

THRILLS FEATURE FINAL ARGUMENTS IN TRIAL OF FEHL

Attorney Hough for Defense Infers Watkins, Schermerhorn and Brecheen Hatched Ballot Theft Plot

Closing arguments for both sides in the Fehl trial, delivered by Assistant Attorney General Ralph E. Moody for the state, and Attorneys A. C. Hough of Grants Pass, and Attorney Herman von Schmalz of Burns for the defense, were replete with thrilling passages. A full courtroom listened rapidly.

Attorney Hough provided the climax for his case, when he inferred that ex-Sheriff Gordon L. Schermerhorn, his attorney, Elton Watkins of Portland, and Tom Brecheen of Ashland, a co-defendant, "were the last to leave the courthouse, and I guess the jury can guess they know as much about the robbery as anybody else."

Attorney Newman and Schermerhorn were both in the courtroom when the implication was hurled. Afterwards, Attorney Newman made a statement in which he declared the words were baseless and that Attorney Hough had no grounds for making them.

Hough in Implication. Attorney Hough included former Sheriff Ralph G. Jennings, and former County Clerk Dillah Stevens Meyer in his implications, when he said:

"It is reasonable to presume that Dillah Stevens Meyer wanted Jennings to remain as sheriff. . . Jennings was a dissatisfied candidate. He was interested in the recount. If you are going to let your suspicious run wild, let them run towards Jennings."

The state later characterized the words as "a desperate attempt to divert the jurors from Fehl."

Both Attorney Hough and von Schmalz made sympathy pleas for Fehl, pointing to his grey-haired mother, by his side, and declaring "don't tear that blue-eyed man of German descent from the side of that grey-haired mother." Attorney von Schmalz brought all the dramatic power at his command in his plea, and Fehl and kin were deeply affected. So was the attorney, who wiped his eyes frequently.

"I am not going to abuse the sections," declared Attorney Hough, "but one of those boys is a moron, and the other—you can look into his future, and see the penitentiary."

Claim Political Plot. Both defense attorneys charged that Fehl was "the victim of a political plot, and he has to be put out of the way."

They stressed Fehl's activities to aid the unemployed last winter, and the "high esteem in which he is held in Jackson county, having a plurality of 1800 votes over all candidates."

Attorney Hough lauded Henrietta B. Martin, president of the "Congress," and Ariel Burton Pomeroy,

active in the organization, as "woman of brain power, and if they are a sample of the membership, I want to belong."

The chief defense counsel also declared the defendant was a man of loyalty and gratitude, thus explaining his association with Banks.

Gratitude. Assistant Attorney General Moody in his final plea, declared:

"They speak of the gratitude of Fehl. There is the case of Tom Brecheen, who Fehl testified was instrumental in securing a \$5000 loan to save Fehl's property. Brecheen has rotted in jail since the day of his arrest, though Fehl secured bonds for himself, and several of the others. That is his gratitude.

Other outstanding points of the state prosecutor's address were: "The collateral for the \$5000 loan from J. T. Thomas of Ashland, that Fehl testified Brecheen aided in securing, was the appointment of Clark Thomas as assistant jailer, and John Glenn as jailer. Fehl says they were temporary appointments, but the money was not available for Fehl until the appointments had been made, and young Thomas and Glenn were on the job.

"Council agrees that no needy person went away from Fehl without aid. It is easy enough to be charitable with other people's money. Banks guards were provisioned from the commissary on Fehl's orders, and they were housed in quarters, at the command of the Fehl rental agency.

Why Did He Flee. "If Fehl is innocent why did he flee—hide in the rooms of his attorney—while officers were searching for him. Von Schmalz admits it. It is not the duty of an attorney to hide his client, but Von Schmalz is proud of harboring a fugitive from justice. Esteemed counsel has a different sense of ethics than myself.

"They have told you of the high esteem with which Fehl is held in Jackson county. If that is true why did he insist upon a change of venue from a county in which he is held so highly?

"A man by the name of Beckwith or Beckworth, who claimed he lived at Central Point, or some place around there, told this jury that at 8:30 o'clock he walked into the auditorium and secured a seat, when you could not have driven a flaxseed into the place, it was so crowded. And, while seated there, he looked around and saw Phil Lowd, a man he did not know then, he admits, but could remember his face eight months later.

"True there was agitation in Jackson county, as defense counsel says, and it was inspired by Fehl and Banks and their like.

Care Not Necessary. "It was not necessary for Fehl, the county judge, to hang around the court house, to turn off the lights in the auditorium. Janitors were hired for that purpose. He did not turn off the lights on the rostrum where sat Henrietta B. Martin, her father, the secretary of the 'Congress', the witness who said the membership cards were destroyed on the day the indictments were returned, his wife, L. A. Banks and L. O. Van Wegen. Does any member of this jury doubt that this group knew the ballots were being destroyed and stolen, and that they were waiting for a signal from Jones to go to their car in the rear?

"There is reason to believe that if the ballots had been counted, Schermerhorn would have lost his office, and the title to the office Fehl held would have been in doubt.

"Witnesses for the state and defense have placed Fehl around the

courthouse at a time he and John Glenn swear they were in his office talking about a loan.

What Did They Do. "Fehl, Jones, Schermerhorn, La Dieu, Ward, Brecheen, Croft and Walker and others attended the meeting in the county judge's office between five and seven on the evening of the robbery. They were making out bonds for L. A. Banks. Any typist will tell you it can be made out in five minutes, but they took two hours. We will be liberal, and give half an hour, as they claim. They have not told you what they were doing the rest of the two hours.

"The defense is based upon half-truths, and a half truth makes a whole lie. They tell you of Fehl's aid to the poor, and stress the fact that John Glenn was acquitted. The state now tells you Arthur La Dieu, former business manager for the newspaper of Banks, and the rendezvous of the county's Banks guards, stands convicted. That Walter J. Jones, the mayor of Rogue River and generalissimo of the crime, stands convicted. That Sheriff Schermerhorn stands convicted.

"The state of Oregon is not seeking vengeance—but it does want justice in full."

FIND FEHL GUILTY BALLOT BURGLARY RAPID FIRE ORDER

(Continued from Page One)

been reached came as a surprise, as it was expected the deliberations would last at least an hour.

Spectators were barred from the courtroom, to prevent any demonstration. An air of expectancy filled the place. Fehl sat grim and glum, with slightly bowed head. His kin, watched anxiously, as the jurors filed into the box.

Walter Locke, Klamath Falls auto dealer, was foreman. He handed the verdict to the bailiff, who handed it to the court.

When the word "guilty" fell from

Gilmore Initiates Travel Service



A travel promotion service which promises to bring wide spread publicity to Oregon and the entire Pacific Northwest has been inaugurated by the Gilmore Oil company with the placing in service of the Gilmore Scout car which was a visitor in Medford yesterday. It is planned for the car to cooperate with chambers of commerce, newspapers and other civic agencies in the gathering of travel news, according to C. W. "Chuck" Ellis, local Gilmore manager.

Pictures and stories obtained by the car will be distributed to newspapers of the entire Pacific coast by Gilmore and made available to Associated Press, United Press and NEA for national release.

The Gilmore organization was instrumental in obtaining considerable publicity for Southern Oregon this spring with the opening of Crater Lake park.

made out on February 20, a few hours before the vote-stealing started. This was the defense's chief alibi.

To Sentence Others. With the imposing of sentence upon Fehl, the court has announced it will come to this city, hear motions for a new trial on the part of J. Arthur LaDieu, Walter J. Jones, and Gordon L. Schermerhorn, convicted of ballot theft. If motions for new trials are denied, sentence will be imposed upon them.

Passing of sentence upon C. Jean Conners, vice president of the "good government congress," Wesley McKittick, "captain of the Banks guards," B. C. Cummings, whose ancient auto with the cheers of "congress" provided the noise to drown the sound of the breaking glass window, Earl Bryant and James D. Gaddy of Jacksonville, who assisted in the destruction of five ballot pouches, and C. W. (Chuck) Davis, all who have entered

pleas of guilty, will be made as soon as possible thereafter.

Disposal of the cases of Oliver Martin, and J. Croft, "the man in the horse hair coat," will be next week, at Klamath Falls. The pair will be tried jointly. Claude Ward, brother-in-law of L. A. Banks, has asked for a separate trial, and will be tried later.

Others Up Next Week

As soon as Judge Skipworth concludes all matters connected with the Jackson county cases, he will return to Eugene, and take action in the east of L. A. Banks, convicted slayer and local agitator, who is said to have enjoyed many liberties, since his conviction May 22. This ceased a week ago when Assistant Attorney General Moody directed the sheriff of Lane county to keep Banks incarcerated and not to allow him any privileges, other than those accorded other jail inmates.

Three months or since May 1, have been devoted by the authorities, to clearing up of the cases arising from the Banks-Fehl inspired turmoil.

At the October term of the circuit court it has been announced the trials of Henrietta B. Martin, president of the "congress," charged with riotous and disorderly conduct, as a result of her attempted buggy-whipping of Leonard A. Hall, editor of the Jacksonville Miner, will be held. This episode, the state says it has evidence

to show, was planned the night before at the home of L. A. Banks.

Brown Awaits Trial

C. H. Brown, secretary of the "good government congress," and father of Mrs. Martin, charged with slandering a bank, will also be brought to trial at the next term of the circuit court. Both cases will be tried by the district attorney's office.

It is also expected that both the Lane and Jackson grand juries, will investigate at least one angle, arising from the Banks murder trial, and the ballot theft cases.

There still remains three "John Does" indicted for ballot thefts, whose names have not been revealed. One of the "John Does," is listed as the "yell leader" at courthouse demonstrations, and "grand assemblies" in the Armory last winter. His present whereabouts are unknown.

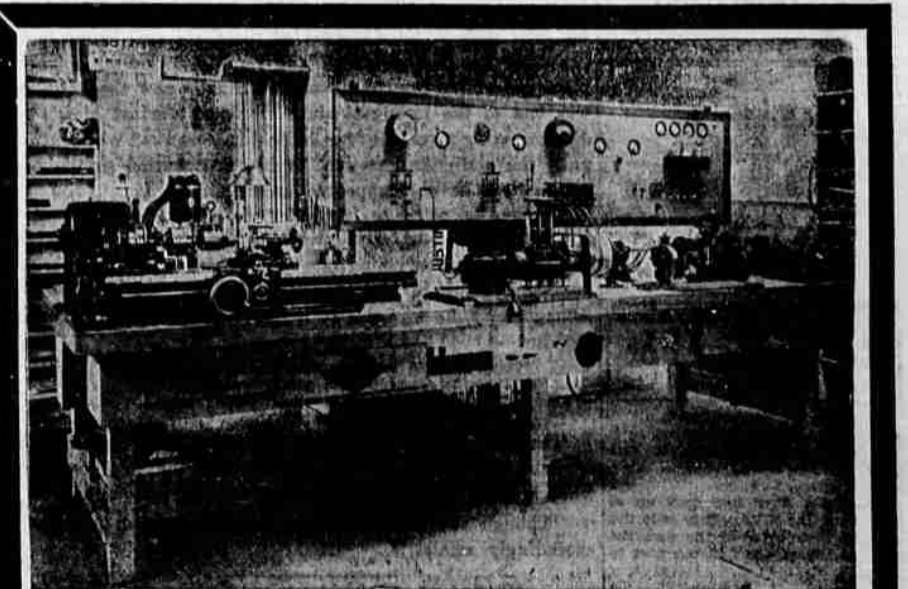
To Attend Convention—Hundreds of Medford citizens will go to Klamath Falls for the 15th annual state convention of the American Legion. Not only will the local chapters of the American Legion, Ladies Auxiliary and "40 and 8" society be well represented but scores of other local people will be present to enjoy the big 3-day celebration program. The Klamath convention commission is extending a cordial invitation to everyone in southern Oregon to participate in the festivities which open Thursday, Aug. 10.

TURRELLS VOICE APPRECIATION

Wishing to express to their many friends their appreciation of the kindness extended them following the death of their little child, Mr. and Mrs. A. E. Turrell yesterday called at the Mail Tribune. They also voiced appreciation of the many lovely flowers brought in remembrance of the little one, of whom they wrote the following poem: "The little crib is empty now, The little clothes laid by, A Mother's hope, A Father's joy In death's cold arms doth lie; On little pilgrim to thy home On yonder blissful shore, We miss thee here But soon will come Where thou hast gone before."

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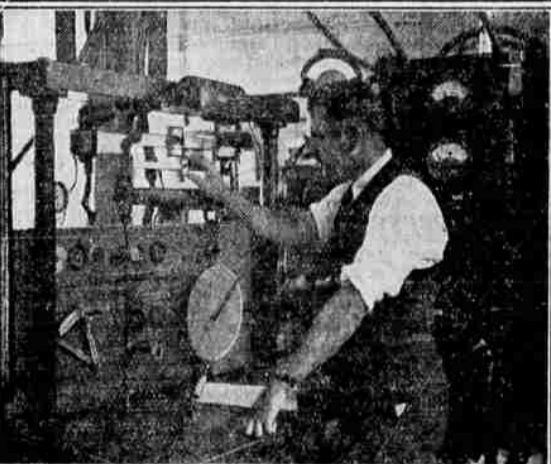
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"Hill That Has No End"



Charles Becker, superintendent of the motor testing laboratory at the Avon, California, refinery, where Associated Oil company perfected its new smoother and quieter Flying A gasoline, demonstrates the use of the elaborate dynamometer which, coupled to an ordinary modern automobile motor, can be made to simulate any condition of load from a never ending hill to a smooth highway. By means of this device Associated Oil company engineers developed in the new Flying A fuel whose performance is claimed to come closer to that of Ethyl gasoline than any other non-premium gasoline on the market. The dynamometer not only produces on the test motor every conceivable condition of motoring, but can be made to simulate even more grueling conditions than are ever met by any car on the road.

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