

DEPARTMENT OF JUSTICE

The Department of Justice announces that a Federal Grand Jury, sitting at Kansas City, Kansas, today returned an indictment on eleven counts charging Elmer J. Garner and James F. Garner, of Wichita, Kansas, with (a) wilfully obstructing the recruiting and enlistment service of the United States, (b) wilfully causing and attempting to cause insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States, and (c) conspiracy to commit such acts, all in violation of the Espionage Act of 1917 (Sections 33-34, Title 50, U.S. Code).

The indictment charges that the violations were committed through the printing and distributing, at Wichita and elsewhere, of "Publicity", a weekly newspaper of which Elmer J. Garner is editor and publisher and his son, James F. Garner, is editorial assistant.

Headlines, editorials and articles in this newspaper since January 15, 1942, the indictment charges, were "calculated and intended" to induce persons available and eligible for recruiting and enlistment in the military and naval forces "to fail and refuse to enlist for such service....and to refuse to submit to registration and draft for such service".

Among articles cited in the indictment were many reprinted from other publications, including "The Galilean", formerly published by William Dudley Pelley, of Noblesville, Ind.

Cited in the indictment were the following quotations among many from "Publicity":

(January 15, 1942)

"Two Poplar Bluff, Mo., boys were recently sentenced to a two year term each for stealing auto tires. Maybe these lads are smart---maybe they'd rather serve a prison term than go 'smack the Japs !'"

(OVER)

"Even with the contention of an alleged shortage in rubber for an adequate and necessary tire service, the Firestone Tire Company brings out the fact that there are yet unmolested in South America 300,000,000 well-developed, full-grown RUBBER TREES ready for the woodman's axe -- and the Firestone Company announces the further fact that their concern is now equipped with the necessary modern machinery and sufficient material to re-tread and revamp the entire nations used tire supply. For half the defense fund dissipated in paying millions for commissions in granting construction contracts and expenditures of \$650,000 on drunken brawls in the launching of a single battle-ship as outlined by Secretary of the Navy, Frank Knox, would put this South American surplus RUBBER supply upon the North American shores. Who is actually retarding defense efforts?"