

The Michael J. Malone Douglas County Law Library E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 12th.

The February 2016 Douglas County Bar Association Brown Bag CLE program will be on Thursday, February 18th, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Marilyn Harp, Executive Director of Kansas Legal Services, will present "Client

Trust Accounts & Kansas Un claimed Property Law." Check the [DCBA website](#) for more information on the program, on the CLE credits available, and for handout material.

Current Art Gallery Exhibition

The February/March 2016 Law Library and Division III art gallery exhibitions are abstracts by Aram Aghdaie. This is the first public showing of Ms. Aghdaie's work, and we are fortunate to have the inaugural exhibitions by an artist whose quality of work is outstanding, and who will soon become well known in the arts community and beyond.

The April/May 2016 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be paintings by Joanna Ward. More information will be in the April 2016 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Galleries, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our galleries, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

2016 Bradley Parenting Time Calculator.

2016 Kansas Child Support Calculator.

ABA Child Law Practice: Helping Lawyers Help Kids, v. 35:1 (Jan. 2016).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 302:2/v. 51:6 (Nov. 2015).

Juvenile Justice Update, v. 21:6 (Dec. 2015/Jan. 2016).

Law Library Journal, v. 107:1 - v. 107:4 (Winter 2015 - Fall 2015).

Pretrial Motions in Criminal Prosecutions, 4th., 2015 Cumulative Supplement.

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

January's entry was:

Current Douglas County District Court administrative orders are available in the Library.

This Month In Legal History

February 13, 1926 - Joseph Myler is arrested for criminal libel for producing an "obscene" publication at Baker University.

Joseph Larkin Myler was born on January 22, 1905, in Iola, Kansas, to Emberson W. and Laura Kate Myler. Before Joseph was born, the elder Myler held a number of positions as principal and superintendent of schools in various small towns in Kansas, and later began the practice of law. Joseph's mother was a school teacher. It is apparent that education was important to the Myler Family. Joseph grew up in Iola, and when he was old enough for college, he went to Baldwin City, Kansas, and enrolled in Baker University. The elder Myler had been a principal in the Baldwin City school system from 1890 to 1896, so he would have been familiar with Baker University and may have influenced his son to attend school there. Joseph joined the Baker chapter of Theta Nu Epsilon. At the time of Joseph's involvement, Theta Nu Epsilon was an organization only for members of the sophomore class. It had apparently been operating on the Baker campus without the knowledge of the university or the people of Baldwin City, and when this was discovered, it was referred to in the press as an "outlaw fraternity". Joseph became secretary of the fraternity, and supposedly was informed in late 1925 that as such, he was required to edit and produce a publication once a month. Joseph Myler took on those duties and began producing what was destined to be called *The Rod*. The first issue of *The Rod* was distributed on campus on January 21, 1926. It apparently contained gossip and unflattering portrayals of the morals of various members of the Baker community. As such, it created quite a stir at the school, and was soon being referred to as "obscene" and a "smut sheet". The university administra-

tion created a special disciplinary committee to look into the matter. The Douglas County, Kansas, authorities went further, and on February 13, 1926, Myler was arrested on a charge of criminal libel. Twelve¹ other men were also implicated in the case. Douglas County Sheriff W.J. Cummings arrested as many of them as he could locate. Several of the men were members of the basketball team, and were prevented from playing in that evening's game. Myler was reported to have confessed to his role as editor when he was arrested. He apparently was released on bond as he went home to Iola. Myler returned to Baldwin City on the morning of the 15th, and took his clothes and other property back home. Speculation was that this indicated he was quitting the school. The incident caused quite a stir across the state, as that same day the Kansas Book Dealers Association adopted a resolution opposing "the sale of publications which are excluded from the United States mails", as were obscene publications, and the Kansas Attorney General Charles B. Griffin announced that his office would attempt to suppress the circulation of "salacious magazines" in Kansas. He was quoted as saying "When the minds of students at a church school like Baker becomes [*sic*] so filthy that such rot as this is written, it is time we keep out of Kansas the magazines which poison the minds of our children." Those opposed to Griffin's proposal contended that fighting against such publications would only increase their sales. Several days later, Myler's attorney attempted to get the Baker authorities to drop the suit against his client, pointing out that it should be a school matter and not a criminal one, but County Attorney George K. Melvin doubted that it would be dropped. Late on February 23rd, Melvin issued a warrant for Lee Hettick, owner and publisher of the *Gridley Light*, a newspaper in Gridley, Kansas. Despite earlier assertions by the men who had been arrested that a printer in

Baldwin City had been responsible for printing the publication, it had been determined that *The Rod* had been printed by Hettick. The following day, Myler's case came up before Judge Hugh Means, the judge in the Douglas County District Court. He pled guilty and was fined \$100 by Judge Means. Commenting on his decision, the judge said, "No purpose would be served by a prison sentence other than serving as a warning to others and I hope that warning already is sufficiently plain." Myler was asked if the other twelve men who had been arrested were also implicated, and his response was "that they were to about the same as himself". Judge Means set an appearance bond of \$200 for Myler to testify as a witness against the other twelve men in their trials that were scheduled for the May court session. On March 15th, Sheriff Cummings traveled to Gridley, arrested Hettick, and brought him back to Lawrence, the county seat of Douglas County. He was released from custody on \$500 bail. Around the first of May, County Attorney Melvin received a telegram from the executive secretary of Theta Nu Epsilon saying that contrary to what the young men who had been arrested had originally said, the fraternity had had nothing to do with the publication of *The Rod*, and that the Baker chapter had been suspended about a year prior to the incident. The May court term got underway on the 3rd, and Melvin dismissed charges against the other twelve men, noting that since Myler had pled guilty in February, "it was believed that all had been punished who could be punished in connection with the sheet". Charges against Hettick for defamation by printing the publication were not dropped and the intent was to bring him to trial in a few weeks. The expectation was that he would plead guilty. The records of Hettick's case in the files of the Douglas County District Court do not indicate that he went to trial, and no newspaper account has been located reporting how his case came

out, so he probably did plead guilty as had earlier been speculated and paid whatever fine was imposed by Judge Means. After Myler's unceremonial exit from Baker University, he finished his college education at the University of Kansas in Lawrence, and then began a career in journalism. He got a job as city editor of the Herington Times in Herington, Kansas, and later moved home to Iola to work on the Iola Daily Register, eventually becoming managing editor of the newspaper. The exact chronology of these events is not clear, but it is known that he was living in Iola with his mother in 1930. In January 1933, Myler joined the United Press news agency and moved to Kansas City, Missouri. On Oct. 24, 1934, he married Helen Elizabeth Austin, who was from Cottonwood Falls, Kansas. Myler was transferred from Kansas City to Jefferson City, Missouri, and later to Dallas, Texas. He was transferred again, to New York City, where he worked as a rewrite man. Once again, the chronology of these events is not clear, but he and Elizabeth were living in the Jackson Heights neighborhood in New York City's borough of Queens in 1940. Myler was transferred from New York to Washington, D.C., on December 7, 1941, the day the Japanese bombed Pearl Harbor. He wrote many of the lead stories out of the Washington office, including the Allied invasion of Normandy, the death of President Franklin D. Roosevelt, the end of the war in Europe, the atomic bombing of Japan, and the end of the war in the Pacific. As part of this work, Myler handled President Truman's public announcement of the development of the atomic bomb. He covered the first postwar test of nuclear weapons at Bikini Atoll in the Pacific in July of 1946, and was back there again in May 1956 for the testing of the first Hydrogen bomb. Myler wrote many magazine articles on nuclear energy and was the author of an authoritative article on the subject for the *Encyclopedia Britannica*. In 1957, he began special-

izing in science writing, and won both the National Headliners Award from the Press Club of Atlantic City, New Jersey, for his work and an Atomic Industrial Forum award in 1969 for "making a significant contribution to public understanding of nuclear energy". Myler also covered all but one of the national political conventions between 1940 and 1968, as well as several presidential campaigns. He retired in December 1972 when he was diagnosed with cancer of the esophagus. He was quoted as saying, "I had spent a lifetime prepping for cirrhosis of the liver or lung cancer or both. But my liver is dandy and my lungs are fine. Goddam my gullet, I say." Joseph Larkin Myler died in Washington on July 5, 1973. The couple had no children, so he was survived by only his wife Elizabeth. Myler lived an eventful life, and for someone who started out his journalism career by writing for *The Rod* at Baker University and being fined \$100 for criminal libel because if it, he went a long way indeed.



¹ Some newspaper reports had the number at eleven, but there were twelve names listed when they were printed in a newspaper article.

From: The El Dorado Times (El Dorado, Ark., August 17, 1973, p. 2; Joseph L. [Myler], 1910 U.S. Census, Iola, Allen County, Kansas, 4/20/1910; Annual Catalogue of the Officers and Students of the State Normal School, Emporia, Kansas. Thirty-Sixth Year - 1899-1900, Emporia, Kansas, 1900, [p. 28](#); Joseph Larkin [Myler], 1920 U.S. Census, Iola, Allen County, Kansas, 1/14/1920; [Theta Nu Epsilon](#), Wikipedia website; Lawrence Daily Journal-World, v. 70, no. 39 (February 15, 1926), p. 1; Lawrence Daily Journal-World, v. 70, no. 42 (February 18, 1926), p. 1; Lawrence Daily Journal-World, v. 70, no. 47 (February 24, 1926), p. 1; Lawrence Daily Journal-World, v. 70, no. 61 (March 16, 1926), p. 1; Lawrence Daily Journal-World, v. 70, no. 105 (May 3, 1926), p. 1; [Douglas County, Kansas, Newspaper Articles](#), genealogytrails.com website; [Myler,] Joseph L., 1930 U.S. Census, Iola, Allen County, Kansas, 4/3/1930; Myler, Joseph L., 1940 U.S. Census, New

York, Queens, New York, 4/16/1940; and, The Times-News (Henderson, N.C.), v. 94, no. 286, p. 11.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Michael J. Malone Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please

let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Michael J. Malone Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Law Library's telephone number is: 785-838-2477. The Library's e-mail address is: info@douglascolawlibrary.org.

Back Issues

Back issues of the Newsletter are [archived](#) on the Library's website.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.



**Michael J. Malone Douglas County Law Library
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