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FEDERAL BUREAU OF INVESTIGATION

**ALPHONSE CAPONE
(NEWS ARTICLES)**

PART 10 OF 11

SUB A

CAPONE,

Alphonse

Sub A - News Articles
part 1 of 2 parts

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17/10/35

- Mr. Nathan ✓
 - Mr. Tolson
 - Mr. Baughman
 - Chief Clerk
 - Mr. Clegg
 - Mr. Coffey
 - Mr. Edwards
 - Mr. Egan
 - Mr. Foxworth
 - Mr. Harbo
 - Mr. Joseph ✓
 - Mr. Keith
 - Mr. Lester
 - Mr. Quinn
 - Mr. Schilder
 - Mr. Tamm
 - Mr. Tracy
 - Miss Gandy
- Amber* RC

\$120,000 TAX SNIPES CAPONE

WASHINGTON, Oct. 19.—Re-
sentless in its drive against Al
Capone, once mighty overlord of
Chicago's gangland, the Federal
Government today had assessed
him \$120,000 for unpaid beer
taxes.

"Scarface" is now doing time in
Alcatraz Prison, California, for
evading various income taxes dur-
ing the palmy alky and beer-run-
ning days.

The Treasury Department also
began service of identical assess-
ments against 14 Capone bench-
men.

The assessment covers 19,000
barrels of beer at \$6 each, and
comes as an aftermath to the big-
gest raid on the illicit beer busi-
ness in prohibition history.

Though several members of the
band have been slain since the
Capone reign in Chicago, this will
not affect the Government's ac-
tion. Search is being made for
property left by these men against
which Federal liens can be placed.

NEW YORK EVENING JOURNAL
Forwaed of New York Office

OCT 19 1935

69-180-A

CAPONE GANG IN TAX FIGHT

International News Service

Federal action to collect \$120,000 in back liquor revenue taxes from "Scarface Al" Capone and 14 of his associates proceeded another step today when the Treasury formally accepted assessments certified by the unit of taxes and penalties.

Capone, now in Alcatraz prison, California, is being assessed for the nonpayment of taxes on 19,000 barrels of beer at \$6 per barrel.

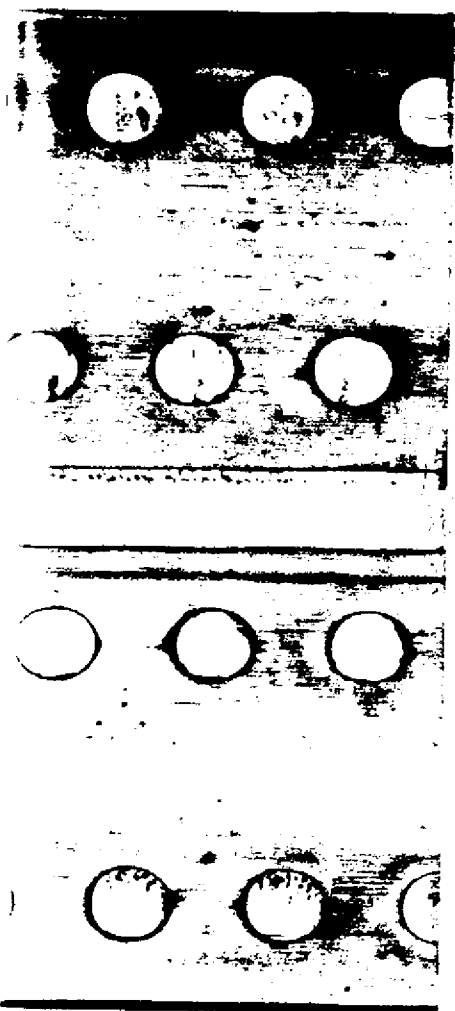
If Capone or his lawyer, Mike O'Hearn, does not pay, the Government will try to collect from the living members of the old Cicero colony.

Among those liable for the taxation are: John J. Nolan, the man with 31 aliases and "bookkeeper" for the outfit; Ralph Capone, Al's brother; August Dodd, Charles Fiehrmeyer, George A. Howlett, Mike Lopristi, Joseph Fusco, Jack Gzik, Hyman Levine, Steve Swoboda, Albert Johnson and Nicholas and Frank Juffra.

- Mr. Tolson
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- Mr. Tracy
- Miss Gandy

OCT 19 1935

69-180-1



WORLD'S LARGEST BEER RACKET

RAID BY BREWERIES

Capone's Men

Had Thirty-one Aliases.

ALPHONSE, son of the late Al Capone, was today given a \$120,000 tax assessment against the former racketeer and his henchmen.

Alphonse was in the beer racket for ten years. For the first five he shared control of the business with several other well known gangsters, but slowly consolidated his position and finally became the virtual czar of the racket. From behind the steel plated walls of his rooms in a South Side hotel in Chicago or from his mansion at Miami Capone directed an organization that employed hundreds of persons and operated seventeen or more breweries and great fleets of trucks that supplied beer to the entire Middle West.

Eight Miles of Beer.

In the manner of legitimate business, his associates had titles such as general manager, financial secretary, etc. Capone and right hand men also used many names. One man, John J. Nolan, was said to have had thirty-one aliases. In discussing the present tax assessment Joseph Lawrence, Administrator of the Taxes and Penalties Unit of the Department of Justice, said that the barrels of beer they were assessing, if laid end to end, would make a line over twelve miles long and would "supply a full glass to almost 1,000,000 people."

"These alleged conspirators," Mr. Lawrence said, "had regular titles similar to those held by men in legitimate business. Reports show that Joseph Pucci was the general manager and purchasing agent for the syndicate, Mack Gault was financial secretary, Joseph Lawrence was the treasurer and James W. ... was the ..."

... and then back to World Motor Service again. "Wanted" and "For Rent" signs were also painted on many buildings where the syndicate operated breweries night and day. Government agents also found that the license numbers of cars operated by prohibition officers had been printed and distributed to employees in the beer ring.

AMM

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- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm
- Mr. ...
- Miss ...

Handwritten signatures and initials, including "Kurt" and "EP".

NEW YORK SUN
Forwarded by New York Office
JUL 19 1935

69-180-A

Mr. Nathan
 Mr. Tolson
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 Mr. Tamm
 Mr. Tracy
 Miss Gandy

STILL NO NEW TAX ACTION

**Government Shows Details of
 Method of Tax Assessment**
 for Old and 14 of Band.

WASHINGTON, Oct. 15. — The Treasury today outlined an income tax assessment of \$330,000 against Al Capone and fourteen confederates. In connection with the action, the Department of Justice revealed details of the investigation on the basis of which it recommended the assessment a month ago.

This investigation showed, according to Joseph Lawrence, Administrator of the Taxes and Penalties Unit of the Department of Justice, that the Capone gang had a prohibition-era beer organization in Chicago which functioned in the manner of big business in the legitimate world.

"It was revealed," Mr. Lawrence said, "that these alleged conspirators had regular offices similar to those held by men in legitimate industry. For instance, reports show Joseph Fusch was the general manager and purchasing agent for the applicants for trucks and beer-making equipment. Jack Crank was financial secretary and in charge of operations in the absence of Capone. Hyman Levine was the collector for the syndicate. Steve Sorensen was the brewmaster. Frank Jaffra was chief-in-charge of west transportation. Albert Johnson was Chicago beer-truck driver and special conveyer man, and Nicholas Jaffra was organizer and president of the World Motor Service Company, which did practically all of the trucking for the syndicate."

World Will Buy 2,000,000 Glasses.
 The report also says that the syndicate had a plan to sell 2,000,000 glasses in the next few months.

Capone's Men

It is reported that Capone had a number of Al Capone's men who were active in the syndicate. The list of names includes the following: Al Capone, Alvin Karpis, Fred Barker, George Barker, John Dillinger, Harry Campbell, and others.

There are indications that several signs painted on buildings in which illicit breweries were being operated at full blast day and night. "It is learned that the syndicate often used as many as four armed convey cars to protect their beer shipments from hi-jackers, as there was no end of double-crossing."

Let the Gang Do the Work.
 After one seizure, Mr. Lawrence added, the government received a tip that the gang would return Sunday to cart away the equipment. The government guards, Mr. Lawrence went on, watched until the gang "had all the equipment closely loaded on their truck, at which time another arrest was made for violation of the national code, in removing stolen government property."

Proceeding, Mr. Lawrence said: "The records indicate that Nicholas and Frank Jaffra were pretty much in control of the syndicate in its early days, but later Capone became the real power, aided by Fusch and Delaney. Capone was in the beer racket for about four years and was virtual czar for over two years. He directed the traffic from his headquarters in a Chicago hotel and from his mansion in Miami."

The old records indicate that among the associates of Capone and his henchmen were the following: Harry Sawyer, Maurice, Fred, Harry, Dutch, Little, Gray, Elmer and Lou. The records also indicate that the syndicate had a plan to sell 2,000,000 glasses in the next few months.

THE NEW YORK TIMES
 Published by the New York Times Company

OCT 15 1935

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- Miss Gandy

Alcatraz RC

Capone Taxed

\$120,000 Sought for Beer Assessment

WASHINGTON, Oct. 18 (US) — Relentless in its drive against Al Capone, once overlord of gangland, the Federal Government tonight assessed him \$120,000 for unpaid beer taxes.

Capone is now in Alcatraz Prison, for evading various income taxes during the prohibition beer-running days.

The Treasury Department also began service of identical assessments against 14 Capone henchmen. The certification of the penalties was made to Treasury officials a month ago by the Taxes and Penalties Division of the Department of Justice.

NOV 15 1935

OCT 19 1935

69-180-A

9

The Horror of ST. LÉNAŒE — Uncle Sam's Worst Punishment

...the opportunity
...the same way, another report
...had decided to be a good boy
...through the air, clearing
...along to the port of Abadan.
...Unofficially, there were de-
...sible from members of the
...start of a number of Alsatian
...advised, notably those having
...to do with the rigidity of the
...no talking and no
...angry riles.

of affairs the story that O-
polly was a trouble-maker
and had to be disciplined. In
the same way, another report
went under that Alphonse
had decided to be a good boy
and worked his way up
through the air, clearing
along to the port of Abadan.
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sible from members of the
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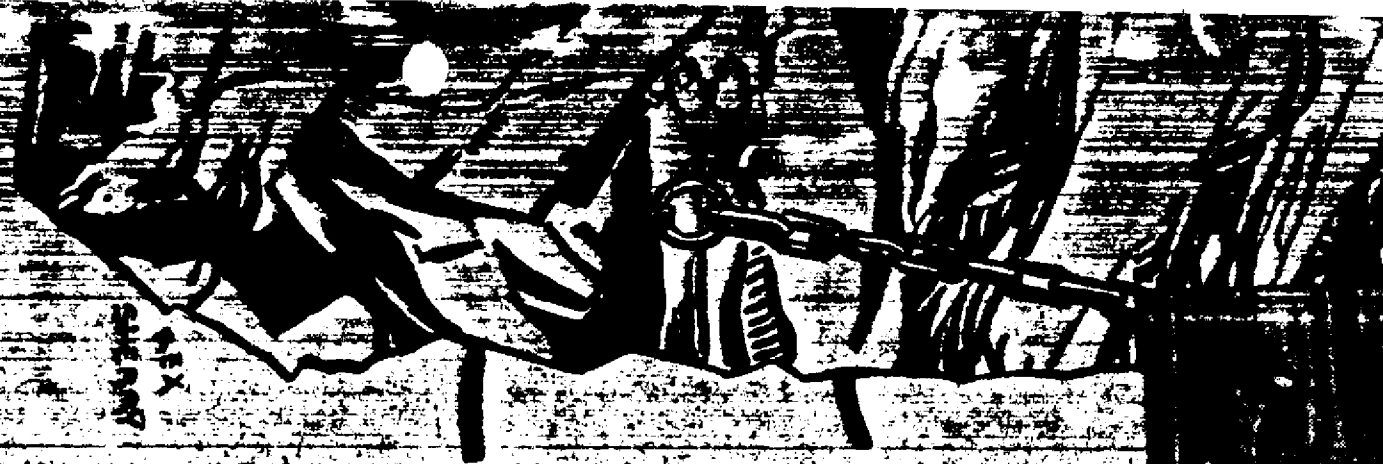


Hard labor for the convicts at France's famous Devil's Island—means hard labor.

...THE HEAD
...PRISONERS
...DEKSHOPS

(DEVIL'S ISLAND)
WHERE POLITICAL
PRISONERS ARE
QUARTERED

(ILE ST. JOSEPH)
WHERE INCORRIGIBLES
ARE CONFINED AND
EXECUTED



The legendary punishments and hardships of Devil's Island pale into insignificance when compared with the dreaded "silence" treatment at Alcatraz. (Above) The famous Fresh Penal Colony.

called signals. "They many men for often wound up in 'The Hole' by sustained communication is out. The signal every period of freedom—between one o'clock and three-thirty on Saturday—is a boom, but it's a long time between speeches—foreign papers dropping upon oneself. The place is practically impenetrable from within and without. Pull well may be called the Devil's Island of America. "Beeper" it is to laugh. One might as well try to smite his way out of a metal coffin. It is no more than two miles to land, possibly less. But the tide is pure death.

There is the story, for instance, of Col. G. Maury Crull, the old-time commandant who learned of a plot for a general break among the soldier-governors. At a given signal, they were to plunge into the sea as gun ships and take their chances. The Colonel viewed the situation with objective interest. He even pretended to be spending about it when he asked the pilots before him. "Go ahead," said he, encouragingly. "Pick your time when you think the tides are favorable. Practice a while. I won't notify the police in San Francisco." No body tried.

Of course, Alcatraz has modern

wiring now—but it's hardly needed for one thing, there is the renowned "Electric Eye." It is a device that is trained on everyone entering and leaving the island and like that of the fabled basilisk, its eye penetrates everything. The slightest bit of metal on any person—compact, visitor or guard—is revealed by the ringing of a bell.

Byes, firmies, etc. therefore, might as well be left with the rest of the trinkets back on the bureau at home. A screen of barbed wire entanglements extends to the shore. Over the cells and the dining room hang clusters of gas bombs that can be released at the slightest outcry. Is this enough? Frankly, it doesn't seem to be, for the few visitors an inmate is permitted must talk to him through a bullet-proof, porous glass partition.

It is the very hopelessness of their position at Alcatraz that leaves the prisoners so vulnerable in the matter of being held to stern account. Their cells, it is said, are strictly one-man boxes, four feet by eight, and as bare as a slab of marble. No radios at Alcatraz; no pictures, even, or ornaments. Everything is solid steel—a steel bed, steel berth, three steel hooks for clothes. Nothing can be hidden. A man may read until the light cuts out, but only a book from the library; perhaps a letter, never a newspaper. The authorities claim

that newspapers are censored only of their crime stories, but this does not hold with the story that inmates never so much as leaping a baseball score—unless a guard happens to feel garrulous—and that the happenings of the world without are simply a closed chapter.

As for letters, they claim they never get the originals (a precaution against code). Instead, all incoming letters are re-typed. Visitors are subjected to the heaviest of restrictions, being unable, first, to visit a convict during the opening four months of his incarceration and, second, unable to visit him at all, except on a pass signed by the Attorney-General of the United States!

As intolerable wind almost always blows across the arid face of the island. The wind often causes sand and dust storms, capable of making the exercise yard something of a horror in its own right. It's possible that fog will close in.

Not a pretty picture? Neither was Poe's buried-alive matter in the Case of Amontillado, but, at that, there was always an antidote for Poe. It was strictly nightmare stuff from which the reader could wake to welcome relief. At Alcatraz, they wake only to terrible reality.

One report has it that Mrs. Capone is living on top of Telegraph Hill from which she is nightly trying to signal the ex-temper of flash lights. This world by means of flash lights. This time, the officials are not so reticent. They characterize the story as "preposterous" and, beyond all doubt, their statement is well taken.

THE SACD ALLETTA

Torture that Broke Capone:

The machine gun is but one of the modern barriers which make escape from Alcatraz hopeless.



grim, stifling silence the glowering walls of Alcatraz Prison in San Francisco Bay.

the lash than the robot-like life of the almost eternally motionless prisoners in a California penitentiary.

The government, contributing to the disquieting air of mystery, won't talk about Alcatraz. Its warden, James A. Johnston, not permitted to speak, Paroles seldom happen and pardons never, so the convict version is not too generally available and, besides, they are said to have an understanding by which they are not to talk about "the boys inside."

When Johnston, to his credit, was recently taken out and deported as an undesirable alien. The night seemed dazed by his great fortune and, at first, habited almost incoherently. So might one talk who had lived too long without the solace of words.

"Free, free, free," muttered William Casey, looking at his wrist as he stood at the rail of his cell.

of recreation each Saturday, there is silence. For off, there may be a blast from the steamers, or a gull crying in the bay. Perhaps in the ensuing quiet a gull gives up its eerie, wailing cry. Otherwise—nothing.

As Thomas Hood, the bard, so aptly put it: "like silence, then, in this case, is a human ear can stand no more. The effect may be a sudden shriek, a doltish, airless laugh. The result, a measured tread of feet coming down the corridor."

They then go to the cell at the offender's door. Another man—or his caricature—has gone to "The Hole."

"The Hole," natural, is known as "solitary," where the

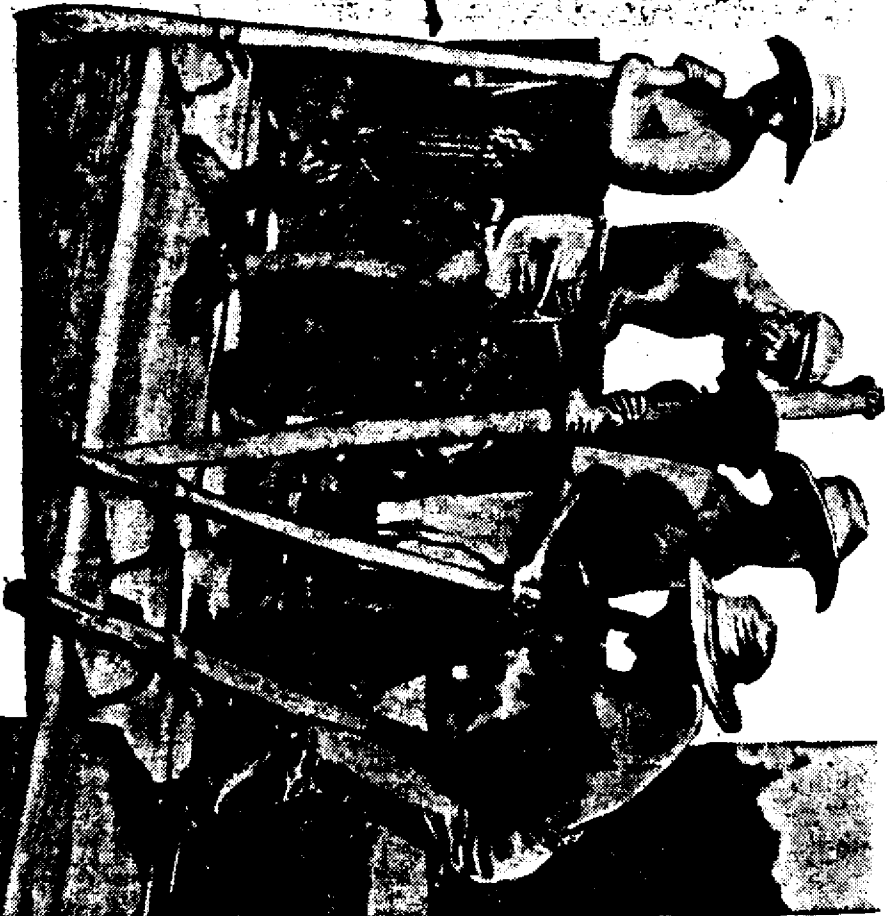
(Continued on page 12)

The Horror of SILENCE— Uncle Sam's worst punishment

(Continued from preceding page)
 good is measure and the opportunity
 "prolonged meditation unweathed."
 Capone, they say, has cooled his
 "pragmatic" heels in "The Hold" from
 here to there. He, according to re-
 ports, is "popping up" over the no-
 talking rule. But the story was de-
 nied that he was going "sit-er-ay."
 "That's as sure as you or me," said
 the "type" holder in one breath. "If
 they' keep it up out there, they
 won't have a person. They'll have
 an 'imprison' asylum."
 (This article has neither dated

or affirmed the story that Ca-
 pone was a trouble-maker
 and had to be disciplined. In
 the same way, another report
 went undenied that Alphonse
 had decided to be a good boy
 and worked his way up
 through the dry cleaning
 shop to the post of librarian.
 Unofficially, there were do-
 nals from members of the
 staff of a number of Alcatraz
 stories, notably those having
 to do with the rigidity of the
 no talking and eat-or-go-
 hungry rules.
 The usual "grapevine" is
 ineffectual. Various codes

Hard labor for the convicts at France's famous Devil's
 Island—means hard labor.



(ICE ROYAL)
 ALLIANCE HEAD-
 QUARTERS AND
 CONVICT PRISONS
 AND WORKSHOPS

(DEVILS IS.)
 WHERE POLITICAL
 PRISONERS ARE
 QUARTERED

(LE ST. JOSEPH)
 WHERE INCORRIGIBLES
 ARE CONFINED AND
 EXECUTED



The legendary punishments and hardships of Devil's Island pale into insignificance when compared with the dreaded "silence" treatment at Alcatraz. (Above) The famous French Penal Colony.

failed signally. Too many men had often wound up in "The Hole," the sustained communication is out. The single weekly period of recreation — between one o'clock and three-thirty on Saturday—is a boon, but it's a long time between syllables—forever eaves-dropping upon silence.

The place is practically in-prison from within and without. Still well may it be called the Devil's Island of America.

Escape? It is to laugh. One might as well try to gimlet his way out of a metal coffin. It is no more than two miles to land, possibly less. But the tide is sure death.

There is the story, for instance, of Col. G. Maury Cralle, the old-time commandant who learned of a plot for a general break among the soldier-convicts. At a given signal, they were to plunge into the sea, as one man and take their chances.

The Colonel viewed the situation with objective interest. He even professed to be sporting about it when he called the plotters before him.

"Go ahead," said he, encouragingly. "Pick your time when you think the tides are favorable. Practice a while. I won't notify the police in San Francisco." Nobody tried.

Of course, Alcatraz has modern

wireless now—but it's hardly needed. For one thing, there is the renowned "Electric Eye." It is a device that is trained on everyone entering and leaving the island and, like that of the fabled basilisk, its eye penetrates, everything. The slightest bit of metal on any person—convict, visitor or guard—is revealed by the ringing of a bell, files, jimmies, etc., therefore, might as well be left with the rest of the trinkets back on the bureau at home.

A screen of barbed wire entanglements extends to the shore.

Over the cells and the dining room hang clusters of gas bombs that can be released at the slightest outcry.

Is this enough? Frankly, it doesn't seem to be, for the few visitors an inmate is permitted must talk to him through a bullet-proof, porous glass partition.

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Everything is solid steel—a steel basin, steel berth, three steel hooks for clothes. Nothing can be hidden. A man may read until the light-out hour, but only a book from the library; perhaps a letter, never a newspaper. The authorities claim

that newspapers are censored only of their crime stories, but this does not hold with the story that an inmate never so much as learns a baseball score—unless a guard happens to feel garrulous—and that the happenings of the world without are simply a closed chapter.

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REX
SMERRY

9/29/35

THEY lie, out in the middle of San Francisco Bay like an ugly bone bleaching in the sun. Skins, too, in the grim net of its release buildings, while as a shroud. Even the name isn't reassuring.

Alcatraz, San Francisco. Somehow suggests the weird and the unseemly and, indeed, this cannot be wholly an illusion. Mention Alcatraz in any second-class dive below the equator of respectable society and hardened killers, indifferent to death, will instinctively think of the name. The de Dillinger (Devil's Island) would produce the same effect in a Christian opium, though for a different reason. There, because of the people, the body may wither.

It is here that, as a society not-so-derogant-and-paternal Uncle Sam now deals with the real bad men of the community, judges, or those who fancy themselves to be bad. He doesn't see the hope or the knout. He need not apply his pressure with justice of the modern Freudian touch and the report (fictive) among the guests presently acquire an air of finalization.

Al Capone, brooding darkly upon his wrongs in the cell blocks, and the other prisoners, find this in the so-called aftermath of trial and error. At the end, he doesn't endure that awful, century's sadness—harsh with excitement together—and so there were times when he cried out against it, in a futile regret.

It was the same with Machine Gun Kelly and his business associate, Alvin Karpis. Likewise the gentle-who thought up the bright idea of passing the guns for the jail at Leavenworth in 1931, and the Pontiac.

The G-men got Dillinger and the fellow Gerald Chapman, but, if the kind of Alcatraz is not too distant, they were lucky at that. Bet- in some ways, the scourge and

and gazed out over the Atlantic toward home. "You really free, God, why doesn't this boat sail?"

He was pathetically frightened that it would turn out to be all a mistake; that they'd come and take him back to the twelve acres of sand and rock and glowering walls where words have no place and their lives only a memory.

He remembered that they'd walked among their kind. Off there, for instance, the towers of San Francisco and the harbor and dust and roar. "You'll miss away, Alcatraz, and what?"

By way of inspecting, approach the open air, and older than 600 feet, if you can. As a matter of fact, you can't. Guards, eyeing all ways everybody off as though from a colony of lepers.

A sense of something unreal, fantastic. The stillness is that of a vacuum, for here is the Port of Silent Men, 241 of them and not a sound from a single throat.

For days on end, the silence envelops. It is like a hideous incantation that gives back echo for echo and, in time, it can take on a quality so tangible as to give the impression that one can reach out and touch it, and sodden like a horse blanket. Meaningless grunting goes on.

Meaningless grunting goes on. Meaningless grunting goes on. Meaningless grunting goes on. Meaningless grunting goes on.

Meaningless grunting goes on. Meaningless grunting goes on. Meaningless grunting goes on. Meaningless grunting goes on.

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"Capone, too, has cooled his arrogant heels in the dreaded 'hole' at Alcatraz."



9/28/35

Mayor Vows New War on Capones

CHICAGO, Sept. 20—(AP)—Mayor Joseph Cerny of Suburban Cicero, through his new police chief, today announced a campaign to drive the rejuvenated Capone gang out of town.

The new chief was Lieut. Frank Machacek, nominated by Mayor Cerny to succeed Theodore L. Svoboda.

Svoboda, claiming support of five out of the seven town board members, denied the mayor's right to oust him, and said he would stay on the job at least until Machacek's appointment goes before the board next Friday.

HN

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| Mr. Nathan | |
| Mr. Tolson | |
| Mr. Baughman | |
| Chief Clerk | |
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| Mr. Scheidt | |
| Mr. Schilder | |
| Mr. Tamm | |
| Mr. Tracy | |
| Miss Gandy | |
- Pod*

J

W

MILWAUKEE SENTINEL
SEPTEMBER 21, 1935

63-1-1

Capone Syndicate Again in Full Swing

The old Capone syndicate is back in full flower again, with garlic on its breath, lavender on its underwear, and blood in its eyes.

The same group of charming introverts who once had the entire city of Chicago by the back are now holding sway in the county, catering in the finest Capone tradition to man's appetite for the pleasant vices. (Alphonse Capone accepted.)

The same system of economics, in which competition is outlawed, still exists. Gambling and vice are condoned not by rugged individualists, but by regimented agents of the outfit, headed by Ralph Capone.

Can Sign Big Checks.

The keeper of a bagnio in the northwest part of the county gave one angle of the system. He observed that the gentleman obviously didn't believe in making love, and engaged the visitor in conversation in his own modest way. The keeper was a thick-necked European who can sign an X to checks for a large amount.

"Isn't there some sort of legal restraint on such places as this?" the visitor asked.

After figuring this out, the keeper said no. He is outside the corporate limits of any town, he went on, and was subject to the jurisdiction of only the county highway police.

Another roadhouse keeper in Stickney gave still another angle.

"This really ain't my business," he said, pointing to the racing sheets, the gambling paraphernalia and the hamo-eyed women and men who were laying out their supper money. "I get \$250 a month from the outfit just to let them run here."

As in the dear dead days of prohibition, the center of the syndicate is in Cicero, at the old Ship, 2131 South Cicero avenue, where the bull-necked Ralph Capone hangs out. There were some 500 people in the place when a reporter visited it.

Use No Safeguards.

The gambling is so placidly accepted that no attempts at conventional safeguards against detection are employed. Customers are not even given the customary "trick" at

the front door. The slagger who wears these marvy sunglasses.

Down the street, in close proximity to their overlord, Johnny Moses, alias Claude Maddox, and "Tough Tony" Capezio hold forth in the Hi-Ho Club, 2242-44 South Cicero avenue.

For the last few years the club has been a hi-de-ho joint, famed for entertainment and sports. Now the restaurant and cafe equipment has been stored and gambling equipment set up in its stead. There were about 300 men and women in this joint when a reporter visited it.

John ("Bottles") Capone, brother of Ralph and Al, was working behind the betting counter. A brother of Tony Capezio moved about the crowd as a still.

Attendants in Uniforms.

Until Tuesday night the Hi-Ho Club had elaborate crap games going, with attendants in checkered uniforms. For the present the heavy games have been discontinued, presumably at the suggestion of some

(Continued on Third Page.)

(Continued from Second Page.)

new amusement office with a license of restaurant.

Around the corner, at 4207 West 2d street, "Knockout" Brown holds forth in a modest saloon and beer parlor, at which about 200 people were toying with the horses on the afternoon of the visit.

Still another powerful member of the old syndicate has a place in Cicero—"Klondike" O'Donnell is operating a gambling spot on the southeast corner of 50th court and Roosevelt road and was doing pretty well when he was visited.

A remarkable thing about hand-book shops and gambling joints is that there is only one cashier's window on a dtwc, three or four ticket-selling windows. This obvious indication of the odds does not deter great numbers of Cicero and Chicago working stiff and housewives from trying their luck, however.

Plan New Places.

That Cicero gambling is in the first period of expansion was indicated in the preparation of new joints. Four spots within a short distance of 22d street and Cicero avenue were being refurbished for dining, dancing and blowing the works on a good one in the fifth.

Other business feels the beneficent influence of the syndicate also. Said a woman in the vicinity of 4838 South Oak Park avenue, Stickney, where, in an old roadhouse that had been dark for years, the syndicate operates a handbook with a Jess Rutherford as manager:

"You can say what you want about the syndicate, but they sure bring business in a neighborhood. We were starving to death in this roadhouse until they opened up. Now we get all kinds of supper and drink trade."

That great national figure, "Machine Gun Jack" McGurn, also has his spot, and rears it from no one less than the state of Illinois, keeper of defunct banks.

Despite previous exposure, after which Sheriff John Toman "closed" the place, McGurn's gambling house in the quarters of the closed Citizens State Bank in Melrose Park was doing more business Saturday afternoon than the bank ever did.

McGurn's place, even after the sheriff's "closure," was doing more business Saturday afternoon than the bank ever did.

...the old syndicate is back in full flower again, with garlic on its breath, lavender on its underwear, and blood in its eyes.

...the same group of charming introverts who once had the entire city of Chicago by the back are now holding sway in the county, catering in the finest Capone tradition to man's appetite for the pleasant vices. (Alphonse Capone accepted.)

...the same system of economics, in which competition is outlawed, still exists. Gambling and vice are condoned not by rugged individualists, but by regimented agents of the outfit, headed by Ralph Capone.

...the keeper of a bagnio in the northwest part of the county gave one angle of the system. He observed that the gentleman obviously didn't believe in making love, and engaged the visitor in conversation in his own modest way. The keeper was a thick-necked European who can sign an X to checks for a large amount.

...Isn't there some sort of legal restraint on such places as this?" the visitor asked.

...After figuring this out, the keeper said no. He is outside the corporate limits of any town, he went on, and was subject to the jurisdiction of only the county highway police.

...Another roadhouse keeper in Stickney gave still another angle.

...This really ain't my business," he said, pointing to the racing sheets, the gambling paraphernalia and the hamo-eyed women and men who were laying out their supper money. "I get \$250 a month from the outfit just to let them run here."

...As in the dear dead days of prohibition, the center of the syndicate is in Cicero, at the old Ship, 2131 South Cicero avenue, where the bull-necked Ralph Capone hangs out. There were some 500 people in the place when a reporter visited it.

...The gambling is so placidly accepted that no attempts at conventional safeguards against detection are employed. Customers are not even given the customary "trick" at

H N / P O

CHICAGO DAILY NEWS

9-16-35 69-180-A

HEALY SCORES RECORD OF LEIBOWITZ

Geoghan's Opponent
Capone's Mouthpiece,
Says Ex-Judge

Former Magistrate Leo Healy linked the names of Sam Leibowitz and Al Capone in a series of addresses delivered to audiences at Democratic rallies throughout the borough last night.

Assailing Leibowitz for aspiring to the Democratic nomination for District Attorney after having served as the attorney and "mouthpiece" for Al Capone, Healy appealed for the election of Prosecutor Geoghan, who "is a foe of the racketeers and our protector and friend."

DATA FROM BOOK.

Healy, bosom friend and at one time the attorney for Leibowitz, slipped into the pages of a book, "Not Guilty," purporting to be the life of Leibowitz, for the information he hurled at Leibowitz.

"He tricked the police for Capone's filthy money," charged Healy. "He was wined and dined by Capone. He entertained Capone at his own home. The book says so.

"And today Leibowitz wishes that book never had been written. Its shocking revelations of his association with the underworld haunt him in this campaign. It was Leibowitz that Al Capone sent for when Capone and his blood vampires invaded New York."

Healy is a friend of Leibowitz. At the time of Leibowitz's indictment on a charge of subornation of perjury, Healy acted as his attorney. The indictment was dismissed.

Quoting from the book, Healy told of the slaying of three members of the White Hand gang in Brooklyn, which caused the police to hunt for Al Capone.

"I am still quoting from the book," declared Healy. "Page 211 says: 'And hardly had the message hit the teletype when Leibowitz received a telephone invitation to attend a dinner the same evening in Brooklyn's restaurant'

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NEW YORK ENEMY JOB LIST
SEP 12 1935

SEP 12 1935

19

69-180-A

San Francisco EXAMINER
September 6, 1935.

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MUSIC—BY CAPONE

Al Buys Alcatraz Band's Horns

EX 9/6/35

HUNTSVILLE (Texas), Sept. 5.—(AP)—Al Capone has turned philanthropist in Alcatraz Prison, W. D. May, doomed murderer, said tonight as he prepared to meet death in the electric chair.

May, who served 10 months in Alcatraz with Capone, said Capone had purchased \$1,200 worth of band instruments, and presented them to the Alcatraz

Prison orchestra. Capone also offered to pay \$400 for a tennis court for the inmates.

May was electrocuted late tonight for his part in a triple slaying near Fort Worth.

or

69-12 - 4

U. S. GIVES CAPONE \$120,000 TAX BILL

By FREDERICK C. OTHMAN.

WASHINGTON (UP).—To the incredible Alphonse (Scarface Al) Capone yesterday went a \$120,000 bill for unpaid taxes on 20,000 barrels of a nauseous fluid which he sold for 50 cents a bottle as beer during prohibition.

The one-time overlord of Chicago rum running, vice and gambling was puttering sullenly in the library of Alcatraz prison, serving an 11-year sentence on previous tax charges, when the Bureau of Internal Revenue discovered the new debt on his back-alley brew.

The Government also charged scores of Capone's brewmasters, finger men and collectors with having a hand in the sale of the 20,000 barrels. These included Al's brother Ralph, Bert Delaney, August Dold, Charles Feuhrmeyer, Joseph Fusco, Jack Guzick, George Howlett, Albert Johnson, Frank Juffra, Nicholas Juffra, Hymen Levine, Michael Lopristi, John J. Nolan and Steve Swaboda. They'll all pay up too—or else.

G-men renewed their search for the untold millions Capone was supposed to have hidden so he could walk from prison some eight years hence, a fat and wealthy citizen and once again wear green silk union suits under his well-tailored broadcloth.

The Treasury will try to collect from the triple-chinned Capone in civil courts. If Federal sleuths can unearth the golden cache they think exists, the Government may be able to mark its bill paid. Otherwise there may be new criminal charges awaiting Capone when he is ferried away from the island prison in San Francisco Bay.

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Mr. Joseph	
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Mr. Quinn	
Mr. Scheidt	✓
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Mr. Tamm	
Mr. Tracy	
Miss Gandy	

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SS

NEW YORK BUREAU
APR 23 1935

APR 30 1935

U. S. Asks \$120,000 From Al Capone

Gangster and Friends Assessed for Unpaid Taxes on Beer

WASHINGTON, Aug. 30 (AP).—
Al Capone, Chicago beer baron now
serving an 11-year sentence in
Alcatraz Penitentiary for income
tax evasion, today was assessed
almost \$120,000 by the Treasury
for liquor taxes not paid.

The assessment also was levied
against other members of the Chi-
cago syndicate with which Capone
was connected in the prohibition
era.

Capone is charged with the il-
legal manufacture, distribution and
sale of beer.

The Treasury will take steps im-
mediately to collect the assessment
in a civil court proceeding.

The Justice Department said:

"This will no doubt mean a
renewed search for the funds
and other assets still believed
to have been secreted by Capone
during the long years of his un-
lawful operations."

The charges against the Capone
syndicate involve 19,984½ barrels
of beer seized between 1921 and
1932. The ~~tax~~ was assessed at
\$6 a barrel.

H M

NEW YORK AMERICAN
Forwarded by New York Office

85

AUG 31 1934

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- Mr. Harbo
- Mr. Joseph
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Scheidt ✓
- Mr. Schilder
- Mr. Tamm
- Mr. Tracy
- Miss Gandy

- Mr. Nathan
- Mr. Tolson
- Mr. Baughman
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- Mr. Clegg
- Mr. Coffey
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- Mr. Quinn
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- Mr. Schilder
- Mr. Tamm
- Mr. Tracy
- Miss Gandy



\$120,000 TAX LEVIED ON CAPONE AND GANG

Government Files Charge on 20,000 Barrels of Seized Beer Against Old Chicago Syndicate

WILL HUNT FUND CACHES

Treasury Will Act in Civil Suit — Bootleg Chief Has No Property Left, Says Lawyer.

Special to THE NEW YORK TIMES.
 WASHINGTON, Aug. 30.—The government will attempt to collect about \$120,000 in beer taxes from Al Capone, former Chicago underworld king, and fourteen members of the bootleg syndicate which he directed until jailed for income tax evasion in 1933, the Department of Justice announced today.

After assembling voluminous evidence the department believes it can prove that the Capone syndicate manufactured and sold 19,984½ half-barrels of "high-powered beer" in prohibition days. Admitting that this is only a small fraction of the syndicate's actual output, the department, nevertheless, has asked the Treasury to start action for collection of liquor taxes on the beer, which has been traced to the Capone gang.

Joseph Lawrence, administrator for the Attorney General in charge of taxes and penalties, today certified to Commissioner of Internal Revenue Helvering the foot-high stack of evidence purporting to show that Capone's syndicate manufactured the 19,984½ half-barrels of beer.

Experts of the Liquor Tax Division announced that the case had not been turned over to them yet, but explained that the usual procedure is to assess the tax due against each member of the syndicate, collecting it where they can.

Tax Is Put at \$6 a Barrel.

The tax on 19,984½ half-barrels of

ADVERTISING

\$120,000 TAX LEVIED ON CAPONE AND GANG

Continued From Page One.

who is now serving his sentence on the income tax conviction in Alcatraz Island, will be started by the Treasury Department in an effort to collect the \$119,907 in beer taxes, according to the Justice Department.

The fourteen others named with Capone, many of them prominent in the Chicago underworld of prohibition days, are:

Ralph Capone, brother of the gang leader; Jack Gusik, Bert Delaney, August Doid, Charles Fushmeyer, James Fusco, George Howlett, Albert Johnson, Frank Juffra, Nicholas Juffra, Hyman Levine, Mike Lopristi, John J. Nolan and Steve Swobota.

Doubt Over Capone's Finances.

Special to THE NEW YORK TIMES.

CHICAGO, Aug. 30.—Two conflicting views were presented here today concerning the government's chances of collecting the tax assessment against Al Capone and his old syndicate. Government officials hinted at the chance that large sums had been secreted by the gang leaders and that these could be realized to cover the judgment.

It was considered likely that a majority of Capone's tangible assets in the form of real estate was

already under lien to cover his income tax deficiency. His income tax liability was compromised at \$157,416 last May. Capone's attorney, Michael Ahern, appealed from original claims of \$22,842 and the stipulation was the result. Mr. Ahern said that there had been no negotiations toward settling.

Mr. Ahern said he doubted that any appreciable sum of money had been cached by Capone. He also said that he knew of no property held by the gang leader which had not already been confiscated by the government.

Captain William F. Waugh, attorney representing the syndicate during the liquor indictment troubles, also expressed doubt that Capone still held property from which the new assessment might be realized.

The new tax represents a levy on beer seized in raids during the years 1921 to 1932. Information gained by the raids was incorporated in an indictment naming Capone, Bert Delaney and some thirty-five others, and charging conspiracy to manufacture and sell illicit brew. After being amended several times the indictment was dissolved after the repeal of the Eighteenth Amendment.

One angle of the case by which the new assessment can be used as a threat over the gang leaders is the fact that the judgment will be in effect for six years from yesterday. Capone went to prison May 6, 1932, and if released for good behavior in seven and a half years will have to turn all earnings for two years over to the government.

THE NEW YORK TIMES
 Forwarded by Express

AUG 31 1935

is now serving the income tax in the Treasury Department to collect the same, according to the report.

The fourteen other names, many of whom are in the Chicago underworld, are: Ralph Capone, gang leader; Jack Conroy, August Doid, Harry Meyer, James Fusco, Albi, Albert Johnson, Nicholas Juffa, Mike Loppristi, John Steve Swoboda.

Doubt Over Capone
Special to The New York Times
CHICAGO, Aug. 12.—Conflicting views were expressed today concerning the chances of collecting the tax against Al Capone's syndicate. Government officials pointed at the chances had been secured against the leaders and that the tax would be collected to cover the loss.

It was considered a majority of Capone's assets in the form of

... will not be...
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... which he...
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... to start...
... which has been traced...
... the Capone gang.

Joseph Lawrence, administrator of the Attorney General in charge of taxes and penalties, today ordered Commissioner of Internal Revenue Helvering the foot-high... of evidence purporting to show that Capone's syndicate manufactured the 12,004 1/2 half-barrels of beer.

Experts of the Liquor Tax Division announced that the case had not been turned over to them yet, but explained that the usual procedure is to assess the tax due against each member of the syndicate, collecting it where they can.

Tax Is Put at \$6 a Barrel.
The tax on 12,004 1/2 half-barrels of beer at \$6 a barrel amounts to \$119,027. If this sum were assessed against Capone and each of his associates who are named, the assessment would total \$1,798,000. The government will proceed against each of the fifteen persons named, but a total of \$120,000 has been assessed against them, with the rest...

... the hands and...
... during the long years of his unlawful operations, the Justice Department's formal announcement of the tax upon said...
... proceeding against Capone.

Continued on Page Six.

Capone and 14 Get \$120,000 Liquor Tax Bill

**U. S. Will Seek to Collect
on 19,984½ Gallons
Seized in Chicago Raids**

Many Others Assessed

**\$228,747 Is Sought From
Gordon and Associates**

By The Associated Press

WASHINGTON, Aug. 30.—Al Capone, Chicago's scar-faced beer baron, and fourteen of his gangster cronies today were billed for \$120,000 in unpaid tax assessments on illegal liquor.

The assessment was another step in the Justice Department's fund-collecting drive against men charged with reaping large profits in the days before repeal. Others assessed previously included Irving (Waxy Gordon) Wexler, Max Hessler and Morris Greenberg, and Heine Wainer, of Wisconsin, who is reputed to have battled Capone's "muscling in" along the North Shore and in the Wisconsin resort district.

The assessment today against Capone—now in Alcatraz prison in California—and other alleged members of his Chicago-Cicero, Ill., syndicate, was sent to the Treasury for collection by Joseph Lawrence, administrator of the Justice Department's unit of taxes and penalties.

Assessments \$5,000,000

Lawrence's unit, which has assessed about \$5,000,000 in taxes on illegal liquor in the last year, devotes a major portion of its time to unsettled accounts of prohibition violators.

Al Capone's lawyer, Michael J. Ahearn, said in Chicago that Capone, now serving a sentence for income tax evasion, was "supposed to be broke." But Lawrence retorted that the government is free to collect the entire tax from any one of the syndicate who has money. Tax authorities have the right to seize the property of those who refuse to pay.

Wexler, Hessler and Greenberg, leaders of a New York-New Jersey syndicate, were assessed \$228,947 on 129,970 proof-gallons of illegal alcohol about two months ago, Lawrence said.

Tax of \$6 a Barrel Sought

The Capone assessment was based on 19,984½ barrels of liquor known to have been handled by the gang between 1921 and 1932. All the barrels counted were reported in raids or seizures during the prohibition era, Lawrence said. The tax was assessed at \$6 a barrel.

Lawrence's men still have 60,000 prohibition cases remaining to be studied. Nearly 1,000,000 such cases have passed through the Justice Department unit since prohibition started.

Those named with Capone include his brother, Ralph Capone; Bert Delaney, August Dodd, Charles Fuehrmeyer, Joseph Fusco, Jack Gusk, George A. Hewlett, Albert Johnson, Frank Juffra, Nicholas Juffra, Hyman Levine, Mike Lopristi, John J. Nolan and Steve Swoboda.

Handwritten initials: JM

*Stamp: RECEIVED - 1935
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- Mr. Lester
- Mr. Quinn
- Mr. Scheidt ✓
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- Mr. Tamm
- Mr. Tracy
- Miss Gandy

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TAX CAPONE

\$120,000

WASHINGTON, Aug. 30—(AP)—Al Capone, Chicago beer baron now serving an 11 year sentence in Alcatraz penitentiary for income tax evasion, today was assessed \$120,000—for liquor taxes not paid.

The assessment, ordered by the treasury, also was levied against other members of the Chicago syndicate with which Capone was connected during the prohibition era.

Capone is charged with the illegal manufacture, distribution and sale of some 20,000 barrels of beer.

The justice department said:

"This will no doubt mean a renewed search for the funds and other assets still believed to have been secreted by Capone during the long years of his unlawful operations."

WISCONSIN NEWS
AUGUST 30, 1935

- Mr. Nathan
- Mr. Tolson
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SS

NEW YORK EVENING

Forwarded by New York Office

~~U. S. Levies \$120,000~~
Tax Against Capone

WASHINGTON, Aug. 30 (By International News Service).—Assessments of \$120,000 were levied against Al Capone today by the taxes and penalties unit of the Justice Department. Assessment was made on charges that "Scarface Al" had manufactured, distributed, and sold some 20,000 barrels of "illegal and high-powered spirits."

AUG 30 1935

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Mr. Nathan	✓
Mr. Tolson	
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Mr. Coffey	
Mr. Edwards	
Mr. Egan	
Mr. Foxworth	
Mr. Harbo	
Mr. Joseph	
Mr. Keith	
Mr. Lester	
Mr. Quinn	✓
Mr. Schilder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

U.S. DUNS CAPONE FOR \$120,000 TAX

**Will Renew Hunt for Hidden
Assets of Beer Baron Now
in Alcatraz**

WASHINGTON, Aug. 30 (AP).—Al Capone, Chicago beer baron now serving an eleven-year sentence in Alcatraz Penitentiary for income tax evasion, today was assessed almost \$120,000 for liquor taxes not paid.

The assessment, ordered by the Treasury, also was levied against other members of the Chicago syndicate with which Capone was connected during the prohibition era.

Capone is charged with the illegal manufacture, distribution and sale of some 20,000 barrels of beer. The Treasury will take steps immediately to collect the assessment in a civil court proceeding.

The Justice Department, in announcing this move, said:

"This will no doubt mean a renewed search for the funds and other assets still believed to have been secreted by Capone during the long years of his unlawful operations."

NEW YORK POST
Published by New York Post Co.

AUG 30 1935

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Mr. Joseph	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. S. J. [unclear]	✓
Mr. Scudder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

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NEW \$120,000 TAX LEVIED ON CAPONE

Others of Chicago Clique Assessed by Treasury.

WASHINGTON, Aug. 30 (A. P.). —Al Capone, Chicago beer baron, now serving an eleven-year sentence in Alcatraz Penitentiary for income tax evasion, was assessed almost \$120,000 today for liquor taxes not paid.

The assessment, ordered by the Treasury, also was levied against other members of the Chicago syndicate with which Capone was connected during the prohibition era.

Capone is charged with the illegal manufacture, distribution and sale of some 20,000 barrels of beer.

The Treasury will take steps immediately to collect the assessment in a civil court proceeding.

The Department of Justice in announcing this move said:

"This will no doubt mean a renewed search for the funds and other assets still believed to have been secreted by Capone during the long years of his unlawful operations."

The Justice Department said the assessment has been certified to the Commissioner of Internal Revenue by Joseph Lawrence, administrator for the attorney-general in charge of the taxes and penalties unit of the Department of Justice.

NEW YORK SUN
Forwarded by New York Office

AUG 30 1935

CAPONE FACES TAX SUIT

International News Service
Assessments of \$120,000 were levied against Al Capone today by the taxes and penalties unit of the Justice Department. Assessment was made on charges that "Scar-



Al Capone

face Al" had manufactured, distributed, and sold some 20,000 barrels of "illegal and high-powered spirits."

Capone, now a Federal prisoner in Alcatraz fortress, was included in a list of the alleged members of the Chicago syndicate ruled by him.

In making the announcement the Justice Department said it would endeavor to collect this amount "due in this civil proceedings." This, no doubt, will mean a renewed search for the funds and other assets believed to have been secreted by Capone during the long years of his unlawful operations.

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- Mr. Lester
- Mr. Quinn
- Mr. Schildt
- Mr. Schilder
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- Mr. Tracy
- Miss Gandy

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WASH FIELD

AUG 30 1935

69-150-2

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Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

G-MEN HUNTING HIDDEN FORTUNE OF AL CAPONE

U.S. Charges Gangster Failed To Pay Tax on 20,000 Barrels of Beer

By The United Press
WASHINGTON, Aug. 30—The Government set out today to find and seize some of the fabulous fortune Al Capone was reputed to have hidden away before he was shuffled off to Alcatraz Prison to serve 11 years.

The scar-faced gangster who ruled a rich underworld domain in prohibition days but who escaped all severe penalties of the law until he was convicted of evading income tax payments was assessed \$120,000 today by the Commissioner of Internal Revenue.

The Commissioner ruled that Capone, back in the days when his gangsters' guns protected a monopoly on bootleg beer sales in Chicago, had failed to pay taxes to the Government on 20,000 barrels of beer.

The fact that it was illegal beer, given a high-powered kick by doubtful methods, apparently didn't interfere with the necessity of paying taxes.

U. S. to Fight

Although Capone is in a desolate prison in San Francisco Bay, the Government intends to go into court to try to collect the \$120,000 by civil suit.

The one-time gang leader's income presumably has been cut off since his conviction, but the Government indicated belief that the money might be available if it wins the civil action.

Capone's organization, despite the loss of his iron hand, supposedly continued to function after his incarceration.

There have been frequent reports that the beer czar provided for himself during the days when both money and lives of beer runners were cheap.

As a result, the Department of Justice will renew a search for funds which Capone is believed to have hidden away before he gave himself up for trial—expecting at least a light sentence if not freedom instead of the 11 years to which he was sentenced.

Serves Three Years

The government's action today

POST OFFICE BOX 1525
PITTSBURGH, PA.

31

AL CAPONE

U.S. Charges Gangster To Pay Tax on 20,000 Barrels of Beer

By The United Press

WASHINGTON, Aug. 29—The Government set out today to find and seize some of the fabulous fortune Al Capone was reputed to have hidden away before he was shuffled off to Alcatraz Prison to serve 11 years.

The sour-faced gangster who ruled a rich underworld domain in prohibition days but who escaped all severe penalties of the law until he was convicted of evading income tax payments was assessed \$120,000 today by the Commissioner of Internal Revenue.

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Serves Three Years

The government's action today placed the first actual penalty on Capone for his alleged illegal liquor profit. Capone has served three years, three months and 26 days of the sentence for evading taxes on his gambling income.

He was sentenced in Chicago, Oct. 17, 1931. He began his sentence in Atlanta, May 4, 1932, and was transferred to Alcatraz Sept. 22, 1934.

Included in the illegal liquor tax assessment were numerous unnamed members of a well organized Chicago crime syndicate which Capone was alleged to have directed during the prohibition era.

Mr. Schilder
Mr. Famm
Mr. Tracy
Miss Gandy
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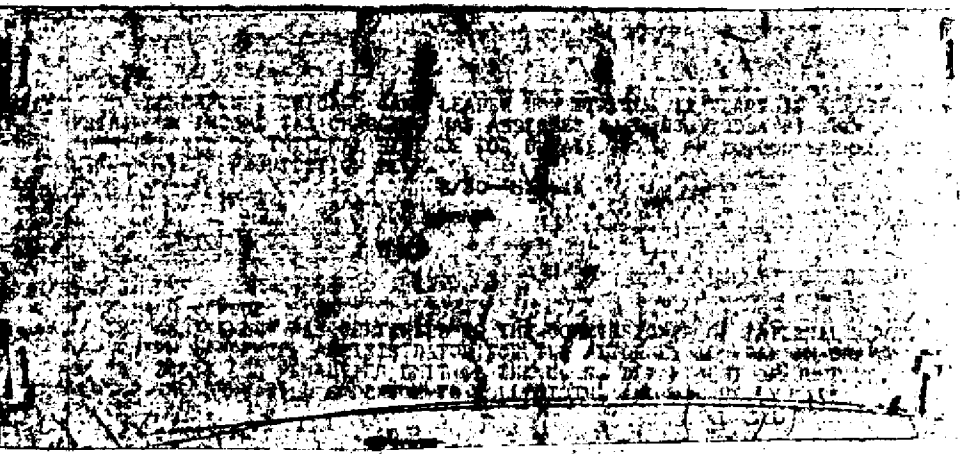
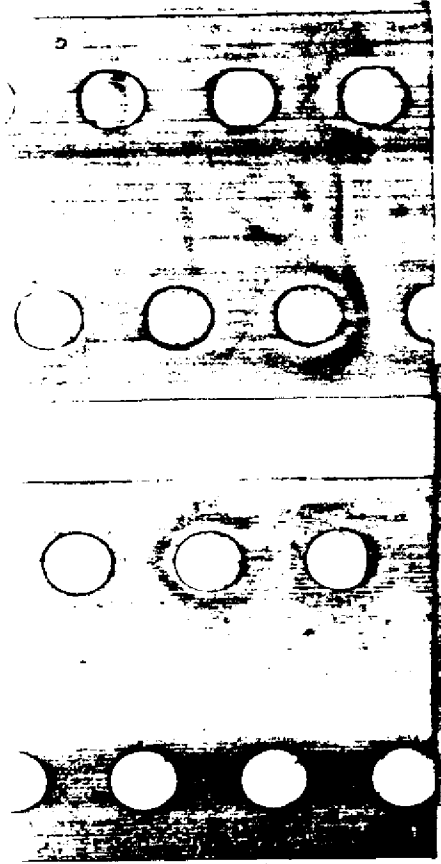
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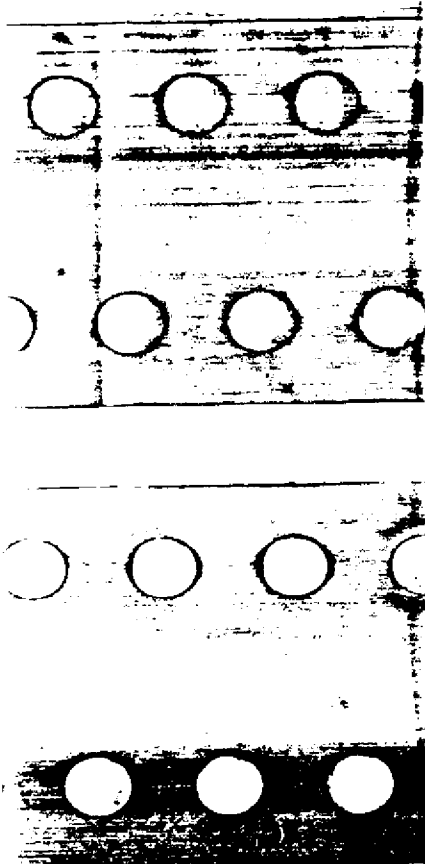
- Mr. Nathan
- Mr. Tolson
- Mr. Boardman
- Mr. Clegg
- Mr. Glavin
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108

69-180-A



Fair Enough

Westbrook Pegler

Mr. Capone's Raw Deal

A RECENT alumnus of Alcatraz Island, that bleak and often forgotten prison where Al Capone abides, brings news to the outside world that this noted American is ill at ease under close restraint, his soul nibbled by repentance and his sense of fairness outraged. Mr. Capone is serving 11 years for neglect to yield the Government's judicial share of the spoils of industry.

To be quite honest about it all, Mr. Capone is indeed the victim of a raw, though temporary, deal. In the first place, 11 years is too harsh a sentence for so common and amiable a fault as the one of which he was convicted. If the same severe justice were imposed on all offenders against the existing and highly complicated schedules and statutes which apply to affairs as prosperous and involved as his were the late leader of the prohibition revolt would have for company in his exile many of his former clients. The fact that he has not the spirit of compromise which has marked the adjustment of similar oversights on the part of citizens in the respectable brackets suggests that in Capone's case the United States Government, unable to convict him of his major errors, determined to get him anyway. In fact, there is no doubt about that.

THE country owes Capone a debt of gratitude for his efficient opposition to the rule of Scott McBride and Bishop Cannon, but because he had found it necessary to use firm methods there was also a great popular impatience. He had become rich, and with wealth came arrogance, and it seriously annoyed honest tellers, including editorial writers, to observe their partner in crimes against the eighteenth amendment and the gambling laws so comfortably fixed. He was guilty of many incidental fractures of the peace, including, according to the gossip of his day, some routine homicides which removed unimportant and very undesirable citizens.

But he was tried at last on the charge of evading his income tax, and the prosecution was conducted in the waning days of a national Administration which was in a sullen mood toward him. Mr. Hoover's reign had elected to stand or fall on the issue of prohibition, and Capone had contributed much to the final repudiation of the eighteenth amendment and Hoover. Mr. Hoover's Administration saw this repudiation coming and took it all out on Capone, even though it was necessary to put the United States Government in the position of silent partner in all his vices.

- Mr. Nathan
- Mr. Tolson
- Mr. Boardman
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- Mr. Clegg
- Mr. Coffey
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- Mr. Egan
- Mr. Foxworth
- Mr. Harbo
- Mr. Joseph
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Skidde
- Mr. Tamm
- Mr. Tracy
- Miss Gandy

WASH. POST

AUG 21 1935

67-10008

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Mr. Tolson	✓
Mr. Boardman	✓
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Mr. Foxworth	
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Mr. Lester	
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Mr. Schilder	
Mr. Schlider	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

Conviction Of Al Capone Was Really A Confession

Fogler Opines That Government Should Be Ashamed Of Itself To Pick Out Such A 'Common' Error On Which To Send Public Enemy To Alcatraz

By Westbrook Fogler

Without shame of Alcatraz Island, that bleak and often fog-bound retreat where Al Capone sits, bring word to the outside world that this noted American is in of late under close restraint, his soul shibbled by repentment and his sense of fairness outraged. Mr. Capone is serving 11 years for neglect to file the 1929 Government's required statement of the value of his income.



It is to be hoped that all Mr. Capone is indeed the victim of a law, though superficial and.

In the first place, 11 years is too harsh a sentence for an error which he committed and which he was convicted of in the same fierce justice were imposed on all offenders against the intricate and highly complicated schedules and sections which apply to affairs as prosperous and involved as his were the late leader of the prohibition world would have his company in his circle many of his former clients. The fact that he has not the spirit of compromise which has marked the adjustment of similar overights on the part of citizens in the respectable brackets suggest that in Capone's case the United States Government, unable to convict him of his major crime, determined to get him anyway. In fact, there is no doubt about that.

The country owes Capone a debt of gratitude for his efficient

opposition to the sale of "Sport" McChirke and Ralph Cannon, but because he had found it necessary to use these methods, there was also a great popular impatience. He had become rich, and with wealth came arrogance, and it seriously annoyed honest voters, including editorial writers, to observe their partner in crime against the 18th amendment and the gambling laws so comfortably fixed. He was guilty of many incidental fractures of the peace, including, according to the gossip of his day, some routine homicides which removed unimportant and very undesirable citizens.

PROBABLE CIRCUMSTANCES ALTER FROM CRIMINAL CAREER

But he was tried at last on the charges of evading his income tax, and the prosecution was conducted in the ranking days of a national Administration which was in a sullen mood toward him. Mr. Hoover's reign had elected to stand or fall on the issue of prohibition, and Capone had contributed much to the final repudiation of the 18th amendment and Hoover. Mr. Hoover's Administration saw this repudiation coming and took it all out on Capone, even though it was necessary to put the United States Government in the position of silent partner in all his vice.

If he had been convicted of bootlegging, murder or extortion and the judge had given the week at least, he would have been on each count of the indictment he would have had no legitimate complaint and the Government would have had a man whose respectable status in the case.

It is concluded that his particular method of violating the income tax law was so defiant as to call for extreme punishment. On the contrary, Capone's violation was covered by extenuating circumstances. He didn't report his income at all. Ordinarily this is a serious offense which should be rebuked more rigorously than mere technical violations of the kind which noted financiers resort to. But had Capone reported his income he would have had to incriminate himself in the returns, giving full details as to the source of every dollar.

VICTORY OVER CAPONE IS A 'CONFESSIO'

The law generally holds that a man may not be compelled to testify against himself, but the income tax is a great goose with an insatiable curiosity, and the records are available as evidence against the subject should he pay his honest dues. It is poor sportsmanship to accept a share of a criminal's earnings and then send him to prison in return for his honest citizenship. And the Government which sent Capone to prison for refusing to give up to the same which recently sent to prison a kidnaper's attorney for accepting a share of the ransom money for his fee.

Personal sympathy with Mr. Capone your correspondent has none, deeming it a great confession that he is now removed, but a matter of regret that of all the crimes which could have been laid against him the whole United States was unable to prove so much as a drunk and disorderly charge. This except, of course, the year which he spent in a Pennsylvania jail house for carrying a pistol, which is commonly understood to have been a cooling-out period at a time when he was "hot."

Like the gold clause decision, the victory over Al Capone is more a confession than a boast.

ed by H. J. Cronin

35

The Washington News
August 14, 1935.

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Clegg	
Chief Clerk	
Mr. Coffey	
Mr. Edwards	
Mr. Egan	
Mr. Foxworth	
Mr. Harbo	✓
Mr. Joseph	✓
Mr. Keith	✓
Mr. Lester	✓
Mr. Quinn	
Mr. Scheidt	
Mr. Schilder	✓
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

V. RY
W. H. S.

Convict Says 'Silly Rules' At Alcatraz Irk Al Capone

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Ambrose told a story of a prison of almost continual silence, where even hard characters like Al Capone, one-time Chicago vice lord, are "burning up over the rules and regulations."

He revealed that Capone, first of America's "No. 1 Public Enemies," has been promoted to prison librarian.

"Capone has been thrown in the hole three or four times for talking," Ambrose said. "Not a word can be spoken by the convicts in line, at the table, at work or in their cells. We got to talk once a week—on Saturday afternoon, from 1 to 3:30, when we

were allowed out in the yard."

"The guards try kindergarten stuff on prisoners who are supposed to be the worst in America. Silly rules like this:

"If you leave bits of food on your place, you lose one meal. So if you take a frankfurter and leave the skins because they're too tough, you lose one meal the next day.

"No radios, not a single newspaper. You can buy magazines, but they come to you with pages and articles torn out. Your letters come to you censored and retyped. Out of a three-page letter you may get six or seven lines.

"It's the silly, aggravating things—such as grabbing the safety razor back from you just as soon as you've finished shaving in cold water—that gets on your nerves."

EAT
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30

- Mr. Nathan
- Mr. Tolson
- Mr. Banghman
- Chief Clerk
- Mr. Clegg
- Mr. Coffey
- Mr. Edwards
- Mr. Egan
- Mr. Foxworth
- Mr. Harbo
- Mr. Joseph
- Mr. Keith
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- Mr. Quinn
- Mr. Scheidt
- Mr. Schilder
- Mr. Tamm
- Mr. Tracy
- Miss Gandy

TORRIO ACCUSED IN 1ST A.D. AGAIN

**Mahoney Spokesmen Repeat
Charge Old Capone Ally Is
Seeking Power.**

Spokesmen for David A. Mahoney, Alderman and Tammany leader of the First Assembly District, eastern half, repeated today charges made in an organization meeting last night that Johnny Torrio, old-time New York and Chicago racketeer and associate of Al Capone, is interesting himself in the leadership fight on behalf of the

forces led by Albert Marinelli, County Clerk and leader of the Second Assembly District.

Torrio and Marinelli, it was alleged by Lewis F. X. Santangelo, have formed an alliance to extend Marinelli's sway farther down on the east side.

"Torrio," said Mr. Santangelo, "ordered Marinelli to put a certain man on the ticket in his own district if he knew what was good for him."

Mr. Santangelo is a candidate for Alderman.

Several days ago Mr. Santangelo's brother, Robert V. Santangelo, Assistant District Attorney, warned the Marinelli forces in a speech to withdraw their ticket in the First District by August 16—last day for declining nominations—or take the consequences. He did not specify the consequences. Last night, Alderman Mahoney, addressing a rally at the Downtown Club, 59 Madison

St., put the warning into more concrete form.

"The men opposing me are led by hoodlums," he said, "and before long the Dewey investigation may be digging into something besides vice."

Morris J. Solomon, Assembly candidate, attacked Clerk Marinelli for attempting to dictate to districts other than his own.

NEW YORK

Forwarded by New York Office

AUG 14 1935

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Baughman	.....
Chief Clerk	.....
Mr. Clegg	.....
Mr. Coffey	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Foxworth	.....
Mr. Harbo	.....
Mr. Joseph	.....
Mr. Keith	.....
Mr. Lester	.....
Mr. Quinn	.....
Mr. Scheidt	.....
Mr. Schilder	.....
Mr. Tamm	.....
Mr. Tracy	.....
Miss Gandy	.....

5/8

**POLITICIANS ACCUSED
OF USING GANGSTERS**

**Former Capone Men Alleged to
Be Active in First A. D.
Leadership Fight.**

Charges that former Capone gangsters were invading the eastern part of the First Assembly District in an attempt to wrest the leadership of the area from David Mahoney, present Democratic leader, and place it in the hands of Alfred Marinelli, Democratic leader of the Second Assembly District, were made last night at a rally at the Downtown Club, 59 Madison Street.

The meeting, attended by more than 1,500, was addressed by Lewis F. X. Santangelo and Morris J. Solomon, Aldermanic and Assembly candidates, respectively, from the district, and Mr. Mahoney, president of the club.

Mr. Santangelo contended that "Capone gangsters, led by John Torrio, who brought Capone to Chicago," had allied themselves with Mr. Marinelli in the fight over the leadership of the district. He asserted that Torrio had ordered Mr. Marinelli to "put a certain man on the ticket in his own district if you know what's good for you."

Mr. Mahoney declared he would oppose any attempt by Mr. Marinelli to assume control of his district. He said that "the men opposing me are led by hoodlums and before long the Dewey investigation may be digging into something besides vice."

The contention that Mr. Marinelli was "dictating policies outside of his own district" was made by Mr. Solomon. The clubhouse was filled to capacity and many heard the addresses through loud-speakers in the street.

THE NEW YORK TIMES
Forwarded by New York Office

AUG 14 1935

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Mr. Nathan	✓
Mr. Tolson	✓
Mr. Baughman	
Chief Clerk	
Mr. Clegg	
Mr. Coffey	
Mr. Edwards	
Mr. Egan	
Mr. Foxworth	
Mr. Harbo	
Mr. Joseph	
Mr. Keith	
Mr. Lester	
Mr. Quinn	✓
Mr. Scheidt	
Mr. Schilder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

SS

Convict Says 'Silly Rules' At Alcatraz Irk Al Capone

Copyright, 1935, by United Press

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Ambrose told a story of a prison of almost continual silence, where even hard characters like Al Capone, one-time Chicago vice lord, are "burning up over the rules and regulations."

He revealed that Capone, first of America's "No. 1 Public Enemies," has been promoted to prison librarian.

"Capone has been thrown in the hole three or four times for talking," Ambrose said. "Not a word can be spoken by the convicts in line, at the table, at work or in their cells. We got to talk once a week—on Saturday afternoon, from 1 to 3:30, when we

were allowed out in the yard."

"The guards try kindergarten stuff on prisoners who are supposed to be the worst in America. Silly rules like this:

"If you leave bits of food on your place, you lose one meal. So if you take a frankfurter and leave the skins because they're too tough, you lose one meal the next day.

"No radios, not a single newspaper. You can buy magazines, but they come to you with pages and articles torn out. Your letters come to you censored and retyped. Out of a three-page letter you may get six or seven lines.

"It's the silly, aggravating things—such as grabbing the safety razor back from you just as soon as you've finished shaving in cold water—that gets on your nerves."

69-1-1-1

\$120,000 TAXES LEVIED AGAINST CAPONE'S GANG

Government Seeks to Collect on Pre-Repeal Chicago Beer; 14 Henchmen on U. S. Lists

The first Federal move to collect revenue taxes on the huge stream of illicit beer which flowed through Chicago in the heyday of "Scarface" Al Capone came today with an assessment of \$120,000 against the Capone gang.

Certification of the assessment against Capone, who is now serving an 11-year term in Alcatraz Prison, and 14 members of his band, was made by Joseph Lawrence, administrator for the Attorney General in charge of taxes and penalties.

That this will be followed by additional assessments until the Government is satisfied it has collected on every drop of Capone beer was indicated by Lawrence. He said:

STILL STUDY EVIDENCE

"We are still studying additional evidence. The assessment is being made against 19,984 1/2 barrels of beer which, we have established, was handled by the Capone gang."

If each of the 15 members of the gang pays his proportionate share of the \$120,000, which is at the rate of \$6 per barrel, he will pay \$8,571.43. Lawrence added:

"Of course, not every one of these men may now be in a position to pay. If each cannot meet his share, the one who has the largest assets must bear the brunt of the penalty."

FILE ON PALACE

Search of the Treasury Department for funds and other assets has been carried on since Capone's conviction. Though the Government has filed a tax lien against the Florida winter home of Capone, so far as can be learned, few other assets have been found.

The others assessed with Capone are the gang leader's brother, Ralph; Bert Delaney, August Dold, Charles Fuehrmeyer, Joseph Fusco, Jack Guzik, George A. Howlett, Albert Johnson, Frank and Nicholas Juffra, Herman Levine, Mike Soprani, John J. Nolan, and Steve Swoboda.

- Mr. Nathan
- Mr. Tolson
- Mr. Baughman
- Chief Clerk
- Mr. Clegg
- Mr. Coffey
- Mr. Edwards
- Mr. Egan
- Mr. Foxworth
- Mr. Harbo
- Mr. Joseph
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Scheidt
- Mr. Schilder
- Mr. Tamm
- Mr. Tracy
- Miss Gandy

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U. S. to Sue Al Capone for Tax \$120,000 Sought on Beer Sales

**Capone's Lawyer
Tells U. S. Agents
Others Face Levy.**

Alphonse Capone, whose current residence, Alcatraz Prison, precludes any possibility of his dodging a process server, is to be sued by the Government for \$120,000, the Department of Justice announced yesterday.

"Scarface" Al, who is serving time because he failed to report in full his income from the sale of booze and other rackets during his prohibition regime in Chicago, is now to be requested, through the law, to pay internal revenue taxes on some of the liquor he handled in that era.

The assessment which the Government will attempt to collect from Capone and associates by civil action is based upon internal revenue taxes on some 20,000 barrels of high-powered beer known to have been manufactured and sold by his syndicate between 1921 and 1932. All of the barrels counted were reported in raids or seizures in that period.

Capone's lawyer, Michael J. Ahearn, said in Chicago that his client is "supposed to be broke." However, Joseph Lawrence, administrator of the Department of Justice's tax unit, said that the Government might collect the entire tax from any member of the mob who has money.

Similar actions against other kingpin bootleggers have been taken previously. Among those assessed were Irving "Waxey" Gordon, Max Hessler, Mossir Greenberg and Heine Wainer. The first

three, leaders of a New Jersey-New York syndicate, were assessed \$228,842 on 180,000 proof gallons of illegal alcohol about two months ago.

- Mr. Nathan ✓
- Mr. Tolson
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- Mr. Edwards
- Mr. Egan
- Mr. Foxworth
- Mr. Harbo
- Mr. Joseph
- Mr. Keith
- Mr. Lester
- Mr. Quinn ✓
- Mr. Scheidt ✓
- Mr. Schilder
- Mr. Tamm
- Mr. Tracy
- Miss Gandy

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WELSH POST

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Mr. Nathan	✓
Mr. Tolson
Mr. Boardman
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Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Harbo
Mr. Joseph
Mr. Keith
Mr. Lester	.....
Mr. Quinn	.....
Mr. Schacht	✓
Mr. Schilder	.....
Mr. Tamm	.....
Mr. Tracy	.....
Miss Gandy	.....

PRISON RULES BURN' GAPONE

Continued From Page 1

SAAN FRANCISCO, Aug. 13—A vivid version of life in Alcatraz Island Prison in San Francisco Bay was told today by William Henry Ambrose, former barometric dealer, who was taken from Alcatraz for deportation to England.

Ambrose told a story of a prison with almost continual silence, where even hard characters like Al Capone, the late-time Chicago Vice lord, are "making up over the rules and regulations."

Ambrose, heavily guarded, was shown a prison car with 25 other convicts after spending a year in Alcatraz.

The prison-imposed silence rules, permitting the convicts to talk only once a week, and "kindergarten books" at Alcatraz guards are the strictest to bear of all prison regulations, Ambrose said.

He revealed that Capone, Alvin Karpis, and other "hard characters" were allowed to prison Alcatraz.

The former Chicago gang overlord, never, "is turning up at the reflections of that Alcatraz madhouse," he said.

"Whenever the convict was who said that Al is losing his mind over was absolutely wrong, though," he added. "Al is not cracking up."

"Gapone has been thrown in the hole three or four times for talking," Ambrose said. "The non-talking rule is the hardest thing in."

(Continued On Page 4, Column 6)

Gapone Made Librarian At Alcatraz Pen

Continued From Page One

Alcatraz life for him, and for every prisoner there.

"But Gapone is going up the vertical first in the dry cleaning shop and, I think, in the shoe shop. Now he has been promoted to the library."

One Talk Per Week

"Not a word can be spoken by the convicts in line at the table, at work or in their cells. We get to talk once a week on Saturday afternoon from 1 to 2:30 when we were allowed out in the yard. Nothing more. Of course, we'd try whispering out of the corner of our mouths and we'd see a signal system, but everyone who's caught is punished."

"The guards by Kindergarten stuff on prisoners who are supposed to be the worst in America. Billy takes like this:

"If you leave bits of food on your plate, you lose two meals. You've got to eat everything you take at the cafeteria style tables. So if you take a frankfurter and leave the skins because they're too tough, you lose one meal the next day."

No Radios, No Papers

"No radios, not a single newspaper. You can buy magazines, but they come to you with pages and articles torn out. You can't use a magazine to a buddy in another cell, have to turn it over to a guard with a prisoner's number marked on it."

Your letters come to you typed and retyped. Can't get the originals. Out of a three-page letter you may get six or seven lines.

The hopelessness gets you. Capone feels it. Everybody does. At Alcatraz you're marked as a desperado. You know you'll never get a parole... not a chance for anybody.

It's a Boy's School

Ambrose, alias Frank Chapman, tunneled out of Leavenworth Penitentiary once, and escaped a prison train another time.

A seasoned escape artist he believes possibility of escaping the granite prison would be remote.

"It's a cavity, indeed, all right."

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Mr. Nathan	✓
Mr. Tolson	
Mr. Egan	
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Mr. Coffey	
Mr. Edwards	
Mr. Egan	
Mr. Foxworth	
Mr. Harbo	
Mr. Joseph	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Scheidt	✓
Mr. Schilder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

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Capone Is Prison Librarian Amid Week-Long Silences

Narcotics Dealer, Just Released To Be Deported, Denies Racketeer Is Breaking Under Harsh Regulations—... But He Is "Burning Up."

Copyright, 1934, by the United Press.

SAN FRANCISCO, Aug. 18.— A sordid version of life in Alcatraz Island prison in San Francisco Bay was told today by William Henry Ambrose, former narcotics dealer, who was taken from Alcatraz for deportation to England. He served a year in the prison.

Ambrose told a story of a prison of almost continual silence, where even hard characters like Al Capone, one-time Chicago vice lord, are "burning up over the rules and regulations."

The prison-imposed silence rules, permitting the convicts to talk only once a week, and "kindergarten tricks" of Alcatraz guards are the hardest to bear of all the prison regulations, Ambrose said.

He revealed that Capone, first of America's "No. 1 public enemies," had been promoted to prison librarian.

The former Chicago gangster, how-

ever, "is burning up at the restrictions of that Alcatraz madhouse," he said.

"Whoever the convict was who said that Al is losing his mind over it was absolutely wrong, though," he added. "Al is not cracking up under the treatment."

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- Mr. Tolson
- Mr. E.A. Tamm
- Chief Clerk
- Mr. Clegg
- Mr. Coffey
- Mr. Edwards
- Mr. Egan *AD*
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Tamm
- Mr. Tracy
- Mr. Gurnea

Good From Evil

It has been said that some good is in all evil and some evil in all good. No American can be particularly proud of the picture on the right, showing Uncle Sam squeezing out profits from bootleggers, racketeers and other criminals.

That this Government should interest itself in criminals and hunt them down with "G-men" ONLY when those criminals have failed to pay income tax, dividing their criminal earnings with Uncle Sam, seems unbelievable.

You see the good is mixed with evil, when told that law forbids Uncle Sam to interfere with criminals within State limits unless such criminals owe him money. When they do owe him money it is possible for the Government's long arm to reach out and gather in delinquent taxpayers wherever they are found. Such reaching out put the arch-criminal, Capone, in a cell, deep down in the rock of Alcatraz Prison. This makes it possible for the Government to hunt racketeers in any city where they fail to "divide." A strange, but a useful source of income.

Sharing the Loot



NEW YORK POLICE DEPT

AUG 1 1934

69-180-A

THE MISSION OF THE MIDGET.

"Link Fernekes to Robbery." That headline was not among those listed in these columns last January as certain to appear in this glorious year of New Deals and new everything that we have every year. Our system went wrong. The tea leaves did not reveal that Mr. "Midget" Fernekes would so soon become weary of his retreat at Joliet and resume active business.

From now on until Mr. Fernekes resumes closer relations with the law-enforcing authorities his name may be expected to appear in the reports of every crime presenting difficulties of solution. Out of Joliet, Mr. Fernekes will take up the burden laid down by Mr. Capone when that illustrious hoodlum left for the south and later took up residence in California. It is a necessary job and Mr. Fernekes is just the man for it. Lack of a dramatic and mysterious goat to assume responsibility for unsolved crimes has been severely felt ever since Mr. Capone went away from here.

When Al was among us his name was magic gilt to enliven many a dull police incident. In addition to building the pyramids, striking Billy Patterson and kidnaping Charley Ross, Mr. Capone or some of his sinister gangland henchmen stole the baby's pacifier, chased the family cat and, according to theory, committed every crime that stumped the police.

Later John Dillinger qualified for a brief period as the omnipresent omnibus of banditry, raiding banks, grocery stores and roadhouses at all points of the compass and at all points on the dial of the clock, simultaneously and serially. "Baby Face" Nelson pinch-hit for a while after the "G" men rubbed out John, but soon there was no "Baby Face" either.

Now comes the "Midget," tripping out of the long house at Joliet as blithesome as Sadie Thompson in "Rain." And aren't the coppers and the head-hunters glad!

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Baughman	
Chief Clerk	
Mr. Elegg	
Mr. Coffey	
Mr. Edwards	
Mr. Egan	
Mr. Foxworth	
Mr. Harbo	
Mr. Joseph	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Scheidt	✓
Mr. Schilder	✓
Mr. Tamm	✓
Mr. Tracy	✓
Miss Gandy	

CHICAGO DAILY NEWS

August 9, 1935

69-180 A

**AL CAPONE 'TOO HARD'
FOR PRISON BALL TEAM**

San Francisco, Cal., July 2. (AP) — Al Capone was described here today as too hard for the soft ball team organized from prisoners in Alcatraz prison.

Prison officials declined to comment on reports published in the Chronicle saying Capone had incurred the wrath of fellow prisoners because he tried to order them about as though they were members of his notorious Chicago gang of the prohibition era.

Capone, serving a sentence for income tax evasion, was reported also to have been visited by his wife and their son, who were forced to converse with him through a voice tube.

Official announcements from the prison for "incorrigibles," a mile out in San Francisco bay, have been limited strictly to routine matters.

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CHICAGO DAILY NEWS

JUL 2 - 1935

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Mr. Nathan

Mr. Tolson

Mr. E. A. Tamm

Mr. Clegg

Mr. Glavin

Mr. Edwards

Mr. Egan

Mr. Gurnea

Mr. Lester

Mr. Quinn

Mr. Nease

Mr. Hendon

Mr. Smith

Mr. Jones

Mr. Brown

Mr. White

Mr. Black

Mr. Green

Mr. Grey

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Capone Too 'Hard', Ruled Off Prison Softball Team

SAN FRANCISCO, July 2.—(AP)—Al Capone was described here today as too hard for the softball team organized from prisoners in Alcatraz prison. Officials declined to comment on reports published in the Chronicle saying Capone had incurred the wrath of fellow prisoners because he tried to order them about as though they were members of his notorious Chicago gang.

Capone, serving a sentence for income tax evasion, was reported also to have been visited by his wife and their son, who were forced to converse with him through a voice tube.

W. J. ...

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Backus.....
- Mr. Baughman..
- Chief Clerk.....
- Mr. Clegg.....
- Mr. Coffey.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Smith.....
- Mr. Tamm.....
- Mr. Tracy.....
- Miss Gandy.....

**Nobleman's Art
a Jolt to Gangs**

**Hastings' Original
Hangs in Glencoe
Home**

"Who's that big blonde? How
did SHE get on the lap?"

Indignant survivors of the old Al
Capone "syndicate" muttered ques-
tions like that yesterday when
copies of Viscount Hastings' mural
painting, "The History of Bootleg-
ging," completed the journey from
London to Chicago.

For there in the middle of the
picture sits "Scarface Al" himself—
white spats, yellow tie, pearl fedora,
black cigar—with a mountainous
beached darling draped on his left
knee.

"She ain't no syndicate moll
... Al never gave a tumble to
a skirt like that ... He wouldn't
give her a job washin' glasses in
speak ..."

Such were the bitter comments
in the underworld. The boys ad-
mitted, however, that the rest of the
picture wasn't so bad. It shows
speakeasies, hi-jacking, rum run-
ning and some pretty neat handling
of six-guns and "tommies."

As the copies arrived it was
learned last night that the orig-
inal painting has been here all the
time and forms a mural in the
basement bar of the Glencoe home
of James M. R. Glazer, grain bro-
ker, whose guest Viscount Hastings
was during the 1933 World's Fair,
at which time he painted it.

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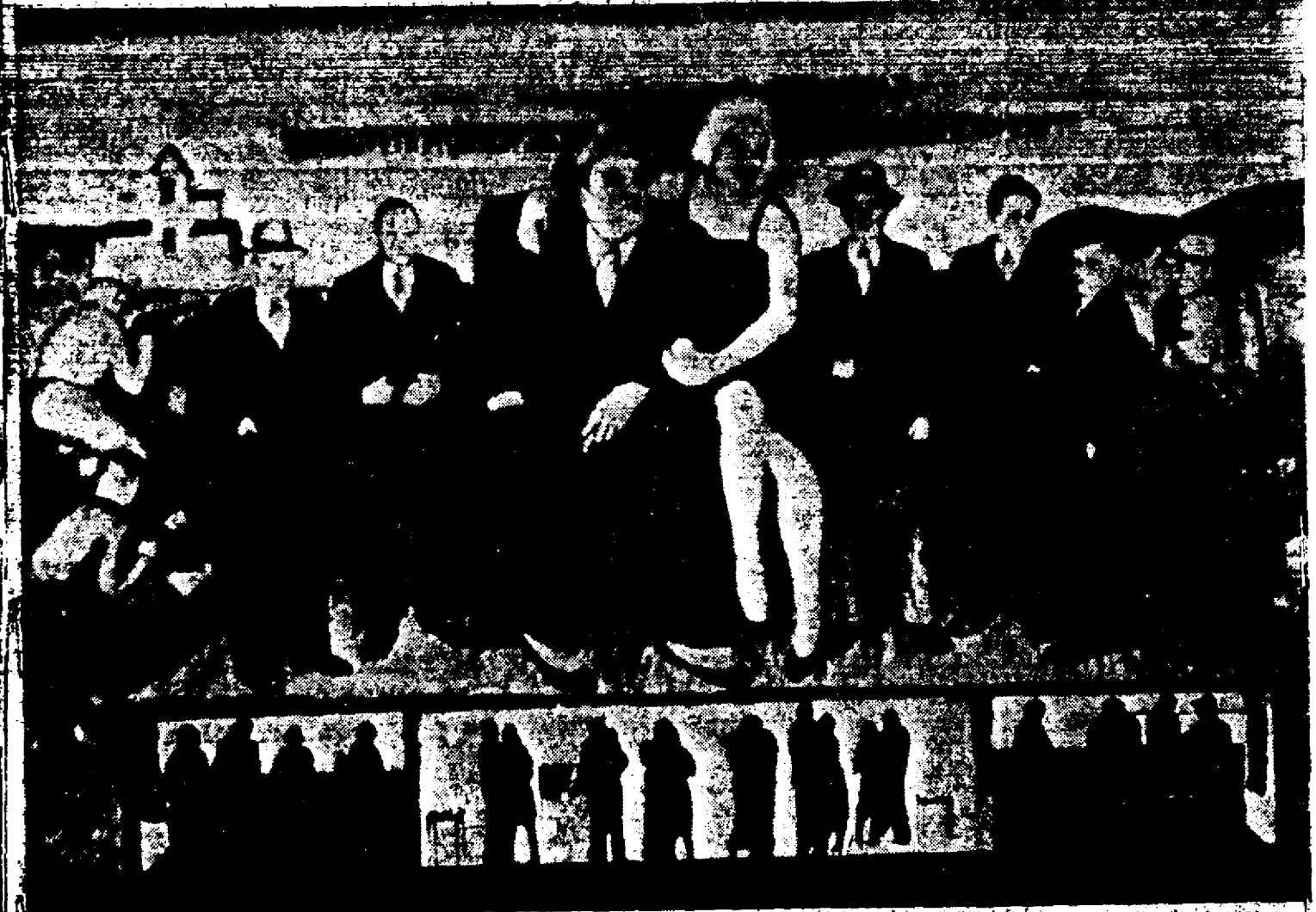
MAY 2 1935

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CAPONE MUSCLES IN ON ART

King of the Underworld Put
on Canvas by British Peer

Viscount Hastings
The History of
Bootlegging



PAINED IN LONDON—A section of Viscount Hastings' mural painting, "The History of Bootlegging," which has reached Chicago from London, causing favorable and unfavorable comments.

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Painting of British Paer

LONDON, April 27.—The painting, which was safely tucked away in an American safe, is the central figure in a mural painting entitled "The History of Bootlegging," by Vincent Hastings.

The painter, son and heir of the earl of Huntington, depicted the scar faced one, plump-jawed and wearing spats, in his palmy days.



Capone's blonde show a platinum blonde on his knee and scowling henchmen in the background, their hands thrust ominously in their pockets. Apparently the federal men are about to burst into the room. The blonde is frightened and Capone himself has one hand in his pocket.

Pictures Bootleg Industry.
Starting at the left, the mural shows a murky waterfront scene with a ghost ship riding in the background and five husky roustabouts unloading sacks of contraband whisky from a speed launch. Others, clutching revolvers and a submachine gun, are apparently beating off an attacking hijack party. The police are coming, however—two of them, in a rowboat with the Stars and Stripes waving in the breeze. Panels show three speakeasy scenes, and then the panorama turns rural, with huge trucks lumbering along the moonlit countryside and grim jawed men blazing away at each other with tommyguns. Three airplanes swoop low overhead. Everything appears to be in the district except the cavalry.

Sprayed with a Gun.
The whole work of the artist, appropriately enough, was sprayed with a gun. That is the way the viscount works. He uses a paint gun. "It is faster and really very effective," said Hastings. A graduate of Eton and Oxford, his full name is Francis John Vincent Hastings Plantagenet Hastings. He is a direct descendant of the House of Plantagenet, which ruled England for more than 300 years.

- Mr. Backus.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Clegg.....
- Mr. Coffey.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Smith.....
- Mr. Tamm.....
- Mr. Tracy.....
- Miss Gandy.....

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CHICAGO DAILY TRIBUNE

APR 28 1935

Nathan

POPE'S LEDGER SHOWN IN BOOK

Government Puts Away Record of His Income.

GAMBLING GAMES PAID WELL

Tax Compromise Makes Use of Ledger Unnecessary.

CHICAGO, March 23 (AP)—The government tucked a race book into its shelves today—source material for a sometime biographer of Scarface Al Capone.

The volume, certainly a collector's item, is a first-hand account of one of the downtown gang lord's business ventures and had been planned as evidence of the government's income tax claim against Capone.

It was stuck back on the Federal bookshelf as the government and Capone compromised the \$286,406 claim for \$220,800.78, a settlement effected a day ago.

Across a page marked "December, 1924," in the ledger, appears the notation:

"Frank paid \$17,500 for Al."
Frank and Al, it seems, along with Town, Ralph, Pete, Lew, D—, J & A, and such, were partners in a business enterprise. The page obviously recorded a distribution of dividends.

It showed "Town paid \$6,537.42." Ralph and Pete each received \$1,634.36, seemingly being minor stockholders. Frank, J & A, Lew and D— each got \$5,730.22.

The ledger recorded the profits and losses, operating capital and expenses of the Hawthorne smoke shop in Cicero from May, 1924, to April, 1925. Its business, for which a daily record was kept, included races, twenty-one games, dice, wheels, poker, pen angle, hazard and cage games.

The full names of the business men were not written in the otherwise completed ledger, but government attorneys said the man who made the entries associated the recorded names and initials with such names as Capone, Guzik, Pope, and such.

Their books were written with great care. The ledger was a business record, showing the net profit of the business for each month. The business was operated as a branch of business listed as such. It was a frequent loser, as was poker, but the wheels, the bird cage and such branches rarely took on the side.

The entries for the last day recorded in the book was typical. The "house" lost \$1,717 on races.

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Backus.....
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- Mr. Tracy.....
- Mr. Egan.....
- Mr. Gandy.....

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Mr. Nathan
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 Mr. Rosen
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REDUCE CAPONE U. S. TAX DEBT TO \$220,980

Al Capone has agreed with the United States government that he owes \$220,980 in disputed income taxes

for the years 1924 to 1929, inclusive. An announcement was made here yesterday that special attorneys for the treasury department and counsel for the former beer czar have agreed to stipulations reducing the tax claimed by the government from \$222,842 to \$220,980. A public hearing on Capone's appeal from the government levy set for tomorrow before Judge J. Russell Leech of the board of tax appeals was canceled. Instead Judge Leech will return from Washington Monday, March 25. The government will then ask that

Mr. Dougherty
 Mr. Egan
 Mr. Coffey
 Mr. Lester
 Mr. Quinn
 Mr. Rosen
 Mr. Tracy

Handwritten initials

<p>judgments be entered against Capone and three other gangsters who agreed to stipulation reductions last week.</p>	<p>out only a small part of his indebtedness. Agents of the investigating unit of the internal revenue department must ferret out his other assets, the officials said.</p>	<p>believed that Capone's counsel agreed to the stipulation to avoid, not only the expense of a lengthy hearing, but further revelations of the former gang lord's many illegal activities.</p>
<p>By entering the stipulation agreements, Capone, through his attorney, Michael Ahern, admits only that he owes a certain amount of money in taxes. Collection of this judgment must be made by Collector of Internal Revenue Carter Harrison.</p>	<p>The civil tax case against Capone has been investigated since December by Eiden McFarland, special attorney for the treasury department, and his assistants, John E. Marshall and Bernard E. Daniels.</p>	<p>The stipulation fixed Capone's net income for the six years at \$702,496, and the amount of taxes and penalties at \$220,980. Capone is in Alcatraz prison, serving an 11 year sentence for violation of the income tax laws. Last week stipulations reducing their total tax claims from \$1,251,638 to \$529,062 were agreed to by Ralph Capone, Jack Gusik, and James V. Mondl.</p>
<p>It was conceded by government officials that collection of the entire judgment might prove difficult, because gangsters rarely have visible assets. There are liens against Capone's equity in his home at Miami, but its sale, it is said, would wipe</p>	<p>They had gone to great lengths, obtaining depositions from 21 persons in Florida, impounding the books of former Capone gambling houses and other illegal interests, and subpoenaing numerous bank clerks. It was</p>	

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman..
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- Mr. Coffey.....
- Mr. Edwards.....
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- Mr. Schilder.....
- Mr. Tamm.....
- Mr. Tracy.....
- Miss Gandy.....

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**DE GRAZIA ON WAY
TO U. S. PRISON;
CAPONE HOODLUM**

Rocco De Grazia, alleged Capone hoodlum, surrendered yesterday to United States Marshal William H. McDannell and was taken with 15 other prisoners to Leavenworth penitentiary to begin serving a sentence of 18 months imposed recently by Federal

Judge Charles E. Woodward for income tax evasion.
Among the others taken to prison was Paul Leo Gorski, 31 years old, alias "Dr." Paul Wagner. Gorski was sentenced yesterday to two years in Leavenworth by Federal Judge William H. Holly on charges of violating the Harrison narcotic law and impersonating a government officer. He pleaded guilty.
Gorski was arrested in January, 1934, at 6205 Ravenswood avenue after the state department of registration

and education had complained that he had practiced medicine without a license. He was convicted in state court and sentenced to six months in the county jail in this case.
Assistant United States Attorney Mary Balley told Judge Holly yesterday that Gorski forged the names of legitimate doctors to prescriptions in order to get narcotics which he sold to "patients." The federal impersonation charge grew out of Gorski's representation that he was a member of the army medical reserve.

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Mr. Tolson
Mr. Backus
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Mr. Tamm
Mr. Tracy
Miss Gandy

AL CAPONE

as

**Report Mrs. Capone Living
Near Gangster's Prison**

San Francisco, Cal., Feb. 9.—(AP)—
The Chronicle says Mrs. Al Capone is
living in the San Francisco bay sec-
tion under an assumed name to be
near her husband, the former Chicago
gangster. Capone is serving an 11-
year sentence on Alcatraz Island, fed-
eral "escape proof" penitentiary for
incurables.

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Mr. Nathan.....
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 Mr. Tracy.....
 Miss Gandy.....

GANGSTER GETS 18 MONTH TERM FOR TAX EVASION

De Grazia of Old Capone Mob Pleads Guilty.

Rocco De Grazia, once a member of the old Capone gang, was sentenced to 18 months in Leavenworth penitentiary and fined \$1,000 yesterday by Federal Judge Charles E. Woodward on a charge of income tax evasion. De Grazia pleaded guilty and admitted an income of \$19,932 for the years of 1929 and 1930.



De Grazia's brother, Nicholas, who pleaded guilty to a charge of failing to file income tax returns for 1929 and 1930, was fined \$250 and placed on probation for one year.

Conviction of De Grazia left but one major income tax case for trial, court attachés pointed out. The defendant in this case is William H. Malone, former chairman of the Illinois tax commission, who is reported to be a fugitive in Germany.

Deaths Mark Defendants.
 Defendants in three other cases, which promised sensational disclosures, escaped prosecution through death. They are Ted Newberry, north side gang chief, who was found slain near Chesterton, Ind., Jan. 7, 1933; Joe Rosenberg, prominent politician in the 24th ward, and Tom Maloy, near of the Motion Picture operators union, shot to death Monday.

The government was preparing to move for indictment of Newberry at the time he was slain. It was revealed yesterday Rosenberg, who was charged with failure to pay a tax of \$65,000 for the years of 1929 and 1930, died following an operation in January, 1934, shortly after his indictment.

Assistant Attorney General Leslie E. Halter announced yesterday that the government would move against Maloy's estate in an effort to collect tax of \$31,000, which the indictment charged that he owed for the years from 1929 to 1932.

O'Hara Case to Be Pushed.
 It also was announced yesterday that the death of Maloy would not weaken the perjury case against Ralph O'Hara, organizer for the moving picture union. United States Attorney Dwight H. Green said that he felt confident of a conviction without presence of Maloy. O'Hara was indicted for perjury for his testimony during the investigation by the federal grand jury of the Maloy tax payments.

In the De Grazia case Assistant United States Attorney E. H. Campbell told the court that Rocco admitted operating 18 handbooks, most of them in Melrose Park. He also admitted, the attorney said, that he had a payroll of \$400 a day during the years mentioned in the indictment and had paid "protection" of \$1,200 a month.

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- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
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- Chief Clerk
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- Mr. Edwards
- Mr. Egan
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- Mr. Keith
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- Mr. Schilder
- Mr. Tamm
- Mr. Tracy
- Miss Gandy

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18 MONTHS FOR A CAPONE AID

Because, like other Capone gangsters, he neglected to pay his income tax, Rocco De Grazio was sentenced by Federal Judge Woodward yesterday to eighteen months in Leavenworth penitentiary and \$1,000 fine.

He and his brother, Nicholas, pleaded guilty. The latter was granted probation after being sentenced to a year in the Bridewell and \$250 fine.

By drawing the prison term for tax cheating, De Grazio followed the path of Al and Ralph Capone, Jake and Sam Guzik, Frank Nitti, Terry Druggan, Frankie Lake and—most recently—Murray Humphreys.

De Grazio admitted failing to pay \$20,000 tax in 1929 and 1930.

According to Assistant United States Attorney E. Riley Campbell, he confessed to internal revenue investigators that he operated eighteen handbooks, mostly in Melrose Park, had a \$400 a day payroll and paid \$1,200 a month for "protection."

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 Mr. Quinn
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 Mr. Tracy
 Miss Gandy

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**END TESTIMONY
 IN CAPONE TAX
 EVASION PROBE**

Miami, Fla., Jan. 30.—(AP)—Depositions of government witnesses here in appeals by Al Capone, former Chicago gang leader; his brother, Ralph, and his aid, Jack Guzik, from federal income tax assessments totaling \$1,212,692.64 were completed today after a two day hearing.

They will be reviewed by the federal board of tax appeals in Chicago March 11.

Al Capone, who is in Alcatraz prison in California serving a sentence for income tax evasion, is protesting assessments totaling \$68,644.06 for the years 1924 to 1929, inclusive.

Ralph Capone is protesting assessments totaling \$311,282.53 for the years 1926 to 1928, and Guzik, \$22,752 for the years 1924 to 1929.

Tax liabilities of the trio during their residence at Miami Beach were sought by Elden McFarland, special attorney for the treasury department.

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Chicago Tribune
 67-1875
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TAKING CAPONE'S WEALTH! A NEW PUNISHMENT

*The First Move to Forfeit
'Crime Estates'*



INCOME TAXES AND PENALTIES

Efforts to take from Al Capone \$391,506 of his booze-beer-vice profits made during prohibition for back income taxes and penalties are to be made soon by the government, it was announced in Washington yesterday.

Although Capone still has the major portion of an eleven-year sentence to serve in a federal penitentiary for tax evasions, the action of the government is designed to deprive him of his fortune built up from criminal activities.

It is the government's way under existing laws of making it impossible for a convicted criminal to enjoy the fruits of his ill-gotten gains after the expiration of a penitentiary sentence.

A Forfeit

This step is in line with the suggestion made last Saturday by Governor Horner at his nation-wide crime conference in Springfield that laws be passed enabling courts to forfeit estates of convicted predatory criminals unless proof is given that their wealth was honestly gained.

Witnesses are being gathered by the government who will testify before the United States board of tax appeals in Chicago that Capone had an income of more than \$1,000,000 from gambling and other sources for the years 1925 to 1928, it was stated.

It is not likely that the notorious gangster will be released from prison to attend the hearing but he will undoubtedly be represented by his attorney, Michael J. Ahern, who already has made the claim that imposition of the penalties proposed would be in violation of Capone's constitutional rights and would constitute "double punishment."

Mr. Nathan.....
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Mr. Schilder.....
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Mr. Tracy.....
Miss Gandy.....

Chicago Herald & Examiner

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman.....
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- Mr. Coffey.....
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- Mr. Tamm.....
- Mr. Tracy.....
- Miss Gandy.....

JAN 9 - 1935
NEW YORK AMERICAN

CAPONE'S TAXES

*U. S. Is Seeking
 To Collect
 \$391,506*

HAS EVIDENCE

WASHINGTON, Jan. 8 (AP)—
 The Government will appear soon
 before the United States Board of
 Tax Ap-
 peals in an
 effort to
 collect
 \$391,506 in
 back in-
 come taxes
 and pen-
 alties from
 Al Capone,
 now serving
 an 11-year
 sentence
 for tax
 evasion.



Witnesses
 are being
 rounded up
 quietly to
 present to
 the board
 evidence to
 prove Ca-
 pone had

AL CAPONE
 U. S. seeks \$391,506 from
 him.

income from gambling and other
 operations totaling more than a
 million dollars for the years 1925
 to 1929. The arguments will be
 heard in Chicago.

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman..
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Edwards.....
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- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Tamm.....
- Mr. Tracy.....
- Miss Gandy.....

J. S. PONDERS
GOING CAPONE
FOR \$391,506

ST. FRANCIS & PORTER
 Washington, D. C., Jan. 8.—Uncle Sam set out today to start collecting from Al Capone some of the thousands of dollars the government expended in investigations and criminal prosecutions that sent the one-time overlord of Chicago vice to a two-year stay in Atlanta and Alcatraz prisons.

Sometime soon the circuit branch of the United States board of tax appeals will hold a hearing in Chicago and decide whether the government is entitled to any of the \$391,506.23 in back income taxes, including interest and penalties, the gangster has been accused of attempting to evade and defeat.

Roundup of Witnesses.
 With a view to bringing this civil suit to a showdown in as short a time as possible, government operatives of the internal revenue bureau today are conducting a countrywide roundup of all witnesses who testified either for or against the gang chieftain in previous Capone cases.

It was learned today that Capone has been ordered to appear in court, where Capone is expected to deny his affluent heredity in Chicago and claim.

Combating the charges of the government, Capone, in his petition to the board, asked for a suspension of income taxes assessed against him for the years 1924, 1925, 1927 and 1928, amounting with interest and penalties to \$22,843.18. He also asked for a redetermination of other taxes the board proposes assess against him for the years 1924 to 1929 inclusive, amounting with penalties to \$22,843.18.

Mr. Cavanaugh, the assistant through counsel, Capone to appeal the commissioner's findings or reasons for his ruling that in 1924 the taxman erroneously assessed him 10 per cent of the profits of the gambling syndicate in the amount of \$300,250.93, or a tax penalty of \$113,102.89.

Moreover, his counsel in the petition, the gangster has already been on criminal charges of tax evasion, serving time, and attempting to attempt to further in a civil suit to set an act of doubt. Violation of his client's contract.

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Chicago Daily News
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Mr. Nathan
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 Mr. Tamm
 Mr. Tracy
 Miss Gandy

SEEK \$391,506 CAPONE TAX

WASHINGTON, Jan. 8.—(AP)—
 The government will appear soon before the United States board of tax appeals in Chicago in an effort to collect \$391,506 in back income taxes and penalties from Al Capone, now serving an eleven-year sentence for tax evasion.

Witnesses are being rounded up to prove that Capone had income from gambling and other operations totaling more than a million dollars for the years 1925 to 1929, inclusive.

It is not likely that Capone will be released from prison to attend the hearing. Through his attorney, Michael J. Ahearn, he has made the claim that the penalties proposed would constitute "double punishment" and destroy his constitutional rights.

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69-180-A Chicago American
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Mr. Nathan
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 Chief Clerk
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 Mr. Schilder
 Mr. Tamm
 Mr. Tracy

**SAYS AL CAPONE—
 PARTICIPATED IN
 HUNGER STRIKE**

San Francisco, Cal., Dec. 15.—(AP)—
 Some of the alleged secrets of Alcatraz
 island, including an asserted hunger
 strike by Al Capone and other prison-
 ers, were disclosed today by John
 Stadig, young counterfeiter, before offi-
 cials clapped him back into the gov-
 ernment's carefully guarded prison for
 arch criminals.

"I'd rather die than go back to Al-
 catraz. That's a hell hole," Stadig told
 Constable John Ott immediately after
 being captured near Martinez, Cal.,
 yesterday. He escaped recently while
 being returned to the prison from
 Portland, where he had been taken to
 appear in court.

"I got a 15 year sentence at Port-
 land through a frameup," Stadig said.
 "The warden, attorney general, and
 Portland court framed me because I
 had written a letter to the attorney
 general criticizing the prison.

"My pal and I had asked the warden
 to allow us some newspapers and
 motion pictures in the prison once a
 month. He shackled us and threw us
 in the dungeon for this, and if we got
 two slices of bread a day we were
 lucky.

"Al Capone and other prisoners
 went on a strike and refused to eat
 or come out of their cells, and in three
 days we were released from the dun-
 geon. It was after that I wrote to the
 attorney general."

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Chicago Tribune

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- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm
- Mr. Tracy

BARES CAPONE HUNGER STRIKE AT ALCATRAZ

Captured Fugitive Tells Secrets of U. S. Island Prison; Prefers Death to Return

SAN FRANCISCO, Dec. 15.—(AP)—Some of the alleged secrets of Alcatraz Island, including an asserted hunger strike by Al Capone and other prisoners, were disclosed today by John Stadig, young counterfeiter, before officials clapped him back into the government's carefully guarded prison for arch criminals.

After being captured near Martinez, Cal., yesterday, he said:

"I'd rather die than go back to Alcatraz."

TELLS OF LIFE

The 26-year-old counterfeiter escaped recently while being returned to the prison from Portland, where he had been taken to appear in court.

Telling of life in prison, he said: "I wrote a letter to the Attorney General criticizing the prison."

"My pal and I had asked the warden to allow us some newspapers and motion pictures in the prison once a month. He snatched us and threw us in the dungeon for this, and if we got two slices of bread a day we were lucky."

"Al Capone and other prisoners went on a strike and refused to eat or come out of their cells, and in three days we were released from the dungeon. It was after that I wrote to the Attorney General."

IN SEPARATE CELLS

He added: "Capone, 'Machine Gun' Kelly and Harvey Bailey are confined to separate cells like the rest of us. Each man is locked in his solitary cell at 4:30 p. m. and stays locked up until 6:30 a. m."

"We wear gray uniforms during the week and change to blue ones on Sunday. The guards are plenty strict, but the treatment in the main isn't so bad. We don't get much exercise, only six hours a week, spread over seven days. There is no dope in the prison."

Stadig has figured in three escapes, one of which was in Chicago.

17A2

Chicago Herald Examiner
69-180-A 12-16-34 64

- Mr. Nathan
- Mr. Tolson ✓
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder ✓
- Mr. Tamm ✓
- Mr. Tracy

BARES CAPONE HUNGER STRIKE AT ALCATRAZ

Captured Fugitive Tells Secrets of U. S. Island Prison; Prefers Death to Return

SAN FRANCISCO, Dec. 15.—(AP)—Some of the alleged secrets of Alcatraz Island, including an asserted hunger strike by Al Capone and other prisoners, were disclosed today by John Stadig, young counterfeiter, before officials clapped him back into the government's carefully guarded prison for arch criminals.

After being captured near Martinez, Cal., yesterday, he said:

"I'd rather die than go back to Alcatraz."

TELLS OF LIFE

The 26-year-old counterfeiter escaped recently while being returned to the prison from Portland, where he had been taken to appear in court.

Telling of life in prison, he said: "I wrote a letter to the Attorney General criticizing the prison."

"My pal and I had asked the warden to allow us some newspapers and motion pictures in the prison once a month. He snatched us and threw us in the dungeon for this, and if we got two slices of bread a day we were lucky."

"Al Capone and other prisoners went on a strike and refused to eat or come out of their cells, and in three days we were released from the dungeon. It was after that I wrote to the Attorney General."

IN SEPARATE CELLS

He added: "Capone, 'Machine Gun' Kelly and Harvey Bailey are confined to separate cells like the rest of us. Each man is locked in his solitary cell at 4:30 p. m. and stays locked up until 6:30 a. m."

"We wear gray uniforms during the week and change to blue ones on Sunday. The guards are plenty strict, but the treatment in the main isn't so bad. We don't get much exercise, only six hours a week, spread over seven days. There is no dope in the prison."

Stadig has figured in three escapes, one of which was in Chicago.

1782

Chicago Herald Examiner
69-180-A 12-16-34 65

Toman Names New Warden for Jail; Fights Dope Evil

**Money Penny Out;
Lax Discipline
Charged**

**CITES CRIMES
Guns and Poison
Brought to
Prisoners**

Smuggling of dope into the county jail yesterday prompted Sheriff-elect John Toman to depose David Money Penny as warden and appoint in his place Frank Sain, for fifteen years a guard in the house of correction.

Money Penny's intimations that lack of political pull was at the bottom of his removal were impatiently brushed aside by Toman, who said:

"I have no confidence in him. He has permitted the violation of the strictest rules of penal institutions.

TELLS OF CRIME.

"Dope has been smuggled in butter cubes, poisoned sandwiches that killed one prisoner were brought into the jail, and a gun got into the jail with which a guard was killed. There is no politics in his removal.

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schaefer
- Mr. Tamm
- Mr. Tracy

The new warden, I want to see the trust, don't want to clean up. I want to be able to sleep night without having to be afraid that a guard will be shot."

FIFTY CACHES FOUND.

It was learned from good authority that within the last four years more than fifty caches of dope have been found in the institution.

Said the informant:

"Only within the last four weeks we found in the jail a cache of morphine in capsules. Dope is never found on prisoners. They are too canny to be caught with the goods, because the federal government would prosecute them. But the records of the narcotic division will bear out that dope has been found many times within the walls of the institution."

In addition to Sain, who is a brother of Alderman Harry Sain of the Twenty-seventh Ward, Toman announced the appointment of George Gibson, assistant warden, to continue in office.

**Reforms Are Pledged
by Sheriff Toman.**

Commercialized vice must be driven out of the county. The sale of liquor to minors must stop. The employment of young girls as hostesses in roadhouses must cease.

Thus Sheriff-elect John Toman yesterday outlined their duties to Chief William F. Collins and Lieut. Lester J. Laird, Angelo Borella and Fred Mulhausen of the highway police when he informed them of their appointments.

Toman also announced the following appointments: Joseph Lellvelt, chief bailiff; James Todd, attorney for the sheriff; William Milota, chief bailiff of the Criminal Court, and Rudolph Sabath, custodian of the county building.

69-180-F

Chicago Herald & Expositor
12-2-34

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Tamm.....
- Mr. Tracy.....

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester **WHO?**.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Tamm.....
- Mr. Tracy.....

MISC.

**Capone Misses Out
on Special Feast**

SAN FRANCISCO, Nov. 29.—(I.N.S.)—Inmates in all of California's state prisons today were enjoying special Thanksgiving Day meals, but to Al Capone and the 200-odd selected "bad boys" on Alcatraz federal penitentiary, the "Devil's Isle" in the middle of San Francisco Bay, it was just another Thursday. Warden James A. Johnston, warden at Alcatraz, said "There will be no special dishes on our menu today."

HR 80

Chicago Herald & Examiner

11-30-34

67

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester..... *WHDZ*
- Mr. Quinn.....
- Mr. Schilder..... *WHDZ*
- Mr. Tamm.....
- Mr. Tracy.....

AL CAPONE

**PAROLE CAPONE?
NOT IN 11 YEARS,
AVERS OFFICIAL**

San Francisco, Cal., Nov. 23.—(AP)—
There will be no parole for Al Capone
or the other Alcatraz Island prison
"incorrigibles," Col. Joel Moore, chief
federal probation officer, made known
today.

"Al Capone and others of his like
will have to serve out their entire
terms in Alcatraz prison. There will
be no paroles recommended by my
department for them," Col. Moore de-
clared. "Capone must serve out his
11 year sentence."

68

69-180-A Chicago Tribune
11-24-34

**CAPONE'S WIFE ASKS
INTERVIEW, REPORT**

San Francisco, Nov. 22 (AP).—Despite reports that Mrs. Al Capone is in San Francisco to seek an interview with her convict husband at Alcatraz island penitentiary, Warden James Johnston denied knowledge of her whereabouts. Johnston said if the interview is granted with the Chicago gang chief it would be kept secret.

1-180

Chicago Daily Times
69-180-A 11-23-34
68

Pre-Vote Roundup Jails A Capone

BROOKLYN, N. Y., Nov. 2.—(P)—James Capone, cousin of Alphonse ("Scarface Al") Capone, was held in \$500 bail today for further hearing on a charge of "consorting with criminals." Capone was arrested with thirty-seven others in a pre-election roundup designed, police said, to prevent disturbances at the polls. "Consorting with criminals" is a disorderly conduct charge.

Chicago Herald & Examiner
69-120-4
11-3-34 70

Plea Against Capone

The plea of Al Capone, former gang lord of Chicago, was started in the federal District court of Atlanta while he was imprisoned in the federal penitentiary there, but before its final rejection by the Supreme court Capone had achieved the release he sought. He was taken out of the penitentiary there, but was lodged in a new one on Alcatraz Island, off the California coast.

Nevertheless the petition for a writ of certiorari, which the Supreme court denied today, was in the matter of Alphonse Capone vs. A. C. Aderhold, the latter being warden of the Atlanta penitentiary. Capone's lawyers raised his plea after he had been committed to the penitentiary on May 4, 1932. A Supreme court decision in another case held that the statute of limitations in criminal income tax cases is three years, and not six, as the government relied upon in convicting Capone.

But Capone's lawyers had failed to raise the plea during the trial and this precluded him from further relief.

The Supreme court took under advisement the case in which Samuel T. Ansell, who investigated election frauds in Louisiana, is suing Senator Long for \$500,000 libel.

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Tamm.....

A. L. CAPONE

Chicago Tribune

69176

10-16-34

7

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder

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AL CAPONE

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CAPONE LOSES PLAN TO SUPREME COURT

Review Is Denied for Habeas Petition Raising Issue of Limitations Statute

ODDS AGAINST A REHEARING

Chicago's Ex-Gang Chieftain Is Believed Likely to Serve His Time at Alcatraz.

Special to THE NEW YORK TIMES.
WASHINGTON, Oct. 15.—Probably the last avenue through which Alphonse Capone might have escaped serving the rest of his ten-year prison sentence for attempted evasion of income tax, from 1925 to 1927, was blocked today by the Supreme Court.

Without explanation the court rejected a petition of the former Chicago gang leader for review of lower court findings, in a habeas corpus proceeding.

Counsel for Capone, conceding income tax evasion charges, argued that as the indictment was drawn more than three years after the alleged offenses occurred, the statute of limitations barred the court from taking jurisdiction.

The action of the high court left to Capone the sole recourse of an appeal for a rehearing, a move in which the odds would be against him. As a result Capone is likely to stay at Alcatraz prison at least until he becomes eligible for parole.

Since the court confined its ruling to the essential point of the petition, it threw no light on the question whether counsel for Capone, in appealing to the Court of Appeals from the decision of the District Court for Northern Illinois, had erred in failing to raise the statute of limitations as a legal impediment to his trial.

Besides the ten-year prison sentence, Capone received a year's term in county jail and a fine of \$50,000.

At the trial, counsel for Capone asked the court to direct a verdict of not guilty on the ground that the statute of limitations prevented consideration of an offense three years prior to the indictment. The government replied that in this case the limitation was six years because of an attempt to "defraud" the United States.

The trial court overruled the motion for a directed verdict. On appeal, reversal of the conviction was sought on the sole ground of insufficiency of the indictment and the question of the statute of limitations was not raised.

In a petition for a writ of habeas corpus filed in the Federal court for the Northern District of Georgia, Capone's counsel offered as a parallel the granting of a habeas writ to "Boss" William Tweed by New York's highest court.

69-170-1

**Relative of Capone in
Quiz on Bombing**

Frank Diamond, 42, relative of Al Capone, was to be questioned today by Arthur Treacy of the bomb squad. Known as a racketeer and public enemy, Diamond was arrested last night by Sergt. Marshall Pidgeon at Washington and Dearborn sts.

69 190 A Chicago American
10-15-34 74

Al Capone's Nemesis Forced to Take Exam to Keep Federal Job

Cleveland, Oct. 18 (U.P.).—The man who headed the government's investigation into the income tax evasions of Al Capone, Chicago's dethroned and imprisoned No. 1 public enemy, has had to take a government competitive examination to hold his job.

He is Elliot Ness, 31, Chicago, who became agent in charge of the Cleveland office of the alcohol tax unit of the treasury department after his successful expose of Capone's evasions.

Despite his brilliant record, Ness and the 10 men under him had to take the examination. A new law passed by congress makes the test mandatory, whether they are jobholders or not.

The tests were preparatory to increasing the federal liquor staff in Ohio and Michigan from 60 to 150.

Ness, a University of Chicago graduate, was frankly a little disturbed about the examination. He wandered about the federal building reviewing his mathematics.

69-180-A

Chicago Daily Times

10-15-34

75

CAPONE LOSES IN HIGH COURT

WASHINGTON, Oct. 15.—(By International News Service.)—Alphonse Capone, former overlord of Chicago, today lost his second appeal to the United States Supreme Court in an effort to escape serving out his term on charges of dodging income tax.

The high court, without explanation, denied a petition for review in a habeas corpus proceeding, in which Capone's lawyers contended the statute of limitations prevented his trial.

file
10-15-34

69-180-A Chicago American 76
10-15-34

Capone Again Loses Fight To Go Free

By International News Service
"Scarface Al" Capone, former overlord of Chicago gangdom, today lost his second appeal to the Supreme Court in an effort to escape his sentence on charges of dodging income tax.

The high court, without explanation, denied a petition for review in a habeas corpus proceeding, in which Capone's lawyers contended that the statute of limitations prevented his trial.

Thus the high court left unanswered the question of whether or not Capone's lawyers made a fatal error when he was tried in Federal court in Chicago by not raising the statute of limitations question in the proper way.

Capone was sentenced to a year in jail on misdemeanor charges and 10 years for dodging income tax for 1925, 1926, and 1927.

At the trial his lawyers moved for a directed verdict and asserted that three years had elapsed since the offenses. The Government replied that a six-year statute applied in Capone's case.

69-180-A

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AL CAPONE LOSES IN SUPREME COURT

Tribunal Refuses to Review
Court Action Denying
Him Freedom

By the Associated Press.

The United States Supreme Court refused today to aid Alphonse (Scarface Al) Capone, convicted Chicago gangster recently removed to Alcatraz Federal Penitentiary, in his effort to obtain freedom.

Capone had contended his conviction of violating the internal revenue laws by making false income tax returns for 1925, 1926, and 1927 was illegal because it was obtained more than three years after the offenses were alleged to have been committed. The Supreme Court declined to review the refusal of lower courts to release him.

U. S. Denies Time Expired.

In its argument against Capone's release the Government took the position the three-year statute of limitations did not apply in cases of fraud and that the conviction was legal because obtained within six years after the offenses.

Capone was sentenced in the Federal District Court at Chicago to one year in the county jail and fined \$30,000 on conviction of two misdemeanors, and to 10 years' imprisonment in a Federal Penitentiary and a fine of \$30,000 on three other counts alleging fraud.

Milk Ruling Upheld.

The court also affirmed an injunction granted by the lower court against a section of the New York milk control act which prohibits milk dealers from selling their product purchased outside the State for less than the same grade produced within the State.

A special three-judge Federal court had held the section unconstitutional and enjoined its enforcement.

Mr. Nathan
 Mr. Tolson
 Mr. Clegg
 Mr. Baughman.....
 Chief Clerk
 Mr. Coffey
 Mr. Cowley
 Mr. Edwards.....
 Mr. Egan
 Mr. Harbo
 Mr. Keith
 Mr. Lester
 Mr. Quinn
 Mr. Schilder
 Mr. Tamm ✓

Capone Loses Plea in Supreme Court

Al Capone today lost probably his last plea for liberty from the Federal penitentiary where he is serving 10 years imposed in Chicago for failing to pay his income tax.

The Supreme Court, to which the premier of Chicago gangdom carried his fight for release, turned a deaf ear to his habeas corpus fight.

AL. CAPONE CASE

1-12

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- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Nease
- Mr. Gurnea
- Mr. Hendon
- Mr. Jones
- Mr. Mumford
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Hendon
- Mr. Jones
- Mr. Mumford
- Mr. Rosen
- Mr. Tracy



WCNS39

AL CAPONE TODAY LOST PROBABLY HIS LAST PLEA FOR LIBERTY FROM THE FEDERAL PENITENTIARY WHERE HE IS SERVING TEN YEARS OF THE 11 YEARS OF SENTENCE IMPOSED ON HIM IN CHICAGO FOR FAILING TO PAY HIS INCOME TAXES.

WCNS45

ADD CAPONE

EXCEPT FOR A PETITION FOR REHEARING, A GENERALLY FUTILE GESTURE, THE RULING CLOSED ANY POSSIBLE AVENUE WHICH CAPONE HAS LEFT TO GAIN HIS RELEASE UNTIL HE BECOMES ELIGIBLE FOR PAROLE.

10/15-11213P

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U. S. RIDICULES CAPONE'S PLEA

WASHINGTON, Sept. 29.—(INS)

—The government, in a brief filed in Supreme Court today, ridiculed the plea of Al Capone, former Chicago gang leader, for freedom on the ground that the Statute of Limitations prevented his conviction for income tax fraud. Capone, now in Alcatraz Prison, is seeking his release on a writ of habeas corpus.

Solicitor-general J. Crawford Biggs said:

"As shown by the record in the October term, 1931, when the case was previously before this court, petitioner raised the precise and only question he now seeks to have reviewed.

"The petition for a writ of certiorari is without merit on any theory."

Capone's lawyers contend that a three-year statute of limitations had expired before his indictment. The government denied this.

69-180-A Chicago Herald & Examiner

9-30-34

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Egan
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schlar
- Mr. Tamm

W. C. Clegg

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U. S. ATTACKS CAPONE'S PLEA FOR FREEDOM

Washington, D. C., Sept. 29.—(AP)—

The government answered back in the negative today to an effort by Alphonse Capone to have the Supreme court order his release from Alcatraz prison in San Francisco bay.

The justice department filed with the high court a brief opposing a review by that tribunal of a habeas corpus proceeding brought by the one-time Chicago gangster.

Capone recently was transferred from Atlanta to the Alcatraz penitentiary to serve the remainder of a ten year sentence which he began in May, 1932. The prison sentence and a fine of \$10,000 was imposed on him for alleged violation of income tax laws.

At the time of his trial Capone contended he could not properly be prosecuted because the charge was not brought within three years of the alleged offense.

Solicitor General Biggs, in opposing the review, declared no new questions were raised by Capone's present petition. He contended that with four lower federal courts agreeing that the prosecution had been brought in time, and with the Supreme court having once refused to pass on the question, it should again decline to grant a review.

19-170-14 Chicago Tribune
9-30-34

84

U. S. HITS CAPONE PLEA FOR LIBERTY

Brief Tells High Court Gangster's Petition Has No New Questions.

By the Associated Press.

The Government answered back in the negative yesterday to an effort by Alphonse Capone to have the Supreme Court order his release from Alcatraz Prison in San Francisco Bay.

The Justice Department filed with the high court a brief opposing a review by that tribunal of a habeas corpus proceeding brought by the one-time Chicago gangster.

Recently Transferred.

Capone recently was transferred from Atlanta to the Alcatraz Penitentiary to serve the remainder of a 10-year sentence which he began in May, 1932. The prison sentence and a fine of \$10,000 was imposed on him by the Federal courts in Illinois for alleged violation of the income tax laws.

At the time of his trial, Capone contended he could not properly be prosecuted because the charge was not brought within three years of the offense. When the lower Federal courts decided against him, he sought review by the Supreme Court which was refused.

Habeas Corpus Action.

Recently while at Atlanta, he brought habeas corpus proceedings in the Federal courts there to obtain his release on the same grounds, contending he was unlawfully deprived of his freedom.

Again the lower Federal courts decided against him and he is now asking the high court to review their action.

Solicitor General Biggs, in opposing the review, declared no new questions were raised by Capone's present petition. He contended that with four lower Federal courts agreeing that the prosecution had been brought in time, and with the Supreme Court having once refused to pass on the question, it should again decline to grant a review.

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U. S. Body Denies Al Capone's Plea

Justice Department Brief Opposes Case Review.

The Government answered in the negative yesterday to an effort by Alphonse Capone to have the Supreme Court order his release from Alcatraz Prison in San Francisco Bay, according to an Associated Press report.

The Justice Department filed with the high court a brief opposing a review by that tribunal of a habeas corpus proceeding brought by the one-time Chicago gangster.

Capone recently was transferred from Atlanta to the Alcatraz Penitentiary to serve the remainder of a ten-year sentence which he began in May, 1932. The prison sentence and a fine of \$10,000 was imposed on him by the Federal courts in Illinois for alleged violation of the income tax laws.

Solicitor General Biggs of the Justice Department, in opposing the review, declared no new questions were raised by Capone's present petition.

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69-130-11

AL CAPONE'S PLEA
IS DENIED BY U. S.

Uncle Sam yesterday rebuffed a petition by Alphonse Capone, Chicago's erstwhile king of racketeers, for Supreme Court review of his conviction and sentence to prison for cheating on his income tax return.

Capone's petition for a writ of certiorari is without merit on any theory, the Government said in a reply brief filed with the high court.

Argument by Capone's lawyers that the time limit allowed in the statute of limitations for prosecuting him had expired when the Government arrested him in 1931 was not well founded, the Government said.

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WASH. HERALD

SEP 30 1934

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- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
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- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

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AL CAPONE

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CAPONE RELEASE OPPOSED BY U. S.

Department of Justice Files Brief.

WASHINGTON, Sept. 29 (AP).—The Government filed in the Supreme Court today a brief opposing a review of habeas corpus proceedings brought by Alphonse Capone to obtain his release from Alcatraz, where he is serving a sentence for attempting to evade Federal income taxes.

Capone was sentenced to 10 years' imprisonment and fine of \$10,000. He was serving the sentence at the Atlanta Penitentiary May 6, 1932, but recently was removed to the new Federal prison on the Pacific coast.

Contending the prosecution was barred by the statute of limitations, Capone unsuccessfully sought to obtain a review by the Supreme Court shortly after his conviction. Recently he brought habeas corpus proceedings in the Federal courts in Georgia on the same grounds and, failing there, petitioned the Supreme Court for a review.

The Department of Justice, in its brief filed today by Solicitor General Biggs, asserted the proceedings were brought within the six years granted by law in such cases and insisted the record clearly showed the prosecution was not barred by the statute of limitations.

Phila Record 9-30-34
HOME

69-180

89

OPPOSITION FILED TO CAPONE'S PLEA

Government Answers Habeas
Corpus Move to Obtain Pris-
oner's Release.

By The Associated Press.

The Government filed in the Supreme Court today a brief opposing a review of habeas corpus proceedings brought by Al Capone to obtain his release from Alcatraz, where he is serving a sentence for attempting to evade Federal income taxes.

Capone was sentenced to 10 years' imprisonment and a fine of \$10,000. He began serving the sentence at the Atlanta Penitentiary May 6, 1932, but recently was removed to the new Federal prison on the Pacific Coast.

Contending the prosecution was barred by the statute of limitations because it was begun more than three years after the offense was committed, Capone sought to obtain a review by the Supreme Court shortly after his conviction, but it was refused.

Recently he brought habeas corpus proceedings in the Federal courts in Georgia, demanding his release on the same grounds. Upon the refusal of the lower courts to release him on habeas corpus he petitioned the Supreme Court for a review.

WASHINGTON

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U. S. RIDICULES CAPONE WRIT

By International News Service

The Government, in a brief filed in the Supreme Court today, ridiculed the plea of "Al" Capone, former Chicago gang leader, for freedom on the ground that the statute of limitations prevented his conviction for income tax fraud.

Capone, now in Alcatraz prison, is seeking his release on a writ of habeas corpus. Once before the high court refused to consider his case.

The brief of Solicitor-General J. Crawford Biggs, says:

"The petition for a writ of certiorari is without merit on any theory. As shown by the record in the October term, 1931, when the case was previously before this court, petitioner raised the precise and only question he now seeks to have reviewed."

Capone's lawyers contend that a three-year statute of limitations had expired before his indictment in Chicago. The Government denied this and in addition, said he came within the scope of a six-year statute.

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91

CHICAGO TRIBUNE

69-150 A

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Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓

10/10/35

ADD CAPONE PLEA

THE GOVERNMENT CONTENDED THAT IF CAPONE WENT TO PRISON BECAUSE OF A FACTICAL ERROR ON THE PART OF ATTORNEYS WHO REPRESENTED HIM IN THE LOWER COURTS IT IS TOO LATE TO REMEDY THAT DEFECT.

"WHILE PETITIONER APPEALED FROM HIS CONVICTION TO THE CIRCUIT COURT OF APPEALS FOR THE 7TH CIRCUIT, HE FAILED TO RAISE THEREON ANY QUESTION CONCERNING THE STATUTE OF LIMITATIONS, AND HE MAY NOT NOW, BY WRIT OF HABEAS CORPUS, AVOID ANY MISTAKE HE MAY HAVE MADE, FOR IT IS WELL SETTLED THAT MERE ERROR CANNOT BE REVIEWED ON PETITION FOR SUCH A WRIT," BRIGGS CONTENDED.

9/29--R1213P

Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Conroy	✓

WHS
[Signature]

DEPT. OF JUSTICE

WCNS37

AL CAPONE'S PLEA TO THE SUPREME COURT FOR RELEASE FROM ALCATRAZ ISLAND WAS ASSAILED TODAY IN A BRIEF FILED BY SOLICITOR GENERAL CRAWFORD BIGGS.

RECEIVED

93

69-180-A

Appeal Before Supreme Court May Fail to Free Man Was Not Case of Fraud

The United States Supreme Court will shortly hear from the Atlanta Court whether he was taken out of Alcatraz Island prison in California from which he escaped in 1926.

Cagone still seeks to gain his case by legal means and by raising a point which, under construction of the court in previous cases, should entitle him to liberty from the 30-year sentence he is serving.

SURE IT WAS MISTAKE

Those familiar with Cagone's case are sure that he could not have been sent to the penitentiary on the offense for which he is now being punished if someone had not blundered.

Cagone's sentence was imposed for failure to file income tax returns for 1926, 1927 and 1928. He was indicted more than three years after the last date on which he could file a return.

At his trial Cagone's lawyer contended that these indictments were outlawed. The trial court ruled against the contention. It held that the offense was one of fraud against the Government. Such an offense may be prosecuted six years after commission. More failure to file a return is an offense which may not be prosecuted more than five years after commission.

The question was not raised in Cagone's case on a previous appeal.

NOT A FRAUD

It was only a few weeks when the first Supreme Court opinion when the court in another case ruled failure to file a return could not be prosecuted as a fraud against the Government. The three-year statute of limitations prevailed, this time.

Immediately after the ruling Cagone sought to obtain release from Atlanta Penitentiary. His release became proceeding. He was taken to the Federal House of Correction at Atlanta, Georgia, where he is now serving his sentence. The court in the case of *United States v. Cagone*, 281 U.S. 181, 50 S.Ct. 100, 74 L.Ed. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.



WASH. NEWS
SEP 27 1934

69-180-A WCA 7
94

Officials Accused In Capone Tie-Ups

HOUSTON, Tex., Sept. 14 (U.P.)—Al Capone was moved to Alcatraz Island to break up his underworld connections, E. S. Cass, of New York, general secretary of the American Prison Association, said here today. Cass added:

“Contrary to reports, Capone was not a model prisoner at Atlanta. Even while he was in the penitentiary there he carried on his outside affairs with the help of a staff of lawyers and others.” The “others,” he intimated, may have been public officials.

WASH. HERALD

SEP. 15 1935

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WASH. H.

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

AL CAPONE

buildings on Alcatraz are as modern as its safeguards, with even the ceiling of the dining room equipped with gas cylinders to be used against the convicts in the event of an outbreak.

The currents are strong in the surrounding waters, and an expert swimmer needs an hour's time to negotiate the mile and a half from the rocky slope to the mainland.

Mussolini's Lipari Islands are not prisons in the sense that strong walls make a prison. They are seven volcanic rocks off the coast of Sicily, rather idyllic places with vegetation and delightful climate. But they are as isolated as the tiny isles of the South Seas, having no connection with the outside world, save the twice-a-month visit of the steamer from Messina.

Signor Arpinati, formerly a member of the chamber of deputies and undersecretary of the interior, joins there about 700 other exiles, persons who, by word, deed or thought, have offended against the sacred dictates of fascism.

Arpinati is to serve five years because "in various circumstances he assumed an attitude in contrast to directions which should be followed by whomever has the honor of belonging to the Fascist party."

between the hot and 6:00 a. m. remain indoors. Ever over the is the black and the red glare of most famous of

has been active 2,000 years.

"The Lighthouse terranean" is easternmost of where it rises to height of 3,083 of the wonders something which such as the hark Taj Mahal and Himalayas.

A few weeks was to be heard Two mighty that warned the 1,500 that the gods troubled, and for on the mainland, who had heard were fearful lest should pour down covered slopes, man, beast and

Island prisons to mind the pen France and Mexico the coast of known as Devil other in the Pacific Three Marys. Tradition about these punishment.

Mr. Nathan
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Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

Human Side of the News - By Edwi

Uncle Sam has his Alcatraz Island, and Mussolini has Lipari. To the one has gone Al Capone, once rated America's public enemy No. 1, and to the other goes Leandre Arpinati, who only one year ago was rated Il Duce's right-hand man.

The idea of a Federal prison on an island is the New Deal which the Roosevelt administration is handing out to desperadoes of the type of Dillinger and "Machine-Gun" Kelly. Attorney General Cummings conceived the idea of isolating such vicious criminals on Alcatraz. Formerly the Army's military prison, the soldiers christened it "The Rock."

Such it is, 12 acres of hard stone, standing alone in San Francisco Bay a mile and a half from the mainland. The prison buildings on Alcatraz are as modern as its safeguards, with even the ceiling of the dining room equipped with gas cylinders to be used against the convicts in the event of an outbreak.

The currents are strong in the surrounding waters, and an expert swimmer needs an hour's time to negotiate the mile and a half from the rocky slope to the mainland.

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Signor Arpinati, formerly a member of the chamber of deputies and undersecretary of the interior, joins there about 700 other exiles, persons who, by word, deed or thought, have offended against the sacred dictates of fascism.

Arpinati is to serve five years because "in various circumstances he assumed an attitude in contrast to directions which should be followed by whomever has the honor of belonging to the Fascist party."

One of the first persons to be sent to Lipari by Mussolini was Domizio Torrigiani, grand master of the Masons of Italy. Francisco Nitti, nephew of the former premier, who joined him later, made a sensational escape in 1929 along with Carlo Rosselli, a Roman professor, and Emilie Lussu, a decorated war hero.

Contradictory stories are told of the treatment of the prisoners on Lipari but it seems well

established that the punishment is far more mental than physical. The prisoners hire their own rooms, usually living three together. They receive 50 cents a day and have the liberty of the islands, except

between the hours of 9:00 p. m. and 6:00 a. m. when they must remain indoors.

Ever over their heads by day is the black smoke and by night the red glare of Stromboli, that most famous of volcanoes which

has been active for more than 2,000 years.

"The Lighthouse of the Mediterranean" is on the north-easternmost of the islands, where it rises grandly to a height of 3,083 feet. It is one of the wonders of the world, something which must be seen, such as the harbor of Rio, the Taj Mahal and sunrise in the Himalayas.

A few weeks ago Stromboli was to be heard as well as seen. Two mighty thunderclaps warned the 1,600 inhabitants that the gods of fire were troubled, and for a time those on the mainland, 35 miles away, who had heard the explosions, were fearful lest streams of lava should pour down the vineyard-covered slopes, carrying away man, beast and vegetation.

Island prisons always bring to mind the penal colonies of France and Mexico, the one off the coast of French Guiana known as Devil's Island, the other in the Pacific called The Three Marys. There is no question about these being places of punishment.

In seventy years France has sent sixty thousand convicts to the terrific heat and the yellow fever of Devil's Island and two adjoining small dots in the ocean. Few sights are more horrible than the loading and departure of the old prison ship La Martiniere from La Rochelle. The cargo is mostly one of cutthroats and incorrigibles.

An exception was Captain Alfred Dreyfus, whose trial, conviction and subsequent exoneration of a treason charge made history.

Some of the elements of the Dreyfus case enter into the story of Benjamin Ullme, only recently returned to Paris after 25 years in the penal colony. Ullme, a young ensign, stole some military papers to get funds to satisfy the tastes of an expensive sweetheart. He demanded money from the government on the threat of selling the papers to a foreign power. He was trapped easily and as easily condemned to penal servitude for life.

Reports from France indicate that Ullme's reasoning has been affected by his prison ordeal. The wonder is that he did not go stark mad years ago. From 1908 until 1916 he was a "solitary" on "The Black Rock" talking to no human and seeing none but his guards.

He saved himself from self-destruction or violent insanity only by talking to the trees of the jungle and to the sharks of the sea.

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WASH. TIMES

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Tamm.....

Poor Al Capone?

We Can't See It.

Pity poor Al Capone?

Whip up a little righteous indignation against Uncle Sam for daring to "taint the record" of this "model prisoner" by sending him out to the new federal prison on Alcatraz Island in San Francisco Bay?

Maybe you can. We can't.

Al's record started long before the bars at Atlanta saved him from the fate to which his henchmen had consigned plenty of ganglanders. It was far from a model record. Indeed, it was below tainting.

We hope Al adjusts himself to his new surroundings and that we don't have to hear from him or about him for a long time.

15

64-190 A

Chicago American
9-4-34

98

CAPONE PUT TO WORK

Alcatraz Official Refuses to Specify Duties.

SAN FRANCISCO, September 1 (AP).—All newly arrived convicts at the new Federal prison on San Francisco Bay's Alcatraz Island, including Al Capone, have been assigned to duties, Warden James Johnston has announced.

"Every man in the institution has been put to work now," Johnston said, "and the prison's new routine is officially under way." He declined to say whether Capone has been put to work in the prison's laundry, tailor shop, shoe shop or at general maintenance.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
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Mr. Edwards
Mr. Egan
Mr. Glavin
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

WASH. STAR SEP 1 1934

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14-120-11

Walters

CAPONE MIAMI HOME RAIDED

MIAMI, Fla., Aug. 31 (US).—The main hall of Al Capone's Palm Beach mansion were invaded last night by police and Federal agents searching for perpetrators of last week's \$427,000 Brooklyn, N. Y., armored car holdup, it was learned late today.

Raiding officers said they acted on a tip that the robbers, who fled the Brooklyn shore in speedboats, were taken south on another craft and had holed up in the Capone home.

After the search, officers said there was no evidence to substantiate this theory. A caretaker told the raiders the house had been closed for several weeks and that Mrs. Capone and her son, Al, Jr., were in the north.

N.Y. American
LOW 9-1-34

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schloer
- Mr. Tamm

AL CAPONE

DIVISION OF INVESTIGATION
 U.S. DEPARTMENT OF JUSTICE

100

69 170 0

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

**CAPONE PUT TO WORK
IN ALCATRAZ PRISON**
 San Francisco, Cal., Aug. 31.—(AP)
 All newly arrived convicts at the
 new federal prison on San Fran-
 cisco bay's Alcatraz island, includ-
 ing Al Capone, have been assigned
 to duties, Warden James Johnston
 announces.

file

Chicago Daily News 101
 69-180-A 8-31-34

- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

Al Capone Put to Work at Alcatraz
 SAN FRANCISCO, Aug. 30.—(AP)—All newly arrived convicts at the new federal prison on San Francisco Bay's Alcatraz Island, including Al Capone, have been assigned to duties, Warden James Johnston announced today. He declined to say what work Capone is doing.

file

102

69-180-A Chicago Herald & Examiner
 8-31-34

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Harbo
- Mr. Hendon
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm
- Mr. Egan

Capone Files New Petition For Freedom

Supreme Court Again
Hoped to Review
Conviction.

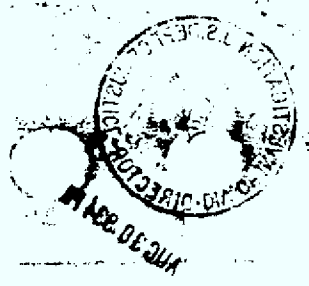
Seeking freedom from America's "Devil's Island," Alphonse Capone, once Chicago's gangster chief, yesterday appealed to the Supreme Court to reverse decisions of lower courts that denied his claim of conviction after the statute of limitation had expired.

It was the second time the erstwhile "Public Enemy No. 1" had asked the Supreme Court to review his conviction. His prison sentences aggregate 11 years and fines totaling \$50,000, together with costs of prosecution, for violation of the income tax laws.

From behind his cell here in the Federal Penitentiary at Atlanta, Ga., Capone directed his attorneys here, William E. Leahy and William J. Hughes, Jr., to take the new step. But the gangster was withheld away in secrecy from Atlanta to the Government's prison for bad men on Alcatraz Island, in San Francisco Bay, before the petition was filed here.

The document charges that Capone was convicted on three counts in an Illinois Federal court of violating the income tax law after the three-year statute of limitations had expired. The convictions, it cited, were on charges of income tax evasion in the calendar years 1925, 1926 and 1927, while indictments were not returned until June 8, 1931.

Capone's attorneys asked the three-year limitation of statute for violation of internal revenue laws. At "Scarface MP" trial Government counsel maintained that in cases where substantial evasions or attempts to defraud the Government, the limitation was six years.



WABT

WASH. POST

69-180-A

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103

CAPONE BEGINS NEW DRIVE FOR JAIL RELEASE

Sick of Mingling With Island
Prisoners, Former Gang King
Petitions for His Freedom

Al Capone started a new drive for freedom yesterday.

Caged on America's "Devil's Island" last week with a half hundred of the nation's most desperate criminals after a spectacular journey from Atlanta, the arch gangster asked the U. S. Supreme Court to order his release.

His attorneys slapped a petition before the high court yesterday, contending Capone's imprisonment is illegal.

The court is expected to give a quick decision shortly after it reconvenes October 1.

Representing Capone are William E. Leahy and William J. Hughes, Washington attorneys, and Frank A. Doughman, an attorney of Atlanta, Ga.

His counsel argue the three-year time limit in the statute of limitations had elapsed before the Government obtained Capone's indictment on charges of evading his Federal income tax. But the lower courts held that the Capone case fell within a provision of the statute giving the Government the right to prosecute within six years.

Capone was convicted on charges of evading income taxes in March of 1926, 1927 and 1928.

He was sentenced to 10 years in Federal prison, beginning May 6, 1932. In addition he was fined \$30,000 and costs of his trial.

Mr. E. J. ...
Mr. Coffey ...
Mr. ...
Mr. ...
Mr. ...
Mr. ...
Mr. ...
Mr. ...

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WASH. HERALD

69-180-A

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file
104

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

AL CAPONE

**AL CAPONE TRIES
AGAIN TO REGAIN
FREEDOM FOR SELF**

Washington, D. C., Aug. 28.—[Special.]—The United States Supreme court was petitioned today to review the judgment of lower courts denying Al [Scarface] Capone, former Chicago gang chief, a writ of habeas corpus filed against A. C. Aderhold, warden of the Atlanta penitentiary. Al Capone is now in Alcatraz Island prison, off the Pacific coast.

The petition, filed by Attorneys William E. Leahy and William J. Hughes Jr. of Washington, contends that Capone was tried in the federal district court in Illinois and convicted on three charges of violating the internal revenue laws after expiration of the statute of limitations.

The legal limitation excepts cases in which defendants defraud or attempt to defraud the government, and it was on that point that Capone was prosecuted.

Capone filed his habeas corpus petition in the federal court of northern Georgia. It was denied there and in the Circuit Court of Appeals.

105

169-180-A Chicago Tribune 8-29-34

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Nichols	.....
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Carson	.....
Mr. Egan	.....
Mr. Gurnea	.....
Mr. Hendon	.....
Mr. Pennington	.....
Mr. Quinn	.....
Mr. Nease	.....
Mr. Tamm	.....
Mr. Egan	.....

CAPONE PLEA GOES TO HIGHEST COURT

Gangster Asks Review of Habeas Corpus Case

WASHINGTON, Aug. 28 (A. P.).—Alphonse Capone, the convicted Chicago gangster, asked the Supreme Court today to review the judgment of lower courts denying him a writ of habeas corpus filed against A. C. Aderhold, warden of the Atlanta penitentiary.

The petition was filed for Capone by Attorney William E. Leahy and William J. Hughes Jr. of Washington. It contended Capone was tried in the Federal District Court in Illinois and convicted on three charges of violating the internal revenue laws after expiration of the statute of limitations.

The petition said Capone, one-time termed "public enemy No. 1," was convicted for violation of the income tax laws for the calendar years 1925, 1926 and 1927, and indictments were not returned until June 5, 1931.

The petition said on these three counts Capone, who recently was transferred to the new Federal prison at Alcatraz in San Francisco Bay, was sentenced to an aggregate of ten years in the penitentiary and to pay a fine of \$30,000 on those three counts.

The indictment, the petition said, "showed on its face that the offenses charged in counts 1, 5 and 9 were committed more than three years prior to the filing of the indictment."

Capone filed his petition for a habeas corpus writ in the Federal court of northern Georgia and it was denied. He appealed to the Circuit Court of Appeals in the Fifth Circuit, which affirmed the judgment of the lower court.

106

69-180-A

Mr. Matthews
Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Mr. Gandy

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**AL. CAPONE ASKS
SUPREME COURT
TO REVIEW PLEA**

Washington, D. C., Aug. 28.—(AP)—Alphonse ("Scarface Al") Capone, the convicted Chicago gangster, today asked the Supreme court to review the judgment of lower courts denying him a writ of habeas corpus, filed against A. C. Aderhold, warden of the Atlanta penitentiary.

*file 107
End*

69-180-A

CAPONE CASE GOES TO HIGH TRIBUNAL

Petition Asks Supreme Court to Overrule Georgia Judge

By the Associated Press.
Alphonse Capone, convicted Chicago gangster, yesterday asked the Supreme Court to review the judgment of lower courts denying him a writ of habeas corpus filed against A. C. Aderhold, warden of the Atlanta penitentiary.

The petition was filed for Capone by Attorneys William E. Leahy and William J. Hughes, jr., of Washington. It contended Capone was tried in the Federal District Court in Illinois and convicted on three charges of violating the internal revenue laws after expiration of the statute of limitations.

The petition said Capone was convicted for violation of the income tax laws for the calendar years 1925, 1926 and 1927, and indictments were not returned until June 5, 1931.

Sentenced to 10 Years

The petition said on these three counts Capone, who recently was transferred to the new Federal prison at Alcatraz in San Francisco Bay, was sentenced to an aggregate of 10 years in the penitentiary and to pay a fine of \$30,000 on those three counts.

The indictment, the petition said, "showed on its face that the offenses charged in counts 1, 5 and 9 were committed more than three years prior to the filing of the indictment."

Three-Year Limit

The petition cited that the Internal Revenue laws provide a three-year limitation on such charges, except for cases wherein defendants defraud or attempt to defraud the Government. It cited that in the prosecution of Capone, Government attorneys contended the offenses in the three counts "involved defrauding or attempting to defraud the United States, and that hence the period of limitation applicable to said offenses are six years and not three."

Capone filed his petition for a habeas corpus writ in the Federal Court of Northern Georgia and it was denied. He appealed to the Circuit Court of Appeals in the fifth circuit, which affirmed the judgment of the lower court.

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Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

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Mr. Tolson
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Mr. Harbo
Mr. Hendon
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

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7/29/34
N.Y. American
**CAPONE IN NEW
 BID FOR LIBERTY**
 WASHINGTON, Aug. 28 (AP).—
 Seeking freedom from America's
 "Devil Island," Al Capone, once
 Chicago's gangster chief, today
 appealed to the Supreme Court to
 reverse decisions of lower courts
 that denied his pleas for a writ of
 habeas corpus.
 It was the second time the erst-
 while "public enemy number one"
 had asked the Supreme Court to
 review his sentence to eleven years'
 imprisonment and fines totalling
 \$50,000 for violation of the income
 tax law.
 His attorneys here, William E.
 Leahy and William J. Hughes, Jr.,
 filed a petition charging Capone
 was convicted after the three-year
 statute of limitations had expired.
 In 1932 the Supreme Court denied
 Capone a review of his case.
 CHICAGO, Aug. 28 (AP).—
 Ralph Capone, brother of the ex-
 gang leader, released only a few
 weeks from McNeill Island peni-
 tentiary, where he atoned for
 dodging Federal income taxes, was
 named today in a suit by the State
 to collect \$20,424 delinquent taxes
 and penalties.

file
109

17-180-A

- Mr. Egan.....
- Mr. Baughman.....
- Chief Clerk.....
- Mr. Coffey.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Harbo.....
- Mr. Keith.....
- Mr. Lester.....
- Mr. Quinn.....
- Mr. Schilder.....
- Mr. Tamm.....

710

AL CAPONE ASKS WRIT REVIEW

WASHINGTON, Aug. 28.—(AP)—Alphonse Capone today asked the Supreme Court to review the judgment of lower courts denying him a writ of habeas corpus filed against A. C. Aderhold, warden of the Atlanta penitentiary.

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Ear

69-180-A Chicago American
8-28-34

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

SAM HUNT WINS TRIAL BY JURY AS BAIL JUMPER

Trial by jury was granted yesterday to Sam Hunt, former Capone gangster, noted for having once carried a machine gun in a golf bag and who was arrested for bond forfeiture on an old vagrancy charge when he was released Thursday from the Bridewell after serving most of a year's term for carrying concealed weapons. Judge John J. Rooney, in Safety court, set the trial for Oct. 11 and fixed Hunt's bond at \$1,000. It was furnished through a professional bondsman.

69-180-A Chicago Tribune file
8-25-34 End

Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Chief Clerk	
Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓

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WGNSTT

SAN FRANCISCO--THE TRANSCONTINENTAL PRISON TRAIN, BRINGING 43 NOTORIOUS PRISONERS TO THE GOVERNMENT'S NEW "DEVILS ISLAND", ARRIVED AT ITS DESTINATION TODAY.

BEFORE NOON THE PRISONERS ARE EXPECTED TO BE CELLED INSIDE ALCATRAZ ISLAND PENITENTIARY.

8/22--R1225P

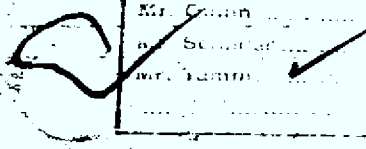


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Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
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Mr. Tracy	
Mr. Carson	
Mr. Coffey	
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Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Starnes	
Mr. Tamm	✓

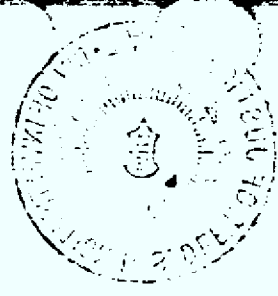
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WGIS58

MARTINEZ, CAL.--THE COURSE OF THE FEDERAL PRISON TRAIN, BELIEVED CARRYING AL^A CAPONE AMONG ITS 43 PRISONERS, WAS CHANGED ABRUPTLY HERE TODAY IN A MANEUVER APPARENTLY PLANNED TO AVOID BRINGING THE TRAIN DIRECTLY INTO SAN FRANCISCO.

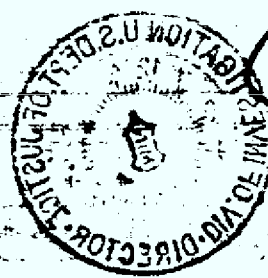
8/22--R1114A



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- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Glavin
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm



RECEIVED

VCN5115

TRANSFER OF AL CAPONE FROM ATLANTA TO ALCATRAZ WAS ANNOUNCED TODAY BY SANFORD BATES, U.S. PRISON COMMISSIONER.

FORTY-THREE PRISONERS WERE TRANSFERRED FROM ATLANTA TO ALCATRAZ AND 10 MORE WENT FROM THE NORTHEASTERN PENITENTIARY IN LEWISTON, PA. WITH CAPONE, BATES REVEALED THAT OTHER INMATES, INCLUDING EDWARD O'BRIEN, JAMES COLSON, HERBERT S. WESTON, AND J. W. WATTS, HAD BEEN TRANSFERRED TO THE ISLAND PRISON.

PRISON BUREAU OFFICIALS REFUSED TO MAKE PUBLIC THE FULL LIST OF THOSE SENT TO ALCATRAZ.

8/22--R349P

Mr. Nathan	.....
Mr. Baughman	.....
Chief Clerk	.....
Mr. Coffey	.....
Mr. Cowley	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Harbo	.....
Mr. Keith	.....
Mr. Lester	.....
Mr. Quinn	.....
Mr. Schilder	.....
Mr. Tamm	.....

U. S. AGENTS RUSHED TO CAPONE'S TRAIN

LOS ANGELES, Aug. 31 (U.S.). Squads of Department of Justice agents, armed with machine guns, tear gas bombs and sawed-off shot-guns sped from the Federal Building late today.

They had orders to surround the prison train carrying 43 notorious desperadoes, including a convict identified as Al Capone, to the Federal prison on Alcatraz Island when the special, itself bristling with guards, entered Los Angeles.

Whether the Department of Justice had information as to a possible attempt to deliver Capone or others en route from the Federal prison at Atlanta could not be learned.

W. J. DONALD AUG 31 1935
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- Mr. Tolson
- Mr. Clegg
- Mr. Glavin
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
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- Mr. Keith
- Mr. Lester
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- Mr. Schilder
- Mr. Tamm

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Capone Train Nears West Coast Prison

By United Press

EL PASO, Tex.—The prison cars carrying Al Capone, deposed Chicago gang leader, and 52 others of the nation's most dangerous convicts to the new Government prison on Alcatraz Island, left here early today after a brief stop and resumed the run to San Francisco. They are expected tomorrow or early Thursday.

The cars attached to a regular train when they left Atlanta, Ga., where Capone was confined in the Federal

penitentiary following conviction on charges of income tax evasion, now are running as a separate section.

Two prison cars, heavily armored and with barred windows, a diner and two sleeping cars for the guard comprise the section.

Crowds surrounded the cars on stops in Texas, but were not allowed within 20 feet, being kept back by heavily armed guards.

WASH. NEWS

AUG 21 1934

File

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67-180

W.C. Clegg
116

- Mr. Nathan
- Mr. Tolson
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- Mr. Edwards
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- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

- Mr. Nathan
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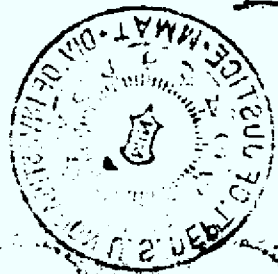


CAPONE'S TRANSFER GOES UNCONFIRMED

Cummings Silent on Report of Gangster's Removal to Alcatraz Island.

By the Associated Press.
SAN FRANCISCO, August 21.—Reports that Al Capone is aboard a heavily guarded train bringing him to the new Federal prison on San Francisco Bay's Alcatraz Island remained without official confirmation here today.
 United States Attorney General Homer S. Cummings declined to discuss the matter after the San Francisco Chronicle quoted him as saying the former Chicago gang leader "is not headed for Alcatraz."
 The train, presumably carrying Capone and 42 other prisoners, passed through El Paso, Tex., about midnight. One of the prisoners who closely resembled Capone—even to the long scar on his face—waved to a news reporter, but heavily armed guards refused to permit any one to communicate with the prisoners.
 Under normal schedules the prison cars should reach here late tomorrow.

AL CAPONE



WASH. STAR

AUG 21 1934

19-18-4

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Mr. Coffey
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Mr. Edwards
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Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schliger
Mr. Tamm

CAPONE ON WAY TO AMERICA'S 'DEVIL'S ISLAND'

**Al Recognized in Coach But
Ducks Cameraman's 'Shot';
Train Full of Armed Guards**

HOUSTON, Tex., Aug. 20—Forty-three notorious criminals, one of them identified as "Scarface Al" Capone, one-time public enemy No. 1 of the nation, rolled across Texas today in two heavily-barred and closely-guarded railway coaches on their way to Alcatraz prison in San Francisco Bay—America's "Devil's Island."

The train, overrun by Federal agents carrying automatic shot-guns, attracted plenty of attention when it stopped at New Orleans, but in Houston it received no notice and was well on its way westward before it was learned that the notorious Capone was aboard.

DUCKS PICTURES

At New Orleans, newspaper men crowded about the train and one of them shouted to the convicts inside:

"Have you got Al Capone in there?"

A prisoner yelled back:

"Sure, he's in this car by the sixth window."

At the sixth window, the man indicated as Capone merely grinned when he was asked to confirm his identity. He ducked when a photographer tried to shoot a picture through the window. And a Government man with leveled gun ordered the camera man away.

IS ESCAPE PROOF

Capone and the others were taken from Atlanta Penitentiary secretly yesterday morning and started on their long journey to the remodeled and reinforced Alcatraz Prison, where are to be incarcerated the most dangerous of the nation's convicts.

The prison is declared to be escape proof.

WASH. HERALD

67-11

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- Mr. Tolson
- Mr. Clegg
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- Chief Clerk
- Mr. Coffey
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- Mr. Edwards
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- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

Cummings Silent On Capone Move

Attorney General Declines to Discuss Transfer.

San Francisco, Aug. 20 (AP).—Attorney General Cummings declined here tonight to discuss reports that Al Capone, former Chicago gang leader, is being brought to the New Federal prison on San Francisco Bay's Alcatraz Island.

The Attorney General, after the Chronicle had quoted him as denying that Capone is being brought to the prison, said:

"I have consistently declined and am consistently declining to discuss the matter. I do not propose to make any statement whatsoever."

The Chronicle quoted the Attorney General as saying: "That's one point on which reports are wrong. Capone is not headed for Alcatraz. That's all I can say at this time, since we never discuss such matters."

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AL CAPONE SPEED WEST AFTER ESCAPE PLOT

Alcatraz, New Capone Home, U. S. 'Devil Isle'

CHICAGO, Aug. 28.—Al Capone, late-time public enemy No. 1, is en route to the desolate island prison, Alcatraz, in San Francisco Bay, it became known here today.



The former king of the bootleggers is being moved to prevent him from the Federal prison in Atlanta, Ga.

THE DESOLATE ISLAND PRISON OF ALCATRAZ IN SAN FRANCISCO BAY

This is the first of two articles about the Federal Prison on Alcatraz Island in San Francisco Bay to which Al Capone and other Federal prisoners are being taken today.



Government, state and other government prisons have been overcrowded here and put through extensive training. They will be able to cope with attempted breaks or riots.

Capone faces eight years imprisonment at Alcatraz, joining a group of prisoners from other states, including 18 from Pennsylvania. Capone is being sent westward by an undesignated route under heavy guard, officials fearing some move might be made to free him en route if advance announcement of the transfer were made.

By HAROLD HEROUX. ALCATRAZ ISLAND, Cal., Aug. 28 (By International News Service).—With a few days' ferryboat captains will change course to avoid coming close to this island in the middle of San Francisco Bay, site of Uncle Sam's newest Federal penitentiary.

Fourth Death Linked to Yacht Explosion

Haven, Reaky Operator, Dies from Heart Attack

Because James A. Johnston, Warden of America's so-called "Devil's Island," has erected huge signs, reading:

ASHBURY PARK, Aug. 28.—A. C. S. Haven, 78, in many years a leading operator in shore real estate, died today of a heart attack.

"Warning—Keep off! The Secretary of War has declared that only Government boats shall be permitted within 500 yards of Alcatraz. Persons attempting to enter without authority do so at their own risk."

The death is the fourth which is traceable to an explosion which occurred aboard Mr. Haven's cabin cruiser *Alfreda*, on July 15.

To back this warning are trained gun guards, armed with the latest equipment and stationed in a series of towers, some to be seen

from the mainland. About 1,000 prisoners will be kept here, said Warden Johnston, "and they will be kept here, as the government has spent several hundred thousand dollars to make this a first-class prison."

Advertisement for RUSSELL & CO. featuring a large 'FUI' logo and a small illustration of a person at the bottom.

Handwritten number '100' in the bottom right corner.

Noted Public Enemy Reported Being Sent There From Atlanta

Officials Refuse Denial or
Confirmation; Escape From
Island Virtually Impossible

Unless good signs fall, Al Capone is on his way today to spend five or six years in the new American "Devil's Island," Alcatraz Fortress in San Francisco Bay.

The first public enemy of his time was reported without official denial to be traveling under heavy guard to the new prison which the Government believes is as nearly escape-proof as natural conditions and human ingenuity can make it.

Capone was said to be a passenger on a special two-coach train transporting about 40 prisoners from Atlanta and Lewisburg, Pa., prisons to Alcatraz. The transfer was being effected with utmost secrecy.

OFFICIALS SILENT

The Department of Justice here refused to confirm the report. At the same time officials would not deny Capone was being transferred. Since it was believed an official denial would have been made promptly were he not en route to San Francisco, opinion was that he is a member of the party.

At New Orleans, where he was in the company of a prisoner who generally resembled Capone was spotted at a car window. When the interest of reporters was aroused guards quickly pulled down the window shade.

Capone is known to have been one of the prisoners on the list of San Francisco criminals selected for transfer to Alcatraz. He has been in Alcatraz penitentiary since his conviction in Chicago on income tax charges.

CRIMINALS OF ALCATRAZ

New authentic reports from inside of the prison regarding the gang leader's life. Recently, however, he has been working in the kitchen shop. He was convicted in 1930 and sentenced to an 11-year term. With time off for good conduct he has between five and six years more to serve.

At Alcatraz, Capone will find the most rigorous discipline of the Federal prison system. The prison, originally a fortress and in recent years

an army punishment barracks, has been completely renovated. The walls are several feet thick.

The island is surrounded by swift and treacherous currents.

- Mr. Tolson
- Mr. Clegg
- Mr. Laughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

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Mr. Nathan

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Chief Clerk

Mr. Coffey

Mr. Cowley

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Mr. Quinn

Mr. Schilder

Mr. Tamm

Prison Officials Silent on Report Plan for Break

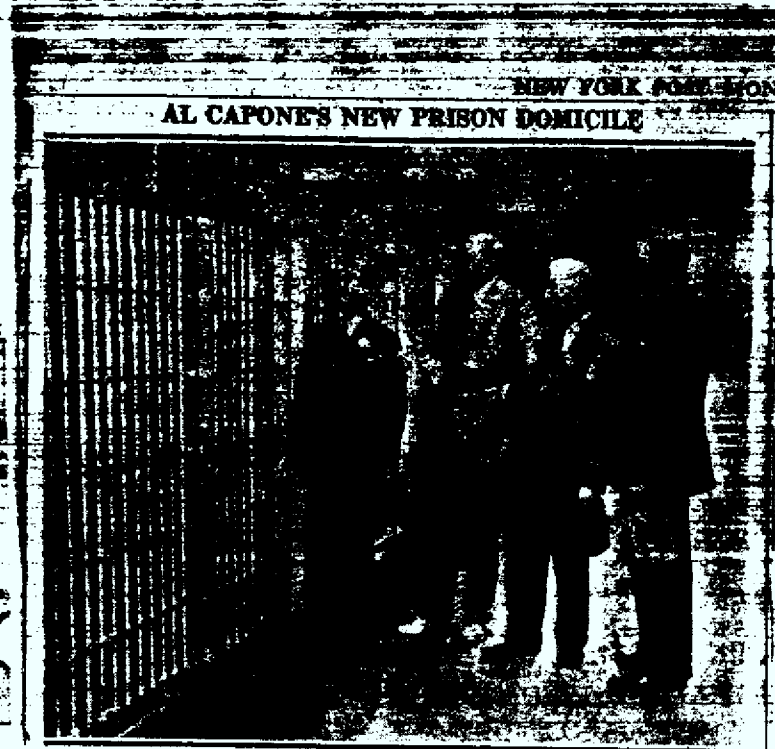
ATLANTA, Ga. — The possibility of an attempted break was believed today to have prompted officials to transfer Al Capone and 42 other convicts at the Atlanta Federal penitentiary to the Alcatraz prison island in San Francisco Bay, where the Federal "bad boys" are kept.

Tight lipped prison officials here would not discuss the report that files and paraphernalia for a possible jail break were discovered in the cells of some of the 42 prisoners who are en route today to the West Coast prison.

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- Mr. Nathan
- Mr. Tolson
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- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm



NEW YORK JOURNAL
AL CAPONE'S NEW PRISON DOMICILE

Moved secretly in barred railroad car. Al Capone goes from Atlanta to Alcatraz Island, United States "Devil's Island," in San Francisco Bay. The picture shows an automatic signal opening and closing cell in main building of prison, when Attorney General Homer S. Cummings and other officials inspected the island recently. Also in the group above are Mayor Angelo Rossi of San Francisco, Warden James A. Johnston and Chief of Police William J. Quinn of San Francisco.

Al Capone Rides Prison Car To New U.S. "Devil's Island"

Great Secrecy Attends Transfer From Atlanta to Alcatraz on West Coast

NEW ORLEANS, Aug. 20 (AP).—Al Capone, America's public enemy No. 1 long before the world had ever heard of John Dillinger, is on his way to a new prison home.

He is being transferred with great secrecy from Atlanta Penitentiary to the new Alcatraz prison in San Francisco Bay—the prison Federal authorities call "impregnable."

With forty-two other prisoners Capone was whisked out of the penitentiary in Atlanta on the early hours of Sunday. Guarded by a picked squad of Federal agents carrying automatic shotguns, the prisoners were placed in two specially built screened and barred railroad cars and started on their way to Alcatraz—the island prison fortress designed for convicts considered too dangerous to be kept in ordinary prisons.

Although Federal authorities maintained a light-lipped silence about reports the former Chicago gang leader was being sent to the Pacific Coast prison, his presence in the group was established by newspapermen when the convict cars arrived here.

When the two cars were stopped for a change of trains, a prisoner who strongly resembled Capone just grinned when some one called: "Is that you, Al?"

While the cars waited to be ferried across the Mississippi River the guards kept the curious at a distance.

"Is Al Capone in there?" one called out.

One prisoner nodded his head and yelled back: "In this car, by the sixth window."

The occupant of window No. 6 looked just like the ex-gang lord. He grinned when the reporter called to him and ducked hurriedly—as Capone did in days gone by—when a photographer aimed a camera in his direction.

An unidentified official was asked if Capone had special drawing room accommodations.

"Of course, he hasn't," the official said, hastily—and then checked

himself. He added quickly—"that is, if he was on here he'd be treated just like the rest of them."

The two cars were switched off to the Southern Pacific line.

Files and paraphernalia for a jail break found in the cells of some of the forty-three prisoners speeded the plans of the Government to send the men to Alcatraz.

The only other known prisoners reported in the group with Capone were "Trisco" Eddie O'Brien, Eddie Colson and Alvin Crip. O'Brien and Colson were train robbers and Crip was a Chicago gunman, at one time an enemy of Capone.

Justice Officials Silent
 WASHINGTON, Aug. 20 (AP).—Justice Department officials would neither confirm nor deny today that Al Capone and forty-two other prisoners had been removed from Atlanta Penitentiary and were en route to the new Alcatraz prison in San Francisco Bay.

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Mr. Nathan
 Mr. Quinn
 Mr. Tamm
 Mr. Baughman
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 Mr. Coffey
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 Mr. Edwards
 Mr. Egan
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 Mr. Keith
 Mr. Lester
 Mr. Quinn
 Mr. Schilder
 Mr. Tamm

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Off to Island Exile



AL CAPONE,
 Chicago gang lord, was reported
 last night to be on his way from
 Atlanta Penitentiary to Alcatraz
 Island, the Government's new
 penal colony off the coast of Cali-
 fornia.

WEST POST

69-180

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Capone Transferred to Island Prison; Files Found in Atlanta

Atlanta, Aug. 29 (AP).—The Constitution says that Al Capone was among 43 prisoners transferred today from Federal Penitentiary here to the Government's new Alcatraz Island Prison in San Francisco Bay.

The transfer was made three days ahead of schedule because of the discovery of files in the cells of some of the prisoners selected for removal to Alcatraz.

In the special car attached to a regular passenger train leaving here at 8:10 a. m. were 10 prisoners who arrived last night from the Federal prison at Lewisburg, Pa., en route to the new prison to which the Government has announced its most notorious prisoners will be sent.

At the Federal prison here no confirmation was forthcoming as to whether there had been a movement of prisoners.

Capone, former Chicago gang chieftain, had been doing a tour in the prison shoe shop to which he was assigned upon entering the prison three years ago to serve 11 years for income tax evasion.

Last midnight two passenger coaches were shunted on to the Federal Penitentiary siding and a few minutes later the guards began

marshaling the prisoners one by one from their cells to the cars.

The only prisoners whose names were learned besides Capone were "Frisco Eddie" O'Brien, Eddie Colson and Alvin Crip. O'Brien and Colson were identified as notorious train robbers and Crip was said to be a former Chicago gunman and a bitter enemy of Capone before they were sent to the penitentiary.

Each prisoner was awakened separately, marched through the darkened cell blocks and escorted from the prison door to the cars by four guards. In the coaches they were assigned immediately to quarters for the trip across the continent to the "Devil's Island" of the United States, from which escape is considered impossible.

Justice Officials Mum On Reported Transfer

Federal Prison Bureau officials said last night they could neither confirm nor deny the report of the transfer of Al Capone at the present time. Justice Department officials explained the transfers are necessarily surrounded with secrecy until completed.

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Mr. Tolson
Mr. Clegg
Mr. Baughman
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Mr. Coffey
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Mr. Schliefer
Mr. Tamm

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- Mr. Tolson
- Mr. Harbo
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Lean
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schinger
- Mr. Tamm

Al Capone Transferred To Alcatraz Island Prison

ATLANTA, Aug. 19 (AP).—The Atlanta Constitution says Al Capone was among 43 prisoners transferred today from the Federal penitentiary here to the Government's new Alcatraz Island prison in San Francisco Bay.

The transfer was made today three days ahead of schedule because of the discovery of files in the cells of some of the prisoners selected for removal to Alcatraz.

At the Federal prison here no confirmation was forthcoming as to whether there had been a movement of prisoners.

Capone, former Chicago gang chieftain, had been doing a tour in the prison shoe shop to which he was assigned upon entering the prison three years ago to serve

eleven years for income tax evasion.

NEW ORLEANS, Aug. 19 (AP).—A special heavily-barred railroad car believed to be carrying Al Capone and 43 other prisoners from the Atlanta Federal Penitentiary to the Government's Alcatraz Island Prison in San Francisco Bay arrived here shortly before six o'clock.

Prisoners were seated inside of iron-barred windows. One of them, in response to a shout from a looker-on to know if Capone was inside, pointed to the "sixth" window.

In that window a man who resembled Capone was seated. When asked whether he was Capone the man grinned.

N.Y. American 8/20/34

DIVISION OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
AUG 20 1934

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Mr. Nathan
Mr. Tolson
Mr. Clegg
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Mr. Schilder
Mr. Tamm

Report Capone in New 'Devil's Isle'

Possibility of the removal of Al Capone from the comparative comforts of the federal penitentiary at Atlanta to the rigorous confinement at the new Alcatraz prison, the American "Devil's Island," near San Francisco, was a matter of concern for friends of the one-time gang chief yesterday. At Washington, Department of Justice officials refused to affirm or deny reports that Capone had been transferred. United States Attorney Dwight H. Green admitted he had heard that the removal was contemplated.

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Chicago Herald & Examiner

69-180-1A

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Mr. Tolson	
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Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Mumford	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

**TWO DE GRAZIAS
ARE INDICTED FOR
U. S. TAX EVASION**

Indictments charging Rocco De Grazia and his brother Nick, former Capone gang leaders in the western suburbs, with willful attempt to evade payment of their income taxes for 1929 and 1930 by failure to file returns were returned yesterday before Federal Judge Philip L. Sullivan. The court ordered bench warrants for their arrest and set bond at \$10,000 for Rocco De Grazia and \$5,000 for his brother.

Both men have been at liberty in \$5,000 bonds on a criminal information filed against them several months ago. Rocco De Grazia, who also uses the names De White and A. W. Meyers, and his brother are owners of a combination bowling, gambling, and road house in Melrose Park, according to E. Riley Campbell, special assistant United States attorney in charge of income tax prosecutions.

In the indictments it is charged that Rocco De Grazia in 1929 had an income of \$97,011.54, on which he should have paid \$14,610.78 tax, and in 1930 had an income of \$51,348.37, on which \$5,331 should have been paid. Nick's 1929 income was \$52,474.85, which called for a tax of \$4,997.10, and his 1930 income was \$25,865.79, on which \$1,407.77 tax was due, the indictments stated, charging that neither paid any tax.

Chicago Tribune
7-28-31

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Mr. Nathan
 Mr. Tolson
 Mr. Clegg
 Mr. Baughman
 Chief Clerk
 Mr. Coffey
 Mr. Cowley
 Mr. Edwards
 Mr. Egan
 Mr. Harbo
 Mr. Keith
 Mr. Lester
 Mr. Quinn
 Mr. Tamm

AL CAPONE AIDS

Mr. Tolson
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 Mr. Cowley
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 Mr. Quinn
 Mr. Tamm

**U. S. INDICTS
 2 CAPONE AIDS**

Echoes of the days when Al Capone was supreme were heard yesterday when two of Al's minor aides, Rocco and Nicholas De Grazia of Melrose Park were indicted for dodging their income tax. The government charges that the two brothers were the head men of the North-West Side branch of the Capone syndicate and had taxable incomes amounting to \$200,000 for the years 1929 and 1930.

The indictments against the De Grazia brothers were returned before Judge Phillip L. Sullivan in the Federal Court. If they are found guilty they may be fined \$10,000 each and imprisoned for ten years.

Chicago Herald & Examiner

7-28-34

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- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
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- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Tamm

Capone Aids Indicted in Income Case

Rocco and Nicholas De Grana of Melrose Park head men of the west end branch of the Capone enterprises in prohibition days, were charged with income-tax evasion in separate indictments returned by the federal grand jury before Federal Judge Philip L. Sullivan today.

Rocco was charged with willful attempt to evade and defeat the tax for the years 1929 and 1930. The government charges that for 1929 Rocco had an income of \$97,011.54 and that he neglected to pay a tax of \$14,610.78, and that for 1930 he had an income of \$91,347.37 and that the matter of paying \$5,321.91 seems to have slipped his mind.

Charges against Brother Nicholas for the same years give figures of \$52,474.85 in income for 1929; tax, \$4,997.10; for 1930, income of \$25,365.79; tax, \$1,407.77.

Agent Clarence Converse and other men under the direction of A. P. Madden, local chief of the intelligence unit of the internal revenue department—the men who built the entirely successful income-tax cases against Al Capone and other gangsters—dug up the information which Assistant District Attorney E. Riley Campbell presented to the grand jury, resulting in today's indictments.

Chicago Daily News
7-27-34

69-180-A

Mr. Nathan
Mr. Tolson
Mr. Clegg
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Mr. Egan
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Mr. Lester
Mr. Quinn
Mr. Tamm

Indict Two Brothers, Ex-Aids of Capone, as U. S. Tax Dodgers

Rocco and Nick De Grazia, brothers, both of whom formerly were high in the council of the Capone syndicate, were indicted today by the federal grand jury for evasion of income tax payments for 1929 and 1930.

The indictment alleges Rocco owes a total of \$19,932.66 tax for the two years, while Nick owes \$6,306.37. Each faces 10 years in the penitentiary and a \$10,000 fine.

Bench Warrants Issued

The total income of Rocco, former owner of the Greyhound roadhouse in River Grove, for the two years



Rocco De Grazia Nick De Grazia was placed by the government at \$97,011.54. That of Nick was said to have been \$78,340.64.

The indictments were returned before U. S. Dist. Judge Sullivan, who at once issued bench warrants for the arrest of the brothers. He fixed the bail of Rocco at \$10,000 and that of Nick at \$5,000.

Rocco Still Fugitive

Rocco, known to police as a "field lieutenant" for the Capone mob in Melrose Park, was arrested and sentenced to Pontiac for one year for burglary in 1914 and arrested in 1920 on a charge of larceny.

According to the records at the detective bureau, he still is a fugitive.

Chicago Daily Times
69-180-H 7-27-34 134

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Tamm

CAPONE

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Tamm

Capone's Brother Seized at Fair

John "Mimi" Capone, brother of Al Capone and Joe Fusco were seized last night in Old Mexico at the World's Fair by Sergts. William Drury and Edward Griffin of the state's attorney's office. They will be questioned about their connections with any concessions at the World's Fair.

Chicago Herald & Examiner
7-26-34

69-180-11

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Mr. Tolson	
Mr. Clegg	
Mr. Baughman	
Chief Clerk	
Mr. Coffey	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

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**BROTHER OF CAPONE
ARRESTED AT FAIR**

John (Mimi) Capone, 30, brother of Al Capone, and Joe Fusco, 32, who were arrested early today at the Old Mexico concession of the world's fair, were questioned to determine if they have connections with any concessions at the fair.

Chicago Daily Times
7-26-24

69-180-A

137

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Chief Clerk
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Tamm

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QUIZ ~~CAPONE~~ KIN, AID

John ("Mimi") Capone, brother of Alphonse ("Scarface") Capone, and Joe Fusco, who were arrested early today at the World's Fair are to be questioned during the day to see if they have any connections with concessions at the fair.

Both were picked up in the fair by Sergts. William Drury and Edward Griffin of the state's attorney's office. They were held at the detective bureau.

"Mimi" gave his age as 30 and said he lived at 7244 Prairie av. Fusco is 32 and lives at 7342 Prairie av. Neither have police records, but have been seized by the police before for questioning.

Chicago American
7-16-34

67-180-A

138

- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Cowley.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Quinn.....
- Mr. Lester.....
- Chief Clerk.....
- Mr. Tamm.....

CAPONE

**CAPONE REFUSED
WRIT FOR RELEASE**
World Telegram
**Gangster Loses Habeas Plea
In Federal Court.**
5-31-34
 By the United Press.
 NEW ORLEANS, May 29.—The United States Circuit Court of Appeals in a decision today denied Al Capone a writ of habeas corpus which would have freed him from Atlanta Federal Penitentiary where he is serving ten years for income tax evasion.

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 Mr. Tolson
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 Mr. Tamm

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JUN 2 1934

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Quinn
- Mr. Lester
- Chief Clerk
- Tamm

Capone Plea Denied

NEW ORLEANS—The U. S. District Court of Appeals in a decision today denied Alphonse Capone, Chicago gangster, a writ of habeas corpus which would have freed him from Atlanta's Federal penitentiary, where he is serving 10 years for income tax evasion.

FBI - MOBILE



WASH. NEWS

MAY 29 1934

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Mr. Ladd.....
Mr. Nichols.....
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Chief Clerk.....
Mr. Tamm.....

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CAPONE DENIED FREEDOM
 NEW ORLEANS, May 29 (I.N.S.).—For a second time Al Capone lost his bid for freedom from a ten-year income tax evasion sentence at the hands of the United States District Court of Appeals today, which spurned his appeal for release from the Atlanta Penitentiary on an habeas corpus writ.

WASH. TIMES MAY 29 1934

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 MR. EGAN
 MR. QUINN
 MR. LESTER
 CHIEF CLERK
 MR. RORER

industry carry and communi-
 cations with the Red Army. The reorganiza-
 tion is expected to take place early
 in June.

HYMIE LEVIN

Capone Aide Sent To Leavenworth

CHICAGO, May 14 (AP).—The Government struck down another Capone gangster today when Federal Judge Sullivan imposed 18 months in Leavenworth on Hymie "Loud Mouth" Levin, erstwhile collector for the Capone syndicate. Levin pleaded guilty to violating the income tax law. His gross income was reputed to have exceeded a million dollars from 1926 to 1930, but he never paid a tax.

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DIVISION OF INVESTIGATION
 MAY 15 1936

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MR. NATHAN
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 MR. EDWARDS
 MR. EGAN
 MR. QUINN
 MR. LESTER
 CHIEF CLERK
 MR. DREER

**"Loud Mouth" Silent
 As He Gets Prison Term**

Chicago, May 14 (AP). — Hyman Lasker, the "loud mouth" of the Capone syndicate, stood silently silent in Federal Court today and heard Judge Philip A. Sullivan sentence him to 18 months in the Leavenworth Penitentiary.

Conviction came on charge of neglecting to pay taxes on part of the million dollar income he was reputed to have enjoyed during the flush period from 1926 to 1930, when he was collector in chief for the mammoth Capone organization.

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MAY 15 1934

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**Another Capone Gangster
 Jailed for Tax Evasions**

By David Tamm

CHICAGO—The Government today in its determined campaign to place the members of Alphonse (Scarface) Al Capone's gang behind prison bars, when Hyman Levine was sentenced to 18 months in the Federal penitentiary for income tax evasion.

Sentencing of Levine, a member of Capone's "inner circle" during the gang leader's hey-day, pleaded guilty before Federal Judge Philip Sullivan to evading payment of \$2000 income tax in 1932 and 1933.

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WASH. NEWS MAY 14 1934

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 CHIEF CLERK
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 MR. EDWARDS
 MR. EGAN
 MR. QUINN
 MR. LESTER
 CHIEF CLERK
 MR. RORER

GANGSTER SENTENCED

Capone Collector Gets 18 Months
 in Income Tax Case

CHICAGO, May 14 (AP)—The Government struck down another Capone gangster today. Federal Judge Philip Sullivan imposed 18 months in Leavenworth on Hyman "Loud Mouth" Levin, erstwhile collector for the Capone syndicate.

Levin pleaded guilty to violating the income tax law for 1929 and 1930. His gross income was reputed to have exceeded a million dollars in the period from 1926 to 1930. The Government prosecutor, E. Riley Campbell, said that most of Levin's money spilled from his hands as fast as it flowed in, and that for the two years covered in the indictment Levin owed only \$4,000 or \$5,000 in taxes. He never scheduled an income or paid a tax.

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 to
 H. P. Hale*

GANGSTERS

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MAY 14 1934

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 MR. LESTER
 CHIEF CLERK
 MR. ROSEN

GANGSTERS

**CAPONE AS COBBLER
 STARTS THIRD YEAR**

**Will Be Eligible for Atlanta
 Parole in 2½ Years**

ATLANTA, May 5 (AP).—Al Capone, former Chicago gang lord, today began the third year of his ten-year prison sentence in the Federal prison here for violating the income tax laws.

Warden A. C. Aderholt dismissed questions about the notorious prisoner with the comment that "Capone is still doing his usual job." The one-time gang leader is employed in the prison shoe factory.

Capone completed two years of his sentence yesterday. He will be eligible for parole after serving two years and six months more.

DIVISION OF INVESTIGATION
 U. S. DEPARTMENT OF JUSTICE

MAY 7 1936

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MR. GLEGG
 MR. QUINN
 MR. LESTER
 CHIEF CLERK
 MR. ROBER

CAPONE TRIES AGAIN FOR FREEDOM WRIT

Third Fight for Liberty Begun by Chicago Gangster

NEW ORLEANS, April 29.—Attorney for Alphonse Capone today appeared in the United States Circuit Court of Appeals to renew the fight for the Chicago gangster for freedom from the eleven-year sentence he is now serving in Atlanta Federal Penitentiary for income tax evasion.

Frank J. Williams, assistant Attorney General, represents the Government in opposing Capone's latest motion for appeal from the Federal Court of Northern Georgia. Williams said Capone's application for writ of habeas corpus is "frivolous."

The present proceeding involves Capone's claim that his conviction at Chicago was illegal under the statute of limitations. He has had two similar actions.

DIVISION OF INVESTIGATION
 U. S. DEPARTMENT OF JUSTICE
 MAY - 1 - 1934
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MR. NATHAN
MR. TOLSON
MR. CLARKE
MR. QUINCY
MR. EDWARDS
MR. ROGAN
MR. QUINN
MR. LESTER
CHIEF CLERK
MR. BUREAU

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Capone's Appeal In Court April 25

April 25 has been set as the date for hearing habeas corpus proceedings brought by Al Capone before the United States Circuit Court of Appeals at New Orleans, the Department of Justice announced yesterday. Last December Capone applied to the North District Court in Georgia for a habeas corpus writ, but the request was denied.

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MR. TOLSON
 MR. CLEGG
 MR. COWLEY
 MR. Egan
 MR. LADD
 MR. NICHOLS
 MR. ROSEN
 MR. TRACY
 MR. WHELAN
 MR. WINTERROWD

AL CAPONE TO BID ONCE MORE FOR FREEDOM

Washington, April 20.—(AP)—Al Capone is going to make a bid for freedom April 23 in the United States circuit court of appeals in New Orleans.

It was disclosed at the Department of Justice today that Frank J. Wideman, assistant attorney general, would resist the Chicago gangster's latest effort to get out of the Atlanta penitentiary, where he is serving an eleven-year sentence for income tax evasion.

The proceedings in New Orleans are in the nature of an appeal from a decision of the United States district court of northern Georgia which dismissed an application for a writ of habeas corpus for Capone December 3.

Capone's contention at that time was that the indictment on which he was convicted was brought after the expiration of the three-year statute of limitations.

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MR. TOLSON
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 MR. TRACY
 MR. QUINN
 MR. LEVY
 CHIEF CLERK
 MR. MOHR

**CAPONE TO TRY AGAIN
TO WIN HIS FREEDOM**

Gangster to Present Plea to Circuit Court of Appeals at New Orleans.

By the Associated Press:
Al Capone is going to make a bid for freedom April 24 in the United States Circuit Court of Appeals at New Orleans.

It was disclosed at the Department of Justice today that Frank J. Wideman, Assistant Attorney General, would resist the Chicago gangster's latest effort to get out of the Atlanta Penitentiary, where he is serving an 11-year sentence for income tax evasion.

The proceedings in New Orleans are in the nature of an appeal from a decision of the United States District Court of Northern Georgia, which dismissed an application for a writ of habeas corpus for Capone on December 9, 1933.

Capone's contention at that time was that the indictment on which he was convicted was brought after the expiration of the three-year statute of limitations.

WASH. STAR APR 20 1934

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Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin	.....
Mr. Harbo	.....
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy
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Back to Capone?

SOME extraordinarily bad liquor is being sold across many Chicago bars.

And if something is not done about it—and that very speedily—a great many tavern keepers will be back in the terror-grip of the murdering syndicates which seem to have risen, phoenix-like, on the ashes of the old Capone mob.

The local alcohol tax unit every now and again flushes rabbits out of cover—usually in the form of shabby fellows talking broken English, if able to talk English at all. They are caught running a medium-sized still, they keep their mouths closed tight—and they go to jail.

This is as it was in the alky-cooking days of the Aiellos who daily gathered and distributed thousands of gallons of low-grade alcohol for prohibition-era consumption. This same poison is in competition today with approved, taxed liquor, is apparently handled by an organization and is, of course, underselling legitimate liquor.

Suppose you hunt foxes instead of rabbits, Mr. Yallowley. The scent should not be hard to pick up.

69-180-18

151

Inside Story of Al Capone's Model Prison Life

High Shoes, Many Meals, Only Eight Years to Go

It is the first of two articles describing the prison life of Al Capone. Capone's original sentence was 30 years, but the right to a 10-year sentence for previous offenses was granted. The prison article will follow tomorrow.

By **WILLIAM B. WELLS**, International News Service Staff Correspondent.

ATLANTA, April 12.—A banking empire in cheap, heavy cotton clothing, sported in the hands of a man who is serving a 10-year sentence for previous offenses. The prison article will follow tomorrow.

Al Capone, the man of the faded blue-gray hair, sits in the number 40,886 cell, a sturdy, solid, black, a life that resembles you of Capone. He sits alone in a life of luxurious ease. Oriental in its splendor, the fabulous profits of the era of bootlegging, beer and rum, are piled in a heavy strip of pale leather on a bulky, shapely shoe upper.

It's a shoe designed for utility and hard knocks, identical with the pair he wears. Once the feet flash in quick stride across polished night club floors in custom English boots that cost \$40. He had \$200,000.

Shoes and Shoes— an Endless Stream.

The machine thumps and pounds. The heavy needle bites into the coarse leather. He snips away the loose ends of waxed cord and passes the shoe on to another dandified figure, then picks up another shoe upper and sole block. Then another. And another. Endlessly.

Eight hours a day. Forty-four hours a week. Two thousand, two hundred eighty-four hours a year. Twenty-two thousand eight hundred and eighty hours in a decade. Two years he's passed like this. The machine clicks:

"Eight more to go . . . eight to go . . . eight to go."

This man with the full, massive lips, the black brows and forested face that conjure a vision of a one-failed Italian Aladdin, boots with remaining olive trees, offers no word. His some two dozen companions at other machines in the vast, dimly lit, cavernous company of the grating machines, and the steady stuffing of feet, those in a period but the drumming of an April rain on a window and they composed outside. Through the barred window, across the muddy parakee yard, beyond the purple of rain, a grim, gray granite wall, severed by pillock curvilinear, vertical.

40,886 Paying His Debt to Society.

Prisoner No. 40,886 pays his debt to society. Two years ago, on May 4, 1932, Alphonse Capone, dubbed "Scarface" and to certain intimates in the shadowy half world of crime "Snorky," kingpin racketeer, boss of booze and beer, Public Enemy No. 1, entered the Atlanta Federal penitentiary to become just another of 3,100 numbers.

A decade of national prohibition that saw him rise to the acrompaniment of chattering machine guns and the roar of bursting pine-

apples, to the rank of serving at Capone's play empire, had given way to a 10-year period in which Uncle Sam deemed he must be sentenced behind prison bars for failure to pay income taxes on the enormous profits from the mob empire.

Two years of that ten-year sentence have passed. Another year's term of imprisonment awaits Capone in Chicago's Cook County Jail when he is released from the Atlanta penitentiary.

1937, Capone, from the corner of the underworld, has become a model of obedience. His prison number is on a placard on the driver's door. His consuming ambition is to keep an unblemished state that may win freedom for him several years earlier than the permitted period.

This is the ward that opens to the outside world of his life behind those grim, gray walls out of the city's outskirts. It comes through discharged prisoners, recently released, and other unofficial but credible sources.

Prison Is Silent on 'Head Convict.'

There is no official word of Capone, or acknowledgment that he is one of the hundreds of criminals now housed in Uncle Sam's "big house." Warden A. C. Adair, one of the most colorful and efficient of prison wardens, leans over backward to submerge the identity of his celebrated prisoner. To him, Capone is just another number, one of more than 1,000 convicted criminals who must explain their crimes under his strict supervision, to be accorded only the recognition that comes from good behavior, hard work and scrupulous observance of the penitentiary rules. He politely refrains all inquiries in Sheriff Bates, superintendent of prisons, at Washington.

Adair, a graduate from the ranks, in his regime at the Atlanta penitentiary has wiped out the stigma of special privilege that several years ago sent one warden from the warden's office to a federal cell to serve a term in the prison he once ruled.

Capone is allowed \$10 a month to place the daily, ragged prison fare, to purchase newspapers, which he reads voraciously, tobacco and other small luxuries. This to the many allowed other prisoners. Capone's most expensive item is his beer. He receives no compensation for his long hours in the night shoe shop, but he has no other employment.

Family and Lawyers Are Only Visitors.

His visitors are limited to members of his family and his attorney. Capone visits his wife, his 13-year-old son, John, his aged mother, Theresa, who indulged the long legged bottle, a complete failure thus far to win his freedom; and John, his younger brother, who was never

allowed to Capone's lawyer, and who now practices in Chicago. Capone's legal team consists of the late George J. O'Connell, who died in 1935, and the late George J. O'Connell, who died in 1935.

Capone's legal team consists of the late George J. O'Connell, who died in 1935, and the late George J. O'Connell, who died in 1935.

Capone is not permitted to be alone with any visitors, but he is permitted to be alone with his family.

Some of the members of his immediate family Capone is permitted to see, but he is not permitted to see any other family members.

He may write only two letters a week. These invariably go to his family. They are censored by the penitentiary authorities.

He receives a special letter-barred cell with two other prisoners. He sleeps in his bed, with a mattress, pillow and blanket of coarse white cotton. Once a week he is given a shower with hot water of other prisoners in a community bathroom, and change of clean clothing—denim trousers, heavy flannel and wool, heavy shirt with the numbered identification, white cotton socks and underwear.

In the Monday of his Chicago career Capone, one of the earliest of gangland's bosses, wore \$200 tailored suits, custom shirts that ran around \$10 each, \$40 hats, socks that cost \$10 a pair, \$10 neckties and \$200 shoes, and \$100 ball cap.

The factory work is set to four hours on Saturday, and Sunday is a rest day. Capone, who remains alert and delighted from his fellow prisoners, spends his brief two-hour hours playing tennis, reading newspapers and books, watching prison library, and listening to the radio in his cell. Each of the cells is provided with a radio.

Handwritten notes and signatures, including "4-10-34" and "NOT RECORDED".

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CAPONE IS PRISON'S MODEL CONVICT

Works Industriosly In Penitentiary's Shoe Shop

This is the first of two articles describing the prison life of Alphonse Capone, and the fight he is waging for freedom from his 10-year sentence for income tax evasion.

By ROBERT G. NIXON

(Copyright, 1934, by International News Service, Inc.)

ATLANTA, Ga., April 11 (I.N.S.)

A hulking figure in cheap, baggy cotton clothing, swart-skinned, sits hunched over a whirling electric stitching machine.

Across the back of his faded blue-gray denim shirt the numerals "40,886" are sharply etched in black. A livid scar creases the cheek of a face that reminds you of Caruso.

Hands Calloused

Hands once soft from a life of luxurious ease, oriental in its splendor as the fabulous profits of the era of bootleg booze, beer and rackets rolled in, now calloused, deftly fit a heavy strip of sole leather on a bulky, shapeless shoe upper.

It's a shoe designed for utility and hard knocks, identical with the pair he wears. Once those feet flashed across polished night club floors in custom English boots that cost \$40. He had dozens.

One machine thumps and pounds.

Eight hours a day. Forty-four hours a week. Two thousand, two hundred eighty-four hours a year. Twenty-two thousand eight hundred and eighty hours in a decade.

Two years have passed like this. Above the raucous jittering machines, and the subdued shuffling of feet, there is no sound but the drumming of an April rain on a windswept red clay compound outside.

Prisoner No. 40,886 pays his debt



AL CAPONE

to society. Two years ago on May 4, 1932, Alphonse Capone, dubbed "Scarface," and to certain intimates in the shadowy half world of crime, "Snorky" kingpin racketeer, boss of booze and beer, public enemy No. 1, entered the Atlanta Federal penitentiary to be

Special Privileges Denied Dean of Racketeers

come just another of 2,100 numbers.

A decade of national prohibition that saw him rise to the rank of overlord of gangland's sly empire had given way to a 10-year period in which Uncle Sam decreed he must be behind prison bars for failure to pay income taxes on his enormous profits from vice and crime.

Two years of that 10-year sentence have passed. Another year's term of imprisonment awaits Capone in Chicago's Cook county jail when he is released from the Atlanta penitentiary.

Model of Decorum

Today Capone, from the terror of the underworld, has become a model of decorum. His prison record is clean. His consuming ambition is to keep an unblemished slate that may win freedom for him several years sooner than the prescribed decade.

This is the word that comes to the outside world of his life behind those gray walls out at the city's outskirts.

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 MR. LOCKE
 MR. RORER

"Santa Claus" Capone.

A prisoner just released from the Federal Penitentiary told the Atlanta Journal that Al Capone, once our best known gangster, is a "nice man" who figuratively put on whiskers Christmas Day and distributed boxes filled with candy, cake and tobacco to his fellow prisoners.

Before we Americans, notoriously sentimental in such matters, begin signing petitions seeking pardon for genial Al, another picture may be recalled. A district attorney in Chicago is digging into the truth of racketeering, in a trial now under way. Testimony shows that Capone stepped into the cleaning and dyeing business, served notice that he was taking over its "protection" and made himself master. He didn't do it by giving proprietors of cleaning establishments boxes filled with cakes and candies. He offered them their choice: Either they could give in and split profits with him, "or else." People who defied Capone came to find out that his "else" was likely to be delivered from a gun barrel or in a "pineapple" that would blow up a store and anybody who happened to be around when the pineapple was delivered.

It is not unlikely that the Christmas boxes for the Atlanta prisoners were bought with money extorted from Chicago pressers and those whose pants they pressed.

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MR. NATHAN
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MR. COWLEY
MR. EDWARDS
MR. SCAP
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MR. LESTER
MR. LOCKE
MR. PORER

Rackets Called Original NRA At Trial of 18

Defense in Chicago Denies Control of Business Was Vicious.

Chicago, Jan. 23 (AP).—Eighteen defendants in Chicago's racketeering conspiracy trial heard themselves alternately described today as blackguards and thieves, and as progressive, sagacious business leaders who really thought up the NRA.

The contracts with which they attempted to regulate the dry cleaning, laundry, carbonated beverages and other industries, said Defense Counsel Floyd Thompson, were much like the codes of fair competition under the National recovery act.

But to Special Prosecutor Edwin J. Raber the same contracts, as well as the unions and associations which the defendants controlled, were just devices to gain control of profitable businesses and "bleed them white" with dues and fees.

Attorneys for both sides spent the day with opening statements to the jury, one of the defendants, Aaron Sapiro, attorney, of New York, making his own.

Pictures Violence

Raber related a graphic picture of bombings, sluggings, threats and greedy mulcting of the racket-ridden industries. He mentioned Al Capone and Murray Humphreys, defendants, but not present Capone because of prison bars and Humphreys because of fear of income tax prosecution. He disclosed the State would try to prove Al Capone and Aldermen Oscar Nelson were associates.

Edward J. Brundage, attorney, listed as a State witness, was found shot to death Saturday, supposedly a suicide.

In brief, Raber charged gangsters and big business men cooperated in attempting to control the industries. The gangsters wanted work for their hoodlums, he said, and profits for themselves. The business men supposedly wanted to remove competition.

Compared to NRA.

Thompson said there may have been racketeering in the industries, but that the defendants put forth their best efforts to end it.

"The agreements entered into between the unions and members of the associations were forerunners of the type of agreement that we now call the NRA," he said.

The first of 300 State witnesses may be called tomorrow. The defendants, in addition to Sapiro and Nelson, include Federal Labor Mediator Benjamin Squires, Attorney Morris Kaplan, of Chicago, and officials of various unions and trade associations.

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Will Irwin Tells How Bootleggers Plan to Carry on in Spite of Repeal

It Means Only Continuing in Same or Similar Illicit Business, He Finds

By WILL IRWIN,

Chief Reporter and Managing Editor, The Commercial and Fusion Weekly.

NATIONAL prohibition is finished; but we are not yet finished with its results. In the past bootlegging furnished a means of livelihood for thousands who will have to find for the rest of this generation—the parents and the children. With their old business stopped or ruined, these malignant parasites are already looking for new and profitable fields to exercise their peculiar talents.

We shall never be rid of this element until the last of them takes a current of electricity along his spine or dies a sudden death in some cheap lodging-house. But we can—if we are wise—handle them in such manner that they will no longer form a major menace to our society.

After it really found itself the illegal liquor business drove into its scope all sorts of men; the best of them being in the middle ranks of the trade. The average retail bootlegger, in most parts of the country, differed but little from the average liquor dealer of the period before prohibition. Typically, he kept all his best except those special selling any liquor whatever and reserving it for his officials. That last was necessary to the game; for bootlegging could not go on unless the politician on the beat shut his eyes.

The average speaky proper was had about the same moral rating. Probably he compared rather favorably with the old-time saloon-keeper.

The best of these men conducted in our cities high-class restaurants which afforded good cooking and the wine that goes with it. The worst, it is true, ran "joints" whose patrons were criminals. But just such places existed under honest law before 1918.

Real Rum-Runner Seldom a Killer

The picturesque rum-runner was usually a hard-boiled, adventurous boy, willing to include the possibility of jail among his adventures, seldom a killer. "The worst that will be the liquor business flourished at the bottom and the top of the heap. As soon as it became apparent that most Americans were not going to obey the prohibition law the business faced a special quandary. It dealt with millions in actual property but that property had no legal standing.

The hijacker, appearing soon after 1918, served notice that it needed a protection which the regularly constituted police could not and would not give.

The illicit business proceeded at once to enlist a praetorian guard. It found its human material for this purpose in the gangs of men and young boys which infested the poorer and more crowded quarters of our great cities. The typical gangs of this sort, in the old days of legal liquor, expressed only the general phase of toughness through which slum-boys usually pass in the process of solving their wild cat.

Most of their members settled down in their early twenties to a steady job, married, became respectable citizens. True, a minority of their worst characters, working under the gang organization until they "flayed out their string, went on into the criminal class, became protectors for gambling houses, dealers in women, or pimps.

Gangs are no new thing in American city life. But quantity production of gangsters, that came only after the illegal liquor business found need for protection.

The distillers, importers and holders of illicit alcohol constituted

financing and higher control of bootlegging. Very likely this revelation will show up an foolish guessing most that has been written on the subject. Especially at first, citizens who were a front of respectability met in on this game regularly or irregularly.

In the days of the supremacy Al Capone used to hold court every week, delivering judgments with the gravity of judge attacks. And a reliable friend of mine quotes a former lieutenant of Capone as saying, in an unguarded moment: "You'd have been surprised at the people I used to see there!"

But an old-time rum runner began to push out the respectable or pseudo-respectable at the top. Among the gunmen themselves arose leaders in whom the spark of originality lit the fire of enterprise. They began to "muscle in" to unestablished territory. They show their way to the top.

And both parties to such a struggle believed in their inherent right—the one to freedom of commerce, the other to protection of its vested interests—as ardently as the contending parties to a war.

"Listen," a gangster remarked to me. "No guy ever got out on the spot by our outfit unless it was coming to him. He deserved it—see?" To tell the story of what followed would be to repeat history which every American child knows better than the story of Columbus.

'Big Shot' Idol Of City Youth

During the last two years of prohibition the gang killings increased in number. That was partly due to the hard times. Fighting for control of a shrinking business was no longer worth the risk of murder. Also, in some cities where armed police force found that supporting the monopoly of one established gang returned standard dividends.

In the meantime the supply of potential gangsters began to exceed the demand.

Boys coming to maturity in the crowded city quarters had seen the glory of the Big Shot—his twenty-odd wardrobes, his ten-thousand-dollar cars, his crowning authority. Boys who had adopted his show values and burned to imitate him. And as the supply increased the able and original among these parasites looked about for new fields.

So, borrowing methods from the Chinese highlanders, the underworld began to prey on legitimate, legal business—"the racket." By 1927 rackets—



PUBLIC ENEMY—A classmate of Alphonse Capone, Chicago gang leader, to whom Mr. Irwin alludes in his accompanying article.

ingenious systems of regular and permanent extortion—were sucking at least two hundred million dollars a year from Chicago alone and probably even more from New York.

All this time failures in the game were floating over into the more conventional crimes like plain stick-ups.

And the more hardened and more stupid took to the shocking crime of kidnaping.

The murder of Colonel Lindbergh's baby soon bears the same relation to prohibition repeal and to our belated move against commercial racketeering that the murder of the American Crown Prince bears to the Great War. It roused Americans to action.

Led by the Federal Government, we moved to annihilate the gangster, first, by creating laws and prompt action, we virtually eliminated kidnaping as a danger to society.

Last November two Chicago gunmen, who planned to hold up a series of stores, needed an automobile. They found one parked in a secluded spot with a man and a woman in the front seat. Pulling the door open, they drew their guns. "This is a stickup. We want your car. Get out!" they said.

The man kept trying to say something; but every time he opened his mouth a gunman shoved a muzzle into his abdomen and commanded, "Shut up!" The robbers had driven a few blocks when a sound from the back seat caused the man at the wheel to grip so suddenly that he strained the brakes.

It was the squeal of a baby! The baby's name—Lindbergh with feet—heard one of her captors say: "My God, we'll be got out for kidnaping!" They threw out these dangerous passengers and, very much relieved, went on to a job which might at any moment involve murder. This small episode symbolizes

the source which an aroused society can throw into the underworld. There may be other kidnapping cases; but it is obvious that the criminals—the two wretches hunched in the back seat, California—will be arrested, not members of the organized underworld.

Also, the Federal Government is heading a charge against racketeering in business. That is slower work than scaring the kidnaper. Moreover, the movement lacks a focus of popular indignation.

Until times improve enough to make racketeering worth while, they will know if the parasites of this class are on their way out.

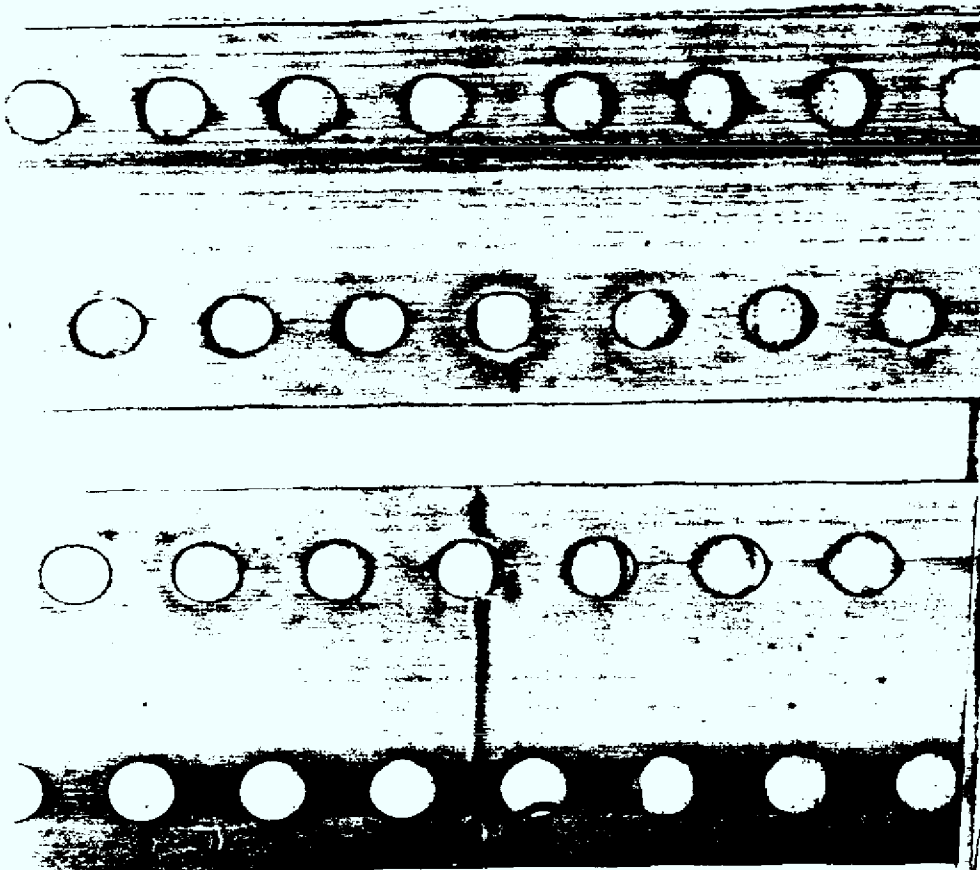
But with prohibition gone, with kidnaping rendered a somewhat dangerous occupation and with the future of racketeering in business, it would seem that the hard-boiled boys might have to go to work. Of course, they will not do that. They have the habit of easy money. And among their leaders there are jobs if not like racketeering. They will find or force other games, some old, some not to be invented.

Even if the Federal Government gets reasonably efficient co-operation from local authorities it will take at least a decade to suppress them. We can only force them around, force them into smaller and smaller games until the last of them perishes in prison or sinks to his natural state of a small fry.

Some of the worst parasites was not long when we repealed the Prohibition Amendment, and that was the gangster problem.

Copyright, 1928, by H. I. Johnston, Inc. This is the first of a series of articles by Mr. Irwin on gangsters and racketeering. The next will appear in an early issue, probably next Sunday.

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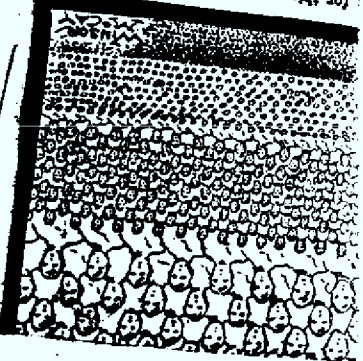


...the ... liquor ...
...of illicit alcohol recruited
...guards from those hard
...tough boys, who knew al-
...ready how to keep their mouths
...shut.

Liquor Traffic Built Up Gangs

When they entered the busi-
ness few of these were real
criminals. When they had been
in it six months most of them,
if they had not died in their
hands, were all least semi-criminals
by the name of the law.
...with...
...destined to become condi-
...tion, pleasure, paper hangers or
...grocery clerks, because instead
...of the life.
...The... of their sin was
...when sudden death. But while
...they lived they enjoyed a life-
...and which the criminal class
...never knew before—high, regu-
...lar and fairly secure salaries.
...at the height of our boom a
...good salesman employed to guard
...an underworld character and to
...do a little job of killing now
...and then could demand from
...\$15,000 to \$25,000 a year. All
...he had was the will to shoot
...recklessly and right adherence
...to the gang-code of silence.
...Others furnished the brains.
...This, naturally if not finan-
...cially, was the lowest layer of
...the illicit liquor business. The
...structure story.
...When the statute of limita-
...tions expires someone may come
...forward and throw light on the
...story.

Sunday Dec. 31



AY

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Clegg	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Hughes	.....
Mr. Quinn	.....
Mr. Lester	.....
Mr. Locke	.....

Chicago Herald Examiner
 Chicago, Ill.
 Dec. 17, 1933

AL CAPONE MAY APPEAL

ATLANTA, Ga., Dec. 18.—Attorneys for Al Capone, imprisoned Chicago gang chief, today were granted the right to appeal to the Circuit Court of Appeals at New Orleans the recent decision of Federal Judge Underwood here, who denied Capone's plea for freedom on a writ of habeas corpus.

A year ago, Capone first sought his freedom on a writ, but this was denied by Judge Underwood. Then six weeks ago his attorneys renewed their plea, adding to their original record a portion of the testimony at Capone's income tax trial in Chicago. This likewise was denied, but the federal court today granted the gangster the right to appeal.

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DIVISION OF INVESTIGATION	
DEC 18 1933	
U. S. DEPARTMENT OF JUSTICE	
ST. LOUIS, MO.	
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160

Newspaper clipping,
The Urbana Daily Courier,
Urbana, Ill.

December 15, 1935.

(Submitted by St. Louis Div. Office)

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Hughes.....
- Mr. Quinn.....
- Mr. Lester.....
- Mr. Locke.....

ATTORNEYS FOR AL CAPONE APPEAL TO FEDERAL COURT ON DENIAL OF HABEAS CORPUS WRIT

Atlanta, Ga., Dec. 15. (AP)—Attorneys for Al Capone, former Chicago gang chieftain, today appealed in federal court the decision denying a writ to petition for habeas corpus. Capone is serving a sentence in the federal penitentiary here on charges of evading of income taxes.

Judge E. Marvin Underwood allowed the appeal to the fifth federal circuit court at New Orleans.

Frank A. Doughman, Atlanta attor-

ney for Capone, filed the appeal. He said attorneys for Capone are ready to present their case any time. A hearing may be given early in January.

Judge Underwood recently denied Capone's attorneys the right to petition for habeas corpus. This was the gang chieftain's second attempt to gain his freedom on grounds the statute of limitations excluded his prosecution of the tax evasion charges.

69-180-A-^{file} VWH

Capone Denied Writ, Plans Appeal to Higher Courts

plea for the second time after his Atlanta, Dec. 2 (AP)—Alphonse Capone, former Chicago gang chief, today lost his second attempt to gain his freedom on a habeas corpus writ from the Atlanta Penitentiary, where he is serving ten years for failure to file income tax returns.

Judge E. Marvin Underwood in Federal Court denied Capone's attorneys' claim that the statute of limitations had run when Capone was indicted.

Judge Underwood previously had

denied a writ brought on the same grounds and was upheld by the Circuit Court of Appeals in New Orleans. Capone's attorney filed a new petition incorporating the exact language of the Chicago trial court to show defense attorneys then had asked acquittal because of the statute of limitations, but were denied by the court.

In the first hearing Judge Underwood had ruled the motion to dismiss had not been brought at the proper time.

Frank A. Doughman, Capone attorney, said the case would be taken to either the Court of Appeals or the United States Supreme Court immediately.

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Edwards
- Mr. Egan
- Mr. Foxworth
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Egan
- Mr. Gurnea
- Mr. Harbo
- Mr. Hendon
- Mr. Jones
- Mr. Quinn
- Mr. Nease
- Mr. Lester
- Mr. Gandy

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Fox.....
- Mr. Glavin.....
- Mr. Ladd.....
- Mr. Nichols.....
- Mr. Rosen.....
- Mr. Tracy.....
- Mr. Carson.....
- Mr. Coffey.....
- Mr. Hendon.....
- Mr. Jones.....
- Mr. Quinn.....
- Mr. Nease.....
- Mr. Gurnea.....
- Mr. Harbo.....
- Mr. Mohr.....
- Mr. Pennington.....
- Mr. Nease.....
- Mr. Gurnea.....
- Mr. Harbo.....
- Mr. Mohr.....
- Mr. Pennington.....

ALVIN KARPIS
WANTED
 FEDERAL BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE

By the Honorable Court.

ALVIN KARPIS, Chgo., Defendant, v. Federal Judge E. Martin Underwood, who denied Charles Al Capone's second plea for his freedom from the Atlanta Federal Penitentiary on a writ of habeas corpus based on the statute of limitations.

Attorneys for the former Chicago gang boss, who is serving a 30-year sentence for evading income tax payments in 1924, 1925 and 1926, said an appeal would be taken to either the Circuit Court of Appeals or to the United States Supreme Court.

Capone entered the Atlanta Penitentiary in May, 1932, and a year ago made his first attempt to gain his freedom on the ground the Federal statute of limitations had run at the time of his indictment.

Judge Underwood in Federal District Court denied the plea for a writ of habeas corpus and gave as his reason the fact that a habeas corpus proceeding was not the proper substitution for freedom under the limitation statute.

Appeal Plea Is Lost.

Capone's attorneys appealed to the Circuit Court of Appeals at New Orleans, which upheld Judge Underwood's decision.

In the plea which Judge Underwood denied today, Capone's attorneys brought no new evidence into the case, but introduced a portion of the exact language of the Chicago trial court to show that defense attorneys had at that time asked acquittal because of the statute of limitations.

Little has been heard directly of the former Chicago public enemy No. 1 since his incarceration in the penitentiary here. Capone announced his intention of becoming a "model prisoner" in order to get off all possible time for good behavior.

Beyond two brief trips from the prison to Federal Court when attorneys argued his appeals for freedom, nothing but rumor has come from Capone.

Witnesses Are Hounded.

Witnesses had the worst of a hard day yesterday aspiring to make the prison time toll down and others told they had. Witness also said he was working in the prison tailor shop and others in the case there. Some of the witnesses who accompanied them to the court were at Chicago, Alvin Karpis, the defendant, and the other witnesses.

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Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Miss Gandy

CAPONE TRIAL HERE UNLIKELY

Changes appeared small yesterday that the federal government would permit the return of Al Capone from Atlanta penitentiary to stand trial in state court here on a conspiracy charge.

District Attorney Dwight H. Green has been studying the indictment returned in the Cook County Criminal Court against Capone and others, and comparing it with the state laws.

Today he will make his recommendation to Attorney General Homer S. Cummings, concerning the return of Capone.

Green refused to reveal the nature of the recommendation, but it was said that the indictment was not regarded as setting forth Capone's terms of residence, in relation to the time of the alleged crimes, clearly enough.

Chicago Herald & Examiner

9-12-33

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Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Edwards
Mr. Egan
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Carson
Mr. Coffey
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

66

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CAPONE FIGHTS CHICAGO TRIAL

Al Capone, Chicago's public enemy No. 1, now serving a term in Atlanta prison for violating income tax laws, yesterday made his first move to prevent his return to Cook County for trial on an indictment charging conspiracy in connection with the cleaning and dyeing war.

Through his attorney, William Parrillo, Capone filed a sixteen-page copy of objections to his return to stand trial, protesting that he was not in the city at the time of the alleged conspiracy.

The objections will be forwarded to the United States Attorney General, who will decide whether or not Capone must return to Chicago.

Chicago Herald & Examiner

9-6-33.

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**McGURN GRANTED
COURT DELAY IN
VAGRANCY CASE**

**Lawyer Attacks Law
Invoked by Police.**

(Picture on back page.)

The Felony court was crowded yesterday with people seeking a glimpse of Machine Gun Jack McGurn, who was the first to be arrested under the new vagrancy law which makes a man's reputation a factor in determining his guilt.

McGurn, whose name originally was Vincent Gebhardt, was dressed to perfection as the new rich of the underworld regard perfection. He kept his head down as he went before Judge Thomas A. Green after two days in a detective bureau cell. Up stepped Attorney Benjamin Feldman, pleading for a delay.

"This is a brand new law," Attorney Feldman said. "I must have time to determine the legality of such a legislative act which allows men like my client to be arrested while playing golf."

McGurn was entered in the western open tournament at Olympia Fields and was shooting under par golf when police seized him.

"No Test Case," Says Judge.

"This is no test case," Judge Green replied. "Yesterday three men were sentenced to serve six months in the Bridewell on the same charge. In the old days a vagrant meant some one going about in overalls with nails for buttons—an ordinary hobo."

"Under this new law a man may be as well dressed as your client and still be a vagrant or vagabond. The burden of proof now lies with you, Mr. Feldman. Your client was arrested because he has a reputation for being engaged in criminal practices against the good of society. You must bring in your witnesses to prove this is not so if you wish an acquittal. The law is not like it used to be."

The attorney said he would like to argue some legal motions before the start of the trial. Judge Green then set Sept. 6 as the date of hearing and refused to reduce McGurn's \$10,000 bail.

Promises More Warrants Soon.

The new law, which declares a person "reputed to be a criminal" to be a vagabond and subject to six months' sentence, is to produce another batch of warrants tomorrow or the next day, Chief of Detectives Schoemaker said yesterday. Last week he furnished 25 names of public ene-

mies to Judge Green, including that of McGurn, and the judge issued warrants for the arrest of all of them. A second list is being prepared. In all, Schoemaker will list more than 200 persons of criminal reputation.

Schoemaker yesterday had in custody Walter Guida, one of the 25, and James Belcastro, a cousin of the "king of bombers" of the same name, who is also one of those on the public enemy list. James Adducci, west side vice monger, gangster, and petty politician, was seized and held, but so far, Chief Schoemaker said, Adducci's name has not been put on a vagabond list. All three of these hoodlums were viewed by victims of robbers in the police showup last night, but they were not identified in connection with any crimes.

- Mr. Clegg
- Mr. Edwards
- Mr. Egan
- Mr. Hurst
- Mr. Nathan
- Mr. Tolson

Chicago Daily Tribune

4-20-33

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HOODLUM IN COURT.
Machine Gun Jack McGurn
before Judge Green after
arrest on golf course.

(Story on page 2.)

Chicago Daily Tribune

5-30-33

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Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo	.....
Mr. Hendon	.....
Mr. Jones	.....
Mr. Quinn	.....
Mr. Nease	.....
Mr. Gandy	.....

MCGURN MUST MR. GEBARDI'S YAK

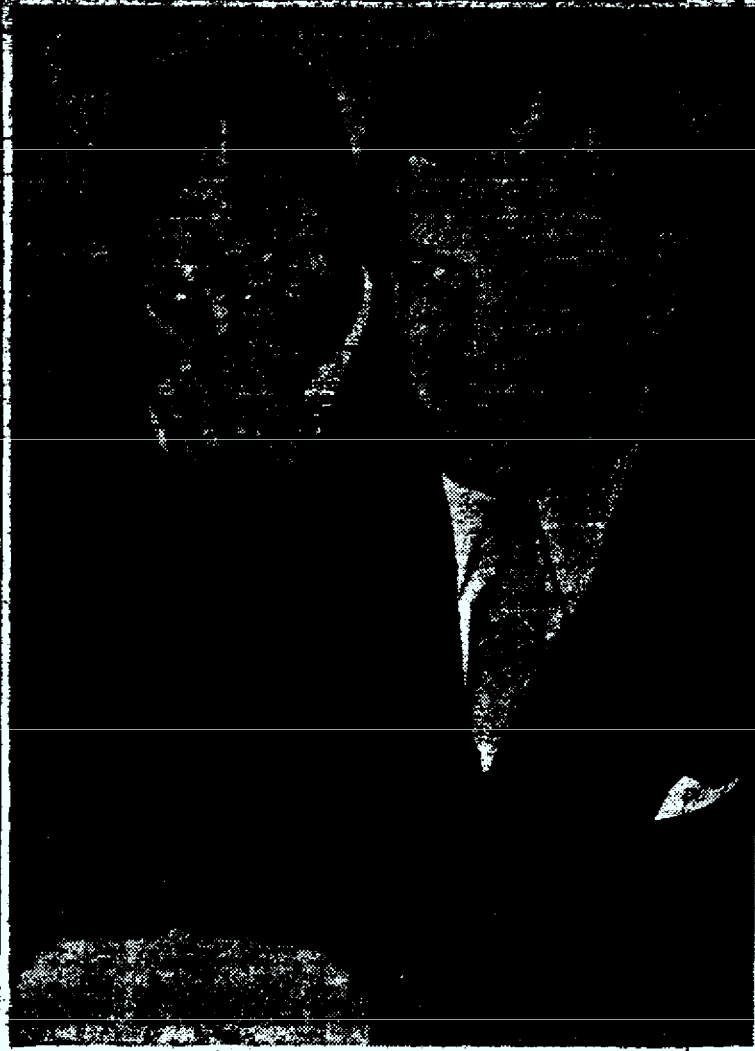
FACE U.S. JUDGE, GREEN RULES GREEN RULES

"Machine Gun" Jack McGurn, rapper golfer when he's not at his trade as a gangster, must face arraignment on September 3 under the new law requiring hoodlums to establish a good reputation or face charges of vagrancy.

So ruled Judge Green today when McGurn was brought before him for a preliminary hearing after being in a cell at the detention bureau since Saturday, when he was arrested while participating in the Western Open Golf Championship at Olympia Fields.

McGurn was released on \$10,000 bond. His attorney, Ben Feldman, had argued stubbornly for a longer continuance of the hearing. A big crowd turned out to see the notorious hoodlum, who was questioned yesterday by federal Department of Justice agents under Chief Melvin H. Purvis. The government wants to determine whether any of his activities come under federal jurisdiction.

With the crime drive on in full force, several other hoodlums were waiting hearings. They are Walter Guida, arrested on a "reputation" warrant, and James ("Jimmie the Deuce") Adduci, public enemy and Hunkey for "Dago" Lawrence Mangano. Also in hoodlums' row was James Belcastro, 37, 44 7735 E. Marshfield av., a cousin of his namesake, James ("King of the Bombers") Belcastro, a Capone henchman.



Bashful as always in such surroundings, Vincent Gebardi, better known under the nom de guerre of "Machine Gun" Jack McGurn, appeared today before Judge Green with his attorney, Ben Feldman (right). McGurn, arrested golfing at Olympia Fields, learned he would go to trial under the new vagrancy law which requires proof that one is of good reputation and not a vagrant. (Chicago American photo.)

Chicago American

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Mr. Clegg
 Mr. Edwards
 Mr. Egan
 Mr. Hughes
 Mr. Nathan
 Mr. Tolson

**Return of Capone
 To Chicago Held Up**
Questions 7-20-33
 WASHINGTON, Aug. 19 (AP).—The request of Chicago authorities and a court writ for the return of Al Capone from Atlanta penitentiary to Chicago to stand trial will not be acted on by Attorney General Cummings at present.
 Cummings said today action was being held up due to uncertainty regarding the indictments returned against Capone.
 CHICAGO, Aug. 19 (AP).—Assistant State's Attorney Cunningham went to Springfield today to obtain a new extradition warrant for Aaron Sapiro, New York attorney charged, with Al Capone and 22 others, with conspiracy in labor racketeering.
 The Grand Jury reindicted Sapiro after Governor Lehman of New York had refused to permit Sapiro's extradition on the ground he denied being in Chicago on the date specified in the first indictment.

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Mr. Clegg.....
Mr. Edwards.....
Mr. Egan.....
Mr. Lester.....
Mr. Nathan.....
Mr. Tolson.....
.....

ILLINOIS VINDICATES ITSELF

Indictment of Al. Carons in Chicago on a State racketeering charge involves the possibility that he will be turned over for trial by the Federal authorities. If convicted and sentenced in the Illinois Court, he would be returned to Atlanta to serve the balance of his Federal sentence of 11 years and then be delivered to the State authorities to serve whatever sentence might have been imposed.

If this program is carried out, it will be a salutary example of State responsibility for the maintenance of law, the importance of which goes far beyond the fact that this notorious public enemy will pay a more adequate penalty for his crimes. The country was freed from the national and international disgrace of Carons' complete immunity by the energetic initiative of the Federal Government in 1930 and 1931 when the last Administration sent to Chicago a force of detectives and tax experts and obtained evidence in the face of which Carons threw up his hands. The first penalty he drew was one for contempt of Federal Court. Then, unable to beat the income tax case, he pleaded guilty, also admitting conspiracy to violate the prohibition laws, in the expectation that he would get off with a two years' sentence. The resolution of the trial judge prevented an unwholesome deal and imposed a more exemplary sentence.

But Carons has still thus far been able to avoid being brought to book for numerous crimes in violation of the fundamental laws of the State. If they now can be brought home to him it will be a most wholesome thing, especially at this time, when, in the clamor against racketeers and gunmen the demand most insistently heard is that Uncle Sam shall do the policeman's job for the entire country and for the whole range of crime.

The intervention of the Federal Government two years ago was a magnificent stroke for law and order. Washington has still a great part to play in war on organized crime. But the fundamental responsibility for the suppression of crime is on the State and Federal action should supplement, not supplant State initiative.

NOT RECORDED

69-180-A

The Evening Bulletin
Philadelphia, Pa.
 8-17-33

R.H.W.

Mr. Clegg.....
 Mr. Edwards.....
 Mr. Egan.....
 Mr. Ladd.....
 Mr. Nichols.....
 Mr. Rosen.....
 Mr. Tracy.....
 Mr. Harbo.....
 Mr. Mohr.....
 Mr. Winterrowd.....
 Mr. Tele. Room.....
 Mr. Holloman.....
 Miss Gandy.....

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**RETURN CAPONE
 HERE AUG. 29**

Al Capone, Chicago's most notorious gangster, will be returned here August 29 from Atlanta penitentiary, to stand trial in the state courts with twenty-three co-defendants accused in a nationwide conspiracy indictment subject to the government's approval.

A writ of habeas corpus for the purpose of prosecuting the former No. 1 "public enemy" now serving a federal term of eleven years for income tax evasion was issued yesterday by Chief Justice Prystalski of the Criminal Court, returnable on August 29.

A certified copy of the writ is to be sent to Warden Aderholt at Atlanta, who, in the course of legal routine, will inform Attorney General Cummings at Washington.

Chicago American

8-16-33.

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AL CAPONE AUGUST 29 RACKET TRIAL

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INDEXED
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M. S. ...
M. I. ...

Prystalski Issues Writ; Arraignment Set; Cummings' Approval Is Required.

Subject to federal approval, Al Capone, Chicago's most notorious gangster, will be returned here August 29 from Atlanta penitentiary to stand trial in the state courts with twenty-three co-defendants named in blanket racket conspiracy indictments.

A writ of habeas corpus for the purpose of prosecuting the former No. 1 "public enemy," now serving a federal term of eleven years for income tax evasion, was issued yesterday by Chief Justice Prystalski of the Criminal Court, returnable on August 29.

ARRAIGNMENT SET.

All defendants in the racket case, which covers illegal trade operations in five major industries and names the most prominent figures in the unions for a period of several years past, as well as a group of major hoodlums, are to be arraigned August 29.

A certified copy of the writ is to be sent to Warden Aderholt at Atlanta, who, in the course of legal routine, will inform Attorney General Cummings at Washington. Cummings will have the final word as to whether the government will consent to Capone's return.

MOLEY CONSULTED.

It is understood that State's Attorney Courtney, now in New York preparatory to sailing for a visit to Ireland, had arranged to confer before his departure with Cummings and Raymon Moley, close adviser of President Roosevelt, who is in charge of federal plans to rout rackets.

Courtney has already discussed the return of Capone with District Attorney Green of Chicago, and it is believed the government will accede to Capone's return if a convincing case can be shown against the gangster and possibility of a stiff sentence held out in the event he is convicted.

Chicago Herald & Examiner

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RETURN TO CHICAGO AUGUST 29 FOR RACKET TRIAL

SEARCHED
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Prystalski Issues Writ, Ar- raignment Set; Cummings' Approval Is Required.

Subject to federal approval Al Capone, Chicago's most notorious gangster, will be returned here August 29 from Atlanta preparatory to stand trial in the state courts with twenty-five co-defendants named in racket racket conspiracy indictments.

A writ of habeas corpus for the purpose of prosecuting the former No. 1 "public enemy," now serving a federal term of eleven years for income tax evasion, was issued yesterday by Chief Justice Prystalski of the Criminal Court, returnable on August 29.

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Chicago Herald & Examiner

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8-16-33. 69-180-A

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10/16/33
 Mr. Tolson
 Mr. E. A. Tamm
 Mr. Clegg
 Mr. Glavin
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Carson
 Mr. Coffey
 Mr. Hendon
 Mr. Pennington
 Mr. Quinn
 Mr. Nease
 Mr. Gurnea
 Mr. Harbo
 Mr. Mohr
 Mr. Winterrowd
 Miss Gandy

Writ Signed Asking Return of Capone for Racket Trial

A formal request for the return of Al Capone from Atlanta penitentiary to stand trial in the Cook county Criminal court with 23 other persons named in a conspiracy indictment charging racketeering was signed yesterday by Chief Justice John Prystalski at the request of Acting State's Attorney Grover C. Niemeyer.

The request was in the form of a writ of habeas corpus as provided under the law for the return of a prisoner to stand trial on another indictment. The first step in the proceeding was to set a trial date and, at the request of Mr. Niemeyer, August 29 was the date fixed. The application for the writ of habeas corpus was then presented Judge Prystalski and signed.

Approval Up to Washington.

The action of Judge Prystalski is not binding on the federal authorities, who have Capone in the Atlanta prison under a 10 year sentence for income tax fraud. The writ was forwarded to Warden A. C. Aderholz at

Atlanta, who in turn will send it to Washington.

There it must be sanctioned by Attorney General Cummings. The attorney general is expected to return to Washington in a few days from a vacation trip in Connecticut.

It is believed by Cook county officials, however, that the government will grant the request inasmuch as State's Attorney Thomas J. Courtney and United States District Attorney Dwight Green have already conferred on the matter.

Plan of State Prosecutors.

The plan of the prosecution is to try Capone on the racketeering charge and if he is convicted have him serve the new sentence after he has finished his federal sentence.

Among those indicted with Capone on the racket conspiracy charge are Murray Humphries, his successor in gangland; Dr. Benjamin Squires, economist and labor arbiter; Ald. Oscar Nelson of the 46th ward; Aaron Sapiro, New York attorney, and Attorney Morris I. Kaplan, counsel for several trade associations. Sapiro is resisting extradition in New York.

Chicago Tribune

8-16-33.

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NEW YORK TIMES, W

CHICAGO GETS WRIT TO TRY AL CAPONE

66-477-33
Delivery of Atlanta Prisoner
Arranged With Justice
Department Officials.

INDICTED WITH 24 OTHERS

He Will Serve Out Federal Sen-
tence Before Starting New
Term If Convicted.

Special to THE NEW YORK TIMES.

CHICAGO, Aug. 15. — Arrange-
ments for the return of Al Capone
to stand trial with twenty-three
others named in a blanket indict-
ment charging racket control of
five service industries were com-
pleted today when Judge John
Prystalski signed a writ directing
the warden of the Atlanta Federal
prison to bring Capone into court
here.

Judge Prystalski set Aug. 29 for
the arraignment, but it is not ex-
pected that the trial will start on
that date.

Conferences between the State's
Attorney, Thomas J. Courtney, and
the Federal District Attorney,
Dwight Green, have assured the
State of the government's willing-
ness to surrender Capone for trial
here.

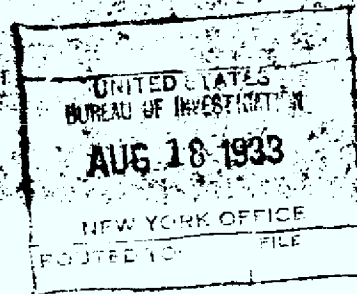
The writ will be sent by Warden
Aderholz at Atlanta to the Depart-
ment of Justice at Washington for
approval. District Attorney Green
has already conferred with Wash-
ington officials, who will cooperate
with the State.

Capone, who is serving an eleven-
year sentence for income tax eva-
sion, will be accompanied from At-
lanta by deputy wardens, who will
guard him twenty-four hours a
day.

Among those indicted with Ca-
pone were Murray Humphries,
recognized as his successor in gang-
land; Benjamin M. Squires, econo-
mist and labor arbiter; Alderman
Oscar F. Nelson, Aaron Sapiro,
New York attorney and trade or-
ganizer, and Morris I. Kaplan,
counsel for several trade associa-
tions.

Await Cummings Sanction.

WASHINGTON, Aug. 15.—An ef-
fort to obtain authority to remove



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ness to surrender Capone for trial here.

The writ will be sent by Warden Aderholz at Atlanta to the Department of Justice at Washington for approval. District Attorney Green has already conferred with Washington officials, who will cooperate with the State.

Capone, who is serving an eleven-year sentence for income tax evasion, will be accompanied from Atlanta by deputy wardens, who will guard him twenty-four hours a day.

Among those indicted with Capone were Murray Humphries, recognized as his successor in gangland; Benjamin M. Squires, economist and labor arbiter; Alderman Oscar F. Nelson, Aaron Sapiro, New York attorney and trade organizer, and Morris I. Kaplan, counsel for several trade associations.

Await Cummings Sanction.

WASHINGTON, Aug. 15.—An effort to obtain authority to remove Al Capone, gangster leader serving a Federal sentence in Atlanta prison, to Chicago for trial on State charges was made today by State's Attorney Courtney of Cook County, Ill.

The request was received by the criminal division of the Department of Justice. It must be passed on by Attorney General Cummings, who will return from a vacation in Connecticut the latter part of this week. Officials declined today to forecast what action might be taken.

Capone and others were indicted in Chicago on charges growing out of a racketeering inquiry and Cook County authorities want to get the gang leader back for trial, feeling that he will receive a heavier sentence, if convicted, than the Federal sentence he is serving.

Policy Favors Move.

The policy of the Department of Justice in cases of this character has been to permit the State authorities to take custody of a prisoner where the local offense is more serious and where heavier punishment appears likely. There is some question in the Capone case, but it is thought possible that the State trial of Capone may be permitted while the evidence is fresh and conviction more probable.

Should Capone be convicted in Illinois, it was stated that he might be returned to Atlanta to serve the remainder of his present sentence, after which he would be turned over to the State authorities.

UNITED STATES DEPARTMENT OF JUSTICE	
AUG 18 1933	
NEW YORK OFFICE	
ROUTED TO:	FILE

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PLAN TO BRING
CAPONE BACK IN
BIG LABOR PLOT

United States Attorney Green and State's Attorney Courtney conferred yesterday on the procedure of returning Al Capone from Atlanta penitentiary to stand trial on the indictment charging him with complicity in a large labor conspiracy for which 14 men were indicted about two weeks ago.

Inasmuch as Capone is in a federal prison serving an eleven year sentence for income tax evasion, Mr. Courtney must obtain permission from Attorney General Cummings to effect his return. Mr. Green has been given to understand that no objection would be made at Washington providing adequate means were taken to safeguard the notorious prisoner while here.

The state's attorney must first obtain an order from a Criminal court judge calling for Capone's appearance at the trial. This will be transmitted to the warden of the Atlanta prison who will refer it to Mr. Cummings. Mr. Green then must approve the plans for safeguarding Capone and, once given, this approval probably will be sufficient to bring a release from Washington, D. C., of the return order.

Chicago Tribune
August 13, 1935

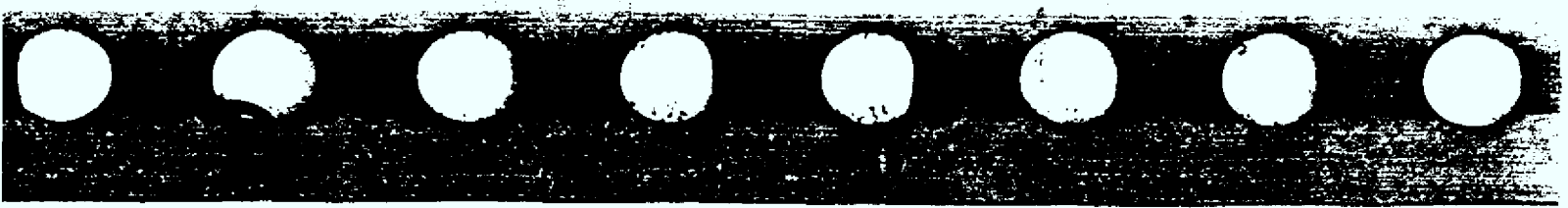
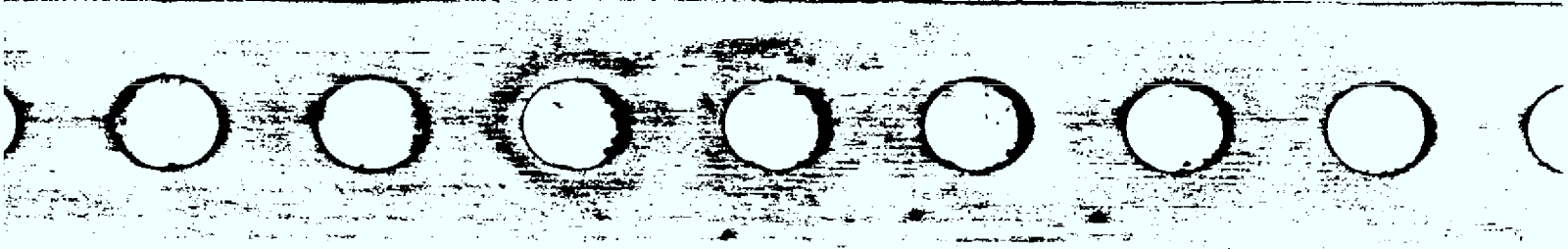
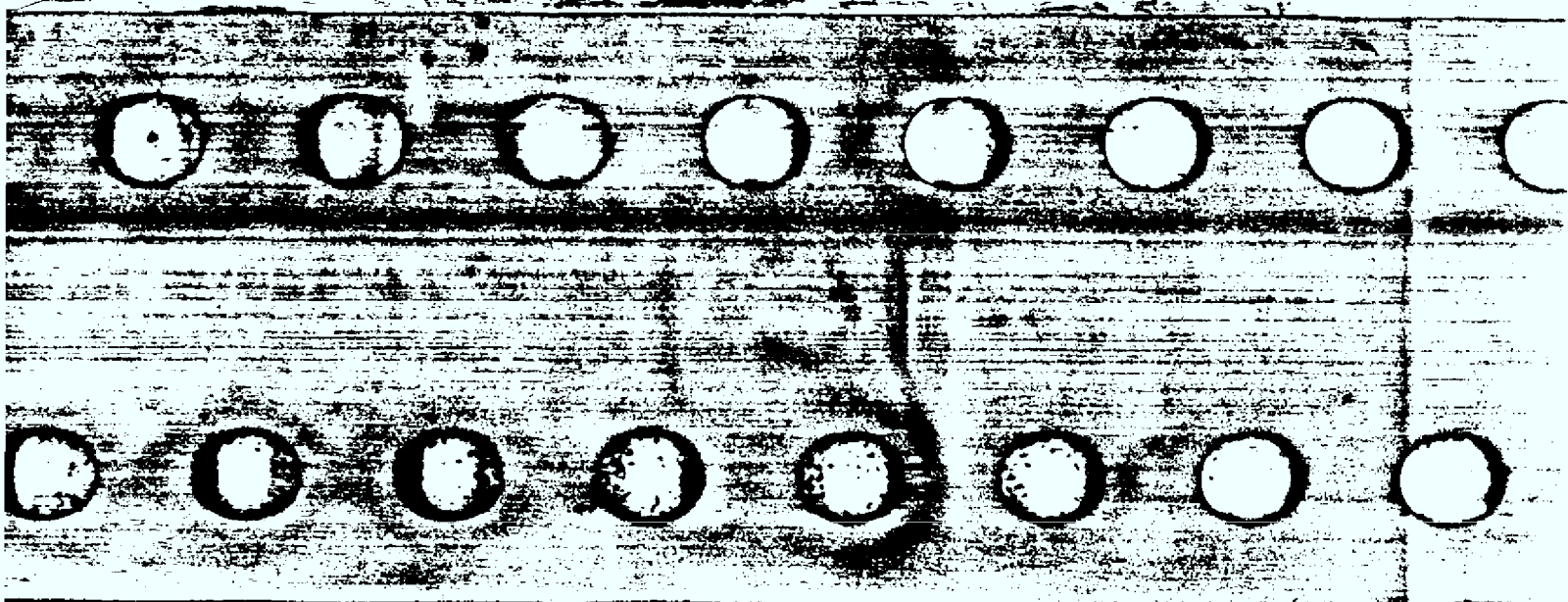
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AND DEMANDS QUICK TRIAL



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UNION AND LABOR

My position is a steadily growing one in a position of responsibility and public esteem. I have been head and shoulders above the Federation of Post Office Clerks. I have been chief city factory inspector of Chicago for four years. I was United States commissioner of conscription for a period of six years, governing and settling strikes, serving under Presidents Wilson and Harding.

"I have been a member of the city council for more than ten years. During all these years of public service my life and actions have been an open book. No one ever before has attempted to attack my integrity.

"The law firm of which I am the senior member represents a number of labor unions, among them the Laundry Drivers' Union and the Laundry Drivers' Union and the Chicago Laundry Owners' Association have had a working agreement for more than twenty-eight years. As the attorney for the union I have rendered legal opinions in connection with their labor contracts.

RABER A TOOL, HE SAYS.

"I have no apology to make for any opinion I have rendered, and I have violated no law in connection with any of my legal services.

"My prominence in the field of politics and labor has aroused certain jealousies.

"The special prosecutor, Mr. Raber, is being used in an attempt to destroy me politically. I have hastened my return to Chicago by the fastest transportation available to demand an immediate trial for the purpose of vindicating my integrity. Before I get through, I expect to show the public of Chicago who are the real conspirators and racketeers."

Personal Services

Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Jones	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

W

WASH STAR

8-4-1933

REQUEST FOR CAPONE'S RETURN IS HELD FALSE

Chicago Has Not Yet Asked His
Release for Rackets Trial,
Bates Declares.

Reports published in Chicago that Al Capone would be returned there from the Atlanta Federal Penitentiary to stand trial in the rackets conspiracy case were said at the Justice Department today to be premature.

Sanford Bates, director of prisons, said no request had been received from the Chicago authorities for Capone's return and that if such a request was received it would be passed upon in the usual manner. Until a request was received, he continued, the department would have nothing to say about the case.

NOT RECORDED

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CAPONE EFFORT TO INFLUENCE JUDGE CHARGED

Ald. Nelson Accused by Brundage.

Charges that friends of Al Capone tried on two occasions to bring influence to bear on Federal Judge James H. Wilkerson to "go easy" on the gang leader were made public yesterday in connection with the bitter fight for alderman in the 46th ward.

Oscar F. Nelson, Republican, is running for reelection in this ward against Arthur B. Dehmlow, another Republican. Both have bipartisan support.

Ald. Nelson has been listed by the Municipal Voters' league as the "preferred" candidate in this struggle. This recommendation, it was learned yesterday, was given despite certain allegations made to the officers of the league by former Attorney General Edward J. Brundage. Mr. Brundage, who is one of Dehmlow's chief backers, told the league officers that Nelson had had affiliations with Capone.

Mark Back to Capone Trial.

Incidents upon which these charges were based took place in October, 1931, when Capone was on trial before Judge Wilkerson for income tax evasion.

Both Mr. Brundage and Ald. Nelson have told their versions of the incidents to the league. They repeated them yesterday to a TRIBUNE reporter. The narratives agree on some points but differ greatly in interpretation. Ald. Nelson denied any Capone connections—past or present.

Mr. Brundage told this story in substantiation of his statements:

"One night during the latter part of the Al Capone trial in October, 1931, I received a telephone call at my home in Lake Forest from State Senator Dan Serritella [of the First Chicago district, a follower of Al Capone]. He asked if he could drive to my home and talk with me. Serritella is a Republican committeeman. I told him to come.

...squares deal" for Capone before Judge Wilkerson. Judge Wilkerson and Mr. Brundage were political associates before the judge went on the federal bench in 1922.

"They said that the judge was not treating Capone's lawyers fairly. I told them I was certain that they were getting fair and impartial treatment, but they asked me to talk with the judge.

"Capone said, 'We can beat this case on its merits; all we want is a squares deal.'

Boast of His Power.

Capone also boasted of his power in politics and mentioned that he had followers in the city council. He named Ald. Nelson as one of these followers and, turning to Serritella, said, 'Have Nelson out here tomorrow night.'

"The following day I talked with Judge Wilkerson, who told me that Capone's lawyers [Michael Ahern and Albert Fink] were objecting to every piece of government evidence and that they would be treated as lawyers when they acted as lawyers.

"The following night Serritella came again to my home with Ald. Nelson. Capone was not with them. Ald. Nelson and I talked 46th ward politics [Mr. Brundage is a voter in that ward]. Nelson assured me he was for anything I wanted.

"These incidents took place early

Mr. Nelson	✓
Mr. Tolson	
Mr. Edwards	
Mr. Clegg	

Edwards
TCM

Chicago Daily Tribune

2/25/33

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CAPONE EFFORT TO INFLUENCE JUDGE CHARGED

[Continued from first page.]

in the week in which Capone was found guilty. Later, I believe it was a day or two after his conviction [Capone was still at liberty on bail], Capone came to my office at 110 South Dearborn street. With him were Serritella, Ald. Nelson, Patrick Sullivan of the Chicago Building Trade council, and Jerry Horan of the Flat Janitors' union.

"They said they had heard that Judge Wilkerson intended inflicting a heavy sentence upon Capone. Serritella thought that a two year term, as was originally proposed when Capone pleaded guilty to the indictment, would be sufficient. I don't recall who made the statement but I was told that if Capone received a two year term the opposition of railroad labor to Judge Wilkerson's elevation to the Circuit bench would be withdrawn."

Judge Wilkerson was not formally nominated for the Page vacancy on the Circuit Court of Appeals by President Hoover until Jan. 12, 1932, but he had been mentioned for the post.

It was alleged that organized labor would contest his confirmation by the United States senate.

"I asked this group in my office," Mr. Brundage continued, "if they were guaranteeing that William Green, president of the American Federation of Labor, would not oppose confirmation. They told me they could make that guarantee. I told them I would consider what they had said."

Gets 11 Year Sentence.

Capone received an eleven year sentence from Judge Wilkerson a few days later and is now serving that term in Atlanta penitentiary.

Ald. Nelson, in his version of these incidents, flatly denied that he went to Brundage's office with Capone and that the conversation was along any lines save politics.

"During the trial," the alderman said, "I received a call from Serritella. He asked me to drive with him to Mr. Brundage's home to discuss harmony among the Republican factions in the 45th ward. I agreed and we went to Lake Forest. There we talked politics but came to no agreement. I told Mr. Brundage that I was ready to confer with him at any time but we did not agree on any candidate for ward committeeman or for any other post.

"I learned that Capone had been there the night before and I assume that Serritella wanted me to go there in order to make it appear I was answering a summons.

Gets Another Call.

"A few days later, I received a telephone call from Patrick Sullivan and Jerry Horan. They said Serritella had called to say that Mr. Brundage wanted

to talk with the boss of the ward politics. I agreed and Sullivan, Horan, and I went there together. I was considerably surprised to walk into Brundage's office and find Serritella and Capone with him. I had met Capone only once before in my life and knew him only casually.

"We talked politics alone. Nothing was said about Capone's conviction. Capone took no part in the conversation, save to laugh occasionally when some one said something funny. As before, there was no agreement between Brundage and me although we talked about various men in the ward. There certainly was no mention of labor opposition to Judge Wilkerson. He had just been appointed at that time."

"I suppose," Ald. Nelson concluded, "that Serritella called for Sullivan, Horan, and me in order to create the impression to Brundage that he and Capone had friends in organized labor."

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CAPONE CODDLED IN ATLANTA PRISON

Still 'Big Shot' and Wears Silk
Underwear, Says Former
Convict

HIS SHOES \$25 A PAIR

Following is the first of a series of three stories describing Al Capone's life in Federal prison at Atlanta, where he is serving a sentence of 11 years for income tax fraud. The author is an ex-convict, committed from Philadelphia, who worked in the prison shoe shop with the notorious gang leader. He has just been released after completing a sentence of 28 months for impersonating a Federal officer.

BY EX-CONVICT NO. 35,503

Atlanta, Ga., Jan. 22.—Al Capone remains "the big shot."

He was "the big shot" in the years he dominated Chicago's racketeering underworld and he is still "the big shot" behind the gray walls of Atlanta prison—at least so far as his personal comfort and special privileges are concerned.

Outside of actually being permitted to leave the walls, he gets about what he wants over there in the Big House, far more at any rate than the ordinary prisoner.

Plentifully supplied with money (although no other prisoner is permitted to have more than \$10 at one time) he still wears the silk underwear that he boasts costs him \$12 a suit, he wears suits tailored for him in the prison tailor shop and the specially made shoes that he says costs him \$25 a pair.

Other convicts wear the regulation prison issue garb.

He receives and sends a voluminous mail, although other prisoners are limited to writing two letters a week. On the ground that it is "business correspondence" much of it goes uncensored. I've seen him get lots of uncensored letters.

In the matter of visitors, too, he gets a fairly free hand. They're coming down here all the time from Chicago to see him, and Al persuaded the authorities to let him have a special room in which to see them. There isn't any guard around when Al talks business with his friends.

His "work" in the shoe shop is more or less a joke. He usually shows up for an hour or two in the morning to tack on some rubber heels. Then there will be visitors, or he goes over to the hospital for treatment, or play tennis. He has spent hours on the tennis court.

Often he spends nights in the hospital, where there are regular mattresses on the beds instead of the straw ticks used in the cells.

Sometimes he eats with the other prisoners. Sometimes he doesn't.

With his money, he can buy things from the commissary that are a good deal more appetizing than the prison grub, which isn't so hot.

But with all his money and his special privileges, Al Capone is a mighty unhappy man.

When he first came down to the prison, he cried on everybody's shoulder that would listen to him about how he had been "double-crossed" and "cheated" by the authorities in Chicago. He said he had distributed 300 "grand" in Chicago to insure a light sentence, but they crossed him up, he said.

I've heard him put his head in his hands and say, "Oh, why did I do it?" I don't know whether he meant the crime for which he was sentenced or the 300 "grand."

Naturally, getting all these privileges, and his perpetual crabbing against his fate and everything else hasn't tended to make him very popular with the other inmates. He has a small clique around him that toady to him for cigars, cigarettes, extra food, and other things that make life in there more endurable.

The prison commissary even put in his own favorite brand of cigars. He buys them by the box.

They call him "Grease Ball" and "Wop" and "Macaroni Bender" and make obscene cracks about his being "a big shot."

And he will yell at them, "Shut up, you mugs, I've handled more dough than you and all your families ever saw," with plenty of profanity mixed up in it.

He has been trying for some time to wrangle a transfer to the new Federal prison at Lewisburg, Pa. But he hasn't had much luck yet.

(Continued)

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Bulletin, (Pa) 69-100-A
January 2, 1933

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U. S. Department of Justice
Bureau of Investigation

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Mr. Nathan	<input checked="" type="checkbox"/>
Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Edwards	<input checked="" type="checkbox"/>
Mr. Glavin	<input checked="" type="checkbox"/>

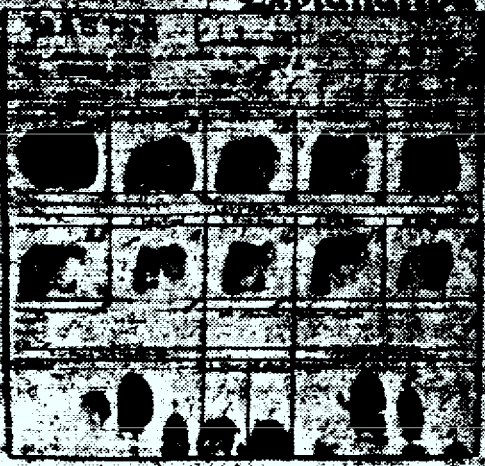
First and Exclusive Picture of Al Capone's Fingerprint Record

United States Bureau of Investigation

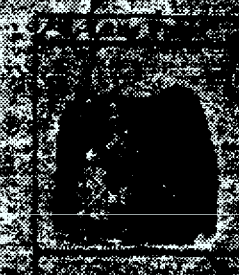
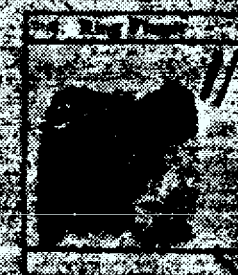
Washington, D. C.

Explanation of Fingerprint Classification

Alphonse Capone



29 L U 101 8
L U 101 10



29 - Thumb

3 - Index Finger

13 - Middle Finger

11 - Ring Finger

10 - Little Finger



28 - Thumb

3 - Index Finger

16 - Middle Finger

13 - Ring Finger

11 - Little Finger

A little insight into the operation of the Federal criminal bureaus is given in this exclusive picture of the fingerprint record of Alphonse Capone, "Public Enemy No. 1" of the nation. The picture, on file with the U. S. Bureau of Investigation in Washington, gives the com-

plete classification of each of Capone's fingers; his criminal record; his real name, which, (upper left) seems to be Alphonse Capone; his several aliases, and finally his Rogues' Gallery pictures. Picture from International News Photograph Service.

The N.Y. Journal Dec 29, 1932

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Uncle Sam's Biography of Al Capone

United States Bureau of Investigation
Fingerprints
Photographs



Here is the first rogues' gallery photo and fingerprint record ever published of Al Capone, notorious Chicago gang czar, since the racket king was sentenced to eleven years in Atlanta Federal penitentiary for income tax evasion. The picture, on file in the United States Bureau of Investigation at Washington, gives a complete classification of Capone's physical characteristics, criminal record, various aliases and photographs. Inserted close-up is an enlargement of the small photo at top of the record.

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No newspaper given.

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11-17-32



NOV 28 1932 AM

CAPONE HEARS LAWYERS ARGUE HIS APPEAL CASE

Looks Thinner than When He Entered Prison.

Atlanta, Ga., Nov. 18.—[Special.]—Alphonse Capone, gangster, who was



JUDGE E. M. UNDERWOOD.

Atlanta, Ga., Nov. 18.—[Special.]—Alphonse Capone, gangster, who was

Capone was taken from his cell in the federal penitentiary and transported under heavy guard to the courtroom. He arrived there an hour before his case was called. With his hands manacled he was led through the corridors of the federal building, which had been cleared of the curious who came to view him.

"Looks Thin, but Fit."

During the arguments he appeared intensely interested, but did not speak, even to confer with his counsel. He appeared much thinner, bronzed, and in better physical trim than he was in May when he arrived here to begin serving the ten year term meted out to him in the federal court in Chicago.

The blue suit Capone wore, with much of his fat gone, clung in loose folds to his frame. It was not as well pressed, either, as his garment was wont to be of yore. His tie was a subdued gray and white check. His soft gray hat, the same one that he brought with him, was kept close at the side, and when the hearing was concluded and he was led out to the street he kept the hat over his head.

It was the second time the gangster had left the penitentiary since his arrival. He was taken to court for a few minutes on Nov. 17, when the attorneys filed his application for the writ of habeas corpus. On each occasion a large number of deputy marshals were assigned to guard him and to keep order around the court.

William E. Leahy of Washington, one of the Capone attorneys, told the court that his client's case was similar to that of William H. Scharton, Boston attorney, whom the Supreme court freed of income tax charges under the statute of limitations.

C. A. Youngquist, assistant attorney general of the United States, and assistant District Attorney Hal Lindsey argued that there was no similarity between the cases and that the Capone petition "read itself out of court."

It was pointed out that in the Scharton trial a plea at bar was made at the conclusion of the case. That, said Mr. Youngquist, was the proper procedure, and it had not been followed by the Capone attorneys.

Not Habeas Corpus Case.

"The law of habeas corpus," he continued, "cannot be used as a substitute for appeal. Yet Capone is trying to use it for that purpose. The sufficiency of the evidence is not a proper subject matter to sustain a writ of habeas corpus. The proper place to introduce additional evidence, if he had it, was in the trial. The statute of limitations does not begin until a default in taxes becomes willful. It does not begin running when the taxes become past due."

Leahy contended that this argument was not correct and quoted cases run-

ning back as far as 1870. He asserted, also, that the time Capone spent in jail in Philadelphia and his residence in Florida should be considered part of the time applicable to the statute of limitations.

This was another point of divergence among the attorneys, the government asserting that only the time he spent in the Chicago federal district should count.

Gives Week For Briefs.

Judge Underwood gave the attorneys a week in which to file briefs containing their arguments.

It was learned today that Capone has never officially been asked to pay the income taxes he owed and evaded. The internal revenue office in Atlanta is awaiting the arrival of distraint warrants demanding payment. These will be served on the gangster. After they have been delivered the government will be empowered to levy on Capone's property for the taxes.

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WMA for [unclear]

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**HEARING POSTPONED
ON CAPONE'S WRIT**

Atlanta, Ga., Oct. 19 (AP).—Hearing on a habeas corpus petition by which Scarface Al Capone seeks his release from the federal prison here was postponed today until the week of Nov. 14.

*Daily News
Oct 20, 1932

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NOT RECORDED
64-180-A-1

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not for file

DAILY NEWS, WEDNESDAY, OCTOBER 19, 1933

CAPONE TO RATTLE PRISON BARS TODAY

Atlanta, Ga., Oct. 18 (AP).—Prisoner 40886 will put aside his blue-gray denim uniform tomorrow or Thursday and Scarface Al Capone, Chicago's erstwhile gang chieftain, will emerge from the Atlanta Federal penitentiary to wage another legal battle for his freedom.

"The Supreme Court held that the statute of limitations had a period of three years and that offenses committed more than three years before cannot result in conviction," Hughes explained.

His petition for a writ of habeas corpus is scheduled to be heard in Federal Court tomorrow before Judge Marvin Underwood.

The attorney said the decision is "certainly applicable to Capone's case" and that he expects him to be freed.

He's In For Ten Years.

The gangster is serving a 10-year sentence for violation of the income tax laws in 1926, 1927 and 1928, and seeks his freedom on the contention that his prosecution should have been barred by the statute of limitations.

The filing of the petition Sept. 21 gave Capone his first few minutes in the open since he was brought to the penitentiary, heavily spaced, May 4.

Recent Decision Cited.

William J. Hughes Jr., of Washington, D. C., Capone's attorney, will cite the recent decision of the United States Supreme Court in the case of Scharton, a Boston lawyer.

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