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DEFENSE IN KLAN CASE CLOSED

(Continued from page one.)

night riding cases and not granted them. The court cited the case of George Putnam, former Medford publisher, defendant in a contempt proceeding, as the basis for his ruling, wherein a decision was rendered that the state could not be compelled to disclose the grand jury proceedings.

The Rev. F. C. Becker, pastor of the Presbyterian church of Jacksonville was called as a witness, and was asked preliminary questions, when his testimony was also barred by the above ruling. The jury was excluded from the courtroom during the argument.

Attorney Boggs in his remarks stressed the statement of the Assistant Attorney General, made in the court proceedings last October, when he said "if the John Doe indictments were made public, there would be such an exodus that it would take the sheriff a year to bring them back."

The assistant attorney general characterized the remarks of the defense as "a piece of propaganda to influence the jury," and also, "that I take serious exceptions to remarks of defense attorneys."

A motion of the state to strike out from the records the testimony of Mr. and Mrs. Bunnell in regard to statements alleged to have been made by Hale on an auto trip with Bunnell, and to Mrs. Bunnell in her home was not allowed.

Mrs. Harry Stoltz was recalled to identify a letter, alleged to have been written by Hale to her, and the defense said it was solely for the purpose of identifying a previous letter introduced as coming from Hale, both written on a typewriter, and neither made public. The letter was identified.

Reported to J. F. Lawrence
J. C. Deever, a warehouseman, testified that J. E. Edmiston, a former klanman and important witness, had told him "he feared he would be indicted, because he had told Tom Word to go to the devil." He said he had worked near Edmiston for a year.

Under the questioning of the state, Deever admitted he had signed up an application to join the klan. Considerable questioning was required to get this information from the witness. Asked if he had not been commissioned to get information regarding Edmiston, the witness at first denied it, and finally admitted "had reported some but not all to J. F. Lawrence."

Mrs. Glen Fabrick testified that she had passed the home of J. E. Hale on East Main, the night of the kidnapping and hanging about 9:30 o'clock, and had seen no cars or people. She said when she passed the Sparta building it was "a little past twenty minutes past 9 o'clock," and that it took her four minutes to walk the distance, "having paced it this morning."

Defendant Hittson was recalled, and asked if he had a conversation with Tom Word in which Word said to him, "I heard you were mixed up in this, but don't believe it." He said he had.

Rev. Coy Sims of the Methodist church, South, was called by the defense, but was not present, and the defense was given the right to call him later. When he did arrive he was asked regarding Dr. Bray's reputation for being a peaceful and law-abiding citizen, and answered it was "good."

Yesterday's Session

The testimony of Mr. B. Bunnell, charged by J. F. Hale, victim of the "nightriding party," of March 17,

1922, in his testimony as one of those he suspected of being a member, and the calling of witnesses to impeach the testimony of J. E. Edmiston, former klanman, on grounds of veracity were the chief features of the Thursday afternoon session of the nightriding trials at Jacksonville. There also came into the trial, testimony to show the source of the "black robes;" witnesses who testified the "morality" of J. F. Hale, the state's star witness, was bad; a show of feeling on the part of several witnesses, and frequent laughter by the crowded courtroom, amused by the unexpected answers of witnesses.

Favored Hanging Hale

Bunnell, well along in years, a retired stockman, told the jury that he had not been a member of the "Hale party" as accused, and offered an alibi for his whereabouts upon that night. "If I had been in that party, Hale would be hanging there yet," Bunnell said. He admitted he was a member of "what we call the klan," and that he had attended meetings in the Odd Fellows hall.

The aged witness, who complained at times of poor hearing, said that at one time he and his family had been friends with Hale, and that he, himself, had become "disgusted with him," after Hale had expressed derogatory opinions of women on an auto ride through the northern part of this county, in "November or December of 1921," he was not sure. Regarding this occasion, Bunnell said "If I could have driven a car, I would have kicked him out and come home alone."

Bunnell, during the course of his testimony, at different times classified Hale "as the biggest coward on the coast," and "an awful liar."

Bunnell said that when attending a meeting in the Odd Fellows hall, the date of which he could not remember, he had seen black robes hanging in an ante room, but did not recall ever seeing them worn in a lodge session. He testified white robes were used, however. The witness said he saw the defendants in a lodge meeting. Regarding the black robes the witness was not positive.

Bunnell in response to a query from the state, said that he never told anyone after the grand jury meeting, that he had seen anyone wearing black robes, or saw anyone in that garb at a lodge meeting. The witness also denied that he had ever made any threats.

Bunnell testified that Hale and his daughter had been friendly, and had written letters, for the return of which he had paid \$25, his purpose being, he said, to seduce his daughter, who was perturbed about them. He said he did not read the letters, as he regarded them as the property of his daughter. Hale told of the breaking off of the friendly relations with the rejoinder, "you can't insult that man Hale," and also "Hale wanted to marry me worse than he did the girl, because he thought I had a little money." Witness testified Hale had been a frequent visitor at his home.

The witness said he did not know what caused the "break," in reply to the state query, "if he had not been told Hale was writing letters to Roberta Pierce," and that this had caused the trouble.

A Willing Witness

Bunnell was a willing witness, and once while he was on the stand Attorney Winslow for the defense, in an effort to interpose an objection, said sharply, "Mr. Bunnell."

The witness stated he had met Hale in the Union depot at Portland and that Hale had expressed delight at meeting him, and he (Bunnell) had retorted he had "told lies," and that "no one ever had a rope around your neck," further giving Hale his opinion of him in general.

Mrs. Bunnell was called and corroborated her husband's testimony that they had been at the home of Harry Lofland on the night of the alleged hanging until close to 10:30 o'clock, when they went home and retired.

Mrs. Bunnell testified Hale asked permission to pay attentions to their daughter, and had conversations with him, in her home, and had once asked him regarding Miss Pierce and Miss Halley, and Hale had said, she testified, "they both wanted to marry me, but are things of the past." Mrs. Bunnell testified that Hale had told her "that Roberta Pierce had threatened to kill her because he had refused to marry her," and "that Angie Halley was the one mistake of his life in Medford." Mrs. Bunnell was desirous of giving a complete story, but was restricted by the ruling of the court after objections by the defense.

I. O. O. F. Black Robes
John Demmer, secretary of the I. O. O. F. lodge testified that he had been a resident of Jackson county for 23 years, and that black robes were part of the regalia used by that order in degree work, and described them as long gowns with headgear, and no covering over the face. The state asked Demmer if the robes did not belong to an order known as "The Guardians of Liberty," and the witness had never heard of that society.

Mr. and Mrs. J. M. Lofland testified that they were at their son Harry Lofland's home until 9:30 p. m. March 17, 1922, and that when they left Mr. and Mrs. Bunnell were there. Mrs. Harry Lofland corroborated the testimony of the Bunnells and the elder Loflands.

Admits Meeting Night Hale Hanging
R. L. Ray, a farmer living between Medford and Jacksonville, in response to the state query, "Are you a klanman," replied, "yes and proud of it," and testified he had a conversation with J. E. Edmiston in the Masonic club rooms, about April 7, 1922, others being present, during

which Edmiston had said, substantially, "that he (Edmiston) had inside dope about the Hale party, that he had not been hung," they just gave him a talking to." Also that Edmiston said "those boys made a mistake, they should have left him hanging there." The witness admitted he "did not like Edmiston." Questioning by the state, relative to the witness organizing a "reserve force" that met in Edmiston's warehouse on the night of the Hale party was met with objections from the defense. The witness and the assistant attorney general engaged in a hot interchange of words, both fairly shouting and being halted by the court. Ray finally admitted there had been such a meeting the night of the alleged hanging.

The assistant attorney's parting shot at Ray, "You were born in America" occasioned the bench to ask the witness if he had any expressions to make on his "views of law and order," but on objection by the defense, the witness did not answer. Harry Stoltz testified that he had nearly joined the klan but never initiated, was called as a character witness against Edmiston, and testified the latter had said "he knew all about it, and who was there," meaning the Hale "party." The witness said he was not friendly with Edmiston, and described the details of his dealings with Tom Word, federal investigator as far as it concerned himself and Edmiston.

Edmiston Is Attacked
Mrs. June Van Leuen, former district manager of the Earl Fruit company, testified the reputation of J. E. Edmiston for "truthfulness" was bad. The witness denied she was "mad at Edmiston because he had kept her out of a fraternal organization she desired to join, and was emphatic in her statements that Edmiston was "untruthful." Asked to name people who had told her that, she opined "that it would take me all afternoon to name all of them." She recalled seven. The witness said she had no personal dispute with Edmiston, "because he is not man enough to stand and listen." Mrs. Van Leuen gave a vivid description of transactions in the fruit business, and an affidavit, circulated through "the fruit district," the state asked, for the purposes of discrediting Edmiston.

Asked if she belonged to "The Ladies of the Invisible Eye," the witness convulsed the audience with the reply, "I should say not. I never even heard of them." She denied the affidavit she made was due to business enmity between rival fruit concerns.

Glen Fabrick testified that Edmiston's reputation for truth was bad. James G. Love, a Central Point orchardist, the first juror to be excused at this trial, testified to the same, and admitted under cross examination that a suit was pending between him and the fruit concern Edmiston represents "for breach of contract," and that Edmiston had once ejected him from his office.

C. A. Myers, a rancher, who also admitted a suit was pending with the concern Edmiston is connected with, testified Edmiston's reputation was bad.

Mrs. Kate Young testified J. E. Hale's reputation for "veracity and morality" was bad.

Tom Word, federal investigator, testified to alleged conversations between himself and Defendants Hill and Bray, during the investigations, and that Hale at that time had identified Dr. Bray by voice, ring and face, and offered, if Hale was disgraced, "to give him a licking" for making the accusation. Word denied that he had tried to talk "Masonically" to either.



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