

File 35412

Judge Criticizes U.S. Prosecutor In Police Case

Would Drop Case Against D.C. Officer

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U.S. District Judge Gerhard A. Gesell yesterday angrily refused a request by the U.S. attorney's office to drop all charges against a metropolitan police lieutenant accused of conspiring to make false arrests and then later of perjuring himself in court.

In unusually strong language, the judge criticized the U.S. attorney's office of making a "travesty" of justice, of having "aborted" the prospective trial and having made "distasteful . . . bargains" that would permit the lieutenant to go "scot free" while attempting to continue prosecutions "against underlings of lesser rank."

The U.S. attorney's office, in a surprise move late Wednesday, had requested the court to drop all conspiracy and perjury charges against vice squad Lt. Harold F. Crook—but none of his seven subordinates also charged with conspiracy—because of the lieutenant's unspecified cooperation in another case that has nothing to do with the current case.

Judge Gesell dismissed conspiracy charges against Crook and all seven other officers



LT. HAROLD F. CROOK
... center of controversy



GERHARD A. GESELL
... "distasteful . . . bargains"

"with prejudice," meaning the charges cannot be brought again. He said "the government had disabled itself from going forward against any defendant on . . . the conspiracy charges" because of the government prosecutors' "conduct" and "maneuvering."

The judge insisted that the perjury charges would not be dismissed against Crook and that he and all the other men "will be tried promptly" on those charges.

Gesell disputed the argument of the U.S. attorney's office that it has an absolute right to drop charges against any defendant, regardless of the wishes of a judge.

"The court does not lack power to preserve an elementary standard of fair play and to protect against arbitrary exercise of . . . arbitrary prosecutorial discretion" when it is contrary to the public interest.

Lt. Crook is accused of testifying falsely before a grand jury investigating the alleged false arrests of prostitutes and others. The indictment charged that Crook and the seven officers who worked for him would ask for compensatory time off or be paid for court time cases where they had falsely arrested persons. That

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Prosecutor's Plea Riles Judge Gesell

HEARING, From C1

charge cannot be "abandoned" by prosecutors, Gesell insisted.

"The grand jury is under the direction and control of the court. The integrity of its processes must be preserved. No basis for the dismissal has been shown," he told the silent courtroom.

U.S. attorneys handling the case declined to comment on the judge's criticism of them or to say whether the case would be appealed.

"Absolutely no comment. Absolutely no comment," U.S. Attorney William Block told reporters outside the courtroom.

The attorney for Lt. Crook and one other officer, Joel Finkelstein, also declined comment.

Finkelstein told the court yesterday that he had been aware in advance of the government's plans to drop charges against Lt. Crook while maintaining them

against the seven other officers.

The prosecutions' plans to drop charges against Lt. Crook actually were known to Judge Gesell as well, according to testimony in court Wednesday.

Finkelstein said that the judge had been informed about Crook's "cooperation" in July and was told that if that cooperation continued to the satisfaction of U.S. Attorneys that charges would be dropped. It was not clear what the cooperation discussed in July was related to.

In his prepared statement read in court yesterday, Judge Gesell was critical that the government was doing special favors for Lt. Crook without offering any explanation of "how this deal benefits sound law enforcement" or any explanation of what his "cooperation" consisted of. He "will not testify for the government" in this case, the judge said. He "simply goes scot free."

The seven officers, and the attorneys representing most of them, protested to the judge that Finkelstein appeared to be in a conflicting position and also that the government lacked candor by obtaining a "smokescreen indictment" from the grand jury against the lieutenant knowing all along that it planned to drop charges against him. Judge Gesell said yesterday "these are justifiable complaints and have substantial merit."

Judge Gesell said yesterday that the seven officers could go to trial beginning Nov. 1—the date the conspiracy trial was scheduled to begin—on the perjury charges because the facts and issues were largely the same and both the prosecution and defense are prepared.

The perjury charges involve

alleged false police reports and alleged false testimony to U.S. attorneys by the seven officers and alleged false testimony by Lt. Crook to the grand jury. No date was set for Lt. Crook's trial.

The seven officers charged in the case, all of whom have been suspended, like Crook, from the police force, are Ronald S. Taylor, Finis H. McGraw, Robert L. Douglas, William E. Goulart, Rocco Cianciotti, Charles D. Mundy and Frank D. Tucci.

Lt. Crook and attorneys for the other men have insisted all along that the arrests were legal and that they were only obeying orders to clean up vice in the city. Finkelstein in previous court appearances has described the alleged false arrests as "not corruption, but perhaps overzealousness."