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FEDERAL BUREAU OF INVESTIGATION

ALPHONSE CAPONE

PART 7 OF 11

BUFILE: 69-180

SUBJECT Capone Alphonse

FILE NUMBER 69-180

SECTION NUMBER 1

SERIALS 1-54X

TOTAL PAGES 218

PAGES RELEASED 218

PAGES WITHHELD 0

EXEMPTION(S) USED 0

69-180-1

March 21, 1929.

RECORDED

REC:AMV

MAR 22 1929

MEMORANDUM FOR MRS. WILKBRAND
Assistant Attorney General

Reference is made to your memorandum which I received this morning requesting an investigation in order to ascertain if Al Capone and Dr. Kenneth Phillips might be held in contempt of court in connection with an affidavit executed by Dr. Phillips, which indicated that Capone had been unable, physically, to answer a subpoena for his appearance before a Federal Grand Jury at Chicago, Illinois.

In ~~response~~ with your request, I have issued instructions by telephone for the desired investigation to be made in a very discreet manner at the earliest possible moment. Copies of the reports relating to this matter will be furnished you immediately upon their receipt by the Bureau.

The letter addressed to the Attorney General by United States Attorney Johnson, and its enclosure consisting of the above mentioned affidavit, are herewith returned for your files.

Very truly yours,

Director.

Jh
BUREAU FILES DIV. 1001. #129445.
MAILED
MAR 21 1929
P. M.
DEPT. OF JUSTICE

ASSISTANT ATTORNEY GENERAL WILLEBRANDT

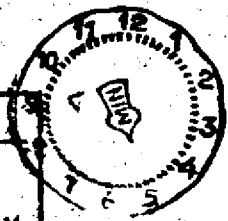
OFFICIAL INDICATED BELOW BY CHECK MARK

Attorney General	
Solicitor General	
Assistant to Attorney General	
Assistant Attorney General Marshall	
Assistant Attorney General Farman	
Assistant Attorney General Lubring	
Assistant Attorney General Parmeter	
Mr. Chase	
Chief Clerk	
Mr. Hoover	
Superintendent of Prisons	
Division of Accounts	
Mails and Files	
Mr. Jones	
Mr. Henderson	
Mr. Kiefer	
Mr. Gamble	
Mr. Monarch	
Mr. Morrison	
Mr. Key	
Mr. Byrns	RECORDED
Mr. Kesters	
Mrs. Campbell	MAR 22 1929
Miss Foster	
Mr. McCutcheon	
Mrs. Smith	

Memorandum
For
Mr. Hoover

As a personal matter of very great importance to me, I wish you would look into this Al Capone affidavit. It will be a tenstrike on a huge case in Chicago if you are able to prove the falsity of this affidavit so that we can punish Capone and the Doctor for contempt. May I rely upon you to do so secretly and soon?

*memo Mrs. Willebrandt
letter Jacksonville
3-21-29*



69-180-1
BUREAU OF INVESTIGATION

MAR 23 1929

MAR 21 1929

DEPT. OF JUSTICE

Mr. Tolson

*News Mrs. Willebrandt
at Mr. Smith
6-13-29
HRC*

ASSISTANT ATTORNEY GENERAL WILLEBRANDT-BPK

TO

3-7-34

OFFICIAL INDICATED BELOW BY CHECK MARK

- Attorney General
- Solicitor General
- Assistant to Attorney General
- Assistant Attorney General Marshall
- Assistant Attorney General Farnum
- Assistant Attorney General Lubring
- Assistant Attorney General Parmenter
- Mr. Chase
- Chief Clerk
- Mr. Hoover
- Superintendent of Prisons
- Division of Accounts
- Mails and Files
- Mr. Jones
- Mr. Henderson
- Mr. Kiefer
- Mr. Gamble
- Mr. Monarch
- Mr. Morrisson
- Mr. Key
- Mr. Byrne
- Mr. Koters
- Mrs. Campbell
- Miss Foster
- Mr. McCutcheon
- Mrs. Smith

Memorandum
for
Mr. Hoover

As a personal matter of very great importance to me, I wish you would look into this Al Capone affidavit. It will be a tenstrike on a huge case in Chicago if you are able to prove the falsity of this affidavit so that we can punish Capone and the Doctor for contempt. May I rely upon you to do so secretly and soon?

March 18, 1929.

In re: Al Capone.

The Attorney General,
Washington,
D. C.

Sir: Attention: Mrs. Mabel Walker Willebrandt.

I have the honor to enclose copy of an affidavit presented to Judge Wilkerson of this district, on March 12, 1929, wherein it is alleged by one Doctor Kenneth Phillips that Al Capone was confined to his bed on account of illness for a period of six weeks subsequent to January 13, 1929, at his home in Miami Beach, Florida.

It is the opinion of this office that this affidavit is false. If it can be proved to be false it seems to me that both the doctor, who executed the affidavit, and Al Capone, who was instrumental in having it presented to Judge Wilkerson for the purpose of obtaining a continuance of his response to a grand jury subpoena, can be punished for contempt of court. Mr. A. P. Madden of the Intelligence Unit here at Chicago was requested to inquire into the truth of this affidavit, but reported today that it was not within the scope of his authority to do so. He suggested, however, that the matter be taken up

with you personally and you probably could arrange to have the matter investigated at once. If evidence could be obtained from persons in Miami Beach, Florida, to the effect that Al Capone was not in bed during the six weeks in question, this office is desirous of availing itself of such evidence for the purpose of instituting contempt proceedings against Al Capone, as well as Doctor Kenneth Phillips, and having them properly punished. If this is to be done it should be done immediately. I shall be pleased to have you consider the matter at once.

Very respectfully,

George E. Q. Johnson

(GEORGE E. Q. JOHNSON,
United States Attorney.

DA:FM.
Enc.

STATE OF FLORIDA,)
DADE COUNTY,)
CITY OF MIAMI.)

Before the subscriber, a United States Commissioner in and for the Southern District of Florida, residing in the City of Miami, in said district, personally appeared DOCTOR FREDERICK PHILLIPS, who being by me first sworn in due form of law, says that he is a resident of the City of Miami, in Dade County, Florida, where he is engaged in the practice of medicine and surgery; that he is a graduate of Rush Medical College, Chicago, Illinois, and is a member of the Dade County Medical Society, and a fellow of the American Medical Association, and is duly licensed to practice medicine and surgery by the Board of Medical Examiners of the State of Florida; that he has been actively and continuously engaged in the practice of medicine and surgery in the City of Miami, Dade County, Florida, for the past eighteen months and that he was actively and continuously engaged in the practice of medicine and surgery in the City of Chicago, Cook County, State of Illinois, for four years before beginning of practice of medicine and surgery in the City of Miami; that he is personally acquainted with ALPHONSE CAPONE, who has a winter home on Palm Island, in Miami Beach, Dade County, Florida, and has been professionally attending the said Capone continuously since January 13th, and that the said Capone is now under professional treatment by the affiant; that since January 13, 1929, said Alphonse Capone has been suffering with broncho-pneumonia pleurisy with effusion of fluid into the chest

for six weeks was confined to his bed at his home on Palm Island, and has been out of his bed only for ten days, but has not fully recovered from said disease;

that, in the professional opinion of affiant, the said Capone's physical condition is such at this time that it would be dangerous for him to leave the mild climate of southern Florida and go to the City of Chicago, State of Illinois, and that to do so would, in the professional opinion of affiant, imperil the safety of the said Capone, and that there would be a very grave risk of a collapse which might result in his death from a recurrent pneumonia; that affiant strongly advises against the said Alphonse Capone being required to go at this time from Dade County, Florida, to the City of Chicago; that, in the professional opinion of affiant, the said Alphonse Capone will, in from thirty to forty days from this date, be so far recovered that it would not then be inconsistent with his personal safety to go to the City of Chicago; that the opinions expressed by affiant in this affidavit are concurred in by three professional consultants of the City of Miami, Florida, namely: Doctor F. A. Gowdy, a surgeon; Doctor E. B. Maxwell, an internal medicine man; and Doctor Earl Pearson, an X-ray specialist, all of whom may be reached by addressing them at 4120 Shoreland Arcade, in the City of Miami, Dade County, Florida; that affiant is not related by blood or marriage to the said Alphonse Capone, and has no business connection with him whatever, other than that of physician and surgeon.

(Signed) ROBERT PHILLIPS M.D.

Sworn to and subscribed before me this

5th day of March, A. D. 1929.

JAMES P. SPILLER

Notary Public

9

REC:AMT

March 21, 1929

69-180-1

RECORDED & INDEXED
MAR 22 1929

Mr. C. A. Casper,
P. O. Box 88,
Jacksonville, Fla.

69-180-1

Dear Sir:

In confirmation of a telephone conversation with Special Agent J. E. Burdge of your office this morning, you are advised that the Bureau desires that you make a prompt and discreet investigation for the purpose of ascertaining the truth or falsity of an affidavit executed on March 5, 1929, by Dr. Kenneth Phillips, relative to the illness of Alphonse Capone and the latter's inability to answer a subpoena for his appearance before a Grand Jury in Chicago, Illinois.

Rev 62-20034

In this connection there is transmitted herewith a copy of a memorandum which the Bureau has received from Assistant Attorney General Villebrant, as well as a copy of a letter from the United States Attorney at Chicago, Illinois, and a copy of the affidavit in question. You will observe that the affidavit indicates that Capone was confined to his bed for a period of six weeks since January 12, 1929, and that he had been out of bed for a period of approximately ten days prior to March 5, 1929.

Your investigation of this matter should be made for the purpose of proving the truth or falsity of the illness of Capone, as alleged in the affidavit, in order that it might be determined whether or not Dr. Phillips and Capone may be held in contempt of court, as it appears that the affidavit was transmitted to United States District Judge Wilkerson, at Chicago, Illinois, as an excuse for Capone's failure to answer the subpoena.

The Bureau invites your attention to the fact that photographs of Capone and Jack Sharkey recently appeared in newspapers, showing Capone in conversation with Sharkey, a short time prior to the Sharkey-Stribling fight at Miami, Florida. Newspaper accounts have also indicated that on a comparatively recent date, Capone appeared at a Police Station at Miami, Florida.

BUREAU FILES DIVISION
MAILED
MAR 21 1929
P. M.
DEPT. OF JUSTICE

- 2 -

In the event that you should find that the information set forth in the affidavit of Dr. Phillips is untrue, you should continue the investigation for the purpose of establishing all facts necessary to show that the parties involved might properly be held in contempt of court.

Please give this matter your very prompt attention.

Very truly yours,

Director.

Encl. #129443.

HRC:AMV

March 22, 1929.

MEMORANDUM FOR MRS. WILKESBAND
Assistant Attorney General

69-180

With further reference to the requested investigation concerning the affidavit which was executed by Dr. Kenneth Phillips in behalf of Al Capone, you are advised that the Bureau is in receipt of information from its Jacksonville Office, in effect as follows:

That on February 14, 1929, Capone appeared in the office of the County Solicitor at Miami, Florida, and signed a statement in connection with the Rothstein murder; that this statement was signed in the presence of Solicitor Taylor and Sheriff Lohman, and the statement was taken stenographically by Ruth Gaskin; that at the time the statement was given, Capone was interviewed by George Kenney, and he was asked by Kenney if he was going to Chicago, to which Capone replied, "No, I am having too good a time here"; that Chief of Police Guy Beever, of Miami, Florida, stated that it had been reported to him that Capone attended the races in Miami on February 12 or 13, 1929, and probably had been in attendance for several days at approximately that time.

Y
Y
Y

The Jacksonville Office advised that this information was being furnished in advance of a regular report in view of the fact that Capone is a figure of such notoriety that his movements become important news events, and the most casual and discreet inquiries about him are made the basis of considerable gossip.

Very truly yours,

RECORDED
Director.

69-180-2	
BUREAU OF INVESTIGATION	
MAR 23 1929	
DEPARTMENT OF JUSTICE	

BUREAU FILES DIVISION
MAILED
MAR 22 1929
P. M.
DEPT. OF JUSTICE

12

Department of Justice

Bureau of Investigation

Washington, D. C.

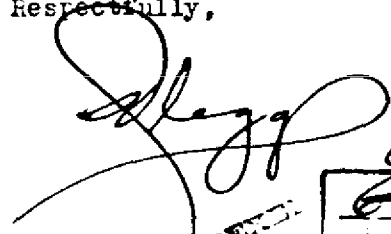
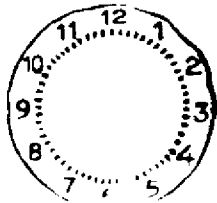
March 23, 1929.

MEMORANDUM FOR THE DIRECTOR

69-180

In accordance with your instructions, I telephoned the Jacksonville Office relative to the investigation concerning Dr. Phillips and Al Capone. Acting Special Agent in Charge Burdge, advised that the investigation had been completed, the report was being typed, and would be placed in the mails this afternoon. Agent Burdge was instructed to obtain affidavits in all instances possible from informants in this case and forward them to the Bureau immediately. He advised that a notation would be added to the report that affidavits were being obtained in support of the information set forth in the report, and the affidavits would be forwarded to the Bureau immediately after they had been executed. Agent Burdge was informed that it was desired that all available evidence which might support contempt proceedings, should be obtained in this matter. He advised that there was in the report being dictated, in his opinion, ample evidence to support a citation for contempt, as it had been found during the period that Capone was alleged in the affidavit to have been confined to his bed, that several policemen and other citizens had seen Capone at the Miami races. Agent Burdge advised that his report was being forwarded immediately and that affidavits would be obtained at once and would follow at the earliest possible moment.

Respectfully,

MAR 23 1929

RECORDED & INDEXED
MAR 25 1929

69-180-3

~~69-180-3~~

MAR 25 1929

Div. One

Noted
13

69-180-4

REC'D AND RECORDED

March 25, 1929.

MAR 26 1929

MEMORANDUM FOR MR. WILLIAMS
Assistant Attorney General

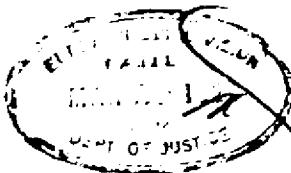
69-180
~~Confidential~~

There is transmitted herewith for your information a copy of the report of Special Agent J. E. Burdge, dated March 25, 1929, at Jacksonville, Florida, relative to the case entitled: ALPHONSE DAPONE and KENNETH PHILLIPS, M. D. - Contempt of Court and Perjury. Two copies of the report in question have been forwarded to United States Attorney George E. Q. Johnson, of Chicago, Illinois, who was advised that in accordance with information obtained during a telephone conversation with the Bureau's Jacksonville Office this morning, four affidavits have already been mailed after being obtained from informants listed in the report, and the remaining affidavits are being obtained and will be placed in the mails today. Immediately upon receipt of the supporting affidavits, they will be forwarded to United States Attorney Johnson, in accordance with your request.

Very truly yours,

Director,

Encl. #129409.



Department of Justice
Bureau of Investigation

2

P. O. Box 32
Jacksonville, Fla.
Mar. 23, 1929

Director
Bureau of Investigation
Department of Justice
Washington, D. C.

RE: ALPHONSE CAPONE
KENNETH PHILLIPS, M.D.
CONTEMPT OF COURT;
PERJURY

Dear Sir:

With further reference to the above entitled case, there is transmitted herewith the original and five copies of my report of even date.

Having in mind that it may be Assistant Attorney General Willebrendt's desire to handle this matter specially at Chicago, I have not transmitted any copies of my report to the Chicago Office, but have, instead, transmitted a sufficient number to the Bureau for forwarding if desired.

Very truly yours

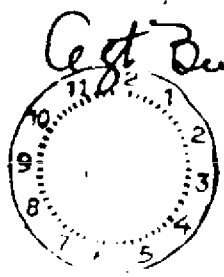
J. R. Burdge
Acting Special Agent in Charge

JRB:CB

RECORDED

MAR 26 1929

69-180-4	
BUREAU OF INVESTIGATION	
MAR 25 1929 P. M.	
APR. TWO	FILE



MAR 25 1929

Handwritten notes:
rec'd
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M 25

Handwritten notes:
Ct Burdge advised by telephone
4 affidavits mailed at 1:00 a.m. Saturday night.
Remainder probably mailed to Bureau
by Cst Perkins from Miami Sunday
at Monday a.m.
3/25/29

15

THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 5/23/29	PERIOD FOR WHICH MADE: 5/21, 22/29	REPORT MADE BY: J. R. Burdge
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.			CHARACTER OF CASE: CONTEMPT OF COURT PERJURY

SYNOPSIS OF FACTS: Jax. File 69-9
74

On March 5, 1929 Subject Phillips appeared before U.S. Commissioner John F. Spitler, Miami, Florida, and executed an affidavit indicating that Subject Capone had been confined to his bed during the period January 15, 1929 to approximately Feb. 25, 1929. Affidavit apparently false. UNDEVELOPED LEAD TO JACKSONVILLE OFFICE.

REFERENCE: This investigation is predicated upon telephonic instructions received from Mr. H. H. Clegg of the Bureau on March 21, 1929; also Bureau letter of March 21, 1929.

DETAILS: On March 12, 1929 an affidavit was presented to Federal Judge Wilkerson at Chicago, Ill., wherein it is alleged by one Kenneth Phillips, M. D., that Alphonse Capone was confined to his bed on account of illness for a period of six weeks subsequent to Feb. 15, 1929 at his home in Miami Beach, Fla.

DETAILS: On March 5, 1929 Kenneth Phillips, M. D., appeared before U. S. Commissioner John F. Spitler at Miami, Fla., and executed the affidavit of reference. The affidavit is quoted as follows:

APPROVED AND FORWARDED: <i>J. R. Burdge</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 16	RECORDED AND INDEXED: MAR 26 1929
COPIES OF THIS REPORT FURNISHED TO: 6-Bureau 4-Jacksonville <i>2 copy U.S. Attorney Chicago</i> <i>1 copy U.S. Attorney Jacksonville</i> <i>1 copy @ Jacksonville office</i>	BUREAU OF INVESTIGATION MAR 25 1929 DEPARTMENT OF JUSTICE	CHECKED OFF: JACKETED:
ROUTED TO: <i>Mr. Tamm</i>	FILE	

DADE COUNTY,

CITY OF MIAMI,

Before the subscriber, a United States Commissioner in and for the Southern District of Florida, residing in the City of Miami, in said district, personally appeared DOCTOR KENNETH PHILLIPS, who being by me first sworn in due form of law, says that he is a resident of the City of Miami in Dade County, Florida, where he is engaged in the practice of medicine and surgery; that he is a graduate of Rush Medical College, Chicago, Illinois, and is a member of the Dade County Medical Society, and a fellow of the American Medical Association, and is duly licensed to practice medicine and surgery by the Board of Medical Examiners of the State of Florida; that he has been actively and continuously engaged in the practice of medicine and surgery in the City of Miami, Dade County, Florida, for the past eighteen months and that he was actively and continuously engaged in the practice of medicine and surgery in the City of Chicago, Cook County, State of Illinois, for four years before beginning of practice of medicine and surgery in the City of Miami; that he is personally acquainted with ALPHONSE CAPONE, who has a winter home on Palm Island, in Miami Beach, Dade County, Florida, and has been professionally attending the said Capone continuously since January 13th, and that the said Capone is now under professional treatment by the affiant; that since January 13, 1929, said Alphonse Capone has been suffering with broncho-pneumonia pleurisy with effusion of fluid into the chest cavity, and for six weeks was confined to his bed at his home on said Palm Island, and has been out of his bed only for ten days last past, but has not fully recovered from said disease; that, in the professional opinion of affiant, the said Capone's physical condition is such at this time that it would be dangerous for him to leave the mild climate of southern Florida and go to the City of Chicago, State of Illinois, and that to do so would, in the professional opinion of affiant, imperil the safety of the said Capone, and that there would be a very grave risk of a collapse which might result in his death from a recurrent pneumonia; that affiant strongly advises against the said Alphonse Capone being required to go at this time from Dade County, Florida, to the City of Chicago; that, in the professional opinion of affiant, the said Alphonse Capone will, in from thirty to forty days from this date, be so far recovered that it would not then be inconsistent with his personal safety to go to the City of Chicago; that the opinions expressed by affiant in this affidavit are concurred in by three professional consultants of the City of Miami, Florida, namely: Doctor F. A. Gowdy, a surgeon; Doctor E. B. Maxwell, an internal medicine man; and Doctor Earl Pearson, an X-ray specialist, all of whom may be reached by addressing them at #120 Shoreland Arcade, in the City of Miami, Dade County, Florida; that affiant is not related by blood or marriage to the said Alphonse Capone, and has no business connection with him whatever, other than that of physician and surgeon.

(Signed) KENNETH PHILLIPS M. D.

Sworn to and subscribed before me this 5th day of March, A. D. 1929

JOHN W. STUMER, United States Commissioner, Southern District of Florida, 17

Upon receipt of the above information, this agent communicated with Agent J. J. Perkins who was at that time on assignment at Miami, Fla., and following are listed the names of persons interviewed by Agent Perkins in this connection and the information submitted by them.

W. M. AUSTIN, police officer, Hialeah, Fla., states that he was on duty at the Hialeah, Fla. Race Track from the day of the opening of the season which was January 17, 1929 until February 1, 1929. During this period he saw Subject Capone at the races every other day. On February 15, 1929 he was again assigned to duty at the race track and was in attendance at every race until the conclusion of the season March 13, 1929. That from Feb. 15, 1929 until about six days before the closing of the race track Subject Capone was in attendance at the races, at least times.

G. E. BEHLER, police officer, Hialeah, Fla., states that he was on duty at the Hialeah Race Track, Hialeah, Fla. the entire month of February, 1929 and personally observed Subject Capone in attendance at the races at least or times during the period mentioned.

off

J. M. CORONEAS, detective, Hialeah Police Department, Hialeah, Fla., states that he was on duty at the Hialeah Race Track, Hialeah, Fla. from January 17, 1929 to March 13, 1929; that Subject Capone came to the track on January 23, 1929, and attended every race during that month with the exception of being absent for about three days due to being sick with a cold; that from Feb. 1, 1929 to Feb. 25, 1929 Subject Capone was in attendance at the races at least thirteen times; that it is his opinion that he saw Subject Capone at the Hialeah races at least twenty five days of the racing season, namely, from Jan. 17, 1929 to March 13, 1929. Detective Coroneas further states that he is very positive in his estimation of the days that Subject Capone was present at the races for the reason that he was constantly on the look-out for Subject Capone and his crew, as he considered it his duty to keep them under observation, and whenever possible he stood near the box occupied by Subject Capone and his associates.

SERGEANT M. S. WOOD, Hialeah Police Department, Hialeah, Fla., states that he was on duty at the Hialeah Race Track, Hialeah, Fla., on every Thursday, Friday, and Saturday during the racing season of 1929, namely, from Jan. 17, 1929 to March 13, 1929; that he considered it his duty to keep Subject Capone and his associates under observation, and that he is certain he saw Subject Capone at the races almost every day during the season.

MISS RUTH GASKIN, clerk in the office of the county solicitor, Miami, Fla., states that on Feb. 14, 1929 Subject Capone in the presence of Robert R. Taylor, county solicitor, and M. P. Lehman, sheriff, Dade County, Fla. and Louis Goldstein, assistant district attorney, Kings County, Brooklyn, N. Y., gave a signed statement in connection with the murder of Frankie Whale (pronounced Frankie Yale). Miss Gaskin further states that Subject Capone appeared to be in perfect health, and made no mention of being sick in any way. George Keeney, reporter on the "Miami Herald" was present at the time Subject Capone gave the statement of reference, and asked Subject Capone, "When are you going back?" (meaning Chicago), and Subject Capone replied, "I am not going back, as I am having a pretty good time in Miami."

18

Detective Joseph Jenkins, Miami Police Department, Miami, Fla., states that he was assigned to the Hialeah Race Track, Hialeah, Fla. from January 17, 1929 to March 13, 1929, which period covers the 1929 racing season at that track; that to the best of his knowledge, Subject Capone was at the races nearly every day of the season; that while he could not testify that he observed Subject Capone at the races every day, he is positive that Subject Capone was absent from the races only a very few days over the period mentioned.

Dr. Samuel D. Light, General Building, Miami, Fla., states that about January 8, 1929 he was called to the home of Subject Capone by a friend of Subject Capone who had throat trouble; that on Jan. 8, 1929 Subject Capone was confined to bed with influenza and double pneumonia, and he treated Subject Capone from that date until January 17, calling at least once a day, and sometimes two and three times a day; that Subject Capone was in a very serious condition. However, on Jan. 17, 1929, the date of which he is certain, making professional calls on Subject Capone, the Subject's condition was very much improved, though he was still confined to bed, and had some temperature. Dr. Light further states that on Jan. 15 or 16, 1929 Subject Capone told him that some friends of his from Chicago had requested that he call Dr. Kenneth Phillips whom they had known in Chicago for a consultation; that he informed Subject Capone that this procedure was agreeable to him; that a consultation was had about the condition of Subject Capone, after which he informed Subject Capone that there would have to be a "boss", and if Dr. Phillips made any suggestions, he wanted it understood that he, Dr. Light, would have to be consulted before any suggestion of Dr. Phillips should be acted upon; that Subject Capone replied that he was perfectly satisfied with his, Dr. Light's, work, and the only reason Dr. Phillips had been called was at the request of his friends; that from that date on, Subject Capone paid little attention to Dr. Phillips. Dr. Light further states that on Jan. 17, 1929, while paying a professional visit to Subject Capone, Dr. Owens of Chicago, his former family physician at Chicago, was a guest in his home and he wanted Dr. Light to meet him. Dr. Light stated that Subject Capone then introduced him to Dr. Owens, and after the introduction, he informed Subject Capone that as long as his family physician was residing with him, there was no longer any necessity for him to continue on the case, and he withdrew from the same on that date. Dr. Light further states that as far as he knows, Dr. Owens was the only physician consulted by Subject Capone from January 17, 1929 to date.

The above statements appear to establish beyond a doubt that the information submitted in the affidavit of Kenneth Phillips, M. D., under date of March 5, 1929, was wholly and materially false. Further investigation is being conducted for the purpose of ascertaining the connection between Kenneth Phillips, M. D., and Alphonse Capone.

The persons whose names and statements are listed above may be reached by subpoena at the addresses given, and formal affidavits are being obtained and forwarded to the Bureau direct from Miami by Special Agent J. J. Perkins.

UNDEVELOPED LEAD THE JACKSONVILLE OFFICE will continue investigation at Miami and Miami Beach, Fla., particularly inquiring into the connection between Subject Capone and Subject Phillips.

No action will be taken with respect to prosecution in this district until receipt of further information from the Bureau.

PENDING

19

COPIES
SERIALIZED

69-110-1

March 25, 1929.

MHC:AMV

69-180

Honorable Sec. E. C. Johnson,
United States Attorney,
Chicago, Illinois.

Dear Sir:

In accordance with the request of Assistant Attorney General Willibrundt, I am transmitting herewith two copies of the report of Special Agent J. E. Burdige, dated March 23, 1929, at Jacksonville, Florida, relative to the case entitled: ALPHONSE CAPONE and KENNETH PHILLIPS, N. D. - Contempt of Court, and Perjury.

The investigation in question is predicated upon the affidavit asserted by Mr. Phillips relative to the physical condition of Alphonse Capone during a part of January and February, 1929.

I have been in communication by telephone this morning with the Jacksonville Office of this Bureau and am advised that affidavits were obtained from four of the prospective witnesses listed in the enclosed report Saturday night, and these affidavits have already been placed in the mails. Additional affidavits from the remaining informants are being obtained and will be placed in the mails today. Immediately upon their receipt by the Bureau, I will forward these affidavits to your office for your information and for such action as may appear to be proper.

A copy of the enclosed report is also being forwarded to Special Agent in Charge E. J. Connelley, of the Chicago Office of this Bureau for his information and guidance in the event you should desire any investigation to be made at Chicago in connection with this matter. Mr. Connelley will see you upon receipt of the report in question in order to ascertain your further desires in this matter.

RECORDED

Very truly yours,

Director.

Encl. #129445
CC - Chicago Office.

69-180-5	
BUREAU	CHICAGO
MAR 26	9 21

[Handwritten initials]

JMS

March 25, 1929.

MEMO:AMV

Mr. E. J. Connelley,
P. O. Box 1406,
Chicago, Illinois.

69-180

Dear Sir:

There is transmitted herewith a copy of the report of Special Agent J. E. Durigo, dated March 25, 1929, at Jacksonville, Florida, relative to the case entitled: ALPHONSE CAPORE and DOCTOR KENNETH PHILLIPS, Contempt of Court and Perjury.

It is suggested, upon receipt of this report, that you ascertain from United States Attorney Johnson if he desires any investigation of this matter to be made at Chicago, Illinois. This suggestion is offered as it appears possible that he will desire that inquiries be made relative to the status of Dr. Phillips as a physician in Chicago Medical circles, as well as his connection with Subject Capone. Your action in this matter, however, should be guided by the advice of the United States Attorney.

Very truly yours,

Director.

Encl. #129456.

RECORDED

69-180-6	
BUREAU OF INVESTIGATION	
MAR 26 9 29 A. M.	
DEPT. OF JUSTICE	FILE

22

DA

C O P Y

DEPARTMENT OF JUSTICE
OFFICE OF UNITED STATES ATTORNEY

CHICAGO

March 25, 1929.

RE: ALPHONSE CAPONE.

The Attorney General,
Washington, D. C.

Sir:

Attention Assistant Attorney General
Label Walker Willebrandt.

I have the honor to report that this office is considering the question of filing a criminal information for contempt against Alphonse Capone, pursuant to which I requested an investigation to be made at Miami, Florida.

Your information over the telephone indicates that the reports are about ready. I would, therefore, respectfully ask that a summary of these reports be telegraphed to me immediately upon receipt of the same and reports transmitted by air mail, for the reason that Capone is to appear before the grand jury on Tuesday, March 26. It may become difficult to hold him here longer on the subpoena and if there is a possible basis for filing an information for contempt I would like to have the information on hand so that the petition might be prepared and the necessary orders procured.

Respectfully,

(Signed) GEORGE E. JOHNSON,
United States Attorney.

GEQJ:MHK

RECORDED

MAR 26 1929

69-180-7
MAR 26 1929
Div. Two
<i>HHC</i>

23

69-180-7

March 25, 1929.

RECORDED

REC'D AMY

MAR 26 1929

MEMORANDUM FOR MRS. WILKERMAN
Assistant Attorney General

69-180

In accordance with the request of Mr. MacCutcheon, of your office, a telegram, a copy of which is enclosed, was forwarded to United States Attorney Johnson, Chicago, Illinois, today summarizing the information obtained relative to the case involving Dr. Kenneth Phillips and Alphonse Capone.

The letter of United States Attorney Johnson requesting such action is herewith enclosed for your files.

Very truly yours,

Director.

Encl. #159006.

BUREAU FILED
MAILED
MAR 25 1929
P. M.
DEPT. OF JUSTICE

24

MEMO

March 25, 1929.

62-20690.

Honorable Geo. E. C. Johnson,
United States Attorney,
Chicago, Illinois.

69-180

Dear Sir:

Supplementing the Bureau's letter of even date, relative to the case involving Dr. Kenneth Phillips and Alphonse Capone, there are transmitted herewith original affidavits which have been obtained by Agents of the Bureau from J. H. Carones, W. R. Foster, C. E. Dobler and E. C. Wood.

You will observe that there are some discrepancies in the names of the affiants appearing on the attached affidavits, and as set forth in the report of Special Agent J. E. Burdge which was forwarded to you this morning. It is believed that the discrepancies in question were occasioned by the fact that the report prepared by Agent Burdge was probably based upon information furnished to him from Miami, Florida, over the telephone. Additional affidavits in this matter are now being obtained, and they will be submitted to you immediately upon their receipt by the Bureau.

Very truly yours,

Director.

RECORDED & INDEXED

Encl. #123008.
CC - Chicago Office.

69-180-8
BUREAU OF INVESTIGATION
MAR 26 1929
D: _____

25

BUREAU FILES DIVISION
MAILED
MAR 25 1929
P. M.
DEPT. OF JUSTICE

March 25, 1929.

WEC:AMV

62-20690.

MEMORANDUM FOR MR. WILKINSON
Assistant Attorney General

Supplementing the Bureau's memorandum of
even date, there are transmitted herewith for your
information photostatic copies of four affidavits
which have been obtained in connection with the
investigation relating to Alphonse Capone and Dr.
Kenneth Phillips. The original affidavits have been
forwarded to the United States Attorney at Chicago,
Illinois.

There appears to be some discrepancies in
the names of the affiants as shown on the enclosed
affidavits and as set forth in the report of Special
Agent Burdge, which was submitted to you today. It
is believed that the discrepancies in question occurred
in transmitting the information by telephone from Miami
to Jacksonville. This fact has been called to the at-
tention of United States Attorney Johnson.

Very truly yours,

Director.

RECORDED

Encl. #183008.

BUREAU FILES DIVISION
MAILED
MAR 25 1929
P. M.
DEPT. OF JUSTICE

69-180-9	
STIGATION	
MAR 26 1929 A. M.	
FILE	

26

Dade County)
) ss
State of Florida)

J. M. Coroneas, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for about a year prior to this date;

That from January 17, 1929 to March 13, 1929, he did continuous duty at the horse races at Hialeah, Florida, to wit the race track of the Miami Jockey Club, Hialeah, Florida;

That on January 18, 1929, affiant observed Al Capone at the race track above mentioned, this date being the second day the race track was in operation this season; after January 18, 1929, and up to and including the closing day, to wit, March 13, 1929, affiant observed Al Capone at said track on at least twenty four different days of the meet; that between the dates of February 1 and February 25, 1929, affiant states that he saw said Al Capone at said race track at least thirteen different days; furthermore, affiant states he is positive as to his statements herein made relative to the number of days he personally observed Capone at the track for the reason that affiant was parking automobiles in front of the race track enclosure and three or four days after the opening of the meet said Capone gave affiant a Ten Dollar tip and affiant looked for him daily thenceforward; that during part of the time affiant was on duty at the track he was on duty in the inside of the enclosure and said Capone's box was right over where affiant stood, and frequently affiant would look into Capone's box and greet him; that at the first of the meet Capone appeared to be in robust health - but towards the last of the meet he did not look well at all; affiant made inquiries and was informed that Capone had been sick after noting his rather ~~poor~~ poor appearance, and was informed at that time that Capone had been sick. Further deponent sayeth not.

I solemnly swear that the above statement is the truth.

J. M. Coroneas

Sworn and subscribed before me this twenty third day of March, A. D., 1929, at Hialeah, Dade County, Florida.

Agnes I. Powers
Notary Public.

Not

Department of Justice

Bureau of Investigation

Dade County }
State of Florida } ss

W. R. Foster, being duly sworn on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for the past three years;

That on January 17, 1929, he was assigned to the horse races at Hialeah, Florida, and did continuous duty from that date until February 1, 1929 at the race track, to wit, the race track of the Miami Jockey Club, Hialeah, Fla.;

That he saw Al Capone at least every other day at the Hialeah Race track herein mentioned from January 17, 1929 up to and including February 1, 1929;

That on February 15, 1929 he did continuous duty until the day of the closing of the race track, March 13, 1929 - working at the race track as a police officer there; that he, affiant, saw said Al Capone at least every other day at the track between February 15 and March 5th, or in other words, between February 15, 1929 and the period ending about eight days before the race track closed.

W. R. Foster
Sworn and subscribed before me this twenty third day of March, A. D., 1929, at Hialeah, Dade County, Florida.

Agnes J. Gowers
Notary Public.

Notary Public, Florida at Large
March 23, 1929

Department of Justice

Bureau of Investigation

Dade County)
State of Florida) ss

C. E. Bebler, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such since May of 1926;

That during the entire month of February, exclusive of Sundays, he did continuous duty at the horse races at Hialeah, Florida, to wit, the race track of the Miami Jockey Club, Hialeah, Florida;

That ^{he, affiant,} personally observed a man who has been pointed out to him and whom he understands is Al Capone, referred to in the press from time to time as a "Chicago Gangster", this observation being made at the above mentioned race track during the season of 1929, which was run off from January 17, 1929 to March 13, 1929;

Affiant further states this man who he understands to be Al Capone, approximately eighteen or twenty times during the month of February, in attendance at the race track; the "February" referred to being February 1929;

I solemnly swear the above affidavit represents the truth.

C. E. Bebler

Sworn and subscribed before me this twenty third day of March, A. D., 1929, at Hialeah, Dade County, Florida

James J. Powers
Notary Public.

Department of Justice

Bureau of Investigation

Dade County)
State of Florida) ss

M. G. Wood, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for about a year prior to this date;

That from January 17, 1929 to March 15, 1929, affiant was on duty at the horse races at Hialeah, Florida, to wit, the race track of the Miami Jockey Club, Hialeah, Florida, every Thursday, Friday and Saturday;

That a man named Al Capone was pointed out to me by ~~XXXXXX~~ by someone, just who I do not now recall - the man who pointed Capone out to me was either officer J. M. Coronas or W. R. Foster of the Hialeah Police;

Affiant further states that his regular beat at the race track was in front of the grand stand and that he was on that beat all but two days when he was with Ex Governor Smith of New York; that his regular beat carried him right in front of the box occupied by the man known as Al Capone; that affiant noticed Capone particularly because there had been so much talk in the papers concerning him;

Affiant further states that he personally observed the man pointed out to him as Al Capone nearly every Thursday, Friday and Saturday that affiant was on duty at the meet as set forth above;

Further affiant sayeth not.

M. G. Wood.

Sworn and subscribed before me this twenty third day of March, A. D., 1931, at Hialeah, Dade County, Florida.

Agnes J. Sullivan
Notary Public.

Dade County)
State of Florida) SS

J. M. Corneas, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for about a year prior to this date;

That from January 17, 1929 to March 13, 1929, he did continuous duty at the horse races at Hialeah, Florida, to wit the race track of the Miami Jockey Club, Hialeah, Florida;

That on January 18, 1929, affiant observed Al Capone at the race track above mentioned, this date being the second day the race track was in operation this season; after January 18, 1929, and up to and including the closing day, to wit, March 13, 1929, affiant observed Al Capone at said track on at least twenty four different days of the meet; that between the dates of February 1 and February 25, 1929, affiant states that he saw said Al Capone at said race track at least thirteen different days; furthermore, affiant states he is positive as to his statements herein made relative to the number of days he personally observed Capone at the track for the reason that affiant was parking automobiles in front of the race track enclosure and three or four days after the opening of the meet said Capone gave affiant a Ten Dollar tip and affiant looked for him daily thenceforward; that during part of the time affiant was on duty at the track he was on duty in the inside of the enclosure and said Capone's box was right over where affiant stood, and frequently affiant would look into Capone's box and greet him; that at the first of the meet Capone appeared to be in robust health - but towards the last of the meet he did not look well at all; affiant made inquiries and was informed that Capone had been sick after noting his rather ~~ill~~ poor appearance, and was informed at that time that Capone had been sick. Further deponent sayeth not.

I solemnly swear that the above statement is the truth.

J. M. Corneas

Sworn and subscribed before me this twenty third day of March, A. D., 1929, at Hialeah, Dade County, Florida.

James J. Powell
Notary Public.

Department of Justice
Bureau of Investigation

Dade County }
State of Florida } ss

W. R. Foster, being duly sworn on oath deposes and says:

That he is a police officer of Hialeah, Florida, and ^{has} been such for the past three years;

That on January 17, 1929, he was assigned to the horse races at Hialeah, Florida, and did continuous duty from that date until February 1, 1929 at the race track, to wit, the race track of the Miami Jockey Club, Hialeah, Fla.;

That he saw AL Capone at least every other day at the Hialeah Race track herein mentioned from January 17, 1929 up to and including February 1, 1929;

That on February 15, 1929 he did continuous duty until the day of the closing of the race track, March 13, 1929 - working at the race track as a police officer there; that he, affiant, saw said Al Capone at least every other day at the track between February 15 and March 5th, or in other words, between February 15, 1929 and the period ending about eight days before the race track closed.

W. R. Foster
Sworn and subscribed before me this twenty third day of March, A. D., 1929, at Hialeah, Dade County, Florida.

Agnes J. Roberts
Notary Public.

Notary Public at Large

1929

Department of Justice

Bureau of Investigation

Dade County)
State of Florida) ss

C. E. Bebler, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such since May of 1926;

That during the entire month of February, exclusive of Sundays, he did continuous duty at the horse races at Hialeah, Florida, to wit, the race track of the Miami Jockey Club, Hialeah, Florida;

he, affiant,

That ~~he~~ personally observed a man who has been pointed out to ~~him~~ and whom ~~he~~ understands is Al Capone, referred to in the press from time to time as a "Chicago Gangster", this observation being made at the above mentioned race track during the season of 1929, ~~which was run off from~~ January 17, 1929 to March 13, 1929;

Affiant further states this man who he understands to be Al Capone, ~~approximately~~ approximately eighteen or twenty times during the month of February, in attendance at the race track; the "February" referred to being February 1929;

I solemnly swear the above affidavit represents the truth.

C. E. Bebler

Sworn and subscribed before me this twenty third day of March, A. D., 1929, at Hialeah, Dade County, Florida

Agnes J. Powers
Notary Public.

Department of Justice

Bureau of Investigation

Dade County)
State of Florida) ss

M. G. Wood, being duly sworn, on oath deposes and says:

That he is a police officer of Mialeah, Florida, and has been such for about a year prior to this date;

That from January 17, 1935 to March 13, 1935, affiant was on duty at the horse races at Mialeah, Florida, to wit, the race track of the Miami Jockey Club, Mialeah, Florida, every Thursday, Friday and Saturday;

That a man named Al Capone was pointed out to me by [redacted] by someone, just who I do not now recall - the man who pointed Capone out to me was either officer J. M. Coronas or W. R. Foster of the Mialeah Police;

Affiant further states that his regular beat at the race track was in front of [redacted] that beat all but two days when he was with Ex Governor Smith of New York; that his regular beat carried him right in front of the box occupied by the man named Al Capone; that affiant noticed Capone particularly because there had been so much talk in the papers concerning him;

Affiant further states that he personally observed the man pointed out to him as Al Capone nearly every Thursday, Friday and Saturday that affiant was on duty at the race track north above;

Further deponent testifies.

M. G. Wood

Sworn and subscribed before me this twenty third day of March, 1935, at Miami, Florida.

[Signature]

69-180

MEMO

WASHINGTON, D. C.
MARCH 25, 1949.

GEORGE H. Q. JOHNSON
UNITED STATES ATTORNEY
FEDERAL BUILDING
CHICAGO ILLINOIS

JOHN EDGAR HOOVER

RE ALPHONSE GAZONE AND DOCTOR EUGENE PHILLIPS REPORT IN MAIL TODAY FOLLOWED BY FOUR SUPPORTING AFFIDAVITS UNDER SEPARATE COVER ADDITIONAL AFFIDAVITS BEING OBTAINED STOP SUMMARY OF STATEMENTS BY POLICEMEN J. M. CONNORS W. R. FOSTER G. E. HEDLER H. C. WOOD MIAMI FLORIDA THAT THEY FREQUENTLY SAW GAZONE AT MIAMI JOCKEY CLUB RACE TRACK MIAMI FLORIDA FROM JANUARY SEVENTEEN TO MARCH THIRTEEN STOP HE MADE STATEMENT BEFORE COUNTY SOLICITOR ROBERT E. TAYLOR SHERIFF H. F. BARNER AND MISS MARY BARKIN ON FEBRUARY FOURTEEN APPEARED IN GOOD HEALTH STOP DOCTOR SAMUEL D. LIGHT MIAMI ADVISED SUBJECT CONFIRMED TO END WITH INFLUENZA JANUARY TWO TO SEVENTEEN ON LATTER DATE CONDITION MUCH IMPROVED

JOHN EDGAR HOOVER
DIRECTOR

RECORDED

69-180-10
BUREAU OF INVESTIGATION
MAR 26
DEPARTMENT OF JUSTICE

Department of Justice

Bureau of Investigation

Box 32
Jacksonville, Fla.,
March 23, 1929.

2

WRITTEN AT MIAMI , FLORIDA.

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

69-180

Dear Sir: Subject: **AL CAPONE**
(Classification given this case in
Jacksonville headquarters office unknown).

This afternoon, while in Miami, Agent Burdge called me on the telephone from Jacksonville and informed me that you desired Agent Perkins to secure certain affidavits concerning the physical activities and whereabouts of Al Capone between the dates of January 13 and February 25, 1929, or thereabouts. Agent Burdge further informed me that it was your desire to have these affidavits in the mail, direct to Washington from Miami, tonight or by noon tomorrow.

I immediately hired an automobile and drove Perkins to Hialeah and secured four affidavits which are enclosed herewith. I understand from him that there are three others, and while we have expended our best efforts to get them this evening, it will be physically impossible to get them tonight. Moreover, we cannot get them before one or two o'clock tomorrow - the only reason being that the affiants' engagements will not or do not conform with our desires.

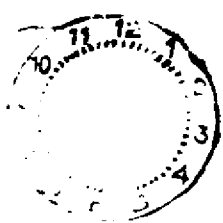
On tomorrow (Sunday) afternoon's mail, Mr. Perkins will forward the remaining affidavits to you.

I do not pretend to know much about this matter - I am merely writing this letter as a transmitting agent. The file is in Jax and I never heard of this matter until this afternoon. I hope the enclosed papers will be of value for the purpose they may be designed to serve.

Very truly yours, **RECORDED**

George A. Campagna
GEORGE A. CAMPANA
Special Agent in Charge.

69-180-11	
BUREAU OF INVESTIGATION	
MAR 26 1929 A. M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE



MAR 26 1929

MAR 26 1929

Handwritten signature and initials
36

The 4 affidavits re
Al Capone were attached
as enclosures

J

84

March 24, 1929.

HONORARY

Honorable Geo. E. Johnson,
United States Attorney,
Chicago, Illinois.

69-180

Dear Sir:

With further reference to the case involving
AL GARON and DR. HENRY PHILLIP - Subj. of Court
Matter, there are transmitted herewith for your infor-
mation, the original affidavits obtained from Sidney
Joseph Rowland, Joseph Jenkins, Ruth Jackson and Robert
E. Taylor, Jr.

The Bureau is just in receipt of a telegram
from its Jacksonville Office advising as follows:

"THE INFORMATION IS OBTAINED THROUGH
OUTERBOARD PASSAGE MANIFEST REVEALS THAT
ON FEBRUARY EIGHT VOYAGE NUMBER FIFTY ONE
ALPHONSE GARON AND FIVE OTHERS WENT ABOARD
SHIP SAME VESSEL INBOARD MANIFEST VOYAGE
NUMBER FIFTY TWO REVEALS SAME PARTY LEFT
MIAMI FEBRUARY TWELVE ARRIVING MIAMI FEB-
RUARY THIRTEEN NIGHT TWENTY SOMETIME STOP I
HAVE DIRECTED PRINCE SECURE AFFIDAVIT FROM
CAPTAIN OF VESSEL AND FORWARD DIRECT TO YOU
SOONEST"

The additional affidavits will be submitted to you
immediately upon their receipt by the Bureau.

Very truly yours,

Director.

RECORDED

Encl. #188009
CC - Chicago Office
CC - Mrs. Willebrandt.

69-180-12	
BUREAU OF INVESTIGATION	
MAR 26 1929 P. M.	
DEPART	
FILE	

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69-180-13

March 26, 1929.

MAR 27 1929

HHC:AMV

MEMORANDUM FOR MRS. WILLEBRANDT
Assistant Attorney General

69-180

There are transmitted herewith for your information photostatic copies of four affidavits which have been obtained from informants in connection with the case entitled: DR. KENNETH PHILLIPS and AL CAPORE - Contempt of Court Matter. There is also enclosed a copy of a letter which the Bureau forwarded today, under Special Delivery cover, to United States Attorney Johnson at Chicago, Illinois.

Very truly yours,

Director.

Encl. #135011.

BUREAU FILES DIVISION
MAR 26 1929
DEPT. OF JUSTICE

39



From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

OFFICIAL INDICATED BELOW BY CHECK MARK

Attorney General

General Donovan

General Willebrandt

General Marshall

Mr. Carusi

Mr. Baldwin

Mr. Stewart

Mrs. Rishel

Assistant Director

Mr. Baughman

Mr. Boddis

Bureau Filing Section

Mr. Cunningham

Miss Gandy

Mr. Grimes

Mr. Keep

Mr. McKean

Personnel Filing Section

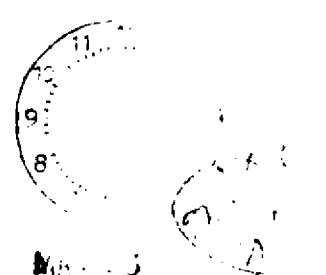
.....

.....

Mr. Hoover

Page 2 sent

*Received by
Special Agent*



GOVERNMENT PRINTING OFFICE

*at top of p. 1
U.S. Department of Justice*

*cc [unclear]
[unclear]*

2

Department of Justice
Bureau of Investigation

Miami, Fla.
March 24, 1929.

Director,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Dear Sir;

Subject Al Capone.
(Classification given this case
Jacksonville headquarters office
unknown).

In accordance with instructions of Acting Agent in Charge Burdge I am enclosing herewith four more affidavits concerning the activities and whereabouts of Al Capone between the dates of January 13 and February 25, 1929.

Following is a list of those from whom affidavits have been secured and submitted;

C.E. Bebler.	Hialeah, Fla.
M.C. Wood.	Hialeah, Fla.
J.M. Coroneas.	Hialeah, Fla.
W.R. Foster. (Previously reported as W.R. Austin).	Hialeah, Fla.
Sidney J. Newcomb.	Miami, Fla.
Joseph Jenkins.	Miami, Fla.
Robt. R. Taylor.	Miami, Fla.
Ruth Gaskin	Miami, Fla.

Trusting these affidavits will be of some value I remain

Very Truly Yours

James J. Perkins
James J. Perkins.

C.C.
SAC Campana.
Jacksonville, Fla.

69-180-13

MAR 27 1929

SEARCHED
SERIALIZED
INDEXED
FILED

41

Department of Justice

Bureau of Investigation

STATE OF FLORIDA)

COUNTY OF DALLAS)

Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgements, personally saw Joseph Jenkins, who, being first duly sworn, depose and says that for the past six years he has been connected with the Miami Police Dept, Miami, Fla.

Affiant states that he was assigned for special duty at the Mialeah race track, Mialeah, Fla. by Sheriff H.P. Lehman with the sanction of Chief of Detectives E.C. Scarborough, Miami Police Dept. Affiant states that from January 17, 1929, he did continuous duty at the race track at Mialeah, Fla. until the end of the last March 13, 1929.

Affiant further states that about two years ago he met Al Capone of Chicago, Ill. referred to in the Press from time to time as a "Chicago Gangster". Further that he did not personally observe said Capone at the race track at the start of the 1929 racing season, but did observe this said Capone at the races quite frequently during the said racing season.

Joseph Jenkins
Affiant

Sworn to and subscribed
before me this 24th day
of March, A.D. 1929.

Missie E. Clark

Department of Justice
Bureau of Investigation

STATE OF FLORIDA,)
) SS.
COUNTY OF DADE,)

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came Ruth Gaskin, who, being first duly sworn, deposes and says that she is stenographer working in the office of the County Solicitor of Dade County; that on February 14th, 1929, beginning at twelve-thirty o'clock P. M., Robt. R. Taylor, Jr., the County Solicitor of Dade County, and Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours in the County Solicitor's in the Dade County Court House at Miami, Florida, and that the said Alphonse Capone, from all appearances was in good health, and did not complain of being ill.

Further, that Sheriff H. P. Lehman of Dade County was present during the questioning.

Sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

Robert R. Taylor, Jr.
Notary Public in and for the State of Florida
My Comm. Expires A. D. 1929

Department of Justice
Bureau of Investigation

STATE OF FLORIDA,)
) SS.
COUNTY OF DADE,)

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came ROBERT H. DALTON, JR., who, being first duly sworn, deposes and says that he is County Solicitor for Dade County, Florida, and that on February 14th, 1929, at twelve-thirty o'clock P. M., this affiant, with Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours, in this affiant's office in the court house at Miami, Florida. Further, that Alphonse Capone, from all appearances, was in good health, and did not complain of being ill.

Further, that the questions and answers were taken down in short-hand by Miss Ruth Gaslin, and that Sheriff M. P. Lehman of Dade County was also present.

Sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

Robert Dalton, Jr.
Affiant

Department of Justice
Bureau of Investigation

STATE OF FLORIDA)
) ss.
COUNTY OF DAKOTA)

Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Sidney Joseph Newcomb, who resides at 3312 S.W. 45th Street, Miami, Fla. and who being first duly sworn, deposed and says; that he has been employed by the Miami Jockey Club located at Mialeah, Fla. during their last two meetings, that is to say during the seasons of 1927 and 1929.

Affiant further states that his employment was usher or attendant to those that had rented boxes, further during the season of 1929 he was personally in charge of thirty boxes, comprising an upper and lower tier.

Affiant states that a few days after the 1929 racing season at Mialeah, Fla. opened ~~the~~ Al Capone, referred to in the Press as a Chicago Gangster was pointed out to him as occupying a box bearing the name plate of L. Gentry. Affiant states that there was fifty one racing days during the season of 1929, to wit, from January 17th, 1929, to March 13th, 1929. Further that from the day of the opening, January 17th up to and including ~~the~~ March 1st, 1929, he has personally observed the said Al Capone at the race track thirty different days during the racing season. Further that the said Al Capone was not observed by him at the race track towards the end of the meet, that is to say from about March 1st to March 13th.

Affiant states that from all appearances the said Al Capone was in perfect health and was able to converse with anyone.

Sworn to and subscribed
before me this 24th day
of March, A. D., 1929.

Wm. E. [Signature]

Sidney Joseph Newcomb
Affiant

Department of Justice
Bureau of Investigation

STATE OF FLA (LDA)
COUNTY OF DALLA)

Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgements, personally saw Joseph Jenkins, who, being first duly sworn, depose and says that for the past six years he has been connected with the Miami Police Dept., Miami, Fla.

Affiant states that he was assigned for special duty at the Hialeah Race Track, Hialeah, Fla. by Sheriff W.P. Lehman with the sanction of Chief of Detectives L.C. Scarborough, Miami Police Dept. Affiant states that from January 17, 1939, he did continuous duty at the race track at Hialeah, Fla. until the end of the meet March 15, 1939.

Affiant further states that about two years ago he met Al Capone of Chicago, Ill. referred to in the Press from time to time as a "Chicago Gangster". Further that he did not personally observe said Capone at the race track at the start of the 1939 racing season, but did observe this said Capone at the races quite frequently during the said racing season.

Joseph Jenkins
AFFIANT

Subscribed to and subscribed
before me this 24th day
of March, A.D. 1939.

Finnis E. Clark

Department of Justice

Bureau of Investigation

STATE OF FLORIDA,)
) SS.
COUNTY OF DADE,)

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came Ruth Gaskin, who, being first duly sworn, deposes and says that she is stenographer working in the office of the County Solicitor of Dade County; that on February 14th, 1929, beginning at twelve-thirty o'clock P. M., Robt. R. Taylor, Jr., the County Solicitor of Dade County, and Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours in the County Solicitor's in the Dade County Court House at Miami, Florida, and that the said Alphonse Capone, from all appearances was in good health, and did not complain of being ill.

Further, that Sheriff M. P. Lehman of Dade County was present during the questioning.

sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

ABA

St. , 192 .

Department of Justice
Bureau of Investigation

STATE OF FLORIDA,)
) SS.
COUNTY OF DADE,)

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came ROBT. R. H. LOR, JR., who, being first duly sworn, deposes and says that he is County Solicitor for Dade County, Florida, and that on February 14th, 1929, at twelve-thirty o'clock P. M., this affiant, with Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours, in this affiant's office in the court house at Miami, Florida. Further, that Alphonse Capone, from all appearances, was in good health, and did not complain of being ill.

Further, that the questions and answers were taken down in short-hand by Miss Ruth Gaslin, and that Sheriff M. P. Lehman of Dade County was also present. *Robert R. H. Lor, Jr.*
Affiant

Sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

HALTS CAPONE OUSTER

Judge Grants Permanent Injunction
Against 20 Florida Sheriffs

MIAMI, Fla., April 25 (A. P.).—Federal Judge Herbert L. Ritter today made permanent the temporary injunction he issued March 22 forbidding twenty Florida sheriffs from carrying out an order of Governor Doyle C. Carr to arrest Alphonse (Scarface) Capone on sight and escort him to the State line.

Capone and his attorney, J. F. Gordon, were the only witnesses at a hearing in Federal Court. After ordering the injunction made permanent, Judge Ritter called Capone to the bench and urged him to take advantage of his privileges as a citizen of the United States in lawful exercise of his rights.

INDICATED ON THIS MESSAGE

AMERICA

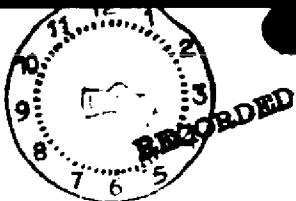
THE PEOPLE OF THE

THE WORLD

WLT 1 WEEK END LETTER

29 SM 85 COLLECT GOVT
JACKSONVILLE FLO MAR 25 29

2



69-180-14
INVESTIGATION
INVESTMENT BLDG.
15TH & K ST. N.W.
MAR 27 1929
PHONE MAIN 6600 BR

DIRECTOR BUREAU OF INVESTIGATION

69-180

WASHN DC.

MAR 25 1929
MAR 27 1929

Div. T	FILE
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CAPONE MATTER STOP AFFIDAVITS ADDITIONAL THOSE YOU HAVE FORWARDED BY PERKINS ON EIGHT TEN TRAIN LAST NIGHT SPECIAL DELIVERY STOP NEW INFORMATION IS STEAMSHIP NORTHLAND OUTBOUND PASSAGE MANIFEST REVEALS THAT ON FEBRUARY EIGHT VOYAGE NUMBER FIFTY ONE ALPHONSE CAPONE AND FIVE OTHERS WENT NASSAU STOP SAME VESSEL INBOUND MANIFEST VOYAGE NUMBER FIFTY TWO REVEALS SAME PARTIES LEFT NASSAU FEBRUARY TWELVE ARRIVING MIAMI FEBRUARY THIRTEEN EIGHT THIRTY MORNING STOP I HAVE DIRECTED PERKINS SECURE AFFIDAVIT FROM CAPTAIN

OF VESSEL AND FORWARD DIRECT TO YOU TONIGHT CAMPANA
MAR 25 1929 U.S. Atty Johnson - Mrs. Willebrandt + Chi. Office & Bureau of Prof. 4PM



MAR 27 1929

Department of Justice
Bureau of Investigation

12
69-180-57
BUREAU OF INVESTIGATION

Miami, Florida,
March 25, 1929. MAR 27 1929

RECORDED & INDEXED

MAR 27 1929

Div. Two	FILE
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Director,
Bureau of Investigation,
Department of Justice,
Washington D. C.

Re: Al Capone
(Classification of this case
in Jacksonville office unknown).

Dear Sir:

Enclosed herewith you will please find additional affidavits taken from material witnesses in the above entitled matter, together with copy of a letter from Mr. H. E. Aspinwall, Manager of the Munson Steamship Lines, Nassau, Bahamas, to Mr. H. V. Perry, Manager of the Munson Steamship Lines in Miami, Florida.

I conducted further investigation of the Capone matter at Miami, which revealed that Capone and a party of friends visited Nassau, Bahamas, during the early part of February 1929 by the way of the steamship New Northland.

Investigation was conducted at the office of the Munson Steamship Lines, Columbus Hotel Building, Miami, Florida, and a perusal of the outbound passenger manifest revealed that on February 8th, 1929, voyage numbered fifty one of the steamship New Northland the following passengers were listed: inbound Passenger manifest numbered fifty two also gave the following names as leaving Nassau February 12th, 1929

- Alphonse Capone, 93 Palm Island, Miami Beach, Florida.
- Albert Capone, 93 Palm Island, Miami Beach, Florida.
- Philip D. Andrea, 92 Palm Island, Miami Beach, Florida.
- Wen Phillips, 715 Olympia Building, Miami, Florida
- Fred Girton, 715 Olympia Building, Miami, Florida.
- William McCabe, Floridian Hotel, Miami Beach, Florida.

I was informed at the offices of the Prohibition Department in the Seybold Building, Miami, by Mr. William Kelly, who I have been informed is a Prohibition Agent, that the above mentioned parties listed with Alphonse Capone as above on his trip to Nassau, were Capone's party and all their expenses were paid by him (Alphonse Capone).

I interviewed Mr. Harold V. Perry, Manager of the Munson Steamship Lines, Columbus Hotel Building, Miami, who advised me that the first information he had of the booking of Alphonse Capone via the Steamship New Northland to Nassau was during the afternoon of February 8, 1929.

*Special Agent in Charge - Miami
3-26-29
W. Kelly*

Department of Justice
Bureau of Investigation

-2-

Previous to the SS New Northland sailed, Captain Tremblay of the SS New Northland, asked Mr. H. V. Perry who Capone was, as a friend of the Captain's had introduced Capone to him and requested that Capone be given special attention on the trip from Miami to Nassau. Mr. Perry recommended to the Captain of the SS New Northland not to fraternize, and if necessary to stay in his quarters in order to avoid Capone.

Mr. H. V. Perry gave me a copy of the letter received from Mr. H. E. Aspinwall referred to above which is self explanatory.

Very truly yours,

James Perkins
J. J. Perkins,
Special Agent

CC
SAC
Campana

53

Department of Justice
Bureau of Investigation

STATE OF FLORIDA)
COUNTY OF DADE)

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, Captain William P. Tremblay, Master of the Steamship New Northland, which is owned by the Clarke Steamship Company of Quebec, Canada, and which vessel plies between the Port of Miami, Florida and the Port of Nassau, Bahamas, E. W. I., Captain Tremblay being duly sworn, upon oath, deposes and says that -

On the eighth day of February 1929, the said steam ship New Northland left the Port of Miami about three P.M. for the Port of Nassau, Bahamas, E. W. I., and affiant states that among the passengers on this voyage numbered fifty one was Alphonse Capone with a party of friends, and the affiant further states that said Capone was introduced to him by a party whose name affiant cannot recall.

Affiant states that he could positively identify the said Alphonse Capone by a scar appearing on the side of his face.

Affiant further states that the said Capone appeared to be in perfect health and apparently enjoyed the trip from the Port of Miami to the Port of Nassau.

Affiant further states that on February twelfth 1929 the said Alphonse Capone and his party left the port of Nassau, Bahamas for the Port of Miami, Florida on the steamship New Northland, said vessel arriving at the port of Miami about eight thirty A. M. on February thirteenth 1929.

Affiant states that he saw the said Alphonse Capone only once during this return voyage and he appeared to be in perfect health and made no mention of being sick in any way.

Wm. Tremblay
MASTER SS NEW NORTHLAND.

Sworn and subscribed to before me a Notary Public
this twenty fifth day of March 1929 A. D.

Notary Public State of Florida.
Commission Expires 2-19-30.

Department of Justice

Bureau of Investigation

STATE OF FLORIDA)
COUNTY OF DADE)

PERSONALLY appeared before me the undersigned authority in and for the County of Dade, State of Florida, John William Cooper, Jr., residing at 458 Ocean Drive, Miami Beach, Florida, who upon being duly sworn upon oath, deposes and says that he is District Traveling Passenger Agent for the Munsin Steamship Lines, at Miami, Florida, who operate the Steamship New Northland plying between the port of Miami and the port of Nassau, Bahamas.

Affiant further states that on February eighth 1929 at about three o'clock in the afternoon he was at the Municipal Piers #3, Miami Florida, checking passengers boarding the steamship New Northland, which was on a direct and continuous voyage from the port of Miami to the Port of Nassau.

Affiant states that among the passengers he checked on said date and on said vessel was Alphonse Capone, his brother Alfred Capone, Wen Phillips and several others in the same party, whose names he cannot now recall. Affiant states that the purpose of making this check was to ascertain that all passengers booked for this voyage were on the vessel.

Affiant further states that the said Alphonse Capone who booked passage on the steamship New Northland on February eighth he personally saw board said vessel and saw the said Capone and party standing on the deck of said steamship New Northland prior to its leaving the Port of Miami.

Affiant further states that Alphonse Capone mentioned heretofore is the same said Alphonse Capone whose pictures he has seen in a number of newspapers and the one that was referred to by the press as the Chicago gangster.

Sworn and subscribed to before me a Notary Public
this twenty fifth day of March 1929 A. D.

Notary Public State of Florida
My commission expires 2-19-30

55

DR. SAM'L D. W. LIGHT
CALUMET BUILDING
10 N E 3RD AVE
MIAMI, FLORIDA

STATE OF FLORIDA)
COUNTY OF DADE)

PERSONALLY appeared before me the undersigned authority in and for the County of Dade, State of Florida, Doctor Samuel D. Light, a practicing physician in the City of Miami, State of Florida, County of Dade, who upon being duly sworn, upon oath, deposes and says - that on or about January second 1929 affiant was called at the house of Al Capone Palm Island to attend son of the said Capone who was sick, and on or about January fifth was again called to the house of Al Capone who was suffering from influenza which later developed into double pneumonia.

AFFIANT states that condition of the patient, Al Capone, became serious and it was necessary to have two nurses in attendance. Affiant also states that he was called at least every day to the house of Capone and some times made two calls a day, a total of sixteen or seventeen calls were made during the period from January fifth to fourteenth.

On January fourteenth when patient was last seen by affiant, Capone was still in bed suffering with congested lungs and having a temperature.

Affiant's services were discontinued on account of a Doctor Omens arriving as a house guest of said Capone, and the said Doctor Omens affiant was informed was Capone's family physician in Chicago and that Capone wished him to take charge of the case.

Several days before affiant relinquished the case to Doctor Omens, Doctor Phillips of Miami Florida was called in consultation at the request of the said Capone and his friends, with affiant's approval.

Samuel D. Light

Sworn and subscribed to before me a Notary Public

State of Florida at large this twenty fifth day of March 1929 A. D.

Notary Public
My commission expires 2-19-30

COPY.

Nassau, B. W. I. February 21, 1929.

Munson Steamship Line
Nassau Branch Office,
B. W. I.
H. E. Aspinwall, Manager in Nassau.

Mr. H. V. Perry, Local Manager,
Munson Steamship Line,
Columbus Hotel Building,
Biscayne Boulevard & N. E. 1st St.,
Miami, Fla.

~~Confidential.~~

Dear Sir:

On the NEW NORFOLK , voyage 51, from Miami, Feb. 8th, you booked a 1st class passenger named Alphonse Capone. He was accompanied by his brother, Albert Capone, and two or three others in his party. It is common knowledge with this Government that Alphonse Capone bears a bad reputation with the authorities in the United States. When he arrived here, they had not any advice of his proposed visit, and therefore was treated with the customary courtesy extended to visitors.

I have now been officially advised that should Alphonse Capone pay another visit to Nassau he will be refused permission to land, under the Immigration Act, 1928. The last paragraph of Clause 2 provides, under the title of Undesirables, that such person shall not be allowed in the Colony.... "whose presence in the colony would not be conducive to the public good". Further that the Governor in Council has the power to refuse admittance to any person as may be considered undesirable, which is the case in this instance.

I advise you of the foregoing in case Mr. Capone should apply to you for passage to Nassau on our steamer.

Yours very truly,

H. E. Aspinwall (Sgd)

Manager in Nassau.

69-180-15

57

Al Capone Arrested on Contempt Charge, Free on \$5000 Bond

Reputed Chicago Beer Baron
Taken as He Leaves Jury
After Inquiry on Massacre

By United Press

CHICAGO—The U. S. government today arrested "Scarface" Al Capone, notorious Chicago gang leader, on a charge of contempt of Federal Court growing out of his attempt to dodge a federal grand jury summons.

The warrant was served on Capone as he emerged from the grand jury room in the Federal Building where he was being questioned concerning the activities of beer runners in the suburb of Chicago Heights. He gave bond of \$5000 and returned immediately to his suite in the Lexington Hotel.

Capone is alleged to have presented a false affidavit from a Miami physician early this month as a part of his campaign to postpone his appearance.

Affidavit of Illness

The affidavit said Capone was so ill at his Florida estate that a trip to Chicago in early March would endanger his health. On the strength of it his appearance before the federal grand jurors was postponed from March 12 to March 20.

Capone was locked in an anteroom of the grand jury quarters in the federal building when it became known that the warrant had been issued.

Asst. Dist. Atty. Daniel Anderson revealed that Mabel Walker Willebrandt, assistant attorney general in charge of prohibition enforcement, had advised government authorities here to place Capone under arrest. Anderson said the warrant probably would be served as soon as the gang chieftian emerged from the grand jury room.

Fixes \$5000 Bail

Assistant district attorneys took their warrant before Federal Judge Charles E. Woodward, who said that Capone's bond would be set at \$5000. The attorneys said that an investigation of Capone's physical condition, ordered by Mrs. Willebrandt from Washington, had shown that "Scarface" was in good health at the time the affidavit was made.

The petition presented before Judge Woodward charged that Capone "wilfully, corruptly, knowingly, falsely and contemptuously" caused a letter to be written to the grand jury.

It was reported that a small group of people at Lopez, Lower California, had the government ships, the Washington and the Koorlgen, were the Santa Rosalia port and were arrested there.

Q
"The Washington
Daily News"
3-27-29.

69-180

File

H.

NOT RECORDED

58

69-180-15

March 27, 1929.

EX-107

RECORDED

MAR 27 1929

MEMORANDUM FOR HON. WILLIAM H. WILSON
Assistant Attorney General

~~Confidential~~

There is transmitted herewith for your information a copy of a letter which the Bureau is today forwarding by special delivery mail to United States Attorney Johnson, at Chicago, Ill., in connection with the case involving ALPHONSE CAPONE and MR. KENNETH PHILLIPS - Contempt of Court Matter. Copies of the enclosures which accompanied the Bureau's letter to United States Attorney Johnson, are enclosed for your information.

Very truly yours,

Director.

Encl. 1133025.

69-180

By messenger
3/27/29

BUREAU OF INVESTIGATION	59
MAR 27 1929 A.M.	
DEPARTMENT OF JUSTICE	
FILE	

69-180-15

March 27, 1929.

RECEIVED
MAR 27 1929

Honorable Geo. E. C. Johnson,
United States Attorney,
Chicago, Illinois.

Dear Sir:

With further reference to the case involving
ALFONSO GAYNE and DR. KENNETH PHILLIPS - Custody of
Court Matter, the following documents are transmitted
herewith for your information:

Copy of a letter dated March 25, 1929, which
has been received from an Agent of the Bureau's Jackson-
ville Office.

Original affidavits made by William F. Trembley,
John William Ghyer, Jr., and Dr. Samuel B. Lightfoot.

Copy of a letter addressed to the Manned Steam-
ship Line by E. E. Aspinwall.

Very truly yours,

Director.

Encl. 3
CC - Chicago Office
CC - Mrs. Willmetts.

60

Department of Justice.

OFFICE OF UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF ILLINOIS,
826-833 FEDERAL BUILDING,
CHICAGO.

March 28, 1929.

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Dear Sir:

Re: Alphonse Capone.

I acknowledge with thanks receipt of your
letter of March 27 enclosing affidavits made by
William P. Tremblay, John William Cooper, Jr. and
Dr. Samuel D. Light; also copies of letters therein
indicated.

Again, I wish to thank you for your cooperat-
ion and helpfulness in this matter.

GEQJ:MTH

Yours very respectfully,

GEORGE E. Q. JOHNSON,
United States Attorney.

RECEIVED
MAR 30 1929
69-180-16

61

MAR 30 1929

69-180-16
MAR 30 1929
U.S. DEPT. OF JUSTICE

Department of Justice

Bureau of Investigation

Miami, Fla.

March, 28.1929.

2

Director,
Bureau Of Investigation,
Department of Justice,
Washington. D.C.

Re; Al Capone.
(Classification of this
case in Jacksonville Office
unknown).

Dear Sir;

Enclosed herewith you will find the affidavit of
Edward Nirmaier, address 1442 N.E. Bayshore Drive, Miami, Fla.
which is self explanatory.

The Curtiss Flying Service, Miami, Fla. is Managed by
J.P.Baker. Mr Baker and I checked the records of the Curtiss Flying
Service and found that Edward Nirmaier, Pilot, had made a trip to
Bimini, Bahama on February 2rd, 1929 carrying passengers as mentioned
in his affidavit, returning to Miami on the same date.

Immigration Officials at Miami advised me that the Official
record of Nirmaier's trip aforementioned would be in the Immigration
Office at Jacksonville, Fla.

Trusting this affidavit and information will further assist
you I remain,

Very Truly Yours

James J. Perkins

James J. Perkins
Special Agent.

69-180-17	
BUREAU OF INVESTIGATION	
APR 1 1929 A. M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

RECORDED

APR 1 1929



MAR 30 1929

cc - Spec. Delivery copy filed @ orig.
Usally Johnson Chicago
copy Chicago office
cc - Mrs. Milbrandt 4/29 62

Department of Justice

Bureau of Investigation

(State Of Florida)

County of Dade)

SS

Personally appeared before me the undersigned authority in and for the county of Dade, state of Florida, Edward Nirmaier who resides at 1442 N. E. Bayshore Drive, Miami Florida. Who after being duly sworn upon oath deposes and says; that he is a pilot for the Curtiss Flying Service of Miami, Florida.

Affiant states that on February 2nd., 1929 at ten thirty A.M. he piloted Seaplane NC 6813 from Miami Florida to Bimini, Bahama carrying the following passengers; Al.

Capone, J.R.Clark, N. Circella and P.L. De Andrea .

Affiant further states that he carried the above named passengers in Seaplane NC 6813 from Bimini, Bahama to Miami, Florida arriving at Three P.M. February 2nd, 1929.

Affiant further states that the Al. Capone referred to herein is the same Al. Capone that owns a residence at Palm Island Miami Beach, Florida and who has a scar on one side of his face. Affiant states that the said Al.

Capone appeared to be in good health during the time that he took the trip from Miami, Florida to Bimini, Bahama and return.

Sworn to and subscribed before
me this 28th day of March, AD 1929.

E. J. [Signature]

*J. A. Waters, Notary Public
Memorandum of Evidence*

April 1, 1929.

ENC: ACS

69-180-17

RECORDED
APR 1 1929

Hon. George E. G. Johnson,
United States Attorney,
Federal Building,
Chicago, Illinois.

69-180

Dear Sir:-

With further reference to the case entitled -
Dr. Kenneth Phillips and Alphonse Dupont - Contempt of
Court Matter, there is transmitted herewith for your
information a copy of a letter dated March 28, 1929,
which the Bureau has received from an agent of its
Jacksonville Office.

There is also enclosed the original affidavit
signed by Ed Hirmaier relative to this case.

Very truly yours,

Director.

Encl. #153061.

CC Chicago Office.

*By Special messenger
4-1-29*

64

April 1, 1929.

REC:ACS

MEMORANDUM FOR MR. WILKINSON

69-180

With further reference to the case entitled -
Dr. Kenneth Phillips and Alphonse Capone - Contempt of
Court Matter, there are transmitted herewith for your
information, photostatic copies of communications which
the Bureau has received from an agent of its Jacksonville
Office.

A copy of the enclosed letter, together with the
original affidavit which accompanied it, was forwarded today
under special delivery cover to United States Attorney John-
son, Chicago, Illinois.

Very truly yours,

Director.

Encl. #153067.

RECORDED

18

69-180-115

APR 2 1929

FILE

BUREAU FILES DIVISION
MAILED
APR 1 1929
P. M.
DEPT. OF JUSTICE

65

Department of Justice.

OFFICE OF UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF ILLINOIS,
826-833 FEDERAL BUILDING,
CHICAGO.

2

March 27, 1929.

Mr. J. Edgar Hoover,
Director Bureau of Intelligence,
Department of Justice,
Washington, D.C.

Dear Sir:

I am extremely obliged to you for your letter of
February 25 enclosing affidavits of J. M. Coroneas,
W. R. Foster, C. E. Bedler and M. G. Wood.

*S. J. ...
affidavits
Rec'd 2/27/29*

Also your letter of March 26 with copy of telegram.
I am very anxious that the information quoted in copy
of telegram be thoroughly checked so it may be avail-
able for evidence.

I also acknowledge receipt of affidavits of Sidney J.
Newcomb, Joseph Jenkins, Ruth Gaskin and Robert N. Taylor, Jr.

I have filed a criminal contempt this morning and have
citation issued and the respondent Capone was placed
under arrest and gave bond in the sum of \$5000 for ap-
pearance.

APR 2 1929

Permit me to say that I appreciate very highly your
cooperation in this matter and the prompt and efficient
manner in which it was handled. In dealing with persons
like Capone my policy is to prosecute vigorously for
every violation and this prosecution for contempt will
be helpful in other ways. I thank you very much.

69-180-19
APR 2 1929

GEQJ*MTH

Yours very respectfully,

[Handwritten Signature]
GEORGE E. JOHNSON,
United States Attorney.

*file
666*

CAPONE SNEERS AS CONTEMPT WRIT IS SERVED

THE WASHINGTON HERALD

MARCH 28, 1929.

CHICAGO, March 27 (U.S.)—This is a disgrace!

Thus did Al (Scarface) Capone, notorious gangster and suspected czar of the underworld, today label his arrest under a capias from Federal Judge James M. Wilkerson's court.

Capone isn't used to being arrested. In fact this is only the second time he has been arrested in his life—yet during the last five years his name has been linked with every major crime that has been committed in Chicago and points north, south, east and west.

NOT CRIMINAL RECORD

The only official record the police department has of Capone is his arrest on January 25, 1925, when he was "picked up on suspicion." However, this is not considered a criminal record.

Capone suffered the unspeakable ignominy of his second arrest late today as he emerged from a grand jury ante room in the Federal Building. The capias charged contempt of court.

"All right," Capone sneered as the warrant was read to him. "What do we do now?"

He was promptly led to the clerk's office where it was announced that a \$5,000 bond would be necessary.

"That's easy," laughed Capone, "my lawyers have that all fixed."

BOND IS READY

Sure enough. A legal-looking envelope was shoved across the counter to the clerk and there was a nice brand new \$5,000 bond—from a surety company—for his release.

"See you later, boys," Capone called over his shoulder as he headed for the door.

A "special" elevator took Capone and his friends, some folks call them his bodyguard, to the street level. Deputy United States marshals, aided by detectives, made way for him to his taxi and as the taxi started off, a detective bureau car swung in ahead of it and still another fell in behind—because the officials are determined that no bad gunmen are going to "knock off" Capone while he's a Government guest.

M. BEL IS BLAMED

Mrs. Mabel Walker Willebrandt, assistant attorney general, is at the bottom of all this trouble, according to information given today. It seems that for some reason Mrs. Willebrandt has taken a special interest in the affairs of Capone and has a very elaborate check-up on his in come, outgo and general doings.

The particular case against Capone right now is whether or not he was actually too ill to come to Chicago, March 12, when he was summoned here under a Government subpoena. The Government demands if he was able to attend here

otherwise he would be held in contempt of court.

NOT RECORDED

69-180

April 1, 1929.

69-180-19

RECORDED

APR 2 1929

Hon. George H. Q. Johnson,
United States Attorney,
Federal Building,
Chicago, Illinois.

69-180
19

Dear Sir:-

Reference is made to your letter dated March 27, 1929, relative to the case involving Alphonse Capone and Dr. Kenneth Phillips - Contempt of Court Matter.

In connection with your request that the contents of the telegram quoted in the Bureau's letter dated March 26, 1929, be thoroughly checked so that the information may be available for evidence, you are advised that it appears from the files of this Bureau that affidavits supporting the information given were forwarded to you as enclosures with the Bureau's letter dated March 27, 1929.

I assure you that it has been a pleasure to be of service in this matter as in all other cases which are referred to the Bureau for investigation.

In the event that you desire any further investigation of the instant case, it is suggested that you communicate your wishes to Special Agent in Charge Connelley of the Bureau's Chicago Office, who has been instructed to follow your advice in this matter.

I also desire to thank you very much for the sentiments expressed in your letter.

Very truly yours,

Director.

BUREAU FILES DIVISION
MAILED
APR 1 1929
P. M.
FED. DEPT. OF JUSTICE

68

Department of Justice.

OFFICE OF UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF ILLINOIS,
826-833 FEDERAL BUILDING,
CHICAGO.

April 3, 1929.

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Washington, D. C.

Dear Sir:

I acknowledge receipt of your letter of April 1, with enclosure #133061, being the affidavit of Edward Nirmaier, and photostat letter of James J. Perkins, Special Agent at Miami, Florida, in the ²⁰²Capone matter, for all of which accept my thanks and high appreciation.

GEQJ:MTH

Yours very respectfully,

George E. Q. Johnson

GEORGE E. Q. JOHNSON,
United States Attorney.

RECORDED

APR 5 1929

69-180-20

BUREAU OF INVESTIGATION
APR 5 9 29 A M
DEPARTMENT OF JUSTICE

69

THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 4/3/29	PERIOD FOR WHICH MADE: 3/21-28/29	REPORT MADE BY: J. J. Perkins
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.		CHARACTER OF CASE: CONTRACT OF COURT PERJURY	
SYNOPSIS OF FACTS: <p style="text-align: right;">Sax. File 69-9 71</p> <p>Reporting further investigation and incorporating twelve affidavits secured from persons interviewed relative to activities of Subject Capone during period January 15, 1929 to February 25, 1929, same showing conclusively that information contained in affidavit of Subject Phillips dated March 5, 1929 is materially false. Pending Bureau instructions.</p>			
REFERENCE: Report of Agent J. R. Burdge, Jacksonville, 3/23/29.			
DETAILS: <u>AT MIAMI, FLORIDA</u>			
<p>Pursuant to Bureau instructions, the following affidavits were secured from persons interviewed, originals of which have been forwarded to the Bureau:</p> <p style="text-align: center;"><u>I. AFFIDAVIT OF SIDNEY JOSEPH NEWCOOMB</u></p> <p>STATE OF FLORIDA) COUNTY OF DADE) SS</p> <p>DETAILS: Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Sidney Joseph Newcomb, who resides at 5346 S. W. 24th Street, Miami, Fla. and who being first duly sworn, deposes and says: That he has been employed by the Miami Jockey Club located at Hialeah, Fla. during their last two meetings, that is to say, during the seasons of 1927 and 1929.</p> <p>Affiant further states that his employment was usher or attendant to those that had rented boxes, further during the season of 1929 he was personally</p> <p style="text-align: right;">DO NOT WRITE IN THESE SPACES</p>			
APPROVED AND FORWARDED: <i>George A. Campana</i>	SPECIAL AGENT IN CHARGE	69-180-21	RECORDED AND INDEXED: APR 6 1929
COPIES OF THIS REPORT FURNISHED TO: 6-Bureau 4-Jacksonville		BUREAU OF INVESTIGATION APR 6 1929 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: APR 8 1929 JACKETED:
<i>W. C. Johnson</i> <i>Chas. J. [unclear]</i> <i>W. H. C.</i> <i>Miss Willibrand</i> 4/8/29 H.H.C.		ROUTED TO: FILE	

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in charge of thirty boxes, comprising an upper and lower tier.

Affiant states that a few days after the 1929 racing season at Hialeah, Fla. opened Al Capone, referred to in the press as a Chicago gangster was pointed out to him as occupying a box bearing the name plate of L. Gentry. Affiant states that there were fifty one racing days during the season of 1929, to wit, from January 17, 1929 to March 13, 1929. Further that from the day of the opening, January 17th up to and including March 1st, 1929 he has personally observed the said Al Capone at the race track thirty different days during the racing season. Further that the said Al Capone was not observed by him at the race track towards the end of the meet, that is to say, from about March 1st to March 13th.

Affiant states that from all appearances the said Al Capone was in perfect health and was able to converse with anyone.

(Signed) Sidney Joseph Newcomb
Affiant

Sworn to and subscribed
before me this 24th day
of March, A.D. 1929

II. AFFIDAVIT OF JOSEPH JENKINS

STATE OF FLORIDA)
COUNTY OF DADE) SS

Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came Joseph Jenkins, who, being first duly sworn, deposes and says that for the past six years he has been connected with the Miami Police Dept., Miami, Fla.

Affiant states that he was assigned for special duty at the Hialeah Race Track, Hialeah, Fla. by Sheriff M. P. Lehman with the sanction of Chief of Detectives L. O. Scarborough, Miami Police Dept. Affiant states that from January 17, 1929 he did continuous duty at the race track at Hialeah, Fla. until the end of the meet March 13, 1929.

Affiant further states that about two years ago he met Al Capone of Chicago, Ill. referred to in the press from time to time as a "Chicago Gangster". Further that he did not personally observe said Capone at the race track at the start of the 1929 racing season, but did observe this said Capone at the races quite frequently during the said racing season.

(Signed) Joseph Jenkins
Affiant

Sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

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III. AFFIDAVIT OF M. C. WOOD

DADE COUNTY
STATE OF FLORIDA) SS

M. C. Wood, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for about a year prior to this date;

That from January 17, 1929 to March 13, 1929, affiant was on duty at the horse races at Hialeah, Florida, to wit, the race track of the Miami Jockey Club, Hialeah, Florida, every Thursday, Friday and Saturday;

That a man named Al Capone was pointed out to me by someone, just who I do not now recall - the man who pointed Capone out to me was either Officer J. M. Coroneas or W. E. Foster of the Hialeah Police;

Affiant further states that his regular beat at the race track was in front of the grand stand and that he was on that beat all but two days when he was with Ex-Governor Smith of New York; that his regular beat carried him right in front of the box occupied by the man known as Al Capone; that affiant noticed Capone particularly because there had been so much talk in the papers concerning him.

Affiant further states that he personally observed the man pointed out to him as Al Capone nearly every Thursday, Friday and Saturday that affiant was on duty at the meet as set forth above.

Further affiant sayeth not.

(Signed) M. C. Wood

Sworn and subscribed before me this twenty third day of March, A. D. 1929, at Hialeah, Dade County, Florida.

(Signed) Agass I. Powers,
Notary Public.

IV. AFFIDAVIT OF C. E. BEBLER

DADE COUNTY
STATE OF FLORIDA) SS

C. E. Bebler, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such since May of 1926;

That during the entire month of February, exclusive of Sundays, he did continuous duty at the horse races at Hialeah, Florida, to wit, the race track of the Miami Jockey Club, Hialeah, Florida;

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That he, affiant, personally observed a man who has been pointed out to him and who he understands is Al Capone, referred to in the press from time to time as a "Chicago Gangster", this observation being made at the above mentioned race track during the season of 1929, which was run off from January 17, 1929 to March 13, 1929.

Affiant further states this man who he understands to be Al Capone was approximately eighteen or twenty times during the month of February, in attendance at the race track; the "February" referred to being February 1929.

I solemnly swear the above affidavit represents the truth.

(Signed) E. A. Sebler

Sworn and subscribed before me this twenty third day of March, A. D. 1929, at Hialeah, Dade County, Florida.

(Signed) Agnes I. Powers
Notary Public

V. AFFIDAVIT OF W. R. FOSTER

DADE COUNTY)
STATE OF FLORIDA) SS

W. R. Foster, being duly sworn on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for the past three years;

That on January 17, 1929, he was assigned to the horse races at Hialeah, Florida and did continuous duty from that date until February 1, 1929 at the race track, to wit, the race track of the Miami Jockey Club, Hialeah, Fla.;

That he saw Al Capone at least every other day at the Hialeah Race Track herein mentioned from January 17, 1929 up to and including February 1, 1929;

That on February 15, 1929 he did continuous duty until the day of the closing of the race track, March 13, 1929 - working at the race track as a police officer there; that he, affiant, saw said Al Capone at least every other day at the track between February 15 and March 5th, or in other words, between February 15, 1929 and the period ending about eight days before the race track closed.

(Signed) W. R. Foster

Sworn and subscribed before me this twenty third day of March, A. D., 1929 at Hialeah, Dade County, Florida.

(Signed) Agnes I. Powers
Notary Public.

VI. AFFIDAVIT OF J. M. CORONEAS

DADE COUNTY)
STATE OF FLORIDA) SS

J. M. Coroneas, being duly sworn, on oath deposes and says:

That he is a police officer of Hialeah, Florida, and has been such for about a year prior to this date;

That from January 17, 1929 to March 13, 1929, he has continuously duty at the horse races at Hialeah, Florida, to wit the race track of the Miami Jockey Club, Hialeah, Florida;

That on January 18, 1929, affiant observed Al Capone at the race track above mentioned, this date being the second day the race track was in operation this season; after January 18, 1929, and up to and including the closing day, to wit, March 13, 1929, affiant observed Al Capone at said track on at least twenty four different days of the meet; that between the dates of February 1 and February 25, 1929, affiant states that he saw said Al Capone at said race track at least thirteen different days; furthermore, affiant states he is positive as to his statements herein made relative to the number of days he personally observed Capone at the track for the reason that affiant was parking automobiles in front of the race track enclosure and three or four days after the opening of the meet said Capone gave affiant a ten dollar tip and affiant looked for him daily thenceforward; that during part of the time affiant was on duty at the track he was on duty in the inside of the enclosure and said Capone's box was right over where affiant stood, and frequently affiant would look into Capone's box and greet him; that at the first of the meet Capone appeared to be in robust health but towards the last of the meet he did not look well at all; affiant made inquiries and was informed that Capone had been sick after noting his rather poor appearance, and was informed at that time that Capone had been sick. Further deponent sayeth not.

I solemnly swear that the above statement is the truth.

(Signed) J. M. Coroneas

Sworn and subscribed before me this twenty third day of March, A. D. 1929, at Hialeah, Dade County, Florida.

(Signed) Agnes I. Powers
Notary Public

VII. AFFIDAVIT OF ROBERT R. TAYLOR JR.

STATE OF FLORIDA)
COUNTY OF DADE) SS

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came Robert R. Taylor, Jr., who,

(B)

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being first duly sworn, deposes and says that he is County Solicitor for Dade County, Florida, and that on February 14th, 1929, at twelve-thirty o'clock P.M., this affiant, with Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours, in this affiant's office in the court house at Miami, Florida. Further, that Alphonse Capone, from all appearances, was in good health, and did not complain of being ill.

Further, that the questions and answers were taken down in short-hand by Miss Ruth Gaskin, and that Sheriff M. P. Lehman of Dade County was also present.

(Signed) Robert R. Taylor, Jr.

Sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

VERI. AFFIDAVIT OF RUTH GASKIN

STATE OF FLORIDA)
COUNTY OF DADE) SS

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came Ruth Gaskin, who, being duly sworn, deposes and says that she is a stenographer working in the office of the County Solicitor of Dade County; that on February 14th, 1929, beginning at twelve-thirty o'clock P. M., Robt. R. Taylor, Jr., the County Solicitor of Dade County, and Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours in the County Solicitor's in the Dade County Court House at Miami, Florida, and that the said Alphonse Capone, from all appearances was in good health, and did not complain of being ill.

Further, that Sheriff M. P. Lehman of Dade County was present during the questioning.

(Signed) Ruth Gaskin

Sworn to and subscribed before me
this 24th day of March, A.D. 1929.

IX. AFFIDAVIT OF DR. SAMUEL D. LIGHT

STATE OF FLORIDA)
COUNTY OF DADE) SS

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, Doctor Samuel D. Light, a practicing physician in the City of Miami, State of Florida, County of Dade, who upon being duly sworn, upon oath, deposes and says - that on or about January second 1929 affiant was called at the house of Al Capone, Palm Island, to attend on the said Capone who was sick, and on or about January fifth was again called to the house of Al Capone who was suffering from influenza which later developed into double pneumonia.

Affiant states that condition of the patient, Al Capone, became serious and it was necessary to have two nurses in attendance. Affiant also states that he was called at least every day to the house of Capone and sometimes made two calls a day, a total of sixteen or seventeen calls were made during the period from January fifth to fourteenth.

On January fourteenth when patient was last seen by affiant, Capone was still in bed suffering with congested lungs and having a temperature.

Affiant's services were discontinued on account of a Doctor Omens arriving as a house guest of said Capone, and the said Doctor Omens affiant was informed was Capone's family physician in Chicago and that Capone wished him to take charge of the case.

Several days before affiant relinquished the case to Doctor Omens, Doctor Phillips of Miami, Florida was called in consultation at the request of the said Capone and his friends, with affiant's approval.

(Signed) Samuel D. Light

Sworn and subscribed to before me a Notary Public,
State of Florida at large this twenty fifth day of March 1929 A. D.

(Signed) Helen F. Tocney
Notary Public.

My commission expires 2-19-30

X. AFFIDAVIT OF CAPTAIN WILLIAM P. TREMBLAY

STATE OF FLORIDA)
COUNTY OF DADE) SS

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, Captain William P. Tremblay, Master of the Steamship New Northland, which is owned by the Clarke Steamship Company of Quebec, Canada, and which vessel plies between the port of Miami, Florida and the Port of Nassau, Bahamas, B.W.I., Captain Tremblay being duly sworn, upon oath, deposes and says that -

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On the eighth day of February 1929, the said steamship New Northland left the Port of Miami about three P. M. for the Port of Nassau, Bahamas, B. W. I., and affiant states that among the passengers on this voyage numbered fifty one was Alphonse Capone with a party of friends, and the affiant further states that said Capone was introduced to him by a party who was sitting next to him.

Affiant states that he could positively identify the said Alphonse Capone as appearing on the side of his face.

Affiant further states that the said Capone appeared to be in perfect health and apparently enjoyed the trip from the Port of Miami to the Port of Nassau.

Affiant further states that on February twelfth 1929, the said Alphonse Capone and his party left the port of Nassau, Bahamas for the Port of Miami, Florida on the steamship New Northland, said vessel arriving at the port of Miami about eight thirty A. M. on February thirteenth 1929.

Affiant states that he saw the said Alphonse Capone only once during this return voyage and he appeared to be in perfect health and made no mention of being sick in any way.

(Signed) William F. Tremblay,
Master SS New Northland

Sworn and subscribed to before me a Notary Public this twenty fifth day of March 1929, A. D.

(Signed) Nelson F. Toomey,
Notary Public State of Florida,
My commission expires 3-19-30.

XI. AFFIDAVIT OF JOHN WM. COOPER, JR.

STATE OF FLORIDA)
COUNTY OF DADE) SS

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, John William Cooper, Jr., residing at 458 Ocean Drive, Miami Beach, Florida, who upon being duly sworn upon oath, deposes and says that he is District Traveling Passenger Agent for the London Steamship Lines, at Miami, Florida, who operate the steamship New Northland plying between the port of Miami and the port of Nassau, Bahamas.

Affiant further states that on February eighth 1929, at about three o'clock in the afternoon he was at the Municipal Piers #3, Miami, Florida, checking passengers boarding the steamship New Northland, which was on a direct and continuous voyage from the port of Miami to the Port of Nassau.

Affiant states that among the passengers he checked on said date and on said vessel was Alphonse Capone, his brother Alfred Capone, Wen Phillips and several others in the same party, whose names he cannot now recall. Affiant states that the purpose of making this check was to ascertain that all passengers booked for this voyage were on the vessel.

Affiant further states that the said Alphonse Capone who booked passage on the steamship New Northland on February eighth, personally saw board said vessel and saw the said Capone and party standing on the deck of said vessel on the Northland prior to its leaving the Port of Miami.

Affiant further states that Alphonse Capone mentioned in stories in the news the said Alphonse Capone whose pictures he has seen in a number of newspapers and the one that was referred to by the press as the Chicago gangster.

(Signed) John William Cooper, Jr.

Sworn and subscribed to before me a Notary Public this twenty fifth day of March 1929 A. D.

(Signed) Helen T. Toomey
Notary Public State of Florida
My commission expires 3-19-30

XII. AFFIDAVIT OF EDWARD MIRMAIER

STATE OF FLORIDA)
COUNTY OF DADE) SS.

Personally appeared before me the undersigned authority in and for the county of Dade, State of Florida, Edward Mirmaier who resides at 1442 N. W. Bayshore Drive, Miami, Florida. Who after being duly sworn upon oath deposes and says; that he is a pilot for the Curtiss Flying Service of Miami, Florida.

Affiant states that on February 2nd, 1929 at ten thirty A. M. he piloted Sea-plane NC 6813 from Miami, Florida to Bimini, Bahama, carrying the following passengers: Al Capone, J. R. Clark, N. Circella and P. L. De Andrea. Affiant further states that he carried the above named passengers in Seaplane NC 6813 from Bimini, Bahama to Miami, Florida, arriving at three P. M. February 2nd, 1929. Affiant further states that the Al. Capone referred to herein is the same Al. Capone that owns a residence at Palm Island, Miami Beach, Florida and who has a scar on one side of his face. Affiant states that the said Al. Capone appeared to be in good health during the time that he took the trip from Miami, Florida to Bimini, Bahama and return.

(Signed) E. Mirmaier

Sworn to and subscribed before me this 26th day of March, AD 1929.

With reference to Subject Capone's trip to Miami, Bahama and return, agent assisted by E. E. Lyster, Assistant District Director, Immigration Service, Jacksonville, Florida, made a check of the records of the SS "New Northland" for February 1929, which revealed the following:

Out-bound manifest records show that the SS "New Northland" departed from Miami, Florida for Nassau, Bahama on February 8, 1929, having on board four United States citizens, the following: Toy Clark, Nicholas Cirrella and Philip De Andrea.

In-bound manifest records show that the SS "New Northland" departed from Miami, Bahama on February 9, 1929, arriving at Miami, Florida on same date, having on board four American citizens, the following: Al Capone, address United States, Palm Island, Miami Beach, Florida; Toy Clark, Nicholas Cirrella, Philip De Andrea.

A further check of the immigration records revealed:

Out-bound manifest, SS "New Northland", Voyage 51, departed from the Port of Miami for Nassau, Bahama on February 8, 1929, having as passengers, among others, the following: Alphonse Capone, Albert Capone, Philip De Andrea, Fred Cirton, Wen Phillips, William McCabe.

In-bound manifest, SS "New Northland", departed from Nassau, Bahama for Miami, Florida on February 12, arriving at the Port of Miami on February 13, having among others, the following passengers: Alphonse Capone, Albert Capone, Philip De Andrea, Fred Cirton, Wen Phillips, William McCabe.

Agent interviewed Harold V. Perry, manager of the Hanson Steamship Lines, Columbus Hotel Building, Miami, Florida. Mr. Perry advised that the first information he had of the booking of Alphonse Capone and his party via the SS "New Northland" to Nassau, Bahama, was sometime during the afternoon of February 8, 1929, prior to the departure of the SS "New Northland" on February 8. Captain Tremblay asked Mr. Perry who Capone was, as a friend of his, the captain, had introduced Capone to him and requested that Capone be given special attention on the trip from Miami to Nassau. Mr. Perry further stated that he recommended to Captain Tremblay not to fraternize with Capone and if necessary, to stay in his quarters in order to "keep" him.

Mr. Perry gave to this agent a copy of a letter received from E. E. Aspinwell, copy of which has been forwarded to the Bureau for their information.

UNDEVELOPED LEAD:

JACKSONVILLE OFFICE. No action will be taken with respect to prosecution in this district until receipt of further information from the Bureau.

April 8, 1929.

MEMO
92-122-21

MEMORANDUM FOR MR. WALKER

RECORDED

With further reference to the case involving Alphonse Capone and Mr. Kenneth Phillips - Contempt of Court Matter, there is transmitted herewith for your information, a copy of the report of Special Agent J. E. Perkins, dated April 2, 1929, at Jacksonville, Florida.

A copy of the report of Agent Perkins has been forwarded to United States Attorney Johnson of Chicago, Illinois.

Very truly yours,

Director.

Encl. (1) 92-122-21.

BUREAU FILES DIVISION
MAILED
APR 8 1929
P. M.
DEPT. OF JUSTICE

80

REC:ASS
62-100-21

April 8, 1929.

APR 8

RECORDED

Hon. George E. C. Johnson,
United States Attorney,
Federal Building,
Chicago, Illinois.

Dear Sir:-

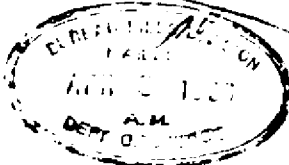
With further reference to the case relating
to Alphonse Capone and Dr. Kenneth Phillips - Contempt
of Court Matter, there is transmitted herewith for your
information, a copy of the report of Special Agent J. J.
Perkins, dated April 8, 1929, at Jacksonville, Florida.

Very truly yours,

Director.

Encl. #185116.
CC Chicago Office
Encl. #185120.

*fast delivery
1/10/29*



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Department of Justice.
OFFICE OF UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF ILLINOIS,
826-833 FEDERAL BUILDING,
CHICAGO.

2

April 10, 1929.

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Washington, D.C.

Dear Sir:

I thank you for your letter of April 8 enclosing
copy of report of your agent at Jacksonville, Florida,
in the Alphonse Capone matter.

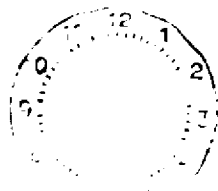
GEQJ:MTH

Yours very respectfully,

[Handwritten Signature]
GEORGE E. JOHNSON,
United States Attorney.

APR 12 1929

69-180-22



RECORDED

APR 13 1929

69-180-22	
BUREAU OF INVESTIGATION	
APR 13 1929 A. M.	
DEPT. OF JUSTICE	
Mr. One	Mr. Two
Mr. Three	Mr. Four

82

REC-30
65-100-25

April 18, 1929.

RECORDED

APR 19 1929

MEMORANDUM FOR MRS. WILBERG,
Assistant Attorney General.

For your information in connection with the investigation concerning Alphonse Capone and Dr. Kenneth Phillips - Contempt of Court Matter, there is transmitted herewith, for your information, a copy of a letter dated April 15, 1929 which the Bureau has received from its Chicago Office.

Very truly yours,

Director.

Enc. #129022

BUREAU FILES DIVISION
MAILED
APR 18 1929
P. M.
U. S. DEPT. OF JUSTICE

83

Department of Justice
Bureau of Investigation

2

Chicago, Illinois
April 15th, 1929

~~CONFIDENTIAL~~

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

RE: ALPHONSE CAPONE,
DR. KENNETH PHILLIPS,
Contempt of Court and
Perjury

Dear Sir:

Reference is made to your confidential letter of March 25th, 1929 and in this connection, immediately upon receipt of your letter, I conferred with United States Attorney Johnson at Chicago. At this time he advised me that at a later date he would request such investigation, if any, as he desired this office to make. I advised him that I would assign a competent Agent whenever request was made of me as to this.

On March 27, 1929, contempt citation was had before U. S. District Judge Charles B. Woodward at Chicago, as against ALPHONSE CAPONE, charging him with contempt as to his action in failing to respond to subpoena served upon him in Florida March 12th, 1929. On this same date Capone was arraigned before the Court and gave bond in the amount of \$5000 for his appearance when called to answer to this charge.

Hearing has not as yet been had in Court as to Capone, and the United States Attorney has made no request upon me for further investigation. For that reason this matter has been held in abeyance, pending such request.

Very truly yours,

J. J. Connelley
J. J. CONNELLEY
Special Agent in Charge

EJC:FEM

cc: U.S. Attorney, Chgo

APR 17 1929

RECORDED

APR 19 1929

69-880-23

BUREAU OF INVESTIGATION

APR 17 1929 A.M.

DEPARTMENT OF JUSTICE

Div. Two

*Memo. Two. Ch. Woodward
4-15-29
84*

Department of Justice

Bureau of Investigation

P.O.Box 32
Jacksonville, Fla.
May 31 , 1929

Director
Bureau of Investigation
Department of Justice
Washington, D. C.

69-180

Dear Sir:-

Please refer to the file on ALPHONSE
CAPONE and KENNETH PHILLIPS, Contempt of
Court and Perjury, the most recent report
on which is the report of Agent J.J.Per-
kins, dated April 3, 1929.

If there is nothing further to be done on
this matter I would like to eliminate it
from my records. May I have your permission
to close the matter?

Very truly yours



George A. Campena
Special Agent in Charge.


GAC:LA

RECORDED & INDEXED

Refer to
6-5-29
JAC

69-180-24

JUN 3	29
FILED	



JUN 8 - 1929

85

REC-75
66-100 - 24

June 5, 1929.

RECORDED

JUN 6 - 1929

Mr. C. A. Campese,
P. O. Box 52,
Jacksonville, Fla.

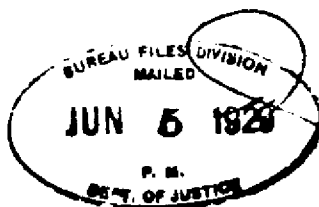
Dear Sir:-

Reference is made to
your letter dated May 21, 1929 relative to
the case entitled: - ALPHONSE CAPONE and
KENNETH PHILLIPS - Contempt of Court and
Perjury Matters.

In this connection,
you are advised that this matter has been
called to the attention of Assistant
Attorney General Willebrandt for suggestions
as to the advisability of presenting the
information obtained during the investigation
to the U. S. Attorney in Florida for his
decision with reference to the perjury angle
in this case.

Very truly yours,

Director.



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MEMO, 28
69-180

June 4, 1929.

MEMORANDUM FOR MR. WILLENBACH,
Assistant Attorney General.

Further reference is made to the case entitled: - ALPHONSE CAPONE and DR. KENNETH PHILLIPS - Contempt of Court and Perjury Matter.

In this connection, the Bureau will be pleased to be advised as to your desires with reference to submitting the facts obtained in this matter to the U.S. Attorney in Florida in connection with the allegations of perjury relating to the statement submitted by Dr. Phillips.

Very truly yours,

Director.

69-180

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69-180-25	
JUN 5 1929	
	FILE

BUREAU FILES DIVISION
MA LEO
JUN 4 1929
P. M.
DEPT. OF JUSTICE

87

REC:JM
69-180

40252

June 15, 1939.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL WILHELMSON:

Attention: Mr. Smith.

In accordance with the request of Mr. Smith of your Division, there is transmitted herewith, for your information, a photostatic copy of a letter dated March 18, 1939 addressed to the Attorney General, for your attention, by U. S. Attorney George E. Q. Johnson of Chicago, Ill., with reference to the case entitled: - ALPHONSE CAPONE and DR. KENNETH PHILLIPS - Contempt of Court and Perjury Matters.

There is also enclosed, a photostatic copy of an affidavit which Dr. Phillips executed in connection with this case.

Very truly yours,

Enc. #126222

Director.

69-180

BUREAU FILES DIVISION
MAY 15 1939
JUN 13 1939
P. M.
DEPT. OF JUSTICE

RECORDED

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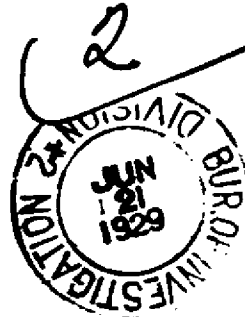
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69-180
BUREAU OF INVESTIGATION
JUN 14 1939 A. M.

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Department of Justice

Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO ILLINOIS



June 19th, 1929

Chicago File: 69-19

~~CONFIDENTIAL~~

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

Dear Sir:

RE: ALPHONSE CAPONE
DR. KENNETH PHILLIPS
Contempt of Court
and Perjury.

With further reference to my letter of April 15th, 1929, no further action has been taken as to the contempt citation as to subject Capone, and it is noted that this subject was recently arrested at Philadelphia, Pa. and charged with carrying concealed weapons, and on this charge he was sentenced and is now serving one year in the County Jail.

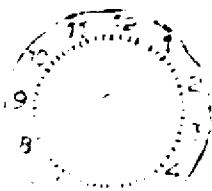
Very truly yours,

E. J. Connelley
E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC U.S. Atty. Chicago.

69-180



Reply 6-24-29
RECORDED
WTC

JUN 25 1929

69-180-27
BUREAU OF INVESTIGATION
JUN 21 1929 A.M.
Div. Two

89

REC-30
66-100-57

June 24, 1929.

RECORDED

JUN 25 1929

Mr. E. E. Connelley,
P. O. Box 1408,
Chicago, Ill.

Re: - Alphonse Capone and
Dr. Kenneth Phillips,
Contempt of Court and
Perjury.

Dear Sir:-

Reference is made
to your letter dated June 19, 1929 relating to
the above entitled matter.

You are advised that
the facts which have been obtained in connection
with the investigation of this case have been
submitted to the Department and it would appear
that no further action is to be taken by the
Bureau until additional instructions are received
or until a time when subject Capone is given a
hearing on the charges of contempt now pending
against him.

Very truly yours,

Director.

BUREAU FILES DIVISION
JUN 24 1929
P. M.
DEPT. OF JUSTICE

90

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

JUN 1929

HW

HW

234121

June 24, 1929.

69 180

2

MEMORANDUM FOR MR. HOOVER
Director, Bureau of Investigation

Receipt is acknowledged of your memorandum dated June 4, 1929, requesting advice as to my desire in reference to submitting the facts obtained in the Alphonse Capone and Dr. Kenneth Phillips contempt of court and perjury matter to the United States Attorney in Florida.

After reviewing the facts as developed and submitted by you in this case, I am of the opinion and respectfully request that they be transmitted to the United States Attorney for his consideration with a view to institution of the criminal proceedings they warrant.

Respectfully,

Malv Walker Millsbrandy
Assistant Attorney General

RECORDED

69-180-28	
BUREAU OF INVESTIGATION	
JUN 25	8 29 A. M.
FEDERAL BUREAU OF INVESTIGATION	

JUN 28 1929

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*Walker
6/27/29*

JUN 28 1929
BUREAU OF INVESTIGATION

REC:MMH
65-150-68

June 27, 1929.

RECORDED

Mr. G. A. Capone,
Post. Box 38,
Jacksonville, Fla.

JUN 28 1929

Dear Sir:

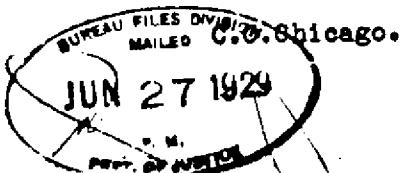
Reference is made to the case concerning MR. KENNETH PHILLIPS and ALPHONSE CAPONE - Contempt of Court and Perjury. In regard to this matter, you are advised that the Bureau is in receipt of a memorandum from Assistant Attorney General Willebrandt requesting that the facts of this case be presented to the United States Attorney in Florida with reference to a possible perjury charge in connection with the affidavit submitted by Dr. Phillips.

The Bureau has received a report that on March 27, 1929, Alphonse Capone was cited for contempt of court before United States District Judge Woodruff at Chicago, Ill., in connection with his having failed to respond to a subpoena served upon him in Florida on March 12, 1929. All the facts relating to this matter should be submitted to the United States Attorney in question for his decision as to further action.

Copies of all further reports relating to this matter showing Jacksonville as the office of origin should be submitted both to the Bureau and to the Chicago office. The United States Attorney at Chicago and the Chicago office have previously been furnished with copies of reports in this matter.

Very truly yours,

Director.



92

REC-76
65-289-89

July 18, 1929.

RECORDED

JUL 19 1929

Mr. H. J. Connelley,
P. O. Box 1488,
Chicago, Ill.

Dear Sir:-

There are enclosed herewith your information, three copies of the report of Special Agent Felix O. Cox, dated July 12, 1929 at Jacksonville Florida relative to the case entitled: - ALFRED GAY and EDWIN PHILLIPS, M. D. - Contempt of Court and etc. One copy of the above mentioned report should be submitted to the U. S. Attorney at Chicago, who should be advised the Department has requested that the facts in this matter be presented to the U. S. Attorney for the Southern District of Florida for his consideration, in view to the institution of such criminal proceedings as the facts may warrant, particularly with reference to the allegations indicating perjury on the part of Phillips.

The Jacksonville Office neglected to send copies of the report to you directed in the Bureau's letter dated July 27

Very truly yours

Wm. J. [unclear]
SA - Jacksonville Office

Director

BUREAU FILE DIVISION
MAILED
JUL 18 1929
P. M.
FEDERAL BUREAU OF INVESTIGATION

93

THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 7-12-29	PERIOD FOR WHICH MADE: 7-11-29	REPORT MADE BY: Felix O. Cox.
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.			CHARACTER OF CASE: CONSPIRACY OF OBSTRUCTION OF JUSTICE PERJURY

SYNOPSIS OF FACTS: SUMMARY REPORT

Val. File 88-9

In this case the Subject Kenneth Phillips, M. D., at Miami, Florida, on the 5th day of March, 1929, made an affidavit stating in brief that he is personally acquainted with Subject Alphonse Capone and that he had been professionally attending the said Capone continuously since January 13, 1929, and that the said Capone was suffering with Broncho Pneumonia Pleurisy and was confined to his bed at his home on Palm Island, from the 13th day of January to the 23rd day of February, 1929, or ten days prior to the date of the affidavit and that it would be dangerous for the said Capone to leave the mild climate of Florida and proceed to the City of Chicago, Illinois; and that his professional opinion was that such a trip would impair the safety of the said Capone and that there would be a grave risk of collapse which might result in his death from recurrent Pneumonia. This affidavit was to be used by the said Capone for the purpose of obtaining a continuance of his response to a Grand Jury subpoena at Chicago, Illinois, and was presented to Judge Wilkerson of the United States District Court at Chicago for that purpose. The time covered by this affidavit namely from January 13, 1929 to ten days prior to March 5, 1929, the said Alphonse Capone was not sick nor confined to his bed as is sworn to be a fact by the said Kenneth Phillips, M. D., but was well, strong and able to be about in his usual manner, and therefore the affidavit is wholly false and without foundation.

The witnesses for the Government in this investigation, each of whom made an affidavit as to what he would swear to are as follows:

- (1) SIDNEY JOSEPH NEWCOMB, 3346 S. W. 24th Street, Miami, Florida, will testify that he was employed by the Miami Jockey Club at Hialeah, Florida, during the racing season of 1927 and 1928; that on January 17, 1929, Alphonse Capone was

APPROVED AND FORWARDED:

J.P. Sub, atty
Special Agent in Charge
7-18-29

DO NOT WRITE IN THESE SPACES

COPIES OF THIS REPORT FURNISHED TO:

6 Bureau

4 Jacksonville

69-180-29
 JUL 15 1929 A.M.

DEPARTMENT OF JUSTICE

ROUTED TO: Div. Two

RECORDED AND INDEXED:

JUL 18 1929

CHECKED OFF: JUL 19 1929

JACKETED:

F

present as a spectator at the race track at Hialeah, Florida; that he personally saw him thirty different times between the 17th day of January, being the day the races opened and the first day of March, 1929.

(2) JOSEPH JENKINS, for the past six years connected with the Miami Police Department, will testify that he saw Al Capone at the Hialeah Race Track, Hialeah, Florida, by the name of Scarboro, Miami Police Officer, and that he frequently springs the wire during the racing season.

(3) W. B. WOOD, Police Officer of Hialeah, Florida, will testify that he was assigned to duty at the Hialeah Race Track, Hialeah, Florida, from January 17, 1929, to March 13, 1929, and that a man was pointed out to him as Al Capone, who he was told was Al Capone, and that he personally observed this man in the hot seat every Wednesday, Friday and Saturday during the continuation of the racing season.

(4) C. E. BREWER, Police Officer, Hialeah, Florida, will testify that he observed a man who had been pointed out to him as Al Capone, sitting in the hot seat as a spectator at the races at Hialeah, Florida, approximately twenty times during the racing season in 1929, which began January 17, 1929, and ended March 13, 1929.

(5) W. R. RUSTEN, Police Officer of Hialeah, Florida, will testify that he was assigned to duty at the Hialeah Race Track on January 17, 1929, and did continuous duty there until February 1, 1929, that he saw Al Capone at least every other day at the Hialeah race track during the time that he was assigned to duty there; that on February 15, 1929, he did continuous duty until the day of the closing of the races, March 13, 1929, and that he saw Al Capone at least every other day between February 15th and March 13th, 1929, as a spectator at the races.

(6) J. M. CORONAS, Police Officer, Hialeah, Florida, will testify that he did continuous duty at the horse races at Hialeah, Florida, from January 17, 1929 to March 13, 1929; that on January 18, 1929, the second day of the races, he observed Al Capone at the race track, and from that date up to and including March 13, 1929, the day the races closed, he observed the said Capone at least twenty-four different times at the races; that between February 1, and February 15, 1929, he observed the said Capone at the races at least thirteen different times; that he knows the said Capone and remembers Al Capone as being the man who was parking automobiles in front of the race track and that Capone gave him a \$10.00 tip and that he saw Al Capone at the races at least twenty-four times; that at first Capone looked toward the end of the track, but later on he looked toward the end of the track.

(7) ROBERT R. TAYLOR, JR., County Solicitor for Bada County, Florida, will testify that on February 14, 1929 at 12:30 P. M., he in company with Louis Goldstein Assistant District Attorney for Kings County, New York, talked to Al Capone

in the office of County Solicitor in the Court House at Miami, Florida, for two hours and that from all appearances the said Capone was in perfect health.

(8) RUTH GASKIN, Stenographer in the office of County Solicitor, Dade County, will corroborate Mr. Taylor's testimony.

(9) CAPTAIN WILLIAM F. ... vessel filed between the Port of Miami ... the Northland left ... clearly identify Al Capone ... health and apparently enjoying ... Al Capone and his party ... of Nassau, Bahamas ... once during the return trip, but that he appeared to be in perfect health.

(10) JOHN WILLIAM COOPER, JR., who resides at 408 Ocean Drive, Miami, Florida, will testify that he is District Traveling Passenger Agent for the Hanson Steamship Lines, at Miami, Florida, which operates the Steamship New Northland plying between the Port of Miami and the Port of Nassau, Bahama; that on February 5, 1929, he was at the Municipal Pier #3, Miami, Florida, watching passengers boarding the said steamship; that among the passengers boarding the vessel that date was Al Capone, his brother Alfred Capone, Ben Phillips and others; that he personally saw the said Capone board the ship that day and saw Capone stand on the deck of the Northland as it left the Port of Miami.

(11) EDWARD WINDMILLER, who resides at 1442 N. W. Bayshore Drive, Miami, Florida, will testify that he is pilot for the Curtiss Flying Service of Miami, Florida; that on February 5, 1929 he piloted Seaplane BU 6815 from Miami, Florida, to Nassau, Bahama, carrying Al Capone, E. N. Clark, W. C. Cioffalo and P. L. DeMauro, arriving about 2:00 P.M., the same day; that this Al Capone is the same person that owns a residence at Palm Island, Miami Beach, and he appeared to be in perfect health.

(12) W. E. EYSTER, Assistant District Director, Immigration Service, Jacksonville, Florida, can produce the records of the Port of Miami for February 1929, which will reflect:

Out-bound manifest records show that the American Seaplane BU 6815 departed from Miami, Fla., for Nassau, Bahama, February 5, 1929, leaving on board Al Capone, E. N. Clark, W. C. Cioffalo and Philip DeMauro.

In-bound manifest records will disclose that on the same day the same passengers were returned to Miami, Florida, aboard the same ship. Further, that out-bound Steamship New Northland, Voyage 51, departed from the Port of Miami for Nassau, Bahama on

96

February 8, 1929, having as passengers, among others,
Al Capone, Albert Capone, Philip DeAndrea, Fred Girton,
Wen Phillips, ^{and} William McCabe.

In-bound manifest, S.S. "New Northland" departed from
Boston, Mass., on February 12, 1929, and the
of Miami on February 23, 1929, and
the same party above listed.

Alphonse Capone, Subject of this investigation,
Capone commonly known as "Scar Face", the
report is such that it is believed he
the United States. To say the least, he
in this case does not attempt to set forth
criminal record of Subject Capone.

Nothing is shown in the record in regard to a
record of the Subject Kenneth Phillips, M. D.

ENC. 2
62-126-99

July 12, 1929.

RECORDED

MEMORANDUM FOR THE ASSISTANT ATTORNEY GENERAL IN CHARGE
OF PROMISES.

Attention: Mr. Smith.

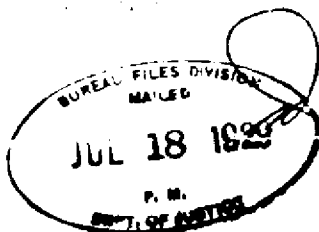
With reference to your memorandum dated June 24, 1929 relating to the case entitled: - ALFONSO GARCIA and KENNETH PHILLIPS, M. D. - Contempt of Court and Perjury Matters, there is enclosed herewith, for your information, a copy of a report of Special Agent Felix S. Cox, dated July 12, 1929 at Jacksonville, Florida.

A copy of the report in question has been submitted to the U. S. Attorney for the Southern District of Florida for such action as may appear to be appropriate.

Very truly yours,

Enc. (12693)

Director.



69-180

POST OFFICE BOX 1468
CHICAGO, ILLINOIS

Mr. George E. Q. Johnson,
United States Attorney
Federal Building,
Chicago, Illinois.

ALPHONSE CAPONE
DR. EDWIN PHILLIPS, M.D.
Court of Court and
Perjury.

Dear Sirs:

There is enclosed herewith to you summary report
of Agent Cox, Jacksonville, Fla. dated July 18th, 1929, in the
above entitled matter.

In connection with this report our Bureau advises
that the Department has requested that the facts in this matter
be presented to the United States Attorney for the Southern
District of Florida for his consideration, with a view of
instituting such criminal proceedings as the facts may warrant,
particularly with reference to the allegation indicating
Perjury on the part of Doctor Phillips.

As previously indicated subject Alphonse Capone
is now serving a one year sentence imposed in the local courts
at Philadelphia in connection with his arrest there for carry-
ing concealed weapons.

Very truly yours,

RECORDED

E. J. CONNELLEY,
Special Agent in Charge

69-180-38

EJC:JMS

Director
CC Jacksonville

JUL 27 1929

BUREAU OF INVESTIGATION	
JUL 25 1929 A. M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

99

Department of Justice

Bureau of Investigation
POST OFFICE BOX 1405
CHICAGO, ILLINOIS

69-180-31
JUL 31 1929
BUREAU OF INVESTIGATION

July 29th, 1929
Chicago File: 89-19

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

RE: ALPHONSE CAPONE
DR. MURKIN PHILLIPS
Contempt of Court and
Perjury.

Dear Sir:

As instructed in your letter of July 18th, 1929, copy of summary report of Agent Cox, Jacksonville, Florida, dated July 12th, 1929, in the above entitled matter, was submitted to the United States Attorney at Chicago, together with the information as directed in your letter, and in acknowledging receipt of same the United States Attorney at Chicago advises as per copy of letter attached hereto.

Very truly yours,

E. J. Connelley
E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

1 Encl
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6 S.S.
att. case
att. ch. 16
3-24
AUG 5 - 1929
JUL 31 1929
Copy sent.

RECORDED

69-180-31
BUREAU OF INVESTIGATION
JUL 31 '29 A.M.
DEPARTMENT OF JUSTICE
Div. Two

100

(COPY)

UNITED STATES ATTORNEY

Northern District of Illinois

Chicago

July 21, 1934

ALFRED CAPONE
DR. ROBERT PHILLIPS
Contempt of Court and Bribery

Mr. E. J. Connelley

Special Agent in Charge,

Chicago, Illinois.

Dear Sir:

In the above matter, I am writing the Attorney General today asking that the United States Attorney at Miami, Florida, be requested not to proceed in the matter.

There is a criminal information for contempt pending here, which I expect to try some time during the fall or as soon as Capone is released from jail, and there is another criminal investigation pending. I shall expect to use Dr. Phillips as a witness and I am asking that the entire matter be deferred until we are ready to proceed here.

Yours very respectfully

(Signed) GEORGE E. Q. JOHNSON
United States Attorney.

GEQJ:MEH

69-180-31

101

P. O. Box 24

Parksville, Tenn.

Mr. E. J. Connelley
P. O. Box 1808
Chicago, Ill.

RE: ALPHONSE CAPONE ; ST. JOSEPH PHILLIPS
CONSPIRACY OF COURTS; PERJURY

Dear Sir:

It will be appreciated if you will advise this office, for the information of the U. S. Attorney in this district, as to the status of the prosecution at Chicago, Ill. involving these subjects.

Very truly yours,

J. P. MacFarland
Special Agent in Charge

JPM:CB

cc: Director

69-150
BUREAU OF INVESTIGATION
JAN 24 1933 A. M.
DEPARTMENT OF JUSTICE

[Handwritten signature]

REC-36
62-100-51

August 3, 1929.

RECORDED

**MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL IN CHARGE
OF PROHIBITION.**

Attention: Mr. Nathan

AUG 5 - 1929

Further reference is made to the case
entitled: - ALPHONSE GAYONE and DR. HERBERT
PHILLIPS - Contempt of Court and Perjury.

In this connection, there is trans-
mitted herewith, for your information, a copy
of a letter addressed to the Chicago Office of
this Bureau by U. S. Attorney Johnson of
Chicago, Ill., relative to the action which
you requested in referring the facts of this
matter to the U. S. Attorney at Miami, Florida
for the latter's decision as to further action.

Very truly yours,

Enc. #106555

Director.

BUREAU FILES DIVISION
MAILED
AUG 8 1929
P. M.
RECEIVED

103

U. S. Department of Justice
Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS

69-180
JAN 27 1930

January 25th, 1930

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

Chicago File: 69-19

RE: ALPHONSE CAPONE;
Dr. KENNETH PHILLIPS
Contempt of Court.
Perjury.

Dear Sir:

On January 24th, 1930, I conferred with Mr. George E. Q. Johnson, United States Attorney at Chicago, Ill. as to the present status of the case against Alphonse Capone, and he advised that upon the release of this party from the jail at Philadelphia, Pa. which is expected about May, 1930, he will be granted such time as necessary to appear at Chicago under the prior bond of \$5000.00, and that further action in this matter will be deferred until such time.

Very truly yours,

E. J. Connelley
E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

*Mr. Youngquist
1/20/30
EJC*

RECORDED

JAN 31 1930

69-180-32
JAN 27 1930
DIA. FILE

104

377:70
89-180-82

January 30, 1930.

RECORDED

JAN 31 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST.

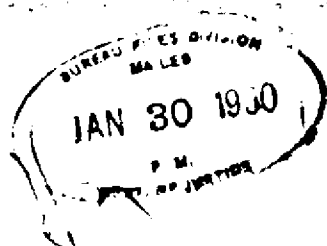
With further reference to the case entitled: - ALFRED CAPORE, SR. KENNETH PHILLIPS, -Contempt of Court, Perjury, there is transmitted herewith, a copy of a letter dated January 25, 1930, which the Bureau has received from the Agent in Charge of the Chicago Office.

Very truly yours,

Director.

Enc. 452336

JM



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STV:AM
68-159-24

March 27, 1930

RECORDED
MAR 28 1930

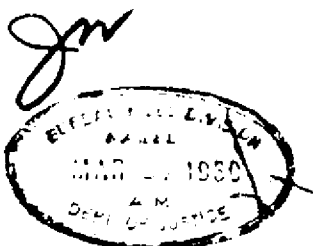
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST

With further reference to the case entitled ALFONSE CAPONE, DR. KENNETH PHILLIPS, Contempt of Court, Perjury, there is attached hereto for your information a copy of a letter dated March 20, 1930 which the Bureau has received from the Chicago office.

Very truly yours,

Director.

Inc. 488718.





69-180

U. S. Department of Justice
Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS

March 20th, 1930

Chicago File 69-19

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

RE: ALPHONSE CAPONE
Dr. Kenneth Phillips,
CONTEMPT OF COURT
PERJURY.

Dear Sir:

Subject ALPHONSE CAPONE was released from jail at Philadelphia, Pa. March 17th, 1930, after serving ten months sentence there in connection with charge of carrying concealed weapons.

Mr. George E. Q. Johnson, United States Attorney at Chicago advises me that the case as to subject is awaiting disposition at Chicago and that same will have attention in the near future as to possible prosecution of Capone for his activities in this matter.

Very truly yours,

E. J. Connelley
E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

69-180-33

MAR 28 1930

MAR 27 1930 107

*copy to
Youngquist
3/27/30*

Mr. Tice

JW

MM:JC

April 9, 1930.

MEMORANDUM FOR THE DIRECTOR:

R. W. Johnson, messenger applicant.

Mr. Stovall, Special Agent applicant has no appointment.

Mr. Chase called on the telephone. Stated the Attorney General was inquiring whether we were or had been investigating Dapone. Was told of the nature of the Bureau's investigation initiated over a year ago at the request of Mrs. Willibrand, with regard to a contempt proceedings and that Attorney Johnson possessed all of the facts. Was permitted to read file.

Very truly yours,

H. H. Van.

69-180

69-180-34	
BUREAU OF INVESTIGATION	
APR 12 1930 P. M.	
DEPT. OF JUSTICE	
Dist. One	FILE

RECORDED & INDEXED

APR 14 1930

41-94

62-2003

23-4434

6-18103

67-8700-618

RECORDED

MAN: MCF
69-180-88

April 17, 1930.

APR 19 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST

With further reference to the case entitled ALPHONSE CAPONE, KENNETH PHILLIPS, N. D., CONTEMPT OF COURT, PERJURY, there is attached hereto for your information a copy of a report of Special Agent in Charge J. P. MacFarland, dated April 11, 1930, at Jacksonville, Fla.

Very truly yours,

Director.

Incl. #767113.

BUREAU FILE

JW
MCF

Alph
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THIS CASE ORIGINATED AT

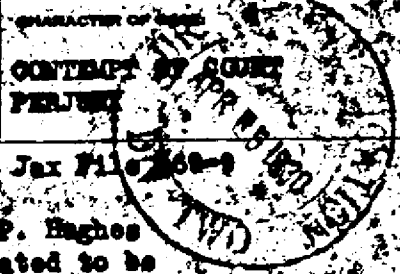
Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: Apr. 11, 1930	PERIOD FOR WHICH MADE: Apr. 9, 1930	REPORT MADE BY: J. P. MacFarland
---------------------------------------	----------------------------------	--	-------------------------------------

TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.	CHARACTER OF CASE: CONTRACT BY COURT PERJURY
--	--

SYNOPSIS OF FACTS:

United States Attorney W. P. Hughes advises no action contemplated to be taken in this matter until case pending against Subject Capone at Chicago, Ill., is finally disposed of.



69-180

DETAILS:

On April 9, 1930 the writer conferred with United States Attorney W. P. Hughes at Jacksonville, Florida, relative to what prosecutive action he contemplates instituting in this matter. Mr. Hughes stated that no action will be taken in this district until the case pending against Subject Capone at Chicago, Ill., is brought to trial.

PENDING

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>J. P. MacFarland</i> SPECIAL AGENT IN CHARGE	69-180-35 BUREAU OF INVESTIGATION APR 14 10:00 A.M. DEPARTMENT OF JUSTICE	RECORDED AND INDEXED: APR 15 1930 CHECKED OFF: APR 19 1930 JACKETED:
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 2 Chicago 3 Jacksonville (1, U. S. Atty. Jax.) ML	ROUTED TO: Div. Two	

110

JJW:AMP
69-180-

May 2, 1930.

Mr. C. I. Keep,
P. O. Box 987,
Pittsburgh, Pa.

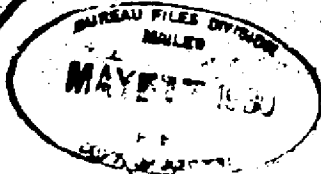
Dear Sir:

Reference is made to your letter of
March 20, 1930, relative to the case entitled
ALFONSO CAPONE, DR. KENNETH CHILLERS, CONVINCE
OF COURT, FURNERY, concerning which it is sug-
gested that you again confer with the U. S. At-
torney at Chicago for the purpose of ascertaining
if possible what disposition is to be made of
this matter.

Very truly yours,

Director

RECORDED



69-180-36	
BUREAU OF INVESTIGATION	
MAY 8 1930	
DEPARTMENT OF JUSTICE	
	FILE

111

P. O. Box 227,
Pittsburgh, Penna.

MAY 5, 1930.

Mr. E. J. Connelley,
P. O. Box 1428,
Chicago, Ill.

Dear Sir:

I am transmitting herewith a letter signed by the Director, which was evidently intended for your office, as it is requested that the matter be taken up with the U. S. Attorney at Chicago. The letter reads:

May 1, 1930.

Reference is made to your letter of March 20, 1930, relative to the case entitled ALFRED DIAPONE, JR. KENNETH PHILLIPS, CONTEST OF COURT, PERJURY, concerning which it is suggested that you again confer with the U. S. Attorney at Chicago for the purpose of ascertaining if possible what disposition is to be made of this matter.

The Pittsburgh office has no file in this matter.

Very truly yours,

(Signed) C. L. Keop.

C. L. Keop,
Special Agent in Charge.

CC Bureau ✓

69180

BUREAU OF INVESTIGATION

MAY 5 930 A. M.

DI

[Handwritten signature]

112

April 24, 1936.

MEMORANDUM FOR THE DIRECTOR

RE: AL CAPONE

The files of the National Division of Identification and Information reveal that the above named individual was arrested May 17, 1929, at Phila., Penna., as being a suspicious character and was charged with carrying concealed deadly weapons. He was sentenced the same date to serve one year in the Eastern State Penitentiary. At that time his birthplace was given as New York City, his age, 38 and his occupation, leather-cutter. The records contain the notation that he had been arrested at New York and Chicago respectively on suspicion of murder. However, the dates of the above arrests or other data were not given. A letter in the Bureau's files indicated that Al Capone on or about January 19, 1934, under the alias of SCARFACED AL BROWN was arrested and charged with homicide in Brooklyn, New York, at which time he was released on bond.

In April, 1928, an investigation was conducted at the request of the United States Attorney for the Southern District of New York for the purpose of locating one, A. J. CAPONE, whose presence was desired at New York City in the case entitled U.S. VS. HENSON, ETAL. Capone was located in Chicago and appeared a witness in the above proceeding. On August 29, 1934, Capone was located by agents of the Chicago office of the Bureau, it being stated at that time he was wanted as a witness in a civil suit which the Government brought for damage to a mail truck. This investigation was instituted at the request of the United States Attorney in that City. It was reported in December, 1928, that Capone, JOHN TORRES and one ROGEE VANILLA had purchased a tract of land at Clearwater, Florida, for \$125,000.

An affidavit was presented to Federal Judge Willmore, March 18, 1929, at Chicago, Illinois, sworn to before United States Commissioner Spittler at Miami, Florida, by Dr. ROBERT PHILLIPS to the effect that Capone for six weeks subsequent to January 18, 1929, had been confined to his bed at Miami because of illness and, consequently, was unable to respond to a Grand Jury subpoena issued for him from the Federal Court at Chicago. The United States Attorney doubted the truth of the affidavit submitted and referred the matter to the Department. Subsequently, the Bureau was requested by the former Assistant Attorney General in charge of Prohibition to conduct an investigation of the matter, which disclosed that the affidavit submitted over the signature of Dr. Phillips was not true as Capone during the time indicated in the affidavit, had attended several sporting events at Miami and was otherwise actively engaged. A citation for contempt was issued against him in Chicago on March 27, 1929,

Returned copy in 62-23731-6

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69-180

at which time he was placed under arrest and his bond fixed at \$5,000. Having furnished the bond, he was released.

Under date of March 30, 1930, the United States Attorney at Chicago advised that he contemplated making appropriate disposition of the contempt proceedings in the very near future. The institution of prosecutive action in the Florida District has been suspended, pending the outcome of the contempt proceedings in Chicago.

In January, 1930, a statement was obtained from one WALKER GRIFFITH, an employe of the Burns Detective Agency at Chicago to the effect that in April, 1929, he accompanied Sergeant WALTER CONROY of the Police Department of that City on several evenings when the latter visited various speakeasies and houses of ill-repute for the purpose of collecting money and soliciting votes for one R. P. HALE, a candidate for an office in Chicago. Conroy was very abusive of his victims and according to Griffith, obtained on one evening approximately \$3,500. Griffith stated that Conroy informed him that he was a lieutenant of Al Capone who was telling him what to do. The above information appears in a report dated January 18, 1930, at Chicago, in the case entitled R. P. HALE, ET AL., CONSPIRACY TO VIOLATE THE NATIONAL PROHIBITION ACT, a copy of which was furnished the United States Attorney at South Bend, Indiana.

Respectfully,

J. J. Waters.

114

JEH:MO'B

January 19, 1931.

MEMORANDUM FOR MR. BATHAN.

Assistant Attorney General Dodds has expressed a desire to confer with Special Agent in Charge Dunn of our Chicago office relative to the investigation of the purchase of Post Offices in Indiana, the prosecution of which has recently been taken over by Mr. Jeffrey, the United States Attorney at Indianapolis. I told Mr. Dodds that I would have arrangements made to bring Mr. Dunn in to Washington as soon as possible but I did not believe it would be desirable to bring him in before the latter part of this week for the reason that I understood that the prosecution of Al Capone for contempt would be instituted in Chicago this morning, provided United States Attorney Johnson does not have some more of the more or less continuous postponements that have been permitted in this case.

I wish that you would keep in touch with this matter and, as soon as Mr. Dunn can come to Washington, order him here for conference with Mr. Dodds.

Very truly yours,

Director.

BUREAU FILES DIVISION
MAILED
JAN 19 1931
U. S. DEPT. OF JUSTICE

NOT RECORDED

69-180

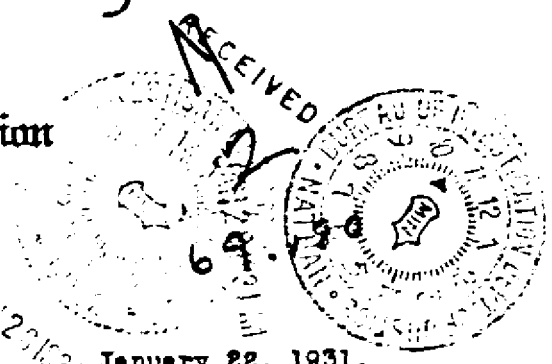
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69-22003

100

U. S. Department of Justice

Bureau of Investigation

P. O. Box No. 1405,
CHICAGO, ILL.



January 22, 1931.



Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

RE: ALPHONSE CAPONE,
KENNETH PHILLIPS, M. D.,
CONTEMPT OF COURT - PERJURY.

Dear Sir:-

JAN 24 1931

As you know the above captioned matter was set for a hearing before Federal Judge James H. Wilkerson on the 19th instant, which date had been previously set as a firm trial date in this matter.

On the 19th instant Federal Judge Wilkerson continued the matter indefinitely because of the crowded condition of his court calendar.

I conferred with Federal Judge Wilkerson on the 19th instant relative this matter and was advised by him that two important and lengthy civil matters have precedence on his calendar and that because of that fact it was not possible to proceed with the instant matter on the 19th instant. In this connection Federal Judge Wilkerson informed me that he has a definite understanding with the attorneys representing Defendant Capone that the instant case is subject to call on forty-eight hours notice at the first opportunity which may afford itself during the pendency of the two civil matters which have priority on the calendar.

I have endeavored to keep in touch with the situation from day to day in order that this office might be on notice as to the probable trial date. My latest advice, obtained this morning, is that Judge Wilkerson is now confined to his home by illness and that it is extremely doubtful if he will be able to visit his office during the present week. The Secretary of Judge Wilkerson tells me, even though the Judge is able to visit his office during the present week it is a certainty that he will not attempt to hear any matters whatsoever.

69-180-49

Send a copy to the a.g.
1/24/31 J. E. H.

JAN 27 1931

cc Atty Gen 1/29/31

Mr. Nathan
U.S. DEPT. OF JUSTICE
T.F.B.

161

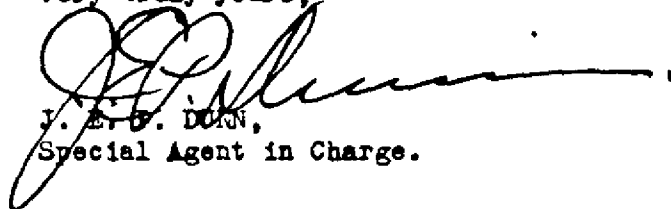
- 2 -

It appears certain, therefore, that this case cannot be called this week and it is apparently not possible at this time to ascertain within any degree of accuracy the date upon which it may be called, since it is probable that when Federal Judge Wilkerson is able to resume his duties the civil matters which have been held in abeyance will claim the major portion of his time over a considerable period.

In conference with Assistant to the Attorney General Froelich today, the latter expressed the opinion that there seems to be no possibility of the instant matter coming to trial within the next ten days and possibly not for a longer period.

I have effected arrangements whereby this office will be promptly informed of developments in this matter.

Very truly yours,



J. E. G. DOWN,
Special Agent in Charge.

JEPD-mk
69-19.

cc-Jacksonville.

165

WFD:MD
60-180-48

RECORDED

January 29, 1931

JAN 31 1931

MEMORANDUM FOR THE ATTORNEY GENERAL

As of probable interest to you in connection with the case involving ALPHONSE CAPONE - CONTEMPT OF COURT, Chicago, Illinois, I am attaching hereto copy of a letter received by me from the Special Agent in Charge of the Chicago office of the Bureau of Investigation.

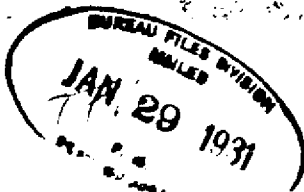
It will be noted in this letter that a definite trial date for the hearing in the case against Capone has not been set, the case having been continued indefinitely from January 19, 1931.

I have been subsequently advised by the Special Agent in Charge of the Chicago office that the continuance granted to the defendant Capone was subject to termination on forty-eight hours' notice and that while the definite date for the trial has not been set, it will probably be designated for a date within the next ten or fifteen days.

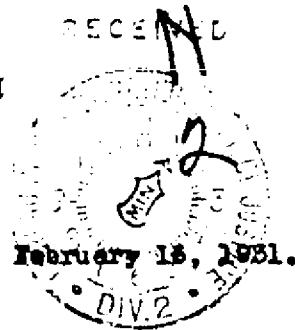
Respectfully,

Director.

Enc. 456280



U. S. Department of Justice
Bureau of Investigation
P.O. Box 1405,
Chicago, Ill.



FEB 20 1931 PM

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

69 -

Dear Sir:

Re: ALPHONSE CAPONE et al
CONTEMPT OF COURT; PERJURY

180

Inquiries made today in the court of Federal Judge Wilkerson with respect to the probable date upon which the instant matter may be heard develop the following information:

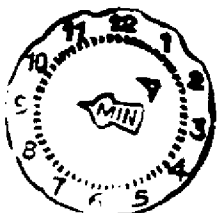
Attorneys for the defendant have filed a motion to quash, alleging a technical defect in the information filed against Subject. District Judge Wilkerson has assigned the 19th instant for hearing of the arguments on the motion to quash.

District Judge Wilkerson has indicated that in the event the motion of the defendant's attorneys is over-ruled, this matter will be heard on the 25th instant and states in this connection that counsel for the defendant have agreed to produce their client in court in the event the matter comes on for hearing on February 25.

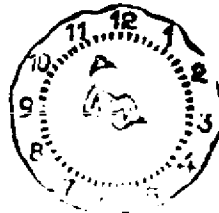
This office will continue to keep the Bureau advised as to developments in this case.

Very truly yours,

J. E. P. Dunn
J. E. P. DUNN,
Special Agent in Charge.



JEPD/EC
69-19



FEB 24 1931

RECORDED

FEB 24 1931

FEB 19 1931

69-180-150
BUREAU OF INVESTIGATION
FEB 18 1931 A.M.
Nathan
FILE

P. O. Box 22,
Jacksonville, Florida
February 2, 1934.

Special Agent in Charge,
Bureau of Investigation,
P. O. Box 1408,
Chicago, Illinois.

Dear Sir:

RE: ALFRED J. GAYNE;
KENNETH PHILLIPS, N. D.;
Contempt of Court, Federal.

Reference is respectfully made to your letter of the
5th ultimo in the above styled matter.

Please be advised that on the occasion of the recent
visit of United States Attorney George E. Q. Johnson
at Miami and Miami Beach, Florida, he contacted, at
Miami, Special Agent B. L. Dameron of the Jacksonville
office who cooperated with Mr. Johnson in the location
and interview of the desired witnesses and also assisted
the Marshal in the service of the subpoenas designated
by Mr. Johnson.

In the event further investigation or action is desired
in this district, you may so advise and the same will
receive prompt attention.

Very truly yours,

Harold E. Anderson,
Acting Special Agent in Charge.

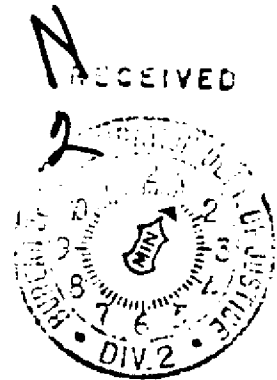
ELD:SLM
Jax File #69-9
cc Director ✓

69 180

Dis. File

T. J. J.

U. S. Department of Justice
Bureau of Investigation
POST OFFICE BOX 1405
CHICAGO, ILLINOIS



February 17th, 5 58 PM 1931

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

RE: ALPHONSE CAPONE
KENNETH PHILLIPS, M.D.
CONTEMPT OF COURT;
PERJURY.

Dear Sir:

There is transmitted herewith for your information, newspaper clipping taken from the February 16th, 1931 issue of the Chicago Evening American, relative to the above named subject.

69-180

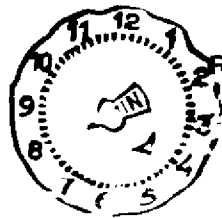
Very truly yours,

E. P. DURN,
Special Agent in Charge.

RGH:JMS

69-19

Handwritten notes:
1. [unclear]
2. [unclear]
3. [unclear]



RECORDED & INDEXED

FEB 24 1931

FEB 19 1931

69-180-51	
BUREAU OF INVESTIGATION	
FEB 19 1931 A. M.	
U. S. DEPARTMENT OF JUSTICE	
Mr. One	FILE
Mr. Nathan	
Mr. Two	

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Chicago Evening
American
MONDAY, FEBRUARY 16, 1931

CAPONE FACES U. S. TRIAL FEB. 25

Al Capone, czar of Chicago gangland, must face Federal Judge James H. Wilkerson one week from Wednesday in the contempt proceedings brought against him, unless the court sustains the motion of defense attorneys to quash the proceedings.

Arguments on the motion to quash were begun today and will be heard again Thursday morning. If the court overrules the motion, Judge Wilkerson said, the hearing will begin February 25. Attorneys William F. Waugh and Benjamin F. Epstein are pressing the motion, with Assistant District Attorneys Jacob I. Grossman and Daniel Anderson opposing it.

The contempt proceedings grew out of Capone's failure to appear in Federal Court here in answer to a subpoena when he was in Florida about two years ago. He claimed sickness prevented him from appearing on the day specified, but made an appearance six days later. The government charges that, despite his claim of sickness, Capone was seen attending the races in Florida at the time.

A question over the pronunciation of Capone's name arose in court today, with Judge Wilkerson requesting that it be settled before he went further with the case.

Attorney Epstein and Prosecutor Anderson had been referring to him as though the final letter in the name was sounded, to rhyme with Tony, but Attorney Waugh had pronounced his client's name Capone—rhyming with stone. When the judge asked that pronunciation of the name be settled, Attorney Waugh informed him that the way in which he had been pronouncing was correct.

Form No. 1

THIS CASE ORIGINATED AT **JACKSONVILLE, FLA.**



REPORT MADE AT Chicago, Illinois	DATE WHEN MADE Feb. 20, 1931	PERIOD FOR WHICH MADE Feb. 17, 1931	REPORT MADE BY T. F. Mullen
TITLE ALPHONSE CAPONE KENNETH PHILLIPS, N. D.		CHARACTER OF CASE CRIME - RACKETEERING	

SYNOPSIS OF FACTS:

On date February 17, 1931, attorneys representing Subject Capone appeared before Federal Judge Jas. H. Wilkerson, Chicago, the set Thursday, February 19, 1931 as the date to hear arguments on motion of the attorneys for Subject Capone to quash the information. Federal Judge Wilkerson also set February 25, 1931 as the date for Subject Capone to show cause in case the motion of Subject's attorneys is overruled. Motion to dismiss information and quash warrant of arrest overruled.

- P -

REFERENCE:

Report of Special Agent T. F. Mullen, Chicago, Ill., dated November 8, 1930.

DETAILS:

DETAILS

On February 17, 1931 the above subject matter was called before Federal Judge Jas. H. Wilkerson, Chicago, for the purpose of again setting a date for a hearing of this case. On the motion filed by Epstein and Naugh, attorneys for Subject Capone, to quash the information filed by the United States Attorney against Subject Capone, Judge Wilkerson set February 19, 1931 as the date for the hearing on the motion. On February 25, 1931 as the date upon which Subject Capone should show cause as to why he should not be held in custody until the latter date for the appearance of Subject Capone. The Federal Judge Wilkerson overruled the motion of Subject Capone's attorneys, Attorneys Epstein and Naugh, and ordered that if necessary

APPROVED AND FORWARDED 	SPECIAL AGENT IN CHARGE	69-180-52	RECORDED AND INDEXED FEB 26 1931
COPIES OF THIS REPORT FURNISHED TO: 2- Bureau 2- Jacksonville 1- U. S. Atty. Chicago, Ill. 2- Chicago		BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE FEB 24 1931 AM	CHECKED OFF: MAR 2 1931 JACKETED
ROUTED TO:		FILE	

for them to show cause on February 25th why they shall have Subject present in the courtroom on that date.

On February 19, 1931 motion to dismiss the indictment and quash warrant of arrest against Subject Capone was evaluated by Federal Judge Wilkerson and the date for hearing of this matter set for February 25, 1931.

Special Agent O. G. Dewey conferred with Assistant U. S. Attorney Grossman who advised that subpoenas for the necessary witnesses have been forwarded to the U. S. Marshal at Jacksonville, Florida and that he is directing a communication to the Jacksonville Bureau Office requesting that an agent aid the U. S. Marshal in serving these subpoenas and seeing that the various witnesses are started on their way to Chicago.

UNDEVELOPED LEAD.

CHICAGO OFFICE will keep in touch with Assistant U. S. Attorney Grossman as to any action he desires taken regarding this matter and to cover hearing of this case on Feb. 25, 1931.

PENDING

RECEIVED

P. O. Box No. 1405,
CHICAGO, ILL.



Special Agent in Charge,
Bureau of Investigation,
Box 38,
Jacksonville, Fla.

RE: ALPHONSE CAPONE,
ROBERTA PHILLIPS, N.A.,
Contempt of Court-Perjury.

Dear Sir:

With reference to your communication of the 20th

instant concerning the above entitled case, you are advised that
the report of Special Agent T. F. Malloy, dated February 20, 1931
records information concerning the present status of this matter.
The date for hearing in this case has been set for February 20,
1931 at Chicago, Illinois.

Very truly yours,

R. O. HARVEY,
Acting Special Agent in Charge.

RCH-ak

cc Bureau

69-19

69-180
BUREAU OF INVESTIGATION
FEB 23 1931
Div. Three

5

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P. O. Box 22,
Jacksonville, Florida,
February 20, 1934.

Special Agent in Charge,
Bureau of Investigation,
P. O. Box 1408,
Chicago, Illinois.

Dear Sir:

RE: ALFRED CARSON;
KIMBETH WILLIAMS, M. D.;
Contempt of Court, Federal.

Referring to your letter of January 24, 1934, under
above caption, addressed to the Director, I will
appreciate advice if any further action has been
taken toward disposing of this matter.

Very truly yours,

Louis De Nettis,
Special Agent in Charge.

DLH:ELH
Fax File #09-0
cc Director

69-180

F.B.I.

Use This

Handwritten initials and the number 171.

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DL	Day Letter
NL	Night Letter
DL	Deferred Letter
NLT	Cable Night Letter
WLT	Week-end Letter

1931 FEB 25 PM 7 34

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CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

Received at 708 14th St., N. W. Washington, D. C. ALWAYS OPEN

CB116 22 GOVT-CHICAGO ILL 25 620P

DIRECTOR, BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE WASHINGTON DC

RE ALPHONSE CAPONE ET AL CONTEMPT OF COURT SUBJECT APPEARED
FOR TRIAL TODAY MATTER TO BE DISPOSED OF BY TOMORROW WILL
ADVISE
HARVEY ACTING.



FEB 26 1930

RECORDED

69-180-

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Natbrn

FEB 26 1931

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

N-1115
MA

Capone Real Mayor Here, Editors of Vienna Say

BY JOHN GUNTHER.
SPECIAL CABLE

To The Chicago Daily News From the
Gesellschaft, Vienna, Austria, Feb. 25.—Al
Capone is the real mayor of Chi-
cago today, say writers
editor, commenting vigorously &
belatedly on what they call "Chi-
cago's 'bloody polling' and
the presence of the redoubtable
al in open court fight on the
back of Mayor William Hale
Thompson's victory seems to
these commentators at their safe
distance of 1,000 miles, to prove
conclusively that Capone is mayor
Thompson's boss.

The New York Times says that
Capone was able to return to Chi-
cago openly because it was his
influence that caused the
election. It adds:
"The regular martial law was pro-
claimed round the federal courts
in honor of the king of Chicago
gangsters."

The News Week Tribune
says police were instructed to at-
tend to Capone's private golfing
in order to forestall Capone from a
possible attack. "Although his
most of his enemies."

Another Vienna newspaper sa-
ys today with big headlines, it
treats him with all the grandeur
and reverence of a mythical hero.
Chicagoans may be further im-
pressed to hear that Vienna
loop streets are what Vienna
gangsters are. Capone is
valley etc."



MAR 2 1931

NOT RECORDED

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2CE
CITY AND SUBURBS
IN ELSEWHERE

DAILEY

ILLINOIS
CHICAGO'S PICTURE

Vol. 2. No. 149

Full Associated Press Service

CHICAGO, THURSDAY,

Museum Head's Son Seized, Pal

SHOT



MAYBE IT'S A HANGOVER.—Al Capone seemed a bit depressed when snapped in Judge Wilkerson's federal court.

after all-night whoopee at which grand paid honor to the Big Shot's perhaps it was thoughts of vag he after Uncle Sam was through.

IN HOLDUP

(Story on Page 2)



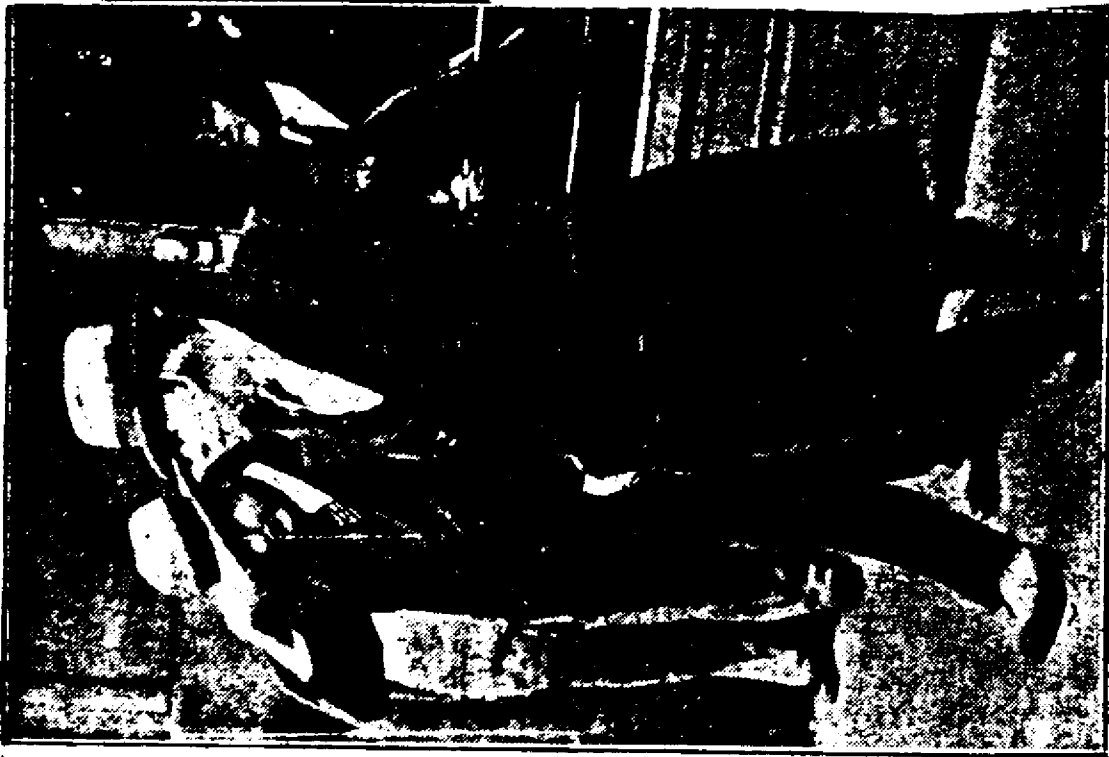
(DAILY TIMES PHOTO)

BANDITS' SWEETIES?

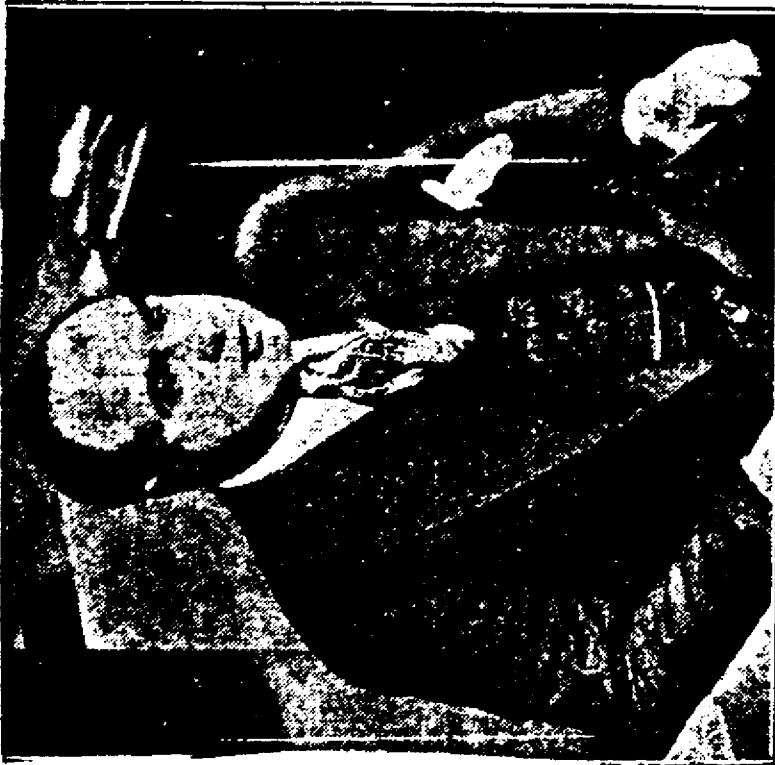
—These girls were questioned by Grand Crossing police today after doctor reported treating wounded bandit in house where they were arrested. The girls (left to right) are: Mae Palombo, sweetie of James Bennett, the wounded bandit; Toots Weiss, Elizabeth Weiss, Kitty Tufaro. Bennett and his pal were



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AL CAPONE dodging camera as he left the detention house with Assistant Chief of Detectives Flattery.



AS HE APPEARED AT THE DETECTIVE BUREAU.
Al Capone after his arrest on vagrancy warrant. He was taken to the State-street station, where his finger prints were taken.

19.197-54

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PHOTOGRAPH BY AP/WIDEWORLD

COURTROOM CROWDED AS GOVERNMENT PRESENTS ITS CASE AGAINST AL CAPONE IN CONTEMPT OF COURT PROCEEDINGS.
(1) Al Capone, (2) Benjamin P. Epstein, and (3) William F. Waugh, Capone's attorneys; (4) Jacob Grossman, assistant United States district attorney, speaking; (5) W. R. Foster, Hialeah, Fla., government witness; (6) Judge James H. Wilkerson. The room was filled to capacity, spectators occupying the gallery box in the background.

CHICAGO TRIBUNE 2/20/31

69-180-54

prevent suspicion of entering the Federal... only newspaper men, a... nesses and federal officials... permitted to attend the...
7

Talks Freely to Reporters.

The reporters Capone greeted with... declaring he arrived in Chicago... last Friday, refusing to state by what... route.

He laughed derisively when asked... whether he contributed \$150,000 to... the Thompson campaign fund.

"What do you think of the elec... tion?" he was asked.

"Lyle tried to make me an issue... and the public has given its answer,"... was the reply.

"No, I'm not going into the mov... ies," Capone said in reply to another... question. "Neither am I going to... write my autobiography. It probably... would make me a lot of money. I... have been offered as high as \$2,000... 000, including movie, serial, and book... rights. But I am not going into the... literary business."

Where Capone stayed last night was... not learned, but it did not matter to... the authorities. The vagrancy warrant... has been served.

Florida Peccoman Testifies.

John M. Coronas, a policeman from... Hialeah City, was the first govern... ment witness to combat Capone's ill... ness plea. An affidavit from Capone's... physician, Dr. Kenneth Phillips, which... gained a stay for the grand jury... appearance from March 12 to March 20... stated that Capone was convalescing... from "broncho-pneumonial pleurisy... with fluid effusions in the chest." Dr... Phillips first attended Capone on... Jan. 12.

"When did you first see Capone?"... Coronas was asked by Prosecutor... Jacob Grossman.

"On the first or the second day... of the opening of the Hialeah races... They opened on Jan. 17, 1923," said... Coronas.

Q.—Which was it, the first or the... second day? A.—The second. I was... patrolling the grounds and I saw a... big yellow car pull up in a space... reserved for the sheriff. I started... towards the driver, but somebody said... that was Al Capone, so I gave him... service.

Q.—What did you do then? A.—I... walked over to the ticket office and... waited for him. I said "Hello, Al,"... and he said, "Hello," handing me a \$10... bill, which he peeled off a roll he... took out, to buy the tickets with.

Seen Frequently at Races.

Q.—Did you see him after that? A.—... I saw him frequently until the closing... of the races, March 3.

Q.—How many times did you see... him. A.—About fifteen or twenty... times.

Q.—How did he look? Did he appear... in good health? A.—He was the pic... ture of health, always smiling and in... good spirits.

Q.—[By the court] Did you talk to... him about his health? A.—No, judge... I just saluted, like this, and said... "Hello, Al."

Gives Tip a \$10 Tip.

James T. Wood and W. R. Foster... are other policemen from Hialeah... who testified against Capone.

A.—On Feb. 2, when I took him to... Bimini and back to Miami.

Q.—How did you go—in an open... plane? A.—Yes.

Q.—How long did it take? A.—... About 45 minutes each way.

Q.—How long were you in Bimini?... A.—About three hours.

Prosecutor Grossman at this point... introduced the manifest supplied im... migration officials, which gave his pas... senger list as Alphonse Capone, Nich... olas Ciricola, Tony Clarke, and Phillip... D'Andrea.

A steamship trip to Nassau was... not described, but the records of Ca... pone's arrival and departure from... Miami with his young brother, Alfred... were introduced through identification... of immigration authorities and J. W... Cooper, agent for the Munson lines... who said he booked Capone for the... passage on Feb. 2. The return man...ifest was dated Feb. 12.

Assistant United States Attorney... Daniel Anderson, who represented the... government when Capone appear...ed before the grand jury investigating... booze conditions in Chicago Heights... took the stand for the government... and a spirited colloquy between coun...sel as to whether Capone addressed a... letter to "Hon. James H. Wilkerson"... ensued.

Wanted to Avoid Contempt.

The government contended in the... opening statement that Capone sent a... letter with the affidavit of Dr. Phillips... stating that he did not wish to be in... contempt of court, but desired a con...tinuance on the advice of his phys...icians. A continuance was granted by... Judge Wilkerson on the 11th of Marc... and Capone appeared on the 20th.

Attorney Epstein insisted that the... letter, which the prosecution claim...ed it could not find, and which the de...fense did not produce, was address...ed to him and Attorney Waugh, retaining... them as counsel.

The controversy over the address... of the letter resulted in the introduc...tion of a part of Capone's testimo...ny when he finally appeared before the... grand jury, wherein the respondent ad...mitted that he wrote Judge Wilkerson... a letter and gave contradictory test...imony as to his confinement to bed in... Florida.

What Is "Sick in Bed."

The question of what is meant by... the term "confined to bed" figure... prominently in the testimony of D... Phillips, who was the only defense... witness introduced before court adjourn...ed yesterday.

Q.—When were you called to the... home of Capone at Palm Island? A.—... On Jan. 12, 1923.

Q.—What was his condition... and how did he...
1774

Q.—Where was he in bed? A.—He was sitting out on the porch with several other men.
 Q.—How was he dressed? A.—In grey flannel trousers and a camel-hair coat.
 Q.—Did he appear ill? A.—He looked just like he does now.

Woman Tells of Interview.

Miss Ruth Gaikin, secretary to Robert R. Taylor, former solicitor of Dade county, Florida, who questioned Capone on Feb. 14, 1929, told of the interview.

Q.—How did he appear then, sick or in good health? A.—He didn't look any different from the way he does now.

Q.—Did he say anything about being sick? A.—Not that I knew of.

The airplane trip to Bimini, on Feb. 3, when Capone was "confined to bed" and convalescing from his "desperate illness" of Jan. 15, was described by Edward Nirmarrer, the pilot.

Q.—Did you ever see Al Capone? A.—Yes.

Q.—Do you see him here in the courtroom? A.—(After searching the crowded room for a full minute)—There he is.

Took Pictures of Estate.

Q.—Tell us about the first time you saw him. A.—It was in January, 1929, at his estate at Palm Island, about two weeks before. I took him on a trip to Bimini. I had taken a photographer on a flight over the J. C. Penney estate, where Mr. Hoover was going to stay, to get pictures. We made some pictures of Capone's estate and the photographer asked me to there and try to sell some of them.

Q.—Did you go there? A.—Yes, gave him some of the prints and told him where he could get some more. Incidentally, I took one of his friends for a ride.

Taken on Airplane Ride.

Q.—What was Capone doing? A.—He was sitting around in a dressing gown.

Q.—When did you next see him?

Q.—Did you give him the treatment for pneumonia? This individual is a heavy smoker and to have the extreme treatment Judge Wilkerson interposed quite if Capone was "dang'ed." "In my opinion, he was the physician.

Q.—(By the court)—How long he confined to his bed? A.—Six weeks.

Could Get Out of Bed.

Q.—(By counsel). State what you mean, professionally speaking, you said he was confined to five or six weeks. A.—Well, by confined to his bed I don't mean he couldn't get up at times, go to bathroom, sit up a while, or be carried to an automobile for a ride.

Q.—You mean that he was resuming his activities? A.—Yes.

Q.—Did you examine the respondent on March 5, 1929? (This was the date of the affidavit.) A.—I examined the night before. He was still lying and had effusions of fluid in the chest cavity. I advised him to go to Chicago, where the climate considerably colder, would be dangerous.

Capone's nurses will testify today, and the hearing is expected to be concluded during the day. Punishment for contempt is within the discretion of federal judges, but courts have usually limited the terms for contempt to one year.

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FINAL EDITION

OLD

Seize Wealthy Man; Threaten to Kill Him

Harry Kaplan, 1650 South Harding avenue, a wealthy retired cigar manufacturer, was kidnaped on the eve of his scheduled appearance as complaining witness against two men and two women who are charged with robbing him. He was held captive for a time and threatened with cremation in the boilers of an abandoned Terry Drug-gan brewery at West Roosevelt road and South Campbell avenue unless he paid \$10,000 in ransom.

Kaplan escaped from the kidnapers yesterday morning when they took him to the Continental Illinois Bank and Trust company, 231 South La Salle street, where he told a teller he wanted \$5,000 in cash from his account to pay for ransom. The bank teller, by the use of a private bank signal, called out the bank's guards and Kaplan's kidnapers fled before they could be arrested.

Witness in Robbery Case.

The cigar manufacturer was scheduled to appear yesterday morning in Judge Peter Schwabe's Criminal court against Hans Bowman, Gilbert Tosch, Jessie Welch, and Mary Andrews on a charge of robbing him of \$735 on Jan. 7.

The robbery charge grew out of a visit by Kaplan to the Welch woman's home at 3227 Michigan avenue to see the Andrews woman. He charges that Bowman and Tosch followed him from the flat, dragged him into a barn at 114 East 84th street, and robbed him of \$735.

When the case was called for trial Assistant State's Attorney Nat Ruyell asked for a continuance on the ground that the complaining witness did not respond to the subpoena. Attorney W. W. O'Brien, representing the defendants, demanded a trial, saying that he would be busy next week de-fending William J. (Three Fingers) in a murder case and

U. S. WITNESSES SAY GANG CHIEF ATTENDED RACES

Makes Defense in Court Today.

(Pictures on back page.)

The government concluded its contempt of court case yesterday against

Alphonse Capone, Chicago's foremost public enemy, with a trial that brought thrills for every clerk and stenographer in the federal building and disappointment



EDWARD WIRMARRER, to the U. S. [Witness who testifies against hands who Capone.]

were turned away at the street entrances. Federal Judge Wilkerson, who sentenced Al's brother, Ralph, to three years in the penitentiary, is hearing the case. The defense began late in the day and will be concluded today.

The government accuses Capone of contempt of court by feigning illness to avoid a federal grand jury summons. Against the contention of the defense that Capone was talking the truth when he swore he was

Gang Leader in Chicago for Primary

Al Capone, public enemy No. 1 and reputed contributor of \$150,000 to the primary campaign fund of Mayor Thompson, was reported yesterday to have returned to Chicago from his winter estate at Miami. Dispatches from Miami said he had departed from there and last night he was believed to be in seclusion in one of his Chicago suburban headquarters.

Coincident with these reports Judge John H. Lyle, who is attacking the Capone influence in the city hall administration in his campaign for the Republican mayoralty nomination, was provided with a bodyguard of two motorcycle policemen who are to accompany him night and day. Judge Lyle did not ask for the bodyguard, but said he would accept it "in view of the interests which the gang chief has at stake in the primary."

Gang Patrol of 1927 Recalled.

It was recalled that Capone returned to the city for the primary election of 1927 and was seen in the loop accompanied by ten men on Monday, April 4, the day before the primary. For that primary Capone contributed \$50,000 to the Thompson campaign chest, according to charges made by Judge Lyle. This year the gang chief's ante to the Thompson campaign was \$150,000, the judge charges.

There were divergent reports of the method of Capone's departure from Miami, one that he had left by plane and the other that he had gone by train. The latter was considered the more likely since it had substantiation at Danville, Ill., though it was pointed out that the gang chief might have boarded a train after flying out of Miami.

Seen by Danville Policeman.

Traffic Policeman Wiley Watson of Danville said he recognized as Capone a man who left the Dixie Limited of the Chicago and Eastern Illinois railway at Danville yesterday morning. The policeman identified the gang chief from his pictures and the scar on his face, he said, and called out, "Hello Al." The stranger stopped, admitted he was Capone, chatted for a moment and said he was flying to Chicago, according to Watson.

He was accompanied by two men, and a third man, described as recent-

ly his brother, Al Capone, was waiting in a sedan which left Danville for the Danville airport, Watson said. At the airport, it was reported, that a cabin plane took off at 11:30 p. m.

Recognized by Passenger.

Policeman Watson said he talked with a woman passenger who also left the Florida train at Danville and asked her whether she recognized the man getting into the waiting sedan.

"Why, sure, that's Al Capone," she replied. "Everybody on the train has been talking about him."

Dispatches from Miami quoted Dr. George H. Day of the United States public health service as saying that Capone and a bodyguard of four men left by plane for Atlanta on Friday. Officials of the Eastern Air Transport at Miami said that five men purchased tickets for the flight but that Capone's name was not on the passenger list.

If Capone arrived in the Chicago area by plane, as the Danville report indicated, he apparently landed at some secluded spot to keep out of the way of the vagrancy warrant which was issued for him several months ago by Judge Lyle.

Loesch Backs Fund Charges.

Judge Lyle's charges of Capone contributions to the Thompson campaign fund have been supported by Frank J. Loesch, president of the Chicago Crime commission and formerly a special prosecutor of fraud and violence at the polls. Loesch declared that Capone had poured a total of \$250,000 into the Thompson fund for the primary and election of 1927.

City Sealer Dan Serritella, Capone lieutenant and a member of the city hall cabinet, has been actively identified with the present Thompson campaign, appearing with Thompson at his loop theater meetings and sitting on the stage during his speeches.

Serritella's affiliation with the Capone gang has not been disputed. Mope Volpe, another Capone lieutenant, boasted at a hearing before immigration officials seeking his deportation that Serritella accompanied him on an airplane flight from Havana to Miami.

Faces Federal Hearing.

On Wednesday Capone is scheduled to appear before Federal Judge Wilkerson for trial for contempt of court. This charge grew out of his feigning illness in Florida two years ago to avoid appearing before a federal grand jury investigating booze conditions in Chicago Heights. The government contends that he was well enough to attend dog races and gambling houses.

Capone's attorneys, William F. Waugh and Benjamin P. Epstein, who have assured Judge Wilkerson that Capone would appear in court on Wednesday, said last night they had not heard whether he had arrived.

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dismissed him with a wave of his hand:

"No business today," he said.

He glanced appreciatively about the courtroom with its white marble walls, its dull gold ceiling and ornaments and the preamble to the constitution in Roman letters above the door. Mr. Capone, despite his experience in ways beset by the police, has not been in many courtrooms and it was plain that he was interested in the proceedings and setting.

He showed no alarm at the government's charge that he willfully absented himself from a meeting of the grand jury that wanted to interview him in March, 1929.

"It's on the up and up that I was sick," he said. "I came up here when I was able to travel. I don't mind seeing grand juries. I do everything I can to help them. I don't think there'll be anything to this case."

Keeps Route a Mystery.

Mr. Capone declined to tell the route he had followed in his journey from Florida to Chicago and he was equally reticent on the subject of how he might have cast his vote at the primary. But he laughed scornfully at the suggestion that he had contributed \$150,000 toward Mayor Thompson's campaign fund.

"I don't waste money that way," he said. "I came home because I live in Chicago. And it doesn't make any difference how I got here, I got here."

He did state, however, that he had

declined the fee for the district attorney's attorneys with the warden and Mr. Capone took his place at the table beside William F. Waugh and Benjamin Epstein, his attorneys, in the federal matter.

A plea of not guilty was entered. Jacob Grossman, representing the government, made a statement setting forth that Mr. Capone had grossly deceived his Chicago friends, not to mention the grand jury and the court, by pretending to be near death from broncho-pneumonia-pleurisy, whereas at the time he was actually dashing about to prize fights and horse races in Florida.

The judge wanted to know in what state Mr. Capone was resident and Mr. Grossman settled this question by stating that the grand-jury subpoena which started all the trouble had been served in Florida.

The district attorney outlined the case to the effect that Mr. Capone had replied, through his attorneys, that he was physically unfit to make the long journey to Chicago, submitting with his letter an affidavit signed by Dr. Kenneth Phillips describing the malady from which the patient suffered was fortunately recovering.

The False; The True.

Mr. Grossman stated that the government would prove that the affidavit was false and that Mr. Capone was in the best of health and spirits and fully able to travel 1,500 miles if he had wanted to.

Mr. Epstein in the opening state-

ment presented evidence and a witness named James J. ... George ... he was taken down from the sixth floor in a ... elevator to the postal subway, where he was transferred to a squad car.

There he was asked by Lieut. McCarley if he had any objections to being taken to the selective bureau.

"No objections," said Mr. Capone. "Show me where it is."

New Charge Area.

The charge on which Capone was held into court grew out of Capone's refusal two years ago to give prompt heed to a federal grand jury summons. Government men had staged a raid in Chicago Harbors, uncovered information about which they desired Capone to speak.

A grand jury summons was sent to Florida. Capone sent his regrets to the grand jury, saying he was too sick a man to make the journey to Chicago.

Aviator Testifies.

The first witness of the afternoon session was Edward Wurmster an aviator who testified that he had taken Mr. Capone and a party from Miami to Miami, the bootleggers' island in the Bahamas, on Feb. 2, 1929.

He was followed by J. W. Cooper, agent for the Munson steamship line, who said he had booked Capone for passage aboard the S. S. Northland from Miami to Nassau on Feb. 2. Both witnesses produced manifests to show the passenger's age as 30. His business was set forth as real estate.

ONE IN COURT U. S. CHARGE OF CONTEMPT

(Continued from First Page.)

covered with cameramen standing ready at their cranks.

Officials Represented.

No such display of gold brack had been seen in Chicago since the last annual ball of the old volunteer fire department as was mobilized on his postoffice steps. Captains, lieutenants and lesser officials of police—got to say a generous representation of visiting firemen—filled through the crowds on the sidewalks and spangled with the ingulitive ops who got into the federal building corridors in the pretense of having business there. Squad cars, sirens screeching, made the circuit of the block with the monotony of a political parade. And the agile populace practiced itself in the technique of keeping from being trodden underfoot.

Up on the sixth floor, where Judge Wilkerson was listening to the arguments of those who would tear Mr. Capone away from Chicago's bosom and give him to Leavenworth or Atlanta, barricades had been erected in the cross corridors and a squad of marshals and secret service men examined all applicants for admission. The general public was excluded from the courtroom. And those few were "fanned" at the door for a few moments thought the spectators might be carrying in their hip pockets or shoulder holsters.

Makes Sudden Appearance.

Mr. Capone was an early arrival. While the moving-picture men and news photographers were massing about the tunnel where postal trucks drive under the building or snlimbering their auxiliary apparatus at the more obvious entrances his car suddenly appeared in Adams street. The honing hoodlum leaped out and waved his hand to the startled welcome committee as he dashed up the steps.

He laughed at suggestions that he stop to pose, made his way quickly across the rotunda of the building and entered an elevator. His bodyguard, if present, was unobtrusive.

Mr. Capone seemed to be in good spirits and spoke cheerily to reporters on all subjects such as the weather in Florida, the business depression, the prospects of Young Strubling against somebody named Schmeling, the appearance of Chicago, the election and his prospects for ultimate vindication. He called a cheery greeting to a deputy coroner who

never been in Whook, Ind., Davison, Ill. and Desmerville, Iowa, whom he appeared simultaneously just before Justice.

* Francis Our Heavy Weather.

"I'm not going back to Florida, because we are having a better winter up here," he explained. "I've been going down to Miami for six years and never have I seen weather like we've had there in the last few months. There were only about six days when it was warm enough to go swimming."

"I've been asked if I have come home to write by autobiography. I haven't. It probably would make me a lot of money. The last big I had was \$2,000,000—that included moving-picture rights, serial rights and book rights. But I'm not going into the literary business. That would be cutting in on the work of the boys who are writing about me."

"I read one of the books on the market now and I don't think much of it. It's well written—as far as I could see from the ten pages at the beginning—but it's about somebody else. I don't belong in this book any more than I belong in a book by Horatio Alger. I guess maybe I could write a better one, but that sort of stuff isn't my line."

"And you can say for me that I'm not going into the movies, either. I saw a piece in one of the papers about a month ago telling about how I was going into the pictures." He grinned genially. "Can you fancy that? Well, anyway, I'm not going into the movies. I'm no Mary Pickford."

Capone was quietly dressed in a blue suit, gray spots, dark shoes, white shirt and diamond watch chain and he sat unobtrusively in a corner of the room until called to the table before the judge for his hearing.

Decorum Is Maintained.

Toward 10 o'clock the investigators at the door speeded their process of examination and the benches began to fill up with men and women who had been disappointed in their attempt to shoot a welcome and strew the flowers downstairs. Silence was maintained by six deputy marshals, who forced all spectators, including attorneys, to find seats and announced the vigorous measures that would follow any whispering or other indecorous conduct.

There came presently Michael Ahern of counsel for the defense, who talked with his client briefly concerning the charge of vagrancy to which Mr. Capone will be called upon to answer when the government finishes with him.

"I'm going to surrender as soon as I get out of here," Mr. Capone announced languidly. "I'm not going down to Florida any more this winter. The weather is better up here. Anyway, Chicago is my home and I might as well get this business straightened out."

A clerk called to the witness stand for the defense.

for the defense. The affidavit was sworn to by Mr. Depone had just stated that he was not one but several doctors in Chicago and that he had been in the city for several weeks. During that time he had spoken to the judge and had been entirely satisfied to be heard about the case.

Mr. Depone began his argument by stating that the witness had had brought his client back to the scene of his youthful activities and seen erroneously drawn. Judge Wilkerson declined to be upset about the matter.

"Whether or not it was a good name, it has served its purpose," he said. "The respondent is in court."

So then Mr. Depone went further into the matter of Dr. Phillips' affidavit and declared that it was all true except for the loose wording of certain phrases having reference to the case.

Asks Two Questions.

"As I see it," he said, "there are two questions in this case."

"First, whether or not the defendant was guilty of misbehavior in preparing his allegations, and, second, whether or not he misrepresented the facts in inducing this court to grant a continuance."

"We shall show that he did not intentionally show contempt for this court—that he was willing to come here when his physical condition permitted and that, in fact, he did come here."

"The defendant was summoned to appear on March 12, 1929. We shall bring witnesses to show that he was in poor health as late as March 8. He did come here and appear before the grand jury after that date and was made to cool his heels for days. When, finally, he was heard by the jury he was dismissed."

Witnesses Called.

The first witness called by the government was Charles W. Clarke, a special agent of the intelligence section of the treasury department with headquarters in Florida. Mr. Clarke testified that he had served the grand jury subpoena on Mr. Capone at his Palm Island estate after a doorkeeper had denied knowing anybody named Mr. Capone. Mr. Capone himself had revealed his identity to the ignorant doorkeeper and the visiting special agents by stepping forward and announcing himself at an opportune moment. Mr. Clarke testified that Mr. Capone did not appear to be near death at the time.

Mr. Clarke was followed by Miss Ruth Clarkin, secretary to the county solicitor of Dade county, Florida, in which the city of Miami is situated. She told of a conference in the solicitor's office in March, 1929, at which she had seen Mr. Capone. She also stated that he seemed to be in the best of health and was not near death at the time. Mr. Capone was then called to the witness stand.

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Capone Dodges Crowd And Appears in Court Heavy Guard on Hand

Walks In with Lawyer to Answer Contempt Charge; Denies Guilt.

PUBLIC IS KEPT OUT

"Scarface Al" Capone, jailbird and racketeer, made his long-delayed public bow in Judge Wilkerson's federal courtroom today to answer a contempt of court charge, but he eluded most of a crowd of several hundred curios who appeared to get a look at him.

After dallying in the courtroom for an hour, awaiting the start of the hearing, Capone, through his counsel, entered a plea of not guilty. He then sat by listening attentively while the judge and attorneys began a discussion of the legal phases of the case. The government had half a dozen witnesses ready to testify.

The federal building was strongly guarded, a barricade was erected in the corridor leading to Judge Wilkerson's courtroom, and the public was excluded. Two policemen waited to take him to jail as a vagrant when he left the courtroom.

The stage was set to greet the notorious gangster with all the pomp and ceremony of a prima donna making a debut. At the Adams street entrance to the federal building there gathered a crowd of several hundred, pushing and shoving and blocking traffic.

Big sound-recording trucks at the curb perched movie cameras, their lenses trained on the Clark street door. And they, like a jolly prima donna, Mr. Capone literally walked toward the back aisle to the stage while the throng was expecting him to enter from the wings.

At exactly 9:25 a clock a big mob came, looking like anybody else's. Through the gates up to the Adams street entrance, around the corner in the rear past the old Capone store and unattended by any bodyguards whatsoever.

In the front seat were Mr. Capone's chauffeur and one of his attorneys, William F. Waugh.

Out of the door climbed Mr. Capone, followed by Mr. Waugh. Only an estriding reporter or two knew at all that the party went in the dark-blue suit, dark-blue overcoat and gray hat was the notorious gang chief.

Across the sidewalk, up the steps and through the lobby hastened Mr. Capone, followed closely by the smaller Mr. Waugh, straining to keep up with the pace.

They entered the elevator and Capone called "Sixth floor."

"Well," said somebody who had trailed along, "you made that in a hurry."

Third Corridor is Jammed

Arriving at the sixth floor, where Judge Wilkerson's courtroom is located, the hoodlum Poch Bah and his lawyer found the corridor more or less jammed by a throng of early-borners.

Through a narrow aisle, flanked along each side by deputy sheriffs, the two passed. Waugh spoke and tipped his hat to several young women—federal employees—who loitered in their office doorway. Capone tipped his fedora.

At the end of the crowd-lined corridor, just outside the doorway to the courtroom, a barricade had been erected. It was made of tables, leaving a lane between so narrow that only one person could pass at a time.

Capone and Waugh went through there unnoted, but the general public did not. A deputy stopped

those who had credentials of some sort, following they had passed inside the courtroom.

Courtroom Gladly Granted

Up and down the stairs and about the courtroom walked representatives of nearly every law-enforcing agency in the city. There were federal deputy marshals, court law-enforcement men, armed treasury guards, subpoena servers and city policemen. Their business was mostly to give John Public a polite but firm bridge in the ribs and invite him to sleep morning.

There was even a deputy warden on hand. Somebody called Mr. Capone's attention to that. Capone didn't seem to like the ally very much.

"Oh, I don't suppose he's here looking for business," said the informant. Whereupon Capone laughed with the rest.

He's in Affable Mood

Capone was in an extremely affable mood. He sat down in the courtroom and swapped quips and sallies and information—very little information—with a pack of reporters and federal men who swarmed about him. His only jewelry adornment was a flashy and expensive one—a platinum and diamond watch chain that stretched clear across the expansive bosom of his blue vest. It had large diamonds set in it about an inch apart.

Occasionally he interrupted his conversation to smile a greeting and shake hands with a reporter or federal officer or policeman acquaintance. He talked about the weather and this and that and touched upon politics, but divulged very little about himself.

"Lyle," he said once, "tried to make a campaign issue out of me, but the public answered him."

"How did you get up here, Al, by plane or train or boat?" he was asked.

"Oh, I just got here," he smiled.

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Wasn't Ben Brown mean.
"No, I'm not going to sell my home in Florida," he said in reply to a question.

"I'm going back down there when I get through here. I like it there. I'm going to finish up all my business with the police and those fellows this time and get it over.

"I'm going to surrender myself to the first cop I meet outside the courtroom today when this business is over and let him serve that vagrancy warrant I've issued. I want to get that thing straightened up. I'm going down to the bureau and do it."

The presentation of a contempt citation grew out of Capone's failure to answer a federal grand jury summons in 1928. He sent word back from his Florida estate that he was too ill to appear, but the government expects to present a number of imported witnesses from Florida who will tell today how Al cavorted quite healthily among the palms.

May Occupy Cell.

Next will come the arrest of Capone by the police on the long-standing vagrancy warrant, with the probability that he may occupy a cell at the detective bureau before the day is over until he furnishes bail.

Detectives William Drury and John Howe, the nemesis of hoodlums, were to be given the honor of arresting Capone on the "vag" warrant, with Lieut. Edward Birmingham assigned to be on hand so that Mr. Capone won't feel slighted at being seized by two mere detectives. Assistant District Attorney George E. Q. Johnson asked that Drury and Howe be allowed to serve the warrant, inasmuch as they are familiar with gamblers and might be able to spot other wanted parties among Mr. Capone's retinue.

The warrant will be served in the hallway outside Judge Wilkerson's courtroom as soon as Mr. Capone

has finished his business inside. He will then be taken downstairs, loaded into a squad car and taken to the detective bureau, where Drury and Howe will beck him, lock him up in a cell and notify Chief of Detectives John Norton that one Mr. Capone is safely in tow. Then will come up the matter of taking Mr. Capone to jail and seeing about his release on bond.

Surprise Action Foreseen.

A surprise was promised in the form of possible new action charging Al with conspiracy to evade the federal income tax laws, said to have been prepared for him by United States District Attorney George E. Q. Johnson and his assistants, Camrus Post, Jacob Grossman and Dwight Green. The latter three successfully prosecuted Capone's brother, Ralph; his first vice-president in charge of vice, Jake Gunk; and several other gangsters on the same counts.

Pat Roche, chief investigator of the state's attorney's office, was also expected to be present.

Receiving reports that Capone had returned over the week-end to hide out with Johnny Patton, the middle-aged "boy mayor" of Burnham, Judge Frank M. Padden of the Felony court asked Roche to find "Scarface" Al, but the prosecutors' men were unsuccessful.



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POLICE SEIZE AL CAPONE IN HIS U. S. HEARING

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CHICAGO EVENING AMERICAN 2/25/31

GANG RULER MAKES BOND AS 'VAG'

Picture on Page 1.

The United States government this afternoon rested its case against Al Capone, chief of Chicago's gangland, who appeared before Federal Judge James H. Wilkerson to show cause why he should not be held in contempt of court.

After a brief recess taken when the assistant district attorneys announced they had completed their case, the defense was to present its side.

SEIZED AS VAGRANT.

A few hours earlier, at the noon recess, Capone was seized by police bearing a "public enemy" vagrancy warrant for his arrest.

The man whose name is a synonym for gun terrorism throughout the world gave his occupation as "real estate dealer" when he was booked on the vagrancy charge. He gave bond and was rushed back to the Federal Building, guarded by three picked squads of detectives, in time for the afternoon session before Judge Wilkerson.

Capone pleaded not guilty to the charge of contempt, growing out of the government's contention that he filed false affidavits two years ago to avoid testifying before a federal grand jury which was investigating a Chicago Heights bootlegging conspiracy.

The contempt hearing, it was disclosed by the opening statements of prosecutors and defense attorneys, is to be another "gangland invalid" case, paralleling in some

Continued on Page 2, Column 1.

respects the recent courtroom episode Terry Druggan. Capone contends that he was, as set forth in the affidavit, too ill to come to Chicago from his Winter home in Miami, Fla.

The government representatives announced that they had witnesses who would testify that he had not been too ill at that time to attend horse races and other public events at Miami.

Capone had just arisen from the counsel table where he was seated with his attorneys, when Judge Wilkerson adjourned court at noon, when Lieut. Edward Birmingham entered with a squad of detectives. The lieutenant told the gang king:

"Get your hat and coat."

Capone did so. He was pushed out of the courtroom. Charles Nagel, custodian of the Federal Building, was waiting with an operator on the freight elevator which runs to the basement of the building, occupied by the mail postoffice.

With a dozen detectives and deputy United States marshals walking all around him, Capone was led to the elevator, taken to the basement and placed in a police squad car which was waiting in the tunnel under the building used by mail trucks.

There was a scene of wild confusion as he was led into the detective bureau a few minutes later. At windows and on fire escapes of a freight house across the street nearly a hundred girl employes screamed with excitement at the sight of him.

AL IS GREATLY AMUSED.

His entrance into the office of Chief of Detectives John Norton threw that place into a turmoil, with scores of policemen, newspapermen and photographers milling about. Capone grinned through the whole proceedings, apparently amused at the hubbub which his appearance created.

At the request of Chief Norton, he posed for the photographers, smiling. Michael Ahern, one of his attorneys, arrived then, and arranged with the detective squad to have the vagrancy warrant served immediately and the \$10,000 bond set by Judge John H. Lyle posted.

Capone was sent through the Philadelphia Bureau of Identification before he was released. It was the first time the Chicago police have had a chance to get a fresh photograph of him and check up his physical measurements and fingerprints since he was released from the Philadelphia jail where he served a sentence for gun-toting.

The Martillon record showed that he is 5 feet 10 1/2 inches tall, weighs 205 pounds and is 32. He gave his residence as 1344 Frank av.

BOND APPROVED.

As soon as Capone was booked, Attorney Ahern went before Judge Thomas Green, sitting in the Small Claims Court in the same building and obtained approval of a \$10,000 bond on which one Michael Schwegel had scheduled an apartment building at 487-41 N. Albany av. represented to be worth \$80,000.

Capone waited for his attorney in Chief Norton's inner office. While he was waiting, a policeman went to a nearby restaurant and got him his lunch. When he was released, the detective squads took him back to the Federal Building.

In his conversation with Chief Norton, Capone intimated he might quit his present life soon. He said:

"Every time they have a political campaign in this town somebody attacks me. I'm getting tired of the publicity. I might retire soon."

The chief asked:

"What do you mean, retire?"

Capone did not answer him. Of the charges made by Judge Lyle in his unsuccessful campaign for mayor, the underworld czar said:

"Well, I have no comment to make on the election, except that the people have spoken. This is the third time that certain individuals have sought to involve me as a campaign issue, and it is the third time that the voters have decided that I was only a campaign issue. I believe the public will wake up one of these days to the bunk and hoaxes which has been built around me and my family."

NEWS ON COURTS.

What he had to say about the charges pending against him, the

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sons stated, would be said in court. He said:

"I'm glad the courts are still functioning. I don't think the judiciary as a body will become hysterical."

Capone had gained weight since his last appearance in a Chicago court, more than a year ago. He wore the conventional garb of a skyscraper business man—a blue suit and tie, black overalls and shoes.

CHURCHOUS JAM BUILDING.

Hundreds of curiosity seekers jammed the lobby and corridors of the Federal Building, but most of them were turned away when they sought admission to Judge Wilkerson's courtroom. A dozen deputy United States marshals and agents of the Department of Justice were on guard in the courtroom and the corridor leading to it, and every one who entered was searched for weapons.

ARM BARRICADE.

Outside the courtroom two desks were lined up in the corridor to form a barricade through which all spectators were compelled to pass in single file under the scrutiny of the federal agents.

The news caused a buzz of excited conversation in every office in the building. Girl clerks, wide-eyed, inquired:

"Has he come? Is he really in the building?"

Those who were unable to obtain admittance to the courtroom hung in a solid line over the railings on various floors, looking down into the lobby for a glimpse of the gang chieftain as he crossed it.

Capone drew up in front of the Adams st. entrance of the building, riding alone in the back seat of a big sedan. Members of his body-guard were nearby, however, it was reported. He leaped out and dashed in the door, past a crowd of waiting photographers and motion picture camera men.

Waiting in the courtroom, Capone

was asked about the judge again. He said:

"The difference between us is that he spent thousands of dollars trying to get into office, while I'm spending thousands to feed people."

The charge, made by Judge Lyle during the primary campaign, that he had contributed \$150,000 to the Thompson campaign chest Capone characterized as "foolish." He got into Chicago Friday, he said, refusing to say what means of transportation he used—he "just got here."

He added:

"The weather in Chicago is better than it was down in Florida."

As Capone spoke, he fingered an ornate watch chain strung across his vest. It was of platinum, set at inch-wide intervals with one carat diamonds. A ring set with a larger diamond was his only other jewelry.

He was asked about his sister, Mafalda, whose marriage recently to John Maritote was the occasion of a display of gangland magnificence. He replied:

"Oh, she got back from her honeymoon a long time ago."

Assistant District Attorneys Cassius Fogart and Jacob I. Grossman appeared against him for the government.

READS 8-PAGE CHARGE.

Mr. Grossman read the eight-page charge, which is summarized thus:

A subpoena was issued for Capone December 5, 1928. He could not be found and the subpoena was returned. In February, 1929, another subpoena was issued and served on Capone at his Palm Island, Fla., home, February 27, ordering him to appear before the federal grand jury here March 12.

On March 9, 1929, an application was presented to the court for a postponement of Capone's appearance before the grand jury. Supporting the application presented by Capone's attorneys, was an affidavit from Dr. Kenneth Phillips containing statements which both he and Capone said were true.

These statements were that Capone's physical condition was weakened and his health in danger if he came to Chicago.

The charge recited that the affidavit from Dr. Phillips said that Capone was convalescing from a serious illness March 3, 1929, and that Dr. Phillips had been attending him continuously since January 25 of that year; that Capone was still under treatment March 5, 1929, suffering from bronchial pneumonia, with fluid flowing from his lungs.

He had been, the affidavit con-

tained, according to the charge, confined to his bed all but (an) days of the period during which he was under the doctor's care, and that it would be dangerous for Capone to leave the mild climate of Florida and come to Chicago, which might cause collapse of his health, maybe his death.

FALSE AFFIDAVIT.

Mr. Grossman said that by such application the government charges contempt of court, which caused Judge Wilkerson to ask if it was the prosecutor's contention that false affidavit constituted contempt of court. When Mr. Grossman replied affirmatively, Judge Wilkerson asked:

"Is it your position that every false affidavit presented to this court constitutes contempt?"

The prosecutor replied that he would take that up later. He went on to contend that Capone was not confined to his bed from sickness March 3, 1929; that he was in good health and could have come here to testify; that he was attending races and other sports and walking the streets of Miami.

He concluded with the statement:

"Capone's activities in Florida were well known. They were

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Q—Who was there? A—A Mr. Taylor, a Mr. Goldstein, the sheriff, myself and Capone.

SEEMED IN GOOD HEALTH.

Q—Was the defendant in good or bad health? A—He appeared in good health.

Q—Do you see the defendant in the room? A—Yes, he appears to look the same.

The witness was cross-examined by Attorney Waugh:

Q—Don't you remember that he was told to report to the county solicitor's office the day before the meeting. A—I don't know anything about that.

John N. Corns, former policeman of Hialeah, Fla., was the next witness. Prosecutor Grossman questioned him as follows:

Q—Do you know Capone? A—Yes.

Q—On the second day of your duty at the Hialeah race track, did you see Capone? A—Yes. I was patrolling and I saw a big yellow car drive up. I stepped over to the ticket office and right after that Capone came up. I said, 'Hello, Al' and he gave me a \$10 bill and I walked away.

SAW HIM FREQUENTLY.

Q—What day was that? A—Either January 17 or 18.

Q—Did you see him after that? A—The next day. I saw him quite frequently except for one period around

Q—What is the longest space

during that period that you didn't see him? A—Four or five days.

Q—What was his appearance? A—He was smiling, he seemed to be in good spirits.

FIXES EXACT DATE.

Can you fix a date in March that you saw Capone at the track? A—Yes.

Q—When was it? A—March 8 or 9.

M. G. Wood, a police officer at the Hialeah race track, was the next witness. Mr. Grossman questioned him as follows:

Q—Were you a police officer at the race track in the Spring of 1929? A—Yes.

Q—What was your duty? A—I patrolled in front of the grandstand three days a week.

Q—Do you recall seeing Mr. Capone at the race track? A—Yes, I used to see him in one of the boxes.

Q—Do you know Mr. Capone? A—Not to speak to him.

POINTED OUT TO HIM.

Q—How did you know it was Mr. Capone? A—He was pointed out to me.

Q—Why was he pointed out to you?

The question was objected to by Attorney Epstein on the ground that it called for deduction on the part of the witness. The objection was sustained by Judge Wilker. The questioning continued:

Q—Do you recall about the time that you saw Capone at the race track? A—During the first and second weeks of January.

WITNESS CROSS-EXAMINED.

Cross-examination of the witness then was begun by Attorney Waugh, as follows:

Q—You said you saw Capone the

first or second week in January, which week did you see him?

A—I'm not sure.

Q—As a matter of fact it could have been the second, third or fourth week.

A—It might have been the fourth week.

Q—Didn't you have the conversation? A—No, Mr.

At this juncture Attorney Epstein stood up and said:

"Was he thinner at that time?"

"Well, he wasn't as fleshy as now."

Then Wood left the stand.

The next witness called was W. R. Foster, former police officer in

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Hieleah. He was questioned by Prosecutor Grossman. The questioning proceeded as follows:

Q—Did you ever see the defendant, Alphonse Capone, at the race track during the season of 1929?

A—Yes, sir, nearly every day.

Q—Did you ever have a meeting with Capone when he was parking his car?

A—Yes.

Q—What was his appearance when you saw him? A—He seemed to be healthy.

The first witness at the afternoon court session was Edward Nirmaier, an airplane pilot living in

Miami. He was questioned by Prosecutor Grossman as follows:

Q—Did you ever see Al Capone in and about Miami? A—I have.

A—Did you ever take him on an airplane trip? A—Yes. One time I was flying with a commercial photographer at Miami who wanted to take pictures of the J. C. Penney estate.

The pilot went on to testify that on this flight, the photographer took pictures of Capone's home also. Several days later, Nirmaier added, the photographer asked him to take the pictures over to Capone and ask him if he wanted to buy them.

Nirmaier then testified that he took the pictures to Capone, about the middle of January, 1929, and found Capone lounging outside his home in a dressing gown. The next time he saw him, he said, was on February 2, when he took him for a plane ride to Hialeah and back.

Q—How was Capone's health at that time? A—He looked all right.

Q—Did he cough any? A—Well not that I remember.

On cross examination by Attorney Waugh, Nirmaier said the weather at the time Capone went riding with him was very pleasant.

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THIS IS AL CAPONE'S BUSY DAY

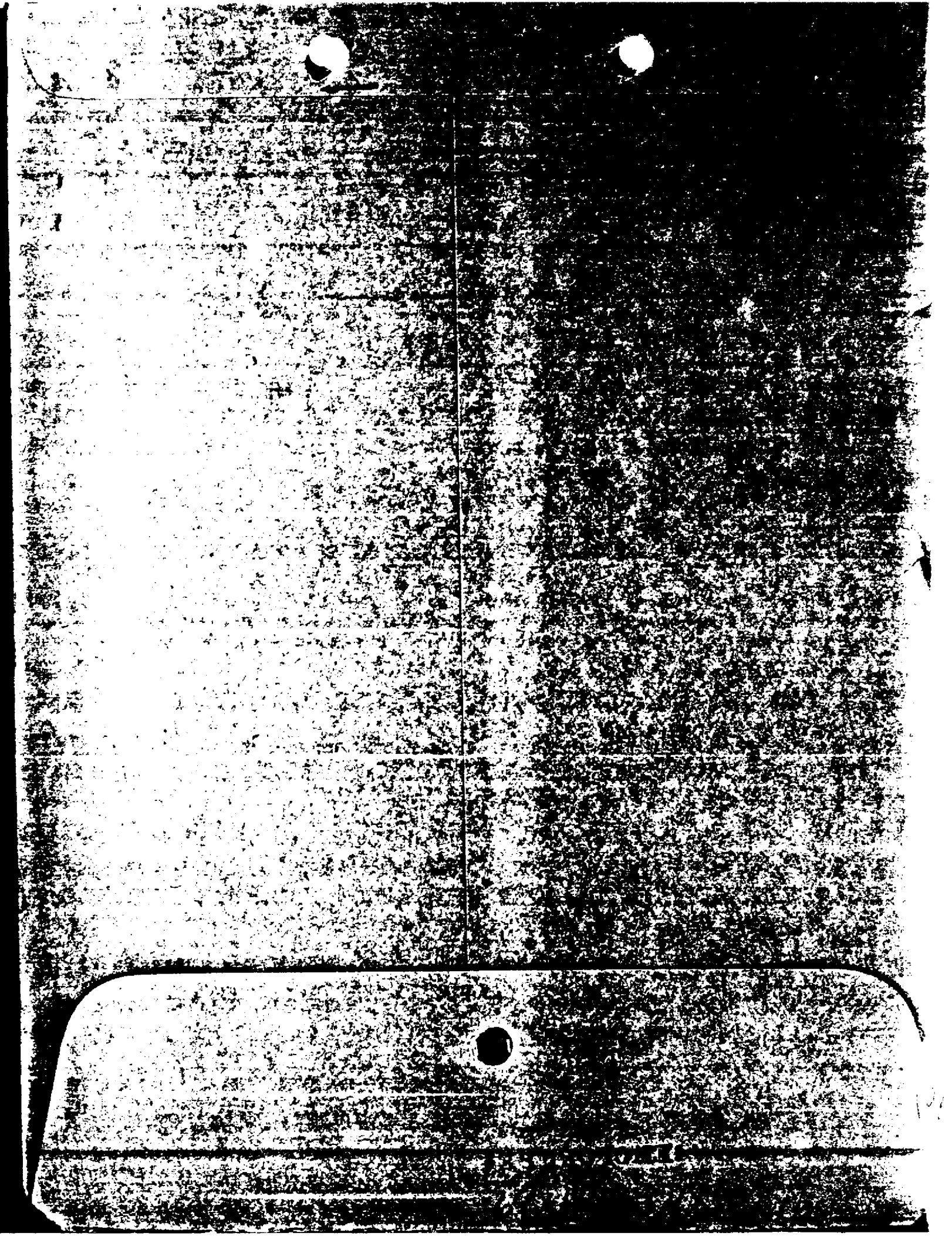
CHICAGO EVENING AMERICAN, 8/25/33



Apparently unperturbed, Al Capone sits at the detestible bureau in the photo at the left. He looks much more like a prosperous, solid business man of the middle class than the iron-handed tyrant of the underworld he is reputed to be. At the right is Capone before his ap

pearance in federal court. Charge of conspiracy to defraud. Judge without objection for trial. At right Capone is being held by a squad of detectives. Photo by [unreadable]

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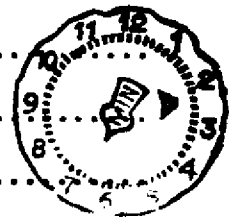
FOR ATTENTION OR ACTION AS INDICATED

Date

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[Signature]

DIRECTOR ✓
 MR. TOLSON Room 518
 MR. APPEL Room 416
 MR. BAUGHMAN Room 422
 MR. EGAN Room 420
 MR. HUGHES Room 418
 INSPECTOR CLEGG
 INSPECTOR CULLEN
 INSPECTOR KEITH
 MISS GANDY Room 326
 MRS. SKILLMAN Room 318

BUREAU FILE ROOM
 DIVISION SEVEN
 IDENTIFICATION DIVISION
 PERSONNEL FILE ROOM
 STENOGRAPHIC POOL



MAR 2 1931

Amrah!
 Well of all the lunks, this takes
 the prize. It took me 2 years to get
 him to try Capone & now *[Signature]*
 he looks in the sunlight of
 the effort which he did
 every thing to avoid.

PLEASE SEE ME
 HAROLD NATHAN
 ROOM 518
A. C. H.

CAPONE HEARS SENTENCE; POSTS BOND FOR APPEAL

U. S. Begins Tax Case Against Gambler.

(Picture on back page.)

Public enemies and less prominent hoodlums were concerned yesterday with the processes of the law, both state and federal. Those with legal difficulties ranged from Al Capone, public enemy No. 1, to Jerry O'Connor, loop gambler and race horse man, who is in trouble over his income taxes.



ROBERT NEELY.

Acting Collector of Internal Revenue Robert E. Neely filed a libel claiming income taxes of \$270,000 for the years 1925, 1926, 1927, 1928, and 1929, on the property of O'Connor. For years O'Connor has maintained an elaborate gambling establishment in South Wabash avenue. He is under investigation by the intelligence unit of the revenue bureau, which handles criminal cases. Whether his will result in a criminal prosecution has not been ascertained.

Capone Appears for Sentence.

Al Capone appeared before Federal Judge Wilkerson for his formal sentence to six months in the county jail for contempt of court. He has posted a supersedeas bond of \$5,000 to permit an appeal. His counsel was allowed 30 days to file a bill of exceptions and the court stipulated that if the contempt case is not disposed of by June 1, when the supersedeas expires, he must go to the Circuit Court of Appeals if he wishes a continuance.

Capone again was escorted to and from the federal building by police squads under Lieut. William McCarthy and Lieut. Edward Birmingham, who protected him last week, during his trial, against possible assassins.

Druggan-Lake Cases Delayed.

The income tax evasion cases against Terry Druggan and Frankie Lake, the former beer partners, who have entered conditional pleas of guilty, were up in federal court yesterday for sentence, but each was continued until June 1 pending outcome of the appeals of Ralph Capone and State Representative Lawrence C. O'Brien. The beer dispensers reserved the privilege of changing their pleas

as to felony counts if these appeals are successful.

Judge Francis Berrell continued the vagrancy case against Harry Gunk, Capone vice monger, until March 15, with the understanding that it must be disposed of then. Gunk's attorney insisted on an immediate trial, but the state's attorney's office was engaged with other matters.

State's Attorney Swanson ordered his assistants to be ready on March 15 to prosecute the perjury case against Bernard O'Donnell, brother of William (Klondike) and Myles O'Donnell, which was continued yesterday by Judge Peter M. Schwaba for the eighth time on the request of the state. O'Donnell claimed ownership of a gun in a motion to quash his indictment for carrying concealed weapons, and disavowed ownership during his trial.

The case against Peter von Frankaus, sporting goods dealer, charged with selling machine guns without keeping records of the sales, was continued until March 15 by Judge Justin F. McCarthy, who ruled that a jury must hear it.

CHICAGO TRIBUNE

Tues., Mar. 3, 1931.



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CONTEMPT CASE DECISION MAY BE GIVEN TODAY

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Gang Chief Fails to Take Stand.

A decision by Federal Judge Wilkerson determining whether Al Capone, public enemy No. 1, will go to prison for contempt of court is expected today at the conclusion of the gang leader's trial. The government's closing argument was begun yesterday afternoon by Assistant District Attorney Jacob Grossman and it was believed that the argument of other counsel would be finished this morning. Capone had indicated that he thought he would assist his own defense by taking the stand, but when his attorneys closed the presentation of their evidence he had not been called as a witness. This was taken by court attachés as an indication that his lawyers sought to save him from the cross-examination that had weakened other defense witnesses.

Doctor Has Bad Day.

One of these was Dr. Kenneth Phillips, Capone's Florida physician, who put in a bad day under questioning by the prosecution about the affidavit on the gang chief's illness out of which the two year old case grew.

Judge Wilkerson assisted Prosecutor Grossman in a withering cross-examination of Dr. Phillips, which ended in the physician's admission that many of the statements in the affidavit were false. Capone, on the plea of illness, gained a stay from March 13 to March 20 on a subpoena to appear before a federal grand jury in Chicago in 1929.

Dr. Phillips admitted that the affidavit had been dictated by Capone's Miami lawyer and that he had only scanned it hastily before signing it.

On the other hand, Capone's nurses who attended him night and day during his attack of pneumonia in January, 1929, could not be swayed by cross-examination from their testimony that he was a sick man, and that he did not leave his Miami residence on the 17th, 18th, or 19th of January, when, according to the testimony of three policemen, he attended the Kialak race.

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Felony Guard Continued.

loyalty of Capone's being in town and on trial had somewhat waned yesterday, the second day of the hearing, and fewer curiosity seekers flocked to the federal building. But the police motor escort was still in attendance, accompanying the respondent on his trips from the Lexington hotel to the federal building and back. The gangster used a high powered automobile for the first trip. With him rode Philip D'Andrea, well known hoodlum, who accompanied Capone on his airplane trip from Miami to Bimini when Capone was supposedly "confined in bed."

Capone was scheduled to be arraigned in Felony court before Judge Frank M. Padden yesterday on the vagrancy charge pending against him. His counsel, Attorney Michael Ahern, informed Judge Padden that the gangster was on trial in federal court.

"Well, he can't be in two places at once," said Judge Padden, and continued the case until March 4.

Nurse Tells of Illness.

Miss Nora Hawkins, now attached to the Dade county hospital at Miami, was the first nurse called on Capone's behalf by Attorney W. F. Waugh. She said she was a graduate of the Rhode Island hospital at Providence.

Q.—When did you first see Capone?

A.—When I was called in to attend him by Dr. Phillips. To the best of my recollection it was in the second week of January.

Q.—How did you find him? A.—I found him very uncomfortable. He had a temperature of 104 and a high pulse rate. He was coughing hard enough to shake your head off. He also complained of pains in his chest.

Attended Him Seven Nights.

Q.—How long were you there? A.—Between seven and ten nights.

Q.—Did Capone at any time leave his bed while you were there? A.—Absolutely not.

Q.—So far as you know, was he out on the 17th, 18th, or 19th of January?

A.—So far as I know, he was not. I was only there nights.

Q.—In your opinion, and taking his condition into consideration, would it have been possible for him to attend the horse races on the 17th, 18th, or 19th of January? A.—Absolutely not.

Miss Hawkins explained that she kept daily charts while attending her patient, but that she tore them up shortly afterwards when she went into institution work.

His Day Nurse Testifies.

Miss Ann Fagan, a red haired nurse who said she did her graduate work at the Virginia hospital, Richmond, and had six months experience at the Rockefeller Institute, New York, attending returned soldiers suffering

The Evening Star, Washington, D. C., March 3, 1931

ONE-MAN DRIVE IN CHICAGO HAS GANGS QUAKING WITH FEAR

U. S. Prosecutor's Tax Law Thrusts Thin Ranks of "the Immune" Among 26 Public Enemies.

Special Dispatch to The Star.

CHICAGO, March 3.—One man, rather slight of stature, modest and soft-spoken in manner, suggesting the professor rather than the prosecutor; an earnest churchman, but fearless, determined and intensely thorough, had the powerful potentates of the underworld quaking yesterday.

He is George E. Q. Johnson, Federal district attorney for the northern district of Illinois. Seven times Mr. Johnson has made sallies against the men who sit with immunity on gangland thrones and seven times he has knocked them off. Where 8,000 Chicago police and detectives, a whole phalanx of prohibition agents, vigilante organizations of citizens and local prosecutors have been largely ineffective, this official has scored with results.

Consequently the ranks of the immune among Chicago's 26 public enemies are thinning perceptibly—Ralph Capone, Jake Guzik, "Mope" Volpe, Frank Nitti, Terry Druggan and Frankie Lake tumbling one after another.

Tax Charges Turn Trick.

And then "Scarface Al" Capone himself—head of the \$100,000,000 booze, vice and gambling syndicate which long has defied the law with immunity—was nicked. The procession of gambling house operators of the Capone organization entering the grand jury chambers suggests that Mr. Johnson is soon to be ready to strike hard at this principal underworld figure with an indictment for conspiracy to violate the Federal income tax laws. His six months' sentence for contempt of court is rumored to be just a nick and nothing more.

Twenty months of thought on the problem of dealing with rich and powerful gangsters provided the Federal district attorney with the weapon which is turning the trick—indictment for conspiracy to violate the United States income tax laws in failing to pay taxes on huge underworld profits.

When he decided to strike, Mr. Johnson and his aids were so sure of their ground that they hit with precision and such sureness that gangs hold him in fear. All their money and all their men have finally proved helpless.

Ralph, brother of Al Capone, was shown to have had \$1,871,000 in profits from gambling alone in three years. He was the first convicted and drew three years, with the case now on appeal. Then came Nitti, who pleaded guilty when two politicians bucked the game and lost. He now is serving 18 months.

Jake Guzik, with \$1,049,000 profit from gambling in three years, fought the case and drew five years. After that Terry Druggan and Frankie Lake, with a million in beer profits at stake, pleaded guilty.

Volpe, No. 2 among Chicago gangsters, has just been ordered deported for violation of the immigration laws.

What all this means is explained by Mr. Johnson.

Ends Gangs' Immunity.

"Conviction is important," he said, "because when these gangsters come out of prison they will not be able to count on old loyalties. Their immunity—or gangdom's belief in their immunity—is gone. That was their stock in trade. There is no friendship among hoodlums. There is no loyalty except the loyalty born of their common purpose. That purpose is easy money. Take their money away and they dry up like a weed that has been cut down."

The Federal prosecutor finds that the most disheartening thing is the way supposedly respectable citizens have come forward to front for the gangs.

"We know that gangs make contributions to factions of political parties," he explained. "The factions pay back in privilege, and privilege is immunity to violate the law sold to organized criminals by public officials."

Mr. Johnson has just been reappointed district attorney with four more years to work on the gang leaders.

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Mr. Croffman was examined the witness at this point.

Q.—You talked with Mr. Waugh before leaving Florida to come here and testify, did you not? A.—Yes.

Q.—You talked with Mr. Clarke, the government investigator, didn't you? A.—Yes.

Q.—You didn't remember dates and didn't possess any definite recollection when you talked to Mr. Clarke, did you? A.—I don't have any definite recollection now.

Dr. Phillips, who testified for the defense on Wednesday, declared on cross-examination yesterday that he was 32 years old, a graduate of the University of Chicago and of Rush Medical college, receiving his diploma in 1926 and going to Miami shortly thereafter.

Q.—Then the statement in your affidavit that you had been "actively and continuously engaged in the practice of medicine and surgery for four years in Chicago" was not true, was it? A.—No, I only practiced here as an interne.

Q. [by the court]—How long were you an interne in Chicago? A.—One year.

Q. [by the court]—Did you have any other practice here? A.—No.

Q.—Did you know Capone in Chicago? A.—I had seen him several times.

Saw Capone at City Hall

Q.—Professionally? A.—No, I think it was around the city hall that I saw him. I didn't have any personal acquaintance with him.

Q.—Did you treat any other members of Capone's family in Florida, or friends of his? A.—Yes, I treated his wife, his boy, Sonny, his sister-in-law, whose name I don't recall, and a worker at his boathouse.

Q.—Any others? A.—Yes, I treated his brother-in-law, Coughlin, I believe his name was, Dennis Coughlin.

Q.—What was your fee? A.—\$2,000, but that took care of several consultants I called in; he was injured in an automobile accident. This fee was disputed and only half of it was paid, when we settled out of court.

Q.—How much was Capone's bill?

**MANDE
BROTHER
MEN'S SHO**

declared that the segment was based on the affidavit, which said that the trip to Chicago took place during Capone's life.

Capone Falls to Gals Stand

When the defense rested without putting Capone on the stand, the prosecution called Dr. Charles Spencer Williams, professor of internal medicine at the University of Illinois, to testify Dr. Phillips' testimony.

Q.—How long would it require a man, after suffering conditions such as you have heard here, to recover suddenly to go out doors? A.—That depends upon what he became out of.

Q.—When Organ left, Jan. 28, by their own testimony, A.—The ordinary time would be about fifteen days.

DENIES LARGE SALES

A statement issued yesterday by Robert Isham Randolph, president of the Association of Commerce, was called to the attention of Capone during a court recess. Col. Randolph charged that \$5,000,000 pints of beer are sold daily in Chicago and that the profits therefrom to the Capone gang are \$2,000,000 a week.

"Well, Col. Randolph ought to know, he's head of the Secret Six," said Capone. "But if he has that information, why doesn't he turn it over to the government?"

"Of course that's absurd. Why, I

don't believe there is that much beer in the United States."

Capone established himself for publicity among young women yesterday. A girl reporter tip-toed blushing up to him as he sat in the gallery awaiting the opening of court.

Capone arose when the young woman introduced herself, and bowed low.

Gals Girl Reporter Bewildered

"I wanted to ask you a question, but I am so flustered I can't remember what it was," she said. Capone smiled indulgently.

"Q. I remember, I wanted to ask you what you think of the American girl?"

"Why, I think you're beautiful," said Capone.

A secretary from the judge's chamber entered the court room with an announcement that "London is on the wire."

"I'm sorry, lady, but there's nobody in London that would be calling me, not even King George," said Capone.

DOCTORS AND NURSES CROWD CAPONE OUT OF LIMELIGHT



Left to right: Miss Ann Fagan, nurse; Dr. Kenneth Phillips, Al Capone's Florida physician, and Miss
 Hawkins, another of Capone's nurses.
 (TRIBUNE PHOTO.)



Dr. Charles Spencer Williams,
 who testified for the state as an
 expert witness.
 (TRIBUNE PHOTO.)



Dr. David Omega Capone's ex-
 case physician, who visited Capone
 at Miami Fla.
 (TRIBUNE PHOTO.)

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J. S. SCORES AS CONTEMPT CASE NEARS FINISH

Nurses Call Gang Chief Sick Man.

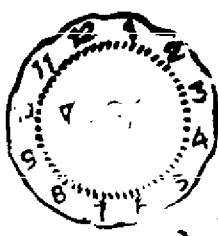
The contempt of court case against J. Edgar Capone, public enemy No. 1, reached the closing argument stage yesterday after a session which was marked by the breaking down of the affidavit made by Dr. Kenneth Phillips, the gang chief's Florida physician, out of which the two year old case grew.

Federal Judge Wilkerson assisted prosecutor Jacob Grossman in a withering cross examination of Dr. Phillips, which ended in the physician's admission that many of the statements in the affidavit were false. Capone, on the plea of illness, gained a stay from March 12 to March 20 on a subpoena to appear before a federal grand jury in Chicago in 1928.

Fall to Shake Nurses.

On the other hand, Capone's nurses who attended him night and day during his attack of pneumonia in January, 1928, could not be swayed by cross examination from their testimony that he was a sick man, and that he did not leave his Miami residence on the 17th, 18th, or 19th of January, when, according to the testimony of three policemen, he attended the Miami race.

The novelty of Capone's being in court and on trial had somewhat faded yesterday, the second day of

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[Handwritten signature]

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he heard, and your...
But the police...
attendance, accompanying the...
pendent on his trips from the...
ington hotel to the federal building...
and back. The gangster used a high...
powered automobile for the first...
With him rode Philip D'Andrea, well...
known hoodlum, who accompanied...
Cepone on his airplane trip from Miami...
to Binini when Capone was supposed...
to be "confined in bed."

Delay on Vagrancy Charge

Capone was scheduled to be arraigned in felony court before Judge Frank M. Padden yesterday on the vagrancy charge pending against him. His counsel, Attorney Michael Abena, informed the court that the gangster was on trial in federal court.

"Well, he can't be in two places at once," said Judge Padden, and continued the case until March 4.

Miss Norma Hawkins, now attached to the Dade county hospital at Miami, was the first nurse called on Capone's behalf by Attorney W. E. Waugh. She said she was a graduate of the Rhode Island hospital at Providence.

Q.—When did you first see Capone?

A.—When I was called in to attend him by Dr. Phillips. To the best of my recollection it was in the second week of January.

Q.—How did you find him? A.—I found him very uncomfortable. He had a temperature of 104 and a high pulse rate. He was coughing hard enough to shake your head off. He also complained of pains in his chest.

Attended Him Seven Nights

Q.—How long were you there? A.—Between seven and ten nights.

Q.—Did Capone at any time leave his bed while you were there? A.—Absolutely not.

Q.—So far as you know, was he off on the 17th, 18th, or 19th of January?

A.—So far as I know, he was not. I was only there nights.

Q.—In your opinion, and taking his condition into consideration, would it have been possible for him to attend the horse races on the 17th, 18th, or 19th of January? A.—Absolutely not.

Miss Hawkins explained that she kept daily charts while attending her patient, but that she tore them up shortly afterwards when she went into institution work.

His Day Nurse Testifies

Miss Anne Fagan, a red haired nurse who said she did her graduate work at the Virginia hospital, Richmond, and had six months experience at the Rockefeller Institute, New York, attending returned soldiers suffering with respiratory diseases in 1918, was then called by Defense Attorney Benjamin P. Epstein.

Miss Fagan stated that she was called to attend Capone in the day time, on Jan. 4, to the best of her recollection.

Q.—Where did you first see Capone? A.—I saw him then. He was in bed and had been for two days. He was complaining with pains in the chest, coughing incessantly, and had a temperature of about 104.

Q.—How long did you remain there as day nurse? A.—About two weeks or longer.

Q.—During that time, did Capone ever leave the house? A.—No.

Q.—Did he get out of his bed? A.—No.

Q.—Was his condition such that it

would have been possible for him to attend the races on the 17th, 18th, or 19th of January? A.—No, he had a high fever.

Q.—You never left the house without reporting to Miss Hawkins, and he never left without reporting to you, is that right? A.—That's correct.

C. E. Cross Examines Her.

Mr. Grossman cross examined the witness at this point.

Q.—You talked with Mr. Waugh before leaving Florida to come here and testify, did you not? A.—Yes.

Q.—You talked with Mr. Clark, the government investigator, didn't you? A.—Yes.

Q.—You didn't remember dates and didn't possess any definite recollection when you talked to Mr. Clark, did you? A.—I don't have any definite recollection now.

Dr. Phillips on Stand.

Dr. Phillips, who testified for the defense on Wednesday, declared on cross examination that he was 31 years old, a graduate of the University of Chicago and of Rush Medical College, receiving his diploma in 1926 and going to Miami shortly thereafter.

Q.—Then the statement in your affidavit that you had been "actively and continuously engaged in the practice of medicine and surgery for four years in Chicago" was not true, was it? A.—No, I only practiced here as an interne.

Q. [by the court].—How long were you an interne in Chicago? A.—One year.

Q. [by the court].—Did you have any other practice here? A.—No.

Q.—Did you know Capone in Chicago? A.—I had seen him several times.

Saw Capone at City Hall.

Q.—Professionally? A.—No, I think was around the city hall that I saw him. I didn't have any personal acquaintance with him.

Q.—Did you treat any other members of Capone's family in Florida, or friends of his? A.—Yes, I treated his wife, his boy, Sonny, his sister-in-law, whose name I don't recall, and a worker at his bathhouse.

Q.—Any others? A.—Yes, I treated his brother-in-law, Coughlin. I believe his name was, Dennis Coughlin.

Q.—What was your fee? A.—\$2,000, but that took care of several consultants I called in; he was injured by an automobile accident. This fee was disputed and only half of it was paid, when we settled out of court.

Capone's Bill Is \$300.

Q.—How much was Capone's bill? A.—I don't recall, somewhere around \$300 or \$400.

Q.—You testified you were called to Capone's house on the 18th of January. How often did you visit him after that? A.—Three times a day the first week, twice a day the second week, and after that he began to improve, so I didn't see him every day.

Q.—Now, how long was he confined to bed, and by that I mean in bed, not going to the horse races? A.—Close on to three weeks or a little over.

Q.—That is after you came there? A.—No, that is from the time he was taken ill.

...you got on the bed, after
A—Yes.

...a Wilkinson took up the question at this point.

Q—Let me be sure I understand you. You went there on the 13th. You say he was in bed three weeks?

A—Yes, or a little longer.

...Airplane Ride Possible.

Q—Three weeks or more. That would be up to Feb. 27. What is your professional opinion as to whether or not this man was in such physical condition that he could have taken an airplane trip, going 60 miles each way, on Feb. 27? [This testimony had been given by Capone's pilot.] A—I think it was possible for him to do it, but it was very inadvisable.

Q—How could he do that if he was in bed all the time? A—He was not in bed, I don't suppose, up until that time.

Q—Well, three weeks; I want to be fair about this. Now three weeks from Jan. 13 would be Feb. 4. Now you're obliged to correct your statement, aren't you, that he was sick in bed for three weeks if he took that trip on the 20 of February? A—I have to make it approximately, because I really cannot remember exactly, but I think it was about that length of time.

Ride's Effect on Health.

Q—All right, how about a man who has been threatened with pneumonia making an airplane trip going 60 miles an hour, 60 miles in each direction?

A—Your honor, I think it all depends on two big factors, maybe more. In the first place, where he was sitting in the plane [an open craft] and whether he was exposed to the draft and wind. In the second place, it depends on the kind of day it was, whether it was stormy and damp, or warm and sunshiny like the days we have.

Q—Are you sure that you did not exaggerate the seriousness of this man's condition? A—Your honor, as sure as I am sitting here.

Attacks "In Bed" Statement.

Mr. Grossman resumed at this point, attacking the statement in Dr. ... that Capone had been confined to his home for ten weeks and had only been out of bed ten days when the affidavit was sent to Chicago, under date of March 5.

Q—Now by confined to bed, as you used that expression in this affidavit, you do not mean in bed do you?

A—No, I cannot say that I do.

Q—And by confined to bed you might mean taking airplane trips?

A—I would hardly say that.

Q—Steamer trips? A—No, not that.

Q—You might mean going to the races? A—It could mean that.

**SHERIFF SEIZES
SLOT MACHINES
IN ROADHOUSES**

Dixon, Ill., Feb. 28.—[Special.]—In a county-wide raid, F. A. Richardson, sheriff of Lee county, seized several auto loads of jack pot and money slot machines last night and this morning. All roadhouses and amusement places about Dixon and in Amboy and subletta business houses were visited by the officers.

State's Attorney Mark C. Keller ordered the raids when complaints were received that charged that minors and children were allowed to play the machines. Money found in the gambling machines will be turned over to the Dixon welfare committee to use for

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Clippings

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Capone Defense Rests In Contempt Trial: Al Avoids Testifying

Gangster's Doctor Admits Error in Affidavit for Evidence.

POLICE ON GUARD

"Scarface Al" Capone's trial on contempt charges before Federal Judge James H. Wilkerson neared its close when the defense rested its case abruptly this afternoon.

Earlier in the day Capone had told newspaper men that he planned to take the stand. During the noon recess, his attorneys, William F. Waugh and Benjamin P. Epstein, were said to have discussed the possibility that the prosecution, with Capone on the stand, might have wandered far afield in its questioning and that Capone might have done himself generally more harm than he could do good in today's specific case.

Assistant District Attorneys Jacob I. Grossman and Cassius P. Felt called Dr. Charles E. Williamson, a member of the faculty of the college of medicine of the University of Illinois, to testify as to the ordinary course of disease in pneumonia and bronchial cases.

Nurse Is Witness

Miss Ann Fagan, a nurse who attended Capone during his illness, testified that on Jan. 17, 18 and 19—days in 1929 on which government witnesses testified they saw Capone at a race track—Capone was ill in bed with a temperature that hovered about 104 degrees.

Mr. Grossman, in cross-examination, forced an admission that she was uncertain of the dates between which she had been in attendance on the gang boss.

Closing arguments were expected following the completion of Dr. Williamson's testimony.

Indications were that the judge would reserve his decision until he had an opportunity to review the

he had an opportunity to...
...of evidence in the...
...to the federal building...
...Michael...
...Frank M. P...
...that the public...
...be continued by...
...of the...
...appearing in...
...case was...
...

A Detective...
...and...
...at...
...and...
...and conveyed his car to the...
...building. Phil D'Andrea, who...
...usually found...
...of City...
...with Capone in the...
...which was piloted by a Negro...
....

Crowds Ahead Today.

Apparently every one...
...federal building who...
...Capone saw him yesterday, so...
...was so...
...through the Adams street...
....

The same precautions taken...
...yesterday were again in...
...today.

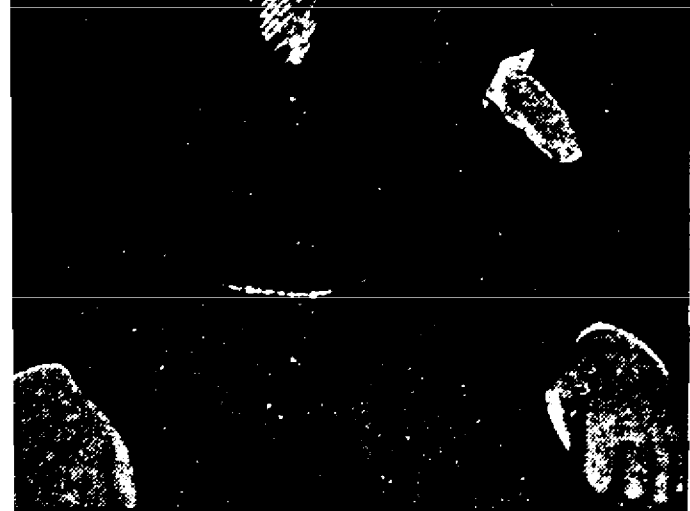
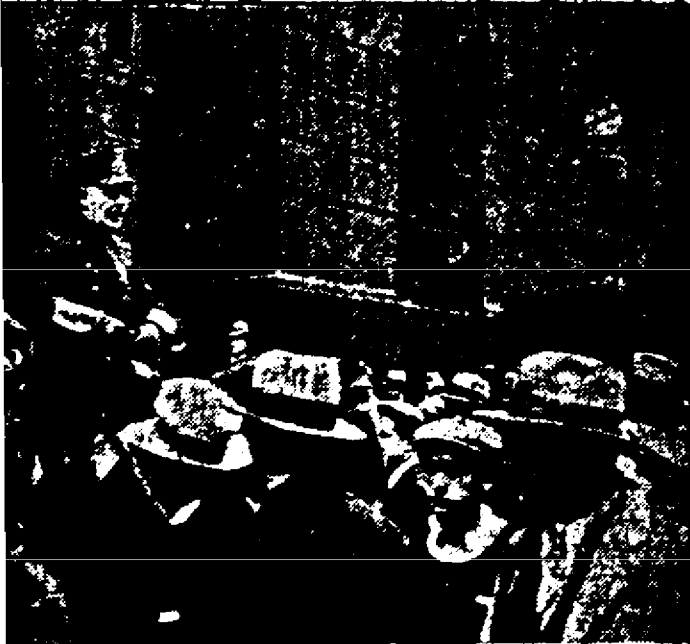
Capone was in affable mood. News-
...paper men surrounded him as he ap-
...peared in Judge Wilkerson's court-

(Continued on Fourth Page.)

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Handwritten note: Will you...

GLIMPSE OF PUBLIC ENEMY NO. 1



—Scene outside the federal building as crowds sought to catch Alphonse ("Scarface") Capone. A cordon of mounted police was to keep order and to open a lane in the street for traffic. Below, Judge Phillips, who attended Al Capone when he was charged with contempt before Federal Judge James M. McLaughlin, was also booked for an appearance before Frank M. Fadden in the Federal court. Below, a staff photo of Dr. Phillips by a staff photo grapher.

CAPONE RECALLED CASE, AVOIDS WITNESS STAND

Recalled from past...

The gangster, who was in jail yesterday, was in court today. This gave rise to a question. "Capone," said a reporter, "can't be a witness. I don't see how he can testify, a gray one today." Capone grinned. "I'm buying this case on the installment plan," he said.

Now, with his eyes on the girl reporter, who approached him in a timid fashion, and after saying once or twice, stuttered out his name. Capone arose and bowed in a gallant fashion. "I was supposed to ask you a question," said she, "but I don't know what it was."

Capone stood smiling. "Oh, I know," said the girl reporter. "What do you think of the American girl?" "I think you're beautiful," said Capone. The girl retired in a huff. Capone told newspaper men he expected to take the stand. "I'll probably go on as the witness," he said.

Doctor Recalled to Stand. Dr. Kenneth Phillips, Miami physician who made affidavit two years ago that Capone was too ill to come to Chicago in response to a grand jury summons, was the first witness to be questioned today. He was called yesterday to tell of Capone's illness in January and February, 1929, the same period in which both a Boston government witness said of seeing Capone at the races on airplane trips and steamer trips.

Capone's plea of illness as an excuse for postponing a visit to the federal grand jury here five years ago brought on the present suspension of court proceedings.

Assistant District Attorney Grossman subjected Dr. Phillips to a scathing cross-examination and won an admission early that there was an inaccuracy in the affidavit which the physician sent the federal grand jury.

Cross-Examined Doctor. Mr. Grossman picked up the affidavit and proceeded: "I call your attention to this statement in the affidavit: 'I have been actively engaged in the practice of medicine in Miami for eighteen months and for four years before that in Chicago.' That is not accurate, is it?" "I intended it to be approximate," the doctor said.

Judge Willerson turned to the witness. "How long did you serve fully a year in the penitentiary?" "I served fully a year in the penitentiary," the witness replied. "I served in the penitentiary for one year and one month."

What did you think when you saw that he had both there on the stand? "I was astonished," he said. "I had had a day and night in the penitentiary on Jan. 25, 1929."

When you said in your affidavit that he was confined in jail, was that really meant in both a physical and mental sense that he was confined in the prison about a year and a half? "I don't know," he said. "I don't know when he was confined in the prison or steamer trip."

On Jan. 27, 1929, is that the day he was sick enough to get out of bed? "I don't know whether he would have been in a dangerous condition or not."

Was Capone in Al's Case. "When was the crisis?" "It was not over a week."

Were you inaccurate as to the date when he got out of bed? "And it was really a matter of three weeks?" "Yes."

Judge Willerson asked: "Was the defendant in bed all the time his wounds were there?" "Yes."

Assistant William Waugh opened a subject examination of the physician. "Did you think at the time that he was really dangerous for Mr. Capone to go to Chicago?" "Yes. I thought it might mean a relapse and even death to go to a cold climate."

As to the affidavit, you said it was written in the office of Attorney John Stokes in Miami? "Yes."

And it was written in the language of Stokes and dictated by himself? "Yes."

Did you read it carefully after it was written? "No, I was in a hurry. I examined it rapidly. I am sorry I didn't read it carefully."

Family Physician Told. Dr. David Cuneo followed Dr. Phillips on the stand. Dr. Cuneo said he had been the Capone family physician for eight years. Dr. Cuneo has been in the limelight before for treating the wounds of the gangster Martin Durkin, the brother of Al Capone, when he fell from a horse on the dog track in Chicago. Dr. Cuneo said he had seen Al Capone in the hospital in Chicago.

FILE AT ROGUES' GALLERY



Picture of Alphonse ("Scarface Al") Capone made of the various identifications here after his arrest recently on vagrancy charge. Capone, private life, the jailbird and brothelkeeper and boss of racketeers since 1925, had Capone suffered the indignity of being "arrested" and thrown behind the rogues' gallery. Capone drew a six month sentence for contempt charges in federal court today.

**BAND CHEETAH
GLUNTAY...
OF U. S. JUDGE**

**Plans Appeal of 5-Year
Term to Col. Crown
Mins Around**

AFFIDAVIT IS ASSAILED

Alphonse Capone, the notorious racketeer and public enemy, was found guilty of racketeering today by Federal Judge James M. Wilburson and sentenced to five years in the Cook county jail.

Judge Wilburson overruled a motion for a new trial and an appeal of judgment. He ordered the state attorney to prepare a formal appeal and announced that it would be entered Monday.

Capone's request, however, was granted leave to appeal the case to the United States Dept. of Appeals. The judge granted these terms only if he is a bit of conditions and if lower the \$5,000 bond which Capone had posted for his appearance in the contempt case to stand for the appeal. Capone will be a house arrest if the case is heard by the United States.

Capone had been serving a 10-year sentence for racketeering in the United States. He had been in the United States since 1925. He was arrested in 1934 and sentenced to 30 years in the United States. He was released in 1939 and served a 5-year sentence in the United States. He was released in 1941 and served a 5-year sentence in the United States. He was released in 1943 and served a 5-year sentence in the United States. He was released in 1945 and served a 5-year sentence in the United States. He was released in 1947 and served a 5-year sentence in the United States. He was released in 1949 and served a 5-year sentence in the United States. He was released in 1951 and served a 5-year sentence in the United States. He was released in 1953 and served a 5-year sentence in the United States. He was released in 1955 and served a 5-year sentence in the United States. He was released in 1957 and served a 5-year sentence in the United States. He was released in 1959 and served a 5-year sentence in the United States. He was released in 1961 and served a 5-year sentence in the United States. He was released in 1963 and served a 5-year sentence in the United States. He was released in 1965 and served a 5-year sentence in the United States. He was released in 1967 and served a 5-year sentence in the United States. He was released in 1969 and served a 5-year sentence in the United States. He was released in 1971 and served a 5-year sentence in the United States. He was released in 1973 and served a 5-year sentence in the United States. He was released in 1975 and served a 5-year sentence in the United States. He was released in 1977 and served a 5-year sentence in the United States. He was released in 1979 and served a 5-year sentence in the United States. He was released in 1981 and served a 5-year sentence in the United States. He was released in 1983 and served a 5-year sentence in the United States. He was released in 1985 and served a 5-year sentence in the United States. He was released in 1987 and served a 5-year sentence in the United States. He was released in 1989 and served a 5-year sentence in the United States. He was released in 1991 and served a 5-year sentence in the United States. He was released in 1993 and served a 5-year sentence in the United States. He was released in 1995 and served a 5-year sentence in the United States. He was released in 1997 and served a 5-year sentence in the United States. He was released in 1999 and served a 5-year sentence in the United States. He was released in 2001 and served a 5-year sentence in the United States. He was released in 2003 and served a 5-year sentence in the United States. He was released in 2005 and served a 5-year sentence in the United States. He was released in 2007 and served a 5-year sentence in the United States. He was released in 2009 and served a 5-year sentence in the United States. He was released in 2011 and served a 5-year sentence in the United States. He was released in 2013 and served a 5-year sentence in the United States. He was released in 2015 and served a 5-year sentence in the United States. He was released in 2017 and served a 5-year sentence in the United States. He was released in 2019 and served a 5-year sentence in the United States. He was released in 2021 and served a 5-year sentence in the United States. He was released in 2023 and served a 5-year sentence in the United States. He was released in 2025 and served a 5-year sentence in the United States.

