard Wells, pending the trial of the case in Criminal Court, declined today to divulge information concerning the case.

However, records showed that relief payments to the woman covered approximately five years, and that approximately $2,200 had been paid to her during the last twelve months.

Assistant State's Attorney Charles E. Orth, Jr., placed the case before the grand jury, with D. J. Fleming, Welfare Department lawyer, as chief witness.

MORN-SUN-9/2

State's Attorney's Aide Is Convicted

William L. Siskind, member of the State's attorney's staff, yesterday was convicted of disorderly conduct and simple assault on his former father-in-law by Magistrate James H. Ellis, Jr., in Northern Police Court.

Magistrate Ellis imposed fines of $10 on both charges, but suspended payment of the fines. Testimony disclosed that the assasult occurred last August 9 shortly after the defendant's wife obtained an out-of State divorce.

Placed On Leave

Mr. Siskind has been on leave since the charges were placed and yesterday J. Bernard Wells, State's attorney, said he will confer with Magistrate Ellis and judges of the Supreme Bench before determining if Mr. Siskind is to remain on his staff.

"I don't believe the case involved moral turpitude and was probably a matter of passion," Mr. Wells said.

"All along I have considered it a family affair and I don't want to see the boy punished out of proportion to the offense," Mr. Wells added, saying that he wanted to "weigh" the matter carefully.

Repayment Reported

Mr. Siskind contended that he struck Dr. David Silberman, the prosecuting witness, only after the physician came at him and started choking him. Mr. Siskind testified that he was talking to his former wife in her car when the physician came out of the house and approached them.

Dr. Silberman admitted he received a total of $11,000 from Mr. Siskind's father as repayment of sums spent when Siskind and Miss Silberman were married in June, 1949. He also admitted that he had suggested payment of a cash sum for damages resulting from the assault.

MORN-SUN 9-1-50

Woman Charged In Welfare Theft

Theft of $7,615.58 from the Department of Public Welfare over a period of about four years was charged yesterday to a mother of five children in an indictment returned by the grand jury.

Identity of the defendant, a Negro, was temporarily withheld pending her arrest by Detective Lieutenant Millard B. Horton. Her bail was fixed at $10,000.

Prosecutors declined to discuss details of the case, but it was learned during an investigation of the charge that the defendant had sought welfare assistance under several names. Charles E. Orth, Jr., assistant State's attorney, presented the case to the grand jury.

NEWS-9-1-50

Love And Flying Fists:

Siskind Convicted On Two Charges

Against a background of frustrated love, flying fists and an $11,000 price tag on a marriage, a newly appointed assistant State's attorney was tried and found guilty today of disturbing the peace and striking his former father-in-law.

The defendant was William L. Siskind, twenty-six, 4400 block Groveland avenue, who pleaded self-defense before Magistrate James H. Ellis, Jr., in the Northern District Police Court.

During the two-hour hearing, featuring the outspoken testimony of irate witnesses, these facts were brought out:

Mr. Siskind was divorced recently by Miss Judith Silberman, daughter of Dr. David Silberman of the Riviera Apartments.

He had been trying to effect a reconciliation, but both Miss Silberman and her father were opposed to patching up the broken marriage.

Mr. Siskind's father, after the divorce was granted, had paid Dr. Silberman $11,000 which the doctor had spent on his daughter's marriage.

On August 9 outside the Riviera Apartments young Siskind hit Dr. Silberman, who had to spend five days in Sinai Hospital.

It was agreed by all concerned that Siskind had hit Dr. Silberman, but whereas the doctor said he was struck without warning, Siskind said he struck his former father-in-law when the older man tried to choke him.

Hilary W. Gans, counsel for Siskind, argued that the $11,000 was at the root of the whole dispute, saying that Dr. Silberman was blocking a reconciliation because he wanted to hold on to the $11,000 after he got it back from Siskind's father.

Magistrate Ellis, however, said that on the merits of the testimony he found the Assistant State's Atorney guilty on both counts.

The sentence was a $20 suspended fine.

Woman, 30, Indicted In Larceny

Indicted by the Grand Jury on charges of larceny of $7,615.58 from the Mayor and City Council in funds received from the Department of Public Welfare, Catherine Smith today is held by Central district police in $10,000 bail.

The thirty-year-old woman, arrested in the 600 block West Mulberry street, used two different names and three sets of children in obtaining money from the Department of Public Welfare between 1946 and August 1, 1950, according to testimony of D. J. Fleming of the welfare department.

Bail for Mrs. Smith, alias Catherine Robinson, was set by Judge Manley. The woman, arrested by Lt. Millard Horton and Sgt. Francis Murphy, is the mother of five children.

MORN. SUN 9-6-50

WELLS SAYS JUDGE SPONSORED SISKIND

Denies Appointment Of Aide Had Political Link

J. Bernard Wells, State's Attorney, yesterday said that William L. Siskind, assistant State's attorney who was convicted last week of simple assault on his former father-in-law, was not a political appointee and disclosed that Siskind was sponsored primarily by a judge.

Mr. Wells denied rumors that Siskind, a graduate of Harvard Law School, was appointed at the request of a Baltimore political leader.

"He is not a political appointee," Mr. Wells declared, referring to Siskind. "He was sponsored primarily by a member of the Supreme Bench whose opinion I regard very highly."

Impressed By Background

Mr. Wells said he also had been impressed by Siskind's educational and military background, and also had high regard for the young assistant's father, Herman Siskind, also an attorney.

The prosecutor said he has not yet had an opportunity to talk to Magistrate James H. Ellis, Jr. or to members of the Supreme Bench about the assault case involving Siskind, who was appointed an assistant prosecutor last February.

Mr. Wells said he considered the assault incident an "unfortunate family affair."

Convicted Of Assault

"The thing that concerns me," Mr. Wells asserted, "is whether or not this particular experience he has had will affect his usefulness as a member of my staff. I don't take the position that any moral turpitude is involved in the matter."

Siskind was convicted of assaulting Dr. David Silberman last August 9. The young assistant prosecutor and his former wife were talking in the rear of the physician's home when Dr. Silberman came out of the house and approached the couple, evidence disclosed.

The defendant contended he struck Dr. Silberman only after he man grabbed him by the throat and started choking him.

EVE. SUN. 9-6-50

Attorney Involved In Family Fracas Back At Court

William L. Siskind, 26-year-old assistant State's attorney, has returned to duty at the courthouse after receiving a $10 suspended fine last week for assault on his former father-in-law.

State's Attorney J. Bernard Wells revealed that Mr. Siskind was back on general prosecuting duties. He had been given a temporary leave after the fracas with Dr. David Silberman, pending the disposition of the case in Northern Police Court, Magistrate James H. Ellis, Jr., heard the police court case.

Previously, Mr. Siskind had been assigned to the domestic relations section of the State's attorney's office, and had presided at hearings of marital and support difficulties.

No Moral Turpitude

Mr. Wells, asked about the effect of the assault case on his assistant's job, said:

"I think I have already said to the press that I want to talk to Magistrate Ellis to get his view of the seriousness of the case and to talk to members of the Supreme Bench. So far I have not had the opportunity to do either.

"In my judgment, what I have to decide is whether this experience Mr. Siskind has had will affect his usefulness as a member of my staff. I do not take the position that any moral turpitude was involved. It was an unfortunate family affair."

Mr. Wells said that the Siskind appointment to his staff had no

EVE. SUN 9-7-50

Man Is Jailed For Throwing Lye

Six years imprisonment in the penitentiary was ordered today by Judge E. Paul Mason for Arthur Robinson, 34-year-old Negro, convicted of mayhem and two charges of assault.

Robinson last June 4 had thrown lye on another Negro, Melrose Douglas, with whom he had quarrelled the previous day. The mayhem charge involved Douglas's loss of sight in one eye.

The occurence took place at the house where both men lived in Welcome alley. The assault charges involved two women being struck during the disturbance. Judge Mason had held sentence under consideration since trying the case two weeks ago in Criminal Court.

Youth Sentenced In 4 Burglaries

Charged with four burglaries of the same grocery store over a ten-day period, George Henry Rodgers today was sentenced to an indeterminate term up to eighteen months in the State Reformatory.

The 19-year-old defendant, of the 1800 block Bolton street, previously had worked at the store. He blamed his actions on a grudge he held against his ex-employer.

In each instance the intruder took a small amount of money. The thefts, occurring in early August, totaled $20.

Police trapped Rodgers by using an invisible powder on money left in the store's till, which caused a purple stain. Charles E. Orth, Jr., prosecuted the cases in Criminal Court. Rodgers has a past record.

MORN-SUN- 9-8-50

Invisible Powder Traps Youth, Who Gets Term For Burglary

Purple stains resulting from touching invisible powder dusted by police on the money till of a Maryland avenue grocery store led to the arrest and imprisonment of George H. Rodgers, 19, it was disclosed yesterday in Criminal Court.

Rodgers, who was convicted of four times burglarizing a store in the 2100 block Maryland avenue, where he formerly worked, was sentenced to not more than eighteen months in the Reformatory for Males by Judge E. Paul Mason.

Burglarized 4 Times

According to Alan H. Murrell, who prosecuted the case, police suspected Rodgers of burglarizing the store after the place was entered three times within a period of one week last July and the mode of entrance could not be detected.

Marked bills then were placed in the money box and the area was sprayed with the powder that leaves a purple stain, Judge Mason was told.

Actions Blamed On Grudge

When the store again was burglarized the next night, police went to the defendant's place of employment and observed that his hands and pockets were purple-stained. Also, the marked bills were found on the young man, Mr. Murrell said.

Rodgers, who lives in the 1800 block Bolton street, blamed his actions on the fact that he bore a grudge against his former employer. The four burglaries netted him a total of $20, it was testified.

6-Year Term Given In Lye Throwing

Convicted of comitting mayhem by throwing lye into the face of another man and destroying the sight of one eye, Arthur Robinson, 34, yesterday was sentenced to six years in the Penitentiary by Judge E. Paul Mason in Criminal Court.

Robinson, a Negro, who lives in the 100 block Welcome alley, was found guilty of throwing the lye at Melrose Douglas, Negro, while the latter was lying on a bed. The defendant also was given concurrent prison terms for assaulting two women who were in the room.

Testimony disclosed that Robinson and Douglas had argued over some clothing and that on the day before the lye-throwing incident, the defendant had returned with a police escort to a house where he and the prosecuting witness had lived to get some clothes. The next day, Robinson returned alone and brought the lye with him, witnesses said.

EVE. SUN- 9-8-50

Grand Jury Asks Welfare Method Investigation

Surveys to study ways of preventing long-continued frauds on the Department of Welfare and to determine whether the Baltimore Police Department is undermanned, both as to patrolmen and officials, were proposed today by the retiring grand jury for the May term of Criminal Court.

In its final report to Judge Michael J. Manley the jury, headed by Alfred E. Cross, also cited the size of the numbers racket in Baltimore city, asserting it was difficult for the police "to curb this evil" when 100,000 or more persons per day were said to participate in it in Baltimore city.

Concerning the police, Mr. Cross' report said: "The grand jury feels that the Baltimore Police Department, under Colonel Ober, is making an honest effort to bring about order in the city. Reports have come to the jury that the Police Department is undermanned, not only as to patrolmen but in the supervising class, sergeants and lieutenants.

Survey Recommended

"We recommend that the Governor appoint a committee of impartial Baltimoreans to make a survey and report on this matter."

The jury report also recommended a special narcotics squad in the Police Department to give its entire time "to stamping out this most dangerous vice."

Dealing with the welfare frauds, which in several instances have recently run as high as $9,000, the report said:

"There were several cases of fraud practiced on the Department of Welfare brought before the jury. These were cases involving large sums and running over a period of several years.

Checkup System Lacking

"From information received, we feel that the Department of Welfare is lacking in a proper checkup system on their clients.

"The jury recommends that a study be made of the methods now employed by the Department of Welfare in making continued payments to their clients and that steps be taken that would correct any bad practices that now exist."

Mr. Cross' report referred to reports emanating from Washington last spring that Baltimore "is a hangout for racketeers engaged in various forms of vice" and pointed out that authorities denied any knowledge of unlawful conditions here.

NEWS-9-8

Jury Urges Banning Of Left Turns

Complete elimination of left hand turns for traffic in downtown business districts was recommended today by the retiring May Term Grand Jury's nuisance and sanitation committee.

In a report handed to Judge Michael A. Manley by Frederick J. Moreland, chairman of the committee, it was pointed out that movement of traffic would be expedited if the left-hand turn was barred downtown.

RECOMMENDS SIGNALS

The report also recommended installation of automatic traffic lights at Bellona and Belvedere avenues and at Pulaski highway and Monument street.

Reconsideration of the requirement for a left-hand turn by southbound traffic at Edmondson and Fulton avenues also was urged.

SUGGEST CO-OPERATION

The committee suggested "better traffic control and better pedestrian protection" at St. Paul and Lexington streets and urged that "an attitude of co-operation on the part of the police" should be substituted for "seemingly harsh police methods."

Air polution in certain industrial areas was discussed by the committee, which suggested semi-annual inspection of industrial plants as a means of reducing health dangers in areas near such plants.

The News and Observer 9/7/50 Raleigh, N. C.

On Fayetteville Request

Slick Baltimorean Held For N. C.

Baltimore, Sept. 6. —(AP)— Joseph Anthony Zack, 35-year-old Baltimorean who has been in and out of the hands of the law several times in the past six months, was arrested again today and this time one of the charges is attempted murder.

Detectives picked him up at his home today on a complaint from Fayetteville, N. C.

He was free on $10,000 at the time, awaiting trial at Lebanon, Pa., on charges that he helped pull a series of safe crackings.

Chief L. F. Worrell of the Fayetteville Police Department advised Baltimore authorities he is forwarding warrants charging Zack with robbery and attempted murder.

A few days ago, Worrell reported, a Fayetteville policeman approached Zack, who was idling on the street. Zack grabbed the officer's gun, Worrell said, at the same time pulling a weapon of his own from a shoulder holster. The policeman's gun was fired in the scuffle. The bullet went wild.

Pennsylvania police charge that Zack is a member of the interstate gang which got about $10,000 in half a dozen burglaries in Lebanon County in August, September and October of 1949.

He first was arrested last year a few days after police trapped two men burglarizing a feed mill at Elizabethtown, Pa. One was slain, the other wounded. Both were from Baltimore.

Zack fought for six months in Maryland courts to avoid extradition to Pennsylvania. He disappeared from the State capitol at Annapolis last Sept. 7 even as Governor William Preston Lane, Jr., was signing the papers. A search was started and Zack gave up voluntarily three days later.

He appealed to the State's highest court and on June 8 the extradition was upheld. He surrendered again on July 24 and posted $10,000 bail upon arraignment in Pennsylvania.

DAILY RECORD 9-8-50

Grand Jury Submits Report For The May Term, 1950

September 8, 1950.

Hon. Michael J. Manley, Judge,
Hon. W. Conwell Smith,
Chief Judge,
Hon. Joseph Sherbow, Judge,
Part 1, 2, 3 respectively
Criminal Court, Supreme
Bench, Baltimore City.

The Grand Jury has completed it's work for the May, 1950 term and begs to submit it's report.

The reports of the various committees are contained in the pages following. The Committees gave freely of their time in making inspections and were conscientious in making their recommendations and criticisms.

The following were the committees, together with their chairmen:

Penitentiary—Arthur E. Thain; Nuisance & Sanitation—Frederick J. Moreland; Liquor License—William J. Huber; Juvenile Delinquency—Daniel J. Moynihan; Hospital—Thomas E. England.

The Grand Jury feels that the Baltimore Police Department, under Col. Ober, is making an honest effort to bring about order in the City.

Reports have come to the Jury that the Police Department is undermanned, not only as to patrolmen, but in the supervising class, sergeants and lieutenants. We recommend that the Governor appoint a committee of impartial Baltimoreans to make a survey and report on this matter.

We also recommend that a narcotic squad be formed in the Police Department. The members of this squad to give their entire time to stamping out this most dangerous vice. Baltimore is one of the few large cities that does not have a narcotic squad.

We were favorably impressed with the colored policewomen. They presented their cases in an intelligent manner. Their work among the colored juveniles is highly commended.

We paid a visit to the Probation Department under the management of Mr. Charles F. Snyder, chief probation officer. We were impressed with the businesslike way in which this office is conducted. Thousands of cases of non-support, bastardy, alimony, etc. are handled by this office.

Lottery cases took up a good bit of our time, 100,000 players each day. This number was the most conservative estimate made by police engaged in the work of attempting to break up the racket. When such a large segment of our population is participating each day in this form of gambling one can readily see the tremendous task the police have in trying to curb this evil.

Captain Emerson and his squad together with some of the police in the various districts make arrest after arrest—the offenders are fined—a few go to jail, but the game goes on. No evidence was presented to us that would identify the backers, or real beneficiaries of the racket.

There were several cases of fraud practiced on the Department of Welfare brought before the Jury. These were cases involving large sums and running over a period of several years. From information received we feel that the Department of Welfare is lacking in a proper check-up system on their clients.

The Jury recommends that a study be made of the methods now employed by the Department of Welfare in making continued payments to their clients and that steps be taken that would correct any bad practices that now exist.

We strongly urge more frequent audits of the accounts of city and state institutions.

We wish to thank State's Attorney, J. Bernard Wells and his staff, particularly the Deputy State's Attorney, William H. Maynard, who gave us the benefit of his knowledge and ability. We wish to commend Mr. Morgan M. Buchner, Asst. State's Attorney, who handled so many of the domestic relations' cases that came before us.

Words cannot express our appreciation of the assistance and kindly cooperation given the Jury by Col. William Jerome Bracken, who is the clerk and stenographer appointed by the Court to serve the Grand Jury. Col. Bracken is a gentlemen of the old school and it is with real regret that our association with him has come to an end.

We wish to thank Judge Michael J. Manley for his kindly counsel, also the Judges of the Supreme Bench for their cooperation. I am expressing the feeling of our Jury when I say the people of Baltimore can feel proud of the men who dispense justice in our Courts.

During our term there appeared in the local newspapers reference to statements supposed to have been made by Washington Authorities to the effect that Baltimore is a hangout for racketeers engaged in various forms of Vice. The Authorities named were asked to come to Baltimore and appear before our body. Letters were received from the Authorities denying the statements attributed to them. Copies of the correspondence in this case are appended to our report as a matter of record.

ALFRED E. CROSS,
Foreman.

CRIMINAL COURT

Cases on Grand Jury Docket Acted on	2682
Cases on Special Docket Acted on	275
Total	2957
White	1707
Colored	1250
Total	2957
Number of Cases Indicted	2808
Number of Cases Dismissed	146
Reconsidered & Ignored	3
Total	2957
Classification Of Cases	
Abandonment	2
Adultery	1
Perverted Act	13
Deadly Weapon	98
Sodomy	20
Violation of Liquor Law	20
Lottery	530
Gambling	33
Prostitution	33
Murder	23
Manslaughter	3
Arson	4
Rape	48
Mayhem	2
Perjury	1
Abortion	4
Bigamy	4
Carnal Knowledge	12
Forgery and False Pretences	361
Fraud	15
Conspiracy	15
Assault and Assault and Robbery	377
Burglary	212
Pandering	8
Bet on Races	185
Bastardy	34
Non-Support	145
Embezzlement	12
Liquor Without License	12
Rec. Stolen Goods	12
Disorderly House	15
Violation of Drug Act	38
Incest	2
Miscellaneous	273
Larceny	390
Total	2957
Witnesses Before Grand Jury	4809

EVE-SUN 9-13-50

Special 'Homicide Bureau' Urged By Prosecutor

Specially trained police and prosecutors to operate as a modern "homicide bureau" are being urged for Baltimore by Alan H. Murrell, an assistant prosecutor on the staff of State's Attorney J. Bernard Wells.

Only through scientific police methods can Baltimore reduce what the prosecutor called a "tragic" murder rate, and increase the present scant ratio of convictions.

Statistics of 1949 killings, Mr. Murrell contends, show rare convictions for first-degree murder, and demonstrate that many apparently innocent persons are arrested and accused.

He cited Baltimore Criminal Justice Commission statistics to back his contention that Baltimore's "present method of handling homicides is ridiculously inadequate and bears no resemblance to even the elementary requirements of modern-day, scientific law enforcement."

Squad Efficient, Small

Baltimore, he asserts, "is the only city of comparable size in the United States wherein district police direct the handling of homicide cases."

Mr. Murrell declared that the present headquarters homicide squad is "an efficient group," but "woefully undermanned."

In addition, it is called into action only after other police first work on the cases, he said, and conflicts often develop among police officials.

"Its usual entrance into a case by request is hours after the district personnel have taken over at the scene and when the trail of evidence is as cold as the body of the victim," Mr. Murrell said.

"Anyone familiar with the 'who-dun-it's?' of stage and radio," he added, "knows of the basic instruction not to move anything until the body and the scene have been inspected by the medical examiner and the homicide squad.

Not So In Baltimore

"Not so in Baltimore.

"Bodies here are immediately removed from the scene when found, and none of our medical examiners sees the body of the **victim until it is received at the morgue, hours after the crime was committed."**

In New York, for instance, Mr. Murrell said, medical examiners are required to visit a homicide scene immediately, day or night. Photographic studies, background data, and such important details are obtained.

"The present tragic situation can and should be remedied," Mr. Murrell said, "by giving at once to the homicide squad exclusive and complete responsibility over all homicide cases.

"The increase in number of trained specialists in the squad would be negligible compared with the freeing of district officers for routine police activity. "It would enable the prosecutor's office to set up a special group of experienced homicide trial assistants who, instead of attempting to deal as now with various district police heads, would work in close conjunction with the chief of the homicide squad. This would form a team of skilled investigators on the scene from the moment the case breaks."

MORN-SUN-9/16

EX-JUDGE O'DUNNE SUPPORTS CARTER

Calls For Purging Supreme Bench Of Patronage

Former Judge Eugene O'Dunne last night called for a purging of "the Supreme Bench of patronage, which makes for politics."

In a televised address in the interest of Wilford L. Carter's re-election to the clerkship of the Criminal Court, Mr. O'Dunne declared:

"I have been at the bar for more than 50 years (including the twenty on the bench). I cannot recall a time when there was not one or more active politicians among its membership, intriguing over every appointment it had to make (with the exception of bailiffs, who are the judge's personal secretaries, and these are always left to his individual choice).

Carter On Same Program

Mr. Carter, primarily supported for re-election, as he was in winning his original term four years ago, by James H. Pollack, appeared on the program with the former jurist, and it was to him that Mr. O'Dunne addressed his remarks.

"I drove down this morning from the glorious country of Blue Ridge Summit, Pennsylvania," he said, "actuated by a sense of justice, a love of fair play and a hatred of what the great Dr. Johnson called 'political cant.'"

In obvious references to Supreme Bench objections to some of Mr. Carter's past appointments, Mr. O'Dunne said:

Wants Loyal Subordinates

"Having responsibility for the conduct of your office, it is but natural that you should want to make appointments of subordinates who owe loyalty to you, and not to some power, or political faction, perhaps even hostile to you. . . .

"The more patronage given the Bench, the greater becomes the tendency to make a political football of it."

Mr. O'Dunne inquired: "Is Lane to be repudiated because 'Jack' Pollack advocates him? Is Mahoney to be discarded because 'Uncle Willie' indorses him?"

"What candidate, running for any office, including membership on the Supreme Bench," he challenged, "will repudiate the support of either, and not seek that of both? If such there be, let him speak up now, or forever hold his peace."

The retired judge gave his version of the "so-called 'feud' started by the Bench (or by individual members thereof) against" Mr. Carter:

"According to such information as I have been able to collect in an honest search for the facts, and disregarding the main reason: ('Jack' sponsors him: 'Uncle Willie' exercises the veto), the blueprint specifications seem to be these:

Two Had "Criminal Records"

"Among his (Mr. Carter's) nominations to the bench for appointment in his office . . . were two persons 'who had criminal records,' and he wanted the resignation or dismissal of one held over . . . , who failed to keep proper books, but kept all the money in the safe, with no shortage in accounts."

One of the "criminal records" according to the former judge, was based on a fine of $150 imposed on one of Mr. Carter's nominees in Federal Court for possession of bootleg whisky in 1932.

"What judge," demanded Mr. O'Dunne, "on the then or present Supreme Bench (other than the saintly Eli Frank—who never tasted a drop of liquor in his life) can say, that during the era of prohibition' he was never, even once, in possession—in his stomach, cellar or elsewhere—of any bootleg whisky?"

"Better Than Present Stuff"

"What I drank," Mr. O'Dunne added parenthetically, "though I never bought any, was much better than most of the present blended stuff. I never got any from 'Jack' or from 'Uncle Willie' but from other members of the bar and later members of the bench."

Of William Curran—referred to as "Uncle Willie"—Mr. O'Dunne said: "I knew him only as a lawyer, and one of the first magnitude. It is said that he has a 'split [illegible] sonality'—one legal, [illegible] a dexter and a siniste[illegible] and a left hand approa[illegible] only the dexter, the leg[illegible] which one can always [illegible] per cent. That side will [illegible] you. The other against you [illegible] —as Senator Tydings would say: Blessed by 'Uncle Willie.'"

The ex-jurist noted the [illegible] of another prospective appointee of Mr. Carter's with a "criminal record." He was fined $1 for assault and striking and $5 for disorderly conduct.

Case Of One Of Wells's Aides

"As to 'assault and striking,'" said Mr. O'Dunne, "one of the present assistant State's attorneys is just fresh from the police station on a conviction of a serious assault. Was he fired or suspended? No. He was rewarded with 30 days' vacation on full pay (more than anyone in the office got).

"He was not a 'Jack' Pollack-sponsored nomination, but, according to public announcement of State's Attorney Wells, appointed at the personal solicitation of a member of the Supreme Bench, and functioning this week at the trial table in Criminal Court to prosecute assault and disturbing of the peace cases, and other violations of the law."

After urging votes for Mr. Carter, Mr. O'Dunne said that "for more than a generation, since the days of the beloved M[illegible] Soper as chief judge, the pr[illegible] the legal profession hav[illegible] ished the Utopian idea of [illegible]ing all the clerks' offices, and [illegible]tralizing them under one hea[illegible] that head, with all its patronage, selected and appointed by the Supreme Bench. . . .

"It would put the Bench in politics as the leading political club of Baltimore. I predict that its present political action in the Carter clerkship will kill that plan, as dead as Dodo, for generations to come."

Replying, Mr. Carter told of "progressive moves" made in the clerk's office during his incumbency.

"But Mr. Curran is not happy," he said. "And Uncle Wilie's boys in the courthouse are not happy. And the *Sunpapers* are most unhappy. Mr. Curran is so unhappy about the progressive moves made by the Clerk of the Criminal Court who looks to him for neither orders nor favors, that he has thrown what little influence he still possesses behind the candidacy of one James Arther."

MORN SUN 9/16

The Present Rate Of Fines Does Not Hurt Bookmakers

On Wednesday a man arraigned before Judge Michael J. Manley in the Criminal Court pleaded guilty to a charge of bookmaking—accepting bets on horse races. He was fined $1,000 and given a suspend[illegible] sentence of six months in prison. Super[illegible]ly, this looks like stiff punishment. Co[illegible]er, however, the man's background.

A month ago he was fined $1,000 in Anne Arundel county for bookmaking. Three years ago he faced a charge of bookmaking on three separate occasions. Each time he was fined $500.

It is readily apparent on the basis of this record that $500 and $1,000 fines, and even the cumulative effect of a series of such fines, do not deter bookmakers. This must mean that bookmaking is such a lucrative business that it can produce a comfortable profit even after it has met occasional overhead charges in the form of $500 and $1,000 fines.

In the case in court Wednesday, it was stated that $2,700 in bets was seized at the time of the raid resulting in the arrest. If that money had been bet at the regular race tracks, the State's initial cut would have been four per cent, or $108. In addition, the State would have taken the breakage, the odd pennies in each payoff. The race tracks meet similar State assessments each racing day—and remain in business. The bookmaker, on the other hand, pays the State only for the day on which he is caught and fined.

Some light would be shed on bookmaking profits if our judges were to double a bookmaker's fine each time he was convicted. With a starting fine of $1,000, the punishment would amount to $16,000 for a fifth-time offender. When a bookmaker did not come back we could guess that the profit had been taken out of his business, providing there had not been a breakdown in law enforcement in the meantime.

NEWS-9/25/50

Local News In Brief

Two robberies which netted the thieves $1.92 and a wrist watch today brought sentences of not more than 10 years in the State Reformatory from Judge Joseph Sherbow in Criminal Court. Sentenced were James T. Lucas, twenty-one, and Donald Sellers, nineteen. Both men are Negroes.

A holdup man who obtained 15 cents from a teen-age child on a playground after threatening the lad with a knife today was sentenced to not more than three years in the Reformatory by Judge Robert France in Criminal Court. Sentenced was Robert Barnes, seventeen, Coatesville, Pa.

Convicted in Criminal Court of passing bogus checks totalling $500, two men were sentenced to two years in the House of Correction by Judge Robert France today. They are Grady E. Hobby, thirty, 1600 block Eutok place, and Harold E. Martin, twenty-six, 2200 block Linden avenue.

Youth Sentenced In 15-Cent Theft

Robert Barnes, a 17-year-old Coatesville (Pa.) youth who came to Baltimore last May for the races, was sentenced to a term of not more than three years in the State Reformatory for a 15-cent robbery.

Barnes, about six weeks ago, had taken the 15 cents at the point of a knife from a 13-year-old boy on a city playground. Police said he was believed to have robbed a number of boys in like manner during his stay in Baltimore.

Judge Robert France in Criminal Court pronounced the indeterminate sentence on the conviction for armed robbery. Assistant State's Attorney Alan H. Murrell prosecuted.

MORN-SUN 9-26/50

Assistant State's Attorney Resigns

Alan H. Murrell yesterday became the second assistant State's Attorney within a week to resign from the Baltimore prosecuting staff.

Mr. Murrell, who has been an assistant for the last five years, tendered his resignation yesterday to J. Bernard Wells, State's Attorney. Mr. Murrell said he would leave the public position at the end of this week to resume the private practice of law, with offices in the Title Building.

William J. O'Donnell resigned from the prosecuting office last week, also to resume the private practice of law, but a few days later accepted a position in the office of the City Solicitor. Mr. O'Donnell was an unsuccessful candidate for the Democratic nomination for State's Attorney in the recent primary election, losing to Anselm Sodaro, veteran member of Mr. Wells's staff.

Mr. Murrell at one time was supported by certain groups for State's Attorney, but he declined to be a candidate.

MORN-SUN-9/14

DiAngelo Fined $1,000 As Bookie

Frank DiAngelo, 29-year-old bookmaker with an extended record of gambling convictions, yesterday was fined $1,000 and given a suspended six-month prison sentence after he pleaded guilty to accepting race bets in the 900 block North Luzerne avenue.

The punishment was imposed by Judge Michael J. Manley in Criminal Court. Saul A. Harris, assistant State's attorney, said race bets totaling more than $2,700 in play were seized by police during a raid on the Luzerne avenue premises last August 18.

Mr. Harris disclosed that DiAngelo last month was fined $1,000 in Anne Arundel county for bookmaking, and that in 1947 on three appearances in Criminal Court the defendant was fined $500 each time for bookmaking. There also had been an earlier gambling conviction, the prosecutor told Judge Manley.

MORN SUN-9/16

WIFE CAN BE CONVICTED OF THEFT, IS RULE

Judge So Holds In Case In Which Husband Said $39,621 Was Stolen

A wife in Maryland can be convicted of stealing from her husband, Chief Judge W. Conwell Smith ruled yesterday in Criminal Court.

Judge Smith handed down the decision in the case of Mrs. Audrey Delores Mohr, who is charged with the larceny or embezzlement of $39,621 from Carl R. Mohr, her husband.

She is accused of taking the money while working as cashier in her husband's former automobile business.

Judge Cites Act

Judge Smith, in denying Mrs. Mohr's special plea for dismissal of the charges on the grounds that under common law she cannot be charged with stealing from her husband, ruled that the common-law theory in Maryland has been altered by the Married Women's Act of 1898.

Agreeing with the position taken by Anselm Sodaro, first assistant State's attorney, and J. Harold Grady, also an assistant prosecutor, Judge Smith said:

"Freely to engage in business means freedom to act, but implies no immunity or freedom from responsibility for her acts. It would be absurd for a married woman to enjoy this privilege without obligation to answer for her actions civilly or criminally."

"Significant Change" Cited

"The significant change in the law accomplished by the Married Women's Act was that it authorized married women to engage in business as freely as if unmarried; and the significant fact alleged in the indictment in this case is that the accused committed the theft from Carl Mohr and Company while employed in the capacity of cashier.

"I do not believe it would be desirable to have the law as the accused contends in this case it is, in its application to her acts."

Earlier in the opinion, Judge Smith discussed changes in the common-law theory.

He concluded:

"There may be cases even today in which facts and circumstances would not overcome the presumption of consent by the husband to a taking of goods by the wife. But not all cases may be dismissed on the bare fact of marriage without hearing and examination of the facts."

EVE. SUN-9/14

Murphy Is Given 6-Month Term

Lawrence B. Murphy, 60, onetime Democratic political figure and a former candidate for election to the City Council, was sentenced today to six months in the House of Correction when he pleaded guilty in Criminal Court to embezzlement and forgery charges.

Chief Judge W. Conwell Smith refused a request for probation made by Ellis Levin, Murphy's attorney, on the ground that complete restitution, totaling $464, had been made.

Edwin A. Gehrig, assistant State's Attorney, said Murphy had a criminal record, which includes prosecution on a larceny charge prior to his political activities.

Given 18-Months Term

He was one of a group of candidates prosecuted for failure to file a political financial report, but was exonerated on that charge. Subsequent to the election case, however, he had been given an eighteen-month sentence for a series of forgeries.

Chief Judge Smith said the length of the new term was in view of the complete restitution.

Murphy's address was given as Essex, Md. He was arrested last July by Detective Lieutenant Leo Vogelsang on a charge of embezzling $200 from a bar-fixture company for which he was salesman and for forging a $264 check.

Murphy, it was stated, was married two days after his arrest.

MORN-SUN-9-15

Lawrence Murphy Given Six Months

Convicted of forging two checks, one in the name of a retired army chaplain who befriended him, Lawrence Murphy, 60, who was a candidate for the City Council in 1947, yesterday was sentenced to six months in the House of Correction.

Murphy, who gave an address on Waterview avenue, in Essex, also admitted that he embezzled the sum of $200 from his former employer, Ruse & Co., dealers in bar fixtures.

According to J. Harold Grady, prosecutor, Murphy collected $200 from a Baker street barkeeper for fixture installations, but pocketed the money and then forged a check in the tavenkeeper's name for that amount and turned it in to the employer.

Murphy also forged a check in the amount of $264 in the name of Col. H. D. Southard, of the 4400 block Underwood road, a retired chaplain. Mr. Grady said the former chaplain befriended Murphy after the defendant was released from a 1948 sentence of eighteen months for forgery.

Ellis Levin, counsel for Murphy, said full restitution had been made in the cases and asked probation for the defendant. Chief Judge W. Conwell Smith said he had considered the restitution aspect in imposing the six-months term.

EVE SUN 9/11

Davis, Yursik Head Juries

Francis A. Davis, 304 Somerset road, official of F. A. Davis & Sons, and Otto V. Yursik, 2408 Mayfield avenue, retired banker, today were named as respective foremen of the Federal grand jury and the Baltimore city grand jury for court terms covering the rest of this year.

Judge Michael J. Manley, delivering the charge to the State jurors which were formed before him and Chief Judge W. Conwell Smith and Judge Joseph Sherbow, told the panel that while the court had no investigation of subversive matters to refer to them, it was the jurors' duty "particularly at this time, to be extremely vigilant in matters of this general nature."

Judge Manley told the jurors that it was their "imperative duty" to investigate any such matters they might learn of personally.

Youth Court Stressed

The judge also called attention to the inception of the new Youth Court, ordered recently by the Supreme Bench to give special treatment to first offenders between the ages of 16 and 21. Judge Sherbow at present is handling that tribunal.

Federal Judge W. Calvin Chesnut, informing the Federal jury and naming Mr. Davis as foreman, designated Gideon H. Steffey, 2526 Wycliffe road, as deputy foreman.

Judge Manley named George T. Brian, Jr., as assistant foreman of the State jury.

Women were prominent on both juries—eleven on the State grand jury and eight on the Federal. The Federal jury also included a judge's wife and wives of two lawyers.

The first move to by-pass department heads to get increases in base pay was made by the firemen's union with a demand for a $600 salary boost for each member of the Fire Department.

On motion of the Mayor, the Board of Estimates several weeks ago approved a $300 raise for firemen and a similar boost for policemen. These two raises added more than $1,000,000 to the tentative budget.

NEWS-9/11

Judge W. C. Smith Announces New Tribunal

Establishment of a new "Youth Court," where all alleged criminals who are between sixteen and twenty-one years old will be tried, was announced today by Chief Judge W. Conwell Smith.

For the first four months, Judge Smith said, this court will be presided over by Judge Joseph Sherbow.

The chief judge explained that the "Youth Court" will form a new segment of Baltimore's criminal court system. Persons under sixteen are tried in Juvenile Court.

Heretofore, all over sixteen have been tried in the regular criminal courts.

NEW TECHNIQUES

Now, however, the "Youth Court" will apply new techniques to the trial of persons between sixteen and twenty-one, in an effort to reduce delinquency at these ages to prevent youngsters from continuing in crime.

The new court, said Judge Smith, will work in co-operation with the Probation Department and the State's Attorney's office.

It will have the services of a special staff of medical officers, whose appointment was recently authorized by the Board of Estimates.

SYSTEM EXPLAINED

Under the new system, when a youth is charged with crime the court will decide whether he should be imprisoned until trial or be released on his own recognizance. After trial the judge may make no finding as to guilt or innocence but release the defendant on probation. He may also sentence youths to institutions, after medical and probation officials have studied the youth's background and his mental and physical condition.

NEWS-9-19-50

Louis Azrael Says: GOV. LANE EXPLAINS DEATH CASE DELAY

By LOUIS AZRAEL

Below is a letter from Governor Lane.

Although it has nothing to do with the political campaign which ended yesterday, I am sure the Governor wanted me to publish it before election day. It was written last Friday, however, and did not reach me until yesterday, too late for publication until now . . .

"Dear Mr. Azrael:

"In your column of yesterday you said, in effect, that Richard Cox, who was convicted of the murder of a Druid Hill avenue grocer more than two years ago, is still waiting in the death house because I cannot make up my mind on whether the court's sentence should be carried out.

"The signing of a death warrant setting the day for an execution is a grim task under any circumstances. Everyone, I am sure, realize that this is a duty which imposes grave responsibilities and involves a decision which requires a detailed understanding of the testimony in the case.

"No stone must be left unturned to give the condemned the benefit of a fair and impartial judgment and, if necessary to do so, a hearing.

"I am sure that you, as a member of the bar, know this.

"I have read and reread the record of the Cox case. And now for the facts.

"Cox was convicted of murder and sentenced to hang in June, 1948.

"His case was taken to the Court of Appeals, which upheld the judgment of the lower court on March 10, 1949. As a lawyer, you are familiar with the proceedings of the Appellate Court and know that its mandate follows a decision by 30 days.

"The record in this case was not presented to me for at least 30 days after March 10, 1949.

"Subsequently, a lawyer not previously identified with the case instituted a plea for executive clemency. A hearing was arranged. The lawyer asserted that alibi witnesses, who had not testified at the trial, could be produced and, under oath, would testify that the condemned man was in their presence at the time of the commission of the murder.

"He was asked to bring forward these witnesses. He did so by affidavits.

"These affidavits were sent to the State Law Department for study. The Law Department then suggested that the witnesses' testimony should be taken as depositions, with opportunity for cross-examination.

"I authorized a representative of the Law Department and the State's Attorney's office to take the depositions. This was done. The depositions were studied in conjunction with the record of the trial.

"On July 31, 1950, I received from the Law Department its final report on the matter, which included an analysis of the depositions taken of the alibi witnesses in relation to the testimony taken at Cox's trial.

"It is on this that my decision must rest.

"This is an orderly, if extended, process. With his life at stake, however, the condemned man is entitled to no less.

Sincerely yours,
"WM. PRESTON LANE, JR.
"Governor."

TRUE, BUT . . .

I am glad, of course, to print Governor Lane's explanation. And needless to say, I agree with him entirely when he says that no death warrant should be signed without fullest, most careful investigation and consideration.

The fact remains, however, that the final court—the Court of Appeals—passed on this case more than 20 months ago.

The subsequent investigation didn't have to take nearly that long.

Twenty months is a long time to keep a man in the death house if he shouldn't be there.

And 20 months delay in administering justice is hardly the "speedy justice" which, as all authorities agree, is an important factor in reducing criminality.

EVE. SUN-9-21-50

Witnesses Probe Delays Execution 2 Years

Investigation and presentation of new witnesses attempting to show that a condemned man could not have been at the scene of the crime have been given as the reason for a two-year delay in carrying out a death sentence.

An aide to Governor Lane said the case of Richard Cox, 21-year-old Negro, had been under study since March 10, 1949, when the Court of Appeals affirmed his conviction in the slaying of William Richman, 26, in the 800 block of Druid Hill avenue May 12, 1948.

Referred To Attorney General

Julius P. Robinson, who was not counsel in the original case before Judge Herman M. Moser but who entered the case after the conviction, said today that three witnesses had been produced at the Governor's hearing who said that Cox at the time of the shooting was sitting in a near-by Biddle street restaurant. Mr. Robinson pointed out that these witnesses had not been heard at Cox's trial.

After hearing the witnesses, Mr. Robinson said, the Governor referred the case to the attorney general for the taking of depositions and crossexamination. The depositions were taken by Assistant Attorney General Harrison Winters, who submitted a report to the Governor last July 31, the aide said.

Cox said the police had beaten a confession out of him. He has a lengthy criminal record.

When he was sentenced by Judge Moser, he tried to break away from his jailors, shouting "I didn't kill nobody."

Since his sentence on August 27, 1948, Cox has been confined in the deathhouse at the Penitentiary.

Not Seeking A Pardon

Mr. Robinson said he was not seeking a pardon for the man, but was trying "to save his neck until we can find out what to do" to attempt to prove that the condemned man was not the slayer.

Cox was described by Dr. Jacob H. Conn, acting court psychiatrist, as a "legally responsible psychopathic personality."

Mr. Robinson pointed out that his investigation revealed Cox in company with some witnesses from the restaurant, approached a policeman shortly after the shooting to inquire what had happened. The name of this officer has never been brought to light, Mr. Robinson said.

Cites Lack Of Fingerprints

He also revealed that the rainspout up which the assailant was alleged to have climbed to his victim's second-floor apartment gave no trace of fingerprints, and police remarked that the dust was not even disturbed on the pipes.

Mr. Robinson added that the Federal Bureau of Investigation experts could not definitely determine if a gun found in Cox's home had fired the fatal shot.

Forger Gets 4 Years; Accused In 62 Cases

Four years imprisonment in the House of Correction today was ordered by Judge Joseph Sherbow in Criminal Court for Frank H. Barnheart, 24-year-old forger, who gave an address in the 1700 block North Chapel street.

Barnheart, a veteran of World War II was accused in 62 cases. Charles E. Orth, Jr., assistant state's attorney, told the court that about $2,100 was involved. The checks were issued between 1947 and 1949.

MORN-SUN 9-21-50

Man, 24, Gets 4 Years On Forgery Charges

Sentence of four years in the House of Correction was imposed yesterday on Frank H. Barnheart, 24, who was convicted of 62 charges of forgery or false pretense.

The sentence was imposed by Judge Joseph Sherbow in Criminal Court. Barnheart, who recently was returned to Maryland from West Virginia, passed the checks during 1947 and 1949 and obtained about $2,200, Charles E. Orth, Jr., prosecutor, told the court.

According to evidence, Barnheart stole the blank checks while he was working for a bank-note and stationery concern. Using a rented typewriter, he made the checks appear to be pay-roll checks of various large business firm and used a social-security card as identification, Mr. Orth said.

The defendant gave an address in the 1700 block North Chapel street.

EVE. SUN-9/25/50

Murrell Quits As Prosecutor

After five years' service as an assistant State's Attorney, Alan H. Murrell today resigned his post as aide to State's Attorney J. Bernard Wells. The resignation is effective October 1.

Mr. Murrell was appointed a member of the prosecutor's staff in 1945, succeeding Thomas N. Biddison, who is now City Solicitor. Prior to his appointment Mr. Murrell was with the Federal Office of Price Administration.

Mr. Murrell said he plans to return to the private practice of law. During his service as a prosecutor he has been critical at times of various city agencies and the Police Department.

EVE. SUN 9/26/50

3 Found Guilty Of Assaulting Policemen

Guilty verdicts for assaults on policemen brought fines totaling $350 and suspended jail sentences to the three men arrested in a Cross Street Market bookmaking raid last month.

The defendants, however, were acquitted by Judge Michael J. Manley in Criminal Court on the bookmaking charges brought against them by Police Captain Alexander Emerson.

Weighing the directly conflicting testimony as to whether the defendants or the policemen were aggressors in the fight that attracted a crowd of 1,000 spectators, Judge Manley returned the guilty verdicts and discarded the defense contentions that the police were the attackers.

Two Brothers Fined

Marcus Lanasa, fruit dealer at the market, was fined $150 and costs, and his brother, Joseph Lanasa, was fined $100 and costs on assault charges.

William Carroll Dadds, of the 1200 block Hanover street, a spectator who said he was seized and beaten when he merely inquired what was going on, also was fined $100 and costs. Judge Manley also pronounced 90-day jail sentences on each of the men, but suspended the sentences on payment of the fines and costs.

The men were accused of attacking Captain Emerson and Plainclothes Patrolmen Frank Diggins and William Camby. The defendants, represented by State Senator George W. Della, produced spectators who testified that they were not at fault.

Testimony before Judge Manley showed that a "uniformed policeman," off duty and from another police district, had been present in the market and did not help stop the fracas.

Fist Fight Described

"He didn't seem to want to intervene, and he didn't help us very much," testified Patrolman Camby. Both Camby and Patrolman Diggins testified that for a while there was "a regular fist fight back and forth" between the officers and the defendants.

Judge Manley said he decided the assault question on the matter of credibility of testimony. He ruled that the defendants were not guilty on the ground that race scratch sheets and other papers found in the raid on August 8 failed to show that anyone had made or accepted race bets. Saul A. Harris, assistant State's attorney, prosecuted the cases.

NEWS-9/26

Judge Grants Parole To Gelvar

Sentenced last June to two years in the Maryland Penitentiary after conviction of larceny of $2,131 from the city Tax Department, where he worked as a cashier, Samuel S. Gelvar, fifty-one, 200 block Penrose avenue, was released today and placed on probation.

Chief Judge W. Conwell Smith, who told Gelvar at the time he was sentenced last June 1 that he would consider probation after six months, brought Gelvar back before him today and declared he was suspending sentence and placing him on probation because of ill health.

Gelvar told the court at the time of his conviction that his mind went blank when he took the money, went from Baltimore to New York, to Chicago and then to Los Angeles, where he spent several weeks in a hospital. He then returned and surrendered himself to police.

MORN-SUN-9/2

EX-CITY CASHIER FREED FROM PEN

Samuel Gelvar's Health Is Cited As Factor In Release

Samuel W. Gelvar, 53, former cashier for the city of Baltimore, who contended he suffered a mental lapse when he left town with more than $2,100 in city funds last May, yesterday was released from the Penitentiary after serving about four months of a two-year term.

Poor health was cited by Chief Judge W. Conwell Smith in Criminal Court as the reason for the release. When Judge Smith sentenced Gelvar last June, he told the defendant he would consider releasing him after six months if his prison behavior proved satisfactory.

Gelvar, who lives in the 2000 block Penrose avenue, fled from the city last May 1 after taking $2,131.83 from a city till.

Traveled To Los Angeles

He took a train to New York city and from there traveled to Harrisburg, Chicago and Los Angeles.

While in the California city, Gelvar suffered a heart attack and spent two days in a hospital taking oxygen. After his release from the hospital, he returned to Baltimore via New Orleans and surrendered about $1,100 of the stolen money.

According to a report submitted to Judge Smith by Charles F. Snyder, chief probation officer, and Victor C. Bloede, assistant, Gelvar has been in the Penitentiary hospital almost since the first day of his incarceration. A heart condition prevented him from doing even light work, the probation men said.

EVE. SUN-9/28

Jack Hart Denied Parole Again

[From a Staff Correspondent]

Annapolis, Sept. 28—Jack Hart, notorious escapee from the Maryland Penitentiary, now serving life for murder in a pay-roll robbery, today was refused parole consideration in a hearing before Murray Benson, parole director.

Mr. Benson did not, however, "close the doors of the Penitentiary forever" on the 52-year-old convict who was considered by the police to be the brains of the William B. Norris holdup murder in 1922 at Madison street and Park avenue.

The parole director pointed out that Hart had come under his consideration about five years ago and he was refused parole at that time because of his segregation in the Penitentiary, which kept him from mingling with his fellow man.

Segregation Over

Mr. Benson said today that Hart had continually been segregated by Penitentiary authorities up until last Monday and, therefore, he was not going to recommend to the Governor that Hart be paroled until such time as the prisoner showed his attitude in the greater freedom of the prison.

Mr. Benson characterized Hart as "one of the smartest men that we have ever had in our prison." He said that the late Warden Grady had always had the greatest confidence in Hart's truthfulness and believed the man in 1944 when the prisoner promised that he would not escape even if the doors were left open.

Kennedy Pleads For Him

One person appeared to plead the Hart case. He was Ambrose J. Kennedy, Jr., son of the late Mr. Kennedy, of whom Mr. Benson said "one of the objectives of his life was to obtain justice for Jack Hart."

The parole director concluding the hearing by saying: "I want to see how he adjusts himself in the institution. I am glad that Mr. Kennedy's son has inherited the task his father took upon himself in showing an interest in this man. I hope Jack Hart does a good job out of segregation."

Five men were involved in the robbery of a $7,263 pay roll. Two of them have been released. One of them was stabbed to death shortly before his scheduled release, by another prisoner. A fourth was hanged for murdering a guard during an escape attempt. Hart is the only remaining member of the gang in prison.

MORN-SUN 9-29-50

Solter Is Named As Prosecutor

George D. Solter, 30-year-old son of former Judge George A. Solter, yesterday was named an assistant State's attorney to fill the vacancy created by the resignation of William J. O'Donnell.

The appointment of Mr. Solter by J. Bernard Wells, State's attorney, was disclosed after the appointment was approved by the judges of the Supreme Bench at a luncheon meeting yesterday.

A veteran, Mr. Solter is a graduate of the Gilman Country School and the Johns Hopkins University. He received his law education at the University of Maryland Law School.

EVE. SUN-9/29

Sherbow Chides Welfare Dept.

Citing hugh outlay of public money for support of families who actually should be supported by private earnings, Judge Joseph Sherbow today complained about the situation to the Department of Public Welfare in a letter dictated in open court.

The case, which he called "outrageous," involved the failure of Stuart Hall, 35-year-old Negro, to provide any support for nearly five years to his wife and family, who were content to stay on relief and not prosecute him.

Attended GI School

According to a report made to the judge in Criminal Court by Russell Frisby, Negro probation officer, Hall has been living at his mother's home in the 1300 block North Stricker street most of the time since he was separated from Mrs. Ethel Hall and their children in 1945.

Meanwhile, he has been working at a garage and parking lot after attending GI school when he was on a $105-a-month Government subsistence because of his so-called dependents.

Mrs. Hall had been on public assistance since the summer of 1947. For a year or more she had received $78 a month of city funds for the support of herself and her two children.

Judge Sherbow's letter to the Welfare Department said:

"I consider this an outrageous case. There is no question in my mind but that this wife has known where the husband lived and has been perfectly content to take the money from the Department of Public Welfare rather than to press for any criminal action against him.

"I think we ought to know from the Welfare Department why this man has not been arrested since 1947 for nonsuport and I think we should also know, since he was going to the GI school, why no check was made through the Vetern Administration to find out what was going on."

MORN-SUN-9/30

WAXTER REPLIES TO RELIEF CHARGE

Judge Sherbow Told Man Could Not Be Located

Thomas J. S. Waxter, head of the Department of Public Welfare, last night answered a question propounded by Judge Joseph Sherbow earlier in the day.

Dealing with the case of a man who had left his home three years ago and whose family has since been on relief, Judge Sherbow said he thought the public ought to know why the man had not been arrested earlier for nonsupport.

The answer, according to Mr. Waxter, is simply that the police couldn't locate the man to prosecute.

And, Mr. Waxter added, the woman involved had not been put on relief originally until the State's attorney's office had interviewed her and a warrant for her husband's arrest had been sworn out.

Family Deserted In 1945

Judge Sherbow's question came in an open letter dictated after he heard the case of Stuart Hall, 35-year-old Negro, charged with nonsupport of his wife, Mrs. Ethel Hall, and their two children.

Russell Frisby, a probation officer, reported to the judge in Criminal Court, that Hall had left his family in 1945 and that most of the time since he had been living at his mother's home, in the 1300 block of North Stricker street.

When Hall was located last summer he was working at a garage and parking lot and, besides this, was attending a GI school.

$105 Monthly As Student

As a student under the GI bill, he was drawing $105 a month—which the Government allows for subsistence for a veteran with dependents.

Judge Sherbow sentenced Hall to eighteen months in the House of Correction and in the letter dictated to the welfare department called the case "outrageous" and asked:

"I think we ought to know from the Welfare Department why this man has not been arrested for non support and I think we should also know—since he was going to the GI school—why no check was made through the Veterans Administration to find out what was going on."

Mr. Waxter said, first of all, that the records of the Veterans Administration are confidential and that, besides, the Department of Public Welfare had not known Hall was attending a GI school until he was picked up last July.

Missing Person Report Filed

Mrs. Hall, he said, had applied for relief in the Summer of 1947 and it had been granted after her case had been cleared with the State's Attorney's office and she had sworn out a warrant for her husband's arrest.

Mrs. Hall drew $78 a month relief part of the time, he said, but the all-over average was about $72 a month.

In 1948, Mr. Waxter said, the department had again questioned the husband's desertion and Mrs. Hall had filed a missing person's report and again had contacted the State's attorney's office.

Last July the welfare department was told where they could find Hall and he was brought in.

Deductions Were Continued

At that time, it was arranged by the department and the domestic relations bureau of the State's attorney's office that Hall should pay his wife $30 a month—and her relief grant was cut to $42.

Hall failed to pay, Mr. Waxter said, but nevertheless the $30 has been deducted from his wife's grant.

In August, the agencies concerned pressed for prosecution. Hall's appearance before Judge Sherbow yesterday was the result.

Welfare payments to families where the wife knows where the husband is but prefers the regularity of the grants to his spasmodic contributions have been under attack for some time by Judge Sherbow.

Stricter Enforcement Asked

Mr. Waxter said yesterday, "The judge has been extremely helpful in suggesting and devising ways of finding the voluntarily absconding husband."

However, he said, there ought to be sterner law enforcement all the way along the line. Mr. Waxter declared that, in terms of loss to the community, the deserting husband should be as much a "wanted" man as any other criminal.

"It may well be that a special agency equipped and staffed so they can go after these husbands should be established," he said.

Problem Is Nation-Wide

"The problem is nation-wide, as can be seen from the provision in the new social security law that before aid can be given in a desertion case the matter must be cleared with law-enforcement agencies."

No desertion case is added to the Baltimore welfare load, he said, until it has been cleared with the State's Attorney's office and until the wife has taken all legal steps available to set the law on her husband.

And cases are dropped, he said, wherever a reasonable suspicion exists that the wife knows where the husband is, but prefers that he not be located, he said.

EVE. SUN. 10/3

Judge's Memory Outdoes Records

Judge Michael J. Manley's memory today proved more accurate than Police Department records.

Sol Goodman, 1900 block Gwynns Falls parkway, appeared before him today in Criminal Court on numbers charges. Police records produced in Criminal Court showed that Goodman had no past criminal record. But Judge Manley's memory went to work. "Wait a minute," said the judge, as he sent his bailiff and law clerk into the 1940 court files.

Just as the judge remembered it, the appeal of Sol Goodman from a bookmaking fine was recorded in the records. The judge fined Goodman $250 and costs.

EVE SUN-10/2

Man Chooses 6-Month Term Over 1-Month, Goes Free

Chester C. Fowble, motorist convicted of driving after his license was revoked, today is free to return to his job as a result of choosing a six-month sentence instead of one-month one.

A 30-day sentence had been imposed in Traffic Court on the charge, but in affirming the conviction in Criminal Court, Judge Joseph Sherbow gave Fowble the choice of serving the 30 days or receiving a suspended six-month sentence on conditions that changed his status.

Seen By Policeman

The conditions are that Fowble promptly sell, by bona fide sale the station wagon he insisted on driving after revocation of license, and that he, in the future, neither own nor drive any automobile.

The 37-year-old man, who lives in the 3400 block Keswick road, had parked his car alongside the Northern Police Station last August 6 in the presence of Patrolmen Charles H. Kelly and Albert G. Spencer, who knew his license had been revoked because of a drunken driving charge, according to testimony produced by Charles E. Orth, Jr., assistant prosecutor.

Fowble had a past record. The record, as certified to the Court by Arthur H. Brice, commissioner of motor vehicles, is:

June 12, 1942—Reckless driving, $1 and costs.

September 26, 1949—Failing to stop at a stop sign, $5.00 and costs.

October 20, 1949—Exceeding 70 miles an hour, $100 and costs.

October 21, 1949—For above (in Traffic Court), license suspended 30 days.

November 19, 1949—License reissued.

May 16, 1950—Reckless driving, $5 and costs.

May 16, 1950—Operating under influence of liquor, $100 and costs.

May 16, 1950—Failing to keep right of center, not guilty.

June 28, 1950—Hearing, license revoked.

June 29, 1950—Financial responsibility filed.

August 7, 1950—Operating on revoked license, 30 days in jail.

New Youth Court Begins Session

With seventeen individuals set for trial, Baltimore's new "youth court" today opened under Judge Joseph Sherbow with the co-operation of groups of other court officials.

Probation officials, the State's Attorney's office, the medical service of the Supreme Bench and the Criminal Justice Commission all figure in the plan which the Supreme Bench has put into effect with assistance of city fiscal authorities and the city administration.

Taking the bench at the start of the new court's session, Judge Sherbow outlined its plan by saying:

"Today begins the operation of the first youth court to be held in the city of Baltimore. It is the result of a plan adopted by the Supreme Bench under which the criminal cases of all young persons in the age group from 16 through 20 years will be referred for trial to Part 3 of the Criminal Court.

"Special Procedure"

"Special procedures are being adopted to facilitate the handling of these cases; to avoid, when circumstances permit, the confinement of such young persons in jail while awaiting trial, and to utilize to the highest possible degree all available facilities of the medical service and the probation department of the Supreme Bench in providing the court with complete medical and social histories on these young offenders.

"We hope to make a greater use of 'probation without verdict' in order that some young offenders may not be stigmatized by a criminal record.

"When young people in this age group are placed on probation, every effort will be made to give them the most thorough and helpful probation supervision that is possible."

NEWS-10/2

George D. Solter, thirty, son of former Judge George A. Solter of the Supreme Bench of Baltimore City, today was sworn in as Assistant State's Attorney before Judges Michael J. Manley, W. Conwell Smith and Joseph Sherbow. He is a war veteran, married, with two children, and resides at 3406 University place.

The Youth Court, which will handle criminal cases involving youths sixteen to tweny years of age, went into session in Baltimore today. It is to be presided over by Judge Joseph Sherbow in Criminal Court Part 3.

MORN-SUN 10/3/50

'KNOCKOUT' GIVEN TO BOXING CAREER

Sherbow Paroles Fighter; Tells Him To Go To Work

Judge Joseph Sherbow yesterday delivered a knockout blow to the pugilistic career of John Iozzo, 21, when he told the boxer in Criminal Court that terms of probation included a ban on future fights.

"Iozzi, this is the end of your fight career," the judge told the pugilist.

"You get a job and don't let a manager support you. You work like other decent people. If you don't, you will be guilty of a violation of your parole and you will get three years in a reformatory," he said.

Immoral Relations

Iozzi and two other young men were convicted by Judge Sherbow of having immoral relations with a 13-year-old runaway girl. The judge sentenced each of the defendants to three years in the Reformatory for Males, but suspended the sentences and placed them on probation for three years.

Continuing his remarks to Iozzi, the judge asserted: "The end of your fight career is this minute. Not after your next fight, but as of this minute."

Two Other Defendants

The two other defendants were Gerardo Pierosaziv, 17, of the 7800 block Eastern avenue, and Pietro Collini, 23, of the 3500 block Mount Pleasant avenue. Court papers listed the 300 block South Macon street as the address of Iozzi.

According to William H. Maynard, deputy State's attorney, and George D. Solter, assistant prosecutor, Iozzi once was convicted of assaulting a policeman, who also had been a boxer at one time.

The court was told that Iozzi last fought in February in New York. It was disclosed that his manager had been subsidizing him for some time.

MORN-SUN-10/3

GRAND JURY TO GET GARRITY CHARGES

18-Year-Old Held In Bail In Fatal Street Stabbing

Nineteen youths faced a magistrate in Central Police Court yesterday for a hearing into charges growing out of a fight August 25 in which 19-year-old Merrill Dopkin, a City College graduate, was stabbed to death.

Police charged that Dopkin, who lived in the 2100 block of Mount Royal avenue, was killed by Elmer Garrity, 18, of the 1200 block of Union avenue.

The charge against Garrity was sent to the grand jury. He had been free in $5,000 bail and this bail was continued.

The other eighteen youths before Magistrate Harry S. Kruger were charged with disorderly conduct. Magistrate Kruger sent the charges against three of the eighteen to the grand jury also.

Counsel Calls It Self-Defense

Garrity's counsel told the court the defendant had been attacked and beaten and that he struck the fatal blow in self-defense.

Police testified that Dopkin and about ten other members of a so-called "Linden avenue gang" leaped out of two autos that pulled to the curb in the 100 block East North avenue and started a fight with Garrity and several of his friends.

Later in the hearing, a representative of the State's attorney's office said the evidence indicated the "burden of guilt" was on the group that had included Dopkin.

"They came looking for trouble," the representative, Edwin A. Gehring, an assistant State's attorney, said.

Magistrate Deplores Conditions

The disorderly-conduct charges that were sent to the grand jury were against three in the so-called Linden avenue group.

Garrity admitted in a statement that was read into the evidence that he had been drinking beer earlier the same night.

Magistrate Kruger deplored that teen-aged youths could obtain or be drinking beer or even be out so late at night. (The slaying occured about 12.05 A.M.)

Earlier Dispute Told Of

According to testimony at the hearing, two of Dopkin's friends and some of Garrity's friends were involved in an argument outside a restaurant at North and Charles about a half hour before the fight.

According to testimony by Capt. John B. Kenealy, who headed the investigation, blows might have been struck then if a policeman had not appeared on the scene. He said the two groups separated, but the pair from the "Linden avenue gang" mentioned coming back to "settle it."

Garrity joined his friends after this, according to the testimony, and was walking with them along North avenue when the two cars pulled up at the curb.

Defendant Describes Attack

Garrity said in his statement that he was knocked down and his ear was cut badly. He said he rose to his knees but someone in the other group was holding him by the hair and banging a knee into his face.

The defendant claimed he reached into a pocket and drew a knife, then slashed at the other youth's hands with it.

Garrity was asked if he saw "the boy who was striking you."

He said the only thing he saw was that the youth was wearing blue-suede shoes.

The knife penetrated directly to Dopkin's heart, according to an autopsy report submitted by Gehring.

The wounded youth staggered up to a car driven by one of his friends. He was taken to Maryland General Hospital where he was pronounced dead.

Knife Reported As Sea Scout's

The question arose as to where Garrity obtained a switch-blade knife. His counsel asserted Garrity's brother had borrowed it from a Sea Scout.

Magistrate Kruger said three things were clear from the evidence: that there was a fight, that Garrity had a knife in his hand and that Dopkin was fatally stabbed. The circumstances, he said, demanded that the case be sent to the grand jury.

MORN-SUN-10/5

WELFARE PAY ORDER DENIED

Wells Discusses Case Of Man Sentenced By Sherbow

J. Bernard Wells, State's attorney, yesterday denied that his office had given "clearance" for welfare payments to the wife of a man who worked for three years in the city and drew Veterans Administration dependency benefits while his family was on relief.

The man, Stuart Hall, 35-year-old Negro, was sentenced to eighteen months in the House of Correction by Judge Joseph Sherbow, who wrote the Department of Public Welfare that he considered the case "outrageous."

No Old Record Found

Mr. Wells, citing a reply by Thomas J. S. Waxter, head of the Welfare Department, that Mrs. Hall had not been put on relief until the State's attorney's office had interviewed her and a warrant had been sworn out for her husband's arrest, said his office "had no contact with this case whatever until August, 1950."

He said there was no record of the case in the Domestic Relations Department of his office until Mrs. Hall filed a complaint on August 24, resulting in the trial before Judge Sherbow.

Reporting that Mrs. Hall recently had been interviewed by his office, Mr. Wells said "she states she is very doubtful that she was ever in the State's attorney's office prior to August 24, 1950, when she filed the non-support complaint against her husband."

He quoted Mrs. Hall as saying that a reduction in her welfare payments after her husband was located was arranged at the office of the Welfare Department.

No Police Record

"We have checked with the Missing Persons Bureau," he said, "and are informed that after checking through their files from 1947 to 1950, they can find no record of a Stuart and Ethel Hall case.

"Likewise, the Northwestern Police Station informs us they have checked through all their warrants of 1947, and also through all their 'H' cards and find no warrant or record against Stuart Hall."

The statements "attributed to Mr. Waxter alleging 'clearance' (whatever that means) on the part of the State's attorney's office should not be allowed to go uncorrected," he added.

HEAVY DOCKET IN YOUTH COURT

Lack Of Security, Discipline Held Factors In Cases

Parental neglect, inadequate education and economic insecurity were evidently among the factors responsible for yesterday's heavy docket in Youth Court.

Youth Court—the Baltimore city criminal court for lawbreakers between the ages of 16 and 21—was set up by the Supreme Bench of Baltimore city in order to provide special treatment for redeemable, delinquent minors too old for juvenile court. It went into operation last Monday.

Court To Get Case Histories

Judge Joseph Sherbow, who presided over yesterday's session, announced at the beginning of the week that the new court would "utilize to the highest possible degree all available facilities of the medical service and the probation department. . . ."

Under the direction of Thomas P. MacCarthy, the deputy chief probation officer, probation officers were to furnish the court with detailed case histories of offenders, so that the court might know how tolerant it dare be with each of them.

Court To Appoint Lawyers

The first young men to be brought before Judge Sherbow yesterday were Charles ———, 17, and James ———, 20. Both were arraigned on several larceny charges. In addition, James was charged with rape.

Questioning them to discover whether they had the benefits of legal advice, Judge Sherbow asked Charles whether he had been in touch with his mother since he had been in jail.

Charles was having a little trouble with the toothpick he was chewing. Finally, however, he said "No."

"You could have sent her a card," suggested the Judge.

"They wouldn't give me no card in there," Charles replied.

James declared that his family couldn't afford a lawyer for his defense. Judge Sherbow said that the court would appoint lawyers and the young men were led away.

Robert ———, 17, arraigned on two charges of disturbing the peace, remained silent while an adult representing the boy's father told the court, "Nobody knows his case as well as I do" and offered to serve as the boy's counsel.

Judge Sherbow said that the court would appoint a lawyer for the defense and the boy was led away.

Case Histories Cited

Louis ———, 20, was arraigned for "carnally knowing" a girl, elected to be tried by Judge Sherbow and was turned over to the probation department for investigation.

Following another postponement because of the lack of a lawyer, the court considered the cases of James ———, 20, and William ———, 19, who were both charged with breaking and entering a tavern in the 1200 block of East Monument street and stealing articles including ten fifths of whisky, a pair of sunglasses and $1.04 in cash, all of which subsequently had been recovered by the owner.

In response to questioning by Judge Sherbow, James stated that in 1945 he had been sentenced to five years in the Reformatory for Males, had been released in 1946, had been fined $50 for a robbery that year and then had spent "two years 6 months and 21 days" in the Army.

Unemployed Since June

While in the Army, James said, he took a wife, who later left him. He has a child whom he has not been supporting, he admitted, because he "didn't know where to send the money to."

James had been treated in a hospital for an eye condition and had not held a job since June, he concluded.

Explaining their climb to the roof of the tavern, James's companion, William, said:

"Well, we were drinking a little bit at first. And, well, we winded up on the roof. . . ."

William looked puzzled when Judge Sherbow asked him about an earlier deadly weapon charge which caused William to serve time at Cheltenham. When Judge Sherbow persisted in reminding him, William said, "Yes, I believe I did have a knife."

Judge Sherbow told James and William that the court felt that the probation officers' reports showed that the youths needed security and discipline that apparently had not been offered in their homes.

Gets Indeterminate Sentence

"I am imposing an indeterminate sentence," Judge Sherbow said. "That means that you will go to the reformatory for a period not exceeding eighteen months . . . but that you may be released as soon as you prove that you are fit to re-enter society.

"You can work your way out."

The next two defendants were both named Richard; however, Richard L., who came of age last Sunday, was found to be the dominant member of the partnership in automobile larceny. Richard H., Judge Sherbow decided, was the follower.

They both wore jeans and open sport shirts. The elder, who had tattooed forearms, took the stand first.

He told the court that they had stolen the car from a city parking lot, "because I like to ride."

Collided With Auto

He told how they had been driving along the Falls road and had collided with an oncoming car whose headlights had blinded them. Damage to the other car had amounted to "about $150."

Arrested by Baltimore county police in Cockeysville, they had served 30-day sentences on traffic charges. Richard L. had also served a 30-day term for petty larceny and disorderly conduct, he said.

Judge Sherbow imposed a one-year reformatory sentence on the younger Richard and suspended it. He ordered the boy to get a job and make restitution in weekly payments for the damage done to the automobile.

MORN. SUN 10/5

4 Political Fights In Baltimore Seen By GOP In State Election

By ALBERT W. QUINN

Aside from the State-wide contests for general election preferences, at least four good inter-party battles, entirely within Baltimore city, appear in prospect, according to Republican observers.

They are:

Lester H. Crowther, Republican, vs. Anselm Sodaro, Democrat, for State's attorney.

Harry Skop, Republican, vs. Leroy W. Preston, Democrat, for the State Senate in the Fifth Legislative district.

James W. Miller, Republican, vs. George H. Fallon, Democrat, for the House of Representatives in the Fourth congressional district.

Edward N. Kowzan, Republican, vs. Wilford L. Carter, Democrat, for clerk of the Criminal Court.

Two Incumbents

Mr. Fallon and Mr. Carter are incumbents.

Publicly, of course, the GOP leaders concede nothing to the dominant Democrats in the city, but privately they admit that hopes exist in comparatively few instances—and that even those hopes, in some cases, are slim.

Logically enough, the best prospects for Republican success exist in contests where the nominees filed their own candidacies and paid their own filing fees instead of waiting for the free ride to the nomination through the filling out of the ticket by the Republican City Committee.

If there had not been at least some hope, it is reasoned, the candidates would not have taken the time or assumed the expense of filing.

Prospects Seen Poor

There were others besides Mr. Crowther, Mr. Skop, Mr. Miller and Mr. Kowzan among the Republicans who filed their own candidacies, but their prospects are considered poor in most instances because of a lack of Democratic enmity toward the Democratic nominees.

Meyer Gaertner filed for sheriff, for instance, against the incumbent, Joseph C. Deegan, but there is no sizable group of Democrats angry with Mr. Deegan, who had no primary opposition.

Mr. Crowther, taking advantage of Mr. Sodaro's bitter Democratic primary contest with William J. O'Donnell, started his campaign early as an unopposed candidate in the Republican primary.

Trained Investigators

Yesterday, in a followup on Alan H. Murrell's attack on local police procedure in murder cases, Mr. Crowther called for a specially trained staff of investigators in the Police Department and other specially trained investigators to work under the direction of the State's attorney.

"I shall fight for these reforms," Mr. Crowther promised.

Mr. Sodaro, his opponent, is the present senior assistant State's attorney. Mr. Murrell is a recently resigned assistant State's attorney.

Mr. Skop, candidate for the State Senate in the Fifth district, has taken up the cry of continuing the "independence of the Fifth" — which practically all of the Democratic candiates, including the successful Mr. Preston, used in the primary.

Queried On Pollack Help

Mr. Preston particularly attacked what he claimed were the efforts of James H. Pollack, Fourth district Democratic leader, to win control in the Fifth.

Now Mr. Skop is asking Mr. Preston if he will accept Mr. Pollack's support in the general election. He also is asking some of Mr. Preston's primary backers if they will continue to support him in the general if he has Pollack support.

Some of Mr. Skop's hope for success is based on the bitter four-way primary battle which the Democrats waged in the district. More of his hope, he said, is based on statistics which show a continually narrowing margin of Democratic victory in the district.

Diminishing Victories

He noted that in 1938 the Republican candidate lost by 11,653 votes; in 1942, by 7,950, and in 1946, by 5,840.

"The trend," he said, "shows that the Fifth district of Baltimore city is definitely going to go Republican."

Mr. Miller's main hope in the Fourth district congressional fight is based on his own door-to-door campaign and his early start as an unopposed Republican primary candidate.

He campaigns mainly against the Truman Fair Deal, and his main handicap is that Mr. Fallon, although a Democrat, is far from a Fair Dealer himself, politically speaking. Mr. Fallon, to a considerable conservative element of voters whose support Mr. Miller is seeking to an considerable extent, appeals to the same extent.

Cites Trouble With Bench

Mr. Kowzan sees his chance to win the Criminal Court clerkship in the disagreements between Mr. Carter and members of the Supreme Bench and in the strong primary opposition which was offered Mr. Carter, who had the support of Mr. Pollack.

Mr. Carter won the primary with only about 3,000 votes more than his closest opponent.

Mr. Crowther in his latest statement said Mr. Murrell showed that "Baltimore stood first in 1948 in the list of cities its size for the number of murders committed and last for the number of convictions; also that of 108 persons arrested for murder there was only one conviction of first-degree murder and two convictions of second-degree murder."

"Complete Breakdown"

"It thus appears," said Mr. Crowther, "that there has been a complete breakdown of the law-enforcement agencies of the city, at least as far as serious crime is concerned.

"The information . . . has been a fact of general knowledge among members of the legal profession, but unfortunately it has not been known to the general public, because heretofore no person in authority would speak out and disclose the condition."

Mr. Crowther charged the incumbent State's attorney and Mr. Sodaro, his assistant, with "a reprehensible breach of faith" in failing to inform the public of the conditions disclosed by Mr. Murrell.

Inefficiency Charged

"While the office of State's attorney is intended to be an office of prosecution, and not of persecution," he said, "nevertheless it cannot wink its eyes at a condition which permits murderers to escape conviction due to the inefficient administration of justice. . . .

"Our State's attorney's office has become lax and inefficient. For too many years, the same set-up has been operating. What we need is a real house-cleaning, and a new, fresh and vigorous approach to the matter of handling criminal prosecutions—unhampered by political manipulations."

EVE. SUN-10/5

Jury Calls Muth After Blast At Gambling

City Councilman William J. Muth, who has called for a Senate investigation of underworld influence on Baltimore elections and a probe of the city's gambling rackets, was ordered today to appear before the grand jury.

Muth said he received a summons shortly before noon today, directing him to be present in the grand-jury chambers at Criminal Court at 11.30 A.M. tomorrow.

Heard He'd Be Called

The councilman said yesterday he had heard reports that the grand jury was planning to summons him as a result of his recent statement that "the underworld is milking off the top of the cream of the earnings of Baltimoreans."

On Monday he filed a request with the Senate Investigating Committee for an immediate inquest into gambling and "kindred crimes" in Baltimore.

Muth told Senator Kefauver (D., Tenn.), chairman of the committee, that the recent arrest of a Baltimore vending machine operator in connection with a $2,000,000 international lottery racket climaxed recent developments which needed a full investigation.

Action On Request Deferred

The recent developments referred to include a murder over a numbers-racket payoff, Muth said.

A spokesman for Senator Kefauver said yesterday that action on the Muth request will not be taken until the Senate committee completes a probe of organized crime now under way in Chicago.

Muth, who is vice president of the City Council, said he welcomed the opportunity to appear before the Baltimore grand jury.

"I refuse to pose as a 'do-gooder,'" he added, "and I realize that we can never completely eradicate gambling. However, I feel that with energetic prosecution we can certainly take the profit out of it and keep in Baltimore the money now being taken from the city by gambling syndicates."

1947 Threat Recalled

In 1947 Muth received a death threat after he proposed in the City Council that license fees be increased for pinball machines and other gaming devices.

An anonymous telephone caller warned the Councilman that his body would be found "lying near the railroad tracks" if he did not abandon his gambling-tax proposal.

Duckett Reports On Ober Law

Several investigations, of individuals and of organizations, are now being conducted under the Ober Law, O. Bowie Duckett, special assistant attorney general charged with enforcing the law, said today.

In an informal progress report on his first half year in office, the Baltimore attorney appointed last April to administer the anti-subversives statute said that no cases have yet been presented to a grand jury. Probably none will be submitted before the November referendum on the Ober Law, he added.

"This office has, however, been quite busy," he said. Mr. Duckett executes his state duties from his law offices in the Munsey Building, devoting, he said, about half his time to private and half to public work.

For the field work in investigations, he has the assistance of two police sergeants, one from the Baltimore Police Department and one from the Maryland State Police.

"They are good men," he said. "One is a college graduate, and both have fine prior records of service."

If and when a case or cases are ready for jury action, he will forward them to the jury concerned. If an indictment is returned, the local State's attorney's office will probably handle the prosecution, he said.

No Witch Hunt

Meanwhile, Mr. Duckett shows no worry whether his job continues after election day. While taking little part in the pro and con arguments that have raged since passage of the law a year and a half ago, Mr. Duckett has publicly defended its procedures. He himself, on assuming office, readily signed the prescribed loyalty oath.

Last month he told the Grand Jurors Association of Baltimore City that the Ober Law had been followed by no witch hunting or Red-baiting, "and I don't think there will be any." Today he repeated this pledge.

"The law will not prevent teachers from giving a true picture of Russia, or interfere with the professional or intellectual freedom of librarians," he added.

Mr. Duckett, whose post pays $6,500 a year, must spend much time checking into the tips of people who prove to be cranks.

Man Gets 10 Years On Murder Charge

Wilbert Scott, 64-year-old Negro convicted of murder in the second degree, today was sentenced to ten years in prison by Chief Justice W. Conwell Smith in Criminal Court.

Scott, who lived in the 600 block Greenwillow street, fatally stabbed James Gibson, another Negro, last May 3 in a quarrel over room rent, following a drinking party.

MORN-SUN-10/6

NONSUPPORT CASE REOPENED

Welfare Head Indicates Discrepancy In Records

Thomas J. S. Waxter said yesterday the Department of Public Welfare is reinvestigating the case of a woman drawing a welfare grant while her husband, living in the city with his mother, was receiving a GI bill family subsistance allowance.

He also indicated a discrepancy in records existed.

Records of the Welfare Department show that the woman, Mrs. Ethel Hall, had been sent to the State's attorney's office in 1947 where she had taken legal steps against her deserting husband before she was given relief.

No Police Records

But J. Bernard Wells, State's attorney, said on Tuesday records at his office showed no interviews with Mrs. Hall prior to August, 1950.

Mr. Wells also said a check with the Missing Persons Bureau of the Police Department showed no record of the case nor did the Northwestern Police Station have any record of a nonsupport warrant issued against Mrs. Hall's husband, Stuart, in 1947.

The case first came to light when Hall was sentenced for nonsupport to eighteen months in the House of Correction by Judge Joseph Sherbow in Criminal Court last week.

Woman Not Interviewed

At that time, Judge Sherbow had dictated a letter in open court to the Welfare Department asking why the husband had not been tracked down between 1947 and 1950.

Mr. Waxter said yesterday that Mrs. Hall had not yet been interviewed about the matter by the Welfare Department and he added that he had, as yet, no explanation for the differences between his department's records and those of the State's attorney.

EVE. SUN-10/6

Nondriving Vow Made To Judge

A suspended sentence of 60 days in jail and a total of $35 in fines has been imposed in Criminal Court on Marvin Townsend, upon the man's promise to Chief Judge W. Conwell Smith that he would never operate an automobile again.

The nondriving promise was made for Townsend by Albert L. Sklar, defense lawyer, who urged the court to grant probation so Townsend, a married man with six children, could keep a new job and support his family.

Case An Appeal

Judge Smith permitted the fines to be paid on probationary terms. The case was an appeal from Traffic Court.

The penalties were imposed on charges of driving with revoked license, reckless driving and failing to obey an officer.

Assistant State's Attorney Charles E. Orth, Jr., dropped other charges of running through a red light and a stop sign.

Townsend, who lives in the 700 block West North avenue, had a traffic record beginning with an accident last April.

Court Record Cited

The official record, produced in court by Mr. Orth, says:

April 14, 1950—Accident report filed.

April 15, 1950—Operating under influence of liquor; $100 and costs.

April 15, 1950—Failing to keep right of center; $10 and costs.

April 15, 1950—Reckless driving; not guilty.

May 4, 1950—Hearing for above; license revoked.

June 6, 1950—Financial responsibility filed.

July 31, 1950—Driving with revoked license; $100 and costs.

July 31, 1950—Failing to obey an officer; $5 and costs.

July 31, 1950—Reckless driving; $5 and costs.

August 27, 1950—Financial responsibility canceled.

August 29, 1950—For above, license tags revoked.

MORN-SUN-10/7

Probation Given In Draft Case

John W. Hardin, 21, of the 400 block East Federal street, who said he deliberately sought a criminal record so he would be exempt from the draft, will know soon whether his scheme was successful.

Hardin, a Negro, was put under an eighteen-month suspended sentence and placed on probation yesterday on condition he report to his draft board to find out whether or not they still want him for military duty.

The defendant, according to testimony at his trial recently, admitted that he stole a motor vehicle and ran it into a pole so that he would get a criminal record and be draft-exempt. The vehicle was damaged to the extent of $713, according to Charles E. Orth, Jr., prosecutor.

Chief Judge W. Conwell Smith also required Hardin to make restitution of the $713, either through a military allotment from his army pay or through the probation department, in the event he is turned down by the draft board.

MORN-SUN 10-7-50

Cussin' A Roach Costly To Curtis

When police heard a voice emanating from a West Fayette street home saying, "I'll kill you," and the words were followed by a loud thud, it was Curtis Hurst speaking to and swatting at a "roach that crawled up the wall."

At least, that was Hurst's partial defense to a charge that he was acting disorderly in a house in the 1500 block West Fayette street on September 28.

Police also testified in Criminal Court yesterday that Hurst, who is 53, was using loud profanity that could be heard some distance away. Testimony before Chief Judge W. Conwell Smith was that Hurst kicked in the door of a neighboring apartment, turned over some furniture and threatened the woman occupant, Mrs. Hazel Adkins.

EVE. SUN-10/9

Murrell Defends Murder Statistics

Alan H. Murrell, former assistant States Attorney who told the Junior Association of Commerce last week that "you have a 108-1 chance of committing murder in Baltimore and getting away with it," said today he was using figures for both 1948 and 1949 in his talk.

Mr. Murrell amplified his remarks after his former superior, States Attorney J. Bernard Wells had remarked that the former crime figures for 1948 were "at variance with the truth."

"In 1949," Mr. Murrell said today, "out of 70 arrests for 80 murders in Baltimore city, there was only one first-degree conviction obtained."

Cited Report

Mr. Murrell said he got his facts from the report of the Baltimore Criminal Justice Commission, which—he said—gave the following breakdown:

In 1949 there were 80 murders, with 70 arrests made. Of these 70 cases, seven committed suicide and fourteen were dismissed in preliminary hearings in magistrates' courts.

The grand jury dismissed one more case, leaving 48 for trial.

Nine Not Tried

"Nine of these were not tried in 1949—why, I don't know," Mr. Murrell said. Of the 39 tried, eighteen were found not guilty of anything, sixteen were convicted of manslaughter, three were found guilty of murder in the second degree and one was convicted of assault.

"That," said Mr. Murrell, "left one conviction of murder in the first degree.

"The fourteen dismissed by magistrates, one by the grand jury and the eighteen found not guilty in court make 33 persons who were cleared of murder charges.

Question Arrests

"Now, did they arrest 33 innocent people? Or was the evidence insufficient enough to enable them to kill and get away with it?"

Mr. Wells, in releasing a letter he wrote to James M. Hepbron, executive vice president of the Criminal Justice Commission, pointed out that his records show a total of 210 "homicide matters" handled by his office during 1948.

116 Cases Mentioned

Of the total of 210 cases, according to his letter, 21 murder charges and 79 matters involving death through the negligent operation of vehicles were exonerated.

In addition, in nine murder cases and six manslaughter cases the perpetrators never were caught.

NEWS-10-10-

Quiz Two In Medium's Murder

Two men were being questioned by detectives at Police Headquarters today in a sudden reopening of the investigation into the mystery murder of Mrs. Emma Kefalos, Fleet street spiritualist and medium, on August 8, 1949.

The police said, however, that an anonymous letter received at headquarters last Friday, in which the writer claimed a man had "confessed" murdering Mrs. Kefalos because she had "put a curse" upon him, had been discarded as worthless.

FOUND STRANGLED

Mrs. Kefalos, sixty, was found strangled with an electric cord in her small apartment, surrounded by love potions, dream books and other appurtenances of her bizarre trade.

One of the men questioned today had arrived back in the United States from Greece yesterday.

Detective Capt. Henry J. Kriss emphasized that the man is not a suspect in the murder but was being quizzed in the hope he might supply clues which would lead to the arrest of the medium's slayer.

Information he gave police was said to have led detectives to hurry out of headquarters and pick up the second man, whose identity was not revealed. He was under questioning by the police.

WAS COOK HERE

According to police, the first man was a cook in a Baltimore restaurant at the time Mrs. Kefalos was slain. He left Baltimore in October, 1949, about two months after the murder.

The police, learning he had returned to Greece, sought to have the State Department request the Greek Government to return him to the United States for questioning under international extradition proceedings. This move was unsuccessful.

However, Baltimore authorities were informed two weeks ago that the man had left the Greek port of Piraeus aboard the steamer Nea Hellas. The ship arrived yesterday at Hoboken, N. J.

QUESTIONED THERE

U. S. Immigration authorities and Hoboken police questioned the man, and Baltimore Detectives John Grunden and Joseph Mahrer of the homicide squad went to Hoboken to interview the man. He agreed to come to Baltimore for extended questioning.

Questioning in Baltimore disclosed, the police said, that the man had gone to Greece to be married, and now has returned to the United States in order to earn enough money to bring his bride here.

ONE OF MANY

The mystery letter, which police said was but one of many they had received giving "clues" in the Kafalos case, bore no signature but apparently was from a woman living somewhere in West Fayette street. The writer said a man had informed her he killed Mrs. Kefalos in revenge for her supposed action in putting a "hex" upon him.

Police said the letter did not contain the man's name.

EVE. SUN-10/10

Greek Quizzed In Medium's Murder

The unsolved murder of Mrs. Emma Kefalos, Fleet street medium, warmed up today when a 51-year-old Greek cook, at one time ranked as prime suspect in the case, was finally brought back to Baltimore for interrogation.

Capt. Henry J. Kriss, captain of detectives, declined to say the man was still a suspect, however. The captain said only that the man had been "sought for investigation."

Mrs. Kefalos was found bound hand and foot and strangled in her flat fourteen months ago. Robbery was discounted as a motive—the murderer took nothing—but a voodoo charm, the figure of a man hanging upside down in a bottle, was one of the many tokens of her trade found near the medium's body.

After talking to more than 50 people, detectives spoke briefly of trying to extradite from Greece a cook who had sailed for Athens 2½ months after the slaying. The report died.

Man Appears Voluntarily

The man, however, heard that policemen wanted to question him, and his appearance at police headquarters today was his idea.

Yesterday, when the Nea Hellas, of Greece, arrived in Hoboken, N.J., Sergeants John Grunder and Joseph Mahrer were there to meet her. They arrived in Baltimore this morning at 7 o'clock with the seaman, who formerly worked in a number of lunchrooms here as cook.

Last year's search for him followed a tip to Inspector Joseph Itzel and Sergt. Theodore R. Maxwell from a woman who later reported her life was threatened.

Threat Reported

The woman said she received a mysterious telephone call from a man with a Greek accent who told her she had been talking too much and that she had "better keep quiet" or she wouldn't be able to talk at all.

The man under questioning told officers he wanted "to be sure you fellows bring me back to New York." Because his appearance was voluntary, no extradition papers were necessary.

The man told police that he returned to the United States to find work here and save enough money to bring to this country the woman he recently married in Greece.

EVE. SUN-10/11

Greek Cook Freed In Medium's Death

Apparently cleared of any connection with the unsolved murder of Mrs. Emma A. Kefalos, East Baltimore medium, more than fourteen months ago, a 51-year-old Greek cook has been released from police custody.

The man was turned loose last night after an all-day questioning by detectives and Charles E. Orth, Jr., assistant State's attorney.

During the day police confronted the man with another Greek who was allegedly overheard discussing the slaying with the cook in the basement of a Northwest Baltimore house.

The cook denied to police that such a conversation took place, or that he was in the house at the time of the alleged conversation, which was reported to authorities by the wife of the second Greek.

Greek Left Country

He left the country two and a half months after the medium was found bound hand and foot and strangled with an electric cord in her apartment over a restaurant in the 2000 block of Fleet street on August 8, 1949.

The cook told police he went to Greece to be married, and returned to the United States to "make some money," so he could send for his bride. When the ship arrived at Hoboken, N.J., Tuesday, he was met by two Baltimore detectives, and agreed to return here voluntarily for further interrogation. The cook said he would remain available for any additional questioning by police.

EVE. SUN-10/11

Couple Sentenced In Fraud Cases

Flimflam charges cost Bleeker Perdue and his wife, Marie Perdue, prison terms today as a result of two frauds on West Baltimore Negroes last August.

The Negro couple was charged in both cases, but while each admitted guilt on separate matters, they denied mutual complicity. Consequently, the man was sentenced in one case, the woman in another.

Chief Judge W. Conwell Smith in Criminal Court sentenced Perdue to nine months in the House of Correction after William H. Maynard, deputy State's attorney, had said Perdue had a record for fraud, narcotics and other offenses dating back to 1920.

A six-month sentence to the Women's Reformatory was imposed on Mrs. Perdue, whose record in other states listed her as both a "pigeon dropper" and "pocketbook dropper." The couple had been brought back from New York city by Detective Lieutenant Henry Sherry.

NEWS-10/12

Willie Adams Retrial Asked By State

ANNAPOLIS, Md., Oct. 12 — (AP)—The State asked today for another chance to convict William ("Little Willie") Adams, Baltimore Negro political figure, of gambling charges.

Adams, who was acquitted of all six charges filed after police raided a numbers racket headquarters last November, insisted that would be trying him twice for the same crime.

It would amount to double jeopardy and be unconstitutional, Adams' lawyers told the Court of Appeals.

Attorney-General Hall Hammond and Baltimore State's Attorney J. Bernard Wells took the case to Maryland's high court.

It hinged on the validity of a search warrant with which a police vice squad stormed a two-story brick building in the 2000 block West North avenue last November 19.

EVE. SUN-10/12

State Argues For Retrial Of Acquitted 'Little Willie'

Annapolis, Oct. 12 (AP) — The State asked today for another chance to convict William (Little Willie) Adams, Baltimore Negro political figure, of gambling charges.

Adams, who was acquitted of all six charges filed after police raided an alleged numbers-racket headquarters last November, insisted that would be trying him twice for the same crime.

It would amount to double jeopardy and be unconstitutional, Adams's lawyers told the Court of Appeals.

Attorney General Hall Hammond and Baltimore State's Attorney J. Bernard Wells took the case to Maryland's high court.

It hinged on the validity of a search warrant with which a police vice squad stormed a two-story brick building in the 2000 block of West North avenue last November 19. It also involved a prosecutor's right to protest trial-court decisions under rules published less than a year ago by the Court of Appeals.

Judge Michael J. Manley, who cleared Adams in Baltimore Criminal Court, had urged the State to test his ruling.

Manley had declared the search warrant was too vague and general to be constitutional. In effect, he approved a defense motion to dismiss six indictments against Adams.

But he ruled after hearing testimony on the raid, in which seventeen persons besides Adams were arrested. Sixteen pleaded guilty and were fined up to $2,450 apiece—the stiffest Baltimore numbers-racket penalties dealt out in many months.

$43,284 Play Indicated

Police had discovered the others surrounded by adding machines, lottery tickets and locked strongboxes. Capt. Alexander Emerson said numbers slips indicated a $43,284 play.

Adams was arrested more than an hour later when he rang the front door bell.

With the search warrant stricken, Manley ruled evidence against Adams was illegal. He found Adams "not guilty" on each charge.

"That verdict terminates this case because (Adams) had been placed in jeopardy and if the facts of the case had warranted it, the court could have found (him) guilty," Adams's lawyers contended.

The State said Manley had agreed to hear testimony in order to consider the defense motion to toss out the indictments. His decision was simply on a question of law, argued Assistant tAtorney General Kenneth C. Proctor.

MORN-SUN-10/13

State Seeks New Trial For Adams

Annapolis, Oct. 12 (AP)—The State asked today for another chance to convict William Adams Baltimore Negro political figure known as Little Willie, of gambling charges.

Adams, who was acquitted of all six charges filed after police raided an alleged numbers racket headquarters last November, insisted that would be trying him twice for the same crime.

It would amount to double jeopardy and be unconstitutional, Adams's lawyers told the Court of Appeals.

Hall Hammond, attorney general, and J. Bernard Wells, Baltimore State's attorney, took the case to Maryland's high court.

It hinged on the validity of a search warrant with which a police vice squad stormed a two-story brick building in the 2000 West North avenue last November 19. It also involved a prosecutor's right to protest trial court decisions under rules published less than a year ago by the Court of Appeals.

MORN-SUN-10/18

State Employe Accused Of Theft

Charles H. Parrish, veteran employé of the State Roads Commission, yesterday was accused in a special presentment returned by the grand jury of stealing $800 from the State of Maryland. Bail was set at $1,500.

Parrish, who lives in the 1600 block Longwood street, was described as a cashier handling funds from the operations of the State-operated ferries. The date of the alleged theft was fixed as October 11, 1950.

The presentment was returned after Daniel L. Clayland 3d, State auditor; Michael J. Potthast, deputy auditor, and William A. Codd, chief auditor of the State Roads Commission, appeared before the investigating body. William H. Maynard and Anselm Sodaro prepared the case for presentment to the grand jury.

NEWS-10/11

4-Year Sentence Given Lenoir In Extortion

Sentences totaling four years in the Maryland House of Correction were imposed today in Criminal Court on Joseph G. Lenoir, twenty-six-year-old produce dealer and law student, convicted last June on two charges of attempting extortion of $13,000.

In one case Lenoir was convicted of attempting to extort $10,000 from Miss Anne E. Adams, nurse, and Miss Nessie E. Nelson, secretary, both in the office of Dr. George L. Timanus, 1300 block Maryland avenue.

The second charge was that of attempting to evtort $3,000 from Howard E. Camm, 1300 block North View road.

Lenoir also was fined $25 and costs on a charge af assaulting Detective Herbert P. Warren when he was arrested on Customs House avenue at a pre-arranged meeting at which the $10,000 was to be delivered by Dr. Timanus' employees.

MORN-SUN 10/12/50

4 SENTENCED IN 4 HOLDUPS

2 Given 40-Year Terms, Others Draw 35 And 15 Years

Two men yesterday were sentenced to prison terms of 40 years each and two others were given terms of 35 and 15 years, respectively, after they were convicted of participating in day-time, armed holdups of downtown loan offices.

The sentences were imposed in Criminal Court by Judge Joseph Sherbow, who declared that this "community will not countenance big-time, gangster-style holdups." The judge asserted he would impose punishment that is "severe and sure."

Three of the four men sentenced yesterday admitted that they are dope addicts. They blamed their criminal tendencies on the drug use. All of the defendants are Negroes.

Defendants And Terms

The defendants and the terms they received are:

JOSEPH L. SHIELDS, 28, of the 1600 block Madison avenue: 40 years.

JAMES D. BANKS, 23, of the 1200 block Madison avenue: 40 years.

VERNON LIGHTFOOT, 19, of the 300 block East Twenty-third street: 35 years.

WILLIAM H. POWERS, 19, of the 300 block East Twenty-third street: 15 years.

Judge Sherbow temporarily deferred imposition of sentence on Barton Dorsey, 28, of the 1900 block Madison avenue, who was convicted of one robbery charge and two charges of larceny. A sixth man accused of taking part in one of the robberies prayed a jury trial, and the hearing was postponed.

One Place Robbed Twice

Banks, Shields and Lightfoot were convicted of participating in the holdup of the Trustco Loan Company of Baltimore, in the 200 block North Liberty street, at about noon last June 24. A total of $698.25 was taken in the robbery, according to Charles E. Orth, Jr., assistant State's attorney.

Eighteen days later, Mr. Orth disclosed Banks and Lightfoot again held up the Trustco Loan offices, taking $1,396.25 on the second occasion.

On August 10, Shields, Lightfoot, Banks and Powers entered the offices of the Ayares Loan Company, in the 600 block North Howard street, and took $3.360.45, the court was informed. The defendants, in statements to police, contended they took only about $1,500 in this robbery.

The final robbery occurred on August 19, when Dorsey, Shields and a third man entered the offices of the Friendly Finance Corporation, in the first block East Centre street, and stole $818.59.

Police Are Commended

Mr. Orth disclosed that Shields, Powers and Lightfoot had prior criminal records, and that Banks, Shields and Lightfoot are users of heroin and other narcotics.

Judge Sherbow, before imposing sentences, publicly commended police for their work in the cases. He said the police "deserve the commendation of the people of this city for what I consider very excellent police work."

The evidence disclosed that the case "broke" after Patrolmen Edwin Wilson and Herbert E. Airey arrested Dorsey in a stolen automobile used in one of the robberies. The investigation then was conducted under the direction of Detective Lieutenants Allen Crone and Lawrence Cooper, Detective Sergeant James Butler and Detective Patrolman Lloyd Johnson.

EVE. SUN-10-19-50

Had Savings, Old Car While On Relief, Woman Admits

A oman who drew relief benefits while she had a savings account and a 1939 Cadillac automobile today was placed under arrest to await grand jury action when she appeared before Judge Joseph Sherbow in Criminal Court to prosecute her husband regarding support payments.

The woman, Mrs. Olivia Jackson, Negro, of the 200 block North Exeter street, admitted to the judge she had failed to tell welfare officials about her assets.

Husband Convicted

James Henry Jackson, her husband, now employed at $40 a week, was found guilty on a charge of violating his probation terms by failing to make regular payments to support his wife and their four children.

"You're guilty of violating probation," said Judge Sherbow, "but we'd rather have you in your $40-a-week job than in the House of Correction. Probation is continued, but you must pay $20 a week."

Arrangements were made, with the man's consent, for his employer to deduct the family payments from his pay envelope. Judge Sherbow turned Mrs. Jackson over to deputy sheriffs and directed the State's Attorney's office to submit the case to the grand jury as soon as possible.

Deposits Shown In Book

From a bankbook, made out in the names of Mrs. Jackson and her mother, Judge Sherbow noted that deposits of as much as $90 at a time had been made during the period that the woman was drawing Department of Public Welfare relief totaling $110 a month.

Nearly $700 had been paid last June for the Cadillac. Mrs. Jackson admitted she failed to tell about the car when she made her last relief application early this month and received a $25 emergency payment to provide food for her children, ranging from 6 months to 5 years old.

EVE. SUN 10-19-50

Month-Old Baby Beaten, Killed By Children

A month-old baby boy, taken from his bed while his mother was at the corner grocery store, was bludgeoned to death last night by neighborhood children, Northern district police reported today.

The tragedy occurred in a Negro community in the 100 block of West Twenty-third street. Because of the youth of the children, Northern district policemen are consulting with the State's attorney's office before filing charges.

Investigating officers told this story:

Mrs. Ernestine Carmichael left her infant son, Odell, Jr., in bed at 6 o'clock and went to the store. When she left, she noticed that three boys, one 5 years old and two 6, were playing in her back yard.

Entered Baby's Room

As soon as Mrs. Carmichael was out of sight, the three little boys went into the house and entered the room where the infant slept.

The baby began to cry.

One of the 6-year-old boys, according to police, picked up a nursing bottle and struck at the baby's face, hitting it in the nose. Still the infant wept.

Then, one of the boys lifted the baby from the bed. The boy's hands slipped suddenly. The baby fell to the floor. The children picked up the baby and tossed it back in the crib, according to the police.

Fifteen minutes later, when Mrs. Carmichael returned, she found her child lying there, bleeding from the head.

She picked him up, ran out into the street, hailed a taxi and went directly to University Hospital. At 9.15 P.M. the baby was pronounced dead.

MORN-SUN 10-20-50

PHONE CALL RULED OUT IN BET TRIAL

Judge Says Evidence Indicates Wire Tapping Possibility

Judge Michael J. Manley ruled the evidence in a Criminal Court case yesterday indicated the possibility of wire tapping by police and dismissed a man accused of being a bookmaker.

The judge ruled that a member of the police vice squad, by wire tapping or otherwise, heard a conversation a bettor had with the alleged bookmaker.

Told Of Phoning Bet

He threw out bookmaking charges against Clarence T. Lee, 49, of the 7700 block Old Harford road, and acquitted Lee also on an additional numbers charge.

Patrolman Frank Diggins, of the vice squad, had told of phoning a bet to Lee and having a telephone conversation with Lee at the same time.

Diggins's information was the basis for a search warrant for premises in the 200 block East Twenty-second street. The warrant gave police authority to make the raid in which Lee was arrested.

After hearing the defense, Judge Manley ruled there was evidence Diggins merely overheard the conversation with Lee.

Concluding the conversation did not take place as stated at the time the warrant was obtained, the judge declared "justice and fairness" required that he protect the rights of the defendant.

"The verdict is not guilty," he then said.

Defense Witness Produced

George Bailey, of the 3600 block of Ash street, was produced as a defense witness by R. Palmer Ingram, counsel for Lee. Bailey testified that the conversation Patrolman Diggins recited was identical to one he had with Lee, on the same day and at the same time.

Both the patrolman and Bailey also testified that during the conversation, they placed a bet on a horse named Reno Untried. Both also said they bet "one first and one second." During the raid last September 21, only one such bet was found, testimony disclosed.

Judge Manley said it "was quite a coincidence that George Bailey made the call over the phone at the same time Officer Diggins said he made the phone call."

Cites Emerson Instructions

The judge said it also was a coincidence that the officer should give the name of "George" in making the call. The patrolman testified during the trial that he was instructed by Capt. Alexander Emerson, head of the vice squad, to use the name George.

Judge Manley pointed out that the captain had been unable to recall the instructions given to Diggins.

Morn-Sun 10-24-50

PATROLMAN FACES CHARGE

Jury Accuses Member Of Vice Squad Of Assault

Patrolman Frank Diggins, a member of the police vice squad, yesterday was presented by the grand jury on a charge of assaulting and choking Harry Miller last week.

According to testimony at a police court, Patrolman Diggins and another member of the vice squad, Patrolman Charles Stefan, became embroiled in an argument with Miller after the latter gloated over the fact that Patrolman Stefan had received a traffic ticket for illegal parking.

"Disgraceful Performance"

Magistrate James R. Cadden, of the Central Police Court, described the actions of Patrolman Diggins as "another disgraceful performance by members of the police squad" and dismissed assault and disorderly conduct charges placed by police against Miller.

The trouble started when Patrolman Stefan parked his automobile in a driveway in the 900 block East Lexington street. Miller objected to the car being parked there because the driveway is used by his company.

Thought It Was Holdup

When the car owner returned in the evening, along with Patrolman Diggins, there was a traffic ticket on the car and Miller was standing near by, according to testimony in the Police Court.

"I told you you'd get a ticket," Miller was quoted as saying to the two plainclothes policemen. "Lock me up if you don't like it."

The two vice-squad members, their tempers fired, then attempted to take Miller into custody when Patrolman John H. McAllister, veteran policeman, came upon the scene. Patrolman McAllister, not recognizing the two fellow officers, mistook the affray for an attempted holdup of Miller.

NEWS 10/24

Robert P. Cassidy, thirty-nine, New York, who pleaded guilty as the armed bandit who held up and robbed a Sheraton Belvedere Hotel clerk of $75 on October 4, was sentenced to 20 years in the Maryland Penitentiary in Criminal Court today. Assistant State's Attorney Anselm Sodaro told Chief Judge W. Conwell Smith that Cassidy has a long previous record in New York.

A two-year penitentiary sentence and a maximum fine of $1,000 were imposed in Criminal Court today on Levi Acion, fifty-five, convicted of conspiracy to violate Maryland narcotic laws. Judge Michael J. Manley set bail at $10,000.

James A. Parks, twenty-one, 700 block South Hanover street, was sentenced to one year in the Maryland House of Correction upon conviction in Criminal Court today on a charge of possession of narcotics and a hyperdermic needle.

Morn. Sun-10/25

SODARO-POLLACK ALLIANCE CHARGED

Crowther Says Opponent Made Pact With District Leader

Lester H. Crowther, Republican candidate for State's attorney of Baltimore, last night accused Anselm Sodaro, his Democratic opponent, of having made a political alliance with James H. Pollack, Fourth district leader.

And he sent Mr. Sodaro a night letter challenging him to use his office to investigate charge of fraudulent voters registration in Mr. Pollack's home precinct.

Alliance Alleged

Mr. Crowther's telegram to his opponent stated that Mr. Sodaro is in a political alliance with James H. Pollack and continued:

"During this period of time, charges have been made by a responsible citizen that there have been wholesale fraudulent registrations and balloting in Jack Pollack's home precinct—the Thirty-fifth precinct of the Fifteenth ward.

"By your callous indifference upon these serious charges of dishonest registrations, said his court was not the proper tribunal to investigate and determine these iniquitous charges of wholesale pollution of the ballot box.

Calls For Action

"I therefore charge you, if not as a candidate for State's attorney, then . . . as first assistant State's attorney, that you present to the proper tribunal—the free, independent and uncontrolled grand jury now in session — these charges. . . ."

Mr. Crowther also declared that if Mr. Sodaro "because of partnership with James H. Pollack" feels he cannot go to the grand jury, he "might call the various citizens who have made charges to appear before that body.

Eve. Sun-10-24-50

Court Limits Judges On Sentences

Maryland's Court of Appeals has put a stop to the practice of many Maryland judges assuming unlimited power to reduce criminal sentences they had imposed.

The high court, in a unanimous decision, ruled that power to reduce sentences is limited to the court term within which the sentence was pronounced.

In years past, the judges generally recognized they lost power over sentences at the end of a court term, but a decade or more ago a number of the judges, in Baltimore, at least, claimed continued control over sentences they had imposed and often reduced or lifted them years after the imposition.

Heavy Pressure

When the rule of acting within the court term was observed, heavy pressure always was put upon jurists towards the close of the term by counsel for or friends of persons who had been sentenced earlier.

When offenders were due to be sentenced in the closing days of a term, counsel customarily sought to have the sentence deferred until a new term, so that there might be more time to endeavor to win clemency. The Baltimore terms run for four months.

Case Prompts Ruling

The new ruling was given in connection with a *habeas corpus* request by Adam Czaplinski, originally sentenced in 1945 for robbery, and later in the same year sentenced again for prison riot.

Czaplinski contended that the original eleven-year term imposed by former Judge Edwin T. Dickerson had been reconsidered two years later and made a four-year sentence. The riot sentence imposed by Judge James Clark of Howard county was a consecutive seven-year term.

Chief Judge Ogle Marbury, of the upper court, in his written opinion, stated that "judges of the Criminal courts of the State should not attempt to reassume a jurisdiction which they have lost, and to take upon themselves duties which the people and the Legislature have placed elsewhere."

Governor's Power

He pointed out that the Maryland Constitution gives the Governor of the State the sole pardoning power, and that it includes the right to cut sentences.

He further explained that there is a "practically universal rule" that a judge's power over his sentences ends with the expiration of the court term in which he acted.

Officer Suspended In Assault Case

Patrolman Frank Diggin, of the vice squad, has been suspended from duty pending the outcome of an assault case in which he is the defendant, Chief Inspector M. Joseph Wallace reported today.

Diggin was presented to the grand jury yesterday on a charge of assaulting and choking Harry Miller, an automobile dealer, in front of the latter's place of business in the 900 block East Lexington street last week.

The fracas occurred after another vice squad member, Charles Stefan, had ignored Miller's warning not to park his car in violation in front of Miller's place of business. When Diggin and Stefan returned to the car, there was a traffic ticket on it. That's what started a fight.

Eve. Sun-10-25-50

Woman Admits Taking Gems During False Fire Alarm

Mrs. Mary E. Feldmeyer, 51, of 900 block East Forty-first street, today pleaded guilty in Criminal Court to the larceny of $2,000 in jewels from a friend's home during the excitement of a false alarm of fire last April.

Assistant State's Attorney Joane Weiss explained to Chief Judge W. Conwell Smith that the theft occurred while firemen were searching through a house in the 200 block East Biddle street where Mrs. Feldmeyer had been visiting Mrs. Ruth Brady, wife of a retired policeman.

Release Permitted

Judge Smith, commenting that usually he requires jail commitment pending probation investigations, permitted Mrs. Feldmeyer's release on $4,000 bail because of her alleged heart condition. She had suffered an attack in court after pleading guilty.

The jewelry, consisting of three rings and two jeweled pins, has been recovered. Mr. Weiss told the court that firemen had been under suspicion for some months until one of the stolen articles recently turned up at Havre de Grace as collateral on a loan.

Judge Smith deferred sentence pending receipt of a probation report.

Baltimore's preferred dining . . .
Dinner at Hooper's
. . . so thrifty and delicious.

Morn-Sun 10-27-50

Criminal Handed Usual Yule Term

Edward Britton, 47, who has spent his past 26 Christmases in a prison, yesterday was refused release on probation, despite his contention that he has "quit gambling, drinking and stealing and wants a nice woman who will let me be a husband to her."

Britton's impassioned plea fell on deaf ears in the Criminal Court presided over by Chief Judge W. Conwell Smith. Judge Smith assured Britton of spending at least two more Christmases in a prison by sentencing him to eighteen months in the House of Correction.

James F. Price, who prosecuted Britton on a charge of stealing 33 pairs of nylon hose from a West Baltimore shop, disclosed that the defendant has an extended criminal record including between 60 and 70 convictions on various charges.

Buchner Named Chancery Master

Morgan M. Buchner, who has been an assistant State's Attorney in charge of the domestic relations division for sixteen years, yesterday was named a master in chancery for the Supreme Bench.

Mr. Buchner was appointed by the judges to succeed Ward B. Coe, veteran master in chancery, who recently resigned. Mr. Coe was first appointed a special examiner in chancery in 1901, and he served in that capacity until May, 1913, when he was named master.

In resigning his position, Mr. Coe cited ill health and advancing years as the reasons for his decision. He is 82.

Eve. Sun-10/27/50

Judge Rules 3-Card Monte 1-Sided, Jails Player

Three-card monte, the old fashioned sucker game, has an entirely different standing than either race bets or lottery numbers, according to a ruling of Judge Michael J. Manley in Criminal Court.

Passing on the punishment for George Burrell, Negro, convicted on charges of gambling "on a public conveyance, to wit, a trackless trolley," the judge decided that confinement rather than a fine should be imposed.

Burrell, who lives in the 900 block Shields place, was sentenced to nine months in the House of Correction on two charges against him, but the terms were made concurrent.

Burrell, according to statements made by Assistant State's Attorney Saul A. Harris, struck up an acquaintance with two white men by asking for change for a $20 bill as they all rode through South Baltimore on a transit company vehicle.

The request led to a card game with Burrell exhibiting his dexterity at three-card monte until one man lost $40 and the other lost $50.

When Leonard Freedman, defense counsel, sought a fine, Judge Manley ruled that the gambling game had a different status from the bookmaking and numbers-racket gambling that come before the court in volume.

"The numbers players all have a dream book and they know what it's all about," said Judge Manley, "while the race bettors all have scratch sheets and racing forms and they all think they know what they're doing too. But this three-card monte is a one-sided affair."

Drug Trial Witness Put On Probation

John Plummer Thorne, a Negro whose testimony resulted in the conviction of a man described as one of the largest dealers in heroin in the Baltimore area, was released on probation today.

Judge Michael J. Manley ordered the release, pointing out that Thorne had already spent seven months in jail while awaiting trial.

Thorne testified in the case against Levi Acion, who was sentenced to two years in prison and fined $1,000 earlier this week. Thorne and Acion were accused of conspiracy to handle narcotics.

The judge, in releasing Thorne under a year's probation, observed that Acion, the chief defendant in the case, has spent no time in jail, since he gave bail at an earlier trial, and has posted $10,000 bail pending the outcome of an appeal to the Maryland Court of Appeals.

Crowther Prods Foe On Election Book Probe

The political campaign for the State's attorneyship today brought public efforts from the Republican candidate to have Democratic incumbents of the office seek to investigate if not prosecute Democratic political leaders.

Both candidates for the job now held by State's Attorney J. Bernard Wells are waging active campaigns, but the Democratic candidate, Anselm Sodaro, is a top-ranking member of Mr. Wells's staff, and the Republican candidate, Lester H. Crowther, is criticizing the Democratic regime.

In statements before clubs and in a night letter to Mr. Sodaro, Mr. Crowther has called for an investigation before "an impartial grand jury" of the alleged registration irregularities cited in complaints of Alexander Goodman, defeated Democratic candidate for the Legislature.

Letter To Be Studied

State's Attorney Wells and Mr. Sodaro are meeting today to consider the Crowther letter, which reached Mr. Sodaro yesterday afternoon. Mr. Wells stated he had heard of the letter, but had not seen it until today.

Mr. Wells pointed out that when Mr. Goodman's complaints first were made about allegedly improper registrations in the Thirty-fifth precinct of the Fifteenth ward—Mr. Goodman's and James H. (Jack) Pollack's home precinct—he had assigned one of his aides, J. Harold Grady to weigh any testimony that was given in cases brought before Superior Court and the Board of Supervisors of Elections.

The Superior Court case however was decided by Judge John T. Tucker on a law motion hearing without testimony, and election officials yesterday called for a new survey of the precinct before having a hearing on registrations.

Up To Wells, He Says

Mr. Sodaro, prior to his conference with his chief, pointed out that Mr. Wells is still State's attorney and the question of whether a registration probe should be ordered was for the head of the office to decide.

Mr. Wells is retiring this year after nearly 31 years in prosecuting office, as assistant, deputy, and finally as State's attorney after Herbert R. O'Conor, his former chief, left to successively become attorney general, governor, and United States senator.

Morn-Sun 10/26

WELLS DENIES 'INDIFFERENCE'

Says He Is Ready To Act On Violation Of Election Laws

J. Bernard Wells, State's attorney, yesterday denied "callous indifference" to charges of fraudulent registrations in the Fourth District, and asserted he is willing to take evidence of criminal violations of the election laws before the grand jury.

Mr. Wells made the statement in reply to a charge by Lester H. Crowther, Republican candidate for State's attorney, that the State attorney's office has been indifferent to charges by a responsible citizen that there have been fraudulent registrations in the home precinct of James H. Pollack, Fourth district leader.

Failed In Mandamus

The citizen referred to is Alexander Goodman, unsuccessful candidate for the House of Delegates from that district, who recently challenged the registrations of over 100 voters. Mr. Goodman also sought a mandamus from Judge John T. Tucker invalidating voting in the Thirty-fifth precinct of the Fifteenth Ward, but was unsuccessful.

Mr. Wells, in his reply to a night letter from Mr. Crowther, completely ignored the Republican candidate's charge that Anselm Sodaro, Democratic candidate for State's attorney and an assistant in the prosecuting office, has made a political alliance with Pollack.

Letter Sent To Sodaro

The night letter actually was addressed to Mr. Sodaro, but Mr. Wells made the reply. In his answer, Mr. Wells said:

"With reference to the night letter received by my first assistant, Anselm Sodaro, from Mr. Lester H. Crowther making complaint of our failure to present to the grand jury certain matters having to do with alleged irregularities in the primary election, Thirty-fifth precinct, Fifteenth Ward, I wish to state as follows:

"Shortly after the primary, Mr. Alexander Goodman called me over the phone and told me he would like to bring to my attention certain voting irregularities occurring in the above-mentioned precinct.

Goodman Saw Maynard

"I told him I would be pleased to see him and, if by chance I were not here when he came in, to discuss the matter with my deputy, Mr. William H. Maynard.

"Mr. Goodman visited the office a short while later and in accordance with my request took the matter up with my deputy. Mr. Maynard advised him that if he had any evidence mounting up to a criminal violation of the election laws by any person or persons that he would be pleased to arrange to have him appear before the grand jury.

"Further, in a discussion of the allegations submitted by Mr. Goodman, it was the view of Mr. Maynard that no indictable offense was made out. He was further advised by Mr. Maynard that if he were not satisfied with his view of the law, that he would be privileged to submit the matter to the committing magistrate of the district.

No Change Reported

"I understand that Mr. Maynard further advised Mr. Goodman that if as a result of Mr. Hyman Pressman's appearance before the grand jury any situation should develop that would make it desirable for him to appear before that body, an opportunity would be afforded him.

"It was Mr. Maynard's view that a civil right of action could exist and he so advised Mr. Goodman. This conversation was reported to me and I arranged to have one of my assistants present if any such proceedings were instituted wherein testimony was taken.

"Accordingly, I directed Mr. Harold Grady to observe any proceedings and to report back to me. In checking up recently, I understand that there was no testimony given. Our attitude in this matter expressed several weeks ago and our readiness to co-operate with Mr. Goodman in presenting matters to the grand jury, if he has any knowledge of any violations of criminal law, has not undergone any change."

Eve. Sun-10/26

5 Police Charged In Store Death

Five policemen were charged with manslaughter today in the death of a member of an alleged burglary ring trapped in a Belvedere avenue grocery last Saturday morning.

The technical charge, customarily brought in cases of violent death, was lodged by Inspector Oscar Koch of the Police Department.

The dead man, shot by waiting policemen as he entered the food store near Belvedere avenue and York road, is Nondo Sterinini, 23. He died of his wounds at Johns Hopkins Hospital shortly after midnight last Saturday.

Hearing Scheduled

The five policemen will have a hearing before Magistrate August A. Kozlovsky in Northeastern Police Court later today. They are Lieutenants Frank T. Schmidt, Phillip Germack and Otis Bradley, and Patrolmen Edward Taylor and Hyman Goldstein.

The men have been suspended from the force since the shooting in which another alleged burglar, Earl Davis, was also shot. They will be returned to active duty immediately if charges against them are dismissed.

Eve. Sun-10/26

Song Writer Gets 2 Years For Forgery

Bennie Smith, singer and song writer now turned to literary pursuits, today went to the Penitentiary for forging a $2,473 check purporting to represent recording royalties.

Smith, 35-year-old Negro from Berry, Ala., contended that he soon can make restitution to a Baltimore pawnshop. He said that while in prison in Kansas he had written and sold a book titled "I Swapped God for the Devil," and that $5,000 in royalties were due him within 90 days.

The prosecuting attorney, James F. Price, told Smith that if the royalties materialized on schedule he should offer immediate restitution to the court in an effort to win amelioration of sentence. Chief Judge W. Conwell Smith imposed a two-year Penitentiary term on Smith, after learning of his record.

Morn-Sun 10/27

TITLE BOWLER FOUND GUILTY

Nova Hamilton, 2 Other Men Convicted Of Bookmaking

Nova C. Hamilton, holder of bowling championship titles, another bowler and a third man yesterday were convicted of bookmaking in West Hughes street premises early this month.

Judge Michael J. Manley temporarily deferred imposition of sentence. Maurice J. Siegel, defense counsel, asserted that the three men are "through" with the bookmaking racket and that the two bowlers are "going back to bowling."

Hamilton, who is 44, lives in the 4300 block Berger avenue. The other bowler convicted was Louis Pohl, 46, of the 5500 block Ready avenue. Edward Wisniewski, 30, of the 1300 block Andre street, was the third defendant convicted.

Acquits Landlord

The judge acquitted Walter Breeding, of the 3200 block Chesterfield avenue, who said he rented the second-floor Hughes street premises to Wisniewski.

Mr. Siegel raised a technical defense to the charges, contending that the search warrant obtained by Capt. Alexander L. Emerson actually was for premises at 109 Key highway, and not for 112 Hughes street.

However, the judge agreed with the contention of Saul A. Harris, prosecutor, that the two properties are actually one building, which runs from the one street to the other.

Takes Witness Stand

Hamilton said he earned $50 weekly in the premises, Captain Emerson testified.

The bowling champion, when he took the witness stand solely for the purpose of attempting to prove that both he and Pohl were joint lessees of the premises, along with Wisniewski, contended that he was employed in the place as a clerk and accountant.

He insisted on crossexamination by Mr. Harris that his job was to take figures and balance them. Questioned as to the source of income he used to help pay the rent, Hamilton replied he "could have gotten it bowling." The bowler testified he also is a part-time real estate man.

Eve. Sun-10/28

Mr. Coe's Resignation As Master In Chancery

Among lawyers and judges the name of Ward B. Coe is virtually a synonym for Master in Chancery in Baltimore city. Few lawyers can remember when Mr. Coe did not hold that position under the Supreme Bench. Fewer still can remember when Mr. Coe was not, at least, a special examiner in chancery. He held the latter post for twelve years previous to his appointment as master in 1913.

Now Mr. Coe has resigned at the age of 82. The Supreme Bench has appointed a younger man, Mr. Morgan M. Buchner, to take his place. It is not to speak disparagingly of Mr. Buchner to say that he will be unable to take the place which Mr. Coe has established for himself except after long and devoted service.

A master in chancery is an arm of the Circuit (or equity) Courts. He is assigned cases in which testimony is taken before an examiner rather than in open court. It is his duty to analyze the testimony and to make recommendations for decisions by the court. Most of the cases involve uncontested suits. Some involve intricate real estate titles. It was in the latter field that Mr. Coe is a widely recognized authority.

A master in chancery must be a man of absolute integrity, a man with a sound knowledge of the law and a man in whom the judges have complete faith. Mr. Coe is the very embodiment of those characteristics. For many years Mr. Coe taught in the Law School of the University of Maryland. As a teacher he met many law students who later went to him for advice and guidance. It is a rare teacher who invites that kind of continued association.

Mr. Coe has earned the relaxation he now intends to have.

Morn-Sun-10-26-50

POLICE WILL INVESTIGATE ALLEGED IRREGULARITIES ON DOG-ISSUE PETITIONS

Doctors Still Want Referendum Despite 'Evidence Many Have Been Misled' By A Few 'Irresponsibles'

The State's attorney late yesterday launched an investigation of alleged irregularities on petitions for the dog referendum. At the same time, a spokesman for the organization backing the use of dogs for medical research said his group would not like the question ruled off the ballot.

Probe

A police investigation of possible perjury and forgery in getting the dog referendum on the November 7 ballot was launched yesterday by the State's attorney's office.

J. Bernard Wells, State's attorney, announced that he will conduct a complete investigation of alleged irregularities on the petitions which put the proposed charter amendment before the voters.

Mr. Wells assigned two of his assistants to handle the investigation and called on Police Commissioner Beverly Ober to assign two detectives to the probe.

May Go To Grand Jury

"If the investigation bears out reports that have been brought to my attention, I will certainly consider laying the matter before the grand jury," the State's attorney said.

He disclosed that he will confer with Detective Lieutenant Frank Schmidt this morning. Lieutenant Schmidt is one of the two men requested by Mr. Wells to assist in the investigation. The other is Detective Sergeant Robert A. Menendez.

William H. Maynard, deputy State's attorney, and George D. Solter, assistant, were the prosecutors assigned to conduct the investigation.

Aim Of Investigation

The investigation will be aimed at determining whether perjury was committed when the persons who gathered the signatures on a petition swore before a notary public that they personally saw the signers affix their signature and that the signatures are authentic signatures of the signers, Mr. Wells said.

Mr. Wells said he decided to launch the probe after it was brought to his attention that hundreds of the signatures are apparently written in the same handwriting, and that some persons whose names appear on the petitions reportedly have denied affixing their signatures.

As Mr. Wells began to investigate the charges of irregularities, city officials took the position that they had "fully discharged" their responsibilities and that any further action was up to State officials.

City Officials Comment

Mayor D'Alesandro, asked whether the legal requirements had been met by the petitions submitted, answered that this matter was one for Thomas N. Biddison, city solicitor, to decide.

John J. Ghingher, city treasurer, was responsible for examining the names on the petitions, he added.

Mr. Ghingher said the legal requirements had been met because he had done all he was supposed to do under the City Charter.

He said he had received the minimum of 10,000 signatures on the petitions—that he had checked with the city solicitor to see if the question raised was one of "general local interest"—and had "certified the question."

As to his responsibility for examining the names, Mr. Ghingher said he had been advised by the city solicitor that his office "does not go behind the notary."

This meant, he said, that a petition-page properly notarized was accepted by his office.

And, he added, it was the legal responsibility of the man swearing to the petition before the notary to see that it was in proper form.

Mr. Biddison stated:

"The city officials, with reference to the dog referendum, have fully discharged their responsibilities.

"The matter is now in the hands of the Board of Supervisors of Elections."

Leo M. Welsh, chairman of the elections board, said last night that "we will check as soon as possible with the Attorney General to see what our responsibilities in the matter are."

Mr. Welsh pointed out that any question of fraud would be a criminal violation and would affect the actions of the elections board only indirectly and after it had been sustained in court.

The actual count of the names in the fourteen volumes of petitions was made by Walter Beuchelt, one of the Mayor's secretaries.

The method used, officials said, was to actually count the first volume and to estimate from that count the number of signatures contained in the fourteen volumes.

The answer turned out to be 21,259.

The City Charter directs that petitions shall be presented to the Mayor. The State election law directs that the city treasurer shall "certify the questions" raised by the petition.

Comment

Reports of wholesale irregularities in the petitions that put the dog referendum on the November ballot are evidence that "many Baltimoreans have been misled by a small group of irresponsible fanatics," a medical leader said last night.

Dr. D. C. Smith, professor of physiology at the University of Maryland Medical School and secretary of the Maryland Society for Medical Research, said, however, that the society would not like to see the question ruled off the ballot.

"A small group is evidently willing to stoop to any tactics to gain their end, even to violation of the election laws," he said.

Wants Vote On Issue

"But we feel that this thing (the use of stray and unclaimed dogs for medical research) has become such a public issue it would be a mistake not to bring it to a vote."

Dr. Alan M. Chesney, dean of the Medical Faculty of the Johns Hopkins University, said the evidence of "mishandling of petitions" was "serious" but should not interfere with the question's being settled by the voters November 7.

Chauncey Brooks, Jr., head of the advertising firm directing the anti-vivisectionists' campaign being conducted by the Citzens Committee on the Dog Referendum, commented last night:

"Let's assume that someone collecting petition signatures didn't know any better than to sign names for persons who wanted to get on the petition.

"No Choice In Matter"

"When you're collecting 20,000 signatures, one or two persons who know the law can't be standing over each and every one of the signature gatherers.

"This is a practical matter. The intent of the law is to find a minimum of 10,000 people who want the question on the ballot.

"We have complied with the law and there is no choice in the matter of whether or not the question should be on the ballot."

Mr. Brooks, designated as a spokesman for the dog-referendum committee by Col. Henry S. Barrett, president of the Maryland Anti-Vivisection Society, said he did not believe that there were a great many irregularities on the petitions.

Calls Matter Unfortunate

He said they had been examined "to the best of our ability" before they were submitted to the Mayor in September and more than a thousand names had been thrown out because the petition sheets had not been notarized and for other reasons.

Herbert M. Brune, Jr., counsel for the Maryland Animal Welfare Association and an opponent of use of stray dogs from the city pound for medical research and teaching, said "my personal feeling is that this is unfortunate."

"But I know that this sort of thing is not uncommon when thousands of signatures are gathered."

Mr. Brune said he was sure that there were at least 10,000 valid signatures on the petitions and added that it was his understanding of the law that this would keep the question on the ballot even if all the rest were disallowed.

Avirett Comments

Asked about petition irregularities, John W. Avirett 2d, attorney for the Maryland Society for Medical Research, said:

"I want to say right now that we who are fighting this amendment would be distressed to see an innocent or misguided person get into trouble as a result of what appear to be serious abuses of the petition procedure."

The proper remedy, he said, was a change in the law that would place responsibility for checking the authenticity of petitions in the State and city authorities.

"But," he added, "our immediate purpose is to tell the public the facts and show them that the deceptive (city charter) amendment . . . will cripple medical research in this city."

Alleged Irregularities

Examination of some of the fourteen volumes containing the signatures that put the anti-vivisectionist measure on the ballot showed these types of irregularities:

1. Handwriting was evidently identical for many "signers."
2. A check showed that a number of persons whose names were on the petitions have never authorized their use.
3. Many petitions were found where names of an entire household had been signed in the same handwriting.
4. In a number of places, full names were not given.
5. Some pages had been notarized at a date earlier than that on which the signatures had been obtained.

RADIO 'THEF BY VIVISECTI FOES CHARG

Society Uses Doct Spot Announcemen Key Word Changed

The Maryland Anti-Vivisec ist Society yesterday went on air with a radio spot announce exactly the same as that use the doctors except for char one key word.

And G. Van Velsor Wolf, p dent of the Maryland Society Medical Research, termed it most dishonest and deceitful t in the campaign."

The doctor-layman society, fi ing for the right of medical sc to use stray unwanted dogs in m ical research, had developed slogan:

"Don't cripple medical researc vote *against* Question No. 9."

Important Word Changed

The anti-vivisectionist soc began broadcasting this slogan a spot announcement yesterday:

"Don't cripple medical researc vote *for* question number 9."

Mr. Wolf said: "They have u pictures of stuffed animals as amples of what happens when do are used in research.

"They have used the name o non-existent doctor from a non-e istent cancer research institute their radio announcements. Th filed 'dog-referendum' petitio loaded with irregularities.

"But this trick is the worst."

Public Favors Research

The research society has fou that most people strongly fav giving the medical schools dog that would otherwise be put t death, for research and teachin Mr. Wolf said.

"But," he added, "these peopl naturally assume that because the are for research using animals the should vote for—rather tha against—the proposed city charte amendment."

Dr. John C. Krantz, Jr., profes sor of pharmacology at the Univer sity of Maryland Medical School declared:

"In my opinion this trick simply expresses the character of these people who are willing to trifle with the health of the citizens of this community.

Sees Deceit Confirmed

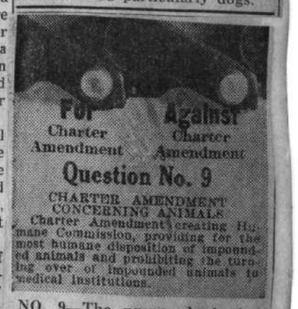
"The entire proposed amendment appears to be conceived in deceit and this last attempt to try to defraud the public by using the slogan of the Maryland Society for Medical Research confirms this belief."

Dr. Albert E. Goldstein, director of the Hoffberger Urological Research Laboratory at Sinai Hospital, called the slogan-theft "a dastardly trick which, if it should succeed, would ultimately hurt the man suffering from disease the most."

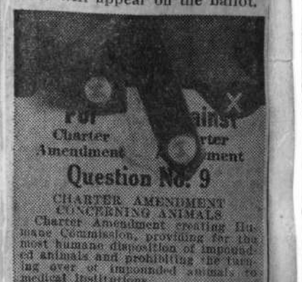
Dr. Goldstein, with Dr. Seymor W. Rubin, is the developer of the artifical bladder which holds promise of relief for cancer of the bladder.

"It would have been absolutely impossible to have done this work without work on dogs. No other animal has organs enough like man's to be of any use.

"This development was no isolated case. No real problem in medicine has been, or will be solved, without experiments on animals—and particularly dogs."



NO. 9—The proposed charter amendment to prevent the use of dogs in medical research as it will appear on the ballot.



AGAINST—Voters in favor of permitting the use of stray dogs in medical research should vote AGAINST Question No. 9.

MORN SUN 10/28

The Need Is To Get A Big Vote Against The Tricky Dog Referendum

In the very nature of things, referendum petitions are subject to abuse. Hence it is not wholly surprising that deceit was used in getting the 21,000 names, more or less, on the so-called dog referendum petition. This is the proposed Charter amendment, *Question No. 9* on the November ballot, which is designed to put an end to medical research with animals in this city.

The evidence so far presented indicates that some of those circulating the petitions were either ignorant or disdainful of the law, preferring the risk of prosecution for forgery and perjury to the labor of seeking out real persons and persuading them to sign individually, as the law requires. It is characteristic of zealots and fanatics, and especially zealots and fanatics in ignoble causes, to resort to misrepresentation and deceit in the furtherance of their aims. There is misrepresentation and deceit in the very wording of the anti-research amendment and further misrepresentation and deceit were required to lure decent people into the trap thus laid.

What should be done to those who are proved to have been parties to this trickery, we leave to the State's Attorney and the courts to decide. But it is reassuring to be told by the spokesman for the Society for Medical Research that no action is contemplated against the actual signers of the petitions, whether they are technically guilty of law infractions or not.

To put misguided people in jail is not the important thing. The important thing, rather, is to get a big popular vote on the issue, so that the world may know that Baltimore esteems its reputation as a medical center and is determined that no obstacle be put in the way of the scientists and physicians who are devoting their skill to the search for ways to prevent human suffering and cure disease.

The bigger the majority against this deceitful undertaking, the more certain that we shall be done with it for once and for all. To insure such a majority, it is important that all voters pull down the lever marked "AGAINST" on *Question No. 9*

SUNDAY SUN-10/29

BALTIMORE, SUNDAY, OCTOBER 29, 1950

How The Broadcasting Stations Have Handled It

The campaign which the anti-vivisectionists have been waging to put over their deceptive charter amendment has been characterized by deception all along the line, beginning with the very wording of the amendment they are trying to put across.

If there are any voters who still doubt this, their deceitful distortion of the doctors' slogan ought to settle matters. The doctors have been using the following slogan:

Don't cripple medical research—vote AGAINST Question No. 9.

On Friday, following their policy of trying to deceive the public, the anti-vivisectionists began to broadcast the following twisted version of the doctors' slogan:

Don't cripple medical research—vote FOR Question No. 9.

This slick trick has put the radio stations on the spot. What is their responsibility in such a situation? The National Association of Broadcasters has adopted certain "standards of practice" for the guidance of its members. Under the heading "Advertising Standards" this code has the following to say:

In accepting advertising the broadcaster should exercise great care that he is not conveying to his audience information which is misleading, dangerous to health or character, distasteful or contrary to the proprieties and customs characteristic of his audience, or in violation of business and professional ethics.

Thus, in determining whether or not to go along with the deceitfulness of the anti-vivisectionists, the local stations are not without guidance. It is pleasant to be able to note that the following six Baltimore radio and television stations have *not* broadcast the deceitful slogan of the anti-vivisectionists:

WAAM
WBAL
WCAO
WFBR
WMAR
WMCP

These stations, in other words, have adhered conscientiously to the code of the National Association of Broadcasters.

The great mass of voters who realize how important it is for the medical schools to have the use of stray, unwanted dogs in medical research should remember:

Don't cripple medical research—vote AGAINST Question No. 9.

WOMEN
They Fashion An Opera At Eastern High School—Page 34

THE EVENING SUN

SPORTS
Navy Meets Penn, Marylan[d] Plays Duke In Football—Page

THE FAMILY SECTION — BALTIMORE, FRIDAY, OCTOBER 27, 1950 — PAGE

Pages From The Charter Referendum Petition On Animals

Shown on this page are photostatic copies of four pages from the official petition proposing an amendment to the Charter of Baltimore that would prohibit the use of impounded animals for medical research. The petition form states that each signature was made "by himself (herself) in his (her) own handwriting (and not by his or her mark) together with the ward and precinct in which he or she is registered and the date upon which he (or she) has so signed. . . ."

SIGNATURES OF REGISTERED VOTERS

NAME	VOTING ADDRESS	WARD	PRECINCT	DATE OF SIGNATURE
Thomas P. Keating	4516 Keswick Rd.	27	36	July 24, 1950
[E]sther G. Taylor	4536 Keswick Rd	27	36	July 24, 1950
Jeanne Taylor	4536 Keswick Rd	27	36	July 24, 1950
William S. Taylor	4536 Keswick Rd	27	36	July 24, 1950
~~Joseph A. Hennessey~~	4538 Keswick Rd	27	36	July 24, 1950
Gloria J. Hite	4602 Keswick Rd	27	36	July 24, 1950
Alma P. Goebel	4523 Keswick Rd	27	36	July 26, 1950
Charles E. Allison Sr.	4613 Keswick Rd	27	36	
Joseph B. Yeinger	4614 Keswick Rd.	27	36	July 26-50
Jeannette Yeinger	4614 Keswick Rd.	27	36	July 26-50
Dorothea Herman	4621 Keswick Rd.	27	36	July 26-50
Dorothea Wolle	4625 Keswick Rd	27	36	July 26-50
Elizabeth J. Christopher	4603 Wilmslow Road	27	36	July 26-50
Edward T. Krichman	4605 Keswick Road	27	36	July 26-50
Margaret Neary	302 Kendall Rd	27	36	Aug. 2/50
Bertha F. Skippon	4512 Wilmslow Rd	27	36	Aug. 2/50
Lorine Williams	4519 Wilmslow Rd	27	36	Aug 14/50
Charles Williams	4519 Wilmslow Rd	27	36	Aug 14/50
John T. Williams	4519 Wilmslow Rd	27	36	Aug 14/50
Mary L. Albridge	4527 Wilmslow Rd	27	36	Aug 14. 1950
Cecilia Neary	4525 Wilmslow Rd	27	36	Aug 14/50
Ileana J. Parker	4604 Wilmslow Rd.	27	36	August 14, 1950
Wm. H. Jay	630 Colorado Ave.	27	38	August 25, 1950
~~Mildred~~ B. Ross	4623 Schenley Rd	27	36	Aug 28 1950
Mr. Donald Millard	4631 Schenley Rd	27	36	~~Sept~~ Aug 28, 1950
Mrs. G. C. Ringgold	3122 Oakford Ave	27	52	Aug 28 1950

Only voters registered in Baltimore City may sign.

EXHIBIT B— The apparently identical handwriting of various "signatures" on this page led to a spot check of some of the persons named on this petition. Several said that they had not personally signed the petition.

SIGNATURES OF REGISTERED VOTERS

NAME	VOTING ADDRESS	WARD	PRECINCT	DATE OF SIGNATURE
[illegible]	1404 Sherwood Ave	9	17	9-12-50
[illegible] Burnett	2005 Preston Ave	13	5	9-12-50
[illegible] Martin	2055 Preston Ave	13	5	9-12-50
[illegible] Martin	[illegible]	13	5	9-12-50
[illegible]	[illegible]	[illegible]	42	9-12-50
Jos. Moseley	4226 Evans Chapel Rd.		4	9-12-50
[illegible]	1000 W. 43rd St	13	2	9-12-50
~~M~~ Jewel Jones	1012 W. 43rd St	13	2	9/16/50
Rachel A. Roselle	1025 W. 43rd St	13	2	9/16/50
Zelma M. Roselle	1025 W. 43rd St.	13	2	9/16/50
Blanche Kinney	1015 W. 43rd St.		2	9/16/50
Mrs. Lena Marshall	1005 W. 43rd St	13	2	9-12-50
Mrs. Elizabeth Frazier	1007 W. 43rd St	13	2	9-12-50
Mrs. [illegible]	[illegible] Woodlawn Ave	27	14	9-12-50
Mrs. N. L. Dashiell	4202 Roland Ave	27	42	9-12-50

Only voters registered in Baltimore City may sign.

State of Maryland, City of Baltimore, to wit: (Mrs N. L.) Eleanor M. Dashiell registered voter of Baltimore City, in the presence of Almighty God, do solemnly declare (or affirm) that I personally saw the signers of the foregoing petition sign the same, that such signatures are the authentic signatures of the signers, and that such signers are, and are known to me to be, registered voters of said City.

(Mrs N. L.) Eleanor M. Dashiell

Subscribed and sworn to before the undersigned this 5th day of September, 1950.

Joseph J. Albright

EXHIBIT D— This page of the petition was notarized on September 5, as shown at the bottom of the page. However, note that the dates of several of the signatures are given as September 12 and September 16.

SIGNATURES OF REGISTERED VOTERS

NAME	VOTING ADDRESS	WARD 21	PRECINCT 3	DATE OF SIGNATURE
Mrs. R. Gillingham	1151 Wash. Blvd.			5-4-[illegible]
Mrs C. Millikin	3038 E Baltimore St	6	14	5-4-[illegible]
Mrs Lehr	1109 Bayard St	21	4	5-4-[illegible]
Mrs S. Michael	2711 Ottawa Ave	25	2	5-4-[illegible]
Mrs Davis	1338 Wash Blvd	21	4	5-4-[illegible]
Mrs. Martin	1105 Wash. Blvd.	21	3	5-4-[illegible]
Mrs. Secrist	1127 Wash. Blvd.	21	3	5-4-[illegible]
Mrs Wm Brown	1127 Wash. Blvd	21	3	[illegible]
Mrs Minnie Stellm[illegible]	1121 Wash. Blvd	21	3	[illegible]
Mrs. [illegible]	1164 W. Wilmington [illegible]	21	6	[illegible]
Mrs. Hartz	1165 [illegible]	21	6	[illegible]
Mrs [illegible]	1147 Wash Blvd	21	3	[illegible]
Mrs Kate Moore	1150 Wash Blvd	21	3	[illegible]
[illegible]	1153 Wash. Blvd	21	3	[illegible]
Anna Pettit	1134 Washington Blvd	21	3	[illegible]
Mrs. R. Ripley	1174 Washington Blvd	21	3	[illegible]
[illegible]	1174 Washington Blvd	21	3	[illegible]

Only voters registered in Baltimore City may sign.

State of Maryland, City of Baltimore, to wit: Mrs Bertha Burnetts, a registered voter of Baltimore City, in the presence of Almighty God, do solemnly declare (or affirm) that I personally saw the signers of the foregoing petition sign the same, that such signatures are the authentic signatures of the signers, and that such signers are, and are known to me, to be registered voters of said City.

Bertha Burnetts
27 Wmy (431)

Subscribed and sworn to before the undersigned this day of 1950.

Ben Kohn
Notary Public

EXHIBIT C— The apparently identical handwriting and "signatures" using only the last name led to a spot check of this petition list. Again many whose names appear stated that they had not signed the petition.

NAME	VOTING ADDRESS	WARD	PRECINCT	DATE OF SIGNATURE
~~Mrs~~ [illegible] Rene	1008 W. 36th St.	13	24	6-2[illegible]
~~Mrs~~ Lena Fay	4306 Newport Ave	27	42	6-27-50
~~Mrs~~ Louise Schuster	4306 Newport Ave	27	42	6-27-50
~~Mr~~ Jake Schuster	4306 Newport Ave	27	42	6-27-50
~~Mrs~~ Joanne Walters	1622 Penthwood Rd	27	26	6-27-50
Jack Walters	1622 Penthwood Rd	27	26	6-27-50
Kenneth Walters	1733 Wilmington Ave	25	3	6-22-50
~~Mrs~~ Kenneth Walters	1733 Wilmington Ave	25	3	6-22-50
~~Mr~~ Clarence Wann	703 W 33rd St	13	19	6-22-50
~~Mrs~~ Emmadell Wann	703 W 33rd St	13	19	6-22-50
~~Mr~~ Albert Bull	527 W. 27th St	12	6	6-27-50
~~Mrs~~ Helen Swift	527 W. 27th St	12	5	6-27-50
~~Mr~~ Patrick Cotter	505 W. 27th St	12	5	6-27-50
~~Mrs~~ Effie Curry	635 W 27th St	12	5	6-27-50

Only voters registered in Baltimore City may sign.

State of Maryland, City of Baltimore, to wit: Geo. F. Walters, a registered voter of Baltimore City, in the presence of Almighty God, do solemnly declare (or affirm) that I personally saw the signers of the foregoing petition sign the same, that such signatures are the authentic signatures of the signers, and that such signers are, and are known to me to be, registered voters of said City.

June 27th 1950

Subscribed and sworn to before the undersigned this day of 1950.

EXHIBIT E— This petition, also showing different names apparently written by the same hand, was not notarized, as required by law. Note the similarity in the handwriting and the crossing out of Mr. and Mrs.

TY TO PROBE SIGNATURES ON DOG PETITION

90 Whose Names Appear Summoned To State's Attorney's Office

Ninety persons whose names appear on petitions asking for a referendum on the disposition of abandoned dogs were summoned yesterday for questioning in the State's attorney's office.

William H. Maynard, deputy State's attorney, said the group will be questioned tomorrow as the office begins an investigation into the authenticity of the signatures on the petitions.

Meanwhile, Hall Hammond, attorney general of Maryland, said his office will not intervene in the question as to whether the referendum was properly certified for inclusion on the November 7 ballot in Baltimore city.

Seen As City Question

"The matter has not been brought to my attention officially," Mr. Hammond said. "Although the office of the attorney general functions in advisory capacity to the Board of Supervisors of Elections, it seems to me that this question is one that rests with city officials.

"In the absence of evidence that more than half of the purported signatures on the petitions were fraudulent or improperly obtained, I see no reason why my office should issue any instructions to the election board."

Alleged irregularities under investigation include similarity of handwriting for many "signers"; one member of a household signing for all; unauthorized use of names; incomplete names; and pages of petitions which had been notarized earlier than the date of signatures.

Previously, Mayor D'Alesandro had referred the legality of the petitions to Thomas N. Biddison, city solicitor. Mr. Biddison, in turn, had said that John J. Ghingher, city treasurer, was responsible for examining the signatures. Mr. Ghingher had asserted that he had been instructed by the city solicitor that this duty was performed when he made sure the petitions were properly notarized.

Several Weeks Required

The actual count of the names was made by Walter Beuchelt, of Mayor D'Alesandro's secretarial staff.

Mr. Maynard, assigned by J. Bernard Wells, State's attorney, to investigate the authenticity of the signatures, said several weeks would be required for the scrutiny of the 21,259 names attached to the petitions.

Fourteen bound volumes of the petitions, turned over to the city on September 19 by Col. Henry S. Barrett, president of the Maryland Anti-Vivisection Society, were taken from the vaults and placed in the hands of the State's attorney's office yesterday.

The papers were moved by city detectives upon orders of Mr. Maynard, who, with George D. Solter, assistant State's attorney, will pursue the inquiry.

Mr. Maynard said the investigation will be carried out under the "home rule" amendment to the State constitution, under which 20 per cent of the voters in the last general election may petition successfully to have an issue submitted to a vote.

The individual who submits the

(Continued on Page 16, Column 3)

signed petitions must swear that he personally witnessed the signing of the paper and that he knows the signer to be a properly registered voter, Mr. Maynard said.

False swearing under this provision of the law makes the solicitor for signatures liable to prosecution for perjury, the attorney said.

May Report To Grand Jury

The writing in of names of purported signers by an individual other than the person whose name appears carries with it a potential charge of forgery, Mr. Maynard added.

The future action of the State's attorney's office, working with especially assigned police detectives, will depend upon the day-to-day course of the probe, Mr. Maynard said.

Findings will be reported to the grand jury if they develop without necessarily waiting until the entire investigation is completed, he declared.

Skop Wants Dogs Used For Research

The health of his own children and of the community is worth more than winning the election, Harry Skop, Republican candidate for the State Senate from the Fifth district, declared yesterday in each of five talks in favor of the continued use of dogs for medical research.

"Some of my friends said I was committing political suicide," Mr. Skop said after making the five speeches from sound-truck in his district.

"But I wanted to tell the people that efforts are being made to confuse them and to advise them to vote against the charter amendment affecting the disposition of abandoned dogs.

"If a few crackpots want to vote against me because of this stand, they have that privilege. I intend to continue to fight against the amendment throughout the rest of the campaign."

SIGNATURES OF REGISTERED VOTERS

NAME	VOTING ADDRESS	WARD	PRECINCT	DATE OF SIGNATURE
John Engelhardt	3716 Chesholm	R#15	14	
[illegible]	3705 Chesholm Road	15	14	4-27-50
[illegible]	3705 Chesholm Rd	15	14	4-29-50
[illegible] Johnsson	3702 Chesholm Rd	15	14	4-29-50
[illegible]	3717 Chesholm Rd	15	14	4-28-50
James S. Aiken	3709 Chesholm Rd.	15	14	4-26-50
Margaret Goodrich	3709 Chesholm Rd	15	14	4-26-50
[illegible]	3747 Nortonia Rd	15	14	4-29-50
[illegible]	3747 Nortonia	15	14	4-29-50
Mrs. G. S. Geller	3747 Nortonia	15	14	4-29-50
Geo. L. S. Geller	3747 Nortonia	15	14	4-29-50
Gertrude A. Rubach	4625 Kernwood Ave	27	34	4-29-50
Karl K. Rubach	4625 Kernwood Ave.	27	34	4-29-50
Mrs. Rodgers H. Pippen	3738 Winterbourne Rd	15	14	4-29-50
Rodgers H. Pippen	3738 Winterbourne Rd	15	14	4-29-50
Mrs. Charles Yeager	5419 Burlington Way	27	31	4-29-50
Charles Yeager	5419 Burlington Way	27	31	4-29-50
Mrs. John Strickler	2326 N. Longwood St.	15	16	4-29-50
John Strickler	2326 N. Longwood St.	15	16	4-29-50
Mrs. N. Anderson	1309 Crofton Road	27	25	4-29-50
Mrs. E. Stucks	3712 Chesholm Road	15	14	4-30-50
Mrs. E. J. Bushby	3712 Chesholm Rd.	15	14	4-30-50
William T. Bushby	3712 Chesholm Rd	15	14	4-30-50
[illegible]	3712 [illegible]	15	14	4-30-50
Mrs. Joseph F. Dunn	3716 Chesholm Road	15	14	4-30-50
[illegible]	3709 Clyde	15	14	4-30-50

Only voters registered in Baltimore City may sign.

MATCHED HANDWRITING—This sheet from the anti-vivisection petition shows similar handwriting in signature pairs.

Some Signers Favor Medical Research On Dogs

Three persons who disagree with the anti-vivisectionists signed the dog-referendum petition to avoid offending the signature collector and two signers wrote the names of other persons on one page of the bulky petition, an examination of the page revealed yesterday.

The examination was made after a partial inspection of the 21,259 signatures had shown that hundreds of signatures were apparently written by the same hand. Many persons had denied signing the petitions which carried their names.

Courtesy Signature Noted

The petition was circulated earlier this year to put the issue of medical research on animals from the city pound on the November 7 ballot.

One man who said he favors research on animals, but signed the petition anyway is Knut H. Johnsson, of 3705 Chesholm avenue.

"Yes, I signed it," Mr. Johnsson said, "but if they can do anything through animal experimentation, they should."

Mr. Johnsson explained that he signed it in April out of courtesy to the neighbor submitting the petition.

Another person favoring animal experimentation who signed the petition is Mrs. R. Anderson, of 1309 Crofton road.

"I don't remember, but I'll say I signed it," Mrs. Anderson said.

"Have Pet Dog Too"

Mrs. Anderson added, "I am very much for using dogs in medical research. We have to progress. I have a pet dog, too."

Asked why she signed the petition, she said, "I have a friend—I didn't want to hurt her feelings."

The third person who signed at the request of a friend, but who herself favors the use of dogs for medical research, is Mrs. Margaret Goodrich, of 3709 Chesholm road.

Mrs. Goodrich said she doesn't remember whether she signed for her son, James S. Aiken, who lives at the same address.

"Our signatures look so much alike you can hardly tell them apart," she explained, when told her's and her son's name appeared to have been written by the same person on the petition.

Didn't Know Each Had To Sign

"A matter of fact," she continued, "I didn't know each person had to sign for himself, but so far as I remember James signed the petition, just as I did, because a friend asked us to."

Mrs. Goodrich said she and her

(Continued on Page 16, Column 3)

son had also signed a previous petition for the same friend when the question of dogs for doctors was being discussed by the City Council prior to the adoption of an ordinance giving stray dogs to hospitals for medical research.

Has Reflected On Matter

Since she has signed the petition, Mrs. Goodrich said yesterday, she has reflected on the matter and will be more careful about putting her name to documents in the future.

"I don't really think I fully understood the significance of the thing behind the petition," she declared, and added:

"I like dogs, have one myself, and wouldn't want anything to happen to it. But when it comes to a question of protecting dogs and protecting human health, you know where I stand.

"Naturally, humans come first, and I think the doctors ought to get as many stray, condemned dogs as they need for their research, making sure that the animals are handled and treated as humanely as possible."

Wife Signed With Permission

Mrs. Goodrich said she is certain that her son, a night-school student at the Johns Hopkins University, feels exactly the same way she does on the subject, and only signed the petition in order not to offend her friend.

O. C. Brownley, of 3747 Nortonia avenue, said he permitted his wife to sign his name to the petition.

"If she signed it, she signed it with my permission," Mr. Brownley said.

He added, "My wife and I went to school together, and you couldn't tell our handwriting apart, anyway."

Mrs. Gertrude A. Rubach, of 4625 Kernwood avenue, said she signed the name of her son, Karl.

Provision Of Law

Mrs. Rubach said, "We didn't know it had to be in each person's handwriting."

She explained that her son was standing with her when she signed his name.

The law requires that the signatures on each sheet of each petition be attested before a notary public and that the attestor swear, "I personally saw the signers of the foregoing petition sign the same, that such signatures are the authentic signatures of the signers. . . ."

Twenty-six signatures were on the petition page examined.

SUNDAY AMERICAN 10-29-50

Sodaro Asks Homicide Unit In State's Attorney's Office

Creation of a homicide division in the State's Attorney's office was advocated yesterday by Anselm Sodaro, Assistant State's Attorney and Democratic candidate to succeed J. Bernard Wells as head of the office.

In the closing address of the week-long seminar in homicide investigation for Maryland police officers, sponsored by the division of legal medicine, University of Maryland, and the office of the chief medical examiner, State of Maryland, Mr. Sodaro also took occasion to warn police in their use of "lie detectors."

WOULD ASSIST POLICE.

He said:

"In view of the onerous burdens in proving valid confessions placed on the State by recent appellate decisions, I look with favor on the plan adopted by district attorneys' offices in other large cities, particularly New York and Brooklyn, creating homicide divisions which work in close co-operation with police homicide squads in interrogating suspects at the time of their arrest.

"A recent visit to New York and Brooklin disclosed that confessions in all serious cases are taken either by the assistant State's attorney or in his presence.

"The purpose is not to substitute district attorneys for police but to assist them and render legal advice on the spot, with a view to obtaining good and valid statements.

WARNS OF DETECTORS.

"I feel also that the police will look with favor on the plan."

Mr. Sodaro reviewed the history of many well-known "confessions" and their fate.

Of lie detectors he said:

"I do not disapprove of the use of the lie detector but I would caution police in its use, as evidence obtained through it is not admissible in evidence and because of the risks that are taken of invalidating an otherwise good confession by reason of possible fear the defendant is subjected to, and possible statements that may be made to him during the test."

EVE. SUN 10/28/50

Wells Asks For Dog Petitions Held In City Hall Vault

State's Attorney J. Bernard Wells today requested that the dog referendum petitions, which are in a vault at the City Hall, be turned over to him immediately.

William H. Maynard, deputy State's attorney, said he had made arrangements to receive the petitions from Walter Beuchelt, one of Mayor D'Alesandro's secretaries.

The petitions—fourteen volumes, containing an estimated 21,259 signatures—passed through the City Hall and onto the November 7 ballot with only a cursory check as to their authenticity.

Detective Sergeant Anthony F. Nelligan and Detective Patrolman Anthony J. Urban, who have been assigned to the State's Attorney's office for the investigation, were instructed by Mr. Maynard to go to the City Hall and secure the petitions.

The petitions, presented by Col. Henry S. Barrett for the Maryland Anti-Vivisection Society, have been found to be liberally sprinkled with apparently forged signatures. Many whose names were offered as signers have denied signing the petitions.

"Discharged Their Duty"

Despite the admission of all city officials concerned that no one made any attempt to determine whether the signatures were genuine, City Solicitor Thomas N. Biddison said:

"The city officials have all discharged their duty. I contemplate no action, and have yet seen no grounds for action on the part of the city. I refer you to the Board of Election Supervisors, whose counsel is the Attorney General's office."

Mr. Biddison said that John J. Ghinger, city treasurer, though legally responsible for certifying the petition, was obligated only to certify "the question," and was not responsible for seeing that the petitions were genuine.

"In my opinion," he said, "the responsibility rests with those who made the affidavits before the notary public that the signatures were genuine. Mr. Ghinger was not obligated to go beyond those affidavits."

Written By Assistant

Mayor D'Alesandro declined to answer most questions, referring the matter to Mr. Biddison. He did say that the letter from the Mayor's office, signed by the Mayor, which sent the matter of petitions to Mr. Ghinger, was written by Mr. Beuchelt.

This was the course followed by the petitions:

1. They were carried to the Mayor's office by Colonel Barrett, an advertising executive, and "two or three" others. The Mayor posed with them for a photograph.

2. The petitions then went to an outer office, where Mr. Beuchelt took over. Mr. Beuchelt explained his exact part in this way:

"I cannot tell a lie. I did not count them. What I did was check one page or so, in the first book. And then I estimated. . . . No, I can't say just how many names I counted. It was so long ago I can't recall."

"Counted First Book"

Later, in the presence of the Mayor and Mr. Biddison, Mr. Buechelt expanded his statement:

"Well, I counted the first book. Yes, the whole first book. And then I estimated. And I also went through the whole fourteen books and checked the notary seals."

Asked if all the pages of the petition were notarized, Mr. Beuchelt said:

"Yes. They were. That is, all I remember seeing."

"Carefully Checked"

After this check, Mr. Beuchelt wrote a letter to Mr. Ghingher for the Mayor, which said in part:

"I beg to advise you that the petitions . . . filed with me this date were carefully checked, the count showing that 21,259 signatures were obtained . . . together with proper affidavits of individuals signing. . . ."

Mr. Ghingher then took the matter to Mr. Biddison, who advised him as to the wording for required advertisments of the petition, since it called for an amendment, and as to the exact wording which should be used on the ballots.

EVE. SUN 10/30

Young Hoodlum Gets Doubled Sentence

Double the imprisonment imposed by a police magistrate was ordered today by Judge Joseph Sherbow for a teen-age defendant convicted of assault involving street-corner "hoodlumism."

Imposing a six-month sentence to the House of Correction in place of Magistrate August A. Kozlovsky's sentence of 90 days, the Criminal Court judge declared he wanted all corner "gangs" to know "the courts really mean business."

The defendant was Albert Hess, of the 1700 block Lansing avenue. Hess had brought the case to the upper court on an appeal from the magistrate's sentence. He had struck a younger boy with his fist after making remarks to him and others who had been attending a church minstrel show rehearsal, it was stated.

Situation Deplored

In sentencing Hess, Judge Sherbow said:

"We have come to a sorry pass in this city when streets in residential neighborhoods are no longer safe for passage even in the early hours of the evening. Here we have a group of youngsters coming from church, on their way home. They were not bothering anybody.

"A crowd of teen-age hoodlums molested them without the slightest provocation. One of the older boys was struck by the defendant for no reason at all. Another boy was also beaten, but unfortunately could not identify his assailant. The rest of the children, 8 to 10 years of age, fled in panic.

Court Support Pledged

"This is a situation we cannot tolerate. The magistrates of this city should know that the courts are going to back them up when they impose jail sentences in this type of case.

"This should serve as a warning to all teen-age gangs in this city. The practice of hanging around corners, creating disturbances and interfering with decent citizens who pass by, will be broken up.

"The magistrate imposed a sentence of 90 days. The defendant has a bad criminal record already. I am increasing the sentence to six months. Now let the word go out to all the gangs that the police, the magistrates and the courts really mean business.'

EVE. SUN 10/30 NEWS 10/30

Prosecutors Call 90 Named On Dog Petition

In preparation for possible grand jury investigation of the dog referendum petition, assistant prosecutors today called about 90 signers of the petition before them for questioning at the Courthouse.

Police assigned to the probe were filling out summonses for a similar group to be interrogated tomorrow. Deputy State's Attorney William H. Maynard and Assistant State's Attorney George D. Solter are directing the inquiry by order of State's Attorney J. Bernard Wells.

According to J. Edgar Harvey, deputy attorney general, signers of names other than their own to the dog petition may be prosecuted for forgery—those who testified such signatures were genuine, for perjury.

The instrument, for which 21,259 names were gathered by anti-vivisection groups in the city, receives its authority from Article 11-A of the State constitution. Section 7 of that article provides:

"The false signing of any name, or the signing of any fictitious name to said petition shall be forgery, and the making of any false affidavit in connection with said petition shall be perjury."

Up To 20 Years Possible

The law provides prison terms of between one and ten years for forgery and up to ten years for perjury. A petition solicitor who signed another's name and then swore the signature was genuine would be guilty of both crimes and hence eligible for up to twenty years in prison, Mr. Harvey said.

Moreover, each forged name constitutes a separate offense, according to the deputy attorney general. A second forgery conviction carries a penalty of between ten and twenty years.

The petition forms state that each signer must sign "by himself (herself) in his (her) own handwriting (and not by his or her mark), together with the ward and precinct in which he or she is registered and the date upon which he (or she) has so signed. . ."

At the bottom of the forms appears the legend, "Only voters registered in Baltimore city may sign," and under that, the notarized oath:

"I, ———, a registered voter of Baltimore City, in the presence of Almighty God, do solemnly declare (or affirm) that I personally saw the signers of the foregoing petition sign the same, that such signatures are the authentic signatures of the signers, and that such signers are, and are known by me to be, registered voters of said City."

Spouses Can't Sign

Since the language of the constitution provides that registered voters must sign in their "own handwriting,' this would preclude

There is no statute of limitations for penitentiary offenses. The time of trial is limited only by the memories or the lifetimes of the witnesses.

NEWS 10/30

Dr. MacCrowe Dies Suddenly

The body of Dr. Albert E. MacCrowe of Baltimore, who died in New York last night, will be brought here and funeral services will be held at Kingsville, Baltimore county, but burial will be in the family vault at Paterson, N. J.

The time of the services at Kingsville has not been decided. Dr. MacCrowe had been making his home in Kingsville for the last 10 years. His offices for many years were in the 3400 block Liberty Heights avenue.

Dr. MacCrowe collapsed in Pennsylvania Station, New York, last night and died in an ambulance on the way to St. Vincent's Hospital. He had gone to New York to meet a nephew who had left him momentarily when he was stricken.

He was identified from papers on his person.

Dr. MacCrowe, seventy-three, had suffered during the last two years from a heart condition.

An immigrant from Ireland, he came here in the late eighties and was graduated from the old Baltimore Medical School.

He is survived by his widow, Mrs. Hazel Babylon MacCrowe; a brother, Robert, of Paterson, and a sister, Mrs. Letitia Ferguson of Boston.

EVE. SUN 10/30

Court Holds Witness In Bail When Told Army Calls Him

James W. Corbett, 23-year-old Pikesville filling-station attendant, has discovered he cannot legally leave the State to visit his fiancée in New Jersey before he leaves for induction into the Army tomorrow.

Mr. Corbett, a State's witness in a robbery hearing in Northwestern Police Court this week, was ordered held in $100 bail when it was learned by the State's Attorney's office that he faced induction.

If he leaves the jurisdiction of the courts before the trial of Herbert Lovell, Jr., charged with breaking and entering a tavern in the 5600 block Reisterstown road on the night of October 23, Mr. Corbett legally forfeits bail.

The bail was put up by Charles Fink, owner of the tavern, who said that Mr. Corbett was arrested immediately following Thursday's preliminary hearing. Mr. Fink said he raised the money an hour after the young man was jailed.

At the hearing Mr. Corbett testified before Magistrate Thomas L. Fitzpatrick that he saw Lovell behind the bar of the tavern the night the $3 robbery allegedly was committed.

When the magistrate learned of the impending army induction, he requested officers to urge the State's attorney's office to expedite the Criminal Court proceedings.

A spokesman at the State's attorney's office said today that Northwestern police telephoned and asked if Mr. Corbett should be held. The State's attorney's office said he should.

The proceedings against Lovell are being expedited, the spokesman said, but no date has yet been set.

NEWS 10/30

Youth, 19, Gets 6 Months In 'Cut' For Striking Child

Announcing that he is going to break up gangs of teen-age hoodlums, Judge Joseph Sherbow today increased a 90-day sentence on a teen-ager, convicted of striking a ten-year-old child, to six months in the House of Correction.

Sentenced was Albert Hess, nineteen, 1700 block Lansing avenue, whose case was brought before Judge Sherbow on an appeal from the 90-day sentence.

STREETS NOT SAFE

Commenting on the actions of teen-age hoodlums, Judge Sherbow said:

"We have come to a sorry pass in this city when streets and residential neighborhoods are no longer safe in the early hours of evening.

"Here we have a group of youngsters coming from church, bothering nobody.

"A crowd of teenage hoodlums molested them without the slightest provocation. One of the older boys was struck by Hess for no reason at all. Another was also beaten.

"The rest of the children, from eight to ten years old, fled in panic.

GIVES WARNING

"This situation we cannot tolerate. The magistrates in this city should know that the courts are going to back them up when they impose jail sentences, and this should serve as warning to all teenage gangs in this city.

"The practice of interfering with decent citiben who pass by will be broken up.

"The police magistrates and courts really mean business."

Earlier this year Hess served six months in the House of Correction after conviction on a morals charge.

He is married and the father of two children.

MORN-SUN 10-31-50

75 ARE QUESTIONED ON DOG PETITIONS

100 More Summoned For Today By Investigators

Seventy-five persons were interviewed yesterday and 100 more have been summoned to appear at the Courthouse today in the investigation of irregularities in the anti-vivisectionists' dog referendum petitions.

Deputy State's Attorney William H. Maynard and Assistant State's Attorney George D. Solter are conducting the inquiry, which was ordered by State's Attorney J. Bernard Wells.

A spokesman said last night that the questioning of persons would probably continue through Friday.

May Reach Grand Jury

"We should know where we stand at the end of the week," he said, "and then we'll be able to decide whether further investigation is called for."

The possibility exists that after their investigation the prosecutors may present the facts to the grand jury.

For that reason, officials said, the nature of the interviews being conducted will not be disclosed.

Fourteen volumes of the petitions, with an estimated 21,259 signatures, were presented to Mayor D'Alesandro in September by Col. Henry S. Barrett on behalf of the Citizens Committee on the Dog Referendum.

Describes Penalties

Getting a question on the ballot by petition is authorized by the Maryland constitution, which also describes the procedures that must be followed.

In addition, the State constitution makes it a crime to forge any name on a petition or to falsely swear before a notary public that all signatures are genuine and (in this case) that all signers are registered voters of Baltimore city.

Penalties in the law are one to ten years in prison for forgery and up to ten years for perjury in swearing to a petition.

Would Be Guilty Of Both

According to J. Edgar Harvey, deputy attorney general, a petition solicitor who signed someone else's name and then swore that the signature was genuine would be guilty of both charges.

The City Charter Amendment—that the petitions got on the ballot—would stop medical schools from getting impounded, unclaimed dogs for research and teaching.

The medical schools have said that research in the Baltimore area will be seriously crippled unless Baltimoreans vote against the amendment, which is Question No. 9 on the ballot, next Tuesday.

SODARO DENIES POLLACK TIEUP

State's Attorney Candidate Disclaims 'Entanglements'

Anselm Sodaro, Democratic candidate for State's attorney, last night branded as untrue the charge by his Republican opponent that he has a political alliance with James H. Pollack, and declared that he has "no political entanglements."

Speaking at a rally in the McHenry Democratic Club on West Barre street, Mr. Sodaro responded to charges by Lester H. Crowther, Republican candidate for the prosecuting position.

"I have no political entanglements," he declared. "I come to you free and independent. I am no man's candidate, nor the candidate of any factions or groups.

Separate Headquarters

"When I concluded to become a candidate, I did so free and independent without commitments to anyone with the sole purpose, if elected, to represent all of the people. To make certain that this attitude would be fully understood, I established at much expense to myself separate campaign headquarters.

"I wanted to demonstrate to the electorate of Baltimore a concrete form that, if elected, I would be the State's attorney of all the people without regard to race, color or political affiliation.

"If there is one thing I have learned during the twelve years of service in the State's attorney's office, it is the absolute necessity of honesty, fairness and impartiality in the conduct in the affairs of the office.

"During that time, the State's attorney's office has never been under any political domination and, if elected, I pledge that the office will continue to be free from any political influence."

EVE. SUN 10/31

Sodaro Denies Pollack Alliance

Anselm Sodaro, Democratic candidate for State's attorney, has denied the charge of his Republican opponent that he has a political alliance with James H. Pollack and declared that he has "no political entanglements."

Mr. Sodaro, addressing a rally at the McHenry Democratic Club on West Barre street last night, responded to charges by Lester H. Crowther, Republican candidate for the prosecuting postion. Mr. Sodaro told his listeners that "I come to you free and independent."

100 More Called In Petition Probe

Nearly 100 persons whose names were signed to dog-referendum petitions today were summoned to the State's Attorney's office in the second day's investigation of alleged irregularities in signatures.

Police officials and Deputy State's Attorney William H. Maynard and Assistant State's Attorney George D. Solter are conducting the probe, ordered by State's Attorney J. Bernard Wells.

Similarities of handwriting on some of the petition forms, plus the fact that some of the petitions filed did not appear to be properly completed and authenticated, brought about the probe.

MORN-SUN 11-1-50

Sentenced For Rape

Clarence J. Kirby, 17, who testified he smoked fifteen to seventeen marihuana cigarettes a day, yesterday was sentenced to life imprisonment for raping a 32-year-old mother of two children last May 29 in the vicinity of the Orleans street viaduct.

EVE. SUN-11/1

Grand Jury To Get Dog Referendum

State's Attorney J. Bernard Wells already has officially placed the dog referendum question before the Baltimore grand jury, and revealed today that eventual grand jury probe of the matter is expected.

His taff at present is engaged in sifting evidence, through interrogation of many of the approximately 21,259 signatures affixed to the referendum petitions. Mr. Wells said that work will be sure to take a week or more before evidence is ready for submission to the grand jurors.

Question Signers

The prosecutor revealed that he officially had brought the investigation to the attention of Otto Yursick, the grand jury foreman. Deputy State's Attorney William H. Maynard and Assistant State's Attorney George D. Sotler, with the aid of specially assigned police, are interrogating signers of the petitions.

It was stated that a final stage in the investigation, after a broad sampling of the persons who are listed as signing, will be interrogation of the various solicitors who circulated the referendum petitions.

MORN-SUN-11/2

LIVED WITH MAN SHE WAS 'HUNTING'

Woman Who Collected Welfare Assistance Arrested

A 26-year-old woman was arrested in the courtroom yesterday after testimony disclosed she was collecting welfare payments and at the same time living with the man—father of four of her children—whose "desertion" had made her eligible for relief.

The woman, Mrs. Jennie Mae Pope, who lives in the 600 block North Paca street, was held for grand jury action after Judge Joseph Sherbow issued a bench warrant for her arrest.

Testimony produced by John C. Weiss, prosecutor, disclosed that the woman accompanied Policewoman Violet Hill Whyte on several early morning trips through rooming houses on the pretense of searching for Chester Patton, the allegedly defaulting father of Miss Pope's four children.

Received $127 A Month

Policewoman Whyte, assigned to the task of locating Patton, testified that after several fruitless searches, she finally located Patton in a room with Miss Pope.

Mr. Weiss said the woman had been receiving about $127 a month from the welfare department for the support of the children.

Judge Sherbow convicted Patton of violating probation by failing to support the children. He struck out a previously suspended sentence of two years' imprisonment, and directed that Patton be confined for that period.

The judge said he might consider release under probation a second time if Patton makes an effort t make up arrearages.

EVE. SUN 11-2-50

Accuser Accused Of Relief Fraud

Appearing in Criminal Court as a prosecuting witness, Jennie Pope, 26-year-old Negro woman, yesterday ended up by being taken in custody and held for grand jury action for relief fraud.

The woman appeared to prosecute Chester Patton, Negro, who was charged with violating probation by failing to provide for support for several of her children and also on a charge involving birth of another child.

Judge Joseph Sherbow sentenced the man to a two-year term and ordered the woman's arrest when it was shown she and Patton had been living together while she was obtaining welfare aid. The Pope woman lives in the 600 block of North Paca street.

EVE. SUN 11/2/50

Court Hears Pleas Of 2 Doomed Men

Annapolis, Nov. 2 (AP)—Two Negroes who accused each other of the robbery-slaying of a Baltimore trolley-car motorman last year pleaded with the Court of Appeals today to save them from the gallows.

The Baltimore Criminal Court sentenced them March 10 to hang for the October 5, 1949, murder of Orval E. Ericson.

Gerald Sylvester Day, of 1533 Woodyear street, and Russell Sinclair Lewis, of 1424 North Fulton avenue, both 25, admitted being at the scene of the crime. Each accused the other of the attack, contending that only one man had entered the trackless trolley on Westwood avenue, while the other stood guard.

Both Admit Drinking

Each held that he was standing guard and had no knowledge of the other's intent to kill. Both men admitted drinking.

Day testified that he saw Lewis "with a knife standing over" the driver.

Lewis said he saw Day "coming out of the window of the trolley."

Police said Lewis's shoes were stained with blood. A bloodstain in the outline of a shoe was found in the trolley.

Lewis, an Army private, admitted being absent without leave from Fort Bliss, Texas. He said someone had stolen his uniform at Alamo and he had never gone back to camp.

Met While In Army

Day, who had known Lewis while both were in the Army, attended a watchmaker's school under the GI Bill of Rights. He is married.

Lawyers for both men contended that the rights of the two were abused because they were not allowed separate trials. The joint trial for the same crime only served to throw a "cloak of complicity" around them both.

Only if tried separately could the two men be represented their constitutional rights warranted, the lawyers declared.

9 Fined $4,239 In Numbers Case

Fines and court costs totaling $4,239 were assessed against nine defendants today by Judge Michael J. Manley in Criminal Court in connection with a numbers-racket raid last May 29.

Two men—Garrett Cooper and James Foster, both Negroes—were fined a total of $2,000 each. Judge Manley also imposed 90-day jail terms, which were suspended on payment of fines.

The two defendants were said by Police Captain Alexander L. Emerson to have been in charge of a numbers headquarters which police raided in the 1300 block McCulloh street. Evidence of nearly $17,000 in numbers play was found.

Seven other defendants were fined $10 each as patrons of the place.

MORN-SUN-11/14

OBER TO ACT IN DIGGINS CASE

Judge Complains Of Use Of Suspended Policeman

Col. Beverly Ober, police commissioner, said last night he will order an immediate investigation of a Supreme Bench complaint that a suspended policeman took part in raids by the headquarters vice squad.

Judge Michael J. Manley made the complaint in a letter to Colonel Ober. The suspended policeman is Patrolman Frank Diggins, a member of the vice squad.

The police commissioner said the matter did not come to his attention until late yesterday afternoon and added he would "look into it the first thing" this morning.

Presented By Grand Jury

Diggins, who became involved in an altercation with a motor-company official over the blocking of a driveway October 19, was presented by the grand jury a few days later on a charge of assault. He was suspended the following day pending the outcome of the case.

Originally, the motor-company official was accused of assaulting Diggins, but this charge was dismissed in Central Police Court by Magistrate James R. Cadden, who described the police part in the affair as a "disgraceful performance."

Drove Vice Raid Car

According to testimony in a numbers case before Judge Manley yesterday, Patrolman Diggins used his private automobile to carry Capt. Alexander Emerson and other members of the vice squad to the scene of a raid November 3.

Although Captain Emerson contended the suspended policeman took no part in the raid, despite defense testimony to the contrary, Judge Manley declared he was "unable to believe that Patrolman Diggins sat quietly in his car and restrained himself while the raid was going on."

Maurice T. Siegel, defense counsel, charged during the numbers trial that Patrolman Diggins also took part in a raid last Saturday, and helped swing a maul to break down a door. Mr. Siegel said no evidence was found during that raid.

Relieved Of Gun And Badge

In the letter to Commissioner Ober, Judge Manley declared that the use of a suspended policeman in a raid merely supplies defense counsel with another point of argument and makes the task of the judge more difficult.

Captain Emerson testified he has taken Patrolman Diggins's badge and gun from him. The vice squad head "guaranteed" the court he would not permit Patrolman Diggins to take any part in future raids.

The numbers trial resulted in a $75 fine for Roy Cook, operator of a filling station at Grundy and Fleet streets. Judge Manley released Arthur DeVaughn, a presser in the 600 block Grundy street, on probation without a verdict.

EVE. SUN-11/13

'Suspended' Officer's Acts Bring Quiz From Judge

Judge Michael J. Manley wrote a letter to Police Commissioner Beverly Ober today questioning the continued police activity of Frank R. Diggins, a member of the vice squad who is supposedly under suspension.

Diggins has been under grand jury presentment for assault since October 23, and his trial on a charge of assaulting a civilian is still pending.

In Criminal Court this morning, Judge Manley was told by Capt. Alexander Emerson that Diggins actually drove raiding vice-squad officers on a raid on November 3. Diggins used his own car, Captain Emerson testified, but was not listed on police records as a witness to the raid.

Other Raid Reported

Judge Manley was also told by others in the courtroom that Diggins had taken part in another raid and the battering down of a door last Saturday night.

Captain Emerson also said that Diggins was drawing full pay during his suspension, an action authorized by the Police Department.

The assault charge against Diggins grew out of a fight resulting when vice-squad officers left an automobile blocking private property. Another policeman arrested Diggins after he fought a civilian, and charges brought by Diggins against the man were dismissed in a police-court hearing.

Assistant State's Attorney Saul A. Harris, in charge of trial assignments, said that no date had been set for Diggins's trial, and that trials for defendants who are in jail took precedence.

Numbers Racket Charged

In Criminal Court this morning Roy Crook, operator of a filling station at Grundy and Fleet streets, was fined $75 and costs by Judge Manley on a numbers racket charge in connection with the November 3 raid in which Diggins fiured unofficially.

Arthur DeVaughn, a Grundy street pressing-shop employé who took plain-clothes officers to Crook when they asked to place a numbers bet, was released on probation without a verdict.

MORN-SUN-11-14-50

'SANITY' DECISION RESTS WITH JURY

Case Points Up Divergence In Legal, Psychiatric Meanings

Two psychiatrists yesterday termed a defendant "one of the most serious psychopaths" they have ever examined, yet a Criminal Court jury of laymen is faced with the question of whether to find the accused youth legally insane under Maryland law.

Their decision involves interpreting the legal meaning of sanity as established by the Maryland Court of Appeals in 1888 on the basis of an English ruling of 1843. This was long before modern views of psychiatry were developed, the court was told.

Fled Hitler Regime

The defendant is Dolfi Salinger, 20, of the 1600 block of Gwynns Falls parkway. He is being tried on charges of armed robbery and the theft of eight pistols from a house on Brentwood avenue.

In his opening statement yesterday, Joseph Rosenthal, his attorney, admitted that the alleged events had taken place but pleaded his client not guilty by reason of insanity.

The court, over which Judge Joseph Sherbow is presiding, was told that Salinger and his family had come to this country in 1937 from Germany, fleeing from the persecution of Hitler.

According to testimony, the youth's record of trouble goes back to his earliest years. Throughout his growth, acts of delinquency, aggression and hostility were continuous, increasing in seriousness as he grew older, the court was told.

In 1947 young Salinger began a maximum three-year sentence at the penal farm, during which time he was sent to Spring Grove State Hospital for several months.

Released In April

He was released last April. The charges on which he is being tried—including armed robbery of a tavern and diner—were committed in August.

He was arrested with two other youths in New Jersey, en route in a stolen car to New York.

Detective Lieutenant Allen Crone, who brought him back to Maryland, said Salinger boasted of his deeds and acted as if he wanted "to be a genius in crime."

Mr. Rosenthal told the court that Salinger "says he can be as great as Hitler," except he would not kill so many people "because it would be a waste."

Psychiatrists Testify

According to Mr. Rosenthal the youth boasted that he could break out of the Maryland Penitentiary "and take Jack Hart (a notorious criminal) with him."

Two psychiatrists, Dr. Manfred S. Guttmacher and Dr. W. Emmett Wilkinson, declared Salinger to be one of the "most serious psychopaths" they had ever examined.

But they differed in their interpretation of his sanity under the law.

In Maryland, a man is legally sane if he knows the difference between right and wrong and understands the nature and consequences of his act as applied to himself.

The ticklish point in question, the jury was told, is the meaning of the word "know."

Dr. Guttmacher said that "technically—intellectually," Salinger knew the difference between right and wrong and the consequences of his act.

However, Dr. Guttmacher declared that the youth did not have the ability to adhere to the right because of his mental disorder.

Cites Change In View

It was explained that the principles of the sanity law were established in the days when the intellect and will were considered separate functions, whereas the modern view is that all aspects of the person are interrelated.

The question was, can a man really "know" the difference between right and wrong and the consequences of his acts if he cannot, because of emotional urges, adhere to what he perceives, intellectually, as right.

Dr. Guttmacher declared he felt "hopeless" about Salinger, and three years ago, when he first examined Salinger, he predicted the youth was "certain to continue to get into serious trouble."

Yet he said that under the law, psychopaths, although mentally disordered, were not usually committable to a mental hospital. Technically, they can distinguish right from wrong.

A "Legal Term"

It was brought out that the word "insane" is a legal term which psychiatrists usually do not use.

"Nearly all psychiatrists disagree with the legal definition of insanity," Dr. Guttmacher said.

The psychiatrist, who has been medical adviser to the Baltimore Supreme Bench for twenty years, declared that in his understanding of the intent of the law, Salinger was legally responsible and accountable to the law for his act.

Dr. Wilkinson, on the other hand, said in his interpretation of the law, Salinger was not responsible, that he could not distinguish right from wrong.

"Unable To Control Emotions"

Dr. Wilkinson, formerly of the Spring Grove staff, declared that Salinger's "demands were insatiable," and that his intellectual equipment was no aid in helping him handle his emotions. He is "unable to control his instincts or emotions," Dr. Wilkinson added.

Asked why Salinger was returned to the penal farm instead of being kept at Spring Grove, Dr. Wilkinson said it may have been "the difficulty of housing people who are constantly in trouble." It may have been "purely expedient" to send him back to the penal farm, he said.

If Salinger should be found guilty of the charges, as asked by J. Harold Grady, assistant State's attorney, he would be committed to a penal institution, for there is no present specialized provision for the legal incarceration of psychopaths.

Only Disagreement

Among the doctors, members of his family and others who testified, there was no disagreement yesterday on the anti-social and uncontrolled behavior of Salinger.

The only disagreement hinged on whether his type of mental disorder fits the legal definition of insanity.

Seventeen states and the Federal Government recognize irresistible impulse" under the category of insanity, while at the same time maintaining the definition of insanity as used in Maryland law—a definition that has guided legal concepts since it was first promulgated in England in the famous case of Daniel McNaughten, tried for killing the secretary of Sir Robert Peel. McNaughten was found not guilty by reason of insanity.

Bandit Receives 20-Year Term

Sentence of twenty years in the Penitentiary was imposed yesterday on Robert Wingate, 34, of the 1000 block Brantley avenue, who was convicted by a jury recently of participating in the $818 holdup of an East Centre street finance company last August 19.

Wingate, a Negro, was one of six men convicted of participating in one or more of four loan or finance company holdups. Two codefendants received Penitentiary sentences of 40 years each, a third was sentenced to 35 years and another defendant was given a fifteen-year term.

The sixth defendant—Barton Dorsey, 28-year-old Negro—is still awaiting sentence. Dorsey testified for the State during the trials. The sentences were imposed by Judge Joseph Sherbow in Criminal Court. Charles E. Orth, Jr., prosecuted the cases.

NEWS-11/14

Man Gets 18 Years In Murder Of Wife

Jackson Jennings, thirty-one, 800 block West Fayette street, convicted of second-degree murder in the death of his estranged wife, Christine Jennings, thirty-three, was given the maximum sentence of eighteen years in the Maryland Penitentiary by Judge W. Conwell Smith in Criminal Court today. Jennings also was sentenced to serve a ten-year concurrent term on conviction of charges assaulting a boy near his home.

MORN-SUN-11/15

PSYCHOPATH FOUND LEGALLY INSANE BY JURY

Ruling Breaks Precedent, Marks Reinterpretation Of Prevailing Test

Returning a verdict that breaks precedent, a Criminal Court jury yesterday found a psychopath legally insane.

It was the first instance of its kind local court attachés could recall, for, they said, it marked a reinterpretation of the single legal test of sanity that prevails in Maryland and 29 other states.

In this case, Dolfi Salinger, 20, was found "not guilty by reason of insanity" on several charges, including armed robbery.

This means, it was said at the Courthouse, that he will be committed to the Spring Grove State Hospital. Had Salinger been found guilty, sentence to a penal institution would have been necessary, for the law makes no other provision.

Law Explained

In such an institution, without treatment and the kind of environment equipped to deal with his trouble, he would have become progressively worse and an even more serious menace to the public on his release, psychiatrists testified.

Under the law, a man is held legally sane if he knows the difference between right and wrong and the nature and consequences of his acts as applied to himself.

A psychopath, according to psychiatric testimony at Salinger's trial, can "verbalize" knowledge of right and wrong—he knows it intellectually—but is unable to adhere to the right because he cannot control his emotional urges.

Tradition Cited

As traditionally interpreted, psychopaths are not found insane under this law.

J. Harold Grady, assistant State's attorney who prosecuted, asked for a verdict of guilty and said under Maryland law Salinger should be ruled sane and accountable for his acts.

Yesterday's verdict gave recognition to the view that if a person is emotionally unable to abide by his intellectual perception he does not really "know" the difference between right and wrong.

The Maryland law is based on principles set down in an English case in 1843—long before the modern psychiatry, the court was told.

In those days, intellect and will were regarded as separate, whereas the modern view regards all aspects of the personality as interrelated, it was stated.

In the Salinger case, psychiatrists appearing for both sides agreed that the youth, whose family lives in the 1600 block of Gwynns Falls parkway, is a "serious," "hopeless" or "dangerous" psychopath.

There was no disagreement on the nature of his behavior, which, according to testimony, was uncontrollable, unpredictable, aggressive, and progressively more serious in nature.

One expert, Dr. Robert M. Lindner, a psychologist, called by Joseph Rosenthal, defense attorney, predicted that, if unrestrained, Salinger would eventually "murder somebody." He called the youth "a small edition of Hitler and a real storm-trooper type."

Called Potential Menace

Both sides agreed Salinger was mentally disordered and a potential menace because he frequently carried a knife, blackjack or other weapon and insisted on instant gratification of his desires without concern for the feelings of others—a typically psychopathic trait, according to testimony.

The only point of disagreement was whether Salinger could be adjudged legally insane under the wording of the law.

In previous Maryland cases psychopaths have been adjudged legally sane and accountable to the law for their acts.

Judge Joseph Sherbow, who presided at the trial, stated the problem when he declared he "gathered" from the psychiatrists that "the law and psychiatry differ considerably as to what constitutes proper standards" in testing sanity.

Dr. Manfred S. Guttmacher, who testified for the State on Monday, termed Salinger "one of the most serious psychopaths I have ever examined" and said the outlook for his case appeared "hopeless."

Several Psychiatrists Testify

However, Dr. Guttmacher testified that under the legal definition of insanity, Salinger was a responsible person, accountable to the law, despite the medical recognition of Salinger's inability to control his emotions.

"Technically," the psychiatrist said, Salinger knew the difference between right and wrong and the nature and consequences of his acts.

On a previous occasion, Dr. Guttmacher made clear his personal views of the Maryland law, saying, "The law should recognize there are people who have defects in the emotional field that overpower them, just as defects in the intellectual field may overpower them. Our law of the 1840's recognizes intellectual deficiencies but not emotional deficiencies."

Several other psychiatrists in the Salinger case declared that even under the present law, they felt the defendant should be adjudged insane.

Refers To Public Protection

Dr. Lindner said that under the law, "a man can be as mad as a March hare, but it is impossible to get State hospital authorities to hold him unless there is evidence of hallucinations or the most extravagant kinds of behavior."

"If you and I see a new car on the street, we might admire it and say, 'Some day, I'm going to have one,' but the psychopathic is unable to tolerate the interval between wanting and getting. He would get in the car, fix the switch and drive off. If his desire is sexual, he will commit rape."

MORN-SUN-11-15-50

N. BALTIMORE, WEDNESDAY MORNING, NOVEMBER 15, 1950

Stolen Car Driven Over 2,600 Miles

Cheap transportation apparently was the aim of Ellsworth Poe, 21, who drove a stolen automobile more than 2,600 miles and obtained free transit rides by wearing a stolen badge, jacket and cap of a bus operator.

Poe pleaded guilty before Chief Judge W. Conwell Smith to the theft of a 1950 automobile, a set of license plates and the identifying clothing of a transit company operator. He was sentenced to eighteen months in the Reformatory for Males.

John C. Weiss, assistant State's attorney, disclosed that Poe stole the automobile from the 3700 block Gallaway avenue last October 13, and between that date and November 3 drove it more than 2,[illegible] miles.

ORDERS PROBE INTO DIVORCE

Judge Moser Sets Aside Decree Obtained By Man Now Dead

Judge Herman M. Moser, in Circuit Court, yesterday set aside an absolute divorce obtained by the late Edward E. Ford, airplane plant engineer, and directed the State's attorney to investigate possible perjury charges against what he described as a "phony dentist."

Desertion Is Denied

Ford, who died last June 26, had obtained the divorce decree here in March, 1945. In obtaining the divorce, he testified that Mrs. Harriett Ford deserted him in 1939.

A witness for Ford at the divorce proceedings in 1945 was James R. Irwin, a former dentist, whose license to practice was taken away in Pittsburgh, it was disclosed at the trial yesterday. Irwin now is somewhere in West Virginia, Judge Moser was told.

Mrs. Ford, who has lived in Cleveland ever since she married Ford in 1925, contended yesterday that she never deserted her husband, and that she visited him here up until 1943. She said Ford came to Baltimore to take a job at the airplane plant in 1938.

Mrs. Ford testified she knew Irwin only casually, and that he had insufficient knowledge of her domestic affairs to be able to testify in a divorce action.

Ford, who lived here in the 3700 block North Charles street, never remarried, the judge was told.

Lacked Funds To Fight

Mrs. Ford said she heard of the divorce late in 1945, but because of insufficient funds was unable to attack the validity of the action of the Baltimore court.

She decided to contest the divorce after she learned of Ford's death because of inheritance rights she enjoyed as his wife, it was disclosed. She testified that although Ford gave her address merely as Cleveland, he knew her exact address at the time of the divorce.

George Farber was counsel for the wife.

EVE. SUN-11/15

Dog Petition Case Before Jurors

Prosecutors today began submission of evidence before the Baltimore grand jury in connection with alleged irregularities of the dog referendum petitions which put the humane commission question before the voters last week.

Today's witnesses did not include signers of the petitions which bore more than 21,000 names.

Instead, prosecutors called Detective Sergeant Anthony F. Nelligan and Detective Anthony Urban, who have been investigating about one third of the names on the petitions.

Deputy State's Attorney William H. Maynard and Assistant State's Attorney George D. Solter took the matter before the jury. Other witnesses are to be called before the jury this week and next week.

During the preliminary investigations in the State's Attorney's office, about 600 persons had been interviewed in connection with their signatures.

Rider-For-Free Gets 18-Month Term

Ellsworth Poe, 21, is beginning to pay for the free transportation he got in the last month. He was found guilty of stealing an automobile, which he drove more than 2,600 miles, and the theft of a Baltimore Transit Company driver's uniform which he used to get free bus and streetcar rides.

Chief Judge W. Conwell Smith, of the Criminal Court, exacted payment in the form of an eighteen-month sentence in the Reformatory for Males.

EVE. SUN-11/15

Four Husbands Not Bigamy, Court Rules

Twenty-nine-year-old Rita G. Robinson, or Schaefer, or Petrides, or Nikolajsen, has had four husbands, but nevertheless she is free of a bigamist charge brought concerning her last marriage to Lars Nikolajsen, Danish seaman, last August 24.

Judge Michael J. Manley in Criminal Court ruled that the State had failed to prove one essential point of the bigamy charge: that a legally wed husband was actually alive and in being at the time of the last marriage.

The woman, who was indicted as Mrs. Robinson, lives in the 200 block South Washington street. Early last week when called for trial in the Criminal Court she "disappeared" after being around the Courthouse an hour or so awaiting trial. Her attorney, Harry D. Kaplan, found out that she was nervous and "went out to get a drink" and kept on drinking for a while instead of coming back for trial.

Woman Arrested Again

As a result, the woman had been rearrested and held for court. The not-guilty verdict entered by Judge Manley set her free again.

From statements she had made to police and records which police and prosecutors unearthed, it appeared that the young woman was married at the age of 15 in Virginia in the early 1940's, was divorced, and was married to a man named Schaefer in Baltimore on July 16, 1945. On October 20, 1948, at Norfolk, Va., she married Constantine Petrides, Greek seaman, and last August 24 married the Danish seaman.

Husband's Existence Unknown

The State had the woman's own admission that she didn't know whether Schaefer was alive or dead when she married either one of the two seamen, but the State could produce no concrete evidence about the man.

The Norfolk marriage, of course, was not within the jurisdiction of the Baltimore court, and Judge Manley pointed out that if Schaefer was living at the time of the Norfolk marriage to Petrides, but was dead before the marriage to the Dane, there was no living husband to make the last wedding bigamous.

Man Gets 20 Years In $800 Holdup

Participation in the $800 holdup of a loan company office in the first block East Center street last August resulted in a twenty-year penitentiary sentence for Robert Wingate, 35-year-old Negro, of the 100 block Brantly street.

Wingate was one of three men in the holdup. Long sentences were given earier to other men who had participated in a series of robberies of finance concerns, but Wingate was involved in only the one armed robbery.

Judge Joseph Sherbow, who sentencted Wingate in Criminal Court, previously placed sentences totaling 40 years on both Joseph L. Shields and James D. Banks, sentences totaling 35 years on Vernon Lightfoot and fifteen years on William H. Powers. All of the men are Negroes.

Two other men today received ten-year penitentiary sentences from Judge Sherbow for robbing a pedestrian of $1.70 last October 1 at the point of a knife in South Baltimore. The men, Negroes, with records, were James Conn, 28, and Albert Daniels, 20.

Flash

State Denied Adams Retrial

Annapolis, Nov. 15 (AP)—William (Little Willie) Adams, Baltimore Negro political figure, today won final clearance of gambling charges filed after a vice squad raid on a numbers racket headquarters. The Court of Appeals turned down the State's bid for a new trial.

EVE. SUN-11/15

NEW BUREAU HEAD—John C. Weiss, an assistant prosecutor of criminal cases on the staff of State's Attorney J. Bernard Wells, has been assigned to head the domestic relations bureau of the prosecutor's office. The position was made vacant by resignation of Morgan M. Buchner, who has been named a master in chancery under the Supreme Bench.

New Trial Of 2 Ordered In Slaying

[Special to The Evening Sun]

Annapolis, Nov. 15—New trials were ordered today by the Court of Appeals for two Negroes convicted and sentenced to hang for the murder of a Baltimore Transit Company trackless trolley operator thirteen months ago.

The 25-year-old defendants, Gerald S. Day, of the 1500 block Woodyear street, and Russell S. Lewis, of the 1400 block North Fulton avenue, were found guilty of the knife-slaying of Orval E. Ericson on the night of October 5, 1949, and ordered to hang by Chief Judge W. Conwell Smith, of the Baltimore Supreme Bench.

Each Accused Other

At the Criminal Court trial, each had accused the other of stabbing Ericson during an attempted robbery.

The high court's unanimous decision declared that Judge Smith never should have allowed the cases to be heard together at the same trial. Knowing that finger pointing statements would be introduced at the joint trial, the appeals court, Judge Smith should have granted a defense motion to try each case separately.

"It was an abuse of discretion by the trial court, after it knew what evidence was to be produced, not to grant the severance prayed," wrote Chief Judge Ogle Marbury for the Court of Appeals.

Disregard Ordered By Judge

Two statements by each defendant and part of a joint statement were introduced at the murder trial. Judge Smith instructed the jury to disregard what each said of the other in the individual statements, but that was not enough, the appelate court held.

"No juror, no matter how intelligent and how desirous of doing his duty and obeying the instructions of the court, could rid his mind of the impression necessarily made upon him by these statements of each of the defendants against the other," Judge Marbury wrote.

The decision marked the first ruling by the Court of Appeals on the question of severance when the prospect of sharply conflicting testimony was clear before trial. Chief Judge Marbury noted that ordinarily such procedural matters are entirely within the discretion of the trial court.

Found Stabbed In Car

Ericson, 28, married and father of one son, was found fatally stabbed in his trackless trolley at the Carey street and Westwood avenue terminal of the No. 21 line by an off-duty policeman who pursued two Negroes from the scene. Ericson's money changer, containing $11.97, was found in a gutter near the bus, apparently dropped there by the slayer or slayers.

MORN SUN 11/16/50

Maryland Denied Another Chance At 'Willie' Adams

Annapolis, Nov. 15 (AP)—Maryland's high court today denied the State another chance to try William Adams, Baltimore political figure who had been cleared of gambling charges.

A new trial would place Adams, known as "Little Willie," in "double jeopardy," Judge Charles Markell said.

Adams had been arrested after police raided a Baltimore numbers headquarters, in the 2000 block West North avenue, last November 19. Sixteen others picked up in the raid pleaded guilty and were fined up to $2,450 apiece. Adams was arrested when he arrived at the North avenue house and was tried separately.

Judge Michael J. Manley ruled out as too vague the search warrant police carried when Adams was arrested.

Maryland's ban on double jeopardy may be skirted in rare cases, Judge Markell noted, but this was not one of them.

Man Sentenced In Son's Beating

A 37-year-old father, already on probation for assaulting and tying up three of his children, yesterday was sentenced to two years' imprisonment for fracturing the leg and dislocating neck vertebrae of his 7-year-old son in a second assault with a broom.

The sentence was imposed by Judge Joseph Sherbow on Willie George Chambers, Negro, of the 2600 block Huron street. Testimony disclosed that after the beating last September 29, the young boy was not taken to a hospital for treatment for three days, although he was unable to walk or bend his head.

"Worse Than An Animal"

"You are worse than an animal," Judge Sherbow told the father in imposing sentence. "An animal would at least protect its own children."

The boy—Morralin Chambers—appeared in the courtroom with crutches and with his neck encased in a cast.

Last February, Chambers was convicted of assaulting three of his children, including Morralin, and tying them up with a rope. He was released under a suspended sentence and placed on probation.

Dog-Petitions Probe Is Begun

The Baltimore grand jury yesterday heard testimony from two detectives and a prosecutor as it opened its probe of alleged irregularities on the petitions which caused the dog referendum to be placed on the ballot in the recent election.

William H. Maynard, deputy State's attorney, and George D. Solter, assistant prosecutor, said the testimony was more or less introductory in nature. Additional testimony will be given the jury if it is desired, they asserted.

Detective Sergeant Anthony Nelligan and Detective Patrolman Anthony Urban, who assisted the prosecutors in the interrogation of about 600 signers or alleged signers of the petitions, appeared before the grand jury along with Mr. Solter.

EVE. SUN 11-16-50

Man Fined $150 For Molesting Child

Roy F. Herb, 60-year-old accountant, today was sentenced to nine months in the House of Correction nd fined $150 for molesting a small child in a motion-picture theater September 30, but Chief Judge W. Conwell Smith suspended the prison sentence upon payment of the fine.

Herb was placed under probation for one year. The defendant lives in the 5300 block Liberty Heights avenue.

MORN. SUN 11-17-50

Woman, 51, Fined In Jewelry Theft

Mrs. Mary E. Feldmeyer, 51, who admitted stealing about $2,000 worth of jewelry from a friend's home during a false alarm of fire at the premises, yesterday was fined $150 and costs and placed under probation for two years.

The sentence was imposed by Chief Judge W. Conwell Smith in Criminal Court. The judge suspended a term in the Reformatory for Females upon payment of the fine by the defendant.

Mrs. Feldmeyer, who lives in the 900 block East Forty-first street, admitted she stole the jewelry from Mrs. Ruth Brady, wife of a retired policeman, who lives in the 200 block East Biddle street.

The theft occurred last April during excitement occasioned by firemen investigating an alarm of fire in the Biddle street residence. The defendant was arrested in September after part of the jewelry was found in a Havre de Grace pawn shop, according to John C. Weiss, assistant State's attorney, who prosecuted the case.

EVE. SUN-11/17

JURY CLEARS PRESS CLUB

Acts On Hammond Opinion In Alcoholic Beverages Case

Acting on an opinion handed down by the attorney general of Maryland, the Baltimore grand jury yesterday dismissed officers and employés of the Baltimore Press Club of a charge of permitting alcoholic beverages to be consumed on the premises between 2 A.M. and 6 A.M.

The opinion rendered by Hall Hammond, attorney general, and Kenneth C. Proctor, assistant, was to the effect that the law banning consumption of intoxicants during prohibited hours did not apply to the Press Club, which holds a club license.

The ruling pointed out that Article 2B, Section 74 (a), prohibits consumption during the four-hour period:

1. On premises open to the general public.
2. In any place of public entertainment.
3. In any place where setups or other component parts of mixed alcoholic drinks are sold.

Private Club Held Excluded

"In the opinion of this office, a private club (assuming that it is a bona fide club and not merely a front) does not fall within the prohibition of Article 2B, section 74 (a)," the opinion stated.

The ruling pointed out, however, that a sale of intoxicants in a private club after 2 A.M. would be a violation of the law. Mere consumption is not barred, the ruling held.

The charges had been filed by police against W. Snowden Carter, William Zorzi and Raymond E. Pryde, officers of the Press Club, and Marion Stevenson and Grayson Marshall, Negro employés.

The charge originally had been dismissed in police court after the raid on the West Fayette street premises of the club early last month. However, William J. Forrest, acting chief inspector of police, sought special action by the grand jury in the case.

MORN-SUN-11/12

ARGUMENTS HEARD IN EDWARDS CASE

New Murder Trial Motion Opposed By State

Arguments on a new-trial motion filed on behalf of Thomas A. Edwards, who was convicted of a 1948 dual murder near Glen Burnie, will be concluded Monday afternoon.

All of the time for argument yesterday was consumed by former Judge William J. McWilliams, court-appointed counsel for Edwards along with Ridgely P. Melvin, Jr. Mr. McWilliams argued for more than four hours in support of the new-trial move before eight judges of the Supreme Bench.

Edwards has twice been convicted of the murder of Miss Mary Kline and John H. Mahlan, but the guilty verdicts rendered by the first trial court were subsequently reversed by the Maryland Court of Appeals on the grounds that a Baltimore police captain improperly procured confessions from the accused.

Convicted Second Time

Edwards was convicted the second time last June by Chief Judge W. Conwell Smith and Judge Charles E. Moylan. Those two judges took no part in the proceedings yesterday.

Edwards was sentenced to hang after the first trial. Sentence was temporarily deferred after the second trial in view of the move for a new trial.

Mr. McWilliams attempted to prove to the judges yesterday that Edwards was convicted at the second trial on circumstantial evidence which is, Mr. McWilliams said, compatible with the innocence of the defendant.

He contended that a cartridge case found at the spot where the body of Miss Kline had lain in a Chesterfield clearing, in Anne Arundel county, was the most important piece of evidence. Without it, he argued, the other evidence is meaningless.

The defense lawyer declared that the cartridge case, which FBI experts testified was fired from Edwards's gun, should not have been admitted into evidence for numerous reasons.

He argued that the chain of custody of the cartridge was not complete, and pointed out that there was a possibility that the cartridge may have become mixed up with other cartridges in the hands of police, including several admittedly fired from the gun of Edwards.

Mr. McWilliams further contended that under the physical evidence, the cartridge should not even have been at the Chesterfield site. He cited the fact that medical testimony tended to show that Miss Kline died before she reached the clearing. Also, he contended, the bullet hole was in the back of her head, but when her body was found, she was lying on her back.

In addition, the attorney pointed out that the cartridge was not found until six days after the bodies of Miss Kline and Mahlan were discovered at the clearing.

Cites Other Pieces Of Evidence

He charged that the cartridge was placed there by the real murderer or a confederate to divert suspicion and to direct attention on the Negro community of Freetown, where Edwards lived.

The lawyer contended that other pieces of evidence, such as Mahlan's car, torn license card and keys, also had been planted by someone to divert attention to the Negro town.

Mr. McWilliams discounted the testimony of a Penitentiary deathhouse guard, who said he overheard Edwards make certain statements involving himself in the crime. The attorney said Edwards is a fast talker, hard to understand and that the testimony was a mere interpretation by the guard of what he thought the accused was saying.

He contended the context of the entire conversation Edwards purportedly had with other deathhouse inmates was necessary to determine the true meaning of what the accused said. He pointed out that the guard admitted that Edwards said many other things.

Other Points Raised

Finally, the judges were told that the case lacked any evidence of a motive on the part of Edwards, that money was found on Mahlan and there was no evidence of rape. Mr. McWilliams pointed out that Edwards had a good job and was not in need of money.

Other points raised by the attorney were that the crime was not compatible with the Negro character generally, nor with the character of Edwards, and that alibi evidence was conclusive of the innocence of the young Negro defendant.

James C. Morton and Anselm Sodaro, who prosecuted the case, will argue against the new-trial motion when the hearing is resumed at 1.30 P.M. Monday.

NEWS-11/21

Edwards Plea Arguments Resumed

Arguments were resumed today in the new trial motion of Thomas Edwards, twice convicted of the Mahlan-Kline murders in Anne Arundel county in September, 1948.

The new trial motion is being heard by eight members of the Supreme Bench.

The hearing opened Friday, with most of the session being consumed by arguments by attorneys for the accused, former Judge William J. McWilliams and Ridgely P. Melvin, Jr. Mr. Williams argued for four hours.

MAY END TODAY

It was expected that prosecutors would have their turn today to argue against a new trial and that the hearing would end this afternoon.

Edwards' first conviction was upset by the Court of Appeals on the ground that a confession had been improperly obtained. He had been sentenced to be hanged.

SENTENCE DELAYED

After his second conviction last June sentence was postponed in view of the new trial move.

The murder victims, John Mahlan and Mary Kline, were found shot to death in a lonely clearing off Chesterfield road. Their car was found near Glen Burnie.

EVE. SUN 11/21/50

Edwards Hearing Is Resumed

Thomas Alexander Edwards's new-trial motion before judges of the Supreme Bench of Baltimore resumed today in the Anne Arundel county Negro's attempt to set aside his second conviction for the dual murders near Glen Burnie on September 17, 1948

Anselm Sodaro, Baltimore prosecutor, and James C. Morton, Jr., State's attorney of Anne Arundel county argued that the evidence at Edwards's second trial, even without the confession, which was excluded as a result of a Court of Appeals ruling, showed that he must have been the killer of John H. Mahlan and Miss Mary C. Kline.

Arguments for the defendant in his new trial move had been submitted before the Supreme Bench Friday by William J. McWilliams, who with Ridgely P. Melvin, Jr., represents Edwards. The two defense lawyers are from Annapolis and were appointed by the county court.

Cartridge-Case Issue

The prosecutors argued before the bench that the empty cartridge case found in an empty clearing near Chesterfield where the murdered bodies were discovered was shown by firing-pin marks to have been fired from Edwards's foreign-make war-relic pistol.

The man's own admissions, still in the case in spite of the ruling that threw out his confession, showed that he owned the pistol on the very day of the killing, the State claimed.

The prosecutors stressed the fact that when questioned about the gun by police, Edwards at first insisted he had sold it prior to the murder date.

However, the man later had said, after revealing that he had the weapon, that it had been in an icebox at his house on Marley Neck on the day of the killing and that he had seen it there the next day.

Edwards's conduct in at first denying possession of the gun and later giving excuses for hiding it amount to a suggestion of guilt, the State contended.

The prosecutors also stressed conversations reported to have occurred in the Penitentiary death house after Edwards was first convicted and sentenced to hang.

Defense alibi testimony was declared by prosecutors to be unconvincing, and even if believed, the prosecutors contended, the alibis still leave time unaccounted for in which the crimes could have been committed.

MORN-SUN 11/21/50

EDWARDS RULING DUE WITHIN WEEK

Two Days Of Hearings On New-Trial Plea Completed

After deliberating more than an hour, judges of the Supreme Bench said yesterday they would rule within a week on the new-trial motion by Thomas A. Edwards, convicted of murdering a Glen Burnie couple more than two years ago.

The judges heard two days of arguments on the motion.

Edwards, an Anne Arundel county Negro, has been convicted twice of the murder of Miss Mary Kline and John H. Mahlan.

The first conviction, which resulted in a hanging sentence, was reversed by the Maryland Court of Appeals on grounds that a Baltimore detective captain improperly obtained a confession from Edwards.

Again Convicted

Edwards was found guilty again last June. It was from that verdict that he filed the motion for a new trial.

In asking the court to deny the new-trial move, prosecutors emphasized that a cartridge found at the spot where the body of Miss Kline had lain was shown by expert testimony to have been fired from Edwards's gun.

Anselm Sodaro and James C. Morton, the prosecutors, discounted the contention of defense counsel that there was a possibility the cartridge found at a Chesterfield clearing may have become mixed up with other cartridge shells in the possession of police and sent to the FBI laboratories for inspection.

Mr. Sodaro denied the contention of the defense that Edwards is a peaceful, quiet and truthful type of person. He cited testimony in which Edwards admitted he was untruthful to police.

Tells Of "Boasts"

The prosecutor further declared that Edward's conduct in the Penitentiary was that of a boastful, belligerent type of person.

He told the judges that Edwards had boasted to Penitentiary inmates that he was "too smart for hick cops," that he had thrown evidence overboard and that the "moon was shining bright" on the night of the murder.

Finally, the prosecutors declared that alibi evidence failed to account for the whereabouts of Edwards at about the time of the twin killings.

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed defense counsel, contended the evidence against Edwards was purely circumstantial and could be interpreted to indicate innocence as well as guilt.

NEWS-11/21

That the best argument I have heard in any criminal case in Maryland was the one which William J. McWilliams made before the Supreme Bench last week in an effort to get a third trial for Thomas Edwards, who has twice been convicted of murder. And that Edwards, who is getting legal services for nothing (the State is paying for it) couldn't have gotten better defense if he were a rich man.

MORN-SUN-11/22

Barber Sentenced To 10-Year Term

William Hill, 47-year-old barber from Laurel, yesterday was sentenced to ten years in the Penitentiary for assult with intent to rob with a deadly weapon a Park avenue liquor store proprietor.

Hill admitted he walked into the liquor store with a gun, but contended the weapon had been given him by another man to pawn. He contended he went to the store to purchase wine and the proprietor became frightened at the sight of the gun.

Irvin Cohn, proprietor of the liquor store in the first block Park avenue, testified that Hill drew the gun after asking for some wine, but the defendant became excited and fled from the store. Hill was captured by Gerald Wagner, a fireman, of the 3600 block Harlem avenue.

Chief Judge W. Conwell Smith imposed the prison term.

EVE. SUN-11/21

'48 Prison Escape Costs 6 Months

William Chesser, State Penitentiary prisoner who escaped September 15, 1948, when he was working as a trusty at the prison bakery, received a six-month additional term today when he pleaded guilty before Chief Judge W. Conwell Smith in Criminal Court to an escape charge.

Chesser recently was returned from Atlanta after serving a Federal term for transportation of a stolen automobile.

He escaped by scaling a piece of piping which he hooked over the prison wall, then fled to North Carolina.

First Sentenced In 1944

Chesser, 25, was sentenced to a five-year term for automobile larcenies in 1944 and in 1946 escaped from the State Penal Farm. A two-year sentence in Washington county for that escape and an eighteen-month sentence for a new larceny while he was at large were added to the original term.

The prisoner had served about 4½ years when he escaped in 1948, he told Judge Smith today. He said his act was "foolish and on the spur of the moment."

Escapee Given Extra 6 Months

Convicted of escaping for the second time from a penal institution, William Chesser, 25, yesterday was sentenced to serve a term of six months, in addition to approximately five years he will be required to serve on larceny charges.

According to William H. Maynard, prosecutor, Chesser first escaped from a penal farm in 1946 while he was serving five years for larceny. He was arrested shortly after and given eighteen months in the Penitentiary for larceny.

In September, 1948, Mr. Maynard said, Chesser escaped from the Penitentiary by hooking a 22-foot piece of pipe over the wall while he was working in a prison bakery. Shortly after, he was arrested in North Carolina on an automobile-theft charge and given a two-year term.

Chesser was returned here recently to face the escape charge, following his release from his last sentence. Chief Judge W. Conwell Smith presided at the trial yesterday.

MORN-SUN 11/22

JUDGE QUESTIONS INSANE MAN'S CASE

Sherbow Order Commits Salinger To State Hospital

In committing a "dangerous psychopath" to a State mental hospital yesterday, Judge Joseph Sherbow pointed out that the defendant previously had been released from the Maryland State Reformatory, although two experts had found him insane.

Judge Sherbow did not place blame on physicians or penal authorities. Rather, he cited difficulties created because "the old legal definition of insanity is unchanged" although "great advances have been made in the field of medicine."

He expressed his views in a memorandum accompanying a Criminal Court order committing Dolfi Salinger to Spring Grove State Hospital.

Salinger Tried Last Week

Salinger was tried last week on several charges, including armed robbery, and a jury found him not guilty by reason of insanity.

He is the first psychopath found legally insane in Maryland legal history, according to court attachés.

In his memorandum, Judge Sherbow set forth that in 1947 Dr. Manfred S. Guttmacher, medical adviser to the Supreme Bench, had said, "this boy is certain to become engaged in very serious criminal activities in the future."

In Salinger's trial last week Dr. Guttmacher testified he had not changed his opinion regarding the outlook for Salinger, but declared that "on the basis of existing Maryland law" he "must be considered a responsible agent."

Cites Opinion Of Experts

Judge Sherbow cited the opinion of two other experts who examined Salinger in 1948 and found him insane.

"The jury had ample evidence from which to find that Salinger was insane, but that same evidence was before the officials at Spring Grove in 1948, yet he was later released," he set forth.

"Why wasn't he kept in some mental institution instead of being returned to society?" Judge Sherbow asked.

"We cannot blame the doctors. The mental institutions are overcrowded and understaffed. Dangerous psychopaths cannot always be kept in a mental institution under a commitment because there is a marked difference of medical opinion as to their sanity."

A Distinction Shown

He called attention to the recommendation for establishment of an institution for defective delinquents in Maryland—a proposal made by the Commission on Medico-Legal Psychiatry last year—and wrote that "if and when we have such an institution, Salinger "should be transferred and given intensive medical treatment, but always under adequate security."

Meanwhile, he continued, under the law Salinger cannot be released from Spring Grove "without the consent of the Criminal Court of Baltimore."

He cited a distinction between the insane and the psychopathic which the commission drew in recommending that the institution for defective delinquents should not house "criminals found to be definitely insane as contrasted with the criminal psychopaths."

Memorandum In Full

Judge Sherbow's memorandum in full follows:

"This defendant is charged in two cases with robbery with a deadly weapon, in one case of assault to rob with a deadly weapon, one case of burglary, and two cases of possession of deadly weapons. By agreement of counsel for the defense and the State's attorney, the cases were tried together.

"The defendant offered a general plea of not guilty, and a special plea of not guilty by reason of insanity at the time of the commission of the offenses, and that he is insane at the time of the trial.

"The facts in the cases are undisputed. The defendant burglarized a house of prostitution where he had been employed and stole nine guns of various types, brass knuckles and other similar paraphernalia. Together with others he engaged in a series of holdups, in one of which a gun went off and the bullet narrowly missed a tavernkeeper whom they were attempting to rob.

Policeman's Alertness Cited

"They fled this jurisdiction and by the alertness of a New Jersey patrolman on duty at the entrance to the Lincoln Tunnel they were stopped, their car searched, the arsenal of weapons found, and they were arrested. They waived extradition and were brought back to Baltimore for trial. Dolfi Salinger's case was tried separately from the other defendants and before a jury.

"He admitted each of the offenses and offered no evidence with respect to the details of the crimes. The defense was based solely on the question of sanity.

"The life of this defendant unfolded before the jury. It is not a case of a youth born into a poverty-stricken, broken home in some slum area. On the contrary, he came of a well-educated, cultured, refined, middle-class family.

"From the time he was 2 years of age his parents realized he was not normal. He was cruel to animals and to other children. The family availed themselves of every community resource. He was examined and treated by psychiatrists at an early age.

Indeterminate Sentence

"He was placed in child guidance institutions for observance and treatment and in reformatories for punishment. He ran the gamut of crimes, from petty pilferings to robbery. Social agencies and community-minded citizens sought to help him, but his career was one steady, continuous conflict with the law.

"In 1947 he was given an indeterminate sentence of three years in the State Reformatory for snatching a pocketbook. At that time he was examined by Dr. Manfred S. Guttmacher, Medical Director of the Supreme Bench of Baltimore, who found him to be one of the most serious psychopaths he had ever seen.

"'This defendant,' Dr. Guttmacher said, 'has no real moral judgment. The gratification of his own desires is his only focal point. This boy is certain to become engaged in very serious criminal activities in the future.'

"This dismal prophecy was borne out by events. Shortly after his release from prison he engaged in further series of crimes for which he is being tried, but claims he is not amenable to the criminal law because he is insane.

Examined At Reformatory

"In this case Dr. Guttmacher testified that 'Salinger has no better ability to conform to society's demands than many psychotic individuals. The major issue from a practical point of view remains society's protection from such a tragically malignant anti-social individual. On the basis of existing Maryland law Salinger must be considered a responsible agent.'

"Dr. Robert M. Lindner, an outstanding psychologist, examined him while he was at the State Reformatory. He recommended his transfer to the Spring Grove Hospital for the Insane. Dr. Lindner testified that in his opinion Salinger was insane within the meaning of the Maryland law at the time he was at the Penal Farm in 1948, and he is insane now.

"Dr. W. Emmet Wilkinson, a psychiatrist at Spring Grove, examined and treated the defendant at that institution in 1948. He testified that Salinger was insane then and is insane now.

Cannot Blame Doctors

"Dr. Edward F. Kerman, another psychiatrist, testified that in his opinion Salinger was insane within the meaning of the Maryland law.

"(It should be noted that we did not have in this case the battle of the paid experts. Not one doctor received a fee for his services or his testimony.)

"How could it be possible that a dangerous psychopath likes this defendant could have been released from the State Reformatory early this year after serving his term? Why wasn't he kept in some mental institution instead of being returned to society, if he was in fact insane at the time of his release?

"We cannot blame the doctors. The mental institutions are overcrowded and understaffed. Dangerous psychopaths cannot always be kept in a mental institution under a commitment because there is a marked difference of medical opinion as to their sanity.

"In Maryland we have as yet no institution for defective delinquents and no indeterminate sentence law under which they can be incarcerated until they can be released with safety.

Maryland Case Cited

"In the report of the Commission on Medico-Legal Psychiatry (1949), recommending such an institution and such a law, it was pointed out that the proposed institution should not house 'criminals found to be definitely insane as contrasted with the criminal psychopaths.'

"The law applicable to this case was laid down in Maryland in the case of Spencer vs. State 69 Md. 28, decided in 1888, and followed by our Court of Appeals as recently as Taylor vs. State, 187 Md. 306, decided in 1946. In the instructions to the jury (which are only advisory under our practice) the Court said to the jury in part:

"'Here is the test which you must apply to the defendant in this case. At the time of the commission of these offenses did Dolfi Salinger have capacity and reason sufficient to enable him to distinguish between right and wrong, and understand the nature and consequences of his acts, as applied to himself? If at the time of the commission of these acts he did have the capacity and reason sufficient to enable him to distinguish between right and wrong and understand the nature and consequences of his acts, as applied to himself, he is a responsible agent and he is subject to the criminal law of Maryland and he is sane.

Proper Steps By Court

"'If at the time of the commission of these offenses he did not have the capacity and reason sufficient to enable him to distinguish between right and wrong and understand the nature and consequences of his acts, as applied to himself, he is not a responsible agent and he is not subject to the criminal law of Maryland and he is insane.

"'This means that if when he committed the crimes he was insane, he is not guilty as to these offenses by reason of insanity. This is because the law holds that one who was insane at the time he committed an offense is not guilty of the crime because of his insanity.

"'If he was insane at the time he committed these offenses and is insane now, then the Court will take the proper steps to have him committed to the appropriate institution.

"The court further instructed the jury that 'if on the whole evidence a reasonable doubt exists as to the sanity of the accused, he must be found not guilty by reason of insanity at the time of the commission of the offense, or now, or both, as you may find.'

"In the Spencer case the Court of Appeals said:

"'There has been, and is still, a great variety of opinion entertained upon this subject, and especially among members of the medical profession who have written upon the subject of medical jurisprudence. Doubtless the subject has been much elucidated by the repeated discussions that have taken place.

"'But, in courts of justice where definite principles, and not mere theories, must be given practical application, and that too with a view to the safety of society, as well as for the protection of the particular individual accused, tests that have received the sanction of experience and the approval of the ablest jurists of our age, must be accepted and applied as the established law.

Subject Of Criticism

"'And according to the law, as we find it settled by the great preponderance of judicial authority, if the party accused be competent to form and execute a criminal design; or, in other words, if at the time of the commission of the alleged offense, he had capacity and reason sufficient, to enable him to distinguish between right and wrong, and understand the nature and consequences of his act, as applied to himself, he is a responsible agent, and amenable to the criminal law of the land for the consequences of his act. This is the leading test as applied by the courts of England, and certainly by a very large majority of the courts in this country.'

"Over the years the Spencer case, supra, and its earlier English precedent, the McNaughten case (10 Cl. & Fin. 200 (1843)), have been the subject of much criticism. Great advances have been made in the field of medicine, but the old legal definition of insanity is unchanged. In some jurisdictions the theory of the irresistible impulse has been added to the law, but the difficulty of its application to a given case still remains.

Testimony Of Three Experts

"The late Judge Cardozo, in People vs. Schmidt, 216 N.Y. 324, refers to the ancient laws dealing with the criminal insane. In the beginning of our law the madman charged with murder was not acquitted. A special verdict was given that he was mad, then the king pardoned him. Later came 'the wild-beast test.' The defendant was not excused unless totally deprived of his reason and understanding, and did not know what he was doing any more than a wild beast.

"In 1812 the capacity to distinguish between right and wrong was put forward as another test. Then came the famous McNaughten case, supra, where the House of Lords answered a series of hypothetical questions which are the basis of the Maryland decision in the Spencer case, supra.

"In this case the jury had the testimony of three experts that Salinger was insane, was not a responsible agent, and not legally accountable for his actions. They testified that he did not 'know' the difference between right and wrong, although he might use words that would indicate knowledge; actually he did not know the difference.

Saw Actions In Court

"Medical science has evolved tests and standards of mental abnormality and these tests and standards change as medical science makes advances. The jury heard the story of Salinger's life and saw his actions in court. They heard the testimony of outstanding medical authorities.

"They found him insane at the time he committed the offenses mentioned in the indictments and found that he is insane now.

"The Court will commit him to the Spring Grove State Hospital.

"The Court files this memorandum because it is necessary that there be filed in the proceedings and with the authorities at Spring Grove some short statement of the case. The jury had ample evidence from which to find that Salinger was insane, but that same evidence was before the officials at Spring Grove in 1948, yet he was later released.

Outlook Held Dim

"Under Chapter 396 of the Acts of 1949 he cannot be released without the consent of the Criminal Court of Baltimore. Should an application for release be made it should be borne in mind that all the alienists agree that he is a very dangerous psychopath and the outlook for cure or even improvement is dim.

"He may prove dangerous to the inmates of any institution he may be in, and adequate care for the safety of others must be taken by the officials at Spring Grove.

"If and when we have an institution for criminal defectives he should be transferred and given intense medical treatment, but always under adequate security."

EVE. SUN-11/22/50

Probation, No Verdict, Given In 2.30 A.M. Bell Ringing

Probation without a verdict was decreed by Chief Judge W. Conwell Smith today in settling a charge which the court was told grew out of "the eternal triangle."

Mrs. Elizabeth Conner, of the 1200 block of Windemere avenue, who has a divorce suit pending against her husband, Francis E. Connor, was in court on a disturbing-the-peace charge. The prosecuting witness was Mrs. Josephine O'Hara, widow of a well-known racetrack figure.

No testimony was heard. Assistant State's Attorney James F. Price announced to the judge that all parties and their counsel were willing to dispose of the case on "an agreed statement of fact" without testimony.

Doorbell Rung At 2.30 A.M.

The prosecutor said Mrs. Connor rang the doorbell of Mrs. O'Hara's home, in the 4400 block of Roland avenue, about 2.30 A.M. November 4. Mr. Price added that police were called, and that Mrs. Connor was calm, with no disturbance going on, when police arrived.

"Everybody," the prosecutor continued, "is now embarrassed completely to be here in Criminal Court. They agree that the matter can be straightened out under the wing of this court, and they have substantially reconciled their difficulties."

Judge Smith then adopted Mr. Price's suggestion of probation without a verdict. He set the probationary period at one year, on condition that Mrs. Connor should not molest or disturb Mrs. O'Hara during that period.

Mrs. Connor's divorce suit, filed November 3, alleged misconduct by her husband with a woman at Surfside, Fla, and charges that attentions to the other woman hace continued in Maryland.

Salinger Ordered To Spring Grove

Official orders committing Dolfi Salinger, 20, to the Spring Grove State Hospital were filed today in Criminal Court by Judge Joseph Sherbow. The youth last week had been ruled not guilty of robbery and other charges because of insanity.

A jury returned the insanity verdict after three mental experts pronounced Salinger insane, although State experts classified him as a dangerous psychopath who, nevertheless, knew the difference between right and wrong under the Maryland laws of responsibility for criminal acts.

Salinger, who was brought to the United States when his family fled here as German refugees, had been before the courts in 1947. Dr. Manfred S. Guttmacher then predicted he was headed for a career of crime. He was sentenced at that time for purse-snatching.

Memorandum Filed

Judge Sherbow filed a detailed memorandum in connection with his new commitment order. He pointed out that experts who declared Salinger insane had reached that decision even before the man was released last spring from his former imprisonment.

The judge pointed out the case once again shows a gent need in Maryland stitution for defective deli

EVE. SUN 11-17-50

Supreme Bench Hearing Plea Of Edwards

Exactly 26 months after the double murder of which he is accused, Thomas Alexander Edwards's motion for a new trial and reversal of his conviction came before the Supreme Bench today.

Edwards was convicted last June 21 at his second trial for the murder of John H. Mahlan and Miss Mary C. Kline near Glen Burnie on September 17, 1948. He previously had been convicted and sentenced to hang in 1949, but last February the Maryland Court of Appeals had reversed the convictions and remanded the cases for a new hearing.

Niles Presiding

Today's new-trial hearing was the second before the Supreme Bench.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan, who heard the second trial, did not participate in the review of their rulings.

As senior jurist in the absence of the chief judge, Judge Emory H. Niles presided.

Contentions before the court in the present hearing were much like the points raised at the new-trial hearing which followed four months after the first convictions.

William J. McWilliams, one of the Edwards's lawyers, opened the new trial hearing by citing a Maryland textbook on criminal law which stated that circumstantial evidence is "intrinsically liable to error and abuse" and often has caused conviction of persons who ultimately were proved innocent.

Dealing with the discharged cartridge found near the bodies, Mr. McWilliams insisted that it "could not have been there" when the bodies were discovered and that it must have been "planted."

Found Six Days Later

He stressed the fact that it was not found until six days later, despite searches of the scene.

In urging the Supreme Bench to eliminate the shell from the case, he said that the two previous trials left the record blank as to when the FBI identifying mark "Q4" was placed on the shell, which was State's exhibit 28 (known as SX 28) at the second trial. He said the "chain of custody" was questionable.

Defense arguments again, as they had at both previous trials, the previous new-trial hearing and the upper-court appeal, asserted that the cartridge case must have been "a plant" by either the murderer or one of his confederates.

The defense renewed its argument that the spot where the death car was abandoned, the spot where the car keys were dropped, the place where Mahlan's torn-up driver's license was left, and the placing of the cartridge shell, all were part of the scheme with "the obvious purpose to lay down a false trail" that would point to the Negro community at Freetown.

Prosecution Arguments

For the prosecution, Anselm Sodaro, Baltimore prosecutor, and State's Attorney James C. Morton, Jr., of Anne Arundel county, contended that "the evidence is clear." Edwards's original denial of having a gun and later admission that it was hidden in a refrigerator on the night of the killing, the location of the car, the car keys, and the torn driver's license, all help point his guilt, the State contended.

The prosecutors urged that the court pay no attention to the attack on validity of the cartridge case as evidence, pointing out that its admissibility had been passed on favorably by the Court of Appeals, which reversed the first conviction on the ground that a confession given by Edwards was improperly induced.

Asks Third Trial For Edwards

Circumstantial evidence as produced by the State against Thomas Alexander Edwards, convicted in the Mahlan-Kline slayings in 1948, was insufficient to warrant the guilty verdict against the defendant, Attorney William J. McWilliams argued today before the Supreme Bench.

Addressing the eight-judge panel, Mr. McWilliams asked for a third trial for Edwards, an Anne Arundel county Negro sugar factory worker.

BASIS OF PLEA

Mr. McWilliams based his plea primarily on the lack of direct evidence against Edwards, declaring:

"The conviction is based on circumstantial evidence, but the inculpatory facts are compatible with the innocence of the accused and are susceptible of explanation upon hypotheses other than his guilt."

The most important item in the circumstantial evidence, Mr. McWilliams declared, was a cartridge case found in the clearing where the bodies of John H. Mahlan and Miss Mary Kline were discovered.

CALLED 'MEANINGLESS'

Without that cartridge case, Mr. McWilliams said, all other evidence presented by the State was "meaningless."

Even assuming the cartridge case did come from Edwards' gun, the attorney went on, there remains much to be explained concerning how the cartridge made its appearance in the clearing. Mr. McWilliams contended the real slayer of the young couple, or one of the slayer's confederates, placed the cartridge there to divert suspicion from the guilty parties."

SAYS SLAYINGS DELIBERATE

Mr. McWilliams insisted further that the slayings were "not compatible with Negro characteristics" and that the murders were deliberate and premeditated.

The attorney termed "a great piece of nonsense" the claim by the State that a death house guard heard Edwards boast that he was "too smart for the cops" and that he had disposed of everything which might incriminate him in the slayings.

Further, Mr. McWilliams pointed out that no fingerprints of Edwards were found on Mahlan's auto.

NEWS-11/21

NEW BROOM

Anselm Sodaro, who was elected State's Attorney, will make drastic changes. Wm. H. Maynard, now deputy State's Attorney, will retain the job and several assistants will hold on. But some will be replaced.

Sodaro will try to get more legal and clerical help. He will also try to have an investigator, not a member of the police department, assigned to his office.

He will abandon the present practice by which two prosecuting lawyers are in each criminal court every day. Instead, he will assign only one man to each court but will use his men on alternating days, so the prosecutor will be able to prepare his cases during the day before trial.

His theory is that one well prepared lawyer can do better than two who are not prepared.

NEWS-11/24

Sausage Makers Guilty Of Using Horse Meat

William Zimmerman, forty-eight-year-old sausage manufacturer, was convicted today in Criminal Court on five counts of a 31-count indictment charging him with using horse meat in the manufacture of sausage.

Immediately after Judge Michael J. Manley had announced the verdict of guilty, Zimmerman's attorney, Simon E. Sobeloff, asked that sentence be deferred pending a motion for a new trial. The deferment was granted.

PARTNER SUICIDE

The case against Zimmerman dates back to last May 6, when City Health Department inspectors reported the discovery of a shipment of 4,000 pounds of horse meat to Zimmerman's firm from an establishment in Camden, New Jersey.

On the following day Zimerman's business partner, Henry Greenebaum, forty-eight, was found fatally shot. A suicide verdict was given by the Medical Examiner's office.

TELLS OF PLEA

Testifying before Judge Manley today, City Health Inspector Elmer Frederick told the court that Greenebaum had pleaded with him to keep out of the newspapers any mention of the horse-meat discovery, on the ground publication of the information would ruin his sausage business.

Zimmerman today denied knowledge that horse meat was used in sausage prepared by his firm.

The case was prosecuted by Assistant State's Attorney Edwin Gehring.

3 Fined $1,750 On Bookmaking Charges

Fines totaling $1,750, plus costs, were imposed today in Criminal Court by Judge Michael J. Manley upon three men convicted on bookmaking charges several weeks ago.

Those fined are Nova Hamilton, forty-four, 4300 block Berger avenue, $500; Louis Pohl, forty-six, 5500 block Ready avenue, $500, and Edward Wisniewski, thirty, 1300 block Andre street, $750.

Court attendants said Hamilton once was a top-ranking bowler in Baltimore, and that Pohl and Wisniewski also were expert bowlers.

The three men were arrested by Capt. Alexander Emerson and his vice squad on October 10 in an auto battery repair shop in the 100 block Key highway. At their trial the trio pleaded not guilty and were defended by Attorney Maurice T. Siegel. Assistant State's Attorney Sol Harris prosecuted the case.

EVE.SUN-11/24

3 Fined $1,750 After Bookie Raid

Fines totaling $1,750 were imposed today in Criminal Court on three men, one a champion bowler, who were arrested last October 10 on charges of bookmaking at an office on Key highway.

Nova Hamilton, 4300 block Berger avenue, the bowler, was fined $500. He testified he merely worked as an accountant at the place.

Another Bowler

Judge Michael J. Manley imposed another $500 fine on Louis Pohl, 5500 block Ready avenue, alsao known as a bowler. A $750 fine was imposed on Edward Wisniewski, 1300 block Andre street, who had rented the premises for use as a battery and auto service office.

The defendant's attorney, Maurice Siegel, said that the October date was an unlucky one for them, since a patron had "hit" them for a heavy daily-double win just before the police raid.

Zimmerman, Meat, Man, Convicted

William Zimmerman, 48, of the 3900 block Rogers avenue, today was convicted in Criminal Court on a charge of exposing and offering for sale horse meat at his Willard street sausage plant.

Mr. Zimmerman's partner in the business operated as the Baltimore High Grade Sausage Company had committed suicide on the day after Health Department inspectors found eleven barrels of horse meat at the plant last summer.

The dead man was Henry Greenebaum.

Guilty On Five Counts

Judge Michael J. Manley found Mr. Zimmerman guilty on five counts of the 31-count indictment. Simon E. Sobeloff, defense attorney, asked that sentence be suspended, pending a motion for a new trial.

Assistant State's Attorney Edwin A. Gehring pointed out that about 4,000 pounds of meat was received in a horse-meat shipment from a New Jersey dealer. He contended that the price of about 20 cents a pound showed the purchasers knew the product was not beef, that then cost 45 cents or more.

Mr. Zimmerman contended he had no knowledge of the horse-meat deal and that his dead partner did the purchasing.

SUNDAY-SUN-11/26

Wells Asks Medical Experts To Probe Girl's Hospital Death

J. Bernard Wells, State's attorney, last night called a conference of medical experts to consider whether the death of a 15-year-old girl while under anesthesia at Sinai Hospital involved "gross negligence."

Mr. Wells said that the "circumstances as they have come to me are such that I feel required to go into the matter very fully."

Dies Under Anesthetic

The girl, Sylvia Rae Cohen, of 4108 Dorchester road, died while under an anesthetic for an appendicitis operation, it was stated.

Mr. Wells said he had discussed the matter with Dr. Russell S Fisher, city medical examiner, and Dr. Huntington Williams, city health commissioner, and that he had called a conference for Wednesday.

Names Other Doctors

"In my talk with Dr. Fisher," the State's attorney continued. "I told him I considered the matter very serious and wanted a very complete report."

Among the doctors he will request to attend the meeting in addition to Drs. Fisher and Williams, are the following:

Dr. Maurice C. Pincoffs, professor of medicine at the University of Maryland; Dr. Walter D. Wise, chairman of the council of the Medical and Chirurgical Faculty of Maryland, and Dr. J. Albert Chatard.

"I am requesting these men to sit in conference with me because of their mature judgment," Mr. Wells said.

He explained that he was not scheduling the conference until Wednesday because Dr. Fisher had to be out of the city during the early part of the week on State business.

MORN.SUN 11/25

Title-Winning Bowler Is Fined In Bookie Case

Three men, including Nova C. Hamilton, title-winning bowler, yesterday were fined a total of $1,750 in Criminal Court on bookmaking charges.

Hamilton and Louis Pohl, 46, another bowler, were fined $500 and costs each. Edward Wisniewski, 30, of the 1300 block Andre street, was fined $750. The fines were imposed by Judge Michael J. Manley.

The three had been convicted about a month ago of accepting race bets at 112 West Hughes street.

MORN.SUN 11/25

$250 Fine Levied In Sausage Case

William Zimmerman, 48-year-old sausage maker, yesterday was fined $250 and costs after he was convicted in Criminal Court of exposing and offering to sell horse meat at his Willard street plant last May.

The fine was imposed by Judge Michael J. Manley after the State produced testimony indicating that Zimmerman's Baltimore High Grade Sausage Company received a shipment of 4,000 pounds of horse meat on May 6 from a Camden (N.J.) dealer.

Partner Shot Himself

Henry Greenebaum, 48-year-old partner of Zimmerman in the sausage business, shot and killed himself the day after city health inspectors seized the eleven-barrel shipment.

In his defense, Zimmerman contended he did not know the shipment was horse meat and said he did not notice horse meat stamps on the meat until they were pointed out to him by a city inspector. The accused contended he thought the meat was "very beautiful cow meat" until he saw the stamps.

Zimmerman testified that Greenebaum had ordered the meat from the New Jersey dealer.

2 Prior Shipments Charged

Edwin A. Gehring, assistant State's attorney, contended that Zimmerman admitted to a city inspector the company had received two prior shipments of horse meat.

Mr. Gehring said the horse meat sold for 20 cents a pound, while beef at that time was selling for about 45 cents a pound.

Stricter Frauds Law Is Sought

Judge Joseph Sherbow yesterday announced he would request the Legislature to amend the law which makes it difficult for the State to fully prosecute persons charged with frauds on the welfare department.

Judge Sherbow cited the fact that welfare frauds are by statute classed as misdemeanors and carry a one-year limitation on prosecutions.

$2,500 In Five Years

The judge called for the law amendment after hearing a case in which a woman, who had defrauded the welfare department of about $2,500 over a period of five years, was subject only to prosecution for one monthly relief payment of $132 because of legal limitations.

That case was against Mrs. Edith Cook, 30-year-old Negro mother of five children, who failed to notify the Department of Public Welfare that she received Federal Government survivors' payments of $44.84 between 1944 and 1949. During that time, it was testified, she also received welfare payments ranging from $80 to $132 monthly.

Welfare officials did not learn of the Government payments to the woman until 1949 and an indictment against Mrs. Cook was not obtained until this year, the judge pointed out.

Husband Died In 1944

He said the case "highlights a situation requiring public attention." He said if the prosecution had been delayed one more month, Mrs. Cook would have gone "scot free."

Mrs. Cook's husband died in 1944 and she began getting the Government payments in May of that year, according to the evidence. She lives in the 600 block West Fairmount avenue.

Judge Sherbow deferred imposition of sentence pending a probation investigation.

Probe Set In Girl's Hospital Death

An investigation into the death of a 15-year-old girl while she was being operated on at Sinai Hospital is being conducted by the office of the State's attorney and the medical examiner.

The girl, Sylvia Rae Cohen, who lived at 4108 Dorchester road, died while under an anesthetic, according to police.

Anselm Sodaro, assistant State's attorney and State's attorney-elect, confirmed that an investigation was being made. He said he had met with hospital authorities yesterday and that his office was now waiting for the medical examiner's report.

The funeral, scheduled for yesterday, was postponed, but it was learned that no autopsy would be performed.

EVE.SUN 11/27/50

Welfare-Fraud Law Change Drafted

A proposal to amend the law that makes it difficult for the State to prosecute fully persons charged with fraud on the Welfare Department is now before the Legislative Council, J. Milton Patterson said today.

Mr. Patterson, in a letter to Judge Joseph Sherbow, said that a similar recommendation was made to the 1950 sesion of the General Assembly, but no action was taken at that time. The more recent recommendation was made to the Legislative Council on November 3.

Judge Sherbow announced last week that he would request the Legislature to amend the present statute. His announcement stemmed from two welfare cases that came before the judge in Criminal Court.

He cited the fact that welfare frauds are by statute classed as misdemeanors and carry a one-year limitation on prosecution.

Case Cited

In one of the cases that he had heard, a woman charged with defrauding the welfare department of about $2,500 over a period of five years was subject to prosecution for only one $132 check because of this limitation.

The judge said that this case "highlights a situation requiring public attention."

Mr. Patterson explained that the amendments proposed would permit prosecution under the general laws relating to fraudulent acts instead of under the welfare laws and so would remove the time limitation.

Morn Sun 11/27/50

SINAI INQUIRY MAY INCLUDE SECOND DEATH

Report From Examiner Awaited On Operating Room Fatalities

Investigation into the death under anesthesia of a young patient at Sinai Hospital last Wednesday may be extended to include a probe into circumstances surrounding a second operating-room death there the following day, J. Bernard Wells, State's attorney, said yesterday.

Dr. Russell S. Fisher, city medical examiner, has inquired into both cases and has mailed a report expected to be received today, Mr. Wells said.

"The two cases will be studied together or separately according to the facts developed," Mr. Wells said, declining to discuss details revealed to him in a conversation with Dr. Fisher Saturday night.

Prepared For Appendectomy

The original inquiry was into the death of Sylvia Rae Cohen, 15, of 4108 Dorchester road, last Wednesday. The girl died after having been given an anesthetic in preparation for an appendectomy.

On the following day, Mrs. Eva Cohen, 57, of 4811 Norwood avenue, also suffering from appendicitis, died in the operating room at Sinai.

She was not related to Miss Sylvia Cohen.

"The surgeon brought us word that her heart had stopped," relatives said yesterday after reporting that they had asked Dr. Fisher for an investigation.

Must Wait For Inquiry

Mr. Wells, who announced Saturday that he had called a special medical conference on the first case for Wednesday, said yesterday that he "could not characterize" the second case until the investigations were completed.

"I understand there was a second case which may or may not bear some relation to the first," he said. "I have talked to Dr. Fisher about the entire situation.

"I would think that his report mailed Saturday night will cover both cases."

To Check "Negligence"

In announcing the medical conference called for Wednesday, Mr. Wells said he felt the circumstances of the young girl's death should be fully examined to determine whether "gross negligence" had been involved.

He has asked Dr. Huntington Williams, health commissioner; Dr. Maurice C. Pincoffs, Dr. Walter D. Wise, and Dr. J. Albert Chatard to join him and Dr. Fisher in the consultation.

Reports Received In Sinai Deaths

State's Attorney J. Bernard Wells today received reports concerning two operating deaths at Sinai Hospital, but declined to reveal the nature of the reports because of the possibility that the cases might "lead to grand jury action."

The prosecutor stressed the fact that so far, there is no decision to lay the cases before the grand jury. A special "medical conference" has been called for Wednesday, in which the cases will be discussed with prominent medical men.

Invited To Conference

Mr. Wells announced that Dr. Charles R. Austrian, associate professor of medicine at Johns Hopkins, has been asked to join the conference. The prosecutor previously had announced that Dr. Russell S. Fisher, city medical examiner; Dr. Huntington Williams, health commissioner; Dr. Maurice C. Pincoffs, Dr. Walter D. Wise and Dr. J. Albert Chatard had been asked to sit in the conference.

The inquiry began after the death last Wednesday of 15-year-old Sylvia Rae Cohen, of the 4100 block Dorchester road, who had received anaesthetic preparatory to an appendectomy. The following day Mrs. Eva Cohen, 57, 4800 block Norwood avenue, no relative of the girl but also an appendicitis sufferer, died at the hospital's operating room.

MORN-SUN-11/28

BOMB-MURDER PRINCIPAL GETS SENTENCE CUT

Lane Commutes Life Term Of Seaman Convicted In Thames Street Blast

Annapolis, Nov. 27 (AP)—Governor Lane has commuted to eighteen years the life sentence dealt one of the three men convicted of murder in Baltimore's Thames street bombing, the State House announced today.

As a result, Kennon Whitten Langham, 26-year-old seaman, will be eligible for parole consideration late in 1953.

Langham, Marty Vicks and Walter Haas were sentenced to life after six men died in a flame-swept rooming house for merchant seamen at 1700 Thames street.

Called Most Shocking Case

"The most shocking case in the city's history," Hamilton R. Atkinson, then Baltimore police commissioner, said at the time.

The State Department of Parole and Probation recommended easing Langham's sentence. It refused to do so for Vicks and Haas.

The three were convicted in Baltimore Criminal Court of first-degree murder. Police charged a makeshift bomb had been tossed into the rooming house before dawn on October 31, 1946. That was several days after accord had been reached in a long, bitter waterfront strike. Only a week before, a note police described as a "warning" was hurled into the house on a wrench.

Some Leap To Safety

Some tenants leaped through windows to escape the blazing building. Nine were badly burned, six fatally.

Witnesses reported seeing one man dart from an alley beside the rooming house to a double-parked car just before the bomb exploded.

Langham was arrested later in Philadelphia. Detectives trailed him there after finding the baggage of one suspect in Gay Street Union Hall. Langham insisted he was innocent.

Governor Lane said penitentiary authorities also urged executive clemency for Langham, a native of Chicasaw, Ala.

MORN-SUN 11/28/50

JACOB KEMPER CONVICTED IN NUMBERS CASE

Restaurateur And Woman Freed On Bail Pending New Trial Motion

Jacob Kemper, 51-year-old North Eutaw street restaurateur, who has been accused but never convicted of bookmaking charges, yesterday was found guilty of accepting numbers bets at third-floor premises in the 300 block East North avenue.

Judge Michael J. Manley in Criminal Court deferred imposition of sentence pending a motion for a new trial. Meanwhile, Kemper was freed on bail.

Kemper, who has long been connected with business premises in the first block North Eutaw street, was convicted of being involved in the numbers racket last June 20 when the vice squad raided the third-floor apartment after breaking down a door to gain entrance.

Slips In Refrigerator

Judge Manley also convicted Miss Doris Adams, 42, who rents the apartment, of permitting the premises to be used for gambling purposes. She also was released on bail pending a new-trial move.

A third defendant—Miss Estelle Plaine—was acquitted of the numbers charges.

Capt. Alexander Emerson, head of the raiding squad, testified he discovered bet slips totaling $691 in a refrigerator drip pan and took about $29 worth of bets over a telephone during the raid.

Diggins Tells Of Offer

He said he saw Kemper walking from the ice box when the squad entered the apartment, and that Kemper attempted to take full responsibility for the numbers operation.

Patrolman Frank Diggins, vice-squad member who is under suspension pending his trial on assault charges, testified that Kemper told him: "There's $2,000 in it for you if you don't find the numbers."

The patrolman said Kemper later told him: "Get them out and I'll take care of you."

Quashing Is Denied

Judge Manley denied defense motions to quash the search warrant on the grounds that the warrant had been obtained by fraud and misrepresentation.

Defense lawyers pointed out that Patrolman Diggins in an affidavit told of observing an "unknown" man taking numbers bets at North avenue and Charles street, and contended that Diggins knew Kemper, having been a witness against him in a prior case.

Charles E. Orth, Jr., assistant State's attorney, prosecuted the case.

REPORTS ON 2 SINAI DEATHS ARE WITHHELD

Some Phases Of Cases May Be Sent To Grand Jury, Wells Says

Contents of a medical examiner's report on the deaths under anesthesia of two Sinai hospital patients on successive days last week are being withheld because some phases of the cases may be taken before the grand jury, J. Bernard Wells, State's attorney, said yesterday.

The report, received from Dr. Russell S. Fisher yesterday, will be discussed at a special medical conference called by Mr. Wells for tomorrow.

Meanwhile, death certificates filed with the statistical section of the Health Department and either signed or approved by Dr. Fisher, classified both deaths as "accidents" but linked both with anesthesia and with some degree of respiratory failure.

"Anesthetic Death"

In the case of Sylvia Rae Cohen, 15, who died in a Sinai operating room last Wednesday, the cause of death was set down on the death certificate as "anesthetic death," explained on another line as "syncope and respiratory failure due to sodium pentothal anesthetic."

The dictionary definition of "syncope" is "a partial or complete temporary suspension of respiration and circulation due to cerebral anemia [deficiency in the blood supply to the brain.]"

The certificate in the death of Mrs. Eva Cohen, 57, who died on Thanksgiving day, gave "cardiac failure and anoxia during anesthetic" as the cause of death.

This certificate, made out in full by Dr. Fisher after an autopsy had been performed, added that death occurred from "asphyxia during administration of anesthetic." The nature of the anesthetic was not indicated on the document.

"External Cause" Noted

In completing the certificate, Dr. Fisher indicated that an "external cause" was an underlying rather than a contributing factor in the death of Mrs. Cohen.

"Anoxia" is defined in the dictionary as "an abnormal condition due to deficient aeration of the blood," which to the layman means a deficiency of oxygen in the blood.

It was pointed out that the certificate in the case of the young girl was made out and signed by the attending physician with a notation "subject to the approval of the medical examiner" at the top.

A stamped "Certification Approved," with Dr. Fisher's signature written beneath, is on the face of the paper.

Not Always Investigated

Deaths under anesthesia are reportable to the medical examiner, it was explained, but are not always personally investigated by his office. In many cases the examiner simply approves the declarations made by the reporting physician or hospital.

Mr. Wells, in announcing that he had called tomorrow's conference, said he felt the circumstances of the deaths should be fully investigated, with the cases to be studied together or separately as facts developed. He will undertake to discover whether "gross negligence" is involved, the State's attorney said.

Physicians asked to join the consultation include Dr. Charles R. Austrian, Dr. Maurice C. Pincoffs, Dr. Walter D. Wise, Dr. J. Albert Chatard, Dr. Fisher and Dr. Huntington Williams, health commissioner.

EVE.SUN-11/28/50

9 New Abortion Charges Made

Nine new abortion charges against Dr. George L. Timanus and two women employés have been returned by the Baltimore grand jury, records of the Criminal Court revealed today.

Dr. Timanus and his secretary, Bessie E. Nelson, and a nurse, Anne E. Adams, are defendants in all of the new cases.

The three, along with Dr. Leonard A. Richardson, also are defendants in another pending case entered in Criminal Court in September.

Preparing Indictments

Charles E. Orth, Jr., assistant State's attorney, revealed that the nine new indictments now are being prepared by the prosecutor's office.

Seven of the new cases allege illegal operations performed this year, between March and September 1, on different women. Two other women are listed as witnesses in instances said to have occurred in 1945 and 1948.

The new charges arose from a special investigation conducted by Police Sergeant Theodore Maxwell and Patrolman William Pence.

MORN-SUN 11/29/50

FULL DETAILS OF DEATHS AT SINAI ASKED

Uncle Of Girl Who Died Says Complete Story Is Not Made Public

Melvin H. Rudman, uncle of one of two patients who died under anesthesia at Sinai Hospital last week, yesterday insisted upon a full revelation of all the circumstances surrounding the death.

In making his demand, he charged that the death certificate filed does not reflect the complete story.

Mr. Rudman, a pharmacist, called for a detailed and public account even as J. Bernard Wells, State's attorney, planned a special medical consultation on both cases today. Reports on the deaths have been filed in his office by Dr. Russell S. Fisher, chief medical examiner.

Meanwhile, however, the relatives of Sylvia Rae Cohen, 15, who died last Wednesday, charged that the cause of the girl's death as set down on the death certificate "was not correct."

Surgeon Told Different Story

The certificate, stamped as approved by Dr. Fisher, classified the death as accidental and caused by "syncope and respiratory failure due to sodium pentothal anesthetic."

"The surgeon in the case came to the girl's home and told us in detail exactly what happened," Mr. Rudman declared. "What is written on that certificate is not the same as the doctor told us.

"I have talked to Dr. Fisher and to Mr. Sodaro (Anselm Sodaro, assistant State's attorney), asking for authority to tell the whole story myself.

"Mr. Sodaro told me the case was in the hands of Mr. Wells and that he could not make an official statement about it until after the conference which has been called."

Full Probe Ordered

An exhaustive investigation into the death of the young girl was ordered by Mr. Wells after it was learned that Mrs. Eva Cohen, 57, had died under anesthesia in Sinai on the following day.

In this case, Dr. Fisher performed an autopsy and filed a death certificate calling the death accidental and due to "cardiac failure and anoxia anesthetic" with the added notation that it was linked with "asphyxia during administration of anesthetic."

MORN SUN 11/29

The Governor Should Explain This Commutation Of Sentence

Kennon W. Langham, one of three men convicted of first-degree murder in 1946 and sentenced to life imprisonment, has now had his sentence commuted to eighteen years. Under our law, persons sentenced to life imprisonment do not become eligible to apply for parole until fifteen years have passed. By commuting Langham's sentence to eighteen years, the Governor makes him eligible to apply for parole after he has served six instead of fifteen years.

The public's memory is short. It may be useful, then, to refresh it so far as this crime is concerned.

It was a mass murder. A bomb was tossed into a seamen's rooming house on Thames street. Six persons were burned to death in the resulting explosion and fire, and three were badly injured. This mass murder grew out of a labor dispute. Therefore, it had social implications even larger than those surrounding "ordinary" murders.

In the sentencing and imprisonment of those guilty of serious crimes, two elements must be taken into consideration.

One has to do with the punishment of the immediately guilty persons; and this, in turn, under modern penological thinking, involves the question whether a guilty person can or cannot be "rehabilitated" and returned to society as a useful member. The whole conception of parole is based on the modern belief that punishment is not mere retribution but looks to the rehabilitation of individuals.

The other has to do with the conduct of organized society in a broader sense. Severe punishment for the person guilty of grave offenses is something more than personal punishment: it represents a warning, a generalized warning, that there are modes of behavior which civilized society simply will not tolerate.

Punishment in the case of the Thames street murder, with its overtones of labor strife, carried a large degree of this second element. By those sentences, organized society said, in effect, that such outrages will not be tolerated. If the sentence of one guilty of any such wanton taking of life as this is to be whittled away, there must be good reasons why, else the impression gets about that such things are taken lightly.

Yet in commuting the sentence of Langham from life to eighteen years, for the obvious purpose of making him eligible for parole in the near future, Mr. Lane offered no explanation. He owes one to the public.

3 BOYS FREED IN BABY DEATH

Ruled Too Young To Be Held Responsible For Acts

Magistrate William Greenfeld in Northern District Police Court yesterday ordered charges dismissed against three young boys who had been docketed for causing the death of a month-old infant last October.

The children docketed were 5 and 6 years old and under Maryland law cannot be held criminally responsible for their acts, it was explained. All there are Negroes.

J. Harold Grady, assistant State's attorney, said that an individual must have reached the age of 7 before he can be held accountable under the common law effective in Maryland.

Mother Had Gone To Store

However, an investigation of the families of the three children is to be made by Policewomen Violet Hill Whyte and Cornelia L. Smith.

Mr. Grady told the magistrate that any possible criminal charges would have to be made against the persons responsible for the children.

The dead child was Odell Carmichael, Jr., of the 100 block of West Twenty-third street.

The magistrate was told that Mrs. Ernestine Carmichael, mother of the baby, left the child alone for about fifteen minutes while she went to the store on the late afternoon of October 18.

Three children were playing in the yard in the rear of the house. Investigation disclosed that they went inside, struck the baby and produced such other injuries as to cause the death of the infant, Mr. Grady told the magistrate.

BENSON ACTION IS EXPLAINED

Wanted Langham Term Reduced As 'Incentive,' He Says

Commutation of the life sentence imposed on the youngest of three men convicted of murder after the 1946 Thames street bombing was recommended "as an incentive," F. Murray Benson, director of Parole and Probation, said yesterday.

Governor Lane had accepted the recommentation and reduced the sentence of Kennon Whitten Langham, 26, to a term which would make him eligible for a parole hearing three years from now.

"Langham was 23 years old when the crime was committed, Mr. Benson recalled. "He had no previous police record, but was in the company of older men who did have criminal backgrounds.

Prison Record Good

"Before, during and since the trial he has steadfastly maintained his innocence and his record in the institution has been good."

Langham has been studied by Maryland Penitentiary officials since his commitment.

There was no evidence that he is "definitely a criminal" or essentially anti-social in his attitudes, the department head said. Efforts have been made to determine whether the bombing case, in which six men lost their lives in the resulting fire, was part of a pattern or an isolated incident, Mr. Benson added.

EVE.SUN 11-29-50

Wells, Doctors To Confer On Sinai Deaths

Medical experts and J. Bernard Wells, State's attorney, today planned to meet for a special medical conference to consider two deaths last week of Sinai Hospital patients, prior to consideration of the cases by the Baltimore grand jury.

A medical examiner's report on the two deaths has been held secret by Mr. Wells on the ground that the matter must go before the grand jury. Meanwhile, a relative of one of the dead patients called publicly for full revelations regarding the matter.

Today's meeting, called by Mr. Wells, scheduled a conference of Dr. Russell S. Fisher, medical examiner; Dr. Huntington Williams, commissioner of health, and other experts.

Other Doctors Included

The prosecutor stated that Dr. Charles R. Austrian, Dr. Maurice C. Pincoffs, Dr. Walter D. Wise and Dr. J. Albert Chatard have been asked to meet with the public officials at his office.

Both hospital deaths occurred at about the time of anesthesia for appendectomies, it was reported. Death certificates filed with city authorities have listed both deaths as accidents.

The first of the two patients to die was Sylvia Rae Cohen, 15, on last Wednesday. The following day, Mrs. Eva Cohen, 57, no relation of the girl, also died in the operating room.

MORN-SUN 11/30/50

WELLS TO CONSULT ANESTHESIA UNIT

Action On Sinai Deaths Will Await Talks With Experts

J. Bernard Wells, State's attorney, announced yesterday that he will confer with a seven-man committee of anesthetists before deciding whether to ask the grand jury to consider criminal charges against a Sinai Hospital anesthetist.

The decision to call in the committee of anesthetists was reached yesterday at a conference attended by prosecutors and medical experts in the office of Mr. Wells.

The conference was held in connection with the investigation of the death of two persons on successive days while they were under anesthesia in the Sinai Hospital.

Committee Members

The committee invited to attend the conference at 4.30 P.M. Monday is known as the anesthesia study committee of the section in anesthesia of the Baltimore City Medical Society.

The committee includes:

DR. LEONARD ABRAMOVITZ, chairman of the anesthesia section.

DR. ROBERT HINGSON, chief of the department of anesthesia in obstetrics at Johns Hopkins Hospital.

DR. ALFRED NELSON, associate professor of surgery and chief of anesthesiology, University of Maryland Medical School.

DR. OTTO C. PHILLIPS, secretary of the anesthesia section.

DR. JAMES RUSSO, chief of the department of anesthesiology at Mercy Hospital.

DR. THEODORE E. STACY, JR., chief of the department of anesthesiology at the Maryland General Hospital.

DR. MICHAEL J. WIECIECH, chief of the department of anesthesiology at the South Baltimore General Hospital.

After the conference yesterday, Mr. Wells issued the following statement:

"The matter was considered from all angles and with relation to all those connected with the operations and the giving of the anesthesia.

Favor Delaying Decision

"Many opinions were expressed, but at the conclusion all those attending indicated that they would like to withhold a final opinion until they heard from the anesthesia study committee of the Baltimore City Medical Society.

"The purpose of hearing from the committee members is to determine whether or not the accepted standards of conduct were maintained in the administration of the anesthesia in these two cases, or whether there has been a failure to do the things ordinarily expected of an anesthetist."

Mr. Wells said the function of the anesthesia study committee is "to carefully study any case where death can be traced directly or indirectly to anesthesia."

The prosecutor disclosed that the same anesthetist was involved in both cases where death occurred.

To Assist In Probe

The first of the two patients to die was Sylvia Rae Cohen, 15, who died Wednesday, November 22. The next day, Mrs. Eva Cohen, 57, also died while under an anesthetic. The two patients were not related.

Mr. Wells disclosed that he had selected William H. Maynard, deputy State's attorney, to assist him in the probe. Also attending the conference yesterday were Dr. Huntington Williams, commissioner of health; Dr. Russell S. Fisher, medical examiner; Dr. Charles Austrian, Dr. Maurice Pincoffs, Dr. J. Albert Chatard and Dr. Walter D. Wise.

Mr. Wells said the State would not seek charges more serious than gross, or criminal negligence if the grand jury should decide to institute prosecution. That would be tantamount to a charge of manslaughter, the prosecutor pointed out.

Meanwhile, Mr. Wells withheld the contents of a report on the two deaths submitted to him by Dr. Fisher. Death certificates in the cases termed both deaths as "accidents," but linked both with anesthesia and with a certain degree of respiratory failure.

MORN-SUN-11/30

Court Is Told Woman Posed As 2 Persons For Relief Aid

A mother of five children, who, according to testimony, posed as two persons in fraudulently obtaining welfare funds and who owned a diamond-studded wrist watch and a television set, yesterday went on trial in Criminal Court before Judge Joseph Sherbow.

The accused is Mrs. Catherine Cooper Robinson, who also is listed on welfare department records as Mrs. Catherine Cooper Smith. She is charged with obtaining by means of fraud in excess of $7,500 over a period of four years.

The trial of Mrs. Robinson, a Negro, who lives in the 600 block West Mulberry street, will be continued this morning.

Questioned About Watch

Mrs. Margaret Bishop, former case worker for the welfare department, but now a Baltimore county schoolteacher, was questioned by Judge Sherbow as to why she did not ask Mrs. Robinson about her possession of the diamond wrist watch.

Mrs. Bishop testified she made a written report in which she mentioned the wrist watch, but admitted she did not question the woman about the watch.

She said a case worker usually does not question a relief client about personal possessions, but leaves such matters to supervisors.

Testifies $9,100 Received

In addition, Mrs. Bishop pointed out that she handled between 125 and 152 cases and was unable to investigate the cases to the extent where she would have noticed the duplicate claims.

Testimony produced by Charles E. Orth, Jr., prosecutor, disclosed that Mrs. Robinson received more than $9,100 over a four-year period in relief payments, including support payments for two children from a divorced husband, and smaller payments from another man who was the father of another child. The father of two other children paid her nothing.

LANE DEFENDS SHORTER TERM FOR LANGHAM

Says Most Officials Back Decision But Warden Swenson Does Not

Governor Lane yesterday said he had commuted the life sentence of Kennon W. Langham to eighteen years because "I have accepted the views of the majority of those who have considered this case."

He revealed that E. T. Swenson, warden of the penitentiary had opposed commuting Langham's sentence on the grounds that he did not believe that "this man's adjustment in confinement . . . indicates he is capable of existing in free society without conflict."

The Governor said the commutation was recommended by F. Murray Benson, director of the Division of Parole and Probation and by the parole committee of the Maryland Penitentiary.

Youngest Of Three Sentenced

Langham, now 26, was the youngest of three men given life sentences for the 1946 bombing of a Thames street rooming house in which six persons were burned to death and three others were badly injured.

Governor Lane's statement follows:

"On November 20, I commuted to eighteen years the life sentence in the Penitentiary of Kennon Whitten Langham, aged 26.

"This young man was sentenced to life imprisonment after conviction of murder, following the bombing of a rooming house in which six men lost their lives in the resultant fire. He was one of three codefendants convicted and sentenced.

Cites Recommendation

"His sentence was commuted on the recommendation of the director of parole and probation, who, after his own independent study and a hearing in the case, concurred with the findings of the parole committee of the Maryland Penitentiary.

"The question here involved is not one of the release of this prisoner at this time, or for that matter, for many years, dependent upon his future conduct and the prospects for rehabilitation.

"The question dealt with in the commutation is that of rendering him eligible for parole consideration approximately three years hence, as an incentive to rehabilitation. Whether he should be granted his freedom on parole is a question which will arise for determination at that time, or at some later time during the remaining fifteen years of his sentence under the commutation.

"For him there is the prospect for parole consideration nine years prior to the time when he automatically would become eligible for such consideration at the expiration of fifteen years of the life sentence.

"We have here the case of a young man who had, prior to conviction in this case, no criminal record. In this respect his situation differs from that of his codefendants, Marty Vicks and Walter Haas, as was pointed out by the director of parole and probation, who opposes any clemency in their cases.

"However, as to the case of Langham, the director of parole and probation had this to say in his recommendation to me:

"'The case of Kennon Langham, however, presents a somewhat different picture. He is the youngest of the group, having been 23 years of age when the crime was committed.

"No Previous Record"

"'He had no previous criminal record, and it was the conclusion of the institutional psychologist who studied this case on August 11 that though the subejct shows some mild neurotic escapist trends, he is not criminally inclined, hostile or anti-social.

"'From the attached report, you will note that the warden of the Penitentiary does not agree with the conclusion of his (Penitentiary parole) committee. However, based on my study of the case, it is my recommendation that the sentence now being served be reduced to a term of eighteen years, thus offering the incentive of a parole hearing in the not-too-distant future (October 4, 1953). I attach the papers necessary to effect such commutation in the event that you concur in my recommendation.'

"The judgment of the parole committee of the Maryland Penitentiary was given in contemplation of the possible immediate release of the prisoner, and is as follows:

"'The committee believes that from this man's personality, from his attitude and his conversation during the lengthy interview with the committee, and from his record within this institution, that he is capable of existing in free society without serious conflict with the law.'

Committee Named

"This committee is composed of Mr. J. D. Hill and Mr. Robert Crunska, parole and welfare officers; Mr. William T. Kennedy, assistant warden; Mr. Paul B. Watson, educational director and Dr. Loyal B. Calkins, criminal psychologist.

"The observation of Mr. E. T. Swenson, warden, also is made in contemplation of the possibility of the immediate release of the prisoner. It follows:

"'I cannot concur with the opinion of the committee. I do not believe that this man's adjustment in confinement, when viewed in a broad perspective, indicates he is capable of existing in free society without conflict. He has not faced his problem in confinement in a manner to indicate this.

"Waiting To See"

"'Moreover, as I see the matter, he is not demonstrating in his thinking that he chooses to espouse an ideation of social behavior. He is waiting to see what will happen. He will get on the band wagon of whichever course offers him the desired solution, regardless of the merit of the course to be followed.'

"In granting the commutation, I have accepted the views of the majority of those who have considered this case, and agree that the recommendation of the director of parole and probation offers the best prospect of fitting this man for a return to society at such time, in the future, as the circumstances in his case may warrant his release."

EVE. SUN 11/30

Agents Questioned In Relief Case

A number of present and former Department of Welfare workers today were questioned before Judge Joseph Sherbow in Criminal Court as the judge sought to learn how Mrs. Catherine Cooper Robinson, also known as Catherine Cooper Smith, had been able to get approximately $7,640 in welfare payments by posing as two different women.

Judge Sherbow inquired particularly into the pay of Welfare Department workers and the admittedly large "turnover" among such employes.

The judge also raised questions concerning the size of the case-load which its workers handle for the department. He was told the welfare department's case-load is approximately four times that handled by workers for private social agencies, including some of the Community Chest agencies.

$9,100 Support Alleged

Mrs. Robinson, a 30-year-old Negro, had received more than $9,100 in various support payments over the past four years, it was testified. A divorced husband and another man, father of one of her children, had both contributed payments through public agencies in addition to the welfare grants, the court was told.

A television set had been found at the woman's apartment when investigators learned of her alleged deception last summer. The fact that she wore what appeared to be a diamond-studded wrist watch had been cited in a case worker's report in 1949.

Sinai Death Inquiry Awaits Conference

State's Attorney Wells revealed today that further proceedings in the investigation of two deaths in Sinai Hospital's operating room must await a special medical conference scheduled for Monday afternoon.

Medical experts who conferred with him yesterday felt that the matter calls for the views of anaesthetists, the prosecutor said. Seven members of a special anaesthesia study committee are scheduled to go over the case at Monday's meeting, he said.

The investigation began after the deaths last week of Sylvia Rae Cohen, 15, and Mrs. Eva Cohen, 57, no relation.

MORN SUN-12/1

JUDGE QUASHES WARRANT USED IN BOOKIE CASE

Defense Motion Granted In Hearing On Alleged 'Lay-Off' Man

Judge Michael J. Manley in Criminal Court yesterday quashed a search warrant with which police were successful in arresting Mike Barshack, identified in a police affidavit as one of "two biggest guys in the bookmaking racket in the East."

"I don't like to do it, but it seems to me that under the law I have to grant the motion to quash the evidence seized," Judge Manley asserted in granting the defense motion made by Maurice T. Siegel, Barshack's attorney.

Barshack, 51, accused by police as a "lay-off" man for bets from smaller bookmakers, was arrested about two weeks ago in a raid on a room in the Emerson Hotel. He gave an address in the 2300 block of Bryant avenue.

State To Appeal

Saul A. Harris, assistant State's attorney, announced that the State would appeal the preliminary ruling in the case.

Judge Manley ruled that the police could not use, as the basis for obtaining a search warrant, information obtained from three unknown persons, whose conversations in a restaurant near the hotel allegedly were heard by Central district policemen.

In the affidavit, police told of hearing two women and a man speak of "Mike and Jock Barshack" as the "two biggest guys in the bookmaking racket in the East."

Police further in the affidavit told of hearing one of the three unknown persons, admittedly intoxicated, say:

"They both worked for the Golden Greek before he died and he ain't no chicken."

Subsequently, it was asserted in the affidavit, the three unknown persons went to a hotel room registered in the name of Mike Barshack.

Judge Manley held that under a Court of Appeals ruling in the case of Kapler vs. State, a Baltimore county bets case, a search warrant could not be obtained on the basis of information from an unknown informant.

Says Box Contained $67,000

The judge said without the information from the unidentified persons, the affidavit was not a proper basis for a search warrant.

Mr. Harris contended the Court of Appeals decision did not apply to the facts in the Barshack case, noting that the three persons later were seen to enter the defendant's hotel room.

Also, some time later, Barshack was observed taking a bundle of white slips and cash wrapped in a scratch sheet, which he put in a hotel safe-deposit box, Mr. Harris declared.

Police reported after the raid that Barshack told them the safe-deposit box also contained nearly $67,000 in cash.

Mr. Siegel, arguing in support of his motion to quash the warrant, contended the affidavit merely showed a "possibility" that race bets were being received, but declared that a possibility is not sufficient.

He said police did not see bets being taken and did not hear any bets being given.

$295 WATCH IN FRAUD CASE

Woman Bought It While Getting Welfare Payments

Mrs. Catherine Cooper Robinson, a mother of five children, purchased a $295 diamond-studded wrist watch while she was receiving welfare payments as two different persons, it was disclosed yesterday in Criminal Court, where she was convicted of welfare frauds.

Mrs. Robinson, 30-year-old Negro, was found guilty by Judge Joseph Sherbow, who temporarily deferred imposition of sentence. Judge Sherbow made no comment at the end of the trial.

Testimony produced by Charles E. Orth, Jr., prosecutor, disclosed that Mrs. Robinson, also listed on welfare rolls as Mrs. Catherine C. Smith, purchased the $295 wrist watch from a Baltimore street store after having first purchased two other less-expensive timepieces.

Bought Television Set

The testimony further disclosed that last June she bought a television set with a 16-inch screen, but the price of that article was not revealed.

Mrs. Robinson said she divorced her first husband, named Smith, and was receiving welfare payments for herself and two children by Smith, as well as smaller payments from another man who was the father of a third child.

Before she married a man named Robinson, she had two children by a man named Scott. She said after she married Robinson, he failed to support her so she sought relief payment for the two Scott children.

She contended that it was the fault of the welfare department that she began receiving payments for herself and certain children under the name of Robinson, as well as Smith.

Store Records Produced

Mr. Orth pointed out, however, that when she applied for relief the second time, she also named one of the Smith children as a Scott.

The prosecution produced store records to show that in September, 1948, Mrs. Robinson bought an $85 wrist watch. Then on January 3, 1949, she bought a $175 watch, receiving a credit of $67.50 for the other watch.

The same day, after getting an appraisal of only $60 on the $175 watch, she returned to the jewelry store and bought a $295 diamond wrist watch, returning the $175 one and receiving full credit for it, records showed.

Legal Limitation Cited

Mr. Orth declared that the defendant, who lives in the 600 block West Mulberry street, actually obtained $7,634 improperly from the Department of Public Welfare, but because of legal limitation could be prosecuted only for $2,525 fraudulently obtained.

She began receiving relief payments in 1946. Her second application for welfare funds was made in February, 1948.

Judge Sherbow directed that the defendant be held in jail pending imposition of sentence.

EVE. SUN 12-1/50

Supreme Bench Deliberates On Edwards Plea

With recent testimony placed before them by prosecution and defense attorneys, judges of the Supreme Bench today renewed deliberation of the new-trial motion of Thomas Alexander Edwards.

Edwards, through William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed attorneys, is seeking to have the Supreme Bench review and strike down his conviction, for the second time, of the 1948 double-murder near Glen Burnie.

The Anne Arundel county Negro's first conviction for the slaying of John H. Mahlan and Miss Mary C. Kline slightly more than two years ago was reversed by the Maryland Court of Appeals last winter, on the ground that his written confession and so-called "re-enactment" of the crimes had been improperly induced by Baltimore police. Edwards had been turned over to city police after being charged with the slayings.

Judges At Retrial

The retrial caused by the Court of Appeals ruling was held last spring before Chief Judge W. Conwell Smith and Judge Charles E. Moylan. Consequently, those jurists did not sit with the other judges when new trial arguments were heard about two weeks ago.

James C. Morton, Jr., State's attorney for Anne Arundel county, and Assistant State's Attorney Anselm Sodaro, of Baltimore, as well as the defense lawyers, have submitted to the judges newly arranged extracts from the trial testimony, to aid the review court in its rulings.

The main point involved in the new material is validity as evidence of a fired pistol cartridge case found, according to State testimony, at the Chesterfield road clearing where the dead bodies were discovered. The Court of Appeals ruled that it was properly admitted in evidence at the first trial.

Defense Contention

The defense claims that the shell that the FBI examined and said had been fired from a pistol owned by Edwards was not definitely shown to be the same shell found at the Chesterfield clearing.

However, the State claims that the "chain of custody" was clearly proved, and that the court cannot doubt that the FBI examined the right cartridge case.

EVE. SUN-12/4

Clare Gets 15-Year Term In Death

James T. Clare, convicted of second degree murder for the killing of a young woman friend, today was sentenced to fifteen years in the penitentiary.

The woman, Mrs. Dorothy White Mulcahy, who was parted from her husband and had been using her maiden name, was fatally shot last June 24 at an apartment in the 1200 block North Calvert street.

Clare, 36, of the 900 block Overbrook road, had gone to the apartment where the dead woman had been visiting with another woman and two men.

After shooting her, he shot himself in the chest and then drove to his home, where police found him with his head in the gas oven in another attempt at suicide, according to the evidence in Criminal Court.

Judge Joseph Sherbow returned the second-degree verdict after Papl B. Mules and Ellis Levin, defense lawyers, argued that Clare's suicide attempts showed mental tension and jealousy sufficient to keep the case from being first-degree murder.

The dead woman, mother of a 3-year-old child, lived in the 300 block Kerneway. Her family is from Keene, N.H. Assistant State's Attorney James F. Price prosecuted the case.

NEWS-12/4

Local News In Brief

Jacob Kemper, Baltimore sportsman of 2900 block Ridgewood avenue, today was finde $750 on lottery charges in Criminal Court, and Miss Doris Adams, 300 block East North avenue, was fined $100 for permitting her apartment to be used for gambling purposes.

According to testimony, Capt. Alexander Emerson arrested Kemper on June 20 in Miss Adams' apartment, where he found Kemper surrounded by lottery equipment. Miss Estelle Plaine, Miss Adams' roommate, was found not guilty on lottery charges.

Wilford L. Carter, a James Pollack protege under fire by the Supreme Bench of Baltimore for his activities during his first term as clerk of the Criminal Court, today was sworn in for his second term in that office. The ceremony took place before Judges Michael J. Manley, W. Conwell Smith and Joseph Sherbow.

EVE. SUN. 12/4

Kemper Fined $750 And $40 Costs In Numbers Case

Jacob Kemper, convicted last week for the first time in a gambling case, although he has faced trial on several occasions, today was fined $750 and costs in Criminal Court.

Miss Doris Adams, who was convicted of permitting her apartment in the 300 block East North avenue to be used by Kemper for lottery purposes, was fined $100.

Judge Michael J. Manley, in fining Kemper, pointed out that the man had no record of convictions for gambling charges although he has been reputed to be a big-time gambler. The present conviction is on a numbers-racket charge involving approximately $700 in lottery play disclosed by a police raid last June 20.

Court costs placed on the defendents amounted to $40.05. Assistant State's Attorney Charles E. Orth, Jr., prosecuted.

Kemper was found in the third-floor apartment when the police vice squad, led by Capt. Alexander Emerson, broke in the door with a maul in serving a search-and-seizure warrant. Numbers records were found in the drip pan beneath a refrigerator motor.

At the opening of today's session of Criminal Court, Judge Manley, with Chief Judge Conwell Smith and Judge Joseph Sherbow, sitting with him, administered the oath of office for the new four-year term to Wilford L. Carter, re-elected last month as clerk of the Criminal Court.

MORN SUN 12/5

Manslaughter Charge Dropped

A charge of manslaughter against a 27-year-old Gary (Ind.) man was dismissed by Magistrate Frank J. Schap in Eastern Police Court yesterday after he rejected a recommendation by the State's attorney's office that the case be sent to the grand jury.

The defendant was John Zack, charged by police with being the driver of the automobile that struck and fatally injured William J. Turner, 29-year-old Towson resident, shortly after midnight on November 3.

Witnesses testified that Turner, a taxi driver, was double parked on O'Donnell street, near Steelton avenue, and was standing at the left rear door of the cab trying to get a passenger out of the vehicle.

In dismissing the case, rather than sending it to the grand jury as had been recommended by William L. Siskind, assistant State's attorney, Magistrate Schap pointed to testimony indicating Zack was driving at a lawful rate of speed. In this connection, the magistrate observed that all indications were the body had been carried, and not thrown, 50 feet.

JURY TO CONSIDER HOSPITAL DEATHS

Wells Makes Decision After Conference With Doctors

The Baltimore grand jury will be asked to inquire into the death of two persons while they were under anesthesia recently at Sinai Hospital, it was announced last night by J. Bernard Wells, State's attorney.

Mr. Wells's announcement that the grand jury will be asked to consider possible criminal charges against the anesthetist who administered the anesthesia to the two patients was made after a three-hour conference with a group of Baltimore physicians and anesthetists.

"We held a long and complete session and went over the matters involved from every angle," Mr. Wells asserted after the conference in his office.

"Now My Responsibility"

"Many views were expressed and thoroughly considered. As a result, it is now my responsibility to determine whether or not the matter should be taken before the grand jury.

"This I have concluded to do at the earliest day convenient to that body."

Attending the conference was a seven-man group known as the anesthesia study committee of the section in anesthesia of the Baltimore City Medical Society, several other physicians and two members of the State's attorney's staff.

EVE. SUN-12/5

Judge Throws Out Bookie Warrant

Bookmaking seen on a park bench does not justify a search warrant to raid a residence that a bookmaker visited, Judge Michael J. Manley ruled today in Criminal Court.

As a result, the judge granted a motion by Maurice T. Siegel, defense attorney, to suppress evidence against Mrs. Mary Ritterpusch in the raid on her home in the first block South Curley street.

Police plain-clothes men had observed a man whom they heard called "Ray" taking bets on a Patterson Park bench. Their application for a search warrant cited the betting activities and the fact that "Ray" was seen to go into the Curley street house.

No Connection Found

No one named "Ray" was shown to be connected with the home. Mrs. Ritterpusch's husband bore no such name, and the telephone listing of the house did not connect with it. Judge Manley said that if such a search warrant constituted probable cause for a search, any householder might be subjected to search if a casual visitor had stopped to make a bet on the way.

After watching the park betting activities and getting their search warrant, officers under Capt. Alexander L. Emerson made their raid last November 24. When they rang the doorbell a 3-year-old child opened the door and the officers, as one of them put it, "just barged in."

While it was admitted that Captain Emerson and his men found evidence of about $80 in bets and nearly $50 in numbers wagers, the evidence was suppressed because the search warrant was no good and because the police entry was without permission. A verdict of not guilty was entered.

EVE. SUN 12/5

15-Year Term Given For Raping Student

Fifteen years' Penitentiary imprisonment today was ordered for Robert Holton, 21-year-old bakery worker, convicted in Criminal Court of rape on a 20-year-old Morgan College student.

The Negro defendant, of the 1900 block West Lanvale street, attacked the student last November 1 in a railroad yard area near Edmondson avenue. Filling-station attendants who heard the woman's screams called police, and Holton was arrested at the scene.

Chief Judge W. Conwell Smith found the man guilty and imposed sentence. Holton declined to answer most questions concerning his act.

Deputy State's Attorney William H. Maynard prosecuted.

EVE. SUN. 12/6

Probe Set Next Week In Hospital Deaths

Grand jury investigation of two recent deaths under anesthesia at Sinia Hospital will begin next Wednesday, State's Attorney J. Bernard Wells revealed today.

The prosecutor announced that the grand jury had set aside Wednesday and Thursday afternoons for the probe.

MORN SUN-12/7

JAIL TERM GIVEN IN NUMBERS CASE

Charles Griffin Convicted Of Being Second Offender

Convicted of being a numbers writer under an indictment accusing him of being a second offender, Charles Griffin, 41, yesterday was sentenced to 90 days in jail by Judge Michael J. Manley in Criminal Court.

Charles E. Orth, Jr., who prosecuted the case, said it was one of the first times that a defendant in a numbers case has been charged as a second offender.

The indictment recited that last April, Griffin was fined $250 on a similar charge.

Second-Offender Law

Under the second-offender indictment, the Court is required to impose a prison sentence, Mr. Orth pointed out.

Although the statute sets the penalty for second offenders as a prison sentence of two to five years, minimum prison sentences are no longer compulsory under a later law.

Entered House During Raid

Griffin, a Negro, was arrested November 28 when he entered a house in the 2200 block McCulloh street while a police vice squad raid was in progress. Police seized about $62 worth of numbers bets from him, Mr. Orth disclosed.

Mrs. Martha Hamilton, Negro occupant of the house, described as a numbers writer, was fined $50 and costs under an ordinary numbers indictment, while a fine of $10 was imposed on Miss Margaret Gough, 21, a Negro numbers player.

EVE. SUN 12/7

Man Gets 3 Years In Extortion Case

A three-year penitentiary term today was ordered by Chief Judge W. Conwell Smith for an ex-convict, Joseph Edward Pepin, 28, one of three men found guilty of conspiracy to extort $500 from a Baltimore woman.

Pepin, who said he had no home, also was convicted with William Haslup Ashton, 24, for burglarizing an apartment in the 800 block Park avenue and taking a quantity of men's clothing. Ashton and the third man, Robert Jerome Kelly, 43, were not sentenced in the conspiracy case. Judge Smith called for a preliminary probation investigation.

Pepin, Assistant State's Attorney Edwin A. Gehring told the judge, had been a cellmate at the Federal prison in Lewisburg, Pa., with a man who was a fried of the Baltimore woman, 1400 block East Baltimore street. Pepin was to deliver a message to her, but schemed to extort money from her, the prosecutor said.

Pepin arranged for someone to approach the woman and suggest that for $500 her friend could be "sprung" from prison, the court was told.

MORN. SUN 12-8-50

POLICEMAN IS CONVICTED OF ASSAULT

Diggins, Vice Squad Member, 'Abused' Authority, Judge Rules

Patrolman Frank Diggins, a member of the police vice squad, yesterday was convicted of assaulting a used-truck dealer during an argument over a traffic ticket last October 19.

Chief Judge W. Conwell Smith in Criminal Court, who ruled that Diggins had "abused" his authority as a policeman, deferred imposition of sentence pending the filing of a motion for a new trial.

Patrolman Diggins, who has been under temporary suspension from the Police Department pending the trial, was convicted of assaulting Harry Miller, partner in the used truck business in the 900 block East Lexington street.

Argument About Ticket

Testimony disclosed that Miller and the policeman became involved in argument over a traffic ticket placed on the private automobile of Patrolman Charles Stefan, also a vice squad member.

Miller had succeeded in having the car tagged on his contention that the vehicle was illegally parked in a private space in front of his truck agency.

Miller contended that Patrolmen Diggins and Stefan started an argument after they returned for the car at about 5.30 P.M. He testified that Diggins twisted his arm, pushed him against a wall and later dragged him to a police car.

Said They Were Taunted

Diggins and Stefan, on the other hand, contended that Miller taunted them about having had the car tagged. They said when they warned him to desist, he struck Diggins on the arm and kicked him on the leg several times.

One of the witnesses called for the State by Edwin A. Gehring, prosecutor, was Patrolman John McAllister, who testified that when he observed the two plainclothes vice squad members tussling with Miller, he thought the truck dealer was being robbed by holdup men.

McAllister, who said he was in uniform at the time, testified he did not know that Diggins and Stefan were patrolmen. He admitted that he attempted to interfere with their efforts to arrest Miller.

Judge Smith said he believed that Miller was an "excitable kind of man" who had exaggerated the assault, but declared the dealer had a right to be indignant because "no breach of the peace had occurred in the presence of the police officers."

The judge ruled that Diggins had "abused his authority in arresting Miller."

JUDGES DENY EDWARDS NEW MURDER TRIAL

Six Act On Motion In Slaying Of Two In Anne Arundel

Six of the eight judges who heard arguments on a motion for a new trial for Thomas Alexander Edwards yesterday signed an order denying the new trial.

Judges Herman M. Moser and Michael J. Manley did not sign the order denying Edwards another trial on charges of murdering Miss Mary Kline and John H. Mahlan in September, 1948, in Anne Arundel county.

Judge Manley had not signed a similar order denying Edwards a new trial following his conviction on murder charges at the first trial in February, 1949.

Convicted Last June

The new trial denied yesterday had been sought after Edwards's second conviction last June. The second trial was held after the Court of Appeals ruled out the first conviction on the grounds that police had improperly obtained a confession from the Negro defendant.

Judges Emory H. Niles, Joseph Sherbow, John T. Tucker, E. Paul Mason, Robert France and S. Ralph Warnken signed the denial order.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan, who convicted Edwards at the second trial, did not participate in the new trial proceedings.

Expected To Appeal

William J. McWillams and Ridgley P. Melvin, Jr., court-appointed defense counsel, are expected again to take the case to the Court of Appeals. Anselm Sodaro and James C. Morton prosecuted the case for the State.

As a result of the judges' action yesterday, Edwards will be brought before Judges Smith and Moylan for sentence. The defendant was sentenced to hang after his first trial.

Mahlan's abandoned and blood-stained automobile was found in a bean patch the morning after he and his young woman companion were reported missing.

Bodies of the victims were found two days later at a Chesterfield clearing about 26 miles from the spot where the machine was found.

NEWS 12/8

THE EXPERTS DIFFER

The case of the two mysterious deaths on operating tables at Sinai Hospital recently will go to the Grand Jury next Wednesday. The facts of what happened—certainly in one of the cases—are not in dispute. A nozzle, supposed to be connected to an oxygen tank, somehow was connected to a tank containing another gas. The patient didn't get the gas the anaesthetist thought he was giving her.

The dispute arises over the question: who was responsible for this?

A panel of anaesthetists, consulted by State's Attorney J. Bernard Wells, did not agree as to this matter. They have all been summoned to appear before the Grand Jury and give their views.

EVE. SUN-12/8

Another Appeal For Edwards Is Planned

Defense counsel for Thomas Alexander Edwards, Anne Arundel county Negro who has been convicted twice of the murders of John H. Mahlan and Mary C. Kline, said today that they would again return the case to the Court of Appeals.

Edwards was denied another trial yesterday by six of the eight judges who heard arguments on the motion.

Judges Herman M. Moser and Michael J. Manley did not sign the order. Judge Manley had not signed a similar order following Edwards's conviction at the first trial in February, 1949.

To Appeal After Sentence

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed defense counsel, said that they would appeal the case following sentencing of the defendant before Judges W. Conwell Smith and Charles E. Moylan, who presided at the second trial.

Mahlan's abandoned and blood-stained automobile was found in a bean patch near Glen Burnie the morning after he and his companion, Mary Kline, were reported missing.

The bodies were found three days later at a clearing near Chesterfield road, 26 miles from the place where the automobile was found.

Accused In November, 1948

Edwards was charged with the murders in November, 1948. He was reported by police to have said that he was angered when a car driven by Mahlan sped close by him on Marley Neck road, forcing him to jump aside.

According to police, he then followed the car down Marley Neck road and fired a revolver at Mahlan when the latter refused to comply with Edwards's order to lower the window for a discussion.

Edwards contended that a signed confession and an oral admission that he gave police were merely "second-hand words" supplied him by John H. Souers, chief of the Anne Arundel County Police Department.

Patrolman Guilty In Assault Case

Patrolman Frank Diggins, suspended member of the police vice squad, has been convicted of assaulting Henry Miller, a used-truck dealer, during an argument over a traffic violation ticket last October 19.

The policeman, suspended from duty following the assault, "abused" his authority, Chief Judge W. Conwell Smith of the Criminal Court said yesterday in finding the officer guilty. Sentence was withheld pending the filing of a new trial motion.

MORN SUN.-12/9

Realty Company Head Convicted

Grayson H. Staley, 69-year-old president of a realty company that bears his name, yesterday was convicted of stealing a total of $1,500 entrusted to him by prospective home purchasers.

Staley, who operated the Staley Realty Company in the 800 block North Charles street, was convicted on two larceny after trust charges by Chief Judge W. Conwell Smith in Criminal Court. Judge Smith deferred imposition of sentence pending a further investigation.

Testimony produced by James F. Price, assistant State's Attorney, disclosed that the defendant accepted $1,000 from one person and $500 from another on homes he had not been authorized to sell.

Cash down payments were accepted in both instances on condition that the money would be refunded if the sales were not completed, the court was told.

Staley denied theft of the money and contended it was used for corporate purposes.

The defendant was acquitted of a third charge of embezzling $1,750 in connection with a sales transaction involving a hotel in Ocean City, Md.

3 Men Acquitted Of Rape Charges

Judge Joseph Sherbow, in acquitting three men of rape charges, yesterday ordered the 32-year-old prosecuting witness to stand and then told her that criminal charges should have been brought against her, rather than against the men.

"This has been the most unfounded claim in all my experience on the bench," Judge Sherbow told the woman, who is married.

She had accused the three defendants of criminally assaulting her in a garage in the 100 block East North avenue. She testified she met the men in a tavern and had consented to let them take her to the home of a relative. Instead, she contended, they forced her to the garage.

The accused—Walter Abbott, 27; William H. Thompson, 25, and August Torre, 29—emphatically denied the accusation. Abbott and Torre denied meeting the woman in the tavern or accompanying her to the garage.

Thompson admitted having been with the woman, but contended that she accompanied him willingly and that there was no forceful attack.

R. Lewis Bainder and Anthony S. Federico were counsel for the accused.

EVE./SUN 12/12

Edwards Plans New Appeal In Killings

Sentence of death by hanging today was pronounced for the second time in Criminal Court on Thomas Alexander Edwards for the same crimes, the slayings of a Glen Burnie couple, John H. Mahlan and Miss Mary C. Kline.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan, who returned a first-degree murder verdict at the second trial after the Court of Appeals upset Edward's first conviction, pronounced the new sentence. The actual words were intoned by Judge Moylan.

Once again, the case is due to go to the Court of Appeals. The last conviction already had been affirmed by the Supreme Bench through a vote of six of the eight judges who heard the new-trial motion.

Innocent He Insists

Asked by Judge Moylan if he had anything to say before sentence, Edwards replied in the affirmative and, after a pause, said to the judges:

"I want you to know I am no more guilty of these crimes than you are."

"It brings my mind back to Judas and Jesus, when he had done nothing to the world. That is the way I feel about it."

After making his brief statement, Edwards heard the sentence pronounced without show of emotion, and was led away by sheriffs and guards to the Courthouse cell block. He was promptly removed to the penitentiary.

Occurred In 1948

The double shooting, which was the most outstanding case in recent years in the Anne Arundel county countryside, occurred on the night of September 17, 1948. For two days after the discovery of Mr. Mahlan's blood-soaked automobile, there was an intensive search in a radius of 30 miles before the bodies were discovered in a clearing near the Chesterfield road about 26 miles by highway from the Lipins Corner beanpatch where the murder car was found.

The Anne Arundel county Negro, who lived near Freetown on Marley Neck, was not accused until early November, nearly two months after the murders. Shortly after his final arrest, he gave a confession to police, but that confession was the reason for the striking out of his first conviction.

Called Improper

The Court of Appeals ruled that it was obtained by improper inducement and granted a new trial. The high court's action occurred last February. Edwards, who had been convicted at his first trial by a three-judge court of Judges Robert France, Emory H. Niles and Joseph Sherbow, was brought to trial the second time last June.

His motion for a new trial came up last November, just 26 months to the day from the time of the murders and the Supreme Bench gave its adverse ruling last Thursday.

New Court Rules

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed counsel for Edwards, have announced that they will go again to the Court of Appeals. Under the new court rules that went into effect at the first of this year, the upper court now may make a complete review of the evidence, including its weight and sufficiency as well as its admissibility.

James C. Morton, Jr., State's attorney for Anne Arundel county, and Anselm Sodaro, Baltimore prosecutor, represented the State at both trials. At today's sentencing, neither Mr. McWilliams nor Mr. Morton was present, and the State was represented by Mr. Sodaro and the defendant by Mr. Melvin.

NEWS-12/12

Court Rules Edwards' To Hang

Thomas Alexander Edwards, sugar refinery worker, was sentenced for the second time in Criminal Court today to be hanged for the murders of John Mahlan and Miss Mary Kline near Glen Burnie in September, 1948. Under the law an appeal is mandatory.

The defendant, who first conviction was reversed by the State Court of Appeals, heard his fate impassively after making an impassioned denial of guilt.

Before pronouncing sentence Judge Charles E. Moylan asked him whether he had anything to say.

DENIES GUILT

Standing, Edwards murmured a low "Yes" and then, moving closer to the bench and raising his voice, he said "Yes" again and launched into a brief speech, beginning:

"Judge I want you to know I am not no more guilty of this crime than you are. It brings my mind back to Jesus and Judas when He had done nothing to the world. That is the way I feel about it."

Edwards' tone was firm, but his rate of speech was so fast that judges and other court officials had to strain to follow him and his words were lost on the spectators beyond the bar. When he finished Judge Moylan asked whether he had anything more to say and he shook his head:

"No."

LOOKS WORN

Judge Moylan thereupon ordered him to stand for sentence and he resumed his feet. He was wearing a blue sport shirt, tweed jacket and dark trousers and looked somewhat thin and worn after his two years of incarceration and court procedure.

After the last words from the bench — "I sentence you to be hanged by the neck until dead"—Edwards stood dejected but half a dozen guards moved quickly to his side and hurried him from the courtroom.

Watching him go were Mr. and Mrs. Kline, parents of the murdered girl, who were regular attendants at both the Edwards trials. As usual today, Mrs. Kline was dressed in black. Both she and her husband heard the death sentence without evident emotion.

NEW TRIAL DENIED

Sitting on the bench with Judge Moylan was Chief Judge W. Conwell Smith, who had sat with him in the second trial. A third trial motion recently was denied by the Supreme Bench.

Edwards' only recourse now is an appeal from the death sentence. Under the law, all capital sentences must be appealed as a matter of course and may be appealed at the expense of the State.

Edwards' court-appointed attorneys, William J. MacWilliams and Ridgely P. Melvin, Jr., said an appeal would be taken promptly, although 30 days is allowed.

The case could be sent back from the Court of Appeals for three reasons—mistrial, judicial errors or for a directed verdict. But in case it could not be tried again in Baltimore because all 10 judges of the Supreme Bench here already have participated in the two trials or the several motions. Three judges sat in the first trial.

The trial was removed to Baltimore from Anne Arundel county on a change of venue.

SENTENCE REVERSED

Edwards was sentenced to be hanged after his first conviction by a three-judge bench but the first conviction was reversed by the Maryland Court of Appeals on the ground that a purported confession the police said they had obtained from him had been improperly introduced at his trial.

MORN-SUN 12/13

EDWARDS GIVEN DEATH VERDICT

New Appeal Set For Man Convicted Twice For Murder

Thomas Alexander Edwards, 26-year-old Anne Arundel county refinery worker, was sentenced yesterday for the second time to hang for the murder of John H. Mahlan and Miss Mary C. Kline more than two years ago.

Edwards previously had been given the death penalty by a three-judge Baltimore Criminal Court, but the first conviction was upset by the Maryland Court of Appeals, which ruled that police had improperly obtained a confession to the crimes.

Judge Charles E. Moylan, who with Chief Judge W. Conwell Smith convicted Edwards at the second trial last June, pronounced the hanging sentence yesterday, with Edwards still protesting his innocence.

"Jesus And Judas"

"Judge, your honor," Edwards said just before being sentenced, "I am no more guilty of this crime than you are. It brings my mind back to Jesus and Judas when He had done nothing to the world. That is the way I feel about it."

William J. McWilliams and Ridgely P. Melvin, Jr., court-appointed defense counsel, announced that the case again will be taken to the Court of Appeals.

Under new court rules, the high court may now pass upon the sufficiency and weight of evidence, as well as the admissibility of testimony.

The new rules will give the high court an opportunity to pass on the main defense argument at the second trial—the sufficiency of the testimony to justify a conviction

EVE. SUN 12/13

Hearing In Pardon Case Slated

Acting as a result of a recent Court of Appeals decision, Governor Lane has scheduled a hearing for James T. Murray, life-term prisoner whose conditional pardon was revoked more than eight years ago.

The hearing, which the Court of Appeals held was necessary to fulfill "due process" and "the American concept of fundamental principles of justice," will be before Assistant Attorney General Kenneth C. Proctor next Monday.

The issue of whether Murray should stay in prison or is entitled to liberty under his former pardon was raised in habeas corpus proceedings brought for him by Edgar Paul Boyko, attorney.

Former Governor O'Conor had granted the conditional pardon in 1941, but revoked it the following year after a complaint was made by Murray's sister, who lived in Ohio. That complaint, the man's attorney charges, "is a trumped-up story invented by his sister."

Convicted In 1923

Murray was given his life sentence in 1923 after being convicted of first-degree murder.

In considering the man's claim that his pardon was stricken out without sufficient reason, the Court of Appeals pointed to the reports that there was a "trumped-up" complaint, and ruled that he had been entitled to a hearing before Governor O'Conor revoked the pardon.

As another result of the Court of Appeals ruling, Judge Herman N. Moser has signed an order in the Baltimore City Court habeas corpus case, transferring Murray from the penitentiary to the city jail pending decision by the Governor after the pardon hearing.

EVE. SUN 12-15-50

Woman Bandit, 20, Gets Five Years

Georgia Gallo, 20-year-old bandit, today was sentenced to five years in the State Reformatory for Women for her part in the robbery of a Chinese restaurant owner last October 23 in the 600 block East Baltimore street.

Judge Joseph Sherbow imposed the sentence in Criminal Court after psychiatrists reported that while the woman is "extremely neurotic" and has mental disturbances, she nevertheless is legally responsible.

Charles E. Orth, Jr., assistant State's attorney, and the judge accepted a plea of guilty of unarmed robbery, since the prisoner had not used a weapon and did not have possession of the gun her "boy friend" used in the holdup.

Married When 15

The woman, who was married at the age of 15, is from Washington.

Her companion in the holdup was Joseph F. Farrell, 32-year-old Washington bartender, who is scheduled to be sentenced next week on charges of armed robbery and larceny of an automatic pistal from his former landlady in Baltimore.

The woman's husband, Louis Gallo, a soldier, is seeking a divorce in Washington. They had been separated for some time.

Faked Illness

Mrs. Galo participated in the holdup by faking illness, in order to be taken to the rear of the restaurant where she could observe conditions, Police Lieutenants Lawrence Cooper and Allen Crone told the court.

Newspaper accounts of the robbery attracted attention of the couple's former landlady, whose pistol they had stolen.

She was able to give police their names, and the fleeing couple were arrested at Silver Spring, Md. They had taken $62.50 in the Baltimore holdup.

Cashier Pleads Guilty In Thefts

A young woman cashier who took money to help pay her boy friend's expenses today pleaded guilty in Criminal Court, while the man, a married man with an 8-year-old child, entered pleas of "no contention" without actually pleading guilty to charges of receiving stolen money.

The woman, Miss Hannah Frances Fisher, 24, of Essex, admitted larceny and forgery charges involving use of $2,283 from two automotive concerns for which she worked. Previously married, she had obtained a divorce and her maiden name.

Edward Rumpf, Jr., 27, 2900 block Montebello terrace, was the accused man. Judge Michael J. Manley in Criminal Court withheld sentence pending efforts of the defendants to arrange restitution in addition to the $600 which the girl had used as a deposit on a new automobile and which had already been recovered.

Since neither of the defendants had a record, the judge said he would consider probation if restitution is made.

Man Is Convicted In Extortion

Threatening letters attempting to extort large sums have been received by both Representative Edward A. Garmatz (D., Third) and an East Baltimore lumber dealer, according to evidence in Criminal Court where Chief Judge W. Conwell Smith convicted one defendant of conspiracy to extort.

Another man is being sought by police and postal inspectors. According to the evidence, the man, identified as Joe Olsen, seaman, originated the extortion scheme.

John Weaver, 50, who gave an address in the first block South Hanover street, faced Judge Smith on the extortion-conspiracy charge. He was convicted after he admitted receiving a package which he expected to get on behalf of Olsen.

$5,000 Asked

The package was delivered by Detective Albert Kendricks, disguised as a postal messenger. The extortion letter had directed that its recipient, an official of the Diamond Lumber Company, should place $5,000 in small bills within hollowed-out spaces in four books as a hiding place, and that the package of books should be delivered to Weaver.

Weaver testified that Olsen made the arrangements while the pair were drinking at a Broadway tavern. Olsen merely told him that "he had money coming," and wouldn't tell its source. Although Weaver insisted he had not been suspicious, he told Assistant State's Attorney James F. Price that he first asked if it was "stolen" and then if it was "counterfeit." He said he had not thought to ask any further questions.

The handwriting on the two notes sent to the lumberman and a somewhat similar note sent to Congressman Garmatz seemed identical according to tests made by Washington handwriting experts, witnesses said.

Police said the handwriting did not match Weaver's, and that the lumberman even received a third threatening note after Weaver's arrest.

As police and Federal men continued their hunt for Olsen, Weaver began a nine-month stay at the House of Correction.

MORN-SUN-12/16

Two Get Probation In Theft Of Funds From Auto Firms

A 24-year-old cashier and a married man, 27, for whom she stole about $2,200, yesterday were released on probation for two years on condition both make restitution of $800 each.

Defendants in the case were Miss Hannah Frances Fisher, of Essex, and Edward Rumpf, Jr., of the 2900 block Montebello terrace, father of a son, 8. Rumpf was charged with receiving stolen goods.

During the period of the offenses, the defendants were living together in the 3200 block St. Paul street, according to J. Harold Grady, assistant State's attorney.

Sentenced By Manley

Judge Michael J. Manley sentenced each defendant to two years' imprisonment, but suspended the terms on condition of restitution. An additional $600 in stolen funds used by Miss Fisher as a deposit on an automobile has been recovered, the judge was told.

Miss Fisher admitted she stole the money while she was working for two automotive and engineering concerns in the 800 block Greenmount avenue.

In a statement given to Detective Lieutenants Leo Vogelsang and Millard B. Horton and Sergt. Francis Murphy, Miss Fisher admitted she started stealing the money last May, two months after she took the bookkeeping job.

She told the detectives she gave Rumpf an average of $10 to $20 a day and that he used the money to pay off bills, to repair his automobile and to play on the races.

Veteran Admits Arson, Forgery

George Padgett, 27-year-old disabled war veteran, yesterday admitted that he set fire to the home where he and his young bride were living. Sentence was temporarily deferred pending a further investigation.

Padgett also pleaded guilty to forging two checks totaling about $125 on two stores. Both checks were drawn on a bank that has been defunct for more than twenty years.

Douglas N. Sharretts, defense counsel, cited the man's war record, and pointed out that Padgett had been totally disabled and had contracted malaria fever while serving in New Guinea in 1945.

The veteran was accused of setting fire on October 2 to his home in the 4500 block Kathland avenue where he lived with his bride of eight weeks. Charles E. Orth, Jr., prosecutor, disclosed that the accused poured gasoline over a porch and lattice and then ignited it. The fire did not cause extensive damage, Chief Judge W. Conwell Smith was told.

Mrs. Virginia Padgett, the wife, testified that she married the defendant last summer after meeting him at church functions.

A separation had been planned on the day he set fire to the dwelling, she told the judge. She said her husband two days earlier had taken an overdose of sleeping pills and he had been rushed to a veteran's hospital. He left the hospital against the advice of physicians, she said.

EVE. SUN-12/18

Anesthesia-Death Autopsy May Be Sought In New Law

State's Attorney J. Bernard Wells today revealed that he and the chief medical examiner, Dr. Russell S. Fisher, have considered the advisability of new legislation requiring mandatory autopsies in all anesthesia cases.

The decision, the prosecutor said, arose as a result of investigations of two recent operating-room deaths at Sinai Hospital. The grand jury last week heard a number of medical experts as witnesses in connection with the deaths, but so far has taken no action.

"The matter of the unfortunate deaths is before the grand jurors," Mr. Wells said, "and I have submitted to them all the evidence we have bearing upon the cases.

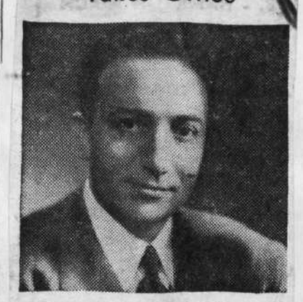
"So far the grand juiry has not concluded on any action. If any additional witnesses are desired I shall conform to that request.

"I have already discussed with the medical examiner, Dr. Fisher, the advisability of making autopsies mandatory in all deaths as a result of anethesia. It has been said, and I am in accord with the statement, that the second of the deaths under investigation would not have occurred if there had been an autopsy after the first.

"I shall certainly recommend that legislation for such mandatory autopsies be enacted."

12/20/50 The-Enterprise

Takes Office



ANSELM SODARO

The Enterprise, first to congratulate Mr. Sodaro on his splendid victory in the General Election, now wishes him well as he takes over the duties of States Attorney of Baltimore City, replacing J. Bernard Wells, on January 3.

Mr. Sodaro plans to reorganize and streamline his office to meet present day operations. Establishment of a Homicide Bureau, and an open-door policy are two of his projects.

Youthful, aggressive, firm and kindly, Mr. Sodaro will make a good public servant and we feel sure his tenure of office will be both a credit to himself and the city of Baltimore.

EVE./SUN 12-11-50

Edwards To Hear His Sentence

Chief Judge W. Conwell Smith and Judge Charles E. Moylan will pronounce sentence tomorrow morning on Thomas Alexander Edwards, Anne Arundel county Negro convicted for the murder of a Glen Burnie couple on September 17, 1948, it was announced today.

Under Maryland law, in view of the first-degree murder conviction, the sentence must be execution by hanging or imprisonment for life.

Sentenced Once To Hang

Edwards previously was sentenced to hang for the same killings after his first trial before Judges Robert France, Emory H. Niles and Joseph Sherbow. However, the first conviction was thrown out by the Maryland Court of Appeals, which ruled that a confession given by Edwards was obtained through improper police inducement.

The defendant's court-appointed attorneys, William J. McWilliams and Ridgely P. Melvin, Jr., have announced that they plan to take the case to the Court of Appeals a second time. Edwards was prosecuted by Anselm Sodaro, Baltimore prosecutor, and James C. Morton, Jr., State's attorney for Anne Arundel county.

NEWS-12/11

Thomas Alexander Edwards, twenty-five-year-old Negro, convicted twice of the first-degree murder of John E. Mahlon and Mary F. Kline of Glen Burnie, will be sentenced tomorrow by Chief Judge W. Conwell Smith and associate Judge Charles E. Moylan. Following the second trial before these judges of the Baltimore Supreme Bench last June, Edwards was denied a new trial. His court-appointed attorneys, William J. McWilliams and Ridgely P. Melvin, Jr., indicated they would take the case before the Court of Appeals if Edwards is sentenced to be hanged as he was under the first conviction.

MORN-SUN-12/12

Arsonist Is Given 5-Year Sentence

Sentence of five years in the penitentiary was imposed yesterday on William Brown, 39, who was convicted of arson in the burning of two East Lombard street dwellings, from which women and children had to be removed by firemen.

Brown, a Negro, who lives at 1516 East Lombard street, one of the two houses that burned, set fire to the dwellings last July 2, according to testimony produced by Charles E. Orth, Jr., assistant State's attorney.

Evidence disclosed that Brown had argued with his girl friend, who lived at 1516 East Lombard street, just prior to the fire. The flames spread to the house next door and both properties were gutted by the fire, Chief Judge W. Conwell Smith was told.

Brown was acquitted of a charge of setting fire on October 22 to 101 South Bond street, to which the girl friend had moved after the fire in the other properties.

Edwards To Hear Sentence Today

Thomas Alexander Edwards this morning will be sentenced for the second time for the murder of Miss Mary Kline and John H. Mahlan, Glen Burnie couple, in September, 1948 in Anne Arundel county.

Chief Judge W. Conwell Smith and Judge Charles E. Moylan, who convicted Edwards of the double killing at his second trial last June, will impose the punishment. Edwards recently was denied a new trial by judges of the Supreme Bench.

The Negro defendant was sentenced to hang after he was first convicted of the murders by a three-judge Criminal Court, but the Maryland Court of Appeals subsequently reversed the convictions on the grounds that police had improperly obtained confessions from the accused.

Sentence will be imposed at 11 o'clock this morning. Anselm Sodaro and James C. Morton prosecuted the cases. William J. McWilliams and Ridgely P. Melvin, Jr., are court-appointed counsel for the accused.

MORN-SUN-12/12

LANE LIFTS DEATH VERDICT ON HOLDUP MAN

Commutes Bozman's Sentence To Life In Killing Of Taxi Driver

Annapolis, Dec. 11 (AP)—Governor Lane today lifted the death sentence from Delmas E. Bozman 24-year-old Coast Guardsman who killed a Baltimore cab driver.

The Governor commuted Bozman's sentence to life imprisonment.

Bozman, now in the death house of the Maryland Penitentiary, had been convicted of fatally shooting Cornelius A. McDowell from the back seat of a taxi on May 22, 1948.

The Court of Appeals had upheld a death sentence.

Navy Combat Veteran

"Under all of the circumstances of this case, while I condemn him for the crime that he committed, I will not sign his death warrant," the Governor said.

Bozman, a native of Dames Quarter in Somerset county, was worried about his wife and had pressing debts when he shot McDowell, the Governor said.

A Navy combat veteran of World War II who later joined the Coast Guard, Bozman was arrested Thanksgiving Eve of 1948 at Shark Fin Shoal lighthouse in lower Chesapeake Bay after a six-months' police investigation.

"Deep Regret And Atonement"

"When arrested, Bozman promptly and freely confessed his guilt," Governor Lane said. "I am advised by his spiritual advisers that while confined in the death house, his attitude has been one of deep regret and atonement."

In a prepared statement announcing the commutation, Lane gave this capsule summary of Bozman's life.

He was the fifth of eleven children. He worked after school to help the family.

Failing his sophomore year of high school, he joined the Navy at 17.

Bozman was on an L.S.T. at Omaha Beach on Normandy.

Saved Drowning Man

Once at Norfolk he was docked for being a.w.o.l. eight hours. Trial was called off, however, after a man fell off the dock and Bozman saved him from drowning. Discharged in 1947, he found only a part-time job at 56 cents an hour. He joined the Coast Guard and soon was promoted to boatswain's mate, third class.

His conduct was 4.0, highest possible. "One of the best boys I had on the Chesapeake Bay," a commanding officer said.

"One of the best boys I have," said his father, who never saw him smoke, drink "or lie to me."

"Convulsively Shot Him"

Bozman married June 3, 1946. His only child was born the following March. He and his wife lived at 5447 Lynview avenue, near Reisterstown road. Money was scarce. With the baby one month old, Bozman's wife moved in with her parents and he lived aboard ship. His wife needed an operation. He had other debts.

Bozman was riding in the back seat of a cab the night of May 22, 1948. "This is a holdup," he called out.

"The driver turned around suddenly and Bozman, it seems, convulsively shot him," the Governor said. "He testified that he was scared."

Lane Offers Sympathy

Lane offered "deepest sympathy for the family of Cornelius Arthur McDowell, the man he killed."

He added:

"Notwithstanding the enormity of the crime he has committed, the record does not show Bozman to be a confirmed, vicious criminal. In the scales of ultimate justice, it seems to me that the fact that a man has led a creditable life should have some weight and there is no time that he needs that credit more than when he is faced with punishment by death."

NEWS-12/12

BozmanDeath Sentence Is Commuted

Special to The News-Post.

ANNAPOLIS, Dec. 12—On the ground that Delmas E. Bozman, convicted slayer of a taxi driver, is by no means a "confirmed, vicious criminal," Governor Lane today had commuted Bozman's sentence of death on the gallows.

Bozman, twenty-four years old, had his sentence changed, by executive order, to life imprisonment.

A Navy combat veteran of World War II and subsequently a member of the Coast Guard, Bozman was convicted of fatally shooting Cornelius A. McDowell, taxi driver, on May 22, 1943, during a holdup.

Governor Lane pointed out that at the time of the shooting Bozman was under emotional strain because of his wife's illness and because of large debts.

BETCHA that today's sentencing of Thomas A. Edwards, for a crime committed over two years ago, won't be carried out within the next six months, if at all. (4 to 1)

AND BETCHA that if Edwards were a very rich man, instead of a penniless Negro, he could not have gotten better legal services than the State is providing at no cost to him. (29 to 1)

NEW-12/14

THE MACHINE

A bright and shiny machine was in the State's Attorney's office at the Court House. But a shudder went through me as Anselm Sodaro, State's Attorney-elect, took me in to examine it.

The machine had been brought from Sinai Hospital. It was the one from which had come, by some horrible mistake, the gases which had killed two persons while they were on operating tables at the hospital.

Sodaro explained how the anesthetic machine works; how the accidents occurred. A few yards away, in a room whose doors were guarded by policemen, the Grand Jury was listening to witnesses, trying to find out who, if anyone, is to blame for the tragedies.

MORN SUN 12/14/50

ANESTHESIA PROBE HEARS PHYSICIANS

Grand Jury Is Investigating Deaths Of 2 Persons

The Baltimore grand jury yesterday afternoon heard testimony from several physicians, including anesthesia specialists, as it opened its probe of the death of two persons under anesthesia.

A table of the type usually used by anesthetists also was exhibited to the grand jury.

The two persons died on successive days at Sinai Hospital while they were under anesthesia preparatory to an appendectomy.

The grand jury will hear other medical experts at another special session this afternoon.

Wells Sought Inquiry

J. Bernard Wells, State's attorney, sought the investigation and possible prosecution by the grand jury after he had held conferences with the same medical men appearing before the grand jurors.

Assisting Mr. Wells in the probe are William H. Maynard, deputy State's attorney, and Anselm Sodaro, an assistant prosecutor, who will take office next month as State's attorney.

The first death under anesthesia occurred last November 22 when a young girl undergoing an appendectomy died. The next day, an elderly woman also died while under anesthesia administered by the same anesthetist.

D'AILY RECORD, 12/20/50

Appointments In Office Of State's Attorney Confirmed By Bench

The Supreme Bench of Baltimore yesterday confirmed the list of appointments submitted by State's Attorney-elect Anselm Sodaro, who will take office on January 2nd next.

Mr. Sodaro reappointed William H. Maynard as Deputy State's Attorney, and John C. Weiss, Saul A. Harris, James F. Price, J. Harold Grady, Charles C. Orth, Jr., Edwin A. Gehring and George D. Solter as Assistant State's Attorneys.

He also requested and received approval from the Bench of the appointment of William C. Rogers, Jr., M. Peter Moser, Henry D. Blair, Jr., and Joseph G. Koutz as Assistant State's Attorneys. The new assistants will fill vacancies caused by the elevation of Mr. Sodaro as State's Attorney, the resignation of Morgan M. Buchner, who was recently appointed as Master in Chancery, the resignation of Alan H. Murrell who resumed the private practice of law and the expiration of the term of William L. Siskind, who is expected to be called to active duty with the armed forces in the near future.

Mr. Rogers is 24 years of age, married, and resides at 4715 Edmondson avenue. He graduated with the highest scholastic average from Calvert Hall College. He then won a competitive four-year scholarship to Loyola College. While at college he attained an excellent scholastic average, was a leader in student affairs, and was elected to the Alpha Sigma Nu National Honorary Society. He received the decree of Bachelor of Philosophy in July of 1948. He then matriculated at the University of Maryland Law School, graduating with the Degree of Bachelor of Laws in June of 1950. Prior to his graduation from Law School he passed fifth on the list in the Maryland State Bar Examination. While a student at the University of Maryland Law School he was the official law clerk for the Honorable W. Calvin Chesnut, United States District Judge. After his admission to the Bar he entered the private practice of law with his father, William C. Rogers, Sr. During World War II Mr. Rogers served with the Army Air Forces in the Mediterranean and European Theatres of operation.

He has been highly recommended to me by many prominent members of the Bar, and by the Honorable W. Calvin Chesnut.

Mr. Moser is 22 years of age, married, and lives at 5708 Pimlico road. He attended McDonogh School, through the primary grades and high school, graduating in 1944. He received the Degree of Bachelor of Arts in Political Science in June, 1947, from The Citadel, a military college in Charleston, S. C. He graduated second in his class with general high honors and department honors in military and political science. While at The Citadel he was regimental adjutant, associate editor of the year book, captain of the rifle team and active in many other college affairs.

He received the Degree of Bachelor of Laws in June, 1950, from Harvard Law School, graduating in the upper third of his class. In March of 1950 he received the second highest grade in the Maryland Bar Examination. Since graduation he has been an associate in the law firm of Blades and Rosenfeld.

Mr. Blair is 31 years of age, resides at 317 Overhill road. He attended the Baltimore City College and graduated in June of 1938. He then entered Drew University in Madison, N. J. At the end of two years he transferred to the University of Maryland, College Park, and received the degree of Bachelor of Arts in May, 1942. He then matriculated at the University of Maryland Law School, and received the degree of Bachelor of Laws in June, 1948. Prior to his graduation from Law School he passed the Maryland State Bar Examination in July, 1947. During World War II, from June, 1942, until January, 1946, Mr. Blair was a member of the armed forces, serving in the Military Intelligence Division of the Army.

Mr. Koutz is 34 years of age, married, and resides at 902 Belgian avenue. He graduated from Baltimore City College and later attended Loyola College for a period of two years. Thereafter he matriculated at the University of Baltimore Law School, and received his Bachelor of Laws degree in 1940. He has been a member of the Bar of the Court of Appeals and the Supreme Bench since April, 1941.

In June, 1941, he enlisted in the United States Army. He attended the Counter-Intelligence School in Washington, D. C., and was assigned to the Military Intelligence Division as a special agent, conducting general investigations and gathering information concerning individuals and organizations engaged in subversive activities. He was finally promoted as Special Agent in charge of various local offices within the Third Service Command, in which capacity he was generally responsible for the local counter-intelligence.

When the security of the Panama Canal was threatened, he was especially assigned to the Panama Canal Department, and was later promoted as the Intelligence Officer in Charge of the Caribbean Defense Command. He served with the Counter-Intelligence Corps for approximately five years, and received his honorable discharge in January, 1946. Since his separation from the service, he has been engaged in the general practice of law.

MORN SUN 12/20/50

SODARO NAMES 4 ASSISTANT PROSECUTORS

Supreme Bench Also Approves Reappointment Of Eight Others

Four new assistant State's attorneys appointed by Anselm Sodaro, who will take over the position as State's attorney on January 2, were approved yesterday by the judges of the Supreme Bench.

At the time, the judges also affirmed the reappointment of eight other assistant prosecutors named originally by J. Bernard Wells, who will retire as State's attorney after serving 30 years in that office.

The new assistants are:

WILLIAM C. ROGERS, JR., 4715 Edmondson avenue.
M. PETER MOSER, 5708 Pilmico road.
HENRY D. BLAIR, JR., 317 Overhill road.
JOSEPH G. KOUTZ, 902 Belgian avenue.

William H. Maynard, a veteran in the prosecuting office, was reappointed deputy State's attorney.

Other Assistants

The other assistants are John C. Weiss, Saul A. Harris, James F. Price, J. Harold Grady, Charles E. Orth, Jr., Edwin A. Gehring and George D. Solter.

Only William L. Siskind, who is expected to be called into military service soon, was not reappointed by Mr. Sodaro.

Vacancies in the office were created by the resignation of Alan H. Murrell and Morgan M. Buchner, the elevation of Mr. Sodaro to the chief position and the departure of Mr. Siskind.

Mr. Rogers, who is 24, was graduated from Calvert Hall College with the highest scholastic average of his class. He won a competitive four-year scholarship to Loyola College, where he was a leader in student affairs and was elected to Alpha Sigma Nu National Honorary Society.

Law Clerk To Judge Chesnut

He graduated from the University of Maryland Law School in June, 1950, and was fifth on the list of those taking the Maryland State bar examination. While attending law school, Mr. Rogers served as law clerk for Judge W. Calvin Chesnut, of the Federal court, who recommended him for a position in the State's attorney's office.

Mr. Moser, a son of Judge Herman M. Moser, is a graduate of McDonogh School and The Citadel, a military college in South Carolina. At The Citadel, he stood second in his class and was regimental adjutant, associate editor of the yearbook and captain of the rifle team.

Mr. Moser received his law degree last June at the Harvard Law School, graduating in the upper third of his class. In March, 1950, he received the second highest grade in the Maryland bar examination.

Mr. Blair, who is 31, graduated from Baltimore City College in 1938. He attended Drew University for two years and then transferred to the University of Maryland where he received the Bachelor of Arts degree in 1942. He received his law degree from the University of Maryland Law School in 1948.

From June, 1942 to January, 1946, Mr. Blair was a member of the armed forces, serving in the military intelligence division of the army.

Mr. Koutz, who is 34, is a graduate of Baltimore City College and the University of Baltimore Law School. He also attended Loyola College for two years.

In 1941, he enlisted in the Army and subsequently was assigned to the military inteligence division as a special agent, conducting general investigations and gathering information concerning individuals and organizations engaged in subversive activities.

MORN-SUN 12-20-50

23 Are Selected For Grand Jury

Seven women were among the 23 persons chosen yesterday by the Supreme Bench of Baltimore to serve on the January-term grand jury.

The new jury will include:

THOMAS R. ALLEN, 2530 Madison avenue.
MARIE K. BAKER, 1759 Montpelier street.
LETITIA S. BERNHARDT, 1508 Shadyside road.
MAURICE W. CAPLAN, 3649 Wabash avenue.
ROSETTA DOPKIN, 2400 Callow avenue.
LUKE J. FOLEY, 612 East Arlington avenue.
NICHOLAS W. B. JANETZKE, 4204 Roland avenue.
J. BEATSON JONES, 5115 Ridgedale road.
JOSEPH J. KENNEDY, 4605 Manordene road.
BERNARD L. KOHN, 3904 Fordleigh road.
HARRY S. KOUK, 602 Walnut avenue.
LEONARD B. McLAUGHLIN, 4 East Thirtieth street.
RALPH L. MOORE, 1330 Crofton road.
FLORENCE POWELL, 1305 Shellbanks road.
ALBERT RETOWSKY, 1500 Lakeside avenue.
LOUIS J. RIETH, 801 Park avenue.
MARIE B. SIEMS, 6 Upland road.
RUTH R. STIEFF, 18 Midvale road.
JAMES F. TOY, 4303 Norwood avenue.
WILLIAM G. WALTZ, 5505 Arabia avenue.
SALLIE D. WAXTER, 5504 Lombardy place.
W. NORRIS WEIS, 3609 Alameda circle.
FRANK C. WOF, 3910 Bateman avenue.

The new jury will be organized early next month by Judge Joseph Sherbow.

MORN-SUN 12/20/50

SHERBOW SET FOR NEW ROLE

Judge Will Handle Cases Involving Gambling

Judge Joseph Sherbow yesterday was assigned to preside next year in Criminal Court, Part 1, where bookmaking and numbers cases are tried.

Considerable interest had been shown, particularly by lawyers representing defendants in gambling cases, in the choice of the judge to preside in that section of the Criminal Court.

Judge Joseph R. Byrnes, who took the oath of judicial office yesterday, normally would have been assigned there, but it was reported that Judge Byrnes preferred to preside in another court during his first year on the bench.

New Field For Sherbow

Judge Sherbow has not yet presided regularly at the trial of gambling cases. There is much speculation as to how he will treat such cases.

In recent years, there has been varied treatment of gambling cases. Some judges have announced their intention to "take the profit out of the industry" by imposing heavy fines, another imposed comparatively light fines and no jail terms, while still another judge took the position that imprisonment was the only real way to punish gambling-law offenders.

There have been very few gamblers jailed in recent years.

Other Assignments

Judge S. Ralph Warnken will preside next year in Criminal Court, Part 2, and Judge Emory H. Niles will preside in the third section of Criminal Court, where the so-called "youth court" functions.

Judge Michael J. Manley was assigned to the Court of Common Pleas, Judge Robert France to the Circuit Court, Judge John T. Tucker to the Circuit Court No 2, Judge E. Paul Mason and Judge Herman M. Moser to the Superior Court, Judge Byrnes to the Baltimore City Court and Judge Charles E. Moylan to the Division for Juvenile Causes. Chief Judge W. Conwell Smith will hear non-jury cases.

EVE. SUN 12-20-50

Special Probe Staff Urged By Sodaro

A special investigating staff for the State's Attorney's office is being sought by Anselm Sodaro, State's Attorney-elect. Specially trained detectives are being asked for the probe staff.

Mr. Sodaro revealed today that he has sought conferences with Police Commissioner Beverly Ober in an effort to arrange for the staff.

Mr. Sodaro hopes to put the new plan into effect when he takes office January 3.

"I am asking that four trained men, with detective training, be assigned to the prosecuting office for investigative work," said Mr. Sodaro.

Could Prepare For Trials

He pointed out that such a staff would be available to make prompt investigations in homicide cases in order to prepare them for trial, and that the staff would be available also for any other developments that required special investigation.

The incoming State's Attorney also stated that he is planning a reorganization of the work of the Domestic Relations Bureau of the prosecuting office. That bureau handles, without the necessity of actual court proceedings, a large portion of the desertion and non-support contentions arising from split families.

MORN-SUN 12/21/50

Robbery Charge Nets 7-Year Term

Richard Mobely, 32, who planned a holdup to help raise $100 toward the cost of a divorce, yesterday was sentenced to seven years in the Penitentiary by Chief Judge W. Conwell Smith in Criminal Court.

Mobely entered the store of Joseph Trau, at Holabird avenue and Newkirk street, last November 7 with a gun in his pocket and the intention to rob the storekeeper, according to evidence produced by Edwin A. Gehring, assistant State's attorney.

When Trau told the defendant he had "a better gun," Mobely fled from the store and attempted to hide his weapon under a truck tire. He was arrested by police who observed his actions.

Mobely, a Negro, who lives in the 1400 block Hampton court, denied the attempted robbery charge. He contended he found the gun, but it dropped out of his pocket when he stooped to tie a shoe lace.

He told police after his arrest that he planned the robbery because he needed $100 to divorce his wife, who is in Norfolk, Va.

MORN SUN 12/21/50

HUBIN GETS FIVE YEARS

Pleads Guilty To Seven Charges Of Forgery

Thomas M. Hubin, 43, of the 3700 block Rogers avenue, yesterday was sentenced to five years in the House of Correction after he pleaded guilty to seven charges of unlawfully obtaining $12,000 by fradulent means.

Charles E. Orth, Jr., assistant State's attorney, entered stets to 42 other charges of larceny, fraudulent conversion of partnership funds and forgery in view of the guilty pleas.

Mr. Orth termed as "fantastic manipulations" the actions of Hubin in obtaining an alleged $80,000 or more from several ship concerns with which he was associated.

Hubin denied he received sums totaling more than $80,000 and set the figure at about $15,000. He said he was a "one-man entertainment committee" for other partners or owners of the businesses for which he served in managerial capacities.

Convicted In 1940 Of Fraud

Hubin in 1940 was convicted of conspiring to defraud the city of Baltimore and the taxpayers.

Mr. Orth told Judge Michael J. Manley that Hubin also had been convicted of bookmaking and of embezzling funds from a tire company he managed in 1939.

The prosecutor identified four concerns from which Hubin allegedly obtained funds as Manweld Ship Cleaning Company, Manweld, Inc.; Manweld Launch Service and Bell Transportation Company.

Mr. Orth said Hubin made out pay-roll checks for nonexistent employés of the concerns and then cashed them, withdrew company funds to purchase boats which were never bought and submitted bills for boat repairs that had not been made.

Faked Navy Debt Of $84,460

In addition, the judge was told, Hubin faked a certificate purporting to show that the Navy owed Bell Transportation Company $84,460 for ferry services at Annapolis, and that he drew up another fictitious document purporting to show that a ship concern owed Manweld Ship Cleaning over $31,000.

Actually, neither the Navy nor the other concern owed the companies any money and the Navy had not entered into contracts for ship services, Mr. Orth charged.

Hubin contended he had spent large sums of money on behalf of the concerns in entertaining persons in shipping businesses. He said he had purchased an automobile and television sets for his employers at retail cost and sold them to the employers at the wholesale price.

He said he did this in pretending that he could purchase such articles at the wholesale price.

BILL AIMED AT CRIMINAL DEFECTIVES

Indeterminate Sentences Asked By Medico-Legal Procedure Unit

Psychiatrists say Maryland defective-delinquent program is in many ways best yet . . Page 22

Indeterminate sentences for criminal defectives were recommended yesterday by the Committee on Medico-Legal Procedure of the Legislative Council.

Convicts classified as "defective delinquents" would be confined for treatment — not punishment — in the new State institution to be constructed at Jessups and released when—and if—they are cured, either to return to the community or serve original sentences in other institutions.

The committee, of which Delegate Jerome Robinson, of the Fourth district, is chairman, has drafted a bill designed to protect society from criminals who will again commit crimes if released at the end of a fixed sentence.

Report Made Public

A research report on the problem on steps taken in other states to meet it and on Maryland's developing plan was made public with the proposed legislation.

It was prepared at the Robinson committee's request by Dr. G. Kenneth Reiblich, professor of law at the University of Maryland school of law. Herbert H. Hubbard, of the class of 1950 and member of the bar, assisted in its preparation.

The bill provides for a diagnostic clinic at the new institution and for administration of the institution as well as for detention of defective delinquents.

It defines a defective delinquent as "an individual who, by the demonstration of persistent aggravated anti-social or criminal behavior, evidences a propensity toward criminal activity and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to require confinement and treatment under an indeterminate sentence. . . ."

Essential Purpose Cited

"The essential purpose of the proposed law is to expand, as a practical matter but not by actual definition, the concept of the area of insanity," the research report stated.

"The legal definition of insanity is that at the time of the commission of the offense, the party accused had not capacity and reason sufficient to enable him to distinguish between right and wrong and understand the nature and consequence of his act. . . .

"Medical authorities assert that it is almost totally at variance with the medical concept; but no change in this definition is recommended at this time.

"Instead, it is believed that if the proposed indeterminate sentence law is enacted as to criminal defectives (and when the institution for such defectives is finally established) many of the practical objections to the present legal definition of insanity will have been met."

5 Categories Named

Life imprisonment for such defectives, the report said, "is in no way shocking." It pointed out that "a lunatic may be incarcerated for life—even though he has committed no crime whatever . . . a defective delinquent under the proposed legislation must be first convicted of a substantial criminal act."

If it is safe to release him, it said, "he will be released entirely apart from his technical legal guilt."

Persons subject to examination for defective delinquency, under the proposed law, would be those who had been convicted and sentenced for a crime or offense in one or more of these categories:

1. A felony.
2. A misdemeanor punishable by imprisonment in the penitentiary.
3. A crime of violence.
4. Certain sex crimes.
5. Two or more convictions for any offense or crimes punishable by imprisonment in a criminal court of this State.

Requests for examinations could come from the State's attorney or his assistant, the director of the Department of Correction and the defendant or his attorney. The court also could order an examination on its own initiative.

Examination would be by at least three persons on behalf of the institution for defective delinquents, including a medical doctor, a psychiatrist and a psychologist.

An institutional board of review would examine inmates at least once a year to determine whether they should remain classified as defective delinquents and make recommendations as to their future status and treatment. The court would retain jurisdiction over ultimate release.

"A criminal defective may be either a mental defective or an emotional defective, or both, according to the research report.

"A mental defective is a person far below the average in intelligence, a low-grade moron, although not insane from a legal standpoint. An emotional defective is a person who may have low or high intelligence but whose emotional facilities are distorted and unbalanced, an egocentric incapable of considering the rights of others.

"It has been definitely established that criminal defectives of either class can be clearly determined by psychiatric and psychological analysis. We are told by recognized authorities in these fields that the ascertainment of defectives among the persons convicted of crimes is a fact susceptible of proof as any other fact. . .

"And under the proposed law such fact must be proved to the satisfaction of a judge or jury; and also mental or emotional deficiency, or both, does not of itself constitute a person a defective delinquent; he must have also demonstrated a persistent aggravated anti-social or criminal behavior, and have been convicted and sentenced for a crime."

Arrests Ordered Of 2 Witnesses

Judge Joseph Sherbow yesterday issued bench warrants for the immediate arrest of two teen-age witnesses who failed to respond to summonses to appear to testify at the trial of an 18-year-old youth on murder charges.

The warrants were issued for Robert T. Dewey, 18, of the 3400 block Reisterstown road, and Richard Smith, 19, of the 400 block East Twentieth street, Dundalk. Smith was arrested later and temporarily detained pending efforts to raise bail.

The two witnesses were called to the Criminal Court to testify at the trial of Elmer T. Garrity, accused of fatally stabing Merrill Dopkin, 20, last August 26 near Charles street and North avenue.

Judge Sherbow declared he would not tolerate "flouting" of court summonses. He pointed out that the time of the court and of a number of other witnesses had been wasted.

MORN-SUN 12/21/50

Divorce-Seeker Gets 'Separation'—In Jail

Trying to raise money to get a divorce, Richard Mobely, 32-year-old Negro, attempted to hold up a Holabird avenue grocery last November 7. Although his holdup didn't work out, court action has separated him from his wife and from the general public for the next seven years.

Chief Judge W. Conwell Smith yesterday imposed a seven-year penitentiary term for the attempted armed robbery. Assistant State's Attorney Edwin A. Gehring prosecuted. Mobely gave an address in the 1400 block Hampton court.

EVE. SUN 12/21/50

Laws To Avert Surgery Deaths Recommended

Three specific recommendations for new laws were made today by the Baltimore grand jury in an effort to avoid recurrence of deaths such as the two operating-room fatalities under anaesthesia at Sinai Hospital in November.

The grand jury ruled in an official report that "the deaths could have been avoided had there been careful inspection of the anaesthesia machine prior to its use."

However, the jury concluded there "was not such evidence of gross negligence before us as, in our judgment, would justify our finding a presentment against any individual or individuals."

Filed With Judge Manley

In view of the decision to drop consideration of criminal charges, the special interim report on the hospital probe was filed with Judge Michael J. Manley in Criminal Court by the jury, through its foreman, Otto V. Yursick.

The two deaths, on successive days in November, occurred while patients, one a young girls and the other an older woman, were under anaesthesia for appendectomies. Official reports were that, due to misplacement of a gas tank on the anesthesia table, nitrous oxide had been administered in both instances in place of oxygen.

Special Fittings Urged

One of the grand jury's specific recommendations urged an improved type of anaesthesia table, with special fittings for each type of tank so tanks of gas could not be misplaced.

Deputy State's Attorney William H. Maynard and Assistant State's Attorney Anselm Sodaro, who handled the investigation under State's Attorney J. Bernard Wells, said that such manufacturing changes have been urged by medical authorities both here and in other cities.

The jury reported that "by the addition of an improved mechanical device on the tanks of the machine, this type of death could not have occurred."

The prosecutors pointed out that the improvement meant separate individual, noninterchangeable fittings for the tanks of different type gasses.

Jury's Recommendations

The grand jury recommended:

1. Outlawing of the present type of anaesthesia table and providing legal requirements that such tables be "equipped with individual foolproof couplings for the individual tanks, this making any interchange an impossibility.
2. Enactment by the Maryland Legislature of laws "prohibiting any but certified anaesthetists to practice."
3. Legislation to make an autopsy mandatory in cases of anaesthesia deaths. On that point the jury stated "it is most manifest to all of us that the second death would not have occurred had an autopsy been performed on the first body."

According to reports made to the authorities, Dr. Milton H. Cumin, an experienced anaesthetist, was in charge of anaesthesia administration in both of the Sinai Hospital deaths.

MORN-SUN 12-22-50

ANESTHESIA CASE CLOSED

Grand Jury Reports Insufficient Evidence

The Baltimore grand jury yesterday reported that there was insufficient evidence to justify criminal action in connection with the death of two persons recently while under anesthesia.

However, the jurors declared that both deaths at Sinai Hospital could have been avoided if there had been "careful inspection of the anesthesia machine prior to its use."

The jurors submitted an interim report to judges of the Criminal Court on their investigation of the deaths last month on successive days at a Baltimore hospital.

No "Gross Negligence"

Their report read as follows:

"After lengthy and conscientious consideration of the testimony on the anesthesia deaths, given before the grand jury by eminent physicians, surgeons and anethetists called by the State's attorney's office, the conclusion of the grand jury is as follows:

"1. There was not such evidence of gross negligence before us as, in our judgment, would justify our finding a presentment against any individual or individuals. Every scientific expedient was employed in an effort to restore the patients when life was failing.

"2. That the deaths could have been avoided had there been careful inspection of the anesthesia machine prior to its use.

New Device Is Urged

"3. That by the addition of an improved mechanical device on the tanks of the machine, this type of death could not have occurred.

"4. Therefore, the grand jury urges that steps be taken to outlaw the present type of anesthesia machine and replace same with one which is equipped with individual foolproof couplings for the individual tanks, thus making any interchange an impossibility. In this way the public, as well as the surgeon, would be safeguarded against a similar occurrence of such tragedies.

"5. It is further resolved to urge the Maryland Legislature to enact proper laws, prohibiting any but certified anesthetists to practice.

Autopsies Suggested

"(6) It is most manifest to all of us that the second death would not have occurred had an autopsy been performed on the first body. We, therefore, urge that the Legislature, about to convene, consider the advisability of making autopsies mandatory in deaths similar to the ones we had under investigation."

The first patient to die under anesthesia was Sylvia Rae Cohen, 15. The next day Mrs. Eva Cohen also died while under an anesthesia. They were not related.

It was disclosed that a tank containing nitrous oxide had been erroneously placed in the anesthesia table in a position normally occupied by a tank of oxygen.

Thus, when the anesthetist was called on to give oxygen to the patients, he actually administered the anesthesia, which had an adverse effect on the patients.

'SMART' BURGLAR GETS 20 YEARS

His Talks In Police Car Were Key To Robbery Attempt

Earl C. Davis, 26, who thought he was "outsmarting" two policemen when he took midnight rides with them and boasted of his criminal exploits, yesterday was one of two men sentenced to 20 years in the Penitentiary on safe robbery charges.

A similar term also was imposed on Hubert F. Kalb, 25, who with Davis pleaded guilty to an attempted safe robbery last October 21 in an East Belvedere avenue chain food store, where a third burglar was fatally shot in a gun battle with police.

Davis admitted before Judge Michael J. Manley in Criminal Court yesterday that the two policemen—Edwin Taylor and Hyman Goldstein—had "outsmarted" him.

Recordings Played Back

Portions of conversations taken on a tape recorder secreted in the police vehicle were played back in the courtroom yesterday by J. Harold Grady, assistant State's attorney, who said those portions were typical of the entire recorded conversation.

In the conversations heard by the judge, Davis boasted that he and other members of his burglary gang had made "ten grand in four months."

Mr. Grady told the court that as a result of vague tips garnered by the two policemen during the conversations, the East Belvedere store and three other places, one in Pennsylvania, had been nightly protected by police guards awaiting a possible entrance by thieves.

Suggested Splitup

The prosecutor said that while Davis thought he was "getting something on" the two policemen, and the defendant even suggested a possible splitup of loot with the two patrolmen in return for protection, the two policemen on the other hand were constantly getting tips on past and future activities of the burglary gang.

As a result of information gained from Davis, police were hidden in stores at Pikesville, Silver Spring and Gettysburg, Pa., as well as on Belvedere avenue, Mr. Grady told the judge.

Burglar's Tape-Recorded Boasts Played In Court

Judge Michael J. Manley and Criminal Court spectators today listened to a "playback" of a tape recording which two plainclothes policemen had made of their conversations with a safe burglar who boasted to them of his safecracking exploits.

As the officers pointed out, the man at one point boasted that he and his companions "made ten grand in four months."

Talk In Car Recorded

The recordings were made as the burglar, Earl C. (Dit) Davis was riding in an unmarked police car with the two plainclothes men on a number of days.

A microphone had been rigged up in the seat of the car, while the recorder was hidden in its truck. A total of about four hours of recordings were taken.

Two Plead Guilty

Davis and Hubert F. Kalb both pleaded guilty before Judge Manley on charges of two safe burglaries, including the Acme Market case at Belvedere avenue and York road.

The market burglary occurred on the morning of October 21, when Davis was shot and seriously wounded, another burglar, Anthony Sternini, was shot and killed, and Police Lieutenant Otis Bradley was wounded, supposedly by the fire of another officer.

Other Charges Dropped

J. Harold Grady, assistant State's attorney, dropped several other safe burglary charges against the men when they pleaded guilt in the two cases.

The prosecutor told Judge Manley that the burglars got $1,500 in a lumber yard burglary on the night of October 9, and that they were caught red-handed at the food market when officers, including Lieut. Frank Schmidt, hid there expecting the place to be entered.

MORN-SUN 12/23/50

CAR THEFT BRINGS 8-YEAR SENTENCE

Police Describe Long Chase In Which One Was Run Down

Harrison Pugh, 22-year-old rubber-plant worker, yesterday was sentenced to eight years in the House of Correction after he was convicted of operating a stolen automobile and attempting to run down two policemen who chased him through city streets at high speeds.

Judge Joseph Sherbow, who imposed the sentence in Criminal Court, declared that Pugh, a Negro, needed to be incarcerated for a long time for the protection of the public. The judge noted that since 1942, Pugh has spent practically his entire time in prisons.

Driver Evaded Pursuers

Testimony produced by James F. Price, assistant State's attorney, disclosed that the chase of the stolen car started at Madison and Lafayette avenues after Patrolmen Joseph Hudgins and William Weiss observed the defendant drive an automobile through a stop signal.

The policemen said they gave chase and pulled up alongside the vehicle a short distance away, but Pugh, instead of heeding their orders to stop, stepped up the speed of the car.

Then followed a chase in which the stolen car sideswiped at least a half dozen parked automobiles, the policemen told the judge. Twice, the two patrolmen said, they managed to stop the stolen car and to approach the occupants on foot, but each time the driver spurted off again.

On the second occasion when the policemen approached the vehicle on foot, Patrolman Hudgins said he was hurtled to the ground as the car was quickly put into reverse. In the attempt to flee, the vehicle was driven directly at him, Patrolman Weiss, stated.

Patrolman Hit By Car

Patrolman Weiss said he was struck by a front fender and thrown to the side of the street. Pugh was shot in the foot during the chase.

Meanwhile, it was testified, the two policemen noted that the fleeing vehicle bore the license plates of a stolen car and they radioed the number to other police cars, which eventually converged on the area and trapped Pugh in the 800 block Little Edmondson avenue.

Pugh contended the car was loaned him by a friend. He said he fled from police because he had no operator's card. Three passengers in the stolen car were acquitted by Judge Sherbow.

Eve. Sun 12/26/50

Col. Ober Orders Probe Of Police 'Brutality'

Col. Beverly Ober, police commissioner, today instructed Chief Inspector M. Joseph Wallace to investigate recent reports of alleged police brutality to Negroes.

Colonel Ober declined further comment. He said he had received no official word on the situation from police authorities as yet.

Chief Inspector Wallace said he was waiting for a report from Capt. Julian Forrest, commander of the Northeastern district.

It was at the Northeastern district station that Patrolman Donald Rollyson was reported yesterday to have beaten a 31-year-old Negro, Booker Stokes, jailed on a charge of disorderly conduct.

Denied, Forrest Says

Captain Forrest, however, said today that Stokes, in a private interview, denied having being mistreated.

Magistrate August A. Koslovsky fined him $10 and court costs. There was no mention of the alleged brutality during the hearing.

Meanwhile, the National Association for the Advancement of Colored People repeated its charges of widespread brutality to Negroes, drunkenness and encouragement of vice and crime within the Police Department.

Mrs. Juanita Jackson Mitchell, an attorney and member of the N.A.A.C.P.'s legal-redress committee, said that altogether 28 complaints of brutality to Negroes had been filed with State's Attorney J. Bernard Wells.

She said that, through Attorney Robert B. Watts, Mr. Wells had been asked to forward the complaints to the grand juhy for investigation. Although Mr. Wells has had the complaints, affadavits and depositions for two weeks, he apparently "hasn't done anything about it," she added.

James M. Hepbron, director of the Criminal Justice Commission, consulted with Commissioner Ober on the incident this morning, but said his office would not make an independent investigation unless requested to do so—by Colonel Ober or someone else.

"If the story in *The Sun* was accurate—and I do not doubt that the reporter wrote just what he saw—then an investigation must be made, Colonel Ober already has that underway. He always demands that his people do the right thing.

"Such treatment as reported this morning cannot be tolerated. We have passed the stage where we can treat people as anything other than human beings. We believe that force should be used only to combat force. And this sort of thing is so unnecessary; they have prisoners under control already."

Morn-Sun-12/27

BALTIMORE, WEDNESDAY, DECEMBER 27, 1950

Commissioner Ober Cannot Trifle With Police Brutality

The story of wanton brutality in the Northeastern Police Station (Capt. Julian Forrest, commander) on Christmas evening, which appeared in *The Sun* yesterday, was the eyewitness account of a responsible reporter.

Let us grant immediately as a general proposition that the police have a tough problem in certain parts of the city, with certain elements of the population. There are occasions when "softness" is not only inappropriate but actually hazardous to the police officer.

But there is a sharp line, and a line that must be observed, between firm methods in policing and the ways of the bully. It is legitimate and necessary to use force when confronted with force or the imminent threat of it. But resort to violence and maltreatment for personal revenge or merely for the perverted satisfaction of self-assertion is something that cannot be tolerated. There is nothing which can more swiftly bring the whole police force into disrepute than the impression that our cops are behaving like licensed brutes and bullies.

Punishment is not the prerogative of the policeman. Punishment is the prerogative of the courts.

Investigations of the outrageous goings-on Christmas night in the Northeastern Police Station are now under way. For the sake of his department, Commissioner Ober has an obligation to clear up this situation with all speed and to administer due punishment.

His obligation goes further than that. His obligation is not merely to deal with this particular black mark against Captain Forrest's district and command. It is to find out to what extent the rest of his force is infected with this malignant virus. Police brutality, once it breaks out in a department, has a way of spreading rapidly unless stern measures are taken to stamp it out.

Morn-Sun-12/27

JURY TO PROBE CHARGES OF ALLEGED BRUTALITY TO NEGROES BY POLICE

Patrolman Rollyson Still On Duty Despite Suggestion From Lane He Be 'Laid Off' Until Inquiry Into Prisoner Beating

The State's attorney's office yesterday announced the grand jury would investigate police brutality in Baltimore.

Meanwhile, Governor Lane requested an immediate probe into the Christmas-night beating of a Negro prisoner and suggested the policeman involved be "laid off" temporarily. Last night the policeman was still on duty.

Grand Jury

The grand jury tomorrow will open a broad investigation into charges of police brutality against Negro prisoners.

Meanwhile, J. Bernard Wells, State's attorney, said he has asked Northeastern district police to submit a complete report on the Christmas night beating in which Patrolman Donald Rollyson allegedly assaulted Booker Stokes, 31-year-old Negro laborer.

Developments Stated

These were the other developments yesterday in the situation touched off by the Christmas night incident:

1. Mr. Wells said the list of policemen to appear before the grand jury tomorrow includes Patrolman Rollyson, allegedly involved in another assault before the Christmas night incident.

2. Beverly Ober, police commissioner, began an immediate investigation of his own. He questioned Rollyson, Stokes, a Negro woman arrested with Stokes Monday night, and other personnel of the Northeastern district, including Capt. Julian Forrest, district commander.

3. Robert B. Watts, attorney for the National Association for the Advancement of Colored People, called for the removal of Commissioner Ober. This, he said, would be "one step to lessen police brutality in this city."

4. Anselm Sodaro, who will succeed Mr. Wells as State's attorney next Wednesday, declared he will order "uncompromising prosecution" on evidence of police brutality.

Witness's Report Cited

The probe of police brutality was given impetus by a witness's report of the Stokes beating. Stokes had been arrested for disorderly conduct, and while being booked was pinned against a heavy, metal-barred door and beaten by Rollyson.

The report of this incident impelled the State's attorney's office to begin an immediate probe into a series of 28 other complaints of police brutality, and Mr. Wells issued summonses for four citizens and five policemen to appear before the grand jury at 11 A.M. tomorrow.

Mr. Wells said he had received the 28 complaints in a letter sent him about two weeks ago by the N.A.A.C.P. Investigation of the complaints had been delayed, he said, because of another special investigation then before the grand jury.

Among the policemen scheduled to go before the grand jury tomorrow are Patrolman Rollyson; Patrolmen Robert Dietz and William Dickerson, of the Northwestern district; Patrolman Charles W. Thompson, of the Central district; Patrolman John Morsberger, of the Northeastern district, and Patrolman R. Greaver, of the Pennsylvania Railroad police.

Wells Awaits Full Report

Mr. Wells said he will wait until he has a complete report on the Stokes incident, then decide whether the case should be presented to the grand jury for possible criminal prosecution.

Stokes was fined $10 and court costs yesterday morning by Magistrate August A. Kozlovsky for disorderly conduct.

One of the witnesses to the police-station incident telephoned the magistrate before the hearing and offered to testify on Stokes's behalf. Magistrate Kozlovsky told the witness, a *Sun* reporter, that he was not interested in testimony about what happened in the police station.

The magistrate explained that the case would have to be decided on the facts about what happened at the place of arrest, rather than after the arrest.

Meanwhile, with the State's attorney waiting for an official report, Commissioner Ober began questioning persons involved in the Stokes incident. With him during the interviews were James M. Hepbron, director of the Criminal Justice Commission, and Chief Inspector M. Joseph Wallace.

Others Interviewed

Besides Rollyson and Captain Forrest, the persons interviewed yesterday included the desk sergeant who booked Stokes and a matron who was on duty when the Negro was brought in.

Today, Commissioner Ober said, he will continue questioning witnesses. He emphasized that he is anxious to hear from "everybody who had anything to do with it."

Mr. Watts, the N.A.A.C.P. attorney, however suggested that one way to "lessen police brutality" would be to have Commissioner Ober removed from office.

"We need a more interested police commissioner," Mr. Watts said, "one who would feel that he has a duty to discipline the police officers when offenses are committed.

"Commissioner Ober has done everything possible to protect the policemen when charges of brutality are made. This attitude encourages the police to continue their brutal tactics."

Tells Of Appeals To Ober

The attorney said he has been sending appeals to the commissioner "for a number of months," but that no disciplinary action has been taken.

"In one case," Mr. Watts said, "where a policeman was charged by us with the death of two Negroes, the shooting of five others, and the beating of a large number of citizens, the only action taken was the transfer of the policeman to another beat."

Mr. Watts said he had just completed a study of two other reported Negro beatings on Christmas Day, in addition to the Stokes case.

In one case, three Negroes were arrested Monday night after a disturbance in a lounge at Preston street and Central avenue.

According to Hyman A. Pressman, attorney for William Harris, one of the men arrested, two Negroes were beaten with nightsticks and blackjacks and were later treated at the Johns Hopkins Hospital.

Pressman Seeks Warrant

Mr. Pressman said last night that he had asked Magistrate Kozlovsky yesterday to issue a warrant, on behalf of his client, against the two arresting officers on grounds of drunkenness, disorderly conduct and assault.

This request was refused, Mr. Pressman said. He said the magistrate told him, "It is not necessary to swear out warrants against policemen, since they are always available."

Later, Mr. Pressman discussed the question of a warrant with the State's attorney, and, upon procedural advice given by Mr. Wells, will forward a letter today asking that the warrant be issued.

In another case, a minister, the Rev. Wililam Thomas Mayo, of the 900 block North Bond street, was put in jail after going to the Northeastern Police Station to aid a man who had been arrested on the street.

Mayo told Magistrate Kozlovsky that policemen had beaten Ronnie Collins, 25, Negro, of the 1000 block North Wolfe street, while Collins was holding a baby in his arms.

Police testified they arrested Collins on a charge of wife beating, and that Collins took a child from the house, refusing to give it up. The patrolmen said Collins struck at them.

Mayo Testifies

Mayo testified he was walking near Wolfe and Chase streets when he saw the patrolmen beating Collins, who was holding the baby. Collins, he said, was bleeding freely and blood was spilling on the child.

Mayo said he tried to take the child, but was told by a policeman to stay out of the way. Leaving the scene, he went to the Northeastern Police Station, he said, in an effort to help.

There, he testified, one officer said, "There's another one of the smart alecks that was down there. Lock him up, too." He was then placed in a cell, charged with interfering with Patrolman Earl Barnes.

The charge was dismissed by Magistrate Kozlovsky.

Governor

Patrolman Donald Rollyson was still on duty last night despite a suggestion from Governor Lane that he be "laid off" until investigation of the Christmas-night beating in Northeastern Police Station is completed.

The Governor said he telephoned Beverly Ober, police commissioner, yesterday morning as soon as he read of the incident, and suggested that the policeman involved be "laid off until the thing was cleared up."

Governor Lane also said he suggested an immediate investigation of the circumstances surrounding the incident.

Commissioner Ober last night explained that he had declined to suspend Rollyson, however.

Ober's Stand Given

"I don't condemn any man," he said, "until he's proven guilty."

The commissioner said he had suggested to the Governor that, instead of conducting a routine, paper-work investigation, he would call in everyone connected with the case and immediately begin a personal inquiry.

This was done with the aid of James M. Hepbron, director of the Criminal Justice Commission, and Chief Inspector M. Joseph Wallace.

Governor Lane said that 30 minutes after he first telephoned Commissioner Ober, the commissioner called him back and advised him that several witnesses were then en route from the Northeastern Police Station to headquarters.

There, questioning proceeded through much of the day, and will continue today.

Governor Cites Complaints

The Governor said that within the last two months he has received complaints about police brutality in Baltimore. He said he believed they had come from the National Association for the Advancement of Colored People.

"There seems to be drifting in the air, on the part of the colored people, a feeling that they are being mistreated," the Governor said.

"I think something should be done to clear up that feeling."

The Governor added that, though he had become interested immediately in the Christmas-night incident, he had left the investigation in the hands of Commissioner Ober.

He said he was not sure whether the Governor is empowered to take authority in such a case.

Speaking of his suggestion that Rollyson be "laid off" temporarily, the Governor said the newspaper account of the police-station beating "seemed to be an eyewitness account."

"It seems to me," he said, "that that's enough authority to go on."

Two Probes Scan Alleged Police Brutality

As two separate probes got under way today in alleged police brutalities toward prisoners, State's Attorney J. Bernard Wells announced he was momentarily expecting a personal report from Police Commissioner Beverly Ober concerning an alleged Christmas Day beating of a prisoner in the Northeastern Police Station.

The report, Mr. Wells said, will be based on Commissioner Ober's personal investigation of allegations that Patrolman Donald Rollyson mistreated a Negro prisoner in the station house.

GOES TO GRAND JURY

As soon as received, Mr. Wells, said, the Ober report will be turned over to the foreman of the grand jury who will set a date for the jury's investigation of mounting charges.

The jury also will decide what witnesses are to be summoned for its probe, Mr. Wells said.

The grand jury has before it 28 allegations of brutality made by the National Association for the Advancement of Colored People in a letter to State's Attorney Wells. Mr. Wells said the inquiry will go into four of these accusations tomorrow.

BEATING IS CHARGED

Meanwhie, Mr. Wells asked for the full report on the latest complaint, the alleged beating of prisoner, Booker Stokes, by Patrolman Rollyson in the Northeastern Station.

This case is not among the 28 cited in the NAACP's letter, but Rollyson is mentioned also in some of the 28 others, said Mr. Wells.

STILL ON DUTY

Rollyson was still on duty today, although Governor Lane had suggested that he be relieved until the Christmas night case has been aired.

Commissioner Beverly Ober said he had not rejected the Governor's suggestion but was only waiting to see whether there really are any grounds for the Christmas night complaint.

He was awaiting a report from Capt. Julian Forrest, Northeastern district commander, and others, the commissioner said.

Ten witnesses—five city police, a railroad policeman and four civilians—have been called to appear before the grand jury in connection with the four cases of the twenty-eight that the inquirers expect to go into tomorrow.

Slashes Throat In Death Cell With Razor Blade

Condemned, finally, yesterday to be hanged, Edward L. Grear, police slayer, early today cheated the executioner by taking his own life in the death house in the Maryland Penitentiary.

He was the second police slayer to hasten his own fate in the death house, Roy Arnold Wood having taken his life there on July 7, 1949, and in the same manner.

SLASHES THROAT

Both Grear and Wood slashed their throats with razor blades. Investigation has not disclosed how the blades were obtained, although in Grear's case the inquiry has just begun.

State's Attorney J. Bernard Wells instructed Deputy State's Attorney William H. Maynard and Assistant State's Attorney James Price to start an immediate investigation of Grear's death.

Sentenced for the fatal shooting of Patrolman John W. (Happy) Arnold on December 12, 1948, Grear was in the death house when Woods committed suicide.

Grear lost his last chance for a reprieve when Governor Lane signed his death warrant yesterday, naming January 26 as the execution date.

After the signing the Governor telephoned the prison warden, Col. Edwin T. Swenson, stating that he was forwarding the death warrant to him.

The warden conferred with his acting general officer, Vernon L. Peppersack, and they decided not to make any mention of the warrant to Grear until it arrived.

Last evening, however, the condemned man heard his fate on a 6 o'clock news broadcast on the death house radio and a guard was stationed in front of his cell.

READS BIBLE

At midnight the guard was relieved by another, Paul B. Deeck. Deeck said Grear sat up, reading his Bible, until 4.30. He then undressed and retired.

At about 5.30, Deeck continued, he heard a strangling noise and calling in to Grear got no answer. Reaching through the bars with a broom, Deeck nudged the prisoner but was unable to rouse him.

Deeck then called the head guard, Emmett McGuirk, and they entered the cell. Grear had two deep gashes on the left side of his neck and half a razor blade was lying beside his bed.

Wood was sentenced for the shooting of Patrolman Joseph Benedict on Thirty-third street near the Alameda.

News-12/27

Eve. Sun 12/27/50

Police Charged With More Brutality

New charges of brutality by Northeastern district police were made today, while high police officials and the grand jury were probing cases reported yesterday.

Hyman Pressman, attorney, who said Magistrate August Kozlovsky denied him warrants against Patrolmen John Morsberger and Charles Murray on charges of "drunkenness, disorderly conduct and assault," has asked State's Attorney J. Bernard Wells to include these men in the current investigation.

The grand jury has been sent 28 cases of alleged police brutality toward Negroes, Mr. Wells said today. The jurors will begin hearings tomorrow in four of the cases, for which ten witnesses have been summoned. Six of these witnesses are police officers.

Mr. Wells said he was awaiting a report from Commissioner Ober on the alleged beating of Booker Smith at Northeastern Police Station, and would send that case to the grand jury if the report warranted action.

In Northeastern police station yesterday three Negroes were held under $1,000 bail each, on charges growing out of a fracas at the Preston Lounge, at Preston street and Central avenue. Mr. Pressman charges that one of the men, William Harris, was "brutally and bestially beaten" by officers who were drunk.

Beating Alleged

Harris, of the 400 block East Preston street, was allegedly beaten by the two policemen with fists, clubs and black jacks, while he was sitting "peaceably" in the tavern, the lawyer said.

The two other Negroes, who said they were also manhandled by the officers, are Nathaniel Barber, of the 1400 block North Central avenue, a bystander, and Wilbert Faulkner, of the 1800 block North Spring street, who said he was waiting for a streetcar at the spot where Harris allegedly was beaten.

Mr. Pressman said he had assured Mr. Wells that he had a witness who would testify that the police officers had been drinking heavily, and that they assaulted Harris without provocation. He said that the policemen entered the tavern, saying "they had just taken care of some cop fighters on Biddle street" and wanted to question Harris, known to them as "Little Ben."

The three defendants said they were beaten or cuffed about, and that when they were put into a patrol wagon, all but Faulkner were hit with blackjacks. This version of the incident was given by Pressman for the defendants and by representatives of the National Association for the Advancement of Colored People, who investigated and protested.

Mr. Pressman said Mr. Wells would include the case with others now being investigated, and that this procedure was satisfactory to him. He expressed indignation at the refusal of Magistrate Kozlovsky to issue warrants against the two policemen, saying that it was the usual practice to issue such warrants at the station houses.

Mr. Pressman quoted Magistrate Kozlovsky as saying, in answer to the request for warrants: "This case is over so far as I'm concerned. You'll have to take that up with the State's attorney."

Other Cases Noted

Robert Watts, attorney for the N.A.A.C.P., said the two officers had been involved in earlier cases of alleged police brutality toward Negro prisoners.

Mr. Watts and Mrs. Juanita Jackson Mitchell, of the N.A.A.C.P., said that this week's cases only brought to a climax a series of beatings which have taken place over the last eighteen months.

"These things seem to come in waves; and this latest one has been going on for almost two years," they said. "We have protested to Commissioner Ober time and time again, offering witnesses and cases and all details. We have got only the most cursory acknowledgment.

"We dont ask everything. We have often asked Mr. Ober simply to transfer men to other districts, as a sort of warning that this kind of thing would not be tolerated; he always refused. We are going to call for the Commissioner's removal—but that isn't enough. Some action must be taken to stop these brutalities."

Grand Jury Given Cases

More than a month ago, they said, they first brought a long series of cases to the attention of Mr. Wells. It was only yesterday, after the reported beating of Booker Stokes in Northeastern police station, that Mr. Wells took action, and presented some of the cases to the grand jury, they said.

Today Commissioner Ober and other police officials were still probing the beating of Stokes. The officer charged with the beating is still on duty, despite Governor Lane's request that he be suspended. Governor Lane said he had received reports of 29 cases of alleged brutality by police, sent by the N.A.A.C.P.

Mr. Watts and Mrs. Mitchell said they had questioned candidates for high public office on the situation, and that Governor-elect McKeldin replied forcefully: "I shall not tolerate police brutality or corruption. If conditions such as you indicate are found to exist they will be corrected promptly and thoroughly, and I shall not hesitate to take vigorous action."

Union Aid Asked

Mr. Pressman also called on the newly formed policeman's union to take action against brutality by appointing a grievance committee.

"Other groups discipline themselves and stamp out bad practices," he said. "This union could gain public confidence if it took immediate steps to control the few rowdies who are giving the whole department a bad name."

Doomed Slayer Kills Himself In Pen

Edward Grear, whose death warrant was signed yesterday by Governor Lane, committed suicide early today in the Maryland Penitentiary.

State's Attorney J. Bernard Wells, upon learning of the death-house fatality, designated William H. Maynard, his deputy prosecutor, and James F. Price, an assistant, to investigate how the prisoner obtained possession of a lethal weapon. The prosecutors were sent to the Penitentiary to make their inquiry.

The 45-year-old Negro, sentenced to hang for the killing of Patrolman John W. Arnold, slashed his throat with a half safety razor blade, according to Col. Edwin T. Swenson, warden.

A guard, the warden said, was seated in front of Grear's death-house cell while the doomed man was apparently pressing the sharp-pointed blade into his neck.

Grear, Warden Swenson said, made no sound, even though the pain must have been intense. The suicide was discovered at 5.20 A.M., when the guard heard a "strange noise, like a man strangling," in Grear's cell, the warden said.

Prodded With Stick

The guard, Paul B. Deech, thought Grear was having a nightmare. He asked the prisoner in the next cell if he knew whether Grear ever had nightmares and then prodded Grear with a broomstick, kept in death row for that purpose, since guards are not permited keys to cells.

When he failed to get an answer to his calls or the prodding, Deech summoned the head night guard, Emmett McGuirk, who brought the keys. Entering Grear's cell, they found the convicted slayer lying in a pool of blood.

George M. Dunn, a medical student on duty at the Penitentiary, reached the death house at 5.40 A.M. and reported that Grear "was expiring then."

Dr. Henry W. Hollies, prison physician, pronounced Grear dead at 6.25 A.M. He reported that there was a gash, about 2½ inches long and 1½ inches deep, on the left side of the neck. Another deep gash was about ½ inch above it, Colonel Swenson said.

Dr. Hollies said the blade had severed the neck muscles, jugular vein and "probably" other arteries.

Another police killer, Roy Arnold Woods, cheated the noose in the same fashion on July 7, 1949, several hours before he was scheduled to be executed. He, too, used a half razor blade to cut his throat. The other portion of the blade, Colonel Swenson said today, was never found.

The warden emphasized however, that the two suicides are not connected. He said the blades are of different makes.

"How Grear got it is a mystery to me," said the warden. "I can't figure it out."

Committed In 1949

Grear entered the penitentiary under a death sentence June 24, 1949, two weeks before Woods took his life, and apparently had nurtured a similar idea to foil the executioner, prison officials said.

Colonel Swensen said he was notified by the Governor yesterday noon that Grear's death warrant had been signed, and the execution set for January 26. The warden said he told an aide and a chaplain and it was decided to wait until today to inform Grear.

Early last evening, night guards heard the news on a radio broadcast. Colonel Swensen related, and immediately ordered security measures to prevent a suicide attempt. The guard was placed directly in front of Grear's cell with orders to watch every move.

Lack Of Negroes On Sodaro's Staff Hit

A protest against the appointment of an all-white staff of assistant State's attorneys was raised today by Dallas F. Nicholas, a Baltimore attorney.

Mr. Nicholas, of the firm of Nicholas and Gosnell, wrote an "open letter" to Anselm Sodaro, State's attorney-elect, pointing out that more than 50 per cent of the defendants in cases handled by that office are Negroes, and arguing that some of the staff members should also be Negroes.

"I supported you for election, in the hope that you would recognize the fairness and the necessity of giving representation in your office to all of the people of Baltimore. . . I wish to call to your attention the action of the Supreme Bench of Baltimore city which has recognized the need . . . and has created a division of the probation department . . . which is staffed with well qualified members of the Negro group. . . ."

Cites Court Appointments

Mr. Nicholas added that the bench often appointed Negro lawyers to defend indigent defendants, and that these attorneys were well qualified to practice law.

"You have seen fit to disregard the requests made of you and to ignore the fact that more than 50 per cent of the persons charged with crime in Baltimore are Negroes," he wrote, "and I feel that your action in ignoring the Negro group is deplorable. . . How can the Negroes, who supported and voted for you, feel any confidence in the administration of your office when you have ignored their entire group?"

Mr. Nicholas said he was not finding fault with any of the twelve assistants appointed, but that he protested the neglect of Negroes in the formation of the prosecution staff.

To Clear It Up

The decision of the State's attorney's office to initiate a grand jury investigation of the charges of brutality on the part of Baltimore policemen is a right one. Allegations of this order must be cleared up as speedily as possible by searching and objective inquiry.

A police force, it goes without sayjng, must be a respected as well as an efficient instrument of law enforcement. There are times, of course, when a policeman, faced with violence or the threat of it, must himself use violent means to perform his duty. Everybody understands that. But that is something quite different from an unnecessary and wanton mistreatment of arrested persons. Far from contributing to respect for the police, such abuse of the police power undermines confidence as well as respect and brings about more serious police problems.

There is no reason to prejudge the situation in this city. A distinction has to be made between an occasional isolated incident of brutality and anything like a tendency toward it. Naturally, even incidents cannot be permitted to pass unnoticed and unpunished. But it is even more important to learn whether anything like a bullying spirit is growing in the department.

Rev. Mayo To File False Arrest Suit

The Rev. William Mayo, the 30 year-old Negro minister who says he was jailed on Christmas Day after he asked police to let him hold a baby while they were beating its father, said today that he will file suit for damages.

The Rev. Mr. Mayo was dismissed by Magistrate August Kozlovsky on charges of interfering with an officer, but the defendant said he was not satisfied.

"They kept me in jail from 2 P.M. until about 6 P.M.," he said. "They jailed me for no reason, and they held me incommunicado. They would let me talk to no one. I finally got out when a woman came to visit a prisoner in the cell next to mine.

Gave Note To Woman

"I managed to slip her a note to my mother, and she delivered it. I finally did get out after that."

The clergyman's story: He was walking at Wolfe and Chase streets about 2 P.M. Christmas, when he saw two officers beating a Negro, who was holding a baby. The man was bleeding, and the baby, already bloody, seemed in danger. He offered to hold the baby, and identified himself as a minister. He was told to go away.

The minister left the scene and went to the Northeastern Police Station, where he saw the two officers who had been at the scene of the beating—Patrolmen Earl Barnes and James Gillespie. One of them, he is not sure which, said, "There's another one of them smart alecks. He was down there. Lock him up, too." They then put him in a cell.

Associate Pastor

The Rev. Mr. Mayo, who lives with his family at 907 North Bond street, and is an associate minister at Faith Baptist Church, at Bond street and Ashland avenue, said he was not actually mistreated while in the cell.

"I wasn't going to take any action at first," he said, "but now I've thought it over. This jailing was slander and misrepresentation to me, as a minister. I am also going to sue for false arrest."

Morn-Sun 12-28-50

The Editor

Letters to the Editor, while always welcomed, cannot be considered for publication unless signed by the writer with full name and address. The Sun does not publish letters over pseudonyms or initials.

Police Station Brutality

To the Editor of The Sun—*Sir:* Undoubtedly a great many persons besides myself were sickened by your account of the alleged brutality of a policeman in his handling of an unresisting prisoner.

Everyone realizes the fact that police officers risk their lives for our safety and that they are deserving of respect and admiration. One act such as that reported Tuesday morning, however, can damage the reputation of the entire department unless the offending policeman, if guilty, is immediately fired. Michael B. Sullivan.

Baltimore, Dec. 26.

To the Editor of The Sun—*Sir:* If the news article entitled "There's No Merry Christmas for Northeastern Prisoners" is correct, and I am sure you wouldn't print same unless it was correct—then I think something ought to be done about it. I am a southerner, yet I am sufficiently tolerant to like to see the colored man treated properly.

J. Leo Levy.

Baltimore, Dec. 26.

To the Editor of The Sun—*Sir:* I am glad that you printed the article about the brutality at Northeastern Police Station. The conduct of a few men of our Police Department is disgraceful and the sooner the public knows what is going on the better. We have learned to expect such conduct from the police of the Communist "superstate," but we don't have to put up with such business here in America.

Francis B. Smith,
Pastor, St. Philip's Lutheran Church.

Baltimore, Dec. 26.

*The Sun wishes to acknowledge other letters, similar to those above, from equally outraged Baltimoreans.—The Editor.

JURY TO GET BRUTALITY CASE TODAY

Ober Suspends Officers Connected With Alleged Prisoner Beating

The alleged beating of a Negro prisoner in the Northeastern Police Station Christmas night will be taken before a grand jury this morning, J. Bernard Wells, State's attorney, said late yesterday.

Meanwhile, Col. Beverly Ober, police commissioner, suspended the two policemen involved.

The suspended men are Patrolmen Donald Rollyson and Howard Bayne.

Last night, Colonel Ober said he has turned over to the State's attorney's office sworn statements from all witnesses to the Northeastern incident in which Patrolman Rollyson allegedly assaulted Booker T. Stokes, 31-year-old Negro laborer. Stokes had been arrested by Rollyson and Bayne.

Include Reporter's Data

The statements included one from a reporter for *The Sun* who saw the events in the police station.

Mr. Wells said the grand jury already was due to consider other cases of alleged police brutality today.

The prosecutor held a conference yesterday afternoon with Colonel Ober and James M. Hepbron, executive vice president of the Baltimore Criminal Justice Commission.

At the conclusion of the conference he announced the Stokes case also would be submitted to the jury this morning.

Mr. Wells said he received a "full report of their findings in the Stokes case" from Colonel Ober and Mr. Hepbron.

"The grand jury already has the other cases of alleged brutal assults before it and they will take them up at 11 o'clock," Mr. Wells said.

Must Summon Witnesses

He said it would be up to the jury to decide when to hear evidence in the Stokes case. It would be necessary to summon witnesses, he added.

"The jury may decide to take up that case after they have heard testimony in the four cases they will consider in the morning," he said.

Mr. Wells said he had offered the jury the help of his assistants in interrogating witnesses or otherwise pressing the probe.

Colonel Ober announced he had completed a full investigation of the case in which he was assisted by Chief Inspector M. Joseph Wallace, Capt. Julian Forrest, Northeastern district commander, and Mr. Hepbron.

Calls "All Known Witnesses"

He said that "promptly on Tuesday morning" he had summoned to his office "all known witnesses to the alleged improper treatment of Booker T. Stokes, when arrested and brought to the Northeastern Police Station on the night of December 25, with the exception of a reporter for the Baltimore *Sun*."

The reporter made a sworn statement regarding the case yesterday afternoon.

Colonel Ober said his original investigation "developed conflicting statements."

Therefore he called "all members of the Police Department who could in any way furnish information" to his office yesterday morning, he said.

They were placed under oath and stenographic statements were taken, according to the commissioner.

Manned Patrol Car

Regarding the suspensions, Colonel Ober said:

"Pending action of the State's attorney's office and/or the action of the grand jury, based on the evidence submitted by the commissioner, Officers Donald Rollyson and Howard Bayne are suspended from duty."

Both veterans, Rollyson and Bayne have manned a Northeastern district radio patrol car. Bayne has been on the force four years and Rollyson two and a half years.

Both have denied beating Stokes and their account of what transpired at the police station was not in agreement with the report as published in *The Sun*.

MORN. SUN 12/28/50

GREAR SUICIDE PROBE GOES ON

Wells Staff, Police Confer On How Doomed Man Killed Self

Investigation of the death-house suicide of Edward Grear early yesterday at the Maryland Penitentiary will be continued today.

J. Bernard Wells, State's attorney, said three members of his staff as well as the chief of the Police Department's homicide squad, spent most of yesterday trying to determine how the condemned man was able to take his own life.

Grear's death warrant was signed Tuesday by Governor Lane and the date for hanging was set for January 26.

Sentenced to hang for the killing of Patrolman John W. Arnold, the 45-year-old Negro cheated the noose by slashing his throat with half of a safety-razor blade, prison officials said.

Not Informed For Day

On Tuesday, when Warden Edwin T. Swenson was advised by the Governor that the warrant had been signed, he decided to wait until yesterday to inform Grear.

Early Tuesday evening, night guards heard the news on a radio broadcast and additional security measures were taken in the event that Grear may have overheard the broadcast.

A guard, the warden said, was seated in front of the death-house cell when the condemned man cut his throat.

Mr. Wells said last night that the razor blade used by Grear was the type regularly issued to inmates at the Penitentiary, but they were not issued to death-house occupants.

Maynard Heads Probe

The investigation is being conducted by William H. Maynard, Deputy State's Attorney, assisted by George D. Solter and James F. Price, assistants.

Mr. Maynard conferred with Warden Swensen and Harold E. Donnell, superintendent of prisons, yesterday morning at the prison. Solter and Price, who attended the conference, remained at the prison throughout the day and will return there today to gather more information.

Detective John Hettchen, chief of the homicide squad, also will continue his investigations today.

BANDIT DRAWS 10-YEAR TERM

Pointed Loaded Gun At Policeman After Grocery Holdup

Convicted of armed robbery of a grocer and of assaulting a policeman by pointing a loaded revolver at him, Edward Duncan, 27, yesterday was sentenced to ten years in the Penitentiary by Chief Judge W. Conwell Smith.

In another case, Joseph Taylor, 29, accused of trying to draw a knife in a threatening action against a policeman, was ordered held in default of a total of $1,500 bail, pending grand jury action on charges of assault and carrying a deadly weapon.

Pointed Loaded Gun

Duncan, a Negro, was found guilty of robbing Israel Horowitz, of the 900 block of Argyle avenue, of $21 last November 23. Patrolman Stanley Zaztrzemski joined Mr. Horowitz in chasing the man, who suddenly turned and pointed a loaded gun at the policeman, Charles E. Orth, Jr., prosecutor, told Judge Smith.

The patrolman brought up his knee and used his nightstick to knock the gun from Duncan's hand, it was testified.

In the other case, Patrolman Raymond Suter asked Taylor, a Negro, for a knife he was carrying Tuesday, it was testified.

Taylor, according to testimony before Magistrate Julius Romano in Western Police Court, grabbed the policeman by the coat and started to draw an 11-inch trench knife. Patrolman Suter, it was testified, hit Taylor on the knuckles with his nightstick, but Taylor was able to get the knife partially out and Patrolman Suter hit him on the head.

Taylor, of the 600 block West Lee street, pleaded not guilty.

EVE. SUN-12/28

Boy Acquitted In Robbery Case

Familiarity with the face of a part-time bowling alley pin boy caused a purse-snatcher victim to pick him out as a robbery suspect, according to Criminal Court testimony which resulted in the defendant's acquittal.

Irvin Coston, 16-year-old Negro of the 1300 block Aisquith street, had worked part time at a Harford avenue bowling alley and had been picked out by a woman employé of the alley who lost $40 in a purse-snatch robbery last December 5.

Judge Joseph Sherbow entered a verdict of not guilty when the certainty of identification was questioned by Leonard Niport, defense attorney. Coston was overcome with emotion after the verdict and had to be helped from the courtroom.

Two Sentenced In Burglary Try

Two young men caught trying to open a safe in a wholesale bakery here received indeterminate terms of not more than three years in the State Reformatory for Males, while an older man who served as their lookout, was held for a probation investigation.

Earl Dorsey, 19, and William Nixon, 23, were caught at the bakery when a policeman, looking through a window, saw them attacking the safe with a sledge hammer. Both Dorsey and Nixon had police records, Assistant State's Attorney J. Harold Grady pointed out.

The lookout was Robert E. Byrd, 35. Judge Joseph Sherbow, in sentencing the younger men, deferred action on Byrd pending receipt of a probation report.

EVE. SUN-12/28

Grand Jury Gets Alleged Police Beating Case

The reported beating of Booker T. Stokes, a Negro prisoner at Northeastern Police Station, went before the grand jury today as one of 29 cases of alleged police brutality to Negroes.

Stokes, alleged to have been beaten by an officer Christmas night in the presence of a *Sun* reporter, is the man who set off the current investigation of alleged brutality by city police. Two policemen involved in his case were suspended yesterday by Commissioner Beverly Ober.

Today a committee of the Progressive party called upon Governor-elect McKeldin to make elimination of police brutality one of the first aims of his administration.

New Case Before Court

As the jury examined the first ten witnesses today, still another case of alleged brutality by police was scheduled for hearing in Northwestern Police Court—the fourth case this week.

James Hardy, of 1522 McKean avenue, a short-order cook in a West Fayette street restaurant, is charged with assaulting and cutting Patrolman William Pestridge, in a fracas December 9.

The National Association for the Advancement of Colored People, which is interested in the case through one of its attorneys, Robert B. Watts, has protested that Officer Pestridge and five other policemen gave Hardy a brutal beating in arresting him.

Ober Notified

On December 20 the N.A.A.C.P. wrote Commissioner Ober about the case, saying that Pestridge, "while in uniform and on duty, initiated a drinking party at the A.& L. Restaurant, 1901 Baker street, for which he provided the liquor."

Affidavits from Hardy and other witnesses, taken by the N.A.A.C.P., indicate that Hardy's defense will be that the beating grew out of the drinking party attended by Pestridge and several Negroes. The N.A.A.C.P. said it had not received a reply from Colonel Ober.

The case, once postponed, will be heard this afternoon at Northwestern, where Magistrate James Ellis is sitting now.

Edwards Verdict Protested

The Progressive party also requested that a commission of inquiry be established to investigate what is described as "the miscarriage of justice" in the Thomas A. Edwards murder case.

Edwards, an Anne Arundel county Negro, was convicted twice for the murder of a young Glen Burnie couple. His case is now on appeal.

"Pattern Of Brutality"

The party's statement, issued by Mrs. Frances Lee, chairman of its civil rights committee, said the alleged beating of a Negro at a police station here on Christmas Night revealed "the same pattern of police brutality and discrimination" as was present in the Edwards case.

"The people expect the removal from the police force of the guilty officers and the conversion of the Police Department from persecutors to protectors," the statement continued.

"We also urge you (the Governor-elect) to appoint Negro police magistrates and, when a vacancy occurs on the Supreme Bench, to fill that post with a representative of the Negro people."

NEW-12/28

Grand Jury Gets Data On Police 'Brutality'

Opening its investigation of complaints of police brutality toward prisoners, the grand jury today received about 50 pages of reports and heard 10 witnesses.

The reports were those concerning the alleged beating of Booker Stokes and another prisoner in the Northeastern station Christmas night by Patrolmen Donald Rollyson and Howard Bayne, who have been suspended.

The reports, representing police investigations, were submitted by Commissioner Beverly Ober and others and were taken before the jury by State's Attorney J. Bernard Wells, who said the jury could determine from them if and when it wants to hear witnesses in that case.

TEN WITNESSES HEARD

The ten witnesses heard by the jury today were concerned with four other complaints—four of 28 that antedated the Christmas night incidents. The 28 cases were called to the prosecutor's attention in a letter from the National Association for the Advancement of Colored People.

Mr. Wells said the 24 other cases of the 28 would be taken before the jury in turn.

POLICEMEN TESTIFY

The ten witnesses who went before the jury today were five city police, a railroad policeman and four civilians.

Rollyson and Bayne were suspended yesterday by Commissioner Ober after he had made a personal investigation.

The suspension had been recommended earlier by Governor Lane.

MORN SUN 12/26/50

There's No Merry Christmas For Northeastern Prisoners

It was Christmas evening, even in the Northeastern Police Station, and the two men in blue uniforms pushed open the big, wooden door and brought in their prisoners.

One was a 60-year-old Negro woman. The other, a 31-year-old Negro man.

Just inside the door, the policeman, who held the man by his coat belt, gave a violent shove. The man's body was thrust forward. He thudded into the brass rail in front of the desk.

His hat fell to the floor.

Disorderly Conduct Charge

Without a whimper, he began answering the desk sergeant's questions:

Name: Booker Stokes.

Address: 1730 East Eager street.

The policeman said the charge was disorderly conduct.

While Stokes answered the sergeant's questions, Patrolman Donald Rollyson, who made the arrest, hooked his toe in the fallen hat.

Slowly he walked across the dusty floor, dragging the light felt hat underfoot. After dragging the hat several feet, he turned, gave it a light kick with his toe, sent it skidding back to Stokes's feet.

Propelled Across Room

There was a low, crackling curse.

Then Rollyson leaped forward. The policeman's arm made a short arc. Rollyson's fist crashed into the Negro's face and Stokes's head jerked back, then forward, like a punching bag.

Rollyson dug his fingers into the prisoner's coat and whirled him away from the desk. With a lunge of his shoulders, he propelled his prisoner across the room, working him into a long corridor that led to the cell block.

At the end of the corridor, Rollyson pinned his man against the big, metal-barred door.

Stokes got his hand up to shield his face from the thudding fist, but made no move to strike back.

Pinioned against the iron bars, he stood stiffly in the policeman's grip while the fists pumped into his face once, again, again, again.

This One Jailed Quietly

His head banged against the metal bars, jerked forward, went crashing back into the metal.

The desk sergeant ended it by pulling Rollyson away.

Half an hour later, Rollyson was back again with another prisoner. The man identified himself as Spaulding Thompson, 40, Negro, of the 600 block Sterling street.

Thompson came in dabbing at his bleeding nose with a blood-speckled handkerchief.

Rollyson went to the rear, presumably to wash away the blood on his fist. There wasn't much he could do about the red stains on his shirt sleeve.

Thompson was jailed quietly. Rollyson and his buddy left the station.

Later, as Stokes left the station, free on $55 collateral, nobody bothered to wish him a Merry Christmas.

MORN-SUN-12/29/50

Charge Dropped In Death Of Fine

The grand jury yesterday dismissed Jesse Alfred Armstrong in the murder of Philip Fine, liquor store operator and head of a veterans' post.

The jury's action, handed down without explanation, was taken after an investigation of several weeks, during which time seventeen witnesses appeared before the investigating body.

Fine, who lived in the 3600 block Dolfield avenue, was shot during an attempted holdup by a two-gun holdup man in a liquor store in the 1800 block Pennsylvania avenue.

Rewards totaling $1,500 have been offered for information leading to the arrest and conviction of the man who shot Fine.

4 TO TESTIFY IN BRUTALITY CASE TODAY

Grand Jury Also Will Consider Slaying Of Negro By Police

The grand jury this morning will hear four witnesses in connection with the Christmas-night beating of Booker Stokes, Negro, by a Northeastern district policeman.

The jury also has asked to hear witnesses today in the case involving the fatal shooting of James Hargrove, a Negro, by Patrolman Jerome Glass last October 16 in the 500 block Preston street.

Patrolman Glass had been exonerated in the death at a preliminary hearing before a police magistrate shortly after the shooting affray. The policeman contended he had shot Hargrove in self-defense.

Hears Two Witnesses

The grand jury decided to hear evidence in the Stokes and Hargrove cases after hearing testimony from only two of ten witnesses summoned to testify about four other alleged instances of police brutality.

The two witnesses appearing before the investigating body yesterday where Armous Tinsley, of 304 North High street, and Patrolman Charles W. Thompson, of the Central district.

They were closeted with the jurors for more than an hour. J. Harold Grady, assistant State's attorney, assisted the jurors in the interrogation.

Summoned For Today

Summoned to appear as witnesses in the Stokes case this morning were Henry Randall, a reporter for *The Sun;* James M. Hepbron, official of the Criminal Justice Commission; a Mrs. Nelson, said to be a matron at the Northeastern district, and Stokes, who lives in the 1700 block East Eager street.

Written reports on the Stokes case were submitted to Mr. Wells yesterday by Beverly Ober, police commissioner, and they were immediately turned over to the grand jury.

Bernard J. Wells, State's attorney, said he was advised by the jury that it would hear witnesses today in the Hargrove shooting case if time permitted.

Summonses in the Hargrove case were sent out for Selena Morris, Conrad Thompson, Thomas Pinder, Samuel Winder, Clifford Johnson and George Young.

Common-Law Rules Apply

Prosecutors announced after scanning the law books for specific statutes dealing with excessive force used by arresting policemen that the Legislature has never enacted a law specifically dealing with that point.

They said common-law rules, rather than statutes, control the question of liability of police for use of excessive force.

Meanwhile, at Northwestern Police Court a scheduled hearing concerning another alleged brutality was postponed to 8.30 A.M., January 11.

James Hardy, 26, a short-order cook in a West Fayette street restaurant, was to be given a hearing on a charge of assaulting and cutting Patrolman William Pestridge during a fracas on December 9.

Accuses Police

Robert B. Watts, attorney for the National Association for the Advancement of Colored People, has protested on behalf of the association that Patrolman Pestridge and five other policemen gave Hardy a brutal beating in arresting him.

In a letter to Commissioner Ober, dated December 20, the N.A.A.C.P. complained that Pestridge, "while in uniform and on duty, initiated a drinking party," at a restaurant in the 1900 block Baker street," for which he provided the liquor.

Neither Pestridge nor Hardy was present in the court yesterday. Magistrate James H. Ellis, Jr., agreed to the postponement on the basis of a request made by Lieut. John Spites.

Unable To Appear

Lieutenant Spites told the magistrate that "Officer Pestridge and Hardy are both unable to appear today." He said he had been so advised by the physician for the Police Department.

On hand for the scheduled hearing was Mrs. Lillie M. Jackson, president of the Baltimore branch of the N.A.A.C.P., who came forward when Magistrate Ellis asked if there was anyone in the courtroom interested in the Hardy case.

Mrs. Jackson said that she was in the courtroom so the magistrate could know that the N.A.A.C.P. had protested against the "rough treatment given Hardy."

"While I'm here, Judge Ellis," Mrs. Jackson told the magistrate, "I want to thank you for your prompt interest and co-operation in the Mayo case."

The Rev. William Mayo, an associate minister at Faith Baptist Church, Bond street and Ashland avenue, was arrested Christmas afternoon at Northeastern Police Station, where he had gone to see if he could take care of an infant child of a suspect who had been arrested earlier.

The Rev. Mr. Mayo was released four hours later upon the order of Magistrate Ellis, who directed that all charges against him be dropped.

Magistrate Ellis advised Mrs. Jackson that "magistrates are always at your service and we want to help out when you feel that an injustice is being done. Don't forget, I have two telephones in my house."

Mrs. Jackson said that she and other members of her association will be present at the Hardy hearing two weeks from now.

NEWS-12/29

Grand Jury Calls Four In Police Probe

Four witnesses, including James M. Hepbron of the Criminal Justice Commission, today were to tell the Grand Jury what they knew of alleged police brutality.

Mr. Hepbron assisted Commissioner Beverly Ober in the preliminary investigation of the reported beating of a prisoner in the Northeastern district police station on Christmas night.

Two police officers, Patrolman Donald Rollyson and his radio car partner, Patrolman Howard Bayne, were suspended following the preliminary probe.

Bernard Stokes, the prisoner who was said to have been beaten, was to go before the jury today.

Also slated to testify were the matron at Northeastern and a reporter, who precipitated the inquiry.

Meanwhile, the jurors were looking into the shooting on October 16 of a man by another police officer, already exonerated in the man's death by a police magistrate.

EVE. SUN 12/29/50

Fatal Shooting Revived In Brutality Probe

The case of the fatal shooting of James Hargrove, a Negro, by Patrolman Jerome Glass was revived today as the grand jury continued its probe of reported brutality by Baltimore policemen.

Patrolman Glass, who had earlier killed another man and had been involved in other shootings, was transferred from his Pennsylvania avenue beat after the death of Hargrove last October. The National Association for the Advancement of Colored People, which investigated the case, had demanded that Governor Lane dismiss the officer.

The grand jury was scheduled to hear six witnesses today in the Hargrove case: Selena Morris, Conrad Thompson, Thomas Pinder, Samuel Winder, Clifford Johnson and George Young.

Glass Cleared

Charges against Glass were dismissed at a district police hearing shortly after the shooting. Glass was soon transferred for what Chief Inspector M. Joseph Wallace called "the good of the service," to the Northwestern annex, at Rogers and Liberty Heights avenues.

The case was one of 29 which the N.A.A.C.P. turned over to State's Attorney J. Bernard Wells recently, and which he prepared for grand jury action this week.

First on the grand jury's schedule today was the case of Booke Stokes, a Negro prisoner beaten by a Northeastern district patrolman Christmas night.

Reporter A Witness

Henry Randall, a *Sun* reporter; James M. Hepbron, of the Criminal Justice Commission; a Mrs. Nelson, identified as matron at the police station, and Stokes, whose home is in the 1700 block of East Eager street, will testify in the Stokes case.

Another complaint of alleged police brutality by Patrolman Rollyson was submitted today to State's Attorney Wells through Hyman A. Pressman, attorney.

The lawyer told Mr. Wells that a white man, John Rudolph, of the 1700 block North Washington street, had been mistreated on Saturday, December 23. Mr. Wells placed the complaint before the grand jury today.

May Be Deferred

The piling up of approximately 30 different complaints for investigation as the grand jury's term nears a close today caused speculation that most of the matters will have to be deferred for consideration by the incoming jurors.

The present grand jury goes out of service next Friday. Its service next week will be curtailed due to the necessity of preparing the numerous reports submitted at the close of its activities. The new grand jury is scheduled to take office January 8.

Another case involving alleged police brutality, scheduled for hearing yesterday in Northwestern Police Court, was postponed until 8.30 A.M. January 11 by Magistrate James H. Ellis, Jr.

James Hardy, 26-year-old Negro, is charged with assaulting and cutting Patrolman William Pestridge with intent to kill during a scuffle following a drinking party in a Baker street restaurant December 11.

N.A.A.C.P. Charges

The N.A.A.C.P. contends that Pestridge, "while on duty and in uniform," initiated the party and later, with other policemen, took part in a brutal beating of Hardy.

Magistrate Ellis postponed the hearing when Lieut. John Spites advised him Pestridge was "still in pretty bad shape" and, according to the police physician, unable to attend the trial. Neither Hardy nor his attorney was present in court, although several representatives of the N.A.A.C.P. appeared.

Probe On In Man's 'Abandonment'

Chief Inspector M. Joseph Wallace said today he has asked for the names of two Western district policemen alleged to have abandoned a seriously injured 55-year-old man in a downtown alley Saturday night.

The man, Winfred Koontz, of 1032 Poplar Grove street, is in University Hospital, recovering from frostbite, gangrene and fractures of both legs.

Koontz said he remembers leaving a Christmas party in the 200 block West Redwood street on Saturday night, but doesn't know what might have happened after that. He believes he either fell or was struck by a car.

Thought Leg Was Broken

He woke up in an alley, he said, with two policemen standing over him. When he told them he thought his leg was broken, Koontz said, one of the officers told him to make himself "scarce." Then the officers left, he asserted.

Koontz said he crawled to the Redwood street entrance of the Trailways bus station, where an ambulance was summoned and he was taken to the hospital.

Chief Inspector Wallace said today he has asked Inspector Joseph H. Itzel to investigate the case. He also instructed Captain A. Joseph Winters, commander of the Western district to ascertain the names of the patrolmen and their version of the incident, he said.

Captain Winters said today he has already begun an investigation. The incident, he said, may not have happened in his district, but since the man was taken to a hospital in his district, the captain ordered the investigation.

Trio Fined $1,660 In Numbers Case

Fines totaling $1,660 were imposed yesterday by Judge Michael J. Manley in Criminal Court on three persons arrested in a numbers raid last August 11 in the 500 block North Arlington avenue.

Thomas Wilkes was fined $1,500 and his mother, Mabel Wilkes, was fined $150, while Herbert Belfield was fined $10 for possession of numbers tickets as a patron. The three are Negroes.

A $500 fine and a six-month suspended imprisonment sentence was pronounced by the judge on Viola Ball, 42-year-old Negro woman of the 900 block West Saratoga street, when she was convicted as a second offender on numbers violations.

MORN-SUN-12/30

TWO CONVICTED IN ABORTION CASE

Sentences Held Up Pending Probation Investigation

A former Baltimore pharmacist and his ex-wife yesterday were convicted in Criminal Court of abortion charges, but Judge Joseph Sherbow acquitted Dr. Paul Schonfeld, a physician, of being involved in the illegal operation ring.

Convicted of the charge were Arza Williams, 67, of the 3200 block Avon avenue, and Mrs. Hilda B. Williams, 47, of the 2000 block North Calvert street, where police conducted a raid last July.

Judge Sherbow ordered a complete investigation by the probation department before imposing sentence.

Transcript Of Call

Charles E. Orth, Jr., prosecutor, disclosed that police took a complete transcript of telephone conversations with Mrs. Williams by a policeman who made arrangements to have her perform an abortion on a purported female friend.

During the conversations, Mrs. Williams boasted of having "taken care of" thousands of women and assured the caller that there was nothing to fear. Mr. Orth said persons calling her for abortions were instructed to use the words "rose pattern."

Mrs. Williams's fee for the operations, which were performed by Mr. Williams, ranged from $150 to $300, Mr. Orth disclosed.

Doctor Is Acquitted

Dr. Schonfeld, of the 2300 block Annapolis avenue, had been accused of sending a client to the Williamses, but Mr. Orth admitted that the State had insufficient evidence to justify a conviction.

The prosecutor said Mrs. Williams gave a statement to police in which she asserted she started in the illegal operation racket about eighteen months ago at the suggestion of a former employé of the late Dr. Albert E. MacCrowe, who also was convicted of performing abortions.

Mrs. Williams also faces a charge in Federal Court of being the operator of a large-scale counterfeiting setup.

MORN-SUN-12/30

NEW BEATING CHARGE LAID TO ROLLYSON

Complaint Declares Man Was Assaulted In Cell At Northeastern

While grand jurors yesterday were hearing witnesses in their investigation of an alleged brutal assault by Patrolman Donald Rollyson on a Negro, a new charge against that policeman, involving a white man, was brought to their attention by J. Bernard Wells, State's attorney.

The complaint of an assault on the white man was made to the State's attorney's office by Hyman Pressman, counsel for the alleged victim. Mr. Wells immediately turned the written complaint over to the grand jury.

Mr. Pressman declared that "another shameful incident of barbaric brutality practiced in the Northeastern Police Station" involved John Rudolph, of the 1700 block North Washington street.

Charges Beating In Cell

The lawyer asserted that Rudolph was "brutally beaten" by Patrolman Rollyson in the cell block last Saturday night. He said the man lost consciousness during the attack and did not regain consciousness until 7.30 o'clock the next morning.

Mr. Pressman charged that the policeman told Rudolph's wife that her husband's condition had been caused by a fall.

"It seems," Mr. Pressman wrote, "that Officer Rollyson is one of the few members of the department who make improper use of their power and authority and cast an unfavorable impression upon the whole Police Department by their ruffian tactics. It takes only a few such policemen to give a bad reputation to all members of the Police Department."

Complaint Given To Ober

Mr. Pressman also lodged his complaint with Beverly Ober, commissioner of police.

The grand jury heard testimony yesterday from four witnesses in connection with its investigation of the Christmas night beating of Booker Stokes, allegedly by Patrolman Rollyson.

Those witnesses included a reporter from *The Sun*, a police matron, James M. Hepbron, official of the Criminal Justice Commission, and Stokes.

Jury Action Is Awaited

Mr. Wells and J. Harold Grady, assistant prosecutor assigned to assist the jurors in the probe, said after the grand jury session that the jury has not yet acted in the Stokes case.

Meanwhile, the grand jury postponed until Tuesday its investigation into the fatal shooting of James Hargrove, a Negro, by Patrolman Jerome Glass last October.

Eight witnesses, including Patrolman Glass, have been summoned to appear at the Courthouse on Tuesday.

The others are Selena Morris, Conrad Thompson, Thomas Pinder, Samuel Winder, Clifford Johnson, George Young and Sergt. Joseph Davey, of the Northwestern district.

20 Other Complaints

Patrolman Glass had been freed of a charge of murdering Hargrove after a magistrate's hearing. The policeman subsequently was transferred to the Northwestern District annex for what was described as "the good of the service."

yet fixed a time for hearing more than twenty other complaints of police brutality, prostitution and gambling lodged with the investigating body by the National Association for the Advancement of Colored People.

EVE. SUN. 1/2/51

6 Called In Probe Of Police Shooting

The Baltimore grand jury today resumed its investigation of complaints of police brutality by calling six witnesses concerning the fatal shooting of a Negro last October.

The dead man, James Hargrove, was shot by Patrolman Jerome Glass, Northwestern district, according to reports at the time. Hargrove was armed with a pistol.

After the shooting, Patrolman Glass was exonerated at a hearing before Thomas L. Fitzpatrick, Northwestern district police magistrate. However, the case was one of 28 submitted to State's Attorney J. Bernard Wells and the grand jury in a complaint by the National Association for the Advancement of Colored People.

The case involving Hargrove's death is the second on the N.A.A.C.P. list to be investigated by the present grand jury, which last week probed, in addition, into a report of an alleged beating of a prisoner on Christmas Day at the Northeastern Police Station. No accusatory or exonerating action has been taken so far by the grand jury as a result of its probe. Witnesses in the present investigation were taken before the grand jury by J. Harold Grady, assistant State's attorney.

Jury Report Due On Dog Petitions

Investigations made during November concerning alleged irregularities in the dog referendum petition placed before the voters at the last election are expected to lead to a grand jury report on the subject.

The present grand jury, headed by Otto V. Yursik, is scheduled to go out of office Friday. It is the custom of grand juries to submit reports to the judges of Criminal Court upon retirement from office.

Investigators had quizzed approximately 1,200 persons in the probe of the referendum petitions which bore more than 21,000 names.

Many of the persons questioned had been quizzed by police investigators who aided the prosecuting office, while hundreds were called personally to the Court House for questioning by Deputy State's Attorney William H. Maynard and George D. Solter, an assistant prosecutor.

State's Attorney J. Bernard Wells revealed that his men had brought the result of their investigations before the grand jury. No charges were returned, however.

The petitions opposed turning over stray, impounded dogs for medical research. The practice, however, was approved by the voters.

MORN-SUN-1/3

PROBE ENDS IN CHRISTMAS BEATING CASE

Presentment Not Asked By Jury For Alleged Brutality To Negro

J. Bernard Wells, State's attorney, announced yesterday afternoon that the grand jury has completed its investigation into the Christmas night beating of a Negro by a Northeastern district patrolman, but has not asked his office to prepare a presentment.

Meanwhile, the jurors began an investigation into the fatal shooting of James Hargrove, a Negro, last October by Patrolman Jerome Glass.

Testimony of four witnesses named by the National Association for the Advancement of Colored People, which asked a grand-jury probe of prostitution, gambling and police brutality, was heard by the jury yesterday in the Hargrove inquiry.

Glass To Appear Today

Patrolman Glass, Sergt. Joseph Davey and two other witnesses will be called before the grand jury today, according to Mr. Wells and J. Harold Grady, assistant prosecutor assigned to aid the jurors in the probe.

Patrolman Glass, at a preliminary police court hearing, was dismissed of a homicide charge in connection with the shooting of Hargrove.

Mr. Wells stated yesterday that he could not say the grand jury won't initiate criminal prosecution in the Stokes case.

He asserted merely that at the conclusion of its probe of that case, the grand jurors had not asked him to draw up a presentment, an informal accusation that always precedes a formal indictment.

Witnesses Not Asked Yet

The State's attorney also asserted that he has not yet been asked to summon witnesses before the grand jury in connection with the complaint of John Rudolph, of the 1700 block North Washington street, a white man.

Both Stokes and Rudolph were reported to have been victims of beatings by Patrolman Donald Rollyson, in the Northeastern station house.

Mr. Wells has submitted the Rudolph complaint to the jury.

In addition to the Stokes and Rudolph cases, the grand jury also has before it a series of about 25 complaints filed by the N.A.A.C.P.

Mr. Wells said he did not expect the present grand jury, which will go out of office on Friday, to complete the investigation into alleged police brutality.

MORN-SUN-1/3/51

SEGREGATION CASE APPEAL IS DENIED

U.S. Supreme Court Rejects Claims Of Baltimoreans

Other Supreme Court news will be found on.....Page 1

The Supreme Court of the United States yesterday rejected an appeal by twenty Baltimoreans who had lost a $505,000 damage suit against local city officials in a racial segregation case.

Plaintiffs in the case, a group of whites and Negroes, had claimed that damages had been caused by a policy of segregation enforced in athletic activities by the Department of Recreation and Parks.

Defendants in the case were officials of the municipal department, three park policemen and the Mayor and City Council.

Outgrowth Of Tennis Match

Partially, the damage suit is an outgrowth of an interracial tennis gathering in Druid Hill Park in July, 1948. At that time 22 persons were arrested by the park police and charged with riot and conspiracy to disturb the peace.

Four months later seven of the group were convicted on all counts in the Criminal Court. The other fifteen defendants were acquitted.

In addition to money damages, the plaintiffs in the civil suit also asked an injunction against the city rule requiring segregation on facilities provided for the playing of tennis, basketball and golf.

Dismissed By Chesnut

On December 30, 1949, Judge W. Calvin Chesnut, in the United States District Court here, dismissed the injunction proceedings and damage suit.

Last July 17, the Fourth Circuit Court of Appeals in Richmond affirmed the lower court's ruling.

Judge Chesnut based his decision in the suit for damages on an 1896 Supreme Court decision in the case of Plessy vs. Ferguson.

That case established the doctrine that a state which provides separate but equal facilities for Negroes and whites is within the constitutional exercise of its powers.

The Fourth Circuit Court of Appeals, in upholding Judge Chesnut, noted there had been no claim that the separate facilities provided in Baltimore parks were not equal.

May Ask Rehearing

Yesterday's action followed an appeal to the Supreme Court against the ruling by the Circuit Court.

According to I. Duke Avnet, who, with Dallas Nicholas, is representing the plaintiffs, a petition for a rehearing may be filed with the Supreme Court.

Mr. Avnet said that he had received a telegram from Washington advising him that his petition had been denied.

"No reasons for the denial were given in the telegram," Mr. Avnet said. "As soon as we learn the reason we will decide on the next step. It is possible we may file a petition for a rehearing."

Maximum Price Decision

In another opinion yesterday the Supreme Court ruled it is just as illegal under the Federal anti-trust laws for competitors to agree to fix maximum prices as it is minimum prices.

The decision was given in an action initiated against the Calvert Distilling Company and Joseph E. Seagram & Sons, Inc., in the United States District Court in Indianapolis by the Kiefer-Stewart Company.

Government attorneys said it was the first time the court, in interpreting the anti-trust laws, has ruled on the sole question of fixing maximum prices. Previous decisions generally have dealt with the fixing of minimum prices.

The decision does not outlaw all price fixing and has no bearing on the Miller-Tydings Act passed in 1937, permitting the fixing of minimum resale prices where such action is sanctioned under state law.

In reversing the decision of the United States Court of Appeals in Chicago, the Supreme Court said:

"The Court of Appeals was in error in holding that an agreement among competitors to fix maximum resale prices of their products does not violate the Sherman (Anti-Trust) Act, for such agreements, no less than those to fix minimum prices, cripple the freedom of traders and thereby restrain their ability to sell in accordance with their own judgment."

Denial Of Supply Claimed

Kiefer-Stewart contended at court that it was denied a continuing supply of liquor because Seagram and Calvert, which are affiliated companies, agreed or conspired to sell liquor only to Indiana wholesalers who would resell at prices fixed by Seagram and Calvert.

A jury in the District Court at Indianapolis awarded Kiefer-Stewart $325,000. The court increased the judgment to $950,000 under a treble-damages provision of the Sherman Act.

The Court of Appeals last May reversed the District Court and ordered the suit dismissed. The Supreme Court's decision affirms the judgment of the District Court.

MORN SUN 1/3/51

OFFICE CHANGES MADE BY SODARO

Prosecutor And 11 Assistants Will Take Oaths Today

A series of innovations in the administration of the State's Attorney's office were announced yesterday by Anselm Sodaro on the eve of his taking the oath of office as State's attorney of Baltimore city.

In addition, Mr. Sodaro already has made a number of changes in the physical appearance of the State's Attorney's quarters in the Courthouse, and said others will be made in the near future.

The new State's Attorney and eleven of his twelve assistants will take the oath of office for a four-year term before the judges of the Criminal Court this morning.

J. Bernard Wells, the retiring State's attorney, also will be present.

Mr. Sodaro said he has set up four investigating agencies in the office, with an assistant in charge of each.

To Have Homicide Division

Charles E. Orth, Jr., will head a homicide division, including William C. Rogers, Jr., George D. Solter and M. Peter Moser.

A youth division will be in charge of James F. Price, who will be aided in investigating youth cases by Henry D. Blair, Jr.

J. Harold Grady, a former agent of the Federal Bureau of Investigation, has been selected by Mr. Sodaro to head a special investigation division. Saul A. Harris and Joseph Koutz will assist Mr. Grady in that work.

The final division is the domestic relations division, which will be under the supervision of John C. Weiss, Mr. Sodaro said. Edwin Gehring will aid Mr. Weiss in that work.

Mr. Sodaro said he will personally assign homicide cases, as well as all other cases of a serious or important nature, so that such cases will not remain unattended until they come up in the normal assignment of cases to assistants.

Request For Investigators

William H. Maynard, deputy State's attorney, will handle the assignment of cases for trial, the new State's attorney revealed. He said the deputy each day also will go over the list of cases before the grand jury, and will pick out important cases for prompt assignment to an assistant.

In addition, telephone calls will be made each morning to the police stations to find out whether important cases requiring the presence of an assistant prosecutor are scheduled for hearings.

Finally, Mr. Sodaro said he is planning to ask for a staff of special investigators, preferably men from the police detective bureau, to assist his office in the investigation of important or serious cases.

NEWS - 1/3

Sodaro Sworn As State's Attorney

Anselm Sodaro and several assistants today swore faithfully to execute the duties of the State's attorney's office here before three judges of the Supreme Bench of Baltimore. J. Bernard Wells, retiring State's attorney, in a farewell address, after "31 years minus two days," declared the Baltimore press had, at times, been critical of him but, on the whole, "fair."

State's Attorney Sodaro took the oath before Judge Michael J. Manley, Chief Judge W. Conwell Smith and Judge Joseph Sherbow in Criminal Court, with three of four new members of his staff also being sworn.

The fourth new assistant State's attorney, M. Peter Moser, twenty-two, son of Judge Herman M. Moser, was absent because of some difficulty in obtaining airplane transportation from Florida, where he has been vacationing. He is expected to take the oath tomorrow.

Deputy State's Attorney William H. Maynard retained his status, as did Assistant State's Attorneys John C. Weiss, Saul A. Harris, James F. Price, J. Harold Grady, Charles E. Orth, Jr., Edwin A. Gehring and George D. Solter.

The new assistants sworn are William C. Rogers, Jr., twenty-four, 4700 block Edmondson avenue; Henry D. Blair, Jr., thirty-one, 300 block Overhill road, and Joseph G. Koutz, thirty-four, 900 block Belgian avenue.

Convicted of manslaughter in the death of Miss Mary M. McDonough, 600 block South Kenwood avenue, in an automobile accident last August, Jerard J. Gipprich, taxi driver, 700 block North Robinson street, today was given one year in the House of Correction.

According to testimony, Miss McDonough, a friend of Gipprich, was riding in his cab when Gipprich collided with a parked trailer truck on Pulaski highway near Erdman avenue.

Mack Henry, forty-three, of Parkersburg, W. Va., convicted of two Baltimore liquor store holdups, today was sentenced by Criminal Court Chief Judge W. Conwell Smith to 10 years in the Maryland House of Correction.

Henry's brother, Marshall, recently was sentenced to 24 years in the Maryland Penitentiary on armed robbery charges.

EVE. SUN 1/3/51

Woman's Death Probe Pushed; Sodaro Acts

How Ella Jackson suffered fatal injuries in the vicinity of Hollins Market early Saturday morning was still unknown today to investigators who pressed for a solution by concentrating their search for a clue around the neighborhood where she was found.

The 39-year-old woman was last seen alive at 1.15 A.M. Saturday in a tavern near Baltimore street and Arlington avenue. Less than seven hours later, she was discovered unconscious in the small back yard of 15 South Arlington avenue, and minutes after reaching the Franklin Square Hospital she died.

Sometime during those seven hours, medical examination disclosed, Ella Jackson suffered a fractured skull, several scalp lacerations, bruised knuckles and knees and leg contusions.

Sodaro Takes Action

Immediately after taking office today as the new State's attorney for Baltimore, Anselm Sodaro announced that he had directed his new homicide division to investigate the woman's death.

Mr. Sodaro referred the matter to Charles E. Orth, Jr., whom he designated as the head of the homicide division. He said that Mr. Orth would deal immediately with police authorities in an effort to aid in the probe.

The skull fracture, according to Dr. Russell Fisher, chief medical examiner, caused her death.

"Anything blunt could have done it," said Dr. Fisher. "Whether she fell or was hit we don't know. There is no recognizable pattern to the injury. All we know is that more than one application of anything blunt did it."

Dr. Fisher said the "multiple blunt impacts" to the right side of the head had caused the fractures to "radiate in every direction."

The medical examiner said it could not be determined whether the fracture was the initial or the secondary injury.

Citing the path of blood leading from where the body was found to the sidewalk in front of 9 South Arlington avenue—a distance of about 50 feet—Dr. Fisher said the fracture could have been incurred at the origin or anywhere along the trail.

Police reported that the knees in a pair of slacks found beside the body and identified as the dead woman's indicate she was dragged. Brush burns on her knees and knuckles substantiate this point. But whether the "dragging" was done by another person or by an auto — or both — is still an open question.

Scores Questioned

Investigators questioned scores of residents in the neighborhood, but so far have found no one who heard or saw anything which would give them a clue. One woman reported hearing screams about 1.15 A.M. in the narrow alley bordering the yard where the body was discovered, but added she was not alarmed because such noises are frequent.

The last person seen with the woman was a man with whom she had been living in an apartment in the 2200 block Eutaw place. After reading about an unidentified woman being found dead near the market, he voluntarily went to the Southwestern Police Station, told of his association and later identified her.

He told of leaving the woman when, after drinking beer all night in various taverns, she wanted to switch to whisky and he refused to buy any for her. He said they argued and he went home alone.

Subsequent investigation disclosed that the dead woman had frequently been seen with different men in a tavern near the Eutaw Place address.

Her death is strikingly similar to the still unsolved slaying of another woman—Anna Young Hayden—last October in East Baltimore.

Cab Driver Gets Year In Death Case

Gerard J. Gripprich, cab driver, convicted of manslaughter in connection with the death of his girl friend while riding in his cab during off-duty hours, today was sentenced to one year in the House of Correction.

Chief Judge W. Conwell Smith imposed the sentence in Criminal Court after Gipprich had dropped a pending motion for a new trial. The cab driver lives in the 400 block North Robinson street.

Last August 28 the driver struck a parked North Carolina trailer truck on Pulaski highway near Erdman avenue. The truck had stopped to change drivers. Miss Mary Margaret McDonough, of the 600 block S. Kenwood avenue, was killed when the cab slid under the rear of the parked truck. Assistant State's Attorney George D. Solter prosecuted.

MORN SUN 1/4/51

Now That Congress Has Settled The Racketeer

Presumably we can all stop worrying about nation-wide crime syndicates. Congress has "hit the big-time racketeers where it hurts the most." By banishing the interstate shipment of slot machines, Congress has struck a death blow at underworld operations which are "master-minded by a widespread syndicate reaching into every section of America," and it has saved some $2,000,000,000 or $3,000,000,000 from being lured out of the pockets of Americans who "can ill afford to lose it."

If anyone doubts all this, he has only to read the speeches of the various congressmen and the various fancy crime commissions responsible for the measure which strikes one of the "hardest blows at organized crime ever experienced by the lawless element in the United States." The public may not realize it, but the underworld is dependent on slot-machine takes. Any good crime commission will tell you that. What's more, local law enforcement has been unable to touch the slot-machine operators because, in the words of Mr. G. Edgar Hoover himself, "in all too many communities the local authorities are subsidized and paid" to allow them to operate.

It was the Attorney General's Conference on Organized Crime, with our own Mayor D'Alesandro as chairman, which came up with the simple solution to what could be done about racketeers who were too big for the law to handle. Out of that conference, like the comic-strip light bulb labeled "idea," blossomed the wonderfully simple plan of taking slot machines away from the gambling element and forcing its members to go straight. Congress snapped it up, after many authorities on crime said it would do the trick, and the President signed the measure on Tuesday.

Say this for Congress, though. Its members did not pass the measure as proposed by the Attorney General's conference without looking at it twice. The way the conference had the measure worded, there would have been an interstate ban on shipping any mechanical device adapted for gambling, which might have put a freeze on any number of whirligigs which come with children's games. Congress tightened the bill to limit it to "so-called slot machines" and allied devices which absorb coins and pay off in cash or merchandise on the basis of chance. And with these machines out of interstate commerce, the heart is supposedly gone from crime and corruption.

If Congress had looked at the measure a third time, it might have entertained the suspicion that big-time racketeers are apt to find some other device as convenient as slot machines for luring silver from American pockets. It might have stopped to think that the Americans who can "ill afford it" will probably find some other means of gambling away those $2,000,000,000 or $3,000,000,000. It might have considered the possibility that the only effective way to cripple racketeers permanently is to do something about the leniency, eye-winking and corruption among law enforcement officials which admittedly now allows the racketeers to operate.

It is probably heartless to say it during Congress' hour of triumph over the underworld, but the fact remains that Congress is not really going to stop gambling in Baltimore or anywhere else with fancy bills pertaining to interstate commerce. What will stop big-time gambling is pressure on local law-enforcement officers to get after the games and devices which they know exist, which they know are illegal and which they could stop whenever there is a big enough demand for them to stop them.

MORN-SUN-1/4/50

GRAND JURY ENDS PROBE

New Panel Due To Take Up 'Police Brutality' Charges

The present grand jury, which goes out of office tomorrow, has completed its investigation of alleged police brutality, it was announced yesterday by Anselm Sodaro, State's attorney.

Mr. Sodaro disclosed that although the grand jury had summoned four witnesses to appear for testimony yesterday in connection with the probe of the fatal shooting of James Hargrove, a Negro, by a policeman, none of the witnesses was called.

The prosecutor said he will ask the next grand jury on Monday to resume the Hargrove investigation, as well as other complaints filed by the National Association for the Advancement of Colored People, but not probed by the present jury.

Preparing Reports

Mr. Sodaro said he was of the opinion that the present jurors halted their probe of alleged police brutality because the balance of their tenure in office will be used in compiling and preparing term-end reports.

He said he expected the jury to file a report of its findings on those cases of alleged police brutality it investigated, including the reported Christmas night beating of Booker Stokes, a Negro, by Patrolman Donald Rollyson, of the Northeastern district.

Rudolph Complaint

In addition to the Hargrove case, the new jury also is expected to take up the complaint of John Rudolph, of the 1700 block North Washington street, that he also was mistreated by Patrolman Rollyson.

During its brief probe of the brutality charges, the retiring grand jury also considered several other beating complaints filed by the N.A.A.C.P., but most of the cases referred by that body still have not been probed.

Hargrove was fatally shot last October by Patrolman Jerome Glass, but the policeman subsequently was exonerated at a police-court hearing.

MORN-SUN 1-4-50

ADULT COURT TO TRY BOY, 13

Juvenile Judge Waives Jurisdiction In Assault Series

In an unprecedented move, Judge Charles E. Moylan in the Division of Juvenile Causes yesterday directed that a 13-year-old boy be tried in the Criminal Court, rather than in the juvenile tribunal, because the boy would be "dangerous" in a juvenile correction house.

Judge Moylan said he had never before waived jurisdiction over so young a defendant, but declared he feared the boy might kill a cottage master at a juvenile institution if confined in such a place.

"In the Criminal Court, it will not be a question of being found guilty one day and killing some cottage master the next day," Judge Moylan asserted.

Faces Assault Charge

The boy, who faces several charges of assaulting and robbing pedestrians with the use of iron pipe and hammers, was turned over to Central district authorities and docketed on a series of armed robbery and larceny charges.

Judge Moylan found a 15-year-old boy accused of participating in the robberies to be delinquent and committed him to Boys' Village.

A third boy, age 13, was acquitted of assisting in one of the robberies. All of the boys are Negroes.

According to testimony presented by Sergt. Christopher Schemm, victims of the robberies were severely beaten and one is still confined to a hospital.

MORN-SUN 1-5-51

Boy, 13, Indicted In Robbery Cases

Five indictments charging armed robbery or larceny yesterday were returned by the grand jury against a 13-year-old Negro boy over whom the juvenile tribunals waived jurisdiction because he is "dangerous."

Anselm Sodaro, State's attorney, announced after the grand jury had returned the indictments that an effort will be made to try the boy immediately, possibly on Tuesday, in the new Youth Court. Mr. Sodaro said he had conferred with Miss Goldie Miller, counsel for the boy, about a prompt trial.

The boy is being held in $5,000 bail in a police detention room instead of in the City Jail, Miss Miller announced.

New Yorker Gets 25 Years For 2 Holdups

Sentence of 25 years in the Penitentiary was imposed in Criminal Court yesterday on Jesse Shanks, 27, of Brooklyn, N.Y., who was convicted recently of two 1947 robberies.

Shanks was convicted by Judge Joseph Sherbow of the 40-cent holdup of Joseph Newman, a taxicab driver, in the vicinity of Mosher and Carey streets, and a $125 holdup in the grocery store of Isadore Walpert, on Druid Hill avenue.

Shanks, a Negro, recently was returned here after he was released from a New York prison, according to James F. Price, prosecutor. Mr. Price said Shanks confessed to six other 1947 robberies, but because of the lapse of time witnesses no longer were able to identity him.

CONTRACTORS PLEAD GUILTY IN CITY FRAUD

Former Building Official Also Is Convicted On Conspiracy Count

Two partners in a construction company yesterday pleaded guilty to defrauding the city of about $6,000 in the performance of cost-plus contract work during 1948 and 1949.

At the same time, Chief Judge W. Conwell Smith convicted Leo B. Sorrell, 53-year-old former superintendent of construction for the Bureau of Building Inspection, of conspiring with the two partners to defraud the city.

Judge Smith announced he would impose sentence this morning.

Fourth Defendant Died

The partners who pleaded guilty were Rogers Will, Jr., 43, of Catonsville, and Milton W. Grahe, 40, of Seward avenue, Brooklyn. A fourth defendant, John E. Harper, bookkeeper for the partnership, died after the prosecution was instituted.

The partnership was known as G and W Construction Company.

The case was brought before Judge Smith on a statement of facts submitted by Charles E. Orth, Jr., assistant State's attorney.

The court was told that although the indictment charged the partners with defrauding the city of $11,846.03, the actual amount of the fraud may be less because it was difficult to determine long after work had been completed what the overcharges really amounted to.

Settlement Accepted

Joseph Rosenthal, counsel for the partners, said testimony, if presented, would fix the overcharges between $5,000 and $6,000.

The Board of Estimates already has accepted $4,300 in settlement of the claims against the partners. Of that amount, the city owed the two men $2,300 for work done and the remaining $2,000 was borrowed by Will and Grahe to pay off the obligation.

On 60 jobs done by the partners for the city in the firehouses, police stations, other public buildings and parks, the city was defrauded through four distinct procedures used by Will and Grahe, Mr. Orth said.

Billed For Work Not Done

He said the city was billed for materials not used, for subcontract work which was not done, for labor never performed and in one instance for a Sydenham Hospital repair job never performed.

The city was billed $538.56 for a job at the city medical institution, but a later investigation disclosed that no work on that job had been done.

On the other jobs, some work was done but the charges for labor or materials were excessive, Mr. Orth said. He said a Federal Bureau of Investigation probe disclosed that bills for alleged subcontract assistance on certain jobs were faked.

No Money To Sorrell

Sorrell, the prosecutor said, approved bills submitted by Will and Grahe, approved the jobs and even signed his approval of the bill for the Sydenham Hospital job, reporting that he had inspected the job.

The State has no proof that Sorrell received money from the partners, Mr. Orth asserted.

Sorrell last month submitted his resignation to the city, making it effective as of last March 9 when he was suspended from duty, the Court was told. He also waived all salary claims against the city.

Sorrell "Overworked"

Henry T. Siegel, counsel for Sorrell, said the former city official is married and has six children. He said during the years after the last war, the work of Sorrell's department became so heavy that the accused became "overworked and harassed."

This led Sorrell to start using intoxicants to excess, the attorney said. In addition, Sorrell began assuming that the various contractors were honestly doing the jobs and billing the city, and he began approving jobs without inspections, it was stated.

Later, Sorrell became nervous and depressed, was confined for a time to a rest home and finally was admitted to a hospital after he had a physical breakdown, Mr. Siegel said. Two men now are doing the work formerly performed by Sorrell, the attorney declared.

There was no "evil intent" on the part of Sorrell to defraud the city, counsel contended.

Boy, 13, Faces Five Criminal Charges

A 13-year-old Negro over whom Judge Charles E. Moylan waived jurisdiction in Juvenile Court yesterday on five criminal charges because he considers him so "dangerous," today was held in $5,000 bail for the grand jury at a Central Police Court hearing and remanded to jail.

Magistrate James R. Cadden set bail at $1,000 on each of the following charges:

1. Assault and attempted robbery of Joseph Truato, 61, of the 600 block Lehigh street, December 30.

2. Assault and robbery of Abe Mund, 2000 block Linden avenue, of six sweaters valued at $27, December 2.

3. Assault and robbery of Robert Brooms, Negro, 200 block North Exeter street, of $4 cash and a $1 watch, December 30.

4. Assault and robbery of Matthew Duncan, 1200 block East Lexington street, of a $5 hat and a $25 overcoat, December 31.

5. Larceny from the automobile of Desper Brooks, 400 block East Chase street, of $25 worth of groceries, December 23.

Boy Pleads Innocent

The 13-year-old youth who beat his victims with iron pipes and hammers, according to the testimony of Sergt. Christopher Schemm, pleaded not guilty to the charges through his attorney, Mrs. Goldie Miller.

Sergeant Schemm also testified that one victim, Robert Brooms, is still in Mercy Hospital with severe head and face lacerations.

In taking his unprecedented action of turning over so young a defendant to the Criminal Court procedure, Judge Moylan commented: "In the Criminal Court it will not be a question of being found guilty one day and killing some cottage master the next day."

Boy Committed

At yesterday's Juvenile Court hearing a 15-year-old boy, an alleged accomplice, was found delinquent and committed to Boys' Village. A third boy, also 13, was acquitted. All are Negroes.

Before the hearing, Judge Cadden received a telephone call from the new State's attorney, Anselm Sodaro, requesting him to send the case to the grand jury as quickly as possible.

The young Negro gave an address in the 1600 block East Pratt street as his home.

Real Estate Broker Gets 18-Month Term

Grayson H. Staley, 69-year-old real-estate broker, was sentenced yesterday to eighteen months in the Penitentiary by Chief Judge W. Conwell Smith in Criminal Court after conviction on two charges of larceny after trust.

Staley, originally from Frederick, lived here in the first block West Mount Vernon place. The charges alleged that he received down payments from two women on real-estate deals which he never completed, but nevertheless did not return the deposit.

Chief Judge Smith imposed the sentence in Criminal Court. Assistant State's Attorneys James F. Price and Edwin A. Gehring prosecuted.

EVE. SUN 1-5-51

Parrish Placed On Probation

A one-year suspended sentence, with probation in view of restitution, was imposed today by Judge Michael J. Manley on Charles H. Parrish, former State employé.

Parrish, 50, of the 1600 block Longwood street, was charged with misappropriating $300 while serving the State Roads Commission in charge of the emergency funds of the State ferry system.

Parrish, Attorney James K. Cullen, told the court, took the money to help defray medical expenses for his aged mother, whose eyesight was impaired. Restitution had been made before sentence.

EVE-SUN 1-5-51

Three Sentenced, One Fined In Cost Case

Two-year suspended prison sentences were imposed on two construction-firm partners today, with the latter being fined $500 in addition by Chief Judge W. Conwell Smith.

Acting on favorable reports by the probation department, the judge granted probation for a period of two years to each defendant, requiring the three men to share the court costs and ordering the contractors to make restitution already arranged with the city.

Roger Will, Jr., 43, of Catonsville, and Milton W. Grahe, 40, of Seward avenue, Brooklyn, are the construction partners who dealt with the city as the G.& W. Construction Company.

Convicted Of Conspiracy

The city official is Leo B. Sorrell, 53, former superintendent of construction for the Bureau of Building Inspection, who had been convicted by Judge Smith late yesterday on a count of conspiring with the contractors to defraud the city by improper charges on cost-plus work.

The contractors had pleaded guilty through Joseph Rosenthal, attorney. The case against Sorrell, who pleaded innocent through Henry M. Siegel, attorney, had been decided by the court on an agreed statement of facts submitted by the defense counsel and Charles E. Orth, Jr., assistant State's attorney.

The case was the lone conviction to arise from the series of cost-plus prosecutions instituted after a special investigation.

Mr. Orth explained to the court that it differed from the other cases in the series because the fraud involved dealt largely with charges for materials that were not furnished, while the main bases of the other cases had been the fact fact that contractors had billed the city for labor costs at higher prices than were actually paid workmen.

Waives Salary Claims

Sorrell submitted his resignation last month, making it effective as of last March 9, when he was suspended, and waived all salary claims against the city.

Mr. Orth told the court that, although the indictment charged Will and Grahe with defrauding the city of $11,846.03, the amount of the fraud might be less because it was difficult to determine what the overcharges really amounted to.

The Board of Estimates already has accepted $4,300 in settlement of claims against the partners. $2,300 of which the city owed them for work done. They borrowed $2,000 to settle the remainder of the obligation.

The prosecutor said Sorrell approved a bill for $538.56 for work which was never performed at Sydenham Hospital, but that there was no evidence that the construction superintendent received money from the partners.

NEWS-1/5

Terms Suspended, Pair Ordered To Make Restitution

Two construction company partners, who pleaded guilty to defrauding the city of approximately $6,000 in performance of cost-plus contract work, today each were given two-year sentences, suspended, in the House of Correction, ordered to pay one third of the court costs, and to make restitution of the money involved by Chief Judge W. Conwell Smith.

The partners sentenced were Rogers Will, Jr., forty-three, Catonsville, and Milton W. Grahe, forty, Brooklyn.

Also Leo B. Sorrell, fifty-three, former superintendent of construction for the Bureau of Building Inspection, who was convicted on charges of conspiring with Will and Grahe to defraud the city, was given a two-year sentence, suspended, in the House of Correction, was ordered to pay one third of the court costs, and was fined $500.

POINTS TO DELAY

Commenting that the men were indicted last March and that there has been "inexcusable delay" in assigning the case, Judge Smith pointed out that none of the menl has a record, and that the probation department, which investigated at request of counsel, recommended that probation be granted.

Judge Smith sair further that the city already has accepted $4,300 in settlement of claims and that he assumes the settlement is a fair one.

Of that sum the city owed the two men $2,300 for work done and the remaining $2,000 was raised by Will and Grahe.

The case was brought before Judge Smith on a statement of facts submitted by Charles E. Orth, Jr., assistant State's attorney.

DID 60 JOBS

It was brought out that the contractors defrauded the city on 60 jobs by charging for material not used, by charging for subcontract work which was not done, by charging for labor which never was performed, and by charging for a job at Sydenham Hospital which was not performed.

Wills and Grahe were represented by Joseph Rosenthal, attorney.

Sorrell pleaded not guilty through his counsel, Henry Siegel.

Found guilty in Criminal Court of larceny of $800 of State Roads Commission petty cash funds, Charles H. Parrish, fifty, 1600 block Longwood street, former Commission clerk, today was given a one-year suspended sentence and placed on probation to make restitution. Parrish paid back the $800 to the Commission today.

MORN-SUN 1-6-51

2 POLICEMEN IN BEATING CASE RESTORED TO DUTY AS GRAND JURY REPORTS

Commissioner Ober Lifts Suspension After Probers Decide No Criminal Action Against Two Is Warranted

Two policemen involved in the Christmas night beating of a Negro were restored to active duty yesterday after the retiring grand jury declared no criminal action was warranted in the case.

The two, whose suspensions were lifted by Beverly Ober, police commissioner, are Patrolman Donald R. Rollyson and Howard J. Bayne, of the Northeastern district.

The investigation of police brutality was made after a reporter for *The Sun* saw Patrolman Rollyson strike the Negro, Booker Stokes, in the Northeastern Police Station on Christmas night.

Issues Statement

In a written statement, Colonel Ober reviewed the suspension of Patrolman Rollyson and his radio-car partner after the results of his investigation had been forwarded to the State's-attorney for submission to the grand jury.

The commissioner quoted portions of the grand jury's final report to the judges of the Criminal Courts and then stated:

"In the circumstances, and in conformity with findings of the grand jury, Patrolman Donald P. Rollyson and Howard J. Bayne are ordered restored to duty, without the loss of pay during the suspension—this action to be effective immediately."

No Further Comment

Commissioner Ober was asked: "Because the grand jury did not return a presentment, does that mean you are satisfied with these two officers?"

The commissioner replied: "I have nothing further to say in addition to my statement."

The commissioner's statement follows:

"Charges of brutality, as alleged in a news item which appeared in the local press on December 26, 1950, incident to the arrest of Booker Stokes on the evening of December 25, demanded and received my personal attention as police commissioner for the city of Baltimore.

Cites Jury Report

"When the investigation was completed on December 27, all data was immediately forwarded to the State's attorney, who advised that the case would be submitted to the grand jury.

"Upon this advice, I suspended, without prejudice, pending action of the State's attorney and the grand jury, Patrolmen Donald P. Rollyson and Howard J. Bayne, of the Northeastern district, the officers who were working together when Stokes was arrested.

"The grand jury today filed its report in the Criminal Court, which, in part, states: 'The National Association for the Advancement of Colored People forwarded to the grand jury a list of 24 alleged instances of police brutality during recent years.

Two Cases Studied

"'Because of the limited time in which the jury had to investigate these matters, it was possible to make a thorough study of only two individual cases. These two cases concerned the alleged assault of Booker Stokes December 25, 1950, by Officer Donald Rollyson, and an alleged assault on Armous Tinsley April 13, 1950, by Officer Charles W. Thompson.

"'The grand jury has concluded that the evidence of alleged police brutality in these two instances does not warrant the return of any presentment.'

"The grand jury recommended that the charges not yet heard be referred to the January term of the grand jury, to the end that it may take such action as it may deem proper.

"In the circumstances, and in conformity with findings of the grand jury, Patrolmen Donald P. Rollyson and Howard J. Bayne are ordered restored to duty, without the loss of pay during the suspension—this action to be effective immediately."

James M. Hepbron, executive vice president of the Criminal Justice Commission, who was present when witnesses were questioned during the police investigation, said last night he had "no comment" on either the grand jury report or the

(Continued on Page 6, Column 6)

commissioner's reinstatement of Patrolman Rollyson.

In its final report, the grand jury also:

1. Found that irregularities on so-called dog referendum petitions did not constitute "willful violations with an intent to circumvent the law."

2. Suggested that the Legislature consider the licensing of bookmakers.

3. Recommended more and longer prison terms on gamblers.

4. Advocated repeal of the Bouse Act, which restricts search and seizure by police.

Discussing its probe of irregularities on the petitions circulated in connection with the dog referendum, the grand jury said:

"During our term of office we considered alleged violations of law growing out of the procurement of signatures to petitions for the so-called 'dog referendum,' which was submitted to the voters of Baltimore city at the election on November 7, 1950.

1,200 Interviewed

"Some 1,200 persons whose names appeared as signers and as solicitors on petitions were interviewed. It was felt these names constituted a fair sample of the petitioners whose signatures were secured in order to place the referendum on the ballot.

"It was found that the alleged violations amounted generally to irregularities rather than to willful violations with an intent to circumvent the law. These irregularities fell into three main categories: first, signatures in the body of the petitions; second, signing of the affidavits to the petitions, and third, notarizing of the affidavits to the petitions.

"One of the results of this investigation prompts us to recommend that the law governing notaries public be strengthened so as to require greater care and circumspection in the execution of oaths.

"It is further recommended that the Home Rule amendment be amended to include a criminal penalty for the obtention of signatures to petitions of this general character by fraud, false pretense or misrepresentation."

Bookmaking Issue

In proposing that consideration be given to the licensing of bookmakers, the jurors pointed out that the State could obtain part of the revenue of the "bookies" and also reduce the number of gambling cases in Criminal Court.

The jurors contended that "present small fines and jail sentences as meted out to gamblers does not affect them very much."

"More and longer jail sentences should be meted out to the gamblers, then the little fellow who might serve the sentence would soon drop out of the picture and we might come up with the big shots, the real backers, thereby breaking the backbone of some of the gambling," the jurors contended.

In advocating elimination of the Bouse Act, the jury expressed the opinion that it is a "real hindrance to the policing of Baltimore city." "It protects racketeers and crooks and gives the criminals protection from police interference," the jury declared.

The main report of the jury was filed by Otto V. Yursik, foreman.

BULLETIN

Patrolman Ronald Morgan, of the Northern district, died early this morning after being struck by a hit-and-run auto late last night at the corner of Roland and Upland avenues.

He was taken to Union Memorial Hospital where he died in the operating room early this morning.

The officer was found lying in the street beside his car by Patrolman Robert Ritter, who had come to the call box at that corner to make his 11 P.M. check.

Police, who said he evidently had been struck as he was leaving his post car to make his 11 P.M. call to the station, are questioning a man concerning the accident.

From paint that scraped off on Patrolman Morgan's car, police believe the automobile that struck him was either light blue or green in color. Pieces of one of its headlights also were found at the scene.

3 Put On Probation In Cost-Plus Case

Two partners in a construction concern and a former city superintendent of construction work yesterday were released on probation under a two-year suspended prison sentence in connection with charges of defrauding the city on cost-plus contract work.

In addition, a fine of $500 was imposed on the former city official, Leo B. Sorrell, 53-year-old former superintendent of construction for the Bureau of Building Inspection.

Chief Judge W. Conwell Smith required the three defendants to share the costs of the case.

$4,300 Setlement Accepted

Rogers Will, Jr., 43, of Catonsville, and Milton W. Grahe, 40, of Brooklyn, Md., trading as G. and W. Construction Company, pleaded guilty to charges of defrauding the city by making excessive charges for cost-plus work in municipal buildings. Sorrell was convicted by Judge Smith of conspiring with the two men to defraud.

Charles E. Orth, Jr., who prosecuted the case, admitted that the city's estimate of $11,000 in overcharges may have been high. Joseph Rosenthal, counsel for the partners, said the amount of overcharges on about 60 jobs would not exceed $6,000.

The Board of Estimates already has accepted a settlement of $4,300 from the partners, who were described as now being "flat broke."

Pressure Of Work Blamed

Through Henry M. Siegel, his counsel, Sorrell contended that the pressure of work after the last war caused him to become mentally and physically exhausted to the point where he began to overindulge in intoxicants and to start approving jobs and bills without inspections.

Mr. Orth said one alleged job approved by Sorrell was a $538 Sydenham Hospital repair job which never was done by the partners. The State admitted it had no evidence that Sorrell received money from the partners in return for approving their work and bills.

EVE-SUN 1-6-51

County Man Held In Auto Death Of Policeman

A 29-year-old "gentleman farmer" has been released in $2,500 bail in the hit-and-run death of Patrolman Roland Wallace Morgan, of the Northern district, early today.

The man, John J. K. Caskie, Jr., of Route 1, Cockeysville, was arrested about two hours after the 38-year-old officer was struck by an auto last night at the corner of Roland and Upland avenues. Patrolman Morgan died in the operating room at Union Memorial Hospital shortly before 3 A.M.

Baltimore county police at Towson, acting on a radio broadcast to be on the lookout for a vehicle with a damaged headlight, arrested Mr. Caskie at a night club on the Falls road. Mr. Caskie, who came to Maryland three months ago from Warrenton, Va., will be given a further hearing at a date to be set by the State's attorney.

Found By Bus Rider

The officer was found lying on Roland avenue, 25 feet from the open door of his post car, by the passenger of a No. 29 bus who noticed a "dark object" on the street. The passenger, William Conrad, of the first block Beechdale road, said he left the bus to investigate in company with the bus driver and another passenger, unidentified.

They found the officer lying face down, apparently unconscious, his cap lying on the street about ten feet away.

The other passenger, Mr. Conrad reported, called police headquarters on the radio in Patrolman Morgan's car. Although inexperienced with police radios, the man was able to get into contact with Sergt. Joseph Berghoff, one of the dispatchers on duty at headquarters.

Former Pupil

Meanwhile, Mr. Conrad ran to an engine house a block away and asked firemen on duty to dispatch an ambulance to the scene. He said that when the officer's body was turned over, to be lifted into the ambulance, he recognized Morgan as a former pupil in his Sunday-school class at the Roland Park Presbyterian Church.

Patrolman Morgan's home is at 3706 Coolidge avenue.

Police said Patrolman Morgan evidently had been struck as he was leaving his post car to make his 11 P.M. call to the station. The left front door of the officer's post car was smashed and pieces of a vehicle's headlights were found at the scene.

A lookout order for a damaged vehicle was posted to all officers in the city and Baltimore county.

Station Wagon Found

Two county officers, Sergt. Cyril Baumiller and Patrolman George Frank, heard the broadcast and investigated cars parked near various night clubs in the Towson area. They discovered a station wagon, blood-flecked and damaged on the right front, parked in a lot near the Valley Inn on Falls road.

The officers said there were fresh blood specks on one of the windows and that the right front headlight was broken.

Investigating further, the officers found a man sitting on the front porch of the inn.

Questioned By Sodaro

He was taken to the Towson Police Station and later removed to the Northern district, where he was questioned by State's Attorney Anselm Sodaro, Lieut. George Schaefer, Sergt. Arthur Plummer and Patrolmen Bernard Ostendorf, Charles Trainor and Charles Gross.

Mr. Caskie also has been charged with driving under the influence of liquor, reckless driving and failure to stop after an accident, and being without an operator's card in his possession. He has been released in $1,000 bail on these charges for a further hearing January 23.

SUNDAY-SUN 1-7-51

The Grand Jury Report

Police Brutality

Because, under our system, the grand jury, after a secret investigation, has the final say as to whether or not to indict for alleged crimes, it is not possible to make any firm comment on the legal outcome of the investigation into two cases of police brutality which is now concluded. The jury found that "the evidence . . . does not warrant the return of any presentment."

It *is* possible to say, however, that citizens who are concerned over the maintenance of order in the community will be perturbed and will wonder what this indecisive ending portends for the future. At best, the two races have some difficulty in keeping friction to a minimum. The difficulty will be greatly increased if the notion gets abroad that there is one kind of justice for the white race and another for the Negroes.

Everyone knows that the police face special problems in some of the more disorderly Negro districts and that they are occasionally called on to defend themselves by the use of physical force when dealing with tough customers. Many of the charges of brutality grow out of such circumstances and are clearly unjustified.

But it is different when the charges involve unnecessary roughness in the police station *after arrest*, as in the instance reported in our columns by an eyewitness who is a responsible representative of this paper. The grand jury would have done better to have insured a public hearing on this charge at least. Only by a public hearing can the citizens be reassured.

As the situation now stands, those who, for their own disruptive purposes, want to magnify racial difficulties and further embitter race relations have been handed a new opportunity for propaganda. In contrast, those who are conscientiously working to reduce friction are left on the defensive with no factual record with which to answer false charges.

The Anti-Vivisection Petition

Nobody wants to put the anti-vivisectionists in jail. But the way the grand jury handled the case of those who committed "irregularities" in connection with the anti-vivisection petition is a little bit disconcerting.

Nobody, as we say, wanted to see the full rigor of the law governing petitions exerted on these numerous offenders. These were, after all, the losers in the election. The reform which they opposed has been accomplished and there has been no disposition to be vindictive, even though these offenders did play fast and loose with the requirements of the law governing petitions. The report of the grand jury in dismissing as mere "irregularities" these numerous offenses—false signatures, false affidavits, false notarizations—doubtless reflected this spirit of charity. And yet the fact remains that in so dismissing them the grand jury sidestepped a matter of basic importance.

Most people are foggy about the law governing the mechanism of petition and referendum. A great many people put their signatures casually to documents handed to them by friends. A great many people consent to the use of their names without investigating the use. A great many people see no harm in writing the name of someone else into a petition. They do not realize that such actions are frequently misleading and sometimes involve perjury.

And yet the rights of petition and referendum can have a tremendous impact on the community. They can have an impact for good—which is why those rights must be considered basic. But they can also have an impact for evil. A petition or a referendum can absorb much of the energy of a community and can dominate a community's thinking and emotions for months on end. It can inflame passions. It can postpone needed reforms. The very petition under discussion—the anti-vivisecton petition—had some of these effects.

For that reason, the law governing petition and referendum is not something to be trifled with. Nor is ignorance an excuse for violations. A disposition to belittle or disregard offenses against these laws only encourages, for the future, still other such offenses. It exposes orderly social life to disruption at the whim of individuals and groups who take lightly, or are ignorant of, the requirements of the law.

But there is only one way to enlighten the public on the gravity of offenses of this sort. That way is to administer the law with literal justice—to recognize that infractions are infractions however well meaning the intentions, and lofty the motives, of the offenders—and let the law take its course.

What the grand jury did (in a charitable spirit, it is true) was to prevent the law from taking its course. That is why we say that its behavior is disconcerting.

EVE-SUN 1-8-50

N.A.A.C.P. To Ask Firing Of Ober

The National Association for the Advancement of Colored People today pressed for further investigation of alleged police brutality in Baltimore and said it would ask Governor-elect Theodore R. McKeldin to fire Police Commissioner Beverly Ober.

Mrs. Lille M. Jackson, president of the Baltimore branch, said the association would "renew its request for a thoroughgoing investigation of our documented charges of police brutality to the incoming grand jury."

She said the N.A.A.C.P. would request the appointment of a new police commissioner and the establishment of a police trial board similar to ones in Washington, Philadelphia, New York and other large cities.

Mrs. Jackson's statement:

"Our organization will renew its request for a thoroughgoing investigation of our documented charges of police brutality to the incoming grand jury.

Request Denied

"While there were numerous complaints made to our association during the last eighteen months, only those cases which after investigation by our legal counsel merited a hearing before the police commissioner were brought to the attention of Colonel Ober. Our requests for such hearings were denied.

"We have sent a telegram to Commissioner Ober to take disciplinary action against Police Officer Donald Rollyson in the recent case of Mr. Booker Stokes, who was beaten by this officer on Christmas night, and in the previous case of Walter Griffin Johnson, 1631 North Caroline street, who was brutally beaten by Officer Rollyson in October in a dispute over a parking ticket. We have a picture of Mr. Johnson taken immediately after the beating showing the brutality inflicted on him.

"Our basis for this request of the commissioner is the determination of the functions of the police commissioner by United States Judge Morris A. Soper, chairman of the subcommittee on questions affecting the police, in the report of the Governor's Commission on Problems Affecting the Negro Population (pages 3-4), published March 16, 1943, after conducting hearings in the killing of Private Thomas E. Broadus of the United States Army by Patrolman Edward R. Bender, February 1, 1942, near the corner of Pennsylvania avenue and Pitcher street.

"In that case, the grand jury had found a presentment of unlawful homicide against Bender and a few days later rescinded the action and quashed the indictment.

"Said Judge Soper: 'In the course of the investigation we have personally interviewed a number of eyewitnesses to the affair, the Police Commissioner and the State's Attorney for Baltimore City . . .

" 'The State's Attorney is unable to explain the jury's action. It is within his province to send the case to another Grand Jury but he has not seen fit to do so . . .

" 'Equally unsatisfactory in our opinion is the failure of the police commissioner to take any action in the case looking toward the discipline of Officer Bender or his removal from the force.

" ' . . . the commissioner takes the position that the charge of homicide against the officer having been dismissed by the constituted authority, it would be an unwarrantable interference with the orderly process of the law for further action to be taken in the police department.

Commissioner's Province

"It is, however, the province of the commissioner and not of the courts to supervise and control the conduct of the members of the police force. Bender has never been acquitted of unlawful homicide; but even if he had been acquitted, it would still remain for the commissioner to decide whether Bender's conduct on this occasion was worthy of a responsible member of the force. . . .

" 'We recommend that a copy of this section of the commission's report be sent to the State's attorney with the request that the Bender case be again sent to the grand jury, and that a copy also be sent to the commissioner of police with the request that appropriate charges against Officer Bender be formulated and tried by the commissioner in his authority as head of the force.' "

NEWS 1-8-51

Gambling, Dope, Brutality Cited To New Jury

Illegal gambling rackets, the narcotic evil, and complaints of police brutality today were brought to the special attention of Baltimore's new Grand Jury when the new inquest was formed in Criminal Court.

Judge Joseph Sherbow, sitting with Judges S. Ralph Warnken and Emory H. Niles, voiced the "charge" to the new jurors, and urged special attention to the three subjects.

"Y" Aide Named Foreman

The judges named W. Morris Weis, 3609 Alameda circle, a Y.M.C.A. youth-camp official, as the Grand Jury foreman.

Mr. Weis, a former Montgomery county high-school principal, who majored in youth studies at the University of Maryland and Johns Hopkins University, was said to be one of the youngest men placed as Grand Jury foremen.

Mrs. Ruth R. Stieff, 18 Midvale road, wife of Frederick P. Stieff, was named assistant foreman of the jury.

Cites Unprobed Complaints

The complaints of police brutality had been before the last Grand Jury, which on Friday pointed out that it had passed completely on only two of about two score complaints. The judges called attention to that report and told the new inquest it "should thoroughly and promptly investigate every complaint dealing with this situation."

Gambling, Judge Sherbow told Mr. Weis, a former Montgomery the jury, is apparently rampant, and "could not flourish on a large scale without the knowledge of members of the police force." He added that their arrests had to be in accordance with law.

Hits Destructive Raids

A special warning against improper destruction in police raids was given by the judge.

"It may be that gambling can never be stamped out completely," said the judge. "It is also true that some part of the public cannot or will not understand why gambling may be unlawful in one place while lawful at the race tracks. That is no excuse for not enforcing the law.

"How far does the gambling racket extend? Who are involved in its manifold activities?

Says Racket Breeds Crime

"It is important to realize that the whole business is a fertile breeding ground for bribery, corruption and criminal activity. Vigilant and constant action is required on the part of every law enforcement agency.

"Gambling could not flourish on a large scale without the knowledge of members of the police force. It is also true that they cannot make arrests except in accordance with law."

Pointing out that few "higher-ups" appear in the parade of gambling violators, Judge Sherbow added: "Investigations of the gambling racket in the past have resulted in much publicity but few tangible results.

"You have an opportunity in the day-to-day conduct of your work to make searching inquiries to ascertain why only the surface is scratched. After a while you may discern a pattern in the gambling activities in this city. Then you can act.

The narcotic evil, Judge Sherbow asserted, has spread among teen-agers.

He told the grand jury that United States narcotic officials, as well as Baltimore police, say "this problem is becoming increasingly serious."

There is widespread use of both heroin and marihuana, the judge asserted.

Grand Jury Told Youths Caught In Drug Habit

Teen-agers in Baltimore have "become enmeshed in the drug habit," and narcotic addiction in this area is increasing, Judge Joseph Sherbow today told members of the January Grand Jury.

Urging the jurors to exercise their powers "fearlessly," Judge Sherbow said:

'From time to time cases will come before your involving violations of the narcotic laws.

"I am informed by the United States Government enforcement officials, as well as by members of our Police Department, that this problem is becoming increasingly serious.

"You will find there is closest co-operation between Federal and State officials.

"We do not know how many drug addicts there are in Baltimore city, but the use of heroin and marijuana is considerable.

"Teen-agers, too, have become enmeshed in the drug habit, and every effort must be made to stop the illegal use of these products.

SHORTAGE OF MEN

"Owing to the shortage of man power in the Baltimore Police Department we do not have squad specially trained to ferret out and arrest the peddlers and addicts.

"We must seek to rehabilitate those who are victims of this habit. The evil must not be allowed to grow.

"The facts should be exposed so that the public can know the extent of the trafifc.

"Wherever it exists it must be stamped out and this means we must enlist every agency of the Government."

Judge Sherbow also told the grand jurors they should make "searching inquiries to ascertain why only the surface is scratched" in combatting the "gambling racket" in Baltimore.

KNOWLEDGE OF POLICE

He said:

"Gambling could not flourish on a large scale without the knowledge of members of the police force.

"It is important to realize that the whole business is a fertile breeding ground for bribery, corruption and criminal activity.

". . . Some part of the public cannot or will not understand why gambling may be unlawful in one place while lawful at the race tracks."

MORN-SUN 1-8-51

HIT-RUN DEATH CASE IS SPEEDED

Manslaughter Charges Will Go Directly To Grand Jury

Manslaughter charges against John J. Caskie, Jr., 29, growing out of the hit-run traffic death of Patrolman Roland Wallace Morgan Friday night will be taken directly to the new grand jury as soon as the jury completes its organization.

Anselm Sodaro, State's attorney, made the announcement last night and said that investigation by his office is virtually complete and the case "ready for trial." Mr. Sodaro said he sees no need to hold the customary preliminary police-court hearing.

Morgan was found fatally injured at Roland and Upland avenues after he had been struck by an auto that failed to stop. Funeral services for the Northern district patrolman will be held today at 2 P.M. in Violetville Methodist Church with full Police Department honors.

$500 Collected For Family

Caskie, a former resident of Warrenton, Va., who now lives near Cockeysville, will be given a Traffic Court hearing on charges of drunken and reckless driving, and failing to stop at 3 P.M. January 23.

Meanwhile, more than $500 was collected in Roland Park shops yesterday and was deposited in a bank for Patrolman Morgan's family.

Caskie, who was arrested at a Falls road night club about two hours after Morgan was fatally injured, is also charged with driving

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(Continued from Page 30)

without an operator's card in his possession. He is under $2,500 bail on a separate charge of causing Morgan's death.

The date for a hearing on the traffic charges was set in Traffic Court Saturday morning.

The money for Patrolman Morgan's family was collected yesterday by a Roland Park housewife who said she wanted to remain anonymous. She was escorted to the bank by a Northern district policeman.

Meanwhile, shops on Cold Spring lane joined in the collection, which started Saturday morning when a pharmacy and ice-cream dispensing plant in the 4900 block Roland avenue displayed jars on its counters. The jars bore signs saying "You Knew Officer Morgan" and were the work of an employé of the pharmacy.

A call from Mrs. Audrey Louis, at the ice cream place, soon had shops in the 5100 block recruited in the campaign. Housewives offered their services.

"We're aiming at raising $5,000," said a sponsor.

BRUTALITY SET AS JURY TOPIC, HARRIS JAILED

Judge Calls For Probe, Sentences Complainant For Assault

Judge Sherbow charges grand jury.....Page 9

The complaints of a Negro defendant that he was mistreated by police were dismissed as "absurd" in Criminal Court yesterday and the man was convicted of disorderly conduct and assault on a Northeastern district policeman.

Judge Joseph Sherbow sentenced William Harris to 30 days in jail on the assault charge and fined him $25 for disorderly conduct.

Harris was convicted of assaulting Patrolman Charles Murray. The defendant had a long police-court and Criminal Court record, the court was told.

Events According To Harris

Harris had contended that he was standing with some friends in an East Preston street tavern on Christmas night and that he was approached by two intoxicated policemen who beat him without cause in the tavern, on the outside and later in the police station.

Patrolman Murray, the policeman Harris was accused of attacking, and Patrolman John Morsberger testified that Harris was arrested for being disorderly on the street, that he broke away and fled into the tavern and that he thereafter assaulted police in attempting to resist arrest.

Patrolmen Deny Drinks

The patrolmen denied having been served a "double shot" of whisky in the tavern and contended they struck Harris only in self-defense after he started wielding a beer bottle.

Harris recently lodged his complaint of police brutality with the grand jury through Hyman A. Pressman, attorney who represented him at the trial yesterday. The jury has not yet probed that complaint.

Judge Sherbow acquitted Nathaniel Barber, 31-year-old Negro, and Wilbur Faulkner, also a Negro, of attempting to interfere with the arrest of Harris.

Judge Comments On Decision

In lengthy remarks at the conclusion of the trial, Judge Sherbow declared he was treating the cases "for what they are, and not what they may be blown up to be by those who think they should be given a different connotation."

He commented that people have "good and bad motives" for being interested in certain cases.

MORNING, JANUARY 8

LANE LIFTS DEATH PENALTY FOR 2 KILLERS

Orders Life Terms For George H. Brown And Richard Cox

Annapolis, Jan. 8 (AP)—Governor Lane today announced commutation to life imprisonment for two convicted murderers sentenced to die.

He issued orders of clemency for George Handy Brown, 47-year-old cook, and Richard Cox. Both are Negroes.

Brown has been awaiting execution for the three-shot murder of Standola Hamilton, Negro, on May 22, 1948, in Annapolis. Brown, who shot two other Negroes during the fracas, was refused a motion for new trial after he was convicted in the Anne Arundel County Circuit Court October 30, 1948. The case was not appealed.

Cox had been convicted on August 27, 1948, of breaking into a Baltimore home and fatally shooting William Richman on May 12, 1948. The appellate court affirmed the verdict of the Baltimore Criminal Court on March 10, 1949.

Brown A Cripple

The Governor wrote in Brown's commutation order that "under the circumstances (Brown being a cripple) I cannot bring myself to sign his death warrant."

Brown, who will be eligible for parole in ten years, was accosted by William Duckett on the fatal night at Gott's court in Annapolis.

Duckett accused Brown of making advances to his girl, Standola Hamilton. Brown drew a .38-caliber revolver and shot Duckett.

He then shot the girl three times, once in the arm, once at the base of the brain and fatally in the neck. He shot at and missed another Negro woman and later shot Joseph B. Brown. Only Miss Hamilton died.

Advised Against Commutation

F. Murray Benson, director of the Division of Parole and Probation, wrote the Governor last November 14, advising against commutation.

"I can find no reason," he wrote, "to believe that anything short of Divine Providence could make a good citizen out of him."

Cox was convicted after a confession enabled police to find the .45-caliber with which he fatally shot William Richman in 1948. Clothing worn the night of the murder was also recovered.

Cox woke up Richman's father by breaking into the house by a window. The father called his son. Cox ran through the father's bedroom, colliding with young Richman in the hall. The son was shot and died two days later.

The commutations of the death sentences of Cox and Brown leave only Thomas Alexander Edwards in the Penitentiary's death house.

Edwards, 26-year-old Negro, has been convicted in two separate trials of the murder of John H. Mahlan and Miss Mary C. Kline in Anne Arundel county more than two years ago.

MORN-SUN 1-9-51

The New Grand Jury Has The Public To Consider

A new grand jury in Baltimore has been sworn in with all the solemnity appropriate to the grave responsibilities with which its members are charged. In this city, as elsewhere in the United States, it is the grand jury which most closely represents the public's concern with the maintenance of order and justice and which has the broadest possible powers of investigation in the public's behalf. In the hands of some grand juries these powers have led to revelations of crimes and corruption that might never have been uncovered otherwise. In the hands of others the powers have been wasted.

Judge Joseph Sherbow, speaking for the Criminal Court, has urged that the present grand jury exercise fully its right and duty to make searching inquiries into matters of great public concern. And among the foremost subjects which Judge Sherbow has recommended to the jury for immediate attention are the reports of police brutality in this city. This is a subject which came late to the attention of the outgoing grand jurymen, whose term ended last Friday, and is now before a fresh jury which can give it the time and study it deserves.

In calling attention to this unfinished business, Judge Sherbow told the new grand jury that it "should thoroughly and promptly investigate every complaint dealing with this situation." Whether in emphasizing "every complaint" the judge meant that the present jury should review the two cases already heard by the previous grand jury is not clear. But from the public's point of view, those two cases came to an indecisive ending. One case, at least, was based on an eyewitness account by a competent reporter of a policeman striking a prisoner in a police station. Yet the public knows nothing more about the findings of the previous grand jury than its brief report that "the evidence . . . does not warrant the return of any presentment."

While the right of a grand jury to make secret investigations is a right to be jealously guarded, there are times when a public hearing of one sort or another is healthier for the community than a terse report that the evidence in a case was not conclusive. Particularly in as inflammable a subject as police conduct in Negro areas there is very need to have the public, as well as members of the grand jury, fully informed as to what is and what is not true about the many reports of rough treatment. There are, unfortunately, disruptive elements in the community who will make the most of all charges, whether they are true or not, and only the grand jury is presently in a position to keep the record both straight and public.

MORN-SUN 1-9-51

GRAND JURY GETS CHARGE

Judge Discusses Alleged Police Brutality, Gambling, Dope

Judge Joseph Sherbow yesterday charged the new grand jury to investigate "thoroughly and promptly" all reports of police brutality, and warned the incoming jurors of the increasing law-enforcement problems caused by gambling rackets and the narcotics trade.

Judge Sherbow declared that police in making arrests are "required to conduct themselves with a proper regard for the rights" of prisoners and with equal regard for "the public interest, which should be paramount."

The jurist said he was voicing the sentiments also of Judges Emory H. Niles and S. Ralph Warnken, who with Judge Sherbow are presiding in the various sections of the Criminal Court.

Tells Of Drug Problem

Regarding gambling, Judge Sherbow called it "obvious that in the city of Baltimore gambling is so rampant and on a scale so widespread as to be difficult even to fully appreciate."

He said it is impossible for gambling to "flourish on a large scale without the knowledge of members of the police force."

Judge Sherbow said use of narcotics has spread, particularly among teen-agers, and that the problems posed by the use of drugs are becoming "increasingly serious." Use of both marihuana and heroin is widespread, he told the grand jurors.

Brutality Probe Continues

One of the tasks the jurors face is to continue a probe begun by the last grand jury into police-brutality reports. The retiring jury had considered only two of a large number of brutality complaints.

In directing the new jury to continue the investigation, Judge Sherbow said:

"One of the reports of the retiring grand jury to which we specially direct your attention deals with alleged police brutalities in certain cases.

"You should thoroughly and promptly investigate every complaint dealing with this situation. You will have the co-operation and assistance of the State's attorney and his staff."

Sodaro Offers Help

Anselm Sodaro, State's attorney, disclosed later that he had conferred with the grand jury and offered his help in the brutality probe.

"Unnecessary violence," Judge Sherbow stated in his charge, "has no place in any phase of police activity, and wilful destruction of property when making raids will not be countenanced.

"At the same time we must recognize the difficulties under which police operate in making such arrests."

"Attacking the "manifold activities" of gambling racketeers, Judge Sherbow said: "It is important to realize that the whole business is a fertile breeding ground for bribery, crime and criminal activity."

The Stokes Case

To the Editor of The Sun—*Sir:* In many instances I do not take cognizance of rumors in relation to police man-handling but when a *Sun* reporter writes a lengthy article, as was the case in the Stokes man-handling case, it proves to be most disturbing. Either *The Sun* correspondent is guilty of prevarication or Commissioner Ober's verdict in the matter is a rare form of upholding lawlessness within the framework of the law itself.

I think that *The Sun* should withdraw such untruthful propaganda or Mr. Ober should take steps to eliminate this outrage against our citizenry, as the case literally cries for truth and justice to be meted out. Rev. Marion C. Bascom,
Minister, Douglas Memorial Community Church.
Baltimore, Jan. 6.

The Sun has not retracted its eyewitness report of what happened at Northeastern Police Station.—The Editor.

NEWS 1-9-51

Sodaro Will Take Morgan Hit-Run Case To Jury

An announcement that the case of Patrolman Roland Morgan, killed by a hit-and-run driver, would be taken directly to the new Grand Jury was made today, as the officer's funeral was held.

Anselm Sodaro, new State's Attorney, said the case would be given to the Grand Jury as soon as the jury completes its organization. The prosecutor, who investigated the case personally after it occurred last Friday night, said it is practically complete and ready for trial."

HEARING OMITTED

There is no need, he added, for the usual preliminary police court hearing.

Defendant in the case is John J. Caskie, Jr., twenty-nine, of Cockeysville. Caskie has been charged with manslaughter, driving under the influence of liquor and with several other traffic offenses.

FUNERAL HELD

The funeral of Patrolman Morgan, who lived at 3706 Coolidge avenue, was held this afternoon. He was buried with full departmental honors. Services were held at a funeral home on Chestnut avenue and later at the Violetville Methodist Church. Burial was in Loudon Park Cemetery.

Patrolman Morgan was found lying unconscious and fatally injured beside his patrol car at Roland and Upland avenues.

MORN-SUN 1-10-51

Jurors To Hear Hit-Run Charges

The grand jury tomorrow will be asked to consider manslaughter charges against John J. Caskie, Jr., 29, in the hit-run traffic death of Patrolman Roland Wallace Morgan, it was announced yesterday by Anselm Sodaro, State's attorney.

Mr. Sodaro previously had disclosed that since the State was about ready to proceed with the trial of the case, he would dispense with the usual police-court hearing and take the case directly to the grand jury.

Patrolman Morgan was fatally injured at Roland and Upland avenues after he was struck by an automobile that failed to stop. Caskie, who lives near Cockeysville, was arrested about two hours later at a Falls road night club. He faces charges of drunken driving, reckless driving, failing to stop after an accident and driving without a license and will be tried in Traffic Court on the traffic counts January 23.

MORN-SUN 1-10-51

'YOUTH COURT' NEEDS CITED

Sherbow Lists One As Reorganized Probation Department

The future success of the newly established youth court requires reorganization of the Probation Department and the assignment of a full-time prosecutor from the State's attorney's office, Judge Joseph Sherbow said last night.

Speaking at the annual dinner-meeting of the Jewish Big Brother League, the Baltimore Supreme Bench jurist reported that the court for youthful offenders was "doing all right—with reservations" after three months of operation.

The new court began hearing cases October 2. It was established to try defendants between the ages of 16 and 21—an age group that previously was treated as adults in the criminal courts.

After three months of trying cases in the court, Judge Sherbow said that "if anyone asked me how it is working, I would say that it is doing all right—with reservations."

"It is not working as well as enthusiasts, like myself, would like," he said.

Pointing out that the court has heard about 300 cases so far, he said that two major needs must be met if the court is to fulfill the task for which it was established.

"It is essential," he said, "that the State's attorney assign to the youth court one of his assistants who will have the sole responsibility for the operation of the court in so far as it affects the prosecutor's office.

"He must be an assistant who is interested in this work and be allowed freedom of action by his superiors, so that his time will not be taken away from the youth court.

Carries More Than Share

"For the past three months, the assistant State's attorney assigned to the youth court has been compelled to carry his share—indeed more than his share—of the other day-to-day work of the office.

Referring to the Probation Department, Judge Sherbow said that youths paroled from the court must be placed under strict observation.

"They must be visited in their homes and places of employment and among their associates and friends. This must be done unexpectedly in order to find the probationers as they are, not as they want to appear.

Public Assistance Needed

"The Probation Department is not set up to do this kind of a job. It needs reorganization. This is said in no spirit of criticism, because the director, his chief deputy, and the probation officers have on the whole done a magnificent job—and I underscore magnificent—under great difficulties.

"It is simply impossible to carry the case load that they do and do an effective job." Concluding Judge Sherbow emphasized that the youth court "is no panacea—it is not a means to end, it is just a means to an end, it is just a part of the administration of justice."

EVE-SUN 1-9-51

Armed Robber, 17, Gets 15-Year Sentence

Identified by the robbery victim and a young girl customer in the robbed grocery, John Mabane today was sentenced to a fifteen-year term in the State reformatory for armed robbery.

Judge Emory H. Niles in Criminal Court found the defendant guilty, and, although Mabane is only 17 years old, ruled that probation was not possible in such a case.

The young Negro defendant had held up Joseph Posner, grocer in the 1500 block McElderry street, last November 28. Mr. Posner and Carmelita Gross, girl customer, were the identifying witnesses produced by James F. Price, assistant State's attorney.

"Few Tangible Results"

He said few "higher-ups" ever are apprehended by police in search of gambling violators. "Investigations of the gambling racket in the past have resulted in much publicity but few tangible results," he said.

He asked the jury to make "searching inquiries" to find out why "only the surface" of gambling operations is scratched by the normal police investigations and told the jurors they might find "a pattern" in Baltimore gambling and "then you can act."

W. Norris Weis, of the 3600 block Alameda circle, Y.M.C.A. youth-camp official and a former Montgomery county high-school principal, was named foreman of the jury and Mrs. Frederick P. Stieff, of the first block Midvale road, named assistant foreman.

EVE. SUN 1/16/51

Change Suggested For Youth Court

The reorganization of the Probation Department and the assignment of a full-time prosecutor from the State's attorney's office are necessary if the recently established youth court is to be successful, Judge Joseph Sherbow said last night.

Judge Sherbow told his audience at the Jewish Big Brother League's annual dinner meeting that after three months of operations the court for youthful offenders was "doing all right—with reservations."

To make it work better, he said, a prosecutor who can give all of his time to the youth court is necessary and the Probation Department must be reorganized to lighten the case load it is carrying.

Prayers Are Said For Edwards

Negro ministers throughout the city have been conducting prayers at services calling for the freedom of Thomas A. Edwards, condemned to hang in the murder of a young Glen Burnie couple, according to the Rev. Ely L. Lofton, Negro superintendent of the West Baltimore district of the Methodist Church.

He said today that more than 50 ministers are co-operating in conducting special prayers for Edwards's freedom after approval of the idea at ministerial meetings held by the Baptist, African Methodist-Espiscopals, and Methodists.

The Rev. Mr. Lofton said that the Rev. Hiram Smith, pastor of Mount Lebanon Baptist Church, and two laymen, Mrs. Ellen G. Buchanan and Ralph McGuire, joined him in distributing a letter to the ministers calling upon them to lead the congregation in prayer.

Fact Sheet Enclosed

A fact sheet which recited the background of the Edwards's case accompanied each letter.

The letter follows:

"We all look forward with a great deal of hope to the New Year of 1951 as a year of peace and justice.

"In such a spirit we are taking the liberty of writing you to bring to your attention again the case of Thomas Edwards, who has just spent his third Christmas in the death house in the Maryland Penitentiary. You remember the case of Mr. Edwards—he was convicted of the murder of a young man and woman in Anne Arundel county.

We are sure that after you have read the enclosed fact sheet and you recall again the details of this case, you will become justifiably indignant over the torture and anguish inflicted on this young man by the State of Maryland. We are confident that your sense of righteousness will move you to protest.

"Does not the doctrine of the Brotherhood of Man require that we speak out to save the life of this young Negro?

"We respectfully call upon you to lead your congregation in prayer . . . for the freedom of Thomas A. Edwards."

MORN-SUN-1-11

BALTIMORE, THURSDAY, JANUARY 11, 1951

Strong Judicial Words On The Police And Gambling

More outspoken comments have not been made on the subject of gambling in this city than those of Judge Joseph Sherbow in his "charge" to the new grand jury. Noting that gambling is apparently rampant here, Judge Sherbow told the jurymen that it "could not flourish here on a large scale without the knowledge of members of the police force."

Coming from a judge who was speaking at the time for the Criminal Court, with two other judges at his side, those are significant words. They were not spoken lightly nor meant to be taken lightly. They were words intended to stimulate action on the part of the grand jury, as well as to arouse the citizenry, and they came from a man who has presided over a great many gambling cases in this city.

Judge Sherbow conceded that gambling can never be wiped out altogether and that some people cannot or will not understand why gambling is permitted at race tracks and not elsewhere. But that, he added, is "no excuse for not enforcing the law." Judge Sherbow also conceded that the police have to make arrests in accordance with legal procedures. It may be difficult to get courtroom evidence against known gambling operators. But then he noted significantly that only the small fry are arrested. Few "higher-ups," the judge said, appear in the parade of gambling violators to Criminal Court.

How far does the gambling racket extend? Who are involved in its manifold activities? Judge Sherbow told the jurymen that the answers to these questions were not known. The investigations of the past have only scratched the surface of the problem. But it is important to realize, the judge said, that "the whole business is a fertile breeding ground for bribery, corruption and criminal activity. Vigilant and constant action is required on the part of every law enforcement agency."

Coming from a judge, as we noted above, these are all meaningful and authoritative words. They confirm the layman's frequently voiced opinion that large-scale gambling operations can hardly be conducted under the nose of the police without a few officers becoming aware of them. They confirm the opinion that law enforcement begins at home and that gambling is not going to be broken up by congressional attempts to deprive gamblers of their telephones or to control the shipment of slot machines.

What Judge Sherbow has said, putting it in less judicial language, is that something is rotten in Baltimore. And he has indicated to the grand jury that it has the power and opportunity to find out what is going on. To the jurymen that may seem like an overwhelming assignment, but a grand jury in Brooklyn recently took on the same job, and the results were well worth the effort.

MORN-SUN 1-11-

JUDGE DECRIES COMMUTATION IN COX CASE

Criticizes Lane For Changing Death Sentence To Life Term

Judge Herman M. Moser yesterday said he saw no reasons to justify the action of former Governor Lane in commuting the death sentence of Richard Cox for murder to life imprisonment.

The jurist, who presided at the trial of Cox, a Baltimore Negro, said the only apparent basis for the commutation action taken by Mr. Lane 48 hours before his term ended yesterday was that Cox had been allowed to wait two years in the deathhouse at the Penitentiary.

Judge Moser strongly urged passage of legislation which would make such "terrible mental torture" impossible.

Writes Letter To Benson

In a letter to F. Murray Benson, chairman of the Division of Parole and Probation, the judge declared:

"This killing was a cold, deliberate, unnecessary act that took the life of a young war veteran who had just recently married, and who was awakened from his sleep in the nighttime by Cox's entering his home, where he lived with his invalid father and aged mother.

"Cox brutally beat the deceased and then callously and deliberately killed him.

"This letter is written reluctantly, but I feel that my obligations to the citizens of Baltimore as the judge who sat at the trial of this case make it necessary."

Judge Moser himself served as State probation director before he was named a judge.

Wants Views Part Of Record

Judge Moser declared there was no reason for the commutation of the death penalty for Cox was given by Mr. Lane and said he understood no recommendation in Cox's case was sought from the probation division.

The judge said he wrote his letter, in the first place, so his views would be a part of the record when and if Cox later applies for parole.

A second and equally important reason for his letter, Judge Moser asserted, was to emphasize the need for legislation setting a time within which the Governor must act in capital cases, after which time the date of execution would be fixed automatically.

Cox was sentenced to hang August 27, 1948, and the sentence was commuted on Monday of this week, the judge pointed out.

He said that passage of legislation "would undoubtedly prevent the terrible mental torture that all condemned persons must go through with the irdefinite period of waiting for the last appeal to be heard, a time during which each opening of the door may be a reprieve, just prison routine or a final turndown."

"If the Governor had conscientious or religious scruples against the infliction of capital punishment, it would permit the law to be enforced without compelling the Governor to do violence to those scruples," Judge Moser said.

He suggested that the Governor might be given power to extend the time for action in the event of extraordinary circumstances.

Judge Moser first suggested passage of such legislation last year. He said that "punishment acts as a deterrent," and it would then "be administered while the crime was still fresh in the public mind."

Cites Psychiatrist's Report

In writing to Mr. Benson, Judge Moser said:

"I desire this letter to be made a part of the Parole Department files, so that it will be before the then director at the time this individual's case comes up for parole, as under the law it must.

"This man for a long period prior to his trial for murder had operated outside of the accepted standards of society. In 1942, he was sent to Cheltenham for pocketbook snatchings, and upon his release engaged in a series of burglaries in Baltimore city and elsewhere.

"He was examined by the court psychiatrist prior to sentence, and the doctor reported that Cox was a 'psychopathic personality, but clearly a responsible agent.'

"Further quoting, the doctor stated, 'He speaks of the crime in a matter-of-fact manner and coldly states that he does not think he did wrong—and the only thing he is sorry about is that he was caught.'"

'Frisking' Bill Urged For City

Anselm Sodaro, State's attorney, yesterday asked the Legislature to exempt Baltimore city from that portion of the Bouse Act which prohibits police from "frisking" persons suspected of carrying concealed and dangerous weapons.

Mr. Sodaro pointed out that in 1947, Baltimore county was successful in obtaining exemption from the Bouse Act with regard to the unlawful carrying of concealed weapons.

He said he has been informed that the Baltimore county exemption "has proven most satisfactory to both the law enforcement agencies and the people of Baltimore county."

In a letter addressed to Thomas F. Dempsey, chairman of the judiciary committee of the House of Delegates, Mr. Sodaro declared that "the present use of concealed weapons and the difficulty of detection of persons carrying them has, at least in part, contributed to the rise in the number of aggravated assaults and homicides."

"This office, as well as the Police Department of Baltimore city, are most anxious to bring about the passage of similar legislation applicable to Baltimore city," the prosecutor continued.

EVE. SUN - 1-/11/51

Charge Of Man Slashing Policeman Is Aired

Counsel for James Hardy, 26-year-old Negro charged with slashing a police officer with a butcher knife "with intent to kill," today waived preliminary hearing in Northwestern Police Court and Magistrate Thomas L. Fitzpatrick set bail at $1,000.

Hardy allegedly gave Patrolman William Pestridge, 30, a 5-inch cut over the left eye which sent him to Mercy Hospital on December 9 when the officer attempted to quiet him in a restaurant in the 1800 block Lorman street.

N.A.A.C.P. Charges Brutality

The National Association for the Advancement of Colored People has charged that Pestridge, and other policemen in the restaurant gave Hardy a brutal beating in arresting him.

The N.A.A.C.P. on December 20 wrote Col. Beverly Ober, Police Commissioner, saying that Pestridge, "while in uniform and on duty, initiated a drinking party" at a restaurant at 1901 Baker street, "for which he provided the liquor."

It was indicated that Hardy's defense will be that the beating grew out of the drinking party the N.A.A.C.P. charges was given by the officer.

Acording to the patrolman, Mrs. Anthony Theodora, owner of the Lorman street establishment, met him on the street and said she was worried because Hardy, a short-order cook employe, was drinking heavily.

Pestridge said he was shoved by Hardy when he attempted to talk to him and was stabbed in the scuffle which followed.

B. F. Goodrich FIRST IN RUBBER — Tire Headquarters

Judge Seeks 'Higher Ups' Data In Numbers Cases

Special inquiries to determine "higher ups" in the numbers racket were presesd by Judge Joseph Sherbow in Criminal Court today as minor figures such as "numbers writers" and mere "players" were arraigned on lottery charges.

A woman numbers writer, with no record, was fined $100 and given a 30-day suspended jail sentence on condition that she stay out of gambling activities.

The woman was Mrs. Clara Walston, 37, of the 900 block East Preston street. The judge told her that as far as he was concerned all women had to understand they must stay out of the numbers business.

Trap Set For Others

The judge deferred sentence on Otis Harding, Negro chemical plant worker, when it turned out, as the judge said, that Harding "walked into a trap set for other people."

A Negro policeman, Leroy Moody, had actually taken a janitor's job in the chemical plant in an effort to trap numbers-racket figures. But Harding, who said he was merely substituting for someone else as "writer," was caught with numbers records.

Judge Sherbow pointed out that the man had gone to jail because no "syndicate" sought to bail him out or engage counsel. Finally the Legal Aid Bureau furnished Joseph I. Pines as defense attorney. And fellow workers at the plant, angered because Harding had been allowed to "take the rap for someone else," posted bail for the man.

Judge Sherbow said he was pressing an additional investigation before sentence.

Bribery Attempt Nets Agent Six Months, Fine

Jesse Williams, 72-year-old agent for a slum landlord, drew six months in jail and a $250 fine today for the attempted bribery of a city health inspector.

Testimony was that Williams, who lives at 532 North Calhoun street, pressed $25 on Eugene Chircus of the health department, asked him to "take it easy," and tell Judge Harry Kruger of the Housing Court that his dilapidated houses were in good repair.

Williams was identified as agent for Jacob Petrushansky, owner of much slum real estate who has made frequent appearances in Housing Court. He appeared before Judge S. Ralph Warnken in Criminal Court this morning after Judge Kruger had ordered him arrested in his own courtroom last month.

Age Considered

Judge Warnken, in passing sentence, said he would have made the sentence much more severe but for Williams' advanced age.

Chircus said three houses in the 200 block of North Gilmor street were dilapidated and hazardous, and that in one of them a 1½-room apartment housed nine people, who were paying almost three times the legal ceiling rent.

He said that Williams called him to the houses, three days before a housing court trial on them was scheduled, to confer on "something he couldn't talk about on the phone." Williams, he said, told him:

"We don't want any more trouble with Kruger. Tell him the houses aren't bad, and that we've fixed them up. Christmas is coming and you can use some money. We'll take care of you."

Testimony Contrast

Chircus said Williams forced himself into a city car and dropped $25 in bills on the floor, and left saying, "Don't worry, I'm all right. There won't be any trouble."

The testimony of Williams was in sharp contrast. He said he did not try to bribe Chircus, and that he did not enter the car. He said Chircus "called me a smart aleck because I drove a Buick, and asked me how much I made."

John Hicks, another health department inspector, said he joined Chircus a few minutes after the incident, on November 27, and saw the money on the floor of the car. He said neither of them touched the money until they had talked with G. Yates Cook, their superior.

When today's trial was over Judge Warnken told Assistant State Attorney J. Harold Grady the money might be "given back to Williams."

"Resisted By Some"

Judge Warnken told Frank J. Blair, the defense attorney, "I agree that it's a question of who to believe. I believe Chircus, and think it happened about as he says. . . . The city is engaged in a large undertaking in requiring that houses be put into and kept in good condition, and that is beneficial to everybody.

"This is resisted by some owners, of whom we hear and read every day. . . . Their cases are tried in the Housing Court. . . and there the sancity of the administration is possibly more important than in the upper courts. . . .

"The attemped bribe of a city employé trying to enforce health laws strikes at the very foundation of city government, and cannot be tolerated. It ought not to be treated lightly when one is found guilty. In this case I am willing to take age into consideration. If he were a younger man I would make the sentence much more severe."

Priest Protests Sentences In Rape Case

Reduction of the sentences against James LaGuardia and two companions today was termed "unsatisfactory" by the Rev. Joseph J. Ayd, S.J., Catholic chaplain at the State Penitentiary, who repeated his charge that there is no evidence of the rape for which they were convicted.

Former Governor Lane yesterday reduced the sentences of the three prisoners to five years.

LaGuardia, a 30-year-old circus roustabout, and his companions, Delmar Foster, 21, and Gilmer P. McArthur, 19, were convicted in September, 1947, in the Baltimore County Circuit Court for raping a thrice-married mother of two children near Essex in June, 1947.

Sentence Commuted

A sixth sentence against LaGuardia was commuted to life imprisonment by Mr. Lane on Christmas Eve, 1948. Foster was facing a life term and McArthur was serving a 21-year sentence.

Following their committment to the penitentiary, Father Ayd heard the pleas of innocence made by the three prisoners and instigated an unofficial investigation of the case which he said convinced him they had not raped the woman.

During the three-year investigation, the chaplain was assisted by two private detectives, John and Nelson Cooney, both former Baltimore policemen, Joseph G. Finnerty, and attorney and formerly an assistant State's attorney, and Lieut. Col. Richard Hirsch, an army officer who volunteered his services.

Priest States Views

Speaking today for himself and those who assisted him in the investigation, Father Ayd said:

"Those who labored with me so long and efficiently on the case feel the same as I do about former Governor Lane's final decision. We consider it unsatisfactory, though a step in the right direction.

"When analyzed, we do find it legally mysterious: either the youngsters committed an outrageous rape or they—as we contend—did not do so.

"If they did, then they should not have had their sentences reduced. If they did not, then they should have been pardoned pronto, because they are serving sentences for a crime they did not commit, no matter what else they may have done that fateful night . . ."

Evidence Disputed

Father Ayd then reasserted his argument, made repeatedly during hearings before the Governor, that the medical report on which the prosecution of the three defendants was based contained no evidence of rape.

He declared that the doctor who had examined the woman shortly after she reported to police that she had been attacked later admitted that there was no evidence of rape.

"The young City Hospitals intern who filed it (the medical report) and who was in Annapolis at the time of the trial and hence could have easily been summoned later sent an affadavit to the Governor to the effect that he had made a mistake in his diagnosis," the priest said. "He categorically asserted that there was no evidence of rape in his report."

Error Contended

Father Ayd said he had submitted copies of the intern's report to five of Baltimore's outstanding gynecologists. "They confirmed the fact that the young doctor was in error," he added.

"The Governor had all this evidence on his desk when he finally decided the case and wrote his 'alibi' for his strange decision," the chaplain concluded.

Lane Issues Statement

In a statement issued yesterday when he announced the commutations, Mr. Lane referred to a letter he received from the City Hospitals intern, stating that details in his report "should have made the diagnosis of rape very questionable, despite by inexperienced statement."

"Notwithstanding the (intern's) statement," Mr. Lane said, "I am convinced that the alleged victim was a passenger in the automobile in which the accused were riding and that she was severely beaten by them and abandoned," the former Governor stated.

"Whatever doubt that may have arisen since their trial and conviction as to the technical commission of rape, I am not convinced that they are entitled to clemency by way of pardon," he continued.

Mr. Lane cited the fact that the three defendants admitted having committed armed robbery for which they were not subsequently tried.

MORN-SUN-1/12

AUTO DRIVER INDICTED IN MORGAN CASE

John J. Caskie, Jr., Accused In Hit-Run Fatality Of Patrolman

John J. Caskie, Jr., of near Cockeysville, yesterday was accused in a special presentment and an indictment returned by the grand jury of automobile manslaughter in the hit-and-run death of Patrolman Roland W. Morgan.

The indictment charged that Caskie "unlawfully, in a grossly negligent manner, did kill and slay Roland Morgan."

The policeman was injured fatally Friday night at Roland and Upland avenues. His body was found lying near his patrol car.

Had Made Call At Box

Police records disclosed that the patrolman had previously made a call from a police box on that corner.

Caskie was arrested about two hours later at a night club on the Falls road by Baltimore county police who were acting on a radio broadcast to be on the lookout for a vehicle with a damaged headlight.

The arresting officers reported they found a station wagon, damaged and blood-stained, parked on a lot near the Valley Inn.

Anselm Sodaro, State's attorney, sought an immediate indictment by the grand jury, circumventing the usual police court hearing. Three witnesses in the case appeared before the investigating body yesterday.

Trial Date Not Fixed

Mr. Sodaro said the case will be tried in Part 2 of the Criminal Court before Judge S. Ralph Warnken, but stated no trial date has been fixed.

Caskie also faces charges of drunken driving, reckless driving, failing to stop after an accident and failing to have an operator's card. He is scheduled to be tried on those charges January 23 in the Traffic Court.

The automobile manslaughter charge carries a maximum penalty of three years' imprisonment.

Landlord's Aide Jailed In Attempt To Bribe

Jesse Williams, 72, agent for a Baltimore landlord, yesterday was sentenced to six months in jail and fined $250 after he was convicted of attempting to bribe a sanitary inspector for the city Health Department.

Williams was convicted by Judge S. Ralph Warnken in Criminal Court of attempting to get Eugene Chircus, the inspector, to accept $25 in return for testifying in the Housing Court that three Gilmor street properties were in good repair.

Chircus testified he refused to accept the money, but Williams insisted on throwing it on the floor of a city-owned automobile used by the inspector.

Williams was identified as an agent for Jacob Petrushansky, who denied he had any connection with the attempted bribe. Judge Warnken said only Williams's age prevented him from imposing a more severe sentence. Williams lives in the 500 block North Calhoun street.

MORN-SUN-1/13

TEEN-AGER HELD IN FATAL STABBING

Case Sent To Grand Jury After Eastern District Hearing

A teen-ager who admitted the fatal stabbing of Eugene Botts, 18, in a street fight December 8 was held for the grand jury yesterday after a hearing in the Eastern Police Court.

The youth charged is James D. Vencill, 17, of the first block South Collington avenue. In a statement taken by Sergt. Edward A. Mooney, Vencill gave this account of the stabbing, which occurred in the 700 block East Baltimore street:

Botts and two companions were in a lunchroom with a 17-year-old girl when Vencill entered for coffee, asked the girl to join him across the street, then left.

Joins Other Youths

A short time later, the girl left the lunchroom and went across the street to Vencill and two other youths.

Then, Botts and his companions came out of the lunchroom.

Vencill's statement said, "I then called over a boy by the name of Cotton (Botts) and said, 'Cotton, do you think you can lick us?' Cotton said, 'Yes, start some trouble.'

"I then stabbed Cotton in the stomach with a paring knife."

Reports Of Examiner

Botts died December 15 in the Johns Hopkins Hospital. An autopsy report by Dr. Russell S. Fisher, chief medical examiner, said Botts died of a knife wound in the abdomen complicated by acute kidney failure.

Sergt. Thomas McKenna said the companions with Botts during the fight were illiterates.

One of Vencill's companions, Cluster Young, 17, of the 1100 block Quantril way, is being held under $600 bail for disorderly conduct and carrying a switchblade knife on the night of the fight.

SUNDAY SUN 1-14-51

State's Attorney Group To Discuss Legislation

Pending legislation relating to criminal procedures will be analyzed and discussed at a meeting of the State's Attorneys Association of Maryland at its annual meeting here on February 2, it was announced yesterday by J. Bernard Wells, president of the group.

Mr. Wells is still titular head of the association, though he has been succeeded as State's attorney of Baltimore city by Anselm Sodaro. A new president will be elected at the meeting, which will be held in the Emerson Hotel.

Mr. Wells said his successor has agreed to have legislation pending before the present General Assembly and dealing with criminal matters assembled for presentation to the members for their discussion.

MORN-SUN-1/15

COURT HEARING TO BE IN HOSPITAL

Prosecuting Witness, Disabled By Bullet, To Testify

Proceedings in the Criminal Court of Baltimore will be temporarily removed today to the Veterans Hospital at Fort Howard, where the testimony of a bed-ridden prosecuting witness in a serious shooting case will be taken by Judge Joseph Sherbow.

Judge Sherbow has announced he will take a court clerk, a stenographer and a deputy sheriff along with him to the bedside of Arthur Watson, 23-year-old, Negro veteran who was permanently disabled by a bullet that severed his spine.

Cousin Is Accused

Kaleb Watson, 23-year-old cousin of the victim, is accused of assaulting and shooting Arthur Watson last September 9 after an argument in the 1500 block West Fayette street.

The shooting victim is paralyzed from his chest down and probably will spend the rest of his life lying prone on a hospital bed, according to J. Harold Grady, assistant State's attorney.

Only One Removal

Hospital authorities have refused to permit the shooting victim to be removed to the courtroom. It was pointed out that the man will have to be moved soon to a permanent bed in another hospital, and that only the one removal will be allowed.

The testimony will be started in the courtroom and also concluded there, Mr. Grady said. Only the testimony of Arthur Watson will be taken in the hospital.

Albert Frankel is court-appointed defense counsel.

MORN-SUN-1/16

COURT GOES TO BEDSIDE

Judge Sherbow Hears Testimony Of Shooting Victim

Judge Joseph Sherbow, who was presiding at the trial, leaned against an adjacent bed and a hospital staff physician appeared to be thinking about something far away as he looked out over the Chesapeake Bay.

It was a Criminal Court trial, but the locale and the furnishings were unlike any that ever were a part of a Baltimore courtroom.

For instance, Judge Sherbow, a deputy court clerk and a deputy sheriff stood, while several spectators were seated. The witness was lying flat on his back in a bed. The judge made his entry into the room inconspicuously. He was not robed; no court crier hailed his entry.

Caleb Watson Shot Cousin

Only Caleb Watson, 23-year-old Negro, whose liberty was at stake, seemed to be fully aware that although the courtroom was not the same, the results of the trial could be just as serious to him.

For it had been Caleb Watson's misfortune to shoot his cousin, Arthur Watson, 23-year-old veteran, and by that shot to condemn his relative to a hospital bed for the rest of his life.

Arthur Watson suffered a spine injury that has caused him to be paralyzed from the waist down. His condition is so precarious that physicians refused to permit his removal to the Criminal Court of Baltimore.

Trial Goes To Victim

So the trial went to the shooting victim, to his fifth-floor room at the Veterans' Hospital at Fort Howard.

Three automobiles carrying detectives, lawyers, court attachés and the judge attended the hospital hearing yesterday afternoon. Then they returned to the courtroom in the city to finish the trial.

Although the defendant contended he shot in self-defense, Judge Sherbow ruled the shooting was "utterly and completely inexcusable" and imposed a sentence of ten years in the Penitentiary.

J. Harold Grady prosecuted the case. Albert Frankel was court-appointed defense counsel.

Only A Minority Involved

To the Editor of The Sun—Sir: In justice to the great majority of policemen who conduct themselves in a gentlemanly manner, I feel that it should be made clear that complaints of brutality have only been made against a small minority of the Police Department. As happens unfortunately in many cases the improprieties of a few members of a large body cast an unfavorable reflection upon the entire group.

The *Sunpapers* should be commended for their fairness in publishing the recent articles about policemen's acts of extraordinary courtesy as well as the articles on police brutality.

HYMAN A. PRESSMAN.

Baltimore, Jan. 13.

EVE. SUN 1/16

Numbers Charge Costs 6 Months

A six-month prison term and a $300 fine were imposed by Judge Joseph Sherbow in Criminal Court today on William Johnson, a numbers defendant who was granted probation only a few months ago.

Johnson, a Negro, of the 1500 block West Lexington street, had been fined $300 and put on probation under a six months suspended sentence last fall by Judge Michael J. Manley. He was arrested in a new raid January 3, J. Harold Grady, assistant State's attorney, told the court today.

In another numbers case, Mrs. Betty Jones, 50-year-old widow, a Negro, was fined $15, plus $19.40 in costs, for possession of a numbers slip which she said must have been "played" by her husband, who died about two years ago.

Police who searched the woman's house in the 500 block West Hoffman street for another purpose, found the numbers slip inside a piano. The slip was undated but bore the name of the woman's dead husband.

Youth, 16, Gets Prison Term

A 16-year-old orphan boy—a delinquency problem since the age of 10—today was sentenced to an indeterminate term of not more than 18 months in the State Reformatory by Judge Joseph Sherbow, after his trial in the Youth Court section of Criminal Court.

Tht young burglary defendant was classed as "a real problem" by Judge Sherbow. He is Lawrence Butler, who has lived with relatives in the 3600 block Elmley avenue.

Jewelry Store Case

Last November 23 young Butler and an 18-year-old companion, Raymond Crocker, were arrested while burglarizing a North Howard street jewelry store. Police answering an automatic burglar alarm found them at the scene.

Judge Sherbow told the youth that probation could not be considered since he "already had a number of chances." J. Harold Grady, assistant State's attorney, pointed out that Butler had a juvenile record since 1944 and had been committed to a training school for supervision more than two years ago.

Efforts to get the boy into a special youth school in the West had failed.

MORN-SUN-1/17

PATTON TRIAL UNDER WAY IN COURT HERE

Father Of Two Accused Of Manslaughter In Pedestrian's Death

Accused of causing the death of a woman pedestrian while engaged in an automobile race at high speed along Huntington avenue last October, Joseph R. Patton, Sr., yesterday went on trial in Criminal Court on automobile manslaughter charges.

Patton, a father of two young children, last March was acquitted by a Baltimore county court of a charge of murdering his 24-year-old wife by shooting her five times with a rifle.

In the Baltimore case, Patton is accused of causing the death of Mrs. Gertrude Elburn, 36, after running into her as she was crossing the intersection of Huntington avenue and Twenty-sixth street. The trial will be resumed this morning before a jury under Judge S. Ralph Warnken.

Rainy, Dark Night

J. Harold Grady and William C. Rogers, Jr., prosecutors, charged that Patton ignored the warnings of two young girls in his car to look out for the woman pedestrian while he was racing with another car on a rainy and dark night.

Through Alan H. Murrell, defense counsel, Patton contends that the other automobile, and not his, struck the woman. The driver of that car, identified as Joseph Detorie, is now in the Army overseas, the Court was told.

Veteran Of Navy

Eleanor Sadler, 15, of the 300 block West Thirtieth street, one of the passengers in Patton's car, testified she told Patton to look out for the woman crossing the street, but said he ignored her plea and continued to speed.

She said that after striking the woman, the car skidded, turned and finally ran into a tree.

Patton is a veteran of 4½ years in the Navy, Mr. Murrell told the jury.

Man Given 6 Months On Numbers Charge

William Johnson, 36, yesterday was sentenced to six months in jail and fined $350 on a numbers charge by Judge Joseph Sherbow in Criminal Court.

Johnson, a Negro, was the first defendant in a gambling case to be imprisoned this year by Judge Sherbow, who has warned that defendants with past gambling records could expect to be jailed.

According to Charles E. Orth, Jr., prosecutor, Johnson was convicted three times last year of numbers violations. The last conviction resulted in a suspended sentence of six months, release on probation and a fine of $300, Mr. Orth said.

Johnson, who lives in the 1500 block West Lexington street, was arrested the last time in January 3 in the 1100 block Hull street. He is a numbers pickup man, according to Capt. Alexander L. Emerson.

EVE. SUN - 1-17-51

Mistrial Granted Patton In Trial Of Death Case

Judge S. Ralph Warnken today ordered a mistrial of the traffic manslaughter case against Joseph R. Patton, Sr., because newspaper accounts stated — correctly — that the 26-year-old defendant had been acquitted last spring on a charge of murdering his young wife.

The mistrial ruling was requested by Alan H. Murrell, defense attorney, on two grounds. The lawyer also contended that the dead wife's father had attempted to inflame witnesses in the traffic fatality case.

Mr. Murrell specifically complained to the court of the news article appearing today in *The Sun* about yesterday's session of the Patton trial, and added that it contained "all lurid details" of the former murder charge.

One Sentence In Article

The *Sun's* article contained only one sentence referring to the former charge and acquittal.

As Mr. Murrell read *The Sun* article to the court, Judge Warnken interrupted to say that "practically the same account was in the evening paper." The defense lawyer said he had not seen an evening-paper edition with the article.

Judge Warnken made his mistrial ruling only on the grounds of the newspaper account. After hearing witnesses, the judge asserted that the defense contention of inflamatory attempts was not backed up by the testimony.

J. Harold Grady, assistant State's attorney, the prosecutor, told the court that he took a neutral position on the new-trial move, although he pointed out that "it certainly was not reprehensible on the part of the newspapers to print legitimate news."

Might Affect Trial

Judge Warnken, however, declared that he felt "newspapers have to show a proper sense of proportion," and added that he also thought they "have to assume responsibility not to print things that might have such an effect on a pending trial."

When Mr. Grady said that the same known facts might come out at another trial, Judge Warnken said that "I would suspect that it would not occur again in this case." He did not amplify the statement in court.

Judge Warnken ruled that he felt that persons of the caliber of the particular jury panel would not be affected as the defense lawyer seemed to believe, but that it might be possible they might lean too far backwards. He said he felt it necessary to declare the mistrial "in order to resolve all doubt in favor of the defendant and to assure him a fair and impartial trial."

The defense lawyer had charged as his second ground for mistrial that the State had called Charles Stinemire, Patton's former father-in-law as a witness and that both in the witness room and in the court corridors Stinemire had attempted to inflame witnesses.

Brother Testifies

Patton's brother, Charles Patton, a Baltimore Transit Company streetcar motorman, testified that he had seen Stinemire talking with a 15-year-old girl witness, Marlene Lund, and had heard him say to her: "Remember he killed my daughter, and when you get on the stand, tell everything you know, so that we can get him."

Miss Lund, however, gave a direct contradiction. She said that, Mr. Stinemire merely said, "When you get on the stand, tell everything you know—and let it be the truth."

Mr. Murrell also called two other witnesses in an attempt to show that Mr. Stinemire brought up the old case, but the witnesses, a civilian and a policeman, testified that Mr. Stinemire merely had been complaining that Patton had continued to drive an automobile after his license was revoked for the traffic fatality, and had sought advice on how to press such complaints.

Two Girls In Car

The Lund girl was one of two 15-year-old girls who were riding in Patton's car at the time Mrs. Gertrude Elburn, 36, was struck and killed last October 8 at Huntingdon avenue and Twenty-sixth street. The other girl, Eleanor Sadler, yesterday testified that Patton had been attempting to race another youth's automobile, and that she had seen him strike the pedestrian, who was crossing at the corner intersection.

The defense lawyer had contended at the outset of the trial that the other motorist, Joseph Detorie, Jr., now serving overseas in the Army, should have been charged with the accident. He contended that Detorie's car purposely struck Patton's vehicle and threw it out of control.

Youths Sentenced For Gang Acts

Three teen-age youths who were charged as companions of Dolfi Salinger, young German refugee found not guilty by reason of insanity at his trial in December, today received indeterminate sentences for their part in the group's crimes.

Judge Joseph Sherbow imposed terms of not more than ten years each on Charles H. Rush and Paul L. Hoskins, both 19 and both of the 1900 block Linden avenue. They were charged with two robberies of restaurants last August.

He imposed a term of not more than five years on Mathias Reese, also 19, of the 2000 block Linden avenue. Reese had been acquitted on the robbery charges but was found guilty in connection with several automobile thefts.

Selinger Leader

According to testimony produced by Assistant State's Attorney James F. Price, the youths had embarked on their holdups to raise money to buy stolen guns from Selinger. Selinger had guided them in holdup procedure and had been the leader in the whole enterprise, the court was told.

Judge Sherbow recommended that Reese, who he said was really the "second in command," be transferred by prison authorities to another institution than the State Reformatory, to which the three youths were sentenced because of their ages.

He pointed out that technical factors in criminal law prevented Reese's conviction of robbery, although his own companions had said he participated, even though he was not identified by robbery

NEWS-1-17-51

Probes Open In Pier, Ship Fire Here

An oil drum taken from the ruins of the Army ammunition pier at Hawkins Point was under study by FBI agents investigating last night's $15,000,000 fire, the city's worst since 1904, for the possibility of sabotage.

The FBI agents also were investigating a report from the Quarantine Station that the pier had been under surveillance recently by strangers with spy glasses.

The FBI probe was one of seven separate investigations under way today. Others were begun by the Army, Coast Guard, the Maritime Administration, the National Board of Fire Underwriters and the Police and Fire Departments.

Meanwhile, the pier was still burning and firemen still were fighting the flames. Also the former troop transport George Washington, which burned with the pier, glowed red in its own smoke.

ONE SHIP SAVED

Another former transport, the Gen. Edmund B. Alexander, was cut adrift from the pier when the fire started and was saved.

A suggestion that the burning pier might be dynamited or otherwise dropped into the water to save further fire fighting—on the ground that it already was a total loss anyway—was rejected by Fire Chief Michael J. Lotz.

The oil drum that the FBI seemed specially interested in was fished by agents from a fallen section of the pier. It was taken to another section and photographed. Whatever its significance, the agents refused to comment on it.

Official comment also was untvailable on the report that the pier had been spied on recently by mysterious strangers.

SEEN BY MAID

The report came from a maid at the Quarantine Station, who said she had seen a car parked on knoll overlooking the pier nd the unidentified strangers looking down on the Army installation with binoculars. She said she had seen the machine and its occupants there several times on separate days recently.

Personnel at the Quarantine Station today declined to discuss the report, stating that it was "confidential" and had been given the FBI, and no agents were at the local FBI office to receive questions.

It was stated that C. H. Carson, agent in charge of the office, was "out." Office help said they did not know whether he was at the fire grounds.

A witness was found today who reported having had a good overall view of the start of the fire. He is Edward Bankoski, an employee of the Quarantine Station about a quarter mile from the pier.

Bankoski said he saw a cloud of smoke puff from the under side of the pier near the shore line and then saw other puffs break out about 50 feet from the first. The puffs came in such rapid succession that they were almost simultaneous, he said.

They were followed quickly by flames that lapped out from under the concrete decking, Bankoski continued.

ALARM SOUNDED

Soon the pier was engulfed in smoke and flames, Bankoski went on. Returning from the Brooklyn Post Office substation, he was driving along Quarantine road. He said he continued on to the Quarantine Station from where the Fire Department was notified.

Meanwhile, alarms were rung in by workmen on the burning pier.

Among official visitors to the fire grounds today were State's Attorney Anselm Sodaro and Maj. Gen. John K. Rice, commanding general at Fort Holabird.

SODARO OFFERS AID

Mr. Sodaro conferred on the scene with members of the Fire Department arson squad and offered the aid of the prosecutor's office to the other investigating agencies. He said he hoped that some, at least, of the several investigation might be consolidated.

The oil drum under study by the FBI is a 55 gallon container and the collapsed section of the pier from which it was taken is about 250 feet out from shore.

It was reported that several explosions, as of oil drums, occurred at a stage when the fire fighters thought they were just about to bring the blaze on tht pier under control.

SUGGESTED SINKING

The suggestion that the pier or what was left of it be dropped into the water came from Deputy Fire Chief Clarence Smith. He proposed that the Army or the Coast Guard either dynamite the ruins or have wrecking cranes pull out the supports.

Otherwise, he said, firemen would be "fighting the falmes for a month."

Fire Chief Lotz agreed that there still was "a lot of fire" in the underside of the pier but said his men would go on fighting it.

Ten alarms were sounded for the fire, which was discovered by workmen on the pier, and more than 500 firemen turned out. Seven firemen and a coastguardman were injured.

No explosives were stored on the pier, which had been leased to the Merritt-Chapman & Scott Corporation for its Bay bridge operations.

BIG LINER LISTS

On orders of the Maritime Commission, the firemen early today ceased pouring water into the burning transport, the George

She had developed a six-degree list and Maritime Commission officials said they would rather have her burn than run the risk of having her overturn and sink, as the French liner Normandie did after burning at her pier in New York.

Both troop carriers, the Washington and the Alexander, had been decommissioned.

WORK CRAFT RUINED

While the one was saved, four work craft owned by the Meritt, Chapman, Scott Company, leesees of the pier, were ruined. A tugboat, two barges and a floating ile driver, they were smoldering at the water's edge today, having burned free of their moorings. The owners estimated their loss at $300,000.

Fire Chief Lotz, fearing the whole pier might fall and unwilling to risk the lives of his men, ordered them off the pier, a 1,000 foot structure, about eighty feet wide, with a concrete decking and two railroad spurs.

FIRE STILL BURNS

The lingering fire in the pier today was centered in the wooden understructure. Twelve fire companies and two fireboats, the Cascade and the Torrent, still were pouring water on such sections of the pier as they could reach.

It was about 4 P. M. yesterday when the fire was discovered. Hiram Keys and Nicholas Giuliano, workmen for the Merritt, Chapman, Scott Company, changing their clothes in a pier shed, saw smoke and gave the alarm.

Racing out of the shed and off the pier, one of the men rang in the first alarm from a fire box on a telephone pole. Keys said:

"We were going to cut the company's barges adrift, but the flames fanned up so quickly that we didn't get a chance."

GUARD SEES BLAZE

Meanwhile, at the far end of the pier, Leonard W. Bassano, a guard for the Maritime Commission, walking up a gangplank to the General Alexander, happened to glance behind him and saw flames licking at the base of a pole. Bassano also turned in a fire alarm.

Still another alarm was sounded by Louis Hightower, an assistant superintendent for Merritt, Chapman and Scott, who saw smoke curling from under the pier decking.

Fanned by northwest winds of 30 to 40 miles and hour the flames spread rapidly along the pier in both directions and when the first firemen arrived the installation was ablaze along practically its entire length.

TEN ALARMS SOUNDED

Firemen turned in several extra alarms and more were sounded as the blaze continued to spread and reached the George Washington. The ninth and tenth alarms were rung in at about 7.30 P. M.

Before either of the troop carriers at the pier could be cut adrift permission had to be obtained from Washington. As soon as it was forthcoming workmen loosed the General Alexander and the wind swept it out to a point where tugs took it in tow.

The same wind, sweeping across the beam of the George Washington, on the opposite side of the pier, contributed toward the impossibility of freeing that vessel.

Workers said the wind held it in to the pier and at that time not enough tugs were on hand to pull it away—although later all tugs in the harbor were ordered to the scene to stand by for any other emergency.

FIREMEN INJURED

The injured firemen are;

John Hoffman, Roy Duvall, of No. 15 Engine Company; Daniel Long, a crewman on the Fireboat Torrent; Atlee K. Latham, of No. 28 Engine Company; Nicholas Hovaker, of No. 23 Truck Company; William Gottschalk, of No 32 Engine, and Herbert Stonesifer.

The Coast Guardsman, Robert Long, seventeen, was taken to the United States Marine Hospital with head injuries, including a possibly fractured skull and brain hemorrhage. He fell from one deck of one of the troop carriers to another.

The men who saved the General Alexander themselves had to be rescued afterward.

MORN SUN-1/18

YOUTH, 18, ON TRIAL IN FATAL STABBING

Elmer Garrity Pleads Innocent In Gang Slaying

Elmer T. Garrity, 18, yesterday went on trial in the Youth Court for the fatal stabbing of Merrill Dopkin, 20, during a battle between two teen-age gangs last August 26 in the vicinity of Charles street and North avenue.

Garrity is expected to testify when the trial is resumed today.

Because of conflicting statements by members of the gangs, or their asserted inability to remember details, Judge Emory H. Niles at one point in the trial told a witness he did not believe him.

Garrity pleaded innocent to the murder charge.

James F. Price, assistant State's attorney, succeeded in eliciting from one member of the gang to which Garrity belonged the admission that Garrity had used a switchblade knife during the battle.

Quotes Defendant

According to statements of that witness—Robert T. Dewey, 19—the defeated gang was berating itself after the battle for not having put up a better fight.

At that time, according to Dewey, Garrity produced the knife and said: "Well, I didn't do so bad. There's not blood on this knife for nothing."

According to Mr. Price, one of the gangs, was from the vicinity of Linden avenue, while the other was from the Charles street area.

Earlier in the evening, a couple of members of each gang became embroiled in an argument and near fight after a member of the Charles street gang called a member of the other gang a punk, the court was told.

Police broke up that incident, but details as to how the two groups met again were conflicting.

Recruit Two Carloads

Members of the Linden avenue gang contended the Charles street group shouted: "Be back in an hour; we will be here."

The Charles street group contended, on the other hand, that the other youths shouted that they would be "back in an hour."

Testimony disclosed that the Linden avenue group then recruited at least two carloads of teen-agers and returned to the scene.

Meanwhile, the Charles street gang also had increased its numbers, although Dewey testified it was by coincidence that his gang enlarged. He said his group thought "the cop had broken it up completely."

Judge Niles was told that the Linden avenue gang soon overpowered the Charles street gang, and then fled in the cars. Witnesses said it was not until after the victorious gang left that Dopkin realized he had been stabbed in the chest.

Garrity, it was testified, produced the knife after he had been knocked to the ground.

John W. Farrell is counsel for the defendant.

The judge said it was not just a "passing blow," but that it was a "hard blow." He said he did not believe the self-defense argument was "good."

In Argument Earlier

Testimony disclosed that a few members of each gang had been in an argument earlier in the evening in the vicinity of North avenue and Charles street, and that the fist fights between the gangs occurred later after both groups had been enlarged with additional members.

The Linden avenue members returned to the scene of the original skirmish with at least two carloads of recruits and quickly overpowered the other gang, which was outnumbered. Dopkin, it was disclosed, was a member of the victorious gang.

Garrity denied he was a member of the defeated gang and contended he had gone to the vicinity of North avenue and Charles street with his brother, who did belong to the group.

He testified his brother was leaving on a ten-day trip the next day and wanted to bid farewell to his friends.

The defendant told the court he had obtained the knife a few hours earlier from a friend who had loaned it to him to clean his fingernails. Garrity said while he was using the knife the friend walked off, so he put it in his pocket.

Garrity testified he was walking with his brother and several others, and was in the act of lighting a cigarette with his hands cupped in front of his face when he saw a gang of boys approaching.

He said he was grabbed by an unidentified boy wearing blue suede shoes. He contended the assailant grabbed him around the throat and started choking him, and at the same time was hitting him in the face with his knees.

Garrity testified he was on his knees at the time and was holding to the other youth's waist.

The defendant testified he was unable to get his breath and, in a frantic move, reached for the knife and attempted to stab the other boy in the hand to break the hold.

He said he then felt himself being released, but was still "hazy" and suffering from pains in the head. The accused testified several of his friends walked him around to clear his head, and then sent him home in a taxicab.

Reads It In Newspaper

Garrity contended he did not know he had fatally stabbed Dopkin until the next morning when he read it in a newspaper.

He denied telling other members of the gang, who were berating themselves for putting up a poor showing, that he had not "done so bad" and that "there's not blood on this knife for nothing."

MISTRIAL HELD IN PATTON CASE

Judge Upholds Defense Objection To Newspaper Accounts

Judge S. Ralph Warnken yesterday declared a mistrial in the automobile manslaughter case against Joseph R. Patton, Sr. because of certain statements in a newspaper account of the trial.

Judge Warnken ruled that statements in an article in *The Sun* about the trial and also an account of the trial in certain editions of an evening paper—although true—should not have been published while the trial was in progress.

[Editor's Note—Statements similar to the one to which the defense objected appeared Tuesday in some editions of *The Evening Sun* and the Baltimore *News-Post*.]

Patton was being tried on a charge of causing the death of Mrs. Gertrude Elburn last Ooctober while racing with another automobile at high speed on Huntington avenue near Twenty-sixth street.

The move for a mistrial was made yesterday morning by Alan H. Murrell, defense counsel, when the court resumed session.

Mistrial Grounds Stated

His grounds were the newspaper accounts of the trial and the allegation that the father of Patton's deceased wife had attempted to inflame witnesses.

Judge Warnken, after hearing testimony on the second grounds for the mistrial move, ruled that the testimony did not support the second contention.

J. Harold Grady, assistant State's attorney, declared he would be as "neutral as I can get" on the first grounds for the mistrial, but added that "it certainly is not reprehensible on the part of a newspaper to print legitimate news."

He said there was no assurance that "it could not happen again" during a second trial.

Refers To Responsibility

"I think the newspapers have to assume the responsibility not to print things that might have some effect on a pending trial, they have to show a proper sense of proportion," the judge replied.

"I would suspect it might not happen again in this case," Judge Warnken also stated, explaining later that he did not think the newspapers, upon reflection, would make the same statements during the next trial of the case.

"It would have been much nicer if in reporting the trial, no reference had been made to a prior trial, or less reference was made to it."

Judge Warnken, in dismissing the jury, told them that he did not think that individuals of their caliber would be affected by the newspaper articles.

However, he declared that he intended to "resolve all doubt in favor of the defendant to assure him of a fair and impartial trial."

He said, otherwise, he felt that the defendant, if convicted, might take the position that he had not received a fair trial because of the newspaper article.

MORN SUN-1/19

BOY, 18, CONVICTED IN FATAL STABBING

Garrity Found Guilty Of Manslaughter In Gang Fight

Judge Emory H. Niles, declaring there was no justification for the use of a switch-blade knife, yesterday convicted Elmer F. Garrity, 18, of manslaughter in the fatal stabbing of Merrill Dopkin, 20, during a teen-age gang battle last August 26.

Judge Niles said he probably will impose sentence today. The manslaughter conviction carries a maximum prison sentence of ten years.

Garrity, who lives in the 1200 block of Union avenue, contended he stabbed Dopkin in self-defense during a fight between a gang of boys from the Linden avenue sector and a gang from the Charles street area.

Involved "Gang Fight"

Judge Niles, at the conclusion of the trial in the Youth Court, pointed out that the case involved a "gang fight," even though the two groups may have not been of the "organized" type.

Judge Niles said it was apparent that the Linden avenue group was "clearly the aggressor," but said that fact did not justify the use of a knife.

To Garrity, who had been with the Charles street gang, Judge Niles said:

"There is no question in my mind that you had the knife, that you used the knife and that you struck the fatal blow."

Landlords Warned By Judge Warnken

Baltimore landlords who circumvent the Housing Court by praying a jury trial in the Criminal Court have been warned by Judge S. Ralph Warnken that they cannot expect leniency if they are convicted in the higher court.

The judge's warning was revealed yesterday after it was pointed out that some landlords elected to be tried in the Criminal Court with the "idea of getting off easier."

"I want to make a suggestion which is not a threat," Judge Warnken said. "I don't know whether my premise is correct or not, but I heard it said last year that when these cases come up in the Housing Court, in order to circumvent trying them there, some of the property owners pray a jury trial with the idea of getting them up here and, if there is no defense, getting off easier than they would if tried in the Housing Court.

Time Of Jury, Office, Court

"I don't think it is the proper thing to do for many reasons. Also, it takes up the time of the grand jury, the State's attorney's office and the Court.

"They are really summary matters and they ought to be tried in the Housing Court. There isn't any reason, apparent to me at least, when they don't obey Health Department directions, for them to try to avoid the magistrate's court by praying a jury trial and coming up here.

"Sort Of Warning"

"I simply want to mention at this time so as to be sort of a warning that I am not going to be lenient in these cases. If property owners want to come up here they have the legal right to do so but, when they do, they are going to be handled, if found guilty, with the same dignity that ought to exist in a court of general jurisdiction."

Judge Warnken this year is presiding in the section of the Criminal Court where housing cases are tried.

MORN-SUN-1/20

Numbers 'Pickup Man' Gets 90 Days In Jail

Convicted as a "pickup man" in the numbers racket, a 41-year-old man with a record of previous numbers conviction was sentenced to 90 days in jail yesterday.

Sentence was imposed by Judge Joseph Sherbow in Criminal Court.

In addition to the jail sentence—a rare penalty for convicted gamblers in Baltimore courts—Judge Sherbow fined Lelen Faw $350 and costs.

Faw, a Negro who lives in the 1000 block West Lanvale street, was arrested January 9 after police watched his actions while driving a car from place to place.

MORN-SUN-1/20

The Youth Court's Need For Probation Officers

The trial and conviction of Elmer F. Garrity, 18, on a charge of manslaughter quite naturally attracted considerable public attention. The killing in question occurred last summer during a teen-age gang battle at North avenue and Charles street. Such gangs are becoming increasingly troublesome and efforts are being made to meet the serious and complicated problems inherent in them.

It is not our purpose here, however, to discuss teen-age gangs. It is to consider the manner in which young Garrity was tried. The case was not heard in one of the regular divisions of the Criminal Court but in the Youth Court.

This special tribunal is the Criminal Court division which was set up last October 1 to hear and determine charges brought against youths from 16 to 20 years old, inclusive. The Youth Court operates in an area delimited by the Supreme Bench, not by the State constitution or by statute. Its area lies between the provinces of the Circuit Court's division for juvenile causes and of the regular criminal courts for adults.

In pure legal theory the Youth Court is a regular criminal court. But in practice it operates differently. First there are the age limits. Then there is the underlying desire and purpose to provide treatment for redeemable delinquent minors. There is free use of psychiatrists and probation officers. But it is here that the new court has encountered trouble.

The Baltimore Criminal Justice Commission and Judge Joseph Sherbow, who presided over the court during its formative months, claim that the Probation Department lacks the personnel to provide the proper kind of supervision for those who are given conditional freedom. It would be unfortunate if the mere lack of personnel brought discredit to the Youth Court.

MORN-SUN-1/22

YOUTH COURT WINS PRAISE

Officials Visit New York, Get Some Further Ideas

By GEORGE J. HILTNER
[*Sun Staff Correspondent*]

Brooklyn, N.Y., Jan. 2[illegible]—After inspecting two types [illegible] courts for youthful off[illegible] Baltimore officials [illegible]urt reforms are c[illegible]iew Baltimore Yo[illegible]ari-son is a "broa[illegible]lis-tic" tribunal.

A day-long i[illegible]y of an adolescent [illegible]istrates' courts system [illegible]sion for youthful offenders [illegible] kings county tribunals or [illegible] level was made by Anselm [illegible] States attorney; George D. [illegible] assistant prosecutor, and [illegible] Reidt, director of the Balti[illegible]re Criminal Justice Commission.

Mr. Solter has been selected to prosecute all offenders in the new Baltimore Youth Court, which was started last October.

Visitors' Conclusions

The tour of inspection left the visitors with certain definite conclusions. They are:

1. That the New York Adolescents' Court has tended to "cushion" the youthful offenses to the point where a segment of the public here is of the opinion that youths are being "coddled," rather than impressed with the seriousness of their crimes.

2. That in an effort to protect youths against a criminal record, too frequent releases on probation are being granted in the Adolescents' Court.

3. That procedures followed to accomplish the purposes of the youth courts here are cumbersome.

4. That the Baltimore Youth Court might well adopt the New York system of having presentence investigations made in every case, not only because of the aid such reports give the court but also because of the assistance afforded prison authorities in helping a youth adjust himself to a constructive prison life.

Difference In Age Ranges

While the Baltimore Youth Court hears criminal charges against youths between the ages of 16 and 20, inclusive, the two New York tribunals give special treatment to young offenders only between the ages of 16 and 18, inclusive.

Magistrates presiding in the Adolescents' Court may hold a youth for action of the grand jury, or dismiss the original charge and make a finding that the accused is a wayward minor, a noncriminal charge which is not considered part of a criminal record.

To proceed under the wayward-minor plan, parents or guardians of the accused must authorize such a procedure and there must be an admission by the defendant of the major allegations of the crime.

County-Court Variations

Court officials here said the magistrates' treatment in such cases was frowned upon by some higher-court authorities with the result that for the county courts a special treatment of youthful offenders was created, presided over by judges.

Under that system, the grand jury or a court may recommend that the youth be tried as a "youthful offender," rather than on the specific charge. If the youth consents, he then must agree to a pretrial investigation.

The youthful offender finding also is a noncriminal charge, which is not looked upon as a criminal record.

The youth cases here are not handled exclusively by one judge and one prosecutor, as is the plan in the Baltimore court.

Called More Direct Method

The Baltimore visiting group felt that the provision in Maryland for probation without verdict in appropriate cases accomplishes more directly the same result as the New York plan for a noncriminal finding.

"After having observed and studied at first hand the procedures concerning treatment of youthful offenders in the Adolescents' Court and the county courts in Brooklyn, I am satisfied that the scope of our Youth Court is broader and more realistic," Mr. Sodaro asserted.

"The Adolescents' Court, dealing only with youths from 16 to 18 inclusive, was created by legislative enactment, whereas our Youth Court, brought into being by a resolution of the Supreme Bench, deals with offenders from the ages of 16 to 20, inclusive.

"I feel that we have made a solid beginning in the right direction.

Concern For Public Feeling

"Some of the officials here expressed concern about the attitude of a segment of the public that youthful offenders here were being coddled because of repeated releases on probation.

"We must guard against creating any such impression about our Youth Court.

"In Baltimore, we must be mindful that it is the intent that the Youth Court should be a serious and dignified tribunal in which the rights of youths will be protected, their cases thoroughly and carefully handled and an adequate treatment meted out."

Mr. Reidt, who did considerable study and investigation in helping to lay the ground work for the Baltimore Youth Court, expressed interest in the New York system of requiring presentence investigations in all cases.

"We were impressed particularly with the fact that in the cases handled in the New York courts, presentence reports are made in all cases where a finding was made indicating guilt," he asesrted.

EVE. SUN-1-22

Four Sentenced In Auto Thefts

Thefts of automobiles and of nearly $750 in property from cars today resulted in indeterminate sentences of up to three years in the State Reformatory for four teen-age youths in Youth Court.

Judge Joseph Sherbow told the defendants that they seemed to take the whole matter as a joke, and pointed out that probation investigations brought unfavorable reports on each of them. All had records and most had resumed criminal acts during earlier probation.

One of the defendants, William Taylor, 19, of the 900 block Ramsay street, had escaped from the Southwestern Police Station after arrest.

The other defendants were Norman Alt, 16, 400 block South Paca street, William John Severe, 17, 600 block Washington boulevard, and Donald Holtman, 19, 800 block Lemmon street. Assistant State's Attorneys James F. Price and J. Harold Grady prosecuted.

MORN-SUN 1/23

B.T.C. Shows $604,796 Loss For Last Year

By J. S. ARMSTRONG
[*Financial Editor of The Sun*]

The Baltimore Transit Company yesterday reported a net loss of $604,796 for the twelve months ended December 31, 1950, after provisions for interest on its series A debentures.

This compared, the same basis, with a net income of $38,128 for the preceding year.

For the month of December the company showed a net income of $72,377, after debenture interest and year-end adjustments, against a net income of $69,405 for the similar month of the previous year.

Gross Revenues Off

Gross operating revenues for the last year totaled $23,388,528, a decrease of 4.48 per cent compared with $24,486,141 for 1949.

Gross for the final 1950 month was $2,140,992 against $2,047,847 for December a year earlier.

Revenue passengers for the twelve months of 1950 totaled 194,851,362, a drop of 21,536,250 from the 1949 figure.

Net Is Shown After August

For December the passenger total fell to 15,622,046 from 18,094,628 for the same month a year ago.

Reflecting the increased fare made effective around the end of August, the company was able to report a net income after debenture interest for each of the final four months of the year.

The December net of $72,377 followed net figures of $161,364 for November, $177,031 for October, and $78,457 for September. Previously the company had been showing a monthly string of net losses.

Profit Taking Pushes Stock Market Lower

In the slowest trading of the new year, stock prices were clipped back by profit-taking yesterday.

Prices moved ahead a trifle at the outset when some big orders that had accumulated during the week end were executed. Then followed a long period of indecisive maneuvering in which gains and losses were thoroughly scrambled.

A few minutes before the close,

MAN AGAIN HELD IN HOLDUP DEATH

Murder Presentment Returned In Philip Fine Slaying

Jesse Alfred Armstrong, 26, of the 1500 block Myrtle avenue, yesterday was presented on a charge of murdering Philip Fine, Pennsylvania avenue liquor dealer, last November 6.

A previous grand jury last December had considered the murder charge against Armstrong, a Negro, but at the direction of the State's attorney's office had dismissed the charge.

Additional and more complete evidence led police and prosecutors to seek the new presentment, it was disclosed.

Faces Other Charges

Armstrong also is charged with attempted robbery of two Negroes last November 12. He was scheduled to face trial in Criminal Court on those charges last Friday, but the hearing was postponed in view of the renewed murder investigation.

Charles E. Orth, Jr., who is prosecuting Armstrong, said the accused will be tried on the murder charge first.

The 52-year-old shooting victim operated a liquor store in the 1800 block Pennsylvania avenue. Fine and a clerk in his store were shot by a two-gun bandit, described by police as "trigger happy."

Fine lived in the 3600 block Dolfield avenue. The clerk who was shot and seriously wounded is Jesse Haughey, of the 100 block North Hilton street.

EVE SUN-1/23

Bills Would Bar Weapons From Youths

Ordinances aimed at curbing acts of violence among teen-agers by keeping weapons out of their hands are scheduled by the City Council for prompt action.

One ordinance would prohibit sales or possession of blackjacks, metal knuckles and similar weapons except under police permit. It has been approved by the Ways and Means Committee and is set for enactment next Monday.

Mrs. James F. Arthur (D., Third), one of the backers of the bill, said a number of instances of boys of school age carrying blackjacks or knuckles had been reported. She added that while parents have the chief responsibility for the behavior of their children, assistance should be given them by making it difficult for children to get possession of such weapons.

Laws Pointed Out

She pointed out that there is a law against possession of switchblade knives, which at times also have been found on teen-age boys, and also a law which requires a police permit for purchase of a pistol.

The second proposal was an ordinance introduced into the Council at last night's session by Councilman William D. Schofield, Jr. (D., First), making unlawful the sale of ammunition for pistols, rifles or shotguns to persons under 18 years of age. It also would make it unlawful for any person under 18 to attempt to purchase such ammunition or misrepresent his age to induce the dealer to sell him the ammunition.

Violators of the ban would be subject to a fine up to $100, or imprisonment for not more than three months, or both.

Night Courts Sought

Mr. Schofield also submitted a resolution requesting action by the General Assembly to establish a night police court and a night traffic court here. The resolutions state that many persons are arrested at night for minor violations and are often kept at station houses overnight because there's no court to which they can be brought for immediate trial or release on bail.

He pointed out that such night courts have been established in many other cities and said there was no reason why they should not be set up here.

The resolutions, if approved, would be sent to the president of the Senate, speaker of the House, chairman of the city senators and chairman of the city delegation in the House.

Mr. Schofield and Councilman William J. Muth (D., Fifth) announced at last night's meeting that they would take action to bar use of Memorial Stadium by the Washington Redskins and would make statements criticizing Abe Watner's handling of the situation which forced the Colts out of the National Football League.

Postponement Requested

After withdrawal of the Colts, spokesmen for the Redskins announced that Baltimore would be considered part of Washington's territory and that several of the Redskins' games would be played here.

Schofield and Muth explained that they had been asked by spokesmen for the directors of the Colts to postpone their action for one week in view of efforts by the directors to set up some new plan for pro football here.

The Council received the ordinance creating a commission to take charge of the regulation of traffic and earmarked the measure for quick passage.

State Prosecutors To Meet Here

J. Bernard Wells, former Baltimore prosecutor, and retiring president of the State's Attorneys Association of Maryland has called a meeting of Maryland prosecutors for February 2 to consider legislative matters before the General Assembly and determine what bills they will support and oppose.

The meeting is to be held in Baltimore. The prosecutors will gather at the Hotel Emerson. A dinner will follow their business meeting.

To Elect Officers

New officers of the State's Attorneys Association also are due to be elected.

Mr. Wells notified the Maryland prosecutors that his successor, State's Attorney Anselm Sodaro, is having members of his staff consider statements concerning the relative merits and demerits of pending and proposed legislative bills dealing with matters pertaining to law enforcement.

Mr. Sodaro already has requested the Baltimore city delegation to have the Legislature consider a bill to exempt possession of concealed weapons from the protection of the Bouse Act, along the lines of the so-called "frisking bill" that failed to pass an earlier legislative session.

MORN-SUN 1/24/51

JUDGE MAKES AN EXCEPTION

Sherbow Won't Jail Gambler Caught Before New Policy

Judge Joseph Sherbow yesterday sentenced a numbers-racket operator to 90 days in jail, but suspended sentence because the violation occurred before the judge announced his policy of jail terms for gambling offenders.

In passing sentence, he declared local gamblers had "gotten so bold in Baltimore city up to two weeks ago that they would leave (numbers slips) in view at any place."

Judge Sherbow announced when he entered Criminal Court two weeks ago that gamblers could expect jail sentences during his term in the court.

Prior to that, virtually all gambling violators were merely fined and admonished, and small racketeers could work with the assurance that their law fees and fines would be written off by the syndicates.

To date Judge Sherbow has imposed 90-day sentences, in addition to fines, in about five cases.

Defendant in yesterday's case was Reather Adams, 45, Negro, of the 1900 block West Lafayette avenue. Evidence disclosed he had left numbers slips on the seat of an unlocked and open car.

Defense counsel contended it was impossible to believe a numbers writer would be foolish enough to leave slips in public view. To this Judge Sherbow replied, "I think they've gotten so bold in Baltimore city up to two weeks ago that they would leave them in view at any place."

To each defendant committed heretofore, he has asserted that the "syndicate backers can pay your fines, but they can't serve your jail terms."

Yesterday he noted that his policy of jail terms in gambling convictions already has borne out his prediction that defendants will start getting "lawyers of their own choosing," rather than attorneys hired by the gambling syndicates.

In suspending Adams' sentence, Judge Sherbow told the defendant he got "the best break in the world" in being arrested on January 5 rather than January 8.

It was on January 8 that Judge Sherbow began presiding over gambling cases. He had told defendants previously that he would invoke actual jail terms only on persons convicted for gambling activities after the date he entered the court.

Drunken Driving Trial Of Caskie Is Delayed

Hearing of a drunken-driving charge against John J. Caskie, Jr., 29, of Cockeysville, was postponed in Traffic Court yesterday until he is tried in Criminal Court on a manslaughter charge growing out of the death of Patrolman Roland Wallace Morgan.

Patrolman Morgan was injured fatally by a hit-run auto January 5 at Roland and Upland avenues. Police arrested Caskie later at a night club on the Falls road.

In addition to the charge of driving while under the influence of liquor, he is accused of failing to stop after an accident, reckless driving and operating a motor vehicle without an operator's card in his possession. Caskie is free in bail pending trial.

EVE. SUN-1/24

Boy Prisoner Released In Club's Care

Volunteer action by the Optimist Club of Northwood today resulted in probation release for a 16-year-old orphan boy who last week was sentenced to eighteen months in a reformatory because no other place could be found for him.

The club arranged to find a home for the boy and arranged for the supervision, care and discipline he needs, Judge Joseph Sherbow revealed in Criminal Court.

Judge Sherbow publicly deplored the fact that "except for the Jewish Big Brother League, other Big Brother leagues seemed to have become inactive and disappeared."

Was At St. Mary's

The young defendant, Lawrence Butler, was one of the boys who were released for private-home care when St. Mary's Industrial School closed its doors last summer. He had been committed to that institution about two years before, and had a record of juvenile delinquency since he was 10.

Lawrence was one of two boys arrested on Thanksgiving Day by Patrolmen Charles Faulkner and John Dunn for burglarizing a Howard street jewelry store. They were caught in the store by the officers who were responding to a burglary alarm.

The second boy, who first gave his age as 18, was later found to be only 15 and subsequently was placed on probation by Judge Charles E. Moylan in Juvenile Court.

No Place Found For Boy

Efforts to place Lawrence in any reform school or in Boys Town in Nebraska had been made by George Eierman, his court-appointed attorney. No institution that would receive him was located. Judge Sherbow had imposed the 18-month sentence in view of those reports, and the Probation Department statement read: "Lawrence's sole recreation was running the streets."

In striking out the former sentence, Judge Sherbow placed Lawrence on probation for a two-year period, and he was released in care of Omar Shake, representative of the Optimist Club.

NEWS 1/24

Youth Placed In Optimists' Care

Judge Joseph Sherbow today struck out a sentence of not more than 18 months in the Maryland State Reformatory for Males, imposed last week on sixteen-year-old Lawrence Butler, an orphan, and placed the boy in the care of the Optimist Club of Northwood on two years probation.

Butler, whose home is in the 3600 block Elmley avenue, had been sentenced by Judge Sherbow on a charge of burgiarizing a North Howard street jewelry store on November 23. Another youth, fifteen, also had been placed on probation by the Juvenile Court on the same charge last week.

The Optimist Club of Northwood, Judge Sherbow said, has promised to care for the boy, furnishing him a home and education for the two-year period.

MORN SUN 1/25/51

STUNT LANDS BOY IN COURT

'Russian Roulette' Leads To Deadly Weapon Charges

A 16-year-old "impulsive, immature" youth, who nearly lost his life at "Russian roulette" when the first pull of the trigger discharged his revolver, was tried in Criminal Court yesterday on deadly weapon charges.

According to James F. Price, prosecutor, the trigger was hard to pull and it caused the gun to be tilted upward.

Otherwise, the bullet would have pierced the head of Kenneth Bauer, of the 800 block South Wolfe street, instead of grazing his scalp and landing in the ceiling of a confectionery in the 500 block South Ann street, Mr. Price told Judge S. Ralph Warnken.

Left One Cartridge In Gun

Judge Warnken deferred imposition of sentence pending a probation investigation after Bauer admitted the impulsive act.

Vernon Philips, 19, one of a group of boys in the store with Bauer last December 16, testified the defendant approached the group and announced that he was going to "play some Russian roulette."

Bauer then took all of the cartridges out of the gun, except one, put the weapon to his head and pulled the trigger.

Everybody "Surprised"

When the gun discharged and the bullet scraped the head of the defendant, "he was as surprised as we were," Philips testified. Bauer dropped the gun after he saw that he was bleeding and asked to be taken to a hospital, the witness said.

The court psychiatrist described Bauer as an "impulsive and immature" youth, whose act was the result of bravado and a desire to impress his friends.

State-Wide 'Frisking' Bill Has House Backing

[Annapolis Bureau of The Sun]

Annapolis, Jan. 24—The House Judiciary Committee moved today toward a state-wide "frisking" bill with such counties as so desire remaining exempt.

Before the committee for study was a measure to allow Baltimore city to join Baltimore county in permitting the use of "frisked" evidence in the prosecution of concealed-weapon cases.

The consensus of the group was for a favorable report, but it was decided to delay this until January 30 in order to widen the bill to cover the State, except for any counties not wanting it.

MORN-SUN 1/26

Sodaro Urges Homicide Bill

Anselm Sodaro, State's attorney, yesterday asked for legislation authorizing the Governor to name one magistrate to preside at preliminary hearings in all homicide cases arising anywhere in the city.

Such cases would include automobile manslaughter.

Mr. Sodaro made his request in identical letters sent to Thomas F. Dempsey, chairman of the Judiciary Committee of the House of Delegates, and Dr. Horace E. Flack, director of the Department of Legislative Reference.

He asked that a police station magistrate be designated, for the purpose, preferably in the Central district.

Present Requirement

At present the law requires that persons arrested on any criminal charge be taken to the nearest station house, with the justice of the peace sitting at that station house assuming jurisdiction.

In making his request for a change, Mr. Sodaro wrote that "with one magistrate hearing all homicide cases, uniformity of opinion and decision can be expected. That magistrate need not necessarily be precluded from sitting in and hearing other types of criminal offenses.

"The State's attorney in conducting hearings in such cases, would be in constant touch with that magistrate with respect to the progress of the investigation of any case, and in expediting the preliminary hearing, closer co-operation could be effected by the State's attorney's office and the police department in dealing with one magistrate rather than with a number of magistrates."

Calls Change Essential

Mr. Sodaro explained that he felt this change in procedure in homicide cases "is essential for many reasons. Homicide cases require investigation by highly trained personnel, as well as special treatment and handling on preliminary hearing in a police court.

"It was with that thought in mind that I established in my office a homicide division to which all such cases have been assigned for particular attention and prosecution."

In his letter, Mr. Sodaro expressed the confidence that "the members of the bar . . . would look with great favor upon this arrangement," and "that the Governor of Maryland would co-operate in carrying out this proposed plan should the amendment be enacted."

MORN-SUN-1/27/51

Man Jailed In Burglary, Then Finds Cellmate Is Guilty One

Fortunately for Leroy Fortune, he couldn't make his bail last Monday when hailed into court on burglary charges, and so he went to jail.

Jail, it turned out, was the best possible place he could have gone at that time, because there, living right beside him, was a man who knew more about the burglary Fortune was charged with than Fortune himself knew.

A day later, Sergt. Christopher Schemm received an urgent postcard from Fortune, requesting him to drop by the jail to discuss a matter of utmost importance.

Second Man Arraigned

Yesterday, as the result of it all, a 25-year-old Negro was given leave from jail to appear in Central Police Court where he was charged with the burglary that Fortune was due to pay for.

Sergeant Schemm told this story to Magistrate James R. Cadden:

Last Monday, Fortune, a 26-year-old Negro, of the 600 block North Caroline street, was charged with burglarizing a warehouse in the 200 block Forrest street.

A junkman identified Fortune as the man he had spotted on the scene at the time of the burglary. Though Fortune protested his innocence, he was sent to jail, unable to post $1,000 bail for his freedom, pending grand jury action.

In jail, Fortune struck up a friendship with a man who had been committed two days after the burglary, on a disorderly conduct charge.

Fortune's friend laughed at the blindness of justice and told how he had gotten away with a warehouse burglary committed only two days before, only to get jailed for disorderly behavior.

That Was The Place

Where, asked Fortune, was the burglary?

200 block Forrest street, Fortune's friend confided.

Fortune said this was most interesting, and later that day, scribbled an invitation for Sergeant Schemm to visit him in the jail.

Yesterday in court, Fortune's jailmate admitted taking some of the articles missing in the Forrest street burglary, but denied theft of two sinks, as charged by the owner.

"Too Heavy To Lift"

"They were too heavy for me to lift," he said.

Magistrate Cadden ordered him back to jail in default of $1,000 bail on the burglary charge.

The State's attorney's office declared it will seek an indictment Monday so that Fortune can be released from his cell as soon as possible.

In the meantime, Sergeant Schemm reported, Fortune is pleased to remain in jail "until the whole thing is thrashed out."

JURY WILL MAKE BRUTALITY PROBE

New Grand Inquest To Hear Allegations About Police

The new January-term Baltimore grand jury will take up the probe of alleged police brutality next Thursday, it was disclosed yesterday by Anselm Sodaro, State's attorney.

Mr. Sodaro said he has been requested to issue summonses for witnesses to appear in the Courthouse, beginning Thursday at 11.30 A.M.

The State's attorney said he would go over a list of brutality complaints submitted by the National Association for the Advancement of Colored People, and then decide the order in which the complaints will be probed.

Will Not Get Old Charges

Complaints fully probed by the last grand jury, which began the brutality investigation, will not be resubmitted to the new panel, Mr. Sodaro asserted.

The last grand jury investigated two alleged instances of beatings of Negroes by policemen, but reported at the end of its term that no prosecution was warranted.

That grand jury recommended that the probe be continued by the new jury.

Sherbow Also Urges It

Judge Joseph Sherbow, in his charge to the new panel, also urged that the investigation be carried on.

The two cases investigated to a conclusion by the former jury involved the alleged Christmas-night beating of Booker Stokes and a prior alleged assault by police on Armous Tinsley. Both Stokes and Tinsley are Negroes.

EVE. SUN-1/29

Newest Bet: 'Lead' Digit Pays 2 To 1

Numbers racket bets now include a 2 to 1 wager on what Police Captain Alexander L. Emerson calls "lead numbers," Criminal Court testimony revealed today.

Testifying before Judge Joseph Sherbow, Captain Emerson explained that instead of bets on the usual set of three digits, there is a current practice of betting only on the first digit of the daily winning number.

Charles E. Orth, Jr., prosecutor, pointed out that the 2-to-1 payoff seemed to be based on a 9-to-1 chance, since the bets are limited to the digits of 0 to 9.

The testimony was given at the numbers trial of Lumos Saunders, Negro whose confectionery shop and shoeshine parlor at Pennsylvania avenue and Pithcer street was raided by Capt. Emerson on January 17.

Two customers of the place who had out-dated numbers slips in their possession also faced lottery charges. They were fined $15 each by Judge Sherbow.

Saunders was given a 30-day sentence and fined a total of $150 and costs. Judge Sherbow, in continuing his program of jail sentences for numbers violators, repeated his usual warning that "the syndicates can pay your fines but they cannot serve your jail sentences for you."

NEWS-1/30

Trio Accused In Office Holdups

Three men have been arrested and charged with the $2,000 holdup of the Occident Federal Savings and Loan Association and the $4,000 holdup of the Ayares Small Loan Company, Detective Captain Henry J. Kriss announced today.

The Occident office at 1201 West Fayette street was raided last Thursday, the Ayares office, at Mulberry and Mount streets, last January 6. Both jobs were similar. The office staffs were locked in rear rooms by armed bandits.

UNDER ARREST

Those under arrest were identifed by Captain Kriss as Clarence Lammon, twenty-six, of the 400 block North Brice street; Earl L. Bright, eighteen, 400 block North Pine street, and Robert Hardy, twenty-five, 100 block North Fremont avenue.

Lammon and Hardy also are charged with the $1,000 holdup of the Equitable Building and Loan Association at 402 North Paca street on December 26

Captain Kriss said $1,200 of the money taken at the Occident office was recovered with the arrests.

PATROLMAN PRAISED

A young Southwestern district patrolman, Leo Kowalewski, was credited with an important contribution to the arrests. Kriss said Kowalewski received information shortly after the Occident holdup that a young man had been seen in the neighborhood shortly before.

By transmitting the tip to detectives promptly, Kowalewski brought about the seizure of one man and the arrest of two others followed, said Captain Kriss. Kriss also acknowledged important co-operation from the FBI.

Sherbow Warns Of Confiscation In Gaming Cases

All pinball machines which are involved in gambling convictions will henceforth be confiscated in the name of the State on petition of the State's Attorney, Judge Joseph Sherbrow declared today from the bench.

The jurist issued his warning in announcing the first such confiscation, on the petition State's Attorney Anselm Sodara.

BOY LOST PAY

The machine, confiscated today by an order signed by Judge Sherbow, was one on which, according to testimony, a teen-age boy had been losing his weekly pay in a tavern in the 3800 block Pulaski highway.

The testimony was given several days ago at the trial of a waitress at the tavern, Miss Lena Tobery, who was fined $50 and costs on each of two charges of gambling, and given a suspended sentence of 10 days in the City Jail.

PAID IN CASH

Miss Tobery, it was testified, paid the teen-ager in cash in the presence of policemen.

Judge Sherbow said:

"Wherever such machines are found violating the law they will be confiscated on petition of the State's Attorney."

EVE. SUN 1/30

Pinballs Used For Gambling Held Liable To Confiscation

Pinball machines may be legal but when they are used illegally for gambling purposes they become subject to confiscation just as contraband articles, Judge Joseph Sherbow ruled today in Criminal Court.

The judge agreed with contentions of Assistant State's Attorney M. Peter Moser that a machine used for illegal gambling is "an evil chattel."

The ruling was on an application for return of a modern, electrically operated and expensive pinball machine which police had seized in pressing gambling charges against Lena Tobrey, waitress in a Pulaski highway restaurant.

She had been fined $50 and had been given a ten-day suspended jail sentence after a young boy had spent his entire week's wages in one afternoon's pinball "play" and a plain-clothes policeman had been paid off after a pinball win.

Even though the pinball machines and similar devices are legal and are licensed by the State for use for amusement purposes, they become illegal when used for gambling, Judge Sherbow ruled.

He warned he plans to order confiscation of all such devices used in actual gambling cases.

3 Youths Charged In 4 Robberies

City police today charged three Negro youths with last Thursday's armed robbery at the Occident Federal Savings and Loan Association at 1201 West Fayette street, and with the holdup of the Ayares Small Loan Company, Mount and Mulberry streets, on January 6.

Two of the men were also charged with robbing the Equitable Building and Savings Association at 402 North Paca street of over $1,000 on December 26, and one was accused of the holdup of Leon Shapiro, real estate broker, in his office at 942 West Saratoga street on December 11.

All three were to be given a hearing at Southwestern Police Court later today, with State's Attorney Anselm Sodaro present, according to Henry J. Kriss, captain of detectives.

Captives Named

The accused were:

CLARENCE LAMMON, 26, of the 400 block North Brice street, arrested last Thursday when police found an Occident cash box containing $1,280, a loaded pistol, shoulder holster and length of rope in his home.

EARL L. BRIGHT, 18, of the 400 block North Pine street; arrested Sunday.

ROBERT HARDY, 25, of the 100 block North Fremont avenue; arrested yesterday.

Services Co-Operate

All three were picked up as a result of close co-operation on the case between the Federal Bureau of Investigation, the city detective bureau, and the uniformed Southwestern district force, officials said.

Hardy and Lammon were charged with the Equitable robbery, in which three bandits took part, and Hardy alone with holding up Mr. Shapiro, from whom $270 was taken.

Construction Noise Affects Courthouse

Courthouse construction work which began last week is causing a change in schedules and the temporary moving of several courts.

Drilling on the walls has made proceedings nearly inaudible in the Criminal Court and Criminal Court Part 2, in spite of the loudspeaker system.

The Supreme Bench announced today that the proceedings of the main room of Criminal Court under Judge Joseph Sherbow would be shifted, effective Thursday, from the present location at Room 103 to the Baltimore City Court, Room 131.

Judge Joseph R. Byrnes, of Baltimore City Court, will shift his proceedings to Room 226, the Superiod Court, where Chief Judge W. Conwell Smith has been presiding.

MORN. SUN-1/31

9 Counties Ask To Join City In 'Frisking' Bill

[Annapolis Bureau of The Sun]

Annapolis, Jan. 30—Nine counties today asked to join Baltimore city in a bill to admit "frisked" evidence in the prosecution of persons accused of carrying concealed weapons.

Baltimore county already operates under such a law.

The counties requesting inclusion in a "frisking" bill before the House were Allegany, Anne Arundel, Cecil, Frederick, Harford, Montgomery, Talbot, Washington and Wicomico.

The bill was reported favorably by the House Judiciary Committee, which had delayed action to permit the interested counties to add their names to the list.

It comes up later for final action.

2 Acquitted In Theft Of Sewing Machine

Judge Emory H. Niles yesterday found Michael A. Lombardi not guilty on a charge of receiving a stolen sewing machine which had been taken in a series of burglaries of public schools.

Lombardi, whose business is in the 400 block of North Eutaw street, said he did not know the machine was stolen and pointed out he had filed the usual papers on such equipment with police after his purchase.

Harvey Taylor, 35, Negro, who sold the sewing machine to Lombardi, also was found not guilty by Judge Niles, who said the State's evidence was inconclusive."

3 MEN ADMIT $1,700 HOLDUP OF LOAN FIRM

Plead Not Guilty To Two Other Robberies But Charges Are Placed

Three men calmly chewed gum in the Southwestern Police Court yesterday and pleaded guilty to the $1,700 armed holdup of the Occident Federal Savings and Loan Association last Thursday.

The same three heard victims in two other major holdups—the $3,500 robbery of the Ayares Small Loan Company and the $1,000 robbery of the Equitable Building and Loan Association—point them out uncertainly as the men who had robbed them.

The accused, all Negroes, pleaded not guilty to the Ayares Loan Company and the Equitable Building and Loan robberies, but after the testimony was ended, they were ordered held on all charges under a total of $45,000 bail.

Patrolman Broke Case

The case against them was presented by Anselm Sodaro, State's attorney, and one of his assistants, M. P. Moser. It was the first appearance of the new State's attorney in a local police court since his election.

The tip that broke the case was obtained by Patrolman Leo R. Kowalawski, of the Southwestern district. He followed a lead given him by a woman who had noticed suspicious behavior in the neighborhood a few minutes before the Occident holdup.

The men accused are: Robert Hardy, 25, of the 100 block North Fremont avenue; Earl L. Bright, 18, of the 400 block Pine street, and Clarence Lammon, 26, of the 400 block North Brice street.

$270 Holdup Laid To Hardy

Besides the three loan company holdups, Hardy is charged with the $270 armed robbery of Leon Shapiro, real-estate man, in his office in the 900 block West Saratoga street December 11. Hardy pleaded not guilty to this charge.

Detective Lieutenants Allan Crone and Lawrence J. Cooper testified that they arrested Lammon at his home at 1.30 P.M. Thursday, less than four hours after four Negroes had forced four Occident employés into a washroom, looted cash registers and drawers and fled with $1,705.50.

Bright and Hardy were both arrested at their homes before dawn the next morning by local police and FBI agents who had entered the case.

Clerk Names Lammon

Lieutenant Cooper said that at Lammon's home they found one pistol, two blackjacks and a strongbox containing $1,280.

He testified the men told him they came to Lammon's home after the Occident robbery, changed their clothes, split the money into four shares and parted.

Mrs. Rena Armiger, a clerk for the savings and loan company, identified Lammon as the man who threatened her with a pistol during the robbery.

Lammon, she said, told her, "'turn and face the wall, or I'll blow your face out.'"

Three witnesses were asked if they could identify any of the accused as the men who held up the Ayares Small Loan Company, at Mount and Mulberry streets, January 6 and escaped with $3,577.75.

Donald Robbins, who walked into the office seeking a job and found the holdup in progress, said Lammon opened the door for him, but later told Magistrate J. Elmer Thater that he was sure only of Bright's identity.

2 Prisoners Laughed

Lieutenant Cooper said one Ayares employé, Joseph F. Fine, had identified Lammon in a line-up. Another employée, he said, identified Bright.

In court, Fine pointed out that all the bandits were masked during the holdup. Mr. Sodaro asked him if he could identify any "from the nose up." Fine pointed to Hardy, and the other two prisoners laughed.

Says Shapiro Picked Hardy

Miss Eleanor Fischer, one of the witnesses to the $1,006.23 holdup of the Equitable Building and Loan Association in the 400 block North Paca street December 26, said two of the prisoners bore "a resemblance" to the men who robbed the office.

In testimony about the Shapiro robbery, Lieutenant Cooper told the court Shapiro could not appear because he was ill and forced to stay in bed.

The lieutenant said Shapiro, however, had identified Hardy as the man who robbed him. The identification, he said, was made from a picture shown him.

MORN SUN 1/31/51

JURY HEARS MAN ATTACKED OFFICER

Negro Who Charges Brutality Being Tried For Assault

James Hardy, 26, yesterday went on trial in Criminal Court on a charge of assault with intent to murder Patrolman William Pestridge, against whom Hardy has lodged a complaint of police brutality.

Hardy, a Negro, complained of mistreatment by Patrolman Pestridge after he was accused of the assault-on-officer charge last December 9.

The Criminal Court jury heard only opening statements and brief medical testimony yesterday. The trial will be resumed this morning before Judge Joseph Sherbow.

The brutality complaint against the policeman is pending before the grand jury, which will open a probe on that accusation and other similar ones tomorrow.

Says Patrolman Was Cut

J. Harold Grady, assistant State's attorney, told the jury the State would prove that Hardy assaulted and seriously cut Pestridge after the defendant resented censure by the patrolman.

Joseph Rosenthal, defense attorney, contended he would show that the patrolman had been drinking and acting outside his authority, and that the law-enforcement man struck the first blow.

The jury was told that Hardy, who lives in the 1500 block McKean avenue, worked as cook for Mr. and Mrs. Anthony Theodore, who operate restaurants in the 1900 block Baker street and the 1800 block Lorman street. The two eating places are about three blocks apart.

Censured About Driving

The State contended that Mrs. Theodore requested the patrolman to accompany her in her car to the Lorman street restaurant because Hardy, who served as her driver, had been drinking. When the car reached the restaurant, Hardy drove by and was remonstrated by Mrs. Theodore, who became unnerved, Mr. Grady stated.

After returning to the restaurant, Patrolman Pestridge censured the defendant about his driving, but Hardy resented the criticism and replied in profane language that it was none of the patrolman's business, the State lawyer said.

The policeman then attempted to arrest Hardy, but was hit in the face by the defendant and later cut with a knife which Hardy obtained in the establishment, the jury was told. Several transfusions and an operation were performed on Pestridge later.

Says He Drank Whisky

Mr. Rosenthal contended the defense would prove that the policeman used the Baker street restaurant as a place to drink intoxicants, and that on the night of the Hardy incident, he brought two half pints of liquor into the place and consumed them.

The defense counsel said he also would prove that the offver was acting contrary to police regulations and that when the group reached the other restaurant, Pestridge assaulted the Negro first, causing him to be hospitalized.

He said the evidence would show that the prosecuting witness and Hardy were "high" at the time.

Dr. John O'Connor, Police Department surgeon, testified he operated on Pestridge for a severe cut on the head and gave transfusions to the policeman. He said he observed other cuts on the man's face and body.

There was no odor of alcohol on the breath of Pestridge, the doctor told the jury.

EVE SUN-1/31

Officer Drank With Patrons, Two Testify

Two witnesses today testified before a Criminal Court jury that Patrolman William W. Pestridge made three purchases of intoxicants after hours and drank with customers at a restaurant prior to a disturbance resulting in an assault-to-murder charge against James Hardy, restaurant handyman.

Hardy, a Negro, went on trial yesterday before Judge Joseph Sherbow.

His counsel, Joseph Rosenthal, contended at the outset of the case that the trouble was due to the uniformed Northwestern district officer's "acting like a hoodlum" and providing a drinking party.

Case In Brutality Probe

The case is one of the alleged instances of police brutality, for which the National Association for the Advancement of Colored People has sought a grand jury investigation. Investigation of other such complaints is to be renewed by the jury tomorrow.

Officer Pestridge, on the police force for about three years and once an amateur and professional boxer, denied charges that he provided drinks or was drinking at all.

However, Mrs. Anthony Theodore, proprietress of the restaurant at 1901 Baker street, where the conflict between the policeman and Hardy occurred, said the officer on three occasions in the early morning of December 9 had provided drinks for persons in her place.

Mrs. Theodore also operates a restaurant at 1852 Lorman street.

Customer Testifies

William Satterfield, a Negro customer at the Baker street restaurant, said the officer was there when he came in and insisted on his taking a drink.

Satterfield said the officer had persons drive him on two occasions to the corner of North avenue and Pulaski street, where a police call box was located.

Mrs. Theodore denied the patrolman's story that she had been dancing with her Negro handyman. Satterfield testified that Hardy and a Negro waitress named Odelle, had danced together, and added that Patrolman Pestridge had persuaded Mrs. Theodore to dance with him to music of the restaurant jukebox.

Rode In Station Wagon

In spite of police regulations, the officer had ridden in the station wagon of the restaurant owner when she, Hardy and others left the all-night Baker street restaurant about 6 A.M. on the morning of December 9 to open the Lorman street restaurant.

Patrolman Pestridge said he first protested about riding in the automobile and suggested walking the three blocks between the two places. He said he agreed to ride with the group when Mrs. Theodore said she was afraid of her employé, Hardy, "when he was drinking."

However, Hardy drove the station wagon, the officer testified. He added that he had not seen Hardy drinking and that the man did not show signs of drinking.

Woman Seemed Hysterical

At the Lorman street place, Mrs. Theodore seemed hysterical because Hardy had driven by the spot and had to turn back. The officer testified that he called Hardy from behind the lunchroom counter to have him try to calm Mrs. Theodore.

MORN-SUN-2/1

HARDY FREED OF ASSAULT ON POLICEMAN

Jury Acquits Negro Who Charged Brutality By Pestridge

James Hardy, 26-year-old cook, yesterday was acquitted on a charge of assault with intent to murder Patrolman William Pestridge after witnesses testified the policeman had been drinking while on duty.

The Criminal Court jury deliberated about 40 minutes before returning the verdict in favor of Hardy, whose defense was that he had been the victim of an unprovoked assault by the patrolman.

Five defense witnesses, in addition to Hardy, testified that on the night of the alleged assault the policeman brought several bottles of whisky into the restaurant where Hardy was employed and treated employés and patrons.

Complained Of Brutality

Hardy is one of a number of Negroes whose complaints of police brutality will be probed by the grand jury. About 30 witnesses have been summoned to appear before the grand jury today or tomorrow in connection with the investigation.

Hardy had been accused of assaulting and seriously cutting Patrolman Pestridge last December 9 in one of two restaurants operated by Mr. and Mrs. Anthony Theodore. One of the restaurants is in the 1900 block Baker street; the other in the 1800 block Lorman street.

According to defense testimony presented by Joseph Rosenthal, counsel for Hardy, Patrolman Pestridge spent considerable time in the early hours of December 9 in the Baker street restaurant, drinking and mingling with the patrons and employés.

Says He Had Whisky

Mrs. Theodore told the jury that the policeman entered the eating place about 3 A.M. She said she offered him coffee, but he replied that he wanted something "stronger" and asked her if he could purchase liquor and bring it there.

The proprietress testified that the policeman returned about 4.30 A.M. with a half pint of whisky. She said he fixed drinks in paper cups for her, a waitress, two patrons and himself and then continued to drink and play records in the juke box.

Later, the witness testified, the policeman left with two patrons and returned with more whisky and four cans of beer.

The law enforcement man continued to drink until after 5 A.M., and when Hardy entered the restaurant, Patrolman Pestridge insisted that he join in the drinking party, Mrs. Theodore continued.

She said Hardy, the policeman and a patron then went in her car and bought more whisky which they consumed.

The witness told the jury that when she decided to leave for her other restaurant and asked Hardy to drive her there, the policeman decided he would go along and got into the rear seat.

She denied the patrolman's testimony that after Hardy arrived, she danced with the cook.

Mrs. Theodore testified that Hardy drove past the other restaurant. She admitted she became a bit unnerved because she knew Hardy had been drinking. She denied, however, that she considered that action as "serious."

The restaurant operator testified the policeman accompanied them into the Lorman street restaurant, and shortly thereafter grabbed Hardy by the collar and remonstrated him for driving past the establishment.

Tells Of Fight

She testified she tried to interfere to prevent trouble, but the policeman invited Hardy to "step outside." She said the patrolman hit Hardy in the eye, causing the blood to flow, and Hardy then ran into the kitchen and later upstairs.

Patrolman Pestridge then put his hand on his gun and threatened to shoot Hardy, the witness related.

She said Hardy later came downstairs, picked up a knife and started to walk behind the counter, with the policeman on the other side of the counter.

The witness said she fell to the floor because she feared shooting and when she looked up she saw the two men fighting behind the counter.

Mrs. Theodore told the jury that Patrolman Pestridge comes into her restaurant occasionally, that he had brought whisky there on other occasions and that she has seen him "high" several times.

Patron Testifies

William Satterfield, Negro, of the 800 block North Fulton avenue, testified he was one of the patrons served whisky by the policeman.

Satterfied told the jury he also went with the policeman to the vicinity of North avenue and Pulaski street where he said the prosecuting witness bought the intoxicants.

Satterfield said the policeman danced with Mrs. Theodore.

Odelle Bostelle, Negro waitress, also told of observing the policeman drinking in the restaurant. She said she heard Patrolman Pestridge threaten to shoot Hardy in the other restaurant, but ran out before the stabbing incident occurred.

Paul Thomas, Negro, dishwasher for the Theodores, said he observed the policeman drinking in the restaurant and testified he has drunk whisky with Patrolman Pestridge on several occasions.

Hardy On Stand

Hardy, who lives in the 1500 block McKean avenue, testified he reached the Baker street restaurant about 5.15 A.M. and that Patrolman Pestridge was there drinking at that time. He said he agreed to accept a drink after he was greeted by the policeman as "an old friend."

The defendant then told of taking the patrolman in Mrs. Theodore's car to buy additional whisky, and of the patrolman accompanying the group to the other restaurant in the automobile. Hardy said that he drove past the Lorman street eating place because he thought he was to take the waitress home first.

He told the jurors that when they went inside the restaurant, Patrolman Pestridge took him to task about driving past the place. He said the policeman then hit him in the face and hit at him a second time, but he fled into the kitchen and then upstairs.

Fall To The Floor

Hardy said when he came downstairs, the policeman still was there. He said he picked up an object, not knowing at the time that it was a knife. He said he could hardly see because of the blood streaming from his eye.

Hardy testified the patrolman grabbed him by the arm and both fell to the floor, with the policeman on top. The defendant contended that it was at that time that the policeman received the stab wound on the face, declaring that Pestridge must have fallen on the knife.

Hardy testified he was struck a few more times by Patrolman Pestridge, and that when other policemen arrived they hit him with a club and kicked him in the face.

The defendant was treated at a hospital for injuries, while Patrolman Pestridge's injuries required surgery and several transfusions, according to medical testimony.

Pestridge Denies Drinking

Patrolman Pestridge denied drinking intoxicants in the restaurant and also denied that he had carried whisky into the place.

He said he had been requested by Mrs. Theodore to stop in the restaurant several times during the night because Hardy was late reporting for work, and she feared he might be drinking.

The prosecuting witness told the jury he was asked by Mrs. Theodore to accompany her in the car to the other restaurant because she was afraid to ride with Hardy while he was drinking. He contended he protested at first about riding in the private car.

The policeman denied dancing with Mrs. Theodore, saying he does not know how to dance.

The policeman admitted he spoke to Hardy about his driving, but contended that the defendant resented the comment, and then cursed and shoved him.

The prosecuting witness said Hardy then obtained the knife and attacked him with it, inflicting several lacerations on the face and body and cutting his coat.

Judge Joseph Sherbow presided at the trial.

Patrolman Pestridge is a former professional boxer and has been on the Baltimore police force for three years.

The Baltimore News-Post
Thursday, Feb. 1, 1951— 12

Pat. Pestridge Is Suspended

Charged with being under the influence of liquor while on active duty, Patrolman William W. Pestridge, thirty, today was suspended from the police force pending a hearing on the charges before Police Commissioner Beverly Ober.

The suspension followed a trial yesterday in Criminal Court in which James Hardy, twenty-six-year-old cook, was acquitted on a charge of cutting Prestridge with intent to kill after it was testified that the policeman had been drinking while on duty.

A member of the police force in Northwestern district since 1947, Pestridge denied having drunk intoxicants in a restaurant in the 1900 block Baker street and denied having taken whisky into the establishment.

Hardy is one of a number of Negroes whose complaints of police brutality are being investigated today by the Grand Jury.

Hardy testified that he was struck several times by Pestridge and was kicked by other policemen during a fight that followed a period of drinking by Pestridge, Hardy and others in the Baker street restaurant.

EVE. SUN-2-1-51

Judge Frees Woman Accused Of Stealing From Husband

The poser of whether a wife in Maryland can be charged with stealing from her husband is still an open question, Judge Joseph Sherbow said today when a wife-theft charge came before him. He found the accused woman not guilty, without passing on the controversial point.

Mrs. Shirley Wise, 25, now living in the 200 block McCurley street, a few doors from the house where she and William J. Wise, 49, lived prior to their separation last September, was the defendant who was acquitted.

Her husband accused her of taking two diamond rings, one which he valued at $2,300 and the other at $8,000, but which Isaac Berman, former pawnbroker, today said they were worth no more than $1,000 and $4,000, respectively.

Mr. Berman, who had bought both rings from Mrs. Wise last October for a total of $600, vainly sought to have Judge Sherbow order the rings surrendered to him.

Mr. Wise said his estranged wife had taken the rings without his consent. Mrs. Wise testified she had gone back to his house in an effort to get money for support of herself and her 3-year-old son, and that Mr. Wise threw the rings on a bed, saying: "I don't have any money. This is all I have."

Judge Sherbow, pointing out that under old common law a wife could not steal from her husband, said the matter was "still a serious legal question" but that he did not have to decide it. He acquitted Mrs. Wise on the ground that no theft was involved.

Policeman Is Suspended After Hardy Is Freed

Patrolman William W. Pestridge has been suspended from duty and charged with violating a departmental regulation by "being under the influence of intoxicants while on active duty and in uniform," according to Chief Inspector M. Joseph Wallace.

The action was taken yesterday by Capt. William Feehley, Northwestern district commander, on orders of Inspector Wallace, following the acquittal of James Hardy, 26-year-old Negro cook, on a charge of assault with intent to murder the patrolman.

In directing suspension of the officer, Inspector Wallace also instructed Captain Feehley to prepare charges against Pestridge and forward them to Police Commissioner Beverly Ober.

PATROLMAN W. W. PESTRIDGE
Suspended

Five Testify To Drinking

Five witnesses testified before the Criminal Court jury which acquitted Hardy of the assault charge that Patrolman Pestridge had been drinking on duty. Mrs. Anthony Theodore, proprietor of the restaurant where the alleged drinking took place, testified that Pestridge initiated the drinking party and mixed the drinks.

Captain Feehley said today he will study testimony given at the trial to determine whether any other charges will be placed against Pestridge.

After he compiles the charges, Captain Feehley said, they will be sent to Commissioner Ober, who will then set a date for the hearing.

Grand Jury Probe Begins

The grand jury is investigating a number of complaints of police brutality, including one lodged by Hardy. The cook alleged he was the victim of an unprovoked assault by Pestridge.

Hardy was accused of attacking the officer with a butcher knife last December 9 in a restaurant in the 1800 block of Lorman street—one of the two owned by Mr. and Mrs. Theodore.

It was at the second restaurant, in the 1900 block of Baker street, where the drinking was done, according to testimony. Pestridge, it was testified by defense witnesses, went out and got the whisky, mixed the drinks and distributed them among customers, employés, the owner—and himself.

Patrolman Pestridge, 30 years old, was appointed to the Police Department December 18, 1947. He voluntarily resigned, the records show, April 4, 1948, but was reinstated the following May 20.

Flashes

Sentenced For Holdup

Arrested because of the keen recollection of a movie ticket-seller whom he held up nearly two years ago, Ernest R. Caudle, 25, today was sentenced to a term of not more than nine years in the State Reformatory on a charge of robbery.

Jury Considers Nine Charges Of Brutality

Nine alleged cases of police brutality, seven of them arising from complaints by the National Association for the Advancement of Colored People, today came under scrutiny by the Baltimore grand jury.

Twenty-nine witnesses are summoned to appear before the grand jury today and tomorrow. Five of the brutality complaints are scheduled to be examined today, and four tomorrow.

The matter is the first special investigation to arise before the present grand jury, which went into office early last month.

Attention Called To Cases

Judge Joseph Sherbow directed the jury's attention to the complaints in his charge to the jurors. He also called attention to the fact that the September term jury, in returning from office last month, stated it had time to investigate and explore only a few of such complaints before it.

J. Harold Grady, assistant State's attorney, has been designated by State's Attorney Anselm Sodaro to present the matters before th grand jury.

One of the nine cases, it was stated, already has been in Criminal Court, where Judge Sherbow declared the brutality claims were unfounded.

Witnesses Listed

Witnesses called to appear before the grand jury today are:

John Rudolph, 1714 North Washington street; Mrs. Dorothy Rudolph, same address; Patrolman Donald Rollyson, Northeastern district; Patrolman Howard Bayne, Northeastern district; Patrolman Joseph Illich, Northeastern district; Mrs. Salina Morris, Negro, 589 Oxford street; Sergt. William Vinup, Northwestern district; Patrolman Jerome Glass, Northwestern district; Charles Phillips, Negro, 1101 Pennsylvania avenue; James Joseph Parker, Negro, 1706 Cairo street; Mrs. James Joseph Parker, same address; Sergt. Leslie Kummer, Northwestern district; Patrolman Edwin Carter, Northwestern district; Patrolman Norman Kelly, Northwestern district.

Scheduled Tomorrow

Those called to appear tomorrow are:

Mrs. Mary Rollins, Negro, 1713 Baker street; Mrs. Susie West, 1615 Bakbury court; Patrolman William Dickerson, Northwestern district; Patrolman Robert Dietz, Northwestern district; John E. Jenkins, Negro, 1806 Spring street; Patrolman Robert McKay, Northeastern district; Patrolman Albert G. Thomas, Northeastern district; Patrolman George Wright, Jr., Northeastern district; Nathaniel Thomas, Negro, 931 Shields place.

Sergt. Frank Bacala, Northwestern district; Patrolman Jesse Eaton, Northwestern district; Patrolman William Sempeck, Northwestern district; John Hall, Negro, 1120 McKean avenue; Patrolman Robert Miller, traffic division; Patrolman John Moore, traffic division.

Other Cases To Be Set

Other cases in the N.A.A.C.P. complaint submitted to the prosecuting office and the grand jury will be set for investigations later, according to Mr. Sodaro.

The prosecutor stated that he will not seek further investigation of the brutality complaints already investigated by the September grand jury. The jury reported that it saw no grounds for institution of prosecutions in the cases it had reviewed.

MORN-SUN 2/2

Cashier's Memory Jails Holdup Man

Miss Dorothy Roberts's ability to remember faces yesterday resulted in a sentence of not more than nine years in the Reformatory for Males for Ernest P. Caudle, 25.

On March 13, 1949, Miss Roberts was the victim of a $192 robbery while she was serving as cashier at a movie in the first block of West Lexington street. She said the man appeared to be holding a pistol in his topcoat pocket.

Miss Roberts, who lives in the 2400 block of East Jefferson street, since then has worked as cashier at two other downtown theaters.

She said on several occasions since the 1949 robbery she has seen Caudle, but has been unable to get assistance in time.

Last January 14, while working at a North Eutaw street theater as cashier, she saw Caudle again, but this time she was able to notify police in time to effect his arrest, Judge S. Ralph Warnken was told.

Caudle, who lives in the 1700 block of St. Paul street, admitted the robbery but denied use of a gun. Saul Harris prosecuted the case.

MORN-SUN 2/2

JURY TO GET HARDY CASE

Sodaro To Give Facts To Grand Jury In Brutality Study

Anselm Sodaro, State's attorney, last night disclosed that he will submit facts in the case involving James Hardy and Patrolman William Pestridge to the grand jury for its consideration in connection with the probe of police brutality against Negroes.

Patrolman Pestridge yesterday was suspended from duty and charged with being intoxicated while on duty. That action came after Hardy, a Negro, was acquitted by a Criminal Court jury of assault with intent to murder the policeman.

Five witnesses in the Hardy trial testified that Patrolman Pestridge was drinking while on duty last December 9, and that the patrolman provoked the attack upon himself by striking the Negro.

Jury Probing Complaints

The grand jury, which yesterday opened an investigation of a series of brutality complaints lodged by the National Association for the Advancement of Colored People, had not been formally asked to probe the Hardy incident.

A complaint in the Hardy case had been lodged by the organization with the Police Commissioner, but not with the grand jury, it was disclosed.

Mr. Sodaro said he felt the jurors ought to be advised of the facts in the Hardy case and for that reason would take up the matter with the investigating body.

The jury yesterday heard four witnesses in connection with an alleged police assault on John Rudolph, of the 1700 block North Washington street. The witnesses included Rudolph and Patrolmen Donald Rollyson, Howard Bayne and Joseph Illich. Rudolph is a white man.

Five brutality complaints were scheduled for inquiry yesterday, but only the one was reached.

It was disclosed that the complainant in another case cannot be reached, while the complainant in a second case died recently. Four other complaints are scheduled for airing before the investigating body today, Mr. Sodaro said.

EVE. SUN-2/2

State Attorneys Will Discuss Legislation

Pending legislative bills dealing with criminal matters, including the proposed new institution for defective delinquents, were discussed today before the prosecutors of Baltimore and the 23 Maryland counties, who form the State's Attorney's Association of Maryland.

J. Bernard Wells, former State's attorney of Baltimore and retiring president of the association which he was instrumental in founding, called today's meeting.

The prosecutors are scheduled to elect a new president and other officers, in addition to considering and determining whether to back or oppose pending legislative bills.

Rogers Will Speak

William C. Rogers, Jr., an assistant Baltimore prosecutor, was assigned by State's Attorney Anslem Sodaro to discuss the proposed defective delinquent measure before the prosecutors. The bill, it is said, is designed to carry out the suggestions of a number of judges that Maryland create a modern and up-to-date institution and complete system for the handling of defective delinquents.

Other pending measures set for discussion before the prosecutors concerned the move to substitute a gas chamber for hanging executions, to require ballistic tests at the time of sale of all weapons, to restrict juvenile court jurisdiction in motor-vehicle cases, to place electric trolleys and trackless trolleys under the motor-vehicle laws, to make failure to stop after a traffic accident a felony requiring punishment by both fine and imprisonment and establishment of a time limit on execution warrants.

Jury Considers 4 Brutality Cases

Four complaints of police brutality against Negroes were probed by the grand jury yesterday, Anselm Sodaro, State's attorney, said.

Meanwhile, Mr. Sodaro disclosed, a transcript of the testimony given at the recent trial of James Hardy, Negro, who was acquitted of assault with intent to murder Patrolman William Pestridge, is being prepared.

Defense testimony at the trial included evidence by five witnesses that Patrolman Pestridge was drinking while on duty. The policeman was suspended from duty the day after the trial.

Complainants who aired their charges of police mistreatment yesterday were Mrs. Mary Rollins, 1713 Baker street; John Jenkins, 1806 North Spring street; Nathaniel Thomas, 931 Shields place, and John Hall, 1120 McKean avenue.

Sodaro Alarmed At Rise Of Narcotics Cases Locally

Centering his sights on Baltimore's crime which did a five million dollar business and accounted for 81 murders in 1950, State's Attorney Anselm Sodaro has reorganized his office—creating four divisions, patterned after the proceedure set up in the District Attorney's Office in New York City and Brooklyn, New York—in preparation for an all-out blast against lawlessness in this City which in 1950 ran up a staggering total of 531 armed robbery cases, 2,234 burglary cases and 17 manslaughter cases.

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At the same time Mr. Sodaro, taking note of the number of local narcotics cases which have been uncovered recently, said: "The rise of narcotics users locally is particularly disturbing to me. I think that if it is at all possible, there should be a special narcotics squad in the police department to investigate such cases. Investigation of narcotics cases requires a tremendous amount of training, time, foresight and imagination."

The local rise in narcotics is due, Mr. Sodaro thinks, to the fact that the Port of Baltimore is doing more and more foreign trade and the dope is coming into the City in that way.

"LOOSE ENDS"

The reorganization of the State's Attorney's Office has, in the main, been concerned with the creation of four separate divisions within the department: one to deal with homicide, one with youth offenders, one with domestic relations cases and, finally, a special investigative division to "tie up loose ends in any cases in which the State's Attorney's Office is interested."

The creation of a homicide division is perhaps the most important step in the department's new reorganization program. Under the new set-up, men—Assistant State's Attorneys — whose training and experience qualify them are assigned to do nothing but work in the homicide division. Under the new setup, the State's Attorney's Office will follow a case from the time a crime is committed until it is disposed of in the courts. Men from the Office will work with the policemen and detectives investigating the case.

Prior to the creation of the homicide division the State's Attorney's Office seldom worked on a crime except to prepare a case for the courts.

HOMICIDE COURT

To back up the State's Attorney's homicide division, Mr. Sodaro would like to see one magistrate, in one court ("like the Housing Court") handle all murder cases. He has written to Governor McKeldin suggesting the creation of such a court.

At the present time, when preparing a murder case, the State's Attorney's Office may have to work with any one of 9 magistrates in the City's police stations. Under the proposed set-up, Mr. Sodaro points out, there would be greater uniformity of decision in murder cases. "It would be ideal," says Mr. Sodaro, "if the Police Commissioner would designate a homicide division of this office to handle all murder cases."

The youth division is another innovation in the State's Attorney's Office, and the problem of youth crime will be given more and more consideration in the office since Mr. Sodaro estimates that in the coming year 25% of all cases coming into the State's Attorney's Office will be youth offender cases."

Under the new youth division, one assistant in the office is assigned to deal with nothing but cases involving law-breakers between the ages of 17 and 20. This man works with the judge of the Youth Court and the Court's Youth Department. Youth division dockets are kept and records made of the progress of each case.

To handle the special investigative division of his Office, Mr. Sodaro hopes for the assignment of approximately five policemen to his Office. Their duties would be to check on cases directly called to the Office's attention, as well as to investigate phases of various cases under the Office's jurisdiction. These policemen would be directly under the supervision of the State's Attorney. Mr. Sodaro points out that such divisions do exist in New York City and in Brooklyn, where 72 such policemen are assigned to the D. A.'s Office of the former and 23 to the latter.

The final division of the State's Attorney"s Office—the Domestic Relations Department—has grown out of the fact that while the Office handled only 1,200 such cases in 1931, the number has since grown to the 10,000 handled in 1950.

All in all, the reorganization of the State's Attorney's Office is almost certain to make its effect felt against local lawlessness.

MORN-SUN 2-3-51

Prosecutors Back 'Frisking' Change

The State's Attorneys' Association of Maryland yesterday went on record as favoring a State-wide bill to exempt "frisking" for concealed weapons from the Bouse Act limitations.

Meeting in annual session, the association also supported a measure which would make the execution of a death warrant automatic if the Governor fails to set a date for the hanging within a limited time.

After considerable debate and discussion, the association approved the principles of a bill calling for special treatment by the courts of convicted defective delinquents. The prosecutors tabled the bill for further study.

The bill would authorize the commitment of persons found to be defective delinquents to a special institution to be erected near Jessups. At that institution, the delinquents would receive appropriate treatment and would be held until deemed fit to return to society, according to William C. Rogers, Jr., Baltimore prosecutor, who outlined the measure.

The association expressed little interest in whether or not it becomes unlawful to shoot at a dog pursuing a fox in Queen Annes county. A bill containing this provision is before the Legislature. It would extend a present law making it illegal to kill or injure a fox being pursued by a dog in that county.

The State prosecutors tabled the measure. In effect, they don't care.

At the election of officers, Anselm Sodaro, State's attorney, of Baltimore city, was named president to succeed J. Bernard Wells, who retired as chief Baltimore prosecutor last year.

Mr. Wells had been president of the association for sixteen years. Elected vice presidents were Harry E. Clarke, State's attorney, of Talbot county; Arthur W. Dowell, State's attorney, of Calvert county, and Paul W. Fletcher, State's attorney of Allegany county.

Daniel M. Murray, Jr., State's Attorney, of Howard county, was re-elected secretary and John E. Raine, Jr., Sate's attorney, of Baltimore county, was named treasurer.

NEWS-2/2

Attorneys' Assn. Opens Sessions

States Attorneys and their assistants from all the counties, and the entire staff of the States Attorney's office in Baltimore today are attending the annual meeting of the Maryland States Attorneys' Association in the Emerson Hotel.

Included on the agenda are discussions of various pieces of legislation pending before the General Assembly, and election of new officers.

County States Attorneys have set forth Anselm Sodaro, recently elected States Attorney of Baltimore, for president of the organization.

J. Bernard Wells, former States Attorney of Baltimore, will preside at the meeting, which will be concluded with a banquet.

MORN SUN-2/3

Man Collecting 'Dues' Sentenced

Convicted of obtaining about $162 in "union dues" from a number of unemployed persons on the pretext that he could give them positions, James E. Wiest, 34, yesterday was sentenced to three years in the House of Correction by Judge Joseph Sherbow in Criminal Court.

According to evidence produced by Charles E. Orth, Jr., prosecutor, Wiest telephoned the State Unemployment Board, the Salvation Army or church leaders and offered to give jobs as drivers or helpers to needy persons out of work.

The job-seekers were instructed to meet Wiest at the corner of Light and Camden streets, where they were promised a job at an attractive salary, but told that they needed a union card, Mr. Orth told Judge Sherbow.

The defendant collected sums ranging from $4.50 to $70 from various individuals for that purpose. Wiest gave an address in the 600 block Pontiac avenue.

A "Despicable" Practice Requiring Careful Action

The General Assembly has under consideration a little-known practice in Baltimore which eighteen months ago was termed "vicious," "pernicious" and "despicable" by those in a position to understand it. The practice, described by the Baltimore Real Estate Board as a method by which some slum landlords circumvent rent and health regulations, is that of signing up slum dwellers to 40 and 60 year contracts to "buy" the dilapidated dwellings which they occupy as tenants.

These lifetime slum contracts are a corruption of the time-honored Baltimore custom of granting rental contracts to low-income home buyers, and they have been denounced as such by responsible real-estate men. Under the slum versions the tenant pays, in lieu of rent, a considerably larger weekly sum which covers all of the owner's expenses plus interest on the high valuation he sets for the property. What money is left over, and sometimes it is only $1 a week, is applied to "principal," since theoretically the tenant will own the house in the far distant future, if the house stands up that long.

If the tenant falls only slightly behind in the payments at any time during the life of the contract, the house may revert without notice to the owner, who, despite the "sale," continues to hold title to the property. Any equity which the tenant may have built up over the years is forfeited. The property, in short, belongs for all practical purposes to the seller. Yet when the Health Department serves notice that structural defects in the house must be corrected, the seller disavows ownership and claims that the tenant, by reason of the "sale," must be held responsible for health and housing violations.

Here, then, is a situation in which the titles to properties are beclouded by unrecorded "sales" which shift legal responsibilities at the will of one party only. Here, then, is a situation in which the poorest and most crowded segment of the population is in a position to be victimized by contractual terms which they are not likely to understand in any case and which, in actual practice, they are not even given a copy of. And for once in Baltimore, there is unanimity among interested groups that the situation is bad and requires immediate correction.

The only trouble is, the Baltimoreans who have taken on the job of correcting the admittedly bad situation have divided into two camps—one looking at the problem from the tenants' points of view and the other representing landlord interests. Each is backing a separate bill at Annapolis, and each is prepared to fight the other. That leaves the Legislature in the middle and the public far out in the wings. The fundamental question of property rights is becoming lost in the heat of landlord-tenant partisanship.

If the Legislature can disregard the special pleaders and get to the heart of the matter, it will see that at stake in the situation are matters which require the considered advice of our best disinterested legal minds. The representatives neither of landlords nor of tenants should be settling the matter. The basic issue is the sanctity of Baltimore's property records.

EVE. SUN-2/5

2 N.Y. Men Get 6-Year Terms

Six-year sentences, and a statement that "professional safecrackers will find crime in Baltimore extremely unhealthy" greeted two New Yorkers who today faced Criminal Court for burglary and safecracking.

Judge Joseph Sherbow sentenced the two men, Roy Audler and David Brandenburg, both in their upper twenties, to the Penitentiary. They were arrested last November 11 for breaking into a coin-vending machine warehouse in the 700 block Ensor street.

The men were arrested by Patrolmen James Cadden and James Stromberg, who were cruising near by when a burglar alarm at the warehouse sounded. The defendants were seen fleeing from the building. They had entered by cutting a hole in the roof.

The clinching evidence in the case was identification of dust particles taken from one man's beard stubble and from clothing of both. The dust was identified by Federal Bureau of Identification experts as similar to the rack-wool roof insulation through which the burglars had cut. Both men claimed innocence and gave excuses for being in the vicinity of the warehouse.

EVE. SUN-2-6-51

With Joseph Sherbow, Associate Judge of the Supreme Bench of Baltimore city, as the guest speaker, WAAM next Sunday will introduce "Lawyer's Brief," a current-affairs series to be presented under the auspices of the Junior Bar Association.

The subject under consideration on the opener will be the Youth Court. Air time is set for 1.45 P.M.

Speakers on subsequent broadcasts are to include Col. Henry C. Stanwood, State Director of Selective Service; Col. Arthur R. Shreve, chief of the Maryland Military District; Anselm Sodaro, State's attorney of Baltimore city; Gov. Theodore R. McKeldin and Carlisle H. Humelsine, deputy under-secretary of State.

EVE SUN 2/5

Year Terms Given In Abortion Case

Fines of $1,000 plus one-year sentences were imposed by Judge Joseph Sherbow today in Criminal Court on Mrs. Hilda Williams and her former husband, Dr. Arza G. Williams, charged with committing an abortion.

Mrs. Willaims, 48, of the 2000 block North Calvert street, is under indictment in Federal Court and awaiting trial on a charge of financing a $150,000 counterfeit scheme. She had a record for bookmaking.

Dr. Williams, who has served as a pharmacist in Maryland, but who had practiced medicine in Virginia, is 67. His address was given as the 3200 block Avon avenue. The judge committed him to the House of Correction. Mrs. Williams's sentence was not more than one year in the Reformatory for Women.

The abortion charges were brought last July after police investigators raided Mrs. Williams's place. Charles E. Orth, Jr., and J. Harold Grady, assistant State's attorneys, prosecuted.

MORN. SUN 2/5/51

2 Get Year Terms In Abortion Case

Mrs. Hilda B. Williams and her former husband, Dr. Arza Williams, yesterday were sentenced to be imprisoned for one year and fined $1,000 each on abortion charges.

Judge Joseph Sherbow, who had convicted the pair of the abortion charges several weeks ago, imposed the penalties.

Mrs. Williams, who is 48, is awaiting trial in Federal Court on charges accusing her as the ringleader in a $150,000 counterfeit ring.

Probation Opposed

A probation report submitted to Judge Sherbow asserted that Mrs. Williams's criminal activities have been motivated by a desire for money. The report recommended against probation for her, asserting that it would have no beneficial effect.

Mrs. Williams lives in the 2000 block North Calvert street. Her former husband, who is 67, gave an address in the 3200 block Avon avenue.

Charles E. Orth, Jr. [illegible] ted the case.

EVE. SUN-2-7

Racing Wire, Phone Data Ordered

Racing news and telephone records today were ordered produced in Criminal Court tomorrow at the bookmaking trial of Abe Flax, 36.

Although the records are ordered only in connection with a lone bookmaking raid in the 1800 block Bolton street, members of the so-called "gambling fraternity" saw in the move the threat of an anti-gambling drive.

They based that view on public remarks of Judge Joseph Sherbow to Police Captain Alexander L. Emerson shortly before he called for production of the records of the telephone company and of two concerns supplying racing news service.

Equipment Found

Captain Emerson had testified that "teleflash" equipment was found in a house at 1820 Bolton street in the raid on last January 25. He said such equipment was placed and serviced by either the *Howard Sports Daily* or World Wide News.

"Captain," said Judge Sherbow to the police head, "if you really want to break up bookmaking in Baltimore all you have to do is find where that racing service is utilized."

When he ordered Assistant State's Attorney Charles E. Orth, Jr., who prosecuted the Flax case, to summons the race-service and telephone records, Judge Sherbow called for only the records of installations at the Bolton street address.

To Be Resumed Tomorrow

The Flax trial will be resumed tomorrow morning. Captain Emerson, in yesterday's sessions, testified that on the date of the raid he found records of $1,480 in bets and he and his men "took" an additional $719 in wagers over the battery of telephones that were installed in the place.

As the Flax trial was in progress, a number of persons waited outside the crowded courtroom, without going inside. However, they inquired of others concerning progress of the trial.

When they heard of the new summons order, one velour-hatted man in a polo coat with collar turned up around his chin was heard to remark: "Cheez, you can't bet numbers in daytime in Baltimore any more, and now all the bookies will have to get out in the sticks."

EVE. SUN-2-6

Relief-Fraud Action Delayed As Parents Agree To Wed

Marriage today was arranged at a Criminal Court hearing in the hope of solving two different relief problems as well as a social matter.

Before Judge Joseph Sherbow, both Jennie Mae Pope, 36-year-old mother of six children, and Chester Patton, 24, who said he was the father of five of them, in effect said "I do" when the judge asked if they would marry.

Civil weddings are not possible in Maryland so Judge Sherbow placed Violet Hill Whyte, Negro policewoman sergeant, in charge of the two Negro defendants to arrange for the necessary religious ceremony.

Action Withheld

Patton already had the license, which he had bought before he was sent to the House of Correction last year for an eighteen-month term for failing to provide for his offspring.

As a result of the new development, Judge Sherbow withheld action against the mother on seven charges of obtaining relief checks by fraud.

She had been on relief last year on the ground that she could not locate the father of the children, but Policewoman Whyte's investigation finally disclosed the pair was actually living together while police were searching for Patton.

Relief checks improperly obtained by the Pope woman totaled $894. She offered to try to pay back the sum by getting work after she and Patton marry.

Patton is to be freed on condition of supporting the family, now living in two rooms in the 500 block Oxford street. His bride to be, who said she has never married, originally came here from North Caroline with one child. Her last child was born earlier this winter.

EVE. SUN-2/5

Treatment Fails, Man Recommitted

An order recommitting John I. Brilhart, former transit company bus driver, to the Maryland Reformatory for Males was signed today in Criminal Court by Judge Herman M. Moser after the court received reports that Brilhart had not co-operated satisfactorily under psychiatric treatment at a mental hospital.

Brilhart had been sentenced to a reformatory term in January, 1948, but about a year ago the sentence was suspended to permit his transfer to the Shepherd and Enoch Pratt Hospital.

His conviction was for attempted rape on a young Negro woman passenger on a bus. At his trial it was revealed that while acting as meter reader for another utility company, Brilhart had molested another Negro woman.

MORN-SUN-2/8

Bill Asks Wider Power On Judges' Suspensions

[Annapolis Bureau of The Sun]

Annapolis, Feb. 7—Criminal Court judges in Baltimore city again would be able to suspend sentence and admit offenders to probation without regard to court terms under a bill introduced yesterday by Senator George W. Della (D., Sixth Baltimore).

Senator Della explained that he introduced the bill at the request of the Supreme Bench of Baltimore city.

The Court of Appeals recently cast doubt on the power of the Criminal Court to suspend sentence and grant probation to offenders after lapse of the term of court.

New language proposed in the bill would give this authority "at any time before the expiration of any sentence."

MORN-SUN-2/8

BRILHART TO FINISH TERM

Court Order Recommits Man Convicted Of Assault

John I. Brilhart, Jr., 26, yesterday was ordered committed to the Maryland Reformatory for Males to complete a sentence imposed in 1948 for assault involving a Negro woman.

Judge Herman M. Moser signed the order and revoked a suspension of the sentence which he had granted in February 1949, in order to permit the convicted man to take psychiatric treatment at a private hospital.

Judge Moser acted yesterday on the advice of Dr. Manfred S. Guttmacher, medical advisor to the Baltimore Supreme Bench, who submitted a report showing that Brilhart was not responding to treatment and recommending commitment to a penal institution.

Quotes Report

Dr. Guttmacher wrote that the man would be "very likely to get into further sex difficulties" if released, and added, "I don't think he should be at large in the community."

Dr. Guttmacher quoted a report of Dr. William Elgin, medical director of the Sheppard Pratt Hospital, to the effect that Brilhart has "no real inclination to try to understand his problem."

The charge on which Brilhart was convicted involved an incident that allegedly occured on December 31, 1947, while the man was employed as a driver by the Baltimore Transit Company.

EVE. SUN 2/8

Pestridge Hearing Set By Ober

Col. Beverly Ober, police commissioner, today set 10 A.M. Tuesday for a hearing in his office of charges of misconduct placed against Northwestern District Patrolman William W. Pestridge.

Officer Pestridge was suspended from duty on January 31, following the acquittal in Crimnal Court of James Hardy, 26-year-old Negro restaurant cook, of a charge of assaulting the policeman.

Two charges have been placed against the patrolman, the commissioner said. They are:

1. Conduct unbecoming an officer—by drinking alcoholic beverages while in uniform and on active duty, between the hours of 3.30 A.M. and 7 A.M., December 9.

2. Failure properly to patrol his post—by riding in a private automobile with Mrs. Anthony Theodore, Mrs. Odell Pastell, Paul Thomas and James Hardy, and entering a lunchroom at 1852 Lorman street, where he participated in an altercation with James Hardy, contrary to the good order of the department.

To Call Witnesses

Mrs. Theodore is proprietress of the Lorman street lunchroom in which the altercation between Pestridge and Hardy, an employé of Mrs. Theodore, allegedly took place. Thomas is a dishwasher in the restaurant.

Mrs. Pastell, who was described as a witness to the December 9 incident; Mrs. Theodore, Hardy, and Thomas are to appear as witnesses at the hearing, the commissioner said.

Also called to testify are Pestridge's Northwestern district superiors, Capt. William C. Feehley, Lieut. John F. Spites and Sergt. Frank Wesolowski, and Dr. John O'Connor, Police Department physician, who attended the officer after he was stabbed on the evening of the alleged misconduct.

2 Names, 5 Years

Indicted under the names Fred Fosterer and Fred Foster, a 30-year-old burglar today was sentenced to five years in the Penitentiary by Judge S. Ralph Warnken in Criminal Court.

In one case, as Fosterer, he was charged with burglarizing a home in the 600 block Woodington avenue last December 2, where former Police Commissioner Hamilton R. Atkinson helped apprehend him after another neighbor, Miss DeSales Kelly, identified the man. She had watched him from the windows of her home on Wicklow road.

As Foster, the same man was convicted for burglarizing a home in the 1300 block Weldon avenue on January 22, while he was out on bail awaiting trial for the first case. Again, police figured in the case, since this home was that of Wilbur Hoffman, desk clerk at the Northern police station. Assistant State's Attorney J. Harold Grady prosecuted.

MORN-SUN-2-9-51

GAMBLER GETS YEAR TERM IN NUMBERS CASE

Stansbury Roberts Also Fined $2,000—Six Others Convicted

Judge Joseph Sherbow, declaring that "we have gotten into where the big fish are swimming," yesterday sentenced a numbers backer to one year in the House of Correction and fined the man $2,000 and costs.

The penalty—one of the heaviest imposed in Baltimore courts on a gambler—was given to Stansbury Roberts, operator of a beauty parlor in Cherry Hill and a real estate owner.

Roberts was one of seven Negroes fined or imprisoned yesterday after they were convicted of being connected with an alleged numbers headquarters located in the 1300 block North Calhoun street.

Evidence produced by Charles E. Orth, Jr., and Henry D. Blair, Jr., prosecutors, disclosed that about 72 writers of numbers turned their play into the headquarters and that the establishment took in nearly $1,000 a day in numbers play.

Admits Operating Headquarters

William E. Queen, of the 500 block North Mount street, who admitted that he had operated the numbers headquarters since last August and had rented a room for that purpose, was sentenced to six months' imprisonment and fined $1,000.

Chester Davis, described by police as Queen's helper, was sentenced to a three-month term and fined $250.

William Carter, who is collecting $46 a month in relief payments, was sentenced to 30 days in jail and fined $50 by Judge Sherbow, who commented that "this man was playing numbers with our money."

Two Women Fined

Victor Clark, who, the judge said, was taking the "rap" for his wife, believed to be a numbers writer, was fined $100, but a prison sentence of three months was suspended.

Mrs. Bertha Rocker, 68, who rented the room used for numbers collections, was fined $250 and given a 90-day suspended jail sentence.

Mrs. Connie Cain, mother of two children, who operated adding machines in the establishment for $5 a day, also was fined $250 and given a suspended sentence of 90 days.

MORN SUN. 2/9

Assembly Gets Ober Request For Revisions In Police Laws

[Annapolis Bureau of The Sun]

Annapolis, Feb. 8 — Sweeping changes in the laws governing the Baltimore Police Department were recommended to the General Assembly today by the department head, Beverly Ober.

With the approval of Governor McKeldin, the Police Commissioner laid before the lawmakers a program that would:

1. Increase by almost half the number of sergeants and lieutenants in the department's table of organization.

2. Add 28 days off to the 50 each member of the department now has each year, a step that would cost the municipal Government $1,500,000.

3. Lift the present statutory limit on the number of civilian employés of the department, in order that uniformed men now performing clerical functions can be assigned to police duties.

4. Send all homicide cases to the Central Police Court regardless of which of the eight police districts is concerned in the crime.

5. Allow the designation of one police station for the detention of all juveniles, with the prospect of subsequent construction of a special building for the purpose.

6. Similarly provide for the designation of a station for the detention of women offenders, with a special cellblock.

7. Set up a fund for the payment of extra salary to department members temporarily assigned to technical duty.

8. Give the commissioner a larger field from which to choose in making promotions within the department.

Confers With Governor

Colonel Ober drew up the program after a conference with Governor McKeldin at which it was understood that some of his ideas met executive disapproval and were altered. The revised draft was delivered today to the Department of Legislative Reference for the preparation of bills to be introduced at the present session of the General Assembly.

One of the measures would constitute civil defense officers as special police, but would limit their police authority as to the areas in which they act as civil defense officers.

Explaining that the City Charter now limits the number of civilian and clerical employés of the department, Colonel Ober said:

"Because of this limitation, many police officers are serving in duties which could be performed by civilian employés. The law also requires all employés to be registered voters.

"In an emergency the department should be permitted to employ clerical and civilian employés under 21 years of age. It is absolutely essential to be flexible in maintaining such personnel during the national emergency."

Urges Change In Law

Urging a change in the law regarding the docketing and detention of homicide suspects, Colonel Ober said:

"The Central Police Station and the Magistrate's Court at the Central Police Station will be designated to handle all cases involving homicide. This change is urged by State's Attorney Anselm Sodaro. It is common practice in many large cities.

"The location is convenient to the State's attorney office, the office of the post mortem examiner, the homicide squad, and the crime laboratory. Uniform and expeditious handling of homicide cases will be facilitated."

On special detention centers, he said:

"The Police Department has no center where juveniles can be detained pending action of the Juvenile Court or the Youth Court. Juveniles are now held in the matrons' quarters in the police stations. It is almost a disgrace to detain juveniles in the same atmosphere and quarters with women prisoners. An appropriate, well-constructed center should be established.

"Facilities for the detention of women prisoners in all districts are inadequate. Where women prison-inadequate. Where women prisoners must be detained in cells it is necessary to detain them in the same cellblocks with men prisoners, which is entirely wrong and has resulted in many criticisms."

Arguing for an increase in days off for the men of his department, Colonel Ober said:

"By law, police are allowed a total of only 50 days in each year for rest days and vacations. This is so far below existing schedules in other departments, in private business and in government as to invite early correction. Such inferior conditions of employment may seriously threaten the recruiting of policemen."

Besides increasing the days-off schedule to 78, Colonel Ober suggested the police be given the equivalent of 18 national and State holidays and 15 days of annual vacation, which would total 111 days a year. He said more uniformed men would be needed to put this plan into effect.

"The present law does not provide sufficient lieutenants and sergeants to maintain constant supervision around the clock," he added.

"This lack of supervision is one of the outstanding weaknesses of this department. It will be necessary to increase the number of lieutenants and sergeants assigned to supervisory duties by 43 per cent."

Under existing law, the commissioner is restricted to the ten top names on a certified Civil Service list when making promotions in the department.

Those Despicable Slum Contracts

To the Editor of The Sun—Sir: In the concluding sentence of your editorial on the 40 and 60 year contracts of "sale" involving slum housing you suggested that "the basic issue is the sanctity of Baltimore's property records."

This is certainly true as far as law enforcement and the Housing Court's ability to determine who is the true owner of the property is concerned. However, there is another very basic issue which your editorial appears to overlook.

That issue is: Shall we allow our courts to be used by a small minority of realtors to impose unconscionable forfeitures on the victims of their alleged "sales"?

One of the major reasons for this abuse of land installment contracts has been the acute shortage of dwellings. As a result, people have been forced to buy at any price demanded in order to keep a roof over their heads. Many people have been forced to make unwise deals which they cannot possibly carry out and on which they will have to default at the first spell of illness or other hardship.

The crux of this phase of the problem is that installment contracts are now being used to circumvent rent control. When they are so used, they are not bona fide contracts of sale, but are a subterfuge to bring unjust enrichment to those seeking to circumvent rent ceilings. Only by eliminating this unjust enrichment can the abuse be eliminated.

Senate Bill 17 admittedly does not touch that problem at all. To get at the heart of that matter, Senate Bill 50 adds Section 121, which provides for an equitable adjustment between vendor and vendee in a suit by the vendor to recover the property.

The issue is, therefore, this simple: Do you want to outlaw unconscionable forfeitures? If you do, you will favor Senate Bill 50. If you don't want to eliminate such forfeitures, you may be satisfied with Senate Bill 17.

Gerald Monsman,
Counsel Legal Aid Bureau, Inc.
Baltimore, Feb. 6.

'Russian Roulette' Role Brings Term

Kenneth Bauer, 16, whose attempts to show off in front of his companions nearly proved fatal, yesterday was sentenced to not more than one year in the Reformatory for Males for using a revolver in what he thought was a mock game of "Russian roulette."

After arranging a loaded cartridge in his gun in a position he thought would prevent it from firing on the first pull of the trigger, Bauer placed the weapon to his head and pulled the trigger. It went off, but the bullet merely grazed his head, according to testimony before Judge S. Ralph Warnken.

The impulsive act occurred last December in a South Ann street confectionery, according to James F. Price, who prosecuted the case. Bauer escaped serious injury only because the trigger was hard to pull and it caused the gun to be tilted upward, Mr. Price said. Bauer, who lives in the 800 block South Wolfe street, was charged with possession of a deadly weapon.

EVE. SUN 2/9

Bookie Service Link Denied By Three Firms

Three different news agencies, summoned into Criminal Court, today denied any connection with "teleflash"-type equipment seized in a bookmaking raid last January 25 at 1820 Bolton street, and, according to Capt. Alexander L. Emerson, used for announcements of racing results and odds.

The three agencies called into court were World-Wide News and Music Service, Inc., Howard Sports Daily and Western Union.

In addition, officials and workers for the Chesapeake and Potomac Telephone Company, also called in at the special request of Judge Joseph Sherbow, revealed that at least part of the telephone extensions said to be used for bookmaking were "a homemade, amateur job."

Equipment Cited

Telephone officials pointed out that dial telephones, not installed or provided by the company, were being used on the terminals of three Madison-exchange lines, which carry manual equipment in the company's installations.

Two extensions seem to be professional jobs, but could have been put up by any trained tack-and-hammer worker, although it looked like telephone company work, Judge Sherbow was told.

After hearing testimony of representatives of the three news services, Judge Sherbow excused them and permitted them to leave, but his action conveyed a hint that inquiries into bookmaking news will be followed on a broader scale. In dismissing them, the Judge said:

"I excuse the representatives of Howard Sports Daily, World-Wide News and Western Union for the time being. I emphasize, 'for the time being'."

Service Explained

The first of the three wire-service representatives to be questioned was Sanford Niles, 3700 block North Charles street, assistant office manager of World-Wide News and Music Service, Inc. He explained his company supplied "wired music and sports results."

Mr. Nies denied knownig anything of the equipment installed at the Bolton street house and said his company supplied nothing to that house nor to Abe Flax, on trial for bookmaking, or to any of the other persons in whose names telephones were listed.

Flax put on no defense, and Judge Sherbow convicted him of bookmaking. Sentence was deferred, pending a motion for a new trial to have the case reviewed by the Supreme Bench, on the defense claim that the entire arrest was invalid. Judge Sherbow increased the man's bail from $1,000 to $3,500.

Protest Lodged

The equipment used for teleflash purposes was merely converted "store radios," said Mr. Niles. He explained his concern had its own type equipment.

As Charles E. Orth, Jr., assistant State's attorney, pressed questions of a general nature concerning sports news, Mr. Niles protested:

"I think of I answer any more questions, I want an attorney."

Judge Sherbow cut in, saying: "I'll determine whether you answer them or not."

The judge then took over the questioning, learning that the news disseminated by World-Wide goes forth from its fourth-floor offices at 210 East Redwood street, over leased wires. Mr. Niles denied that a payment of $20 a day is made for his news service, and when asked the charge, replied: "It varies."

Witness Mops Face

During the questioning, Mr. Niles, a toutist, florid young man, began to mop his face with a handkerchief, and declared, "It's warm in here, you know."

"There's nothing to be worried about," said Judge Sherbow.

"I'm not worried, I've just got high blood pressure," responded the witness.

Bilson Ing, vice president of *Howards Sports Daily*, located on the sixth floor of the Munsey Building, then was questioned. He said he knew nothing of the Bolton street place or any persons connected with it.

Saying his concern's business was "the gathering and disseminating of all general and sports news," Mr. Ing said he did not supply direct service to tavern and many public or private places.

Results Over Phone

His direct leased wires go to radio and television stations, and to World-Wide News, he declared. He declared subscribers to his service coul telephone in for results, and said it was possible for the replies to be broadcast over any equipment such subscribers might attach to their telephones. He said he personally knew of no such arrangements.

Western Union, represented by J. Wells Scheidt, commercial representative, said that his concern put "baseball, football, hockey and other sports" on a sports ticker, but not horse racing. He said not only was no service supplied to the Bolton street place, but that there were no facilities to provide such service in that neighborhood.

Appearing for the C.&P., Raymond Menton, company official, described the three Madison exchange installations and the information that had been given by the persons who had applied for the service. The three lines were in three different names. Outgoing calls billed to the phones showed only normal usage.

Asked About Extension

"Do you know," asked Judge Sherbow, "whether an extension can be made to a telephone without the company's consent?"

"Your Honor," replied Mr. Menton, "we know it can be done. It was done in this case. It is not a very difficult job."

The telephone man then explained that the telephone instruments in use had not been company installations. While such instruments are not sold by the C and P. or Western Electric, other makers do market them, he said, adding: "and equipment sometimes is stolen, you know."

Restrictions Cited

When the judge asked about service supplied for news flashes or teleflash, Mr. Menton responded: "We're under orders from the Public Service Commission to furnish leased lines to the news companies under certain restrictions."

3 GET TERMS IN STABBING

Youths Also Fined For Part In Row By Gangs

Three youths arrested in connection with a gang fight which resulted in the fatal stabbing of a 20-year-old youth, yesterday were convicted of disorderly conduct and sentenced to 60 days in jail and fined $50 each.

Judge Emory H. Niles, who imposed the maximum penalty under the disorderly conduct count, said he hoped the punishment would serve "as a warning to all others that if they look for trouble, they are going to get it."

Testimony produced by James F. Price, prosecutor, disclosed that the three defendants were members of a so-called Linden avenue gang which last August engaged in a fight with a Charles street group of boys.

Those Sentenced

The sentences were given to:

MARVIN V. CONN, 17, of the 1600 block Linden avenue.
DONALD MALINOSKY, 17, of the 1600 block Mount Royal avenue.
ROBERT J. KNAUER, 17, of the 5100 block Holder avenue.

Three weeks ago, Judge Niles convicted Elmer F. Garrity, 18, of manslaughter in the fatal stabbing of Merrill Dopkin, 20, during the gang fight in the vicinity of North avenue and St. Paul street. Garrity is seeking a new trial.

Garrity was with the Charles street group, while Dopkin was with the other gang during the fracas, evidence produced in the Youth Court disclosed.

Judge Niles declared yesterday that he did not treat the case as a "trivial one," pointing out that the three defendants had taken part in a fight which resulted in the death of one youth and a manslaughter verdict against another.

"There is no excuse for what you did," he told the three boys. "Without real provocation, you went back to Charles street looking for trouble. You knew exactly what you went for. You went looking for trouble and now you've got it."

Morgan Death Trial Listed For Feb. 23

Trial of John J. K. Caskie, Jr., of Cockeysville, for manslaughter in connection with the death of Patrolman Roland Morgan, has been set for February 23 in Criminal Court. State's Attorney Anselm Sodaro said that date had been set after conference with Joseph G. Finnerty, Caskie's lawyer.

The trial will be heard before Judge S. Ralph Warnken.

Patrolman Morgan was found fatally injured near his police car at Roland and Upland avenues in the early morning of last January 5. Caskie's damaged station wagon was later found parked near Valley Inn, and Caskie also was located there.

Other charges, on traffic offenses of driving under the influence of liquor, reckless driving, failure to stop after an accident, and failure to have an operator's card in his possession, still are pending in Traffic Court against Caskie, who owns a farm estate near Cockeysville.

MORN-SUN 2-18-51

3 AGENCIES DENY LINK IN BET CASE

Firms' Officials Questioned At Bookmaking Trial

Officials of three sports-news agencies appeared in Criminal Court yesterday to testify in a bookmaking case in which one man was convicted.

The agency representatives were questioned about their companies possible connections with the bookmaking setup of Abe Flax, 36, who was convicted of taking bets at a house on Bolton street.

Judge Joseph Sherbow hinted that the news-agency men may be called upon for further appearances in Criminal Court gambling cases.

Excused "For Time Being"

The agencies denied any connections with radio equipment through which Flax was receiving racing news. Judge Sherbow, in excusing them from the courtroom, said it was "for the time being."

"I emphasize 'for the time being,'" he added.

Flax offered no defense except one of illegal search to the charge that he accepted bets at basement premises in the 1800 block Bolton street last January 25. Sentence was deferred pending a new-trial move.

Officials Are Summoned

Officials of *World Wide News* and *Music Service*, Howard *Sports Daily* and Western Union were summoned to appear in court on the order of Judge Sherbow after police testified they found radio equipment used by Flax to receive racing results.

Representatives of the telephone company testified that company workmen had not installed three extension telephones allegedly used by Flax. They said part of the hookup looked like a "homemade" job, while the rest appeared to be the work of a professional installation man or someone familiar with the use of a hammer and tacks.

Two of the extension phones had been run off a second-floor legitimate telephone installation, while the third was run off another legitimate telephone hookup in a basement apartment, a telephone official testified.

Two Of Dial Type

He also told the court that two of the telephones were of the dial type, although they were hooked up to the manually-operated Madison exchange. The official, Raymond Menton, said he did not know where the telephones were obtained.

Officials of the sporting news disseminating agencies testified that the equipment used by Flax was ordinary house-radio equipment. They said it was possible to hook up a radio amplifier to an ordinary telephone receiver.

Sanford T. Niles, representing the *World Wide News*, was being quizzed by Charles E. Orth, Jr., prosecutor, about the services supplied by his company when he halted his testimony and asserted he wanted an attorney if he would be required to answer more questions.

Mr. Niles started mopping his brow vigorously and commented that "it's warm in here."

"There's nothing to be worried about," Judge Sherbow assured him.

"I'm not worried," Niles replied. "I've got high blood pressure."

Bilson R. Ing, representing Howard *Sports Daily*, and J. Wells Scheidt, of Western Union, denied supplying sports news to Flax. Mr. Scheidt said Western Union gives all sports results over the ticker except horse racing news.

Man Jailed In Numbers Case

Joseph Colizzo, 25, yesterday was sentenced to six months in the House of Correction and fined $450 for possession of treasury lottery numbers which were sold on a weekly basis, and for possession of a deadly weapon.

Hit-Run Death Trial Date Set

John J. Caskie, Jr., of near Cockeysville, will be tried February 23 on a manslaughter charge placed against him in connection with the hit-and-run death of Patrolman Roland Morgan, it was announced yesterday by Anselm Sodaro, State's attorney.

Mr. Sodaro said the trial date was fixed during a conference with Joseph G. Finnerty, defense counsel. The trial will be before Judge S. Ralph Warnken in Criminal Court if the normal routine of assignment of cases is followed.

Patrolman Morgan was fatally injured near his police car last January 5 in the vicinity of Roland and Upland avenues. Caskie's damaged automobile was found later near a Falls road inn and the defendant was arrested there.

Caskie also faces Traffic Court charges of drunken driving, reckless driving, failing to stop after an accident and failing to have an operator's card in his possession. He will be tried on those charges after the Criminal Court trial.

MORN-SUN 2-10-51

Seaman Is Given Year For Having Marihuana

Arnold L. Terry, seaman from the Bronx, yesterday was sentenced to not more than one year in the Reformatory for Males after he was convicted of possessing 3,540 grains of marihuana which he had brought here on a banana boat.

The sentence was imposed by Judge Joseph Sherbow who declared that one of the "great troubles" involved in such offenses is that the dope usually gets into the hands of teen-agers.

Terry, who is 24, said he had purchased the marihuana for $10 and had hoped to sell it for $100. He said he had not planned to sell it to youths, pointing out that he is the father of two children.

SUNDAY SUN 2-11-51

SODARO IS OPPOSED TO PROPOSED LAW

Bill Would Require Naming Woman Assistant

Anselm Sodaro, State's attorney of Baltimore city, yesterday voiced his opposition to a pending bill which would require the appointment of a female assistant prosecutor in the Baltimore prosecuting office.

In a letter to J. Raymond Buffington, Jr., chairman of the city delegation in the House of Delegates, Mr. Sodaro said he regarded the proposed law as "class legislation."

The State's attorney said he wrote to Mr. Buffington in reply to a request to voice his opinion regarding the bill, known as House Bill No. 78.

"No Legislative Matter"

Mr. Sodaro said he has no opposition to a woman assistant in the State's attorney's office, but said he thinks it is not a matter for legislation, but "one that should rest within the sound discretion of the head of the office."

"The passage of such a bill would be dangerous in that it would open the door for additional class legislation, which would affect not only this office but other important semi-judicial offices in the city and State," Mr. Sodaro said.

"It would give rise to occasion for the enactment of legislation requiring the heads of public offices to employ assistants or other personnel representing nationality background, religious and race.

Knows No Similar Law

"Furthermore, it would lead to remove any limitation upon the Legislature interfering with purely administrative operations of any public office. I know of no other State that has a similar law.

"The office of State's attorney is too important to be restricted by any such class legislation. Assistants should be, and have been, selected on the basis of their qualifications regardles sof sex, color, creed or political factionalism."

DELINQUENCY STUDY ASKED

MORN-SUN-2-13-51

Training School Commitments Set Record In January

With commitments to the Maryland Training School reaching an all-time high for any month in January, Elbert L. Fletcher yesterday urged that a study be made as soon as possible to determine what factors are causing an apparent sudden increase in juvenile delinquency.

Mr. Fletcher, superintendent of the institution at Loch Raven, said last month's commitments from the juvenile and criminal courts of the State totaled 88, or approximately 50 more than the average for any previous month. Of the total only a half dozen were from the criminal courts. The average age of boys committed was 15 years.

The institution accepts boys up to 18 years from criminal courts and up to 16 from the Juvenile Court. The institution normally can care for only 210 boys, yet, Mr. Fletcher said, the population increased to as high as 386 last year. He has been compelled to resort to the use of bunk beds in some of the dormitories in the cottages in which the boys live.

Seeks Study In Causes

Mr. Fletcher, who interviews each boy on entrance and keeps in personal touch with the youths during their stay at the institution, said that he had written over the week end to the Grand Jurors Association urging that a study in the causes of increasing juvenile delinquency be undertaken by some organization or committee.

"Frankly, I don't know what can be the cause," Mr. Fletcher said. "January usually is our dull month. Our busy times are in the early spring when the boys get disgusted with school and quit or in the early fall.

"The cost of living may have something to do with it. The average family now has little left over after expenses and spending money is scarce. A dollar now goes only as far as 50 cents. A date can cost a boy $5. Most of the boys in the institution, I would say about 90 per cent of them, are here for theft of one kind or another.

Less Maternal Care

"Or, it may be increasing gangs among the youngsters, boys who take the places in hot spots, or hangouts, vacated by older youths going into the service. We rarely get a boy for truancy, but truancy usually is accompanied by theft.

"Women are going back into industry and other jobs. This leaves the home without maternal care. Or, the cause may be one of nerves seeping down into the child from present unrestful conditions. Many are taking the attitude of 'Oh, why not have a good time now.'

"From talking to the boys I find a feeling of uncertainty, of lack of security during the past few weeks. This does not refer only to Baltimore city. They are coming from the Eastern Shore, from Cumberland, from the counties. It is not localized, it is becoming more widespread."

Mr. Fletcher said the closing of St. Mary's Industrial School last year had no direct connection with the increasing population at the Training School. He said the ratio of commitments at St. Mary's "always was one to our two or three."

MORN SUN 2/11

REFORMATORY TOUR IS MADE

City Youth Court Officials Impressed By Institution

By GEORGE J. HILTNER
[Sun Staff Correspondent]

Breathedsville, Md., Feb. 10—Court officials connected with Baltimore's new Youth Court last week were shown Maryland's new Reformatory for Males, which is being looked upon as the State's "real hope" for reclaiming youthful offenders.

From the outside, the unwalled reformatory looks like a great university. On the inside, its classrooms, workshops, library and recreation rooms are indicative of the modern trend in reforming young offenders.

The inspection tour was planned for the purpose of giving local court officials first-hand acquaintance with the institution which will be used by the new Youth Court in the training of young persons it sends there.

Make The Tour

The delegatio ninculded Judge Emory H. Niles, who is now presiding in the Youth Court; Anselm Sodaro, State's attorney; Charles Snyder, chief probation officer; Wallace Reidt, director of the Criminal Justice Commission, and George D. Solter, Youth Court prosecutor.

The group was particularly impressed with the efforts of the reformatory to give, on a voluntary basis except for illiterates, a continuing education in the basic studies, and training in vocational trades.

They visited classes in machine shops, radio, auto and electrical schools, and shops set up for training in bricklaying, baking, matmaking and brush-making.

Inmates from rural areas also are afforded an opportunity to take courses in agriculture.

Advanced correspondence courses from State universities also are offered inmates.

One of the innovations which impressed the visitors was the cells to which occupants retain the keys, permitting the prisoners to come and go as they please. These cells are occupied by boys who have proved themselves trustworthy.

Even solitary confinement, used to lock up for several hours youths who have gotten into little difficulties, has a better-sounding name. It is called "meditation rooms."

Guards Unarmed

All guards and instructors are unarmed, even those who accompany workers on the outside. Only at night does an armed guard patrol the grounds outside the institution.

The inspection tour ended with a lengthy conference between the visitors and prison officials, including Harold Donnell, State director of prisons; H. R. Raymond, superintendent of the reformatory, and James F. Wilson, director of education.

Prison authorities emphasized the value of pre-sentence reports, submitted to the committing judges, in quickly getting the prisoner adjusted to prison life and in getting him doing the things he likes to do.

EVE. SUN-2/13

MOTHER OF 6 GETS 2 YEARS

Woman Defrauded Welfare Department Of $7,500

Frauds on the Department of Public Welfare will occur so long as the relief agency "must depend on inexperienced college girls engaged in the expenditure of large sums of public money," Judge Joseph Sherbow declared yesterday.

Judge Sherbow made the assertion in sentencing Mrs. Catherine Smith Robinson, 30-year-old mother of six children, to not more than two years in the Reformatory for Women for defrauding the Welfare Department of more than $7,500.

The judge pointed out that the woman, a Negro, had been collecting from the agency under two different names, while at the same time she was receiving support from her first husband, who divorced her in 1942. Two children were born as a result of that marriage. She had four illegitimate children by two other men, and in 1946 married a fourth man.

Out of the funds she was receiving, the woman purchased a diamond-studded wristwatch and a television set, the judge noted.

Judge Sherbow said laxity in the handling of relief funds is not peculiar to Baltimore and efforts are being made to close "loopholes."

$50,000 In Auto Thefts Charged

Federal charges of nearly $50,000 in automobile thefts today were entered against Joseph Stern, New York used-car dealer who had flooded Baltimore markets with stolen cars.

The Federal grand jury indicted Stern on sixteen counts of transporting vehicles from New York to Baltimore, knowing that they had been stolen. United States Attorney Bernard J. Flynn has asked that at least $40,000 bail be set on Stern, who has been placed under arrest in New York.

The cars sold in Baltimore were mostly Buicks and Cadillacs, either new or nearly new models. Most of the cars went to two different Baltimore dealers, after false title papers were submitted to them, Federal agents said.

Engine Numbers Altered

The sixteen cars were sent here between February 20 and September 26 of last year. They had been stolen in upper New Jersey or New York, with the engine numbers subsequently being altered, according to the Federal statements.

Stern, it was explained, was first arrested on a complaint from South Carolina involving a deal for a stolen car. Agents of the Federal Bureau of Investigation and Police Lieutenant Wilbur Martindale, of the Baltimore police automobile squad, were produced as witnesses before the Federal grand jury by Mr. Flynn.

NEWS 2/13

Woman Gets 2 Years In Aid Fraud

Defects in the administration of public assistance in Baltimore were cited today by Judge Joseph Sherbow in Criminal Court in sentencing a woman, convicted of obtaining $9,100 from the Department of Public Welfare by false pretenses, to not more than two years in prison.

Judge Sherbow declared:

"For too long we have been treating the beneficiaries of public assistance as a privileged class who seem to be immune from thorough investigation by those who administer relief."

EXCEEDED $200 MONTHLY

The convicted woman was identified as Catherine Cooper Robinson, also known as Catherine Cooper Smith, Negro, 600 block West Mulberry street.

Between 1946 and 1950, according to testimony at her trial, she obtained considerable sums for the support of herself and five children, her monthly income from public assistance sometimes exceeding $200.

BOUGHT JEWELRY

Employees of the Department of Public Welfare testified she had purchased a diamond wrist watch, a large-screen television set and an electric refrigerator on the installment plan.

Judge Sherbow said the woman's case highlights weaknesses in the administration of public relief and points to the need of changes in the law as applied to persons convicted of defrauding the Welfare Department.

MORN-SUN-2/14

Double-Welfare Fraud Charges Cost 2 Years

Imprisonment up to two years was imposed today on Mrs. Catherine Smith Robinson, 32, who drew $7,615.58 illegally in relief benefits by duplicating welfare claims for herself and her children under two sets of names.

Although the Maryland code sets a maximum penalty of three months for defrauding the Department of Public Welfare, Judge Joseph Sherbow imposed consecutive terms of three months in eight of the twenty separate charges against the Negro woman.

The sentence, therefore, was for a term of not more than two years in the State Reformatory for women.

Judge Sherbow declared that the case "highlights some weaknesses in the administration of relief," as well as showing evils of easy credit.

Bought Diamond Watch

The woman, he said, had spent relief money for such luxuries as a diamond-studded wrist watch, a large screen television set, and an electric refrigerator.

She had dealt with welfare workers under the two names of Mrs. Smith and Mrs. Robinson over a three-year period. Welfare investigators visited her home on West Mulberry street without noting the duplicity of claims.

Mrs. Smith had two children by her first husband, who divorced her in 1942. She had a third child illegitimately by another man and three more illegitimate children by a third man prior to her marriage to Robinson.

While she was getting relief, she was receiving payments under court order from her former husband for his two children.

Ten-Year Term Proposed

Judge Sherbow said that the present Legislature is being asked to make welfare fraud punishable by a ten-year sentence, like other false-pretense offenses.

Regarding too easy credit, he said "business establishments have some responsibility and there should be some form of checkup to ascertain if credit applicants are on relief."

Regarding the welfare situation, the judge said "the crux of the situation" was the necessity of hiring inexperienced college girls, who immediately sought other jobs at higher salaries when they became experienced.

He noted the "extremely low" salary scale of welfare workers, and said "the monthly check of a relief client is nearly as much as a relief worker earns."

The judge said that for "too long" the relief beneficiaries had been regarded as a privileged class immune from thorough investigation.

Morn. Sun. 2/14

18 WITNESSES HEARD IN PROBE

Ober To Rule On Officer Pestridge Today

Eighteen witnesses yesterday testified in the Police Department's investigation of Patrolman William W. Pestridge, charged with drinking in uniform, failing to properly patrol his post and conduct unbecoming an officer.

Patrolman Pestridge was suspended from the force January 31 following the acquittal in Criminal Court of James Hardy, a 26-year-old Negro cook who had been charged with assaulting the policeman at a restaurant in the 1800 block Lorman street.

Col. Beverly Ober, police commissioner, in whose office the five-hour hearing was held, said he will announce his disposition of the case at 11 A.M. today.

Statements Often Confusing

While the statements of witnesses were often confusing and contradictory, these facts emerged from the testimony:

1. Patrolman Pestridge early in the morning of December 9 entered a restaurant in the 1900 block Baker street which was on his post. In the restaurant were Mrs. Anthony Theodore, wife of the owner; Hardy, a part-time worker at the restaurant, Mrs. Odell Postell, a waitress, and Paul Thomas, a dishwasher.

2. Shortly before 7 A.M., all of them got into a station wagon and drove to another restaurant, also owned by Mr. Theodore, in the 1800 block Lorman street, about three blocks distant.

3. There, Pestridge and Hardy became involved in a fight and the policeman was stabbed in the face.

Testify He Appeared Sober

Mrs. Theodore, Mrs. Postell and Thomas contended Pestridge had come to the Baker street restaurant several times before 7 o'clock and had brought two bottles of whisky which they all drank.

These witnesses further agreed that they drove to the Lorman street establishment, with Pestridge in the back seat of the station wagon.

Mrs. Theodore said that Pestridge came along because Hardy had been drinking and she feared that he might cause trouble.

All of these witnesses said that the policemen had a considerable amount to drink.

On the other hand, five policemen, including Lieut. John F. Spites, Pestridge's superior officer, testified that they had seen the patrolman at various times that morning and he appeared completely sober.

Substantiated By Doctor

This was substantiated by Dr. Henry C. Houck, a physician in the neighborhood; a manager of a restaurant in the 2100 block West North avenue, and a night watchman at a near-by store. All asserted that they spoke with Pestridge at close quarters that morning and none of them detected any alcoholic odor on his breath.

At the conclusion of the hearing, Commissioner Ober confined most of his remarks to Pestridge's ride in the station wagon between the two restaurants.

Referring to earlier testimony which brought out that there were telephones in both restaurants and in the Theodore home, the commissioner said that the patrolman should have telephoned Mr. Theodore when told by Mrs. Theodore that Hardy might cause trouble.

"Therefore," he said, "I can find no justifiable circumstance for you getting into the car . . . when you knew Mr. Theodore was home.

Eve. Sun. 2/15

Pestridge Fired From Police Department

Patrolman William W. Pestridge was dismissed from the Police Department today by Commissioner Beverly Ober, who found the Northwestern district officer guilty of violating two departmental rules—drinking on duty in uniform and failing to patrol his post properly.

The Commissioner announced his verdict in a prepared statement, which was read to Pestridge's attorney, former Police Magistrate Elmer J. Hammer, in Mr. Ober's office at police headquarters. A hearing of the charges was held yesterday, and eighteen witnesses testified.

Mr. Hammer asked Mr. Ober for a transcript of yesterday's testimony, and said later that he would appeal the Commissioner's verdict, if it is possible.

Cook Exonerated

The charges against Pestridge stemmed from an altercation in a restaurant in the 1800 block Lorman street early on the morning of last December 9. James Hardy, 26-year-old Negro cook, was accused of assaulting the officer with intent to kill, but a Criminal Court jury exonerated him.

Witnesses in the court trial, and again yesterday, testified that Pestridge drank intoxicants in the restaurant, and gave drinks to employés, after going out twice to obtain whisky.

Commissioner Ober stated there was "no justification for the arrest of Hardy," and that "there was no excuse" for the officer becoming involved in an altercation with the cook.

"After a thorough study of a transcript of the (court) testimony," said Mr. Ober, "I find no evidence of police brutality against Hardy. This was an altercation between a private citizen and a police officer.

"The record in the court and the testimony before me," added Mr. Ober, "indicate clearly that Pestridge was guilty of conduct unbecoming an officer. Officer William Pestridge is dismissed from the force."

February 15, 1951

Alleged Welsher Jailed, Fined In Numbers Case

Arrested after police were told he had welched on a $3,500 numbers "hit," James Porter today was fined $250 and sentenced to 90 days in jail with the added statement that the grand jury would be delighted to hear from him if he would care to talk about the numbers racket.

Judge Joseph Sherbow, who pronounced the sentence and extended the invitation to talk to the grand jury, said he doubted that the complaining witness ever made a $3,500 hit.

Porter, Negro living in the 800 block China street, denied that he ever had known Willie Reynolds, Negro, 1200 block Central avenue the informer. Reynolds testified that in late January he had "played" $5 on No. 391, and that Porter had refused to pay.

Gun Threat Alleged

When Judge Sherbow asked him what steps he had taken to collect, Reynolds said he went to meet Porter at a prescribed meeting place and that, "at the point of a gun," he was told there would be no payoff.

"I had to be one of two things: Dead, or miss the win," Reynolds declared. Reynolds told the court that he had bet up to 25 cents before and recently had, before Christmas, won on a 25-cent "hit." He explained his big $5 bet by saying it was on his "favorite number."

Under crossexamination by Porter's lawyer, Maurice T. Siegel, Reynolds said he quit his $42-a-week job out of disgust when he couldn't collect on his numbers win.

Question For Question

Questioned about the wisdom of quitting a job, Reynolds retorted: "Suppose I ask you: 'If you lost $3,500, would you feel like working?'"

Charles E. Orth, Jr., assistant State's attorney, asked Reynolds if he had been cautioned to get out of town instead of testifying. Reynolds said: "Well, a friend of mine told me I was watched and somebody had guns for me."

Invitation To Grand Jury

Judge Sherbow, in pronouncing sentence, said to Porter:

"The doors of the grand jury are open. Any time you want to talk and tell the grand jury the truth, they will be glad to listen to you."

The judge then turned to Capt. Alexander L. Emerson, head of the vice squad, saying: "Captain, call the Northeastern Station and see that nothing happens to Willie Reynolds. I think he is safer now than he ever was, but let's see to it."

Sherbow Warns Gambling Case Defendants

Gambling defendants today were warned of new grilling about their activities as Judge Joseph Sherbow temporarily withheld imposition of sentences.

One bookmaking case with two defendants was deferred until February 26 for imposition of sentence. Police Captain Alexander Emerson had testified during the hearing that bookmakers seemed to be leaving the city.

A numbers-racket case involving a hint of failure to pay off winners was postponed for further proceedings tomorrow, while police were directed to produce the person who supposedly was not paid.

Murder Case Cited

A report of the nonpayoff had been made to the judge, who commented that the courts last year had a murder case arising from a welshed numbers bet.

William Gephardt, 47, of the 600 block South Milton avenue, and Joseph Burns, 56, of the 600 block South Patterson Park avenue, were defendants in the bookmaking case. They were arrested January 23 in a raid in the 2500 block Eastern avenue, where police found a special telephone line through which information was supplied to a so-called "teleflash" speaker of the World-Wide News Service.

Judge Sherbow in questioning a telephone company representative was told thaht the direct wire had been installed in 1948, and that the company always made investigations to determine the validity of application for such service. The judge also questioned Sanford Niles, official of the news-service concern, about types and costs of such installations.

Defendants Warned

In deferring further proceedings until Monday a week the judge warned both defendants to prepare for questioning and consult their counsel.

Postponement of sentence until tomorrow was ordered for James Porter, 800 block China street, defendant in the case involving alleged payoff failure.

In another numbers case Judge Sherbow convicted Philip Coliano, 700 block Radnor avenue, who was said by Policeman James Stemple to have said, when arrested: "Wait a minute, Cap, can't we do business?"

Counsel for Coliano attacked the validity of a search warrant police had obtained for the man's arrest, and sentence on Coliano was deferred pending outcome of a motion for a new trial.

Emerson Questioned

Captain Emerson, asked by Judge Sherbow if there had been a falling off in the number of gambling offenders police could find, replied: "Well, they blame you and I for it."

Captain Emerson added that he understood some of the gambling violators had gone out of business because "they don't want to go to jail." Some were closing up for the rest of the year, he added.

"They don't understand the fact," commented Judge Sherbow. "Next year they may have a tougher judge, and I am due to come back into Criminal Court a year after that, so that will make three lean years for them."

Morn. Sun 2/15

PESTRIDGE FIRED FROM POLICE JOB

Ober Finds Him Guilty Of Drinking, Causing Fight

Patrolman William Pestridge was dismissed from the police force yesterday by Commissioner Beverly Ober, who found the policeman guilty of drinking on duty and becoming involved without "excuse" in an altercation in which he seriously injured a Negro cook.

Pestridge, from Northwestern district, was found guilty of multiple charges which also held that he had conducted himself in a manner unbecoming an officer and had failed "properly to patrol his post."

The policeman also was injured, suffering a serious knife wound in the altercation, which took place at about 6 A.M. December 9 in a restaurant in the 1800 block Lorman street.

Cook Exonerated

James Hardy, the 26-year-old cook, was accused of assaulting Pestridge with intent to kill, but was exonerated by a jury in Criminal Court after testimony that Pestridge had furnished whisky and started a drinking party.

Hardy's counsel contended he had been the victim of an unprovoked assault by Pestridge.

Commissioner Ober declared that a thorough study of the evidence indicated the case was not one of "police brutality" but a private fight between Pestridge and Hardy.

He affixed the blame for starting the altercation on the policeman and said Pestridge had "no justification" for arresting Hardy.

The police commissioner announced his verdict in a prepared statement which was read to Pestridge's attorney, Elmer J. Hammer, former chief police magistrate.

Considering An Appeal

Mr. Hammer said last night he was considering an appeal. He said, however, he did not know whether or not his client wished to appeal.

According to previous testimony in Criminal Court and at a hearing before Commissioner Ober, Pestridge was drinking at a restaurant in the 1900 block of Baker street operated by Mr. and Mrs. Anthony Theodore and then rode with Mrs. Theodore, Hardy and others to the Lorman street restaurant, also operated by the Theodores.

Despite the direct testimony, several police officers and two physicians told Commissioner Ober at Pestridge's hearing that they saw no signs whatsoever that the policeman had been drinking.

Details Decision

Mr. Ober said in his statement that all witnesses for and against Pestridge had been heard and he had decided as follows after a full study of their testimony:

"Officer Pestridge is guilty—

"(a) Of conduct unbecoming an officer in the manner in which he conducted himself when not on police business in the Baker street restaurant; in traveling by private automobile from the Baker street restaurant to the Lorman street restaurant; in entering the Lorman street restaurant which was not then open to the public.

"(b) He is guilty of conduct unbecoming an officer in that there was no justification for the arrest of Hardy on the part of Pestridge.

"No Excuse" For Clash

"(c) While in uniform he became involved in an altercation with Hardy, for which there was no excuse and injuries to Hardy and the police officer were the result of this altercation.

"(d) I find Pestridge guilty of drinking on duty based on the weight of direct testimony before me and before the court. If I were to believe his statement that he did not drink on duty, then his entire conduct is even less justified, and he displayed that lack of judgment which cannot be permitted in this department on the part of a police officer in uniform.

"(e) After a thorough study of a transcript of the testimony, I find no evidence of police brutality against Hardy. This was an altercation between a private citizen and a police officer.

Orders From Superior

"(f) I find that Pestridge had direct orders from his superior officer, Lieut. (John F.) Spites, to be on detail at 1820 North Monroe street at 7 A.M. In following the course which he pursued after his second visit to the Baker street restaurant, he was unable to obey the orders of his superior officer.

"The record in the court, and the testimony before me, indicate clearly that Pestridge was guilty of conduct unbecoming an officer."

Pestridge had been suspended from duty by Capt. William C. Feehley, Northwestern district commanding officer, following the Criminal Court acquittal of Hardy. Captain Feehley then prepared charges and forwarded them to the commissioner.

The hearing before Commissioner Ober was held Tuesday, with eighteen witnesses presenting testimony.

Earlier, the National Association for the Advancement of Colored People had protested to Mr. Ober, saying that Pestridge and several other policemen gave Hardy a brutal beating in arresting him.

Pestridge, who is 30 years old and a former boxer, was appointed to the police force in December, 1947. He voluntarily resigned in April, 1948, the records indicate, but was reinstated a month and a half later.

Morn-Sun-2/15

Our Legal Authorities Should Not Stand Aloof

In a letter printed today, a reader asks for more information on S.B. 50, a bill before the Maryland Legislature to correct, presumably, the evils inherent in some of the lifetime contracts of "sale" being foisted on naïve slum tenants. To give this information, unfortunately complicated, it is first necessary to explain that S.B. 50, prepared by the Baltimore Legal Aid Bureau and backed by several civic groups, is one of two bills on the subject at Annapolis. The other is S.B. 17, submitted by the Legislative Council and backed with limited enthusiasm by the Baltimore Real Estate Board.

S.B. 17, to take first things first, specifies contractual obligations which a seller of property under a "land installment contract" should meet. The bill would make it compulsory for a seller to give the buyer a copy of the contract and to disclose therein such elementary data as the selling price and location of the property, the amount of down payment, amount due and on what dates, termination terms, etc. S.B. 17 further specifies that the interest on the unpaid balance should not exceed six per cent a year and that the purchaser, after he has paid in 40 per cent of the selling price, should have the right under certain conditions to obtain a deed to the property.

What S.B. 17 does not provide is protection for the tenant, or purchaser, against losing all his equity in the property if he gets behind in his payments and is closed out by the seller.

S.B. 50 is aimed at giving installment buyers of slum property the protection omitted in S.B. 17. The Legal Aid measure provides that if the purchaser defaults during the first five years of the contract, and is sued by the seller for recovery of the property, the purchaser is entitled to compensation for whatever he has paid for the property in excess of (1) the fair rental value of the property, (2) recovery costs and (3) the amount of unreasonable property damage.

In aiming at this one point, S.B. 50, with one exception, omits all the specifications of contractual terms which are spelled out in S.B. 17, including the limiting of interest rates to six per cent and the provision for a transfer of title. The one exception is the requirement, which seems most reasonable, that the seller disclose to the purchaser the amount of any mortgage outstanding on the property.

Here, then, are two bills, each with good points and omissions. Each has its champions, and its detractors. Eventually they may be merged as one measure. But does either one or both do the job that Baltimore needs to have done? The answer is an emphatic "no." Neither bill refers to the situation which brought the lifetime slum contracts to light—the fix that the city is in when it tries to have health and housing violations corrected in dwellings "sold" under dubious contracts. The actual ownership of the dwellings is in legal doubt, and that seriously beclouds the property records of the city.

If some of Baltimore's most experienced men in the field of property titles would put aside the notion that S.B. 17 vs. S.B. 50 is only another landlord-tenant controversy, they could lend a valuable hand in writing a bill which would protect both slum purchaser and the city of Baltimore under long-term installment contracts. The Legislature needs help in this matter.

Morn-Sun-2/16

Grand Jury Acts In Housing Case

The first case in the history of the Housing Court to originate with a grand jury complaint yesterday brought a $250 fine to a restaurant owner charged with having impure food and keeping a dirty kitchen.

Benjamin Ginsberg, Health Department inspector, told Magistrate Harry S. Kruger he had been sent to the cafe operated by Edward aden in the 700 block of West Baltimore street after the grand jury, early in January, had lodged a complain after visiting the premises.

Mr. Ginsberg said he first visited the restaurant on January 12 and found the storeroom "filthy" and "rodent infested," rat holes in the basement, no soap and towels in the toilet for the help, and a dirty kitchen—particularly behind the stoves and other equipment.

The inspector told Magistrate Kruger he gave Mr. Naden a 72-hour notice but on his return on January 16 found no substantial improvement.

In later inspection some tainted beef, spoiled frankfurters and three pounds of insect and rodent infested dry mustard was seized.

Mr. Naden had pleaded guilty to the two impure-food charges but not guilty to the charge of keeping a dirty kitchen.

However, he objected when Mr. Ginsberg described the frankfurters as "slimy and rotten."

"If they were boiled they'd have been all right," Mr. Naden told Magistrate Kruger.

The magistrate turned to the Health Department inspector and asked what would have happened if customers had eaten the meat.

"They'd have gotten a bad case of indigestion—maybe food poisoning," Mr. Ginsberg told him. "If they're bad outside they couldn't be good for anybody inside."

On the matter of rodent infestation, Mr. Naden told Magistrate Kruger he had retained a professional exterminator for the past eight or nine years to fight the rats.

One of the Health Department's complaints was that the restaurant was not equipped with the three-compartment sink which is required.

On this subject, Mr. Naden remarked that the Health Department had been "after him since 1945" to get the approved type of sink. His present one, he maintained, was adequate.

Magistrate Kruger found the defendant guilty on all three counts and fined him $100 each on the two impure food charges and $50 on the charge of keeping a dirty restaurant.

Eve. Sun. 2/16

Police Brutality Not Proved; Jury Holds

The Baltimore grand jury today decided that complaints of police brutality brought before it was unfounded. In a special report filed with Judge Joseph Sherbow, the jury said:

"We have spent a great deal of time in hearing witnesses regarding these alleged happenings. Our approach was open-minded, objective and, we believe, thorough. No deliberative body could have worked with more zeal or sincerity in its attempt to fulfill its responsibility and trust.

"Considered Conclusion"

"We have reach the considered conclusion that:

1. No evidence of police brutality has been presented, and

2. No evidence of unprovoked police assault has been presented.

"We believe that this investigation and its results merit an interim report on our part so that through the Supreme Bench of Baltimore our findings may be communicated to the citizenry of Baltimore."

Contradictions Claimed

"We have heard many complainants and witnesses. There were made in each hearing numerous contradictory statements. We have found the statements of alleged victims were not in accordance with the written charges in communications to us, and in many instances testimony was obviously untrue.

"The communications which we received regarding these alleged brutalities do not seem to have been based upon careful and thorough investigations, but were in many instances unfounded statements by interested people. We believe that those forwarding those complaints to us have been, in a number of instances, misled by persons who were themselves involved in violations of the law and were using this to exculpate themselves from responsibility and blame.

Warning On Perjury

"This grand jury wishes it to be made clear that indictments will be found against those who violate the law and we hope that proper penalties will follow if they are found guilty. This applies to perjury before this body, which we regard as equally criminal as other violations of the law."

The special report, handed to Judge Sherbow by the jury foreman, W. Norris Weis, pointed out that two cases of alleged brutality, one of which was supposed to have occurred Christmas Day at a police station, were not reopened because the former grand jury had held a complete hearing and "our subsequent investigations revealed no new ebidence justifying a reopening of the cases."

Pestridge Case Not Presented

The jury report did not mention the case in which Patrolman William Pestridge was discharged from the police force. This chse was not placed before the jury, said State's Attorney Anselm Sodaro.

Most of the complaints which the jury had considered were submitted by the National Association for the Advancement of Colored People. Several had come from other sources, but the special report did not indicate the source of any of the complaints it dismissed.

Pretrial Hearing Set For Caskie

John J. K. Caskie, Jr., of Cockeysville, has been summoned to appear before a Baltimore County Circuit Court examiner on February 21 for the taking of pretrial depositions in connection with the death of Patrolman Roland W. Morgan.

This is the procedure sometimes followed when a civil suit for damages is to be instituted later.

Caskie, who recently came to Baltimore county from Virginia, is scheduled to go on trial in a Baltimore city court February 23 on charges of having been the driver of the automobile that ran over and killed the police officer at Roland and Upland avenues on the night of January 5.

The paper in the county court was filed by Clarence W. Miles, Benjamin B. Howard and John Grason Turnbull, attorneys, in behalf of Patrolman Morgan's widow and two minor children.

Morn-Sun-2/17

City's Senators Back Frisking, 4-1

[Annapolis Bureau of The Sun]

Annapolis, Feb. 16—The city senators voted 4 to 1 this afternoon to keep Baltimore city under the provisions of the frisking bill now before the Senate Committee on Judicial Proceedings.

Originally a city bill, the measure was amended in the House of Delegates to bring in nine counties—Allegany, Anne Arundel, Cecil, Frederick, Harford, Montgomery, Talbot, Washington and Wicomico.

By their action today the city senators are in a position to advise the Judicial Proceedings Committee they will go along with the bill. Senator Bernard S. Melnicove (D., Fourth Baltimore) cast the dissenting vote.

The bill amends the Bouse Act to permit, in the trial of a misdemeanor, introduction in evidence of a concealed weapon found by illegal search. Baltimore county now has the frisking law.

Meanwhile, Senator Edward Turner (D., Queen Annes), former State's attorney, introduced a bill requiring notice to State's attorneys of intention to offer an alibi.

The notice would have to be filed not less than five days before the trial and give information as to the place the defendant claimed to have been at the time of the alleged offense and names of witnesses to be called to establish the alibi.

Morn-Sun-2/17
2-17-51

CLEARS POLICE OF BRUTALITY

Grand Jury Finds No Evidence Of Unprovoked Assault

The January-term grand jury, in an interim report submitted to Judge Joseph Sherbow in Criminal Court, yesterday announced that it had heard no evidence of police brutality or of unprovoked police assault.

In concluding its probe of alleged police brutality against Negroes, based on complaints filed by the National Association for the Advancement of Colored People, the grand jury reported that the complaints "do not seem to have been based upon careful and thorough investigations."

The brutality probe was initiated by the former September-term jury, which heard two complaints before it went out of office. The investigation then was continued by the present jury panel.

The report, submitted by W. Norris Weis, foreman, said many of the complaints were by lawbreakers who were using that means to exculpate themselves from responsibility.

Careful Review And Study

The full report read as follows:

"The January term (1951) grand jury has spent much time in careful review and study of alleged police brutalities which were cited in correspondence addressed to our foreman, Mr. W. Norris Weis.

"In keeping with your charge to us given on January 8, 1951, our entire panel of 23 members conscientiously and studiously investigated all the facts which we felt would have any bearing on this matter.

"We acknowledge the very valuable aid given to us by Mr. Anselm Sodaro, State's attorney, and his assistant, Mr. J. Harold Grady.

"We initiated our investigation by calling the foreman of the previous grand jury for background and information. We are satisfied that a thorough hearing was held by the preceding grand jury in each of two cases which that body considered. Our subsequent investigations revealed no new evidence justifying a reopening of the cases already disposed of by the former grand jury.

"We have spent a great deal of time in hearing witnesses regarding these alleged happenings. Our approach was open-minded, objective, and, we believe thorough. No deliberating body could have worked with more zeal or sincerity in its attempt to fulfill its responsibility and trust.

"We have reached the considered conclusion that:

"1. No evidence of police brutality has been presented.

"2. No evidence of unprovoked police assault has been presented.

Applies In Perjury

"We believe that this investigation and its results merit an interim report on our part so that through the Supreme Bench of Baltimore our findings may be communicated to the citizenry of Baltimore.

"We have heard many complainants and witnesses. There were made in each hearing numerous contradictory statements. We have found the statements of alleged victims were not in accordance with the written charges in communications to us, and in many instances testimony was obviously untrue.

"The communications which we received regarding these alleged brutalities do not seem to have been based upon careful and thorough investigations, but were in many instances unfounded statements by interested people. We believe that those forwarding those complaints to us have been in a number of instances misled by persons who were themselves involved in violations of the law and were using this means to exculpate themselves from responsibility and blame.

"This grand jury wishes it to be made clear that indictments will be found against those who violate the law and we hope that proper penalties will follow if they are found guilty. This applies to perjury before this body which we regard as equally criminal as other violations of the law.

"We believe the interest of all citizens, including minority groups, must be fully protected; and we shall see to it that any violation, whether it affects a minority group or others, will be prosecuted to the full extent of the law."

Morn-Sun-2/21

MRS. MORGAN ASKS $100,000

Patrolman's Widow Sues For Hit-Run Death Damages

Damages totaling $100,000 are sought in two civil suits filed yesterday in Circuit Court at Towson in behalf of the widow of Patrolman Roland Wallace Morgan, killed in a hit-and-run automobile accident January 5.

The suits are brought against John J. K. Caskie, Jr., of Cockeysville, who has been charged with manslaughter in the death of Patrolman Morgan.

In one of the petitions, Mrs. Ruth Finks Morgan asks $75,000 damages for herself and her three daughters for losses in income resulting from the death of the Northern district policeman.

Brought As Administratrix

The second, seeking $25,000, is brought by Mrs. Morgan as administratrix of the estate. Through it she asks recovery for the pain and suffering to which Patrolman Morgan was subjected between the time of the accident and the hour of his death the next day.

The suits were filed yesterday by Clarence W. Miles, attorney. John Grason Turnbull is associated with Mr. Miles as Baltimore county counsel.

The accident which took Patrolman Morgan's life occurred on Roland avenue at Upnor road late January 5 while the policeman was on duty.

Caskie, a gentleman farmer, is free on $2,500 bail pending his trial in Criminal Court here on Monday. Caskie also faces charges of drunken and reckless driving, failing to stop after an accident and failing to have an operator's card in his possession.

Morn-Sun-2/17

'Blessings' Hit Right Number So Racketeers Cry It's Wrong

The elegant profession of numbers writing has fallen into evil days.

The collectors of the suckers' coin, harassed in the courts by a judge who sends them to the clink, are now reeling under the impact of a quack clergyman's prophecy and the unnatural turn of coincidence.

To top it all, these cavaliers of the digits now find themselves squarely on the side of ordained ministers in common cause against Baltimore's bogus prelates.

Ode Prophetic On 329

This run of hard luck began Wednesday with the arrest of a 35-year-old Negro storekeeper, Mrs. Edith Perry, on charges of numbers racketeering.

Mrs. Perry, a woman of very slight literary skill, had, just by chance, composed an ode on numbers writing shortly before the vice squad seized her.

The ode was laid unmetrically before the citizenry in the public press of Wednesday, and in it, lay the couplet:

Went across town the other night,
people in a line,
Bishop giving out dope on 329.

Number Got Heavy Play

No practiced numbers player could miss the omen here, and, consequently, 329 got a heavy play on Thursday.

Thursday night, the numbers kings totaled the mutuels in each of the second, third and fourth races at Hialeah. Total in the second was $23.60; in the third, $82.10; in the fourth, $39.00.

To get the day's winning number, they took the first number to the left of the decimal in each total, or, a 3, a 2, and a 9.

A gambler's horror, abetted by a bogus bishop: 329 had hit!

Number Tips In Blessings

The identity of the crosstown bishop whose dope drove the gamblers into their banking reserves is an official mystery, but the Methodist Negro ministers of the town are just as anxious as the gamblers to flush the faker.

The ministers, in fact, have sought for months now to exorcise the religious gadflies who are passing out numbers tips with their blessings.

Last week, in solemn conference at the Sharp street Community House, the Methodist Negro ministers resolved to "seek the help of our brother ministers in other denominations in this crusade against religious racketeers."

Some Take To Radio

The religious aspect of the numbers racket has most recently been succored by the use of radio. A number of enterprising evangelists, mostly Negroes, have obtained radio time and are using it to solicit customers for their "blessings."

For example, one evangelist uses his pulpit microphone to advise his radio-audience congregation that they can report to the "temple" at various times during the week and, upon payment of an admission fee, receive his "blessing."

The "blessing," bought at a rate of from $1 to $5, consists of a quotation from Scripture, but always a quotation that can be given in three numbers, as, for example, Psalms, 1:11.

Self-Ordained Bishops

The practical congregationalist not only takes the Biblical advice to heart; he puts his money on 111.

The Rev. J. O. Williams, who framed the resolution against "religious racketeers," reports the city's most successful theological frauds include two self-ordained bishops, one "Madame," one "Mother" and one common "Reverend."

One of these medicine men, besides advertising "blessings" for a-price on his radio time, hawks therapeutic incense and candles and entertains in the musical interludes by playing a bouncy jive on the "temple" organ.

Sermons At Odd Hours

Not so long ago there was a proclamation that the bishop's birthday was in the offing, and that the bishop would suspend in the temple a white sheet upon which the congregation could pin $10 bills.

"The appeal of these persons," the Rev. Mr. Williams said, "is to people that are interested in the numbers racket."

Usually, he said, the fakers hold their special sermons at odd hours, when there is apt to be little competition from orthodox church services.

One Cut Off Air

The orthodox clergymen have registered their protests with local radio stations, and at least one flourishing bishop was cut unceremoniously from the air last week in the middle of his caterwauling, and has not been aired since.

The success of the crosstown bishop's prophecy on 329 has given the professional numbers writers reason to sympathize with the orthodox clergymen in wanting to scourge the quacks.

Mrs. Perry's poetic paraphrase of the bishopric prophecy, it seems, has done more than Judge Joseph Sherbow has managed in his efforts to hurt the gambling rackets by imposing jail sentences.

Some Banks Ruined

Yesterday, in Criminal Court, Capt. Alexander Emerson reported that "lots" of writers had been "got" by the 329 boom.

"Not just that," S. Alfred Munn, attorney, told the judge. "It ruined them."

Mrs. Perry's prophetic ode gave due credit to Judge Sherbow's effort in the following quatrain:

Judge Sherbow got the city in a
mighty big uproar.
Never heard of things like this
in Baltimore before;
When you go down to the City
Jail you see them in a line,
The syndicates can pay your
fines, but they surely can't
serve your time.

And, if the Perry ode continues to bear fruit, one bogus bishop will wind up where, at this time, the orthodox clergy, the numbers syndicate and the law would like to see him, for:

He don't know it like I know it,
but he better get it straight,
Judge Sherbow will have him
and all the rest peeping
through the gate.

Give then numbers up, bishop, before it's too late.

Eve. Sun. 2/20

Numbers Cases Draw $5,750 Total Fines

Sentences up to one year and fines up to $2,000 were imposed today by Judge Joseph Sherbow in lottery cases involving two alleged backers and smaller fry of the numbers racket. Fines totaled $5,750.

Six months in the House of Correction and $2,000 in fines were imposed on Philip H. Silver, owner of property in the 3700 block Clarinth avenue where two other men also were arrested in a raid on January 13.

The place, Police Captain Alexander L. Emerson testified, was a numbers headquarters, and a "very large operation" which had opened up only a week or so before. Captain Emerson added that while Silver operated the headquarters "there might be a big money man behind him, but we'll never get him."

"There's A New Deal"

Judge Sherbow commented: "Captain, never take a defeatist attitude about this, there's a new deal."

The judge imposed fines totaling $1,000 each on Sidney Satosky and Samuel Stein, who were described as $50-a-week employés of Silver. He als oimposed suspended sentences of three months on condition that both men "leave the racket." Silver ha da past numbers record. His imprisonment is not to start until Monday, in view of a wedding in his family this week.

One year in the House of Correction and a $1,000 fine was placed on Virgil Johnson, Negro, 1000 block East Lexington street, who was described by Police Sergeant Joseph Byrnes as a "small backer" who would "lay off heavy play" with another numbers backer. Judge Sherbow told Johnson that if he felt "willing to talk," the grand jury sat five days a week to hear such revelations.

"Writer" Was On Relief

Charles Morgan, 66-year-old Negro who wrote numbers while drawing relief benefits, was fined $250 in the same case with Johnson. A three-month sentence was suspended on condition that the fine be paid.

Joseph Inqui, 37, East Baltimore grocer who had a past theft record and a record of OPA violations, was given a four-month House of Correction sentence and fined $500, after he was described to the court as a "pickup man." Inqui had $1,338 in his pockets when he was arrested after a 50-mile-an-hour automobile chase through East Baltimore streets.

Morn-Sun-2/21

ONETIME COURT APPOINTEE GUILTY

Stephen Janiak Is Convicted In Numbers Case

Stephen Janiak, 46, who was dismissed as a deputy clerk in the Criminal Court about a week after his appointment when it was discovered that he had a criminal record, yesterday was convicted by a Criminal Court jury of a numbers charge.

Janiak was arrested last February 6 at his home in the 700 block South Curley street after entrance to the home was forced by Capt. Alexander Emerson and members of his police vice squad.

Judge Joseph Sherbow deferred imposition of sentence pending filing of a motion for a new trial. Janiak did not testify at the trial.

Selected In 1947

Janiak had been selected for a deputy clerk post by Wilford L. Carter, clerk of the Criminal Court, in October, 1947, and the appointment was confirmed by judges of the Supreme Bench.

However, before Janiak took over his duties, it was brought to the attention of the judges that the man in 1934 had been convicted of bootlegging. Mr. Carter then dismissed him.

It also was disclosed at that time that Janiak had been dropped in 1946 as a part-time liquor license inspector because of insubordination.

Morn Sun 2/21

JUDGE WARNS NUMBERS MEN

Sherbow Urges Police Not To Give Up Hope In Cases

Judge Joseph Sherbow yesterday promised "a new deal" in Baltimore fight against the numbers racket and urged police not to give up hope of punishing the "money" men behind criminal gaming activities.

Capt. Alexander Emerson, head of the police vice squad, had told the judge in Criminal Court he feared it would be impossible to track down wealthy bankers who finance gambling.

"Captain, never take a defeatist attitude about this," Judge Sherbow told him. "There's a new deal."

Refers To January Raid

Captain Emerson had testified he doubted if police would be able to apprehend a "big money man" he believed was behind a Clarinth road numbers headquarters raided by police January 13.

Three men were fined and one of them was imprisoned for participating in the operation of that numbers headquarters.

Philip P. Silver, 32, of the 3700 block Clarinth road, the raided premises, was sentenced to six months' imprisonment and fined $2,000. Sidney Satosky, 29, and Samuel Stein, 36, were fined $1,000 each and also were given three-months' suspended prison sentences on condition they "leave the racket."

Anselm Sodaro, State's attorney, who was prosecuting his first case since he took office last month, said police seized more than 11,000 numbers and about $5,463 cash in the raid.

Sentenced And Fined

In another case, Virgil Johnson, 41, Negro, described by police as a "numbers backer," was sentenced to one year in the House of Correction and fined $1,000. Charles Morgan, 66, Negro, codefendant, was fined $250, but a three-months sentence was suspended.

Judge Sherbow directed William H. Maynard, prosecutor, to notify the Department of Public Welfare that Morgan is receiving $60 a month in relief payments.

The two Negroes were arrested during a raid on premises in the 1000 block East Lexington street by Sergt. Joseph Byrne, who testified that Johnson is one of the "big wheels in the numbers business."

Johnson, who drives a Cadillac, contended that an electric adding machine found in the premises was used by him to total receipts from his restaurant business.

Chased At High Speed

Another numbers racket defendant, Joseph Inqui, 37, of the 1100 block Somerset street, was sentenced to four months in jail and fined $500.

Inqui was arrested about two weeks ago in his automobile after police chased him at high speed through East Baltimore streets. Inqui was described as a "pick-up man." He had about $1,338 in cash in his possession when arrested, Judge Sherbow was told.

Mr. Maynard said Inqui had a prior criminal record for OPA and internal revenue violations, in addition to a conviction for larceny.

Eve. Sun 2/21

Attempted-Bribery Probe Is Urged

Leonard J. Kerpelman, Fourth district candidate for the City Council, called today for an investigation of the case of Jesse Williams, now serving a six-month term in jail on a charge of attempted bribery of a city health inspector.

Mr. Kerpelman said he had been told by police and the State's Attorney's office that no action was contemplated in the case, and that the role of Jacob Petrushansky, slum landlord and employer of Williams, had not been investigated.

"Lay Off" Plea Alleged

Williams drew a prison term on conviction of attempted bribery of Inspector Eugene Chircus on January 11, when Judge S. Ralph Warnken found him guilty of trying to persuade Chircus "to lay off" of slum houses owned by Petrushansky.

"I believe Fourth district voters, many of whom have asked me about the case, are entitled to know more about this case," said Mr. Kerpelman. "Officials involved, perhaps not realizing the extent of the public interest, have failed to provide information.

Called "Special Problems"

"Many of Mr. Petrushansky's slum dwellings are in the Fourth district. They, like all slum housing, present special problems of law enforcement and of public policy. It seems to me that the State's attorney's office must have additional information which will disclose why the matter was not pursued further.

"I feel that if there are no further facts, then there had been an error of judgment in not permitting the grand jury to decide whether the existing evidence would justify either a dismissal or prosecution of a legal action against the landlord in question."

Mr. Petrushansky was not charged in the bribery case. Court testimony was that Williams was acting as his agent.

Eve. Sun 2/21

Court Orders Data In Farrell Case

Under terms of a court order signed by Judge Robert France, John W. Farrell, attorney, has been called on to produce in Circuit Court data and records concerning a $10,000 bond that was one of the assets of the estate of his uncle, Joseph A. Farrell, race-track figure who died March 8, 1948.

Another nephew of the deceased race-track man, John B. Farrell, obtained the court order. The two Farrells are coexecutors and co-trustees of the uncle's estate. They also have been on opposite sides of court proceedings brought concerning the operation of the Bowie Race Track.

John B. Farrell obtained the new court order on a petition for discovery, in which he asked the court to compel production, for inspection and copying, of data and materials allegedly in possession of John W. Farrell.

Deadline Set

Judge France's order calls for delivery of the documents to Henry Ripperger, clerk of the court, within fifteen days, and for the court clerk to supervise the inspection and copying by the other side.

The petition called for documents regarding a $10,000 United States Treasury bond that was said to have been called for redemption.

In addition to receipts, deposit slips, bank books and other records possibly concerned with the bond, the court order called for production of correspondence between John W. Farrell and the Government concerning the alleged redemption.

Eve. Sun 2/22

Tell Of Bookies, O'Hara Asked

State's Attorney Anselm Sodaro today invited L. Edmund O'Hara, former general manager of the Bowie race track, to come to Baltimore tomorrow to discuss bookmaking here.

The invitation followed testimony by O'Hara in Washington yesterday, in which he declared that Capt. Alexander L. Emerson, head of the Baltimore Police Department vice squad, arrests small-time bookmakers, but that larger fry continue to operate.

Prosecutions Fall Off

O'Hara told members of the Senate Crime Investigating Committee:

"All you see Mr. Emerson do in Baltimore is arrest some poor guy on Pennsylvania avenue for taking a $3 or $4 bet, when I can take you to places downtown where they have 300 or 400 people every day and it's known by everybody."

Bookmaking prosecutions have fallen off this year in Baltimore, according to Criminal Court officials.

However, Judge Joseph Sherbow yesterday convicted Melvin Alexander on bookmaking and lottery charges. Captain Emerson said Alexander was in charge of a bookmaking office where eleven patrons were present, at the Young Men's Ritchie Democratic Club in the 1700 block Eastern avenue.

Morn-Sun-2/23

O'HARA TO SEE SODARO TODAY

Ousted Bowie Official Talked Of 'Unmolested' Bookies

The State's attorney's office has made a date to hear details today of an ousted Maryland race-track official's assertions that big bookmaking establishments are allowed to operate unmolested in Baltimore.

The witness is L. Ed O'Hara, former general manager of the Bowie track, who has already made the statements to the Senate Crime Investigating Committee.

Anselm Sodaro, State's attorney, said last night a conference with O'Hara is scheduled today at noon in the State's attorney's office.

Mr. Sodaro acted after O'Hara told the Senate crime investigators that Capt. Alexander Emerson and the police vice squad chase the small-time gamblers and do nothing about big ones.

"Known By Everybody"

This, in part, is what O'Hara told the Senate committee:

"All you see Mr. Emerson do in Baltimore is arrest some poor guy on Pennsylvania avenue for taking a $3 or $4 bet, when I can take you to places downtown where they have 300 or 400 people every day and it's known by everybody."

Mr. Sodaro said O'Hara had been invited and not "summoned" to furnish details of the charge he made in his Washington testimony.

The prosecutor said he telephoned O'Hara after learning about the testimony before the Senate committee and that the conference then was arranged. Mr. Sodaro did not say whether O'Hara might later be called upon to testify before the city grand jury.

Eve. Sun 2/23

Some Numbers Dream Books 'Not Illegal'

Dream books, favorite reading of number racket patrons, are not illegal unless they constitute a sort of "form sheet" of past performances of numbers, Judge Michael J. Manley ruled today.

Even the "tip-sheets," which profess to offer for a mere 15 cents "Three Numbers That Pop," or "Three Best For The Week," do not violate Maryland's lottery law, the judge ruled in Criminal Court.

But the dream books and other pamphlets that purport to give past performances and show what "numbers" won in the past are in conflict with the Maryland Code ban against "any book, list, slip or record of the numbers drawn in any lottery," according to Judge Manley.

Sherman Acquitted

As the result of his rulings, Judge Manley acquitted Joseph Sherman, newsstand operator who was one of three persons arrested last June 23 in special "test cases," and convicted two other dealers, Abe Brill and Leonard Silver. Sherman was represented by Howard Aaron, attorney.

Judge Manley asserted that the State of Maryland stands in an anomalous position by banning lotteries, gambling and off-track betting, while also licensing racing and pari-mutuel betting both by day and night.

"It is difficult to convince the people that there is anything morally wrong with gambling, as long as the State licenses race tracks and takes an enormous annual cut from the money that passes through the windows at the tracks," said the judge.

Judge Manley declared all the dream books, tip sheets and similar pamphlets seized in the police raids "tend to encourage the playing of numbers" and sold for prices ranging from 15 cents to $1 "to gullible persons who are looking for the elusive pot of gold."

"Bite On Bankers"

Judge Manley listed a number of the booklets which he classed as violating the lottery laws.

They were "The New Yorker—Weekly Number Form," "Magic Star Number Weekly," "Andy Weekly," "Hot-Shot Mutual Weekly," "Afro Number News and Information," "Sure Winner," "The Secret Six Number Weekly," "Master Ratings," "National Number News," "The Mutuel Number Journal," "Wizard," "American Number Weekly," "New York Wise Owl," "Policy Pete's Mutuel Number Dream Book," and the "The Lucky Red Devil Combination Dream Book."

Still others classed as illegal were "The Original Lucky Three Wise Men Dream Book," "Rajah Rabo's New Improved 5-Star Mutuel Dream Book," "The Original Lucky Three Wise Man's Official Number Guide," "The Big New Number Secrets," "National Dream Book" and "Billy Bing's Number King Monthly."

Prosecuting Office Hit By N.A.A.C.P.

The Baltimore branch of the National Association for the Advancement of Colored People in a statement today implied that last week's dismissal of police brutality charges by the grand jury was the result of a "lack of enthusiasm" for the case on the part of the State's attorney's office.

The statement, issued by the legal redress committee for the N.A.A.C.P. branch, spoke of the grand-jury report as "depressing," but "not a complete surprise."

"If the prosecutor does not present a case clearly and in a manner that makes proper use of the evidence in hand, the members of the grand jury will not be moved to act," the N.A.A.C.P. statement said. "Any lack of enthusiasm for the case he is handling may result in a faulty presentation by the State's attorney.

Old Reluctance Alleged

"Since the proceedings of the grand jury are secret, we cannot know how the current cases were presented. However, the office of the State's attorney has always been reluctant to act in this field," the committee charged.

The N.A.A.C.P. members declared that the Hardy and Stokes cases—two cases in which police brutality to Negroes was alleged—"show that there is something wrong with the racial practices of some members of the Police Department."

Stating that "our association's complaint" is against only "those few officers who are temperamentally unfit to police our community," the committee asserted:

"All we have asked is that when complaints are made by citizens, the (police) commissioner (should) give the citizens an opportunity to confront the officer in question in an open, impartial hearing, in an atmosphere unmarked by intimidation.

"This Commissioner (Beverly) Ober has refused to do."

Prior Arrests' Effect Cited

The statement also charged that Negroes with records of prior arrests do not receive impartial treatment at police hands.

"Incidents which in the white community would bring a reprimand or diplomatic settlement by the officer on the scene usually result in an arrest if they occur in the colored community," it declared. "The people involved are then fair game for future arrests and mistreatment. If they complain, the Police Department points to their record."

Morn-Sun-2/24/51

O'Hara Summoned To Testify On Bookmaking In Baltimore

L. Edmund O'Hara, former general manager of the Bowie track, will appear before the Baltimore grand jury Monday to tell what he knows about bookmaking in Baltimore.

Anselm Sodaro, State's attorney, said he issued a summons for Mr. O'Hara to appear before the jury, following a one-hour conference with the former race-track head.

Mr. Sodaro and Mr. O'Hara declined to discuss details of the conference.

Mr. Sodaro invited Mr. O'Hara to his office at noon yesterday to talk about testimony which the former racing official gave before a Senate crime investigating committee.

Refers To Emerson Raids

Mr. O'Hara told the committee that Capt. Alexander L. Emerson, vice squad head, arrests the small-time gamblers, but does nothing about large operators.

O'Hara told the committee, in part:

"All you see Mr. Emerson do in Baltimore is arrest some poor guy on Pennsylvania avenue for taking a $3 or $4 bet, when I can take you to places downtown where they have 300 or 400 people every day and it's known by everybody."

Mr. O'Hara appeared in the prosecutor's office with an attorney, Joseph Harlan.

He had been called before the Senate committee to discuss "comeback" betting at Bowie. Comeback bets are placed at tracks by syndicates just before a race to cut down the odds on a long shot on which the syndicate has taken heavy bets.

O'Hara's dismissal as general manager at Bowie came after a dispute among officers and stockholders led to receivership action.

Mr. O'Hara has been requested to appear at 11 A.M. Monday.

Taylor Issues Denial

Meanwhile, George B. Taylor, deputy inspector of the Department of Maryland, Veterans of Foreign Wars, denied that the V.F.W. home in Laurel was used for making "comeback" bets at the Laurel race track.

Testifying Tuesday before the Senate Crime Investigating Committee in Washington, Mr. O'Hara said that agents making "comeback money" bets for professional gamblers at Laurel work out of "the veterans office — the V.F.W. or something—only a half minute's ride from the track."

Mr. Taylor, who is a member of Laurel Memorial Post, No. 9862, V.F.W., said: "There is no telephone whatsoever in the V.F.W. post home in Laurel from which bets could be called into the track."

Eve. Sun-2/20

Flashes

O'Hara Before Grand Jury

L. Edmund O'Hara, former manager of the Bowie race track, who had testified in Washington that he could point out large bookmaking operations in downtown Baltimore, today appeared as a witness before the Baltimore grand jury under summons. He remained before the jury only a short time.

Morn-Sun-2/2

SHERBOW ASKS NEWS SERVICE PROBE BY PSC

Says State Unit 'Might Well Look Into' Possible 'Bookie' Angles

Judge Joseph Sherbow yesterday suggested that the Public Service Commission "might well look into" the operations of sporting news services to determine whether they are supplying racing news for bookmaking purposes.

Judge Sherbow directed Charles E. Orth, Jr., assistant State's attorney, to notify the PSC of his comments. Mr. Orth said he would write a letter to the commission and probably inclose a copy of the judge's comments.

Judge Sherbow recommended the probe after questioning a representative of World Wide News and Music Service, Inc. about supplying sporting news service to a confectionery in the 2500 block Eastern avenue.

Store Raided Twice

The store twice has been raided by members of the police vice squad. The sporting news receiving equipment was removed after a raid last September, but when the place was again raided last month, the service was still being received, according to testimony in Criminal Court.

Sanford T. Niles, representing the World Wide concern, testified his company did not know about the raid last September. He said the company had not been paid the $40-a-week charge from last May until a few days before the raid last month, when a "runner" made a $40 payment.

William Gephardt, 44, operator of the confectionery, admitted he hooked up a teleflash receiver to the racing news wires after the September raid. He also admitted that he had applied for the news service under the fictitious name of Holly.

Sends Check From Hospital

Gephardt was sentenced to three months in jail and fined $1,500. He lives in the 600 block South Milton avenue.

Joseph Burns, 43, of the 600 block South Patterson Park avenue, a $5-a-day employé in the confectionery, was fined $500 and given a 30-day suspended prison sentence.

Judge Sherbow imposed a six months' prison sentence and a fine of $1,000 on John Baranowski, 38, of the 2600 block Hudson street, described as a numbers pickup man.

Baranowski was arrested last February 7 during a police raid on garage premises in the 1200 block East Biddle street.

Eve. Sun 2/27

O'HARA EXPLAINS 'BOOK' TESTIMONY

Ex-Bowie Official Also Appears Before Grand Jury

It took L. Edmund O'Hara, former general manager of the Bowie race track, less than fifteen minutes yesterday to tell the grand jury what he knows about large downtown bookmaking places in Baltimore.

Mr. O'Hara appeared as a specially summoned witness to testify about bookmaking in Baltimore because of previous statements he made before a Senate committee investigating crime.

He had told the Senate body that Capt. Alexander Emerson, head of the police vice squad in Baltimore, arrested only small bookies, while downtown places that attract hundreds of sports enthusiasts continue to flourish.

No Reflection On Emerson

Following his appearance before the grand jury yesterday, Mr. O'Hara said:

"My statement in Washington was to the effect that I had been told that large bookmaking places exist in Baltimore. I did not imply by this that I visited them myself.

"I do not know of any large bookmaking places that have not been closed. And in checking recently with some people I know who bet with books, they told me that large bookmaking places have been recently abandoned due to the Kefauver committee investigation.

"I don't know Captain Emerson and certainly did not intend to reflect on his integrity or ability."

Mr. O'Hara had been called before the grand jury after an hour conference last week with Anselm Sodaro, State's attorney.

~~Women's Council To Meet~~

Morn-Sun 2-28-51

SODARO SEEKS RACING PROBE

Calls On P.S.C. For Talk About Service To Bookmakers

Anselm Sodaro, State's attorney, yesterday sought an "early conference" with general counsel for the Public Service Commission to discuss PSC rules relating to the operations of news service agencies in supplying racing information.

The conference was sought by Mr. Sodaro because of a suggestion by Judge Joseph Sherbow in Criminal Court that the commission might like to find out whether such news service is being supplied to bookmakers for illegal purposes.

Judge Sherbow this year on several occasions has questioned officials of sports news agencies about supplying news to places where police have conducted gambling raids.

Refers To Two Services

In his letter to Charles D. Harr[illegible] general counsel to the commis[illegible] Mr. Sodaro wrote:

"I am desirous of conferring [illegible] you concerning the rules and [illegible] lations of the Public Service C[illegible] mission applicable to various [illegible] service agencies in the city of [illegible] timore, particularly the World Wi[illegible] News and Music Service, Inc., and the Howard Sports Daily, Inc.

"This conference is important and timely in view of developments in the trial of a number of gambling cases, in which certain establishments occupied and used for bookmaking activities were found to be equipped with direct lines to a news agency.

As To Investigation

"In many cases, the evidence disclosed that little if any investigation was made of either the subscriber or the premises serviced. In one particular establishment, service was continued for some considerable time after a conviction for bookmaking.

"The lessee testified that service was continued without charge, even after a request for termination of the service. In several instances, representatives of the news service testified payments were made by 'runners' who could not be identified, and the payments were in cash.

"I would appreciate your calling to arrange for an early conference in regard to this matter."

Eve. Sun 2-28-51

Man Being Tried In Auto Death

A young girl passenger in Joseph R. Patton, Sr.'s car today testified he was racing another auto when the Patton machine struck and killed Mrs. Gertrude Elburn last October 8 on Huntingdon avenue.

Patton, 29, pleaded not guilty when he went on trial before a Criminal Court jury. Judge Joseph Sherbow presided.

Eleanor M. Sadler, 300 block West Thirtieth street, one of two teen-age girls riding in the borrowed car driven by Patton, testified about the street race.

Drove To Restaurant

She said that Patton had driven her and the other girl from a Twenty-fifth street restaurant to Thirtieth street and Huntingdon avenue in the attempt to have another youth go with them to an open-air movie.

She had noted that Joseph Detorie, Jr., a young acquaintance, had followed them in his car, parking alongside and again stopping alongside when Patton's car was stopped by a red light at Twenty-ninth street.

She quoted Patton as then saying: "If Joe Detorie wants to give us a race, I'll race him."

With Patton's car ahead, both vehicles then sped down Huntingdon avenue, she said. At Twenty-sixth street, the girl said she noticed the woman crossing the intersection. She testified that the pedestrian was struck by the front of Patton's car, and added that as that vehicle skidded and slowed, it was struck in the side by Detorie's automobile.

Patton lives in the 2800 block Harlem avenue. He is a widower with two young children.

J. Harold Grady, assistant State's attorney, contended in submitting the case before the court that Patton and another young motorist, who is now serving with military forces overseas, had been racing their cars down Huntingdon avenue at the time of the accident.

Morn-Sun 2/28

GUILT IN FATAL ACCIDENT DENIED

Patton Disclaims Responsibility In Traffic Death

Joseph R. Patton, Sr., 26-year-old Navy veteran, denied yesterday in Criminal Court that he was responsible for the death of a mother of six children during a race with another automobile along Huntingdon avenue last October.

Patton, who is accused of automobile manslaughter in the death of Mrs. Gertrude Elburn, 36, of the 2600 block Miles avenue, denied testimony of two teen-age passengers in his car that he was driving at high speed when he struck the woman at the intersection of Twenty-sixth street.

Patton also contended that he does not know whether his automobile struck the woman, testifying that he did not see the woman's body until after his car was struck by the other automobile and driven onto a sidewalk.

Hear Final Argument

Testimony was concluded late yesterday and the jury under Judge Joseph Sherbow will hear final arguments this morning. Patton's first trial on the same charge last month resulted in a mistrial.

Miss Eleanor M. Sadler, 15, of the 300 block West Thirtieth street, testified she was a passenger in Patton's automobile during a race which started at Twenty-ninth street with another car driven by Joseph Detorie, of the 400 block West Twenty-third street, who is now a private first class stationed somewhere in Korea.

Miss Sadler testified that Patton took the lead in the race. She said she saw a woman crossing the intersection of Twenty-sixth street and warned Patton to stop his car, but testified he ignored her warning and continued on.

Felt Body's Impact

The witness testified she felt the thud of the impact with the woman's body and saw the woman thrown into the air. After that impact, the girl continued, Patton's car was hit in the rear by Detorie's automobile. She said Patton's car skidded around and finally crashed against a tree.

Miss Sadler said Patton then told her and another passenger, Miss Marlene H. Lunn, 16, to get out of the car and run.

Miss Lunn also testified that Patton was speeding and that her girl friend warned the defendant of the woman pedestrian. She testified she did not remember, as did Miss Sadler, that the two cars stopped for a light at Twenty-ninth street.

Wanted Race

Miss Sadler told the jury that at that intersection, Patton declared that "if he wants to give us a race, I will give it to him."

Patton, a widower with two [illegible]ng children, denied racing with [illegible]orie's automobile and said he [illegible] not even see Detorie that night. [illegible] said he was driving at a "mod[illegible]" speed along Huntingdon avenue and when he approached Twenty-sixth street, he could see in his mirror the lights of a car approaching from the rear.

The defendant contended he was about to pull over to let the other car pass when his auto[illegible]obile was struck in the rear and it went out of control. He said it skidded completely around and landed on the sidewalk.

Patton said when he got out of his car, he saw the body of Mrs. Elburn for the first time. He testified he then got a blanket out of his car and put it over her.

NEWS-2/28

Caskie Slated For Trial In Hit-Run Death

John J. K. Caskie, Jr., today was scheduled to go on trial accused of the hit-run death of Patrolman Roland W. Morgan before Judge Joseph Sherbow in Criminal Court.

Caskie is charged with manslaughter.

He will be represented by Joseph G. Finnerty and Hilary W. Gans.

A two-day postponement of the case was granted last Wednesday, over objections of State's Attorney Anselm Sodaro, to permit Mr. Gans, who had just been retained, to familiarize himself with the case.

Patrolman Morgan was killed on January 5 by a hit-run motorist near Roland avenue and Upland road.

Caskie, a gentleman farmer, of Cockeysville, was taken into custody later at an inn on the Falls road.

He also is charged with drunken and reckless driving, failing to stop after an accident and failing to have his operator's card.

He has been at liberty on the manslaughter charge on $2,500 bail.

Eve. Sun. 2/28

Sodaro Studies Butler Probe, State Law

Baltimore printer's story of "ride" is fantastic fabrication, Surine tells Butler probe. [Page 1.]

State's Attorney Anselm Sodaro said today that he was keeping a "very close eye" on testimony in the Washington investigation of Senator John M. Butler's campaign.

Under Maryland law, Mr. Sodaro has the responsibility of initiating action in cases of corrupt practices in elections.

State law requires that treasurers or agents of all candidates file a true, detailed sworn statement of their expenses with circuit courts of their county or Baltimore city within 20 days after the election.

Failure to do so involves possible fines of from $300 to $3,000 or sentences of from 30 days to a year in jail. A statement of Senator Butler's expenses was filed with the Baltimore City Circuit Court within the deadline—on November 27.

The statement listed a total of $54,999.36 in expenses and obligations, and contributions of $43,020.37—leaving a deficit of almost $12,000.

Legal Question Raised

Yesterday's supplementary filing of campaign expenses by Senator Butler, amounting to $27,100, raised the question of whether he had violated State and Federal election laws by failing to file full expenses before the deadlines. The Federal deadline is 30 days after an election.

Mr. Sodaro said, "I have kept a very close eye on proceedings in Washington, and especially testimony on expenses. I feel that I cannot say anything until that investigation is over."

He declined to say whether the filing of a supplementary statement of contributions by Senator Butler constituted a violation of Maryland law.

Earlier, a possible violation of the State law forbidding corporations to contribute to political campaigns was raised when Mr. Butler listed a loan of $12,500 from the Mercantile Trust Company. He later explained that the money was actually provided by two officials of the bank, acting as individuals.

Trial Of Patton In Car Death Nears End

Trial of Joseph R. Patton, Sr., for manslaughter today reached its concluding stages, when counsel for the State and the defense submitted arguments and summations before the Criminal Court jury hearing the case.

Patton is charged with causing the death of Mrs. Gertrude Elburn last October. The woman was struck and killed as she was crossing Huntingdon avenue at Twenty-sixth street, according to testimony before Judge Joseph Sherbow and the jury.

J. Harold Grady, assistant State's attorney, contended that Patton was racing another motorist, Joseph Detorie, Jr., at the time. Alan H. Murrell, defense lawyer, contended that Detorie, who is absent on overseas military service, should have been accused on the ground that his car struck Patton's and knocked it out of control.

Patton, 26, a Navy veteran, testifie that he hadn't seen the woman until she was discovered lying in the street after his car was struck by Detorie's. On the other hand, one of the two young girls who were riding in Patton's car, who were acquaintances of Detorie, testified that she saw the woman and shouted a warning to Patton before his car struck the pedestrian.

Eve. Sun. 2/28

Caskie Stands Trial For Manslaughter

John J. K. Caskie, Jr., Cockeysville motorist charged with manslaughter in connection with the death of Patrolman Roland Morgan, today was called to Criminal Court for trial.

The case is set before Judge Joseph Sherbow. Caskie is represented by Joseph G. Finnerty and Hilary W. Gans, attorneys.

Patrolman Morgan was killed when he was struck, the State claims, while standing beside his police car at Roland and Upland avenues on the night of January 5. He had previously made a call from the police call box, it was stated.

Arrested In Tavern

Caskie was arrested a little later at a tavern on the Falls road. His station wagon was parked near by. Anselm Sodaro, State's attorney, submitted the case to the grand jury the following week, and Caskie was presented and indicted for manslaughter on January 11.

Last week in the Circuit Court for Baltimore county, Mrs. Ruth Finks Morgan filed suit asking a total of $100,000 damages on behalf of herself and her three children for her husband's death. Caskie has been free on bail pending the manslaughter trial.

Heroin 'Snorter' Gets Two Years

Pleading guilty to a narcotic charge and revealing that his use of heroin followed a former addiction to marijuana, Russell Neal, has been sentenced to two years in the House of Correction by Judge Joseph Sherbow in Criminal Court.

The 25-year-old Negro, a war veteran, had made a sale of heroin to an acquaintance, but police said he was really an addict, not a peddler. He was described as a "snorter," who took heroin by nasal inhalation.

Morn-Sun 3/1

The Butler Investigation And The Corrupt Practices Act

To say that the testimony so far brought out in the investigation of Senator Butler's campaign is sensational would be to put it mildly. And Senator Butler's sudden submission, several months late, of a "supplement" to his report on campaign expenditures, coupled with his own campaign treasurer's repudiation of the "supplement," represents an interesting deviation from the procedure laid down in Maryland's Corrupt Practices Act.

But fair-minded citizens will reflect that Senator Butler has not yet had an opportunity to state his case and offer explanations to the Senate committee. And the State's attorney, Mr. Sodaro, assures us all that he is following the testimony closely as it may relate to the Maryland law. It is well to suspend judgment until more information is available.

Yet it is surely an appropriate time to state once again, as *The Sun* has stated times without number in the past, that Maryland's Corrupt Practices Act is in many respects an inadequate law, and that it should be revised.

Take the single matter of reports by candidates on their expenditures. The law requires that such reports shall be filed within twenty days after an election, and it specifies the kind of information that the reports should contain.

But what happens to the reports after they are filed? They are literally filed—*i.e.*, received by a court clerk and put away. There is no provision in the law for a check on the accuracy of their contents, for an audit or anything of that sort.

So sloppy a procedure is an invitation to carelessness, or worse. Under the present procedure, there is not even a perfunctory, let alone a systematic, check on the amounts of money which candidates spend in Maryland elections, on the sources of the money and on the uses to which it is put. Hence there is no incentive save honor (which is not always conspicuous in political battles) to take the requirements of the law seriously.

Whatever the outcome of the present investigation may be, surely it demonstrates that the time has come for taking a serious look at the defects in the Corrupt Practices Act and correcting them.

Eve. Sun 3-1-51

CASKIE PLEADS GUILTY TO AUTO MANSLAUGHTER

Judge Delays Sentencing In Death Of Patrolman Morgan

John James Kerr Caskie, Jr., 29-year-old veteran of the Canadian Air Force and a Baltimore county gentleman farmer, yesterday pleaded guilty to automobile manslaughter in the death of Patrolman Roland Morgan last January 5.

Judge Joseph Sherbow, at the request of defense counsel, deferred imposition of sentence pending a psychiatric and probation report, but told the defense that he would not consider releasing Caskie on probation in connection with the charge.

The defendant, who owns a 96-acre farm on the Falls road, at Shawan, was committed to jail. Judge Sherbow said he would not release Caskie on bail pending receipt of the reports.

The automobile manslaughter charge carries a maximum sentence of three years' imprisonment, a fine of $1,000, or both.

Injured On Roland Avenue

Patrolman Morgan was fatally injured at the intersection of Roland avenue and Upland road at about 11 P.M. on January 5, within a few minutes after he had made a call to the Northern district from a call box on that corner, according to Anselm Sodaro, State's attorney.

Caskie was arrested about two hours later at a Falls road inn and his damaged station wagon was found on a parking lot near by, Mr. Sodaro told the court. The prosecutor said Caskie was asleep on a porch at the time he was taken into custody by Sergt. Cyril Baumiller and Patrolman George Frank, of the Baltimore county force.

Use Of Alcohol Cited

The guilty plea was entered by Hilary W. Gans and Joseph G. Finnerty, counsel for Caskie.

Mr. Gans asserted that after talking with Caskie's family, he is of the opinion that "there is substantial grounds for the belief that the excessive use of alcohol, for which he has been noted in the past, w.s caused by psychiatric difficulties which arose apparently during the last war."

Mr. Gans said Caskie enlisted in the Canadian Air Force and served "intensively" for two years. He said the defendant was discharged for medical reasons after he became a victim of "nervous exhaustion" and Caskie has been under treatment since that time.

The defense lawyer said that on the night of the accident, Caskie was under influence of liquor to such an extent that he "did not realize he had struck a human being and had no idea he had struck Officer Morgan."

After Caskie learned that he had struck the policeman, he expressed a desire to "make reasonable financial settlement with his widow and children," Mr. Gans said.

"He was filled with extreme remorse when he was taken to the scene, and suggested that someone give him a revolver so he could get out of the situation," the lawyer told Judge Sherbow.

In asking a medical investigation, Mr. Gans said the defense would be glad to employ a psychiatrist to work with Dr. Manfred S. Guttmacher, medical adviser to the court.

Police Car Hit In Rear

Mr. Sodaro said Patrolman Morgan had checked doors of establishments in the Roland avenue area shortly before he made the police call and was returning to his police car.

The police vehicle was struck in the rear fender and bumper by Caskie's car, which then struck the policeman and drove the front door against the front fender, the prosecutor related.

He said State's witnesses would testify that when Caskie arrived at the Falls road inn later, he was so intoxicated that he was refused additional liquor.

Mr. Sodaro told the court that he interrogated Caskie at about 3 A.M. and was told by the defendant that he had spent the day with a friend drinking in the Mayflower Hotel, in Washington.

The friend had been let out of the station wagon only a few minutes before the accident, it was stated.

Eve. Sun 3-1-51

PATTON ACQUITTED IN AUTO FATALITY

Jury Absolves Man In Death Of Mother Of 6 Children

Joseph R. Patton, Sr., 26-year-old navy veteran, yesterday was acquitted by a Criminal Court jury of automobile manslaughter in the death of Mrs. Gertrude Elburn last October 8 at Huntington avenue and Twenty-sixth street.

It was the second time within less than a year that Patton was freed of a homicide charge. Last March 28 Patton was acquitted by a Baltimore county jury of a charge of murdering his 24-year-old wife by shooting her five times with a rifle.

2 Teen-Agers Testify

The State charged that Patton ran down Mrs. Elburn, a pedestrian, while racing along Huntington avenue at high speed with another automobile driven by Joseph Detorie, who is now stationed in Korea.

Two teen-age passengers in Patton's car testified the defendant was warned about the woman pedestrian and to stop his car, but that he ignored the warning and struck Mrs. Elburn, 36-year-old mother of six children.

Patton, who was represented by Alan H. Murrell, attorney, denied he was racing with another automobile and contended he was driving at "moderate speed."

He said as he approached Twenty-sixth street, he was struck in the rear by another car which caused his car to skid completely around and land on the sidewalk.

Jury Deliberates 3 Hours

He said he did not know that Mrs. Elburn had been struck until after the accident when he got out of his car and saw her body lying in the gutter.

The jury, under Judge Joseph Sherbow, deliberated nearly three hours on the case.

Patton, a father of two small children, lives in the 2800 block Edmondson avenue.

Eve. Sun-3/1

Caskie Awaiting Doctors' Tests

John J. K. Caskie, Jr., 29-year-old Cockeysville gentleman farmer, awaited psychiatric and psychological tests in jail today after pleading guilty to manslaughter yesterday in the traffic killing of Patrolman Roland Morgan.

At the trial yesterday in Criminal Court, Caskie's attorneys told the court deep mental disturbances, arising from the defendant's wartime experience in the Canadian Air Force, caused his excessive use of alcohol which led indirectly to the policeman's death January 5.

Judge Joseph Sherbow agreed to defer sentence pending examination of Caskie by court mental specialists, but said continuance of his release on bail was impossible.

Financial Matter Pending

Also pending is a financial settlement now being negotiated between representatives of the defendant and the family of the traffic officer, whose widow has sued for $100,000 damages.

Seven traffic charges involving hit-and-run driving and driving while under influence of alcohol remain against the farm owner in Traffic Court. Caskie was arrested in a drunken condition at a Falls road inn with his damaged car parked outside shortly after the policeman, fatally injured, was found lying in the street at Roland avenue and Upland road.

Jury Frees Patton In Auto Death

A Criminal Court jury yesterday acquitted Joseph R. Patton, Sr., 26-year-old navy veteran, of automobile manslaughter in the death of Mrs. Gertrude Elburn, last October 8 at Huntingdon avenue and Twenty-sixth street.

It was Mr. Patton's second homicide acquittal within a year. Last March he was freed by a Baltimore county jury of a charge of murdering his wife by shooting her five times with a rifle.

Mr. Patton, father of two children and a resident of the 2800 block Edmondson avenue, was accused in the more recent case of running down Mrs. Elburn while racing another car on Huntingdon avenue.

Defense counsel contended that the second auto, driven by a man now in the armed forces in Korea, was responsible for the fatal accident. The jury deliberated nearly three hours.

Eve. Sun-3/1

Judge Notes Narcotics Evil, Imprisons 2 For Cure

Declaring that the narcotics traffic in Baltimore is much more extensive that citizens realize, Judge Joseph Sherbow today sentenced two addicts to prison terms primarily for purposes of cure in State institutions.

Counsel for one of the defendants had sought to have his client sent to the Federal "narcotic farm" at Lexington, Ky., for treatment, but Judge Sherbow revealed that Federal authorities advised him their institution is overcrowded and has a waiting list.

Accepting Only Very Young

Only very young addicts can be sent there at the present, the judge said.

Spread of the narcotics evil until it has addicted young persons and even schoolchildren, said Judge Sherbow, shows a real need for a concentrated attack on the traffic.

The judge sentenced Woodrow Brown, Negro, to two years in the House of Correction for possession of a quantity of heroin. A term of not more than eighteen months in the Reformatory for Women was imposed on Virginia Nelson, 22-year-old Negro woman, who was arrested with Brown.

Morn. Sun 3/2

MARIHUANA HERE 'ALMOST OUT OF HAND'

Federal Agent Explains Effects To Court; 3 Found Guilty

A Federal narcotics agent testified yesterday in Criminal Court that the use of marihuana among Baltimore youths is almost out of hand.

During the trial of three East Baltimore youths charged with selling marihuana, the agent, James S. Lanigan, told Judge Joseph Sherbow that his office regularly gets calls on Mondays and Tuesdays from worried parents "who don't know where their children are."

"At the present time," he added, the marihuana situation "has got almost out of hand."

The gangs of marihuana smokers, he said, are "mostly young fellows who hang around ice-cream parlors and pool rooms."

Explains To Spectators

Referring to about 60 youngsters who had come to the courtroom to hear the trial, Judge Sherbow asked Lanigan to explain the effects of marihuana "for their benefit."

The agent said that most dope addicts start out using benzedrene for a "pickup." That, he explained, leads to marihuana and then heroin.

"When you start using heroin, you are finished," he said.

At the end of the trial, when Judge Sherbow had found all three defendants guilty, he leaned forward on the bench and in emphatic tones gave a warning to the youthful spectators who crowded the center seats in the courtroom.

"If You Don't Get Hep . . ."

"If you don't get hep to yourselves," he told them, "if you don't get out of the terrific, rotten mess that you are getting yourselves into, you are going to prison."

The judge charged that many of the youngsters conducted themselves in the court as if they were at a circus.

The three defendants were Milton Scolono, 26, Pietro Collini, Jr., 22, and James W. Routzahn, 19. All were charged with possessing and selling marihuana.

Scolono and Routzahn were sent to jail pending a detailed presentence investigation. Collini announced he would file a motion for a new trial. Judge Sherbow sent him to jail until he is able to raise $5,000 bail.

The Road To Addiction

In the course of his testimony, Lanigan vividly described the road to drug addiction.

"When you start on benzedrene," he said, "you want a pickup. Then you turn around and use marihuana. Then, you turn around after marihuana doesn't give you a lift and you start getting heroin

"When you start using heroin, you are finished. You will have to take the needle by the hour. You have got to have it. If you don't you are going to get sick. You have got the habit and you can't support the habit on a $3 capsule, and so you do other things to get the money."

Judge Sherbow also warned the youths present that if they thought this advice was a joke, they should come into court "and see the people who can't even stand up."

"I'm reading no lecture to you, but I am giving you fair warning," he told them. "We are going to break it up."

At times, the jurist's voice rose to a near shout that could be "heard out on Calvert street," as one listener put it.

All the while, the youthful spectators sat quietly, some looking at the floor, others staring at the bench with set faces.

When court was dismissed, they gathered in the corridors and talked quietly among themselves. Most of their comments had to do with the possible fate of the three defendants.

Scolono, Collini and Routzahn were arrested six weeks ago.

Scolono told the court that he had been smoking marihuana cigarettes for three years and had been selling them for four months. Routzahn said he had been taking the drug for about six months and had been selling it for the last two months.

One of the most informative witnesses in the trial was a 15-year-old boy who said he sold the cigarettes at the Knights of Columbus hall, Highland avenue and Fleet street.

He testified he sold the cigarettes at dances at the hall on week ends.

"I sold as many as 60 a night," he said. "Sometimes I sold one to a person, or as many as ten to a person. The price was 50 cents apiece."

Smokes 'Em "To Feel Good"

He said his commission was several cigarettes.

"Why do you smoke them?" Judge Sherbow asked.

"You smoke 'em to feel good," he replied.

The judge asked the same question of Routzahn earlier in the trial and the youth answered that "it deadens the nerves and thinking."

"Well, what effect does it have on you?" Sherbow went on. "Does it affect you sexually or does it stimulate you?"

"No, sir," Routzahn said.

Further testimony brought out that Ecolono bought the dope from a man named "Stacey" at regular meeting places on the Washington boulevard.

Collini took the dope to Routzahn's house, in the 3500 block East Gough street, where the loose material was rolled into cigarettes.

The "retailing" was managed by the 15-year-old boy.

St. Louis Ring Broken

St. Louis, March 1 (AP)—Detectives today smashed a dope ring which they said sold thousands of dollars' worth of heroin to minors, some as young as 12 and 14 years of age.

(Continued from Page 32)

ABORTION CASE TRIAL SLATED

Judge Refuses To Hear Alleged Wire-Tapping Evidence

After refusing to hear evidence of alleged wiretapping by police to obtain evidence against Dr. George L. Timanus and others charged with abortion, Judge Sherbow yesterday set the trial for April 9.

Judge Sherbow also denied other defense motions to quash the search warrant and to dismiss the charges because of statutory limitations and vagueness of the language in the indictments.

Counsel estimated that the trial of Dr. Timanus, Dr. Leonard A. Richardson and two employés of Dr. Timanus will last seven or eight days. Judge Sherbow announced that night sessions of court probably will be necessary.

Other Defendants Named

Dr. Timanus has offices in the 1300 block Maryland avenue. Other defendants are Miss Bessie Nelson, his secretary, and Miss Annie E. Adams, a nurse. Dr. Richardson is accused of conspiracy in one indictment.

Eleven indictments have been returned against the doctor and the two women. They were arrested after a raid by fourteen police and a policewoman on the Maryland avenue offices of Dr. Timanus last fall.

Charles E. Orth, Jr., and William C. Rogers, Jr., assistant State's attorneys, opposed the defense move to produce testimony about wiretapping on the grounds that the Maryland law does not prohibit such tactics and that the Court of Appeals has approved of tapping wires.

Defense Contention Stated

Wendell D. Allen and E. Paul Mason, Jr., defense counsel, argued that wire tapping is a violation of the Federal Communications Act. They contended that the affidavit supporting the search warrant was "innocuous" and recited no grounds for probable cause for a search warrant.

Judge Sherbow said he would not state his grounds for refusing defense motions because the defendants will be tried before a jury and he did not want to make any comment that might influence prospective jurors one way or another.

Eve. Sun 3/3

Judge Lectures 'Drapes' On Drug Dangers

A delegation of East Baltimore youth attended the marihuana trials of Milton Ecolono, Petro Collini, Jr., and James W. Routzahn yesterday and was severely lectured by Judge Joseph Sherbow and a Federal nacotics agent.

Judge Sherbow found all three defendants guilty of selling and possessing marihuana and then lectured five rows of "zooty" spectators in the front benches. The judge occasionally lapsed into their own language:

"Some of you acted as if you were at a circus today," he said. "If you don't get hep to yourselves—if you don't get out of this terrific, rotten, stinking business—you're going to prison!"

Describes Dope Cycle

At Judge Sherbow's request, the narcotic agent—James S. Lanigan—described the progress of the dope habit for the audience.

"First you use benzedrine," he said. "Then you start on marihuana cigarettes and then you find that one or two a day won't satisfy you—you need a pickup. Then you go on heroin and when you go on the needle, you're finished."

Before the afternoon session of Criminal Court, Part 1, knots of young men in padded coats, sport shirts and pegged trousers assembled in the Courthouse halls.

Youths Remain Aloof

Around 1.20 P.M. they filed into the courtroom benches, remaining stiffly aloof from the few other spectators present.

Some of the men and boys, aged 15 to 40, sat with their arms around each other's shoulders. Many were in afternoon attire, which calls for a windbreaker instead of the lapelless evening coat, but suede shoes and buttoned-up sport shirts of every hue were much in evidence.

One man sported the long, puffy sideburns of the "drape" haircut in spite of his balding head. Four or five worldly-looking young women were among them, including a classical nightclub blonde in spike heels and a tight blue dress. She gently chewed gum during the two-hour proceedings.

"Conservative Drape"

Called to the prisoners' bench from a seat among his fellows, the 26-year-old Ecolono, of the 1500 block Valley street, was the first to stand trial. A conservative "drape," Ecolono wore a semi-long haircut, a striped red tie and a dark blue suit padded thick in the shoulders.

Eastern district police alleged that a beaker of narcotic beans, two bags of bulk marihuana, five unused "reefer" cigarettes and two smoked butts (one bearing lipstick marks) were seized at Ecolono's home during a night raid six weeks ago.

At this point, two young women connected with the case were brought before the docket. Judge Sherbow ordered them held, pending a "full investigation instigated by this court," and they left the room under guard. As they did so, one of the other defendants—19-year-old James (Reds) Routzahn—rose from among the spectators and also left. But he soon returned.

Chemist Identifies Drug

A chemist testified that the material seized in Ecolono's home contained *cannabis*, a technical name for marihuana. The defendant's brother testified that Ecolono was the sole support of their ailing mother and Assistant State's Attorney Charles E. Orth, Jr., read an alleged confession by the prisoner.

According to the police statement, Ecolono bought bulk marihuana from an out-of-town Negro at a Washington boulevard rendezvous, sold it to Collini, who, in turn, sold it to Routzahn, who rolled cigarettes and peddled them for 50 cents each at teen-age centers in East Baltimore.

Ecolono, through counsel, pleaded guilty and asked for clemency. Judge Sherbow pronounced him guilty.

Charged With Peddling

"Reds" Routzahn, of the 3500 block Gough street, took the stand in a blue-white herringbone of exaggerated cut. The State charged him with peddling marihuana cigarettes around teen-age hangouts on Eastern and Highland avenues, acting as an agent himself and using a 15-year-old boy.

Routzahn said he had quit Patterson High School in the tenth grade to get a job to support his ailing mother. In July, 1949, he testified, he broke his back while employed as a roofer and had taken to marihuana to ease the pain.

Routzah said he was receiving unemployment compensation at the time of his arrest, when police allegedly confiscated 29 "reefers," or "muggles," as the cigarettes are called. Asked if he ever sold them around public-school grounds, he replied:

"I ain't been near a school since I quit."

Pleads Not Guilty

He was judged guilty, as he had pleaded.

Collini, 22, of the 3500 block Mount Pleasant avenue, appeared in a black knit tie knotted massively. Charged with being the middle man between Ecolono and Routzahn, he pleaded not guilty. Both of his alleged confederates were forced to testify against him as no marihuana was found on him at the time of his arrest.

The 15-year-old boy, an inmate at the Maryland Training School, was examined by Judge Sherbow. The youth refused to tell how he knew which people at certain East Baltimore social functions would buy "reefers" and which would not. Some bought as many as ten cigarettes at a time, he said, but he sold only to boys, never girls.

The boy said he smoked marihuana himself. "It's like a drunk," the boy said matter-of-factly.

Agent Lanigan next described the evolution of the dope habit and Judge Sherbow then delivered his stinging warning to the spectators.

Eve. Sun-3/3

A Poet In Court

Numbers Ode, Unedited, Has Police Discredited

A missing stanza of Mrs. Edith Perry's now-famous poem on the numbers racket came to light today in Criminal Court when the young Negro woman faced Judge Joseph Sherbow on a lottery charge.

Police who had given out the other five stanzas of warning about the dangers of the lottery racket under Judge Sherbow's court regime, had failed to disclose a stanza which referred to police graft in a former era.

Mrs. Perry, who operates a grocery store and acts as a real estate agent, read her opus from the witness stand, with much expression and feeling and with occasional pauses to give explanatory notes.

Woman's Threatens Suit

Previously, Assistant State's Attorney Charles E. Orth, Jr., brought out the fact that when Police Sergeant James C. Middleton seized the poem last February 13 on a raid in Mrs. Perry's store, the woman said that she proposed to have it set to music and she would sue the officer if he used it without her permission.

Mrs. Perry's censored stanza that came to light today for the first time, said:

We had one squad of plainclothes
that didn't mean no harm,
Any time they pick you up you
simply grease their palm,
But them days are gone forever,
They got busted, too.
You had better give them tickets
up.
It's 90 days for you.

Mrs. Perry's interpolated explanations of that stanza were that it was "purely coincidental, that she knew several former vice squad officers had been "demoted from the squad" and that she "just put it in."

Judge Sherbow, telling the woman that her poem had taken "a lot of profit out of the numbers racket" by superstitious persons playing and winning on a number she mentioned, also pointed out that the woman insisted she had written the rhyme to persuade others to leave the racket.

Judge Credits Poem

Mrs. Perry had two years of college, and the judge called her much more intelligent than the usual numbers offender. Her statement of new conditions, through newspaper publication of the poem after her arrest, had "helped bring the situation home to many people" who otherwise might not have considered it, he said.

Concerning the censored stanza, Judge Sherbow said that the idea it expressed "had been common gossip." He added that "the people are really disturbed" about possible police graft.

In view of the unusual aspects of the case, Judge Sherbow told Mrs. Perry he was suspending the 90-day sentence he imposed on condition she really stay out of the numbers racket. He fined her $250 and costs.

Another $250 fine, with three months in the House of Correction to be served, was imposed by the judge on Anthony J. Ferandi, 25, of the 2500 block Oakmont avenue.

Ferandi visited the Perry store, in the 1800 block Riggs avenue, supposedly to see about placing gum and peanut vending machines. Police said he carried an envelope of numbers slips with a station number corresponding to another envelope found in the store. Sergeant Middleton called him and the woman "small numbers writers."

Considered Recording

Mrs. Perry explained to Maurice T. Siegel, her attorney, that she had talked to a composer at a music store with the idea of having the verses set to music and recorded. She said she thought a record containing the numbers racket warnings might be more effective in dissuading persons from addiction.

The woman's explanatory notes at her poem reading went into some length concerning the "bishop" mentioned in the verse.

Judge Sherbow questioned her as to whether she know of "fake ministers" giving out numbers tips. She denied that her verse meant that any "bishop" had done so, but admitted that she knew various numercial references had been broadcast by radio and given out in other ways by supposed clerics.

Judge Sherbow in pronouncing sentence criticized "fake ministers" who under the aegis of supposed spiritual guidance take advantage of their followers.

The previously published stanzas of Mrs. Perry's poem are:

Things been awfully good around
this city,
But it's a change being made and
it's a pity.
You been riding around in a
dymaflow
But, buddy, here is something
you should know,
No more fines, Jackson, no more
money can be paid.
You ain't going to write no more
numbers 'til your 90 days
are made.
You made lots of money in World
War II
After the war was over there
wasn't much to do,
You got a little job picking up
slips
Next thing you know you were
Mr. It.
Went downtown, got a special
jacket,
Just the thing to be in ther acket,
Captain Emerson got wise to that
Say that guy looked mighty fat.
Catch him.
Pick him up, take him downtown.
No use talking 'cause you're jail-
house bound.
Since Judge Sherbow took seat
He is putting on plenty heat.
You think Mr. Emerson, being the
Inspector,
Has put his hammer down.
Well, you got another think com-
ing 'cause he is the tough-
est thing in town.
When he comes up to the front
door, don't, run, out, the
back,
'Cause he's got five or six young
Emersons waiting for your
jack.
Judge Sherbow got the city in a
mighty big uproar,
Never heard of things like this
in Baltimore before
When you go down to the city
jail you see them in a
line
The syndicates can pay your
fines but they surely can't
serve your time.
Went across town the other night,
people in a line,
Bishop giving out dope on 329
He don't know it like I know it
but he had better get it
straight
Judge Sherbow will have him
and all the rest peeping
through the gate.
Give them up before it's too
late.

Morn. Sun 3/3

DOPE IS FREE TO TEEN-AGERS, COURT IS TOLD

Policewoman Says It Is Given To Help Build Up The Habit

Negro teen-agers in the lower Pennsylvania avenue section are being given free dope shots by older addicts "in order to help build up the habit, according to testimony yesterday in Criminal Court.

The testimony was given by Policewoman Violet Hill Whyte before Judge Joseph Sherbow, who on Thursday had been told by a Government narcotics agent that the use of marihuana by Baltimore youths is "almost out of hand."

"How much worse has it gotten in the last year?" Judge Sherbow asked of Policewoman Whyte.

Calls It Pretty Bad

"Your Honor, it's pretty bad, especially on the lower end of Pennsylvania avenue and the cross streets. So many young people are involved in the 15 to 16 years of age group. They call it 'joy popping' and the older addicts are giving them free shots in order to help build up the habit."

"Why is it you can't stir the people up to a realization of what is going on in the community?" Judge Sherbow asked.

"Well your Honor," the witness replied, "there is quite a bit of fear among citizens. The average addict is a vicious fellow, and they are reluctant to give information. When we make arrests, as a rule it is the result of an all-night vigil. We work incognito and hang around to apprehend."

"Batting Head Against Wall"

"I have been batting my head up against a stone wall for five months just trying to break through so that the public would really understand what is going on," Judge Sherbow declared. "They just think all of this is a lot of conversation until it hits home, and then they find that nice kids are also involved in the drug habit, and then they are surprised and want to know why you don't do something about it."

"That is true," Mrs. Whyte replied. "It is the background of some of our more serious cases."

The exchange between Judge Sherbow and Policewoman Whyte occurred during the trial of Mrs. Marie Banks, 28, and Lawrence Horton, 25, both Negroes, on dope possession charges. Both were sentenced to two years' imprisonment.

Capsules, Needles Captured

The two were arrested February 11 at Mrs. Banks's home in the 400 block North Fulton avenue, where Policewoman Whyte seized five heroin capsules and several hypodermic needles.

The policewoman said Horton told her he had gone to the Fulton avenue address to "fill my cap."

In another narcotics case in the Federal Court yesterday, Joseph W. Johnson, of the 900 block Fell street, was sentenced to six years in a Federal prison for selling morphine sulphate and pantopon, an opium derivative.

The sentence was imposed by Chief Judge William C. Coleman after a jury convicted Johnson of the charge. C. Ross McKenrick prosecuted the case.

State Inquiry

Anselm Sodaro, State's attorney, yesterday disclosed that he has opened an investigation to determine whether the State election laws have been violated by campaign associates of Senator Butler.

Mr. Sodaro said he has requested photostatic copies of campaign financial reports filed in the Circuit Court by Cornelius P. Mundy, attorney, who was Senator Butler's campaign treasurer.

The reports contain a list of receipts and expenditures during the campaign.

Seeks Transcripts Of Testimony

The State prosecutor said he also was making arrangements to get transcripts of testimony being taken before a Senate subcommittee now probing the Butler campaign.

Mr. Sodaro is charged with the responsibility of prosecuting violators of the election statutes, which require campaign treasurers and political agents to file full, detailed reports of contributions to candidates for their campaign and expenditures.

Jon Jonkel, Chicago public-relations man who managed Senator Butler's campaign, told the Senate probers he collected at least $27,000 during the campaign, but failed to report that amount to Mundy.

Question Of Who Is Accountable

At first Jonkel had told the senators he was not aware of the Maryland election-law requirements.

But yesterday he admitted that Mundy "may have" advised him that "short-circuiting" contributions was a violation of the State law.

Mr. Mundy denied knowledge of the supplemental report filed earlier this week by Senator Butler, and has refused to file such a report under his own name. The attorney contends he cannot be held accountable for funds of which he was not aware.

Morn. Sun-2/3

Parents Had Better "Get Hep," Too

A Federal narcotics agent testified in Criminal Court Thursday that the use of the drug marihuana among Baltimore youth "has got almost out of hand." This shocking revelation came in the course of the agent's remarks on drug addiction to a courtroom full of zoot-suited East Baltimoreans who had come to watch the trial of three of their number for the possession and sale of marihuana before Judge Sherbow.

Having found all three youths guilty, Judge Sherbow took the opportunity to warn the motley group of spectators that prison is at the end of the road unless they "get hep to themselves" and "get out of the terrific rotten mess" they are getting themselves into. As reported in *The Sun*, the gang did not appear much impressed either by Judge Sherbow's warning or by the graphic description of the down-grade to permanent addiction given for their benefit by the Federal agent. Their main concern was the fate of their three associates.

Such callous indifference is to be expected among the members of a mob. This was not after all a case of a few individuals nabbed while off by themselves furtively enjoying illicit pleasures. It was rather the initial cracking of a well-organized activity with probably hundreds of participants; and it is too much to hope that members of a gang in which some form of degraded activity has become a group standard of behavior will be filled with remorse just because a few of their friends happen to get caught.

But just how, let us ask ourselves, does marihuana smoking come to be the accepted standard of supposedly decent young people, born of supposedly responsible parents in this supposedly self-respecting community? It's far too easy to make a goat out of law enforcement. It's easy and perhaps partially true to say that the vice squad is not doing its job and to make a big fuss about it. Admittedly the law cannot be ignorant of the extent of the dope traffic in this city revealed by this trial. But its very extent makes it next to impossible for even the most rigorous police methods to deal with it effectively.

No, the adult population of Baltimore and especially the parents of children have got to "get hep" to the fact that the primary responsibility for allowing such a sordid, vicious and completely degrading practice to become a group standard rests squarely upon them. Above all other teachers of standards, whether school, church or friend, parents are the ones who impart notions of behavior to their children.

YOUTH GIVEN 20-YEAR TERM

Convicted In 5 Robberies, Including Church Incident

Convicted of committing five armed robberies, one in the vestibule of the Cathedral, Kenneth Whelan, 18, yesterday was sentenced to twenty years in the House of Correction by Judge Emory H. Niles in Youth Court.

According to testimony produced by George D. Solter, prosecutor, Whelan robbed John J. Iago, of the 4100 block Roland avenue, of $8 last January 3 while the victim was standing in the vestbule of the downtown Catholic church.

Other victims of the armed robberies were three downtown storekeepers and a clerk in a men's shop in the 3300 block Greenmount avenue, Judge Niles was told.

Obtains About $375

Loot in those holdups netted the defendant about $375, Mr. Solter disclosed.

He said Whelan was arrested in the men's room of a downtown movie on January 6, shortly after the defendant held up an office-supply house in the 200 block Park avenue and threatened three employés with a gun.

Whelan gave an address in the 1400 block Bolton street.

Eve. Sun-3/3

Sodaro May Name Probe Aides

Assignment of one or more assistant state's attorneys to the Butler campaign investigation today was expected from the office of Anselm Sodaro, State's attorney.

Mr. Sodaro announced yesterday that he had opened an inquiry to determine whether Maryland election laws were violated by associates of John Marshall Butler in the successful Republican campaign last fall to defeat Millard Tydings, Democrat, for the United States Senate.

Meanwhile, Mr. Sodaro was arranging to receive photostatic copies of campaign financial reports filed in Circuit Court by Cornelius P. Mundy, attorney, who was Senator Butler's campaign treasurer.

Moneys received and spent during the campaign are listed in the reports. Whether all such funds were listed is a principal issue in the Washington inquiry currently being conducted by a special Senate Elections subcommittee.

Probers In Recess

The inquiry, which has been told by Jon Jonkel, Chicago public relations man who acted as Butler's campaign manager, that some $27,000 in last-minute funds was received and spent without formal notice to Mundy, was in recess today and will not meet again until Tuesday.

Mr. Sodaro's office, meanwhile, was also arranging to obtain official transcripts of the Washington testimony.

As State prosecutor, Mr. Sodaro is charged with responsibility for the prosecution of violators of the election statutes, which require campaign treasurers and political agents to file full, detailed reports of contributions to candidates for their campaigns.

EVE. SUN 3/3

Free 'Dope' Given Youths, Report

A policewoman told Judge Joseph Sherbow yesterday that Negro youths in the Pennsylvania avenue section are being given free dope shots to make addicts of them.

Testifying in Criminal Court, she said the use of marihuana by Baltimore teen-agers is "almost out of hand."

Asked by the judge if conditions had become worse in the last year, Policewoman Violet Hill Whyte said:

"Your honor, it's pretty bad, especially on the lower end of Pennsylvania avenue and the cross streets.

"So many young people are involved. They call it 'joy popping,' and the older addicts are giving them free shots in order to help build up the habit," she said.

SUNDAY SUN-3/4

BALTIMORE, SUNDAY, MARCH 4, 1951

The Teeth In The Law About Election Practices

Mr. Anselm Sodaro, State's attorney for Baltimore city, has let it be known that he is studying the record of the Senate investigation into the recent Maryland senatorial campaign. Presumably, Mr. Sodaro wants to know if the Maryland Corrupt Practices Act has been violated.

Nearly everyone knows that the Maryland law is not what it ought to be. It is vague and verbose and has all kinds of loopholes in it. But it does have some teeth—not long, sharp teeth, but still teeth.

It provides, for instance, that the treasurer or agent of a candidate must be a resident and citizen of Maryland. It provides that a full accounting shall be given of moneys received and of the purposes for which they are spent.

Further—and here are the teeth—it says that any violation of these and other provisions shall constitute a misdemeanor and that the guilty person shall be fined "not less than $300 and not more than $1,000, or imprisoned for not more than two years, or both fined and imprisoned at the discretion of the court."

New Trial Denied Patrolman Here

Motion for a new trial for Patrolman Frank R. Diggins of the vice squad was denied yesterday by the Supreme Bench.

Diggins appealed his conviction on a charge of assulting Harry Miller, 900 block East Lexington street, last October 9 during an argument over a traffic ticket on the private auto of Patrolman Charles Stefan, a fellow member of Capt. Emerson's squad.

Sentence was suspended pending action on Diggins' appeal and is expected shortly.

The case was tried before Chief Judge W. Conwell Smith with Assistant State's Attorney Edwin A. Gehring representing the State.

EVE. SUN - 3/5

3 Holmes Charges To Be Made Today

Joseph Holmes, the human "mole" who burrowed his way out of the Penitentiary through a tunnel that took more than a year and a half to dig, will be arraigned today in Central Police Court.

Anselm Sodaro, State's attorney, said three charges will be placed this morning against Holmes as a result of the events that preceded his capture Saturday night, less than 3 hours after he returned to Baltimore.

According to the prosecutor, Holmes will be given a preliminary hearing on charges involving the armed robbery of Mrs. Mary Ruiz, cook for Mrs. John W. Garrett; assaulting Patrolman Frank Plunkett with intent to kill, and carrying a deadly weapon.

A fugitive warrant for Holmes had been issued earlier, immediately following his escape.

Capt. Henry J. Kriss, head of the Detective Bureau, said Holmes will be arraigned this afternoon before Magistrate James R. Cadden.

Garrity Granted Another Trial

Judges of the Supreme Bench at a new trial hearing have reversed the manslaughter conviction of Elmer T. Garrity, 18-year-old youth convicted by Judge Emory H. Niles at his trial for the kiling of Merrill Dopkin in a clash of boy "gangs" at North avenue and Charles street last August 26.

The Supreme Bench granted a new trial in Garrity's case. Garrity was represented by John W. Farrell. The date for the new hearing has not been set, but State's Attorney Anselm Sodaro revealed that a new charge of carrying a deadly weapon is being prepared against Garrity for grand jury action.

Groups In Fight

Youths of two groups, one from the Charles street section and the other from the Mount Royal, Linden avenue, North avenue area, had 'ashed in a fist fight last August, t Dopkin after the fight found he ' been stabbed, according to the 'idence presented in Criminal ourt. Garrity lives in the 1200 block Union avenue.

In another review of Criminal Court action, the Supreme Bench refused to disturb the conviction on an assault charge of Frank R. Diggins, member of Capt. Alexander Emerson's plain-clothes vice squad. As a result, Diggins is awaiting sentence for assault before Chief Judge W. Conwell Smith.

MORN-SUN-3/6

MAN GETS LIFE IN RAPE CASE

Mother Of 2 Children Says She Also Was Beaten

Charles Melvin Miller, 28-year-old carpenter and seaman, yesterday was sentenced to life imprisonment for raping a 31-year-old mother of two children last December 28.

Judge Joseph Sherbow, who presided at the trial in Criminal Court with Judge Joseph R. Byrnes, declared that "this court finds that a brutal assault and rape took place."

The assault victim testified she was attacked after Miller came to her home ostensibly for a holiday-season visit. She told the court she had known the defendant only "casually" because of his visits to the home of one of his relatives near by.

Woman Beaten About Face

The woman victim testified she was beaten into semi-consciousness during the attack and that lacerations and bruises of the face caused her to be hospitalized for over two days. She told the judges she was hardly able to eat or talk for several days because of swollen lips.

Miller, who lived in the 3500 block Coolidge avenue, admitted he went to the woman's home, but contended he wanted to extend season's greetings to her husband with whom he had drunk on occasions. The husband was at work at the time of the assault.

The defendant testified that he had drunk heavily during most of that afternoon and night. He said he remembered going to the woman's home and being served beer and a "shot" of whisky, but denied any recollection of the attack.

Conflict On Sobriety

He told the judges he could not recall when or how he returned to his own home. He said he has a recollection of "running down the alley" near the woman's home, but testified he does not know why he was running.

The assault victim told the judges that Miller appeared sober. Police who arrested Miller later at his home also said the man appeared to be sober.

The prosecuting witness testified she was attacked after she returned from upstairs, having gone there to attend to one of her children.

Says Son Saw Attack

She said Miller had turned off the living-room lights and taken off his suit coat when she came downstairs.

The rape victim testified her 6-year-old son was attracted to the living room by her screams and that he was in the room during the assault. The boy was in the Courthouse during the trial, but was not called into the courtroom to testify.

John C. Weiss and M. Peter Moser prosecuted the case. They disclosed that Miller had a prior criminal record of five convictions dating back to 1939. The record included convictions for burglary and automobile thefts.

GRIEBEL URGES NARCOTIC UNIT

Candidate Asks Mayor Name 10-Man Squad Immediately

Mayor D'Alesandro was urged yesterday by Charles G. Griebel, his opponent for the Democratic mayoralty nomination, to take immediate action to obtain the formation of a narcotic squad in the Police Department.

Mr. Griebel in a statement asked the Mayor to "refrain from his practice of appointing just another committee to study the matter."

Congressional Aid Asked

At the same time, Mr. Griebel sent telegrams to Governor McKeldin and the Maryland delegation in Congress to use their influence in obtaining State and Federal aid in combating the sale of drugs here, especially among teen-agers.

His requests, Mr. Griebel said, were occasioned by "recent disclosures before Judge Joseph M. Sherbow's court of the gift of marihuana to schoolchildren by underworld characters as a come-on for the sale to them of heroin and morphine."

10-Man Squad Proposed

Recommending a police narcotics squad of ten men, Mr. Griebel asserted that the Police Department never has had such a squad.

His telegram to Maryland senators and congressmen said "evidence discloses the port of Baltimore used as pickup station for smuggled drugs for a nationwide dope combine. Federal agents testify the drug situation here is out of hand. Urge immediate strengthening of the United States narcotic force."

EVE. SUN - 3/6

2 Get Terms In Use Of Charge Plate

Two Baltimore women, sisters, who were charged with getting their Christmas presents on another woman's charge plate, today were sentenced t oterms of not more than eighteen months in the Reformatory for Women by Judge Joseph Sherbow in Criminal Court.

Mrs. Loretta Zornak, 23, 3400 block Hanover street, was found guilty by the judge on false-pretense charges, while her sister, Mrs. Florence Christopher, 27, 1700 block William street, was found guilty of receiving stolen goods. More than 80 purchases amounting to nearly $200 had been made when police arrested Mrs. Zornack last December.

The charge plate had been found in a purse which Mrs. Florence Willett, mother of the other defendant, found in the ladies, rest room at a TV station show. Judge Sherbow convicted the mother of larceny because of her failure to return the purse but released her on probation.

MORN-SUN-3/7

The Governor Signs A New Dope Law

A blow was aimed yesterday at the dope peddlers who are known to be plying their sordid trade among the schoolchildren of Baltimore in an effort to build up the dope trade by infecting teen-agers with the habit. Governor McKeldin placed his signature on an act of the Legislature making it a felony punishable by a mandatory prison sentence of *at least* five years to sell or give narcotics to a minor.

This is the necessary and relatively easy first step against people who in the Governor's words "make up about the lowest form of humanity . . ." when they recruit young people on free marihuana and heroin to swell such a filthy trade. The next step is to nab the participants in this sordid traffic and remove them from circulation; this will be much more difficult, but every parent in this city has both the right and the duty to aid the authorities in all possible ways in removing this curse from Baltimore.

Term Is 10 Years For Ax Slaying

Alves Dennis, 55-year-old Portuguese, yesterday was sentenced to ten years in the Penitentiary after he was convicted of manslaughter in the ax slaying of his brother-in-law.

Testimony produced by Charles E. Orth, Jr., assistant State's attorney, disclosed that Dennis hit Everage Walker, 35-year-old Negro, on the head with the ax during an argument last December 9.

Dennis told Judge Joseph Sherbow in Criminal Court that Walker came to his home drunk and started a fight. He said Walker had struck at him several times before he went to the cellar and got the ax.

When he returned, Walker was seated on a sofa, Dennis testified. He said it was then he struck Walker. Dennis gave an address in the 500 block West Preston street.

EVE. SUN - 3/7

Counties Alerted On Moving Of Gamblers

Law-enforcement officials of Baltimore and Anne Arundel counties today were told that many gambling headquarters have moved to their counties from Baltimore. Judge Joseph Sherbow issued notification concerning testimony to that effect so that county authorities could take action.

Testimony that both counties are the present scene of gambling operations removed from Baltimore city was given by Sergt. Joseph J. Byrne, of the plain-clothes vice and gambling squad. He said that "most of the big turn-ins have gone out into the counties, Anne Arundel county especially."

Three men, two of them termed "near big-shots," received six month House of Correction sentences each, while between them they were fined a total of $4,000 today in Criminal Court.

$2,000 Fines

Robert Lee, 700 block West Hamburg street, who was arrested on the way to a new Anne Arundel county headquarters, according to police, was fined a total of $2,000 in addition to the six-month sentence.

Through his attorney, Morris T. Siegel, he entered an appeal to the Maryland Court of Appeals. Pending appeal, Judge Sherbow raised his bail bond from $3,000 to $5,000.

Questioning Lee, whom he termed "a near big-shot," the judge sought to find out the location of the Anne Arundel county headquarters. Pointing out that he was arrested as he was heading toward the county, Lee would only say, "I didn't get that far."

"Jury Glad To Hear"

After imposing the fine and imprisonment term, Judge Sherbow told Lee that "if you get tired of sitting in the prison, the grand jury will be glad to hear" about his associates and headquarters location.

The judge then directed Assistant State's Attorney Charles E. Orth, Jr., to notify the county authorities of the police statements. He added it was now a job for county police.

Another "near big-shot," James Bennett, Negro known as "Big Boy," 1700 block West Lexington street, was fined $1,000 in addition to a six-month term. The judge commented that "I don't know when the police will get to the real big shots, but they seem to be getting pretty close."

The third man to receive a six-month sentence was Abe Flax, convicted bookmaker, of the 1800 block Bolton street, also known as Morris Weiner. Flax was fined $1,000.

Called to the witness stand by Judge Sherbow, the man declined to make any statement concerning the identity of his "backer." Flax's trial last month brought the first of a series of inquiries into the operation of special wire equipment known as "teleflash" and brought about a reference of the problems concerning illegal use of wire services for gambling news to the attention of the Public Service Commission.

MORN SUN-3/8

BIG GAMBLING CENTERS MOVE

Court Told 'Get-Tough' Policy Forces Exodus To Counties

Under the pressure of a "get-tough" policy in the Baltimore courts, big gambling headquarters are moving out of the city into Anne Arundel and Baltimore counties, it was testified during a numbers-racket trial here yesterday.

Judge Joseph Sherbow instructed prosecutors to notify authorities in the two counties and ask their cooperation.

Hamilton R. Atkinson, new head of the Baltimore county police force, said he would immediately confer with city police officials to learn any and all facts they may have about such a transfer of gambling operations.

Commanders Alerted

Mr. Atkinson said all his district commanders already have been alerted and told they would be held "strictly accountable" for any invasion by gamblers who found "the heat" was on in Baltimore.

"I have no knowledge so far of any who have moved to Baltimore county," he said.

"If they do, we intend to make it hot for them here, too," he added.

The testimony that gambling "turn-in stations" have been moving out of town was brought out in the trial of Robert Lee, who was driving south on Hanover street when police stopped and arrested him on numbers charges.

On Way To Headquarters

Sergt. Joseph J. Byrne, of the vice squad, told the court he was positive Lee was on the way to a new numbers headquarters in Anne Arundel county.

Lee, who was convicted, fined $2,000 and sent to jail for six months, had been following the same route to Anne Arundel county for several days, according to the testimony.

Questioned by Judge Sherbow, Sergeant Byrne said that of late "most of the big 'turn-ins' have gone to the counties."

Counties Named

"What counties?" the judge asked.

"That would be Baltimore county and Anne Arundel county — and Anne Arundel county, especially," the sergeant replied.

Byrne assured the court he was certain such transfers have occurred.

Agreeing, Judge Sherbow said the gamblers aren't "fooling" anyone into believing they mean to quit business.

"Simply Move On"

"They talk about closing down," the judge declared, "which doesn't fool the court. When they close down, they simply move on to another location, simply making it more difficult of apprehension. But that is a police job."

Mr. Atkinson, speaking for the Baltimore county police, said he would ask Col. Beverly Ober, city police commissioner; Capt. Alexander Emerson, head of the Baltimore vice squad, and Sergeant Byrne for all the knowledge they can give of gambling shifts to his jurisdiction.

Holmes To Face Court Tomorrow

Joseph Holmes, 39-year-old convict who tunneled his way out of the Penitentiary, will be arrainged in Criminal Court tomorrow morning on four charges, including armed robbery, assault with intent to murder, deadly weapon and escape.

Anselm Sodaro, State's attorney, and William C. Rogers, Jr., assistant prosecutor, disclosed that Holmes will be arrainged before Judge Joseph Sherbow.

The Negro long-termer, who has been nicknamed "Tunnel Joe" because of his feat in tunneling under and out of the Penitentiary after nearly two years of digging, was presented by the grand jury yesterday on the four charges.

Holmes was free only two weeks when he was caught shortly after he allegedly held up and robbed Mrs. Mary Ruiz last Saturday night.

The defendant is charged also with assault with intent to murder Patrolman Frank Plunkett by shooting at the policeman during an arrest attempt.

The other accusations are escape on February 18 and possession of a dangerous and deadly weapon, a .32-caliber revolver.

EVE. SUN - 3/8

Gambling Action Pledged In County

While not aware that there has been an exodus of gambling headquarters from the city to Baltimore county, John E. Raine, Jr., State's attorney for the county, said today that he agrees with Judge Joseph Sherbow that it was the county's job to find out if the report is true.

It was testified before Judge Sherbow in Criminal Court yesterday that many big-shot gamblers have moved from Baltimore to Anne Arundel and Baltimore counties. The judge instructed an assistant State's attorney to notify the law-enforcement agencies of the two counties concerning the testimony.

"My office will be quick to take action against known gamblers or any other law violator," Mr. Raine said. "But after all is the police who have the first duty in the matter of law enforcement."

Sergeant Testified

It was Sergt. Joseph P. Byrne, of the plain-clothes vice-and-gambling squad, who testified in a gambling case in the city court that many of the big gamblers have moved their operating headquarters to the counties.

Judges of the Circuit Court for Baltimore county have adopted a stern policy in dealing with convicted gamblers. One of them, Judge J. Howard Murray, said more than a year ago that anyone found guilty in his court on a bookmaking charge would go to jail and he has consistently imposed this punishment since.

NEWS - 3 - 8 - 51

Louis Azrael Says

Joe Holmes Sounded The One Clean Note

In order to start work again after being away awhile it is necessary to find out what's been happening; what's going on. So I ask questions and read back issues.

A strange situation reveals itself.

Of Baltimore's most-publicized events of the last few weeks the least disgusting was about a criminal's escape from the Penitentiary.

In the Joe Holmes story there was, at least, something to excite admiration. There was a man overcoming enormous odds. There was ingenuity, perseverance, drama. There was something to stir the imagination.

No wonder many persons have told me:

"We almost hoped he would not get caught. We felt that after outwitting the whole penitentiary system, after the struggle and hardship of digging a long tunnel to the street, he deserved to be free."

Many of the same people said, however:

"After he was caught we weren't sorry for him. He was a fool to come back to Baltimore, where he knew he was being hunted, and to start robbing again."

THE INTERFERERS

The Holmes story, though it involves a criminal trying to outwit the law, is clean and wholesome compared with other things that happened. Compared, for instance, with the revelations about the way John M. Butler was elected to be Maryland's Senator.

Reading the files, the disgusting thing, to me, is not so much the violations of election laws. These laws are violated in every Maryland election. It isn't even the "composite" picture which started the current investigation, though issuance of that picture was a low and reprehensible thing.

To me, at least, the most shocking facts revealed by the probe are those which show how Butler's campaign was taken over, managed and largely financed by an out-of-State cabal.

A DIFFERENT 'PURGE'

At least, when Roosevelt tried his "purge" many years ago, he came openly before Maryland's people and urged that, for these reasons and those, they should vote against Tydings. Marylanders showed fiercely their resentment of such tactics.

Here, however, we have a picture of a group of out-of-State newspaper owners, plus Senator McCarthy of Wisconsin, plus others, setting out to "purge" Tydings but doing it differently; doing it secretly, with unreported money, with unscrupulous deeds.

Regardless of whether Tydings or Butler was the better choice, this undercover injection of out-of-State influences in a Maryland election is the most offensive thing that has happened in Maryland politics in many years.

MORE ODORS

The stories I hear about the primary campaign in Baltimore city, too, make Joe Holmes' story seem clean and wholesome. Stories of councilmanic candidates who are offered their campaign literature free—and other money, too—if they will couple their names with this or that Council presidency candidate on their sample ballots. Stories of unwholesome deals. Stories which show that, except for a few candidates, there is not even a thought or mention of ability, principles or policies.

Nor does the news from the Legislature lessen the impression that public life here is, at present, at a demoralized low.

This impression is augmented by the fact that when the City Council voted to try to bar Owen Lattimore from making a speech many of them were not acting sincerely. They were voting as candidates, not as Councilmen. They were playing, for the purpose of vote-getting, with important principles of American Government. Had they voted as they did, but voted sincerely, only honest differences of opinion would have been involved. As it is, the chief factor was demagogy.

And so, looking back on the events of the last few weeks in Maryland, I give thanks for Joe Holmes, the criminal. He provided the only bit of big local news which is not nauseating.

MORN-SUN 3-9-51

OFFICIALS STUDY STRATEGY ON DOPE

City, Federal Law Enforcers Confer On Conditions Here

City and Federal law enforcement officials conferred for more than an hour yesterday to lay plans for combating the increasing use of narcotics, particularly by youths.

The conference was held in the office of Anselm Sodaro, State's attorney. Attending were Mr. Sodaro; Beverly Ober, police commissioner of Baltimore; Boyd M. Martin, Government narcotics chief here; Mrs. Bertha Baldwin, Martin's chief assistant, and William H. Maynard, deputy State's attorney.

Those attending refused to discuss details of the conference, but indicated that an announcement of their plans would be made within a day or so.

Use Steadily Increasing

Mr. Sodaro called the meeting as a result of recent disclosures in Criminal Court and in the Federal Court that the use of marihuana, opium, heroin and certain derivatives has been steadily increasing.

Judge Joseph Sherbow recently upbraided a group of 50 or more teen-agers who attended the Criminal Court trial of several young boys accused of peddling marihuana cigarettes at teen-age dances in East Baltimore.

The next day, Judge Sherbow heard testimony that older addicts are giving free dope shots to youths to cultivate the habit and create a market for sales of dope.

EVE. SUN 3/8-51

Arundel Police Warn City's Gamblers

Other gambling articles on Page 38

Any Baltimore gamblers who may be moving into Anne Arundel county will find an unpleasant welcome, Capt. Wilbur C. Wade, acting chief of the county's police, said today.

Judge Joseph Sherbow, of the Baltimore Supreme Bench, has sent an official warning to near-by counties, based on court testimony of Sergt. Joseph Byrne, of the vice squad, that the city's big gamblers were moving out.

Byrne said Anne Arundel and Baltimore counties were becoming favorite havens for departing city racketeers.

To Continue Fight

Captain Wade, speaking for Anne Arundel in absence of Chief John H. Souers, on vacation, made this statement:

"This department will continue its fight on vice and gambling in Anne Arundel county. If gamblers are thinking of coming out here, from Baltimore city, let this serve as notice to them that we do not intend to allow them to stay.

"The newly formed vice squad, headed by Sergt. John R. Praley, has made three raids in less than a month. The squad spends every day tracking down leads of possible gambling operations and sooner or later we will get them all.

To See Emerson

"I have ordered Sergeant Praley to contact Capt. Alexander Emerson, head of the Baltimore vice squad, at least once a week to obtain any information the vice squad chief may have pertaining to gambling in this county.

"This department has no knowledge of any gamblers moving into Anne Arundel county. If Sergeant Byrne knows of gamblers moving out here, I should like him to tell me personally. I can assure the sergeant that prompt action will be taken.

"Undoubtedly, if the heat is on in Baltimore, city gamblers may attempt to move their operations to the counties, but as far as this department is concerned, we will close them up as fast as they are found."

3 Officers Study Narcotics Evil

Plans for combatting the narcotics evil in Baltimore were being discussed by three law-enforcement officials today. Federal and State officers attended the conference.

Anselm Sodaro, State's attorney, met in the conference with Police Commissioner Beverly Ober and Boyd M. Martin, head of the Federal Narotics Bureau for the area including Maryland.

The officials, it was revealed, were particularly concerned about spread of the use of marijuana, as well as other narcotics habits, among tenn-agers.

EVE. SUN - 3/9

The Holmes Case

To the Editor of The Evening Sun—*Sir:* There is a tragic waste in the Holmes case. He seems to have been kept in enforced idleness with a tremendous lot of energy and ability that might have been gainfully employed.

If the capacity for labor, persistence, courage, cleverness and ingenuity displayed in his escape might have been guided in another direction we might have had another George Washington Carver, B. T. Washington or Ralph Bunche! I predict that the sheer spectacularity of Tunnel Joe's escape will benefit others in the future, if not himself, by improved prison conditions.

Nettie P. Hutchins.
Cockeysville, Md., March 7.

EVE. SUN. 3/9

Sodaro, Holmes Lawyer To Fix Trial Date

Joseph Holmes, Negro prisoner, who escaped from the Penitentiary by tunneling under the walls, today entered pleas of not guilty to four new charges against him.

Ernest Perkins, Negro attorney, employed by Holmes's mother, entered the pleas for Holmes at his arraignment before Judge Joseph Sherbow.

No date yet has been set for the trial of the four new charges against the prisoner who still had to serve about ten years of a burglary term.

New Charges Listed

The new charges are escape, armed robbery, possession of a deadly weapon and assault with intent to murder a Baltimore policeman who confronted Holmes shortly after the robbery which took place a few hours after Holmes returned to Baltimore from other cities.

State's Attorney Anselm Sodaro and William C. Rogers, Jr., one of his aides, are to confer with Holmes's lawyer to fix a trial date. Judge Sherbow suggested that the trial be set promptly. A date within the next several weeks is expected to be agreed upon.

EVE. SUN - 3/9

Drive To Curb Drug Traffic Planned

Mayor D'Alesandro called a special meeting of the Board of Estimates today to consider allotment of $10,000 to increase the city's narcotics investigation force.

The action followed evidence that the use of narcotics is widespread among teen-agers in some sections of the city.

The proposal for an allotment out of the city's contingent fund to increase the investigation force is to be submitted by State's Attorney Anselm Sodaro.

"All-Out" Drive Planned

An increase in the investigating force for an "all-out" drive to break up the local narcotics ring was decided upon at a conference attended by Mr. Sodaro, Police Commissioner Beverly Ober and Boyd Martin, chief Federal narcotics investigator here.

After calling the board meeting, the Mayor said he would like to see immediate action to halt the spread of the narcotics habit, particularly among schoolchildren, and favors the proposal for an increase in the force of investigators.

He said everything possible should be done to smash the ring and halt the traffic in drugs.

NEWS-3/9

HolmesEnters Plea Of Not Guilty

Handcuffed to a City Jail guard, "Tunnel Joe" Holmes was taken from the prison to the Courthouse today to enter a general plea of not guilty to four indictments based on his tunnel escape from the Maryland Penitentiary and his subsequent capture.

Holmes was before Judge Joseph Sherbow in Criminal Court for approximately two minutes.

GUARD NEARBY

During Holmes' appearance in the courtroom the handcuffs were removed from his wrists, but a jail guard stood close by and there were approximately a dozen uniformed city policemen in the room, most of them there in connection with other cases.

Holmes stood impassively in the prisoner's dock as Attorney Ernest L. Perkins informed the court that he had been engaged by the Holmes family to represent the prisoner in the pending case.

Perkins then waived a reading of the four indictments and entered a plea of not guilty in behalf of his client.

TO MEET SODARO

In reply to a question by Judge Sherbow, Perkins said he and his cient have not decided upon the type of trial they will request. Judge Sherbow then instructed Perkins to confer with State's Attorney Anselm Sodaro to agree on a date for Holmes' trial.

Holmes was indicted by the Grand Jury on Wednesday on charges of being an escaped felon from the Pen, with carrying a deadly weapon at the time of his recapture, with robbing a woman at gunpoint and with attempting to shoot a policeman.

NEWS-3/9

$10,000 Voted To Fight Dope Racket Here

The Board of Estimates today granted a request from Sttae's Attorney Anselm Sodaro that he be furnished $10,000 to hire a special staff of investigators to smash the "alarming narcotics racket among teen-agers in Baltimore."

The board had been called into session by Mayor De'Alesandro who received the request.

CONFERENCE HELD

Establishment of a special full-time narcotic squad for Baltimore to cope with the growing menace of marijuana traffic here was discussed yesterday by top law enforcement officials in a conference lasting more than an hour.

Police Commissioner Col. Beverly Ober, State's Attorney Sodaro, Deputy State's Attorney William H. Maynard, Agent-in-Charge Boyd M. Martin, of the Federal Narcotics Bureau's district office here, and Mrs. Bertha Baldwin, chief assistant to Mr. Martin, attended the meeting in Mr. Sodaro's office.

OTHER CITIES CITED

Effectiveness of police narcotic squads in other cities was among the topics discussed. It was pointed out that New York has a full-time squad of 50 men, while Los Angeles now has a full-time squad of 30.

All of the conferees were informed that co-operation between Federal enforcement officers and local police has been excellent throughout the last 35 years and that no friction ever had developed in handling investigations or arrests.

SUNDAY AMERICAN 3-11-51

SODARO TALKS ON NARCOTIC SQUAD PLANS

State's Attorney Anselm Sodaro conferred with officials in Washington yesterday on the organization of a narcotic squad to work with Federal, State and city law-enforcement officers, as Baltimore's war on dope traffic among teen-agers moved into high gear.

Mayor D'Alesandro and the Board of Estimates went into all-out action Friday, immediately after receiving the State's Attorney's request for funds to cope with the "alarming increase in the narcotic racket here," and voted $10,000 from the contingent fund to hire trained investigators at once.

'DEFINITE PROGRESS.'

Mr. Sodaro declared, on his return from Washington last night, that he could "report definite progress," but had no intention of disclosing undercover plans being made to combat the traffic.

He had been assured by Boyd M. Martin, chief of the Federal Narcotic Bureau district office here, that the fight on the illegal sale of marihuana and heroin must be waged against "many of the most vicious elements in the underworld."

"They are both cowardly and vicious. Their detection and capture is a 'round-the-clock job'."

SQUAD URGED.

Federal narcotic officials have for months urged formation of a Baltimore narcotic squad, similar to those in Washington, New York, Los Angeles and other large cities, declaring the Government should not be called upon to do the entire job of enforcement locally. Baltimore never has had a local narcotic squad.

MORN-SUN — 3/9

Leaves Court During Trial, Man Is Hunted By Police

Joseph Libertini, 39-year-old used-car salesman, yesterday became the object of a city-wide police search after Judge Joseph Sherbow cited him for contempt for failing to remain in Criminal Court for trial.

At the same time Judge Sherbow forfeited the $1,600 bail posted for Libertini by a professional bondsman.

Libertini appeared in the courtroom yesterday morning with an attorney on charges of assault, false pretenses and disorderly conduct, but after Judge Sherbow refused to postpone the trial, he suddenly disappeared.

Attorney Withdraws

Shortly thereafter, the attorney withdrew from the case. When the case again was called for trial, Libertini's father came forward and said his son had gone for money to make restitution and would return.

Shortly before the noon recess, Libertini again was called, and when he failed to respond Judge Sherbow forfeited the bail and issued the contempt citation.

The judge also instructed Sergt. Robert Mattare to bring Libertini in at 2 P.M.

When the court resumed its session, Sergeant Mattare reported that he had sought Libertini at a used-car establishment on the North Point road, where the defendant worked, but had missed him by about ten minutes.

Libertini also was sought at a North Charles street hotel, where he had been staying, but the hotel authorities reported the man had left.

The sergeant said a "lookout" has been sent to all police districts for Libertini, who also is at liberty under bond pending trial in Baltimore county on forgery charges.

Postponements Granted

Libertini already had been granted four postponements when his case was pending in a magistrate's court, and one postponement of the Criminal Court trial, Edwin A. Gehring, prosecutor, disclosed.

Libertini, whose last known address was the 3000 block Edgewood road, Parkville, is charged in Baltimore with obtaining $465 from a man from whom he took a down payment on an automobile, but then failed to deliver the vehicle.

He also is charged with assault by pushing the proprietress of a Hamilton avenue beauty salon and with disorderly conduct near that shop.

Frisking Measure Passed By Senate

[*Annapolis Bureau of The Sun*]

Annapolis, March 9—A frisking bill for Baltimore city and thirteen counties was passed today by the Senate and sent back to the House of Delegates for concurrence in Senate amendments.

Under terms of the measure concealed weapons seized illegally could be introduced in evidence in the trial of a misdemeanor. Baltimore county has had such a law for several years.

Counties included in the new bill are Anne Arundel, Caroline, Carroll, Cecil, Frederick, Harford, Kent, Prince Georges, Queen Annes, Talbot, Washington, Wicomico and Worcester.

Pleas Of Innocent Made By Holmes

Pleas of innocent were entered yesterday by Joseph Holmes, who tunneled his way out of the Penitentiary after nearly two years of digging, when he was arraigned in Criminal Court on robbery, assault-to-murder, deadly weapon and escape charges.

The pleas were recited by Ernest L. Perkins, Negro attorney employed by the mother of the accused. Judge Joseph Sherbow presided at the arraignment.

Anselm Sodaro, State's attorney, and William C. Rogers, Jr., assistant prosecutor, said no date has yet been set for the trial of Holmes, a Negro, who has been nicknamed "Tunnel Joe."

Holmes was closely guarded during his visit to the Criminal Court room. He smiled frequently during the brief arraignment proceedings. Holmes had about ten years to serve on a burglary term when he burrowed under the Penitentiary walls last month.

City Allots $10,000 To Bring Narcotics Investigators Here

The Board of Estimates in a special session approved an allotment of $10,000 yesterday to bring in out-of-town investigators to help break up the growing narcotics traffic here.

Anselm Sodaro, State's attorney, told the board the situation is so serious, especially with regard to young people, that immediate action is required.

He said he is convinced the entire group—importers, peddlers and users—can be ferreted out.

Getting Specialized Group

And Mayor D'Alesandro declared the local traffic in narcotics particularly "among innocent children who are made victims by vicious criminals must be smashed completely."

Baltimore plainclothesmen and Federal agents now working on the problem are recognized as police within a few weeks, Mr. Sodaro explained.

For the same reason the out-of-town agents will be useful only for a short period of time, he added.

But the city, in moving for a crack-down on the illegal sale of narcotics, is bringing in men specialized in detecting this type of crime, Mr. Sodaro said.

These men will be assigned to the narcotics investigation section of the State's attorney's office.

Mayor D'Alesandro also promised anything else the city administration can do to aid the Police Department, Federal narcotics agents and the State's attorney's office will be done promptly.

"The problem in Baltimore is extremely acute," Mr. Sodaro said, "and because of our importance as a seaport the influx of these illegal items is apparently easy. And the apprehension of those trafficking in the enterprise is difficult."

Writes To Board

He wrote to the board and then appeared at the special meeting to say:

"Law enforcement authorities throughout the United States are alarmed over the increasing rise in the use of narcotics. Apparently drugs are now easily obtainable by youths as well as the older and confirmed addicts. Suppliers and peddlers of these drugs seek to entice innocent nonusers, creating a greater demand for their products, with a resulting increase in crime.

"They have even stooped to the level of giving drugs to innocent victims, usually quite young, without charge, and then when they become victims they are hopelessly enmeshed in this illegal practice.

"Drug users are not confined to the criminal or incorrigible youths, but we find from disclosures which come to our office and to the courts that youngsters from so-called nice homes in the community are drug addicts."

NEWS-3/13

Dope Blamed In Robberies By Youths

Use of marijuana today was named by Judge Emory H. Niles as one of the factors which led four youths to commit armed robbery, resulting in their sentences to Maryland penal institutions.

Roland Binau, twenty, 2000 block East Ellsworth street, and Frederick Marburg, twenty, 2100 block East Monument street, were "clearly involved with narcotics," Judge Niles said. These two, testimony disclosed, had used weapons in committing five robberies last November which netted them $481.

Binau and Marburg each were sentenced to serve 20 years in the Maryland House of Correction. William Willings, nineteen, 2100 block Orleans street, and Joseph Howlett, seventeen, 2100 block East Jefferson street, each were sentenced to serve not more than 10 years in the Reformatory for Males.

After sentencing the men Judge Niles commented that "other persons on the verge of dope addiction may regard this as an example of what may happen."

According to a report by the probation department, the men seriously beat an elderly storekeeper whom they robbed in one of the cases.

To the State's Attorney of Baltimore City . . .

Dear Ans Sodaro:

You have said you will investigate the Butler Senatorial campaign to see if there were violations of the State's corrupt practices law.

You should, of course, go through with this. But even if you find that there were, it isn't going to affect the result of the election.

You now have a chance, however, to conduct an investigation in time.

William Muth, vice-president of the City Council, has made public charges which, if true, mean that gross violations of the corrupt practices law are now taking place in Baltimore. If true, they involve men who are now running for nominations in Baltimore. If true, they mean that the coming election will be full of corruption.

Now, I do not know if Mr. Muth is telling the truth or not, though I have heard other Baltimoreans say privately almost exactly the same things he is saying publicly.

If the stories are false, the public should know it, not only to have confidence in the election but also because Mr. Muth is running for the second higher office in Baltimore city. The people should know whether he is, or is not, a reckless slanderer.

And if his charges are true, the public should certainly know it. They should know it before, not after, the election, so that their knowledge will be useful.

In the face of these public charges, shouldn't you, as the law enforcement official, conduct a full investigation, or take the matter to the Grand Jury for an investigation, at once?

EVE. SUN 3/13/51

Holdups Linked To Drug Use; 4 Sentenced

Four young holdup men whose banditry was connected with the use of drugs, according to Judge Emory H. Niles, were given sentences ranging up to twenty years today in Youth Court.

Twenty-year terms in the House of Correction were given Frederick Marburg, 2100 block East Monument street, and Roland Binau, 2000 block Ellsworth street. Each is 20 years old.

In sentencing the men Judge Niles said both have past criminal records. He added:

"These cases show the closest connection with drug addiction. These two defendants were involved as principals in six robberies, extending over a period of approximately two weeks. In one of them they beat brutally a defenseless old man who was a storekeeper."

Previous Record

Terms of not more than ten years each in the reformatory were placed on Joseph C. Howlett, 16, who had a previous juvenile record, and on William G. Willings, 19-year-old army veteran, with no past record.

Willings lives in the 2100 block Orleans street and Howlett in the 2100 block East Jefferson street.

Confessions given by the youths showed that the gun used in holdups was one of a number of weapons stolen from a downtown sporting-goods store.

Although the youths claimed their confessions had been obtained by inducements and should be stricken out, George D. Solter and Joseph Koutz, assistant State's attorneys, succeeded in having Judge Niles admit them in evidence.

Denied New Trials

The series of holdups occurred late last November. The original trial of the four was held in January, and the judges of the Supreme Bench recently denied motions for new trials.

In pronouncing sentence, Judge Niles said:

"There is hardly any crime which attacks the fundamentals of social order so basically as armed robbery. In dealing with offenders who commit this crime, all consideration of youth, family and previous record, must be subordinated to the protection of society against this form of violence.

Narcotics Link

"In the present cases, although the information at head does not prove that the immediate cause of the series of crimes was the use of drugs, it is, nevertheless, clear that the use of marihuana and other narcotics is a contributing cause, resulting in the conduct which led to the series of robberies.

"The two defendants who used the gun are clearly involved with narcotics, and others who may be on the fringes of narcotic addiction may regard them as examples of what may happen. Substantially, the lives of these young men are ruined."

Group Formed For War On Dope

A committee to mobilize Baltimore's war on the menace of marihuana among teen-agers, which has already led to a special appropriation of $10,000 by the Board of Estimates for a narcotic investigation unit in the State's attorney's office, today was announced by the Eastside Community Committee.

The "Fight Dope Committee," headed by Mrs. Laura White, will sponsor three courses of action:

"1. Awaken and organize the citizens of the eastside community in a vigorous fight against the distribution and use of 'dope.'

"2. Form a working relationship with the police and narcotics agents for a more effective fighting front.

"3. Collaborate with the schools, the churches, the homes and other agencies to fight the 'dope' menace from 'within'."

MORN-SUN 3-13-51

DOPE-USING HOLDUP MEN GET 20 YEARS

Judge Niles Gives Two Other Youths 10-Year Terms

Two 20-year-old men, who admitted they were "hopped up" with drugs when they committed six robberies over a period of thirteen days last November, yesterday were sentenced to twenty years each in the House of Correction.

Two other youths—one 16 and the other 19—were sentenced to ten years' imprisonment each for taking part in five of the holdups, during which guns were used.

The sentences were imposed by Judge Emory H. Niles in Youth Court. The longer terms were given to Frederick A. Marburg, of the 2100 block East Monument street, a dope user for three years, and Roland Binau, of the 2000 block Ellsworth street, who has been using drugs since he was 15.

Two Ten-Year Sentences

Joseph C. Howlett, 16, of the 2100 block East Jefferson street, and William G. Willings, 19, of the 2100 block Orleans street, received the lighter sentences.

The six holdups charged to the youths occurred in liquor, drug and confectionery stores in East and Northeast Baltimore, according to evidence produced by George D. Solter and Joseph G. Koutz, assistant State's attorneys.

During one of the robberies, the defendants beat Ernest A. Weims, 80-year-old storekeeper of the 400 block North Chester street.

Loot in the robberies ranged from $3.50 to $163 and totaled about $475.

"Lives . . . Are Ruined"

Judge Niles, in imposing sentence, said, in part:

"In the present case, although information at hand does not prove that the immediate cause of the series of crimes was the use of drugs, it is, nevertheless, clear that the use of marihuana and other narcotics is a contributing cause, resulting in the conduct which led to the series of robberies in which I must now impose sentence.

"The two defendants who used the gun are clearly involved with narcotics, and others who may be on the fringe of narcotic addiction may regard them as examples of what may happen. Substantially, the lives of these young men are ruined."

Evidence disclosed that Marburg and Binau entered the stores and took turns using the weapon, that Willings acted as "lookout man" and that Howlett drove the getaway car.

EVE. SUN 3/13

6 Youths Given Up To 15 Years In Holdups

Prison sentences ranging up to fifteen years today were imposed by Judge Emory H. Niles in Youth Court on a group of young Negroes charged with holdups of two pedestrians on Baltimore streets.

Judge Niles told the defendants, who ranged from 16 to 25 years of age, that robbery is a crime for which the guilty must serve penal sentences in spite of youth because of the necessity of protecting society from their depredations.

3 Get 15-Year Terms

Fifteen-year terms were put on John Benton, 16, of the 1400 block East Lombard street; Horace Nelson, 17, of the 1200 block St. Matthews street, and James Allen, 25, of the 100 block Aisquith street, all charged with armed robbery.

A ten-year Penitentiary term was pronounced on Albert Mosley, 18, of the 1400 block Harford avenue. An eight-year House of Correction term was placed on William Ruff, 22, of the 700 block Aisquith street.

A sixth defendant, Reginald Smith, of the 100 block North Eden street, whose attempts to have a stolen hat cleaned resulted in the arrests, was sentenced to the State reformatory for two years on a charge of receiving stolen goods.

Smith happened to take the hat to a shop where one of the robbed pedestrians worked. He was wearing an overcoat stolen in the holdup, but claimed both hat and coat had been given to him.

Detective Lieutenant Edward Dunn and other officers traced the stolen hat back to Smith after he left it at the cleaning shop.

All defendants had past records of offenses.

MORN SUN

BALTIMORE, WEDNESDAY, MARCH 14, 1951

A Few Questions On Dope For Young Baltimoreans

Last November, two 20-year-old Baltimore youths decided to go on a robbery spree. They held up six stores in thirteen days at gun point. Naturally, they got caught. On Monday the two were brought before Judge Emory H. Niles. "It is clear," said Judge Niles, "that the use of marihuana and other narcotics is a contributing cause [of] conduct which led to the series of robberies in which I must now pass sentence. . . . [Those] who used the gun are clearly involved with narcotics." The sentence: *twenty years each* in the House of Correction.

The young pair, both of whom admitted to using dope for over two years, may not be better citizens when and if they succeed in getting back into circulation again sometime in the late 1960's. But they're going to be a lot older, and there's going to be a prison tag with a number on it right along with them wherever they try to turn an honest dollar. "Substantially," Judge Niles pointed out for all interested parties, "the lives of these young men are ruined."

How long will it be, we wonder, before the rest of the young dope suckers in this city wise up? How many more young Baltimoreans will have to go to prison before the local gang decides that dope is a one-way street to crime? And how long are parents going to stand around and watch them go?

EDITORIAL PAGE OF

THE BALTIMORE NEWS-POST

AN INDEPENDENT NEWSPAPER

TUESDAY, MARCH 13, 1951

Stop This Saboteur Of Youth!

Cartoon by Jack Lambert

Fight Against Dope Traffic

WITH all the cry for economy in government, the $10,000 approved last week by the Board of Estimates for war on the growing dope traffic in Baltimore, as exposed in recent court cases, is one expenditure that no responsible taxpayer will begrudge.

It is safe to assume that this is one particular allotment that has the ready endorsement of practically the entire community. Evidences of unanimous support, official and nonofficial, political and nonpolitical, are on every hand.

The appropriation was urged by Mayor D'Alesandro, as head of the city Administration, and at least one of the Mayor's opponents in the Democratic spring primary, Charles G. Griebel, is on record as favoring—in fact, demanding—special measures to meet the spreading menace.

The spontaneous co-operation of the people as a whole is illustrated by the action of the Eastside Community Committee, which has named a special "Fight Dope Committee" to work hand in hand with officialdom. And its step is being duplicated by other civic and community groups.

Certainly there can be no quarrel with the special purpose of the allotment—to fight the dope evil—or with the specific purpose—to engage outside aid for local officers.

THE illegal drug trade has been long recognized as one of the most nefarious and insidious offenses against the law, leading directly to the destruction of the community's basic assets, its citizens.

It is the center of a vicious circle. According to law enforcement officers, dope addiction promotes crimes of violence and crime often leads to dope addiction. The evil itself is almost as old as man but the emergency that confronts this community now, as disclosed in court, is new—and shocking.

That the dope traffic concentrates its attention on youth is evident from the cases coming into court. Most of the offenders are youngsters in their teens or early twenties. A case in point was that of four youths committed to penal institutions yesterday by Judge Emory H. Niles for armed robbery.

The use of marijuana was mentioned by Judge Niles as one of the factors that led the four young defendants into trouble.

IN THE light of all these developments, if there can be any critisism of the $10,000 allotment okayed by the Estimates Board, it can only be that the sum may not be enough.

The illegal drug trade did not grow up in a day and it hardly will be suppressed or reduced overnight. The prospect is that ending or reducing it will be a long hard fight.

The people who peddle drugs are as perservering as the bootleggers of prohibition days—if not more so.

Such persons, accustomed to easy money, are wary. Local law enforcement officers became known to them almost as soon as they become known to the officers. Hence, outside aide for local enforcement officials is essential. Once the local officers have become known to those they seek they lose their effectiveness. The same is true to a lesser degree even of outside agents, who must be replaced once they become recognized.

Nevertheless, despite the difficulties in the way of enforcement, the taxpayers will demand to see some results for their money.

AS DISCLOSED in recent court cases the prey are youths.

For this reason the Legislature has passed and the Governor recently has signed a new law, making it a felony to sell or give narcotics to a minor.

Mandatory prison sentences — a minimum of five years—are provided for offenses.

One of the reasons advanced for the spread of the drug evil was the leniency of judges in penalizing offenders.

Such an excuse will no longer be valid. Enforcement officers now have two special aides—extra funds and a law with "teeth" in it. And, if future court cases continue to paint alarming pictures, the public will be entitled to know why.

MORN-SUN 3/4/51

NEW NARCOTICS PENALTY ASKED

Bill Proposes Stiffer Fines, Sentences For Violators

[*Annapolis Bureau of The Sun*]

Annapolis, March 13—Stiffer penalties for narcotics-law violators were proposed tonight by Senator Bernard S. Melnicove (D., Fourth Baltimore).

He introduced a bill in the Senate retaining the recently enacted mandatory five-to-twenty-year sentence for giving or selling drugs to minors, and providing for tighter penalties for other narcotics sales as well.

His proposals were the result of communications from B. M. Martin, district supervisor of the Bureau of Narcotics.

Violators under the new penalty sections would be fined up to $1,000 and imprisoned for from two to five years for first offenses.

Second offenders would be subject to a fine of $2,000 and imprisonment of from five to ten years. For third offenses the fine would increase $3,000, and the mandatory prison sentence would be from ten to twenty years.

No Suspended Sentence

Except in the case of conviction for a first offense, sentence could not be suspended or probation or parole granted until the minimum prison term had been served.

The bill also provides a sentence—again mandatory—of eighteen months to five years for possesion of narcotic drugs in amounts indicating intent to sell.

A conviction solely for possession of marihuana would be punishable for the first offense by imprisonment of at least six months and not more than two years.

SIX MEN, DANCER DENY DOPE PARTY

Police Tell Court Marihuana Was Found In Raid

Bill proposes stiffer narcotics law penalties.....*Page 22*

Six young men and a female Oriental dancer and singer denied yesterday in Criminal Court that they attended a dope party last January 27 in a St. Paul street apartment which was raided by plainclothes policemen.

The seven defendants are on trial before a jury under Judge Joseph Sherbow on narcotics and disorderly-house charges. The trial will be concluded today.

Although police testified they found a warm pipe containing traces of marihuana, a hypodermic needle and syringe, seven marihuana cigarettes, marihuana weed in a night table and in the bathtub and loose cigarette papers, all the defendants denied any knowledge of the dope articles.

Had Watched Premises

The defendants, arrested in the 1100 block of St. Paul street, are:

MISS FERN M. KULP, 18, occupant of raided building.
JOSEPH BONA, JR., 29, occupant of raided apartment.
FRANK J. GENTILE, 24, of 2700 block The Alameda.
LOUIS P. JOHNS, 23, of 2100 block North Calvert street.
ROLAND M. LENOIR, 23, of 1600 block East Baltimore street.
VINCENT J. PRESCIMONE, 24, of 100 block North Exeter street.
PAUL SMITH, 20, of 1200 block North Calvert street.

Police under Sergeants Joseph Byrne and William Klump testified they observed the second-floor apartment premises for four successive nights preceding the raid and saw all of the defendants, except Lenior, going in and out.

Tells Of Marihuana Smell

The police also told the jury that loud screaming and cursing was heard emanating from the apartment.

Sergeant Byrne testified that on the night of the raid, he could smell the odor of burning marihuana when he approached the apartment door. He said he broke in a door panel when no one responded to his rap.

He testified that all of the defendants, except Miss Kulp and Gentile, were in the apartment when he entered. Those two defendants, it was testified, were brought in later.

Gentile and Miss Kulp contended they had just returned from Washington, where she was performing, and were on the way to the dancer's third-floor apartment when police took them into custody.

Dancer's Mother Quoted

Miss Kulp denied she told a police matron she had been using dope for three months.

Police testified that Miss Kulp's mother told them that she and her daughter had been put out of two other apartments because the girl smoked marihuana.

The other defendants testified they were merely visiting Bona at the time of the raid, and denied they were using marihuana when police entered. They also denied police testimony that they had visited the apartment on the four preceding nights.

Prescimone admitted that in 1949 he had been arrested and hospitalized in connection with an arrest on dope charges. He also admitted that he had been convicted many times for assault and disorderly conduct.

Bona, formerly a trainer for marathon dancers, said he had never used or possessed dope. He said he is a bartender at the Village Bar on Harrison street.

Johns, according to Charles E. Orth, Jr., and Henry D. Blair, Jr., prosecutors, is now on parole from a Federal prison where he served ten months on a narcotics charge.

Joseph Rosenthal, Joseph DiDomenico and Bernard Stern are defense counsel.

EVE. SUN 3/14

Bandit, 24, Gets 15 Years; Girl Sentenced

Fifteen years' imprisonment in the House of Correction today was ordered in Youth Court by Judge Emory H. Niles for Robert James Rice, 24-year-old holdup man, while a sentence of eighteen months in the State Reformatory was imposed on his 19-year-old girl friend for stealing the automatic pistol he used in two robberies.

Rice, of the 1100 block North Caroline street, held up a Broadway storekeeper and obtained $33 on January 23 and three days later attempted to hold up a Federal street dime store, where he shot at but missed the proprietor, who threw a lamp at him.

The girl, Dorothy West, had stolen the pistol from the home of a friend when Rice told her he wanted such a weapon, Assistant State's Attorney Edwin J. Gehring told the judge. Both Rice and the West girl are Negroes.

Two Others Sentenced

Refusing to grant probation because their offenses were "a series of planned burglaries," Judge Niles imposed reformatory sentences on Claude R. Welsh, Jr., 17, and Jerry William Fox, 16, in Youth Court.

The pair, with a juvenile companion, had burglarized four branches of an automobile and sporting goods chain in widely separated sections of the city, Assistant State's Attorney George D. Solter and J. Harold Grady told the court.

Welsh had been in three additional tavern burglaries.

Judge Niles sentenced Welsh to a term of not more than three years, pointing out that the youth had failed to profit by probation for an earlier offense. Welsh's home is in the 2800 block West North avenue.

MORN-SUN-3/15

7 PERSONS GUILTY IN MARIHUANA CASE

Convicted Of Charges; Bail Raised To $5,000 Each

Seven young persons, including an 18-year-old night-club dancer, yesterday were convicted by a Criminal Court jury on marihuana charges.

In addition, six of the defendants also were convicted of maintaining a disorderly house for use of marihuana.

Judge Joseph Sherbow deferred imposition of sentence pending a possible new-trial move, but raised the bail of each of the defendants to $5,000.

Accused Named

The accused, arrested last January 27 during a police raid on premises in the 1100 block St. Paul street, are:

JOSEPH BONA, JR., 29, occupant of the raided apartment.
FRANK J. GENTILE, 24, of the 2700 block of The Alameda.
MISS FERN M. KULP, 18, Gentile's fiancee, who now lives at The Alameda address, but formerly lived on St. Paul street in an apartment above the raided premises.
LOUIS P. JOHNS, 23, of the 2100 block North Calvert street.
ROLAND M. LENOIR, 23, of the 1600 block East Baltimore street.
VINCENT J. PRESCIMONE, 24, of the 100 block North Exeter street.
PAUL SMITH, 20, of the 1200 block North Calvert street.

Only Lenoir was acquitted of the disorderly house charge. Bona and Johns, alone, were found guilty of possessing a hypodermic needle and syringe adapted to the use of narcotics.

The needle and syringe, police said, were found under the mattress of a bed where Bona and Johns were reclining when police arrived about 3.30 A.M.

Tells Of Finding Marihuana

The raid was conducted by plainclothes police under Sergeants Joseph Byrne and William Klump.

Evidence produced by Charles E. Orth, Jr., and Henry D. Blair, Jr., prosecutors, disclosed that police also found marihuana weed, a warm pipe containing traces of marihuana, cigarette papers and seven marihuana cigarettes during the raid.

All the defendants denied any connection with the seized evidence. Miss Kulp and Gentile were brought into the apartment while the raid was in progress. They contended they had just returned from Washington, where Miss Kulp was employed as an Oriental dancer and singer in a club.

NEWS-3-9-51

Louis Azrael Says

Still Looking Over What's Happened

During the last few weeks (I'm still checking on what happened while I was off in Mexico) Baltimore suddenly awoke to the marijuana situation.

Actually it is an old and horrible story to which the city has paid little attention. About a month ago this whole column was devoted to the situation. Attention became focused, however, only when Judge Joseph Sherbow, in Criminal Court, dramatically demonstrated that use of this drug is working havoc with thousands of Baltimoreans, chiefly youngsters.

Since then the papers have been full of the subject and officials have been doing much talking; even a little acting.

One important point, however, has been overlooked.

It involves parents of youngsters who have taken to smoking marijuana cigarettes — "reefers" or "sticks," they are called.

PARENTS' PROBLEM

I know this situation from personal contacts and from the testimony of enforcement officials.

It is not hard to visualize the horror and the dilemma which arises when parents learn, or even suspect, that their child has fallen for this kind of vice.

And what are the parents to do?

One obvious course is to notify police or U. S. Narcotics Bureau officers. The records show, however, that few take this course. And there they make a great mistake. There they create one of the greatest obstacles that enforcement officials face in trying to break up the sinister traffic.

THEY HUSH IT UP

One can easily sympathize with the parents. They are afraid that, if they tell officials their facts or suspicions, the child will become involved in investigations, perhaps in a court trial. It may cause trouble in school. It may be placed somehow, on the child's record.

Therefore, the parents try to work the situation out quietly. They plead, or they rage at, the culprit. Often they try to find out where he has been getting the stuff. And even when they find out, many of them do not reveal the information to authorities for fear of publicity implicating their child.

Undoubtedly some parents succeed in getting their children to give up marijuana. Many don't, even when they think they have succeeded.

And even if they do, they have solved their personal problem. But they have shirked their obligation to everyone else. The seller of "reefers" has merely lost one customer. He goes out to find others. The evil spreads.

UNWISE AND SELFISH

As a matter of fact, most of the fears parents have about getting in touch with authorities are not justified. And even if they were, it should be done.

They are not justified because authorities are not interested in punishing individuals who are the victims of the marijuana habit. They want to catch the sellers; the people who make a living out of spreading the habit. In most cases, even the user's name can be kept entirely secret in the investigation and trial of a peddler.

Furthermore, a police or Narcotic Bureau official can get more information from young marijuana addicts than can parents. And the information means more. By talking to several addicts, even by knowing the addresses and habits of several addicts, officials can often put their fingers on the sellers. To a parent, information as to his son's use of marijuana is merely one piece of information. To an official it often is a link in an important chain of information.

The fact is, officials tell me, that the job of breaking up the marijuana scandal in Baltimore would be relatively easy if every parent who knows or thinks his child is a victim were to report his information. Continuance of the evil, therefore, will be due largely to a mistaken sense of fear and loyalty on the part of Baltimore's parents.

CARROLL DULANEY is away. His column will be resumed upon his return.

NEWS-3/16

Youth Draws Year In Fatal Gang Fight

Pleading guilty to a deadly weapon charge growing out of the knife killing of a nineteen-year-old youth in a "gang fight" last August, Elmer T. Garrity, eighteen, was sentenced to not more than one year in the State Reformatory for Males in Criminal Court today.

Judge Emory T. Niles, at the same time, found Garrity, who lives in the 1200 block Union avenue, not guilty on a charge of manslaughter in the death of the youth, Merrill Dopkin, 2100 block Mount Royal terrace.

Garrity previously had been found guilty on the manslaughter charge, but was granted right of a new trial.

Judge Niles told Garitty he would be given credit for the time he has spent in jail awaiting trial —a period of several months— and also told him that, on provision of good behavior, he may have his sentence further reduced.

Judge Niles took the occasion to warn all youths that "gang fights always wind up in serious trouble."

Assistant State's Attorney James Price prosecuted the case.

EVE. SUN-3/15

Saw 'Dope' Given, Witness Says

Testimony about "dope sessions" to induce teen-agers into narcotic habits was aired today in Criminal Court, where Edward Tutt, Negro, was convicted by Judge Joseph Sherbow on a narcotics charge involving possession of heroin.

Tutt was the last to be tried in a total of seven persons facing narcotic charges in the same series.

Sentence on Tutt, who has a past marihuana, as well as a burglary and larceny record, was deferred because of a contemplated motion for a new trial by his attorney, Joseph Rosenthal.

Early Sentence If No Appeal

Judge Sherbow announced that if the motion is not taken before the Supreme Bench, Tutt and two other persons awaiting sentence would appear next Thursday for sentence.

Testimony at Tutt's trial showed that two juvenile girls already have been sent to reform school from Juvenile Court for using narcotics at an apartment Tutt frequented in the 1100 block Mosher street. A 16-year-old girl was an actual heroin addict, while one 15, according to Policewoman Violet Whyte, had been "learning and observing."

Apart Owner Testifies

Mrs. Ruth Allen, Negro, owner of the apartment, who said she sat around reading comic books with Tutt on daily visits, but that she had seen him use heroin several times there, is one of the other defendants awaiting sentence. A man, Thomas Bates, Negro, found with marihuana cigarettes at the apartment, also is awaiting sentence.

Both are to appear next Thursday.

Recently sentenced to a two-year term at the reformatory as a heroin addict, Marie Banks, Negro, of the 400 block North Fulton avenue, testified that Tutt "sells drugs." She said he sold the dope for a higher-up known to her only as "Tommy."

Seen It Given, She Says

"Have you ever seen Tutt give dope to other people?" Assistant State's Attorney Charles E. Orth, Jr., asked her.

"Yes, I've seen him give others some," she replied.

Policewoman Whyte and Patrolmen Jacob Simonson and Casimir Moiewski had arrested Tutt at the Allen apartment on January 24, after hiding inside to await whoever arrived. They had been watching the house for several weeks.

Defendant Doesn't Testify

Tutt did not testify. His counsel contended he should be acquitted because nothing was found on him. A small packet of heroin found in the hall outside the door could have been dropped there by others passing through the house, the defense lawyer said, but Judge Sherbow ruled that guilt was established beyond doubt.

He praised the three police officials for making "an opening wedge in breaking the dope racket."

7 Others Convicted

An 18-year-old blonde night-club dancer and six young men today awaited sentencing by Judge Sherbow on marihuana charges.

All but one also had been found guilty in Criminal Court yesterday of maintaining a disorderly house for use of marihuana.

The convictions resulted from a raid on a St. Paul street residence in January, in which police discovered a hypodermic needle and syringe adapted for narcotics, marihuana weed, a warm pipe containing traces of marihuana, cigarette papers and "reefers"—drug-filled cigarettes.

Bail Increased

Judge Sherbow deferred sentence pending possible new-trial moves, but raised bail for each defendant to $5,000.

Convicted were:

JOSEPH BONA, 29, 1100 block St. Paul street.

FRANK J. GENTILE, 24, 2700 block the Alameda.

MISS FERN M. KULP, 18, same address.

LOUIS P. JOHNS, 23, 2100 block North Calvert street.

ROLAND M. LENOIR, 23, 1600 block East Baltimore street.

VINCENT J. PRESCIMONE, 24, 100 block North Exeter street.

PAUL SMITH, 20, 1200 block North Calvert street.

MORN. SUN-3/16

SODARO FIGHTS DRUG TRAFFIC

Asks Confiscation Of Vehicles Used In Transportation

In an effort to assist in the eradication of the "alarming situation involving the use of narcotics, particularly among our teen-agers," Anselm Sodaro, State's attorney, yesterday suggested legislation permitting authorities to confiscate vehicles transporting dope.

Mr. Sodaro's suggestion, directed to John C. Luber, speaker of the House of Delegates, came on the heels of Criminal Court testimony that "dope sessions" to induce teen-agers to use narcotics are being held in the Northwestern section of the city.

Mr. Sodaro pointed out that the Federal Government and many states already have statutes which authorize law-enforcement agencies to seize and forfeit any automobile or other vehicle used to "conceal, convey and transport narcotic drugs."

Reference To "Dope Sessions"

The testimony about the "dope sesisons" was produced in Criminal Court at the trial of Edward Tutt, Negro, who was convicted of possessing heroin at premises in the 1100 block Mosher street last January 24.

Judge Joseph Sherbow deferred imposition of sentence pending a possible new-trial move. Tutt, according to Charles E. Orth, Jr., prosecutor, has a past criminal record for a narcotics violation, in addition to burglary and larceny convictions.

Two teenage girls arrested during a raid on the premises already have been committed to a reformatory by Judge Charles E. Moylan in the Division for Juvenile Causes.

Policewoman Violet Hill Whyte told the judge that one of the girls, who is 16, already is an addict, while a 15-year-old girl was in the place "learning and observing."

Girl, 18, Convicted

In another case, an 18-year-old Negro girl who stole a suit of clothes to get money to buy heroin, was convicted of a dope-possession charge. A 19-year-old boy was convicted of selling the heroin to her.

The girl is Virginia Thomas, of the 800 block George street, and the boy is Richard W. Cockey, of the 500 block West Preston street. Cockey, it was testified, obtained the heroin for the girl from a man in a pool room and received 25 cents for forwarding the dope to her.

Miss Thomas testified she has been using dope since she was 13.

EVE. SUN-3/16

Garrity Gets Year In Gang Death

Elmer T. Garrity, 18-year-old youth originally convicted of manslaughter but granted a new trial by the Supreme Bench, today was acquitted on the murder-manslaughter charge arising from a clash of two youthful gang groups, but pleaded guilty to a deadly-weapons charge.

Judge Emory H. Niles in Youth Court sentenced Garrity to not more than one year in the Reformatory, with credit for time served. The youth already had served about two months.

Judge Niles had returned the original manslaughter verdict when Garrity faced trial on a charge of murdering Merrill Dopkin, 20.

Dopkin, who lived in the 2100 block Mount Royal terrace, was stabbed fatally when he and a group from the Mount Royal-Linden avenue section made a return trip to the North avenue and Charles street vicinity last August after a prior clash with other youths.

Evidence produced at the trial showed that Garrity had been knocked to the ground before he stabbed Dopkin. The Supreme Bench, it was explained, regarded the instance as involving a question of self-defense.

EVE. SUN-3/16

Muth Demands Probe Of Costs For Claypoole

By Roger S. Williamson

Councilman William J. Muth today requested action by State's Attorney Anselm Sodaro to enforce the Corrupt Practices Act with regard to alleged heavy outlays in the primary contest for City Council president.

Mr. Muth, himself a candidate for nomination to the post, has charged that heavy expenditures by the Jack Pollack organization to line up support for C. Lloyd Claypoole for the top council post amount to an effort to "buy the nomination."

In a letter sent to Mr. Sodaro today, Mr. Muth said the campaign is not being conducted on the basis of the qualifications of the candidate but on a dollar-and-cent basis.

The letter reads:

"I am writing to you to ask that the State's attorney's office take steps to have Section 159, Article 33, of the Public General Laws of Maryland, known as the Election Expense and Prohibition of Corrupt Practices at Election Acts, be enforced.

"Literally Buying Votes"

"As you know, the law specifically states that all moneys spent on the election must pass through the (campaign) treasurer's hands. I demand that some action be taken as the backers of candidates for the high office of president of the City Council are out literally buying votes and are openly bidding for support.

"Under the stipulation of the law, a candidate for president of the City Council is limited to spend only $1,750 of his own money, and if his wife makes a contribution it must be within the $1,750 limitation."

"This election is not being fought on the basis of qualifications and experience but rather on a dollar-and-cent basis. This seems to me to be an excellent opportunity for your office to make this an honest election."

Mr. Muth has said that he estimated the Pollack expenditures to line up support for Claypoole as likely to reach $100,000.

Claypoole's supporters have denied that such estimates are accurate and have made the counter charge that the Wyatt-Della organization, of the Sixth district, is making large expenditures to get support for Arthur B. Price, Sr., their candidate for the Council post.

Mayor Declines To Give Views

Mayor D'Alesandro declined today to be drawn into any expression of views about the charges.

In reply to questions, the Mayor said he knew nothing about the charges and was maintaining complete neutrality in the council contest.

"Don't you think the nature of the charges calls for a statement from you?" he was asked.

"I have stated repeatedly that I am completely neutral about the council contests. I am sure that all my friends will be for me in the general election."

MORN. SUN-3/17

STAND TAKEN BY SODARO ON MUTH CHARGES

Prosecutor Not To Act Until Corruption Evidence Is Produced

Rivals accused of bringing political tactics to Hopkins campus meeting ..... Page 7

Councilman William J. Muth's charges of campaign corruption will not cause an investigation unless he produces facts and evidence, Anselm Sodaro, State's attorney, said yesterday.

But it appeared quite possible the Muth charges may lead to a revision of Maryland's loosely written act regulating campaign expenditures after the smoke of this year's municipal battle clears.

Specifically Mr. Muth asked the State's attorney's office to enforce the act relating to corrupt practices. A candidate for City Council president, Mr. Muth has charged that the Jack Pollack political machine is spending excessive sums for its candidate, C. Lloyd Claypoole.

But the State's attorney's office said the letter Mr. Muth sent to Mr. Sodaro demanding action contained no evidence of any sort. The State's attorney then said he would welcome facts from Mr. Muth—or anyone—at any time.

Comment By Muth

When told that the State's attorney's office is ready to hear his story—but will not act until it gets some concrete evidence, Mr. Muth said:

"It's up to them to get the facts. I give them the leads."

Then he added steps must be taken before the primary or it will be too late to find out who has been offered money and how much.

Mr. Muth envisions a hearing in which ward executives and others would be called to testify whether Pollack forces—or any others—had offered money for their support.

Mr. Sodaro is studying the corrupt practices act closely. But after examining it yesterday he said it is very difficult to say what the limit on campaign expenditures is.

In his call for action, Councilman Muth said a candidate for the council presidency is limited to spend $1,750 of his own money—and anything contributed by his wife must be in the $1,750 limit.

Here are the facts turned up so far by Mr. Sodaro's study of the law:

1. A candidate is limited to spending $10 per 1,000 registered voters up to the first 50,000 registered voters in the city and $5 per 1,000 in excess of 50,000.

(Mr. Muth apparently got his $1,750 figure by applying the above formula to the number of registered voters here.)

What Candidate May Spend

2. The limit mentioned above is paid out and handled by the candidate's treasurer or political agent. In addition, however, the candidate himself may spend an unspecified amount for postage, advertising, telephone calls, and so on.

3. The law also states that the campaign treasurer can spend money for hiring halls, for printing, for sample ballots, hiring clerks and typists, advertising meetings and for traveling expenses.

[The State's attorney's office said more study will be necessary before it can be said whether this money spent by the treasurer is included in the candidate's limit or is in addition to it. On the face of it, it appeared yesterday that this money is in addition to the candidate's limit, meaning it would be very difficult to pin down what constitutes excessive spending.]

Contribution Of Wife

4. Anything a candidate's wife contributes is counted as part of the limited amount the candidate is authorized to spend.

5. The campaign treasurer must handle all funds and contributions except in the case of expenses which the candidate himself is authorized to handle (paragraph 2 above).

Mr. Sodaro emphasized his office is ready at any time to listen to facts and examine evidence relating to corrupt practices. That means the State's Attorney's office is available to persons with such evidence 24 hours a day, he said.

Furthermore, the grand jury is in session five days a week, Mr. Sodaro added.

In a letter to the State's attorney Mr. Muth declared:

"As you know the law specifically states that all moneys spent on the election must pass through the (campaign) treasurer's hands. I demand that some action be taken as the backers of candidates for the high offices of president of the City Council are out literally buying votes and are openly bidding for support."

In the Sixth district, for example, Councilman Edward A. Freburger, a former opponent of the Pollack machine, said his section of the tottering William Curran machine has been promised $40 a precinct by the Pollack workers

Pollack-Claypoole forces deny charges of excessive expenditures.

MORN-SUN-3-17-51

Drug Addicts Rob Each Other, Court Told At Heroin Hearing

Evidence that drug addicts are robbing each other to get dope was presented in Central Police Court yesterday at the hearing of three men charged with possessing 904 grains of heroin.

The defendants, arrested by a squad under Sergt. Joseph Carroll, were Bernard Johnson, 22, of the 500 block Oxford street, and Joseph Jennings, 25, and William Clark, 22, both of the 700 block West Fayette street.

In his testimony before Magistrate James H. Ellis, Jr., Sergeant Carroll asserted the men had gone to Washington last week and burglarized the home "of a man they knew had it (heroin)."

The sergeant did not give further details on the Washington drug burglary.

Accompanied by Patrolmen Jacob Simonsen and Casimir Noviewski, Sergeant Carroll arrested Jennings and Clark in a room on West Fayette street Thursday. He seized 47 capsules of heroin.

Then, directed by the two defendants, the squad went to a house in the 600 block Oxford street and arrested Johnson, the sergeant said.

The total value of the heroin seized, if sold in Baltimore to addicts, would be $2,712, the sergeant told Magistrate Ellis. He also testified that all three Negro defendants used the drug.

The three, who pleaded not guilty, were held in lieu of $2,500 bail each.

Dope Peddlers May Lose Autos

[*Annapolis Bureau of The Sun*]

Annapolis, March 16—Seizure of any vehicle used to transport narcotics will be urged next week in the House of Delegates, John C. Luber, speaker of the House, said tonight.

Mr. Luber reported that the measure, which he said he would sponsor, was suggested by Anselm Sodaro, State's attorney for Baltimore.

In a letter commending Mr. Luber for having pushed a bill to set especially-heavy penalties for the sale of drugs to minors, Mr. Sodaro said:

"I feel that legislation permitting law-enforcement authorities to seize and forfeit any automobile or other vehicle used to conceal, convey and transport narcotic drugs would further strengthen existing laws."

Driver Found Guilty In Girl's Hit, Run Death

Joseph Sorrentino, 18, yesterday was convicted of manslaughter in the hit-and-run death of a 13-year-old girl, whose body was hurled 150 feet and slid another 30 feet after being struck by an automobile driven by the defendant.

Another 13-year-old girl walking with the accident victim was thrown 118 feet against a parked truck after she was struck, but escaped serious injury, according to evidence before Judge Emory H. Niles in Criminal Court.

Girls Hit Last November 4

Judge Niles imposed a prison sentence of one year on Sorrentino, but struck out the sentence after defense counsel asked the right to file a motion for a new trial.

According to M. Peter Moser and George D. Solter, prosecutors, the accident resulted in the death of Rosalie Hodges, 13, of the 2400 block East Lafayette avenue. The other girl pedestrian was Dorothy Guidice, 13, of the 2600 block Port street.

The two girls were struck as they were crossing Montford avenue at Oliver street last November 4, Judge Niles was told.

Richard Ross, of the 2400 block Llewellyn avenue, testified he heard a thud and then saw the body of the Hodges girl shooting through the air. He said he attempted to get the license number of the car, but it was going too fast.

Address On East Chase

Louis E. Michel, of the 1300 block North Montford avenue, testified he also heard a thud and saw a car go by at a rapid rate of speed.

Sorrentino contended he was driving about 25 miles an hour at the time of the accident, and that he was unable to stop when he saw the girls a distance of about 30 feet from the vehicle.

Judge Niles held there was ample evidence of speed and declared that the defendant gave conflicting statements.

Sorrentino gave an address in the 2400 block East Chase street.

EVE. SUN 3-20-51

Trucker's Term Cut To 15 Days

Punishment for Jonas B. Caskey, 26-year-old truck driver, of the 600 block West Fayette street, has been reduced from four months' imprisonment imposed in Traffic Court to a sentence of fifteen days in jail and a fine of $100 as the result of his appeal to Criminal Court.

Judge S. Ralph Warnken imposed the new sentence after convicting Caskey of drunken driving, but acquitting him of charges of reckless driving and failing to stop after an accident. Since Caskey had served three days of the Traffic Court sentence before giving bail, he has twelve days to serve of the final term.

The charges resulted from Caskey's private car striking a Negro workman last March 1 on Light street, where the workman was aiding in the parking of a produce truck. Caskey's attorney, I. Duke Avnet, said the trucker was sleepy from driving all night, and was not drunk.

Judge Warnken also made a cut in the term of suspension for Caskey's driver's license. Magistrate Joseph Kolodny in Traffic Court had ordered a three-month suspension. Judge Warnken cut the suspension term to 60 days. He pointed out that the trucker would still have to face a hearing before the commissioner of motor vehicles.

SUNDAY-SUN-3-18-51

MAYOR NAMES COUNCIL TO COMBAT NARCOTICS TRAFFIC AMONG YOUTHS

Emergency Group To Seek Means To Halt Dope Trade Here

Mayor D'Alesandro yesterday appointed a Youth Emergency Council to combat the narcotics traffic which he said is enmeshing even children in its "slimy tentacles."

He named Judge Joseph Sherbow, of the Supreme Bench, to head the council.

The Mayor said he intended to recruit the youth of Baltimore's public, private and parochial high schools and colleges to co-operate in the war on the dope trade.

He said he will hold an organizational meeting of the council members at 10.30 A.M. Tuesday at the City Hall.

Includes Clergy, Doctors

At that time, the Mayor said, he will outline his own plans for the council and indicate what its duties should be.

However, he made it clear he will give the council his full support in any measures it believes are necessary to eliminate the narcotics danger.

The council members include physicians, ministers and educators, welfare and social workers as well as representatives of the Supreme Bench of Baltimore.

Judge Sherbow, now presiding in Criminal Court, recently lectured a group of teen-agers, including a number of "drapes," attending a trial involving the sale and possession of marihuana.

Warns Of Prison

"Some of you acted as if you were at a circus," the judge said. "If you don't get hep to yourselves —if you don't get out of this terrible, rotten business—you're going to prison."

Another jurist named to the commission was Judge Charles E. Moylan, of the Division of Juvenile Causes.

Anselm Sodaro, State's attorney, who recently asked Mayor D'Alesandro to provide $10,000 for new undercover investigators of the growing drug traffic here, also will be a member of the council.

Others appointed are:

Other Members Listed

R. SAMUEL JETT, chairman of the co-ordinating council of Parent-Teacher associations.

DR. WILLIAM H. LEMMEL, superintendent of public instruction.

THE REV. LEO J. McCORMICK, archdeacon superintendent of schools.

DR. DETLEV W. BRONK, president of the Johns Hopkins University.

DR. OTTO KRAUSHAAR, president of Goucher College.

THE VERY REV. THOMAS J. MURRAY, SJ., president of Loyola College.

COL. BEVERLY OBER, commissioner of police of Baltimore.

GEORGE SHRIVER, president of Grand Jurors Association.

WALLACE REIDT, president of the Baltimore Criminal Justice Commission.

BOYD M. MARTIN, chief Federal narcotics enforcement officer in Baltimore.

DR. MANNFRED S. GUTTMACHER, chief medical officer of the Supreme Bench of Baltimore City.

DR. HUNTINGTON WILLIAMS, city health commissioner.

THOMAS J. S. WAXTER, director of the Department of Public Welfare.

CARL MURPHY, publisher of the Afro-American.

PAUL WIEDORFER, Maryland's only living Congressional Medal of Honor recipient.

MRS. DUANE L. PETERSON, president of the Women's Civic League.

EDGAR M. EWING, president of the Urban League.

WALTER A. MACCUBBIN, president of the Public School Teachers Association.

ROBERT HEISTAND, Scout executive, Baltimore Area Council, Boy Scouts of America.

W. GORDON MacGREGOR, general secretary of the Young Men's Christian Association.

MRS. WILLIAM H. CHAMBERS, executive director of the Young Women's Christian Association.

GUSTAVE BISGYER, executive director of the Young Men's and Young Women's Hebrew Associations.

THE REV. WILLIS R. FORD, executive secretary of the Council of Churches and Christian Education.

ROLLAND M. TEEL, president of the Private School Association.

CHARLES P. McCORMICK, president of McCormick & Co.

REUBEN OPPENHEIMER, chairman of the Maryland Board of Correction.

HARRY GREENSTEIN, executive director of the Associated Jewish Charities and Welfare Fund of Baltimore.

"Alarming Proportions"

The Mayor said in a statement he had been informed the narcotic traffic in Baltimore had reached "alarming proportions."

He added: "Extraordinary efforts by the entire community "are necessary if we are to stamp out this vicious, soul-destroying trade."

"Leaders in all walks of life must lend their active support and co-operation in an all-out fight against the illicit sale and use of drugs if we are to have a safe, decent city in which our children can grow to normal, healthy maturity," he said.

At the Tuesday meeting the Mayor will ask president of student councils of high schools and colleges to enlist as council members. The program may be expanded to include heads of other student organizations.

Sees Student Influence

"I wish to place particular emphasis on the selection of high-school leaders as members of the Youth Emergency Council," Mayor D'Alesandro said, "for in many cases they will be in a better position than their elders to know the true facts and will be able to exert great influence on fellow students.

"These student leaders will be asked to form a special subcommittee on the council, at the same time serving as members of the council itself.

"With the whole-hearted participation of the judiciary, law and enforcement officials, educators, clergymen, civic and welfare agencies, parents and boys and girls, I am confident that we can wipe out this menace to our community."

Called Almost Out Of Hand

On March 1, James S. Lanigan, a Federal narcotics agent, testifying before Judge Sherbow in Criminal Court, said the use of marihuana among Baltimore youth was almost out of hand.

Mr. Lanigan testified many dope addicts start out by using benzedrene for a "pickup" and this leads to marihuana and then heroin.

Criminal Court cases involving drugs have been on the increase for more than a year.

Policewoman Violet Hill Whyte testified in Criminal Court on March 2 that Negro teen-agers in the Pennsylvania avenue area were being given dope shots free by older addicts "in order to build up the habit."

She said many children 15 and 16 years old were involved.

The Board of Estimates, in a special session ten days ago approved the request for $10,000 to fight the dope trade.

JUDGE JOSEPH SHERBOW

65 ARRESTED IN DOPE RAIDS

28 In Washington Group Held Under Bond, Others Sought

Washington, March 17 (AP)—Cyril Lawrence, United States Commissioner today ordered 28 men and women, arrested in a sweeping series of narcotics raids, held under bond for court action. Bails ranged from $2,000 to $6,500.

Other arraignments were scheduled later. Federal narcotics agents and district police said the night-long series of raids had shattered the "biggest of the big" rings operating around Washington and in Virginia. Some of the locations raided had been supplying drugs to teen-agers and soldiers, officials said.

Sixty-five persons were under arrest and Lieut H. H. Carter said warrants have been issued for others.

Probed Army Camps

H. J. Anslinger, Federal narcotics commissioner, said eight months of undercover work preceded the raids here and in army camps in near-by Virginia. Some Federal agents went through army induction routines in following the drug distribution trail, Anslinger said.

Four soldiers were arrested at Fort Eustis, near Newport News, Va. One of them was identified by Federal agents as James Roberts, Jr., son of "Jim Yellow" Roberts, sentenced a year ago to 5-to-15 years in jail for selling marihuana and cocaine.

Agents said young Roberts had contacts with drug dealers in Washington.

Boyd M. Martin, district supervisor of the Bureau of Narcotics, said the raids were aimed at capturing "the vermin who have been selling heroin and marihuana to teen-agers and army personnel."

Agents said they believed they had struck at the main supply source for wholesale peddlers in this area. They reported seizing large quantities of undiluted cocaine and heroin.

EVE. SUN 3-19-51

Mother Sentenced On Forgery Charge

Imposing a two-year reformatory sentence on a mother of two children on forgery charges, Judge Joseph Sherbow today ruled that the sentence will be suspended to permit medical treatment if relatives place the woman in a proper mental institution.

Judge Sherbow acted after Dr. Manfred S. Guttmacher, court psychiatrist, reported that the defendant, Mrs. Lenora Dobbs, 300 block South Highland avenue, whose husband is on military service in Korea, was an acute alcoholic.

The woman, Assistant State's Attorney Edwin A. Gehring told the court, had cashed five checks involving a total of 135 by signing her stepfather's name. It was also revealed that she once before had been placed on probation on a similar offense.

MORN-SUN 3-20-51

Two Men, Woman Draw Jail Terms

Prison sentences were imposed in Criminal Court yesterday on two men and a woman convicted of gambling charges. Fines totaling $850 also were levied against the defendants.

Edward C. Patterson, 28, convicted of bookmaking charges by a jury under Judge Joseph Sherbow, was sentenced to four months in the House of Correction and fined $500.

Patterson was arrested in a raid on his home in the 1100 block Kelly place last February 19. Testimony produced by Edwin A. Gehring and Henry D. Blair, Jr., prosecutors, disclosed that Patterson was standing near a stove where papers were burning when police arrived.

One bet was taken during the raid over a telephone and a scratch sheet and so-called "payoff" book were seized.

A four-month prison term also was imposed on Paul Davis, 23-year-old Negro, who was convicted of attempted assault on a special policeman in a tavern and possession of numbers slips.

Prosecutors said Davis attempted to cut Special Patrolman Frederick Turner in a tavern in the 1600 block East Monument street last March 7. The incident occurred on the night of a televised championship boxing match, prosecutors said.

Miss Edith Howard, 39, a Negro, was sentenced to a 90-day prison term and fined $350 for accepting numbers play in the 1200 block Madison avenue on March 10. Police said the woman threw a bag containing numbers slips out of a window when they entered the premises, but the evidence was recovered.

MORN. SUN 3/21/51

TRANSFUSIONS BLAMED AT MURDER TRIAL

Wong Blood Used, Youth Sentenced Instead For Assault

A murder charge against a 17-year-old youth was dismissed yesterday when it was testified in Youth Court that the 18-year-old he stabbed had been given the wrong type of blood in two transfusions.

However, Judge Emory H. Niles found the defendant, James D. Vencill, guilty on a charge of assault with intent to murder and sentenced him to not more than five years in the Maryland State Reformatory.

Vencill, who lives in the first block of South Collington avenue, was accused of fatally stabbing Eugene Botts, 18, during a fight in the 700 block of East Baltimore street on December 8.

Dies In Hospital

Botts died December 15 at the Johns Hopkins Hospital.

The main question raised at the trial was whether Botts died of the stab wound or whether the blood-type mistake was the main cause of death.

Dr. Russell S. Fisher, chief medical examiner and a State's witness, testified that Botts, who had Type O blood, was given Type A in two transfusions.

He told Judge Niles that the mistake was discovered after a few hours and that the hospital authorities immediately began "a full-scale inquiry."

Usual Checks Made

Dr. Fisher added that Hopkins authorities notified him of their investigation before Botts died.

He said the hospital had made the usual checks and crosschecks and that in some other cities the case probably would have been ascribed to a "transfusion reaction."

What happened, Dr. Fisher said, was that hemoglobin from the unmatched blood had blocked sections of the kidney and that, in spite of all types of treatment, the damage was beyond repair.

After questioning by J. Harold Grady, assistant State's attorney, and Paul B. Mules, defense attorney, Dr. Fisher said Botts's death might have been caused by both the wound and the kidney blockage.

Laid To Kidney Failure

But, he added, in his opinion the internal bleeding from the wound had only a 10 per cent chance of causing death.

Asked by Mr. Mules what Botts had died of, he replied:

"Acute kidney failure."

Testifying in his own defense, Vencill said one of his companions on the night of the fight had been carrying a knife and that after this youth became drunk he (Vencill) took the knife away to protect the inebriate.

Botts, he asserted came across the street and started the brawl.

Judge Niles did not comment on the blood transfusion mistake. But he said the street fight had some of the aspects of "gang warfare" and that he was confident Vencill had been the aggressor.

EVE. SUN 3/21/51

Redistricting Bill Is Signed By McKeldin

Annapolis, March 21 (AP)—Maryland officially got a seventh congressional district today when Governor McKeldin signed a bill putting the new one in Baltimore city.

Under the 1950 census, Maryland became eligible for another member in the House of Representatives. The new Congressman will be elected in 1952.

The redistricting act was one of about 30 signed by McKeldin. Another allows police in some areas to "frisk" suspects for concealed weapons and then present the situation in court as evidence.

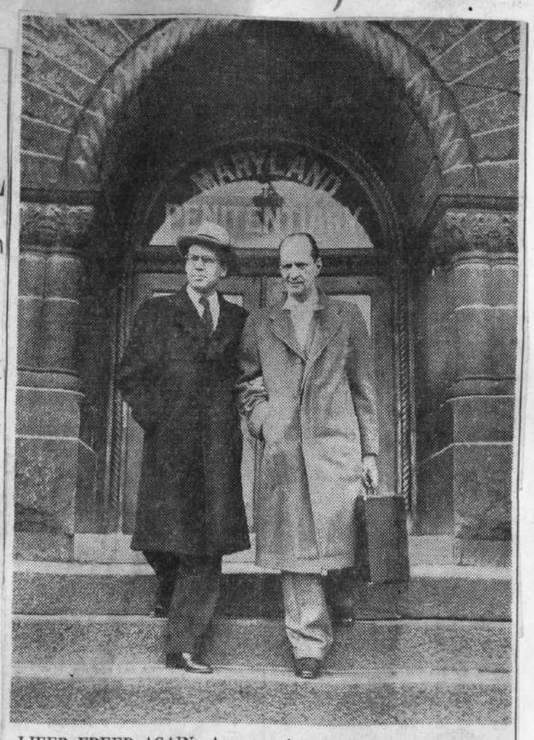
MORN. SUN 3-22-51

Sodaro To Be Honored At Banquet On April 11

The Appian Society will hold a testimonial banquet in honor of Anselm Sodaro, State's attorney, at the Lord Baltimore Hotel on April 11 at 7 P.M., it was announced yesterday by Clement R. Mercaldo, president of the society.

State and city officials have been invited to attend.

EVE. SUN - 3/22



LIFER FREED AGAIN—Accompanied by his attorney, Edgar Paul Boyko, left, James T. Murray, 56-year-old convicted murderer, walks down the granite steps of the Maryland Penitentiary, a free man. Judge Michael J. Manley ruled Monday that Murray's previous conditional pardon had been revoked without a proper hearing in 1942 and ordered his release. Murray and two other men were sentenced to life imprisonment in 1923 for the slaying of a Salvation Army home night watchman.

EVE. SUN - 3/23

2 RACING NEWS SERVICES GET SUMMONSES

To Appear Before Grand Jury Next Week; Third Voluntarily Agrees

Anselm Sodaro, State's attorney, yesterday issued summonses for two disseminators of sporting news to appear before the grand jury next week.

A third also will appear, having agreed voluntarily to do so.

Mr. Sodaro requested that they produce a list of the names and addresses of all their subscribers, as well as all agreements and contracts and other information concerning subscribers.

Summonses were issued to Armstrong Daily Sports, Inc., to appear Wednesday, and World Wide News and Music Service, Inc., Thursday.

Will Appear Volutarily

Howard Sports Daily agreed voluntarily to appear before the grand jury on Wednesday.

In testimony before a congressional committee the latter organization was described as a branch of a larger news service.

Last month Judge Joseph Sherbow suggested that the Public Service Commission "might well look into" the operations of sporting news services to determine whether they are supplying racing news for bookmaking purposes.

His recommendation followed the questioning of a representative of World Wide News and Music Service, Inc., about supplying sporting news service to a confectionery in the 2500 block of Eastern avenue.

Store Raided Twice

The store was raided twice by members of the police vice squad. Sporting news receiving equipment was removed after a raid in September, but when the place was raided in January, the service was still being received, according to testimony in Criminal Court.

A representative of World Wide News testified his company did not know about the September raid and that the company had not been paid the $40-a-week charge from last May until a few days before the January raid.

In another case, early in February, World Wide News, Howard Sports Daily and Western Union were called into Criminal Court where they denied they had any connection with equipment of the "teleflash" type which had been seized in a bookmaking raid in January—equipment which Capt. Alexander L. Emerson said was used for announcements of racing results and odds.

Also appearing at that time, on request of Judge Sherbow, officials and workers for the Chesapeake and Potomac Telephone Company said that at least part of the telephone extensions said to be used for bookmaking were "a home-made, amateur job."

EVE. SUN - 3/27

BALTIMORE, TUES., MARCH 27, 1951

Where To Start

In their testimony before Senator Kefauver's crime investigating committee yesterday, Attorney General J. Howard McGrath and Mr. J. Edgar Hoover stressed a point that deserves emphasis. They both warned of the dangers inherent in setting up anything resembling a national police force to cope with the crime which the committee has been opening up to public scrutiny. Expanding on this point, Mr. Hoover put forward the obvious alternative which holds the key to the situation—rigorous enforcement of the law at the state and local level.

As he put it, "if the laws against gambling presently on the state and local statute books were earnestly and vigorously enforced, organized gambling could be eliminated within 48 hours in any community in the land." His statement might be regarded as somewhat extreme as to the time it would take to do the job, but there can be no disagreement with the basic soundness of his analysis.

As Mr. Hoover reminds us, even the racketeers of national stature depend for their primary financial support on local gambling czars. Organized gambling is the meat and potatoes of the criminal underworld. Only by blasting the foundations out from under the big figures can the national ramifications of gambling be stamped out. And that is a job for local action.

Police Commissioner Ober and State's Attorney Sodaro, as well as Governor McKeldin and Mayor D'Alesandro, ought not to overlook Mr. Hoover's words.

The Kefauver Hearings Pose Some Tough Questions

The Senate and the country in general face a crop of questions in the wake of the television hearings of the Kefauver committee. There is the question of using television itself in these hearings. More narrow but perhaps more basic are the questions whether the hearings ought to be continued simply as a tool of exposure and disclosure, and whether they have shown or will show the need for new Federal legislation.

Take the question of new Federal legislation first. It was a suggestive detail of the New York hearings that former Mayor O'Dwyer was especially emphatic in urging new Federal legislation against racketeering and gambling. The big crime combines couldn't be broken up merely by local law enforcement said Mr. O'Dwyer.

And yet the original theory of the constitution was that policing was a local job. Certain powers over interstate commerce were conferred upon the Congress, to be sure. But crime in its major bearing on social life was to be handled by the towns and cities, the counties and the states.

Of course, times have changed and modern communications and transport have shortened distances. Less than ever can a single city vigorous in law enforcement get very far if all the other cities are corrupt or complacent or both. But wisdom probably still lies pretty near what was said yesterday in *The Sunday Sun* by State's Attorney Anselm Sodaro here in Baltimore: "The suppression of crime should be on a local level and is a job of the local law-enforcing authorities. . . ."

Nor is it as though we were still on an eighteenth-century basis in the matter of Federal laws on interstate crime. Actually there are a good many quite formidable statutes in this field already on the Federal books. There are Federal anti-prostitution laws, Federal anti-kidnapping laws, Federal anti car-theft laws, Federal anti tax-evasion laws, Federal extortion and racketeering laws. The Kefauver committee has shown shocking crime situations. It has hardly demonstrated, even yet, that we want to abandon on any general scale the original constitutional doctrine that crime suppression is a local duty.

Now for another major question—the one about the wisdom of continuing the crime hearings for their sheer value as a disclosure and revelation device. That they are indeed valuable in illuminating the dark things of our national life has already been made clear.

On the other hand, as stated above, and as just re-stated vigorously by Senator Kefauver himself, the constitutional rationale for the investigations is not merely to reveal, but to inquire into the possible need for new legislation. At some point, not easy to ascertain, the illumination function, really a by-function of the committee investigation, may well pull away from the constitutional limitation to inquiry merely in behalf of future legislation.

And here there is a highly practical point highlighted by reports already coming out of Washington. Representatives and Senators who are conducting hearings, particularly hearings in New York, Chicago, San Francisco and way stations, can't be legislating in Washington. The first job of the Congress is legislating. No doubt the sheer physical limitation on the human energies of Congress' members will in the end reinforce the constitutional rule that legislation must prevail over investigation.

But one thing more must be said. All the more abstract arguments will be swept aside in favor of more investigations if the public

MORN. SUN 3/26/51

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ORDERS JURY PROBE IN NUMBERS CASE

Judge Sherbow Cites Possible Perjury By Defendant

"If the Kefauver committee can do it, so can we," Judge Joseph Sherbow declared yesterday in ordering a grand-jury investigation of possible perjury charges against a confessed numbers-racket man.

Judge Sherbow directed Charles E. Orth, Jr., assistant State's attorney, to have the grand jury consider perjury charges against Kesley Diliver, 57-year-old Negro, who was sentenced to 90 days in the House of Correction and fined $350 on numbers charges.

Although Diliver testified in Criminal Court yesterday that he had no connections with a code-defendant, Ambrose Robinson, 35, police contended that Diliver told them Robinson was one of the operators of a numbers place in the 1200 block Laurens street last March 6.

Conversation Recounted

Diliver, police said, told them that Robinson had requested the right to use the Laurens street residence for numbers operations and that Diliver had approved the idea with the warning to Robinson that he (Robinson) would have to stand the consequences if caught.

Vice squad members observed Robinson entering and leaving the premises prior to the raid, and numbers books with the letters "A.R." were found in the place during the raid, according to testimony before Judge Sherbow.

In view of the testimony of Diliver, evidence against Robinson was insufficient to convict, Judge Sherbow held, and found that defendant innocent. He told Robinson, however, that he wasn't "fooling anybody."

MORN-SUN 3/29/51

Vendor Admits He Forwarded Bets

"Nice" people who are shocked by televised testimony about big-time gamblers, but who make small bets themselves, "don't seem to realize that they contribute to the start of gambling and the racketeers," Judge Joseph Sherbow declared in Criminal Court yesterday.

Judge Sherbow made the assertion after hearing testimony about a news vendor who admitted he forwarded $2 and $4 bets for his customers.

The vendor—Stanley Lehman, 24, of the 2100 block Fairview avenue—pleaded guilty to a bookmaking charge and disclosed that he telephoned his bets through a Prospect telephone exchange to a man named "Mike." That exchange, it was revealed, is in Anne Arundel county.

EVE. SUN - 3/28

Court Scorns Small-Bet Yen Of 'Nice People'

"Nice people" who indulge gambling instincts by making small, illegal bets aroused the scorn of Judge Joseph Sherbow today at a Criminal Court bookmaking trial. He said they provide an impetus for wide-scale gambling and racketeering.

The trial of a street-corner newspaper vendor, Stanley Lehman, also brought, for the first time, open revelation of a bookmaking spot in Baltimore county.

As a result, Judge Sherbow directed that county authorities and telephone company officials be notified so that action may be taken.

Vendor Pleads Guilty

Lehman, 24, of the 2100 block Fairview avenue, pleaded guilty to two charges through Maurice T. Siegel, attorney, and revealed that he telephoned his bets to a Baltimore county number, which he said was listed in the Prospect exchange.

"Nice people live in suburban areas as well as in the city and yet place $2 or $6 bets," Judge Sherbow remarked after questioning Lehman. "Yet, when they watch television and hear of the Costellos and others, they're shocked."

"They don't seem to realize that such 'nice people' contribute to the start of the gambling and the racketeers. It's just as clear as day, but they don't seem to realize it."

Judge Sherbow said schoolchildren ask him hoy they could respect the law when they could see bets being taken on street corners. "Either the cops can't see them or don't see them," he said.

Withhold Sentence

Withholding sentence until a later time, the judge released Lehman in custody of his attorney.

"It's the first time I have had somebody who's a wee bit frank," the judge remarked.

Lehman said he phoned his bets to "a fellow by the name of Mike." He testified that he started in the bookmaking game about three weeks before his arrest, late in February, because many of his customers, residents of the West Arlington-Howard Park section and rural areas in Baltimore county and Carroll county, had asked him if he could help them place bets.

Identified As "Red"

Assistant State's Attorney Charles E. Orth, Jr., revealed that police had watched Lehman, who is red-headed, take bets one day, had arrested him on the next after seeing him take another bet and hearing him telephone it from a drugstore phone booth, identifying himself as "Reds."

Under judicial questioning, Lehman said he sold papers at the Liberty Heights and Gwynn Oak avenue corner from the time he was 13 years old.

He described himself as now "really a wholesale news dealer," and told of having other boys working for him. He said he made up to $100 a week from his sale of newspapers.

Arranged To Handle Bets

He told the judge that when customers asked him about a place to make bets, he remembered that he occasionally played the horses himself by telephoned bets. He then made arrangements to handle bets for others, he said.

The main bookmaker, Lehman declared, stopped at the corner several times a week to make settlements. Lehman described the man as "about 5 feet 8 inches—not much hair on the top of his head—blue eyes and glasses."

This bookmaker drove a Pontiac car, he said, model "1947, or maybe '46 or '48," but he had never noticed the license number, Lehman said.

MORN-SUN 3/29

VOTE HANDBILL CHARGE TO BE INVESTIGATED

Sodaro To Probe Papers Linking Candidates To Pollack Camp

Anselm Sodaro, State's attorney, yesterday announced his office will conduct a probe of at least one of the multiple complaints of irregularities during Tuesday's primary election.

Mr. Sodaro said he will investigate campaign literature circulated in the Third district.

Four defeated candidates for the City Council charged that unauthorized handbills giving them the "kiss of death" alleged they were supported by the Pollack organization.

The handbills, they said, were distributed throughout the Third district and to a lesser extent in other sections.

Meanwhile, supporters of C. Lloyd Claypoole's losing fight for the City Council presidency were talking of contesting in court the nomination of Arthur B. Price, but up to last night they had taken no action.

Pollack Sees Development

However, James H. Pollack, Fourth district boss and head of the faction which gave Mr. Claypoole his principal support, said there may be "something interesting" in the next 48 hours.

Earlier, a spokesman for Mr. Claypoole said there was a definite possibility of a challenge to the Price victory. He said there were too many things wrong with the so-called official police report in the close race which showed Price the winner with 28,856 votes to 27,743 for Claypoole.

Four complaining aspirants to City Council posts met with the State's attorney yesterday afternoon and brought with them a sheath of circulars about which they protested bitterly.

Asks Printer To Appear

The group included Frank J. McQuade, Jr., Thomas L. Fitzpatrick and Paul J. Reed, Jr., of the Third district, who were supported by Mrs. Lillian Klecka, from the Second district.

Mr. Sodaro announced he has requested a printer, believed to have printed the pamphlets, which bear the authorization of no political agent, to appear in his office this morning for questioning.

The disputed campaign material bore the words "The Jack Pollack Ticket" in large, bold type and described Pollack as the "Boss of the Fourth district."

"Jack Pollack wants his friends to vote for," one of the pieces of literature read, and the names of the complaining candidates followed.

The color of the paper on which the unauthorized handbills were printed and the makeup appeared to resemble legitimate campaign material printed by the company whose operator will be quizzed by the State's attorney today.

MORN. SUN 3/29/51

2 RACE NEWS OFFICIALS GO BEFORE JURY

Representatives Of Two Other Services Called In Gambling Probe

Officials of two sporting news wire services yesterday appeared before the grand jury, which opened an investigation of activities of such sporting-news agencies.

Harry E. Bilson, general manager of Howard Sports Daily, and Jacob Brenner, of New York, president of Armstrong Daily Sports, Inc., were the witnesses called before the grand jury.

Representatives of World Wide News and Music Service, Inc., have been summoned to appear before the jury today, it was announced by Anselm Sodaro, State's attorney, and William H. Maynard, his deputy.

Betting Activities

The jury probe is aimed at determining whether wire services supplied by the three companies are being used in connection with illegal betting activities.

Reports of the Kefauver committee investigating organized crime have named Howard Sports Daily as a "dummy" operation of Continental Press Service which, the committee declared, is being run by gangsters of the Capone syndicate.

The Howard Sports Daily representative appeared voluntarily before the grand jury yesterday. Summonses were issued for the appearance of officials of the other two sports-news services.

PSC Has Conducted Probe

The three agencies were requested to produce before the grand jury lists of names and addresses of all subscribers.

The World Wide concern has been linked in Criminal Court testimony here with raided bookmaking headquarters.

Mr. Sodaro disclosed yesterday that the Maryland Public Service Commission also has conducted a probe of the wire service agencies, as he requested, and that certain action may be taken to prevent use of the sporting news for illegal purposes.

EVE. SUN. 3/29

Welsh Doubles Vote-Machine Police Guard

By Bradford Jacobs

Police guards were doubled on the city's 1,020 voting machines as the official vote count of the municipal primary elections began today in an aftermath of increasing political tension.

All election returns are unofficial to date and several close contests, including that for the presidency of the City Council, are under severe scrutiny.

Leo M. Welsh, chairman of the Board of Supervisors of Elections, said he ordered the three-man police detail doubled at the board's warehouse, 307 Franklintown road, when he learned of complaints that some of the machines carry inaccurate readings.

Sealed When Polls Closed

"I wasn't going to have anybody sneaking in there and fooling with the seals," Mr. Welsh said.

All machines were sealed when the polls closed at 7 P.M. Tuesday and are not to be opened until the official count begins.

Official returns should be available for certification by the board on Monday, Mr. Welsh said. A canvass of the returns sheets is to be completed tomorrow night, then compared on Saturday and possibly Sunday with the voting machines.

At stake is the 1,113-vote margin by which Arthur B. Price apparently won the Democratic nomination for the Council presidency from C. Lloyd Claypoole. Advisers of Mr. Claypoole deferred until today a meeting scheduled to decide whether they will challenge the Price victory.

A Claypoole spokesman said these reported irregularities might support a challenge:

A loss of 300 to 400 votes by Mr. Claypoole in one return incorrectly reported to the Police Department.

Questions raised about still further losses in an estimated 800 to 900 voters who told Claypoole headquarters they were stricken from the voting lists improperly and not allowed to vote.

One complete precinct allegedly "lost" in the election night shuffle.

Duffy To Eye Count

Still another watchful eye on the official count will be that of James J. Duffy, who lost out by only sixteen votes on unofficial returns from the First district race for Democratic nomination to the City Council.

Simon P. Jarosinski, now an incumbent councilman from the district, was awarded 7,604 votes in the police count to 7,588 for Mr. Duffy.

Unofficial returns also show Paul J. Reed, Jr., a close loser for Democratic nomination to the Council from the Third district, and Medio Waldt in similarly challenging position in the Second district.

Mr. Reed was apparently nosed out by 56 votes and Mr. Waldt, by 177 votes.

Fake "Slate Cards" Probed

Meanwhile, State's Attorney Anselm Sodaro had begun investigation of charges from the Third district concerning supposedly irregular campaign literature.

The charges were laid before him by four defeated City Council candidates who said they were branded by fake "slate cards" as being on "the Jack Pollack ticket."

James H. (Jack) Pollack, though the Democratic boss in the Fourth district, is regarded in the Third district as a political invader and association with him there reacts as a political handicap.

The four complainants were Mr. Reed, Lillian L. Klecka, Thomas L. Fitzpatrick and Frank J. McQuade, Jr.

EVE. SUN. 3/29

Numbers Writer Sentenced And Fined $2,000

Arrested after a woman numbers player claimed he had welshed on "a $7,000 hit," Anthony Martini, 27, ex-convict and admitted numbers writer, today was fined $2,000 and sentenced to one year in the House of Correction.

Caught when he walked into Martini's home while it was being raided last March 16, Anthony DeAngelo, Jr., 19, of the 100 block Five and a half street, was convicted of numbers and bookmaking.

A motion for a new trial caused deferment of sentence, but the court increased the youth's bail from $2,000 to $5,000.

Questioned On Backers

Judge Joseph Sherbow and Assistant State's Attorney Charles E. Orth, Jr., both questioned Martini about his alleged backers. The defendant declared he made his dealings through a man he met on a street corner and insisted:

"They call him Johnny, that's all I know."

Mrs. Edna Mercina, a widow, of the 1000 block South Linwood avenue, who said that she and her two sisters and other women often got together to play as much as $25 at a time on numbers, declared Martini, in conversations, had named one man as "Goldstein" and another as "Benny Trotta."

Mrs. Mercina told the Judge that on February 13, she and her sisters and others had "played $10 between them" on 345, and that her winning "should have been over $7,000."

She said she never got paid, that Martini "came around and said I wasn't going to get the money."

"He said he didn't get it himself," she added. "I told him I'd take it further."

Saying that she notified the police, Mrs. Marcini explained:

"I thought if I couldn't get my money, then nobody else should play and loose their money."

Denies Such Big Win

Martini, who lives in the 200 block South Eaton street, and said he held his last job in 1943, denied that there was any such big win. He said Mrs. Mercini and her companions on one accasion had won a $3.60 bet and "were paid over $3,000."

Later they made a 75-cent "hit" and several other smaller hits until the dispute over anotehr 75-cent claim which arose from the woman changing the figures on her records, Martini said.

From that time on, he insisted he gave her carbon copy data on conventional numbe rslips, and denied there was any $10 play in February.

NEWS- 3/29/51

His Number Comes Up:

Policy Writer Given A Year

An admitted numbers writer who failed to pay off a $10,000 hit to a woman player, according to testimony, was fined $2,000 and sentenced to one year in the House of Correction today by Judge Joseph Sherbow.

The writer, Anthony Martini, twenty-seven, 200 block South Eaton street, denied that the player, Mrs. Edna Mercina, 100 block South Linwood avenue, had played the number—345.

'DREAM' NUMBER

She insisted she and several of her friends had played $10 on that number last February 13 after one of her friends had "dreamed it" the night before.

Mrs. Mercina, who told the court she played numbers regularly with Martini, whom she knew as "Chickie," said she was told that "the backers" were not going to pay her the $10,000.

Asked by Judge Sherbow who the "backers" were, she declared she had been told they were a man named Benny Trotta and a man named Goldstein."

State's Attorney Anselm Sodaro said he would make an investigation to determine if the men named are numbers backers.

Martini, on the witness stand, denied that Mrs. Marcina had played number 345 on that date, declaring that if she had "she would have been paid."

He said that Mrs. Marcina had "hit" him before, once for $3,000, and was paid, and that they had an argument once over a "seventy-five cent hit" which she claimed.

Since that time, he said, he had given her carbo ncopies of the numbers she played through him, and that there was no record of 345 on February 13.

SHERBOW COMMENTS

Judge Sherbow, before sentencing Martini, asked him if he wanted to "talk."

Martini replied:

"About what?"

Judge Sherbow then declared he had "always thought that you guys who take the rap would someday want to tell who are the tinhorn sports you take the rap for."

Martini made no further statement.

An eighteen-year-old youth, Anthony DeAngelo, Jr., arrested along with Martini when Sgt. Joseph Byrne raided the Eaton street address on a warrant, was found guilty of bookmaking at the same trial, but was held in $5,000 bail when he filed motion for a new trial.

The cases were prosecuted by Assistant State's Attorney Charles E. Orth, Jr.

SUNDAY SUN - 3/25

O'CONOR SEES PROBE IN STATE

Says Senate Group Will Come Here If It Is Continued

Crime conditions in Maryland will be studied by the Senate Crime Investigating Committee if the group's life is extended beyond March 31, Senator O'Conor said late yesterday.

"The only thing which would keep the committee from coming into Maryland would be the discontinuance of its work," O'Conor said.

Although the present committee will reach its deadline Saturday night, there has been strong support voiced in Washington that its work be continued, either through the extension of the present committee or through a permanent commission.

Receives Narcotics Data

Senator O'Conor said that the committee has received considerable information regarding the local traffic in narcotics, including a copy of the letter sent by Governor McKeldin to the Baltimore police commissioner and the State superintendent of police.

He also explained that "quite a few telephone numbers, centered mostly in the Bowie area," were included in a lengthy list of telephone calls accepted "collect" by an alleged bookmaking establishment in St. Louis.

A record of these phone calls was turned over to the committee on Thursday during the appearance before the committee of James J. Carroll, long-time St. Louis "betting commissioner."

Linked To "Comeback" Bets

These numbers, it was learned, will be studied with reference to off-track betting on horse races and the part played by "comeback" bettors working for a gambler.

Senator O'Conor said he agreed with the statement made earlier today by Senator Tobey (R., N.H.) that the committee should look into crime conditions in Washington, Pittsburgh and Maryland.

Senator Tobey has been following the local narcotics situation with particular interest, O'Conor said.

O'Conor May Head Committee

Should the committee continue its worke, it was reported today in Washington that Senator O'Conor may become chairman, replacing Senator Kefauver (D., Tenn.), who has announced he will resign.

During the past week, Senator Kefauver has called upon Senator O'Conor to preside four times at committee hearings, both in New York and Washington.

Anselm Sodaro, State's attorney, said last night that the Senate committee "can expect full and complete co-operation" from his office if it studies conditions in Baltimore.

Cites Local Authority Role

Mr. Sodaro stated that "with the continued alertness and close co-operation of the Police Department and the State's attorney's office and the courts, I feel the matter can be satisfactorily handled.

"The suppression of crime, including, of course, gambling and narcotics should be on a local level and is a job of the local law-enforcing authorities," Mr. Sodaro said.

NEWS - 3/29/51

Printer Quizzed In 'Death Kiss' Probe

A print shop proprietor who printed the "kiss of death" handbills circulated in the Second and Third Councilmanic districts prior to Tuesday's primary elections, on which four candidates blame their defeat at the polls, was under questioning today by State's Attorney Anselm Sodaro in his probe of possible election law violations.

Unnamed, as yet, the printer was summoned after Mr. Sodaro, acting on their own complaints, yesterday questioned the four defeated Councilmanic candidates—Frank J. McQuade, Jr., Thomas L. Fitzpatrick and Paul J. Reed, Jr., of the Third, and Mrs. Lillian Klecka of the Second district.

The hand bills, distributed just prior to the opening of the polls, bore the names of the four candidates under the statement, "Jack Pollack wants his friends to vote for . . ."

Use of their names was unauthorized, the candidates, told Mr. Sodaro, and linking of them with the Fourth district political leader, they charge, caused their defeat.

Mr. Sodaro's investigation is to determine whether distribution of the hand bills was in violation of the State Corrupt Practices Act.

MORN. SUN. 3/30

Mr. Sodaro Takes Steps To Practice What He Preaches

State's Attorney Sodaro is suiting action to word when he invites the grand jury to examine certain sports news agencies operating locally. In *The Sunday Sun* Mr. Sodaro was quoted as saying that no new Federal legislation was necessary in the wake of the Kefauver committee hearings. There were local laws against the activities highlighted in the hearings and local facilities to enforce those laws, said the State's attorney.

Already Kefauver committee testimony had cited the Howard Sports Daily, one of the local outfits. The claim made was that the Howard agency was a dummy controlled by the Continental Press Service which, in turn, was said to be operated by members of the Capone syndicate. No doubt with this tip in mind, Mr. Sodaro invited the Howard people to show before the grand jury. A Howard representative appeared voluntarily on Wednesday.

Also before the jury Wednesday was the president of Armstrong Daily Sports, Inc., in the same line of business. Armstrong is one of the bigger operators with merely a local office in Baltimore. The Howard agency and the World Wide News and Music Service, Inc. (representatives of the latter were before the grand jury yesterday) have their headquarters in Baltimore. All three provide racing information. The question is whether that information is used by gamblers in violation of the anti-gaming laws. The agencies were invited to file with the grand jury full lists of their patrons, with addresses.

Mr. Sodaro has acted, too, to have the Public Service Commission contribute its bit to the newest survey. The commission does not regulate or control the sports agencies directly. But such agencies do operate over the wires of public utilities under commission regulation. The telephone companies reserve in their customer contracts the right to discontinue service if proof comes to them from a public agency or other bona fide source that the facilities are being used for illegal business.

What Mr. Sodaro seems to be doing, in brief, is appl ng the powers already at the disposal of l law enforcement agencies against any po ible Maryland ramifications of the mbines spotlighted by the Kefauver comm . That is the kind of thing the constit on makers had in mind when they made licing a local and not a Federal function. It is the kind of thing that argues against new Federal laws in a field where local laws, *when enforced*, will almost certainly serve.

MORN SUN - 3/20

Pastore Will Speak At Sodaro Banquet

Senator Pastore (D., R.I.) will be the principal speaker at a testimonial dinner for Anselm Sodaro, State's attorney for Baltimore city, to be given here by the Appian Society on April 11.

The banquet will b given at the Lord Baltimore Hotel, it has been announced by Philip Vizzini and Peter Mantegna, Sr., chairmen of the banquet committee.

John Orlando Pastore was the first American of Italian extraction to be a governor in the United States and the first Italo-American to sit in the United States Senate.

MORN SUN 3/20 3/20/51

CITY POLICE FACE PROBE ON BOOKIES

Ober To Act On Demand By Judge Sherbow At Gamblers' Trial

Judge Joseph Sherbow in Criminal Court yesterday called for "an investigation by the police commissioner, himself," to determine why uniformed policemen fail to detect gambling operations in their beats.

Col. Beverly Ober, commissioner, last night asserted he would make such an investigation.

Judge Sherbow's demand for a probe came at the conclusion of a case in which testimony disclosed that operators of a bookmaking establishment had strung racing-news wires a distance of about a block to another gambling location.

The judge declared that the work of installing these wires along the power poles had "to be done out in the open, exposed to public view."

"High Time We Found Out"

He charged that "either local police do not see what they don't want to see, could not see what was apparent," or were not around when the wires were put up.

"It's high time we found out why all the raids have to be carried on by one segment of the Police Department, and not by the men on the beats," Judge Sherbow said.

Colonel Ober last night said he had no facts on the Criminal Court case, but said he agreed with Judge Sherbow's comments.

The commissioner said he will not only investigate the subjects of the criticisms, but will do his "best to correct them."

"To Fool Emerson"

Evidence produced by Charles E. Orth, Jr., prosecutor, disclosed that the gamblers ran the two spots with the connecting wires to "fool Captain Emerson" (Capt. Alexander L. Emerson, head of the police vice squad).

The wire racing news service, police said, had been supplied to the one location—2332 Frederick avenue—by World Wide News and Music Service, one of the three sporting news disseminators now being probed by the grand jury.

Wires from this location then had been run by someone over the roof, along telephone poles in an alley and to another gambling quarters at 2218 Frederick avenue, where a second microphone also gave out the racing news, evidence disclosed.

Defers Sentencing

Judge Sherbow deferred imposition of sentence on three men convicted by the jury in the case pending a possible new-trial move. The defendants were Edward J. Riggie, 37, of the 400 block Westgate road; Richard Riggie, 36, of the 4000 block Gelston Drive, and Arthur Winterode, 46, of the 1200 block Hollins street.

The Riggies operate a poolroom at 2332 Frederick avenue, police said.

The judge said has "great admiration for the lice Department as a whole for a great number of indivi members," but that he is fully nvinced that bookmaking and y on the lowest levels must nforced by local police official

Grand Jury Probe Goes On

"This is the kind o case police officials should want to go into, to find out why the patrolmen, the sergeants, the lieutenants and perhaps even the captain didn't know this operation was going on," the judge asserted.

Meanwhile, the grand jury continued its probe of sporting-news disseminators.

Sitting in special session, the jurors called before them Leonard Matusky, head of World Wide News and Music Service, and Harry E. Bilson, official of Howard Sports Daily, Inc.

Anselm Sodaro, State's attorney, said the jury has not requested that summonses be sent out for additional witnesses at this time. The prosecutor stated he was unable to say whether the jury probe has been completed.

VOTING DATA GOING TO JURY

Distribution Of Anti-Pollack Material To Be Probed

The Baltimore grand jury early next week will be asked to investigate the distribution of illegal election material in the Third district during Tuesday's primary election, it was announced yesterday by Anselm Sodaro, State's attorney.

Meanwhile, Mr. Sodaro disclosed that he has received complaints of unauthorized handbills being circulated in the Fifth district. Those complaints also may be the subject of a grand jury probe, the prosecutor said.

The State's attorney made it clear that for the present, however, he is planning to ask a grand jury probe only of the alleged irregularities in the Third district.

Sodaro Talks With Printer

Other complaints, including one involving campaign expenditures, also are before the State's attorney.

Mr. Sodaro's decision to call for a grand jury investigation of election irregularities came within a few hours after he conferred with Samuel Bromwell, a printer.

Mr. Bromwell was requested to appear in the prosecutor's office after four defeated candidates for City Council posts in the Third and Second districts complained that unauthorized flyers linked them with the political machine of James H. Pollack, Fourth district leader.

The complaints were lodged by Frank J. McQuade, Jr., Thomas L. Fitzpatrick, Paul J. Reed, Jr., and Mrs. Lillian Klecka.

The four complained that the handbills made it appear that they were the choice of Mr. Pollack for election to a City Council post.

Mr. Sodaro declined to discuss his conversations with Mr. Bromwell. He said the handbills about which the political aspirants complained contained the names of no political agents, as required under election laws.

EVE. SUN - 3/30

Grand Jury Told To Study Vote Drive Here

A grand jury probe of campaign expenditures in last week's primary election today was called for by Judge Jos.ph Sherbow.

Revealing that State's Attorney Anselm Sodaro had conferred with him "regarding the need for this investigation," the judge called members of the January term Baltimore grand jury before him in Criminal Court to direct that they make "immediate, full and complete investigation."

The judge told the jurors that he understood the prosecutors would start immediately on the probe. Mr. Sodaro revealed that he would issue a list of witnesses during the day for summons.

Judge Sherbow pointed out that the State's attorney is already pressing another investigation concerning use of anonymous and officially unauthorized handbills in last week's elections, which also might come to grand jury attention.

Testimony Analyzed

Judge Sherbow told W. Norris Weis, grand jury foreman, and the other jurors that even if they found no violations of the Corrupt Practices Act, their inquiry might lead to improvements in or strengthening of that law.

While the judge made no comment concerning last November's elections and revelations in senatorial investigations that appear to point to violations of the Corrupt Practices Act, Mr. Sodaro pointed out that he and one of his aides, William C. Rogers, Jr., have been analyzing the Washington testimony in detail.

Any action on their part should await the end of the Senate probe, the prosecutor said.

Judge's Statement

Judge Sherbow's statement to the grand jurors was:

"The court calls your attention to a situation that requires immediate, full and complete investigation on the part of the grand jury.

"In the recent primary election campaign, statements were made regarding lavish expenditures of money. Some of these statements came from irresponsible sources, others were made by responsible citizens.

"It is your duty to make a thorough and complete investigation to determine whether or not there have been any violations of the Corrupt Practices Act of Maryland.

Co-Operation Pledged

"Mr. Anselm Sodaro, State's attorney, has conferred with the court regarding the need for this investigation, and he will render you every assistance and the fullest co-operation.

"You have a right to call on every law-enforcement agency for information and assistance. The hearings which you will hold will probably require you to sit longer hours than you have in the past, but this is a public duty which we know you will gladly undertake.

"There is another phase of the recent election which the State's attorney is now investigating which will require some attention on your part. We refer to alleged printing and distribution of printed matter which may be in violation of the Corrupt Practices Act.

Public Advised

"It is necessary to advise the public not to draw any conclusions or inferences from the fact that certain witnesses appear before you. This does not mean they have violated any law, or are themselves under investigation, but it does mean that the grand jury is seeking information from them.

"If anybody attempts to communicate with you directly or indirectly in any attempt to influence you in any manner, it is your duty to report this at once to your foreman, the State's attorney or the court.

"Even if you find no violations of the Corrupt Practices Act, the investigation on your part will have the healthy effect of highlighting any weaknesses that may exist in our present Corrupt Practices Act and perhaps bring about needed changes."

NEWS - 3/30

Found guilty on three charges of false pretense by obtaining money for telling fortunes, Mrs. Mary Gilt, thirty-five, mother of five children, today received six months' suspended sentenced in the Woman's Reformatory by Judge Joseph Sherbow in Criminal Court. The judge asserted the woman's a "fake and a fraud" but he was considering her children when he supended sentence.

EVE. SUN. 3/30

Vote-Office Desk Hunt Linked To Price Issue

By Bradford Jacobs

Political intrigue cloaked the Board of Supervisors of Elections today after two board members made surprise search of the desks of two employés, found nothing an then retired behind a wall silence.

Unofficial reports immediate linked the search to the impending election contest by C. Lloyd Cla poole, who charges "irregularitie in the vote by which he was a parently defeated on Tuesday Arthur B. Price for nomination the presidency of the City Counci

Veracity was lent these repor by two facts:

The election board's Dem cratic chairman and a clamorous Price backer, Leo M. Welsh, was not told the object of the search and did not participate.

The search itself was instigated by Harry Singerman, the secon Democratic member, who is politically allied with a powerful Claypoole supporter, James H. (Jack) Pollack.

Won't Discuss It

Mr. Singerman, who presumably was aware of what might be found, would not discuss it.

"I don't know yet what this may lead to," he said. "I can't say any more at this time."

But Mr. Welsh demonstrated no such vocal inhibitions and put his finger on Mr. Pollack as the man behind the Singerman search.

"It's all very mysterious," Mr. Welsh said, "but it seems to me to be strictly a Pollack move to intimidate the election office and to discredit the Democratic party while it still controls the office."

Once Allies

Political relations between Mr. Welsh and Mr. Pollack, once allies, have been strained to the point of outright enmity since Mr. Pollack strove to beat him out of an appointment from Governor McKeldin to the new election board which takes office in June. Mr. Welsh is a close friend of Mayor D'Alesandro.

The Welsh observation echoed the belief by some anti-Pollack factions that the Fourth district leader plans to abandon the Mayor's campaign for reelection and support, instead, Joseph L. Carter, the Republican nominee.

Not Told Of Matter

Mr. Welsh said he was not told of the matter by Mr. Singerman and did not participate in the search.

Charles A. Dorsey, the single GOP board member, who is to become chairman in June, accompanied Mr. Singerman on the search but could not be reached for comment.

Nothing of interest was apparently turned up by the search. It took place at approximately 7.30 o'clock last night while employés were busily at work compiling the official vote-count of Tuesday's primary elections.

Leroy Frederick, chief election clerk, called out from the group of huddled workers George Anderton and Mrs. Margaret Boland at the instructions of Mr. Singerman and ordered them to unlock their desks in the supervisors' office. Both are clerks with political backing from factions close to the Mayor.

Under the supervision of Mr. Singerman, Mr. Dorsey and Mr. Frederick, the desks were opened and searched. Only personal effects and ordinary, noncontroversial material appeared.

Asked For Guard

Mr. Singerman, while declining to discuss his motives in asking for the search, admitted that "rumors" of an undisclosed nature had prompted him last week to request from Mr. Dorsey that a special, nonpartisan guard be placed over the official records waiting in the office to be transported to the various polling places before the Tuesday election.

Asked if Mr. Welsh had been informed of the rumors, whatever they were, Mr. Singerman would say only that "a board matter" was involved. Mr. Welsh s Mr. Singerman told him nothin about it.

Mr. Dorsey, according to his insurance office, was "somewhere on the water front" and beyond the reach of communication.

NEWS - 3/30

Judge Orders Probe Of Primary

Judge Joseph Sherbow in Criminal Court today called the entire Grand Jury before him and charged them to make a "full and complete" investigation into the recent primary election campaign, with particular regards to the alleged lavish expenditures of money.

Also, he instructed the jury to investigate certain statements made in connection with the election campaign.

Addressing the Grand Jurors Judge Sherbow said:

"The court calls your attention to a situation that requires immediate, full and complete investigation on the part of the Grand Jury.

CAMPAIGN EXPENSES

"In the recent primary election campaign satements were made regarding lavish expenditures of money. Some of these statements came from irresponsible sources, but others were made by responsible citizens.

"It is your duty to make a thorough and complete investigation to determine whether or not there have been any violations of the Corrupt Practices Act of Maryland.

"Mr. Anselm Sodaro, the State's Attorney, has conferred with the court regarding the need for this investigation, and he will render every assistance and the fullest co-operation.

"You have a right to call upon every law enforcement agency for information and assistance. . . .

"There is another phase of the recent election which the State's Attorney now is investigating, which will require some attention. . . .

PRINTED MATTER

"We refer to alleged printing and distribution of printed matter, which may be in violation of the Corrupt Practices Act.

"It is necessary to advise the public not to draw any conclusions or inferences from the fact that certain witnesses appear before you. This does not mean that they have violated any law or are themselves under investigation, but it does mean that the Grand Jury is seeking information from them.

"If anybody attempts to communicate with you directly or indirectly in any attempt to influence you in any manner . . . report the instance at once to your foreman, the State's Attorney or the court.

"Even if you find no violation of the Corrupt Practices Act, the investigation on your part will have the healthy effect of highlighting any weakness that may exist in our present Corrupt Practices Act and, perhaps, bring about needed changes."

4 LODGE COMPLAINTS

On Wednesday four defeated candidates in the Second and Third district, running for Democratic nomination to the City Council, complained to State's Attorney Sodaro concerning a circular they said had been distributed linking them with James H. ("Jack") Pollack, Fourth district political leader.

They termed the circulars "the kiss of death" and declared they were instrumental in their defeat.

MORN. SUN. 3/31

PARTY AIDES SUMMONED IN PROBE OF VOTE

Candidates Also Asked To Appear Before Grand Jury

Political leaders and candidates in the recent primary election have been summoned to appear before the grand jury Monday and Tuesday in connection with a probe of election expenditures called for by Judge Joseph Sherbow and Anselm Sodaro, State's attorney.

Judge Sherbow directed the grand jury to investigate campaign expenditures and other complaints of election irregularities to determine whether there have been violations of the State's Corrupt Practices Act.

Five witnesses have been requested to appear at a special session Monday afternoon. A similar number has been summoned to appear for questioning Tuesday afternoon.

Mr. Sodaro requested summonses for the following on Monday:

GEORGE J. MUELLER, 5 South Gay street, Democratic leader in the Fourth ward and special inspector for the Maryland Racing Commission.

JOSEPH ORYCKI, 417 Anglesea street, employe of the Orphans Court and Democratic executive in the Second ward.

PATRICK F. O'MALLEY, 26 South Calvert street, party leader in the Third district.

MRS. AUGUST KLECKA, 524 North Lakewood avenue, unsuccessful candidate for City Council from the Second district.

PATRICK REGAN, 1018 South Clinton street, Democratic faction head in the Twenty-sixth ward.

Scheduled For Tuesday

Scheduled to appear before the jury on Tuesday are:

EDWARD A. FREBURGER, 708 East Fort avenue, Sixth district councilman defeated in the primary.

MAX (HENNESSY) COHEN, 1309 North Charles street, night-club operator and political figure in the Eleventh ward.

WILLIAM GREENFELD, Court Square Building, attorney, police magistrate and unsuccessful Curran candidate for the council from the Fourth district.

WILLIAM J. MUTH, vice president of the council, who unsuccessfully sought election as president of the council.

H CLIFTON OWEN, Davison Building, attorney, Republican and secretary to former Mayor McKeldin.

The probe into campaign expenditures will deal with election-day spendings and complaints of alleged vote-buying," rather than with financial statements of general campaign expenditures, Mr. Sodaro pointed out.

Cites Worded Statutes

Statutes covering allowable expenditures by a candidate or political agent are broadly worded so that it is difficult to determine how much may legally be spent, Mr. Sodaro noted.

One section of the statute which may be involved in the probe prohibits anyone to give or receive any money or gift "for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person. . . ."

Judge Sherbow also directed the jury to investigate complaints of printed material which may be in violation of the election laws.

MORN SUN 3/31

SODARO ASKS OWN CRIME, VICE SQUAD

To Concentrate On Gambling, Dope, Elections Violations

Anselm Sodaro, State's attorney, yesterday sought immediate assistance from the commissioner of police to enable the prosecutor's office to give "expeditious attention" to well-founded complaints of dope, gambling and election violations.

In a letter to Beverly Ober, commissioner of police, Mr. Sodaro reminded the police head that such aid had been sought nearly three months ago, but that thus far no action had been taken.

Mr. Sodaro asserted that he is prepared to submit the "names of five members of your department, in whom I feel I can repose confidence and who would be able to perform these duties."

Mr. Sodaro's Letter

Although not specifically stated in the letter, Mr. Sodaro pointed out that he had previously discussed with Commissioner Ober the need of having a staff of policemen to promptly track down bona fide complaints of narcotics, gambling, election, or other violations that are constantly reaching his office.

Mr. Sodaro's letter read as follows:

"You may recall that on January 5, 1951, shortly after my taking office, I and my deputy, William H. Maynard, conferred at length with you about the general relationship of the Police Department and the State's attorney's office, and various law-enforcement problems, and particularly, my desire to have police officers permanently assigned to this office.

"The purpose of these officers working out of the State's attorney's office is not, as I explained to you, in any manner to set up another police force.

"Needless to say, the detection and the apprehension of criminals is primarily the function of the Police Department. The preparation for trial and the prosecution of cases are functions of this office.

Five Officers Sought

"However, numerous complaints, many of which are well-founded, are made to this office, and require full and thorough investigation. Best results in many of these matters can be often secured by expeditions and expert attention.

"In addition thereto, a great many of these cases that are brought into the office for prosecution require additional preparation and investigation before trial in Criminal Courts. In my judgment, this office can more efficiently function with the assistance of these investigators.

"After giving the matter considerable thought, I feel a detail of five officers is required. I am not unmindful of the shortage of manpower in your department and I would not make this request at this time if it was not of utmost importance and in the public interest.

"Please let me hear from you as soon as possible as I am prepared to submit to you the names of five members of your department, in whom I can repose confidence and who would be able to perform these duties."

4 Men Sentenced In Savings Holdup

Penitentiary sentences ranging from fifteen to twenty years were imposed in Youth Court yesterday on four men who admitted holding up the Occident Federal Savings and Loan Association last January 25 and taking $1,705.

The four men also had been charged in connection with the $3,500 holdup of the Ayares Small Loan Company, the $938 robbery of the Equitable Building and Savings Association and the $220 robbery of Shapiro's Realty Company, but were acquitted of those charges because of insufficient evidence.

Judge Emory H. Niles ruled that mere identification by holdup victims, without further corroborating evidence, was insufficient to convict.

One Guilty In Rug Holdup

One of the defendants, however, was found guilty of participating in the $600 holdup of the Calvert Rug and Linoleum Company.

The defendants and the sentences they received were:

ROBERT HARDY, 25, of the 100 block North Fremont avenue, fifteen years.

CLARENCE LAMMON, 27, of the 400 block North Brice street, fifteen years.

EARL L. BRIGHT, 19, of the 400 block North Pine street, fifteen years.

ALBERT TILLMAN, 36, of the 700 block West Fayette street, twenty years.

The men, all Negroes, admitted they herded employés of the Occident Loan Association into a rear room and that all were armed during the robbery.

Testimony Cited

Testimony produced by M. Peter Moser and George D. Solter, prosecutors, disclosed that Bright was "doped up" at the time of that robbery, and that Lammon had previously been convicted twice of narcotics charges.

The holdups occurred last December and January, the Court was told. Tillman also had an extensive record.

MORN SUN 3/31

ORGANIZED-CRIME PROBE IS URGED

12 Baltimore Delegates Want Legislative Council To Act

[*Annapolis Bureau of The Sun*]

Annapolis, March 30—An investigation by the Legislative Council of organized crime in Maryland was called for tonight in the House of Delegates.

Twelve Baltimore city members of the chamber asked for such a study in the interests of eliminating "the evils resulting from crime and callous disregard for law."

They suggested that the council particularly:

1. Investigate the relationship between organized crime and any unit of government anywhere in the State.

2. Extend assistance to, and get assistance from, all public officers engaged in the investigation or the prosecution of crime or corruption.

3. Examine the relationship of the government of the State and local criminal law enforcement.

The sponsors of a resolution urging an investigation asked the Legislative Council to determine also whether a continuing State agency of investigation or supervision was desirable, in order to keep a steady check on criminal law enforcement in the State.

The resolution was patterned on an executive order issued yesterday by Thomas E. Dewey, Governor of New York, creating a crime commission in that State.

EVE. SUN 3/30

'Laxity' Of Police Studied By Ober

Police Commissioner Beverly Ober today said he had ordered an investigation of failures by foot patrolmen to report gambling information turned up on their beats.

He pointed out that over a year and a half ago, he had ordered that all policemen on the streets should report any information relative to gambling activities to their immediate superiors.

Colonel Ober said he knew beat patrolmen, who are known in their neihgborhoods, "would have a hard time" getting into suspected gambling establishments to make arrests. Any leads they uncovered, therefore, were to be reported, so that plainclothesmen could be assigned to investigate.

Sherbow Comments

Yesterday in Criminal Court, Judge Joseph Sherbow heard testimony about racing-news wires strung by gamblers in plain sight across Frederic avenue and then commented:

"Either local police do not see what they don't want to see, could not see what was apparent," or were not around during the hours it must have taken to string the gambling-news wires.

The judge called on the police commissioner to investigate why "the patrolmen, the sergeants, the lieutenants, and perhaps even the captain didn't know this operation was going on."

Commissioner Ober today said he had assigned Inspector William J. Forrest to make an investigation and recommend ways to make the beat patrolmen comply with his eighteen-months-old order.

NEWS - 3/30/51

Judge Sherbow Orders Primary Fund Inquiry; Ober Probing Police

Two investigations were ordered today into gambling and elections in Baltimore.

Both probes, sparked by Judge Joseph Sherbow of Criminal Court, involve the law-enforcement agencies of the city—the Police Department and the Grand Jury.

Quiz Of Police Launched By Ober

Police Commissioner Col. Beverly Ober today launched an investigation in the Southwestern District to determine why uniformed police, as cited by Judge Joseph Sherbow, "failed to detect gambling establishments on their beats."

He instructed Chief Inspector M. Joseph Wallace to detail Inspector William J. Forrest, Jr., to begin an investigation at once, and said Inspector Fred L. Ford, now on leave, will continue the inquiry, if necessary, when he returns to duty on Monday.

BUSY AT ANNAPOLIS

Commissioner Ober said he will be tied up on police legislation at Annapolis until the Legislature adjourns, but immediately afterward will personally take charge of the investigation on a city-wide basis.

The immediate launching of the inquiry in the Southwestern district resulted from the fact that Judge Sherbow called for an investigation "by the police commissioner himself" while dealing with a gambling case that originated in that district.

In ordering the inquiry, Commissioner Ober said:

"Shortly after I became police commissioner I stated that all police officers must assume responsibility for enforcement of the laws against bookmaking, numbers lotteries and vice.

WILL FIND WAY

"Enforcement of these laws is their responsibility and I am going to seek to find a way to make them assume it.

"In the case cited by Judge Sherbow I have ordered a thorough investigation at once."

Commissioner Ober said he had not discussed the inquiry with Judge Sherbow, but assumed the jurist was referring to the entire city and not to a single district in his statement from the bench.

Commisisoner Ober said:

"As soon as the Legislature adjourns I will personally direct such an investigation."

RACE WIRE STRUNG

Testimony that revealed bookmakers had strung a racing news wire from one gambling establishment to another—a distance of about a block—led to Judge Sherbow's demand for an investigation.

The judge declared:

"Either local police do not see what they don't want to see, could not see what was apparent, or weren't around when the wires were put up."

The wiring job, he asserted, "had to be done out in the open, exposed to public view."

HITS MEN ON BEATS

He continued:

"It's high time we found out why all the raids have to be carried on by one segment of the Police Department, and not by the men on the beats.

"This is the kind of case police officials should want to go into, to find out why the patrolmen, the sergeants, the lieutenants and perhaps even the captain didn't know this operation was going on."

Testimony given in the case of three men, convicted of gambling charges by a jury, was to the effect that the wire was strung from one bookmaking establishment to another "to fool" Capt. Alexander Emerson, head of the police vice squad to which Sherbow referred.

NEWS SERVICE NAMED

The racing wire news service, police testified in response to questioning by Assistant State's Attorney Charles E. Orth, Jr., was supplied to a location in the 2300 block of Frederick avenue by the World Wide News and Music Service.

MORN. SUN. 4/2/51

At Last An Inquiry About Political Spending

Judge Joseph Sherbow's call for a grand jury inquiry into campaign expenditures in the primary should be well received by the public. During the campaign, as Judge Sherbow pointed out, many charges were made regarding allegedly large expenditures of money. The candidates who could have been involved in or have benefited by such expenditures have not as yet filed the campaign expense statements called for by law. This should not delay the grand jury. If there have been deliberate violations of the corrupt practices section of the election laws, the violations are hardly likely to be recorded in the campaign statements to be sent to the Circuit Court.

Then again no one in an official position has the responsibility to audit the campaign statements and to make a detailed check of their truthfulness. The statements are merely put in a pigeonhole and that is the end of that. The pigeonhole in the Circuit Court is merely a depository.

In the last few years there has been some movement toward a strengthening of the corrupt practices provisions. In 1947 the Legislative Council addressed itself to the problem. It had the benefit of much groundwork done by and suggestions from Mr. Richard W. Emory, then deputy attorney general of Maryland. The council's work produced little or nothing.

Now the grand jury has an opportunity to make a try at finding out exactly what happened in the matter of expenditures in a specific campaign. Such an inquiry could produce material on which to base a sound case for a real strengthening of the corrupt practices section of the election laws.

MORN. SUN 4/2/51

CARTER WANTS CRIME PROBE

Asks O'Conor To Have Kefauver Conduct Hearings Here

The Kefauver committee should come to Baltimore to expose whatever political power exists among the criminal elements of this city, Joseph L. Carter, Republican mayoralty candidate said yesterday.

Mr. Carter's statement followed a telegram he sent Senator O'Conor asking him to have the Kefauver committee investigate vice, drug peddling and other criminal activities here.

"Judge Sherbow has served the community well in focusing our attention on the tragic increase in the addiction of teen-agers to narcotic drugs and in calling for an investigation of any tieup between the police and the gamblers," Mr. Carter said.

"Does Not Go Far Enough"

"This, however, does not go far enough. The roots of these evils extend well beyond the drug peddlers and the miserable little runners for the gambling syndicate. These conditions can only be the result of an increase in the political power of these criminal elements.

"What that relationship is must be exposed and since the Kefauver committee is the only one that apparently had the will and the force to do the job, they should come here to Baltimore.

"How much longer are we, in Baltimore, going to suffer under these attacks on the moral fiber of our youth and on the standards of decency which the vast overwhelming majority of our community support?

"What is needed, even more, is an upsurge of moral indignation on the part of the voters of this city."

EVE. SUN 4-2-51

Ten Witnesses Due For First Two Days

Alexander Goodman, who was arrested in James H. (Jack) Pollack's home precinct on primary election day and charged with "making unnecessary noises and causing a commotion in the polling place," was exonerated today by the grand jury.

Starting its special probe of last month's primary election to find out whether Maryland's Corrupt Practices Act was violated, the Baltimore grand jury today called five political figures before it as witnesses.

Five other political figures are scheduled to appear tomorrow. Ward and district leaders as well as candidates are among those under summons.

Anselm Sodaro, State's attorney, issued the call for the initial ten witnesses after a conference with the grand jury and its foreman, W. Norris Weis.

Special afternoon grand jury sessions were set to hear the campaign witnesses, in order to permit the jury to perform its usual routine work. Officials said night sessions might be held in addition, if the investigation requires considerable time.

Sherbow's Statement

Judge Joseph Sherbow, who previously had met with Mr. Sodaro on the question, called for the special investigation in a dramatic "charge" to the jury last Friday. He cited the charges and countercharges that featured closing days of the primary campaign.

The five witnesses under summons to appear today are:

GEORGE J. MULLER, Fourth ward Democratic leader and jobholder with the Maryland Racing Commission.

JOSEPH OBRYCKI, Second ward Democratic leader and jobholder in Orphans Court.

PATRICK F. O'MALLEY, a Third district leader, a Democrat.

PATRICK REGAN, Democratic factional head in the Twenty-sixth ward.

MRS. LILLIAN KLECKA, unsuccessful Democratic primary candidate for the City Council from the Second district.

Leaders and prominent party workers, as well as candidates and party heads, are expected to be called before the investigating body during the course of the probe.

Tomorrow's five witnesses are:

WILLIAM J. MUTH, vice president of the City Council and unsuccessful Democratic candidate for Council presidency.

EDWARD A. FREBURGER, Sixth district councilman, defeated for reelection in the Democratic primary.

WILLIAM GREENFELD, attorney and police magistrate and unsuccessful Democratic candidate for the Council from the Fourth district.

MAX (HENNESSY) COHEN, night-club operator and Democratic political figure in the Eleventh ward.

THE REV. H. CLIFTON OWENS, Republican attorney who served as a secretary under Governor McKeldin when he was mayor of Baltimore.

William H. Maynard, deputy prosecutor, is aiding Mr. Sodaro in the campaign probe.

Judge Sherbow's charge cautioned the public that no conclusions or inferences should be drawn by mere summons of persons before the investigating jury. He indicated that many persons connected with politics would be required to appear.

Ober To See Sodaro About Detectives

Police Commissioner Beverly Ober today said he would confer with State's Attorney Anselm Sodaro about assignment of detectives to the State's Attorney's office "at the earliest possible moment"—probably within a week.

Mr. Sodaro last week had repeated his request of three months ago that five detectives be assigned to his office to investigate narcotics, gambling and election-fraud cases brought directly to the attention of his staff.

NEWS-4/2

Five Testify Today In Vote Probe

Four men and a woman, all well known in political circles in Baltimore, were to appear before the Grand Jury today as the first witnesses in an investigation aimed at determining if the Maryland Corrupt Practices Act was violated in the primary election last Tuesday.

Those slated to appear are George J. Mueller, First district leader; Joseph Obrycki, an employee of the Orphans' Court; Patrick O'Malley of the Third district; Patrick Regan, a Democratic leader, and rs. Lillian Klecka, unsuccessful candidate for nomination to the City Council from the Second district.

The Grand Jury inquiry was ordered by Judge Joseph Sherbow after charges were made last week that "lavish sums of money" had been spent in the primary and that improper campaign literature had been circulated.

EVE. SUN 4/2/51

Drug-Penalty Bills Go To Governor

[Special to The Evening Sun]

Annapolis, April 2—The General Assembly sent to Governor McKeldin today two bills increasing penalties for narcotics peddling and the transportation of illegal drugs.

The Governor has already signed a measure introduced by John C. Luber, speaker of the House, providing heavy penalties for persons convicted of selling or giving drugs to minors.

One of the new bills makes long prison terms mandatory for convicted peddlers, two to five years for the first offense, five to ten for the second and ten to twenty for three or more convictions.

The other measure provides for the forfeiture of vehicles used to transport drugs illegally.

MORN. SUN 4/3/51

JURY HEARS 5 IN VOTE PROBE

Dismisses Disorder Charge Against Goodman

The grand jury yesterday dismissed disorderly conduct charges against a City Council candidate and then turned its attention to an extensive investigation to determine whether the Corrupt Practices Act was violated here during last week's primary election.

The politician freed of a charge of "making unnecessary noises and causing a commotion in the polling place" located in the home precinct of James H. Pollack, Fourth district leader, was Alexander Goodman, one of Mr. Pollack's most vociferous political foes.

Mr. Goodman, an independent candidate for the City Council, has frequently challenged, in and out of court, hundreds of registrations in the Thirty-fifth precinct of the Fifteenth ward, where both he and Mr. Pollack live.

Sought Identifications

The candidate was arrested on election day on the complaint of a Republican judge, who charged that Goodman was creating a commotion by asking each voter his name and home address.

There was no explanation given for the action of the grand jury in dismissing the charge.

The grand jury, in special session yesterday, heard testimony from five political candidates or leaders and then announced that it had added three more witnesses to the list of five originally summoned to appear before the body today.

Also Campaign Material

Judge Joseph Sherbow and Anselm Sodaro, State's attorney, last week urged the jurors to probe election expenditures, particularly on election day, and to investigate also complaints of illegal campaign material distributed on the voting day.

It is expected that the probe may last several weeks and that later night sessions of the panel may become necessary. Most of the city's political figures are expected to be called during the inquiry.

In addition to the five witnesses previously summoned to appear before the jury this afternoon, the following three also will be quizzed today:

ANTHONY J. MULLEN, a deputy clerk in the Circuit Court No. 2 and political figure in the Twelfth ward.

RICHARD K. COGGINS, superintendent of the State Accident Fund and Third district leader.

JOHN W. VALIS, 2047 Ramblewood road, Second district worker.

The other witnesses summoned for today are Edward A. Freburger, Max (Hennessy) Cohen, William Greenfeld, William J. Muth and H. Clifton Owen.

Each of the five witnesses appearing in the Courthouse yesterday were closeted with the jury panel about fifteen minutes.

The first witness called was George J. Mueller, Fourth ward Democratic leader and employé of the Maryland Racing Commission.

He was followed, in order, by Mrs. August Klecka, unsuccessful candidate for the City Council from the Second district; Joseph Obrycki, Orphans' Court employé and Second ward leader; Patrick F. O'Malley, Democratic party leader in the Third district, and Patrick Regan, Twenty-sixth ward faction head.

75% MARKED OFF; 100% ARE GUILTY

Seven Offered Bargain Prices On Goods Taken Off Truck

Seven persons, including four housewives, were convicted in Criminal Court yesterday on charges growing out of a grandiose bargain-basement swindle which robbed a downtown department store of nearly $7,000.

Police testimony at the trial, before Judge Joseph Sherbow, described a scheme whereby two brothers—one a truck driver for a delivery firm—stole articles of clothing from the truck and sold them at about one fourth their retail value to various housewives in Southwest Baltimore.

The brothers, who pleaded guilty and testified as State's witnesses against the women, were Richard D. Furley, 21, of the 1600 block Cole street, and James F. Furley, 24, of the 1900 block West Baltimore street.

Lieut. Frank Schmidt, of the

(Continued on Page 19, Column 4)

(Continued from Page 30)

detective bureau, told the court that Richard hauled packages for Hochschild, Kohn & Co. to the Post Office.

On many trips, according to Lieutenant Schmidt, Richard would withhold fifteen or twenty packages, hiding them under a blanket. Later he would drive out to a private auto parked on Druid Hill avenue and transfer the packages to the car.

Then, on Wednesdays and Saturdays, the brothers would sell the merchandise, mostly women's and children's clothing, to the housewives.

Many of the sales, it was testified, were held at the house of Mrs. Jean Simonaitis, of the 1300 block Glyndon avenue, one of the four housewives charged with receiving the stolen goods.

$100 A Week

Lieutenant Schmidt said that the brothers told him they realized between $100 and $150 a week from the sales.

The detective said that police had recovered "about $1,200, or less," of the stolen merchandise.

Others in the case charged with receiving stolen goods were:

Mrs. Dorothy Petruska, 29, of the 900 block Bayard street; Mrs. Fern Busch, 25, who lives in the same block; Miss Florence Norman, 35, who said she is divorced, of the 1300 block of Washington boulevard, and Henry Kunz, 47, of the 1200 block Cleveland street.

All Plead Not Guilty

All pleaded not guilty to the charges.

Kunz, a steamfitter and the father of four children, testified that he bought an evening dress and a street dress for his 16-year-old daughter from one of the brothers but, he added, he did not know the dresses were stolen.

He found out later, he continued, that the clothing was stolen from the department store "when somebody called me up and told me."

Kunz said he went to the store and told officials there about the operations of the Furley brothers. This information, and information from postal inspectors, it was testified, led to the arrest of the brothers.

NEWS-4/3/51

'Tunnel Joe' Goes On Trial

"Tunnel Joe" Holmes, the "dinnertime burglar," who dug his way out of the Maryland Penitentiary February 18 in one of the most fanstastic prison breaks on record, went on trial today in Criminal Court.

Holmes, recaptured March 3 in a running gun fight with police after a holdup in Mount Vernon place, is charged with escape, having a deadly weapon, armed robbery and assaulting and attempting to shoot a policeman.

JURY IS CHOSEN

The defendant pleaded guilty to the escape charge but not guilty to the others and trial on the others was begun. It was indicated by Judge Joseph Sherbow that the escape charge would be disposed of after the others.

Holmes chose a jury trial and a jury was soon selected consisting of ten men and two women. Two members of the panel are Negroes—as is the defendant—and one of the two is a woman.

52 YEARS POSSIBLE

Holmes, held without bail in the City Jail since his recapture, came into court wearing blue jeans and a woolen jacket and sat quietly between his attorneys, Ernest L. Perkins and L. A. Cooper.

Conviction on all charges against him could add a total of 52 years to the sentence he was serving when he escaped. He had served about seven years of a 20-year term for burglary.

ORTH OPENS CASE

Maximum penalties for the offenses with which he is charged are twenty years for holdup, twenty years for assault, ten for escape and two for having a deadly weapon.

The State's case against the prisoner was opened by Assistant State's Attorney Charles E. Orth, Jr., who is prosecuting with State's Attorney Anselm Sodaro and Assistant State's Attorney William C. Rogers, Jr.

Orth described the events leading to Holmes' recapture—the holdup of Mrs. Mary Ruiz in Mt. Vernon place early Saturday, night, March 3, and the subsequent police chase and pistol battle.

Mrs. Ruiz, a cook in the home of Mrs. John W. Garrett, at 4545 North Charles street, was held up after leaving a bus in Mount Vernon place on the way to her home in the 600 block North Calvert street.

PISTOL BRANDISHED

She said the holdup man thrust a pistol into her chest and demanded her purse, which she surrendered. She notified police from a neighborhood grocery and Patrolman Frank Plunkett, who had received a description of the gunman over the police radio, soon afterward stopped a suspect at Monument and Cathedral streets.

Plunkett said the man shoved a gun into his stomach and clicked the trigger several times, but the weapon failed to fire. However, as the man broke away the did get the pistol working and fired several shots, said the patrolman.

CAUGHT ON STAIRS

The officer drew his own gun and also fired. Other police joined the chase, which led through several streets and alleys, and the fugitive finally was caught and disarmed on the stairs of the Recreation Bowling Alleys, in the 600 block North Howard street by Detective Sergt. James A. Downs.

The captive turned out to be Holmes, said the police, and only when they had him in hand did they know who they had been chasing. They later quoted Holmes as saying he had gone to Wilmington, Philadelphia and New Haven, Conn., but had come back to Baltimore to try to get aboard a ship here, having been handicapped in his hunt for a job by lack of a Social Security card. He was registered at the Druid Hill Y. M. C. A.

COUNSEL ENGAGED

First witness at his trial today was Mrs. Ruiz. Among other witnesses waiting to go on the stand was Patrolman Plunkett. Holmes' counsel had been engaged by his family.

In his fantastic escape from the pen Holmes, thirty-nine, worked 20 months, mostly at night, digging a 70-foot tunnel with makeshift tools.

The shaft, starting in his cell, ran under the north wall of the prison's west wing and emerged onthe Eager street lawn, a few feet from the fence.

Holmes, carrying a change of clothes, crawled through the tunnel at 1 A. M. on a Sunday morning and dressed near the warden's garage.

His tunnel was considered a masterpiece of perseverance and amateur engineering. In the course of digging it he removed tons of dirt.

EVE. SUN 4/3/51

Grand Jury Calls 8 In Election Probe

Investigation of last month's primary election was resumed today by the Baltimore grand jury, which called eight more political figures to appear before it as witnesses.

The witnesses were called at a special afternoon grand jury session. Five witnesses were heard yesterday in the opening probe session.

Summoned for today are:

ANTHONY J. MULLEN, a deputy clerk in Circuit Court No. 2 and a Twelfth ward Democratic leader.

RICHARD K. COGGINS, superintendent of the State Accident Fund and a Third district Democratic leader.

JOHN W. VALIS, Second district political worker.

EDWARD A. FREBURGER, Sixth district councilman, who was defeated in the recent Democratic primary.

MAX (HENNESSY) COHEN, a Second district worker.

WILLIAM GREENFELD, police magistrate and anti-Pollack leader in the Fourth district.

WILLIAM J. MUTH, Councilman from the Fifth district who unsuccessfully sought presidency of the City Council.

THE REV. H. CLIFTON OWENS, Republican political worker, who once served as a secretary under former Mayor McKeldin.

Anselm Sodaro, State's attorney, and William H. Maynard, deputy prosecutor, are conducting the probe before the grand jury. The investigation began after Judge Joseph Sherbow in Criminal Court delivered a public charge, telling the jurors that the series of campaign charges called for a full-scale inquiry as to whether Maryland's Corrupt Practices Act had been flouted.

Grand Jury Making Quiet Prison Inquiry

An undercover investigation of charge and other accusations the Maryland Penitentiary regime against Holmes, Guards, prison by the Baltimore grand jury has heads and top officials of the Mary been going on for weeks, it became land penal system have been called known today as the trial of Joseph for questioning.

Holmes began in Criminal Court.

The grand jurors, it was learned, The witnesses were not publicly summoned, and their names did began their inquiry quietly early in not appear on daily records of the March after entering the escape grand jury.

EVE. SUN 4-3-51

Escapee Enters Innocent Pleas On 3 Counts

Joseph (Tunnel Joe) Holmes, 39-year-old Negro, who tunneled under the penitentiary walls to escape last February 18, today pleaded guilty in Criminal Court to a charge of escaping.

Holmes pleaded innocent, however, to three other charges arising from his return to Baltimore March 3, after having visited Wilmington, Philadelphia, Pittsburgh, Youngstown, Ohio, and Cleveland, during his few weeks of freedom.

A jury of ten men and two women heard his trial on those three charges. Judge Joseph Sherbow presided.

Statements Filed

Four written statements transcribed when Holmes was under questioning after his rearrest were filed by States Attorney Anselm Sodaro and Charles E. Orth, Jr., and William C. Rogers, Jr., his aides, after the man pleaded guilty in the escape case.

Judge Sherbow made them a part of the course record, but proceeded at once with the combined jury trial on the other charges.

Ernest Perkins and Leroy A. Cooper, Negro attorneys, represented Holmes.

Holmes's statements insisted that he personally dug the entire escape tunnel, although one of the other exhibits contained statements that he chanced upon a ready-made tunnel by accident.

Two Testify To Old Tunnel

The statement, dealing with questioning of prison officials as well as Holmes, showed that Frederick C. Bittorf, chief engineer of the Penitentiary, and George P. Gerhardt both testified to the questioning officials that there had been an old tunnel dating back twenty years or more.

Mr. Bittorf had explained that one excavation from a cell was made during repair to the prison's main sewer.

"I think it was there and he just happened to fall upon it. To remove that much dirt and put it in the toilets would have stopped up a sewer line," Bittorf had testified to the officials.

Holmes's own story of his escape contained statements that he returned to Baltimore because he found other cities flooded with posters picturing him and offering rewards for his capture.

Needed $175

He was intending to ship as a seaman. He said his holdup attempt was an effort to raise more money, because he understood he needed $175 to pay for union membership and a seaman's card, and he only had $120 left.

The man's statement showed that he had an income while in the Penitentiary by acting as the prison gambler. He took numbers bets and bookmaking bets, he said.

Contained in the transcript of Holmes's escape story was a revelation by Harold E. Donnell, superintendent of prisons, that authorities knew there was an attempt to tunnel from one cell to another before Holmes was an inmate.

"Every step I took in this work was taken by me alone," Holmes protested. He added:

"The tools I got, I give on explanation for."

At the trial on the new charges of holding up and robbing a woman pedestrian, carrying a deadly weapon and attempting to shoot and kill Traffic Patrolman Frank Plunkett, a fourth statement and transcript also was introduced by the prosecutors.

It told how he attempted the holdup to raise additional money for his union credentials.

Mrs. Mary Ruiz, of the 600 block North Calvert street, a cook at the John W. Garrett estate, told of the holdup in Mount Vernon Square on the evening of March 3.

Saying that the Negro approached her with a black pistol, she added:

"He said to me, 'Lady, would you like to give me your pocketbook?' and put a gun in my heart. I said, 'Sure,' and gave it."

"Was Very Polite"

Later in her testimony, Mrs. Ruiz, a Venezuelan, testified:

"He was very polite and spoke good English—he's an educated man."

Patrolman Plunkett, having heard a broadcast alarm after the holdup, had seen Holmes walking on Cathedral street. As he tried to accost Holmes, the Negro pulled a pistol and the officer testified he heard the hammer click as it misfired.

Two other shots were fired by the Negro, Officer Plunkett said. He himself fired several shots in chasing the fleeing man.

Seized In Bowling Alley

Holmes was arrested a little later after a pursuit by a number of policemen. Sergt. James Downes finally seized Holmes as he sought refuge in the Recreation bowling alleys.

The new charges, with the remaining ten years of his original burglary term, could send Holmes back to prison for as long as 52 years.

MORN. SUN 4-4-51

JURY FINDS HOLMES GUILTY ON 3 CHARGES

Pen Prisoner Convicted On Robbery, Assault, Weapon Counts

Joseph Holmes, who tunneled out of the Maryland Penitentiary last February and was captured two weeks later following a $5 holdup, yesterday was convicted in Criminal Court on robbery, assault and deadly weapon charges.

Judge Joseph Sherbow said he was not prepared to impose sentence following the conviction.

The jury of ten men and two women, after deliberating about fifteen minutes, found Holmes guilty of:

1. Robbing Mrs. Mary Ruiz of $5 at gun point.

2. Assault with intent to murder Patrolman Frank Plunkett.

3. Carrying a deadly weapon (a .32 caliber revolver.)

Judge Warns Crowd

These were the three counts to which Holmes had pleaded not guilty. Through his attorneys, Ernest L. Perkins and Leroy A. Cooper, the Negro convict had pleaded guilty to the charge of escaping from the Penitentiary.

Before the jury announced its verdict, Judge Sherbow sternly warned the packed courtroom that no demonstration would be tolerated.

Holmes stood, facing the bench, as the separate verdicts were announced. He appeared calm and indifferent as the jury foreman answered "guilty" to each charge that was read.

The 39-year-old prisoner affected a casual attitude throughout the four-hour trial. Even while testifying on the witness stand, he sat in a relaxed, semi-slouched position, swaying from side to side in the swivel chair.

Three State Witnesses

The State presented its case through the testimony of three witnesses. Mrs. Ruiz, a 64-year-old cook, who testified that Holmes held her up near the Washington Monument March 3; Patrolman Plunkett, who said that the convict shot at him near Cathedral and Monument streets, and Sergt. James A. Downs, of the Detective Bureau, who said he arrested Holmes at a Howard street bowling alley.

Mrs. Ruiz, the first witness, told the court that she got off a bus at Mount Vernon place on the evening of the holdup. While walking to her home in the 600 block North Calvert street, she asserted, she was approached by Holmes.

"A man came to me," said Mrs. Ruiz, a native of Venezuela who speaks English with difficulty, "and he say to me, 'lady, do you like to give me your pocketbook'?

"He put a black gun to my heart and when I saw the gun, I said, 'sure, take it right away.' "

Clerk Calls Police

She said she then went to a nearby grocery store and reported the holdup and a clerk called the police. Later, she went on, she identified Holmes in a lineup of seven men at Police Headquarters.

Asked by Mr. Perkins how she remembered Holmes as the holdup man, Mrs. Ruiz replied vigorously:

"My Lord, if someone put a gun in your face, you remember."

The next witness called by Charles E. Orth, Jr., and William C. Rogers, Jr., prosecuting attorneys, was Patrolman Plunkett, who said he received the description of the holdup man over the police radio while cruising in a patrol car.

"A Gun In His Hand"

"I was going west on Mount Vernon place," he said, "when I saw a Negro man walking near Cathedral and Monument streets.

He said he pulled his machine ahead of the man, got out and walked over to him.

"I said, 'turn around, you,' and he spun around with a gun in his hand."

Plunkett said he heard a "click" and backed away about 8 or 10 feet. The man, whom he identified as Holmes, fired two shots and then turned and ran.

Describes Chase In Streets

The policeman then described a chase through alleys and cross streets between Cathedral and Howard streets.

Sergeant Downes, the final witness for the prosecution, testified that he was driving near Park avenue and Madison street when he saw a man running with a revolver in his hand.

He stated he and other police joined the chase and finally captured the man "on the ninth or tenth step" inside the bowling alley building at Howard and Monument streets.

The revolver which was taken from Holmes at the time, Downes continued, contained "three spent bullets, one misfire, and one good cartridge."

Confession Is Denied

When Holmes took the stand, he insisted that he was carrying a foreign-make automatic and not a revolver as the police had charged.

He further asserted that he did not sign a statement confessing his guilt in the holdup which earlier had been presented by the State. He said the only thing he signed after his capture were several blank pieces of paper when he turned over his watch and money to the desk sergeant in the police station.

He also said he had never seen Mrs. Ruiz until the day of the preliminary hearing in police court.

Holmes remarked later in the testimony that he hitch-hiked to Wilmington, Del., a few hours after he escaped from his 70-foot tunnel under the Penitentiary walls.

Sought Social Security Card

He toured several northern cities, he continued, and made application for a social security card in Pittsburgh under the name of Joseph I. Wayte. This statement was contrary to reports made at the time of his capture when it was stated that he was unable to get a job because he lacked a social security card.

The card was presented in court with the address of 4255 Brynmore road, Pittsburgh 19, Pa.

The convict told the court that he finally came back to Baltimore because he wanted to get a job in a "seaport town," possibly as a steward on a freighter. He said he chose Baltimore in preference to New York because he was more familiar with this city.

He testified that he went to Canton a few hours before he was captured to talk to an acquaintance on a ship about a job.

Later, he said, he went to a restaurant on Caroline street and then walked across town to the vicinity of Mount Vernon place where he was approached by Patrolman Plunkett and the chase began.

HAD SMALL DRILL, HOLMES ASSERTS

Tunnel Joe Also Tells About Making Whisky, Betting

Joseph Holmes gave a brand-new version of his underground escape from the Maryland Penitentiary after he pleaded guilty to fleeing from the institution before Judge Joseph Sherbow in Criminal Court yesterday.

He also told of illegal activities he carried on inside the prison, including the setting up of a small still and bookmaking.

Holmes, known as "Tunnel Joe," said he used a small electric drill stolen for him by another inmate to break through a slate floor, and that he improvised a heavier fuse to provide electric power needed to operate the drill.

Says It Took 11 Months

The Negro escape artist also testified that it took him only eleven months to tunnel his way out of the Penitentiary. He previously had stated that it took him nineteen months to effect the escape.

Asked by Judge Sherbow why he had originally told authorities that he used a hand-made chisel to drill through the slate floor and had made other conflicting statements, Holmes replied that previously "I only sanctioned what was said."

"Did you have any help?" the judge asked Holmes.

"Yes, I did, but I wouldn't want to name any names," the convict replied.

Asserts He Paid $7

He testified he obtained the small electric drill in the institution by asking a fellow inmate to steal it for him. He said he paid the other prisoner $7 for the drill.

"Then I had to get a heavy fuse," he related. "The regular fuse in each cell is large enough only to carry a light for the cell. They use a No. 3 fuse and I had to have a No. 20 fuse."

"How did you get a larger fuse?" the judge asked.

"I took a No. 3 fuse apart and rebuilt it."

He said he drilled small holes in a section of the slate floor about 17 inches by 24 inches. The holes were about a quarter-inch apart and the section of slate was removed after he sawed between the holes.

Refers To Warden's Order

He said his desire to flee from the Penitentiary came after Edwin T. Swenson was made warden of the prison. The new warden, Holmes said, stopped him from making small ornaments which he had been selling to other prisoners.

Holmes denied his former statement that he backed a numbers racket inside the prison, but admitted that he occasionally bet cigarettes or money on the horses with other prisoners.

He admitted he operated a small still which he set up in the ventilator of his cell and that he was able to make about two pints of whisky a week to sell to inmates at $2.50 a pint.

Holmes said he was able to obtain sugar and corn from the institution and that he rigged up an electric stove and copper stove for distillation purposes. He testified the distillation process took about eight or nine days.

Says He Doesn't Drink

Holmes told the Court he does not drink whisky and said he only "sipped" his homemade variety to see if it was good.

The escapee repeatedly denied in response to the judge's inquiries that he decided to escape because he had to stop making whisky and engaging in gambling activities.

He said he drilled through the slate floor in two nights and that a radio helped to drown out the sound of the drilling. Two more nights were needed to remove the tar under the tile and about two months to break through the concrete under that, Holmes testified.

Small fragments of cement were flushed down the toilet while larger pieces were carried out of the cell and thrown into trash cans, Holmes said,

Kept Lights Off

He said after he started digging underground he kept his cell lights off, and had them on only when he was in the cell and not digging.

Holmes contended his boyhood familiarity with various types of dirt helped him to recognize "drain dirt" and to use that type of soil for drainage purposes when he struck water. He denied that his escape was hastened by the presence of a large well or hole under his cell.

Guards made inspections hourly during the evening, but after the 11.55 P.M. round there were usually no more inspections during the night, Holmes explained. He said he usually went underground after the midnight inspection.

CITY JURY SPEEDS CAMPAIGN PROBE

Hears 8 Witnesses, Names 14 Others To Appear Today

The Baltimore grand jury yesterday stepped up its probe of election expenditures and unauthorized campaign literature, hearing eight witnesses at a special afternoon session and announcing that fourteen political figures will be called before the panel today.

Summoned to appear before the grand jurors either this morning or this afternoon are:

ARTHUR VON NORDECK, Democratic executive in the Sixteenth ward.

LLOYAL RANDOLPH, Negro leader in the Fourth district.

ALBERT J. GLASS, Fifth district leader and president of the Northwestern Democratic Club.

JOHN J. NOWAKOWSKI, lawyer, former chief clerk of the Board of Supervisors of Elections and political figure in the First district.

H. WARREN BUCKLER, JR., unsuccessful candidate for president of the City Council.

THOMAS FITZPATRICK, police magistrate and unsuccessful Council aspirant from the Third district.

ALEXANDER GOODMAN, anti-Pollack figure in the Fourth district and independent Council candidate from that district.

WILFORD L. CARTER, clerk of the Criminal Court.

HARRY A. DUKE, Fifth district Democratic worker.

CHARLES A. MASSON, city councilman who lost in the race for president of that body.

JOHN A. COONEY, Fifth district ward executive.

ELLIS LEVIN, attorney, Fourth district worker and unsuccessful candidate recently for the House of Delegates.

JOSEPH L. MORRIS, First district ward executive.

MATT WILSON, ward executive in the Third district.

The eight witnesses appearing before the investigating body in a two-and-a-half-hour session yesterday afternoon included Edward A. Freburger, Max (Hennessy) Cohen, William Greenfeld, William J. Muth, H. Clifton Owen, Anthony J. Mullen, Richard K. Coggins and John W. Valis.

Names Assistant Prosecutors

Meanwhile, Anselm Sodaro, State's attorney, announced that he had named Joseph G. Koutz, assistant prosecutor, to aid him and William H. Maynard, deputy prosecutor, in the grand jury probe.

Mr. Sodaro disclosed he had requested the jurors to accelerate the investigation since this panel of grand jurors will go out of office in about five weeks.

The jury is probing complaints of election-day "vote-buying" tactics and reports that campaign literature bearing no political authorization was circulated in certain districts, primarily the Fifth and Third districts.

EVE. SUN. 4/3/54

Text Of Statement By Holmes On His Penitentiary Escape

On March 4, the day after his recapture, Joseph Holmes was questioned about his escape from the Penitentiary two weeks earlier.

The questioning took place in the office of Captain of Detectives Henry J. Kriss at police headquarters, and was conducted by Harold E. Donnell, superintendent of prisons; Captain Kriss, State's Attorney Anselm Sodaro, Chief Inspector M. Joseph Wallace and Col. Lawrence P. Sangston, Department of Public Improvements architect.

A transcript of the 70-minute interrogation follows:

Mr. Donnell—Holmes, as Superintendent of the Prisons of the State, I might say that the questions I am going to ask you will have no bearing on the charges against you, but I want to get at the truth as to what exactly did take place in your escape from the institution.

Given Paper And Pencil

Holmes—It might take some sketching or drawings for you to understand me thoroughly.

[Note: Captain Kriss handed Holmes paper and pencil].

Holmes—I would like a ruler. You know the cells are five by ten and somewheres about 18 feet. Your wall is 2½ feet wide. The aisle between the building, which I never seen personally, is somewhere about 4½ feet. The large wall is about 1½ feet. On July 8, 1949, I made up my mind to go to work on this idea, and I started on the slate.

Mr. Donnell—Just a minute on that. At that particular time you discovered the slate had been cut.

Holmes—No. There was nothing wrong with the slate of my cell. Just that I had my own idea of gaining freedom. I had to get a couple of bits. Again, after gaining the bits about a month, I had to have a 16-inch long stick about one inch thick through. I bored a hole on one end of the stick, like this, (drawing diagram on paper) and a nail placed at this end of the stick. You bores the holes ever so close together and makes a circle (indicating by drawing on diagram). I made a circle of the slate 28x17. It took me 40 some days to complete the slate and a week and some days to complete the top.

Half-Hourly Inspection

Mr. Donnell:

Question—How often did the guard come to inspect your cell?

Answer—Every half hour. A general search twice a month. Once I had the slate completed, I knew how to conceal the slate so as not to be detected.

Question—How did you seal it?

Answer—Cement.

Q.—Where did you get it?

A.—Around the institution. Plenty of it in there.

Q.—You had some inmate work with you?

A.—No inmate had any idea of my idea. Sometimes I could get a half pound at a time. I would get it until I had enough to use. I kept it in a hole under the slate. As long as I could do enough each day and keep the hole concealed, I had nothing to worry about. It taken me a week and some days to complete the top. Then I began working on the concrete.

Had To Contend With Dirt

Captain Kriss—What did you use?

A.—A chisel, or any piece of iron which could be used for that

[Continued On Page 4, Column 2]

Women Sentenced For Drug 'Cures'

Two women, users of habit-forming drugs, were committed by Judge Joseph Sherbow today to indefinite imprisonment designed to provide a "cure."

Mrs. Mary Wellner, 32, of Washington, admitted she had been arrested approximately 78 times in twelve years for drinking and disorders.

She was arrested March 17 in Camden Station, just one day after her release from a Washington institution. She spent most of last year in custody.

The woman approached a Camden Station official and said she was sick, but was found to have a needle and syringe used for heroin. The hypodermic needle was described as a large size, used for horses.

Police said they were told, when they questioned the size of the implement:

"If you want a shot bad enough, you'll use anything to get it into your arm."

Two women "friends" she had met in jail supplied Mrs. Wellner with her narcotics when she chanced to meet them after her release, she said. She insisted she never bought the drug and that it was always given her by acquaintances, but police said she told them she "had to have three shots a day at $3 a shot." Mrs. Wellner was sentenced to the reformatory for three years unless cured sooner.

In the other case, Mrs. Mildred Robbins, 25, user of overdoses of barbiturates, was committed to the civil section of Spring Grove State Hospital until such time as authorities and the court decide she is cured. Doctors testified that she used doses that "would kill a normal person."

EVE. SUN. 4/4/51

Sherbow Weighs Punishment For Holmes

Judge Joseph Sherbow was faced today with the problem of what punishment to mete out to Joseph (Tunnel Joe) Holmes.

Counsel for Holmes, Ernest Perkins, revealed to Judge Sherbow that he does not contemplate filing of new trial motions. Consequently, Holmes is expected to be brought into Criminal Court for sentence during the early part of next week. The date has not yet been set.

Holmes meanwhile is held in the Penitentiary under original burglary charges, with about ten years to run. He could receive as much as 42 years additional sentences on the new charges.

The prisoner who tunneled his way to freedom last February 18 pleaded guilty to a charge of escaping prison, but in spite of a written confession he denied the other new charges of armed robbery, assault to murder and possession of a deadly weapon.

Two Days To Decide

On those three charges, his attorney, Ernest Perkins, has two more days in which to decide whether to file a motion for a new trial in order to have the convictions reviewed by the Supreme Bench.

Holmes's new revelations yesterday included a statement that he started his way to freedom by using an electric hand drill, powered by the Penitentiary's own current, to cut an exit in the slate of his cell floor.

Four Sentenced For Store Thefts

Charged with thefts of nearly $3,000 in furniture from a Eutaw street store over many months, four men today received sentences ranging up to three years imprisonment.

The top term of three years in the House of Correction was imposed by Judge Joseph Sherbow in Criminal Court on Charles Turner, of the 1000 block Brevard street, Negro chauffeur for the furniture concern.

The other men who aided in the thefts were Orange Robinson, 37, of the 800 block Madison avenue; Aaron Henderson, 32, of the 1100 block Harlem avenue, and Emory Lopez, 28, of the 1600 block McCulloh street. The three also are Negroes.

As Turner's main aide, Robinson was sentenced to two years in the House of Correction. Henderson received an 18 months House of Correction term and Lopez was released on probation under an 18-month suspended sentence.

Five Pollack Men Called In Probe Of Primary

Five political allies of James H. (Jack) Pollack were summoned today before the grand jury's special investigation of the city primary election.

Nine other political figures from various Democratic factions, mostly anti-Pollack, also were scheduled to appear for questioning about alleged illegal expenditures and other reported malpractices.

Allegations Spur Inquiry

The investigation was spurred, first, by widespread political allegations prior to the March 27 election that exorbitant sums of money were being spent and, second, by action from State's Attorney Anselm Sodaro.

Factional battling during the election was featured by the vigorous attempt of Pollack forces to break out of their Fourth district stronghold and win city-wide power through the nomination of C. Lloyd Claypoole as president of the City Council.

Pollack associates appearing today before the jury are:

Wilford L. Carter, clerk of the Criminal Court and the only city-wide official ever elected as a candidate of the Pollack machine.

Harry A. Duke, a figure in Mr. Pollack's strongest ward—the Fifteenth—who carried the Claypoole banner.

Thomas L. Fitzpatrick, a police magistrate appointed with Pollack support who disclaimed Pollack support in his recent unsuccessful candidacy for nomination to the City Council from the Third district.

Arthur Von Nordeck, a Sixteenth ward tavern keeper and Democratic figure who allied himself with the Pollack-Claypoole cause.

Al J. Glass, head of the Northwestern Democratic Club and a Pollack worker in the Fifteenth ward.

Joined Forces Recently

Some of these fell in with the Pollack forces only during last month's campaigning. Mr. Van Nordeck, for instance, formerly was associated politically with the William. Curran organization, then strongly anti-Pollack.

Others due to testify today include two defeated candidates for city-wide nomination—H. Warren Buckler, who also opposed Mr. Claypoole for the Council presidency nomination, and Charles A. Masson, who ran for the party nomination for comptroller. Both were independent of factional support.

In addition, these familiar Democratic figures were on the jury list:

Alexander Goodman, bitter opponent of Mr. Pollack who charges that padded lists of voters in the Fourth district enabled the Pollack group to erect their massive majorities in this area. He now is filed as a no-party candidate for the Council in the May 8 general election;

Lloyal Randolph, Negro political leader in West Baltimore—notably in the Fourth district—who is allied with Mayor D'Alesandro. He has reportedly patched up a dispute with Mr. Pollack which occurred in the State elections last fall;

John J. Nowakowski, a Democratic member of the House of Delegates from the heavily Polish First ward of the First district. Once a Curranite, he is now aligned with the Mayor;

Ellis Levin, former assistant State's attorney who unsuccessfully fought the Pollack organization last fall for the party nomination to represent the Fourth district in the State Senate. He is a Curran man;

Joseph L. Morris, Democratic executive in the Twenty-sixth ward of the First district, who represents the organization supporting State Senator Louis L. Hofferbert and Mayor D'Alesandro.

John A. Cooney, a Sixteenth ward Democrat who clung to the candidacy of Preston A. Pairo for nomination as president of the Council even after Mr. Pair dropped his own efforts.

Matt Wilson, another Sixteenth ward Democratic operative.

12 More To Appear

Twelve additional political figures also were called for grand jury appearance tomorrow. They include political workers from all of the city's six legislative districts.

Summoned to appear tomorrow morning before the grand jury are:

Frank Pelz, of the Second district, head of a political club and an employé of the Criminal Court clerk's office.

Ernest Louis McLendon, Jr., 2733 St. Paul street, of the Twelfth ward, Third district.

William F. (Kibby) Schmitz, 711 Poplar Grove street, night-club owner and Democratic executive in the Sixteenth ward, Fifth district.

Simon P. Jarosinski, 510 South Kenwood avenue, First district Councilman defeated in the primary. Mr. Jarosinski is regarded as the Curran forces' leader in the district.

Special Session Set

The witnesses summoned for a special session tomorrow afternoon are:

Lawrence Lockwood, a political leader in the Fifth district, where he led the George P. Mahoney campaign for the Democratic nomination for governor last fall.

J. Jerome Butler, People's Court employé and a worker in the Fifth district. Mr. Butler is a personal adherent of the Mayor.

Jacob J. Edelman, attorney and a Pollack-backed councilman from the Fourth district.

Frank J. Blair, lawyer, active in the Sixth district, where he opposes the dominant Wyatt-Della Democratic fraction.

Louis W. Kotmair, 1129 Carroll street, a Sixth district leader of the Curran forces who supported the Claypoole candidacy.

Charles Holub, 2634 Ashland avenue, a Second district party executive in the Seventh Ward who supported Mr. Claypoole.

William C. Lehnert, Jr., 1848 West Pratt street, a Sixth district associate of Mr. Kotmair.

Thomas McKewen, 1027 Greenmount avenue, an unsuccessful Senate candidate last fall in the Second district. He heads a Tenth ward faction which supported William J. Muth, still another also-ran in the party contest for the Council presidency nomination.

NEWS 4/4/51

Pen Guards Face Probe In Escape

All guards on duty in the west wing of the Maryland Penitentiary when Joseph Holmes was digging the tunnel through which he escaped will be questioned about Holmes' latest story that he had "inside help."

Harold E. Donnell, State prison superintendent, said today that he personally would examine every guard who was on duty in that section and who still is in the employ of the prison.

At the same time today Earnest L. Perkins, attorney, announced that no new trial motion would be filed for Holmes, convicted in Criminal Court yesterday of armed robbery, carrying a gun and shooting at a policeman. Holmes pleaded guilty to a charge of escape.

SENTENCE DEFERRED

Sentence was deferred yesterday pending the possibility of a new trial motion. Perkins decision today that there would be no new trial motion followed a conference with Judge Joseph Sherbow.

It is expected now that Holmes soon will be called back into court for sentence.

Forty-seven guards were on duty in the west wing during the months Holmes was digging his underground escape route, but 15 of the 47 since have left the prison's employ.

Their departure was voluntary, not the result of the escape or the subsequent investigations, said Mr. Donnell.

'HELP' NOT NAMED

Although Holmes said in his latest story that he had "inside help," he did not say who it was—whether a prison officer or another inmate.

He said he had bought an electric hand drill in the prison for $7 and had used it to break through the slate floor of his cell, but he did not say who he bought it from.

Superintendent Donnell said he still does not put full confidence in Holmes' story and does not believe complete credence could be given any story he might tell.

MEDICAL REPORT

[illegible]s medical and psychiatric [illegible]tates that, while he has [illegible]lligence quotient of 101, [illegible]dered quite high, he is a complex personality with a suspicious and overly sensitive nature.

The report, by the examiners of the Supreme Bench, was filed yesterday at Holmes' trial in Criminal Court on charges of es-

Continued from Page 1.

cape, armed robbery and assaulting and shooting at a policeman.

It was during the court case that Holmes gave the revised version of his escape, stating that he had "inside help" and telling of the electric hand drill.

The newer story differed in several respects from his first one. The major point of difference was that he had "inside help."

Another point concerned the time it took him to dig his tunnel. According to yesterday's story, it could not have been more than about ten months. He said it was last April when he obtained the hand drill. In his first story, given Superintendent Donnell and the police, the prisoner said he spent 20 months on his tunnel project.

Holmes told his newer story under examination by Judge Joseph Sherbow while the court was waiting for the jury's verdict on the holdup and shooting charges.

STARTED TUNNEL

One specific question Judge Sherbow asked him was whether the tunnel had been started by anyone else before he went to work on it. Holmes said it had not been.

Superintendent Donnell said today that he doubted this point particularly. He added:

"You can't put too much faith in any of it. But I still think Holmes had the benefit of an excavation that probably was started for utility purposes years ago."

HITS 'SUPERVISION'

The superintendent conceded that, even if a start on the tunnel existed, Holmes must have known of it and that his break should not have been possible in any case. He added:

"With the proper supervision and proper custodial inspection it should not have happened at all."

Commenting on the fact that Holmes had made and sold whisky in the prison, Superintendent Donnell said he doubted that the prisoner had a still. The superintendent said:

"I think he merely fermented fruit juices in a bucket."

GOT CORN, SUGAR

Holmes said he obtained corn, barley and sugar for his liquor-making venture from the prison kitchen help.

He said, also, that he had made some money taking bets on the races and the numbers.

Superintendent Donnell was inclined to minimize his betting operations. The superintendent said:

"You have got to recognize that a certain amount of gambling goes on in every prison in the United States all the time. Prisoners are no different in that respect from most other people. They gamble for small change or cigarettes. But I am sure that Holmes had no connection with bookmaking operations outside the prison."

14 Called By Jury In Vote Quiz

Fourteen more witnesses were scheduled to go before the Grand Jury today in the investigation of last week's municipal primary election ordered by Judge Joseph Sherbow.

Eight witnesses were heard by the jury yesterday and five the day before.

The jury has been asked to expedite its inquiry because it will go out of office in about five weeks.

KOUTZ TO ASSIST

Also State's Attorney Anselm Sodaro has named Joseph G. Koutz, an assistant prosecutor, to aid him and Deputy State's Attorney William H. Maynard in presenting the case.

Witnesses scheduled to go before the jury today were:

Continued from Page 1.

executive in the Sixteenth Ward.

Lloyal Randolph, leader in the Fourth District.

Albert J. Glass, Fifth District leader and president of the Northwestern Democratic Club.

John J. Nowakowski, lawyer, former chief clerk of the Board of Supervisors of Elections and political figure in the First District.

H. Warren Buckler, Jr., unsuccessful candidate for president of the City Council.

Thomas Fitzpatrick, police magistrate and unsuccessful Council aspirant from the Third District.

Alexander Goodman, anti-Pollack figure in the Fourth District and independent Council candidate from that district.

Wilford L. Carter, Clerk of the Criminal Court.

Harry A. Duke, Fifth District Democratic worker.

Charles A. Masson, City Councilman who lost in the race for president of that body.

John A. Cooney, Fifth District Ward executive.

Ellis Levin, attorney, Fourth District worker and unsuccessful candidate recently for the House of Delegates.

Joseph L. Morris, First District ward executive.

Matt Wilson, ward executive in the Third District.

SPENDING CHECKED

In ordering the Grand Jury investigation of the primary, Judge Sherbow directed the jurors to go into the election generally but to pay special attention to reports of excessive campaign spending and the distribution of campaign material bearing no indication of its source.

THE EVENING SUN, BALTIMORE, TUESDAY, APRIL 3, 1951

Text Of Holmes Statement On His Penitentiary Escape

[Continued From Page 1]

purpose. It taken me five or six months to complete that. I had the dirt to contend with. After I taken the dirt up I could make a concealed door to take the place of the slate which was taken up.

Q.—Where did you get the hinges?

A.—They're easy enough.

Q.—After the concrete, it took you about five months to go through?

A.—About 16 inches.

Q.—Any large pieces? How did you dispose of that?

A.—When you are chipping, you don't come in contact with large pieces.

Mr. Sodaro—Didn't you have a hammer to chip?

A.—I had a piece of iron wrapped in a cloth to cover any noise.

"Concealment Not Difficult"

Q.—Where did you conceal that iron?

A.—Nothing hard about that. The institution is supposed to be run on a basis to watch everybody. You would not have to watch if you did not drive a man. When Mr. Swenson came there, he drove me. Many a man goes hysterical and blows his top. I get adjusted to the institution three or four times, and I did not think of anything like that. When Mr. Swenson came there, my chances to work to get a few dollars was taken away, so I just figured that twenty years was too much, and instead of blowing my top, I had the one idea to get out of there, to continue on this work.

Q.—During the period of time you worked on this, during what period did you work on the concrete?

A.—Any time between 5.30 and 8 or 9. Not every minute or every hour. I had to keep check on the officers. If the radio was still on, I might do a little work. After I got the concrete completed, I had to take out dirt. I taken out enough dirt to fit myself in.

Put Dirt In Toilet

Q.—How did you get rid of the dirt?

A.—I put it in cloth bag containers and brought it up and put it in my toilet. Most times I went down after 12 or 1 or 2.

Q.—How long would you remain down there?

A.—Sometimes two or three hours.

Q.—Did you have a light at any time?

A.—Yes, a fuel light.

Mr. Sodaro—What's a fuel light?

A.—Put a wick in a bottle, a piece of cloth, and put a match to it. There is gasoline and kerosene over there.

Captain Kriss—How would you get gasoline or kerosene or oil?

A.—In small quantities, three to six-ounce bottles.

How He Made Lamp

Mr. Donnell—Do you mean to tell these men you put a wick in a bottle and used that?

A.—No. You can make a small bottle and make a little hole through and a small string and attach a flame to it and it will burn.

Mr. Sodaro—How did you get the bottle?

A.—There is bottles there of all sizes.

Captain Kriss—When you got the dirt to the opening, when would you dispose of that dirt?

A.—Any time I wanted to. In the morning, after I washed up, or in the night. I worked with a little piece of metal which you all found.

Q.—How about your clothing?

A.—I used my shorts and undershirt.

Q.—Bare footed?

A.—Yes.

Made Another Start

Mr. Donnell—What was the heighth of that opening?

A.—About 3 foot 6. After getting to the wall, I had to come back and make another start. (Here Holmes drew a diagram on paper as to how he dropped under the wall and dug to form a drain for water which seeped in). It taken three months, off and on, to work these ten feet under the wall of the building, under the aisle and under the lawn.

Q.—In this tunnel, didn't you have to crawl through, or did you walk?

A.—Crawl. It is not a cess pool, but I had to go back and make a drain so I could take the water from that position.

Q.—Did you run into any tile?

A.—No. I did not. Just an earth stone drain. I would bail 125-140 gallon every night. That was placed in the drain I made, fifteen feet away. That was about 11 feet, and the 3 feet I was standing in. Water must have an outlet to drain out. When I discovered that, I figured it was to my advantage, and I made a 9-foot drain.

Estimated Distances

Q.—Did you have a ruler?

A.—No.

Q.—Just estimated your distances?

A.—Yes. Nine foot deep and 6 or 7 feet wide. There was no way to get rid of the dirt but to carry it up and flush it down the toilet.

Mr. Sodaro—Did you have a bag?

A.—Yes.

Q.—Did you sew yourself a bag?

A.—Yes. Only way you can have a button sewed on your pants is to sew it yourself.

Q.—How often would you flush the toilet to get rid of the dirt?

A.—(Laughed). As many times as I wanted, any time I wanted to. As I made this drain, it come to my advantage, and each day I would bail 125 to 140 gallons of water. It would drain in through the earth, and rainy nights it would be more. As long as I kept my drain clean and not let any dirt get in.

Drain Under Next Cell

Mr. Sodaro—How far below this cell was this drain?

A.—More like under the next cell, eighteen.

Mr. Donnell—You were in nineteen, and the excavation was under eighteen?

A.—Yes. If you are trying to convince yourself that this work was started before I started it, you are mistaken.

Mr. Donnell—I happen to know that there was an attempt made to go from 119 to 118 before you came in there.

A.—Every step I took in this work was taken by me alone. The tools I got, I give no explanation.

Q.—You did get the tools, but you did not disclose what you wanted them for?

A.—Yes. It was all my work.

Q.—Have you ever done any work on masonry?

A.—Quite a bit of concrete work.

Went Up To Fifth Grade

Q.—You have been inside the institution since you were 14 years of age, haven't you?

A.—Not that long. A lot of work I learned in school.

Q.—How far did you go in school?

A.—In school, up to the fifth grade, but out of school I class myself first or second year high.

Q.—Have you studied books at the Penitentiary?

A.—Yes. I think it is a great help to a man, although he is not given much chance to exert it legally. Getting back to the sand, some nights I would take out three bags of sand, and some nights I would get one.

Captain Kriss—You did find a large piece you could not dispose of?

A.—Several rocks fell on the lawn wall side when I made a step up. I had trouble by falling dirt and I moved them myself and I could not move them no further and I left them. I discovered after every rain, dirt would fall and hinder me. The best I could do was to make an elevation going to the surface of the lawn. After that, there was a little easing of the dirt falling. Altogether, the work took me from July 8, 1949, when there was no more than 1 inch opening to see the light and I seen stars. That gave me a deal of satisfaction. The next morning I went down, and in about 45 minutes—it was quarter after one when I went down Forrest street — I come out in my shorts and undershirt, which was all muddy. I slipped them off and put on my clothes.

Not Institutional Clothes

Mr. Sodaro—Where did you get them?

A.—I had them with me.

Mr. Donnell — Institutional clothes?

A.—No. This shirt and sweater and shoes I had wrapped in a bundle, so the water would not seep in. I went up towards the warden's house and got over the fence.

Q.—Where were the dogs at that time?

A.—Must have been sound asleep.

Mr. Sodaro—Did you bring the clothes through that hole with you?

A.—Yes.

Inspector Wallace — Would they permit you to have those clothes in your cell?

A.—Yes.

Mr. Sodaro—When you got below the surface of the cell, did you get down there head first or foot first?

A.—Feet first. I would lay down in the corner and get handfuls of dirt and the wider it would become. I would fit me down in there and dig some more, until half my body would be down in the hole.

Q.—When your hands would not reach the bottom, how would you continue?

A.—Make more space. It was not no noisy job.

Captain Kriss—After you made the trapdoor, when you went down there, would you close that door?

A.—Sometimes I would, sometimes I wouldn't.

Mr. Sodaro—How would you get air?

A.—It is not stuffy down there. There is oxygen in the water.

All Right If Light Burns

Mr. Donnell—Some hydrogen in that water too.

A.—If the light burns, you are all right.

Mr. Sodaro—I am interested in knowing how you used this light while you were digging.

A.—Made a space in the side of the wall and set it up in there, on the side.

Mr. Donnell—What was the depth and width down there?

A.—About 11 feet.

Q.—You could stand up down there?

A.—No.

Q.—After you got through the hole you did not go head first?

A.—I could step down and turn around, 2½ to 3 feet wide.

Q.—I want to see this diagram there, 11 feet high——

A.—I made a drain.

Q.—How did you get up the 20 feet from where you got up?

A.—I made a step here and goes up maybe 5 feet and made another step.

Plywood For Steps

Mr. Sodaro—You did not carry that dirt into the cell?

A.—No. At that point I was only about 6 feet from the surface.

Q.—You would step on the step you had made and reach up?

A.—Yes.

Mr. Donnell—These steps at the bottom, did you have plywood for that?

A.—Yes.

Q.—Holmes, I don't expect you to divulge any names, but you must have been a pretty good fellow over there to get all these things.

A.—It is different under Mr. Swenson, believe me, Mr. Donnell. I never had no kind of situation like this under Mr. Brady.

Q.—I am not going into that. I am wondering if that's the way you felt, there were not a lot of others around your cell who felt the same way?

A.—I imagine there is. I have did most all my time, but I had no future to look forward to.

Some Money Taken From Him

Q.—You had money on you?

A.—But a good search would have taken it from me.

Q.—How long had you been building up the fund to get $152?

A.—A good portion was taken from me.

Q.—That's when you were working?

A.—No. I was not working.

Q.—How did you get it out?

A.—Through a trusty.

Q.—How would you get it in?

A.—Mail it in. I would have one of the trusties mail it to me. I did not have a chance to get the 152 out. The institution had become more timid. There was too much supervision. Around me there was too many men blowing their tops. I could be next. Man don't care how much he hurt as long as he satisfies himself. Same as Mr. Swenson. Long as you carry out his orders.

"Things Tightened Up"

Mr. Sodaro—You mean things have tightened up and were loose before?

A.—Yes. Under Mr. Brady a man had a chance to help himself.

Q.—In what way do you mean?

A.—To help himself by making things.

Q.—You had a legitimate way of earning money?

A.—Yes, and when Mr. Swenson come all this was broke up.

Q.—And you started the illegal way?

A.—I learned how to write numbers in the institution and play race horses.

Q.—You mean that the radio would play the number for you?

A.—Why not?

Q.—How much money were you able to accumulate in that manner?

A.—If I am lucky, that helps. And if I take care of my money—and if I seen things getting hot, I would step out.

Mr. Donnell—Where would you keep that money?

A.—On my person, around my waist.

Q.—How often were you searched?

A.—There is no search unless the officer has a line on you.

Mr. Sodaro—How much of a profit would you get a day or a week?

A.—Somewhere around 80 cents or a dollar a week.

Chief Inspector Wallace—Would you back it or play it?

A.—I would say to the fellows, if you want to play it, I will take it. I would always pay off and the fellows trusted me.

Mr. Sodaro—How would you get the number to pay off?

A.—From the newspaper.

Captain Kriss—Did you pay off any hits?

A.—Yes, the highest amount was $6 or $7.

Five And A Half To One

Q.—What was the percentage?

A.—On numbers it was 5½ to 1. This was not done every day or month. Only when I thought it was necessary.

Mr. Sodaro—You played the races, too?

A.—Don't get the idea I made a business of it.

Q.—No outside contact?

A.—No. When I felt I could win at the game, I played it.

Mr. Donnell—Mr. Sodaro wants to know if you had contact with an outside body.

A.—All inside.

Q.—Instead of working crossword puzzles?

A.—Yes.

Mr. Sodaro—How much money did you accumulate in this way?

A.—When I left the institution I had $152 and some other coins.

Q.—How long did you carry on in this manner?

A.—Sometimes every day.

Colonel Sangston—Are you allowed to decorate your cells now?

A.—Mr. Swenson broke it all up when he come there.

Q.—Is there some paint in that cell?

A.—In the old days the fellows kept the cells looking pretty nice.

Q.—How is it the paint on your trap could be matched?

A.—I did that.

MORN. SUN 4-5-51

FACES CHARGE OF CONTEMPT

Slum Landlord Had Been Ordered To Return $2,162

Contempt-of-court action was instituted in Federal Court yesterday against Jesse Williams, 72-year-old landlord who is serving a six month jail sentence for attempted bribery of a city health inspector.

Williams, who was identified as a real estate agent for Jacob Petrushansky, owner of slum real estate property, was ordered to appear before Chief Judge William C. Coleman on April 12 to answer the contempt citation.

The defendant, a Negro, is accused of violating a June, 1949 order of Judge Coleman to refund $2,162.56 in rent overcharges and to refrain from further violations of the rent-ceiling act.

Report No Refunds

Irving I. Solit and Thomas E. Barrett, Jr., counsel for the housing expediter, charged that Williams has failed to refund any of the overcharges, and has since June, 1949, violated rent-ceiling regulations in 21 separate rental transactions.

The new overcharges, dating from the time of the injunction order, ranged from 50 cents to $6.50 a week in housing units on Carey, Gilmor, Mosher and Stricker streets and on Harlem and Arlington avenues, the petition for a contempt citation alleged.

The refunds ordered by Judge Coleman in 1949 were for the benefit of twelve tenants who had been overcharged.

Last January, Williams was sentenced to six months in jail and fined $250 for attempted bribery of Eugene Chircus, health department inspector.

Asked To "Take It Easy"

Judge S. Ralph Warnken, in imposing the sentence, declared that only the age of the defendant prevented him receiving a stiffer penalty.

Williams, who lived in the 500 block North Calhoun street, pressed $25 on Chircus and asked him to "take it easy," it was testified before Judge Harry Kruger in Housing Court, where Williams faced charges of failing to comply with orders to keep houses in good repair.

Chircus testified that Williams forced himself into a city automobile and dropped the $25 in billfolds on the floor. Petrushansky denied at that trial that he had anything to do with the bribe attempt.

PRISON GUARDS TO BE QUIZZED

State Superintendent Probing Tunnel Escape Of Holmes

More than 30 prison guards who were working at the Penitentiary during the time "Tunnel Joe" Holmes was digging his way out, will be questioned by Harold E. Donnell, State prison superintendent.

The closed inquiry will begin this morning and will take "about two or three days," Superintendent Donnell said last night.

The findings will be turned over to the Board of Correction, he added.

Holmes Told Of Help

The guards will be summoned to Donnell's office in the Standard Oil Building for questioning.

Although Holmes did not say whether he had received help from a guard or from an inmate, he told the Criminal Court Tuesday that he had received "inside help" in his prison break.

Holmes said that for $7 he borrowed an electric hand drill, which he used to cut through the slate of his cell floor to start his escape tunnel.

15 Others Left Prison

Mr. Donnell will attempt to learn more of the facts about this "deal" from his inquiry.

About fifteen prison guards who were working in the prison during the time Holmes was making his escape tunnel, but who are not now employed there, will not be questioned unless the revelations from the inquiry point to any of those individuals, Mr. Donnell said.

The superintendent said the inquiry was being held for "administrative purposes and for that reason would be private.

Man Given Term Plus $7,300 Fine

Leo Quattrocche, 42-year-old father of two children, yesterday was sentenced to nine months in the House of Correction and fined $7,300 after he was convicted in Criminal Court of 22 numbers charges and one bookmaking charge.

Quattrocche was arrested March 13 after vice-squad members, under Capt. Alexander L. Emerson raided his home in the 200 block South Castle street.

Captain Emerson testified that before entering the house, he observed the defendant through a glass door leading from an areaway.

The police officer said he saw Quattrocche jump up from a table and stuff papers in a lower refrigerator drawer.

Captain Emerson said he recovered 21 envelopes containing numbers slips for that many successive week days preceding the raid. Each envelope contained a date and the winning number for that day, according to the police captain.

Charles E. Orth, Jr., assistant State's attorney, disclosed that the envelopes contained 972 slips, with 18,106 numbers representing $3,652 in play.

Twelve bookmaking slips representing $41 in play also were seized during the raid, Judge Joseph Sherbow was told.

Asked by the Court why he kept the numbers papers for so long a time, Quattrocche replied that his purpose was to verify claims by players that they had "hit" the winning number.

He contended he did not know the identity of the backer.

Official Councilmanic Race Returns Announced

The Board of Supervisors of Elections announced yesterday the following official returns in the councilmanic primaries March 27:

Democratic Nominations

FIRST DISTRICT (Three Winners)—Bertorelli, 9,180; Bonnett, 8,938; Duffy, 7,588.

SECOND DISTRICT (Three Winners)—DiDomenico, 3,857; Schueler, 3,805; Kennedy, 3,721.

THIRD DISTRICT (Four Winners)—Dewees, 12,834; Mrs. Arthur, 8,503; Boyce, 8,126; Mullin, 7,930.

FOURTH DISTRICT (Three Winners)—Abramson, 8,897; Alpert, 7,867; Edelman, 7,803.

FIFTH DISTRICT (Four Winners)—Friedel, 9,384; Flynn, 7,991; Reed, 7,912; Goodman, 7,266.

SIXTH DISTRICT (Three Winners)—Hudnet 7,589; McMenamen, 5,691; McHale, 5,679.

Republican Nominations

THIRD DISTRICT (Four Winners)—Boone, 2,213; Hooper, 1,857; Langrall, 1,712; Burgess, 1,476.

JURY SUMMONS ELECTION DATA

Record Of Political Agents Filed In Circuit Court

Records of the Circuit Court dealing with political agents and treasurers for candidates in the recent city primary election will be produced today before the grand jury in connection with its probe of election irregularities, it was disclosed yesterday.

Anselm Sodaro, State's attorney, announced that he had been directed to have Henry Ripperger, clerk of the Circuit Court, produce the political authorization papers before the grand jury today.

The papers sought were filed by candidates to advise the court clerk of persons who were to serve as political agents or treasurers for them during the campaign.

12 Political Figures

In addition, Mr. Sodaro said, twelve political figures were summoned to appear before the jurors today for questioning in connection with the probe of election-day expenditures and the distribution of unauthorized campaign literature.

Thirteen of the fourteen witnesses summoned to appear before the panel in special morning and afternoon sessions yesterday were called.

One of the witnesses, Albert J. Glass, president of the Northwestern Democratic Club, was reported to be out of town.

A total of 26 witnesses have appeared before the jurors since the investigation began on Monday.

The new witnesses summoned for today are:

FRANK PELZ, deputy Criminal Court clerk and president of the Young Men's Bohemian Democratic Club.
ERNEST L. McLENDON, JR., Third district political worker.
WILLIAM F. SCHMITZ, Fifth district worker and night-club operator.
SIMON P. JAROSINSKI, successful candidate for the [illegible] council from the First district.
LAWRENCE LOCK[illegible] fth district leader.
J. JEROME BUTLER, [illegible] Court bailiff and First [illegible] ker.
JACOB J. EDELMAN, [illegible] councilman from the Fourth district.
FRANK J. BLAIR, attorney and Sixth district leader.
LOUIS W. KOTMAIR, also a Sixth district leader.
CHARLES HOLUB, officer of the Bohemian club and Second district figure.
THOMAS McKEWEN, Second district worker.
WILLIAM C. LEHNERT, JR., a Sixth district figure.

In announcing that the grand jury wanted to inspect Circuit Court records, Mr. Sodaro made it clear that the jury, at this time, was not interested in seeing reports of campaign expenditures which may have been filed.

A few financial reports have been filed by candidates for councilmanic posts, but none of the candidates for major offices have as yet reported their receipts and expenditures, with the exception of Hyman Pressman, who unsuccessfully sought the city comptrollership.

EVE. SUN-4/5

Vote Probers Get Official Records

Official records of two public offices have been called before the Baltimore grand jury headed by W. Norris Weis in its probe of last month's primary election and political expenditures.

From the Board of Supervisors of Elections the jury has sought the official records of authorized ward executives, who usually handle the funds dispersed in election work, it was learned today.

In addition, the jury has summoned the official records of Circuit Court concerning authorized treasurers and political agents for the numerous candidates.

Reports at the Courthouse were that a number of candidates had ignored the Maryland Corrupt Practices Act by failing to have political agents and treasurers for their campaign file the authorizations.

Candidates Called

Twelve political figures, some of them candidates in the recent primary, also were under summons to appear as witnesses today.

Jacob J. Edelman, Councilman from the Fourth district who was re-elected with Pollack backing, is one of today's witnesses.

Simon P. Jarosinski, Councilman from the First district who unsuccessfully sought renomination, is another.

Frank Pelz, deputy clerk in Criminal Court under Wilford L. Carter, sole city-wide official elected as a Pollack candidate, also is called as a witness. He is president of the Young Men's Bohemian Democratic Club.

Others Are Listed

Other witnesses scheduled for today are Frank J. Blair, attorney and Sixth district worker; Louis W. Kotmair, another Sixth district figure; William C. Lehnert, Jr., also of the Sixth district; Lawrence Lockwood, of the Fifth district; William F. (Kibby) Schmitz, night club operator and Fifth district worker, and Ernest L. McLendon, Jr., of the Third district.

Basketball Bets Here Revealed At Trial Of 3

Commercialized gambling here on professional basketball was brought to light in Criminal Court today for the first time at the trial of three men arrested in a raid at 609 Dunborton avenue February 28.

Two men were charged with bookmaking and numbers writing and the property owner was charged under a bookmaking indictment with aiding them by providing quarters used for gambling.

Bets on the Bullets and other professional teams were seized by Capt. Alexander L. Emerson when he broke in the first-floor apartment door. He had a search-and-seizure warrant.

Two basketball betting slips were seized, Captain Emerson testified before Judge Joseph Sherbow and a jury. They showed eleven bets totaling $1,238 on professional games, he added.

Teams Couplings Listed

Teams coupled in the wagers included the Bullets and Fort Wayne, Tri-City and the Bullets, Philadelphia and Syracuse, Minneapolis and Tri-City, Rochester and New York and Fort Wayne and Minneapolis.

A total of $4,917 in horse-race bets had been played with the two bookmakers, he testified.

In addition, he seized old bet records covering two other days, and about $96 in numbers bets, plus payoff records showing $1,272.40 paid to winners.

James Hintenach, 31, charged with permitting the place to be used for gambling, asked a jury trial. Hintenach denied, through Douglas N. Sharretts, knowing that his kitchen and its two telephones had been used for gambling. He had the telephone installed, his counsel said, in his own business operations, one of them being listed in a name similar to an international drug concern, although Hintenach's company was a fuel oil and burner service.

2 Waive Jury Trials

Charged as bookmakers and numbers racket men, Edward Bunn, 1083 Cameron road, and Harold Stallings, 103 West Thirty-ninth street, pleaded guilty to some charges and not guilty to others. They elected to stand trial before Judge Sherbow without a jury, thereby obtaining a severance.

GOP Unit Barred Jonkel, Report

[Special to The Evening Sun]

Washington, April 5—Jon M. Jonkel, campaign manager for Senator John Marshall Mutler (R., Md.), was denied admittance to a Republican strategy conference that preceded the opening of hearings on the 1950 Maryland senatorial election, it was learned here today.

The meeting was held February 18 in the Mayflower Hotel apartment of Senator Owen Brewster (R., Maine). Present were Senators Butler and Brewster; Albert B. (Ab) Hermann, executive director of the Republican National Committee; Enos S. Stockbridge and Frank B. Ober, Baltimore lawyers; Frank M. Smith, Butler's administrative assistant; Perry Patterson, attorney for the Washington *Times-Herald*, and Ralph E. Becker, Republican counsel for the subcommittee investigating the election.

Asked To Attend

Jonkel, a Chicago press agent who managed Butler's campaign, asked to be allowed to attend, but was barred, according to Senator Brewster.

The Maine senator said it was Ober, author of the Maryland anti-subversive law, who first suggested Butler as a Republican candidate to oppose Millard E. Tydings.

Flashes

17 Held In Drug Raid

Police are holding thirteen men and four women at Northwestern Police Station, following a raid by the narcotics squad of the police department and Federal narcotics agents. Those held were not identified.

The raid was part of the current drive against the narcotics traffic in the city.

"The purpose of these officers . . . is not in any manner to set up another police force."

—ANSELM SODARO, State's attorney, requesting the transfer of five selected police officers to his office to assist in investigation.

Mr. Sodaro *Inspector Wallace*

"The uniformed police of Baltimore are not lying down on the job."

—CHIEF INSPECTOR M. JOSEPH WALLACE.

NEWS-4/5

Guards Quizzed On Tunnel Dug By Holmes

Examination of guards at the Maryland Penitentiary concerning the statement of "Tunnel Joe" Holmes that he had "inside help" in his escape February 18 was begun today.

The guards are being questioned one by one by State Prison Superintendent Harold E. Donnell in his office in the Department of Correction's headquarters in the Standard Oil Building.

PLANS NO STATEMENT

Mr. Donnell said today that he would have no statement to make during the interrogation and that he doubted there would be any afterward. He added:

"This is purely an administrative matter."

Twelve guards were called for examination today and about the same number will be called tomorrow. In all 32 officers are to be questioned.

WERE ON DUTY

They are those who were on duty in the west wing of the prison during the months Holmes dug the 70-foot tunnel through which he fled to a brief freedom.

Holmes made his declaration that he had "inside help" at his hearing in Criminal Court Tuesday on charges of escape, armed holdup, carrying a gun and shooting at a policeman.

He told Judge Joseph Sherbow that he had bought an electric hand drill in the prison for $7, but did not say from whom he bought it, prisoner or employee, stating:

"I wouldn't like to mention any names."

STARTED TUNNEL

The prisoner said he used the hand drill to break through the floor of his cell for a start on his tunnel. Previously he had insisted he had no help in his break.

He pleaded guilty to the charge of escape and was convicted on the others and is now awaiting sentence.

17 Seized By Police In Dope Raids

In a series of swoops on the dope trade police and Federal agents today seized 17 persons and took them to the Northwestern Station.

Three of those seized were listed on the docket as "held for investigation." The others, not yet docketed, were undergoing interrogation.

4 WOMEN SEIZED

Thirteen of those in the custody were men and four were women. All were Negroes.

The seizures were made at scattered places and times, starting early this morning by plain clothes officers of the Northwestern district under Sgt. Joseph Carroll and working with Federal men.

Those picked up were said to have been found in known haunts of drug addicts and peddlers.

MORN-SUN 4-6-51

2 Get Life Terms In Trolley Case

Two 26-year-old men, each of whom blamed the other for the fatal stabbing of a trackless trolley operator in 1949, were sentenced to life in prison yesterday by Judge Joseph Sherbow.

Both men, Gerald Sylvester Day and Russell Sinclair Lewis, were sentenced to hang in March of last year when they were tried together before Chief Judge W. Conwell Smith.

The case was appealed and the Court of Appeals ruled that the accused, both Negroes, should be given new and separate trials. They based their appeals to a large extent on the argument that their trials should be held separately because their stories were diametrically opposed and their interests hostile.

In Criminal Court yesterday, statements made by both Day and Lewis were read. Each admitted in the statements, which were made to police shortly after their arrest, that they participated in the robbery of a trackless trolley operated by Orval E. Ericson.

Though Ericson was stabbed to death at that time, both defendants denied striking the fatal blow.

The murder occurred October 5, 1949, at Carey street and Westwood avenue at the terminus of the No. 21 line.

The body was discovered by a policeman off duty who was returning to his parked car, near the intersection. Ericson was found slumped on the floor of the trolley with five stab wounds in his body, any one of which, doctors said, would have killed him.

Day and Lewis were arrested the next day and each made statements to police which indicated that the other had stabbed the trolley operator.

MORN. SUN 4-6-51

2 GET TERMS IN SPORT BETS

Gamblers On Pro Basketball Scores Also Fined

Judge Joseph Sherbow, declaring that the "slimy hands of racketeers" have given a "black eye" to professional basketball games in this city, yesterday sentenced two confessed gamblers to nine-month House of Correction terms and fined them a total of $3,000.

Noting that it was the first case before him involving betting on basketball games, Judge Sherbow said: "It is perfectly clear that what has happened elsewhere has finally happened here."

"A good clean sport is going to get a rotten black eye," the judge added. "It is just as obvious as the fact that day will follow night."

Admits Having Slips

Harold Stallings, 46, of the 100 block West Thirty-ninth street, one of the two defendants, admitted that basketball betting slips seized in a raid on Dumbarton avenue premises were his property. Stallings was fined a total of $1,750, in addition to the prison term, on basketball, horse-race and numbers-bets charges.

Edward Charles Bunn, 47, of the 1000 block Cameron road, was fined $1,250 on bookmaking charges, in addition to the House of Correction term.

Capt. Alexander L. Emerson, head of the police vice squad, testified he seized eleven bets totaling $1,238 on professional basketball games involving the Baltimore Bullets and teams representing Minneapolis, Indianapolis, Tri-Cities, Rochester and other cities.

The raid was conducted in the residence of James D. Hintenach, 31, in the 600 block Dumbarton avenue. Hintenach, salesman for a metal-products company and a dealer in fuel oil and oil-burner service, was acquitted by a jury of permitting the place to be used for gambling purposes.

Admits Permitting Use

Hintenach admitted he permitted Bunn to use his residence during the day, but denied knowing of the gambling activities being conducted through the use of two telephones in the place. He said he had one phone listed under the name of a company because he did not want the metal-products concern to know he was carrying on another business.

After the jury acquitted Hintenach, Judge Sherbow said he wanted to repeat what the man's counsel had told the jury, namely: "I can take care of my enemies, God deliver me from such friends as these."

Questioned by the judge about his basketball bets, Stallings contended that many of the bets were his personal bets, but admitted he took a "few" from friends.

"I started taking basketball bets this year," he testified. "I would take them on the street from friends interested in the same sports I was interested in."

Emerson Tells Of Phones

Stallings contended he usually bet on a "point-spread" basis which he worked out on his familiarity with the teams.

Captain Emerson testified both defendants were seated at telephones when he entered the premises. He said he seized and took over the telephones during the raid race bets totaling $4,736 in play.

A smaller quantity of numbers bets for which Stallings also took responsibility, also were seized during the raid, the police captain testified.

21 ARE HELD AFTER SERIES OF DOPE RAIDS

Mayor Calls Arrests First Fruits Of Narcotics Drive Fund

Mayor D'Alesandro last night called yesterday's roundup of suspected dope peddlers the first fruits of the $10,000 given the office of the State's attorney to break up the narcotics racket.

The police narcotics squad and Federal agents arrested seventeen persons in a series of early morning raids in the Northwestern district.

After being questioned most of the day, two women were released but police were still holding thirteen men and two women "for investigation."

Four more men suspected of dope violations were arrested in Northwestern last night by Sergt. Joseph Carroll, head of the narcotics squad, and Northwestern policemen.

Says He Needs Shot

Northeastern policemen also picked up two suspects about 8.30 P.M. One of the pair, when brought before the desk sergeant, began moaning, then started sobbing and screaming.

He told police that he was an addict in desperate need of a shot and demanded that he be taken to a hospital for a heroin injection.

The narcotics net is expected to keep sweeping across the city in a series of raids authorities hope will break the back of heroin and marihuana peddling in Baltimore.

Mayor's Statement

In his statement last night the Mayor said:

"The appropriation by the Board of Estimates of $10,000 for use by the State's attorney in the investigation of the narcotics racket already is beginning to bear fruit, as evidenced by the roundup of dope peddlers today.

"The police are deserving of high praise."

The $10,000 for special undercover work was given to Anselm Sodaro, State's attorney, last month at a special session of the Board of Estimates called by Mayor D'Alesandro.

Members of the police narcotics squad said all the persons seized yesterday had been arrested on warrants based on advance investigation.

More warrants have been obtained, narcotics officials said.

Yesterday's arrests marked the beginning of an intensive drive to which the police, the State's attorney and the Federal Narcotics Bureau are teamed up.

Officials refused to give further details about their methods or plans until they have completed their roundup.

Baltimore has been listed as one of the major cities in the United States in which the dope situation in the past year has become so acute as to be almost out of hand.

Of especial concern to civic groups has been the widening use of heroin and marihuana among teen-agers.

In a recent Criminal Court trial it was testified that some peddlers have gone so far as to give free injections of heroin to novices in order to increase the number of addicts to whom they can sell.

18 SUMMONED IN VOTE PROBE

List Includes Griebel, Defeated Candidate For Mayor

Eighteen witnesses, including Charles G. Griebel, unsuccessful candidate for mayor, have been summoned to appear before the grand jury today in connection with the probe of possible violations of the Corrupt Practices Act during the recent city primary.

Council Candidates Included

The witness list for today is the largest since the jury opened the investigation Monday.

Some unsuccessful candidates for the City Council are among the group, which includes, in addition to Mr. Griebel:

JOSEPH GRAFF, First district, ward executive.
JOHN SIMON, political worker in the Second ward.
JOHN M. LACKEY, Tenth ward executive.
PHILANDER B. BRISCOE, former City Councilman and Mayor D'Alesandro's campaign manager.
DAVE SHERMAN, Fifth district worker.
WILBURT SORG, Twenty-eighth ward, precinct worker.
JOSEPH REGESTER, executive in the Twenty-sixth ward.
GEORGE ARTHUR, executive in the Twenty-seventh ward.
HYMAN PRESSMAN, unsuccessful candidate for comptroller.
RISQUE W. PLUMMER, unsuccessful candidate for the City Council from the Fifth district.
PAUL J. REED, JR., defeated candidate for City Council from the Third district.
WALTER J. DEWEES, City Councilman from the Third district.
WILLIAM D. SCHOFIELD, JR., defeated candidate for comptroller.
FRANK J. McQUADE, JR., unsuccessful candidate for City Council from the Third district.
JULIAN B. CARRICK, Sixth district leader.
ALICE H. HESSION, defeated City Council candidate from the Fifth district.
NELSON COONEY, Fifth district worker and former policeman.

Dozen Are Heard

The jury heard testimony yesterday from a dozen political leaders or candidates, in addition to scrutinizing records of the Circuit Court and the Board of Supervisors of Elections.

The records taken before the jury included lists of political agents or treasurers filed by candidates in the Circuit Court.

In addition, election board records of authorized ward executives, who usually handle funds spent in election work, were produced before the jurors.

Sodaro Reports Accord On Police Assignment

Anselm Sodaro, State's Attorney, announced yesterday that he and Beverly Ober, Police Commissioner, have "come to a satisfactory arrangement" regarding the assignment of policemen to the prosecuting office to assist in probing dope, gambling and other violations.

Neither of the officials was willing to discuss the arrangement agreed on in a conference earlier in the day.

Mr. Sodaro recently advised the Commissioner that police assistance for the State's Attorney's office had been requested early in January, but that no help had been offered.

Mr. Sodaro declared at that time that he needed a staff of policemen to give immediate attention to bona fide complaints reaching his office. The prosecutor pointed out that often complaints of law violations need to be tracked down promptly.

EVE. SUN-4/6

3-Year Terms Set In Store Thefts

Three-year State Reformatory sentences today were imposed by Judge Joseph Sherbow in Criminal Court on Richard D. Furley, 21, and James Furley, 24, brothers who admitted thefts totaling about $7,000 in merchandise from Hochschild, Kohn & Co.

In addition, a group of householders who were convicted of receiving stolen goods for buying the merchandise at about 25 cents on the dollar were released under six months' suspended sentences provided they make full restitution to the store.

Probation Terms

The probation terms were imposed on Henry Kunz, 1200 block Cleveland street; Mrs. Jean Simmonaitis, 1300 block Glyndon avenue; Mrs. Florence Norman, 1300 block Washington boulevard, and Mrs. Dorothy Petruska and Mrs. Fern Buscht, both of the 900 block Bayard street.

The younger Furley, who lives in the 1600 block Cole street, was a delivery driver for a company serving various Baltimore stores, Assistant State's Attorney Edwin A. Gehring told the court. Many of the stolen articles had been scheduled for parcel post shipment. Others were stolen from the store-loading platform.

EVE. SUN-4-6-51

18 Called In Jury Probe Of Election Spending

Eight participants in last month's primary election and ten other political figures were called to appear before the Baltimore grand jury today in its investigation of possible violations of Maryland's Corrupt Practices Act.

Charles G. Griebel, an unsuccessful Democratic candidate for Mayor, topped today's witnesses in the probe which was called for in a public "charge" to the jury by Judge Joseph Sherbow.

The only successful candidate in today's list of witnesses is Walter J. Dewees, City Councilman from the Third district.

Pressman Called

Hyman Pressman and William D. Schofield, Jr., unsuccessful candidates for comptroller, and four unsuccessful candidates for City Council nominations were on the list.

The ten political figures included Philander B. Briscoe, a former city councilman who served in the primary campaign as Mayor D'Alesandro's campaign manager.

In order to speed up its probe, the grand jury has held special afternoon sessions daily. Night sessions are being considered.

Other witnesses to be called include:

JOSEPH GRAFF, First district, ward executive.

JOHN SIMON, Second ward political worker.

JOHN W. LACKEY, Tenth ward executive.

DAVE SHERMAN, Fifth district worker.

WILBURT SORG, Twenty-eighth ward, precinct worker.

JOSEPH REGESTER, Twenty-sixth ward executive.

GEORGE ARTHUR, Twenty-seventh ward executive.

RISQUE W. PLUMMER, unsuccessful candidate for the City Council from the Fifth district.

PAUL REED, JR., defeated candidate for the Council from the Third district.

FRANK J. McQUADE, JR., unsuccessful Council candidate from the Third district.

JULIAN B. CARRICK, Sixth district leader.

ALICE H. HESSION, defeated Council candidate from the Fifth district.

NELSON COONEY, Fifth district worker and former policeman.

$10,000 Annual City Narcotics Fund Urged

A total of 31 charges on narcotics law violations were placed against fifteen persons in the Northwestern police station shortly after noon today. The thirteen men and two women accused will be given a hearing before Magistrate Thomas L. Fitzpatrick this afternoon. The Charges were placed by Sergt. Joseph Carroll.

Boyd Martin, chief of the Federal Narcotics Bureau here, announcing continued sweeping raids on dope peddlers which have already brought in 25 men and women in the last 24 hours, today called on the city to spend $10,000 a year in special funds to fight the narcotics racket.

Warrants have been obtained for 50 persons, Mr. Martin said, and police will continue making raids.

"In every case," Mr. Martin said, "purchases have been made by Federal agents or plainclothes police officers, and all charges are being made against peddlers, and not on mere possession." He said informers were not used in making the arrests.

Cases Referred To Sodaro

All of the cases, he said, were being referred to State's Attorney Anselm Sodaro for prosecution. Some cases will get preliminary hearings at the Northwestern police station this afternoon.

Arrests will continue on the basis of information collected by special officers and from the files of the Narcotics Bureau, which contain records of every known addict and peddler in Baltimore, Mr. Martin said.

Mr. Martin, in calling for an annual appropriation of $10,000 by the Board of Estimates to hire special agents and buy information against peddlers, said: "Every dollar would be a capital investment in the cause of humanity."

The narcotics agents are now using a special $10,000 fund provided for the current drive.

Sequels To D.C. Raids

Mr. Martin said Baltimore's raids were sequels to those staged in Washington on March 16, which uncovered a large dope ring.

He emphasized that this week's raids, like those of the past, have involved no schoolchildren — although some of those picked up in the past are of school age but not now in school.

Among those "released" after being picked up yesterday are some who are only temporarily at large. One woman, for example, was allowed to return to her home to nurse a breast-fed baby.

At Northwestern Police Station, where 21 have been picked up in the last 24 hours, seventeen men and two women are still being held for questioning. Two women were released yesterday.

Sergt. Joseph Carroll and Patrolmen Casmir Moniewski and Jacob Simonsen were still making their raids this morning. They booked one man at 2.45 A.M. and another at 3.45.

Not Arresting Addicts Now

A police inspector said all known or suspected dope peddlers in the city would be arrested in the drive. Police are not now picking up addicts, but are allowing them freedom so they will lead them to peddler suspects.

At Northeastern Police Station four Negroes, one a woman, are being held for questioning. Lieut. William Thompson and Sergt. George Waldhauser stumbled on the suspects when they arrested a 22-year-old Negro man suspected of stealing cigarettes from parked trucks.

NEWS-4/6

Police, U. S. Agents Co-Operate In Roundup

Arrests of 31 more suspects in Baltimore's war on the narcotics racket were "in the works" today, with 23 persons, including three women, already in custody.

Police and Federal agents were co-operating in the new drive to crush the growing "dope" menace here, and four persons were arrested.

Arrests were expected in the Western, Northwestern, Eastern and Northeastern sections of the city.

ARRESTS LAST NIGHT

Eight persons were arrested last night, four in the Northwestern District and four in the Northeastern.

Seventeen previously had been held at Northwestern police station, but two of them were released at about the time the four new suspects were picked up, bringing the total there to 19.

They were arrested by the new police narcotic squad commanded by Sgt. Joseph Carroll under the direction of Inspector Joseph H. Itzel.

AGENTS CO-OPERATE

Boyd Martin, chief of the Federal Narcotic Bureau district office here, said the police and Government agents were working on the problem "simultaneously here and in Washington."

Four new suspects were arrested by Lt. William Thompson and Sgt. George Waldhauser of the Northeastern District, who picked up three men and a woman.

They said they had discovered hypodermic needles at a home in the 600 block Ensor street while investigating another crime, and subsequently picked up the four suspected of narcotic law violations.

State's Attorney Anselm Sodaro visited Northwestern police station several times yesterday and last night to question suspects held there.

ASKS TREATMENT

Whether more arrests could be expected today the officers would not say.

One of the men picked up in the Northeastern district asked to be taken to a hospital for treatment for narcotic addiction, but managed to "straighten himself out" overnight, police said.

Mr. Martin, in a statement issued today, urged the city to appropriate at least $10,000 annually to combat the narcotic menace, and said the selection of men named to the police narcotic squad was an "excellent one."

ACTION PREDICTED

He said:

"I predict that after the organization of this group of men has been in effect for a period of 12 months the results will more than justify the confidence of the public."

Mr. Martin also emphasized the fact that, in his 36 years of enforcement work in Baltimore no "schoolboy or girl who was actually in attendance in either parochial or public school" has been arrested for narcotic-law violation.

Brothers Draw Sentences In Store Thefts

Two brothers, convicted of wholesale thefts of merchandise valued at a total of $7,000, from the parcel post deliveries of a downtown department store, were sentenced to not more than three years each in the State Reformatory for Males by Judge Joseph Sherbow in Criminal Court today.

At the same time Judge Sherbow imposed, and suspended, sentences of six months each on four housewives and a man, charged with receiving the stolen merchandise, which ranged from toys to women's apparel.

MUST PAY BACK

The brothers are Richard D. Furley, twenty-one, 1600 block Cole street, delivery truck operator, and James Furley, twenty-four, 1900 block West Baltimore street.

The four women and the man, convicted of buying the stolen articles and placed on probation for one year on condition that they pay back "every dollar and cent" of the retail value of the articles to the store, are:

Mrs. Fern Busch, twenty-five, 900 block Bayard street; Mrs. Florence Norman, thirty-three, 1300 block Washington boulevard; Mrs. Dorothy Petruska twenty-nine, 900 block Bayard street; Mrs. Jean Simmonaitis, twenty-five, 1300 block Glyndon avenue, and Henry Kunz, forty-seven, 1200 block Cleveland street.

Detective Lt. Frank Schmidt testified that the brothers had stolen packages of merchandise from the company's delivery platforms over a period of many months and sold them at private sales at 25 cents on each dollar of value.

The cases were prosecuted by Assistant State's Attorney Edwin Gehring, Jr.

MORN-SUN-4/5

BROTHERS JAILED IN PACKAGE THEFT

Two Get 3-Year Terms, Five Are Suspended

Two brothers, convicted Monday of stealing merchandise from a department store and selling it to housewives at greatly reduced prices, yesterday were sentenced to not more than three years in the State Reformatory for Males.

Five others convicted in the case on charges of receiving stolen goods were released under six-month suspended sentences on condition that they make full restitution to the store.

At the trial, the brothers, Richard D. Furley, 21, of the 1600 block Cole street, and James F. Furley, 24, of the 1900 block West Baltimore street, admitted stealing nearly $7,000 from Hochschild, Kohn & Co. in the form of merchandise.

Richard, a truck driver for an independent delivery firm which hauled many of the store's parcels, testified that he removed packages from the truck and sold them to householders.

Get Suspended Sentences

In imposing sentence, Judge Joseph Sherbow told the brothers they had committed a serious crime, adding that Richard Furley had violated a position of trust in stealing the packages from the truck.

The six-month suspended sentences were given to Henry Kunz of the 1200 block Cleveland street; Mrs. Jean Simonaitis, of the 1300 block Glyndon avenue; Mrs. Florence Norman, of the 1300 block Washington boulevard, and Mrs Dorothy Petruska and Mrs. Fern Busch, both of the 900 block Bayard street.

The case was prosecuted by Edwin A. Gehring, assistant State's attorney.

18 More Testify In Primary Probe

The grand jury yesterday completed its first week of investigating complaints of irregularities during the recent primary election.

Although the probe will be resumed on Monday, no additional summonses for witnesses had been issued yesterday.

Anselm Sodaro, State's attorney, said more witnesses may be summoned today to appear at the Monday session of the grand jury.

More than 60 candidates and political workers were called before the grand jury during the first week. Mr. Sodaro said the tempo of the investigation probably will be stepped up next week to bring the probe to a quicker conclusion.

18 Witnesses Heard

The jurors heard testimony from eighteen witnesses yesterday in a day-long session. The witnesses included eight candidates in the recent primary and ten political figures.

Complaints of "vote-buying" on election day and of unauthorized campaign literature prompted the city-wide probe of possible violations of the State's Corrupt Practices Act.

Mr. Sodaro said workers, including ward executives, precinct workers and factional leaders, from all political subdivisions of the city will be called before the probe is completed.

FUND TO BATTLE DOPE IS INDORSED

Mayor Supports Annual Appropriation Of $10,000

The annual appropriation of at least $10,000 by the city to fight dope peddlers was indorsed yesterday by Mayor D'Alesandro.

The Mayor announced he is in thorough accord with the $10,000-a-year idea which has been suggested by Boyd M. Martin, head of the Federal Narcotics Bureau here.

Could Use $10,000 More

"If deemed necessary more than $10,000 could be made available," the Mayor said.

A few weeks ago a special appropriation of $10,000 was authorized by the Board of Estimates to hire out-of-town investigators to seek out dope peddlers here.

"The initial results have made it clearly evident that great good could be achieved through provision of special funds annually for that purpose," the Mayor added.

Mr. Martin commended the Mayor's "splendid service" in taking immediate steps to deal with the present narcotics problem.

Morn-Sun 4/7/51

FEDERAL MEN HERE 8 MONTHS ON DOPE CASES

Hearings For 15 Persons Show Two Undercover Agents Operating

Two Federal undercover men have been living among Baltimore's dope peddlers since August, it was revealed yesterday during hearings for fifteen persons charged with selling narcotics.

The two agents, testifying before Magistrate Thomas L. Fitzpatrick in Northwestern Police Court, constantly referred to a third operator who was their contact with peddlers.

They called him "the man" and efforts by defense attorneys to learn something more about him finally brought the admission that he was "a special employé of the Government."

31 Charges Placed

The fifteen defendants, arrested by the police narcotics squad in a series of raids in the last two days, had 31 charges against them, including the sale of marihuana cigarettes, loose marihuana, heroin capsules and morphine.

All but one of the accused pleaded not guilty and all were held for the grand jury on bail ranging from $3,000 to $7,000.

It was the one defendant who pleaded guilty—Ada James, 22, of the 1500 block Mullikin court—whose case revealed that the two undercover men have been working here since August.

$15 For Heroin, He Testifies

One of the agents testified in her case that he had paid her $15 for five capsules of heroin on August 15.

She told the magistrate, "There's just one question I've got. What I want to know is who the other fellow with him was?"

Her question was not answered.

The first four defendants were represented by counsel and their hearings were interrupted by repeated clashes with Charles E. Orth, Jr., assistant State's attorney.

Home Addresses Sought

The attorneys asked the two agents their home addresses, the name of "the man" accompanying them when they made purchases and why the agents had not made the arrests at the time they made the purchases.

Magistrate Fitzpatrick—who had cleared the courtroom of spectators to protect the identity of the two agents—sustained about 50 objections made by Mr. Orth to these questions.

One of the agents did say, however, that "under orders from the district supervisor," arrests had not been made immediately after purchases.

At one point in the hearing, E. Milton Altfeld, attorney for Ida Mae Adams, 45, of the 2300 block Pennsylvania avenue, declared:

"Innocent people are being sacrificed on the altar of hysteria."

The agent in this case testified he had bought marihuana cigarettes from the defendant in her store on Pennsylvania avenue on five separate occasions in October and November.

He said "David" had first taken him to the store on October 25 and that he had bought nine cigarettes for $4.

Mr. Altfeld asked who "David" was but Mr. Orth objected and the magistrate sustained his objection.

Ida Mae Adams was held for the grand jury in $3,000 bail.

In the case of Charles Alsup, 31, of the 3000 block Cherry lane, one of the agents testified he had bought four capsules of heroin from the defendant on October 27.

"With Some One?"

Michael F. Freeman, Alsup's attorney, asked the agent, "Were you in company with someone?"

"The man," the agent told him.

"Who's the man?" the attorney asked.

"A special employé," the agent answered.

"Employed by whom," Mr. Freeman wanted to know.

"An employé of the Government," said the agent.

Charles Alsup was held for the grand jury in $3,000 bail.

Held In $4,500 Bail

His brother, Earl Alsup, 25, of the 500 block West West street, was held for the grand jury on $4,500 bail on charges of making three marihuana sales to the agent.

The Federal man told the magistrate he had first met—and bought reefers—from Earl Alsup on Freemont street in September.

"The man" introduced him, he said, and he later bought marihauna cigarettes from the defendant at the corner of Barre and Ridgely streets.

Testifies As To Supply

The agent testified, "He (Alsup) told me he operated in that vicinity. He said I was all right and that he kept a supply on hand."

The agent said he made the third purchase at Alsup's home in West West street.

The fourth defendant represented by counsel was Rudolph Fauntleroy, 24, of the 1400 block Laurens street.

One of the agents said he had been introduced to Fauntleroy on February 19 in a pool room in the 1000 block of Laurens street.

Went To Shoeshine Shop

The agent said the defendant took him to a shoeshine shop "in the vicinity" of Laurens and Stricker streets where he sold him fourteen one-quarter grain tablets of morphine for $8.

Paul B. Mules, Fauntleroy's attorney, asked the agent about his home address. Mr. Orth objected and Mr. Mules told him, "He's a Government agent and I'm entitled to know where he lives."

Magistrate Fitzpatrick sustained Mr. Orth's objection and held the defendant in $3,000 bail.

Two Hours On Four Cases

The hearings started about 4 P.M. and it took until 6 o'clock to complete the hearings on the first four cases.

Of the fifteen cases, the highest bail set was $7,000—for Monroe Maynard, 30, of the 900 block North Fulton avenue.

The agent testified that in October he had purchased marihuana cigarettes from Maynard on six separate occasions and had also bought 276 grains of marihuana. The agent said most peddlers put five grains of loose marihuana in one cigarette.

Remaining Nine Named

The remaining nine defendants and the charges against them were:

RALPH SHEARED, 28, of the 1400 block Pennsylvania avenue, charged with selling seven marihuana cigarettes for $4 in October and held in $3,000 bail.

CHARLES WEAVER, 24, of the 500 block Mosher street, accused of selling six "reefers" for $3.50 in November and held in $3,000 bail.

BENJAMIN DYSON, 25, of the 1100 block North Carey street, charged with two sales of heroin in March—two capsules for $6 and five capsules for $14—and held in $5,000 bail.

GEORGE WASHINGTON, JR., 21, alias "Peg," of the 600 block of West Mulberry street, accused of selling two capsules of heroin for $6 in August and held in $5,000 bail.

Sale In August Charged

JOHN BERRY, 24, of the 700 block West Saratoga street, held in $5,000 in charges of selling two heroin capsules for $6 last August.

DAVID JONES, 23, of the 500 block West Biddle street, charged with three separate sales of heroin capsules last September and held in $5,000 bail.

NORMAN YOUNG, 24, of the 500 block North Arlington avenue, accused of selling 16½ grains of morphine for $22.50 in February, held in $5,000 bail.

EUGENE WONG, 23, of the 2500 block Madison avenue, charged with selling eight marihuana cigarettes for $4.25 in January and held in $3,000 bail.

All But One Are Negroes

All of the defendants were Negroes, except Wong, whom police said was part-Chinese.

The police narcotics squad—Sergt. Joseph Carroll and Patrolmen Casimir Moniewski and Jacob Simonsen—have five more persons held for investigation in connection with dope peddling in Northwestern district.

In Northeastern Police Court yesterday, three of the four persons seized Thursday night in a house in the 600 block of Ensor street, were released.

The fourth, Henry Edward Moss, 22, of the 1300 block East Fayette street and the 600 block Ensor street, was charged with larceny and held on $5,000 bail.

However, police said the charge against him would be changed after receiving laboratory reports.

Morn-Sun-4/9

BALTIMORE, MONDAY, APRIL 9, 1951

Baltimore's Attack On Its Own Crime Problems

Whether the Kefauver crime-hunting committee will come to Baltimore remains in doubt. The committee is due to expire at the end of the month. It first must prepare its report and that undertaking will leave but little time for further hearings and field work.

However, a resolution to extend the committee's operations until early next year has been prepared for Senate consideration by two of the committee members—Senators Wiley, of Wisconsin, and Tobey, of New Hampshire. Senator Wiley is urging a continuation of the committee to tie up "loose ends" in such cities as Baltimore and Pittsburgh.

There is nothing tangible here. It is merely a suggestion that the committee might profitably come to Baltimore.

All this brings up the observation that whether the committee comes or does not come to Baltimore, the city itself is doing something about its crime problems. It is doing it without any prodding from or revelations by the Kefauver committee.

Saturday's shakeup in the Southwestern police district provided an example of the steps being taken. A gambling case had brought criticism of the police in the district. Police Commissioner Ober took a forthright move to cure the situation by a transfer of lieutenants and sergeants.

The uncovering of a widespread use of narcotics has brought a series of corrective steps. Mayor D'Alesandro appointed his Youth Emergency Council to combat the illegal use of drugs. The Board of Estimates has made available a special appropriation of $10,000 for an investigation of the drug traffic. The Police Department is organizing a narcotics division. The grand jury has been looking into the sporting news services.

The General Assembly passed two bills dealing with the dope problem. One of the measures increased the penalties for the illegal sale of narcotics. The other one calls for the forfeiture of vehicles used to transfer drugs illegally.

None of these steps is sensational. None is a panacea for crime. But taken together they display an awareness that local law-enforcement officials have a responsibility for local law enforcement. Baltimore can and should keep its own house in order. It may need State and Federal help. But it cannot pass the buck to Annapolis and Washington.

Eve. Sun-4/9/51

Flash

Timanus Trial Op...

Eight abortion charges and ninth charge of conspiracy today were brought to trial in Criminal Court against Dr. George Lutrell Timanus, his secretary, Bessie E. Nelson, and a nurse, Anne E. Adams. The defendants pleaded not guilty. Judge Joseph Sherbow presided, and selection of a jury delayed start of testimony.

Salesman Of Car Parts Arrested In Drug Case

A 22-year-old auto-parts salesman was released on $5,000 bail this morning in what police described as "a big case" involving dope peddling.

Arthur Lahn, alias "Otts," of the 330 block Marnett road, was the defendant in Northern Police Court before Magistrate William Greenfeld, on three charges of violating narcotics laws.

The magistrate described Lahn as a member of "a very fine family."

Police Inspector Joseph H. Itzel, narcotics squad chief, discussing the case guardedly, said that Lahn's arrest on Saturday was only part of "a big case" on which officers have been working for months. He gave special commendation to the officers arresting Lahn.

These officers, he said, were Sergt. Arthur Smallwood and Patrolmen Joseph Judd, William Pence and Edward Bender.

Keeping "Hand" Covered

Police refused to make further comment on the case, which is apparently still being pursued, for fear of "showing our hand."

Lahn, who was represented by Attorney Sol Liss, entered pleas of not guilty to a charge of "unlawfully, willfully having in his possession, selling or using" capsules of heroin and cocaine, and a hypodermic syringe.

No testimony was heard in the case, and the preliminary hearing was waived, including reading of the charges.

Lahn appeared in court wearing neat, conservative clothes and a crew haircut in contrast to many defendants in recent narcotics cases.

The case, part of the current drive to break up the growing narcotics trade in Baltimore, was only one of the day's developments.

Two More Arrests

At Northwestern police station, where about 30 suspects and defendants have been held since the beginning of city-wide raids late last week, two more men, both Negroes, were arrested this morning.

The two were listed on the docket as "held for questioning." Two other Negro men who were arrested late Saturday night are still held at the station.

Eighteen others were held for grand jury action at the station after hearings on Friday and Saturday.

The office of Boyd Martin, chief of the Federal Narcotics Bureau here, had no further comment on the city-wide raids this morning, but earlier indicated they would continue. All known or suspected dope peddlers are being sought.

Four More Held In Drive On Dope

Four more men today had been arrested in Baltimore's all-out drive to rid the city of dope users and peddlers.

Three of the men are held at Northwestern district station for investigation in connection with narcotics charges.

The other, arrested in the Northern district, was held in $5,000 bail for Grand Jury action on charges of possessing cocaine and heroin capsules, needles and a syringe.

NOT GUILTY PLEA

Charged is Arthur Lahn, twenty-two, 3300 block Marnet road, who pleaded not guilty through his attorney, Sol Liss, and waived a preliminary hearing.

Police said Lahn, an automobile parts salesman, was arrested last Saturday by Sgt. Arthur Smallwood and a plain clothes squad.

The suspects held at Northwestern district were arrested by the narcotics squad, headed by Sgt. Joseph Carroll.

One of the men is a thirty-eight-year-old chauffeur and another is a thirty-one-year-old painter. They were arrested early today.

ADDICT RELEASED

Capt. William Feehey, Northwestern district, said today that a man, held over the week end for investigation in connection with narcotics violations, has been released, although the man told police he is an addict.

The twenty-seven-year-old laborer surrendered himself to police, Captain Feehley said, with the statement that he wanted "to get off the dope habit."

Police were unable to charge the man, however, because he had no dope or hypadermic equipment in his possession. Therefore, they were unable to send him anywhere for treatment and could do nothing but release him, it was reported.

Police Release Dope Addict, Tell Him To Use Willpower

A confessed dope addict who gave himself up at Northwestern police station over the week end and asked for help in breaking his habit was released today—without getting help.

A 27-year-old Negro laborer who told Capt. William C. Feehley he had been taking dope for seven years (and revealed his sources of supply), got only a few suggestions from police.

Captain Feehley told him, after conferring with State's Attorney Anselm Sodaro, that he might persuade the Federal narcotics farm at Lexington, Ky., to take him in, if he paid his own way there.

Will Power Suggested

The captain also told the addict, "You look all right to me, after 24 hours in the cell. All you need now is a little will power. You're not helpless. Stay away from your friends who take dope."

Captain Feehley told the man that, if he did begin to have cramps or other pains resulting from abstaining from the use of dope, he could come back to the station for help.

The man went to the station Saturday night and told Captain Feehley he was an addict, that he had bought his last dope about a mont hago from a seaman on Pennsylvania avenue and that he had previously bought it from a peddler who is now in the City Jail.

"I have broken my needle," he said, "so I can quit." He demonstarted numerous punctures and scars on his arms, caused by insertion of hypodermic needles.

Didn't Bring Needle

If the man had brought in his needle, the captain said, he could have been charged and sent to the House of Correction, where he would be under the supervision of a doctor. There are no other facilities available for dope addicts in the State, Mr. Sodaro told Captain Feehley.

Eve. Sun-4-10-51

Forgeries Alleged In Abortion Case

Forged letters referring women to Dr. George L. Timanus for abortions figured in testimony today at the trial of the Baltimore doctor and two women employés.

Dr. George C. Basil, of Annapolis, branded four such letters as false. One of them had referred to Dr. Timanus a one-time patient of Dr. Basil, a Mrs. Ruth Rumford, who is a witness still scheduled to testify at the Criminal Court trial. Dr. Basil said he had not examined her for pregnancy.

The other three letters on Dr. Basil's stationery also were spurious, the Annapolis practitioner declared after scanning the signatures. One of them referred to a former patient, but Dr. Basil declared that he did not even know the persons mentioned in the other two letters.

Would Give Her No Advice

Dr. John M. Claffy, of Annapolis, testified that Mrs. Rumford had come to see him late in 1944 and asked him to whom he could refer her for an abortion. He said he bluntly told her "no one" and that he gave her no advice.

Dr. Timanus, Mrs. Bessie E. Nelson, his secretary, and Mrs. Anne E. Adams, his nurse, went on trial yesterday before a jury of eleven men and one woman, plus two male alternates, on eight charges of specific abortions and one charge of conspiracy to commit abortion.

Sergt. Theodore Maxwell, Policewoman Ethel Diven and other officers raided the doctor's Maryland avenue office last August.

A number of the women found at the office at the time of the raid were among the witnesses called by Charles E. Orth, Jr., and William C. Rogers, Jr., prosecutors.

Other Women Called

In addition to three women who were called at the start of the case yesterday, the prosecutors produced Mrs. Helen W. Mills, of Elkton; Miss Naomi Gadow, of the first block of North Morley street; Mrs. Rebecca Jane Nepert, of Preston, Md., and, in the absence of Miss Linda Newbaker, a young woman who lives out of the city and whose address was not disclosed. A stipulation was read to the jury regarding what her testimony would be had she appeared.

Legal methods of having "therapeutic abortion" under the sanction of medical authorities were outlined to the jury by Dr. John H. Long and Dr. Sidney Linas.

They said that when a definite physical reason properly required interruption of pregnancy, proper recommendation in writing was obtained from two doctors and the patient referred for final approval by an "abortion committee" at a hospital.

A Baltimore doctor and a doctor from Federalsburg, Md., also were called by the prosecutors to deny that they had referred patients to Dr. Timanus for abortion.

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Eve. Sun-4-10-51

15 PRESENTED BY JURY HERE IN DOPE CASES

32 Charges Of Narcotics Law Violations Are Listed For Group

Fifteen persons arrested in the first series of raids conducted by the new police narcotics squad and undercover agents employed by the State's attorney's office, yesterday were presented by the grand jury on 32 charges of dope-law violations.

The defendants presented yesterday had been arraigned in police court last Friday. They are:

MONROE MAYNARD, 30, of the 900 block North Fulton avenue, seven charges.

IDA MAE EVANS, 45, of the 2300 block Pennsylvania avenue, five charges.

EARL ALSUP, 25, of the 500 block West West street, three charges.

DAVID JONES, 23, of the 500 block West Biddle street, three charges.

GEORGE DORSEY, 27, of the 1200 block East street, three charges.

BENJAMIN DYSON, 25, of the 1100 block North Carey street, two charges.

ADA JAMES, 22, of the 1500 block Mullikin court.

RUDOLPH FAUNTLEROY, 24, of the 1400 block Laurens street.

RALPH SHEARD, 28, of the 1400 block Pennsylvania avenue.

CHARLES WEAVER, 24, of the 500 block Mosher street.

GEORGE WASHINGTON, Jr., 21, of the 600 block West Mulberry street.

CHARLES ALSUP, 31, of the 3000 block Cherry lane.

JOHN BERRY, 24, of the 700 block West Saratoga street.

EUGENE WONG, 23, of the 2500 block Madison avenue.

NORMAN YOUNG, 24, of the 500 block North Arlington avenue.

All of the accused, except Wong, are Negroes.

Early Trial Is Promised

Anselm Sodaro, State's attorney, said indictments would be prepared promptly and submitted to the grand jury. Mr. Sodaro promised an early trial of the cases.

Possession or sale of narcotics are charged to the defendants whose cases were considered by the grand jury yesterday.

Meanwhile, a 22-year-old auto-parts salesman, Arthur (Otts) Lahn, was released in $5,000 bail in Northern Police Court by Magistrate William Greenfeld on similar charges.

Lahn pleaded innocent to the three charges of possession, sale or use of heroin and cocaine capsules and a hypodermic needle. He is represented by Solomon Liss, attorney.

More than 30 suspects or defendants have been taken into custody for questioning since the series of city-wide raids began last week.

POLICE HOLD MAN ON DOPE CHARGES

Marihuana Reported Found On Drunken Driver

A drunken driver who, police testified, had a package of marihuana in his pocket was held for the Baltimore county grand jury on a dope charge following a hearing yesterday in Catonsville Police Court.

Magistrate Thomas J. Hughes held Robert Edward Green, 36, Negro, of the 600 block North Schroeder street, in default of $2,000 bail.

Police said Green had a small package of marihuana wrapped in cellophane and one marihuana cigarette in his possession when he was arrested Sunday night on Route 40.

The magistrate found Green guilty of drunken driving and imposed a fine of $101.45, or 30 days in jail.

Green was taken to the Catonsville police station after his car sideswiped another auto. He was held when he could not place $127.90 collateral on the drunken-driving charge, according to testimony. The marihuana was found when he was searched before being put in a cell, it was testified.

Green was arrested by Corporal Norman Poehlmann and Patrolman Arnold Robinson.

3 Youths Sent To Reformatory

Three teen-age youths yesterday were sentenced to not more than fifteen years each in the Reformatory for Males after they pleaded guilty to ten armed robbery and one attempted robbery charge.

The sentences were imposed by Judge Emory H. Niles in Youth Court on John Smith, 17, of the 700 block West Fayette street; Sammie Jordan, 16, of the 1100 block North Wolfe street, and Harry Dickens, 16, of the 800 block Somerset street. All are Negroes.

George D. Solter and Henry D. Blair, Jr., prosecutors, disclosed that the youths during January and February held up proprietors of nine East Baltimore grocery stores and one liquor store and took more than $650 in cash. Another holdup attempt failed after the victim threw a bag of coal at the robbers and they fled from the store, the judge was told.

Eve. Sun 4/10/51

Election-Law Charges Made

Violations of the Corrupt Practices Act today were charged by the Baltimore Grand Jury against Samuel Bromwell, printer, 2312 East Lafayette avenue, and Joseph McCubbin, 1700 block Rutland avenue, for publication of political circulars in the Baltimore city Democratic primary that failed to bear names of the persons who authorized or were responsible for publication.

WOMEN TELL OF ABORTIONS

Eight Testify At Trial Of Doctor And Two Aides

Eight women testified before a Criminal Court jury yesterday that Dr. George L. Timanus, Maryland avenue physician, performed an abortion on them at fees ranging from $200 to $400, payment of which was required in advance.

Dr. Timanus and two of his women aides are on trial before a jury under Judge Joseph Sherbow on eight charges of abortion and one charge of conspiring to perform abortions. The trial will be continued today.

The two women defendants are Miss Bessie Nelson, 39, of the 700 block Radnor avenue, secretary to the physician, and Miss Anne E. Adams, 34, of 800 block St. Paul street, a registered nurse. Dr. Timanus has offices in the 1300 block Maryland avenue.

Operations Held Necessary

Dr. Timanus, through his counsel, E. Paul Mason, Jr., has admitted that the prosecuting witnesses were pregnant, but contends that the abortions performed were necessary for the health and safety of the mothers.

The defense contends that in each case the woman operated on was referred by another physician who certified that an operation was necessary.

All of the women, except one, testified they did not know of any physical reasons why the pregnancy had to be interrupted. They also testified that Dr. Timanus did not tell them that there was any physical reason for the operation.

Letter Was Required

Several of the women testified they were refused treatment by Dr. Timanus unless they had a letter from another physician.

The first witness, a New Castle (Del.) woman, testified she was referred to Dr. Timanus by Dr. A. J. Gross, of the Gross Private Hospital, in Wilmington. The letter merely stated, "The bearer (name) for treatment."

Another woman from West Virginia testified she succeeded in obtaining a referral letter from a Dr. B. L. Traynham.

Returned Second Time

One of the prosecuting witnesses, a nurse in a near-by hospital for operated on by Dr. Timanus in veterans, testified that she was 1949 and returned for another abortion last August. Police raided the premises after she arrived the second time and the operation never was performed.

She said she lost the baby later as the result of an automobile accident.

The witnesses testified they were treated "gently and kindly" by the defendants. They said as many as nine patients were at the doctor's offices at one time.

Charles E. Orth, Jr., and William C. Rogers, Jr., prosecutors, contended the State would prove that Dr. Timanus has been performing illegal operations "for a number of years" and that he handled from four to ten patients a day.

NEWS-4/10

2 Presented In Primary Probe

Two presentments charging violations of the Corrupt Practices Act were returned today by the grand jury investigating reports of irregularities in the municipal primary March 27.

Those named in the presentments were Samuel Bromwell, of 2312 East Lafayette avenue, and Joseph McCubbin, of the 1700 Ruthland avenue, secretary to Represenetative Edward A. Garmatz, of the First District.

CAMPAIGN LITERTURE

Bromwell is charged with publishing and McCubbin with distributing campaign literature that did not bear the name of the responsible political authority, as required by the election law.

Paul J. Reid, Mrs. Lillian Klecka and other candidates for the City Council in the Second and Third districts, complained after the election that they had been falsely identified as favorites of James H. Pollack, Fourth district leader, in handbills that did not bear any indication of their source.

The handbills, which the candidates called "the kiss of death," said, in part, that "Pollack wants you to vote for these people."

PROBE CONTINUES

The investigation of the primary is still going on, with the jury inquiring into reports of excessive spending as well as the publication and distribution of anonymous material.

Six witnesses were before the jury today and several more have been called for tomorrow.

Those heard today were Philip H. Goodman, Frank Flynn, John T. Mullin, Sr., C. Meredith Boyce, Samuel N. Friedel and John H. Reed. All are Democratic nominees for the Council. Mullin is also an incumbent.

Morn-Sun-4/11/51

EXPECTED POLICE RAID, COURT TOLD

Dr. Timanus, Abortion Defendant, Quoted By Witness

Dr. George L. Timanus, Maryland avenue physician on trial on abortion and conspiracy charges, expected police to raid his offices many years before they did, Sergt. Theodore R. Maxwell testified before a Criminal Court jury yesterday.

Sergeant Maxwell, who led a raid on the doctor's offices last August, testified Dr. Timanus volunteered a statement in which the defendant admitted he has been performing abortions for about 30 years.

MacCrowe Association Alleged

The police sergeant said Dr. Timanus admitted that in the early years of his practice he was "lax in the way he was doing it," but later was advised by an attorney to require a letter from another physician in every pregnancy case handled.

The doctor told police, according to the statement, that he formerly had about 300 doctors referring cases to him, but after a referral letter was required only about 100 doctors continued sending him cases.

Dr. Timanus told of having formerly assisted the late Dr. Albert E. MacCrowe in abortion cases and of having taken the work over after Dr. MacCrowe became ill, the sergeant testified.

Dr. Timanus was quoted as having said he expected a police raid twenty years ago and that he had received over 100 tips that police were watching his offices. The doctor told police he continued to work openly.

Two Employes Take Stand

In the statement, Dr. Timanus also told police he had planned about four years ago to cease performing abortions, but decided to continue because he was told he owed taxes.

Dr. Timanus has not yet testified in his own defense, but two of his female employés took the witness stand yesterday. They are Miss Bessie Nelson, 39, his secretary for fourteen years, and Miss Anne E. Adams, 34, a registered nurse who has been with the doctor since November, 1949.

Miss Nelson testified that referral letters were required of patients seeking the operations. She admitted that the payment of fees ranging from $200 to $500 was required in advance of treatment.

"Doing No Wrong"

Miss Adams, a graduate of the Johns Hopkins School of Nursing, testified she is convinced the doctor is "doing no wrong."

She told the jury under Judge Joseph Sherbow that Dr. Timanus has offices which are equipped with the "best, modern sterile equipment," which is better than that found in many hospitals.

Miss Adams also testified she has heard of no instance of infection or death resulting from treatment by Dr. Timanus.

She said the physician is regarded "as an expert technician by leading physicians and gynecologists."

Forgeries Alleged

The witnesses told of young girls who come in desperation to the offices seeking the assistance of Dr. Timanus. Some of them, she testified, are on the verge of suicide.

Charles E. Orth, Jr., and William C. Rogers, Jr., prosecutors, earlier yesterday produced evidence showing that two referral letters used by women patients to obtain treatment by Dr. Timanus were forged documents.

E. Paul Mason, Jr., and Wendell D. Allen are defense counsel. The trial will be resumed today.

Holmes, Caskie Await Sentences

Joseph Holmes, who tunneled his way out of the Maryland Penitentiary and was captured two weeks later following a holdup is scheduled for sentence in Criminal Court Friday morning.

In addition to the charge of escaping from the Penitentiary the 38-year-old Negro prisoner was convicted last week of assault with a deadly weapon, armed robbery and carrying a deadly weapon.

John J. K. Caskie, Jr., of Cockeysville, who was convicted of manslaughter in the death of Patrolman Roland W. Morgan, who was struck and killed by his auto, is scheduled for sentence Monday.

Both men are to be sentenced by Judge Joseph Sherbow.

2 PRESENTED BY GRAND JURY IN VOTE PROBE

Printer And Secretary To Garmatz Face Corrupt Practices Act Charge

A Baltimore printer and a secretary to a Maryland congressman yesterday were presented by the grand jury on charges of violating the Corrupt Practices Act by causing unauthorized campaign literature to be printed and circulated during the recent city primary election.

The charges were the first to be instituted since the grand jury last week began a sweeping investigation of complaints of irregularities during the election.

Printer And Secretary

The accused are:

SAMUEL BROMWELL, printer, of the 2300 block East Lafayette avenue.

JOSEPH McCUBBIN, of the 1700 block Rutland avenue, secretary to Representative Edward A. Garmatz (D., Maryland).

Bromwell is charged with "unlawfully publishing or causing to be published certain pamphlets, circulars, dodgers, posters and printed matter related to and concerning candidates for public office without such pamphlets, circulars, dodgers, posters and printed matter containing the name or names of the person and persons responsible for the publication of the same on March 23."

McCubbin is charged with "distributing or causing to be distributed" the printed matter referred to in the other presentment.

Bail Fixed At $1,000

Bail for each of the defendants was fixed at $1,000.

Listed as witnesses in the presentment against Bromwell are four unsuccessful candidates for the City Council, who complained that unsigned literature circulated primarily in the Third district linked them with the political machine of James H. Pollack, Fourth district leader.

They charged that the circulars, which purported to inform the voters that Pollack was supporting them in the election, constituted the "kiss of death" in their efforts to be elected.

4 Schoolboys Called

The four witnesses are Paul J. Reed, Jr., Thomas Fitzpatrick, Lillian Klecka and Frank J. McQuade, Jr.

Among the witnesses appearing before the grand jury in connection with the presentments were four schoolboys, ranging in age from 8 to 15, who reportedly were engaged to circulate the pamphlets.

Meanwhile, the grand jury has summoned six more witnesses to appear before it today in connection with the general investigation of unauthorized literature, complaints of "vote-buying" and other alleged irregularities, it was announced by Anselm Sodaro, State's attorney.

New Law And Institution For Defective Delinquents

Sometime after June 1 of next year, Governor McKeldin willing, Maryland will have a new method of handling criminals who are legally sane but who cannot control their evil impulses. These criminals, technically known as defective delinquents, will no longer be sentenced to a certain number of years in an ordinary prison, which cannot correct their anti-social behavior. They will be sent to a new and special institution at Jessups, to remain there until such time as they are judged safe to return to society.

The General Assembly in the closing days of its recent session did its part in bringing about this sweeping change in the judicial and penal treatment of a large class of criminals. The Assembly passed a bill which defines defective delinquents, outlines their handling in the courts, specifies the way they are to be cared for in the new institution and sets forth the terms of their release, if cures are achieved. The legislators also approved construction funds totaling $1,650,000 for the new penal building, to be known as Patuxent Institution. Governor McKeldin is expected to sign the measure.

By legislative definition, a defective delinquent is:

> An individual who, by the demonstration of persistent aggravated anti-social or criminal behavior, evidences a prospensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require confinement and treatment under an indeterminate sentence, subject to being released only if the intellectual deficiency and/or the emotional unbalance is so relieved as to make it reasonably safe for society to terminate the confinement and treatment.

The responsibility for defective delinquents, once Patuxent Institution is completed, will be delicately poised among three agencies of the State government: (1) the courts, which find criminals to be defective delinquents on the basis of prescribed medical advice and which retain jurisdiction over them; (2) the psychiatric management of the institution, which diagnoses, treats and passes on the eventual disposition of all defective delinquents, and (3) the Board of Correction, which will have general administrative control and supervision of Patuxent Institution. Elaborate precautions have been made to assure a criminal full legal rights to fight being sentenced to Patuxent, and to have repeated reviews of his case if he feels entitled to discharge.

The General Assembly did not act, in this instance, without long and careful consideration of the problems involved. The defective-delinquent bill is a product of many years of study by legislators and experts in the field, the aim being to give the community protection, not now afforded, against repeated offenses by a dangerous class of criminals and at the same time to provide every possible safeguard of individual rights. The Legislature could not have taken a more serious step than legalizing the indefinite custody of a certain type of lawbreaker. But there is every indication that the legislators kept foremost in mind the need to forestall the chances of any injustices.

EVE. SUN - 4/11/51

4 Get Prison Terms, $4,000 In Fines In Bet Cases

Fines totaling $4,000 and four sentences of six months' imprisonment were imposed today by Judge Joseph Sherbow in Criminal Court on bookmaking and numbers defendants.

The main fines, totaling $2,000, as well as a six-month House of Correction term, was placed on Melvin Alevander, an East Baltimore political figure, who was arrested in a raid last January 27 by Capt. Alexander Emerson on offices of the Young Men's Ritchie Democratic Club, 1700 block Eastern avenue.

Enters Appeal

Alexander, who lives in the 1800 block Woodbourne avenue, entered an appeal through Paul B. Mules, attorney.

Judge Sherbow authorized bail of $2,500 pending appeal.

A $750 fine, plus six months' imprisonment, was imposed on Philip Riemer, 800 block Park avenue, charged with bookmaking in the vicinity of Howard and Franklin streets.

Others Sentenced

Another $750 fine, plus a six-month sentence, was placed on James Fitz, Negro, arrested for numbers violation at his home in the 1400 block East Preston street.

A $500 fine, plus a six-month sentence, was placed on Philip Coliano, 700 block Radnor avenue, arrested for numbers violations in an automobile.

Suntan and Silvertan Fabrics in

Testimony Ended In Timanus Trial

Testimony at the abortion trial of Dr. George Loutrell Timanus and two of his employés ended today unexpectedly, with the Maryland avenue physician failing to appear as a witness.

The defense closed shortly after Miss Anne E. Adams, the doctor's nurse, codefendant with Miss Bessie E. Nelson, his secretary, had described Dr. Timanus as filling "a great social need" in interrupting unwanted pregnancies of young women.

Although the doctor failed to testify, Police Sergeant Theodore Maxwell, a State's witness, had placed before the Criminal Court jury an account of statements made by Dr. Timanus subsequent to the raid on his office last summer.

Doctor Testifies

The prosecutors produced one rebuttal witness, Dr. Christopher Tietze, a medical statistician of Washington. Dr. Tietze said that one of his published articles, on "Illegal Abortion Induced By Physicians," was based in part on data he obtained from Dr. Timanus and Miss Nelson. A Baltimore obstetrician had introduced Dr. Tietze to Dr. Timanus.

The opening legal argument to the jury was presented by Assistant State's Attorney William C. Rogers, Jr.

Mrs. Nelson yesterday testified that patients were referred to Dr. Timanus by other physicians, and that reference letters were required.

Spurious Letters Charged

Prosecutors Charles E. Orth, Jr., and Rogers previously had produced testimony that some such reference letters were spurious.

In one instance an Annapolis physician declared that four different letters on his stationery bore his apparent signature, but that the name was forged.

In another instance, a letter appearing to be from a navy doctor, written on stationery of a nonexistent office, was said to be falsified.

MORN. SUN - 4/12

JUDGE FINDS DRIVER GUILTY

Tyson Involved In Accident Killing Woman, Injuring 10

A motorist involved in an accident on the Hanover street bridge February 11 in which a young woman was killed and ten other persons injured, yesterday was found guilty of automobile manslaughter in Criminal Court.

Judge S. Ralph Warnken, in passing judgment, said that the guilty verdict would not be recorded officially until today so that bail arrangements could be completed for the defendant, Edmond Tyson, 32, of the 1100 block Sergeant street.

Testimony brought out by M. Peter Moser, prosecuting attorney, showed that Tyson's southbound car swerved across Hanover street and collided with a northbound canopy truck in which Mrs. Angelina De Labria, 26, was a passenger.

Patrolmen Testify

Mrs. De Labria was pronounced dead on arrival at South Baltimore General Hospital. Ten other persons, all passengers in the two vehicles, were treated at the hospital. Six of them, including Tyson, were admitted with serious injuries.

Patrolmen Joseph J. Lupinek and Charles P. Trainor, of the Accident Investigation Division, testified that Tyson, who had had his license revoked as the result of another accident several years ago, appeared to be under the influence of liquor when they arrived at the scene.

Patrolman Lupinek also said that when the defendant was asked for his license by police, he produced the license of another man.

Patrolman Trainor asserted that he put Tyson in his car after asking him several questions and that, a short time later, the accused was seen "staggering" down Hanover street away from the scene. Trainor said he ran after him and brought him back to the police car.

Truck Driver Testifies

William A. Smith, the driver of the small truck, told the court that he was driving north on Hanover street in the slow lane of traffic when a car "shot across" the street and collided with him. He said he was not sure of the exact details of how the accident occurred.

Tyson said from the witness stand that he was forced to swerve across the street because another car cut in front of him.

He explained that he was driving in the fast lane of southbound traffic and another car, in the slow lane of southbound traffic, pulled over in front of him. He added that it was necessary to pull across the center line of the street in order to avoid colliding with this car.

The defendant added that his car possibly had a blowout at this point, but he was not sure.

MORN SUN - 4/12

DR. TIMANUS CONVICTED IN ABORTION CASE

Charges Total Nine; Two Women Employes Also Found Guilty

Dr. George Loutrell Timanus, who told police he has been performing abortions for about 30 years, yesterday was convicted by a Criminal Court jury on nine abortion charges.

One of the charges involved conspiracy to perform such illegal operations.

The jury, which deliberated about 30 minutes, also convicted two women employés of Dr. Timanus on abortion and conspiracy charges. They were Miss Bessie Nelson, 39-year-old secretary, and Miss Anne E. Adams, 34, a registered nurse.

Judge Joseph Sherbow deferred imposition of sentence pending a possible new-trial move.

On the basis of individual patients' cards seized by police during a raid on the Maryland avenue offices of the physician last August, prosecutors estimated that Dr. Timanus earned about $50,000 a year, working only 24 days a year.

Maximum Sentence Cited

Bail for the accused was posted by Louis Kandel, veteran professional bondsman, and they were immediately released. Dr. Timanus is at liberty under $5,000 bail and the two women under $3,000 bail each pending imposition of sentence.

Charles E. Orth, Jr., and William C. Rogers, Jr., who prosecuted the case, said the maximum sentence on each abortion charge is imprisonment for three years and a fine of $1,000. The conspiracy charge carries a maximum penalty of ten years' imprisonment.

While both Miss Nelson and the 58-year-old physician were convicted of eight abortion charges, Miss Adams was found guilty of only six similar accusations. The nurse went to work with the doctor in November, 1949, while Miss Nelson has been in his employ for fourteen years.

Mr. Orth pointed out to the jury that defense testimony indicated that Dr. Timanus performed operations about two days a month, that the price of the operations averaged about $400 each and that he had about 125 patients a year.

Doctor May Lose License

One of the consequences of the conviction may be that Dr. Timanus may lose his license as a physician, it was pointed out.

Dr. Timanus, a graduate of the University of Maryland and physician for the Playground Athletic League for ten years, did not testify in his own defense at the trial. A statement he gave to Sergt. Theodore Maxwell was read into the record.

The defendant physician became interested in gynecology, according to his counsel, and studied in that field in Europe. He retired in 1946 because of a stomach ailment, but resumed practice about a year later, the jury was told.

The defense admitted that Dr. Timanus performed abortions, but contended he did so only after receiving a referral letter from another physician.

Mr. Orth argued that the practice by Dr. Timanus of requiring referral letters was started merely to circumvent the law and that no effort was made by Dr. Timanus to consult with another physician to determine whether an abortion was necessary to a patient's health.

Law Requires Consultation

The law requires such a consultation before an abortion is considered legal, the prosecutor pointed out.

Mr. Orth also pointed out that the evidence revealed that the fee always was required in advance, before the defendant physician saw the patient, and that in several instances the referral letter was forged or there was no letter at all.

He declared that the women prosecuting witnesses had testified that they knew of no physical reason why they needed an abortion, and that the real reason for the operation was the fact that the women at the time were unmarried or did not want a child for other social reasons.

MORN SUN - 4/12

SODARO HONORED BY APPIAN GROUP

Mayor Speaks At Testimonial For State's Attorney

"This is a great democracy," Mayor D'Alesandro said here last night, "in which from humble beginnings Anselm Sodaro could become the State's attorney of Baltimore city . . . and D'Alesandro could become mayor. . . ."

Mayor D'Alesandro was the first speaker at a large testimonial banquet held in honor of Mr. Sodaro by the Appian Society at the Lord Baltimore Hotel.

The Mayor and his comptroller, J. Neil McCardell, left the banquet after the Mayor's speech in order to appear at other meetings, for they intend to prove the greatness of local democracy again, in the forthcoming municipal election.

Toast Sodaro

Meanwhile, in the crowded Lord Baltimore ballroom, the members and guests of the Italo-American society ate roast beef and drank to Mr. Sodaro in chianti and domestic beverages.

The desert was a rich confection of which the major part was red, white and green ice cream—the colors of the flag of Italy.

Mr. Sodaro himself, a white boutonniere pinned to the lapel of his dinner jacket and a long cigar in his hand, left the head table briefly during the meal to visit friends seated at other parts of the room.

"How do you feel?" asked Julius A. Romano, who is magistrate of the Western Police District.

Feels "Nervous"

"Nervous," replied Mr. Sodaro, flashing a broad smile. "The same as you," he added, nodding amiably in recognition of Miss Gloria Halliday, a vivacious brunette contralto who later sang, "You just can't get used to it—right, Gloria?"

Peter Mantegna, vice chairman in charge of the banquet, introduced Clement R. Mercaldo, president of the society, who served as toastmaster for the evening.

Wells Summoned In Election Probe

J. Bernard Wells, former State's attorney for sixteen years, who served as a campaign treasurer during the recent primary election yesterday was among six witnesses summoned to appear before the grand jury in connection with the probe of election irregularities.

Mr. Wells served as campaign treasurer for Arthur Price, successful Democratic candidate for president of the City Council.

Additional Witnesses

Other witness summoned to appear today are:

LOUIS J. SMITH, East Baltimore sporting goods dealer and manager for William D. Schofield's unsuccessful bid for comptroller.

CHAUNCEY BROOKS, JR., campaign manager for C. Lloyd Claypoole, unsuccessful Pollack candidate for City Council president.

EMANUEL GORFINE, former State Senator and chairman of the State Industrial Accident Commission.

EDWARD AZRAEL, member of the Board of Municipal and Zoning Appeals and political agent for the three successful City Council candidates from the Fourth district.

WILLIAM A. BORTNER, Fifth district political figure.

Anselm Sodaro, State's attorney, released the list of witnesses that includes his former boss, Mr. Wells.

Two Persons Charged

Six political figures were interrogated by the grand jury yesterday as the investigation, which already has resulted in charges against two individuals, is about to enter into the third week.

The probe is aimed primarily at unlawful campaign literature and so-called "vote buying" on election day. The two charges already instituted involve alleged circulation of unauthorized campaign pamphlets.

THE BALTIMORE NEWS
AN INDEPENDENT NEWSPAPER
THURSDAY EVENING, APRIL 12, 1951

Mayor And 5 Others Summoned In Probe

Jury To Hear Testimony In Investigation Of Primary Ballot

Mayor D'Alesandro and five other city officials and nominees for city office today were summoned to appear before the grand jury tomorrow in the investigation of the municipal primary.

Others summoned besides the Mayor, are:

C. Markland Kelly, president of the City Council and independent candidate for Mayor in the general election May 8.

OTHERS CALLED

J. Neil McCardell, City Comptroller and Democratic nominee for re-election.

Arthur H. Price, Democratic nominee for president of the City Council.

Joseph M. Wyatt, chief magistrate of the Traffic Court and Sixth District Democratic leader who supported Mr. Price against C. Lloyd Claypoole, the candidate of James H. Pollack, Fourth District leader, for the Council presidency.

Joseph L. Carter, the Republican Mayoralty nominee.

ISSUED BY SODARO

The summonses were issued by State's Attorney Anselm Sodaro, who, with his aides, has been taking a steady stream of witnesses before the inquest in the election probe.

The inquiry was ordered by Judge Joseph Sherbow, in Criminal Court, who charged the jury with the task of investigating the primary generally and reports of excessive spending and anonymous campaign material in particular.

Two presentments were returned by the jury yesterday, charging the defendants with publishing and distributing campaign handbills that did not bear the name of the responsible political authority, as the law requires.

Paul J. Reid, Mrs. Lillian Klecka and other also-rans for the City Council complained that the anonymous handbills, labeling them the favorites of Jack Pollack, were the "kiss of death" in their districts.

WELLS IS CALLED

While there has been no announcement, it is believed that the grand jury has about completed its investigation of the anonymous campaign fliers and is now beginning its study of the reports of heavy spending.

Six political figures were examined by the jury yesterday and five witnesses were scheduled to be heard today.

Among those called to appear today was J. Bernard Wells, former State's Attorney, who was campaign treasurer in the primary for Mr. Price.

Others called to go before the jury today were:

Louis J. Smith, campaign manager for William D. Schofield, also ran for Democratic nomination for Comptroller.

Chauncey Brooks, Jr., campaign manager for Claypoole.

TESTIFY TODAY

Emanuel Gorfine, former State Senator and chairman of the State Industrial Accident Commission.

Edward Azrael, member of the Board of Municipal and Zoning Appeals and political agent for the three successful Pollack candidates for Democratic nomination to the City Council from the Fourth District.

William A. Bortner, Fifth District political figure.

Louis Azrael Says

Going Places; Hearing Things

In a corridor of the City Hall: Edward Freburger, an excellent City Councilman who was defeated in the recent primary, was discussing practical politics. He said, among other things:

"If the truth were known, 99 per cent of the persons hired as election-day workers violate the Corrupt Practices Act. They are paid for soliciting votes.

"As a matter of fact, they really influence very few votes. A candidate has to pay them, however—and pay big money—because they expect it and they will oppose candidates who don't pay them. In efefct, hiring men as so-called election workers is a form of bribe to avoid antagonizing them."

CONFUSION

In the office of the Elections Supervisors I heard a man say:

"The mess over taking C. Markland Kelly's name off the ballot and having the courts put it back on, shows clearly how confused our elections laws are. When there can be an honest difference of opinion about what the law says in such an important matter, the law should be rewritten more clearly.

"The fact is that nobody can understand many parts of our election laws. I defy anyone, for instance, to explain just what is a corrupt practice under our Corrupt Practices Act.

"Our whole election law, in fact, could be rewritten so that it is half as long and twice as clear."

FILLING A VACUUM

In the lobby of the Emerson Hotel, a man who knows Baltimore's underworld said:

"The news of Baltimore's drive against narcotic peddlers has spread to the underworlds of other cities and, already, new peddlers are coming in.

"They always do that. Their theory is that when dope users can't get supplies from their regular peddlers, they are desperate and are willing to pay high prices to anyone who can supply them. Furthermore, being new to the town, the peddlers stand less chance of being caught by police.

"Therefore, they come in, make a fortune in a few weeks by charging fantastic prices, and then skip town before police can get on to them."

EVE. SUN. 4/12

Mayor, Pollack Summoned In Vote Probe

Top political candidates and political figures today were called to appear before the grand jury tomorrow and next week as the investigating body pressed its probe of last month's primary campaign methods and expenditures toward a conclusion.

Mayor D'Alesandro is one of the top figures called. His appearance had been set for next week but, because of other plans, the Mayor has asked to appear tomorrow.

James H. (Jack) Pollack is scheduled to appear early next week.

Others Summoned

J. Neil McCardell, city comptroller, another top candidate, and Arthur B. Price, Democratic nominee for president of the City Council, have been called for tomorrow.

The Republican mayoralty candidate, Joseph L. Carter, also was called to appear tomorrow.

Joseph M. Wyatt, Democratic factional leader, and C. Markland Kelly, independent mayoralty candidate, likewise are witnesses set for tomorrow.

Summons for the witnesses were filed in Criminal Court by Deputy State's Attorney William H. Maynard, who, with Joseph Koutz, assistant, has aided State's Attorney Anselm Sodaro in the probe that started with a public "charge" by Judge Joseph Sherbow to the effect that allegations of lavish expenditures demanded investigation.

J. Bernard Wells, former State's attorney, was one of a list of six primary figures summoned to appear today. He had served as treasurer for the primary campaign of Mr. Price.

Azrael, Gorfine Called

Edward Azrael, a member of the Board of Municipal and Zoning Appeals, and an active figure in the Fourth district, also is summoned for today.

Another witness for today is Emmanuel Gorfine, attorney, who is a member of the State Industrial Accident Commission.

Other witnesses under summons for today are Louis J. Smith, 500 block South Conkling street; Chauncey Brooks, Jr., first block East Twenty-first street, and William A. Bortner, 4500 block Keswick road.

EVE. SUN. 4/12

Tyson Found Guilty On Manslaughter Count

Edmond Tyson, 32, of the 1100 block Sergeant street, yesterday was found guilty of automobile manslaughter before Judge S. Ralph Warnken in Criminal Court. Judge Warnken said, in passing judgment, that the guilty verdict would be recorded officially today, so that bail arrangements could be completed.

The defendant had been involved in an accident on the Hanover Street Bridge February 11 in which Mrs. Angelina de Labria, 26, was killed and ten other persons injured.

Tyson, who once had his license revoked for another accident, was southbound on Hanover street when his vehicle swerved and hit a truck carrying Mrs. De Labria, according to testimony. Investigating police said Tyson appeared to be under the influence of liquor when they arrived on the scene.

PRESS RELEASE

Official Narcotic Report for the Public
by District Supervisor, B. H. Martin

April 5, 1951.

The narcotic situation in Baltimore is a civic problem and requires not only the Federal Government but the local Government to work as a team with one thought in mind and that is to eradicate the dope peddler, as well as the Marihuana peddler. The public should be informed of the splendid support and cooperation which exists between the Federal Government and the State and Baltimore City authorities in an effort to cope with the illicit traffic in narcotics in this area.

In my opinion the Mayor of Baltimore City has rendered a splendid service by taking immediate steps in dealing with the existing narcotic problem. So, also, has Mr. Anselm Sodaro, the States Attorney, his assistants, and his entire office staff.

Above all, the Judges in our State Courts have evidenced their keen understanding, foresight and burning desire to rid our community of dope peddlers by imposing sentences which are, in many instances, the maximum penalties under our present laws.

This office has likewise had the cooperation of Colonel Beverly Ober, Commissioner of Police, and he is to be commended in establishing a Police Narcotic Squad to deal with narcotics and Marihuana.

I am not trying to run the Police Department or any other department in the City of Baltimore...that is not my function. My job is to deal with narcotic peddlers and will continue to be so from a federal standpoint. Although it is a sizable problem, I have never had difficulty in dealing with it calmly without becoming unduly excited. I have always found this to be a good rule in dealing with realities, rather than a converse rule in dealing with generalities. I do want to state that I think that Colonel Ober's selection of three police officers to create this narcotic squad was an

There are many things in connection with enforcement that the public does not understand. One in particular is that we follow the simple rule that everything we do is legal and, in contrast, everything that the Heroin and Marihuana peddlers do is illegal.

An undercover agent whose identity is not known cannot make a purchase or buy narcotics as evidence from one or two peddlers and then arrest those peddlers because the identity of the undercover agent would then become known to the other peddlers. So, what this office does is to use unknown agents and unidentified plain-clothes' police officers, as long as is practical, to secure evidence against drug peddlers. Immediately after the evidence is purchased it is submitted to the chemist and a memorandum relating to the transaction is prepared. In this memorandum the officer outlines the procedure of the peddler and gives his physical description. This is retained on file until such time as the arrests are made. Therefore, it is not a question of the particular undercover agent carrying in his mind the exact happenings on a particular date when "deals" are made with so many drug peddlers. Memorandum statements made at the time of the commission of the crime are for the purpose of not only completing the record of the transaction but also of refreshing the officer's recollection, if necessary, as to what actually took place. They serve a further purpose - the longer the undercover investigation is extended the more often are the various peddlers seen and observed.

In my judgment there is neither a moral nor a legal defense to justify any person selling Heroin and Marihuana.

It has often been said that when a person commits a crime and has been convicted, or entered a plea of guilty, and received a sentence that after serving that sentence the criminal has paid his debt to society but in my judgment, regardless of the length of sentence that a Heroin or Marihuana peddler receives, he never pays his debt to society. Such people - dope peddlers - if they had their way, would want to destroy society and not pay debts.

There is no enforcement comparable to ours when it comes to methods that must be employed in dealing with

excellent one. Certainly the officers selected are ones who have specialized in investigating both narcotic and Marihuana peddlers. They know who the peddlers are; they know the mechanics necessary to deal with this class of highly specialized law enforcement. I predict that after the organization of this group of men has been in effect for a period of twelve months, the results will more than justify the confidence of the public.

The Maryland Legislature, likewise, has evidenced its concern in the increase in drug traffic and the resultant widespread wave of crime that follows such traffic. They realized that control of the illicit narcotic traffic demanded the imposition of more serious penalties than have heretofore been imposed under existing law. Therefore, on April 1, 1951, the Legislature passed two bills identified as Senate Bill No. 351 and Senate Bill No. 406. Senate Bill No. 351 provides for minimum penalties for violations under the Maryland Uniform State Narcotic Law including increased penalties for second and subsequent offenses. I have been informed this bill has not as yet been signed by the Governor. The other bill is identified as Senate Bill No. 406 and provides for the seizure by the State authorities of vehicles used in concealment or transportation of narcotic drugs and Marihuana. The Legislature is to be commended on their promptness in not only realizing their responsibility to the populace of Maryland but in doing something about that responsibility.

The Federal Narcotic Agents and the Narcotic Squad of the Baltimore Police Department in arresting both Heroin and Marihuana peddlers in Baltimore, Maryland, beginning at 4:00 a.m. on April 5, 1951, produced a sequel to similar arrests in Washington, D. C. on March 16, 1951, some two weeks ago. As Federal Narcotics District Supervisor, I could have had the Washington apprehensions simultaneous with these arrests in Baltimore; but since dope peddlers do not tell narcotic officers of their plans, it is the policy of the narcotic officers to maintain absolute secrecy as to their plans.

Several months ago an undercover investigation was started in Washington and at the same time a companion one was begun in Baltimore, both of which were directed against dope peddlers selling both Heroin and Marihuana.

dope peddlers. To illustrate, in our work we have to purchase the evidence at the time of the commission of the crime, whereas in the general run of criminal violations, officers begin their investigations after the commission of the crime.

During these past several months in 1950-1951 when the Washington and Baltimore investigations were under way, we had to maintain secrecy. That called for patience. We could not permit our blood pressure to go up because of an upsurge in the alleged peddling of Heroin and Marihuana or because of spurts of inflamatory publicity, however well intended, but often indulged in by the misguided and uninformed public.

On March 20, 1951, the Mayor of Baltimore, Honorable Thomas D'Alesandro, called a conference in his office to deal with the narcotic situation prevailing in Baltimore. I want to make myself as crystal clear here as I tried to before the conferees dealing with the particular rumors that narcotic drugs and Marihuana had infiltrated into our schools.

I have the utmost confidence in both the parochial and public schools in the City of Baltimore. They are well staffed with competent, alert, and observant instructors. I would be the last person to underestimate the intelligence and discernment of these instructors, or to "sell short" the fine boys and girls attending our schools by glamourizing or dramatizing a non-existent situation.

When the real facts are made known to the public, they will be in a better position to do only what the public is capable of doing, and that is rendering the cooperation that will bring about a decided improvement in the enforcement machinery dealing with narcotics and Marihuana peddlers and by reporting to the Federal Bureau of Narcotics or Baltimore Police Narcotic Squad such information as may come to their attention about narcotics or Marihuana violations.

I have been in Baltimore in this kind of work for the past thirty-six years. During that time our office does not have a record of a school boy or girl who was actually in attendance in either parochial or public

schools as having been arrested for violation of the narcotic law.

In order to avoid any confusion, I am not saying that in some cases we have not arrested individuals who were in the school age group but they were not actually in attendance in school. In other words, they had left school and had become delinquents and that resulted in the formation of the much discussed "teenage group." Further, I do not mean to convey the idea that we do not have a serious narcotic problem involving the teenage group referred to in the City of Baltimore as well as in other large metropolitian cities, but our main problem is not with students in school.

Our office has a record of every known peddler of narcotic drugs or Marihuana in the City of Baltimore as well as every known drug addict. We have thousands upon thousands of photographs in the files of our office showing at the time of their arrest the ages of the individuals. I do not mean to say that this office knows every dope or Marihuana peddler in Baltimore, nor every drug addict, but I do mean to say that every bit of information that reaches this office is carefully indexed and is investigated. A part of this information received often turns out to be only rumors and suspicions. This is not said to discourage any citizen in furnishing this office with information. The public should feel free to call in person at this office or via telephone, at any time, to see for themselves just how the Federal Bureau of Narcotics functions.

In conclusion it is my considered judgment that if the Board of Estimates would set aside the sum of $10,000 earmarked as an annual fund to be used by the Police Department in the purchase of evidence against drug peddlers, or the procurement from time to time of information or employment of special employees, it would win the acclaim of every taxpayer in the City of Baltimore. In other words if the enforcement of these laws is not worth the expenditure of the allotted sum of $10,000 a year earmarked for that purpose, then the narcotic problem in the City of Baltimore would have

no particular appeal to the public. Unwillingness to indulge such a fund for a cause so worthy requires no further comment.

Let me say that every dollar that the Board of Estimates would earmark for this purpose would be a capital investment in humanity.

B. M. Martin
District Supervisor

BMM/HCB/cm

WEATHER
WARM, RAIN

HOME NEWS

THE PEOPLE'S PAPER

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CRIME FIGHT HERE JUST BEGINNING

MORN SUN-4/13

COURT GRANTS NEW TRIAL IN NUMBERS CASE

Judge Cites Emerson's Incorrect Interpretation Of Marking

Because Capt. Alexander L. Emerson, head of the police vice squad, interpreted a court stenographer's exhibit markings to be evidence of a numbers racket code, judges of the Supreme Bench yesterday granted a new trial to Stephen Janiak, former deputy Criminal Court clerk.

The judges acted on the recommendation of Judge Joseph Sherbow, who presided at the trial in which Captain Emerson told a jury that "St. X 1," which meant "State's Exhibit No. 1," could have referred to the defendant and a lottery code number.

The markings had been placed on a seized numbers slip by Sidney Salzman, court stenographer, after it was offered in evidence by William H. Maynard, deputy State's attorney.

Could Stand For "Steve"

Later, when asked by defense counsel, Harry and Morris Kaplan, what "St. X 1" meant, Captain Emerson replied that the "St." could stand for "Steve" and the "X 1" could be a numbers code.

The obvious error on the part of the police captain was not noticed until after the trial had been completed and Janiak was convicted by a jury.

In asking the judges to grant a new trial to Janiak, Judge Sherbow said, in part:

"Actually, 'St. X 1' was the memorandum placed on the exhibit by the court stenographer to identify the tape as State's Exhibit 1. We have no way of knowing what effect this testimony may have had on the jury and to what extent it influenced them in arriving at their verdict.

"Would Eliminate Question"

"It should be made clear that Captain Emerson did not specifically say that "St. X 1" was actually the marking of the numbers operator, but that it could be. Nevertheless, this Court feels that a new trial would eliminate any question regarding the fairness of the trial."

Janiak's home in the 700 block South Curley street was raided last February 6.

The 46-year-old defendant was dismissed by the judges from his deputy clerkship after he served about a week when it was discovered that he had a criminal record.

Mayor Is Called In Primary Probe

Mayor D'Alesandro and his two opponents in next month's mayoralty election are among six witnesses summoned to appear before the grand jury today in connection with the probe of alleged irregularities during the recent primary.

In addition, the jurors have summoned Arthur Price, successful Democratic candidate for president of the City Council, and J. Neil McCardell, who was renominated as Democratic candidate for comptroller.

C. Markland Kelly, independent mayoralty candidate, Joseph L. Carter, Republican nominee for mayor, and Joseph Wyatt, chief judge of the Traffic Court, are the other witnesses called.

Anselm Sodaro, State's attorney, said the grand jury investigation is expected to end next week. James H. Pollack, Fourth district leader, and other political bosses are expected to be summoned to appear in the Courthouse early next week.

NEWS-4/13

Jurors Present John W. Farrell

John W. Farrell, Baltimore attorney, who was the central figure in a bitter legal battle recently over management of the Bowie race track, was presented today by the Grand Jury on charges of taking $10,000 from the estate of Joseph A. Farrell, his deceased uncle.

John W. Farrell was coexecutor of his uncle's estate. The alleged larceny was said to have occurred in 1948.

NEPHEW APPEARS

Witnesses who appeared before the Grand Jury in connection with the case were listed as John B. Farrell, a nephew of the accused man; Henry Rippinger, clerk of the Circuit Court; William B. Alexander, treasurer of the Fidelity Trust Company; Leroy C. Shaughnessy, Register of Wills, and John White, treasurer of the Western National Bank.

ACTION AT BOWIE

Last January, John W. Farrell was voted out of office as president of the board of directors of Bowie race track. The Farrell family had been active for years in the affairs of the Bowie track.

EVE. SUN-4-13-51

Grand Jury Hears Mayor In Probe

Mayor D'Alesandro was the first witness today before the Grand Jury, heading an array of top political figures appearing before the jurors as the city primary investigation continued.

He testified briefly and left the courthouse while J. Neil McCardell, city comptroller, and Arthur B. Price, Democratic nominee for president of the City Council, waited to testify.

Also scheduled to appear before the jurors today were Joseph L. Carter, Republican candidate for mayor; C. Markland Kelly, independent candidate, and Joseph M. Wyatt, Democratic factional leader, and several lesser figures.

Flashes

Larceny Charged To Farrell

John W. Farrell, Baltimore attorney and one of the officials of the Bowie and Marlboro racetracks, was presented by the Baltimore grand jury today on a charge of larceny of $10,000 from the estate of his uncle, Joseph A. Farrell.

The charge accused Farrell of the felony during a time he was one of the coexecutors of the estate. The deceased uncle was a former racetrack figure. **[Details on Page 52.]**

John W. Farrell Charged With Larceny

John W. Farrell, Baltimore attorney and one of the officials of the Bowie and Marlboro racetracks, was presented by the Baltimore Grand Jury today on a charge of larceny of $10,000 from the estate of his uncle, Joseph A. Farrell.

The charge accused Farrell of the felony during a time he was one of the co-executives of the estate. The deceased uncle was a former racetrack figure.

Date of the alleged larceny was given as March 31, 1948.

Cousin Among Witnesses

Witnesses produced before the grand jury by State's Attorney Anselm Sodaro and Deputy State's Attorney William H. Maynard included John B. Farrell, Baltimore county court official and cousin of the accused attorney; several officials of Baltimore court offices and officials of two banks.

It was reported that the accused lawyer had not been available for several days at his downtown Baltimore office. His home address is given as the 2400 block West Lafayette avenue.

Charges Made Public

Allegations of misuse of estate assets had been made publicly more than a month ago in civil-court proceedings.

In the circuit court, a petition brought against John W. Farrell had asserted that he improperly had appropriated a $10,000 bond of the Joseph

War On Gamblers, Dope Peddlers Will Not Stop

By Robert Barren

Baltimore State's Attorney Anselm Sodaro today stated that the current anti-crime drive against City-wide dope and gambling will not cease "when the investigation has apparently achieved a semblance of success," and that the all-out crime fight by the Courts, the State's Attorney's Office and the Police Department is being organized on a permanent basis. The objective of the current racket-busting campaign, said Mr. Sodaro, "is not mere control of the (dope, gambling) traffic but its complete eradication."

The current weeks-long local crime blast has resulted in the rounding up and jailing of narcotics sellers and addicts and operators of numbers and bookie joints.

Said Mr. Sodaro: "The fight against dope and gambling has been organized on a permanent basis. Continued cooperation of the Courts, the State's Attorney's Office and the Police Department will assure its success." But, he warned, "this program calls for day in and day out vigilance, not only by all the law enforcement agencies but by an aroused community. Alertness on the part of the police, and vigorous and uncompromising prosecution of all such cases before the Courts have already begun to break the backs of these nefarious traffickers."

DOPE CASES UP

Back on February 1, prior to the current anti-dope drive, Mr. Sodaro took note of the trend indicating a narcotics increase locally when, in a HOME NEWS exclusive, he stated: "The rise of narcotics users locally is particularly disturbing to me. I think that if it is at all possible, there should be a special narcotics squad in the Police Department to investigate such cases."

At that time Mr. Sodaro said he felt the local rise in narcotics was due to the fact that the Port of Baltimore was doing more and more foreign trade and the dope was coming into the City in that way.

GAMBLERS JAILED

As far as gambling goes, back in early March, local bookies and numbers writers ran into a "get-tough" policy in Judge Joseph Sherbow's Criminal Court and instead of getting off with paying light fines, guilty gamblers found themselves winding up in jail.

In following up his statement that the local crime fight would be a continuing one, the State's Attorney said he felt that the knowledge that such a drive would continue often serves to stop the crime before it is committed. His statement: "The greatest deterrent to any crime, and particularly to these forms of crime is the knowledge of the criminals that law-enforcement agencies have been geared to permanent and continuous ferreting out of those engaged in these rackets, and the expeditious prosecution of those apprehended."

Mr. Sodaro concluded his statement today with a warning to out-of-town racketeers to steer clear of Baltimore: "Notice," he said, "is given to any out-of-the-City underworld characters, who may think to move in when the investigation has apparently achieved a semblance of success, that Baltimore will continue to be, from now on in, an unhealthy place to set up shop."

Vicious Vandalism Charged To Local Teen-Age Youths

Stories of vicious vandalism by "knife - toting, wine - drinking" bands of roving teen-agers who masquerade as harmless pranksters have been reported as the latest in a series of charges pointing up the growing problem of City-wide juvenile delinquency.

The latest reports, coming from various sections of the City, state that bands of youths buy cheap wine, drink it and then prowl the streets smashing store and house windows, ripping down signs and senselessly destroying other property as the whim hits them.

Charged one complainant flatly: "These acts of out-and-out vandalism are not the work of mischievious youngsters as some would have us believe. They are calculated, senseless destruction by a bunch of hoodlums."

In the problem of what to do about this neighborhood delinquency problem, one educator has gone on record as saying: "The Community can fight back. In the final analysis, with some very few exceptions, a neighborhood generally gets the delinquency it deserves—about as much as it generates by its own sins of commission and omission. If there is little or insufficient concern as to how youth is growing up, how they spend their leisure time, if a community creates, encourages or even tolerates neighborhood conditions, activities, and customs which are a menace to impressionable youth, it must expect to pay the price."

Criminal statistics have established the fact that some 50 per cent of all crimes against property are committed by young people under 25 years of age, and the rate continues to rise steadily.

EVE. SUN-4/13

Mayor Testifying At Vote Probe

Mayor D'Alesandro and his two mayoralty opponents today headed the election probe witnesses called to the Courthouse for questioning by the Baltimore grand jury.

Six witnesses were summoned for today's session of the investigation of primary campaign expenditures, called for by Judge Joseph Sherbow, in a public "charge" that cited the numerous complaints aired by primary candidates during the campaign.

C. Markland Kelly, independent candidate for Mayor, and Joseph L. Carter, Republican candidate for that office, were to appear at 11 o'clock, when the Mayor also was asked to appear.

McCardell Called

Other witnesses for today are J. Neil McCardell, city comptroller; Arthur F. Price, Democratic nominee for president of the City Council, and Joseph M. Wyatt, chief magistrate of the Traffic Court and a coleader of Democratic forces in the Sixth district.

James H. (Jack) Pollack, Fourth district leader, is one of a series of witnesses scheduled for grand jury appearance next week.

Eve. Sun 4/13

Holmes Gets 20 Years; 10 Still On Old Term

Twenty years additional imprisonment for Joseph (Tunnel Joe) Holmes was ordered today by Judge Joseph Sherbow for the man's Penitentiary escape and subsequent crimes.

Judge Sherbow sentenced the Negro to a 15-year term on a charge of assault with intent to murder Traffic Patrolman Frank Plunkett and an additional five years for armed robbery of Mrs. Mary Ruiz, cook at the John W. Garrett estate.

These terms were made consecutive to each other and consecutive to Holmes's prison sentence for burglaries, which has about ten years yet to run. Consequently, the man faces a total of 30 years more in prison.

One Sentence Concurrent

Judge Sherbow imposed a five-year sentence on the charge of escaping from the Penitentiary by tunneling from his cell and under the prison wall, a distance of 70 feet, but he made that sentence run concurrently with the other new terms.

Judge Sherbow told Holmes he seems to be an "incorrigible" criminal, with no chance of becoming a law-abiding citizen. He cited a criminal record extending to 1928. Holmes now is 38.

The judge also cited Holmes's admission of "petty rackets—the numbers, bookmaking, and bootlegging" while he was a prisoner. He pointed out that because Warden Edwin T. Swenson stopped those rackets, the prisoner now vents feeling against the prison head.

Merciful Treatment Asked

When Holmes was brought into court for sentencing, Ernest Perkins, Negro attorney, requested merciful treatment. Holmes was prosecuted before a jury by State's Attorney Anselm Sodaro and Charles E. Orth, Jr. and William C. Rogers, Jr., his aides, ten days ago.

In pronouncing the new sentences, Judge Sherbow said:

"When Holmes escaped from the Maryland Penitentiary there were those who expressed sympathetic interest for the man because of the spectacular nature of the exploit.

"But his actions followed the pattern of his life from the time he was in his teens. He could not remain away from Baltimore after his escape and almost at once he was in serious conflict with the law.

First Term Ten Days

"He started his long criminal career in 1928 when he served ten days in jail for felonious entry. On June 14, 1929, he was committed to Cheltenham. Two months later he was convicted and sent to the House of Correction for two years for burglary.

"Shortly after his release, he was sentenced on August 7, 1931, to 2½ years in the Penitentiary in fifteen burglary cases, concurrent.

Judge Sherbow then cited an eight-month sentence on October 16, 1933, for attempting to cut a policeman and being a rogue and vagabond; a 2½-year Penitentiary sentence on January 28, 1935, for burglary, a nine-month burglary sentence on September 10, 1937, three more years' imprisonment on February 21, 1939, for three burglaries.

"More In Than Out"

He added:

"On October 8, 1941, six cases of burglary, assault and robbery and deadly weapons: a total of twenty years in the Penitentiary. This was the sentence he was serving at the time of his escape.

"He has been in and out of our penal institutions since 1928—more in than out.

"After his escape, he came back to the very city where he was well known and where the police were looking for him. He next appeared in one of the busiest sections of Baltimore and held up a defenseless woman at the point of a gun and robbed her of $5 at a time when he had a fair amount of cash in his pocket.

"Only Miracle Saved Officer"

"In his attempt to escape, when he was cornered by Officer Plunkett, he fired point blank at him from a distance of 3 feet. Only a miracle saved the officer's life. The gun misfired.

"Then Holmes fired two more shots at the officer, this time from a distance of 10 or 12 feet, but his aim was bad. At the risk of their lives, the police officers went after him, up and down dark alleys. Sergt. James Downes chased him into a stairway of a bowling alley where Holmes was disarmed without a struggle.

"Holmes admitted the police treated him fairly and used no force or violence. He had fifteen or more bullets in his possession.

"It is clear that Holmes can never become a law-abiding citizen. He is a criminal who is incorrigible.

"Vents Feelings"

"Today, he vents all of his feelings against Warden Swenson. The warden took away all of his petty rackets—the numbers, bookmaking, and bootlegging.

"The sentence of the court is fifteen years in the Maryland Penitentiary for attempting to shoot with intent to kill Officer Plunkett; five years for robbery of Mrs. Mary Ruiz. These sentences are consecutive to the present sentence, which has about ten years yet to run.

"On the escape, the sentence is five years in the Penitentiary, this sentence to run concurrent with the other sentences."

Morn-Sun 4-14-51

BALTIMORE, SATURDAY, APRIL 14, 1951

The Justices Uphold An Ober Law Loyalty Affidavit

In a tightly organized, lawyerlike and very brief opinion the justices of the Supreme Court now hold valid the loyalty affidavit required of candidates for State office by Section 15 of the Ober law. The decision is unanimous, which means it has the significant concurrence of the extreme libertarians, Associate Justices Black and Douglas.

The high court ruling does not touch the Ober law requirement of a loyalty affidavit from candidates for *Federal* office (this has been outlawed by the Maryland Court of Appeals) or anything else in the Ober law. And the Supreme Court decision on the State-office affidavit is limited strictly to the interpretation of the affidavit given the justices in the oral argument by Maryland's Attorney General Hammond.

Attorney General Hammond had stated that what he would ask the future candidate to pledge was that he was not engaged "in one way or another in the attempt to overthrow the Government by force and violence" and that he was not knowingly a member of an organization engaged in such an attempt. In the oral arguments, several of the justices made it clear that they would not uphold a bar on mere advocacy of change. The point where advocacy merges with an act of clear and present danger to the State is not detailed in the opinion.

Thus construed, the State-office clauses of Section 15 become an accepted part of the law of Maryland, and the principles which they are held to embody will, of course, rule similar statutes in other states. The present conclusion was forecast somewhat pungently by Chief Judge Marbury of the Court of Appeals: "It is an arrogant assumption that a government cannot protect itself against the infiltration of those who desire to destroy it by force. . . ." That, apparently, was the view of the majority of the voters of Maryland when in a constitutional amendment of November, 1948, they withdrew the privilege of public office from "subversive persons. . . ."

But Section 15 is only one part of a long and complicated statute. The validity of the other questioned sections of the law has not been finally passed on. In the Summer of 1949, Judge Joseph Sherbow held the law as a whole unconstitutional on general grounds, but this opinion was reversed in the Court of Appeals in February of last year. The high court held in effect that no bona fide case was before the lower court. Such cases will be required to test the other Ober law sections. Many of them are rather more controversial than the affidavit sections.

Thus Section 2 of the act makes it a felony to commit an act intended to overthrow the Government by revolution, force or violence. Conspiracy to commit such acts (guilt by association in such acts) is also outlawed. Section 3 makes it a felony to remain a member of an organization with such purposes, if the member knows what the organization is up to. Section 16 requires that State institutions receiving State aid report what steps they are taking to deny employment to persons like those denied state employment in the loyalty sections.

Lawyers feel that the question of validity of such provisions will be clearer when the Supreme Court has decided the long pending Federal Smith Act case involving the leaders of the American Communist party. The Ober Act, though more circumspectly drawn at some points than the Smith Act, was drafted with the Smith Act, among other statutes, in mind. Obviously it will be affected by the Smith Act ruling when it comes.

20 YEARS ADDED TO HOLMES TERM

Penitentiary's Tunnel Escapee Sentenced For 3 Crimes

Joseph Holmes yesterday was sentenced to 20 years in prison as the result of his conviction last week in charges of assault with intent to kill, armed robbery and escaping from the Maryland Penitentiary.

The sentences, pronounced in Criminal Court by Judge Joseph Sherbow, bring to a total of 30 years the prison term faced by the 39-year-old Negro. Holmes had about ten years to serve in the Penitentiary when he tunneled his way out.

Specifically, the prisoner received 15 years for assault with intent to kill Patrolman Frank Plunkett and five years for holding up and robbing Mrs. Mary Ruiz near the Washington Monument, the incident which led to his dramatic capture.

To Run Consecutively

These terms are to run consecutively, Judge Sherbow said. An additional sentence of five years, for the escape, is to run concurrently with the other two.

Judge Sherbow told Holmes that he appears to be an incorrigible criminal, apparently with no prospects of becoming a law-abiding citizen. He cited a criminal record extending back to 1928, in addition to Holmes's admission of bookmaking and bootlegging within the walls of the Penitentiary.

Holmes escaped from the Penitentiary last February by burrowing 70 feet beneath the prison walls. He was captured two weeks later by police at a Howard street bowling alley after Mrs. Ruiz reported she had been held up and robbed of $5.

Morn-Sun 4-14-51

Dr. Timanus, 2 Aides Appeal For New Trials

New trials were sought yesterday by Dr. George Loutrell Timanus, Maryland avenue physician, and two of his female aides, who were convicted on Wednesday of abortion and conspiracy charges.

The three defendants, including Miss Bessie Nelson, secretary, and Miss Anne E. Adams, nurse, raised questions of police wire tapping, religious scruples and court rulings in seeking new trials.

They charged that the court erred in refusing them the right to produce evidence that police obtained information by wire tapping. They also challenged the court's refusal to permit them to question prospective jurors as to their religious affiliations.

Other legal objections to the trial proceedings also were raised.

The trio was convicted by a Criminal Court jury under Judge Joseph Sherbow after a three-day trial. E. Paul Mason, Jr., and Wendell D. Allen were defense counsel at the trial. Charles E. Orth, Jr., and William C. Rogers, Jr., assistant State's attorneys, prosecuted the case.

Farrell Is Freed In $3,000 Bail

John W. Farrell, attorney and race track official, has been released in $3,000 bail following a presentment by the Baltimore grand jury yesterday on the charge of larceny of $10,000 from the estate of his uncle, Joseph A. Farrell.

The presentment accused Farrell of committing the larceny in March of 1948 while he was one of the executors of the estate.

Allegations made in a civil suit more than a month ago in the Circuit Court indicated that Farrell had improperly appropriated a $10,000 bond from his uncle's estate.

It was reported earlier that Farrell had not been at his downtown office for several days, but he appeared at the Courthouse yesterday afternoon to arrange bail.

Witnesses produced before the grand jury by Anselm Sodaro, State's attorney, and William H. Maynard, deputy State's attorney, included John B. Farrell, a cousin of the accused and a Baltimore county court official; William B. Alexander, treasurer of the Fidelity Trust Company, and John White, treasurer of the Western National Bank.

John W. Farrell gave an address in the 600 block St. Dunstans road.

Eve. Sun-4/16

Marihuana Sale Sends Youth To Reformatory

Three years' imprisonment in the State Reformatory was ordered by Judge Joseph Sherbow today for one of a group of marihuana vendors arrested after sales of marihuana cigarettes at an East Baltimore dance floor.

Pietro Collini, 22, 3500 block Mount Pleasant avenue, was sentenced to a two-year term on the marihuana charge, but as a result of that case, Judge Sherbow struck out probation granted Collini last year for assault on a young woman, and committed him for a term of not more than three years.

Released On Probation

Also charged as a seller of marihuana cigarettes, James Routzahn, 19, 3500 block Gough street, was released on probation under a two-year suspended sentence. He had sold cigarettes for Collini, it was said.

Routzahn, according to probation investigators, had handled the cigarettes "to gain social acceptance" among the group of reefer users with whom he associated.

Another youth accused in the same series of marihuana offenses is Milton Ecolono, who is due for sentencing later this week.

James Watkins, Negro, charged with wholesaling marihuana and narcotics supplies, was arrested following the discovery of the East Baltimore dope ring. He is scheduled for trial this week in Federal Court. He had been arrested in a trap set by Federal agents on the Washington boulevard.

Claypoole Called In Vote Inquiry

C. Lloyd Claypoole, unsuccessful candidate for the presidency of the City Council who ran with the backing of the Pollack political machine, was one of seven witnesses called today in the grand jury's investigation of the primary election.

James H. Pollack, Fourth district Democrat, was under a subpoena to appear tomorrow.

Judge Joseph Sherbow initiated the election inquiry by citing the numerous complaints of candidates that excessive sums of money were being spent to support some candidacies.

Others called before the jury today included Louis Milio, unsuccessful Republican candidate for mayor; Alan H. Murrell, former assistant State's attorney and treasurer for William J. Muth, unsuccessful candidate for the Council presidency, and Charles Falter, defeated Council candidate.

Also called were Police Magistrate James H. Ellis, another Council candidate who failed to win nomination; William Bishop, a D'Alesandro political worker, and Joseph Davis, who also is affiliated with the D'Alesandro organization in the Negro sections of the city.

Tuesday's witnesses, in addition to Mr. Pollack, are:

DANIEL E. KLEIN, Republican candidate for president of the City Council.

HARRY JAMES, GOP candidate for comptroller.

JOHN B. KENNEDY, unsuccessful Democratic mayoralty candidate.

MURRAY L. SHUSTER, campaign treasurer for the Pollack-backed Council slate in the Fourth district.

POLICE MAGISTRATE AUGUST A. KOZLOVSKY, unsuccessful Council candidate.

Eve Sun 4/16/51

Caskie Given 2 Years In Auto Death

John James Kerr Caskie, Jr., 29-year-old Baltimore county gentleman farmer, today was sentenced to serve two years' imprisonment in the Maryland House of Correction for the traffic-manslaughter death of a Baltimore policeman.

Judge Joseph Sherbow sentenced Caskie in Criminal Court, where the defendant pleaded guilty through attorneys about six weeks ago. The sentence was dated from the time of Caskie's arrest within a few hours after the fatal accident on January 5, last.

Caskie was described to the court in probation reports as a "spoiled, undisciplined person," who had been reared as a child of great wealth.

His only present assets consists of a mortgaged farm near Cockeysville and an insurance policy.

Romance Disrupted

He told both probation and psychiatric investigators that his last spell of drinking followed disruption of his romantic plans. He came to Maryland from Warrenton, Va., last fall, and had planned to marry a Baltimore woman with two children, but the marriage plans fell through.

During his drinking sprees Caskie consumed as much as three quarts of whisky in 24 hours, he had explained.

Dr. Manfred S. Guttmacher, court psychiatrist, reported that he was skeptical of Caskie's promised co-operation with psychiatrists, in view of his past history of failing to complete treatments for his liquor desires. The doctor said that Caskie spoke of his broken romance by saying: "I had a whole house of cards kicked out from under me at one time."

Patrolman Roland W. Morgan was killed as he stood alongside his police car at Roland and Upland avenues. Baltimore county officers arrested Caskie later at a Falls road inn. Caskie was drunk, it was testified.

Judge Blames Alcohol

Alcohol, Judge Sherbow declared in pronouncing sentence, has been Caskie's trouble. The judge refused pleas by Hilary W. Gans and Joseph G. Finnerty, defense counsel, that Caskie be hospitalized, but said some arrangements might be made at a later date.

Anselm Sodaro, State's attorney, prosecuted the case. He had obtained a statement from the motorist by questioning him shortly after the arrest.

Judge Sherbow, in sentencing Caskie, said:

"This young man had every opportunity to become a good citizen. His parents sought in every way to give him a good education and to fit him for worth-while participation in the community. Unfortunately he suffers from a severe character neurosis, and alcohol has been his easy way out.

Caskie Saw Psychiatrists

"On a number of occasions he saw psychiatrists, but when he had to submit to intensive treatment he backed away. When it was suggested that he go to an institution for treatment, he went back to drinking. From the time he was 17 he has made the rounds of the psychiatrists, but never stayed long enough to be treated thoroughly by anyone.

"The only good mark on his record is his enlistment in the Canadian Air Force when he was 19. He was subsequently discharged for physical disability.

"Counsel have urged the court to send him to some medical institution. He does not belong in any State hospital.

"If it is possible at some time in the future to have him transferred to some institution at his family's expense and at no expense to the State, this court will then hold a public hearing and will explore the matter thoroughly. I will make no promises or commitments of any kind.

"Any future action will be based on the best medical advice obtainable, and will depend also on his adjustment at the House of Correction.

"The sentence of the court is two years in the House of Correction, with credit for the time he has been in the Baltimore City Jail."

2 Held On Drug, Larceny Charges

Two men were held for grand jury under $1,000 bail each following a hearing in Northeastern Police Court by Magistrate August A. Kozlovsky on narcotics and larceny charges.

The accused, both Negroes, are Henry Edward Moss, 22-year-old huckster, with addresses in the 1300 block East Fayette street and the 600 block Ensor street, and Carroll Maddox, 25, laborer, of the 600 block Sterling street and the 400 block Aisquith street.

Maddox is also known under the aliases of "Sharkey" and Raymond Maddox, police said.

They are charged with a larceny and two attempted larcenies involving cigarettes.

Charges Listed

Moss's narcotics violations include possession of a hypodermic syringe and two needles, and possession of a gelatin capsule and a spoon bearing traces of an opium derivative. Maddox is charged with possession of a needleholder, two eye droppers and two spoons on which opium traces were found.

Morn-Sun 4/17/51

LAWYERS URGE CRIME PROBE CONTINUANCE

Patterson, Former War Secretary, Says Time Is Ripe For Laws

Maryland Next?

The Kefauver Committee will place a study of crime conditions in Maryland high on its agenda if its life is extended by Congress past the April 30 deadline, Senator O'Conor said last night.

He told of the committee's plan to make Maryland one of the next stops if it is permitted to continue. Senator O'Conor said the committee has had "strong suggestions" that such a stop would be profitable.

Washington, April 16 (AP)—A special commission of the American Bar Association recommended today that the Senate's Crime Investigating Committee be kept alive to press for legislation to cure the evils it has exposed.

Robert P. Patterson, former Secretary of War, chairman of the commission, said the group thinks the time is ripe to get effective laws passed.

He added, however, that the commission believes further investigations and hearings are unnecessary and that the proposed extension of the committee's life should be limited.

Patterson talked with reporters after he and other members of the commission had met for several hours with crime committee members behind closed doors.

The commission was appointed by the Bar Association at its annual convention here last September and has been co-operating with the Senate committee in working out measures to combat crime.

"Watchdog" Committee

One of the Senate crime probers, Senator Hunt (D., Wyo.), said earlier he favors twice-a-year public hearings to turn a spotlight on the underworld and to keep law-enforcement officials on their toes.

Hunt said he made the proposal at a meeting of committee members with a special commission of the American Bar Association.

The purpose of the meeting was to draft legislation on the basis of what the Senate committee had discovered about interstate gambling, in particular, and about tie-ups between crooks and public officials.

Hunt said he favored a "watchdog" committee in Congress, with a staff to do the leg work, and semi-annual hearings with the idea of keeping underworld characters in line and enforcement officials on the job.

Chairman Kefauver (D., Tenn.) said today's meeting also discussed the pros and cons of continuing the present crime committee's investigation.

The committee is scheduled to go out of existence at the end of this month after writing its final report and making its recommendations to the Senate on new legislation.

Kefauver himself says the committee's work is done. He proposes a permanent crime commission, rather than a congressional committee, to do further delving into illegal activities. Other members of the committee are divided on whether it should be kept alive.

CASKIE SENTENCED TO TWO-YEAR TERM

Gentleman Farmer Drove Auto Which Killed Policeman

John James Kerr Caskie, Jr., Baltimore county gentleman farmer, who spurned "every opportunity to become a good citizen," yesterday was sentenced to two years' imprisonment on automobile manslaughter charges arising out of the hit-run traffic death of a Baltimore policeman.

Caskie, for whom a judge said "alcohol has been the easy way out," was sentenced yesterday morning to two years in the House of Correction for causing the death of Patrolman Roland W. Morgan at Roland and Upland avenues, last January 5. Judge Joseph Sherbow imposed the sentence in Criminal Court.

Later in the day, Caskie pleaded guilty to six Traffic Court charges arising out of the accident and was given prison sentences of seven months, which the magistrate suspended. A $5 fine, plus costs, was imposed on a minor traffic charge, which carries no prison term.

"Just Rubbing Salt"

In ruling that Caskie would not have to serve extra time for the traffic offenses, Magistrate Stephen P. Campbell, Jr., declared in Traffic Court that "anything I would do would be just rubbing salt in the wounds."

Judge Sherbow asserted in imposing the two-year manslaughter term that "this young man had every opportunity to become a good citizen." He pointed out that the parents of the 29-year-old defendant had sought to give their son a good education and fit him for worth-while participation in the community.

Judge Sherbow noted that Caskie has sought psychiatric help, but "backed away" when he had to submit to intensive treatment. "Alcohol has been his easy way out," the judge said.

"When it was suggested that he go to an institution for treatment, he went back to drinking," the judge declared.

Possible Future Transfer

Judge Sherbow said the "only good mark on his record is his enlistment in the Canadian Air Force when he was 19."

Judge Sherbow said he had been urged by defense counsel to send Caskie to some mental institution, but declared the young man does not belong there.

"If it is possible at some time in the future to have him transferred to some institution at his family's expense and at no expense to the State, this court will then hold a public hearing and will explore the matter thoroughly," the judge asserted.

Six Traffic Charges

"I make no promises or commitments of any kind," the judge emphasized.

Caskie pleaded guilty to the manslaughter charge in the Criminal Court, about six weeks ago. He also pleaded guilty to the Traffic Court charges yesterday.

The accusations in the lower tribunal included operating without a license, failing to aid an injured person, reckless driving, operating under the influence of alcohol, failing to stop after an accident and driving on an out-of-State license.

Three Quarts A Day

Caskie had recently come to Maryland from his home in Warrenton, Va. to operate a farm near Cockeysville.

After the hit-and-run accident which resulted in the death of Patrolman Morgan, Caskie's damaged station wagon was found at a Falls road inn and the defendant was discovered intoxicated and asleep on the porch of the establishment, testimony disclosed.

Anselm Sodaro, State's attorney, who prosecuted the case, produced evidence disclosing that Caskie drank as much as three quarts of whisky a day during a drinking spree.

NEWS-4-17

State's Attorney Office Run By Mayor--Kelly

C. Markland Kelly, independent candidate for Mayor, today charged that Mayor D'Alesandro "controls the State's Attorney's office," making it possible for "vice and political corruption to flourish."

In remarks to the Businessmen for Kelly Committee today in Marling House, Mr. Kelly said:

"Vice and political corruption can flourish in our city only so long as the Mayor heads the Democratic political machine and controls the State's Attorney's office.

PROBE DISMISSED

"Four years ago, when Mayor D'Alesandro was first elected, attention of the Grand Jury was called to the improper lists of D'Alesandro's political contributors. This investigation was dismissed by the Grand Jury.

"At that time, J. Bernard Wells was State's Attorney. Thomas N. Biddison and Anslem Sodaro were Assistant State's Attorneys assigned to this investigation.

"After this matter was squashed Mayor D'Alesandro apointed Mr. J. Bernard Wells' brother, Dr. Charles J. Wells, to be a member of the Fire Board.

"D'Alesandro appointed Thomas N. Biddison to be City Solicitor (the city's legal officer) and Mr. Sodaro was picked to succeed Mr. Wells on his retirement over legitimate claims of other assistants in the State's Attorney's office having seniority over Mr. Sodaro."

POSES QUESTION

Mr. Kelly asked his hearers if it were "coincidence" that the Mayor made the Dr. Wells and Biddison appointments and that Mr. Sodaro was chosen for backing as a candidate.

Mayor Would Welcome City Crime Probe

Mayor D'Alesandro declared today that he would "welcome" the Fefauver Committee if it comes to Baltimore and Maryland.

The Mayor was commenting on a statement made last night by Senator O'Conor, who said the Government probers might study crime conditions in Maryland provided Congress extends the life of the Senate Crime Investigating Committee beyond the April 30 deadline.

The Mayor said that as chairman of the legislative committee of the Attorney General's Crime Conference he went before Congress last year with proposals to outlaw the interstate shipment of slot machines and the racing wire services.

The first proposal already has become law. The Mayor added:

"I still am a strong supporter of the bill to outlaw the racing wire services. Therefore, I would welcome the Kefauver Committee to look into the situation in Maryland and in Baltimore."

Senator O'Conor said the Committee has had "strong suggestions" that the probers would find an investigation in this State "profitable."

Eve. Sun-4-17-51

Reaction To Hint Of Crime Probe In State Mixed

Hints by Senator O'Conor that the Kefauver committee might make a probe of crime conditions in Maryland brought a mixed reaction today from Mayor D'Alesandro and State's Attorney Sodaro.

"I would welcome the Kefauver committee to look into conditions in Maryland and Baltimore," the Mayor declared.

"Strong Suggestions"

The State's attorney said he did not think it was necessary for him to amplify a statement made on March 25, when he said the Senate committee would get his co-operation, but added that "the suppression of crime . . . is a job for local law-enforcement authorities."

Senator O'Conor said yesterday that the Kefauver committee, of which he is a member, plans to make an investigation in Maryland if its life is extended by Congress beyond April 30.

He added that he committee has had "strong suggestions" that such an inquest would be "profitable."

When asked to comment on the Senator's statement, Mayor D'Alesandro pointed out that as chairman of the United States Attorney General's Conference on Organized

[Continued On Page 22, Column 2]

Crime he has sponsored two laws aimed at racketeering.

Appeared Before Congress

"As chairman of the legislative committee of the United States Attorney General's Crime Conference I appeared before Congress with proposals for Federal legislation outlawing the interstat shipment of slot machines and the abolishment of racing wire services," the Mayor said.

"The first bill, outlawing the shipment of slot machines, already is law, and I am actively supporting the bill to outlaw racing wire services," he said.

"Therefore, I would welcome the Kefauver committee to look into conditions in Maryland and Baltimore."

Sodaro Statement

The previous statement to which Mr. Sodaro referred today was made when Senator O'Conor once before announced that the Kefauver Committee would come into Maryland if its life was extended.

In that statement, the State's attorney gave assurance that the Senate committee "can expect full and complete co-operation" from his office if it began a study in Baltimore.

Vote Probers Call Pollack, 6 Others

James H. (Jack) Pollack today was called before the Baltimore grand jury, along with half a dozen other witnesses, as the special probe into last month's primary election expenditures neared an end.

Witnesses called today in addition to the Fourth district Democratic leader are Daniel E. Klein, Republican candidate for president of the City Council; Harry James, Republican candidate for comptroller; John B. Kennedy, an unsuccessful Democratic mayoralty candidate, and Magistrate August A. Kozlovsky, an unsuccessful Democratic Council candidate.

Two more witnesses due to testify today are Alan H. Murrell, treasurer of the Council presidency campaign of William J. Muth, and Murray L. Schuster, treasurer of the Pollack-backed Fourth district Council candidates.

New List Drafted

New schedules of witnesses to appear later are being prepared by State's Attorney Anselm Sodaro, and William H. Maynard and Joseph Koutz, aides assigned to the special investigation.

Election statements filed in Circuit Court by treasurers and political agents, as well as the election statements to be filed by candidates themselves, also are to be summoned before the grand jury, it is reported.

Morn-Sun-4-18-51

Pollack Worker Fined $350 In Election-Day Drinks Case

Robert H. Epps, 57, admitted political worker for James H. Pollack, who testified it still is a practice to keep voters away from the polls by giving them drinks, yesterday was fined $350 for unlawfully selling whisky on election day.

Judge Joseph Sherbow also sentenced Epps to six months in the House of Correction, but suspended the term.

Epps, a Negro, was convicted of selling intoxicants last March 27 from vacant premises in the 1300 block Shields place, just two doors from his home.

Capt. Alexander Emerson testified that Epps has no license to sell whisky.

Captain Emerson quoted Epps as saying: "It's like olden times. I keep them in here and keep them from voting."

The defendant gave similar testimony about such a practice in giving evidence before Judge Sherbow. He contended the premises were operated as a club and that drinks were not sold to patrons, but were to be used to celebrate election day results.

On examination by John C. Weiss, prosecutor, Epps said he employed persons to work around voting places for $7 a day.

Mr. Weiss said the defendant had been fined $250 about a year ago on a similar charge.

Price Lists Fund Used In Primary

Financial statements filed yesterday by the treasurers of Arthur B. Price's successful primary campaign for the presidency of the City Council showed expenditures of $32,740.54.

The campaign expenditures of C. Lloyd Claypoole, defeated by Mr. Price in the race, were $16,490.87, according to the statement filed with the clerk of the Circuit Court.

Two separate reports were submitted by the Price organization. One, submitted by J. Bernard Wells, campaign treasurer, listed $11,303.12 in expenditures and an equal amount in contributions.

The second, filed by Ernest L. McLendon, sub treasurer, showed expenditures of $21,437.42 and contributions of $20,300.25.

The Claypoole statement showed contributions of $11,966, with $440.22 listed as credit material on hand.

Chauncey Brooks, Jr., was campaign treasurer for Mr. Claypoole's campaign.

GRAND JURY CALLS POLLACK AS WITNESS

Political Leader Makes Appearance In Probe Of Campaign

James H. Pollack, Fourth district political leader, appeared briefly before the grand jury yesterday in connection with the probe of alleged irregularities during the recent mayoralty primary campaign.

Meanwhile, the jury announced that the three members of the Board of Supervisors of Elections would be quizzed today.

Anselm Sodaro, State's attorney, said the witnesses summoned for today would be the last to be questioned by the grand jurors in the election probe, and that the inquiry will be brought to a conclusion this week.

Mr. Pollack remained in the grand jury chambers for only a few seconds. Indications were that he declined to sign a waiver of immunity from prosecution because of testimony he might give.

Nearly 100 Witnesses

Mr. Pollack's appearance before the grand jury was the shortest by far of any of the nearly 100 witnesses summoned during the nearly three-week probe.

Other witnesses called yesterday included Daniel E. Klein, Republican candidate for president of the City Council; Harry James, GOP candidate for comptroller; John B. Kennedy, defeated Democratic mayoralty candidate; August A. Kozlovsky, unsuccessful Democratic candidate for City Council, Alan H. Murrell, treasurer for William J. Muth, and Murray L. Schuster, treasurer for the Pollack-supported City Council candidate from the Fourth district.

Board Members Summoned

The three elections board members summoned for today are Leo M. Welsh, chairman, and Harry Singerman and Charles A. Dorsey. William Graff, an employé of the board, also has been summoned to appear before the grand jury.

In addition, a summons has been issued for the appearance of Aaron Baer, an assistant attorney general.

EVE. SUN. 4/18

7 Final Witnesses Called In City Election Inquiry

Final aspects of the special probe into last month's primary election expenditures and the efficacy of Maryland's Corrupt Practices Act were pressed today by the Baltimore grand jury under W. Norris Weis, foreman.

Five witnesses were summoned to testify and are expected to be the final witnesses of the investigation.

Three of them are the members of the Board of Supervisors of Elections: Leo M. Welsh, chairman, Harry Singerman and Charles A. Dorsey.

Graff Also Called

William Graff, an employé of the election board, who also is a political ward leader, is another witness.

Aaron Baer, lawyer and an assistant attorney general, also has been summoned to produce any records of political expenditures for any of the primary candidates.

Mr. Sodaro also called two additional witnesses for today in the probe, who had not been summoned in advance.

They were Leroy Fredericks, executive clerk in the Supervisor of Elections office, and Sol Friedman, Pollack protegé employed in the Register of Wills office.

The grand jury and Anselm Sodaro, State's Attorney, have inspected various election statements filed by treasurers and political agents of candidates.

James H. (Jack) Pollack, Fourth district Democratic leader, was on yesterday's witness list, but he remained before the jury only a few minutes. Observers concluded he had not remained long enough to give testimony.

The investigators have heard during the probe from most of the principal candidates in the primary, and from political workers in all sections of the city.

Holmes Escape 'Outsmarted' Prison Staff

The Maryland superintendent of prisons today gave Joseph (Tunnel Joe) Holmes credit for "outsmarting" prison personnel when he dug his way out of the Maryland Penitentiary last February 18.

The 39-year-old Negro, who used crude hand-made tools to dig the 70-foot tunnel through which he escaped, has since been recaptured and sentenced to an additional 20 years in the Penitentiary.

Today, Harold E. Donnell issued a full report on the escape, noting that it had "received the attention of the press throughout the country" and had "been embarrassing to the administration of the institution (the Penitentiary) and to the Department of Correction."

Blame Hard To Place

The superintendent held prison "custodial personnel" primarily responsible for the dramatic escape, although he said he could not place the blame on any one individual.

"It was a series of circumstances leading to a shrewd and keen observer among the inmate population outsmarting the custodial personnel by discovering weaknesses of custodial care existing, which enabled him to perform what most people have considered an impossible task," said Mr. Donnell.

Old utility excavations existed under that section of the prison, he said, and Holmes apparently knew about them. The opening through the cell floor was an old one which had been sealed over many years ago.

Old Hole Enlarged

Holmes, Mr. Donnell concluded, opened the sealed spot, enlarged the old excavation and then was able to tunnel his way the remaining distance outside the walls of the prison.

"He was able to do this," the superintendent reported, "by reason of improper checking, supervision, inspection and shakedowns of cells in this block during the period in which he was operating."

Working nights, Holmes escaped after 20 months of labor, hacking through a concrete foundation, bailing water and hauling dirt he excavated back to the cell in hand-made cloth bags to flush down the toilet.

Mr. Donnell said the Negro prisoner obviously had "studied the situation and knew the weaknesses of the night patrol in the cell block. . . ."

Guards Deceived

He said Holmes evidently knew he could be safely absent from his cell, and probably used "a dummy in his bed" to deceive guards while he was engaged at his task.

The superintendent acknowledged that there was "too little supervision," particularly on the two night shifts—from 4 P.M. to 8 A.M. He also noted "too many shifts in guards, due to a large turnover in institutional employment.

"It is quite clear from my investigation," he said, that a large majority of the guards assigned to the west wing were new in their employment. . . ."

He said there was improper supervision, "particularly on the shift from midnight to 8 A.M. . . . and in all probability most of the work which Holmes did was done during that time."

Older Guards Work Days

Older and more experienced guards, during the past two or three years, have been assigned to day details, supervising reconstruction and repair work and reallocating facilities in an attempt to improve working and maintenance conditions at the prison.

He said the department, in budget requests, had urged "more administrative and supervisory personnel. . . . to insure safety of administration at the Penitentiary as well as to care for the activities of the institution."

"There is no attempt to excuse this occurrence," the prison superintendent said. I am only stating facts as I see them from having followed this situation from the day Holmes escaped until the day of the completion of the interrogation."

Mr. Donnell made the investigation under the direction of Reuben Oppenheimer, director of the Board of Correction.

D.C. Man Gets Three Years In Drug Case

Sentences ranging as high as three years' imprisonment were meted out today when alleged top figures in the narcotic racket came before Federal and State judges.

Federal Judge William C. Coleman imposed a sentence of three years in Federal prison on James Watkins; 28, also known as "Stacey," Washington Negro who was arrested last January 13 in a trap laid on the Washington boulevard near Muirkirk by State and Federal agents.

Watkins, it was charged, had been the main source of supply of marihuana to a group of East Baltimore teen-agers. He was caught after police first had arrested a number of Baltimore white youths as young as 15 who had been using or selling marihuana.

Watkins, deputy United States Attorney C. Ross McKenrick told the court, was arrested on a new narcotic charge in Washington while he was out on bail on the charge here. He was before Judge Coleman for possession of more than 6,000 grains of marihuana and sale of about 5,000 grains to a Baltimore youth. Watkins pleaded guilty through Joseph Rosenthal, attorney.

Two-Year Sentence

Judge Joseph Sherbow in Criminal Court imposed a two-year House of Correction sentence on one Negro who pleaded guilty when a group of 21 persons were arraigned after recent narcotic arrests. The others pleaded not guilty.

In an additional narcotics case, Judge Sherbow convicted Snider Blanchard, Negro, 1700 block West Franklin street, on heroin charges and raised the man's bail to $7,500 when Blanchard revealed he would seek a new trial before the Supreme Bench. Blanchard had made several trips to New York for supplies of heroin, according to the testimony, and Judge Sherbow declared he thought the man's arrest was "the biggest break by police" toward catching the main source of dope supply.

Two-Year Term

Most of the defendants, nineteen Negroes and two white men, had been arrested in the recent series of narcotic apprehensions arising from the special drive of police and Federal agents.

David Jones, 23-year-old Negro, 500 block West Biddle street, pleaded guilty and received the two-year sentence. He admitted having sold a total of five capsules of heroin and several marihuana cigarettes on two dates last September to William Newkirk, Negro undercover agent for the Federal Government.

Mr. McKenrick said.

Watkins gave a Washington address in the 4100 block Hayes street, N.E.

The other dope peddler before the courts was Snider Blanchard, Negro, of the 1700 block West Franklin street, who was convicted by Judge Joseph Sherbow of heroin charges.

Held In Bail

Blanchard was held in $7,500 bail pending a new trial move. Judge Sherbow said the case represented one of the "biggest breaks by police" in their efforts to catch the main suppliers of dope here.

Testimony produced by Charles E. Orth, Jr., assistant State's attorney, disclosed that Blanchard brought heroin into this city from New York and other states.

Judge Sherbow announced that he would sentence Ecolono on the marihuana charge this morning.

One Pleads Guilty

Meanwhile, one of 21 persons arrested during a series of city-wide raids recently by newly formed narcotics squads pleaded guilty to sales of marihuana cigarettes and heroin capsules. The other twenty accused persons pleaded innocent and will be tried later.

The guilty plea was entered by David Jones, 23-year-old Negro, who was sentenced to two years in the House of Correction. Jones lives in the 500 block West Biddle street.

Jones admitted sales of narcotics to an undercover agent for the Federal Government.

EVE SUN-4/19

2 Youths Held On Arson Counts

A 20-year-old youth who, police testified, "wanted the excitement of seeing the Fire Department," was held today without bail for grand jury action on a charge of setting fire to a vacant house at 5843 York road on April 4.

The defendant, identified as Spencer A. Wilson, of the 800 block Cedarcroft road, "admitted being at the unoccupied residence at the time of the fire" and also "admitted entering" the premises, according to the testimony of Detective Patrolman Anthony J. Urban in Northeastern Police Court.

Charles Lipscomb, 18, of the 5500 block Northwood drive, was also held without bail for grand jury on a charge of being an accomplice "to the crime of arson, before and after the fact," in connection with the same blaze.

Not Guilty Pleas

Pleas of not guilty were entered for the youths by Magistrate August A. Kozlovsky. Neither defendant was represented by counsel at the hearing.

Patrolman Urban testified that this particular case was the only one investigated, but that Wilson was asked if he had set any of the other fires which took place in the area during recent months. The defendant, Patrolman Urban added, denied setting any others.

The detective testified that according to his investigation it seemed that Lipscomb waited in a car for Wilson until he came out of the house. When Wilson got into the car the two drove around until the first apparatus responded to the alarm, it was testified.

Arrested Monday

Wilson was taken into custody Monday at his home by Patrolman Urban and Detective Elmer Kelly. The same officers apprehended Lipscomb Tuesday afternoon outside his home.

The house which Wilson is accused of setting fire to is owned by Dr. Frank C. Marine. An investigation by the Fire Department's arson squad later disclosed that the contents of a kerosene lamp had been poured on a stairway and walls leading to the second floor.

Fire Department officials have reported that more than a dozen incendiary fires have occurred in a several-miles-square area in the northern and northeastern sections of the city since early last month.

MORN SUN 4/19

D.C. MAN GETS 3-YEAR TERM IN DOPE CASE

Called A Main Source Of Supply For City's Drug Users

Police For Sodaro

Two plainclothes policemen have been made available to the office of the State's attorney for investigative purposes, it was announced yesterday. Col. Beverly Ober, police commissioner, said he had taken the action following conferences with Anselm Sodaro, State's attorney.

Two men, identified as main sources of marihuana and heroin for Baltimore dope users, yesterday were convicted of narcotics charges, and one was sentenced to three years in a Federal prison.

The three-year term was imposed by Chief Judge William C. Coleman on James Watkins, 28, alias "Stacey," who was arrested last January 13 near Muirkirk when he was surrounded by a cordon of automobiles bearing State and Federal agents.

C. Ross McKenrick, Government prosecutor, told the court that Watkins, a Negro, since his arrest on January 13 was again arrested in Washington on a similar charge while he was at liberty on bail.

Source Of Supply

Mr. McKenrick identified Watkins as the source of supply for four teen-age youths convicted in Baltimore courts recently of making marihuana cigarettes and selling them to youths attending dances in East Baltimore.

Watkins pleaded guilty to charges of acquiring 6,023 grains of marihuana and transferring 5,987 grains to Milton Ecolono, one of the youths convicted in the teen-age "reefer" sales. The grains sold to Ecolono constituted about 1 pound.

Dope Seller Freed; Trapped Watkins

Probation today was granted by Judge Joseph Sherbow to a vendor of marihuana among teen-agers because the man's disclosures had led to the arrest, conviction and sentence of one of Baltimore's main sources of narcotics supplies.

Milton Ecolono, 27, of the 1200 block Valley street, was the marihuana peddler granted conditional freedom under a two-year suspended House of Correction sentence. Conditions included good behavior and that he remain away from former associates the judge referred to as "bums."

Boyd Martin, Federal narcotics agent, testified in Criminal Court that Ecolono's aid permitted Federal agents to trap James Watkins, Washington Negro, who yesterday was sentenced to three years' Federal imprisonment. While they had known of Watkins for some time, agents knew him only by the nickname of "Stacey," Mr. Martin said.

Boulevard Trap Set

The Washingtonian, Mr. Martin added, always had refused to come into Baltimore to make his sales and delivered narcotics at designated spots on the Washington boulevard. After an appointment made through Ecolono, Baltimore police and Federal agents arrested the man last January near Muirkirk, Md.

Mr. Martin said that Ecolono will "be given every protection" by the government and by police. When the judge asked if the man were likely in any danger, Mr. Martin commented that "dealers in the marihuana racket do get tough at times."

Addicts Get Probation

Judge Sherbow also granted probation to two heroin addicts who had been connected both as co-defendants and witnesses in earlier proceedings which brought a three-year House of Correction sentence for Ernest Harding, Negro heroin peddler.

Two years' suspended sentences and probation was decreed by the judge for Ralph Dyson, 21, Negro, 500 North Arlington avenue, and Albert Cheeks, 22, Negro, 1000 block Brantley avenue, who had told investigators that they had used heroin because it provided "more kicks than whisky."

NEWS-4/18

With seven witnesses, includi
the members of the Board of S
pervisors of Elections, schedul
to testify, the grand jury tod
resumed its probe of possible
regularities in the recent c
elections. State's Attorne Ansel
Sodaro said those summoned f
today represent the last of the li
of names handed him by the jur

EVE. SUN. 4/19

Sodaro Bid Cut; Shortage Cited

Two detectives were assigned by Police Commissioner Ober today to permanent duty as investigators for the State's Attorney.

The assignments were made at the request of State's Attorney Anselm Sodaro, who asked the police commissioner three months ago for five detectives to be attached to his staff.

In announcing the assignment of Detective Sergeant Vincent Gavin and Detective Patrolman Robert Hewes to the prosecutor's office, Commissioner Ober said he was unable to release five detectives because of a manpower shortage in the Police Department.

Negro Policewoman Due

The commissioner said he is planning to assign a Negro policewoman to the State's attorney's office in the near future.

Early this year, Mr. Sodaro conferred with the police commissioner and discussed the need for a staff of experienced detectives to work on cases being prepared by the State's attorney's office for prosecution and to investigate complaints.

He cited the need for pretrial investigations in homicide cases and the necessity of checking complaints filed with the State's attorney concerning criminal violations.

Ober, Sodaro Confer

When no action was taken on his proposal, Mr. Sodaro repeated his request in a letter to Commissioner Ober two weeks ago. Yesterday the commissioner met with Mr. Sodaro to discuss the matter.

Sergeant Gavin has been assigned to the police department's bureau of missing persons. Detective Hewes was a member of the homicide squad.

For many years, two policemen had been attached to the prosecutor's office but their principal duty was to serve as chauffeurs for the State's Attorney and members of his staff. Detectives were assigned only temporarily to work on special cases which required investigation.

Second Edwards Murder Appeal Set For May 15

[From a Staff Correspondent]

Annapolis, April 19—The appeal of Thomas Alexander Edwards, twice convicted by the Baltimore city courts for the murder of John H. Mahlan and Mary Kline, will be heard by the Maryland Court of Appeals on May 15, it was learned today.

Edwards was indicted originally by the Anne Arundel County Grand Jury for the September 17, 1948, murder of the Glen Burnie couple and the cases were removed to Baltimore, where Edwards elected to be tried by the court without a jury.

He was tried in February, 1949, before Judges Robert France, Emory H. Niles, and Joseph Sherbow, and was found guilty in both cases of first-degree murder. The Supreme Bench subsequently overruled a motion for a new trial, and Edwards was sentenced to death by hanging.

Judgments Reversed

The Court of Appeals reversed the judgments and ordered a new trial. Edwards was tried for the second time in Baltimore in June, 1950, before Judges W. Conwell Smith and Charles E. Moylan, and was again found guilty of first-degree murder. The Supreme Bench again overruled a new-trial motion, and Edwards was sentenced to death for the second time.

In a brief filed with the Court of Appeals this week, William J. McWilliams and Ridgley P. Melvin, Jr., Edwards's court-appointed defense counsel, contended that the murders were not committed by their client.

The brief cites the following points:

1. State's Exhibit No. 28 (a cartridge case found at Chesterfield road) should not have been admitted in evidence.
2. The identification of car tridge case by firing pin impressions is not an exact science.
3. The testimony of the death-house guard is not admissible.
4. All of the other evidence in the case "is not only consistent with innocence, but is inconsistent with any hypothesis of guilt."

The bodies of Mahlan and Miss Kline were found in a clearing about 175 feet off the Chesterfield road near where it intersects the Defense highway, by a county road worker three days after Mahlan's blood-stained automobile was found in a bean field near Lipin's Corner, about 25 miles away.

MORN. SUN. 4/20

Harry James Called In Election Probe

Harry James, Republican candidate for City Comptroller, who had not been called as a witness by the grand jury during the probe of alleged election irregularities, yesterday was summoned to testify before the jurors in that connection.

Anselm Sodaro, State's attorney, said the jurors had decided to reopen the probe to hear testimony from Mr. James. Nearly 100 witnesses, including political candidates and workers, were heard by the jurors during the inquiry.

NEWS-4/20

Sentence Blonde In Fraud Case

An attractive twenty-four-year-old divorcee, described by Dr. Harry Boslow, assistant State psychiatrist, as "not a good risk for probation because she tried to get along by her superficial appeal" was sentenced today to 18 months in the Maryland Reformatory for Women on charges of false pretense and fraud.

At her trial in Criminal Court before Judge Joseph Sherbow, Prosecutor Edwin A. Gehring, assistant State's Attorney, said the woman, Mrs. Phyllis Ramsey, obtained $350 in clothing by false pretense from department stores and committed fraud in evading a $66 hotel bill.

The Probation Department told the court Mrs. Ramsey was convicted of similar charges in Lynchburg, Va.

EVE. SUN. 4/20

Va. Woman Jailed In Store Fraud

Defrauding of five Baltimore stores and a downtown hotel resulted today in a sentence of eighteen months in the Reformatory for Women for Mrs. Phyllis Ramsey, a divorcee from Lynchburg, Va.

Judge Joseph Sherbow imposed the sentence in Criminal Court after probation investigators cited similar offenses in two Virginia cities and Dr. Harold M. Boslow, assistant court psychiatrist, declared the woman would not be a good probation risk.

Dr. Boslow pointed out that Mrs. Ramsey tried to get along by her "superficial appeal." He described her as "glib and coquettish."

Assistant States Attorney Edwin A. Gehring told the judge that Mrs. Ramsey had obtained approximately $350 in clothing, plus some articles of food, from five different department stores by false charges. She had also defrauded the hotel by leaving without paying a $66 bill last February.

MORN. SUN 4-21-51

Numbers Case Woman Jailed, Fined $1,500

Mrs. Rena Stanley, 64-year-old confessed numbers writer, yesterday was sentenced to four months in the Reformatory for Women and fined $1,500 by Judge Joseph Sherbow in Criminal Court.

Mrs. Stanley, a Negro, was arrested last March 30 in a police raid on premises in the 1600 block West Lanvale street, according to Charles E. Orth, Jr., prosecutor. Frank Smart, 45, a Negro, also arrested in the raid, was fined $2 and costs.

In another numbers case, John Emery, 48, of the 100 block South Bond street, was sentenced to 6 days in jail and fined $350 for writing numbers on the street near his home.

MORN. SUN-4/21

SEVEN WOMEN ON GRAND JURY

New May-Term Group Chosen By Supreme Bench

Seven women were among the 23 persons selected yesterday to serve on the new May-term grand jury, which will take office on May 14.

The jurors were chosen at a term meeting of the Supreme Bench. Judge Joseph Sherbow later will organize the grand jury and charge the members concerning their duties and powers.

The jury list includes:

ISADORE ABRAMS, 2522 Shirley avenue.
WILLIAM O. BARNES, SR., 4434 Pen Lucy road.
JOSEPH M. BEEHLER, 2603 Lawina road.
MRS. AUDREY B. BUTLER, 2033 Druid Hill avenue.
CHARLES R. CARNEAL, 4408 Mainfield avenue.
MRS. GERTRUDE F. COOK, 2411 Calverton Heights avenue.
WILLIAM P. DIETZ, 3628 Ednor road.
MRS. AUGUSTA FISHER, 1722 East Thirty-second street.
THOMAS J. GUIDERA, SR., 385 Evesham avenue.
MRS. GOLDA P. HARPER, 6 East Highfield road.
MRS. DOROTHY M. HOBLITZELL, 3925 Canterbury road.
FRANK C. HURLEY, SR., 3616 Marmion avenue.
HOWARD P. KNIGHTON, 1522 Kingsway road.
HOWARD F. KREIS, 3318 Westerwald avenue.
SAMUEL MANDY, 3308 Edgewood road.
GEORGE H. MILLER, 3715 Sixth street.
MRS. MARY V. PELCZAR, 13 South Linwood avenue.
SAMUEL A. RICE, 5207 York road.
DAVID SAUSE, 2217 Chesterfield avenue.
HARRY M. SMYRK, 3411 Milford avenue.
MRS. REBEKAH M. STOKES, 3100 St. Paul street.
HARRY E THURSBY, JR., 4230 Loch Raven boulevard.
JAMES A. WHITE, 806 Harlem avenue.

The grand jury serves for a period of four months.

NEWS-4/24

Grand Jury Asks Many Revisions In Election Laws

Complete revision of the Maryland Corrupt Practices Act was recommended today by the January term Grand Jury in a comprehensive report listing the results of its investigation into the recent municipal election.

The report, submitted to Judge Joseph Sherbow of Criminal Court, also urged adoption of a series of changes in the election laws, with the aim of eliminating certain objectionable features.

At one point the report, referring to the inquiry into the primary election, states:

"We have ascertained in the course of this investigation that in one instance a very substantial sum appeared in the form of a loan made from cash in a safe deposit box to a candidate. Nowhere does this sum appear as a loan on any statement filed with the Clerk of the Circuit Court."

CHANGES ASKED

Some of the proposed changes in election laws were summarized as follows:

"1. The office of the Supervisors of Elections should make a careful survey of polling places so that garages, cellars, cramped spaces, etc., will be replaced by halls, schools, libraries, churches and other public buildings.

"2. The Supervisors of Elections and all employees of that office should be under civil service and removed from any political domination.

"3. The Grand Jury was 'surprised at the large number of precinct and ward executives on the public payroll who were present on election day which was not a legal holiday.' The jury said 'this appears to be unethical and should be discouraged and discontinued.'

"4. In general, the Jury found that "the ambiguity of our present election laws make a veritable farce of these laws.'

ELECTION DAY PAY

In connection with that phase of the Jury's probe dealing with money expended by candidates, the report stated:

"We wish to call attention especially to so-called 'election day expenses.' Many precincts had as many as six, seven and eight 'runners' presumably interested in the candidacy of certain individuals.

"We have found that many of these 'workers' did little or nothing on election day except to congregate on the outskirts of the restricted areas near the polling places.

"There is a potential evil involved in the use of large numbers of 'runners', particularly if they are selected on the basis of family-size rather than the effectiveness of pre-election persuasiveness.

"Here lies an evil which the public should understand. There is a thin and tenuous line between employment of such so-called 'runners' and purchase of votes."

The jury reported it was "somewhat dismayed" at the large number of witnesses who testified concerning election costs. The report went on to say:

"Many witnesses spoke concerning the procedures and philosophical reasoning used in precinct politics.

"We could not help but be discouraged as we realized that these techniques were designed to condition the thinking of the masses of the electorate by every device from capitalizing on religious and racial prejudices to promises of jobs. These techniques were employed with shrewdness and care, thus guaranteeing the 'delivery of the vote' and avoiding conflict with the law."

Board Checks On Status Of 364 Voters

Hearings were begun by the Board of Supervisors of Elections today in a prolonged attempt, expected to last 10 hours, to determine if 364 persons now listed on the registration books are actually bona-fide voters.

The hearings are the outgrowth of a political feud between Alexander Goodman, independent candidate for the City Council from the Fourth district, and James H. ("Jack") Pollack, political leader of the district.

Mr. Goodman has charged that the 364 voters—whom he named—no longer live in the Fourth district and, in some cases, don't even live in the city.

ON REGISTRATION LIST

Most of those he named are registered in the Thirty-second precinct of the Fifteenth ward—Mr. Pollack's home precinct. A few are registered in the Sixth precinct of the Thirteenth ward.

They will be asked if they actually live in the two precincts, or if they have moved they will be asked why they continued to maintain voting residence and registration in the precincts in question.

Local News In Brief

Found guilty last December on a charge of assaulting a used-car dealer in a parking row, Patrolman Frank Diggins, a member of Capt. Alexander Emerson's vice squad, was fined $5 and costs amounting to $36.60 by Chief Judge W. Conwell Smith in Criminal Court. A new trial was noted, however, by Alan H. Murrell, counsel for Diggins, who stated that the guilty conviction would cause the policeman to lose his job, according to Police Commissioner Beverly Ober.

EVE. SUN-4/24

Grand Jury Urges Complete Revision Of Election Laws

Complete revision of the Maryland Corrupt Practices Act was urged today in a special report of the Baltimore grand jury at the conclusion of its investigation into primary election expenditures and activities.

Sixteen specific recommendations were made by the grand jury, and, in addition, it made a request that the Supreme Bench submit the report to the Legislative Council for consideration. The eight-page report was filed with the judges of Criminal Court by W. Norris Weis, grand jury foreman.

No Specific Facts

It dealt with no specific facts of its probe, except to mention that one instance was unearthed in which "a very substantial sum appeared in the form of a loan made from cash in a safe deposit box to a candidate" without the loan being reported on election statements filed in Circuit Court.

Heavy expenditures during the March primary were cited by the jury, which said there was "potential evil involved in the use of large numbers of 'runners,' an evil which the public should understand" exists in selection of runners on the basis of the size of their families rather than actual election work, said the jury.

It added:

"There is a thin and tenuous line between employment of such so-called 'runners' and purchase of votes."

Charges Noted

Many charges and counter-charges were made by election figures and proved to be unfounded, said the jury in commenting on its examination of more than 100 witnesses.

The report said many witnesses had been "careless in publicizing these charges of moral, ethical and even legal violations."

It added:

"It is unfortunate that greater care is not exercised in the issuances of these pre and postelection statements conceived in the bitterness of a campaign, but which quickly fade when the opportunity is given to sustain the charges before a responsible body."

Public jobholders often are precinct and ward executives and weer working around the polls on primary day even though it was not a legal holiday excusing them from their public post, the jury said.

In commenting on the election activities of such public jobholders, the jury said: "This, it appears to the Grand Jury, is unethical, and should be discouraged and discontinued."

Ambiguity of present laws "make a varitable farce of these laws," said the jury in urging numerous reforms. Its proposals included:

1. General limitations on expendi-

BALTIMORE, TUESDAY, APRIL 24, 1951

Election Laws

The special report of the grand jury on its investigation of practices in the March primary calls for thorough examination of Maryland election laws with a view toward their general revision. That is a job which should begin immediately in the Legislative Council.

Some of the recommendations at once appear to be excellent. The proposal that campaign reports be audited rather than merely filed away falls in that category. So does the suggestion that all individuals or organizations spending money in a campaign be required to file reports.

A basic reform which the report advocates is the placing of all election board personnel under the Merit System. Our election machinery ought to be above politics or even the suspicion of politics. That can hardly be the case so long as the selection of election board members and employés is a matter of pure patronage.

While on the whole the recommendations in the report seem to be pointed in the right direction, some of them are open to question. The proposal that all campaign literature be subjected to examination prior to distribution smacks of censorship.

The suggestion that a ceiling be placed on the amount of money that can be spent on behalf of any candidate is all right in purpose but would be well-nigh impossible to administer. Full publicity is the best control over excessive expenditures that so far has been devised. In connection with expenditures, the idea of requiring pre-election reports is a good one.

There is plenty of meat in the grand jury report for the Legislative Council to chew on.

tures, whether by a candidate, his representatives, or supporters.

2. Campaign financial reports should show contributions by check, by cash, by loan, and other sources, with reports also of voluntary services by organized groups.
3. Contributors of $500 or more should be required to make a source-report under oath.
4. Campaign reports should be audited instead of merely being filed away, and should be accompanied by supporting vouchers. Filing fees should be required of candidates to defray such audit expenses.
5. Pre-election reports should be required by candidates, as is required by candidates for some Federal offices.
6. All "runners" or "workers" on election day should be required to register with polling-place policemen and should be required to leave samples of literature or ballots being distributed. The samples should be kept for possible subsequent use in investigations.
7. Individuals or groups expending money directly or indirectly should be required to file reports of such aid with the clerk of Circuit Court.
8. All persons connected with the printing or preparation of campaign literature should be required to retain sample copies, with names and addresses of persons ordering or paying for the literature, and statements regarding such orders should be filed in court.
9. The law should provide for checks and reviews of campaign literature before it is mailed or distributed, to ascertain that it does not violate the Corrupt Practices Act.
10. Treasurers or campaign agents should be required to file acceptances with the Circuit Court office indicating willingness to assume responsibility for impending campaigns.
11. The Board of Supervisors of Elections should be required to have voting lists available equally to all candidates.
12. The election board should have district, ward, and precinct maps available for sale.
13. The board should be prevented from causing last-minute changes in polling places, except for good reason and after notice to voters.
14. Polling places should be surveyed, so that halls, schools, libraries, churches and other public buildings be utilized instead of cramped garages and cellars.
15. The board should be required to observe more strictly "sanctity of the voting machines before delivery to the precinct" and should be required to use greater care of election records.
16. Election board members and employés "should be under civil service and removed from any political domination."

The jury said that in submitting its recommendations it "is keenly aware of the truism that laws which are misunderstood are rendered unenforceable, have a tendency to break down respect and cognizance of all laws."

Therefore, it urged submission of the report to the Legislative Council and urged that action be considered by the Legislative Council and the Governor.

MORN. SUN 4/25/51

Suspended Vice Raider Is Fined

Frank R. Diggins, suspended member of Capt. Alexander Emerson's vice squad, yesterday was fined $5 and costs totaling $36.60 for assaulting Harry S. Miller, a used-truck dealer, last October.

Alan H. Murrell, defense counsel, immediately noted an appeal from the guilty verdict returned last December by Chief Judge W. Conwell Smith in Criminal Court.

The judges of the Supreme Bench recently denied a new trial to Diggins.

Diggins was permitted to remain at liberty without bail in the custody of Captain Emerson pending a final ruling by the State's high court.

Evidence produced by Edwin A. Gehring, prosecutor, disclosed that the assault occurred after Diggins and Miller had argued over the parking of a policeman's auto near the used-truck business place.

MORN-SUN-
4/25

Our Election Laws Have Long Needed Strengthening

The finding of the present-term grand jury that the Maryland election laws should be strengthened is in accord with a long line of precedents.

Twenty-two years ago a commission on obsolete laws urged that the election statutes be revised. Two years later another commission studied these statutes and found them to be full of "inconsistencies, duplications and unnecessary data." It recommended a recodification. Nothing was done about that recommendation.

In 1941 a bill was introduced in the General Assembly to put teeth into the election laws and to otherwise improve them, particularly the corrupt practices section. The bill never left the files of the committee which first received it.

Three years ago the Legislative Council addressed itself to the election laws problem. It did so following the costly primary and gubernatorial election of 1946 and the costly primary and mayoralty election of 1947. The council had advice and guidance from Mr. Richard W. Emory, then deputy attorney general of Maryland, a student of the shortcomings of the election laws. The council drafted and presented to the Legislature a bill to strengthen election procedures. The bill never had a chance.

The politicians and the lawmakers apparently are satisfied with the laws the way they are now.

But the laws are full of loopholes, especially the corrupt practices section. There is no way of knowing how much money is poured into an election in Maryland. There is no check made even of the *reported* contributions to and expenditures by those seeking elective office. In speaking of the large reported campaign expenditures of 1946 and 1947, Mr. Emory informed the members of the Legislative Council:

> I have been told by people more politically wise than I am that the actual expenditures dwarfed these figures.

The grand jury's sixteen recommendations for strengthening election procedures were based on a painstaking investigation of the recent primary campaigns. It took testimony from scores of candidates and politicians thoroughly acquainted with election practices. The jurymen apparently had brought home to them the weaknesses in the present election laws.

This is not meant to be an underwriting of all the grand jury's proposals. But something must obviously be done, and done soon, to throw stronger light on spending practices in political campaigns and to strengthen the election laws generally.

NEWS - 4/25

Louis Azrael Says

What The Grand Jury Did Not Say

The Grand Jury, having investigated last month's city election, shouted angrily yesterday and recommended many changes in election laws.

But it shouted against the gale. And there is little chance that its suggestions will be adopted.

The reason is simple:

Who can change the laws? Only persons who are in office; persons who have been successful in politics under the present system.

The present system has been good to them. Why, then, unless they are unselfish, should they change it?

Few are sufficiently unselfish.

WHO SHUT UP?

The Grand Jury's report is good as far as it goes. I doesn't go far enough.

It sidesteps many things which the public should be told.

The report says, for instance:

"In nearly every instance, witnesses were co-operative."

What does "nearly" mean?

Which witnesses, if any, used the phrase made famous in the Kefauver investigation:

"I refuse to answer on the ground that it may incriminate me."

And which witness was not permitted to testify because he refused to waive immunity from criminal prosecution.

If the public were told that, it would better be able to choose between the candidates who will be on the ballots next month.

WHO BOUGHT VOTES?

The report says many precincts had as many as six, seven or eight "runners" presumably interested in certain candidates. And it adds, what has often been said in this column, that:

"There is a thin, tenuous line between the employment of so-called runners and the purchase of votes."

Why didn't the Grand Jurors reveal where this evil was found to be particularly strong? Who did the big hiring?

WHO AND HOW?

The Grand Jury, according to the report, was horrified to learn that in last month's campaign candidates and their backers used:

"Every device from capitalizing on religious and racial prejudices to promise of jobs."

Now, promising jobs may be a criminal offense. Exciting racial or religious prejudices, unfortunately, isn't.

Why didn't the Grand Jury indict persons who promised jobs?

Why didn't it expose the methods that were used to excite religious and racial prejudices?

MISSED A CHANCE

In short, the Grand Jury shouted in righteous, eloquent anger for general changes in the law—which can be achieved slowly, if at all.

But it sidestepped the important opportunity to tell the public exactly what disgraces were perpetrated and who was responsible for them.

DULANEY AND PEGLER are away. Their columns will be resumed upon their return.

DAILEY RECORD - 4/25/51

Special Report Of Grand Jury For January Term 1951

Hon. Joseph Sherbow, Judge,
Criminal Court of Baltimore,
Baltimore, Maryland.

Dear Sir:

On Friday, March 30, 1951, the Honorable Joseph Sherbow, Judge, Criminal Court of Baltimore, called the January Term Grand Jury before him into Criminal Court Part I and issued a charge, part of which is as follows:

> "The Court calls your attention to a situation that requires immediate, full and complete investigation on the part of the Grand Jury.
>
> "In the recent primary election campaign statements were made regarding lavish expenditures of money. Some of these statements came from irresponsible sources, other were made by responsible citizens.
>
> "It is your duty to make a thorough and complete investigation to determine whether or not there have been any violations of the Corrupt Practices Act of Maryland."

The court also referred to the alleged printing and distribution of printed matter which may be in violation of the Corrupt Practices Act. The public was advised not to draw any conclusions or inferences from appearances of witnesses before our body, and further:

> "Even if you find no violations of the Corrupt Practices Act, the investigation on your part will have the healthy effect of highlighting any weaknesses that may exist in our present Corrupt Practices Act, and, perhaps, bring about needed changes."

Thus was launched a comprehensive and sweeping investigation by the Grand Jury. Over one hundred witnesses testified. The Jury was ably assisted by Mr. Anselm Sodaro, State's Attorney; Mr. William H. Maynard, Deputy State's Attorney; and Mr. Joseph G. Koutz, Assistant State's Attorney. Special commendation is due these gentlemen for their genuine interest, industry and cooperation.

Many hours involving special sessions were spent in interviewing these witnesses.

Since many candidates expressed concern lest their appearance before the Grand Jury be construed by their constituency as a reflection upon their personal or political integrity, it seems appropriate here to call to the special attention of the public the fact that Judge Sherbow's charge specifically cautioned against the drawing of such assumptions.

Many charges and counter-charges were made, explored thoroughly by us and proved unfounded. Some witnesses who had been careless in publicizing these charges of moral, ethical and even legal violations of the Corrupt Practices Act were unable to sustain these charges in their appearance before the Grand Jury. It is unfortunate that greater care is not exercised in the issuance of these pre- and post-election statements conceived in the bitterness of a campaign, but which quickly fade when the opportunity is given to sustain the charges before a responsible body.

Many candidates pointed out that unauthorized election circulars, flyers, sample ballots, etc., were widely used in an effort to further a campaign of villification and scurrility against them. This Grand Jury made a thorough investigation and appropriate action has been taken.

This Grand Jury as a body was somewhat dismayed as the long procession of witnesses testified to the large sums of money expended on behalf of many candidates. We are fully aware of the cost of television, radio, newspaper advertising, printing of sample ballots, but we wish to call attention especially to so-called "election day expenses." Many precincts had as many as six, seven and eight "runners" presumably interested in the candidacy of certain individuals. We have found that many of these "workers" did little or nothing on election day except to congregate on the outskirts of the restricted areas near the polling places.

There is a potential evil involved in the use of large numbers of "runners," particularly if they are selected on the basis of family-size rather than the effectiveness of pre-election persuasiveness. Here lies an evil which the public should understand. There is a thin and tenuous line between employment of such so-called "runners" and purchase of votes.

We are surprised at the large number of precinct and ward executives on the public payroll who were present on election day which was not a legal holiday. This it appears to the Grand Jury is unethical and should be discouraged and discontinued.

We found in nearly every instance witnesses were co-operative, presented their records and data, receipts and books without hesitation and were glad of the opportunity to show the Grand Jury that they had conducted a clean campaign.

Many witnesses spoke concerning the procedures and philosophical reasoning used in precinct politics. We could not help but be discouraged as we realized that these techniques were designed to condition the thinking of the masses of the electorate by every device from capitalizing on religious and racial prejudices to promises of jobs. These techniques were employed with shrewdness and care, thus guaranteeing the "delivery of the vote" and avoiding conflict with the law.

The Grand Jury would be remiss if it did not point out that these techniques would have no success except for the apathy of a great portion of the voting population; if the large group of "independent voters" were to exercise their priceless suffrage, many more capable men and women would become interested in politics and would exercise greater influence in the interest of better government.

The ambiguity of our present election laws makes a veritable farce of these laws. While candidates are restricted to spending only $10 for each thousand registered voters eligible to vote for them up to fifty thousand and $5 for each one thousand after, the law especially exempts the candidate's own expenses for postage, telegrams, telephones, stationery, printing, advertising, publishing and the like. This so-called limitation is lost by reason of the exception and to all intents and purposes there is no limitation.

The law provides no limitation whatever upon expenditures by political agents or treasurers.

Within twenty days after each election the treasurer or agent must file a report with the Clerk of the Circuit Court of Baltimore, and within thirty days after each election the candidate must file a report of contributions and expenditures. The Clerk of the Circuit Court acts as a mere custodial officer. He collects the reports but has neither the responsibility nor the authority to audit the reports or to determine as to their accuracy or veracity.

In the course of our investigation we found from the reports filed that on election day large sums of money were expended. Certain candidates filed with their reports a memorandum showing to whom the money was paid and the amounts, and had receipts to substantiate the payments. In other instances, however, the record showed only election day expenses, with no memorandum as to whom they were paid. We have ascertained in the course of this investigation that in one instance a very substantial sum appeared in the form of a loan made from cash in a safe deposit box to a candidate. Nowhere does this sum appear as a loan on any statement filed with the Clerk of the Circuit Court.

We feel we should make certain recommendations regarding strengthening of our election laws. In 1947 Richard W. Emory, a distinguished attorney, was invited by the Legislative Council to speak on methods for improving our election laws. We have carefully studied Mr. Emory's scholarly report wherein he made four suggestions for strengthening the Corrupt Practice Act: it was pointed out that there is a

(a) greater need to *publicize* "the extent to which money is used and how it is used"

(b) greater need to provide for the "regulation of contributions"

(c) greater need to provide for the "regulation (and perhaps even the limitation) of expenditures"

(d) greater need to provide proper "sanctions or enforcement procedure."

We strongly urge that Mr. Emory's recommendations be reviewed and seriously considered by the Legislative Council.

We recommend the following:

1. There should be a limitation prescribed by law on expenditures by a candidate regardless of whether the spending is done by the candidate, his treasurer or agent, or a combination of interested supporters.

2. The campaign financial report should show whether the contribution was in cash, by check, the result of any loan, or from whatever source it may have been received. It is also recommended that the report indicate whatever voluntary services were rendered when such services were rendered by organized groups.

3. Every contributor making a contribution in excess of $500 should be required to report under oath the fact of such contribution to the Clerk of the Circuit Court within a prescribed time.

4. All reports should be received by the Clerk of the Circuit Court and by him turned over to a qualified auditor who should examine all these reports and supporting vouchers and should then file with the Clerk of the Court his report and analysis. Each candidate at the time of filing should be required to pay a nominal fee to pay for the cost of this audit.

5. Candidates should be required to submit pre-election reports on specific dates prior to election, as is required by federal law by candidates for certain federal offices.

6. All "runners" or "workers" on election day should be required to register with the policeman on duty at the polling place and, further, to leave a sample of each piece of literature being distributed by him. This material should be delivered by the policeman to the Central Police Station and at the close of election day transmitted to the Office of the Clerk of the Circuit Court.

7. Any individual or group expending any moneys directly or indirectly on behalf of any political candidate must file a report of such expenditure with the Clerk of the Circuit Court in the same manner as a political agent or treasurer.

8. Every one involved in the printing, multigraphing, etc., of campaign literature should be required by law to retain a sample copy of all such campaign literature together with the names and addresses of the persons ordering, paying for and receiving such political literature, and a detailed statement thereof should be filed with the Clerk of the Circuit Court within a designated period after the election.

9. Some group of officials needs to be designated for the purpose of reviewing and checking campaign literature before it is authorized for ma... or distribution to insure the fa... it complies with the stand... forth in the Corrupt Prac...

10. The treasurer ... as designated by the ca... ...ior to the election with ... of the Circuit Court sh... quired to file a letter of ... with the Clerk at the ... indicating his willingne... sume proper responsibili... conduct of the campaig...

11. The office of the Su... of Elections should:

(a) be required to hav... ...ng lists available to all cand... on the same basis

(b) have on hand and ... for sale district, ward and ... maps

(c) be restrained from ma... last-minute changes in poli... places except for the good ... and s... ficient reasons, and then the voters, in the precincts should be notified.

(d) make a careful survey of polling places so that garages, cellars, cramped spaces, etc., will be replaced by halls, schools, libraries, churches and other public buildings

(e) be required to keep a more strict observation of the rules regarding the sanctity of the voting machines before delivery to the precincts and more zealous respect for the security of voters' cards, books and other records

(f) the Supervisors of Elections and all employees of the office should be under civil service and removed from any political domination.

In submitting the above recommendations, this Grand Jury is keenly aware of the truism that laws which are misunderstood or rendered unenforcible have a tendency to break down respect and cognizance of all law. Therefore, it is our considered best judgment that the Supreme Bench of Baltimore submit this report to the Legislative Council for its careful consideration.

We believe the time has come for a complete revision of the Corrupt Practices Act. The Legislative Council could act or the Governor of Maryland could appoint a Commission of representative citizens of the highest integrity to prepare revision of the Corrupt Practices Act.

It is our hope that the intensive work done by this Grand Jury and these recommendations will not be ignored but rather will be weighed and considered by the Legislative Council and Governor as soon as possible.

Respectfully submitted,
W. NORRIS WEIS,
Foreman, Grand Jury
January Term, 1951.

EVE SUN
5/1

Testimony Opens In Butler Case; 11 Called

With eleven witnesses summoned, the grand jury today began hearing testimony concerning alleged irregularities in handling funds during Senator John M. Butler's campaign last November.

The probe had been under consideration since shortly after the Senate inquiry began in Washington, and records and transcripts of that investigation have been under study for weeks.

Today, however, marked the inception of actual testimony here. Anselm Sodaro, State's attorney, issued summonses for witnesses last Friday.

Mammoth Transscript

At the start of the proceedings, Mr. Sodaro and his two aides, William H. Maynard and William C. Rogers, Jr., took before the jury the mammoth transcript of the senatorial inquiry.

The transcript consisted of nineteen volumes of printed testimony, amounting to about 2,875 pages.

A representative of the Lord Baltimore Hotel was one of the witnesses, under call to produce records pertaining to Baltimore visits of Jon M. Jonkel, publicity manager for the Butler campaign.

Fedder Among Witnesses

William H. Fedder, Baltimore printer who told senators of being taken for a "midnight ride" by aides of Senator McCarthy (R., Wis.), is another witness. Still another is a representative of the Washington shorthand reporting firm which recorded the Senate investigations.

Others summoned are Cornelius P. Mundy, Baltimore lawyer and Butler's campaign treasurer; Miss Catherine Van Dyke, now secretary to Senator Butler; Miss Jean F. Kerr, an employé of Senator McCarthy; Robert E. Lee, another employé of the Wisconsin senator; Enos S. Stockbridge, an attorney for Senator Butler; W. F. Peterson, of the Young Democrats for Butler; Henry J. Ripperger, clerk of Circuit Court, and John R. Reeves, Maryland secretary of state.

MORN SUN
4/27/51

HENRY L. ROGERS
Named assistant State's attorney

Sodaro Appoints New Assistant

Henry L. Rogers, 31-year-old lawyer, yesterday was appointed an assistant State's attorney to succeed M. Peter Moser, who has been recalled into active military service.

Mr. Rogers was named to the prosecuting post by Anselm Sodaro, State's attorney. The appointment was approved by the Supreme Bench.

The new assistant, who lives at 2215 Arden road, Mount Washington, is a graduate of the Baltimore City College, Yale University and the University of Maryland School of Law. He also studied political science in the Johns Hopkins School of Graduate Studies.

Mr. Rogers was admitted to the bar in June, 1948.

The new assistant enlisted in the Army in 1941 as a private and was commissioned a second lieutenant in July of the following year.

MORN. SUN
4/28

Hearing For 11 On Butler Due Tuesday

Grand jury investigation today was called for, in connection with the election of United States Senator John M. Butler last November and charges of irregularities in handling campaign expenditures.

Eleven witnesses were summoned to appear at the Courthouse Tuesday before the Baltimore grand jury.

Jon M. Jonkel, publicity agent during the senatorial campaign, was not summoned as a witness but the jury called for information regarding his actions.

Hotel Records Asked

Summons issued by Anselm Sodaro, State's Attorney, called on representatives of the Lord Baltimore Hotel to produce on Tuesday "all documents, records, papers of any kind or character whatsoever dealing with or showing the residence, registration, or occupying of any room or rooms at the said hotel by one Jon M. Jonkel during the year 1950."

Cornelius P. Mundy, Baltimore attorney who was official campaign treasurer for Senator Butler, was one of the summoned witnesses.

Jean F. Kerr, of Washington, an assistant in the office of Senator Joseph R. McCarthy (R., Wis.), and Catherine Van Dyke, of Washington, former Baltimore woman who is now a secretary in Senator Butler's office, and Robert E. Lee, campaign worker for the newlyu elected Senator, were other witnesses.

Fedder Also Called

William H. Fedder, Baltimore printer, of 4214 Norfolk avenue, whose alleged midnight "ride" with alleged employés of Senator McCarthy had been publicized at senatorial hearings by former Senator Millard E. Tydings, also was summoned.

Other witnesses included John R. Reeves, Maryland Secretary of State, and Henry J. Ripperger, clerk of the Circuit Court of Baltimore. Election statements and returns are required to be filed with these officials.

Shorthand Firm On List

W. F. Peterson, 210 Ridgewood road, of the Young Democrats for Butler organization; Enos S. Stockbridge, Baltimore lawyer who has acted as counsel for Senator Butler, and the Washington shorthand reporting firm of Ward & Paul, were other witnesses called before the grand jury.

Mr. Sodaro and two members of his staff, William H. Maynard, deputy State's attorney, and William C. Rogers, Jr., an assistant prosecutor, have been studying records of the senatorial inquiry, they revealed. The three officials are expected to appear before the grand jury with witnesses.

EVE SUN
4-30-51

Attorney Names Misused, Price Foe Charges

Eleven members of the State's attorney's office had their names "borrowed" without their permission to boost the primary election campaign of Arthur B. Price for president of the City Council, Daniel E. Klein, his Republican opponent, charged today.

This was done, Mr. Klein said, in the face of the fact that a request had already been made to the office for an investigation of the election. The investigation is now under way.

Mr. Price promptly denied the charge, insisting that the eleven prosecutors were consulted and were "100 per cent for me."

Referred To Sodaro

"If there had been any objection," the Democrat said, "I would have heard of it from the State's attorney, wouldn't I? Well, I have heard utterly nothing." He referred the question to State's Attorney Anselm Sodaro.

Mr. Sodaro, whose name was also included on the list with ten of his staff in newspaper advertisements, declined to offer any comment. He neither denied nor affirmed that he had been consulted about the use of his name.

William H. Maynard, deputy to Mr. Sodaro, joined with his chief in a no-comment reply.

Of those who were willing to comment, Mr. Price's statement appeared to have more support than Mr. Klein's.

Seven of the names questioned by the Republican were used with full permission, their owners said. These, all assistants in the prosecutor's office, were Edwin A. Gehring, Saul A. Harris, Joseph G. Koutz, Charles E. Orth, William C. Rogers, Jr., George D. Solter and John C. Weiss.

Henry D. Blair, Jr., and J. Harold Grady, also assistants, could not be reached for comment. James F. Price, the candidate's son and a member of the office himself, was generally described as the one who canvassed the office and asked for support for his father.

Action Called "Fraud"

The list appeared a few days before the March 27 election under the heading "A man is judged by the company he keeps." It named Mr. Price as "the logical candidate" for Democratic nomination and said the advertisement was authorized by J. Bernard Wells, former State's attorney, acting as treasurer of the Price campaign.

Mr. Klein found no blame to fasten to Mr. Sodaro, for whom he said he has "great respect . . . as a lawyer and public official," but the action by the Price campaign committee was called "a fraud on the public" which may have given Mr. Price the slim margin of votes by which he was nominated.

"This office," he said, "is now investigating the election by which my opponent was nominated . . . and is obviously supposed to do an unbiased job. It is hard for me to believe that Mr. Sodaro would allow his name and all these names of members of his staff to be used in connection with a paid advertisement indorsing a factional candidate. I have reason for saying this because it is the duty of the State's attorney and his staff to prosecute any violation of the election laws."

Mr. Klein also named Morgan M. Buchner, examiner for the Circuit Court, as one of those named as a Price supporter without his permission. Mr. Buchner, like Mr. Sodaro, declined to comment.

Charges Fraud

"It is not my intention nor desire," the GOP candidate declared, "to do more than point out to you that, if these men did not authorize their names to be printed in this advertisement, then my opponent has committed a fraud on the public."

Mr. Price brushed the complaints aside as "dern unfair" and suggested that legislation should be passed to block out unfair campaign charges.

"There was never the slightest objection," he said, "made by anyone from the State's attorney's office. Mr. Sodaro came to my headquarters on a number of occasions. Like the rest of them, he was 100 per cent for me.

"This is just an act of desperation by poor little Klein. All I can say here is that I have no police record. Poor little fellow."

EVE. SUN - 4/26

Skylight Burglars Given Terms

Three-year terms were imposed yesterday on three teen-age skylight burglars, who had entered three downtown stores by way of the roof and had attempted to enter another.

Judge Emory H. Niles in Youth Court sent two of the defendants, who had past records, to the House of Correction. The third youth was given an indeterminate three-year sentence to the State Reformatory.

Ernest Martin and Herbert Hughes, both 18, had been on probation at the time of their burglaries in March. George D. Solter and William C. Rogers, Jr., prosecutors, told the court. The other defendant was Morris Greer, also 18.

More than $3,500 in merchandise was taken in the three burglaries. The offenses occurred over a two-week period.

Barshack Cleared In Gambling Case

Mike Barshack, arrested last November at a downtown hotel on a bookmaking charge, today was acquitted when his case was recalled to Criminal Court after being submitted to the Maryland Court of Appeals.

In view of the appellate rulings which declined to pass on the State's appeal, Judge Michael J. Manley repeated his ruling of last winter in suppressing seized evidence on the ground that a police search-and-seizure warrant was invalid.

The warrant had been obtained as the result of overheard conversations between unknown, apparently intoxicated persons who had talked of bookmaking operations in a hotel suite.

Party Not Identified

Police Sergeant Joseph J. Byrnes testified that when they arrested Barshack he put in a long-distance telephone call to New York and said, "Boss, they've got me."

There was no testimony as to the identity of the New York party. When the case was first heard, prosecutors claimed Barshack was a "big layoff man" connected with a widespread gambling syndicate.

Barshack was represented in the Criminal Court and before the appellate court by Maurice T. Siegel and Jeanette R. Siegel, attorneys.

EVE. SUN - 4/27

BUTLER PROBE DUE TO OPEN TUESDAY

Baltimore Panel Issues Summonses For Witnesses, Data

The Baltimore grand jury on Tuesday will hear witnesses in a probe of alleged irregularities in the handling of funds during the successful campaign of Senator John M. Butler last November.

Anselm Sodaro, State's Attorney, said summonses have been issued for:

CORNELIUS P. MUNDY, Baltimore lawyer and Butler's campaign treasurer.

WILLIAM H. FEDDER, Baltimore printer, who alleged he was taken on a "midnight ride" by aides of Senator McCarthy (R., Wis.).

ROBERT E. LEE, of Washington, employé of Senator McCarthy, who helped the Butler campaign by sending out political correspondence.

MISS JEAN F. KERR, also an employé of Senator McCarthy, who assisted Butler by performing various tasks.

MISS CATHERINE VAN DYKE, now secretary to Senator Butler, and former volunteer worker for her present boss during the campaign.

ENOS S. STOCKBRIDGE, Baltimore lawyer and counsel for Butler.

W. F. PETERSON, of 210 Ridge road, one of the founders of the Young Democrats for Butler.

WARD and PAUL, official reporters at the Senate subcommittee hearing in connection with a probe of the Butler campaign.

HENRY J. RIPPERGER, clerk of the Circuit Court.

JOHN R. REEVES, Secretary of State.

Records of the Lord Baltimore Hotel pertaining to the stay there of Jon M. Jonkel, publicity manager for the Butler campaign.

Mr. Sodaro said he did not think additional witnesses would be called in the Butler campaign probe, but added he did not want to state definitely that the investigation would be only a one-day affair.

The prosecutor disclosed that William C. Rogers, Jr., assistant State's attorney, had read all of the testimony taken during the subcommittee's probe in Washington and would go over the testimony before the grand jury on Tuesday.

The subcommittee heard testimony from nearly 50 witnesses, and the evidence given comprised more than 500,000 words.

Mr. Rogers and William H. Maynard, deputy, will assist Mr. Sodaro in the grand jury investigation.

NEWS - 5/1

Sodaro Opens Butler Probe

The grand jury today began hearing witnesses in the State's Attorney's investigation of the Senatorial campaign last fall of John Marshall Butler.

The prosecutor's investigation is separate and distinct from that being made by the United States Senate. The local investigation is to determine whether and to what extent the State's election laws were violated.

SEAT AT STAKE

The Senate inquiry, in which hearings recently ended, is to determine Butler's fitness to keep his seat and to consider former Senator Tyding's request for criminal libel action.

State's Attorney Anselm Sodaro and his aides, Deputy William H. Maynard and William Rogers, Jr., today took before the jury 19 volumes of testimony in the Senate hearings.

CONTRIBUTIONS INVOLVED

The 19 volumes contained almost 2,900 pages and more than half a million words. The prosecutors also had photostats of campaign contributions and expenditures as reported to the Circuit Court.

First witness to go before the jury today was Cornelius P. Mundy, attorney, who was Butler's campaign treasurer. Second was Miss Catherine Van Dyke of Washington, a volunteer worker in Butler's campaign headquarters and now a secretary for him in Washington.

OTHER WITNESSES LISTED

Other witnesses waiting or ready to be heard were:

Enos Stockbridge, counsel to Butler in his campaign, John R. Reeves, Secretary of State for Maryland; Robert E. Lee, W. H. Fedder, who told the Congressional investigation he was "taken for a ride" by Butler aides; Henry J. Ripperger, clerk of the Circuit Court and a representative of the Lord Baltimore Hotel, where Butler had campaign headquarters.

EVE. SUN-
5/1

Crime Inquiry May Include City, State

Whether or not the Senate Crime Investigating Committee's spotlight is to be focused on Maryland and Baltimore probably will be determined today.

Senator O'Conor, Maryland Democrat, is taking over today as chairman of the committee, succeeding Senator Estes Kefauver, (D., Tenn.), who led it through a year of sensational racket probes.

Senator Kefauver, who will continue as a member of the investigating body, today is making his report to the Senate, which has extended the committee's life for four months.

The committee is meeting with Senator O'Conor this afternoon to decide in what cities and states its investigations are to be continued.

Senator O'Conor, who was State's attorney for Baltimore from 1924 to 1931, has said that crime conditions in Maryland would be studied if the investigating committee were authorized to continue.

EVE. SUN
5/1

Judges Support Loan, ... Risk C... scapes

Thre... of the Supreme Ben... today cited the "strong risk of ... escape" of defendants boun... trial in Criminal Court Part ... if the $1,500,000 loan to com...ete repairs on the Courthouse is not approved by the voters May 8.

Judges E. Paul Mason, Joseph Sherbow and Emory Niles, of the building committee of the Supreme Bench, pointed out that there was no connection at present between Part III and the lockup.

The Bench committee said:

"One of the basic needs is a connection between the prisoners' lockup and the Criminal Court Part III. Prisoners must be taken through the corridors, with the strong risk of possible escape. Shackling prisoners to guards should be eliminated at the earliest possible moment. Besides, it requires two regular policemen in addition to the guards. . . ."

Part Of Package

The $1,500,000 sought for the Courthouse improvements is part of the $4,000,... public buildings loan wh... appear on next Tuesday ballot. The other loans in the same package are $1,500,000 for completion of a Home for the Aged at City Hospitals and $1,000,000 for the new Eastern Health District building to serve residents of East Baltimore.

The judges declared that approval of the loan would permit a speedup in the work at greater convenience to the public, which usually has to use the Courthouse by necessity rather than choice.

The committee cited the lack of toilet facilities for witnesses and jurors and the cramped quarters of the Probation department, and the division for juvenile causes. The jurists predicted that if the loan is approved new work on the Courthouse will not be necessary for at least 30 years.

EVE. SUN - 5-1-51

ext Of General Conclusions Reached y Senate Crime Investigators

Washington, May 1 (AP)—Following is the text of the "general conclusions" reached by the Sen- Crime Investigating Committee in its report filed with the Senate today:

Organized criminal gangs op- ng in interstate commerce are y entrenched in our large cities e operation of many different bling enterprises such as book- ng, policy, slot machines, as as in other rackets such as the and distribution of narcotics commercialized prostitution. hey are the survivors of the derous underworld wars of the hibition era. After the repeal of prohibition laws, these groups syndicates shifted their major inal activities to gambling. vever, many of the crime syndi- s continued to take an interest ther rackets such as narcotics, stitution, labor and business keteering, black marketing, etc.

rofits Of Syndicates

Criminal syndicates in this ntry make tremendous profits are due primarily to the ability such gangs and syndicates to ure monopolies in the illegal op- tions in which they are engaged. se monopolies are secured by suasion, intimidation, violence murder.

The committee found in some es that law-enforcement officials ed and protected gangsters and keteers to maintain their monop- stic position in particular rack- . Mobsters who attempted to mpete with these entrenched minal groups found that they d their followers were being sub- ted to arrest and prosecution hile protected gang operations re left untouched.

3. Crime is on a syndicated basis a substantial extent in many ies. The two major crime syndi- tes in this country are the Accar- -Guzik-Fischetti Syndicate, whose adquarters are Chicago; and the stello-Adonis-Lansky syndicate sed in New York.

here They Operate

Evidence of the operations of Accardo-Guzik-Fischetti Syndi- e was found by the committee in h places as Chicago, Kansas ty, Dallas, Miami, Las Vegas, v., and the West Coast.

Evidence of the Costello-Adonis- nsky operations was found in w York city, Saratoga, Bergen unty, New Jersey; New Orleans, ami, Las Vagas, the West Coast d Havana, Cuba.

These syndicates, as well as other minal gangs throughout the untry, enter profitable relation- ps with each other. There is also close personal, financial and so- l relationship between top-level obsters in different areas of the untry.

4. There is a sinister criminal or- nization known as the Mafia erating throughout the country th ties in other nations, in the inion of the committee. The afia is the direct descendant of a minal organization of the same me originating in the island of cily. In this country the Mafia s also been known as the Black nd and the Unione Siciliano.

The membership of the Mafia ay is not confined to persons of cilian origin. The Mafia is a loose- it organization specializing in e sale and distribution of nar- tics, the conduct of various gam- ng enterprises, prostitution and her rackets based on extortion d violence.

afia As Binder

The Mafia is the binder which together the two major crimi- yndicates as well as numerous criminal groups throughout ountry. The power of the Mafia sed on a ruthless enforcement edicts and its own law of ance, to which have been ably attributed literally hun- of murders throughout the ry.

Despite known arrests records well-documented criminal repu- ns, the leading hoodlums in country remain, for the most t, immune from prosecution and nishment, although underlings their gangs may, on occasion, be osecuted and punished.

This quasi-immunity of top-level obsters can be ascribed to what popularly known as the "fix." e fix is not always the direct yment of money to law-enforce- ent officials, although the com- ttee has run across considerable idence of such bribery.

The fix may also come about rough the acquisition of political wer by contributions to political ganizations or otherwise, by ating economic ties with appar- ly respectable and reputable siness men and lawyers, and by ring public good will through ritable contributions and press ations.

pported By Gambling

Gambling profits are the prin- l support of big-time racketeer- and gangsterism. These profits vide the financial resources ereby ordinary criminals are verted into big-time racketeers, itical bosses, pseudo business n and alleged philanthropists. Thus, the $2 horse bettor and the ent numbers player are not only kers because they are gambling inst hopeless odds, but they also vide the moneys which enable derworld characters to under- e our institutions.

The legalization of gambling uld not terminate the wide- ad predatory activities of crimi- gangs and syndicates. The his- of legalized gambling in da and in other parts of the ry gives no assurance that ers and racketeers can be rted into responsible busi- en through the simple proc- obtaining state and local for heir gambling enter- Gambling, moreover, his- has been associated with nd corruption.

mittee has not seen any proposal for controlled which would eliminate s or the corruption.

ion Systems

ansmission of racing d gambling informa- r sporting events is indispensable to big-time bookmaking operations. This information is presently being provided by a monopoly operated by the Continental Press Service. The Continental Press Service, at critical times and in crucial places where monopoly of bookmaking is at stake, yields to the domination and control of the Accardo-Guzik-Fischetti crime syndicate, to which it is beholden for its own monopoly in the wire-service field.

The wire service is so vital to large bookmakers that they are compelled to pay what the traffic will bear to the Continental Press Service. This makes it possible for the Accardo-Guzik-Fischetti crime syndicate to participate in the profits of bookmaking operations throughout the country.

8. The backbone of the wire service which provides gambling information to bookmakers is the leased wires of the Western Union Telegraph Company. This company in many parts of the country has not been fully co-operative with law-enforcement officials who have been trying to suppress organized criminal rackets which make use of telegraph facilities.

"Aid And Comfort"

By permitting its facilities to be used by bookmakers, Western Union has given aid and comfort to those engaged in violation of gambling laws. In some cases, Western Union officials and employés actually participated in bookmaking conspiracies by accepting bets and transmitting them to bookmakers.

It should be noted that during the latter months of the committee's investigation, Western Union has taken steps to prevent this practice and has been more co-operative with the committee.

In many areas, of which New York is a notable example, the telephone companies have co-operated fully with law-enforcement officials. However, in still other areas, telephone companies have been much less co-operative.

Local legislation is apparently necessary in many states to require telephone company officials to refuse facilities and remove existing facilities of suspected bookmakers and to call to the attention of local law-enforcement officials the use of telephone facilities by bookmakers.

Local Problem

9. Crime is largely a local problem. It must be attacked primarily at the local level, with supplementary aid, where appropriate, from state and Federal authorities. The conduct of various forms of gambling enterprises, houses of prostitution, the distribution of narcotics, the use of intimidation, violence and murder to achieve gang objectives are all violations of state laws.

The public must insist upon local and state law-enforcement agencies meeting this challenge, and must not be deceived by the aura of romanticism and respectability, deliberately cultivated by the communities' top mobsters.

10. The Federal Government has the basic responsibility of helping the states and local governments in eliminating the interstate activities and interstate aspects of organized crime, and in facilitating exchange of information with appropriate safeguards between the Federal Government and local and state law-enforcement agencies as well as between law-enforcement agencies in the various states.

The task of dealing with organized crime is so great that the public must insist upon the fullest measure of co-operation between law-enforcement agencies at all levels of government without buck-passing. The committee feels that it has fully demonstrated the need for such co-operation. The time for action has arrived.

Corruption Found

11. Wide-open gambling operations and racketeering conditions are supported by out-and-out corruption in many places. The wide-open conditions which were found in these localities can easily be cleaned up by vigorous law enforcement.

This has been demonstrated in the past in many different communities and has received added demonstration during the life of our committee. The outstanding example is Saratoga, N.Y., which ran wide open through the racing season of 1949, but was closed down tight in 1950.

12. Venal public officials have had the effrontery to testify before the committee that they were elected on "liberal" platforms calling for wide-open towns. The committee believes that these officials were put in office by gamblers and with gamblers' money, and that in the few cases where the public was convinced that gambling is good for business, this myth was deliberately propagated by the paid publicists of the gambling interests.

In many wide-open communities, so-called political leaders and law-enforcement officials have sabotaged efforts of civic-minded citizens to combat such wide-open conditions and the crime and corruption that they entailed.

Tax Fraud Cited

13. The Treasury of the United States has been defrauded of huge sums of money in tax revenues by racketeers and gangsters engaged in organized criminal activities. Huge sums in cash handled by racketeers and gangsters are not reflected in their income-tax returns.

Income-tax returns filed with the Federal Government have been inadequate since, as a rule, they contained no listing of the sources of income nor any itemization of the expenses. Gangsters and racketeers, moreover, do not keep books and records from which it might be possible to check tax returns.

14. Mobsters and racketeers have been assisted by some tax accountants and tax lawyers in defrauding the Government. These accountants and lawyers have prepared and defended income-tax returns which they knew to be inadequate.

At the very least, those who are guilty of such practices could be convicted of a misdemeanor and sent to jail for a year for every year in which they have failed to comply with the law.

The Bureau of Internal Revenue states that it has, to the best of its ability, considering its limited manpower, been investigating these returns. It states further that when it pursues the case of one of these individuals it prefers to set up against him a case of criminal tax evasion, which is a felony, rather than the lesser offense of failing to keep proper books and records, which is a misdemeanor.

Proper Records

Despite this, the committee believes that the Bureau of Internal Revenue could, and should, make more frequent use of the sanctions provided for failure to keep proper books and records than it has heretofore. In any event, the Bureau of Internal Revenue should insist on adequate returns and proper books.

While the great majority of agents of the Bureau of Internal Revenue are honest and efficient, there have been relatively few instances in different parts of the country of lack of vigorous and effective action to collect income taxes from gangsters and racketeers.

15. A major question of legal ethics has arisen in that there are a number of lawyers in different parts of the country whose relations to organized criminal gangs and individual mobsters pass the line of reasonable representation. Such lawyers become true "mouthpieces" for the job. In individual cases, they have become integral parts of the criminal conspiracy of their clients.

16. Evidence of the infiltration by organized criminals into legitimate business has been found, particularly in connection with the sale and distribution of liquor, real-estate operations, night clubs, hotels, automobile agencies, restaurants, taverns, cigarette-vending companies, juke-box concerns, laundries, the manufacture of clothing and the transmission of racing and sport news.

Use Gangster Methods

In some areas of legitimate activity, the committee has found evidence of the use by gangsters of the same methods of intimidation and violence as are used to secure monopolies in criminal enterprise.

Gangster infiltration into business also aggravates the possibility of black markets during a period of national emergency such as we are now experiencing. Racketeers also have used labor unions as fronts to enable them to exploit legitimate business men.

17. In some instances legitimate business men have aided the interests of the underworld by awarding lucrative contracts to gangsters and mobsters in return for help in handling employés, defeating attempts at organization, and in breaking strikes. And the committee has had testimony showing that unions are used in the aid of racketeers and gangsters, particularly on the New York water front.

Probers Praise Papers, TV For Crime Coverage

Washington, May 1 (AP)—Newspaper and television coverage was credited by the Senate Crime Committee today with focusing public attention on its spectacular inquiry into the underworld.

Magazines, radio and the newsreels came in for praise, too.

"It is doubtful indeed if the activities of any similar governmental group has received such widespread coverage as was given to the hearings and reports of this committee," the group said.

It noted that the testimony it heard, particularly in New York and Washington, was carried into millions of homes "via the newest electronics communications device—television."

Television Given Credit

"The committee recognizes that a major part of the credit for the vital impact on this committee's most recent hearings on the public was due to the televising of the sessions," the group said in its report.

"Never, prior to that time, had a congressional hearing received such a public airing or viewing, nor before such a huge audience. It has been estimated that the hearings in New York were watched by upward of 30,000,000 persons.

Newspapers, the committee continued, were helpful not only because of the widespread coverage they gave to the hearings and reports but because of their "archives of information about crime, all of which were freely made available to the committee." The report continued:

Papers Help Committee

"The crime reporters of many great newspapers have been of invaluable assistance to the committee. The willingness and courage of the press in printing full information on the activities of gangsters, criminals and their political protectors have achieved many notable results in improved law enforcement.

"At times the committee was helped by the constructive criticism of some of the local press. . . ."

The committee said magazines did independent research and furnished it with "many fruitful leads." As for newsreel coverage, the committee cited especially an hour-long film which depicted highlights of the hearings.

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Senators Say Ex-Mayor's Acts Hindered Probes

Text of general conclusions of crime report on Page 24

Washington, May 1 (AP)—Senate crime investigators today accused Ambassador William O'Dwyer of contributing to the growth of organized crime in New York city, where, they said, Frank Costello, underworld kingpin, is a power in Democratic politics.

O'Dwyer was New York's mayor from 1946 until last fall when President Truman appointed him Ambassador to Mexico. From 1940 to 1942 O'Dwyer was district attorney of Kings county (Brooklyn).

Referring to O'Dwyer's tenure both as mayor and district attorney, the Crime Committee said in a lengthy and hard-hitting report on its year-long probe of gangsterism:

"Neither he nor his appointees took any effective action against the top echelons of the gambling, narcotics, water-front, murder or bookmaking rackets. In fact, his actions impeded promising investigations of such rackets."

Picked Gamblers' Friends

The crime probers, headed by Senator Kefauver (D., Tenn.), also said O'Dwyer had named to high public office friends of Costello and Joe Adonis, another big-time racketeer and gambler.

And after a lengthy detailing of Costello's alleged political manipulations, the Senate committee summed up in these words:

"It is apparent to the committee that despite Costello's protestations, his sinister influence is still strong in the councils of the Democratic party organization of New York county."

Costello, through his attorney, George Wolf, declined comment on the committee report.

The senators devoted about 35 pages of the 195-page report to their New York city investigation, where O'Dwyer and Costello were the major witnesses at hearings viewed on television by upward of 20,000,000 persons.

"No Comment" On Envoy

Kefauver later declared "no comment" when asked whether he felt the committee's findings regarding O'Dwyer warranted his dismissal as Ambassador to Mexico.

Kefauver reiterated, however, that "under the circumstances" he would not again vote to confirm O'Dwyer as Ambassador.

Senator Tobey (R., N.H.), another member of the committee, also was asked whether he felt O'Dwyer should be dismissed.

"Let a man examine his own conscience," Tobey replied. "If the evidence of the inner soul justifies it, let him take himself out of the picture *pro bono publico* (for the public good)."

Bills Aimed At Profits

The report, rushed to completion late last night, also asked Congress for laws aimed at throttling the nation's big crime and gambling syndicates by cutting the profits out from under them.

"Gambling profits are the principal support of big-time racketeering and gangsterism," the senator said.

They recommended legislation to outlaw transmission across state lines of information for illegal gambling, to prohibit illegal gambling losses or expenses from being deducted for income-tax purposes, to deny use of the mails or other interstate communications to make or pay off bets, to ban the interstate transmission of punchboards, roulette wheels and other gaming devices and to require gambling casinos to keep detailed records of money won and lost.

"Money Key To Power

With a reminder that "money is the key to power in the underworld," the committee also called for tougher tax laws and penalties to trip up gangsters, including requirements for full records of income and expenses and statements of "net worth."

The senators commended the Internal Revenue Buerau for setting up a special fraud squad and urged the Justice Department to create a racket squad "to clean the country of racketeers, gangsters and organized criminal gangs."

They said, however, that the primary responsibility for cleaning up the underworld rests with state and local officials.

Other proposals asked stiffer penalties for dope peddling, tightening of immigration laws to rid the country of undesirable aliens, measures to eliminate racketeers from the liquor and transportation industries and bigger staffs for Federal law-enforcement agencies, especially the Narcotics Bureau.

Wiley Opposes Setup

The committee also recommended creation of a Federal crime commission, with Senator Wiley (R., Wis.) dissenting. He said he feared it might lead to creation of a national police force. The committee said this was the only part of the report on which the five members were not unanimous.

A number of suggestions also were advanced for action by state and local governments to break up underworld operations. Although the committee said the Federal Government can help, it stressed that crime "must be attacked primarily at the local level."

The committee said "the most shocking revelations" of its nationwide probe, authorized by the Senate almost exactly a year ago, were "the extent of official corruption and connivance in facilitating and promoting organized crime."

Corruption At All Levels

The senators said they found this corruption and connivance at all levels of government — Federal, state and local.

One of the major conclusions was this:

"Despite known arrest records and well-documented criminal reputations, the leading hoodlums in the country remain, for the most part, immune from prosecution and punishment, although underlings of their gangs may on occasion be prosecuted and punished.

This quasi-immunity of top-level mobsters can be ascribed to what is popularly known as the 'fix.'"

The committee said that, although it had run across considerable evidence of bribery, the fix is not always the direct payment of money to law-enforcement officials.

Other Methods Of "Fix"

"The fix may also come about," the senators said, "through the acquisition of political power by contributions to political organizations or otherwise, by creating economic ties with apparently respectable and reputable business men and lawyers, and by buying public good will through charitable contributions and press relations."

The committee said bluntly in one of its conclusions that "wide-open gambling operations and racketeering conditions are supported by out-and-out corruption in many places."

It added that these flagrant violations can "easily be cleaned up by vigorous law enforcement."

The committee cited Saratoga, N.Y., as an outstanding example of this, saying it "ran wide-open through the racing season of 1949 but was closed down tight in 1950."

Two Main Mobs Named

The senators found interstate criminal gangs to be "firmly entrenched" in the nation's large cities.

As it had in an earlier report, it named the two major crime syndicates as the Accardo-Guzik-Fischetti mob in Chicago and the Costello-Adonis-Lansky outfit based in New York.

These two syndicates, as well as lesser ones, the committee said, are bound together by the shadowy Mafia, a secret underworld society that had its origins in Sicily.

The report described the Mafia as "a loose-knit organization specializing in the sale and distribution of narcotics, the conduct of various gambling enterprises, prostitution and other rackets based on extortion and violence."

Besides reporting its general conclusions from the evidence uncovered and urging specific legislation to strike at interstate crime, the committee recounted what it found in fourteen cities that came under its scrutiny.

Highlights Of Findings

Some of the highlights:

1. It said it "cannot understand and strongly condemns" reinstatement by Florida Gov. Fuller Warren of Sheriff James Sullivan of Dade county (Miami) "without a full and public investigation of all the facts brought out by this committee and by the Dade county grand jury."

The committee said that while gambling flourished in the lush Miami resort area, Sullivan's assets soared during his five years in office from $2,500 to well over $70,000.

2. The committee assailed as "a shocking abuse of parole powers" the Federal Parole Board's release of three Capone gangsters after they had served minimum terms for a $1,000,000 extortion plot against the motion-picture industry.

Gov. Smith Assailed

The trio—Paul (the Waiter) Ricca, also known as DeLucia; Louis (Little New York) Campagna and Charles (Cherry Nose) Gioe—were convicted in 1943 along with some other Chicago mobsters.

3. The committee termed "simply not credible" testimony given by Democratic Gov. Forrest Smith of Missouri about conversations he had with Charles Binaggio, slain Kansas City gambler and political leader.

Before he was shot in April, 1950, the committee said, Binaggio was generally conceded to be a central figure in Kansas City gambling circles and also able to control "an important segment" of the city's Democratic vote.

The committee said that although Binaggio supported Smith in the 1948 governor's race and hoped to "open up" Kansas City, there was "no substantial evidence" that Smith made any commitment to Binaggio or that Binaggio succeeded in opening up the city.

Statement "Not Credible"

The committee, however, added this comment:

"It is inconceivable that Governor Smith, being an experienced politician, could have failed to know of Binaggio's background, or that Binaggio expected a *quid pro quo* (something in return) for his support.

"Smith's assertions under oath that he did not discuss politics with Binaggio, or discuss Binaggio's expectations, are simply not credible."

At Jefferson City, Mo., Governor Smith canceled his regular news conference today and left for Kansas City to attend the opening home baseball game of the Kansas City Blues.

Gov. Smith Is Silent

Intercepted in the Capitol basement as he was getting into his car and told about the Kefauver Committee report, Smith said:

"I have no comment whatsoever."

He said he planned to meet in Kansas City today with members of the Kansas City Board of Police Commissioners. He appointed an entire new police board there last year after the Binaggio murder stirred up public criticism.

Smith added that his meeting with the board today would be only a social affair.

4. The committee said that Harry Bennett, a former high official of the Ford Motor Company, had "employed virtually a private army recruited from ex-convicts and criminals to engage in battles against labor in other anti-social activities."

It said Bennett certainly was "chief of staff" to the late Henry Ford, founder of the company.

Deals Not Explained

Referring to a contract to haul Fords held by a New Jersey company in which Joe Adonis has an interest and to a Ford agency in Michigan obtained by one Anthony D'Anna, the committee said it was unable to obtain any satisfactory explanation of these deals from Bennett.

Also unanswered, the committee said, is "why, nearly six years after Bennett was removed from command of the Ford Motor Company, these two mobsters remain in lucrative relationships with this organization."

But it added that the Ford Company "is taking vigorous steps" now to end the association with the pair.

The committee described D'Anna as a former bootlegger whose father and two uncles died in what appeared to be Mafia-type murders.

Another conclusion of the committee was that "rapid transmission of racing information and gambling information about other sporting events is indispensable to big-time bookmaking operations."

Yields To Syndicate

The committee said this service now is being provided by a "monopoly operated by the Continental Press Service" and added that Continental, "at critical times and in crucial places where monopoly of bookmaking is at stake, yields to the domination and control of the Accardo-Guzik-Fischetti crime syndicate."

"The backbone of the wire service which provides gambling information to the bookmakers," the committee said, "is the leased wires of the Western Union Telegraph Company."

The Senate investigators said Western Union, in many parts of the country, "has not been fully co-operative with law-enforcement officials who have been trying to suppress organized criminal rackets which make use of telegraph facilities.

"By permitting its facilities to be used by bookmakers," they said, "Western Union has given aid and comfort to those engaged in violation of gambling laws.

Actually Aided In Bets

"In some cases, Western Union officials and employés actually participated in bookmaking conspiracies by accepting bets and transmitting them to bookmakers."

The committee said it should be noted, however, that during the latter part of its investigation "Western Union has taken steps to prevent this practice and has been more co-operative with the committee."

[In New York Western Union issued a statement saying it co-operated fully with law-enforcement officials, but it "does not undertake to censor or police" messages on its leased wires.]

As for the telephone companies, the committee said that in many areas, notably New York, they have co-operated fully with law-enforcement officials but that in other areas they have been "much less co-operative."

The report added that "local legislation is apparently necessary in many states to require telephone companies to refuse facilities and to remove existing facilities of suspected bookmakers and to call the attention of local law-enforcement officials to the use of telephone facilities by bookmakers."

Would Cut Off Information

At another point in its report, the committee expressed its appreciation of the "splendid co-operation" it received from the American Telephone and Telegraph Company and its affiliates in tracing the interstate phone calls of hoodlums and gangsters.

The Crime Committee said a "practical law must be devised" to eliminate wire service to bookmakers and to deny them other means of obtaining information "vital" to their operations.

Although its conclusions are in final, the committee said it was working on a bill to accomplish these ends and at the same time minimize "disadvantages which may incidentally accrue to those who are engaged in the wholly lawful dissemination of news."

In general, it said, it has in mind "a proposal which would require all persons engaged in the dissemination of any information concerning horse-racing or dog-racing events or betting information on any other sporting event by means of interstate or foreign communication to receive a license solely for these purposes from the Federal Communications Commission."

Such licenses would be freely granted under its proposal, the committee said, unless the commission established that it would not be in the public interest, that the applicant was not of good moral character or that the information would be intentionally distributed to a substantial number of persons who would use it primarily for illegal gambling.

The committee said that of all its recommendations, the one best calculated to stop organized professional gambling, if it is to be stopped by any Federal law, is that to disallow deductions of gambling losses and expenses for income-tax purposes.

"Highly Undesirable"

At present, the committee said, "criminals and racketeers in computing their incomes for tax purposes are permitted to deduct from their gross incomes the operating expenses and wagering losses of their illegitimate gambling enterprises."

It called this "not only incongruous but highly undesirable."

The committee also proposed that gambling casinos be required to maintain daily records of money won and lost to be filed with the Internal Revenue Bureau and to give officials of the bureau access to their books and records at all times.

In addition, the committee recommended that operators of gambling casinos operating illegally be forced to keep records of all bets.

It commented dryly that it was "well aware that these provisions may well put illegal gambling casinos out of business."

Drug-Traffic "Upsurge"

The committee reported that the narcotic traffic in this country, after a slow but steady decline for a generation, has recently shown "a sharp upsurge," marked by an outbreak of youthful addicts in many large cities.

The drug traffic centers principally in New York city, from which distribution is made to all parts of the nation, the senators said.

They warned that the traffic "appears to be in the hands of some of the most astute, wily and desperate criminals who operate interstatewise."

The senators said the Mafia will use any means to prevent law-enforcement officials from touching its top figures or from interfering with its operations.

Deportation Discussed

In its account of its New York investigation, the committee again discussed the possibility of deporting Costello.

While he apparently could not be tossed out of the country as the record now stands, the committee said, he probably would be subject to deportation "if he is convicted for perjury he has committed before this committee and if he is convicted for his present illegal gambling activities" in Louisiana.

The committee said that questioning revealed that Costello is now friendly with many Democratic district leaders in New York city and admittedly knows Carmine de Sapio, the Tammany leader, "very well."

But the senators said that "Costello reached the height of his power in New York politics in 1942 when he unquestionably had complete domination over Tammany Hall."

22 Recommendations For New Laws

Washington, May 1 (AP)—The Senate Crime Committee today made 22 specific recommendations for new legislation. Boiled down to bare essentials, they would provide:

1. A continuing check by Congress, for a limited period, on organized crime and Federal law-enforcement efforts.

2. A new racket squad in the Justice Department.

3. A Federal Crime Commission of three members to keep an eye on organized crime, maintain Federal-state liaison and suggest further legislation.

4. A continuing check of income-tax returns of all known criminals by the newly established fraud squad in the Internal Revenue Bureau.

5. Enforcement of regulations which require taxpayers to keep adequate records, especially in the case of criminals who the committee said "are continually flouting them."

6. Maintenance of daily records by gambling casinos, including records of individual wagers in casinos in states where such gambling is illegal.

Would Bar Betting-Loss Deductions

7. A change in the law so it would no longer be possible to deduct any wagering losses or expenses for income tax purposes. Losses can now be deducted from winnings.

8. Regulation of the interstate transmission of gambling information to outlaw "any service devoted to a substantial extent to providing information used in illegal gambling."

9. The filing of net-worth statements by persons engaged in illegitimate businesses netting more than $2,500 a year.

10. Denial of interstate communications, including the mails, to make or pay off bets.

11. A ban on interstate shipment of such devices as punchboards and roulette wheels.

12. Stiffer penalties for violation of narcotics laws.

13. Easier deportation of criminal and other undesirable aliens.

14. A change in the immigration laws to provide punishment for smuggling, concealing or harboring aliens illegally in this country.

On Deporting Naturalized Aliens

15. Authority for the Attorney General to deport naturalized aliens found to be ineligible to remain in this country.

16. An increase in the personnel of Federal law enforcement agencies, especially the Narcotics Bureau.

17. Tightening of the laws against perjury.

18. Authority for the Attorney General to grant immunity from prosecution to witnesses whose testimony he finds essential.

19. Service by publication of subpoenas on persons who evade personal service.

20. Laws to prevent racketeering interests from entering the liquor industry and to eliminate any now in it.

21. A change in liquor laws to require that all "beneficial owners" be listed on Federal permits and that applicants disclose all previous arrests and convictions.

22. Authority for the Interstate Commerce Commission to consider moral fitness when it passes on applications for permission to operate transportation businesses.

Legal Gaming Would Aid Gangsters, Group Says

Washington, May 1 (AP) — The Senate Crime Committee said today that legalizing gambling generally would play into the hands of gangsters.

Just because some states have sanctioned pari-mutuel betting on racing, the committee said in a report to the Senate, it does not follow that it would be wise to legalize other forms of gambling "far more likely to be dominated by underworld elements."

Gaming Urge Cited

"Those states which have legalized pari-mutuel betting have done so in an attempt to satisfy the gambling urge in the manner which can be most closely controlled and least likely to be accompanied by the familiar evils of gambling," the committee said.

"While race-track wagering undoubtedly results in individual personal tragedies as a result of undisciplined betting, the damage can be more or less limited to persons who can better afford to incur financial losses.

"No Sense Or Logic"

"In the opinion of this committee, there is no sense or logic in legalizing the greater evils of off-track betting simply because it has been the considered judgment of a number of states that pari-mutuel betting can be controlled and operated without undue detriment to society.

"There has not been presented to this committee any plan for the extension of controlled gambling which carries with it a substantial chance of success. On the contrary, each plan for extending legal gambling appears to play into the hands of the gangster element."

O'Dwyer Has No Comment

Mexico City, May 1 (AP)—Ambassador William O'Dwyer said today he has no comment to make on the United State crime investigators' criticism of him.

The former New York mayor first said, "I have no comment," paused and added "at this time," his voice underscoring the last words. Asked whether that meant he would make a statement later O'Dwyer said, "I have nothing ther ot say."