

## Warren's Statement

### Assistant District Attorney on Raines Law Indictments—Another View

The fact that the best citizenship of Rochester is up in arms against the "open door" saloons on Sunday, and all violations of the Raines law and city ordinances referring to music halls, slot machines, and gambling rooms, is everywhere apparent, and the bitter arraignment of the city officials because of the alleged non-enforcement of the law, as coming from Rev. H. B. Taylor, of the Second Universalist Church, on Sunday last, has only served to stir the people to renewed activity and thought. Among the most pertinent features of Mr. Taylor's sermon was his attack upon the office of the district attorney, for alleged negligence in prosecuting indictments against liquor dealers charged with violations of the Raines law.

District Attorney Forsyth is absent from the city, and District Attorney-elect Warren, who is now acting in the capacity of first assistant to Mr. Forsyth, did not care to answer the criticisms of Mr. Taylor, inasmuch as he did not yet represent the head of the office.

When questioned closely, however, Mr. Warren explained that though complaints are made at the district attorney's office, it has no further jurisdiction except to present the facts to the grand jury. Its duties cease then, unless an indictment is found.

"Is Mr. Taylor's inference true that there are indictments in the district attorney's office that have not been prosecuted?" was asked.

"Yes, that is true," answered Mr. Warren. "But most of the indictments that we have, have been pronounced by the county court as demurrable by the county court...and it would be folly for us to prosecute a defective indictment, because the case would never reach the jury. If there are defects in indictments, the grand jury should correct them, not the district attorney's office."

Further than this Mr. Warren did not feel authorized to speak. He asserted, however, that all the questions propounded by Mr. Taylor could be answered satisfactorily.

One side of the situation not generally thought of was given yesterday by one of Rochester's foremost attorneys, who for personal and professional reasons wished his name withheld. If published his name would be instantly recognized by nearly every reader of the Democrat and Chronicle. He said:

"You may say what you want to about 'open-door' saloons, music halls, slot machines and violations of the Raines law and ordinances of the city generally, but the whole fault lies with Judge Ernst on the police court bench, and Mayor Warner, as chief executive of the city. You can't blame the police department; its rank and file are good, conscientious officers, who are perfectly willing to do their duty, but they simply dare not do it.

"Suppose an officer sees a violation of the Raines law, or of any of the city ordinances with reference to music halls, slot machines, or gambling houses. Before he can make a complaint, he is approached generally by the alderman of the ward, a representative of the brewers, or certain politicians, and is told that if he makes a complaint, he will get his head lopped off—he'll lose his job. What's the

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officer going to do? Suppose he takes the complaint to headquarters. Judge Ernst will immediately dismiss the case from his [?].

"It is Mayor Warner's place, as chief executive of the city and chairman of the board of police commissioners, to enforce the laws. If the laws were enforced the offenders would be brought before Magistrate Ernst, and it would be his duty to hold them for the grand jury. Have either one of these officials done their duty? By no means. They know full well that if the complaint reaches the district attorney's office, we've got a man there who will do his full duty. The complaint to be sure must go first to the district attorney's office, but the amendment to section 37 takes it out of the hands of the district attorney entirely until it reaches him through an indictment found by the grand jury.

"The Raines law was passed by the Republicans, but certain persons asserted that the Republicans did not dare to enforce it in this city. You see, the Republicans are not in a position where they can, for the whole matter lies with the mayor and the police justice. The people have given their stamp of approval to the Raines law. Why don't Warner and Ernst carry out the will of the people?

"It is true that special officers have been appointed to look up violations and they make their reports. Well, if you examine those reports, I think you'll find that they're [flimsy?] enough—that there will be a lack of evidence sufficient to make a case against the person complained against.

"When you come to look into the matter, you will find that it is as I say: that there is an enormous political, Democratic restraint upon the enforcement of the laws in this respect. Nearly every violator of the law is a Democrat; the rank and file of saloon keepers are Democrats anyway. If there are any Republicans among them, they are in strict accord with the law. That old Committee of One Hundred had in its membership a number of Republican saloon keepers, and they were banded together to see that the law was enforced; that slot machines and the gross immoralities that prevail in the low dives be eliminated.

"The people elected such men as Ernst and Warner when they had the choice of better men; now let them take the consequences. Those "good government" voters who worked so hard to elect Mayor Warner may now swallow their bitter pill. But don't put the blame on the police department. You may be sure that the chief would do his duty, if he received the right orders.

"These are merely suggestions; you may give them to the people and let them think about them."

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Transcribed on 19 Feb 2008 by Karen E. Dau of Rochester, NY