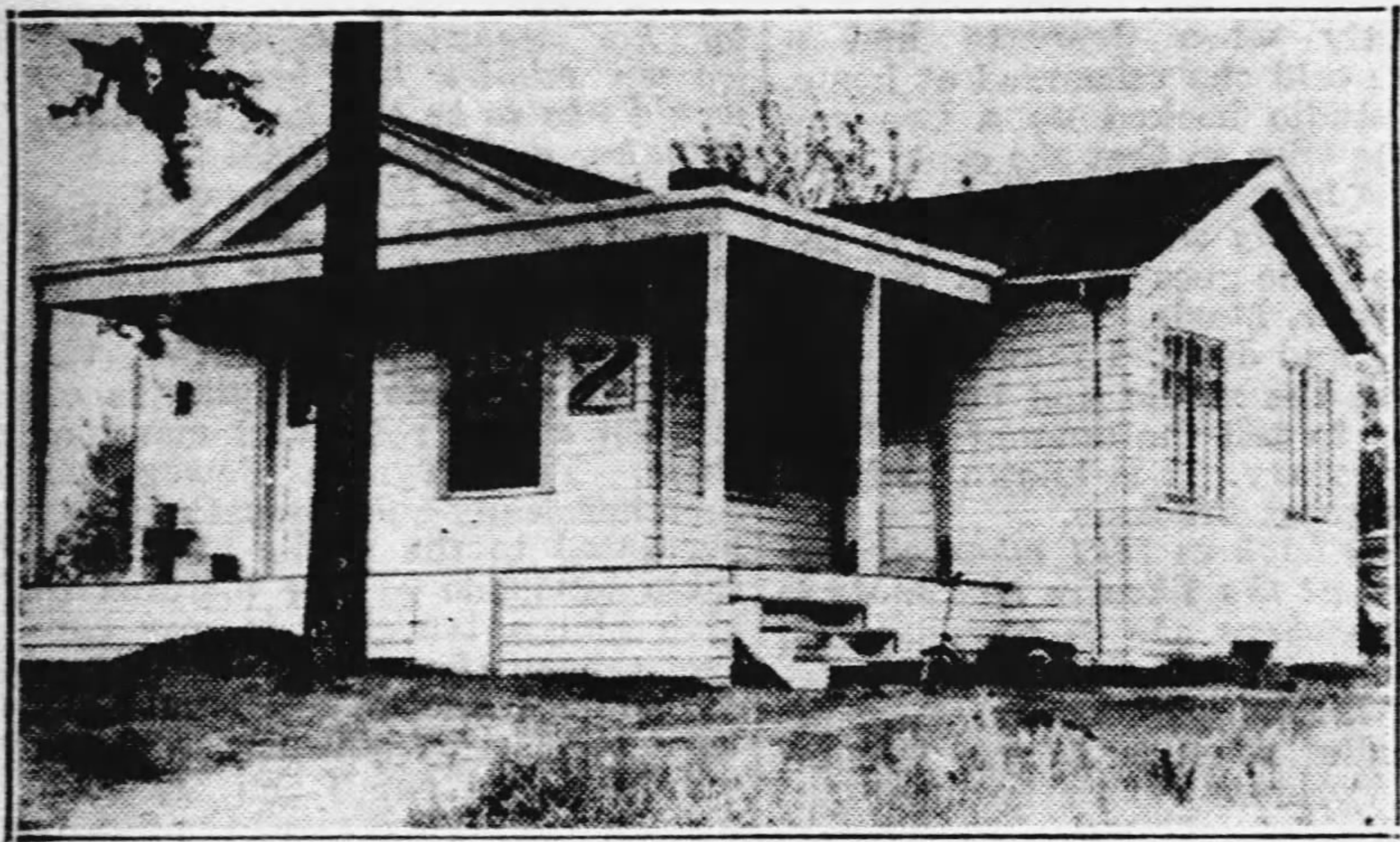


# WHEN JUSTICE



## Place of Butchery

The house in which Bassett was murdered and dissected, according to confession of Mary Ellen Smith, who named her son as the actual slayer. She admitted she "washed up" the place after the crime.



## Never Found

James Eugene Bassett, who disappeared in Seattle while en route to new government post in the Philippines.



## The Suspects in 1929

Decasto Earl Mayer and his mother as they looked in November, 1929, when their attorney won fight to bar lie detector evidence. This was after Mayer had, according to prosecutor, made a confession during series of tests.

# Bizarre Mystery Of Federal Man Who Disappeared

By PETER LEVINS.

ONE of the most bizarre criminal cases in the history of the Pacific Northwest got under way Sept. 5, 1928, with the disappearance of James Eugene Bassett, 35, a former Navy ensign in the employ of the government civil service.

Bassett, ordered transferred from the East Coast to the Philippines, reached Seattle early that month and visited at the home of his brother-in-law and sister, Commander and Mrs. Theodore H. Winters, in Bremerton, the Puget Sound Navy Yard community about twelve miles from Seattle. He planned to sail for the Orient on Sept. 10.

Bassett had crossed the country in his own car, a coupe, which he intended to sell before leaving. Accordingly he had inserted an advertisement in a Seattle newspaper, offering the car for sale. On Sept. 5 a man answered the advertisement and Bassett drove off with him in the coupe.

That was the last seen of the one-time ensign.

The next day Mrs. Winters received a telegram, saying her brother had gone to Vancouver, B. C., with a friend and would remain there for several days. She thought nothing of it then, but when Bassett failed to return on the 10th, and failed to sail on the ship that was to take him across the Pacific, Mrs. Winters and the commander became thoroughly alarmed. They communicated their fears to the police.

## Arrest a Criminal And His Mother.

But they admitted they had nothing much upon which to base any foul play theory.

"It just doesn't seem like my brother to act this way," said Mrs. Winters. "He was a man of exemplary habits. I can't believe that he would have left the city, stayed away so long, and finally missed his ship, without advising us about his change of plans."

The next day, Sept. 11, Eugene Levy, a Seattle business man, revealed to the police that he had been menaced by a man who had answered an advertisement similar to Bassett's. His description tallied closely with that of the stranger with whom Bassett had been last seen. Accordingly, a nationwide search both for Bassett and the stranger got under way.

TWO DAYS later Decasto Earl Mayer, an habitual criminal, and his mother, Mary Ellen Smith, 63, were arrested in Oakland, Cal., in possession of an automobile identified as Bassett's. Moreover, the missing man's wrist watch, wallet and other personal belongings were found in the car.

Mayer at once produced a supposed bill-of-sale for the car, pre-

sumably signed by Bassett. Both he and his mother insisted that the coupe had been purchased in a legitimate deal.

But what about the wrist watch, etc.? Their explanation was that these articles were in the car and they had not noticed them at the time of the sale. As they did not know where to find Bassett, and they believed he had sailed for the Philippines, they had made no effort to find him and return his possessions.

Mother and son were placed in jail in Oakland. They continued to insist that they had purchased the car legally, and that they knew nothing of Bassett's whereabouts. However, they fought hard to prevent their extradition to Seattle.

Their efforts failed, and they were returned on Sept. 22.

Now began a long, intensive and fruitless search for Bassett's body—for the police were convinced that he was no longer among the living.

Every possible clue was run down. County Sheriff Claude L. Bannick and a score of deputies searched everywhere within a twenty-mile radius of Seattle, assisted by Boy Scouts, state patrolmen and city detectives.

Scores of likely looking hiding places were uncovered, scores of excavations dug; lakes and rivers were dragged. Tips about mysterious packages having been buried were investigated. Officers searched and dug in and about a small frame house Mayer had rented recently in Richmond Highlands, north of Seattle. But not a trace of Bassett could be found.

The suspects were arraigned on Sept. 25 and stoutly maintained their innocence. When they were

questioned about a pair of heavy tongs, a meat saw, a gun silencer and other sinister-seeming articles found in their possession, they insisted that these articles were innocuous in purpose and had been in their possession for years.

Constant grilling got the authorities nowhere. When they proposed to force a confession from Mrs. Smith by the use of "truth serum," her attorney, the late John F. Dore, at that time the best known and most famous criminal lawyer in that region, protested to the courts and was upheld.

Weeks passed. All efforts to find Bassett's body failed. Finally, on Dec. 5, three months to the day after the government employee had disappeared, King County Prosecutor Ewing D. Colvin brought the prisoners to trial on charges of grand larceny.

No murder trial was possible, Colvin admitted, because no evidence had been uncovered pointing directly to the commission of a homicide.

The proceedings lasted ten days and ended in convictions. Appeal motions consumed a few more weeks, then on Jan. 30, 1929, Mayer was convicted as an habitual prisoner and given a life term. His mother received five to ten years. Both entered the state penitentiary on Feb. 7.

Thus ended the first phase of the Bassett mystery.

THAT Spring, on May 12, Mayer was returned to King County Jail, pending an appeal to the

State Supreme Court, his attorney, Henry Clay Agnew, arguing that there were errors and prejudice in his trial and sentence. Mayer, surly, uncommunicative and seemingly devoid of human emotions, remained closely guarded in Seattle through the Summer and Fall.

Then, on Nov. 21, the case was suddenly reopened by the prisoner's lawyer after Mayer charged he had been made the victim of "third degree" methods through the use of a lie detector. Prosecutor Colvin was named as the villain who had done this.

Colvin in return asserted that, by means of the lie detector, scientifically known as a pneumo-cardiograph, he had obtained a confession of murder from Mayer in the course of a seven-day series of tests. The prosecutor's own story, as given to the reporters, was as follows:

"On the recommendation of August Vollmer, consultant of President Hoover's crime commission, Professor of Criminology of the University of Chicago and former Chief of Police of Berkeley, Cal., I obtained the services of Leonard Keeler, Assistant State Criminologist for Illinois.

"Mr. Vollmer recently spent two days at the Bassett home in Annapolis. He has long been interested in this case.

"He recommended to me the use of his 'lie detector,' the machine which he invented. He recommended Mr. Keeler as the best technician on the machine.

"I obtained a leave for Mr. Keeler and arranged for his services. He arrived in Seattle Armis-

tice Day. I took three days outlining to him every angle of the Bassett case and Mayer's supposed connection with it. We began using the lie detector on Mayer on Thursday, Nov. 14.

"Mayer treated the lie detector as a lark at first. Up to a certain point in our seven days of investigation, he answered every question, but only with 'Yes, sir,' or 'No, sir.'

"The lie detector consists of two leather plates which go under the arms on either side of the breast and a chain which holds them in place from the back. There is a rubber tube wound around the arm to register blood pressure.

"A wire goes to a lamp socket and a wire to a needle touching a reel of ruled tape to make a graph of the reaction of respiration and blood pressure.

"THE entire examination, for six or eight hours each day, has centered around the question: 'Where is Bassett's body?'

"We questioned him over and over, perhaps a hundred times. 'Is it in a lake?' 'Is it in the Sound?' 'Is it in a well?' On all these questions, if he answered, the answer was 'No,' and in any case a negative reaction was registered."

## Says They Obtained Positive Reactions.

Colvin said that he and Keeler then used maps, finally, by "Yes" and "No" answers from Mayer, eliminating all sections except that in the town of Bothell, Wash.

The first positive reactions from the "lie detector" came, Colvin said, when he pointed to a spot on a map where Mayer once paid an instalment on a "little white house," and to the sites of two cemeteries.

"We found he would not answer any question relating to cemeteries," said the prosecutor. "When we worked along that line he struggled, threw his arms about, feigned fainting spells and convulsions.

"We had a plat made showing every grave in a Swedish cemetery, but Mayer positively refused to look at it.

"The most force that was used on him was last Sunday. When Mr. Keeler had just finished a series of questions on the graves and cemeteries about Bothell, Mayer, suddenly roused from lethargy, sprang like a cat and smashed the machine.

Two deputies grabbed him and he was shackled and sent back to his cell. Since then his examinations have been made while he lay on a cot wearing an Oregon boot. Keeler repaired the lie detector and we began the questioning again Sunday evening.

"We gave him one day's rest in the last week. Every other day we reviewed all the maps briefly but thoroughly, and ended always



## Victim's Kin at Trial

Mrs. Marion F. Bassett (left), mother of the victim, is pictured with her daughter and son-in-law, Commander and Mrs. Theodore H. Winters, shortly after she arrived in Seattle to attend trial last November of Earl Mayer and his mother.



# TRIUMPHED



## After Ten Years

Mayer and his mother comfort each other as their trial opens in the ten-year-old Bassett mystery. The State rested its case against them on Dec. 10, and the next day . . .

where the big reaction showed, in the vicinity of Bothell.

"On Monday Mayer suddenly looked up at me and said, 'Colvin, I'll talk to you if you'll get these other fellows out.'

"The deputies handcuffed the prisoner, gave me a small pistol and left the room.

"Colvin," Mayer said, 'will you give me a trial? I'd have a chance to beat circumstantial evidence.'

"I assured him I would."

"I know what that machine is, Colvin," he said then. 'I know it's recording the truth. I can't beat it. You know I killed Bassett. What will you do for me if I come clean?'

"If you'll lead me to that body," I told him, 'then I will not charge your mother with murder.'

"I'll tell you," he said, 'my mother has never done anything criminal except what I caused her to do.'

"Lead me to that grave and I will not charge your mother with murder," I said.

"All right, I'll go out there with you," he said."

### Court Rules Out

### Lie Detector Evidence.

Colvin said the deputies had searched in vain in the Swedish Cemetery for a clue.

Mayer denied that he had made a confession. He accused Colvin and other county officials of "torturing" him.

A court ruling on the matter was announced on the 23d. The decision banned further use of the lie detector and also ruled that Mayer was within his legal rights in refusing to testify when such a device was in operation.

ON Dec. 17 the Supreme Court handed down its decision of the Mayer-Smith appeals. Mayer's plea was rejected, but his mother was granted a new trial.

Two weeks later the lifer made an unsuccessful attempt to escape from jail. He was removed to another cell, isolated from all other prisoners, and a guard was stationed at the door day and night. Finally, on April 4, he was ordered returned to the state penitentiary at Walla Walla.

Now for the first time his composure broke. During the short trip from Seattle he was a nerve-racked, sobbing caricature of his former self. Yet he continued to assert his innocence.

Next his mother went on trial for a second time. And again she was convicted of grand larceny. She was sentenced May 10 to five to eight years, re-entering the state prison the following October.

mond Highlands) for this kind of a purpose, as we knew whatever car we got we would have to do away with the owner and this was an ideal spot for the purpose.

"Earl went and got him on the morning of the 6th, took him to a notary public office for the purpose of making believe he wanted a bill of sale. While there Earl said could not close the deal until he spoke to his mother and she would have to write out the check. He brought him home and I was sitting on the couch where I had a rod of iron hidden in a quilt in case of a struggle. We also had the phone removed. Every precaution was taken.

"When we said we would pay in check Bassett consented and said

pieces of the body, minus the head and hands, and drove way out to a big patch of woods somewhere between Cathcart and Bothell and put them under some brush clumps. The next morning we took the hands and head miles away to another patch of woods and buried the hands on one side of the road at a distance and the head on the other side into an old abandoned woodchuck hole at arm's length."

(Note that Bothell, the suburb Colvin suspected after the lie detector session, again pops into the story.)

### EVENTS now began to move fast.

On May 7 mother and son were removed to Seattle for trial on a murder charge. Mayer, sullen and contemptuous, snarled that his mother was "crazy," and that her "confession" was a "pack of lies."

As soon as Mrs. Smith reached Seattle, she was taken to the Clark house to re-enact the killing. She repeated her confession under questions by Detective Chief Ernest W. Yorick.

Asked with what Earl had dissected the body, she replied:

"Just a bread knife and a meat saw. That was all he had. After he cut up the body he wrapped it up in sacks and I cleaned the blood out of the bathtub."

Q. Why didn't you just put some water in the tub and pull out the stopper and let it drain? A. (Smiling.) They looked for that, didn't they? They took out the plumbing and analyzed everything and couldn't find a drop of blood.

Q. Why? A. Because I scooped it up in a bucket and poured it outside around the rose bushes.

Once more the authorities bore down on Mayer, with the result that he made a confession that he had murdered Bassett. (Which he



Silence cloaked the case thereafter for almost two years. No further efforts were made to find Bassett's remains, and nothing was heard from the prisoners. Legally the case was closed. Actually it was still wide open.

Mayer's name figured briefly in the news on July 24, 1932, when an escape attempt was thwarted. Then again there was silence, broken only on Aug. 23, 1934, when a search lasting more than a week was made for the body near Bothell—a suburb eight miles north of Seattle—which Prosecutor Colvin had mentioned in his account of the lie detector tests.

One other search was made on May 10, 1936, when a false clue was investigated in Lake Sammamish, five miles east of Seattle. A woman had reported that, years before, she had seen a heavy bundle dropped into the lake at night from a bridge over a slough. Nothing was found.

Mayer's name popped into the news again in August of the following year when he had Warden James M. McCauley of the penitentiary cited on contempt charges, claiming that his solitary confinement was improper and illegal. However, his request for a show-cause order was denied.

Events leading up to the last acts of the drama began to take shape early last May, when the authorities announced that Mrs. Smith, whose prison term was almost completed, had confessed that she and her son murdered Bassett.

### THE highlights of her statement follow:

"I am going to tell you the truth. The automobile was advertised for sale by Eugene Bassett, who was on his way from Maryland to Manila. Earl answered the ad. I went over to see Bassett at his sister's home. It was Sept. 5, 1928, but, being Labor Day, did not transact business until the next day. It was a most beautiful car and Earl wanted it as he had two very good positions offered him by real estate men.

"He came home and told me this and said he was going to bring Bassett to our house the next day and do away with him. We took the Dr. W. Clark house (in Rich-

## "I am Tired"

On Sunday, Dec. 11, Earl Mayer contrived to kill himself in his cell in a most extraordinary manner.

Note to mother told her he was "tired." Right, Mrs. Smith sobs after viewing body, shown above.



it was O. K. with him. I got up from the couch and sat down at the writing desk. Earl gave me a hint to leave the room.

"Bassett sat in a chair in front of the fireplace as I stepped into the kitchen. Earl stepped up behind Bassett and handed him a blank telegram and said, 'I am going to have your car and I won't pay for it. You write this telegram as I say it.' Bassett refused, but Earl said, 'You write it or I'll kill you.' So he wrote it as follows: 'Mrs. Commander Winters, Nayy Yard, Bremerton, Wn. I have sold my car, met a friend and am going to Vancouver for three days. Signed, Gene.'

"As Earl took the telegram he picked up a hammer and hit Bassett on the head. I heard his body fall and went in and he was gurgling. I stepped out and Earl gave one more blow and it was all over. We dragged the body into the bathroom, undressed it and put the body in the bathtub, where he dissected it at once.

"I cleared the mess and burned the clothes and the scalp also was burned. Earl was so sick and weak I gave him eggnog to keep him up. At night we took the

later repudiated, asserting he had done so to save his mother from persecution.)

The search for the body was resumed. The area described by Mrs. Smith was combed inch by inch. But again nothing was discovered.

Mrs. Smith's attorney declared she was insane. A group of psychiatrists therefore examined her and reported on Oct. 3 that she was sane and in full possession of her faculties. Accordingly trial of the defendants was set for Nov. 28.

The courtroom was jammed that day the proceedings got under way before Superior Court Judge Chester A. Batchelor. Hundreds of others crowded the corridors.

On the stand Mrs. Smith appeared quite composed as she repeated her confession. She explained how it had been obtained, following correspondence she thought she was having with a friend outside the prison, and in which she went into details about the crime. Actually she had been deceived about this correspondent.

ANOTHER prisoner, Mrs. Margaret Paddleford Fawcett, one-time adventuress serving a term

for fraud, had worked on Mrs. Smith's sympathies and, in cooperation with Warden McCauley and a woman matron, had duped her into believing that her letters were being smuggled out of prison and the answers smuggled in.

Later an officer, in the guise of a clergyman, visited her and she had made the confession in the belief that it would be kept secret.

Unable to produce Bassett's body or any direct material evidence of homicide, the prosecution had to base its case on the confession and the possession of the missing man's personal belongings. County Prosecutor B. Gray Warner asserted that if he could prove beyond a reasonable doubt that a murder had been committed, then the actual corpus delicti was not necessary in this case.

The State rested on Dec. 10 and Judge Batchelor took under advisement a defense motion for a directed verdict of not guilty.

On Sunday, the 11th, Mayer was served with breakfast about 9 A. M. Nothing unusual was observed about him at that time and no particular watch was maintained. At about 3 P. M. the jailer again appeared with a tray of food.

But Earl Mayer had no need of food any more.

He was dead on the floor of the cell—dead by his own hand. It developed that he had made two attempts at suicide, the first being unsuccessful when his belt snapped after he had hooked it to a bunk in an upper tier and then tried to hang himself.

### Second Attempt An Unusual Job.

The second attempt was an extraordinary job indeed.

He had stuffed his nostrils with toilet paper to shut off his breathing, then wadded two heavy paper towels down his throat, tying a strip torn from his shirt around his mouth to keep the gag from coming out.

Next he had taken his belt and lashed it tightly around his throat, and his final preparation was to make a set of handcuffs from a knotted handkerchief, crossing his hands and inserting them in the loops and reversing his hands so that the loops were pulled tight.

Then, standing in a corner of his cell, unconsciousness had come and he had fallen forward, cutting his head against his cot.

He had been dead about an hour.

MRS. SMITH became hysterical when she was informed. She insisted on viewing the body. She kissed the cold lips, screaming, "Earl, my darling, why did you do it? Why did you do it?"

He had left her a penciled note:

"Dearest Mother: Words are sometimes meaningless. I am tired and wish to: 'Depart from a place wherein is oppression; and leave the house to tell its builder's fate. And, for the place I leave, I shall find another land.' Everything is all right with me and it will be easier for you in the future. Lovingly, EARL."

"P. S.—You will receive help. Prefer cremation without box, etc."

Two days later Mrs. Smith, now 73, pleaded guilty and was sentenced to life imprisonment. Before she left for Walla Walla she was given a farewell "banquet" by women prisoners at the jail.

Mrs. Marion Bassett, mother of the victim, who came on from Annapolis, Md., to attend the trial, expressed her sympathy for the woman, believing that all her actions were governed by her idolatrous love for Mayer.

Of Mayer himself Mrs. Bassett could not speak, but through her daughter it was learned that she could feel no pity for him and believed the world was a cleaner place with such a man out of it.