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UNITED STATES OF AMERICA,
Western Division of the
Western District of Missouri.

ss.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DIVISION OF THE
WESTERN DISTRICT OF MISSOURI. APRIL TERM THEREOF, A.D. 1924.

The Grand Jurors of the United States of America, duly empaneled, sworn and charged in and for the District Court of the United States for the Western Division of the Western Judicial District of Missouri, at the April Term thereof, 1924, and inquiring in and for the said Division of said District, upon their oaths present and charge:

That heretofore, on or about the 10th day of October, 1922, and continuously thereafter and until the 13th day of May, 1924, Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox were agents and employes of the United States under and by virtue of the authority of a department of the United States, to-wit: The Treasury Department, the said Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox having been theretofore duly and legally appointed as Federal Prohibition Agents and employes of the United States by David H. Blair, Commissioner of Internal Revenue, under and by virtue of the authority of the Secretary of the Treasury, and under and by virtue of the authority vested in said Commissioner of Internal Revenue by the National Prohibition Act, Title 2, Section 38;

That at all times hereinafter mentioned the said Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox were working as employes and agents of the United States Government as Federal Prohibition Agents in the State of Missouri and more especially in Kansas City, Missouri, in the Western Division of the Western District of Missouri; that it was their duty as Federal Prohibition Agents and employes of the United States and acting in their official capacity under authority of the laws of the United States

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to search out, report and arrest any person or persons found to be engaged in the State of Missouri and particularly in Jackson County, Missouri and in Kansas City, Mo. in the unlawful manufacture and sale of intoxicating liquors or in the unlawful possession thereof, as defined by Section One of Title Two of the National Prohibition Act;

That heretofore, on or about the 1st day of January, 1923, and continuously thereafter and until the 13th day of May, 1924, the said Elton Apt, Arthur L. Curran, Hay Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox, within the Western Division of the Western District of Missouri and within the City of Kansas City, Missouri and Jackson County, Missouri, in said Division and District aforesaid, and within the jurisdiction of the Court aforesaid, together with divers other persons whose names are to the Grand Jurors unknown, did unlawfully, knowingly, wilfully and feloniously confederate, conspire and agree together among themselves to commit an offense against the United States, said conspiracy being more

fully set forth as follows, that is to say:

That the said Elton Apt, Arthur L. Curran, Hay Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox did then and there unlawfully, knowingly, wilfully and feloniously conspire and agree together among themselves and with each other and with divers other persons to the Grand Jurors unknown, that they and each of them should, as Prohibition Agents and acting for the United States in their official capacity, under color of their office, agency and employment, wilfully, knowingly, corruptly and feloniously for the sake of gain and contrary to the duties of their said offices and by color thereof, ask, demand and extort money from divers persons, who should be found by them in said Western Division of the Western District of Missouri, and more particularly in Kansas City, Missouri and in

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Jackson County, Missouri, to be engaged in the unlawful manufacture and sale or to be unlawfully in the possession of intoxicating liquors, as defined by the National Prohibition Act; that it was further a part of said conspiracy that the said Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Grannebaum, Harvey Storms and Manning Wilcox should, as Federal Prohibition Agents, and acting in their official capacity and under color of their office, agency and employment, as employes of the United States, conduct raids upon the places of business or the homes of persons so engaged in the unlawful sale or manufacture of intoxicating liquors or found in the unlawful possession thereof, as defined by Section One of Title Two of the National Prohibition Act, to-wit: Alcohol, whisky, gin and other intoxicating liquors suitable for beverage purposes and containing one-half of one per cent of alcohol by volume or more, in violation of Title Two of the National Prohibition Act, and more particularly Sections Three (3) and Six (6) of said Title and Act; that it was further a part of said conspiracy that they the said Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Gauenbaum, Harvey Storms and Manning Wilcox should, as Federal Prohibition Agents and as employes of the United States, under color of their office, agency and employment, threaten to report and arrest said persons so found by them to be manufacturing or selling intoxicating liquors within the meaning of said National Prohibition Act, or found in the unlawful possession thereof, all in violation of said Act, and should then and there, under color of their office, agency and employment, wilfully, knowingly, corruptly and feloniously, for the sake of gain and contrary to the duties of their said offices and by color thereof, ask, demand, extort and receive from said persons a certain sum or sums of money the exact amount or amounts being to the Grand Jurors unknown, which said sums of

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money were not due them and which they were not by virtue of their said offices entitled to demand, receive or take; that it was further a part of said conspiracy that in return for the payment of said money that said persons so found to be violating the National Prohibition Act, as aforesaid, should not be reported or arrested therefor; that it was further a part of said

conspiracy that the said Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox should zone or divide the City of Kansas City, Missouri into different raiding territories, that is to say zones or territories in which persons engaged in the unlawful manufacture, possession and sale of intoxicating liquors, within the meaning of said Prohibition Act and in violation thereof, were only to be raided by the defendant or defendants assigned to said territory, it being further agreed that said defendants should only extort money from persons found unlawfully manufacturing or selling or in the possession of intoxicating liquors within the meaning of said National Prohibition Act and in violation thereof within said territory so assigned.

The Grand Jurors, aforesaid, upon their oaths, aforesaid, do further present and charge that in pursuance of said unlawful conspiracy, confederation and agreement and to affect the objects thereof, the said defendants, at the several times and places hereinafter mentioned, did certain acts, among others, to effectuate and carry out such conspiracy, that is to say:

That on or about the 1st day of January, 1923, in the City of Kansas City, Missouri, aforesaid, and County of Jackson, aforesaid, the said Elton Apt, Arthur L. Curran, Ray Kirk, Isaac E. Martin, Benno Grauenbaum, Harvey Storms and Manning Wilcox, in furtherance of said conspiracy, met by pre-arrangement and agreement, and there zoned or divided the territory of Kansas City,

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Missouri, and Jackson County, Missouri, and then and there assigned to each defendant the territory in which he was, in furtherance of and in carrying out such conspiracy, to extort money, as aforesaid;

That in April, 1923, the exact date being to the Grand Jurors unknown, the said Arthur L. Curran and Manning Wilcox found a whisky still in operation in which whisky, an intoxicating liquor, suitable for beverage purposes and containing one-half of one per cent of alcohol by volume or more, was being unlawfully manufactured, in violation of the National Prohibition Act, by one Louis Fareno, said still being located at 82nd and Holmes Street, in Kansas City, Jackson County, Missouri; that they, the said Arthur L. Curran and Manning Wilcox, and each of them, in pursuance of and for the purpose of carrying out said conspiracy under color of their office, agency and employment, threatened to arrest the said Louis Fareno and under said threat of arrest and under color of their office, agency and employment, did then and there, as such officers, wilfully, knowingly, corruptly and feloniously, for the sake of gain and contrary to the duties of their said office and by color thereof, ask and demand of and attempt to extort from the said Louis Fareno the sum of Five Hundred (\$500.00) Dollars, which said sum of money was not due to them, the said defendants, and which they were not by virtue of their said offices entitled to ask, demand, receive or take, that under color of their said offices, agency and employment, they, the said Arthur L. Curran and Manning Wilcox, did then and there wilfully, knowingly, corruptly and feloniously, for the sake of gain and contrary to the duties of their said office and by color thereof, ask and demand, receive, extort and take from the said Louis Fareno the sum of Three Hundred (\$300.00) Dollars, in cash, which said money was not due to them, the said Arthur L. Curran and Manning Wilcox, and which they were not, by virtue

of their said office, entitled to ask, demand, receive and take; that by reason and because of the payment to

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them the said Arthur L. Curran and Manning Wilcox of said sum of Three Hundred (\$300.00) Dollars by the said Louis Farenno and for the purpose of carrying out said conspiracy and to effect the object thereof, they the said Arthur L. Curran and Manning Wilcox, did not report or arrest him, the said Louis Farenno;

That on or about the 15th day of June, 1923, the defendants, Manning Wilcox and Arthur L. Curran, in furtherance of and for the purpose of carrying out said conspiracy, conducted a raid in Kansas City, Missouri, upon a whisky still owned and operated by one J. E. Ginbalvo, in which he, the said J. E. Ginbalvo, was then and there unlawfully manufacturing whisky, an intoxicating liquor, suitable for beverage purposes, containing one-half of one per cent of alcohol by volume or more, in violation of said National Prohibition Act; that they, the said Arthur L. Curran and Manning Wilcox, prior to said raid, had caused one Harry Rosenfeld, who was acting in conjunction with them in said raid, to purchase from the said Ginbalvo one-half pint of whisky, and intoxicating liquor within the meaning and definition of said National Prohibition Act, and suitable for beverage purposes, said whisky having been then and there sold to the said Harry Rosenfeld by the said Ginbalvo in violation of said act; that the said Arthur L. Curran and Manning Wilcox, in and for the purpose of carrying out said conspiracy, under color of their office, agency and employment, did then and there wilfully, unlawfully, corruptly and feloniously, and for the sake of gain and contrary to the duties of their said office, ask, extort and receive from the said Ginbalvo the sum of Fifty (\$50.00) Dollars in cash; that because of said payment to them by the said Ginbalvo of said Fifty (\$50.00) Dollars in cash and for the purpose of carrying out said conspiracy and to effect the object thereof the said Arthur L. Curran and Manning Wilcox did not report or arrest him the said Ginbalvo; that said sum of money was not due to them the said Arthur L. Curran and Manning Wilcox and they were not, by virtue of their said office entitled to ask, demand,

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receive or take said money;

That on or about the 15th day of July, 1923, in and for the purpose of carrying out said conspiracy, the defendants, Manning Wilcox and Isaac E. Martin induced one Landers Torrance to purchase one-half pint of whisky, an intoxicating liquor within the meaning of said Act, from one Joe Bruno at his place of business at 1115 Independence Avenue, in Kansas City, Missouri, the said Manning Wilcox and Isaac E. Martin, then and there giving to the said Landers Torrance marked money with which to make said purchase; that the said Joe Bruno unlawfully and feloniously sold and delivered said whisky to the said Landers Torrance, who, in turn, delivered it to the defendants, Manning Wilcox and Isaac E. Martin; that, thereupon, the defendants, Manning Wilcox and Isaac E. Martin raided the living quarters of the said Joe Bruno's daughter, whose name is to the Grand Jurors unknown, located above the said Joe

Bruno's store and then and there found intoxicating liquors within the meaning of said National Prohibition Act, belonging to the said Joe Bruno, and then and there unlawfully in his possession, in violation of said National Prohibition Act; that, thereupon, the said Manning Wilcox and Isaac E. Martin, for the purpose of carrying out said conspiracy and to effect the objects thereof, under color of their office, agency and employment, wilfully, unlawfully, corruptly and feloniously, for the sake of gain and contrary to the duty of their said office, then and there did ask, demand, extort and receive from the said Joe Bruno the sum of One Hundred Twenty-five (\$125.00) Dollars, which said sum of money was not due to them, the said Manning Wilcox and Isaac E. Martin, and which they were not by virtue of their said office entitled to ask, demand, extort, and receive; that because of said payment to them by the said Joe Bruno of said One Hundred Twenty-five (\$125.00) Dollars and for the purpose of carrying cut said conspiracy and to effect the object thereof the said Manning Wilcox and Isaac A. Martin did not report or arrest him, the said Joe Bruno;

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That on or about the 15th day of February, 1923, the defendants, Isaac E. Martin and Harvey Storms, in and for the purpose of carrying out said conspiracy and to effect the objects thereof, conducted a raid on a saloon, owned and operated by one T. L. Powers, located at 1310 East 14th Street in Kansas City, Missouri, and then and there found the said T. L. Powers in the unlawful possession of alcohol, an intoxicating liquor within the meaning of said National Prohibition Act and suitable for beverage purposes, in violation of said Act, which he, the said Powers was then and there unlawfully selling in said saloon to divers persons to the Grand Jurors unknown, in violation of said Act; that they, the said Isaac E. Martin and Harvey Storms, and for the purpose of carrying out said conspiracy and to effect the object thereof under color of their office, agency and employment, did then and there wilfully, knowingly, corruptly and feloniously, for the sake of gain and contrary to the duty of their said office, ask, demand, extort and receive from the said T. L. Powers the sum of One Hundred dollars (\$100.00), which said sum of money was not due to them the said Isaac E. Martin and Harvey Storms and which they were not by virtue of their said office entitled to ask, demand, extort and receive; that because of said payment to them by the said T. L. Powers of said One Hundred (\$100.00) Dollars, and for the purpose of carrying out said conspiracy and to effect the object thereof, the said Isaac E. Martin and Harvey Storms did not report or arrest him, the said T. L. Powers.

Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the United States.

R. R. Brewster

Special Assistant to the Attorney General of the United States.

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No. 6469

UNITED STATES DISTRICT COURT

WESTERN District of MISSOURI
WESTERN Division.

THE UNITED STATES OF AMERICA

vs.

Elton Apt, Arthur L. Curran,
Ray Kirk, Isaac E. Martin,
Benno Grauenbaum, Harvey Storm
and Manning Wilcox

INDICTMENT

Sec 37 Penal Code

A true bill,
N. E. Baskett
Foreman.

Filed in open Court this 14th day
of May, A.D. 1924

Edwin R. Durham
Clerk

By H. C. Spaulding DC
Bail, \$

Witnesses

Harry Rosenfeldt
Harvey R. Leopold
C. L. Hurdler
Joe H. Lance
Louis Ferino
Alfred L. Sorenson
Mrs. Celia Rubin
Harry Rubin
Harry Rittmeister
Joe Buono
Landis Torrance
L. F. DeHart
Ida Wallenhaupt
Ma Rainer
Alfred George
T. C. Powers
H. L. Hurlbut
Adrian C. Lozier
Harry Luxembourg

W. F. Reesy
Esther Rosenfeldt
Gertrude [Ms. illegible]
John R. Stark
C[Ms. illegible] Lee David