

# LIBEL DEFENSE IN HERRIN CASE

### Attorney Kerr Suggests Killings Were Justifiable—Homicide, Not Murder, He Says

## NOW READY FOR EVIDENCE

By a Staff Correspondent of the Evening Public Ledger

Marion, Ill., Dec. 13.—State's Attorney Harry D. Kerr today announced the people's case against the five defendants charged with the murder last June of Howard Hoffman at the Lester Strip Mine at Herrin.

Attorney Kerr addressed the jury without any formally prepared speech. He is a rambling, though sometimes picturesquely eloquent, speaker. When he had concluded his demand for conviction the defense continued its case.

### Denies Killing Was Murder

Attorney W. Kerr, lead counsel for the defense, in his statement to the jury denied that the killing of Hoffman constituted murder and declared that he would prove that none of the five defendants was present at the killing.

"The only murder that was committed during this affair was the murder that was committed by lawless strike-breakers and gunmen," he said, "when they killed three innocent-looking peaceful young workers."

He referred to the killing of Jordan Henderson, Guy Hendricks and Joe Pischel, whom Kerr said were killed by armed guards at the strip mine the day preceding the riot.

"The killing of Hoffman and his associates did not constitute murder, but homicide," he said.

Kerr traversed the jury that defense will show "in this case that Orlis Clark, Bert Green, Joseph Carroccio, Louis Mann and Peter Hiller were not only not present at the killing of Hoffman or any of his associates, but that they were in positions and places of safety when it would have been impossible for them to have had anything to do with it. We will produce here a great number of men of repute in their community, who were standing along the line of march, and who will place the place of the killing. They will tell you that not a single one of these defendants was in that party."

### "Almost Any Act Justified"

"In this case we will show you a long series of abuses which justified almost any act upon the part of anyone who was not from these sections. We will show that this murderous conduct of the gunmen imported from the Chicago hoodlums to the Lester strip mine inflamed the community, that men were excited and armed outside of the county, that many strangers were here; that literally scores of cars bearing firearms from other States were in the vicinity; that scores of public highways had been assaulted by the thousands and his associates."

"In fact we will be able to show that the first of the deceased and his associates who were killed were taken from the line of march by a man not a defendant in any of the indictments returned in this county. He came from afar for the purpose, he said, of seeking revenge upon the men who had driven him and his family from their home and sent his little children out into the cold to starve."

"This is a tragedy of a kind and a community of a kind which Kerr continued, 'The Southern Lumber and Coal Company brought its gang of hired assassins, and to protect property.' Kerr brought them in here with machine-guns, high-powered rifles, with automatic pistol bullets, with all the most destructive firearms known to modern science. None of these property rights was assailed. There was a Saboteur-like raid from one end of Williamson County to another."

"With an equipment of men and arms, Kerr established his army headquarters, from which he could invade and terrorize the community to the extent of numbers. Among the gunmen we find the deceased Hoffman Hoffman, now said to be in the hands of the people who he was killed."

### Recites Acts of Violence

Kerr enumerated several acts of violence by these alleged gunmen on farmers and miners, from June 15 to June 21, when the three indictments were filed by nine grand jurors. He quoted the statement made by Attorney General Brundage, now assisting the prosecution: "There was an open challenge to the life, liberty and property of the miners, men for a battle. There is no surprise, therefore, at what happened."

"Who is morally, legally responsible for these killings?" asked Kerr. "Consider the unlawful entrance into the county, the unlawful attempt to mine coal, the unlawful bringing into the county of this band of murderers, the only effect of which could be to stir up disorder, riot and breach of the peace as we will show you. That was the first secret, unlawful act which led to the killings, and we will show you a reliable authority from the courts of the land that these acts are unlawful."

"We will show you that the prosecution is mistaken when they say that any citizen has a right to mine coal without question, especially when the mining of the coal involves the bringing into the county of murderers. We contend that that act is unlawful, and that when one sets out upon an unlawful mission and accomplishes his mission by acts of violence, by murder and then as a consequence of his actions, the killing of a man, that it is an excusable, justifiable killing."

"The State has told you that 2000 people or more formed the mob. Out of 2000 or more people the State has selected five whom they want to make victims. Why, then, you ask, are these five indicted? Because the prosecuting authorities of the State have yielded to private influences. These place and their status is shown by a private organization composed of men of great wealth, the Illinois Finance of Commerce. Actuated by a desire for vengeance, eager to do anything that will help to destroy organized labor, the Chamber of Commerce is the organization that prosecuted this case."

### LANDSLIDE FOR BOLSHIEVIKI

Restricted Number of Voters Elects 1498 Communists

Moscow, Dec. 13.—(By A. P.)—Nearly complete returns from the Moscow Soviet show that 1498 Communists and 110 non-party deputies were elected in the balloting which began a week ago.

Only workers and persons in the public service were entitled to vote. The constitution bars merchants, brokers and all classes of employers.

### BELGARIA CONQUERS REBELS

Special dispatches from Sofia report the capture of Kousserine, the rebel stronghold. The wide reach of the military operations in Bulgaria makes early publication of such facts a possibility. Local news items will be published in the Public Ledger.

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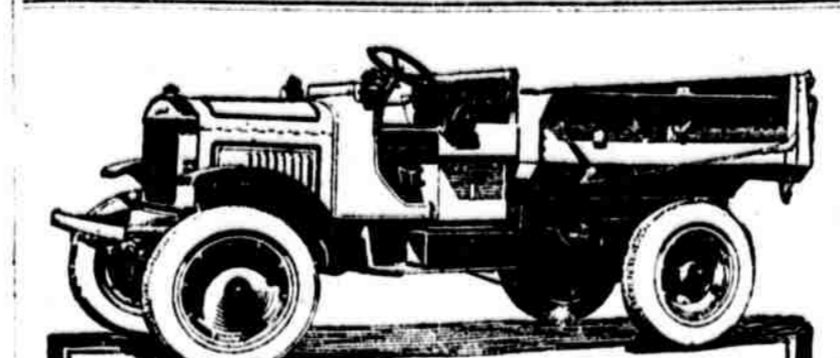
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## HERE AND THERE for HOME NEEDS

by Caroline

For Those Who Follow me this column still continues, telling you of some of the better foods and "Home Needs" seen "Here and There."

From Freihofer, their first choice, at this season, their special Xmas fruit cake—the delectable in a fruit cake, a perfect blending of fresh eggs, brown sugar, walnuts—fruits from everywhere—mellowed—one year old and packed in the useful and artistic metal box of old blue and gold will prove a really pleasing and timely Yuletide offering every housewife will appreciate. Sold in all food shops now at \$3.00.

In Every is a corner—or perch—Home has a window space permitting—even inviting to complete the room—a comfortable couch bed. Have you seen the convenience an Englishman affords? This is a couch bed, built for sanitation, an important factor to the fastidious, busy housewife, is convertible into a full-size bed for restful sleep. Cretonne covered, one picture it with a background of winter hangings, a sincerely welcome furnishing. It is found in all better furniture departments. Interesting, an illustrated booklet C-1 of products made by this well-known reliable manufacturer. Write: Engländer Spring Bed Company, 100 W. 32d St., New York City, for it.

Sweet, Yet the mayonnaise Tart now being made and sold by Mrs. G. L. Harting, who associates jellies with this name and now—mayonnaise. It was interesting some weeks ago to watch this mayonnaise being made and perfected. You have confidence in her jellies—this comes with the same studied attention—not the heavy creamy kind, but light with a delicious sweet and tart taste that lends a distinct desirable snap to any salad—in all food shops.

### Menu

BREAKFAST: Bacon Omelette, Coffee Cake—Freihofer, Coffee

LUNCHEON: Mint Filling Sandwiches—Cox's Gelatine, Midgots—Freihofer, Ginger Ale—Hires Household Extract

DINNER: Cream of Corn Soup, Chicken Pie, Baked Sweet Potato, Grapefruit Salad—Harting's Mayonnaise, Light Nut Fruit Cake—Freihofer, Coffee

Advt.

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