

Cowger MS

FRAME-UP BLASTED

Star Witness Indicts Fickert, Swanson, Cunha and Brennan as Chief Plotters

(By ESTELLE SMITH)

My entrance into the bomb cases came through my seeing a picture of Billings in a morning paper, the day after his arrest. I was working for Charles Strub, as a dental nurse, at 721 Market street. After looking at the picture, I said to Strub that it looked like a man who was up in our office on the day of the parade and who went on the roof with a suitcase. Subsequently, I learned that Strub was a friend of James Brennan of the District Attorney's office.

In the afternoon of that day, three policemen came to our office and told me I was wanted at headquarters. I went with them, and when I reached the department I met Mayor Rolph, Lieutenant Charles Goff and others. Before I left the office I protested to Strub against being connected with the case, telling him I didn't want to be mixed up in it in any way. He insisted that we owed it to the community.

DID NOT USE "CAESAR."

At this first meeting I told Mayor Rolph that it was the man I saw at our office. When I returned to the dental office Strub had two Call men there and said he wanted me to make a statement to them. He wanted to give the Call a "scoop," and didn't want The Bulletin to know anything about it. There was a boy named Caesar Bacigalupi working at our place. He said the picture looked like the man who was at the dental office, but the prosecution did not use him.

I told Strub the reason why I didn't want to get mixed up in the case was on account of the trouble my uncle had been in in Los Angeles. Strub said, "I'm paying the Examiner \$32 a week for advertising, and I'm not going to let a chance like this slip by," meaning that it was a big opportunity for him in an advertising way. He asked a Call man to get a picture of the interior of the dental office, and publish it. I think this was done.

SWANSON ON THE JOB.

Maybe the next day, Jim Brennan came to the office and talked to Louis Rominger and myself. Then we were taken to Fickert's office. There were present Martin Swanson, Fickert, Cunha and Brennan. Swanson was always at all of the meetings. All of them quizzed me.

The next day there was another meeting. The same people were there, and in addition I think there were Chief White, Captain Matheson and perhaps some others. Speaking of Billings, Fickert told me that my testimony might prove an alibi for Billings; that he did not want to get Billings unless he was guilty—thus adroitly putting me into sympathy with him and suggesting to my mind that I was helping Billings out.

On the following Sunday morning I was taken to Fickert's office. Mooney was seated in the room. Swanson asked me if that wasn't the man I saw in the hallway, making disturbances.

I said, "No; he doesn't look anything like him. It is not him at all." I then turned to Mooney and said, "I never saw you before in my life."

They sent for me again Monday, and showed me different photographs of a man. I think there were numbers on the photographs. In some, the man had a heavy mustache.

HOUNDED BY SWANSON.

"Is that the man you saw?" asked Swanson. I said, "No." Swanson sent for me a dozen or more times and asked me if I couldn't identify the pictures. I always said, "No."

These photographs were photographs of Mooney. As many as three times a day I was sent for and asked if I wouldn't identify Mooney.

It was past midnight one night when they took me in an automobile to the North End station. Draper Hand accompanied us. They took me into a room which was dark. They arranged an electric light with a shade over it so that it cast its rays on one spot. They sent for Weinberg. Hand said to me, "Stand over there, so he can't see you when he comes in."

Hand brought him into the room and stood him up against the wall, and threw the light on him suddenly. He had been taken out of bed and hadn't been given time to dress. When the light flashed in his eyes he squirmed about as one would under those circumstances.

The officer said, "Stand up there so these people can see you." Hand said to me, "Can't you identify this man?"

TOLD HAND WHAT SHE THOUGHT.

I said, "Let us go home."

I was terribly shocked and I so expressed myself to Hand. I don't recall the exact words, but I rebuked him in as strong language as I was capable of using.

Afterward I told Captain Matheson that we had dental patients named Weinberg, but I didn't know whether this man was one of our patients or not. I said his name was familiar. When I returned to the office I looked up the chart and found that I was mistaken. The patients were Mrs. Weinberg and daughter. We had no male patient by that name.

Then followed many, many trips to headquarters, and the same quizzing about Weinberg until I was sick of it all. Fickert and Swanson again took me to Weinberg. Fickert said, "I understand you had this man as a patient." I replied, "Maybe," but I only said that for peace sake—just to get a little peace—I was under a terrible nervous strain.

MATHESON ADVISES TRUTH.

Before these many efforts to get me to identify Weinberg, I had told Captain Matheson that I never had seen Mooney or Weinberg in my life. Captain Matheson told me: "If you never saw these men, don't say you did." After I met Mooney in Fickert's office, Matheson heard Swanson and Fickert quizzing me to identify Mooney. The captain took me to his office and told me that he had charge of the bomb detail and the only thing he wanted was the truth.

"You can fool the whole world, but you can't fool your own conscience. As much as I would like to find the guilty people, I don't want any witness to tell a lie, and as long as you have never seen either Mooney or Weinberg, say so and stick to it."

"INCESSANT QUIZZING."

This remark of his was based upon the incessant quizzing by Swanson to induce me to identify them.

When Mayor Rolph passed our office in the parade, the man whom I identified as Billings was on the roof. It was ten minutes to two by Sorensen's clock. At one meeting I had, Fickert had brought in a lot of grewsome photographs of the mangled bodies and spread them out before me. Fickert cried. He cries easily.

"Don't you," he said to me, "don't you want to find the ones who are guilty of this? I am thinking of my own children."

I said, "You told me you didn't want this man Billings," and I protested against being a witness. He then said he would lock me up and keep me locked up. This threat and other threats, made by Fickert and Swanson, that I would go across the bay frightened me.

There were three machines in front of 721 Market street and two over by the bank

on the corner. A mounted officer sent those by the bank up Grant avenue, and those in front of the office all were moved away, while the man was still on the roof. When I made this statement, Swanson and Fickert both said, "Eliminate that," and Brennan said so, too.

TRIED TO DOCTOR TIME.

In discussing the time, I said I could be sure of the clocks, because I looked at Kohler and Chase's and Sorensen's. Kohler and Chase's was usually wrong. K. C. B. of the Examiner wrote a funny story about it and asked that it be covered up.

Brennan said, "Did you have a watch in your hand?"

I replied, "No."

Swanson asked, "Do you wear one?"

"No."

Swanson again said, "Then how can you swear to the time when you didn't have a watch?"

I said I know it was ten minutes to two when I waved to Mayor Rolph.

"Be careful," said Swanson, "or you will be arrested for perjury."

I was under an awful strain at this time; I was receiving threatening letters. I remember one in particular, which said, "Look out for your skylight," and the police were the only ones who knew I slept under a skylight, and so I attributed that letter to them.

SAID SWANSON LIED.

They told me to let the time be open, on or about the time they said. They said they wanted to give Billings the benefit of the doubt.

I testified "on or about" and after Billings was convicted I went to them and told them that if I had testified ten minutes to two it might have saved him. Fickert told me I had done the right thing.

Wade came to me many times, telling me what Swanson had said—that Swanson had told him so and so and so and so. I told him that Swanson was telling lies. Then came Detective Wiskotchill Bunner and Hand and told me to keep my mouth shut and be careful what I said. I told them that there were a lot of lies being told. I told Swanson that, and he said if I didn't look out I'd find myself across the bay.

The first time I met Oxman was in Fickert's office. Fickert sent for me, to introduce me to him. In introducing me, he said:

TORE UP SUBPOENA.

"Mr. Oxman is anxious to meet the witnesses for the State." I was subpoenaed for the Mooney case, and I tore up the subpoena in the face of the officer who brought it. I said to him, "I never saw Mooney in my life, and if you call me in this case, I'll expose you all to the judge." And they didn't put me on.

Cunha sent for me. I told him I never saw Mooney in my life. He asked me, "What do you think of the Edeaus?"

"Just what you do, Mr. Cunha, that they are lying," I answered. Then he said, "We won't call you."

Mrs. Edeau and her daughter came to 721 Market street looking about and familiarizing themselves with the place. Mrs. Edeau did the talking to me. She inquired the price of plates and took her upper plate out of her mouth and asked me the price of a new one.

When I went to a distant part of the office to find the samples for her I heard her say to her daughter: "Swanson said there were three windows here. I only see two."

When I came back I told her Swanson was right—there were three windows to the office and I pointed out to her how a partition shut off one of them from view. I did not know at the time that they were the Edeau women, but I later saw them in Fickert's office and recognized them.

As the parade was passing there was a man playing a flute. They wouldn't let him walk in the parade and so he came over to the curb and played his flute. I told this incident to Fickert, Cunha and Swanson. They said they didn't want me to testify to that, as I had incidents enough. They said they would have Mrs. Edeau and her

daughter testify to that. They then had me tell the flute story over and over again to Edeaus, Vidovich and Wade. I remember after I had gone over it several times Swanson asked the Edeaus if they could remember it. I did not describe to them the appearance of the man or how he was dressed, and I am sure they cannot describe him.

ENTER HONEST CATTLEMAN.

Oxman called on me and said he had heard that I had received a sum of money. I showed him a pawn ticket, where I had pawned my jewelry for a hospital bill. He said, "I didn't know whether you were doing this for money or not."

Oxman went over the case with me. He said, "You're silly to work here for \$12 or \$15 a week. If this case were in Oregon, the reward would be three or four times as much. Didn't you see Weinberg downstairs?" "No," I said.

"Wouldn't you testify that you saw him, for a check in four or five figures?" he said. "Who sent you to me? Fickert?" I asked. He said, "No; not Fickert, but men higher up than Fickert." I said, "You go back and tell your master that he can't buy my body or my soul."

Oxman had invited me out to a show and supper. I didn't refuse him, but made an appointment to go to a movie at 9 o'clock. So when he came at 9 o'clock the doctor met him and told him he did not approve of him taking me to shows. He didn't think it was the proper thing for us to do, as we were both witnesses in the bomb trials. So he took Oxman out with him and left him on the corner.

"QUEER OLD DUCK."

The next day he called again, and it was at this meeting that the conversation occurred about the check. Within a few days, I went to see Fickert.

"What do you want?" he asked me.

"I want to let you know that Mr. Oxman has been calling on me," I said. Then I told him that his big witness had tried to bribe me to identify Weinberg. His answer was, "He is a queer old duck." But I still continued to see Oxman lurking about in the neighborhood, and it worried me. So I went to Captain Matheson. I had intended to tell him about Oxman's attempt to bribe me to identify Weinberg, but what the captain said to me about the high honor of Oxman made me feel that my word wouldn't go very far against the cattleman's. So I said nothing about the attempted bribery at that time, although I had told it fully to Fickert. After Oxman's letters to Rigall were published, I felt that possibly my word would then go a little farther with Matheson, and so I told him the story. A short time afterwards I made an affidavit setting forth all the facts of the attempted bribery. The affidavit was published in an extra edition of The Bulletin.

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