

2 Go Free in Whistle Murder



J. W. Milam (left) and Roy Bryant (right) sit with their wives at murder trial before acquittal.

Mississippi Jurors Need Just an Hour

By JAMES DESMOND

(Staff Correspondent of THE NEWS)

Sumner, Miss., Sept. 23.—An all-white, 12-man, shirt-sleeved jury today acquitted two white men of the "wolf whistle" murder of a 14-year-old Chicago Negro boy.

The verdict was returned after a little more than an hour's deliberation. The jury had received the case at 2:35 P. M.

Jury foreman J. A. Shaw Jr., a farmer, said the jurors took three ballots. On the first, nine stood for acquittal, three were undecided. On the second, 10 favored acquittal, two were undecided.

Shaw said the deciding factor was the state's "failure" to prove the identity of the body pulled from the Tallahatchie River. The state contended it was the Negro boy.

Roy Bryant, 24, a grocer at nearby Money, and his half-brother, J. W. Milam, 36, a contract cotton picker, of Glendora, had been accused of kidnapping Emmett Louis Till from the home of his granduncle, Moses Wright, 64-year-old sharecropper, early the morning of Sunday, Aug. 28. Young Till's body was recovered from the Tallahatchie River three days later.

Circuit Judge Curtis M. Swango had instructed the jurors, mostly farmers, they could bring in four possible verdicts:

- (1) guilty as charged, carrying an automatic sentence of death in the gas chamber;
- (2) guilty with a recommendation, carrying mandatory life imprisonment, as to the penalty, also calling for mandatory life imprisonment, or (1) not guilty.

"Uphold Rights of All" The state did not demand the death penalty although the jury could bring in such a verdict. It branded the killing a "cowardly" act and said the worst that young Till deserved, if he had wolf-whistled at a white woman, was a beating with a razor strap over a barrel.

Special Prosecutor Robert B. Smith asked for conviction to uphold the rights of citizens "black or white."

"So long as any citizen of this



Judge Curtis M. Swango

nation, whether black or white, is denied his Constitutional rights of life, liberty and happiness then we can't complain about what happens to us," Smith said. A defense attorney, John Whitten, told the jurors there are groups in the country which would not be above throwing a corpse into the river "in the hope it would be identified as Emmett Till." "There are people," he said, "who will go as far as necessary to commit any crime known to man, to widen the gap between the white and colored people of the U. S. and destroy the way of life of the Southern people."

He contended the state did not prove that the body was young Till's.

The jury had before it only the murder charge. The kidnap charge in the indictment has been held in abeyance and the defense plans, in the event of acquittal, to move to free the defendants in bail until the next term of the

(Continued on page 6, col. 1)

Hunt Bus Attackers Who Slew 2 in Israel

Tel Aviv, Sept. 23 (U.P.)—UN observers today pressed a search of alleged Arab infiltrators who machine-gunned and bombed an Israeli bus last night, killing a New York student and one other person and wounding 10 other passengers.

Police dogs were used in the manhunt in northern Israel, near the frontiers with Lebanon and Syria.

Israel protested to the Israel-Lebanese mixed armistice commission and demanded an emergency session to deal with the ambush, the Foreign Office announced.

Rabbinical Student The dead American was identified as Herman Brach, 26, a rabbinical student of 484 Bedford Ave., Brooklyn. The second victim was a woman, still unidentified.

One of the wounded was a Canadian identified as Rojica Berowitz, of Montreal.

Maj. Dan Gov, an Israeli government spokesman, said the bus was ambushed between Meron and Kefar Shamal.

He said some of the infiltrators raked the vehicle with machine gun fire while others tossed two hand grenades into the bus. Some of the wounded were in serious condition, Gov reported.

Was to Be Married, Family Says Here

Herman Brach, Brooklyn rabbinical student slain in Israel, was to be married in Israel next Tuesday, his grieving family said yesterday.

Brach, who had studied at Yeshiva Torah, Vyrach, 550 Bedford Ave., Brooklyn went to Israel last Easter to continue his studies—and find a wife—after his brother, Sam, had returned with glowing reports about the girls of that country.

Sam, one of five brothers, is engaged to an Israeli girl. She is expected to come here soon, and then the couple will wed.

Herman lived with his mother, Mrs. Rachel Brach, and a brother, Henry, at 484 Bedford Ave. His father was killed by Nazis in Hungary in 1944. The Brach family came here six years ago, after spending years in concentration and refugee camps.

Twins Born Far Apart

Rome, Sept. 23 (Reuters).—A mother today gave birth to twins 150 miles apart.

Mrs. Grazia Canzonieri's first boy was born at her Capraia Island home between Elba and Corsica. Because of complications, she was rushed by seaplane to Rome where her second child was delivered four hours later.

Pakistan in Pact

Karachi, Sept. 23 (Reuters).—Pakistan today joined the mutual defense pact signed between Turkey and Iraq last February.

Diaper Theft Clue in Kidnaping

San Francisco, Sept. 23 (U.P.)—A buxom blonde woman, matching the description of the person suspected of kidnaping six-day-old Robert Marcus was seen fleeing today with a bundle believed to contain stolen diapers.

Police, convinced that the kidnaper and the child are in nearby San Jose, intensified their search.

Mrs. Louis Freeman told police that she saw the woman running from her San Jose home at about 5:15 A. M. The housewife said she had gone to the backyard to get her laundry off the line and saw the woman, carrying the bundle, disappear around a corner. Eight diapers were missing from Mrs. Freeman's line.

The Freeman home is about 1½ miles from Mrs. Sue Fager's house, where a buxom blonde was interrupted as she tried to steal diapers yesterday.

Some 1,500 searchers were dispatched to the area. Police Chief Ray Blackmore vowed that the search would continue until the six-day-old baby was found.

The parents of the child, Dr.

and Mrs. Sanford Marcus, were kept under sedatives in San Francisco's Mount Zion Hospital, from which the baby was taken last Saturday. Mrs. Marcus' condition was described as "very poor."

Doctors allowed one press photographer to take a picture of Mrs. Marcus in the hope that a photo showing the agony she was undergoing might move the kidnaper to return the baby.

Mrs. Marcus, her eyes closed in pain and her face covered with tears, lay in bed sobbing when the cameraman quietly snapped the pictures.

"Nothing consoles her," her husband said. "She won't eat or talk. She just lies there and whimpers."

(Other picture on page 1)



Dr. Sanford Marcus awaits word of his son.

Raging Janet Scares Away Storm Fliers

Miami, Sept. 23 (U.P.)—The hurricane Janet, so vicious that Navy hurricane hunters avoided the dark abyss of its center, raged in the Caribbean Sea, 1,400 miles southeast of Miami today after devastating tiny Barbados Island with 115-mile-an-hour winds. Thousands were left homeless.

A killer storm in the first 24 hours, the hurricane crossed the Windward Islands in the West



(NEWS map by Staff Artist) Hurricane Janet sweeps Barbados.

Indies and headed on a westward course across the Caribbean Sea toward Central America—a good five-day trip unless it changes course.

"And that's not likely according to the weather conditions in the area now," chief hurricane forecaster Gordon Dunn said. "But anything can happen in five days."

Janet is nearing the point where hurricane Hazel took a northward turn last year and blasted Haiti and the U. S. East Coast. But Dunn said he did not see any "material change in direction" for Janet for some time.

Tampico, Mexico, Sept. 23 (P).—Hurricane Hilda's known death toll rose to 234 today as 30 additional bodies were recovered from receding flood waters of the Panuco River. Another 340 persons were reported missing and assumed dead.

Mississippi Acquits 2 in Whistle Murder

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Circuit Court in Tallahatchie. That term won't begin for six months.

However, a charge of kidnaping has been laid against them in Leflore County, where Money is located, and under Mississippi law that county could assume jurisdiction. The next term of Circuit Court in Leflore County opens in November.

Neither Milam nor Bryant took the stand in his own defense. They were under no compulsion to do so.

Character Witnesses

The murder charge went to the jury after both sides had rested following presentation of seven character witnesses for the defendants. Three neighbors swore that Milam's reputation as a peaceable man was "good" while four gave similar accolades to Bryant.

By court order the summations were limited to an hour and 10 minutes for each side, with the



Emmett Till
Victim of Southland murder

defense splitting its time among three of the five lawyers on that side while District Attorney Gerald Chatham and Special Prosecutor, Robert B. Smith 3d, put in the state's case.

Opening for the state, Chatham moved the courtroom deeply as he keyed the prosecution's demand for a guilty verdict to the testimony given by three key witnesses. Moses Wright, who was roused from bed at 2 A. M. on Aug. 28 and compelled to hand young Till over to Milam and Bryant; Mrs. Mamie Bradley, mother of the Till boy, and Willie Reed, who swore to seeing young Emmett alive in the custody of four white men and three Negroes in adjoining Sunflower County four to five hours after the kidnaping.

Reviews Uncle's Testimony

His voice alternately, rising and falling, Chatham reached points of high drama as he reviewed the testimony of Moses Wright and recreated in the courtroom the terror of the night when two hulking whites roused Moses from bed and took young Emmett away at gunpoint.

"The murder of Emmett Till on the morning Aug. 28 was a cowardly act and a brutal and unnecessary killing of a human being," Chatham said.

He told the jurors to picture the fear in the house when the two defendants knocked on the door and Bryant called out to Moses. "I want that boy from Chicago that done the talking in Money."

Incident Ruled Out

The "talking in Money" was an alleged insult and wolf-whistle at Bryant's wife, Carolyn, 21, by the Till boy, but the jury never got to hear of the incident because Judge Swango ruled that it was immaterial to the trial of the murder charge.

That very first statement by Bryant, Chatham told the jury,

was "dripping with the blood of Emmett Till."

"It was a command to a summary court-martial with the death penalty imposed," he added.

He recounted how Moses's wife, Elizabeth, had begged for young Till and offered to pay if he had in any way affronted or injured Bryant.

"And what was his answer?" thundered the prosecutor.

"He told her, hit that bed, old woman, I want to hear the springs."

He said that "there was no justification for this murder no matter what 14-year-old Emmett had said or done. If he'd been offensive, a whipping was sufficient punishment," the prosecutor said. "A man deals with a child according to the child and not as a man," said Chatham, while Bryant stared at him slack-jawed and Milam lounged back in his chair, smoking a cigaret and showing little feeling.

Chatham ridiculed defense contentions that the state had failed to prove that Milam and Bryant were the kidnapers. "Is there any doubt that it was Bryant?" he told the jury. "There couldn't be any doubt."

"The State Believes It"

He said that Mose Wright was a "stand-up witness" who told the truth of the events of the morning of Aug. 28 and who steadfastly repeated his identification of the body taken from the Tallahatchie River as that of young Till.

"The jurors must believe that," said Chatham. "The State of Mississippi believes it."

He then retold quickly the story of young Willie Reed who swore and refused to be shaken, that he had saw Emmett Till between 6 and 7 A. M. on the morning he was kidnaped in a pickup truck with four white men and three other Negroes about three miles from Drew in Sunflower County on a farm run by Leslie Milam, a brother of J. W., and that J. W. Milam, still wearing a gun, was one of the men.

But it was when he got around to discussing the testimony of Mrs. Bradley, mother of the slain boy, that Chatham reached his heights. She was a "good witness" for the State, he said, and the best qualified person in the world to make the identification.

No One Better Equipped

No medical testimony could override a mother's identification of her son, Chatham said, because nobody is better equipped by love to make the testimony.

The district attorney was particularly bitter at Dr. L. D. Otken who swore that he could not tell whether the body that Mrs. Bradley identified as Emmett's was that of a Negro or a white man. Spelling out Otken's name—as the witness did when he took the stand—every time he mentioned him, Chatham convulsed the court when he said:

"The taxpayers of this country are wasting a lot of money educating a man who can't tell a white man from a Negro. If he can't tell white from black, I don't want him filling my prescriptions."

The Jaguar's an Expensive Car



Bunny O'Connell enters court.

Poor little Bunny O'Connell, a 21-year-old blonde from the South who must park her Jaguar auto in the streets because she can't afford garage rent, was fined \$1,900 by a mean old judge yesterday. And she only had 38 little parking tickets outstanding against her. Miss O'Connell, who gave her address as the Hotel Bedford, 118 W. 40th St., handed over \$400 of the fine in Traffic Court and was told the balance will be expected by Oct. 24. She said the Jaguar was a gift from a former fiance who was "too kind."

City Hedges as Test Of Bingo Law Nears

(Continued from page 3)

met with Wagner behind closed doors: "Mr. Commissioner, will you clarify your department's policy on bingo?"

"The Police Department will enforce the law as defined by the courts."

"If" Gets No Answer

"Also the law on bingo as defined by the Court of Appeals decision of 1952?"

"If a bingo game were run tomorrow under conditions that brought about the Court of Appeals decision, would the police raid the game?"

"I refuse to discuss a hypothetical case. Don't ask me any 'if' questions. The Police Department will enforce the law and deal with any violations of the law."

Mayor Explains Stand

Before the conversation with Kennedy, Wagner said his views on bingo were not new.

"I personally have expressed my feelings on it and think the law should be changed to allow churches, synagogues, veterans and charitable organizations to operate bingo games, provided the operation is controlled so that you don't get racketeers and underworld characters and other people making a lot of money for their personal gain," said the mayor.

Up to the Courts

"I advocated action in the Legislature this year. Whether there is some legal means and whether any type of operation comes within the Court of Appeals decision is something for the courts to decide."

Council Majority Leader Joseph T. Sharkey (D-Brooklyn) announced he planned public hearings within two weeks on a bill he is sponsoring.

That measure, now in committee, would legalize bingo sponsored by and for church, veterans, charitable and fraternal groups. "The bill will not be moved

until it is foolproof," said Sharkey.

Long before the latest sound and fury, private groups had quietly resumed the game, which had been put under wraps last fall.

NEWS reporters established that the game has been conducted to raise funds, since early in the summer, at these and other centers in Brooklyn: Knights of Columbus, 1 Prospect Park West; St. Vincent's Home for Boys, 66 Goerum Place; the Church of Our Lady of Perpetual Help, Fifth Ave. and 59th St.; the Church of St. John the Evangelist, 21st St. and Fifth Ave., and St. Peter and St. Paul Church, Wythe Ave. at S. 3d St.

Made a Local Matter

A high police official who requested that his name be withheld said that individual division and precinct commanders had been permitted—unofficially—to determine policy in their own areas.

And most of them, said the high officer, allowed bingo when convinced that the game was confined to members of a parish or club, with outsiders barred.

Queens District Attorney Quinn was frank

"I feel there is no harm in it when run by churches and charitable groups, just so long as no violation of the law takes place," he said.

Kidnaper Kills Musician and Beats His Girl

Denver, Sept. 23 (P).—A symphony orchestra musician was killed and his girl companion was shot and beaten by a gunman early today.



Hubert Hahn

The body of Hubert Hahn, 27, was found in a gully near the Rocky Mountain Arsenal, just north of Denver, after a five-hour search by officers.

Joyce Danielson, 23, was in St. Luke's Hospital with a bullet wound in the shoulder and cuts of the head and face. She is a laboratory technician at the hospital.

Tries to Rape Girl

The girl told officers an unidentified man kidnaped them in their car, forced them to drive to the vicinity of the arsenal, killed Hahn and then attempted to rape her.

She said she fought him off and was wounded in a struggle for the man's gun, but escaped and fled on foot.

Hahn was a trombonist in the Denver Symphony Orchestra and formerly played with the Kansas City Symphony.

Switchmen Call Sheriff

About 2 A. M. today a Rock Island Railroad switching crew saw Miss Danielson running along the tracks, screaming for help.

The trainmen called the Adams County sheriff and the girl was taken to the hospital.

Nix Bevan's Bid For Labor Post

London, Sept 23 (U.P.).—One of Britain's biggest unions today dealt a virtual death blow to left-winger Aneurin Bevan's chances of joining the Socialist Party leadership this fall. The Union of Railwaymen switched its support from Bevan to Hugh Gaiskell in the contest for the party treasurer which will be decided at the annual Labor Party conference next month. This insured the reelection of Gaiskell, former Chancellor of the Exchequer and a strong contender for the party leadership when Clement R. Attlee resigns.

Q

Quick Cure For Homitosis

"Our living room's got Homitosis," said Mr. Brown, with what could best be described as a knowing grin. "What do you prescribe?"

"Our trade-in plan," we said, "and boy, have you got a memory!"

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(NEWS photo by Nick Petersen) Bunny O'Connell enters court.

City Hedges as Test Of Bingo Law Nears

(Continued from page 2)

bingo illegal, even though it favored legislation which would authorize it under proper auspices.

But neither he nor Kennedy would be pinned down on what would happen if games were held.

At midday Wagner ordered Corporation Counsel Peter Campbell Brown to study a 1952 Court of Appeals decision on the issue.

The case dealt with a Niagara Falls man who ran a bingo game as part of an "entertainment." He was convicted of gambling in the lower court, but won a reversal in the highest state court.

Then He'll See Kennedy

As interpreted by Cunningham and Peer, the decision opened the way for legal bingo here.

Wagner said he wanted Brown's opinion. When he gets it, Monday or Tuesday, he will discuss the issue with Kennedy, the mayor said.

Then, at a late afternoon press conference, Wagner had this comment:

"The courts must determine whether certain forms of bingo can be indulged in. We do not know how to interpret this law until we have an actual test case before us.

"No Law Will Be Broken"

"We cannot allow the law to be broken, no matter how worthwhile the cause.

"Bingo is illegal, and the law should be enforced. Legislation is necessary to keep out the racketeers and those who would use the game for personal gain.

"Any complaints concerning bingo will be investigated."

That bingo has been going on quietly for months in some parts of the city was an open secret. News reporters found a number of places where it has been played for months.

Queens District Attorney T. Vincent Quinn said bingo had been "played right along" in his county without arrests.

There was this exchange between Kennedy and newspapermen after the commissioner had met with Wagner behind closed doors:

"Mr. Commissioner, will you clarify your department's policy on bingo?"

"The Police Department will enforce the law as defined by the courts."

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underworld characters and other people making a lot of money for their personal gain," said the mayor.

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Two Games Played

Last night bingo was played at two churches in the Williamsburg section of Brooklyn. About 3,000 persons attended a session at All Saints Catholic Church, Throop Ave. and Thornton St. Persons attending there said the game was part of a program that had been going on for about a year, with no police interference.

At All Saints the game is called Party. A patron pays \$3 admission and is entitled to entertainment consisting of records played over a loudspeaker. He also gets a kit from which he can play 30 games of bingo.

There were 25 regular prizes of \$30 for a single winner, and five specials in which the prize for a single winner ranged from \$50 to \$300. All prizes were in cash.

The other game was at the Church of the Transfiguration, Hooper St. and Broadway.

2 Are Acquitted in Whistle Murder

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bond may be granted in kidnaping cases upon submission of an affidavit to a justice of the peace. The slain boy, Shaw said curtly: "If she had tried a little harder she might have got out a tear."

Another factor in the decision, although Shaw would not say how important, was a part of the defense summation in which John C. Whitten Jr., one of the five defense lawyers, urged the jurors to consider a theory that "outside agitators" had spirited away the Till boy and planted another body in the river in hopes of stirring up a celebrated "race relations" trial in Mississippi.

Called Unrecognizable

The jurors, after studying a picture of the body, decided that it was "very badly beaten" and totally unrecognizable.

Asked how the jurors considered the identification of the body by Mrs. Mamie Bradley, mother of the slain boy, Shaw said curtly: "If she had tried a little harder she might have got out a tear."

Whitten did not charge that such a plot actually existed, but said that it could be considered an incident 35 years ago when three embalmers' bodies were thrown into the Mississippi near Greenville at a time when the reborn Ku Klux Klan was being fought in the South.

Merely Suggesting

Shaw said the jurors considered this a good speech. The speech obviously had its appeal here, for tension has been marked throughout the five days of the trial, with outsiders getting cold stares as they filed in and out of the courtroom. The week passed without overt incidents, however, although there was some muttering from time to time at reporters, who were here in great numbers.

Dismiss Uncle's Story

Shaw also said that the jury simply dismissed the testimony given by Moses Wright, 64-year-old Negro sharecropper and uncle of the dead boy, who had identified Milam and Bryant as the men who kidnaped young Till on Aug. 28 and also identified the body taken from the Tabachnick three days later as that of his nephew.

Also all but ignored in the deliberations, Shaw said, was the testimony of Willie Reed, 18-year-old Negro ninth-grader, who swore he saw Till in a car driven by white men at a farm owned by Milam's brother, Leslie, outside Drew, in nearby Sunflower County, several hours after J. W. Milam and Bryant had said they released him unharmed.

Prosecution Vigorous

The verdict of acquittal had been generally expected here, although the prosecution proved



Emmett Till Victim of Southland murder

unexpectedly vigorous when the state turned up two surprise witnesses to link Milam with young Till on the morning of the kidnaping.

The state, in its final summations by District Attorney Gerald Chatham and Special Prosecutor Robert B. Smith 3d, went all out to get a guilty verdict although they did not specifically ask for death in the gas chamber, which the murder statute provides. Chatham in a strong and at times deeply moving summary promised the jurors that a guilty verdict would not disturb "our dear and sacred precepts of Southern Life"—a Southern euphemism for segregation.

Big Day for Summer

For the climactic day of the trial, tiny Summer (pop. 550) was crowded with more cars than have been seen all week and several score Negroes drifted into town from the fields to wait for the verdict. Also lounging about were perhaps 100 whites who couldn't get into the courtroom. There was no intermingling.

In the courtroom there seemed to be fewer Negroes and most of the Negro photographers who had been making pictures side by side with white photographers, were conspicuously missing.

When Bryant and J. W. Milam posed for pictures with their wives, not one of the Negroes raised his camera. Most of them in fact were by this time out of Summer.

Exodus Welcomed

Their exodus was obviously welcomed by the local whites, some of whom had shown signs during the week of resenting

having cameras pointed in their direction by Negroes.

But with the trial over, sleepy Summer quickly returned to normal. Most of the out-of-town cars disappeared quickly. By nightfall the only outsiders still in town were a handful of reporters writing their stories in a temporary press quarters in the local hotel.

Nobody Is Forecasting

No one connected with the trial would forecast what will be the pattern of developments in Leflore County when and if the grand jury votes a kidnaping indictment to replace the one dismissed here today by Judge Swango.

But Sheriff Smith of Leflore and his deputy, John Edd Cottrhan, both testified at the murder trial that Bryant and Milam had made statements orally admitting their individual responsibility for kidnaping the boy.

The statements were made privately, without witnesses, and no attempt was made to get them in writing. How much of a factor

NAACP Hits Verdict

The National Association for the Advancement of Colored People last night denounced as "shameful" and "shocking" the verdict of acquittal in the Emmett Till murder case. Although praising the judge and the prosecutor, a statement signed by Dr. Channing H. Tobias, chairman of the NAACP's board of directors, said the jurors "deserve a medal from the Kremlin for meritorious service in Communism's war against democracy."

These omissions might be in developing another case against the defendants is anybody's guess.

2 Kidnaping Statutes

Mississippi has two statutes covering kidnaping. One provides death in the gas chamber as the maximum penalty but under the other the maximum is 10 years. The grand jury can control whether the lives of Bryant and Milam will be at stake in a new trial.

Their lives were at stake today even though the state did not specifically ask the death penalty. When Judge Swango gave the case to the jury he instructed that it could hand up a death sentence by finding the defendants "guilty as charged." This instruction was given the jury at the suggestion of the prosecutors.

Quick Cure For Homitosis

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