

# Trying the Drug Raiders

## 10 Agents Found Innocent in Botched Collinsville Entries

By Paul Galloway

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CHICAGO — Widespread outrage followed disclosures of the badly botched drug raids in the small southern Illinois city of Collinsville last spring.

Narcotics agents and policemen assigned to a federal drug-enforcement program broke into the homes of Herbert Giglotto and Donald Askew by mistake. They awakened Herbert and Evelyn Giglotto in their apartment, held a gun on them, handcuffed Giglotto, and accused him of being a dope peddler.

After discovering their error and reassembling in the parking lot of a catsup factory, the officers within an hour had blundered again, this time forcing their way into the Askew house as Askew, his wife and son were sitting down to supper.

Altogether, the officers entered six homes on the nights of last April 19 and 23. These incidents came to be known as the Collinsville raids, but their effect reached further than the city of 15,000 where two of them occurred.

Two essential facts about the raids were never disputed. The officers acted without warrants, and no illicit drugs were found in the homes.

To many persons, the Collinsville raids exemplified a growing pattern of abuse by police of powers already considered too broad. The ineptitude of the raids was reminiscent of a Keystone Kops caper, but the seriousness of the allegations overwhelmed the farcical aspects.

Last month in Alton, Ill., 10 of the raiding officers—seven

federal agents and three St. Louis police detectives—were brought to trial on charges of violating the constitutional rights of the Giglottes, the Askews, and those who lived in four other homes by subjecting them to unreasonable search and seizure.

Last Tuesday, after 10 days of testimony, a federal jury deliberated just three hours before finding the officers innocent of all of the 12 counts against them.

Those who hadn't followed the trial may have seen the Giglottes on the Dick Cavett show last year and heard them tell about their night of terror. They may have read testimony of the Giglottes and Askews before a Senate subcommittee last May in Chicago, in a hearing arranged by Sen. Charles H. Percy (R-Ill.).

They may have read about still another victim of the raiders' zeal: John Meiners, a 27-year-old salesman, told how agents roused him from bed in his farm home near Edwardsville, Ill., put a gun to his head, took him to a St. Louis jail and held for 77 hours over the Easter weekend without filing charges against him.

If anyone seemed guilty of something, it was these officers. Even their boss at the time of the raid, Myles J. Ambrose, who headed the Office of Drug Abuse and Law Enforcement to which the defendants were assigned and which is now the defunct, called their conduct "odious and reprehensible."

The trial was supposed to demonstrate the government would not tolerate mistaken drug raids. Instead, the prosecution lost its case because its main witnesses—the victims of the raids—gave remarkably weak testimony.

Before the trial, the defense lawyers, David P. Schippers and Norman London, cautioned reporters, "Our story has not been heard. When it is, you'll see that these kids have themselves been victims."

The protestations of innocence were not unusual, of course, but the descriptions of the officers as "kids" is worth noting.

Their appearance probably helped them with the jury.

Nine were between 25 and 32 years of age, and several looked as if shaving daily was a recent burden.

The down-home makeup of the defendants, lawyers, jurors and even the judge—U.S. District Judge Omer Toos, 71—made the Justice Department prosecution team from Washington seem like sophisticated outlanders. John F. Conroy and Jerome Niedermeier are natives of Connecticut, and Michael James, a young woman from Dallas, did not in any way reveal any small-town rearing.

But the deciding factor in the trial was the strength of the defense case and the weakness of the prosecution.

Conroy portrayed the defendants in his opening statement as having recklessly and willfully disregarded the law in entering the six homes and searching them without warrants. The raids, he said, were marked by obscenities, drinking and wanton damage.

London and Schippers faced the bungling head-on: The officers made mistakes, but they had a sound basis for them, and at any rate, the mistakes were not crimes and should be corrected by civil suits.

They established through testimony that the Giglottes, the Askews and Meiners indeed had damage suits against the federal government and the defendants for more than \$4 million.

London and Schippers then put the mistaken raids in the context of a seven-month investigation by the undercover agents.

A St. Louis policeman, who accompanied the raiders, testified that the officers had broken the "biggest cocaine ring in the history of the St. Louis area." The investigation culminated with the purchase by two of the officers of 26 ounces of cocaine for \$26,000 from Edward Staffire, Meiners' roommate.

The officers then began the roundup of drug dealers triggered by the "buy-and-bust" operation. No warrants were required in such a situation, the defense insisted. There were no searches at the homes other than to insure the officers' safety because the purpose was to arrest suspects, not discover drugs.

Testimony and evidence showed that persons who lived at four of the six homes were convicted on drug charges as a result of the investigation. No one was at home in two houses the officers entered.

The government did not call the convicted dealers as witnesses because their testimony would be subject to impeachment. The only occupant of one of the four-dealers' homes to testify was Pamela Jitto, said in cross-examination that she was under indictment on drug charges and that she knew that her common law husband, as she described him, was a cocaine dealer now in a federal prison.

Herbert Giglotto did not take the stand, and that hurt the prosecution's case, too. Conroy confirmed that something in Giglotto's past—a police record, according to news reports—might undermine his credibility.

Although Mrs. Giglotto gave a vivid and frightening account of the raid, several witnesses made her testimony seem exaggerated.

She said the raiders were in her apartment 15 to 20 minutes and thoroughly ransacked it. But a neighbor testified that when she visited the Giglottes a few minutes after the raid, she found the apartment "neater than my house."

And the apartment house manager said that when the couple moved out, they refused to sign a damage estimate.

Askew was the sole member of his family to testify, and he said the officers were in his home only a few minutes and were polite.

The jury did learn how the officers blundered into the Giglotto and Askew homes, which may yet bring disciplinary action and damage judgments against them.

The officers were seeking a drug dealer at 1103 Arrowhead Drive, Apartment C. When they saw no letters on the four front doors of the four-unit apartment building, they assumed the order was from left to right, A-B-C-D. It was, instead from right to left, D-C-B-A. Thus, using the third door from the left they found themselves in Giglottes' apartment, B.



**JOHN F. CONROY**      **MICHAEL JAMES**  
 ... out of town prosecutors had a weak case.



**NORMAN LONDON**      **DAVID P. SCHIPPERS**  
 ... defense attorneys said raiders made mistakes.

They went to the Askews because a neighbor said he thought a young man fitting the description of a drug suspect lived there. He meant the Askew's longhaired, 17-year-old son.

Finally, it came down to the law and the defense found a hole big enough to drive plenty of reasonable doubt through. The officers were charged under two sections of Title 18 of the U.S. Code. The first makes it a misdemeanor for a policeman to deprive a person of his Fourth Amendment rights by entering his home without warrants or probable cause. Probable cause can be the belief that a crime is about to be committed or that a felon is inside. To be guilty, the policeman must be found to have willfully violated the law.

The other section makes it a misdemeanor for any policeman to search a private dwell-

ing without a warrant. There are three exceptions, and one of them, emphasized by the defense, exists when an officer is arresting a person suspected on reasonable grounds of having committed a felony.

There are still five felony counts to be tried against some of the defendants for perjury and obstruction of justice. Conroy said he will confer with his superiors and make recommendations about whether to pursue the prosecution. But he said, "I don't expect to be buying another airline ticket to Alton."