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PERSPECTIVES (Column)

## **E.T. Earl Pulls the Strings of Woolwine's Election Challenger**

By ROGER M. GRACE

Thirty-Ninth in a Series

**THOMAS LEE WOOLWINE** had his name on the Nov. 7, 1916 ballot as a candidate for Los Angeles County district attorney. So did incumbent Woolwine's challenger, William Thomas Helms, a former deputy in his office.

But it was not Helms whom Woolwine saw as his *actual* adversary. He identified as his real antagonist Edwin T. Earl, publisher of the Evening Express and the Morning Tribune.

Speaking at a rally in downtown Los Angeles on Nov. 4, Woolwine said, as quoted in the next morning's Examiner:

"I'm going to say a few words about E. T. Earl: he's on the ticket for the election next Tuesday, and if you want Mr. Earl for your district attorney, you can vote for him."

The DA went on to say:

"I am not saying much in this campaign about Helms—he is just a pawn in the game, for it is E. T. Earl who is running just because he tried to get me to lay down like a dog and I would not do it."

Earl could not have run, himself; he wasn't a member of the bar. Earl's vocation was that of a businessman, a citrus fruit grower. Had he been a lawyer, he might have run for DA himself...or not, given his apparent satisfaction with the role of a behind-the-scenes manipulator.



**Earl had been a Woolwine booster** in 1910, as well as during the run-off in 1914; he was now a bitter antagonist determined to topple the man who had disappointed him. Earl's version was that Woolwine's shoddy performance in office was the source of the disappointment.

Woolwine insisted that his refusal to take orders from Earl was the actual reason the publisher had turned on him. In a speech delivered on Aug. 11, as reported the following morning by the Times, Woolwine fired his opening salvo at the publisher, saying:

“At this time, after mature deliberation, I consider it a public duty to call the attention of the people of this county to the manner in which their public servant, the District Attorney, has been harassed and annoyed by the vindictive desire of E. T. Earl to ruin my administration because I have consistently refused to take orders from him during my incumbency.

“Shortly after I assumed the duties of the office he telephoned me in a commanding manner to come to his office. I refused to do so, and a few days later he called me again on the telephone and asked me to report to his home. I, of course, refused, and told him that if he had any official business with the District Attorney the doors of that office would be open to him, as they would be to any citizen of this county....

“In a short while, his hostility to this office became evident....”

Woolwine went on to say:

“Earl even descended, early in my term of office, to the silly expedient of ordering the men upon his newspapers to discontinue the use of my name and never mentioned the same thereafter except by way of foul denunciation. The refusal to mention my name in his papers is the only pleasing incident I can now recall in his absurd subterranean attacks.”

He charged that Earl had been behind the effort by former Chief Deputy District Attorney Harry Ellis Dean and Supervisor Richard H. Norton Sr.—the latter being termed by Woolwine “the lackey of Earl”—in instituting the 1915 Superior Court action to oust him from office. Woolwine asserted that Earl “never expected to succeed in accomplishing any such desired end” but merely sought to sully his reputation by virtue of such an action having been filed.

In an Oct. 31 speech in El Monte, reported in the morning dailies, Woolwine commented that Earl was “pouring his wealth into this campaign” in pursuit of “his desire to remove the District Attorney’s office from the Hall of Records to the Union Oil Building where Earl keeps his headquarters.” In that speech, he declared:

“In the campaign for the office of District Attorney, E. T. Earl has resorted to a course of vilification, malicious innuendo and false and villainous statements attacking the present District Attorney, which, for utter mendacity, has not to my mind a parallel in Los Angeles county.”

A Nov. 6 editorial in the Examiner comments that even if Earl “were as wise as Solomon and the embodiment of all the virtues he should not be permitted to control public officials,” and especially not the district attorney who, as one who prosecutes and protects, “dare not become the puppet of any private person.”



**A Nov. 4 editorial in the Express** seeks to explain the newspaper’s repudiation of a man the it previously supported. The editorial begins:

A friend of the Evening Express asks how it happens that two years ago we supported Woolwine for district attorney and this year we are for Helms. The question is a fair one and deserves a frank answer. The fact is that Woolwine has been tried in the office of district attorney and found wanting. He has failed to make good. His records as district attorney furnishes the reason why he should not be re-elected.

Two years ago Woolwine sought the publisher of this paper at his office and begged for support. We told him that we were afraid that he was temperamentally unfit for the office of district attorney; that a man who in a quarrel with a man over a dog would go to a neighbor's house and draw a pistol on his neighbor lacked the qualities that were necessary to make an efficient district attorney. Woolwine declared that he had acted foolishly, but that he had learned a lesson and that, if elected district attorney, he would enforce the laws so that we would have no reason to feel ashamed of him.

But we are ashamed of his record and we apologize for having supported him two years ago. Woolwine promises people he would enforce the laws against vice and crime. He has utterly failed to keep that promise and now has, among others, many vice and crime elements backing him for re-election.

There's an irony. Woolwine raised eyebrows as Los Angeles city prosecutor by battling "vice" in an unrestrained manner, including his raid on the California Club in 1908, entailing the arrest of club directors, based on the serving of liquor there without a saloon license. (The notion that such a license was needed by a private club was soon repudiated by the California Supreme Court.)

Now, Earl was linking this anti-vice zealot, as Woolwine had been viewed, with society's "vice and crime elements." A Nov. 6 editorial in the Express explains:

"Entering office with a pledge that would enforce the law, [Woolwine] is a candidate for re-election with the support of such elements as the prizefight promoters, the saloonkeepers, the managers of institutions like Baron Long's country 'club,' etc."

Long was a cabaret owner. Dean, after leaving the DA's Office, caused him to be arrested and Woolwine wouldn't prosecute. The allegation against Long at that time was that gambling was taking place on his premises.



EARL

Woolwine's view was that the "gambling" took the form of contests involving an element of chance; such contests were taking place throughout the county and had long been assumed to be lawful; they had just been declared otherwise by a Superior Court judge; and that before arrests were made, merchants ought to be notified of the ruling and be given a chance to stop the contests.

Earl now had a new allegation concerning Long. The editorial says:

"Vernon is the place where Baron Long's notorious country 'club' flourishes unmolested and where prizefights periodically occur in direct violation of the law."

Woolwine's stance, as set forth in an Aug. 26 campaign speech, was "that the State law allows four-round bouts in boxing exhibitions, and the District Attorney is powerless to stop this practice without violating the law itself."

In that address, Woolwine—who had at various times alluded in public statements to his "manhood"—said that other public officials had knuckled under to Earl but that for his part, "I prefer...to maintain my American manhood."



**The Express was undoubtedly correct** in stating in its Nov. 6 editorial that, with respect to Helms, "[t]he saloons and their allies are united in opposing his candidacy." That stood to reason. Helms had come out in support of a statewide ballot proposition that would have shut down all saloons in California, as well as barring sales of liquor in restaurants and other public establishments, as of Jan. 1, 1918. Woolwine had taken no stand on the issue.

An Oct. 21 editorial cartoon in the Express featured a bottle of alcohol—complete with head, arms, and feet—bearing the label "The Saloon" and sporting a "Woolwine for District Attorney" button.

Earl was apparently banking on the growing anti-liquor sentiment carrying the state proposition to victory, and Helms along with it. This was not unrealistic. The Congress that was elected in 1916 did, the following year, endorse the measure which, after ratification by the states, became the 18th Amendment to the Constitution. As of 1920, "Prohibition" was in effect.

But Earl misjudged sentiment in California and in Los Angeles. The state proposition embraced by Helms failed—on a vote of 461,039 for and 505,738 against. Helms also was defeated, attaining only 39 percent of the vote.

With partial returns in, Woolwine issued a midnight press statement expressing gratitude for his evident victory. He tossed in this zinger:

“If the people of this county knew the invisible government as I know it, it would be an offense of a treasonable nature for any officeholder to align himself with E. T. Earl.”

A news story in the Times on Nov. 9 contains the comment that “Mr. Woolwine’s victory was the most crushing defeat administered in recent years to bossism in this county”...unmistakably referring to Earl as the vanquished political “boss.”



**After the election, Earl brought** a \$150,000 libel action against the Los Angeles Record, a Scripps newspaper which, in the course of excoriating Helms editorially, called Earl a “boss” and “skunk.”

During the trial of that ill-fated lawsuit, a lawyer for Earl, E.A. Meserve, stipulated that Earl had contributed approximately \$10,000 to the Helms coffers...thus validating a campaign claim by Woolwine that Earl was largely financing the effort against him. (As you might recall from the last column, Meserve was so upset by Helms, a Republican, publicly releasing a letter from a third party insulting GOP county central committee members—which included Meserve—that he endorsed the Democrat Woolwine.)

The 1917 trial featured “dream teams” for both sides. Aside from Meserve, a founder of Meserve, Mumper & Hughes, Earl had in his corner Joseph Scott, who had previously been an attorney for him in litigation with the L.A. Times. Scott was, at the time, a target of that newspaper stemming from his earlier representation of the McNamara Brothers, conspirators in the 1910 dynamiting of the Times Building. Scott, who is depicted in a statue by the Grand Street entrance to the Mosk Courthouse, was the father of A.A. Scott who became a Los Angeles Superior Court judge, though not one known for model judicial temperament. A grandson is a press deputy to the current district attorney, Steve Cooley.

Also representing Earl in that litigation was Will Anderson, who was in 1921 to act for Woolwine when, under circumstances previously discussed here, the DA was charged with battery and disturbing the peace. Anderson, the 1934 Los Angeles Bar Assn. president, was an honorary pallbearer at Woolwine’s funeral in 1925, as was Scott.

The Record’s lawyers were also legal notables. Lead counsel was John H. Perry of Seattle, chief counsel for the Scripps newspapers, who turned from representing owners of news entities to being one; he was identified in a 1946 issue of Time Magazine as “a little-known U.S. press lord” whose “Western Newspaper Union is now the world’s biggest newspaper syndicate.” Also on the team were W. Joseph Ford, Woolwine’s opponent in the 1914 run-off for district attorney who became the first dean of the law school at Loyola, and Leon Yankwich, who was later to serve as a Los

Angeles Superior Court judge (1927-35) and a judge of the U.S. District Court for the Southern District of California (1935-64).

On Nov. 2, 1917, Woolwine testified for the defense. He told of being interviewed by Earl when he first ran for district attorney in 1910 and being handed \$500 by the publisher—which, after thinking about it, he gave back.

W.E. Hinshaw testified that shortly after he became a county supervisor in 1913, he was summoned by Earl who was told him, among other things, that “we have the goods on [then-District Attorney John D.] Fredericks” who was about to resign (something that did not come about). Hinshaw—who by the time of his Nov. 8, 1917 testimony had left office—told of being confronted in public once by Earl who accused him of being a “traitor” for not exerting influence to cause Woolwine to follow the Earl policies.

Former Mayor Charles Sebastian testified:

“Mr. Earl assisted in every message that was sent to the Council. I conferred with Mr. Earl and it was written in the Express-Tribune office....We had conversations about all the appointments.”

The Record won, on a 9-3 vote of jurors.