

Death Penalty Not Asked For

THE LINCOLN STAR

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TRAIN DERAILMENT CRASHES

Coast Pilot Saved Pulled From His Burning Plane By Brakeman

El Toro, Calif. (P)—A Marine jet fighter plane crashed onto a railroad track Wednesday, was struck by the locomotive and cartwheeled back between the 4th and 5th cars of the passenger train.

Miraculously, no one was injured, although one diesel unit and 5 cars of the 7-car train were derailed. About 80 passengers were aboard.

The pilot of the Skyray fighter, 2nd Lt. Phillip M. Schmidt, 23, was pulled from the burning plane by the brakeman of the Santa Fe's southbound San Diego, Pat A. Schamber of East Whittier, Calif.

Schamber said the plane exploded and spewed burning gasoline over a wide area. The pilot, apparently unhurt, was taken to El Toro Marine Air Base Hospital for observation.

Schmidt, practicing takeoffs and landings at El Toro, was unable to gain altitude on takeoff and attempted to pull up on the airstrip. The jet bounced over the fence and came down in an arc in front of the train.



JET AND TRAIN COLLIDE

An F4D Douglas Skyray lies in a sea of fire-fighting foam beside the tracks of the Santa Fe San Diego train after it collided near the El Toro Marine Air Base southeast of Los Angeles. The jet fighter failed on take-off and bounced onto the tracks in front of the oncoming train which collided with it, derailling 5 cars. No one was hurt.

Demos To 'Study' Like Spend Plans Johnson Pledges Consideration, Martin Warns Of Veto Action

Washington (P)—Sen. Lyndon B. Johnson (D-Tex) promised Wednesday that the heavily Democratic new Congress will give careful study to President Eisenhower's spending proposals.

Rep. Joseph W. Martin Jr. (R-Mass) predicted Eisenhower will veto any bills which Congress sends him and which he thinks entail excessive spending.

Martin said Eisenhower has laid down a general policy aimed at cutting federal spending where possible, adding, "We're going to try to make substantial savings."

NLRB Asked To Explain Delay— Truckers Tell Of Sabotage And Boycotts

Senate Probe Hears Nebraskans

Washington (P)—Truck operator witnesses from Nebraska testified Wednesday they suffered serious boycott and sabotage troubles as a result of disputes with the Teamsters Union.

One Tom Coffey—said his Alma, Neb., truck line had to go out of business because the National Labor Relations Board delayed action on his case.

Coffey and the others gave their stories to the Senate Rackets Investigation Committee. One committee member, Sen. Sam J. Ervin (D-N.C.), commented that the Coffey line "starved to death while justice moved on lead feet."

"It (the case) should have been adjudicated by anyone with intelligence above the grade of a normal 20 minutes," he said heatedly.

Coffey testified that the Teamsters told him they didn't care about having a collective bargaining election, and would stall it off until he was bankrupt.

"It's an outrageous thing," cried Sen. Carl T. Curtis (R-Neb.). "It's inexcusable."

Coffey said he petitioned the NLRB for an election in September 1955 and it was held Jan. 24, 1956. He said only 7 votes were cast—4 against the union and 3 which were challenged.

Jury Starts Today; 1st Degree Verdict Sought

... Girl 'Couldn't Have Aided Killing'—Defense

By Del Harding
County Atty. Elmer Scheele Wednesday did not ask the jury to impose the death penalty against murder defendant Carl Fugate.

"I am perfectly satisfied," he said, "to leave the question of the penalty up to you."

Scheele did, however, firmly say he believed the state had proved Carl guilty of both the first degree murder and robbery while in the perpetration of a robbery charge on which she is being tried in the Jan. 27 death of Robert Jensen, 17, of Benet.

Conviction on either charge is punishable by death or life imprisonment, at the discretion of the jury.

Instruction Thursday The 7 men and 5 women jury members will retire to reach a verdict Thursday morning after being instructed on legal points by Lancaster District Judge Harry A. Spencer.

Scheele, in the final half of his closing argument, lashed out at statements made earlier by defense Atty. John McArthur.

He accused McArthur of attempting to confuse the jurors by appealing to possible prejudices they might have against law enforcement personnel and also of making a "clever appeal" to the emotions and sympathies of the jurors instead of discussing the facts.

Johnson said he would give the proposals a "careful study" and would not veto any bills which Congress sends him and which he thinks entail excessive spending.



Truck operator witnesses from Nebraska testified Wednesday they suffered serious boycott and sabotage troubles as a result of disputes with the Teamsters Union.



Carl, sister at Courthouse

Smiles were the order of the moment Wednesday when Carl Fugate (left) was visited in the sheriff's office by her sister, Mrs. Barbara Von Busch. (Star Photo.)

Terry Would Seek Governorship 'If' Candidate In 1960 Only If Tax Problems Don't Receive Attention

By Betty Person
Sen. Terry Carpenter declared Wednesday that he will become a candidate for governor in 1960 only if the Legislature and the next governor, be he Republican or Democrat, fail to correct and enforce Nebraska's tax laws.

The Scottsbluff senator so notified the Legislative Council during the delivery of the findings of the Legislative Tax Law Violations Committee which he has headed the past 16 months.

Carpenter told the legislators he thought they were "entitled" to know "in all candor" about his ambitions.

"I have no political ambitions except this (serving in the Legislature), but if this Legislature and the next governor, be he Republican or Democrat, do not do what I think they should do in tax enforcement, I will see to it that it is done if it requires me to become governor—only then will I become a candidate for governor."

CHIEFS SEEK THREE-I BID

The Board of Directors of the Lincoln Baseball Club Wednesday voted unanimously to apply for membership in the Class B Three-I League.

See Sports Page 21.

Anti-Gas Rate Hike Petitions Circulated

By Virgil Falloon
Referendum petitions against an ordinance providing for increased city natural gas rates on Nov. 27 were being circulated Wednesday.

The ordinance passed Nov. 17 with an emergency clause and goes into effect upon publication which is scheduled for this Friday, according to City Clerk Theo Berg.

Senate Council OKs 7 Reports

The Legislative Council Wednesday accepted reports from 7 of its committees which have conducted interim studies on matters scheduled to come before the 1959 Legislature.

SPEED SIGNS MAY CHANGE

The controversial speed limit signs on Cornhusker Highway from 7th to 14th may be changed, See Page 15.

The Weather

NEBRASKA: Clear to partly cloudy Thursday and Thursday night. A little cooler northwest Thursday otherwise no important temperature changes. Highs Thursday 45 to 50 northwest to 50 to 60 remainder of state.

Table with 2 columns: Location and Temperature. Includes Lincoln, Omaha, and other cities.

Today's Chuckle
What kind of a day can you expect when it starts getting up in the morning?

Part-Time Teacher Admits Killing Rival

VICTIM SAID 'NO' TO DIVORCE

... Body Burned

Cincinnati (AP)—Mrs. Edythe Klump wanted to marry William Bergen.

So Mrs. Klump, a 40-year-old blonde, went to see Bergen's wife, Louise, 32. She asked Mrs. Bergen to divorce her husband.

But Mrs. Bergen said she still loved her husband and would fight for him. Then, in Mrs. Klump's words, "something happened."

She told police Wednesday that she killed Mrs. Bergen in self defense Oct. 30.

But it was not until the next day, Mrs. Klump said, that she drove to Cowan Lake, about 45 miles northwest of here, and set the body a fire.

Charged With Murder
Mrs. Klump was charged with murder.

The charge was filed in Clinton County, where Cowan Lake is located, by the state highway patrol. The woman still was held for investigation by local authorities.

Between the time of the slaying and the burning, police said, Mrs. Klump pushed the woman's body into the luggage compartment of her automobile, then went to night school and taught a 2-hour sewing class.

Children With Her
The next day she took 3 children, one a foster child and the other 2 boarders, with her to the lake. She poured gasoline on the body, according to her statement, set it a fire and left.

Detective Chief Henry Sandman said the children did not know what was going on.

Hunters found Mrs. Bergen's body Nov. 1.

Dr. Frank Cleveland, Cincinnati pathologist, said autopsy tests indicated Mrs. Bergen may still have been alive when the torch was put to the body.

U.N. Observers To Pull Out Of Lebanon

United Nations N.Y. (AP)—Secretary General Dag Hammarskjöld said Wednesday he is pulling U.N. observers out of Lebanon because they are no longer needed. No date was set.

There are 501 observers under the June 11 resolution of the Security Council to see that there was no illegal infiltration into Lebanon from President Nasser's United Arab Republic.

DEATH NOT ASKED

(Continued from Page One.)
asked the jury to remember that none of them succeeded.
Referring to Carl's alleged inability to escape from Starkweather, McArthur said "no one can be convicted for something they did NOT do (escape)."

'Suspicious'
McArthur also charged that statements, both oral and written, obtained from Carl by lawmen were procured under "suspicious" conditions. He said accounts of conversations were not correctly related and that the written statements were "edited" by deliberate omission of certain questions so as to make them misleading.

Scheele at one time appeared to be leading up to asking the jury to impose the death penalty on the 15-year-old girl. He said the jury has a duty to protect society and to make even 14-year-old criminals (Carl) was 14 at the time the crime was committed) realize they can not go on murder spree and get off free.

Last May at Starkweather's

★★★ Jury Likely To Be Given Four Choices

The 12-member jury which will retire Thursday morning in Lancaster District Court to decide the fate of murder defendant Carl Fugate is expected to have these choices:

1—Find her guilty, or innocent, of both the first degree murder and the murder while in the perpetration of a robbery charges lodged against her.

2—Find her guilty of one charge and innocent of the other (both carry penalties of either death or life imprisonment at the discretion of the jury).

3—Find her guilty of second degree murder (not premeditated) instead of first degree murder. The judge would then set the penalty at from 10 years to life in prison.

4—The jury could be deadlocked and the trial would result in a "hung jury"—one which is not able to unanimously agree on a verdict. In this event Carl would be tried again at a later date.

The possible verdicts the jury may return are determined by the judge after an appraisal of the evidence. He will list the possible verdicts to the jury Thursday when he instructs them.

trial he for the first time as prosecutor asked the death penalty, and the jury responded. Starkweather's conviction is now under review by the State Supreme Court.

'Not Enjoying Position'
Early in his argument Scheele declared "it should be abundantly clear by now that I don't enjoy the position of prosecuting a 15-year-old girl for first degree murder."

He added he does not like the idea of a girl that age being involved in such "atrocious, shocking events."

"I'd like to believe," he continued, "a 14-year-old girl is incapable of doing the things the evidence shows this girl did."

But he added "this is no ordinary girl that we're dealing with . . . that has been shown by the state's testimony, her own statements and made evident to you by her own conduct and demeanor on the witness stand."

Scheele said Jensen and his 16-year-old girl friend, Carol King, were trying to be "Good Samaritans" when on the night of Jan. 27 they gave a ride to Starkweather and Carl. Later both Jensen and Miss King were fatally shot at a storm cellar east of Benet.

'Did Aid, Abet'
"While Carl Fugate did not actually pull the trigger which sent the bullets into the brain of Robert Jensen," Scheele said, "she did aid and abet Starkweather in the commission of this terrible crime."

He noted under Nebraska law a person who aids in a murder is equally guilty with the person who did the actual killing.

Scheele claimed Carl was Starkweather's "willing, knowing companion" through the time they were captured in Wyoming Jan. 29. He said when Starkweather's gun had been wrested away by passerby Joseph Sprinkle in Wyoming, Carl "thought the jig was up" and ran to Dep. Sheriff William Romer of Casper, Wyo. Thinking Starkweather would never be taken alive, he said, Carl told Romer she had seen Starkweather kill 10 persons, including her own family.

'Gave Details'
She even gave Romer the details of how her family was killed, Scheele said.

Whether or not Carl knew Starkweather killed her family Jan. 21 has been a key point in the case—she has claimed she did not learn of their deaths until Jan. 30.

But McArthur, on the other

hand, said "all the believable evidence" is that Carl's family (the Marion Barlett's) had already been killed when she came home from school Jan. 21.

Only Starkweather's oft-mentioned testimony, he said, indicates otherwise.

'Impossible'
McArthur said Romer saw Carl do things she did not do and heard her say things she could not have said.

He urged the jury to judge Carl not by adult standards but by the standards of a 14-year-old child when it weighs whether or not she could have escaped from Starkweather.

It is a paradoxical fact, McArthur said, that Starkweather himself has said Carl was "innocent" of involvement in the Jensen case. He said "what happened to Carol King could never happen in the presence or knowledge of any woman (this was an apparent reference to testimony that Miss King was slashed internally)."

First Round Moot Court Win To NU

St. Louis (AP)—A University of Nebraska team Wednesday night defeated Creighton University team in the first round of Moot Court competition at Washington University here.

Also in the first round the University of Kentucky defeated the University of Kansas City and St. Louis University defeated the University of Missouri.

The arguments were on a simulated criminal case involving a prosecution against a corporation for allegedly violating the federal Corrupt Practices Act.

The winner will qualify for national Moot Court competition in New York. Members of the Nebraska team are Peter M. Andersen of Omaha, Richard M. Fellman of Omaha and Ronald D. Raitt of Ainsworth.

No Rommel Street
Bremen, Germany (AP)—Bremen won't have a Field Marshal Erwin Rommel Street after all. The Senate ruled the late Desert Fox, who committed suicide under Hitler's hounding, was not a war hero in the same sense as trade unionists-Socialists who actively fought Hitlerism and who now have streets named for them.

TRUCKERS TESTIFY

(Continued from Page One.)
cited squeeze in disputes with the Teamsters.

May said "the only way to stop this thing" is to make labor unions subject to the Sherman Act, which forbids acts in restraint of trade.

Tom Coffey told the Investigating Committee that the wives of his non-striking drivers received many anonymous telephone calls warning that "something is apt to happen to that kid of yours."

Coffey named Robert Barney Baker, an alleged Teamster strong arm man, as one of the leaders in the picketing and boycotting of his now defunct firm.

Baker Named
In a series of hearings last summer, the Senate committee heard a wide range of accusations of crime and violence against Baker. Baker took the witness chair and denied many of them. A heart attack interrupted his testimony.

Coffey, a big, greying man, told the committee his troubles started in 1955 when Teamsters including Baker demanded that he sign a collective bargaining contract with them, regardless of the fact they did not represent the majority of his workers. He said the union officials showed him signature cards listing 7 of his 22 truck drivers as union members, but that he believes some of the signatures had been forged. He said two drivers whose names appeared on the cards told him they had signed nothing of that nature.

'Hot Cargo'
Coffey said the union called a strike against him Sept. 20, 1955, picketed his plant, and clamped on a "hot cargo" boycott. That meant truck lines having contracts with the Teamsters would refuse to handle freight to or from him.

On top of that, he said, came a "campaign of destruction"—tires were slashed, punctured with ice picks, wiring was pulled out of trucks.

Vandals raided a garage where a truck load of butter was stored for the night, and scattered the butter all over the floor. Another truck, he related, was to pull the pin hooking together tractor and trailer, so that when the tractor moved the trailer would tip and be damaged.

Coffey said he had founded the Alma company in 1929 as the owner and driver of the only truck it owned, and built it into a line operating 25 trucks in Nebraska and Kansas. He said most of the vandalism was in Omaha.

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