

# Prosecutors ethics debated in 1905 April trial

**Looking back, from page A8**

was disbarred for ignorance of the law, there would not be a member of the bar left in this city, and there would be enough vacancies to admit the entire law class of the university."

The *Telephone* had a field day, devoting many extensive columns to testimony and cross-examination. On April 25 (1905) Miller spent three long hours on the witness stand, explaining in detail all of his activities while prosecutor, including his dismissal of the horse and buggy-stealing case against Fred Thrasher. He said several people had spoken to him about dismissing the case. The *Telephone* reported that among them were Walter Brad-

fute, Frank Headley, Cal Worrall, Rufus East (one of Miller's prosecutors), John Woodward, Dallas Farmer, David Guy (who had been a witness in the case) and Deputy Sheriff Thrasher (who happened to have the same last name as the alleged horse thief). Miller said, "All these told me the boy ought not to be prosecuted as he was simply drunk and was not a horse thief, came of a good family and had never been in trouble before."

The April 26 edition of the *Telephone* devoted many columns of the proceedings, topped with such headlines as: "COL. EAST WEEPS," "IRA C. BATMAN'S LOGIC," "R.H. EAST CITES LAW," and "JUDGE MIERS' DEFENSE," all atop separate news stories about the trial. It is interesting to note

that the articles reflect the individual courtroom styles of the attorneys involved — Col. East, plain-spoken and home-spum; Batman, appealing to the sentiment of the court by citing Miller as a respectable citizen, married into a prominent local family; and Rufus East, painstaking in his recount of the testimony of witnesses.

By the time Miller took the stand, the case was in its second week. On the 25th the *Telephone* informed its readers: "The attorneys have made haste slowly, and if an inch has been surrendered on either side, it was only because of an adverse decision of the court. The testimony

will all be in by tomorrow night."

Next week: The Fate of Robert Miller.