

Pegler Recalled 2 Fay Jurors' Kin Fay, Court Ties Linked to Hague

By LEON RACHT
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The political background of Joseph S. Fay, extortionist AFL chief, the judge who presided at income tax evasion trial and the U. S. Attorney who prosecuted him was recalled before the trial started by Westbrook Pegler, N. Y. Journal-American columnist.

On Jan. 8, Pegler wrote:

"Fay, though a rough, brutal hoodlum and drunkard, is also one of the most audacious and resourceful political racketeers in the New Deal-underworld axis.

"He is a henchman of Frank Hague, the Jersey boss, and an intimate social and political companion of most of the influential judges, public prosecutors and other officials of the Hague machine in Newark and Jersey City.

STRONG INFLUENCE.

"He has lived in Newark for years and is a member of the biggest social club of Hague politicians. His influence is so strong that the average harmless citizen, drawn for jury duty might be put in fear of ruinous reprisals of one kind or another, including physical violence.

"Judge (Thomas F.) Meaney, named to hold the trial is an old, intimate friend and political protégé of Fay's friend, Hague. He owes his appointment to Hague, an appointment which aroused strong objections in the U. S. Senate before he could be confirmed.

"Altogether, the objections to Meaney's confirmation were such as to justify the most attentive scrutiny of his conduct of the Fay trial if he should fail to disqualify himself.

PROTEGE OF HAGUE.

"Certainly Meaney could not impair public confidence in the honesty of the trial and court if he should decide to let the Fay case go to some other judge, preferably a man from some other State.

"Mr. Rossbach, the District Attorney, also is a member of the Hague political group.

"In this case the judge, the prosecutor and the defendant all are members of a notorious political organization. The defendant is a desperate, ruthless and powerful politician who has been fighting for three years to keep out of prison."

The following day, Jan. 9, Pegler wrote that when Judge Meaney was up for confirmation by the Senate "all the opposition" objected on "the ground that he appeared to be a political creature of the boss, Frank Hague, of Jersey City."

UNDER OBSERVATION.

Pegler continued with the statement that Meaney was confirmed, "but he must have realized that in time he would find himself under cold and questioning observation in a criminal trial of some such old friend of Boss Hague as Joe Fay, the drunken, brawling union racketeer, who now comes before Judge Meaney charged with evading his income taxes on the enormous graft he extorted from the contractors on the Delaware Aqueduct job.

"Judge Meaney may be incorruptible," Pegler wrote, "but he has no right to object if others observe his conduct of this trial, and the outcome in the mood of the Governor who believed he had done the boss' will before and might do it again.

"The boss is loyal to his henchmen and Fay has been one of them for years. . . Fay's home and headquarters have been in Newark, where Judge Meaney sits in Federal Court. . . Fay collected his shake. . . all this while he was as close to Hague as Judge Meaney was. He is still a Hague man. Meaney is a Hague man."

occupied seat No. 8 in the jury box, was questioned extensively. But Miss Donnelly, who was Juror No. 7, was not interrogated individually.

At no time in her examination did Mrs. Daly reveal her husband's official position in the Housing Authority, nor did she say that he worked for Jersey City.

She described her husband as "an independent broker, accepting everyone as a private client." "He is associated with well, many people—that is as clients go," was Mrs. Daly's answer to a question put by U. S. Attorney Rossbach—and a reply which was accepted as satisfactory.

BLANKET QUESTION.

Only a general blanket question was put to Miss Donnelly after she was called, and it was put as well to two other jurors, William A. Reynolds and Vincent Lombardi who, like she, were called to the box after others had been executed by peremptory challenges.

The question, asked by Rossbach of Miss Donnelly and the others was:

"Were you able to hear the general questions that were addressed to the jurors?"

"Are there any answers that you might give to those questions which would indicate a disqualification insofar as your service on this jury is concerned?"

"Do you feel that you could serve here as fair and impartial jurors. . .?"

2 OTHERS CHALLENGED.

Reynolds spoke up promptly and said he could not because he had known Fay "for a long time." He was excused by Judge Meaney.

Rossbach challenged Lombardi without examination, although at the time the Government was running low on peremptory challenges.

Miss Donnelly was allowed to sit. Neither Mrs. Daly nor Miss Donnelly was questioned by the defense, according to the court record, although John W. McGeehan, boss of Fay's defense battery, conducted an examination of other jurors and challenged several.

"NEVER HEARD OF FAY."

Mrs. Daly's husband, interviewed in his office at 921 Bergen ave., Jersey City, affirmed his Housing Authority position, but said it was like working "for the Red Cross."

He admitted working for Jersey City as an appraiser, adding, without specifying them, that he worked for "three other cities besides."

Daly declared he had never heard of Fay before the trial and

didn't know whether the labor czar was "CIO or AFL."

"It's a nuisance, having my wife on the Jury," Daly said. "We have four children and I unable to communicate with her after she was called because the Jury was locked up."

PART OF OLD PANEL.

As the background of the Fay jurors became a matter of scrutiny, another highly significant feature of the labor boss' jury selection was disclosed. This was the fact that the jurors were picked from the remnants of an old panel which was called last September.

There were only 37 members left on the panel and courtroom observers pointed out it would have been an easy matter for either side to comb such a small group, compared to the prodigious task of investigating a newly drawn panel of 400 or 500.

The question of what would have been done had the 37 proven unsatisfactory and were either excused by the court or challenged peremptorily or excused, remains unanswered. But it is a fact that both sides ran out of challenges and completed the jury catch-as-catch-can.

QUIZ OF JUROR.

Rossbach's detailed examination of Mrs. Daly follows in part:

Rossbach: Mrs. Daly you have heard the general questions that have been asked of all the jurors?

Mrs. Daly: Yes, sir.

Rossbach: Do you feel as a result of hearing those questions there is any answer that you might give to any of them that would give yourself reason to believe that you could not fairly and impartially judge this case?

Mrs. Daly: No, sir.

Rossbach: Your husband is in the real estate business, is that right, in Jersey City?

Mrs. Daly: Yes, sir.

Rossbach: For what company?

Mrs. Daly: He is an independent broker.

Rossbach: Does he do any business with some of the big companies over there?

Mrs. Daly: Well ———.

Rossbach: Do you know?

Mrs. Daly: Well, no he accepts everyone as a private client being an independent broker. He is associated with, well, many people. That is as clients go.

Rossbach: Where does he operate from?

Mrs. Daly: 921 Bergen ave.

Rossbach: Does he have anyone else in those offices associated with him?

Mrs. Daly: Why, yes, he has a staff, a couple of men and a secretary, but nobody cooperatively working with him.

Rossbach: Does he have offices independent of anyone else, for instance another real estate agent?

Mrs. Daly: Yes, private. No,

no, just his own private business.

28 YEARS IN BUSINESS.

Rossbach: For how long a period of time has he been in that business?

Mrs. Daly: Twenty-eight years.

Rossbach: What was your maiden name?

Mrs. Daly: Ann Marie McGovern.

Rossbach: For how long a period of time have you lived in Hudson County?

Mrs. Daly: All my life.

Rossbach: Prior to your marriage I believe you were designated as a statistician?

Mrs. Daly: That's right.

Rossbach: For what company?

Mrs. Daly: The General Silk, in New York City, which has gone out of business since my marriage.

JUROR INVESTIGATED.

Rossbach's question, revealing the fact that Mrs. Daly has been a statistician before her marriage, showed that the government had

made some investigation of her before she was called.

The interrogation showed no sign however, that the prosecutor was aware of the Housing Authority position held by Mrs. Daly's husband or his work as an appraiser for Jersey City.

A perusal of the transcript of the examination of the entire number of veniremen called reveals that out of 104 pages taken down by court stenographers, approximately six were devoted to the questioning of Mrs. Daly.

GOT MOST ATTENTION.

No other single jury prospect occupied that much attention from either Rossbach or the defense.

The disclosure of the background Mrs. Daly and Miss Donnelly followed the startling episode in the trial when Judge

Meaney withdrew Juror No. 8 from the box.

He was George Ferguson, a Little Falls, N. J., contractor and, after he was seated and the trial has been in progress three days it was discovered that he had belonged to Fay's union, the AFL operating engineers, until three months ago.

KIN IN FAY'S UNION.

Ferguson also admitted having a brother and "two or three nephews" who are presently members of the union.

After Ferguson was withdrawn, Rossbach and the defense agreed to finish the trial with only 11 jurors.