#### THE OMAHA BEE: TUESDAY, JUNE 10, 1924.

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#### WHAT SHALL BE THE PUNISHMENT?

Murder being one of the few crimes for which the extreme penalty is exacted in the United States, a murder trial always attracts great attention. When one so unparalleled in its atrocity as that for which Leopol and Loeb are held in Chicago comes to light, public concern is heightened to the utmost. Every aspect of the case is one that draws the interest of everybody, and much speculation is indulged as to what defense will be presented. It is admitted that the boys will have the best counsel, and that nothing will be left undone to mitigate the terrible offense which they confess to having committed.

Why, it is asked, is a trial necessary after they have confessed the crime? Why not accept their admissions as a plea of guilty and proceed to sentence them according to law? These questions are not unnatural, and are springing up in the minds of a great many persons, who are accustomed to proceeding in a straight line, and to accepting as the truth the undisputed admissions of any one with regard to his conduct.

. . .

The theory of our law, especially in criminal eases, is that guilt must be proved beyond the shadow of a doubt. A judge invariably instructs the jury that if any doubt exists, it must be resolved in favor of the accused. Under the humane conception of our law, it is better to allow a guilty man to escape than to punish an innocent one. On this point there is no longer room for an argument. It is sustained by long custom, has the support of good morals, and is ethically sound. Our courts are to protect the innocent, rather than to punish the guilty. A confession of guilt usually is but a step on which the prosecution builds its case. The police authorities warn a suspect that anything he may say may be used against him, and statements he makes after such warning are at his own risk. No witness can be compelled to testify, if his testimony will tend to incriminate himself. Confessions are seldom repeived as final proof unless the defendant insists upon it. They must be made in open court, and therein sustained by corroborative proof in order to establish the guilt of the culprit. The old common law, that the direct result of a man's act is to be taken as prima facie evidence of his intent, is subject to modification. The element of responsibility must be established before the rule is accepted.

now it has all passed away. Apparently not even Brookhart could use his stuff.

Pressed on by a desire to vindicate a foolish utterance, no doubt he paid out many thousands to those who told him tales as tall as the one to which he gave publicity. A sad spectacle he has made of himself. After all his spectacular announcements he sneaks home. The once crowded offices are dark. The typewriters are stilled. The files wherein are stored the gossip that he thought was proof, arethere's the question. Are they to be destroyed? Maybe, maybe not. Press dispatches say Mr. Vanderlip is to write a book.

He may yet be able to recoup the money he paid out to his scandal band. If he can only make that book livid enough, fill it with enough hearsay, traduce enough dead men, maybe he can get it all back, thus turning a fiasco into a grand scale press agent scheme.

#### IT WAS GREAT WHILE IT LASTED.

Senator Walsh, reporting for the majority of the oil investigating committee, finds that neither Secretary Denby nor Assistant Secretary Roosevelt of the Navy department was culpable in any degree in connection with the Teapot Dome lease. Also he reports the wild stories about the plot of "oil" to control the 1920 republican convention to be without foundation. As an anti-climax to the hubbub raised in the senate by democratic partisans, this report is perfect.

Insofar as the Walsh investigation dealt with direct evidence, such as the Fall connection with the lease, the efforts of Harry Sinclair to clear up the title to the Teapot Dome by buying off rivals, however shadowy their claims, its work was proper, and its report is proper. When the senator came to dealing with questions of opinion, on which one man's view is as good as another's, when honesty held, he becomes the partisan pleader. Sweeping denunciations of policy and condemnation of an interpretation of the law that does not coincide with the senator's views merely exhibit the bias of the committee's head, and are subject to examination that may destroy their force.

Senator Spencer, speaking for the minority of the committee, criticizes the report, charges that it is filled with mistakes as to facts and glaring errors as to law. He charged, too, that the minority was not given an adequate opportunity, even to see the report before it was submitted to the senate, to say nothing of being requested to help in its drafting.

The net result of this high-handed procedure was the refusal of the senate to approve the report in the closing hours of its session. It did not have time to hear Senator Spencer in the presentation of his views and it refused to act upon the report without giving him a chance. The net result of the weeks of inquiry therefore, is Fall, Sinclair. All the rest of the "testimony," all the scandal, all the gossip that was given publicity, all the impressions created upon the public mind-backed as these scandals were by the dignity of the United States senate, was a collossal mistake.

When senators are running for office or otherwise advancing their political interests, it is of course proper for them to strive to get their names into the front page headlines of the newspapers.

The terrible wrongs done by the Walsh committee, and now confessed in the Walsh report prove, however, that the senate's power of investigation should not exercise the tactics of a grand jury. Unlike a senate committee, a grand jury can, behind closed doors, make inquiry into every report, even hearsay, because through it the truth may be found.

The Most Noticeable Thing About the Cleveland Convention Is the Apparent Elimination of a Lot of Old Familiar Faces From the Cast



## No Money for the Bonus

He stood at Armageddon and battled for the crat of Nevada-his \$800,000 had been cut out. Until right. Senator Pittman, democrat of Nevada, wants it was put back he would hold though the whole senwhat he wants when he wants it-aye, though all the ate took arms against him. The senate was in an uproar. Senator after sen-

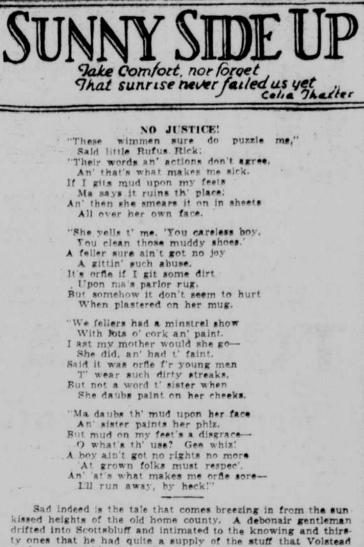
world crack. It was the last hours of the dying senate. Pitt- perfit the passage of the bills upon which hung so

ing to a vote. Somewhere in that bill was an item democrat from Nevada. for \$800,000 to establish an irrigation project at The hands of the senate clock moved on. coming to a vote and Pittman was on guard. The the sergeant-at-arms to "restore order."

ator pleaded with Pittman to yield the floor and man was on guard. The appropriation bill was com- much. "Put back the \$800,000" ansyered the

Spanish Springs, Nev. It had taken weary months Disorder seized the senate. Anathemas were of labor to put over that \$800,000. Now it was hurled, fists were shaken-and then came calls for

bleak mountains and the scorched deserts of Nevada Pittman stood his ground. "Put back the



ty ones that he had quite a supply of the stuff that Volstead made scarce, which he would dispose of to the proper parties at \$15 per gallon. No, he didn't want any money down until the goods were ready for delivery.

Quick sales, large bulk and small profits, was his motto. He soon signed up for two 25-gallon kegs and departed.

A few days later the initiated were informed that they might repair to a certain secluded spot, cash in hand, and get it. They did. There were the kegs.

"I can't divide it, gentlemen, you pay for the 50 gal ions and divide it yourselves. But first sample it." Thus quoth the salesman.

The kegs were sampled, and the stuff was wonderful. The money was paid over and the selesman disappeared. Then came the work of division. There was a quart of real liquor in each keg, reposing in a glass container connected with the spigot. All the rest was North Platte river water. Two quarts at \$225 per cuart

Two quarts at \$375 per quart. Ain't it awful, Mabel!

WILL M. MAUPIN.

# STILL PRAISING TANLAC **AFTER SEVEN YEARS**

"It Brought Me Relief 7 As a result my health was gone, strength lost and I was really unable Years Ago and I'm Still "But Tanlac made short work of

A Well Man" Sayes Eley. But Taniac made short work and built my weight up 15 pounds. Since then "The best of results, lasting results, that is what I got from Tanlac, for it has been seven years now since it helped me back to health and I thelped me back to health and I Tanlac is for sale by all good drug. am still a well man." is the glowing gists. Accept no substitute. Over 40 tribute paid the medicine by J. C. Eley, 70, a retired farmer, 3418 R St., Lincoln, Neb.

years on account of indigestion, ment

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\* \* \*

In any criminal case the attorney for the defense is an officer of the court, as much as the attorney for the state, and has a solemn duty to society that is unescapable. He mus see to it that his client, even though his guilt be apparent, or even admitted outside of the court room, has every defense the law will permit. Otherwise, the record will be incomplete. In Nebraska we have had several notable xhibitions of how the law in its various moods can he made to intervene on behalf of men accused of prime. The Cole and Grammar case is too recent Sin event to have been forgotten.

Juries have been known to bring in some remarkable verdicts. In the trial of Pat Crowe, a few years ago, a Douglas county jury disregarded the Iwritten confession of the accused, and returned a Serdict of not guilty. Not all the miscarriages of justice are chargeable to the court or the lawyers. . . .

We may expect, then, that the attorneys emcoloved to defend the two boys in the Cook county court will go as far as the law will let them to se-Scure their acquittal.

The public is interested in the one question: What shall be their punishment? The whole purpose of the trial will be to determine this point. The public is not vindictive, it may be urged. If the young men are insane, experts ought to be able to determine that point without weeks of trial and the piling up of huge costs. If they are insane they ought to be confined, placed beyond the possibility of ever again committing another such crime. All of this is true, but if the defendants insist upon a trial they are entitled to it. The reported efforts of Loeb to save himself from a death penalty by testifying for the state and against his former partner in crime may change the whole face of the matter.

#### VANDERLIP CALLS IT OFF.

Frank A. Vanderlip has closed his graft hunting organization in Washington and taken the train for home. "For rent," is now the sign on the door of the big suite of offices where with so much blowing of horns he launched the "Citizens' Federal Research Bureau."

It is to be hoped that Mr. Vanderlip will issue a statement. The people are entitled to know why he has given over so promising an enterprise. Press dispatches give an inkling.

"Reformers of many and diverse types poured in on the Vanderlip bureau." it is reported. "They had grand schemes for purging and purifying the government. But first of all they wanted to connect with the payroll. A great many of them succeeded in that important phase of their ambitions."

The truth of the matter is Mr. Vanderlip mistook gossip for proof. He revealed that defect in his make-up when he shocked the nation and brought instant condemnation upon himself by charging as truth the foul story he told about President Harding and the sale of the Marion Star.

There is much of such gossip in the gutters of Washington and, no doubt, he swept clean many of those gutters and some of the sewers during his short and hectic career as a super-reformer. And

It was a great spectacle while it lasted, but it reminds one of the often careless vigilantes of the frontier days.

"We beg your pardon, madam," said Alkali Ike to the newly-made widow, "the joke is on us. We have lynched the wrong man." Walsh, Wheeler, Heflin, Robinson, Carraway, Harrison and others rocked the rafters of the senate chamber, thundering anathemas against Secretary Denby and Assistant Secretary Roosevelt. Resolutions demanding their resignations were sent through the senate. Secretary Denby did resign because he wearied of being the target for unlimited, unmitigated, and undeserved abuse. Now the committee finds there was no justification for that attack. However, the democratic lynchers had their holiday. They hanged Denby, and then tried him and found him innocent.

Governor Jack Walton is finally down and out, so far as the courts are concerned. And he long ago broke his plate with Oklahoma voters. That big barbecue was given in vain.

If the democratic leaders are in doubt about a platform we suggest the following: "Investigate everything and everybody, let the lies and insinuations fall where they may.

Mhen who used to complain about waiting their turn in the barber shop are getting shaved twice a day now that so many handsome women are sitting around waiting their turn.

Frank Lowden may be drafted, and if he is he has the example of Theodore Roosevelt to cheer him up. The vice presidency is no longer a job to be sneezed at.

Mr. Bryan will be a delegate from Florida, with instructions to support McAdoo. But Mr. Bryan gives instructions-he never takes them.

Two air mail boxes will do to start on, but Omaha business men will soon have the number increased.

June is also the month of rains, as well as of brides and roses.

Express rates are to come down. Now the freight schedule has a good example.

Homespun Verse

-By Omaha's Own Post-

**Robert Worthington Davie** 

WHEN WE ARE DEAD AND GONE.

Though great the parts we played.

As though we might have staid,

When we are dead and gone,

And flung our challenge out,

And held our word as law, And walked like kings about,

And sanctioned all we saw

And when we are dead and gone--

That still the sun sinks low,

If we could wake and know

That still the mornings dawn,

That other men have come

To lead as we have led-

It does not matter then.

And progress will be made

Surprise would strike us dumb.

When we are dead and gone!-

For there are brains and brawn,

When we are dead and gone.

And there are able men. Though great the parts we played, The world will still go on.

And truth would strike us dead.

The world will still go on

people in Nevada, or were in 1920. At Spanish Springs gets its \$800,000!" Springs, the odd numbers, 407, waited with anxiety The hands of the clock moved on. for word from Pittman and that much needed \$800,- More disorder, more appeals. Pittman was on

000. And, Pittman was on guard. The bill came guard. The bonus, go hang-the navy, let it sinkon, the bill was read-where was the \$800,000 for the bounty for the wheat farmers, let 'em starvethe 407 who waited at Spanish Springs? Gone, cut relief for the reclamation victims, let 'em pay up. out in conference.

Pittman was on guard. "Bang!" went the gavel. In that appropriation bill was the money for the "The senate is adjourned." Pittman the democrat bonus, the money to run all the vast machinery of was still on guard. the nation for the balance of the year.

would acclaim him as a statesman. There are 77,407 0001" he shouted. "Nothing moves until Spanish

Experts say an extra session may be necessary Waiting, too, for the appropriation bill to pass to pass the appropriation bill if there are to be any was a bill authorizing the construction of eight new bonus payments-if the departments are to be given cruisers and the modernization of the battleships of their funds.

the navy. There was a bill to pay to farmers a And the democrats talk of party unity, party bounty on export wheat. The bill to bring about a sanity and expect the nation to give serious conbasic reform in the whole reclamation service was sideration to their appeals for votes. also there, waiting its turn for a vote.

It may be, of course, that if a democrat is elected What mattered all these things to Pittman, demo- president, Pittman will get his \$800,000.

vomen in the past, going back more of billboards in America have per than a hundred years for evidence suaded 17 people to buy something with which to strengthen the case for they would not have bought otherwise. Abe Martin the modern girl. Maybe so, Certainly, -Baltimore Sun. if one goes back far enough. say to the Garden of Eden, there will be none disposed to dispute this con-- ~ tention, and in this country a back ward glance of only a few centuries would prove the case, by comparisons with the red women, if the artists have painted them correctly. The CAFE Coal is expensive at any Price. Save it with this case for the modesty of the flapper's attire could also be strengthened by perfect heating unit. eference to the sculptured figures of Greek mythology. Even chaste Diana went the most daring flapper a number of shreds better, or worse. However this may be, the flapper is little con-NESBINSTANDARD cerned. She will continue to dress as she pleases, and to please others, too. SERIES Washington Post. FURNACE Probably Overestimated. It is estimated that the 4,326 miles **SUMMER FARES EAST** Reduced Round Trip Fares to many eastern points, on sale daily to Sept. 30, return limit Oct 31. Liberal stop-overs. Here are some of the round trip rates FROM OMAHA to: Have you noticed th' beautiful bond o' friendship between th' own-ers o' cheap cars? Miss Fawn Lip-Atlantic City, N. J. ..... 83.96 pincut did not attend "East Lynne" Digby, Nova Scotia ..... 93.95 last night, as tears wash th' paint Halifax, Nova Scotia ..... 96.15 (Copyright, 1924.) Lake Placid, N. Y. ..... 78.61\* Marblehead, Mass., via Boston ..... 90.11\* The Flapper Dress. Montreal, Que. ..... 75.45 Now rises another champion of the flapper to testify that her dress i ot more immodest than was that Portland, Me. ..... 88.94 NET AVERAGE Sandusky, O. 44.90 ("Standard line fare, slightly lower via other lines). PAID CIRCULATION Travel experts at your service to plan your trip and for May, 1924, of arrange all details. THE OMAHA BEE HICAGO Daily ..... 73,980 W. E. BOCK, G. A. P. Dept. Sunday ..... 76,373 ILWAUKEE 306 South 16th, Omaha, Neb. Does not include returns, left-overs, samples or papers spoiled in printing and includes no special sales or free circulation of any kind. Tel. JA ckson 4481 V. A. BRIDGE, Cfr. Mgr. Chicago Milwaukee & St Paul Railway Subscribed and sworn to before me this 5th day of June. 1924. W. H. QUIVEY. (Seal) Notary Public TO PUCET SOUND - ELECTRIFIED

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