

## KELLY WHOLE LOAD OF NUTS-SUTTON

Attorney for Defense in Villisca Murder Case Makes Verbal Attack Upon Attorney General Haver.

(Continued from Page One.)

Sexual perversion, children bothering Kelly, or 'slay utterly.'

"Not one of the witnesses of Haver's machine was said what Haver would do if he did not do his bidding. As I regard the office of attorney general, it is as much to protect the innocent, as to punish the guilty. I don't see how the people of Iowa will ever forgive Haver."

"Gabbled Like Goose." "When you wipe out the confession they forced from Kelly, there is nothing left except what came from Kelly's own mouth, and nothing in evidence to connect him with the crime. Haver shook his fist a hundred times under Kelly's nose at Logan before confession was made. Rock, the big state agent, lives at Logan, he set the trap for Kelly. They did not send for stenographers to record Logan proceedings, until they had Kelly gabbled like a goose. They did this to get Kelly in an asylum, and have him say, 'I did the job.'"

"None but God and Deputy Sheriff Atkins, knows what happened at Logan during the long dreary nights. 'To the shame of the attorney general of this state, they dressed up two men as highwaymen, and placed them in a cell with Kelly, who is of a sensitive nature. They had no case without this confession, which they obtained in this manner. They went there in the darkness of night, and worked upon the mind of this poor man, who already had been in jail for months."

"I think Atkins is the real villain in this case. This is the book of shame (holding up the transcript of the Logan case) and I say shame on the attorney general. He should not be permitted to practice law. When he had this book written he should have had a skull and cross-bones printed over the figure of justice on the walls of this court room."

"This transcript shows that Kelly was in a dream. Kelly told Kelly about the shame and ax, and poor Kelly, in his weak mind, thought he was talking to his friend."

"This was one of the wickedest things ever done in Iowa. Haver told Kelly to say 'I did it.' And Kelly repeated it. I hope Haver will never be called upon again to pursue one man and catch another. I am surprised Mrs. Kelly was not kidnapped and forced to make a confession. Haver told Kelly fifty times to say he killed Joe Moore first."

Don't Want Him Branded.

"Before God I stand here and declare Kelly is innocent. Do you think I would have surrendered him in Red Oak last May if I had not believed in his innocence. We could have had Kelly declared insane, but if we had done that the cloak of suspicion would have rested upon him. I don't care whether Haver sent Kelly to an asylum, but I don't want him sent as a murderer."

"I don't care about those letters Kelly wrote while in South Dakota. They were written at a time when the court declared him insane. Kelly was a nut, a carload of nuts, when he wrote those letters."

"A motive is the crux of this matter. Haver said Kelly did it because Kelly did not like children. It was physically impossible for Kelly to have committed this crime. Remember he had no grudge against the Moore's and did not even know them or the Stillingers."

"When you declare him not guilty I don't care how soon this or any other county sends him to an asylum."

Too Clever for Insane Asylum.

Sutton asked how an insane man could have done the things in the Moore house as described. He argued that if Kelly had become suddenly insane that night, there was the temptation of the Ewing family, with whom Kelly was staying. He said an insane man would not have had the cunning to have evaded finger print detection, as happened, and otherwise to have covered up his tracks. He declared that Kelly's alleged incendiaryism at Sutton, Neb., and letters to girls have nothing to do with this case, and were dragged in by the prosecution as life preservers."

In conclusion he said: "I have an abiding faith that Kelly is innocent; that he has been talking as an insane man and responsible for what he said. The only just and righteous verdict would be 'Not guilty.'"

Hysham for Defense.

Thomas E. Hysham followed Sutton for the defense. For two and one-half hours he spoke in behalf of the accused minister.

"It is a dirty political ring that

has dipped its horn into this party," he said.

"Why did Haver want to send Kelly to Des Moines? Why did he not leave him in Red Oak? Kelly was taken to Red Oak for the nefarious purpose of obtaining a confession from an insane man. They broke down his mental resistance. The efforts of the state were to get evidence where there was none."

Haver went to Logan primed for the confession; he set the stage and carefully laid his plans.

"I would rather be a louse and live the rest of my days sleeping on the carcass of a hyena than to be in the position of the attorney general."

Crimes Done at Night.

"These men did all these things under the pretense of serving the public. If I had committed the crimes that the attorney-general has committed I would not hold up my head again."

"Why did they get this confession at night when the criminals are abroad? The Villisca ax crime was committed in the nighttime and the Logan crime was committed in the nighttime. Why didn't they send for Kelly's attorneys? Do you think that Mitchell and Sutton and myself would cover up such a crime as this? We are not going to see this crime fixed upon Kelly for the purpose of furthering the ambitions of a lot of politicians and other men."

"Haver said to Kelly many times, 'You tell the truth, but the truth he meant, was the truth Haver wanted.' Referring to the story written by Victor Hugo, 'The Devil Fish,' he pictured Kelly as the Lord's mariner and Haver's state agents as the tentacles of the devil fish. 'If Kelly would stand up and swear to heaven that he committed the crime now, I would not believe him,' he continued."

Kelly in Tears.

During Hysham's play, Kelly broke down and cried.

Hysham gave a forceful demonstration of a man using an ax as must have taken place when the murder was committed. He told of the noise a man would necessarily make, squeaking as a man walked up, with an ax in one hand and a lamp in the other."

He scouted the argument the state advanced that Kelly was guilty by stating that it would be impossible for a man to climb the stair without awakening someone in the house. He advanced the theory that the murderers lay concealed in the house and waited for the Moore family to return."

"This is Haver's confession; not Kelly's. Haver's state agents, with grins on their faces and the devil in their hearts are here trying to perpetuate a lot of politicians. What chance does a soft-pated man like Kelly have against such men?"

Hess Opens Arguments.

An early crowd gathered to hear J. J. Hess, Council Bluffs, special prosecutor for the state, make the opening argument to the jury.

A solemn hush fell over the court room when Hess read the confession to the jury. He added dramatic touches by holding the murderer's ax when referring to the ceiling marks and again during the reading of the confession."

The prosecutor pictured Kelly as a man of unusual arm reach for his size and said Kelly could easily reach nine feet with ax. Height of ceiling was given as seven feet and eight inches. Hess said he was familiar with the use of an ax, because he had trimmed many trees. He offered for the consideration of the jury letters and postal cards written by Kelly for identification of his handwriting and the determination of his mental condition."

Hess maintained the state had established beyond peradventure of doubt that Kelly was guilty and that the defendant repeatedly had said he was the murderer."

He appealed to the jury to consider the safety of the women and children of their community and referred to Kelly as a sexual pervert."

Third degree methods at Logan were denied and the confession was emphasized as a voluntary act. Many women attended the morning session."

Kelly told Sutton that Hess was "lying about the facts."

Admits Kelly is Paranoiac.

In conclusion Hess said that Rev. W. J. Ewing and his wife and Lou and Henry Ennason corroborated everything in the confession except the part referring to the commission of the crime."

He attacked the testimony of Ed Landers, whom he said was mistaken about having seen Albert Jones enter the Moore home. Landers' demeanor on the witness stand was characterized as tending to impeach that witness. "He hemmed and hawed," said Hess."

"Mrs. Kelly," he continued, "naturally testified to that which would best serve the interests of her husband. I don't think it is a part of the marital duties for a husband to be home at night and then undersing his stenographers the next day, but I am not criticizing Mrs. Kelly."

"We admit Kelly is a paranoiac. A paranoiac will truthfully and accurately relate details of his crimes. One of the experts for the defense said a paranoiac will remember and tell the truth. Kelly correctly related his conduct with these girls and did not correctly relate the details of the crime?"

Calls Prisoner a Murderer.

"I don't want this kind of a man at large in a community where you and I have to live. He is not fit to be at large. Call him a paranoiac if you will, but he is a sex pervert and a murderer. He sent eight persons to their graves and wants to send more, if his statements are true."

"Is there a man on this jury who

wants this man in his neighborhood? I don't want my family exposed to this degenerate. That type of man has no place loose in the world. For God's sake, men, don't turn him loose where your babies or mine may be his next victims."

"Kelly did it. Deal with him as men and return a verdict of guilty."

Opens for Prosecution.

Attorney Hess made the opening statement to jury for the prosecution: "On the night of June 9, 1912, in Villisca there occurred the most horrible crime that was ever perpetrated in the state of Iowa," he began. "It was committed by a human degenerate and sexual pervert of superhuman accuracy and cunning. The indictment against this defendant refers to Lena Stillinger, but you must consider all the facts offered in connection with this crime. Can you imagine a normal being having a motive in taking the lives of these children?"

"We must look for a degenerate and sexual pervert."

"If someone wanted vengeance on Joe Moore or Mrs. Joe Moore, would they have killed the children?"

Lena Stillinger was 11 years old and large for her age. Her body was pulled down from sleeping position and upon her leg was a smear of blood left there by the hand of the assassin. What more evidence do we want that this was the work of a pervert?"

"We begin our search for the man who is abnormal mentally, a sexual pervert."

Accused at Macedonia.

"We find that on June 8 Kelly went from Macedonia to Villisca and preached two sermons in the country. We learn from testimony of Miss Longman that children had bothered this defendant all of his life. He went to the children's day exercises."

"He and Rev. Ewing discussed Gypsy Smith's sermon on 'Slay Utterly.' He went to bed and could not sleep, got up and went onto the balcony; the sermon on 'Slay Utterly' went through his mind, so he has told us. That sermon and the children's exercises kept him from sleeping. He heard voices, and doctors have told you that this is a symptom of paranoia."

"We are not doubting that he is a paranoiac; that he has a normal mind. He followed the shadow, not a real shadow. He said he heard a voice telling him to go higher. He entered the house and the voice said, 'Suffer little children to come unto me,' and he said, 'I am coming, Lord, coming quick.'"

"He killed those upstairs and the voice said, 'More work to be done,' and then he killed the two girls downstairs."

Brand Kelly as Pervert.

"Haven't you found the sexual pervert and the human degenerate who you find Kelly? Doesn't he fill the bill of what no normal man would do?"

"We find him preaching a sermon today and tomorrow trying to get his stenographer to pose in the nude. That is the kind of a man we are looking for in connection with this crime."

"He took the train to his home at Macedonia, where he arrived at 7:18 a. m. Mrs. William Simonds testified that she heard him before 7:18 a. m. say murder was committed in Villisca."

Defense Admits Train Story.

"That was Monday morning, June 10. Can there be any doubt even if there was no more testimony than that of Mr. and Mrs. Simonds? None in Villisca knew until 8:20 a. m. the murder had been committed."

"I say without fear of contradiction that the defendant cannot show to any fair-minded man that the testimony is not sufficient. Counsel for the defense admitted Kelly was on that train and the Simonds said that was the only time they ever met Kelly on a train. We have shown the station records and dispatcher's train sheets to fix the time of that trip of Simonds and wife when they met Kelly."

Related Murder Details.

"When Kelly arrived at Macedonia, according to L. Fritch, he told of the crime at 8:30 a. m. in front of an implement house. Did any living man except Kelly know at that time that the Moore family had been killed with an ax? The defense tried to discredit the testimony of Barnett, who said he was sure of his conversation with Kelly and read of the crime in the papers next morning."

"A remarkable fact is that Kelly in his talks with four people on Monday did not once mention the Moore

family by name, but merely referred to 'a family.' He told four persons of the crime before 8 o'clock Monday morning and I say there is no doubt that he took part in this awful murder."

"How did Kelly know what happened in the Moore home if he was not there? He told Mrs. Miller the murderer had stunned his victims first and then went around and cut them with the blade."

Mr. Hess then picked up the ax found in the Moore home and said: "It would not take much of a blow with this ax to stun a person. The blood of this crime is still on the ax." He continued: "Isn't it probable when he left the Ewing home to get fresh air he just slipped on his trousers and shirt?"

"We find he was in Omaha on Wednesday by written evidence of a postal card to W. C. Miller. He went through Council Bluffs to Omaha and took the shirt to the laundry, because he told five people in four towns the murderer had taken the bloody shirt to a laundry."

"Who knew it but Kelly? To Julius Wald at Sioux Falls Kelly said he himself left the shirt at Council Bluffs and nose bleeding had caused the stains. He told another that a cut while shaving caused the blood stains. The truth is he tried to wash the blood from the shirt and then left it at a laundry."

"When you come to read Kelly's confession you find it tallies up with his statements at various times."

"There were ax marks on the ceiling which was seven feet and eight inches from floor. This man could have touched the ceiling without half trying."

"When Mitchell said in his opening statement that he was defending a man of God he did not say it with much grace."

"Kelly may be a man of God, but he is a long ways from heaven."

"To W. O. McQueen at Sioux Falls, Kelly said I killed the Moore family, but they can't prove it, and to Julius Wald, Sioux Falls, he said I did kill them but they don't know it and said identically the same words to Eugene Rilely. To James Tyler, cellmate at Sioux Falls, he said he killed them."

"This is the man of God Judge Sutton, Mitchell and others will ask you to turn loose. Testimony shows his acts of sexual perversion were repeated and if he repeated them he would repeat murders."

"The man who would ask your daughter or mine to remove her clothes in his office is the man they will ask you to inflict upon this community by turning him loose. Do you want your wife and children chopped to pieces in their beds?"

Hess Reads Confession.

Hess then read to the jury the Logan confession, indorsing it as having been duly sworn to and signed by Kelly as his voluntary act and statement. When Hess read the words "I used the ax," in the confession he placed his hand on the instrument of death at his side."

"Every statement in this confession is absolutely true and shown so by testimony of persons other than Kelly," said Hess. "If any inquisition, as charged, was imposed on Kelly at Logan, do you think a stenographer would have been called and every word said made a matter of record? We wanted to be fair with this defendant."

Hess defended the incident of placing two handcuffed men in cell with Kelly at Logan by explaining that the state wanted to know what Kelly would say when Sheriff Meyers read the notices. He said Kelly was urged fifty-one times during the night of August 30 and 31, at Logan, to tell the truth."

"At Logan Kelly said, 'Don't turn me loose; I might do it again.' He said that several times."

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