

THE INFAMOUS ADMINISTRATIONS OF
SANTA CLARA COUNTY SHERIFFS

E M I G A N D L Y L E

by

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INTRODUCTION

From the 1920's to the 1940's, Santa Clara County was plagued with much bootlegging, operation of illegal gambling devices, and political bosses. During that time, it was the responsibility of the county sheriff to control such unruly activities. Evidently, the sheriffs during that particular period were:

George W. Lyle	1919-1930
William J. Emig	1931-1934
George W. Lyle	1935-1938
William J. Emig	1939-1945

What was the nature and background of this discrepancy and why did Emig leave his office in 1945--in the middle of his term? Apparently, there had been much scandalous behavior and irresponsibility on the part of both Lyle and Emig. The following essay traces the terms of these men, their various unlawful activities, and their continuous political struggles with one another as well as with the public.

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LYLE BUNGLES

At midnight, July 29, 1928, federal prohibition agents and deputized citizens, led by the U.S. Prohibition Chief E. A. Bohner and W. R. Paget, conducted sweeping liquor raids of various resorts in Santa Clara County. These raids, made without notifying Sheriff Lyle's office or the San Jose Police Department, were the result of weeks of careful planning and work by undercover federal agents who had reported a widespread violation of the Volstead Act. Federal secrecy was necessary for on previous excursions with the aid of the sheriff's office, the federal agents had been hindered by a "tipping off" system which had allowed the bootleggers to close their resorts and conceal any incriminating evidence. Though the raids lasted throughout the night and though Bohner mustered every available federal agent and deputized citizen for the assignment, the illegal activities were so widespread that it was impossible to cover all of the resorts mentioned in the confidential federal reports, indicating the extent of the uncontrolled lawlessness in the county.¹

Coincidentally, Lyle and his deputies, ignorant of the federal plans, were conducting their own raids which had begun

¹ San Jose Mercury Herald, July 29, 1928, p. 1. (microfilm)

two hours before the federal raids, yet ended with disgraceful results in comparison with the federal activities.²

At one notorious resort, "Jack and Jane's" on Monterey Road, Sheriff Lyle and his deputies searched the building, found no liquor, and made no arrests; however, arriving some time later, the federals found large quantities of liquor and made three arrests. In addition, they seized three slot machines, carelessly overlooked by Lyle--despite his recent public promise to clean up all of the slot machines in the county.³

Also that night, the bumbling Lyle was subjected to much embarrassment when he arrived at Joe Locurto's resort immediately after the federal agents had already successfully raided it. Apparently, after the federals had finished, there was a crash at the door and Lyle, accompanied by several of his deputies, burst into the building and declared, "The house is pinched!" The federal posse remarked that it already was.⁴

Other efforts by Lyle to enforce the law were equally unproductive. All in all, the sheriff's so-called raids, which only interfered with the work of the federals, were an utter disgrace. Lyle and deputies seized no slot machines, found no liquor, and made no arrests. Their only accomplishment was the taking over of two slot machines which had been seized by

² San Jose Mercury Herald, July 29, 1928, p. 1. (microfilm);
San Jose Mercury Herald, July 31, 1928, p. 5. (microfilm)

³ San Jose Mercury Herald, July 29, 1928, p. 3. (microfilm);
San Jose Mercury Herald, July 30, 1928, p. 2. (microfilm)

⁴ San Jose Mercury Herald, July 29, 1928, p. 3. (microfilm)

the federal posse who, on the other hand, had seized much "jack-ass brandy," "moonshine whiskey," wine, eight slot machines, and had arrested twelve men and one woman.⁵

Lyle, embarrassed by the occurrences of the night and searching for excuses, announced that the raids must have been planned by Earle Hamilton with an ulterior, political motive to attack his administration. This theory was based on the mere fact that Hamilton, who was a former opponent of Lyle's for the sheriff's office, was part of the federal posse, and the San Jose Mercury Herald believed that there was enough evidence to refute Lyle's accusation completely.⁶

Realizing the rashness and ineffectiveness of his accusation, Lyle issued a formal letter to the public in a further attempt to defend himself. He emphasized his accomplishments in enforcing the law, stating that since February, 1927, his office had made 130 arrests and had collected \$26,000 worth of fines under the Wright Act and had confiscated many of the thousands of slot machines in the county under the new county order enacted only a few months ago. On the other hand, continued Lyle, the federal agents were only able to confiscate eight slot machines after several weeks of effort. Lyle stated again that the raids were "nothing but politics" and that throughout his administration he had always had to deal with such political attacks. Lyle also denied the "tipping off"

⁵ San Jose Mercury Herald, July 31, 1928, p. 1. (microfilm)

⁶ San Jose Mercury Herald, July 31, 1928, p. 1. (microfilm)

system, claiming ignorance of any instance in which the federal prohibitionists had failed to make arrests when acting in conjunction with his office.⁷

Within the next few days, the federal officials continued their attack on bootlegging joints, seizing more alcohol and stills and making several more arrests--with only minor help from Lyle. The public, dissatisfied with "the growing spirit of lawlessness due to the failure of local enforcement officers," shifted their support from Lyle to the federal agents. Several groups, such as the Free Methodist Church, the Grace Baptist Church, and the Willow Glen Women's Home Missionary, strongly endorsed the clean-up movements, commending and pledging allegiance to Bohner rather than to Lyle.⁸

During this period in which illicit operations flourished virtually undisturbed, the owners of the resorts must have bought protection by paying the sheriff certain amounts of money to avoid being prosecuted. In one instance, for example, Lyle arrested Ed Garlich, one of Bohner's undercover agents, on bad check charges and put him in jail with a ridiculous bail of \$2,000 for a mere \$5-charge misdemeanor. This action took place directly before Garlich was to testify at a trial of several alleged bootleggers, though the offense was committed five months before. Since then, Garlich had been

⁷ San Jose Mercury Herald, July 31, 1928, p. 5. (microfilm)

⁸ San Jose Mercury Herald, Aug. 2, 1928, pp. 1, 2 (microfilm);
San Jose Mercury Herald, Aug. 4, 1928, pp. 1, 10 (microfilm)

in San Jose; thus, at any time, Lyle could have easily asked Bohner for his whereabouts and made the arrest. However, the sheriff, probably receiving protection money, instead waited a considerable amount of time to perform his duty, hindering law enforcement more than advocating it.⁹

Another incident illustrating Lyle's irresponsibility occurred on July 9, 1930. That night, federal officers came secretly and raided eight joints, two of which were in the city limits and six in the county outside the city. After publishing a story of the raid, which was conducted without the cooperation of Lyle, the Herald received a phone call from the sheriff himself who declared, "What did they get? . . . Just a few beer joints. Our county, when it comes to enforcement, is in good condition and we haven't anything worse than a few beer joints." The Herald then sought verification of Lyle's statement and sent two staff members to investigate the various joints in the county. Returning after visiting three resorts, the two said that they had received bootleg whiskey over the bar in each of the joints, and had seen much gambling and prostitution.¹⁰ Such reports completely refuted Lyle's claim and demonstrated his lack of responsibility, or honesty, or both.

⁹ San Jose Mercury Herald, Aug. 16, 1928, p. 1. (microfilm); Robert Couchman, interview with former San Jose Mercury Herald reporter, San Jose, California, April 2, 1983.

¹⁰ San Jose Mercury Herald, July 10, 1930, p. 15. (microfilm)

Not only had Lyle failed to perform his duties, but he also wasted the county taxpayers' money. The grand jury investigated the work done for Lyle's by the A. S. Narducci Detective Agency and found evidence that the agency charged more for their time and expenses than actually incurred. The agency's fee had been determined as \$1000 monthly; however, several of the monthly charges had been more than this amount, such as \$1070 in June, 1930, though no liquor was purchased. Lyle had accepted these bills and had filed them as claims against the county without question and without bothering to seek verification. In fact, the agency's methods of bookkeeping were so careless and unprofessional that the investigators found no detailed accounts made of expenses or mileage traveled by the undercover agents, and even the head of the agency was unable to answer any inquiries from the records that he had--virtually all of the information he was able to give came from his own memory. In effect, according to the grand jury's report, "The present system used by the sheriff's agency not only makes it possible to defraud Santa Clara County to the extent of thousands of dollars yearly in excess and illegal charges, but the methods employed are so careless and unbusinesslike as to encourage waste and dishonesty."¹¹

Lyle did not deny this charge that the accounts rendered by his agents were "padded" but instead justified this fraud

¹¹ San Jose Mercury Herald, July 19, 1930, p. 1,6. (microfilm)

by pointing out that the money from bootlegging fines exceeded the amount paid to the agents. This statement infers Lyle's strange logic that wasting county taxpayers' money is acceptable as long as the county budget can afford such waste and still make a profit!¹²

¹² San Jose Mercury Herald, July 19, 1930, p. 1. (microfilm)

THE ELECTION NEARS

In June, 1930, two prominent men filed for the candidacy of sheriff against Lyle. There was William J. Emig, who had been a captain in the San Jose Police Department and was responsible for organizing the children's school traffic squads which gave him a nationwide repute. Emig pledged that he was a candidate independent of any political boss or faction and that he would continue his interest in the youth of the county.¹³ Next, there was Harry Schumann, an educated and socially prominent Stanford graduate who had served as a member of the grand jury of 1927. Schumann, in addition to patriotically pledging loyalty to law enforcement, described joints operating uninhibited and plainly blamed the sheriff's office.¹⁴

As the election drew closer, dissatisfaction with the sheriff's office intensified as Lyle continued to shirk his law enforcement responsibilities. For example, Samuel G. Thompkins, the dean of San Jose attorneys, and Chairman Paul Clark, Mayor of Willow Glen, denounced Lyle's handling of the capture of the California Theater bandits, Carl F. Reese and

¹³ San Jose Mercury Herald, June 10, 1930, p. 15. (microfilm);
San Jose Mercury Herald, June 12, 1930, p. 1. (microfilm);
San Jose Mercury Herald, Sept. 24, 1930, p. 1. (microfilm)

¹⁴ San Jose Mercury Herald, June 12, 1930, p. 1. (microfilm);
San Jose Mercury Herald, June 13, 1930, p. 17. (microfilm)

Ray Hopper.¹⁵ These bandits had made a clean get-away out of the county and the state, and were finally caught in Texas while sleeping on the roadside. Scorning Lyle, Clark stated--

It's too bad when robbers can get away as easily as that when officers were on their trail a few minutes after the robbery. They knew which way they went. The entire county is criss-crossed with telephone and telegraph wires. Yet they slipped through. This is disgusting. Why, I've got an old tom cat at home that could have done better than that! And how were they finally caught: Sleeping off a drink in a Texas park. If anyone or anything should get the credit for¹⁶ their capture it ought to be bootleg whiskey...

More and more people lost faith and trust in Lyle; even the Herald, which had previously helped Lyle into office, declared its stand against his reelection, stating its demands upon the sheriff and Lyle's failure to fulfill such demands and to uphold his former promises. Since Lyle had failed to arrest a certain notorious bootlegger in the county, the Herald asked Lyle if he meant to say that the man was not selling bootleg at his place. Lyle's answer was that he did not think he was but if he were, it would be almost impossible to arrest him because he was too careful with his operations. Only days later, the Herald sent its agents to this resort. They entered without any trouble, and while they were there, two of Lyle's own deputies entered and bought and drank booze, making no arrests. When confronted with this

¹⁵ San Jose Mercury Herald, June 13, 1930, p. 17. (micro-film)

¹⁶ San Jose Mercury Herald, June 13, 1930, p. 17. (micro-film)

report, Lyle presented the weak excuse that he had difficulty in getting trustworthy deputies.¹⁷

As the lawlessness flourished throughout the county, "Little Tijuana," a residential district just west of San Jose and adjoining a schoolhouse was the most unruly. In this district, gambling was unrestricted; booze was obtained easily; and "redlight" houses were in operation. The resorts were completely open to the public and, to the annoyance of the citizens in the neighborhood, had many customers.¹⁸ The citizens were frequently disturbed by noise and disruptive behavior of customers. They reported their grievances to Lyle, and many were terrorized and driven out of their homes for filing such complaints. Meanwhile, Lyle did nothing to close the resorts and secure the safety of the citizens.¹⁹ When asked for a comment, Lyle declared that the gambling houses and bootleg establishments had been raided several times, adding, "Consequently, my hands are almost tied."²⁰ Actually, the wrongdoers could have been arrested under a variety of charges; the joints could have been closed under a number of abatement proceedings; and there was a law dealing with visitors to gambling resorts, thus disproving Lyle's

¹⁷ San Jose Mercury Herald, July 2, 1930, p. 1. (microfilm); San Jose Mercury Herald, July 7, 1930, p. 1. (microfilm)

¹⁸ San Jose Mercury Herald, July 7, 1930, p. 1. (microfilm)

¹⁹ San Jose Mercury Herald, July 26, 1930, p. 15 (microfilm); San Jose Mercury Herald, July 28, 1930, p. 1, 2. (microfilm)

²⁰ San Jose Mercury Herald, July 7, 1930, p. 1. (microfilm)

acclaimed helplessness.²¹

With the proximity of the election, the wealthy and powerful political machines Charles Bigley and Louis O'Neal chose their candidates--Bigley supporting Lyle and O'Neal Emig--though both candidates denied any connection with either of the bosses and pledged that neither the influence of one or the fear of the other would deter them in their duties.²² As for Schumann, he was not supported by any political machine; instead he was backed by the county pastors.²³ After the primary voting, however, Schumann dropped out of the election.²⁴

On November 6, 1930, the returns were complete, indicating a victory for Emig by a majority of 2,376 votes, or 7 out of 9 townships.²⁵

²¹ San Jose Mercury Herald, July 7, 1930, p. 1. (microfilm)

²² San Jose Mercury Herald, Aug. 19, 1930, p. 9. (microfilm); Robert Couchman, interview with former San Jose Mercury Herald reporter, San Jose, California, April 2, 1983.

²³ San Jose Mercury Herald, Aug. 19, 1930, p. 9. (microfilm); San Jose Mercury Herald, Aug. 25, 1930, p. 1, 7. (microfilm)

²⁴ San Jose Mercury Herald, Aug. 28, 1930, p. 1. (microfilm)

²⁵ San Jose Mercury Herald, Nov. 6, 1930, p. 1. (microfilm)

EMIG AS SHERIFF

Throughout his administration as sheriff, Emig engaged in numerous successful liquor raids. On March 2, 1931, for example, he and his two deputies seized a 750-gallon still and arrested two men;²⁶ on March 29, they raided the notorious Ben Dole's place and seized liquor, beer, and a still;²⁷ Lyle and his deputies also conducted several major liquor raids in conjunction with federal agents.²⁸ Continuing his law enforcement efforts, Emig scored heavily in May, 1934, when he and some other officers arrested two violators, resulting in a sentence of 100 days in jail and a \$400 fine--the first conviction in San Jose under the state liquor control act.²⁹

Coming once again to the elections, by June, 1934, both Lyle and Schumann had filed nominations for the sheriff's office against Emig. On July 10, however, Schumann pulled out of the race.³⁰

²⁶ San Jose Mercury Herald, March 3, 1931, p. 1. (microfilm)

²⁷ San Jose Mercury Herald, March 30, 1931, p. 1. (microfilm)

²⁸ San Jose Mercury Herald, May 3, 1931, p. 1, 8. (microfilm)

²⁹ San Jose Mercury Herald, May 10, 1934, p. 1. (microfilm)

³⁰ San Jose Mercury Herald, June 22, 1934, p. 1. (microfilm);
San Jose Mercury Herald, July 11, 1934, p. 1. (microfilm)

The August 3 issue of the "Santa Clara Valley Farmer," one of several four-page publications launched in the county during this election year, maliciously denounced Emig, insinuating that he was permitting law violations in numerous joints in the county, that the resorts selling Tacoma beer, for which Charles Bigley was agent, have "protection," and that some places pay up to \$1,000 a month for Emig's "protection." The article continued, "Charles Bigley, as you already know, is one of the big political bosses, allied with Louis O'Neal, and O'Neal, up to the November elections, holds the county in his two hands." The article also said that many resorts were selling hard liquor to high school students, serving bootleg whiskey, and "cooperating" with the sheriff, as one bartender remarked.³¹ Many believed that the sheriff was paid to conduct "show" raids in which resort owners were arrested, fined, and let loose, thus never completely stopping the business.³²

In defense of himself, Emig assured the public that in regards to Mr. Bigley, he had not personally spoken to the man other than on two occasions within the past four years--and those times were only to "bid him the time of day on a public street."³³

³¹ San Jose Mercury Herald, Aug. 8, 1934, p. 1. (microfilm)

³² Robert Couchman, interview with former San Jose Mercury Herald, San Jose, California, April 2, 1983.

³³ San Jose Mercury Herald, Aug. 4, 1934, p. 10. (microfilm)

In his vigorous campaign against Emig, Lyle emphasized his independency, as opposed to Emig's service to Bigley. One of Lyle's typical advertisements declared that "...if elected, Mr. Lyle will appoint his own deputies and control his own office. He will take no dictation from Louis O'Neal or Charles Bigley or any political boss."³⁴

Continuing his clean-up campaign, Emig struck over thirty resorts in September, arresting the bartenders and, upon their conviction, the licenses of the proprietors were revoked.³⁵

Though he had conducted many raids, Emig was still opposed by many citizens who doubted his honesty. In October Emig was attacked by his political critics who asked him four accusatory questions--

- 1) Why didn't you protest against the issuance of liquor licenses to convicts and notorious bootleggers in the county when you were notified before the issuance and could protest?
- 2) The state license control act provides that the state board of equalization may revoke liquor licenses upon your written complaint. Why haven't you used this method of closing resorts operating illegally?
- 3) You made a number of raids after the primary election. Why didn't you make these raids at least 6 months ago?
- 4) Why did "Boss" Charles Bigley fight you four years ago when he was not in the liquor business and is now working so desperately for you when he is the biggest liquor dealer in Santa Clara County?

³⁴ San Jose Mercury Herald, Aug. 27, 1934, p. 2. (microfilm)

³⁵ San Jose Mercury Herald, Sept. 14, 1934, p. 1. (microfilm)

Apparently, there had been much fault in the Emig administration, and his alleged alliance with Bigley aroused much public distrust. As a result, in the November election, Lyle emerged victorious.³⁶

³⁶ San Jose Mercury Herald, Oct. 11, 1934, p. 1, 3 (microfilm); San Jose Mercury Herald, Nov. 8, 1934, p. 1 (microfilm)

LYLE RETURNS

After returning to office, Lyle led a crusade of slot machine confiscations, destroying thousands of dollars worth of these machines by October, 1937. Lyle turned the money from these confiscated machines over to the County Treasurer--a total of about \$3,000.³⁷

After the primary election returns of 1938, of the four candidates for sheriff (Graham, Gray, Lyle, and Emig) it was declared that the latter two would be in another run-off election in November for the third time over the same office.³⁸

In preparation for the November elections, both Emig and Lyle led vigorous campaigns with numerous accusations and rebuttles. For example, Lyle accuse Emig of stealing money from confiscated slot machines. Said Lyle, "Not one nickel of slot machine money was ever paid into the county treasury during my opponent's term in office. Only two small items appear in the minutes of the board of supervisors covering thousands of dollars of confiscated stills, still parts, and equipment."³⁹

³⁷ San Jose Mercury Herald, Nov. 3, 1938, p. 9. (microfilm)

³⁸ San Jose Mercury Herald, Sept. 1, 1938, p. 1. (microfilm)

³⁹ San Jose Mercury Herald, Nov. 6, 1938, p. 9. (microfilm)

In response to Lyle's accusations, Emig had a strong rebuttle. For instance, Emig presented several reproductions of original documents including:

- 1) a court order issuing Emig to return the money from confiscated slot machines to their owners
- 2) facsimiles of receipts that all the money was turned over--\$1,013.15--to the owners in accordance with the court order
- 3) a court order issued ordering all confiscated slot machines demolished. Consent of owners given.
- 4) affidavits by reliable witnesses attesting that the confiscated slot machines transferred to Lyle in 1935 contained their original amounts of money seized in the raid.⁴⁰

On the following page is a clipping from the November 2, 1938, issue of the San Jose Mercury Herald (page 9), which illustrates the various public complaints of Lyle's administration.

Such disapproval and Lyle's inability to defend himself led to a victory for Emig in the November election.⁴¹

⁴⁰ San Jose Mercury Herald, Nov. 6, 1938, p. 13. (microfilm)

⁴¹ San Jose Mercury Herald, Nov. 9, 1938, p. 1. (microfilm)

SHERIFF LYLE: WHY?

Sheriff Lyle, you've seen fit to make certain charges against Mr. William J. Emig, former Sheriff of Santa Clara County. You've repeated those charges on several occasions and each time DEMANDED that he answer them. We believe that the moment has arrived when YOU SHOULD ANSWER a few questions YOURSELF, all of which are of IMMEDIATE INTEREST TO THE VOTERS:

Question: According to your charges, you claim you have KNOWN FOR THREE YEARS AND NINE MONTHS THAT MR. EMIG DELIBERATELY STOLE MONEY from several hundred confiscated slot machines. Why didn't you, as a SWORN OFFICER OF THE LAW, file charges against Mr. Emig AT THAT TIME?

Question: Is it not true that the County Grand Jury called you before it in 1935 and DEMANDED that you CLEAN UP THE COUNTY IMMEDIATELY? THAT YOU CLOSE THE GAMBLING RESORTS, HOUSES OF PROSTITUTION, AND CONFISCATE THE SLOT MACHINES? Why was this NEVER DONE? WHY?

Question: Is it not true that in 1936 and 1937 the County Grand Juries AGAIN summoned you, and AGAIN DEMANDED A CLEAN-UP OF THE COUNTY? Why was this NEVER DONE? WHY?

Question: And WHY DID YOU FAIL, SINCE YOU ALREADY KNEW OF MR. EMIG'S ALLEGED "ROBBERY" OF THE CONFISCATED SLOT MACHINES, to bring the matter to the attention of the Grand Jury on one of these THREE OCCASIONS, and seek an INDICTMENT against Mr. Emig for GRAND THEFT? WHY?

Question: Why did you WAIT UNTIL JUST SIX WEEKS AGO—ON THE EVE OF THE ELECTION!—to publicly make your accusation against Mr. Emig, through SEVERAL HUNDRED DOLLARS IN PAID NEWSPAPER ADVERTISEMENTS? WHY?

Question: Is it not true that there are AT THIS VERY MOMENT in the neighborhood of 1200 SLOT MACHINES OPERATING IN SANTA CLARA COUNTY—AND THAT YOU KNOW WHERE THEY ARE? Why HAVEN'T YOU RAIDED THEM AND TURNED THE \$40,000 to \$50,000 which they now contain into the County Treasury? WHY DO YOU ALLOW THEM TO OPERATE UNMOLESTED? WHY?

Question: WHY IS IT YOU HAVE NEVER SWORN TO A COMPLAINT AGAINST THE POSSESSOR OF AN ILLEGAL SLOT MACHINE DURING YOUR TERM IN OFFICE? WHY?

Question: And the SCORES OF HOUSES OF ILL FAME THAT ARE FLOURISHING UNDISTURBED THROUGHOUT THE COUNTY—WHY HAVEN'T YOU RAIDED THEM, SHERIFF LYLE? WHY?

Question: Are these last-minute charges of yours against Mr. Emig merely an ATTEMPT ON YOUR PART TO DIVERT PUBLIC ATTENTION FROM YOURSELF AND COVER UP YOUR RECORD OF LAX LAW-ENFORCEMENT?

SHERIFF LYLE: These questions are BASED ON FACTS, NOT ON CONJECTURE OR HEARSAY EVIDENCE. WE DEMAND THAT YOU ANSWER THEM! As citizens and taxpayers, WE WANT TO KNOW WHY YOU ARE VIOLATING YOUR OATH OF OFFICE BY NOT DOING YOUR DUTY.

WHY?

(Signed) Committee of Citizens and Taxpayers for Clean Government

THE EMIG DISGRACE

After serving a successful term, Emig was challenged by a man named Skeels in 1942. Nevertheless, Emig was re-elected for a second term.⁴²

In September, 1945, a huge scandal arose when District Attorney Leonard Avilla arrested Emig on charges of conspiracy to violate gambling laws. Along with Emig, others were also charged: Emig's deputy sheriff Joe Regallo, liquor dealer and former Highway Patrol Captain Jack Pacheco, and William K. Morgan, the "kingpin" of county slot machine operators.⁴³

It later developed that Avilla had bugged Pacheco's liquor place at 305 West Santa Clara Street for four months, thus, providing the grand jury records of communication between the defendants about slot machine protection and the amount and allotment of profits. Ironically, during one of the discussions, Emig declared his worry that the state attorney general might "come in here with his investigators and knock these things over. He would make a horse's ass out of me, see?"⁴⁴

⁴² San Jose Mercury Herald, Nov. 4, 1942, p. 1. (microfilm)

⁴³ San Jose Mercury News, Feb. 23, 1982, p. 1B; San Jose Mercury Herald, Feb. 2, 1946, p. 1 (microfilm)

⁴⁴ San Jose Mercury News, Feb. 23, 1982, p. 1B.

With the conviction for gambling conspiracy hanging over his head, Emig resigned his office. Declaring himself innocent, he stated the reason for his resignation: "No person should hold a responsible public office so long as a conviction remains over his head, and unreversed." His deputy sheriff also submitted a letter of resignation.⁴⁵

After almost twelve hours of careful consideration, a jury of ten women and two men convicted Emig and Regallo of conspiracy to control slot machine operations in the county. The jury's verdicts held that the two were just as guilty in the conspiracy as were Pacheco and Morgan, who had been convicted of similar charges a few days earlier on January 30.⁴⁶

This conviction of Emig on February 1, 1946, resulted in the sentencing of the former sheriff and his three co-defendants to a total of 16 months and 20 days in the county jail, as well as a fine totaling \$8,500 -- \$4,000 of which was Emig's share. These measures were quite lenient, for under California law, the defendants could have received either a 1-year term in the county jail or sentences of one to three years in San Quentin. Also, fines up to \$5,000 each could have been imposed.⁴⁷ Evidently, Judge William F. James, a

⁴⁵ San Jose Mercury Herald, Feb. 2, 1946, p. 1, 2. (microfilm)

⁴⁶ San Jose Mercury Herald, Feb. 2, 1946, p. 1, 2. (microfilm)

⁴⁷ San Jose Mercury Herald, Feb. 2, 1946, p. 1 (microfilm);
San Jose Mercury News, Feb. 9, 1976, p. 18.

close friend of Emig's, had made the ruling in the case and was probably responsible for the light measures incurred upon Emig and his accomplices.⁴⁸

On February 2, 1946, Walter G. Gaspar, a retired Marine lieutenant colonel, was appointed to fill Emig's position;⁴⁹ thus the legacy of the Lyle-Emig administrations came to an end.

⁴⁸ Clyde Arbuckle, interview with historian, San Jose, California, April 16, 1983.

⁴⁹ San Jose Mercury News, Feb. 2, 1946, p. 26. (microfilm)