The Guitle art of Rape

Sep. page.

Old Dor Parsons, for many years our town's busiest unlicensed abortioner, when once asked to define rope, Imade this assesses: "The wrong man."

Others have defined it as the height of bad taste, but bath schools of thought were overruled centuries before by those old English judges who, since at least from the reign of James Frist in the Indefth Century, defined it as followed: the carnal brawledge of a warman by force and against her will. That definition, with only slight variations, privales in our law down to the present day.

Can a man legally be canvicted of the rape of his own wife?

you have doubter learned your lesson by now and will probably trysule yes. In this you will be right but probably for the wrong reasons. The ease has been convicted of the factive sole rape of his own wife, Lord Hale decided that centuries ago in a quaint dictirm dwarg which he said: "But the hurband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this has had unto her hers hurband; which she cannot retract, this has been the rule in the United States since an old massachuseds care

decision

handed down in 1857. But histown

But Ford Hall the contrary, three have been

snecessful prosecutions in this eventry against a husband
for giving his wife a veneral disease or for enforced acts
of repual pervenience the her. But these were not of repe
cases, but rather prosecutions for same form of assault
or under statutes defining and prohibiting acts of gross

indensey and the libe. The only case found recognizing the
possibility of a husbands quilt of rape upon his forge is
a fairly recent English one where the husband wife had
previously obtained a judicial separation (not divorce) order
providing that she need no longer cohabit with her binshaud.

The court threw out a dictum that in these circumstances the
husband might be girlly of a reperipon his own wife.

So while a husband may, without crimical licibility for rape, physically force humself upon his wife regardless of her wishes he may not force intercourse upon her by another mans of he does so he may be equally quilty of rape along with the other man again old Fork Hale corner to the rescue: hew page. New page Here capy A to A from Jage 1023 af 84 a LR 2d.

a the foulest of crimes and that hew page His Lordship cited as his authority for this proposition Lord audley's Case, decided in 1631, where the husband, having forced his wife to submit to So we see that a husband may not only be held quilty of the rape of his own wife, however obliquely, but cases have well the historial brushed held him the guilty sven though to the husband brusself was physically impotent. All of which brings us down to Chapman's case, divided in michigan shortly after the livil was, and theoretical by one of the deciding justices who sat an it as that case which "seldow orcurs in a community showing more depravity, in the assured, is a greater outrast to common decivery and public marals. Since the case is not only one of the most bizone as the larkest Americall cases holding the husband equally quility of rape with the man he puts up to it, we will give it a look. Brace yourself.

4 new page Back in 1881, some years before the case broke, the defendint seduclely a 13-year old girl called margin Snith. Having got her pregnant, and presumably to wond the said of th avoid the ferils of a prosecution for statisting rape (that is, any intercount whatever (fixed under the age of causeut) he got her to falsify her age and married her. Rapidly tiring of both the state of maggie and of matrixing, he thereamed up a tocheme to get risk of her is the got a drifter called heagan to come live with them as a boarder. Claim were laid, the stage set. first bored & holesthrough the bedroom wall so that he could watch the proceedings when the day came. Came the big day and the defendant and his brother Orear took up their stations at the peepholes while the drifter Reagan advanced upon the unouspecting maggie in her bestroom, at first Reagon, who somew he was being watched, there tried the many arts of seduction, but maggie rejected him scornfully, Then he caught PLUCKY her by the throat and threw her down and, while she vainly fought him tried to fight him off and, shrubed for kelp, had his way with her. At the climax of this sorclid chance the husband and his brather Oscar burst into the bedroom the husband shouting, " now I have caught you."

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hew page

In chil cause the broken maggie dragged held way to the sheriff and told her story and the drifter Reagon was arrested and convicted of rape, But the country side still remained up in arms once the atrocity and the clamor granifing more in arms once the atrocity and the clamor granifing more in the authoritis mext arrested Jerry Chapman and his brother Oscar, charging them also with the rape of maggie Chapman, under a statute, common in most states making all persons aiding, assisting or abetting in crime grady as principals. The two brothers strad mute, pleased not guilty were intered on their behalf, and Wayne country soqually were intered on their behalf, and Wayne country soqually were intered on sensational trial in her its heatory.

come into the lead of the peared and told her story; how Reagon had forced his literaturation upon her; how she had rejected them; how he had best whom her down and raped her; how the husband had then in with his trumphant accusation; that when she saw her husband she rushed up to him epidenming, "Oh, clear, kill him!" but that he pushed her away and that the three men shortly left the house apparently an friendly terms. She there should told how three days lates she was send with choose papers field by her husband on the grounds of the accultory of his wife with Reagan;

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foresain ley the prosecution to tell his straight and it boiled down to this; That the husband Jerry Chapmon had solicited the him, Reagan, to come heard at his hause, and that if the husband could eateh Reagan in bedor, better yet, in an act of intervenies with his wife maggie (so that the husband over get rid of him by the husband over get rid of him by the found 25000 awaring her for adultry) Reagan wyned he paid 35000 and make you went in and rapes the wife the peep holes were bored, Reagan went in and rapes the wife had the herstand and his brother witnessed the rape fund his straights without morning a hand well that, as the wife had already toupid, at the crimial moment the two brothers hirst wife the busband each the two brothers hirst with the husband each the two brothers hirst with the busband each that the two brothers hirst with the busband each within her had already

The states evidence in, the defindant husband took the stand and plating in the defindant husband bargain was made with Reagan, but that on the contrary, he being jealous and suspicious of his wife, he and his brother hid in the bourse to verify his present in the adultry with - not rape by - Peagan; and that where he rushed with the room, he gradued a chair and brandshed it, shouting:

"I have caught you now right you the art - I have a motion to faralyze both of gun. Brother Oscar supported this testiming.

The evoline in the prosecutor in his lergument fromted and that withing three days after the commission of whatever actually took place the defendant, had filed does will af camplaint for divorce on the grange of adulting: that at no time did he lay a hand on Reagon or seek to prosecute him for rape or both of them for adulting. The all-make my pring tout that are retired had a smooth and whatever else they do out there and came in and pring their proposed firey braphisms quilty of the rape of his wife maggie. He husband firey braphisms appealed to the response came of the start of the husband from play

Shere Chapman's langer argued that Iven if his client had made any trangain with Riagan (which the husband at all times resolutely clemed) it was not for rape but for adultry, and that his mere presence in another room could not make him quilty of Reagan's molependent crime; that to be found quilty he would have had to manifest some act of assistance in the actual rape - of which there was no shed of evidence,

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all the argument; His Honor considered that the mere presence of a person of when a murder or a rape is being committed, without any previous agreement or consprincy " " will not ... I make him Jo. X quelty ... although by his suterference be might have prevented it .. (citing authorities) "But the case at bar is one in which aid and assistance were given rendered ... Reagan brien the husband so. was in the neft room, in sight of his work; and when the wife screamed and respondent did not interfere, he kneed that the husband was willing he should suscell I lyang means J. and so imparted to him a confidence in his unclertaking . . . By the lifting of a finger or the opening of his mouth he could have prevented the injury to his wife, but he did not do so. The judge paired and continued swenfully: LTake A to A an P 285 1

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The gide pend it on "he head with or abound of her that he earld catch Reagan in hed with or abound of her I as Reagan had totified " I he has blen wronged it was by ... the ping ... who heard... The testimony I and saw the cintuenced"

courtroom > at this juncture in this byane case occurred one of those bigaine happenings that sometimes tempts one to despeir of the the right around are judicial process; the supreme court let their hinder around are an a technicality that the witnesses at the prehoming of examination in pistue erus had not segred their testimony of Will hut Justice Sherwood, that is, who till livet screamed his discontinent in a scorching dissent - but all to me avail Jerry Chapman went soot fell, fresumating gut the divine, and - only pray - true to be a hundred and elighty sixylers old

In a vibrant and blisterning opinion he flegal enther expensed they then corrent gentelf fortingens enther a which I have sence added a few of new arms for calling a man a prime, unreconstructed bostard, "Who is this man that inquires whether technical justice has been done him?" he demanded in his opening salvo. "In my judgment a case seldom occurs in a civilized community showing more depresety in the accused, or more autrage to common decency or public morals. It is hard to concein of an act more ornel ... to the young wife, whose person, finde and chastily were violated and mongled, and whose hope, happeners, and life have been essentially distroyed, than was perpetrated by this will amon defindant, who is
now pleading for the advantage. I there I ... a behinsal
construction ... of the law ques him in avaiding ... his
erime. "He then but

Alas, the good justed might have sevidies

adjectives and wind; the defendant Jerry Chapman was let go,
shattered chied
fresemately divorced his broken was let go,
shattered chied
for age ple lived for one hundred enter years - with one
his legt perpetrology gheet to a feel hate watching other

men willisting themselve.

Was the last male in this camery who traspered to have a stranger rafe his wife of placeant low traspered to have a stranger rafe his wife of placeant low traspectures. There have been money easier quice then, miliding one recent one in Oblahomar so, overrepe and appalling our its incredible clitarly that to include it here might has this boak from the mails of the a fairly seems recent separ case a white husband, also wanting to get rider his wife, bargamed with a negre man to have at they while he sait in a tree and waited the Degre drag his wife out of the house and farcilly rawish her this time the convictions stuck, as it also did in an even more recent west beyonia case involving processed the same situation.) In an over his wife and a negro and ordered them to placetion. In an over his wife and a negro and ordered them to pand it is frience, the Megro failing out of fright, book, both were convicted of assault with intent to commit rape. List I be accused of sectional bias I may add that are northered

states have contributed some equally Dochoershian dandies to this glittering freet branch of the law of

rape.

Sep. page for the hat bloods of america; and perhaps I can best best guess as to what it might be moral: If one must eraul with the sack with a strange sluping woman, clarit have made any previous side deals with her husband on you may not and you may be but here commencing any hostilities, be sure to first wake her up. Then, when she murmars sleeply, "Is that you clear?" don't consume " Jes" but "Maybe" Following these simple rules may in the long run save you a lat of time

i case a se In a misouri case a physician was who pretest of medical treatment was affermed, The court saying; connection with a sort steepings warmon while she so aslup, and morpable of cunsenting; when no more force is used than is necessary to effect peretration ... we are unable to according it is not also rape for a man to have ... L'intercourse of the surface, when she is devake, but atterly useaware of his intention on In such case the woman is mapable of cumenting, because she has no opportunity to give consent than has a sleeping woman. Here the went ward off into a distum whish Musing the last the last the mission Mussimi and the last the hold for mule common law dening to of rape inspersanators quiting of rape: "There is just a merch reason to hold the ... I defendant physician] ... quilty of rape . . . as there is where he commits the act while the woman is on asless, or where ... she submits ... thinking such person to be her husband." Mussuri there might he regarded les a "sled-length" state to be an avoided his control section or imperiore their say that are conscious to the francisco or imperiore at all, because the comprismoing francisco no consent at all, because the comprismoing the resident has not consent the body; that the invital formation the body; that the winner to the consent of the part of the middlest has not medical treatment not request the treatment not request to the midical treatment not request. interesund, which was never in her mind. In this realm by recent diction, the Get to have a state with the first wind septish and,

Medling cosily in the legal indices between Railrouds and Receivers, rape has had a long, abundant and dishonorable career. The lengths to which men will go to satisfy their appetites and get themselves in trouble is nowhere better illustrated than in the realm of rape. In this essay I shall apploing a flive manyow furrows in this broad and fertile field of the law.

I hachit -chilling But back to this Westing case it the thing have have me have me and Salmost with the addled faultment to the addled faultment to the addled faultment to the total addled to the total addless to the with the addled facelonerian funtasies by of high Chivalry and vamohed glory and galloping and it is so cruel. I have brooded much about The case, I'd and I think I've found the dubrous rationale behind it - which gives menters comfort than before. It is this; There have been a few dictums and a rare case or two that say the husband cannut be convicted if the actual perpetrator of has been or is acquitted; this on the fairly sound legal ground when their once pichcially checked that the wife from as an accessory to an offense that did mut accurred A From here I speculate that the outraged North Carolina Court

Judges - outraged at what to white many hour hours

made happen to his white at the hands of a major to the writer of the court of the c formach especial the hersband for his betrayal of the circle that it (and still look good legally) that they it blandly sacrificed and shut their liges to the tollow and might marish plight of the terrificial mayor, a mere sacrificial pawn in the little themas game of honors and not only face law but planted take one allowant frightening miscarriage of platein they was allowant the finding the honor of hundreds I should the reserved for this look; the hundreds I should the reserved for this look; the finding the reserved for this look; Worse even than the old muchigain Chapman case Cubich follows presently & There seems to be something about rape chelplessness and their real goal, that stimulates sour decisions A Norit you see? They couldn't let the hegro off, clespite his obvious lack of criminal intent, begause then they

"Gnoch arden" Sep. Dages strange realm of rape by sont husband - unpersunation (strange enough to make the plot of a had novel) was a 1426 Scottish case decided in 1926. In 1918 a Scottish war bride called marguret anderson last her husband, a member of the FUSILIERS Ruyal Scoto Fusiblers, in action in France, and he was officially reported killed in action, In allesgow. Overse she remarried to a tilleam Bafter of flerogow. August 1925 a strang showed up and send he was her "late husband, Sames anderson; that he had in due of the Strmans and they recently then another attended to Strmans and they recently then another attended to Strmans and they recently then another attended to Stranger and so convenied her that out the spot he embedded her to statute was In fact the man was an imaginative called Mantgomery. He was episting in moderled for rape ingles a statute similar to those of a man who induces a married to engage hun lig un personating her husband shall be guilty of rafe. The different montgomery objected to the violetment arguing that & since she woman's married to Bapter and the had improved a clearly many that the had improved a clearly many that the had improved the indistinct he was her husband, and that her second marriage to Bayter was invaled because unocently begamous, and, while thus motaber; the lit with him, the statute was evestruction as some of the metaphysical that suspected from bestland in the fast and One suspected the firefer were consulting their prayer works rather than their law boulse to reach such a tostured Stramed result -- and one sure this regardless

though scarcely either rape or redivocating trafe bundling, This moderately well-travelled participant in and observer of the human comedy finds its rather moredible that liver a faintly virtuous woman her could for long mistake another man for her with and secret. I would specially that can occur between the seper share Is it thereof possible that the Ithas judges share some of my skepticism and their the Ithas judges share some of the past their faith their facility destile their they consider what they consider well intentioned but her what what they consider a wind intentioned but her consider what they consider a wind intentioned but her of the legislature? Could be could be Cor standed swindrelly lishawin of the bal Cor standed it be two good?) actor Montgomery. As real interded, weirded in the law of rape.

news. In this realm of rape by frand one state detects a greater tending to convict when the "consent" to vottreourse is is included the by the warman thinking she is submitting to something ather than activemed voice culture) than when she "consents" to the act of intercourse but for fraudulent reasons (that the man is her husband such as phonly marriages or husband impersonation, new p. cases going itherway, In England, the law is still so imsetted, with cases going that that the girls or innumerate soon depend, and upon the state of the judges livers reather than as the state of the low, it seems

(men york reme to be Odna man legally be convicted of the rape of a willing woman who erroneously thinks he is her husband? This time the answer is neither yes over no luc maybe; it all depende , Once again definition is in arder, and I repeat that the classical definition of rape regiones that the intercourse be accomplished by force and without the consent of the woman on states where this there can be no rape where consent is given, even though the man activity impersonates her bushands It is the lack of force that prevents saves the man in these setustions, and his fraud upon the woman does not supply it.

hew England, after floundering a let in some early fraud will not supply the necessary force to make the collision rape. While not precisely on our question where the woman truits the man is her husband) & the English Court in the famous (or informans) Chourmoster Case, healt that where a chair master had intersource with a chair master had intersource with a " siptien-year old girl in his choir by teamy her that I am guing to make an air parsage. This is my method of for rape was praper, Presumably Welay he wanted go free.

for rape was praper, Presumably Welay he wanted go free.

has smit (I & Hargarted Ireland rejects the prevailing view that a consent obtained by france is any consent at all, and in (889 consisted & husband impersurator of rape. By late action (1958) Australia seems to be falling in with the Auch view. a minority Some of our states have special statutes New P. making interevense obtained by fraud or by impersonating the husband rake, but even in these states there are Cases gung both ways, and Tefar is esperially regorness in demanding that the strategen, be active and not a erroneously thruking the steen her husband). Thus in and old Separa case two married Warmen were arlies in different beds in the same room, watering for their flausbunds to came home. Ed buffman come home first and gut in the wrong hed, that is, in the hed of his friend andrews slupping wife, Fannie. as Jannie testified later at Eds trul for rape:

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[Here followed some talk pabaut whether her bushand had gutten some graceries she had asked him to get] New " Us sown as he got in bed he wherpend in my law and said, "Tuan over, Fannie." I Chougat it was my husband andrew. .. Before I ... turned ones. The behind ... [Then I I heard bis " " L'defendants] ... wife Florence say, Ed, what makes you treat me this way? and I thought El was in heel with her, and that she was talking to him about being so late, When she said this ... Ellfendant & removed stopped or and lay over an his back still for a moment, I still thought it was my husbrand threse with me and thought he ... I stopped to because I'll he did not want Ed and Florence to discover [us & having] ... intereunse ... (They when Florence I spoke again I and defendant began to get up I derewise it was Ed Huffman ... und not my bushand " o and I spring at him and beat him and abuned him every way I could , as El said he had made a mustage and gut in the wang bed. His wife said, no you didn't - you have lived with me too long not to home the defperince between me and Famile. ander the statute him her tourstand of make it rape. (One cannot escape the notion that the court simply could not believe that Fannie client know it was not her man; in any case, there it is.)

settling down to his In the return touching That there are limits leven & Texas is shown by the rather touching earlier case when Henry Lutbetter Mrs. Womach awake are night to find a man in bed " with and upon her attempting to have intresense. "M. Evonach? she respectfully "yes, he replied, whospered in reply," How is Grange young?" she signied " albert like he was," Came the whispered reply. "What time is it?" she inquired;
"I don't howw he replied. "I cloud believe this is

mr. womach "she replied, an whereupon she fushed limi

away and said product see who it was, He gut out of bed . . [and went for the back door ... I followed lim and ... by the shylight town Jooit was ... Henry Ledbetter. " I at once halloold and said to him Henry Ledbetter, you vile writch, you shall bay for this with your life! Since the defendant was convicted of rape, and stayed convicted, and rufe is a capital just may have been right although the report dues not say. But if there do any essential difference between this case and the Auffman case it is so suttle that it has totally eluded me of

and most appresine RUdolph The Red-FACED REPORTER and laughed and goofs we run across in newspotes - "Reversed of the three stages of man - childhood adolescence und adultery - gand occasionally list - selling books have heen glied together of the amising ones. But not all south goofs have been quite so hilavious to the people immedialely involved: to the reporter this paper, or to people readers claiming to be but injured by them. Jake the sacrafi some of the bitterest litegation ni the books has grown out of these is immountly careless and "amusing" guops. These the case of Minnie Hatfield of Hutchuson, Kunsaso

minnie Hatfield, spinster, church-goes, closer of and composed herself to read the Sunday morning edition of the Hutchinson (Hames) Guzette. a headling caught her itm eyes, "Raided Rooming Hanse and she read on, "Sheriff Scott Sprout yesterday raided the rawning house on First avenue toest, conducted by Ruth Newman. Sur girls, Bess Stolen and Minnie Hatfield, were charged with being immates of an immeral house, and the newman women with running one They were released on \$500 hail." was understandably not amused.

Minnie Hatfield felas rocked thaughtedly for a thoughtfully. She bouler that her family well the only Hatfilles in town and she the only thatfuld minnie to he had perpetrated this eruel joke and wely? The carefully grimly folded the newspaper with its offending article and marched down the street to see Langer Wellsamo. next day mr. Williams called at the offices of the Gazette with the oppending article, white was the meaning of all this? Who had done and why Fone has to woman; magine the horrified scarryings that went on after that before it was discovered that a young reporter, a new a seen Sheriff Sprant Suffere the newman place was tipped over and been given the names of the "girls" but had minnie Olson, for minnie Hatfield no What can we do? Well correct it tomorrow and also run an apology. Lawyer Williams promise nothing and went away. The next clay the Sayette rem the article again, this time correcting the mame to minnie Olem lux there was no further applanation on apology o In a few days the Sazette Printing Company was served papers suring

it for a small fortime in an action for libel and great for fine for for for great and In her declaration minnie Hatfield attiged that the language article of that it her greevenues length in was untrue that she was as had ever been the summete of a bawely home; and that the affecting article had caused her great mental anguish, humiliation and injury to the time of the farmanner she claimed. The Gazette had retained Smith and & Smith denied everything; said the article did not refer to the plaintiff; that moreover the whole Throng was an minnest mistable that her her corrected; that in fruids wanted be the first to former that it could not possibly theme han she Thus the protest squared away for their continua battle, including the fact that she was the and minimis Halfield in town my Certain of her friends and neighbors appeared on her hipary and the there are they have one mention for general their hard or was visionty linking and they have they have one with the for year was a visionty linking to the first that it was visionty linking to the first size of the fir that Arimie Hatfield had ever been anything but a comment of good works sind imblimited vartue The newspaper then had its turn, and through the young reporter testified, that the whole thing had han an imminit mistable; that he did not know minnie Hatfield and had no intention of hurting her; that the cleabalis mustake was just one of these things ashed for a period in minnie, through her lawyer ashed for a periodicy instruction to the periodic this meant that since to the reflect, that since mo guestion of law or fact was involved, the periodic should simply retire and assess damages it would award minnie . At this princture one of the Smiths of the law form of Smith & Smith arise and pointed out that the State of Kouses houd a statute that provided that when in difamating cases the defendant denied (as his chint had denied)

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that the offending matter was spoken or published of the planetiff "the plantiff must prove at the true the facts showing that the defamatry matter was spoker of him; ris other works that minnie had not proved that she was the whore lady referred to and that accordingly peremptory instructions were to be given it should be to find for the Clifendant, which he required.

The trial judge found himself in a delemma, not only had he never confronted with move topoe, but the Supreme went of House had never before his state what to do? the perpleted judge sighed and made his heat quess; he denied Minnies motion for a peremptory matruition and outmitted the ease to the girly on an instruction frethy much our court with that suggested by the defendant, The girly got the message and promptly found for the defendant newspaper. Minnie kansas in the course in the course in the course for fistes to the supreme court, where this for fistes Johnston delivered the imaminum apinion of the court.

> The publication in plant terms specifically changed the planity, a single woman of unquistioned character and reputation, with unchastily and immorality, "His Honor belimite, began. as the imputation was centrue, malice is infired, and of itsuf constitutes a libel ... The only spouse is that a mistape was made ... This is not a valid excase. The imputation was just as hurtful as if the writer had been acquainted with the plaintiff, and had intentionally applied the charge to her ... There is no spense for a false charge of unchastity and mimorality ... and one who makes it ... close so at his peril."

> chare. Plane words, but His Honor still had the statute quoted by the defendant to get around, "and he moved to that "The provisions apply to cares when there is indefinitions as to persons defamed in Here there is no undefinitives. The reference to the plaintiff by name was

had the

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specifio; plantiff was the cely minnie Hatfull in the city . .. The judgment is reversed, and the cause remanded for treal as to the ansunt of damages to which plantist is entitled," Thile the case is one of the earliest on its facts to be found, anywhen he wrong to conclude that New Page Chief firstile Johnston's stern words had so terrified resident went away, to reporters that they never erriff again the fact is that their are closers of such cases in the books, and this is not countries all the many more cases that were settled by a molleging tondered or polocy or money, or were not appealed, smile it is only appealed cases that "get in the books." The prevalence of libel actions against neurpapere probably lies not in any special malevolence by remarked personal lust on the way from the fast that fin their nature was see must be written an the resal, often by lensy and prescupped reporters adjusting and prescupped reporters adjusting to check their stories sources, But all this right excuse, and perhaps this the reason for the popular picture of the cymial and sheptual reporters are that way, and their quellebelet, is sometimes touchie, to bethald. Take the case of a young reported called who were worked for the falled former Gordon Bennett an the old new york -

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Niew page

a half-chemben moreher had blow picked up for vegging when young arrived at the former to do his daily stint. The man had given his name as Palmer and a freewilly polisionen to a good human intent story hurbing behind too seedy effective. The reporter to the young reporter that there might be a good human intent story hurbing behind too seedy effection. The reporter talked to the add man and was promptly minched to make for his pains. Divillusioned, he tried to full away, but the old man persisted. I file human reporter an expensive human intensive stories the young reporter an expensive human intensive stories. And

Clutching his scrop to his bosom the young reporter raced back to his desh, writing furiously, and barely filed his story in time for the early eletition, In a burst of Creation he even wrotte the headliness.

the manner of its time. "President and Passon, "this hetalline produceds in the Speculator Dissipates a Railroad Magnates Fortine," it watering, "In a Police lower at Last," They His receders them hosped to like a competent reporter her "Policeman Then in his private a former wealthy impluger."

Then in his lead paragraph he gave a

glowing account of how an ald tramp called Palmer - - this was back in the days before trumps became women - had been arrested that clay for begging. This done, he soured off with the wind blul yander.

WILL THE REAL PALMER PLEASE / STAND UP? - looking One day All young newspaper reporter assigned to the police an atturned of sudy old who had just prihit up for legging farming a good human interest story in the will man, he saught and gamed formission to have a few words with the old man alone. For his pains The old gentleman tries to moveh him the reporter for a chink and discillusioned, the reporter treed to pull away. The old man promoced the reporter an exclusive and real it good story about himself of the reporter Cume across. He Curs His currently aroused and his theret for news whether, the young man relented, some come passed, and the agel monther, true to his word, gave the young reporter a very moving human interest story molecol. The young reporter raced back to his dish hugging his little seros. called Palmer - this was back mitte minities light tramps became your reporters and called training for the day for hegging the then some your sound of fresident of the De Kalli are one time was the persident of and at one time was the persident of a bank in that city. He had a charming family, an eligent residence an De Kalt avenue, and was posiculty considerable wealth, We speculated in cotton and lost everything, and then took to cloub, be has for some years been don't to his ald friends . . . He is not doing anything and has no means, and when arrested was trying, to rease a drink to brace up his shattered system.

a moving piece it proved underd, especially to New PAGE the real Thomas (not Edward E) Palmer, who had Invising been president of the De Kalt avenue Railroad box eight years, the only officer of railroad by that name, und who All lived with his wife and formidy on De Kall- Corner. Soll Sund war, and fames Gordon Bennett presumably personally fired his gullible young reporter. in this way The case shows not only that norspapers in this way The case shows not only that market is all it is good at their peril, but low their that was clone in all a minerally as the result of the movement hard. that still is no defence (false information from an invelocable source is no defense, is the way a judge might please is). The ease also shows that ascripanies in the name of the person libelled (here Edward E. and Hismos) so no defende if a substantial number of people believe that the for article referred to the "real" former president of the De Kall avenue Nachrouse This reme sound as it is passible, as many cases grave to libel a persun without mentroning his name at all.

if shown, its presend, The most that "ninvence" can do for the briches nempaper in passibly to go to milegalian of damages with juris, But juris in defamilian and shown themselves, motoring from publisher in these build of cases of at least as far as their resums themselves, at least as far as

Sep. Page / - Framely, newspaper like by mistake -that Decisions in this rather narrow furrow of the broad field of the law of defamation have sharply dictined in recent years, as they have dictioned this may be perhaps he credited to better editing the three, the fact that the prevailing law being what it is, most of these cases are settled by newspapers (or their insurers) before they came to trail, But human nature being what it is and newspopers during hat they are it is not too returned to predict their wheat whe of these telass that grand - need of thattee minime Hatfille - absence I did not say grandlauguen will be sung stome other, over glabour yeng Spinster reporter for planting her in a bagnico

New page Over sixty years ago the "real" annie Oabley of Buffalo Bill fame, was This living " annie Oapley farrested, Famous Woman Rifle Short therested Locked up on Larreny Charge in Chicago: Jake A to A framp. 1280 Of 3AZR and on appeal the federal court said that article wanted from the mens as a the article wanted from the mens as a lawer court in I have person intended. Yet at the subsequent truit the newspaper showld Newpage That a person calling herself "anny Oak Lay" who was in fact herself an expert rible shot and had performed with dody's tried West wild west show, rum by her freshand SF Cody (no relation to Buffelo Bill) was the plane arrested. Neverthtless the real armie Oabley wan, through in a east bused upon a reprint of the same article in another east newspaper, it was held that she consider no grand for in these another gives formed for your funder a general mornidam that they would find furly formed for the defendant. which is probably not the preventing law on the subject or very good law.

As was substantially said in one early case: "It is not necessary for a planitiff to satisfy every description given in the libel, as atherwise one might libel with amperially by adding to a description which everydready would understand one which did not appoint to the person I defamed." In fact where it is plain from the main thrust up a newspaper story that only the plaintiff was intended, many courts will so instruct the pury as a matter of law. This business of how the fury is instructed if often crucial in any case, upscrift, in defamation cases. There is ablest hereif from that and

To take a simplicer ample, Den local newspeler cenetes a cute article maplying ofulf treature Libels, of course, may of of some occur Source persons in without where no name are mentioned of I write that the Anager to say town went on a four alarm bender, and was puched up for discretely conduct in or the newspaper is in transfe each earlier mentioned, the real President Palmer would Claubillion still have had an action if his warme were, mut, mentioned so long as the closeration athermine fit him and not anyone a library class, Which is a mire all awayers of sugging that had libels may be him description as well as by norme.

religionales In playing through these old feares there is New page courts were going to plums for accepting innocence of the mistake as a definite the libeld by mistake of the jury to that leftert. Thus in an old massachunette case (1893), one of the villest we have found, The offending article said that "H. P. Hanson "had been arrested, wherful in fact an "A. P. H. Hanson "who lean arrested, the treat fully, in a non-jury case, found as a fact that the libel was not published of and concerning the plantit, the Permit species fine to fame to sustain the ruling a a real chos hanger. up an illustrioin career on the Justice Holmes (this was before he mound to the U.S. Supreme Event) dissented so elequently that it may mut be excernic to suy that about single - handely he chaped the law to the its project form, namely, that wen an unweint mistake is not a define to a little of this sort; fruit; that, as an English zeroly were phrosed it, "the maning is not what did the defendant mem in his army breat, what what did the words mean in the tationale of totalther an ordinary sensible header who brew the planting. As a new york court following the house the planting. In his brotonic description of the historic description of the true intent of the publisher ... is to be gathered from the ... article, rather them from what the writer subsequently says was in his mind, innocent parties may suffer unthout reduces the members of america have worked to morninate this may replain why the newspaper of america have neglected to morninate Olives wender Holms the became their patren saint

prosented Serice divarce has become one of our most popular indoor sport the law bashs arridingly bulge with cases wherein the wife or her detective have present the Must of these clamin for fees have been successful for the reasons noted, although some ligal solutars bemion the but for the additional reason - according to some cretical legal scholors - - That our & steverel judges too often adopt the punitive role of avenging advocate; that their decision are shot with fall sentimentality and gallantry; frequently invealistic that their anuel veneration for Wammhoul seems to increase in writers proportion as this Hands they comeine that a farticular warmen however freedy her demands, and put upon " If you you can that scandalous and average judicied largery brown judges acoasimally quen their fellow males a break; as awarding almany. Horvever as that may be, not all of these claims for detective feld have been successful; sometimes the shadow has been is left holding the bag, as it were. Consider the care of Langun's Detective agency versus Cochrene, 240NY 174, 148 ME 520, 41 axe 1432.

graph 66 + Traditioned Critico of this distinction between barring lay quile argue that the distriction is as illogical as it would be say to hold that to wrest a man's purse away is robberg and bad while to swendle him out of it becomes in vertures and good Eland as Equally Ward lease "False analogy, "the critics of these critics comes back, "the critics of these critics comes back, "the in judging the admissibility of a confession the Amone consideration is sets prebable solvatorories and buthputased that shough the taritable is not so much the means used to extract it but the effect that those means might have fell on the policytariness and truthfulness of the confession the thing wavel be the distinction between gaining a woman fever by force rather and it has writer the one being rape, and married only revulsions the other today relations which means only revulsions the other today selection, and order which means the time today selection, and order which means the time today selection, and order way enough the order. Still "Strint cricket" the critica fight back. " men represent the line should not break it into "Sheer Bleeding heart of the form Bleeding heart of the free their opponents retort," Look the true heart of the distinction is this; if you beat a confusion Shelly Bleeding heart out of a man be may confess to anything he thinks you want to hear simply to get you to stop beating him This is what make his fauterein unvolving and from the also antituted also intrustworthy. But if you trick a confusion and of him it still remains voluntary and, smie men rarely stand likely to be truthful. see. But back to more police stratagems. Jage F plus

One night at dusk the tent of Old Man Garrison and

his daughters was invaded by a strange visitation: a

troupe of shouting angry women. These women grabbed the

old man, dragged him from his tent, beat and whipped him, Ruel wound

winding up by cutting off his hair.

Man Manuson saught and the shouth

and more out a

and man warrant, which

In due course, a group of young men in the neighborhood

was arrested in connection with this odd invasion.

was arrested in connection with this odd invasion and charged with the crime of committing riot, contrary to an Oklahoma statute. This statute additionally provided that "If such person...at the time of the riot...was disguised...he is punishable by imprisonment in the penitentiary not exceeding

ten years and not less than two." In other words, rioting was bad enough

but he cle so made while disguised was a felony.

In the supreme court Mr. Justice Matson disposed of un essence this argument briefly, almost laconically, stating that it boiled down to the unacceptable proposition that "there may be no conviction...unless the participants are so completely disguised as to make it impossible to identify them; that is, a prosecution will only lie under this statute when it is impossible for the state to prove the offense. Such a dictionary construction would render the statute a dead letter." He after same further talk about the definition of "disquise," he affirmed the conviction.

Before commenting on this case, one cannot help wondering whether this old statute was not aimed directly at groups like such as after all , the state was still list them therty year the K. K. K. it seems to should have lent considerable Aforce to Jim Darneal's argument because, one gathers, those and the K. K. K. plugded und still generally worthies play their pranks while completely disguised. One speculates begist neighborhovel wonders also why these young men so roughed up old Man & Garrison in the first place. Was it a quarrel over fishing rights? Had daughters? Or had the whole thing started out as

daughters? Or had the whole thing started out as

misfired? The clase quies not a clue,

misfired? In propose from my propose out on my

some proposed in the subject of the proposed of the class of the proposed of the pr

if freedom can be; how it may

diffuls a simple word -- and region

The annotator of the

The (1 ALR 642) agrees

Condone the cowardly

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The annotator of the The case shows how precarious freedom can be; how it may often depend upon the dictionary. The annotator of the source where I found this odd case (1 ALR 642) agrees with Justice Matson. While I do not condone the cowardly behavior of Jim Darneal and his young companions that night toward an old man, I find myself disagreeing with the decision;

I think I might well have written to reverse. And I say this while passing entirely the interesting related what this was a rest at all It seems clear that the men was Moderate of some form of assault, but they were not changed with that but with Moting while diagnised.

in his apinion as moted, Justice Matson says that to follow the appellant's argument would render the "disguise" statute a dead letter. Cannot I de not agree. Fully disguised men, such as bank robbers, are caught and unmasked right along. Others are ultimately identified by finger prints or by confederates or by recovered some loot or by their voices or a limp or by other means. 2 thinks cases are said to make bad law, but in this case think eyle, mose, mouth and cheeks words, list I would have xexexxexxex resolved the doubt in favor of not making a felon out of foolish and poorly disguised young When a many face and fully exposed and he is south Young Jim Darneal. I further think that the dictionary bears me would that this Honor for the got all white mentioned and chaqued.

(Darneal v. State of Oklahoma, 174 Pac. 290.) drogwood, and worders wha Tate of and that His Hanor, passibly confused the that of being passibly confused the quite 6

THE SHORN LAMB Confessions are one of the delest, sweetist and most painless ways to clear up ermos, and in in the off age old war betralen cops and erminals for them. All that confissions need be, to be adminible in evoluce, is there they were freely and popularity given, without threats my freely and popularity given, without threats or dures on promise of several. no rubber hoses, no third degree inquisitions, no airy foromises. The police repioly got the message, and their resourcefulness over the years in getting defendants to confess crimes moment to yenkee ingenity & they have used or concloned the use of sortually every subterfuge. uncles the sun to get there man, and if you can Antique dream it they have probably done it. Here is but small list of some of the strategenes that prolice have used to get suspected criminals to "come cleans: by pretending to have exciting against the accused that they the not possess (proger fruits in a communa claim); thetage); by pretending that the appears (proger fruits in a communa claim); thetage); by pretending that the appears is for example, as it appears (that a murder viction, bed a driving "here are always of the accused bell all"); "spretending that an accompany had from the accused the accused; by withholding information from the accused (that strangers to the accused were their held as surprise for the same erime or, that, in our case, that an accused in fact of the presence of the accused were their had in fact caused the deaths of an example and rails had in fact caused the deaths of an examination for fremour). by disgrising ruformers as fellow prosoners (here the Variotaris are virtually indless); by using actual fellow presences to entrap the accused (ditto); the lavesdrupping, or concern by appears or third persons; by lavesdrupping, either actual or electronic (common and growing); on, far from effectivity the list, by opening letters written by the accused. Which last brings us down to Barber Wilcox.

1 , among those Of all the trules and professions barberong must begoing that most easily induces a among its practioners, parties minister cheefully weak and strong, the bald and hersate, the quelty and innacent court the property the grain well and beginning the strong the property to attend find surprised to attend find surprised. QUICK murderers. Jake the day Barber Wilcox visited Will Dunnigan in his cell in the Hilloclate county ful to cut his hair. The same just in different alls favoring trice on a charge of first degree murder, Dunnigen was suspected Dennique was being held an a minor charge, but the sheriff of und his men suspected him of having a fourt in the same homile. So when Barber Wiloux came to the gail to out arranged with the complaint to get what information he evill from the suspect and term it out to them. he suggested to Assumption that he in ministrations wife, more with whom he had them So ciclificating the application and religing them the helpful harber tigthe Dunnigan unite and delivered to the barber addressed to his wife. Then separan fundice the Burber Wilson instead turned the letter over to the short to Lapy A to A word at read?

now both from attively and litterevily letterary While the barbes was shearing Dunniques, he frattled on, as barbers are want, during which he summight that of he wanted WONT to communicate with his wife he, Wylcox would be happy to deliver her a message Dunman fell in with he handed the harber to hand to his wife this customer the harber to hand to his wife this and and lift, delivering the letter to the sheriff instead I have barters were philosophical Ittill Dermigay as well as philosophical, you set - there would be & other heads to shear at the thisolable county fail. Dear Mora L'the letter read !: (Danna: Copy A to A)

participation in the same homester and, wearing his new harrient, appeared at his trial and objected strinuously to the admission into hudine of the letter, appeared by the prosecution, claiming first that it was a privileged communication between husband and wife and that, in any case obtained by trieb and prand. His objection was evenually the letter admitted while Dermugain was convicted and sentenced to the send life and they faces on preson the appealed to the microgain supreme court and in the course, after the argument and briefs the.

Justice Brooks delivered the appeared of their wint.

"An examination of the record leads less to believe that the letter was the principal of not the only tangood evidence against the accused," fustice Browne legan. "The importance of our ruling in therefore anything apparent."

The good justice then proceeded to demolish the appearants claim that the letter was a privileged communication - on the grand that the communication have loss upon their contral - and then turned his attention to the heart of the case normely, was the course letter inactivistic because it was attended by truth and frand? will Dunmyans lawfor had duy truth and frand? will Dunmyans lawfor the fallowing language verwered:

"But they I confession I must be voluntary, and without any influence being exerted by the office, either of threats, promises, artifice, or durbos."

Justose Branks was equal to the argument

to be admissible While wateredly all jurischotions hold that confessions of quilt must be voluntary, At this growthere found houself bind:

- Pour Will Dunnigan was in a bind of a box:

if he clasmed what his letter was merely an

rather than a compars the ranging the rule, to prevalent achmission in most states (although the U.S. supreme court has since prevailing recently a cost doubt on it) that achiassois are most subject to nearly the same regorous restrictions on admissibility as are conflorious; my he clarmed that his letter was a full confession, then his goose was cooked if his argument against admissibility footed. But back to Justice Brookle.

"The use of artifice, Trickery, or fraud in inducing a compusion will not alone render such composition achinistible," the justice continued." If the artifice used involved a promise triding to include a false composition, it would not operate to special property of the trick, but because, line use of the trick, but because, line use of the trick, but because, line use of the trick confession had been secured, I citing authorities?"

1

Justice Brooke was really rolling now, and he pressed rapidly toward the diciscon. "Assym, these principles to the case under unsideration, it is apparent that the promise of tribox to carry a letter from the respondent to his wife could in no manner ... midnee him falsely to warmed his quitt. ... The letter was written by respondent humily and it does not appear that its contents were suggested by tribiox or any other person."

losing his affect, It was plan that will Dunnigen was losing his affecting shorn again, but the Hunor passed to deliver a little lecture:

(Take A to A, omething with Allipsis marks in the parts I have undertained)

His lectine over the pistice delivered his durision. "The waveture must be approved," With he declared. Will Durrigin had been shown again

of years in states formen so till ulie has languished an appalling munica his unu han cut, Munimulit tuil Dumgan, of he Dunngun he might have inorged from the use fuelle he superior has it becler where had down warming their pegerno about their right to wounder The much fresher their arts of file amandered by fruit are likely to give the whole show amay it they the in order to rother up around persons to take or benevolent unter decions or human huma what the ence personal by his former de dente former for for for the the the the same of the same same of the same same of the same of the same same of the same of the same of the same same of the same of the same same of the same same of the same of the same same of the same of the same same of the same of the same of the same same of the same of the same same of the same of an the upperturning of to estumicamical passed fractions to ou our end given a strang to do so before ticking ... - dut so) friend the so before ticking the rest at the new buck, the small be advent of the regret are entitle to me a lumber letters untering or the It will the U.S. inpum unit prucher shuttering and Jueur una to decend confrons abrupay of alleguily Sucheling in 19 6 4 the rumbings inpution (some believe the decreese re at heart from nowoon in

"This declaration and does not accurately state the low, "His Honor declared." ... The true reason for the exclusion of involuntary confessions that is, those obtained by improper threats or promises is that because of such threats or promusthe accused is led to belie that it is for his to interest to make a confission, regardless of its truth or falinty."

1 There is little doubt that the Occision in Duningon was sound law when it was made reached for was at least the prevailing law - and that it has been followed faithfully by most courts virtually clown to the present day. But for the deterior notion that the defects of a courts of the first the person of a courts of the frame that they firstice can trick a companion into configuration on affect break violate the maral law whilesenforcing criminal command law whilesenforcing criminal come from our federal cause. In 1964 they complete Distilly

* * *

There is little doubt that the decision in the

foregoing case was sound law when it was reached—or at least

was the prevailing law—and that it probably still is even

foregoing case was sound law when it was reached—or at least was the prevailing law—and that it probably still is even to this day. But there are signs on the horizon (and from the Supreme Court in Washington) that changes may be in the air; that no longer will courts be allowed reluctantly to admit confessions obtained by deceit and washer subterfuge—at the same time piously decrying the practice—on the traditional ground that deceit alone does not necessarily make the confession of the confessor untruthful.

Re-written X

for centuries

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THE SHORN LAMB

and most painless ways to clear up crimes, and in the

conflict

age-old war between cops and criminals, police officers

have naturally fallen in love with them. The that confessions need to the paint of the police rapidly given, without threats or duress or false promises.

Strong arm methods we cutting and without threats or duress or false promises. The police rapidly got the message, and their resourcefulness over the years in getting defendants to confess crimes while still keeping the police of the police of

Outhe struzius. PN all of them are bused on actual clisis, virtually allog them the confusion was hill admissible, and in all of them The deciding judge blevailed the mean used, diredintente souther distored by actual cas his quilty conscious apartial police Here is small list of some of the strategems that police have used to get suspected criminals to "come strate" slong with a few sparroles: clean by pretending to have evidence against the accused that they do not actually possess (incriminating fingerprints dady) is a common tlaim); by pretending that the offense charged is not by saying that a actually is as grave as it appears (that a actual murder victim, for to tehe one had "recovered" and would not press charges if the had been apologised and a musma accused "told all"); by pretending that accomplice was if in custody) caught or had a confessed or had incriminated the for example, accused; by withholding information from the accused (that in fact brown strangers to the accused were then being held as suspects for the very same crime or, in another case, that an accused, who was being held for removing and stealing some railroad rails had also from a railroad track. in fact also caused the deaths of an engineer and fireman were bulled m a subsequent wreck) & Live take mount A Start — by disguising informers as fellow prisoners (here the variations are virtually endless); by using assure fellow prisoners, to as stool pigeons entrap the accused (ditte); by pretended friendship or concern by appealing to the superstition (for the accused by officers or by third persons; by eavesdropping very either actual or electronic (very common and rapidly growing); or, far from exhausting the list, by opening letters written by Miss the accused. Which last strategem brings us down to Barber Wilcox.

I draft / Blesse. Foreword If men live by the rule and die by the sword, then the Law is the running record of manbinds will to surveye This book is an informal investigation of a few scattered pages from that amount

Formand Since of Sitigation like were there is no end, and since judges have rarely been notable for their reticence or brevity, and since a good bulk of their dilations wind up Imbalmed in books -- in the bound and numbered reports of decided legal cases that make up the backbone of any fourneymans lawyers library -, and since all this has been going on for centuries, pretty soon there unt going to he any place lift for the langer to set Hence it is that law reports are among the and locality and couplest, for perversity, mischief and rule, for accounted (fita) (glama) topells of compassion and of glama) topells of compassion and such glama of and rule, for greatness. actual

who greatness. It follows that these law backs are a great

who every legal case as the most absorbing stories on earth.

For every legal case as the most absorbing stories on earth.

Aroused, pulsing people fighting for something: for money,

for property, for power, for pride, for freedom, even for lifestind often, sometimes, one suspects, for the pure Jay of fighting. Out of this great neglected reservoirs. I have disintered a few cases

that have interested me and which I hope might, interest, he General reader. They make my look. Robert Traver

Jour 20, 1466.

Jour all cape separated by GR The Love hest The Dilemma of the Gladow marrage an the Rocks adulting is the classic granned for divorce of the more verticous making the nearly energy the some purisdictions the transland of granneds that seems industrial flating cruckers in led But adulting where it efists, still metalities for those cory pre-arranged little tableaus of infedelity, where the erring spoud and his in her complaint bedfellow obligingly possed for tracking slentes or consentently, stationed plays with the Love Neg- Raided in The BROWX! "Remember those tragaging and newspaper bladlines of yesterylar? But there is a certain quality of "camp" and tawdriness in such sherangens, not to mention the accompanying and impleasant publicity, and the more sidate of aggrieved spareds who suspect their mater of infecting stem littlely to prefer to the station their private evidence by the private private to trail the suspected to the original are said to the age of the many he said to live in the age of the the private sinvestigator. But who page the priv In fact a large and bourative industry has grown up around his activities. But who pays the private lye for his famis when his juich is done? one of broad legal the erring legaland the to so on two grannes; first, on the theory that a husband is always liable for "newsouries" furnished to his service of a detective may be to receive mensory The second to springs from the equally arcunt legal dretime that a drivert, being a court of elquity, has an inherent right to award the when shi in engaged

pressed with her husband. materminal dog fight and since divorce is one of au most papular domestic sports, the hooks are bulging with cargo wherein the wife or her has become pony up the detective fees. Most of these some have been acordingly successfully prosecuted, not only for the two reasons above noted, but for the ledded but rarely mentioned reason that our frage seem to become helplessly gallant and generous when an agarined wife granels with her man bonsides that lowly modern phenomenon browning the lowery money in the lowery modern phenomenon browning the many in a phenomenon browning the lowery modern phenomenon browning the lowery But not all of these clams for decline detective fels have been surrespul. Consider the case of Lanyon's Detective aging versus Cochrane, 240 My 274,148 NE 520.

Donne you ouldong tipping the H manked X on the record page. Pluse put on a rep. shut.

The Dictionery and Jem Darneal 1116/66 druft The Order of old man Sarrison and the House Some fifty years ago bearded plins and his two daughters A Old man Garrison lived in a tent on The banks of a small creek in a remote area of Seplare county in O blahoma, They be made from living by Jesting, supplemented by a small ruck garden. The reported ease is regrettably sparse in its facts, but one guthers that the ald man and his claughten heed pretty much to themelus, showing their few neighbors, including the Darneal lays, who lived a few ridges One night at dusk ble man Gernian and his daughters was invalled by a stronge visitation: a troupe of shouting inomen, These warmen granted the old man, dragged bern from his tent, beatiff and whipped him, undrig up by in connection with this old unisserve cutting his hair. In due course a group of young purphorhand town was arrested and charged with the orme of statule additionally that "If such person ... at the time of the riot ... was disquised ... he is punishable by improvement in the pententiany not exceeding ten years and not lets than two. " In other words, muchel risting sous become a felony in the chotrus county court at their trial call of the garny men wase convicted of reviving while disguised and account to severel and appealed reparately to the supreme count of Oldenhuma, In his applal wiging among other things that he was mut draguesed within the necessing of the statute.

at his trial below the states evidence had disclosed that on the evening of the alleged next Join Darneal " was dressed almost entirely in the wearing apparel of a woman, such as spirt, want, and hat. His face was partly concellity clother and rage La veil? wrapped around his head, this eyes none, month, and a partion of each check were expand. L'Emphasis added. at his trial at the trial the defendant over identified by his vace, familiarity with some the clothes worn, and by certain of his appellant features. The appellant On hisaffeed from Darneal argued that the fact that his alleged disquie was so revolity pepetrable by the motion and his dangater shawed that he was not choquestingly within the meaning of the statute and that the one prosenition will meaning of the state In the supreme court Justice Matson chopised of this argument briefly, almost locamerilly At said that the appellements stating that it lived down to the proparition that "there may be no conviction as a unless the parturponts are so completely disquiel as to make it impunible to releasing them; that so, a presention will only lie under this statute when it is impossible for the state to prove the offense. Such a construction would reside the statute a deal letter. He afformed the convection. groupe like Before commenting on this elle, one cannot her K. K. K. If so, it results have lent considerable force to Wondonny Jim Durmeals promise lucius, une gathers, the three worthers also

why these young men roughed up old man Herron in The first place. Was it a quarrel over frihing rights? Head the ald men forbidden the neighbor buys to quet court his charghtere? Or have the whole thing started and as a frank that medaid? may dipend upon the dictionary The annetator of the source where I found this case (1azR 642) dissent and I do not mem to candone the cowardly and outrageous behavior of June Darneal and his young companion that might toward an ald man, I find myself disagreing with the decision; I think I trouble have written to reverse. Justice mator says that the appellants argument, would render the "disquise statute a clear letter. I glo not agree, Fully disquired right along. Men, such as bout rabbers, are cought and communded nother drengt along from prints or by confederates on by when women of by a lamb on by confederates on by ather means. Close cases are raise to make bad law, but in this case I think I would have revolved the assist in fusion of not making a felow and of young Jim Dasseal, I further the dictioning thanks bear me ant. (Dorneal V State of Ohluhoma, 174 Pac. 290.)

ShoeN LAMB Webrighte lastyched prideful as other mother That confession is good for the soul is metaphysical metaphysical metaphysical metaphysical metaphysical that are hard to prove hust that confissions of grate are grate good for the solution of crimes has been from the solution of crimes has been forward in thousands of causes, tit any rate policions, has a formal for the court than the solution of the solution, long up fell in love with them I hey did so because Composions of quilt are one of the oldest, swifted and most painless ways to clear up crimes - and dispose of criminals - and policemen, being as lazy and prideful as other mortals, long ago fell in love with tum. (Now to quote)

draft. (Re-written lead m. THE SHORN LAMB that confission is "good for the soul is that confission is "good for the solution of erme to good for the copy that is - has been shown in thousands of cases, Confesions of quelt are one of the oldest suitted a and must paintess to clear up crives, and police being as lary and prideful as Other mortals, long ago fell in love with them, "Danny cracked last night, Mister D. a. and signed a full confession on the clothed line," is one of the sweetest of one of the live foothold line passage between from palice of prosecutors. A But So get a konfession is one thing, to get it assmitted later in evidence fragamether. For centuries the basis lest of the admissibility of a confission up quilt in that it threats or divers or false promises, strong - arm me that must be obtained without threats or divers or false promises, strong - arm no hot facts, me though are out -- no racks, no rules hoses, no thirddegree inquisitions, no take promises. The police rapidly got the message, and Their resourcefulness over the years in getting confessions out of their charges their rediministility is some sort of a monument to yanhle inginites not precisely to yearbee murality. Police have used virtually the way subterfuge under the sum to get their man; if one can dream it they have probably done it.

4

What follows is a partial list of folice have strategens, that with specific spamples, that police have used to get enspected or accused formed in their custody to compess termes. All are drawn from actual decided eases, virtually all the compessions were held padmissible and an practically all the charter were accompanied by pained little lectures by the deciding judge bevialing the sharp practices used by the police to obtain them.

One of the commonest divides used by proceed obtain confessions of quilt is by firstending to have evidence they do not actually passess, such as murder weapons or eye-witness to the crime or prigirpints. Quetter is by pretending that the oppose for which is not as grave as it actually is (by telling the suspect, for example, that the inqual murder violing that some a musting accomplice, whether had been caught and had confessed and marining accomplice, whether had been caught and had confessed and meriminated the accused (the same strategy is commonly insed with procumplicies already in custody); by withholding information from the accused that might atherward cauch him to remain silent (thus, in one case, failing to till the incused, who was being held for the removal and theft of some lengths of raidroad truck, that an engineer and forman had been hilled in the

Invent A

1

I have said that judges monotonously admit most

confessions obtained by trick while at the same time
repreachful little triumby fresumably fresum
psyches. That is not quite true. "Society and the
criminal are at war, "declared one hard-bailed
Pennsylvania judge in approving the admission of a
confession obtained by trick, "and capture by milelly such language of Hy one is should be such language from
surprise, or ambush, or masked battery is as permissible
to that
in one case as in the others" at pretty speech to he should remark ? That judges as
emanate from a supreme court But shen there are people mula mind and
among us who would keen revive the rack without a pang. Back to Select the
Just keep reading the letters to the editor in any
newspaper, especially after that same newspaper has
announced the latest "crime wave." Flag waving to a
Pavlovian response to crime waves.
A Dit. De D. A Triel water from
france accuractor sustated persons in [most back
L hobie
But on with further stratagenes.

pairie to fool a man into confession quilt is by diognising detectores and informers as fellow immates or by woing actual presents as stool property of the detector will have possed the detector will have possed to apply for admission thereafter quizing the suspect to apply for admission to such act policial applicant on his criminal record to show his qualifications for admission to such as pelisoide circles. "But what have you done fately?" is the pay-very question. (In only one ase, where this general strategy was used was the confession later here had and made missible; this on the grand that the confession through the proper of the last would nave been failed simply to gam admission to the lovely as it were found made.

despite the mythoria loto-Leto face it -Criminals fas a class fara not as a class arning the brightest of mortales; the incidence more aften stupid, emplished and gulleble ligand belief. This detectives have found as obtained many confissional from suspects as stern come-to-flame revivalists ("Confession is good for the soul, my friend & I come preel with me") or by appealing to superstition " "Look, boy, I'm a right good and ol' monger doctor an' I bin work roots an' pad gummer folksan' get you clean off this here charge a'gin you. But firs you got to come clean wit me. Come now, boy, tell me what heeppen.)
frightining the gentler sublities of always orber been used, but so rapidly giving way to the Men toen more from twie and old fashioned is the primitive clevice of interceptine, and apening letters, which last, for fram ephanesting the list of police stratagens, which last, for fram ephanesting the list of folice stratagens, we down to Bastes, willow, alled

I yellow please 1 Car Solm and Emma fielding were not getting along and had not been for gears. They had been married in Chicago, and had one claughter and Shortly prior to coming moving to new york had been Two and adaughter left for California. After several following, mantes they were met in hew gord by the hold husband, who installed them in the hew for he hold they lived there for one month, John lochrane mut jointly them there west only accommonly them there west only accommonly to the former of the state of the second of the se dired thring with them. Things were going from base to worse. and moved cont to their farmain apartment John Colorene remained in the city, having told In September John Cochranicy bluntly told his should wife and daughter that he was grand to legue her, that he loved again another woman and tracker was some coming home, the should wife and daughter that hy money out to the Jamaica apartment.

and Shortly thereafter, beare transfer an action against her transfer and for a spicifical reparation (butter the attention of abundance of material work swints) and the grounds of material and cruelty, midding which has he recently been aware with the results for the results have been about toring another woman and promise from the form of the form of the about her about some and most context the action and meanwhile security and met context the action the fermain aposition of money and charge accounts at hew forther tous had the first the licition was pending the and with the histories had a company to the histories had a company the transfer the histories had a company to the histories to trail her husband and there has a first the histories and the histories are the histories are the histories and the histories are the histories and the histories are the histories about his infieldities. This the detective did from October 19 to February 20, filing and that orate report

retter impressive with his chent, who armuded her complaint to set out in the afflist of the husbands infidelities, complete with dates o John lochrane aconswered nothing and demid The case came to trial and, being uncontrolled, the wife won her descriptionation on the ground of abandoument, the pida also awarding 8000 a year almany, whereupou everyone premiably lived unhappily forever after . all lever the ditective that is; he madut been paul So in a separate retion the declecture such John Cochrane for his money, alleging that his beneal services were releasing to enable the wife to foroties her and separation of the forot sound was fought in case was Freid si City Court in Mew Jords soul the dicticting wood his form Cochrane, appealed to the appellate division of the was superior and and again the foot and again he had been trailed are now thoroughly are use appealed to the lourt of appeale, The case was he around hoty and heaven truly a present from Justice Creme delimined the other with and heaven truly and in due lawne Justice Creme delimined the opinion of the court. He added that he had not culd, where the He detective told how the wife had ashed him "to find out whether there was any other woman in the case, if so, who she was, all about her fand) how long this internacy had been going on, When the smoke cleared away Next puze.

He conceded that the prevailing rule wasthat in a proper ease a dectectives services could be a "necessary" payable by the hudand. Ais Honor remaid the facts my detail. He fointed out that the ways sent had not been for absolute divorce on the grammate of adulting (the only grammate in the for separation for on the grande of abandonnest and cruelty. "What the wife formed the detective, The consisted not in these promiserous acts of intercourse ... but in his treatment of his wife and the thing he said to her. The did not med the ditective to prove the abandoment. She ... could have testified to it in court willow the aid ... of the detective, His work was not newsary to enable the oute to manitain her action of separation ... Inthe thereto . .. She did not need the details of his wanderings, or the details and places of his myselly Iscapacies, to justifi her activitie Judgments reversel.

Cardozo, then sitting on that court, filed a dessent without opinion, one includes to agree with the result on its facts. The wife could have filed for an Cost she would doubter freue studed the detective services to prive her case, But she chose for Alasane were religione or whether the week acting the Justice Crane spiral in a fortion of his opinion I been not quoted, that the "goods she get on he husband through the lettetine might have to towned the husband not to contest the case (and air all the dirty of fight the hand are all the dirty of fight the hand some almony of the that extent, then, what the still did not need they help to went when she party namely separation for a because of abandonment and cruelty. Her husband had firmsled her all the amunition she needed. for the what she sought. Meanwhile the detective did not go entirely unrewarded letter all he presumably still had all those addrine and telephone numbers he had dredged up.