

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF BURBANK)

I, Naomi G. Putnam, City Clerk in and for the City of Burbank, California, hereby certify that the next attached is a true and correct copy of a letter, dated June 16, 1953, from the Burbank Citizens' Crime Prevention Committee, by Mr. Bonar Dyer, President, also report, pages Nos. 1 to 76, inclusive, which were submitted to the City Council on June 16, 1953.

Witness my hand and the official seal of the City of Burbank this 18th day of June, 1953.

s/s Naomi G. Putnam
City Clerk of the City of Burbank

(SEAL)

June 16, 1953

Hon. City Council of the
City of Burbank
Burbank City Hall
275 East Olive Avenue
Burbank, California

Gentlemen of the Council:

In response to your subpoena issued on Friday, June 12, I am glad to appear before the Burbank City Council in my capacity as the President of the Burbank Citizens' Crime Prevention Committee and to present, as requested, the following report of our investigation of organized crime and irregularities in the Burbank City government.

I sincerely hope that this report will be of material aid to the City Council in determining the need for new legislation and changed administrative procedures to obtain proper law enforcement and efficient city administration. Without official status and without the power of subpoena, this Committee, in a sense, has been able to little more than scratch the surface in uncovering organized crime and irregularities in city government. It is hoped that this report will be used as the basis for a vigorous and thorough investigation of all the facets of illegality and irregularity described herein.

We are greatly encouraged to note that the City Council is undertaking this investigation. Almost one and one-half years of intensive study by the Burbank Citizens' Crime Prevention Committee has convinced us that there is a

June 16, 1953

compelling need for major changes in city administrative policies and procedures and that legislative action is called for. At the conclusion of our report we have listed recommendations which we would like to submit to the City Council in the belief that they will make for a sounder and more efficient City government.

From our investigation we have arrived at several fundamental conclusions regarding the development of organized crime and governmental irregularities in the City of Burbank and before proceeding with the detailed part of the report, I would like to briefly point up these basic findings.

(1) The facts that we have developed make it abundantly clear that organized crime flourished in Burbank during the period starting some time prior to 1946 and continuing until shortly after the formation of the Burbank Citizens' Crime Prevention Committee in October of 1951.

(2) Based on our investigation, we are convinced that multi-million dollar bookmaking and organized gambling continued through all those years with the knowledge and approval of Chief of Police Elmer Adams. We are also convinced that these large-scale gambling operations could not have existed unknown to several high ranking City officials and members of the City Council.

(3) It is our opinion that while prior to the formation of the Burbank Citizens' Crime Prevention Committee organized crime in Burbank took the form of gambling and bookmaking, the City was in imminent danger of all of the most violent forms of organized crime and racketeering. The city had become a haven for some of the most notorious criminals of our day, including elements of the Mafia, an international

June 16, 1953

crime syndicate. It is our opinion that crime development in Burbank was following the same pattern known to exist in other major cities--a pattern which results from political and community tolerance of underworld elements. This trend, if allowed to follow its course unchecked, could well result in the underworld virtually controlling the political and business life of our community and placing life and property in constant jeopardy.

(4) Our long investigation has served to confirm the charges made by the California Crime Commission that during this period the City was virtually without police protection.

(5) Our studies have further indicated that the corruption of law enforcement and disregard for the rights and safety of Burbank citizens was beginning to reach into other areas of official city business. This, too, is the pattern that has been experienced in other crime ridden metropolitan areas--the invariable pattern in which unrestricted organized crime ultimately results in the complete disintegration and loss of morality in city government.

(6) Our studies led us to the inescapable conclusion that members of the City Council, the City Manager, the City Attorney, the City Prosecutor and the Chief of Police must have been familiar with the existence and growing inroads of organized crime. Had they chosen to do so, these officials could have acted to expose and prevent the continued growth of organized crime and city hall irregularities.

It is unquestionably the responsibility as well as the sworn duty of each Councilman to take such actions as are required to assure proper law en-

forcement and to guarantee honest and efficient administration of city affairs. We also believe that it is a responsibility of the city's chief administrative officials to enforce the laws and conduct the city's affairs in accordance with sound and proper practices. Furthermore, it is their moral responsibility that if they are unduly interfered with in the exercise of their duties, that they must speak out in order that the public interest may best be served.

City officials, elected or appointed, who do not act in accordance with these standards do not merit public confidence and forfeit their right to continue as public servants.

I hasten to add that we believe the overwhelming majority of Burbank's city employees are competent, devoted public servants who merit the confidence of the people of Burbank.

(7) While, as of the moment, organized crime is not active in Burbank, we believe it is of the utmost importance that the people of the community recognize that many of the elements are still here and only require a more favorable situation and a tolerant public opinion to start operations again.

(8) We feel certain that the majority of Burbank citizens, even today, are not aware of the extent to which organized criminal activities had developed in Burbank and are equally unaware of the threat that existed to their personal safety and business freedom from criminal-political influences.

June 16, 1953

We look upon the present City Council's declared purpose of bringing this dangerous situation to full public light as the most effective means of creating the kind of community understanding and vigilance which is essential as the foundation for legislation designed to prevent the recurrence of a similar situation in the years to come.

In order that you may understand the background of the Burbank Citizens' Crime Prevention Committee, I would like to describe its formation, objectives, membership, professional staff and methods of investigation.

On August 31, 1951, Mr. Ralph Hilton, who was then the Major of the City of Burbank, at his request, called on Mr. John E. Canaday, Director of Public Relations at Lockheed Aircraft Corporation. He made a series of startling revelations regarding the existence of deeply entrenched and widespread organized crime in Burbank and of extensive irregularities in our city government. His disclosures involved many city officials in Burbank and included certain agencies and individuals in our county government. Ralph Maddox was named as the principal bookmaker operating in Burbank, and he referred to the presence of such underworld figures as the Sicas and Mickey Cohen. Subsequently, Mr. Hilton repeated these statements to Mr. E. L. DePatie, Studio Manager, Warner Brothers Studio, and to me. I was then President of the Burbank Chamber of Commerce. On October 4, 1951, as a direct result of these and other conferences with Mr. Hilton, a representative group of Burbank business and professional men met to discuss the information furnished by Mr. Hilton and other facts within the knowledge of the group. Those attending this first meeting were:

H. B. Bank
Chester M. Buley
John E. Canaday
Bonar Dyer
Robert W. Omer
Stanley G. Pearson
Ernest Rothe
Harry O. Simmons
Raymond P. Stansbury
Everett C. Thomas
L. B. Werner
Earl L. White
William E. White
F. Elliott Witt

The Committee took into consideration the findings of the Kefauver Committee and its report which recommended, "A citizens' crime committee charged with the duty of observing activities of local law enforcement agencies and with the duty of observing and reporting on local crime conditions would be helpful in each large community." This committee also reported "Public apathy has in large measure been responsible for many of the conditions disclosed by the committee. This apathy is due in large part to the lack of knowledge of crime conditions on the part of the citizens living in the cities visited by the committee."

It was the unanimous opinion of these men that a citizens' crime commission should be formed for the purpose of proving or disproving the allegations of corruption in Burbank. The Committee was incorporated, and in November obtained the services of Mr. George D. Thomson as its Managing Director. Mr. Thomson has had over ten years of investigative experience in the Federal Bureau of Investigation. He is a graduate of the University of Michigan Law School and at the time he was employed by the Committee was a practicing attorney in Huntington Park. Later other members were added to the staff.

As stated in its By-Laws, "the Burbank Citizens' Crime Prevention Committee is not an apprehending, prosecuting or judicial body and does not assume to perform the duties of accredited officials charged with the administration of criminal justice. It does encourage a proper contact and cooperation between citizens and officials performing this function uncompromisingly, courageously, firmly and aggressively. It invites the help of others and is insistent in the performance of the proper act of citizenship."

The City Council should recognize that this type of citizens' organization must operate under certain limitations in its investigative work. The Committee does not have the power to obtain information not willingly given. It cannot avail itself of court orders, subpoenas and cross-examinations under oath, but must depend upon the cooperation of the general public and of public officials to obtain the necessary facts.

I am happy to say that for the most part we have found the general public to be very cooperative, helpful and sympathetic. Some individuals in the city government have also tried to be of assistance, but our task has been made more difficult by the resistance and obstacles created by the last City Council and certain administrative officials.

June 16, 1953

For example, in 1952, the Chief of Police asked a police officer to surveil our Managing Director, Mr. Thomson. Adams had the city buy \$700 worth of sound equipment in an unsuccessful effort to record an interview of a police officer with Thomson. On another occasion, Councilmen Jolley, Mansfield and Price directed Officer Alan Ostroff to investigate a member of our staff for the sole purpose of attempting to discredit his work in the eyes of the general public. This was done in spite of the fact that the Burbank City Charter does not authorize the use of Burbank police investigative personnel by the City Council and that Council members have no right to secretly expend taxpayers' money for such purposes.

In view of the difficulties under which our Committee has had to operate, I feel that our Managing Director, Mr. Thomson, has performed an outstanding service in compiling the following factual record of conditions in Burbank. While this report may seem voluminous and detailed, it should not be construed as a complete statement of crime conditions in Burbank. It does, however, accurately describe the kind of activities that have been going on in Burbank and the conditions making it possible. All statements included in the report are based on information provided by numerous witnesses, documentary evidence and matters of public record. Great care has been taken to report facts precisely as related by the witnesses. While our investigation continues and much material is not yet complete, we feel the following information is sufficient to describe the dangers that have confronted the citizens of Burbank and to indicate the areas requiring prompt remedial action.

Very truly yours,

BURBANK CITIZENS' CRIME PREVENTION COMMITTEE

By s/s

Bonar Dyer
President

BD/dz

TABLE OF CONTENTS

- I. INTRODUCTION
- II. ORGANIZED CRIME IN BURBANK
 - A. MICKEY COHEN IN BURBANK
 - B. RALPH MADDOX BOOKMAKING SYNDICATE
- III. BURBANK POLICE DEPARTMENT
- IV. BURBANK POLICE COMMISSION
- V. INTERFERENCE IN THE ADMINISTRATION OF JUSTICE
 - A. ADMITTED BOOKMAKER RELEASED BY CITY PROSECUTOR
 - B. CONFIDENTIAL POLICE RECORDS RELEASED TO
DEFENDANT'S ATTORNEY
- VI. IRREGULARITIES IN CITY GOVERNMENT
 - A. GRANDVIEW
 - B. CITY AMBULANCE CONTRACT
 - C. PURCHASE OF CITY LIBRARY SITE
 - D. CARL GUERRIERO RESIDENCE
 - E. LIGHT BULB CONTRACT
- VII. RECOMMENDATIONS

ORGANIZED CRIME IN BURBANK

A. MICKEY COHEN IN BURBANK

B. THE RALPH MADDOX BOOKMAKING SYNDICATE

GAMBLING IN BURBANK

Bookmaking and gambling in Burbank in the post-war period became a multi-million dollar business, annually providing a profit of hundreds of thousands of dollars to the operators of bookmaking and gambling establishments. Operations on such a scale could not have been long continued without the knowledge of some Burbank City officials.

Mickey Cohen in Burbank

In the early part of 1946, the owner of a stock farm in Burbank received a telephone call from Mickey Cohen in San Diego, California. (Mickey Cohen, a notorious gambler in Southern California during the late 1940's was convicted in 1951 of Federal income tax evasion and is presently serving a sentence at McNeil Island Federal Penitentiary.) Cohen wanted to erect a "private club" at the stock farm in Burbank, and the owner authorized it. Shortly thereafter a gambling casino was constructed under the supervision of an associate of Mickey Cohen. Approximately \$27,000 was spent in constructing and preparing the casino for operation.

The owner of the stock farm received only \$100 a month for use of his premises but he had an understanding with Cohen that the building housing the casino was a permanent addition to his property.

A market at a street corner a few feet away from the stock farm entrance was used as a lookout by one of Cohen's men on nights when the casino was in operation. Patrons of the casino were told that it would be open only on nights when an electric sign near the market was lighted. For use of the market, Mickey Cohen personally paid the owner \$20 a night.

Operation of the gambling casino was well known to some Burbank Police Department officers. One officer who joined the police force in 1947 said that he had been in the Department only a few days when he was informed by a fellow officer, while on patrol, that this stock farm was a gambling establishment.

Early in 1947, when the gambling casino was in operation, a representative of Mickey Cohen approached two Burbank Police officers and said to the officers that he understood they were on patrol duty in the gambling casino area and that he wanted them to handle citizens' complaints concerning noise and disturbance of the peace there. Cohen's representative said that he would pay these officers \$25 a week for such services. The officers refused the offer.

At that time the Burbank Police Department did not have a Vice Squad and all complaints regarding gambling were referred to Chief of Police Elmer Adams. No systematic investigations of gambling at the stock farm are known to have been authorized by Adams prior to March 17, 1947.

In the early morning hours of March 17, 1947, the gambling casino was raided by representatives of the Los Angeles County District Attorney's office, and fifteen men engaged in the gambling operation were arrested. The Burbank Police Department was requested to assist in transporting the prisoners to the Burbank Police Station. The Lieutenant in charge of the night shift sent officers to the stock farm for this purpose and to guard the gambling equipment.

One operator of the casino, immediately after being booked and released on cash bail, returned to the stock farm and complained to a Burbank Police officer, "What's Adams' phone number? What the hell am I paying juice for? This is sure as hell a bum beef." ("Juice" is the underworld expression for money paid to law enforcement officers to obtain their cooperation and permission to engage in illegal activities.)

At about 6:00 A.M. on the morning of the raid, the Lieutenant in charge of the night shift at the Burbank Police Department went to the stock farm and instructed the officers guarding the equipment to return to duty. The gambling equipment was left unguarded in the casino. After going off duty, several of the Burbank Police officers, acting on their own initiative, returned to the gambling casino because it appeared highly irregular to them that no disposition had been made of the gambling equipment.

When they arrived, the gambling equipment was being loaded into two moving vans. Mickey Cohen and a casino operator previously arrested there were present as the gambling equipment was loaded and taken away. One Burbank Police officer took names and addresses of five men loading the gambling equipment.

The fifteen defendants charged with gambling at the stock farm pleaded guilty in Burbank City Court on March 17, 1947. Each defendant was ordered to pay a fine of \$100 or serve fifty days in the County Jail, and ordered to refrain from violation of Section 330 (Gambling) of the California Penal Code for a period of two years. The fines were paid promptly.

The stock farm gambling casino was again raided on May 28, 1948, at which time two officers of the Burbank Police Department arrested three known associates of Mickey Cohen for violation of Section 330 (Gambling) of the California Penal Code. Bond in the amount of \$500 was furnished for each of the three defendants.

Within a few minutes after the three men were booked, one arresting officer was called to the door of the Burbank Police Station to meet Mickey Cohen. Cohen asked what could be done. The officer explained that nothing could be done because the arrested men had been booked. Thereafter, Cohen, over a period of several evenings, telephoned this officer to persuade him to confer with Cohen,

at a Wilshire Boulevard night club. The officer refused. Thereafter Cohen talked with the arresting officer at a Burbank drive-in. Cohen said he was a friend of Chief Elmer Adams and criticized Adams for not taking the men on the Department into his confidence. Cohen stated he was seeking a way of having the case against the three men arrested at the stock farm dismissed. Cohen attempted to influence the arresting officers without success.

On June 16, 1948, a Rabbi executed an affidavit stating that on May 28, 1948, when the above mentioned arrests were made, he was present at the stock farm gambling casino and no gambling was taking place. The affidavit alleged that a secret meeting of an organization was taking place.

On June 21, 1948, the case against the three arrested defendants was dismissed ". . . because of insufficient evidence and in the furtherance of justice."

During the period when Mickey Cohen operated Michael's Haberdashery on the Sunset Strip in Los Angeles County territory, a custom tailoring establishment in which Mickey Cohen also had an interest was located next door. In 1948, 1949 and 1950 Elmer Adams "bought" two suits in the \$200 to \$250 price range from this establishment approximately every six months.

Although the Third Progress Report of the Special Crime Study Commission on Organized Crime of the State of California (the California Crime Commission) made available to the public in January, 1950, revealed that Mickey Cohen had a gambling casino at a stock farm in Burbank and stated that "Chief of Police Adams of Burbank is on such terms with Cohen as to have been a house guest at Cohen's home," Burbank City Council Minutes fail to reveal that Elmer Adams was questioned concerning his association with Mickey Cohen by the City Council, or that City Manager Howard Stites sought authority from the Council to hire investigators to explore the charges.

During Mickey Cohen's trial in the United States District Court at Los Angeles for income tax evasion, a ledger card was introduced in evidence showing certain expenditures made in connection with the operation of the stock farm in Burbank, previously mentioned. On June 18, 1948, the sums of \$2,000 and \$1,855 were paid by Mickey Cohen. Under the column headed "the nut," meaning the fixed expenditures of the casino, Cohen itemized the following expenditures of \$1,855:

\$ 150 - K
75 - SQ
75 - S.O.
625 - Din
300 - AD
80 - Chick H.
300 - AD
250 - PB

On April 21, 1952, the California Crime Commission directed a letter to S. Ernest Roll, Los Angeles County District Attorney, because of the refusal of Chief of Police Adams to answer certain questions when called and duly sworn as a witness at a hearing before the Commission on March 30, 1952, in Los Angeles.

The California Crime Commission asked Adams whether he was the person referred to as "Adams" on the record of a certain gambling enterprise at the stock farm in Burbank, which records indicate payment by Mickey Cohen to someone named Adams of the amount of \$300 on two separate occasions. Chief Adams refused to answer this question on the ground that his answer might tend to incriminate him.

The Ralph Maddox Bookmaking Syndicate

A number of bookmaking syndicates have functioned in Burbank since the end of World War II. Ralph Maddox has been the dominant Burbank bookmaker with the greatest number of employees.

Ralph Maddox, after serving a six months' sentence in the Los Angeles County Jail in 1944 for bookmaking, became a race horse owner and devoted substantially all of his time to this activity until he was suspended by the California Horse Racing Board on April 6, 1946, for failing to reveal his prior criminal record in his Application as a race horse owner.

After the Racing Board suspension, Maddox gradually moved back into the bookmaking field and became a partner in a cash bookmaking spot in a pool room on Magnolia Boulevard in Burbank. (A "cash bookmaking spot" is an establishment at which a horse bettor may place his bet in person, wait until the race is run, and collect his winnings if the horse bet upon wins.)

Maddox formed a bookmaking syndicate that operated in the City of Burbank from 1947 until late in 1951. During the greater part of this period Maddox had some twenty Agents working for him regularly, usually on a "fifty-fifty" basis, sharing half of the winnings and bearing half of the losses.

Each Maddox agent was assigned a series number. For example, agent "A" would be assigned series #1000, agent "B" series #1100, agent "C" #1200, and so on. Betting customers of "A" would be assigned a permanent number in the series from 1001 to 1099, customers of "B" from 1101 to 1199, and so forth. Agents instructed their bettors to telephone bets to a designated telephone number and to use the serial number assigned to them.

Most of the Maddox agents picked up bookmaking equipment, including scratch sheets, tickets, and racing forms, each morning at the pool room and

later at a hotel on Victory Boulevard in Burbank. Agents who could not frequent the pick-up point because of their occupation had bookmaking equipment delivered to their homes or places of business. Ralph Maddox often made daily trips to Hollywood where he obtained scratch sheets, digests and racing forms for his syndicate agents.

In 1947, after his first election to the Burbank City Council, Floyd Jolley made a visit to the owner of the stock farm previously mentioned, knowing that in March of that year a raid had been conducted on the gambling casino. Jolley, who was accompanied on this visit by a friend, asked the stock farm owner about the relationship between Elmer Adams and Mickey Cohen. During this period, accompanied by the same friend, Floyd Jolley also interviewed an officer of the Burbank Police Department and asked him why some bookmakers were arrested while others operated with apparent immunity. He stated he was dissatisfied with the administration of Elmer Adams as Chief of Police and indicated that this officer was being considered for the position of Chief of Police. The officer referred Jolley to Chief Adams as the logical person to answer his inquiry.

On one occasion when Elmer Adams was known to be out of the city, Councilman Jolley received a report at his home that bets were being received on the horse races at the pool room on Magnolia Boulevard in Burbank. Councilman Ralph Hilton and an individual who had previously been convicted for bookmaking were present with Jolley at the time. Jolley said he would instruct the Burbank Police to raid this particular pool room the following day.

The next morning, which was on or about July 23, 1947, this previously convicted bookmaker went to the pool room and told Ralph Maddox' partner that the pool room would be raided that day by the Burbank Police Department. Maddox' partner replied that he had nothing to worry about.

That same day Jolley went to the Burbank Police Department and asked that this pool room be raided as bets were being received there. Accordingly, several police officers went to the pool room where bets on horse races were being received openly and race results announced over a speaker system. One of the operators who was taking bets appeared amazed when he was arrested for bookmaking. He explained that the man who hired him had assured him he would not be arrested; however, he did not identify his employer by name.

When Chief Adams returned to Burbank, he asked the arresting officers for an explanation of the arrest. Then Adams had a conference with Floyd Jolley. Thereafter, insofar as is known, Jolley ceased his investigation of Elmer Adams as Chief of Police.

On August 1, 1947, the arrested men pleaded guilty in Burbank City Court to violating Section 332, Penal Code of California, and thereafter served a thirty-day sentence in the Los Angeles County Jail and paid a \$250 fine.

Even after this arrest, the pool room continued as a cash spot for the Ralph Maddox bookmaking Syndicate.

Although about thirty agents who worked from time to time for the Maddox bookmaking organization have been identified, only one of them need be mentioned by name.

William "Bill" Kimmel, a former member of the Burbank Police Commission, was an agent of the Maddox bookmaking organization in 1946. Kimmel never handled a large volume of bookmaking business and at no time had more than ten customers who regularly bet with him. Most of Kimmel's bettors were his personal friends. Normally Maddox would not have permitted an agent with so few customers in the syndicate. However, Kimmel was accepted by Maddox as an agent principally because he had one particular bettor who regularly wagered large sums of money.

After a short time as an agent, Kimmel and Maddox became involved in a dispute over settlement of a bet and Kimmel ceased acting as an agent of the organization but he continued to bet regularly with the Maddox organization.

A baking company salesman, who was a brother-in-law of Elmer Adams, was a fifty-fifty agent of the Maddox organization from 1945 to 1951. This man's identity was a closely guarded secret in the Ralph Maddox syndicate and his bookmaking equipment was delivered to his home daily by a trusted Maddox employee.

Maddox usually employed four women telephone clerks. These clerks worked in pairs in rooms having telephones which were listed under names of various commercial establishments. The rooms were equipped with wooden racks or "pigeon holes" in which were filed the active "markers" or cards of every bettor. All bets placed by a bettor were maintained on one marker, and at the end of each day the telephone clerks tallied the marker of every bettor for that day. Bettors were at liberty to call throughout the day to obtain race results and late information concerning races yet to be run, such as jockey, weather conditions and scratches.

After the telephone clerks tabulated results for the day, the markers were delivered to the Maddox home at 4353 Mariota Avenue, Toluca Lake, North Hollywood. At about 6:00 P.M. two bookkeepers at the Maddox home, under Maddox' direct supervision, figured the winnings and losses of the day for each bettor.

The "gross take" of the Maddox bookmaking syndicate alone was between two and one-half and three million dollars a year. It is generally acknowledged that the net profit on bookmaking amounts to fifteen or twenty per cent of the "take." Thus the annual net profit "before taxes" would have been nearly half a million dollars a year.

During 1948 Ralph Maddox regularly attended race tracks after servicing

his personal betting customers. During this period he "laid off" at race tracks any bets which he did not care to book himself. (A bookmaker "lays off" with another bookmaker or at a race track those bets which are so large that he does not wish to assume the risk of 'booking them himself.) On days when heavy bets were being received on certain horses, Maddox went to a race track, having made up in advance a list of those horses and races on which bets in a specified amount were to be placed. Generally, the bets Maddox made at the tracks were at the \$100 window. It was his common practice to bet as much as \$500 at a time and on occasion bets placed on a particular race amounted to several thousand dollars.

During the fall of 1948 Ralph Maddox also operated a football betting pool. Bettors frequented the Maddox residence in Toluca Lake to see football games on television. Present on a number of occasions was Burbank Councilman Floyd Jolley who frequently bet with Maddox on the outcome of these games.

On a number of occasions in the spring of 1949, Ralph Maddox was observed at Walter W. Mansfield's Municipal Campaign Headquarters with Mansfield, former City Councilman and Mayor of Burbank. On one occasion Maddox invited Mansfield to his home for cocktails. Several employees in Mansfield's campaign office were paid from Maddox' personal funds at the rate of ten dollars a day.

Ralph Maddox contributed \$1500 to the campaign fund of the Burbank Better Government League during the 1949 Municipal Election. This deposit to the Burbank Better Government League bank account was handled in such a manner that the funds could not be traced to Maddox. This contribution was one of the big secrets of the 1949 Municipal campaign.

In May, 1949 Maddox was absent from Burbank for five days on a trip to Las Vegas, Nevada, where he was joined by Councilmen Floyd Jolley and Walter Mansfield. On the return trip from Las Vegas, Maddox was accompanied by Walter Mansfield.

Sometime about May, 1949, Ralph Maddox' bookmaking syndicate established headquarters in a cafe on Magnolia Boulevard in Burbank. This cafe became the syndicate's cash spot and also headquarters where agents picked up bookmaking equipment each day.

In the latter part of 1949, Ralph Maddox received information that this cafe would be raided on a certain day at a specified hour. He notified people working at the cafe of the contemplated raid. As Maddox had predicted, the law enforcement officers arrived. The officers answered the telephone during the time they remained in the cafe. The syndicate employees were not searched and no arrests were made. All bookmaking equipment had been removed from the cafe in anticipation of the raid.

One syndicate employee, who was present during the raid, later discussed the raid with Ralph Maddox and related a conversation the employee had with one of the officers during the raid. Maddox told this employee that the conversation described was not altogether accurate, and Maddox thereupon repeated the entire conversation, using the precise words which this employee had used in the conversation. Maddox then cautioned the employee not to underestimate his (Maddox') contacts in law enforcement.

Ralph Maddox personally paid in cash all expenses incurred in connection with the operation of this cafe. Each Thursday, while counting out various sums of money for expenses, he always counted out a large sum in cash which he placed in a separate pocket of his suit. Frequently as he counted out this large sum, Maddox complained bitterly and profanely about having to pay out that amount of money for police protection. He usually claimed to have a luncheon appointment on Thursdays and would be gone from forty-five minutes to an hour.

Although Maddox has said that no matter what was done to him he would

never reveal to whom this money was paid, it is interesting to note that one bookmaker has revealed that from 1948 to 1951 he regularly paid a "juiceman" \$100 in cash each Thursday, and later \$125 a week for police protection.

During the early part of 1950 the Maddox bookmaking syndicate gave up the cafe and transferred operations to a small room at the rear of a paint store on Magnolia Boulevard in Burbank. This room, however, proved inadequate for use as headquarters, and soon the syndicate moved back to the pool room on Magnolia Boulevard.

During April and May, 1950, the editor of the "Magnolia Park Reporter" received reports of wide-open operations of bookmakers in the Magnolia Park section of Burbank without apparent restriction by law enforcement agencies. On June 7, 1950, this paper contained a front page editorial on this subject entitled "Paradise Lost."

Shortly after 9:00 A.M. on the day this editorial was published, Councilman Floyd Jolley contacted the editor of the "Magnolia Park Reporter" by telephone and said he thought he should have been given an opportunity to check into the operations of the Burbank Police Department. Jolley said that the allegations concerning payoffs to the Burbank Police Department came to him as a surprise and a great shock. While the editor was talking to Jolley on the telephone, Chief of Police Elmer Adams arrived at her office. She made available to Chief Adams the facts in her possession and reported that her own investigation had revealed that a bookmaking establishment was being maintained at the rear of a Magnolia Boulevard paint store where bookmaking had been observed in the past. Chief Adams stated he was well acquainted with the owner of the premises where the paint store was located and that these allegations could not be true. Chief Adams demanded that the editor publish an apology to the Burbank Police Department and the City Administration in the newspaper, but she refused.

Adams remained at the editor's office for several hours during which period a number of telephone calls were received from interested citizens reporting information concerning bookmaking. The editor asked Chief Adams to talk to several of these people. During his entire conversation with the editor and with the people who called, Chief Adams did not make any written notes of the information made available to him.

That afternoon, after Chief Adams had departed, the editor received a telephone call from an unidentified man who said it would be unwise for her to walk home alone that evening. Another caller, who also refused to identify himself, warned the editor that "her life was not worth living."

Agents of the Maddox bookmaking syndicate brought the editorial to Ralph Maddox' attention early on the morning the newspaper was delivered. Maddox asked his agents to contact their friends in the Magnolia Park area who advertised in the "Reporter" and tell them to discontinue their advertising immediately.

Shortly after the editorial appeared, an advertising representative of the "Magnolia Park Reporter" was approached by Maddox' partner who stated that he had bookmaking "sewed up" in Magnolia Park and that if he did not keep control of bookmaking, the "Italian crowd" would move in. Maddox' partner claimed that he was handling \$100,000 a month in bookmaking.

Following the "Paradise Lost" editorial, a number of merchants stopped advertising in the "Magnolia Park Reporter." During this period the editor received several anonymous telephone calls suggesting that the proper approach for her to take was to advocate legalizing of bookmaking. Other anonymous callers told her that if she would drop the attack on bookmaking, her newspaper would enjoy plenty of advertising. The editor paid no attention to these calls, and

because her advertising revenue continued to decrease, she ultimately found it necessary to dispose of the newspaper due to financial difficulties.

Several times later Chief Adams telephoned the editor and advised her of arrests of bookmakers. Chief Adams, however, never explained what investigations had been conducted concerning bookmaking at the rear of the paint store.

After several thousand dollars had been spent remodeling the Magnolia Boulevard pool room in 1950, Maddox announced that the pool room could not be used as a cash spot for bookmaking. Efforts to sell the pool room were made without results. Finally Maddox bought out his partner's interest for which, under the terms of their agreement, the partner received Ralph Maddox' 1947 black four-door Cadillac sedan. During the summer of 1950 Ralph Maddox continued to use this pool room as a cash spot for his bookmaking operations.

In 1950 Maddox indicated to several employees of his bookmaking syndicate that he had received "an O.K." to have a cash bookmaking spot at a steak house on Victory Boulevard in Burbank. An agent was soon established at this steak house on an arrangement whereby he and Maddox split the winnings and losses on a "fifty-fifty" basis. This agent was told by Maddox that \$150 a week was being paid for police protection. Under their "fifty-fifty" arrangement, the agent paid \$75 a week to Maddox for police protection, and Maddox indicated he paid the other \$75 a week. Maddox never revealed to whom the money was paid.

During this period, Maddox hired a bodyguard at a salary of about \$70 a week because of fear of "Eastern mobsters" who wanted to "cut in" on his business. The bodyguard's duties at the pool room included some bartending and acting as "muscleman" or "strongarm man" to collect bets from reluctant customers. This bodyguard became acquainted with agents in the bookmaking syndicate who

visited the pool room daily. Following his employment with Maddox this bodyguard became a patrolman for the Burbank Police Department where he is employed to this day.

During July and August, 1950, Councilman Floyd Jolley rented a house on North Bay Front, Balboa Island, for \$800. Ralph Maddox shared this cottage with Jolley on and off during the month of August, 1950.

Councilman Floyd Jolley was a frequent and regular visitor in the Ralph Maddox home in Toluca Lake throughout 1949, 1950 and the spring of 1951.

During the latter part of September, 1950, a retired police officer who had recently worked in a undercover capacity for the California Attorney General, began spending time at the pool room. He met various agents of the bookmaking syndicate, and soon thereafter Ralph Maddox announced to the syndicate employees that this retired officer was the "new boss" of the organization. The "new boss" took over functions previously performed by Maddox, such as weekly settlement with agents, handling Maddox' personal bettors, and payment of salaried employees of the organization, including telephone clerks and the wire service operator. Although the man was ostensibly "boss" of the syndicate, Maddox never actually gave up control of the organization.

This retired officer soon announced to employees of the bookmaking syndicate that the pool room did not provide adequate security. Accordingly, a room in a hotel on Victory Boulevard in Burbank became their headquarters. The hotel room also became the daily pick-up point for the organization's agents during the regime of this retired police officer.

In October, 1950, at about the time a Vice Squad was first established in the Burbank Police Department, Ralph Maddox shut down the cash spot at the steak house on Victory Boulevard, saying that it was "too hot" to operate there

and that "the juice had gone sour."

During hearings of the United States Senate Special Committee to Investigate Organized Crime in Interstate Commerce (the Kefauver Committee) in Los Angeles in November, 1950, the Maddox organization temporarily ceased operations.

In the 1951 Burbank Municipal election, one candidate charged that gambling was wide-open in Burbank and on the increase. The Burbank City Council at its meeting on March 30, 1951, discussed this allegation and the possibility of demanding proof of the charges. The Council was advised that the matter could be referred to the Los Angeles County Grand Jury and the candidate subpoenaed by that body to testify, or the Council could hold a public hearing on the question of bookmaking. Although statements by some Councilmen indicated they favored referring the matter to the Los Angeles County Grand Jury, it was finally decided to direct the City Manager to write a letter to the candidate asking him to substantiate his charge.

Chief of Police Elmer Adams was called before the City Council during the discussion of the allegations. His remarks and those of Councilman Floyd Jolley were as follows:

"JOLLEY: I would like to ask Chief Adams a question. Chief Adams, have you at any time within the last four years ever been approached by any member of the Council, or at any time, asking to not enforce the law on bookmaking or gambling in the City of Burbank, or any interference in any way whatsoever with your duty as Chief of Police?

"ADAMS: I have never been approached by anyone at any time. The only thing I was ever told was by Mr. Stites and by the Members of this Council to enforce the law and that's what I try to do.

"JOLLEY: Thank you. I might say this, gentlemen, that I think all of us are aware that we in the City Council here live in a glass house. I personally know of no bookmaking or gambling in the City of Burbank. It looks to me like that -- the great American game of politics.

"ADAMS: Mr. Mayor, may I have this ... I have heard rumors that have come to me indirectly that there was bookmaking and gambling in Burbank and I want to say now that there has never been any one in my office that ever told me that there was. I want to say that. It's just been rumors."

In light of the disclosures presented in this report, such statements by City officials are ridiculous.

On the evening of the April 3, 1951 Municipal election, Floyd Jolley approached two men who had been active in the campaign. By this time it was apparent that Jolley would be elected. In a jubilant mood, Jolly announced: "The best thing that happened to us was when this gambling thing came out; nearly every bartender in town gave us money." Jolley mentioned that one bar had contributed \$500. Then, after a pause, Jolley commented, "Dad always said that every time I open my mouth, a bale of hay falls out."

After the 1951 Municipal election, several employees of the Maddox bookmaking syndicate were arrested by County authorities. Maddox claimed Adams "double-crossed" him.

During the summer of 1951, Ralph Maddox arranged an appointment in downtown Los Angeles with then Mayor Ralph Hilton and City Councilman Walter Mansfield. Maddox demanded that Elmer Adams be dismissed. Hilton and Mansfield refused Maddox' demand. Prior to this Ralph Maddox had admitted to Hilton in a conversation at Las Vegas, Nevada, that he had operated in Burbank for seven years

with police protection.

With the formation of the Burbank Citizens' Crime Prevention Committee and the effective date of Federal legislation requiring bookmakers to purchase a Federal Tax Stamp in the fall of 1951, Maddox sought to establish himself in Nevada where gambling is legal. In February, 1952, Maddox and an associate filed application with the Nevada Tax Commission for permission to operate a gambling establishment in Fallon, Nevada. The application was considered by the Commission on April 8, 1952, and was withdrawn by the applicants April 30, 1952.

It is inconceivable that those responsible for law enforcement would have been unaware of the extensive Maddox bookmaking organization existing within the City of Burbank. Nevertheless, at the time the Burbank Citizens' Crime Prevention Committee was formed, the Identification and Records Section of the Burbank Police Department contained no information that Ralph Maddox had ever been arrested by the Burbank Police Department, or that his prior criminal record had ever been requested from available law enforcement sources.

Burbank "Juice" Lines

In 1948 a Burbank bookmaker arrested by the Burbank Police Department for bookmaking pleaded guilty and paid a fine in the Burbank City Court. Thereafter, the bookmaker went to the office of Chief of Police Elmer Adams, informed Adams of his bookmaking arrest and asked how he should go about arranging for police protection. The bookmaker specifically asked Chief Adams how much and to whom he should pay. Chief Adams was cordial but evasive and waved the bookmaker out of his office.

Later the bookmaker contacted a close associate of Elmer Adams and explained that he desired to arrange for police protection and wanted to know to

when he had to pay the money and how much.

Subsequently, the man was contacted by a known Burbank bookmaker John Hudkins, alias "Junior" Hudkins, who said he was the "juiceman" for Burbank. Hudkins stated it would cost \$100 a week in cash to operate with police protection, and that the money would be collected each Thursday at a spot designated by him. Until late 1950 the bookmaker regularly paid Hudkins \$100 in cash each Thursday for police protection. Eventually, in the latter part of 1950 the amount was raised to \$125 a week which amount the bookmaker continued to pay as long as he operated. Hudkins said the money was going to "the old man," the name he always used when referring to Chief Elmer Adams.

In spite of the bookmaker's regular payments, he was arrested for bookmaking by officers of the Burbank Police Department. The bookmaker stated that his only explanation for the arrest was that apparently Chief Adams did not take the officers of the Burbank Police Department into his confidence.

On numerous occasions "Junior" Hudkins was seen in the office of Chief Adams in the Burbank City Hall on Thursdays. Adams explained that the visits were in connection with the administration of the estate of a close associate. At other times, Chief Adams explained that "Junior" Hudkins stopped by on Thursdays to discuss transactions involving the sale of horses in which they were mutually interested. Hudkins made assertions to others in the gambling business that he was the "boss bookmaker" and that he carried the "ice water" to "the old man."

On January 6, 1951, Vice Squad officers of the Burbank Police Department found bookmaking markers at a pool room on Olive Avenue. "Junior" Hudkins, the owner of the pool room and a third man who were present refused to claim the markers. One officer stated that the owner would be placed under arrest for possession of

bookmaking paraphernalia. The three individuals then discussed the matter after which the third man said the markers were his. He was placed under arrest. On the way to the police station, the arrested man said he was "taking the rap" for "Junior" Hudkins. Chief Adams asked that the markers seized from the arrested man be turned over to him. Adams said, "I want to give them to 'Junior.'" Later Hudkins told one of the officers that bettors had made claims on him in the amount of \$450 but when the markers were returned to him he found the bettors were only entitled to \$187.

Prior to 1950, Robert Sheffield, a retired detective from an Eastern city became acquainted with Chief of Police Adams. Sheffield had worked as an agent for a bookmaker. In 1950 Sheffield approached one Burbank bookmaker on behalf of Chief Elmer Adams and said that Adams wanted \$125 a week to permit the bookmaker to operate with police protection in Burbank. The bookmaker asked for two weeks to consider and at the end of that time he offered to pay \$75 a week, which amount Sheffield said would not be acceptable to Chief Adams. Not long thereafter this bookmaker was arrested.

At a later date a detective of the Burbank Police Department received information that Sheffield was picking up bets at a super market in Burbank. The information was discussed with Chief Adams who instructed the officer not to arrest Sheffield stating he (Adams) would straighten him out.

BURBANK POLICE DEPARTMENT

BURBANK POLICE DEPARTMENT

In June, 1945, two officers of the Burbank Police Department observed Jimmy Garrison making book on horse races in a building at the corner of Magnolia Boulevard and Hollywood Way in Burbank. When the officers endeavored to arrest Garrison, he protested and exhibited a receipt for a Western Union Money Order dated September 28, 1944, indicating that he had forwarded \$100 to Chief of Police Elmer Adams in Washington, D.C., while Adams was attending the National Academy of the Federal Bureau of Investigation. Garrison gave the officers the impression that they should know better than to attempt to "pinch" him.

One of the officers immediately contacted Chief Adams by telephone and, although Adams told the officer he would talk to Garrison later, he issued no instructions to proceed with the arrest. The following day one of the officers again discussed this incident with Chief Adams and still Adams did not authorize the arrest.

Until the fall of 1950 the Burbank Police Department did not have a vice squad or other comparable unit charged with the investigation of gambling, bookmaking, prostitution and related matters. All leads of this kind were referred to the Chief of Police. The officers of the Burbank Police Department were never told by Chief Adams that they could not arrest anyone for bookmaking or gambling. In fact, no written instructions concerning matters of policy pertaining to vice were given by Chief Adams. It was generally understood, however, by the officers of the Department that all gambling and bookmaking arrests had to be cleared with Chief Adams. If officers were conscientious and on their own initiative investigated bookmaking or gambling, Adams never criticized them for that.

However, Chief Adams watched the work of these men who made such arrests. These officers were called in for conferences regarding their reports, their handling of citizens' complaints and other matters having no relations to vice. Some of the men in the Department came to the conclusion that if they refrained from acting aggressively on vice and bookmaking, they wouldn't have any difficulty with Chief Adams.

In September, 1950, Chief Adams established a vice squad and assigned two police officers to the squad. In the presence of one of his top associates, Chief Adams instructed the two men to arrest anyone they cared to. However, immediately thereafter, both officers were individually called to the Chief's office at which time Adams suggested that whenever possible all leads be cleared with him before making arrests since there might be information available which would be unknown to the officer; further, that in some instances it might be better to have the District Attorney's Office or the Sheriff's Office actually make the arrest. Chief Adams promised the two members of the vice squad that he would furnish them investigative leads. Although there were few leads from the Chief, the two vice squad officers, acting on their own initiative, made a number of noteworthy arrests, particularly of bookmakers.

During early February, 1951, the Vice Squad of the Burbank Police Department, which investigated bookmaking, was dissolved by Chief Adams. He told one of the vice squad officers that officially he (the officer) was being transferred off the vice squad because of the shortage of personnel in the Detective Bureau and because bookmaking was pretty well cleaned up in town. However, Adams confided to this officer that actually he was being taken off the vice squad at the request of Floyd Jolley.

During this same period of time vice squad officers were told by a local bookmaker a few days in advance that one of them was going to be transferred off the vice squad.

From February until October, 1951, the Burbank Police Department had no vice squad. The Chief of Police was personally responsible for investigation of vice. With formation of the Burbank Citizens' Crime Prevention Committee, the vice squad was immediately reestablished.

In the fall of 1950 vice squad investigations developed information that prostitution was being conducted in some of the massage parlors in Burbank. It was suggested to Chief Adams that an ordinance controlling massage parlors, similar to the ordinance of the City of Los Angeles, be enacted. Thereafter the Burbank City Council adopted an ordinance relating to the control of massage parlors; however, the Burbank ordinance was substantially different from that of the City of Los Angeles in that it permitted persons of one sex to work on the opposite sex, which was specifically prohibited by the Los Angeles ordinance. The control of the massage parlors for all practical purposes was placed solely in the hands of the Chief of Police by the terms of the Burbank ordinance.

When Chief Adams was questioned by one of his police officers regarding this phase of the ordinance, he stated the Burbank ordinance so enacted had been written exactly the way he, Adams, desired it.

In approximately February, 1952, Chief Adams called a detective of the Burbank Police Department to his office and asked him to institute an investigation of the members of the Citizens' Crime Prevention Committee. Adams also asked this officer to follow the Managing Director of the Committee. This officer told Chief Adams that such a physical surveillance would be useless inasmuch as the officer was well known in the community and the surveillance would probably be immediately detected.

During this same period Floyd Jolley asked an officer of the Burbank Police Department to check the Identification Division of the Los Angeles Police Department and the Los Angeles Sheriff's Office to obtain any possible information concerning members of the Citizens' Crime Prevention Committee.

At about this time the Burbank City Council enacted a Municipal Ordinance, prepared by City Attorney Archie Walters, establishing a Secret Service Fund of \$2,000 to be under the control and management of the Chief of Police.

Shortly thereafter Chief Adams confided to one of his officers that he had a fine undercover operator who was a former bookie, whom he did not identify by name. Adams suggested that whenever an arrest was made, the officer indicate this secret service operator assisted in developing the case. Adams was told that this was impractical as it might be necessary for the arresting officer to produce his written report at the trial of the case and that it must be accurate. The officer did not follow Adams' request.

On several occasions after the Secret Service Fund was established, Robert Sheffield was seen in the office of the Chief of Police. Sheffield, a retired detective from an Eastern City, has been identified elsewhere in this report as a bookmaker whom Chief Adams did not want arrested and as a payoff man for Adams. On one occasion after the establishment of this Secret Service Fund, Chief Adams told one of his officers that he was having the Managing Director of the Citizens' Crime Committee followed.

At about this same time Chief Adams suggested to a Burbank police officer that he offer to be interviewed by the Managing Director of the Citizens' Crime Committee at the officer's house. Adams arranged for the

purchase by the City for the Police Department of approximately seven hundred dollars worth of sound equipment to cover this interview. This interview failed to materialize.

During the early part of 1952 John Hudkins, also known as "Junior" Hudkins, identified previously as a "juiceman" for the Chief, admitted to one of the officers of the Burbank Police Department that Chief Adams was extremely worried about the income tax investigation being conducted by the Bureau of Internal Revenue. Hudkins confided to this officer that he had accompanied Adams when the latter visited a number of prominent officials seeking assistance in settling his income tax problem. Hudkins said that he had gone with Adams to see District Attorney Ernest Roll and Sheriff Eugene Biscailuz; both of these individuals advised Adams there was no way they could help him.

On or about April 2, 1952, Joe Sica (a nationally known hoodlum and reputed member of the Mafia who is presently serving a jail sentence for conspiracy of bookmaking) telephonically contacted a vice squad officer of the Burbank Police Department and said he would like to take him to dinner. The officer refused the invitation but agreed to see Sica at the police station by appointment.

When Chief Adams was told of the contemplated visit of Joe Sica to the Police Station, he commented, "Joe's a pretty good guy; I know him; treat him right."

Although Elmer Adams was sent to the FBI's National Academy in 1944 at the expense of the Burbank taxpayers, he never personally conducted a single training school to pass on to the men in his Department the knowledge acquired. Nor did Adams authorize Captain Claude Duncan to conduct training schools after Duncan's attendance at the FBI's National Academy in 1947 also at the taxpayers' expense. Not a single school is known to have been conducted for the benefit of

new officers or experienced personnel of the Burbank Police Department from 1948 to the date of Adams' resignation. In all cities where law enforcement has been outstanding and efficient, training schedules have been a basic part of their police programs.

Adams also completely failed his Department by not defining matters of policy in writing for all personnel to see. His personal contact with most of the men under his command was at an irreducible minimum, and his association with hoodlums, such as Mickey Cohen, was a constant source of embarrassment to the men of his Department. Adams' activities and administration of the Burbank Police Department were a disgrace and were inexcusable.

Elmer Adams' manner of living revealed he lived beyond his income as a Chief of Police.

Mrs. Elmer Adams, also known by her stage name, Marvelle Andre, purchased a forty-foot cruiser, the "Sea Gypsy," also known as the "El Marada," on May 24, 1949. Although the "El Marada" was carried in the name of Marvelle Andre during the time it was docked at a Long Beach yacht landing, the slip rental was billed to Elmer Adams. While this yacht was owned by Marvelle Andre, a considerable sum of money was spent for extensive mechanical repairs and other improvements to place it in first-class condition.

On June 29, 1951, while Mrs. Elmer Adams was still owner of record of the yacht "El Marada," Chief Adams purchased the "Bayou," a fifty-six foot, ten inch, cabin cruiser equipped with Diesel engines, for approximately \$11,400. Elmer Adams was accompanied by his wife and a friend on the date the purchase was consummated.

The purchase price of the "Bayou" was paid in the vessel's cabin. Chief Adams first tendered a five thousand dollar check, having previously obtained a loan from a Burbank banking institution. Adams then reached into his

pocket and pulled out a large roll of bills. From this roll, consisting of intermingled one hundred, fifty, twenty, ten and five dollar bills, he counted toward the purchase price. However, before the balance of \$6,400 had been reached, Adams ran out of money. He then turned to Mrs. Adams. She reached into her handbag and removed therefrom a roll of currency, also of intermingled denominations, and from this roll of bills Adams counted out the balance of the purchase price. At the time the sale was consummated, Adams requested that the purchase price be considered confidential, and the Bill of Sale does not reflect the price he paid for the yacht.

The "Bayou" was immediately moved to a yacht landing in Long Beach where the "El Marada," the boat owned by Mrs. Adams, was also maintained. Throughout the summer of 1951 Elmer Adams and Mrs. Adams owned two yachts!

On September 29, 1951, ownership of record of the "El Marada" was transferred to a Los Angeles couple. In the same month the "El Marada" and the "Bayou" were moved to a yacht landing at Wilmington, California, where they were docked side by side as of the time of Elmer Adams' resignation as Chief of Police.

Elmer Adams was one of the signers in 1949 of a master lease renting the Yacht Club, 3413 West Olive Avenue in Burbank, described as a notorious bar by the California Crime Committee in its letter of April 21, 1952, to District Attorney Roll. The name Marvelle Andre appeared on the Yacht Club's liquor license.

In recent years Elmer Adams has regularly driven Cadillac automobiles, although they were registered with the Department of Motor Vehicles in the name of his father-in-law, Harry T. Anderson, and in the name of his wife, Marcelle Andre. Adams drove four Cadillacs purchased over a five-year period, valued at \$18,335.54. Trade-in allowances amounted to \$10,242.21. In each instance the remainder of the purchase price over and above the trade-in allowance was paid in cash rather than by check, such cash payments totaling \$8,093.33 in the five years.

In February, 1952, the Burbank Citizens' Crime Prevention Committee made available to the California Crime Commission the facts in its possession concerning organized crime in Burbank and Chief Elmer Adams in particular. After conducting its own investigation--including the subpoenaing of several Burbank officials--the California Crime Commission directed a letter on April 21, 1952, to Los Angeles District Attorney S. Ernest Roll requesting the Grand Jury to consider returning an accusation for wilful misconduct against Chief of Police Elmer Adams for his failure to answer certain questions at a private hearing of that body on March 30, 1952, pursuant to subpoena, on the ground his answers might tend to incriminate him.

On April 21, 1952, or a day thereafter an officer of the Burbank Police Department was in the office of Chief Adams when the latter received a telephone call; after completing this call, Adams said he had just talked to District Attorney Roll who had told him the California Crime Commission had furnished certain facts and he, Roll, had no alternative but to act on their letter.

On April 24, 1952, Elmer Adams submitted his letter of resignation as Chief of Police of the City of Burbank, precluding the Los Angeles County Grand Jury from considering the return of an indictment against him for wilful misconduct.

The morning Elmer Adams resigned as Chief of Police he told one of his officers he would never resign. That very afternoon Adams called this same police officer into his office and showed him a copy of his letter of resignation. Adams said he could not eat and could not sleep and had decided to quit. The officer urged him to stay and fight it out if he had nothing to hide.

That day when Adams departed he told an officer on the vice squad that should the officer ever be called before the Los Angeles Grand Jury, he should remember that it was Floyd Jolley and not him (Adams) who had taken the officer off the vice squad in the early part of 1951.

By letter dated April 25, 1952, City Manager Howard Stites accepted Elmer Adams' resignation as Chief of Police.

At a Council meeting on or about May 7, 1952, Vice Mayor Paul L. Brown told fellow Council members that in his opinion as a long time Councilman he had yet "to find a city that has been run as clean and has less crime" than Burbank. Mayor Walter W. Mansfield said he concurred with Brown.

It is inconceivable to us that Adams should have been permitted to continue as Burbank Chief of Police even temporarily in view of the charge by the California Crime Commission that "Chief Adams' testimony has made it abundantly clear that people of Burbank are virtually without protection against the inroads of organized crime."

City Manager Stites should have suspended Adams immediately after the California Crime Commission's letter to District Attorney Roll was made known. He should have insisted that Adams explain his refusal to answer questions on the ground that his answers would tend to incriminate him, and should have ordered an immediate investigation. The Burbank City Council violated the duty they owed to the citizens of Burbank in not insisting upon such procedure by the City Manager.

By letter dated April 21, 1952, the Burbank Citizens' Crime Prevention Committee offered its cooperation to District Attorney Ernest Roll in connection with the investigation of Elmer Adams. On April 30, 1952, President Dyer and Director Thomson appeared before the Los Angeles County Grand Jury after conference with representatives of the District Attorney's office at which time facts in their possession were presented to the Grand Jury.

On May 13, 1952, Warren Olney, III, Counsel and H. R. Van Brunt, Chief Investigator of the California Crime Commission testified before the Los Angeles Grand Jury concerning the results of their investigation.

Although the Grand Jury heard witnesses pertaining to Burbank on a number of occasions, thereafter the gambling probe was not vigorously pursued, and in our opinion the District Attorney's office made no real attempt to develop before the Grand Jury the true facts of the situation nor was unusual skill used in the interrogation of witnesses.

In response to a specific inquiry from the Grand Jury, the Citizens Crime Prevention Committee advised the Grand Jury as follows on September 19, 1952:

"We are not fully cognizant of what investigation has been conducted by the District Attorney's investigators assigned to the Grand Jury in connection with detailed information given by us at that time. However, from the list of witnesses which has appeared in the newspaper, of those who testified before the Grand Jury regarding this matter, it is apparent that many of the potential witnesses whose identities were revealed in my testimony before the Grand Jury have not been called to testify.

"Furthermore, it appears from the names of witnesses who have thus far appeared before the Grand Jury that the information furnished by the Special Crime Study Commission on Organized Crime has not been fully exploited."

On May 7, 1952, Hugh McDonald, Captain in the Los Angeles County Sheriff's Office, took office as Temporary Chief of Police of Burbank. He immediately acted to correct some obvious longstanding inadequacies in the administration of the Burbank Police Department under former Chief of Police Elmer Adams. He established a monthly firearms training for the officers and instituted an in-service training and instruction program covering many phases of police activity.

George Thomson, Managing Director of the Burbank Citizens' Crime Prevention Committee, arranged an appointment with Howard Stites, Burbank City Manager, at the office of the Committee on May 22, 1952. During this interview Stites was critical of the fact that information developed by this citizens' investigative committee had not been brought to his attention. Thomson explained to Stites that on at least two occasions the Los Angeles County Grand Jury had previously conducted an investigation concerning gambling in Burbank, and although no indictments had been returned, this certainly should have served notice to him as City Manager that the standards of law enforcement in the community were unsatisfactory.

It was further pointed out to Stites that a review of Minutes of the Burbank City Council had failed to reflect that he, as City Manager, had ever requested that private investigators be hired to determine whether or not there was graft and corruption in Burbank, nor was there any indication that Stites had taken other affirmative, objective action to ascertain the facts. As an example of pertinent information which had been made public but had not been investigated, Stites' attention was directed to the editorial in the "Magnolia Park Reporter" of June 7, 1950, which alleged bookmaking was operating in Burbank with police protection. Stites explained that he referred all such complaints to the Burbank Police Department. It was pointed out to Stites that such procedure

was indistinguishable from asking the Chief of Police to investigate himself.

Stites stated that approximately five years ago he had decided not to seek further advancement in his field which meant that he had to get along with the City Council.

Stites predicted that he would undoubtedly be criticized by members of the Burbank City Council for his visit to the office of the Citizens' Crime Prevention Committee. Within a week after this conference, Councilman Jolley said that Stites had double-crossed the Council by visiting the office of the Citizens' Crime Prevention Committee. Jolley said he was going to fire Stites.

The Burbank City Council issued an ultimatum to Howard Stites on June 10, 1952, to either resign at the Council meeting the following Thursday or be fired. During the closed-door discussion with Stites, among items called to his attention, was the fact that he had authorized the Chief of Police to enter the crime probe and that he had voluntarily visited the office of the Burbank Citizens' Crime Prevention Committee.

Stites submitted his resignation to the Burbank City Council, as requested, on June 12, 1952. His letter of resignation, in part, is as follows:

"... The Council's encroachment on administrative functions, however, has progressively increased to the point where the City Manager no longer can effectively direct the operation of the City Government. I have continued in my position in the hope that this condition might improve. Such improvement has failed to materialize.

"... I am now convinced that hope for improvement in these conditions is futile."

On June 30, 1952, Chief of Police Hugh McDonald appeared before the Criminal Complaints Committee of the Los Angeles Grand Jury at which time he out-

lined in detail information developed concerning interference by certain city officials in the administration of justice in the City of Burbank. The Burbank Citizens' Crime Prevention Committee was aware of Chief McDonald's contemplated appearance before the Grand Jury, and he had been assured by the Committee that should the Burbank City Council bring pressure on the City Manager to fire McDonald for doing his duty, he would receive the full and unqualified support of this Committee.

Chief McDonald received telephonic instructions on July 1, 1952, from City Manager James McCambridge to "stand by" for appearance at a special meeting of the Burbank City Council. About this time Carl Guerriero advised Captain Claude Duncan at the Burbank Police Department to "stand by" as "there was going to be some changes made."

At 4:45 P.M. on that day Chief McDonald appeared before a closed meeting of the Burbank City Council attended by Mayor Walter Mansfield and Councilmen Jolley, Hilton and Patrick Price, as well as City Manager McCambridge and City Attorney Archie Walters. At this time Councilman Paul L. Brown was on leave of absence. Jolley demanded that McDonald explain his appearance before the Los Angeles County Grand Jury which McDonald proceeded to do.

Jolley then accused McDonald of having him followed, of installing a microphone in his home and of tapping his telephone. When McDonald denied these charges, Jolley accused the Burbank Citizens' Crime Prevention Committee of being responsible for such activity. Chief McDonald readily admitted upon questioning by Jolley that he had been in close touch with the Managing Director of the Committee and felt certain that the Committee had not resorted to such methods. McDonald explained it was his duty to maintain close liaison with any legitimate fact-finding body conducting investigations concerning violations of the law in the community.

Chief McDonald also advised the City Council that certain recordings had come into his possession which had been made at the request of the Burbank Police Department more than one year previously.

McDonald demanded that his position as Chief of Police in Burbank be immediately clarified, giving the Burbank City Council two alternatives: (1) for the City Council to fire him; or (2) for the City Council to give him a vote of confidence.

Throughout the discussion there appeared to be a split among members of the Council. Hilton and Price sided to a degree with McDonald, Mayor Mansfield remained silent. Ultimately the Council gave Chief McDonald a unanimous vote of confidence and thereafter released a statement to the press.

It is important to state that the Burbank Citizens' Crime Prevention Committee has never conducted or caused to be conducted a surveillance of any public official of the City of Burbank, nor has it placed any microphones in any of their homes or tapped telephones. It might be pointed out that the placing of a microphone in the home of anyone without his consent would constitute a criminal trespass, while the tapping of a telephone is specifically prohibited by State law. Your citizens' crime committee has not resorted to such illegal tactics.

Acting City Manager McCambridge advised Chief McDonald on July 9, 1952, that the recordings McDonald had in his possession should be destroyed. McCambridge explained he was making this request pursuant to an informal request of the members of the City Council to "reassure their peace of mind." McDonald, however, refused to destroy the recordings inasmuch as their full significance in connection with the crime probe in Burbank had not been determined.

On several occasions during the month of July, 1952, City Manager McCambridge discussed with Chief McDonald the subject of vice conditions in

Burbank. He stated he felt the Vice Squad of the Police Department, which had been expanded to six men during Chief McDonald's term of office, was too large. He further stated that one or two men on the Vice Squad were "publicity conscious" and should be transferred. Chief McDonald, however, stated that the situation in Burbank was such that an expanded Vice Squad was the best method of assuring adequate control. Chief McDonald further stated that in regard to personnel on the Vice Squad, in so far as he had observed, all the men were endeavoring to do their job willingly, honestly and without undue publicity.

Chief McDonald's ninety-day leave of absence from the Los Angeles Sheriff's Office expired on August 4, 1952. The Sheriff's Office advised McDonald that an extension of his leave would not be granted unless specifically requested by the Burbank City Council or City Manager. McDonald completed his duty as Temporary Chief of Police of Burbank on August 1, 1952.

Chief McDonald performed in a commendable fashion the duties of Temporary Chief of Police of Burbank.

When it became apparent that McDonald's temporary assignment would end in August, 1952, City Manager McCambridge asked Captain Claude Duncan to accept the position of Temporary Chief of Police. Duncan explained that he had not filed an application for the position of permanent Chief of Police because he did not want the assignment, nor did he desire to accept the Temporary Chief's job except on certain conditions.

Claude Duncan became Temporary Chief of Police on August 4, 1952. That day City Manager McCambridge instructed Duncan to reduce the size of the Vice Squad and transfer particular officers from that Squad because they were publicity conscious. The following day Duncan consulted his personal physician who advised Duncan to take sick leave. Without again assuming active leadership of the Department, Claude Duncan resigned from the Burbank Police Department on

August 13, 1952. His letter of resignation is, in part, as follows:

"During my short tenure as Temporary Chief, I have been confronted with the obvious fact that decisions regarding Administrative Policy, rightly the prerogative of the Chief of Police, are not and will not be mine to make; nor do I believe the permanent appointee will fare better, even though several officers of this department are eminently qualified."

John McAuliffe was named by City Manager McCambridge to succeed Claude Duncan as Temporary Chief of Police during the last week of August, 1952.

On September 2, 1952, when interviewed by representatives of this Committee, McAuliffe said that he was cutting the Vice Squad from six men to two men because of a shortage of personnel. McAuliffe said that this was being done on his own initiative.

As a result of a nation-wide competitive examination, an eligibility list was established for the position of Chief of Police for the City of Burbank. Rex R. Andrews, Chief of Police of Winnetka, Illinois, was first on the list while John McAuliffe, Acting Chief of Police, was seventh.

It was commonly understood by members of the Burbank Police Department that Floyd Jolley was insisting that John McAuliffe be named permanent Chief of Police even though Civil Services procedures required appointment of one of the top three men on the eligibility list. John McAuliffe was embarrassed by Floyd Jolley's open advocacy of his appointment.

On or about November 6, 1952, the Burbank City Council met in a closed session for the purpose of naming the new Chief of Police. A motion was made by

Councilman Paul Brown that Elmer Adams be reinstated. Floyd Jolley seconded Brown's motion. Councilmen Price, Mansfield and Hilton refused to agree. Thereafter, Rex Andrews was named Chief of Police.

Even after Andrews' appointment, Elmer Adams continued to visit the Burbank Police Department, and told the officers he would be back as Chief of Police within three months.

On December 2, 1952, Chief of Police John McAuliffe instructed Detective Alan Ostroff of the Burbank Police Department to report to the office of the City Manager the following day. At the appointed hour Ostroff went to the City Manager's office. Former Councilman Patrick Price invited Ostroff into an adjoining office. Thereafter Councilmen Floyd Jolley and Walter Mansfield joined them.

Detective Ostroff was told by these three Councilmen that he was being assigned to investigate the members and staff of the Burbank Citizens' Crime Prevention Committee. He was instructed to initiate his investigation by conducting interviews at Oceanside and El Centro, California, concerning Guy Woodward, one of the Committee's investigators, who had formerly been Chief of Police in these communities. Ostroff was also told to check the criminal record of all the citizens who were members of the Crime Committee. Ostroff was told that this investigation was to be secret and that he was to report the results of his investigations to Floyd Jolley.

On December 8, 1952, Detective Ostroff departed for El Centro, California, in a Burbank City owned Ford under secret circumstances. Even members of the Police Department were unaware of his assignment. The permanent license plates, temporary license sticker, registration and other identifying data were removed from the automobile.

Having verified that Detective Ostroff was in El Centro investigating one of the Crime Committee's investigators, President Bonar Dyer and Managing Director George Thomson immediately called at the City Manager's office where they discussed this matter personally with Edgar Friedrich and Acting Chief of

Police John McAuliffe. Friedrich said he had no knowledge of the investigation. McAuliffe explained that he had been called before a closed meeting of the City Council and requested by them to assign Ostroff to that body on "detached assignment." He said no written instructions were given to him by the City Council concerning this matter and to his knowledge no motion, ordinance or resolution had been adopted by the Council authorizing such an investigation. McAuliffe further said he was not supervising the investigation, officially did not know the purpose of it and was merely "following instructions." He said he had not received any criminal complaint about any member or employee of the Citizens' Crime Committee.

Following this conference McAuliffe instructed Ostroff to discontinue the investigation. McAuliffe then departed on a week's vacation.

Thereafter Ostroff contacted Floyd Jolley at his home and orally reported the rumors he had picked up at El Centro pertaining to Guy Woodward. When Jolley learned from Ostroff of the visit of the Crime Committee's representatives to the City Manager, Jolley immediately telephoned Friedrich for an explanation. After concluding this conversation, Jolley told Ostroff to continue his investigation. Although Ostroff told Jolley that all of the information was unverified and, therefore, of no value, Jolley said that nevertheless he could use the information.

Later that same week Ostroff saw Friedrich in the alley behind the City Hall and told him the Chief of Police had instructed him to discontinue the investigation of the Citizens' Committee, and Jolley had told him to continue it. Friedrich said that if Jolley told him to go ahead, Ostroff should go ahead with it. Accordingly, Ostroff proceeded with the "investigation" of Woodward at Oceanside and San Diego.

Early in January, 1953, Ostroff was having dinner one evening at a Glendale restaurant. At a nearby table were several individuals, including

City Manager Friedrich, Paul L. Brown, Floyd Jolley, Assistant City Attorney George Irving and others. During the course of the evening, Brown and Jolley came to Ostroff separately and instructed him to interview a particular witness at Crestline, California, to find out who instigated the formation of the local Citizens' Crime Committee.

Detective Ostroff proceeded to Crestline on January 7, 1953, as instructed. The witness he interviewed there reported in part as follows:

"Mr. Jolley knows why the Citizens' Crime Group was established. If it weren't for Mr. Jolley, there wouldn't be any need for the group. Paul Brown is no angel, but he doesn't flaunt his power like Jolley does. I believe that I had a part in forming the group, but I won't give any information to Jolley. I am entirely in sympathy with the Citizens' Crime Committee, and will give them all the help I can. I moved out of Burbank because I don't want to live in a city where there is not an honest administration."

The Citizens' Crime Committee does not question the right of the Police Department to investigate the Committee, its members or staff provided proper complaints have been issued or there is good reason to believe that the Committee is in violation of any existing laws. However, the Committee does question the legality, propriety and motives of such an investigation as was conducted by Detective Ostroff under instructions from the City Council.

Section 8 of the Burbank City Charter provides:

"..... the Council may take official action only by the passage or adoption of ordinances, resolutions or motions
....."

Section 6 of Burbank's Charter provides, in part, that

"..... all meetings of the City Council shall be open to the public."

The investigation of our Committee's members and staff was not the subject of an ordinance, resolution or motion, and was never discussed at an open Council meeting. Not only was the investigation of the Citizens' Committee under the circumstances illegal, but it was also an interference by the City Council in the operation of the Burbank Police Department.

Detective Ostroff thought his position with the Police Department was in jeopardy if he did not conduct the investigation. It is our considered opinion, in view of Jolley's instructions, that the City Manager also believed he had no alternative but to permit the investigation to continue.

The expenses incurred by Ostroff in those investigations were paid by City check from City funds. We believe the money so expended was an improper use of the taxpayers' money.

The investigation of the Citizens' Committee was continuing when Rex Andrews became Chief of Police on January 1, 1953. In the initial interview with Chief Andrews of President Dyer and Director Thomson, it was suggested to him that he obtain a written opinion from Burbank's City Attorney as to the legality of this investigation. It is our understanding that although City Attorney Archie Walters had previously orally advised that the investigation of the Citizens' Committee was legal, he failed to substantiate or confirm this oral opinion in writing. Accordingly, Chief Andrews discontinued the investigation, for which he is to be commended.

On April 14, 1953, Councilman Jolley read into the Minutes of the Burbank City Council two documents reporting on the "investigation" of Guy Woodward.

Detective Ostroff has refused to state whether or not these documents constitute his written reports of his "investigations" at El Centro, Oceanside and San Diego. In any event these documents violate every known standard of reporting an investigation. These documents contain rumor, hearsay and gossip and conclude that "none of the allegations have been or can be proved." This is ridiculous. A careful, thorough, objective investigation should have and could have included a determination of the truth or falsity of such allegations. No effort was made by Ostroff to determine the truth of the allegations or even to check public records. The Citizens' Crime Committee is ready to prove the falsity of the derogatory statements made.

This Committee is at a loss to understand if Jolley really desired to act objectively why he did not read into the Council Minutes on April 14, 1953, the report of the third investigation conducted by Detective Ostroff at his request at Crestline, a portion of which is quoted above.

The story of the Burbank Police Department as related above is typical of the interference of the Burbank City Council in the administration of Burbank City Government which permitted the tenacles of organized crime to become established in the community.

Today Ralph Maddox continues to reside on the outskirts of Burbank. The notorious Sicas continue to maintain their residence and business here. Many of the people who were active in the Ralph Maddox bookmaking syndicate continue to reside and work in this City. Some of the City officials who permitted Burbank to become a haven of organized crime continue their duties. Under these circumstances we have no confidence that the tenacles of organized crime are permanently removed from this community.

BURBANK POLICE COMMISSION

BURBANK POLICE COMMISSION

The Ordinance establishing the Burbank Police Commission was unanimously adopted by the Burbank City Council on March 18, 1952 and became effective on April 21, 1952, the date of the California Crime Commission's letter to District Attorney Roll concerning Elmer Adams. We are advised that the Burbank Police Commission was formed for the express purpose of counteracting the Burbank Citizens' Crime Prevention Committee.

On July 9, 1952, William Kimmel, Burbank Police Commission member, informed Burbank Chief of Police Hugh McDonald that at one time he had been a bookmaker. Kimmel claimed that he had been a very good bookmaker and had done pretty well for himself. He explained that as a bookmaker he accepted bets from his friends who came into his store and gave him money, the name of the horse, the race, the amount bet and the type of bet. Kimmel stated that he telephoned the bets in and then paid the odds if the horse won and kept the money if the horse did not win. Kimmel said he had never been an agent for the Ralph Maddox syndicate at any time.

Chief McDonald explained to Kimmel that inasmuch as he had admitted he was a bookmaker, it would be necessary for him to resign as a member of the Burbank Police Commission. Kimmel said he would submit his resignation on July 10, 1952, on the ground that press of personal business precluded him from continuing on the Burbank Police Commission. The Chief then advised the City Manager and the Burbank City Council, in writing, of the statements made by Kimmel.

Several days passed and Kimmel's resignation was not forthcoming. The Chief of Police then telephoned Kimmel and asked him what his decision was concerning his resignation from the Burbank Police Commission. Kimmel said he had

discussed the matter with the Chairman of the Burbank Police Commission, and the latter advised him there appeared to be no need for him to resign.

The Chief thereafter contacted Dr. William R. Barker, Special Counsel for the Burbank Police Commission, who stated he had been advised of the story regarding Kimmel's bookmaking but that Kimmel had denied making any admissions to the Chief. Dr. Barker stated that under these circumstances he felt there was no action he could take in the matter.

On the previous occasion when the Chief of Police had talked to Kimmel, only the two of them had been present. The Chief again contacted Kimmel by telephone and had an officer of the Burbank Police Department take extensive notes pertaining to the conversation. The Chief explained to Kimmel in this telephone conversation that he understood that Kimmel had denied making any admissions about being a bookmaker. Kimmel then proceeded to reiterate that he had accepted bets on horse races from his friends, kept the amount bet if the horse lost and paid the odds to the bettor if the horse won. Kimmel said he would discuss the entire matter at the next meeting of the Burbank Police Commission.

Thereafter a closed meeting of the Burbank Police Commission was held attended by all members of the Commission as well as by the Commission's Counsel and the Chief of Police. Kimmel explained in detail that he had at one time accepted bets from some of his friends and concluded that if that constituted being a bookmaker, he had been one. Kimmel offered to submit his resignation, but was advised against it. The meeting concluded with no affirmative action being taken on the disclosures made by Kimmel.

For a fee of \$5600 Dr. William Barker was hired as Counsel to the Burbank Police Commission to prepare a report about crime conditions in Burbank. Dr. Barker announced to the press on October 29, 1952, that his Report on crime conditions in Burbank would not be made public until after the November 4th

election. Nevertheless, on November 1, 1952, only three days after his press statement and virtually on the eve of the election, Dr. Barker saw fit to release his report. We regard Dr. Barker's Report as inadequate, inaccurate and inconclusive.

His report is completely inaccurate in portraying the existence of organized crime in Burbank. A prime target of any thorough investigation should have been a determination as to why Elmer Adams, in violation of State law, had refused to answer the questions of the California Crime Commission on the ground his answers might tend to incriminate him.

The Barker Report should also have dealt with the widespread bookmaking in Burbank and particularly the activities of bookmaker Ralph Maddox. Dr. Barker completely failed to depict activities of the Maddox bookmaking syndicate, although Maddox appeared before the Burbank Police Commission during June, 1952, on the eve of his testifying before the Los Angeles County Grand Jury and was described to the press by the Chairman of the Burbank Police Commission as a "cooperative witness."

Dr. Barker stated that there is evidence that since Mickey Cohen's "one attempt in Burbank some five years earlier neither the gambling figure given so much publicity by the California Crime Commission, nor any other large scale operator, seems to have been in business in Burbank since that time." As our report reveals, this is an inaccuracy of major proportions.

In his Report Dr. Barker states that it is his finding that one category of the attacks on Burbank for aiding and permitting organized crime is classified under the general heading of "City Hall Scandals." Thereafter Dr. Barker states that "City Hall Scandals as such are of course outside of the scope of (his) Report." To the extent that City officials are susceptible to the profits of organized crime, investigation of "City Hall

scandals" should have been within the purview of Dr. Barker's survey.

Dr. Barker has described his Report as factual. However, considerable portions of his Report sets forth rumors. But for careful reading much of the information contained therein would be construed as fact. By repeating rumors without indicating whether true or false, Dr. Barker does a disservice to the citizens of Burbank and others.

Of necessity, the Burbank Citizens' Crime Prevention Committee judges the Burbank Police Commission's Report concerning crime conditions in Burbank in light of knowledge that a member of the Police Commission was an admitted former bookmaker. We view with concern the failure of Dr. Barker, Police Commission members, and City officials to cause the removal of an admitted former bookmaker from the Burbank Police Commission. It is inconceivable that the Police Commission could make a forthright, objective survey with a former bookmaker serving as a member of the group.

INTERFERENCE IN THE ADMINISTRATION OF JUSTICE

ADMITTED BOOKMAKER RELEASED BY
CITY PROSECUTOR

CONFIDENTIAL POLICE RECORDS RELEASED
TO DEFENDANT'S ATTORNEY

ADMITTED BOOKMAKER RELEASED BY CITY PROSECUTOR

On November 3, 1950, Detectives of the Burbank Police Department arrested the proprietor of a grocery store in Burbank. A large quantity of bookmaking equipment, including scratch sheets, about four hundred betting markers and racing forms, was seized at the time of the arrest. The grocer admitted that he was guilty of bookmaking and said he wanted to plead guilty immediately.

A complaint was authorized by City Prosecutor William Taylor charging the grocer with violation of Burbank City Ordinance Number 1012 (Possession of Bookmaking Paraphernalia) after Taylor had observed the voluminous evidence.

On November 6, 1950, the arresting officers were amazed to learn that the case against the grocer had been dismissed on motion of the City Prosecutor on the grounds of "insufficient evidence to prosecute and in the furtherance of justice."

When the arresting officers confronted Taylor with the evidence, the grocer's oral admission and desire to plead guilty, Taylor said that Floyd Jolley had come in to see him and reported that the grocer was a pretty good guy; that his (Jolley's) brother, Ken, knew the arrested man well and the arrested man was not really a bookmaker but was just accepting a few bets for friends. Taylor said that Jolley told him to dismiss the case against the grocer and he had to go along with what Jolley said.

One of the detectives told Taylor that there was more evidence in that case than in any bookmaking case either of the two officers had ever worked on. Taylor was told by the arresting officers that if he did not believe the evidence was sufficient, before dismissing the case he should consult the arresting officers. Taylor became momentarily angry during this conversation.

ADMITTED BOOKMAKER RELEASED

BY CITY PROSECUTOR

Thereafter the arresting officers discussed this case with Chief of Police Elmer Adams and told the Chief about Floyd Jolley interfering with their case. The Chief asked that all of the evidence seized be brought to him. Thereafter the evidence was never seen again; nor did Chief Adams ever offer an explanation concerning this case.

On March 20, 1951, the Burbank City Council discussed allegations of gambling in Burbank. At that time Councilman Ralph Hilton inquired of the City Attorney: "..... Am I correct Mr. Walters, that it is the business of this City Council to legislate laws and business of the City Manager and his Department Heads to enforce those laws?" Mr. Walters replied: "That is correct, Councilman Hilton, and I might add to that as far as the City Attorney's Office is concerned that we have diligently prosecuted cases of violation of the bookmaking ordinance that have been presented to us by Enforcement Officers and that there has never been any interference in our office with the prosecution of these cases."

Under date of April 6, 1953, a letter was directed to City Prosecutor William Taylor by the Citizens' Crime Prevention Committee asking for an explanation concerning the dismissal of the bookmaking case against the grocer. Knowing full well that the records of the Los Angeles County Grand Jury were confidential, Taylor replied that this matter had been discussed with the Grand Jury by him in 1952. Taylor concluded his reply, "I can further state that to my knowledge there was no irregularity or improper influence involved in the disposition of the case."

On May 6, 1953, the Citizens' Crime Committee advised Mr. Taylor that his explanation of the dismissal of this case was unsatisfactory.

It is inconceivable to us that the City Prosecutor could consider that there was no irregularity or improper influence involved in the disposition of

this case. Such a statement indicates a complete lack of sensitivity in regard to the public trust of a man occupying such an important key position in the City government.

A police department can only function effectively when its cases are prosecuted vigorously and the police officers have confidence in the integrity of their prosecutor. It is impossible for policemen to have complete confidence in a city prosecutor who so flagrantly violates his public trust.

CONFIDENTIAL POLICE RECORDS RELEASED

TO

DEFENDANT'S ATTORNEY

CONFIDENTIAL POLICE RECORDS RELEASED TO

DEFENDANT'S ATTORNEY

An attendant in a massage parlor in Burbank, California, was arrested on June 25, 1952, by Deputies of the Los Angeles County Sheriff's Office for violation of Section 647, Subsection 5, California Penal Code (Vagrancy-lewd person). Two Burbank police officers assisted after the arrest was made.

During trial of the case on August 15, 1952, Councilman Floyd Jolley asked the officer on duty in the Records Division of the Burbank Police Department for the Burbank Police Report in this case. The police officer gave it to him. Councilman Jolley then went to the entrance of the Burbank Municipal Court where the case was being heard, beckoned to an officer of the Court, and handed him the report with the request that he give it to the attorney representing the defendant. The report was delivered to the defense attorney who immediately opened it.

The Court officer, noting the document appeared to be a police report, informed the prosecutor that the defendant's attorney appeared to have a police report in his possession. While holding the police report in his hand, the defense attorney attempted to ascertain from a Deputy Sheriff then testifying if the Burbank police report was the same as the report of the Sheriff's Office. The Prosecutor inquired as to what the defense attorney had in his possession. The attorney stated that he had the police report. The prosecutor said that the defense attorney had no right to have the police report and asked where he obtained it. The attorney replied that it made no difference where or how he secured the police report, that he intended to use it. The Presiding Judge then excused the Jury and ruled the report was inadmissible.

Upon conclusion of the trial, the defendant was acquitted by the Jury. At the request of the defense, a court reporter made a transcript of the testimony during the trial. When an investigator of the Burbank Citizens' Crime Prevention Committee endeavored to review this transcript, a public record made in an open court of law, the defense attorney requested the court reporter to consider the transcript confidential insofar as the inquiry of this Committee was concerned.

Section 57 of the Charter of the City of Burbank provides that the records of the Police Department shall not be subject to inspection of any citizens except by permission of the proper police authorities.

Section 6201 of the Government Code of California prohibits the removal of public records.

Floyd Jolley's position as a Burbank Councilman certainly does not authorize him to deliver a confidential police report to a defense attorney in a case investigated by the Burbank Police Department.

Should the Acting Chief of Police or any other City official thereafter endeavor to confirm Jolley's illegal act by a retroactive letter of authority, in our opinion, it would be an act of political expediency.

IRREGULARITIES IN CITY GOVERNMENT

GRANDVIEW

CITY AMBULANCE CONTRACT

PURCHASE OF CITY LIBRARY SITE

CARL GUERRIERO RESIDENCE

LIGHT BULB CONTRACT

GRANDVIEW

GRANDVIEW

Several tracts of homes have been developed in Burbank by the Delaware Corporation and the Grandview Building Company. The first named company purchased unimproved land, and soon thereafter the Grandview Company began the construction and sale of residences in the tract, one of the larger residential projects in Southern California. In 1951 alone 875 residences, selling from \$14,500 to \$17,500, were constructed in the Ben Mar tract. A close interrelation of officers exists in these companies.

As early as May 28, 1950, former Burbank City Councilman and Mayor Walter W. Mansfield's real estate firm, Walter W. Mansfield & Associates, was identified in the press as sales agents for the Grandview Building Company. Mansfield continues to enjoy an exclusive sales agent relationship with the Grandview Company to this day.

Mansfield informed an associate that he was employed by the Grandview Building Company prior to the time he attended the United States Conference of Mayors held in New York City on May 11 to 13, 1950. Earlier in 1950, Mansfield stated to an associate that he was to have the responsibility of expediting matters pertaining to the Grandview Building Company and the Delaware Corporation tract areas in the Burbank City Council. Mansfield dissolved a business partnership during early May, 1950, so that he might better devote his energies to Grandview projects.

During the City Council meeting of April 18, 1950, Mansfield voted affirmatively, approving agreements between the City of Burbank and the Delaware Corporation. On June 7, 1950, he voted to approve an agreement between the City of Burbank and the Grandview Building Company concerning the subdivision of Tract Number 14779. On June 13, 1950, Mansfield voted affirmatively to

approve and accept for recordation the Final Map of that tract. He also voted on agreements with the Grandview Company on May 8 and June 28, 1951.

Section 1090 of the State of California Government Code provides that city officers shall not be interested in any contract made by them in their official capacity or by any board of which they are a member.

Often Mansfield had not officially voiced approval of contracts between the City of Burbank, Grandview Building Company and the Delaware Corporation. During numerous Burbank City Council meetings he was excused just prior to Council action on agreements with these companies, sometimes to return to the Council just after it had voted on contracts involving the Delaware and Grandview companies.

For example, during the Council meeting of November 21, 1950, Mansfield was excused at 3:07 P.M. Then the Council approved a tract map and an agreement with the Delaware Corporation. Mansfield returned to the Council meeting at 3:15 P.M. No other business was considered during Mansfield's absence. On September 21, 1950, Mansfield was excused from a Council meeting at 7:30 P.M. He returned at 7:32 P.M. During the absence the Council voted to authorize signing of a Quitclaim Deed to the Delaware Corporation and approved a tract map and subdivision agreement with that company.

A review of Section 1090 of the California Government Code reveals that mere absence from the room would not absolve a city official from a possible violation of this Section.

Although Mansfield often did not vote on contracts between the City and either Delaware or Grandview, he did vote affirmatively on such matters directly pertaining to their development as plans, street and sewer improvements, tentative tract maps, and related subjects involving property within the companies' tract areas. Mansfield's voting record in this regard was

consistently "Aye."

During construction of one Grandview residential project in Burbank, two electrical firms making installations for Grandview Company were granted variances to the Burbank Electrical Code. The Burbank Building Department, by letter, listed ten installation methods which permitted these companies to violate the Burbank Electrical Code. By this letter, the companies were permitted to use materials and installation practices sub-standard to that required of other electrical contractors in Burbank. This letter in effect gave permission to violate the Code "pending the revision of the Electrical Ordinance." No such revision has been made to date.

The City official over whose signature the above mentioned letter was transmitted, stated that he prepared the letter at the direction of the City Manager and at the time made objections to this procedure.

One City official stated that this City Manager refused to permit him to notify all Burbank electrical contractors that they might also lower their standard of electrical installations.

Two Burbank officials stated they found approximately fifty Grandview tract houses with electrical installations in violation of the Burbank Electrical Code. Even though the Building Department was advised that the Grandview electrical contractors were permitted variances to the Code, these fifty houses and a number of houses subsequently constructed by the Grandview Company with sub-standard electrical installations were approved by City Building Inspectors.

It was a surprise and a cause of added expense to a number of purchasers of Grandview-built houses when they discovered that their houses required larger service conduit to accommodate an electrical range or clothes drier installations. We are advised this would not have been necessary had

the Electrical Code been observed.

Section 107 of the Burbank Electrical Code provides penalties for failure to comply with any requirements of that Code. In addition to the penalties provided, any condition caused or permitted to exist in violation of the Code is deemed a public nuisance and may be summarily abated as such.

The Burbank City Engineer's Office was of unusual assistance to the Grandview Building Company. At least four City Engineering Department employees in the early part of 1950 drew plans and performed related engineering duties for the Grandview development engineer. The plans prepared for this private engineering concern were maintained in the City Engineer's vault. These City employees, in addition to their official salaries, were paid by the Grandview tract engineer for accomplishing work for that private firm during official City working hours and utilizing City materials.

In April, 1951, an Electrical Code was adopted by the Burbank City Council including a controversial section providing for the use of non-metallic sheathcable (Romex) where metallic sheathed cable had previously been required.

City Council Minutes reveal that Burbank electrical contractors and representatives of the National Electrical Contractors Association opposed use of Romex because they considered it inferior to a metallic sheathed cable. Representatives of Grandview Building Company favored utilizing Romex. They stated that metallic conduit was not available. However, one responsible official of the electrical trade in Burbank stated that this modification of the Electrical Code was not sought in surrounding communities having similar building requirements. Although Grandview Building Company alleged a shortage of metallic conduit on the open market, Grandview representatives never stated the needed quantity nor the actual amount of their shortage. To the contrary, it was observed that Grandview Company had substantially enough metallic conduit

stored in their Burbank warehouse to complete electrical installations in their Burbank project then under construction.

One City Building Department official stated that he was refused admission to Grandview Building Company's Burbank warehouse when he attempted to ascertain the amount of metallic conduit that company had in its possession.

Two Burbank City officials stated that a wholesale electrical supply house representative advised them that his company had delivered two carloads of metallic conduit to Grandview Company's Burbank warehouse just prior to Grandview's representation that such conduit could not be obtained.

The City Council adopted a motion of April 24, 1951, that "the City Manager be instructed to bring all available information (for consideration in adopting the Electrical Code) to the Council meeting." However, on April 26, 1951, the City Manager made no mention for the record of requesting information from personnel of the Burbank Building Department concerning availability of metallic conduit; nor do the Minutes of the Council reflect that a report on this was ever made to the Council officially.

No record is noted of positive action on the part of any City Councilman or other City official opposing any matter favoring Grandview Building Company, although numerous Burbank citizens made known their objections to Grandview resubdivision plans and to lowering of electrical standards.

CITY AMBULANCE CONTRACT

CITY AMBULANCE CONTRACT

The Burbank City Council on June 8, 1948, authorized the signing of an agreement with Ben B. Henry for ambulance service for a period of one year from June 16, 1948, with an option on behalf of the City to renew the contract for two additional years.

On April 26, 1949, the Burbank City Council agreed to exercise its option for an additional two years and accepted the offer of Ben B. Henry to reduce the monthly charge for ambulance service from \$950 to \$825 per month, or a total consideration of \$19,800 for the two years from June 16, 1949, to June 15, 1951.

Councilman Paul L. Brown wrote an insurance policy, effective May 4, 1949, covering ambulances utilized by Ben Henry in fulfilling his contract with the City of Burbank. This insurance, covering public liability and property damage as required by the terms of the contract, was still in full force and effect when the City of Burbank executed another contract with Henry, effective June 15, 1951, for a two-year period at the substantially increased consideration of \$1400 per month. This contract was voted upon by Paul L. Brown.

Section 1090 of the Government Code of the State of California provides in part that city officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Penalty for a violation of Section 1090 is a fine of not more than one thousand dollars or imprisonment in the State Prison for not more than five years, and disqualification forever from holding any office in the State.

The facts concerning former Councilman Brown's violation of Section 1090 of the California Government Code were furnished to the Los Angeles County

Grand Jury by the Burbank Citizens' Crime Prevention Committee in a letter dated May 27, 1952. Two courses of action were open to the Grand Jury: to consider the offense a felony, in which event the Statute of Limitations is three years from the date of the offense; or to return an accusation for wilful misconduct in office. An accusation for wilful misconduct is considered a misdemeanor and the Statute of Limitations is one year.

This matter was considered by the Grand Jury on June 2, 1952. No affirmative action was taken. Section 1090 was violated, but the Grand Jury did not see fit to indict Paul Brown.

In a statement to the press after this case was considered by the Grand Jury, Paul Brown refrained from any reference concerning liability under Section 1090 of the California Government Code. In a statement to the press on May 27, 1952, Brown is quoted as saying only: "I never felt I was violating the provisions of the City Charter inasmuch as the City Council does not pass on acceptance of coverage of such insurance nor does the City pay the premium and is not named on the policy."

Section 55 of the Burbank City Charter provides that "No members of the Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party." Section 55 further provides, "Any officer or employee violating any of the foregoing provisions shall be guilty of a misdemeanor and shall be immediately expelled from his office or employment by the officer or board responsible for his employment." Thus Brown's statement to the press is immaterial from a legal point of view.

By letter dated April 6, 1953, the Burbank Citizens' Crime Prevention Committee inquired of City Attorney Archie Walters "..... Whether or not Councilman Brown's action in voting on this contract awarded to Henry's Ambulance Service constitutes a violation of Section 55 of the City Charter"

City Attorney Walters replied on April 14, 1953, "..... we note that all alleged violations occurred more than one year prior to the date of your communication. This would bar prosecution under Charter Section 55 or any ordinance of the City, since violations thereof constitute a misdemeanor."

The Committee was aware that the violations cited concerning Paul L. Brown occurred more than one year prior to the date of the inquiry. However, the City Attorney's Office failed to advise whether or not the action on Brown's part constituted a violation of Section 55 of the City Charter. Obviously, Brown's action did constitute a violation. Why was the City Attorney's Office unwilling to so state?

The reply of the City Attorney's Office must be construed in the light of a public statement made by City Attorney Walters on or about January 28, 1953, when he said that one of the three most important things in his life was the good will of the five members of the City Council.

During the period that the ambulance contract was being negotiated in the spring of 1951, a City employee observed Ben Henry enter the office of Councilman Floyd Jolley at the Burbank City Hall and hand him a plain white envelope which Jolley placed in his desk without comment. Henry immediately departed. Suspicious of this contact, the City employee thereafter inquired of Councilman Paul L. Brown if he had received "his cut" on the ambulance contract, and related to Brown the exchange of the envelope he had witnessed between Henry and Jolley. Brown stated he was going to contact Henry to determine if a payoff had been made by Henry to obtain a renewal of the

ambulance contract.

Some time thereafter Councilman Brown told this City employee that he had discussed the ambulance contract with Ben Henry and the latter had admitted to Brown that a \$2500 payoff was to have been made to Elmer Adams at the Lakeside Country Club in connection with the awarding of this contract--the payoff to be five \$500 bills.

This information was furnished to the Los Angeles County Grand Jury by the Burbank Citizens' Crime Prevention Committee, and it was considered by them in connection with other matters involving Paul L. Brown. No affirmative action was taken by the Grand Jury.

It seems inconceivable that Paul L. Brown would have reported a \$2500 payoff to a City employee unless he honestly believed such a payoff had been made.

PURCHASE OF CITY LIBRARY SITE

PURCHASE OF CITY LIBRARY SITE

During the spring of 1951 the Burbank Library Board considered purchase of a site for a branch library. At a meeting of this Board on June 12, 1951, the City Manager, Howard Stites, suggested that two smaller library branches might be more desirable than one large library. Stites suggested a site on Glenoaks Boulevard and one near Victory and Hollywood Way.

On July 3, 1951, a salesman representing a Burbank realtor called on the owner of a residence at Reese Place and Glenoaks Boulevard in Burbank. This property owner was then under transfer to San Francisco and had his home for sale. The salesman offered Twelve Thousand Two Hundred and Fifty Dollars (\$12,250.00) for the residence in the name of the prospective buyer. After several further conversations, it was agreed on July 8, 1951, that the buyer would pay \$12,500. for the property.

While this transaction was still in escrow, the owner read in a newspaper that the City of Burbank had purchased for the sum of \$15,500 the residence he had just sold. The owner thereupon wrote a letter to the realtor and salesman advising them that he had ordered withholding of further action on the escrow relating to sale of this property pending clarification and explanation of the transaction to his satisfaction.

Thereafter, the owner had several conferences with the realtors. An agreement was entered into on August 31, 1951, whereby the buyer agreed to pay the owner a purchase price of \$14,725 instead of \$12,500; it was further agreed that the owner would be relieved of paying any commission to the brokers, this indebtedness to be assumed by the buyer. The sale of the property at \$14,725, however, was contingent upon the City of Burbank purchasing the property from the buyer for \$15,500.

The purchaser made only one cursory inspection of the premises. The salesman accompanied the buyer on this inspection and gave the impression at first that he was a complete stranger to the buyer. However, during the inspection, the salesman noticed a golf bag hanging in the garage. He turned to the buyer and remarked, "Hey -- Frank, looks like we have a golfer here." From this remark the owner concluded that the salesman knew the buyer well. Immediately after his remark, the salesman resumed his original formality in speaking to the purchaser.

When the neighbor next door to this property learned that the City of Burbank had purchased the property for \$15,500, she approached Councilmen Walter Mansfield and Ralph Hilton at the City Hall on July 31, 1951, and explained that this property was sold for \$12,500 and that within a matter of weeks the City was paying \$15,500 for the same property. She asked the Councilmen who had received the \$3,000 increase in price. She was not given an answer, nor did these Councilmen offer to make any inquiry into the matter. Certainly, as a citizen and taxpayer, she was entitled to an answer from these City officials.

On July 29, 1951, the announcement of purchase of the library site in the local press quoted City Manager Stites as saying that increasing land values made imperative the rapid acquisition of the property. A review of Minutes of the Burbank Library Board reveals that the property in question was placed in escrow to be purchased by the City of Burbank without specific authority or knowledge of the Library Board, although the purchase was approved by the Burbank City Council.

Records of the Los Angeles County Recorder's Office reflect that the purchaser transferred the property to the City of Burbank by Grant Deed dated July 25, 1951, which Deed was subscribed and sworn to before a Notary

Public on July 30, 1951. Purchase of the property was not discussed in detail with the Burbank Library Board until August 8, 1951.

At the September, 1951, meeting of the Library Board City Manager Stites was requested to investigate purchase of the property by the City.

The City Manager reported to the Library Board at the October 10, 1951 meeting that the original escrow for purchase of the property had been withdrawn and that the City was dealing with the owner directly. The City Manager's statement is at variance with the facts. On November 14, 1951, purchase of the Glenoaks Library Site was again questioned by the Burbank Library Board at which time the City Manager advised that the City had purchased the property directly from the owners at the price "originally fixed." This was not an accurate statement of the facts.

When interviewed, the above mentioned buyer stated that the salesman mentioned was his brother-in-law. He could not recall ever having talked to anyone connected with the City about buying this property. The buyer did recall that a realtor had telephoned him and asked him to sign certain papers which he had done, but he was unaware that he actually had signed the Deed granting the property to the City of Burbank. The buyer said that he had originally purchased the property on behalf of his father, but offered no logical explanation as to why the Deed to the property was taken in his, the buyer's, name. The Buyer admitted that his father resided in the East at the time this property was purchased, resides in the East now and had never purchased any other piece of property in Southern California after this residence was sold to the City of Burbank. The buyer said he received nothing from this transaction. He was not aware that the realtors had received a commission on this property from him. It was pointed out to the buyer that it appeared as though someone was trying to use him as a "dummy buyer." He replied, "It sure did."

CARL GUERRIERO RESIDENCE

CARL GUERRIERO RESIDENCE

On October 27, 1952, Carl Guerriero, at that time a member of the Burbank Park and Recreation Board, directed a letter to City Attorney Archie Walters inquiring as to his, Guerriero's, status as a resident and elector of Burbank "because the question has been raised by others".

Guerriero stated that he purchased a house he believed was located in Burbank but was shocked to learn the house actually was located in Los Angeles. He stated that he made this discovery when he went to the City Clerk to change his voting registration address. He further stated that he did not register at the address of his new house because he never intended changing residence from Burbank to Los Angeles. Guerriero stated that he has made residence at 500 South Lake Street, Burbank since 1947 and since April or May, 1951, has spent approximately 60% of his time other than when at business at this Burbank address.

City Attorney Walters furnished a letter to Guerriero dated November 5, 1952, in which Guerriero was informed that legal precedent and authority, when applied to the facts furnished, established for Guerriero a prima facie claim to residence in the city of Burbank.

On April 6, 1953, this committee forwarded a letter to City Attorney Walters, setting forth the results of investigation concerning Guerriero's residence. This committee cited numerous public documents in which Guerriero has indicated residence at the Los Angeles address. More important, we also informed the City Attorney.

". . . Persons who have resided in the immediate vicinity of 7560 Myers Avenue, (Los Angeles) since December 1950 and early in 1951, have advised that Carl Guerriero and his family have during the same period of time, resided at 7560 Myers Avenue.

"Residents in the immediate vicinity of 500 South Lake Street, Burbank advised that since December 1950, Mr. and Mrs. Carl Guerriero have not resided at this address. . ."

We pointed out that information developed by this committee was at variance with that furnished by Carl Guerriero and we therefore desired to know if he was in violation of Section 4, Part (b) of the City Charter which section requires Burbank residence of city officers. We also inquired if Carl Guerriero was in violation of certain sections of the California Election Code or if the facts concerning Carl Guerriero fall within the purview of perjury statutes.

By letter dated April 14, 1953, the office of the City Attorney advised this committee that our letter presented "in the main, mere inferences and some incidental facts at variance with the facts given ... by Mr. Carl Guerriero..." and "such variances do not constitute a violation of these sections..."

The City Attorney's letter failed to point out what are "mere inferences and some incidental facts" and failed to distinguish what facts are pertinent to the issue. The City Attorney's letter also failed to reveal why he had not caused an investigation to determine to his own satisfaction, what are the facts in this matter.

The City Attorney advised that he was unable to cause an exhaustive research into the matter because of the time element. It is noted that Carl Guerriero submitted his letter to the City Attorney on October 27, 1952, and was furnished what the city attorney apparently terms the results of an exhaustive

research into the matter on November 5, 1952, a lapse of approximately nine days. This committee's letter was directed to the City Attorney on April 6, 1953, and he answered on April 14, 1953, a lapse of eight days, and, as the City Attorney pointed out, his office had previously "had occasion to research the main question presented concerning the residential qualifications of Mr. Carl Guerriero."

The facts presented to the City Attorney in our opinion made it abundantly clear that Carl Guerriero is not a resident of Burbank. There appears to be little question but that the facts presented were sufficient to overcome the prima facie case Guerriero made to the City Attorney in his letter of October 27, 1952. We feel that the City Attorney was under a duty to cause a thorough official investigation to be made of the Guerriero case.

LIGHT BULB CONTRACT

LIGHT BULB CONTRACT

Representatives of a Burbank wholesale electric concern contacted the buyer for the City of Burbank on December 1, 1951, and requested an opportunity to bid on the contract of the City of Burbank for light bulbs for the following year.

On December 11, 1951, this Burbank company sent a letter to Assistant City Manager Edgar Friedrich requesting an opportunity to bid on the light bulb contract. On December 28, 1951, the owner of the Burbank concern contacted the City buyer about the contract. The buyer appeared embarrassed, turned red in the face and said that he was sorry but the contract was all taken care of. That same afternoon the owner contacted Friedrich by telephone. Friedrich said the letter asking for an opportunity to bid on the light bulb contract had been received too late to be considered.

On January 2, 1952, representatives of the Burbank concern went to the City Hall and asked Friedrich to see the bids on the light bulb contract. Friedrich replied, "I'm sorry; there weren't any bids. It was laid on my desk, and I was told what to do by Howard Stites." Friedrich explained that Stites arranged the contract with the Los Angeles electrical concern which is represented by James Norwood, Sr.

In a later conversation with Friedrich during January, 1952, this owner of the Burbank company was told by him that the quality of his products was not comparable to that of the Los Angeles company. He pointed out to Friedrich that his company held contracts with the City of Glendale and with the Burbank Board of Education for light bulbs. Friedrich said that the light bulb contract was in the hands of Councilman Floyd Jolley. He further

said that Jolley claimed to know this owner of the Burbank company and had told Friedrich he would take care of him.

During February, 1952, the owner of the Burbank concern contacted Floyd Jolley twice personally and three times on the telephone regarding the light bulb contract. In each instance Jolley suggested the possibility of his bidding on the light bulb contract for the Public Service Department of the City of Burbank. Jolley intimated that if this individual would forget about the other contract he would help him obtain business from the Burbank Public Service Department. In one of these conversations the owner asked Jolley why James Norwood, Sr. was given the light bulb business of the City of Burbank when he was not even in business in this city. Jolley said Norwood was a supporter of his and that was why he received the contract. In one conversation Jolley said he would get an opinion from the Burbank City Attorney concerning the possibility of breaking the contract with the Los Angeles company.

Thereafter the owner of the Burbank company telephoned Mayor Walter Mansfield and told him about his conversations with Friedrich and Jolley. Mansfield said he would speak to Jolley. Shortly thereafter the owner received a telephone call from Floyd Jolley. Jolley was excited and angry; he cursed and swore and told the man he could sue the city; he could make an appearance before the City Council and could "even tell Jesus Christ." The owner replied, "I have already talked to him." Jolley further said that if the letting of the light bulb contract came to a showdown the city would take the position that the product of the Burbank organization was not of comparable quality to that of the Los Angeles concern. Jolley said Norwood had a right to the light bulb contract because "he built Burbank."

On September 17, 1952, the owner of the Burbank concern wrote a letter to then City Manager J. H. McCambridge asking for an opportunity to bid on the

light bulb contract effective December 1, 1952. He pointed out that his company could offer the City a discount in excess of that theretofore received; further, that his company was willing to guarantee in writing the product offered was equal to or superior to that of competitors.

By letter dated September 23, 1952, City Manager McCambridge advised the Burbank company that its communication had been referred to Assistant City Manager, E. J. Friedrich who supervised the purchasing for the City. Early in November when the owner telephoned Friedrich, who in the interim had become Burbank's City Manager, Friedrich said the light bulb contract for the following year had already been taken care of before he was appointed City Manager.

However, in the morning mail on November 19, 1952, an envelope was received at the office of this Burbank company which contained a purchase agreement dated December 1, 1952, between the City of Burbank and the Los Angeles company for light bulbs which provided for a discount of from twenty-nine to thirty-four per cent. The contract was signed "E. J. Friedrich, City Manager," on behalf of the City of Burbank. This agreement, however, was not signed by a representative of the Los Angeles concern. Apparently the purchase agreement had been advertently addressed and mailed to the local company instead of the Los Angeles company due to the marked similarity in their corporate names.

On the morning of November 23, 1952, the owner of the Burbank concern advised Friedrich by telephone of the receipt of the purchase agreement, and reminded the City Manager that he had previously said the light bulb contract had already been executed when, in fact, the agreement was not yet signed by a representative of the Los Angeles company. Friedrich explained that while McCambridge was City Manager, he had instructed Friedrich to let the contract to the Los Angeles concern and had further represented to Friedrich that the

Burbank City Council was pressuring McCambridge to let the contract to the Los Angeles company.

Early in December, 1952, Friedrich discussed the light bulb contract with the owner of the Burbank company. He said the reason the contract had not been signed previously was because McCambridge had taken the contract home with him and when he became ill no action was taken on it. Friedrich said McCambridge had told him that the Burbank concern should have the light bulb contract for the City but that he (McCambridge) could not do anything about it because of pressure from the City Council. Friedrich said that he likewise could not do anything about giving the Burbank company a chance to bid on this contract because of similar pressure from the Council. Friedrich went on to state that if good men were elected to the Burbank City Council in April, 1953, he felt that thereafter the Burbank organization would have an opportunity to bid on the light bulb contract.

By letter dated April 6, 1953, the Citizens' Crime Committee asked City Manager Edgar Friedrich for an explanation of the letting of the light bulb contract as above outlined.

City Manager Friedrich replied by letter dated May 13, 1953, in part, as follows:

" . . . My long hand notation to Mr. Stites, then City Manager dated November 6, 1950 was merely a request for instructions and was in no wise intended as an expression of opinion. . . ."

" . . . Mr. Stites on November 8, 1950, while giving me oral instructions in his office on a variety of matters, handed me the agreement signed by him, with the words, 'I've already executed this agreement.' I merely added the notation, 'This has already been executed, Mr. Stites says' . . ."

" . . . No blanket authority had ever been given to me to determine when, and when not, to call for bids. Therefore on December 1, 1951 when representatives of a Burbank concern contacted me and our Buyer and requested an opportunity to bid on the lamp contract, they were told: ' . . . we'll be glad to give you an opportunity to bid'.

"However, I was never instructed to call for bids in this particular case. . ."

" . . . On Friday, September 19, 1952. . . Mr. McCambridge then City Manager, took a letter from his desk with the remark, 'We have a letter from (owner). He wants to bid on the lamp contract.' (I pointed out that there was a considerable difference in discounts) 'Of course Ed, I know the difference in discounts, but then I've been connected with electric lighting for years, and I am convinced that Westinghouse lamps are worth the difference. I've discussed it with the Council and they instructed me to sign the Westinghouse agreement. So I'll sign it (he began looking for it on his desk but could not locate it). . . I'll reply to (owner's) letter and tell him that I am turning this matter over to you. . ."

" . . . So Ed, if (owner) comes in about this, you talk to him. . ."

" . . . a day or so after Mr. McCambridge's death when (owner) called me by telephone stating that he had received Mr. McCambridge's letter of September 23, 1952, I told him the contract had been 'awarded to Westinghouse. . ."

" . . . One morning during the week of November 9, 1952 . . . my secretary stopped me and told me that I would find two file folders full of papers on my desk, which had been picked up from Mr. McCambridge's house. . . Among the papers in one of the folders, I found the Westinghouse agreement, unsigned. Immediately after the close of the Council meeting next following the return of the unsigned contract from Mr. McCambridge's home, the Council came into my office to discuss various matters . . . The Council members corroborated Mr. McCambridge's statement of September 19, 1952 and instructed me to sign the Westinghouse agreement, which I did.

"The error in mailing was most unfortunate and extremely embarrassing to us, to say the least. . . ."

In our opinion it is bad business administration for the City of Burbank to award a substantial contract year after year to a Los Angeles concern at a discount of from 29 to 34% when a Burbank business concern owned and operated by Burbank residents is in a position to furnish products of

comparable quality at a discount of 42%. The amounts spent by the City of Burbank with this Los Angeles concern during the period from 1948 through 1952 was in excess of \$9,000. In our opinion, efficient city administration requires the obtaining of bids in every instance in which expenditures are in excess of \$500. The City Charter should be amended to this effect.

Councilman Floyd Jolley's actions are reprehensible in injecting himself in functions normally the prerogative of the City Manager's office.

RECOMMENDATIONS

RECOMMENDATIONS

The following recommendations are submitted to strengthen existing legislation and administrative policy, to rectify some obvious delinquencies and inadequacies in the administration of the Burbank City Government and to further promote and assure that necessary vigorous and effective action will be taken by officers and department heads charged with the duty of suppressing, preventing and punishing crime and irregularities:

(1) A Manual should be prepared for the Police Department setting forth in detail policies of the Department and instructions of the Chief of Police.

(2) A training program should be instituted and maintained for new police officers, and regular in-service training should be required of experienced police personnel. This instruction program should include firearms training at City expense with all weapons used by officers of the Department.

(3) An adequately staffed Intelligence Unit should be established within the Burbank Police Department. Functions of this Squad should include the investigation of narcotics, gambling, bookmaking, prostitution and related matters, and the cataloguing and developing of information of an intelligence nature.

(4) Evidence and information obtained tending to indicate a violation of Internal Revenue laws, including information received in bookmaking and gambling arrests should be made available to the Special Intelligence Unit of the Internal Revenue Bureau.

(5) Under no circumstances should any member of the Burbank Police Department return, or permit the return of bookmaking paraphernalia to a bookmaker or any evidence to a violator of vice laws unless directed to do so in writing by the City Prosecutor or the proper court of jurisdiction.

(6) The Chief of Police should submit to the City Manager a weekly summary of important developments in Police Department operations and administration. These reports should particularly include a summary of vice conditions in the community.

(7) A City ordinance should be enacted requiring convicted felons working or residing in the City of Burbank to register with the Burbank Police Department.

(8) A City ordinance should be enacted making it possible to deprive any establishment of its municipal licenses or permits if gambling games or gambling operators are permitted on its premises.

(9) The Burbank Police Commission staffed with objective, fearless members should be continued.

(10) All elective or appointive officials who are directly or indirectly offered a bribe should immediately report any such attempt in writing to the City Attorney even though of a non-specific nature. Copies of such reports should be directed to the City Manager and Chief of Police. All City employees should also report in writing to the head of their Department any attempted bribe, and furnish copies of such reports to the City Manager, City Attorney and Chief of Police. Failure to so report should result in dismissal with prejudice from Municipal employment.

(11) The Charter of the City of Burbank should be amended to provide that competitive bids be solicited by the City in every instance in which materials or services require an expenditure in excess of \$500 except in certain emergencies.

(12) In order to make clear what type of activities appointive and elective city officials may engage in, Section 55 of the Charter of the City of Burbank should be amended to define a prohibitive interest within the meaning of this Section of the Charter.

(13) Failure of an appointive official or of a city employee to fully and truthfully answer all questions asked of him by any duly constituted agency should result in that individual's dismissal from the employ of the City.

(14) Employment of City personnel in their off-duty hours should be specifically approved in writing by the head of their department. City personnel in the employ of a private concern should not perform work for that concern during official City duty hours.

(15) In those instances where doubt arises on the part of elective and appointive official or city employees as to the legality of his actions concerning official matters, a written opinion from the City Attorney should be obtained. In those instances where a violation by an elective or appointive official of the Municipal Code and Charter is alleged, the City Attorney

should bring the matter to the attention of the City Council during an open, public Council meeting.

(16) The Burbank City Council by declaration should direct that if Department heads of the city are improperly interfered with in the discharge of their duties and receive no satisfaction from the City Manager, the Department heads shall have the responsibility of appearing before the City Council to explain the facts.

(17) Provision should be made whereby the City Prosecutor must notify the Chief of Police of the Burbank Police Department, in writing, of his desire to dismiss any case investigated by the Burbank Police Department prior to trial.

BURBANK CITIZENS' CRIME PREVENTION COMMITTEE

June 16, 1953