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UNITED STATES OF AMERICA,
Western Division,
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 empanelled, 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 15th day of October, 1922, and continuously thereafter and until the 13th day of May, 1924, Arthur L. Curran and Manning Wilcox were Government prohibition agents, working in and out of Kansas City, Missouri, and charged with the duty as such prohibition agents and as employes of the United States Government, of searching out, apprehending and arresting violators 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 Arthur L. Curran and Manning Wilcox, within the Division and District aforesaid and within the City of Kansas City, 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, willfully 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:

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That the said Arthur L. Curran and Manning Wilcox did then and there unlawfully, knowingly, willfully 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, search out and find divers persons who were then and there engaged in the illicit sale and manufacture and who were then and there in the unlawful possession of intoxicating liquors, as defined by Section 1 of Title Two of the National Prohibition Act; that it was further a part of said conspiracy that the said Arthur L. Curran and Manning Wilcox should conduct raids of and upon the places of business or the homes of those so engaged in the unlawful sale and manufacture, or, who were then and there in the unlawful possession of intoxicating liquors, as defined by Section 1 of Title Two of the National Prohibition Act, to-wit, alcohol, whiskey, 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 5 and 6 of said Title and Act; that it was further a part of said conspiracy that they, the said Arthur L. Curran and Manning Wilcox, should threaten to arrest and prosecute said persons so found by them to be manufacturing or selling or in the unlawful possession of intoxicating liquors within

the meaning of said National Prohibition Act, and in violation thereof, and should then and there demand of and receive from said persons a certain sum or sums of money, the exact amount or amounts being to the Grand Jurors unknown, then and

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there agreeing in consideration of the payment of said money that said persons would not be arrested and prosecuted for the violation of said Act, or interfered with in the further manufacture, sale and possession of intoxicating liquors, out, on the contrary, that they, the said persons, should be afforded protection by the said Arthur L. Curran and Manning Wilcox from interference, detection and arrest for so unlawfully manufacturing, selling, or being in the unlawful possession of intoxicating liquors; that it was further a part of said conspiracy that the said Arthur L. Curran and Manning Wilcox should then and there further agree with said persons so found by them to be engaged in the unlawful manufacture and sale of intoxicating liquors or in the unlawful possession thereof to permit and encourage such persons to continue the unlawful sale and manufacture of intoxicating liquors, then and there agreeing with such person or persons to protect them from molestation, arrest or prosecution for the unlawful sale, manufacture or possession of said intoxicating liquors, and to further save harmless from seizure by any Federal officer or agent the property of said persons used in the unlawful manufacture and sale or possession of intoxicating liquors aforesaid; that it was further a part of said conspiracy that if arrests of any of those so found to be engaged in the unlawful manufacture and sale of intoxicating liquors or to be unlawfully in possession thereof were made that the said Arthur L. Curran and Manning Wilcox should withhold testimony concerning said matters, or should give false testimony at the hearing or trial of the person or persons so arrested, to the end that he or they might be discharged by the United States Commissioner before whom such person, or persons, were taken.

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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 effect the object thereof, the said defendants, at the several times and places hereinafter mentioned, did certain acts among others to effectuate and carryout such conspiracy, that is to say:

That on or about the 10th day of April, 1923, the said Arthur L. Curran and Manning Wilcox discovered a whiskey still in operation in which whiskey containing one-half of one per cent or more of alcohol by volume, which was fit for use for beverage purposes, was being unlawfully manufactured in violation of the National Prohibition Act by one Louis Farino, said still being located at 82nd and Holmes Streets in Kansas City, 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, demanded of the said Louis Farino that he, the said Louis Farino, should pay to them, the said Arthur L. Curran and Manning Wilcox, the sum of \$500.00, on condition that

they would not arrest him, the said Louis Farino, but, on the contrary, would grant him, the said Louis Farino, protection and immunity from arrest and prosecution for the violation of said National Prohibition Act, and the said Arthur L. Curran and Manning Wilcox then and there further promised and agreed with the said Louis Farino that if he, the said Louis Farino, would pay them, the said Arthur L. Curran and Manning Wilcox, the sum of %\$500.00 in cash and a certain amount of money per month, the exact amount being to the Grand Jurors unknown, they would protect him,

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the said Louis Farino, in the continued manufacture and sale of intoxicating liquors from molestation, arrest or prosecution, and would hold him harmless for such violation of the National Prohibition Act; that at said time and place, the said Louis Farino, in response to said demand and for the purpose of obtaining immunity from arrest for the violation of said National Prohibition Act, and for the purpose of being permitted to continue the illicit and unlawful manufacture and sale of intoxicating liquors, as defined by said National Prohibition Act, paid to them, the said Arthur L. Curran and Manning Wilcox the sum of \$300.00 in cash, and at their request agreed to pay them, the said Arthur L. Curran and Manning Wilcox the further sum of \$50.00 per month thereafter if they, the said Arthur L. Curran and Manning Wilcox, would not arrest or prosecute him, the said Louis Farino, but on the contrary would permit him to continue without molestation or interference the operation of said still and the illicit manufacture and sale of intoxicating liquors, and would at all times afford him protection; that in consideration of said payment of said \$300.00 by the said Louis Farino to them, the said Arthur L. Curran and Manning Wilcox, that the said Arthur L. Curran and Manning Wilcox failed, neglected and refused to arrest the said Louis Farino for unlawfully manufacturing and selling intoxicating liquors, as aforesaid, and for unlawfully having in his possession said still and intoxicating liquors, and agreed to protect him from arrest for the continued possession, manufacture and sale of intoxicating liquors.

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That during the year 1923, in the City of Kansas City, Missouri, the said Manning Wilcox, in furtherance of and for the purpose of carrying out said conspiracy, having found one Harvey Leopold in the unlawful possession of intoxicating liquors, as defined by said National Prohibition Act, and engaged in the unlawful sale thereof, did weekly demand of and collect from him, the said Harvey Leopold, in consideration of said payment of \$20.00 per week, not to arrest the said Harvey Leopold, but to furnish and afford said Harvey Leopold protection from arrest and prosecution for the unlawful sale of intoxicating liquors in violation of the National Prohibition Act; that Decause of and following out said agreement between the said Harvey Leopold and the said Manning Wilcox, the said Harvey Leopold, did continue to pay weekly to said Manning Wilcox the sum of \$20.00 per week throughout said year 1923, and did, for said period, by virtue of said agreement and said payments, continue unmolested the illicit and

unlawful sale of intoxicating liquors in Kansas City, Missouri;

That on or about the loth 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 whiskey still owned and operated by one J. E. Giambalvo; 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 Giambalvo one-half pint of whiskey, an intoxicating liquor suitable for beverage purposes, within the

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meaning and definition of said National Prohibition Act, said whiskey having been sold to the said Harry Rosenfeld by the said Giambalvo in violation of said Act; that the said Arthur L. Curran and Manning Wilcox, in and for the purpose of carrying out said conspiracy, did then and there demand of and receive from the said Giambalvo the sum of \$50.00 in cash. In consideration of said payment, they, the said Arthur L. Curran and Manning Wilcox, did not arrest the said Giambalvo for the illicit and unlawful manufacture and sale of intoxicating liquors in Kansas City, Missouri, in violation of said National Prohibition Act, and agreed that they, the said Arthur L. Curran and Manning Wilcox, would protect him from arrest and prosecution for the continued violation of said National Prohibition Act.

Contrary to the form of the statutes in such cases made 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. 6473

UNITED STATES DISTRICT COURT,
WESTERN District MISSOURI
WESTERN Division.

THE UNITED STATES OF AMERICA

vs.

Arthur L. Curran
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 D.C.

Witnesses

Louis Ferino
Harry Rosenfeldt
John H. Lane
C. L. Hudler
Alfred George
Harvey Leopold
A. L. Sorensen
Mrs. Celia Rubin
Harry Rubin
Harry Rittmeister
Joe Bruno
Landis Torrance
Ida Wallenhaupt
F. W. Wallenhaupt
Max Rainer