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Fair Enough

by Westbrook Pegler

NEW YORK, May 26—An interesting development has occurred in the case of Joe Fay, the hoodlum vice president of the Operating Engineers' union who has been under indictment for a year in New York county on charges of extorting $450,000 from contractors in the Delaware aqueduct construction job, the most colossal shakedown of labor and the public treasury in the smelly history of public works.

In the ordinary course of events, Fay would have been tried in the court of general sessions, which has ample jurisdiction and tries cases of first degree murder involving the penalty of death.

Fay, however, has obtained an order from Justice Denis O'Leary Cohalan, of the supreme court, transferring the trial to that tribunal. The supreme court also has jurisdiction in criminal cases but in New York county, in practice is almost exclusively a civil court.

Fay obviously thought that he would have an advantage in the supreme court, otherwise he would not have applied for the transfer. He reckoned on the possible rustiness and unfamiliarity of supreme court judges in handling criminal cases and a great possibility of error, reversal and ultimate dismissal. Fay, being a powerful politician of the Frank Hague machine in New Jersey and well connected in Washington, may have hoped that politics would work to his advantage.

At any rate, although the law gives Justice Cohalan authority to transfer the case "for good cause shown," the papers on file reveal no substantial reason.

Among the "good causes" advanced by Fay was the fact that his value to the union depends on his "reputation for honesty and integrity."

Aside from the fact that he has no such reputation but is a notorious thug and associate of gangsters, and once was kicked out of his own union for acting as contractor and employer in the heavy construction field, this still would be no "good cause."

Fay said further that conviction would destroy his "usefulness to organized labor" and that the charges, therefore, are important both to him and to his union. This is a loaded statement for Fay has never been useful to labor but a parasite on labor. That the charges are important to Fay and the union may be instantly admitted, but not in the sense suggested.

Conviction would discredit Fay and might remove him, although many convicted crooks and traitors to labor have continued to hold union office and draw pay and graft. But it might start a reform and liberate the workers from the dictatorship of greedy racketeers who have exploited them for years.

Still no "good cause" has been offered except as the justice has legal authority to determine in his own mind that anything constitutes "good cause."

Fay said that every effort must be made to prevent prejudice against him, but offered no argument that prejudice would exist in general sessions. And to his statement that it would be necessary to examine the jurors carefully as to their views toward him and organized labor, Frank S. Hogan, the district attorney, argued in reply that the system of selecting and examining jurors would be the same in general session that because some newspaper comments had roundly condemned Fay, his organization, his associates and their practices, "in that sense, labor itself will be on trial."

The fact is that if Fay were convicted he, not labor, would be condemned and labor would be a winner. And his statement that the repercussions of the trial may affect both labor and capital in New York and New Jersey is pointless, because these relations will be no less affected in the same way by a trial in the supreme court.

This is an extremely important prosecution in which labor and the public generally have a tremendous stake. Politicians are involved, including some republicans of Westchester county who received money from some of Fay's associates in the aqueduct job. It will bear close attention.



Clad only in a man's shirt, Mrs. Ruth Evans (above), 31-year-old film studio employe, was found beaten on a residence porch in Hollywood. Police quoted her as saying before she died that she had been to a party at a nearby house where investigating officers said they found the door open, a radio blaring and Carl Bedford, bartender, asleep.

Interracial Committee Will Meet on Monday

The third meeting of the Monterey Peninsula Interracial Committee will be held on Monday May 29th at 8 p.m. in the Monterey County Council chamber. The Committee will discuss the severe housing shortage as it affects the minority racial groups here on the Peninsula.

Leaders of the Community have been invited to help in formulating a program with a view to finding a solution to this pressing question. The public is cordially invited to attend.

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Praise in Keeping Censorship Code

WASHINGTON, May 26. (AP) — Censorship Director Byron Price says he is unable to find a single case where a newspaper or other publication "deliberately" violated the voluntary wartime censorship code.

Testifying to the house appropriations committee at hearings made public today, Price said:

"The attitude of the press has been magnificent. There have been some mistakes and some inadvertent violations of the code. . . . I think the record is exceptionally fine on that, in view of the manpower situation on newspapers today, where most newspapers are being run by green hands."

Price said a free press has been maintained but it has not been "criminally careless with military information in wartime."

Super-Coyotes Attack Livestock In Northern Calif.

KLAMATH FALLS, Ore., May 26. (AP)—Vicious bands of "super-coyotes"—a crossbreed of coyotes and renegade police dogs—were reported today destroying livestock and deer in the northern California country.

Fred Starr, veteran game warden of Dorris, Calif., said the animals hunt in packs, like timber-wolves, preying on fawns and yearling deer. Northern California livestockmen have complained of heavy losses.

The cross-breed, which combines the cunning of the coyote with the intelligence of the police dog, stands about as high as a pointer dog and has the general appearance of a timber wolf.

Starr said he first noted indications of cross-breeding a decade ago, when he saw police dogs running with coyotes in that area.

Tax Statements Due Around June 1

SAN FRANCISCO, May 26 (AP) About 330,000 northern Californians who elected to pay their 1944 income tax quarterly will Approximately twice that number non-taxable return.

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