

[page 1]

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

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DIVISION OP 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 and district, upon their oaths present and charge:

That heretofore, on or about the 15th day of October, 1923, and continuously thereafter and until the 13th day of May, 1924, Ray Kirk was a Federal Prohibition Agent working in and out of Kansas City, Missouri, and charged with the duty as such Prohibition Agent, and as an employe of the United States Government, of searching out, apprehending and arresting and prosecuting violators of the National Prohibition Act.

That heretofore, on or about the first day of January, 1923, and continuously thereafter and until the 13th day of May, 1924, the said Ray Kirk and one Benno Grauenbaum, 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, 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 Ray Kirk and Benno Grauenbaum did then and there unlawfully, knowingly, wilfully and feloniously conspire and agree together among themselves and with

1.

[page 2]

each other, and with divers other persons to the Grand Jurors unknown, that they, and each of them should 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 said Ray Kirk and Benno Grauenbaum 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 2 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 2 of the National Prohibition Act, and more particularly Sections 3 and 6 of said title and act.

That it was further a part of said conspiracy that they, the said Ray Kirk and Benno Grauenbaum, should threaten to arrest 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 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 and sale of intoxicating liquors, but, on the contrary, that they,

2

[page 3]

the said persons, should be afforded protection by the said Ray Kirk and Benno Grauenbaum 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 Ray Kirk and Benno Grauenbaum 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 person to continue the unlawful sale and manufacture of intoxicating liquors, then and there agreeing with such person or persons to protect them from molestation or arrest 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 person or persons 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 Ray Kirk and Benno Grauenbaum should withhold testimony concerning said matters or should give false testimony at the hearing 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.

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 carry out such conspiracy, that is to say:

3.

[page 4]

That on or about the 15th day of December, 1923, the said Ray Kirk and Benno Grauenbaum, in and for the purpose of carrying out said conspiracy, conducted a raid at or near 426 Ord Street, in Kansas City, Missouri, and there found in said house a whiskey still in operation, then and there being operated unlawfully and in violation of said National Prohibition Act, by and in the possession of persons to the Grand Jurors unknown, and there found in the unlawful possession of said persons, intoxicating liquors, to-wit: whiskey containing one-half of one per cent, or more, of alcohol by volume, and suitable for beverage purposes, all in violation of the National Prohibition Act; that they, the said Ray Kirk and Benno Grauenbaum then and there demanded of and received from the said persons operating said still and in possession of said liquor, who are to the Grand Jurors unknown, a sum or sums of money, the amounts being to the Grand Jurors unknown, and did then and there, in consideration of said payment, fail, neglect and refuse to arrest said persons, and did then and there agree, in consideration of the payment of said money or moneys, not to prosecute said persons, but on the contrary to protect them from arrest, and to hold them harmless in and for

the continued unlawful manufacture and sale of intoxicating liquors.

Contrary to the form of the statute 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.