

CHICAGO

## CLEARS BOY, 13 IN SCHOOL FIRE HE CONFESSED

### But Judge Finds Lad Set Cicero Blazes

BY ROBERT WIERBICH

A 13-year-old boy was adjudged not guilty yesterday of setting fire to Our Lady of the Angels school on the ground that evidence to substantiate his confession was lacking.

The ruling was made by Judge Alfred J. Cilella in Family court. He said he was not convinced that the boy had told the truth in an eight-page confession that he started the blaze, which claimed the lives of 92 pupils and 3 nuns on Dec. 1, 1956, while a pupil in the Catholic school at 909 N. Avera av.

In another ruling, however, Judge Cilella found the boy guilty of setting four of five apartment house fires last fall in Cicero, his present home.

**Arson Probe to Continue**

Sgt. Drew Brown, nationally known arson expert, said his investigation of possible arson in the school tragedy would continue. Because of defense objections, Brown was not allowed to question the boy.

Judge Cilella's 21-page decision, which reviewed evidence in both the Cicero and the Chicago cases, was read in court, requiring almost an hour. Then he found the boy to be delinquent because of the Cicero arson cases and ordered him



Cilella (left) and Brown

to remain in the Juvenile home pending psychiatric and probation reports.

The court set March 22 for a hearing at which it will be decided what is to be done with the boy, who was a 5th grade pupil in Our Lady of Angels school at the time of the tragedy.

**Three Courses Possible**

The boy could be returned to the custody of his parents for private care, turned over to the Illinois Youth commission, or placed in a private institution under court custody.

Judge Cilella overruled objections of John J. Cogan Jr., the boy's attorney, and admitted in evidence the school fire confession the boy gave Jan. 12 to John E. Reid, polygraph and detector expert at 609 S. Michigan st. Cilella held that the confession had been given voluntarily.

The boy confessed both the school fire and a series of Cicero fires in 1961. He had been taken to Reid's office by his mother.

**Evidence Held Contradictory**

Cilella held, however, that the confession to the school blaze was "contradicted by all of the circumstantial and physical evidence which was adduced in open court."

The judge observed that the only similarity to known facts about how the fire started was the boy's statement that he set fire to a ramblard trash barrel with metal tins in the basement of the school.

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The boy, however, said the barrel was under a staircase, while Sgt. Brown and Chief James Kehoe of the fire arson

squad testified earlier that it was at the foot of the staircase.

Other "discrepancies" in which the boy's confession did not jibe with the actual physical layout of the northeast basement corner of the school were cited by Cilella in his ruling dismissing the school fire delinquency petition.

Cilella also noted that the boy's story, in the confession, that he was tossed into a firemen's net from his second floor classroom during the fire was not substantiated by his teacher, Miss Pearl Tristano, or by a statement the boy gave police 11 days after the fire in 1958.

### 'Child, Parents Mised'

Altho the court admitted in evidence the boy's confession to Reid, Judge Cilella was strongly critical of Reid and some of his methods during the seven hour session in his office in January.

Cilella said he was "troubled" by Reid's assurances to the boy's parents that the results of the questioning would be confidential.

"Reid is a licensed lawyer," Cilella said. "He knew that the statements made to him could not be held in confidence if the

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processes of the law demanded their disclosure.

"His representation to the child that his signature was needed on the statement in order that Reid might complete his file was transparently false. In short, the child and his parents were misled."

Cilella ruled first on the Cicero delinquency petition.

The boy, present in court with Cogan and his father, remained impassive.

Then Judge Cilella ruled on the Our Lady of the Angels fire, first pointing out that he was doing so only because of the deep public interest in the tragedy and the fact that the boy had been charged with the offense.

The judge explained that, because he had already found the child to be a delinquent in the Cicero arson cases, it could be argued that "little can be gained from a consideration of the Our Lady of the Angels fire."

#### Lacks 'Abiding Conviction'

In ruling on the school fire, Cilella said, "Upon the evidence before it, the court does not have an abiding conviction that this child set the Our Lady of the Angels fire.

"Such being the case, the court will not burden this child with the judicial determination that he is responsible for that tragedy."

Sgt. Brown and his assistant, Detective Robert Trinski, had sought to question the boy in the juvenile home since he was surrendered to authorities Jan. 16. They were not allowed to do so on the ground that the boy's constitutional rights might be violated.