

CHAPTER V.

"THE TRUTH IS NO DEFENSE."

Then Dale struck upon a catch phrase that was soon to bring help from all over the nation. "The truth is no defense", he cried. "IS LIBERTY OF CONSCIENCE, SPEECH AND PRESS TO BE NAILED TO CROSS?" was the headline for his next paper.¹ Here at last was the appeal for which he had been searching since the beginning of the decade. He argued, calmly this time, and very convincingly that the prosecuting attorney and Judge Dearth had tacitly admitted the truth of his "contemptuous" allegations when they threw out the "liquor" indictment in regard to which he had written the two editorials for which he was charged with contempt. How could the Constitution mean anything or protect Americans if it could be so flagrantly violated by the courts? Undoubtedly lack of technical training does prohibit newspaper reporters and the reading public from understanding thoroughly all questions involved in a legal action. Little wonder, then, that courts receive much praise or censure from a public not familiar with intricacies of the law. In the

¹Post-Democrat, March 18, 1926.

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cases in question a fairminded reader must admit, even if he disagrees with the decisions, that facts were not completely lacking upon which Dearth could make our a case against Dale. Legal opinion in the state agreed that the Supreme Court of Indiana had precedent for its decision but criticised that court for distinguishing between the two cases as well as not clarifying state laws on contempt.² These decisions were just what Dale needed. For once he caught the spirit of the people.

"Who's Boss, Anyway?"³ the people or the judges, he asked;

"The...judge...is a servant of those who who elected him. It is his business to interpret the law, not make it. If a judge is a poor judge, an indifferent scholar, a petty tyrant or a boodling bribe maker, his masters, the people, have the God-given right to protest and criticise, both orally and in public print.

"And honest square, upright, scholarly judge does not require the protection of a "contempt" statute to shield his court from unwarranted criticism. The judge who holds himself to be the servant, and not the master, of those residing within his jurisdiction, is respected, and not held in contempt.

"The small minded, shyster lawyer, who achieves judicial powers through the klan, the political machine, or some other device for trapping votes, is generally the one who feels the con-

²Cf. Willis, H. E , Indiana Law Journal, XXX Vol. II, No. 4, P. 309ff.

³Post-Democrat, April 1, 1926.

tinual need of threatening this or that person with punishment for contempt of court."⁴

For the next few weeks Dale busied himself with the primaries by continuing to denounce the Republicans and Judge Dearth. Gleeefully he headlined the defeat of the prosecuting attorney, one of his bitterest enemies.⁵ Things quieted for a time. The Post-Democrat took on the aspect of large newspaper. Politics was the chief topic in both news and editorial columns, but advertising had begun to reappear. This latest appeal was bringing in revenue from national advertizers. Dale's stock was on the upswing. He even ran a circulation contest giving an automobile and other cash prizes to the winners, But he never lost sight of the fact that Muncie heeded Political overhauling. New exposures came every week.

For the moment vice conditions in Muncie and their protection by city officials became his special target.⁶ Here was "classical" muckraking. Vice control was the special avocation of Judge Dearth and it had always pleased Dale to ridicule him for it because he was a part of the Republican machine which Dale considered guardian angel of the "redlight". In the midst of Dale's current attack on

⁴Post Democrat, April 1, 1926.

⁵Ibid., May 6, 1926.

⁶Ibid., June 3, June 10, 1926 and following numbers.

vice the local papers announced that Judge Dearth was inaugurating his own private vice investigation and war.⁷ A few days later the Press reported Judge Dearth's crime crusade a success; "Red lights burn a pale pink....All is quiet upon local vice front...country is clean".⁸

Then came one of the most astounding proofs of Dale's integrity and sincerity. Dearth publicly denounced the city and county administrations for protecting the rotten conditions he had been investigating. Convinced of his most hated enemies sincerity Dale editorialized:

"The Post-Democrat urges all good citizens of Delaware county to give Judge Dearth their earnest support and stand behind him as a solid unity in his "clean-up" campaign.

"The editor of this newspaper has less reason, probably, than any other individual in the county to be personally enthusiastic in behalf of Judge Dearth, but in matters of public welfare we are always ready to subordinate personal bias and prejudice and welcome recruits to the army of decency and good government.

"It took considerable courage for Judge Dearth to definitely break with the political machine to which he was obligated in a great measure for his election as judge and to place himself in a position which makes it impossible for him to secure future political favors from that source."⁹

⁷Muncie Evening Press, June 5, 1926; Muncie Morning Star, June 12, 1926.

⁸Muncie Evening Press, June 8, 1926.

⁹Post-Democrat, June 10, 1926. The italics are mine.

Such a complete reversal of position could only be a demonstration of character to the people of Muncie. The risk of "losing face" would have been too great if Dale were completely an opportunist. When his ideas coincided with someone else's he was the first to admit it.

Backed by his most violent enemy Dearth continued his vice crusade and called the grand jury to consider indictments arising from the investigations.¹⁰ Said Dale,

"Our differences with Judge Dearth as expressed from time to time in this newspaper were wholly on matters of public opinion. We have never attacked his moral reputation, which we believe to (be) unimpeachable and have never accused him of a crime, and never will unless he actually commits a crime."¹¹

In the midst of the vice fight came word from the Indiana Supreme Court denying Dale a rehearing on its recent decision.¹² A few weeks later Dale was pleased to announce that the newspapers of Indiana (even the Republican papers!) had decided to back his appeal to the United States Supreme Court.¹³ Dale warned that "if the highest

¹⁰Post-Democrat, June 17, 1926; Muncie Evening Press, June 14, 1926.

¹¹Post-Democrat, June 17, 1926.

¹²Muncie Evening Press, June 11, 1926; Mucie Monning Star, June 12, 1926.

¹³Post-Democrat, July 1, 1926.

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court in the land affirms this decision than the entire press of the country will be jeopardized. Even as it is, the latest Indiana contempt case may be cited in other states as a precedent for similar action.¹⁴ The sudden response from newspapers all over the country surprised even Dale. With such impetus he definitely decided he would take his case to the supreme Court.¹⁵ The local papers even began to print stories of his past history and fight with the Klan emphasizing Dale's boast, "I killed a man" which captioned a series of posed pictures demonstrating how Dale and his son were attacked by masked assassins a few years before.¹⁶

Impoverished by his long fight with the Klan Dale would have been unable to appeal his case had it not been for the aid of interested individuals and newspapers. The powerful Chicago Tribune, the Baltimore Sun, the Hearst Syndicates, the Brooklyn Eagle, and most pointedly the New York World took up the fight for Dale. Editor and Publisher was especially interested in the case and for a time the American Civil Liberties Union promised aid, later refused.

¹⁴Post-Democrat, July 8, 1926.

¹⁵Muncie Evening Press, July 10, 1926; Muncie Morning Star, July 11, 1926.

¹⁶Muncie Evening Press, July 14, 1926. Incidentally, these same pictures were carried in all the Hearst papers; e.g., the Chicago Herald and Examiner, July 25, 1926. See Chapter III, n.6, supra on the Klan attack.

The gap was soon filled. Many newspapers asked their readers for contributions to send Dale. Most interesting and successful of these campaigns was that of the New York World which instituted a GEORGE DALE DEFENSE ^{Fund,} ~~AID.~~_A

Muncie was astonished at the sudden publicity to which she was being subjected. Could there be something to this George Dale? And Dale printed a thought of many who did not like to think it when he said, "Drenched in the white light of publicity Muncie and Delaware County stands forth before the world as a city that has been run for four years by the Klan. Thousands of newspapers in every state of the union have made plain our lowly state."¹⁷

Such a statement was hardly an exaggeration. Public opinion all over the state could not help but cringe and look more favorably upon Dale when editorials such as the following (chosen at random) appeared in the American press;

"Indiana, by its own interpretation of law, abridges the freedom of speech and freedom of the press through the decision of the Indiana judge, which is sustained. If this can be reported to in favor of the Klan, it can be brought into activity for any number of fanatical organizations that may be founded. It may be the Ku Klux Klan today and some other organization tomorrow, both of them detrimental to our form of free government and free speech.... If you want autocracy, then the place to build it is in Indiana. The voice of the people would

¹⁷Post-Democrat, July 15, 1926.

soon be stilled, and these autocratic czars, gnvärned, not by rules of reason, but by those of narrow and bigoted organizations, would prevail. Freedom of speech and freedom of the press would be as scarce as near beer in a distillery.

"How we would like to be down in Indiana for just a short period to shake up the old bones in some of these cobwebbed court rooms where the mask is recognized as an asset for good citizenship!"¹⁸

But although moral support came from every ^{section} ~~nation~~ of the country the first real financial aid came from a group of Chicago men headed by one Emmet Cavanaugh, a wholesale meat dealer, who became interested in Dale's case after reading about it in the Chicago Tribune. On July 9, 1926 Cavanaugh sent the following explanatory telegram to Dale; "ANSWERING BELIEVE I CAN ASSIST YOU MATERIALLY IN OBTAINING FUNDS HERE TO BE USED FOR YOU APPEAL NEWSPAPERS HERE TODAY DEVOTING MUCH SPACE TO YOUR CASE AND YOUR PRESENCE IN CHICAGO IMMEDIATELY WILL INSURE MYSELF AND FRIENDS MAKING A SUCCESSFUL DRIVE FOR MONEY NECESSARY TO SEE YOU THROUGH I AM A BUSINESS MAN HERE AND MY ONLY REASON FOR COMMUNICATION WITH YOU IS TO ASSIST YOU BECAUSE OF THE PRINCIPLES INVOLVED BORROW THE MONEY TO GET HERE AND WILL REIMBURSE YOU UPON ARRIVAL." A few days later Chicago papers carried pictures and a story

¹⁸The Sheboygan (Wis.) Press, July 14, 1926.

about Dale receiving his first check of \$500 from Cavanaugh's group.¹⁹ The New York World announced that without solicitation money had been sent to be used in Dale's defense after his story had been printed in that paper.²⁰ Here was real human interest and the World lost little time in capitalizing on it for its own as well as Dale's interest. Commented the New York Sun, "George Dale belongs to a dying race - the old time weekly editor. He is redolent of printer's ink and he thinks more of the newspaper as an agency of reform than an an agecy for producing wealth."²¹ The American newspaper profession was frankly proud of Dale. Here was a brother who stood for real journalistic idealism. For the public there was romance in the story. On August 10, 1926, the New York World wired Dale that it had collected \$1,000 for his defense. Editorialized the World,

"The right of the press to print the whole truth in the public interest should not be jeopardized because of the mere inability of one editor to raise a little money. There are other rights whose defense may be equally important. The American press has developed a considerable array of associations for commercial or news purposes, some of them

¹⁹Chicago Herald and Examiner, July 18, 1926; Chicago American, July 19, 1926.

²⁰New York World, July 18, 1926.

²¹New York Sun, July 30, 1926; also in the Atlanta (Ga.) Journal for the same date. The New York Times also carried stories about Dale and his fight in its issues for July 30, 1926, August, 2, 1926.

powerful. It is strange that with its pride in a tradition of freedom which stretches back to Peter Zenger it should have no general legal agency to protect its weaker members, and steps should be taken to remedy the omission."²²

That Dale typified for many newspapers editors the type of fearless writers they would like to have been - rather than the tools of "commercial" or "news" interests - may have explained much of their eagerness to help. Editor and Publisher had an EDITOR DALE'S FUND to which newspapers were asked to contribute. Gifts were acknowledged in "fraternal appreciation".²³

Dazed by the sudden response in his behalf, Dale could only say;

"It is simply impossible for the editor of the Post-Democrat to express in cold type how it feels to be treated the way we have been by strangers in every part of the county who didn't know us from Adam's off-ox, two weeks ago.

"Overwhelmed by letters containing offers of assistance, financial and legal, telegrams containing contributions to the cause arrive in such profusion that answering them all promptly is simple out of the question.

"I am going to send a marked copy of the Post-Democrat to every one of them this week so when they see this they will know why they have not been answered. One of these days I am going to take a day off and answer every one of them, God bless 'em."²⁴

²²New York World, July 23, 1926.

²³Editor and Publisher, July 14, 1926.

²⁴Post-Democrat, July 22, 1926.

Simultaneously his case went to the United States Supreme Court on a writ of error.²⁵ Preceded two weeks or more by other newspapers the Muncie Press finally produced an editorial stressing the importance of Dale's case for newspapers and freedom of speech. The important question, said the Press, is whether judges shall take precedence over the Constitution.²⁶ ^{MUN} Muncie was at last [^]making Dale seriously.

Then two startling things happened. The grand jury which Dearth had called to investigate crooked dealings in Muncie suddenly adjourned and Judge Dearth took a vacation leaving his vice war in the air. A few days later Dale was arrested on charges of criminal libel preferred by one Raymond Warner, one of the jurors in the recent concealed weapons trial whom he attacked in his paper.²⁷ True to form, Dale went out to meet the enemy and repeated all the accusations made against Warner plus a few more. Sneered he, "Thick headed stupidity and

²⁵New York Times, July 20, 1926; Muncie Evening Press, July 19, 1926; Muncie Morning Star, July 20, 1926; Post-Democrat, July 22, 1926.

²⁶Muncie Evening Press, July 20, 1926.

²⁷Ibid., July 28, 1926; Muncie Morning Star, July 29, 1926; Post-Democratic, July 29, 1926. See also Chapter IV, n.57. supra.

bull headed vindictiveness have marked the series of events. The latest arrest, the last of a series of six since war was declared in the spring of 1922, is the silliest performance of all."²⁸ Dearth ^{had} ~~has~~ issued the bench warrant by which Dale was arrested in this case. Obviously the feud was on again.

And still praise, encouragement, and money came in to help in the contempt cases. Even world attention was being focused on Dale's case when Editor and Publisher announced that it would be considered by the Press Congress of the World at Geneva and Lausanne, Switzerland, in September 1926.²⁹ Yet with all the excitement of which he was the center, Dale did not forget his ¹ ~~role~~ as reformer. The Post-Democrat varied little from week to week; always the exposures; always the muckraking; always the Republican administration at fault.

When in the November elections of 1926 Democratic county commissioners took office Dale reported that the hated Republican machine was "not tottering, but wrecked!"³⁰ He had always insisted that the chief source of Republican graft were the county road contracts. Now Democrats were

²⁸Post-Democrat, July 29, 1926.

²⁹Editor and Publisher, September 4, 1926; Post-Democrat September 9, 1926.

³⁰Post-Democrat, November 4, 1926.

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to have control. Dale looked upon this as partially his victory. And still he continued to accuse personalities. His libel trial was at hand when he found another reason to scream editorially.

Later that month Dale announced in five inch headlines that a bullet had been shot into his home and that stones had been thrown through his windows for the past week.³¹ For once in his life he was perturbed; not that he feared personal violence but because his family had narrowly escaped injury. He was quoted in an Indianapolis paper as saying; "I am willing to face them myself, but I am not willing to have members of my family killed or wounded because of my activities."³²

A week later he went on trial for libeling Warner.³³ A day later the jury handed down a verdict of guilty. Dearth fined Dale \$400 and sentenced him to ninety days in prison. Less than half an hour after the verdict another bullet came crashing through a window of Dale's home but failed to hit anyone.³⁴ He accused the prosecuting attorney of being one of the perpetrators

³¹Post-Democrat, November 25, 1926; and both Muncie dailies for the same date. See also the New York Times, November 26, 1926;

³²Indianapolis News, November 29, 1926; also in the New York Telegram Mail, November 30, 1926.

³³Muncie Evening Press and Muncie Morning Star, Dec. 4, 1926; New York Times, December 5, 1926.

³⁴Muncie Evening Press and Muncie Morning Star, December 6, 1926; Post-Democrat, December 9, 1926.

of the attempted assassination because during the trial he advised that the people take the law into their own hands with regard to Dale.³⁵ Angered, Dale announced that he would "stick around" and fight.³⁶ Public opinion was becoming so incensed by his treatment in the courts and at the hands of his enemies that the Governor of Indiana (a reputed Klansman) was forced to take some action. The following letter dated December 6, 1926, was addressed "to the Mayor and Chief of Police of the City of Muncie, and the Prosecuting Attorney of Delaware County,

Dear Sirs:-

Information has reached the Governor that during the past several days assaults upon the family of George Dale of Muncie by shooting through windows and doors of his house have been occurring. The Governor has conferred with me and we both feel the necessity that immediate steps be taken to protect this house from such assaults for the safety of its members and to prevent a blot on the name of the State which might result unless such steps are taken.

I am, therefore, requested by the Governor to call the matter to your attention and to convey our joint request to you that all necessary steps be taken to afford the needed protection and to apprehend and punish those already guilty of these assaults. The State prefers at this time to look ~~at~~ local officers to accomplish these results because we believe it is wholly within your power to

³⁵Post-Democrat, December 9, 1926.

³⁶Indianapolis News, December 9, 1926; see also the Indianapolis Times, December 6, 1926.

accomplish them. Please give these matters your immediate and serious attention.

Respectfully,

(A. L. Gilliom)
ATTORNEY GENERAL OF INDIANA.

Even then Dale discounted proposed efforts of the police either to guard him or the punish the guilty parties. He just continued to fight. Dearth was again the target. Dale accused him of having dismissed the grand jury when it would not indict him for libeling Warner and then allowing a private action instead. The case was appealed.

"HELL@ MUSSOLINI" was the headline in his next paper. The leading story told of how Dearth was assuming the "role of newspaper censor" by warning a news dealer to stop selling the Post-Democrat.³⁷ "Dale has been razing us without mercy and we are going to put a stop to it," he quoted Dearth as saying.³⁸ Furthermore he accused Dearth of ordering the police to take the names of all Dale's newsboys. "No self-appointed dictator is going to stop the sale and distribution of the Post-Democrat," he concluded.³⁹ Thus ended the year 1926 with the cauldron still boiling.

The new year opened with bad news for the editor.

³⁷Post-Democrat, December 23, 1926.

³⁸Ibid.

³⁹Ibid.

The United States Supreme Court dismissed Dale's appeal because the court record had not been properly filled.⁴⁰

The Press for the first time editorialized in his behalf:

"It is unfortunate from the stand point of the people that the United state Supreme Court threw out on a technicality the appeal of George R. Dale without deciding the vital point at issue which is whether the truth in a case of contempt of court is or is not a sufficient defense....The common belief that this matter is of more importance to the newspapers than to the citizens generally is without warrant, for the principle applies to the lowliest citizen as well as to the greatest corporation.If a citizen may be punished for contempt of court by making truthful charges against a judge, and the practice of punishing along these lines were constantly indulged in, then that would be the end of all our liberties; popular government would be replaced by a government of courts, and judges, from being interpreters of the law,...would become the makers of law....Whether Dale himself was right or wrong in this particular case was of no vital importance to anybody except himself and the particular judge he offended. If he were guilty of contempt of court by making false charges, of course he deserved and deserves punishment, just as he might deserve commendation if his charges were truthful, but when a judicial body such as the supreme court of Indiana declares that it does not matter in a contempt case whether the statements concerning a court are true or false, provided only they be prejudicial to the court's operation, then it is time that something were done about it....The issue failed to get before the highest court because of a defect in presenting the case which rendered the appeal of no value, and so the vital part of the matter stands where it has stood since the Indiana supreme court's decision, virtually upholding the ancient contention that the king can do no wrong; the king in this instance being any Indiana court."⁴¹

⁴⁰ Muncie Evening Press, January 3, 1927; Muncie Morning Star, January 4, 1927.

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Muncie Evening Press, January 4, 1927.

Although tardy, here was the first clear evidence that Muncie was looking at Dale in a more favorable light. Whatever else may be right or wrong with "the Middletown Spirit", certainly fair play was a part of it. The people were beginning to wonder whether something should not be done to "make it all up" to Dale for the suffering he had received in their midst. The events of the next few months strengthened any such latent ideas. For the moment Dale could only ask to reinstate his case before the United States Supreme Court.

The new year also brought a new prosecuting attorney who had taken office free from taint of corruption--so far as Dale was concerned. A week after he went into office, the new prosecutor announced that he had investigated Dale's recent libel case and was convinced that he was not given a fair trial.⁴² A few days later after a heated court session between the old and new prosecutors, Judge Dearth denied the motion for a new trial.⁴³ Again Dale could only appeal. In the meanwhile he continued his attacks upon corruption and especially the circuit court.

Events soon came to a head. While Dale was in

⁴² Ibid., January 8, 1927; Muncie Morning Star, January 9, 1927.

⁴³ Ibid., January 12, 1927 in both papers.

Washington trying to get his contempt case reinstated before the Supreme Court, Judge Dearth ordered the Post-Democrat taken off the streets of Muncie because it contained charges, very common lately, that Dearth was tied up with political corruption and lawlessness in Muncie. About fifty of Dale's newsboys were taken before Dearth by city police and threatened with "juvenile detention" if they persisted in peddling the papers.⁴⁴ Dale, obviously, could not be arrested since he was out of the city but Dearth insisted he would be charged with something as soon as he returned--his Honor admitted he was not quite sure what the charges would be. Then without the sanction of the prosecuting attorney Dearth called the grand jury to investigate Dale and his paper.⁴⁵ The people, however, had stomached enough. Rumors of impeachment were rife throughout the city and state. In its next issue, the Post-Democrat carried cartoons of policemen chasing little newsboys while at the same time prostitution and drunkenness ran riot in the city.⁴⁶

⁴⁴
Muncie Evening Press, February 19, 1927; Muncie Morning Star, February 20, 1927. See also the New York Times for the same date.

⁴⁵
Muncie Evening Press, February 21, 1927; Muncie Morning Star, February 21, 22, 1927.

⁴⁶
Post-Democrat, February 24, 1927.

Dale succeeded in having the Supreme Court re-instate his case and then announced he would remain in Ohio until the controversy was settled. Dearth continued to hurl defiance and threaten prosecution. Then came word from the Indiana House of Representatives that it would consider impeachment petitions against Dearth.⁴⁷ Newspapers all over Indiana pressed for the impeachment.⁴⁸ But state legislators were hesitant to pick up a hot political potato. Democrats considered it a Republican matter, Republicans would have liked to forget it.

Dearth made the next move by filing charges of contempt against Dale for his recent publications. Editing from Greenville, Ohio, said Dale, "I am going to stay here to see if they really want me in Indiana. If they want me, they'll come and get me if they can." Answered Dearth, "I don't want him that bad....He can stay there."⁴⁹ Dale

⁴⁷
Muncie Morning Star, February 23, 1927; Muncie Evening Press, February 24, 1927.

⁴⁸
Bent, Silas, Ballyhoo, New York, 1927., p. 284ff. The author tells of how the powerful Indianapolis Times, a Scripps-Howard paper, got behind Dale in the last stages of his Klan fight and was the most articulate paper in the state in pressing for Dearth's impeachment.

⁴⁹
Muncie Evening Press, February 25, 1927; Muncie Morning Star, February 26, 1927.

replied that he would not return until given absolute
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 assurity that his bail would be accepted. Editorial
 opinion in Muncie meekly suggested that everyone remain
 calm and cool, whined about how Muncie was being hurt
 by bad publicity, concluded, however, that a free press
 51
 should be maintained. Dearth issued a bench warrant
 against Dale and sent it to an Ohio sheriff who arrested
 the editor. He was immediately freed on bond. 52 On the
 same day the Judiciary Committee of the Indiana House of
 Representatives accused Dearth of "high crime and corrup-
 tion" in supressing Dale's paper. "The Mussolini of
 Muncie", as he was now being called by legislators on
 the floor of the House and by newspapers, was impeached
 by a vote of 93 to 1. 53 "Remember the Ides of March",
 said Dale as he noted that just four years ago this month
 Dearth had charged him with contempt of court. 54

50
Muncie Evening Press, February 26, 1927. See also the
New York Times, February 26 and 27, 1927.

51
Muncie Evening Press, February 25, 26 and 28, 1927.

52
Ibid., March 1, 2, 1927; Muncie Morning Star, March 2,
 1927. The New York Times carried the entire story in great
 detail throughout the months of March and April, 1927.

53
Post-Democrat, March 3, 1927.

54
Ibid.

Dale remained in Ohio "catching up on sleep" until the end of the month when he returned to Muncie, and was arrested but immediately released on bond.⁵⁵ Said he of the \$3,000 bail, "exorbitant, it oughtn't to be over \$2.75, at most, for this particular charge."⁵⁶ The next day Dearth's trial came to an end when he was acquitted by the State Senate on all seven counts against him. On the second count he lacked conviction by only two votes. He resumed his place on the Delaware County bench.⁵⁷ Politically, however, the Judge was ruined as was evidenced in his weak showing and defeat in the next election.

A short while later, Chief Justice Taft, speaking for the Supreme Court announced that that court had no jurisdiction over Dale's case because no federal question was involved.⁵⁸ Insisting that he was "neither down nor out" Dale promised to continue the fight. "I will not acknowledge final defeat until I hear the referee count ten. I will go further than that. I will have to be so

⁵⁵Muncie Evening Press, March 31, 1927; Muncie Morning Star, April 1, 1927.

⁵⁶Muncie Evening Press, March 31, 1927.

⁵⁷Ibid., April 1, 1927; Muncie Morning Star, April 2, 1927.

⁵⁸Ibid., April 27, 1927; (in both papers) also in the New York Times for the same date.

far out when he counts that I can't hear him pronounce the last word.

"The Supreme Court of the United States has dumped Indiana's filth back on Indiana soil, where it really belongs."⁵⁹ Rumors began to float about the city about a gubernatorial pardon for Dale.

And so Dale turned once again to muckraking, The national publicity he had received a year before was just a memory now as was the financial and moral aid it brought. Undaunted Dale again made one of his old time appeals to the public to enable him to carry on his fight.

"It is not charity I am asking", he said, "It is a request for patriotic citizens to help in a cause which has for its purpose a redemption of our citizenship from crooked political control and the intrigues of venal courts."⁶⁰

There was only one thing left that could save Dale from serving his sentence, a pardon from the governor. In permitting his wife to petition for a pardon Dale made it clear that such action was not being done for the purpose of merely avoiding "the rigors of penal servitude" but rather to give the governor a chance to "right a great wrong and to serve notice on those who would throttle a

⁵⁹ Post-Democrat, April 28, 1927.

⁶⁰ Ibid., May 12, 1927.

free press and imprison those who publicly denounce crooked officials that Indiana will not permit the constitutional liberties of her people to be trifled with."⁶¹ Even the new Prosecuting Attorney supported the petition for pardon.⁶²

Public opinion in the state led especially by the Scripps-Howard Indianapolis Times pressed the Governor who finally left the matter in the hands of the board of trustees of the state penal farm.⁶³ Dale said he would appear personally before the prison board to present his petition.⁶⁴ How strong public pressure for his pardon eventually became was evidenced in the fact that he was even allowed to appear personally before the prison board to present his case in violation of the board's rules.⁶⁵ That the good people of Muncie were now supporting Dale was shown when the previously indifferent Press editorialized as follows:

⁶¹Post-Democrat, June 9, 1927.

⁶²Muncie Evening Press, June 9, 1927; New York Times, June 10, 1927.

⁶³Post-Democrat, June 16, 1927.

⁶⁴Muncie Evening Press, July 12, 13, 1927; Muncie Morning Star, July 14, 1927.

⁶⁵Muncie Evening Press, July 14, 1927; Muncie Morning Star, July 15, 1927.

"From every angle of common sense, the board should grant the pardon. To cause Dale to serve this sentence would arouse again in the community the old animosities that now, happily, appear to be dying out, and renew troubles that the public does not wish to be renewed.

"Without entering into the merits or demerits of the case...it may be said confidently that the best judgement of the community is that this whole matter should be ended at this time by Dale's position toward Dearth is much improved. If that guess is correct, it is a good thing for everybody concerned.

"If the Board of trustees were acquainted with local sentiment that fact would aid it greatly in making its decision, but it is unlikely that it is well informed upon that subject, so it may, or it may not, make a mistake today."⁶⁶

And so a day later the prison board made its recommendation and the governor paroled Dale. The \$500 fine, however, was removed.⁶⁷ Congratulations and hosannahs rolled in; it was a red-letter day for freedom of the press. Commented the Press;

A great deal of water has passed over the dam in the four years since Dale made the charges that constituted his supposed offense. He has pursued his enemies here with rare venom since that distant date, and they have been equally hot on his trail. The revelations that have come out of it all have not been such as to add to the glory of the community, but maybe the various ex-

⁶⁶Muncie Evening Press, July 13, 1927. The italics are mine.

⁶⁷Ibid., July 15, 1927; Muncie Morning Star, July 26, 1927. Post-Democrat, July 22, 1927; New York Times, July 12, 14, 16, 1927.

posures were, after all, a cleansing process that has been beneficial. Boils are far from pleasing visitors, but they remove impurities from the system.⁶⁸

Concluded Dale;

"I am content in the knowledge that I have gained in the love and esteem (of) my immediate neighbors and that public sentiment in every section of Indiana as well as other states has been whole heartedly manifested in my behalf."⁶⁹

One minor concluding note of humor remained to end the story. In order to be paroled, Dale had to go to the State prison to be enrolled a prisoner. The first time he went he was refused admittance because he had not brought proper commitment papers.

"Dale turned away minus lunch", read the Press.⁷⁰ When he returned with the prpper papers the Press announced his intention to "storm the penal farm anew".⁷¹

"I wonder", said Dale, "if they'll record my fingerprints and give me a free haircut. I've paid the state enough to entitle me to a free haircut and I certainly need one."⁷²

Thus was ended one of the most fascinating phases

⁶⁸ Muncie Evening Press, July 16, 1927.

⁶⁹ Post-Democrat, July 22, 1927.

⁷⁰ Muncie Evening Press, July 26, 1927.

⁷¹ Ibid., July 28, 1927. See also the New York Times, July 27, 1927.

⁷² Muncie Evening Press, July 30, 1927.

of a fascinating career. In a period of five years George Dale had risen from obscurity to a position of fame and respect in the community. From the ashes of the Ku Klux Klan which he helped destroy he rose to national prominence. Yet never once did he cease to be the reformer. The power of his name alone gave him more than 50,000 votes for Governor of Indiana at the next election.⁷³ From then on one of the most remarkable political careers Muncie has ever seen began to flower.

Thus also was ended a period of political and social unrest in Middletown which had stirred the community to its very core. Now the "house divided against itself" for almost a decade wanted peace. United by its dominant symbol - "success" in terms of money - Middletown forgot differences of the immediate past in the mad scramble to cut itself a piece of the cake of prosperity. For a time cleavages in the community pattern were healed - at least on the surface. That George Dale became mayor of Muncie showed how superficial was this recovery.

⁷³ Douglas, W. A. S., op. cit., p. 484.