

SCHERMERHORN'S WHISPERINGS TO SEXTONS BARED

Hour's Conversation Between Ballot Thieves and Sheriff in City Jail Cell Recorded by Officers

Gordon L. Schermerhorn, suspended sheriff, on trial charged with ballot theft, when confined February 23 last, in the women's ward of the city jail, following his arrest, "whispered admissions" and spoke "dentals loudly," in more than an hour's conversation with the Sexton brothers, William J. Looker, court reporter, and Sergeant of Detectives James O'Brien of the state police, testified Wednesday afternoon, as the final witness for the state. The stenographic notes substantiated the main contentions of the state's chief witness.

Sergeant O'Brien and Court Reporter Looker were stationed at the cell, where Schermerhorn was placed with the Sextons. Looker was stop the cell, and Sergeant O'Brien in a bathroom. The conversation between the trio lasted one hour and fifteen minutes. It was testified.

Conversation Recorded
Looker was unable to get a stenographic report of Schermerhorn's whispering so Sergeant O'Brien, who stood within four feet of Schermerhorn took it down in long-hand, in a note book. The defense objected to this evidence but the objection was overruled.

High points of Schermerhorn's whispered words, as told by O'Brien were:
"Don't tell anything boys," and on another occasion he called the Sexton boys closer, and said, "Don't tell. They can't get anything on you. Sit tight."

"Did you see me standing across the street?"
"Have you told anything?"
"As long as John (Glenn, former county jailer) told you, I wanted you to help, keep it to yourself."

"Well, if John told you he would pay you keep it to yourself."
Counselled Silence
Schermerhorn, the evidence showed repeatedly told the Sextons to "keep your mouths shut," "keep still," and often expressed concern that "there is a microphone on top of the cell—don't talk so loud."

Burley Sexton did most of the talking, with Wilbur a listener, but he also assured Schermerhorn, he "had told nothing."
The stenographic notes as read by Looker, showed that at one stage Schermerhorn said:

"I'll bet you a nickel, they get Earl Fehl in this. They will arrest him just for meanness."

Burley Sexton answered: "If they arrest everybody who was there they will have the jails full. There were 40 around back of the courthouse. Those that were not packing ballots, and driving cars, were running messages."

Secret Service Man Feared
Schermerhorn said, at another point: "I saw Joe Daniels out there. He said there was a secret service man around," and Burley, surprised, said: "Did Joe say there were secret service men back there? If there was, he was helping."

Schermerhorn, the record showed, once said loudly:
"Well, gentlemen, I don't know anything, and I saw nothing, and so it will be a short story. I will have to tell."

Schermerhorn also said: "Joe Cave is out, but I'm in here. I've got my bond in my pocket, and he's loose."

Another bit of conversation between Schermerhorn and Burley was:
Sexton: "What's the matter with this country anyway. What's all the 'you-you' about?"
Schermerhorn answered: "It's Banks' paper. A new bunch are moving in there today."

Ballot Robbery Botched
"Whoever planned that ballot robbery, sure did a poor job of it," was another remark attributed to Burley, along with his vow, "if I ever get out of here, I am going to a country, where they have no sheriffs, jails, or ballots."

Burley told Schermerhorn:
"If it hadn't been for John (Glenn, former jailer, acquitted July 4), and Brecheen I wouldn't be in this mess. I bet I get ten years. Well, I'm only 21. I'll be 30 when I get out, and have 20 years to live if I live that long."

Schermerhorn, the record shows, advised the youth, to "sit tight till you're out, and then settle with John."

Schermerhorn predicted, "the whole thing will blow over in a few days, and then they will turn you loose, when they find you won't tell anything. Don't tell anything. Just tell them you don't know anything."

Schermerhorn Disgusted
At one point, Schermerhorn, in deep disgust said:
"THIS IS GOOD! THIS IS GOOD!"
Attorney Von Schmalz, objected to the infection Looker placed on the words, but was overruled by the court.

There was an argument between Burley and Schermerhorn, whether or not the former had seen him standing on Laurel street, when he drove away with his brother and R. C. Cummings, with the first four stolen ballot pouches, and the official had waved at him.

Schermerhorn insisted, "I was not on that side of the street," and the youth closed the debate, with: "Well, it sure looked like you. I saw you in the headlights. If it wasn't you, it was just like you. I waved my hand, and you waved back."

Promised to "Fix It"
Sergeant O'Brien testified further, that about 9:30 on the night of the vote looting, he "crushed by the courthouse, to see what the congress was doing," and saw Schermerhorn standing on Laurel street. His attention was then attracted to the glare of headlights moving out of the rear courtyard, and when he looked again Schermerhorn was not in sight.

Ten minutes later O'Brien was parked at Main and Riverside streets, and saw the two Sextons pass in a Ford coupe. The next morning, when he learned of the ballot theft, his suspicion was aroused, and the Sextons came under surveillance. It later developed that the car coming out of the courtyard, was driven by Cummings, with the first stolen votes, that were cast into the Rogue at Bybee bridge.

O'Brien said when Schermerhorn was first arrested, he asked why, and was told that the evidence indicated that he was involved, and showed him the note Burley Sexton had attempted to smuggle to John Glenn, asking for the promised money to procure a lawyer, and that Schermerhorn replied, he was innocent, that his story would be short, and that he had not been at the courthouse," but spent some time at the Mail Tribune." O'Brien then told the official that he had seen him on Laurel street.

Arrest Called Spite
Schermerhorn, the records showed, complained, because he was not given phone privileges, and declared "my arrest is the result of spite," "they want to humiliate me," and "they think nobody can run the sheriff's office but Ralph."
O'Brien testified that Schermerhorn had never told him of the finding of the ax, as he promised to report when it was found in the basement, but that he had given him a piece of tape-like material, found at the southwest corner. The defense insisted this had been wrapped around a hammer. The state contends, a hammer was packed up the sleeve of Walter J. Jones, convicted Rogue River mayor, as he stood guard, at the southwest corner.

O'Brien further testified, under cross-examination, that any proffer of assistance in investigating from Schermerhorn would have been embarrassing for all concerned, "in view of the situation."
Following the testimony of Looker, the court ordered a transcript of the testimony for the defense, with instructions they be given time to cross-examine him later. Court then adjourned at four o'clock until this morning.

BREAK GROUND FOR LARGEST BRIDGE



Former President Herbert Hoover is shown assisting Laura Heister Phelps, California pioneer, remove some earth with a golden spade, at ground breaking ceremonies inaugurating construction of an eight-mile bridge to connect San Francisco and Oakland. (Associated Press Photo)

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SALES TAX MOST IMPORTANT ISSUE BEFORE CITIZENS

Ten Amendments, Measures and Questions Before Voters On July 21 — In Force Only to July 1, 1935

STATE HOUSE, SALEM, July 13.—(UP)—Of 10 amendments, measures and questions which voters of the state will consider July 21, probably none has aroused more interest and controversy than the proposed sales tax.

The measure would "provide for raising revenue by imposing a tax on gross income derived from sale or use of tangible or personal property and personal services." Two per cent tax would be derived from most retail sales. Wholesale sales and returns from the publishing business would be assessed three-eighths of 1 per cent.

Six Exceptions
Exceptions to the provisions of the act are as follows:
1. The amount of any retail sales of motor vehicle fuels on which a sales tax is already in force in the state.

2. Insurance premiums and considerations for annuity contracts.
3. Employees rendering personal services for which compensation is received in form of ordinary wages or salaries.

4. Gross sales up to \$50 a month.
5. Farm products and livestock when sold by growers for resale.

6. Gross income from sales to the United States government, to the state, or any county, municipality, school district, or other subdivision. Each taxpayer of the state is to make his report on or before the 10th of the month for the month preceding. Credit sales may be held out and reported when payment is made.

May Ask Revision
A taxpayer may appeal to the state tax commission for revision of the amount assessed against him, and may appeal from the decision of the commission to the supreme court.

It will be impossible for newspapers or curious persons to determine a taxpayer's income, for the law prohibits the tax commission or any of its employees from making known gross sales, taxes paid, or any other particulars concerning individuals. This shall not be construed, it is stated to prevent publication of statistics so classified as to prevent identity of particular reports or returns.

Penalties Severe
No taxpayer may advertise that taxes imposed are absorbed in and not added to the price charged for his merchandise. Penalty is a fine of \$100 to \$1000. Fines or imprisonment will penalize persons making fraudulent returns, while those making insufficient returns by error will be penalized and charged interest. Failure of a taxpayer to make returns will authorize a lien against personal or real property owned.

All funds derived from the sales tax will be paid into the state treasury and apportioned as follows:
1. Administrative purposes.
2. \$1,487,918.16 in payment of second half property taxes due the state from the counties.

3. \$518,897.23 to sinking fund of world war veterans' state aid commission in lieu of half-mill tax provided by law.
4. \$250,000 to fund for relief of unemployment.

5. One-half remainder apportioned to counties in proportion to valuations of taxable property.

6. Remaining residue to remain in state general fund

In Force Two Years

No property taxes will be levied against personal property while the sales tax is in effect. The law provides that the measure shall remain in force only until July 1, 1935, unless it should be renewed by the 1935 legislature.

Affirmative argument on the sales tax was filed by the property tax reduction committee, of which M. S. Schrock of Milwaukie is chairman. Principal argument given is burden on real estate under the property tax system. Receipts from income and intangibles taxes are inadequate to meet state expenses, it is said, while the restored state property tax constitutes a further drain on the counties. Delinquency of county property taxes is about 85 per cent for the first half of 1933. It is alleged bankruptcy looms for many Oregon counties unless the sales tax is approved. Proponents estimate the levy will get about \$6,000,000 a year.

Grange Opposes
Negative arguments were filed by Northwest Trade Executive Association, J. J. Lynch, secretary, and Oregon State Grange, Ray W. Gill, master. The trade association charges the tax is not based on ability to pay out bears heaviest on those who have little to spend, and that it will increase difficulties and costs of the retailers; encourage consumers to

purchase outside the state; tax luxuries on the same basis as necessities; and should have a tendency to promote further governmental extravagance would be pyramided year by year, as was the gasoline tax.

Argument by the state grange states a graduated income tax is the only fair and scientific levy, that sales tax would be merely an addition to the top-heavy property tax; that it will be shifted back to the producer and consumer; that it will tend to destroy the market for goods; that it violates every principle of just and scientific taxation; and was "conceived in selfishness and written in confusion."

Oregon Weather
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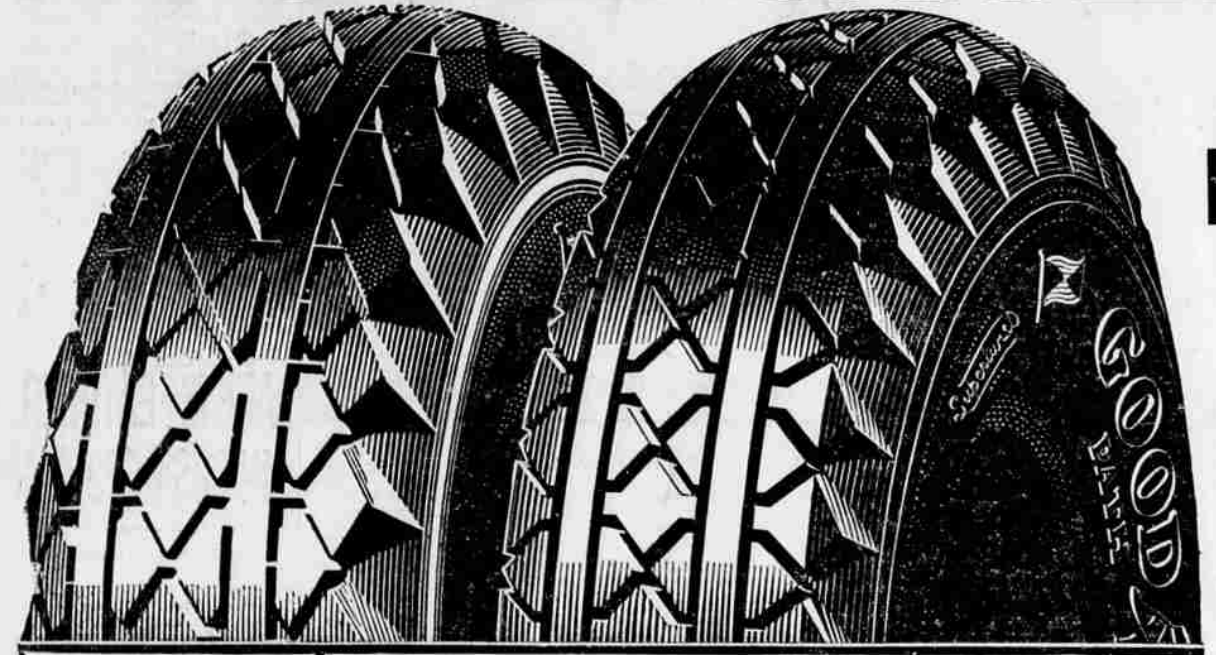
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4.50-21	7.10	5.50-19	10.45
4.75-19	7.60	6.00-19	11.85
5.00-19	8.15	6.50-19	14.60
4.40-21	\$5.00	5.00-19	\$6.55
4.50-20	5.40	5.00-20	6.75
4.50-21	5.60	5.25-18	7.35
4.75-19	6.05	5.50-19	8.50

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