

SENATOR VOTE TO OUST DENBY

Back to Him and Yet Make Great Progress

Haystack Murder Is Given Jury

Verbal Clashes Between Attorneys Feature Closing Arguments—Griffin Is Bitterly Assailed.

Defense Pleads Accident

Twelve men are locked in a jury room in the criminal division of the district court, deliberating the fate of James Griffin, charged with the haystack murder of Henry (Hank) McArdle on November 23, 1923.

Frequent verbal clashes between County Attorney Beal and Eugene O'Sullivan, chief counsel for the defense, featured yesterday afternoon's trial. The clashes resulted when O'Sullivan interrupted Beal during his closing argument.

The jury, after getting 23 instructions from District Judge Fitzgerald, began to deliberate at 5:40 last night. At 6, in charge of Bailiff Charles Johnson, they were taken to dinner. Both sides rested their case yesterday noon.

Bitterly assailing Griffin, Beal, in his closing argument, told the jury that the man who burned the body of McArdle, did it only to cover up the tracks of the murderer.

"It was only an attempt to cover up the evidence," said Beal, who ridiculed what the defense contended was an accidental shooting, with Leo Brunsom holding the gun that caused the death of his friend, McArdle.

Pleading for the electric chair for Griffin, Beal told the jury that the defense put up by Griffin was one of the most ridiculous ever heard in criminal court.

Beal condemned Griffin for the story he told on the witness stand. He stated that most of Griffin's testimony was perjurious.

Griffin, discarding the smile he has worn since the trial began a week ago, sat in a courtroom that was crowded to its capacity and listened to what was one of the most severe condemnations of a man's character uttered in a criminal court in many years.

"Smithy" Is Attacked.
Both Beal and Gross assailed Griffin for injection into the case of Mr. "Smithy," to whom Griffin testified he gave the body of McArdle to take to a hospital.

"They characterized this 'Smithy' as a myth, one who has never existed and was manufactured in the mind of the defendant.

It was at this point of Beal's argument that O'Sullivan sprang to his feet with the outcry that the "Smithy" idea was not conceived in his mind. He had misunderstood the state prosecutor, he insisted that Fitzgerald advised Beal and instructed the jury to disregard the statement. The court declined.

"The defense, in their attempt to tell this jury that it was an accidental shooting, are not giving you the real evidence," said Beal. "Men don't burn bodies after an accident. The men that touched a match to that haystack wanted to keep the identity of the murderer secret. The men in their stupor went to the stack and burned McArdle."

Liquor Angle Given.
"How much does the state have to offer? How far does the state have to go? We have given you evidence beyond a reasonable doubt that Griffin is guilty. Several witnesses have testified that the shortest of the three men fired the shot, which corroborates Brunsom's testimony."

Gross, in his argument, intimated that a quarrel over 18 barrels of alcohol between Brunsom and Griffin was the real cause of the shooting. He took a shot at the sheriff's office when he declared that Welter and Banker, also charged with first degree murder for the same crime, were allowed to be confined in the same tier in the county jail, although they did not testify in Griffin's behalf.

Gross attacked Dwight Hor, owner of the battery station in front of which the shooting occurred, as being a "reluctant witness."

No Motive, Defense Says.
Attorneys Tom Sheehan and Eugene O'Sullivan in presenting their arguments pointed to the fact that there was no dispute concerning the fact that McArdle was shot and his body burned in the haystack. The question for the jury to decide, they declared, was to determine who fired that shot. Their contention is that Griffin did not have a gun, that both Brunsom and Banker had revolvers, the latter having his weapon empty, therefore Brunsom did the shooting. Only one shot was fired, it was contended.

"Smithy" Takes Stand at Jimmy Griffin Trial



Griffin Story Is Tangled as Evidence Ends

Defense Rests in Haystack Murder Case and Arguments to Start This Afternoon.

James Griffin, on trial for his life in district court in connection with the haystack murder of "Hank" McArdle, was tangled up in his testimony in several instances by County Attorney Beal Monday morning while the prosecution was conducting a vigorous cross examination of the witness. The defense rested shortly before noon.

Using J. M. Young, employe of the Standard Oil company, as rebuttal witness, Beal brought out that there was no small touring car trailing Griffin from the scene of the shooting to Eighteenth and Lake streets.

It was this touring car that Griffin says was to have taken McArdle to a hospital.

Discarding his smile that he has maintained since the start of the trial almost a week ago, Griffin hesitated several times before he answered Beal.

"Didn't you tell this 'Smithy' that McArdle had been shot," asked Beal. "No, I didn't know then that he had been shot."

Beal then read part of his testimony on direct examination in which Griffin said he knew McArdle was shot when the gun was fired.

"Is that your testimony?" asked Beal. "I don't remember."

On motion of attorneys for the defense, District Judge Fitzgerald refused to allow the jury to inspect the "death car" which was brought to the south entrance of the court house this morning.

Griffin, on cross-examination, reiterated his testimony about the mysterious "Smithy."

"Now just tell the jury what kind of a looking fellow Smithy is," said Beal.

Griffin thought for several moments and then his description was that the man had sandy complexion, had two or three days' growth of beard, hair light reddish and tall. His face is just "an ordinary face."

Griffin never saw Smithy before and has not seen him since, he testified, but believes that he lives near Falls City.

Klansmen Prepare to Raid Herrin

9,000 in Southern Illinois Under Orders to Mass in Case of More Ku Klux Bloodshed.

Strips Leader of Power

By International News Service.
Murphysboro, Ill., Feb. 11.—Nine thousand klansmen in southern Illinois, in the district between Cairo on the south and Tamaroa on the north, are minutes under a klans order passed this morning, and under orders to mass and go to Herrin in the event of further klans bloodshed, according to an announcement here today by klans leaders.

Herrin, Ill., Feb. 11.—S. Glenn Young, paid klans raid leader, who stepped into charge of all civil authority here in the capacity of acting police chief, following the arrests of Chief of Police John Ford, Mayor Anderson and other civic officials, this afternoon, was relieved of his authority by Maj. General M. J. Foreman, now in command of the militia here. It was reported that Young would be ordered to leave the county.

By International News Service.
Urbana, Ill., Feb. 11.—Sheriff George Galligan, of Williamson county, with Deputy Sheriffs John Murray, James Davis, James McKenna and John Javagha, are in the county jail here. They were arrested by constables and deputy sheriffs at Marion following disorders at Herrin.

The prisoners refused to discuss the disturbance at Herrin, and even the deputies who brought them here, are loath to give any information. Sheriff John Greer of Champlain county, questioned the authority of officials to place Galligan and his deputies in the local jail, but was ordered by state officials to hold the prisoners until ordered by a court of record to release them. Galligan probably will institute a writ of habeas corpus.

Sinclair Will Sail for America Today

Paris, Feb. 11.—Harry F. Sinclair is expected to embark on the steamship President Harding at Southampton for New York tomorrow. He and his party left Paris last evening for London and the steamship company is sending a courier to Cherbourg with tickets for them, meanwhile telegraphing an authorization to the steamship officials at Southampton to permit the party to board the steamer without the usual passage papers.

Chief Justice Taft to Stay Home Week

Washington, Feb. 11.—Chief Justice Taft, who was taken ill with indigestion last Wednesday, probably will be confined to his home throughout the coming week. It was announced by his physicians.

Horticulture Specialist to Speak in Douglas County

E. H. Hoppert, expert on horticulture at the University of Nebraska Agricultural college, will be in Douglas county for meetings and demonstrations February 14 and 15.

Sydney, Mont., Bank Closes

Helena, Mont., Feb. 11.—The First National bank of Sydney, Mont., failed to open its doors for business today, according to report to the Helena branch of the Federal Reserve bank. The last statement of the bank gave its capital as \$50,000; surplus and undivided profits \$51,000 and deposits, \$743,000.

Married in Council Bluffs

The following persons obtained marriage licenses in Council Bluffs yesterday:



Third Village Store Robbed Within Month

Special Dispatch to The Omaha Bee.
Fremont, Neb., Feb. 11.—Loss estimated at \$250 was suffered at the Arnold & Cahoon merchandise store at Fontenelle when thieves at an early hour this morning forced an entrance into the place and plundered the shelves. This is the third village store looted within the last month in this vicinity.

Entrance to the store was gained by breaking through a basement window. Officials suspect the thieves to be the same ones who recently stole merchandise valued at \$2,500 from the Kris store at Weston, and a short time before plundered the Larson Bros. store at Uehling.

5 Slain in 6 Hours at St. Louis, Mo.

St. Louis, Feb. 11.—A new criminal record was said to have established in St. Louis yesterday when five apparent murders were reported to police in six hours.

Sydney Chamber Visits Sterling Commercial Club

Sydney, Neb., Feb. 11.—A delegation from the Sydney Chamber of Commerce visited the Commercial club of Sterling, Colo., today in the interest of good roads. Speeches were delivered by President King of Sterling, Martin Dimery, Paul Marjolin, A. K. Greenlee and Joseph Oberholser. The sterling chamber will be here on February 21 to establish more reciprocal relations.

Harold Caldwell Files

A warm primary campaign in South Omaha is assured by the filing yesterday of Harold Caldwell for democratic nomination as state representative from the Fifteenth district. He will oppose the present incumbent, G. S. Collins. Representative Collins was a leader of those opposing the bill to put the Douglas county jail feeding on a cost basis.

Man Found Unconscious

J. L. Kendrick, colored, 2211 North Twenty-seventh street, was taken to St. Joseph hospital early Sunday morning when he was found unconscious in the street as Twenty-fourth and S streets. When he recovered consciousness he said he had been struck by an auto.

Convicts Blow Up Gates of Prison

2 Officers Slain, Many Prisoners Wounded in Pennsylvania Pen.

Pittsburgh, Pa., Feb. 11.—Two prison officers were shot to death and a number of convicts were wounded, more or less seriously, in a riot today. After an hour's fight, during which riot guns, tear gas, bombs, clubs and bricks were used, the prison guards assisted by Pittsburgh police succeeded in quelling the disturbance, which started when the convicts used explosives in an effort to dynamite their way to freedom. No prisoner escaped.

The dead are: William H. Pfeiffer, assistant deputy warden; J. A. Cox, an overseer.

Warden J. Megan reported the riot was born in the minds of four or five "bad men" recently transferred to the prison here from the eastern penitentiary to be disciplined. He added that he believed the plot was known as "the four horsemen." They had help from the outside, the warden declared.

Blast Rips Gates.
Prisoners numbering more than 1,000 had just breakfasted and were about to go their tasks in the work shops when the blast ripped the main gates and a section of the wall, rocked the entire district, shattered windows and caused residents to flee from their homes.

Pfeiffer and Cox were nearby. They started on a fug for the hole in the wall but were intercepted by 15 convicts who disarmed them, beat them and then shot the officers with their own guns. The prison yard became a battle ground as other prisoners and other guards joined in the fight. The guards concentrated near the gates and threatening the prisoners with the sawed-off shotguns, ordered them to their cells. But the explosion had signaled an attempt to escape and with liberty in sight they were stubborn and showed fight. Even the prisoners in their cells added their voice to the confusion, shouting and beating upon the walls and bars and crying defiantly to the guards in the tiers. A few of these convicts got loose but the guards met them, hand to hand and threw them back into the cells.

Officers Joint Fight.
When it became evident that the guards in the yard were not faring so well, a call for help went out to the city and the county and these officers were soon in the thick of the fight.

With this large force at his disposal, Warden Egan took command. He stationed the county detectives on the wall, while guards and patrolmen took up the battle in the enclosure.

The prisoners used pistols and any thing else lying around loose. The officers, trained to handle such men, bore in and soon got the upper hand. The convicts were backed against one of the gray stone walls and after a brief hand-to-hand struggle the prisoners gave up. They were driven back to their cells.

Senate Resolution Requesting Coolidge to Dismiss Denby

Washington, Feb. 11.—The Robinson resolution, urging President Coolidge to dismiss Secretary Denby of the Navy department, adopted yesterday by the senate, follows:

"Whereas, the United States senate did, on January 31, 1924, by a unanimous vote, adopt Senate Joint Resolution No. 54, to procure the annulment of certain leases in the naval oil reserves of the United States; and

"Whereas, the said resolution, among other things, declared as follows: 'Whereas, it appears from evidence taken by the committee on public lands and surveys of the United States senate that certain leases of Naval Reserve No. 3, in the state of Wyoming, bearing date April 7, 1922, made in form by the government of the United States, through Albert B. Fall, secretary of the interior, and Edwin Denby, secretary of the navy as the lessor, to the Mammoth Oil company, as lessee, and that certain contracts between the government of the United States and the Pan-American Petroleum and Transport company, dated April 25, 1922, signed by Edward C. Finney, acting secretary of the interior, and Edwin Denby, secretary of the navy, relating among other things to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of Naval Reserve No. 1, in the state of California, bearing date December 11, 1922, made in form by the government of the United States through Albert B. Fall, secretary of the interior, and Edwin Denby, secretary of the navy, as lessor, to the Pan-American Petroleum company as lessee, were executed under circumstances indicating fraud and corruption; and, whereas, the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of congress; and, whereas, such leases and contract were made in defiance of the settled policy of the government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the navy in any emergency threatening the national security;

"Resolved, be it enacted, that it is the sense of the United States senate that the president of the United States immediately request the resignation of Edwin Denby as secretary of the navy."

This measure was a substitute for the original resolution offered by Robinson, democratic leader, before the senate adopted the Walsh resolution for the annulment of the oil leases.

Injunction Asked to Halt Omaha Firm Making Radiator

The Harrison Radiator Company, a subsidiary of General Motors, filed suit in federal court yesterday asking the Omaha Radiator and Manufacturing company asking an injunction to stop the Omaha concern from making and selling radiators embodying principles in which the plaintiff claims patents.

Insurgents Unite With Democrats to Push Bill Across by 47 to 34 Count

President Is Urged to Dismiss Secretary

Ten Republicans, Two Farmer-Laborites for Dismissal—Howell for Retention, Norris Opposes It.



Labor Head Says McAdoo Unfit

Connection With Doheny Renders Availability Doubtful, Says Rail Union Chief.

St. Louis, Feb. 11.—William G. McAdoo's association with the Doheny oil interests renders his availability as a presidential candidate doubtful, according to William H. Johnston, president of the International Association of Machinists. Mr. Johnston presided at the opening session today of the three-day convention here of the national conference for political action.

McAdoo did have the support of a considerable portion of organized labor but there is now a very serious question of his availability as a candidate," said Mr. Johnston.

"There seems to have been nothing illegal in McAdoo's service for the Doheny interests but there is a question of the propriety of a former cabinet officer, after leaving his post, accepting employment with such interests and then asking to be nominated for president," said Otto F. Branstetter, secretary of the socialist party national committee.

The socialist party delegates to the conference will urge a union of all organizations represented in formation of a third party, it was said.

The conference, which represents national and international labor organizations, many farm organizations, the socialist party, advocates of single taxation and co-operative organizations.

Senator Howell Not Allowed to Complete Speech About Denby

Washington Correspondent The Omaha Bee.
Washington, Feb. 11.—In a strong message, Senator Howell urged the senate to have the same regard for the human rights of Secretary Denby that it had shown for the property rights of Sinclair and Doheny on the California and Wyoming oil lands.

The Nebraska senator called attention to the senate's action in voting down his amendment of two weeks ago which called for the government to take instant control of the oil lands and throw the burden of proof of possession on Doheny and Sinclair, the same as he claimed had been done in hundreds of cases by the government in handling disputes of a similar nature in years past.

The Howell amendment was defeated by a vote of 47 to 34. Among those voting against it was Norris of Nebraska.

Howell stated during his address that unless a provision similar to his amendment, asking the president to request Denby's resignation only after he was found guilty of malfeasance, he would refuse to vote for the Robinson resolution. He kept his word and voted against the resolution, Norris voting for it.

The 10-minute rule was in effect when Howell spoke and his remarks were not concluded at the expiration of the 10 minutes. He introduced his amendment again and asked to conclude his remarks, speaking on the amendment.

Quick Action Is Urged

Washington, Feb. 11.—The Robinson resolution asking President Coolidge to call for the resignation of Secretary Denby was adopted today by the senate.

Democratic senators supported the resolution almost solidly and enough republicans joined them to overcome the opposition of the republican leaders.

Some response from the White House is expected shortly. Heretofore, officials close to the president have taken the position that the question of cabinet resignation is not one falling within the province of the senate.

The vote on the final roll call was 47 to 34.

The resolution as adopted says: Resolved, That in the sense of the United States senate that the president of the United States immediately request the resignation of Edwin M. Denby as secretary of the navy.

Fraud Is Intimated.
A preamble quotes from the Walsh coalition resolution adopted January 31, stating the oil leases signed by Mr. Denby were made in violation of law and under circumstances indicating corruption.

Ten republicans and the two farmer-labor senators joined the democrats in supporting the resolution. One democrat, Bruce, Maryland, joined 22 republicans in opposing it.

The roll call follows:
Democrats: Yes, Adams, Ashurst, Bayard, Broussard, Copeland, Dial, Dill, Edwards, Ferris, Fletcher, George, Gerry, Harris, Hefflin, Kendrick, King, McKellar, Mayfield, Neely, Overman, Pittman, Ralston, Randall, Reed, Mims, Robinson, Shephard, Shields, Simmons, Stephens, Swanson, Trammell, Underwood, Walsh, Massachusetts; Walsh, Montana, and Wheeler, Montana—35.

Republicans: Yes, Brookhart, Capper, Frazier, Harrell, Johnson, California; Ladd, La Follette, McNary, Norbeck and Norris—10.
Farmer-Labor: Shipstead, Johnson of Minnesota—2.
Total, 47.

Republicans: Nays, Ball, Borah, Brandegee, Bursom, Cameron, Colt, Couzens, Cummins, Curtis, Dale, Edge, Fess, Gooding, Greene, Hale, Howell, Jones, Washington, Keyes, Lemroot, Lodge, McKinley, Moses, Oddie, Papp, Phipps, Reed, Pennsylvania; Shortridge, Smeed, Wadsworth, Warner, Weller, Willis—33.
Democrat: Nays, Bruce—1.
Total, 34.

Others Also Responsible.
By International News Service.
Washington, Feb. 11.—President Coolidge and members of his cabinet "must bear full measure of responsibility" with Secretary Denby and ex-Secretary of the Interior Fall for the leasing of the oil reserve scandal, it was said in the senate today by Senator R. M. LaFollette, republican, Wisconsin, leader of the insurgents, in the first speech he has yet made in the "Teapot Dome" "mess."

The oil lease scandal, LaFollette said, was but one of a large number of "raids" on the public treasury perpetrated by a minister system of private monopoly.

He urged the dismissal of every public official connected with any of the alleged "steals," the criminal punishment of all "bribe takers" and the enactment of new laws to throw a stronger cloak of protection around the public domain.

Senator Couzens, republican of Michigan, joined the opposition to the ouster resolution.

"I submit that a reasonable doubt exists as to whether Secretary Denby was authorized to lease the reserves," Couzens said. "Even if he is corrupt and dishonest, which he is not, he should be given a decent chance to reply to charges made against him."

Couzens warmly praised Denby's war record as indicator that he has the best interests of the country at heart.

