

## “The Bribe”

*San Diego is the rottenest graft ridden city of its size on the American continent. If the Mayor and the Chief of Police don't know it they ought to be sent to a home for the feeble-minded. If they do know it, they both should be in the penitentiary.*

--Abraham Sauer, publisher, San Diego Herald.

The muckraking editor and publisher of the *San Diego Herald* was never one to mince words. A self-proclaimed expert in “the gentle art of truth telling,” Abraham Sauer frequently used his weekly newspaper to assault in print the political high and mighty of San Diego.

Occasionally, Sauer's attacks appeared to go too far. In a front page editorial he published on May 21, 1925, Sauer accused three city councilmen--Don Stewart, Virgil Bruschi, and Harry Weitzel--of violating prohibition laws, protecting downtown gambling, prostitution, and other unnamed crimes. The graft-ridden misdeeds of the “councilmanic combine” required immediate grand jury attention, Sauer said. He was particularly scornful of Councilman Weitzel, describing him as “the kind of man who gets his fingers full of splinters from scratching his head.”

Sauer's blast drew a quick summons to testify before the county grand jury. While the newspapers speculated over the salacious details the *Herald* editor might be providing, the results of the grand jury probe surprised everyone.

On July 7, the jury announced the indictment of Councilman Harry Weitzel on two counts of bribery. Charged with “agreeing to accept” money for his vote on two important local issues, Weitzel would be the first San Diego councilmen to go to trial for allegedly betraying the public trust.

Abraham Sauer may have felt vindicated by the indictment but like many San Diegans, he was cynical of the expected outcome, declaring “We cannot question his guilt—we cannot hope for his conviction.” Sauer questioned the fairness of the presiding judge in the case, George H. Cabaniss: “This judge comes from San Francisco, where graft is a pastime indulged in by everyone—bankers, preachers, politicians, and about everyone else.”

When the case began in Superior Court on October 29, 1925, the star witness was not the colorful Abe Sauer but the rather less flamboyant businessman, Ed Fletcher. In the previous year, Fletcher had been negotiating the possible sale of his coveted Cuyamaca Water Company to the city of San Diego. The asking price was \$1,400,000. But as Fletcher revealed in court, at least one city councilmen wanted part of the deal.

“Councilman Harry K. Weitzel came to my office on Eighth Street on the morning of June 22 [1924], and asked for a private interview,” Fletcher testified. The two men had then walked across the street to the lawn of the San Diego Public Library, where Weitzel told Fletcher “he wanted \$100,000 in advance and in consideration of that amount would deliver his vote and that Councilmen Stewart and Bruschi.

Instead of rejecting the offer Fletcher suggested a conference with his business partner, banker Charles F. Stern. The meeting took place the following Sunday at Stern's office in Los Angeles. Weitzel repeated his demand, adding he wanted an additional \$4000 to secure his vote on another council issue--the proposed annexation of East San Diego. As the three men discussed

the possible arrangements, Fletcher's secretary sat in a storeroom adjoining the office, taking copious stenographic notes of the conversation.

When Stern followed Fletcher to the witness stand, he corroborated his partner's testimony in every detail. "Neither Ed Fletcher nor myself, singly or together, ever agreed with Weitzel at that time or any time to pay him a bribe," Stern declared.

Councilmen Stewart and Bruschi were also called to testify. Both claimed they had never discussed money for votes with Weitzel.

On the last day of testimony, Councilman Weitzel took the stand, and denied everything. "Nothing whatever was said in the conversation between Fletcher and me regarding a demand for \$100, 000," Weitzel declared, adding with dramatic fervor, "When he testified on the stand that I asked for money, he perjured his soul to hell!"

The jury of five women and seven men took the case on Saturday morning, November 7. After deliberating for five hours they returned to court with a verdict of guilty. "Slumping in his chair, his face deathly white," Weitzel seemed about to collapse, reported the *San Diego Union*. His son, Frank Weitzel, who had been by his father's side throughout the trial, "put his arms around the stricken man to support him."

In the wake of the trial, the proposed sale of the Cuyamaca Water Company to San Diego was killed. Fletcher sold the system the next year to the La Mesa, Lemon Grove, and Spring Valley Irrigation District (today's Helix Water District) for \$1,100,000.

In September 1926, the District Court of Appeal reversed Weitzel's conviction, deciding it was not a crime for a city councilman to merely offer a bribe and became a crime only when someone agreed to the bribe. A criminal offense required a "meeting of the minds." The State Supreme Court confirmed the ruling on April 22, 1927, saying there was "no offense in soliciting bribes unless some other person agrees to pay him the bribe."

Free but disgraced, Harry Weitzel would spend his remaining years running a small, neighborhood grocery store at 1209 Lincoln Avenue. He died of a stroke at age 65 on February 12, 1932. His obituary in the *Union* would not mention his legal troubles but did note that he had been in failing health ever since his retirement from the city council in 1925.

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