

JURY SELECTION FOR FEHL TRIAL LABORIOUS TASK

E. H. Balger, Klamath Falls Ford agency dealer, the first venireman called to the jury box Tuesday morning, was excused by the court, after extensive questioning by defense counsel.

Balger said that he had discussed the ballot theft cases in a general way with C. E. (Pop) Gates, Medford civic leader, and brother Shriver, Klamath Falls, and Purd deser, and John H. Boyle, California Oregon Power company manager at Medford, and W. A. Gates, Medford merchant. Balger said he could be a fair and impartial juror, and that the conversations he had with Medford people on the case would not influence his verdict.

"Medford used to kid us about our courthouse, so I kidded them about their ballot robbery," Balger said. Balger, under questioning by the court, admitted that his talks with "Pop" Gates, "bore weight" with him but would not influence his verdict.

Challenge Allowed
The defense challenge was then allowed by the court.

Nelson Reed, a sawmill operator of Klamath county, said he was an intimate friend of Circuit Judge William B. Duncan of Klamath county, and that he often visited with the jurist. They had never discussed Judge Duncan's Jackson county experiences, except "to josh him about having a bodyguard." Defense counsel inquired if Fehl's filing of an affidavit of prejudice against Judge Duncan would affect his verdict and if he would have "to make any apologetic to Judge Duncan for his verdict." The venireman replied "absolutely not." Reed was excused by the defense on its fifth challenge.

John Giacomini, a farmer, tentatively selected as a juror, was excused this morning, by the court, so he could care for his crops.

H. H. Jenkins accepted as one of the jurors is the father-in-law of Dr. H. H. Coe of Medford.

Earl E. Walker of Bly, was excused on the defense challenge, and Ed Ostendorf, Klamath Falls auto dealer was drawn in his place. Ostendorf asked to be excused, on the grounds that he had read much about, and often discussed the Jackson county ballot thefts, and has opinions. He was excused by the court.

The defense, besides Walker, excused R. E. Wright, farmer, Klamath Falls, and Walter Locke, Klamath Falls auto dealer, was drawn in his place; Howard S. Abbey, Klamath Falls garageman, and Frank Howard, Klamath Falls mill worker was drawn in his place; and J. W. Kerns, Klamath Falls, president of the Chamber of Commerce, in whose place was drawn William Zumbrum, Fort Klamath farmer.

The state in the exercise of its first challenge excused Mrs. Viola Dunbar, of Klamath Falls, and Frank Savage, Chilcoquin merchant, was drawn in her stead.

The defense attorneys in their questioning of jurors asked, if they were acquainted with former Sheriff Ralph Jennings of Jackson county, who instituted the recount proceedings, which when ordered, the state contends, was the motive for the theft and destruction of the ballot pouches, the extent of their reading and talking about the case; the views of the veniremen upon the right of free assembly, and if they believed any citizen had a right at any time, to see his county judge. Veniremen were also asked if the fact that Defendant Fehl had filed an affidavit of prejudice against Circuit Judge Duncan of Klamath county would influence them.

Impress Nature of Course
The defense attorneys also inquired if the jurors knew Attorneys O. C. Boggs, Guo Newbury, and E. E. Kelly of Medford.

The main points of the state's questioning were: "Do you realize this is a criminal case, and not a political matter?" have you any aversion against the testimony of state's witnesses, who have expressed their sympathy; will you be swayed by sympathy, and if the jurors were members of the Tax Payers league, of which Attorney John Irwin, for the defense is a prevailing officer.

Assistant Attorney General Moody asked each prospective juror, if they would be governed solely by the evidence, and the law, as given from the bench.

The defense is represented by Attorneys A. O. Hough of Grants Pass, H. Von Schmalz of Burns, T. J. Enright of Medford, and John Irwin of Klamath Falls.

The state is represented by Assistant Attorney General Ralph E. Moody, Deputy District Attorney George W. Nelson of Jackson county, and District Attorney Ted Gillinwaters of Klamath county.

Most of the veniremen examined Monday, said they had not followed the case closely, and "only read the headlines in their home paper, and the Oregonian." Two of the jurors admitted a casual acquaintance with former Sheriff Jennings of Jackson county.

Howard S. Abbey, Klamath Falls garageman, and U. E. Reeder, farmer, who said they had an intimate acquaintance with District Attorney Gillinwaters were excused by the defense.

Abbey also has a brother in business in Medford, but said he had never discussed the ballot stealing with him. Abbey did not believe his friendship with the district attorney of Klamath county would affect his views.

The court excused Abbey at one point, and commented: "The attorneys are not on trial Judge Fehl is the defendant, and friendship is not at issue."

They were excused on the second challenge of the defense.

Roy Taber, a garageman of Merrill, in response to queries of the defense replied that he "only read the headlines in the ballot theft cases," but "had followed L. A. Banks' shooting of Constable Prescott." The fact that the defendant held an official position would not influence him, Taber

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tour of the mountain district is also incorporated in the tours, visiting the Chateau Bungalow Camps and the many scenic points—Takakkaw Falls, pictured above on the left, 1,000 feet higher than Niagara, Johnston Canyon, shown on the right above; The Valley of the Ten Peaks, Yoho Valley, The Great Divide, Snowpeak Avenue, Kicking Horse River, and many other marvelous scenic views. One tour of "Five Outdoor Days" will particularly appeal to those who prefer being still closer to nature. The visit to Banff is omitted, and stops

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said. Taber said he met former Sheriff Jennings several years ago.

Mrs. Rache Kaler, answered all defense and state questions satisfactorily. She had only read the headlines, and had no acquaintances in Jackson county.

J. W. Kerns of Klamath Falls, a member of the school board, and identified with the Chamber of Commerce, also excused by the defense, said that he had been in Medford, on the morning of the ballot robbery, and he visited the courthouse, talked with several Medford people about it. He formed no opinions from what he saw and heard, he said.

Kerns also said he knew Oliver Martin, one of the defendants in the case, and former resident of Klamath county. Kerns said he knew Martin as an "unsuccessful farmer," and "that he owes him a small account."

Kerns said this would not prevent him from being a fair and impartial juror.

Ed Ostendorf, auto dealer, called when Earl Walker was excused by the defense, told the court that he had talked about the case, and had read about it, and desired to be excused because of fixed opinions. The court asked Ostendorf, "You're sure you don't want to get off this jury. Ostendorf said "no," and the court excused him.

FEHL TRIAL FAILS AROUSE INTEREST KLAMATH CITIZENS

(Continued from Page One.)

made her appearance on the local scene. Defendant Fehl occupies a place at the defense table, close to the jury box. Mrs. Fehl is seated close by. Fehl sat for the most part with his face buried in his hands. At times he took a keen interest in the proceedings, and consulted with Attorney Enright, suggesting questions for the veniremen.

Fehl's counsel has been augmented by Attorney John Irwin, an old timer of the Klamath county bar with wide acquaintances. He is ostensibly employed because of his wide acquaintance in Klamath county. He is president of the Klamath Taxpayers league. Each juror was asked by the state, if he belonged to this organization, and none answered in the affirmative.

Zumbrum Known Here
Among the veniremen questioned late Monday afternoon was William Zumbrum of Fort Klamath, father of "Dutch" Zumbrum, a couple of years ago, a fullback of the Medford high school football team. Zumbrum has a little daughter living in Medford, and attending grade school. He is also related to John H. Hughes, one of the many candidates for sheriff a year ago. The state questioned him on these points. Zumbrum said he had talked little of the case; and knew only a smattering of the facts.

The defense questioned veniremen on an editorial appearing last Friday in the "Klamath Basin Progress" entitled "Just Pals." It pictured a relationship between Attorney Elton Watkins of Portland, one of Ex-Sheriff Schermmerhorn's attorneys in the recount proceedings, and Mayor Maloney of Klamath Falls. None of the prospective jurors had read the article, though a few had seen the paper.

The court, at one point of the afternoon session commented to a juror: "you will try this case on the evidence not what you read in a newspaper."

Apply for License—Elizabeth Jane Oliver and Lester Clarence Beal of this city applied for a marriage license today at the county clerk's office.

FLUHRER BOOSTS EMPLOYEES' WAGE

In keeping with President Roosevelt's program to put more men to work and increase the wages of those already employed, W. H. Fluhrer of the Colonial bakery informed the chamber of commerce this morning that he had increased wages 5 per cent effective last Monday.

The chamber of commerce appreciates the action of Mr. Fluhrer and hopes that other firms will be able to do likewise as the recovery program begins to take effect.

Medford, like many thousands of other communities throughout the United States, has signified its willingness to cooperate with Hugh S. Johnson, administrator of the National Recovery administration, and by increasing wages Mr. Fluhrer has fulfilled his part in keeping Medford's pledge.

Hails Visit Here—Mrs. Seely Hall and Seely, Jr. arrived from San Diego, Calif., to visit Mr. and Mrs. Court Hall Seely, Sr. will join them the last of next month. He will fly from San Diego to New York and then to Medford.

STATE WITNESSES WILL JOURNEY TO SCENE AS WANTED

KLAMATH FALLS, July 26.—State witnesses at the trial of Earl H. Fehl, county judge will be brought to this city daily by auto, and returned to Jackson county, as far as their examination is completed on the witness stand. This procedure is taken to clip the expense, and it is expected that the same methods will be employed with defense witnesses.

The state witnesses will be brought here in the morning, and returned to Medford that evening, if possible, by Deputy Sheriff Ed Leach, and Jailer Fred Kelly. They will be called for as they are needed.

Witnesses can be brought to this city in three hours, after call. It is expected that the state will call 50 witnesses—many of them not appearing in previous trials. The defense has signified that it will call nearly as many.

Among the first witnesses to be called by the state will be County Clerk George A. Carter and Helen Dugan and Nydahl Neil, deputies.

Burley Mason Sexton, and his brother, Wilbur Sexton, as in the other ballot theft cases will follow the county sides on the stand.

Though close to 100 witnesses will be called by both sides, the testimony will be short in most instances. First estimates say the trial will last ten days.

SCHOOL USED FOR BREWING OF BEER

Schoolhouses may be used for several months a year to teach little children reading, written arithmetic, but a new utilization of the building for summer months was discovered in the Little Applegate region yesterday afternoon by state police.

Checking licenses near the Buncom school, where a group of men were camped, all of the members silently disappeared, according to officers, leaving the camp deserted. Becoming suspicious, they decided to do a little investigating.

In their search, they took in the school house, and in the back part of the building discovered a six-gallon crock, with the remains of some beer mash, they reported.

Police did not know if the men of the camp have returned yet, or not.

To Butte Falls—Ralph B. Horton, assistant regional forester in charge of lands, from the Portland office, is a visitor here today, and with Karl L. Janouch, assistant supervisor of Rogue river national forest, made a trip to Butte Falls. Mr. Horton also plans to visit the Moon Prairie CCC camp while in this district.

Eleanor Engaged



Eleanor Holm, 19-year-old swimming star, and Art Jarrett, singer and screen actor, are engaged and plan to marry in the near future. They will live in California. (Associated Press Photo)

ATTORNEY WILKINS WILL BE WITNESS IN TRIAL OF FEHL

KLAMATH FALLS, July 26.—M. O. Wilkins, former Ashland attorney, former Banks candidate for district attorney, and former legal advisor to County Judge Fehl and L. A. Banks, convicted slayer and former Medford agitator, arrived today in Klamath Falls, to be a witness for the state, in the trial of Fehl, for ballot-theft conspiracy.

Wilkins, now a resident of Portland, arrived Tuesday, and was a courtroom visitor. There was no greeting between the lawyer and his former client.

Wilkins will be one of the major witnesses for the state, and is expected to give evidence, tending to show the early formation of the conspiracy and that "it was never intended that the ballots would be counted."

Wilkins was also present at the meeting at Fehl's home when appointments were made for then Sheriff Schermmerhorn.

The state expects to call a half dozen new witnesses, several who will tell of what they saw and heard, at a meeting of the "Congress" February 20, and what they have been told since.

BRECHEN BONDS UNSATISFACTORY; REMAINS IN JAIL

KLAMATH FALLS, July 26.—Denial of bonds proffered on behalf of Tom L. Brechen, Ashland politician, held in the county jail since February 26, as one of the co-defendants in the ballot theft indictment has been made by Circuit Judge George F. Skipworth, it was reported today.

Brechen is the only one of the ballot-theft defendants, not admitted to bonds, since incarceration.

The bonds were proffered last Saturday by Attorney T. J. Enright, in the sum of \$7500. Among those offering themselves as sureties were M. Simmons of Talent, Ed Schollars of Medford and John T. Glenn of Ashland, former county jailer and pensioned Spanish war veteran, acquitted of ballot theft complicity on July 4, by a Jackson county jury of which Charles Blaes of Trail was foreman.

Jay Croft, "the man in the horse hair coat," is the other ballot theft defendant, now held in the county jail. He has enjoyed a period of liberty, but was returned to jail when Mrs. Ernest Dahack of Eagle Point withdrew as bondsman.

The name of Brechen has appeared several times in the trials that have been held. The evidence showed that he was a "guard" on the south side of the courthouse the night of the vote-stealing, that he conferred with the Sexton brothers on the robbery plans, later urging them to take more ballots, and that he was a privileged guest in the county jail for meals and bed, and that he reposed in the women's ward the day following the robbery, to be driven that evening to Ashland by a county employee.

Brechen is scheduled to come to trial here now held in the Fehl case, to be followed by the trial of Oliver Martin, similarly accused.

WALTER S. ALLEN OF APPLIGATE PASSES

Walter S. Allen, aged 66, a resident of the Applegate district, passed away Tuesday afternoon. His wife, Maude is the only surviving relative in this county. Two sisters, Anna Parrott, Rockaway, Oregon and Mrs. William O. Hanlon, Lead Point Wash., and one brother, William Allen of Vincennes, Ind., also survive.

Services are being arranged at Conger Funeral parlors.

Mr. Waha Leaves—O. A. Waha, of Portland, forestry official who has been spending the past week at Union creek, has returned to Grants Pass on business. Yesterday he accompanied Hugh B. Rankin, supervisor of the Rogue river national forest to the Applegate CCC camp.

BEAUTY AND ABILITY COMBINED IN WOMEN'S A. A. U. SWIM MEET



Beauty as well as ability was featured in one of the greatest fields of feminine swimmers and divers ever gathered in the national A.A.U. championships at Jones beach on Long Island, New York. Eleanor Holm, who deserted motion pictures to defend her 220-yard backstroke crown, is shown at right. Above is the start of the 100-meter free style swim which was won by Lenore Knight who is at left. Miss Kight, Homestead, Pa., advanced into the place vacated by Helene Madison by winning the 100-meter and one-mile free style titles. Below are the winners of the 100-meter free style. Left to right: Miss Kight, first; Olive Hatch, Los Angeles, second, and Alice Bridgus, Whitinsville, Mass., third. (Associated Press Photos)



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