

# NEW CHARGES IN

## Governor's Amended Accusations Against Police Commissioners Completed.

### MANNING IS ACCUSED

Allegation That He "Tipped Off" Violators Is Made.

### WARD IS AGAINST WHELTLIE

The Additional Specifications Include Assertion That Politics Played An Important Part In Promotion Of Round Sergeants

#### Klinefelter And Norton.

Governor Crothers' new charges against the Police Board were made public yesterday. Their most striking new feature was a direct charge against Deputy Marshal Manning that he had "tipped off" violators of the law and that Round Sergeants Norton and Klinefelter had been appointed through political influence.

The charges were sent to police headquarters and transmitted to President John B. A. Wheltie, of the board. The Governor calls upon the Commissioners to be ready for trial on March 6, two weeks hence, at Annapolis, where all further proceedings in the case will be held.

Mr. Wheltie was unable to consult the other members of the board and would make no statement. The most important question with the board now is whether or not the members will go to trial or seek an injunction in court to restrain the Governor from trying the board.

It is known that this question is still unsettled by the Commissioners and their counsel. Because of the publicity which has been given all of the charges, the members of the board would like to go to trial, but they are determined not to allow the Governor to be the judge, for the reason that they think he disqualifies himself by also being the prosecutor.

#### WANTS OTHER TRIBUNAL.

If the Governor will appoint a tribunal to sit upon the charges, selecting for this purpose one or more judges or other well-qualified men, the Police Board will drop all efforts to get an injunction and proceed at once to trial. It is the belief of the board that an "airing" of the charges will vindicate it before the public.

But it is understood that there is small probability of the Governor agreeing to name a tribunal composed of any one other than himself. Until the conference of the Commissioners and counsel is held today the definite program is unknown to any of them. The general opinion is that the

Court will be asked to throw out the charges and restrain the Governor from trying them on the ground that even if the charges were true there would be no legal proof of official misconduct and incompetency.

#### POSSIBILITIES OF DELAY.

If this step is taken the case, as far as Governor Crothers is concerned, might be "dead" unless the Governor is re-elected. The writ of injunction would probably be tried in Annapolis in March or April and the decision of the court might be handed down too late for the case to be taken up by the Court of Appeals in its April term.

The next term of the Court of Appeals is in October, and in the ordinary course of a case the decision would not be given until the following month. In the meantime there will be an election for Governor on the first Tuesday in November.

If the court, as is frequently done, expedites the case because of its public importance, the settlement may be much hastened.

#### TWENTY SPECIFICATIONS.

There are 20 specifications in the new charges as drawn by the Governor, with the aid of Attorney-General Straus, ex-Mayor Hayes and Mr. Roger W. Cull, who was president of the provisional Police Board, that was declared to be of no legal status by the Court of Appeals.

The first four and the twentieth specifications charge the board with violating the civil service law of the Police Department. The case of Patrolman George M. T. May, which was embodied in the old charges, is retained. It alleges that May was appointed after his name had been stricken from the eligible list and then reinstated. May had been arrested twice 10 years ago and the board thought his record subsequent to that time should be considered as wiping out his previous offenses.

The same allegation is made in the twentieth specification, which charges a similar offense in connection with the appointment of Patrolman Daniel A. Ford. Others who are alleged to have been appointed illegally are named as follows:

William B. James, James J. Cain, James A. Liddell, James B. McCurley, James A. Horner, Charles E. Wilhelm, Charles E. Tunstall, Lewis N. Leick, James Zajic, Benjamin F. Pumphrey, John A. Coffay, Edward N. Hurt, Henry C. Otto, Michael T. Brown, Andrew J. Parr and Albert E. Bruns.

#### EX-CAPTAIN WARD IN IT.

Specification No. 5 charges President Wheltie with having asked Capt. Bernard J. Ward, who was afterward dismissed from the force, to "let up" on men named Patterson and Gist, who had been arrested on the charge of selling pools on races. The specification declares that Mr. Wheltie sent for Ward to come to his office and asked the Captain to "let up" because he had a personal interest in the case.

This is the only place where Captain Ward figures in the charges, and this specification is looked upon as the evidence which the deposed officer is said to have

## NEW CHARGES; OLD ONES IN NEW GARB

Governor Crothers' charges against the Police Board contain some new allegations; the others are amended forms of the old specifications.

#### THE NEW.

Deputy Marshal Manning is charged with "tipping off" violators of the law who were under suspicion.

President Wheltie is charged by ex-Captain Ward, whom he voted to dismiss, with having asked him to "let up" on two alleged law violators. This charge was made prior to the old specifications, but was not included in them.

Politics is alleged to have played a part in the promotion of Round Sergeants Klinefelter and Norton.

#### THE OLD AND AMENDED.

Marshal Farnan is charged with lacking alertness, energy and vigilance and with failing to detect alleged bribing of detectives and policemen in the cocaine traffic.

The board is charged with failing to stamp out liquor law violations, gambling, pool selling and certain forms of disorderly houses.

The board is charged with violating the civil service law of the department and with failing to discover that ex-Captain of Detectives Pumphrey was getting gratuities and that other alleged discrepancies existed in the department.

declared he intended giving to "get square" with Mr. Wheltie for having been instrumental in his dismissal.

Mr. Wheltie stated at the time of the preliminary hearing before the Governor that Mr. Frank A. Furst had visited the boardroom and had asked Col. Sherlock Swann, then president of the board, about the status of the Gist-Patterson case, and on being told that it was in the hands of the grand jury, withdrew.

Specifications 6, 7, 8 and 9 charge the Commissioners with not having detected and prosecuted cases of liquor selling during prohibited hours, gambling and pool selling and not having had disorderly houses indicted. A list of 12 places, 11 of them hotels, is appended to this charge. It is alleged that these places sold liquor after hours and were the scenes of other disorders.

#### AIMED AT THE MARSHAL.

In the tenth specification Marshall Farnan is charged with lacking energy, vigilance and alertness sufficient to fit him for the position he occupies. Later on, in specification 13, it is alleged that cocaine was being sold in Baltimore in large quantities preceding July, 1908, and that policemen and detectives received money to protect the traffic. The Marshal is charged with failing to detect these alleged violations and the board is charged with not knowing about the alleged conditions and with not dismissing Farnan.

In specifications 13, 14 and 15 the Marshal, as well as the board, are alternately accused of not stopping alleged gambling pool selling and liquor law violations. The Marshal is blamed for not knowing of such violations and the Commissioners are blamed for not knowing of them and also for not knowing that the Marshal did not know of them.

Specifications 15 and 16 charge the board with not knowing that detectives received gratuities and then charges the Commissioners with having discovered such a state of affairs and afterward refunding the money to the men after they had issued a general order to the detectives calling on all of them to report any gratuities they had received.

In this connection the board is charged with not discovering that ex-Captain of Detectives Pumphrey was receiving a salary from the United States Fidelity and Guaranty Company. This is the only mention of Pumphrey in the charges. The old specification alleging that the board should not have given him a license as a private detective is dropped. This is regarded as indicative that Pumphrey has been promised immunity in case he should testify for the Governor.

#### MANNING IS ACCUSED.

The eleventh and twelfth specifications make the direct charge against Deputy Marshal Manning that he "tipped off" violators of the law that they were about to be raided by members of the Police Department and thus prevented the policemen from detecting them violating the law.

It is stated that Manning has done this "sundry and divers times" since June, 1908, and until the time of the filing of the charges. There are no dates given or instances of Manning's alleged acts. This has led to the question of how much evidence the Governor has to sustain these charges.

Some of those close to him declare that the Governor has been able to get information which points to Manning, while others say that Manning is named after the process of deduction has been used to show that apparently he is the only person who could have "tipped off" certain persons when their places were about to be raided.

The language used in the specification is strong and charges Manning with being "wholly unfit and incompetent" to be Deputy Marshal and charges the Commissioners with neglect of duty in not trying him.

The last of the specifications charge the board with having promoted William Klinefelter and Joseph F. Norton from sergeants to round sergeants because of political influence.

Persons close in touch with Governor Crothers say these charges are definite and that anyone who reads them must be convinced of the incompetency of the Commissioners. Friends of the board declare that when the charges are stripped of their verbiage nothing remains but some general accusations, unsubstantiated by dates and other evidence, except in the civil service and disorderly house cases.

#### WARD CHARGE MAY BE SNAG.

None of the Commissioners is worried about the charges except in one instance. Friends of Mr. Wheltie are indignant over the charge that Captain Ward has made and say that Governor Crothers knew there was nothing in the accusation when he allowed it to go into the specifications. They say that Ward is going on the theory that even if it is proved that he has been falsifying, the publication of his accusation will have an effect upon the public mind to hurt Mr. Wheltie's reputation. Friends of the president of the board say the public knows well that it was Mr. Wheltie who forced the prosecution of Ward and ultimately forced the board to dismiss him, and that Ward, knowing this, is "getting back."

But whatever the Governor may have thought of the Ward charge, its presence in the specifications has a deeper significance than being only an allegation. It may prove to be a snag that might either seriously handicap the legal steps which the board might take to prevent the Governor from

trying the case or might, at any rate, cause an entire revision of the board's plans.

Under the old charges it was understood to be the board's intention to appeal to the courts to restrain the Governor from trying them on the ground that "even if true" the specifications of the Governor did not actually amount to official misconduct or incompetency. The board held that the Governor would have to show actual motive on the part of the board to fail to discover the alleged crookedness.

But if the board goes into court this time the board's counsel cannot say that "even if true" the present specifications do not amount to official misconduct and incompetency, because if the Ward charge were true this would amount to serious official misconduct on the part of Mr. Wheltie.

This may prove to be a serious impediment. The Governor has the constitutional right to try the board. The only way, perhaps, the court can interfere is for it to hold that the Governor, in attempting to try the board, has not found sufficient cause under the Constitution to amount to official misconduct or incompetency. On this account the Ward charge looms big, and if the court considers it, simply as a charge, without going back of it to attempt to see how well it might be sustained, it might hold that the Governor has a right to try the case so as to pass upon the proof in the Ward allegation alone.

#### SEVERAL ALTERNATIVES LEFT.

On the surface this looks as if the Governor is "forcing the hand" of the board and trying to lock the doors of the court against it and force it into a trial before him. But there are several alternatives left to the board, and what course it will take depends upon the conference to be held today.

The board may ask the court to hear testimony on the Ward charge to ascertain whether it is true, and, with this point settled, alleges that all the other specifications do not amount to official misconduct and that the Governor has no right to try them.

There is still another plan which might be adopted. The board has all along contended that it wants the charges aired before an impartial tribunal, and is willing to go on trial if the Governor will appoint some proper person to hear the case. This the Governor has refused to do.

#### MAY ALLEGE FORFEITURE.

It may be the plan of the board to go into court and allege that the Governor has forfeited his right to try the board by becoming its prosecutor, and that as he has deemed the charges of sufficient importance to lay them against the board he must have had his mind so fixed upon them that it would be impossible to give the board an equitable trial.

If the board should be successful in this and the court decide that the Governor had forfeited his right there would be no one to whom the court could delegate the charges to be tried and the whole proceeding would be stopped.

But in the background of all these plans is the fact that the court's decision could not be handed down until next November, when the gubernatorial election is under way or past, and this may lead the Governor to reconsider his determination not to appoint another tribunal. Efforts may be made today by mutual friends of the Governor and Commissioners to bring this situation about.

Commissioners Tome and Clotworthy were both out of the city yesterday.

#### FRIENDS OF BOARD BUSY.

Friends of the board were busy. With regard to the charges of not detecting gambling, pool selling, disorderly houses and liquor selling at forbidden hours, they said it would be easy for the board to show how active it had been in this respect.

The board has a record of the number of raids made on saloonkeepers who were violating the law. It has a squad of plain clothes men out each night watching saloons. It has also had a squad of men watching for evidences of pool selling.

A large number of cases have been brought into the various police stations by the members of the department. The percentage of convictions has not been large, but the board will be able to show its activity and that of the members of the department.

With regard to the disorderly houses it is known that members of the board have personally made trips to some of the places named in the Governor's specifications, taking with them several plain clothes men, and have found "nothing doing." These trips have been so arranged that there was no danger of "tipping."

#### "STANDS PAT" ON FARNAN.

So far as the charges against Farnan are concerned the board "stands pat" and avers that he is a faithful head, who has served the department well and is still efficient. In the case of Manning the board will show that soon after the present board went into office it instituted an investigation and followed out every possible line which might lead to the deputy marshal's alleged misconduct, and found nothing. On this account the board has refused to try him, because, the members said, there was nothing upon which to try him.

In the case of Klinefelter and Norton, it will be contended that both these men were selected because the board, as headed by Colonel Swann, found them efficient officers and in each case there was no attempt made by the politicians to get the men promoted.

The board will meet this morning and, after disposing with the routine business, will discuss the charges and then arrange a meeting with counsel. It is probable that in a few days a full statement denying the charges will be made.