

# Awaits U.S.

## Inquiry in Fay Case

### Jury Defers Action After Hearing Clark Aide

Inquiry by the Federal Grand Jury into U. S. Attorney Rossbach's handling of the Joseph S. Fay income tax evasion case has been suspended pending completion of a Department of Justice investigation of the case ordered by Attorney General Clark.

That decision was announced last night by John M. Durling of 136 Seton place, South Orange, foreman of the jury, after appearance before that body yesterday afternoon of Douglas McGregor, assistant to the Attorney General.

"We agreed on postponement of any further inquiry," Durling said, "after receiving definite assurances that a thorough government investigation is under way. We were told the inquiry will get more vigorous as it goes along."

The assurances came from McGregor, who was closeted with the jury for an hour and a half. Prior to entering the jury chambers shortly before 2 P. M., the Attorney General's representative spent another hour and a half in closed conference with Rossbach. He returned to Washington by train late in the afternoon. He told a Newark News reporter that he had been invited by the jury to appear before it.

#### Judge Fake Called

Shortly after McGregor's departure, Federal Judge Fake was summoned to the jury chambers. He remained inside behind closed doors for little more than 10 minutes and emerged to announce that he had been asked to meet with the jury in open court.

During the brief open session Durling read the following statement to Judge Fake:

"The Grand Jury in appearing before you February 4 was asking for advice. We are disappointed at the unseemly publicity given to our inquiry. We have today been assured that the Attorney General's office has under way a thorough investigation of the Fay case which they will report on later."

The jury adjourned after issuing the statement. Durling said the body will meet again next Tuesday, but only to discuss routine business. He said he did not anticipate that the Fay case would be brought up at that time.

McGregor declined comment to reporters as he left the jury chambers, other than to verify his identity and confirm the fact that he was conducting an inquiry into handling of the Fay case. He later stated that he had talked over aspects of the trial at length with Rossbach before talking to the jury.

#### Juror Leaves

Thomas J. O'Donnell of 61 Duncan avenue, Jersey City, one of the jurors, left the chambers during McGregor's appearance before the jury. He did not return. Reports indicated O'Donnell's departure was occasioned by a verbal clash with McGregor over aspect of the Fay investigation. O'Donnell said today he had no comment.

Reports in federal circles indicated that Rossbach had turned down an invitation to appear before the jury during the morning session. The district attorney was reported to have told a deputy U. S. marshal sent to summon him that if the jury wanted to see him, they'd have to send the sergeant at arms to bring him in.

Another version was that the deputy marshal had merely been asked to inquire of Rossbach why a representative of his office was not present for the session. It was then, according to this report, that Rossbach said he did not intend to appear before the jury voluntarily.

#### Rossbach Has No Comment

Asked in his office during the afternoon whether he had been summoned by the jury, Rossbach gave his usual "no comment" answer.

The jury's interest in the handling of the Fay case became apparent February 4 when its members appeared in open court before Judge Fake to seek information on ways and means to conduct an inquiry. At that time two spokesmen for the jury attacked Rossbach for "messing up" the case.

Fay was acquitted January 15 of charges of having evaded payment of \$137,548.93 on his 1940, 1941 and 1942 income. He had been indicted by the present Grand Jury.

## Suspect Submits

# TORIAL PA

## Westbrook Pegler

### Unioner Gets A Timid Urge For Reforms

VICTOR OLANDER, the secretary-treasurer of the Illinois Federation of Labor and an editor of its weekly news letter, recently composed an essay which I should like to discuss in a sweetly reasonable spirit because I think he has something here and that I have something to top him.

Mr. Olander was a sailor by trade so he declares his belief that "the union ship can weather the storm if its crew is disciplined, its hatches are battened, its sails properly trimmed, with steady hands at the wheel and every man of the crew fully conscious not only of his rights and privileges but also of his duties and responsibilities."

WE have here no spectacular blatherskite, Communist or gangster, but a man who enjoys the respect of his community. I fault him for fastidious observance of autonomy in unionism which for all these years has deterred him and other good men in the movement from fighting the Mike Carozzos, the Brownes and Bioffs and the Joe Fays on the ground that the internal affairs of the autonomous unions are family matters, so to speak.

Mr. Olander and his like know that the rank and file subjects of such crooks can't rebel against them, and I think he knows, as I do, that a poor fellow named Ziegler, who did try to start a fight in the union of operating engineers, which is Fay's union, right there in Chicago, where Olander lives, was murdered in sight of his home the night after he had telephoned the office of Internal Revenue to say that one of the high officials of the union had chased him and threatened to kill him.

THE police were no good to Ziegler and the man to whom he telephoned for protection, a special agent, had no authority to protect him even though his mortal danger arose from the fact that he had been giving the Treasury information about this boss unioner's income.

This special agent was brave enough all right, but he wasn't a policeman, so this poor fellow was murdered and that is a risk that the rank-and-filer takes in running an insurrection against the desperadoes. I am sure Mr. Olander knows this, but it was a family affair.

MR. Olander says that if the critics of unionism are substantially right, "then we must readjust our attitudes accordingly," because, already a dozen States have enacted restrictive laws and national restrictive laws are impending.

Like all other unioners, he thinks all restrictive laws are unwise and that is where I top him the first time. I top him because he admits that some unions have not shown proper consideration for the public in the exercise of powers conferred on them, because those restrictive laws were adopted in strict accordance with that "democratic process" which all the professional unioners and the politicians on their side so stridently admire when it operates in their favor.

MR. OLANDER says the unions must reform voluntarily and I say they won't and he knows they won't and that he defeated his own proposal by his negative in the imminent presence of outrageous local union conditions in his own particular jurisdiction all these years. When I refer to his jurisdiction, I don't mean that he had official powers to depose the filthy things who abused the rank and file. But he is a man of standing there and if he had made himself heard against such vermin 10 or 15 years ago, reform might have been accomplished from within.

On this point, some of us will recall that when Roosevelt was running the NRA, old Hugh Johnson justified compulsion over 90 percent of the business and industry of the nation, which didn't deserve com-

# Clark Aide Came Here After Wire by Jury

## Foreman's Telegram Brought McGregor to Newark in Probe of Fay Trial

Appearance of Douglas McGregor, assistant to United States Attorney General Clark, before the Federal Grand Jury Tuesday was the result of a telegram sent to Clark last week by John M. Durling, jury foreman, it was reported today.

Contents of the telegram, reportedly sent from New York, were not learned. Indications, however, were that Clark was asked to assure the jury that his office was

making a thorough investigation of all aspects of the Joseph S. Fay income tax evasion trial last month. The assurances were given the jury Tuesday by McGregor.

It also was reported that the jury had gone much further along the path to a complete investigation of United States Attorney Rossbach's handling of the Fay case than was generally believed. Further steps in this direction apparently were cut short only by McGregor's appearance. It was after Clark's assistant had left the jury chambers that the jury made a statement declaring it had been assured that a thorough investigation is being conducted by the attorney general's office.

According to reports, the jury had appointed a steering committee to consider the situation arising out of Fay's acquittal January 15 and to make recommendations on what action, if any, should be taken. The committee is said to consist of Albert I. Stiles of 43 Druid Hill road, Summit; Mrs. Mildred Z. Lazarus of 63 Forest avenue, Glen Ridge, and David B. Foley of 919 Garrison avenue, Teaneck.

#### Questioned Conduct

Stiles is one of two members of the jury who questioned conduct of the Fay trial during an open hearing February 4 before Senior Federal Judge Fake. The other member was A. Richard Kallenberg of 35 Lorraine street, Glen Ridge.

The steering committee is understood to have refrained from proposing a jury vote on the question of investigating the prosecution of

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## Ft. Monmouth

### U. S. Jury

(Continued from First Page)

the Fay trial. One such resolution, said to have been offered by another member of the jury, was withdrawn in the face of opposition, it was reported. The resolution, it is understood, charged the Fay prosecution was "lacking in zeal and efficiency."

#### Rossbach Rebuff Reported

The steering committee, through one of its members, is understood, however, to have sent a letter to Rossbach asking a transcript of the Fay trial and a record of the United States attorney's staff of assistants. Rossbach, it was reported, termed the letter "improper."

Despite announcement by Durling that next Tuesday's jury session will be concerned with routine business, it is believed the subject of the Fay trial will be breached again. Efforts still are being made, it is understood, to determine the possibility of engaging special counsel to advise the jury on an investigation.

BUS 16

### As It Goes Along

REPRESENTATIVE of Attorney General Clark appeared Tuesday before the United States Grand Jury at Newark, and after his departure for Washington Jury Foreman Durling said:

We agreed to postpone any further inquiry (into United States Attorney Rossbach's prosecution of the Fay income tax case) after receiving definite assurance that a thorough government investigation is under way. We were told the inquiry will get more vigorous as it goes along.

This word was conveyed to the Grand Jury by Douglas McGregor, assistant to the Attorney General. Mr. McGregor is the man delegated by Mr. Clark to make the Rossbach investigation. For that reason he should be in a position to know whether "the inquiry will get more vigorous as it goes along." The public hereabouts had been conditioned by Attorney General Clark for a Department of Justice investigation that would be vigorous from the start. But, of course, the inquiry has been under way less than a month and it may be that more time is required for a Washington investigation to get up a full head of steam.

Under normal circumstances, the term of this Grand Jury will expire April 1. Time, therefore, seems to be almost as important as vigor in this particular inquiry. But whether the inquiry, which is to get more vigorous as it advances, will go three more weeks or three more months is one of several aspects of the case about which the public remains uninformed. In fairness to Mr. Rossbach, to the Grand Jury and to the administration of federal justice in this jurisdiction, Attorney General Clark ought to add celerity as well as vigor to his investigation "as it goes along."

### Upholding of Hat

ALTHOUGH