



WHAT IS JUSTICE

Jaynes Murder Brought No Glory to Capital Police

By PETER LEVINS

ON the night of Feb. 5, 1943, a heavy-set, middle-aged woman shipyard worker was brought into the Berkeley, Calif., police station to be booked on a drunk charge. As she stood before the desk sergeant, she mumbled some unintelligible phrases. The sergeant caught the words "Washington" and "murder."

It could have been nothing more than the ramblings of an inebriate; nevertheless, a check was ordered, with the result that the police presently were rewarded with the discovery of an old "wanted" circular bearing a picture and identification of the woman who was sleeping it off in a nearby cell. The teletype clicked off the message to Washington, D. C.

"EDITH M DODSWORTH WANTED YOUR CITY INDICTMENT FIRST DEGREE MURDER HELD HERE STOP ADVISE."

And so, across the continent, authorities learned that a new development was reviving the Jordan case, one of the most controversial in the not-so-bright crime annals of the national capital. It would have been quite understandable if they had greeted the news with something less than the enthusiasm usual among man-hunters at such tidings, for the case in which the liquor-laden shipyard worker was involved had brought no glory to Washington law enforcement officials. (Although they should be well hardened against embarrassment by this time.)

The case had brought a Congressional investigation. It had cast a cloud over the conviction of the central figure. And it had even elicited an implied rebuke from the President.

THE mystery began on the night of April 3, 1931, Good Friday Eve.

Business had been slow at the Garden T Shoppe on Columbia Road, N. W. Only about a dozen tables were occupied by late diners. Several waitresses lounged near the confectionery counter that ran the length of the store. At the cashier's desk, near the door, stood the motherly figure of Mrs. Elizabeth Jaynes, 59, the manager.

Suddenly, at about 11:30, the subdued clatter ceased as two young men, automatic pistols in their hands, crashed through the front door. One, his face shielded with an improvised mask of rub-

ber or black cloth, took a stand by the door while the other, his face uncovered, stalked to the desk, saying, "This is a holdup."

He took a quick glance into the readily opened cash register. What he saw proved disappointing, judging from the look in his face. Then he walked behind the counter, apparently in search of some one. Finally he turned abruptly, pulling a mask down over his face, and returned to the cashier. He scooped up the \$101 in bills lying in the register, and retreated toward the door.

Woman Unaware She Had Been Shot.

As the robbers backed away, their retreat was inadvertently blocked by a late customer, and at that moment a shot was fired. Mrs. Jaynes, still at the cashier's desk, staggered. Women screamed. One of the stickup men wavered in his tracks, but the other snarled impatiently, "She's not shot. Let's go." They dashed out to a car waiting at the curb, and it roared off into the night.

Customers and employees gathered around Mrs. Jaynes. She insisted that she had not been injured. Even when she was taken to an apartment next door, she refused to undress for an examination. "I'm all right," she kept saying.

Police officers arrived within a few minutes and set about sifting out material for a routine robbery report from among the usual conflicting versions of what the gunmen looked like, and what they had said and done. First reports stated that they were about 6 feet tall, and the one who fired the shot was described as having light hair and a fair complexion.

Mrs. Jaynes went home with her husband, William, an elderly patent attorney. When she complained of severe pains in her leg, Mr. Jaynes became alarmed and took her to a doctor. The latter discovered that she had been shot in the side, and that her tight corsets had prevented the small entrance wound from bleeding. She was rushed to Garfield Hospital.

Two days later she died. Incredible as it may seem, since Mrs. Jaynes had felt no particular pain at first, a .25 caliber bullet had passed through her lower abdomen and lodged in the upper part of her thigh.

THE Garden T Shoppe robbery became a case of murder at an inopportune time. Depression-born crime was on the increase—in three weeks, there had been more than a score of robberies, three of them involving homicides. In the face of the resultant rising criticism, the efforts of the local sleuths took on the aspects of panic.

Underworld "connections" were ruthlessly pressured for information. Nightly the police dragnet brought in scores to stand under the showup lights at headquarters.

In the course of the search, Detective Sgt. Robert J. Barrett of the Homicide Squad led a raiding party to the apartment of George B. Baber and Mahlon Milburn, wanted for questioning in connection with the Jaynes slaying. Police eagerness to make the arrests was such as to result in charges of assault and battery being placed against Barrett by the two men after they had been absolved of any connection with the crime.

(This charge against the detective was dropped after the District Court of Appeals reversed his conviction in a lower court. One of the points in his defense was that the two men answered the description of the holdup men.)

In another blunder, police officers swooped down on a rooming



Would Risk Chair for New Trial

Thomas Jordan, once saved from electric chair by President Roosevelt, would gamble again with extreme penalty in return for new trial in murder of Elizabeth Jaynes.

house and arrested five young men they described hopefully as suspected members of a holdup gang. The five turned out to be Georgetown University law school students, and they were released with apologies.

It wasn't until late in August that the harassed detective bureau saw its long-awaited "break in the case."

It came, they said, from a taxicab driver who had been involved in an argument with a pugnacious woman passenger. She had made the remark, "Don't get tough with me, sonny," and had threatened to get her boy friend "who held up some shop." He had thoughtfully noted the address where he had dropped his fare.

Thus, within a short time, detectives had in custody Edith Dodsworth, 35, a waitress by trade.

Their check of her background showed that she had worked in the Garden T Shoppe and had been fired the previous January. Later she had worked at the Imperial Cafe, on Pennsylvania Ave., and had quit at about the time of the restaurant robbery. The manager of the latter store, Michael Crone, recalled that he had lost his bus boy, Thomas Jordan, on the same day the waitress left.

Back at headquarters, detectives found Mrs. Dodsworth willing to talk—up to a certain point. At least she talked enough to send Barrett speeding to Atlantic City, N. J., where, on the boardwalk, he confronted a certain young man who happened to have black hair. "Jordan," said the sleuth, "we've got Edith Dodsworth, and I'm taking you back to Washington with me."

The suspect made no protest, and he told his story freely as the train bore him back to the capital.

HE said he was the ne'er-do-well son of a respectable Columbus, Ohio, family whose name wasn't Jordan. He had attended college, but unable to stand the discipline, had become a wanderer, holding a succession of poorly paid menial tasks available to itinerant workers in the depression years.

In 1929, he had been arrested for forging his employer's name to a \$10 check, and had gotten two

years. On his release, he had drifted into Washington, and a \$9-a-week job as a bus boy at the Imperial Cafe, where Mrs. Dodsworth worked. He said he and she first met in the basement of the restaurant, when he was fixing the furnace and she was changing her uniform.

"I'm fed up with being broke," he quoted himself as saying. "If I don't get a break: soon I think I'll rob a bank."

Woman Suggested Robbery, He Said.

"Why rob a bank?" she retorted, according to him. "I know a set-up better than that. At the Garden T Shoppe, where I used to work, the owner makes the collections from the other branches at night, and when he reaches Columbia Road he sometimes has as much as \$3,000 with him. You could knock him off there."

But had he followed her suggestion? He said he hadn't. He had decided, he said, that it wouldn't be worth the risk.

According to the police, Mrs. Dodsworth had told them that a friend, Ralph Aiken, a middle-aged letter carrier, had known of her conversation with Jordan. But when Aiken was questioned as to his possible connection with the case, he denied all knowledge.

During the next several weeks, Barrett and his associates tried repeatedly to crack their prisoners' denials of participation in the actual crime. No luck. Finally all three were charged with conspiracy to commit robbery, no mention being made of the murder of Elizabeth Jaynes.

Jordan, when the time came, entered a plea of guilty to this charge, yet the Grand Jury failed to indict any of the trio, so all were released—Aiken to resume his since uninterrupted residence in Washington, Jordan and the woman to vanish from the city. Thereafter the police showed little interest, if any, in keeping track of them, and the murder went back into the Homicide Squad's bulging "unsolved" file.

Followed now four years of silence.

Then, early in May, 1935, U. S.



Woman in the Case

Mrs. Edith Dodsworth Lane, whose arrest in Berkeley, Calif., early in year, revived 12-year-old Washington, D. C., murder case.



Killed by a Robber

The late Elizabeth Jaynes, restaurant manager, struck by bullet during robbery at Garden T Shoppe, Washington, D. C., April 3, 1931.

IN THIS CASE?

SUNDAY NEWS, JULY 18, 1933

Back At Scene

Mrs. Edith Dodsworth Lane (left) as she arrived in Washington in custody of police matron following her arrest at Berkeley, Calif. She insisted she hadn't known of her indictment until she saw picture in a detective story magazine.



Attorney Leslie C. Garnett found in his morning mail a letter from Thomas Jordan, postmarked Mt. Vernon, N. Y.

He had fallen in love with a Mt. Vernon girl, he said, and wanted to marry her. He had told of his past, and wanted to know if there was any possibility of his being involved in another investigation of the Jaynes case.

"I am confident it would not hurt me," he wrote, "but in fairness to the girl I would like to know definitely."

DETECTIVE BARRETT heard about the letter, pondered the matter for a while, then packed his bags and journeyed to Mt. Vernon. "Sure," they told him at headquarters there. "That's the fellow that works down at Bickford's restaurant."

At Bickford's the manager said that Jordan had been working as a cook, but was off duty at the moment.

"If you see him," said Barrett, "tell him I want to talk to him about an automobile accident."

Later that day the dark-haired suspect visited headquarters. Barrett told him he wanted to talk to him about that letter he had written Garnett. "You know—the letter about the Jaynes case."

According to the Washington officer, Jordan then muttered something to the effect that he would "burn for this yet." He also begged Barrett not to "bring the girl into this." Barrett asked who she was. "Is it Dodsworth?"

"No, I swear it's not Mrs. Dodsworth," Jordan insisted. "Just leave my girl alone, will you, please?"

Thus it went for several hours. Finally, he put his head in his hands, and said, "All right, I'll tell you all about it."

In a statement taken down by Lieut. Herman Mattes of the Mt. Vernon police, Jordan admitted that the plot born in the basement of the Imperial Cafe had not been merely a subject of idle discussion, but had been carried on to execution.

"I met Edith Dodsworth at about 10:30 on the night of the holdup," he related. "She was driving a small sedan. With her was a tall man I had never seen before, and whose name was not mentioned. When we got near the Garden T Shoppe I was given a mask made out of a black stocking, and I got an automatic from the side pocket of the car."

"It was agreed that I should go after the money while the other man covered the place, and Edith waited in the car."

"When we were leaving the restaurant, the other man's arm struck against the door and his gun went off. We drove around the city for a while. The man gave me \$50

essions in evidence. Jordan took the stand to repudiate them.

"I was a complete fool," he told the jury. "I wrote that letter to the District Attorney because Jean was worried. Then when Barrett came up I confessed to keep her name out of it because she was worried about her job with the telephone company."

He charged that Barrett had offered him assurances first of a second degree conviction, and then of manslaughter, if he would confess. He said this convinced him that the police had nothing on him, so he decided that if he confessed he could get Barrett out of town without damage to Miss Bierholm's reputation.

He further charged that he confessed to the crime in 1931 in order to get some sleep and food after a two-day grilling, and that the police found his confession false at that time. As for Mr. Jaynes' statement, he insisted that the husband had been "mistaken" as to what was said at their meeting. The meeting, incidentally, had been arranged by Barrett.

Defense efforts to exclude the confessions were fruitless. Defense pleas for an acquittal were also fruitless. The jury decided that Jordan was guilty as charged. Jordan became an occupant of death row in the District Jail.

But, as so often happens in cases where the evidence is flimsy or the investigation queer, the conviction of the defendant did anything but end the matter.

AT a hearing on a motion for a new trial, one of the jurors, Israel Good, a print shop operator, said he had voted for the first degree verdict after fellow jurors had convinced him that only that verdict or acquittal was permissible under the judge's instructions. He said the foreman had prevented him from returning to the court for additional instruction.

However, the motion for a new trial was denied, and only appeals stood between Jordan and the electric chair.

Meanwhile Defense Attorney Bowman had died, and the appeal was turned over to his brother-in-law, Harry Whelan, who had been Detective Barrett's lawyer when the latter was tried for assault and battery. Jordan himself professed not to be interested, saying that "the bottom went out of everything when the police got Jean to testify against me."

Then, while in a less depressed mood, he met John M. Holzworth, a former member of the District Attorney's staff in Westchester County, N. Y. A crusader at heart, Holzworth became interested in the case, with the result that Jordan authorized him to act as associate attorney.

The Court of Appeals had affirmed the verdict, and Jordan had been sentenced to die on May 14, 1932. But Philip Love, a local newspaper man, had discovered in old police files the original alarm for two men each 6 feet tall, one of whom had light hair. Holzworth seized upon this, pointed out that Jordan was 5 feet 6 and had black hair, and demanded another trial on the basis of new evidence.

When this plea failed, Holzworth countered with the charge that the D. A.'s office had conspired to suppress the evidence. He also pointed out that Attorney Whelan had used the description of the slayers in Barrett's defense against the assault charges brought by Baber and Milburn. He called this point to the attention of the Justice Department's pardon attorney.

"We have reopened the case for study," the department announced after due deliberation.

Then Jordan himself went into action.

A few days before he was scheduled to die, he appeared in court to ask that Holzworth be dismissed as his attorney. Holzworth, who was present, tried to argue that this was a most inadvisable step to take, but Jordan's request was granted. Holzworth continued to object, and was ejected from the courtroom.

Undaunted, the fiery ex-West-

chesterite took his evidence to members of the House District Committee. A sub-committee was appointed to conduct an investigation with the announced purpose of "determining whether the administration of justice has broken down in Washington." From a fishing trip in the Caribbean, President Roosevelt radioed approval of a 30-day stay of execution.

The House committee heard witnesses in executive session for several days. Among these witnesses were several persons present at the scene of the crime who declared they had never been summoned to testify or to be questioned.

As might be expected, the committee could not decide whether Jordan was guilty or innocent, but it did recommend to the President that the sentence be commuted to life imprisonment.

"The Washington police were terribly lax in their investigation of the shooting, Rep. Edwin M. Shaefer of Illinois, a committee member, told reporters. 'We felt it would be a great wrong to execute Jordan with this cloud over his conviction due to police bungling in the case.'"

On June 10, with the chair only 72 hours away, President Roosevelt commuted the sentence.

BUT the controversy over the case of the diminutive bus boy did not end when he was lodged in a cell in the federal prison at Lorton, Va.

In October, 1933, the District Court issued a writ of habeas corpus to grant Jordan a hearing on another plea for a new trial. In a five-day hearing, all the evidence and arguments were aired anew. Representative George Bates of Massachusetts, one of the House speakers, was called to testify as to that group's findings, but the District Attorney's office succeeded in preventing him from speaking.

Juror Good appeared again, this time to declare that a deputy marshal had brought a law book into the jury room in violation of court rules. The marshal, John Upperman, who was serving a jail term for jury tampering in another case, denied the charge, as did members of the jury panel.

New Trial Pleas Denied

The Court finally ruled that all the evidence presented had been available at the time of the trial, and denied the plea.

Jordan then sought special Congressional legislation to permit the courts to try his case again. He declared he was quite willing to risk a possible death penalty.

Here again he failed. Washington authorities began to feel that they had heard the last of the Jordan case.

But the wire from the West Coast quickly disabused them.

There were hurried conferences between the police and U. S. Attorney Edward M. Curran. Jordan was brought from Lorton. "Edith Dodsworth has been picked up in California," they told him. "Will you testify against her?"

He said he couldn't say that he would, and he couldn't say that he wouldn't. "I'll think it over," he added. Later, he sent a message: "What I said at my trial still goes."

Detective Barrett brought her back.

In the ensuing weeks, she revealed nothing new except to admit that she had been with Jordan on the night of the crime. She said she had been in California for two years and had married again, to Andrew Lane, 55-year-old shipyard worker.

Eventually, U. S. Attorney Curran threw up his hands and admitted defeat. On June 21, the indictment was dropped and the woman was freed. She immediately issued a statement describing her incarceration as a violation of her Constitutional rights.

"Why did they bring me here if they didn't have anything on me?" she demanded.

In his cell at Lorton, Jordan re-



Sleuth

Robert J. Barrett, Washington detective who plays leading role in investigation of Jaynes case.

sumed his letters to the Justice Department and his friends, renewing his demand for freedom on the basis of the Dodsworth release.

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