

Get Higher Ups In Raids, Plea Of Grand Jury

news 8/21/29
Federal Body Cites Ten-
dency to Seize Only
Underlings

Citing a tendency by prohibition enforcement agents to seize only bartenders and underlings during liquor raids, the April term of Federal Grand Jury in a presentment handed to Judge Fake today urged greater efforts toward getting the "higher ups" in such cases.

That lack of a proper enforcement body exists here is recognized by the Grand Jury. Still, it is added, "if cases were made and prepared with more attention to securing those really responsible for the conditions leading to violation of law, the cases would command greater respect."

Judge Fake approved the presentment, which was read in open court by Benjamin F. Havens, clerk.

"The things you have mentioned in your presentment," said the judge, "must be apparent to the people of this district. I congratulate you and think it is a fine thing for you to send a copy to Mr. Wickersham. The district attorney and judges will give the presentment careful and conscientious thought. I thank you very much."

Reference to Mr. Wickersham by Judge Fake followed the Grand Jury's suggestion that a copy of the recom-

mendations be sent to George W. Wickersham, chairman of President Hoover's Law Enforcement Commission.

The presentment said:

"The grand jury, from its observation and analysis of the cases brought to its attention by the district attorney for the district of New Jersey, has been impressed with the fact that in many of the said cases there seemed to be a failure to connect with the alleged violations of the national prohibition act, otherwise known as the Volstead law, those who apparently are the real principals, the persons charged evidently being the more or less insignificant tools of the real parties responsible for said violations.

Sees Difficulty.

"The grand jury realizes the difficult task imposed upon the federal officials responsible for the investigations and prosecutions of these cases, and also realizes the lack of a really adequate force to carry on this work and regrets that the officials and courts of some of the counties are apparently not functioning in such a manner as to relieve the federal officials of much of the work in connection with detecting and punishing said violations in their respective counties. Nevertheless the grand jury expresses its conviction that if cases were made and prepared with more attention to securing those really responsible for the conditions leading to violation of law that the cases would command greater respect from the grand jury, would enable the district attorney to present much stronger cases to the trial juries, and in case of conviction would enable the court to give penalties which would really be effective.

"We, therefore, respectfully but earnestly present our findings in this connection and urge that, for instance, when a still is found that patient and searching investigation be made until those really responsible are located and brought to the attention of the proper authorities, and not simply some more or less ignorant and irresponsible person be arrested and charged with a minor offense; similarly that when a saloon or speakeasy is found in operation that the agents in charge should not simply arrest whoever happened to be behind the bar, but should quietly and persistently first pursue their investigation until they have located, if possible, and implicated the real proprietor and not simply a cog in the wheel.

Outgrowth of Study.

"The grand jury desires to make this constructive suggestion not by way of captious criticism, but by way of ex-

pressing the judgment it has formed in connection with its duties, as we believe that a few cases thoroughly made and effectively pursued would be of more value than many cases hastily prepared and failing to reach those responsible for a situation which will recur over and over again until the principals and not merely their tools are dealt with."

Dry Unit Here Is Investigated

news 8/22/29
Probe Follows Fist Fight.
Rumors Are That Ross
Will Go

An investigation of the situation at New Jersey prohibition headquarters in the Industrial Office building is being made by William J. Calhoun, acting deputy commissioner of prohibition.

The investigation, which resulted from a fist fight Tuesday between two officials of the unit, is being made in the absence of Captain Edwin S. Ross, administrator for this district. Absence of Captain Ross and the thoroughness of the investigation gave fresh impetus to reports that the administrator was to be supplanted. Captain Ross has been out of the city since Saturday, presumably on a vacation trip.

Recommendations of Mr. Calhoun, it is understood, will be the deciding factor in the replacement or retention of Captain Ross. Mr. Calhoun spent all of yesterday at the local office and may return today. He would not discuss the case.

An informal complaint, not under oath, was made Tuesday before Police Judge Simandl by Abraham Miller, chief inspector of the dry unit. The complaint named Ludo C. Pickett, assistant administrator in charge of permits. Judge Simandl issued a summons for the appearance of Pickett next Wednesday.

No specific charge is made on the complaint, but Miller will ask for an assault and battery count against Pickett if the affair is not settled before Wednesday. Miller wanted to make a formal complaint, but was persuaded not to by officials of the unit.

Not Disciplined.

L. J. Kosters, legal adviser of the unit and acting administrator, has not disciplined either Pickett or Miller and both men were at work today as usual. Since Mr. Kosters has taken no action the understanding among employees of the unit is that the entire case will be handled by Washington officials.

The acting administrator declared Captain Ross had knowledge of the friction which existed between the pair. He did not understand that the present probe was likely to affect Ross's status. He declared conditions had improved under Captain Ross and the work of the unit was "commendable."

Mr. Kosters added that he did not know about the informal complaint but declared the city police court would have no jurisdiction to take one. He based his opinion, he said, on the fact that the prohibition offices are federal territory and as such are not under jurisdiction of any city or state court or official.

Mr. Calhoun will submit his report within a few days, but no action will be taken until Dr. James M. Doran, commissioner of prohibition, returns from a trip to the Pacific Coast.