

No. 12878

United States
Court of Appeals
For the Ninth Circuit.

THOMAS T. CHAMALES, JR.,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Appeal from the United States District Court,
Eastern District of Washington,
Northern Division.

FILED

APR 24 1951

PAUL F. O'BRIEN,

CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Attorneys for Plaintiff, and Appellee.

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Attorneys for Defendant, and Appellant.

[Title of District Court and Cause.]

INFORMATION

VIO: Sec. 2421, Title 18, U.S.C.

White Slave Traffic Act

The United States Attorney charges:

That Thomas T. Chamales, Jr. on or about the 10th day of March, 1949, did transport and cause to be transported, and aid and assist in transporting Elaine Elliot from Chicago, Illinois to Yakima, in the Southern Division of the Eastern District of Washington, for the purpose of prostitution, debauchery and other immoral purposes.

Dated this 23rd day of October, 1950.

/s/ HARVEY ERICKSON,
United States Attorney.

/s/ LLOYD L. WIEHL,
Assistant United States At-
torney.

[Endorsed]: Filed Oct. 23, 1950.

[Title of District Court and Cause.]

AMENDED INFORMATION

VIO: Sec. 2421, Title 18, U.S.C
White Slave Traffic Act

The United States Attorney charges:

Count I.

That Thomas T. Chamales, Jr., on or about the 10th day of March, 1949, did transport and cause to be transported, and aid and assist in transporting Elaine Elliot from Chicago, Illinois, to Yakima, in the Southern Division of the Eastern District of Washington, for the purpose of prostitution, debauchery and other immoral purposes.

Count II.

That Thomas T. Chamales, Jr., on or about the 14th day of August, 1949, did transport and cause to be transported, and aid and assist in transporting Elaine Elliot from Chicago, Illinois, to Yakima, in the Southern Division of the Eastern District of Washington, for the purpose of prostitution, debauchery and other immoral purposes.

Dated this 25th day of October, 1950.

/s/ HARVEY ERICKSON,
United States Attorney.

/s/ LLOYD L. WIEHL,
Assistant U. S. Attorney.

[Endorsed]: Filed Oct. 25, 1950.

[Title of District Court and Cause.]

DEFENDANT'S PLEA OF NOT GUILTY

Now, on this 9th day of January, 1951, into court comes the defendant Thomas T. Chamales, Jr., through his attorney Harry Olson, waives formal arraignment under the Amended Information heretofore filed against him, and being interrogated by the Court as to his plea thereto, defendant answers that he desires to enter a plea of Not Guilty, which plea is received by the Court and ordered entered on the records of the Court.

[Title of District Court and Cause.]

DEFENDANT'S PROPOSED INSTRUCTIONS

Proposed Instruction No. 9

You are instructed that even though you find from the evidence beyond a reasonable doubt that the defendant Thomas T. Chamales, Jr., had the intention that he would put the woman Elaine Elliott in the business of prostitution or have immoral sexual relations with her or allow or arrange for someone else to have immoral sexual relations with her but that he did not form such intention until reaching the State of Washington, then you must return a verdict of "Not Guilty."

Hoke v. U. S., 57 Law Ed. 523

Sloan v. U. S., 287 Fed. 91

Proposed Instruction No. 11

You are instructed that in order for you to find that the intent of the defendant, Thomas T. Chamales, Jr., was for himself to have immoral sexual relations with the woman, Elaine Elliott, you must find from the evidence beyond any reasonable doubt that the defendant formed a plan in his mind to have such immoral sexual relations at the time he transported or caused to be transported this woman across state lines, if you find that he did so transport or cause her to be transported, and you must find that it was his actual plan, seriously made as distinguished from a mere hope or desire or mere wishful thinking that such immoral relations could be accomplished if the woman was across the state border, and if you find that the defendant's intent was a mere hope or desire or anything less than an actual, seriously made plan to have immoral sexual relations with the woman, Elaine Elliott, then you must return a verdict of "Not Guilty."

Gerbino v. U. S., 293 Fed. 754

Proposed Instruction No. 16

You are instructed that if you find from the evidence presented to you during this trial that the defendant transported or caused to be transported the woman Elaine Elliott but that he did so with the intent that he was to employ her in his hotel, with which he was connected, in a legitimate and honest position, then you must return a verdict of "Not Guilty." Or if you find that the defendant's intent

was some other lawful purpose, then you must also return a verdict of "Not Guilty." Or even though you find beyond a reasonable doubt that the defendant intended that the transportation of Elaine Elliott was for immoral purposes but that such intent, if any, was secondary or a lesser intention or intentions and that some lawful or legitimate purpose was the defendant's main or primary purpose, then you must also return a verdict of "Not Guilty."

Yoder v. U. S., 80 Fed. (2nd) 665

U. S. v. Pope, 144 Fed. (2nd) 778

U. S. v. Jamerson, 60 Fed. Supp., 281

Copies received.

[Endorsed]: Filed Jan. 9, 1951.

District Court of the United States, Eastern District of Washington, Northern Division
No. C-8117

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS T. CHAMALES, JR.,

Defendant.

VERDICT

We, the jury in the above entitled cause, find the defendant Thomas T. Chamales, Jr. not guilty as charged in Count 1, and is guilty as charged in Count 2, of the Amended Information.

/s/ MONTE G. MOORE,

Foreman.

[Endorsed]: Filed Jan. 11, 1951.

[Title of District Court and Cause.]

MOTION FOR NEW TRIAL

The defendant moves the Court to grant him a new trial for the following reasons:

1. The Court erred in denying defendant's motion for judgment of acquittal made at the conclusion of the evidence.

2. The verdict is contrary to the weight of the evidence.

3. The verdict is not supported by substantial evidence.

4. The Court erred in unduly restricting the cross-examination of Elaine Elliott in that:

(a) The Court should have permitted the defendant to use identifications 5, 6 and 7, being letters written by the witness Elaine Elliott, to show that said witness was shortly before meeting Thomas T. Chamales, Jr., in such a state of love with her then brother-in-law, Bobbie Elliott, that her testimony on the stand in this case that she was in love with the defendant at first sight was false.

(b) The Court should have received in evidence defendant's identifications 5, 6 and 7, 9 and 10 for the purpose of affecting or testing the credibility of Elaine Elliott, and for the purpose of showing moral delinquency on the part of Elaine Elliott affecting her credibility.

(c) The Court should have received in evidence defendant's identifications 5, 6 and 7 and permitted in connection therewith the defendant to show in the

cross-examination of Elaine Elliott that said Elaine Elliott had lied under oath with reference to the nature of a trip taken with her brother-in-law Bobbie Elliott, such testimony being material as affecting the credibility of Elaine Elliott.

5. The Court erred in permitting the United States Attorney in the cross-examination of the defendant to ask and to require the defendant to answer questions as to the identity of Tex Reed.

6. The Court erred in excluding the testimony offered by the defendant as to his need of psychiatric and other medical treatment, and as to the history of the medical and psychiatric treatment received by the defendant subsequent to his discharge from military service and up to date of trial.

7. The Court erred in charging the jury, and in refusing to charge the jury as requested.

8. The Court erred in refusing to admit defendant's identifications numbered 2, 3 and 8.

9. That the defendant was prevented from having a fair trial due to the United States Attorney in his closing argument to the jury having read in question and answer form the testimony of a government witness, Betty DesCorreau.

/s/ HARRY L. OLSON,

/s/ GEORGE D. CROWLEY,

/s/ JOHN WM. McARDLE,

Attorneys for Defendant.

Copy received.

[Endorsed]: Filed Jan. 12. 1951.

[Title of District Court and Cause.]

AFFIDAVIT OF HARRY L. OLSON IN SUPPORT OF MOTION FOR NEW TRIAL

State of Washington,

County of Yakima—ss.

Harry L. Olson, being first duly sworn, on oath deposes and says: That he is one of the attorneys for the above named defendant, who was personally present at the trial of the above entitled action representing the defendant therein; that the United States Attorney in his closing argument to the jury read in question and answer form portions of the testimony of a Government witness, Betty Des Correau holding in his hand while addressing the jury and while reading therefrom what was or purported to be the testimony of said witness; that while the United States Attorney prefaced his reading of said testimony with a statement in substance: "This is the testimony of Betty Des Correau as I recall it." this remark was followed in fact by an actual reading from transcribed testimony then in his hands.

This affidavit is made in support of the defendant's motion for a new trial and for the purpose of evidencing as a matter of record the facts in connection with the argument to the jury of the United States attorney.

/s/ HARRY L. OLSON.

Subscribed and sworn to before me this 15th day of Jan., 1951.

/s/ FRED C. PALMER,

Notary Public.

[Endorsed]: Filed Jan. 16, 1951.

[Title of District Court and Cause.]

ORDER DENYING MOTION FOR
NEW TRIAL

This matter coming on regularly for hearing on the 22d day of January, 1951 upon defendant's Motion for New Trial, and the United States of America being represented by Frank R. Freeman, Assistant United States Attorney for the Eastern District of Washington, and the defendant being represented by Harry Olson, his attorney, and the Court having heard the arguments of counsel and being fully advised in the premises, it is by the Court

Ordered, Adjudged and Decreed that the said Motion for New Trial be, and hereby is, denied.

Dated this 24th day of January, 1951.

/s/ SAM M. DRIVER,
United States District Judge.

Presented by:

/s/ FRANK R. FREEMAN,
Assistant United States At-
torney.

[Endorsed]: Filed Jan. 24, 1951.

District Court of the United States for the Eastern
District of Washington, Northern Division
No. C-8117

UNITED STATES OF AMERICA,

vs.

THOMAS T. CHAMALES, JR.

JUDGMENT AND COMMITMENT

On this 22d day of January, 1951, came the attorney for the government and the defendant appeared in person and by his attorneys Harry Olson and George Crowley.

It Is Adjudged that the defendant has been convicted upon his plea of Not Guilty, and a verdict of guilty of the offense of violation of the White Slave Traffic Act (Sec. 2421, Title 18 U.S.C.) as charged in Count 2 of the Amended Information and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Two (2) Years.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that

the copy serve as the commitment of the defendant.

/s/ SAM M. DRIVER,

United States District Judge.

[Endorsed]: Filed Jan. 22, 1951.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Name and Address of Appellant: Thomas T. Chamales, Jr., Fox Hotel, Elgin, Illinois.

Name and address of Appellant's Attorneys: Harry L. Olson, John Wm. McArdle, 302 Miller Building, Yakima, Washington.

George D. Crowley, 135 South LaSalle Street, Chicago 3, Illinois.

Offense:

Violation White Slave Traffic Act, Section 2421, Title 18, U.S.C., as charged in Count 2 of amended information.

Concise statement of judgment or order, giving date and any sentence:

Judgment of conviction on Count 2 of the amended information and sentence of two years imprisonment. Judgment dated January 22, 1951.

The defendant is on bail and not now confined.

I, the above named defendant and appellant here-

by appeal to the United States Court of Appeals from the 9th Circuit from the above stated judgment dated January 22, 1951.

/s/ THOMAS T. CHAMALES, JR.,
Defendant and appellant.

/s/ HARRY L. OLSON,
Of Counsel for Appellant.

The above notice of appeal was filed with the Clerk of the above entitled court in duplicate on January 22, 1951.

/s/ H. A. FRAMBOISE,
Clerk.

Copy received and service accepted.

[Endorsed]: Filed Jan. 22, 1951.

[Title of District Court and Cause.]

DESIGNATION OF CONTENTS OF
RECORD ON APPEAL

To the Clerk of the Above Entitled District Court:

Comes now the above named defendant who has appealed to the United States Court of Appeals in the Ninth Circuit in the above entitled action and designates the following as a portion of the records, proceedings and evidence to be contained in the record on appeal:

1. Information dated and filed October 23, 1950.

2. Amended Information dated and filed October 25, 1950.
3. Motion for transfer, dated October 27, 1950.
4. Order of Transfer, dated November 20, 1950.
5. Record of the court showing arraignment and plea of "Not Guilty."
6. Reporter's complete transcript of trial proceedings.
7. All exhibits and identifications.
8. Records of the court showing verdict of the jury.
9. Defendant's motion for a new trial filed January 12, 1951.
10. Affidavit of Harry L. Olson in support of motion for new trial.
11. Order denying motion for new trial.
12. Judgment and sentence, dated January 22, 1951.
13. Notice of appeal.
14. This designation of record and affidavit of service by mail thereof.
15. Statement of points.

You will please include this data in making up the record on appeal.

Dated February 5, 1951.

/s/ HARRY L. OLSON,

Of Counsel for defendant-
appellant.

Affidavit of service by mail attached.

[Endorsed]: Filed Feb. 6, 1951.

[Title of District Court and Cause.]

SUPPLEMENTAL DESIGNATION OF
RECORD ON APPEAL

To the Clerk of the Above Entitled District Court:

Comes now the defendant and in connection with his appeal of the above case to the United States Court of Appeals of the Ninth District designates the following additional matter to be included in the record on appeal:

1. Defendant's proposed instructions numbered 9, 11 and 16.
2. This Supplemental Designation and affidavit of service by mail thereof.

Dated this 27th day of February, 1951.

/s/ HARRY L. OLSON,
Of Counsel for defendant-
appellant.

Affidavit of service by mail attached.

[Endorsed]: Filed Feb. 27, 1951.

[Title of District Court and Cause.]

STATEMENT OF POINTS

Comes now the defendant above named as appellant and sets forth the following statement of points upon which he intends to rely on appeal:

1. The court erred in denying defendant's mo-

tion for judgment of acquittal made at the close of the evidence offered by the Government.

2. The court erred in denying defendant's motion for acquittal made at the close of all of the evidence.

3. The court erred in unduly restricting the cross-examination of Elaine Elliott in that:

(a) The court should have permitted the defendant to use identifications 5, 6 and 7, being letters written by the witness Elaine Elliott, to show that said witness was shortly before meeting Thomas T. Chamales, Jr., in such a state of love with her then brother-in-law, Bobbie Elliott, that her testimony on the stand in this case that she was in love with the defendant at first sight was false.

(b) The court should have received in evidence defendant's identifications 5, 6, 7, 9 and 10 for the purpose of affecting or testing the credibility of Elaine Elliott, and for the purpose of showing moral delinquency on the part of Elaine Elliott affecting her credibility.

(c) The court should have received in evidence defendant's identifications 5, 6 and 7 and permitted in connection therewith the defendant to show in the cross-examination of Elaine Elliott that said Elaine Elliott had lied under oath with reference to the nature of a trip taken with her brother-in-law, Bobbie Elliott, such testimony being material as affecting the credibility of Elaine Elliott.

4. The court erred in permitting the United States Attorney in the cross-examination of the de-

defendant to ask and to require the defendant to answer questions as to the identity of Tex Reed.

5. The court erred in permitting the witness Warsham, an FBI Agent, to testify over defendant's objection as to admissions claimed to have been made by the defendant.

6. The court erred in excluding the testimony offered by the defendant as to his need of psychiatric and other medical treatment, and as to the history of the medical and psychiatric treatment received by the defendant subsequent to his discharge from military service and up to the date of trial.

7. The court erred in charging the jury, and in refusing to charge the jury as requested.

8. The court erred in refusing to admit defendant's identifications numbered 2, 3 and 8.

9. That the defendant was prevented from having a fair trial due to the United States Attorney in his closing argument to the jury having read in question and answer form the testimony of a government witness, Betty DesCorreau.

10. The court erred in denying defendant's motion for a new trial.

Dated this fifth day of February, 1951.

/s/ HARRY L. OLSON,

Of Counsel for defendant-
appellant.

[Endorsed]: Filed Feb. 6, 1951.

[Title of District Court and Cause.]

ORDER EXTENDING TIME FOR FILING
RECORD ON APPEAL

It appearing to the Court that the transcript of the testimony in the above entitled cause was not filed with the Clerk until February 26, 1951, and that sufficient time does not remain to permit the Clerk to transmit the record on appeal in said cause so that it may be docketed in the United States Court of Appeals on a before forty days from the entry of the notice of appeal, now, therefore, it is hereby

Ordered that the time for filing and docketing the appeal in the United States Court of Appeals be and the same is hereby extended for ten (10) days.

Dated this 27th day of February, 1951.

/s/ SAM M. DRIVER,

United States District Judge.

[Endorsed]: Filed Feb. 27, 1951.

United States District Court, Eastern District of
Washington, Northern Division
No. C-8117

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THOMAS T. CHAMALES, JR.,
Defendant.

Before Honorable Sam M. Driver, United States
District Judge.

Appearances:

For the Plaintiff:

FRANK R. FREEMAN,
Assistant United States Attorney, of
Spokane, Washington.

For the Defendant:

HARRY L. OLSON,
Of Yakima, Washington.
JOHN WM. McARDLE,
Of Yakima, Washington.
GEORGE D. CROWLEY,
Of Chicago, Illinois.

RECORD OF PROCEEDINGS AT THE TRIAL

Be It Remembered that the above-entitled cause came on for trial at Spokane, Washington, on Tuesday, the 9th day of January, 1951, before the Hon-

orable Sam M. Driver, Judge of the above-entitled Court, sitting with a jury; the plaintiff being represented by Frank R. Freeman, Assistant United States Attorney for the Eastern District of Washington, of Spokane, Washington; the defendant being personally present and represented by his counsel, Harry L. Olson and John Wm. McArdle, of Yakima, Washington, and George D. Crowley, of Chicago, Illinois; whereupon, the following proceedings were had and done, to wit:

Mr. Olson: Your Honor please, I would like to introduce to the Court Mr. George D. Crowley, an attorney from Chicago, Illinois, and move that he be admitted for the purpose of associating with me in connection with this case. For the Court's information, Mr. Crowley is the defendant's brother-in-law.

The Court: Well, he may participate as an attorney in this case without general admission, and be considered admitted for all purposes in connection with this case.

Mr. Olson: Yes, I'd like to have the record show he's associated with me.

The Court: Yes, the record may show that. United States against Chamales.

Mr. Freeman: Ready, your Honor.

The Court: Is the defendant ready?

Mr. Olson: Yes.

The Court: The Clerk informs me that the record doesn't show that there has been any arraignment in this case. In view of the fact that you're here for trial I assume that you will enter a plea

of not guilty. To save time, will you waive the reading of the amended information and let the record show that a plea of not guilty is entered here, Mr. Olson?

Mr. Olson: The record may so show.

(Whereupon, a jury of twelve and one alternate juror were duly selected, empaneled and sworn to try the case.)

Mr. Olson: Your Honor please, as your Honor knows, I'm [2*] not the most experienced criminal lawyer in the world, but I want to invoke at the present time a motion to exclude the witnesses. I would prefer to have them excluded prior to the opening statement.

The Court: Well, you may make that motion now, or invoke the rule, rather, that witnesses be excluded. Do you wish to keep one witness?

Mr. Freeman: Yes, your Honor, Mr. Worsham. Mr. Clark, you will leave.

The Clerk: Wait a minute. The defendants haven't subpoenaed any through me. The following persons in the courtroom please rise: Carlisle Reed; Vicky Reed; Tom Dawson; A. L. Richmond; Wilbur R. Green; Evert Nelson; Elaine Elliott; Marge Mahoney; Betty DesCorreau; John W. Worsham; Eugene P. Clark. That's all the witnesses, your Honor, that I have any knowledge of.

(Of the foregoing witnesses whose names were read, the following were not present in the courtroom: Vicky Reed; Wilbur R. Green;

* Page numbering appearing at foot of page of original Reporter's Transcript of Record.

Evert Nelson; Elaine Elliott; Marge Mahoney;
Betty DesCorreau.)

The Court: This rule will apply to the defendant's witnesses as well as the government's, of course, and do you have any of your witnesses in the courtroom?

Mr. Olson: Just the defendant himself.

The Court: Very well. I'll say to you gentlemen you're [3] to be excluded here under the rule which counsel has the right to invoke, and that means that you're not to be in the courtroom here during the trial until after you've testified and both sides have excused you as a witness, and not only should you remain out of the courtroom, but you should refrain from discussing with other witnesses or prospective witnesses what your testimony is to be, or what it has been after you testify. When you testify and go out don't discuss what you've said with the other witnesses. The idea of the rule is to have the witnesses testify independently without knowledge of what the others said or will say. In order that you may not just have to wander around, there's a witness room down past the clerk's office, the bailiff will show you where it is, and if you wish to sit around there and while away the time playing canasta or something else you're perfectly welcome to do so, but you must remain out of the courtroom.

Mr. Olson: Your Honor please, the other witnesses who apparently are not here are the ones I'm particularly interested in having hear your Honor's instruction regarding that they should not discuss their testimony.

The Court: The gentleman who just came in, what is your name?

Mr. Nelson: Evert Nelson.

The Court: You're one of the witnesses in this case?

Mr. Nelson: Yes, sir. [4]

The Court: The rule has been invoked that the witnesses are to be excluded from the courtroom during the progress of the trial, and that means you must remain out of the courtroom until you have been excused by both sides; you're not to discuss with the other witnesses either before or after you testify what your testimony has been or will be, or what their testimony will be. You'll be called when you're needed as a witness. There's a witness room you can use for your convenience if you desire. Your other witnesses, of course I can't talk to them until they're here. If you'll let me know when your witnesses come I can instruct them in the same fashion.

Mr. Freeman: Our other witnesses are here, but they are not in the courtroom.

The Court: I see. All right, gentlemen, you may retire then. I will ask counsel on both sides if it should happen that you see one of your witnesses coming in, please stop and let me know and I'll instruct them. All right, proceed.

Plaintiff's Opening Statement

Mr. Freeman: If it please the Court, ladies and gentlemen of the jury: The principal purpose of my opening statement is to acquaint you to some extent with the evidence the government intends to

place on the witness stand in support of its information and charge in this particular case. I want to go through the evidence the government intends to [5] present to you as completely as possible so you may have a good criterion by which to gauge the case as it goes along and appraise the witnesses and follow the continuity of the government's case.

Now, as the Court told you, the government has charged Thomas T. Chamales, Jr., who is the gentleman sitting—Mr. Chamales, will you stand up—has charged Thomas T. Chamales, Jr. with two counts, two violations or alleged violations of the White Slave Traffic Act. The first count in substance charges that Thomas T. Chamales, Jr. on or about the 10th day of March, 1949, did transport and cause to be transported and aid and assist in transporting one Elaine Elliott from Chicago, Illinois, to Yakima, in the Southern Division of the Eastern District of Washington, for the purposes of prostitution, debauchery and other immoral purposes. Count two charges the same thing except that it charges a different date of transportation. It charges in substance that on or about the 14th day of August of 1949 Thomas T. Chamales, the defendant here, transported the same girl, Elaine Elliott, from Chicago to Yakima for the purposes of prostitution, debauchery and other immoral purposes.

Now, those two counts are based on, as I said, the White Slave Traffic Act, which reads as follows: "Whoever knowingly transports in interstate or foreign commerce or in the District of Columbia or any territory or possession of the [6] United States

any woman or girl for the purpose of prostitution or debauchery or for any other immoral purpose or with the intent and purpose to induce, entice or compel such woman or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral practice, or whoever knowingly procures or obtains any ticket or tickets or any form of transportation or evidence of the right thereto to be used by any woman or girl in interstate or foreign commerce or in the United States or any territory or possession of the United States in going to any place for the purpose of prostitution or debauchery or for any other immoral purpose or with the intent or purpose on the part of such person to induce, entice or compel her to give herself up to the practice of prostitution or to give herself up to debauchery or any other immoral practice whereby any such woman or girl shall be transported in interstate commerce shall be guilty."

So the charge in substance is that interstate transportation of a woman or girl for the purposes of prostitution or debauchery or immoral purposes. Now, the government intends to prove as follows:

The government will show you that Elaine Elliott on or about the date alleged in the first count, that is, March 10 of 1949, was a resident of Chicago, Illinois. I believe she was a dress model at that time. She will testify on the stand and go into those things thoroughly. About that date, [7] through a mutual friend, she met the defendant Thomas T. Chamales, Jr., in Chicago. They had several dates together. She became exceedingly fond of him, and

evidently to some extent at least he of her. The Elliott girl had been married already. She was separated, however, from her husband. Thomas T. Chamales was also married.

After a whirlwind courtship of three or four or five days Thomas T. Chamales, the evidence will show, told Miss Elliott that he could and would give her a job as a hostess in the Commercial Hotel in Yakima, a hotel I believe the evidence will show he was operating in Yakima at the time, a hostess in the dining room. She accepted the offer of a job at the Commercial Hotel as hostess. He procured, the evidence will show, railroad tickets for the transportation from Chicago, Illinois, to Yakima. When she arrived at the station she found that the tickets called for a single compartment on the Northern Pacific train to Yakima. The evidence will show that she objected to the single compartment, but since there were evidently no other accommodations available, she was forced to occupy the single compartment with him, and she had sexual intercourse with him from Chicago to Yakima.

At the Yakima Hotel the evidence will show Thomas T. Chamales procured a room or a suite, I believe he already had it, he was manager of the hotel, my understanding is, and the evidence will show he had this suite in the Commercial Hotel [8] at Yakima. For the first week of their stay in Yakima, at his suggestion and request or procurement she occupied the suite with him. The second week and the third week in Yakima the evidence will show that he procured a room for her separate

from his, upon her request and suggestion, but that he still enjoyed sexual intercourse with her during those three weeks in Yakima. The evidence will further show that the job offered her as hostess in the Commercial Hotel was not forthcoming. The evidence will show at the conclusion of the third week, as the result of the conduct of the defendant in this case, she refused to continue the relations further, and left for Chicago.

The evidence will show that very shortly after her return to Chicago telephone calls were exchanged between herself and Chamales in Yakima, I think two or three made by her and two or three made by him. The evidence will show of course that she was still enamored of Chamales. In any case, on or about the date alleged in the second count—what I have told you up to now concerns the first count. In any case, on the date alleged in the second count, on or about the 14th of August, 1949, the evidence will show that Tom Chamales put in a call to Elaine Elliott in Chicago and told her that he was sending \$125.00 for her fare for return to Yakima. He further told her, the evidence will show, that he was sending the \$125.00 to her roommate, Miss Marge Mahoney, who will testify here, [9] rather than to Miss Elliott because he said I believe the evidence will show that the F. B. I. was checking on him.

The evidence will further show that the \$125.00 was sent by Western Union telegram and the name Tom Chamales was not used in signing that money order; the name Tom Chambers was used, and

the money was sent from Tacoma. The evidence will show that Miss Mahoney with Miss Elliott went to the Western Union office in Chicago and procured the \$125.00 which Mr. Chamales wired. That same night Miss Elliott took the plane, I think the United Airlines, to Seattle. It was agreed by conversation between them that she would meet Chamales in Seattle and he would take her from Seattle to Yakima.

The evidence will show that on a Sunday night, I believe the Sunday following August 14, she arrived by plane in Seattle. She went to the Olympic Hotel, where by previous agreement with Tom T. Chamales she was to meet him. She did not find him there, and after waiting several hours the evidence will show that she went to the Earl Hotel, only a short distance away, and registered there under her true name, and that evening Tom Chamales came to the Earl Hotel. He had sexual intercourse with her that night.

The evidence will show that for the first time Tom T. Chamales that night at the Earl Hotel advised her that he had plans for putting her in a joint. The evidence will show that she was not sure of what he had in mind by the meaning "joint" [10] and upon further questioning that evening and the following morning was told unequivocally that he intended to place her in a house of prostitution. The evidence will further show that Tom T. Chamales then and there, the following morning, told her that he proposed to place her in a house of prostitution, one house of prostitution for several weeks, another

house of prostitution for another several weeks so that she would become familiar and pick up sufficient information and experience in working in a house of prostitution, and that he would then make her a madam or place her in charge of a house of prostitution operated by himself, I think he said, the evidence will show, someplace in Texas.

She remonstrated, the evidence will show. The evidence will further show that that afternoon in company with one Reed and Vicky Reed, husband and wife, and Chamales, Miss Elliott was taken by auto to Yakima. The evidence will show that the first night in Yakima they stayed at the Rest Haven Motel, where Mr. Chamales registered as a Richard Sullivan. The evidence will further show that that night he again mentioned the house of prostitution, and when she again refused to work for him or act in any such capacity, he struck her and used profane language. The evidence will further show that the next morning they returned to Seattle where she stayed at the Wilhard Hotel, and I believe he stayed in another hotel, but he still insisted on having sexual intercourse with her. The [11] second or third day in Seattle she became convinced that he was a pimp; she called the F.B.I., the evidence will show, and reported the story, the testimony which you will hear on the stand today, and returned to Chicago.

That in substance is the government's evidence which it will produce to you here today. We have the burden of proving the things that I've spoken and the charges as made in the information beyond

any and all reasonable doubt, and we intend to do just that.

The Court: You wish to reserve your statement?

Mr. Olson: We'll reserve it.

The Court: All right.

Mr. Freeman: Your Honor desires to start?

The Court: Well, I think it's a little late. I'll excuse the jury until 1:30—I think I'll excuse the jury until quarter to two, 1:45; I have some other matters that must be taken care of that can be done in the absence of the jury, matters not connected with this case, so you're to report back here at 1:45 this afternoon, and as you will be permitted to separate during this and other recesses and overnight adjournments I think I should tell you at this time that you shouldn't discuss this case among yourselves or with any outsider, and please refrain from reading any accounts of it in the newspaper or listening to accounts on the radio; you can listen to the other news, but just turn the radio off or [12] close your ears when it comes to this particular one, and don't read about it in the papers, because we want to be sure your verdict will be based entirely on the evidence you get in the courtroom and the court's instructions, and if anyone tries to talk to you about the case, just tell them you're a juror and can't talk about it; don't discuss it among yourselves, and by all means keep an open mind until you have heard all the evidence on both sides and the case is finally submitted to you. Now, the jury will be excused until 1:45.

(Whereupon, the following proceedings were had without the presence of the jury.)

The Court: I haven't recessed yet. I'm just excusing the jury. Did you have something to say, Mr. Olson?

Mr. Olson: I have some proposed instructions; it's been my practice in civil cases to immediately give them to the Court, if it's in order.

The Court: Yes, you may submit them now, and if you have additional instructions that may be suggested by an unexpected turn of the case you may submit supplemental instructions later, but I do appreciate getting them as soon as they're prepared.

Mr. Olson: I'll give counsel a copy of these.

The Court: This thought occurred to me, that as Mr. Olson suggested a while ago, I think the witnesses who were not to be brought into the courtroom until they testify should [13] be instructed the same as the others have been. I thought that could be done in the absence of the jury. Do you have three witnesses here who are not in the courtroom?

Mr. Freeman: Yes, your Honor.

The Court: I wonder if you'd have them brought in here so that I can instruct them? That's what you had in mind, was it not, Mr. Olson?

Mr. Olson: Yes, your Honor, they're the ones I'm primarily interested in.

(Whereupon, the three witnesses, Elaine Elliott, Marge Mahoney, and Betty Des Correau appeared in the courtroom.)

The Court: I just wish to say, you are all as I understand it subpoenaed as witnesses in this case, and the rule has been invoked that the witnesses be excluded from the courtroom during the trial, and that will apply to you as well as the others. In addition to remaining out of the courtroom during the time the trial is in progress, you should not discuss what your testimony is to be with the other witnesses, or after you have testified discuss with the other witnesses what you have testified. In other words, you're not to discuss with the other witnesses from this time forward, at any rate, what your testimony is to be, or what it has been after you testify, or what their testimony is to be or has been. The record will show who these three witnesses are.

Mr. Freeman: Elaine Elliott, Marge Mahoney, and Betty [14] Des Correau.

The Court: The record may show that the three just named are the ones I have just instructed with reference to the rule. This case will be suspended until 1:45.

(Noon recess.)

(All parties present as before, and the trial was resumed.)

(Whereupon, the following proceedings were had within the presence of the jury.)

ELAINE ELLIOTT

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

Q. Will you give the Court and jury your name, please? A. Elaine Elliott.

Q. Elaine Elliott? A. Yes, two ells.

Q. And where do you reside now, Miss Elliott?

A. 462 Denway Place, Chicago.

Q. Chicago, Illinois; can you speak a little louder?

Mr. Olson: I didn't get that answer.

A. 462 Denway Place.

Q. Chicago, Illinois? A. Chicago.

Q. Miss Elliott, are you acquainted with Thomas T. Chamales, Jr.? A. Yes, I am. [15]

Q. Do you see him in the courtroom?

A. Yes.

Q. Sitting at the other table over here. Where and when did you first meet Thomas T. Chamales, Jr., Miss Elliott?

A. The first time I actually met him was at the Chicago Athletic Club.

Q. In Chicago? A. In Chicago, yes.

Q. And approximately when was that?

A. About six weeks before Easter in 1948.

Q. 1948 or 1949?

A. 1948 or 1949; '49, I believe.

Q. About six weeks before Easter in '49?

(Testimony of Elaine Elliott.)

A. Yes.

Q. And how did you happen to meet him in Chicago at that time?

A. Through a Mr. McDonald, who had called me earlier in the week and asked me if I could arrange to get a date for his friend who was coming in from Washington. However, Mr. McDonald had to go out of town, and Mr. Chamales, who was Mr. McDonald's friend, called me and asked me to have lunch with him.

Q. And you had lunch with him? A. Yes.

Q. How often did he see you during the course of the next [16] week or two weeks in Chicago?

A. Every night that he was there.

Q. Every night that he was there. What did he say to you with reference to his business, Miss Elliott, at that time?

A. Well, he explained to me that he was running—I don't believe he said managing, he said running his father's hotel in Yakima, but that his big business was with the Lustron Corporation, I believe he said he had the franchise of Lustron Homes in the State of Washington.

Q. Did he mention the hotel in Yakima by name?

A. No, I don't believe he mentioned it by name.

Q. At that time. Now, what was your employment at the time you first met him, Miss Elliott?

A. When I first met him I was free-lance modeling.

Q. Free-lance modeling? A. Yes.

(Testimony of Elaine Elliott.)

Q. Did you have any discussion with Mr. Chamales at that time about employment?

A. Yes, I did, because modeling was not good at the time, and I said I thought I would take a night job working in a checkroom, because the salary was quite good.

Q. And what if any rejoinder did he make to that?

A. Well, he said he didn't think I should work in a checkroom, that I would meet the wrong type of people in that [17] type of employment, and that he thought I was too nice to work in that sort of place.

Q. Did he offer you any employment?

A. He said that rather than see me go to work in a checkroom he would offer me a job, respectable job, out in Washington in the hotel where he was.

Q. In what type of work, did he say?

A. He said either in the dining room as a hostess, or I could take over Marian Roscoe's job as his secretary.

Q. Either as hostess or secretary?

A. Yes.

Q. Where?

A. In the Commercial Hotel in Yakima.

Q. In Yakima. Miss Elliott, approximately how many dates would you say you had with Thomas T. Chamales, Jr., in Chicago before you left for Yakima?

A. Oh, five to eight dates, I imagine.

Q. And what was the state of your affection

(Testimony of Elaine Elliott.)

toward Mr. Chamales at approximately the time you left for Yakima?

A. Well, it was more or less love at first sight.

Q. You were in love with him? A. Yes.

Q. Was he in love with you?

A. I don't know.

Q. What discussion did you have with Mr. Chamales with reference [18] to your transportation to Yakima for employment?

A. He said that he had a trip to make to Washington, D. C. and that when he was coming back that we could both go back to Yakima at the same time.

Q. And after he came back, when did you leave Chicago, then, after his return from Washington, D. C.?

A. About a month before Easter.

Q. About a month before Easter. You misunderstood my question. How many days after he left for Washington did the two of you leave, approximately after how many days after he left and came back from Washington did the two of you leave for Yakima? A. About two days.

Q. Now, who made arrangements for the transportation to Yakima, Washington?

A. He did.

Q. Now, tell the jury about that. Who purchased the tickets?

A. Tom purchased the tickets, and all I knew was that we were going on a train to the State of Washington.

(Testimony of Elaine Elliott.)

Q. And where did you meet him before you took the train?

A. My mother brought me down to see me off, and he requested that we meet him at the Glass Hat, at the Congress Hotel in Chicago.

Q. And you met him there? A. Yes. [19]

Q. And then where did you go?

A. From there we went to the train station.

Q. To the train? A. Yes.

Q. And that was the Northern Pacific?

A. Yes.

Q. And what accommodations did he have for you on the train?

A. He had a compartment, a bedroom compartment with two berths, upper and lower berth.

Q. In the single compartment? A. Yes.

Q. Did he have the tickets in his possession when he met you at the Green Hat, did you say?

A. Glass Hat.

Q. Glass Hat, did he have the tickets in his possession then? A. I believe so.

Q. Did you yourself have any money to purchase tickets? A. No.

Q. Did Mr. Chamales and you, Miss Elliott, indulge in sexual relations on the trip to Yakima?

A. Yes.

Q. At his suggestion?

A. Well, I don't believe anybody suggested it.

Q. What if anything did you say to him with reference to [20] the single compartment?

A. That I wasn't too happy about not knowing

(Testimony of Elaine Elliott.)

ahead of time so that I could have changed my plans if necessary.

Q. What did he say?

A. He said that he thought it was perfectly natural to have a compartment.

Q. Had you stated to him at that time your love or affection for him?

A. No, I don't believe so.

Q. Now, you arrived in Yakima approximately what date? First, Miss Elliott, did the two of you leave Chicago via the Northern Pacific Yakima? Can you place that date?

A. I don't know the exact date. It was about a month before Easter.

Q. Sometime in the early part of March, would that be approximately correct? A. Yes.

Q. Now, tell us what happened when you reached Yakima?

A. Well, we arrived either late in the night or early in the morning, I don't remember which, and we took a cab from the train station to the hotel, and there I was told that there was no room in the hotel for me, that I'd have to stay with him.

Q. And what hotel was that? [21]

A. The Commercial Hotel.

Q. And go ahead, tell the jury what happened then.

A. So I stayed in his suite at the hotel about five days to a week, and then I demanded an extra room for myself.

(Testimony of Elaine Elliott.)

Q. Did he have intercourse with you while you were staying in his room that week? A. Yes.

Q. Now, go ahead and tell us what happened then after you left his room.

A. Well, I had gone out with some friends of his one time when he didn't show up for a date that we had had, and the friends were of such low caliber that I came back to the hotel and wrote him a letter saying that I wanted immediate passage back to Chicago, that the whole thing was very disgusting.

Mr. Olson: Pardon me; you say you wrote him a letter? A. Yes, I did.

Mr. Olson: We object, your Honor, to her testifying to the contents of a letter.

The Court: She hasn't testified to the contents; she can say she wrote him a letter. I think objection has been made that it isn't the best evidence. Unless you can show the letter isn't available to her she shouldn't testify to the contents. [22]

Q. You can't go into the contents of the letter. Just tell what happened.

A. Well, I requested passage back to Chicago.

Mr. Olson: Was this orally? A. Yes.

Mr. Olson: Was this a conversation with Mr. Chamales?

A. The next morning, yes, and about four days after that I believe it was, I did go back to Chicago.

Q. (By Mr. Freeman): Well, now, let's get back to the hotel. You say you changed your room?

A. Yes.

(Testimony of Elaine Elliott.)

Q. From his suite to your own room?

A. Yes.

Q. And how long did you stay in your own room before you returned to Chicago?

A. About a week and a half or two weeks.

Q. So you were in Yakima altogether then somewhere between two and a half to three weeks?

A. That's right.

Q. Did he have sexual intercourse with you during the period you were in your own room, too, Miss Elliott?

A. Yes.

Q. Now, tell us about the employment that had been offered to you when you left Chicago.

A. Well, when we arrived in Yakima he informed me that the [23] dining room was leased to a man, and that he didn't have too much to do with the employment of the people who worked there, and also that I wasn't capable, didn't have the education, more or less, to do the secretarial job, which was quite a full time job, and I requested the job of a switchboard operator, since I knew that I could do that sort of thing, and he said no, I wouldn't be able to do that sort of a job, he said I wasn't dependable enough.

Q. So he offered you no employment?

A. That's right.

Q. Miss Elliott, let's go back to Chicago for a moment. To your knowledge what was Tom Chamales' marital status?

A. I believe he was in the process of being divorced at the time.

(Testimony of Elaine Elliott.)

Q. He told you he was married and was being divorced? A. Yes.

The Court: Just to keep the record straight, I think some mention was made of what was in that letter. The jury will disregard anything the witness has testified concerning the contents of the letter. That's a rule of evidence, that the letter is the best evidence.

Q. (By Mr. Freeman): What happened then after your two and a half to three week stay in Yakima, Miss Elliott?

A. Well, I left and went back to Chicago.

Q. Now, who paid your transportation? [24]

A. I believe he did.

Q. He paid it to you? A. Yes.

Q. Now, after you arrived back in Chicago did you again hear from Mr. Chamales?

A. I called him the day after I got back to Chicago.

Q. And what was the purpose of your call?

A. Well, I missed him, and I wanted to tell him so.

Q. You were still in love with him?

A. Very much so.

Q. On that first trip, Miss Elliott, was there any understanding or conversation between you and Thomas T. Chamales as to subsequent marriage on his divorce? A. No, none.

Q. Was there no understanding? A. No.

Q. Now, how many calls did you receive from

(Testimony of Elaine Elliott.)

Thomas T. Chamales in Chicago before you again came to Yakima? A. Two or three.

Q. And who made those calls?

A. Two or three he made, and I made several.

Q. And you made several?

A. I made several myself.

Q. And at that time as I understand it you were living with another young lady? [25]

A. Yes.

Q. In a common apartment? A. Yes.

Q. Who was that young lady?

A. Marge Mahoney.

Q. And where were you living then?

A. 7456 South Shore Drive.

Q. Chicago. Now, when did you next hear from Tom Chamales with reference to a return trip to Yakima?

A. I believe it was about the middle of July.

Q. July, '49? A. Yes.

Q. And tell us what occurred.

A. Well, he had called me and I wasn't at home, and I returned his call the next day and inquired what he had wanted, since I thought we were through as far as any association, and we talked again on the subject of my coming back.

Q. Now, what was the nature of that conversation? Can you give it to us to some extent?

A. I don't remember much about it except that we spoke of it, and he said that he thought it would be possible for me to come back in a short time.

Q. Well, during these five or six phone calls to

(Testimony of Elaine Elliott.)

Chamales did you express your love and affection to him, over the [26] phone?

Mr. Olson: That's objected to as being leading, your Honor.

The Court: Yes.

Q. What conversation if any did you have with Mr. Chamales with reference to your regard for him or he for you?

A. He knew from my phone calls and letters that I was very much in love with him.

Q. I can't understand you, Miss Elliott.

A. He knew from my phone calls and letters that I was very much in love with him.

Mr. Olson: I ask that that be stricken.

The Court: I think that is objectionable, and the jury will disregard it. That's a conclusion. What we want to know as nearly as you remember is what was said by him and by you that would indicate what your conclusion is.

Q. Did you so state to him? A. Yes, I did.

Q. Did he make a similar statement to you?

Mr. Olson: Now, if your Honor please, I think if they want to go into conversation——

The Court: Yes, I think you should try first to get the conversation if you can.

Mr. Freeman: Your Honor, there were five or six [27] phone calls two years ago; I'm sure she couldn't remember the crux of each one.

The Court: She couldn't remember the exact words, but she can state it as nearly as she can re-

(Testimony of Elaine Elliott.)

member, what was the substance of the conversations.

Q. (By Mr. Freeman): Well, Miss Elliott, when did he make the last phone call to you in Chicago?

A. The last phone call was about the 10th or 11th or 12th of August, in 1949.

Q. And what was the substance of that conversation?

A. He told me that definitely he was going to send me fare back to Yakima.

Q. To Yakima?

A. Or Seattle, and that he wanted to know whether I meant to stay for good this time, and I said yes.

Q. What do you mean by that?

Mr. Olson: Well, now, we object to that question, your Honor.

The Court: Yes, sustained.

Q. What else did he say to you, Miss Elliott?

A. Well, he told me that he was going to send me money for fare back, he was going to wire it in my roommate, Marge Mahoney's, name, and when I inquired about the reason for that he said that the FBI had been to him and warned him not to bring me out again, because I was a minor, and I [28] didn't quite understand what difference that would make in our private associations.

Mr. Olson: Now, I object, your Honor, to her comments on the thing.

(Testimony of Elaine Elliott.)

The Court: Yes, just say what he said and what you said as nearly as you can remember it.

Q. (By Mr. Freeman): Just go ahead and relate the conversation which you had with him on the subject, in addition to the \$125.00, he said he was sending, what was the balance of the conversation?

A. Well, he also asked me if I would be willing to work, and I said Yes, and he said "Are you sure?" and I said "Of course I'm willing to work" and so he told me that since everything was agreed upon, that it would be fine for me to come out.

Q. In that specific telephone conversation did he make any expression of his regard for you, Miss Elliott?

A. Yes, he said he needed me and that he wanted me out there.

Q. Did he send the \$125.00? A. Yes, he did.

Q. Tell us where and when you picked that up?

A. I believe it was on the 13th, my roommate and I, Marge Mahoney and I, had come home from seeing friends in Oak Park, and the young man that drove us home, we found the notice of the telegram when we got there, and we called [29] to find out where we could pick up the money, and it was in the Loop, so the young man who drove us home also drove up down to the Loop and then drove me out to the airport so I could catch the plane that night.

Q. How old are you now, Miss Elliott?

A. Twenty one.

(Testimony of Elaine Elliott.)

Q. And how old were you during the period you're now testifying about? A. Nineteen.

Q. Now, you picked up the money at the Western Union office, I understand? A. Yes.

Q. All right, what did you do then?

A. I went to the airport.

Q. Go ahead.

A. And I had a reservation, I had to take a reservation on United Airlines instead of the Northwest, as he expected me to, because I hadn't let them know ahead of time that I wanted space on the plane.

Q. Did you yourself see the telegram or money order that was sent to Marge Mahoney?

A. Yes, I did.

Q. What was the name of the sender in that telegram?

Mr. Olson: We object to it, your Honor——

Q. If you saw it. [30]

Mr. Olson: ——her testifying to the telegram; the telegram itself is the best evidence.

Mr. Freeman: We'll have the telegram here, your Honor.

The Court: Well, I'll sustain the objection, then, unless you can show the telegram isn't available.

Q. (By Mr. Freeman): All right, you took the United Airlines to Seattle, is that correct?

A. Yes.

Q. Traveling alone? A. Yes.

Q. Now, tell us what took place in Seattle upon your arrival there.

(Testimony of Elaine Elliott.)

A. Well, in our phone conversation he had told me he would have me registered at the Olympic Hotel under the name of Elaine Palmer.

Q. Did he explain that?

A. He connected it with the same reason he was sending the telegram to my roommate.

Q. You mean referring to the FBI?

A. Yes.

Q. I see. Tell us exactly what he said in that regard, Miss Elliott.

A. He said that he didn't want anybody to know that he was bringing me out, and that I shouldn't register under my [31] own name, but under the name of Elaine Palmer.

Q. All right, go ahead and tell us what happened after you arrived at the hotel.

A. I went to the Olympic Hotel from the airport and I inquired as to whether or not there was a registration for Elaine Elliott, and—or Elaine Palmer, and they said that there had been none, so I went out to the airport to see if he could be meeting the plane that I was supposed to have been on, which came in later, and he wasn't at the airport. I came back to town again, after leaving word at the airport that if anyone inquired about Elaine Elliott or Elaine Palmer that I would be at the Earl Hotel, which was down the street from the Olympic Hotel. I also left the same message with different ones at the Olympic in case he inquired of anybody about me.

(Testimony of Elaine Elliott.)

Q. Why did you stay at the Earl Hotel, Miss Elliott?

A. Well, the Olympic Hotel was filled, they had no rooms.

Q. Did you yourself then register at the Earl Hotel? A. Yes, I did.

Q. Under what name? A. Elaine Elliott.

Q. All right, tell us what happened then.

A. Well, I had given up on finding him myself, so I decided to stay in my room and let him find me, and about 8:30 or 9 o'clock in the evening he called from the lobby and [32] asked if he could come up.

Q. All right, now tell us what if any conversation you had with him at the Earl Hotel that night.

A. Well, just that we reviewed the past months and our feeling for each other.

Q. Was he affectionate toward you?

A. Very affectionate.

Q. Go ahead.

A. And he said he had made lots of plans for me, and I said "What sort of plans?" and he said "Oh, I've thought this over for months" and I said "What is it?" and he said "Well, I'm going to put you into a joint to work."

Q. Put you into what?

A. Into a joint, and I asked him further questions on it at the time.

Q. What did he mean by a joint?

A. I didn't know.

Mr. Olson: Object to that.

(Testimony of Elaine Elliott.)

The Court: Sustain the objection.

Q. Did he explain what he meant?

A. No.

Q. Did you ask for an explanation?

A. Not until the next morning.

Q. Where did you meet the next morning?

A. We went to the Richeleau Cafe for breakfast.

Q. Did [33] he stay overnight at your hotel?

A. Yes.

Q. What happened the following morning?

A. The following morning I asked him what did he mean by a joint, and he told me it was a house of prostitution.

The Court: We'll take a five minute recess.

(Short recess.)

(All parties present as before, and the trial was resumed.)

(Whereupon, the reporter read the last previous question and answer.)

Q. (By Mr. Freeman): What other conversation did he have with you that morning, Miss Elliott?

A. Well, when he said a house of prostitution I said I would leave immediately, and he said why didn't I wait until he explained it to me. I said "What is there to explain?" He said "Well, you have to get to know the type of people that we're going to be dealing with if we're going to be together the rest of our lives, and I asked again what it was and he was going to put me in one house for four weeks and in another house for another four

(Testimony of Elaine Elliott.)

weeks and still another for another four weeks, and I would know enough to be able to have my own house in Texas where he said he planned on buying a franchise from the Chicago syndicate, from the rackets.

Q. What was your response to that, Miss Elliott?

A. I said I couldn't consider it, and that I would like to leave immediately, and he told me—did a complete change, and said "Oh, forget about it" as though it had been sort of a joke or something.

Q. Was there any other conversation had with him that morning?

A. Not except that he said we were going to go to Yakima in the afternoon.

Q. All right, what happened? Did you go to Yakima? A. Yes, we did.

Q. Who went to Yakima?

A. Tex Reed and Tom and myself went as far as I believe it was the town of Cle Elum, and there we picked up a girl by the name of Vicky Reed.

Q. Who is Tex Reed, if you know?

A. Tex Reed is a gambler.

Q. Was he a friend of Chamales'?

A. He's a very close friend of Tom.

Q. So in the drive to Yakima, did you drive by car? A. Yes, in Tex Reed's car.

Q. How many in the car?

A. Three until Cle Elum, and then four.

Q. Chamales, yourself, Tex Reed, and then Vicky Reed, his wife? [35] A. Yes.

(Testimony of Elaine Elliott.)

Q. All right, and when did you arrive in Yakima?

A. Early that—late that afternoon or early in the evening.

Q. That would be about three or four days or two or three days after you arrived in Seattle by plane?

A. Well, I believe I arrived on a Sunday, and it was a Monday that we arrived in Yakima.

Q. About the second week in August of '49, is that correct? A. Yes.

Q. All right, what did you do after you arrived in Yakima, where did you go?

A. Well, he took me in the back door to the Commercial Hotel, and when I inquired, he said well, he didn't want anybody to know I was there; he took me up to the room, and at that time of course I was quite hysterical and quite nervous from his having said what he did in the morning, and he gave me a phenobarbital so that I could get some sleep.

Q. Did you stay that night in the Yakima hotel?

A. Yes.

Q. All right, what happened then? Where did you go and what did you do?

A. Well, the next day he drove me to Marian and Ben Roscoe's to see their new baby.

Q. Now, who were they? [36]

A. Ben Roscoe was an employee of Tom's, I believe.

Q. At the Commercial Hotel?

(Testimony of Elaine Elliott.)

A. Well, connected with Lustron.

Q. And where did you spend the next night?

A. Well, he drove me to the Rest Haven Motel in Richard Sullivan's car.

Q. Is that a motel or a hotel?

A. It's a motel, I believe.

Q. And where is it at?

A. It's quite a ways out; it's not close to any business district or anything or any residence section; it's over a river.

Q. Out of where? A. Out of Yakima.

Q. Oh, out of Yakima. All right, who registered at the motel, if you know?

A. As far as I know he did.

Q. Do you know the name that he registered with or under?

A. Well, he told me that we were registered under the name of Richard Sullivan, because we had his car.

Q. Because you had Sullivan's car?

A. Yes.

Q. All right, tell us what took place at the Rest Haven Motel that night.

A. Well, we had been there about twenty minutes, and he told [37] me that he had to go back into town to get some things and that he was going to explain the whole business to me of what he wanted of me and what he wanted me to do, and that he was going to give me the time in which he was going back to town and would be back at the hotel again

(Testimony of Elaine Elliott.)

to decide for good and all if I wanted to go along with him.

Q. When did you next see him, then?

A. The next time I saw him was about a half hour or an hour after he left to go back to Yakima, and he came back, and he asked me what I was going to do, and I said that I couldn't, of course do anything like that, that I'd rather die than be one of what he wanted me to be, and he became quite angry with me, and so he threatened to leave, he said he was going to leave me there. I was very much frightened because it was very dark and it's a very lonesome spot, and I asked him why, and he used very profane language at me and told me that he couldn't stand to see me around, and then he slapped me across the face because I answered him back in some way, I don't remember how, and I became hysterical and he walked out and he was back in about five minutes and wanted to know what did I think I was going to do, and I said I didn't think it should worry him, and he decided then to stay, and he stayed and slept there in the evening, and [38] the next morning——

Q. How much money did you have in your possession at that time?

A. At that time I had about \$85.00.

Q. About \$85.00? A. Yes.

Q. All right, what happened the next day after the night you had stayed at the Rest Haven Motel?

A. He left early in the morning and went into Yakima, and I didn't know whether or not he was

(Testimony of Elaine Elliott.)

coming back or not; he said he would, but he was gone so long I walked down to the garage that was about a mile down the road, and I asked them if I could buy some cigarettes, and I came back, and in about fifteen minutes he had driven up with Richard Sullivan and they took me back to Seattle.

Q. Who is Richard Sullivan, Miss Elliott?

A. Richard Sullivan is a resident of Muskogee, I believe, or Chicago. I believe he's a broker in Chicago.

Q. Was he a friend of yours or a friend of Chamales'?

A. He's a friend of Mr. Chamales.

Q. All right, where did you go after you left the Rest Haven Motel? A. We went to Seattle.

Q. Now, who do you mean by we?

A. Richard Sullivan, Thomas Chamales and myself. [39]

Q. The three of you? A. Yes.

Q. When did you arrive in Seattle?

A. I believe it was early in the evening.

Q. All right, tell us what happened in Seattle.

A. Well, he told me to check out of the Earl Hotel and pay my bill and then check into the Wilhard Hotel, where he said I would be registered as Elaine Palmer.

Q. Now, who registered? Did you, or did he register for you? A. He registered for me.

Q. All right, go ahead, tell us what happened in the Wilhard Hotel.

A. I checked into the Wilhard Hotel and we

(Testimony of Elaine Elliott.)

went out in the evening, and he was bringing up the subject of the prostitution occasionally, telling me I'd have to go along with him and that he had to have me, and that he thought I needed him no matter what it was that we were doing.

Q. Where was he staying in Seattle, if you know?

A. I believe he stayed at the Caledonia.

Q. Now, how many days were you in Seattle after you arrived there before you called the FBI?

A. About ten days, I believe, a week or ten days.

Q. A week or ten days; now, how often did you see Chamales during that period? [40]

A. Well, I saw him about four nights, I believe, four or five nights after I got back to Seattle, and during that time he had spoken many times of our being together and how important it was and——

Q. Did you tell him you were going to leave him in Seattle?

A. Yes, after one night when we had gone to a restaurant and three men that he knew came into the restaurant, and were very polite and very nice to me, and one man had said something that was rather profane and he excused himself. Immediately afterwards Tom told a story that was extremely lewd and I was very much hurt that he would try to drag down the respect that others had for me by telling a story in front of me like that, and I went back to the hotel and I called the bus station to find out when the busses were leaving for Chicago, and he had told me to go back to the hotel,

(Testimony of Elaine Elliott.)

and when he came up later I told him that I was going to leave, I was going to take a bus and leave, and he said "Well, that's fine," and he said "Well, as long as I'm here may I stay," and I said yes, and he went to sleep immediately.

Q. Who paid the fare back to Chicago, your fare back to Chicago?

A. Two friends of mine helped me get back to Chicago.

Q. Chamales didn't give you the money for the trip back? A. No. [41]

Q. And I take it you called the Federal Bureau of Investigation shortly before you left for Chicago?

A. About three days, I believe.

Q. What was your purpose in calling the Federal Bureau of Investigation?

A. Well, Tom had gone back——

Mr. Olson: Now, if your Honor please, I don't think that's proper examination.

The Court: Yes; it might be redirect, but if the motive is gone into at this time I'll sustain the objection.

Mr. Freeman: I'll withdraw it, your Honor.

Q. (By Mr. Freeman): Have you seen Chamales since you arrived back in Chicago from Seattle? A. I have seen him, yes.

Q. Just occasionally?

A. Well, I have never spoken to him. I was in a restaurant one time when he walked in.

Q. I see; you have had nothing to do with him.

(Testimony of Elaine Elliott.)

I mean since you left Seattle and went back to Chicago? A. That's right.

Mr. Freeman: You may examine.

Cross-Examination

By Mr. Olson:

Q. You have been married, have you not?

A. Yes, I have. [42]

Q. And your husband's name is what?

A. Wright Andrew Elliott.

Q. You have subsequently been divorced from him? A. Yes.

Q. Now, when you first met Mr. Chamales that was in Chicago, as I understand it? A. Yes.

Q. And you say that he was introduced to you by a mutual friend?

A. Not exactly introduced, but recommended.

Q. Well, the introduction was arranged?

A. Yes.

Q. That was by Marty McDonald?

A. Martin McDonald, yes.

Q. Well, his name is Marty McDonald, isn't it?

A. I believe it's Martin.

Q. You never heard him called Marty McDonald?

A. I've heard him called Marty, yes.

Q. That's practically all anyone calls him, isn't it? A. I don't know.

Q. He is a—well, who is he?

A. I don't know just exactly what you mean by that.

Q. Well, you know him quite well, do you not?

(Testimony of Elaine Elliott.)

A. I didn't know him well, no. I had dated him once or twice.

Q. You had dated him once or twice? [43]

A. Yes.

Q. How long before you arranged the introduction with Mr. Chamales had you dated Marty McDonald, Miss Elliot?

A. Oh, about two or three weeks, I believe. I'm not sure of that date.

Q. Could it have been more than once or twice that you dated him?

A. No, I don't believe so.

Q. You don't believe so. Marty McDonald called you and told you that Mr. Chamales, Tom Chamales, was going to call you for a date?

A. No, he didn't.

Q. Pardon? A. No, he didn't.

Q. Well, what did he tell you?

A. He asked me if I would arrange a date for Mr. Chamales and we would double date.

Q. Well, did you arrange one for him?

A. I said at the time I didn't know anyone that I could introduce him to.

Q. And then when Tom Chamales called you he asked you for a date?

A. Yes, he told me that Marty was out of town and that he'd like me to go to lunch with him.

Q. And you accepted? [44] A. Yes, I did.

(Whereupon, photostatic copy of marriage license was marked Defendant's Exhibit No. 1 for identification.)

(Testimony of Elaine Elliott.)

Q. Showing you, Mrs. Elliot, the defendant's identification number 1, I'll ask you if you can state what that is?

A. It's a marriage license.

Q. And whose?

A. My husband's and mine.

Q. And also the certificate of your marriage?

A. Yes. I believe so.

Q. What is the date, by the way, that that shows that you and your husband Wright Elliot became married?

A. August 6th—no, August 7th, 1946.

Mr. Olson: We offer Defendant's identification 1 in evidence.

Mr. Freeman: I don't believe, your Honor, that it is relevant to any issue in this cause, and I object to it on that basis.

The Court: I fail to see the materiality of it.

Mr. Olson: I think it's very material, your Honor, to show this lady's marital status.

The Court: She says that she's been married.

Mr. Olson: Yes.

The Court: Well, I'll admit it; it's a matter of [45] record, she says she's been married. It will be admitted.

(Whereupon, Defendant's Exhibit No. 1 for identification was admitted in evidence.)

(Whereupon, certified copy of divorce complaint was marked Defendant's Exhibit No. 2 for identification.)

(Testimony of Elaine Elliott.)

(Whereupon, certified copy of divorce decree was marked Defendant's Exhibit No. 3 for identification.)

Mr. Olson: If your Honor please, at this time we offer in evidence defendant's identification 2 and defendant's identification 3, defendant's identification 2 being a certified copy of the complaint for divorce, and 3 being a certified copy of the decree of divorce in the divorce action.

Mr. Freeman: Your Honor, I object to both of them on the same grounds, that they're not relevant to any issue in this case.

The Court: Will the jury step out just a moment, please?

(Whereupon, the following proceedings were had without the presence of the jury.)

Mr. Freeman: If your Honor please, the only purpose it seems to me of—

The Court: I've glanced at the divorce complaint; it shows the grounds on which the complaint was based or [46] stated therein. I'll hear Mr. Olson on that.

Mr. Olson: Your Honor, certainly the decree is admissible, and the complaint—

The Court: I'm not so sure the decree is admissible. It isn't your contention, is it, that there's any difference between married and single women so far as the application of the White Slave Traffic law is concerned?

Mr. Olson: No, your Honor, but it has a great deal to do with the likelihood of the correctness—

(Testimony of Elaine Elliott.)

The Court: Likelihood of what?

Mr. Olson: The likelihood of the veracity, the correctness and truth of the testimony of the complaining witness.

The Court: That's a new one on me, if divorce proceedings affected the credibility of a witness a number of witnesses would be seriously limited, particularly in Hollywood.

Mr. Olson: That's not the purpose; when you show the marriage is before the transaction, and the divorce is after the transaction, it shows definitely the marital status of this witness at the time this transaction took place. I don't contend that the fact that the lady has been divorced, that that fact affects her credibility. What I'm attempting to show by the marriage certificate and by the decree of divorce is that at the time of this [47] transaction this lady was a married woman.

The Court: Well, I think you can show that, all right, but I don't believe the contents of these documents are admissible. If there's an allegation or even a finding, perhaps on default without her appearing, as to what her conduct may have been, I don't believe that's proof, even assuming it might be admissible here, it wouldn't be proper proof of the facts alleged in the complaint or perhaps shown in the decree. I think she has stated she was divorced. You may bring out when she was divorced, but I'll sustain the objection to these exhibits. Exception will be allowed to the defendant.

Bring in the jury.

(Testimony of Elaine Elliott.)

(Whereupon, the following proceedings were had within the presence of the jury.)

Cross-Examination

(Continued)

By Mr. Olson:

Q. Elaine Elliot, for the purpose of refreshing your recollection I'll hand you defendant's identification 2 and will ask you when the divorce action between you and your husband was instituted?

A. Do you mean when——

Q. When was it started?

A. When was it started?

Q. Yes, when was it commenced?

A. The 14th day of February, 1949. [48]

Q. 14th day of February, 1949? A. Yes.

Q. And handing you defendant's identification number 3 I'll ask you when, for the purpose of refreshing your recollection, what date you were divorced from your husband?

A. Actually on October 9, but it was dated October 2.

Mr. Freeman: Of what year, Miss Elliot?

A. Of 1950.

Q. So that you and your husband Wright Elliott were divorced in October of last year?

A. Yes.

Q. About three months ago? A. Yes.

Q. Then at the time of your meeting Mr. Cha-

(Testimony of Elaine Elliott.)

males and at the time of your trip, each of the two trips, you were married to Wright Elliott?

A. I was separated from Wright Elliott.

Q. But married to him? A. Yes.

Q. Now, when you met Tom where did you meet him in Chicago, whereabouts?

A. I met him for lunch at the Chicago Athletic Club.

Q. And that was pursuant to the phone call that you had with him? [49] A. Yes.

Q. Now, what took place on that occasion?

A. We went to the dining room and had lunch and sat and talked for quite a while, I believe almost three hours.

Q. Where was it, in the bar, or the dining room, or whereabouts? A. In the dining room.

Q. You met in the dining room about what time?

A. We didn't meet in the dining room; we met in the lobby.

Q. You met in the lobby? A. Yes.

Q. And how did you know who he was and how did he know who you were?

A. He said the doorman would point him out.

Q. Pardon?

A. He had let the doorman know I was expected; the doorman would introduce us or bring us together.

Q. Were you known by the doorman?

A. No.

Q. I still don't understand——

A. I inquired of the doorman if there was a Mr.

(Testimony of Elaine Elliott.)

Thomas Chamales in the lobby waiting for someone, and he said yes, and took me over there to him.

Q. Now, this hotel in Chicago is quite a large hotel, or a large club, is it not? [50]

A. I believe so. I don't know very much about it.

Q. Are there a number of ladies that come in and out?

A. There's one entrance for ladies. They're not allowed any place but in the dining rooms and some of the cocktail lounges, and the ladies' visiting room or visitors room.

Q. Did the doorman know you when you got there?

A. No, but I told him I was the guest of a member.

Q. Anyhow, you met Mr. Chamales there in the lobby and then you went direct to the dining room?

A. Yes.

Q. And had lunch? A. Yes.

Q. Did you have anything to drink there?

A. Not that I recall, no.

Q. Then when you and Mr. Chamales had lunch you say you conferred back and forth about three hours? A. Yes.

Q. And what time of the day, approximately, was it?

A. Well, early in the afternoon, going into late afternoon.

Q. Pardon?

A. Early afternoon going into late afternoon.

(Testimony of Elaine Elliott.)

Q. Well, do you recall about what time it was you met him? A. No, I don't.

Q. Whether it was 1 o'clock or 2 o'clock? [51]

A. No, I don't.

Q. And what was your conversation there that you had with him?

A. We spoke of many things, our marital positions and a little bit of psychology, a little bit of news about everything.

Q. Now, you say that you fell in love with him at first sight, as I understood you, is that right?

A. That's right.

Q. And by that you mean you fell in love with him that afternoon? A. Yes, sir.

Q. Did you tell him so? A. No, sir.

Q. Did he indicate that he was in love with you?

A. No, sir.

Q. Was it even discussed or mentioned?

A. No.

Q. Or referred to? A. No.

Q. You then met that afternoon, as I understand it you fell in love with him, but your conversation was more or less general conversation?

A. That's right.

Q. At that time he told you—was it at this conversation [52] that he told you of his connection with the Lustron Company?

A. I don't remember which evening it was.

Q. And did he tell you of any connection with the hotel?

(Testimony of Elaine Elliott.)

A. I don't remember when he said it; he did tell me at one time.

Q. While you were dating in Chicago? Was that before you left Chicago that he told you that?

A. Yes, I believe so.

Q. Did you gain the impression from those conferences that he was a very wealthy man?

A. I gained the impression that his father was very wealthy.

Q. Did he use big figures in his conversations with you?

A. Not particularly. He had great plans and hopes for the Lustron Company and the money that he might be able to make some day.

Q. Did he indicate how much he was going to make off of the Lustron Company?

A. I don't remember if he ever said.

Q. Have you any recollection on that, as to what he indicated?

A. No, I don't. The way I understood it, it was a great big chance that he was taking, and he wasn't sure he'd get anything out of it.

Q. What did he say? Do you remember anything about his [53] conversation about the Lustron Corporation?

A. Well, he told me that they were trying to get the franchise, or they had the franchise, they were trying to get the contract to build Lustron homes for the Richland project.

Q. Did he indicate to you that if he got that

(Testimony of Elaine Elliott.)

contract, and having this franchise, that he was going to make a million dollars?

A. No. He was quite honest about it, that it might never work out.

Q. But that if it did, that it would bring a lot of money?

A. I believe it would. I don't know. I didn't know anything about the situation except that he was in this deal and was quite excited about it.

Q. He also indicated to you that his father was very wealthy, is that correct?

A. Yes, he said his father was retired.

Q. And did he tell you about the hotel, the Commercial Hotel that his father operated in Yakima?

A. He didn't tell me much about it until we spoke of my being employed there.

Q. You don't recall any discussion of it on the first meeting with Mr. Chamales?

A. No, I don't recall it; there could have been, but I don't recall it. [54]

Q. The matter of your employment wasn't discussed the first meeting with Mr. Chamales?

A. No.

Q. Well, then, what time did Mr. Chamales take you home? A. I don't remember.

Q. Do you know whether it was before dinner that day?

A. I really can't say, I don't remember it well enough, but I don't think I had a date with him in the evening; I believe it was just an afternoon date.

(Testimony of Elaine Elliott.)

Q. Mr. Chamales' treatment of you was entirely proper in every respect?

A. Extremely proper.

Q. Extremely so? A. Yes.

Q. He was polite? A. Very polite.

Q. Courteous? A. Very courteous.

Q. Made no advance—— A. No.

Q. ——of any kind? A. None.

Q. Referred to none? A. No.

Q. And when did you see him again? [55]

A. The next evening, I believe.

Q. Did you ask him to call you again?

A. No, I didn't.

Q. Where did you see him the next evening?

A. I don't remember where we went. He picked me up at the place where I was living, and we went out. I can't say exactly where we went. I know that we did go to a number of places in Chicago during the time we were dating there.

Q. Can you give me any idea of the time other than so many weeks before Easter? Can you give me any idea of the time at all?

A. I can't give you exact dates.

Q. Can you give us approximate dates?

A. As close as I can come, to my recollection it was about six weeks before Easter that I met him.

Q. What month would that be?

A. February or March.

Q. Do you know whether it was February or whether it was March? A. No, I don't.

Q. You're sure it was 1949?

(Testimony of Elaine Elliott.)

A. I'm pretty sure. Everything happened in the same year, and I was very sure it was 1949, later.

Q. Well, then, you're not sure when you first met him whether it was the latter part of February or the early part of [56] March?

A. No, I'm not.

Q. And then you think you saw him the next evening?

A. Yes, I believe so.

Q. You don't remember where?

A. I don't remember where we went.

Q. You don't remember whether it was a dinner date or not?

A. Yes, it was a dinner date.

Q. And where did you have dinner?

A. As close as I can remember it was either the Ivanhoe or——

Q. Pardon?

A. I think it could have been the Ivanhoe. I don't remember exactly.

Q. What was the nature of that meeting with Mr. Chamales?

A. Merely a date.

Q. Did you go any place besides for dinner?

A. I really don't recall right now.

Q. Where were you then living?

A. With the same place my mother was, in Austin.

Q. Pardon?

A. I was living in the same home as my mother in Austin.

Q. You and your husband had lived together with your mother, had you not, at the same place?

A. No.

(Testimony of Elaine Elliott.)

Q. With your grandmother? [57]

A. Grandmother.

Q. Had you moved from the place where you and your husband had been living?

A. Oh, yes.

Q. And had moved from your grandmother's place where you and your husband had lived together, to your mother's place?

A. That's right.

Q. And you and your husband Wright Elliott had a child, did you not?

A. That's right.

Q. And when you left did Wright Elliott stay at your grandmother's place?

A. I left both he and the child.

Q. You left both your husband and child at your grandmother's place?

A. Yes.

Q. Well, now, on this second trip was there anything—how did Tom treat you on the second trip, your second meeting, how did Tom treat you on that trip?

A. The same way as the first, very proper.

Q. Very proper?

A. Yes.

Q. Very courteous to you?

A. Yes. [58]

Q. Very polite?

A. Extremely so.

Q. And he didn't mention being in love with you?

A. No, he mentioned that he was——

Q. Pardon?

A. ——that he was very happy to be with me.

Q. Did he make any advances to you of any kind?

A. No.

Q. Is it possible, Mrs. Elliott, that there could

(Testimony of Elaine Elliott.)

be a couple of days in between the first meeting and the second meeting?

A. It may be; I don't remember that closely, just when it was.

Q. In other words, you're not positive that after seeing you the first afternoon, that he again had a date with you the next night or next evening?

A. I'm almost positive.

Q. Well, is it possible that there was a couple of days in between?

A. Anything could be possible; I don't remember.

Q. Well, then, when did you next see Mr. Chamales?

A. I believe I saw him, from the first day that we met at the Athletic Club, I saw him continuously every evening until he went to Washington, D.C., as far as I recall.

Q. Well, where did you go, if you saw him that many times? [59]

A. Went to a great many places; went to the Yar, as a special favor to me because I had never been there.

Q. To the Yar?

A. To the Yar Restaurant.

Q. Do you remember which one of the dates with him that was? A. No, I don't.

Q. Do you remember going to this Dick Sullivan's place for dinner?

A. Yes, we did; we had turkey dinner at Dick Sullivan's.

(Testimony of Elaine Elliott.)

Q. Dick Sullivan is about how old?

A. I don't know.

Q. He's married? A. Yes.

Q. Has three children?

A. Two or three children.

Q. Two or three children; and when Mr. Chamales took you to his place it was at his home?

A. Yes.

Q. His wife was there? A. Yes.

Q. His family were there? A. Yes.

Q. And he simply took you there for dinner with the Sullivan family? A. That's right. [60]

Q. Mr. Sullivan being a friend of Mr. Chamales?

A. That's right.

Q. And is it not possible that that was the second time that you met Tom, that you went to the Sullivan place for dinner?

A. Could be possible, but I don't recall which day it was.

Q. You wouldn't say that it wasn't?

A. I wouldn't say that it wasn't; I wouldn't say either way.

Q. You just can't tell us in any chronological order where you met Mr. Chamales or what particularly transpired on any of those occasions?

A. Well, I can tell you that we went to I believe two plays; we had dinner; we went up to Mr. Crowley and Tom's sister's apartment one time before a play.

Q. Mr. Crowley, that's the gentleman sitting right behind me? A. Yes, sir.

(Testimony of Elaine Elliott.)

Q. He's married to Mr. Chamales' sister?

A. Yes, sir.

Q. And on one of the occasions that you were out with Mr. Chamales he took you up to his sister and brother-in-law's place? A. Yes, sir.

Q. And was there any advance or any improper conduct on the part of Mr. Chamales at that time?

A. Mr. Chamales treated me very fine all the time we were in [61] Chicago.

Q. In other words, as I understand it then, the entire meetings that you had with Mr. Chamales, irrespective of whether there were a lot or a few or whatever there was, his treatment toward you was one of utmost propriety? A. Exactly.

Q. He never made any improper advances to you, either conversation-wise or by actions of any kind? A. No, sir.

Q. As I understand it, it is your testimony and it is the fact that all the time that you were in Chicago prior to this first trip and prior to getting on the train, that Mr. Chamales never by word or by action or otherwise made any improper advances toward you in any way? A. That is correct.

Q. Did he during any of that time ever kiss you?

A. Yes, he always kissed me good night.

Q. Did he do that on the first afternoon?

A. No, I don't believe so.

Q. How long after you had met him did he kiss you good night? A. I really couldn't say.

Q. Do you think it was a week?

Mr. Freeman: Your Honor please, I can't see

(Testimony of Elaine Elliott.)

the materiality of this line of questioning. I grant you this is cross-examination, but whether he kissed her the first [62] or second night or the third night——

The Court: Well, I'll overrule the objection.

Q. You can't say, is that right?

A. That's right.

Q. Now, do you remember, Mrs. Elliott, where you were or when it was that the topic of your coming out to Yakima to work in the hotel was first discussed?

A. I believe it was at the Yar.

Q. How do you spell that? A. Y-a-r.

Q. Now, how long before you actually came out to Yakima was that?

A. About a week, I believe; maybe more, maybe less.

Q. How long was it between the time you first met Mr. Chamales until you left Chicago to come to Yakima with him? A. About two weeks.

Q. About two weeks? A. Yes.

Q. So then it was about half way between the period that elapsed from the time that you met him until you left Yakima that you first discussed with him making a trip out to Yakima?

A. I'm sorry, that's a little too confusing.

Q. Well, I don't want to confuse you. From the first time [63] you first met Mr. Chamales until you got on the train to come to Yakima was approximately two weeks? A. Yes.

Q. And it was about half way in between, or

(Testimony of Elaine Elliott.)

approximately one week before you came, that you first discussed the possibility of your coming to Yakima, or did I misunderstand you?

A. I don't know. You mean—well, it was about a week or ten days after I met him that we discussed my working in Washington, in Yakima. That's as close as I can get to what I think you're trying to arrive at.

Q. Now, who brought the subject up?

A. Well, I just happened to mention that I was going to get a night job in a checkroom because I had known some girls who had done it and they said it was very good pay and it was not extremely hard work, and it was fun to see the celebrities and things like that, and I said that I thought I'd like to do it for a while.

Q. Were you then unemployed?

A. I was free lancing as a model.

Q. Just what does that mean?

A. Well, I do photography work and had done radio and television—not at the time I hadn't done television, but I have since then, and fashion shows and more or less secretarial work at conventions, or handing out the [64] pamphlets and things like that.

Q. How do you get that kind of a job?

A. How do I get the work?

Q. Yes.

A. Through an agency, the Pat Stevens Agency.

Q. Through what?

A. The Patricia Stevens Model Agency.

(Testimony of Elaine Elliott.)

Q. The Patricia Stevens Model Agency?

A. Yes, Model Bureau.

Q. Were you working for Patricia Stevens?

A. I was working with them as an agent with the agency as the—well, I don't know how best I can explain it. It's an agency where the clients call them up, and they call us up, and they get 10 per cent of whatever the clients pay us.

Q. Well you brought up the subject then with Mr. Chamales that you were thinking about taking a job as a hat check girl?

A. Yes.

Q. You have worked at that, as I understand it?

A. Now I have. I hadn't at the time.

Q. You hadn't at the time, but you have since, is that right?

A. Yes.

Q. Then during this conversation which was a week or ten [65] days after you met Mr. Chamales you discussed about coming out to Yakima to work in the Hotel, the Commercial Hotel in Yakima?

A. Yes, when he objected to my working at nights.

Q. And that was in the capacity of either a hostess in the dining room—

A. The dining room.

Q. —or as a secretary at the hotel, Mr. Chamales' secretary?

A. As secretary to Mr. Chamales for the Lustron business transactions.

Q. Did he indicate to you that his business transactions with the Lustron Corporation had

(Testimony of Elaine Elliott.)

reached the stage where he required the services of a secretary?

A. He had the services of a secretary, which however was pregnant, and he didn't believe, according to what he told me, that she would be able to keep on working for him.

Q. The secretary was going to have to cease her job? A. Yes.

Q. And the possibility was discussed of your taking her place? A. Yes.

Q. So that when you and Mr. Chamales discussed the matter that was the purpose for which you were to come to Yakima?

A. That's right.

Q. And then when you made the trip or got ready to make the trip your mother came with you clear to the train, did she? [66]

A. I don't remember whether she came to the train, or we left—yes, I believe she did, she came with us to the train station. Not to the train itself, but to the train station.

Q. Now, this Glass Hat that you talk about, where is that?

A. That's in the Congress Hotel.

Q. In Chicago? A. Yes.

Q. Did you meet Mr. Chamales there?

A. Yes, my mother and I met him there, and Mr. Roscoe, Ben Roscoe.

Q. You say you're almost sure you were with Mr. Chamales every night after you met him. I

(Testimony of Elaine Elliott.)

take it then he didn't make any trip to Washington?

A. I said except for the time he was in Washington, D. C.

Q. How long was he in Washington?

A. I have no idea now. I don't believe it was over two or three days that he left.

Q. Then when you got on the train did you discuss the method of your transportation at all, to Yakima?

A. He had asked me ahead of time whether or not I wanted to fly out or whether I wanted to take the train, and I said I had never flown, and I would feel much safer taking the train.

Q. But whether you traveled in one compartment or whether you [67] wouldn't, you never discussed that? A. Not that I remember.

Q. Well, is it possible that you would have discussed that and not remembered it?

A. I don't remember anything about it now.

Q. Well, would you say that it was or was not discussed?

A. I don't think it was. I never would have gone if I had realized we were going to be in the same compartment.

Q. Then you'd say it never was discussed?

A. Yes.

Q. Pardon? A. I would say that.

Q. What did you do when you first got on the train?

A. I believe we went to the lounge car.

(Testimony of Elaine Elliott.)

Q. Did you have your luggage with you?

A. I don't remember what happened to the luggage. I imagine it was taken from us by a porter.

Q. Do you remember? I don't care to have you imagine, Miss Elliott.

A. No, I don't remember.

Q. Did you go directly to this compartment?

A. Not that I know of; I think we went to the lounge car.

Q. Is that where the bar is? A. Yes.

Q. And did you then have some drinks [68] there? A. Yes.

Q. And what time did you retire to your compartment on the train?

A. We didn't stay in the lounge very long. I believe it was ten or fifteen minutes after the train started.

Q. What time was it when you boarded the train? Was that in the morning or afternoon?

A. It was evening.

Q. Then after ten or fifteen minutes you retired to your compartment? A. Yes.

Q. And was that the first time that you realized that you were occupying one compartment?

A. Yes, it is.

Q. What did you say?

Mr. Freeman: She said yes.

Q. No, I mean what did she say then.

A. I don't remember what I said in exact words. I know I wasn't extremely happy about it.

Q. Were you unhappy about it?

(Testimony of Elaine Elliott.)

A. My feelings for Mr. Chamales were so that I wasn't very unhappy about it, no.

Q. Was the train then moving? A. Yes.

Q. And do you know what is the next city you reach after you [69] leave Chicago on the way out?

A. You mean where did I get off, or what city did they stop at?

Q. What is the next city of any consequence the train goes through and stops at?

A. I have no idea. I don't even know if the train stopped.

Q. I didn't mean to interrupt. Did you make any effort to get off the train at all? A. No.

Q. Now, you say there were two berths in this compartment? A. Yes.

Q. An upper and a lower? A. Yes.

Q. And did you and Mr. Chamales occupy a single berth? A. Part of the time.

Q. And I understand you to say that wasn't particularly at his suggestion or at your suggestion?

A. No; he seemed to expect it then.

Q. Huh? A. He seemed to expect it.

Q. Well, what did you expect, or did you have any expectations?

A. I was content to let it go as it was.

Q. The arrangement was one that was entirely satisfactory with you? [70]

A. Not entirely, no, but I didn't want to argue with him; I was too fond of him.

Q. Did you protest in any respect at all?

A. I believe I did.

(Testimony of Elaine Elliott.)

Q. If so, what did you do?

A. I don't believe I did anything.

Q. What did you say?

A. Well, I was rather surprised to find that we had a compartment.

Q. Pardon?

A. I just said that I was rather surprised to find that we had a compartment.

Q. You entered the compartment with Mr. Chamales, however, and stayed there?

A. I did.

Q. You were not forced to at all? Your answer is no? A. No.

Q. Well, now, how long then were you on the train coming out to Yakima?

A. Two and a half or three days, I believe.

Q. And you continued to occupy that compartment all the way out? A. Yes, sir.

Q. You never complained to the porter or conductor? A. No, sir. [71]

Q. You never. The train stopped many times, I suppose, coming along on the trip?

A. I don't know; I didn't count whether the train stopped or not.

Q. It wasn't a through train from Chicago to Yakima? A. I don't know if it was or not.

Q. You mean you can't tell us whether or not the train ever stopped?

A. I wasn't quite interested in whether or not the train was stopping.

(Testimony of Elaine Elliott.)

Q. You say you weren't quite interested in that?

A. No.

Q. What were you interested in?

A. Mr. Chamales.

Q. So that your interest in him then was to such an extent that you're not sure whether the train ever stopped even once, is that right?

A. That's right.

Q. From the time you left Chicago until the time it arrived in Yakima, is that true?

A. That's right.

Q. I take it then you had no objections whatever to Mr. Chamales' treatment of you on that trip?

A. Well, you can't very well undo something that's already done. [72]

Q. Well, did your sexual relations with him continue throughout the trip out? A. Yes.

Q. Now, had you at that time yet advised him that you were married? A. Yes.

Q. Then you arrived in Yakima in the night sometime, as I understand, either late night or early morning? A. Yes.

Q. And you immediately went to the hotel, is that right? A. Commercial Hotel.

Q. The Commercial Hotel? A. Yes.

Q. Now, you had by that time, as I understand it, occupied the same compartment for two and a half days with Mr. Chamales? A. Yes.

Q. And was there any question of your knowing then when you got to the Commercial Hotel as to

(Testimony of Elaine Elliott.)

whether you were going to occupy the same room with him or not?

A. Yes, I thought I should have my own room.

Q. But he took you into his quarters there?

A. Yes, he said there was no other room for me.

Q. That's the manager's living quarters there at the hotel, is it not? [73] A. As far as I know.

Q. Now, his father and mother who owned the hotel were not there? A. Who?

Q. Mr. Chamales' father and mother, Tom Chamales, Sr., and his wife; in other words, Tom's father and mother, were not at the hotel?

A. I never saw them.

Q. When you arrived the first time?

A. I never saw them.

Q. Well, as a matter of fact, they just weren't in town at all?

A. I don't know. I didn't see them; that's as far as I know.

Q. Well, you were at the hotel how long on the first trip? Two weeks? Three weeks?

A. Two to three weeks. I don't recall exactly.

Q. And yet you can't state whether or not Mr. and Mrs. Chamales, Sr., were in Yakima or not?

A. Well, it could be very possible that they were there and I didn't see them. However, he told me they were not there and I believed him, but whether they were actually there I don't know.

Q. Then your information was that they weren't there? A. That's right.

Q. Then you stayed in the room with Mr.

(Testimony of Elaine Elliott.)

Chamales for how [74] long, when you occupied the same room?

A. Approximately five days to a week.

Q. Can you give us any idea what time that was?

A. Do you mean the date?

Q. Yes. A. No, I can't.

Q. Can you tell us the room number?

A. I believe it was 301, or something like that.

Q. Is the room designated by any other name?

A. The Blue Room.

Q. The Blue Room? A. Yes.

Q. That is 501, isn't it, in the hotel?

A. What?

Q. Isn't it 501?

A. I really don't recall now.

Q. You don't know during these three weeks you were there whether you went to the third floor or the fifth floor? A. I don't remember now.

Q. You don't remember. You went to that room several times a day, I suppose, for a period of three weeks? A. Yes.

Q. Then when you moved to your own room, where was that with reference to this Blue Room?

A. It was about two rooms down the hall. [75]

Q. The same floor? A. Yes.

Q. And you stayed there, then, the rest of your stay in Yakima? A. Yes.

Q. Well, now, what was it that—during that time did Mr. Chamales and you sleep together every night? A. No.

Q. Just on occasions? A. Yes.

Q. And how did you get along while you were

(Testimony of Elaine Elliott.)

out there, then? A. We fought constantly.

Q. You began to fight after you got out in Yakima? A. Yes.

Q. When did that first start after you got out there?

A. Well, about three days after I got out.

Q. About three days afterwards. Do you remember what you started to fight about? A. Yes.

Q. What was it?

A. I was supposed to be sexually inhibited.

Q. Your sexual relations with him were not satisfactory, is that what you mean?

A. Not to him, no.

Q. So you started to quarrel about that? [76]

A. Yes.

Q. And did your quarreling continue for this next two to three week period?

A. Off and on, yes.

Q. And finally reached the point where you returned to Chicago? A. That's right.

Q. And it was because of your quarreling, because of your unsatisfactory sexual relationship, at least to him, that you returned to Chicago?

A. No, sir.

Q. Well, was it something else?

A. It was the whole thing, everything that happened, his friends, the situation, the way things were kept from me until it was too late; it was everything that happened in the whole trip that made me go back the first time.

Q. Well, had you then fallen out of love with him? A. I was still very much in love.

(Testimony of Elaine Elliott.)

Q. When you left you were still very much in love with him? A. Yes.

Q. And then he furnished you with the transportation back? A. As far as I know.

Q. Well, where did you get your ticket?

A. He told me that he was sending Ben Roscoe down to get the ticket, and Ben would bring it to me. [77]

Q. In other words, he did not take you to the train? A. No, he didn't.

Q. He had someone else take you to the train?

A. Yes, he did.

Q. He also told you that your relationship and his relationship hadn't worked out, that as far as he was concerned it was all over, didn't he?

A. No.

Q. Pardon?

A. He didn't explain a thing. We didn't even discuss the whole situation.

Q. Did you just leave in a huff because you were mad?

A. No. I told him I was going to leave, on a Sunday, I believe it was, and we both agreed on a period of two or three days before I would actually leave, and on the third or fourth day he told me that my bags would be ready, that my transportation would be ready.

Q. Isn't it a fact, Mrs. Elliott, that your quarreling continued to such an extent that you just—that Tom told you that the thing for you to do was just to go back to Chicago?

(Testimony of Elaine Elliott.)

A. No. I told him on Sunday that because of the type of friends that he had and the type of associations that he was bringing me into, that I had no further wish to stay in Yakima. [78]

Q. Well, then, when you went back to Yakima—or back to Chicago, as I understand it, you called Mr. Chamales the very next day after you returned?

A. Yes.

Q. And told him that you missed him, is that right? A. Yes.

Q. Told him that you loved him?

A. I believe I said so. I don't remember.

Q. Pardon?

A. I believe I did. I don't remember if I said I loved him.

Q. Well, do you remember anything else about that conversation?

A. I said that I missed him; he told me that he missed me, and did I want to come back, and I said yes.

Q. You had just no more than gotten home?

A. That's right.

Q. Then you called him on the telephone and among other things said you wanted to come back?

A. That's right.

Q. And you called him at the Commercial Hotel?

A. I believe so.

Q. And called him collect, did you, or did you pay for the call?

A. I believe I phoned collect.

(Testimony of Elaine Elliott.)

Q. Well, then, when did you call him next, or he you? [79]

A. I don't remember the next time that I called. I called him quite a few times in the interval that I was in Chicago.

Q. Would you say you called him as many as twenty times?

A. I may have tried twenty times. I didn't speak to him twenty times.

Q. Why didn't you—I don't follow you; you say you tried twenty times, but you didn't talk to him twenty times. What do you mean?

A. He wasn't always in.

Q. You were calling collect, were you not?

A. Yes.

Q. And is it a fact that he refused to accept your calls?

A. They never said he refused to accept a call. They always said he was either out of town or he wasn't where they could reach him.

Q. In other words, when you'd put in your call, why, you were told that he was out of town or was unavailable or something of that nature, is that right? A. Yes.

Q. And how many times would that occur on those calls?

A. Well, I really couldn't say how many times. I tried often when he wasn't there. I didn't think it was at all unusual that he wasn't there every minute.

(Testimony of Elaine Elliott.)

Q. Of course, you don't know whether he was there or not, [80] being in Chicago, do you?

A. No, I don't.

Q. So the information as far as you know is that you did call many, many times, and you were advised that he was not there?

A. Well, many times, perhaps twenty times in three months.

Q. Approximately twenty times in the three months that you called and were advised that he was not in?

A. Some of the times I got to speak to him, some of the times I didn't.

Q. How many times did he accept your calls?

A. I really couldn't say; about four or five times, I imagine.

Q. So that out of this number of calls there was four or five of them that were accepted?

A. Yes.

Q. Isn't it a fact that each one of those times, Mrs. Elliott, he told you to quit calling him?

A. He did not; he never said to stop calling him.

Q. Never did? A. Never.

Q. Told you to forget about him?

A. Never.

Q. And to stay in Chicago and run your own business? A. Never. [81]

Q. Never said that? A. Never.

Q. Well, after you went back, outside of this first call, there was quite some time that there

(Testimony of Elaine Elliott.)

was no phone conversation between you and Mr. Chamales at all, was there?

A. Between when?

Q. Between you and Mr. Chamales. In other words, you went home, I take it, sometime the first part of April? A. Yes.

Q. And right after you got home you called him and had the conversation about missing him?

A. Yes.

Q. Then wasn't there quite some time there wasn't any phone call at all?

A. Yes, until he called me in July.

Q. So then during May and June there was no phone conversation between you?

A. I believe I wrote a few letters and sent a couple of rather nasty telegrams.

Q. If the records of the Commercial Hotel showed that you called Mr. Chamales on the 14th of May would you say that that was correct?

A. If they say so it must be.

Q. And if they showed also that you called him again—speaking now of completed phone [82] calls—— A. Yes.

Q. ——not calls that you made, but calls that were completed—on June 15, 1949, would you say that that would be correct?

A. That could be.

Q. And that you called him again on June 20, 1949, if that could be correct?

A. One of those times I returned a call after he had called me.

Mr. Freeman: Are you going to offer that in

(Testimony of Elaine Elliott.)

evidence, Mr. Olson, the record of calls from the telephone company?

Mr. Olson: Not now, no.

Mr. Freeman: May I see it, then?

Mr. Olson: You mean you want to see what I've got in my hand?

Mr. Freeman: Yes, I'd like to see the record of calls from the telephone company.

Mr. Olson: Well, this is for my information.

Mr. Freeman: You do not have the record of calls from the telephone company?

Mr. Olson: I didn't say I didn't have the record of calls.

Mr. Freeman: You have been leading her to believe that you have. [83]

The Court: Proceed with the examination.

Q. (By Mr. Olson): Mrs. Elliott, on June 23, another call from you to Mr. Chamales, a completed call, would you say that that was correct?

A. Offhand I wouldn't say I talked to him that many times. I don't know. If the records show it, perhaps it's so, but I don't believe I talked to him that many times.

The Court: You're not to assume that the record shows anything. Mr. Olson is just asking you the questions. He holds the record there. You're not to assume the record shows anything. Just answer as best you remember.

A. As best I can remember I'm rather skeptical as to whether I did talk to him that often. It doesn't seem to me I have.

Q. (By Mr. Olson): Would you say that on

(Testimony of Elaine Elliott.)

August 2, 1949, that you called ten to twelve times to get hold of Mr. Chamales and finally did consummate a phone call with him on that date?

A. August 2?

Q. Do you remember that at all, August 2, or if you don't remember the date August 2, right around there?

A. Around that time, yes; he was supposed to send me money, and I called many, many times, to find out what had happened, the reason he hadn't sent me money for the fare [84] back.

Q. Well, then, prior to that you had had a phone call through which it had been arranged that he would send you some money to come out here?

A. Prior to that?

Q. Yes.

A. I believe so, or else during one of those times that I talked to him.

Q. Well, Mrs. Elliott, if I understood you correctly I understood you to say that you remembered calling many, many times on this one day.

A. I didn't say August 2, though.

Q. No, I appreciate you couldn't put your finger right on August 2, but on or about that time you remember calling many, many times to reach him, and finally did, because he was supposed to send you money and hadn't sent it?

A. On or about that date, yes.

Q. And I take it just before that time you had had some conversation with him in which he had said he would send you the money to come out?

A. Yes.

(Testimony of Elaine Elliott.)

Q. And the money hadn't come out?

A. That's right.

Q. And you wanted to come?

A. I definitely wanted to come. [85]

Q. So you called him to see what was holding this money up or why it didn't come, is that right?

A. Yes.

Q. Do you remember the phone call you had with him when he did agree that he would send you the money to come? A. Yes.

Q. Can you tell us approximately when that was?

A. It was the first part of August. I don't remember the exact date, but I do know when we were speaking about it I thought it would be possible for me to get to Yakima by his birthday, which was the 8th of August.

Q. Will you tell me just as nearly as you can what was the conversation that took place, what you said and what he said, on that phone call?

A. I believe he asked me if I had cooled down yet, because I was quite angry at the fact that he would make a promise and then not keep it, about writing or letting me know what was transpiring, and I said well, I thought I had, and he wanted to know if I was ready to come out, and I said yes, I was, and he said "How long are you going to be out for this time?" and I said "This time is for good," and he says "Are you sure, now, that this time you mean to stay?" and I said yes, and then he also asked me if I was willing to work, and I said yes.

(Testimony of Elaine Elliott.)

I was perfectly willing to work, I didn't intend to be a drudge on him. [86]

Q. Then I take it from that that Mr. Chamales was insisting that, or was interrogating you as to whether you were going to be willing to work?

A. Yes.

Q. Before he would send you the money to come out?

A. Well, it was all in the conversation. I don't know if it had any bearing on whether he was going to send me the money or not.

Q. You were then discussing the proposition as to whether or not he would send you the money to come out?

A. Not exactly; we were just discussing the whole thing in general, as to the advisability of him sending me the money to come out, whether or not I would be happy and he would be happy about it.

Q. You wanted to come, and you told him that?

A. I very definitely wanted to come.

Q. And he said "how long would you stay this time"?

A. Yes.

Q. And you said "This time I'll stay for good"?

A. Yes.

Q. And also he asked whether you would be willing to work in the hotel?

A. He didn't say in the hotel; he said "Would you be willing to work?"

Q. What kind of work? [87]

A. He didn't say in the hotel. He always made derogatory remarks about working, my not working,

(Testimony of Elaine Elliott.)

and I have been perfectly willing to work all my life, and have since I was thirteen.

Q. When you discussed working in the hotel, prior to the first trip, you told him you had had considerable experience with handling employees?

A. Handling employees?

Q. Yes, or handling people?

A. I don't know what you're speaking about.

Q. Isn't that Patricia Stevens school kind of a charm school?

A. It's a school and an agency combined.

Q. It's a charm school, isn't it, where girls come in and for a consideration are trained in how to apply lipstick and rouge and how to get poise and whatnot?

A. That's right, yes.

Q. And you explained to Mr. Chamales that you had worked in that school as an instructor?

A. Yes, I have.

Q. And that you had considerable training in handling people?

A. Handling people?

Q. Handling people, yes, being an instructor, being over them and training them.

A. I don't believe I ever said I had considerable experience.

Q. Did you say anything about it? [88]

A. I said that I had been an instructor in classes, not a regular instructor, but taking the place of instructors who couldn't be there, and I said that I was not especially adept at handling people.

Q. Didn't you tell him that you could go into

(Testimony of Elaine Elliott.)

this dining room of the Commercial Hotel and handle all the waitresses because of the experience you had had at this charm school?

A. Not that I remember, no. I don't believe I ever said any such thing.

Q. Well, now, anyhow it was arranged that Tom would send the money to let you come out?

A. Yes.

Q. And did he tell you that his mother and father were now out at the hotel?

A. I don't remember if he did or not.

Q. And isn't that why he told you he was going to have to send this money to Marge Maloney or Mahoney, what is it—

A. Mahoney.

Q. —and that he would sign another name, because his mother had found out about you? Isn't that what he told you on the phone?

A. No, he never said anything like that at all.

Q. You don't remember anything about that?

A. Never. I would remember definitely if he had that [89] particular point.

(Whereupon, a letter was marked Defendant's Exhibit No. 4 for identification.)

Q. Showing you, Mrs. Elliott, defendant's identification number 4, I'll ask you to examine that and tell me if you recognize it?

A. What is it you would like to know?

Q. I asked you if you recognized that?

A. I definitely do.

Q. Is that a letter which you wrote?

(Testimony of Elaine Elliott.)

A. Yes.

Q. That from beginning to end is in your handwriting? A. Yes.

Q. And written by you? A. Yes.

Q. To Tom? A. Yes.

Q. Now, can you say when you wrote it?

A. No, I can't.

Q. Is it not a fact it was written shortly after your return from the first trip out here?

A. I don't think it could have been too shortly afterwards, no.

Q. It was in between there sometime, was it not?

A. Sometime, yes. [90]

Q. Between the first trip and the second trip?

A. Yes.

Q. But just how soon after the first trip you don't know? A. No, I don't.

Mr. Olson: We offer in evidence defendant's identification 4.

The Court: Let counsel see it.

Voir Dire Examination

By Mr. Freeman:

Q. Miss Elliott, did you say you could or could not remember the date this letter was written?

A. I can't remember the date.

Q. Did you say it was written between the first and second trip out, or did you not?

A. Yes, I believe so.

Q. It was written between the first and second trip? A. Yes.

(Testimony of Elaine Elliott.)

Mr. Freeman: I have no objection.

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 4 for identification was admitted in evidence.)

Mr. Olson: May I have the Court's permission to read this to the jury?

The Court: Yes, all right.

(Whereupon, Mr. Olson read Defendant's Exhibit No. 4 to the jury.) [91]

Q. (By Mr. Olson): Mrs. Elliott, I take it this statement that you made in here, "I have pursued you shamefully," is a correct statement?

A. When I wrote the letter I was very upset. I don't see how that can be used as any sort of evidence.

Q. Well, now, my question is when you wrote that——

A. When I wrote that I didn't know what I was saying or what I was doing. I was in very bad shape.

Q. Very bad shape?

A. Mentally in very bad shape.

Q. You weren't intoxicated, as you referred to in one paragraph in your letter?

A. I don't know; I could have been.

Q. Do you think you were?

A. I don't know.

Q. Do you remember writing this letter?

A. Vaguely, yes.

Q. You said, I believe, you wrote a number of letters? A. Yes.

(Testimony of Elaine Elliott.)

Q. Do you know whether or not this particular letter came into the possession of Tom's mother?

A. I have no idea.

Q. Were you ever advised that it had?

A. Not that I know of, no.

Q. You did write a number of letters, as I understand you? [92]

A. Yes, quite a few.

Q. Were they of similar import to this one?

A. I don't remember what the other letters said, to tell you the truth. I always wrote them when I was terribly upset, and wrote whatever came into my head.

Q. When you said you came back to Chicago very much in need of blue ointment, what do you mean by that?

A. Do I have to explain?

Q. I would like you to.

A. Well, blue ointment is used for the—I don't know how to put it, myself. It's used for—for the killing of a rather microscopic bug.

Q. Did you use blue ointment when you got home?

A. No.

Q. But you needed it?

A. Yes.

Q. Does this microscopic bug that you use the blue ointment for have anything to do with sexual relations?

A. Very definitely. It's usually associated with people who are not clean, people who associate with prostitutes or loose women.

Q. And you returned to Yakima in need of that—I mean to Chicago in need of that; that's a true statement, is it?

(Testimony of Elaine Elliott.)

A. That is true, yes. I didn't even know what it was.

Q. I gather that you had heard—well, who is this Marty [93] that you referred to three or four times?

A. Marty is the nickname of Martin McDonald.

Q. This Marty referred to in the letter is the same individual that you referred to, Martin McDonald? A. Yes.

Q. Who had introduced or arranged an introduction between you and Mr. Chamales?

A. Yes.

Q. And the Marge that's referred to in here is your roommate? A. Yes.

Q. Mr. McDonald lives where?

A. As far as I know he lives at the Arrington in Evanston, but I'm not sure.

Q. Does he have a home in Yakima?

A. I was led to believe that he had a suite that was kept for him at the Commercial Hotel.

Q. Do you know where his wife and family is?

A. I didn't know he had a wife and family.

Q. Well, if he has you don't know where they are, is that right?

A. I had never even heard of them until this moment.

Q. Well, now, then when you made this second trip there wasn't anybody at the station or at the airport to meet you?

A. When I arrived in Seattle? [94]

(Testimony of Elaine Elliott.)

Q. Yes, when you arrived in Seattle there was no one there to meet you? A. No.

Q. So then you went to the Olympic Hotel?

A. Yes.

Q. And that's where you understood that you were going to stay?

A. That's where I was under the impression that he had registered me or gotten a reservation for me there.

Q. Under a false name?

A. Yes, he suggested Elaine Palmer.

Q. That name interests me. Do you know anything about where he got that name?

A. I have no idea where he got that name.

Q. Then you stayed at the Olympic Hotel about how long? Several hours, waiting for Mr. Chamales?

A. I didn't stay at the Olympic Hotel. When I found out there was no reservation for me I went back out to the airport to see if perchance he could be meeting the plane that I should have been on.

Q. Then you were at this time still very much in love with Mr. Chamales? A. Yes.

Q. Very much so, and you then went back to the Olympic, did you, from the airport? [95]

A. From the airport I believe I went back to the Olympic, where I'd left my bags, and I took them and checked into the Earl Hotel.

Q. E-a-r-l, is that right?

A. I don't know, it might have an "e" on the end. I don't know.

(Testimony of Elaine Elliott.)

Q. And you registered there in your own name?

A. Yes.

Q. Had you stayed there before?

A. Never.

Q. And then Mr. Chamales did subsequently contact you there? A. Yes.

Q. Well, then, how long were you in Seattle before you returned to Yakima?

A. That evening; the next day we returned to Yakima.

Q. So you stayed in Seattle then just one night upon your arrival— A. Yes.

Q. —on the second trip; and on that trip Tom said in substance, I mean on your arrival, that he had a lot of plans for you, and you said what are they, and he said “Well, I’m going to put you in a joint.” You kind of wondered about that, but went to bed with him and slept with him that night?

Q. Well, he had told me on my first trip that he thought he [96] could get me into a night club in Seattle singing; singing is a hobby of mine; when he said he was going to put me in a joint, never having known what his expression of the word was, I thought maybe he meant a night club as a joint, maybe not the most elite place in the world, as a start to get me singing.

Q. Did you ask him what he referred to, “Where am I going to sing or dance?”

A. No, I didn’t pursue the subject at all when he said it.

(Testimony of Elaine Elliott.)

Q. Then the word that night meant nothing to you? A. That's right.

Q. Nothing out of the way at all? A. No.

Q. First, Mrs. Elliott, you've told us all you can remember about the conversation that you had with Mr. Chamales that led up to your coming out here?

A. Well, I wouldn't say I'd told you everything. There's probably a great deal I haven't.

Q. I said everything you can remember?

A. At this time, yes. I could probably remember more later.

Q. You mean you might know something else tomorrow that you don't know today, is that what you mean? A. It's possible.

Q. What will bring it back to your mind tomorrow if you don't know about it today? [97]

A. Well, further questioning, I believe.

Q. How many times have you been interviewed by the F.B.I. agents about this matter?

Mr. Freeman: Your Honor, I think that's——

The Court: Sustain the objection. That's immaterial. Let's get on with this cross-examination; we want to get this trial over with in less than a week if possible. I think you're taking too much time, Mr. Olson.

Mr. Olson: Pardon?

The Court: I think you're taking too much time.

Q. (By Mr. Olson): Well, Mrs. Elliott, the next day, then, you went to Yakima, is that right?

A. Yes.

Q. And you and Tex Reed and Tom picked up

(Testimony of Elaine Elliott.)

Mrs. Vicky Reed on the way and came on into town, to Yakima?

A. Yes, after stopping in a little town called Ellensburg.

Q. Pardon?

A. The four of us stopped in a town called Ellensburg.

Q. That's about thirty-five miles out of Yakima?

A. Yes.

Q. And then you went to the hotel?

A. Yes.

Q. Now, Mr. and Mrs. Chamales, Sr., were there at the hotel and in active charge of the hotel at that time, were they not? [98]

A. I don't know. He snuck me in. I got the impression that they were.

Q. And you went out the next day?

A. Yes.

Q. And then stayed at the Rest Haven Hotel?

A. Motel.

Q. Motel? A. Yes.

Q. And that's out where a good many motels are, in the motel area of Yakima, is it not, and it's a nice place? A. Well—

Q. Pardon? A. As nice places go.

Q. And then you were there for how long?

A. Just one evening, one night.

Q. Now, did you say that Tom—did I understand you to say that Tom hit you, or something, there? A. Yes.

Q. Whereabouts did he hit you?

(Testimony of Elaine Elliott.)

A. Hit me across the mouth.

Q. Hurt you any?

A. And once or twice on the body.

Q. Pardon? A. Of course he hurt.

Q. Well, did it cause you any injury? [99]

A. I had a dislocated jaw as the result of some of his treatment. It pops in and out on occasion.

Q. Well, did his striking you on this occasion cause you a dislocated jaw?

A. I don't know if it was on this occasion or one of the other occasions on which he struck me.

Q. Well, did you have to secure any medical attention because of it?

A. I was treated in Chicago for it.

Q. Who by? A. Dr. Belkey.

Q. When was that?

A. I believe the last part of July, just before I went out the second time.

Q. And that was because of Tom's having struck you?

A. Yes. He struck me quite frequently the first time I was out there, and the second.

Q. Well, now, do you recall of testifying in your divorce action by your husband that——

A. I didn't testify.

Q. Pardon? A. I didn't testify.

Q. Well, before what they call a master——

A. I didn't testify in my divorce action, in the completed bill. [100]

Q. Do you remember giving testimony under

(Testimony of Elaine Elliott.)

oath in some kind of a hearing in connection with your divorce proceeding?

A. Yes. That has been stricken, as far as I know.

Q. Well, my question is, do you remember giving testimony in that proceeding? A. Yes.

Q. You were represented by an attorney by the name of Mr. Davidson? A. Yes.

Q. And your husband was represented by Mr. Joseph Baer; do you remember that? A. Yes.

Q. And do you remember at that hearing, Mrs. Elliott, where you were interrogated with reference to his cruel treatment of you? Do you remember that? A. Yes.

The Court: That question isn't clear to me. I don't know whether it is to the witness or not. "His cruel treatment of her."

Mr. Olson: Mr. Wright Elliott's cruel treatment. You claimed in your divorce action that Mr. Wright Elliott had mistreated you?

Mr. Freeman: Your Honor,—

The Court: I'll excuse the jury; I'm going to take a five-minute recess. The jury can step out first. [101]

(Whereupon, the following proceedings were had without the presence of the jury:)

Mr. Freeman: Your Honor, I make the objection that Mr. Olson's present examination is most improper. What may have been the grounds of divorce, and I presume that's the purpose of his questioning, is absolutely immaterial in the case. What previous difficulties, divorce or otherwise, this

(Testimony of Elaine Elliott.)

woman may have had with her husband has not materiality in the case. Her chastity or lack of chastity has no materiality.

The Court: I quite agree with you on that. What is the purpose?

Mr. Olson: If your Honor please, the witness testified under direct examination and has also testified again that Mr. Chamales struck her on the face; as a result of that she received a dislocated jaw and was treated by Dr. Belkey in Chicago. I offer to prove that in her divorce proceedings she claimed that she received a dislocated jaw by virtue of a blow from her husband; that she got a treatment from this same doctor and at the same time. If she goes to Dr. Belkey to get this dislocated jaw treated—of course, I'll admit that the witness is now being advised all about it, but she testifies under oath; in other words, I'm offering to show previous inconsistent statements under oath to a matter which she has testified [102] to here directly, namely, that she received a dislocated jaw from being struck in the face by Tom Chamales, and it's a vital point in the case, your Honor, because she's claiming, apparently, that it has something to do with some treatment of Tom in trying to get her to go into a house of prostitution.

(Argument of counsel.)

The Court: I think it's collateral; I don't believe it's direct enough so that you should be permitted to go into documentary evidence to disprove some-

(Testimony of Elaine Elliott.)

thing you brought out. I'll sustain the objection, exception, and recess for five minutes.

(Short recess.)

(Whereupon, the following proceedings were had within the presence of the jury:)

Cross-Examination

(Continued)

By Mr. Olson:

(Whereupon, three letters with envelopes were marked Defendant's Exhibits Nos. 5, 6 and 7 for identification.)

Q. Mrs. Elliott, showing you defendant's identification 5, I'll ask you if you recognize that letter and envelope? A. Yes, I do.

Q. Is that written by you? A. It is.

Q. Pardon? [103] A. Yes.

Q. Under what date? A. It has no date.

Q. What's the date of the envelope?

A. The date of the envelope is September 5, 1948.

Q. And that is addressed to Mr. and Mrs. A. J. Ollendorf? A. That's right.

Q. Who are they? A. My grandparents.

Q. You wrote that letter? A. Yes.

Q. And mailed it? A. Yes.

Mr. Freeman: What was the date again, Mr. Olson?

The Witness: On the envelope it's September 5, 1948. No date on the letter.

(Testimony of Elaine Elliott.)

Q. And showing you defendant's identification—

The Court: 1948, is that?

Q. Yes, your Honor; showing you defendant's identification 6, I'll ask you if you recognize that?

A. Yes, I recognize it.

Q. Is that a letter which you wrote?

A. Yes.

Q. And who is it addressed to?

A. Well— [104]

Q. Who is the envelope addressed to?

A. Mrs. J. W. Eskridge.

Q. And who is she?

A. She's my ex-mother-in-law.

Mr. Freeman: What is the date of that letter?

A. September 17, 1948.

Q. And showing you defendant's identification number 7 I'll ask you if you recognize that?

A. Yes.

Q. Is that a letter written by you?

A. Yes.

Q. And who is it written to?

A. Mrs. A. M. Kimbrough.

Q. And who is Mrs. A. M. Kimbrough?

A. She is my ex-husband's aunt.

Q. And what is the date?

A. The date on the letter is October 7, 1948, and the date on the envelope is October 11, 1948.

Mr. Freeman: Your Honor, it will take a few moments to examine these.

The Court: Well, I'll ask the jury to step out

(Testimony of Elaine Elliott.)

again. You may as well be relaxing while we're going through these matters.

(Whereupon, the following proceedings were had without the presence of the jury:) [105]

The Court: You propose to offer these letters in evidence, I presume?

Mr. Olson: Yes, I do.

The Court: What was the purpose of the offer?

Mr. Olson: What I'm interested in, your Honor, and what I propose to enter these letters for and to follow with other testimony, is for affecting the credibility of this witness. These letters in substance refer to a—well, first bear in mind, your Honor, that this lady has testified that in the latter part of February, 1949, or in the beginning of March, 1949, that she met and immediately fell in love with Tom Chamales, and has professed this great love for him ever since, or I shouldn't say ever since, but up to the second trip. Now, in the first place, these letters are letters in which she—and they're written within six months prior to this meeting with Tom Chamales, in which she professes a love at least equal to if not greater than the love, for one Bobbie Elliott, which was her then brother-in-law, as she now claims she has for Mr. Chamales, and it seems to me, your Honor—

The Court: You don't mean to infer that a lady can't fall in love twice within six months, do you?

Mr. Olson: Your Honor, she had to do more than that, though, within six months. At the time [106]

(Testimony of Elaine Elliott.)

these letters were written she was then, according to these letters, on a trip with her brother-in-law, and the love that she expressed for him in those letters, as I say, is at least of equal intensity with the love that she professes for Mr. Chamales. Now, she had to fall out of love with him, and into love—there had to be two transactions; she had to get out of love with Bobbie in order to get into love with Tom in that six months. After all, Mr. Chamales——

The Court: The whole matter of whether she was in love with Mr. Chamales or whether she wasn't or whether it was good, deep, clean love or very shallow, superficial love, or sexual attraction, I think is only remotely connected with this case. The question is whether he transported her for immoral purposes; that's the whole gist of this lawsuit. It doesn't matter whether she was a clean young virgin or a prostitute; in either case he would be guilty if he transported her for immoral purposes.

(Argument of counsel.)

The Court: Bring in the jury and we'll adjourn overnight.

(Whereupon, the following proceedings were had within the presence of the jury:)

The Court: We're going to take an adjournment until tomorrow morning, ladies and gentlemen, tomorrow morning [107] at 10 o'clock, and I wish you to bear in mind what I've heretofore said about not

(Testimony of Elaine Elliott.)

discussing the case with anyone, and you should refrain also from reading any newspaper accounts or listening to radio broadcasts about this trial. I also believe I should say, too, that you should refrain from talking to any of the witnesses in this case on any subject whatsoever; don't even talk to them about the weather, because if someone sees you talking to a witness then it arouses suspicion and questions whether the trial is going as it should, and you should not talk to any witness at all on any subject, or to any of the attorneys, until the trial is over. The Court will adjourn now until tomorrow morning at 10 o'clock.

(Whereupon, at 4:30 o'clock, the Court took a recess in this cause until Wednesday, January 10, 1951, at 10 o'clock a.m.) [108]

January 10, 1951, 10 A.M.

(All parties present as before, and the trial was resumed, without the presence of the jury.)

The Court: Will counsel step up to the bench?

(Whereupon, the following proceedings were had at the bar:)

The Court: Mrs. Stanke, the number 1 juror, called me this morning and said that after she got home last night that her husband called to her attention the fact that he had at one time been employed as an airplane mechanic at Geiger Field, that was during the last war, and she said she hadn't thought of it

(Testimony of Elaine Elliott.)

as being a federal employee, and this morning I had Mr. Taylor come into my chambers and go over the interrogation of Mrs. Stanke, and we find that she was not asked if she had a relative who had ever been employed; she was asked if she had a relative on either side who was presently employed, so her answers to the questions were correct and obviously there wasn't any attempt at concealment because she was frank enough to call up, and I told her it would be all right to sit on the jury. I didn't want to give the matter any publicity.

Mr. Freeman: That's all right.

Mr. Crowley: Fine, your Honor. [109]

(Whereupon, the following proceedings were had in open court, still without the presence of the jury:)

The Court: All right, Mr. Olson.

Mr. Olson: Your Honor, I think to have the matter squarely before the Court I might first state what we offer to show.

The Court: Yes. Also I don't think there has ever been any formal offer of the documents that are the main subject of discussion here.

Mr. Olson: Then I do, your Honor, offer in evidence defendant's identifications 5, 6 and 7, and the defendant offers to prove by the cross-examination of Elaine Elliott that shortly prior to meeting Mr. Chamales that she took a trip, while she was married to Wright Elliott, that she took a trip with her brother-in-law, Bobbie Elliott, from Chicago to

(Testimony of Elaine Elliott.)

Tulsa and return through Pine Bluffs, Arkansas, back to Little Rock. We offer to show that in her divorce proceeding—

The Court: Pardon me; before you leave that subject I wonder if you couldn't make the time element a little more specific? You say shortly before; that might vary over a period of weeks or months, depending on your idea of shortly.

Mr. Olson: That the trip was taken during September and October of 1948. [110]

The Court: All right.

Mr. Olson: That the witness Elaine Elliott in her divorce proceedings, by way of a verified complaint, swore under oath, the custody of her child in the divorce proceedings being at stake, that she swore under oath in her pleadings that that trip was instigated at the suggestion of her husband Wright Elliott for the purpose of indicating adultery with his brother Bobbie Elliott, and that the entire matter was a conspiracy between her then husband Wright Elliott and her brother against her; that throughout the entire trip she had not stayed or slept with Bobbie Elliott in the same bed or cabin, and that the entire relationship was entirely proper between them. I further offer to show that in her divorce proceedings she was interrogated under oath and testified substantially to those facts, that while the trip was taken it was not at her instigation or her request, but solely because her husband and brother-in-law had had a conspiracy against her. We then offer to show by the defendant's identifica-

(Testimony of Elaine Elliott.)

tions 5, 6 and 7, and by the witness' testimony on cross-examination, which we believe she will be forced to admit, that those sworn statements in her complaint, her counter-complaint, as well as the sworn statements made in the divorce proceedings, were false, and that she knew them to be false at the time that [111] she made the statements. We submit that the records which we have referred to, the divorce complaint, or her counter-complaint, which I have not yet, your Honor, had identified or offered in evidence but which I now offer or I have here and I'm willing to offer, a photostatic copy of her countersuit, in which she made the allegations that I've referred to, we submit that that, together with the record of the testimony, together with these letters, are admissible for the following purposes:—

The Court: Pardon me; before you go into that I wonder if it wouldn't make a better record if we have any documents you refer to identified so that they will be available as a part of the record.

(Whereupon, photostatic copy of answer and counter-complaint were marked defendant's Exhibit No. 8 for identification.)

The Court: Now just state briefly what that is.

Mr. Olson: Your Honor, in the Chicago practice, I'm not entirely familiar with it, but what it is, the one document is labeled an answer to the complaint, and then apparently companion to it is what is labeled a counter-complaint for divorce. We would

(Testimony of Elaine Elliott.)

file an answer and cross-complaint, but one is not complete without the other.

The Court: It's understood that you've offered or [112] are offering identification 8 also.

Mr. Olson: Yes, we offer it.

(Argument of counsel.)

(Whereupon, two auto court registration cards were marked Defendant's Exhibits No. 9 and 10 for identification.)

Mr. Olson: We also offer in evidence defendant's identification 9, which is a registration at the Sycamore Court at Little Rock, Arkansas, under date of October 19, 1948, during this trip, the registration "Mr. and Mrs. B. Elliott" and defendant's identification 10, being a guest registration dated September 15, 1948, also during this trip, a registration at the Anchor Court in Laurel, Mississippi, and her record will show that this looks like Bobbie Elliott's, that's the brother-in-law, signature.

(Argument of counsel.)

The Court: For the present, at any rate, I'll deny the offer of defendant's identifications 5 to 10, and the record may show an exception for the defendant. Mr. Freeman, Mrs. Elliott will be available here throughout the trial, I presume?

Mr. Freeman: If it's so ordered, yes, your Honor.

The Court: Well, I think she should be kept until the conclusion of the government's case. What I have in [113] mind, I have my law clerk checking

(Testimony of Elaine Elliott.)

up for me on this question of the admissibility of the proffered evidence, and if I should conclude that my ruling hasn't been correct I would like to be in a position to have Mrs. Elliott recalled and the defense given an opportunity to cross-examine her further. At the present time, however, the ruling will be that the offers are rejected. I think, Mr. Olson, that you should be permitted to cross-examine her with reference to any inconsistent statements, or statements inconsistent with her present testimony, or past conduct inconsistent with her present testimony, and specifically I think you may be permitted to ask her if she didn't testify that the injury she received, or I mean testify in a prior case, in her divorce action, that the injury she received was received from her former husband rather than from this defendant, and also I think you should be permitted to ask her if she weren't at some time only a short time or two or three months prior to meeting the defendant in love with some other man, and inquire on that line, although I think you'd be bound by her answers, and at the present time at any rate I'm not going to permit you to then attempt to contradict whatever she may say by putting in these documents. Do you get what I have in mind?

Mr. Olson: Yes, I do, your Honor. [114]

The Court: All right, you may call in the jury, then.

(Testimony of Elaine Elliott.)

(Whereupon, the following proceedings were had within the presence of the jury:)

The Court: I'd like the record to show that all of the jurors and the alternate are present. All right, Mrs. Elliott, if you'll take the stand, you may proceed with the cross-examination.

Cross-Examination

(Continued)

By Mr. Olson:

Q. Mrs. Elliott, you testified yesterday that when you met Mr. Chamales that was the latter part of February or the first part of March of 1949?

A. Yes.

Q. And that you immediately fell in love with him at first sight?

A. Yes.

Q. Now, is it not a fact, Mrs. Elliott, that a matter of two or three months prior to that time you were then madly in love with your husband's brother-in-law, or your husband's brother, excuse me?

A. Not madly in love, no.

Q. Pardon?

A. Not madly in love, no.

Q. Well, is it not a fact that you were in love with your husband's brother?

A. I loved him as a companion and friend. [115]

Q. Now, you testified yesterday, Mrs. Elliott, that at an occasion in Yakima you were slapped, I think, by Mr. Chamales as a result of which your jaw was dislocated, and you consulted with a Dr. Belkey, or what was the name of the doctor?

A. Dr. Belkey, yes.

(Testimony of Elaine Elliott.)

Q. Dr. Belkey in Chicago; that's correct, is it not?

A. I didn't say at the moment we spoke of the slapping, which of course was the second trip I made out here, I said it wasn't at that time; however, I believe now it was from one of the former times that he had struck me on the first trip that I made out.

Q. When did you go to see Dr. Belkey?

A. I don't remember, now.

Q. Did you not testify, Mrs. Elliott, in your divorce proceedings or in some proceeding connected in the divorce action brought by your husband against you in Chicago, that you consulted this Dr. Belkey in Chicago in the latter part of August of 1949, this was following your trip out here, by reason of a dislocated jaw which you received from a blow by your husband Wright Elliott?

A. It was my belief at that time that that was so.

Q. And you did so testify in your divorce proceedings? A. Yes, that was my belief.

Q. That your dislocated jaw had been caused by a blow from [116] your husband Wright Elliott?

A. Yes; I did testify to that, yes.

Q. Now then, you testified yesterday with reference to what occurred prior to the second trip out, the phone calls and the letters, and I'll not go back into that. Is it not also true, Mrs. Elliott, that you requested transportation out to Yakima through the Northwest Airlines? What I'm getting at, didn't you go to the Northwest Airlines in Chicago and ask

(Testimony of Elaine Elliott.)

them to have their Yakima office contact Mr. Chamales to send you, to provide you with transportation to Yakima by Northwest Airlines, and he refused to do so?

A. No, that's not so. I thought that maybe something had happened to the money order that he said he was going to send me, and I was trying to check up and see whether it was just the fact he hadn't sent it, or it had been lost. I contacted the Western Union in Yakima to see if it had been sent, and before that I contacted the Northwest Airlines to see whether they could find it themselves before I had to pay for the call to Yakima to the Western Union. My name was on the mailbox in very small print, and it was very difficult to see, and I thought perchance the telegram could not be delivered because they didn't realize which apartment I was in.

Q. Didn't you go to the Northwest Airlines, not for the [117] purpose of inquiring whether they had reservations, but didn't you go to the Northwest Airlines and request that they have their Yakima office contact Mr. Chamales in Yakima to okay your passage to Yakima by Northwest Airlines?

A. Not that I remember, at any time, did I do that.

Q. You do not remember that? A. No.

Q. Is it possible that you did that?

A. Well, there's many things are possible, but as far as I can remember nothing ever happened in that manner.

Q. Do you deny that you did that?

(Testimony of Elaine Elliott.)

A. I don't deny or affirm it. It could be possible, but I don't remember it.

Q. Well, is it just as likely to be true as it is to be untrue?

Mr. Freeman: Your Honor, I object to that. He's asked whether she remembers it, and she says she does not.

The Court: I'll overrule the objection.

A. What is it?

Q. I say, is it just as likely that you did make that request as it is that you did not make that request?

A. I'm sorry, but as far as the question you've given me, I don't think I understand it completely.

Q. I see. Well, you're unable to state, as I understand it, [118] whether or not you went to the Northwest Airlines and asked that they contact Mr. Chamales in Yakima to okay passage for you. You just don't recall whether you did that or whether you didn't? A. I recall, as I said before——

Q. No, I'm not asking you what you recall about that.

A. The way you state it, no, I don't recall it, if I've understood you.

Q. Now, you know Mrs. George Crowley?

A. I've met her, yes.

Q. That is Tom Chamales' sister? A. Yes.

Q. In New York—or in Chicago, and the wife of George Crowley who is here; you know who she is? A. I believe so.

Q. You've met her. Now, isn't it a fact also,

(Testimony of Elaine Elliott.)

Mrs. Elliott, when you were attempting to get your phone calls to Mr. Chamales answered, that you did on some occasions, I'll ask you first on at least one occasion, state that this was Mrs. George Crowley calling?

A. I don't remember. I could have.

Q. Now, could you have done that more than once? A. Not that I know of.

Q. Pardon? A. Not that I know of. [119]

Q. Do you recall doing that on one occasion and finding yourself in communication with Mr. Senior Chamales? A. Not that I know of.

Q. At which time the conversation terminated immediately? A. I don't remember that, no.

Q. You don't remember it, Mrs. Elliott?

A. I don't remember talking to him, no.

Q. If you don't remember talking to him, do you remember making the call, a collect call, and saying that it was from Mrs. George Crowley in Chicago, and hearing Mr. Senior Chamales answer the phone? Do you remember that?

A. I can't say I do remember it. Oftentimes I made many calls in a rather hysterical state of mind.

Q. Do you mean hysterical, or under the influence of intoxicating liquor?

A. Hysterical or under the influence of intoxicating liquor.

Q. Would you say that frequently when you called you would be under the influence of intoxicating liquor? A. Not frequently. Occasionally.

(Testimony of Elaine Elliott.)

Q. About how many times did you make calls to Yakima when you were under the influence of intoxicating liquor to the extent—

A. I have no idea except that I know I had on several occasions.

Q. Now, Mrs. Elliott, you testified yesterday that when you [120] got on to the train to come out to Yakima with Mr. Chamales that you were surprised to learn that you had a single compartment. I want to ask you if it isn't a fact during your conversations with Mr. Chamales prior to taking the train, and on the dates that you had with him in Chicago, that you in those conversations advised Mr. Chamales that you had made trips with other men, during which you slept and stayed with them?

A. No, it's not true.

Q. Pardon? A. No, it is not true.

Q. You did not make those statements to him?

A. No, I didn't.

Q. Now, when you got to Seattle the second trip, and I went into it yesterday about the Earl Hotel, the next morning at the Earl Hotel Mr. Chamales made a statement to you, as I understood you to testify, that referred to prostitution, and later dismissed the matter as though it had been a joke, is that correct? A. No.

Q. Didn't you say that he dismissed the matter as though it had been a joke?

A. Not all of your statement was correct. I said while we were sitting in the Richeleau Cafe having breakfast, I inquired as to what he meant by a joint

(Testimony of Elaine Elliott.)

when he had told [121] me the previous evening he was going to put me in a joint, and then he said it was a house of prostitution.

Q. Then he passed it off as a joke, is that right?

A. Not exactly as a joke; as if it was just an idea that he had and that I shouldn't take it too seriously.

Q. As though it were a frivolous idea?

A. Not frivolous; just an idea he had that he had thought about for some time but wasn't too certain he intended to do.

Q. You certainly didn't believe that he had?

A. I certainly didn't at that time; I had no idea at all that he had; I had very much confidence in him.

Q. By the way, the Commercial Hotel in Yakima is the number one hotel there, is it not, the leading hotel? A. I have no idea.

Q. Well, it's located right on Yakima Avenue, is it not?

A. I don't have any idea of the status of the hotel.

Q. Well, it's located right on Yakima Avenue, the main street of Yakima?

A. To tell you the truth I can't remember what street it's on.

The Court: I think it might be stipulated that it's the principal hotel at the present time, at any rate.

Mr. Freeman: Yes.

The Court: All right, go ahead. The court

(Testimony of Elaine Elliott.)

will [122] take judicial notice of it, but I don't think the jurors know it.

Mr. Olson: Well, of course the new hotel, they're working furiously on it now.

Q. (By Mr. Olson): Mrs. Elliott, you knew, did you not, that Mr. Chamales, Tom Chamales, Jr., had no connection with any house of prostitution?

A. I didn't know anything; I only surmised.

Q. Well, you certainly had no surmise that he did, did you?

A. I naturally didn't think that the man I loved could be a pimp, if what you mean is that.

Q. No. Now, the trip out the second time was of rather short duration, that is your stay out here was rather short? A. Yes.

Q. Now, at the time that you were at the motel in Yakima, the Rest Haven Motel, when you said Mr. Chamales struck you, is it not a fact, Mrs. Elliott, that that occurred, if it did occur, when you told him that you complained to him about not staying at the hotel, and being out at the motel, and that you complained about the way he was treating you, and that you told him that you were acquainted with a friend who was married and lived either in Denver or Salt Lake, a wealthy man, and that if Tom didn't treat you better that you were going down and stay [123] with him, that he was perfectly willing to keep you, and that you had been with him before? Did you not make that statement?

A. No, I didn't.

Q. Well, did you make any similar statement?

(Testimony of Elaine Elliott.)

In other words, is there some things I said in there you're objecting to, or is it all wrong?

A. It was such a long sentence it would be hard to agree to the whole thing.

Q. Did you make any statement to him there in the Rest Haven Motel with reference to some man in Denver or Salt Lake that you could go down and stay with, that led up to your being slapped?

A. No. I did tell him at one time, which was when he first told me that he was going to place me in a house of prostitution, I told him that I thought I would go to Denver then, if that were the case, that I didn't particularly care to go back to Chicago to face my friends.

Q. That you would go to Denver A. Yes.

Q. Now, Mrs. Elliott, were you in the Earl Hotel in Seattle at the time that you and Mr. Chamales parted company? A. The Earl Hotel?

Q. Yes, or was it this Wilhard?

A. When we parted company for the last time I was staying at [124] the Wilhard.

Q. Now, isn't it a fact that at the Wilhard Hotel when you parted company that you again told Mr. Chamales that you were going to go to Salt Lake or Denver at the instance of some man who lived there, and that he would take care of you?

A. No, I never said that any man would take care of me. I just didn't care to go back to Chicago.

Q. Mr. Chamales at all times after you came out here offered to provide you with transportation back to Chicago? A. What is it?

(Testimony of Elaine Elliott.)

Q. Mr. Chamales, Tom, at all times offered to provide you with transportation back to Chicago?

A. No, he didn't.

Q. Isn't it a fact that he told you when he left that any time you wanted to go to Chicago that he would provide you with the transportation back; that he was not going to provide you with transportation down to this other man?

A. Of course not; he never even said anything about transportation back to Chicago. He was intent upon me doing what he wanted me to do.

Q. Never mind what his intent was; what did he say?

A. He never said anything to that effect.

Q. And didn't you say, Mrs. Elliott, that if he walked out and left you there at the Wilhard Hotel, that you were [125] going to get him?

A. I never did.

Q. Pardon?

A. I never said a thing like that.

Q. That if you couldn't have him that you were going to see that nobody else ever got him?

A. No, I didn't say that.

Q. You didn't say that?

A. Not in the slightest.

Q. How soon after that termination did you go to the Federal Bureau of Investigation?

A. After the last time I saw him at the Wilhard I went to the Federal Bureau of Investigation about three days later.

Q. About three days afterward you went to the office of the Federal Bureau of Investigation?

(Testimony of Elaine Elliott.)

A. Yes.

Q. That's their Seattle office?

A. I believe so, yes.

Q. Now, who did provide you with your funds to return to Chicago? A. Two friends of mine.

Q. Who were they?

A. Mr. Roy McAndrews of Chicago—well, he was the one that provided my funds.

Q. You said there were two friends, so there must have been [126] somebody else. Who was that?

A. That was the only one that sent me transportation to Chicago.

Q. Who did you refer to yesterday when you said two of your friends did?

A. I didn't say they sent me transportation.

Q. Well, you did refer yesterday and again today to two friends.

A. They asked me how I got back to Chicago.

Q. Without arguing with you as to just the nature of your testimony, who were the two friends that you referred to in your testimony?

A. One friend, as I say, was Mr. Roy McAndrews.

Q. Yes.

A. Another friend was the uncle of a friend of mine in Denver.

Q. Pardon?

A. Was the uncle of a friend of mine in Denver.

Q. What was his name?

A. His first name was Harold. I can't even recall his last name now; it was some time ago.

Q. You say his first name was Harold?

(Testimony of Elaine Elliott.)

A. Yes.

Q. And you can't remember his last name?

A. No. [127]

Q. Did you call him from Seattle?

A. No, I didn't.

Q. How did you get in touch with him?

A. I wrote him a letter, if I remember right.

Q. Did you just write it "Harold" at Denver, or did you have his last name on the letter?

A. I had his last name.

Q. Well, what is it?

A. I don't remember it.

Q. Do you remember the address? A. No.

Mr. Freeman: Your Honor, I'm again going to object to the line of questioning. I can't see the materiality of it.

The Court: Well, I presume this is the last. You don't know it?

A. No, I don't.

The Court: All right, go ahead.

Q. Did you request from Harold funds to go to Denver?

A. Request from Harold funds to go to Denver?

Q. Yes. A. No.

Q. You stated that you did not wish to return to Chicago? A. That's right.

Q. Did you make any attempt to go to Denver? [128]

A. I stopped off in Denver on my way back to Chicago.

(Testimony of Elaine Elliott.)

Q. So your trip back to Chicago then was by way of Denver, Colorado?

A. My trip up and back.

Q. Have you ever been—have you ever worked in a house of prostitution? A. Never.

Q. Or what is known as a “call flat”?

A. Never.

Q. Did you make a statement—is it not a fact that you did make a statement to your aunt that you expected to get out of this trial or the result of this trial a Hollywood contract?

A. Of course not. How could I possibly expect that, it’s so scandalous?

Q. I’m not asking you whether you expected it. Did you make that statement?

A. No, I didn’t. It’s ridiculous.

Q. You did not? A. Never.

Mr. Olson: That’s all, your Honor.

The Court: Any redirect examination?

Redirect Examination

By Mr. Freeman:

Q. Mrs. Elliott, what day of the week, as you recall, did you arrive in Seattle on your plane trip from Chicago, on your [129] second trip to Yakima?

A. What day of the week did I arrive?

Q. In Seattle, on the United Airlines?

A. As far as I can remember it seemed like it was Sunday, but I don’t remember exactly.

Mr. Freeman. That’s all.

The Court: Any other questions? That's all, then.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Olson: Your Honor, I think the witness should be advised that she is still under subpoena.

The Court: Yes, you're still under subpoena, and will remain until excused. That will apply to all the witnesses.

Mr. Olson: The same instruction will apply with reference to discussing her testimony?

The Court: Yes; she's been instructed.

JOHN W. WORSHAM

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows.

Direct Examination

By Mr. Freeman:

Q. Your name, please?

A. John W. Worsham.

Q. And by whom are you employed, Mr. Worsham? A. Federal Bureau of Investigation.

Q. For how long? [130] A. Since 1941.

Q. Mr. Worsham, were you assigned to investigate and did you investigate this case?

A. I did.

Q. And in connection with your investigation did you at any time talk to Mr. Chamales?

A. I did.

(Testimony of John W. Worsham.)

Q. When did you first see him, Mr. Worsham?

A. It was on March 6, 1950.

Q. March 6, 1950; did you have a conversation with him at that time about the case?

A. I did.

Q. Was that prior to the filing of any complaint against Mr. Chamales? A. It was.

Q. Tell the jury and court in your own words what you said to Mr. Chamales at that time with reference to his requirement to talk to you or not to talk if he saw fit?

A. Well, the first thing we said to Mr. Chamales, he was told that he did not have to talk to us, that he had a right to cancel the right of talking to us; we told him that there would be no promises, threats or rewards made to him in order to have him talk to us, and that anything he said may be used against him in a court of law.

Q. What was his response to that? [131]

Mr. Olson: Now if your Honor please, we object to any testimony by this witness as to a conversation had with Mr. Chamales or any statements made by Mr. Chamales to him if it's for the purpose of incriminating Mr. Chamales, on the ground—I haven't the slightest idea what it's going to be, but if it's in the nature of a confession or admission that was taken before he was charged with an offense, before he appeared before the court commissioner, and that it is not admissible against him, and on the second ground, that there has been no proof, independent proof of any offense charged, even accepting Mrs.

(Testimony of John W. Worsham.)

Elliott's testimony as true, there has been no independent proof of any transportation with intent, transportation interstate for immoral purposes, her testimony being that the transportation was for the purpose of going to work in the Commercial Hotel, and both of those grounds, not being independent proof, the admissions are not admissible.

The Court: Do you wish to inquire as to whether or not any statements made by Mr. Chamales were voluntary? Do you wish to inquire of this witness on that ground?

Mr. Olson: Yes.

The Court: All right, you may interrogate him if you wish.

Mr. Olson: Is your Honor overruling my objection? [132]

The Court: Yes, I'm overruling your other objection; I'll rule that it's admissible unless you can show it was not voluntary.

Mr. Olson: Then we'll wait for cross-examination.

Q. (By Mr. Freeman): After you told him those things, what was his response?

A. He said he would talk to us.

Q. Who was in the office, if anyone, besides you and Mr. Chamales?

A. Special Agent Eugene P. Clark of the Federal Bureau of Investigation.

Q. At what office did this conversation take place?

(Testimony of John W. Worsham.)

A. The Post Office Building, the F.B.I. office, room 202, in Yakima, Washington.

Q. In your office? A. Yes, sir.

Q. All right, tell the jury what Mr. Chamales said.

Mr. Olson: Your Honor, may I ask a couple of questions?

The Court: Yes, all right.

Voir Dire Examination

By Mr. Olson:

Q. Mr. Worsham, this was in your office, you say, in Yakima? A. Yes, sir, it was.

Q. Did Mr. Chamales have any attorney present?

A. No, he did not. [133]

Q. There was present yourself and Mr. Gene Clark? A. That's correct.

Q. Both of you employed by the Federal Bureau of Investigation? A. That's correct.

Q. Mr. Chamales? A. That's right.

Q. Anyone else? A. No one else.

Q. Did you have any district attorney present?

A. Not at that time, no, sir.

Q. Did you before talking with him tell him in substance or effect that there wasn't anything to this, that it was a case that you didn't, the F.B.I. didn't bother itself with, and that all you needed from him was a statement verifying that they came out here for their own mutual benefit, and that that would end the matter and he would hear nothing more of it?

A. No, sir, we did not tell him that.

(Testimony of John W. Worsham.)

Q. Either you or Mr. Clark?

A. Not to my knowledge; I did not, and I don't recall Mr. Clark saying that.

Q. Do you recall either you or Mr. Clark saying anything of that nature? A. No, sir. [134]

Q. That it was merely an escapade as far as your office was concerned, one that you would not concern yourself with?

A. No, sir, not in my presence when I was in the office he wasn't informed of any such thing, that it was an escapade that we wouldn't pay any attention to.

Q. If he'd make a statement to you verifying that information that you then had, that there would be nothing to this, and the whole matter would be dropped?

A. That we told Mr. Chamales that?

Q. Yes. A. We did not.

Mr. Olson: That's all, your Honor.

The Court: All right, go ahead with the direct.

Direct Examination

(continued)

By Mr. Freeman:

Q. As a matter of fact, Mr. Worsham, did you not just testify that you told him that anything he said might be used against him?

A. That's right.

Q. Go ahead and tell the court and jury the nature of your conversation with Mr. Chamales that afternoon.

(Testimony of John W. Worsham.)

A. Well, Mr. Chamales stated that he purchased a railroad ticket by Northern Pacific Railroad in Chicago, and he traveled from Chicago to Yakima, Washington, with Miss Elliott using the same compartment, having sexual relations while en route, and upon arriving in Yakima, Washington [135] they stayed at the Commercial Hotel, she stayed there approximately three weeks, he had sexual relations with her during that time. After about three weeks he paid her fare back to Chicago. He stated that a number of calls were made during the time—that was sometime in March of 1949, and there was a number of calls made from Chicago to the Commercial Hotel by Miss Elliott—

Q. After her return to Chicago?

A. After her return to Chicago, and sometime in August of 1949, he sent Miss Elliott a Western Union money order for money, sent the money order to Miss Mahoney in Chicago—

Q. Right there, did he say how much, or where the money was sent from?

A. No, he said he didn't remember the amount of the telegram, the place from which it was sent, or the name he used in sending the money.

Q. Did he say he used his own name?

A. He did not; he said he didn't remember what name he used in sending it.

Q. I see. Go ahead.

A. And that Miss Elliott arrived by United Airlines to Seattle, Washington, and he saw her at the Earl Hotel in Seattle, went up to her room, stayed

(Testimony of John W. Worsham.)

there that night, where he had sexual relations with her. The next day he stated that Elaine Elliott, himself, and Tex Reed [136] traveled to Cle Elum, Washington, by Tex Reed's car, where they picked up Vicky Reed, the wife of Tex Reed, at a house of prostitution, and the four of them traveled to Yakima, Washington, where he stayed—Miss Elliott stayed at the Commercial Hotel that night. The next day was spent at the Rest Haven Motel in Yakima, Washington, where he had relations with Mrs. Elliott. The next day Miss Elliott and Chamales returned to Seattle, Washington, where he registered Miss Elliott at the Wilhard Hotel under the name of Elaine Palmer.

Q. Did you question him as to his marital status during the time these trips were taken?

A. He said that he was married.

Q. He said that he was married?

A. That's correct.

Q. Now, at the registration at the Rest Haven Motel in Yakima, did you ask him whether or not he registered under his own name or some other name?

A. He stated that he had never used his correct name while "shacking up."

Q. Did you ask him——

Mr. Olson: Now, I ask that that answer be stricken, your Honor, as totally unresponsive to the question.

The Court: Read the question again.

(Testimony of John W. Worsham.)

(Whereupon, the Reporter read the last previous [137] completed question.)

The Court: And that's what his response was, which you've given?

A. Yes, sir.

The Court: The motion to strike will be denied.

Q. (By Mr. Freeman): Did you discuss with him the registration of Elaine Elliott in Seattle at the Wilhard Hotel?

A. Yes, sir. He said that he registered her under the name of Elaine Palmer.

Q. Did you ask him why?

A. Well, he didn't state why he did.

Mr. Freeman: You may inquire.

Cross-Examination

By Mr. Olson:

Q. Had you previously discussed the case with Elaine Elliott prior to discussing the matter with Mr. Chamales?

A. Had I previously talked to her?

Q. Yes. A. I had.

Q. And in discussing the matter with Mr. Chamales did he also make statements to you that she was coming out here to work in the hotel?

Q. Did Chamales say that to me?

Q. Yes.

A. Not that I remember at all, that he made a statement that she was to work in the hotel. [138]

(Testimony of John W. Worsham.)

Q. You say that he did tell you after she went back that he had numerous phone calls from her?

A. Yes, he did.

Q. And didn't he say that those phone calls were frequent and persistent?

A. I don't recall whether he said—how many he said she made; however, I do recall that he said they were made collect.

Q. And that there was a very large number of them, and that he was refusing to accept them?

A. I don't recall that.

Q. Don't you remember him telling you that, that she was just calling all the time, and he would tell her "I'm going to China"?

A. I recall that he said she made a number of telephone calls to him collect.

Q. Don't you remember him telling you that he was refusing to accept the calls?

A. It's possible he did say it; I don't remember it.

Q. Did he say he told the telephone operator "Tell her I'm gone to China" and things of that kind?

A. No, I don't recall him saying that at all.

Q. Did he make that statement to you in any of the conversations that you had with him?

A. I do not remember if he did or not. [139]

Q. What?

A. I don't think he did. I don't remember if he did or not.

(Testimony of John W. Worsham.)

Q. You talked to him one time out at your house, didn't you? A. Out at whose house?

Q. At your house? A. No, sir.

Q. Or out at Mr. Chamales' house?

A. No, sir, I think I didn't—I think I did; I was with the United States Marshal when we went out there to his house.

Q. Was that when you arrested him?

A. The Marshal arrested him; I did not.

Q. Did you ever talk to Mr. Chamales between the time that you speak of on March the—I don't remember the date—on March 6, 1950, the conversation that you first related, and the time of his arrest, did you ever talk to him on any other occasion out at his home?

A. No, sir, I did not, except for the time of the arrest is the only time.

Q. What was that last statement?

A. I have never talked to him at his house at any time except the time when the Marshal was there; in fact, I didn't know where he lived until that time.

Q. Did you ever talk to him anyplace except this conversation in your office?

A. Yes, I did; I talked to him in your presence at our [140] office.

Q. That was shortly before he was arrested?

A. If I remember correct, that was March 9th, three days after the first time.

Q. That was when you requested a written statement from him? A. Yes, sir.

Q. Did you ever talk with him any other place?

(Testimony of John W. Worsham.)

A. Not that I recall.

Q. Do you remember being with Mr. Chamales at the V.F.W. Club, having drinks with him?

A. No, sir, I have never had a drink with Mr. Chamales at any club.

Q. Do you remember being with Mr. Chamales and Dick Sullivan at a restaurant or hamburger place someplace?

A. I recall being in the restaurant with another agent and I was introduced to Mr. Chamales and Mr. Sullivan.

Q. Who were you introduced by?

A. Who was I introduced by?

Q. Yes.

A. At that time, special agent Conrad Sedosky of the Federal Bureau of Investigation.

Q. Did you eat together then?

A. We had a sandwich.

Q. Together? A. That's right. [141]

Q. You did talk to him, then, on——

A. That was prior to this.

Q. What?

A. That was prior to—that was before I even—that was the first time I knew Mr. Chamales, prior to this incident which you've been questioning me about.

Q. Now, you weren't present when Mrs. Elliott complained to the Federal Bureau of Investigation?

A. Yes, sir, I was.

Q. Oh, you were in Seattle? A. I was.

Q. Did she make the complaint to you?

(Testimony of John W. Worsham.)

A. Yes, sir, to myself and Leo Reuther, a special agent of the F.B.I.

Q. You are in the Yakima office, are you not?

A. That is correct.

Q. You just happened to be in Seattle?

A. That's right.

Q. Then the case was assigned to you for investigation? A. It was.

Q. Mr. Worsham, when Mr. Chamales was there talking to you in your office you had no court reporter take down his testimony, his statements, or did you? A. Pardon?

Q. Was Mr. Chamales' testimony in this interview that you [142] had with him transcribed?

A. Was it transcribed?

Q. Yes. A. We made notes.

Q. Well, was it taken down by a court reporter or by a wire recorder? A. No, sir, it was not.

Q. And your testimony then is based on your recollection?— A. That's correct.

Q. Of the interview that you had with him last March 6th? A. That's correct.

Mr. Olson: That's all.

Redirect Examination

By Mr. Freeman:

Q. I understand, Mr. Worsham, that when you saw Mr. Chamales at a restaurant and had lunch or a sandwich with him you were introduced to Mr. Chamales by your agent Sedosky, that was before you had any knowledge of this case whatsoever?

(Testimony of John W. Worsham.)

A. That's correct.

Mr. Freeman: That's all.

Recross-Examination

By Mr. Olson:

Q. This trip back to Yakima from Seattle, that was in Mr. Reed's car, is that correct?

A. That's what Mr. Chamales told us.

Mr. Olson: That's all. [143]

(Whereupon, there being no further questions the witness was excused.)

(Noon recess.)

(All parties present as before, and the trial was resumed.)

(Whereupon, the following proceedings were had without the presence of the jury.)

Mr. Olson: Your Honor please, I have a witness, Mr. Clay Carroll, who has just arrived from Yakima and whom I saw this noon; I thought I should bring him to your Honor for instructions. I have him right outside the door.

The Court: Yes, if you'll ask him to come in.

Mr. Freeman: Your Honor, I take it that there's no objection to his testifying later in the afternoon; my thought is this, that I can finish later this afternoon.

The Court: He wasn't asking to put him on the witness stand.

Mr. Freeman: Oh, I'm sorry.

(Testimony of John W. Worsham.)

Mr. Olson: I had suggested to Mr. Freeman the possibility of putting him on now; Mr. Freeman said he thought he would finish shortly. If it looks like we can't, then I think Mr. Freeman will be willing to put him on out of order.

The Court: You can put him on out of order if it's [144] necessary to get him away today. You may just remain standing there, Mr. Carroll. The purpose of having you come in was to instruct you that the rule has been invoked that witnesses are to be excluded from the courtroom except when they're brought in to testify, and also you should not discuss with any other witness what your testimony is to be, and after you leave the stand don't tell any other witness what you have testified. That's all, then. Bring in the jury.

(Whereupon, the following proceedings were had within the presence of the jury.)

WILBUR R. GREEN

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

(Whereupon, request for Western Union money order was marked Plaintiff's Exhibit No. 11 for identification.)

(Whereupon, Western Union money order was marked Plaintiff's Exhibit No. 12 for identification.)

(Testimony of Wilbur R. Green.)

Q. Will you give the Court and jury your name, please? A. Wilbur R. Green.

Q. And you are a resident of Spokane?

A. Spokane, Washington.

Q. What is your occupation?

A. Superintendent of the Western Union Telegraph Company. [145]

Q. At Spokane? A. At Spokane.

Q. Mr. Green, handing you plaintiff's identification 11, will you examine that and tell us what that is?

A. It is an original money order application made at Tacoma, Washington, on August 13, 1949, for a money order to Chicago.

Q. Through the Western Union?

A. Through the Western Union.

Q. Is that the original application?

A. This is the original application.

Q. And handing you identification 12, will you tell us what that is, please?

A. This is the money order draft issued at Chicago in payment of the money order application filed at Tacoma.

Q. Of the application you have as identification 11? A. Of the original application.

Q. That is also the original? A. Yes.

Q. And who has had the custody of those documents?

A. The Western Union Telegraph Company, accounting department.

Mr. Freeman: You may examine.

(Testimony of Wilbur R. Green.)

Mr. Olson: May I see them?

Mr. Freeman: Yes. I'm not offering them at this time. [146]

Mr. Olson: You're not offering these now?

Mr. Freeman: No, I'll not offer them until the next witness comes forward.

Mr. Olson: We have no questions.

(Whereupon, there being no further questions the witness was excused.)

MARGE G. MAHONEY

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

Q. Will you give your name, please?

A. Marge G. Mahoney.

Q. Where do you reside?

A. 7456 South Shore Drive, Chicago.

Q. Are you acquainted with Elaine Elliott?

A. Yes.

Q. Were you a roommate of hers in 1949?

A. Yes.

Q. All of 1949, the entire year?

A. No, not the entire year.

Q. In August of 1949? A. Yes.

Q. At 7456 Lake Shore Drive?

A. South Shore Drive.

Q. I see. Handing you plaintiff's identification

(Testimony of Marge G. Mahoney.)

11, Miss Mahoney, will you examine that and tell us what that is? [147]

A. This is a telegraphic money order that was sent to me for Elaine on the night of August 13.

Q. At Chicago?

A. At Chicago, from Tacoma.

Q. And handing you Plaintiff's identification 12, will you examine that and tell us what that is?

A. That's my signature on the back; that's the check they gave me for \$125.00.

Q. In connection with the money order?

A. Yes, it is.

Mr. Freeman: We offer those in evidence at this time, if your Honor please.

Mr. Olson: I don't think they've been properly identified, but we will not object.

The Court: They will be admitted.

(Whereupon, Plaintiff's Exhibits No. 11 and 12 for identification were admitted in evidence.)

Q. (By Mr. Freeman): Miss Mahoney, do you know who sent that money?

A. It was sent under the name of Tom Chambers, but we asked to claim it under the name of Tom Chamales.

Mr. Freeman: That's all.

Cross-Examination

By Mr. Olson:

Q. What was that last?

A. It was sent under the name of Tom Chambers,

(Testimony of Marge G. Mahoney.)

but we went [148] down to claim it under the name of Tom Chamales. We received the notice from the Western Union to go down and claim the money order that was there for me for \$125.00, and they asked whose name was on it, and we said we were expecting it from Tom Chamales, and they asked if it was under any other name, and we said we didn't know, and finally the man told us it was from Tom Chambers.

Mr. Freeman: One more question; what did you do with the \$125.00?

A. I handed it to Elaine right in the telegraph office.

Q. (By Mr. Olson): Did you go with her to the airport?

A. Yes, a friend and I took her to the airport and put her on the plane.

Q. That same night?

A. That same night; she bought a ticket with that money.

Q. Are you married—is it Miss or Mrs. Mahoney? A. Miss Mahoney.

Q. Miss Mahoney, you say that Elaine Elliott and you were roommates? A. Yes.

Q. And at 7546— A. 7456.

Q. 7456 South Shore Drive in Chicago?

A. Yes.

Q. During 1949. What period was that that you were roommates [149] together?

A. I believe Elaine moved in in May.

Q. May of 1949? A. Yes.

(Testimony of Marge G. Mahoney.)

Q. Are you roommates now?

A. No, we're not.

Q. From May, 1949, the rest of that year were you roommates?

A. No. After she got back from the trip Elaine didn't live with me.

Q. Has she been a roommate of yours since she returned from Yakima at all? A. No.

Q. But she was your roommate continuously from May of 1949 up until the time she made the trip? A. I didn't hear you.

Q. She was your roommate, then, I take it, from May of 1949 until the time that she did make the trip out to Yakima? A. That's right.

Mr. Olson: That's all, your Honor.

Mr. Freeman: That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Freeman: Did I understand your Honor is admitting the exhibits?

The Court: Yes, 11 and 12 have been [150] admitted.

EVERT NELSON

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

(Whereupon, original registration card at

(Testimony of Evert Nelson.)

Earl Hotel was marked Plaintiff's Exhibit No. 13 for identification.)

Q. Your name, please? A. Evert Nelson.

Q. Where do you reside, Mr. Nelson?

A. Seattle, Washington.

Q. What was your occupation in August of 1949?

A. Hotel clerk.

Q. Where? A. The Earl Hotel, Seattle.

Q. Mr. Nelson, I'll hand you plaintiff's identification 13 and ask you to examine that, please. Will you tell us what that is?

A. That's a registration card for the Earl Hotel.

Q. Of what date?

A. It's August 14, 1949.

Q. For whom? A. Elaine Elliott.

Q. Did you take that registration?

A. I registered the party.

Q. You registered the party. The card is from your official [151] records? A. Yes, it is.

Q. That's your original registration card?

A. That's the original registration card, with the account on this side.

Mr. Freeman: We offer it in evidence.

Mr. Olson: We have no objection.

The Court: It will be admitted.

(Whereupon, Plaintiff's Exhibit No. 13 for identification was admitted in evidence.)

Mr. Freeman: No further examination of this witness.

Mr. Olson: We have no questions.

(Testimony of Evert Nelson.)

(Whereupon, there being no further questions, the witness was excused.)

A. L. RICHMOND

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

(Whereupon, original registration card at Wilhard Hotel was marked Plaintiff's Exhibit No. 14 for identification.)

Q. Will you give us your name, please?

A. A. L. Richmond.

Q. And what is your occupation?

A. Manager of the Hotel Wilhard, Seattle. [152]

Q. And were you in that capacity in August of 1949?

A. I was.

Q. Handing you plaintiff's identification 14, Mr. Richmond, will you examine that and tell us what it is, please?

A. It's a registration card for room 235 in the Hotel Wilhard.

Q. What is the name on the registration?

A. Mrs. Elaine Palmer.

Q. For what date? A. August 17, 1949.

Q. Is that your permanent record?

A. That's a permanent record of the hotel.

Q. Your original record? A. Yes, sir.

(Testimony of A. L. Richmond.)

Mr. Olson: May I ask a couple of questions, your Honor?

The Court: Yes.

Voir Dire Examination

By Mr. Olson:

Q. Did you take this registration, Mr. Richmond? A. I did not.

Q. You don't know whose writing this is, then; you weren't present when this card was signed?

A. I was not.

Mr. Olson: Well, I fail to see the materiality of it, your Honor. Certainly it hasn't been properly identified. [153] There's no one I know of connected with this case whose name is Mrs. Elaine Palmer.

The Court: It's offered, I presume, in corroboration of her testimony. It will be admitted for that purpose. It isn't evidence as to made the registration.

Mr. Olson: No connection with Mr.——

The Court: It simply shows she registered there at that time, as she testified.

Mr. Freeman: That's the purpose.

The Court: It will be admitted.

(Whereupon, Plaintiff's Exhibit No. 14 for identification was admitted in evidence.)

Mr. Olson: I understand it's admitted for the purpose of showing that Elaine Elliott was registered at the hotel—I mean Palmer.

The Court: It merely shows that somebody by

(Testimony of A. L. Richmond.)

the name of Elaine Elliott—or Elaine Palmer, I mean, registered at the hotel at that time.

Mr. Olson: I have no other questions.

The Court: May Mr. Richmond be finally excused?

Mr. Olson: We have no objection.

(Whereupon, there being no further questions, the witness was excused.) [154]

TOM DAWSON

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

(Whereupon, original registration card at Rest Haven Motel was marked Plaintiff's Exhibit No. 15 for identification.)

Q. Your name, please? A. Tom Dawson.

Q. What is your occupation, Mr. Dawson?

A. Well, I'm a motel proprietor.

Q. And what motel? A. Rest Haven.

Q. At Yakima? A. Yes.

Q. Were you the proprietor of that motel in August of 1949? A. Yes.

Q. Now, Mr. Dawson, handing you plaintiff's identification 15 I'll ask you to examine that and tell us what it is.

A. It's the registration for a cottage.

The Court: Just a little louder, please.

(Testimony of Tom Dawson.)

A. This is a registration for one of my units, one of my cottages.

Q. One of your motels? A. Yes.

Q. And what is the date of it? [155]

A. The date is August 16, '49.

Q. 1949? A. Yes.

Q. And who is the registration?

A. It's mine; Chamales, I believe.

Q. I think it's R. A. Sullivan, I believe, but you haven't your glasses. That's all right. This is the official registration card? A. Yes.

Mr. Freeman: We offer it for the same purpose as the last.

The Court: Yes, all right.

Voir Dire Examination

By Mr. Olson:

Q. Are you able to read this, or was it the name that surprised you? A. I beg your pardon?

Q. Do you have difficulty reading, Mr. Dawson, without your glasses? A. Yes, I do.

Q. You're not sure, then, just whose name is on this, is that right?

A. Well, no, I would have to have my glasses to say; I'm sorry.

The Court: Where are your glasses?

A. Well, I left them in Yakima. I meant to put them in my [156] pocket.

The Court: Should have subpoenaed the glasses, too.

(Testimony of Tom Dawson.)

Mr. Olson: Well, we won't object to it, your Honor.

The Court: All right, it will be admitted.

(Whereupon, Plaintiff's Exhibit No. 15 for identification was admitted in evidence.)

Mr. Olson: That's all, your Honor.

The Court: May Mr. Dawson be excused, then?

Mr. Olson: I may ask him one question.

Cross-Examination

By Mr. Olson:

Q. Mr. Dawson, you operate the Rest Haven Motel there in Yakima? A. Yes, sir.

Q. And that's located about how far out of the city limits? A. It's a mile.

Q. About a mile from the city limits?

A. Yes.

Q. And in that mile, as far as incoming traffic to Yakima from the north, that's where the motels are all located, especially the nicer ones?

A. Well, I'm beyond the city limits a mile, and I'm on the north side of the river.

Q. But there's a lot of motels all the way in from there on in to the city limits, are there not? [157]

A. Yes, there are.

Q. Your motel, I take it, is a perfectly respectable place? A. Yes, sir.

Mr. Olson: That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Freeman: Call Miss DesCorreau.

Mr. Olson: Your Honor, in view of a proposed instruction of the United States Attorney, I'd like to make a statement to the Court in the absence of the jury with reference to questions which apparently will be propounded to this witness, but in the presence of the witness.

The Court: Yes, all right. The jury may step out for a few minutes.

(Whereupon, the following proceedings were had without the presence of the jury; the witness Betty DesCorreau being present in the courtroom.)

The Court: You have no objection to the witness remaining in during the argument here?

Mr. Olson: No, I haven't, your Honor, because I'm going to ask certain instructions to the witness. The instruction reads as follows: "With relation to the testimony of Betty Dorene DesCorreau, you are instructed to confine the use of her testimony entirely to the question [158] of intent or purpose as it relates to the crimes which are charged in the amended information. Even if you should find that the defendant was immoral or had committed other violations, he is not on trial for those, but you may take the testimony of Betty Dorene DesCorreau with what credibility you give her and determine whether or not that throws any light upon the question of the intent of the defendant as charged in the counts of the amended information."

Now, that instruction would indicate to me at least that the testimony of this witness may relate

to the commission of other crimes which we have discussed and which your Honor has to date ruled out, also it might relate to some admissions of conversations had with the defendant as to matters not involved herein. Now, the reason that I have asked for this recess and this opportunity is that very often counsel will ask a question which is wholly unobjectionable, and yet the answer will come in with this extraneous matter and the jury has heard it, and you can't unhear it. As I say, I don't know what the lady is going to testify to, but the inference is there from that instruction that she will be asked, and I assume in the normal course of events there's nothing whatever wrong about it, that in discussing the matter she knows generally what she's going to be asked [159] about, and in the utmost good faith she may understand the question to be asked to call for some answer as to some other immoral act or some other outside matter, and the answer comes in, and then as I say it's most prejudicial and there's nothing I can do about it.

The Court: Well, I think it's proper at this stage to ask the Assistant United States Attorney what he proposes to prove by this witness, and then if there's any question of the law of evidence involved, we can pass on it.

Mr. Freeman: Do you desire that I make an offer of proof?

The Court: Well, I don't believe it's necessary to make a formal offer of proof, but if you'll just state briefly what you propose to prove by the witness, then I can tentatively rule on whether it's admissible or not.

Mr. Freeman: Your Honor, Miss DesCorreau will testify that she first met and knew Tom T. Chamales in Yakima before the time of this case. She worked for him as a—I think she worked for him as a switchboard operator; that she quit that employment and went to Seattle. I think on the night of somewhere between the 12th and the 13th of August, sometime just before Elaine Elliott was to arrive in Seattle by plane from Chicago, she was called by Thomas T. Chamales in Seattle and [160] asked for a date. She will testify that Tom Chamales came to her apartment and picked her up. In the apartment he told her that a woman was coming in by plane Sunday—now, this took place I think on Friday night, as she will testify—that a woman was coming in by plane Sunday from California. He further told her that he had plans for the woman coming in by plane. He told her the business that he, Tom Chamales, was engaged in. He told her that he was a pimp. He told her in substance how he treated and would treat this girl coming in by plane from Chicago, that is, he told her that his racket was that of a pimp. She will testify that he said to her or told her how pimps treat women that they have prostitution in mind for, that they treat them nice, dine them, wine them and so forth, until they have finally broke them into the rackets. That he told her these plans were also for the woman coming in by plane from California—

The Court: From California or Chicago?

Mr. Freeman: From California. They dined at two night clubs that same evening, that's Friday

night, in Seattle, where the conversation was again repeated both with reference to the woman coming in on the plane, and with reference to the business of Thomas T. Chamales. She will further testify that on the following day, Saturday, Tom Chamales and Reed picked her up and took her to a [161] house of prostitution in Portland. She will further testify that on Sunday—on Saturday she also learned that Tom T. Chamales intended to drive to Yakima. She will testify that on Sunday, by prior arrangement, Chamales was to pick her up at her apartment and take her along with him to Yakima. She will testify that Tom Chamales and Reed drove up to her apartment. Her apartment is on the ground floor of an apartment house in Seattle. Reed was driving the car, Chamales was riding in it, and a woman was riding in the car. The car was parked in front of the apartment house, just outside her window, and she had a free sight of the car and its occupants. She will testify that Chamales came into the apartment and said he could not take her to Yakima, and he said "I have the girl in my car." She asked him if that was the girl who was arriving on the plane from California, and he said "Yes, it is." She will make a positive identification of Elaine Elliott. He further told her that if she repeated in Yakima any of the conversation that he had had with her the day before and that day, that she would receive, I think, a kick in the rear. That's the substance of it.

The Court: This matter of his taking the witness to a house of prostitution in Portland—

Mr. Freeman: In Tacoma; if I said Portland, it was [162] Tacoma.

The Court: To place her there or have her work there?

Mr. Freeman: No, just took her there with him.

The Court: Mr. Olson?

Mr. Olson: Your Honor, that statement, I mean that trip to place her in a house of—or took her to a house of prostitution in Tacoma, assuming he did that, has nothing to do with this.

The Court: I don't believe that would be material, but as to the statements he made as to his intentions with regard to the girl who will be identified as Elaine Elliott——

Mr. Olson: Well, your Honor, certainly as to what he told her—take first the statement he said “I'm a pimp.” That it seems to me certainly is not an admissible statement. Supposing he is? Supposing he was? That has nothing to do with the transportation of Elaine Elliott for immoral purposes. They've got to prove, irrespective of what he is, that Elaine Elliott was transported——

The Court: Yes, but for immoral purposes, and one of the immoral purposes charged is for purposes of prostitution. Isn't it more likely that a pimp would transport a woman for immoral purposes, than a respectable hotel proprietor? [163]

Mr. Olson: Possibly so, your Honor, but by the same token, your Honor, when you get back to what I was arguing before——

The Court: This is the defendant. Elaine Elliott isn't on trial; she's only a witness. This defendant

is on trial, and one of the specific things charged, an essential element of these offenses is the purpose, one of them particularly—well, I guess they both charge purpose of prostitution.

Mr. Olson: But Elaine Elliott's credibility is on trial just as much as the defendant's violation of the statute.

The Court: No, I don't think they're comparable. Here we're trying to determine whether or not this evidence is material on the point of showing the purpose or intent of the defendant, who is on trial and charged here. It isn't a question of credibility.

Mr. Olson: Your Honor, it seems to me if this testimony can come in at all it's got to be one thing; sitting in her apartment looking out the window, seeing somebody sitting in the car, and saying that's the same girl who was in here, now, you have that kind of a—

The Court: That's for the trier of the facts, to determine whether the identification is sufficient or not. If she will testify to the identification then whether or [164] not she is to be believed is a question for the jury, not me.

Mr. Olson: That's true, your Honor.

The Court: I believe it's material, except the matter of the trip to Tacoma.

Mr. Freeman: Your Honor, may I be heard briefly on that?

The Court: Yes.

(Argument of plaintiff's counsel.)

The Court: I'll rule that part of it out. You may call in the jury, then.

(Whereupon, the following proceedings were had within the presence of the jury.)

BETTY DesCORREAU

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

Q. Will you give us your name, please?

A. Betty DesCorreau.

Q. I'm sure you'll have to speak a little louder; and where do you now reside, Miss DesCorreau?

A. In Yakima, Washington.

Q. You've been a resident of Yakima for a considerable time? A. Yes.

Q. Are you acquainted with Thomas T. Chamales, Jr., the defendant here on trial? [165]

A. Yes, I am.

Q. Where and when did you first meet him, approximately?

A. When I worked for him; I think it was in 1946.

Q. In 1946? A. Or '47.

Q. And where did you work for him?

A. At his hotel; I was the switchboard operator.

Q. Which hotel?

A. Commercial Hotel in Yakima.

Q. In Yakima; how long did you work for him, Miss DesCorreau?

A. I should say around two or three weeks.

Q. I see. Then in 1949, sometime in 1949, I take

(Testimony of Betty DesCorrean.)

it you moved to Seattle, is that correct?

A. Yes, I did.

Q. Did you hear from Tom T. Chamales, Jr., in Seattle? A. Yes.

Q. And tell us how he came in contact with you. Mr. Olson: I'd like to have the time and place.

Q. I will. When did he get in touch with you in Seattle?

A. I had been there about I should say a month, and he contacted me by telephone.

Q. Now, about what month or day or year was it?

A. It was in the first part of October—or August.

Q. First part of August? A. Yes. [166]

Q. Of what year? A. Of 1949.

Q. And where were you when he called you?

A. I was at my apartment, at the Keystone Apartments in Seattle.

Q. And what was the conversation?

A. He asked me out for the evening.

Q. He asked you out for the evening?

A. Yes.

Q. And what did you say or do?

A. I said I would go.

Q. Did you see him, then, as the result of that conversation?

A. He came to my house that evening.

Q. All right, what conversation did you have with him that evening?

A. Well, the first thing he said, of course, it was

(Testimony of Betty DesCorreau.)

“hello” and “how are you” and then he sat down and said, “Betty, I’d like to tell you something.”

Q. Now, speak a little louder.

A. He said, “Betty, I would like to tell you something”——

The Court: In view of the discussion we had here I think the record should show this is over the objection of the defendant.

A. He said, “Betty, I’m a pimp, and I think you should know this, seeing as how you’re a nice kid and I wouldn’t want [167] anything to happen to you, and I’m going to tell you all about it.”

Q. Did he make mention to you at your apartment of a girl coming in from California?

Mr. Olson: Your Honor, just a minute, I think that question is most leading.

The Court: I’ll sustain the objection.

Mr. Olson: And having made the suggestion that she should not be permitted to answer the question, in accordance with the rule.

The Court: Well, you may ask another question.

Q. (By Mr. Freeman): What further conversation did you have with him that evening, Miss DesCorreau?

A. He told me what sort of racket he was in.

Q. What did he say to you in that regard?

A. He said that he had a few girls that he had working for him, and that he had one coming in Sunday evening.

Q. Did he say from where?

A. He said from California.

(Testimony of Betty DesCorreau.)

Q. Did he say how? A. By plane.

Q. Did he tell you what work these girls were doing for him?

A. Well, I just took it for granted that they were prostitutes.

Mr. Olson: Now, just a minute. I object to what she took for granted, your Honor. [168]

The Court: Yes, I'll sustain the objection to that.

Q. What other conversation did you have with him, Miss DesCorreau?

A. Well, he told me about Elaine Elliott, but he didn't mention her name.

Mr. Olson: Then, your Honor, I ask that that be stricken.

The Court: Yes, that will be stricken, and the jury will disregard it at this time.

Q. What conversation did he have about the girl you were speaking about a moment ago?

A. That she was coming in by plane Sunday evening, and that he was to meet her by plane, and he said the first thing he was going to do was slap her in the face to show her who was boss.

Q. You said meet her by plane, or at the plane?

A. At the plane.

Q. Go ahead.

A. And he said the first thing he was going to do was to slap her in the face to show her who was boss, and then he said he was going to put her in a low house of prostitution, and after that he was going to put her in a lower one so she would get

(Testimony of Betty DesCorreau.)

to know the business, but he said after about six months that he would put her up in [169] business of her own.

Q. Was there any other conversation along that line with Mr. Chamales at your apartment that evening?

A. He talked a lot about prostitution.

Q. I see.

A. And how they got these girls to do things for them.

Q. Now, just go into that and tell us what he's told you.

A. He told me that first he treats them very wonderfully, sends them flowers and takes them out and all sorts of intentions, and then they had this thing that's planned where he has an apartment, maybe, or something like a house, and he would have several good-looking friends in where they would ignore the girl when she came in, when she is used to all sorts of attention; she is probably a beautiful girl to begin with, or pretty, until the time that he would—the expression he used was get his hook in their belly, and they would do whatever he wanted them to do.

Q. Did you go out with him that evening, Miss DesCorreau? A. Yes, I did.

Q. Where did you go?

A. The Outrigger Club.

Q. Where is that?

A. That's in the Ben Franklin Hotel.

Q. Where?

(Testimony of Betty DesCorreau.)

A. The Benjamin Franklin Hotel. [170]

Q. Did you have dinner with him there?

A. Yes, I did.

Q. What was the conversation that you had with him there?

A. Well, it was just everything, I can't remember any definite thing.

Q. I'm speaking now of similar conversation.

A. Of Elaine Elliott, or this girl.

Q. Of the girl coming in from California?

A. I don't believe he talked any more about her in there.

Q. Did he tell you more about his business at the club, the Outrigger Club? A. No.

Q. Did you go to another club? A. Yes.

Q. What conversation did you have with him there?

A. Just the general run of the business.

Q. Of what business, that's what I'm getting at.

A. Of course, we were with other people then and we didn't talk too much about it.

Q. Now, did he say anything more to you than you have already stated about his business that you can recall, at your apartment that night or at the restaurant afterwards?

A. Not that I can recall.

Q. Now, when did you next see Mr. Chamales?

A. It was the next evening. [171]

Q. The next evening? A. Yes.

Q. And where was that?

A. That was at my apartment.

(Testimony of Betty DesCorreau.)

Q. At your apartment? A. Yes.

Q. Did you dine with him that night?

A. Yes.

Q. What was the conversation, if any, that night?

A. That was when he wanted me to go to Tacoma with him.

Q. I see; and when did you next see him after that?

A. The next evening, it was Sunday evening, we went for a ride.

Q. Sunday evening? A. Yes.

Q. And was there anything said about the girl coming in on the plane that evening? A. Yes.

Mr. Olson: Now, your Honor, I think he should ask what conversation they had.

The Court: Well, directed to a particular subject, so she won't have to relate everything they said. Go ahead; overrule the objection.

Q. (By Mr. Freeman): What was the conversation with reference to the girl? [172]

A. Well, he said he had to meet that girl that evening at the airport, and he again said that the first thing he was going to do was slap her in the face, and that she would love him all the more for it if he did.

Q. Did he repeat on that occasion what he had stated before to you in that regard?

A. No, I don't believe so.

Mr. Olson: Your Honor—

The Court: Well, she said no.

(Testimony of Betty DesCorreau.)

Q. All right, Miss DesCorreau, did you have any conversation with Mr. Chamales about riding with him to Tacoma?

A. Did I have any conversation?

Mr. Olson: To Tacoma?

Q. I'm sorry; Yakima.

A. Yes, he mentioned going to Yakima the first of the week, and I didn't see him; I called him, but he wasn't in, and he came down to my apartment and I asked him then if my girl friend, my roommate and I could ride over with him to Yakima, and he said no, that we couldn't, that he had to leave town right now, and that they were waiting for him outside.

Q. When was this, now, what day was this, do you recall?

A. This was Tuesday or Wednesday.

Q. The Tuesday or Wednesday following the Sunday when the girl was to come in? [173]

A. Yes, it was during that week some time.

Q. I see. Now, go ahead and tell us what happened on that date.

A. He had told me about the girl, so I was quite anxious to see her, as he said she was a very pretty girl, and I just wanted to know what she looked like, so our apartment was right on the sidewalk, so it was just the width of the sidewalk between—

Mr. Olson: The question wasn't what mental thought went through her mind.

The Court: Well, what was the question?

(Testimony of Betty DesCorreau.)

(Whereupon, the reporter read the last previous question.)

The Court: I'll overrule the objection. She may tell what happened.

Q. (By Mr. Freeman): Go ahead.

A. Anyway, I went to the window.

Q. You went to the window?

A. I went to the window; he was right beside me, and I looked out of the window and I saw the side view of this girl.

Q. Now, who else was in the car?

A. Tex Reed.

Q. And what conversation did you have with Chamales?

A. I asked him if that was the girl that he was speaking of, [174] and he said yes, it was.

Q. He said it was? A. Yes.

Q. What other conversation did you have with him then?

A. That was just about all, because he was in a hurry, and he said that he couldn't take us over because he had business on the way.

Q. Is that all the conversation he had with you before he left? A. Yes.

Q. Did he make any statement to you about what might happen if you spoke about certain things in Yakima?

A. Well, as he was going out the door.

Q. Yes, tell us about that.

A. He looked back and said, "Now, if I get back to Yakima and hear anything that I said re-

(Testimony of Betty DesCorreau.)

peated," he said, "I'll come back and knock you on your fanny."

Q. Now, how old were you in August of 1949?

A. Seventeen.

Q. Seventeen years old? You may inquire.

Cross-Examination

By Mr. Olson:

Q. Are you married? A. No, I'm not.

Mr. Freeman: Just a moment, may I ask one more question? [175]

Mr. Olson: Surely.

Mr. Freeman: The girl you saw in the automobile have you now been able to identify?

A. Yes, I did.

Mr. Freeman: Who is she?

A. Elaine Elliott.

Mr. Freeman: She is Elaine Elliott?

A. Yes.

Mr. Freeman: And you now know Elaine Elliott? A. Yes.

Mr. Freeman: That's all; I'm sorry, your Honor.

The Court: All right, you may cross-examine.

Cross-Examination

(Continued)

By Mr. Olson:

Q. You say that you worked in the hotel in Yakima, the Commercial Hotel? A. Yes.

Q. And you say—whose hotel was that?

(Testimony of Betty DesCorreau.)

A. Tom Chamales. I guess it was his father's, but he was the manager of it.

Q. When did you work there?

A. Well, I believe it was in 1946 or 1947.

Q. Can you tell us which one of those years it was? A. No, I can't definitely.

Q. Do you know when Mr. Chamales' father acquired the hotel?

A. Well, I worked there before he did acquire the hotel. [176] That, I believe, was in '46.

Q. As a matter of fact, the Chamales family didn't have anything to do with the hotel at all in '46, did they? A. I really don't know.

Q. Are you sure you worked there at all when the Chamales family had it?

A. Yes, I am very sure that I worked there.

Q. Well, I mean when the Chamales family were operating the hotel, are you sure you worked there then? A. Yes, I am.

Q. And for how long a period of time?

A. I believe it was two or three weeks.

Q. Where was your home at that time?

A. It was with my mother.

Q. Whereabouts?

A. North Third Avenue.

Q. Well, I mean what city? A. Yakima.

Q. And when did you leave Yakima then?

A. Well, I left there several times. I left it in '47.

Q. '47?

(Testimony of Betty DesCorrean.)

A. Well, I can't remember the dates now when I did leave.

Q. You went to Seattle, did you? A. Yes.

Q. Did you seek employment there? [177]

A. Yes.

Q. What kind of employment?

A. Well, the first time I went I didn't seek employment; I stayed with my grandmother.

Q. How long was that?

A. That I lived with my grandmother? It was one summer.

Q. Then did you come back to Yakima again?

A. Yes.

Q. And how long did you stay back in Yakima that time? A. I don't remember.

Q. You didn't see Mr. Chamales, I understand, at all during that time? A. No.

Q. And then you went back to Seattle again?

A. Yes.

Q. Do you know about what time that was?

A. It was in '48.

Q. Did you seek employment then?

A. Yes.

Q. And whereabouts?

A. At Best's Apparel.

Q. That's a ladies' wear store in Seattle?

A. Ladies' apparel, yes.

Q. And did you work in that place, then, up until the time that you've related of meeting Mr. Chamales? [178]

A. Well, I worked, and I exchanged jobs, I

(Testimony of Betty DesCorrean.)

worked for a Dr. Torreson, and that was about two weeks before the time that I met Tom.

Q. And when you were back this last time, then, after the summer you stayed with your grandmother, where did you stay then? Did you stay with your grandmother again, or in this apartment?

A. Yes, I did.

Q. When did you move into this apartment you spoke of? A. It was in July of 1949.

Q. And I didn't get the address of that apartment. A. It was the Keystone Apartments.

Q. What's the address of it?

A. Well, it was on Terry between Pine and Pike; I don't know the exact address.

Q. On Terry Street? A. Yes.

Q. Do you know what block it's in at all?

A. 1500.

Q. How long did you occupy that apartment?

A. About two months, three months.

Q. Did you occupy it alone? A. No.

Q. Who else was with you?

A. Miss Pat Griswold. [179]

Q. Griswold? A. Griswold.

Q. Was she with you, staying with you in the apartment, when Tom called on you?

A. Yes, she was.

Q. Was she present? A. Pardon?

Q. Was she present?

A. The first evening when he came I don't believe she was.

(Testimony of Betty DesCorrean.)

Q. Was she present the next time, the second time?

A. The next evening she went out with Tex Reed.

Q. And was she present the time that you related that they were on their way to Yakima?

A. Yes, she was.

Q. Well, then, when you saw Mr. Chamales and he called you on the phone, can you fix the date that was in 1949? You say it was August, 1949, is that right?

A. Yes; it was the first part, or around the 14th or 15th.

Q. Around the 14th or 15th; how do you fix that date? A. Well, I don't definitely know——

Q. Well, how? A. ——what date it was.

Q. You say you don't definitely know?

A. No, I don't.

Q. Can you say it wasn't July, 1949? [180]

A. I know it wasn't July.

Q. How do you know it wasn't July?

A. Because I came to that apartment the first part of July and I know I had been there at least a month before he called.

Q. Could you have been there two months?

A. No, it was still summer.

Q. It couldn't have been in September?

A. No, it wasn't.

Q. Then what kind of an apartment is that, how many rooms?

A. It's an apartment hotel; there are six floors.

(Testimony of Betty DesCorreau.)

Q. It's an apartment hotel? A. Yes.

Q. What did your apartment consist of?

A. A bedroom, living room, kitchenette, and bath.

Q. A bedroom, living room, kitchenette, and bath? A. Yes.

Q. And it's on the first floor? A. Yes.

Q. And where is the living room and kitchen and bath? How are the rooms arranged?

A. The living room is right on the street, it's facing the street, as is the bedroom.

Q. Which street, by the way?

A. Terry Street. [181]

Q. Then the kitchen and bathroom, where are they?

A. The kitchen and bath were towards the rear of the building; there were no windows.

Q. Is the bedroom also on the street?

A. Yes.

Q. Now, what's the nature of the living room windows?

A. They covered most of the side of the wall; two large windows, and two half windows, they call them, on the sides.

Q. There was two large windows and two half windows? A. Yes.

Q. By that you mean a large window and a half window above it? A. No, on the side of it.

Q. Then there was four windows on the side of this? A. Yes.

(Testimony of Betty DesCorreau.)

Q. What's the size of the living room, approximately the measurements of it?

A. I really couldn't say. It wasn't too large a room.

Q. Are you telling the jury there was windows clear from one corner to the other?

A. No, I'm not saying that; it took up most of one-half of the wall, or one part of the wall. There wasn't over, I should say, three feet on each side of it.

Q. Did you have curtains on the windows? [182]

A. Pardon?

Q. Did you have curtains on the windows?

A. Yes.

Q. What else?

A. That was all. We had drapes on the sides.

Q. Curtains and drapes? A. Yes.

Q. Did you have any blinds?

A. Well, they were raised.

Q. Pardon?

A. They were raised. We did have blinds, yes.

Q. Were they Venetian blinds or—

Mr. Freeman: Your Honor, I'm going to object to the questioning; she has said she could see. I hardly think the makeup of the room is of sufficient importance.

Mr. Olson: Well, I'm not bound by it.

The Court: I'll overrule the objection. What was the last question?

(Testimony of Betty DesCorreau.)

(Whereupon, the reporter read the last previous question.)

A. No.

Q. Now, as I understand it, you hadn't seen Mr. Chamales since 1946 or 1947, you're not sure which?

A. Well, I had seen him in town.

Q. Oh, you had seen him? [183]

A. To say hello to, yes, but not more than that.

Q. Anything other than just hello?

A. Not that I can remember.

Q. Did you go out with him at all?

A. No, I don't believe so.

Q. And while you were at the hotel you worked there two or three weeks——

A. Yes.

Q. While he was there? A. Yes.

Q. And he didn't go out with you?

A. No.

Q. That was entirely an employer-employee relationship?

A. Well, we were friends, I mean we would talk.

Q. Well, I suppose he talked with all the employees, but you never went out together?

A. No.

Q. And that was in either '46 or '47?

A. Yes.

Q. And then from that time up until the time he called you in '49 how many times did you see him at all to say hello to?

A. Well, I can't remember that.

Q. Well, is it more than once?

(Testimony of Betty DesCorrean.)

A. Well, I should say so. [184]

Q. Do you have any recollection of any time you met him during that three-year period?

A. Well, one time I was in his coffee shop having a cup of coffee—

Q. In Yakima?

A. Yes, and he asked me to work for him; he had a candlelight room then, it was a cocktail lounge in the evening and coffee shop during the day, and he asked me how old I was, and I said twenty-one, and I went back later and told him I was not twenty-one and couldn't work in his coffee shop.

Q. All right, when was that?

A. That was during the summer some time.

Q. Of what year?

A. I believe it was in '48.

Q. Now, what other time can you remember seeing him in that three-year period?

A. Well, that day I went to his suite to have a drink with him, and Tex Reed and this other fellow was up there.

Q. When was that?

A. That was this same day during the summer, I believe it was in '48.

Q. That was the same day we were talking about—

A. —the job.

Q. —in 1948? [185]

A. Yes.

Q. Now, can you ever remember seeing him again between that and—

A. Not that I can remember.

(Testimony of Betty DesCorreau.)

Q. So you can remember then this one occasion in that three-year period from the two or three weeks you worked for him at the hotel up until you say he called you at the apartment?

A. Yes.

Q. And then you say he walked in that night and says, "Betty, I want to tell you something"?

A. Yes.

Q. And right off the bat he said, "Betty, I want you to know I'm a pimp"?

A. Yes.

Q. That's what he said?

A. Yes.

Q. And then the next thing the conversation went into matters of prostitution?

A. Yes; I didn't know what the word meant, and I asked him.

Q. You didn't know what the word meant?

A. Yes.

Q. But you sat down and discussed—

A. And he explained to me what the word "pimp" was.

Q. How about prostitute? You knew what that meant? [186]

A. Yes, I did.

Q. And you sat down and carried on that conversation with him in your apartment?

A. Yes.

Q. And following that conversation which you say took place you then went out for the evening?

A. Yes.

Q. Is that what you're telling us?

A. Yes, I am.

(Testimony of Betty DesCorrean.)

Q. And then you came home and went out with him again the next night? A. Yes.

Q. And again the next night? A. Yes.

Q. Now, during all that time did he make any improper advances to you? A. No, he did not.

Q. Of any kind? A. No.

Q. Treated you courteously—

A. He was very nice.

Q. —and politely in every respect?

A. Yes.

Q. But still he had this conversation with you?

A. Yes. [187]

Q. Now, then, you wanted to come to Yakima with him? A. Yes, I did.

Q. And can you tell us what day of the week it was that this car drove up that you said you looked out the window?

A. I don't know what day particularly it was; it was during the week some time.

Q. Can you tell us any day of the week that it wasn't? A. No.

Q. It could have been any day of the week?

A. Yes.

Q. What time of the day was it?

A. It was afternoon.

Q. In the afternoon? A. Yes.

Q. Was it on Sunday?

A. Was it on Sunday?

Q. Yes.

A. No, it wasn't on Sunday.

Q. Well, you were working, weren't you?

(Testimony of Betty DesCorrea.)

A. No, I wasn't.

Q. I thought you told us you worked in an apparel shop?

A. Well, I did, but I wasn't working at that time.

Q. Were you unemployed at that time?

A. Yes.

Q. How long had you been unemployed? [188]

A. I don't remember how long I had been unemployed.

Q. So then you looked out the window anyhow, Mr. Chamales came into the apartment?

A. Yes.

Q. And you and he looked out the window?

A. Yes.

Q. What kind of a car did you see?

A. A blue Cadillac.

Q. A blue Cadillac automobile? A. Yes.

Q. Do you know what year it was?

A. 1949.

Q. The year of the car? A. No, I don't.

The Court: The year model, you mean?

Mr. Olson: Yes.

The Court: Would you expect her to know that?

Mr. Olson: Well, I wouldn't know, Judge.

Q. Had you been in this car before?

A. Yes.

Q. And it was a sedan, was it? A. Yes.

Q. What time of the afternoon was it?

A. I don't know what time it was.

(Testimony of Betty DesCorreau.)

Q. Do you know whether it was the latter part of the [189] afternoon or the early part?

A. No, it was in the early part of the afternoon.

Q. The early part of the afternoon?

A. Yes.

Q. What was the weather? A. Pardon?

Q. What was the condition of the weather? Was it raining or was the sun out or what?

A. No, the sun was barely shining; it wasn't a real sunshiny day, but it was shining.

Q. What was the situation with reference to shrubbery or trees or bushes around your apartment house there?

A. We had them on each side of the window, and they were cut below our window.

Q. They were on either side of the window but below the window they were cut? A. Yes.

Q. Now, what Mr. Chamales told you, that there was a girl coming from California, as I understand?

A. Yes.

Q. He didn't say Chicago? A. No.

Q. You're sure of that? A. I'm very sure.

Q. Did you remember asking Mr. Chamales to loan you \$100.00? [190] A. It was \$80.00.

Mr. Freeman: I think the date of that should be established to some degree.

Mr. Olson: Well, I'll get at it.

The Court: Yes, I think you should fix the time and place.

Mr. Olson: Should I ask her that first?

(Testimony of Betty DesCorreau.)

The Court: No, if she says she remembers it, that's all right.

Q. (By Mr. Olson): You do remember asking Mr. Chamales for a loan? A. Yes.

Q. And he refused to give it to you?

A. No, he didn't refuse to give it to me.

Q. He didn't give you a loan, did he?

A. No.

Q. And you told him that you needed the money to pay your rent, or something? A. Yes.

Mr. Freeman: Your Honor please, I object to the line of questioning. I see no materiality to the question being asked. Whether a loan or a request for a loan has any purpose——

The Court: Well, I'll overrule it. Trying to show bias, I suppose? [191]

Mr. Olson: Yes.

Q. (By Mr. Olson): Didn't you tell him, Miss DesCorreau, when he refused to make you that loan, that you were going to get him?

A. No, I didn't tell him that.

Q. You don't remember telling him that?

A. No, I don't.

Q. You remember asking him for the money?

A. Yes, I do.

Q. You remember not getting it?

A. Yes; I couldn't talk to him; he left the building.

Q. You don't remember telling him when he refused to give it to you that you were going to get him?

(Testimony of Betty DesCorreau.)

A. I couldn't talk to him; he left the building. When he saw I was there to get the money he left.

Q. Did you write him a letter?

A. I wrote him a note.

Q. Did you say in the note you were going to get him? A. I didn't say that.

Q. What did you say?

A. I said when I make a promise, I expect them to keep it, and what I meant by a promise, I wasn't going to keep quiet about what I knew as far as telling any of my friends anything in Yakima.

Q. Didn't you in that same note tell him you were going to [192] do everything you could to degrade him? A. Not that I remember.

Q. Would you say you didn't say that in your note?

A. I'm not saying I didn't say it; I just don't remember.

Q. Is it possible you said that in the note? Is that your testimony?

A. It's possible if I don't remember.

Q. As a matter of fact you're quite sure you did say that? A. No, I'm not.

Q. Now, Miss DesCorreau, you are presently working in Yakima, are you not?

A. Yes, I am.

Q. In a men's shop? A. Yes.

Q. Located approximately a half a block from where my office is? A. Yes.

Q. And do you recall my calling on you a few days ago at the place of your employment?

(Testimony of Betty DesCorreau.)

A. Yes, I do.

Q. On two occasions? A. Yes.

Q. And asking you if you would discuss—that I had understood that the Federal Bureau of Investigation had talked with you, and also understood that you were going to be a [193] witness, and told you I would like to discuss the case with you? A. Yes.

Q. And you refused to talk?

Mr. Freeman: Just a moment; if your Honor please, he has asked her whether she refused to discuss this case with Mr. Olson. I can't see the relevancy or materiality of that; she was under no compulsion or duty to discuss the case with him.

The Court: One of the witnesses is in the courtroom. Had you planned to call her again?

Mr. Freeman: No, your Honor; I didn't see her there.

The Court: You're not going to call her again?

Mr. Freeman: No. She's from Chicago. Can she be excused, your Honor?

The Court: Do you wish to keep her any longer?

Mr. Olson: I don't believe she should be released, your Honor. Perhaps she ought to stay out of the courtroom.

The Court: Well, if she's not going to be released she shouldn't be in the courtroom, then. I think she should be excluded from the courtroom, because if she's going to be kept it would be only for one purpose.

(Testimony of Betty DesCorreau.)

Mr. Olson: I just can't say definitely that she might not be recalled. [194]

The Court: All right. I'll overrule this objection. Go ahead.

Q. (By Mr. Olson): You did refuse to discuss the case with me? A. Yes, I did.

Q. And I told you that I would be very willing to discuss it with you in the presence of the F.B.I. agent? A. Yes.

Q. Do you recall that?

A. Yes, I recall it.

Q. Or the United States Attorney?

A. Yes.

Q. Or both of them? A. Yes.

Q. And you said that you did not wish to discuss the case with me? A. Yes.

Q. Now, was it your—was your reason for refusing to do that, Miss DesCorreau, that you didn't want me to check on your statement? A. No.

Mr. Freeman: Your Honor, I object for the same reason, it has no materiality in this case.

The Court: Well, she's already answered; I'll overrule the objection. You said no?

A. Yes. [195]

Q. And I called on you twice? A. Yes.

Q. Each time you refused to discuss it with me? A. Yes.

Q. And I also told you my name, who I was representing, and where my office was?

A. Yes.

Q. And I also told you that I was only interested

(Testimony of Betty DesCorrean.)

in securing what the actual facts of this case was concerned? A. Yes.

Q. I told you also that if I asked you any questions that you didn't wish to answer, that you could tell me that you didn't wish to answer.

A. Yes.

Q. That's correct? A. Yes.

Q. Nevertheless, you wouldn't discuss the case with me at all. A. That's right.

Mr. Olson: Could we have an adjournment, your Honor?

The Court: Well, the Court will recess for ten minutes.

(Short recess).

(All parties present as before, and the trial was [196] resumed.)

Mr. Olson: I have no further questions.

Q. Miss DesCorrean, when Mr. Chamales came to your room at the Keystone Apartments in Seattle the first night and told you these matters that you've testified to, prostitution and his occupation and so forth, did he tell you why he was stating those things to you?

A. Yes, he said that I was a nice kid and he wouldn't want anything like that to happen to me.

Mr. Freeman: That's all.

Mr. Olson: That's all.

(Whereupon, there being no further questions the witness was excused.)

(Testimony of Betty DesCorreau.)

Mr. Freeman: That's all; the government rests its case, if your Honor please.

Mr. Olson: Your Honor, I'd like to address a motion to the court.

The Court: All right, the jury will step out a moment.

(Whereupon, the following proceedings were had without the presence of the jury.)

Mr. Olson: Comes now the defendant, the United States having rested, and in the absence of the jury and in the presence of the Court moves for an order [197] of non suit and dismissal as to each of the counts one and two of the amended information, on the ground that the United States Government has failed to introduce testimony from which the jury could find that the defendant Thomas T. Chamales had committed either of the offenses charged in the amended information as to either count. Now, your Honor please, the testimony as to count one, I'm not going to review it at length; it's necessary of course——

The Court: I have too clearly in mind what it is, I think. Your memory may be better than mine, but I've been following it pretty closely and taking notes, so you can assume I'm fairly familiar with it.

Mr. Olson: I didn't intend to review the testimony, your Honor. The statute requires and the cases all hold that in order to be guilty of the offense there has to be two things; there has to be both a transportation of Elaine Elliott in this case in interstate commerce, and the transportation has

(Testimony of Betty DesCorreau.)

to be with the intent of prostitution, debauchery, or other immoral purposes. Now, it is our position, your Honor, that as to count one there is no testimony whatever that the transportation was had with that intent. The testimony of Mrs. Elliott—I would like to make this statement briefly—

The Court: Yes, all right.

Mr. Olson:—is limited entirely that the only purpose [198] of the trip was to come out to work in the hotel.

The Court: It's his intent that counts, not hers. She thought she was coming out to work; he told her he was going to give her a job, but he didn't, but he used her for immoral purposes, so that certainly would be sufficient for the trier of the facts to find that was his purpose.

Mr. Olson: It has to be his main purpose.

The Court: The trier of the facts could find that was his only purpose. He put her in a room and used her for the immoral purpose, and didn't give her the job, so certainly I think it could be drawn that was his only purpose. Go ahead.

Mr. Olson: Your Honor, that's our position on count one. Obviously your Honor feels that the jury would have the right to infer from what took place that was his intent. It is our position that in a criminal case where the government is required to prove beyond a reasonable doubt that he did have that intent, the evidence is not sufficient.

The Court: At this stage I'm only concerned with whether there is substantial evidence or evi-

(Testimony of Betty DesCorreau.)

dence from which there could be a reasonable inference. The jury has to be convinced beyond a reasonable doubt.

Mr. Olson: As to the second count, the testimony [199] it seems to me goes beyond any question that the transportation, whatever may have been Miss Elliott's intention when she got here, there is no testimony from Elaine Elliott or anyone else that at the time that they had the phone call and the time that Tom sent the money, that he intended—what the purpose was, to get her out here. She said he asked her if she would be willing to work and how long she was going to stay. That was the substance of her testimony as to what the conversation was on the phone relative to her coming out here, outside of the previous discussions that she loved him and wanted to come out. That leaves only, your Honor, to tie it in, this testimony of this last witness Miss DesCorreau, and that it seems to me, where they are testifying to an admission with absolutely no independent proof of the transportation being for immoral purposes—in other words, if there's no other testimony at all, as I understand the rule, you cannot introduce and support a conviction on a sole statement or alleged admission of the defendant that he was getting her out for that purpose.

The Court: As far as the second count is concerned, the matter of intent is something that is peculiarly and usually buried in the mind of the one who is charged with having it, the accused. The

(Testimony of Betty DesCorreau.)

intent is inside of the accused's mind, something that isn't capable of direct [200] proof or demonstration, and therefore in most cases it must be gathered from the declarations and the acts and conduct of the accused, and that applies—of course, while the test is the intent at the time the transportation was furnished and effected, the intent may be shown by subsequent conduct as well as prior conduct, so that what he did and what he told her he intended to do after he got her out here may be considered properly by the trier of the facts in arriving at the intent. The motions will be denied. The motions will be regarded as a motion for judgment of acquittal of the defendant as to each count, and exception will be allowed to the defendant. Are you ready to proceed, Mr. Olson?

Mr. Olson: Your Honor, would it be possible to have about five minutes?

The Court: All right, I'll recess for five minutes.

(Short recess).

(All parties present as before and the trial was resumed.)

(Whereupon, the following proceedings were had within the presence of the jury.)

Defendant's Opening Statement

Mr. Olson: Your Honor please, counsel, and members of the jury. The testimony of the defendant in this case will show that Mr. Chamales' parents, Tom [201] Chamales, Sr., purchased and

(Testimony of Betty DesCorreau.)

operated, not the building, but the hotel business known as the Commercial Hotel in Yakima; that Mr. Tom Chamales, Jr., their son, the defendant in this case, came to assist in the operation of the hotel; Mr. Chamales being an elderly man approximately eighty years of age, the son became active in the management of the hotel. That the parents were here part of the time actively engaged in managing the hotel, and part of the time they were back in Elgin, Illinois, which is near Chicago.

That pursuant to a phone call from his father, Tom Junior made a trip back to Chicago in March of 1949, a business trip, and while he was there and while having lunch with Mr. Marty McDonald of the Cascade Lumber Company, and a friend of Tom's, Mr. Dick Sullivan, Mr. McDonald brought up the identity of Elaine Elliott, and arranged, agreed to arrange a meeting between Miss Elliott and Mr. Chamales. That Mr. McDonald called Mrs. Elliott and did arrange for Tom to call. Tom did call, pursuant to the call, they had a date. That Tom went out with her I think four times in Chicago. One of those times she was taken to dinner at his friend Dick Sullivan's place, at his home where his family was, and that he also took her to his cousin, Peter Chamales' place, Peter Chamales being an attorney in Chicago, and also took [202] her to his sister and brother-in-law's place.

That during these four meetings that Miss—Mrs. Elliott told Mr. Chamales not that she was married or separated, but that she was divorced from her

(Testimony of Betty DesCorrean.)

husband, and that her husband in the divorce proceedings—that she had a child, but that her husband had gotten the child, and in the course of the discussion she had mentioned she evidenced an affection for Mr. Chamales and also that she had stated to him that she would like to come out to Yakima, that she had a lot of associations in Chicago that she wanted to get away from. She stated to him that she had made trips with various men, some of them married, and that she wanted to get away from that environment; that she had been a member of this Pat Stevens Charm School, or I don't remember the exact name, but you've heard it mentioned, that she had considerable experience in handling other people, and that she could be a great deal of assistance to him out in the operating of the hotel in Yakima.

That pursuant to these conversations that it was agreed that he would take her out here, explaining to her, however, that he had no immediate opening for her and it would take some little time to rearrange the affairs. Mr. Chamales will not deny that sexual relations did occur between himself and Mrs. Elliott. The testimony [203] will show that shortly after their arrival at Yakima and before any opportunity afforded itself to give her the employment in the hotel, that they began to quarrel very bitterly, as the result of which Mr. Chamales decided that the only thing for her to do was to go back to Chicago, and that he told her that; that no arrangement between them could ever work out, and that she should return to Chicago.

(Testimony of Betty DesCorreau.)

That pursuant to that he did provide her with transportation, good transportation, into Chicago, and that while she was here he provided her expenses, gave her money, and took care of her. That he paid all of her expenses back to Chicago, but before she went he made it plain to her that no arrangement between them could ever work out satisfactorily, and that she should go back there and entirely forget him and just remember that it was all over. That almost immediately upon her return she then set upon a very exhaustive and persistent pursuit of Mr. Chamales by letters and by phone calls to try to get him to come out here—to try to get him to have her come out here again; that Tom accepted some of the calls, and on each occasion told her no, that it hadn't worked out, that it wouldn't work out, and that he was all through, and for her not to come out here. That nevertheless these calls persisted, that there was many, many calls that came [204] in, usually collect, and that he would simply refuse them. When the call would come in he would say "Tell her I'm out of town; tell her I'm gone; I'm not available" and that he would turn down the calls, on some occasions there would be ten or twelve times a day that call would come in, and finally he would accept the call and again tell her to quit calling him, that there was nothing out here for her to come out for.

That on one occasion she contacted the Northwest Airlines and had them contact the hotel, seeking to have *the* okay the charge to Mr. Chamales of trans-

(Testimony of Betty DesCorreau.)

portation to come out here. That that was refused. That the phone calls continued, and finally it became such a matter around the hotel, Mr. and Mrs. Chamales Sr. were present at the hotel, and the testimony will show that the letter which is in evidence from Mrs. Elliott came into the possession of Tom Chamales' mother, Mrs. Chamales, Sr., and quite a disturbance resulted from it, and as a result Mr. Chamales, the defendant in this case, was faced with a situation where he had to do something to stop this situation.

That he finally agreed then to send her the money to come out here for the sole purpose, our testimony will be, to give her to understand, as he was unable to do it over the telephone or any other manner, personally that [205] they were all through, that as far as he was concerned there was no intention on his part of any sexual relationship with her on the second trip, that he had no thoughts of that in mind, that his sole purpose in having her come out here was to emphatically impress upon her that she was to live her life, and that any relationship between them was over with. Again our testimony will not deny that there was sexual relationship between them on the second trip. We will not go into the details of that, other than to show that it was a matter of whether she was in love with him to the extent that she said she was, but at any rate the sexual relations were at her instigation and not Mr. Chamales'.

Our testimony will be that Tom, the defendant,

(Testimony of Betty DesCorreanu.)

was very emphatic that nothing could work out between them, and that she was to leave him alone, pursuant to which she said that she had some friend who was a married man and had his family, and I'm not sure whether it was Denver or Salt Lake, I think it was Denver, that she could go down with him, he'd take care of her, if he didn't treat her right that's where she was going, and he told her if she wanted to go there that was her business, but he was not going to transport her there; if she wanted to go down to Denver with that man she should get her money from him and not from Mr. Chamales. That they quarreled over that, and [206] that she was continually trying to talk him into keeping her here.

That Tom at all times told her "I'll pay your way back to Chicago, and that's what you should do, that's where you should go, that's where your family is, and forget any relationship between us"; that she refused that, stated she wouldn't go back to Chicago, that she was going to go to either Denver or Salt Lake, Denver, I think. That he said "I will not provide you with funds to go there; I'm going to leave and go back to Yakima," this situation taking place over in Seattle, I believe at the Wilhard Hotel. She says "You mean you're going to walk out and leave me here?" and he says "Yes," that his efforts to get rid of her reached that point, he says "Yes; I'm going back to Yakima; you know my number; you know where I am; if you change your mind and want to go back to Chicago, I will send

(Testimony of Betty DesCorrean.)

you the funds or provide you with the funds for transportation there” and she then said “If you do that I’ll get you; if I can’t have you I’ll see that no one else gets you.”

Our testimony will show that the sole testimony upon which this defendant is sought to be convicted of this rather obnoxious charge is that of these two prejudiced witnesses, both of whom are mad at Mr. Chamales. Our testimony will show Mr. Chamales’ life somewhat, that [207] he has never at any time had any connection with any house of prostitution, that he is not a pimp, that he never said he was, that this purported conversation that Miss DesCorrean testified to is a matter that she has made up for some reason, that he never told her any of those things. His testimony will show that he never at any time suggested to Miss Elliott that she go in or enter a house of prostitution. That his whole family life and everything has been that of—his business life has been that in connection with the operation of a hotel; that the Commercial Hotel in Yakima is the first class hotel there.

Our testimony will show what schooling he had, briefly, that he entered the armed forces and was discharged as a Captain, that he did have some readjustment period following the war, that he married, and that chiefly because of his combat neurosis that he had as the result of the war, that that first marriage did not work out, and that he did subsequently get a divorce; that since that time he has married, he’s now married to his wife Connie.

(Testimony of Betty DesCorreau.)

the young lady you see sitting by him in court; that they have a child, and we believe that when our testimony has been submitted, members of the jury, that you will be firmly convinced, if you are not already so, that there was never at any time any intention on Mr. [208] Chamales' part to transport this woman Elaine Elliott in interstate commerce or otherwise for the purpose charged by the government in the amended information.

We'll call Clay Carroll.

CLAY CARROLL

called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Olson:

Q. State your name, please?

A. Clay Carroll.

Q. And where do you reside, Mr. Carroll?

A. Yakima, Washington.

Q. You came here at my request?

A. Yes, sir.

Q. Now, Mr. Carroll, how long have you lived in Yakima? A. Since 1917.

Q. Since 1917? A. Yes.

Q. Are you employed there? A. Yes, sir.

Q. In what capacity?

A. Assistant manager, Commercial Hotel.

Q. And how long have you been connected with

(Testimony of Clay Carroll.)

the management of the Commercial Hotel in Yakima?

A. I've been employed there for twenty years; connected with the management, assistant management, the last five years. [209]

Q. You've been actually employed in the hotel itself, though, for twenty years? A. Yes, sir.

Q. During that time has there been different management of the hotel?

A. Quite a number of different managements.

Q. How large a hotel is that?

A. 146 sleeping rooms.

Q. And a dining room, is there?

A. A dining room, banquet room, seating capacity 350; the dining room, the coffee shop, seats about 120.

Q. Is that hotel—do you know the reputation of that hotel or the type of hotel it is in Yakima?

A. It's Yakima's leading commercial hotel, a very good name.

Q. Now, do you recall the operation of the hotel for a time under the management of the Chamales family? A. Yes, sir.

Q. Now, while you've been there has the ownership of the building and the ownership of the hotel operation been separate? A. Yes, sir.

Q. The building is owned by someone else?

A. A private party, yes, sir.

Q. Now, do you recall, Mr. Carroll, a Miss Elaine or Mrs. Elaine Elliott? [210] A. Yes, sir.

(Testimony of Clay Carroll.)

Q. And do you recall that she came to Yakima at the hotel sometime in the early part of 1949?

A. Yes, sir.

Q. And do you recall her leaving?

A. Yes, sir.

Q. Now, I'll ask you if following that do you recall a phone conversation or receiving a phone call from anyone with reference to the transportation of Elaine Elliott by Northwest Airlines to Yakima? A. Yes, sir.

Q. Would you state what occurred in regard thereto?

Mr. Freeman: Just a moment, your Honor. No date has been stated as to the date of the conversation; I think it should be stated with some degree of particularity.

The Court: Can you fix the date, Mr. Olson?

Q. (By Mr. Olson): Well, do you or do you not recall when Mrs. Elliott was out to Yakima the second time? A. Not the date, sir.

Q. Well, do you recall, though, her being out in Yakima a second time? A. Yes, sir.

Q. Now, without remembering the specific date that I'm asking you about the call with reference to the Northwest [211] Airlines, can you fix it as being between or before or after or can you give us anything with reference to those two occasions?

A. Between the first and second trip?

Q. Yes, as to whether it was between them or wasn't.

A. I couldn't say. I'd say it was before the

(Testimony of Clay Carroll.)

second trip, although I couldn't—

Q. You could say it was before the second trip, you say?

A. I believe, but I couldn't swear to that.

Q. Well, is that your best recollection?

A. That's my best recollection.

Q. That was prior to the second trip?

A. Yes.

Q. Could you give any indication as to how long before? A. No, sir.

Q. Well, just state what occurred, Mr. Carroll.

Mr. Freeman: Are you asking for the conversation?

Mr. Olson: Yes.

Mr. Freeman: I think I should object, your Honor. He said he couldn't recollect the date. I think it's too ambiguous for testimony, if your Honor please. He says he isn't sure whether it was before the first trip, or between the two trips.

The Court: Will counsel step up to the bench, please? [212]

(Whereupon, the following proceedings were had at the bar, out of the hearing of the jury.)

The Court: Do you propose to prove by this witness that someone came from the Northwest Airlines office in Yakima and asked for transportation for Elaine Elliott?

Mr. Olson: No, I propose to show by this witness that he received a phone call from the Chicago office. When I cross-examined the witness I was

(Testimony of Clay Carroll.)

under the impression it was the Yakima office. When the witness came over here I talked to him, and what he would state was that the Chicago office called the hotel and said Miss Elaine Elliott was there and requesting this transportation, and to show that it was refused.

The Court: Well, I think you've shown probably the time as accurately as you can.

Mr. Olson: As accurately as I can.

The Court: I'll admit it, then.

(Whereupon, the following proceedings were had within the presence and hearing of the jury.)

Q. (By Mr. Olson): Would you just relate, Mr. Carroll, what occurred with reference to the Northwest Airlines?

A. Well, the date I don't remember. There was one day the operator had a call, a long distance call from Chicago stating that Elaine Elliott was calling collect for Mr. Tom Chamales, Jr. We informed her that he wasn't in, and [213] didn't know where he could be reached, and an hour or so later the call come in again, the same call, same party, and the same information was relayed back to the operator, that Mr. Chamales was not in.

Q. Those were collect calls, were they?

A. In collect, and then there was some time later, a little later in the day, that I had a call from the Northwest Airlines, stating this is an employee of the Northwest Airlines, and if we would guarantee—

(Testimony of Clay Carroll.)

Q. From the Northwest Airlines, where?

A. In Chicago; if we would okay her transportation from Chicago to Yakima, if I'd give the Northwest Airlines Company a check here or pay them, they would put her on a plane and send her to Yakima, and of course I had no way to authorize that, and I told them absolutely no, we could not do anything like that, we would not authorize a ticket for her transportation out here.

Q. Now, Mr. Carroll, in your employment there at the hotel did you work at the desk part of the time?

A. Yes, sir.

Q. And where is the switchboard with reference to the desk?

A. Well, it's to the right of the desk, approximately about six feet from me.

Q. Now, what can you tell us, or just what was the situation with reference to collect phone calls coming in and being [214] refused, from Elaine Elliott to the hotel for Mr. Chamales?

A. Well, all the calls coming in from Elaine Elliott to Mr. Chamales in collect, if he was in the house he was notified on a separate line that there was an in collect call from the party, and did he wish to speak on it. There was times that he accepted some calls. The majority of the times Mr. Chamales informed us that he was out, we didn't know where to reach him, and we would inform the operator or the party at the other end that Mr. Chamales was not in and could not be reached by telephone.

(Testimony of Clay Carroll.)

Q. When he would say to "Tell them I'm out, or can't be reached," was he advised that it was a collect call from Elaine Elliott? A. Yes, sir.

Q. And can you tell the jury anything about the frequency that that would happen?

Mr. Freeman: What period are you speaking of?

Mr. Olson: Following the first trip and prior to the second trip.

A. There was times we would get a number of calls, repeatedly all during the day, a number of calls, in collect calls, and that went on for some time. Of course, there would be periods, and then there would be times that we'd have quite a number of in collect calls.

Q. Do you know, Mr. Carroll, whether or not any call came in [215] from Elaine Elliott where she gave the name of someone else, such as Mrs. George Crowley?

A. Well, I heard of a call, but I——

Q. But you didn't personally——

A. No, sir, I was not in the hotel at the time.

The Court: I think the jury should disregard that unless he knows of his own knowledge.

Q. Mr. Carroll, does the Chamales family presently have anything to do whatever with the Commercial Hotel? A. No, sir.

Q. Are you in any way at all connected with the Chamales family? A. No, sir.

Q. Do you know when they sold out their interest in the hotel operation?

(Testimony of Clay Carroll.)

A. I believe the exact date was July 7, when it changed hands.

Q. Of what year? A. Of 1950.

Q. So anyhow you think it was July 7, 1950?

A. Yes.

Q. And since that time you've been employed by someone else? A. Yes, sir.

Q. At the same hotel? A. Yes, sir.

Mr. Olson: You may examine. [216]

Mr. Freeman: I have no questions.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Olson: We'll call Mr. Chamales.

THOMAS T. CHAMALES, JR.

the defendant, called as a witness in his own behalf, being first duly sworn, testified as follows:

Direct Examination

By Mr. Olson:

Q. Will you state your name, please?

A. Tom Chamales, Jr.

Q. When were you born, Tom?

A. August 8, 1924.

Q. How old are you now?

A. Twenty-six.

Q. And you were born where?

A. Chicago.

Q. Are you married? A. Yes.

(Testimony of Thomas T. Chamales.)

Q. This is your wife sitting with you here?

A. Over there.

Q. Where did you meet her?

A. In Yakima, Washington.

Q. Now, do you have any children?

A. Connie and I have one child, yes, and I have a child by a previous marriage. [217]

Q. You have a child by a previous marriage?

A. Yes.

Q. What is the age of your present child?

A. Five months.

Q. You say five months? A. Yes,

Q. And what is the age of the child by the first marriage? A. Three and a half years.

Q. Now, you're now living where, Tom?

A. Elgin, Illinois.

Q. And whereabouts? A. Fox Hotel.

Q. And who operates the Fox Hotel?

A. It's a family operation.

Q. Your family operation? A. Yes, sir.

Q. Your father and mother are there, are they?

A. Yes, sir.

Q. How old is your father?

A. Approximately 79.

Q. Now, Tom where did you have your schooling? A. From the beginning.

Q. Yes.

A. I attended a Catholic grammar school, St. Francis.

Q. Whereabouts? [218]

(Testimony of Thomas T. Chamales.)

A. In Wilmet, Illinois, and an Episcopal military school, St. John's Military in Delafield, Wisconsin.

Q. Do you know what period of time you attended that school?

A. I think I got out of there the year 1942.

Q. Now, at that school, did you receive any awards of any kind at that school?

A. Yes, sir, I did.

Q. What?

A. Well, I received numerous athletic awards, and I received one of the school's highest awards for combined proficiency in athletics and scholarship and military.

Q. Well, was that schooling a military education of some kind?

A. Yes, sir, it's connected with the small government program that they had before the last war.

Q. Now, what year did you graduate from St. John's Military Academy? A. 1942.

Q. And what did you do then?

A. I applied at that time—I was only seventeen, so I had to wait until I was eighteen to go under a program, because I had a military background, I was allowed to enter the army as a private and inside of thirty days if I qualified physically, to go to O.C.S.

Q. Now, what does that mean?

A. That's the Officer Candidate School, the infantry school [219] at Fort Benning, Georgia. I applied when I got out, and they told me that at

(Testimony of Thomas T. Chamales.)

time I was too young, and so I went to college at the University of Iowa for about two months, and after I was there for about two and a half months, I decided to make another request, which I did, and I was accepted and taken in the army as a private.

Q. You then volunteered and entered the army as a private? A. That's right, sir.

Q. Was that still in 1942?

A. Yes, sir, I believe so.

Q. And then what did you do?

A. Well, I went in and I served this approximately thirty days, and passed the tests, and I went to the O.C.S. at Fort Benning, Georgia.

Q. That's the Officer's Training School?

A. That's right, sir.

Q. Well, as a result of that did you receive a commission? A. Yes, sir, I did.

Q. Of what? A. Second Lieutenant.

Q. Then what happened after you received your commission as a second lieutenant?

A. After that I went to Camp Wheeler, in Macon, Georgia, as an instructor. It was a place where the new recruits came in, and I instructed there for about three and a half [220] to four months.

Q. Then what did you do?

A. Then I was shipped to North Africa.

Q. Did you request that, or did that just come forward? A. I requested that.

Q. You requested—

A. —overseas service.

Q. And pursuant to that you were shipped to

(Testimony of Thomas T. Chamales.)

North Africa? A. That's right.

Q. Now, in what particular branch of service were you there?

A. I was in the infantry there. I only spent a very short length of time there, and from there I went out to India.

Q. What part of India?

A. The central province in India, eventually. The first place was in Bombay, and thence to Calcutta. At Calcutta I——

Q. I take it this was in the Japanese phase of the war that you were engaged in?

A. That's right.

Q. What happened then?

A. Well, I volunteered for an organization which became known during the war as Merrill's Marauders.

Q. And what was their particular function, and what did you do in connection with Merrill's Marauders?

A. Well, it was a new type of warfare; it had to do with what [221] this British General Wingate called a long range penetration, three large separated groups of men who would go down behind lines in the jungle and engage in road blocks and the cutting of communication lines, and then would disperse into small groups and run to the hills. That's the type of operation.

Q. Were you dropped in by parachute behind the lines? A. Not then, sir, no.

Q. Now, in that type of service then with Mer-

(Testimony of Thomas T. Chamales.)

rill's Marauders were you engaged in actual combat?

A. Yes, almost daily for about six months?

Q. Can you tell the jury anything about the type of combat that it was?

A. Well, just what I mentioned previous to that, that these were all American troops, and I stayed with them until a place called Mishina in Burma, and at Mishina I was wounded, and I was sick, and——

Q. Is that while you were still with Merrill's Marauders? A. Yes, sir.

Q. What type of wound did you receive?

A. I received shrapnel wounds in my feet and my head.

Q. Did you have any concussion of any kind?

A. Yes, I had quite a severe concussion.

Q. How did you receive the injury?

A. It was from a Japanese thrown grenade. It landed next to [222] me.

Q. Well, can you kind of explain to the jury how the concussion resulted from that grenade?

A. Well, the actual part was that when that thing explodes it explodes up, it leaves a little cone. The only reason that I wasn't hurt too badly, the concussion was so great but that I wasn't hurt too severely by the shrapnel was that the grenade was so close to me that I was almost underneath the cone dispersion.

Q. Had you in the service up to that time been subjected to hand grenades being thrown at you prior to that time? A. Yes, sir.

(Testimony of Thomas T. Chamales.)

Q. And what had it been necessary for you to do from time to time to escape injuries?

A. Throw them back.

Q. What was the next service you had, if any, in connection with your armed service?

A. Well, I went to the hospital, because my weight was down pretty much.

Q. What was your weight at that time?

A. When I came out of Burma I believe the hospital record shows 98 pounds.

Q. How much do you weigh now? A. 225.

Q. You say your weight went down to 98? [223]

A. Yes.

Q. What other service did you have then in the Army?

A. Well, after I was hospitalized I got feeling good again, I was given a leave, and I volunteered to join the O.S.S., which was organizing the guerrilla forces in Burma.

Q. I didn't hear what you said about given a leave.

A. I was given a leave, a little rest leave, when I got out of the hospital.

Q. What happened to Merrill's Marauders?

A. Well, they were disbanded, and everybody, just about, was sent home.

Q. Did you have an opportunity to go home?

A. Yes, sir.

Q. What did you do?

A. Volunteered for this other organization.

Q. And that other organization was what, again?

(Testimony of Thomas T. Chamales.)

A. Well, the O.S.S. was at that time going to organize a guerrilla force in Burma.

Q. Now, where did you serve with the O.S.S.? First, what is the O.S.S.?

A. Well, in the last war it was the thing that was set up by the—the organization set up by the president to centralize the intelligence of the Navy and the Army as much as possible.

Q. What does O.S.S. stand for? [224]

A. Office of Strategic Services.

Q. All right, now, what was the nature of your service in that regard, as to whether it was combat service or not?

A. My first operation with them was that I jumped into a little hill town.

Q. What do you mean, jumped?

A. Parachuted into a little hill town called Lashio—I mean Sinloon Caban.

Q. Where was that?

A. Just a little bit west of Bamal.

Q. In the Burma theater?

A. Yes, a little north of Lashio.

Q. All right.

A. And I took over a small guerrilla force and built it up to about 900 men, the Chin guerrillas, which were Tibetans. They were hill people and they were excellent fighting men, they served with distinction. The regulars that had been recruited by the British Army in previous years had served with tremendous distinction for the British. They were somewhat of a warlike people, and the attitude of Burmese people as a rule was pro-Japanese, but

(Testimony of Thomas T. Chamales.)

the attitude of the Chins was against the Japanese, and that's why it was essential——

The Court: Will counsel step up to the bench a minute, please? [225]

(Whereupon, the following proceedings were had at the bar, out of the hearing of the jury:)

The Court: I think it's all right for you to show the military background and the war service of this man, but we can't show it in such minute detail here; he's going into the history of this war; it will be days; if he keeps up at this rate, all this exposition of what was happening in the Burma theater. I think you should do this very rapidly; if you don't I'll have to cut you off entirely, because I can't let you go into minute detail like that.

Mr. Olson: Your Honor, my purpose was showing the long time that this man was subjected to actual combat.

The Court: You can ask him how long he was in combat and what wounds he received.

Mr. Olson: That's the sole purpose.

The Court: Yes, but the way he's going now it will be days before he gets off of here. You could write a book on that.

Mr. Olson: We are quite close to being through now, Judge.

The Court: I don't think so, from the way he's going. Proceed.

(Whereupon, the following proceedings were had in the presence and hearing of the [226] jury:)

(Testimony of Thomas T. Chamales.)

Q. (By Mr. Olson): Mr. Chamales, was your rank still that of a second lieutenant?

A. No, sir, I was a captain.

Q. You had been promoted to the rank of captain?

A. Yes, sir.

Q. Now, how long were you in the Burma theater with the O.S.S.?

A. Over two years.

Q. Over two years. Now, during that time was your service there connected with—I mean in connection with your service, was it combat service?

A. Yes, sir.

Q. And will you tell the jury briefly how much of your time that you were actually in combat?

A. I'd say I spent about fifteen months solid.

Q. And can you tell the jury anything about how long you would be in continuous combat without a rest?

A. As long as eight months.

Q. Did you receive any other injuries besides the concussion and the shrapnel in your head and face and feet?

A. No, sir.

Q. Now, did you contract any disease in Burma?

A. Yes, sir, I had malaria and amoebic dysentery.

Q. Now, when did you get out of the Army?

A. December—the war was over in what year, '45?

Q. I think that's correct. [227]

A. December of 1945.

Q. That was the December following the end of the war with Japan?

A. That's right, sir.

(Testimony of Thomas T. Chamales.)

Q. Now, did you receive any medals in connection with your Army service?

A. Yes, sir, just unit citations. They didn't give medals, hardly, in the service. If they did give you one they had "secret" stamped over it so much you couldn't show it to anybody.

Q. Well now, following your discharge from the Army, Tom, what was your health?

A. It was—my weight was good, my weight was pretty good, but I suffered from terrific headaches, violent headaches, and I attempted immediately—in fact, before I was discharged I was under civilian care.

Q. Well, now, how often would you get these headaches?

A. Well, at first they were about two months apart, and the time of them seemed to decrease until they were about six weeks.

Q. Connected with that, Tom, was there any emotional or nerve tension?

A. Yes, sir, I was very nervous at times. I had periodic—for no apparent reason, with nothing apparent on my mind, I would have a tendency to be quite nervous and to have [228] my hands sweat and to have a tight feeling in my stomach about every six or seven weeks. It would stay with me anywhere from two or three days to a week.

Q. Now, did you secure medical attention as the result of that? A. Yes, sir, I did.

Q. And who did you go to first, and when, approximately?

(Testimony of Thomas T. Chamales.)

A. In 1945, prior to my discharge, I began to see a Doctor Scaman in Evanston, Illinois.

Q. Can you tell us briefly how often he treated you?

A. Well, he treated me, to the best of my recollection, it was some time ago, about three months; about three months.

Q. What type of doctor is Doctor Scaman?

A. He's a general practitioner.

Q. What other doctors did you see, if any?

Mr. Freeman: Your Honor, I'm going to object to that. It's apparent from the defendant he's going to contend he's not responsible for his actions.

The Court: I don't see the purpose of it, Mr. Olson. I'll ask the jury to step out just a moment; perhaps we can shorten this a little.

(Whereupon, the following proceedings were had without the presence of the jury:)

The Court: What is the purpose of this line of testimony as to his being treated by physicians?

Mr. Olson: Well, your Honor, it's to show emotional instability during his readjustment period following the war.

The Court: What's that got to do with the issues in this case? You're not putting in an insanity defense, are you?

Mr. Olson: No, I'm not claiming that the defendant was insane.

The Court: I think then it's immaterial. I've given you wide latitude in background testimony

(Testimony of Thomas T. Chamales.)

here. His war record has nothing to do with the issues in the case except to let the jury know who he is and what he's done and so on; I think that's proper bearing on the likelihood of his committing the offense, but I don't see where it would be material to show that he was ill or what happened to him so far as that goes, unless you claim mental irresponsibility, the defense of insanity.

Mr. Olson: Well, mental irresponsibility and emotional instability can be fairly close. As far as the transportation, we've got to bear in mind this count one, the testimony which has been introduced, is absolutely nothing more than an escapade between Tom Chamales and Elaine Elliott.

The Court: That's four years after the war ended.

Mr. Olson: That's right. [230]

The Court: And while there are all gradations of emotional and mental instability, unfortunately the law doesn't recognize anything as a defense than that of insanity or mental irresponsibility which renders the accused incapable of distinguishing between right and wrong. Perhaps our system is too crude and doesn't take into account the various gradations, but it doesn't. It's my view unless you have an insanity defense it's not material. Of course, this first transportation was four years after he got out of the Army.

Mr. Olson: That's true, your Honor, but we can show this emotional instability right up to the present time, and show the defendant is still under

(Testimony of Thomas T. Chamales.)

treatment from a doctor who is in charge of the state hospital in Elgin, Illinois.

The Court: Suppose you showed he was emotionally instable, or what is known as a psychopathic personality, I'd have to instruct the jury that was no defense, and they would have to disregard it, unless it rendered him incapable of distinguishing between right and wrong.

Mr. Olson: It seems to me it is material and very much so as to whether or not he had the intent that's been charged by the government in connection with this transportation.

The Court: You're not claiming he was rendered [231] incapable of intent, are you, by his mental condition?

Mr. Olson: It's possible, your Honor.

The Court: I don't think so. I don't think it's material, and I'll so rule. Bring in the jury.

(Whereupon, the following proceedings were had within the presence of the jury:)

The Court: All right, proceed.

Q. (By Mr. Olson): Mr. Chamales, did your family following the war purchase the operating lease on the Commercial Hotel in Yakima?

A. Yes, sir.

Q. And following that did you come to Yakima?

A. Yes, sir.

Q. Do you know approximately when you came to Yakima?

A. I think it must have been January, 1947.

(Testimony of Thomas T. Chamales.)

Q. Now, did you assist your father in the operation and management of the Commercial Hotel in Yakima? A. Yes, sir, I did.

Q. Then getting down to the year 1949, did you in the early part of the year, do you recall where your father and mother were in 1949?

A. In Elgin, Illinois.

Q. Did you receive a call from your father pursuant to which you made a trip to Chicago?

A. Yes, sir. [232]

Q. And can you tell the jury approximately when you went to Chicago, referring to the month of March, 1949?

A. The first part of March in 1949.

Q. Now, when you got to Chicago do you recall having a luncheon with some friends, particularly one Marty McDonald? A. Yes, sir, I do.

Q. Pursuant to that, or during that conversation, did the name of a young lady come up?

A. Yes, sir, it did.

Q. And whose name was that?

A. Elaine Elliott.

Q. And who brought the name up?

A. Martin McDonald.

Q. I assume I'm not permitted to go into that conversation. Following the conference, this luncheon engagement, then, did you call Elaine Elliott on the phone? A. Yes, sir.

Q. Briefly, what was the substance of the conversation?

(Testimony of Thomas T. Chamales.)

A. We made arrangement to meet at the Chicago Athletic Club.

Q. Did she say anything that indicated that she was expecting a call from you, and if so, what did she say?

A. Yes, she said that she was expecting to hear from me, and that she'd be very glad to make a date with me, that she [233] had dated Marty, and Marty suggested that——

Mr. Freeman: Just a moment; I submit that he is stricken as not responsive.

The Court: Well, I'll let it stand. Go ahead, ask another question.

Q. Then pursuant to arrangements did you meet her then? A. Yes, sir, I did.

Q. Whereabouts?

A. In the waiting room of the Chicago Athletic Club.

Q. Now, did you take her out to dinner that day?

A. Yes, sir, I believe that on that day, the first date, that she told me that she had an engagement with another gentleman that evening, but that she would break it and stay out to dinner with me.

Q. How many times did you see her in Chicago prior to coming to Yakima?

A. Four or five times, I believe.

Q. She testified that you were out with her every night; is that true?

A. I don't believe so, no sir.

Q. Pardon? A. No, sir, it is not true.

(Testimony of Thomas T. Chamales.)

Q. You say four or five times. Can you tell the jury where you took her on those times?

A. It was usually in the ladies' cocktail bar of the Chicago [234] Athletic Club or to perhaps the dining room of the Drake Hotel, or to the nice—they were very nice places that I took her.

Q. Where else did you take her with reference to your friends and family?

A. I took her to the home of Mr. and Mrs. Richard Sullivan.

Q. Who is Mr. Richard Sullivan?

A. He's a broker, an investment banker in Chicago.

Q. Was his family there?

A. Yes, he has a family.

Q. Did you have dinner at his place?

A. Yes, sir, we did.

Q. And Miss Elliott? A. Yes.

Q. What did Mrs. Elliott tell you about her marital status?

A. She said that she was in the process of divorce.

Q. Now, where else did you take her with reference to your family and friends?

A. I took her to my brother-in-law's home, Mr. George Crowley, who's sitting behind you. I also took her to my cousin's home, who is an attorney in Chicago, and who has a family.

Q. Now, during that entire time, Mr. Chamales, did you have any sexual relations with Mrs. Elliott?

A. I did not. [235]

(Testimony of Thomas T. Chamales.)

Q. Did you attempt any? A. I did not, sir.

Q. Did a discussion come up about her making a trip out to Yakima? A. Yes, sir.

Q. And what did she say, if anything, about coming to Yakima?

A. Well, I was discussing my duties there at the Commercial Hotel. She suggested that she might be of some help. She did this in a joking manner. She said she might be some help to me out there, and she told me what experience she had had in personnel.

Q. What did she say?

A. Well, that she had worked in this charm school as an instructress, and she really knew how to handle people, and——

Q. What charm school?

A. Patricia Stevens Charm School.

Q. All right, go ahead.

A. She told me about this background of hers. A little while later on we began to discuss the possibilities of her coming to Yakima to work at the Commercial Hotel in the capacity of a hostess. She suggested to me on almost every occasion, and it was at her suggestion that we talked about it.

Q. Did she say anything about wanting to leave Chicago, and [236] if so, what did she say?

A. Yes, sir, she did. She said that she felt that she was mixed up with a bad crowd in Chicago, and she wanted to get out of Chicago. I learned later on the train that one of the main reasons, when she

(Testimony of Thomas T. Chamales.)

got on the train she told me that she was in very bad financial condition in the town.

Q. She told you that on the train?

A. Yes, sir.

Q. Well, did she say anything—that she was mixed up with a bad crowd; what did she say if anything else? Is that what she said?

A. She said that she had made several trips to New York with other men, older men, and that she was just tired of living that kind of a life.

Q. Well, now, Tom, when you got on the train, or before you went to the train, where did you meet her?

A. At the Glass Hat, at the Congress Hotel.

Q. And were you already there before she came, or did you go there with her, or how?

A. I was to meet her, and she and her mother were sitting in the Glass Hat and I came in. I sat with them for a while. I had to go to meet a gentleman that was coming into Yakima—from Yakima to go to Washington, D. C., with my father on some business. I went and met him at the [237] limosine at the Stevens Hotel, and I came back with him to the Glass Hat at the Congress and resumed the conversation with her mother and her.

Q. Well, in the conversation, was the conversation in front of her mother that you and Miss Elliott were going to Yakima? A. Yes, sir.

Q. Now, you mentioned a trip to Washington. Did you make a trip to Washington while you were there? A. I did not, sir.

(Testimony of Thomas T. Chamales.)

Q. Did you tell Miss Elliott that you had to make a trip to Washington? A. I did not, sir.

Q. Then when you got on the train, Mr. Chamales, where did you go first?

A. Went to our compartment.

Q. And you and Mrs. Elliott together?

A. That's right, sir.

Q. And you heard her testify that you went first to the lounge, I think she said?

A. That's incorrect, sir. We came and put our— Elaine had a hat box with her and some other articles, and we came and put our coats and our hats and checked the compartment in the train, and then we went to the club car, but we certainly wouldn't go to the club car—— [238]

Q. When you got in the compartment there did she protest or indicate surprise?

A. No; we had an understanding.

Q. What did she do?

A. She didn't say anything.

Q. All right; well, then, what did you do?

A. We went down to have a drink.

Q. And that's whereabouts, Tom?

A. On the train, in the cocktail bar on the train.

Q. How long were you there?

A. I would say an hour.

Q. Well, then, following that, Tom, did you come out to Yakima? A. Yes, sir.

Q. Now, at Yakima, when you arrived in Yakima was that in the middle of the night, was it, sometime? A. Pardon?

(Testimony of Thomas T. Chamales.)

Q. Was it the middle of the night sometime when you arrived in Yakima?

A. About one o'clock in the morning.

Q. Where did you go then?

A. To the Blue Room.

Q. The jury probably doesn't know what the Blue Room is.

A. That was the name the hotel employed, an expression of the manager's apartment, decorated in blue colors, so they [239] called it the Blue Room.

Q. The Blue Room designates the manager's living quarters at the hotel?

A. That's correct, sir.

Q. Now, how long was Miss Elliott in Yakima at that time?

A. About three weeks, two to three weeks.

Q. How did you get along after you got out to Yakima?

A. We got along pretty well for a little while.

Q. And then what happened? A. Pardon?

Q. Then what happened?

A. Well, I could see the handwriting on the door, more or less, that she—well, I had to have business men up to the apartment when I booked a banquet or made arrangements for a convention we usually did that in the apartment, and there was lots of times we would book those in the apartment, and offer the person who was booking it, as a matter of policy offer them a drink. Naturally, I couldn't—Elaine couldn't stay in the same room with me. I told her that I was going to have to move her to

(Testimony of Thomas T. Chamales.)

another room, to which she protested greatly. I explained the reason. After that Elaine and I began to argue an awful lot, and we argued an awful lot. I treated her very well; in fact, I had a dinner party for her about ten days after she was there in which—— [240]

Mr. Freeman: Just a moment; if your Honor please, that's not responsive.

The Court: Well, no, it's not. Ask another question.

Q. (By Mr. Olson): Mr. Chamales, did you subsequently then begin to quarrel with Elaine?

A. Yes, sir, very much so.

Q. And you never did actually employ her in the hotel? A. No, sir, I did not.

Q. And why not?

A. Well, we started to quarrel. I told her absolutely, and Elaine knew, that in order to fill the job I never try to let anybody go without a fair and decent notice, and I said that if she was going to fill this job, and if she wanted to stay, because after she had been there a few days she talked to herself about not wanting to stay there, she was thinking of Chicago and her friends, I guess, or maybe she was just a little bit homesick, I don't know what it was, but she talked about that, and I didn't want to make any move to fire any steady employee without definite knowledge that she was going to fill the post.

Q. Then what happened with reference to the quarreling and with reference to her staying there?

(Testimony of Thomas T. Chamales.)

A. Well, I told her that our relationship could just—wasn't [241] working out at all, and I told her I thought it would be the best thing for her to go back, and she sat on that a few days, and finally it was agreed upon.

The Court: This seems a good place to stop. We'll adjourn until tomorrow morning at 10 o'clock.

(Whereupon, at 4:30 o'clock p.m., the Court took a recess in this cause until Thursday, January 11, 1951, at 10 o'clock a.m.) [242]

January 11, 1951—10 o'Clock A.M.

(All parties present as before, and the trial was resumed.)

Direct Examination

(Continued)

By Mr. Olson:

Q. Mr. Chamales, we took up yesterday and finished I believe with the first trip that you and Elaine made to Yakima. Can you tell me the approximate date that you met Mrs. Elliott in Chicago? A. Approximately March 9 or 10.

Q. Now, that's when you met her for the first time? A. Yes.

Q. About March 9 or 10? A. Right.

Q. Of what year? A. '49.

Q. Then can you tell us approximately the date that it was that you took the train trip out to Yakima? A. About March 20.

Q. About March 20 of the same year?

(Testimony of Thomas T. Chamales.)

A. Yes.

Q. 1949? A. Yes.

Q. Now, after Mrs. Elliott returned to Chicago at the end of the first trip, as you related yesterday, what occurred [243] then with reference to hearing from her, if you did?

A. Mrs. Elliott wrote me several letters, and immediately after her return she called me on the phone. I think it was about a month after she was back she started a series of telephone calls to me. These phone calls, we had as high as I would say fifteen or eighteen calls in one day. I would refuse the calls oftentimes. I would tell the switchboard operator the clerk that I had gone to Spokane, to say I had gone to Spokane. These calls were collect from Mrs. Elliott.

Q. Well, now, Tom, did you accept some of the calls? A. I accepted some of them, yes, sir.

Q. And when you accepted the calls what did you say, if anything, to Mrs. Elliott?

A. Well, I told Miss Elliott what I had before, that it was impossible, that she couldn't come out here, that the whole thing was finished, and that it was all over, please not to call any more, it was getting to be a terrible nuisance around the hotel, and you can imagine three or four hours with one switchboard girl, in a fairly large hotel, twenty long distance calls coming in, or fifteen calls, and it was getting to be a terrible bother, and it was getting my parents, who were in Yakima, very upset with me.

(Testimony of Thomas T. Chamales.)

Q. Was your father and your mother at the hotel there at [244] that time?

A. Yes, sir. In fact, Mrs. Elliott one time used my sister's name,—

Q. What sister is that?

A. Mrs. George Crowley, in attempting to get a call through to me, and was connected with my father.

Q. And Mrs. Crowley lived where?

A. In Chicago.

Mr. Freeman: Just a moment; your Honor, I'll object to that unless he knows that. Were you so told, or do you know that by yourself?

A. I was so told by my father, so I know it.

The Court: Sustain the objection.

Q. Well, now, you say that you received letters from Mrs. Elliott? A. That's right, sir.

Q. Showing you defendant's Exhibit number 4, is that one of the letters that Mrs. Elliott wrote?

A. Yes, sir.

Q. With reference to the first trip and the second trip, was that written between those two trips?

A. Yes, sir.

Q. And did anyone get possession of this letter besides yourself? A. My mother. [245]

Q. Now, Mr. Chamales, there's witnesses that have testified that you did send Mrs. Elliott, through her roommate, Marge Mahoney, expense money to come out for a trip. Did you do that?

A. Yes, sir.

(Testimony of Thomas T. Chamales.)

Q. And what was the purpose of getting her out here?

A. Well, I had told her numerous times on the telephone that it would have to be all over, my mother and father were very, very upset about this tremendous persistency that Mrs. Elliott carried on; I mean the phone situation had gotten to be just terrible around the hotel, and mother and dad were on me all the time.

Q. What was your purpose, now, in getting her out?

A. Well, I told her on the phone that it would have to be all over. It just seemed that the more I told her that, the more she called, and I told her on the phone that she could come out, and that I was going to sit down and explain to her the situation that I was in. I wanted to do it to her personally. I thought I could explain to her that I was on the spot, and that if I didn't do it, I don't know what my position would be with my family if I didn't get the girl to stop.

Q. Well, now, when she came out—you did send the money and she did come out?

A. Yes, sir. [246]

Q. Now, what if anything then did you say to her, or what discussion if any did you have with her after she came out here with reference to your relationship with her?

A. I told her immediately after seeing her, I told her just what I told her on the phone—

Mr. Freeman: Your Honor, I'm going to object

(Testimony of Thomas T. Chamales.)

to that unless he makes the time a little more specific.

The Court: I think he should fix the date of the conversation.

Q. Do you recall the date of the conversation?

A. The exact date I do not know, sir.

Q. Well, with reference to her arrival?

A. It was the first night she was here.

Q. All right.

Mr. Freeman: On the second trip?

A. Yes, sir.

Q. Now, just relate the substance as near as you can, as to what your conversation with her was.

A. Well, I located Elaine later in the evening, and——

Q. Now, did you meet her plane?

A. No, sir, I did not. Elaine was to go to the Olympic Hotel, and I didn't—I went to the Olympic Hotel; she wasn't there.

Q. Now, the question is, Tom, what was the substance of your conversation with her that [247] night?

A. I told her of the situation again that I was in. It was quite difficult, because just as soon as I came into the room she threw her arms around me and told me how glad she was to see me, and she started to talk, I mean I didn't have a chance to say much for a couple of minutes, and then I told her, I said "You know why I brought you here," and I said "We've got to talk it out."

(Testimony of Thomas T. Chamales.)

Q. Now, did you at that time, Tom, tell her in substance, "Well, Elaine"——

The Court: I don't think you need to lead him. Can't you ask him what the conversation was, Mr. Olson? You're preparing to ask him "Did you say so and so?"

Mr. Olson: Your Honor, I had in mind a denial of a conversation that Elaine——

The Court: I don't think you need to put the words in his mouth. Ask him what he said, with reference to the substance if you wish.

Mr. Olson: I was under the impression that I must ask specifically——

The Court: Are you covering what she said he said?

Mr. Olson: Exactly, your Honor.

The Court: Yes, that's all right, go ahead.

Q. Tom, did you at that time, speaking about now the arrival of Mrs. Elliott the first night, did you in substance or effect say to her then, "Elaine, I have great plans for [248] you; I'm going to put you in a joint"?

A. I never said anything of the kind.

Q. Now, Tom, what was the substance of Mrs. Elliott's conversation with reference to whether or not she would return to Chicago?

A. She tried to avoid all talk of that. She told me she wanted to stay and be there with me.

Q. Did she then come to Yakima with you on this trip? A. Yes, sir.

Q. And did you register her at the Rest Haven

(Testimony of Thomas T. Chamales.)

Motel as testified to by Mr. Dawson, I believe it was? A. Yes, sir.

Q. Now, did you then in Yakima have a discussion with her with reference to her returning to Chicago? A. Yes, sir, I did.

Q. Would you relate that, and where it took place?

A. Well, I was getting—it took place in the Rest Haven Motel. It was basically due that the family was putting so much pressure on me, because they knew the girl was in town, and mother had intercepted this letter, and she was very upset about it, and I told her out at the Rest Haven Motel that she had to go back to Chicago and she said well, she wasn't going to go back to Chicago, but she wanted to go to Denver, and she explained to me that there was some fellow in Denver who was married, who had a [249] family, who would take care of her and treat her the way she wanted to be treated, to have everything her way, and she said she didn't care for this fellow, but she didn't want to go back to Chicago, and she was going down there, and I questioned her about what she had—some of the things she had done in the past, and I told her I didn't think that it was right for her to do that. I told her her mother was in Chicago, I had met her mother, and I told her I thought it was her place to go back there.

Q. Did you have any conversation with her at that time with reference to arranging transportation for her?

(Testimony of Thomas T. Chamales.)

A. I told her that I would pay her way back to Chicago, but I would have no part of sending her to Denver.

Q. Now, Mrs. Elliott mentioned something about Mr. Sullivan being in town while she was at the Rest Haven Motel. Was he in town at that time, Mr. Sullivan? A. Mr. Sullivan?

Q. Yes. A. Yes, sir.

Q. Did you have any discussion with reference to the possibility of her returning or having transportation back to Chicago with Mr. Sullivan?

A. I told her I thought it could be arranged, yes, sir.

Q. And did she say anything at that time with reference to whether or not she would go back to Chicago? [250]

A. Yes, sir, she said she didn't want to go back, that she thought she would go to Denver.

Q. Then I gather from Mrs. Elliott's testimony that you then shortly thereafter went to Seattle?

A. Yes, sir.

Q. And how was that transportation had?

A. We went in Mr. Sullivan's car.

Q. And who was in the car?

A. Mr. Sullivan, Elaine, and I.

Q. Then when you got to Seattle on that trip was there any conversation had between you and Mrs. Elliott with reference to the future, between you two, or what she should do if anything?

A. I advised Mrs. Elliott to go home to Chicago. I asked her please not to call me any more or write

(Testimony of Thomas T. Chamales.)

me, but to leave me alone, I was in a lot of trouble with the family because of her, and I advised her not to go to Denver. Mrs. Elliott told me when I finally told her that I was going to leave and go back to Yakima that——

Q. Well, now, what did you say when you said you were going to leave and go back to Yakima?

A. I told her, I said "I'll pay your way back to Chicago; I won't have any part of sending you to Denver."

Q. Now where was this, Tom, when you had this conversation?

A. That was in the Wilhard Hotel. [251]

Q. In Seattle?

A. In Seattle. I told her I wouldn't have any part of sending her to Denver. I told her that I was going back to Yakima, and if she wanted to go back to Chicago, to call me over there and tell me, and I'd furnish her with the transportation, but that I would not have anything to do with the Denver deal.

Q. What did she say then?

A. She told me at that time, she said "You're not really leaving, are you?" I started to go out, I put some money on the dresser and I started to go out, and I said "Yes, I'm leaving," and she said "Well, you can't leave." I said "I have to; my father is expecting me back, I have to get back; I told you what to do, call me over there if you decide you want to go to Chicago," and she told me at that time that if she couldn't have me, she said nobody

(Testimony of Thomas T. Chamales.)

could, and that she was going to get even with me.

Q. Describe what her attitude or feelings were, and not your conclusion, but as to how she acted, if anything; in other words, you'll have to describe if you can what she did in this final departure, and said; not your conclusions, but what you saw.

A. Well, I knew that she was very, very mad, that she thought——

Q. No, not that——

The Court: I don't think you should say what she [252] thought. Describe her appearance, and what she did.

Q. That's what I meant.

A. She wanted to stay with me. She was going to stay with me no matter what I told her. That is my conclusion.

The Court: Well, we don't want your conclusion. The jury will disregard the conclusion of the witness. You're supposed to testify to facts, what she said and did, and how she appeared, not what your conclusions are.

A. Well, she appeared very emotionally upset. I could see, I mean, I was even—I thought——

Q. No, not what you thought. You testified she said she would get even with you if you walked out and left her. Is that about the substance of that conversation? Was there or was there not anything else said at that time?

A. She said she was going to get even with me, yes, sir, on one way or another.

Q. All right; now, did you then leave her there?

(Testimony of Thomas T. Chamales.)

A. Yes, sir, I did.

Q. Did you again see her then after that time other than in connection with these proceedings?

A. No, sir, I did not see her after that time.

Q. Now, Mr. Chamales, after her arrival in Seattle on the second trip, and the next day, I believe at some restaurant, I'm not sure, but the next day, did you tell her, Mrs. Elliott, when she asked you as to what you meant by [253] a joint, that you meant a house of prostitution?

A. I never mentioned a house of prostitution.

Q. Did you in Yakima at the Rest Haven Motel tell her in substance or effect that you wanted her to go into a house of prostitution?

A. I never said anything of the kind to Mrs. Elliott.

Q. Did you at any time or at any place tell Mrs. Elliott that you had plans for her to go into a house of prostitution? A. No, sir, I did not.

Q. Did you at any time or any place tell her that you had several girls working for you?

A. No, sir, I did not.

Q. You heard Betty DesCorreau testify?

A. Yes, sir.

Q. Did you have some dates with her in Seattle at about the time she said?

A. Yes, sir. I'm not sure about the time, but I had a couple of dates with her in Seattle.

Q. Without relating any conversation, Tom, how did you happen to know where she was or get in touch with her on this first date?

(Testimony of Thomas T. Chamales.)

A. I met a fellow she had been out with I think a couple of weeks before, and he said that she was over there.

Q. You just got it from him? [254]

A. Yes.

Q. You can't relate the conversation. All right now, did you then when you called on her, did you tell her in substance or effect "I'm a pimp"?

A. I did not, sir.

Q. Did you in substance or effect discuss with her the subject of prostitution?

A. I never did.

Q. Did you in substance or effect tell her that you had, then or at any time, tell Miss DesCorreau that you had a girl coming in from California on the plane?

A. I never told her anything like that, sir.

Q. That was going to go into a house of prostitution for you?

A. No, sir, I did not say that.

Q. Did you tell her that you had girls working for you? A. No, sir, I did not say that.

Q. Did you have any discussion with Betty DesCorreau at any time, any place, with reference to the subject of prostitution, being a pimp——

A. No, sir.

Q. ——or having girls working for you?

A. No, sir, I did not.

Q. Did you tell her that you were going to the plane and meet this girl and then hit her in the teeth to teach her who was boss? [255]

(Testimony of Thomas T. Chamales.)

A. No, sir, I did not.

Q. Do you recall this Miss DesCorreau having worked at the hotel, she said '46 or '47?

A. I don't recall the dates, but she worked there for a couple of weeks, I believe, yes.

Q. Do you recall when your father took over the hotel operation?

A. December 26, 1946, to the best of my recollection.

Q. December 26, 1946? A. Yes, sir.

Q. Now, had you seen Miss DesCorreau from the time that she worked in your hotel there as she testified, up until the time you saw her in Seattle?

A. No, sir; I might have seen her on the street and said hello in Yakima, but I never talked to her.

Q. Mr. Chamales, do you recall her attempting to borrow money from you? A. Yes, sir.

Q. And where was that, and what did she say?

A. It was in the Commercial Hotel, and——

Mr. Freeman: About when?

Q. Yes, about when?

A. About the end of August.

Q. Of what year? A. 1949. [256]

Q. The latter part of August, 1949?

A. Or the first part of September. She came in and said that she wanted some money for her rent.

Q. Did she say how much she wanted to borrow?

A. I think it was \$100.00, and I told her, I said "Well, that's a lot of money." She mentioned that she had gotten a job, I think she had been unemployed for a couple of months, my understanding.

(Testimony of Thomas T. Chamales.)

two or three months prior to that. I said I'd have to think about it. I had a date that evening with my present wife, Connie. I told Connie——

Q. You had a date with who, Tom?

A. Connie, my present wife over here, and I told Connie about it.

Q. You can't relate, Tom, the conversation between you and your wife.

A. Do you want me to relate it, you say?

Q. No, I say you can't relate a conversation between you and your wife. Did you make the loan to Miss DesCorreau?

A. I did not.

Q. Did she then write you a note or letter?

A. Yes, sir, she did.

Q. Do you have that note or letter?

A. Pardon?

Q. Do you have that?

A. No, sir, I don't. [257]

Q. Can you tell the jury in substance what she said?

Mr. Freeman: Your Honor, I object to that, unless he can show that the note is no longer in existence.

The Court: I think the note would be the best evidence.

Q. Do you know where that note is at all, Tom?

A. No, sir, I don't.

Q. Have you made a diligent search for the note?

A. Yes, sir, I certainly have.

Q. Is it in existence to the best of your knowledge?

A. No, sir, it is not.

(Testimony of Thomas T. Chamales.)

Q. Now, would you state——

Mr. Freeman: Just a moment; do you know whether or not that note was destroyed? Did you destroy the note?

A. I don't know. I might have destroyed the note.

Mr. Freeman: But you don't know?

A. No, sir, I don't know. After the way I looked for it, thought, I imagine that it is gone.

The Court: All right, proceed.

Q. (By Mr. Olson): Would you just state, Mr. Chamales, what was the substance of that note?

A. Yes, sir. In substance the note said that "I thought you were a pretty nice guy until you wouldn't lend me the money, and now I don't think so any more, and I'm going to do whatever I can to degrade you and knock you and get [258] even with you for not giving me the money." That's what the note said in substance.

Q. Mr. Chamales, did you in substance and effect tell Miss DesCorreau that on the way back to Yakima that she couldn't go along because you had business in Cle Elum?

A. I have no recollection of seeing Miss DesCorreau on the way from Seattle to Yakima.

Mr. Freeman: I don't think, your Honor, that there's any testimony that they saw each other on the way from Seattle to Yakima. It was in Seattle, before they left for Yakima.

Q. Well, my question is, Tom, did you tell her in substance and effect that she could not ride back

(Testimony of Thomas T. Chamales.)

to Yakima with you about the time that she testified yesterday, because you had business in Cle Elum?

A. I have no recollection of speaking to her, and certainly I never told her that I had any business in Cle Elum.

Q. Now, Tom, have you ever had any connection at all with a house of prostitution any place?

A. No, sir, I have not.

Q. Have you ever had any girls working for you——

A. No, sir, I have not.

Q. ——of that nature? A. No, sir.

Q. Have you ever been convicted of any offense, ever? [259]

A. No, sir, I have never been convicted of any offense.

Q. Did you, Tom, on the way from Seattle to Yakima at the time testified to or any other time stop at a house of prostitution and pick up a Mrs. Reed?

Mr. Freeman: Your Honor, I object to that; the only time we referred to in our case was the trip involved in the second transportation. His question is, did he have conversation with her on this time or any other time. I submit that is too indefinite and vague.

Mr. Olson: Well, I'm not asking for a conversation. I'll reframe the question.

The Court: All right.

Q. Tom, you heard the testimony yesterday that on a trip from Seattle to Yakima with Elaine

(Testimony of Thomas T. Chamales.)

Elliott, during the second time she was in Yakima, that on that trip you stopped at—Mr. Reed was in the car—that you stopped at a house of prostitution in Cle Elum and picked up Mrs. Reed. Is that so?

A. That is absolutely incorrect, sir. Mr. and Mrs. Reed had had an argument. The plan was originally that she was to drive back to Yakima with us, and she and Mr. Reed had an argument. She had taken the bus, and Mr. Reed had said to me that she had called him from there, and that they had patched it up, that he was going to have to make a stop and pick Mrs. Reed up. [260]

Q. Where did you pick her up?

A. We picked her up in a restaurant.

Q. Now, there has been introduced into evidence, Tom, an application for a money order which is signed "Tom Chambers." Did you purchase that money order under that name?

A. Yes, sir, I did.

Q. And why was that?

A. Well, my mother has a pretty good habit of going through my pockets all the time, and I knew she was very upset about this Elaine business, in fact, she seemed to get into my pockets about once a week to look all my papers over.

Q. What would she have found in your pockets?

A. Well, if she found that I had sent Elaine Elliott \$125.00 she'd be pretty upset.

Q. Well, how could she have found that?

A. I had a receipt, I wanted to get a receipt for

(Testimony of Thomas T. Chamales.)

the money, see, and the person that it was sent to and the person that signed it would be on the receipt. Well, if she found that I could say I picked it up around the hotel and was holding it for somebody; I didn't want her to find it out.

Q. Why was the money sent to Marge Mahoney?

A. Well, if it was sent to Elaine Elliott and my mother saw [261] that, that's all she'd have to know.

Mr. Olson: You may examine.

Cross-Examination

By Mr. Freeman:

Q. Mr. Chamales, I think you stated that you had intercourse with Miss Elliott on the first trip from Chicago on the Northern Pacific to Yakima?

A. Yes, sir, I did.

Q. Each night? A. I don't recall, sir.

Q. At least you had sexual intercourse once or more during the trip, is that right?

A. Yes, sir.

Q. What if any intercourse did you have with Miss Elliott at the Yakima Hotel—at the Commercial Hotel in Yakima after you arrived and after she was staying with you in the Blue Room?

A. I had intercourse with her there, yes, sir.

Q. Did you also have intercourse with her after she left your room and took a room of her own for a two-week period or a week and a half period on the first trip?

(Testimony of Thomas T. Chamales.)

A. The room that I moved her to? Yes, sir.

Q. You had intercourse with her there?

A. Yes, sir.

Q. Mr. Chamales, what was your marital status at the time you left Chicago with Miss Elliott for Yakima, on the [262] first trip?

Mr. Olson: Objected to as being immaterial, if the Court please.

The Court: Overruled.

A. Answer?

Q. Yes.

A. I was still married, but not living with my wife.

Q. And what was your marital status on the second trip? A. The same, sir.

Q. The same. Now, you admitted on the second trip that you registered at the Rest Haven Motel some time in August of 1949, is that so?

A. Yes, sir.

Q. Under the name of R. A. Sullivan?

A. Yes, sir.

Q. Can you explain to the court and jury why you registered under the name of R. A. Sullivan?

A. Yes, sir, I can. I think when a man is staying with a woman, I think for one reason that it's a common thing for him to under those conditions register under a different name. Secondly, my mother had word that Elaine was in town, and I knew she was trying to find out very much where she was located.

Q. When Mrs. Elliott came to Seattle on the

(Testimony of Thomas T. Chamales.)

second trip did you offer her or tell her that you were going to secure [263] accommodations for her at the Olympic Hotel under the name of Elaine Palmer? A. No, sir.

Q. You did not? A. No, sir.

Q. Mr. Chamales, did you or did you not register Elaine Elliott under the name of Elaine Palmer at the Wilhard Hotel in Seattle on the second trip?

A. Yes, sir, I did.

Q. Why did you use the name Elaine Palmer rather than Elaine Elliott?

A. I told you, sir, my mother was still trying to run me down.

Q. Your mother was in Yakima, wasn't she?

A. Yes, sir, but she was still trying to run me down. I had gone to Seattle before, and when mother didn't know what hotel I was staying she'd call the telephone operator long distance and say, "Just try to locate him at any hotel in Seattle."

Q. Were you worried more about what your mother might think of your conduct than what your own actions should be?

A. I explained to you, sir, the reason that Miss Elliott was there, that I was trying to get the situation cleared up and have an understanding with Elaine, and I was getting a tremendous amount of pressure from my family. [264]

Q. Did you have intercourse with Elaine Palmer or Elaine Elliott at the Wilhard Hotel that night?

A. Yes, sir, I believe I did.

(Testimony of Thomas T. Chamales.)

Q. Did you have intercourse with her at the Earl Hotel a few nights before, at Seattle?

A. Yes, sir, but I had no part of that. I mean, she used that, I believe, to—I told you she wanted to stay, that was her attitude the first night, and I had no intention of having intercourse with Miss Elliott that night; however, I did. I guess I'm human, I don't know.

Q. Now, you admit sending the money order to Marge Mahoney in Chicago on the second trip?

A. Yes, sir.

Q. Under the name of Tom Chambers?

A. Yes, sir.

Q. Will you look at that money order and see if that's the money order that was sent?

A. Yes, sir.

Q. Where was it sent from?

A. Tacoma, sir.

Q. Why Tacoma?

A. I just happened to send it from Tacoma, sir. I had no particular reason for sending it from Tacoma. I've spent a lot of time in Tacoma.

Q. Why did you send it to Marge Mahoney rather than Miss [265] Elliott?

A. I explained to you, sir.

Q. I'm asking for your answer.

A. Well, because of my mother; I didn't want my mother to find a receipt like that.

Q. But you were in Tacoma; your mother was in Yakima, wasn't she?

A. Yes, sir, but I'm liable to have that receipt

(Testimony of Thomas T. Chamales.)

in my pocket. I thought Elaine and I would get things clarified immediately and I would go back to Yakima.

Q. Well, now, Mr. Chamales, didn't you get a receipt when you caused this money order to be made out? A. Yes, sir, I did.

Q. What did you do with that receipt?

A. I put it in my pocket.

Q. Weren't you afraid your mother might find that receipt?

A. Yes, sir, but as long as it wasn't addressed to anybody my mother knew I knew, and it wasn't my name, she couldn't pin it down to me. I knew if she found out Elaine had been out there she would have been very upset. Mother ever since the war, for some reason or another, she's been going through everything.

Q. Now, Mr. Chamales, isn't it a fact that you told Miss Elliott at the time the money was sent that you were afraid the F.B.I.—you were sending it to Miss Mahoney [266] because the F.B.I. might find out you sent it? A. No, sir.

Q. That is not true? A. No, sir.

Q. And you did not say that to Miss Elliott?

A. No, sir, I did not.

Q. Now, on the first transportation did you ever actually offer Miss Elliott a job in Yakima after the two of you arrived in Yakima?

A. Yes, sir, I did.

Q. What did you offer her?

A. I told her after I think about the third day

(Testimony of Thomas T. Chamales.)

there that she would have a chance at the hostess job if she decided to stay, but that I wasn't going to give her the job——

Q. Did you offer her that hostess job?

A. Yes, sir, I did.

Q. When?

A. I said about the third day after she was here.

Q. I know, but when was that job to be open and available to her?

A. Well, it would probably take about ten days to give her that job.

Q. Well, you admitted she stayed at the Commercial Hotel about three weeks, didn't you?

A. That's right, sir. [267]

Q. Did the job open while she was there?

A. The job did not open to my knowledge, did the hostess job open, but the point was this, that we argued and it just seemed that one day we'd have an argument, maybe wouldn't speak for eight or nine hours; you can't very well put a person on a job with such a situation.

Q. Now, I think you testified that after she returned to Chicago from the first trip, that she had a number of telephone calls when you stated that she wanted to come back to Yakima, is that so?

A. Yes, sir.

Q. Did you place any calls yourself to Chicago?

A. Yes, sir. It——

Q. Just a moment; I'll ask for an explanation if it's needed, or your counsel may follow.

The Court: Just answer counsel's questions, and

(Testimony of Thomas T. Chamales.)

your attorney may bring out explanations if he feels it's necessary.

A. All right.

Q. I think you testified that you did not desire that Miss Elliott come to Yakima on the second trip, did you not?

A. That was common knowledge at my hotel, yes, sir.

Q. And the reason that you finally sent her the money was to have her come out and tell her in substance that the arrangement or the two of you living together or her [268] working for you wouldn't work, is that so?

A. Absolutely, sir. She told me—I mean I told her many times on the phone, and I couldn't get it into her head.

Q. Why didn't you go back to Chicago and explain the matter to her?

A. Because dad wanted me here.

Q. Who is Tex Reed, Mr. Chamales?

Mr. Olson: We'll object to that as being immaterial, if the Court please.

The Court: Overruled.

Q. Who is Tex Reed?

A. Tex Reed was a guest in our hotel, sir.

Q. Is he a friend of yours?

A. I knew him pretty well, yes, sir.

Q. You knew him pretty well? A. Yes.

Q. What is his occupation?

Mr. Olson: If your Honor please, I don't see the materiality.

(Testimony of Thomas 'T. Chamales.)

The Court: Overruled.

A. He's a carnival operator.

Q. Just a carnival operator?

A. That was my understanding, sir. He's a carnival operator; that's what he told me.

Q. Didn't you tell Mr. Worsham of the F.B.I. that Tex Reed [269] was a high class gambler and pimp?

Mr. Olson: I submit that counsel is inquiring into a collateral matter.

The Court: And he'll be bound by the answer, the same as you are.

Mr. Olson: Yes, sir.

The Court: Overruled.

Q. Did you not tell the F.B.I. that Tex Reed was a high class gambler and pimp?

A. I might have said he was a gambler, but if I ever said anything about pimp, I said it was hearsay.

Q. Did you or did you not tell Mr. Worsham and Mr. Clark of the F.B.I. that Tex Reed was a high class gambler and pimp?

A. No, sir, not that expression, gambler and pimp, no, sir.

Mr. Freeman: That's all, your Honor.

Mr. Olson: That's all.

(Whereupon, there being no further questions, the defendant was excused as a witness and resumed his seat with his counsel.)

Mr. Olson: The defendant rests, your Honor.

The Court: Any rebuttal?

Mr. Freeman: No rebuttal, your Honor.

The Court: The jury will step out just a moment.

(Whereupon, the following proceedings were had without the presence of the jury.) [270]

The Court: Well, all's well that ends well. I think we're going to get through in time. The Court's fears at the outset of the trial were unfounded, but I was in a rather difficult situation, because I have to go to San Francisco tomorrow, and it's a matter I couldn't postpone. You wish to renew your motions for the record, I presume.

Mr. Olson: Yes, your Honor. May I make an inquiry first? I take it an exception goes as a matter of course, this last testimony and inquiry about Mr. Reed, the record shows our objection to it.

The Court: Yes, the record may show that it goes in over your objection. I don't think it's necessary, but the record may show an exception to my ruling, in order to be on the safe side.

Mr. Olson: Comes not the defendant Thomas T. Chamales at the conclusion of all of the testimony, both the government and the defendant having rested, and in the absence of the jury and in the presence of the Court moves the Court for a directed verdict and a judgment of acquittal in favor of the defendant as to both counts of the amended information on the ground that there is no evidence, or no substantial evidence, to prove either of the offenses charged in the amended information;

that there is no proof as to the first count that [271] the transportation took place on the date charged in the amended information; that there is no proof of any kind, and certainly not substantial proof, that the transportation itself was for the purpose of prostitution, debauchery or immoral purposes.

The Court: I may have misunderstood you, Mr. Olson. Did you say there's no proof of the transportation?

Mr. Olson: For immoral purposes.

The Court: Oh, I see.

Mr. Olson: I think there's proof of the transportation. On the second count there is no proof that the transportation of Elaine Elliott was for the purpose of prostitution, debauchery, or other immoral purposes. For those reasons we ask that the case be dismissed, and that a judgment of acquittal or in the alternative a directed verdict in favor of the defendant, not guilty, be entered as to each count.

The Court: The motions will be denied, and exception shown of record for the defendant.

(The Court discussed with counsel in the absence of the jury the proposed instructions and the Court's action thereon.)

(Whereupon, the following proceedings were had within the presence of the jury.) [272]

(Counsel for the plaintiff and the defendant presented their final arguments to the jury, no portion of which has been transcribed except the following excerpt from the plaintiff's argu-

ment, as requested transcribed by counsel for the defendant.)

Mr. Freeman: * * * Miss DesCorreau, and you had an opportunity to observe her demeanor, I submit told the truth in this case. She said, and my recollection of her testimony is as follows: "He said, 'I'm a pimp, and I think you should know this, seeing as how you're a nice kid and I wouldn't want anything to happen to you, and I'm going to tell you all about it.' Question: What further conversation did you have with him that evening, Miss DesCorreau? Answer: He told me what sort of a racket he was in. Question: What did he say to you in that regard? Answer: He said that he had a few girls that he had working for him, and that he had one coming in Sunday evening. Question: Did he say from where? Answer: He said from California. Question: Did he say how? Answer: By plane. Question: What conversation did he have about the girl you were speaking about a moment ago? Answer: That she was coming in by plane Sunday evening, and that he was to meet her by plane, and he said the first thing he was going to do was slap her in the face to show her who was boss." [273]

Now, what has the testimony been with reference to this testimony, coming in from Chicago? Chamales said he was going to meet the plane; Miss Elliott said he was supposed to meet the plane; and Miss DesCorreau said he told her the girl was coming in by plane on a Sunday evening as testi-

fied by Miss Elliott, and certainly Miss DesCorreau's testimony is supported not only by Miss Elliott but by the plane and the time where the plane was to arrive.

Continuing: "Answer: And he said the first thing he was going to do was to slap her in the face to show her who was boss, and then he said he was going to put her in a low house of prostitution and after that he was going to put her in a lower one so she would get to know the business, but he said after about six months he would put her up on business of her own." He did indeed slap the face of Miss Elliott at the Rest Haven Motel in Yakima, as he told Miss DesCorreau he was going to do, and the testimony of Miss Elliott was almost identical with that of Miss DesCorreau to the effect that Chamales told her he was going to put her in one house of prostitution for several weeks and another house of prostitution for several weeks until she got enough experience so she could run a house of prostitution herself. I submit in that regard that in all respects the testimony if Miss DesCorreau is amply [274] supported.

Continuing with the testimony of Miss DesCorreau as I recall it: "Question: Was there any other conversation along that line with Mr. Chamales at your apartment that evening? Answer: He talked a lot about prostitution. Question: I see. Answer: And how they got these girls to do things for them. Question: Now, just go into that and tell us what he told you. Answer: He told me that first he treats them very wonderfully, sends them flowers and takes them out and all sorts of intentions, and

then they had this thing that's planned where he has an apartment, maybe, or something like a house, and he would have several good looking friends in, where they would ignore the girl when she came in, when she is used to all sorts of attention, she is probably a beautiful girl to begin with, or pretty; until the time that he would—the expression he used was get his hook in their belly, and they would do whatever he wanted them to do.”

(Whereupon, at the conclusion of argument of counsel, the Court instructed the jury as follows:)

Court's Instructions

The Court: Now, ladies and gentlemen, it becomes my duty to give you your instructions as to the law you are to follow in reaching or arriving at your verdict. There is a very definite division of responsibility and [275] duty in a case of this kind. It's the sole duty of the Judge to announce the law and instruct you on the law. It's the sole function of the jury to find and pass upon the facts in the light of the instructions that the Court gives you. It's your duty to regard my instructions as correct, and to follow them, and I ask that you consider them as a whole and not place undue emphasis on any one instruction or any part of the instructions.

Now, I wish it were possible for me in just a few simple everyday words to tell you what rules you are to follow here, but unfortunately lawsuits, cases such as this, are not as simple as that. I have to instruct you what the law, the Act of Congress is that

it is claimed has been violated here, what its elements are, and how you are to regard the evidence as it's applied to these alleged offenses, and by what other rules you are to be governed in reaching your conclusion as to the guilt or innocence of the defendant.

Now, in order that you may not be misled by these unfamiliar terms, when I refer to the plaintiff throughout these instructions I am referring of course to the United States. This is a case that is being prosecuted by the United States, and we call the United States the plaintiff. Thomas T. Chamales, Jr., is the defendant, and I think I need hardly add that Elaine Elliott is not a party [276] at all, she's simply been brought here as a witness in the case.

Now first, as to the Federal statute or Act of Congress that is alleged to have been violated, and I'll read to you only that portion of it which I think is pertinent to this charge, and will omit the part that is not involved in this case as I see it, the statute reads: "Whoever knowingly transports in interstate commerce any woman or girl for the purpose of prostitution or debauchery or for any other immoral purpose, or with the intent and purpose to induce, entice or compel such woman or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral practices, shall be punished as the statute provides."

Now, the amended information under which the defendant has been placed on trial charges in count one that Thomas T. Chamales, Jr., on or about the

10th day of March, 1949, did transport or cause to be transported Elaine Elliott from Chicago, Illinois, to Yakima, Washington, for the purposes of prostitution, debauchery, and other immoral purposes. Count two is identical to count one except as to the date of the alleged transportation, the second count alleging the transportation to have occurred on or about August 14, 1949. I might say in passing that the government doesn't have to prove the exact date; if it's anywhere near that date it is [277] sufficient.

The two counts of the information are to be considered separately by you, as they present separate and independent charges of offenses against the defendant. You may find the defendant guilty or not guilty on both counts, or guilty of either and not guilty of the other. In other words, you're to consider them and the evidence pertaining to them separately.

As there is no evidence of a purpose on the part of the defendant to transport Elaine Elliott for purposes of prostitution as to the offense charged in count one, I am withdrawing that element from your consideration; therefore in count one you are to consider only whether or not at the time and in the manner charged in count one the defendant transported Elaine Elliott from Chicago, Illinois to Yakima, Washington, for the purposes of debauchery and other immoral purposes. As to count two you are to consider whether or not the transportation therein charged and alleged was for the purposes of prostitution as well as debauchery and other immoral purposes.

Now, this information, which is the formal charge in the case, is a mere accusation presented against the defendant; that's the charge under which he's put on trial. It is not considered as evidence, and should not be considered by you as evidence against him, and you must indulge in no presumption against the defendant merely [278] because of the fact he has been charged with these offenses. To each count of the information the defendant has interposed a plea of not guilty. The effect of this plea is to place every material averment or statement of each count of the information in issue and cast upon the government the burden of proving the same to your satisfaction beyond a reasonable doubt. Later on I'll define to you what a reasonable doubt is.

You're to bear in mind that this requirement that the government must prove its case, that is to say, every essential element and statement contained in both counts of its information, to your satisfaction beyond a reasonable doubt, is to be considered by you as being a part of every other instruction which I have given you in this case. In other words, as I go along, if I say "If such and such has been established" I'll not repeat every time "to your satisfaction beyond a reasonable doubt" but it should be regarded by you as being in there; it should be considered as a part of every instruction I give.

As to count two of the information, the defendant Thomas T. Chamales, Jr., would be guilty as charged if he transported or procured or obtained transportation for Elaine Elliott on or about August

14, 1949, from another state into the State of Washington, either for the purpose of placing her in a house of prostitution, or transporting [279] her to Yakima that she may enter a house of prostitution, or that he transported her to Yakima for the purpose of himself having sexual intercourse with her, if you find from the evidence that he is not her husband. If you find from the evidence that the defendant transported or procured or obtained transportation for Elaine Elliott for either or any of these purposes, then he would be guilty of the crime charged against him in count two of the amended information. What I'm trying to say is, ladies and gentlemen, it isn't necessary for the government to prove all these purposes, transportation for debauchery, prostitution and other immoral purposes, but the proof of any one is sufficient.

The statute or law on which the prosecution is based in this case is directed at those who knowingly transport in interstate commerce any woman or girl for the purpose of prostitution, debauchery, or other immoral purposes, or with the intent and purpose to induce, entice or compel such woman or girl to become a prostitute or to give herself up to debauchery or engage in other immoral practices. The statute thus aims to penalize only those who use interstate commerce with a view toward accomplishing the unlawful purposes.

To constitute a violation of the statute it is essential that the interstate transportation have for its [280] dominant object or be the means of facilitating or effecting the proscribed or forbidden ac-

tivities. An intention that the woman shall engage in the conduct outlawed must be found to exist at the time the transportation took place, and must be the dominant motive of such interstate movements, and the transportation must be designed to bring about such result. Without that necessary intent and motivation immoral conduct during or following the journey is insufficient to subject the transporters to the penalties of the statute.

In a prosecution for violation of the statute to which I have directed your attention, as charged in the two counts of the amended information, intent may be inferred from all the facts and circumstances. The intent with which a defendant acts is rarely expressed verbally by a defendant, but must be drawn and arrived at by you by taking into account and consideration all the facts and circumstances connected with the transaction established by the evidence.

In determining the defendant's intent you are entitled to consider and should consider the conduct of the defendant and Elaine Elliott as to each of the two counts of the amended information at a reasonable time before the alleged transportation and for a reasonable time thereafter as bearing upon the defendant's intent [281] in transporting her or in procuring or obtaining transportation for her to and into the State of Washington. In cases of this kind it is competent to show previous as well as subsequent actions of the defendant and his contemporaneous statements and declarations as tending to give the background for and to show the purpose for

which the transportation was actually accomplished. In cases of this kind it is necessary to explore previous and subsequent conduct and relationships in order to show the purposes for which the actual transportations charged in the two counts of the amended information were made.

You are further instructed that the only offense with which the defendant Thomas T. Chamales, Jr., is charged is the transporting or assisting in the transportation of Elaine Elliott in interstate commerce for the purposes charged in the two counts of the amended information. It is immaterial for your consideration in the case whether or not Elaine Elliott is of chaste character. Her character and reputation are not in issue in this case. The only question with which you are concerned is whether or not Thomas T. Chamales, Jr., did or did not do the actions charged against him in the two counts of the information. Likewise it is no defense that Elaine Elliott may have accompanied the defendant willingly or voluntarily on either or both the two trips. [228] The girl's purpose in making the trips is immaterial.

As to count two, it is not necessary in order to sustain a finding of guilty that the said Elaine Elliott actually engaged in prostitution in Yakima, Washington, after her arrival there, if it was the defendant's intent at the time of transporting her from Illinois to Yakima, Washington, or procuring or obtaining that transportation, that she should engage in prostitution. In other words, it is the defendant's intent at the time of the transportation or at the

time he procured or obtained transportation for her to Yakima, Washington, that you are concerned with, and it is immaterial whether or not the purposes were actually consummated at the termination of the journey.

With relation to the testimony of Betty Dorene DesCorrean you are instructed to confine and use the use of her testimony entirely to the question of intent or purpose as it relates to the crimes which are charged in the amended information. Even if you should find that the defendant was immoral or had committed other violations he is not on trial for these violations, but you may take the testimony of Betty Dorene DesCorrean, with what credibility you give her, and determine whether or not that throws any light upon the question of the intent of the defendant as charged in the counts of the amended information. [283]

The word "prostitution" as used in the information means a practice of offering the body of a woman to an indiscriminate intercourse with men for gain. A woman who indulges in such practice is known as a prostitute. The term "debauchery" as used in the statute has the meaning of sexual immorality, that is, it has the idea of a life which leads eventually or tends to lead to sexual immorality. This does not depend upon previous sexual purity. Whether the woman be pure or impure, if her transportation be for the purpose of sexual immorality the statute is violated. The word "other immoral purposes" as used in the statute cover sexual intercourse between a man and a woman who are not

or condition. Where circumstantial evidence is relied upon, you are entitled to consider all the circumstances together in order to determine [286] whether or not they lead to the condition sought to be proven. This distinction may sound technical, but it's very simple. If a witness sees a man walking along the beach and testifies to it, that's direct evidence. If the witness merely sees human footprints and testifies to that, that's circumstantial evidence that someone walked along the beach.

It is your duty to consider such direct evidence as you consider to have been established, together with such circumstantial evidence as has been introduced, together with such inferences as you may readily deduce from the circumstantial evidence. You should consider all the evidence, both direct and circumstantial, and not rely upon either direct evidence alone or circumstantial evidence alone in your endeavor to arrive at the determination of the evidence before you.

When a conviction is sought upon circumstantial evidence, then each successive independent fact necessary to complete the chain of independent facts by which the government seeks to establish the guilt of the defendant must be established to the same degree of certainty as the main fact; that is, each link in the chain must be proven beyond a reasonable doubt. The circumstances must all concur and must be such as are opposed to any reasonable hypothesis or theory of innocence of the defendant, [287] and incapable of explanation upon any reasonable theory other than that of the guilt of the defendant. The

degree of certainty must be equal to that of direct testimony. If it lacks this and the lack is sufficient to raise a reasonable doubt, you must give the defendant the benefit of such doubt.

Now, the defendant is presumed to be innocent of the charges with which he is accused here until guilt is established to your satisfaction beyond a reasonable doubt. This presumption is one of the defendant's substantial and important rights. It attaches to the defendant, continues with him throughout all steps of the trial and throughout all steps of your deliberations as jurors. Until you have become satisfied of the defendant's guilt beyond all reasonable doubt, notwithstanding the presumption of innocence with which the law surrounds him, you must continue with that presumption, giving to it full weight and credit.

Now, the term "reasonable doubt" as the term implies, is a doubt that is based upon some good reason or for which some good reason might be given. It is such a doubt as a prudent and considerate man would consider if he were called upon to answer concerning one of the more important affairs of his own personal life. In a trial, a reasonable doubt is such doubt as will cause you as [288] jurors, being reasonable, prudent, and considerate, to hesitate or waver before acting upon the truth of the matters alleged. Reasonable doubt may arise from the evidence in the case or from the lack of evidence. You will not be swayed, moved or become frightened by doubts which are purely arbitrary or capricious and fanciful. On the other hand, you will not convict

The Court: I might say at this time, I think I neglected to mention, at one time during the trial I sustained objections to certain documentary evidence that was offered by the defendant, and said I would sustain the objection but wished to look into the matter further and would indicate if I changed my ruling. I suppose it's been assumed that I have not changed my ruling, and that the proffered exhibits may be considered as definitely and finally rejected. I have decided to stand [291] by my former ruling. Now you may take your exceptions, Mr. Olson.

Defendant's Exceptions to Instructions

Mr. Olson: Your Honor, I'm not sure on the number of these, I'll have to refer to it—I have the government's proposed instructions numbered as handed to me, but I'm unable to refer to it as to what number.

The Court: Well, they were blank when they were handed to me. I suppose you had better identify them by subject matter. If you need any help I can tell you what the instruction was, if you'll give me an idea what you have in mind.

Mr. Olson: The defendant excepts to the giving of the instruction—have you got your Honor's instructions numbered?

The Court: Yes.

Mr. Olson: It's instruction number 4 as given to me by the government, the one that says they can find him guilty if they find him guilty for one of the three purposes.

The Court: Oh, yes. Of course, these instruc-

tions will not be filed, of mine, in the case; they will simply be a part of the record as taken down by the court reporter. That was the instruction in which I instructed the jury in effect that it wasn't necessary for the government [292] to prove all of the purposes, but the proof of any one would be sufficient?

Mr. Olson: Yes.

The Court: All right.

Mr. Olson: We except to the instruction referred to on the ground that under the amended information under which the defendant has been tried in this case the government has seen fit to charge that the defendant transported Elaine Elliott for the purposes of prostitution, debauchery and other immoral purposes, and since the government in its amended information upon which it has placed the defendant on trial has elected in the amended information to charge the defendant with all three, using the word "and" instead of "or" we except to the instruction which authorizes the jury to find the defendant guilty if the jury finds that the defendant committed any one of the three mentioned unlawful acts of intent, as being an authorization to find the defendant guilty in a manner otherwise than is charged by the amended information.

The Court: I don't think this affects your exception. but in giving that instruction I limited it to count two, for the reason that I have withdrawn——

Mr. Olson: I think that's correct.

The Court: Yes. [293]

Mr. Olson: The defendant excepts to the giving

of the instruction, that part of the instruction with reference to the jury's right to find the defendant guilty of intent to transport in interstate commerce Elaine Elliott for immoral purposes, that the jury can take into consideration the intent of Elaine Elliott as having any bearing whatever upon the intent of the defendant Tom T. Chamales. Now, your Honor, I have that notation on what constitutes proposed instruction number five of the government. As I understood your Honor to read that, when your Honor read that instruction you said they could take into consideration what intent Elaine Elliott and the defendant Tom T. Chamales had. Now, I'll confess that sitting there listening to them they come a little fast, but I have that definitely in my mind that that's what you said.

The Court: I didn't intend to say that; I intended to say they could take into consideration the conduct of the defendant and Elaine Elliott at a reasonable time before and after the transportation. Can you find that particular part of the instruction? It's near the beginning. It starts out "In determining the defendant's intent you are entitled to consider and should consider the conduct of the defendant and Elaine Elliott." [294]

Mr. Freeman: That's in one of the government's proposed instructions.

The Court: It's the fifth one. "In determining the defendant's intent you are entitled to consider and should consider the conduct of the defendant and Elaine Elliott." That's the fifth one in the order in which you handed them to me.

Mr. Freeman: The instructions begin with "In considering"?

The Court: The way you have it, it's "In trying to arrive at the defendant's intent."

(Whereupon, the reporter read from the Court's instructions as given, as follows: "In determining the defendant's intent you are entitled to consider and should consider the conduct of the defendant and Elaine Elliott as to each of the two counts of the amended information at a reasonable time before the alleged transportation and for a reasonable time thereafter as bearing upon the defendant's intent in transporting her or in procuring or obtaining transportation for her to and into the State of Washington.")

The Court: Well, go ahead with your exceptions.

Mr. Olson: I wish to state in fairness to the Court that the instruction I have my notation on is not that instruction. That is proposed instruction number 8, [295] in the ones as given to me, and the instruction which I have, I'm frank to say I could be in error in my understanding of it, but I did think that's what your Honor said. This starts out "In a prosecution for violation of the White Slave Traffic Act, as charged in the two counts of the amended information, intent may be inferred." The part I thought you said is not in the typewritten portion of the instruction, so unless your Honor interpolated on that instruction—

The Court: How does it begin?

Mr. Olson: "In a prosecution for violation of the White Slave Traffic Act——"

The Court: Oh, yes, that's 7.

Mr. Olson: It's proposed 5 in mine.

The Court: Oh, yes; that's "In a prosecution for violation of the White Slave Traffic Act as charged in the two counts of the amended information, intent may be inferred from all the facts and circumstances. The intent with which the defendant acts is rarely expressed verbally by a defendant, but must be drawn and arrived at by you by taking into account and consideration all the facts and circumstances connected with the transaction established by the evidence." I changed part of it.

Mr. Olson: Then the defendant excepts to the Court's instruction number 7 with reference to the jury's [296] consideration of the testimony of Betty Dorene DesCorreau, particularly that portion of the instruction which says that the jury could consider her testimony with what credibility they wish to give her, in determining whether or not that throws any light upon the question of the intent of the defendant as charged in the counts of the amended information, it being our position that the testimony of Betty DesCorreau did not in any way relate to count one, and that it could not therefore be considered by the jury in any regard in determining any intent on the part of the defendant with the transportation charged by count one of the amended information.

The Court: I'm not sure of that number, but I think you've sufficiently identified it by subject

matter. It's the only one I gave with reference to that witness.

Mr. Olson: Yes, I think so. It's number 7 of the copy that's been handed to me, the instruction relating to Betty DesCorreau.

The Court: Yes, I know the one you mean. It was number 9 in the copy I had. They must have had several editions of their proposed instructions.

Mr. Olson: We'll have to have Frank keep them in the same order.

Mr. Freeman: I put them together, your Honor.

Mr. Olson: The defendant excepts to the Court's failure [297] to give his proposed instruction number 9, reading "You are instructed that even though you find from the evidence beyond a reasonable doubt that the defendant Thomas T. Chamales, Jr., had the intention that he would put the woman Elaine Elliott in a house of prostitution or have immoral sexual relations with her or allow or arrange for someone else to have immoral sexual relations with her but that he did not form such intention until reaching the state of Washington, then you must return a verdict of not guilty." We submit that that instruction is of particular moment with reference to each of the counts, in that from the testimony the jury could well have found even though *the* find the defendant was guilty of intention to place Elaine Elliott in a house of prostitution, that any such intention was not present or not formed until after the arrival of Elaine Elliott in Washington. It has particular reference to the second count, without waiving its applicability to

the first count, in that the jury might find from the testimony particularly of—well, from the testimony, that some such suggestion might have been made in a final effort on the part of the defendant to persuade the witness Elaine Elliott to leave him alone, but that such intention was not in the defendant's mind at the time of the transportation. The instruction having been requested [298] and being applicable to the evidence and one of the defenses of the defendant, should have been given.

The defendant excepts to the Court's failure to give defendant's proposed instruction number 11—is that sufficient identification, your Honor?

The Court: It is on yours, as you filed them with your numbers on them, so they will be in the record for identification.

Mr. Olson: The said instruction was not otherwise covered by the instructions given, in that the proposed instruction told the jury in accordance with the decision of the court cited thereon that in order to find the defendant guilty the jury would have to find that the defendant had a plan in mind at the time of such—a plan of sexual relations at the time he transported the witness across state lines, and that such plan must have existed in the defendant's mind, as distinguished from a mere hope, wish or desire; that the statute under which the defendant is charged requires specifically that the transportation be done for the purposes mentioned in the statute and in the amended information, and that if the jury found that the transportation was not under a plan for that purpose,

that then the defendant should be found not guilty, even though the jury might find that he recognized or might have had some wish or desire or [299] some wishful thinking about immoral relations; that the instruction was apropos to the evidence of the defendant and the other witnesses in the case, and should have been given in order to adequately present defendant's side of the case to the jury.

Mr. Olson (continuing): The defendant excepts to the failure to give his proposed instruction number 16 in which the court was requested to instruct the jury that if the jury found that the transportation of Elaine Elliott was with the intent that she was to be employed in the defendant's hotel at Yakima in a legitimate and honest position, that then they would return a verdict of not guilty, or if they found the defendant's intent was some other lawful purpose, then that they should also return a verdict of not guilty; and further, that if they found that the transportation of Elaine Elliott was for an immoral purpose, if that was a secondary or lesser intention to a lawful or legitimate purpose of transportation, they should find the defendant not guilty. The defendant submits that that instruction as requested by him was particularly applicable under the evidence in this case, both under the evidence given by the government and by the evidence given by the defendant himself that the only discussed purpose between the plaintiff and the defendant—between the government's witness Elaine [300] Elliott and the defendant prior to the first trip was that of employment in the

hotel with which the defendant was connected in Yakima, and further, that the defendant's testimony supported by other testimony in the case that the purpose of the second trip was a lawful purpose, to wit, that of having the witness dissuaded from bothering the defendant, pursuing the defendant, making phone calls to the defendant, writing letters to the defendant, and that the instruction as requested was not covered by the other instructions, no place in the instructions given by the court to the jury was the jury instructed that if they found that the transportation of Elaine Elliott—that the main purpose of the defendant in transporting or causing to be transported Elaine Elliott to Yakima was for employment in his hotel, that they would find him not guilty. We submit that in view of the evidence on that point, particularly with reference to the employment in the hotel as well as the lawful purpose of the second transportation, that that requested instruction number 16 should have been given in order for the defendant's evidence to have been properly considered by the jury.

The Court: All right, bring in the jury.

(Whereupon, the following proceedings were had within the presence of the jury.) [301]

The Court: You will recall, ladies and gentlemen, that I gave you an instruction with reference to the manner in which you were to regard the testimony of Betty Dorene DesCorreau, and I instructed you in effect that you were to limit her testimony entirely to the question of intent or purpose, and I said as it related to the crimes charged

in the amended information, and that you should consider it and give what credit you thought it was entitled to in passing upon the question of the intent of the defendant as charged in the counts of the amended information. That was an error on my part; I shouldn't have said counts or crimes; I should have said in considering the intent of the defendant as alleged in the second count of the information, because the testimony of Miss DesCorrean was confined entirely to the second count, had nothing to do with the first count whatsoever, and you are to regard my instruction as having been given in that way and as corrected, so her testimony is to be considered by you only in connection with the intent as to count two of the amended information. Will counsel approach the bench now?

(Whereupon, the following proceedings were had at the bar out of the hearing of the jury.)

The Court: I'm giving counsel an opportunity to except to my corrected instruction, out of the hearing of [302] the jury.

Mr. Olson: No, your Honor.

The Court: There's no exception taken. I have to give you that opportunity, to keep the record straight.

(Whereupon, the following proceedings were had within the presence and hearing of the jury.)

The Court: Now, let's see, we have to swear the bailiffs.

(Whereupon, Irene Keenan and C. W. Carlile were sworn as bailiffs.)

The Court: The alternate juror will be excused. We thank you for sitting patiently through the trial here, but we'll have no further use for you as we send the other twelve out now to deliberate. The jury will retire to consider its verdict. I think I should say that the alternate is to report back for duty on the 22nd of January at 10 a.m. You will be excused until then. All right, the jury may retire to consider its verdict.

(Whereupon, at 4:07 p.m. the jury retired to deliberate upon its verdict.) [303]

Monday, January 22, 1951.

Spokane, Washington,

COURT'S RULING ON MOTION FOR NEW TRIAL

(Honorable Sam M. Driver, United States District Judge.)

The Court: I will readily concede that there are some very substantial and trying questions that have arisen in this case. It seemed to have presented more than the usual number of problems, I think because of the war experience and the evidence as to his psychiatric condition, which could have been adduced here, and also because of the circumstances with reference to the past of the prosecuting witness and the things that could have been disclosed

as shown by the documentary evidence here. I did, however, give careful consideration to all of these matters, with some possible exceptions here as to counsel's argument to the jury, but the others I did give careful consideration to then, and within the limits of the time available did the best I could to look up what I thought was the applicable law regarding these, I think the principal questions that were raised here, and my rulings were the result of my best judgment based upon such research as we were able to make in my office in the limited time. It may very well be that there were errors committed here, but I still feel that my rulings were correct, [304] and I'll have to deny the motion. The motion for new trial will be denied, and exception will be allowed of record if one is necessary.

(Further argument by counsel.)

The Court: Well, I think the evidence disclosed here that the defendant's course of conduct has been what I would regard as dangerously anti-social, and there should be some checkup on him, and I think the sentence should be severe enough to at least look toward accomplishment of that purpose.

We have the rather unusual situation that we have a very respectable indication and evidence that the man has some emotional or psychiatric unbalance that was due to his war experiences, and an effort was made, and I permitted that to be done, an effort to be made to have him get treatment without prosecuting him for violation of the White Slave Traffic Act, and that didn't work out. I don't know, it may not have been wholly his fault, but at any

rate the matter of trying to work this out in an informal way so that he could go to the Veterans' Bureau and have an examination and such treatment as he might require, didn't pan out, and I have no confidence in this matter of voluntary treatment in the case of a patient such as this.

I'm not a psychiatrist, I can't tell what his [305] condition is, but certainly he gave every evidence on the witness stand of being a very intelligent, very clever man, and I thought it seemed to me very much in possession of his faculties. He did some good acting and some intelligent testifying, and it would seem to me that in his situation, that my sentence should be sufficiently substantial to enable the Federal authorities to give him treatment if he requires it, and when you give a man over a year it means he's eligible for parole when a third of his sentence is served. It doesn't mean when you sentence a man to two years he's going to stay there two years if his behaviour is proper and he's a fit subject for parole in the judgment of the paroling authorities, but I think it should be sufficiently substantial so if he does require treatment to get him over these tendencies that he's displayed, that make him dangerous to society, I think it should be substantial enough to accomplish that if it's necessary. I'll leave the sentence as it is, and I think as I announced before, the bail on appeal if appeal is taken will be \$3,000. [306]

REPORTER'S CERTIFICATE

United States of America,
Eastern District of Washington—ss.

I, Stanley D. Taylor, do hereby certify: That I am the regularly appointed, qualified and acting official court reporter of the United States District Court for the Eastern District of Washington. That as such reporter I reported in shorthand and transcribed the foregoing proceedings before the Honorable Sam M. Driver, Judge of the United States District Court for the Eastern District of Washington, held on January 9, 10, 11 and 22, 1951, at Spokane, Washington.

That the above and foregoing contains a full, true and correct transcript of the record of proceedings at the trial and the court's ruling on motion for new trial, omitting only the matters noted therein, in the cause of United States of America vs. Thomas T. Chamales, Jr.

Dated this 19th day of February, 1951.

/s/ STANLEY D. TAYLOR,
Official Court Reporter.

[Endorsed]: Filed Feb. 26, 1951. [307]

[Endorsed]: No. 12878. United States Court of Appeals for the Ninth Circuit. Thomas T. Chamales, Jr., Appellant, vs. United States of America, Appellee. Transcript of Record. Appeal from the United States District Court for the Eastern District of Washington, Northern Division.

Filed March 7, 1951.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for the
Ninth Circuit.

[Title of District Court and Cause.]

CLERK'S CERTIFICATE

United States of America,
Eastern District of Washington—ss.

I, A. A. LaFramboise, Clerk of the United States District Court for the Eastern District of Washington, do hereby certify that the documents annexed hereto are the Original

1. Information.
2. Amended Information.
3. Motion for transfer of cause from Yakima to Spokane.
4. Copy of Order transferring cause to Spokane.
5. Defendant's Plea of Not Guilty.
6. Court Reporter's Transcript of Trial. (Impractical to annex this document because of bulk. Enclosed herewith, but not annexed hereto.)

7. Exhibits:

Defendant's 1—Marriage license and certificate of marriage.

Defendant's 4—Letter, Elaine Elliott to Defendant.

Plaintiff's 11—Application for Western Union Money Order.

Plaintiff's 12—Western Union Money Order.

Plaintiff's 13—Registration Card—Earl Hotel.

Plaintiff's 14—Registration Card — Wilhart Hotel.

Plaintiff's 15—Registration Card—Rest Haven Motel.

8. Defendant's Proposed Instructions.

9. Verdict.

10. Motion for new trial.

11. Affidavit of Harry L. Olson in support of Motion for new trial.

12. Order denying Motion for new trial.

13. Judgment and Commitment.

14. Notice of Appeal.

15. Designation of Contents of Record on Appeal.

16. Supplemental Designation of Record on Appeal.

17. Statement of Points.

18. Order extending time for filing Record on Appeal.

19. Bail Bond on Appeal.

on file in the above-entitled cause, and that the same constitutes the record for hearing of the Appeal from the Judgment of the United States District Court for the Eastern District of Washington, in the United States Court of Appeals for the Ninth Circuit, as called for by the Appellant in his Designation of Record on Appeal, and Supplemental Designation of Record on Appeal.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court, at Spokane in said District, this 5th day of March, A. D. 1950.

[Seal] /s/ A. A. LaFRAMBOISE,
Clerk of said District Court.

United States Court of Appeals
for the Ninth Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

THOMAS T. CHAMALES, JR.,

Defendant-Appellant.

DESIGNATION OF RECORD TO BE PRINTED

In Compliance with Rule 19, Subdivision 6 of the Rules of the above-entitled court, the appellant herewith designates as that portion of the record

which is material to the consideration of this appeal as follows:

1. Information.
2. Amended information.
3. Defendant's plea of Not Guilty.
4. Court Reporter's transcript of the trial.
5. All exhibits received in evidence, being defendant's exhibits 1 and 4 and plaintiff's exhibits 11, 12, 13, 14 and 15.
6. Defendant's identifications 2, 3, 5, 6, 7, 8, 9 and 10 which were offered but not received.
7. Defendant's proposed instructions number 9, 11, 16.
8. Verdict.
9. Motion for new trial.
10. Affidavit of Harry L. Olson in support of motion for new trial.
11. Order denying motion for new trial.
12. Judgment and commitment.
13. Notice of Appeal.
14. Designation of contents of record on appeal.
15. Supplemental designation of record on appeal.
16. Statement of points.
17. Order extending time for filing record on appeal.

18. This designation.
19. Statement of points filed in this court.

Dated this 10th day of March, 1951.

/s/ HARRY L. OLSON,

Of Counsel for Defendant-
Appellant.

[Endorsed]: Filed Mar. 14, 1951.

[Title of Court of Appeals and Cause.]

STATEMENT OF POINTS UNDER RULE 19,
SUBDIVISION 6

In compliance with Rule 19, Subdivision 6 of the Rules of the above-entitled court, the appellant herewith adopts the statement of points filed in the United States District Court for the Eastern District of Washington, Northern Division as the statement of the points upon which he intends to rely on this appeal.

Dated this 10th day of March, 1951.

/s/ HARRY L. OLSON,

Of Counsel for Defendant-
Appellant.