

Darrow Defends Bank Bandits Here in 1921

Spectators Jam courtroom to Hear Famous Attorney

by Florence S. Stauffer, Feature Writer

Before the days of radio, talking movies, or television, an exciting criminal trial could draw spectators to the county courthouse from miles around. Kosciusko Circuit court has had its share of interesting cases, but one still remembered by oldtimeers occurred in the spring of 1921.

Four men were charged with murder and the attorney for the defense was the greatest criminal lawyer in the country, the renowned Clarence Darrow of Chicago. People drove from all the surrounding counties to see and hear the famous lawyer who had made his reputation fighting for the underdog.

The local spectacle had its beginning Dec. 19, 1920, not in Warsaw, but in Marshall County. At 10 a.m. on that date four bandits held up the State Exchange Bank in Culver. They were observed as they entered the bank and the fire siren was sounded to raise the alarm. A dozen or so citizens armed themselves and met the bandits with a volley of gunfire as they emerged from the bank.

Wilt Drives Getaway Car

A fifth robber, later identified as Earl Wilt, who was the driver of the getaway car, joined in the shooting. One bandit, Joe Beyers, of Knox, managed to make it to the car which sped out of town. The fusillade was fierce as the car went roaring through the streets and two local men, Jacob Russell Saine, the Culver fire chief and hardware store owner, and Jerome Zechiel, farmer and stock buyer, were struck by the bandits' bullets.

The other three bandits were captured by the posse. They were identified as John R. Burns, Art Silbert, and Peter J. Fox, all of Chicago. Beyers was arrested the next day in Knox still driving the bullet-riddled car.

Wilt had managed to get to a second escape car and was traced to the outskirts of Chicago. He was never captured nor heard of again. All of the bandits were between 21 and 24 years old.

Bandits Awaiting Hearing

The captured bandits were placed in the Marshall County jail at Plymouth to await a hearing, but in late January, 1921, before they could be brought before

a court, Saine died of his wounds. The charges against the incarcerated men immediately were changed from bank robbery to murder in the first degree, under an Indiana statute providing that when a person is killed during the perpetration of a crime, all persons implicated may be equally charged with murder.

The death of Saine aroused such indignation among Culver residents that attorneys for the prisoners asked for a change of venue from Marshall County, claiming that they could not be given a fair and impartial trial on account of the intense feeling in that county.

The change of venue was granted and the case sent to the Kosciusko County court in Warsaw. The four prisoners were brought here on March 28, 1921, by Sheriff William Franklin of Marshall County, and delivered to Kosciusko County Sheriff Charles B. Moon.

Decker Family Jailed with Culver Bank Robbers

Shortly thereafter four other alleged murderers, Virgil, Cal and Fred Decker and their mother, Lydia Decker, were arrested and placed in the local jail, so Sheriff Moon hired extra guards for 24 hour duty and had electric lights installed on the outside of the jail.

The four bandits were arraigned April 16, each pleading not guilty, and trial date was set for May 10.

Rumors were heard that the defense would be handled by a well-known lawyer, but it wasn't until the trial opened that it was announced that Clarence Darrow would be the man.

With the announcement, interest immediately quickened and on opening day of the trial many spectators were present in the courtroom.

Darrow, an Ohio native, at 64 had earned a nationwide reputation as the champion of the underdog. Since 1895 when he defended the socialist Eugene Debs after the Pullman strike, Darrow had pleaded for the rights of the common man. Eight years before his local appearance, in an attempt to silence him, he was accused of trying to bribe a juror, but was found not guilty. So he knew the feeling of an accused person sweating out a trial.

Darrow's philosophy was to not judge his fellow man and to make the world kinder and more humane than it was. In the courtroom he relied not on flowery

oratory, but on hard facts gained by his own and his staff's research and investigations.

Appeared Unkept

He was a tall man with a perpetual slouch which made him appear unkept, but his physical aspects were forgotten when he started to speak. His soft and quiet voice was raised only to emphasize important points. He could annihilate the opposition's case without being insolent or discourteous to his antagonists. Darrow was known to sometimes spend weeks on the selection of juries so no one was surprised when he showed up at the Warsaw courthouse on Wednesday, May 11, as the first of the prospective jurors was being questioned.

Local officials had made elaborate preparations for the trial, the entire cost of which was to be borne by Marshall County.

Sheriff Moon had hired four special deputies to guard the prisoners during the trial. The four were W. A. Winebrenner, Ed Heacock, Harry Rowan and Wilbur Lowman. Each had charge of one prisoner.

Circuit Court Judge L. W. Royse, who presided at the trial, would not allow prisoners to be handcuffed in his court. That ruling, coupled with the large crowds present each day of the trial made the task of the deputies difficult. Horton Huffer was the regular deputy and court bailiff. Russell Butler was the court clerk.

Jury Sequestered

Arrangements had been made to sequester the jury during the trial so it was necessary to name O. Shinn and Bert Mabie as special jury bailiffs. Jurors were to sleep in the G.A.R. room in the courthouse basement, cots and bedding having been secured by Sheriff Moon for that purpose.

The 19th Amendment giving women the right to vote had been ratified only a few months previously and so females were not considered for jury duty at the time of the bank robbers' trial. That did not deter women from attending the trial, half of the spectators on any day being female.

Darrow, who reportedly was being paid \$150 per day for ten days, was not the only defense lawyer. He was assisted by James F. Fardy, of Chicago, and William L. Reed, of Knox. Appearing for the state were the Marshall County Prosecutor Harley A. Logan, of Plymouth, Prosecutor Henry W. Graham, of Warsaw, and ex-Judge F. E. Bowser of Warsaw.

Pre-Trial Publicity made Jury Selection Difficult

All of the area papers sent reporters to cover the trial. Prior to the opening, the Warsaw Times ran a front page box saying: "Subscribe for the TIMES. Follow the Culver Bank Bandit and Decker Murder Trials."

Pre-trial publicity made it difficult to impanel a jury. When the state made known its determination to demand the death penalty, it became even more troublesome. It was debatable whether the problem arose because of the prospective jurors' scruples against capital punishment or the fact that it was corn planting time and the majority of them were farmers. Some were called to jury duty directly from the fields and appeared in the courtroom garbed in overalls.

A total of 103 veniremen were called before the jury was seated. W. B. Stookey, Plain Township farmer, was named foreman, and other members of the panel were James Hover, thresher, Monroe Township; James Anglin, insurance man, Warsaw; David Norris, farmer, Wayne Township; Floyd Fuller, elevator manager, Milford; Earl Orr, businessman, Pierceton; Charles W. Swinn, farmer, Jefferson Township; John Kauffman, Farmer, Turkey Creek Township; George Watkins, farmer, Plain Township; Cloyce Miller, farmer, Clay Township, Jacob Doremyer, lumber dealer, Leesburg and Chester Vannata, farmer, Tippecanoe Township.

Jury Selection Completed

Jury Selection was completed Friday night, May 13, and court reconvened the following morning with the usual "Hear ye, hear ye, citizens of Kosciusko County" intoned by Bailiff Horton Huffer.

As the giving of testimony began, Darrow's first action was to object to President Shilling of the Culver Bank sitting with the state's attorney in close proximity to the jurors. Tables were moved and Shilling was placed near the newspaper reporters.

The prosecution called every witness to the gun battle which followed the bank robbery. When the testimony became repetitious, Darrow objected, but was overruled. At one time when an overcast sky darkened the courtroom, Darrow asked to have lights turned on, saying, "We don't want it to look like a funeral in here."

In the course of the trial Beyers admitted that the defendants had committed the robbery and told how it had been planned. The question also arose concerning

who actually fired the shot that killed Saine, Darrow striving to prove that it had to be Earl Wilt, the bandit who escaped.

All Equally Guilty

No matter, said the prosecution, under Indiana law all who took part in the robbery were equally guilty.

Darrow continually stated that the verdict should be not guilty on the murder charge, but said that the defendants should be given sentences of from five to 20 years for robbery.

The trial lasted through Thursday, May 19. Each day the crowds became larger. The spectators remained in their seats during the noon hour so as not to lose their places, eating basket lunches brought into the court room with them. They came from all the surrounding counties and every available parking space was taken around the courthouse and on nearby streets. Each day saw a large contingent of Culver residents and many visiting lawyers who wanted to see the revered Darrow in action.

Judge Royse several times had to admonish the crowd on its behavior with the warning, "This is no vaudeville or picture show. Any demonstration will be followed by an order to clear the courtroom."

Stepladder Spectator Just One of the "Crazy Crowd"

On the final day of the trial, knowing that Darrow would give the final summation, spectators were on hand at 7 a.m., two hours before court opening to literally fight for seats. The Culver bank had closed for the day and all the employees were on hand.

One man stood at the top of a stepladder in the corridor outside the courtroom looking through a ventilator window at the proceedings. The window opened just a few feet above the judge's bench.

Four women sat on the floor inside the court railing before court opened. Members of the high school public speaking class arrived early and held seats. Window sills and radiators were used as chairs. One window was pushed out by the jam and fell to the floor with a crash. People stood on the rear seats so they could see the proceedings.

Judge Fumes

Judge Royse fumed at the crowd, saying "I never saw such a crazy crowd. You

are completely off your base, people. Why, I couldn't get into the hall just outside the courtroom." He mentioned the danger of a stampede in case of fire.

Four hours had been allotted to each side for final arguments or pleas to the jury. Darrow gave the summation for the defense and it was that speech that the onlookers were waiting for.

He opened with the statement that he knew his clients had committed the robbery but that all his life he had been drawn to people who had no friends. Speaking of the death penalty asked for by the state, he said, "You can find a verdict of murder in the first degree and sentence to death. That is some power over your fellow man, is it not? It is not often that you can kill somebody that you hate without being held responsible for it. You can kill nobody deliberately unless you hate him.

The State "Asks You to Kill These Four Boys

"There is little we can make, there is little we can do for the world, the best we can do is give all the sympathy, and all the aid and all the help to all the other fellow sufferers we meet upon the way, and I say again that the man who would not prefer to save life rather than destroy it, that man is not fit to live. Tell me, will you, if you can find a jury in this county who would be just as willing to take life as to save it.

"If that were true, then it would be better if the plowshare should turn the soil beneath this courthouse. Give back your homes to the wild savages that once roamed this plain. If that is all you can say for your churches, your civilization, the influence of your religion, if it is all you can say for the human race, it would as soon kill as save, then you had better kill us all and get done with it, and start with something else that would promise better than man.

"They (the state) asked you to kill these four boys so there won't be any more robberies. If you think that will prevent robbery, gentlemen, go and do it. Put the lawyers in, too, if you think that will stop robberies. You cannot scare people into goodness by killing a few men."

Each Acting On Own

He hammered away at the precept that at the time the shooting started the robbery already had been committed and the robbers' partnership had broken up with each acting on his own, intent only on escape.

He said, "You can kill all the people you want to if you don't intend to do it, and you are not guilty. You may kill them by accident, but you cannot convict

anybody of murder without intent. These boys, not one of them intended to kill. They intended to rob and their moral guilt is fixed by their intent, and to say they should not have the smallest penalty gentlemen is to say you are not humane men. If a man is killed while the defendants were in the act of robbery, then it is murder. If he was not killed while they were in the act of robbery, it is not murder."

Darrow pointed out that Saine opened fire first and the robbers returned shots in the attempt to escape. He called for a not guilty verdict, saying that the defendants still would be punished for they would be taken back to Marshall County and tried and sent to the penitentiary from five to 20 years on the robbery charge.

In closing, Darrow urged the jury to "charity and kindness, which after all is the highest justice. I urge you to protect the name of this county. So far this county is free from the charge of having shed human blood in any judicial proceedings. I hope I have been instrumental in keeping that record sacred, in saving the honor of your county, in causing justice and mercy and charity to triumph."

Jury Reaches Verdict

The jury was out four hours and at 9 p.m Thursday, May 19, signaled that it had reached a verdict. When all participants had reconvened in the courtroom, the jury foreman handed the signed verdict to Baliff Huffer who gave it to Judge Royse, who read it aloud.

"We the jury find the defendant, Joe Beyers, guilty of murder in the first degree and fix the sentence at imprisonment for life." The verdict was read three more times with the names of the other three bandits, Art Silbert, John R. Burns, and Peter J. Fox.

Darrow left for his home in Chicago immediately after the verdict was given, thereby missing his future opponent in the Scopes trial, William Jennings Bryant, who arrived in Warsaw that weekend to address the Presbyterian conference at Winona Lake.

To this day there are those who say Darrow won the case because the defendants were given life sentences instead of the death penalty asked for. Others will argue that he lost because they were not acquitted of the murder charge.

Either way, the area benefited by an eight-day show of courtroom action by one of the country's best known and highly esteemed lawyers.

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