

THE JOURNALISTS JUDGE THE CARR-SIGLER
ONE-MAN GRAND JURY, 1943-1948: A STUDY

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ABSTRACT

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By

Harry Thomas Bannister, Jr.

Since its inception in 1917, the Michigan one-man grand jury has been used as an effective investigative tool to uncover corruption and crime; and the procedure has helped some of the men who conducted grand juries to attain prominent public positions. At the same time, the investigative technique has generated criticism that too much power and responsibility have been concentrated in the hands of one man--the judge-juror.

Five investigations achieved lasting public interest during the original run of the one-man grand jury law, with the last and most notable of them--the Carr-Sigler legislative graft investigation--occurring at the peak of its popularity in the 1940s.

From 1943 to 1948, Judge Leland W. Carr of the Ingham County Circuit Court, and his successor, Louis E. Coash, investigated allegations of graft and corruption in the Michigan Legislature. Besides disclosures that resulted in convictions for legislators, lobbyists and

others, Judge Carr's special prosecutor, Kim Sigler, was elected governor of Michigan in 1946, primarily because of grand jury-related publicity. Carr himself left the grand jury in 1945 upon his appointment to fill a vacancy on the bench of the Michigan Supreme Court.

On the negative side, the legislative graft grand jury suffered three major judicial setbacks in acquittals, and a State Senate Committee investigation in 1946 resulted in criticism of the grand jury's spending, particularly as regarded Sigler. But the most troubled aspect of the Carr-Sigler investigation--and its major predecessors--concerned the use of contempt and immunity powers to force testimony from recalcitrant witnesses.

It was predominantly the question of individual liberty and the rights of a defendant in the one-man grand jury that resulted in the law's major revision in 1949. It was also this question that provided the reason for this study. Through analysis of press coverage and editorials, plus first-hand accounts from grand jury reporters, the study examined how four closely involved Michigan daily newspapers covered grand jury news, from the initiation of the Carr-Sigler investigation in 1943 to the law's revision in 1949.

Did these four newspapers function as watchdogs of government and represent the citizen whose rights were being threatened; or did they uphold the inquisitorial character and broad power of the one-man grand jury? More important

was the manner in which grand jury-related news reached the public, for the revision of the law was certainly indicative of dissatisfaction with the then existent structure.

Research has shown that the four major daily newspapers cited in this study had clearly taken sides by 1949 on the merits of the one-man grand jury and that two of them--the Detroit News and Detroit Free Press--had gone beyond the editorial page in attempting to influence their readers. This discovery that the largest and most prestigious newspapers of Michigan's press did not uphold the citizen whose rights were threatened was not as discomfiting as the realization that the newspapers resorted to using page-one news columns to carry their editorial position to the public.

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Harry Thomas Bannister, Jr.

A THESIS

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TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS	ii
INTRODUCTION	1
 Chapter	
I. POLITICS SLOWS THE EARLY GRAND JURY	10
II. "LET THE CHIPS FALL WHERE THEY MAY"	55
III. A STRING OF SUCCESSES MARKS THE JURY'S HIGH POINT	95
IV. AN ACHILLES' HEEL: THE JURY'S UNDOING	142
V. THE LEGISLATURE KILLS A LAW	176
VI. THE JOURNALISTS JUDGE THE ONE-MAN GRAND JURY	196
SELECTED BIBLIOGRAPHY	207

INTRODUCTION

On May 10, 1917, Governor Albert E. Sleeper approved a bill passed by the Michigan Legislature "to authorize proceedings for the discovery of crime and to provide penalties for a violation of such procedure."¹ This enactment, Public Act. No. 196, was brief and consisted of only four sections. For the next thirty-two years, it existed almost without change--except for two minor amendments attached in 1921 and 1947. The system established by this statute soon became known, and has continued down to this day to be referred to as the Michigan one-man grand jury.

The law provided that any person, whether public official or private citizen, could file a complaint with a magistrate. The latter was to determine whether there was probable cause to believe that some offense had been committed and that evidence could be given about it. If he found probable cause, he could then institute proceedings.

If after inquiry the magistrate concluded that a crime had been committed and if he suspected the guilty party, he could then proceed as on a regular complaint to issue warrants and conduct the preliminary investigation.

¹Michigan, Public Acts (1917), Public Act. No. 196.

The secrecy requirement imposed on members of the larger, traditional grand jury was made applicable to the magistrate, the prosecuting attorney, and others admitted to the inquiry at the discretion of the judiciary official. Refusal of a witness to appear or to answer relevant questions constituted contempt, which was punishable by fine and/or imprisonment. The magistrate, upon written motion of the prosecuting attorney, could grant immunity against prosecution in exchange for answers to specific questions.

At the height of its fame and power, the Michigan one-man grand jury was indeed a formidable institution. The grand juror combined in himself judicial functions and functions similar to those of the common-law grand jury. Acting in his judicial capacity, the grand juror could not be sued for issuing an improper report reflecting on the integrity of a governmental officer. He could hire at public expense a staff of special prosecutors, investigators, and accountants. He was not directly controlled by any court other than his own, which meant that he was the foremost individual to consider appeals against his action as a juror. He could punish, summarily and in secret, testimony that he considered false or evasive, and he was authorized by law to preside at the examination and trial of cases he investigated. Like the traditional twenty-three man grand jury, the one-man grand jury could institute an inquiry without finding probable cause and,

once begun, an investigation could be directed into broad paths.²

Since its inception in 1917, the ^{Sp}on-man grand jury has been used as an effective, investigative tool to uncover corruption, crimes and scandal. And the procedure has helped some of the judges who conducted grand juries to reach prominent public positions. At the same time, the investigative technique has generated much criticism that too much power and responsibility have been concentrated in the hands of one man--the judge.

While the majority of investigations conducted from 1917 to 1939 were of a minor sort and attracted little public notice, the flowering of the one-man grand jury occurred from that year to 1948. The system was used on an unprecedented scale, in investigations large and small and in all parts of the state, though its dominant habitat remained in the southern half of the Lower Peninsula, where the bulk of Michigan's population resides. Many of the inquiries carried out by judge-jurors had little impact beyond a limited locale, but there were at least a score of one-man grand juries that stirred widespread interest. Five investigations achieved lasting public interest during the original run of the one-man grand jury law, with the last of them--the Carr-Sigler case--occurring at the peak of its popularity of this

²Background information was taken from a study by Robert G. Scigliano entitled "The Michigan One-Man Grand Jury," Political Research Studies (East Lansing: Governmental Research Bureau, Michigan State University, 1957).

legal instrument in the mid-1940s, when approximately fifty to sixty one-man grand juries were in session each year.³

From 1943 to 1946, Judge Leland W. Carr of the Ingham County Circuit Court, and his successor, Louis E. Coash, investigated allegations of Michigan legislative graft and corruption. Besides disclosures that resulted in convictions of legislators, lobbyists and other citizens, Judge Carr's special prosecutor, Kim Sigler, was elected governor of Michigan in 1946, primarily because of the grand jury-related publicity he attracted in the state press. Carr himself left the grand jury in 1945 upon his appointment to fill a vacancy on the Michigan Supreme Court. On the negative side, the legislative graft grand jury eventually suffered three major judicial setbacks in acquittals, and a Michigan Senate committee investigation in 1946 resulted in criticism of the Carr grand jury spending, particularly as regarded Sigler.⁴

But the most troubled part of the Carr grand jury investigation and its immediate predecessor, the Ferguson grand jury in Detroit, concerned the use of contempt and

³Robert Scigliano, "History of State's Unique One-Man Grand Jury System Since '17 Traced," Lansing State Journal, September 13, 1956, p. 3 (Lansing State Journal hereinafter cited as State Journal).

⁴Michigan, Legislature, Senate, "Report of the Special Committee Appointed to Investigate Ingham County Grand Jury Expenditures." The report, which was not formally filed, is included in the records of "People v. Hancock," in the Circuit Court of Ingham County, n.d., Docket No. 7813. (Typewritten.)

immunity powers. These powers were extensively employed and were often used in support of each other as a means of forcing testimony. And during the one-man jury's heyday in the mid-1940s, the Michigan Supreme Court assisted in making the use of these powers as effective as possible.

If a witness testified before the grand jury without formally receiving immunity, he could later be prosecuted, for he did not gain immunity automatically through his testimony. If he testified in a manner that the judge considered evasive, he could be summarily punished for contempt. If his grand jury testimony conflicted with testimony given at the examination or trial, he was liable to be prosecuted for perjury. If the witness claimed self-incrimination, then he could be given immunity and compelled to testify. If the witness was already under indictment for the crime concerning which immunity was granted, he could not refuse to accept immunity on the ground this would lose him his right to defend himself against public accusation. While the Court did not require the witness to testify in a situation that would expose him to federal prosecution, it did look closely at this defense, with the result that witnesses who refused to testify on that ground all went to jail. And the court ruled that a person who was improperly granted immunity by the grand jury would have to object to the illegal action at the time it occurred (at which time he was before the judge-jury without the advice of counsel).

Persons prosecuted as the result of the one-man grand jury were also under a judicially imposed handicap. While the state was permitted to use any portions of the grand jury record in order to refresh the memory of its witnesses or to impeach the witnesses for the defense, the same right was denied the defense.⁵

It was primarily this question of individual liberty and the rights of a defendant in the one-man grand jury that caused the Michigan Legislature to re-examine faults in the law. Beginning immediately after the Carr-Sigler grand jury suspended most of its functions in 1946, resolutions were launched from the State Bar of Michigan to correct the apparent faults of the one-man system. The first resolution was accepted by the legislature and passed in 1947. This first amendment to the 1917 law in twenty-five years disqualified judge-jurors from presiding at either the preliminary examination or the trial of persons arrested under warrants issued by them.⁶ This qualification was particularly relevant to the activities of Judge Carr, who regularly presided at the examination of his own charges.⁷

The second resolution did not find such easy success. Introduced at the 1945 annual meeting of the State Bar along with the first resolution, the resolution proposed total

⁵Decisions pertinent to the contempt and immunity powers cited above can be found in Scigliano, "The One-Man Grand Jury," pp. 57-58.

⁶Michigan, Public Acts (1947), Public Act No. 33.

⁷Detroit News, Aug. 29, 1946, p. 19.

abolition of the one-man grand jury. During the next four years, dissent raged among various repeal and revision factions; the high-point appeared in March, 1948, when the Supreme Court of the United States handed down its decision in the Oliver case.⁸ While the federal court did not rule on the constitutionality of the law, it nonetheless provided strong support for those in opposition to the one-man grand jury. The specific point of the court was that conviction of a person for contempt of court without a reasonable opportunity to defend himself against the charges, and conviction within the secrecy of the judicial chamber, constituted a denial of due process of law. Speaking for the court, Justice Hugo Black castigated the Michigan proceedings in strong terms, using the English Star Chamber, the Spanish Inquisition and the French lettre de chachet for his analogies.⁹

The eventual outcome of the contested one-man grand jury law was the emergence of House Bill No. 287, which advocated changes to correct the abuses of the law that created "a three-judge system, heavily weighted with procedural safeguards."¹⁰ On June 17, 1949, newly elected Governor G. Mennen Williams signed the bill into law. "Thus, the one-man grand jury law enacted in 1917 and, up

⁸In re Oliver, 333 U.S. 257.

⁹Ibid., 268-270, 272-73.

¹⁰Scigliano, "The One-Man Grand Jury," p. 64.

to 1949, only twice amended in minor ways, was completely revised--so much so that opponents of the new act claimed the law had in effect been repealed."¹¹

The purpose of this study is to examine reportorial coverage and editorial interpretation of the Carr-Sigler one-man grand jury from 1943-1948, as published in the Lansing State Journal, the only daily newspaper published in the capital city of Michigan and appearing weekday afternoons and Sunday mornings; and the three daily Detroit newspapers that were being published at the time the grand jury was in session--the Detroit Free Press, published weekday and Sunday mornings; and the Detroit News and Detroit Times, both published weekday afternoons and Sunday mornings.

The three Detroit dailies were chosen for study because of their large circulations and traditional prestige in the state. In addition, early interviews to establish background revealed conjecture that all three Detroit newspapers played an intimate part in fashioning the pattern of the one-man grand jury's tenure in Michigan. As the capital city's only daily, the Lansing newspaper was also chosen to balance or add data collected from studying the Detroit press.

¹¹Ibid., p. 68.

¹²Fred S. Siebert, Theodore Peterson, and Wilbur Schram, Four Theories of the Press (Urbana: University of Illinois Press, 1963), pp. 77-103.

Examining these four newspapers in relation to their role in a free society, this study seeks to determine whether they functioned under their responsibility to a free society as watchdogs of government. Did they represent the citizen whose rights were allegedly being threatened, or did this portion of Michigan's press uphold the inquisitorial character and broad power of the one-man grand jury? More important to the study is the manner in which grand jury-related news reached the public via these newspapers, for the revision of the one-man grand jury law in 1949 was certainly indicative of rising dissatisfaction with the existent structure.

CHAPTER I

POLITICS SLOWS THE EARLY GRAND JURY

For an investigation that attracted extensive publicity in later months, newspaper coverage of the one-man grand jury probe into legislative corruption started off quietly. Twelve days before the jury was officially called into session, the Detroit Free Press published a one-column story based on the exclusive announcement of a petition¹ presented to the then Attorney General of Michigan, Herbert J. Rushton.² Filed by six members of the Detroit Citizens League acting as individuals, the petition was backed by sufficient evidence, said league secretary William P. Lovett, to merit the calling of a grand jury immediately. Lovett further stated:

We are convinced after a careful investigation for six months, that graft was paid to certain members of the legislature to defeat the anti-Chain Banking Bill, which prohibits the establishment of any more chain banks in Michigan.

¹Kenneth McCormick, "State Graft Probe Begun by Rushton," Detroit Free Press, Aug. 15, 1943, p. 1.

²Kenneth McCormick, "Vote-Buying at Lansing Is Alleged," Ibid., Aug. 14, 1943, p. 1.

Individual members of the league have become disturbed and worried over the increased reports of graft in the legislature. During the last three sessions there have been reports about the buying and selling of votes to defeat the bill. . . . [We] were able to submit voluminous reports in writing with facts, figures and overt acts of corruption to Attorney General Rushton.

Our committee suggested that a one-man grand jury would be more effective, but that would be up to the attorney general.³

In a Free Press story the following day, however, Attorney General Rushton expressed irritation over Lovett's announcement. Although admitting he had begun his own investigation, he stated he was not a believer in "smearing honest men's reputations and then finding out there was no reason for smearing them."⁴ Rushton also said he would not be stampeded into calling a grand jury. He said that if his office found any evidence of wrong doing, however, it would be punished. Defending his action in announcing that Rushton had been asked for a grand jury, Lovett insisted he was not a believer in "hunting ducks with a brass band. . . . I don't believe that grand juries are a cure for all evils, but I do think that when there is reason to believe that graft has been paid to members of government there's only one way to find out and that's a grand jury." Lovett explained that such transactions by necessity were made secretly and it would be necessary to put the men under oath and force them to tell the truth.⁵

³Ibid.

⁴McCormick, "State Graft Probe Begun by Rushton," p. 1.

⁵Ibid.

By August 17, other newspapers picked up the story, as Attorney General Rushton continued interviewing legislators concerning the anti-branch banking bill. A Lansing State Journal story on page one detailed for readers remarks made by Rushton that he had "uncovered no evidence as yet adequate to call a grand jury" and that Lovett's reports of graft in connection with the branch banking bill "contained insufficient evidence."⁶

In the same story was a statement from State Representative William C. Stenson, Greenland Republican, who said he had told Rushton that during the 1941 session \$1,000 had been placed in his coat pocket in an envelope that also contained a note reading, "Vote against No. 1." Stenson said he assumed this was the number of the anti-branch banking bill and that he had returned the money to a man he suspected of having placed the envelope in his pocket. A grand jury investigation, Stenson said, "might be a good thing."⁷

Stenson's statement was considered to be of more importance by a Detroit News story of August 17. The story said interest in a grand jury investigation to determine whether legislators were offered bribes

⁶"To Continue Sift of Bribe Charges," State Journal, Aug. 17, 1943, p. 1.

⁷Ibid.

"was revived here today when Representative William C. Stenson, of Greenland, Ontonagon County, asserted that \$1,350 had been offered him about the time that members of the House of Representatives voted on the anti-chain banking bill."⁸

Attorney General Rushton told the News that the Detroit Citizen League information had been turned over to his deputy attorney general several weeks earlier and the latter had reported very little evidence. "Still annoyed at William P. Lovett, League Secretary, for making information public on the complaint, Rushton said a statewide grand jury might cost at least \$250,000. He said no such sum is in his budget--'If I should find reason to ask for a grand jury, I will ask the Legislature to provide the money,' he said."⁹

The Detroit Times story of August 17 was more opinionated in its page-one coverage of the probe. Headlined "Rushton Acts on Bribery of Legislator," the news story in the Hearst-owned newspaper said Rushton "indicated today he will ask the Legislature for funds to conduct a grand jury investigation after receiving a statement from Representative William C. Stenson alleging he received \$1,000 in bribe money during the 1942[1941] session."

⁸Carl B. Rudow, "Lawmaker Bares 'Gift,'" Detroit News, Aug. 17, 1943, p. 21.

⁹Ibid.

With the investigation now exposed to the public, the newspaper stories of the next few days enlarged upon the issue of legislative corruption. The Lansing State Journal on August 18 published a page-one story, headlined "Bribery Probe Backing Grows," carried quotes from state officials anxious to expose alleged bribe-taking. D. Hale Brake, state treasurer, who as a member of the state senate in 1941 had spearheaded a "spectacular fight" for anti-branch banking legislation, "added his voice to demands for a grand jury investigation of reports that money at least was offered in efforts to influence lawmakers' votes on that bill." Brake said he considered the fate of the bank bill in both the 1941 and 1943 sessions of the legislature should be investigated and that a grand jury would be the appropriate agency to conduct the inquiry.

Discussing its cost, Auditor General Vernon J. Brown said a grand jury might run many thousands of dollars, if it were properly conducted and financed, but that he considered the expenditure would be worthwhile "to clear the air of rumors he said have been current since the bill became a center of controversy."

The branch banking bill was the center of a classic fight in 1941, and the motivating cause of the legislature's "sit-down strike" against the then Gov. Murray D. VanWagoner, who vetoed it.

After long battling, it was passed by the legislature, Van Wagoner vetoed it, and the legislature then refused to adjourn with a promise from the governor that he would refrain from helping opponents of the bill when the proponents attempted to muster a two-thirds vote to override the veto. A stalemate

developed which extended for months, before the lawmakers finally adjourned after a futile effort to override.

A similar bill was defeated in the Senate in the 1943 session.¹⁰

Enlarging the scope, a two-column story in the August 18 issue of the Detroit News carried charges made by Charles C. Lockwood, attorney for the Greater Detroit Consumers Council, that "a lot of persons in influential positions are anxious to kill any suggestion of a grand jury investigation of the State Legislature." Lockwood declared that his organization had "definite evidence of graft which he was willing to present," and that he "has been trying to get an investigation started for two or three years in regarding a payoff by interests which supported the Milk Control Bill in the 1939 and 1941 sessions."¹¹ His letter to Attorney General Rushton also supported demands for a grand jury investigation.

Facing increased pressure and mounting evidence, Herbert J. Rushton announced on August 19 he would petition the Ingham County Circuit Court for a grand jury investigation to determine whether lobbyists and others "have been corrupting or attempting to corrupt members of the

¹⁰ Background on the anti-chain banking bill is taken from the State Journal story, "Bribery Probe Backing Grows," Aug. 18, 1943, p. 1.

¹¹ "Graft 'Proof' Offered Jury," Detroit News, Aug. 18, 1943, p. 13.

legislature" with bribes. The investigation, he said, would be a broad inquiry into conduct of the Legislature in its 1939, 1941 and 1943 sessions.

Interest in the demand of a group of Detroit Citizens league members for such an inquiry had been lukewarm until [Representative William C.] Stenson made public his story and said he had related it to Rushton.

Promptly legislators and former legislators lent their voices to the grand jury demands and mentioned unpleasant rumors of graft and bribery which they said they had heard in connection with the legislature's action on certain banking dog and horse racing, milk price fixing and insurance bills, and of several of a multiplicity of bills which sought to reduce small loan interest rates.¹²

The August 19 issue of the Detroit Times in a front-page story, announced Rushton's decision to probe the conduct of the legislature with an eight-column, all capital-letters headline that shouted to its readers: "Probe Legislative Graft." The story, which ran down column one, carried William P. Lovett's charge that legislative bribers were now fleeing the state. Despite the exodus, however, Lovett predicted sensational developments and the "indictment of several wicked men."

With Rushton's decision to ask for a grand jury investigation came an announcement at the same time that Judge Leland W. Carr, presiding judge of the Ingham Circuit Court, would conduct the jury sessions.¹³ In addition, both the Detroit News and Free Press editorialized

¹²G. Milton Kelly, AP, "To Ask Probe of Legislature by Grand Jury," State Journal, Aug. 19, 1943, p. 1. (Associated Press dispatch hereinafter cited as AP.)

¹³James M. Haswell, "Grand Jury Will be Run by Rushton," Detroit Free Press, Aug. 20, 1943, p. 1.

on the decision. The News left no doubt of its stand on alleged graft in Lansing.

Attorney General Rushton's decision to petition for the convening of a grand jury on reported corruption in the Legislature was welcomed by everyone, excepting the crooks who may be indicted for bribing or bribe-taking.

The decision was a foregone conclusion even though Rushton's preliminary inquiry turned up no specific information further than the Stenson incident With this much to go on, no honest member of the Legislature, let alone of the voting public, would have been satisfied to let the matter rest. The Stenson incident proved there was attempted bribery at least in the 1941 consideration of the anti-chain banking bill. But the way in which that attempt was made suggested only too strongly it was no isolated instance. . . .

The crime of bribery is a crime against every citizen. It is as near to treason as a man can get without selling out to a foreign enemy of his country. It is a betrayal of the whole process of democracy and in a way is worse and more to be resented than treason itself.

To restore public faith in the legislature, the grand jury must leave no slightest room for doubt that its work is thoroughly done.¹⁴

The Detroit Free Press also strongly supported a probe, commenting that Attorney General Rushton had "finally consented to ask for a grand jury to investigate charges of bribery in the Michigan State Legislature," where "rumors of graft . . . have been rampant for years. . . ." However, said the Free Press, "the direct accusations made by a committee of members of the Detroit Citizens League in connection with the anti-chain banking bill, could not be passed over lightly."¹⁵ Because of the League's

¹⁴"Go Right to the Bottom!", Editorial, Detroit News, Aug. 20, 1943, p. 18.

¹⁵"Action at Lansing," Editorial, Detroit Free Press, Aug. 20, 1943, p. 16.

reputation for integrity and sincerity, the action proposed by Rushton was made necessary. Not mentioned in Free Press praise of the league, however, was the integral part its own reporter, Kenneth McCormick, played. For a year prior to the calling of the grand jury, McCormick had investigated rumors of graft. It was he who had provided the evidence used by the Detroit Citizens League to launch its drive for a legislative investigation.¹⁶

By August 23, 1943, Attorney General Rushton's petition had been submitted and found acceptable to Judge Leland W. Carr. The circuit judge was to preside over a broad inquiry into activities covering the previous three biennial sessions of the legislature from January 1, 1939, to July 1, 1943. Rushton himself estimated 400 to 500 witnesses would be called in an effort to determine whether any members of the legislature had accepted, solicited, or had been offered bribes.¹⁷ With a special session of the legislature coming up in early 1944, the attorney general asserted he would avoid interfering with it, and would aim for a clean-up of the inquiry "before the holidays."¹⁸ The news on August 23 of an impending grand jury received

¹⁶ Interview with former Detroit Free Press reporter, Kenneth McCormick, December 2, 1970.

¹⁷ Background information on Rushton's petition for a grand jury is taken from the State Journal story, "Carr Orders Investigation by Grand Jury," Aug. 23, 1943, p. 1.

¹⁸ "Apt to Open Probe by Middle of Week," State Journal, Aug. 21, 1943, p. 1.

major front-page play in the Detroit News and Times--both of which ran eight-column headlines, taking second place only to a war story--while the Lansing State Journal ran its page-one story beneath a two-column headline in large type.

Following the announcement of an investigation, the State Journal ran a biographical sketch on page one of its editions for August 24, highlighting the two predominant characters in the Ingham County grand jury: Judge Leland W. Carr, and Herbert J. Rushton, who would function as grand jury prosecutor, "to be sure friendships and politics did not limit the inquiry."¹⁹

A couple of farm boys, who grew up to make their mark in Michigan's legal profession, will hold a spotlight in conduct of the grand jury investigation of the legislature which will open here Thursday. . . .

Big, scholarly Leland W. Carr, for 21 years a Circuit Judge here is famous for a memory which enables him to quote laws and citations which many attorneys would have to seek out in their law books.

Kindly and dignified, his temper nevertheless quickly flares at any courtroom conduct which he considers unbecoming. Judge Carr occupies modest offices adjacent to the courtroom.

He walks to and from work, and home for lunch each day, scorning to ride the half-mile each way.

Born on a Livingston County farm, September 29, 1883, he practiced law in Ionia after he was graduated from the University of Michigan law school, and came to Lansing to serve six and a half years as an assistant attorney general. He became legal adviser to the State Highway Department in 1919 when Michigan's trunkline road system was adopted. A year-and-a-half later he was elected to the circuit bench to fill a vacancy. . . .

Carr and the hard-fisted, tough-speaking Rushton offer an interesting contrast in personalities, but

¹⁹Haswell, "Grand Jury Will Be Run By Rushton," p. 1.

they are similar in being sticklers for the law and in possessing legalistic backgrounds which resulted in each being mentioned for a post on the supreme court.²⁰

The following day, on August 25, the State Journal published an editorial in which the editors discounted the controversy over alleged graft in Lansing.

Now, after years and years--and years--there is an actual, bonafide investigation of legislative bribery afoot. It may result in conversation--and then again it may not. Inasmuch as there is a "may not" possibility, let the work go on. The whole state knows Judge Carr and the full faith is that he will bring out of the investigation all that there is to bring.

The State Journal for weeks has noted the more or less excited attitude of our Michigan papers over the bribery charge. . . . But this paper, through time out of mind, has heard the bribery story so much and so often that, like Attorney General Rush-ton, we have been slow to get excited. . . .

Tales concerning the preparation of the venal minded, to deal in undue legislative influence, have varied from session to session. . . . If outright and downright passing of money to influence legislation is practiced in any degree in our legislature, let us know it and face the fact grimly; but let us hope that the investigation now stated is not merely to inquire into the tales of the simple-minded and credulous.²¹

At 9:00 a.m., August 26, 1943, the legislative graft grand jury opened in Lansing and, through the experienced view of Free Press reporter Kenneth McCormick the investigation "struck at two definite phases of alleged graft in the State Legislature."²² Seven witnesses were questioned by

²⁰"Ex-Farm Boys Hold Spotlight in Investigation," State Journal, Aug. 24, 1943, p. 1.

²¹"Legislative Bribery," Editorial, State Journal, Aug. 25, 1943, p. 6.

²²Kenneth McCormick, "Quiz Starts Before Carr," Detroit Free Press, Aug. 27, 1943.

Attorney General Herbert J. Rushton, including State Senator Carl F. DeLano, three State Representatives, and three hairdressers who had been active in a 1941 fight for revision of a law governing cosmetologists. Appearing before Judge Carr was Representative George N. Higgins, Ferndale Republican, who told reporter McCormick before going in front of the jury that he had been a roommate of Representative William Stenson at the time the latter was solicited. Higgins revealed that besides discouraging Stenson from accepting money over the banking bill, he, too, had been offered a bribe to vote against the anti-chain bank bill as he was getting a shoeshine in the lobby of the Capitol.²³

Among the hairdressers who appeared at the opening session was Calvin Waldron, former president of the state unit of the National Hairdressers Association. Before testifying, Waldron admitted that there had been a stiff fight against the revision of the law regulating the conduct of the industry. "Did you ever bribe any legislators?" he was asked. "No, darn it," he said, "I wish we had. We might have got farther."²⁴

In the August 26 issue of the State Journal, Judge Carr announced he would hold the grand jury in continuous session, including nights, if warranted, until the last

²³Ibid.

²⁴Ibid.

of the estimated 400 to 500 witnesses were interrogated. "Of course," he said, "if witnesses aren't available when we try to subpoena them, we may have to take a recess until they are found"²⁵ Under the law, said the Journal, the court had no authority to reach into another state for a witness who had not been subpoenaed, but once the summons had been served the witness could be extradited.

Judge Carr also disclosed that voice recordings of conversations alleged to have dealt with the fate of certain legislation and submitted to Rushton by the Detroit Citizens League, would be acceptable as grand jury evidence. He said indictments or warrants could possibly be issued as the inquiry progressed, but more likely would be withheld until the last evidence had been received.

The graft probe began to pick up at the end of August, as evidenced in the lead paragraph in the news story in the State Journal for August 28, reporting progress of the inquiry. "Sensational developments impend in the State's one-man grand jury investigation of charges of graft in the legislature, it was indicated Saturday, as D. Hale Brake, State Treasurer, said he was about to name four persons as 'pay-off men' who offered bribes to lawmakers."²⁶ The Free Press account carried the news that Brake would reveal the activities of a single pay-off man who had attempted to bribe

²⁵G. Milton Kelly, AP, "Senator First to be Quizzed in Jury Probe," State Journal, Aug. 26, 1943, p. 1.

²⁶G. Milton Kelly, AP, "D. Hale Brake Due to Name Bribe Givers," Ibid., Aug. 28, 1943, p. 1.

a state senator and a representative with offers ranging from \$300 to a graduated increase--at least to one of the legislators--of up to \$1,000 to vote against the anti-branch banking bill.²⁷ Two days later, the Free Press reported that Attorney General Rushton was in possession of an affidavit charging that three senators had demanded \$2,000 each as their price to vote for the anti-chain banking bill. The affidavit was said to have been turned over to Rushton along with other evidence collected by the Detroit Citizens League, which initially had petitioned the Attorney General for the grand jury.²⁸ While awaiting for the grand jury to reconvene on Monday, reporter McCormick drew some conclusions on how Judge Carr and Rushton would handle the growing accumulation of evidence:

Indications are that the inquiry thus far has been confined to feeling out several witnesses in connection with several pieces of legislation shrouded in rumor of corruption.

The plan of attack appears to be to generalize during the early stages before settling down to clearing up one at a time the various bills under scrutiny.

At present Rushton is organizing an investigative staff. He said that the names of his investigators would remain secret.²⁹

Throughout the second week of the grand jury investigation, various legislators involved with passage of the

²⁷Kenneth McCormick, "Brake Says He'll Name Bribe Payer," Detroit Free Press, Aug. 28, 1943.

²⁸"\$6,000 Bribe Asked by 3, Prober Told," Ibid., Aug. 30, 1943.

²⁹Ibid.

anti-chain banking bill appeared before Judge Carr and Attorney General Rushton. Among those legislators testifying was Senator Charles F. Blondy, Detroit Democrat, whose name, said the Free Press, "had been mentioned prominently in connection with the banking bill."³⁰ In addition, Representative William C. Stenson appeared before the grand jury for the sixth time, and Detroit Citizens League Secretary William P. Lovett also testified. On September 1, the "Little Legislature," or appropriations committee, met and allocated Rushton's request for \$150,000 for the operation of the inquiry. The fact that he had asked for \$50,000 more than he originally intended "convinced those close to the grand jury that the investigation would be exhaustive."³¹ With the grand jury making "satisfactory progress,"³² Judge Carr adjourned the jury until September 7.

Following the close of the Tuesday, September 7, session, the grand jury was advancing so well that Representative Stenson was released from jurisdiction of the court and Attorney General Rushton could assert that the one-man grand jury would complete its investigation of alleged legislative bribery earlier than anticipated and

³⁰Kenneth McCormick, "Senator Blondy Testifies in Graft Probe," Ibid., Sept. 2, 1943.

³¹Ibid.

³²Kenneth McCormick, "Lovett Gives Charges to Bribery Grand Jury," Detroit Free Press, Sept. 3, 1943.

probably by October. "We have completed the spade work and now are ready to get down to real business."³³

On September 8, the State Journal published an Associated Press dispatch on the grand jury investigation which reiterated its approaching success. "Overcoming an earlier paucity of witnesses, a one-man grand jury investigating reports of legislative bribery raced Wednesday toward a hinted early conclusion with its chambers amply populated with lawmakers, lobbyists and businessmen waiting to testify."³⁴ With indications that some key witnesses had talked freely before Judge Carr and that the investigation had been speeded considerably, Rushton left the impression with newsmen, wrote Associated Press correspondent, Jack R. Green, that the grand jury investigation could conclude "within a week or so." In contrast to the original projection of 400 to 500 witnesses, Rushton said not more than 40 or 50 would be summoned. "So far we have been getting the stories of a whole lot of people. Now we are fitting them together. The time has come to confront accuser and accused and see who is lying,"³⁵ the attorney general announced.

The next day, headlines in the Free Press and State Journal announced the enlargement of Rushton's prosecution staff to six men, with the appointment of Prosecutor

³³Jack R. Green, AP, "End of Probe Seen in Month," State Journal, Sept. 7, 1943, p. 1.

³⁴"Waiting Witness in Sift of Graft," Ibid., Sept. 8, 1943, p. 1.

³⁵Ibid.

William E. Dowling, of Wayne County, and the addition of Ben H. Cole, assistant attorney general in charge of the Detroit staff. "Speculation arose immediately that the grand jury was probing closer into Wayne County affairs related to the state legislature, or the part Detroit lawmakers have played in legislation."³⁶ In the September 10 issue of the State Journal, Associated Press writer G. Milton Kelly noted that "tense activity by the prosecuting staff indicated Friday some important development was imminent in the state's one-man grand jury investigation."³⁷

The "break" reporters and observers had been looking for came on September 13 in the form of two warrants issued by the one-man grand jury. In a two-column, page one story, the Free Press reported that Francis P. Slattery, Grand Rapids businessman and assistant vice president of the Michigan National Bank, had been arraigned before Louis E. Coash, justice of the peace, on a grand jury warrant charging him with bribery. State Representative William Green, Hillman Republican, was charged in a similar warrant. The story added, "indications here were that other indictments will be forthcoming."³⁸

³⁶"Augment Staff of Jury Aides," Ibid., Sept. 9, 1943, p. 1.

³⁷G. Milton Kelly, AP, "Hint at Probe Development," Ibid., Sept. 10, 1943, p. 1.

³⁸Kenneth McCormick, "F. P. Slattery Arraigned in Lansing; State Rep. Green will Plead Today," Detroit Free Press, Sept. 14, 1943, p. 1.

The complaints--first to come from Judge Carr's grand jury--charged Slattery with having offered a bribe to Representative George N. Higgins to vote against the anti-branch banking bill on May 20, 1941. Higgins had charged that a man stood beside him while he was getting his shoes shined in the Capitol and thumbed through several \$50 bills just prior to the banking bill vote, and Slattery was charged with being the man who had made that suggestion. Slattery surrendered voluntarily, the Free Press reported, after receiving a call from Byron Ballard, vice president of Michigan National, and former legal adviser to ex-Governor Murray D. Van Wagoner. Green, sixty-three year old farmer and former lumberman, was charged with having solicited Floyd L. Trumble, Lansing hairdresser and former president of the Lansing unit of the National Hairdressers Association, for \$600 in April, 1939, to vote in favor of legislation pending in the House State Affairs Committee.

Appearing at the arraignment, with Ballard acting as his attorney, Slattery was asked several questions in an interview, which indicated Slattery's and Michigan National Bank's involvement with the anti-chain banking bill.

"Didn't you come to Lansing to lobby against the anti-branch banking bill, both during the 1941 and 1943 sessions of the legislature?" he was asked [by McCormick].

"No," Ballard cut in, "he came down here to get information, but not as a lobbyist."

"You came down here as a representative of the Michigan National, didn't you?" Slattery was asked.

"Yes," Slattery answered.

"As a representative of the Michigan National, wasn't it your job at least to talk to legislators and try to get them to vote in your favor?"

"Oh, sure," said Slattery.

"Did the Michigan National have a slush fund for the purpose of influencing legislators to vote against the bank bill?" he was asked.

Both Slattery and Ballard said that if there had been such a fund neither of them had ever heard of it. Then Ballard flatly denied that there had been such a fund.³⁹

The anti-branch bank bill, the Free Press story explained, was designed to stop a gap in a previously passed bill that prohibited branch banking in Michigan except where the home bank was within the same county or within a radius of twenty-five miles. The Michigan National Bank "got around the original act"⁴⁰ by purchasing six banks in other Michigan cities. This action was defined by the courts as legal.

Opponents of the practice, however, fearing that the smaller banks with which farmers and small townsmen did business might be wiped out, set about to pass legislation that would prohibit expansion of branch banking. Michigan National Bank opposed the bill. Favored and led by State Senator D. Hale Brake, the bill was defeated, tabled and then passed by a narrow margin before reaching Governor

³⁹ McCormick, "Slattery Arraigned in Lansing," p. 1.

⁴⁰ Ibid.

Van Wagoner's desk. The latter vetoed the bill "largely on the advice of Ballard, who was his legal advisor."⁴¹

The State Journal gave prominent play to the grand jury's first warrants, running a three-column headline in the upper right quadrant of page one, with the first three paragraphs in oversize type. Covering the arraignment before Justice of the Peace Coash, Associated Press writer Kelly explained how arraignment was handled under a one-man grand jury proceeding.

Under Michigan law, a grand jury may either indict or obtain warrants when it finds reason to believe crimes have been committed. Usually Judge Carr prefers to have warrants issued, as in this instance. . . . In either case, the respondent is arrested for arraignment in a justice or municipal court, to determine whether he should be held for circuit court trial. . . .⁴²

Another first for the Carr grand jury took place a few days after the warrants were issued with the news that Senator Charles S. Blondy, Detroit Democrat, had been cited for contempt of court for giving evasive and contradictory testimony before the grand jury.⁴³ The following day, September 16, Judge Carr sentenced the senator to sixty days in the county jail at Mason--"or until such time as you feel you can come in here and testify as an

⁴¹Ibid.

⁴²G. Milton Kelly, AP, "Legislator, Banker Named in Warrants Issued in Jury Probe," State Journal, Sept. 13, 1943, p. 1.

⁴³Kenneth McCormick, "Carr Holds Blondy in Contempt," Detroit Free Press, Sept. 16, 1943, p. 1.

honest American should."⁴⁴ Neither Rushton nor Carr would disclose what Blondy had been questioned about, but Free Press reporter McCormick in his story explained that Blondy was linked to the banking bill by fellow members of the state legislature.⁴⁵

Continuing its investigation, the grand jury received legislative-related witnesses from Detroit, while members of Attorney General Rushton's prosecuting staff worked on evidence already taken as the basis for new warrants.⁴⁶ On September 17, Rushton announced that the grand jury inquiry had been broadened to include a number of legislative bills not yet touched by the investigation. Rushton said:

So far this investigation has been confined largely to the bank bill, the milk bill and the cosmetology bill. Now we are going to look into the dental bill and the chiropodist bill.

I understand that some change passed hands in connection with them, so we are going to get to the bottom of the accusations.

We also have a list of the so-called sandbag bills (nuisance bills which are sometimes introduced by members of the legislature to induce a bribe offer or to force a vote trading deal) and the names of the persons who introduced them and we'll take the boys over the hurdle a little bit.⁴⁷

In addition, a page one State Journal story, headlined "Extended Sift by Jury Looms," reported that the

⁴⁴"Blondy Gets Sixty Days for Contempt," Ibid., Sept. 17, 1943, p. 1.

⁴⁵"Blondy in Contempt."

⁴⁶Ibid.

⁴⁷Kenneth McCormick, "Grand Jury Will Probe Other Bills," Detroit Free Press, Sept. 18, 1943, p. 1.

investigation might not be dissolved before 1944. Besides the sandbag bills Judge Carr based the projected extension on the importance of Senator Blondy's testimony and said the latter might be called back upon the completion of his jail sentence.

With the announcement of the extension of the inquiry into legislative graft, the Detroit Free Press published a background story to the investigation, with a headline that speculated, "When Will Judge Carr Get His Big Chance?"

The progress of the grand jury investigating charges of legislative bribery has revived speculation as to how and when Judge Leland W. Carr will find his way to the Supreme Court bench. Judge Carr has been sitting in the Ingham County Circuit Court since Gov. Groesbeck's day, and he has a perfectly enormous reputation among attorneys. For many years he conducted classes for young men wanting to review their legal knowledge before taking the bar examination, and any number of practicing lawyers freely admit they'd never have passed their tests when they did without the judge's patient tutoring.

It has been Judge Carr's hard luck (and Ingham County's good fortune) that Justice Howard Wiest has sat on the Supreme Court during the long years Carr has sat in the Circuit Court. Justice Wiest is an Ingham County resident, and in political terms this means there hasn't been any opening for Judge Carr upstairs.⁴⁸

On the day Representative William Green was to appear at his hearing on charges of soliciting a bribe, the Detroit Free Press said that Attorney General Rushton had revealed complaints had been drawn against four men residing in Wayne County in connection with legislative

⁴⁸Ibid., Sept. 19, 1943, p. 18.

bribery, and that their names would be made public when they were arrested. Rushton added that he was satisfied that on the evidence he had collected, the number of indictments pending and already issued would total a dozen.⁴⁹

Of the four men alluded to in Rushton's September 22 disclosure, two of their names came to light on Sunday, September 26 in the Detroit Free Press. Warrants drawn by the legislative graft grand jury and being sought through Detroit Recorder's Court charged State Senators Charles S. Blondy and Charles C. Diggs; Detroit Democrats, with soliciting a \$6,000 bribe in connection with getting passage of the anti-branch banking bill during the 1943 session.⁵⁰ The two senators had allegedly solicited the bribe from Adrian A. McGonagle, a controller of the Detroit Bank, who had been active in the investigation that led to the grand jury and who went on the witness stand voluntarily.⁵¹

The following day, newly appointed Lansing Municipal Judge Louis E. Coash issued a warrant charging William Burns, executive secretary of the Michigan State Medical Society with attempting to bribe Representative Warren G. Hooper to pass the unamended form of a 1939 state bill

⁴⁹Kenneth McCormick, "Green Due to Appear in Court Today," Ibid., Sept. 23, 1943, p. 1.

⁵⁰"Bribe Warrants Sought for Blondy and Diggs," Ibid., Sept. 26, 1943, p. 1.

⁵¹Ibid.

popularly known as the "state health insurance law."⁵² In a page one, two-column news story, the State Journal reported that to exclude certain types of physicians from the provisions of the bill, Burns had offered Hooper, in March, 1939, the price of a trip to visit his parents in California. Testifying in open court before Judge Coash, Hooper said he was also approached by Burns on the possibility of killing in his committee a bill designed to regulate the practice of naturology or herb healing.⁵³

The day following, September 28, a State Journal story dealing with the continued effort by Rushton's Detroit staff to bring forth warrants against Blondy and Diggs for bribe solicitation reported that Judge Carr's grand jury, besides indicting William Burns, announced that its proceedings were almost complete, except for arrests. Herbert J. Rushton speculated that perhaps "seven or eight persons in all will be arrested," with a final tally of seven warrants issued, relative to legislation back to and including the 1939 legislature.⁵⁴

The names of the 60 witnesses subpoenaed have indicated . . . a variety of other measures which were surrounded by hot controversy and rumor were investigated. Speculation on what went on behind the grand jury's locked doors perforce must remain just speculation since it would be an act in contempt of court to go farther.⁵⁵

⁵²G. Milton Kelly, AP, "Medical Group Aide Accused in Warrant," State Journal, Sept. 27, 1943, p. 1.

⁵³Ibid.

⁵⁴"Hearing Asked on Bribe Count," Ibid., Sept. 28, 1943, p. 1.

⁵⁵Ibid.

Although other controversial measures were investigated, a Free Press story of September 29 said the grand jury "apparently is going to be content merely to scrape the surface of the matters it has under investigation."⁵⁶

Tangible results of the investigation to date are a few warrants charging attempted bribery or solicitation of bribes. There are no warrants charging actual bribery or the payment of any money. . . .

Rushton, by his own admission, possesses information which might well bear investigation in connection with the Liquor Commission, State Highway Department and former Democratic officials. Yet he has not broadened his petition to include these departments in his investigation.

Rushton's petition covers only the period from 1939 on rather than running back as far as the statute of limitations permits.

Prior to the opening of the investigation (Prosecutor William E.) Dowling told this writer, "The Attorney General has a real basis for investigation. It is one which can exceed the Ferguson grand jury in scope. I wish we had had as much information when we started that inquiry as he has. It would have saved us months of work."

The Ferguson grand jury was conducted along the lines in which Dowling believes. That grand jury got the facts and obtained convictions of wrong doers.⁵⁷

On Wednesday, September 29, the two warrants sought against Detroit Senators Blondy and Diggs were approved, while, from Lansing, Judge Carr and Attorney General Rushton disclosed they had formally granted immunity from prosecution to a witness upon whose testimony they expected to obtain a Detroit warrant charging bribe solicitation

⁵⁶ Kenneth McCormick, "Only Surface of Charges is Touched," Detroit Free Press, Sept. 29, 1943, p. 1.

⁵⁷ Ibid.

against two members of the House of Representatives.⁵⁸ The grand jury announced a long recess during which time Judge Carr asserted the investigators would remain at work "employed in a thorough analysis of the evidence we have. . . . We still want some information concerning the source of money which has been described as offered to bribe certain persons."⁵⁹ Another statement by Rushton announced a reduction in staff of one of his special prosecutors because "the grand jury's work had reached a point where the staff could be reduced."⁶⁰

The following day, Judge Louis E. Coash bound Representative William Green over to Circuit Court for trial on charges that he solicited a bribe from cosmetologist Floyd Trumble. On October 1, the balance of Charles Blondy's contempt sentence was set aside and he was ordered by Judge Carr to surrender to the Detroit Recorder's Court to face a charge of soliciting a bribe.⁶¹

As the grand jury briefly reconvened on October 11, hearings had begun on the warrants against banker Slattery and medical society secretary William Burns. On October 16, Judge Carr, acting as circuit court jurist,

⁵⁸G. Milton Kelly, AP, "Get Warrant for Two More Legislators," State Journal, Sept. 29, 1943, p. 1.

⁵⁹Ibid,

⁶⁰Ibid.

⁶¹G. Milton Kelly, AP, "Blondy's Jail Term Ending," State Journal, Sept. 30, 1943, p. 1; "Blondy Winds Up Jail 'Vacation'," State Journal, Oct. 1, 1943, p. 1.

ordered the trial of Representative William Green.⁶² The unidentified immunity grant disclosed on September 29 in the State Journal resulted in the issuance of two warrants against Detroit legislators. Headlined, "Bribe Charges Face 2 Others," the November 10 story disclosed that Representative William G. Buckley, Detroit Democrat, was accused of having shared with former legislator Joseph L. Kaminski a \$100 bribe said to have been given them for support of a chiropody regulation bill in the 1939 legislative session. With the grand jury in recess for more than a month, Attorney General Rushton disclosed on November 11 that it would reconvene and concern itself largely with the results of "some undercover work" he said was carried out by special investigators. He was, however, not certain whether the "next batch of witnesses would be the last."⁶³ Judge Carr, too, indicated further warrants and clearly stated there was more work to be done in a State Journal story published November 26, noting "I would not be so rash as to predict now when we will close our investigation. . . . We still have a lot of work to do."⁶⁴ But the Detroit Free Press sensed the imminence of something big in its November 26 issue with a headline deck reading "Expect Disclosures to Rock Michigan":

⁶²"Lawmaker Due for Trial Soon," State Journal, Oct. 16, 1943, p. 1.

⁶³"Plan Resumption of Jury Inquiry," Ibid., Nov. 11, 1943, p. 1.

⁶⁴G. Milton Kelly, AP, "Carr Predicts Bribe Arrests," State Journal, Nov. 26, 1943, p. 1.

Instead of ending its probe of charges of legislative bribery as was commonly believed, Circuit Judge Leland W. Carr's grand jury has been conducting a vigorous undercover investigation which is soon expected to explode with a reverberation which will rock the entire state, it was learned here today.

The grand jury was reborn Oct. 1 at the time it appeared to have gasped its last like two previous unsatisfactory Lansing grand juries.

An announcement Oct. 1 said all testimony has been placed in the record except that which might turn up later. The announcement further stated that the grand jury would remain in operation to accept such testimony.

Instead, on that day the grand jury was reorganized to function with as much secrecy as possible.

A large group of the best investigators in the country was employed and sworn in as members of the grand jury staff by Judge Carr, it was revealed. Those investigators have since operated without restraint, using secret hideouts in which to interrogate witnesses, and follow the same general lines which made the Ferguson-O'Hara grand jury in Detroit so successful. The Carr grand jury is delving into the conspiracies which are believed to have been the basis for payment of bribes.⁶⁵

The Free Press story explained that the investigation sought wrongdoers under the Michigan Conspiracy Law, "which has many teeth." There would always be a number of witnesses to transactions which could be brought within a conspiracy scope, and this fact made the conspiracy law the "best of all weapons" in dealing with official corruption.

Bribery is a difficult charge to prove, it is conceded. The briber usually corners the intended bribe-receiver in a washroom--not in a public auditorium--and whispers his proposition in the latter's ear. If the intended receiver is willing, the deal is consummated. Nobody has seen the transaction. There are no witnesses to it. If the intended receiver later decides to talk, it boils down to his word against that of the briber. Prosecuting attor-

⁶⁵Kenneth McCormick, "Secret Jury Sifts Bribery in Lansing," Detroit Free Press, Nov. 26, 1943, p. 1.

neys find it next to impossible to prove such a case in court.

On the other hand, if the briber is taken into court on a charge of conspiracy, there are any number of persons who could have knowledge of the act. Then, too, there are always books and records of the corporation's or association which might shed light on the deal.

There is little doubt among Lansing observers that votes were bought and sold with boldness and regularity; that many "sledgehammer" bills have been introduced to induce bribe offers; that some legislators operated in blocs to raise the price of their votes, and that many legislative bills voted on in recent years were tainted by corruption.⁶⁶

Editorially, the Detroit Free Press also acclaimed the re-birth of Judge Carr's grand jury, saying "good purpose was being served" during a period all thought was "a state of suspended animation."

Because it was once more proved that such investigations defeat their own purpose when operated in the hot light of noonday, Judge Leland W. Carr, one of Michigan's ablest jurists, took a leaf from the Ferguson-O'Hara book and effected a reorganization. . . .

Soon, as our Kenneth McCormick's story from Lansing Friday revealed, reports on results will begin to be forthcoming. . . . [W]hile the nature of the findings still must remain temporarily a matter of conjecture, it is quite evident that the job which was only partly done earlier, will not be open to such criticism this time.

It is good, though grim, news. An air of inconclusiveness overhung the first phase. Individual stories were half told, charges were made, and there the whole thing rested. Judge Carr's Oct. 1 decision appears to have made all the difference. . . .⁶⁷

"Spectacular Developments Impend in Grand Jury Quiz," read November 2 page-one headline of the State Journal above

⁶⁶Ibid.

⁶⁷"The Probe Continues," Editorial, Detroit Free Press, Nov. 27, 1943, p. 16.

the story that informed readers about the spreading news of a re-kindled investigation. Former Representative John F. Hamilton, Detroit Democrat, who had recently completed a prison term on a Detroit bribe conviction, was granted immunity by the grand jury in connection with certain "corrupt legislative 'deals' he might describe as its witness." The immunity grant was related to whether he was promised or had received money from a "Charles Hemans," said the Journal, in exchange for support of legislation. The Hemans in question was former regent of the University of Michigan and at the time of the news story a United States Army major in Washington, D. C.

In the November 29 issue of the Detroit Free Press, mystery figure Hemans, who was to play a dominant role in later grand jury business, again figured in the news. In a two-column, page one story, Representative William C. Stenson identified Major Hemans as the man suspected of attempting to bribe Stenson to vote against the anti-branch banking bill. Stenson had been taken to Washington by grand jury aides under top secrecy to view Hemans without arousing the latter's suspicion, and there Stenson had made positive identification.⁶⁸

The following day, an Associated Press story, datelined Lansing, linked Hemans with a Detroit member of the

⁶⁸Kenneth McCormick, "Hemans is Tied to Probe by Stenson's Bribe Story," Detroit Free Press, Nov. 29, 1943, p. 1.

House of Representatives, as Stanley J. Dombrowski confessed that he falsely had accused Hemans of bribing him in connection with 1941 legislation. Dombrowski's arrest was the first public intimation that he ever had accused Hemans or anyone else of bribing him, and his admission to perjury swiftly earned him a prison sentence on the same day of three-and-a-half to fifteen years.⁶⁹

On November 30, the Detroit News disclosed that a large number of "confidential documents and files" belonging to Charles Hemans had been seized for study by Judge Carr's grand jury. Charging "utterly illegal" and "fairly high-handed" tactics to obtain possession, Heman's attorney in Lansing, Seymour H. Person, declared he would file a petition to regain all documents and "any copies or photographs of them which may have been made."⁷⁰ While Hemans was still in Washington, his records had been removed by subpoena, with tacit permission of tenants who had been residing at that time in his home. The use of the "grab-bag subpoena" by grand jury aides to net records with little discretion was later to be branded an abuse of defendants' rights.⁷¹

Through Persons, Major Hemans issued a formal statement saying he was not guilty and complaining that

⁶⁹"Bribe Story a Lie, Legislator Admits," AP, Ibid., Dec. 1, 1943, p. 1.

⁷⁰Carl Rudow, "Hemans Hits Jury Seizure," Detroit News, Nov. 30, 1943, p. 1.

⁷¹Jack R. Green, Interview, Nov. 29, 1970.

his assignment in Washington made it impossible for him to return to "fight rats who take unfair advantage of my absence while in the armed service."⁷² In a separate statement, Hemans noted the Free Press story relating his link with Representative Stenson as the "man in the gray suit" who had attempted to bribe him. "I never saw Stenson to know who he was and do not know him . . . and it is my idea an attempt is being made to try this in the newspapers,"⁷³ Hemans said. Grand jury officials had also taken note of the Stenson story, the State Journal said, and were investigating to determine who had disclosed it, since disclosure of grand jury testimony was punishable as contempt of court.

Representative Dombrowski appeared in the news again on December 3, 1943, with the admission to reporter McCormick of the Free Press that he had perjured himself in order to draw a prison term to escape enemies.⁷⁴ The legislator contended two men in a black sedan following him in Detroit had pulled beside him and shouted a warning concerning his grand jury testimony, and he had been frightened by the experience.⁷⁵ The House member

⁷²G. Milton Kelly, AP, "Probing Leak of Grand Jury Information," State Journal, Nov. 30, 1943, p. 1.

⁷³Ibid.

⁷⁴Kenneth McCormick, "Dombrowski May Request Another Trial," Detroit Free Press, Dec. 3, 1943, p. 1.

⁷⁵"Probe Story Dombrowski Intimidated," State Journal, Dec. 2, 1943, p. 1.

volunteered initially that he had never been bribed, then later said that his original story was true, with the exception that Major Hemans was not the one who gave the bribe money as originally claimed. Although Attorney General Rushton sought to determine the truth of Dombrowski's statements, the latter began his jail term on schedule.⁷⁶ Meanwhile, there were two outstanding developments in the continuing probe of the Carr grand jury:

1--Judge Carr and Rushton revealed that they are searching Michigan for a young, vigorous attorney to take over the jury prosecuting job. Under the plan, Rushton would continue in an active capacity, but would put the chief burden of work in the hands of the younger lawyer who he would appoint as a special assistant attorney general.

(It was pointed out that Gov. Thomas Dewey got his [big] chance in public life from such an appointment in New York, and that the post would probably be avidly sought by many interested in advancing their careers.)

2--Greater secrecy was assured the jury through a voluntary censorship agreement made by the editors of the Detroit Free Press, the Detroit Times, the Detroit News and wire-service representatives. This will cover information connected with release of names of witnesses and other facts which, revealed prematurely, might hamper the investigation.⁷⁷

In a page-one story, headlined "New Charges Hurlled Here in Jury Sift," the December 5 State Journal said Judge Carr had revealed that Representative Stanley Dombrowski had accused another Wayne County legislator--Representative Walter N. Stockfish, Hamtramck Democrat--as the "pay-off"

⁷⁶ Kenneth McCormick, "Dombrowski to Enter Jackson Prison Today," Detroit Free Press, Dec. 4, 1943, p. 1.

⁷⁷ Ibid.

man who gave him a total of \$350 in bribes during 1941 to vote against anti-branch banking legislation. As officers representing the grand jury began searching for Representative Stockton, who had been missing from his home since December 3,⁷⁸ a column by James M. Haswell appeared in the Detroit Free Press:

The re-entry of Judge Leland W. Carr's grand jury into the news columns is an event which may well cause the Republicans in Lansing little shivers up and down their spines. Until this week the Republicans seemed comfortably settled in the office chairs at the State Capitol. They looked forward with confidence to a Republican year at the polls and a continuance of the present divisions of power and authority under Gov. Kelly.

But the sheer violence of the Dombrowski affair has shattered all of that. Obviously, strongly contending forces are moving under the surface.

Kenneth McCormick's disclosure that the grand jury inquiry into lobbying had not died six weeks ago--as everyone had supposed--and had not even been sleeping was shock enough.

But when Judge Hayden gave Rep. Stanley Dombrowski three and one-half to fifteen years for repudiating his grand jury testimony, and the next day Dombrowski confessed that he really had been seeking sanctuary in jail--political Lansing came suddenly to realize that trouble is heading their way. . . .

Instead of the sweet and soothing jello of post-war planning, newspaper readers are to be fed the strong red meat of scandal. Since this is an inquiry into legislative intrigue and lobbying, it is to be expected that political reputations will be involved, and established political alliances and agreements will have to be re-adjusted. . . .

The lobbyists themselves constitute an embarrassment. As a group they are an institution in Lansing, and as a group they perform a recognized and useful function. They are the spokesmen of special interests of all kinds, the professions, the unions, and of business organizations. Disregarding the fortunes of

⁷⁸"Press Search for Lawmaker," State Journal, Dec. 7, 1943, p. 1.

individuals among them, as a group the lobbyists, too, are under a cloud. And probably as a group, they, too, will be "on the muscle."⁷⁹

A shift of events in grand-jury related activities began as the morning Free Press of December 8 ran a story headlined "Rushton's Move Comes as Surprise." "Without the knowledge of Judge Leland W. Carr," read the lead of the story, "Attorney General Herbert J. Rushton Tuesday appointed Jay W. Linsey, former attorney for Frank D. McKay, Republican national committeeman, as special prosecutor in Judge Carr's one-man grand jury investigation of graft in the State Legislature." Linsey was best known, said the newspaper, through the fact that he represented Fred C. Ehrmann, former secretary of the Michigan Liquor Control Commission, in the 1941 graft trials in which Ehrmann was a co-defendant with McKay. Besides the fact that Rushton had not informed Judge Carr, the Attorney General claimed he had consulted with Governor Harry Kelly regarding the appointment, but this the governor denied. Rushton later changed his position, McCormick wrote, to say he had notified the governor of the appointment "after it was made." Questioned at his home in Grand Rapids, Frank D. McKay admitted that he had retained Linsey to perform legal work for him. He said, however, that he "had no personal interest in the grand jury."⁸⁰

⁷⁹James M. Haswell, "The Tangle in Lansing," Detroit Free Press, Dec. 4, 1943, p. 18.

⁸⁰Detroit Free Press, Dec. 8, 1943, p. 1.

Following the examination of Grand Rapids banker Francis P. Slattery, who was bound over for trial on charges of bribery,⁸¹ and "after a day of confused contradictions and completely bewildering statements,"⁸² Rushton made a public admission that he had appointed Jay Linsey special prosecutor. But he "hadn't even extended Judge Carr the courtesy of informing him . . . until after Judge Carr had learned it from this reporter,"⁸³ Detroit Free Press reporter McCormick told readers. Circuit Judge Carr said that Linsey had visited him and he had neither accepted nor rejected the appointment to act, as understood by Carr, as a trial lawyer in the event of trials stemming from the one-man grand jury. Linsey, however, had already accepted Rushton's offer.

In a continuation of his series of confused statements, in which he confirmed and denied his action, Rushton concluded late Wednesday with another statement, in which he said he had given Linsey's name in confidence to this writer after the Free Press reporter had spoken to him on behalf of a Detroit attorney. . . .

Rushton came to the door this morning as reporters filed into his outer office. He took one look at the group and said: "I have no news!" His face was scarlet with anger. "If you want any news, you'd better talk to that fellow," he shouted, striding over to where this reporter sat. "If he hasn't got it he'll make it up."

"I never made up a story in my life, Mr. Rushton, and you know it," this reporter retorted. "The

⁸¹"Banker Held for Trial in Bribery Case," State Journal, Dec. 8, 1943, p. 1.

⁸²Kenneth McCormick, "Action is Confirmed by Attorney General," Detroit Free Press, Dec. 9, 1943.

⁸³Ibid.

trouble with you is you're so muddle-minded you can't keep track of what you say."

The Attorney General roared, "You are the meanest, dirtiest, stinkiest reporter I've ever seen. You are a liar. Get out of this office and if I ever see you here again I'll throw you out."⁸⁴

Rushton's troubles started, wrote McCormick, when after admitting on December 7 that he had appointed Linsey-- who critics contended was associated closely with Republican "machine politicians"⁸⁵--the attorney general was confronted with questions he couldn't answer.

When the report appeared in the Free Press pointing out Linsey's connection with McKay and Gov. Kelly's denial that he had conferred with Rushton on Linsey's appointment, Rushton found himself hemmed in on all sides and attempted to escape his predicament by changing his story every time the telephone rang. . . .

After he had a chance to cool down following this morning's press conference, Rushton was reported to have indicated that he was willing to wash his hands that he would let Judge Carr hire a prosecutor himself and said the Judge could also handle the funds as far as he was concerned.

Observers here believe that if Judge Carr takes over these important duties, the grand jury will be highly successful. It is no secret that Rushton has stumbled through one blunder after another. As examples:

1--He failed to subpoena certain witnesses, thus making it possible for them to escape testifying before the grand jury by merely leaving the state. If these witnesses had been subpoenaed, the Federal Bureau of Investigation could be asked to bring them back from any place in the United States under the Fugitive Flight Act.

2--He failed to place Francis P. Slattery, assistant vice president of the Michigan National Bank, on the witness stand before Slattery was charged in a warrant with offering a bribe to State Rep. George N. Higgins, Ferndale Republican, to vote against the anti-branch bank bill. Slattery was charged with being a key man. It is logical to

⁸⁴Ibid.

⁸⁵"Banker Held for Trial," State Journal.

assume that if Rushton's contention that he was offering bribes was true, he might have been able to tell the grand jury where he was getting the money.

3--Rushton failed to make any effort to have books and records of concerns under suspicion seized until the investigation had been under way for six weeks, despite the fact that it is elementary investigative procedure to build a wall around the key witness before questioning him.

Rushton has shown no decided zeal for the investigation from its inception.

He exploded when William P. Lovett, secretary of the Detroit Citizens League, announced through the Free Press that a petition had been filed with the Attorney General for a grand jury.

He was irked again when the Free Press followed this announcement with an exposé of certain suspicious incidents in connection with the inquiry.

He has said on numerous occasions that the investigation would be over with before the legislature met in special session in January and six weeks ago he announced that all the evidence was in before he started off for Lexington, Ky., to attend horse races.⁸⁶

The December 8 edition of the Detroit News ran a page-one story which separated from the confusion Rushton's statement that "It is Judge Leland W. Carr's grand jury investigation, and from now on he will dictate every phase of it!"⁸⁷ The News story also played up the attorney general's defense of his now controversial appointee, Jay W. Linsey, against insinuations that Frank D. McKay, Republican national committeeman and a recognized Michigan political power, "had something to do with it."⁸⁸ Declaring that Linsey was appointed to arrange for trials that followed the investigation, Rushton denied that he and Judge Carr were

⁸⁶ McCormick, "Action Confirmed by Attorney General."

⁸⁷ Allan J. Nieber, "Rushton Backs His Appointee," Detroit News, Dec. 8, 1943, p. 1.

⁸⁸ Ibid.

"at odds," and said they had worked closely together, that "someone always is trying to stir up trouble between us."⁸⁹

Allan J. Nieber, a Detroit News reporter disclosed to the newspaper's readers that McKay and Linsey had been friends for more than thirty years, and that the latter had been counsel for Fred C. Ehrmann, former State Liquor Control Commission purchasing director, in the first Federal liquor graft trial at Detroit in 1941 in which McKay was to co-defendant. Linsey withdrew from the case after the first trial was declared a mistrial, and Ehrmann and McKay were acquitted in the second trial. Rushton said:

You can't retain a lawyer who has not been hired by someone else at some time. If Linsey ever did any work for Frank McKay, he was not McKay's regular lawyer, and he is not numbered among McKay's political associates, as far as I know.⁹⁰

Although Attorney General Rushton had "washed his hands"⁹¹ of the grand jury investigation, the December 9 State Journal carried a page one story in which Rushton formally designated Linsey to the "lucrative" \$2,000-a-month position as special assistant. Judge Carr was quoted as terming the arrangement premature, saying he understood a tentative agreement had been made whereby Linsey would lend his services as a prosecutor only as

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

the need arose.⁹² While Rushton, elsewhere in the story, described Linsey's fee as "reasonable" and asserted that "Wayne County spent \$100,000 or more to hire a prosecutor to direct its trials"⁹³ resulting from the Ferguson grand jury, Judge Carr said he saw no need for engaging a special prosecutor at that time, since only three cases were pending on grand jury warrants.⁹⁴

While the state chairman of the Democratic party deplored the fact that a "politically-tinged" grand jury could cause the arrest of five Democrats out of six past and present accused legislators,⁹⁵ the Detroit Free Press took a stand demanding Rushton's resignation. In a two-column wide editorial running the length of the editorial page, the Free Press said:

It looks as though certain leaders of the Republican Party in Michigan are desperately determined that there shall be no real investigation of the graft which has been rampant at Lansing during recent sessions of the Legislature.

It may be that they are afraid. With such a capable and courageous Judge as Leland W. Carr sitting as the Grand Jury, the investigation could easily go beyond the mere checking of chickenseed racketeers and impinge upon the big money lads.

What is behind the scandalous farce, the Free Press does not know. But each bizarre development would lead to the natural conclusion that something very rotten is going on in Lansing.

⁹²"Due to Grill Rep. Stockfish," State Journal, Dec. 9, 1943, p. 1.

⁹³Ibid.

⁹⁴Ibid.

⁹⁵"Brooks Sees Politics in Jury Probe," State Journal, Dec. 10, 1943, p. 1.

To begin with, there's Frank D. McKay, Republican National Committee member and political boss of Michigan. With Mr. McKay, politics is a business. He has been twice tried in Federal Court for activities which were held to be over and beyond the limit of the law. The first jury disagreed. The second enthusiastically acquitted him and helped him celebrate the acquittal. The Free Press makes no charges against Mr. McKay. All that he does in politics may be well within the law. But he and his associates have been a blight on the Republican Party in Michigan for the last two decades.

And so the announcement from Attorney General Herbert J. Rushton that he had appointed McKay's lawyer as special prosecutor came upon the State with stunning force. . . .

Mr. Rushton offered no explanation for this strangest of all moves. He merely mouthed a lot of flapdoodle about making the selection "without consideration of political angles." . . .

So, out of the whole State of Michigan, all he could find was Frank D. McKay's attorney to do the job!

And he lacked even the common decency to consult Judge Carr to see if such a choice was agreeable to the man who must carry the responsibility. . . .

From the very beginning Attorney General Rushton has acted with hesitation in launching the investigation. . . .

But Judge Carr was not reckoned with. He began his own investigation and, it is reported, dug up sufficient evidence to warrant a real probe. It was freely admitted that Rushton's years were upon him and that his health is not of the best. . . . But the time has come when he should resign from office, retire to private life and let a younger and more vigorous man take his place. . . .

Party politics has no place in the investigation of a condition which has been a stench to the public nostrils for years. . . .

End the farce and start all over again.⁹⁶

A brief interim followed the Rushton-Linsey controversy during which time the attorney for Representative Stanley Dombrowski sought an appeal for a new trial and missing Representative Walter N. Stockfish voluntarily

⁹⁶"Rushton Should Resign," Editorial, Detroit Free Press, Dec. 9, 1943, p. 16.

visited Judge Carr, telling the latter he had been on a trip while grand jury investigators sought him to serve a subpoena.⁹⁷

Controversy broke out again when, on Saturday, December 11, Judge Carr announced he was appointing a new prosecutor to assist in his one man grand jury, but declined to explain whether the new man would supersede Rushton as chief prosecutor.⁹⁸ The Free Press called the Carr announcement a "death blow" to "Rushton's attempt to force the appointment of one of Frank D. McKay's attorneys as chief counsel to the legislative-graft grand jury." It also disclosed that Rushton had placed in "a key position" on the grand jury staff one John Dalton, a man formerly dismissed from the state payroll in a liquor-sale scandal and now serving as an accountant.⁹⁹

The Free Press reported that it had learned that Dalton was sent by Rushton to the chief investigator of the grand jury, who had asked for an accountant. Like other members of the grand jury staff, he had been working under a false name and few people were aware of his identity. Dalton had been dismissed from the attorney general's staff,

⁹⁷"Dombrowski's Appeal Heard," State Journal, Dec. 10, 1943, p. 1.

⁹⁸"Carr Naming Prosecutor in his Jury Sift," Ibid., Dec. 11, 1943, p. 1.

⁹⁹Kenneth McCormick, "Judge to Appoint Own Prosecutor," Detroit Free Press, Dec. 12, 1943, p. 1.

"so far as the public knew,"¹⁰⁰ after it had been revealed that the state had purchased two and a half million dollars worth of liquor from an agent introduced by him, but apparently without the knowledge of the distillery concerned, which never received the order or delivered the liquor. Although he refused a statement to the Free Press, Rushton told the Associated Press that he had recommended Dalton for the grand jury job "because accountants are scarce these days, so many of them are in the Army, and I thought he could do a good job there."¹⁰¹

In a formal statement the Free Press described as "politely worded," Judge Carr said his appointment of counsel would give Rushton more time for the regular work of his department, "which is particularly heavy at this time and will be even more so when the Legislature is convened in special session."¹⁰² Judge Carr also said the attorney he would select would be primarily retained for grand jury work, while in the trial of cases to follow the attorney general or his staff, plus special counsel when required, would participate.

A page one State Journal story on December 13 disclosed the attorney general's reaction to the Carr statement. Declaring he believed the court considered his presence embarrassing, Rushton said he would surrender to

¹⁰⁰Ibid.

¹⁰¹Ibid.

¹⁰²"Carr Naming Prosecutor." State Journal.

Judge Carr the balance of the \$150,000 fund provided for the inquiry, which he estimated was more than \$120,000. Rushton said he considered he had been invited to divorce himself from the inquiry in the language employed by Judge Carr in announcing plans to appoint a new special prosecutor. Rushton said:

I feel that if my stepping out of the grand jury investigation will stop those who are trying to sabotage its effectiveness, I would not be a good citizen if I did not step out.

I have no way of defending the grand jury or myself against that portion of the press who evidently want to make it appear that this is a Punch and Judy show.

The ultimate conclusion to clean up this grafting and bribery transcends any particular person. If [it is going on,] I want to see this thing cleared up, regardless of what dirt is thrown at me.¹⁰³

Following his statement of December 13, Rushton dropped publicly out of the grand jury inquiry. Although he attempted to keep his appointee Jay W. Linsey as a trial prosecutor on the jury payroll by withholding a portion of the appropriated funds, both Rushton and Linsey were phased out by the end of December.¹⁰⁴ Throughout the controversy over the Linsey appointment--much of it instigated by the Detroit Free Press--the real reason for Rushton's exit from the grand jury inquiry was never clear. It was well publicized that Rushton had fended with a number of influential legislators long before the inquiry,

¹⁰³"Rushton Ready to Quit Grand Jury," Ibid., Dec. 13, 1943, p. 1.

¹⁰⁴Kenneth McCormick, "Carr Finesse Sets Rushton Back Again," Detroit Free Press, Dec. 29, 1943.

while in the grand jury room "he apparently has done little to endear himself to more of them."¹⁰⁵ The Detroit Free Press took a different approach, citing a lack of zeal in Rushton's participation in the probe, while the newspaper reporter who pursued the investigation termed the initial investigation as being "fixed," saying the attorney general was placed by political boss McKay to quietly drop the investigation after probing a few activities.¹⁰⁶ Whatever the true reason, Rushton was out, and Judge Carr was seeking a new prosecutor.

¹⁰⁵G. Milton Kelly, AP, "Probe's Political Effect on Rushton Being Studied," State Journal, Sept. 25, 1943, p. 1.

¹⁰⁶Kenneth McCormick, Interview, Dec. 2, 1970.

CHAPTER II

"LET THE CHIPS FALL WHERE THEY MAY"¹

"Judge Carr knew the grand jury would never be successful with Rushton in it, and as grand juror he had the right to name or fire the special prosecutor. That was how Kim Sigler got in."

The speaker was Allan J. Nieber, former Detroit News reporter, who, along with Kenneth McCormick, a reporter for the Detroit Free Press, and to a lesser extent Frank Morris, a reporter for the Detroit Times, had the fullest of backgrounds in the legislative graft probe and covered it extensively throughout its duration.

"Judge Carr called me at my hotel suite and said he had three men in mind for the position [of special prosecutor] but couldn't very well check them out on his own," Nieber recalled. "So he gave me the information on each of them and asked me to quietly check them out. Kim Sigler was one of the names."² Nieber gave the Ingham County jurist his confidential report, but not before he

¹Chapter heading taken from Kim Sigler's formal statement upon accepting the job as special prosecutor as covered in the State Journal, Dec. 14, 1943.

²Allan J. Nieber, Interview, Dec. 2, 1970.

had asked the judge what he knew of the attorney from Hastings. "Not much," Carr had replied, and said the Supreme Court justices had informed him Kim Sigler was a "good organizer and well presented."

After reading the News reporter's report, Nieber said Judge Carr settled on Sigler for his prosecutor. "The first I knew Kim Sigler had seen Carr was when Sigler turned up in my suite," Nieber recalled. "He said he wanted to meet the boys he would deal with."³

Although Nieber said Sigler, who at the time was "making in the neighborhood of \$50,000 a year"⁴ from his law practice and business interests, did not give Judge Carr an immediate answer, he had reached a decision by December 14. On that day, a Lansing State Journal story on page one carried the news that "Sigler Named As Prosecutor For Grand Jury." Announcing that Sigler would start "immediately" with a salary of \$100 a day while acting in the role of special prosecutor, Judge Carr said Sigler had withdrawn his brief position as defense attorney for accused legislator William Green. Describing Sigler as one of the noted criminal lawyers in Michigan, the Ingham jurist said, "I think he fits into this picture in splendid shape. He has a very good reputation in the legal profession."⁵ A lawyer

³Ibid.

⁴Ibid.

⁵G. Milton Kelly, AP, "Sigler Named as Prosecutor for Grand Jury," State Journal, Dec. 14, 1943.

whose standards had won approval of the Michigan Supreme Court through appointment as a commissioner-at-large of the State Bar, Sigler was a veteran of twenty-five years city and rural legal practice. He had played leading roles in the Democratic party for years, but more recently he had switched political affiliations, running as a Republican state senatorial candidate. A three-term prosecutor of Barry County, Sigler was forty-nine years old at the time of his appointment. Born on a cattle ranch near Schuyler, Nebraska, he was brought to Michigan during his boyhood. He received his legal education at the University of Michigan and the University of Detroit and briefly practiced in Detroit before moving to Hastings, in Barry County. "Much of Sigler's private practice has been in civil affairs and he has earned an enviable reputation as a trial lawyer,"⁶ the Detroit Free Press observed.

Editorials in the State Journal and Detroit News absolved the grand jury of partisan criticism and looked forward to a thorough investigation. Said the Journal on December 14:

This announcement from Judge Carr has the effect of calling attention to facts which some may have lost sight of, namely that the investigation is being conducted by the veteran and able jurist, that he is responsible for it and that his reputation for integrity and broad knowledge of the law stands, as a guarantee of a fair and thorough inquiry. . . .⁷

⁶Sigler's biography is taken from Kenneth McCormick, "Judge Carr Names Sigler Grand Jury Prosecutor," Detroit Free Press, Dec. 15, 1943, p. 1.

⁷"The Grand Jury," Editorial, State Journal, Dec. 14, 1943, p. 6.

The News echoed the grand jury's new life in its editorial of December 15:

Now that Judge Carr has a special prosecutor or chief inquisitor of his own choosing, the grand jury on legislative corruption can be expected to make progress.

Kim Sigler, his appointee, is not very well known in the eastern part of the state, but he comes highly recommended as to ability and integrity. Of equal importance is the fact that he will be Judge Carr's own man, chosen by him and responsible to him and to nobody else. . . .

Atty. Gen. Rushton wisely has disassociated himself from the investigation. His part in it had resulted unfortunately, particularly as to his selection of Jay W. Linsey, of Grand Rapids, as a special prosecutor. It is no reflection on Mr. Linsey to say that Mr. Rushton should have foreseen that this appointment would not be well received.

Anyhow that episode is now behind us. The grand jury decks are cleared for action, which we hope will result in uncovering all the crooks and putting them where they belong.⁸

The Detroit Free Press editorialized about the change in grand jury business in a headline, "Grand Jury Gets Down to Brass Tacks," above a news story that began: "Circuit Judge Leland W. Carr's one-man grand jury drew close again today the veil of secrecy surrounding its investigation of the Legislature, through which had burst a fortnight's uproar surrounding a now-completed reorganization of its prosecuting staff."⁹ Judge Carr said he hoped he had heard the last of grand jury matters extraneous to his task of sifting evidence of "big money" graft in the making of laws and

⁸"Judge Carr's Own Choice," Editorial, Detroit News, Dec. 15, 1943, p. 34.

⁹"Grand Jury Gets Down to Brass Tacks," AP, Detroit Free Press, Dec. 16, 1943, p. 1.

of attempting "the balancing of truth against fiction, running down endless false trails and real trails while seeking to expose once and for all the truth about Michigan's Legislature, its honesty and temptations."¹⁰

As the grand jury shifted into investigative action once more, a news "leak" in the Detroit Times brought an angry comment from Special Prosecutor Sigler that "the time has come to quit monkey business."¹¹ Declaring he would prepare a contempt of court petition against Times reporter Frank Morris, Sigler said the writer's news story of January 6 had contained remarks "intimated" by Auditor General Vernon J. Brown that the grand jury had been expanded to include an investigation of the Liquor Control Commission. The petition which resulted in creation of the grand jury limited its inquiry to reports of graft in the Legislature.

One headline on the Times story said "Jury May Probe Liquor Rule," while another said "Liquor Board Faces Fire of Grand Jury." In the body of the story, Morris wrote that Brown revealed he had made an audit of Liquor Commission books and Morris quoted the auditor general as saying he had testified before the grand jury about the Liquor Commission.¹² Publication of the story,

¹⁰Ibid.

¹¹Carl B. Rudow, "Sigler Fights Jury Leaks," Detroit News, Jan. 7, 1944, p. 1.

¹²Ibid.

which Morris later called an "interpretation of what Brown had said to him,"¹³ brought a quick reaction from the grand jury. Capitol newspaper reporters and Morris, who was under subpoena, were called before Sigler and Judge Carr in an open court session the same day the story broke.

Both Morris and Brown were placed under oath and called to the witness stand to be questioned regarding the reporter's interview. Under cross-examination, Morris said he had gone to the auditor general's apartment and that Brown had declined to comment when asked if he was going to petition the grand jury to broaden its scope of investigation to take in the Liquor Commission. "Asked where he learned about the grand jury's interest in the commission, Morris said he was told that by his city editor, Jack McClellan, and that he had heard rumors around the Capitol."¹⁴ Morris admitted that he was aware of the secrecy surrounding the grand jury action, but that he had submitted the story to his city editor. He denied any attempt to embarrass the grand jury.

The Morris episode concluded a week later, when Judge Carr ruled he was in contempt of court for divulging grand jury secrets.¹⁵ While delaying sentence pending further investigation, Carr said:

¹³Kenneth McCormick, "Carr Irked by Reporter," Detroit Free Press, Jan. 6, 1944, p. 1.

¹⁴Ibid.

¹⁵"Reporter Is in Contempt," Ibid., Jan. 16, 1944, p. 1.

He must have known when he wrote that article and sent it to his paper that the story would injure or at least embarrass the efforts of the grand jury.

It is a serious matter when someone talks to a person knowing that he has been before the grand jury and then writes a story about it even if only indulging in speculation, innuendo and insinuation. A newspaper owes a duty to the public, and one working for a newspaper owes the same duty.¹⁶

Meanwhile, defendants related to the grand jury investigation appeared in the news as their cases progressed. On January 7, Michigan National Bank officer Francis P. Slattery stood mute before Circuit Judge Charles H. Hayden on charges of offering a bribe in connection with the banking bill to Representative George Higgins¹⁷ and four days later trial was set in March.¹⁸ Representative Stanley Dombrowski, convicted earlier of perjury, lost his appeal to Michigan Supreme Court for a new trial and was ordered to serve out his prison sentence.¹⁹

Following the information exposed by the Detroit Times story, Judge Carr declared in a letter to Governor Harry F. Kelly that the grand jury probe had been broadened to include other departments of the state government.²⁰

¹⁶Ibid.

¹⁷"Banker Mute in Bribe Case," Ibid., Jan. 8, 1944, p. 1.

¹⁸"Slattery's Trial Fixed for March," State Journal, Jan. 11, 1944, p. 1.

¹⁹"Dombrowski Loses Appeal," Ibid., Jan. 13, 1944, p. 1.

²⁰Lloyd Moles, "Carr Informs Kelly Probe's Scope Widened," Ibid., Jan. 19, 1944, p. 1.

Carr asked the governor and the "Little Legislature," or emergency appropriations commission, to allow his grand jury to use part of the \$150,000 to include the new phases of the inquiry. In the letter that was released by Kelly on January 19, Judge Carr wrote that the reasons for expanding the probe were "equally imperative as those leading to the filing of the original petition for the investigation."

This will make it possible to complete the entire investigation at an earlier date than would have been the case if successive investigations were to have been conducted. Such action is also desirable for financial reasons. . . .

The question involved does not concern the power of the grand jury, under the broadened scope, to inquire into other than legislative matters, but rather has reference to payment of expenses so incurred.²¹

Four days after announcing its expansion, the Carr-Sigler grand jury issued its first major indictment, and Michigan newspapers studied gave it major play. "Bribe-Taking Laid to 20 Lawmakers" ran a Free Press headline, with a story in oversize type running across two columns down page one. "Grand Jury Issues Warrants for 26" a seven-column headline told State Journal readers on January 23, with cuts of twenty-six past and present legislators running the length of columns one and two, and the story in oversize type running down columns eight and nine. The Journal's two lead paragraphs were set three-column measure in width. "Graft Jury Accuses 26," read

²¹Kenneth McCormick, "Carr Asks Decision on Expenditure," Detroit Free Press, Jan. 20, 1944, p. 1.

the Detroit News eight-column headline, complete with a two-column wide story in oversize body type that ran down all of page one and most of page two, and a three-column-wide cut of Judge Carr and dapper Kim Sigler examining the newly issued warrant. An eight-column headline in the Detroit Times for January 23, above a story by Frank Morris, proclaimed "20 Legislators Indicted," and below it, a second eight-column headline continued: "Carr Jury Accuses 26 of Bribes in Passing Auto Finance Laws." Typographically besting the other three newspapers, the Times ran a four-column-wide lead in oversize type, with the balance of the story running across columns seven and eight down page one. In the same edition, the Times also featured a box score on page one, headlined "The Indicted Men" and cuts of the legislators on page six, headlined "Several Accused of Graft Had Been 'Above' Suspicion."

"Circuit Judge Leland W. Carr issued a grand-jury warrant Saturday," read the Free Press story, "charging 26 men--20 present and past legislators and six automobile finance company officials--with conspiring to obtain the enactment of three bills in the 1939 Legislature." The bills in question had been enacted and had already become law. One regulated small loan companies, placing a ceiling on interest rates, the other two regulated the repossession of automobiles and similar goods

bought on time payments, and the deficiency judgments which finance companies could obtain against defaulting buyers.²² "Credit organizations supported the legislation because it protected them against 'shoestring' competition, and also against popular demands for still more restrictive regulation."²³

Calling the warrant "just the beginning," Special Prosecutor Sigler said that \$25,000 "changed hands" in the course of the conspiracy and said the story of the plot would be told from the witness stand at the preliminary examination of the defendants.²⁴ At the judge's chambers where the warrant was signed at 2:00 p.m., Saturday, January 22, the Free Press reported Carr would preside at the arraignments and later would preside at the preliminary examination.

A distinction was drawn in the Detroit Free Press between the legal terms "indictment" and "warrant" in connection with the grand jury investigation. In a two-column box on page one, the newspaper explained:

If the man on the street wants to say that the legislators accused by the grand jury were "indicted," that's all right with Judge Carr. Only lawyers will disagree. Technically, an indictment is an accusation made by a multiple-man grand jury, used in most

²²"Bribe-Taking Laid to 20 Lawmakers," Ibid., Jan. 23, 1944, p. 1.

²³Ibid.

²⁴Allen J. Nieber, "Graft Jury Accuses 26," Detroit News, Jan. 23, 1944, p. 1.

states and in the Federal Court system. An indictment must be voted by the jurors. Judge Carr issued a warrant because he is acting as a magistrate, under Michigan law, making a judicial investigation. A one-man grand jury cannot indict, it must speak through a warrant.²⁵

Since Judge Carr's practice in this and subsequent grand jury matters was to preside at the examinations held on the charges contained in his warrants, "his warrants were nearly tantamount to indictments and they were so treated by the press."²⁶

The following day, in typographic style only slightly less dramatic, the Detroit newspapers and the Lansing State Journal disclosed that during arraignment of a portion of those accused, Ernest J. Prew, vice-president of the General Finance Corporation of Detroit, waived the preliminary examination and pleaded guilty in circuit court before Judge Carr.²⁷ In a statement, Prew admitted being involved in various practices in dealing with legislators while representing his company. He "foolishly" allowed himself to become "engulfed in the meshes of legislative graft . . . without realization of the legal significance of it." Although he had considered his participation in such efforts as within the law, "my counsel now advises me that

²⁵Kenneth McCormick, "Judge Carr Explains Action," Detroit Free Press, Jan. 23, 1944, p. 1.

²⁶Robert G. Scigliano, "The Michigan One-Man Grand Jury," p. 52.

²⁷G. Milton Kelly, AP, "First of 26 in Big Graft Case Pleads Guilty," State Journal, Jan. 24, 1944, p. 1.

my conduct amounted to participating in the doing of a lawful thing in an unlawful way, so that I am technically guilty as charged."²⁸

Sensing a parallel to Detroit's own one-man grand jury--the Ferguson-O'Hara investigation--Carl B. Rudow wrote of the impact the first conspiracy warrant had on Lansing.

Capital politicians today crawled out of the shell holes into which they were hurled Saturday by the concussion of Judge Leland W. Carr's warrant charging 26 persons with giving or taking graft and began wondering out loud if there was going to be a parallel to the Homer Ferguson grand jury cases in Detroit. . . .

In the Ferguson-O'Hara grand jury cases, the first warrant was a comparatively minor one. It named only 15 defendants, and concerned the operations of a relatively small-time baseball lottery. The only defendant of consequence was Fred W. Frahm, then Superintendent of Detroit police.

That first warrant gave little hint of cases still to come--cases against the Wayne County sheriff and prosecutor, the Mayor of Detroit and many others.

The big question today in the minds of the political hunch-players was whether history would repeat--whether the Carr grand jury also had in mind warrants of wider scope and involving persons in higher places.

From the grand jury there was no answer. . . .

What Judge Carr may have in mind, only he and his aides know.

But in the Capitol and around it, there is the definite impression that Saturday's warrant is merely the precursor of others--and Judge Carr means business.²⁹

On the editorial pages there was ample praise for Judge Carr and Kim Sigler's efforts and for the grand jury structure itself.

²⁸Kenneth McCormick, "One Finance Firm Official Admits Guilt," Detroit Free Press, Jan. 25, 1944.

²⁹Carl B. Rudow, "Startled Lansing Senses 'Another Ferguson'," Detroit News, Jan. 24, 1944, p. 4.

Although the indictments and warrants issued by the grand jury do not constitute proof of guilt, the fact that Judge Carr has found basis for such accusations is shocking to those interested in honesty in government. . . .

Charges growing out of the grand jury proceedings indicate that representatives of various special interests assiduously look out for the welfare of such interests at the expense of legislation in the public interest.

Inasmuch as Michigan citizens interested in integrity in government cannot, or would not want to if they could, compete with some of the lobbyists, their best opportunity to provide the kind of government they want would seem to be at the polls. . . .

In the meantime, Michigan citizens will generally be gratified at the evidence that Judge Carr and Kim Sigler . . . are working with their sleeves rolled up. There seems to be much important work to do but the job appears to be in capable hands.³⁰

The Detroit Free Press and Detroit News were more vocal in their support of grand jury results. In a column headlined, "At Last!", the Free Press called the grand jury indictment more proof for the "desperate need" of reorganization of the Wayne County government, more than half of whose members had been caught in the indictment's "drag-net."

The Free Press has revealed the rottenness in the county government and the Carr grand jury now makes more evident than ever how that corruption has taken over the government of the State.

Will the rest of Michigan come now to a realization of what it is the Free Press has been fighting for? . . .

The present batch of indictments has to do with laws paid for dealing with the regulation of small loans, touching upon the pitifully poor. For this it is charged these men received a total of \$25,000.

That, we are given to understand, is mere chicken feed compared to what is yet to come.

³⁰"The Public Interest," Editorial, State Journal, Jan. 25, 1944, p. 4.

Judge Carr and Prosecutor Sigler are to be congratulated on a splendid start in cleansing the halls of legislation and the whole State of Michigan from the stench which has blighted our government for lo these many years.³¹

The warrants returned by the Judge Carr grand jury alleging bribery in connection with enactment of the small loan law are . . . an excellent start . . . and a promise that legislative graft is going to be unearthed and punished, no matter where or how far the investigations may lead.

It is, incidentally, another vindication of the one-man grand jury procedure for dealing with any case of corruption or conspiracy to corrupt in public life.

Given an energetic judge and prosecutor, such as we again see in action in these cases, there evidently is no better procedure, no better scourge for betrayers of public trust. . . .

Even at this stage, . . . the observation is invited that Judge Carr's investigation plainly is destined to be one of the most healthful influences for honesty and decency in public life that Michigan has experienced in a generation.

Corruption at Lansing long had been a subject of rumor, more destructive of respect for government than the truth itself. . . .

We are now going to get the truth, and the start made, as stated, gives wholesome promise that it will be the whole truth. . . .³²

As the State Journal reported that the "veil of secrecy dropped once more on the jury's proceedings," an editorial on page four reiterated an earlier statement that "no one should lose sight of the fact that accused persons are considered innocent until they are proved guilty. . . ."³³

³¹"At Last!", Editorial, Detroit Free Press, Jan. 24, 1944, p. 18.

³²"Grand Jury Results," Editorial, Detroit News, Jan. 24, 1944, p. 10.

³³G. Milton Kelly, AP, "Jury Probers Back at Work," State Journal, Jan. 26, 1944, p. 1.

One of the most serious aspects of offenses by public officials is the fact that they are liable to raise doubts in the minds of the people as to the integrity of other officials. . . . Each case [should] be considered separately on its merits by the public and there [should] be no snap judgments in advance of formal judgment.³⁴

The end of January signaled the impending special session Governor Kelly had called prior to the grand jury investigation and "with 21 members and former members under arrest on charges of conspiracy, bribe soliciting or bribe taking, one member in prison serving a sentence for perjury before the grand jury which obtained arrest of the others, and Judge Leland W. Carr's investigation still under way, leaders said they expected Governor Kelly's appeal for unprecedented speed in disposing of the work would be heeded gladly."³⁵ "No. 1 responsibility" of the special session, according to Kelly, would be a bill he drafted which, if accepted by the Legislature, would give Judge Carr a free hand to direct the spending of grand jury funds.³⁶

The appropriation passed both Houses without dissent the same day it was introduced.³⁷ It made available to Carr \$150,000 subject only to his vouchers and a final

³⁴"Right of Trial," Editorial, State Journal, Jan. 26, 1944, p. 4.

³⁵"Session to Open in Probe Shadow," State Journal, Jan. 29, 1944, p. 1.

³⁶Hub M. George, "Boost Sought in Jury Fund," Detroit Free Press, Jan. 29, 1944, p. 1.

³⁷James M. Haswell, "Carr Voted \$150,000 to Probe State Officers," Ibid., Feb. 1, 1944, p. 1.

check by Auditor General Vernon J. Brown. In effect it made available \$25,000 or more in excess of the residue of funds originally provided in September by the Little Legislature.³⁸ "No strings would be attached to prevent use of the money for inquiry into governmental phases other than the influencing of legislation or the prosecution in Ingham County courts of indictments, the matters which Judge Carr asked to be clarified"³⁹ by the Little Legislature. The governor's signature to the measure on February 3 gave Judge Carr complete sanction and formally left Attorney General Rushton "without voice as to grand jury finances."⁴⁰

Meanwhile, three days before the special session met, one of the indicted legislators, seventy-seven-year-old Miles M. Callaghan of Reed City, had pleaded guilty to the grand jury charges of graft conspiracy.⁴¹ Declaring that he was ready to "make a contribution to good government by helping to clean up what appears to be a dirty mess in the Legislature,"⁴² Representative Callaghan indicated he would appear as a prosecution witness along with guilty Ernest J. Prew, when the other defendants were

³⁸George, "Boost Sought in Fund," p. 2.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Kenneth McCormick, "Callaghan Pleas Guilty to Charge," Ibid., Jan. 30, 1944.

⁴²Ibid.

to be called for their hearing.⁴³ On February 1, Callaghan resigned from the House,⁴⁴ followed a day later by Representative Stanley J. Dombrowski, of Detroit, who had been returned from Jackson Prison to face new grand jury charges.⁴⁵

The Detroit Free Press disclosed in its February 1 story that Senate action on the grand jury appropriation had been featured by "strong protest" from three Detroit senators against the alleged employment of Charles Spare, of Detroit, as a grand jury investigator. Said Senator Stanley Nowak, who had sought a delay in passage of the appropriations bill, "Spare was an organizer of the Black Legion, he was a leader of the Ku Klux Klan, he is the instigator of strikes in Detroit factories, . . . he is anti-Negro and anti-Catholic, and his prestige on the staff will lend no prestige to the grand jury."⁴⁶ Although Judge Carr initially denied any grand jury connection with Spare⁴⁷ and Special Prosecutor Sigler refused to comment,⁴⁸ the State Journal published for three days of related

⁴³G. Milton Kelly, AP, "Callaghan Enters Plea of Guilty," State Journal, Jan. 30, 1944, p. 1.

⁴⁴Kenneth McCormick, "Rep. Callaghan Quits Seat in Legislature," Detroit Free Press, Feb. 1, 1944, p. 1.

⁴⁵Hub M. George, "Dombrowski Resigns His Seat in House," Ibid., Feb. 2, 1944, p. 1.

⁴⁶Haswell, "Carr Voted \$150,000," p. 2.

⁴⁷Ibid.

⁴⁸"Ignore Attack on Jury Sleuth," State Journal, Jan. 31, 1944, p. 1.

stories dealing with Spare and the "controversy" that had developed from a radio broadcast by Walter Winchell criticizing Spare's background and the fact that some of the legislators indicted by the Carr grand jury were interrogated by Spare.⁴⁹ Asking editorially for an explanation--which it never received--the State Journal said: "It would appear . . . that the grand jury owes it to itself and to the state as a whole to clear the atmosphere by setting forth the real facts as soon as reasonably possible on the allegations against purported grand jury investigator Charles Spare."⁵⁰

On the eve of the February 28 hearing, the Detroit Free Press ran a story headlined, "Carr to Sit as Examiner." Describing for its readers the background of Carr, who, in addition to conducting the one-man grand jury which originally indicted the defendants, could also, under Michigan statutes, sit as their examining magistrate, the newspaper reported:

The procedure of an examination is similar to a trial without jury. After the evidence is on record, the Court rules on whether any or all will be held for trial.⁵¹

Carrying comments from the Special Prosecutor, the Free Press quoted Sigler as saying that a battery of star

⁴⁹Howard Rugg, "To Ask Light on Probe Aid," Ibid., Feb. 3, 1944, p. 1.

⁵⁰"What Are the Facts?" Editorial, Ibid., Feb. 4, 1944, p. 8.

⁵¹Kenneth McCormick, "Carr to Sit as Examiner," Detroit Free Press, Feb. 26, 1944.

witnesses would testify at the hearing, backed by considerable documentary evidence exposing methods by which the three bills involved in the warrant were bought and paid for. "It will be a sordid story, Sigler said, "which the electorate will not relish, containing allegations of undercover operations of pay-off men buying legislators' votes for and against unwanted bills, using cash, liquor and pretty women as media of barter."⁵² Since making the "ominous" announcement when the warrant was issued that it was just the beginning, Sigler and "ponderous Judge Carr, working early and late, have questioned an average of five witnesses a day . . . but maintaining strict silence on what, if anything, they had learned as to whether Michigan's government contains dark corners into which the cleansing sunlight of public gaze should be shone, and furtive, unwholesome things in those corners driven out."⁵³

As the examination got underway, following a statement from one of the eleven defense lawyers objecting to Judge Carr sitting as the examining magistrate after issuing the warrant,⁵⁴ the State Journal ran a biography describing the two main characters in the grand jury.

⁵²G. Milton Kelly, AP, "Grand Jury Set to Rip Off Its Secrecy Mask," State Journal, Feb. 27, 1944, p. 1.

⁵³Ibid.

⁵⁴"Carr Rejects Challenges as Hearing Opens," Ibid., Feb. 28, 1944, p. 1.

The judge is massive, ponderous, slow-spoken, stern but kindly and famed for his wisdom and knowledge of law. Simple in tastes and dress, he is more interested in courtroom decorum and analysis of the facts at issue before him than in the crease of his trousers or the cut of his coat. A one-time schoolmaster, he is a sober and scholarly man, built for durability and not for speed, willing to sacrifice style for comfort any day.

Beside him is Kim Sigler, his special prosecutor, other half of the grand jury team--a fighter in picturesque garb. He is a whip of a man, tough, slender and tall--but dwarfed by the judge--a striking figure whose silvery hair has one lock. It is difficult to say whether he is prouder of his reputation as an able trial lawyer, or of his unorthodox, flashy velvet-collared topcoats, pearl gray vests and beribboned spectacles.

Brethren of the courts will tell you he is a foe with whom to reckon; that it is a mistake to judge him by his clothes. A fighter's eyes stab through those spectacles, bore into a witness and probe for the truth. . . .

Sigler is a prodigious worker. Much of his success came from tireless research into any case he handled. Other lawyers respect this ability and his ability to capitalize on it with a quick mind and sharp wit, a gift for analytical statement, knowledge of the law.

He has made enemies as the grand jury prosecutor, and unworriedly realizes it. He concedes a "Michigan Society of guys who don't like Kim Sigler" would have a rather long membership roll, but like other things he deems to be unimportant he brushes that aside: "The hell with it. I'm not running for any political office, and you can underscore that."⁵⁵

Lasting for a period of seven days, the conspiracy examination resulted in Judge Carr binding over all twenty-two of the defendants, not counting the two men who had pleaded guilty and two others beyond the immediate efforts of subpoena.⁵⁶ Acting magistrate Judge Carr had ruled

⁵⁵"Probe Judge, Prosecutor Offer Study in Contrasts," Ibid., Feb. 28, 1944, p. 1.

⁵⁶G. Milton Kelly, AP, "Judge Orders 22 Bound Over in Graft Case," Ibid., March 6, 1944, p. 1.

against the defendants primarily on the revealing testimony of three men intimately involved in the conspiracy-- Ralph W. Smith, Miles M. Callaghan, and Major Charles F. Hemans.

Smith, who at the time was a small loan company operator, testified that a group of his colleagues in the small loan and finance company business had employed Hemans--whose name was linked early in the grand jury investigation--as their legislative lobbyist to buy votes in the legislature. With more than \$8,000, which Smith testified was raised by assessing the companies, Hemans had maintained a suite of rooms in the Hotel Olds in Lansing and maintained a bar in one particular room. The "slush fund" was raised to combat legislation proposed by the small companies' major rival--Household Finance Company--to strictly regulate small loan and personal finance companies in a manner they contended would injure them.⁵⁷ Concluding his testimony at a late night session on March 1, Smith asserted that bribery "was the only thing to do with certain members of the Legislature to obtain their votes for certain legislation."⁵⁸

Continuing the conspiracy testimony, former Representative Miles M. Callaghan was put on the witness stand

⁵⁷"Witness Tells of Slush Fund to Buy Votes," Ibid., March 1, 1944, p. 1.

⁵⁸"Calls Bribery Only Sure Way to Fix Votes," Ibid., March 2, 1944, p. 1.

at the night session of March 3 and testified Charles Hemans had paid him a total of \$450 in three installments for his votes on the small-loan legislation.⁵⁹ As other individuals involved in the bribe machinery testified throughout the session, prosecutor Sigler dictated into the record a statement that he would prove that twenty members of the 1939 legislature had received bribes from Hemans in the bathroom of his hotel suite.⁶⁰ To prove his statement Sigler obviously needed the testimony of Major Hemans, who until that point, had been stationed in Washington, D. C.

Hemans was a former, good lawyer who became a lobbyist. He wined and dined legislators and kept the price of each one in his little black book. Not all of them took money [to influence their voting]. Some took clothing, booze, even a set of teeth. Those who took money had prices ranging from \$750 down to \$100.

When the grand jury caught up with Hemans through hearsay on his little black book, grand jury investigators found the book. Kim Sigler spent a lot of time convincing Major Hemans to leave Washington and testify on his book. Sigler appealed to his mutual patriotism to clean up the legislative mess.

Sigler got Charles Hemans a leave from the Army and he became the key to the fifty-five some indictments that came out of the grand jury.⁶¹

A page-one story in the March 5, 1944, issue of the Detroit Free Press running across two columns and down the

⁵⁹Kenneth McCormick, "Callaghan Bares Deals on Loan Bills," Detroit Free Press, March 3, 1944.

⁶⁰G. Milton Kelly, AP, "Callaghan Testifies He Accepted \$150 Bribe from Chas. Hemans," State Journal, March 3, 1944, p. 1.

⁶¹Allan J. Nieber, Interview, Dec. 15, 1970.

length of page one carried the expose produced by star witness Charles Hemans' testimony. "Amazing stories of petty chiseling by state legislators and intimate details of their drinking habits were read into the record of the legislative-graft grand jury Saturday as Maj. Charles F. Hemans, former University of Michigan regent and an admitted lobbyist, told how he bought the votes of 20 senators and representatives in the 1939 session of the legislature."⁶² To his hotel room and from there into the bathroom, which was called the "library," flocked an "endless parade of legislators, whose palms were lined when they needed money," Hemans testified, as a payoff for votes in connection with the bills to regulate small-loan automobile financing.

A boxed side bar inset midway down the Free Press story described the surprise with which Hemans' testimony was received. The kicker headline read, "Story Stuns Friends," while the headline described "'Chuck' Hemans in Gay Mood":

Maj. Charles F. Hemans on the witness stand Saturday was in rare form--the same suave, dapper, smiling, likable "Chuck" whom Lansing has known and laughed with since boyhood. The sordid story of bribery and corruption he told, however, struck a stunning blow to his hundreds of friends.

The name Hemans has been honorably known in Ingham County for decades. . . .

In the courtroom Saturday Maj. Hemans hailed his friends with his usual smile and jest. "Nope, haven't been in Washington lately, been in Shangri-La," he said, with an airy wave of his hand toward a grand jury bodyguard. The remark indicated he had been in custody for several weeks.⁶³

⁶²Kenneth McCormick, "Tale of Chiseling, Drinking, Bared," Detroit Free Press, March 5, 1944, p. 1.

⁶³Ibid.

Prior to Hemans' testimony on the individual pay-off phase, the State Journal carried his remarks in which he described what condition the state legislature was in during 1939 and even two years earlier when as a lobbyist he paid off some legislators.⁶⁴ Hemans stated that "there existed in this state over a period of years a progressively and increasingly malignant system under which the payment of bribes for certain purposes became necessary."⁶⁵

Whether you liked it or didn't like it, you had to do this thing. Not only I but others bumped into the same situation. It came to a point where logic and reason no longer served to obtain results.

Many of the men may have been honest, but because of this system they accepted these payments.⁶⁶

Continuation of Hemans' testimony in the Sunday State Journal of March 5 won a nine-column banner headline: "Hemans' Story of Graft!" Two decks ran beneath the major headline, while the story itself, set in boldface oversize type, ran down columns eight and nine. On March 6, "apparently satisfied that the 1939 session of the legislature had been shot through with graft conspiracy,"⁶⁷ Judge Carr ordered the twenty-two respondents to stand trial in

⁶⁴Ibid.

⁶⁵G. Milton Kelly, AP, "Hemans Begins Own Story of Capitol Graft," State Journal, March 4, 1944, p. 1.

⁶⁶Ibid.

⁶⁷Kenneth McCormick, "24 Held for Trial in Capitol Bribery," Detroit Free Press, March 7, 1944.

the March term of the Ingham County Circuit Court.⁶⁸ The State Journal, in a recapitulation of the seven-day hearing, reported:

Judge Carr, whose one-man grand investigating state government returned the warrant, over-ruled a series of motions for dismissal by any or all the defendants. These included a challenge of his authority to preside at the examination after having conducted the grand jury, a practice which the supreme court has already upheld, and contentions that evidence was lacking or that the defendants had been deprived of their constitutional rights to due process of law.

Kim Sigler, special prosecutor, countered that "counsel was confused on the law and have forgotten the facts."

He reviewed the testimony of witnesses and declared this was sufficient to convince any reasonable and cautious man there was reason to believe a crime had been committed and that the respondents committed it. The judge upheld the view.⁶⁹

In Hemans' concluding testimony, the Journal reported Hemans as testifying that he was visited by several of the defendants in Washington both before and after issuance of the warrant to discuss "what was to be done" and "the impending matter of the grand jury."⁷⁰ The "reports" he had received were tagged by prosecutor Sigler as the "possible leaks" in grand jury matters that had plagued the

⁶⁸Kelly, "Judge Orders 22 Bound Over in Graft Case."

⁶⁹Ibid.

⁷⁰Ibid.

investigators in the fall of 1943.⁷¹ On cross examination, Hemans also revealed he had been granted immunity.⁷²

Following the completion of the graft examination, a page-one story in the March 7 edition of the State Journal read: "Expecting New Break Soon in Jury Inquiry," as G. Milton Kelly, an Associated Press reporter, sought to peer through "a fog of baffling questions" that "remained in the wake of the respondents' examination." Foremost in the examples given by Kelly was the statement that only one page from lobbyist Hemans' "little black book" had been placed in evidence, out of a diary of nearly 300 pages. Sigler, backed by Judge Carr, had refused to allow defense attorneys to turn the pages of the book on grounds that notes written on them had a bearing on other cases then under grand jury probe. Kelly also quoted Judge Carr as saying the grand jury would begin fresh analysis of new information developed at the examination and "resume its exploration of other avenues."

Only five days after his first appearance on the witness stand, Charles Hemans was back on page one again, this time charging that his life had been threatened because he gave state's evidence in the grand jury investigation. "I have been offered all the money I

⁷¹"Grand Jury Jots," State Journal, March 6, 1944, p. 2.

⁷²Kelly, "Judge Orders 22 Bound Over in Graft Case."

needed for life to 'clear out' and seek sanctuary in distant countries."⁷³ His prepared statement, which was handed to newsmen in Sigler's presence, contended he was offended over the label "briber" and said that, while he was forced to pay extortion money to those in a position to demand it, he was now branded as a culprit.⁷⁴ The State Journal editorially scolded the lobbyist's bemoaning:

Mr. Hemans is not convincing when he pictures himself as the helpless victim of what he terms extortionists. . . . Mr. Hemans . . . says he never paid a dollar to anyone in the belief that it was in the nature of a bribe. As an attorney, [he] should certainly know that what he did constitutes a bribe.

The prompt exposure of [such] solicitation of bribes might be expected to aid in eliminating a "system" such as Mr. Hemans has complained of.⁷⁵

A short news story in the April 21 Detroit Free Press took up only a few column inches in analyzing Sigler's cancellation of an impending speech as an indication that "New Graft Jury Action Hinted." Although small, the story was correct in its estimate as, less than two weeks later, a lobbyist for the Michigan Truckers Association was convicted for

⁷³G. Milton Kelly, AP, "Hemans Claims Threat on Life in Graft Case," State Journal, March 8, 1944, p. 1.

⁷⁴Ibid.

⁷⁵"Not Convincing," Ibid., March 10, 1944, p. 6.

contempt of court⁷⁶ and the grand jury handed down its second major warrant.⁷⁷

Newspapers cited in the study were not as dramatic in their front-page coverage of the second grand jury warrant, with only the Detroit News running an eight-column banner headline complete with the story set two-column wide measure to report the January warrant. "A bribe plot to influence Legislators on the 1939 intangibles tax law--a statute involving revenue from tens of millions of dollars in 'hidden wealth'--was charged to 14 defendants today in a warrant issued by the Carr-Sigler graft grand jury,"⁷⁸ the News reported. Five finance company officials and nine past and present legislators were named in the blanket warrant. Twelve of the fourteen named were reported as already awaiting trial on the first grand jury warrant involving the small loan legislation.⁷⁹

The Intangibles Tax Law, reported the Free Press, was passed in 1939 to put a specific annual tax on the ownership of money, stocks and bonds, and other intangible

⁷⁶Kenneth McCormick, "Lobbyist is Given 30 Days by Carr," Detroit Free Press, April 26, 1944, p. 1.

⁷⁷G. Milton Kelly, AP, "Jury Indicts 14 for Bribes on Tax Bill," State Journal, May 2, 1944, p. 1.

⁷⁸Allan J. Nieber, "14 Named by Bribe Jury," Detroit News, May 2, 1944, p. 1.

⁷⁹Kenneth McCormick, "Grand Jury Names 14," Detroit Free Press, May 3, 1944.

forms of wealth.⁸⁰ Amended over the objections of its originator, Senator George P. McCallum, of Ann Arbor, the bill contained so many exemptions for the benefit of special interests that the State Revenue Department had called it "more an exemption bill than it is a tax bill."⁸¹ Legislators "loaded" the intangible tax bill with amendments in both the House and Senate and word spread at the time that its foes were trying to "amend it to death," but a compromise draft finally was evolved which McCallum said was "a mess," but better than no bill.⁸²

In keeping with their earlier precedent, no hint regarding the nature of the evidence against the defendants was given by either Judge Carr or Sigler. Sigler said that the full outline of the plot would be revealed at the examination.⁸³ He called the warrant but one of a series that would result from the taking of testimony of scores of witnesses, and that bigger ones were to come. "For a period of weeks Sigler and Judge Carr have worked from 8 or 9 a.m. to nearly midnight and frequently much later, six days a week, putting witnesses through the mill to get together the story of graft they contend exists."⁸⁴

⁸⁰Ibid.

⁸¹Kelly, "Jury Indicts 14. "

⁸²Ibid.

⁸³McCormick, "Grand Jury Names 14."

⁸⁴Kelly, "Jury Indicts 14. "

Later in the week, as Judge Carr jailed ex-liquor store clerk Joseph P. Viviano, of Detroit, for perjury--causing speculation that "pay dirt had been struck in the investigation of the state liquor set-up"--⁸⁵ the Detroit Free Press localized for its readers on the editorial page what the intangible tax law meant to citizens:

The grand jury warrants returned earlier against present and former legislators were enough to suggest the rottenness of the situation obtaining at recent sessions of the Legislature. The new group of warrants . . . make plain the longterm harm that can be done by men with larceny in their hearts.

The guilt or innocence of the group is for the courts to decide. But the degree of gross misrepresentation of the State's welfare may be judged by the operations of the law in question since it was enacted.

Kenneth J. McCarren, City Assessor, says that the intangible tax law has cost Detroit and Wayne County \$13,500,000 in the last five years. "It's absolutely the worst tax law enacted by any legislature anywhere. Exemption amendments, ceilings and limitations--about which Judge Carr and Special Prosecutor Sigler complain--smell worse than a pigsty." . . .

Michigan lost. Detroit and Wayne County lost. And once more it is demonstrated beyond cavil that the people are at the mercy of a system which encourages mediocrity, incompetence and venality. . . .⁸⁶

As a follow-up to the Free Press editorial, the State Journal reported on May 8 that Governor Kelly had requested the State Bar to undertake the study of legislative processes as a means of seeking corrections for the "evils shown by the Carr probe."⁸⁷

⁸⁵Kenneth McCormick, "Carr Jails Ex-Liquor Store Aide," Detroit Free Press, May 5, 1944, p. 1.

⁸⁶"How One Law Worked," Editorial, Ibid., May 4, 1944, p. 16.

⁸⁷"Bar to Study Legislature," State Journal, May 8, 1944, p. 1.

With the examination of the fourteen conspiracy defendants held up by the failure of two of them to appear for a hearing,⁸⁸ the State Journal ran a page one five-column headline disclosing "Another Legislator Accused." Representative William C. Stenson, whose "amazing story of a proffered bribe was a motivating factor" in the calling of the one-man grand jury investigation was accused of perjury by the Carr grand jury. Stenson was charged with giving false testimony by denying under oath that fellow member of the House of Representatives also had paid him a sum of money to influence his vote on the anti-branch banking bill in 1941. As he left the courtroom, Stenson told newsmen, "this looks like a frame-up to me. I stepped on somebody's toes, I guess."⁸⁹

The scope of the grand jury probe publicly expanded in the middle of May, 1944, as Judge Carr rescinded the secrecy order that had kept hidden the widened investigation, under threat of contempt of court, since December 29, 1943.⁹⁰ The first indication had been given in the Free Press that Joseph P. Viviano's involvement in the investigation meant

⁸⁸Kenneth McCormick, "Sigler Raps 2 Suspects for Delay," Detroit Free Press, May 13, 1944.

⁸⁹State Journal, May 14, 1944, p. 1.

⁹⁰Kenneth McCormick, "Grand Jury Opens New State Probe," Detroit Free Press, May 17, 1944.

Judge Carr was examining the State Liquor Commission members and personnel.⁹¹ By May 17, Judge Carr had bound ex-liquor store clerk Viviano over for trial⁹² and had found Thomas McMasters, vice-president and general manager of the Arrow Distilleries, Detroit, guilty of contempt of court for giving evasive answers and refusing to answer "proper questions by the grand jury."⁹³ In addition, the fact that Judge Carr's grand jury "is in possession of 'reliable information' that a gigantic liquor conspiracy which defrauded the State of 'upward to \$70,000'" was revealed Tuesday.⁹⁴

The Free Press reported that the petition for expanding the grand jury's scope, which was officially placed in the court record at the perjury examination of Joseph Viviano,⁹⁵ also revealed that the jury had evidence that a similar conspiracy existed in the State Highway Department in the letting of contracts and work on highway projects "with the intent of defrauding the State of substantial sums."⁹⁶

Specifically, Kim Sigler, acting as complainant in the expansion petition, charged

⁹¹McCormick, "Carr Jails Ex-Aide."

⁹²G. Milton Kelly, AP, "Two Feel Ire of Court in Liquor Probe," State Journal, May 16, 1944, p. 1. (McMasters later purged himself of the charge.)

⁹³McCormick, "Grand Jury Opens Probe."

⁹⁴Ibid.

⁹⁵Ibid.

⁹⁶Ibid.

that members of the Liquor Control Commission conspired with the Star Transfer Company of Grand Rapids to defraud the state by providing the company with large sums of money based upon overcharges and improper bookkeeping entries. In the allegations against the highway department the petition asserted that members conspired to furnish campaign funds for various candidates seeking election for the purpose of influencing their votes in the event of election, in addition to the fraudulent letting of contracts and highway work.⁹⁷

During the next few days, the newspapers carried the appointment of John Simpson, junior judge of the Jackson County Circuit Court, as trial judge for the legislative graft cases, the first of which was scheduled for trial on June 12.⁹⁸ Two days later, on May 26, Special Prosecutor Kim Sigler announced the trial site would be held at the Ingham County Courthouse at Mason.⁹⁹

On Monday, May 29, the twice-postponed examination of fourteen legislators and finance company officials began. Armand Robichaud, public relations counsel of the Beneficial Management Corporation, who was outside the state and had not surrendered to the

⁹⁷Background on the conspiracies is taken from McCormick, "Grand Jury Opens Probe," and "Reveal Liquor, Highway Plots Being Probed," State Journal, May 17, 1944, p. 1.

⁹⁸"Appointee is Former Legislator," Detroit Free Press, May 25, 1944, p. 1.

⁹⁹Lloyd Moles, "Mason to Get Graft Trials," State Journal, May 26, 1944, p. 1.

jurisdiction of the Ingham court was missing from the hearing.¹⁰⁰ With testimony again from Detroit finance company official Ernest J. Prew¹⁰¹ and former lobbyist Charles Hemans, who related how he used funds in 1939 from a "jackpot" raised by five of the defendants to bribe the other nine, all thirteen defendants, again appearing before acting examining magistrate Judge Carr, were bound over for trial.¹⁰²

As the first of the graft conspiracies approached the trial date, the grant jury warrant and the grand jury itself came under attack for a second time by defense attorneys involved in one of its cases. Three separate motions from six of the twenty-three defendants accused on the small loan and finance bills were filed, charging the warrant was defective and should be quashed; that Judge Carr should not have sat as their magistrate in their circuit court examination after their arrest, and that the defendants were denied due process of law.¹⁰³ Prosecutor Sigler said all of the motions to quash followed a pattern of contending that the law under which Judge Carr sat as a

¹⁰⁰Kenneth McCormick, "14 to Be Examined in Bribery Case," Detroit Free Press, May 29, 1944, p. 11.

¹⁰¹"Funds Raised to Half Tax Bill, Prew Says," Ibid., May 30, 1944, p. 1.

¹⁰²G. Milton Kelly, AP, "Hemans Tells New Story of Paying Bribes," State Journal, May 31, 1944, p. 1.

¹⁰³"One-Man Jury Law Attacked," Ibid., June 3, 1944, p. 1.

one-man grand jury and caused their arrest was unconstitutional.¹⁰⁴

On June 6 Judge John Simpson overruled the defense's contention that the one-man grand jury law was unconstitutional, and defense counsel Walter M. Nelson said he would appeal on behalf of his client, Senator Jerry T. Logie of Bay City, to the Michigan Supreme Court for a ruling on the law before the trial date of June 12.¹⁰⁵ Nelson based his application for writs to prohibit the trial through challenging the law's constitutionality on the grounds that it made the judge also act as the prosecutor. In addition, he contended Judge Simpson exceeded his jurisdiction in denying the motion to quash the indictment.¹⁰⁶ On June 9, the Supreme Court handed down its ruling, refusing to delay the scheduled start of the trial without prejudice to later raising the question after the trial of the one-man grand jury's validity.¹⁰⁷

While the courts argued the validity of the one-man grand jury, Judge Carr and Prosecutor Sigler continued their investigation, and on Sunday, June 4, they issued a

¹⁰⁴Ibid.

¹⁰⁵"Graft Defendants' Motions Denied," Ibid., June 9, 1944, p. 1.

¹⁰⁶Kenneth McCormick, "Graft Trial Delay Denied," Detroit Free Press, June 10, 1944.

¹⁰⁷"Graft Trial Delay Denied by Court," State Journal, June 9, 1944, p. 1.

third warrant charging former Lieutenant Governor Frank Murphy and four officials of two Detroit liquor distilleries with conspiracy to bribe to obtain enactment of a 1941 law reducing the license fee on liquor manufacturers.¹⁰⁸ The measure involved was Senate Bill 203, which amended the 1933 Liquor Control Act to reduce the annual license fee of spirits manufacturers from \$5,000 to \$1,000. The reduction affected only the Arrow and Mohawk Liquor Corporations--both named in the warrant--and resulted in the annual loss of \$8,000 in state revenue.¹⁰⁹ Prosecutor Sigler said the warrant was based on evidence that "several thousand dollars" had been paid as bribes to influence the fate of the measure, and that the companies and officers gave bribes, with Murphy acting as both taker and dispenser of "money and other things of value."¹¹⁰

Three days later, after disclosing he would plead guilty,¹¹¹ former Lieutenant Governor Murphy confessed in court that he had received a total of \$2,500 in bribes during his term in office and offered to return the money as a partial atonement for the offense. Murphy was suffering from a heart ailment. "I don't know whether it is 60

¹⁰⁸G. Milton Kelly, AP, "Ex-Lieut. Gov. Murphy Named in Warrant," Ibid., June 4, 1944, p. 1.

¹⁰⁹Kenneth McCormick, "Liquor Firms Named," Detroit Free Press, June 4, 1944, p. 1.

¹¹⁰Ibid.

¹¹¹"Await Plea of Guilt," State Journal, June 5, 1944, p. 1.

days or 60 years that I have before me to live. I would rather have that off my mind than to leave an inheritance of that type to my children."¹¹² With the four liquor company officials still to be arraigned, examination of the charge was postponed until after the impending graft trial.¹¹³

Starting out with a defense made up of "one of the biggest legal staffs ever assembled for a single case in Michigan,"¹¹⁴ and a jury that was finally seated seven days after the initial opening,¹¹⁵ the first of the legislative graft trials got underway on June 19.¹¹⁶ With Kim Sigler conducting the prosecution and Charles F. Hemans and his "little black book" billed as the star witness, the trial moved on into August, 1944, before the prosecution and defense wound up their examinations. As Sigler gave his closing arguments on August 7 before the jury of Ingham County residents, he linked the conviction of all twenty-two defendants as a blow in the cause of democracy over totalitarianism.

¹¹²G. Milton Kelly, AP, "Murphy Admits Graft Charges," Ibid., June 7, 1944, p. 1.

¹¹³Kelly, "Murphy Named in Warrant."

¹¹⁴G. Milton Kelly, AP, "Legislative Graft Trial Opens Monday," State Journal, June 11, 1944, p. 1.

¹¹⁵"Mason Graft Jury Completed," Ibid., June 18, 1944, p. 1.

¹¹⁶G. Milton Kelly, AP, "Trial Finally is Underway," Ibid., June 19, 1944, p. 1.

This case involves the most sacred right of democracy--the right to make our laws. . . . The lethargy of the people of Germany and France caused dictatorship. When our lawmakers become crooked and dishonest, God pity America.

The most sacred thing that can come to a man is to hold public office in a democracy. Yet these lousy individuals raised their right hands to God, took solemn oath to uphold our Constitution and laws [as] public officials and took graft and put it in their filthy pockets. . . .

The situation is so bad in this great state that he [Hemans] couldn't even make a graft payment all at once. He had to pay a little down and a little at a time so they would keep the deal.¹¹⁷

In a final summation on behalf of his clients, former Senators D. Steven Benzie and Henry F. Shea, Lansing attorney Roy T. Conley resorted to what the Detroit Free Press called "personal attack against special prosecutor Kim Sigler in an effort to win acquittal for his client"¹¹⁸ at the conspiracy trial. Although not carried in the Free Press, Conley's closing arguments provided an early look at facets of Sigler's operation that would plague the grand jury's validity in 1946 and perhaps indirectly result in the law's major revision in 1949. Specifically, Conley accused Sigler of coaching key prosecution witnesses, suppressing certain evidence (during the trial) as it suited him, making prejudicial remarks for the jury's benefit, and trading favors with witnesses for their testimony. The Lansing attorney suggested that Sigler bargained with Charles

¹¹⁷"Sigler Pleads for Conviction," Ibid., Aug. 7, 1944, p. 1.

¹¹⁸Kenneth McCormick, "Defense Plea Raps Sigler," Detroit Free Press, Aug. 9, 1944.

Hemans and another prosecution witness, former Senator Joseph C. Roosevelt, giving them grand jury expense accounts and promises they could "walk from the courtroom free men in exchange for their testimony about payoffs they said they made to legislators."¹¹⁹ Conley charged that testimony showed that Roosevelt also received from the grand jury living allowances for his family, while Hemans obtained a pleasure trip "on tires and gasoline you and I would probably like to have."¹²⁰

The outcome of the trial on August 13 was given major play in the newspapers examined in this study with boldface headlines and two-column wide stories in oversize body type announcing the conviction of twenty defendants and the acquittal of two of them. Sentence imposed by Judge Simpson was three to five years for each man convicted. But of more interest to this study were an editorial and a news story published during the course of the trial and while the grand jury was continuing its investigation without its colorful prosecutor.¹²¹

On June 22, the State Journal ran an editorial in answer to one of the defendants in both of the first two conspiracy warrants, Senator Charles Diggs, who had presented a resolution to the senate to investigate the

¹¹⁹"Counsel Claim Trial 'Unfair'," State Journal, Aug. 9, 1944, p. 1.

¹²⁰Ibid.

¹²¹Kelly, "Graft Trial Opens Monday."

one-man grand jury system. The resolution had been killed in committee.¹²²

If there is anything wrong with the Michigan grand jury system it undoubtedly will be pointed out by the state supreme court at the proper time. If the legislature decided that the grand jury procedure should be changed it will undoubtedly make such changes.

In the meantime the main desire of the legislature and all citizens of Michigan would seem to be to clear up the conditions that have been indicated by the grand jury's charges and by the pleas of guilty which have been entered so far.¹²³

On July 17, a news story on page one of the State Journal reported that the State Bar of Michigan, which had been commissioned earlier by Governor Kelly to study the legislature, ordered in an opinion the immediate end of the "time-honored practice" of lawyers, who were also members of the legislature, serving as paid lobbyists or counsel for clients directly or indirectly interested in legislative action on bills. Although there was no mention of the grand jury-related probe, the state bar called the practice a violation of its canon of ethics, which declared lawyers could not serve at the same time two masters who have conflicting interests, without the knowledge and consent of each.¹²⁴

¹²²"Counter-Inquiry," Editorial, State Journal, June 22, 1944, p. 8.

¹²³Ibid.

¹²⁴G. Milton Kelly, AP, "Bar Puts Curb on Retainers for Lobbying," Ibid., July 17, 1944, p. 1.

CHAPTER III

A STRING OF SUCCESSES MARKS THE JURY'S HIGHPOINT

With its first goal attained, the grand jury announced on August 14, 1944, that it "was shifting back into high gear immediately."¹ Judge Carr had been interrogating witnesses during the graft trial at Mason and at which Sigler had acted as prosecuting attorney, and developments were imminent on "many other fronts" in the investigation.² In a summary of grand jury activities following its successful conclusion, the Free Press commented editorially:

Proponents of good government believe that Sigler and Carr conceivably can do a real job of housecleaning among Michigan's public servants.

The investigation began one year ago this month. A tale told by State Rep. William G. Stenson, Republican, of Ontonagon County, touched it off. . . .

The Free Press assigned Kenneth McCormick to follow the investigation through to its completion. As the Free Press readers know, it was his work that more than once spurred the investigation on when it had all but died. . . .³

¹G. Milton Kelly, AP, "Carr, Sigler Ready to Issue Warrants," State Journal, Aug. 14, 1944, p. 1.

²Ibid.

³"Sigler Hints at New Graft Indictments," Detroit Free Press, Aug. 14, 1944, p. 1.

Still pending before Judge Carr's court as examining magistrate were the distillery cases examination and the examination of former Representative Stenson, who had been charged by the grand jury with perjury. The State Journal reported on September 9 that Ernest Prew, one of the chief state witnesses in the graft trial and confessed briber, had been given only two years' probation for his part in the conspiracy, giving "further clarity to its [the grand jury's] policy of leniency with those who co-operate with its probe, and severity of punishment for those it accuses of hindering its work."⁴ In addition, a recapitulation of the trial confirmed that Charles F. Hemans had been granted immunity from prosecution, as well as former Senator Joseph Roosevelt and former Representative John Hamilton both of Detroit--and both instrumental in Hemans' original role as briber-lobbyist.

The grand jury returned to its work in secrecy and nothing further was publicly heard from it until November 9 when Judge Carr announced he had dismissed a warrant, issued in September, 1943, charging Francis P. Slattery with offering a bribe to a state legislator, regarding passage of the anti-branch banking bill in 1941.⁵ Emerging abruptly again from its cloak of secrecy, the grand jury sent Slattery to jail for sixty days on November 10 for

⁴G. Milton Kelly, AP, "Grand Jury's Sift Resuming," State Journal, Sept. 9, 1944, p. 1.

⁵"State Drops Slattery Case," Ibid., Nov. 9, 1944, p. 1.

contempt of court. He had given evasive and contradictory answers during questioning by prosecutor Sigler.⁶

Immediately after Slattery's commitment to jail, the Free Press reported, the grand jury reconvened and began questioning other witnesses. "The hours being put in by the Grand Jury indicate big news in the near future."⁷

With Francis Slattery's contempt sentence, the one-man grand jury came under attack again, as the banker's attorney, William Henry Gallagher, of Detroit, sought to raise new legal obstacles in the state supreme court to the progress of the jury. In arguing for writs of certiorari and habeas corpus, Gallagher challenged the constitutionality of the grand jury itself and of Judge Carr's specific action. In a single-column State Journal story, he contended that Carr had declined to disclose the facts on which he had convicted Slattery of contempt, thus hampering the attorney's defense. Gallagher also argued that if Slattery were guilty it was only contempt of the grand jury and not contempt of court, since the grand jury did not have court functions. The statute creating Michigan's one-man grand jury likewise was challenged on the grounds it permitted a judge to sit in dual administrative and judicial positions. Gallagher said that Judge

⁶Kenneth McCormick, "Gets 60 Days for Contempt of Court," Detroit Free Press, Nov. 11, 1944, p. 1.

⁷Ibid.

Carr, as a circuit judge, was barred from holding any other position.⁸

After Slattery was freed by writ temporarily from beginning his sentence,⁹ his counsel renewed the attack on the constitutionality of the one-man grand jury in a brief filed November 20 with the Michigan Supreme Court. Slattery contended that the court's decision in a previous case was lacking in logic and authority. "Every consideration of logic and principle dictates that the act is unconstitutional," the brief read. Claiming Judge Carr exceeded his authority in citing Slattery for contempt, counsel added the contention that the banker's conviction was in violation of the due process of law provision of the federal constitution.¹⁰

While seventeen respondents from the small loan legislation-graft trial were granted leave by the Michigan Supreme Court to appeal their convictions,¹¹ Special Prosecutor Kim Sigler was countering the Slattery contempt sentence with a brief filed before the court on November 27.¹² The brief established that all of the points raised by Slattery had been ruled upon years earlier by the Michigan Supreme Court.

⁸"Fights to Free Jailed Banker," State Journal, Nov. 14, 1944, p. 1.

⁹"Banker Freed by High Court," Ibid., Nov. 14, 1944, p. 1.

¹⁰"Slattery Counsel Assails Jury Law," Ibid., Nov. 20, 1944, p. 1.

¹¹Kenneth McCormick, "17 Freed on Bond by High Court," Detroit Free Press, Nov. 18, 1944, p. 1.

¹²"Brief Backs Carr Ruling," Ibid., Nov. 28, 1944, p. 1.

Constitutionality of the one-man grand jury had been first sustained in 1924, when Attorney Walter N. Nelson's contempt sentence was upheld by the higher court. Nelson at the time was being questioned in connection with the secret investigation of the Benton Harbor religious sect, the House of David. In addition, the grand jury brief pointed out that the Slattery contempt matter was identical in circumstances with those of seven cases brought to the higher court in the one-man grand jury conducted by United States Senator Homer Ferguson, then a Wayne County Circuit Judge. These cases, the brief said, had all been upheld by the higher court. To declare the statute unconstitutional, the statement summarized, would "destroy a proceedings which for a number of years has proved most effective in cleaning up graft and corruption in our state."¹³

In a December 2 Detroit Free Press story covering the Supreme Court hearing on Slattery's contempt conviction, Kim Sigler's defense of the grand jury maintained that the law was "the only means of bringing certain offenders against the State to the bar of justice."¹⁴

Since this law was adopted, the mayor of an important city, a prosecutor and many other public officials who had violated their oath of office were brought to justice by virtue of this law.

¹³"Slattery Case Hearing Friday," State Journal, Nov. 28, 1944, p. 1.

¹⁴Kenneth McCormick, "Sigler Hits New Attack on State Act," Detroit Free Press, Dec. 2, 1944, p. 1.

Throughout his argument, which preceded Sigler's, Gallagher had referred to Judge Carr as "inquisitor Carr."

"I say it's a good thing that we have men like 'Inquisitor' Carr," Sigler answered. "He has brought to justice some 17 legislators who violated their oaths and accepted bribes. . . ."¹⁵

Coincidental to the Michigan Supreme Court's consideration of the law's constitutionality was the grand jury announcement one day following the hearing of another important conspiracy indictment. By Sunday, December 3, newspapers in the study carried the story that Republican political boss Frank D. McKay and two other men were accused of conspiring to bribe unnamed legislators and influence their votes on a 1943 bill regulating the conduct of horse racing and pari-mutuel betting.¹⁶ Boldest in its reporting of this most recent grand jury action was the Detroit News, which, on page one, ran a two-line, headline proclaiming "Frank D. McKay Indicted as Racing Bill Briber." A two-column cut of McKay tied in with the News story written by Allan J. Nieber. In addition to a smaller story on page one of McKay's reaction to the warrant, the news content of page twelve was entirely devoted to the indictment, with three halftones eight columns wide showing, among others, Kim Sigler and Judge Carr accusing Frank D. McKay, "dethroned Michigan

¹⁵ Ibid.

¹⁶ G. Milton Kelly, AP, "Indict Frank McKay, Lobbyist, Legislator in New Jury Warrant," State Journal, Dec. 2, 1944, p. 1.

Republican boss," of bribery. A four-column story headlined, "Accusations Not New to Indicted Trio," said McKay, lobbyist Floyd Fitzsimmons, and Representative William Green, of Hillman, stood accused as no new experience for any one of the "ill-assorted trio." "To have the accusations substantiated is something else," the News said.

Providing background to the three indictees, the State Journal described Frank D. McKay as an industrialist, financier, and businessman, who for more than a decade was the "directing genius of the most powerful political organization Michigan has known. His word was sufficient to make or break aspirants for political office and his influence extended throughout the state."¹⁷ Having served as state treasurer from 1925 to 1930, he was a "political mystery man" working quietly, until self-styled "anti-boss" factions rebelled against his leadership and blocked him from voice in Republican nominating convention affairs in the fall of 1940. "His political star declined steadily until this year when Gov. Kelly and anti-McKay groups cut him from re-election as Republican national committeeman from Michigan."¹⁸

Once a "big shot boxing promoter," Floyd Fitzsimmons had been of late a lobbyist, especially for bills to legalize pari-mutuel betting on dog and horse races.

¹⁷ Ibid.

¹⁸ Ibid.

He was also one of McKay's old political lieutenants, the State Journal said. Representative Green, also a Republican, was then already awaiting trial from an earlier grand jury warrant in connection with legislative action on a bill to regulate the practice of cosmetology.

Drawn by Sigler, the warrant accused all three of conspiring to bribe legislators to defeat a bill to amend the Michigan horse racing law. The bill had proposed an increase in revenue to the state from races conducted by the Detroit Racing Association. While authorizing an increase from 7.5 to 10 per cent of the Racing Association's "take" from pari-mutuel bettors at the Fair Grounds track, it also had imposed a graduated participation by the state in this income, in addition to increasing the minimum daily license fee by \$1,000. The amendment had been referred to a house committee, where it was killed.¹⁹ Coming after nearly three months of work by Judge Carr and Kim Sigler, the warrant was the fourth major one issued by the Carr grand jury. There was every indication, the Free Press said, that the McKay warrant was the beginning of a series of important developments. Asked if other warrants could be expected soon, Sigler said: "Don't let your pencils get dull, boys."²⁰

¹⁹Kenneth McCormick, "Sports Promoter is Also Indicted," Detroit Free Press, Dec. 3, 1944, p. 1.

²⁰Ibid.

Sigler's warning proved true. Less than five days later, the grand jury issued its fifth major warrant charging five legislators and eight naturopathists with conspiracy to pay and accept bribes to obtain an enactment of a 1939 law to give professional standing to nature healers.²¹ The bill in question, which died in committee, was introduced by Senator Henry F. Shea, Laurium Democrat, who was earlier convicted in the small loan graft trial. The bill provided that practitioners of the arts of healing, including treatment by electrical means, massage and baths, be licensed under certain regulations which provided a penalty for violating the act.²² Prosecutor Sigler said that bribes totaling several thousand dollars were paid to two members of the senate and three former members of the house from a slush fund created by the American Naturopathic Association of Michigan.²³

The following day, December 8, the Detroit News carried the story that lobbyist Floyd Fitzsimmons had been indicted for the second time in less than a week and charged with offering a \$500 bribe to former Representative Gail Handy, Eau Claire, to influence his vote on a

²¹"Carr Names 5 Legislators in Bribery," Ibid., Dec. 7, 1944, p. 1.

²²Lloyd Moles, "Jury Accuses 13 of Healer Bid Bribery," State Journal, Dec. 7, 1944, p. 1.

²³McCormick, "Carr Names 5."

horse-racing bill during the 1941 legislative session.²⁴ The Journal disclosed that Handy had made the bribe offer public at that time, but no action was taken by Attorney General Herbert Rushton.²⁵

Less than seven hours after the issuance of the Fitzsimmons bribe warrant, Senator Chester M. Howell, of Saginaw, one of those named in the naturopathy warrant, pleaded guilty to the charge of conspiracy.²⁶ Following his plea before Judge Carr, Senator Howell read a statement "frankly admitting [his] mistakes" to "help clean up graft in . . . state government."²⁷ Howell's confession, noted the Journal, had been entirely unanticipated and "came as a shock to his wide circle of political acquaintances at the Capitol."²⁸

With only two individuals involved, the examination of Floyd Fitzsimmons on charges of attempting to bribe Representative Handy was held and concluded on December 14, with the latter testifying before Judge Carr against the lobbyist, who was bound over for trial. The Free Press noted on Handy's testimony that he had related the bribe offer to Attorney General Rushton:

²⁴Allan J. Nieber, "\$500 Race Bill Offer Charged," Detroit News, Dec. 8, 1944, p. 1.

²⁵Lloyd Moles, "Fitzsimmons is Reindicted," State Journal, Dec. 8, 1944, p. 1.

²⁶Kenneth McCormick, "Offers Help to Clean Up Graft in State," Detroit Free Press, Dec. 9, 1944.

²⁷Ibid.

²⁸Lloyd Moles, "Howell Admits Graft Guilt in Surprise Plea," State Journal, Dec. 9, 1944, p. 1.

Handy's story added another link in the strange chain of circumstances, reports and rumors which have connected Rushton's office with Frank D. McKay, Michigan Republican political boss.

Rushton told reporters that his office had done nothing about the alleged bribe offer because Handy had told many conflicting stories.

Rushton said that former Gov. Murray D. Van Wagoner and he talked it over and decided he couldn't get a conviction.²⁹

With the Supreme Court ruling on its constitutionality still pending, the Carr grand jury issued its sixth major warrant on December 16 charging two naturopaths, one house member, and five former legislators with conspiracy to corrupt the legislature in connection with a second naturopathic bill introduced during the 1941 session.³⁰ Two officials of the 1941 American Naturopathic Association spent several thousand dollars in bribes in a vain attempt to get passage of a bill granting professional status to the healing arts practitioners, Special Prosecutor Sigler said.³¹

Following Senator Howell's action, Paul Faulkner, a former Detroit naturopathist, pleaded guilty on the morning of December 21 to grand jury warrants charging he had conspired in offering a bribe to corrupt the 1939 and 1941 legislatures. Although Howell had been named only in

²⁹Kenneth McCormick, "Handy Tells Judge Carr Story of Payoff Attempt," Detroit Free Press, Dec. 15, 1944.

³⁰Lloyd Moles, "One-Man Jury Accuses Eight More of Graft," State Journal, Dec. 16, 1944, p. 1.

³¹Kenneth McCormick, "Eight Are Indicted on Graft Charges," Detroit Free Press, Dec. 17, 1944.

the earlier warrant, Faulkner, who was president of the Michigan chapter of the American Naturopathic Association in 1941, was cited in both charges in seeking to enact legislation recognizing naturopathy as a medical science.³²

Grand jury-related business continued to make the news during December with the disclosure in an Associated Press story that former Lieutenant Governor Frank Murphy had died of a heart ailment on December 25. As a confessed briber in the liquor license fee warrant, Judge Carr said his already-provided testimony would probably be no longer admissible in a trial, because defense counsel would have no opportunity to cross-examine Murphy.³³ Also of interest was the announcement on December 30 that Senator Charles Blondy was cleared of long-standing graft charges regarding his alleged solicitation of a bribe in connection with the anti-chain banking bill. Dismissal of the early indictments, which had been returned by Attorney General Rushton, also cleared Senator Charles C. Diggs, Representative William G. Buckley and former Representative Joseph L. Kaminski, all of Detroit, but all three had already been convicted in the small-loan graft trial.³⁴

³²G. Milton Kelly, AP, "Pleads Guilt in Graft Case," State Journal, Dec. 21, 1944, p. 1.

³³"Death Claims Probe Figure," Ibid. Dec. 26, 1944, p. 1.

³⁴"Graft Counts Against Four Are Dropped," Detroit Free Press, Dec. 30, 1944.

The month of December was also important as the first anniversary of Kim Sigler's appointment to the role of special prosecutor.

Exactly 12 months ago--12 exciting, eventful months for wrong-doers--a colorful Battle Creek lawyer breezed into Lansing and accepted Circuit Judge Leland W. Carr's appointment as special grand-jury prosecutor.

Onlookers were blinded by the color--a lot didn't see that the man with 40 flashy suits also possessed a thorough knowledge of law, a keen sense of responsibility and an intuitive understanding of human nature.

They would have been surprised at the idea then that Kim Sigler's solid accomplishments shortly were to steal headlines from a two-ocean war.

After what has happened in the 12 months, however, no one is surprised now when Sigler promises more revelations. His past promises have been as meticulously correct as the blending of the wild hues in his clothes of many colors.

Among those who are sure of Sigler's abilities are 834 witnesses who have gone through the "truth mill". . . .

Judge Carr knew, certain members of the Supreme Court knew, legal giants put Sigler's name first on the list for special prosecutor--if he could be persuaded to leave his lucrative practice.

Perhaps the excitement of Judge Carr's fight to save his grand jury investigation prompted Sigler's acceptance. . . .

Said Sigler on accepting the appointment:

"I intend to jump into this with both feet. The chips will fall where they may."

But then he left for five days--to "clean up some pending matters."

You'll understand Sigler's method of operation much better when you realize that most of those five days following Dec. 14, 1943, were spent on other than private business.

Actually he had been investigating every person connected with the grand jury, including newspaper reporters assigned to it.

Returning to Lansing, he called certain newspaper men together at a dinner, told them:

"I've checked up on you birds and I find you're okay. I'm going to organize a ball team here. Everyone on it must be loyal and honest. When you think I'm making an ass of myself, I want you to tell me. I'll do the same with you, if I think you're wrong."

After dinner he stroked his striking gray hair into place, then said: "We're taking a little trip." Destination was a secret "hideout" in Jackson set up for questioning witnesses.

John Dalton, former chief clerk for Rushton, was a grand jury investigator.

It turned out that the investigator was one of those Sigler had investigated.

At dawn Sigler came from the interrogation room with a sworn statement. Dalton admitted acting as chauffeur for McKay. He had driven him from Lansing to Grand Rapids.

The fact that a grand jury investigator was driving McKay around the state was sensational. But Dalton's statement added that he had been ordered to drive McKay by Rushton, himself.

Getting the statement was Sigler's first official act--the first time the chips flew.

Now he was ready to organize.

Sigler moved the Jackson "hideout" to Lansing. Investigators moved into a block of rooms in the Olds Hotel so Sigler could live with them and study them.

He preached the teamwork theme until it became a byword. He held staff meetings daily, soon organized what is known as "the breakfast club." Every member of his staff attends it each morning in a private dining room.

There he maps out the work of each investigator. Phases of jury work are discussed fully. Every investigator knows just what every other investigator is doing. All are proud that nobody yet has let a secret out. . . .

They work night and day to bring in witnesses, evidence and records upon which Sigler has built his cases.³⁵

The new year for the investigation started out with the State Journal headline, "Grand Jury Funds Facing Obstacle." The January 3 news story disclosed that a rumor was spreading in the house that a few "rebellious" members were contemplating a protest against appropriating an additional \$100,000- to \$150,000 for the Carr grand jury. The original \$150,000 was almost exhausted, said the Journal,

³⁵Kenneth McCormick, "Grand Jury Prosecutor Fooled 'Em," Ibid., Dec. 17, 1944.

with several cases still pending in addition to further inquisitorial work.

On January 4, 1945, the Michigan Supreme Court handed down its awaited ruling on the one-man grand jury system's validity by unanimously voting down Francis P. Slattery's contempt dismissal plea. The court rejected Slattery's contention that Judge Carr was illegally performing both judicial and administrative duties when he acted as grand juror and also as sentencing magistrate in finding the Grand Rapids banker guilty of contempt. Such a step, the court said, was in "strict conformity" with the constitution.³⁶ Slattery's questioning of the Court as to whether he must answer the questions if they would incriminate him was dismissed as obstructing "the work of a judge or jury which in an orderly manner is seeking to ascertain whether a complaint is true and whether certain crimes have been committed."³⁷

Upon serving only two days in prison on his contempt conviction, Francis P. Slattery was free again, after his counsel had successfully petitioned for a stay of proceedings pending a rehearing by the Supreme Court.³⁸ Asserting

³⁶Jack R. Green, AP, "Witness Loses Contempt Plea," State Journal, Jan. 4, 1945, p. 1.

³⁷In re Slattery, 310 Mich. 476 (1945).

³⁸"High Court Grants Stay to Slattery," State Journal, Jan. 10, 1945, p. 1.

the banker would go to the United States Supreme Court if necessary, his counsel argued against the state's upholding the constitutionality of the one-man grand jury law and stated that "the summary [contempt] conviction of the petitioner was denied of his rights under the Federal constitution."³⁹

Although the banker was free on technicalities, the Detroit Free Press commented editorially on January 6 that:

It was only the malefactors themselves who objected to Michigan's one-man grand jury law. Their grievance, in sum, was that the law worked and that it dealt so effectively with them.

The Michigan Supreme Court's decision, upholding the statute in all particulars, puts away any chance that malefactors' pleas about "unconstitutionality" will be an accompaniment of grand jury findings in future. The very phrasing--"so that there may be no further question"--takes cognizance of the source of such rancid complaints. They have never been other than resort to a shade dodge to escape punishment. . . .

Hereafter, the arms of the one-man grand jury are strengthened beyond challenge. One has only to consider what a parade of grafters, corruptionists and other crooks would have gone unpunished if, at any time, there had been the chance of an opposite decision.

By January 9, the examination of eight defendants named in the first naturopathic indictment had begun with star witness and former lobbyist Harry R. Williams testifying he had helped four of the defendants to plan for paying legislators to vote for the 1939 naturopathy bill.⁴⁹

³⁹ "Slattery Asking Stay of Sentence," Ibid., Jan. 6, 1945, p. 1.

⁴⁰ Frank Morris, "Naturopath Payoff Told," Detroit Times, Jan. 9, 1945.

A story in the Detroit Times disclosed that both Williams and former Senator Henry F. Shea had been granted immunity and had become state witnesses. Shea had earlier been convicted in the small-loan legislative graft trial and was free on bond awaiting outcome of his appeal.⁴¹

In the continuing testimony, Williams said he was forced to pay Senator Carl F. DeLano \$2,000 to get the naturopathic bill out of house committee. Like lobbyist Hemans before him, Williams told a sordid story of paying more than \$1,200 to five former legislators, of setting up residence at a Lansing hotel and providing a bar to ply lawmakers with whiskey, of soliciting money from the Naturopathic Association to pay his expenses and pay off legislators, and of paying graft and poker debts of some legislators.⁴² The examination was climaxed by the story of Henry F. Shea, who testified that he took a \$500 bribe to introduce the naturopathic legislation.⁴³

The conspiracy examination was over on January 11 as Judge Carr held the evidence sufficient to bind over the eight defendants present and two individuals out-of-state who were fighting extradition.⁴⁴ The State Journal

⁴¹Ibid.

⁴²Roberta Applegate, AP, "Claims \$1900 Paid to DeLano," State Journal, Jan. 10, 1945, p. 1.

⁴³Kenneth McCormick, "Carr Holds 10 for Trial in Bribery," Detroit Free Press, Jan. 11, 1945.

⁴⁴Ibid.

reported that next on the Carr-Sigler calendar was the circuit court examination of six or eight defendants named in the grand jury indictment accusing a conspiracy over a similar bill in 1941.⁴⁵

Before the examination could get underway, however, another grand-jury related matter swept across the front page--the murder of grand jury witness Senator Warren G. Hooper. Found dead in his car near Springport, with three shots in the head, Hooper's assassination brought out the biggest display of front page type in grand jury coverage. An eight column banner headline in the Detroit News read: "McKay's Accuser Killed to Block Jury--Sigler." Cried out the Detroit Times in a huge eight-column banner: "McKay Accuser Slain." Said the Detroit Free Press, at the top of its first page: "Kidnapped, Shot in Head; Slayer Sets Car Afire."

"The Carr-Sigler grand jury came face to face with murder today--the slaying of Republican State Senator Warren G. Hooper, the state's star witness in a pending bribe conspiracy case against Frank D. McKay and two alleged McKay co-conspirators."⁴⁶

⁴⁵ Roberta Applegate, AP, "Bind Over 10 in Graft Case," State Journal, Jan. 11, 1945, p. 1.

⁴⁶ Allan J. Nieber, "McKay's Accuser Killed to Block Jury--Sigler," Detroit News, Jan. 12, 1945, p. 1.

Revealing for the first time that Hooper was to be a witness against McKay, Special Prosecutor Sigler said the murder was "a conspiracy to obstruct justice."⁴⁷

"'Hooper testified freely and fully before the grand jury and was granted immunity'," [Sigler said]. "'He was to be our chief witness. His death is a serious blow to our case against McKay and the others. . . .'"⁴⁸

In a separate page one story, the Free Press re-examined the racing bill indictment issued by the Carr grand jury on December 2, 1944, and charging that McKay, Floyd Fitzsimmons, and Representative Green had conspired to defeat the bill to increase the state's revenue from horse betting. Although the murdered senator's part in the conspiracy was not known, the 1943 bill was killed in the House State Affairs Committee. In a special session of the legislature in 1944, however, a bill similar in most respects passed both houses by an overwhelming vote, increasing the state's income from racing more than eight times. "The Grand Jury was in session across the street at the time."⁴⁹

In a page one story, the Detroit Times, too, recalled "a now significant statement" from Sigler, made at the time the indictment was returned.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ "Murdered Senator Linked to Racing Bill Indictment," Detroit Free Press, Jan. 12, 1945, p. 1.

"'There are going to be prominent men as surprise witnesses and they will have an amazing tale to tell. Their testimony will be a neat little package of dynamite,'" [Sigler said].

Death bared the secret that Hooper was one of those "prominent men."⁵⁰

With a horrified legislature and incensed newspapers, reward offers and editorial comments were quick to appear. The day after the murder, the Detroit Free Press was already carrying a box within the murder news story that State Senator Ben Carpenter, of Harrison, would request appropriation of at least \$10,000 as a reward for the apprehension of any persons who might be implicated in Hooper's death.⁵¹

The Detroit News carried its own offer of reward in a six-column box--running three paragraphs in boldface type--providing \$5,000 to be given for information leading to the "arrest and conviction of the person or persons responsible for the murder of State Senator Warren G. Hooper."⁵²

With a story running in the Detroit News that quoted Frank D. McKay as saying Senator Hooper's death was "a terrible thing,"⁵³ the Detroit Times ran a January 14 editorial on page one headlined: "A Killing for Pay?"

⁵⁰"Sigler's Statement Recalled by Murder," Detroit Times, Jan. 13, 1945, p. 1.

⁵¹"Proposes \$10,000 Reward," Detroit Free Press, Jan. 12, 1945, p. 1.

⁵²"News Offers \$5,000 Reward," Detroit News, Jan. 12, 1945, p. 1.

⁵³"Terrible Thing," Ibid., Jan. 12, 1945, p. 34.

If the cold-blooded assassination of Senator Warren G. Hooper was the work of hoodlums hired and paid to obstruct justice, the people of this state have been affronted by a crime unequalled in its history.

Time and again, in the last year, the citizens of Michigan have been shocked by the evidence of graft and corruption in lofty places, but the staggering boldness of this murder calls for swift and thorough investigation to determine whether the assassination was the work of desperate political conspirators.

If this is true, the actual killers, guilty and stained with blood as they are, indeed must be regarded as small fry compared to the men who would plot and pay for the brutal death of one who held a high position of public trust. . . .

No law enforcement agency should rest, nor any man who respects the law be content, until this stain is removed from the record. . . .

Clues to the Hooper murder were sparse: footprints in the snow leading from his partially burned automobile; a witness who saw three men speed away from the scene of the senator's killing; earlier sightings in the area of a member of the once notorious Detroit Purple Gang. But the "brazenness of the murder and the blow to the grand jury's operations" marshalled all of the state's law enforcement groups, as well as Sigler's investigators and Governor Kelly himself, who co-ordinated the groups under state police direction.⁵⁴ A State Journal story reported that Mrs. Hooper was indignant over the lack of protection for her husband, who reportedly had refused a bodyguard. Asserting that the danger to Senator Hooper's life had been sufficiently great to force him to live in a Lansing osteopathic hospital, rather than

⁵⁴Kenneth McCormick, "Suspects Traced by Auto License," Detroit Free Press, Jan. 13, 1945, p. 1.

a hotel, she added bitterly: "He may have been just another man in the grand jury investigation, but he was half my life."⁵⁵ Said the State Journal editorially:

Blood may have stained the infamous record of corruption in the Michigan legislature. . . . While the motive for the Hooper slaying has not been established it will be a general assumption that his death was connected with his appearance before the grand jury to which he is said to have given a complete confession. . . .

It is tragic that Senator Hooper declined the offer of police protection . . . and his death emphasizes the necessity of taking every precaution to safeguard grand jury figures in the future in order to guard . . . against silencing of witnesses.

There must be no more rumors in the legislative halls as to possible rebellion against provision of funds with which to complete the inquiry. . . . Even if the slaying of the legislator is left out of consideration, the grand jury's accomplishments to date show clearly that the legislature has no alternative to prompt action financing continuation of the important work that is under way.⁵⁶

With the disclosure from Kim Sigler that attempts were being made to intimidate grand jury witnesses by capitalizing on the fear already engendered, the State Journal editorialized that if the bullets that had killed the senator were fired in an effort to obstruct Judge Carr's grand jury, "it is likely that they will prove a boomerang to the lawless and the corrupt."⁵⁷ The slaying, which "has . . . had the effect of solidifying public support of

⁵⁵"Hooper Kin in Seclusion--Widow Bitter at Police," State Journal, Jan. 13, 1945, p. 1.

⁵⁶"A Challenge," Editorial, Ibid., Jan. 13, 1945, p. 4.

⁵⁷"Boomerang," Editorial, Ibid., Jan. 16, 1945, p. 4.

the investigation,"⁵⁸ temporarily held up the legislature's approval of \$250,000 for continuing the grand jury, but did not stop the senate from voting \$25,000--the biggest legislative reward in history⁵⁹--to spur solution to Hooper's murder.

As indicated by Prosecutor Sigler, Warren G. Hooper's death meant deferment on the McKay, Fitzsimmons and Green conspiracy, perhaps even "a fatal blow to the prosecution's case."⁶⁰ Although the State Journal reported the hearing on the racing bill indictment was scheduled for January 15, Sigler and Judge Carr would instead conduct the examination against six former legislators involved in the 1941 naturopathy bill.⁶¹

The examination on the second "healing arts" indictment lasted only one day, with former lobbyist Harry R. Williams again a witness for the state. He testified that he and his organization, the American Naturopathic Association of Michigan, had placed \$5,000 in escrow in a Detroit bank to be used to get the 1941 version of the naturopathic bill passed by the legislature. After linking the indicted legislators through bribe payments--including

⁵⁸Ibid.

⁵⁹"Senate Votes \$25,000 for Murder Tip," Ibid., Jan. 16, 1945, p. 1.

⁶⁰Roberta Applegate, AP, "Study Effect of Murder on Graft Charge," Ibid., Jan. 15, 1945, p. 1.

⁶¹Ibid.

Representative William Green, to whom Williams testified he gave \$250 to introduce the bill--Judge Carr bound over the six men for trial. Two others named in the warrant not present were Paul Faulkner, who already had pleaded guilty, and a second naturopathist who was ill.⁶²

Ten days later, Clayton R. McKinney, former operator of a naturopathic clinic at Centerville, pleaded guilty before Judge Carr to the grand jury charge that he had given bribes in connection with the 1939 conspiracy. The guilty plea, by McKinney, who had been extradited from Tennessee, marked the third admission to a bribery conspiracy dealing with the two naturopathy bills.⁶³ And a few weeks later, a plea of guilty by Detroit dentist Max Rosenfeld to the 1939 conspiracy raised the number to four confessions.⁶⁴

While investigators continued searching for clues to the murder of Senator Hooper, Judge Carr overruled lobbyist Floyd Fitzsimmons' counsel that his January 29 trial date be delayed. Counsel had claimed that the Hooper murder would cause "a cloud of suspicion" over Fitzsimmon's trial and cause the jury to be prejudiced.⁶⁵

⁶²"Corruption Charged by Grand Jury," Detroit Free Press, Jan. 17, 1945, p. 1.

⁶³Kenneth McCormick, "3rd Admits Bribe Guilt," Ibid., Jan. 28, 1945, p. 1.

⁶⁴"Detroiter Pleads Guilty in Naturopathy Case," Ibid., Feb. 11, 1945, p. 1.

⁶⁵Roberta Applegate, AP, "Fitzsimmons Denied Delay," State Journal, Jan. 17, 1945, p. 1.

The trial began as scheduled, however, and less than five days later, after debating only ninety minutes, the jury had "found Fitzsimmons guilty of attempting to bribe Representative Gail Handy in 1941."⁶⁶

Reported as "the defiant answer of . . . Judge Carr and Sigler to those who hoped the grand jury had been destroyed" by the murder of Senator Hooper, the Carr-Sigler grand jury issued its seventh major indictment on Saturday, February 10, charging three dentists and four former legislators with corruption.⁶⁷ Specifically, the warrant accused the defendants of corruptly obtaining enactment in the 1939 legislature of a law prohibiting dentists from advertising. Asserting that several thousand dollars had changed hands in the transaction, Special Prosecutor Sigler declared that the legislative committee of the Michigan State Dental Society had raised a "slush fund" with which "legislative votes were purchased like groceries."⁶⁸

The 1939 bill was a complete revision of the code regulating the practice of dentistry. But the "big squabble" was over the clause prohibiting dentists from advertising. The society had attempted to pass the same bill

⁶⁶ Roberta Applegate, AP, "Fitzsimmons Held Guilty; Plans Appeal," Ibid., Feb. 2, 1945, p. 1.

⁶⁷ Kenneth McCormick, "Carr Jury Alleges Legislative Bribes," Detroit Free Press, Feb. 11, 1945.

⁶⁸ Ibid.

in both the 1935 and 1937 sessions, but had met with strong opposition from dentists who advertised. It was Warren G. Hooper, as chairman of the 1939 House Public Health Committee, who had introduced the bill that eventually was passed. And, Sigler said Hooper would have been a state's witness in the case.⁶⁹

Promising fast action on its latest warrant, the Carr-Sigler grand jury had arraigned all seven defendants and was hearing their examination by February 16. With two having already admitted their guilt,⁷⁰ additional testimony came from four witnesses granted immunity previously by the grand jury. They included: Henry C. Gerber, Jr., executive secretary of the Michigan State Dental Society; former legislators Chester Howell and Henry F. Shea; and Dr. J. P. Jaxtimer, a member of the dentists' state legislative committee in 1939.⁷¹ "Corruption was so flagrant in the 1939 legislative session," the Free Press reported, "that false teeth and dental repairs were openly traded by dentists for lawmakers' votes."⁷² Included in testimony was Gerber's statement that Senator Hooper, who had been asked to introduce the bill, demanded and received \$50.⁷³

⁶⁹Ibid.

⁷⁰Kenneth McCormick, "Two Dentists Admit Legislator Bribe Plot," Ibid., Feb. 16, 1945.

⁷¹Roberta Applegate, AP, "Hooper Paid Dental Bribe, Witness Says," State Journal, Feb. 16, 1945, p. 1.

⁷²Kenneth McCormick, "Aide Shows Bill Bartered into Passage," Detroit Free Press, Feb. 17, 1945.

⁷³Ibid.

By February 23, Judge Carr had found sufficient evidence to bind over the remaining five defendants in the dental bill conspiracy for trial.⁷⁴ The four former legislators bound over for trial, including D. Stephen Benzie, Ernest G. Nagel, Francis J. Nowak and Earl C. Gallagher, had been convicted earlier in the small-loan conspiracy trial.

While the dental hearing had been mainly occupying grand jury news coverage, Senator Carl F. DeLano was seeking redress against Carr-Sigler charges accusing him in the 1939 naturopathy conspiracy. On February 15, he asked the grand jury's case be dropped on the grounds that the charges violated his rights.⁷⁵ DeLano, who had been singled out by Harry Williams as having received \$1,900 in bribe money, based his petition on a violation of his state constitutional rights compelling him to be a witness against himself. He said the indictment also violated the national constitution.

On Tuesday, February 20, Judge Carr denied the DeLano petition, saying the "grounds set forth in the motion are not well founded."⁷⁶ DeLano next sought a

⁷⁴Roberta Applegate, AP, "Five Ordered Held for Trial in Dental Case," State Journal, Feb. 23, 1945, p. 1.

⁷⁵"DeLano Claims Charge Invalid," Ibid., Feb. 15, 1945, p. 1.

⁷⁶"Carr Holds DeLano Must Stand Trial," Ibid., Feb. 24, 1945, p. 1.

separate trial from his fellow co-defendants, on the grounds that three of them were already convicted of an earlier charge and thus would prejudice his case before the jury. This petition, too, was denied by Judge Carr,⁷⁷ and by March 1, the first naturopathy trial had begun.

During the course of the trial, again held in Mason, C. B. McDonald, a Benton Harbor chiropractor, testified under immunity that the American Naturopathic Association of Michigan sought the law in 1939 because most members also were chiropractors who wanted the legal right to practice other forms of drugless medicine. Chiropractors, under Michigan law, were limited to manipulation of the spine.⁷⁸ Also under immunity for their testimony were former Senator Chester M. Howell and lobbyist Harry R. Williams, whose story of paying Senator DeLano marked the trial's high point.⁷⁹ With the testimony concluded in the graft trial on March 12, Kim Sigler, acting as county prosecutor, singled out Senator Carl DeLano before the jury, calling him "the arch-chiseler of the Senate--the man who would take \$1900 to get a bill out of committee."⁸⁰ By March 15, two weeks after the trial

⁷⁷"Separate Trial Denied Senator," Ibid.

⁷⁸Roberta Applegate, AP, "Sigler Builds Case Slowly," Ibid., March 1, 1945, p. 1.

⁷⁹"State Closing Bribery Case," Ibid., March 7, 1945, p. 1; "Howell Tells of Bribe Share," Ibid., March 8, 1945, p. 1.

⁸⁰"End Testimony in Graft Trial," Ibid., March 12, 1945, p. 1.

opened, the jury had found Senator DeLano, and Mihkel Sherman, a Detroit chiropractor, guilty of conspiracy and had acquitted two other Detroit chiropractors. In the cases of former legislators William G. Buckley, Francis Nowak and Edward J. Walsh, the jury disagreed.⁸¹

With a third trial successfully concluded and the former legislators involved in the 1941 naturopathy conspiracy bound over for trial, the Carr-Sigler grand jury issued a new indictment. On March 24, former Senator Jerry T. Logie, of Bay City, and former Senator Charles C. Diggs, of Detroit, were charged with conspiracy to accept bribes to defeat the twice-implicated race track bill of 1941.⁸² Both men, who were appealing their convictions from the small-loan conspiracy trial, had been members of the Senate State Affairs Committee, where the measure had died.

Special Prosecutor Sigler revealed that former Senator Howell was implicated in the latest warrant and had been granted immunity to testify. He said the state would charge that Howell had accepted a \$3,000 bribe from a deceased lobbyist to kill the race track bill in the Senate State Affairs Committee. Howell allegedly shared the bribe with Senators Logie and Diggs, who were fellow

⁸¹"DeLano Guilty in Graft Case; Two Acquitted," Ibid., March 15, 1945, p. 1.

⁸²Allan J. Nieber, "'41 Race Bribe Plot Charged," Detroit News, March 25, 1945, p. 1.

committee members.⁸³ After hearing testimony by ex-Senator Howell that he had paid Logie and Diggs \$950 to kill the bill to regulate horse racing and pari-mutuel betting, Judge Carr bound the men over for trial.⁸⁴

On April 16, the fourth trial to grow out of a grand jury warrant began.⁸⁵ Conducted at Mason by Judge John Simpson, the trial resulted from charges that the 1941 Legislature had been corrupted in a vain attempt to again pass the naturopathy bill. Six former legislators were the defendants, with chiropractor C. B. McDonald again granted immunity for his testimony.

While newspaper reporters continuously appeared concerning new evidence on the Hooper murder, the graft trial began with McDonald describing how a \$10,000 "slush fund" had been raised to pay off legislators through lobbyist Harry Williams. The fund was raised from members of the naturopathic association, with Williams elected chairman of the special legislative committee to see that the bill got through the 1941 session.⁸⁶ Following further testimony from Williams, the 1941 naturopathy conspiracy trial

⁸³Douglas Graham, United Press Dispatch, "Two Ex-Senators Re-Indicted," State Journal, March 25, 1945, p. 1. (United Press Dispatch hereinafter cited as UP.)

⁸⁴"Logie, Diggs Bound Over," Ibid., April 7, 1945, p. 1.

⁸⁵"Start New Bribe Trial," Ibid., April 16, 1945, p. 1.

⁸⁶Lloyd Moles, "Witness Tells of Slush Fund," Ibid., April 17, 1945, p. 1.

closed with Sigler's diatribe. "Our lawmakers raised their hands on high to swear loyalty to the constitution and then sold their lousy souls. They used the capitol for a trading post rather than a citadel of government."⁸⁷ Late Wednesday, April 25, the six ex-legislators, including William Green, Edward J. Walsh, William Buckley, Francis J. Nowak, Leo J. Wilkowski and William G. Birk, were found guilty.⁸⁸

On May 2, almost four months after the murder, a State Journal story announced that three former Detroit Purple Gang members and a fourth man were named in a warrant issued by Sigler of conspiring to murder Senator Warren G. Hooper in a plot alleged to have been developed in Hooper's home county of Calhoun.⁸⁹ Named earlier as assistant prosecutor of Calhoun County to gain control over any prosecution arising from the case,⁹⁰ Sigler disclosed that an individual involved in the preliminary negotiations to kill Hooper would be the key witness for the state when Sigler produced the evidence for which the warrants were issued. "Meanwhile, investigators were unable to learn

⁸⁷"Ex-Legislators' Fate Up to Jury," Ibid., April 25, 1945, p. 1.

⁸⁸"5 Starting Cell Terms," Ibid., April 26, 1945, p. 1.

⁸⁹Jack R. Green, AP, "Four Men Charged With Murder Plot in Hooper Killing," Ibid., May 2, 1945, p. 1.

⁹⁰"Kim Sigler to Direct," AP, Ibid., April 23, 1945, p. 1.

who actually shot Hooper or allegedly paid the \$25,000 to have the job done. For this reason, Sigler's warrant merely charged a murder conspiracy."⁹¹

At the examination of the four defendants, which began on May 12, Henry Luks, a paroled convict living in Lansing, told the story in Calhoun County Circuit Court, sitting in Battle Creek, of how four men "calmly discussed dynamiting, bludgeoning, or strangling as a means of murdering State Senator Warren G. Hooper to prevent him from testifying before the Carr grand jury."⁹² Following Luks's testimony, Sigler brought out another convict, Alfred Kumer, who, like Luks, had been offered the chance to kill Hooper.⁹³ In addition, a third man--Sam Abramowitz, of Detroit--testified that he and Luks had been offered the job together, and that two attempts to kill Senator Hooper had failed.⁹⁴

Background information coming out of the murder conspiracy examination showed that Hooper had appeared before the grand jury six times between September 17, 1943, and November 15, 1944, and that he had told Sigler, Prosecutor Victor Anderson, of Ingham County, and Detective Sergeant Leo Van Conant, of the State Police, that he had received \$500 from

⁹¹"Hint Confession in Hooper Case," UP, Ibid., May 3, 1945, p. 1.

⁹²Jack R. Green, AP, "Witness Involves Gangsters in Plot to Murder Hooper," Ibid., May 12, 1945, p. 1.

⁹³Ibid.

⁹⁴"Lansingite Tells Story of Plot to Kill Hooper," Ibid., May 13, 1945, p. 1.

Representative Green on the race track bill and that the money had come from Frank D. McKay.⁹⁵ By May 17, the examination had concluded, with former gangsters Harry and Sam Fleisher, Mike Selik, and a fourth man, Pete Mahoney, scheduled to stand trial on July 9.⁹⁶

While the grand jury-related news of the day dealt with recent findings on the Hooper murder, a grand jury reporter and his newspaper had received high honor in the journalism world for his coverage of legislative graft. In a page-one story, with a two-column headline that read "Free Press Wins a Pulitzer Prize," the newspaper said:

"Ken McCormick's done it again!"

This was the tribute paid by fellow-workers to the energetic thirty-nine-year-old reporter of the Detroit Free Press when word was received Monday that this newspaper had been awarded the Pulitzer prize "for the most disinterested and meritorious public service rendered by an American newspaper during 1944."

The award specified the Free Press investigation of legislative graft and corruption at Lansing. . . .

McCormick is the only reporter who has worked in close cooperation with Judge Leland W. Carr, sitting as the one-man grand jury from the earliest stages of the investigation.

No other reporter was assigned exclusively to the grand jury until after McCormick had been working on it for four months.

In that time repeated efforts were made to sabotage the grand jury--efforts which were thwarted by Judge Carr's determination backed by McCormick's searching stories and the Free Press' editorial insistence that the probe must be carried on.

Fresh from covering the now famous Wayne County graft investigation conducted by Senator Homer Ferguson, then a Wayne County Circuit Judge, McCormick

⁹⁵Green, "Witness Involves Gangsters."

⁹⁶Kathryn Umphrey, AP, "Hooper Case Trial is Set," State Journal, May 17, 1945, p. 1.

knew the inner workings of a one-man grand jury intimately. With this knowledge as a background, he was of incalculable value in aiding Judge Carr and Special Prosecutor Kim Sigler. . . .⁹⁷

And editorially, the Free Press added:

It was in 1942 that the Free Press obtained the first evidence that all was not well within our State government. It was then that the long battle really began against influential elements in the State which wanted no part of a grand jury investigation. Through its news and editorial columns, the Free Press led the battle against these interests. The first round was won with the appointment of Circuit Judge Leland W. Carr in 1943 as the one-man grand jury.

Since then this newspaper has continued to batter against the obstacles of special interest, and has fought to awaken the citizenry to an awareness of the cancer which had attacked the vital organs of our State government. . . .⁹⁸

As the Carr-Sigler grand jury continued its work the State Journal disclosed on June 4 that a jury had been selected in Mason for the fifth trial to come out of the graft investigation.⁹⁹ On trial were former Senators Jerry T. Logie and Charles C. Diggs, charged with taking bribes to help defeat race track legislation in 1941. Lasting less than four days, with ex-Senator Chester Howell serving as principal witness, the trial was concluded by June 7, and Logie and Diggs were found guilty.¹⁰⁰ The State

⁹⁷"Free Press Wins a Pulitzer Prize," Detroit Free Press, May 8, 1945, p. 1.

⁹⁸"For Meritorious Service," Editorial, Ibid., May 8, 1945, p. 16.

⁹⁹Roberta Applegate, AP, "Graft Trial Speedily Chosen," State Journal, June 4, 1945, p. 1.

¹⁰⁰"Logie and Diggs Planning Appeal," Ibid., June 8, 1945, p. 1.

Journal also reported that questions asked of the jury by Prosecutor Sigler hinted the grand jury was extending its investigation from legislative activities to other branches of the state government. This suspicion was borne out ten days later.

On June 17, newspapers cited in this study carried page-one headlines in boldface type, announcing new indictments.¹⁰¹ Charging Frank D. McKay and seven others with conspiracy to interfere with and corrupt the State Liquor Control Commission, the indictment was the tenth issued by the Carr-Sigler jury and the first issued by Judge Carr charging graft and corruption in the administration of a department of the state government.

The warrant, citing the conspirators with plotting to control Michigan's \$100 million-a-year liquor business, was based on evidence similar to that disclosed at the McKay trials in federal court in Detroit in 1941 and 1942. The group had been acquitted when tried a second time for using the mails to defraud in connection with liquor deals, after the first trial ended in a jury disagreement.¹⁰² Based on the grand jury indictment, the conspiracy was said to have occurred between October 1, 1938 and December 1, 1940,

¹⁰¹Allan J. Nieber, "McKay Again Indicted; Liquor Plot Laid to 8," Detroit News, June 17, 1945, p. 1.

¹⁰²Kenneth McCormick, "McKeighan Listed in Sigler Charge," Detroit Free Press, June 17, 1945, p. 1.

with those involved corrupting liquor law enforcement by threatening members of the liquor commission, their employees and officers, with loss of their jobs.¹⁰³ In addition, the alleged conspirators were further accused of promising and getting appointments to public office by threats, and of granting favors and large orders to liquor companies, if they were paid for the service.¹⁰⁴

In Grand Rapids, McKay, former political boss of the Michigan Republican party, described the new Carr-Sigler indictment as a "continuation of political prosecution."¹⁰⁵

This new charge accusing me and others of participating in a state liquor plot, is only a rehash of the Federal charges of which I was acquitted in 1943.

The fact that practically everyone of the persons named with me in the Federal case are named as defendants in this suit, makes it all the more evident to me that Mr. Sigler is trying every means at his disposal to create something out of a case that has been declared officially dead by the United States Government.¹⁰⁶

The Detroit Free Press recalled that this was the second time McKay had been indicted by the Carr-Sigler grand jury. He had been accused in December, 1944, in an alleged bribery plot to defeat the race track measure giving the state increased revenue. "That case died with

¹⁰³Ibid.

¹⁰⁴Roberta Applegate, AP, "Grand Jury Indicts McKay," State Journal, June 17, 1945, p. 1.

¹⁰⁵McCormick, "McKeighan Listed in Charge."

¹⁰⁶Ibid.

the echo of the shots which killed the late Senator Warren G. Hooper reputed key witness against McKay."¹⁰⁷

With defendants in the latest indictment set for a June 27 examination, the contempt conviction fight of Francis P. Slattery occupied a new chapter in news coverage. Having first lost a review by the Michigan Supreme Court, the United States Supreme Court on June 11 refused to review the banker's sixty-day sentence and ordered him to finish serving the remainder of the term.¹⁰⁸ By June 19, however, Slattery had prepared a new suit against his conviction before a federal district court in Detroit. Using a similar approach from earlier petitions to the state and federal supreme courts, the banker stated he was guilty of no misconduct during the hearing in November, 1944, and that he did not fail to answer the questions asked. His application also asserted he was being deprived of his liberty without due process of law, as provided for under section one of the Fourteenth Amendment.¹⁰⁹ One week later, U. S. Judge Ernest J. O'Brien refused to free Slattery on the latter's writ of habeas corpus, but the court granted him a stay of

¹⁰⁷Ibid.

¹⁰⁸"Slattery Loses Plea," AP, State Journal, June 11, 1945, p. 1.

¹⁰⁹"U. S. Court Frees Slattery on Bond," Ibid., June 19, 1945, p. 1.

his sentence pending an appeal to the United States District Court of Appeals.¹¹⁰

Following a brief delay, the liquor commission conspiracy examination got underway on July 5.¹¹¹ More than a dozen witnesses appeared during the three-day hearing, with five men--including one defendant-turned-witness--granted immunity to reveal details on large commissions demanded of companies and illegal control exerted over the liquor commission, notably by then-political boss Frank D. McKay. At the conclusion of the examination on July 8, two names had been dropped from the warrant and six defendants faced a September trial for graft conspiracy.¹¹²

With the McKay examination marking an investigation lasting almost two years, the State Journal editorially defended the graft probe:

Citizens of Michigan should not be impatient because of what may appear to some of them to be undue slowness on the part of Judge Leland W. Carr's grand jury investigation of state government. . . .

Secrecy, of necessity, shrouds most of the work of the grand jury and little or nothing is heard of the investigation, except at the times when indictments are returned and public court proceedings follow to determine the guilt or innocence of the accused.

No one should lose sight of the fact, however, that the issuance of indictments is only a small part of the work of the grand jury. The greater

¹¹⁰ Kenneth McCormick, "Slattery Plea to Go Free Is Rejected," Detroit Free Press, June 26, 1945.

¹¹¹ Roberta Applegate, AP, "Link McKay With Liquor Sale Agents," State Journal, July 5, 1945, p. 1.

¹¹² "McKay, 5 Others Face Trial," Ibid., July 8, 1945, p. 1.

part of the grand jury's time . . . must be devoted to the discovery of evidence on which the indictments are based. . . .

Judge Carr's investigation . . . has returned 10 indictments. Thirty-eight of the persons indicted have been tried and 31 of them have been convicted, five of them on two counts. Eleven indictees have pleaded guilty! In all there have been 87 individual indictments, some of them involving different charges against the same person. . . .

If the mills of the grand jury seem at times to grind slowly the record of the proceeding should convince the people of Michigan that they also "grind exceeding fine."¹¹³

Six months after his death, the Hooper murder conspiracy came to trial on July 18.¹¹⁴ Following the earlier examination, the prosecution supplied witnesses Henry Luks, Alfred Kurner, and Sam Abramowitz, all of whom linked the defendants in a conspiracy to kill Hooper. By July 23, the trial had been going so well that acting prosecutor Kim Sigler indicated he would cut down his twenty-three man witness list and look for an early conclusion.¹¹⁵ But Sigler's optimistic estimate was blocked by an investigative report on corruption at the state prison at Jackson, released by Attorney General John R. Dethmers, and implicating prison inmates in the Hooper murder.¹¹⁶ In a second and more specific disclosure on July 25, Dethmers gave

¹¹³"Slow but Sure," Editorial, Ibid., July 5, 1945, p. 10.

¹¹⁴Jack R. Green, AP, "Ex-Convict Describes Death Pact," Ibid., July 18, 1945, p. 1.

¹¹⁵"Will Resume Hooper Case," Ibid., July 23, 1945, p. 1.

¹¹⁶"Gang Big Shots Ruled Prison, Dethmers Says," Ibid., July 24, 1945, p. 1.

official weight to the theory that Hooper's murderer might have slipped out of prison to commit the crime and then returned behind the walls with a perfect alibi.¹¹⁷

Dethmer's prematurely released report brought angry criticism from Sigler. He charged that the attorney general was tampering with a fair trial "to steal the show." Subpoenaed by defense attorneys--who were seeking a mistrial on grounds the report was prejudicial to their clients--Dethmers claimed the urgency of the situation was his reason for early release of the four-month-long study. Besides the fact that the report tended to discredit the testimony of Henry Luks, Sigler strongly criticized Dethmers on the witness stand for failing to realize his comments on Hooper's possible murderer "took the heat off" the four defendants. With the circuit judge denying a retrial motion, and with the jury absent from the courtroom, Prosecutor Sigler again lashed out at Dethmers, calling him a "bedfellow of Frank D. McKay," and charging that the attorney general "and the rest of the politicians" were willing to "give their bottom dollar to see something happen to cases coming out of the grand jury."¹¹⁸

¹¹⁷Jack R. Green, AP, "Dethmers Says Hooper Killer Might Have Come from Prison; Revelations of Probe Being Demand for Mistrial," Ibid., July 25, 1945, p. 1.

¹¹⁸"Jury Told Testimony of Hooper," Ibid., July 26, 1945, p. 1.

"Thank God, we have fearless editors and a fearless press not afraid to print the news as it is. If anything happens to this case nobody is to blame but Mr. Dethmers."

The prosecutor's face flushed as he shouted, "When McKay was naming governors and 'yes-men' in the capitol of this state, Dethmers was sleeping in the same bed with him. Until old Judge Carr and the fine state police officers and myself got to the door of Jackson Prison the rottenness had never been exposed."

"Then they saw it wasn't until the grand jury got close that they had to do it. Then this former bed-fellow of Frank D. McKay came in here with this report.

"We have a little trial coming up in Mason on the fifth of September. We're going over to Mason and do our level best to put that crooked political boss where he belongs."¹¹⁹

Testifying for a motive to the Hooper killing at the close of the examination, Ingham County Prosecutor Victor C. Anderson said that the McKay race track case was dropped because of Hooper's death. At the same time, Anderson disclosed that an indictment involving the Michigan National Bank, the only statewide branch bank in Michigan, had been delayed because of the murder. Anderson said that Hooper was to have been an important witness in the branch banking case, which originally touched off the investigation. The prosecutor also asserted that Hooper would have been a witness against McKay and others in an indictment involving a state highway bill.¹²⁰

Although defense attorney Maurice Walsh had labelled the murder conspiracy trial a "political football game"

¹¹⁹ Ibid.

¹²⁰ Kenneth McCormick, "Sigler Says Slaying Crippled Graft Cases," Detroit Free Press, July 27, 1945, p. 7.

needed by the prosecution to "precede the trial of Frank D. McKay,"¹²¹ the twelve-day trial ended with a verdict of guilty leveled against all four defendants.¹²² Sigler hailed the verdict--the sixth successful trial growing out of the grand jury investigation--as "an opening wedge to the solution of the Hooper murder."¹²³

With his court date soon approaching, defendant Frank D. McKay asked the Ingham Circuit Court on August 27 to postpone his trial for at least a year, or alternatively, to change the trial site to some other county, preferably one where liquor was sold by the glass.¹²⁴ He charged that Kim Sigler had so prejudiced the people of Michigan against him that he could not obtain a fair trial in any county at that time. In addition, his attorneys declared that Judge Carr, who had ordered McKay's arrest on the liquor conspiracy charge, was held in such universal esteem in Ingham County that no jury could be found that would give McKay his constitutional presumption of innocence.¹²⁵

McKay accused Sigler of inspiring newspaper and radio stations of Michigan to a "defamatory anvil chorus,"

¹²¹"Sigler Hit by Defense," AP, State Journal, July 28, 1945, p. 1.

¹²²"Spectators Take Verdict Calmly," AP, Ibid., Aug. 1, 1945, p. 1.

¹²³Ibid.

¹²⁴James M. Haswell, "McKay Asks Year's Delay in Graft Trial," Detroit Free Press, Aug. 28, 1945.

¹²⁵Jack R. Green, AP, "McKay Asks Trial Delay, Venue Shift," State Journal, Aug. 27, 1945, p. 1.

to whip up prejudice against himself. Sigler used the Hooper trial as a "forum," McKay charged, insinuating at every opportunity that there was a "sinister" link between Hooper's murderer and the fact that Hooper was to be a grand jury witness and a star witness against McKay at a forthcoming preliminary examination.¹²⁶

In a lengthy petition, replete with scores of examples of newspaper stories and editorials, McKay sought to show that the press of Michigan had united to villify him. . . .

McKay asserted the Detroit Free Press demanded "scoops" on Carr grand jury news in return for its early support of the grand jury and Sigler and received preferential treatment in news releases until other newspapers objected. Then, McKay declared, the news releases, with one exception, were made on a Saturday afternoon to give all three Detroit newspapers equal treatment. As a result, McKay implied, the newspapers gave Sigler favorable publicity and the alleged campaign to prejudice McKay spread throughout the state press. . . .¹²⁷

In public rebuttal, from Douglas D. Martin, managing editor of the Detroit Free Press, said in reference to his newspaper: "The statement that the Free Press demanded 'scoops' in return for support of the grand jury is completely false but just what we would expect from Mr. McKay. The files of Michigan newspapers will bear us out."¹²⁸

Former Detroit News reporter Allan J. Nieber, some years later, also denied that the Free Press demanded "scoops" and received preferential treatment from the grand jury.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

If Frank D. McKay made that statement, it was just him mouthing. This was true:

Because McCormick was first on the ground floor and the Detroit Free Press in effect had sponsored the grand jury in its early operation, when Rush-ton's days were over and Sigler got in there, the Free Press ended up in a similar position. It couldn't get preferential treatment--We just stole the grand jury away from them. As a matter of fact, we arranged between the Detroit News, the Free Press and the Times to have the grand jury bring down its major indictment news at one o'clock Saturday. The reason for that was to allow all newspapers to get an equal break in coming out together in their Sunday editions. This was grand jury policy that all newspapers be treated equally.

Ken McCormick didn't get away with anything related to major indictments. On the side issues, I can remember only the Hooper shooting, which broke at night on McCormick's time. The rest of the side issues broke normally and were released during the daytime. The key from myself and others was to let the news break when it comes. We educated them on that.¹²⁹

"The Detroit Free Press didn't have to demand scoops.

It was in on the ground floor. But Kim Sigler saw it was smart to play along with all of them when he came in as prosecutor," said a former Associated Press Capital Correspondent, Jack R. Green.

There was a funny situation in regard to coverage of the Carr-Sigler grand jury on all three newspapers. What happened was the Carr-Sigler investigation was an outgrowth of the Ferguson grand jury.

The Times and the News got the jump on the Free Press over the Ferguson grand jury. The Free Press wasn't on the inside, like them.

The Ferguson grand jury had private investigators, because it was investigating the Detroit Police Department. When it was all over, the Ferguson jury had a pretty good staff, so they came up to Lansing to look into rumors. After bugging a few rooms and using other methods, they took their information to the Detroit Citizens League. The head of the League took

¹²⁹Allan J. Nieber, Interview, Dec. 15, 1970.

the information to Bill Markland at the Detroit News. who was on vacation and never returned his call. So he took it to the Free Press, where they were still smoldering from the beating they took over Ferguson coverage. . . .

When Kim Sigler came in, he was too smart to go with one paper, so he later treated all three special reporters from the Detroit papers [Nieber, McCormick and Morris] the same way. They just lived together during the grand jury's duration, with Sigler taking the three of them around all the time--even had hotel parties together.

There was never a threat of biased grand jury coverage, but all three reporters built Kim Sigler up as a "great white knight," because it made good copy. They were on his team 100 per cent. Those three crime reporters had Kim Sigler in their pocket and vice versa. He wouldn't tell other reporters much until after talking with those three. They always had the jump on others and would counsel Sigler on when to break a story and when to hold the news.¹³⁰

On August 28, Judge Carr denied a defense attorney's motion for a separate trial of McKay's five co-defendants who had provided the motion on the grounds that the alleged publicity scheme to smear the former political boss would prejudice their trial. The Ingham jurist also denied an affidavit seeking that he step aside as trial judge because of his prejudice from McKay's failure to support his nomination to Supreme Court justice. Carr said he had not been motivated by any feelings of antagonism when he issued the original warrants and believed it his duty to hear the trial preliminaries.¹³¹ On September 1, as headlines carried the news that a second co-defendant with McKay,

¹³⁰ Jack R. Green, Interview, Nov. 29, 1970.

¹³¹ "Carr Declines to Split Trials," Detroit Times, Aug. 29, 1945.

Charles Leiter, had pleaded guilty to the liquor conspiracy charges,¹³² Judge Carr denied motions for a change of venue and for a delay of trial. Attorneys for Frank D. McKay indicated they would ask leave to appeal Judge Carr's denial before the Michigan Supreme Court.¹³³

By September 4, McKay's defense attorneys had petitioned the Supreme Court for a stay of their trial.¹³⁴ The following day, the court refused to intervene, saying in effect that the defense could present its motion before trial Judge John T. Simpson at Mason.¹³⁵ The trial got underway on Thursday, September 6, but after hearing more than two days of argument, including claims by the defense that Sigler was aspiring to become governor through trying McKay, Judge Simpson granted a thirty-day delay to study the seven defense motions for continuance.¹³⁶ Accusing the defense attorneys of staging

¹³²Kenneth McCormick, "Graft is Admitted by McKay's Aide," Detroit Free Press, Sept. 2, 1945, p. 1.

¹³³Ibid.

¹³⁴"Would Stay McKay Trial," State Journal, Sept. 4, 1945, p. 1.

¹³⁵Roberta Applegate, AP, "McKay Case Venue Shift Is Demanded," Ibid., Sept. 6, 1945, p. 1.

¹³⁶"McKay Trial Postponed for 30 Days," Ibid., Sept. 7, 1945, p. 1.

a "legal filibuster" to delay the trial of McKay and four co-defendants,¹³⁷ Sigler told newsmen he would be "very busy" with grand jury business during the thirty-day delay.¹³⁸

¹³⁷ Kenneth McCormick, "Filibuster Trial of McKay Charged," Detroit Free Press, Sept. 7, 1945, p. 1.

¹³⁸ "Sigler to Be Busy as Trial Waits," State Journal, Sept. 8, 1945, p. 1.

CHAPTER IV

AN ACHILLES HEEL: THE JURY'S UNDOING

With the death of Supreme Court Justice Howard Wiest, the Carr-Sigler grand jury lost one of its dominant forces. Judge Carr was selected by Governor Harry Kelly to fill the vacancy.¹ The appointment had widespread approval, the Detroit News noted, for "Judge Carr's name and qualifications have been well known in Michigan for many years."² Before elevating him to the bench, Governor Kelly had been assured by Judge Carr that the grand jury's work could be carried successfully to a conclusion.³ With a grand jury tally that included the issuance of ten warrants and the naming of more than ninety defendants--twenty nine of them convicted--all that remained for the outgoing Circuit Court judge to do was to appoint his successor.

While there had been no official comment, it was rumored outside the grand jury that Ingham County Circuit

¹Carl B. Rudow, "Graft Jurist is Named to Wiest Post," Detroit News, Sept. 24, 1945, p. 1.

²Ibid.

³Ibid.

Judge Louis E. Coash, of Lansing, would carry on the judicial phase of the inquiry.⁴ Coash had been a Lansing municipal judge until his appointment by Governor Kelly on April 26, 1945, to a newly created third seat on the Ingham County circuit bench. As municipal judge, Coash had sat at the arraignment of some defendants in Carr-Sigler grand jury indictments. His appointment was formally made on September 25, and with Special Prosecutor Sigler at his side, the new graft jurist said he expected the work of the grand jury to proceed along the same lines, with no changes in personnel. Sigler disclosed he did not expect the grand jury to take any further public action for some time.⁵

Frank D. McKay, the Republican political boss, appeared in the news again, with the announcement by Judge John Simpson that he had denied the petitions for change of venue and a year's continuance of the trial. At the same time, the circuit judge from Jackson County also denied a motion for separate trial for McKay's four co-defendants.⁶ On Monday, October 8, over Kim Sigler's objections, Judge Simpson set the liquor conspiracy trial date for January 14, 1946, to avoid holiday interruptions.⁷ Having been denied

⁴Ibid.

⁵"Coash Gets Grand Jury Assignment," State Journal, Sept. 25, 1945, p. 1.

⁶"McKay's Motions Rejected," AP, Ibid., Oct. 3, 1945, p. 1.

⁷Roberta Applegate, AP, "McKay Trial Date Jan. 14," Ibid., Oct. 8, 1945, p. 1.

their petitions, McKay's attorneys again sought to appeal the motions denied by Judge Simpson,⁸ but on November 5, the Michigan Supreme Court denied a leave to appeal the trial court dismissal "with prejudice," which meant further appeals on the issue were forbidden.⁹ At last the legal way was clear for a legal decision to be made on one of the Carr-Sigler grand jury's most important indictments.

The grand jury investigation briefly surfaced when, on November 16, a series of raids conducted by investigators resulted in the seizure of more than a hundred slot machines, together with records pertaining to their ownership and operation, in Lansing and vicinity.¹⁰ Judge Coash explained that the seizure was "not a raid" but a "routine investigation in connection with a conspiracy to violate the state gambling laws."¹¹ The machines were taken from more than twenty-five private liquor clubs and fraternal and veterans clubrooms. Declining to speculate on this latest phase of activities, Judge Coash did reveal that Sigler and Ingham County Prosecutor Victor C. Anderson had petitioned the court several weeks earlier to broaden the scope of the

⁸"New Appeal to be Filed for McKay," Ibid., Oct. 23, 1945, p. 1.

⁹"Balk McKay Trial Delay," Ibid., Nov. 5, 1945, p. 1.

¹⁰"Slot-Machine Raids Made at Lansing," Detroit Free Press, Nov. 16, 1945, p. 1.

¹¹Lloyd Moles, "Jury Launches Gambling Sift; Seize Machines," State Journal, Nov. 16, 1945, p. 1.

probe to cover gambling.¹² Lamenting the "smudge" of notoriety placed on the "old home town," the State Journal asked critically: "Has the possibility of graft in high places been fully explored and the perpetuity of the grand jury become dependent on making war on penny-ante games in the backroom of veterans' clubs?"¹³

Former political boss Frank D. McKay brought in the New Year's coverage of the legislative graft grand jury, as a page one, three-column headline greeted State Journal readers on January 10 with the news: "5 Face Charge of Plot to Prejudice Jurors in McKay Graft Trial." The story, filed by Associated Press writer Roberta Applegate, said that Prosecutor Victor Anderson had filed a petition with Judge Coash naming five persons in a conspiracy to prejudice jurors and had asked for a hearing to show cause why the defendants should not be held in contempt of court.

Named in the dual charge of conspiracy and contempt of court were Ira H. Marmon, private investigator and formerly with the Michigan State Police detective bureau; Edwin A. Goodwin, publisher and editor of the weekly political newspaper, Michigan State Digest; J. A. Wilson, charged by Anderson with calling prospective jurors and acting as a court representative; and two unidentified

¹²Ibid.

¹³"'Wicked' Lansing," Editorial, Ibid., Nov. 18, 1945, p. 10.

men whom Anderson said abetted the carrying out of the conspiracy. The Ingham County prosecutor asserted that Wilson had made the phone calls and asked a series of questions about the prospective jurors' religion, political affiliation and families; Goodwin had had an extra 1,000 copies of the January 2 issue of the Michigan State Digest printed--containing a series of articles that "would discredit Kim Sigler" and influence "readers against the prosecution"--and distributed them to prospective jurors. One of the headlines listed in the petition read: "Late Session Has Eye on Sigler." In addition, Marmon and the other two individuals counseled and advised as parties to the conspiracy, while the latter two men also distributed Digest copies. The petition stated that Anderson had discovered the conspiracy when jurors telephoned him concerning Wilson's calls.

With action on the conspiracy to prejudice suspended, the liquor conspiracy trial, "one of the state's most spectacular trials in recent years,"¹⁴ got underway January 16 with some important alterations. On January 14, Judge Simpson had decided to grant the defense a change of venue from Ingham County to Jackson County, saying the "scandalous articles" printed and distributed to the jurors about Kim Sigler "bode no good for anybody, either the prosecution or the defense."¹⁵ Secondly, Judge Simpson had

¹⁴Roberta Applegate, AP, "F. D. McKay, Four Others Await Trial," Ibid., Jan. 13, 1946, p. 1.

¹⁵Roberta Applegate, AP, "McKay's Trial to be Held in Jackson Court," Ibid., Jan. 14, 1946, p. 1.

again denied a petition of continuance--which again made references to Sigler's desire to be governor after first convicting McKay.¹⁶ The circuit judge did, however, agree to the prosecution motion to eliminate charges of bribery from the information. This, in effect, left only the charges of conspiracy to corrupt the State Liquor Control Commission by threats and intimidation and to give preferential treatment to distillers who paid fees.¹⁷

On the same day the trial opened, the case closed on Francis P. Slattery, the Grand Rapids banker who had twice carried his motion for dismissal of a contempt conviction cited by Judge Carr in November, 1944. The second and last attempt brought him to the United States Supreme Court with a writ for dismissal of habeas corpus, but the Court refused to review his conviction, thereby forcing Slattery to conclude his sixty-day sentence.¹⁸

The liquor conspiracy trial opened in Jackson County with Prosecutor Kim Sigler declaring that Frank D. McKay and four co-defendants had "illegally controlled purchases and distribution of liquor and therefore controlled the state liquor control commission."¹⁹ And during

¹⁶Ibid.

¹⁷"Deny Move to Quash McKay Case," Ibid., Jan. 16, 1946, p. 1.

¹⁸"Slattery's Plea Denied," AP, Ibid., Jan. 16, 1946.

¹⁹Roberta Applegate, AP, "Jury Hears Sigler Plea," Ibid., Jan. 18, 1946, p. 1.

the course of the trial, the prosecution's witnesses, including liquor company officials and commission members, testified how McKay and his associates held sway over the commission's functions. But testimony from prominent defense witnesses also involved with the liquor commission's operation refuted outside control by any of those on trial, and by February 11 the defense had listed twenty-four reasons for striking portions of testimony and asking for acquittal.²⁰ Sigler contended that the state did not claim the liquor commission was itself corrupted, rather the law was corrupted by dealings between its employees and the alleged conspirators.²¹

By February 14, Judge Simpson had reached a decision on the course of the trial, as he directed the jury to acquit McKay and the four other defendants.

"In the entire evidence presented in the case, there was no testimony that the defendants did one single criminal act as we know that term," the judge declared.

"There is no fraud or bribery or any other criminal act charged," he asserted. "From the entire claim of the prosecution there is not one bit of evidence that shows a criminal conspiracy. . . ."

The half-filled courtroom broke into pandemonium as spectators surged up to both defense and prosecution tables. Photographers' flashbulbs immediately began popping. Faces wreathed in smiles, the defendants accepted congratulations of spectators.²²

²⁰"Ask McKay Acquittal," Ibid., Feb. 11, 1964, p. 1.

²¹Kenneth McCormick, "Court Ruling Today May Free McKay," Detroit Free Press, Feb. 14, 1946, p. 1.

²²Roberta Applegate, AP, "Judge Simpson Directs Jury to Acquit McKay, 4 Others; Says No 'Illegal Act' Shown," State Journal, Feb. 14, 1946, p. 1.

Sigler, who had "suffered his first major defeat" following more than two years with the grand jury, "sat quietly as the judge read the 32-page opinion." He left the courtroom immediately after the decision, declaring he had "no comment" on the action.²³ McKay, however, issued a written statement saying he hoped this was the end of his "political persecution" and criticizing the system that had subjected him to false charges.

McKay declared the charge of "bribery made against me illustrates the danger inherent in the so-called one-man grand jury system. It followed more than a year of investigation in which no evidence of bribery was or could be found. The examination produced no such evidence. It is unthinkable that a regular grand jury would ever tolerate the making of such a false charge against a citizen, for such grand juries move indictments only after at least some evidence is offered to support the charge."²⁴

With the conclusion of the liquor conspiracy trial, the Detroit Free Press reported that the State Senate had in a resolution adopted February 14 moved to investigate the legislative grand jury immediately.²⁵ The Detroit Free Press commented editorially:

The acquittal of former Republican boss Frank D. McKay is not an indication that the Carr-Sigler grand jury has failed to accomplish its purpose.

Apparently, though, some members of the State Legislature have come to this conclusion, as evidenced by the Senate resolution to investigate the grand jury and make it immediately accountable for money it has spent.

²³ Ibid.

²⁴ Ibid.

²⁵ Kenneth McCormick, "State Senate Will Probe Sigler," Detroit Free Press, Feb. 15, 1946, p. 1.

The grand jury's work has resulted in several convictions. A number of those sent to prison were members of the Legislature. And Prosecutor Sigler hints that there may be more legislators and state officials indicted.

Can that be the reason that the Senate has taken a step at this time which might seriously cripple the grand jury's efforts?²⁶

And on page one, in a State Journal story, Senator Murl H. Defoe, of Charlotte, answered the Free Press question, charging that the resolution under which a special committee was appointed to investigate grand jury expenditures, was "designed to weaken the jury and its work in the minds of the people by majoring on the costs rather than on the jury's record."²⁷ The resolution he referred to was introduced by fellow Senator Frank Heath, of Bay City, and adopted by a voice vote without dissent. "The resolution showed no concern," his statement read, "for the unsavory conditions that were alone responsible for the temporary creation and operation of this emergency provision in our law."²⁸

But Special Prosecutor Sigler, in an interview before leaving on a brief vacation, said he would keep "driving away" until he finished the job. "I don't care how far the senate committee investigates as long as they do not interfere with cases in progress and particularly

²⁶"Leave the Grand Jury Alone," Editorial, Ibid., Feb. 16, 1946, p. 4.

Howard J. Rugg, "Jury Probe Draws Fire," State Journal, Feb. 19, 1946, p. 1.

²⁸Ibid.

with cases investigating certain members of the house and senate."²⁹ Sigler disclosed an indictment from a state-wide investigation of gambling activities was being prepared, in addition to an indictment on the 1941 anti-branch banking bill that had started the grand jury. Referring again to the senate resolution, Sigler said "some of the gentlemen mixed up in the bank or gambling matters would like very much to hamstring our efforts." He promised "an accounting of every dime" of the \$442,000 state grant to the grand jury "as soon as our work is finished."³⁰

While Sigler was vacationing in Florida, the legislative investigative committee got its work underway. Its members consisted of Senators Ivan A. Johnston, Mount Clemens, acting chairman; Robert J. MacDonald, Flint; and Harold D. Tripp, Allegan. The Detroit News in a page-one story describing the background to the resolution and its main characters, reported that

Heath recalled that \$400,000 has been appropriated for the grand jury, and asserted that the Legislature had received no accounting.

"When I was elected," he said, "I promised to do everything possible to watch the tax dollar. I don't believe in being a rubber stamp. Large sums have been spent and it is time the public knew what happened to this money. I don't care about Mr. Sigler or anyone else. I want to know where the money has gone."

Heath is from Battle Creek, home town of former Senator Jerry T. Logie, who has appealed two prison terms resulting from the grand jury investigation into legislative graft.

²⁹ Roberta Applegate, AP, "Sigler Determined He'll 'Finish Job,'" Ibid., Feb. 16, 1946, p. 1.

³⁰ Ibid.

Johnston is a former Macomb County Prosecuting Attorney. Petitions for a grand jury investigation of Macomb law enforcement are pending in Circuit Court there. The Sigler grand jury is believed to be sifting gambling activities in Macomb.

The senate is presided over by Lieut.-Gov. Vernon J. Brown, an announced candidate for the Republican nomination for Governor. There have been reports, denied by Sigler, that the grand jury prosecutor would seek that nomination himself.³¹

On February 25, the State Journal reported that Judge Coash had been subpoenaed to appear with grand jury records, along with George MaDan, official auditor and accountant for the grand jury.³² After one day of testimony, Senator Johnston switched to an open hearing, with State Police Detective Sergeant Leo Van Conant's disclosures making front-page news. On February 28, a Detroit Times banner headline in boldface type, cried out: "Sigler Jury Paid Hemans \$600 a Mo." The other newspapers, following suit with less flair, reported that grand jury money was used for liquor, entertainment, and "special services," including \$8,850 paid to Charles F. Hemans, the state's star witness in the initial grand jury graft trial.³³

Testimony primarily from Van Conant revealed that Hemans at first received \$150 a month from jury funds and

³¹"Senate Quiz of Jury Hit by Sigler," Detroit News, Feb. 15, 1946, p. 1.

³²Lloyd Moles, "Call Coash in Inquiry," State Journal, Feb. 25, 1946, p. 1.

³³"Reveal Hemans Got \$8,850 of Jury's Funds," Ibid., Feb. 27, 1946, p. 1.

later received a \$450-a-month increase when he was assigned to go to work for the grand jury as an attorney investigating a bill. The money, Van Conant explained, was charged to the "expense for special services and informant fees." In addition, the State Police detective said he paid for the lobbyist's entertainment and liquor while acting as his bodyguard--including Hemans' personal business trips to Washington, D. C. Van Conant also explained for the committee that all checks and expense money paid to Hemans were approved by Judge Carr up to the time he resigned to take over his Supreme Court duties. Fred C. Kelly, State Police special investigator assigned to take over Van Conant's duties in August, 1945, testified he continued paying Hemans until February, 1946, and followed a similar pay procedure.³⁴

Running a follow-up to the senate committee's disclosures, the February 28 Detroit News carried a story that played down the probe evidence. One of the headlines read: "Effort to Discredit Grand Jury Seen."

Two State graft grand jury officials today issued sharp replies to charges made by the special Senate committee investigating the grand jury's expense accounts.

Prosecutor Victor C. Anderson, of Ingham County, described the committee's investigation as an attempt to "discredit the grand jury and interfere with matters pending before it" and declared "the investigators are weighing dollars against the administration of justice." . . .

Circuit Judge Louis E. Coash revealed Hemans was removed from the grand jury payroll 11 days before the Senate committee was appointed. . . .

³⁴Background on the committee testimony is taken from Moles, "Reveal Hemans Got \$8,850."

Grand jury aides generally saw in the unexpected publicity given portions of the testimony of witnesses called by the Senate committee a deliberate attempt to attack the veracity of Hemans as a witness in future grand jury trials. . . .

"It is significant," Anderson said, "that the Senate committee's findings were made partially public when Sigler was on the way back to Michigan and had no opportunity to be present."³⁵

While the Detroit Free Press similarly gave less play to the inflammatory evidence released by the investigating committee, the Detroit Times ran its second banner on the probe story, with an eight-column boldface headline that read: "Coash Bares Firing of Hemans." Using a prepared statement by Judge Coash, the Times disclosed he had "protested" the \$600-a-month payments to Charles Hemans and had stopped them in February.

"I wondered about those payments when I took over the grand jury," Judge Coash said, "and I protested because I knew a day of reckoning would come. . . .

"While I approved vouchers for paying Hemans, I didn't like it, but I was new on the bench and new to the grand jury.

"I had the assurance of both Judge Leland W. Carr . . . and Special Prosecutor Kim Sigler that all expenditures were properly within the scope of the grand jury and necessary to its investigation. . . ."³⁶

As the Detroit Free Press asked the public to "keep an open mind" until explanations from Judge Carr and the Special Prosecutor "are forthcoming,"³⁷ Kim Sigler hurriedly

³⁵Carl B. Rudow, "Hemans Pay Halted Feb. 4," Detroit News, Feb. 28, 1946, p. 1.

³⁶Don Gardner, "Coash Bares Firing of Hemans," Detroit Times, March 1, 1946, p. 1.

³⁷"Wait for All the Facts," Editorial, Detroit Free Press, March 1, 1946, p. 6.

returned from Florida, and on Sunday, March 3, issued a 1,000-word statement charging the senators with "smearing" the grand jury.³⁸ He said committee disclosures were designed "to squelch and destroy the forthcoming bank indictment and gambling indictment," and criticized the motives of the senate investigators "to discredit the accomplishments of the grand jury thus far" and "shake the confidence of the people in the one-man grand jury system."³⁹ He said that the \$8,850 paid in fees to Charles F. Hemans' had saved the state of Michigan several thousand dollars and added that the former army officer had given "us more help than a dozen other investigators could possibly give." Emphasizing that one purpose of the senate committee was to discredit Hemans as a witness, Sigler said he had planned to bring out all the facts at the trial of the bank case. "That would be too late to serve the purposes of the enemies of the grand jury. They hoped to cripple the grand jury before the indictments were issued."⁴⁰

Sigler also disclosed evidence alluded to earlier in the Detroit News that his investigation of gambling had reached into Macomb County, where chairman Johnston had formerly served as county prosecutor. Sigler said he

³⁸ Carlisle Carver, "Sigler Hits Jury 'Smear' by Senate," State Journal, March 3, 1946, p. 1.

³⁹ Ibid.

⁴⁰ Ibid.

had intended to call Senator Johnston as a witness before the grand jury upon his return to Lansing and that the senator was "personally very much interested" in an indictment involving gambling to be returned in the near future.⁴¹

As Judge Coash suspended the grand jury until "a proper determination" of senate committee evidence could be made,⁴² newspapers began to choose up sides. In a two-column-wide editorial set in large type and topped by the caption, "Whether They Are Guilty is the Only Grand Jury Issue," the Detroit News observed:

As it was in the beginning, the question raised by the attempt to put obstructions in the way of the Ingham County grand jury is simply whether crooks in office belong in jail; whether legislators and other job holders who have betrayed a public trust shall be punished, with their accessories, for their crimes.

There can be only one answer to that in the minds of citizens of good conscience:

The inquiry ought to proceed, despite the attacks of those who may have excellent reasons of their own for wishing that it be abandoned.

This in substance is what Kim Sigler, the jury's special prosecutor, has to say in his latest statement, to which we subscribe.

The Legislature, particularly the Senate, has come under his scrutiny, and it is in the Senate that the move to discredit the jury's past works and further activities has centered.

Each of the Senators who compose the committee assailing him is shown by Sigler to have a motive for wishing that the jury go out of business. . . .

If the Senate committeemen have nothing to fear from any inquest into their conduct in office, why trouble themselves with Hemans and the circumstances under which the grand jury has availed itself of the information he can offer?

⁴¹Ibid.

⁴²Lloyd Moles, "Judge Coash Halts Grand Jury," Ibid., March 4, 1946, p. 1.

The Lansing State Journal commended editorially that

The position of Lieut. Gov. Vernon J. Brown in branding an investigation of grand jury spending as "the height of impropriety" is hard to understand. . . .

When did it become improper in Michigan for the taxpayer to know how his money was being thrown around? . . .

Under the common understanding of the term "daylight" we would catalogue the common knowledge that a bribe-passer is not only granted immunity but is paid \$6,000 of the taxpayers' money for his testimony. Just why that kind of information is none of the taxpayers' business, as Mr. Brown suggests, is statesmanship of the higher order we just fail to understand--or accept. . . .

There should be no blank checks for state money even if such checks have the O.K. not only of Judge Carr, but all the rest of the members of the Supreme Court with the administrative board thrown in for good measure.

Mr. Brown is critical of the group selected by the senate at large to make this investigation at public expense. . . . There is perhaps some advantage in the senate picking its own committees--there might be fewer applications of whitewash of things investigated. . . .⁴³

With the Journal leading the taxpayers into a jury probe, the Detroit Free Press was most vocal in its support of the graft investigation and the grand jury itself. The editorial cartoon of March 6, drawn by staff artist Frank Williams, pictured a policeman with a nightstick and pistol--and labelled "State Grand Jury"--running down a road littered with cash and coins and tagged "Trail of Graft and Corruption." Being whisked across the road, directly in front of the policeman's path, was a dead fish on a string, marked "Obstructionist Tactics." The cartoon

⁴³"Grand Jury 'Daylight,'" Editorial, State Journal, March 3, 1946, p. 5.

caption read simply: "Red Herring." The Free Press noted editorially:

In taking the course that he has in suspending the State grand jury and perhaps ending its operations, Circuit Judge Louis Coash has assumed a responsibility that few men in public position would want.

It is a responsibility which the Free Press believes he has no right to assume. . . .

The grand jury has been in operation for more than two years. It has disclosed a situation in the Michigan Legislature, which, to put it mildly, is a sickening betrayal of the people of this commonwealth. . . .

The work of the grand jury and the trial courts has been upheld on more than one occasion by the State Supreme Court. The grand jury has been wholly justified. . . . Judge Coash didn't inaugurate the grand jury--money for the grand jury was appropriated by the State Legislature--by ordinance of the people of this state.

Now, Judge Coash says he is perturbed by the manner in which that money has been spent. And while he declares that the work of the grand jury will not be ended, he has ordered its operations suspended while he investigates the uses to which the appropriation has been put.

Meanwhile, a committee of State Senators is pursuing the same course. They are making an ill-advised probe into matters which do not concern them and they are doing it in the face of statements made by Special Prosecutor Kim Sigler that the future work of the jury may concern itself with some of these committee members.

The whole Senate committee affair smacks of obstructionism, and it is unfortunate that Judge Coash has permitted even the outward appearance of allying himself with a group whose evident purpose is to hamstring justice. . . .

There will be a proper time for a full accounting of all monies spent. But the time is not now. For the moment, principles of honest government take precedence over dollars. . . .⁴⁴

⁴⁴"More Than Dollars at Stake," Editorial, Detroit Free Press, March 6, 1946, p. 6.

With an open "break" now claimed by the Detroit Times between Judge Coash and Prosecutor Sigler,⁴⁵ the next wedge driven between them was the senate committee's "blistering" reply to Sigler over grand jury irregularities. Claiming Sigler "broke faith" with the grand jury and with Judge Coash, the committee said he had placed several grand jury witnesses on the payroll after they had turned state's evidence and had also returned former Ku Klux Klansman Charles "Nightshirt Charlie" Spare to the grand jury payroll under an alias. The committee also disclosed that Sigler had taken three vacation trips with a state policeman as driver--whose living expenses were paid by grand jury funds on two trips; that the grand jury had incurred a bill exceeding \$25,000 at only one of several hotels it had used; that State Police Officers spent taxpayers' money for liquor and entertainment of private investigators employed by the grand jury; and that funds were used to buy four or more scrapbooks and fifty newspaper mats of Sigler's own photograph.⁴⁶

Continuing its sharp reply to Sigler, the committee also said the prosecutor claimed there was nothing wrong with paying state witness Hemans a salary of \$600 a month and expenses in addition. "The witness fees payable to an

⁴⁵"Sigler Pay Stopped, Jury Suspended," Detroit Times, March 5, 1946, p. 1.

⁴⁶Lloyd Moles, "Sigler 'Broke Faith,' Senate Probers Claim," State Journal, March 5, 1946, p. 1.

ordinary Michigan taxpayer in a similar case amount to \$2 per day and 15 cents per mile going to court. . . ."47

The senate investigators also declared in a statement that they had not sought the job of investigating grand jury expenditures and were not aware of the resolution naming them to the committee until the resolution was introduced.

Publicly silent over changing developments since his statement criticizing the senate committee, Kim Sigler released a five-page letter to Judge Coash charging him with losing interest in the grand jury and asserting he would petition the Michigan Supreme Court to take super-intending control over the grand jury.⁴⁸

"In your public statements, you have permitted the impression that I alone am responsible for everything in connection with the grand jury. . . . I have had no expenditure that you did not fully understand and about which we have talked on various occasions.

"Your suspension of the grand jury for all practical purposes means the end of the investigation. . . . The battle should not be stopped because those who are being investigated criticize us. . . .

"At the beginning of your service as grand juror, you started out with great enthusiasm. When pressure began to develop and you saw the possibility of criticism, your enthusiasm began to wane," Sigler charged. . . .

The grand juror's attitude was viewed by Sigler as "encouraging the making of baseless and slanderous statements concerning myself."

"This matter is beyond personalities," he said. "Uncovering graft is of far more importance than you, the senate committee, or myself, and of more

⁴⁷Ibid.

⁴⁸"Sigler to Ask High Court to Control Probe," Ibid., March 6, 1946, p. 1.

importance to the people of the State of Michigan.
 . . . I humbly believe that I owe the people of
 this state the duty of continuing the fight. . . ."49

The March 8 edition of the Detroit Free Press again featured a grand jury-related editorial cartoon, this time showing Kim Sigler with his pince-nez glasses pointing an accusing finger at Judge Coash, who was returning the gesture from the bench. As steam rose between them from the heat of their arguments, a pompous figure labelled "Graft and Corruption," puffed a cigar contentedly from the witness stand, his fingers hooked on his vest. Remarkd the Free Press in reference to Sigler's petition seeking Supreme Court jurisdiction of the grand jury:

This is the latest move in a series of three-cornered maneuverings between Sigler, Judge Coash and the Senate investigating committee which, for reasons of its own, is attempting to scuttle the probe of legislative graft in this state. . . .

It is the 5,266,000 citizens of the State who stand to win or lose, according to the grand jury's fate. It is not the tender feelings of a small group of politicians or job holders that is of primary concern in this matter. . . .

The people of the State of Michigan are not greatly concerned with the exchange of acrimonious messages between Sigler and Judge Coash.

They are not much concerned with the fine points of law, or with political juggling designed to save the culpable from their just desserts.

They are interested only in the fact, revealed by Sigler, that crimes have been committed, and that those suspected have not been brought to trial. . . .59

49 Ibid.

50 "Justice," Editorial, Detroit Free Press, March 8, 1946, p. 6.

As the senate inquiry, in a "renewed blast at grand jury expenditures," revealed that payments to Hemans were more than double the \$8,850 originally uncovered by the committee,⁵¹ Detroit News reporter John McManis summarized the past month of controversy.

Michigan's legislative graft grand jury may resume hearings this week, but where it will go nobody knows.

Will Kim Sigler continue as the special prosecutor, resign or be fired?

Will Judge Louis E. Coash, bitterly assailed by Sigler, remain as grand juror?

Will the grand jury maintain its spectacular record in prosecuting grafters, bribe takers and bribe givers in the State Government?

Or will the three-cornered fight between Sigler, Judge Coash and a Senate committee investigating grand jury expense accounts, wreck the grand jury? . . .

Two important investigations were underway when the jury was shut down. These are the investigation of the vote of the 1941 Legislature on the anti-chain banking bill and a gambling case. . . .

In both cases, Sigler said, the grand jury has obtained confessions from some legislators and public officials and is nearly ready to return indictments. The banking indictment, he said, will name legislators who have not appeared in any other indictment.

These are the last of a series of major indictments to be revealed by the grand jury as the result of corruption in the Legislature.⁵²

McManis' questions were answered in a series of steps that began with the senate committee statement that the resumption of the grand jury "need not await" its final report.⁵³ The next step followed when, on

⁵¹Allan J. Nieber, "New Attack on Hemans," Detroit News, March 10, 1946, p. 1.

⁵²John McManis, "What's Coming Next in State Grand Jury," Ibid., March 10, 1946, p. 1.

⁵³Lloyd Moles, "Senate Probers Find More Hemans Costs; Total Nearing \$16,000," State Journal, March 9, 1946, p. 1.

March 12, newspapers carried the major page-one story that Judge Coash had fired Sigler and had named former Ingham prosecutor Richard B. Foster to his place.⁵⁴ Although at first declaring he would proceed with his petition to the Supreme Court,⁵⁵ Sigler later revealed he would withhold it until he had the chance to view what would happen. "Meanwhile," the State Journal reported, "rumors that Sigler would run for governor were given new impetus Wednesday, when it was learned that petitions were being circulated in Detroit to make him a candidate for the Republican nomination."⁵⁶ As the senate committee reportedly continued its probe of grand jury expenditures behind closed doors, Judge Coash and his new prosecutor resumed the grand jury investigation.⁵⁷

On March 21, less than two weeks after leaving the grand jury, Kim Sigler announced his candidacy for governor. Asserting from a Detroit hotel lobby that no candidate ever entered a gubernatorial race with the line between friends and enemies so sharply drawn, Sigler said: "Foes of the grand jury will fight me in this campaign as bitterly as they have opposed my efforts to bring criminals to justice."

⁵⁴Don Gardner, "Sigler Fired," Detroit Times, March 12, 1946, p. 1.

⁵⁵Lloyd Moles, "Coash Fires Sigler, Names Ex-Prosecutor to Grand Jury Post," State Journal, March 12, 1946, p. 1.

⁵⁶"Sigler Plan for Appeal Withheld," Ibid., March 13, 1946, p. 1.

⁵⁷Ibid.

Now, as in the past, my friends are the people who want to strike out graft and corruption in our great state."⁵⁸

Still to be settled by the grand jury were indictments on gambling and branch banking legislation, and on May 7 the reorganized one-man grand jury handed down a conspiracy warrant against Laurence A. Lyon, retired captain and former deputy commissioner of the Michigan State Police, and three alleged gambling partners.⁵⁹ Breaking a silence of several months, grand jury prosecutor Richard Foster said the conspiracy had occurred between January and November of 1945, and he set forth two counts--one, the payment and receiving by Lyon of graft and the other, a conspiracy entered into by Lyon and three gambling operators who had been allowed to operate slot machines in Ingham County without State Police interference.⁶⁰ The State Journal reported that the grand jury seizure in November, 1945, of 105 slot machines and records of operation and ownership "laid the foundation for the present gambling conspiracy."⁶¹

Of interest to this study was Judge Coash's statement following the arraignment that he would not preside

⁵⁸"Sigler Now Is In Race," UP, Ibid., March 21, 1946, p. 1.

⁵⁹"Grand Jury Charges Ex-Trooper Captain Took Gambler Bribes," Ibid., May 7, 1946, p. 1.

⁶⁰Ibid.

⁶¹Ibid.

at the examination of the defendants.⁶² Said the State Journal:

Judge Coash would appear to be acting wisely in deciding not to sit as examining magistrate at the hearings of those against whom the grand jury has returned indictments. While such a practice is legal, the grand jury process would seem to be strengthened by a policy of having other jurists conduct the proceedings beyond the point of issuance of indictments.⁶³

Two weeks after the first warrant, the Ingham County grand jury issued its second gambling conspiracy indictment accusing retired Lansing Police Department Chief John F. O'Brien with accepting graft for protection of gambling interests.⁶⁴ Named also in the indictment were three area businessmen, including Dorr T. Feldman, reputed gambler, who furnished the money for the bribes. The warrant covered a period from December, 1943, to September 15, 1945, fifteen days after Chief O'Brien had retired. Prosecutor Foster said the bribes paid allegedly to O'Brien ranged from \$350 to \$700 a month and were paid by Feldman through a Lansing businessman.

Under the charges of the first gambling indictment, testimony from Feldman's partner Ora Ray Messner told of former State Police Administrator Lyon receiving \$400 a month in bribes, plus an undisclosed amount given as a down

⁶² Ibid.

⁶³ "The Grand Jury Grinds On," Editorial, Ibid., May 9, 1946, p. 4.

⁶⁴ Lloyd Moles, "Accuse Ex-Police Chief of Accepting Bribes to Protect Gambling Here," Ibid., May 21, 1946, p. 1.

payment.⁶⁵ By the time the trial had opened on July 9 at Mason, Lyon had pleaded guilty and turned state's evidence. With Lyon's testimony that he had received \$2,500 for protection of the illegal slot machine operation, the conspiracy trial ended on July 11, with convictions against Dorr Feldman and two other conspirators.⁶⁶

The second gambling conspiracy indictment featured a plea of guilty by former Chief O'Brien the day following his indictment.⁶⁷ The two remaining defendants, Dorr T. Feldman and Wallace Crafton, manager of an alleged gambling establishment in Lansing, were bound over for trial on July 1,⁶⁸ while a third man involved, Sidney Goldman, had received immunity for his testimony.⁶⁹ With Feldman already convicted on the first conspiracy charge and Crafton's role in the indictment questionable and never explained by the grand jury,⁷⁰ the trial was never held.

The last of the grand jury's investigative work-- and the subject that initiated the probe--came about in

⁶⁵"Says Lyon Paid Bribe by Gamblers," Ibid., May 15, 1946, p. 1.

⁶⁶Roberta Applegate, AP, "Expect Appeal of Convictions in Graft Case," Ibid., July 11, 1946, p. 1.

⁶⁷Lloyd Moles, "Ex-Chief Pleads Guilty to Graft," Ibid., May 22, 1946, p. 1.

⁶⁸"Feldman, Crafton Face Trial July 1," Ibid., June 5, 1946, p. 1.

⁶⁹"File Grant of Immunity," Ibid., May 23, 1946, p. 1.

⁷⁰Moles, "Ex-Chief Pleads Guilty."

mid-1946 with the announcement of the long-awaited anti-branch banking indictments. On July 21, eight-column headlines proclaimed the news that twenty-four persons, including bankers, lawyers, and legislators, had been indicted on charges of a \$50,000 bribe conspiracy to block the 1941 legislation.⁷¹ Reported as the biggest indictment issued in the almost three-year history of the grand jury, twenty-eight persons had been named, but four of the defendants would not be prosecuted because of grants of immunity, the State Journal said.⁷²

Charged with conspiring to wrongfully obstruct the due course of legislation and to corruptly influence the acts of the members of the legislature and the legal adviser to former Governor Murray D. Van Wagoner, the alleged bribe givers included Howard J. Stoddard, president of the Michigan National Bank chain; Charles B. Bohn, chairman of the Michigan National Bank chain board and Detroit businessman; Simon D. DenUyl, secretary-treasurer of the Bohn Corporation and member of the bank board; Harold Vanderberg, Kalamazoo businessman; Francis P. Slattery; Byron L. Ballard, former legal adviser to Governor Van Wagoner; and Charles F. Hemans. Ballard, as assistant attorney general and former legal adviser was also accused of "offering,

⁷¹"28 Indicted in Lansing Plot," Detroit Free Press, July 21, 1946, p. 1.

⁷²Carlisle Carver, "Grand Jury Indicts 24 More," State Journal, July 21, 1946, p. 1.

tendering, promising, giving and receiving bribes, money and other things of value" to bring about the defeat of the bill originally sponsored by former Senator D. Hale Brake, and thereby act to corrupt his office. The remaining defendants accused of bribe-taking were either present or former members of the Michigan House and Senate, and only three of them had not been named in previous grand jury indictments.⁷³

The warrant alleged that the conspiracy took place between January, 1941, and March, 1941. Much of the investigative work had been done before Judge Coash and Prosecutor Foster assumed direction, the Journal reported, but since their assumption of control more than 100 witnesses had been questioned and complicated transactions involving the defendants were traced through several corporations. Nine defendants had already confessed their part in the indictment, and the four individuals already granted immunity would appear as key witnesses for the prosecution. Among these was former lobbyist Charles F. Hemans.

Newspaper reaction to the major indictment was continued support of the grand jury in its efforts to uncover corruption and also admonition toward apathetic citizens. Editorials, such as one in the Detroit News commented that "Weak

⁷³ Background on the anti-branch banking indictment is taken from Carver, "Grand Jury Indicts 24."

Citizenship is Also Indicted,"⁷⁴ while the Detroit Free Press editorially recalled that rumors of graft involved with the "branch bank scandal" prompted that newspaper to demand a complete investigation.

In the cleaning up of the state, the job has just begun.

That is why the Free Press urged the selection of Kim Sigler for Governor. He should be allowed to finish the task he and Judge Carr so efficiently and courageously began.⁷⁵

Providing a perspective to what the Carr-Sigler investigation had uncovered, now that the bank branch indictment has been handed down, the Free Press published a news analysis on July 22, on page thirteen. With a kicker headline, "Lush Days are Gone," the main headline read: "Grand Juries Clamp Lid on Lansing's Pot of Gold."

The charge that leading Michigan bankers had been tinkering with the Legislature to block the branch and chain bank banning law recalled memories of high-living legislators to veterans around the Capitol.

They remembered legislators coming to Lansing with borrowed shoes and patches on their pants.

A couple of months later the same lawmakers would be wearing spats, choosing from a half a dozen new suits and twirling a cane.

Another member of the House drove down from the North in a battered fifteen-year-old Ford. He went home wheeling a Packard and towing the Ford.

All this happened on three dollars a day that legislators get legally.

The 1941 session of the Legislature was considered the last of a long era of venal lawmakers who wore "for sale" signs under their vests.

⁷⁴"Weak Citizenship Is Also Indicted," Editorial, Detroit News, July 23, 1946, p. 14.

⁷⁵"28 More Indicted," Editorial, Detroit Free Press, July 23, 1946, p. 6.

Cynics in those days contended that getting elected to Lansing was just the same as paying the mortgage on the old home.

Previous grand jury trials have revealed that some elected officials could be bought as easily as a pound of ham.

Since the grand jury started operating across the street from the dome of the Capitol there has been no vulgar display of sudden wealth on the part of any of the legislators. . . .

The first indication of trouble in the branch bank trial was a news story in the State Journal on September 9 that Charles Hemans, who had already furnished key testimony in earlier grand jury successes and granted immunity for his bank testimony, had moved to Washington, D. C. Special Prosecutor Richard Foster said Hemans had been subpoenaed for the impending conspiracy examination and, if he failed to appear, "action would be taken to compel his return."⁷⁶

Meanwhile, in a special dispatch from Washington, Detroit News reporter Allan J. Nieber quoted Hemans as saying he wanted no further part in the inquiry.⁷⁷ According to a report from Free Press writer James Haswell, who interviewed Hemans, public reaction to his testimony was the lobbyist's reason for fleeing the state and refusing to cooperate further.

"You remember that two years ago the grand jury officers asked me to return to Michigan and testify in the case against the legislators there.

⁷⁶"Hemans Balks at Summons in Bank Case," AP, State Journal, Sept. 9, 1946, p. 1.

⁷⁷Allan J. Nieber, "I Didn't Ask Immunity," Detroit News, Sept. 10, 1946, p. 1.

"I talked to a lot of people in whom I had confidence, then. I talked to Kim Sigler and Judge [Leland] Carr, and to a couple of members of the Supreme Court, and I talked to some pastors in whom I had faith. . . .

"They all said the right thing, and the decent thing, was to go to Michigan and tell the story. . . .

"But as soon as I did I found out that I was wrong. I had done the wrong thing. The public reaction to my testimony showed me at once that I had done wrong. I was kicked and reviled and blasted from one end of the state to the other.

"So I said to myself, 'Never again,' and I meant it. I went through with my testimony because once I give my word I don't break it. But I meant 'Never again.'"⁷⁸

But in an interview years later with former reporter Nieber, the ex-Detroit News writer offered another reason:

Denny [Simon D.] DenUyl had supplied Hemans with the money to buy the bank bill, and Foster was pushing for this. Hemans took the position that he wouldn't testify against his pal, Denny. He was a maverick and took off after his refusal for Washington, D. C. He figured he was safe and thumbed his nose at the grand jury. . . .

I think Hemans was paid off to keep his mouth shut. There's no proof, but obviously that's what it had to be. Along with the principle of testifying against his pal, he was paid off. After all, Hemans cooperated for quite awhile before balking.⁷⁹

Whatever the reason, Charles Hemans refused to return to Michigan, declaring he would not come back "until the United States Supreme Court orders[him] back."⁸⁰ As the examination began without him, Special Prosecutor Foster said he expected to invoke a new federal statute--making it a

⁷⁸James Haswell, "I'm Not Testifying," Detroit Free Press, Sept. 10, 1946, p. 1.

⁷⁹Allan J. Nieber, Interview, Dec. 15, 1970.

⁸⁰"Hemans Balks at Summons," State Journal.

felony for a person to leave a state with intent to avoid giving testimony--if Hemans persisted in his refusal to return.⁸¹ By September 18, Foster conceded his inability to produce Hemans as a state witness was a "decided handicap," while presiding Circuit Judge Chester P. O'Hara, of Detroit, called the lobbyist "the connecting link" between the fourteen legislators and the five Michigan National Bank officers accused of conspiring to defeat the 1941 bill.⁸²

During the next twenty-one months, the branch bank examination was forced to adjourn seven times, while Judges Coash and O'Hara and Prosecutor Foster sought Hemans' necessary testimony. After exhausting his legal redress, the former lobbyist was forced to appear at the examination on October 16, only to refuse testifying because of possible incrimination through a federal indictment issued against him as a fugitive witness.⁸³ After his conviction and sentencing to four years, Hemans still refused to talk, pending appeal before the federal courts, and Judge O'Hara was forced to re-adjourn the examination until the possibility of giving incriminating evidence was

⁸¹Roberta Applegate, AP, "Foster Files 7 Grants of Immunity," Ibid., Sept. 10, 1946, p. 1.

⁸²"Need Acute for Hemans' Testimony," Ibid., Sept. 18, 1946, p. 1.

⁸³"Try Hemans on Stand; Result Nil," Ibid., Oct. 16, 1946, p. 1.

removed.⁸⁴ When at last the United States Supreme Court refused Hemans' appeal,⁸⁵ he still refused to testify, as the hearing reopened November 13, 1947, on the grounds his testimony in the bank case--for which he was still under immunity--too closely paralleled evidence needed against him under an April, 1948, indictment sought against him in connection with intangible tax law bribery.⁸⁶ Following postponement of the examination on November 14, attorneys for the other bank case defendants appealed to the Michigan Supreme Court against the unwarranted delays, and on April 6, 1948, the court ruled that Judge O'Hara had sixty days in which to bind over the defendants to trial or dismiss the charges.⁸⁷

As the bank examination re-adjourned on April 19, 1948, still minus the testimony of Charles Hemans--Judge O'Hara granted Prosecutor Foster's motion to quash the indictments.⁸⁸ Although Foster declared he would concentrate his efforts toward the bribery case in which Hemans was named a defendant--and for which he had been cited in

⁸⁴"Hemans' Silence Still Is Upheld," Ibid., Dec. 12, 1946, p. 1.

⁸⁵"Hemans May be Returned," Ibid., Oct. 20, 1947, p. 1.

⁸⁶"Refuses to Testify in Bank Case," Ibid., Nov. 13, 1947, p. 1.

⁸⁷"Ultimatum is Issued in Bank Bribe Case," Ibid., April 6, 1948, p. 1.

⁸⁸"Long-Drawn Bank Bribe Case Ends," Ibid., April 19, 1948, p. 1.

contempt⁸⁹--this, too, fell through when the Michigan Supreme Court dismissed the charge. The court ruled that since the main case had been dismissed, Hemans could not be held in contempt for refusal to testify in it.⁹⁰

With the dismissal of the branch bank examination, the Carr-Sigler grand jury lost its second major enterprise. In addition, the grand jury under Judge Coash and Prosecutor Foster had been forced to drop other indictments, because of the deaths of two key witnesses--former Lieutenant Governor Frank Murphy and Senator Warren G. Hooper.⁹¹ Although achieving more than forty-five convictions, its only surviving major success was the small loan conspiracy case of 1944. This prosecution, too, fell through, and again it was Hemans who was responsible. On September 25, 1950, Circuit Judge John S. Simpson granted a motion for a new trial in the case of John Hancock, a finance company officer, on the basis of evidence concerning Hemans' testimony at Hancock's trial.⁹² Ultimately all the convictions were reversed by Judge Simpson and the state did not undertake new prosecutions.

⁸⁹"Bank Case Postponed Until March," Ibid., April 19, 1948, p. 1.

⁹⁰"Court Rules on Hemans," Ibid., Jan. 13, 1949, p. 1.

⁹¹"Grand Jury Drops Eight Indictments," Ibid., March 18, 1947, p. 1.

⁹²"People v. Hancock, Opinion of the Court," in the Circuit Court for Ingham County, Sept. 25, 1950, Docket No. 7813. (Typewritten.)

The key to the reversal of convictions--for which most of the defendants had been seeking since 1944--was an affidavit filed by a former investigator with the Carr-Sigler grand jury.⁹³ The affidavit declared that Hemans had agreed to testify in the small loan bribery cases "in such a way as the prosecution desired regardless of his own recollection," and that he said several times that he had never informed the finance officials about his bribe-paying. In exchange for his testimony, according to the affidavit, Hemans was to receive certain favors from the grand jury. Judge Simpson apparently did not consider the affidavits of denial filed by former Prosecutor Kim Sigler and Hemans⁹⁴ of sufficient weight to offset the conclusion that the small loan bribery case convictions had been obtained through "purchased testimony."⁹⁵

Thus ended the Carr-Sigler grand jury.

⁹³"People v. Hancock, Affidavit of Monroe M. Wendell," in the Circuit Court for Ingham County, n.d., Docket No. 7813. (Typewritten.)

⁹⁴"People v. Hancock, Affidavit of Kim Sigler, Answer to Motion to Leave to File Motion for New Trial," in the Circuit Court for Ingham County, n.d., Docket No. 7813. (Typewritten.); "People v. Hancock, Affidavit of Charles F. Hemans," in the Circuit Court for Ingham County, n.d., Docket No. 7813. (Typewritten.)

⁹⁵"People v. Hancock, Opinion of the Court."

CHAPTER V

THE LEGISLATURE KILLS A LAW

While the anti-branch banking case slowly faded, events that would re-shape the structure of the law responsible for that indictment, as well as for the myriad of other indictments, trials, and convictions resulting from the Carr-Sigler grand jury had been occurring.

The first hint of (legal) attack against the One-Man Grand Jury Law had come as early as 1945, when, at the annual meeting of the State Bar of Michigan, two resolutions had been introduced related to the one-juror system. The first one, adopted unanimously, put the bar in favor of legislation to disqualify judge-jurors from presiding at either the preliminary examination or the trial of persons arrested under warrants issued by them.¹ The resolution seemingly was directed at the activities of Judges Ferguson and Carr, both of whom had regularly presided at the examination of their own charges.²

¹State Bar of Michigan, Proceedings, Tenth Annual Meeting, pp. 56-58.

²Scigliano, p. 59.

Appropriate legislation was introduced on February 10, 1947, by Representative Henry T. Gage, of Detroit,³ and was formally approved by the legislature in April--making it the first amendment to the One-Man Grand Jury Law in more than twenty-five years.⁴

The second resolution did not have such easy success. Introduced by an attorney once punished for contempt in an earlier grand jury investigation, it was designed to place the bar on record as being in favor of the system's abolition. During the next several months, controversy took place among bar members, with the majority believing that abuses in the system could be corrected through amendment. Two separate minorities shared the view that the judge-jury system was inherently defective, because it combined executive and judicial powers in one individual. The Detroit Free Press said editorially of the controversy in 1946:

By asking the State Bar to help abolish the one-man grand jury system in Michigan, the left-wing Lawyers Guild is not acting in the public interest.

While the one-man grand jury admittedly has flaws, and while it is still subject to all of the weaknesses of the human element, it still remains the only proven agency that the people of this state have to combat graft and corruption in official circles. That [point] has been made on numerous occasions in the past decade.

To shackle it or take it out of existence without the substitution of some equally effective weapon would be to wipe out all of the recent gains

³"Seeking to Curb Grand Jury Power," State Journal, Feb. 11, 1947, p. 1.

⁴Michigan Public Acts (1947), Public Act No. 33.

which have been made toward more honest government in Michigan.

Does the Guild mean to question the ability and integrity of such jurists as Leland W. Carr, Herman Dehnke and Homer Ferguson?⁵

With the spreading reaction among lawmakers and the public to the large-scale investigations of the preceding eight years, and particularly the questionably handled Carr-Sigler grand jury, opposition to the one-man grand jury became legally respectable in March, 1948, with the United States Supreme Court's decision in the Michigan-originated Oliver case. While the Supreme Court did not rule on the constitutionality of the law itself, it nonetheless gave respectability to those opposing the one-man grand jury. In a strongly worded opinion, the Court held that conviction of a person for contempt of court without a reasonable opportunity to defend himself against the charges and conviction within the secrecy of the judicial chamber, constituted a denial of due process of law.⁶

The three-way division within the State Bar Association over the one-man grand jury found its approximate counterpart within the 1949 State Legislature. Among the legislators there were some who wanted to amend the statute but keep its basic features, including that of the single judge-juror, intact; there were others who wanted to make

⁵"We've Nothing Better," Editorial, Detroit Free Press, Sept. 12, 1946, p. 6.

⁶In re Oliver, 333 U. S. 257.

a major revision of the system; and a third group wanted to abolish it.⁷

The first bill to reach the legislature and the newspapers was designed for abolition of the judge-juror system, and it was sponsored by Representative John S. Ptaszkiewicz, of Hamtramck, who had unsuccessfully introduced the same measure two years earlier.⁸ Disclosing he would ask for a public hearing on the bill before the House Judiciary Committee, Ptaszkiewicz said he had not changed his opinion that the one-man system had developed into "one of the most vicious attacks on human rights this country has ever seen." One of the principal objections opponents had to the system, the State Journal reported, was that it violated constitutional separation of powers between the administrative (the prosecuting attorney) and the judiciary. "Critics hold that when a judge is made a grand juror he becomes the prosecutor and the judge in the case he is investigating, and as prosecutor has dictatorial powers to the detriment of the civil rights of those brought before him."⁹

An all-day hearing on the repeal bill was conducted on February 16 before the House Judiciary Committee with arguments presented for and against the measure. The rights of citizens and due process of law were the

⁸"Seek to Abolish Grand Jury Plan," State Journal, Jan. 27, 1949, p. 1.

⁹Ibid.

catchwords for proponents of the bill who, the State Journal reported, asserted at the hearing that "we cannot have a one-man grand jury and have the proper regard for fundamental protection of our citizens." One of those most bitterly attacking the law's abuses was William Henry Gallagher, a Detroit attorney. Having been counsel for several defendants in grand jury-related trials, Gallagher listed among the abuses such "inquisitorial tactics" as arresting witnesses in the middle of the night; citing for contempt when a witness did not agree with the grand jury; the joining of judicial and administrative powers in one man; detention of citizens without warrants; and the use of wives to testify against their own husbands.¹⁰

Those opposing the repeal measure, including former Governor Wilber M. Brucker, denied that "third degree" tactics were used and said that the one-man grand jury had "thrown the fear of God into the underworld and criminals know that Michigan isn't a safe state in which to operate." In addition, they asserted the law had already been changed to prohibit a grand juror from serving as both accuser and judge, while amendments to the present law had been prepared to eliminate so-called abuses.¹¹

¹⁰"State Grand Jury System Defended and Attacked," Ibid., Feb. 16, 1949, p. 1.

¹¹Ibid.

By early March, the House Judiciary Committee was expected to report out the measure calling for repeal of the one-man grand jury law. At the same time, the State Journal reported it would probably also report out an alternate proposal containing modifications in the present system.¹² On March 10, alternatives to repeal were introduced--one by Representatives Homer L. Bauer, Charlotte, and John Bannasch, Jackson, and the other by Representative Louis Cramton, of Lapeer. With opponents of the judge-juror system charging that too often grand juries had been freely used as vehicles for publicity and subsequent election to political office, Bauer had worked out a solution to retain the efficiency of the system, yet eliminate some of the evils charged to it. His measure would supplant the single juror with three judges, thereby increasing the difficulty of political advancement by any one judge-juror. In addition, Bauer included a provision to forbid grand jurors from making statements to the press except in connection with indictments and similar official action.¹³

Citing the one-man grand jury as "the people's best weapon against rackets and political corruption," Representative Cramton attempted through his measure to

¹²"Legislative Battle Looms over Grand Jury System," Ibid., March 5, 1949, p. 1.

¹³"Grand Jury Plan Under Fire Again," Ibid., March 8, 1949, p. 1.

"perfect the system rather than destroy it." Embodying changes discussed by the State Bar Association, his bill included provisions for penalizing recalcitrant witnesses, such as Charles F. Hemans; hearing contempt citations in open court--following the United States Supreme Court's ruling in the Oliver case; and "speedy hearing" of grand jury witnesses, to meet criticism of the midnight service of summons.¹⁴

As the House Judiciary Committee reported out the repeal bill on April 7, with the two revision measures initially held back pending a general house vote,¹⁵ the newspapers again launched their editorial position on the one-man grand jury law. Said the Detroit News, in an editorial headlined, "It Sends the Crooks to Prison!":

The House at Lansing is to take up Wednesday the bill to abolish the one-man grand jury system, which was reported without recommendation from the Judiciary Committee.

The Committee is holding in readiness two other bills described as revisions of the grand jury law. These do not come from the hands of its friends anymore than does the repeal bill. It looks as though the idea is to use the repeal bill, which will not pass, as a way of softening up the House and making it more receptive to the revision proposals. . . .

The public has not asked for any tampering with the one-man grand jury system. The public knows that on a number of well-remembered occasions such juries have stepped into the breach, when regular law enforcement agencies have failed or been unable to act.

¹⁴"Grand Jury Amendments Offered," Detroit Free Press, March 10, 1949, p. 23.

¹⁵"House Gets Bill to Kill Juror System," Detroit News, April 7, 1949, p. 1; Carl B. Rudow, "Jury Repeal Debate Set," Ibid., April 8, 1949, p. 5.

The one-man grand jury has put the crooks in jail, where the public wanted them, and never has yet put an innocent man there.

The system is not perfect, admittedly. But, if there is to be a revision, let it begin with the naming of a study commission drawn from the State Bar. And let the witnesses heard be somebody other than former subjects of grand jury attention or their lawyers.

There is no reason for the haste so evident in the present attempt to railroad through amending legislation. There is at any rate no good reason.¹⁶

The Detroit Free Press took this position:

Acting upon a bill now before it, the Michigan Legislature may determine whether or not the people of this state are to be deprived of their most potent weapon for law enforcement. . . .

The record of criminal prosecution under it has been impressive. It has been a shield for the law-abiding and a scourge of the wicked.

Why now this determination to abolish it?

Who are the interests behind the move and what are their motives?

The Michigan Legislature should take careful note of this:

Behind every single effort to abolish or limit to the point of ineffectiveness the present grand jury system are selfish interests which have felt the heavy hand of justice through the one-man grand jury. . . .

Before weakly surrendering to such elements, the Legislature should carefully consider its duty and responsibility to the people of Michigan.

The State must not be left to the mercy of racketeers and hoodlums.¹⁷

Viewing the judge-juror system as inherently dangerous to the rights of the individual, the State Journal supported the repeal measure:

¹⁶Detroit News, April 8, 1949, p. 30.

¹⁷"One-Man Jury," Editorial, Detroit Free Press, Apr. 19, 1949, p. 6.

Debate scheduled . . . on the proposal to abolish Michigan's unique one-man grand jury system will focus attention on the legislature's opportunity at this session to safeguard citizens of the state against abuses arising from a vicious device that places a dangerously large amount of power in the hands of one judge.

There have been many arguments in favor of repeal of the one-man grand jury law which, for a time at least, gave one person the powers of prosecutor, jury and judge. That some of these arguments were valid is attested by the fact that from time to time precautions have been taken to guard citizens against irresponsible use of one-man grand jury powers. . . .

Support of repeal . . . implies no criticism of the able and fair jurists who have served effectively under that system. The criticism is directed, not against them, but against the system under which such grave abuses by the unfair and incompetent have been possible.¹⁸

On April 21, the Detroit News reported that defenders of the one-man grand jury system "were hopeful today that they had gained sufficient strength to beat back repeal of the law as the issue came to a vote in the House."¹⁹ Foes of the repeal bill had won a tactical victory, disclosed the News, by getting reported from the House Judiciary Committee, with a recommendation that it pass, a revised version of the Bauer-Bannasch bill to create a system of three-man grand juries. Intended as a compromise between the one-man and the traditional twenty-three man grand juries, the revision bill was acceptable to Representative Cramton, who was considered

¹⁸"A Dangerous Device," Editorial, State Journal, April 12, 1949, p. 4.

¹⁹Carl B. Rudow, "Grand Jury Law at Stake," Detroit News, April 21, 1949, p. 1.

the leading defender of the one-man system, and, in effect, unified "revisionists" against the Ptaszkiewicz repeal bill.²⁰

The following day, the newspapers carried by various means the page one story of the house alteration of the one-man system to a three-man grand jury. Foremost among their treatment of the grand jury issue was the Detroit Times, which on April 22 ran a banner headline in boldface type, announcing: "House Kills 1-Man Jury." The Detroit News page-one news story began: "The Ptaszkiewicz bill to repeal the one-man grand jury law was beaten in the House Thursday, but the Bauer-Bannasch bill to create three-judge grand juries was passed and sent to the Senate, loaded with corrective and weakening amendments."²¹ The Free Press said in its page-one news story:

The House voted to amend the one-man grand jury law in a way that would nullify effectiveness of the law.

Along with corrective amendments proposed by the State Bar Association, the Representatives struck out the immunity provision, regarded by many as the very heart of the law. . . .

It was the best the grand jury defenders could get to preserve the framework of the machinery that has sent scores of crooks in high places to prison.

Repealists were out to scuttle the crime-detecting procedures so effective in Detroit and legislative bribery cleanups. . . .

²⁰ Ibid.

²¹ Carl B. Rudow, "House OK's 3-Member Grand Jury," Detroit News, April 22, 1949, p. 1.

Here are the members who voted to wipe out grand juries with teeth in their activities. . . .

Two close friends of former Senator Ivan Johnston (R-Mt. Clemens), who is awaiting trial on grand jury bribe charges, engineered the coup to mutilate the existing law. . . .²²

In addition to the enlargement of judge-jurors and the striking of the controversial immunity clause, the house measure also prevented anyone connected with a grand jury from seeking political office for two years after the end of the jury. Other provisions made it a misdemeanor for any grand jury-connected person to comment publicly on matters before the jury; limited grand jury inquiries to a maximum of six months, unless lengthened by a specific order of the three judges; and required that testimony be taken at once from witnesses after they had been subpoenaed.²³

Again, the Detroit News and Free Press attempted to alter the course Lansing legislators were choosing for the one-man grand jury. Editorialized the Free Press under a headline reading: "Civic Duty," with a kicker headline pleading: "Save the Grand Jury":

The time is right now when every citizen of Michigan who believes in honesty and decency in government, and in strict enforcement of the law, should raise his voice in defense of the one-man grand jury law. . . .

²²Hub M. George, "House Votes to Curb 1-Man Grand Juries," Detroit Free Press, April 22, 1949, p. 1.

²³Knight D. McKesson, "Three-Man Grand Jury Bill Passes," State Journal, April 22, 1949, p. 1.

The House of Representatives has gutted the law which has stood as a protective shield between the law-abiding people of this State and those who would commit any crime, from robbery on the streets to violation of the public trust.

Despite valiant efforts of responsible legislators to preserve the one-man grand jury law as Michigan's most potent weapon of law enforcement, interests which are more concerned with their own protection than with the public good have rewritten the law until it is nothing but a hollow mockery. . . .

To reduce the law, as the House has done, to a point of ineffective uselessness, is to flash the green light on all that type of crime which the one-man grand jury in recent years has so effectively exposed.

Church groups, clubs and individuals should speak out in behalf of the one-man grand jury in a volume which members of the Senate cannot fail to heed.²⁴

Law-abiding citizens must now look to the Senate to save the one-man grand jury law and, therewith, the public's respect for the Legislature.

Hardly three years have passed since the Legislature was the chastened subject of a crime detection procedure especially effective against conspiracy to corrupt public officials.

It can not now turn on that procedure to rend and destroy it without inviting inferences no self-respecting legislator could welcome. . . .

The people themselves have had only praise for the present law and surely want it kept from harm. We think the Senate will not disappoint them.²⁵

On May 19, a page-one story, headlined "Keep Teeth in Grand Jury," the Free Press reported that the Senate had voted to change to a three-man jury system but, at the same time, keep the key provision of the law to grant immunity. In addition, to accepting the house measure with three judge-jurors,

²⁴Detroit Free Press, April 23, 1949, p. 6.

²⁵"Up to the Senate," Editorial, Detroit News, April 23, 1949, p. 4.

the bill passed by the senate included a provision limiting special prosecutors to a total fee of \$5,000 "instead of fees like \$76,000 collected by former Governor Kim Sigler when he was sending less than a dozen lawmakers to prison for bribery."²⁶ Another clause forbade appointment of the same person as a special prosecutor for another grand jury until after three years. Interestingly, Kim Sigler was serving as special prosecutor at the time in a grand jury investigation in Mount Clemens.²⁷

Although the two houses were in agreement on the basic principle "that the one-man procedure must be stricken from the books,"²⁸ progress of the bill was temporarily halted until both houses could remove the block concerning immunity grants.

Senators upholding the immunity clause contended that it was the "teeth of the bill," and that without it "you might as well repeal the entire grand jury law."

"When you grant immunity you are giving a break to the biggest rat who can run the fastest to the judge to testify," countered Sen. Harold M. Ryan, Detroit Democrat.

It was obvious that legislators were smarting under the record of the Carr-Sigler grand jury, which had revealed wholesale corruption in past Legislatures, sent some members to prison, and granted immunity to others who turned state's witnesses.²⁹

²⁶Frank Morris, "1-Man Juries Killed," Detroit Times, May 19, 1949, p. 1. (The provision was later raised to a ceiling of \$10,000.)

²⁷Howard J. Rugg, "Grand Jury Bill Passed by Senate," State Journal, May 19, 1949, p. 1.

²⁸Ibid.

²⁹"Attack on 3-Man Jury Bill Fails," Detroit News, May 19, 1949, p. 1.

The House of Representatives rejected the senate amendments to its bill, and the measure went to conference committee. The committee issued its report on May 20, the last day of the session, and, most notably, had eliminated the immunity provision.³⁰ With this one clause the only controversial element in the senate version of the revision bill, both houses adopted the conference report, final action being completed at 3:00 a.m., May 21.³¹ Acceptance of the report meant the one-man structure was substantially altered, while both houses "agreed to outlaw the right of judges to grant immunity, thereby admittedly tearing the heart from the procedure that sent Homer Ferguson to the United States Senate and made Kim Sigler a governor."³²

While the incumbent Governor G. Mennen Williams, a Democrat, mulled whether to "scuttle the one-man grand jury system," which had drawn "growing criticism as lodging too much power in one man and lending itself to use as a political springboard,"³³ defenders of the one-man system planned a statewide referendum to counteract the legislature's tactics.³⁴

³⁰ Scigliano, p. 66.

³¹ Ibid.

³² Frank Morris, "Ban Immunity in Law Killing 1-Man Juries," Detroit Times, May 21, 1949, p. 1.

³³ James A. O. Crowe, AP, "Grand Jury Bill Mulled," State Journal, May 22, 1949, p. 1.

³⁴ "Plan Referendum to Fight Jury Measure," Detroit Free Press, May 22, 1949, p. 2.

Fighting to retain the present system, Rep. Louis C. Cramton (R-Lapeer), a battle-wise former circuit judge, shouted that the bill "means that the grand jury system Michigan has had since 1917 is dead."

"In its place," he said, "is a monstrosity which is not intended to work, cannot work, and will not work."

The bill in effect, he added, repealed the grand jury system.³⁵

The State Journal disagreed editorially with Cramton and other one-man grand jury supporters, calling the new measure a "Step in Right Direction":

The legislature's revision of Michigan's unique one-man grand jury system . . . gave attention to the interests of the taxpayers by limiting fees of special prosecutors to \$10,000 in order to guard against lavish misuse of the public's money. It also sought to prevent exploitation of the grand jury system by the politically-ambitious by requiring those connected with grand juries in major capacities to wait two years before seeking other public offices.

Critics of the legislature's action contend that the grand jury system Michigan has had since 1917 is dead. If reference is made to concentration of dangerously excessive power in the hands of one judge and to the other opportunities for abuses of authority and disregard of the rights of individuals, it is likely to be widely agreed that the death was in the best interests of the state of Michigan. . . .³⁶

Also acclaiming the state legislature's move, the Detroit Times editorially approved the return to a "sane grand jury system."

Responding to the general demand of the people of Michigan, the Legislature has ended the one-man grand jury system. . . .

Only the signature of Gov. Williams is necessary now to erase with dignity and honor this blot of despotism.

³⁵ Crowe, "Grand Jury Bill Mulled."

³⁶ State Journal, May 24, 1949, p. 6.

It is to be hoped that Gov. Williams, as the majority of the House and Senate, will not be misled by the designs of those who have profited from one-man grand juries in the past and who are struggling to preserve this repugnant source of personal aggrandizement.

The new law does not end grand juries. . . .

[B]ecause of insistent pressure from certain factions of the bar, they [the legislators] retained a special grand jury system in event a prosecutor desires to resort to drastic measures.

In such a case there will be three judges instead of one, thus preventing terrorizing of witnesses and assuring that when criminal evidence is uncovered indictments will follow forthwith.

No longer will grand jury prosecutors be able to buy evidence from guilty conspirators by promising immunity. . . .

And the fishing expeditions through which grand juries kept alive for as long as four or five years, and made it possible for 17 to exist at one time in Genessee County alone, have been outlawed.

So Michigan is returning at last to the fundamental principle that citizens have inherent rights protecting them from star chamber courts and the racks. . . .

Gov. Williams now should complete the job and restore to Michigan a public confidence in the American processes of justice.³⁷

The resistance to revising the One-Man Grand Jury Law had been steadily mounting as the revision bill had progressed through the legislature.³⁸ This increase in opposition was reflected in the smaller majorities by which the conference committee report had been accepted by the two houses, as compared with the votes on passage. From the time that the first grand jury measure had been reported by the House Judiciary Committee on April 7, to the final passage of the revision bill on May 20, the

³⁷Detroit Times, May 25, 1949, p. 24.

³⁸Background prior to the revision measure's signature is taken from Scigliano, pp. 69-70.

Detroit News alone published ten major editorials in support of the one-man grand jury, not to mention constant news stories. And, upon passage of the legislation by the Michigan House and Senate, the governor was editorially advised that "Honest Citizens, Gov. Williams, Want Crooks to Go to Jail."³⁹

Faced with what many considered the hottest issue of the 1949 session, Governor Williams was hesitant in determining the fate of the one-man grand jury. His first announcement following passage was that he wanted to study the measure in its final form before deciding upon signing it. Ten days later, on June 1, still publicly undecided, Williams asked leading protagonists and antagonists of the act to submit briefs expressing their positions, and he invited comment from the public as well. On June 2, he announced he would hold a public hearing on the issue.

In addition to the oral positions furnished at the hearing on June 16,⁴⁰ letters and briefs were submitted to Williams from many parts of the state, about one-half in favor and one-half opposed to the revision measure. Thus supplied with argument, Governor Williams signed House Bill No. 287 on June 17. In his statement reported by the press, the governor expressed his opinion on the old system:

³⁹ Detroit News, May 24, 1949, p. 22.

⁴⁰ Howard J. Rugg, "Grand Jury Bill Argued," State Journal, June 16, 1949, p. 1.

"I am convinced the one-man grand jury has inherent defects which militate against justice.

"Chief among these is the concentration of executive and judicial power in the hands of one individual who both directs the investigation and issues the indictment. No man can be a good judge and at the same time a good prosecutor.

"As a judge, he should be impartial, objective and disinterested. As a prosecutor, he should be aggressive and zealous in ferreting out evidence against the accused and in seeking indictments. . . .

"To combine these functions," he said, "is a step backward toward the court of star chamber before which our forefathers suffered and against which they rebelled. Such a combination leads directly to the exercise of arbitrary power. . . ."41

In his statement, Williams said abuses "of the most serious nature" had crept into the one-man grand jury system. These included: the needless creation of grand juries, the use of subpoenas as arrest warrants, the use of subpoenas as search warrants, unreasonable detention and treatment of witnesses, summary punishment for contempt, the issuance of public statements derogatory to the reputation of innocent persons, and failure to advise witnesses of their constitutional rights. It would do no good, the governor stated, to attempt to retain the one-man system and correct the abuses, because those abuses "are all the natural result of concentrating judicial and executive power in a single man . . . of a prosecutor's zeal unrestrained by a separate judicial power."42

⁴¹"1-Man Grand Jury Law is Eliminated," State Journal, June 17, 1949, p. 1.

⁴²Ibid.

Lauding the governor's approval of the new law eliminating "the grave weaknesses and dangers of this state's unique one-man grand jury system," the State Journal noted editorially that the new measure would make more effective the efforts for discovery and punishment of crime by "erecting safeguards against abuses of power and irreparable damage to the innocent which may result from such abuses."⁴³ But the Detroit News again reported that the one-man jury system "was revised by the Legislature smarting under memories of a state graft grand jury which had sent members of previous Legislatures to prison for selling their votes and influence to lobbyists representing special interests."⁴⁴ "And Now the Crooks Will Cheer," said the News editorially.

Yesterday was a great day for the underworld, for faithless public servants, for malefactors in general and conspirators against the rights, the peace and safety of law-abiding citizens.

Yesterday, when Gov. Williams signed the ripper bill the people of Michigan lost what for 30 years had been their best weapon against entrenched crime. *Michigan's one-man grand jury law passed, for the time being, anyhow, into history. . . .*

It is true a case of sorts had been made against the law now repealed. A few respectable attorneys had said that, in theory unbacked by any specific instance, its abuse *might* threaten civil rights--as might any abuse of law enforcement procedure!

Against that weak case were the many instances in which this law had protected citizens in their rights. . . .

⁴³"Grand Jury Safeguard," Editorial, Ibid.
June 19, 1949, p. 6.

⁴⁴"Williams Signs Bill Setting Up 3-Man Juries," Detroit News, June 17, 1949, p. 1.

Against it was the fact that the attack on the law notoriously was launched and supported by the shadiest elements in the state, including those in the Legislature itself.

Against it was the palpable fact that the substitute grand jury law now enacted is a conscienceless fake. . . .

The removal of the power to grant immunity to witnesses will balk any attempted investigation. Without this power and the power to question witnesses in places other than a courtroom, there could have been no exposure of the purchase and sale of laws in the Legislature.

The new law is not a law to expose crime but to hide it. That is what the people have been given by a Legislature spurred by shame to rend the whip that once lashed it and by a Governor too weak to withstand the pressure that bade him in turn act.

We do not think the people will bide forever by that action. . . . Sooner or later, we believe, they will reinstate the one-man grand jury law.⁴⁵

⁴⁵Detroit News, June 18, 1949, p. 4.

CHAPTER VI

THE JOURNALISTS JUDGE THE ONE-MAN GRAND JURY

When Public Act No. 196 became law in 1917, Michigan lacked any agency for exercising inquisitorial powers in the course of criminal investigation and accusation.¹ The common-law grand jury had largely slipped into disuse and its replacement, the prosecutor-information system, lacked the grand jury's power to subpoena, to compel testimony, and to grant immunity. Moreover, because of his position as an elected official in local government, the prosecuting attorney could not always be expected to act in a decisive manner. Thus, the One-Man Grand Jury Law filled a void in Michigan's criminal system, and allowed a circuit judge to constitute himself as a grand jury, with all the powers of the usual multiple-member system employed in federal law enforcement and by other states.

At the height of its fame and power in the 1940s, the Michigan one-man grand jury was indeed a formidable institution. Acting in his judicial capacity, the grand

¹Background on the history of the one-man grand jury is taken from Scigliano, pp. 85-87.

juror could not be sued for issuing an improper report reflecting on the integrity of a governmental officer. He could hire at public expense a staff of special prosecutors, investigators and accountants, and was not immediately accountable for how he spent appropriated funds. He was not directly controlled by any court other than his own, which meant that he considered in the first instance appeals against his action as juror. He could punish summarily and in secret testimony which he considered false and evasive. And although never practiced, he was authorized by law to preside at the examination and trial of cases he investigated. Like the twenty-three man grand jury, the one-man grand jury could institute an inquiry without finding probable cause, then once begun, an investigation could be directed into broad paths.

As the Carr-Sigler legislative graft grand jury slowed to an end thirty years after the law had been in effect, criticism of one-man grand juries had reached the level where legislative action was needed to satisfy the system's antagonists. Condensed into two general points, critics of the one-man grand jury charged that the system combined executive and judicial functions in violation of the principle of separation of powers and consequently in derogation of individual liberty. The second criticism was that the system placed too much power, with too much temptation for abuse, in a single government official--also to the detriment of individual liberty. Proponents of the

system were equally as sure that the one-man grand jury was necessary and were of the opinion, as expressed by then Circuit Judge Chester P. O'Hara, of Detroit, that it was "the state's most effective weapon in the continuing fight to keep corruption and graft out of our governmental processes."²

That the one-man grand jury had evolved into a tailor-made system of efficiently detecting crime in areas where the more cumbersome common-law grand jury or politically elected officials could not go, was a conceded fact. But the fact had also been established that the one-man grand juries culminating with the Carr-Sigler investigation had resulted in abuses of individual rights both through overzealousness and the free legal exercise by the judge-juror and his staff provided them initially by the state Legislature and, more importantly, by consistently favorable decisions of the Michigan Supreme Court. Two decisions by the United States Supreme Court indirectly affecting its operation provided the only legal rebuttal to the Michigan one-man grand jury.³

Although the State Bar Association was influential in initiating and altering the One-Man Grand Jury Law, the press served to convey reportorial and editorial coverage

²"Williams Signs Bill Setting Up 3-Man Juries," Detroit News.

³The two court decisions referred to were: In re Oliver, 333 U. S. 257 (1948); and In re Murchison, 349 U. S. 133 (1955).

of the Carr-Sigler grand jury, and, in addition, played the dominant role in affecting public opinion concerning the legislative graft investigation and the one-man grand jury itself. And instrumental in press coverage of the last major one-man grand jury were the reporters who covered the Carr-Sigler investigation during its five-year run. Their opinions today represent the controversy engendered by the law in the courts, the Legislature, and in the press itself. In former Detroit News reporter Nieber's opinion

The one-man grand jury had too goddamn much power. It had with it almost autocratic control by the grand juror over a witness. If a fellow refused to answer a question, he could get a contempt conviction without advice of an attorney and go right to jail. This was one of the bad, bad features of the thing. Another control was to grant immunity to encourage a witness to testify. If he still refused--boom--they had him again.

It [the law] was very effective but very damn unfair. . . .

The law was revised partially because of the Carr-Sigler investigation, but particularly as a result of the Ferguson-O'Hara grand jury in 1942, when there were appeals after appeals to kill the grand jury law. By the time the Carr-Sigler grand jury got started, the idea of revision was well underway. . . .

The revision into a three-man grand jury was a revolt of the one-man grand jury plan. Proponents felt there were not as many problems with the three-man system. . . .

Basically, I liked the one-man grand jury and saw how successful it could be with certain limitations. The adding of more people--like the traditional twenty-three man grand jury--only made for more trouble.⁴

⁴Allan J. Nieber, Interview, Dec. 15, 1970.

Albert Kaufman, former Detroit Times reporter, supplemented Frank Morris in later coverage of Carr-Sigler operations.

The one-man grand jury was a very potent weapon to uncover crime and wrong doing. Less than crime catching was its danger, however, which ultimately became a disease with one-man grand jury combinations. It was an abusive power. It had considerable resources in terms of money, manpower, public acceptance and, in the main, editorial support. An individual had to face the grand jury almost bereft of his constitutional rights--if he knew them.

On the other hand, I know of no other way you can more speedily get to crime and corruption than through the one-man grand jury technique. There is a dichotomy there. I guess the basic question is: How important is the right of an individual as an individual with respect to the overall objective? . . .

As far as abuse of individuals, I personally knew of none, although I heard of many through hearsay. Abuses in the Carr-Sigler grand jury were minimal in comparison to other major grand juries--notably the Detroit O'Hara case, where detainees were allegedly held outside the window to answer questions. . . .

There is no question that the Carr-Sigler grand jury was responsible for the law's change. Sigler's treatment of lobbyists and legislators, who were called as witnesses but not indicted, as well as those indicted--who related to friends in the legislature their claim of abuses--led to the law's revision. The clause on the limit of holding public office was specifically related to Kim Sigler. No longer could the grand jury be used as a political stepping stone. . . .

Whether the one-man grand jury was revised or repealed is getting into semantics. The idea of the grand jury was supposed to be good, but the one-man system was too dangerous, while a three-man structure would be less dangerous. The Legislature found the one-man grand jury system, as exercised by O'Hara, Ferguson, Sigler and Carr, to be repugnant, and so they decided to do away with that system without throwing the baby away with the dirty water.⁵

⁵ Albert Kaufman, Interview, Dec. 15, 1970.

Former Detroit Free Press reporter Kenneth McCormick, who was instrumental in initiating the Carr-Sigler grand jury, said:

My honest opinion is that the one-man grand jury was the only significant way of coping with graft. I know of no person convicted who wasn't guilty. The Legislature, however, wanted to stop it. . . . One thing that bill did was restore honest government. Although I've been out of the newspaper business for eight years, I'll hazard a guess that Michigan is the cleanest state in the country in terms of corruption.⁶

Jack R. Green was the Associated Press capitol correspondent who covered most of the legislative graft grand jury for the wire service.

I have sincere doubts about the way the grand jury was handled. . . . There was no question that there was abuse in the grand jury. . . . There was also no question that many people were putting up a smoke screen. Thirdly, there was real concern from some people because of the grand jury serving as a political launching pad for Ferguson [who became a United States Senator] and Sigler. . . .

The reason for the death of the one-man grand jury was sort of a reaction by people to the political wangling associated with the system, plus the Senate investigation and the disclosure that some money was misused. There was also a determination by legislators, political organizations and lobbyists, too, that they didn't want such a strong grand jury to interfere with their monkey business. . . .

The three-man grand jury law was definitely a repeal of the original one-man system. I think they just deliberately concocted a straitjacket for it and crippled it so it wouldn't work. I can't remember one effective case under the new law. . . .

I personally wanted the one-man grand jury retained. It had proved itself very effective in spite of the charges. You see, if you covered the Legislature in those years, you were pretty damn

⁶Kenneth McCormick, Interview, Dec. 2, 1970.

sick of seeing what went on. I was glad to see some of them get "hanged." The Carr-Sigler grand jury slowed down graft for a long time, and some of the influence is still hanging around.⁷

Of more importance than the opinions of individuals reporting the grand jury investigation was the total editorial output provided the public. Research has shown that all four major newspapers cited in this study had clearly taken sides by 1949 on the merits of the one-man grand jury. As supporters of the system, the Detroit Free Press and the Detroit News had gone beyond the editorial page in attempting to influence their readers. From its earliest beginnings, the Carr-Sigler grand jury had been closely linked with the Free Press through the initiatory work of its reporter Kenneth McCormick. In the case of the Detroit News, editorial policy was responsible for the strong support of the one-man grand jury, as opposed to any specific relationship through News reporter Allan N. Nieber, who himself held a poor attitude of the system after having reported the Ferguson-O'Hara grand jury in Detroit--an opinion he kept during coverage of the Carr-Sigler investigation.⁸

Editorially, the Detroit Times "was opposed to the one-man grand jury concept and fought bitterly and vehemently for its repeal. We felt it was not the way to root out crime, and it carried too many abuses." One of the abuses often mentioned and directly affecting the Times was the

⁷ Jack R. Green, Interview, Nov. 29, 1970.

⁸ Allan J. Nieber, Interview, Dec. 15, 1970.

summary conviction for contempt of its grand jury reporter Frank Morris. Although grand jury stories appearing in the Detroit Times were not editorially slanted, Frank Morris was a reporter who wrote what he thought, and there were several instances in his coverage when he personally reported his own opinion of the investigation.⁹

The Lansing State Journal completed the four-way assessment of press coverage of the Carr-Sigler grand jury and was initially selected to provide an out-state balance to the larger and traditionally more prestigious Detroit dailies. Although out of the mainstream of controversy surrounding the legislative grand jury, the Journal nonetheless took a firm editorial stance against the One-Man Grand Jury Law shortly before its legislative demise. Relying almost exclusively on wire service copy for coverage of the Carr-Sigler investigation, there was definitely no attempt to reach its readers editorially on page one.

Following the law's major revision in 1949, "the first shots in the restoration campaign were fired by the press"--again the Detroit News and Free Press--with their campaign continued "until victory was won"¹⁰ two years later.

Introduced on the second day that the 1951 session opened by Representatives Louis C. Cramton and Howard R.

⁹Albert Kaufman, Interview, Dec. 15, 1970.

¹⁰Scigliano, p. 72.

Estes, Oakland County, the bill to restore the one-man grand jury had become heavily loaded with restrictive amendments by the time it reached Governor Williams' desk for signature. Although the single-judge feature and compulsory immunity were restored to the basic law, the amendments stipulated that the order instituting an inquiry had to be specific as to the scope of the investigation, and no inquiry could extend beyond a year's duration. All testimony had to be taken in the presence of the grand juror, with mandatory time limits placed to encourage the taking of testimony soon after a subpoena was issued. The judge-juror and others serving with the grand jury were made liable to imprisonment and/or a fine for disclosing grand jury information. And the judge-juror was disqualified from hearing motions to dismiss or quash indictments, from hearing contempt charges instituted by him, and from acting as examining magistrate or trial judge in his own cases.

In addition, the judge-juror and others attached to the grand jury were disqualified from holding any political office other than that currently held for one year from the termination of the inquiry. Grand jury witnesses were to receive only the regular witness fees paid in other criminal proceedings, and a witness granted immunity was to receive a copy of the immunity motion and order before having to testify and a copy of the portion of the transcript containing testimony given under the immunity

grant. A public accounting of all grand jury expenses was required within ninety days of the conclusion of an inquiry, while grand jury records were to be filed with the Michigan Supreme Court clerk, with relevant portions made available to witnesses involved in contempt proceedings. Communications concerning news reports and their informants were made privileged.¹¹

Although the campaign waged for restoration had been considerable, sentiment against the one-man grand jury still remained strong and, in the words of Representative Cramton, the new grand jury law was about the best that could be put through the legislature.¹²

The vigorous pursuit, however, toward return of the One-Man Grand Jury Law by two of the state's most influential newspapers provided one more example of their support of a method of judicial inquiry, which though efficient and successful in its research for crime and corruption, sacrificed some of the principles basic to the concept of justice in this country.

More important to this study is the conclusion drawn from research that the Detroit Free Press and the Detroit News did not uphold their responsibility as members of a free press in a free society. With their reporters on

¹¹Background on the restored One-Man Grand Jury Law is taken from Scigliano, pp. 74-76, and Michigan Public Acts (1951), Public Act No. 276.

¹²Scigliano, p. 77.

friendly terms with the central figures of the Carr-Sigler grand jury, and with editorial pages often largely devoted to defending the one-man grand jury from its protractors, both Detroit newspapers failed their readers in backing a technique throughout with publicized weaknesses instead of the accused. The discovery that they did not uphold the citizen whose rights were being threatened was as discomfoting as the realization those newspapers resorted to using page one to carry their editorial position to the public in the guise of news.

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