

“Trial in Church at Linden Has Novel Features”

As Published in the Cass County Sun

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(Transcription by Catherine Knapp)

From the Dallas Journal:

Fred Harris, nominated for State Representative, was back from Linden, Cass County, Tuesday with a story of an unusual trial in which he and Eddie Roark represented the defendant indicted for robbery.

When the attorneys reached Linden, they learned that the trial would be held in the basement of the Methodist church because the court house had fallen in. For a bench the Judge used a small table just about big enough for a large bowl of black berries which grow so plentifully in that country, Harris said. The counsel table was about half as big as the one used by the Judge. The jury sat in cane bottom chair[s] over by the piano.

During the trial children of two jurors got sick and the case had to be halted twice while these men went to see their children.

Then just before the trial was over the Sheriff died and there was more delay, while the Commissioners' Court decided what to do about a new Sheriff.

But in spite of all these circumstances, Harris and Roark are not worried. They didn't acquit their client but the jury was discharged after voting nine to three for acquittal and the case isn't expected to be tried again.

(Concerning the above article, County Judge S. L. Henderson has written the Journal as follows :)

Dallas Journal, Dallas Texas—Gentleman: In an issue of your paper a few days back you published an article in which you said in large display type “Trial in Church at Linden has Novel Features”. I feel sure after reading the article that you should have given it the following title: “The Dallas Journal and Attorney Fred Harris makes a scurrilous and false attack upon the citizenship of Cass county; about the only truthful statement in the entire article is that District Court was being held in a church, and that Fred Harris and Eddie Roark were in Linden defending two of the famous criminals of Dallas. In this article purporting to be from Fred Harris, you not only offer an open insult to all the people of Cass county, but you single out the Jury, the Judge of the Court, the Commissioners Court and even go so far as to speak ungentlemanly of the fine young man who was Sheriff of Cass county and who gave his life in an effort to stay at his post of duty to see that your Dallas criminals who came into Cass county to rob and plunder got justice meted out to them.

This article makes the following false statements:

First—The Cass county Court which was a new structure reconstructed and made new in 1918, did not fall down, but was partly destroyed by fire on August 19th 1933 and is at this time being rebuilt at a cost of

more than \$40,000 and when it is finished it will be a thing of beauty and will be used to try some more of the criminals who ply their trade out of Dallas.

Second—You say two Jurymen had children to become sick and delayed the trial, the truth being only one child was sick and delayed the trial only a short time. In this article you further insulted the people of Cass County by making light of the chairs and tables. It is true that our equipment [is not] what it should have been nor what we wanted it to be. The Court House furniture having been lost in the fire, nevertheless we had attorneys from many places in Texas, and other states and not one of them or any paper in Texas, except the Dallas Journal and Fred Harris, a Dallas Attorney saw fit to offer an insult to our people because of things that could not be avoided. Yes, it's true we grow fine black berries in Cass county, produce Attorneys and papers in Cass County that are too much of a gentleman to attend Court in your city and then go off and falsely condemn your county or its people.

It is true we were so unfortunate as to lose by death our fine young Sheriff, and I am sure, and I am sure, that every criminal in Texas is glad of it. The evidence was all in the case closed and the arguments ready to begin when Sheriff E. Lois Johnson died and the case was concluded as if nothing had happened and the commissioners Court did not meet to select a Sheriff until the following Monday.

Harris makes the further observation and in spite of all his client was not convicted and would never be tried again but just as false as all other statements, you may rest assured that he will be tried not only on this charge but upon another robbery charge and then be turned over to several other counties to be tried for other crimes. It is true he escaped conviction this time, but had it been possible to place before the jury his record of crime he no doubt would have spent the rest of his days in a felons cell and it is my prediction before we are through with him he will pay the penalty.

When the case is called again we will treat Fred Harris with every courtesy and consideration to which he is entitled and our people will continue to read the paper that so far forgot itself as to openly insult us. Libel laws are a good thing to protect a people from libel.

We are requesting that this article be given as prominent a place and as bold type as was the original defamatory article given; published under this head: "Cass County Challenges and Answers the False Article Published in this Paper about Cass County. ["]

Cass County, by Sam L Henderson, County Judge

Please send copy of paper when article is printed.

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