

Judges Decide to Take No Action on Leighton

Sidetrack Move to Recommend Transfer

The executive committee of the Cook county Circuit court decided yesterday that "no action should be taken at this time" in connection with Judge George N. Leighton of the Criminal court and his controversial decision in a police assault case.

Eight of the nine committee members conferred with Chief Judge John S. Boyle for approximately an hour in the chambers of Judge Harold G. Ward. Then Boyle emerged and read the following statement:

"The executive committee has considered this matter for several weeks and has come to the conclusion that no action should be taken at this time."

No Transfer Planned

In effect, the announcement was that the executive committee did not intend to recommend to Boyle the transfer of Leighton from the Criminal court to some other branch of the court.

After Boyle read the statement before television cameras he was asked, "In the light of the criticism of Leighton's decision by State's Atty. Daniel P. Ward and O. W. Wilson [police superintendent], what are you shielding Leighton from?"

"I am not shielding him from anything. Gentlemen, that is all. I have no further comment," said Boyle, walking away.

The statement was made with the unanimous approval of the eight judges present—Ward, William V. Brothers, Augustine J. Bowe, Cornelius J. Harrington, Robert J. Dunne, Alexander J. Napoli, Daniel J. McNamara, and Robert L. Hunter.

The ninth committee member, Thaddeus Adesko, underwent an operation recently and has not yet returned to work.

Informed by reporters of the executive committee's statement, Judge Leighton said: "I don't know what it means. I

will not say anything further on this matter."

It was the fifth time the executive committee had met to study Leighton's ruling of March 5 and the transcript of the testimony and the remarks of the judge and lawyers in the case.

In that case Judge Leighton, who specialized in criminal defense and civil rights law until his election as a judge last November, freed Jesse Rodriguez, 23, and Simon Suarez, 23, of aggravated assault last Oct. 26 against Policemen Thomas A. DeSutter and Raymond Howard of the East Chicago avenue police department.

The policemen were in the parking lot behind the police station when a citizen ran up to them and told them that "a crazy guy is walking down the street with a broken bottle and threatening people."

Draw Pistols in Arrest

They ran into Clark street, sighted the two men, and as they ran up to them they drew their revolvers, and shouted that they were policemen.

'Come and get it, you — cops!' Rodriguez shouted.

When DeSutter tried to knock the broken bottle from Rodriguez' hand he was hit in the face with a jagged end and fell. Suarez began kicking him. As he struggled to aid his companion, Howard's gun was accidentally discharged. The bullet hit DeSutter in the foot. Twenty-seven stitches were taken to close the lacerations in his face, and he spent three weeks in a hospital.

Judge Leighton ruled that the policemen used excessive force by drawing their revolvers in attempting to make the arrest.

He said there was no evidence that Rodriguez and Suarez had committed any crime, and for all anyone knew Rodriguez might have been looking for a place to throw away the bottle when the encounter occurred. He said Rodriguez and Suarez acted in self-defense, and had a right to defend themselves

against legal arrest.

Law enforcement agencies and officials joined professors and other citizens in denouncing the ruling and in demanding that Judge Leighton be transferred from the Criminal court.

Leighton responded by calling the public response "in-

fantile behavior" and said he was "making careful study of old age in office."

The executive committee's failure to act on the Leighton problem was criticized as "poor judgment" in a statement by Frank Carey, president of the 9,000-member Chicago Patrolmen's assoc-