

FAIL TO SHOW HOUSE RAIDED ILL-GOVERNED

Ten Witnesses Called in Vain Attempt to Substantiate Charges Against Mrs. Brown.

(Continued From Page One.)

They had been watching the house from the opposite side of the street since 10 o'clock, when they decided to raid it at 12:30 o'clock after seeing a number of taxicabs stop on the corner.

Not Told to Raid House.

Detective Chief Dunn declared on the stand that Chief Eberstein had ordered him to assign two men to watch the place at 2106 Cass street. "I did not tell Herdzina and Armstrong to raid the house," said Chief Dunn. "I told them to watch the house and report to me. I said nothing to them about Mrs. Brown's residence at 508 Twenty-first street."

Chief Dunn remembered no cross-examination by Attorney Magney, Armstrong stated that he did not know how many people lived at 2106 Cass street, but he believed that about 11 persons were seen going in and coming out of the flat during the two and one-half hours he watched before the raid.

Weirich Called to Stand.

T. H. Weirich, superintendent of the board of public welfare, was the next witness called by the prosecution, but he limited his testimony to the visit of a man to his office on May 31. He said the man reported that his wife was living in the Brown flats and wanted the place investigated. Mr. Weirich testified that he attached so little importance to that complaint that he told the visitor he would take the matter up in two weeks, after he should have returned from attendance at a convention.

"You didn't even go down to the flats with the man, did you?" asked Attorney Magney.

Prosecutor Murray recalled Detective Armstrong, and was launched into a series of questions when Attorney Magney spoke up: "These questions are for the purpose of educating Mr. Murray."

"There is a fertile field at home. Mr. Magney, I would advise you to spend a little time yourself along that line," retorted Murray.

Questioned Concerning Visit.

Armstrong was questioned concerning the visit he and Herdzina made to the residence of Mrs. Thomas Brown, who was summarily taken to jail at 2 p. m. without service of a warrant, and held in jail until morning without being allowed admittance to bail. After having announced the intention of their visit, Armstrong said he went back to the patrol wagon and told the driver to wait for another passenger. He returned to the Brown home and found Mrs. Brown's son and Herdzina engaged in an argument.

"The son was threatening to throw Herdzina out, and he accused us of being drunk and he used obscene language," Armstrong testified. "When Mrs. Brown had dressed, she accused us of being drunk and called us rotten police officers. They refused to go to the station in the patrol wagon and asked us to send for a taxicab, which we refused. Mr. Brown called a taxicab and said he would charge it to the city. Mrs. Brown closed the door in the face of the taxicab."

Dr. C. H. Ross, 2023 Cass street, residing across the street from the Brown flats, was called to testify on behalf of the police to show that 2106 Cass street is a disorderly house.

Testimony Proves Boomerang.

"I have never observed anything wrong there," testified the doctor. "I have never seen a taxicab stop at the flats, but I never saw one after 10:30 p. m." The prosecution dropped the doctor, whose testimony proved a boomerang in favor of Mrs. Brown.

Mrs. R. D. Seesley, wife of a witness who appeared Friday, was called to the stand. Her husband previously testified that while a tenant at the Brown flats he had complained of the lack of heat and had been invited to move if conditions did not suit him.

"Do you know what the reputation of the Brown flats was?" the prosecutor asked.

"I don't know except what different ones told me," witness replied.

"Did you ever see anything wrong there?" Attorney Magney asked.

"No, I never did."

Detective Herdzina was recalled for testimony relating to the arrest of Mrs. Brown.

"What happened at the house when Mrs. Brown was arrested?" the prosecutor asked.

Attempts to Whitewash Self.

"Armstrong told her we were officers and she opened the door. We asked her if she was the keeper of 2106 Cass street, and we told her that we got a bunch of young folks out of there. She didn't object, and then she dressed up. Her son came from upstairs and asked why we were taking his mother to the station. I explained, and then they told us that we had no right, and they asked if we had warrants, and we said we did not, but had eye-dogs. Armstrong came back and found me and Mr. Brown arguing in the hallway. Mr. Brown told us that we had no right there."

"I object to this line of testimony. This is no place for this officer to whitewash himself," announced Attorney Magney.

Neil Haze, driver of the patrol which was sent to the scene of the raid, testified that he walked from the patrol to the Brown house to learn of the delay in bringing Mrs. Brown, whereupon he was told that Mrs. Brown's son had been trying to eject Herdzina. In a statement given by Mrs. Brown before this

walked out of the flat. He alleged that Kelly jumped over a rail, with Herdzina in pursuit and himself after Herdzina.

"Did you find Kelly?"

"No, sir."

"Did you find Herdzina?"

"Yes, sir."

The witness also testified that one of the girls of the flat was sitting with her knees under her chin when they entered.

On cross-examination by Attorney Magney, Armstrong stated that he did not know how many people lived at 2106 Cass street, but he believed that about 11 persons were seen going in and coming out of the flat during the two and one-half hours he watched before the raid.

Instructions From Dunn.

Detective Chief Dunn testified that he detailed the day morals squad to watch 2106 Cass street because he received reports that it was a disorderly house.

"Did you tell the officers to go in there?" asked Attorney Magney.

"Don't think that I did, unless it was necessary."

"Did you receive any previous report of this place?"

"Yes, I received a report from Captain Vanous, on May 29, I think it was. He reported that he had stationed two men here for three or four nights."

"Did those men find anybody there?"

"They did not."

"They may have watched six nights. Does the Vanous report read six nights?"

"They may have watched six nights."

"Did the report read from 10 p. m. to 3 a. m.?"

"I can't say, it was night time, anyway."

"Under whose orders were you acting?"

"Under Chief Eberstein."

Asks for Postponement.

At this juncture of the hearing Assistant Prosecutor Mossman asked the court to grant a postponement until Monday, because the prosecution had three more material witnesses. He explained that one witness had gone away on a week-end visit, another was in Michigan and another in a hospital.

"We haven't the witnesses," pleaded Mossman.

Judge Holmes showed that his patience was becoming exhausted. Previously in the hearing he had admonished the prosecution because of repeated leading questions put to witnesses, and this renewal of a request for postponement aroused the ire of the court.

"The state has the machinery for obtaining the presence of witnesses and should have had them ready this afternoon," announced the court.

"But we have three more material witnesses," replied Mossman, who charged that the court had been indulging the defense. Judge Holmes sharply rebuked the assistant prosecutor for casting aspersions upon the integrity of the court.

"Call your witnesses," announced Judge Holmes.

Judges Holmes and Patrick and the attorneys then held a conference and decided that in the interests of good feeling all around, considering the hour, it would not disturb the ends of justice to take a recess until 12 p. m. Monday.

Rebuke by Judge Holmes.

"You have had ample opportunity to prepare your case," replied Judge Holmes. "You have the machinery, and I am surprised you are not ready to try this case as it should be tried promptly. I do not respect your request."

At this juncture Detective Chief Dunn was called to the stand.

Wilma Reed, one of the girls who was taken from the Cass street house, and who still is being held at the Detention home, was at the hearing with Miss Alta Berger, superintendent of the institution.

Miss Reed declared she overheard a conversation between the attorneys in which it was said that the plan was to stretch the trial out as long as possible.

Attorneys for Mrs. Brown and the girls who were arrested in the raid believe it is planned to get Mrs. Brown on the witness stand and exhaust her so that she will be unable to testify against Detectives Herdzina and Armstrong when their case is called before the city commission Monday.

Mrs. Brown Still Suffering.

Mrs. Brown still is suffering from the effects of the mistreatment to which she was subjected by the officers the night of her arrest.

Detective Armstrong was the first witness called yesterday afternoon. He related that he and Detective Herdzina were stationed in a garage across from 2106 Cass street, having been detailed to watch the place. The first object of suspicion was a Ford automobile, which was in a quietest state in front of 2106. During the next few hours several touring cars and taxicabs were observed coming and going. People were observed alighting from and entering these automobiles. Some of these persons entered 2106, which at that time had various tenants. The detective testified that the lower floor of the flat was dark and the upper floor was lighted when he and Armstrong entered about 12:30 a. m.

"I tell the court that I found upstairs," Prosecutor Murray asked.

"In the northeast room we found a man and two women. The man said his name was Kelly. One of the women was sitting on the edge of a bed and was wearing pajamas."

Attempts to Describe Garment.

"Do you mean pajamas with trousers legs?"

"Yes, sir; it was a garment with buttons down the front, and it had no sleeves."

"Did you observe whether she wore underclothing?"

"I did not notice that."

"What were the color and material of the pajamas?"

"They were pink and of silk."

"What did the woman wear who came to the door?"

"She wore a blanket bath robe."

The witness was examined in connection with an empty bottle offered Friday as evidence, and he testified that when the bottle was taken out of the flat it contained only a teaspoonful of liquor.

"Who were in the next room, officer?" asked the prosecutor.

"There was a woman in loose pink pajamas and a man was in the bed. This woman did not wear shoes or stockings, and she said her name was Reed. The man said his name was Williams."

Says He Took the Lead.

The detective testified as to the arrival of the patrol wagon and of lining up of the men and women, with himself in the lead as they

trial, she declared that Herdzina would not allow her the privacy of her own room while she dressed for the street.

"When you went into Mrs. Brown's house did you hear Mrs. Brown and her son protesting against going without a warrant?" Attorney Magney asked.

"Yes, they refused to go in the patrol wagon, and said they wanted a taxicab."

Seven Commissioners to Govern.

The people's conception of this power and responsibility was that it was to be in the hands of the commissioners jointly. I do not believe it was their anticipation that the policy of running the various departments of the city was to be left to the creation of any one individual upon the commission who happened to be the head of that department, but the people did believe that the commission, as a whole, was to outline the policy under which each department was to be conducted. I take it that the commission, even now, as a whole, outlines the policy as to our parks and boulevards, leaving it to Mr. Falconer to carry out and execute the policy adopted, and the same is true of other departments of the city.

But when it comes to the police department it appears that the commission has side-stepped the responsibility of outlining a policy and has left it to Mr. Ringer to outline his own policy and to execute it. There are many people who agree with me that the responsibility for the proper conduct of the police department ought to be on the entire board of commissioners, jointly and severally, and should not be upon Mr. Ringer alone. In other words the board of commissioners should jointly outline the policy by which the police department is to be governed, leaving it to Mr. Ringer to carry out the policy thus adopted.

But if, as it seems to be the plan of the commissioners at present, the policy of the police department is left to Mr. Ringer alone to outline and execute, then it seems to me the other commissioners should loyally stand back of him with their most cordial support. It strikes most people as being unseemly, to put it mildly, for any member of the commission to appear in public print as criticizing Mr. Ringer's conduct of his department, since all are or should be jointly responsible; thus demoralizing the police force and handicapping Mr.

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RINGER'S POLICY CRITICISED BY E. G. M'GILTON

(Continued From Page One.)

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Ringer in his endeavor to maintain law and order.

My view is that the commission made a mistake in side-stepping this responsibility and leaving it to Mr. Ringer to outline his own policy, because, while Mr. Ringer is all right in many respects and is a splendid man, and was for him at the election and

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an still his supporter, I do feel that he has not the proper conception of the fact that this is a cosmopolitan city made up of various classes of people with varied interests and various social conditions. It should be recognized that all of the people of the city do not think alike upon all civic problems. The man who

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Call your witnesses, announced Judge Holmes.

Judges Holmes and Patrick and the attorneys then held a conference and decided that in