

COURT ACTION AS INFLUENCED BY PUBLIC OPINION

DIRECTED BY THE NEWSPAPER

by
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Bachelor of Arts, University
of Kansas, 1922.

Submitted to the Department of
Journalism and the Faculty of the
Graduate School of the University
of Kansas in partial fulfillment
of the requirements for the
degree of Master of Arts.

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June 1, 1931.

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INTRODUCTION

The purpose of the investigation on which the following discussion is based has been to determine to what lengths the newspaper legitimately can go in the printing of sensational and intimate details of the lives of persons it desires to bring to justice, in order to preserve its identity as defender of the public welfare; to discover to what extent the guise of public servant is used to cover a selfish motive on the part of the newspaper, and to what extent the newspaper can use emotion and especially subtle opinion in its news columns in such a way as to prejudice readers for or against a cause or a person in question; and to consider what is the ultimate effect of the newspaper's method and action on the conduct of the courts on the one hand, and public morals on the other.

In an effort to answer these questions the writer made a first-hand study of three cases, which represent three types of newspaper action. Each has attracted wide attention and each presents a distinct aspect of the field of investigation. The first, the Hall-Mills murder case, represents the purely personal phase of the field. The case has all of the essentials of the perfect crime story: sex,-an illicit love affair was its foundation; religion,- the offenders were a minister and his choir singer; and mystery,- the

murderer or murderers had not been apprehended.

The second case, concerned with the trial of former Governor Davis of Kansas, represents the political scandal story and as such is a matter of extreme concern. As the Hall-Mills case was termed the perfect crime story from the newspaper point of view, the Davis case might be called at least the near-perfect political scandal story. The man involved held the highest position of trust in the state and he was accused of violating that trust in one of the most dishonorable ways possible, that of accepting a bribe.

In this instance the newspaper intervened in behalf of the public welfare in the alleged pardon sale with the same claim as that made in the murder case, that of rendering the public a service. That claim becomes debatable in view of the fact that the accusation was brought against the newspaper that it obstructed the work of the attorney general by its action and eventually, because of its premature precipitation of the case, was very likely responsible for a miscarriage of justice.

The third and, on the face of it at least, the most rational of the three cases to be discussed, that of Dr. J. R. Brinkley, was avowedly instigated as a matter of the protection of the public from an interloper in the medical profession who was trading upon human infirmities, promising health and restored youth in return

for a fraudulent operation for which he made an exorbitant charge. In this case, the prosecution of which was backed by the American Medical Association, questions arise not so much as to the sincerity of the newspaper; but the method employed in fighting the man calls for careful consideration. It is a matter for reflection whether it is to the best interests of the press and of the public for the newspaper to resort to the deliberate infusion of editorial opinion in that which is offered as plain statement of fact, or if the best results are to be obtained by invective.

That this is an exceptional case which demanded action particularly adapted to it is possible, although it is problematical whether the same or even more far-reaching results might not have been obtained by the mere statement of the facts in the case by the newspaper, and allowing the law to take its course.

Other than editorializing in the news columns, the newspaper was not guilty of sensational presentation of the news. The age-old desire for health and youth makes those who do not have them extremely gullible. This, coupled with the fact that Brinkley represented himself as a Godly man, and referred to himself as being persecuted as Jesus was for healing the sick, tended to make the public even more credulous.

The investigation has been handicapped in some measure in the study of the Hall-Mills case by the

irremedial scarcity of source material. Files of the New York Mirror, the tabloid which was responsible for the revival of the case, were not to be consulted without a trip to the east which the writer could not make. But files of the New York Times were at hand, as were articles in various periodicals, written at the time of the trial, which contained discussion of the tabloid and quotations from it. Of these I have made a thorough canvass. Since the files of the tabloid were not accessible, some might have deemed it wiser to select another case; but the Hall-Mills case, known to every adult newspaper reader, illustrates so perfectly the type of newspaper action desired for investigation that after consideration it was decided to make the study with such source material as was available. The data for the Davis case were obtained from The Kansas City Journal-Post, the paper which brought about the premature arrest of former Governor Davis. The Kansas City Star and Times, which waged the fight against J.R. Brinkley, furnished the material for the Brinkley case.

I am indebted to the public library of Kansas City, Missouri, for the privilege of using its files of The Kansas City Star and Times, to the Lawrence public library for the same privilege, and to the library of the Kansas Historical Society for the use of

the files of the Kansas City Journal-Post. I have also made use of the files of the New York Times and reference material in the library of the University of Kansas. I wish to acknowledge the kindly interest and encouragement of Professor L. N. Flint of the Department of Journalism during the period over which the research was conducted. Especially do I wish to thank Dr. Helen Ogden Mahin, under whose direction the investigation was made, for her well advised suggestions and her assistance which were a very material aid in the preparation of this dissertation.

THE NEWSPAPERS AND THE STATE
VERSUS
MRS. HALL AND HER BROTHERS

Briefly the Hall-Mills case is this. In 1922 an Episcopal minister named Hall and one of his choir singers, a Mrs. Mills, who lived in New Brunswick, New Jersey, were found murdered under a crabapple tree in an orchard on a farm about one and one-half miles from the center of the city. Between them on the ground were unaddressed and unsigned love notes written by a woman. These were conclusively proved to have been from Mrs. Mills to the Reverend Mr. Hall. Mrs. Mills had been shot three times and her throat had been cut; Hall had been shot once. Some weeks later the case went before a grand jury which decided that not enough evidence had been gathered for conviction. In 1926 the New York Mirror, a tabloid newspaper, avowedly believing that Mrs. Hall and her relatives were guilty of the murder and that justice had been thwarted because of the family wealth, social position, and influence in political circles, succeeded in having the case reopened.

Asserting that it meant to render a public service, it caused Mrs. Hall and her brothers, Henry and William Stevens, to be brought to trial on the strength of a calling card which it said had been found at the feet of the dead rector. The card was not brought to light until 1926. In reopening the case the Mirror charged that other newspapers which had carried the story of the

first case were "social-register" minded and not interested in seeing justice done; that they had shown too much difference in the treatment of the Halls, reputed to be wealthy, and of the Mills, a poor family; and that rich people get away with murder.¹

The newspaper accounts given in the New York Times covering both periods of litigation, from September to December in 1922 and from July to December in 1926, are used in order to make the best possible analysis of the case.

The murder was committed on the night of September 14, 1922, and the first story in the New York Times which was concerned with it appeared September 17, the day after the bodies were discovered. One of the first persons on the scene was a newspaper man who happened to be at police headquarters when the murder was reported and went to the place where the bodies were found with the police. Every opportunity was open to the police and the newspapers for securing all of the facts in evidence. Yet both, it might seem, bungled; for later stories varied widely in many respects from the one told in the Times September 17. Numerous facts were not definitely established at this time, which caused months of litigation in the courts of New Jersey, and endless suffering on the part of the families of the

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Editor and Publisher, p.11, December 11, 1926

deceased. Questions arose over the number of times Mrs. Mills and Dr. Hall had been shot, the cause of the wounds on Mrs. Mills's neck, the position in which the letters were found, and whether there was a calling card found at the feet of Dr. Hall which bore the finger prints of William Stevens.

The first account described the more or less secluded spot where the bodies were found, and the position of the bodies, with the heads at the foot of the tree, and laid out with clothing in place. Mrs. Mills's head was upon the minister's arm which was stretched out at right angles with his body. The statement was made that she had been shot once while he had been shot twice. The love notes were said to have been found between the two bodies.

The Times on September 18, in describing the bodies of the murdered pair, said that "minor scratches" were found to have been inflicted but there "were no signs of struggle". But the next day's headlines imparted the following: "Rector and Singer Clawed by Woman Before Murder;--Scratches on Mrs. Mills's Face and Hall's Hands Indicate Furious Attack;--Cries of Two Women Heard;--Assailant's Companion, Probably a Man, Fired Fatal Shots, Is Police Theory." On September 23, the Times admitted that the scratches received when a woman had "clawed" Mrs. Mills in a "furious attack" could have been made by dragging the bodies through bushes. But Charlotte Mills,

daughter of the murdered woman, preferred to think that "a woman did it, and it was a woman who was jealous of my mother and wanted revenge"- a woman "with queer terrifying eyes" and "masculine traits", "with the strength of a man and the mind of a man". Her mother, she said, was "a clinging feminine creature".

However, an autopsy was performed the last day of September, and Mrs. Mills's throat was found to have been cut in a necklace incision. Then ~~that~~ which had been called fingernail scratches became knife wounds. It was found that she had been shot three times and Hall only once.

From the very first the financial and social positions of the Halls and the Mills's were contrasted. The Halls and their relatives were socially prominent and wealthy. Mrs. Hall was said to have inherited \$700,000 from her mother, a Mrs. Stevens, who was referred to as being worth millions. The "handsome Hall home" and the "fashionable church" where Hall preached were kept before the public. The Mills' family was poor and lived in an apartment. Mr. Mills was the sexton of the church.

Some weeks later The Times stated that Mrs. Stevens had been worth \$170,000 of which Mrs. Hall inherited \$60,000 besides \$10,000 which had been given to her husband.

Meanwhile Mrs. Hall and her relatives were under suspicion. While not actually accusing her, newspaper stories pointed to her and her relatives as being responsible for the murder. Her lack of display of emotion was emphasized, as was the fact that her brother, Henry, was an expert rifle shot. An eccentric brother, William, became known to the public familiarly as "Willie", a fact that he bitterly resented, as may be seen in the following speech to reporters: "I want you fellows to understand that I don't want to be referred to as 'Willie' any more. You must refer to me either as William or Mr. Stevens. I am not a half-wit, as you have been saying, and I am not a ¹ sissy."

Mrs. Hall, too, resented having her privacy intruded upon, and although reporters and photographers had picketed the house, she had steadily avoided publicity. She had been virtually a prisoner, having left her home only three times since her husband had been found dead, a period of six weeks. Finally, on November 2, she called photographers and newspaper reporters and agreed to answer questions for an hour. Two typists, two stenographers, and a "crew of mimeographists" were installed in the reception room. Everything in sight was described at length; Mrs. Hall's dress, her

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The New York Times, September 28, 1922

facial expression, her demeanor in general, and the furnishings of her home, even to the naming of her books and telling how they were arranged on the shelves. She was questioned on everything, from the time and place of her birth to her attitude toward Mrs. Mills and the amount of her husband's estate. Incidentally, reporters were able to learn here that Mrs. Hall was about seven years older than her husband, rather than ten or fourteen as had been variously stated in the first stories about the murder.¹

On October 8, William Stevens was kidnapped, taken to the prosecutor's office, and put through the third degree. He was repeatedly called a liar and sworn at when he refused to give the answers that the prosecutors desired.² In spite of this the Times openly stated on October 14, that newspaper men thought Mrs. Hall exercised undue influence over the prosecutor's office.

Henry Stevens was obliged to give his alibi repeatedly for the newspapers. It was always the same alibi, but in one issue it required as much as three columns of space for elaboration.

The public was kept always in the state of expectancy by the promise of an arrest or indictment soon. During the months of October and November

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The New York Times, November 2, 1922

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The New York Times, October 8, 1922

arrests or indictments were alternately promised, denied or speculated on in thirty-seven different issues of the Times, seventeen in October and twenty in November. Innuendo was skilfully written into the headlines so that it appeared that Mrs. Hall and her brothers were the persons in question. The one already quoted, "Rector and Singer Clawed by Woman Before Murder, ---Scratches on Mrs. Mills's Face and Hall's Hands Indicate Furious Attack;---Cries of Two Women Heard,--- Assailant's Companion, Probably a Man, Fired Fatal Shots, Is Police Theory"¹, is an example. Others are: "Man and Woman Will Be Arrested Today for Murder of Rector Hall and Mrs. Mills Who, Letters Show, Planned Elopment;² Woman and 2 Men Face Indictments in Hall-Mills Case;³ Warrants for Two Await Signatures;"⁴ and "To Ask Indictment for Woman in Gray"⁵.

Many theories of the police and the townspeople which implicated the Halls were voiced in news stories during the month. Examples of them are: police believe that woman and man followed the two to their trysting place and killed them, but that the woman did not know that murder was contemplated; think slayer was expert shot; think slayer was extraordinary strong man,

1 The New York Times, September 19, 1922
 2 The New York Times, October 17, 1922
 3 The New York Times, October 22, 1922
 4 The New York Times, November 3, 1922
 5 The New York Times, November 6, 1922

probably aided by a woman; think jealous woman had tracked pair to rendezvous and shot them both, and in her frenzy slashed the woman's throat; he described a proposed honeymoon to the Orient and Germany it is said in glowing terms; think notes of Hall and Mrs. Mills stolen by some male member of the Hall family.

Perhaps the most tantalizing of anything connected with the case was the treatment of the love notes found with the bodies. The public had no right to them and nothing constructive could come of their being published, yet fourteen issues of the Times in October carried discussion of, parts of, and finally the entire amorous correspondence of the two to anxiously waiting millions.

September 18, the Times described the notes as "passionate". On September 23, they "showed imagination". On September 29, newspaper readers learned that the salutation used in some of the letters was "honey". On October 1, the prosecutor acknowledged that the notes "would make good reading", and on the following day Mrs. Mills was quoted as sighing, "Oh, for the time when I can do your mending". Another time she wrote, "I'm sorry you brought me that spicy book. It fired my soul and wafted me into a spiritual world--Oh Goodness."¹ Another quotation from the letters said, "You are a true priest...I am merely your physical inspiration..."

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The New York Times, October 7, 1922

Do I love you too much? I know that now I could leave, now, yes, even your physical presence and go into a convent. There I couldn't see anyone touch you, call you 'dear', rub your tired body, sew your torn trousers. Yesterday I was happy in a way, in the boat and in the water, but on the way home I was thinking hard. Oh, My darling Babykins, what a muddle we are in. But I will be content, I will.¹ On the same day the Times used a double column box to announce that Hall and Mrs. Mills addressed each other as "Darling Babykins" and "Gypsy".²

Sentimental letters and parts of them filled the papers until October 21, after which speculations on the legality of their sale were rife. A newspaper had purchased them for \$500.

Charlotte Mills, a child 16 years old, who called herself a flapper, kept herself in the spotlight consistently, a spotlight that the newspaper was willing enough to throw her way. Her description of her mother's slayer has already been cited. She wrote to prosecutor Strickler, to Ellis Parker Butler, famous writer, and to the governor urging them to solve the mystery of her mother's death. The letters were published. She fled from home when her father "kicked,

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The New York Times, October 17, 1922

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The New York Times, October 17, 1922

pinched, and slapped her". An article written in vivid journalistic style appeared in one newspaper under her name, and when six weeks after her mother's death she doffed her mourning, the Times gave a detailed account of her costume. Accounts of the family quarrels came to the newspapers through her.

An invention of the newspapers which came with the advent of Mrs. Gibson, known as the "pig woman", at the beginning of November after the love notes had been exhausted, was the use of such terms as "the woman in gray" and "the bushy haired man" to designate persons that she, Mrs. Gibson, had seen at the place of the murder. Mrs. Hall wearing a gray coat had been observed to enter her home between 2:00 and 3:00 o'clock in the morning after the murder. There was some conjecture as to the identity of the "bushy haired man" but after a time he became William Stemens. The terms had become familiar to readers in October and there were never more than two consecutive days in November when they did not figure in stories. They appeared in eighteen issues in the month.

Details of the crime had been so widely disseminated by the newspapers and popular interest in the case had so risen that by October great crowds made up of people from all over the United States were visiting the scene of the murder. On October 2, the Times carried this account: "Thousands of persons yesterday again

journeyed to New Brunswick where the bodies were found. The curious resorted to vandalism and broke into the dwelling. They tore down a porch, tore out a window, entered the building and destroyed many of the furnishings." On October 23 three hundred automobiles were parked along the lane adjoining the Phillips farm. Many more were moving; so many in fact that a traffic officer had to be stationed there, merely a mile from New Brunswick. "Fakirs from New Brunswick flocked to the scene with balloons, popcorn, peanuts and soft drinks, so that the scene resembled a circus lot more than a farm. The curiosity seekers took everything they could get their hands on as souvenirs, and denuded the murder tree of its branches and leaves. Curiosity extended to the Hall home on Nichols avenue, countless motorists going out of the way to pass the house, and slowing up their cars so they could scrutinize the house closely."

Another account on November 6 read: "Thousands of sightseers drove past the Hall and Mills homes and drove out to the scene of the crime at the Phillips farm. The crabapple tree was no longer to be seen, having been destroyed by souvenir hunters who first stripped it of its leaves, then its branches and finally cut away the whole tree trunk, nevertheless, the sightseers

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The New York Times, October 23, 1922

were able to buy photographs of the original scene which an enterprising photographer had prepared. They sold like hot cakes yesterday and the photographer reported that he had made about \$100 during the day.¹

Rank commercialization soon had its advent:

"Samuel L. Levine, owner of the Phillips farm house, said yesterday he had leased the property for \$30 a month to Henry Masterson, a New Brunswick carpenter, who intends to convert it into a 'museum' with a 25-cent charge for admission. Thousands of visitors have journeyed to the farm since the murder, coming in automobiles from many states. Masterson will serve soda water, sandwiches, peanuts and popcorn as refreshments. It was reported that the old fashioned piano and horse hair sofa, which formerly decorated the main floor of the house, have been sold to a New York museum for \$250.²"

Two days later another account was added: "The usual week-end stream of curiosity seekers and souvenir hunters drove to the Phillips farm yesterday... The crabapple tree being no more, some brought shovels and dug up the dirt from the spot where the bodies were found. This became so popular that the proprietor of the show brought paper bags which he resold at a big profit to those who needed a receptacle for their

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The New York Times, November 6, 1922

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The New York Times, November 17, 1922

souvenirs.¹"

On November 29 the grand jury, believing that there was not enough evidence to convict any of the suspects, refused to bring an indictment. This did not, however, bring an end to newspaper stories, which ran until December 20. The first story in the Times had appeared September 17. They appeared every day after that in September, every day in October, and were omitted only twice in November. In December they were omitted on only eight days before December 20. A total of 4,056 inches of space in the Times was devoted to the case over this period.

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The New York Times, November 19, 1922

On November 29, 1922, the grand jury refused to bring indictments against Mrs. Hall and her brothers for the murder the preceeding September 14 of the Reverend Dr. Hall, Episcopal minister, and Mrs. Eleanor Mills,, a choir singer. At midnight on July 29, 1926, almost four years later, Mrs. Hall was aroused from her sleep and arrested on a warrent that had been sworn out at 11:00 a.m., and at 3:00 a.m., was thrown into jail beside a negress charged with passing bad checks. She was released the next day on \$15,000 bail.

Some days before, the husband of Louise Geist Reihl, a maid in the Hall home at the time of the murder, in seeking an annulment of his marriage had stated that while intoxicated she had told him that she received \$5000 for keeping quiet during the former proceedings. Subsequently, although it was concealed for some little time, the hand of the New York Mirror, a tabloid newspaper, was seen; for as soon as the Reihl annulment suit was filed the Mirror "came forward" to aid the state with the calling card and other evidence concerning the case which it had in its possession.

On August 20 Mrs. Hall's brother, William Stevens, and her housin, Henry Carpender, were committed to jail and held there until December 5, a day or so after the Halls were acquitted. On September 16 a second brother of Mrs. Hall, Henry Stevens, was placed in jail, and he, William Stevens, Henry Carpender, and Mrs. Hall

were indicted for the murder of Mrs. Mills. Mrs. Minna Clark was thrown in jail October 21, under arrest as an aid of Mrs. Hall's in killing Mrs. Mills. She was released three days later when her home and her husband's was offered as surety for bail.

Mrs. Hall and her two brothers went to trial on November 3 and were acquitted December 4, after which all of the charges against all of the defendants were dismissed.

If the litigation in 1922 produced sensational writing in the newspapers, then the accounts written concerning the trial of 1926 were ultra melodramatic. From the very beginning the papers devoted column upon column of space to the case. In the first regular edition of the Times after the arrest of Mrs. Hall, the right hand column on the front page and practically the whole of the second page were taken in reviewing the four-year-old case and relating the new developments. Charlotte Mills's description of the woman who killed her mother,—"A woman did it and it was a woman who was jealous of my mother and wanted revenge," a woman "with queer terrifying eyes, masculine traits, the strength of a man and the mind of a man", was reprinted from a paper of four years before.

Mrs. Hall retained her customary calm through her arrest and a headline called her a stoic and described her jail cell. Much was written about the powerful influences that supposedly had been at work

in the case four years before. James Mills was quoted as saying that he was glad that they had caught the murderer, but added that he had never thought Mrs. Hall guilty. Mr. Hall's sisters announced their belief in Mrs. Hall, a belief that they had expressed several times during the previous investigation, and said their sympathy was with her. The night watchman who four years before had sworn that he saw Mrs. Hall enter her home, "the big red brick house", at 3:00 a.m. on the morning following the tragedy, and the "pig woman" who had said that she saw "the woman in gray" at the scene of the murder, received much attention.

Since it was upon the testimony of the "pig woman", Mrs. Gibson, or Mrs. Easton as she was sometimes called, that the state largely relied to convict Mrs. Hall and her brothers, she received a tremendous amount of attention from the newspapers. On August 3 a Times headline stated the expectations and suppositions of the state's attorney with "Hall Prosecutor Expects To Indict Woman And 2 Men,---Has Faith in Pig Woman,---Convinced She Told Truth,---Dr. Cronk Now Thinks Couple Were Slain in an Auto". The prosecutor reported that Mrs. Gibson's explanation and her description of the quarrel that she had heard "positively" identified one person. She testified that she saw two men and a woman and perhaps a third man, and that she heard a

woman ask, "Oh Henry, why did you do that ?" Previously she had mentioned only the words, "Oh Henry," when quoting what she had heard. On August 20 Mrs. Gibson identified Henry Carpender as the man who had been at the murder scene with the "glittering thing" in his hand.

The trial opened on November 3 and it was then that the "pig woman" became news of really dramatic nature. On November 5 she was taken to a hospital and the report was circulated that she was suffering from cancer.¹ The Hall counsel was sceptical as to her really being ill, and doubted if she would face cross examination, but on November 18 Mrs. Gibson signed a form releasing the Jersey City hospital, where she was a patient, from all responsibility for her trip to court. The next day was a sensational one both in the courtroom and in the newspapers. Mrs. Gibson from her bed in the courtroom picked four persons who, she said, were at the scene of the murder. The newspaper account read, "Propped up in a bed in a hushed courtroom, her face as waxen white as the coverlets, Mrs. Jane Gibson told her story yesterday in the Hall-Mills murder trial at Somerville, New Jersey. The recital took her only twenty minutes, and a white clad nurse stood at one side of her bed and a physician at the other as the painfully slow sentences

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The New York Times, November 5, 1926

were uttered.¹ When she had arrived it had been a "curious, morbid and amused crowd that had greeted Jane Gibson, the state's star witness in the Hall-Mills case. . . Following the ambulance were six cars carrying newspaper men and photographers. . . The sight of the courthouse in Somerville as the ambulance came into view was impressively dramatic. Hundreds of persons had crowded the steps, perched on the marble abutments, crowded the corridors and balconies in the courthouse and gathered on the lawns. There they pressed in spite of the drizzling rain.

"Photographers and motion picture camera men had balanced themselves at incredible angles on wind frames, on marble gargoyles fifty feet and more above the street. The crowds pressing close about the ambulance interfered with their pictures and they shouted."² According to character witnesses Mrs. Gibson was none too trustworthy anyway, and making her the heroine of the hour by placing her before the public in as dramatic and glamorous way as the newspaper did was wholly unjustifiable; for this tremendous amount of publicity did not increase her reliability.

She changed her story. Four years before, she had testified that it had been Henry Stevens's hand that had held the "glittering thing" just a second before

¹ The New York Times, November 19, 1926

² The New York Times, November 19, 1926

the shots had been fired. In August it had been Henry Carpender's and now again it became Stevens's. Previously she had said that when she made her second trip to the farm, she had found Mrs. Hall weeping quietly. In the courtroom at this time she described Mrs. Hall as having been "screeching like an owl". On cross examination she denied that she had ever been married to a Frederick Kesslerling, but records showed that he had won a divorce from her. She said that she had married William Easton, something she had denied during the first investigation, somewhere in New Jersey in 1910, though she could not remember where. Her mother, who was in the courtroom while she was testifying, kept saying to herself, "She's a liar; she's a liar".

The next day the Times pictured Mrs. Gibson back in the hospital calmly waiting for death.¹

On November 25 an astronomer showed by scientific data that the moon had not risen on the night of September 14, 1922, until one-half hour after Mrs. Gibson's last trip to DeRussey's lane when, she had testified, she had seen Mrs. Hall crying in the moonlight. When the jury acquitted Mrs. Hall and her brothers it said that it found Mrs. Gibson's testimony "illogical".²

Constant reference to the love letters of Mrs.

¹ The New York Times, November 20, 1926
² The New York Times, December 4, 1926

Mills and the Reverend Mr. Hall had been made during the weeks preceding the trial until the public was figuratively smacking its lips in anticipation when they finally were published on November 14. They were highly sentimental as excerpts show. Favorite salutations from the letters of both of them were "Dear Heart of Mine"; "My Own Dear Wonderheart". He often called her "a gay gypsy" and she him "Darling Boy, and Babykins". In one letter he referred to her singing which he heard while he was in his study. "I know that your dear voice is singing out those lovely words and your heart too. . . It was you darling, you I was longing for. . . my true mother, my gypsy, my heart, my life." In another letter he wrote "Blessed heart, I kiss you tenderly, fiercely. Oh such love. Only help me to be strong and patient until we get in each others arms again." Another time he voiced his desire to "Crush you and pour my burning kisses on your dear body and look deep, deep into those wonder eyes of love. . . I wanted to get away to Dreamland, Heavenland. Everything seems so sordid, earthly, commonplace. Dearest, love me harder than ever- for your babykins is longing for his mother." Her letters to him, which had been printed

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The New York Times, November 14; 1926

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The New York Times, November 14, 1926

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The New York Times, November 14, 1926

four years before, were reprinted with his.

Throughout the long course of action Charlotte Mills and her father were always good newspaper copy. Father and daughter were wholly dissimilar in type. Of him the newspaper said, "Mills's face with its sunken cheeks, its long nose sharpened to a point, was the color of dough", and described him as a man "of excessive meekness"¹. At times newspaper accounts said that he was aware of his wife's intrigue. A headline asserted that "Mills Now Admits That He Knew That His Wife Often Met Dr. Hall", and the story following said that both he and his wife had threatened a divorce, but that he had lacked the money and was a busy man.² As a rule, however, it was said that he knew nothing and suspected nothing of his wife's affair. Testimony given in the Times, November 6, brought out the fact that the Mills family had sold Mrs. Mills's letters to Dr. Hall to the New York American, a Hearst Newspaper, four years before for \$500. Mills was at this time writing for a tabloid, as was his daughter Charlotte. Neither had had journalistic training, but articles signed by them followed a journalistic pattern. Charlotte was then twenty years old and far from being "eccessively meek". Her experience

¹ The New York Times, November 6, 1926

² The New York Times, August 10, 1926

in 1922 had in no way lessened her taste for the publicity which the newspapers were willing to give her. She aired the family troubles with sufficient repetition and detail that even the most curious should have been satisfied.¹ Each time she appeared in court her dress and manner were described at length.

The publicity which had been so distastful to Mrs. Hall and her family in 1922 was revived with a vengeance in 1926. In 1922 she ~~she~~ avoided newspaper men and photographers for several weeks before she called them, gave an interview and allowed her picture to be taken. This time, after her release from jail on \$15,000 bail, she submitted to having her picture taken, hoping after a great "photographic orgy"² to be left alone. But each move on the part of any of the defendants or their relatives continued to be noted and published by the papers. If Mrs. Carpender took anything to her husband in jail, if Mrs. Hall had guests, paid calls, went driving or walking, the villagers in far distant parts of the country knew it almost as soon as it was done. Mrs. Hall in a talk with reporters compared herself to a "goldfish in a bowl", and said that she was just an ordinary woman, who because she did not have hysterics was not picturesque enough for the role that she was expected to play and

¹ The New York Times, August 11, 1926

² The New York Times, July 30, 1926

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hence was misunderstood.

An account in the Times of October 17, 1926, quoted Mrs. Hall as saying that she "would do anything in the world to avoid publicity", and that her pictures in print filled her with horror. She added concerning the case, "It is malicious persecution of myself and my family instituted by a tabloid to increase its circulation, and abetted by politicians to advance their own ends." She said that she failed to understand the tabloid in as much as it had recently criticized Governor Moore severely over the Passaic textile strike, but as soon as he made the first statement about the Hall-Mills case, it apologized for former criticism and began praising him. She pointed out that although the tabloid had repeatedly and recently said that she fled to Italy to escape extradition and that one of her maids had impersonated her at her husband's funeral, she had not taken her first trip to Italy until months after the first indictment proceedings, and that everyone knew she was at the funeral. She continued, "The stories about my wealth, the stories about my brother's wealth, the stories about my cousin's, Henry Carpender's wealth, and the statements about our power and influence in Somerset and Middlesex counties are all inspired by the tabloid. They are nothing but myths. . . Anyone wanting to know

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The New York Times, September 20, 1926

the facts could readily ascertain them by inquiry at the National Bank of New Jersey in New Brunswick, where my brother, Henry Stevens, Henry Carpenter and myself do our banking.¹ She said that none of the family but Sidney Carpenter was interested in civic affairs and none had ever held office.

Finally, on the last day of October, Mrs. Hall went to Princeton to pose for portraits; these were to be published to offset the pictures already in print which gave the impression that she was an "ugly scheming woman".² She said that she hated the publicity that came from having her pictures published but that the papers would have them at any cost so that she might as well have some to show her as she really was.

When Mrs. Hall appeared to testify, she received full description and comment. This was perhaps the high point in the trial. People had driven miles for a glimpse of this woman, now so widely known. The comment of the Times was, "The expectancy that Mrs. Hall would testify had jammed the Somerville courthouse to the suffocation point with the curious, the friendly, the unfriendly, all come to hear what the reply would be;" the reply to the question, "did you kill Mrs. Mills and your husband?"³

¹
The New York Times, October 17, 1926

²
The New York Times, October 31, 1926

³
The New York Times, November 27, 1926

Mrs. Hall testified at 2:00 p.m., but "as early as 7:00 a.m. the crowd, chiefly of women, had been gathering out in the corridors. The streets bordering on the courthouse grounds were jammed with motor cars, and State Troopers, detectives, and Deputy Sheriffs had difficulty in controlling the eager ones trying to get through the doors to the 'show'." ¹ A minute description of her as she took the stand to testify was given.

The Times continued, "her cultured voice in its pleasing inflections" as she testified "was a convincing one", although the prosecutor "mocked", and wore an irritating smile. Mrs. Hall smiled throughout the ordeal. "It was a singular expression, this smile. Perhaps it was the sign of a woman such as the state has pictured Mrs. Hall as being, an iron woman. Perhaps, and many took this view, the smile cloaked suffering, shielded nervousness, and was only a transient mark ² for tears that come later."

William Stevens, Mrs. Hall's eccentric brother, suffered decidedly at the hands of the newspaper. That he resented being known familiarly as "Willie" has been shown in the presentation of the first Hall-Mills case. As soon as the first stories appeared, however, he became material for story upon story, in all of which

¹ The New York Times, November 27, 1926

² The New York Times, November 27, 1926

he is referred to as "Willie". His were the finger prints which the state claimed were on the calling card alleged to have been found at the feet of the dead rector. The card was produced by the New York Daily Mirror. He suffered the ignominy before the world of being accused of having negro blood in his veins. One report said that Stevens's "pudgy fingers" tapped a pencil nervously in the courtroom and that he showed anger when Simpson in "cold, almost sneering tones" pronounced that he looked "like a colored man with his bushy hair and dark complexion."¹

The family Bible and church records were produced as proof of William's parentage and the family doctor testified that he "was above the average in intelligence" and a "sort of genius", that he was not normal mentally but was able to take care of himself, that he was "brighter than the average person" and that to his, the physicians,² knowledge he had never suffered from epilepsy.

When Stevens took the stand, he proved to be the surprise witness of the trial. To questions in examination and cross examination he answered concisely and unhesitatingly, nor could he be caught at any turn. His answers came in short clipped sentences such as, "Positively No," and "I have never, Sir." The following

¹ The New York Times, August 25, 1926

² The New York Times, November 22, 1926

description of him as he appeared on the stand was given: "He had been pictured as 'crazy Willie', a town character, an oddity, compared inferentially with an animal, a hint of alien racial strain in his parentage had been thrown at him. . . The defendant, whom even the defense was concerned about, had proved the surprise of the trial. He had told a straight-forward story, in precise language and by turns urbanely polite or urbanely grave, he had delftly eluded the net spread for him by Senator Simpson¹."

Henry Stevens's alibi was printed several times each month and his wife's hunt for a house in Somerset was chronicled. His house was searched and he was kept under guard by newspaper men and the police before he was formally charged with murder.

Pictures of Henry Stevens, his wife, William Stevens in court, William Stevens on the stand, Mrs. Hall with her lawyers, Mrs. Hall on the witness stand, Henry Carpender and his wife, pictures of the courtroom, and of the crowd of spectators were published from day to day in the Times. No pictures had been printed which were concerned with the case in 1922. The Times had adopted the policy of using pictures since that date. The Times also utilized every opportunity to do vivid writing in connection with the case.

A storm which broke while the warrents for the

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The New York Times, November 24, 1926

arrest of William Stevens and Henry Carpenter were being served in the "big red brick and stucco house" of Mrs. Hall was described graphically. William's "My God, I didn't expect this", and Carpenter's smile were both chronicled. The Times also told how they were both dressed.¹

The two prisoners had their meals sent from a hotel to the jail, and the newspapers itemized the food and said that "both of the prisoners 'scorned' the fare of the prison, although the wife of warden J. P. Major had a community record as a good cook. The meals for Carpenter and Stevens were brought from the Somerset House by a negro waiter."²

Nothing seems to have been too insignificant to print if it concerned the defendants, and if it could be made a vehicle of innuendo. A reporter riding from Somerville to Mrs. Hall's home with her spoke of her giving the car "a man-like twist".

November 10, a gruesome day in the courtroom, gave rise to perhaps the most depressing and most heartless writing which occurred in the whole case. A paper mache and wax bust of a woman was used to show how Mrs. Mills's throat was cut and how the bullets coursed. The account in the Times told how William Stevens seemed hypnotized in interest; "his heavy head of wiry hair

¹ The New York Times, August 13, 1926

² The New York Times, August 16, 1926

seemed to rise higher, his large and bulging eyes fastened on the witness". Of the effect on the crowd and Mrs. Hall the paper continued, "Shudders passed along the rows of spectators as the doctor marked in red crayon the entry point of the bullets, or a sweeping motion of the crayon showed how the choir singer's throat had been cut. . . Mrs. Frances Stevens Hall had shot a second glance at the exhibit and had averted her eyes. When it was placed on the witness stand railing directly in front of her line of vision, she reached quickly into her pocketbook and began to examine documents. She dropped coins one by one into the black leather purse; she looked fixedly at the back of the room, then her eyes traveled to one of the small galleries. She seemed to be counting the spectators."

Of this same incident the New York Daily News, a tabloid, wrote, "Mrs. Hall went to a matinee yesterday. The rich widow who is battling for her life... attended a hideous exhibition staged for her benefit. . . But she could not look at it. Her brothers looked. The show fascinated them."

The New York American, a Hearst publication, said, "Ah, yes, this Mrs. Frances Noel Stevens Hall is human after all. . . Human - and a woman! She showed it

1

The New York Times, November 10, 1926

2

From the Nation, December 8, 1926, p. 581

yesterday afternoon. The proud, stoical front she has been presenting to the world as she sits in the little chapel-like courtroom in Somerville . . . was shaken by a distinct shudder.¹"

The Times writer made use of all of the devices adopted by the stage in such hair-raising thrillers as "The Bat" and "The Gorilla", when he wrote of the "whining wind and falling leaves swept by gusts of rain"² to heighten the already existing somberness.

The Times made another reference to the bust on November 21. It said, "This (is) the model of a woman's head, a ghastly looking thing upon which penciled crosses mark the entry points of the bullets that killed Mrs. Mills. . . . Possibly it was the effect of moving into to better light, but to observers it seemed as if Mrs. Hall's face were whiter and more strained than at any time in the weeks that have passed since the trial began."

The day that William Stevens appeared in court the following significant paragraph was printed directly following the account of his testimony: "The Times is sold to newsdealers without the privilege of return of unsold copies. Consequently newsdealers regulate their orders to meet a stable demand. To make sure of

¹
From the Nation, December 8, 1926, p.581

²
The New York Times, November 10, 1926

obtaining a copy of the Times all that is necessary is to inform your newsdealer to reserve you a copy. The dealer, as well as the Times, will appreciate your cooperation.¹"

The newspapers did not go without protest at the manner in which they were handling the case. Miss Sally Peters, a friend of Mrs. Hall's who had been with her during the proceedings of 1922, was interviewed by a reporter and she refused to answer questions. She said that on August 18 she had talked to reporters and "a day or two later statements were published in a New York tabloid newspaper purporting to be questions put to me by the investigators and my answers. These statements, particularly my answers, as published in that paper were distorted and falsified. . . As I have no guarantee that any further statement that I might make would not meet the same fate, I must withdraw my assent to appearing before Senator Simpson."²

The defense counsel made the following charge:

"The undersigned counsel for the defense direct attention to the fact that the newspaper publicity given to the case is not the normal recital of unfolding events; it is a systematic propaganda instituted and sustained by the prosecution for the obvious purpose of convicting

¹
The New York Times, November 24, 1926

²
The New York Times, October 7, 1926

the defendants in advance of trial. . . To that end the prosecution has from the very beginning endeavored to give 'a story a day' to the press, each installment carrying a sensational fling at one or the other of the defendants, their witnesses or their attorneys, and almost always by understatement or overstatement or innuendo, suggesting a falsehood.¹² This was signed by four of the defense counsel.

The Times itself told of the immense amount of material which was expected to come out of the trial by a recital of the preparations that were being made in its anticipation. There were three hundred and seventy-five seats available in the courtroom, one hundred of which had been reserved for the three hundred newspaper men expected. One hundred and twenty-five had to be saved for the state's witnesses. The relatives of the accused had to be provided for. All of this left few seats for the citizens who "are paying for the whole show and ought to have a look-in."³ The telephone companies made more preparations to give this case national publicity than they had ever made for any event other than the Dempsey-Tunney fight. The giant switch-board, placed in the cellar of the courthouse, had room

¹
The New York Times, October 12, 1926

²
Italics mine

³
The New York Times, November 2, 1926

for 120 operators.

While the trial was actually in progress there were two hundred reporters present. Fifty had come for the grand jury proceedings. There were fifty photographers on duty at all hours. Until the closing days of the trial ten were stationed in the courtroom; an eleventh fell through the skylight on the day that Mrs. Hall took the stand. Eight daily papers leased houses in Somerville. Such writers as Will Durant, Billy Sunday, Dorothy Dix, and Mary Roberts Rhinehart produced signed articles in papers and magazines. "The Rev. Amee McPherson covered the story for the New York Graphic from the vantage point of Southern California." Of the fifty reporters on the case sixteen were employed by the New York Daily News and thirteen by the New York Daily Mirror, both tabloids. The New York Times stated on the day the accused were acquitted 11,000,000 words were sent out during the trial, 1,110,000 of which were testimony.

Senator Simpson, assistant attorney general of New Jersey, appointed by the governor to prosecute the case, was responsible in part for the amount of publicity that the case received. Described as some writer as a man

1
The Great American Band Wagon, ch. VII p. 71

2
The New York Times, December 3, 1926

who would be "just outside the pale" in any profession, he virtually found himself forced to give stories to the newspapers since he had accepted the evidence that the tabloid, the New York Daily Mirror, produced as a part of the basis for the prosecution of Mrs. Hall and her relatives. Soon after the arrest of Mrs. Hall, Simpson announced that the publicity given by the newspapers was the best thing in the world for the case, and forthwith withheld the name of a woman who presented herself to testify. She was dressed in an orange colored dress and straightway became, for all reporters purposes, "the woman in orange"¹.

From his effort to aid the newspapers in securing publicity for the case and still to conceal a considerable share of facts there resulted a maze of mystery witnesses, one, two, and three; detectives X, Y, and Z; and instances half reported. Simpson's reiterated belief in the story of Mrs. Gibson, "the pig woman", had its part in prolonging her stories of "the woman in gray" and "the bushy haired man".

He measured the Hall house, took pictures of the₂ gate post, guarantee that they would not be published. One of the defense counsel charged that "the prosecution

¹
The New York Times, August 5, 1926

²
The New York Times, August 15, 1926

has tried to make the inference that the defendants in this case have impeded justice. . . The prosecution has inferred that officials were bribed in 1922, but no proof of anything of the sort has been offered. The plain fact is that the prosecutor has been hippodroming. I have had a revulsion of feeling, as a member of the bar for forty years, at the flamboyant way in which this campaign has been waged"¹.

A New Jersey representative decried the state's inquiry as an "inquisition". He cited that a woman that Simpson himself had said did not actually commit the crime was dragged from her home at 1:00 a.m. to be arrested. "What are sober minded people to think of all this?" he said. "Have we reached the time when hysteria of sensational newspaper publicity is to take the place of the ordinary process of law?"²

Not all newspapers were in sympathy with Senator Simpson and the policies of the larger dailies. The Somerville Unionist-Gazette, in an editorial entitled "Bungled"³, attacked the sensational methods of Simpson, the cost of the trial to the taxpayer, the fact that Simpson defamed the work of one of the officials who had

1

The New York Times, September 24, 1926

2

The New York Times, September 24, 1926

3

Reprinted in the New York Times, August 6, 1926

handled the first investigation and who had died before this investigation began. Another editor published an editorial in which he stated that he thought Simpson to be, because of his actions in this case, on the brink of a fall in the esteem of the public.¹

That Simpson himself was aware of the antagonism on the part of the local newspapers is to be noted in his desire to try the case before a foreign jury. He is quoted as saying, "The newspapers in Somerset county have been whipping up public sentiment against the investigation. I would not take the responsibility of trying this case in Somerset county while the eyes of the nation are on New Jersey, without first obtaining an opinion from the court. I say that Somerset is not the kind of county to administer justice in this case."²

That there was much sympathy for the accused is evident. One of Mrs. Hall's lawyers declared, just after she had been aroused from bed and arrested at midnight, and later lodged in jail, that he had talked to twenty-five leading merchants in New Brunswick who were indignant at the way the case was being handled and who said that regardless of guilt or innocence Mrs. Hall's treatment in arrest was brutal.³

¹ Reprinted from the New York Times, August 10, 1926

² The New York Times, September 24, 1926

³ The New York Times, July 31, 1926

The New Brunswick Board of Trustees, incensed at the manner in which the case was being conducted, sent a resolution to the governor condemning it and asking that the innocent be protected as well as the guilty punished.¹

The pastor who had succeeded the Reverend Mr. Hall, speaking for publication, said, "I am convinced of the innocence of these fine people. It is not that I think or hope they are innocent. It is my convictions, deeper than I can describe."² On the day on which the trial opened one hundred and ninety-four women signed an expression of confidence in Mrs. Hall.³ Mrs. Frank Voorhees and Mrs. Paul Bonner, sisters of Hall, testified to their sympathy for the widow.⁴

It should be noted in passing that one man of some eminence, Dr. James H. Snowden, former professor in the Western Theological Seminary, indicated that he was in favor of newspaper publicity. He expressed the opinion that publicity by the newspapers of such crimes as the Hall-Mills murder were "rendering a necessary service in the vast hospital of our human world."⁵

¹ The New York Times, August 18, 1926

² The New York Times, September 20, 1926

³ The New York Times, November 3, 1926

⁴ The New York Times, November 30, 1926

⁵ The New York Times, November 7, 1926

Stories so widely disseminated by the newspapers had the effect of arousing the dormant morbid curiosity of the public in remarkable measure. Persons from all over the United States journeyed to New Brunswick to the scene of the murder. On August 23 the following paragraph appeared in the Times: "Interest in the farm and in the homes of the principals has revived. Although it rained steadily yesterday, throughout the day automobile parties, some bearing license plates from other states, drove slowly past the homes. A clerk in a store in Albany Street, New Brunswick, reported that a tourist from Texas stopped at the store and offered to pay \$10 for a guide who would show him the Hall and Carpehder homes, the rector's church, the Episcopal church of St. John the Evangelist, the Mills home and the Phillips farm."

Somerville prepared to capitalize the advertising it had received. "While the moves and countermoves in the case itself were being made yesterday," the report read, "Somerville settled down in bustling preparation for tomorrow's trial. Houses have been rented at undreamed of figures and quick lunch places are springing up to handle the crowd which Somerville, like Dayton, Tennessee, hopes will flock in. Captain Robert Holmes of the Somerville police department said that a survey of the

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The New York Times, August 23, 1926

town reminded him of the bustle of a county fair.¹"

The anticipation of huge crowds seems to have been justified for on November 8, when the trial was well under way, a statement in the Times read, "The trial of the famous case has revived interest in the Phillips farm. . . The place where the bodies were found is still vacant. Boys stationed themselves today in Easton Avenue at the entrance to DeRussey's lane, where they directed traffic and watched parked cars. Across the meadow where the crabapple tree once flourished, all through the day hundreds of cars were parked. A path has been worn through the grass from the murder spot around the bushes to where Jane Gibson has declared she tied her mule.

"The more curious among the sightweers drove their cars up the long lane for a mile or more to Hamilton Avenue and thence to the home of Jane Gibson where they found a state trooper on guard.²"

The day on which the love letters were read in court a newspaper account told that "passengers. . . stopped off in hundreds to inspect the scene of the Hall trial."³ The next day "The usual quota of Sunday sightseers drove past the church and the homes of Mrs. Hall and James Mills, although the home of the husband of the dead

¹ The New York Times, November 2, 1926

² The New York Times, November 8, 1926

³ The New York Times, November 14, 1926

woman is on a side street and not easy to find. A greater number went to the Phillips farm and to the famous lane. Hundreds, perhaps thousands, attempted to visit the farm, but for the first time they turned back. . . The owners of the development have been unable to sell homes since the revival of the case. Sightseers have even tried to remove parts of the unsold dwellings as souvenirs, although they were not there four years ago, and the shingles, even panes of glass from the cellars have been taken.¹

After the defendants were acquitted the Rev. Ernest Pugh, rector of St. John's Episcopal church in Somerville, said that Mrs. Hall and her brothers had been persecuted rather than prosecuted, and that the public courts had been lowered by the "contemptible methods of Alexander Simpson."²

The publicity given the case in 1926 far surpassed that of the earlier trial. In 1922 the Times gave it 608 inches of space in September, 2,154 in October, 1,139 in November and 155 in December, making a total of 4,056 inches. In 1926, 257.5 inches of reading matter were given in July, 2,660.5 in August, 1,816 in September, 1,034 in October, 5,871 in November, and 1,267 in December, totaling 12,608 inches or more than three times as much as had been printed in 1922. The largest amount of space

¹
The New York Times, November 15, 1926

²
The New York Times, December 5, 1926

devoted to it in one issue of the Times was thirty-three columns.

Figures alone are not invariably conclusive; many fortuitous circumstances may determine if a story be long or short. An unexpected happening of importance reported at the last moment might cause a story which otherwise would have occupied one and a half columns of space to be reduced to a half column, a paragraph, or to be crowded out entirely. But over a period of three or four months the amount of space given one particular subject becomes significant in showing the policy of the newspaper. That policy might have been adopted because of the influence of outside agencies to be followed only temporarily. In that case it is interesting to note the great influence that the tabloid had in sweeping an otherwise conservative newspaper into such a deluge of writing concerned with a sensational crime which had little or no importance outside the state of New Jersey. The case will be more fully discussed in the conclusion of the whole study, where an endeavor will be made to see it in its large and its comparative significance.

The Kansas City Journal-Post and the State
versus
Jonathan M. Davis

The administration of Jonathan M. Davis as governor of Kansas from 1923 to 1925 was a turbulent one in many respects. A Democrat executive in a state usually Republican is not likely to have plain sailing no matter what discontent with the Republican party, as manifest in the election of a Democrat to power, has brought him to office. Some criticism was, then, to be expected. Extremely caustic criticism of Davis, however, did not arise until near the close of his administration, when his policy of granting pardons to an unusually large number of convicts, some of whom had served only a brief part or no part of their terms, attracted wide attention in the state.

Various newspapers had broadcast the fact that Davis was granting great numbers of pardons and paroles during the last few weeks of his administration, and while there may have been plain enough insinuations that these dealings of the governor in this respect had not all been straight and above board, it remained for the Kansas City Journal-Post to bring matters to a climax with a deliberate accusation and to offer proof that the accusation could be substantiated.

An explanation is necessary at this time regarding

references to the Journal-Post which will appear frequently in the following pages. The newspaper organization known as the Kansas City Journal-Post is the result of the consolidation of the old Kansas City Journal and the Kansas City Post. The Kansas City Journal appears in the morning; the Kansas City Post in the evening, while one paper, the Kansas City Journal-Post, appears each Sunday. A knowledge of this will enable the reader to follow more easily the discussion which follows.

With the aid of Fred W. Pollman, a convicted LaCygne banker who was seeking a pardon, the Journal-Post caught Russell Davis, the governor's son, in the act of accepting money which, it was alleged, was to be payment for the pardon. A dictograph had been placed in a hotel room in Topeka, where the transact^on took place, by means of which men in the adjoining room heard Pollman offer the money, and Russell Davis accept it. Davis left and one-half hour later returned with the pardon, at which time the listeners, including a representative of the Journal-Post, closed in on young Davis and accused him of accepting a bribe. He returned to Pollman the money that had been paid to him.

The Journal-Post's action made impossible the springing of a trap as planned for the next day by attorney-general,

Charles B. Griffith, by which he had hoped to catch the governor and Carl J. Peterson, state bank commissioner, and so incurred the enmity of Griffith. The governor was arrested just two hours before the inauguration of Ben S. Paulen as chief executive of the state, placing Davis in such a humiliating position that it excited pity for him and in all probability brought about his acquittal in the trial which followed.

The trap was sprung on Russell Davis on January 9, 1925. The next morning the Kansas City Journal bore these headlines: "\$1,250 Bribe For Pardon.--- Gov. Davis' Son, Russell, In Deal With Convicted Kansas Banker.--- Takes \$1,000 Then Goes To Statehouse, Returns With Document For \$250 More."

The headlines were borne out below: "Gov. Jonathan M. Davis' orgy of pardon granting culminated here late today in the catching of the governor's son, Russell G. Davis, in the act of accepting a bribe for a pardon granted by his father, a bribe alleged to have been solicited by the governor and paid to the son on the directions of the governor.

"Young Davis accepted \$1,000 in a room in the National hotel, left and returned with the pardon and then was paid \$250 more. Confronted with the fact that his dealings with the convict to whom the pardon was granted had been heard over a dictograph by four witnesses, young Davis returned the \$250 paid on delivery of the pardon, and unaccompanied, left the hotel and

came back with the \$1000 paid on his first visit.

"The money had been marked and the numbers taken in advance, and the money he returned was the same paid to him. He refused to say where he had left the \$1000 after leaving the hotel to get the pardon and denied his father knew anything about the transaction, but other evidence has been assembled over a period of three weeks, tending to convict the governor with the solicitation and acceptance of a bribe.

"Present when young Davis was confronted with the facts were W. C. Miller, Belvidere, Kas., state representative; George H. Wark, federal prohibition director for Kansas; W. H. West, shorthand reporter; Ben C. Johnson, former officer at the state penitentiary at Lansing; W. C. Clugston, chief of the Journal-Post's Topeka Bureau; Fred W. Pollman who paid the money and got the pardon.

"A prepared statement read by Mr. Pollman follows.

"Russell, I am indeed very sorry that your father, the governor, has exacted this money from me. I have considered all along that he could release me on the merits and the facts in my case, and that he was my friend.

"Evidently what he is doing in my case has been going on for some time. Your father knows that I am not a thief or a crook. Had I been such I would have fallen for the purchase of a bull November 20, or Joe Taggart's request that he represent me at my hearing set

for December 27, and it was only when he requested that I employ you that I considered it the opportune time to do what I am now doing. My friends in the adjoining room have heard every word and have known every move, and from now on you can talk to them.¹"

The Journal-Post had assumed the position of one rendering a great public service, and almost immediately it sought to ingratiate itself in the public confidence. The Post, the evening following the exposure of the governor in the morning Journal, under the headline "Davis Expose Draws Praise From Readers", said: "The Journal-Post received many calls from persons extending congratulations to the newspaper for its part surrounding the pardoning of convicts in Kansas.

"The messages began to pour in as soon as readers had seen the exclusive articles on the expose published in the Journal this morning.

"Newsdealers reported they were swamped for copies of the Journal and that their supply was exhausted soon after being placed on the streets. Many persons came to the Journal-Post building to obtain copies after the street circulation was sold out.²"

The Post continued the story of the attempted sale of a pardon in such manner as to imply that the paper was

¹ The Kansas City Journal, January 10, 1925

² The Kansas City Post, January 10, 1925

responsible for whatever action the attorney general's office might take: "The sale of a pardon yesterday by Russell G. Davis, son of Gov. Jonathan M. Davis, will be subjected to a double investigation by the state legislature and the attorney general's office. . .

"Mr. Smith indicated that the attorney general's office had been investigating along the same line, and that the exposure by the Journal-Post will lay open a series of alleged irregularities.

"Charles B. Griffith, attorney general, is ill at his home and Mr. Smith said the program of the attorney general's office would not be decided on until Mr. Griffith can be consulted.

"Mr. Smith, however, gave assurance that the attorney general would take recognition of the matter."¹

That matters had been precipitated with a haste inconvenient to the courts is seen in a statement by Tinkham Veale, county attorney of Shawnee county in which Topeka is located, to the effect that he was not ready for action. "On the face of the story published this morning in the Kansas City Journal," said Mr. Veale, "the case seems to be air tight, not only against Russell Davis, but against his father, Governor Davis.

"I desire a little more time to go over the law in

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The Kansas City Post, January 10, 1925

the case and to get the facts more firmly in mind. when I have studied it thoroughly, I will issue the complaints against the governor and his son at my own motion. . . .¹"

The conflict with the attorney general's office is also evident from the first. A story in the Journal-Post on January 11, read, "The exposure of the sale of the sale of the pardon, it is believed, stopped the arrangements for the delivery of Walter Crundy, former Hutchinson banker convicted in the crash of the Fourth State Bank a year ago.

"The Attorney General's office, it is understood, has been cooperating with Shawnee county officials to trap alleged agents of Grundt in the act of paying a bribe of \$3,500 to a prominent official of the Davis administration.

"It is understood a dictograph had been placed in the office of the official and the stage had been set for the exchange of the money today.

"The story of the Pollman pardon in the Journal this morning blew up the arrangements, it is understood."²

The customary dragging in of the family of the accused was not neglected by the Journal-Post, although the treatment in this instance made a show of sympathy. "Nowhere is there a word in behalf of Governor Davis.

¹
The Kansas City Post, January 10, 1925

²
The Kansas City Journal-Post, January 11, 1925

Every legislator either is reading the latest news of the pardon bribe accepted by the governor's son or asking his neighbor at his side what he thinks about it all.

"The shades are drawn in the Governor's mansion. The reporter rings the modest doorbell. 'Is Russell Davis here?' 'No!' replied Mrs. Davis, 'he left a short time ago with his cousin. I do not know when he will be back. Probably after a little while.' Mrs. Davis is dressed in black. She looks as if she had been weeping.

"Mrs. Davis is known as the 'homiest' mistress of the governor's mansion. She is loved in Topeka and today the people here will say this to one:

"'There is one whom I feel sorry for. That is Mrs. Davis. She is one of the sweetest little mothers I ever knew.'²"

The Post on January 12 told the story of the governor's arraignment in court. "For the first time in the history of the state, Kansas today saw its governor placed under arrest.

"Two hours before his retirement from office, Gov. Jonathan M. Davis, with his son, Russell, was summoned

² The Kansas City Journal-Post, January 11, 1925

[?] Sic.

by telephone to the Shawnee county courthouse to answer to a charge of accepting a bribe of \$1,250 for the pardon of Fred. W. Pollman convicted banker of LaCyne.

"Fifteen minutes later Governor Davis and his son appeared in the court of Judge Paul H. Heinz for arraignment.

"The arrest of the governor and his son followed futile attempts by his attorneys to delay the arraignment until after the inauguration of Ben S. Paulen, the new governor, which was at noon."

The governor went directly from the court room to the inaugural. Of his reception the Post said, "When the governor appeared there was a wave of applause throughout the crowd.

"The applause froze into silence as the governor made his denial. It was not until he launched into his set speech and mentioned the name of Governor-elect Paulen that the crowd applauded again.¹"

The Post of the same date carried a picture of Attorney General Griffith with a caption which read, "Bats for Davis!" The underline stated that Griffith was trying to block the prosecution of Davis.

The attack on Griffith having opened, the Journal carried it on the following morning. By continually

¹
The Kansas City Post, January 12, 1925

calling him to account in their columns, by asking why he had not done various things, the Journal and the Post not only put him in a bad light before the public, since there were so many insinuations of bribery among officials in the air, but also covered up the fact that they were interfering with the attorney general's plan for prosecuting the offenders. For example, the issue of the Journal for January 13 bore the story, "Charles B. Griffith, attorney general of Kansas, late today demanded the resignation of Carl J. Peterson, state bank commissioner, an appointee of former Governor Jonathan M. Davis.

"Peterson refused to resign and Griffith later announced he will file proceedings tomorrow morning in an effort to oust the bank commissioner.

"Griffith's action followed repeated efforts on the part of the Journal-Post to obtain from Griffith a statement as to why he had not pressed action on affidavits he was known to have had in his possession involving a state official in connection with efforts seeking to obtain a parole for Grundy.

"Griffith called the bank commissioner to his office shortly before 5 o'clock this afternoon after he had struck the manager of the Topeka bureau of the Journal-Post who had gone to Griffith's office for information relative to the Grundy parole proceedings."

The innuendo that is conspicuous here, reflecting upon the integrity of the attorney general, was continued

in the columns of the Journal Post, and it also made much of its role of Martyr elsewhere in the same issue. Under the head, "Griffith Strikes Bribery Prober.--- Journal-Post Writer Assaulted by Kansas Attorney General", this story appeared: "W. G. Clugston, chief of the Topeka Bureau of the Kansas City Journal-Post, late today was assaulted by Charles B. Griffith, attorney general of Kansas.***'I haven't anything for you this afternoon', Griffith said before either of the correspondents had addressed him.

"Griffith arose from his seat and started toward Mr. Clugston. "'You printed a dirty lie about me this afternoon,' Griffith said angrily. He referred to an article published in this afternoon's Post stating that the attorney general was 'moving heaven and earth' to block the prosecution of former Governor Davis and his son Russell G. Davis.

"Advancing toward Mr. Clugston Griffith said: 'You've got to get out of my office!'

"Griffith struck Mr. Clugston on the chest with the palm of his hand. The blow sounded out in the corridor. 'I'm a sick man', Griffith shouted, 'and I want you to get out of my office.'

"' I know you have been sick.' Mr. Clugston replied.

"Griffith and Smith then pushed Mr. Clugston out of the office and slammed the door in his face. Griffith's animosity toward the Journal-Post has been apparent since the newspapers caught Russell Davis accepting a bribe from Fred Pollman in exchange for a pardon signed by former

Governor Davis."

On January 13, the date of this story, Pollman went to the office of Governor Paulen and offered to surrender his pardon. The next day, however, the Kansas City Star and attorney general Griffith had criticized Pollman for his part in the plot to trap Governor Davis. The same prolific issue of the Post carried his retort:

"I have no quarrel with the Kansas City Star or Charles B. Griffith, attorney general of Kansas, or for that matter, former governor Davis. I simply followed former governor Davis's instructions to the letter as those instructions were given me by Glenn A. Davis, his messenger, except that I took into my confidence unimpeachable witnesses to all my movements. Evidently that is what constituted a crime. It might probably be called a breach of etiquette - hardly a crime.

"Exposing this trafficking in pardons and taking the Journal-Post into my confidence, I presume, was another crime.

"However, I had only in mind the welfare of the public and at all times my sympathies were with those who were worthy and behind prison bars. I did not think they should be stripped of every vestige of property by peanut politicians when worthy of a release. They have had enough time beating back under the most favorable circumstances.

"In my three interviews with Russell G. Davis, the governor's son, two of which were sought by him, I repeatedly gave him warning as to the seriousness of the transaction we were engaged in.

"At no time have I relied on the pardon issued by governor Davis under such circumstances, as any of my friends with whom I have worked for the last two weeks will testify.

"If in exposing this pardon graft, I have committed a sin against society, then God help us.

"I expect to be in Topeka January 13, there to answer any charges placed against me, and shall be pleased to meet the honorable Charles B. Griffith. (Signed) Fred W.

¹
Pollman."

On January 23, Davis and his son waived preliminary hearing; and on January 31 they pleaded not guilty in the district court.

On January 25, the accusing papers cleared their skirts at the expense of Griffith again. Very lightly disregarding the fact that their own action had interrupted the methodical legal investigation of the state which might have meant conviction for the governor, his son and the state bank commissioner, they characterized the attorney general's antagonistic attitude as one of "sour grapes". The account in the Journal of January 25

reads, "Griffith announced yesterday afternoon that he was going to demand that Judge Paul Heinz, the new county attorney of Shawnee County, file a complaint against Peterson. He was reported further to have said that if Judge Heinz declined to do so, he, Griffith, would ask Governor Paulen for instructions to act against Peterson. . .

"Some observers see in Griffith's announcement of his intention of demanding action by the county attorney a move on Griffith's part to cover up the fact that he failed to handle the Grundy-Peterson case so it would stand up in court. It is pointed out that if he can make it appear that the county attorney is refusing to act, it may have the effect of taking the blame off his own shoulders.

"Griffith's attitude and actions throughout the entire pardon scandal are creating much speculation throughout the state. In the firstplace, he endeavored to prevent the filing of complaints in the Pollman case against the former governor at a time when, according to later developments, he was in possession of substantiating evidence in the form of the Oswald affidavit against Peterson and the governor. The Oswald affidavit was not made public and Peterson's resignation demanded until the Journal-Post had learned from other sources that the attorney general had it in his possession and demanded what action he was going to take.

"The kindest interpretation that is being put on the situation is that the attorney general was chagrined because

the Pollman exposure had prevented him from taking the spotlight by the completion of the Peterson case and that since then it has been a case of 'sour grapes' with him." In a very small paragraph following the above was printed Griffith's denial that he would act if the county attorney did not.

That the campaign against Griffith by the Journal-Post was bearing the fruit for which that paper had hoped and was laying the attorney general open to suspicion and attack from his political enemies is seen in the following article:

"Storney General C. B. Griffith late today was made the subject of a personal attack on the floor of the senate----
'I want to know by what right the storney general is up here lobbying for bills?' Senator Sparks said. 'I want to know why he has to come up here and help us run our business instead of staying down in his office and running his own affairs.'

"As Senator Sparks began his attack Mr. Griffith walked quietly from the chamber, but the senator continued, and was applauded vigorously by the senators on both sides of the house.

"'I'm getting sick and tired of having the attorney general come up here and lobby to have bills changed from one committee to another, 'the senator said.

"'I'm getting tired of this sort of procedure and I would like to know why we have to stand for it. If he hasn't enough work down in his own office to keep him busy let him get rid of some of those deputies in his office.

It seems to me we are able to run this senate without his assistance.

"'Anyway I don't like him,' he continued. 'I don't like any crook, and I don't believe this man is on the square. If he is, of course, I will apologize, but I'm going to introduce a resolution to have him and his books and his records investigated, and I'll bet any senator \$100¹ that when we get through I won't have to apologize.'"

A later development is to be noted on February 22, after the attorney general had been forced to act along lines vastly different from those of his original intention. "When the Pollman deal, in which Pollman, convicted banker of LaCygne, Kansas, purchased a pardon from Russell G. Davis, the governor's son, for \$1,250, first was revealed in the Journal-Post, the attitude of Charles B. Griffith was not friendly.

"Mr. Veale, then county attorney of Shawnee County, filed the complaints against the governor and his son.

"The retention of Veale as special assistant attorney general to assist Paul H. Heintz, the present county attorney, and Ed. Rooney, assistant, indicates, observers believe, a change of attitude of the part of Mr. Griffith."²

On February 21, at the preliminary hearing of Davis and Peterson, Mrs. Grundy testified that Peterson had told

¹ The Kansas City Journal, Feb. 12, 1925

² The Kansas City Journal-Post, Feb. 22, 1925

her to go home and get her attorney fees when she had conferred with him concerning a pardon for her husband.¹

The date of the trial was set for May 11, and since not enough evidence had been secured on the Grundy case because of the Journal-Post's intervention, to try Davis on that case along, the state resorted to the use of the evidence secured in the Pollman case. The attorney general was forced into the unique position of watching the defense accuse the Journal-Post of "trumping up the case" while he, since he was forced to use the Pollman evidence secured by the Journal-Post, had to sit by in silence. Davis went to trial alone, the Peterson case being postponed.

On May 13 an account in the Journal read, "The courtroom was packed to capacity this afternoon as the main evidence in the case was reached. . . On cross examination efforts were made by the defense counsel to entangle Glenn Davis into statements to show he had been prompted to take part in the action that resulted in the exposure of Russell Davis by the Journal-Post."

"However, the witness steadily maintained he had taken part in no plot to 'get' the governor and that he had not talked to any newspaper reporters or newspaper men until long after the plans were made for paying Russell Davis \$1,250 for a pardon for Pollman." "Pollman and Davis had formed a friendship while both had been prisoners. They had been

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The Kansas City Journal, February 21, 1925

paroled and were working in conjunction for pardons.

Again, on the next day the Journal stated that "The defense continued its efforts late this afternoon to make it appear that the charges against the former governor were largely 'trumped up' by the Journal-Post."¹

Still, making much of the position of the Journal-Post as an agent of the public, and incidentally predicting that the Grundy case of the attorney general would not stand up in court, the Journal on May 15 said, "It became more evident than ever before this afternoon that the Pollman evidence is the backbone of the case against Jonathan M. Davis, former governor, when the defense laid the foundation for the charge that the Grundy case was a frame-up.

"The cross examination of A. L. Oswald, chief witness in the Grundy case, revealed the weakness of the case, and made plain the strategic victory of the defense when it succeeded in getting this case against the governor called first."

On May 20, the Journal carried the statement that friends of Davis thought the state had failed to produce substantial evidence showing that the former governor had solicited a bribe from Oswald. He was acquitted the next day and the Journal said that the defense again attacked the Journal-Post, that "attorneys for the state told the jury of the necessity for a newspaper to give its readers the news and commended the Journal-Post for its activities in the big pardon and parole scandals."²

¹ The Kansas City Journal, May 14, 1922 .

² The Kansas City Journal, May 21, 1925.

On the release of Davis The Kansas City Star commented, "The acquittal of Jonathan M. Davis by a jury in the Shawnee county court here last night meets with general satisfaction at the state capital.

"Topeka is a political center, and from the beginning the politicians did not look upon the Davis case seriously. However, there has been a strong undercurrent of sympathy among all classes of people here from the time of his arrest. Davis was arrested two hours before he retired from the office of governor. That act itself created much sympathy for him. 'They should have waited until he was out of office' was the expression given to this line of sympathy."¹ The Star indicated that too much was made of the Pollman case; that it had been a trap that had proved to be a "two edged sword", eventually creating so much sympathy for the governor that it went a great way in keeping him from being convicted.

The attitudes of The Kansas City Star and of the Kansas City Journal-Post toward campaigns waged by each other are the attitudes usually maintained by rival papers edited in the same city. While seldom openly antagonistic to a campaign of the other paper, they are as a rule decidedly cool about it, and give as little space to it in their own columns as is possible. Something of the attitudes of the two newspapers toward each other is

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The Kansas City Star, May 21, 1925.

seen in the above quotation from the Star in regards to the Journal-Post's action in the Davis case.

It is altogether possible that the rivalry on the part of the two papers may have been in part responsible for the action of the Journal-Post, since each paper is always seeking means to increase its prestige.

The writer believes that a newspaper may at times act as the protector of the public but that it has no right to race the courts for the privilege, if the courts are preparing to act. Further discussion of this chapter will be made in the conclusion.

The Kansas City Star and the State
versus
John R. Brinkley

The third case to be here studied is that of J. R. Brinkley, former medical practitioner at Milford, Kansas, in the defense in 1930 of his legal right to practice medicine, which right the state, sponsored by The Kansas City Star and Times, was attempting to take from him. The case so developed that it is open to study from four angles; the campaign for the cancellation of Brinkley's license for his radio station, the campaign against his candidacy for the governorship, and the personal campaign which the Star waged against him. The first two of these divisions pertain to the legal aspects of the prosecution; the third was directed by the Star; and the fourth, the newspaper's personal antagonism, may be readily discerned throughout the whole. A brief summary will serve to clarify the case and make possible a better understanding of the Star's treatment of it.

On April 9 there appeared on the first page of the Star, under the head of "Quackery On The Air", a news story commenting on an article by Dr. Morris Fishbein which was to be published on April 10 in an issue of the Journal of the American Medical Association. Dr. Fishbein was the editor of the Journal and president of the American Medical Association. Excerpts from the news story as it quotes from the article of Dr. Fishbein show the basis of the charges brought against

Brinkley, and something of the Star's method of dealing with the case. The fact that the Star was able to quote the article before its appearance is evidence of advance planning that had been given to the campaign .

"A 'charlatan' of the rankest sort is the charge made against 'Dr.' John R. Brinkley of Milford, Kansas, by Dr. Morris Fishbein, editor of the Journal of the American Medical Association, in the issue of that periodical to be tomorrow", the news story runs. "He calls on the federal radio commission to take action in the way of curbing the activities of Brinkley and other medical fakirs, who are using the radio to carry their nostrums into the homes.

"Recently Brinkley has extended his commercialization to medicine--via the radio--by prescribing for his unseen, unknown audience and then entering into a financial agreement with druggists whose professional standards are apparently as low as his own. . . . Brinkley's educational history is as shady as his professional record. He has claimed two diplomas not recognized by the license boards of most states of the union.'" The paper stated that both he and his wife received diplomas from the Kansas City College of Medicine and Surgery, the old Eclectic school, in 1919.

On April 29 the Star listed formal charges which had been brought against Brinkley. They were that the high school named in his application to the state board for a license as the one from which he was graduated in 1908 with sixteen credits did not exist in 1908; that he was guilty of gross immorality and unprofessional conduct; that he had previously

pleaded guilty to selling intoxicating liquors; that he had been placed under a peace bond of \$1000 for having threatened to shoot a man; that in the year 1920 he had gone to Chicago and began to practice medicine without a license, leaving just when the state was preparing to take action against him; that in 1923 the state of Connecticut had revoked his license in California on the basis of reciprocity and had been refused the license; that in 1924 he had been indicted by the state of California on a charge of conspiracy to violate the medical laws of the state, and officials of California had asked for his extradition, which was refused by Governor Davis of Kansas; that the University of Pavia, Italy, had annulled the degree which it had granted him on account of the low standing of the Eclectic Medical University, where he claimed to have received a part of his medical education, but that in spite of the annulment he still continued to claim that he was a graduate of the University of Pavia.

It was charged also that for a number of years past he had maintained a hospital at Milford, Kansas, where he performed what he called "the compound" operation for purposes of curing diseases of the prostate gland, high blood pressure, impotency, sterility, some types of diabetes, neurasthenia, epilepsy and dementia praecox; that, in connection with the compound operation, where additional gland tissue is needed, he claimed that he transplanted animal glands to the patient, for which operation he charged \$750--an operation which could not be performed in the manner which he described, and is of no value to the patient, with even worse conditions resulting in

some cases; that patients were frightened into signing checks for exorbitant fees by descriptions of dangerous and complicated cases; that for wealthy patients he advised a human gland operation, for which he charged \$5000; that he declared that he had success in ninety to ninety-five percent of his operations; that he became drunk and ridiculed the "old fools" who had the operations; that he made false claim that no patient had ever died in his hospital; that he diagnosed over the radio, a dangerous practice which allows much chance for error; that, he guaranteed and promised cures through the mail in violation of the American medical code, and that he boasted that he was not governed by that body.

On May 6 the Star, in reference to Brinkley, stated that the "lost manhood quack" had sued Dr. Fishbein and Dr. W. L. Yates of Junction City in a joint suit for \$600,000, Dr. Fishbein for writing articles about him and Dr. Yates for circulating them. Dr. Fishbein replied the following day by saying that it was a bluff on Brinkley's part and that the suit would never come to trial.¹

On May 20 Brinkley's application for a temporary injunction, which he had filed on May 6, enjoining the state board of medical registration and examination from acting upon a complaint seeking revocation of his license, was denied. Attorneys for Brinkley had filed the suit on the ground that the medical board had no authority to summon and compel the attendance of witnesses, and therefore

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The Kansas City Star, May 7, 1930.

that Brinkley could not make an adequate defense against the Kansas Medical Society. "It was argued that a license to practice medicine is a property right which cannot be arbitrarily taken away, and since there could be no compulsion of witnesses to attend the hearing on behalf of Dr. Brinkley, it was contended that the cancellation would be taking property without due process of law."¹ He appealed to the supreme court of Kansas, and eventually to the United States supreme court. The Kansas court handed down a decision against him on June 13.² The United States court's action is still pending. On June 21, the date for Brinkley's hearing before the medical board was advanced to July 15, at which time Brinkley produced numerous witnesses to testify that he had cured them of equally numerous diseases. He was forced to admit under oath that booklets which he sent through the mail describing the operation did not describe it as he performed it.³ On September 15 members of the state medical board and newspaper men watched Brinkley perform a gland operation, and two days later the Kansas medical board declared him guilty of gross immorality and unprofessional conduct, and revoked his license to practice medicine in the state.

Just before the order was made, Brinkley offered to surrender his Kansas license if he should be allowed to keep

¹ The Kansas City Star, May 20, 1930.

² The Kansas City Star, June 13, 1930.

³ The Kansas City Star, July 30, 1930.

his hospital open under the name of Brinkley Health Institute, with Dr. Tiberius Jones, his brother-in-law, in charge. Brinkley announced that he would file an injunction to prevent the board from carrying out its order of revocation.

On September 25 the state filed fifty-two complaints against Dr. Osborne, Brinkley's chief surgeon in goat gland cases, who had no license to practice in Kansas, and the following day the attorney general filed a petition asking an injunction against Brinkley and Mrs. Brinkley. It was in her name that all of the business of the hospital was conducted. On January 28, 1931, Judge John C. Pollock of the United States district court refused to dismiss the suit of John R. Brinkley against the Kansas state board of medical registration and examination. He called the Kansas board's revocation "arbitrary, oppressive and unjust." As a result "the state now must show cause why an injunction order prohibiting the board from cancelling the license of Brinkley to practice medicine should not be granted." The case is still pending.

The retaining of his license to practice medicine in Kansas was not the only legal problem that had been confronting Brinkley during the past six or eight months. Charges that he was operating his radio station for personal profit instead of for the benefit of the public were being circulated, and Brinkley's license permitting him to continue the use of the station was soon to expire.

Soon after the charges of the American Medical Association were launched against him, A. B. McDonald,

a celebrated feature writer of The Kansas City Star who was assigned to this case, questioned Brinkley as to what he would do if the federal radio commission did take his radio away from him. "They can't take away what I haven't got",¹ he replied. He said that the radio station was owned by the KFKB Broadcasting Association, and named four men as the principal stockholders. There were, he said, one thousand shares of stock, of which he owned only one. The same issue told that McDonald had learned from records at Topeka that, while it was true that Brinkley owned only one share of the stock, he and his wife together owned nine hundred and ninety-two of the one thousand shares. The company had been organized at \$150,000.

By May 10, Brinkley was making active preparations to defend his radio license before the federal radio commission, which had called him to present reasons why his license should be renewed on May 20. He sent out invitations over his radio asking his friends to go to Washington with him at his expense to appear before the commission against the cancelling of his license.² He gathered thirty-five of them together and left for Washington, D. C., on May 16, but did not take the stand in his own defense, and the federal commission by a vote of three to two ordered the license of station KFKB cancelled.³

¹ The Kansas City Star, April 16, 1930.

² The Kansas City Times, May 10, 1930.

³ The Kansas City Times, June 14, 1930.

Upon learning that the renewal of his license had been refused, Brinkley was quoted as having accused the federal radio commission of accepting a bribe from the American Medical Association because of pressure applied by President Hoover, who, the quotation ran, was paying off an election debt to The Kansas City Star. When his lawyers threatened to quit the case, Brinkley denied the charge.¹

The court of Appeals for the District of Columbia granted him a stay order which permitted the radio station to continue to broadcast while the appeal from the radio commission was pending. But on February 2, 1931, the United States Court of Appeals upheld the radio commission in its refusal to renew Brinkley's license. Brinkley subsequently sold his equipment to the Farmers' and Bankers' Life Insurance Company of Wichita, Kansas, and the federal commission assigned what had been his frequency to that company.

During January, Brinkley had carried on a campaign urging people to send subscriptions to Cash Davis, a farmer living close to Salina, to buy the station and operate it under the name of "The People's Station".² But he ran into trouble with the Kansas blue sky commission, whereupon he urged that the money be sent to Mexico to build a station there.³ He is at the time of this writing making investigation relative to the securing of a powerful station

¹ The Kansas City Times, June 16, 1930.

² The Kansas City Star, January 24, 1931.

³ The Kansas City Times, February 13, 1931.

in Mexico, just across the line from Texas.

Meanwhile, trouble was approaching him from yet another angle. Aroused by the action of the medical board and the federal radio commission, federal postal authorities began an investigation of the pamphlets and letters that he was sending through the mail. On April 25 the Star announced that the medical board had in its possession two letters written by Brinkley to a prospective patient which made him liable to prosecution. Again, on May 21, a news story said that the pamphlet, "Life", had already been "declared unmailable by the post office department because of its lewd, lascivious, obscene and suggestive contents."¹

On June 15, the Star said: "Let a man open a little office in an obscure back room somewhere and put even a half-inch advertisement in the papers that he can cure lost manhood, and the postal authorities will be upon his back in double quick time. But Brinkley seems to have so much influence in one way or another, that he has been protected in the past from interference by the postal inspectors who would gladly close him up if their superiors would permit."²

When the hearing before the state medical board was called at Topeka, two United States postal authorities who were conducting the government's investigation attended. But what the postal authorities ever did, if anything, was never disclosed in the newspapers.

¹
The Kansas City Star, May 21, 1930.

²
The Kansas City Star, June 15, 1930.

Nothing daunted by the attacks of the medical board, the federal radio commission, and The Kansas City Star, Brinkley decided late in the day to enter the race for the governorship. It was so late, in fact, that the primaries had been held and the ballots printed without his name upon them, necessitating its being written in when a voter desired to cast a ballot for him. Since there were no legal technicalities standing in the way of his becoming governor, the campaign against him simmered down to the propoganda put into circulation by The Kansas City Star in its endeavor to keep him from gaining the office he sought. This material will be offered later, with the other material which pertains to the Star's personal campaign against Brinkley.

With this summary in hand the study may now pass to that part of the investigation with which it is most concerned, namely, that part which shows the manner in which The Kansas City Star and Times dealt with the case in their news columns. Quotations, both direct and indirect, indicate these papers' attitude. Following the same line of procedure which I have used in the summary, the divisions of the case will be discussed in the order named; the campaign for the cancellation of Brinkley's license to practice medicine in Kansas, opposition to the renewal of his radio license, and the propoganda launched against him as candidate for governor.

From the first story which appeared about Brinkley on April 9, the Star stressed the point that Brinkley was a "quack." "Quack", "goat gland racketeer", "fraud" and "charlatan" are terms reiterated so many times that they become tags. For each charge made the Star cites many

proofs, sometimes in very colorful writing.

Brinkley practiced fraud from the very beginning of his career, the paper asserts, obtaining his medical diploma through dishonest methods. A. B. MacDonald writes in the Sunday Star, April 20, "In searching back through the records to find if Dr. John R. Brinkley, the goat gland doctor of Milford, Kansas, ever honestly and legally obtained a diploma that entitled him to practice medicine, one is led into a maze of falsehood, perjury, duplicity, fraud and crime." Each time he had applied for a license to practice medicine in any state he had presented different stories as to the schools he had attended, Mr. MacDonald asserted. Some days later Brinkley is presented again, this time in a headline, as having dishonestly secured his license. "A Quackery Brand_{ed}-- Fraud Is Charged From High School Certificate to latest Impossible Gland Operation."¹

Four days after the appearance of the first story about Brinkley, the Star sent Mr. MacDonald, a special writer whom it had assigned to the case, to Milford to interview him. Excerpts from this interview do not relate Brinkley's views alone on the action taken by the medical association. By the skillful manipulation of MacDonald the reader sees Brinkley as a man who loves ostentation, as a man who is rich. These two themes are introduced into stories again and again during the following months. The fact that Brinkley was "showy" might be depended upon

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The Kansas City Star, April 29, 1930.

to alienate some of the more conservative, and the fact that a man has wealth is always a reason for the antagonism of a certain per cent of the population. Especially would his wealth have a damaging influence against him if it were made apparent that this wealth was dishonestly obtained from the public. Extracts from the interview follow:

"'Glad you came!' said Dr. J. R. Brinkley as he welcomed me last Friday in his office in Milford, Kansas. 'The American Medical Association has denounced me as a charlatan and quack, but there are two sides to everything, and I know the Star will be fair enough to print my side of this fight.' He smiled and beamed with good humor.

"As I sat down he opened a fresh packet of cigarettes. I began, mentally, to weigh his diamonds; to see which was the biggest, the one in the necktie, the one set in a ring of platinum on a finger of his right hand or the one on his left hand. They glittered as he moved, and my decision was that the one he had in his tie, as large as a hazel-nut, had it over the other two. By the time I had decided that point he had lighted his cigarette, had seated himself opposite me, and said: 'I'll answer any question you may ask me!' Fair enough.

"'How much have you invested here,' I asked. 'A half million dollars, and I've made every dollar of it in the last thirteen years, with the American Medical Association and most of the doctors fighting me. I get fat on fights,' and he laughed. All through the interview

he laughed and joked."

In answer to another question, he replied "'No, nothing the doctors can do now can hurt me. If they revoke my license, I have five licensed physicians and surgeons, and six graduate nurses here with me now. They would keep right on and if necessary I could bring here a staff of graduate doctors from the best medical universities in the world.'"

Brinkley requested of MacDonald that in justice to him he say in the Star that he did not treat cancer, tuberculosis, chronic rheumatism, diabetes or any of the incurable diseases. "'I will not accept any patient who cannot be cured or who may die under treatment,'" he said. "'No patient of mine has ever died here. If we should have a man die here, the doctors who are fighting me would publish it all over the country, so I must be careful. Other doctors may kill 'em off but I daren't.'"¹

On file in the office of the bureau of vital statistics, however, MacDonald found that thirty-six death certificates had been signed by Dr. John R. Brinkley. "All of them (the deceased) died in Milford, Kansas, since 1918," Mr. MacDonald goes on, and, "although the certificates do not show that all of them died in the hospital, it is presumed that all of them did die there. These vital statistics disclose that six have died in his hospital in Milford from operations for cancer alone."²

¹
The Kansas City Star, April 13, 1930.

²
The Kansas City Star, May 11, 1930.

"Only the doctors are complaining about me and my work. You never hear a complaint from any of my patients. They are satisfied,"¹ declared Brinkley in this same interview, which called forth in the Star a few days later under the headline, "His Cures Talk," an article by MacDonald which in substance reads thus:

I found several who are complaining and far from satisfied. A Mr. Zahner, 64 years old, a Kansas man, had been listening over the radio for over a year. He said, 'I thought that he must be all he claimed and could not conceive that this great government of ours would give a license to a quack and charlatan to operate a radio broadcasting station with which to rope in victims. I wrote him, and the letters from him began coming urging an examination. On the same train out of the union station at Kansas City were twenty odd men. All had been attracted by his radio talks and were going for the same kind of prostate trouble. I was examined by a Dr. Osborne. I did not see Brinkley. I was sent to bed and all night long until four o'clock the next morning these men were examined, each being frightened and sent to bed. Sometime after midnight Mrs. Brinkley came to me and said, "You have a bad case, a borderline case," and that must be operated on at once. She had a check all filled out for me to sign, \$750. Being that uncanny hour of night, each man limping up and down the hall, examination going on, I

¹
The Kansas City Star, April 15, 1930.

was unduly influenced and signed it. Soon after the operation by Dr. Osborne, Dr. Brinkley came to see me. I told him, "'Doctor, I am five times as bad as when I came.'" "'That's natural,'" he said, "'it will be a year before you are fully well.'" "'But your wife told me I would be well in three days,'" I said to him. "'You must have misunderstood her: yours is a borderline case. You may have to come back here for another operation later on,'" he replied. I was given notice I must leave Saturday. All the patients who had gone there with me were cleared out before Sunday, when a new batch comes in. I believe that is done so the newcomers will not have a chance to talk with those who have been operated on. After I got home I realized that I had been victimized. I tried to stop payment on the check but it had been cashed. I have not been able to do a day's work since. I came home from Brinkley's, have taken six bottles of medicine at \$7.50 a bottle and am worse off than before.¹

On April 18 the Star printed stories of another "cure", S. A. Hittle, and his wife of Springhill, Kansas. Both said that Hittle had been "ruined" by the operation that Brinkley had performed for him. Later Brinkley obtained a retraction from Hittle. On May 4 the Star printed statements of four doctors, who attended him after his return from Milford, describing the dangerous condition he was in as a result of his operation, together with the

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The Kansas City Star, April 15, 1930:

following news story:

"Brinkley has succeeded in obtaining an affidavit from S. A. Hittle, a farmer who lives three miles west of Springhill, Kansas, stating that Brinkley had not mistreated him quite so badly as Hittle had told the Star that he had. This statement by Hittle appeared in the Star on April 18.

A few mornings later Brinkley sent his \$7000 Lincoln car and another car with several men from his hospital to see Hittle and they took Hittle and his wife and son with them to Milford, stopping in Topeka on the way. Hittle made the affidavit and then Dr. Brinkley sent them back again to their home, back west of Springhill. This affidavit Dr. Brinkley is publishing today in several Sunday newspapers in this part of the country." The Star and Times kept up a continual run of affidavits and stories from people who believed they had been wronged at the hands of Dr. Brinkley. One of the most severe criticisms came from Mrs. O. L. Maddox of Kansas City. The Star published her story, with the preface: "The Star has received letters from men and women who said:

"How can you say such mean things so Godly a man as Dr. Brinkley?"

It then proceeded:

"There is a woman in Kansas City who sneers when her radio brings her the voice of Brinkley in pious appeal. Mrs. O. L. Maddox, wife of a dairy man at 109th and Holmes Street, said to me yesterday:

"The vilest language I ever heard in all my life came from the lips of Dr. Brinkley. The coarsest oaths and

most deadly threats I heard him utter. I lay at the point of death in his hospital in Milford while he straddled the doorway with a revolver in his hand and threatened to shoot my brothers if they did not pay him \$290 that he said they owed him for operating on me."¹

A nurse formerly employed by Brinkley referred to him as "diabolical, the most cruel, pitiless, cold-blooded man" she had ever known. Her husband characterized him as a fraud who should be in the penitentiary.² Several testified that Brinkley had attempted to close their wounds with a rubber shoe heal. Among these was Charles Ziegenhirt of Linn, Kansas.

Perhaps the most vivid piece of writing done in this phase of the campaign was that done in connection with the death of John Homback in a St. Louis hospital. He was on his way home after an operation at Brinkley's hospital in Milford.

"Nothing yet uncovered equals in sheer cruelty this account of how one of the victims paid in suffering and death for an operation which was a fraud and a fake. Turned out of Brinkley's hospital bearing the hope that he had been 'rejuvenated' and having paid the customary \$750 fee, John Homback started for his home in New Jersey, only to be seized with the dreadful lock jaw infection, and died in

¹
The Kansas City Star, June 7, 1930.

²
The Kansas City Star, April 28, 1930.

a St. Louis hospital, without friend or relative near. . .

"A lonely man nearly 60 years old, of sturdy, thrifty German stock, far away from his relatives and friends in New Jersey, gasped his last breath. Nurses in white, doctors listening with stethoscopes for the spark of life, the hush of the early morning hour. 'Mr. Homback has expired'. . .¹

"There ended the adventure of John Homback, 58 years old, after the evanescent dream of rejuvenation. Just 12 days after the so-called transplantation of life-giving glands by Brinkley, Homback gave up the life he was attempting to readjust in some desperate way to bring back his youth.

"And John R. Brinkley spreads his radio net; his entanglement of quack promises; his lines of bait for the thousands of other gullible John Hombacks who dream of youth gone by. . .

"John Homback paid with his life for the adventure in quackery. He met death far from home and loved ones when he had hoped of renewing life and putting death farther away. Brinkley knows how to capitalize such hopes. That's his racket."²

Declaring that Brinkley had a well worked out "come on" game with which he dragged his victims into his net, the Star printed two letters sent them by a man in Oklahoma. They were written by Brinkley and read: "My dear Mr. --: I will do this for you; if each of your friends come at the

¹ The Kansas City Star, May 18, 1930.

² The Kansas City Star, May 19, 1930.

same time and will pay \$5000 each for a genuine human gland operation, I will give you the same kind of human gland operation, which I perform at a minimum of \$5000. I have just closed with a case in Los Angeles today for \$10,000. Few surgeons can get human glands, but I have an old time friend in one of our large cities than can supply me.

"Of course these human gland operations are expensive. I pay a big price for the glands. I must have advance notice. For instance if you and your friends decide to do this, you must notify me that you will be ready to leave any time within the next six weeks. Then I notify my purchasing agent and he gets busy. He may get the glands in a few days and he may wait weeks. So it is necessary for my patients to come here when I am ready, and a cash payment of at least one-fourth must be sent me as a deposit so that I will not go and contract for something and be the loser.

"I guarantee the human glands pure and healthy and absolutely free from disease. I also guarantee that the seller of them will not be over thirty-five years of age, thus insuring strong virile glands.

"Furthermore I give another, and the best of all guarantees that the human glands will not slough; if they do I will replace them free of charge within sixty days after the first operation, the patient paying our regular hospital fees.

"The above is the best I can do and better than I would do if you were not an old acquaintance, for when I give you a human gland operation, I am giving you the most precious thing in the world and something that money can seldom buy.

"Let me hear what you can do. Cordially yours, (Signed)
Jno. R. Brinkley. M.D."

The second letter is evidently a follow-up of the above:

"My dear Mr.--: I would not write to the men you send names of. If they are not interested enough to write me, any letters I might send would not be appreciated. If you see these men and have a talk with them, it would have more bearing on the case than anything that I could say. They being bankers are naturally close fisted, and I am sure they would never put the amount of money I ask for human glands into an operation.

"Men like oil men, real estate men, men that make big money and make it without manual labor, and men that put on evening dress suits and enjoy life are the men who crave the better things.

"Just keep in mind that I wrote you and you will meet some of your friends some day that will be interested.
Cordially yours, (Signed) Jno. R. Brinkley."¹

To a man in Racine, Wisconsin, he write, "We have tried to show you the way to good health and the way to save your prostate from removal and yourself from a serious operation.

"We presume by your silence that you are not interested in this good advice, and we are removing your name from our files, so you will not hear from us again.

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"May the kind providence who watches over all of us
bless and keep you. Cordially yours, Jno. R. Brinkley, M. D." ¹

In another letter to a man he was urging to have a
human gland operation at the price of \$5000 he suggested,
"Why lower yourself to the level of the beasts of the
fields by having the glands of a goat transplanted into
your body, when you may just as well have the glands of
a healthy man implanted in you?" ²

Calling Brinkley's solicitation of patients "a giant
racket" and Brinkley himself "the goat gland racketeer",
MacDonald comments, "The reputable physician desired to see his
patient before prescribing for him, especially if he has
a serious disease. He wants to see the tongue, to feel the
pulse, to learn something of the progress of the disease and
the past history of the patient, and otherwise diagnose the
case, but the 'great goat gland specialist,' Dr. Brinkley,
would not be bothered with such trifling details." ³

After a series of stories such as the above the Star
dubs the Milford hospital a "robbers' roost", and in the
Times of July 20, MacDonald adds, "In all my experience I
never knew a man so cruel as this man Brinkley. I never
knew a confidence game so cleverly systematized and organ-
ized to work upon the fears of the sick as this goat gland
hospital racket of Brinkley's."

¹ The Kansas City Times, May 7, 1930.

² The Kansas City Star, April 16, 1930

³ The Kansas City Star, May 2, 1930.

In the direct campaign against Brinkley as a medical man, the Star and Times used not only affidavits, letters, and reports of legal moves to sway the minds of the people against him, but also paragraphs of pure editorial opinion interspersed throughout their news columns. The papers told the people how he was getting rich on their money; how he made frequent trips abroad; how he sent home expensive rugs and bedecked himself and his wife with jewels; and how he rode in a \$7000 car, all by means of money that he had obtained fraudulently from them.

The campaign was well under way when the headline and paragraph appeared: "He Likens Himself To Christ." "While authorities in Kansas were seeking today to serve a citation for Dr. John R. Brinkley to appear before the Kansas Medical Board, the goat gland quack was continuing to broadcast with his usual fluency over his radio station at Milford. He likened himself to Jesus, saying that he was being 'persecuted for healing the sick' and was suffering the anger of the 'learned doctors'. He said he would say nothing in reply. He would have his day in court Brinkley said, and then he would 'say plenty'."¹

A few days later a similar paragraph appeared. "Dr. John Brinkley is afraid to have his case tried before the commission the people of Kansas have set up for the regulation of medical practice. He filed an injunction suit in the district court of Shawnee county this afternoon

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The Kansas City Star, April 29, 1930.

to restrain the Kansas board of medical registration and examination from hearing the charges against him.

"Brinkley has advertised by various methods that he would meet the charges against him with an army of satisfied patients. . . . He will endeavor through injunction to prevent the board ever from assuming jurisdiction in his case.

"Dr. Brinkley's petition sought to have declared unconstitutional the law under which revocation of his license had been asked. It attacked constitutionality on the ground it did not provide compulsory process for the attendance of the witnesses."¹

On June 15, MacDonald made much of the fact that Brinkley had referred to the American Medical Association as the "Amateur Meat Cutter's Association," and to Dr. Fishbein as "Little Old Fishy", and added, "Gradually the net of the law is closing around 'Dr.' John R. Brinkley, the master charlatan and lost manhood quack of Milford, Kansas, but he is still defiant. Not quite so insolent in his defense as he was two months ago. . . .but still defiant."

The papers continued to charge him with hypocrisy. "In all his radio talks Brinkley has worn the cloak of religion 'to serve the devil in' and his unctuous drawling voice in sermons each Sunday is familiar to his radio.

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The Kansas City Times, May 8, 1930.

listeners, but yesterday he disclosed that religion is to be his big card for public sympathy from now on.

"I am being persecuted even as Jesus Christ was persecuted," he said, and he spoke of one of Christ's apostles as Dr. Luke, and said:

"If I am a quack, Dr. Luke was a quack too, for he did not belong to the American Medical Association."¹

After months of this sort of writing the stage was all set for any thing that the Star and Times might think necessary in the carrying out of its program during the Brinkley trial. They criticized unmercifully Brinkley and his attempts at defense, in an endeavor to excite contempt for him and his practices and pity for people who claimed they had suffered at his hands.

They began on the very first day of the trial with the following story: "'Dr.' Brinkley's cash-on-the-barrel-head operation and his fraudulent health mill at Milford, Kansas, were pictured today by two witnesses at the opening session of the hearing." Of the witnesses who testified MacDonald said, "While the elderly couple was on the witness stand exciting the pity of nearly everyone, the group around Brinkley's table laughed among themselves."²

Brinkley used numerous witnesses to prove that he had effected cures in their cases and that he was not a

¹ The Kansas City Star, June 15, 1930.

² The Kansas City Star, July 15, 1930.

fraud. The Times referred to this calling of many witnesses as "A Brinkley Parade", and said, "The parade of the satisfied subjects of the Milford goat gland fake continued through the hearing. Most of them used 'absolutely' as an answer when they were asked whether they were satisfied with the results obtained from the Brinkley operation."¹

On July 24 the Times reported: "E. S. Davis, a witness in defense of Dr. J. R. Brinkley, testified this afternoon that one little operation performed in Brinkley's hospital in Milford, Kansas, cured him of high blood pressure, hernia, enlargement of the heart, sleeplessness, and melancholia. A physician of Topeka who was standing outside the door listening said, 'That wasn't a goat gland operation, that was a miracle.'"

The Star of the same date, with the headline "Such Miracles," said: "The witness who told how he was healed of many diseases by Dr. Brinkley was Leonidas F. Richardson, a cook in the Burlington restaurant in York, Nebraska.

"The miracle of his cure was all the more marvelous because it was done almost instantly by just two little incisions each an inch and a half long, and the insertion therein of the sex glands of a goat."

Of Brinkley when he took the stand on July 30, the Times said, "Everybody said that Dr. Brinkley was a 'good witness'. He was calm, courteous, affable, answered

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The Kansas City Times, July 25, 1930.

questions in a low even voice without a trace of excitement, and seemingly was trying his best to make a good impression. All who heard him said he succeeded in that." The next day's account was more caustic. "Brinkley left the witness stand late today thoroughly discredited as a Messiah of health, as a rejuvenator of men, as the custodian of a surgical secret possessed by no other physician on earth.

"His own admissions, forced from him by the masterful cross examination of William A. Smith, Attorney General of Kansas, revealed Brinkley as a master quack, a faker, a medical racketeer winning big stakes from victims who paid high prices for his futile goat gland operations. . .

"Brinkley was cocksure of himself in his direct examination by his own lawyers. He could describe glibly then how this operation was performed, and the Latin names of nerves, of blood vessels, of a myriad of organs in the human body, rattled from his tongue like a well learned lesson, and the spectators in the room, mostly his adherents from Milford and vicinity, wondering that one small head could hold so much wisdom, applauded."¹

In the same issue yet another write-up appeared.

"Brinkley tried to force himself to be cool, to be calm, to be unruffled through six hours of grilling cross examination. He strove to be courteous. He was cunning. He was an artful dodger. But into one corner after another he was driven by Smith, time and time again until he became

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The Kansas City Times, July 31, 1930

lost, bewildered in the maze of his own surgical pretensions. And he was forced to admit two great facts.

"First, that his so-called goat gland operation, heralded by him as a sovereign cure for an enlarged prostate gland, that would diminish the blood to it and thus reduce its size, and restore the patient to health, was impossible of performance.

"Second, that his goat gland operation, for the restoration of lost vigor to old men, not only would not give them rejuvenation, but it would sterilize them."¹

Simultaneous with the Star's efforts to have Brinkley's medical license taken away was its campaign to cut off his means of advertisement, his radio, by having the license of station KFKB taken away by the federal radio commission. For the Star knew that even though the right to practice medicine should be taken from Brinkley, his hands were by no means tied until his means of getting himself before the public was destroyed.

Although Brinkley took a carload of friends to Washington with him to testify before the federal radio commission, he did not testify in his own behalf, of which fact the Star made much. It reported: "Quack Won't Talk.---'Dr.' John R. Brinkley, the goat gland quack of Milford, Kansas, dared not take the stand today in defense of his radio station in the federal radio commission's hearing to determine whether the station's license should be cancelled." The same day

¹
The Kansas City Times, July 31, 1930.

the Times said, "For the first time since the radio was invented, the right of a medical quack to use the air to lure victims to his fake cures will be threshed out tomorrow before the federal radio commission. The request of Dr. John R. Brinkley of Milford, Kansas, for a renewal of his radio license is not only of interest but is seen as of vital importance to the health of the whole nation.

"The right of a quack to diagnose and prescribe for the sick and afflicted, sight unseen, is one of the main issues of the case."¹

The federal radio commission refused to renew the license to operate the station KFKB, whereupon the Times quoted the following speech which was charged to Brinkley, and made characteristic comment. It read:

"The brazen effrontery and impudence and false representations of 'Dr.' John R. Brinkley, the goat gland quack of Milford, Kansas, reached its climax yesterday afternoon when, in his talk over the radio, he declared that three members of the federal radio commission who voted to refuse him a radio license were bribed by the American Medical Association and also were unduly influenced by President Hoover to vote against him." Brinkley is quoted thus:

"There are only two lawyers on the federal radio commission, and those two voted to restore our license, but the other commissioners voted against us. I learn,

¹
The Kansas City Star, May 21, 1930.

through long distance conversations with my lawyers in Washington, that there is a newspaper out here that has one man upon it who has a close connection with President Hoover and that man used his influence with President Hoover to ask the three federal radio commissioners who did not hear our case to vote against us. This newspaper was for Hoover when he was out for the nomination for the presidency and, by bringing his influence to bear upon the three members of the radio commission to force them to vote against me, President Hoover paid a political debt he owed to that newspaper.

"Also, I am informed by a friend whose name I am not at liberty to disclose, that the American Medical Association spent either \$15,000 or \$50,000, (MacDonald was unable to understand the number) with those three members of the federal radio commission, the money being paid to them through one of the attorneys of the federal radio commission. . .

"Tomorrow our attorney will go into the district court of appeals in Washington and I feel that they will undo the orders made by the federal radio commission, unless the same people who reached President Hoover can reach the court of appeals and get the judges of that court to decide against us.

"Remember now, I do not say positively that those people did reach Hoover and the three members of the radio commission, but I have every reason to believe that it is the truth.

"I have been wondering if the Amateur Meat Cutters' Association is spending a lot of money to put us off the air and Fishy is in a lot of trouble and there is nothing too bold or too ungodly for them to descend to."¹

A. B. MacDonald said that he had taken the above speech in shorthand just as Brinkley had given it. Later he published the statement that a stenographer in Wichita had taken down the speech also. Brinkley, however, denied that he had made such a speech.

During the hearing, while endeavoring to prove that Brinkley's language in his radio talks was not all that it should be, one of the doctors repeated a story that he had heard Brinkley tell over the radio. The Times made the following comment calculated to discredit the Brinkleys:

"While Dr. Stewart was telling this story, Brinkley and his wife sat together in the front seat of the auditorium, leaning forward and listening intently, and at its conclusion, Mrs. Brinkley slapped her husband on the back and burst into laughter so loud that it was heard throughout the auditorium and all eyes turned her."²

The outcome of the legal struggle over the radio station was that the license was denied.

¹ The Kansas City Times, June 16, 1930

² The Kansas City Times, May 22, 1930.

The development for which the Star had in no way bargained when it started its war against Brinkley came with his announcing himself as an independent candidate for governor. Heretofore, during the litigation, the Star and Times have had the aid of some legal body in their efforts to destroy Brinkley. Evidently they now realize that the burden of whatever campaign is waged against him must be borne by them. Consequently they throw themselves into the fight with renewed vigor, determined that Brinkley shall never reach the governorship of Kansas.

Brinkley entered the gubernatorial race so late that his name had to be written on the ballots by the voters. This tardiness on his part is possibly what led to the Star's belief, voiced in the following article in which it editorializes considerably: "John Brinkley, goat gland quack, who was ousted from the medical profession and then announced his candidacy for governor as a matter of revenge, . . . will take the stump next month. . . ."

"Just why Brinkley is taking the stump, instead of sticking to the radio, where he reaches more people, is not understood by the politicians, but the most frequent explanation made is that there is a public curiosity to see the man who has gained to much notoriety. In addition to the notoriety gained by his exposure in the Star as a quack, he has been made the subject of almost as many jokes as a certain make of motor car."¹

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The Kansas City Star, October 24, 1930.

That the Star and Times perhaps misjudged the strength of their opponent in the first stages of the campaign is seen in a small report of The Kansas City Times, October 15.

"The Republican campaign managers are worried about the vote that John Brinkley, the discredited goat gland exper, may get for governor. Nobody believes Brinkley will get any great number of votes. His total is placed at from 10,000 to 25,000. But where will they come from?"

Again, on October 24, the Star speculated upon Brinkley's strength as a candidate: "The total of Brinkley's vote is variously estimated from 20,000 to 75,000. The newspaper editors, who know what a task it is to get voters to take the trouble to write a name on the ballot and mark it properly, place his total at from 25,000 to 35,000."

At another time the Star called the Brinkley vote "a ghost vote." "Nobody," it said, "knows what it will amount to. Every person who casts a ballot for him will be compelled to write Brinkley's name into a blank space and mark a cross after the name. But the ghost vote has given the politicians a 'haunt'." ¹ ". . ."

That Brinkley had become something of a 'haunt', but that he was the same exploiter of the public that he had always been, is the burden of the stories. "The metamorphosis from 'doctor' to 'politician' apparently has come easy to Brinkley. He just simply has revamped his methods of exploitation. With his powerful radio station reaching all corners of the state, Brinkley is making

a 'house to house' canvas of six or seven hours a day. . . His approach in his campaign for governor is much the same as the one he used in his efforts to obtain patients for his goat gland hospital--the pose of a good kind Christian. That his political promises of relief are probably as impossible of fulfillment as his medical 'curealls' has not lessened interest in his pledges."¹

Brinkley's speech at Wichita on October 27 was the occasion for the most denunciatory piece of writing published by the Star in its news columns during the whole of its prolonged fight against him. It speaks for itself.

"John R. Brinkley, the goat gland Messiah of Milford, descended from the heavens in an airplane this afternoon to tell the Easter story to 8,000 persons in a cow pasture, fifteen miles east of Wichita. The amazingly ample crowd had expected a political speech from the 'people's candidate for governor.' Instead of it they heard the story of the passion. Many of the more gullible accepted it as a political allegory of the trials and tribulations of Brinkley. The Regenerator went up to Calvary 1,900 years ago. This man, the rejuvenator, had been persecuted, too, and now, discredited, and dishonored, he had returned to save the people.

"The chairman preferred to introduce Brinkley as 'Moses, who has come to lead us out of the wilderness.'

¹
The Kansas City Star, October 22, 1930.

Huzzas arose from the multitude. Mothers lifted their babes to the man with the Messianic beard as he passed through the crowd. Old men, who were saved from a disastrous compound operation by the state medical board's intervention, reached for Brinkley's hand.

"God bless you," they said, 'I'm for you.'

"Brinkley smiled wanly in return and rolled his sad blue eyes. Sometimes he pressed some innocent head of golden curls with his surgical hand, the same hand that performed the fraudulent compound operation.

"Healer, rejuvenator, minister, lover of little children, prophet of false hopes and destroyer of the aged, he passed through the crowd to the narrow scaffold reared to him by farmers. It was a veritable Muezzin's tower, so tall it was. . .

"Farmers squinted at the sun. Children shouted alarms whenever a buzzard hovered on the horizon.

"Brinkley's, coming ma,' they cried, 'Look at it'. . .

"Brinkley was flying out of the blue heavens with an escort of two ships from the Wichita airport. He had landed there, left his own cabin plane for repairs and, with his family, taken off in the Romancer, the same ship in which Lindberg flew to the City of Mexico to visit his sweetheart. What could have been more appropriate?

Lindbergh had spanned the Atlantic. Brinkley had spanned the great gap between the human and animal world. He had tried to remake one out of the other. . .

"The crowd surrounded the shop. Brinkley sat at a cabin window, his surgical hand resting on the sill. That hand was adorned with a large diamond. A larger one sparkled in his purple tie. . .¹"

In his speech he said, "I would rather save a soul than to be President of the United States or even King of the World."

A few days later when he spoke in Kansas City, Kansas, a reporter for the Star wrote, "J. R. Brinkley, the goat gland quack of Milford, Kansas, who is known to his friends as the 'martyr', walked slowly across the stage last night in Memorial hall while an audience of 3,000 persons, assembled to hear why he should be governor of Kansas, sang 'America'.

"The man who likens himself to Christians of old was escorted to the hall by a brass band. He had arrived from Wichita in a big blue plane shortly before dusk.

"Before his grand entry his radio entertainers played and sang while the multitude assembled."²

In retaliation to the Star's methods Brinkley vouchsafed that one of the first things he would do would be to "move the capital of Kansas from Kansas City, Mo., back to Topeka where it belongs."³

¹
The Kansas City Star, October 27, 1930.

²
The Kansas City Star, October 30, 1930.

³
The Kansas City Star, October 28, 1930.

After it was all over and Brinkley had polled so many more votes than the Star had expected, a news story headed "How Did Brinkley Do It?" offered the explanation that he had secured the votes through his radio, because of the sympathy of many who believed he had received a bad deal at the hands of the American Medical Association and The Kansas City Star, and because of his martyr's role, that of the Christian under persecution.

The reader will turn now to the conclusion where the three cases reviewed in the preceding pages are discussed.

Conclusions

As a result of a study of the three types of newspaper action illustrated by the Hall-Mills case, the Davis case and the Brinkley case, I have arrived at several conclusions which have to do with the newspaper practices discussed in the introduction. The Hall-Mills case was revived by the New York Mirror, one of New York's most sensational tabloids, for the purpose, so it said, of bringing to justice the persons it believed to be guilty of the murder of the minister and his choir singer. The apparent purpose, however, was something different. That the Mirror hoped to gain recognition for itself as a crusader, to increase its circulation and to convict the accused regardless of justice, is apparent from the ruthless way in which it persecuted them in its columns.

DeToqueville, in 1835, has said that the American people, once they have taken up an idea, pursue it to great lengths no matter how ill founded it may be. The Hall-Mills case seems to illustrate this for no sense of fairness is manifested toward the defendants throughout the prolonged litigation. This behavior was facilitated by the attitude of the attorney general who prosecuted the case. He acted hand in glove with the tabloid, declared that publicity was the best thing in the world for the case, and gave to the papers a "story a day" over the long period from Mrs. Hall's arrest on July 29 to the acquittal of the defendants on

December 5, missing not more than a half-dozen days in the entire time. As Lawrence Abbott, writing in Outlook shortly after the case was tried, observed, he tried the case with "at least one eye cocked on the newspaper headlines."¹

Naturally there was nothing new or important a great part of the time, especially from Mrs. Hall's arrest to November 3 when the trial began. For want of something better, columns were devoted to details about the clothes of the principals, and to their personalities and the way in which they conducted themselves; together with every fly-by-night rumor concerning the Halls' home life, their idiosyncrasies, and especially anything that might be construed to point to their guilt,--all of which helped to sell the paper. For although the press cannot create human passions, it can kindle them and create a demand for what it gives them.

The newspapers, especially the tabloids, showed little or no consideration for the defendants nor fairness to them. Mrs. Hall was repeatedly called a stoic. She was compared with infamous characters. Her failure to display emotion was so played upon that she eventually cried out against it, saying that because she was not picturesque enough to suit the role that the newspapers thought she should play she was misrepresented to the public and misunderstood by it. Edmund Pearson, writing in Outlook,

¹
Outlook, Dec. 15, 1926 P. 488

said the trouble was that the reporters had never seen a lady. They could have understood Peaches Browning, he added.¹ Bruce Bliven in the New Republic wrote that editors see a good standard murder mystery and begin dressing it up attractively in an effort to sell it to their readers. They send out reporters who have read plenty of detective fiction and know what it expected. The reporters write what in effect is a serial mystery novel, using real names and places as tags for their quite fictitious characters. Whereupon the editors observe, "We gotta give the people what they want", and make their stories longer and stranger.² This, he adds, is called a vicious circle.

Fictitious characters were thus made of Mrs. Hall and her brother William, and to a less degree her brother Henry and her cousin Henry Carpender; heedless of unfairness to them and of crime against the public. Doubtless the newspapers were aware of it, but they had set themselves a goal and they must arrive at it by any means. Walter Lippmann in Liberty and the News, says, "The current theory of American newspaperdom is that an abstraction like the truth, and a grace like fairness must be sacrificed when anyone thinks the necessities of civilization require the sacrifice."³ It is a sad commentary on the ways of the

¹ Outlook, Dec. 15, 1926, P. 492.

² New Republic, Dec. 1, 1926, P 39

³ Walter Lippmann, Liberty and the News, P. 239.

press, but it is one whose truth in this case cannot be denied.

The printing of the love letters of the murdered couple, the comment upon them, the broadcasting of the accusation of an alien racial strain in the blood of one of the brothers, the hounding of the principals for interviews and pictures, the picketing of the house until Mrs. Hall became virtually a prisoner, the great prominence given to the story of Mrs. Gibson, "the pig woman", and the use of such phrases as "the woman in gray", and "the bushy haired man" were unnecessary to the prosecution of the case, and made of the newspapers not dispensers of news but peddlers of scandal and ^{tu}inuendo calculated to arouse the morbid curiosity of the public, and so increase the sales of the papers.

The sixteen-year-old Charlotte, daughter of the murdered woman, found herself and her ideas so consistently the subject of newspaper stories both in 1922 and 1926 that she was completely unable to grasp the relative values of sincere investigation of the crime and cheap melodrama in which she became a leading figure.

Reference to the crime as "the crime of the century" was made by the newspapers, but Bruce Bliven calls it the "crime of the half decade and the press has made it so."¹ Charles Merz says ironically "at least once a year there occurs the crime of the century." He adds that the

¹
The New Republic, Dec. 1, 1926.

"country no longer needs to wait for a great national murder." If none comes, one is made out of ballyhoo and here as a nation is our literature which does not wait for patrons on book store shelves. It becomes our national spree, our Roman circus in which everybody profits but the state. He suggests that an admittance charge be made to what he calls our national institution. He adds that one newspaper cannot stop it, for such methods sell papers and circulation is a matter of competition.¹

Personally I believe that the Mirror may have thought Mrs. Hall and her brothers guilty of murder, but that the prosecution of the case merely to bring a criminal to justice was not the purpose of the newspaper. By arousing the morbid curiosity of the reading public the tabloid created such a demand for the stories as it presented them that it was able to sweep with it even the newspapers that lay claim to high respectability. The effect on the public was demoralizing.

Lawrence Abbott makes a very fine summary of the truths that may be learned from the prosecution of the Hall-Mills case. He says: "Prosecuting attorneys can learn that they have a function to perform which is of more value to the state than a mere record of convictions secured.

"The press can learn from the Hall-Mills case that if it is to maintain or restore to life its function as a guide of public opinion, it must see to it that it exercises

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Charles Merz, *The Great American Band Wagon*, *Ch. VI*, p 71

its function with a sense of responsibility not solely to be measured by circulation returns.

"The taxpayers will have opportunity to ponder upon the cost to a community of mixing politics and justice.

"The four defendants, one of whom spent a month in jail without even the privilege of securing an acquittal, will ponder on the ways of the law and privileges of American citizenship."¹

With the Jonathan Davis case we turn to the political scandal exposed by the newspaper. The Journal-Post has to its credit here the fact that it did not stoop to exploiting the home life nor the eccentricities of the Davis family. It could not refrain from discussion of Mrs. Davis, the wife of the governor and the mother of Russell Davis, but the treatment was sympathetic. Moreover, the case was one worthy of investigation. Rumor upon rumor was afloat in Kansas that there was corruption in the governor's office, that he was using his office for private gain at the expense of convicts who were seeking release; and of the state also, for some of the prisoners being released were dangerous criminals who had not even served the minimum term for parole. Others who had been convicted never reached the prison gates. For a newspaper to have brought the case to trial in case the state officials had

¹

Outlook, Dec. 15, 1926, p. 489.

refused to act would have been, I believe, laudable. In that case no doubt could have been cast on the sincerity of the claim of the Post that it was acting as a public servant. However, such was not the case. The attorney general, who incidentally had been ill at his home for some little time, was gathering evidence and was preparing to spring a trap by which he hoped to get evidence which would convict the governor and the state bank commissioner. The Journal-Post sprang its own trap a day ahead of him, and hence completely disrupted his plans, for he had not enough other evidence for conviction. The Journal-Post claimed to have made a three weeks' investigation of the case before it laid its plans to catch the governor. It appears then that either the investigations carried out by the Journal-Post were not very thorough-going or that the Journal-Post was aware that the attorney general's plans would block its own scheme of self aggrandisement and so acted in haste and precipitated the exposure with the Pollman case.

The evident desire to ingratiate itself in the estimation of the public, and to charge the indignation of the attorney general who did not fall in with the plans of the newspaper with alacrity to "sour grapes" at being frustrated in his work, and thus to be in the "spot light" in the prosecution of the case, rather clarifies the position of the Journal-Post. For after all the case was one to be tried in the courts, and if the attorney general was not only willing but preparing to act, then it was not only his duty but his

right to prosecute the case in the manner that he thought best.

It is possible that the Journal-Post did seek to do a public service, that it did investigate the case with the desire to protect the public welfare, and it is possible that in the beginning that it may have believed the attorney general guilty of neglect of duty. The investigation should have shown that the attorney general was preparing to act. If it did reveal it and the Journal-Post did hasten to act before the action which was planned by the attorney general, then the Journal-Post was guilty of permitting its desire for the commendation of the public, and possibly its desire for greater circulation, intervene between it and the promotion of justice.

The writer believes that the hasty action of the Journal-Post in precipitating the case and causing the arrest of the governor on the eve of the inaugural resulted in his acquittal. Thus the action of the court was nullified and the public, which as a general rule believed Davis guilty, at least thought it saw one more example of corruption in high offices go unpunished.

The third, the Brinkley case, was, as has been said in the introduction, the most rational of the three cases to be handled by the newspapers as to purpose. In the campaign against Brinkley The Kansas City Star had the backing of the national organization of the American Medical Association as well as of the state association, both of which declared

that Brinkley was a quack and a fraud. The fact that these two organizations took this stand relieved the Star of any charge of trumping up the case against Brinkley. To all appearance, the sincerity of the Star in desiring to rid the public of what it believed to be a menace is not to be doubted. Nor can the Star be accused, as in the case of the Journal-Post with Davis, of usurping the place due the state; for in this case no government official was preparing to act. Only the American Medical Association showed concern. But the question arises as to the method of editorializing which the Star used in presenting its news, both as to its right to do so and to the results to be obtained from such procedure.

The Star repeatedly called Brinkley a fraud, a quack, and a charlatan before his license was revoked. It deliberately set about to stir up public sentiment against him and to take away his practice and his radio station which were his means of livelihood. Sly innuendo was not uncommon, and sometimes open ridicule of Brinkley and his operation appeared. The most of the severest articles appeared under the name of A. B. MacDonald, a recourse which permits of a more personal treatment than that of the ordinary news story. But there the argument is advanced that such a personal treatment was bad, that people of intelligence would respond to a plain statement of fact from which they might draw their conclusions more readily than from the more colored articles which appeared, to which others respond that it was not to the intelligensia that

the Star was appealing but to the rank and file whom Brinkley was deceiving. Personally, the writer is inclined to believe that the Star was justified in some degree in this particular instance in using this method of procedure. Brinkley was strongly entrenched. Reputable doctors placed no credence in his operation for which he made exorbitant charges which he collected before he would operate, and the record of his life tended to disprove his role of Godliness. To stir the people to the place where they would demand an investigation which would prove him guilty or innocent and subsequently drive him out of the medical profession if his livelihood depended upon trafficking upon infirmities of the sick, would have been well. The Star overplayed its hand, however, and the result was that the public saw not a friend in the Star but a giant business organization concentrating all its force to persecute and crush one of the state's doctors, a doctor in whom many believed.

The effects of the Star's method manifest themselves in two ways. A great deal of sympathy was aroused for Brinkley in the state, and he became a martyr to many people. That he had many friends is seen by the great number of votes he polled in the last election when he ran for governor. The court action, appealed to the supreme court, is still pending. The state has won the first round; Brinkley's license to practice medicine has been revoked and his radio station sold as a result of his having been denied a renewal of his radio license.

Some writers are inclined to believe that the crusading newspaper oversteps its province. Walter Lippmann says

that "The work of reporters . . . has become confused with the work of preachers, revivalists, prophets and agitators."¹ I think that the crusading newspaper has a place in the order of things, but that it has no right to offend good taste by the publishing of lurid details of crimes involving sex, and that it has no right to persecute individuals or groups of individuals; that it should act as an aid to the state when the state shows a disposition to act rather than interposing its own methods of investigation; that the infusion of editorial opinion in columns reserved for news is a dangerous practice and that distrust of the integrity of the newspaper is likely to arise because of it. There is always the opportunity for unfairness to arise by the use of such methods, either intentionally or unintentionally. In such cases the newspaper becomes a dangerous weapon against the public. Hence the practice of editorializing in the news is to be discouraged. It is the duty of the newspaper to print facts as it finds them. In pursuing its duty it may expose conditions which are distasteful to the public. If the public, acting upon facts furnished by the newspaper, takes steps to abolish those conditions, then the newspaper has become what the crusader would have it be, a public servant.

¹ Walter Lippmann, Liberty and the News, P. 8.

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