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Kerner's court day harsh homecoming

By Henry Hanson

Former Gov. Otto Kerner came home again — to the U.S. Courthouse where he once used to win indictments as U.S. attorney and send criminals to prison.

Now Kerner and four co-defendants are on trial on charges stemming from Illinois racetrack stock deals.

Kerner was tanned, erect and somewhat graying as he said just six words in court Thursday:

● "I am," when asked if he was Otto Kerner.

● "I do," when asked if he acknowledged receipt of the government's indictment against him.

● "Not guilty," when asked how he pleaded to the charges.

KERNER, NOW a judge on leave from the U.S. Court of Appeals, is accused of income

tax evasion, bribery, conspiracy, perjury and mail fraud in connection with charges of profiteering on racetrack stock.

A special court hearing on motions in the case was set for next Thursday in Knoxville, Tenn.

The unusual Knoxville hearing was set by Judge Robert L. Taylor, 72, of Knoxville, who will preside at the trial, after attorneys for Kerner and the other defendants complained that Taylor hadn't given them enough time to file pre-trial motions.

KERNER and other four defendants were arraigned Thursday before Acting Chief Judge Richard B. Austin in U.S. District Court here.

Austin, acting on telephone orders from Judge Taylor, set Jan. 31 as the deadline for the formidable array of defense

attorneys to file pre-trial motions.

Judge Taylor was assigned to preside at the trial by U.S. Chief Justice Warren E. Burger because Kerner was a sitting judge on the Court of Appeals and a friend or acquaintance of other federal judges.

Kerner and his four co-defendants pleaded not guilty Thursday. One of the defendants is Theodore J. Isaacs, former state revenue director and Kerner's campaign manager.

In a surprise development Thursday, F. Lee Bailey joined another famed attorney, Edward Bennett Williams, as part of the team of defense lawyers.

AFTER APPEARING before Judge Austin, who was unsuccessful Democratic candidate for governor in 1956, the defense lawyers went without notice before Judge James B.

Parsons to challenge the indictments.

The defendants said the indictments were faulty because they had been returned before Austin rather than Chief Judge Edwin A. Robson. Judge Parsons set Jan. 25 for a ruling on the request.



Judge Otto Kerner drives home from the Dirksen Federal Building after pleading innocent to charges of conspiracy, mail fraud and bribery. (AP)



Isaacs



Miller



Knight



Mrs. McInturf

which Judge Austin characterized as an attempt "to sneak in the back door."

AFTER THE hearing before Austin, all the defendants except Isaacs talked with The Daily News.

One of them, William S. Miller, chairman of the Illinois Racing Board under Kerner, was asked if he thought the indictments were politically motivated.

Miller replied, "God, no! You can't say the government

is motivated by anything other than the eager pursuit of justice and truth." Then he grinned.

He said Mrs. Marjorie Everett Lindheimer, the government's star witness against the five and the former "queen" of

Illinois racing, was still "my good friend."

KERNER SAID, "Hi! How are you?" to a number of reporters and told one, "You're putting on weight."

Joseph Knight, a co-defendant who was director of financial institutions under Kerner, spotted legal gadfly Sherman Skolnick after the hearing and grabbed his hand.

"I'll shake hands with anyone," Knight told Skolnick. "I want to tell you, Sherman, how much better you look now that you've got new teeth."

Skolnick, who recently purchased false teeth to replace his own protruding teeth, was gleefully passing out copies of an editorial titled "Skolnick Strikes Out" and was taking credit for the indictments of Kerner and the others.

"I blew the whistle on them to the government way back in 1969," he said. "There will be 50 more people indicted in this mess — and soon!"

MISS FAITH McInturf, the only woman defendant, complained to reporters, "You printed my age wrong and everything else too."

The government had identified Miss McInturf, who was Miller's secretary, as 54 years old. Her attorney, F. Lee Bailey, said, "Call her miss, and say she is over 20."

Miss McInturf, a bleached blond, wore large plastic-rimmed aviator sunglasses and a gray suit with a scarf at the neck.

The man responsible for prosecuting the five defendants is U.S. Atty. James R. Thompson. In his court appearance Thursday, Thompson's blond locks were longer than the hair of any of the defendants or their battery of lawyers.