

trial in New York and the appeals.

IN NEW YORK COUNTY, FAY was convicted in the State court of extortion and conspiracy through a shakedown of contractors who built the Delaware Aqueduct. This was a \$300,000,000 job financed largely by Federal money.

Notwithstanding this fact and the obvious interest of the Federal government in such extortions, adding to the taxpayers' cost, successive Attorneys General in Washington took no action.

Fay was tried in New York by District Attorney Frank S. Hogan, who encountered political influence immediately, and maneuvers to bring the case before a favorable judge. In the end, Gov. Tom Dewey settled that by causing the State Attorney General to assign a judge from up-State.

Fay and James Bove were convicted after a trial in which Hogan had to contend with the reticence of contractors who may have been afraid of union trouble on future jobs or may merely have reckoned that the extortion cost them nothing inasmuch as the expense of Fay's graft and Bove's was passed along to the common man.

As a group, the contractors did not distinguish themselves as courageous and conscientious citizens. Nor are they.

Bove has given up and gone off to prison to serve his New York term, but he is still under indictment in the Federal Court in New York on a charge of failure to pay income taxes of \$194,000 on his share of the extorted money. He was vice-president of the Hod-Carriers' and Common Laborers' Union, which, like Fay's operating engineers, has been notoriously infested with thieving gangsters.

Recently, the national office of the Hod-Carriers' Union announced that it had hired a "public relations counsel" to decontaminate its reputation. That, however, is merely a venture into propaganda. The only reforms that have been wrought were accomplished by initiative newspaper reporting and Mr. Hogan and his staff.

AFTER LOSING ALL HIS APPEALS in New York, Fay appealed again to the Supreme Court of the United States on the ground that the blue ribbon jury which convicted him was illegally selected.

A favorable decision would have the effect of a prison break by some of the most ruthless criminals in captivity, convicted by blue ribbon juries.

The parallel between the situation of Judge Meaney in the Fay case and that of Justice Hugo Black of the Supreme Court in his spectacular fight with Justice Robert Jackson, last Summer, is not complete, but there are points of similarity.

Justice Jackson accused Justice Black of questionable ethics in failing to disqualify himself in a case in which a litigant was represented by a former law partner of Justice Black. Though no such interest is known to exist between Fay and Judge Meaney, their political kinship and common loyalty to Fay's patron, Mayor Hague, are plain.

This of course is a Treasury case and the Treasury is a government department, but the Department of Justice does not always satisfy the Treasury that it proceeds honestly with Treasury cases against important members of the Democratic national machine.

When the Department of Justice dismissed indictments charging income tax frauds against several surviving members of the old Huey Long machine, Treasury men who had worked up the criminal case privately but emphatically expressed suspicions of a political compromise.

Two Senators who, as members of the judiciary committee, debated Meaney's fitness for the bench, Wheeler of Montana, now defeated and retired, and Moore of Oklahoma, have pondered the possibilities in the Fay-Meaney problem.

But they believe nothing can be done to take the case away from Meaney unless Attorney General Tom Clark takes the initiative. Clark could assign it to another judge and could assign a special prosecutor to relieve Mr. Rossbach of any question.