

Four Fist Fights Enliven Dilling Divorce Trial

T-H 3/27/42

Wife Held in Contempt, Winchell Ordered to Answer Her Charges

CHICAGO, March 26 (C.T.P.S.).

The third round of the Dilling divorce case was fought today before Judge Rudolph Desort amid the wildest courtroom scenes since Chicago's unpaid school teachers stormed the county building nine years ago.

The rough-and-tumble hearing was climaxed when Mrs. Elizabeth Dilling, defendant in the case, was held in contempt of court for making an impromptu speech from the stand, and Judge Desort ordered all spectators out of the room.

"In This Corner—"

There were four fights in the jammed ninth-floor corridor; two in which men struck at men, one in which a woman struck at a man, and one in which a man swung at a woman.

At the opening of the hearing Attorney Robert E. Cantwell jr. entered an appearance for Howard Mayer, public relations counsellor, who is named with Albert W. Dilling, the plaintiff, Walter Winchell, columnist and commentator, and Maurice T. Weinschenk, Dilling's attorney, in a contempt action brought by Mrs. Dilling.

She charges they conspired to defame her character by inserting in her husband's divorce bill last February 27 the charges that she was a user of liquor and drugs and had been guilty of other misconduct. The insertion, she alleges, was for the purpose of permitting Winchell to defame her in a coast-to-coast broadcast on March 1.

Suing for Million

The petition was amended on March 11 and all charges deleted save one of cruelty. Dilling, Winchell and Weinschenk also have been named in a million dollar damage suit.

Judge Desort granted counsel for Mayer and the other defendants five days in which to file an answer to the contempt action. A hearing was set for April 2.

Mrs. Dilling then was called to the stand to testify on her motion for dissolution of her husband's injunction, granted when his bill was filed, tying up her bank accounts. There was a slight commotion and Mrs. Dilling cried out: "That awful man, Weinstink!" This was a reference to Attorney Weinschenk—one she had used several times at the last hearing. In a stern voice Judge Desort called her before the bench.

Warning From Judge

"Mrs. Dilling, if there is one more outcry like that from you, I am going to hold you in contempt," he said.

"He has repeatedly insulted me," she replied. "If you could hear the insulting things . . ."

"When he insults you, tell your counsel. He will protest to the court in the orderly way. Furthermore," the judge added, addressing the room, "I will tolerate no outcry from out there. If there is any disturbance at all, you all go out."

Attorney Weinschenk then took up the questioning, asking how much money Dilling had spent taking her and their children to Europe since 1923. She replied she did not know.

"Was it \$40,000," he asked.

"Certainly not."

"Was it \$30,000?"

"I don't know."

Theodore Miller, Mrs. Dilling's attorney, broke in, to object to the line of questioning and Weinschenk replied:

"I'm not questioning. She's telling me."

This brought guffaws from the audience and Judge Desort sprang to his feet.

"Clear them out," he told the bailiffs. "Turn them out of the room. Clear the court."

Contempt Action Cause

When the court had been cleared and testimony resumed, Weinschenk began asking about a book, "The Octopus," supposedly written by her and published with her husband. Then came the outburst that resulted in the contempt ruling.

"The book," she shouted, shaking a finger at Weinschenk, "told about the low, conniving, scheming, un-Christian, un-American . . ."

"I object!" the attorney shouted. "I think Your Honor should hold her in contempt of court."

"I am going to," said Judge Desort emphatically. "I am holding her in contempt. This sort of thing must stop now." He then ordered that Mrs. Dilling be taken into custody, and Deputy Sheriff Mary Deverman moved to the witness stand and stood beside Mrs. Dilling as she testified. At the end of the hearing, however, Judge Desort said he would not order Mrs. Dilling locked up.