

HIGHLAND PARK NEWS-LETTER

Public Library, Mrs Jennings Oct 1 05

Volume 20

HIGHLAND PARK, ILLINOIS, APRIL 20, 1907

Number 16

Thaw's Escape

"You are to determine whether the defendant was sane or not; whether he knew the nature and the quality of the act he was doing, and whether he knew and understood the nature of the crime. If he did all this, then he was guilty."—Justice Fitzgerald to the Thaw jury.

The Brooklyn Eagle's editorial on the conclusion of the Thaw trial, based upon the above, is of exceptional interest. It is published below:

Convinced of Thaw's sanity, seven jurors voted for conviction; nominally convinced of his insanity, five voted for acquittal. The people of the State of New York will make another effort to settle their account with the murderer; but his life is as safe as though he had not been caught red handed. When a Supreme Court justice recently remarked that in Brooklyn such a case would have been disposed of in a week, he did not imply that conviction would have followed as a matter of course; but Manhattan accessories have their effect. One seems to be to give almost a distinct character to a Manhattan jury in a "great" murder case.

White was killed in a theater. Thaw did not run amuck, brandishing a revolver. He fired three shots and did not throw away one—all took effect. He immediately explained, being anxious to have it understood, that he had provocation. And just before committing the murder, he talked to several acquaintances in terms clearly indicating that he was in full possession of his sense. Finally, the trial was interrupted, so that experts might pass upon his case. They issued a certificate of sanity. The statement that five of the jurors were even nominally convinced of his sanity should, perhaps be revised. They did not think that he should be punished.

Nobody now believes that the prisoner will pay any other penalty than loss of liberty for a few months longer, and a bill of costs. This in the face of the fact that there is no record of a murder more deliberately committed. This in the face of the fact that the State has left no stone unturned. And this in the face of the fact that if Thaw did not understand what he was doing when he became a murderer, he never did and never will comprehend the significance of anything he does and says. Deliberately and knowingly and understandingly, he killed.

All the precautions taken by the commonwealth for the preservation of human life have, in this nauseating case, become a traversity on the term. Nor is this case isolated. Plenty of others might be cited in proof of the proposition that, given certain irrelevancies, life may be taken with impunity. Thaw's wife has youth, and beauty, and he has rich relations. To these facts add the truth that dead men tell no tales and a formidable contribution to the troubles of the prosecution has been made. Then by all means, let the murder be spectacular so that it may be assured of a prominent place in the gallery of newspaper horrors,

and so that the crush to the courtroom doors shall resemble rush hours at the bridge terminal. The rest may be predicted.

Theoretically, the law is as cold as an iceberg. It was at freezing point, as formulated by the trial judge. He endeavored to give his temperature to the jurors, but as it turned out, he might as well have run all the gamut of emotions. As it turned out, five of the jurors might as well have had in mind, while it was being delivered, not the charge but what the wild waves were saying. They adopted as a substitute for every word spoken from the bench, the unwritten law, concerning part of which that the Springfield Republican had to say a few days ago is well worth reproducing.

"There are, of course, many reasons for urging that the unwritten law deserves not be tolerated in a civilized society. It is truly anarchical in its influence; it loosens the respect of the people for in the abstract, since unwritten law may be nothing but a caprice, a passion invested with the power of life or death. And it is certainly far from being synonymous with exact and even-handed justice. Allowed to run over the field of criminal jurisprudence, it would demoralize the whole judicial system, which really is the developed product of thousands of years of uplift from that state of barbarism in which the unwritten law once held absolute sway. Aside from all that, however, unwritten law as applied by juries today becomes ridiculous in its contrarities, and why should the civilized American people consent to have it around."

After the second trial Thaw will be bailed. A third trial may or may not follow. About two weeks ago he was scheduled for a trip to the South of France, where he said, he proposed to spend the summer. It was added that he might stay longer so as to give the case time to pass out of the public mind. Disagreement interferes, but it is only a matter of months. Meanwhile, the so-called majesty of the law does not seem to have been affronted by the formulation of the program, by a traveling schedule taking acquittal for granted. This is a genuine novelty. Almost anything is to be expected when a murder is spectacular but an arrangement to go to Europe in anticipation. And it is almost a pity that the jury did not acquit, accompanying its verdict with the thanks of the community.

There is one idea that does not seem to have projected itself. Matters would have been much simplified had the jury tried the murdered man instead of his murderer. His character was anything but stainless. His offenses were rank enough to smell to heaven. They were foul enough to insure unanimity in the jury room. Moreover, being dead, condemnation could not do him much damage, whereas Thaw is very much alive and very sure that, with his trusty revolver, he did the right thing at the right time, and in the right place. However, it is not altogether clear that White was not tried and convicted, while it is altogether clear that Thaw will not be troubled much long-

er. In a few months he will be seen, possibly in the theater in which he played a part not on the programme. And he will probably enjoy the sensation his appearance creates until even that becomes a commonplace. If his friends were poor he might go into vaudeville.

Abe Ruef a Great Mixer

BY BAYARD VELLER

Abe Ruef, the indicted San Francisco boss, is the best mixer I ever met, barring none. When I first went to Frisco, six years ago, I was talking to the Sunday editor of the Chronicle one day about the number of persons it was possible for one man to know personally.

"That's a good idea for a story," the editor said. "Why not work it up by finding the local man with the largest acquaintance?"

"All right," I said, and started out to find my man. My first idea was that Whitman, the chief of police, was the man I wanted to see. I soon learned that Abe Ruef knew more people than any other man in Frisco.

"I am satisfied I know personally 20,000 people in this city," he said to me.

When I first met Ruef he was a second class lawyer with a large practice among the poor. He made up for lack of learning by native shrewdness. He was a dealer in smooth legal tricks, and technicalities, being much the same kind of a lawyer as Abe Hummel of New York. Ruef was not a boss then. Phelan was mayor and another ring was in power. When Schmitz was elected Ruef stepped into the arena as his advisor. In a year he was the absolute ruler of Frisco.

Ruef is a little man, but tough and wiry. He is about 5 feet 5 inches in height, weighs perhaps 140 pounds, has dark eyes, hair, and complexion, and a black mustache. He is about 50 years old, unmarried, and much devoted to his parents and his brothers and sisters. His habits are good—never drinks, but smokes much. He is generous and has helped scores of men in Frisco by getting them positions or giving them money out of his own pocket. And he is quiet about his many acts of kindness. Ruef has David C. Hill's gift of talking much and saying little.

Ruef's shrewdness has mixing qualities, and his memory for faces were the secrets of his success. A few months ago I was in Frisco after an absence of two years. I had stepped out of a restaurant when a man ran up and threw his arm around me before I had time to say a word. It was Abe Ruef. There was no reason for such a display of interest except Ruef's innate desire to be friendly with everybody. He knew that I could do nothing for him.

The day after he was indicted he remarked that he was in the same class with Rockefeller. It was characteristic of the man. He cared nothing for office, but worked for power. And he won it—for a time.