

## CHAPTER FOUR

### THE INFLUENCE OF MAYOR HARVEY KISTLER

Harvey Kistler was born in Lordstown in 1885 to a family with a long history of dedicated service to its country. The first Kistler in America, John George Kistler, of German and Swiss ancestry, arrived in the New World in 1737. He fought in the French and Indian War, and each of his five sons fought in the American Revolution. Harvey Kistler also had a grandfather six generations back who, as a delegate from Pennsylvania, voted in 1859 to seat Abraham Lincoln as the presidential candidate for the Republican Party. He had a distant cousin who co-founded the Pennsylvania free public school system and another cousin who served as Mayor of Reading, Pennsylvania during the early 1800's. Two other cousins by the last name of Wannamaker served on the Ohio Supreme Court during the late 1800's. Finally, U. F. Kistler, another of Harvey's cousins, served as Youngstown's Law Director during the early 1900's. It is, therefore, no wonder that Harvey himself was to be a civic leader most of his adult life.

At the turn of the century, Harvey Kistler and his wife moved to Niles, where they lived on W. Park Avenue. In those years, Kistler worked as a telegrapher for the Pennsylvania Railroad. He utilized his spare time by playing an active role in several Niles civic organizations.

Those who remembered Kistler have described him as a dignified-looking gentleman who stood about six feet tall and weighed nearly 200 pounds. His nephew, Karl Kistler, recalled that Harvey had had a penchant for wearing bow ties and that he also wore eyeglasses which pinched at the nose.<sup>381</sup>

By the time he had reached his late thirties, Kistler had gained the respect of many community leaders. As a result, he became a candidate for Mayor of Niles

and defeated Charles Crow in November of 1923. Aside from the Ku Klux Klan riot, Kistler served without blemish as Niles' chief executive for two terms.

As with Crow before him, bootlegging and the rackets became one of his primary concerns, and as the Kistler Administration swung into action against vice, his crackdown angered many operators in the city. Many of these underworld figures believed that the Kistler Administration was working too aggressively against them, and they counter-attacked by bombing Chief Rounds' home during the early morning hours of April 17, 1924. No one was injured in the blast, but the Chief's home was heavily damaged and windows throughout the neighborhood were shattered. Investigators eventually concluded that the time-bomb which wrecked the Maple Avenue home had been placed in the foundation, just under the Chief's bedroom window, by unnamed bootleggers. At the time of the blast, the Chief and his wife were asleep in their second-floor bedroom, and his son, daughter-in-law and three-month-old grandson were asleep on the first floor. The only reason no one had been seriously injured or killed was because the force of the explosion went out the side of the house rather than upward into the Chief's bedroom.<sup>382</sup> Those responsible for the bombing were never caught, but the incident led Kistler to step up his efforts against vice in Niles.

Fortunately for the Mayor, he had selected just the right man to help him in his endeavor against crime. That person was his cousin, Director of Public Safety O. O. Hewitt, a no-nonsense individual who proved to be a courageous public servant against the racketeers. Hewitt was of average build, but his square jaw gave him the physical appearance of being a determined and decisive individual. The soft-spoken Safety Director, who was in his forties when he served in Kistler's Administration, had been a farmer and a teacher in Newton Township during his younger years. His idol had been William Jennings Bryan, and Hewitt had once traveled to Youngstown

to see the famous orator in person. For a time, Hewitt worked at a plant in Mineral Ridge, where he had moved from Newton Township. He and his wife eventually moved to Niles after he found a job with the Niles Forge & Manufacturing Company. At this time, Hewitt's actions show that he had obviously possessed a civic-minded spirit, because in 1908, he waged an unsuccessful election campaign for the office of Mayor of Niles.<sup>383</sup>

As Safety Director, Hewitt not only focused his attention on crime in the streets, but ineptitude and corruption within the police department as well. He and the Mayor had set high standards of conduct for the police department, and each officer was expected to fulfill his obligations with honor and dignity.

On two occasions soon after taking office, the Kistler Administration proved that it meant business. In late March, 1924, Officer William H. Mullen was suspended from the force for sleeping at his post. He was also charged with conduct unbecoming an officer and intoxication while on duty.<sup>384</sup> Two months later, Officer Joseph Mears was fired by Chief Round for allegedly reporting to duty in an intoxicated state, although conclusive evidence was never made public.<sup>385</sup>

While Mears never appealed the Chief's decision, Mullens did not take his suspension lightly. He retained attorneys P. N. Fusco and R. H. Patchin and fought the Administration's decision before the Civil Service Commission. On March 27, 1924, Mullens had his hearing. The room that day was packed with scores of the police officer's friends who booed and shouted derogatory names at the Mayor when he entered the room. At the conclusion of the hearing, things did not go in favor of Kistler in what the Warren Tribune Chronicle described as "one of the most sensational trials ever held in Niles courts." The Civil Service Commission sided with Mullens, and the officer was reinstated to his former position in the police department.<sup>386</sup> A year and a half later, however, Mullens lost his job when he was again suspended for

allegedly being found in an intoxicated state while on duty. This time, the Chief and the Administration documented their evidence and brought in witnesses.<sup>387</sup>

Police problems aside, it is interesting to note that Hewitt often conducted liquor and gambling raids at the last moment, not revealing his plans until he and the police officers who accompanied him were en route to their objective. On many of these raids, Hewitt wielded an axe, which he used with devastating effect.<sup>388</sup>

In spite of the Administration's efforts to control corruption and vice, the criminals continued to feed on the people around them, often causing havoc and terror. On June 4, 1924, only two months after Chief Round's home had been bombed, the residence of Sam Corso, Belmont Avenue, was heavily damaged in a similar incident.<sup>389</sup> Again the perpetrators were never caught, but Kistler and Hewitt stepped up their efforts against the vice operators.

On June 12, Maggie Gozarich was arrested by Niles police for selling a barrel of wine worth \$105 to a Warren man.<sup>390</sup> Later in the week, two more Niles women were arrested on the east side for selling liquor.<sup>391</sup> On June 20, one of the biggest speakeasies in Niles was hit. The raid on the Grant Street establishment was quite successful, although the owner had managed to escape in the confusion. He was later caught in Chardon, Ohio and was extradited back to Niles.<sup>392</sup> Ten days later, Telly Guraz was arrested for conducting a gambling operation in the Romanian Hall on Walnut Street.<sup>393</sup>

In another incident, a Niles police officer was patrolling near one of the railroad depots when he spotted a suspicious-looking man, who was later identified as Mastellane Luigi, unloading a large trunk from a train. The officer ordered Luigi to open the trunk and was surprised to find it loaded with bootleg whiskey. Further investigation revealed that Luigi was one of the main contacts in a liquor ring which operated between Niles and Pittsburgh.<sup>394</sup>

On July 25, 1924, Sheriff Thomas, State Agent George White and several deputies raided a speakeasy on E. Park Avenue. Before gaining entrance, however, they had to break down three doors. By the time they got inside, all the evidence had been spilled down the drain, but the officers did arrest a Niles policeman whom they found inside.<sup>395</sup> That same policeman's problems had only just begun. Two weeks later, as charges were still being drawn up against him for the July 25th incident, the officer was found sleeping at his post when he should have been patrolling the downtown district during the Ku Klux Klan problems. The officer promptly resigned from the department.<sup>396</sup>

In August, the Stag Hotel was raided and police searched for evidence of a gambling operation. Nothing was found.<sup>397</sup> Federal agents and Niles policemen jointly conducted other raids that month also. Among the establishments on the hit list was Jennings' place, but when the officers arrived, nothing was found there, either.<sup>398</sup>

The raids continued well into 1925 and, in fact, increased in number. In March of that year, the Jennings' establishment was again hit by the Niles police. This time, the officers broke up a gambling party and arrested 17 people.<sup>399</sup>

On April 5, Sheriff's deputies and Niles police officers conducted several raids. The Eagles Hall was hit and Ted Ryan was arrested for possession of intoxicating liquor. The officers then drove to Pratt Street and raided a home where they confiscated 65 gallons of liquor and forty cases of brew. In a final raid that day, the officers confiscated 18 cases of brew from a woman's home on Langley Street.<sup>400</sup>

An interesting feat was accomplished the following month, when Lt. Gilbert led raids on a dozen speakeasies in a single day.<sup>401</sup>

Although some raids turned up dry, the Administration's efforts were so successful that Kistler's court brought in more than \$3,000 in fines and licenses

during the month of June, 1925.<sup>402</sup> This high figure, although partly due to the recent increase in the value of each citation, reflected the large number of arrests made by the Niles Police Department and the equal treatment Kistler showed each convicted vice operator. Persons convicted of bootlegging were charged \$500 for the first offense. The second offense resulted in a \$1,000 fine, and the third offense brought a jail sentence.<sup>403</sup>

As Hewitt continued to accelerate the execution of raids throughout the city, the Mayor's court remained busier than ever. In July of 1925, Kistler brought nearly \$4,000 in fines and license fees into the city treasury.<sup>404</sup> This pace continued throughout the remainder of the year. Scores of speakeasies and gambling joints were raided, and dozens of people were arrested.

Even after winning reelection in November of that year by only 147 votes, the Administration continued its hard-nosed attitude toward vice operators, and Hewitt opened up the new year by directing the police department to smash a still on Scott Street. In that raid, Officers Muche and Stephens arrested the owner and confiscated 20 barrels of mash and a pint of liquor.<sup>405</sup>

The raids were so successful in January of 1926, that Kistler brought in more than \$5,000 in fines and license fees to his court.<sup>406</sup> In one of those raids, two vehicles had been confiscated from bootleggers. The Administration and City Council wisely converted the automobiles into police cruisers. The vehicles each had heavy-duty suspension and could reach speeds of 70 m.p.h.<sup>407</sup>

As the raids continued, Kistler got tougher. On a single day in March, Niles police officers and State agents raided several speakeasies. Eight well-known Niles residents were arrested, and Kistler fined each of them \$1,000.<sup>408</sup>

The success of most of the raids was due largely to the excellent police officers who followed the Administration's directives. Now and then, however, Kistler

did continue to have a problem within the ranks. In the summer of 1926, Officer Thomas J. Calne reported to work one day in an alleged intoxicated state. When Chief Round approached the officer and accused him of being drunk, Calne lost his temper and used "vile and indecent" language on his superior. As a result, Chief Round had Calne put in jail for the night and suspended the officer for 30 days. <sup>409</sup>

Despite the actions of an occasional wayward officer, the Niles Police Department continued to do an outstanding job, and on June 30, they smashed several stills on Belmont Avenue and Ann Street. The officers also raided two gambling joints on State and Pratt Streets. Altogether, eleven people were arrested. <sup>410</sup>

On August 4, Officers Nelss, Booth and Jones conducted several more raids, smashing a sixty-gallon still at Reno and Langley Streets and confiscating 32 gallons of whiskey, 13 barrels of mash, and 11 cases of brew. <sup>411</sup>

A week later, Officers Muche and Stephens smashed a still at West and Evans Streets. On that occasion, they arrested three men and confiscated 150 gallons of corn liquor and 23 barrels of mash. The two policemen then drove to Reno Street and arrested Tony Peto as he was loading cans of liquor into the trunk of an automobile. <sup>412</sup>

Public officials in many American cities fought against vice, not only because it led to corruption, but because it often left violence in its wake. Niles, of course, was no exception, and on August 15, a fight broke out in a coffeehouse on E. State Street in which Andrew George was stabbed and seriously injured. As his assailant, Zakavis Demetros, attempted to flee from the scene of the crime, several bystanders tackled him and held him until the arrival of the police. As he was later being interrogated, Demetros nonchalantly answered, "Sure, I stabbed him." <sup>413</sup>

Cases such as this only strengthened the resolve of many people to combat vice operations in their communities. Certainly Hewitt, Kistler and Service Director

J. H. Morrall were quite willing to meet the challenge. For their efforts in trying to control these illegal and often immoral activities, however, crime fighters across the country often paid a heavy price. On August 18, 1926, Hewitt and his family nearly paid with their lives when a blast reverberated through the night and left their home in shambles. The Safety Director, his wife and two children, Lee and Ruth, were asleep at their 913 South Street home when the explosion occurred. Because the bomb had been placed next to a brick pier which supported the porch, the force of the blast was deflected outward, away from the home. Thus, no one was seriously injured.

In an interview, Hewitt's son, Lee, remembered the incident well. He recalled walking across the glass-covered floor in his bare feet. He remembered that when he reached what was left of the front door, he discovered that the porch had collapsed. He further recalled having to reach down to lift his sister into the house, as she had been sleeping on the porch that summer night. <sup>414</sup>

The bombing of the Hewitt home was similar in many ways to previous bombings in the city. As in the past, the latest bombing had occurred during the early morning hours when fewer policemen were on duty and most everyone was asleep. As with previous bombings, the dynamite had been placed next to the porch, and of course, there were few clues and no prime suspects.

The bomb which damaged the Hewitt home, however, was much larger than those which had been used in the past. As a matter of fact, the explosion had been so strong that the George Cunnick residence, across the street from Hewitt, was actually lifted from its foundation by the force of the blast. Windows within 1,000 feet of the explosion were shattered, and the front door of the Hewitt home had been driven through the back wall of the house. Investigators were able to pinpoint the exact



time of the bombing at 3:25 a.m. because that was the point at which several clocks in the neighborhood had stopped working.

In a previous incident, investigators had uncovered evidence which proved that the bomb had been brought into Niles from Pittsburgh. In the Hewitt case, the parts of the bomb could not be traced, but some authorities believed that the Safety Director's unprecedented policy of personally leading raids against city vice operations may have been the reason for the destruction of his home. Other investigators believed the bombing had stemmed directly from a large raid Hewitt had recently launched against a local underworld figure in which an entire truck-load of beer had been confiscated and five men arrested. Whatever schools of thought existed, authorities unanimously interpreted the bombing of Hewitt's home as a warning that the vice raids must cease.

Although the Hewitts' had escaped serious injury, Mrs. Hewitt had been badly shaken by the blast and her daughter had bruised her side trying to climb back into the house when the porch collapsed. Throughout the ordeal, however, 16-year-old Ruth had remained calm. Even though she had been struck by falling boards when the bomb went off, Ruth remarked to a reporter that "it was the greatest thrill" of her life.<sup>415</sup>

Mrs. Hewitt did not look upon the incident through Ruth's eyes. She had been so terrified by the bombing that she found it uncomfortable to stay in the house at night. The fact that a special officer had been assigned to guard the Hewitt home at night did little to assuage her feelings and she became increasingly opposed to her husband's continued participation in the Kistler Administration. Eventually, the Hewitt family moved out of the neighborhood, and the courageous safety director was later destined to resign from city politics before the expiration of his cousin's term in office.<sup>416</sup>

Those responsible for the bombing of the Hewitt home soon realized that their warning for the Service Director to stop further raids had backfired. People from many walks of life expressed their shock and dismay over the incident. Even the Cleveland Press expressed its disgust over the attack in an editorial, stating "Men are marked for slaughter, not because their names may be Hewitt or Smith or Jones. They are listed for annihilation because they take their jobs seriously."<sup>417</sup>

On August 27, several Niles residents held a town meeting to demand a clean-up of the city's criminal element. They also set up a reward fund for the arrest and prosecution of the bombers. Citizens throughout the community responded by contributing money to the fund. Even the Trumbull County Commissioners allocated \$1,000 to the reward fund to show their revulsion over the Niles bombings.

Niles City Council also showed its concern. The councilmen allocated \$500 to hire a secret undercover agent whose duty was to gather evidence against major underworld operations in the city.<sup>418</sup>

As the community showed its displeasure over the Hewitt bombing, the Administration virtually declared war on the underworld. Within 36 hours of the bombing, Kistler had held a closed-door meeting with Niles Law Director (City Solicitor) Paul Z. Hodge, County Detective Gifford and Sheriff Smith. The purpose of the meeting was to formulate a joint strategy for an all-out assault on the criminal element in Niles.<sup>419</sup>

Two days later, Law Director Hodge met in Cleveland with Assistant District Attorney Miles Evans, Federal Prohibition Agent N. S. Clark and Immigration Inspector J. A. Flucky. At the meeting, the officials made arrangements to provide the Kistler Administration with any State or Federal agents it needed in its effort to close down vice operations in the city and to deport habitual offenders who did not have U. S.

of "women and booze." The article further revealed that the officers had participated in more raids than any other policemen and that some sources believed the entire situation was an attempt by the underworld to frame the officers and have them removed from the force so that they could not continue with their prohibition work.<sup>425</sup>

The following day, the Administration revealed that the officers were scheduled to have a hearing later in the week. The Administration also explained that the three officers had been suspended for allegedly "accepting money in return for giving certain persons immunity for the manufacture and sale of intoxicating liquor and for protection of a gambling house." Hewitt explained that the charges had resulted from affidavits filed by two well-known bootleggers, one of whom was related to one of the suspended policemen. According to Hewitt, the bootleggers had testified that they had been paying the officers every month to overlook their illicit businesses. Hewitt also revealed that one of the bootleggers had recently been arrested in a raid conducted by the officers in question. The second bootlegger had recently been arrested in a raid in Warren.

When reporters approached Chief Round for a comment, he seemed stunned by the suspension of the policemen. Round explained that he believed one of the accusing bootleggers had wanted to reopen a vice operation in the city. The best way for that person to get back into the bootlegging business, the Chief continued, would be to implicate the officers who had formerly shut him down in a frame-up and have them removed from the department so they could not bother him again.<sup>426</sup>

The Daily Times had similar thoughts. In an editorial concerning the suspensions, the newspaper stated that the officers had been "the most active of any men on the department against bootleggers." Taking a slap at the low wages of the policemen and the thankless job they had, the conclusion of the editorial read, "Every

dog has its day and every city every so often has its police scandal. Hardly a city of more than 5,000 in Ohio has escaped and those which have are strictly farming towns. Eighteen-hundred-dollar-a-year policemen offered a chance to make several times that much are tempted to yield and if they do not, it is easy to accuse them of it.<sup>427</sup>

On February 6, the Administration and Law Director held a closed-door hearing to examine the facts of the case. The accusing bootleggers and the suspended policemen were present. During the hearing, the bootleggers admitted to paying money to the officers so that they could run a still and gambling house without fear of arrest. Many of their accusations were nearly four years old and even though the bootleggers had freely admitted to making payoffs and running vice operations in the city, no charges were brought against them. Instead, the three officers were removed from the police department,<sup>428</sup> and Leo Meers and Daniel Holmes were hired as replacements to fill the vacant positions.

The addition of Meers and Holmes brought the number of officers on the Niles Police Department to ten, including Chief Round, acting Lt. John Jones, merchant policeman Thomas Reese, motorcycle patrolman Booth, and officers Neiss, Kennedy,<sup>429</sup> Casper and Hickman.

The battle was not over, however. The three fired policemen, encouraged by the stand of the local newspaper and the outcry of some people in the community, appealed the Administration's decision to the Niles Civil Service Commission. The Commission convened on March 1, 1927 to hear the case of the officers. As the hearing began, the Commission members must have been surprised at the support given to the three officers because the hearing room was packed with well-wishers. As a matter of fact, the room was so crowded that many bystanders were forced to wait outside as the Commission members heard the testimony of the two bootleggers and the accused

policemen. During the hearing, one of the bootleggers admitted paying the officers \$10 a week since June of 1923 so that his E. Park Avenue gambling joint would not be raided. He also said that on one occasion, a policeman had approached him and threatened to close him down if he did not support a certain candidate for Mayor.<sup>430</sup> Furthermore, the bootlegger testified that part of the agreement with the officers was that they were to forewarn him of impending raids by other policemen so that he would have a chance to "clean up" before they arrived.

Several other interesting points were brought out during the hearing. It was learned that one of the bootleggers in the case and one of the suspended officers had been engaged in a feud that had begun years earlier when both individuals had worked together in a nearby mill.

It was also revealed that the same bootlegger had gone from one speakeasy to another through the east side, soliciting funds to retain a lawyer for the present case. Then, in one of the most sensational moments of the hearing, the bootlegger recited the names of all the speakeasies he knew were operating in Niles. He denied, however, that he had threatened "to get" one of the suspended officers during a recent raid on a house of ill-repute.<sup>431</sup>

Evidently, someone in the community had become upset when the bootlegger had recited the names of existing speakeasies because the following night, he was fired upon with a shotgun blast as he was entering his home. Because the Trumbull County Grand Jury was about to commence an investigation into the case of the suspended policemen and the actions of the bootleggers who had testified against them, authorities surmised that the local underworld was growing uneasy over the recent testimony given at the Civil Service Commission hearing. Thus, the shotgun attack, which missed the bootlegger in question, was perceived as a warning that too much was being said.<sup>432</sup>

A month later, on the eve of the Grand Jury's investigation, the bootlegger disappeared and could not be located. County Prosecutor Lynn Griffith, however, was unconcerned, and it was later learned that he and other officials had taken the shotgun attack seriously. As a result, they hid the bootlegger, who was to be a key witness in the investigation, somewhere outside of Niles to keep him alive. When the Grand Jury convened, the bootlegger was there to testify.<sup>433</sup>

Meanwhile, the suspended policemen were having problems of their own. On March 5, 1927, only two days after the hearing, the Civil Service Commission decided to uphold the decision of the Administration and the three officers were permanently suspended from the police department. As a result, they appealed the Commission's decision to the Trumbull County Common Pleas Court, and their trial began three months later.

The trial proved to be both interesting and dramatic as Attorney Buchwalter, representing the police officers, attempted to discredit the Administration's actions in several ways. First, Buchwalter accused the Administration of discrimination in the suspensions and of waging a campaign to "drive all the Catholics off the police force and out of the city building." Buchwalter supported his claim by citing alleged examples, such as Mrs. Katherine Bruder Leonard, who was laid off from the Water and Light Department; Patrolman William Mullen and Lt. Joseph Meers, who had been fired from the Police Department; and Joseph Gerald, who had been removed from the Fire Department "because his parents were Catholic."

Following his opening remarks, Buchwalter continued with his dramatic style by asking each witness who was called to the stand if he had been a member of the Ku Klux Klan. During the next recess, Buchwalter decided to avoid the religious issue after W. G. Robinson, the next witness to be called to the stand, approached him in the lobby and remarked that he had just returned from a Catholic Church,

where he had attended a funeral for a Catholic friend. Robinson added that he would also have served as a pallbearer in that funeral had it not been for the present trial.

Law Director Hodge and his co-counsel, Walter F. MacQueen, were determined, however, to prove that Buchwalter's earlier comments had been unfounded. They called Safety Director Hewitt to the stand after the trial had resumed and asked him how many Protestant policemen he had fired since taking office.

"Four," he replied.

"How many Catholics have you dismissed?" he was asked.

"Three," he answered, later correcting his answer to four. Hewitt also added that he had hired Catholic policemen since taking office and he used the latest two rookies on the department as examples. He also emphasized that, when hiring prospective policemen, he never asked them about their religion, and no such questions appeared on their applications.

Buchwalter, realizing that he had been beaten on the religion issue, next tried to show that the Administration had suspended the policemen because one of the accusing bootleggers had threatened to take the case to Columbus, and the Mayor did not want the adverse publicity which may have followed. Both Kistler and Hewitt admitted on the stand that they had been threatened in such a manner, but denied that the threat had influenced their decision to suspend the policemen. Hewitt, however, did qualify his answer by stating, "I knew, Mr. Buchwalter, if I dropped the charge, there was a chance of being dragged to Columbus." Buchwalter next called Chief Round to the stand and asked him, "Did not the Mayor say in conversation that he did not want to be dragged to Columbus about the matter?"

"I think he did," replied the Chief.

Buchwalter next tried to prove that Hewitt was prejudiced against two of the suspended officers because more than a year ago, one of the accusing bootleggers had

Informed him that the two policemen knew who had bombed his home. Hewitt admitted on the stand that as a result of his conversation with the bootlegger, he had refused to have either of the two officers in question guard his home at night. Hewitt stressed, however, that his distrust of the two officers had no bearing on their later suspension from the police department.

Buchwalter, having finished with Hewitt, again called Chief Round to the stand and asked him to repeat the conversation he had had with the Mayor in which the police chief had advised Kistler that "it was insufficient to accept a bootlegger's statements as final."

It is apparent that Buchwalter had spent a great deal of time researching this case. Despite his Herculean attempt to have the suspended officers reinstated, however, his efforts ended in failure when Judge Carter ruled against them.<sup>434</sup>

The case did not die in Carter's court. On February 8, 1928, Attorney Clyde Osborne, representing the three suspended policemen, appeared before the Niles Civil Service Commission and asked to have the case reopened because he had proof that one of the bootleggers had perjured himself in previous testimony. Osborne then presented the Commission members with a signed affidavit in which one of the bootleggers admitted that he had indeed lied about the payoffs to the police officers. Osborne also wanted the case reopened on the grounds that it was wrong to accept the testimony of "convicted bootleggers against men with years of good standing in the police department without even a reprimand." "If such evidence is enough, Osborne continued, "then any bootlegger can rid himself of every honest policeman on your force within 30 days simply by making affidavits of this kind against him."

Law Director Hodge, who was present in the room, objected to Osborne's statements. Hodge loudly asked whose testimony it would be possible to get in a bribery



case. "Would a preacher be present when the money is passed? Would an honest man be there?"

In spite of Hodge's remarks, Osborne persisted with his efforts to reopen the case by shedding light on other aspects of the previous trial. Osborne explained that the bootlegger in question had attempted to change his testimony soon after submitting his first affidavit, more than a year ago. When the subject explained that his affidavit was untrue, Law Director Hodge allegedly threatened to charge him with perjury unless he testified against the policemen. Thus, Osborne explained, the officers should never have been fired in the first place.<sup>435</sup>

The Commission decided against Osborne's request and two weeks later, he and his co-counsel, Frank Cowdery, appealed to the Trumbull County Common Pleas Court for a retrial.<sup>436</sup> Just as it seemed that the court was about to reopen the case, events took another bizarre turn when one of the suspended policemen dropped his battle for reinstatement.<sup>437</sup> No records could be found concerning the fate of the other two officers, but it is known that they never returned to the police department.

To this day, serious questions abound concerning this case. One person, who asked not to be identified, remembered this case because a relative had been involved. He stated that one of the policemen, an officer, had been innocent of taking bribes but was fired because, as an officer of the watch, he should have been aware of the actions of the men under his command.

The son of one of the suspended policemen gave his opinion of the case. He believed that the officers had been framed by the bootleggers and that the policemen had dropped their court battle for reinstatement because they had believed that their names were being unfairly tarnished and they had lost hope of winning their case.

Despite the reasons for the suspension of the officers, it does seem strange that the Administration, the Civil Service Commission, and the Trumbull County Common

Pleas Court had accepted the statements of convicted bootleggers as fact, especially when the accused officers had been as successful as they were in raiding city vice operations in the past.

It is possible that the officers were guilty as charged, but the evidence presented in the newspapers of that day does not seem strong enough to have warranted their suspension. The fact that a year later, one of the bootleggers stepped forth and admitted that he had lied further weakens the case against the policemen. By the time Niles had heard ~~that~~ <sup>THE</sup> last of the case of the three fired police officers, many people were not sure who was telling the truth.

The latest police scandal seemed to bring on a low point for the Niles Police Department as other, more serious problems would soon arise which caused the removal of nearly half the police department. It must be remembered, however, that the Niles Police Department was no different than law enforcement agencies in many American cities during that period of time. In fact, police departments of some larger cities have, on occasion, been far more rife with corruption than anything Niles has ever seen.

Additionally, the Prohibition era was often characterized by violence and corruption which dominated the news headlines. Chicago was a prime example. In some cities, it was commonplace for syndicate bosses to bribe and bully local politicians for "protection." Many of the underworld's business dealings led to gangland executions and fatal bombings. Fortunately, Niles never saw the likes of Al Capone or the corruption and violence he left in his wake.

Niles was but a small industrial town in which it was easy for everyone to know each other. Thus, when a controversy arose involving a handful of policemen, it was easy to get the town excited because everyone knew the officers. It must be stressed that Niles, Ohio was only a reflection of the rest of the nation. The sad

times, as well as the happy times, were not unique to Niles alone. Most American cities experienced the same types of events to one degree or another.

Despite the controversy which resulted from the suspension of the three policemen, Kistler managed to continue his campaign against city vice operations, although fewer raids were conducted and less material was confiscated. Of course, one thing which did help his efforts was the elimination of one of the most notorious speakeasies in Niles. Evidently, other vice operators were upset over the competition this particular operation gave them because it was completely destroyed by a bomb on February 17, 1927. No one was injured, but as usual, the perpetrators of the incident were never caught.<sup>438</sup>

Three weeks later, Niles police officers smashed a giant 110-gallon still on Walnut Street. Although the "higher ups" were not caught, Alfred Test, the operator of the still was arrested.<sup>439</sup>

On March 15, Rosie Serino of Scott Street was arrested when she was caught transporting 25 gallons of whiskey in her Chevrolet coupe.<sup>440</sup>

That same week, Officers Holmes and Moore, a special policeman, smashed a 20-gallon still on Lafayette Street and arrested Joseph Dennis, the owner. Twenty-five gallons of liquor were also confiscated.<sup>441</sup>

On April 12, secret agent George B. Schilling, who had earlier been hired by the city fathers to seek out vice operations, concluded a long period of investigation which helped close down several speakeasies. In the raids which resulted from Schilling's work, seven bootleggers who had conducted operations on Mason and Langley Streets and E. Park Avenue were arrested.<sup>442</sup>

A week later, Officers Casper and Neiss smashed a 60-gallon still on Walnut Street which had been owned by Charlie Rose. During that raid, the officers also

confiscated 38 barrels of mash, a 35-gallon barrel of whiskey, 2 five-gallon jugs of liquor and other material.<sup>443</sup>

On June 17, Niles police officers raided the home of John Horcharlts on Baldwin Avenue. As the officers entered his home, Horcharlts threw a container of liquor into a sink to destroy incriminating evidence against him. The officers acted quickly, however, and soaked up some of the spilled liquor with their handkerchiefs before it ran down the drain. As a result, Horcharlts was charged with possession, and Kistler fined him \$300.<sup>444</sup>

On June 30, 1927, Niles saw another change with the retirement of Chief Lincoln Round, who had served as a Niles law enforcement officer for 25 years. In an editorial, the Niles Daily Times lauded the retiring police chief, saying: "The Niles police force under Round has achieved a reputation for cooperation and quick action unusual in a city of this size, and it is frequently commended in police conventions for the aid it gives other departments in apprehending criminals or supplying information. Chief Round has seen service during disturbances, black hand murders and bombings."<sup>445</sup>

The Administration appointed Officer Neiss as acting chief until a permanent chief was sworn in. Neiss wasted no time in showing where his main concern rested. In July, he reported that during a three-day period alone, 67 traffic citations had been issued to offenders on the city streets.<sup>446</sup>

At the end of July, 1927, Niles learned that its new police chief was Charles A. Nicholas. Chief Nicholas, who had scored the highest on the civil service test, was born and raised in Niles and resided in that city with his wife and two children. As a young man, Nicholas had worked in a sheet and tin mill before taking a job as a guard at the Niles Trust Company. In 1913, he was appointed to the Niles Police Department, but resigned six years later to serve as a deputy under Sheriff Evan

Thomas, who was also from Niles. A year and a half later, Nicholas took a job in the safety department of the Niles works of the Republic Iron and Steel Company. Nicholas was also a member of the Baptist Church and the Knights of Pythias.<sup>447</sup>

Two weeks after taking office, Nicholas launched his first vice raid as Niles' new Chief of Police. In that raid, he led Lt. Jones and Officers Berline, Holmes, Henderson, Kennedy and Booth to the "White Front" on Pratt Street. As the police officers pulled up in front of the building, which was a combination of several shops and a barroom, Chief Nicholas saw a man, later identified as Frank Spano, hit an alarm button under a window. The Chief swung into action as he reached in and grabbed Spano. The other policemen followed suit and rushed into the building just in time to catch Pete Lapolla in the act of emptying liquor from a milk bottle into a sink. Lapolla was arrested and the rest of the liquor was confiscated. Joseph Lardo and Thomas Murray were also arrested in the raid and charged with possession.<sup>448</sup>

Other raids were conducted that summer. In one of them, Officers Casper, Neiss and Booth smashed a 60-gallon still on Henry Street which was owned by Rocco Ceroli. They also confiscated 48 gallons of liquor and 36 barrels of mash.<sup>449</sup>

There is no question that chasing after vice operators was risky business. That, however, was not the only thing that Niles police officers did. As in all police departments in America, there were times when the Niles officers found themselves in surprise situations where they had to show both ingenuity and raw courage to see the episode to a satisfactory conclusion. On July 7, 1927, Officer Daniel Holmes did just that when he single-handedly captured four liquor runners.

Driving west on Robbins Avenue, Holmes passed a car in which four suspicious-looking people were riding. Homes managed to turn his cruiser around and pull up next to the driver, who was later identified as Robert Peal, age 25, of Youngstown.

Holmes then asked Peal to pull over so he could talk to him. Instead, Peal gunned his engine and sped up Robbins Avenue with Holmes chasing close behind. As Peal raced up the hill, he and his passengers threw whiskey bottles out the windows of their vehicle. Holmes, however, was not to be outdone. As he got within closer range, he drew his revolver and fired several rounds at the speeding auto, puncturing the gas tank with at least one shot. After that, Holmes calmly followed the vehicle until it was forced to pull over because it ran out of fuel. He promptly pulled up behind the crippled automobile and arrested Peal and his three friends, Joseph and Mary Pagano and Pasquale Mazzelli of Fulton Street in Hiles.<sup>450</sup>

About a month later, Officer James Miles was patrolling the Hiles business district at 3:00 a.m., when he caught a glimpse of two burglars breaking into the rear of the H. H. Hoffman Store on Main Street. Miles shouted for the suspects to halt, but instead, one of them turned around and opened fire on the officer with a revolver. Miles quickly recovered from the attack and chased the two men down a dark alley, where he managed to fire two shots at them. Miles missed his mark, however, and the burglars escaped into the shadows of the night.<sup>451</sup> Although Miles had failed to capture the burglars, one must admit that it took a great deal of courage to chase them down a dark alley, especially after one of the suspects had already shot at the officer.

Kenneth Freer, a Trumbull County Deputy Sheriff, did not react as quickly as Holmes and Miles when he led a raid on a Girard gambling house during the summer of 1927. During that raid, the owner of the vice operation crushed the deputy's skull with an ax.<sup>452</sup>

The retirement of Chief Round was not the only change that Hiles saw in 1927. Perhaps because of his frustrations over the recent police scandal or because he had grown tired of fighting vice operators, Mayor Kistler decided not to seek reelection

that year. Despite his decision, however, Kistler's friends circulated petitions for the Mayor and managed to get his name on the ballot as a write-in candidate. It is possible that Kistler had foreseen his defeat at the polls long before he had made his decision not to run again, because he was defeated in the primary election by another write-in candidate.<sup>453</sup>

In the autumn of that year, George O. Marshall, a Republican, won the general election and became Niles' next mayor.<sup>454</sup> Marshall had served three terms as a Niles councilman-at-large and was chairman of the city council's Water & Light Committee. When he took office as mayor in 1928, he was thus one of the most qualified and experienced people in city government.<sup>455</sup>

Although Kistler left office with little fanfare, it must be stated that he had accomplished some outstanding feats before he stepped down. For one thing, his administration had obtained the options for the land on which Meander Reservoir is located. Kistler had also helped to arrange for Niles to link up with Youngstown to form the present Mahoning Valley Sanitary District which manages Meander Reservoir. Secondly, the present city building in which the Mayor's office is located was constructed largely with funds obtained from the fines Kistler had imposed in his court. Thirdly, part of the initial groundwork for construction of the viaduct which spans the Mahoning River on Main Street was laid during Kistler's exciting years in office.

Upon leaving office, Kistler went back to his old position on the railroad. He also purchased the Taylor Insurance Company and sold insurance during the day before reporting to work for the railroad on the afternoon shift. Eventually, Kistler left the railroad and went into the construction business with E. F. Cline in 1932. During the Depression years, he and Cline built the old Lordstown High School and the building in which Reisman's Furniture Store is presently located on Main and

State Streets in Niles. It was at this time that he and his wife were involved in a car accident in which Kistler was seriously injured. As a result of his injuries, he walked with a limp for the rest of his life.

In 1937, Kistler left the construction business and purchased the Bremer Insurance Agency and the Campbell Insurance Agency. He merged these two agencies with the Taylor Insurance Agency, which he still ran while in the construction business, to form the present Kistler Insurance Agency, which his nephew Karl Kistler now owns on Robbins Avenue.

After leaving politics, Kistler became even more active in civic affairs and remained so for the rest of his life. Before he died at the age of 64 in 1950, Kistler had served on a committee which had attempted to build a hospital in Niles. He had also been active in bringing the Y.M.C.A. to Niles, and he had played an active role in establishing the Chamber of Commerce in that city.<sup>456</sup>

Kistler's controversial handling of the Ku Klux Klan situation in 1924 was, therefore, far outweighed by his later performance as Mayor and by the outstanding contribution he had made of himself as a civic leader in Niles during the remaining years of his life.



381. Personal interview with Karl Kistler. FEB 24, 1983
382. Warren Tribune Chronicle, April 17, 1924, p. 1.
383. Personal interview with Lee E. Hewitt, December 14, 1983.
384. Warren Tribune Chronicle, March 27, 1924, p. 2.
385. Ibid., May 6, 1924, p. 2.
386. Ibid., March 27, 1924, p. 2.
387. Niles Daily Times, August 4, 1925, p. 1.
388. Personal interview with Lee E. Hewitt, December 14, 1983.
389. Warren Tribune Chronicle, June 5, 1924, p. 2.
390. Ibid., June 13, 1924, p. 2.
391. Ibid., June 16, 1924, p. 2.
392. Ibid., June 21, 1924, p. 2.
393. Ibid., July 1, 1924, p. 2.
394. Ibid., July 25, 1924, p. 2.
395. Ibid., July 26, 1924, p. 2.
396. Ibid., August 8, 1924, p. 2.
397. Ibid., August 13, 1924, p. 2.
398. Ibid., August 14, 1924, p. 1.
399. Ibid., March 17, 1925, p. 2.
400. Ibid., April 6, 1925, p. 1.
401. Niles Daily Times, May 18, 1925, p. 1.
402. Minutes to Niles City Council Meeting, July 18, 1925, p. 1.
403. Personal interview with Lee E. Hewitt, December 14, 1983.
404. Minutes to Niles City Council Meeting, August 1, 1925, p. 9.
405. Niles Daily Times, January 11, 1926, p. 1.
406. Minutes to Niles City Council Meeting, February 6, 1926, p. 51.
407. Niles Daily Times, February 4, 1926, p. 1.

408. Ibid., March 4, 1926, p. 1.
409. Ibid., August 11, 1926, p. 1.
410. Ibid., July 1, 1926, p. 1.
411. Ibid., August 6, 1926, p. 1.
412. Ibid., August 12, 1926, p. 1.
413. Ibid., August 16, 1926, p. 1.
414. Personal interview with Lee E. Hewitt, December 14, 1983.
415. Niles Daily Times, August 18, 1926, p. 1.
416. Personal interview with Lee E. Hewitt, December 14, 1983.
417. Niles Daily Times, August 21, 1926, p. 1.
418. Ibid., August 28, 1926, p. 1.
419. Ibid., August 19, 1926, p. 1.
420. Ibid., August 21, 1926, p. 1.
421. Ibid., September 13, 1926, p. 1.
422. Ibid., September 14, 1926, p. 1.
423. Ibid., September 17, 1926, p. 1.
424. Ibid., October 8, 1926, p. 1.
425. Ibid., February 3, 1927, p. 1.
426. Ibid., February 4, 1927, p. 1.
427. Ibid., February 3, 1927, p. 1.
428. Ibid., February 7, 1927, p. 1.
429. Ibid., February 16, 1927, p. 1.
430. Ibid., March 2, 1927, p. 1.
431. Ibid., March 3, 1927, p. 1.
432. Ibid., March 5, 1927, p. 1.
433. Ibid., April 9, 1927, p. 1.
434. Ibid., June 1927, p. 1.
435. Ibid., February 9, 1928, p. 1.

436. Ibid., February 23, 1928, p. 1.
437. Ibid., April 6, 1928, p. 1.
438. Ibid., February 17, 1927, p. 1.
439. Ibid., March 7, 1927, p. 1.
440. Ibid., March 15, 1927, p. 1.
441. Ibid., March 19, 1927, p. 1.
442. Ibid., April 12, 1927, p. 1.
443. Ibid., April 19, 1927, p. 1.
444. Ibid., June 17, 1927, p. 1.
445. Ibid., June 30, 1927, p. 1.
446. Ibid., July 21, 1927, p. 1.
447. Ibid., July 25, 1927, p. 1.
448. Ibid., August 10, 1927, p. 1.
449. Ibid., September 27, 1927, p. 1.
450. Ibid., July 7, 1927, p. 1.
451. Ibid., August 15, 1927, p. 1.
452. Warren Tribune Chronicle, January 25, 1981, p. A-15.
453. Hiles Daily Times, August 17, 1927, p. 1.
454. Ibid., November 9, 1927, p. 1.
455. Ibid., June 9, 1927, p. 1.
456. Interview with Karl Kistler, February 24, 1983.