

CANT GET COVER
BEHIND

Police Court Records Show That
C. B. Diehl Has Convicted

HUNT FOR A SUBTERFUGE

Negligent "American" Officials Hot in Pursuit of One But

After Practically Protecting Denizens
Of Tenderloin For Months the Or-

Rising to the charges that it has allowed the criminal element of both sexes to go unpunished and unopposed, the "American" party leaders are now seeking cover. To secure it they have seized the most handy hiding place and have tried to find it behind Police

Judge C.B. Diehl. Judge Diehl, as judge of the criminal division of the city court, is now brought forward, in a lengthy editorial this morning, to be blamed for the fraction of the population who stands that he had refused to convict.

Chief of Police Pitt is the authority quoted to back up the position taken, and whether the "American" organ shall be allowed to find refuge in the "American" organ, depends on whether the people will be willing to accept the word of the paper or that of the records of Judge Diehl's court.

A survey of these records this morn-

ing shows that a large majority of those arrested and tried have been bound over or sentenced. Cases dismissed were on motion of the "American" city attorney. Where, then, is the point of abolition? It is clear

forth the declarations made by the Tribune this morning? Did City Recorder J. B. Moreton give out false information or did the Tribune itself believe the record?

The records in state cases for the past 20 days were carefully gone over by a "News" reporter, and Clerk George M. Gutch. They show that 73 cases were on the docket. Of this number 9 were dismissed upon motion of the county attorney, or one of his assistants. One was tried and found guilty. One pleaded guilty and was

bound over to the district court. One was found not guilty and discharged. One was discharged because of lack of evidence, and the assistant county attorney stated in open court that he did not ask for a conviction. The balance of the cases were continued upon motion of the prosecuting attorney. One case, that of Ray Sundberg charged with assault with a deadly weapon, was dismissed by Judge Dixon.

upon the court's own motion, and it is in the record that the case was dismissed because there was no one there to prosecute. Sundberg was under arrest for one month and five days.

CITY CASES.

In the city cases the record will show that about 98 per cent of the complaints against the vicious element have been disposed of by motion of the assistant city attorney.

This morning, E. A. Rogers, assistant city attorney who prosecuted the cases in the police court, admitted that not more than 3 per cent of these cases have been tried. The

three cases have been tried. The cases have either been dismissed or the accused were permitted to plead guilty and were given "booters." But the cases have not been tried.

JUDGE DIEHL was asked for a statement in reply to the attack made by the Tribune this morning, and said:

"If Chief Pitt is correctly quoted,

He is not familiar with the workings of his department, because the records of the court will show that 97 per cent of the cases which have been brought before the court of what the Tribune terms the vicious element, have either been dismissed on motion of the city attorney, most often at the request of some member of the police department, or have

at the suggestion of the arresting officer, pleaded guilty and upon the particular request of the city attorney been permitted to leave the city.

CONVICTED WHEN TRIED.

"Of the remaining cases, or those which were permitted by the American police force to be tried, the records of the court, which are always open, will show that a very large majority were convicted."

One of the court officials said, in this connection:

"Do they expect a court to find a

person accused of crime, guilty before being tried? Is the court supposed to know all the facts in a case before the matter is properly tried and evidence introduced? Are not the prosecuting attorneys paid to handle the cases, furnish the evidence for the prosecution and present the same to the court? If charges and arrests are made and the cases are

either dismissed or continued upon motion of the prosecution, or if so-called 'floaters' are given at the request of the prosecution, what is the court to do?"

VIEW OF ROGERS.
Assistant City Atty. E. A. Rogers

"I will admit that not over 3 per cent of these particular cases have been tried. Not many of them have been dismissed, but 97 per cent of them have been disposed of by the accused pleading guilty and given a

The records were gone over carefully for the past 30 days. They show an average for the 12 months in the record. "This morning there was but

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