

# DOPE, GUNS AND JUSTICE

*Know*  
*(This article is largely in defense of Prosch, much of it is his own words - note the end of the article re McEckley and James Earl Ray)*

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The notorious Prosch illegal weapons case made headlines last December, but what you read was only the tip of the iceberg. There's much more to this story that we've been told. But, except for the alleged huge arms cache seized by Birmingham Sheriff's deputies, the rest of the story has been entirely ignored by the press.

Dr. Gus Prosch, allegedly the owner of the illegal weapons, is a physician specializing in weight control problems in Birmingham. He became concerned about the 700% rise in drug use in that community and decided to investigate the matter. He discussed the problem with two acquaintances, William Ed McElurry, an undercover agent working with the Jefferson County Sheriff's Department, and Beatty Belcher, a private detective.

"We found out the vice squad was involved in it!" Prosch said. "Our informants told us the head of the vice squad and his assistant, the sergeant, were mixed up in it. These kids were coming to this place and buying narcotics and the vice squad was right there and they'd buy the kid and take his dope away and then go sell it again!"

The two investigators had found voluminous evidence of a

widespread narcotics distribution network in Birmingham, but had been unsuccessful in their attempts to get authorities to prosecute.

They asked Prosch to persuade his old friend and fraternity brother Wayman Sherrier, the United States District Attorney for the Northern District of Alabama, to examine their findings.

Prosch's acceptance was to become the most far-reaching decision of his life.

Sherrier received the evidence presented by Prosch and the investigators with something less than enthusiasm. Indeed, Sherrier indicated little interest in the matter or of the Birmingham narcotics ring.

"We are understaffed," he told Prosch, "and besides, it's out of our jurisdiction."

Sherrier suggested that they go to the Federal Bureau of Narcotics or to the Alabama State Department of Public Safety.

Prosch went. For the next three months Prosch went to federal and state authorities. The results varied little from agency to agency.

Robert Adamki, head of the Alabama Federal Bureau of Narcotics in Birmingham said he was understaffed, but would cooperate in any way that he could with the investigation. He was transferred out of state a month later.

The assistant to Floyd Mann, director of the Alabama Department of Public Safety in Montgomery, told Prosch and the two investigators that it "isn't your job to be doing this."

He questioned the three closely. "You boys know what you're doing. You're only holding tidbits out in front of us. You've got real information and you're not telling us. Tell us the truth. What are you trying to get out of this? What is it for you?"

Prosch answered, "A good enough reason is that I've got four kids of my own."

Johnny Bookout, (another old schoolmate of Prosch's), assistant to the Alabama Attorney General, promised to send his chief investigator to Birmingham to look into the narcotics traffic there. Prosch never heard from him again.

Bookout was later appointed State Insurance Commissioner at a high salary. By the first week of July, Prosch and his associates had added the Federal Bureau of Investigation to their travels. An FBI agent said the matter was requested that additional information concerning Birmingham's illicit drug traffic be furnished regularly by Prosch.

Tillford Stevenson, of the Alcohol, Tax and Firearms Division of the United States Treasury Department, also told Prosch that the matter was "out of our jurisdiction."

Stevenson showed little interest in Birmingham's narcotic problems. Instead, he turned the meeting into an interrogation session.

"Do you belong to any subversive organizations?" he asked Prosch. When Prosch answered that he did not, Stevenson then asked whether Prosch belonged to the Patriot's Club (those who donated \$500 or more to George C. Wallace's presidential campaign). Prosch again answered no. Prosch found later that his name had been placed on the list of Patriots, not because he had donated \$500 to Wallace's campaign, but because he had given generously of his time to the campaign.

Stevenson then concluded the meeting, saying, "That's all I want to know."

Forest Lutton, an official with the Alabama State Bureau of Narcotics, was contacted by telephone. Lutton indicated a narcotics traffic organization involving Birmingham's law enforcement agencies. He, at least, did not imply that Prosch's evidence could not be used because of the candidate Prosch had supported in the last election, as Stevenson had done.

Then on August 12, the trio received information which was to change their entire approach to exposing the complexity between Birmingham authorities

and the narcotics ring there. Perry Belcher was informed, by a friend on the Birmingham Police force, of a possibility that the three investigators had not even considered: Officers of the Birmingham Police Department were planning to kill Belcher.

Already discouraged and dismayed by the surprising lack of interest on the part of all law enforcement agencies approached, they sought the only means left of fighting the established power that not only refused to help in the fight against narcotics in Birmingham, but now were actively aligning themselves with the opposition.

Prosch determined to take his information to the people of Birmingham.

He accordingly held a news conference on August 14. Belcher and Prosch presented to the press the names of 54 informants who can testify to payoffs to the Birmingham Police Department to hide narcotics traffic and prevent raids.

Names of five bag men. Signed statements and tape recordings of informants, some of whom had been paying policemen, and names of other informants who had been paying police to prevent their arrest to allow them to continue pushing narcotics. Representatives of the majority of the dope pushers, and prostitution houses, and

bootleggers met with us, stating that if the state will grant them immunity to testify for the state against members of the Birmingham Police Department, they could bring more witnesses before the grand jury than they could hear in six months of testimony.

Prosch then played his last trump in September - he used his friendship with George Wallace to secure a meeting with the then gubernatorial candidate.

Wallace indicated an interest in the narcotics traffic. He gave Prosch his solemn word that, if elected, he would attempt to break the ring's stranglehold on Birmingham. That was September.

Within a week after he was inaugurated, Wallace held a press conference and announced that he would call for the support of all state, local and federal law enforcement agencies in a concerted attack on the narcotics pushers of Alabama.

Wallace ended the conference with an appeal to the people to furnish any information they might turn up on illicit narcotics traffic to the agencies involved.

For the first time in three months, Prosch relaxed. He waited, confident that the governor's call to action would spur the law enforcement officials responsible into action.

If the officials responded at all to the governor's call, their actions were not visible to Prosch. The narcotics business flourished in Birmingham.

There were many contradictions in the press coverage of the illegal arms arrest. The Nov. 30 issue of the Birmingham News told of "tons" of arms and ammunition, seized at the Prosch house.

estimating their value at \$100,000. The Dec. 2nd issue of that paper said that officers had found little contraband there. Sheriff Mel Bailey was quoted in the News as saying that Prosch had intended that the weapons be used by "leftist rebels." As a matter of fact, it is well known by Bailey and the community in general that Prosch is a right-winger.

Prosch told this reporter of a long list of murders which, he states, Sheriff Bailey has not solved and has no desire to solve. Some of these, he said, involve the killing of people who knew of police involvement in the illegal trafficking in drugs. One was a young man who threatened to expose plainclothes narcotics officers to his friends. Another was a pharmacist named Dyess. "Dyess and his family had just moved to Birmingham and they bought a drug store," Prosch said. "Sheriff Mel Bailey and a detective came in and wanted Dyess to pay them protection. This was about five or six years ago.

"He refused to pay them off, and they told him they were going to set him up — frame him — and arrest him, on a narcotics charge. He said he wasn't messing with illegal drug traffic and told them to go to hell. Within two or three weeks, Bailey and the detective arrested him for illegal sale of paregoric, and there was lots of publicity and all that . . .

"At the trial, Mel Bailey and the detective were the only prosecution witnesses, and it was proved that for Bailey and the detective to have seen what they said they saw, they would have to be able to look through a brick wall. Dyess was turned

loose, acquitted. Dyess dug up other evidence against Bailey and the detective about other payoffs they were getting, and showed it to them and told them, "If you don't leave me alone, I'm going to turn you in."

"Later on, Dyess advertised for a delivery boy for the drug store. He hired one, and the boy brought him his coffee from across the street every morning. One morning, Dyess complained to his wife that the coffee tasted funny, but he was busy, so he drank it anyway. He died from arsenic poisoning."

Prosch reports that he and his family have been subjected to almost constant harassment since he began trying to expose the drug organization. He showed me a thick notebook filled with names and activities of various people involved in the illegal drug traffic, many of them policemen and police informants.

"McMurray was set up as a personal favor to the Birmingham police department by ATF," Prosch said. "I've got a recording of this guy working with ATF that tells Bill McMurray over the phone that they set Bill up strictly as a personal favor to the Birmingham police department cause he was getting all this evidence against the police making these payoffs and so — this was in May 1970 — Bill McMurray, in fact he had hired this private investigator Perry Belcher, since he'd been framed he was really going to try to expose them and clear his name up and after they had gotten pictures and a lot of evidence — in fact they have been the two that have done most of the evidence that we have got in this book — they had been in this

County and the City and certain members of the DA there in the county and they wouldn't do anything so they came to me to ask for my help because they knew I knew some state officials and some federal officials and I says well the federal DA is Wayne Sherrer is a fraternity brother of mine and is straight as an arrow.

"I called Wayman and the three of us went down there and with one of his prosecutors in the room we told them about this and they told us well it was really kind of out of their jurisdiction and they didn't have the manpower to do anything about it anyhow but they'd try to help us any way they could — just kind of brushed us off really — in a kind of nice way.

"These people that was running these narcotic houses and dope, they didn't know who we were when we moved in and started investigating and Bill and Perry were doing most of the investigating. Well all these people thought Bill and Perry were working with the federal bureau of narcotics or FBI men. They hadn't seen them around and they knew that here someone was going to come in and bust these crooked cops. So they all started running and trying to get on our side. They started coming and from everywhere wanting to and they didn't tell them that they were or weren't, they wanted to turn state's evidence because they thought Perry and Bill were federal agents and had all this information and that's why we had to move fast because we didn't have any authority to make any arrests or anything. "Anyway I went to this State Public Safety Department in

Montgomery — and when we mention about these police officials taking all these payoffs they just back away and they don't want to get involved.

"Well, we just kept working. When it got to the point there was no one else we kind of slacked off on our investigating because we were catching a heck of a lot of harassment by this time . . . cutting air conditioning in my office — the wires — trying to run my heat pump and all this kind of stuff. Cutting wires in my car . . .

"I'll tell you what happened one night. We knew this one house — there was from what we had been tipped off there was — I forget how many lids of marijuana. They had speed. I forget how many thousand pills of speed that they had and we had this tipoff from one of our informants that were working with us, who had been watching it two nights. It was the third night and he was going to go again. It took us from seven thirty at night to eleven thirty at night to get one city police official to go check into it. We called every city, county police department and this is where we proved that the sheriff's dept. was working with the vice squad because the only ones that we told where the house was was one man from the sheriff's dept. because he was going to make some calls and see if he could get someone to come out and raid it. He didn't. Finally at 11:30 that night I got one man. He was a Highway Patrol Trooper. He was Lt. Kimbrow — Captain Kimbrow and he agreed to go out and check it out. He also called Jim Wilson the Federal Bureau of Narcotics, and we agreed to meet them at this

Crystal Restaurant at 11 O'Clock. Well about 11:15 they hadn't come and I was afraid that since there had been so many calls made that someone was going to tip them off so I took the informant with me and I told Perry and Bill to stay at the restaurant. I said we're going to run down and just drive by you know, not stop or anything but just drive by. And as we did, a Birmingham Police Department car was parked right out in front, people were running everywhere to get in their cars. I couldn't believe this. They'd just tipped them off, see? We got back and told the men this — they were there back at the restaurant by the time we got back, Federal Bureau of Narcotics men and this Captain Kimbrow, and when they got back the house was closed down all the lights were out and they saw Birmingham Police Department car 61 checking all cars: that were sitting around there, trying to see if they were under surveillance. The next day the rumors spread around all over Birmingham from the police department that they were fixin' to make a bust and Dr. Prosch came in and playing 007 messed everything up.

"We saw the police car go there and tip them off and warn them! How'd they know? The Sheriff's department. It had to come from them. They were the only one's we'd told. What they're doing is they're trying to build up a big list of arrests and everytime they have a little bust the papers blow it up big, and they're making criminals out of these kids and that's what's terrible. They don't care, and they build their name up at the expense of anyone — at the

expense of wrecking some kid's life. "Right at this time, Perry Belcher happened to meet this city policeman that was a good friend of his on the police force. I heard the tape recording but I didn't ever see the man. I don't even know his name. Perry wouldn't even tell me his name. I heard the tape recording where Perry — where he tried to get Perry to get out of town.

"He said, 'Perry they're going to kill you.' It's all planned. They even told the members involved. He said Harry Hayes of the vice squad and his right hand man. He mentioned just two other city policemen. They have a reputation for being kinda sadist. They beat up on people. One's a city policeman, he's already killed. At that time he'd killed eight men. Two weeks ago he killed his ninth one. What kind of people was he killing? Well anybody that gave him any lip. He was the one that was going to kill Perry and it was going to be ruled justifiable homicide. So we called this press conference, and we didn't mention any name but we told about the payoffs and the assassination attempt we know that if we could get it before the press that they'd think twice before they'd kill him because this would really demand an investigation. I didn't know at that time that THEY had the press. We figured they'd twist things around. It worked like a charm on Perry, but then they started after me. Followed me everywhere I went. Everything I did. They rode behind me everywhere I went in unmarked cars — different cars. Even had a telephone truck. It's painted . . . looks just like a telephone truck

and two technicians that drive the truck. Electronic bugging. They following us. Looks just like one - in fact it came from the Southern Bell Telephone Company. I've got witnesses that walked right in on them tapping the phone. And this sergeant Gillespie - he's in the sheriff's department - everybody knows he's real close to the sheriff - they don't know what he does - but he's the one that drives this truck. And he sends his 17 year old daughter in to my 17 year old son trying to get a date with her. She's married - her husband's a marine in North Carolina. I figured they were going to try to plant marijuana on him. My son he figured out who she is and come to me and asked me, "should I date her dad?" See, she spoke to my son - "hey you're a fine looking young man, I get off work at 10 O'clock. Go get a six-pack of beer and let's go have a party." "They've sent dozens of new patients to lose weight. I can spot 'em in a minute. They always want to start doing you favors for nothing. This guy I met him two weeks earlier. He came in and during the two weeks he called me wanting to do this little think for me, wanting to do that little thing, and I didn't even know this joker. I'm naturally suspicious of him. After about two or three weeks he called me wanting to meet me and give me this information, he said would help me in my case. Said he didn't want to get involved, wanted to meet me somewhere where nobody could overhear us where there were no telephones, tape recordings or anything. He suggested the top of the '21.' This is the hotel that has a little lounge right on top of the hotel.

"Six O'clock at the hotel - I met him in the lounge. He said, 'come on, let's go outside where no one can hear what we said.' We went on the roof. His name is Joe Hamilton. Now, his right hand man that works for him was dating this girl that was murdered. Had her two months, pregnant. Murdered at the hotel. She found out about the narcotics payoff.

"Anyhow, I met him up on the roof and I had already been tipped off two days before that I better walk on eggs because they didn't want my case to come up to trial. They couldn't prove and back up these things. They were afraid of what they were going to try to do, and they knew that the only way that they could really be sure that they could save face was if something happened to me. It would have to look like suicide.

"We were just walking over toward the edge of the railway up at the far end of the buildign way up on the roof when he said, 'man you got them in a spot.' Said, 'you know about the only way they can save face is if

something happen to you.' That was the same thing I was told when I was tipped off. He says, 'you better learn some karate.' By that time we'd gotten up to the edge of the railing. I said: 'Well, what I want with Karate, Joe?' He said, 'Well, man, I could pick you up right here and throw you over this building and you couldn't do a thing about it.' I said, 'Try it, I'll kill you.'

"He said, 'what? you'll do what?' I said, 'Joe, I'll kill you.' I said 'I know something better than karate.' He said 'what's that?' I said, 'kashinobo,' and this guy turned white. He said, 'You know kashinobo?' I said, 'I've studied it for three years.' He said, 'Let's go back inside.' He hasn't told me to this day what he was going to tell me. When all the investigation started on this murder we found out that he was in charge of the pornography ring there in Birmingham. One of the main ones that distribute porno films all over. He skipped the country. These films he was having out of Negro men with white girls - he thinks the klari had put out a contract out on him.

"I was tipped off that same day that they were going to make it look like suicide that one of their tactics, that what they were going to do was to change the time that it came to trial. They were trying to make some deals at that time with some men that they had already arrested on bad checks and whiskey, and get them to get up on the stand and swear that I had been selling them guns. There's about 44 guns that I can't account for, either from my home or from the trailer that they're not mentioning on their inventory records of what they got. And I thought, immediately when I was told, they could use some of these that aren't mentioned on the records and you know and let the Negro men say that I'd sold them to them. This would give the image to all the people on the jury that I was selling to the Black Panthers.

"They've had guys come into my house. They planted a transmitter in my living room when they broke into my house. I didn't know about it. I was told to watch out.

"About February a patient of mine came to me and told me about this fellow that had made more statements in the paper against me, my closest friend, and turned me into the internal revenue six months before all this had started. He's probably the biggest illegal gunman in the whole state. Cause he has brought machine gun after machine gun to me to look at to try to get me to buy. Such a good deal, this and that - or this is not considered illegal - it doesn't have a firing pin - he's the one that had brought me plastic explosives - I'd never even seen any. I told him I never heard of it. I don't want any of that stuff. I thought all there was

was dynamite as far as explosives go. But he's the one that brought me some.

"But I didn't buy it or mess with it. Well anyhow, he tried to sell a patient of mine a machine gun and some 30 caliber carbine ammunition. An M2, I think it was. I've been tipped off on two or three occasions about him having 100,000 rounds of 30 caliber carbine ammunition - stolen from the government. Now with them I'd been tipped off on two or three occasions. He was trying to sell it at a real price. In fact I was, a guy came

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to me and wanted me to buy it. 'said he'd sell it all to me at four cents a round - 100,000 rounds. And if it's that cheap, it had to be hot, or something. I'd a' messed with it, but this was some of the ammunition that he'd tried to sell to this patient of mine. And the patient came to me and told me. He said, look this guy, they're going to use him for a witness against you. I think if you expose him for what he really is, then they'd be scared to use him if they ever have a trial. I said, OK. I knew I couldn't go, I couldn't arrest him myself, I couldn't go to the Sheriff's Department or the Police Department, or the ATS, and the FBI works with them close there in Birmingham and I couldn't go to them, so I needed a federal, either an FBI or an ATS, officer, one that I could trust to work with this patient of mine to arrest him. And I got recommendations from two people, on the FBI agent in Montgomery - his name was Bob Fry. An appointment was made with him. It was made very plainly clear that I was strictly coming to meet him as an informant, but not to discuss my case - that my case was never to be mentioned. He agreed. I went down there and met him - told him about Bob Long, they agreed to have a man contact me so I could introduce him to my patient, and they'd do something about it. Now we just barely mentioned my case. We talked about George Wallace, and politics a good bit, my feelings on politics, and they asked all about this Patriot's Club deal.

"At the grand jury hearing, the FBI agent stood before the grand jury and said I made a full confession that the trailer was mine and all those guns in it was mine. So don't ever trust the FBI.

"I saw an M-69 advertised in the paper for about fifty dollars cheaper than what you can usually get it for. I didn't wait til I got back to Birmingham I called the guy long distance to tell him to hold it for me. He asked me who I was. I told him.

"I bought it. I bought the gun and we got to talking. He said he was a nut about AR15's. I said, 'Well, I have three of them.' He said he was a collector of them.

and he bugged me for about two or three weeks to buy one of my AR15's. I finally agreed to sell him one. He bugged me to buy another one of my AR15's, and I wanted real bad one of these police ugly guns, it's a riot-type gun, it's got the flashlight on it. He found one of them. He brought it in and I traded it to him for an AR15.

"In the meantime, he brought me the other — the machine guns to me — greaseguns. He showed them to me. Two of them were brand new, looked like they'd never been fired, and he had them in cases, felt-lined cases and he opened the cases to show them to me. Naturally, I handled them. He put them back in the case and closed the case. He held the case up for me to put the guns back. He didn't handle the guns.

"I knew I hadn't bought anything, but when I saw those guns three days ago, boy, they looked just exactly like those he'd shown me. They're registered to the Police Department, and I got up there saying that they weren't mine, and they said, 'man, they got your fingerprints on them.'

"Trial date is the first week in November.

"After my arrest, a message was got to me that there was his man in North Alabama, a town in North Alabama, who had enough evidence on Mel Bailey to get him impeached as Sheriff. He came to me, made arrangements to meet me, all this in big secrecy. He came and told me that what had happened, this man had all this evidence on Mel Bailey, but he was afraid to bust his business but I was the ideal man to put it out because I couldn't be hurt any more by bad publicity.

"He wanted me to expose Mel Bailey with all this evidence he had. And some of this evidence included the fact that James Earl Ray, that killed Martin Luther King, at the time that Martin Luther King was shot, Ray was in Jefferson County Jail. Mel Bailey had him in jail in Birmingham at that time. All the arrest records were destroyed. He said Mel Bailey had this done. It was Mel Bailey's right hand man that leaked this information.