

Fleming Found Guilty; Gives Up Seat in Cleveland Council

BRIBERY CHARGE UPHELD BY JURORS' VERDICT; WILL APPEAL CASE

By ORMOND A. FORTE

Cleveland, Ohio, Feb. 15.—The conviction of Councilman Thomas W. Fleming by a jury in criminal court last Friday on the charge of having accepted a \$200 bribe from Walter Oehme (white), former city detective, concludes the last chapter of a maliciously conceived plot to wreck the career of a popular civic leader and curb the growing influence of our group in local city government. The political maneuvering that set the stage for the conviction of Fleming is believed to be the natural result of the chagrin and bewilderment evidenced in certain anti-Race quarters after the last municipal election, when local members of our group, under intricate voting plan of proportional representation, furnished an interesting paradox by electing three Race councilmen out of a total of 25.

Fleming, veteran of the council and powerful member of the most important council committees, was selected for slaughter—the conspiracy which resulted in his downfall being made possible through the dastardly machinations of a white man whom Fleming had befriended.

Oehme Criticised

Walter Oehme, crippled and disease ridden, of whom his brother-in-law testified "he would not believe him under oath," is the central figure around whom the charge against Fleming was trumped up.

Fleming's indictment was rushed through overnight by County Prosecutor Ray T. Miller, Democrat, after Oehme had signed an affidavit prepared in the office of a local daily paper, charging the admittedly powerful Republican councilman with having solicited and accepted a bribe for using his influence to pass legislation beneficial to Oehme.

This paper immediately launched a campaign of villification against Fleming and his political allies, the like of which Cleveland had never witnessed—using every subtle bit of propaganda necessary to incense the public mind against the indicted leader.

It was in an atmosphere charged with such poisoned publicity that Fleming was rushed to trial before Judge Craig McBride, assigned here from Hillsboro.

Check Exhibited

Of the testimony given at the five-day trial, it is highly pertinent to note that Oehme's story of Fleming's acceptance of the exhibited \$200 check—eight months after the first ordinance was passed and more than a year before the introduction of the second ordinance to reimburse Oehme for medical bills—was not substantiated by any witness, but, on the contrary, Fleming's claim that he had cashed the check for Oehme, retaining \$50 as the balance of a fee due him for legal services, was supported by two reputable witnesses, Assistant Police Prosecutor Lawrence O. Payne and Dr. E. A. Bailey.

It was further offered in evidence that Fleming did represent Oehme in such legal action as would warrant the charging of a fee for such amount, Common Pleas Judge Hahl testifying that Fleming did represent Oehme in a contempt proceedings in his court some time in 1926.

Fleming's attorneys, George W. Spooner and Selmo C. Glenn, battled every inch of the way to introduce testimony to show that Oehme's reputation was not of the kind to warrant the jury's belief in his testimony, but the judge blocked every attempt on their part, sustaining the objections of the county prosecutor.

Seat Is Vacant

Despite the favorable testimony of a long line of character witnesses in behalf of Fleming, among whom were the mayor, the director of public safety, City Clerk Thomas, common Pleas Judges and the vice president of the Union Trust company, the jury accepted the version of Oehme as to the transaction and found Fleming guilty of accepting a bribe, although they acquitted him of the charge of having solicited the bribe.

The story of Fleming's back-to-the-wall fight for vindication remains to be written.

And yet, by some kind of miracle—induced doubtlessly by the hitherto unblemished record of the convicted councilman for almost two decades of public service—Thomas Wallace Fleming, private citizen, retains the confidence of an incredible number of Cleveland's citizens.

Consensus of opinion among in-

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CONVICTED



THOMAS W. FLEMING

For many years an outstanding figure in the city council of Cleveland, Ohio, who was found guilty last week of accepting graft money. He has resigned his council seat, but has not yet been sentenced.

Fleming Is Convicted; Quits Post

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influential citizens of Cleveland living in the 11th ward and the Third district, is that Assistant Police Prosecutor Lawrence O. Payne is the logical successor to the seat in the city council made vacant by the resignation of Thomas W. Fleming, following his conviction here Friday upon the charge of accepting a bribe. Fleming's resignation was presented Saturday morning, the 9th, in a letter addressed to the city council, in which he declared himself to be the victim of a conspiracy and an unholy campaign of prejudice. He stated that his sense of the fitness of things caused him to feel that he should no longer sit as a member of the council until he had completely established his innocence.

Prior to Fleming's resignation, little or no thought had been given to naming a successor to his seat in the city council, although the penalty which the law fixes for the offense of which he had been found guilty carried with it removal from office. Practically every one had been willing to stand by Fleming until legal steps to declare him innocent had been completely exhausted.

Wife Mentioned

Only a few persons had undertaken to express any views as to what would be done in the event Councilman Fleming should choose to resign. Those who did express themselves merely indicated that Mrs. Lethia C. Fleming, his wife, should be asked to take his seat in the council. If, however, Mrs. Fleming should not care to accept, their next thought was of Lawrence O. Payne, the brilliant young prosecutor connected with the city law department.

Now that Fleming has resigned and Mrs. Fleming seems reluctant to take his place in the city council, Payne's name is being pushed forward freely by influential groups throughout the 11th ward, in which he resides, and over the entire Third district, from which Fleming was elected. Payne has for the past five years served as an assistant city prosecutor. During that time he has not only received high commendation upon his work in that office from judges and others under whom and with whom he has worked, but he has steadily gained in popularity throughout the city. Payne is head of the Douglass Republican club and the Lemuel T. Boydston Legion post, as well as a member of various other organizations and clubs about the city.