FEDERAL BUREAU OF INVESTIGATION

ALPHONSE CAPONE

PART 8 OF 11

BUFILE: 69-180

SUBJECT Capone, Alphonse

FILE NUMBER 69-180

SECTION NUMBER 2

SERIALS 55 - 71

TOTAL PAGES 241

PAGES RELEASED 237

PAGES WITHHELD 4

EXEMPTION(S) USED b7C, b7D

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U. S. Department of Justice

Bureau of Investigation

POST OFFICE BOX 1405

CHICAGO, ILLINOIS

February 27th, 1931

FEB 3 1931

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

AIR MAIL

RE: ALPHONSE CAPONE
KENNETH PHILLIPS, M.D.,
Contempt of Court,
Perjury.

Dear Sir:

With reference to the above entitled case, which went to trial at 10 A.M. on February 25th, 1931, you are advised that on this date testimony was completed, and arguments closed by both the prosecution and defense, after which Federal Judge James H. Wilkerson sentenced subject Capone to serve a term of six months in the Cook County, Illinois jail, final order of sentence to be entered by the Court under date of March 2nd, 1931, at 10 A.M. Judge Wilkerson intimated that on March 2nd, 1931, he would allow subject Capone thirty days in which to file an appeal. Said subject was released under his present bond of $50000.00.

For your additional information in connection with this matter I am transmitting herewith copies of the official transcript of Judge Wilkerson's announcement of finding in the Alphonse Capone case, dated February 27th, 1931, as made by the Court Reporter.

For your further information I desire to advise that subject Capone was arrested at the noon recess when he was leaving the Federal Court under date of February 25th, 1931, by City Detectives of the Chicago Police Department, in connection with the Vagrancy charge pending against him at Chicago. He was arraigned before Municipal Judge Thomas Green, who released subject Capone on a $10,000.00 bond.

Shortly after Federal Judge Wilkerson announced the verdict in the Capone case, Special Agent T. F. Mullen talked with United States Attorney George E. Q. Johnson, who stated that he

69-180-55

MAR 9 - 1931

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vol 2

was very much elated with the outcome of this case, and desired to congratulate this Bureau in connection with the obtaining of evidence and the work performed during the trial of this case. United States Attorney Johnson also informed Special Agent Mullen that so far as his office is concerned with respect to subject Phillips, no prosecutive action is to be taken in this district regarding that subject.

Very truly yours,

R. G. Harvey

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

RGH:JMS

69-19

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2 FF

RECEIVED

POST OFFICE BOX 1405
[illegible]

February 27th, 1931

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Bureau of Investigation
Department of Justice,
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Shortly after Federal Judge Wilkerson announced the verdict in the Capone case, Special Agent T. F. Mullen talked with United States Attorney George E. Q. Johnson, who stated that he

The U. S. Attorney's enthusiasm now is rather amusing, it has taken us nearly two years to force Johnson's filing the matter to our office.
67-180-5-J 3/1/31 J. E. D.

5

was very much elated with the outcome of this case, and desired to congratulate this Bureau in connection with the obtaining of evidence and the work performed during the trial of this case. United States Attorney Johnson also informed Special Agent Mullen that so far as his office is concerned with respect to subject Phillips, no prosecutive action is to be taken in this district regarding that subject.

Very truly yours,

R. C. HANEY,
Acting Special Agent in Charge.

RCH:J S

69-19

6

UNITED STATES)
)
vs.) Before Wilkerson, J.
)
C A P O N E)

Friday, February 27, 1931

10 o'clock A. M.

O P I N I O N.

THE COURT: This respondent was served on the 27th of February, 1929, with a subpoena from this Court requiring him to appear before the grand jury on the 12th day of March, 1929, at 10 o'clock A. M.

On the 11th of March he entered his appearance in this court, submitted himself to the jurisdiction of the court, and made an application to the court to postpone his appearance in response to the subpoena until the April Term of the court, or until such other time as his appearance might be directed by the order of the court.

In connection with the petition and made a part of the petition by express reference there was submitted to the court an affidavit executed in Florida and sent by the respondent to Chicago. The affidavit was that of a doctor named Phillips.

The affidavit stated that he was acquainted with the respondent, that he had been attending him ever since the 13th of January; that the respondent was then under his professional treatment. That since January 13, 1929, the respondent had been suffering from bronchopneumonia pleurisy with effusions of fluid into the chest cavity, and for six

weeks was confined to his bed at his home on said Palm Island, and had been out of his bed only for ten days last past; that he had not fully recovered from the disease and that in the professional opinion of affiant his physical condition was such that it would be dangerous for him to leave the mild climate of Southern Florida and go to Chicago, and that to do so would imperil the safety of the respondent; that there would be a very grave risk of relapse which might result in his death from the recurrence of pneumonia; that the doctor advised against requiring the respondent to go from Florida to Chicago, and that it would be inconsistent with the personal safety of the respondent to go to Chicago; that the opinion expressed by him was concurred in by three professional consultants of the City of Miami, Dr. Goudy, Dr. Maxwell, and Dr. Pierson, all of whom may be reached by addressing them at 120 Shoreland Arcade in the City of Miami.

Now as to this affidavit the fact is that it was executed in the office of a lawyer; that it was taken from the lawyer's office and sworn to before the United States Commissioner and turned over to the respondent. It appeared first in court accompanied by a letter which concededly was written by the respondent and in which there was a reference to his desire to obtain a stay of time for his appearance before the Grand Jury. The doctor

said he did not pay very close attention to the affidavit when it was dictated by the lawyer. There is no contention, however, by the respondent here that he did not understand the allegations of the affidavit. He has not undertaken to assert any lack of familiarity with the statements in the affidavit. On the contrary, he adopted it and sent it to Chicago to the attorneys to be used for the purpose indicated.

Aside from the opinion of the doctor as to what was the matter with the respondent, there were certain averments of facts in the affidavit which could not have not escaped the attention of any one who had given even a slight consideration to the language of the affidavit.

There is the positive statement of fact that the respondent had been confined to his bed at his home for a period of six weeks after the 13th of January, and there is the positive and direct statement that he had been out of bed only for ten days last past.

Now the testimony offered by the respondent consisted of the evidence of Drs. Phillips and Omens and of the two nurses.

Dr. Phillips' testimony, of course, must be considered in the light of the telegram which he sent to Dr. Omens in which he characterized the sickness of the respondent as not serious in its character. He has given an explanation for that, but without saying anything further concerning the testimony of Dr. Phillips, I think clearly that we must decide

the question of fact as to the respondent's illness in January upon the testimony of Dr. Omens and the two nurses.

Dr. Omens reached Miami sometime between the 15th and the 20th of January and found him, he says, seriously ill from the disease mentioned. He remained there a few days, and when he left, shortly after the 20th of January, so far as temperature and pulse are concerned, the condition of the patient was about normal.

One of the nurses went to the home on the 6th of January and remained a little less than three weeks. The night nurse who was called in by Dr. Phillips went there on the 13th or about the 13th and remained seven or eight days - I think she said seven to ten days. At any rate, the nurses had gone by the last week in January. and the evidence establishes beyond all possibility of doubt in this case that during the month of February the respondent was not confined to his bed.

The evidence shows during that period frequent attendance at the race tracks; it shows a trip in an airplane; it shows a boat trip, and taking all of the evidence, it is perfectly clear that at least after the 2nd of February it could not be truthfully stated that the respondent was confined to his bed, and that the statement on the date when the affidavit was made, namely, the 5th of March, 1929, the respondent had been out of

bed for only ten days last past was glaringly false.

Now the result of the whole thing was that there was a short extension of time within which the respondent was to appear before the Grand Jury.

But I think we miss the point in this case when we lay stress upon what happened when counsel for the defendant and Mr. Anderson appeared before this branch of the Court, or when we lay stress upon the inconvenience, if any, to which the United States was subjected by the failure of the respondent to come here on the 12th, or if we lay stress upon the statement of the respondent in his application for a continuance that he was willing to come here whenever the Court directed him to come, or the statement which it is said was in the letter that he did not wish to be in contempt of court, - I say we miss the point in this case when we lay stress upon that.

The point in this case as I see it, is this: There has been a system established for the administration of justice. The Court is a part of that machinery which is erected for the administration of justice.

Now the Court deals with litigants, with witnesses, with jurors in only one way, and that is through the process of Court, and when the process of Court issues it is to be respected, it is to be obeyed, it is not to be trifled with, it is not to be flaunted; and with respect to the process of the Court the duty rests upon litigants and upon witnesses and upon jurors to deal honestly and fairly and frankly

with the Court; and when an attempt is made to interfere with the execution of the process of the Court, when an appeal is made to the Court to relieve a party from obedience to the process of the Court, the Court is entitled to the fullest, fairest and most complete disclosure of all the facts. In no other way may the Courts operate.

Now here we have an application addressed to this Court with respect to the execution of the process of the Court in which it is represented to the Court that the respondent has just been out of bed for ten days, when it must have been a matter of general knowledge in the community in which he was then staying that he was not sick in bed at all.

Now the point in this case is the effect of conduct of that kind upon the administration of justice, and the situation is not changed by the action which the Court took with reference to this document. The situation would be the same if the Court had acted in granting the continuance for some reason entirely different from the one stated in the affidavit.

The point to the case is that instead of obeying the process of the Court, the respondent, to be relieved from obedience to the process of the Court, sent this affidavit which contained these false statements.

Upon the record as it stands here there is nothing for the Court to do except to adjudge the respondent guilty

of contempt of Court as charged in the information, and as punishment for the contempt the respondent will be committed to the County Jail of Cook County for the period of six months. The United States Attorney may prepare the order.

MR. EPSTEIN: If your Honor please, I wish to enter a motion in arrest of judgment.

THE COURT: Yes.

MR. EPSTEIN: And in support of my motion for arrest of judgment I wish to assign the argument that there is no proof in this case that the defendant had any knowledge of the false representations that were made, as I made before in my argument, and I wish to urge in support of the motion in arrest of judgment that there has never been any service personally of the rule to show cause in this case; and I might say all the other points that were heretofore argued and presented and contained in the motions heretofore made.

THE COURT: The motion will be overruled.

MR. EPSTEIN: May I have an exception to the overruling of the motion in arrest?

THE COURT: Yes.

MR. EPSTEIN: Now if your Honor please, will your Honor make any findings of fact in connection with the --

THE COURT: Well I have directed the United States Attorney to prepare an order.

MR. EPSTEIN: Your Honor, the verdict was that --

THE COURT: He will put in this order the facts found. I have found now that the charge of the information --

MR. EPSTEIN: That he was guilty of the charges contained in the information.

THE COURT: Oh, that may be embodied in the formal offer which the United States Attorney submits.

MR. EPSTEIN: Will your Honor -- until the presentation of that order I suppose there is no real final order in the case.

THE COURT: What is the bond of the respondent?

MR. EPSTEIN: $5,000, and he has voluntarily appeared, as your Honor knows.

THE COURT: I think that is a sufficient bond.

MR. EPSTEIN: As the matter stands on the --

THE COURT: You may present the formal order for entry next Monday morning at 10.00 o'clock.

MR. EPSTEIN: At that time will your Honor allow us an order --

THE COURT: There will be no order this morning. I have announced my decision in the case and formal order will be presented here Monday morning at 10.00 o'clock by the United States Attorney for entry. In the meantime the respondent may be at liberty on the bond which he has already given in this case, if that is satisfactory to the respondent.

MR. EPSTEIN: And at that time, if your Honor please, or shall we make the motion now, praying an appeal? Will your Honor allow an appeal?

THE COURT: I will allow an appeal. You can present your petition when you have it ready, petition and assignment

of errors and bond on the appeal will be the same as the bond here, $5,000.

MR. EPSTEIN: And supersedeas?

THE COURT: I think that bond is sufficient on appeal.

MR. GROSSMAN: Yes.

THE COURT: Yes, supersedeas, bond $5,000.

MR. EPSTEIN: Will your Honor allow supersedeas?

THE COURT: On $5,000 bond.

MR. EPSTEIN: On $5,000 bail.

THE COURT: I may, however, limit the operation of the supersedeas. I think you should prepare on this hearing a bill of exceptions within twenty days. I think that would be ample time for you to do that, so that you can get the record up and get it docketed before the Court of Appeals. I should like to limit the time of operation of the supersedeas so that the case may be considered before the Court adjourns in July. I do not think that is any hardship upon counsel.

MR. EPSTEIN: Well, it will be a hardship —

THE COURT: Sometimes in matters of this kind a great deal of the force of the Court's acts, if they are correct, is lost by delay, and I think it is important that the questions which are involved should be finally disposed of at as early a date as possible. I am disposed to do everything to facilitate your getting your appeal and your bill of exceptions.

MR. EPSTEIN: Well, as to that I don't know. For twenty days right now to me happens to be —

THE COURT: Thirty days.

MR. EPSTEIN: -- a time when I am going to be very busily engaged, but I have able assistants and counsel and colleagues and cogitators with me.

THE COURT: Did you both have reporters in this case?

MR. TAUGH: Yes, your Honor.

THE COURT: The record in this case is short and somebody can take it and abstract it and make a statement of the evidence in a day, I should think.

MR. TAUGH: Of course it has to be written up first. We have not had it written up yet.

MR. EPSTEIN: We have not had it written up as we went along.

THE COURT: Those questions may be disposed of on Monday.

MR. TAUGH: All right

(Thereupon an adjournment was taken to Monday, March 2, 1931, at 10.00 o'clock A. M.)

RECEIVED

[illegible]

Honorable [illegible]
United States Attorney
Chicago, Illinois

Dear Sir:

RE: ALPHONSE CAPONE;
KENNETH PHILLIPS, [illegible]
Department of Justice; Ex Jury;
File [illegible]

Reference is made to your communication of February 19, 1931, under above caption, to Special Agent [illegible] of this office, requesting cooperation in locating certain witnesses who were under subpoena to appear at Chicago on February 25, 1931.

In accordance with your request, Agent [illegible] contacted all the witnesses except I. S. Cooper, former Deputy Marshal, and advised they were served with subpoenas and advanced funds for travel to Chicago. Former Deputy Marshal Cooper is dead.

Very truly yours,

[illegible]
Special Agent in Charge

[illegible]:SLM
cc Director
cc Chicago

69-180

MAR 2 1931 P.M.

17

69-186-56

18

ENCLOSURE

CHICAGO TRIBUNE
Monday, Mar. 2,1931.

N-Mmo

CAPONE TO JAIL.

Al Capone [illegible] six months in jail for Federal Judge Wilkerson for contempt of court, had taken a casual but characteristic attitude toward judicial process. He did not want to obey a summons, being in Florida. He was well advised legally that he could not ignore it and badly advised that it could be fixed by a false affidavit. Capone's experience and his ideas of government gave him justification for believing that it could be fixed, but he was dealing with the wrong court.

He had learned from his operations in Chicago that he was a part of government under reciprocating arrangements in which for value received he conducted certain enterprises requiring political protection and occasional murder. His experience in Philadelphia, where he went to jail for a year for carrying a gun, would not destroy his confidence in the general dependability of the system. That was a jam in which he was careless in unorganized territory. It was an exceptional event.

The sentence which has been imposed is not relevant to any of the major facts of his career, but it is to the general plan of government in which he has participated. The [illegible] of prohibition has been [illegible] as it has of late been [illegible] other gangsters. Polin [illegible] years in prison. Nitti to eighteen months. Druggan and Lolordo are to be sentenced on pleas of guilty, and of the three Guzik, a protected family of gangsters, and for the moment one has been sentenced to five years, one is indicted and one is to be indicted. Furthermore, under the direction of Secretary of Labor Davis, the immigration officials are combing out the deportables. More Neapolitans of the Capone gang will thus leave the country.

[illegible] and to the gangsters and politicians associated with them, startling developments of the last six months. If the law's approach has not been a direct attack upon the gravest evils of the outlaw party, we will drop in there; it is nevertheless the best result hitherto which has been made in their prosecutions.

NOTE: [illegible] 19

APPROVED 69-180 69-180-55X

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CHICAGO DAILY NEWS
Sat., Feb.28,1931.

N-mnt

CAPONE FACING [illegible]

[illegible]LS ALONG

U. S. Plans Gang Chief's Income-Tax Prosecution; Speed Volpe Exile.

WHITE TRIAL MONDAY

With "Scarface Al" Capone, boss booze, vice and gambling racketeer, under sentence of six months for contempt of court, Chicago's cleanup drive whirled along today with the authorities pressing the fight on several new fronts.

While Capone was at Lorto today [illegible] from Federal [illegible] Wilkerson's sentence, District Attorney George E. Q. Johnson and his aids busied themselves completing evidence on which an indictment will be sought against the [illegible] from similar to those which have already brought prison sentences to some of his principal cohorts.

Immigration authorities in Chicago meanwhile were making preparations [illegible] the deportation of Tony ("Chicago") Volpe, long a reputed member [illegible] the so-called murder division of the Capone syndicate.

125 Other Aliens Deported.

Six coaches, barred and carrying armed guards, will take 125 undesirable aliens out of Chicago tonight from the LaSalle street station. Although Volpe will not be among the men being deported, the train will have on it three brothelkeepers—Nick Bernardini and Antonio Maroda of Chicago and Angel Kiriakos of Gary and three [illegible] recently released from Joliet—Christie Houn, a burglar; Emil Wyll, a burglar, and Frank Cotchin, a men adjudged insane will also be taken to New York for the [illegible] hold [illegible].

A special train, including cars for sixty aliens from the west coast, will carry the undesirables east.

White Plea Is Denied.

Judge Joseph Sabath in the Criminal court overruling the motion to quash the indictment against William J. ("Three Fingered Jack") White, also listed as a public enemy ordered him to trial Monday morning for the killing of a policeman several years ago.

In refusing the plea of White's attorneys Judge Sabath also announced that the trial of Leo V. Brothers, St. Louis hoodlum indicted for the murder of Alfred Lingle, which had been set for March 3, would follow immediately upon the conclusion of White's case.

The Popes Are Questioned.

That the government officials were already pressing their efforts to land Capone in a prison cell for income-tax law violations became known today through the reported appearance in the federal building of Willie and Benny Pope, who at various times are reputed to have been prominent in the operation of some of the Capone-controlled gambling joints.

They were reported to have been questioned by Assistant District Attorney Dwight H. Green and from other sources it was learned that subpoenas are to be issued for others who, it is hoped, may be compelled to give information before the federal grand jury regarding the profits Capone is said to have taken from some of these enterprises.

Mr. Johnson's assistants, it was said, plan to follow the same procedure in their efforts to obtain an indictment against Capone as used in the prosecution of Ralph Capone, his brother; Jack Guzik and Frank ("The Enforcer") Nitti, who is already serving an eighteen-month sentence in Leavenworth penitentiary for income-tax frauds.

Vagrancy Trial Wednesday.

Capone also faces trial next Wednesday before Judge Frank M. Padden in the Felony court on a charge of vagrancy as public enemy No. 1. He is scheduled to appear before Judge Wilkerson Monday morning, when the formal order on the six months' sentence meted out to him yesterday is to be entered. At that time formalities connected with the filing of his appeal will be completed.

MAR 4 1931

69-180-[illegible] 69-180-55X
32-15941-57

69-180-56

RECORDED & INDEXED

MAR 6 - 1930

March 4, 1930.

MEMORANDUM FOR THE DIRECTOR, BUREAU OF PRISONS

I am in receipt of your memorandum, dated February 28th, addressed to Mr. Nathan, having attached a newspaper clipping concerning Al Capone.

As requested by you, I am returning the newspaper clipping herewith.

Very truly yours,

Director.

Incl. #430828.

see 62-23190 62-21034

69-180

21

SANFORD BATES
DIRECTOR

DEPARTMENT OF JUSTICE

BUREAU OF PRISONS

WASHINGTON

RECEIVED

INVESTIGATION
MAR 3 1931 PM

February 28, 1931.

MEMORANDUM FOR MR. NATHAN:

Referring to your previous memorandum I thought you might like to see the attached clipping with reference to the alleged activities of Al Capone. I can't make out whether this is intended as a joke or whether it is really being taken seriously by this little local paper. Please return it when you are through with it.

Sanford Bates
Director.

Ack 3/4/31

RECORDED
INDEXED

MAR 6 - 1930

69-180-56

MAR 5 1931

FILE

22

Saturday's Courier

Entered at the Post Office in Lewisburg, Pa., as Second Class Mail M[illegible]

ALL SORTS OF Al Capone stories are in circulation in and around Lewisburg. It all had its origin in reports contained in newspapers alleging the Great Lakes Construction Company to be owned in the roundabout way by Capone and to be a part of some racket system. The construction company resented this imputation, and the Union Press made an investigation with the report and conclusion that the Great Lakes Company is in no way related to Al Capone. While this ought to end further comment it seems to have accentuated the libel with more new stories invented each day than there are fleas on a dog's back.

THE SPIRIT OF enterprise is running high with our local merchants and business men who have put on for Friday and Saturday big holiday purchasing carnivals when great bargains may be had and money saved.

EDITORIAL CORRESPONDE[illegible]

THE FIELD OF CIRCULATION THE ...

Saturday News

...IAL ADVERTISING MEDIUM. ESTABLISHED IN 1882

...AY, FEBRUARY 28, 1931. $2.00 PER YEAR IN ADVANCE

...E DOLLAR DAY

...extra pressure on ... to accommodate ... much local ... social comment.

...Merchants ... in the opportun... that will ... Friday and Sat... will be ...

CHICAGO GANGDOM OPENS OPERATIONS IN LEWISBURG

Private Investigator Discovers that Romanelli, "The Roman," and "Jo Jo" Jackson Have Been at Site of Penitentiary --- Both Representatives of Chicago Underworld

(By Special Staff Writer, and Exclusively for THE SATURDAY NEWS)

That the underworld of Chicago has branched out from its operations along the shores of Lake Michigan, is attested by several startling developments in this section during the past two weeks. The first intimation of gangdom's entrance into Union county came last week when Ben Comiskey, of Shamokin, was arrested at Sunbury for trespassing on Reading Railroad property. Taken before Mayor Heckart of Sunbury, the Shamokinite stated that he had been sent to these parts by Al "Scarface" Capone, supreme pontiff of the Chicago underworld, to stop work on the new penitentiary.

Although police officials discounted his story, attributing his remarks to fabulous dreams caused by "canned heat", the future developments have cast a different aspect on the whole affair.

Strange Tracks Near Penitentiary Site

Early Monday morning a private investigator discovered near the site of the new penitentiary strange tracks.

MIFFLINBURG GIRL WINS CONTEST

Hummel Again First

...wisburg High Wins ... Northumberland

...against Dan... Lewisburg High ... came back ... Friday to ... easily, 28-... Seniens ... three fouls.

...ld	Foul	Total
4	0x1	8
0	0x0	0
4	3x5	11
2	0x0	4
2	0x0	4
0	0x0	0
0	1x3	1
2	4x9	28

...nd

...ld	Foul	Total
2	6x1	4

[illegible]	1x3	3
[illegible]	0x1	2
[illegible]	1x2	1
1	0x1	2
	1x0	0
6	2x6	14

7 4 8 9—28
5 2 2 5—14
[illegible] VanHorn
[illegible] of quarters

[illegible] Games

Opponents
12
21
41
17
25
20
14
32
14
199

Opponents
23
25
10
13
26
99

[illegible]mes

Opponents
37
39
24
15
31
[illegible]

Opponents
5
15
20

Boys

Fl.	G.	Points
9		20
12		88
13		117
8		54
12		105
3		3
2		6
0		0
0		2
1		1
0		0
5		13
66		418

Girls

Fl.	G.	Points
6		34
6		80
11		60
2		8
1		3
[illegible]		[illegible]
26		[illegible]

[illegible] Chicago gangster. It is stated that Romanelli owns a Great Dane.

Going over his records it was found that Romanelli is a [illegible] of James "Pink Eye" Kelly [illegible] for many years as "The Terror of Tremont." Kelly is known to have been closely associated with Capone before he rose to be King of the Underworld. Kelly also was a close friend of James "Big Jim" Colosimo, whose bodyguard Capone was until "Big Jim" was assassinated on May 12, 1920.

The Chain Tightens

But this was not enough to convince the investigator that the footprints near the site of the new penitentiary had anything to do with the Chicago underworld. He again returned to the penitentiary site, where he easily traced the tracks across the fields to a point near Taylorville. They ended at the side of the road where an automobile had been parked. From the condition of the ground where the car was parked it appeared that there had been a flat tire. The tire marks leading up to the place of parking and those leading away gave no indication that a tire was flat. Consequently, it was deducted that the tire went flat while the car was parked there. But the shoe tracks, said to be those of [illegible] there was someone else in the car who fixed the tires.

The investigator found a tire wrench almost covered with mud. It was unlike most tire wrenches in that it was made by a firm in Chicago who manufactures such wrenches only on a small scale. They are not supplied with any automobile equipment, and can be purchased at only a few of the accessory stores in Chicago.

This was another clue; still another was the two initials, "J. J.", which had been cut into the metal of the wrench.

Traces Wrench to Owner

Few gangsters are so reckless as to show their vanity by carving their initials on property that might be lost, but the investigator remembered that a Chicago gangster by the name of Joe "Jo Jo" Jackson once before got into the hands of the law because of an inlaid pocket knife which he had [illegible] in a distillery. Jackson is known to be a trusted lieutenant of Capone.

There seems to be little doubt that Chicago gangdom has been at the site of the penitentiary. Just why they should desire to hold up construction is not known, unless the underworld feels that prosecutions will be more frequent when the government has more room to take care of federal lawbreakers.

As yet the representatives of the Chicago underworld have done nothing here to warrant turning the case over to the [illegible]. But the [illegible] at work.

80-56

25

Form No. 1

THIS CASE ORIGINATED AT JACKSONVILLE, FLA.

RECEIVED INVESTIGATION 19

REPORT MADE AT	DATE WHEN MADE	PERIOD FOR WHICH MADE	REPORT MADE BY
Chicago, Illinois	Mar. 5, 1931		

TITLE: ALPHONSE CAPONE; KENNETH PHILLIPS, et al

SYNOPSIS OF FACTS: Trial of Subject Capone commenced 2/25/31 before Federal Judge Jas. H. Wilkerson, Chicago on contempt charge. Subject Capone found guilty on 2/27/31, sentenced on 3/2/31 to serve six months in Cook County Jail. U. S. Attorney, Chicago, advised no action to be taken in this District against Subject Kenneth Phillips. Subject Capone appealing decision of Judge Wilkerson.

R. U. C.

REFERENCE: Report of Special Agent T. F. Mullen, Chicago, Illinois, February 20, 1931.

DETAILS:

On February 25, 1931 the trial of Subject Capone was commenced before Federal Judge Jas. H. Wilkerson on a contempt of court charge. On February 27, 1931 Subject Capone was found guilty by Federal Judge Wilkerson and he stated that on March 2, 1931 he would formally enter a sentence of six months which was on this date passed upon Subject Capone, this sentence to be served in the Cook County jail. On March 2, 1931 Messrs. Waugh and Epstein, attorneys for Subject Capone were granted a motion to file a bill of exception to the decision of Judge Wilkerson. This bill is to be filed within thirty days. Subject Capone then made $5,000 supersedeas bond to formally his appeal. Federal Judge Wilkerson then stipulated that if the contempt of court case is not disposed of by June 1, 1931, the date set by the judge for the supersedeas to expire, Subject Capone must then go to the U. S. Circuit Court of Appeals.

DO NOT WRITE IN THIS SPACE

APPROVED AND FORWARDED: J. E. Palmer, Special Agent in Charge

69-180-57

RECORDED AND INDEXED: MAR 7 1931

CHECKED BY:

COPIES OF THIS REPORT FURNISHED TO:

3- Bureau
3- Jacksonville
1- U. S. Atty. Chicago, Ill.
2- Chicago

BUREAU OF INVESTIGATION
MAR 7 1931 A.M.
DEPARTMENT OF JUSTICE

JACKETED: MAR 11 1931

ROUTED TO: Div. Nathan, Div. Two, FILE

H

26

to make application for further continuance.

[illegible]

He stated that no [illegible]
Phillips, W. D. [illegible]

DESCRIPTION.

The following [illegible]

Name:	Alphonse Capone [illegible]
Age:	[illegible]
Nativity:	New York
Weight:	245 lbs.
Occupation:	garage [illegible]
Chin:	regular
Beard:	no
Hair:	dark chestnut, bald [illegible]
Complexion:	sallow
Marital status:	married
Teeth:	2 upper right and 2 upper left out.
Build:	stout
Scars:	left hand, nil; right hand, round scar in back of hand; head, her. scar 10c left side of face from left eye to to from left corner of mouth; cut scar [illegible] below left ear. Operation scar [illegible] left side of head.
F.P.C:	1 [illegible] 9 [illegible] 10 [illegible] 17 [illegible]
Phila. Police No.:	90725
Chicago " "	[illegible]
Criminal record:	1/23/25, arrested as suspect in shooting of John Torrio. Discharged. 12/31/25, arrested at N.Y. City, homicide. Discharged 12/[illegible]/25. 5/16/29, arrested at Philadelphia No. [illegible] weapons. 5/17/29, sentenced to 1 year County jail and [illegible] [illegible] transferred to Eastern Pa. State Pen. [illegible]
Photograph:	on file with National Division of Identification and Information.

The above information, together with fingerprints and photograph of Subject Capone have been forwarded to the National Division of Identification and Information at Washington, D. C.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN.

27

U. S. Department of Justice

Bureau of Investigation

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

RECEIVED

69-180-7[illegible]

March 5, 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 are enclosed herewith for transmission to the National Division of Identification and Information, fingerprints, photograph, description and criminal record of Subject ALPHONSE CAPONE, one of the Subjects in the above entitled case.

Very truly yours,

J. E. D. DUNN,
Special Agent in Charge.

TFM-mk

69-19

Enc.

RECORDED
MAR 9 1931
DIV. of IDEN.

File Res

RECORDED & INDEXED
MAR 10 1931

69-180-58

Div. Ident.

Div. Ent.

U. S. Department of Justice

Bureau of Investigation

P.O.Box 1405,
Chicago, Ill.

March 5, 1931.

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

69-180

Dear Sir: RE: ALPHONSE CAPONE
alias SCARFACE AL

I am transmitting herewith for your information and the Bureau file a series of articles appearing in the Chicago Daily Times during the period February 10 to March 2, 1931, inclusive, and having reference to the above entitled subject.

Very truly yours,

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

JEPD/EC

MAR 7 1931 RECORDED & INDEXED

69-180-59

MAR 11 1931

Nathan

ENCLOSURE

NO. 10-59

DAILY ILLUSTRATED TIMES
CHICAGO'S PICTURE NEWSPAPER
LATE LOOP EDITION
CHICAGO, TUESDAY, FEBRUARY 10, 1931
38 Pages

ROB YERKES HEIR

(Story on Page 2)

building at 1121 | wanted

3


DAILY TIMES, CHICAGO, TUESDAY
PUBLIC EN
How Much Longer
PUBLIC ENEMY NO.
and
Throne
Wall

32

CAPONE PUBLIC ENEM

How Much Longer Can He G

Gorilla of Gangland Whines on Tottering Throne as He Sees Writing on Wall

By RICHARD DOHERTY

[illegible] Alphonse Capone, [illegible] has been [illegible] identifying himself against the day [illegible] he has paid. He has [illegible] and [illegible] politically. He has [illegible] Chicago. Having an army of [illegible] he [illegible] his goal. He is public enemy No. 1 in Chicago. [illegible] the day of wrath has arrived, and he sees [illegible] and [illegible] writing on the wall, and whines.

He built his castle on the bodies of woman and the lusts and [illegible] of man. He built it with brothels, with crooked gambling dives, with cat houses and young beer, with machine guns and armored cars. He built it with gunmen and crooked police men and judges and shady lawyers and politicians. Incidentally, you and I and every man and woman who drinks, helped him to build it.

And now that he shows weakness, now that his troubles are multiplied, now that his throne shakes, we ask, "How much longer can he get away with it?" —and grudge him none of his "take."

Like Job of Us, Capone has become a jest and a byword and a thing of horror, and his enemies "move not to spit at the sight" of him.

Something new has happened in the land.

"The Boss of Chicago's Red Decade"

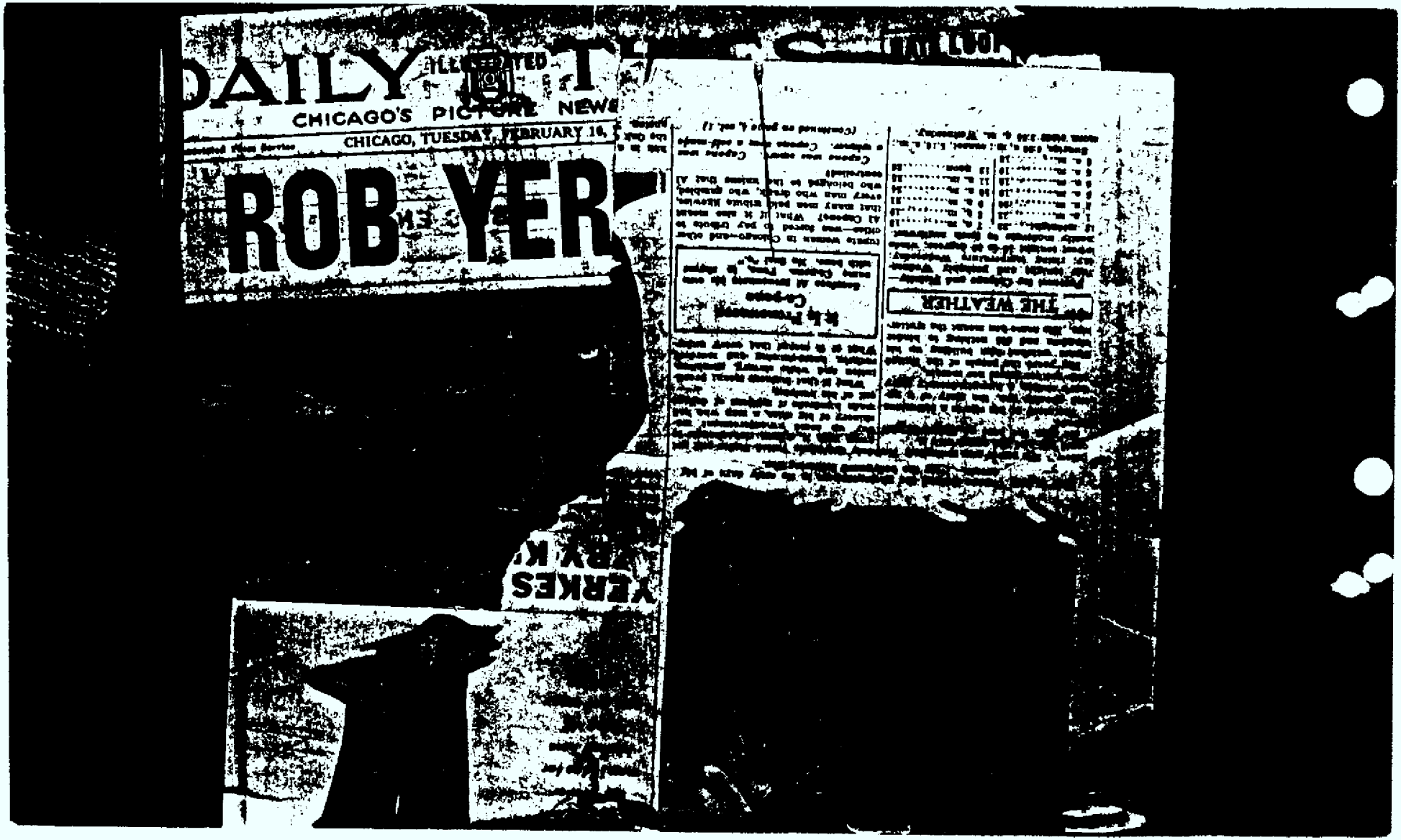
A little while ago Capone was doing a [illegible] business a year. His friends were legion. The chase was [illegible] ing of machine guns, woman, man dying in Chicago, after rearing Loop gutter filled with shooting at policemen, on sidewalks, in apartments, ditches, in the drainage canal. His name has meant trouble and trains of beer and beer rumbling into Chicago and out of it. It has meant graft, corruption, fear. But nothing was done about it.

Perhaps there was something dramatic in the spectacle of this one man pitted against all the others in the jungles of gangland, this lone gorilla emerging out of the jungles, bloody and triumphant and [illegible] to march on the cities of law-abiding people.

Perhaps there was something that appealed to the people's sense of humor in the thought that here was a boy who had [illegible] and made that jumping of the streets of Chicago. Through the years with murderers' bodies found in most courts, in the canal. His

PUBLIC ENEMY NO. 1

This is Al Capone, dubbed by the Chicago Crime Commission as "Public Enemy No. 1." Capone is better educated than most American statesmen in many foreign countries, where people think he rules Chicago. Mr. Doherty's story tells how Capone got started on


DAILY
CHICAGO'S PICTURE NEWS
CHICAGO, TUESDAY, FEBRUARY 16,
ROBYER
THE WEATHER

34

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

(Continued from page 1)

Hey, More power to him, men said, just let's have another little drink!

Yet, a little while ago, Capone could get away with anything.

But the story of his rise is nearing its end; and the vision of Capone as a good-natured tyrant who killed merely to hold his own is fading fast.

It is not strange.

Nor is it strange that a power founded on murder should begin to disintegrate because of a murder. The bullet-shattered bodies of enemy gangsters built Capone's throne. The body of Jake Lingle, a newspaper reporter, made it totter.

From King to "Public Enemy No. 1"

It makes no difference whether Lingle was crooked or straight, whether he was Capone's friend or not. His death shook the imagination of the world. It made the world wonder about Chicago, and Capone. It led to concerted action against Capone and others of his kind.

Over night men began to ask themselves how long this man would get away with it? Over night men began to say that Capone must be put away somehow, that the red decade must end at once.

A new decade is in the making.

Capone is due to appear in Chicago soon to answer to a charge of vagrancy and a charge of contempt of the federal court. It is the beginning of his ruin.

It is possible that his staff of lawyers may free him from the pitfalls of the courts and preserve him for awhile to amass more money and kill more men. He pays his lawyers plenty for their work. He is a fool with money.

But, even so, Chicago has turned against him at last, and if some gun guy doesn't kill him Chicago will find a way of ending his career.

Capone is still rich, still powerful, still deadly venomous. But Chicago has wakened from its long apathy, and no longer sees in Capone a figure of romance and might.

Bloodthirsty Ruffian Must

them on the spot, took them for rides, found them when they were helpless and put them quickly to death.

Capone Denies Killing Jake Lingle

Capone swears he did not kill Lingle nor order his death. The Chicago police believe that Lingle was killed because he was Capone's friend. It isn't important that Capone be thought guilty or innocent of the murder. Directly or indirectly, he made life cheap in Chicago—and Detroit and New York, for that matter.

When Lingle died Capone's power began to wane. Al was proclaimed No. 1 of a list of 38 public enemies, and ordered arrested on a charge of vagrancy. The Chicago police made no attempt to serve the warrant, though they had ample opportunity. They'll serve it soon if Capone appears in court.

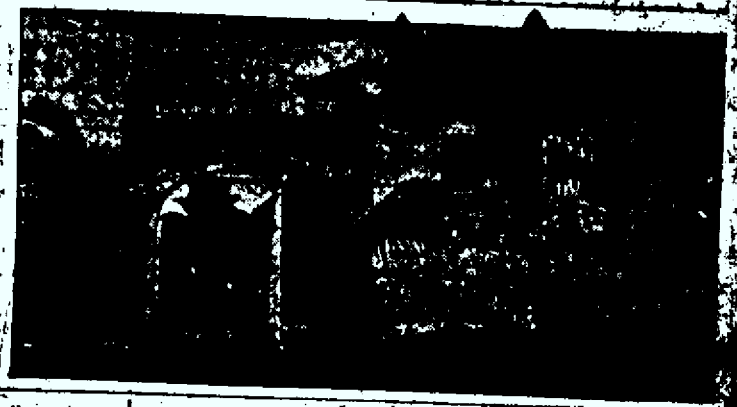
Capone's popularity began to wane after he returned to Chicago following his release from the Pennsylvania jail. He had served a year for carrying a gun. But though the warden did everything but kiss him good-by and weep when the year was over, Al's home town would have none of him. Al went to Miami. Gov. Doyle E. Carlton ordered every sheriff in the state to arrest him on sight. He was arrested. He was released. State's Atty. Vernon Hawthorne of Miami called him a rattlesnake and tried to padlock the palatial home he had bought. The place was not padlocked. Capone spent money freely and aped the rich.

He was unpopular but powerful, until the Lingle shooting.

Chicago, awakened from its apathy, saw Capone as he was, and vowed to get rid of him and all he stood for.

Stockade Brothel Burns To the Ground

Capone places were kicked over. Capone stills were smashed. Capone gambling joints were closed. Capone's pet brothel, the Stockade, was burned to the ground after its inmates had been scattered. Capone's friends and lieutenants were hunted and jailed. Capone's policemen friends were transferred and



Here's Al Capone's winter palace in Miami, Fla. After Al was released from a Pennsylvania prison, he retired to this place in Florida where Chicago would have none of him. Officials there made many attempts to oust the king of the gangsters.

denote that will give the authorities another weapon against Capone.

Who are these authorities? U. S. Atty. George E. Q. Johnson is one. Others are State's Atty. John A. Swanson of Cook county, Pat Roche, his chief investigator; Charles F. Rathbun, appointed special assistant to Swanson; Chief Justice John P. McGoorty of the Criminal court, Municipal Judge John H. Lyle, who has become a candidate for mayor because of his vagrancy warrants; Frank J. Loesch, president of the Chicago crime commission, and Acting Comr. of Police John H. Alcock. There is also against Capone Col. Robert Isham Randolph, chairman of the Chicago Association of Commerce, and his organization, the "secret six committee."

In addition to these troubles should the news from Los Angeles that an effort of Capone's to buy 300,000 acres on the Pacific sea coast as a base for the importing and peddling of beer, drugs, women and Chinese has been checkmated by the police. They confiscated some machine gun parts and a number of bombs. They declared that Frankie Foster and Ralph Sheldon had tried to purchase the land for Capone.

"Bombs are awaiting trial, and one at large on bail.

"Right, Scheming, Capone, The Fight-Giver."

Al Capone is 36 or 37. His pronunciation has name to rhyme with bone, though in Italy the final letter is sounded, making the third syllable. The name in Italian means capon.

He was born in Brooklyn. His father, a Neapolitan, was a barber. Al grew up with the Five Points gang in New York and was something of a protege of Frankie Uale or Yale. He each wanted dishes in Uale's restaurant. It is stated as fact by the police of Chicago and New York that Chicago had Uale killed in a fight over control of the Chicago branch of the Unione Siciliane, which is not a patriotic organization, but a band of silk, cowboys and murderers.

Gets Job Killing "Wrong" Guys

He came to Chicago because he thought he had killed a man. He took the name of Al Brown and got a job killing wrong guys for Johnny Torrio, the chief killer for Jim Colosimo.

Colosimo owned a restaurant in the

on their cars blind—[illegible] Bandana, dynamiters, [illegible] armed-all shotguns.

Torrio came to Chicago [illegible] Polaski gangs. Colosimo [illegible] for help. Torrio came to Chicago [illegible] killed off some of the Polaski [illegible] Capone joined Torrio and [illegible] with the work.

Merely a Matter Of Elimination

Torrio opened houses of [illegible] in Burnham, a little town [illegible] Indiana state line. Capone [illegible] to get girls, he got drunk [illegible] to grease the skids [illegible] officials. Life is just [illegible] simply.

Repeatedly [illegible] in Chicago and Burnham [illegible] Prohibition [illegible] Capone work in the liquor [illegible] bootleggers as well as in the [illegible] pandering.

Presently Big Jim [illegible] M was eliminated.

Torrio and Capone were [illegible]

Torrio and Capone and Dion O'Banion ruled all the rackets in Chicago [illegible]

of Naples, the razor cut inflicted on all Capernites guilty of some slight [illegible] against their kind.

[illegible] the rise of the [illegible] Capone's FRIEND

"Jake" [illegible] who was murdered at Stickgar [illegible] and Randolph streets.

to serve 20 years more. [illegible] sentenced to be hanged, but this sentence was commuted to life imprisonment, and he was released after 24 years.

Frank Nitti, Capone's "enforcer," was deported at income tax evasion and was [illegible] in a gun at Ft. Leavenworth.

Brother Ralph Gets Federal Sentence

Capone's blood-brother Ralph was sentenced to three years for the same offense as Nitti. He is out on bond, though, now—like Frankie Pantelli, who was indicted for the Lingle murder.

Jack Guzik, another important member of the Capone organization, was also convicted of income tax fraud. Guzik operated some brothels and gambling houses of his own, with the crime king's permission. He paid heavy tribute, in all, not to the income tax bureau.

Perhaps the government may try again on Capone himself, on the ground that his income tax records show gross errors.

A few weeks ago Capone's headquarters in Chicago, the Bar hotel, owned by Dennis Cooney, another public enemy—the manager of Al's brothels—was raided by government and municipal agents. The police found some papers in the safe that may implicate politicians and politicians as well as Capone and his underworld. They found [illegible] in cash and took 19 prisoners.

Authorities Knock Over Vice Headquarters

The County report had long been known, though even the boys and girls in Chicago knew it was a den of vice. It is located at 22d and State sts., just a block from the Four Deuces at 2222 Wabash ave., which was Capone's old hangout.

The records were given to the grand jury and, though the prisoners were all released by a judge and the Bar bar opened up again, the grand jury said. But in those records some [illegible]

Capone's business suffered, even as many legitimate businesses, in the depression. A man doesn't buy so much booze when he isn't working as when he has a job.

The depression cut down Capone's revenues. But there was no shrinkage in overhead. He must still pay out millions of dollars to policemen, to judges, to lawyers, to spies, to lawyers.

How much money Capone still has is as puzzling a question as "How much money did he get away with?"

He will perhaps spend much money to keep out of jail. But money can not appease a government of court charge. That charge is two years old, but U. S. Atty. Dickman is still waiting to prosecute it. Two years ago Capone sent word from Miami that he was too ill to appear before a federal grand jury in Chicago. Federal Judge Wilkerson sent physicians to examine him. They pronounced him well enough to stand the journey—and the election has passed and was turned.

"A Crime Wave All By Himself"

When he appears in court he will find the police waiting to arrest him on the vagrancy warrant issued by Judge Lyle, who regards the man as "a crime wave all by himself."

And it isn't any light posing to be "public enemy No. 1."

Frank Loesch, who last September branded Al Capone as public enemy, then tells what has happened to them.

"Two were killed by vengeance of their own kind," he says.

"Three are serving penitentiary sentences.

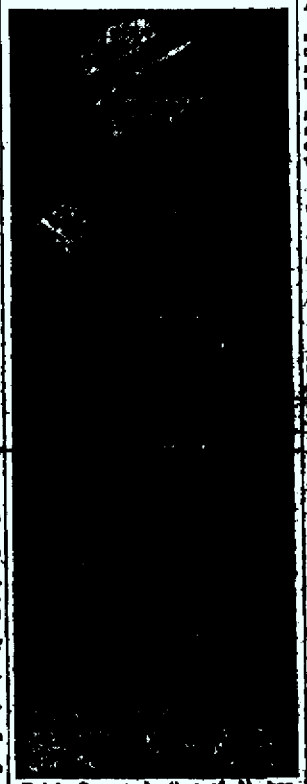
"Two have been sentenced to a federal prison.

"Three are in jail, two of them charged with murder.

"One is in a prison hospital, the victim of a fellow assassin.

"One has disappeared and is believed to have been murdered.

"One is about to be deported.



Ralph Capone, brother of Al, has been convicted of cheating the United States government on his income tax.

[illegible] mie Weiss, Schemer Drucci and [illegible] Aiello.

O'Banion and his friends were ha[illegible] men and pitiless. They murdered as quickly and as brutally as the Capone mob. But they took, [illegible] killed.

Capone was subtle, treacherous. [illegible] never gave warning. He smiled. [illegible] said, "I don't want no trouble," [illegible] some men died with [illegible] smile [illegible] well.

Capone's enemies were hated. [illegible]

That left Capone.

"Ninety-nine hoodlums [illegible] well,
Take one down—three down left,
Ninety-eight hoodlums [illegible] well."

Did Capone Betray Lingle's Murder?

"It is said to be [illegible] that Lingle did [illegible] the man who [illegible] Capone [illegible] Lingle.

"Which [illegible]

"Many a [illegible] have blamed [illegible] is in jeopardy. [illegible] can't get away with it [illegible] Why wouldn't he [illegible]

"One big battle, [illegible] well."

(Jump pictures to page 3)

(Another interesting story in this general series will appear tomorrow in the DAILY TIMES.)

DAILY TIMES

Entered as second-class matter [illegible] 1930, at the post office at Chicago [illegible] under the act of March 3, 1879.
Telephone Dearborn [illegible]

Vol. 1 FEBRUARY 26, 1931 No. [illegible]

Published daily except Sunday by Chicago [illegible] Company, [illegible] Monroe [illegible] Chicago. [illegible] Subscription rates: [illegible] Illinois, Iowa and Michigan, [illegible] a year; [illegible] in the United States and Canada, [illegible] a year.

69-180

LUPE SPEEDS UP

36

Dream of Health Restores Hope to Breather-Girl in Fight for Life

Alone, Broke, Girl, 20, Kills Self

'NORA' TURNS ON GAS WHEN LOVERS PASS

THE Big City with its allurring lights and gaudy [illegible] which drew the moth, had claimed another victim today—this time a pretty girl about 20.

Her body lies on a slab in the county morgue. Last Saturday night the girl known only as Nora, saw other girls tripping to dances with escorts. They wore pretty clothes and had good food and money. Nora had nothing. She turned on the gas in her room at 1410 W. Jackson blvd.

When the landlady, Mrs. Ruth Haines, smelled gas, she called the police and the girl was rushed to the county hospital, where she died. Her purse contained only a lipstick. There were no letters or papers. Last Wednesday when Nora rented the room and paid $4 for a week's rent she told Mrs. Haines only her first name.

"She had not a friend in the world, so far as I know," Mrs. Haines told the DAILY TIMES. "No one came to see her. She would not talk to me, and she kept to herself. I suppose there had been tragedy in her life."

Mrs. Haines said the girl had no clothing or baggage other than the black cloth coat and hat to match, black skirt, blue sweater, black shoes and flesh-colored hose which she wore. She had black hair and brown eyes and was about 5 feet 7 inches and weighed

"NOTHING TO IT"—DEMPSEY

Anything he hasn't seen Bee Palmer, Chicago's own originator of the shimmy dance, since she was in his act 10 years ago, Jack Dempsey, the big EX man, denied reports that he's been Broadwaying with her. "My wife will be sore," says Jack, "but she won't believe I've been playing around with another woman."

Vision Starts Paralysis Victim on Road to Recovery

By LOUISE LEUNG

FRANCES M'GAAN, the nurse who lived for four months in the Drinker respirator at St. Luke's hospital, had a dream the other night.

And since she had the dream she has been gaining amazingly. She can feed and wash herself now, where before her hands and arms were helplessly paralyzed.

Propped up in bed in a nest of lacy pillows, looking like a child with her dark hair in two braids tied with gay pink ribbons, Frances described it today.

"I dreamed that I was all well and the doctors told me I could leave the hospital. I was so delighted — and then so disappointed the next morning when I awoke and found it was only a dream.

"Since then I've been feeling wonderful, though. My appetite has picked up and I am able to use my hands and arms much more than before. At this rate, perhaps my dream will come true in a little while. I weigh 91 pounds now."

Breathing Still Rapid

The added weight has greatly improved Miss McGaan's appearance. She weighed only 75 pounds when she left the breather in December. Her face has rounded out, her hands and cheeks are taking on the tint of health and her eyes are brighter.

Her breathing is still rapid and difficult, though it has improved since the time she left the machine. A special metal tank has been constructed in which Miss McGaan bathes and takes exercises to strengthen her body. Her limbs are more buoyant in water, and, with a back rest and her nurse to support her, she is able to do her daily

VEIL DANCE? NO

Stormy contest between Duncan Renaldo, film actor, and Mrs. Suzette Renaldo, author, over custody of their 4-year-old son, Renaldo Duncan, was ended today with the child in possession of his mother.

Mrs. Renaldo, whom the actor charged with mental incompetency, was given custody of the boy by Judge Charles Burnell after the child startled the courtroom by striking his father.

NEWSIE, HEIRESS CONSIDER NAMING BABY "CARLOTTA"

Logansport, Ind., Feb. 16 (AP).—Carlotta is being considered as the name of a 7¼-pound baby girl born to Mr. and Mrs. Alfred Cecil Durbin, the mother being the former Vivienne Huntington, New York heiress. The

Mr. and Mrs. Alfred C. Durbin

father is a former London newsboy.

Mr. and Mrs. Durbin came here last July from Toronto, Canada. They left the Canadian city because of annoyance at publicity given following their marriage in London.

The father has been working in the production department of a newspaper here.

Mr. and Mrs. Durbin were secretly married in London, March 12, 1930. Before his marriage Durbin earned a living selling newspapers outside Folkstone station in London. Mrs. Durbin is the daughter of Charles Pratt Huntington, New York architect.

At the time of the marriage Durbin gave his age as 21, while his wife said she was 22.

Parent at 12, Tells of Being Widowed Twice

Married when 11. A mother at 12. Twice widowed before she was 20.

A tragic tale was told today at the detective bureau by Mrs. Emma Christine, 21, when mother love directed her steps to the police in an effort to obtain from the Juvenile Detention home her two children, abandoned a week ago.

Emma is a little redheaded girl from the mountains of Georgia, unable to read or write. Her experiences in life have been many—and tragic.

Lured to City by "Friend"

"Up to a few months ago I'd never heard of Chicago," she said. "Then I heard what a great place it was and packed up the kids and came here. Then I was lured into wickedness by a man who promised to take care of my children while I worked for him."

Tears flowed freely down her freckled cheeks as she pleaded for her children, taken to the Juvenile home after they had wandered alone into a poolroom at 9 E. 19th st. Then she told her life story.

Married When Only 11

"I was born on Sand mountain, in Georgia," she said. "When I was 11 I married Ditt Watts. He was killed three years later by a train. I had Mary Magdalene by him—she's 10 now.

"A year after he died I married Gilbert Christine. He was killed by revenue agents on Lookout mountain two years ago. He was the father of Orville Beecher, my little boy. He's 4.

"I want to send the kids back to my mother—I don't care what happens to me. I should never have come up here."

She said a man named Steve took the children away in a taxi, then took her to a disorderly house in South Chicago, but she fled two days ago.

No charge was lodged against the girl mother. Her children will be sent to her mother, the police said.

Jail for Daisy or Freedom? She's to Hear

(Special to the DAILY TIMES)

Los Angeles, Feb. 16.—Daisy DeVoe today was to know whether it was jail for her or freedom on probation.

Convicted of stealing money from her former employer, Clara Bow, the blonde defendant was to appear before Judge William C. Doran for sentencing and to hear him pass on her motion for probation.

In denying her plea for a new trial some time ago Judge Doran showed no inclination to be lenient. He said the evidence showed she had played fast and loose with Clara's money. However, the judge has before him Clara's written request that he show Daisy "all the leniency possible."

(Picture on page 1)

HONEYMOONERS

(A. P. Photo)

Mr. and Mrs. Edward F. Jones sailed from San Francisco for Honolulu on their honeymoon. He's a brother-in-law of Marshall Field III; she was Tilly Losch, Viennese dancer.

she awoke, choking and gasping for breath. Mucous had spread over her lungs and she was unable to breathe. She had to be placed in the respirator again and remained there for a week.

Comforting, She Says

"It's comforting to have it right by me," she said, her eyes resting gratefully on the grim-looking machine

(DAILY TIMES Photo)

A candy box valentine brought a smile to Frances McGann's face.

that served as her lungs for so long. "Of course, I don't expect ever to need it again, but just the same I'm glad it's here. It seems like an old friend, and I'm so thankful to it."

Hospital authorities are not so sanguine about her condition, one expressing the opinion she may be a cripple for life. While a student nurse at St. Luke's last September she was stricken with infantile paralysis.

HOOVER GIVES TENTH OF PAY TO RED CROSS ON 32D. ANNIVERSARY

Washington, Feb. 19 (AP).—President Hoover today gave 10 per cent of his $75,000 annual salary to the Red Cross for the drought sufferers.

This is the 32d wedding anniversary of President and Mrs. Hoover.

There apparently was no celebration at the White House. The president came to his office at his usual early hour and during the morning held the regular Tuesday cabinet meeting.

(A. P. Photos)

Meredith Davis (upper photo) and Anna Hudson led brute coeds at Southwestern college, Memphis, in demanding an apology from a young minister. He accused the girls of dancing in pajamas, short and rolls. They denied the rolls, defended the shorts, and described the pajamas as of the beach variety.

GIRL UNCONSCIOUS 6 MONTHS, RECOVERS

St. Louis, Feb. 16 (AP).—Miss Dorothy Sawyer, 16, today apparently was recovering from an illness which had held her in a coma, unable to speak or move, since last August.

Marian Morgan, 35, 3017 Kolmar ave., mother of two children, was found lying unconscious on the sidewalk at 48 E. 124th st. She was taken to the Presbyterian hospital, where she regained

DAILY TIMES

APONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

Vice Throne Totters as "Big Shot" Fights with Back to Wall

By EDWARD DOHERTY

The forces of law and order, so doubtful during the Red Decade, when gangsters fought it out with automatics and machine guns in the public streets of Chicago, have much-need of late. As told in yesterday's DAILY TIMES, they were looking at Alphonse Capone, "Scarface Al," with malevolent eyes. It is the beginning of the end for Al.

Capone is to be tried for conspiracy, and for contempt of court. He is afraid he will be "framed." He still is powerful. He still has millions of dollars. He still has his army. He still has many friends in politics. But the end of his reign is coming. Everything points to that. And everybody says "How much longer can he get away with it?"

CAPONE, with his receding forehead, his prognathous jaw, his dull eyes and his chill gray eyes, is the type criminologists have labeled "the killer."

Mrs. Eleanor Patterson, editor of the Washington Herald, in a story published a few weeks ago tells of the chill she felt in those eyes. They made her feel a trifle sick, but only for a moment, she said.

Mrs. Patterson happened to be passing Capone's house in Miami, saw the gangster standing on the sidewalk and couldn't resist the temptation of talking to him. Al took her into the house, showed her all around, gave her a glass of lemonade and told her some of his troubles. He had wanted to turn square several times, he said, but people wouldn't let him. He wasn't getting a fair deal. Not at all. He had to go to Chicago and if the authorities there didn't get him for one thing they would frame him for another.

Moved to Sympathy For Whining Al

Did anyone imagine Capone would cry for sympathy, would say that anyway for sympathy? [illegible] Patterson [illegible] particular attitude [illegible] the woman — especially the woman who has met many business men.

Perhaps to many women Capone is the essence of romance.

Perhaps not. Who am I to say? Certainly if there is no romance in him, from the male viewpoint, there is at least drama in his rise, and in his coming fall; in his wish to turn square gay paltry; in his wish to turn square gay after so many murders, in his wish to get into the good graces of those who seek to prosecute him—the drama that lies in the collapse of the mighty.

Many an author has grown rich—and fat and soft—writing the story of the poor boy who by zeal and industry, and a little luck, has become a millionaire. It always has been a good story, no matter whether the young hero had to marry the boss' daughter to get his million.

The story of Al Capone—and the [illegible] in Italian, [illegible] years ago. That's all that's known about the event. Why bother about writing down scrupulously the hour, the day, the month and the year when the son of a poor Italian immigrant uttered his first cry? If anyone had believed this child would grow up to be worth millions, to be in all the newspapers, to order judges and police captains around like servants, and to maintain his own army, some note would have been taken at the time.

But Al Capone was just another baby in a neighborhood crowded with babies, and became important to no way for many years. He went to public school No. 27, at 14 st. and 6th ave., Brooklyn, until he managed to get half-way through fourth grade.

Left Schoolroom Early For the Poolroom

Schoolroom and poolroom may rhyme, but not in Capone's mind. He loved poolrooms. He hated school. Even when he was in short pants he could be found loafing around some poolroom watching the boys shoot pool, and listening to them talk of stick-ups, and [illegible] and stratagems in the stir-[illegible]

[illegible] he helped his father. He [illegible] her barbering [illegible] nothing about this incident except that Capone "got into a little trouble" at Union st. and 4th ave., and that the scar was healed or covered in his cheek as a memento of that trouble. They still add that Capone never referred to that particular section of Brooklyn.

Now this marking with knife or razor is an old Italian custom. It comes into history with the formation of the Camorra, an organization of criminals. The Camorra was born in the jails of Naples, and for hundreds of years was confined to the Neapolitan district, as the Mafia, a Sicilian organization, was confined to the island of Sicily.

One of the punishments of the Camorra was the knife or the razor mark, "the stregia." It was the punishment for some slight bit of treachery. There was one other punishment—death.

A man was marked in a place where it would show. It was usually in the cheek, where a man would see it every time he looked into a mirror. Sometimes, however, the mark was made on the palm of his hand, where the victim could see it 1,000 times a day and remember. The cheek mark was for other men, other Camorrists, especially, to see. Capone's father was a peasant from Naples, but apparently the boy comes to New York from his father's farm, from his mother's mountain home in a village, from an orphan asylum out in the sticks. He comes to New York to seek his fortune—and New York in time, rewards him.

Al Capone went to Chicago from New York.

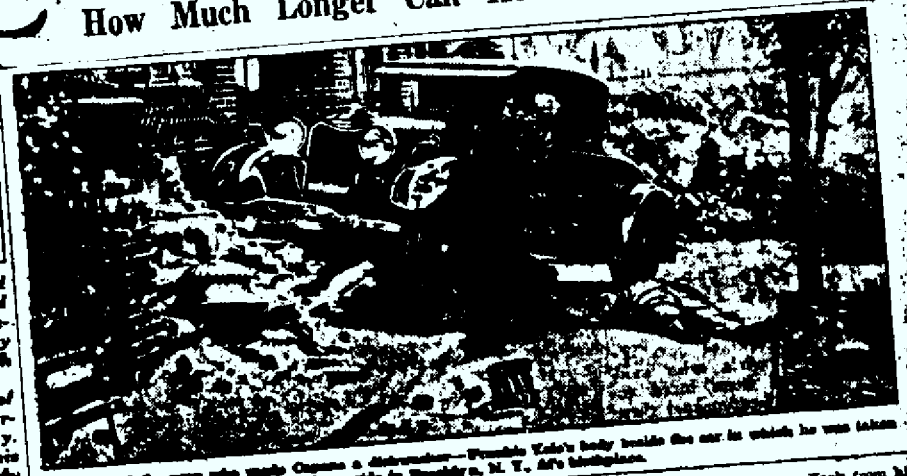
Near Killing Drives Him from New York

He might not have left Brooklyn—and you might never have heard of him—had it not been for a fight in a poolroom in which Al nearly killed a man.

Al was more than a boy then. He was about 18, almost 6 feet tall, strong as a bull, and wiry and quick despite the thickness of his chest and shoulders. He hit the man with his fist, it appears—though this never seems to have happened again—and the man fell and lay as though he were dead.

For the first time in his life Capone was afraid that he had killed some one. For the first time he had [illegible] without calculating, without giving himself a chance for an alibi. It was a cleverly job. It must be embarrassing for the master murderer to remember it.

He fled to Torrio in Chicago, under [illegible]



The end of the man who made Capone a dictator—Dominic Volo's body beside the car in which he was taken for a ride in Brooklyn, N. Y., 4th's thoroughfare.

Gangster Type Attracts Many Women

[illegible] Even racket [illegible] finally into other [illegible] attention to [illegible] of rivals, and [illegible] of public officials and [illegible] amassed up not one but many millions.

Where's His Birthday? Nobody Cared

His beginnings were as humble as those of any boy you've read about in the "Boys to Mother" books. He was born over his father's barber shop in Brooklyn, Brooklyn, in a year that has been forgotten.

Nobody appears to remember the date of Capone's birth. Nobody shows particularly. It was about 15 or 23 years ago.

[illegible] gangs, imitated their [illegible] ways, strutted with the best of them and grew ambitious to outshine them all. He couldn't get into the artichoke gang, because that bunch was made up entirely of Sicilians and Neapolitans—men of the Mafia and the Camorra—men who spoke little English. Capone trailed with his own set, boys born in Brooklyn or Manhattan, of Italian parents, boys who spoke English with their own peculiar accent.

He haunted the Navy st. district with the gals, shooting dice, breaking up dice games and robbing the players, and now and then tripping over some banana skin of nothing a fruit or candy store.

He was about 19 years old when he acquired his name.

Old friends of Capone will tell you

At the center of a group of wealthy friends at his Miami Beach winter [illegible] and a New York [illegible]

he washed dishes for Frankie Yale or Yale as he later was called—who had a little restaurant on the east side. He became a friend of his employer—but the friendship didn't last long.

The association ended when an auto with an Illinois license came alongside the car in which Yale was riding, and a machine gun ended Uncle's life. The machine gun was one of a number bought by Al Capone.

Another friend Capone made in his east side days, the days of picking up easy pennies or working hard for a few dollars, was known in Brooklyn as Al Torre, and in Chicago in after years as Johnny Torrio. This Torre, or Torrio, was one of the shining lights of the Five Point gang, a quick and accurate hand with a gun, and a burning wish to get ahead in the world in any way he could.

Johnny was such a clever gunman that his fame was great even in the badlands of Chicago, where Jim Colosimo was just getting started on the road to riches. He was a silent sort, an uncomplicated person. On seeing him one might think him the quietest and meekest and pleasantest chap on earth. Only his intimates knew his real character—his influence and a few women.

Big Jim Colosimo was in need of a gunman. He wanted a man who didn't look like a gunman. He wanted a man clever in strategy, deadly in action, and dumb to all appearances. No hoodlum need apply. A man must be able to kill a man. Colosimo wanted killed, and then forget about it. Johnny Torrio filled the bill. Colosimo sent for him, and Torrio came. He rode in a Pullman for the first time.

Colosimo couldn't do enough for Torrio.

And he couldn't do enough for Al Capone, when Torrio brought Al to Chicago.

There are few stories of ambitious boys here in New York. Invariably

crazy rich as New York [illegible] many hideaways, a city with fewer police, a city made for a clever criminal to take.

He was taking no chances on being arrested, however, and he remained Al Brown for months, until the news trickled in from New York that the man he had hit was not dead, but up and walking around as though nothing had hit him at all.

Capone got such congratulations out of that as he might. Perhaps he was disappointed. Maybe he didn't have as powerful a punch as he thought he had. But the man was alive, and in Brooklyn Italia was thinking for the [illegible] Al Brown became Al Capone again and gave up his [illegible] name.

Al was not a [illegible] when he came to Chicago. [illegible] found he could land a job here.

Capone's first bosses were [illegible] Torrio and Colosimo. [illegible] spoke after his arrival. [illegible] part in a hold-up. [illegible] clever underlings. [illegible] chosen way to wealth. Capone [illegible] patched his wounds, [illegible] by Torrio. At any rate, he was a [illegible] his [illegible].

Continue this [illegible] story of Al Capone in the Daily Times tomorrow.

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[illegible] not quite perfectly. [illegible] four White Handers was but w[illegible]

[illegible] in 1926 when he attended [illegible] the way of all [illegible]

LUPE SPEEDS UP

JUMPS TO 9TH

CONVOTE CONTEST

$150

Companionate Wife to Gilbert, No Sox Darner, Says Ina Claire

GIRLS' STORY JAILS 2 YOUTHS

VICTIMS TELL OF ATTACKS AFTER RIDES

COMPLAINTS of two 17-year-old girls who said they had been lured to lonely prairie, beaten, and then attacked, today held two youths in the Evanston lockup.

The young men, Charles Simpson, 18, 913 Grove st., Evanston, and Warren Thompson, 21, 1605 Ridge ave., Evanston, face charges of assault and criminal attack.

They were arrested after Miss Angeline Balinski, 17, 8508 Logan blvd., clerk in a drug store at Lawrence and Kedzie aves., told police Thompson "made a date" to take her home and that he and Simpson drove her instead to a Niles Center prairie.

"Simpson struck me on the head and both of them attacked me," she told police.

An examination at Rogers Park hospital showed she had been attacked.

When her complaint was made the Evanston police were already investigating the charges of Miss Ruth Stantz, 17, 1240 Chicago ave. Miss Stantz said the youths had driven her to Church st. and High Ridge rd., Niles Center. There they had beaten and attacked her, according to her story.

JUST PASSING THROUGH

Scorns Idea of Living in Home with Film Star Hubby

By LOUISE LEUNG

INA CLAIRE, who has forsaken the stage for the screen, isn't going to live with John Gilbert or mend his sox even though he is her husband.

Between mouthfuls of breakfast at the La Salle st. station, where she arrived today from New York on the Century, she gave her version of how two movie stars can be happy despite marriage.

"Two nervous, temperamental people like John and I simply can't live together in the same house," said she, biting into a doughnut. "That's why we have separate homes and see each other occasionally when nerves and work don't get in the way. Then we're both in the right frame of mind and I have my makeup in place! It's the ideal way.

Criticizes Her Work

"Of course, we love each other, but I'd rather be his companionate wife, or mistress, if you prefer, than his housewife!

"When we were first married," she confided, "we had a lot on our minds. A wife has to watch her step, and goodness knows I'm not the easiest person in the world to get along with. In fact, I'm the most imperfect wife I know!

"John and I both believe that individuality should be respected, and a woman needs privacy nearly as much as she needs love."

"Of Course, We're In Love"

The blonde star even criticized herself as a screen actress.

"I haven't satisfied myself with my

WAKES FROM COMA

(A. P. Photo)

In a coma since August, Dorothy Sawyer, 24-year-old St. Louis school teacher, has returned to consciousness and is recovering. She was fed by force for months.

LOCK GIRLS IN CAGE TO PROTECT VIRTUE

which police claim they seized quantities of whisky and beer. They were freed without bond until Friday.

Joseph Looney, 30, giving a local hotel as his address, was arrested for investigation. Shirley O'Toole, an Ann Arbor youth riding with him, supplied information, police said, which indicated Looney was a bootlegger who supplied the fraternities with liquor. The raids were based on the story told by O'Toole.

The raided fraternities are the Phi Delta Theta, Delta Kappa Epsilon, Kappa Sigma, Theta Delta Chi and Sigma Alpha Epsilon.

PLAN A TAR JAUNT

(A. P. Photo)

Zane Grey, daughter of the novelist, and Robert W. Carney, movie cameraman, filed in Los Angeles of intention to wed. Monday will be the day.

Divorce Court

When he equipped a cozy little bedroom, just built for two, in his advertising offices, Mrs. Harriet Clermont, attractive brunette wife of a wealthy advertising expert, revised her views of love and went prancing off to court for a legal cure.

And Horace J. Clermont, owner of an advertising agency bearing his name at 1520 Belmont ave., used the business boudoir to entertain girl friends, who, the wife says, were prodigal with love.

But Horace, as she called him, pooh pooched the suggestion that the bedroom indicated anything other than his innate kindness toward his employes.

"They work so hard," he was reported as telling her, "that a bed is absolutely necessary for them. You see, m' dear," he was quoted as saying, "when they become exhausted they can retire to the bedroom and rest."

But on Feb. 4, 5 and 7 she sighted strange bits of femininity floating into the bedroom, so she charges in her divorce bill.

The formal charges against the ad expert are based on the bedroom scenes and an act of cruelty while she and Clermont were driving west. He threatened to kill her when he lost the road, she says.

Doctor's Love Operations Win Separation for Wife

Mrs. Nellie Amberson, 23, 4157 N. Keystone ave., battling wife of Dr. Henry Amberson, today was granted a decree of separate maintenance by Judge Denort. The physician's divorce bill, in which he charged her with cruelty, was dismissed.

Dr. Henry Amberson

Little Nell had been charged by the doctor with having treated him cruelly, to wit: smashing mirrors, furniture and valuable X-ray machines in his office at 4844 Elston ave. and walloping him hard enough on the face to draw blood.

But it was her charge that thrilled crowded courtrooms during a five-day session. She alleged that he, after removing the appendix of a pretty Schurz high school student, Florence Wandell, became too chummy with Florence, once taking her to a football game at Urbana and remaining away until 4 a. m. [illegible] another time Mrs. Amberson found her in the doctor's car in front of the Belmont hospital and beat her up. Furthermore, Mrs. Amberson said the doctor bought Florence a $800 fur coat.

Mrs. Nellie Amberson

Dr. Amberson disowned her on Dec. 6, 1929, a month before her daughter, Joan, was born, she said. They have one other child, [illegible] Judge Denort [illegible] Alimony of $60 weekly [illegible] monthly.

Hollywood, and left on the Chief for Hollywood to make a new picture, "Rebound."

Virginia Valli Mum on Date of Wedding

Virginia Valli, to whom Charles Farrell has been a big moment for a year, came across the country a week behind him, arriving on the Olympian from Seattle for a hair-dressing appointment between trains.

The hotly cold cinema actress of the liquid blue eyes and eternal charm could give no date for her forthcoming marriage.

"Greta Garbo is my favorite actress," Miss Valli added. "She has everything. And you may use Mr. Farrell for my favorite actor. Goodness, no, I'm not jealous of Janet Gaynor. She's my best friend."

Belvidere Midas Faces Angry Mob as Ponzi Bubble Bursts

(Special to the DAILY TIMES)

Belvidere, Ill., Feb. 11.—With the golden rainbow 'round his shoulders turned to a bankruptcy halter, King Midas of Belvidere, otherwise Albert W. Benham, today faced a mob of angry creditors, who demanded the money they gave him to "invest."

Albert W. Benham

But Benham, who promised his credulous clients from 10 to 50 per cent returns, was broke, even destitute.

His obligations today were said to approximate $400,000, his assets 60,000 and coupled to this was the statement of State's Atty. A. J. Strom that the grand jury would reconvene Monday to hear the tales of Benham's dupes.

The women range in age from 38 to 48.

U. S. FIGHTS APPEAL BY RALPH CAPONE

Ralph Capone's appeal from a $11,000 fine and three year prison term for income tax frauds, is opposed in a brief filed by government in the Circuit Court of Appeals. Capone was given seven days to answer the government's brief, which was prepared by Special Asst. U. S. Atty. Gen. Alfred Page, a brief expert.

FALL OFF LADDER FATAL

Siebert Holleson, 81, of 6345 N. Hermitage ave., wealthy real estate dealer, died of injuries suffered on Jan. 31 when he fell from a stepladder while he was inspecting a building at N. Clark st. and Devon ave.

CAPONE—PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

In yesterday's installment Mr. Doherty described [illegible] years after the war, the coming of prohibition [illegible] in crime. He described Big Jim Colosimo [illegible] Chicago vice at the time, and told of [illegible] Dale Winter.

[illegible] had a formula for cutting booze and [illegible] millions of dollars on it. But he was [illegible] Capone cashed in on Colosimo's dream.

BY EDWARD DOHERTY

I do not mean to imply that Alphonse Capone murdered his friend and benefactor, Big Jim Colosimo—though I would not be surprised to learn that he did. I have always believed that Johnny Torrio was the man who shoved Big Jim out of his golden seat.

It was a man Colosimo trusted who killed him. And Colosimo trusted no man as he trusted Torrio.

Colosimo married Dale Winter in April, and they went honeymooning for a few weeks—all the time he could spare from his business. He was murdered a few days after he returned.

Johnny Torrio phoned him in the morning, selling a truckload of very fine booze would be delivered to him that day. The price of the stuff was given, and Colosimo was told he must pay cash. The booze would not be unloaded until the money had been paid — and the sum mentioned was something like $150,000.

Jim Killed and Robbed by Friend

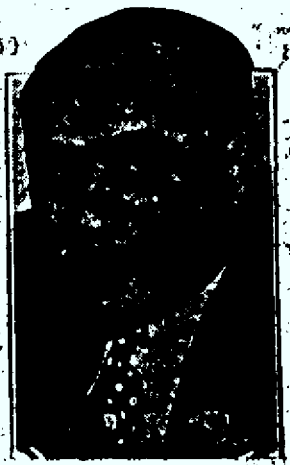
The booze truck came at the appointed time. Colosimo had the sum in his pocket. He went to the front of his restaurant to meet the friend who came with the truck. And the friend [illegible] behind him. As the shot [illegible] ent is living with her husband in a Pacific coast city, admired and respected. Few know her as the songbird of Colosimo's cabaret.

They gave Colosimo a grand funeral and, though he had in his day been connected with a dozen murders and though he had been known as the owner of opium joints, gambling dens and other dives, many city and county officials publicly mourned him.

Torrio and Capone Profited by Death

Johnny Torrio and Al Capone took over Colosimo's interests and his political friendships. They perhaps are the only ones who profited by Colosimo's death.

Peg Leg Lonergan



Al (Scarface) Capone

Frankie Yale

by this time had become known universally as Yale.

Ralph, the son of a New York garage owner, was caught hijacking and was roughly treated by a Brooklyn gang. Capone, in Chicago, called up Yale and demanded that he, as president of the Unione Siciliona, put De Amato's foes on the spot.

Yale Wouldn't Help, Then He Died

Yale didn't say no. He didn't say yes. He temporized, as he did when Capone wanted a pal made head of the Chicago branch of the Unione Siciliona. Why Capone should wish that job on any friend is a bit thick—because the head of the Chicago [illegible] lives [illegible] the gangster.

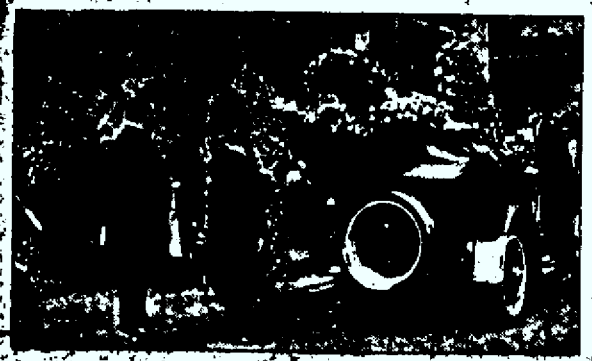
When the police arrived they found Needles Ferry lying dead in the gutter outside the club. He had been carried out. Lonergan was found dead, sprawled near the piano, a loaded gun beside him. Aaron Harms was lying near by—and Jim Hart was going down the street on hands and knees, leaving a trail of blood behind him. Hart was taken to a hospital, suffering from wounds in thigh and ear.

Capone had many a belated Christmas gift for his friends.

If he had sought an opportunity to impress these friends he could not have found a better one.

Read in Monday's installment Mr. Doherty's story of the killing of the three White Hand gangsters and [illegible]

The interior of the Adonis social club in Brooklyn, where Fog Leg Lanergan and Dandelion White Hands were shot down. Police pin [illegible] showing the pose shortly after the murders.



Part of the floral offering at the funeral of Frankie Yale

[illegible] Nobody knew much about him [illegible] that his clothing indicated great[illegible] and better [illegible] He was [illegible] by visited [illegible] publicity [illegible] shortly before [illegible] in 1927.

He called on [illegible] of his old [illegible] notably De Amato, Giuseppe [illegible] Frank Pizza, [illegible] Frankie Yale.

A Little Lamp In Simple Murder

And it came to pass that his friends got a little lamp in the simpler elements of murder.

The Sicilians in the 20th st. district of Brooklyn had been troubled by some nightmarish-looking persons who called themselves White Hands and who terrorized the Brooklyn bridge and Red Hook regions of the borough. These gorillas were so antiquated that they called themselves White Hands to show they were different to the Italians, commonly known as Black Hands.

The White Hands were doing a good business in [illegible] and raw bodies and they wanted the Mafia of the Sicilians [illegible] whether they were [illegible] of Capone or not. They used to go around to the Adonis Social club at 132 20th st. every now and then and their talk of Sicilians wasn't pretty. Usually they were armed and usually they got away with their talk.

Capone was apprised of all these things, so he took to dropping in at the Adonis club. When the White Hands, led by one Fog Leg Lanergan, entered the club on the night of [illegible] 26, 1928, Al was there, with Carmine De Amato, Pizza and [illegible] the master of ceremonies. Lanergan crew came in, escorted to a bench along [illegible] or at least it looked like the [illegible] a drape hung over it.

Shot in Ambush While They Boozed

The White Hands seated themselves and began to talk [illegible] and boast about what they would do to those yellow boys. At this juncture the wall behind opened—it was really a curtain not a wall. The gangsters [illegible] behind and from each side. The bush had been skillfully prepared [illegible] execution was perfectly carried [illegible] No, not quite perfectly, [illegible] four White Handers was [illegible]

[illegible] the social leader, with [illegible] diamonds rising and falling [illegible] as she pranced in her front [illegible] There was Olive Oil, the [illegible] daughter. There was [illegible] Oscar, glittering and [illegible] scattering of celebrities. [illegible] suddenly a high fall over the [illegible] and all eyes focused [illegible] man.

There was Capone! [illegible]

There was Capone, surrounded by his armed cohorts. And all the [illegible] celebrities were [illegible] in his presence.

(Copyright, 1931)

Mr. Doherty introduces you to some very tough Chicago guys tomorrow—or rather to their memory, for most of them are dead. They were brave enough, but they lacked the guile to cope with Capone.

HALF-WORLD JARGON

The world of racketeers, bootleggers, [illegible] and [illegible] has [illegible] all its own. Words and phrases that mean not [illegible] to [illegible] persons mean something else to the boys and girls of the criminal [illegible]

For instance.

An [illegible] to be introduced; to place in a position to accept a bribe.

"[illegible] can sell beer because we get [illegible] in with the chief."

Angle, to win.

"We angled and this guy [illegible]

[illegible] and to the joints [illegible] ed by O'Banion on the [illegible]

'till he drew a picture."

Bug: a device to warn police of burglars.

Bunk: artificially made liquor.

Buried: to be held by police [illegible] manslaughter.

Case-dough: [illegible]

44

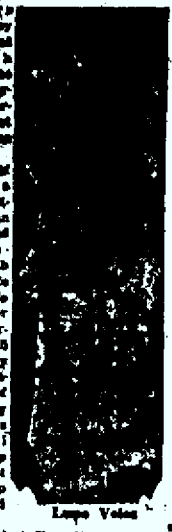
BUDDY SPEEDS AHEAD AGAIN

LEW AYRES DROPS BACK AFTER SPURT IN MOVIE CONTEST

By DORIS ARDEN

[illegible] sport toward the top of the [illegible] contest in the DAILY TIMES [illegible]. Gregor originally [illegible] the [illegible] for they [illegible] called [illegible] with [illegible] to get [illegible] a little further in front that he [illegible] yesterday.

The Gregor [illegible] and Lew Ayres are [illegible] there in first and second positions, respectively, with their speed [illegible] changing. Little Janet Gaynor and Honor Carroll are still running pretty close, but the [illegible] margin of [illegible] is pretty good. Nancy's backers will have to perk up if they want their favorite to finish in third place.



Lupe Velez

Say! Look what I've discovered today! A little actress is making a strong bid to break into the list of 10 leaders! And guess who it is!

None other than Lupe Velez! Yes, [illegible] right. And today she is only 16 [illegible] Chatterton!

FUNNY PICTURE GAME

Make a Comic Face and Win a Cash Prize

Each day the DAILY TIMES publishes a drawing in the FUNNY PICTURE game. Readers who play the game are invited to mark the drawing with black pencil, crayon or ink (no colors). The object is to see who can make the funniest picture.

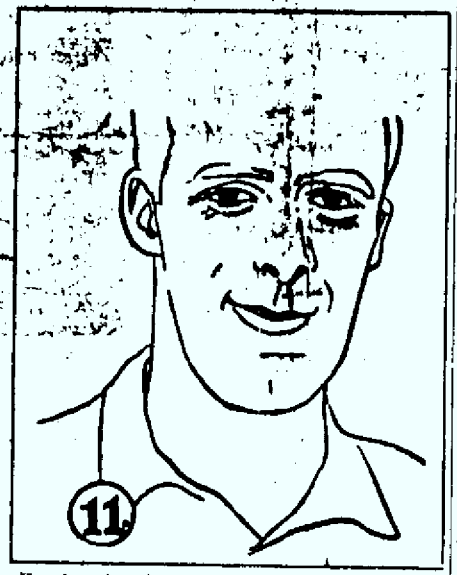
Send your drawing with your full name and address to the FUNNY PICTURE Editor, DAILY TIMES, 15 W. Market St., Chicago.

For the funniest picture received each day the DAILY TIMES will pay $10 in cash. There will be a second prize of $5 and five prizes of $1 each.

It is not necessary to use the drawing on this page. You may copy or trace it on another sheet of paper. Neatness and ingenuity will count in making the awards. In case of a tie, duplicate prizes will be awarded.

All drawings must reach the DAILY TIMES not later than midnight three days after the publication of the drawing. Prize winners on today's drawing will be announced one week from today.

The game is open to everyone anywhere except employes of the DAILY TIMES and their families. No draw-[illegible]



Here is a champion tennis player. Make this drawing as funny as you can with pencil, crayon or ink (no colors) and then mail it as directed in the rules.

Docked by His Boss While Sitting on Jury, Wins $93 Wage Suit

During the two weeks he served on a Cook county jury, Edward A. Brychsy, 4648 W. Quincy st., returned each evening to the office of his employer, L. J. Mensch, 166 W. La Salle st., a real estate operator, and brought his books up to date, he told Judge Green of the Municipal court.

When pay day came, however, he found that Mensch didn't give him an envelope with two weeks' wages, at $40 a week.

"Why should I pay you? You got $55 from the county for the two weeks, didn't you?" Mensch demanded, according to evidence.

"Well, if he was your bookkeeper and he kept your books, I think he should be paid," the court declared, allowing Brychsy's claim for $93 and costs.

The additional $13 represented an entry in the book for postage stamps.

"He never used that many stamps; I'm sure of that," the employer declared. "If it was a dollar or two I wouldn't mind."

"A man who serves on a jury should be complimented, not penalized," ruled the court. "He'll get his salary and the money for the stamps as well. You authorized him to buy them, and for all I know, he did."

BURR SCHOOL HOLDS REUNION NEXT FRIDAY

All alumni of the Burr school at 1361 Wabansia ave. have been invited to attend a reunion and a dance to be given next Friday, Feb. 20, at the school auditorium. Entertainment has been arranged by John Martin of 1746 N. Wood st., chairman of the reunion committee.

"YANK Is Choosy, Too . . ."

"YANK" TAYLOR, the lad who keeps the DAILY TIMES reader bloc of 200,000 informed on where they may tune in the best radio entertainment, twirls the knob for this little broadcast of his own:

"Since the radio business is a mark of the modern age, it's natural that radio-loving newspaper readers smile a little sweeter on a paper that puts

Seventy University of Michigan students were arrested on charges of disorderly conduct following raids early today on five fraternities, in each of which police claim they seized quantities of whisky and beer. They were freed without bond until Friday.

Joseph Looney, 20, giving a local hotel as his address, was arrested for investigation. Shirley O'Toole, an Ann Arbor youth riding with him, supplied information, police said, which indicated Looney was a bootlegger who supplied the fraternities with liquor. The raids were based on the story told by O'Toole.

The raided fraternities are the Phi Delta Theta, Delta Kappa Epsilon, Kappa Sigma, Theta Delta Chi and Sigma Alpha Epsilon.

PLAN ALTAR JAUNT

(A. P. Photo)

Betty Zane Grey, daughter of the novelist, and Robert W. Carney, student movie cameraman, filed notice in Los Angeles of intention to wed. Monday will be the day.

Lead to Divo

When he equipped a cozy little bedroom, just built for two, in his advertising offices, Mrs. Harriet Clermont, attractive brunette wife of a wealthy advertising expert, revised her views of love and went prancing off to court for a legal cure.

And Horace J. Clermont, owner of an advertising agency bearing his name at 1520 Belmont ave., used the business boudoir to entertain girl friends, who, the wife says, were prodigal with love.

But Horace, as she called him, pooh pooched the suggestion that the bedroom indicated anything other than his innate kindness toward his employes.

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Doctor's Love Op
Win Separation

Mrs. Nellie Amberson, 18, 6153 N. Kenmore ave., battling wife of Dr. Henry Amberson, today was granted a decree of separate maintenance by Judge Desort. The physician's divorce bill, in which he charged her with cruelty, was dismissed.

Dr. Henry Amberson

Little Nell has been charged by the doctor with having treated him cruelly, to wit: smashing mirrors, furniture and valuable X-ray machines in his office at 4184 Elston ave. and walloping him hard enough on the face to draw blood.

But it was her charges that thrilled crowded courtrooms during a five-day session. She alleged that he, after removing the appendix of a pretty Schurz high school student, Florence Wandell, became too chummy with Florence, once taking her to a football game at Urbana and remaining

Mrs. Nell

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Mrs. Amberson
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Mrs. Amberson
Florence a
Dr. Amberson
6, 1919, a
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Dr. Amberson
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nently

The "heaviest" protest against prices in the [illegible] bread war is an eight-pound loaf of bread baked today by Mrs. Rose Ehrenberg, 1531 Campbell ave., one of the housewives who is kneading her own rather than pay 10 cents for a pound loaf.

At a mass meeting held at the Labor Lyceum, 2733 Hirsch blvd., this afternoon by the indignant housewives Mrs. Ehrenberg displayed her champion loaf and urged others to follow her example until their demand for a 8-cent loaf is met.

"It cost me just 20 cents to bake this loaf," Mrs. Ehrenberg declared. "That includes the price of gas for the oven. At the baker's rate, it would cost 80 cents.

"I use eggs in my bread, besides, and the bakers don't. It isn't so much trouble and it's the most effective way to make our campaign successful. If we all bake our own bread the bakers will have to cut their prices."

Although the large loaf with its golden brown crust was the heaviest argument against the bakers, Mrs. Ehrenberg's family of six units in declaring "the bread that mother makes" the lightest they have ever eaten.

Since Mrs. Ehrenberg began doing her own baking a month ago, she has been able to buy some much-needed clothing for her children with the money saved, she says.

Mrs. Rose Ehrenberg with two loaves of bread. She baked the large one at a cost of 20 cents; the smaller one is a 10-cent bakery loaf. They differ 200 per cent in weight.

GIRL, 10, KIDNAPED ON WAY TO SCHOOL

San Diego, Cal., Feb. 14 (AP).—Police and students joined in the search for Virginia Brooks, 10, believed kidnaped while on her way to school three days ago. Officers sought an escaped convict. They refused to issue their reasons for believing the girl had been kidnaped by the man.

to choose the
you wish for a certain
[illegible]

"It takes up-to-the-minute handling of news and features to appeal to the 'choosy' reader of 1931. The DAILY TIMES radio page is an example of how this newspaper tosses blind precedent to the winds when a new and better way of presenting news and features is called for. And readers have been quick to show their appreciation of this forward-looking newspaper!"

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

Al Capone (above) taking his leisure at his luxurious Miami Beach [illegible] home, which is [illegible] on the upper right. On the right, deputies are pictured removing stocks of liquor seized in a raid on the premises [illegible] present in March, 1930.

EDWARD DOHERTY

[illegible] who had fled from Brooklyn be- [illegible] 1925 to [illegible] to face the [illegible] of three men, to face the [illegible] Ralph De Amato and George Carr, [illegible] Anthony Deano had watched the [illegible] Pat Leg Loesegan and his White [illegible] the services of Sam Leibowitz, [illegible] volunteered to surrender, not to [illegible] the police, but to a magistrate.

"The chorus men's musical instruments," Capone explained, "and how these boys can play 'em!"

Capone hired the so-called chorus men when he came to power. He paid them like a king, dressed them quietly and neatly. And incomprehensibly, treated them, drilled them, made them call him "sir." And used them in sight-better shifts.

It costs a lot to take his chorus men with him wherever he goes. Of course, he doesn't take all of them on his trips—but even carrying a troupe of eight or twelve is expensive. But what's money to Capone? He laughs at losing millions on the races. He's a sucker with his dough.

Most of the gentlemen of the chorus are New York Italians.

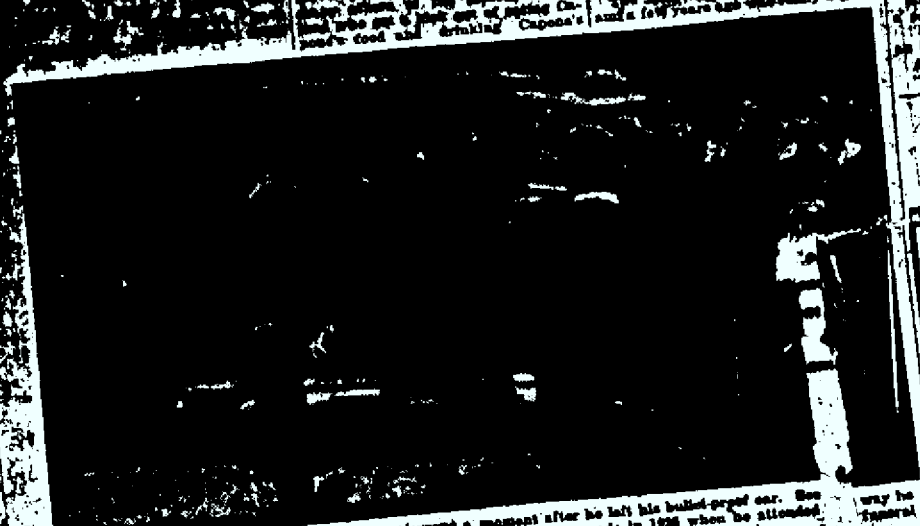
[illegible] wine, and stocking Capone's bank, and [illegible] Capone's [illegible] Alcatraz on Alcy's [illegible] social event. Millionaires flew from Palm Beach to attend. Film [illegible] came from Hollywood and New York to sit at the ringside. Social [illegible] of Philadelphia and Boston and [illegible] rap."

Salomey: an auto [illegible]

"We raided the joint and found 300 [illegible] bottles."

Bench: [illegible]

"If you can find that judge [illegible]



How Al Capone travels abroad. He is shown (arrow) a moment after he left his bullet-proof car. He is surrounded by a bodyguard of alert attendants. The picture was made in 1926 when he attended the funeral of Tony Lombardo, another who paid the way of all gangsters.

A Guard Who Quits, Pays With His Life

HALF-WORLD JARGON

The world of racketeers, hoods, gunmen and heat has been generally, has a language all its own. Words and phrases that mean one thing to normal persons mean something else to these boys and girls of the underworld. Here are a few for instance.

GIRL SLOWING UP IN RACE

Movie King and Queen—Who Are Chicago's Favorites?

Movie Popularity Ballot No. 18

[illegible]

[illegible] Clara Bow is flaming again. Nancy Carroll is hot on the trail of Janet Gaynor, and there is a chance that third

Fifteenth down to 11th place, Joan Crawford comes far enough ahead of Charlie Farrell to hold on to third place, and in the situation there no added color.

There are the highlights, and the next thing is a peek at the "figures" for today:

FOR QUEEN

Clara Bow	16,734
Greta Garbo	16,300
Janet Gaynor	8,370
Nancy Carroll	8,197
Joan Crawford	6,720
Mary Brian	4,472
Norma Shearer	4,216
Marlene Dietrich	3,555
Constance Bennett	3,175
Lupe Velez	3,200

FOR KING

Buddy Rogers	11,301
Lew Ayres	10,555
Robert Montgomery	9,764
Charles Farrell	8,184
Ramon Novarro	5,614
Gary Cooper	5,111
Conrad Nagel	5,006
Maurice Chevalier	4,004
John Boles	3,577
Ronald Colman	3,510

And so it is. But what will happen when we get all the week-end mail opened and the votes tabulated? You never can tell.

FUNNY PICTURE GAME

Make a Comic Face and Win a Cash Prize

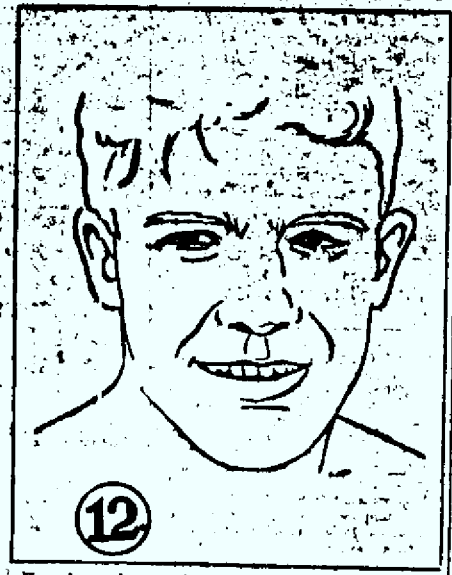
Each day the DAILY TIMES publishes a drawing in the FUNNY PICTURE game. Readers who play the game are invited to mark the drawing with black pencil, crayon or ink (no colors). The object is to see who can make the funniest picture.

Send your drawing with your full name and address to the FUNNY PICTURE Editor, DAILY TIMES, 15 S. Market st., Chicago.

For the funniest picture received each day the DAILY TIMES will pay $15 in cash. There will be a second prize of $5 and five prizes of $1 each.

It is not necessary to use the drawing on this page. You may copy or trace it on another sheet of paper. Neatness and ingenuity will count in making the awards. In case of a tie, duplicate prizes will be awarded.

All drawings must reach the DAILY TIMES not later than midnight three days after the publication of the drawing. Prize winners on today's drawing will be announced one week from today.



Here is a classy prize fighter. Make this drawing as funny as you can with pencil, crayon or ink (no colors) and then mail it as directed in the rules.

The game is open to everyone anywhere except employes of the DAILY TIMES and their families. No drawings will be returned.

[illegible] 1924-30: Hawthorne st., [illegible] the first prize of $15 for the best

"Reporter Tests Speed"

"You've got to move fast in this man's town," says BILL MAJOR, city editor of the DAILY TIMES. He ought to know, for he has been city editing for ten years.

He was talking the other day about his experiences. "Remember that Raskin robbery recently?" he inquired. "Well, it made an exceptional news story—swift, good pictures. Know why? The fellows working for the DAILY TIMES like a big story like that. Reporters and cameramen go fast, the rewrite men perk up.

"We had a reporter and

race for the queen's crown today, the king column remaining calm, with no changes or changes of changes.—Buddy Rogers installed his land over Lou Ayres and other stars seems to be safe in top position. Ronald Colman is still successful in keeping young Doug

them over, wouldn't it? Vote early and often!

DIES AT SOCCER GAME

James F. MacLaren, 48, fell dead while watching the Stats-abs soccer team play the Bricklayers at W. 31st st. and S. Kostner ave. Heart disease was given as cause of death.

This FUNNY FIGURE was $15 for J. T. Hulley—Stakes on Saturday No. 6.

ave., Gloria M. Fuller, [illegible] ave., and Frank Fuerstin, 4007 S. Artesian ave.

desk sergt. He said the photog dashed up there in a car.

"Another reporter and a photog rushed over in the Iroquois hospital. Still another pair went to the Central police station near her office. The police reporter at headquarters was busy. In all, we had seven or eight men working on the story within five minutes.

"The result? Two days circulation boost a jump that day!

"These pictures were taken, cuts made and the story written and set in eighteen minutes flat! The pictures appeared less than an hour after the holdup occurred."

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

The Bad Boys of Boston — Frankie Lake — Frank McErlane — Terry Druggan — George (Bugs) Moran

Some of Chicago's gang chieftains who menaced Al Capone's hold on his rackets.

Yesterday's installment of Mr. Doherty's story was devoted to an account of the killing of three men in Brooklyn and the wounding of a fourth; and to an account of Capone's gentlemen bodyguards, their privileges, their methods of carrying machine guns in overnight bags, and their routine.

Mr. Doherty also described the fashionable fight crowd at the Stribling-Sharkey mill in Miami, and the sensation of sensations experienced when Capone walked to his seat, surrounded by his guard.

By EDWARD DOHERTY

AL CAPONE, when he was sleeping on pool tables in Brooklyn, picking up a few cents here by knocking some guy on the head, making a few dollars there by busting up some crap game, [illegible] he would employ an army of spruce tough guys? There isn't room. Call the roster of the ghosts of the Red Decade. Call out of the names of the abruptly killed in the last 10 years. They were all tough guys. They were all very tough. They were all tougher than Scarface Al or Johnny Torrio—the latter, incidentally, one of the few tough guys who never had a nickname in the gangs.

They were tough. They did incredible things to prove it. But the Scar Face had subtlety and guile. They dashed madly into action. Capone prepared his pitfalls and let them charge. They came dashing out to find their enemies, guns in their hands. But Capone was behind them, and with machine [illegible] in the killings that grew out of the war over booze.

No, neither Torrio nor Capone knew much about booze or beer. They were concerned mostly with the businesslike operation and protection of gambling dens, hop joints and other sin dens. But when the call to arms came they were ready—like all the rest of Chicago's criminals.

Chicago must have booze. Chicago was rich. Chicago would squander its money for booze, good booze, bad booze, new booze. Chicago would pay any prices for any kind of booze. Throw away your torches. Throw away your burglar's tools. Put your nitro in a safe place and join the army of booze-runners. Join the booze army and saloons would turned upside down.

Get a Gat, a Truck

HALF-WORLD JARGON

The parlance of the underworld is a language all its own. Here are a few more clews by which you may arrive at the meaning of the garbled speech—almost a code—of the hoodlums encountered in Chicago gangland.

Cold meat cart: A funeral hearse. "You'll be in the cold meat cart if you play around with Capone."

Heller: Moonshine still.

"You get the heller and I'll peddle your silky."

Dropper: Paid killer.

"That dropper put three wrong guys away for me last year."

Rescue: Pocket pistol.

"So they send him up for packing a

No Killing Records Set by Brewery Gang Chiefs

[illegible] nobody [illegible] in any big town. Douglas and Lake were also [illegible] They didn't want hay trucks, [illegible] for hijacking, or [illegible] were making plenty of money [illegible] spoil the [illegible] with a [illegible]

Rivals Cut Down As Fast as They Pop Up

and make yourself a grand a day—or a grave.

Torrio and Capone went to Joe Stenson, a high-hat gentleman who lived in the Gold Coast district, an ex-brewer. Through Mr. Stenson, Torrio and Capone got their breweries. Mr. Stenson stayed in the background for some time—until the Chicago Tribune exposed him.

"Mr. Stenson," said the Tribune, "in the silk hat for the crowd. There are avenues in the federal building that he knows well. He furnishes the money, buys the breweries, and makes the connections necessary to undisturbed brewing. Having financed a brewery, he installs as president, secretary and board of directors a number of healthy, good-natured young men. These gentlemen operate at a high price and in return they take the fall when there is trouble.

"Taking the fall consists in being detained when there is prosecution. Of course, only the officials of a brewery are legally responsible. That's why the Stenson bill."

The Tribune might have added that it also let Torrio out, and Capone, too, but the Tribune didn't.

O'Banion was in on some of these breweries run by Torrio and Capone and their Gold Coast pillar of respectability.

So the Torrio-Capone-Stenson-O'Banion beer was sold to the Torrio-Capone houses of ill-fame, gambling joints, speak-easies and restaurants, and to the joints operated and protected by O'Banion on the north and west sides.

Rivals popped up every other day, rivals with rich men to back them, rivals who tried to horn in on Torrio-Capone-O'Banion territory. Ah, well, all flesh is grass. Man is a sucker, actuated by greed, emboldened by pride, cut down by Torrio-Capone-O'Banion guns.

Tomorrow Mr. Doherty shows how Capone began to emerge above the mob. O'Banion was good in his way—but he shook hands with the wrong guy at the wrong time. And was Capone startled? My! My!

Dance hall: Death call.
"Better spring him before they send him to the dance hall."

Finger-end: A 10 per cent share.
"All I get out of the deal is a finger-end."

Lip: An attorney.
"I won't squawk till I see my lip."

Wop football: Bomb.
"We'll give him a Wop football if he don't come across with our money."

STAR'S BROTHER WEDS

Beverly Hills, Cal., Feb. 17 (AP)—Arthur McLaglen, film actor and brother of Victor McLaglen, featured player, and Marian Lord, stage and screen actress, were married yesterday at the home of Mr. and Mrs. Anthony Caldewey.

...URE SPEEDS UP QUEEN RACE

...MPS TO 9TH IN VOTE CONTEST FOR FUN THRONE

[illegible]

In the race for the kingly crown, Spencer Tracy is still holding his lead over Lew Ayres with a margin of 400 votes, and Robert Montgomery is in third place and more than 1,000 votes behind Lew. But Monty is only three votes behind Charlie Farrell, for the number three, Charlie Farrell is almost 3,000 votes behind him.

Ronald Colman has a chance to pass John Boles, down at the bottom of the list of 10 leaders in the king voting. And Conrad Nagel isn't so far behind Gary Cooper, either.

Nancy Carroll and Janet Gaynor are still running close in the queen voting.

Otherwise things are pretty quiet on the Chicago front as fans battle to elect their favorites king and queen of movieland.

How Leaders Stand

Here are today's figures on the 10 leaders in each division:

FOR QUEEN

Clara Bow	11,[illegible]
Greta Garbo	11,[illegible]
Lupe Velez	8,[illegible]
Constance Bennett	3,[illegible]

FOR KING

Spencer Tracy	11,[illegible]
Lew Ayres	11,461
Robert Montgomery	10,063
Charles Farrell	8,348
Ramon Novarro	8,097
Gary Cooper	8,182
Conrad Nagel	5,971
Maurice Chevalier	4,138
John Boles	3,867
Ronald Colman	3,861

There are the cold figures. But, you know, the battle is never over until the last shot is fired, and you still have plenty of time to get up a flood of votes for your favorites.

Clip today's ballot and rush it in. And ask your friends to help you put your favorite stars over the top with a barrage of ballots. That's the way. Now let's go with a big fleck of votes!

GIRL, 18, ASKS $100,000 FOR WHITENED HAIR

Accepting you cannot the hair of Elizabeth La, Paris, 18, of 1258 S. [illegible] DAILY TIMES building, N. S. Mar-

COLOR-THE-INDIAN GAME

$150 in Cash and 100 Movie Tickets for Prizes

[illegible]

Have you been taking part in the DAILY TIMES game? Fresh, isn't it?

By this time you should have the picture of the Comanche Indian, point of yesterday, of course. Now, here's Indian picture No. 2, this time a Chippewa. See how attractive you can fix him up.

Hurry-hurry! Four out of them make prizes and 50 pairs of seats to see Judge Mack Richard in his latest feature picture, "The Great Meadow," which is playing at the Castle theater, State at Madison st.

Hold all the pictures until you have the complete set of six, then send them in. But do not send them in one at a time.

Now, let's take another look at the rules, and then get started on today's Indian picture.

INDIAN GAME RULES

1. There will be six pictures in the series. Do not send in one picture at a time, but wait until you have the complete set.

1. Prizes will be awarded to persons sending in the most attractively colored and neatest entries. Ingenuity in preparation of entries will also be counted in judging.

2. You do not have to purchase a copy of the DAILY TIMES to play this game. The drawings may be traced on another sheet of paper. Copies of the DAILY TIMES may be seen at the public library and at the DAILY TIMES building, N. S. Market day for six days. Entries must be mailed or delivered to the DAILY TIMES in time to reach the Indian Game Editor by noon Thursday, Feb. 26. Winners will be announced in the DAILY TIMES as soon thereafter as it is possible to judge all entries.

3. First prize, $50; second, $25; third, $15; fourth, $10; next 10, $5 each; next 50, two seats each to see "The Great Meadow," at the Castle theater, awarded four diamonds by Doris Arden, movie critic of the DAILY TIMES.

"For just 2c a day . . ."

JOHN BOYLAN, first [illegible] tenant of the promotion department:

"DAILY TIMES customers seem to be as satisfied with the DAILY TIMES for 2c as they would be with dollar bills for a nickel! They know that they're getting their money's worth, and then some!

"At 2c a day, the DAILY TIMES' readers get [illegible]

53

54

...favorites?

...Popularity Ballot No. 19

Write the names of your favorites on the lines below. Only one vote for $1000 and vote for QUEEN will be accepted from each voter in one day.

Name .....

Address .....

Street .....

City .....

After voting, sign your name, and address and mail to MOVIE POPULARITY CONTEST, the DAILY TIMES, 10 S. Market St., Chicago.

NOW AT UBET'S

GREATEST PHILCO SUPERHETERODYNE RADIO

$157.40

NO DOWN PAYMENT

PHONE FOR A PHILCO

Come in or phone for Home Trial. Prompt delivery on any Philco.

PHILCO RADIO and PHONOGRAPH COMBINATION $118.00 COMPLETE

Free Delivery and Installation

ALL STORES OPEN EVENINGS UNTIL 9

National PIANO STORES

WEST 5618 W. MADISON

LOOP 108 S. Wabash

NORTHWEST 4617 N. WESTERN

A Great $3.95 Spring Dress Sale!

Our Buyer, widely known for his spectacular Dress Sale Values, offers these New Spring Celebrated Dresses in TODAY'S sale—at the Basement exceptionally low QUALITY for only $3.95

Lane Bryant Basement

Wilcox Washington St. 101 N. WABASH Ave.

New Spring Prints

DRESSES

$3.95

DAILY TIMES

Chicago Picture Newspaper

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

In the publication of the life of Al Capone, Mr. Doherty has [illegible] prohibition and as it became with the advent of prohibition and the killing of Big [illegible] gangsters, racketeers and politicians of the [illegible] life in Brooklyn, when he slept on pool [illegible] and his early life in Chicago has been related; also, [illegible] by prohibitionists after the beer began to flow.

BY EDWARD DOHERTY

DUFFY and Egan had breweries and trucks and mobs. Torrio and Capone had breweries and trucks and mobs and guns. O'Banion had breweries and trucks and guns and friends. The [illegible] speaks up out of the wraiths of [illegible] in dingy neighborhoods, out of offices in high class buildings, out of restaurants, stores, tea shops and public baths. Chicago was beer mad, but not yet whisky mad. Whisky [illegible] target, though the boys were doing their best.

Caravans of beer trucks went roar[illegible] through Chicago's streets, some of them protected by gunmen, some only by police. Beer was selling for two bits a quart, though retailers got it for $50 a barrel. Right cops got as much a barrel for being right. You couldn't keep speakeasies without pugnosed cops. They protection. Protect your beer trucks. Protect your speakeasies.

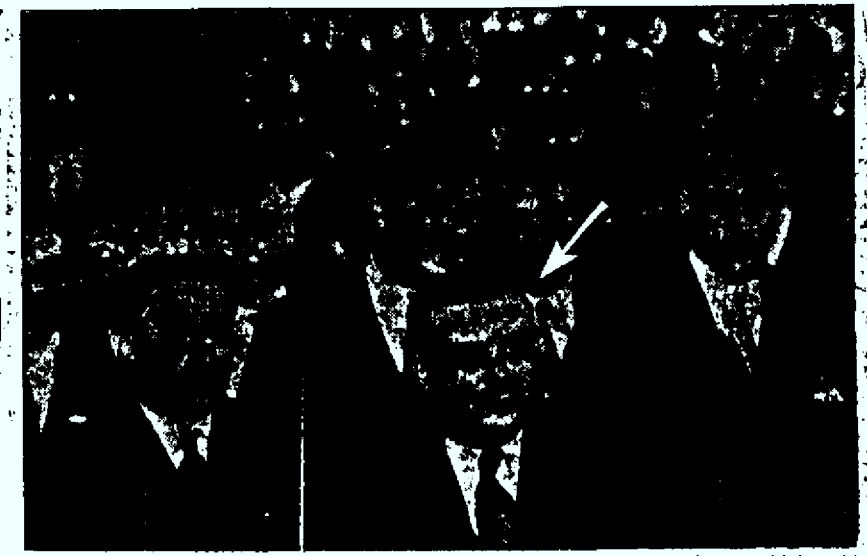
were found by those they least expected to see.

The hijackers were hijacked. They were requested to get into an auto. They obeyed, because the request was backed up with a display of guns. They sat in the front seat and the hijackers sat behind them. The car went fast down a lonely highway, and suddenly the victims knew they were being taken for a ride.

Keane was dead before he was thrown out of the car. His body was found near Beer cemetery. Egan, though wounded half a dozen times, crawled for miles. Just before dawn he got to the Palos Park Golf club, where he collapsed.

The police arrested Frank McErlane, and held him in a hotel for a few days. Then they let him go. The grand jury indicted Joe Saltis, Johnny Mahan, Ralph Sheldon, Willie Niemoth and Willie Channel, besides McErlane. But nothing ever came of the indictments.

Keane and Egan were not the first to be taken for a ride, nor the last. Nor did their experience enrich the language. It was Dion O'Banion who first gave the phrase some [illegible]



The "Spike" O'Donnell mob caused the Torrio-Capone crowd much annoyance. Here's O'Donnell (right) with Lawrence (Dago) Mangano (arrow) being arraigned as public enemies. At left is Roland Libonati, their attorney.

vent his leaving her she threatened to squeal.

The same night O'Banion found Duffy in the Four Deuces joint. Duffy had done nothing but yelp about how tough he was. He hadn't gone near the Millers.

"Come on, Duffy," O'Banion said to him this night, "let's take a ride."

The next morning (this was in February, 1924) the police found the body of Duffy the Goat on a snow bank way out in the prairies. He hadn't been frozen either. He was quite dead.

Torrio, Wife, Baby Beat It

[illegible]

You can go by bus, street car or L train from the Loop to Cicero in less than an hour. You can take a truckload of booze out of Cicero to any part of Chicago in an hour or two.

Then Arose Caponeville, With All Evil Trimmings

In Cicero Torrio saw peace, protection and accessibility. Once he owned the town officials, and had the sympathy of most of the inhabitants, he could make Cicero into a little kingdom.

Stickney, south of Cicero, became know as Caponeville, and was chiefly noted for Capone's [illegible] place. The [illegible]

it ever. Here was one of this enemies in the hospital and the other one in jail. Oh, yes, the cops arrested both Doherty and O'Donnell. And what's more, they were tried, too. But Capone soldiers lost enemies on account of the law.

William MacSwiggen, who has been mentioned before in this story—the prosecutor who had hanged five men—tried Doherty and O'Donnell—and they were both acquitted.

Is it queer that when Doherty was killed in Cicero, sometime after his acquittal, William MacSwiggen, "the hanging prosecutor," was killed with him? And who killed MacSwiggen? Al Capone might know!

[illegible] Duffy was a tough guy, and so he brought him into town to look after the Miller brothers, Dave and Hershey, who were getting to be pests. These Millers didn't like O'Banion, and O'Banion didn't like them.

O'Banion thought it was more decent to bring a hoodlum from out of town to look after the Miller brothers

Edward "Spike" O'Donnell

than to do it himself or have some obliging Chicago pal do it for him. Besides it wasn't so easy to trace a stranger.

Duffy moved into the big burg, and he proved to be left handed on both sides, and a talker besides. He picked himself a little dancing girl who didn't know any better, one Mabel Exley who had come from Louisville to Chicago because she thought her career important. The girl was broke, and Duffy had a little money, and he talked big, and perhaps she was impressed. They went to live in a north side flat—and Duffy forgot murder for love. He also forgot caution. He talked.

When he started to leave the girl to her own devices, telling her frankly that he was tired of her, and that he must kill a couple of guys and hop back to Philadelphia, she grew alarmed. She loved him. She couldn't bear his desertion. In order to pre-

Slowly, slowly the organized liquor racket grew. Slowly, slowly the ranks of tough guys swindled. Slowly, slowly the Torrio-Capone-O'Banion alliance grew in power.

And then William E. Dever was elected mayor and threatened to clean up the town—and every rat scurried to his own hole and squeaked, "Everybody else is out? I am for me and me alone from now on. Amen."

Torrio the strong guy, Torrio the wise baby, Torrio the politically immune, beat it to Italy and built a castle for his son and stayed around in the warm sunshine as long as he could.

Spike O'Donnell took heart and began to build up friends in the new gang at the city hall—now that the Torrio-Capone machine was on the fritz.

Dion O'Banion found himself a bigger guy than any with the new cops in power.

And Capone?

Capone politics had made overtures to the democrats. He didn't have to do either. Crashing in on one, asking no one's advice, he had perfected an organization of his own—and did take care of him, no matter who was the elected boss of Chicago.

And Now Begins Torrio's Role of Cicero's Santa

The boom running had a wicked time getting their wares to the great wide open spaces in the prairie town—but they did it. It was a laugh to think that any one should think they couldn't.

Mayor Dever threw a scare into the weaker hoodlums, and gave the stronger orgs a painful few months. But everybody recovered in a little while, and Torrio came home to dip his hands in the gravy bowl again, but no more to wield the snapper. That belonged now to Capone.

Before he had gone abroad Torrio had taken possession of Cicero, no hard task, as a base for the handling of supplies. He moved his hoodlums in, and they were legion. He did nice little things for everybody—patched up this goof's leaky roof, cemented that poor boob's cracked sidewalk, and promised to pay off that other fool's mortgage. The people of Cicero began to believe there was a Santa Claus.

Lauterback's, a combination saloon and gambling house, and the Hawthorne hotel, which was Capone's headquarters. The hotel was equipped with bulletproof walls, and was known as Capone's Castle.

Besides all this, there were over 160 bars that had no key to the front door and no hours to observe, and the Capone dog tracks, which were better than Alaskan gold mines while they lasted. Capone also had an interest in the Hawthorne race track.

Torrio and Capone had done much to make Cicero theirs before Torrio went to Italy. Capone had done much more while Torrio was gone. When Torrio came back the two of them proceeded to put the finishing touches on the town by electing their own officials.

There were obstacles, naturally. The other tough guys in Chicago, especially the west side O'Donnells—who were not kin to the south side or Spike O'Donnell roughnecks—and the Valley Gang and the Druggan-Lake interests had to be swept aside and put in their places.

And there was Eddie Tancl.

Eddie was a Cicero boy grown up, and a speakeasy of his own. It was a good speakeasy and a popular one. It was popular because Eddie was popular. Eddie had been a prize fighter in his day, and a fairly good one. He bought his supplies from the Torrio-Capone bunch, but he didn't like Torrio, and he hated Capone. He would have bought his beer from the William Klondike west side O'Donnells, but it was impossible. Eddie did everything he could to oppose Capone and Torrio. He wasn't in league with O'Donnell—but——

William was a harder guy to work for than Capone.

Fend Great Break for Ambitious Al

Klondike disposed of five of his mob in drastic fashion, and he threatened to treat Eddie Tancl in the same way unless he bought O'Donnell beer. Nothing happened for a long while. Then Klondike is said to have sent this James Doherty and his brother, Myles O'Donnell, into Tancl's place.

Eddie was filled full of lead—but he didn't drop until he had chased them from his place and emptied his gun into Klondike's brother.

It was just Capone's luck. Here Tancl's place was vacant—so he took

[illegible] and the emergence of Al Capone as king.

HALF-WORLD JARGON

If you meet a *wiper*, *skibee* or *Tommy-gun* in a *Jenny* and he's sure you're *Patsy* and there's no *hot grease* in sight, he might open up. Here's a key to what he's talking about. You'll get *the crack* and *clean off*, however, if he thinks you're *shamus*.

Wiper: A paid killer.

"Two wipers from Detroit made mold meat out of the mob."

Tommy-gun: Machine gun man.

"So in walks a Tommy-gun and lets go."

Jenny: A speakeasy.

"Harry's Jenny is makin' real dough."

Hot grease: Trouble.

"I got plenty hot grease."

Shamus: Policeman or detective.

"On the Erie—one the shamus!"

Patsy: All right; fit for conditions.

"Mom's a Tommy-gun while Pop's Patsy."

The grease: Death marks.

"He's got the grease on him boys."

Slam off: To die.

"What you think he slang off with?—measles!"

Light artillery: Needle-using drug addict.

"Leave him alone; he's light artillery."

Skibee: Experienced gunman.

"We got three skibees on the job."

CLARA, BUDDY IN LEAD

MARLENE DIETRICH ALSO FINDS FAVOR, QUEEN DISCUSSIONS

Marlene Dietrich

Clara Bow and Buddy Rogers look like pretty safe bets to cop off the crowns. But you never can tell! Anything may happen yet! That last-minute rush has often changed many a situation!

Lew Ayres and Greta Garbo are just about as sure of their second place positions as Clara and Buddy . . . The boy who stole "All

Posthumous Murder Trial for Adele Ritchie Opens

Adele Ritchie (Mrs. Guy Bates Post)

guilty of nothing more than manslaughter.

That's the good news . . . or bad, as the case may be.

Now, here's something I don't believe I've mentioned before. If I have, please pardon me. Here it is.

. . . Send in those votes! Keep your favorites in the running with a flood of ballots! Send your ballot and be sure your friends do likewise!

Norma Shearer	[illegible]
Marlene Dietrich	4,187
Lupe Velez	[illegible]
Constance Bennett	[illegible]
FOR KING	
Buddy Rogers	12,791
Lew Ayres	12,134
Robert Montgomery	11,144
Charles Farrell	9,236
Ramon Novarro	6,338
Gary Cooper	6,086
Conrad Nagel	5,784
Maurice Chevalier	4,060
John Boles	4,857
Ronald Colman	4,870

Vote on Movie King and Queen—Who Are Chicago's Favorites?

Movie Popularity Ballot No. 20

American films. Marlene certainly has found a place in the heart of the American public, as this contest indicates very clearly.

Doug Fairbanks Jr. can't quite make it back into the list of 10 leaders in the king column, even though his wife, the lovely Joan Crawford, continues to sit tight in her place as No. 5 in the queen voting.

Keep your eye on little Lupe Velez. She's done some remarkable climbing lately, coming from obscurity, down below the list of 10 leaders, into ninth place, shoving Ruth Chatterton out of the running and Connie Bennett into 10th place.

Now let's take a rest on the growlp and fasten our eyes on the "what's what" for today:

FOR QUEEN

Clara Bow	15,100
Greta Garbo	12,687
Janet Gaynor	9,706
Nancy Carroll	9,590
Joan Crawford	5,032
Mary Brian	5,330

QUEEN .....

Your Name .....

Address .....

After voting, sign your name and address and mail to MOVIE POPULARITY CONTEST, the DAILY TIMES, 15 S. Market st., Chicago.

Spike in Court Again Speeds Up Vag Trial

Edward Shelton O'Donnell, enterprising south side beer dispenser, showed up again today before Judge Justin McCarthy in the S. State st. court for trial on a vag charge.

His mouthpiece, Atty. W. W. O'Brien, was not in court, but Asst. State's Atty. Brown told the judge that he and Atty. O'Brien had agreed to postpone Spike's case for a while, as both were working on another case. An attorney from O'Brien's office rushed across and said March 4 would be O. K. Then up spoke Spike:

"Wait a minute, wait a minute. I've been trying to get a trial on this rap since September. Let's get going. The election's over; let's go to bat."

After another hurried consultation between attorneys and the judge, the trial was set for Friday, and Spike walked out, muttering to himself.

Spike O'Donnell

Film Stars	
Buddy Rogers	19,413
Lew Ayres	18,821
Robert Montgomery	17,300
Charles Farrell	13,947
Ramon Novarro	10,000
Gary Cooper	8,860
Conrad Nagel	8,450
Maurice Chevalier	6,934

The Sun did not pay the dollar. He can not return the dollar. He can have it by writing or calling and identifying himself. Otherwise it will be turned into the DAILY TIMES charity fund.

Now come on with your ballots and let's make this last vote the heaviest one of the entire contest!

Vote on Movie King and Queen—Who Are Chicago's Favorites?

Movie Popularity Ballot No. 26—Final

Write the name of your favorite on the lines below. Only one vote by KING and one for QUEEN will be accepted from each voter in any one day.

KING .....

QUEEN .....

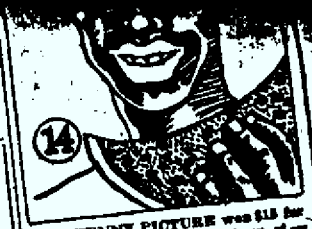
Your Name .....

Address .....

After voting, sign your name and address and mail to MOVIE POPULARITY CONTEST, the DAILY TIMES, 15 S. Market st., Chicago.

WILDCAT BAKERY UNION CHIEFTAIN FREED IN BOMBING

Joseph Aleksa, 37, of 1136 S. Morgan st., the secretary of an outlaw neighborhood baker's union, who was arrested after bombing of the bakery of Joseph Wilkins, 2347 Auburn ave., was released when, after questioning, it was determined Aleksa knew nothing about the explosion.



This FUNNY PICTURE won $15 for Lola Ramey, 1811 N. Dearborn st.—first prize on drawing No. 14.

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

Yesterday's installment of Mr. Doherty's story had [illegible] the Genna brothers, and the sudden [illegible] on three of them. Hymie Weiss, in his [illegible] "gangsters, hells," got tore. He considered [illegible] he found that by eliminating Gennas he was build- [illegible] Capone reached out and took over [illegible] defeated gangsters. Hymie decided to [illegible] Capone.

By EDWARD DOHERTY

HYMIE WEISS had the idea that he could best fortify himself and wreck Capone by first adding a lot of guns to his pay roll, and then by taking away some of Capone's men.

Therefore, he signed up the Genna brothers, Paul Roeberry, Frankie Foster and a few more who had learned to use guns. After which he went to the south side to make an alliance with Big Joe Saltis and the O'Donnell-Saltis faction.

Ralph Sheldon

Spike O'Donnell mob. But the O'Donnell-Saltis feud was ended the [illegible] wouldn't play.

Sitting around and moaning that he wasn't getting a square deal? Sure, but he was also building up his forces.

He had purchased a lot of Italians to deliver his beer and his booze. He had started to open and operate a flock of miniature breweries. He had recruited some more tough guys from the Little Angie gang in New York.

And he had fixed up all the loose holes in his political honeycomb. He was paying out heavy dough to everybody. His truck drivers got $75 a week—and that was an enormous sum to these men, some of whom couldn't speak English. Many of them had been glad to get $1.25 a day working 12 hours a day in Sicily. All they had to do was to put the barrels on the truck, and ride with the outfit to its destination, roll off the barrels and go home. Every week they were given a keg of free beer. And they were always protected. Every time they went out on an errand for Capone, a car full of hoods with machine guns followed them, ready to fight it out with any cop or hijacker who interfered.

It was great, working for Capone. Those babies would kill any one who talked about him disrespectfully. Capone was wonderful to them. He even talked to them with smiles, when he noticed them.

From Capone's standpoint these men were ideal. They were nearly all members of the Black or the Camorra.

Big Joe Saltis (center), with guards, when he was grabbed in May, 1928, on liquor charge.

They had been in jail ever since they killed two detectives. Something must be done for them.

The three Gennas who had escaped Hymie Weiss and his merry outlaws were naturally helping Capone in the effort to do something for these imprisoned killers. They were taking up a collection.

Perhaps you've been to church and noticed the ushers taking up a collection. The Genna brothers didn't collect in quite that way. Being up-to-date business men, they used a little terror—and may I say that many Italians saw the terror of their ways?

Those approached paid or died. Manny Spingola, a brother-in-law of one of the Gennas, had been kicking in to every Italian racketeer in Chicago for years. He refused to come through for the defense fund for Anselmi and Scalice. He died with his boots on. Augustino and Antonio Morici, wealthy and respected, died with their boots on.

The money came rolling in.

Strange Deaths Follow Jack McGurn's Return

And some of the collectors went rolling into the gutter. Machine Gun Jack McGurn had come back to Chicago. Orazzio Tropea, known all over the Italian districts of Chicago as The Scourge, died exactly where McGurn's father had died. Strangely enough, it was The Scourge who had caused McGurn's father's death. The Banone was put on the spot two days later, and the next day Eddie Bardelli, called The Eagle, took wings into the great beyond. Two weeks later Tony Finalli dropped dead, his death assisted by a quantity of slugs.

In tomorrow's story, if you read it, you will find something more about Machine Gun Jack McGurn and Anselmi and Scalice. Mr. Doherty regrets making this yarn read like an almanac column. But he had no choice. And he knocks off three more mean hoodlums.

FOUR MEN JAILED, LIQUOR SEIZED IN THREE DRY RAIDS

Four men were arrested and a large quantity of liquor seized in three raids made by prohibition agents. Those arrested and their places of business were:

Paul Bagishart and Fred Kuchna, 8816 Bronx ave., Niles Center, seized; Joseph Fary, 3543 Hamore st., seized; Joseph Marchetti, 846 Milwaukee ave., restaurant.

Own Worst Adviser

Saltis and his mob hadn't been true [illegible] for this time — but they weren't hostile to the Scarfaces. Hymie [illegible] a few of them. But [illegible] majority of them stands [illegible]. Hymie was always [illegible] advisers.

[illegible] Capone, to [illegible] in [illegible]. [illegible] Frank Milburn

Three Fingers Remain To Tell a Story

Before he was well enough to fight again his mob had bumped off Dynamite Joe Brooks and Edward Harrington. Three Finger Pete Kunold is said to have done this little task. It is impossible to say truthfully that he did, however, for he is beyond questioning. He had just blown a safe and was running away, poor fellow, when he stumbled and fell on his bottle of nitro-glycerin. He was identified by this three-fingered hand which somebody found.

What was Capone doing all this [illegible]

Frank Milburn

[illegible] Capone was interested in springing the [illegible] Billiard and Boston [illegible]

Lessons on How to Take Up a Bank Collection

[illegible] building up his organization, Capone was interested in springing the [illegible] Billiard and Boston [illegible]

NAME KING, QUEEN SATURDAY

FLOOD OF VOTES MAKES SHIFT IN RANKS POSSIBLE

By DORIS ARDEN

Two movie fans no many ballots in the big [illegible] contests, judge as a [illegible] greatest phenomenon in some of a job than counting the ballots in the DAILY TIMES Movie Popularity contest, than I don't want it! I almost am swamped, and I have a corp of helpers, too.

But never you fear, by tomorrow we will be able to tell you who Chicago movie fans have picked, to be crowned king and queen of movieland. The ballot boxes were locked promptly at midnight last night and now the counting and checking is in full swing.

I thought I would be able to give you some idea today as to who will be elected, but it's impossible.

Anything's Possible

We haven't counted near enough of the ballots to be able to tell who will ralph up in the lead. Most any outcome is possible from this pile of ballots I see here in front of me as I write this story. Thousands, thousands and thousands of them!

If Clara Bow's fans have remained loyal to her to the end, then she is fairly safe to win the queen's crown. But Buddy Rogers . . . his fans will have to have been on their toes every minute if they keep Buddy ahead of Lew Ayres. It's going to be nip and tuck with Buddy and Lew, and it probably will be the last hundred votes that decide it.

Garbo Well Entrenched

Greta Garbo should come out in second place, if she has received the same percentage of support from the last ballot she has from the others. And [illegible] votes good for Robert

FUNNY PICTURE GAME

Make a Comic Face and Win a Cash Prize

Each day the DAILY TIMES publishes a drawing in the FUNNY PICTURE game. Readers who play the game are invited to mark the drawing with black pencil, crayon or ink (no colors). The object is to see who can make the funniest picture.

Send your drawing with your full name and address to the FUNNY PICTURE Editor, DAILY TIMES, 22 S. Market st., Chicago.

For the funniest picture received each day the DAILY TIMES will pay $10 in cash. There will be a second prize of $5 and five prizes of $1 each.

It is not necessary to use the drawing on this page. You may copy or trace it on another sheet of paper. Neatness and ingenuity will count in making the awards. In case of a tie, duplicate prizes will be awarded.

All drawings must reach the DAILY TIMES not later than midnight three days after the publication of the drawing. Prize winners on today's drawing will be announced one week from today.

The game is open to every one anywhere except employes of the DAILY TIMES and their families. No draw-

Again we present a movie star. Make this drawing as funny as you can with pencil, crayon or ink (no colors) and they mail it as directed in the rules.

Aero Delegates Banned Standard

the big news you'll find a big lot of the very newest pictures of the first 24 in each of the two divisions. So don't miss your copy of the DAILY TIMES tomorrow. It will be a copy you will want to keep, proud after you read all about the contest!

AL SMITH TO VISIT CAPITAL SESSION OF DEMOCRATIC CHIEFS

Washington, Feb. 21 (AP)—Alfred E. Smith, democratic presidential candidate in 1928, has indicated he will come to Washington next week to confer with the leaders of the democratic national committee meets in a special session.

Friends of his say they attach no political significance to his visit, which follows a conference with former President Calvin Coolidge, however.

One of the principal purposes of the national committee meeting will be to arrange for paying off the deficit left behind in the party's 1928 campaign.

Chairman Raskob is expected to return here by Monday. Raskob is expected here Tuesday.

Raskob and Smith will be urged by an almost united front of democrats in congress to make no attempt to seek a nominee of the national committee on the prohibition issue at the party meeting.

Name Indian Game Winners Monday

Time for receiving entries in the Color-the-Indian Game, a recent feature in the DAILY TIMES, expired at noon yesterday, after thousands of sets of beautifully colored Indian pictures had been received. Judges are now at work selecting the most attractive and neatest entries and winners of the 84 prizes offered will be announced in the DAILY TIMES on Monday.

[illegible] Fredric Dillon, 841 Maple ave., Brookfield, Ill.; George Geever, 1631 S. Austin blvd., and Jennie Jean Jepson Lake Shore Drive hotel.

This FUNNY PICTURE won $15 for Mildred Riner of La Grange, Ill.—first prize in drawing No. 16.

[illegible] designed to facilitate orderly development in interstate air travel, have been adopted at the traffic conference of the Aeronautical Chamber of Commerce.

The recommendations which will affect 95 per cent of the air travel are expected to accomplish a co-ordination of schedules between connecting lines, consolidation of ticket offices, a code of publicity and advertising ethics, and a uniform agency policy on reduced fares and passes.

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

"Machine Gun Jack" McGurn entered Mr. Doherty's story yesterday—and four men died in a very great hurry, one of the fellows collecting a defense fund for the Sicilian gangster, Scalice and Anselmi.

One of those who died was the murderer of McGurn's father, and he died in the same way and on the same spot as his father had when McGurn was a little boy. But don't start guessing about the machine gunner just yet.

By EDWARD DOHERTY

The machine gunner called Jack McGurn is an American born of Italian parents on Chicago's west side and his name is [illegible] Gebardi.

[illegible] even when he was a kid, got good with his dukes, and [illegible] as an amateur [illegible] boxing bouts. When his father was murdered the boy was ordered to get out of town. He went. He took the Irish name. He became a professional prize fighter. He learned who had killed his father. And he came back to Chicago and caught him out.

The killings followed.

Jack McGurn Becomes Pet of Al Capone

In due course of time McGurn became Capone's pet.

Let me stop the chronological nature of this series long enough to tell you a story of his loyalty to Capone.

McGurn, Scalice, Anselmi and Joe Giunta—were all thrown into jail after the St. Valentine's day murder. It was suspected that McGurn had operated the machine gun that mowed down the seven Bugs Moran gangsters. It was believed the others had something to do with it also.

They all got safely out, naturally, seeing that nobody in Chicago troubles the Capone mob much. But while they were in the jail Scalice, Anselmi and Giunta expressed dissatisfaction.

"Why go on working for that guy?" they asked McGurn. "Why don't we break away from Capone and go into [illegible] for ourselves? Let's ditch him and make a go of it, the four of us. Giunta is president of the Unione Siciliana. He's as big a shot as Capone. You're a swell gunner. Scalice and Anselmi—well. Chicago has heard of the only one present who hadn't checked his arsenal with the cloakroom bandit, so so the story goes, held a gun in each hand and menaced the three on their knees.

Capone, it is said, wept about the matter leisurely, paying no head to tears and screams and wild, garbled prayers for mercy. He went to work with the baseball bat.

When he was through, some one is said to have opened up with both guns.

The banquet then was officially over, and the bodies of Scalice, Anselmi and Giunta were taken in fast automobiles and dumped onto the soil of Indiana—just over the Illinois line. At any rate, they were found there.

You always hear, when gentlemen are taken for rides, that their bodies have been found just outside Cook county. There's a reason for that.

Some one stumbles over a pile of bodies somewhere outside the county. The local sheriff is annoyed. "These

Machine Gun Jack McGurn

Chicago," say the Chicago authorities. "Why should we investigate?"

So, usually, nobody makes any real investigation, and the murderers live on until some other murderers make the right connection.

And if, and perchance, and whereas, and however, and providing that some investigation is or should be made, there is always the question of venue to be decided—nice legal squabbles as to where the alleged murderers shall be tried, and when, and by whom, and for what reason.

There wasn't then, you may gather, much of an investigation into the

John Scalice (left) and Albert Anselmi, two of the three men whom Al Capone honored at Hanover. Later they were lined up against the wall for torture deaths.

KIRKLAND GRID RIVAL FACES TRIAL FOR ATTACK ON GIRL

While Virgil Kirkland was fighting for freedom at Valparaiso today, a friend and former football opponent was awaiting action by the county grand jury on charges he and another chap attacked two Evanston girls.

He is Charles Simpson, 20, 912 Grove st., Evanston, who boasts of intimate friendship with Virgil and declares he played against the Gary high school star many times. Held with Simpson is Warren Thompson, 20, 1605 Ridge ave., Evanston.

The pair, both members of well-to-do Evanston families, were bound over to the grand jury under bonds of $20,000 after two young girls told Police Magistrate Porter of being taken for auto rides which ended with severe beatings and attacks.

Kedzie and Lawrence aves., said that on Feb. 9 the pair were in the store when it closed and asked if they could drive her home.

"Yes, if you take me straight home," she said she told them. They went north through Niles Center, however.

Simpson got out of the car, she said, and Thompson beat and choked her. When Simpson returned both ravished her, she said. They then drove her back to the city, took away all of her money except 15 cents and put her out of their car.

The other girl was Ruth Stamps, 17, a maid at 1330 Chicago ave., Evanston.

On Feb. 3, she said, she went with the pair for a ride. They told her they were bound for a roadhouse to drink wine, but instead took her to a lonely

a golden harvest on their dinnerbell.

Al Consoles Them With Small Banquet

Capone invited the four cordially to the full dinner opened and invited them to the smallest banquet they had ever attended. The dinner was held [illegible] a prohibition road-house [illegible] Capone had our thought his gals [illegible] to come into the place—but no [illegible] minutes. They were all pale, [illegible] Very scattered about [illegible] afraid of any such [illegible]

For Consolation

[illegible] with yellow [illegible]

Capone arrived when the last guitar [illegible] the last drink and toast [illegible] had vanished and taken his way [illegible] home. Capone [illegible] and [illegible] for place [illegible] the lay there.

"We have with us tonight," he said, [illegible] "three great men. Will you stand up, Madam Ancestral [illegible]? Stand up so all men may see. That's it. [illegible] gentlemen, the [illegible] wall.

"These great men. These fine double-crossers. I'm going to show you how double-crossers in this racket are punished."

The three then threw themselves on their knees, spilling the wine they had held in their hands, and they cried for mercy.

Someone Finishes The Job with Two Guns?

Capone laughed at them, reached for a baseball bat some one had brought for the occasion and walked toward the [illegible]

Frankie Rio, who seems to have been

Frankie Rio

birds were killed in Chicago," he allows. "Why should I investigate?" "These eggs were not scrambled in can't say I'm very sorry myself!

(Copyright, 1931)

On Monday Mr. Doherty will go on with his chronological story. But one never knows just what will pop into this author's mind. He may go off on another tangent.

"Jake ... was murdered at Michigan ave. and Randolph st.

The records were given to the grand jury and, though the prisoners were all released by a judge and the Hex bar opened up again, the grand jury may find in those records some evi-

"One is in a prison hospital, the victim of a fellow assassin.

"One has disappeared and is believed to have been murdered.

"One is about to be deported.

Ralph Capone, brother of Al, has been convicted of cheating the United States government on his income tax.

Vol. 6 FEBRUARY 16, 1931 No. 1

69-180-158

PAROCHIAL SCHOOL PUPILS WIN BEE

28 Students Spell for More Than Hour in DAILY TIMES Contest

PAROCHIAL schools walked away with the honors in the 21st preliminary contest of the second annual DAILY TIMES Radio Spelling Bee. The contest was held last night, with 30 minutes of the event broadcast from the WBBM Air Theater and DAILY TIMES station, from 8 to 8:30 o'clock.

Eugenia Kiliouynski, 12, of 5540 Bertram ave., from Our Lady of Victory school, and Vincent Jurulenas, 14, of 3005 String st., Providence of God school, were the two winners. They next will compete in the semi-final contest, scheduled for March 28.

Deadlock Looms

The contest was another that almost reached a deadlock, when it seemed for a time that Bobby Brown, the "radio schoolmaster," would not be able to eliminate 26 of the 28 contestants. After 1 hour and 10 minutes, the two winners stood alone. This group of spellers who faced the microphone was one of the best heard thus far.

The next preliminary event, No. 23, will be held tonight, and listeners-in will be treated to 44 minutes of it, the broadcast beginning at 8:30 o'clock.

Eight schools will be represented tonight by the 30 pupils scheduled to

CONTEST IN 28TH BEE

(DAILY TIMES Photo)

Here are contestants in latest DAILY TIMES Spelling Bee broadcast over WBBM. There are 28; count 'em.

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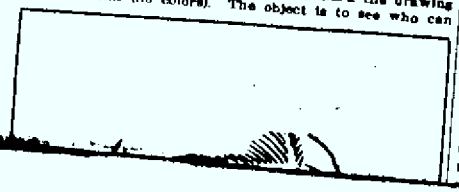


DIME FARE FIGHT IN HIGHEST COURT STIRS RIDERS' HOPES

Chicago straphangers were afforded fresh hope of recovering on Chicago Rapid Transit Co. fare coupons today when the Supreme court at Washington, D. C., was asked to review the decision of the United States District court at Chicago upholding a 10-cent fare on the elevated lines.

The action of the District court was the issuance of a permanent injunction restraining the city and the Illinois public utilities commission from interfering with the imposition of the 10-cent fare. Previously, for many months under a temporary injunction the lines were required to give a 5-cent refund coupon with each purchase of three tickets for 30 cents to be repaid in the event the litigation ended adversely to the company.

The company before that had sold three tickets for 25 cents. It demanded an increase on the ground that it was entitled to a return of 7½ per cent on its $155,000,000 investment.

The federal court claimed jurisdiction under the 14th amendment to the United States constitution, which prevents states from confiscating property without due process of law. The city, which has appealed to the Supreme court, charges the valuation placed on the properties by the lines is excessive and that the increase in fares was in direct violation of a contract between the lines and the city.

C. C. BROSIUS, LAWYER, SUED FOR DIVORCE; UNTRUE, SAYS WIFE

Cline C. Brosius, an attorney with offices at 111 W. Monroe st., was sued for divorce in the Circuit court by his wife, Irene, 23, of 10170 S. Seeley ave. Mrs. Brosius charged cruelty

"Growing by leaps and bounds, Ho!"

Says MRS. ELEANOR FRIEL, head of the DAILY TIMES' mail department:

"A newspaper judges its popularity quite a bit by the mail response to its features and departments.

"The popularity of this newspaper is certainly growing by leaps and bounds.

"Each month sees an increase over the month before in incoming mail receipts. That increase isn't caused by any one feature. It is a general pick-up for all departments.

"More people are answering our contests. More letters are

[illegible] Hayden shows spelling bee [illegible] to Vincent Jacobson (center) and Bernadin Shlapowski, [illegible] of Joliet parochial school.

[illegible] for the contest. The exhibits [illegible] Lithuanian of Bureau, St. Michael's [illegible] public school, St. Ferdinand [illegible] photograph of [illegible] Joliet [illegible]. Pupils were [illegible] will be [illegible] participants. [illegible] Rose [illegible] Catholic school [illegible] Jerome J. Fowler of the [illegible] high school and [illegible] director of the contest for the DAILY TIMES.

Prize Is Grouped Prize

In addition to the valuable and attractive awards offered by the DAILY TIMES, the pupils from the 151 schools entered in the five age groups for the second title of 1931 Champion Spelling of Cook County Schools.

The DAILY TIMES awards include a trip to Washington, D. C., for company with a parent or guardian, with all expenses paid, to first prize; suitable gold-plated trips started the vacation listed, with all expenses paid, to next four place winners; medals to finalists, semi-finalists and champions from each school. A trophy will be awarded to first place winner's school, and free passes tickets to next year's season of Chicago Civic Opera to the first place winner's teacher.

For the funniest picture received each day the DAILY TIMES will pay $15 in cash. There will be a second prize of $5 and 3rd prize of $1 each.

It is not necessary to join the drawing on this page. You may copy or trace it on another sheet of paper. Neatness and originality will count in making the awards. In case of a tie, duplicate prizes will be awarded.

All drawings must reach the DAILY TIMES not later than midnight three days after the publication of the drawing. Prize winners on today's drawing will be announced one week from today.

The game is open to every one anywhere except employes of the DAILY TIMES and their families. No drawings will be returned.

Regina Zamlinski, 2253 S. Racine ave., won the first prize of $15 each for the best answer to drawing No. 17. Second prize of $5 goes to Frances Faust, 1422 S. 5th ave., Maywood. Prizes of $1 each go to the following: Thomas G. Elkins, 1445 S. Cuyler ave., Berwyn, Ill.; Paul E. Walker, 510 N. Brainard st., Naperville, Ill.; J. W. R. Brown, 1646 Juneway ter.; Mildred Presto, 1560 S. 50th ct., Cicero, and Herbert Sobolmas, 4130 Byron st.

Again we present a movie star. Make this drawing as funny as you can with pencil, crayon or ink (no colors) and then mail it as directed in the rules.

Girl Red Makes Fiery Speech To Crowd Drawn by Eviction

"Fellow workers—Citizens of the world——"

Crowds gathered in front of the home of Louis Rosenblum, his wife, and their 4-year-old baby at 5460 W. Roosevelt rd. while deputy sheriffs were executing an eviction order were startled when a girl of 16 hopped up on the furniture to address them.

"Comrades all," she cried, "why do you stop to gape here? This is not an unusual scene in these free United States. These poor, honest people are losing their home because they could not earn enough to pay for it. They are 14 months behind in their rent. This is happening all over the country. People are starving."

Gesticulating with one hand, which clutched a red turban embroidered with Lenin's picture, her red hair blown by the breeze, the girl pointed a finger at first one and then another in the audience.

"What can YOU do to stop things like this? What about YOU? I'll tell you. Join the communist party NOW and we'll march on the city hall and demand action."

"Cheese it—the cops," some one interrupted as a squad car pulled up to the curb.

"What's this all about?" a policeman asked and the crowd turned back to their orator, awaiting her answer.

The little redhead had disappeared in the throng. (Picture on page 13)

This FUNNY PICTURE won $15 for Regina Zamlinski, 2253 S. Racine—first prize on drawing No. 17.

Brosius deserted his wife, the bill states, Feb. 1, 1927.

Beginning shortly after their marriage, Mrs. Brosius charged her husband, "choked, kicked and physically maltreated" her until their separation. Brosius has been guilty of infidelity, she asserts, with a number of women unknown to her since Dec. 1, 1926.

ARTIST WIFE WINS DESERTION DIVORCE FROM ILLUSTRATOR

Charging her husband, Raymond Sisley, New York artist and magazine illustrator, deserted her two years ago after they had been married nine

(DAILY TIMES Photo)
Mrs. Patricia Sisley

years, Mrs. Patricia Sisley of 701 Lyman ave., Oak Park, also an artist, obtained a divorce.

The decree was granted by Judge Lewis in the Superior court. Mrs. Sisley waived alimony. Their romance began back in 1920, when Sisley was an illustrator for a Chicago newspaper.

AGED INVALID DIES FROM EXCITEMENT

The death of Mrs. Sadie Kohn, 64-year-old invalid of 4624 Monticello ave., died of excitement when a small fire was discovered in the basement of her home.

greater [illegible] writing to her for her Beauty Aids. Every feature in the DAILY TIMES that offers the readers an incentive to write in, is getting more mail today than ever before.

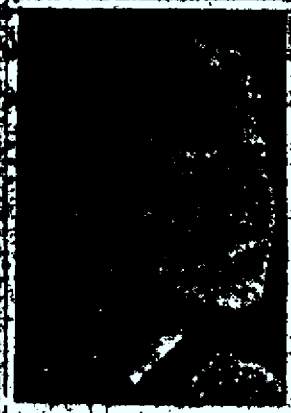
"There must be something in this way of judging a newspaper's popularity by its mail receipts, because our circulation is certainly climbing beautifully."

You're right, MRS. FRIEL! Circulation average for the past two weeks was more than 200,000 daily!

LOAN-SEEKING VETERANS SWAMP BUREAU

BONUS LOAN ENDS LONG, DRY PERIOD FOR VETS

GIVE T. D. WALLACE HERO MEDAL AT DINNER



(A. P. Photo)

Elizabeth Lower, 21, treasury student of the Louisiana State university boxing team. They're participating in a tournament at Charlottesville, Va.

Charges Hubby Hacked Clothes to Foil Trip

Los Angeles, March 2 (AP).—Mrs. Ethel L. Shuey thought it would be nice to go to the beach. Her husband, Donald, did not want his wife to go to the beach.

Mrs. Shuey insisted upon going. Then, she asserted, Donald took his razor and ripped her new coat to pieces. Then he cut up her dress. Then he pulled her pocketbook apart.

If there is another side to the story Shuey will tell it when his expe-

Tires of Hubby's Suicide Notes; Wins Divorce

Tired of a husband who delighted in scaring her with suicide notes, Mrs. Mary Stejska, 21, had a brand-new divorce decree today. She obtained it when she appeared with her attorney, Irving Bissonman, before Superior Judge Desert and told him about the way Husband Frank tried to fool her.

"When I'd leave the house everything would be all right," she said,

Mr. Wallace, will receive the award at the banquet session of the sixth annual midwest safety conference Thursday night in the Grand Ballroom of the Stevens hotel.

Mr. Wallace was at his home in Chicago near Michigan on Aug. when he heard a woman's scream from the lake. He ran half a mile to rescue her, and, after dragging her onto the beach, directed successful resuscitation. The woman was Miss Matilde P. Koch, a Chicago school teacher.

The Chicago safety council [illegible]

GLOOMY BEAN WORKS

BOYS' CLUBS GROW
TO 28,487 MEMBERS

WOMAN VAMP CAR VICTIM
NEAR DEATH FROM HURTS

Jailer Charges
Shields Friends
as She Ends Life

Even Weather Man
Has Gone to Bat
for Lusty Boosters

SUES FOR BOY'S LEG

DAILY TIMES, CHICAGO, MONDAY, MARCH 2, 1931

CAPONE PUBLIC ENEMY NO. 1

How Much Longer Can He Get Away With It?

By [illegible]

[illegible] Samoots Amatuna [illegible]

[illegible]

He had a girl, Pearl Wilson, and Pearl operated a beauty shop in Cicero. Perhaps that was the only reason Fur [illegible] that town. Of course, the [illegible] But all who knew him thought it likely he was going in for mud packs or face lifting, or even permanent waves.

What do you see in these eyes and what have these eyes seen? They are the optics of Al Capone.

[illegible] his own; a silent rhapsody in red and mauve and orange and green and blue.

Samoots was one of the Genna crowd, a collector for the defense fund for Anselmi and Scalise, and a hijacker of other people's booze.

He had hijacked a load of booze varnish from the Klondike O'Donnell mob, and he had left it alone for 15 minutes. [illegible] it was rehijacked by the [illegible] Quinlan and Bummie [illegible]

An O'Donnell Gangster, Capone Didn't Like Him

He was one of the Klondike O'Donnell gang, and his presence was unwelcome to the Capones in Cicero. Every time he went to the beauty shop he risked his life. Exactly as no Sicilian ventured into the Loop when Hymie Weiss was running things—unless said Sicilian was despondent.

Fur had just come out of the beauty shop one April day in 1926 when an [illegible]

[illegible] your full name

FUNNY PICTURE GAME

Make a Comic Face and Win a Cash Prize

Each day the DAILY TIMES publishes a drawing in the FUNNY PICTURE game. Readers who play the game are invited by [illegible] make the drawing [illegible]

Send your drawing with your full name and address to the FUNNY PICTURE Editor, DAILY TIMES, [illegible] Chicago.

For the funniest picture received each day the DAILY TIMES will pay [illegible] in cash. There will be a second prize of [illegible] and [illegible] prizes of $1 each.

It is not necessary to use the drawing on this page. You may copy or trace it on another sheet of paper. Neatness and ingenuity will count in making the awards. In case of a tie, duplicate prizes will be awarded.

All drawings must reach the DAILY TIMES not later than midnight three days after the publication of the drawing. Prize winners on today's drawing will be announced one week from today.

The game is open to every one anywhere except employes of the DAILY TIMES.

Again we present a movie star. Make this drawing as funny as you can with pencil, crayon or ink (no colors) and then mail it as directed in the rules.

ave.; Harvey R. Manthei, 4324 N. Sawyer ave.

Cline C. Bresius, an attorney with offices at 111 W. Monroe st., was sued

EXCUSES HIMSELF FROM CLIENT AND COMMITS SUICIDE

Excusing himself while [illegible] auto, Henry W[illegible] Park blvd., [illegible] Auto Sales Co., [illegible] to death.

[illegible]

Running into the room after hearing the shot, the [illegible] on the floor, dead.

GIRL SKATER FALLS, DIE OF HURTS

ANTI-FEMINIST GIFT REJECTED BY YALE

FIND MOTHER OF TWO LYING UNCONSCIOUS IN SOUTH SIDE STREET

Believed to have wandered from her home and been robbed with yesterday, Mrs. Marion Morgan, 34, 3017 Jackson ave., mother of two children, was found lying unconscious on the sidewalk at 10 [illegible] this afternoon by the Presbyterian hospital, where she remained

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

VIC:AM

May 6, 1931.

MAY-8 1931 PM

MEMORANDUM FOR THE DIRECTOR.

Reference is made to the article appearing in the June, 1931, issue of the "Real Detective" magazine entitled "Al Capone is Dead!" written by Bruce Pope, a Chicago newspaper man.

The writer reviewed files #69-180, 32-15941, 41-84, 62-20619, 62-20034, 26-18103, and 62-23346 (Interesting Case #154) relative to subject AL CAPONE, and did not find any information in these files which would in any way substantiate the statements made in the "Real Detective" magazine that the real Al Capone is now dead.

Respectfully,

W. I. Conway.

W. I. Conway.

69-180

69-180-62

RECORDED & INDEXED

MAY 14 1931

JUL 13 1972

XEROXED ORIGINAL-RETAIN

94

[illegible]

[illegible] Sentences.

However, the highest income tax sentence of record is that received by Jack Guzik, Capone business manager, and that was five years and a day. Guzik was convicted by a jury. Capone, it was reported, is hopeful that the sentences on his income tax and beer pleas will be made to run concurrently.

At any rate, Capone will be sent away, an objective of more than two years standing on the part of Mr. Johnson, agents of the intelligence unit under A. P. Madden, the special prohibition agents, and Washington officials of the treasury and justice departments.

President Hoover, who acclaimed the government's income tax drive here, is reported to have been insistent on wiping out Capone and his gang.

Reasons for Guilty Plea.

Capone would not discuss his decision to plead guilty with newspaper men, nor would his attorneys, Mr. Ahern and Leopold R. Mehlack, but several reasons were ascribed for the move by federal officials. One of these is that Capone, though not broke, has experienced such financial reverses in the last year that he did not wish to stand the expense of a jury trial.

High bonds and high attorney's fees have already been paid by Capone and his leading lieutenants in the federal courts, it was pointed out, and the prohibition agents have been wrecking his finest breweries and stills.

Aside from the expense of a trial and probable appeal, the federal officials declared that Capone availed himself of the plea of guilty in an effort to obtain mitigation of sentence, because he feared to face a jury. The government has not lost a major prosecution since United States Attorney Johnson assumed office, his motto having been: "Every indictment a conviction."

Reported Planning Comeback.

There is a third reputed motive for the plea of guilty. This was that Capone, feeling himself going at 32, believes he can still come back [illegible] and resume his [illegible] fortunes after he has served a few years. The depression will be over, the gangster is reported to have reasoned, and there will be a setup in the present crumble of law enforcement. If he went to trial and then carried his case to the Supreme court, he might be sent away just when times begin to pick up, is the way his reasoning is reported to have run.

When Capone goes away to Leavenworth, which is expected to be soon after he is sentenced on June 30, it will be his second experience in imprisonment. Two years ago he served nine months with his bodyguard, Frank Rio, in a Philadelphia jail for gun toting.

Capone will find in Leavenworth the former chancellor of his enterprises, Frank Nitti, who went down in January to serve an eighteen month term for tax evasion. He will also find Sam [illegible] who is serving a three year sentence for violation of the United [illegible]

TONY (MORS) VOLPE.

Federal Judge James H. Wilkerson yesterday issued his formal order denying the writ of habeas corpus asked by Tony [Mops] Volpe, Capone gangster, who has been ordered deported by the department of labor for entering the country without inspection by making false and misleading statements. In making the order the judge reduced Volpe's bond from $6,000 to $2,000 and granted him a stay of 60 days to appeal to the United States Circuit court of Appeals. The judge denied the writ last Friday.

LADY ASTOR GLAD THERE'S NO OTHER WOMAN LIKE HER

LONDON, June 16.—(AP)—In opening a club for small children in East London tonight, Lady Astor declared that people differ too much individually ever to be equal, and added that she was often thankful that there was not another woman like her.

"I know that when I first got into parliament most people hoped that I would be the first and last woman to get there, but my getting there was simply a sign of progress," she said. When she first mentioned drink in the house of commons, one would have thought she was committing a sin, Lady Astor asserted. However, no one in his right senses want his children to drink, she added.

In closing, she told how during the war she used to say to soldiers:

"Now get well or die, but hurry up and choose."

"Men are so stubborn that if you told them to die they will sometimes."

U. S. MAYORS SAIL FOR HOME AFTER TOUR OF FRANCE

HAVRE, France, June 16.—(AP)—America's touring mayors sailed for New York in the Ile de France today, ending a tour of France which began May 21.

Mrs. Frank N. Padden, wife of Judge Padden, who is representing the mayor of Chicago, said the women of the party had done lots of shopping and were taking home souvenirs, such as lace bordered handkerchiefs, little little dolls, wooden [illegible], gloves, and all sorts of knicknacks.

Mayor Daniel W. Hoan of Milwaukee in a farewell statement, declared: "Frenchmen like Americans and we like them—only I wish they could talk English."

GANG [illegible]

Prison [illegible] Knell of Super Crime

[illegible] Al Capone [illegible] ment finally found a way of [illegible] him toward prison, the personification of the gangland era that arose with the attempt to enforce the prohibition laws. His approaching departure from the scene of his triumphs to stay behind the bars is regarded by some observers of American life as the passing of that era of the super-gangster.

Capone was born in Brooklyn about 34 years ago, of Neapolitan stock. His formal education included the passing of the fourth grade in grammar school. Thereafter his learning was of a practical nature. Before the war he ran with the notorious Five Points gang in Brooklyn. He served during the war as a soldier of the United States and was honorably discharged.

Capone Comes to Chicago.

In 1919 Capone, a youth of 23, came to Chicago to serve as bodyguard for Big Jim Colosimo, a one-time street sweeper who came to power and wealth through political alliances and prohibition law violations. Colosimo died by a murderer's bullet and John Torrio, who succeeded him as the first gangster of Chicago, took over the young bodyguard. Capone was then a minor figure, one of a group of bad men subject to orders from superiors.

As late as 1921 Capone was only a satellite of Joseph Fusco, to whom Torrio, interested in the lucrative business of operating vice resorts, turned over the beer concessions in the city. In this capacity Capone was sent out to buy the trucks that Fusco needed.

The Fusco organization at one time had fifty trucks and was merchandising a thousand barrels of beer daily—at least their breweries turned out that much. Capone, somehow, grew up with the business.

He Takes Torrio's Throne.

Torrio, shot after the killing of the picturesque Dean O'Banion among his roses in the floral shop opposite the Holy Name cathedral, gave up his chapter and moved back to Brooklyn. Their accounts differ—to suit themselves. Torrio went to Italy, and [illegible] Chicago and [illegible] Torrio did organize [illegible] and racketeers. Al Capone [illegible] cated it. He was a business man. He transformed some prairie villages into vice and booze centers. His slogan was: "We don't want any trouble." There are stories that in the little towns where he placed his resorts he paid off mortgages, bought new furnaces or repaired leaky roofs for those whom he wanted to be "good neighbors." He persuaded some of the villagers to permit bagnios and boozes dens in the guise of roadhouses before the [illegible] interested what he was about.

Murders Follow His Rise.

He proclaimed himself that he was only a business man, that he was giving the people what they wanted for their money. Murders occurred. His enemies died by the machine gun and the pistol.

It has been only a coincidence, that Angelo Genna and Samuzzo Amatuna, who aspired to leadership in Italian [illegible] [illegible]

1926, Joseph Guzzio in the same [illegible] Joe Aiello and Jack Zota in 1930.

They went when they became big. There was a saying in the underworld that a man who had [illegible] crowned king and mentioned a rival for boom and vice profits [illegible] but a few days. Only Capone endured in success. He branched in the years from 1926 to 1930. [illegible] ging, in suburban roadhouses, in [illegible] cago and on dog tracks went [illegible] his control. There were rumors he purchased protection with contributions to campaign funds.

The Valentine Day Massacre

No evidence was ever gathered sufficient to pin a murder indictment on Capone. But seven men, members of the north side gang and adherents of Bugs Moran, who took over a [illegible] tory after O'Banion and then Hymie Weiss had been slain, were killed once by machine guns on Valentine day of 1929 and Moran cried out:

"Only Capone kills like that."

Capone, however, was in jail in Philadelphia then, sentenced for carrying a pistol. He got out and refused to go to Chicago again to take up the [illegible]

As to his wealth, it really [illegible] Capone could go to California [illegible] be liked. He could go to Florida and purchase a splendid seaside estate [illegible] those either in other states [illegible] him. They rejected him in the [illegible] of his career. He was [illegible] $50,000. And then [illegible] depression struck his business [illegible] Chicago [illegible] quote [illegible] the [illegible] The [illegible] tance [illegible] keep [illegible] he was [illegible] power [illegible] [illegible] Hill. All the others who [illegible] anything like his outbreaks in the Chicago underworld passed out by [illegible]

"He going appears to be a [illegible] way. And when the prison [illegible] in front of him the era of organized gangdom, authority will be gone.

Chicago Daily Tribune

Vol. LXXXI. Wednesday, June 17, [illegible]

Published daily at Tribune Tower, Chicago.

The Tribune company, publishers.

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Iowa, Ind. and in states other than Indiana, Iowa, Mich., and Wis.—Daily, [illegible]

95

CHICAGO DAILY TRIBUNE
JUNE 15, 1931.

Chicago, Ill. Tribune 6-15-31

Capone, in Trap, Ponders Guilty Plea

TWICE INDICTED GANG CHIEF MAY GIVE UP BATTLE

Calls on Lawyers to Advise Him.

(Pictures on back page.)

Al Capone's fate was in the hands of his lawyers yesterday. It was reported that he was considering payment of his debt to society without a fight—that pleas of guilty were being pondered by the gang leader and his attorneys on both the federal indictments that have been returned against him in the last few days.

One indictment charges

JOHN EDGAR HOOVER
DIRECTOR

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

LCS:JGM

MAY 11 1931 AM

May 8, 1931.

MEMORANDUM FOR THE DIRECTOR:

With reference to recent magazine articles regarding the fact that the present Al Capone is a half-brother of the true Al Capone, I beg to inform you that there is nothing in the files of this Division which would either substantiate or disprove these articles. The articles in question indicate that the true Al Capone was killed in the early part of May, 1929. The first fingerprints on the individual whom we know as Al Capone was received in this Division on May 18, 1929, regarding his arrest by the Police Department at Philadelphia, May 17, 1929. Later prints, of course, check with the one indicated.

Respectfully,

S. A. Schiefer

Chief,
Division of Identification
and Information.

69-180

RECORDED & INDEXED

141931

69-180-63

12 1931

FILE

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

RECEIVED

MAY 19 1931 PM

May 14th, 1931.

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

69-180

Dear Sir:

There is enclosed herewith as of possible interest a clipping taken from the Chicago Tribune of May 12th, 1931, concerning an attempt on the part of ALPHONSE CAPONE to seize control of the cleaning and dyeing industry in the city of Chicago.

Very truly yours,

W. A. McSWAIN
Special Agent in Charge.

WAM:JMS

RECORDED & INDEXED 69-180-64

JUL 13 1972
REMOVED ORIGINAL-RETAIN

Cleaners Defy Capone Offer; War on Gangs

An attempt by Al Capone to seize control of the cleaning and dyeing [illegible] and prime [illegible] was defied and law order by the [illegible] and [illegible] at a meeting of the 56 members of the institute, held at the Knickerbocker hotel at which the master cleaners voted unanimously to defy Capone.

"I am pleased to learn that this organization has the backbone to tell Capone he gang will not be allowed to operate in the private business," said State's Attorney Swanson.

"The cleaners and dyers asked me whether I would stand up in defying the gangster and I told them I certainly would in the limit."

Boss Reverses for Gang.

Capone's efforts to take over the cleaning and dyeing industry were regarded by Assistant State's Attorney Charles J. Stuckey, in charge of racketeer prosecutions, as an indication of the reverses suffered by the gang in recent months.

"There is no question that Capone's mob has been hard hit, and that he needs money," said Prosecutor Stuckey. "His gambling racket has felt the force of raids by the police and the state's attorney's office. In conjunction with the special grand jury, and some of the biggest breweries have been raided by the federal agents. The prosecution of the big guns in the gang by the federal government and by the [illegible] have no doubt caused Capone to look around for new ways of raising [illegible]

Capone "Put on Spot"

[illegible] Institute [illegible] Capone approached members of our organization [illegible] Mr. Squires. [illegible] They said he would take a cut of 10 per cent of our annual receipts [illegible] payments. In return, Capone would [illegible] the industry, and take care of any recalcitrant cleaners who needed to be whipped into line.

Committee Sees Capone.

"Then at Capone's invitation, a committee was sent to him at the Lexington hotel, where he repeated his offer. Capone said that if we didn't accept his offer he would take over the industry anyway. He had come down in the price to 10 per cent of our annual income. The committee told him that we were running a legitimate business and that no gangster associations would be tolerated."

Mr. Squires, who became arbiter for the Master Cleaners and Dyers and [illegible] Cleaners and [illegible] [illegible] 10 per cent of the gross receipts, which goes into an advertising fund.

Long Hold for Racketeers

For years the cleaning and dyeing [illegible] have been a [illegible] hold for racketeers. Time and time again [illegible] have been awarded [illegible] the [illegible] of the [illegible] Cleaners and Dyers' Institute [illegible] reported [illegible] Chicago, [illegible] and [illegible] were employed as "protectors" of the business.

Under the [illegible]

(Continued on page 6, column 8.)

CLEANERS DEFY CAPONE GANG

Al Capone, who is said to have offered to "protect prices" and "police" the cleaning and dyeing industry. The offer was refused.

(Publisher Photo.)

Dr. Benjamin M. Squires, chairman of the Cleaners' and Dyers' institute of Chicago, who revealed efforts of Al Capone to seize control of industry.

CLEANERS DEFY CAPONE; WILL WAR ON GANGS

Spurn Proposal of the Hoodlum Chief.

(Continued from first page.)

prices for cleaning and pressing men's suits in Chicago [illegible] to as high as $2.5[illegible] When the cleaners and dyers [illegible] to reduce [illegible] prices to $1.25.

Wanted Raise in Trade.

[illegible] Squires, who became arbiter for the cleaners and dyers, was present [illegible] for the prosecution on a charge of attempted extortion, but the cleaners and dyers will have that matter in the state attorney's office.

Tells History of Strife.

"The cleaning and dyeing industry has been subjected to its share of gangsters. Threatening and conduct [illegible] in an organized and legitimate business," said Mr. Squires. "The members of the Cleaners and Dyers' Institute [illegible] it for the purpose of [illegible] the industry and the fair [illegible] with the public, labor, and [illegible]

[illegible] of breaking down labor conditions and [illegible]

"The cleaners and dyers' institute [illegible] on [illegible] as he [illegible] the [illegible] by the [illegible] attorney, [illegible] the [illegible] and other [illegible] conditions, and [illegible] in' on this or any other legitimate business.

"The mayor of Chicago also has assured us he will back his law enforcing agencies to the limit."

69-180-64

THIS CASE ORIGINATED AT Jacksonville, Fla. Jax File #69-0

REPORT MADE AT:	DATE WHEN MADE:	PERIOD FOR WHICH MADE:	REPORT MADE BY:
Jacksonville, Fla.	May 20, 1931	May 18, 1931	Louis De Nette

TITLE: ALPHONSE CAPONE; KENNETH PHILLIPS, M. D.

CHARGE: CONTEMPT OF COURT

SYNOPSIS OF FACTS: United States Attorney Hughes, Jacksonville, wrote the Attorney General May 18, 1931 seeking instructions with regard to further procedure in captioned matter.

DETAILS: AT JACKSONVILLE, FLORIDA.

With reference to the captioned case, in which subject Capone was found guilty of contempt at Chicago and sentenced to six months in jail, United States Attorney W. P. Hughes advised Agent that on May 18, 1931 he addressed a letter to the Attorney General requesting instructions as to what, if any, further action should be taken in the Jacksonville district. He stated he will advise the Jacksonville Bureau office upon receipt of a reply.

PENDING

---oo0oo---

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: Louis De Nette SPECIAL AGENT IN CHARGE

69-180-65

RECORDED AND INDEXED: MAY 22 1931

BUREAU OF INVESTIGATION MAY 22 1931 A M DEPARTMENT OF JUSTICE

CHECKED OFF: MAY 25 1931

JACKETED:

COPIES OF THIS REPORT FURNISHED TO:

3 Bureau
2 Chicago
1 U. S. Atty. Jacksonville, Fla.
2 Jacksonville
ML

ROUTED TO: Div. Two FILE

100

7—1223

JOHN EDGAR HOOVER
DIRECTOR

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

HN:DSS

June 11, 1931.

RECEIVED
INVESTIGATION-DEPT. OF JUSTICE
DIV. ONE
JUN 12 1931 AM

MEMORANDUM FOR THE DIRECTOR.

Mr. Sullivan, of the Scripp Howard newspapers - desired information as to the Bureau's activities relative to Capone. Referred him to Mr. Dodge.

Very truly yours,

H. Nathan

69-180

69-180-66
BUREAU OF INVESTIGATION
JUN 16 1931 P. M.
FILE

RECORDED & INDEXED

JUN 13 1931

U. S. Department of Justice

Bureau of Investigation

POST OFFICE BOX 1405,
CHICAGO, ILLINOIS.

BUREAU OF INVESTIGATION DIV. ONE
JUN 18 1931 PM

June 16, 1931.

69-180

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

Dear Sir:

There is attached hereto a clipping taken from the Chicago Daily Tribune under date of June 15, 1931, relative to Al Capone.

Very truly yours,

W. A. McSWAIN
Special Agent in Charge

WAM:GH

BUREAU OF INVESTIGATION DIV. ONE
JUN 19 1931 AM

RECORDED & INDEXED

69-180-67
BUREAU OF INVESTIGATION
JUN 18 1931 A. M.
DEPARTMENT OF JUSTICE
Div. One Div. Two Div. Three FILE

102

ENCLOSURE 18-180-67

CHICAGO DAILY TRIBUNE
JUNE 15, 1931.

Chicago, Ill. Tribune 6-15-31

Capone, in Trap, Ponders Guilty Plea

TWICE INDICTED GANG CHIEF MAY GIVE UP BATTLE

Calls on Lawyers to Advise Him.

(Nineteen back page.)

Al Capone's fate was in the hands of his lawyers yesterday. It was reported that he was considering payment of his debt to society without a fight—that pleas of guilty were being pondered by the gang leader and his attorneys on both the federal indictments that have been returned against him in the last few days.

One indictment charges Capone with the evasion of $215,000 in income taxes and the other charges him and 69 of his men with a ten year beer conspiracy in which they are alleged to have taken in gross receipts of $300,000,000.

The reports were that Capone was giving his lawyers some good reasons for entering pleas of guilty, and that, on the other hand, the lawyers and some of Capone's allies were pointing out certain dangers attendant on such

LCS:HEW
Bureau File
~~69-180-60~~

March 11, 1931

Special Agent in Charge,
Bureau of Investigation,
Box 1428,
Chicago, Illinois.

99014

Dear Sir:

Referring to fingerprint on Alphonse Capone, received March 9, 1931, please be advised that an examination of the records of the National Division of Identification and Information fails to disclose any data concerning this individual in addition to that already supplied in Bureau letter dated March 20, 1931, copy attached for your information.

Your print mentioned shows the following:

Subject as Alphonse Capone, inquiry made by Bureau Office, Chicago, Ill., March 9, 1931.

RECORDED

Very truly yours,

69-180-60
BUREAU OF INVESTIGATION
MAR 12 1931 A.M.
FILE
NO.

BUREAU FILES DIVISION
MAILED
MAR 11 1931
P.M.
DEPT. OF JUSTICE

Director.

Encl. No. 618384

722

105

WASHINGTON HERALD—*An American Paper for the American People*—SATURDAY, MAY 2, 1931

CAPONE KILLED TWO YEARS AGO, SAYS MAGAZINE

Gang Leader Willing to Let Story Stand, But Terms It Just Plain "Applesauce"

By FREDERICK C. OTHMAN

CHICAGO, May 1 (U.P.).—"I ain't dead, but it's all right for 'em to think so if they want to."

So said "Scarface Al" Capone today.

ORIGINAL DEAD

But J. M. Lansinger, publisher of the Ral Detective Magazine, insisted:

"The original 'Scarface Al' Capone is dead. It gives me great pleasure to explode the halo surrounding the bogus Capone."

Which indicates that there is a certain difference of opinion concerning the status of America's most notorious gangster, the fat, pudgy ruler of Chicago's vice, liquor and gambling syndicates, the scarred-face criminal who became a multimillionaire through his nefarious operations.

Strange stories have seeped up from the underworld of late about Capone. Speculation has become rife over his affiliations, over whether he is the supreme boss of the underworld, or whether he takes his orders from a ring of higher-ups.

BROTHER IN SHOES

Mr. Lansinger climaxes the rumors and a stool pigeon whispers with an article that Capone was killed two years ago, that his half brother, Giacomo Calabrese, submitted to a plastic operation to obtain a synthetic scar on his left cheek and that the latter now rules the criminal syndicates under the almost mythical name —"Capone."

Mr. Lansinger said his facts were authenticated and documented and that he would prove to an incredulous police department soon that his story is correct.

The scowling Capone, or maybe it was Calabrese, when reached by the United Press, said:

"Do I look like Calabrese? Huh, that's a lot of applesauce."

Veteran police reporters said that the Capone of today, as far as they could tell, was the same Capone of a decade ago. Pat Roche, chief investigator for the State's attorney, said:

"If you think Al Capone's dead, you're crazy."

INFLUENCE ON WANE

And that leads up to the fact that Capone's influence apparently is beginning to die, now that Chicago's new mayor, Anton J. Cermak, has started his campaign to "run the gangsters out of Chicago."

The Capone gangsters are laying low. Capone speakeasies are closing with increasing frequency and Capone breweries are running with less brew in the vats than at any time since the advent of prohibition.

23 Indicted After Raid On 2 Capone Breweries

CHICAGO, May 1 (I.N.S.). Bert Delaney, alleged chief of the Al Capone brewery division; Steve Svobda, his first assistant, and 21 other reputed employees of Capone breweries, were named in indictments returned today by the Federal Grand Jury. The indictments charge violation of the Federal prohibition act, following raids on two breweries, one of them among the largest beer manufacturing plant ever to operate in Chicago.

INDEXED

NOT [illegible]

69-180-60X

2 CENTS PAY NO MORE!

Chicago D

THE

VOLUME LXXXX.—NO. 241 C (REG. U. S. PAT. OFFICE) COPYRIGHT 1931 BY THE CHICAGO TRIBUNE) THURSDAY, OCTOBER

PASTOR ACCU

FIVE WITNESSES LINK GANGSTER TO RICH PROFITS

Gaming House Clerk Testifies for U. S.

BY PHILIP KINSLEY.

(Pictures on back page.)

Five witnesses, one of them a Congregational minister and another a gambler of the Capone syndicate, took the witness stand in Federal Judge Wilkerson's courtroom yesterday as the curtain was lifted upon the income tax case against Al Capone which the United States government has been three years in building.

Through the Rev. Henry C. Hoover, an earnest young suburban pastor, and two other members of a ministerial and civic association which had been organized to drive Capone out of the western suburbs, the government attempted to establish Capone at [illegible] with the [illegible]

Gambler Tells of Profits.

And through L. A. Shumway, a former employé of the underground gambling houses of Capone, which were driven from one place to open in another, the prosecution showed profits to the house which Capone owned of $300,250 in 1924, $117,400 in 1925, and $170,011 during four months of 1926. The books of the gambling house were introduced as evidence.

The Rev. Mr. Hoover is ruddy of complexion, with a thin face and a long, sharp nose, surmounted by glasses. He testified slowly and deliberately, apparently weighing each answer before delivering it.

Capone and the young minister came face to face during a raid on the place at 4848 West 22d street on the afternoon of the third Saturday in May, 1925, the day of the Kentucky Derby. The association of church members and property owners had collected a posse of police and had entered the place with the purpose of wrecking it.

Place Reopened on Same Day.

They did so partially, but it was shown through another witness that it was only for a few hours, as the gamblers were doing business at the same stand later that afternoon. In the meantime several noses had been broken, including that of one witness who took the stand yesterday.

Capone's presence in the gambling house and his conversation were conducted with evidence for the government, as his lawyers went to [illegible] formally for arraignment.

The minister identified Capone in court, pointing him out as he sat behind his lawyers, Michael Ahern and Albert Fink. Capone smiled and enjoyed the evidence, frequently poking his lawyers in the back in amusement.

On the afternoon of the raid Capone evidently was roused from his slumbers at an unusual hour for him. His appearance was made in a pajama coat, trousers hastily pulled on. He had no shave. Two witnesses described his entry and swore that he said:

"I'm the owner of this place."

Describes Gang Chief's Plea.

The Rev. Mr. Hoover said that when Capone came in he followed the gangster to the office part of the gambling house and Capone said to him:

"Why don't you believe my word to me?"

After the minister had explained that he had no personal feeling against Capone, but was merely acting in the interests of civic righteousness, Capone said to him:

"This is the last raid you'll ever pull on me."

Chicago Daily News
10-8-31

U. S. Jury Hears Of Capone's 'Take' Told by Himself

Gang Chief Loses Fight to Bar Admissions to Tax Expert.

BARES FAILURE TO FILE

Alphonse Capone, on trial before Federal Judge James H. Wilkerson for evasion of the income tax, today received his first serious reverse when the judge admitted in evidence the record of his early negotiations for a compromise with the treasury department.

In this statement, which contains a biography of Capone compiled by Lawrence B. Mattingly, income-tax expert then representing the gangster, Capone outlines the founding of his alcohol syndicate late in 1925—an organization to which he contributed no capital and from which he derived an income of "not more than $20,000 in 1927 not more than $40,000 and in 1928 and 1929 not more than $100,000 a year."

Always in Debt, Claim.

It represents that during this period Capone was always more than $75,000 in debt to the three associates with whom he had organized the syndicate.

It admits freely that Capone never filed an income-tax return and in general concedes many of the points upon which the government based its present case. The crime is looked upon it—and so claimed in arguments attempting to keep it from the jury—as a virtual plea of guilty. The document supports evidence given yesterday by L. A. Shumway, for three years a bookkeeper in gambling houses in Cicero, who testified that the Hawthorne Smoke Shop and other gambling dives in 1924 showed a net profit of $96,290; in 1925, $115,465, and in 1926, $170,011.

Defense Makes Long Fight.

The wrangle over the Mattingly document came soon after the opening of court this morning when George C. Slentz, attache of the internal revenue department in Washington, D. C., was called as first witness. The paper was presented to him by Assistant United States District Attorney Samuel G. Clawson as government's exhibit A—a maneuver which brought Attorneys Michael Ahern and Albert Fink to the rostrum with objections. The jury was excluded, the letter and notes read to the court and an argument begun which lasted until well into the afternoon session.

The defense attorneys in their losing fight sought to have the letter treated as privileged matter, which as a presentation of fact in one particular negotiation was not admissible as evidence in another case.

Judge Wilkerson, after stressing the point that "a citizen guilty of violating a federal statute cannot escape indictment by presenting the facts in the case to a minor official of the treasury department," suddenly broke in on the wrangle and declared that the documents were admissible. The jury was recalled.

Miss Helen Alexander, 1912 South 49th avenue, Cicero, a draft teller in the Pinkert State Bank, was the next witness. She testified that Capone had had a deposit box in the vaults of this bank from April, 1926, to April, 1927. Under the contract through which this box was allotted to Capone it could be opened only in the presence of Louis Le Cava and A. Capone after both of them had signed the entrance slip. She said that she had seen the defendant many times during that year.

Identifies Mattingly Letter.

At this point Louis H. Wilson, internal revenue agent in charge of special fraud investigation in Chicago, was called to the stand. He identified the Mattingly letter as one

(Continued on Third Page.)

69-180-86

CAPONE'S STORY OF TAX TOLD TO JURORS

(Continued from First Page.)

received in his office on March 27, 1930. He said that he recognized the signature as Mattingly's, because Mattingly had subsequently given him other papers bearing his signature. He said that Mattingly had visited him first in his office on April 16, 1930, to talk over the matter of Capone's tax delinquencies and on the next day came in with Capone himself.

"What did Mattingly say to you about Capone's income tax?" inquired Mr. Clawson. The defense attorneys raised an objection which was sustained.

Mr. Clawson then turned from Mr. Wilson, picked up the Mattingly letter and began to read it to the jury, which leaned forward listening open-mouthed.

Admits Failure to File.

"[illegible] Mr. Capone [illegible] but revenue officials [illegible] could be [illegible] probably would be used against his client, came as a [illegible] [illegible] against him. It contains a frank admission that Capone never filed an income-tax return and after reciting the rise of Capone's income from $60,000 in 1926 to not more than $[illegible] in 1928 it says that he was willing to have these figures used as a basis for the computation of his net taxable income.

Accompanying the letter were stenographic notes of conferences between Mattingly, Capone and revenue agents, in which Capone described the founding of his "syndicate" which was to become one of the largest illegal corporations in the world. Capone stated that he had contributed no capital to the organization and that he had been joined by three associates. The profits of the organization, he said, were to be split so that one-third would go to the employees and commission to each of his associates and himself.

He said that he was carrying a $20,000 mortgage on his home in Florida and that at no time was he less than $[illegible] in debt to his associates.

Arrived with Bodyguards.

Mr. Wilson testified that on April 17 Mattingly, who had been to his Miami home on Sept. 19, 1930, Mattingly [illegible] all [illegible] to get exact figures on Capone's income and had found it a very difficult task. He had been unable to find complete records for each year.

"The next day Mattingly came in and gave me a typewritten sheet," Wilson testified. "He said to me, 'These income figures are the best we can do. Capone is willing to pay taxes on these.'"

At this point court recessed to permit a discussion of facts contained in Mattingly's audit.

His Big Ideas.

According to the story told this morning Mr. Capone was not satisfied with money whose exact ownership could not be pinned with precision. He began to have ideas for a big corporation—something like the General Electric or the Ford Motor corporation—a corporation that would be the chopping block of the alcohol business. And so he formed what might be called a little directorate consisting of himself and three associates. He outlined his proposition to the other directors admitting that he was bringing to this stupendous organization nothing but his brains and a pleasing personality and so was formed the shadowy entity since known as "the Syndicate."

[illegible] in 1925. The working [illegible] were simple. One-third of the earnings were to go to the employees—making this the greatest profit-sharing venture ever seen on the American continent. The remaining profits were to be apportioned equally between Mr. Capone and his three unnamed associates.

Despite what economists might have had to say about the practical parts of such an organization it prospered. In 1925 Mr. Capone's share was not more than $200,000; in 1927 not more than $400,000 and in 1928 and 1929 not more than $100,000 a year. There were some deductible expenses of course. Mr. Capone represented through his attorney that at no time during this period was he less than $[illegible] in debt to his associates.

The purchase of his Florida home cost him something like $20,000, he said, and in addition to that he was bravely fighting to pay off a $30,000 mortgage on the house itself. During all of this he apparently was able to preserve his smiling countenance, secure in the knowledge that the depression would last forever and prosperity would be somewhere just around the corner.

He was [illegible] along a large bodyguard at the time—just as other business men of his calibre surround themselves with men who remain constantly on the alert to the opportunity of danger also due to the opportunity of his business and many persons who might be classified as business associates.

[illegible] with a statement by Mr. Mattingly: [illegible] the taxpayer (taxpayer in this sense being a term identifying but not descriptive of Mr. Capone) as a basis for determining his net taxable income."

Close of Negotiations.

The letter, so the notes disclose, was handed by Mr. Mattingly on Sept. 20, 1930, to C. W. Herrick, internal revenue agent in Chicago at the time, bringing to a close a long series of conferences between Mr. Capone and government agents.

The overtures of Mr. Capone to reach an agreement with the United States and discharge his duties as a good citizen and taxpayer were started, so the notes disclose, March 26, 1930. At this time came Mr. Capone with the illuminating statement:

"Mr. Capone has never filed an income tax return but wants to co-operate with the government."

Mr. Mattingly represented that in this effort to render to Cæsar the things that presumably were Cæsar's—a just and equitable share of the profits obtaining from violations of the eighteenth amendment and such—Mr. Capone "certainly was sincere."

"The only difficulty is," stated Mr. Mattingly, "that he fears prosecution may follow any disclosures he may make while seeking this adjustment."

Mr. Capone, who attended this conference in person, indicated that Mr. Mattingly took the words right out of his mouth.

Frank Wilson, special revenue agent from Washington, admitted that the fears expressed by Mr. Mattingly and his client were well grounded.

"Any statement you make," he said, "may be the subject of an investigation. Anything you say that can be used against you will be."

His Frankness Suffers.

Mr. Capone's frankness suffered a bit through this warning, but he went so far as to admit what had been previously admitted by Mr. Mattingly, that he had never filed an income-tax return. He stated furthermore that he kept no books, had no checking accounts and carried no property in his own name.

"How long have you had a big income?" inquired Mr. Wilson.

"I never did have much of an income," replied Mr. Capone modestly.

Mr. Mattingly interrupted at this point to say—as has been previously set forth—that up to 1926 Mr. Capone had been working for Mr. Torrio, represented in this case as a crushing employer, and had made very little money.

Mr. Wilson asked: "Did you furnish the money to buy your Florida home?"

"I'd rather let my lawyer answer," said Mr. Capone.

Mr. Mattingly contributed that Mr. Capone had furnished $10,000 cash.

"No."

"Did your wife or relatives any?"

"I'd rather not answer."

"What did you do with your money?"

"I carried it on my person."

"Have you any connection with the Hawthorne dog track?"

"I'd rather not answer."

Next Talk in 1930.

That ended that discussion. The next negotiation was opened on Sept. 19, 1930, when Mr. Mattingly came to Mr. Wilson's office and told him he was having difficulty submitting the facts of the taxpayer's (the words are Mr. Mattingly's) income.

"The taxpayer," he said, "fears that they may be used in a prosecution."

Mr. Wilson promised no immunity, but did say that his office had nothing to do with prosecution.

So, the next day, Sept. 20, Mr. Mattingly arrived before Mr. Herrick with the lengthy document outlined above—the intimate story of the real Mr. Capone. And Mr. Herrick filed it away against the day when he could use it to send Mr. Capone to Leavenworth.

Bad News for Al.

It was generally believed by disinterested spectators about the courtroom that Mr. Capone might not survive were this story of his boyish struggle presented to the jury. And the defense attorneys seemed to take the same view of the matter.

Michael Ahern, of counsel for Mr. Capone, contended that Mr. Mattingly's letter was a privileged communication, submitted in a particular controversy with the government and therefore could not be used against Mr. Capone in another case.

Judge Wilkerson didn't think this was the case.

"You are wrong," he said. "A citizen (meaning Mr. Capone) who has violated a federal law cannot escape a federal grand jury simply by presenting facts to a subordinate of the treasury department. And the facts so submitted are not privileged as I see it. If a citizen comes to a government agent as in this case and gives income-tax figures to satisfy his full duties as a citizen under the law such an array of facts does not constitute a compromise and is not privileged.

"As I see it in this instance, the whole question is whether or not Mattingly's statements were duly authorized by Capone."

Mr. Ahern Declaims.

Mr. Ahern showed signs of rising choler.

"But, your honor," he said in a loud, clear voice, "we have long fought for justice in the matter of taxes. Remember we had the Boston tea party."

"But this is not the Boston tea party," Judge Wilkerson reminded him.

[illegible]

69-180-86 \ 6

PER FOR PEOPLE WHO THINK

uge Sums for Gang Lord in Miami

ENDOR'

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Realty Office

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ate like that you would agree
, as these jaints clean up.
Tree in the Metro-
says he clears out and
the Lexington Hotel.
, a better dinner

Manager of Famous Miami Hotel Tells How He Signed for Al's Money

Telegraph Orders for Thousands Sent Under 'Costa'

Parker Henderson, manager of the Ponce de Leon Hotel in Miami, was called to the stand in the afternoon session of the trial as a government witness against Al Capone. He was questioned by Dwight Green, assistant district attorney. He pointed Capone out in the courtroom and testified as follows:

Q—When did you first [illegible] defendant? A—[illegible] part of January [illegible] Ponce de Leon Hotel in Miami. I was in the defendant's [illegible]

Q—Who was present there at that time? A—I was called to the defendant's room by a Miami man named [illegible] and was introduced to a fellow named Nick Circillo, a fellow named Di Grande and Mr. Capone. I was introduced to him as Al Brown.

Q—Under what name was the defendant registered at the hotel? A—Under the name of A. Costa.

TAKEN TO DINNER.

Q—Did you later go to dinner at the defendant's home? A—Yes, I drove over to Mr. Capone's car with Circillo.

Q—Who was present at the home for dinner that evening? A—Circillo's wife, Mr. Capone's wife, Circillo, Mr. Capone, myself and I saw Hot Sara, but I think Danny Dooley and his wife were there.

Q—Did you see the defendant frequently thereafter? A—Practically every day throughout the entire Winter.

Q—Were you during that time over in the defendant's room in the Ponce de Leon Hotel when he transacted any business? A—Yes.

MONEY BY WIRE.

Q—Did you [illegible] business transactions with the defendant at that [illegible] about the middle of January, and I handled some Western Union money transfers for Mr. Capone [illegible]

Mr. Capone called [illegible]

'Big Shots' Fill Testimony on Capone Wealth

Testimony in Al Capone's income tax trial yesterday brought forth the names of numerous "big shots" in the gang and of the gang's friends and intimate associates, known in the "who's who."

DENNIS ("THE DOOLEY") DOOLEY, owner of the notorious Sex Hotel at Tonawanda, and [illegible] in the gang's [illegible]

FRANCIS PONCHERELLI, bodyguard of Capone, he was with the boss [illegible] when the latter was [illegible] in the shooting of Capone gunmen [illegible] Valentine's Day, 1929.

TONY ("HOPPY") FOLEY, secretary of the late "Diamond Joe" Esposito until the latter's slaying; recently a bodyguard and "heavy man" for Capone, and not long ago ordered deported by the government.

JACK McGURN, former gangster; machine gunner for the gang; a principal suspect in the Moran gang massacre on St. Valentine's Day, 1929.

JOHNNY TORRIO, successor to "Big Jim" Colosimo as "boss" of the underworld. Torrio taught Capone the "ropes" and surrendered the throne to him in 1925.

DANIEL KERRITHES, slot machine operator; city dealer under Mayor Thompson.

JAKE GUZIK, business manager for the gang; now under indictment for income tax fraud.

ROCCO DE GRAZIO, bodyguard and "heavy man" from Melrose Park.

NICK CIRILLO, bodyguard and former secretary to Capone.

[illegible]

Large Amounts Used for Beautification of House

[illegible] with reference to this property? A—Well, he gave me $1,000 to pay for the Rubber.

Q—Did he give you any of the check or anything of that kind? A—He gave me both.

GIVES $1,000 TO GANG.

Q—Any money paid later in connection with the closing of the deal? A—Yes, sir.

Q—Who paid it? A—I did.

Q—Where did you get the money? A—I got it from Mr. Capone.

Q—How long did the property remain in your name? A—Oh, for a period of about five or six months.

Q—Did you later execute any warranty deed in connection with transferring that property out of your name? A—Yes, sir.

Q—To whom did the deed run that you signed? A—To Mae May Capone.

[The witness told of taking receipts for various improvements on the Capone estate, including the swimming pool, which cost $1,000. He also showed the bad checks which appeared when he cashed them during Capone's absence in Miami. Then the questioning of the witness took up his visit to Capone in Chicago.]

NO CAPONE AT HOTEL.

Q—Now, tell us what you did upon your arrival in Chicago? A—I got a taxi and went to the Metropole Hotel. I went up to the desk and asked to see Mr. Al Capone. I was told there was no one there by that name. I started to walk out and a fellow came up and asked me who I was and I told him, and he said, "Just a minute, I will carry you up."

Q—Did you have a conversation with the defendant then following that conversation? A—I told him I needed some money to paid down there to pay off the bills there that were outstanding on the place. He paid [illegible]

177

Snorky admits he spent [illegible] improving his hotel on Palm [illegible] and outside Miami, but it takes [illegible] cap of living to make a house [illegible] and personally I feel he [illegible] of been happier if he had [illegible] served that money and had the [illegible] of kiddies' feet underfoot. [illegible] Guest, who is a poet, said [illegible]

* * *

Judge Walter Lindley, who is also [illegible] judge, comes in during the [illegible] and draws up a chair beside [illegible] Wilkerson. This is called sit-[illegible] on bank, and they is a lot of [illegible] these days that folded up [illegible] being sat on.

* * *

[illegible] Fiak, who is also Snorky's [illegible], is a Taciturn Man and when [illegible] walks in every morning swing-[illegible] cane he always says, "Hello, [illegible] to Joe O'Sullivan, who is court [illegible]. He never even gives a how [illegible] do to Snorky or his accom-[illegible], Mr. Aheru, and I want to [illegible] what kind of business this is, [illegible] Mr. O'Sullivan is with the enemy [illegible] it is a pretty kettle of fish when [illegible] does not even know his own [illegible] when he sees them.

* * *

[illegible] enterprise that made Florida [illegible] it is shown in the follow-[illegible] When Snorky's hotel man-[illegible] friend in Miami found he [illegible] to buy a house in Miami [illegible], he hotfoots over and tells [illegible] mayor and asks if they is any [illegible]tions. The mayor says, "If [illegible]ody is going to sell him a [illegible], it ought to be us," and that [illegible]

[illegible] a Western Union [illegible] transfer, dated Miami, Fla., February 16, 1928, payable to the order of Albert Costa, in the amount of $1,300, signed Ann McNeill, transfer agent, and ask you if you have ever seen that money transfer. A—Yes, sir, at the Western Union office in Miami.

DISGUISES WRITING.

Q—State if you know who signed the name Albert Costa appearing on the back of that check—or transfer. A—I signed the name Albert Costa on the back of that check, but I tried to disguise my handwriting.

Q—What did you do with the money? A—Gave it to Mr. Chrisfield.

SIGNS NAME "COSTA."

Q—I show you government's exhibit 48-B, dated Miami, February 7, 1928, payable to the order of Albert Costa, in the sum of $2,000, signed Ann McNeill, transfer agent, and ask you if you have ever seen that money transfer before. A—Yes, sir.

Q—Who signed the name "Albert Costa" on the back of that money transfer? A—I signed the name of Albert Costa.

Q—What did you do with the money? A—I either gave the money to Nick Circello or to Mr. Capone.

[illegible] *following introduction of* [illegible] *telegraphic money orders, the telegraphic money orders were made payable to Albert Costa by Western Union, and were endorsed by the defendant.*

[illegible] *telegraphic money orders were identified by Henderson.* [illegible] *amounts of $1,300 and $2,000.*

[illegible] *Henderson testified, he had never seen the defendant before.*

[illegible] *Henderson testified, he had never seen Al Capone before?* A—Yes, sir.

Q—Who, if you know, sent you the money by Western Union Telegraph? A—I suppose Al sent it.

Q—What did you do with the money? A—I used it for improvements that were going on the home that he purchased at Palm Island.

Several more such telegraphic transfers were identified by Henderson. They varied in amounts from $1,300 to $10,000. The witness stated the money, he said, was for improvements and improvements on Capone's estate.

TELLS OF HOME DEAL.

Q—Now, Mr. Henderson, did you have any other business transactions with the defendant? A—Well, some real estate agents called me and wanted to get in touch with Mr. Capone in regard to selling him some property. I was very closely connected with Mr. Newton Lyons, who was at that time mayor of Miami Beach, and I told him these real estate men were figuring on selling Mr. Capone some property and asked him what he thought about it. He said if anybody sold him any property that he said I should try. So I asked Al if he was interested in buying any property and if he would like to have a Florida home in Florida. So we carried him out and showed him several places on Miami Beach. Then we carried him over, and showed him this place in Palm Island. Some little time later he was [illegible] to build in [illegible] Q—Did what also [illegible]

[illegible] A—I and Frank Gritta, Ralph Capone, Sheriff Cotti, Charley Fiabotti, Rocky Marcy, Rocky Fiabotti.

DISTINGUISHED MONEY GETTER.

Q—You mentioned having received some money from the defendant while you were here in Chicago and having told him that you needed money to pay off the loan at 30 Palm Island. Is that correct? A—Yes.

[They followed identification of several telegraphic money orders sent by Henderson to his mother in Miami, with instructions to pay them to workmen on the Capone property. This money, Henderson testified, was given to him directly by Capone.]

TAKEN TO DOG TRACK.

Q—Were you entertained in any way by the defendant while you were staying here in Chicago? A—Well, I had all my meals with the defendant while I was here, and I went out to the race track one night with his brother.

Q—You mean dog track when you say race track? A—Dog track in Cicero or Hawthorne.

Q—Did you occupy a certain box at that dog track? Tell us about that box. A—It had the name Al Brown on the back of it.

[Photographs of Capone handbills were then shown to the witness. He identified these as John Onofrio, Charlie Fiabotti, Rocco de Grazia, Rocky Marcy and Ralph Capone, as gangsters, who served through the regime of Al Capone.]

[illegible]IAL REGALLS [illegible]IALE SLAYING

[illegible] manager of Al Capone and [illegible] Henderson Jr., son of a fat-[illegible]mayor of Miami, who testified [illegible] police's income tax trial yes-[illegible] were first linked together [illegible] 1928, when Henderson sup-[illegible] bailbondsmen in the killing of [illegible] Uale, Brooklyn gangster. [illegible] that time Henderson was said [illegible] told police he purchased [illegible] Capone, one of which was [illegible] established as the weapon [illegible] which the Brooklyn bandit was killed. [illegible] said Sam Chicago gang [illegible] Capone in Miami [illegible] before Uale was slain. They [illegible] and entertained by Chicago [illegible] off the train in Pennsylvania [illegible] stored in New York. [illegible] probably after the [illegible] Jamaica Bay [illegible] have been [illegible] and [illegible] revealing [illegible] was [illegible] of the gangster [illegible] with [illegible]

Sentence Two Capone Aids in Grant Park Shooting

Fried that the most effective way to get to headquarters in Chicago has gone was given yesterday when three gangsters, all [illegible], had their cases in the criminal court. Sam Hunt, John [illegible] and Thomas J. [illegible], alias "Red" Forsythe, both [illegible] in the slaying of Alderman [illegible] Lingle, Tribune [illegible], were sentenced to ninety days in the house of correction by Municipal Judge Hartigan in a [illegible] of a new law forbidding [illegible] public meetings on [illegible].

Frank Bellingtin, [illegible], fled indictment, but in the [illegible] Court [illegible] by [illegible] Judge [illegible] as abandoned car found later had traces of blood and bullets.

Judge Hartigan sentenced the trio, despite failure of the state to prove either had possession of the revolver when arrested. They were captured by police as they fled the scene, and a gun was found near them.

ALIBIS BRING LAUGHTER.

Alibis offered by the two were greeted with laughter from court spectators. Fawell explained he was running because he heard an auto backfire against. Hunt first explained he heard a [illegible] backfire. The two were [illegible] on bond pending an appeal.

Bellingtin [illegible] the indictment on the ground that he had been refused a continuance when arraigned before Judge [illegible]. He had been [illegible] a [illegible] and [illegible] a [illegible] [illegible] The higher court [illegible] Bellingtin's [illegible] [illegible]

Kingsford-Smith Too Ill for Flight Home

LONDON, Oct. 2.—(U.P.)—Plans of Wing Commander Charles Kingsford-Smith for an attempted record flight from England to Australia went by the board today when his doctor forbade him to fly for three months because of nervous exhaustion and heart strain.

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[illegible] Publication of Associated Press [illegible]

17

He said that Capone moved into his hotel with Nick Circella and Rocco de Grazio, his heavy man and bodyguard, and registered under the name of A. Costa. He said he saw Capone every day for about two or three months, and went to parties at his home, where he saw Dennis ("The Duke") Cooney, State Senator Barbella and Capone's wife and brothers.

On January 24, 1928, Henderson said, Capone called him in and requested:

"There's some money down at the Western Union. Will you go down and get it for me? It's under the name of A. Costa."

The first was an order for $1,500. From then on the money kept coming every three or four days, usually in amounts of $1,000, through the months of February, but growing to $4,000, $5,000 and $6,000 on each order thereafter until the end of May. During the later months the orders came at longer intervals.

Henderson said he learned that [illegible] Parker J. Henderson [illegible] Miami Beach [illegible]

"If anybody sells Capone property, you and I ought to do it."

Not long after Capone moved into Palm Island and there was a great hue and cry that the dome of Chicago's civic pride had settled among the wealthy Winter colony.

Henderson said Capone put up $2,000 and that he (Henderson) later paid in $8,000 of Capone money to close the deal. The deed was in Henderson's name, but was later transferred to Mrs. May Capone, the gangster's wife.

The witness said he acted as Capone's agent in making the improvements on the gangster's domicile, told of paying out $4,000 for a swimming pool, $2,000 for a wall about it and [illegible] for light fixtures.

When Henderson came to Chicago to collect some unpaid bills owed by Capone, he said the gangster put him up at the Lexington.

[illegible] the [illegible] of the [illegible] it all like a thread of gold runs the account of how Snorky is a [illegible]. In fact, if you look close, the thread is Gold, as Snorky is still on the Gold Standard, even if the British ain't.

* * *

They bring up a lot of guys from Florida to tell how Snorky runs through the jack down there. He is interviewed by the best people, including the state's attorney, sheriff and chief of police. "What you doing in our back yard?" these persons ask. But Snorky just says he came down to throw a little business their way and begins passing out 5 buck tips. And that is how Florida got over the depression.

* * *

The Florida people is interested to how Snorky makes so much kale and asks what is his business. Cleaning and pressing, says Snorky. Also real estate. And he is also a gambler on the side. "Ain't it a fact," they ask him, "that you bootleg?" But Snorky says he ain't never a bootlegger in his life, and, personally, I never had him deliver a pint of gin in a briefcase to me. My bootlegger is [illegible], who is an interior decorator on his cards.

* * *

Snorky gets to be such friends with [illegible] of the Florida boys [illegible] they say, "Well," says Mr. Smith, "they put it or something like that," and what I say is, Mr. Smith had an enlarged perspective, which is a word I learned at [illegible]

* * *

I have solved the mystery of the disappearance of Charlie Ross, which, the famous corpus delicti thereof, was never proved. Because it comes out Snorky is registered at the Metropole as Mr. Ross, and it is my belief that this is flying [illegible] Colors.

* * *

The hotel clerk says a room is registered for under the name A. Brown. Asked who Mr. Brown is, he says: "Presumably Mr. Ross," and when they asked who Mr. Ross is, he says: "Presumably Mr. Capone," and this is a vicious circle [illegible]

* * *

Snorky was trying to buy an island called Cat Key, in the Bahamas, but the owners wanted $800,000 for the same and the negotiations fell through. I guess Snorky got world-weary and remembered how Robinson Crusoe got away from it all, and just wanted to get this island and go down there with Phil D'Andrea, his Man Friday, and pass their old age reading good books and unmolested by the G men.

* * *

They ask Snorky where all the money comes from and if it didn't come [illegible] Chicago. Snorky says [illegible]

Girl Identifies Capone and Money Order Receipts

Katherine Geiss, a pretty [illegible] whose bright red frock brought a flash of color into the courtroom, succeeded Henderson on the stand and continued the story of Capone's telegraphic income.

Miss Geiss [illegible] money order [illegible] to Alphonse Capone, Albert Capone, May Capone and Johnnie Moran, his caretaker, and testified that although the bulk were in Al's name, the gangster had instructed her to pay the money to any member of his household who called for it. Al called often himself, she said.

[illegible] TO MIAMI BEACH.

Approximately [illegible] came to Capone at Miami Beach at the same time a deluge of money kept flowing into the Western Union office at Miami under the name "A. Costa."

The Miami transactions were corroborated by Mrs. Ann McNeil, Western Union employe.

TRACES SOURCE OF CASH.

Having [illegible] the outlet of Capone's money, Prosecutor Green then began the task of showing its source, calling [illegible] John Fotre, [illegible]

[illegible] with his witness, but Fotre said he "didn't know for sure."

The judge glowered down upon Fotre, then looked up at the clock. "We will adjourn until 10 o'clock tomorrow morning," he said. "You think this over."

There will be a two-hour session this morning.

The morning session opened with Judge Wilkerson's warning to the jury that if any one attempted to communicate with them word of the attempt should be reported immediately to the court. He said such an attempt might be serious. Again at the noon recess he warned against attempted tampering.

READS CONFESSION.

Prosecutor Samuel G. Clawson opened the government's attack with the reading of Capone's "confession," the letter which Attorney Lawrence P. Mattingly of Washington gave to revenue officers on September 20, 1930, estimating Capone's income from 1926 to 1929, inclusive, at $266,000.

Then the government called [illegible] L. [illegible], chief of the intelligence unit of the internal revenue department at Washington, who testified Mattingly told him on [illegible]

Price of Alcohol Boosted for 'Big Fellow's' Defense

Two swarthy but sleek young men with bulging hip pockets walked into a speakeasy in N. [illegible] av. yesterday.

[illegible] on E. Seventy-[illegible] street.

Another pair drifted into a [illegible] on the Southwest Side.

And still another duo entered a "soft drink parlor" in Rogers Park.

Behind each pair came a [illegible] with a five-gallon can of alky.

[illegible]

Said the swarthy but sleek young men in each instance:

"That alky will be [illegible] instead of thirty bucks this time. You know the 'Big Fellow' is on trial, and he's got some high-priced mouthpieces. In other words, Snorky's got to [illegible] a defense fund, get me?"

And in each instance Joe, Tom, Dick or Harry drew [illegible] from the "damper," and with a smile that may have had a tear or something behind it, laid the money on the bar, saying:

"O. K., cowboy."

This happened during the past week in Chicago speakeasies, beer flats and so-called soft-drink parlors, which, according to [illegible] estimation, exceed 20,000 in number.

[illegible] in the Metropole Hotel, a [illegible] bald man of middle age, with [illegible] "purchases" at Al's headquarters.

[illegible] manager of the hotel, was the next witness. [illegible]

SATURDAY, OCTOBER [illegible]

State's Attorney's Office Opens [illegible]

15 INSPECTORS QUESTIONED ON FAULTY WORK

Declare Concrete Inspection Service Is Undermanned; Contractors Held to Bond

First steps to investigate charges that the city was defrauded of nearly $800,000 on a million dollar street lighting contract were taken yesterday by the state's attorney's office. The charges were made public last September [illegible] by the Citizens' Association, which demanded indictments.

The contract called for installing 4,905 light posts and was awarded to the Electrical Contracting Company for $1,082,365. This was the "low bid"—only one other bid having been submitted. This bid, the association charges, was made merely for appearance sake.

INSPECTORS SUMMONED.

In launching the inquiry, Assistant State's Attorney Homer A. Dodge summoned fifteen city electrical inspectors. They were questioned as to why the city permitted the type of installations revealed by examination of hundreds of posts selected at random. The examination revealed many of the posts were smaller than the specifications called for and that inferior concrete was used. In some cases city material was used—for which the city was charged.

The testimony of the inspectors revealed the "strange" situation of there not being enough inspectors on the job at one time and too many at another. The shortage lasted until the concrete was placed, Mr. Dodge was informed. When this part of the work was completed and relatively unimportant work remained, inspectors "flocked" to the construction scene.

REFUSED MORE MEN.

Each of the witnesses related that during the concrete work he had so much to do that he could not inspect everything carefully. Chief Inspector Francis O'Donnell testified that he asked for more men, but his request was refused.

Commissioner of Electricity Jackson pointed out that the terms of the contract [illegible]

OPERA STARS WED

UNDAUNTED BY LAW—Dorothy Dorrey and her bride, the former Hilda Hopkins Burke, [illegible] on Dorrey's arrival on the [illegible] groom are [illegible] opera. They [illegible]

LYLE DOOM[illegible] AS PROSECUT[illegible] AT G.O.P. M[illegible]

Entry Into Race Pre[illegible] Record Praised, Boo[illegible] Emmerson Stirs Co[illegible]

By John [illegible]

Municipal Judge John H. [illegible] entry in the race for the R[illegible] nomination for state's [illegible] hey was forecast last night [illegible] resolutions adopted by the [illegible] Republican Organizati[illegible] group aided him last [illegible] in carrying the ward [illegible] Thompson for the R[illegible] nomination for mayor.

RECORD PRAISED.

As announced by Secretar[illegible] H. Hough, the resolutions [illegible] the group known "of no Rep[illegible] in this county to yell [illegible] Judge Lyle "to perform the [illegible] of such an exacting office." [illegible] praising his record it urg[illegible] to become a candidate.

The action of the ward g[illegible] interpreted as the forerunne[illegible] formal announcement of h[illegible] candidacy later.

"BOOING" STIRS COMME[illegible]

Two incidents in the Repu[illegible] gubernatorial contest caused [illegible] ment in political circles yes[illegible] Politicians made much of th[illegible] that Governor Emmerson [illegible] hoped at the Hawthorne race [illegible] Thursday when his presence [illegible] announced through the vo[illegible] plifying apparatus.

The other "bit" was that [illegible] ney General Carlstrom was [illegible] a rousing demonstration a[illegible] Decatur meeting of the Illino[illegible] publican Service Men's L[illegible] Delegates from thirty-two [illegible] 102 counties in the state were [illegible]

Insurance R[illegible] Traps Raid Susp[illegible]

[illegible] William Hazel [illegible] Seventy-seven [illegible]

180

A PAPER FOR PEOPLE WHO THINK

),000 City Light Fraud Investigation

ue to Halt Sale of $12,264 Back Tax Properties

A PETITION FOR an in-junction to stop County Treasurer Joseph B. McDon-ough from proceeding with the ale of property in default of 29 taxes was filed in Circuit ourt yesterday in behalf of ine taxpayers.

The bill alleges seven points f illegality, among them harges that the properties were ot offered for sale on the day pecified; that there was no uthority for the reassessment; hat the board of assessors and ewiewers failed to make public he assessment list, and that the ssessment was directed by olitICIans. The value of the roperty involved is $12,264.

LUE SPEEDS M'ERLANE HUNT

Speeding the hunt for Frank Mo-Erlane as the murderer of his wife as the discovery last night that hicago's cruelest gangster was the ody known hoodlum who was in n death car that carried his vic-m's body.

So certain are police that it was McErlane who killed the woman nd left her body in his bullet-rid-led and blood-stained car Wednes-ay night, that they expect to find im intoxicated, still on the spree, which started before the murder.

TRACE FINGERPRINTS.

Development of fingerprint pho-os, made from marks on the car as completed last night at the ureau of identification. Five dif-erent prints were found, but only ne could be identified. That was McErlane's.

With this police abandoned the heory that Mrs. McErlane had een slain by gangsters in an at-empt to kill her husband. All shots ere fired from within the car, and one who entered wiped them ff fingerprints.

HIDE SECRET MARRIAGE.

The secret marriage of the gang and Freda (also known as Miller was revealed yes-

TOADSTOOLS TAKE 3 LIVES; 18 POISONED

Ten Members of Two Families Ill Here; Fatalities in Milwaukee and Toledo

(Picture on Back Page)

Ten persons, members of two families, were ill yesterday after eating poison mushrooms which two sons of one family gathered on a hike in the forest preserves.

Those ill are Louis Clark, 50, of 324 S. Damen av.; his wife, Anna, 45, and their five children, Louis, Grace, Elizabeth, Anna and Amilio, 2; Mrs. Mary Clark, 38, of 2860 W. [illegible] place; Albert, 18, her husband, and Lora, 20, their daughter.

The Clark boys gathered the mushrooms, which one mother fried for dinner, after giving some to the other family. Physicians at the County Hospital treated them.

TWO DEAD IN TOLEDO.

TOLEDO, Oct. 5.—(AP)—Two persons are dead and seven others are in hospitals critically poisoned from eating toadstools they believed to be mushrooms.

Mrs. Cora Chandler, who ate toadstools last Sunday, died tonight. Frank J. Martin, 32, died last Tuesday, but the cause of his death was not known until today. Mrs. Martin also became ill after eating toadstools, but recovered.

At East Side Hospital was a family of five, all seriously ill from eating toadstools Wednesday night. Matt Lockard, 38, his wife, Carrie, 33, and their children, Noyell, 10; Phillip, 8, and Vaughan, 4, were found in their home today in a stupor which medical treatment has failed to alleviate. Vaughan is expected to die.

CONFISCATE TOADSTOOLS.

MILWAUKEE, Oct. 5.—(AP)—[illegible] and is dead here and his wife seriously ill after eating wild mushrooms purchased at a [illegible] market.

To avert further tragedies, Dr. J. P. Koehler, city health commissioner, has placed a ban on the sale of such mushrooms by city store keepers. The [illegible]

COSTLY RIDE

June Marlowe

LOS ANGELES, Oct. 5.—An auto accident today cost June Marlowe, film actress, $500 when a jury awarded the damages to Sherry M. Ovitalt, who was injured by a machine in which Miss Marlowe's half her brother, Armand, were riding.

Sergeant and Nine Policemen Shifted

[illegible]

NOTED SURGEON WARNS AGAINST CANCER QUACKS

Rely on Surgery, Radium or X-Ray, Says Dr. George Grantham; Early Cases Cured

[illegible] for cancer patients to rely on surgery, radium or X-ray, [illegible] agents who [illegible] cancer, said last night by Dr. George Grantham, noted British surgeon, [illegible] in a lecture [illegible] in the Medical Society [illegible] Early diagnosis is very important, regardless [illegible] cancer. He said [illegible] is entirely fully a cancer cancer that finds them to the grueling hope he said.

EARLY CASES CURED.

Treatment in the early stage before the cancer has been fully established results in cure in virtually every instance, Dr. George said.

Dr. Joseph Colt Bloodgood of Johns Hopkins Hospital, Baltimore, also stressed the point that only surgery, X-rays or radium are effective in treating cancer. He said the old-fashioned family physician could do more to aid in the fight against cancer by providing an early diagnosis if patients would go to him with their first symptoms.

URGES CANCER CLINICS.

Dr. Bowman C. Crowell, director of clinical research of the American College of Surgeons, advocated the further establishment of tumor clinics, available to the public, to provide the best and latest benefits of cancer research.

The appearance of the three distinguished surgeons marked the beginning of the Louis A. Grossmann memorial lectures to be held annually at Michael Reese. The lecture also marked the opening of the hospital's new tumor clinic.

Teachers' Pension

181

Grape Dealer Kidnaped by Pair

North Chicago and Whiting police party today were seeking Anthony Iaiongo, [illegible] Lyman St., a dealer in grapes, who was abducted by three men after they had robbed the company of a truck load of grapes.

Posing as customers, the two induced Henry Camino, 6904 Ewing av., son of Iaiongo's partner, Michael, to deliver the grapes to Whiting. Taking the truck from the youth, the two instructed Henry to return to his home.

As Henry was en route, Iaiongo and Camino Sr., were lured to Whiting by a telephone call that the boy had been hurt in an accident. There Camino was beaten by the two and Iaiongo kidnaped.

'Countess' Refuses to See U. S. Agent

His mission a mystery—Henry Tetlow, a federal operative, last night attempted to question Mrs. Lottie Bremner von Buelow, 5439 Sheridan road, at her home, but was denied admittance. Tetlow is understood to be investigating an alien smuggling ring here. Mrs. von Buelow has filed several divorce actions against Enrique Dechow, who posed as "Count von Buelow."

Rob Street Car in Flying Holdup

A new technique in robbing street car conductors was employed by two bandits last night.

They used a roadster, one of them driving alongside the street car, the other hopping to the pavement, then onto the street car, menacing the conductor with a pistol, taking the money changer, then hopping back to the roadster—all without stopping either vehicle.

Victor Carlson, conductor on an Lake st. car, lost $15 in that way, and Jerry Stinks, conductor on a Grand av. car, lost $10. Passengers were not aware of either robbery.

Lawyer Exonerated in Slapping Charge

Theodore Miller, former assistant state's attorney, was freed yesterday by Judge Hartigan when arraigned for disorderly conduct. The lawyer was charged with slapping Homer Ingalls, 10 N. Wells st., and throwing him down stairs when he tried to serve a five-day notice on him.

132

[illegible] quantity of [illegible] ing. The Citizens' Association report was that $800,000 worth have been a good price for the job if excellent work was done [illegible]

COMPANY UNDER BOND

As for the work, Commissioner Jackson said that the company will be held to its $800,000 bond and a due payment of $150,000 held up unless faulty construction is remedied.

Mr. Jackson estimated that it will cost $150,000 to correct the faulty work. After the association made its charges his men dug into 102 posts and found that the bases were set only about twenty-eight to thirty inches deep, whereas the blueprints called for depth of forty-two inches. It was also found that the concrete in many cases is disintegrating.

Beat Dry Posing as Whisky Buyer

Charles O. Kral, a prohibition agent, was severely beaten yesterday when he posed as a wholesale liquor buyer at a whisky plant in the rear of 9851 Cottage Grove av.

He was rescued by three other agents who had been waiting outside to raid the place. They arrested Fred Morris, Harold Nixon, Fred Mertens and Angelina De Mari, 22. The men, charged with possession and manufacture of liquor, will be arraigned before United States Commissioner [illegible] today.

Drops Extortion [illegible] Finds Family [illegible]

Charges of attempted extortion against Michael Gibbs, 6738 S. Marshfield av., were dismissed in Felony Court yesterday when the complainant, Stewart E. Joyce, 32 of the Sovereign Hotel, failed to appear. Later Joyce reported his wife and son were missing. Police who investigated his story said they believed the wife and son were visiting relatives in Michigan.

Finds Bremen Pilot's Body; Monocle in Hand

[illegible]

[illegible] Civic [illegible] announcing that [illegible] received from the [illegible]

ACCORD NEAR IN MOVIE WAR

Progress toward settlement of difficulties between the Moving Picture Operators' Union and owners of independent theaters was reported yesterday at the conclusion of the third conference in the offices of William H. Sketon, corporation counsel.

The meeting was closed. Mr. Sexton said the conference had been adjourned until Tuesday morning.

In the meantime representatives of the operators' union will study data furnished them by the exhibitors' association.

Witnesses failed to identify Albert Lazar, 35, and Solomon Grossman, 32, as men implicated in the recent bombings of unfriendly theaters engaged in the warfare with the operators. Both admitted having been hired to "turn" New York [illegible]

[illegible] Wednesday [illegible] then, today re-elected J. Hampton Moore, former mayor of Philadelphia, who has been president of the organization since its inception.

BEATS GUNMAN FOR THREATS

[illegible] John Gill and John Connors, [illegible] parolees, seized Thursday evening after they kidnaped two members of the the setters' union, were being shown up at the detective bureau last night.

Walter Rosterler, 625 Ransom st., a union the setter, stepped up to the pair.

"You," he said to Connors, "put a gun to me the other day and ordered me to quit my job. And you"—pointing to Gill—"hit me over the head with a hammer when I said I'd go on working. I might as well pay you on the nose."

"Well, why don't you try it?" Gill sneered.

Biff! Gill hit the floor recumbent.

"Why that isn't all you yellow [illegible] from me," Mr. Rosterler [illegible] as he strolled out of the [illegible] room. "I'm going to see that you go to the pen and go there for keeps."

Rosterler signed complaints against both men.

Scenarist Plots Jocelyn Into Court; It's a Riot!

LOS ANGELES, Oct. 6.—(U.P.)—"There's nothing like reading a good complaint drawn up by a newspaper to find out all about what's going [illegible]

"But I'll have to be an accident [illegible] things I'm [illegible]"

Rudolph Lee, [illegible] [illegible]

[illegible] Hunt Policemen [illegible] Cafe Assa[illegible]

Policemen Joseph Ba[illegible] the Kensington station, w[illegible] of dying last night as p[illegible] tinued to search for the [illegible] shot him early yesterday [illegible] home at 11851 S. Michigan [illegible]

The man suspected of [illegible] ing is Thomas Scupino, [illegible] Fifty-first court, Cicero. [illegible] was held that he is affili[illegible] the Capone gang, as it w[illegible] of that he was rushed [illegible] scene to the Lexington [illegible] Capone's headquarters, [illegible] taken to Cicero. Police [illegible] home there, but failed to [illegible]

Langguth Wins Hearing in Ban[illegible]

The State Supreme Co[illegible] day granted a rehea[illegible] P. Langguth, former pr[illegible] the defunct People's Sta[illegible] Maywood, and Miss Laver[illegible] gren, his cashier. Assuming [illegible] ing the bank, they were [illegible] determinate sentences, [illegible] filing statements [illegible] contracts. Previously the [illegible] Court upheld their convic[illegible]

Clear Peddler's [illegible] of Reckless C[illegible]

A horse owned by [illegible] driven, Judge Edelman [illegible] terday in dismissing [illegible] a peddler of 1420 Hastin[illegible] charge of reckless [illegible] to motorists along the [illegible] in dismissing them and [illegible] arrested because their [illegible] had sideswiped an auto[illegible]

Eugenie Hats [illegible] Before Her [illegible] Says Prof[illegible]

DALLAS, Tex., Oct. [illegible] —Frank Russell [illegible] press Eugenie [illegible] she doesn't deserve.

Russell is a member [illegible] Southern Methodist U[illegible] faculty. He has just [illegible] a foot's study of the [illegible] costumes.

He said plainly [illegible] shallow minded [illegible] and by the beauty [illegible] worn during the reign [illegible] II of Great Britain [illegible]

[illegible]

133

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U. S. Department of Justice

Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS

N-mis

BUREAU OF INVESTIGATION-DEPT. OF JUSTICE DIV. ONE

OCT 7 1931 PM

RECEIVED

October 6th, 1931.

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

PERSONAL AND CONFIDENTIAL.

AIR MAIL

Dear Sir:

Inspector H.H.Clegg has informed me that in one of his conferences with United States Attorney George E. Q. Johnson, Chicago, Illinois recently, the latter recited that he had interviewed certain persons in Florida regarding the case entitled ALPHONSE CAPONE, Contempt of Court, who were never contacted by Special Agents of the Bureau of Investigation.

Please be advised that I have obtained through Special Assistant to the Attorney General William Froelich, a complete list of the witnesses who were subpoenaed in the above entitled case and checked same with the file in this office, with the result that all the witnesses who were subpoenaed had previously been interviewed by Special Agents of the Bureau of Investigation.

It appears however, that two witnesses, namely Charles Clarke, Special Agent, Bureau of Internal Revenue, Jacksonville, Florida, and Raymond Brown, attorney for the Bureau of Internal Revenue, Jacksonville, Florida, appeared voluntarily and testified. The names of these two individuals do not appear in the Bureau file.

Mr.Froelich informs me that Mr.Brown testified that he had seen subject in Florida on one occasion, and that Charles Clarke likewise testified that he is acquainted with subject Capone, and saw him in Florida on one occasion. Mr.Froelich recites that the testimony of both of these individuals was immaterial and irrelevant.

I have been endeavoring to obtain a transcript of the testimony of these two witnesses, but due to the present trial of subject Capone, on a charge of failure to make proper income tax returns, Mr.Froelich has been unable to obtain the desired data.

69-180

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RECORDED

NATHAN
Div. Three

I will continue my efforts to obtain a complete transcript of the testimony of the two witnesses mentioned above, and forward same to the Bureau.

Very truly yours,

W. A. McSWAIN
Special Agent in Charge.

WAM:JMS

185

Precipitation in twelve hours ending 7 a. m. .11 inch
(Government forecast for greater Chicago on page 2.)

STERN HAND ON CAPONE

JUDGE REFUSES TO DELAY CASE OF GANGSTER'S BODYGUARD.

D'Andrea Bearing the Carrying of a Weapon to Court Is Serious Matter and Must Go to Trial.

(By the Associated Press.)

Chicago, Oct. 12.—Philip D'Andrea the Capone bodyguard who carried a pistol into federal court in the income tax trial of "Scarface Al" Capone, was told in no uncertain terms today he was in serious difficulties. He was given until tomorrow to defend himself and meanwhile ordered held without bond.

"The federal court is not obliged to exercise its duties confronted by an armed man sitting next to a defendant," Judge James H. Wilkerson said sternly as D'Andrea was taken before him.

DEFENSE IN OLD PERSUIT.

D'Andrea first asked for a few days [illegible] to prepare a defense but after the court warned it would [illegible] for hours he appeared satisfied to have his case decided tomorrow.

The bodyguard's defense was expected to be that he was once given a star and authorized to carry a firearm as a deputy municipal court bailiff and that he believed the permit still was valid, although the present chief bailiff said the star had been revoked.

D'Andrea was [illegible] of the welfare of his chief that he carried his pistol with him Saturday as he sat at the counsel table behind the scar-faced gangster and only a few feet from Judge Wilkerson. On Judge Wilkerson's orders he was stopped as he left the room, found to be carrying the weapon and taken to the county jail for the weekend.

DELAY IN CAPONE TRIAL.

Capone, his income tax case delayed by the D'Andrea contempt of court case and several others, was not in the court room. The gang leader's attorneys, however, did what they could for D'Andrea.

Albert Fink, defense attorney, suggested the matter be delayed until after the Capone trial had ended. He also said the jury should hear "all the facts." Judge Wilkerson said the [illegible] permitted to read newspaper accounts of the Capone case and knew no hint of the D'Andrea case. The judge held the bodyguard's case was an independent proceeding and he could see no reason why it should be delayed.

Michael Ahern, chief defense counsel, suggested there might be several questions of law to be argued, such as the possible illegality of the D'Andrea arrest.

Judge Wilkerson overruled the attorney's suggestion and said: "There appears to be no dispute of the fact that this man sat through the proceedings Saturday armed."

MOODY CAPONE IN COURT.

Capone appeared after his bodyguard had been returned to jail and sat glumly at a counsel table while his private affairs were discussed before the jury. Today there was nobody behind the gangster except a group of reporters and a few dozen spectators. His two attorneys were busy making light of the government's testimony in his income tax trial. It was all old stuff to Capone—how he paid $12,500 for a motor car, $27.50 for a shirt, $4.85 for a necktie—and the gang leader paid it no heed. He leaned heavily on the table, toyed with a brief case and at times stared vacantly ahead of him.

For a man who never paid an income tax the government attempted to show that Capone was considerable of a spendthrift. When he desired a motor car he ordered one especially made to suit his purposes and paid $12,500 for it. When he ran short of shirts, he stopped in at a large Loop department store, ordered a dozen custom made, at from $18 to $27.50 each.

FURNITURE FOR FLORIDA HOME.

Furniture purchased in 1928 for the Palm Island, Florida, estate of the gangster cost $7,289.15, and was promptly paid for, Jean Rieves, a bookkeeper, testified.

Guy C. Burton, the salesman who ordered Capone's custom built car in 1924, said the $12,500 car was traded in and $3,500 added for a new one two years later.

Two department store employees who sold the gangster his haberdashery said that when Capone bought himself some finery he usually purchased some for the men who accompanied him.

Capone did not attempt, through his personal appearance, to refute his reputation for sartorial display. He wears a different suit almost every day. Today it was a dark violet shade with the sleeve cuffs turned up an inch or two.

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JUL 13 1972

ARCHIVED ORIGINAL-RETAIN

Capone Defense May Be Concluded Today; Race Losses Related

Gangster's Bookmakers Testify That Al Dropped $262,000 on Horses; Torrio Present

By United Press

CHICAGO—Al Capone counted today on the weakness for gambling on horse races that cost him at least $262,000 in six years to save him from the penitentiary.

His defense was a paradox. His attorneys had called witnesses to describe the gang leader as a colossal dupe of race track bookmakers as his trial on charges of income tax evasion in U. S. District Court swept toward conclusion.

Case May End Tomorrow

There was prospect that the defense would rest its case before noon. With four hours allotted to each side for argument, the case could reach the jury tomorrow.

Al Capone, owner of the gambling house "gold mines" in Cicero with a yearly net of $150,000 each, had been depicted in prosecution testimony.

Court Becomes Race Stand

Al Capone, sucker, who was hail fellow to the bookmakers, who placed four or five bets a day on each day of the racing seasons, bet as much as $6000 on a single horse to win, and almost always lost, was pictured yesterday by the defense.

Federal District Court room took on the color of race stand and betting booth as a procession of bookmakers went to and from the witness stand. Their testimony was intended by the defense to show that while Capone was a plunging gambler and bet large sums, he lost consistently and had no wealth on which to pay income tax.

Good Credit Risk

None of the bookmakers could recall any of the "al. runs" on which Capone wagered from $100 to $6000 "on the nose." All agreed Capone was a good credit risk.

"I knew he was fair and honest in all his business transactions," said Gutter. "If he won, I usually took the money to him at the Metropole Hotel."

Besides the bookmakers, Pete Penovich, manager of Cicero gambling houses that the prosecution contended belonged to Capone, took the stand. He pictured Ralph (Bottles) Capone, Al's brother, as the overseer. The prosecution, comparing his testimony with that he gave before the grand jury, attempted to impeach the witness.

Federal District Judge James H. Wilkerson reserved decision.

Whether Johnny Torrio, the man who brought Capone to Chicago in 1920 and started him on the road to gang dominance, would be placed on the stand by the defense could not be ascertained. Torrio sat with other prospective witnesses yesterday.

The Washington News
Oct. 15, 1931

69-180 69-180-87X1

"NEWS WHEN IT'S NEWS"

78th Year, No. 19

KANSAS

Times Enterprise

CAPONE BARES RACE LOSSES, THEN RESTS

Last Minute Moves to Strike Out Damaging Testimony Fail.

By United Press.

FEDERAL BUILDING, CHICAGO, Oct. 18.—Al Capone's attorneys rested his income tax fraud case at noon today, after portraying him as a race horse gambler who lost $250,000 or more.

A last minute motion of the defense to strike from the record testimony regarding Capone's alleged gambling house revenues was overruled by Judge Wilkerson.

Another motion to exclude the testimony of internal revenue bureau officials that Capone admitted he had filed no returns and paid no income tax also was overruled.

A third motion, also overruled, would have struck out testimony that Capone shouted, "Tip the owner

CAPONE-BURKE LINK IS SOUGHT IN MICHIGAN

MARQUETTE, MICH., Oct. 18. (U.P.)—Michigan prison officials sought to link Al Capone and Fred (Killer) Burke in underworld confederates today after identifying photographs of Philip D'Andrea, Capone's bodyguard, as those of a man who joined Burke in his gun battle [illegible] with [illegible] Gordon James F. Lyons, [illegible] said D'Andrea's photograph after the bodyguard was arrested on a concealed weapon charge at Capone's home. [illegible]

B - .MA

Capone's Zero Hour Nears as Attorneys Begin Final Pleas

Jury Told They Have 'Privilege of Putting Stamp of Disapproval on the Capone Gang'

By United Press

CHICAGO—The zero hour for Al Capone ticked nearer on the clock in Federal District court room today.

His attorneys wound up their defense yesterday and Asst. Prosecutor Jacob I. Grossman launched the appeal to the jury that opened the final attack of the government on the man it has sought for three years to imprison. Capone is charged with income tax fraud.

Grossman told the small town tradesmen on the jury:

Jury May Get Case Tomorrow

"You have the privilege of putting the stamp of disapproval on the whole Capone organization and the conduct of this defendant. Under the evidence, you can do nothing but find him guilty."

The jury may receive the case before noon tomorrow. Under the four-hour argument allotment to each side, the government should conclude and the defense get well started today.

Capone, feared as gang despot and Florida playboy with wealth to throw away by the prosecution and by the defense as an "organization" handy man who got his hands on a lot of money and wasted it betting on second-rate horses to the tune of $375,000 in one year, is specifically charged with evading $215,000 income tax.

D. C. Attorney Not Called

The case came to conclusion rapidly yesterday. Eight former bookmaker pals of Capone testified that he lost a total of $375,000 "playing the ponies." The defense tried futilely to obtain records of the grand jury testimony of Capone's Washington attorney, who admitted in a letter that the gang chief had a four-year income of $260,000. attempt to have Federal Judge James H. Wilkerson subpoena the attorney, Lawrence Mattingly, also failed.

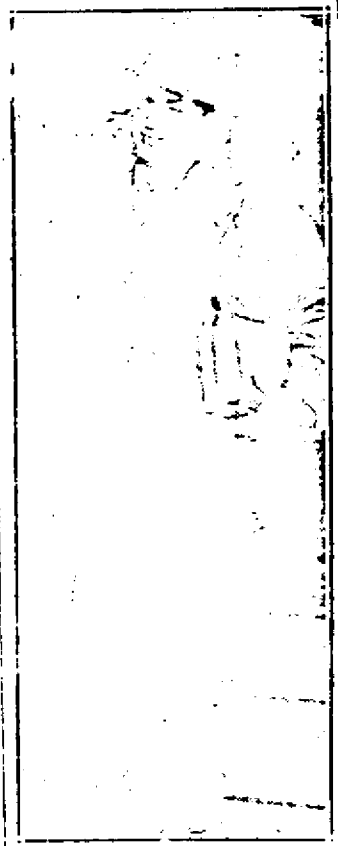
At noon exactly, Defense Atty. Michael Ahern interrupted a complicated legal argument and announced that the defense had rested its case. Few in the court room comprehended that Al Capone's unique defense, that he lost all his money betting on horses that never won, was completed.

Capone Yawns

Philip D'Andrea, Capone bodyguard arrested for carrying a revolver into the court room, was scheduled to appear today before Judge Wilkerson on a contempt of court charge.

Capone yawned as his attorneys argued the complicated legal issues that may decide whether he goes to the penitentiary for a maximum of 32 years and pays $50,000 fine.

Capone Winks



Al Capone, Chicago gang lord, winked at the photographer who snapped his picture, shown above, which was taken after the defense had begun its effort to tear down the government's charges that Capone evaded income tax payments.

Wash. DC. Daily News 10/16/31

69-180 69-180-87X3

JUL 13 1972

XEROXED ORIGINAL-RETAIN

190

Two Attorneys for And Against Capone Waged Court Battle

FOR and AGAINST

Albert Fink, associate counsel in Capone's defense, spoke 2 hours and 38 minutes by way of opening for Al. Fink is a man of perhaps 60 of florid countenance and booming voice. He is rather a big man, who wears a belt and no vest and keeps hitching up his trousers.

Fink said Capone is a victim of a movement to punish him so that "public clamor" may be appeased. He said this trial is a matter that interests not only this generation, but will be of the greatest significance to generations to come. He said:

"The questions involved, gentlemen of the jury, are, first, whether or not there is any evidence—whether, in fact, there is any evidence at all that even rises to the dignity of hearsay evidence.

"The second question is the big question which you are interested in and I am interested in, and other generations are interested in, namely, if there be no evidence of guilt, can a jury be persuaded or 'coaxed' into returning a verdict of guilty so that public clamor may be appeased."

Calls For Proofs

Fink asserted that to prove "willful evasion" of the tax law, the Government must necessarily prove that Capone had a gross income in excess of $5,000, and that there was "evil intent" to evade the tax and that the Government must establish that "willful" failure must be accompanied by intent to defraud.

Fink referred to the sentence of one year that Capone got in Philadelphia for carrying a concealed weapon. He said:

"I don't think if the man's name had been other than Alphonse Capone he would have got a day.

"He was released two months early because of good behavior. He was released on March 17, 1930, two days after his tax was due."

Fink said he classified the evidence into two parts, the testi[illegible]

Samuel G. Clawson, a small, quiet looking man, who spoke in an even, dispassionate tone of voice, made the first argument for the United States of America when court opened this morning. Clawson is an Assistant Attorney General from Washington.

Capone, who was dressed in a light green suit, with socks to match and tan shoes and who seemed particularly dapper this morning, hitched his chair over closer toward the jury box as if he wanted to get a complete earful of the lawyer's remarks.

Rarely Raises Voice

Clawson rarely raised his voice. He attempted no forensics as he outlined the Government's case against Capone. He pointed out that the defendant knew he was guilty because in 1930 he gave Lawrence P. Mattingly, income tax lawyer of Washington, power of attorney to settle the Capone income tax difficulties with the Government.

Clawson went over the conference between Capone, Mattingly and representatives of the income tax department in Chicago at which Capone admitted he kept no books, had no properties, maintained no checking account, and couldn't tell the Government what his income was. Clawson said:

"I think it most significant that at that interview, Mattingly said:

'I doubt if Mr. Capone can give you any detailed information as to his income.'"

Wash. D.C. Herald
10/17/31
INDEXED

69-180

Evidence Attacked

He attacked the evidence of Lester Shumway, former Cicero gambling house employe, one of the witnesses by whom the Government attempted to connect Capone with gambling profits.

"What are these men trying to do? Are they really trying to find this man guilty of tax evasion or are they trying to use this case as an instrument to put Al Capone away? And what are you, the jury, going to do about it?

"You, the jury, are the only bulwark that can resist oppression in times of public clamor. Judges cannot do it. The power hasn't been intrusted to them.

"Don't let yourselves be drawn away from the truth by the claim that Al Capone is a bad man. He may be the worst man that ever lived, but there is not a scintilla of evidence that he willfully attempted to defraud the Government of the income tax as charged in the indictment. Capone may be all the newspapers charge him to be, but if he is, why have not these charges been proven against him?"

Betrayal Is Seen

Fink said that Mattingly betrayed Capone in the famous letter of September 20, 1930. The Washington tax expert was before the grand jury that returned the indictments against Al. Fink said:

"Is not that the most terrible thing you ever heard of, to take a man's lawyer before a Grand Jury about matters transpiring between the lawyer and a client?

"There isn't a man on the jury, not a man in this courtroom, that can truthfully say that Al Capone willfully defrauded his Government because he was penurious or [illegible] kind

Admitted He Owed

Clawson insisted that during the conference at that time Capone admitted that he owed Government income tax for 1926, 1927, 1928, and 1929. He said Capone always carried a roll of $100 and $500 bills—"a roll big enough to choke an ox, as one witness testified."

Al grinned slightly at that statement. Clawson added:

"Yes, when we tried to get from him an idea of his income, we had no help whatever from him. Why, when we asked him if he went under any other name than Capone, he said, 'Oh, no,' yet it has been shown here that he went under the names of Ross, Costa and Phillips."

Clawson scoffed at the contention that Capone lost his income playing the races.

"Even if he did lose heavily on the races, and spent money in other ways, he still had plenty left. Does anybody think that this man did not have a large income? Why the idea is ridiculous. Even a child would know better. He had an income that called for paying to the Government substantial income tax."

Letter Transcript

Clawson read to the jury transcript of the Mattingly letter of September 20, 1930, in which Al's tax income expert admitted that Capone had a taxable income of $266,000 for the years 1926, 1927, 1928 and 1929. He quoted with emphasis from the letter as follows:

"I (Mattingly) am of the opinion that his (Capone's) taxable income for the years 1926 and 1927 might be fairly fixed at not to exceed $26,000 and $40,000 respectively, and for the years 1928 and 1929, not to exceed $100,000 per year."

Clawson said that if a man fails to keep records of his income, as Capone failed, he does so at his own peril. He said that the only tangible evidence concerning Capone's income was contained in the Mattingly letter. He added that if the Mattingly letter be ignored, there would be no way of getting at the income of Capone, "who doesn't want to talk."

"Money, money everywhere—that's all we've been hearing for the past week. Yet Capone had not a dollar for his Government."

69-180-87X4

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'PRISON? BAH! ME TO FLORIDA,' SCOFFS CAPONE

Convicted Gang Chief Orders Clothes for "Nice Rest" as His Counsel Plans Appeal

By FREDERICK C. OTHMAN

CHICAGO, Oct. 17 (U.P.) Instead of preparing for prison tonight, (Al Scarface) Capone packed up to go to Florida for a "nice, long vacation."

Although he was found guilty of enough income tax fraud charges to assure him a maximum imprisonment of 17 years and a top fine of $50,000; that apparently worried him not at all.

IN COURT TUESDAY

Capone will appear in court Tuesday, when his attorneys will plead with Federal Judge Wilkerson for an arrested judgment. Whether the judge grants it, or whether Capone is sentenced immediately, he plans to leave next weekend for his estate on Palm Island, near Miami Beach.

Should he be sentenced, his lawyers merely will appeal his case and he automatically will be freed on the same $50,000 bond which has kept him out of prison these many months on a contempt charge.

It was learned meanwhile that, while his case was being argued last week, while witnesses were telling about his gambling operations and his almost absurd expenditures for jewels and luxurious motor-cars, Capone even then was exhibiting his contempt for prison threats.

He called in a tailor to make two lightweight suits for use on Florida beaches. When the tailor appeared at gangster headquarters in the notorious Lexington Hotel, Frankie Rio, cohort of Capone, said:

"You don't need to be ordering fancy duds. You're going to prison; why don't you have a suit made with stripes on it?"

Capone replied:

"The hell I am. I'm going to Florida for a nice, long rest and I need some new clothes before I go."

RETURN ASSURED

"Scarface" will leave Chicago, the scene of his rise to illegal millions, via the beer, gambling and vice route, consequently, but eventually he will have to come back, and finally he must go to prison, prosecutors believe.

In addition to the income tax charges, which were settled in compromise fashion by a jury late last night, Capone faces 5,000 seperate beer charges, preferred by Federal authorities.

WASHINGTON HERALD

10/19/31.

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69 - 180 69-180-87X5

JUL 18 1972

XEROXED ORIGINAL-RETURN

112

MAIN EDITION

In Kansas City ... 3 Cents
Elsewhere ... 5 Cents

MASK OFF CAPONE

Former Cashier of Gambling House Links Gangster to Underworld Operations.

$150,000 "TAKE" IN YEAR

Government Presents "Key" Witness Who Helped Send Guzik to Prison.

Kc Star

CASE OF BODYGUARD WAITS

10-13-31

Testimony Tightens Government's Net Around Racketeer for Tax Evasion.

Bulletin.

(By the Associated Press.)

CHICAGO, Oct. 13.—The government completed its testimony late today in the income tax case against Alphonse Capone.

(By the Associated Press.)

CHICAGO, Oct. 13.—The profits of an alleged Capone-owned gambling house were $150,000 in 1927, a former cashier testified in Al Capone's income tax evasion trial today.

Fred Ries said the gangster was a frequent visitor at the gambling house and always went to the private office. The profits were turned over to Jack Guzik, whom Capone had described as his "financial secretary."

Ries is the witness who was sent on a trip to South America to "hide" before the trial started. He was the principal witness in a similar trial which resulted in a 5-year sentence for Jack Guzik.

A Dive Without Competition.

The gambling house of which Ries was cashier was the same one which figured in earlier testimony. Several witnesses who once conducted a raid on the house said Capone met them at the door and announced, "I own the place."

Although it moved frequently, the gambling house was in almost continuous operation in Cicero under various names, such as the "Smoke Shop," the "Subway," the "Ship" and the "Radio."

Ries said it had no competition in the western suburb.

The management was changed in 1927, Ries said. Ralph Capone, brother of the scarfaced gang leader, told the employees "Pete" Penovich had taken charge. Ries testified that the next day Jack Guzik told him (Ries) "not to turn over money to anyone but himself or somebody he sent—not even to Al."

[illegible]

He saw Capone and Guzik talking in

PONE

KC Star 10-13-31

ANG CHIEF'S LEGAL STAFF IS SURPRISED

Additional Time Asked to Prepare Defense in Tax Trial.

[illegible]

gambling [illegible]

8 x 8

193

[illegible] The public were turned over [illegible]

[illegible] principal witness in a suit which resulted in a 5-year sentence for Jack Guzik.

A Dove Without Competition.

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Busy Day for Capone.

Ries is a tall, thin man with a sharp nose and a bald head. He looked directly ahead as he answered the government's questions, never glancing at the defendant, who was busy conferring with his attorneys.

In January, 1927, the witness said he saw Capone and Guzik talking in the telegraph operator's room, to which the general public was not admitted.

The "bank roll" which the house kept always on hand was $10,000, Ries said. After deducting the day's expenses, the witness said, he would take the profits to a bank, have a cashier's check made out to himself under an assumed name, sign it and then give it to Guzik or one of his men.

The government introduced as exhibits a batch of these cashier's checks, most of them for $5,000, and one made out to "Al Capone."

The case of Philip D'Andrea, who considered it necessary to guard Capone with a pistol in federal court, was today continued until Friday by Judge James H. Wilkerson, who committed Bodkofsky and at length on the attempt charge. D'Andrea was returned to the jail cell he has occupied since Saturday, without bond.

Edward Waters, a former revenue agent, told of interviewing Capone in either 1925 or 1926 regarding income tax matters, but he insisted that "my brain is not an adding machine" and he could recall nothing of the conversation.

Judge Takes a Hand.

Judge Wilkerson questioned Waters about his lapse of memory, and the defense attorneys called him back after he had been excused from the stand to testify he had not discussed the case with defense attorneys or anyone connected with Capone.

[illegible] he talked to Capone [illegible] asking the gangster about a newspaper story which said Capone had lost 1 million dollars of [illegible]

[illegible] who identified [illegible] of good [illegible]

194

S CITY STAR)

ity Times.

Kansas City Times 10-14-31

DNESDAY—20 PAGES. PRICE: In Kansas City..1 Cents Elsewhere.....1 Cents

APONE, SIDE NOW

Government Gives the Gangster a Jolt by Suddenly Completing Its Case.

DEFENSE DELAY DENIED

The Court Tells Al's Counsel to Be Ready at 10 o'Clock This Morning.

MAY OFFER NO WITNESSES

However, It Is Hinted That Several Gangsters Will Be Put on Stand.

(By The Star's Leased Wire Service.)

CHICAGO, Oct. 13.—Al Capone's income tax evasion trial moved swiftly and dramatically toward its conclusion today.

After five government witnesses had been heard before the jury in Judge James H. Wilkerson's courtroom, the prosecution suddenly closed at 2:30 o'clock in the afternoon.

The defense, caught by surprise and unprepared to put on a case, pleaded for delay, which was granted until 10 o'clock tomorrow morning. A motion for a directed verdict for the defendant was overruled by the court, and was considered so hopeless by the Capone attorneys that they did not even argue it.

May Be No Witnesses.

Whether witnesses would be presented tomorrow in Capone's behalf was uncertain tonight. In his plea for several days' delay to permit the defense to get witnesses from Washington, New York and elsewhere, Albert Fink said that if this was denied there might be no evidence offered in the case. The long delay was denied, but Michael Ahern, associate defense counsel, said several gambler witnesses from Chicago probably would be put on the stand.

The only indication of the nature of the defense was given in the disclosure by Capone's attorneys that the witnesses in mind were gamblers.

It has been their contention throughout the trial that while Capone was a gambler, that it has not been shown that he was in the gam-[illegible]

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The only indication of the nature of the defense was given in the disclosure by Capone's attorneys that the witnesses in mind were gamblers.

It has been their contention throughout the trial that while Capone was a gambler, that it has not been shown that he was in the gambling business, in the sense that he owned an institution which made profits upon which the government had a right to share in the way of taxable income.

Jury May Get It Thursday.

Long arguments are in store for the jury. Fink said it was such an important case in his estimation that he wanted to talk ten hours about it. Ahern also intends to talk. And there are four government attorneys ready to talk. The prospect is that the time will be limited to about four hours on each side, thus ending the case sometime on Thursday.

The government closed its case without putting Johnny Torrio or any other notorious gangsters on the stand. They fixed this policy at a monday conference and it was George E. G. Johnson, United States district attorney, in person who announced the decision of the prosecution in the first words he has spoken in court since the trial began.

There was a surprised huddle of attorneys in front of the judge's bench, and Capone leaned forward, drinking in every word, while the jury was absent from the room.

Fink complained he had never had the proper time to prepare a defense as the government had never given him a bill of particulars or disclosed the nature of the evidence against the defendant until the trial had developed it. He wanted a "few days" to prepare.

But 10 A. M. Is the Limit.

The judge said that 10 o'clock tomorrow morning would be all he could grant. Ahern asserted there had been no proof of income shown by the government.

"Of course, if you felt that way there is very little to the case against the defendant," said the court, smilingly.

Ahern then said the defense might want to put in proof on losses. Fink said he had an important witness in New York "on the question of losses sustained by the defendant in the operation of the only business which has been claimed in this case." Another witness was in Philadelphia, another in Washington, maybe.

"Well," said Fink in some heat, "if you gentlemen think it fair to put this case by adjourn at 10 a. m. tomorrow, [illegible] all do the best I can."

[illegible] protest, "now we [illegible]" and the court finally [illegible] that been shown [illegible] could not go on [illegible]

Judge Merrill E. Otis's decis finding the Ukiah Grape Produ Company guilty of violating the prohibition laws "goes for the wine bricks, too," according to Thomas J. Layson, an assistant United States district attorney.

The "wine brick" product, which is offered as potential nucleus for wine with a "real kick" after certain processes have been carried on by the purchaser, is backed by interests that have retained Mabel Walker Willebrandt, formerly an assistant United States attorney general in charge of prohibition enforcement.

"If Ukiah is guilty, then the wine bricks also are illegal and contraband," Mr. Layson, who handled the government's case in the Ukiah prosecution, asserted.

RANTS TO SAVE CAPONE

BNEERS AND ORATORY MAKE UP DEFENSE ANSWER TO EVIDENCE.

Counsel Paints Hoodlum as Citizen Persecuted for Public and Calls on Jury to Uphold "Constitution."

(By the Associated Press.)

CHICAGO, Oct. 16.—The government was charged by Al Capone's attorneys today with attempting to convict the gangster on charges of violating income tax laws "only to appease and respond to public clamor."

Albert Fink, pleading the gang chief's case in final arguments before a federal jury, said the "big question" to be decided was whether a jury could be "persuaded and conned" into returning a verdict of guilty, without sufficient evidence, but to satisfy the "supposed public excitement."

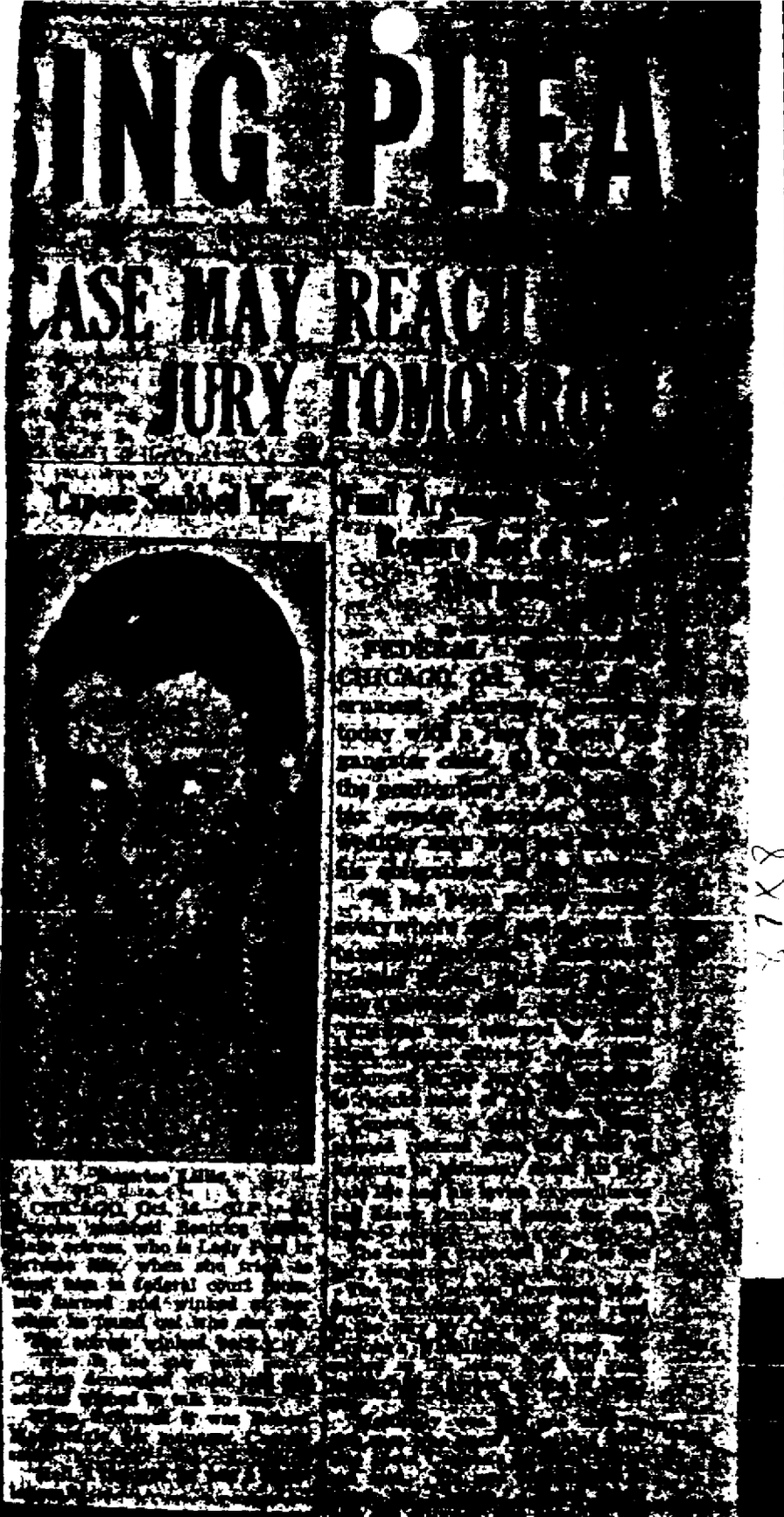
[illegible] "FOR ANNIHILATION."

"This is the question which interests not only this community and this generation, but future generations as well," Fink said.

The jury had just listened to government prosecutors say "not even a child" could doubt that Capone had a huge income and that the evidence left no doubt that he had tried to conceal his income and evade taxes.

Fink told the twelve men, most of them farmers and elderly business men, that he did not need to "waste much time on the evidence," which he said did not even rise to the "dignity of hearsay evidence of guilt." He dismissed the fact "the presumption of innocence is affirmative evidence in favor of the accused."

Capone was pictured by Fink as a citizen who made "unusually vigorous" attempts in 1929 to pay his income tax. Such conduct, the attorney said, [illegible] the [illegible] of being [illegible]



CHICAGO, Oct. 16.—(U.P.)—[illegible] Beatrice [illegible] actress, who is Lady [illegible] sister, when she tried to [illegible] him in federal court today [illegible] and winked at her [illegible] when he found out who she was. [illegible]

[illegible] tax, he did not need to "waste much time on the evidence," which he said did not even rise to the "dignity of hearsay evidence of guilt." He stressed the fact "the presumption of innocence is affirmative evidence in favor of the accused."

Capone was pictured by Fink as a citizen who made "unusually vigorous" attempts in 1930 to pay his income tax. Such conduct, the attorney said, make unreasonable the charge against him of being guilty of a "willful failure to file an income tax return, with intent to defraud the government."

A [illegible] AT PHILADELPHIA.

"In 1929 Capone was put in a Philadelphia jail for carrying a revolver," Fink said. "Guns probably never were carried in Philadelphia before and they probably wouldn't arrest anybody but Alphonse Capone for it, anyway.

"March 17, 1930, two days after his income tax report was due, he immediately took steps to get in his report, even got an attorney to help him. Some of the statements made by that attorney to the government investigators were used as evidence against Capone in this trial."

The attorney to whom Fink referred was Lawrence P. Mattingly, who wrote a letter to the internal revenue department estimating Capone had an income of $100,000 a year in 1928 and 1929.

MAKES LIGHT OF A POINT.

Fink read from the court records that Mattingly's letter was dated March 23, 1930, six days after the gangster's release from prison. He derided a statement by the government that Johnny Torrio, Capone's predecessor as Chicago's gang chief, aided Capone in obtaining information concerning income tax matters.

"The government would have you believe," Fink said, "that Capone went to Torrio's home in New York directly on his release, conferred with him, and received the suggestion that Mattingly be retained to assist him. Capone returned immediately to Chicago from Philadelphia. Anyway, why should the fact that Mattingly also was Torrio's attorney mean anything to us?"

Explaining there are twenty-four separate counts in the indictment, the attorney told the jury, "You are not obligated to return a verdict of guilty on all counts, even though you [illegible] he was guilty on [illegible]

[illegible] of Persecution.

[illegible] prosecuting this [illegible] as an attempt to evade [illegible] and defraud the government," [illegible] "or did they just using [illegible] in an attempt to throw [illegible] at Capone for a day or two? [illegible] publicity are the bulwark that [illegible] such [illegible] in these [illegible] excitement."

[illegible] veteran criminal lawyer, speaking [illegible] of the dozen federal [illegible] investigators, warned [illegible] "Don't let yourself be [illegible] from your duty by a [illegible] Capone's a bad man and [illegible] in jail for that reason [illegible]

[illegible]

9-mo

CRIME

"Who Wouldn't Be Worried?"

Flashlamps fazed in Chicago's crowded Federal Court last week. Guards banged shut the doors. Beginning was the decisive battle in the Federal Government's long campaign to put Alphonse "Scarface" to strangers, "Snorkey" to friends, Capone *in prison*. For three years the Government had waged its campaign, spent over $495,000 on it. For almost as long Gangster Capone had been trying to sidestep charges that he failed to pay a Federal tax on $1,038,654 income during the years 1924–29. Now Scarface Snorkey was on trial.

The Judge was bushy-browed James Herbert Wilkerson, no friend of Capone. It was he who, two months ago, exposed and repudiated a "deal" between prosecuting and defense attorneys whereby *Capone was to plead* guilty to tax evasion in return for a recommendation that he be given a light sentence. In court *Capone's attorney* had asserted that the agreement was approved by Attorney General Mitchell and "an Assistant Secretary of the Treasury." In Washington the Department of Justice had admitted approving this deal, insisted the procedure was *customary*. Undersecretary of the Treasury Ogden Livingston Mills had denied knowing anything about it. Judge Wilkerson had upset the plans by declaring: "The court will listen to recommendations, but it is utterly *impossible to* bargain with a Federal court." Then he had allowed frightened Capone to change his plea to not guilty, had sought—*and failed*—to have a grand jury indict him under the Jones ("5 & 10") Law for violation of the Volstead Act (TIME, Sept. *21 et ante*). Leaving off his judicial robes, Judge Wilkerson leaned over his desk in a business suit, showed that he took more than a passing interest in the case.

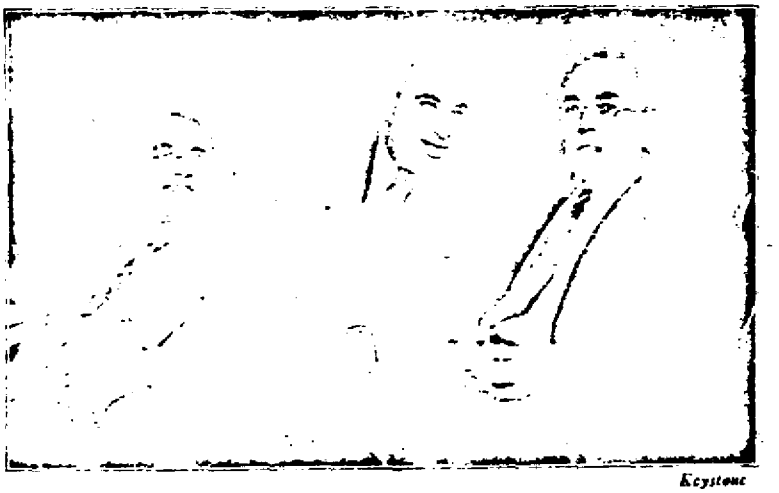
The Defendant was sweating, uncomfortable. For the second time in his life he was uncertain of "beating the rap" (staying out of jail).* If convicted he might be sentenced to 32 years in the penitentiary, fined $50,000. Before him he had the example of his brother Ralph ("Bottles") Capone, who had been sentenced to three years in Leavenworth on a similar charge (but had obtained a stay of mandate until Oct. 20 to file an appeal).

Jack Gusick, a Capone lieutenant, had been given five years in prison; other important gangsters were behind the bars. Sighed Scarface Snorkey:

"Who wouldn't be worried?"

The Prosecution was headed by soft-spoken, wild-haired U. S. District Attorney George Emmerson Q (for nothing) Johnson. Field marshal of the Government's forces seeking to break up gang rule by the left-handed method of jailing gangsters for tax evasion, his success would be measured by his ability to dispose of Capone. Frankly disappointed when the "deal" fell through, he was now excited, eager, mysterious. So far he had kept secret the list of his "surprise" witnesses.

The Defense had wanted that list. Long had adroit Lawyer Michael Ahern protected Capone's legal interests, kept him out of serious trouble (TIME, Sept. *21*). He, too, had been disappointed when his client had to stand trial. Well he realized that this was his hardest case. To assist him he had owlish Albert Fink, whose jovial voice was frequently heard exclaiming: "Oh, my conscience!" Mr. Ahern was irascible, objected to *crowding by*.



Keystone

COUNSEL AHERN, CLIENT CAPONE, COUNSEL FINK

Mr. Fink: "Oh, my conscience! Nailed to the cross!"

The Press, which was having a field day. Local papers covered the trial from all angles; out-of-town papers sent special writers. Hearstpapers, evidently considering it a better spectacle than the World Series (see p. 22), sent Colyumist Damon Runyon, who began by interviewing Capone in the grandest manner: "I found Al Capone at Colosimo's restaurant. . . ." Other newshawks reported the details of Capone's attire from tie (blue-striped) to fedora (white), noted the fact when he changed his suit (blue to grey). Gaudiest phrase of the trial was coined by the New York *Evening Post's* correspondent, Michael W. Straus, who referred to Cicero's gambling houses as "gold-belching pits of evil." The Press soon became interested in

The Jury: one farmer, two retired mer-

*First time was in 1929 when Capone was tried and convicted in Philadelphia for carrying a pistol. He spent ten months in jail, his only prison term to date. But underworld legend says he went to jail that time on purpose, to avoid being assassinated in Chicago.

TIME Magazine

10/19/31

69-180-87X9

page 1.

69-150

JUL 28 1972

199

chants, a country grocer, two painters, a real estate dealer, an insurance salesman, a clerk, a lubricating engineer, an abstractor, a wood patternmaker out of a job. All were more than 45; all but one were rustic. Mr. Ahern did not like the jury. Judge Wilkerson stated: "Nothing is to be decided except whether this man evaded and attempted to defeat these taxes." He overruled most of Capone's objections, quickly filled the box. Most of the jury immediately began to show signs of sleepiness. The grocer, A. E. Maether of Prairie View, alone was all attention.

For the Prosecution, first star witness was Rev. Henry P. Hoover, Congregationalist minister of Berwyn, Chicago suburb. He knew a good deal about the "gold-belching pits of evil." As a member of the Western Suburban Ministers' Association he took part in a raid in 1925 on a Cicero gambling house. Telling about it, Minister Hoover's eyes flashed, his tight lips bit off his words: "I looked behind the partition and I saw this man [Capone] taking money from the till. He was stuffing it in his pockets. Someone . . . said: 'Who is this man?' and he said: 'Al Brown. Is that good enough for you?' Then Mr. Capone said: 'Why are you fellows always picking on me? . . . Reverend,' he said, 'why can't you and I get together?' I said: 'What do you mean?' He answered: 'If you'll let up on me here in Cicero I will withdraw from Stickney.'"

Scarface Snorkey snorted, as though everybody must know he had never used a two-syllable word where a one-syllable word would do.

Chester Bragg, another raider, said Capone had broken into a place while it was being raided. "I asked him: 'What the hell do you think this is, a party?' and he said, 'I'm the owner of the place.'" Immediately after the raid Raider Bragg's nose was broken with a blackjack.

The Government, considering Capone's ownership of gambling houses proved, set out to show how he had spent the returns, holding that large expenditures would prove the existence of a taxable income. While Snorkey dug a stubby forefinger into his right ear, letters were read from Lawrence P. Mattingly, Washington income tax attorney retained by Capone in 1930, to show that Capone offered to compromise with the Government and pay a delinquent tax on $215,000 for the years 1926–29. Capone, the letters showed, got one-sixth of the income from his syndicate's operations. As the letters were read over the strenuous objections of Snorkey's attorneys, who maintained a lawyer could not "confess" for his client, Attorney Fink heaved a sigh. "Oh, my conscience!" he sighed. "They've got him nailed to the cross now!"

Witnesses from Florida said Capone had spent $40,000 for his Palm Island home, $100,000 to improve it, swore to a $6,500 meat bill, a $2,085 hotel bill, a $1,000 telephone bill, asserted he distributed $5 tips and spent thousands of dollars on cakes and macaroni. Prize Miami witness was one H. F. Ryder, a garrulous carpenter whose $1,011 bill had been paid by "Mr. Al—Mr. Capone—the gentleman there." Witness Ryder said Capone's friends "gave me a sandwich sometimes," thought "Mr. Al was a mighty fine man," even though he still owed him $125. He told of being paid $250 from "a roll that would choke an ox"—as big as Judge Wilkerson's fist. "There were money wrappers by the handful around the place. All marked $1,000."

Scarface Snorkey had grown glummer & glummer, angrier & angrier. He scowled at Carpenter Ryder, whispered with his lawyers, mopped his brow. The jury had waked up, was following the testimony with wide eyed interest. Leaving the courtroom one day Snorkey and his bodyguard, Philip D'Andrea, brushed aside Federal Judge Walter C. Lindley to get into an elevator. Two days later D'Andrea was arrested, searched in the corridor by Secret Service men before gaping policemen, charged with carrying a concealed weapon (.38 calibre revolver). D'Andrea showed a badge reading "Deputy Bailiff of the Municipal Court," was told it was no good. Capone rivals began a war of succession, killed one James L. Quigley, minor gangster.

TIME

10/19/31

page 2.

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CAPONE'S ARREST OF JUDGMENT HEARING DELAYED

Motion Scheduled to Come Up Tomorrow Is Continued Until Friday.

By the Associated Press.

CHICAGO October 18.—Federal Judge James H. Wilkerson today granted counsel for "Scarface Al" Capone a continuance until Friday on the hearing of their motion for an arrest of judgment in his recent conviction for income tax violations. It was to have been heard tomorrow.

The next move in Capone's fight to keep out of the penitentiary as an income tax violator is up to the gang chief himself, and his attorneys have indicated it will be a motion for a new trial.

The maximum sentence for the scar-faced gangster, who has bossed Chicago's underworld for 12 years, is 17 years' imprisonment and fines totaling $50,000. The high sentence could be given out in the specified gangster-income tax cases, however, if five years against Jack Guzik, Capone's No. 2 lieutenant.

The jury found Capone guilty on five of the 23 counts in two indictments charging him with income tax evasion. Defense attorneys said that in the jury's rejection of the other counts are "unusually good grounds for appeal."

Calls Verdict Conflicting.

Attorney Albert Fink for the defense said he believed the verdict to be "conflicting" and that Capone should have been acquitted on all the counts. He was denied a motion for an arrested verdict immediately after the verdict was announced, but indicated he will renew the motion today.

The jurors found Capone guilty of evasion of taxes during 1925, 1926 and 1927, and also convicted him of failure to file tax returns in 1926 and 1929. The charges in the first three years constitute felonies and in the later years misdemeanors.

Legal authorities said that if Capone's attorneys desire to take the case into the higher courts they could delay his entrance into prison for two years, even if in the end the verdict is sustained. Such delay has occurred in income tax cases against other gangsters, including Capone's older brother, Ralph, they pointed out.

Capone appeared to be not displeased with the verdict. He rushed from the headquarters of the Lexington hotel to the court room when informed the jury had reached a verdict and appeared to find enjoyment in the attorneys' statements immediately after it was returned.

He smiled broadly when Assistant

(Continued on Page 2, Column 1.)

CAPONE'S ARREST OF JUDGMENT MOTION TO COME UP FRIDAY

(Continued From First Page.)

United States Attorney Jacob I. Grossman said he believed the verdict might be "inconsistent." After Grossman had conferred with his colleagues and announced the verdict acceptable to the Government, he immediately started out of the court room.

The "inconsistency" apparently referred to the fact that Capone was being convicted of failure to file a tax return in 1928 and 1929, but not of income tax evasion for that year. It was recalled, however, that he was in a Philadelphia jail for carrying a concealed weapon during most of 1929.

Even should the gang chief escape prison on the income charges, however, he still is in serious trouble with the Federal Government. Another indictment charges him with liquor conspiracy and cites 5,000 separate violations.

Judge Wilkerson already has sentenced him to six months in jail for contempt of court, resulting from the gangster's failure to answer promptly a summons to appear before a grand jury. Capone claims he was ill at the time and has appealed the sentence, but the Government charges he was attending horse races and prize fights daily.

If Capone remains out of prison for two years, it was pointed out today, Chicago gangdom will not lack for a capable leader. Even though Capone does enter a cell in 1933, Frank Nitti, his business manager, would have completed serving an income tax sentence at that time and would be ready to assume Capone's dictatorship.

Capone is the seventh Chicago gangster to be charged by the Government with income tax violations. All the other cases have resulted in either convictions or guilty pleas.

Philip D'Andrea, Capone's bodyguard during the trial, went back to a cell for three more days after his counsel asked Judge Wilkerson for extended time to prepare a motion for dismissal of the contempt action against him.

D'Andrea has been in Federal custody since the Capone trial session of October 1, when he was found carrying a pistol as he left the court room. He was cited by Judge Wilkerson to show cause why he was not in contempt of court.

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Washington D.C. Star
10/19/31

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Capone has so often been an easy victor that he may have been a little careless about getting into a new kind of a fight.

Capone's Conviction.

Conviction in Chicago of Alphonse Capone of violation of the Federal income tax law may perhaps be viewed as a "triumph of justice," in that it is a step toward the imprisonment of a man who has defied the laws brazenly and brutally, and has lived by crime and grown rich by murderous banditry. But it is none the less a sad reflection upon the State and the city in which he has practiced his thieving, murderous profession. It is a travesty upon the law that apparently the only way in which this marauder, gang leader, assassin by proxy, racketeer and blackmailer can be reached for punishment is through the technicality of trifling with the statute which requires a statement of income for purposes of taxation.

Capone's guilt of the charge brought against him in this case was virtually confessed in his unsuccessful efforts to "adjust" his taxes. The fact that he enjoyed an enormous revenue from his various crooked and criminal enterprises was patent and there was no dispute as to his failure to make return to the Government. Yet even in this trial, which seemed to be merely a formality, effort was impudently made to deny that the revenue was "legitimate," on the ground that it was from gambling and furthermore that a great part of it was squandered in losing bets on the horses. Now Capone's attorneys are making a motion to set aside the verdict on the ground of inconsistency—based upon the fact that he was acquitted of some of the charges but convicted of others of a similar nature—and when this motion is denied, as it presumably will be, they will urge an appeal and so endeavor to prolong the case, leaving the hideous creature at liberty for an indefinite period, leering and grinning at the law in contemptuous defiance.

The shame is that Chicago has not caught this brigand in its own legal net and long since sent him to his deserved punishment. The shame is that the State of Illinois has not handled the case of a common felon. The shame is that the law has failed utterly to cope with the creature whose hirelings have slain and robbed and mutilated offenders against his own bandit rule. No matter how satisfactory will be the eventual incarceration of Capone in a Federal prison for the failure to make an income tax return, as a technical means to the end of getting him in jail, there will remain the sense that the law has failed.

Washington DC Star 10/19/31

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JUDGE DELAYS CAPONE'S TRIP TO MIAMI HOME

Wilkerson Defers Gang Chief's Next Appearance in Court; Bodyguard Returns to Jail

By FREDERICK C. OTHMAN

CHICAGO, Oct. 19 (U.P.) Federal Judge James H. Wilkerson ruined Alphonse Capone's Florida vacation plans today by deferring until Friday the gang chief's next appearance in the court where he was convicted of evading the income tax.

Judge Wilkerson also sent back to jail Capone's chief bodyguard, Frank Rio, who had [illegible] in the Federal court a week ago with an automatic revolver under his left armpit.

HUNT STILL ON

[illegible] Capone learned that the Government still is pressing its hunt for his tangible assets to satisfy the $215,000 tax bill the Department of Internal Revenue holds against him.

[illegible] have to go to prison [illegible] for a maximum of 11 years [illegible] to pay a possible fine of $50,000, said prosecutors, but he also will have to settle the tax bill that Uncle Sam so far hasn't been able to collect.

The Government would like to get the $215,000 in cash, but if that's not forthcoming, then Capone's property will do just as well.

His property includes, according to evidence last week at his trial, some extra fine suits of silk underwear, a Chinese rug, two score vivid neckties, some jade elephants, three custom-built automobiles, with bullet-proof windows, and about a dozen overcoats, all equipped with "extra large right pockets."

MAY GRAB MANSION

If the Government agents impound all that property and find that it's not worth enough to pay Capone's tax bill, they hope to confiscate his $40,000 mansion at Palm Island, near Miami Beach, Fla. If that's still not enough, then they plan to investigate further his investment in breweries, distilleries and gambling houses. A fair to middling roulette wheel, it develops, is worth $2,500 itself.

Capone was worrying about all that while he went ahead with his packing in anticipation of leaving immediately for his Florida estate.

He had believed the judge would sentence him to prison tomorrow, whereupon he would have appealed, obtained his release on bond, and left at once for the South. But the judge deferred the sentencing until Friday, upon request of defense Attorney Michael Ahern.

The Washington DC Herald

10/20/31

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Another Shattered Idol

The recent "unveiling" of Al Capone in the Federal Court in Chicago must have been a shock to those who pictured "Public Enemy No. 1" as a bold, bad man, rough and tough to the core.

The city and State governments of Chicago and Illinois had never been able to penetrate the outer layer of the famous sportsman, but the Federal Government authorities went right down to Capone's skin—and next to it they found dainty garments of pink silk.

Imagine the consternation and amazement of the vice lord's tough followers when the Federal authorities removed—figuratively, of course—Capone's $150 suit, his expensively monogrammed shirt, unhooked his $275 belt buckle and left the mighty czar of Cicero standing in a court room arrayed in his costly pink fripperies.

For this had his cohorts struggled, for this had they faced the machine guns and shot gun fire; for this had they run whiskey and beer.

Another idol tottered and fell when those intimacies were revealed.

Washington Times
Oct 19, 1931

204

PATRONS ARE REQUESTED TO FAVOR THE COMPANY BY CRITICISM AND SUGGESTION CONCERNING ITS SERVICE

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.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT — A. C. WILLEVER, FIRST VICE-PRESIDENT

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1931 OCT 15 PM 5 29

CC698 32 GOVT COLLECT=WB CHICAGO ILL 15 514P

DIRECTOR OF INVESTIGATION DEPT OF JUSTICE=

WASHINGTON DC=

AGENT BRENNAN PROCEEDING SPRINGFIELD ILLINOIS TONIGHT RESPONSE SUBPOENA STOP AS EVIDENCE CAPONE CASE CONCLUDED BELIEVE FURTHER PRESENCE BRENNAN HERE UNNECESSARY STOP UNLESS ADVISED CONTRARY WILL INSTRUCT BRENNAN PROCEED STLOUIS FROM SPRINGFIELD=

MCSWAIN.

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OCT 17 1931

WESTERN UNION MESSENGERS ARE AVAILABLE FOR THE DELIVERY OF NOTES AND MESSAGES

NETWORK Two Three Five Seven RCC

JUL 18 1972

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U. S. Department of Justice

Bureau of Investigation

P.O. Box 1405,
Chicago, Illinois

October 19, 1931.

PERSONAL AND CONFIDENTIAL

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

Dear Sir:

Supplementing my communication of October 6, 1931, relative to two witnesses, namely Charles Clarke and Raymond Brown, who voluntarily appeared and testified in connection with the case entitled "Alphonse Capone, Contempt of Court", but who were never contacted by Special Agents of the Bureau of Investigation, please be advised that a transcript of the record reveals the following data:

Charles W. Clarke testified that he is a Special Agent of the Intelligence Unit, U.S. Treasury Department, and that on February 27, 1929, he accompanied Deputy U.S. Marshal Cooper when the latter served upon subject Capone a Grand Jury subpoena, calling for Capone's appearance at Chicago, Illinois, on March 12, 1931.

Raymond F. Brown testified that he is a Special Attorney in the Bureau of Internal Revenue at Miami, Florida, and that on February 27, 1929, he saw subject Alphonse Capone at the Sharkey-Stribling prize fight at Miami Beach, Florida.

The above confirms the original statement of Special Assistant to the Attorney General William Froelich, who stated as set forth in my letter of October 6, 1931, that the testimony of the above two witnesses was rather immaterial, and at best only cumulative.

Very truly yours,

[illegible] Swain,
Special Agent in Charge.

WAS/cec

69-19

Postal Telegraph

THE NATIONAL SYSTEM

ALL AMERICAN CABLES — COMMERCIAL CABLES

DL	Day Letter
NL	Night Letter
Msg	Night Message
Cpd	Deferred Cable
NLT	Night Cable Letter
WLT	Week End Cable Letter

62

STANDARD TIME INDICATED ON THIS MESSAGE

CB385 139 NL COLLECT

1931 DEC 3 PM 6 58

BQ CHICAGO ILL 3

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69-7180-90

BUREAU OF INVESTIGATION

DEC 5 A.M.

DIRECTOR

BUREAU OF INVESTIGATION DEPT OF JUSTICE WASHINGTON DC

FEDERAL JUDGE WILKERSON HANDED ME FOR APPROPRIATE ATTENTION TELEGRAM DATED DECEMBER SECOND CHICAGO ADDRESSED TO WILKERSON READING QUOTE WISH TO INFORM YOU THAT AL CAPONE IS USING THE COUNTY JAIL FOR HIS LIQUOR BUSINESS AND TRANSACTS FROM THERE POSSIBLY AS MUCH IF NOT MORE THAN HE USED TO AT HIS OLD HEADQUARTERS AT THE LEXINGTON HOTEL HIS VISITORS SEEM TO BE

JUSTICE

FILE

Mr Youngquist

12/4/31

MAR

Postal Telegraph

B385/2 CHGO DIRECT BUR OF INVESTIGATION WASHN DC

1931 DEC 3 P

COMING ALL DAY LONG AS WELL AS IN THE EVENING I AM EMPLOYED AT
THIS BRANCH OF SERVICE AND CANNOT UNDERSTAND WHY EVERY PRIVILEGE
IS EXTENDED TO HIM AND NONE TO THE OTHERS PLEASE INVESTIGATE UNQUOTE
SIGNED A STOP CAPONE NOT COMMITTED TO COOK COUNTY JAIL BUT
REMANDED BY JUDGE TO CUSTODY MARSHALL ACCORDINGLY JUDGE WILKERSON
QUESTIONS WHETHER CONTEMPT PRESENT IF ALLEGATIONS TRUE STOP WILKERSON
PRINCIPALLY DESIRES CONDITIONS REMEDIED IF ALLEGED LIBERTIES BEING
GRANTED STOP PLEASE INSTRUCT

MCSWAIN.

8

[redacted]

December 4, 1931.

69-788-90

RECORDED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL [redacted]

[redacted]

[redacted] am transmitting, attached hereto, a copy of a [redacted] received from this Bureau's Special Agent in Charge at [redacted], Illinois. It will be noted that this refers to illegal [redacted] activities on the part of [redacted].

Your attention is invited to Judge [redacted]'s expression of views reflecting the possibility that [redacted]'s alleged actions may not constitute contempt of court.

Will you please advise me promptly if you believe this Bureau should act in this matter and, if so, the extent of the action to be taken.

Very truly yours,

[redacted]

Encl. 746286.

09

19-188-80

[illegible] RECORDED

[illegible]
BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
[illegible] BARKER BUILDING
CHICAGO ILLINOIS

[illegible] WILL BE AUTHORIZED MAKE INVESTIGATION [illegible] MATTER [illegible]

JUDGE BUT SHOULD CONFER WITH UNITED STATES ATTORNEY [illegible]

[illegible] EDGAR HOOVER, DIRECTOR

DEC 7 1930

19-180

RECEIVED
BUREAU OF INVESTIGATION
DIV. 2
DEPARTMENT OF JUSTICE

BUREAU OF INVESTIGATION
DEC 5 A.M.
DEPARTMENT OF JUSTICE

FILE

Bureau of Investigation

From: Division Two Room 422

Oct. 26 1931

To: ___Director.
___Mr. Nathan.
___Mr. Tolson.
___Chief, Div. 3.
___Chief, Div. 4.
___Chief, Div. 5.
___Chief, Div. 6.
___Chief, Div. 7.
✓ Chief, Div. 8.
___Miss Gandy.
___Personnel Files.
___Bureau Files.
___Mr.

Time Magazine
Oct. 26, 1931

T. F. Baughman.

Time 10/26/31

CRIME

Capone & Caponies

Alphonse Capone cocked one blue-clad leg over another blue-clad leg in Chicago's Federal Court last week, and every newshawk in the courtroom* gasped in amazement. Snorkey wore no garters.

As acutely sensitive to Snorkey Capone's sartorial condition as the newshawks were: the jury that was trying him for attempting to evade payment of a $215,000 Federal Tax on $1,038,000 income from 1924 to 1929; Judge James Herbert Wilkerson; Prosecutor George Emmerson Q. Johnson; Defense Attorneys Michael Ahern and Albert Fink. After hearing Snorkey linked to Cicero gambling houses ("gold-belching pits of evil" to eloquent Michael Straus of the New York *Evening Post*) and hearing accounts of lavish personal and household expenditures in Florida (TIME, Oct. 19) the judge, the jury and the reporters had been treated to a detailed description of the rich raiment in which Gangster Capone clothed himself. Eleven rustic jurors and one from the city had listened, gaping, to witnesses who told about the $135 suits he bought by the half-dozen, the $27.50 shirts ordered by the dozen, the $20 hats & shoes, $150 overcoats, the 30 diamond belt buckles for which he had paid $275 each.

The newshawks looked temporarily baffled, then went out and began writing stories about who would succeed Snorkey as gang chief. Consensus was that it would be cocky, sleek-haired Hymie Levin, not his quieter lieutenant, Murray Humphries. Editor Jack Leach of *The Daily Northwestern*, student paper at Northwestern University, published an editorial entitled "Get This, Capone," warning Snorkey not to attend any more football games.

Next move for the prosecution was to call bald, be-spectacled Fred Ries, who testified he handled the finances of four Cicero gambling houses, gave the checks to wizened little Bobby Barton, chauffeur for Jack Gusick, Capone's "financial secretary." Barton, known as "The Little Man," did not testify, but kept popping in & out of court to be identified. Snorkey seemed interested in Ries's testimony, caused spectators to recall gossip that gangsters were looking for him since he helped to get Gusick a five-year sentence. A handwriting expert identified Capone's signature on one of the checks Ries said were gambling profits. Up jumped Prosecutor Johnson, spoke his first words of the trial:*

"The Government rests."

The Defense was not ready. Sadly, indignantly Lawyer Fink protested that it was unfair to give him no warning. Judge Wilkerson was unimpressed, said the defense would have to be ready by 10 a. m. next day.

By 10 a. m. Lawyers Ahern & Fink had assembled eight bookmakers with shiny shoes. To them Snorkey was no smart gambler. One William Yario said Snorkey had lost some $50,000 in two years to him. Bookie Sam Gitelson thought his profits were $25,000. Bookie George Lederman took another $25,000. Bookie Milton Held got $35,000. A sharp-eyed hunchback named Oscar Gutter swore he had won $40,000 from Capone; Harry Belford, better known as "Hickory Slim, the Dice Guy," $25,000. Other bookmakers got smaller amounts. Altogether Snorkey's fondness for playing the Caponies seemed to have cost him some $200,000. Snorkey smirked, did not seem ashamed. One Bud Gentry breezed up on the stand, recalled that Prizefighters Sharkey & Stribling and Mrs. Tex Rickard had been Capone's guests in Florida, said that at the end of the 1929 racing season he had won $110,000 from Snorkey. He could not remember any of the horses Snorkey had bet on. The defense rested.

During much of one day's testimony Snorkey had his eyes on slim Beatrice Lillie, who sat with the reporters. He wanted to meet her, but his lawyers objected. Chirruped Actress Lillie: "Well, I wasn't billed, but if pressed I'll sing a song for you."

*Among them: a representative of the *Christian Science Monitor*, which seldom prints crime news.

*Not in five years has Prosecutor Johnson argued a case in court, except to sum up.

Pg. 1

CAPONE MAY FACE GUN-TOTING TRIAL

Wilkerson Hints of Contempt Charge if Gangster Knew D'Andrea Had Pistol.

By the Associated Press.

CHICAGO, October 22.—The Federal Government, which already has convicted Alphonse Capone, the gang leader, on two charges, had another avenue of possible prosecution opened to it today.

Federal Judge James H. Wilkerson asked whether the gangster knew his bodyguard, Philip D'Andrea, carried a loaded pistol into the courtroom during the Capone income tax trial, and pointed out Capone could be cited for contempt of court if he had such knowledge.

The point was raised as D'Andrea's counsel obtained another continuance on his contempt of court hearing. Without issuing any definite orders, Judge Wilkerson made it plain that he thought Capone's connection with his gun-toting friend should be investigated.

"If the defendant Capone needs guards to accompany him to the court room, he should be in custody of the United States marshal," said the court. "Is there evidence that the defendant Capone had knowledge of D'Andrea's being armed?"

Assistant United States District Attorney Jacob I. Grossman said that in his answer to the contempt of court citation, D'Andrea stated he acted as guard for Capone "at the latter's solicitation."

D'Andrea's attorney, Joseph R. Roach, said his client accompanied the gang chief "not officially, but in a friendly manner."

"He claimed he had been a bailiff in a municipal court," Roach said, "and the defendant Capone had received many threatening letters from cranks and, therefore, asked D'Andrea to accompany him."

With Capone's possible culpability still in the air, D'Andrea was taken back to jail where he has been since October 10, the day he was found carrying a loaded pistol while sitting behind Capone in the income tax trial. His case is to come up again next Tuesday.

Capone has already been sentenced to six months by Judge Wilkerson on one contempt of court charge for not answering a grand jury summons. He is expected to be sentenced tomorrow on his convictions for violating income tax laws. He has been indicted and probably will be tried soon on a charge of conspiring to violate prohibition laws.

Authorization from Washington, D. C., expected today, alone was needed to set the Government tax collectors busy seizing Capone's property.

Robert E. Neely, acting collector of internal revenue, announced the gang chief's property, from what real estate he may possess to his $135 suits, may be seized after tax liens are obtained for overdue income taxes.

A maximum sentence of 17 years' imprisonment and $50,000 in fines is possible under tomorrow's court decision. The tax liability charged in the criminal action was only $215,000, but the Government is expected to seek collection of about $500,000.

The prosecutors have announced they will begin a legal battle tomorrow to have Capone sent immediately to Leavenworth Penitentiary. His attorneys have said they would appeal the conviction.

The Washington Star
10/22/31.

69-180

AL CAPONE NOT TO SEE CELL FOR 2 YEARS

It Will Take That Long for Action on Appeal; Gangster to Be Sentenced Tomorrow

CHICAGO, Oct. 22 (I.N.S.). Citizens of crime-ridden Chicago were speculating today on two questions:

How long a prison sentence will Federal James H. Wilkerson mete out to Al Capone in court tomorrow?

When will the super-gangster begin serving his sentence?

Judge Wilkerson can virtually efface America's "big shot" racketeer from the gangland picture by giving Capone the maximum penalty—17 years in prison and a fine of $50,000.

Guzik Got 5 Years

The longest term ever given a gangster for income tax violations, however, was five years and a day—the sentence in the case of Jack Guzik, Capone's "financial secretary."

Legal obstacles may block immediate incarceration of Capone. In Chicago the belief prevails that fully two years may elapse before the Government finally gets Capone behind prison walls. There is a good deal of speculation whether Capone will be at liberty during the world's fair in Chicago in 1933. The concensus is that he will, and that he will be doing business at the same old stand.

Await Action On Appeals

The belief that it will require two years to imprison Capone is predicated on the snail-pace progress of the appeals in the cases of Guzik and Ralph Capone. In April, 1930, Ralph Capone, Al Capone's brother, was convicted by a jury in Judge Wilkerson's court of tax evasion, and sentenced to imprisonment for three years. Guzik was convicted of a similar offense in May, 1930 and given a five-year sentence.

Both Guzik and Ralph Capone appealed to the appellate court and final rulings in their cases are not expected until next spring.

Washington D.C. Times 10/22/31

NOT RECORDED
69-180

3

4

CAPONE WINS AND LOSES, BUT STAYS IN JAIL

Trip to Leavenworth Delayed; Bail Denied, and Al Lingers Behind County Prison Bars

By FREDERICK C. OTHMAN

CHICAGO, Oct. 27 (U.P.). Alphonse Capone settled down for an indefinite stay in Cook county's none-too-comfortable jail tonight.

The Circuit Court of Appeals ruined his Florida vacation plans by denying him freedom on bond while he appeals his 11 year prison sentence for income tax fraud.

GRANTS SUPERSEDEAS

The court did, however, grant him a supersedeas, which keeps him from going to Leavenworth penitentiary immediately, and allows his attorneys to appeal even to the Supreme Court of the United States.

The appeal may take two years. If it does, the "Scarface" may stay in jail all that time and still have 11 years more of imprisonment before him.

When Judges Samuel Alschuler, Will M. Sparks and Evan A. Evans announced their decision, Defense Attorney Michael Ahern exclaimed:

"Capone might as well be in Leavenworth as in the county jail."

Ahern indicated he would appeal immediately to Justice George Vandeveer of the Supreme Court for freedom of his client. As for the $50,000 fine which the Circuit Court ruled must stand, Ahern said he "guessed" Capone would have to pay.

CHASTENED CAPONE

The swaggering Capone, who sneered at courts for the decade he ruled Chicago's underworld with machine gun and bomb, meanwhile, was a chastened gangster. He mused:

"I'm glad to stay here."

He had dreaded his prospective trip, in leg-irons, to the Kansas prison; had dreaded even more his prospect of doing hard physical labor when he got there.

In the celebrated "crack-proof" jail, from which more than one prisoner has escaped despite all its ultra-modern gadgets, Capone's life won't at all be quite so difficult.

He may wear any clothes he pleases, even to the silk underwear which figured so prominently in his trial before Federal Judge Wilkerson. And he may have all his food especially prepared and brought to him. For that Capone is thankful; he fears that his enemies otherwise might attempt to poison him.

USUAL AMUSEMENTS

Otherwise, his lot is the same as that of the lowliest panhandler in the jail. His cell is furnished with one hard bench and cold running water. For amusement, there is the jailhouse radio system which blares jazz from a loud speaker at the end of a concrete corridor.

In the next cell from Capone is his bespectacled bodyguard, Phil D'Andrea, who made the mistake of carrying a pistol into Judge Wilkerson's court on October 10.

Washington Herald
10/28/31.

5

RULING ON CAPONE PLEA DUE TODAY

Court of Appeals May Order Him Sent to Prison or Held in Jail.

By the Associated Press.

CHICAGO, October 27.—Al Capone has settled down for what may be a long stay in the county jail, and apparently much more content to remain there than to leave for a Federal penitentiary.

A ruling on the gang chief's request to be free on bond while his income tax conviction is appealed to the higher courts is due at 2 p.m. today from the Circuit Court of Appeals. The court may either order him freed, sent to Leavenworth or held in his present quarters.

United States marshals were ready to leave with Capone tonight for Leavenworth, but they have been ready twice before, only to have their plans frustrated by court orders to hold him in Chicago. The first occasion was immediately after his sentence Saturday to 11 years imprisonment and $50,000 in fines; the second when the appeals court granted a 24-hour delay yesterday.

Defense attorneys argued before the appeals body that the indictment on which the gangster was convicted was faulty. On that ground, they have filed a notice of appeal to the higher courts.

D'Andrea Asks Mercy.

Philip D'Andrea, pistol-carrying bodyguard of Capone, interrupted his contempt hearing before Judge James B. Wilkerson and threw himself on the mercy of the court.

Judge Wilkerson adjourned the hearing, saying he would give his decision at 10 o'clock tomorrow morning.

The court seized the gang czar's bodyguard to the stand after Defense Attorney Michael Ahern said D'Andrea would ask the court's mercy for carrying a pistol in his pocket during Capone's income tax trial.

Judge Wilkerson, questioning D'Andrea, asked:

"What are your connections with Capone?"

"I'm just a friend."

Ignorant of His Business.

"What is Capone's business?"

"I don't know. It's too delicate a question for me to ask."

The questioning brought out that D'Andrea went to Lincoln, Nebr., recently to aid Gus Winkler, East St. Louis, Ill., gambler, in preparing his defense on charges of participating in the $2,500,000 robbery of the Lincoln National Bank & Trust Co.

Ahern brought out Judge Wilkerson had objected to the police guards assigned to conduct Capone between hotel and court room during his trial, believing United States marshals should safeguard the gangster's passage instead.

"I am merely trying to show," said Ahern, "that we did all we could to stop the police guards, and would have stopped D'Andrea from carrying a pistol if we had known he carried one."

United States Marshall Henry C. W. Laubenheimer testified he had informed the defense on the second day of the Capone trial that the gangster's bonds would be revoked if armed guards accompanied him to court. The defense said they understood the marshal to mean the police guards.

Gives Gun Demonstration.

Frank J. Wilson, an agent of the Internal Revenue Bureau, testified he saw D'Andrea remove his trousers and search another man for a weapon. The witness, Wilson said, was "Not quickly convinced to 'Yes.'" Wilson said he found the pistol loaded with six more bullets in a vest pocket. He had first observed the "bulge" when D'Andrea sat behind Capone in court.

Ahern handed the pistol. He asked the indulgence of the court, loosened his trousers and stuck the pistol out of sight. Then he buttoned his coat, turned to Wilson and said: "Can you see any bulge?" Wilson could not. He opened his coat, let the witness have a good look, and still Wilson said he could see no bulge of the pistol. In explanation Wilson said D'Andrea's trousers must have been tighter than the attorney's.

The liquor conspiracy charges against Ralph Capone, Alphonse's elder brother, and others associated in the operation of the Cotton Club and Club Alabama in suburban Cicero were continued by Federal Judge Walter C. Lindley today.

Assistant United States District Attorney Victor La Rue asked for a five-day continuance because he was unable to round up all his witnesses.

Ralph is under a three-year prison sentence for income tax evasion, the same crime for which his brother was convicted.

OPPOSES CAPONE REVIEW.

Government Brief Filed Against Plea by Ralph.

By the Associated Press.

Through with Al Capone for the moment, the Government turned its attention today to his brother, Ralph.

A brief filed in the Supreme Court asserted that from a conviction for violation of the income tax laws—Al's nemesis also—should not be reviewed by the court.

The court is expected to announce next Monday whether it will grant a review. Gangland has a good deal of interest in the result.

If Ralph Capone is successful in getting a review, Frankie Lake and Terry Druggan, ex-beer barons of Chicago, are expected to follow in his legal footsteps in an effort to reverse their convictions.

The case also may establish a precedent which will know Al, the recently crowned underworld czar, what is in store for him in his pending appeals.

Solicitor General Thacher in the brief resolved to cavil to the technical claims by Ralph Capone that he had been illegally convicted and sentenced to four years in the penitentiary.

He said that within the five years and four months preceding April 2, 1929, Ralph Capone's bank accounts showed deposits of $1,851,840.

Washington D.C. Star 10/27/31

69-180

3

Capone Conviction Declared Only Beginning of Big Task

Conviction of Alphonse Capone by the Federal Court is found to offer some cause for public congratulation, but it is feared that the case is still far from its final stages. Regret is expressed that local authorities have failed to press more serious charges than the income-tax offenses, and it is felt that the present case offers little prospect of crushing Chicago's gangland.

Referring to the murder of a rival "czar" by gunmen on the day following the conviction of Capone, the Springfield (Mass.) Union declares: "The object lesson of his conviction appears to have failed, at least so far as it applies to activities which fall outside the scope of the Federal income tax law. Coming so soon after the verdict against Capone, it seems to carry a message of defiance to the State and city authorities, if not to the Federal Government."

Discussing the same incident, the Port Huron Times-Herald remarks: "Is this perhaps a warning to the Chicago underworld—and the Chicago police—that whatever the United States Government does to Capone in that income tax business is not going to interfere with his control and operation of the city's vice and racketeering? It looks like a [illegible]. And the important question is, will Chicago continue to stand for it?"

As to the proposed punishment of the Chicago defendant, the Sioux City Journal declares: "This rabbit may have been caught, but he is not going into rabbit stew for some time to come." The Savannah Morning News adverts: "Crime does not suffer a failure now and then to halt it; justice must not allow a victory to stop its steady work. There are more Capones in the making. There may be reason for some more convictions shortly." The Toronto Daily Star concludes: "One cannot go so far as to say that the case of Al Capone will be pushed to its conclusion. The most one could say as yet is that it could be."

* * * *

"The jury has vindicated itself in principle," according to the Pittsburgh Post-Gazette, "convicting the defendant on five counts. While it is criticized somewhat from the technical standpoint for its acquittal of him on a number of others, the responsibility for passing upon the testimony belonged to it, and it created the impression of devoting itself sincerely to its duty. While, within limitations, the authorities are to be congratulated on a victory, no one more than they should realize that they have but made a beginning."

"When criminals are regularly caught, convicted, promptly sentenced and taken to prison, from there might return some of the [illegible] American quality, respect for law," thinks the Columbia (S. C.) State, and the Minneapolis Star hearty supports the Government in its efforts unknown to "keep its grip on him."

The Fort Worth Star feels that now that [illegible] the verdict, it is [illegible] easy to [illegible] it on. "If other cities are really desirous of ridding themselves of gangsters," it says, "and if Chicago is desirous of prosecuting to a conclusion the work which the Federal Government has begun in the Capone case the task will be easier because of the success which has so far attended this particular legal offensive. The procedure at Chicago has proved that legal weapons are available for use against gangsters as against other criminals. The next year ought to show whether the cities have the will to use them."

"Even in this indirect manner, the authorities have accomplished much," asserts the Asbury Park Evening Press, while the Manchester Leader points out that "the trouble in the past has been that the police appeared to be helpless in the matter of dealing with the organized gangs. It looked as if gangdom had set up its own code and that rival gunmen constituted the principal menace to gangsters. That made it a precarious life, but the mentality of the recruits would incline them to the belief they were picking the dominant gang, hence it would be comparatively safe. If it finally seeps into the minds of the weaklings that the police are on the job and doing good work in cleaning them up, the gaps in the organizations will not be so easily filled up because fighting on anything approaching even terms is not to the liking of the class from which gangsters are recruited."

* * * *

"Perhaps it means the beginning of the end of gang rule in America," states the Meridian Star. The Davenport Democrat says: "Conviction at this time is a triumph for the law and the Federal prosecutors and undoubtedly ends for all time his career as an all-powerful gangster chieftain." The Altoona Mirror makes the appraisal: "This is the first time that the Chicago gangster has ever been convicted of an offense that is punishable with a penitentiary sentence. The verdict was quite what the public expected." Considering the evidence in the case, the Oakland Tribune contends: "The court was asked to believe that, in the end, Al Capone profited nothing from his business because he was simple enough to drop his fortune in regular installments into the laps of the race track bookmakers. It is not likely a court would believe anything of the kind."

The Des Moines Tribune-Capital finds in this case an argument "for more policing by central authority," while the Milwaukee Sentinel feels that the result should be "humiliating to Chicago and Cook County authorities," and the Chicago Daily News avers: "Capone's arraignment, trial and conviction in a Federal court make the impotent attitude of local law-enforcing authorities the more discreditable."

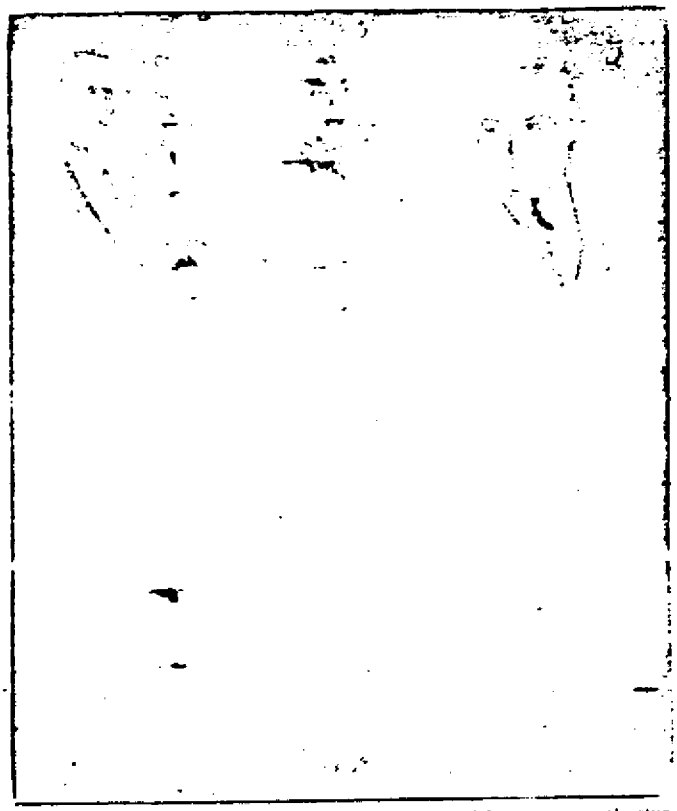
The Washington Star 10/27/31.

NOT RECORDED
69-180

7

Capone Stunned by Sentence

CHICAGO GANG LEADER SHOWN LEAVING COURT.



Alphonse Capone, Chicago gangster, as he appeared in an apparently stunned and dazed condition on leaving court room of Federal Judge James H. Wilkerson, who sentenced him to 11 years in Leavenworth Penitentiary for income tax violation. Capone was also fined $50,000 and ordered to pay the costs of his prosecution, estimated at about $100,000. The burly gangster was escorted by United States marshals from the Federal court room to the Cook County Jail, Chicago, where he will be held prior to departure for prison. —A. P. Photo.

Wash. D.C. Star - 10/26/31

18

B - MAG

CAPONE DEPARTURE TO PRISON DELAYED

U. S. Court of Appeals to Give Bond Plea Ruling Tomorrow.

Star 10/26/31

By the Associated Press

CHICAGO, October 26.—Alphonse Capone's departure for prison was deferred another day by the United States Circuit Court of Appeals today.

Three appellate judges, sitting en banc, heard the convicted gang lord's attorneys move for a supersedeas bond to allow him liberty while his income tax case was reviewed. The court then ordered "Scarface Al" held another night in the county jail and promised a ruling at 2 p.m. Tuesday.

Capone, settled down comfortably in the county jail appears not badly dissatisfied with the way the matter stands. He has found his cell comfortable and the food good.

Court Is Usually Upheld.

Judge James H. Wilkerson, who gave Capone Saturday the most severe sentence ever given for an income tax conviction, indicated a wish that he leave immediately for Leavenworth. Government attorneys said that the appeals court usually upholds the lower court in such matters.

The attorneys had prepared two requests, one for a stay of sentence and the other for [illegible] admission to bond. If only the stays were granted Capone would remain in the county jail while the case is appealed. In case both motions were granted he could return to his liquor, gambling and vice enterprises while the litigation continues.

D'Andrea Note Taken.

A pencilled memorandum concerning a Chicago policeman's transfer, found in the pocket of Philip d'Andrea, bodyguard and cellmate of Capone, was handed to the Government today by Warden David Moneypenny of the Cook County Jail.

The note, which Warden Moneypenny said was taken from D'Andrea before he had a chance to dispose of it, gave the name of a policeman and then read, "Nineteenth district to Detective Bureau or first, second or third district."

D'Andrea was arrested October 10 for carrying a loaded pistol with him while attending the income tax trial of his chief, Capone. He has been in the County Jail ever since.

Saturday Capone himself went to jail under sentence of 11 years for evading income taxes, and the two have been cellmates.

A supposed "leak" through which police information reached the hands of the Capone gang was suggested because of several other incidents, notably the finding in a Capone hangout several months ago of a police list of "public enemies" for whom warrants were to be sworn. The list, apparently revised by the gangsters, was later found in police files.

Washington D.C.
Star - 10/26/31

NOT RECORDED
69-180

19

TIME

October 26, 1931

Indicted Bishop

"Is that authentic? Oh, isn't it just grand! Mr. Tinkham will be so pleased!" The female secretary of black-bearded Representative George Holden Tinkham of Massachusetts, longtime political enemy of Bishop James Cannon Jr. of the Methodist Episcopal Church, South, almost jumped for joy. For Bishop Cannon had just been indicted, with Miss Ada L. Burroughs, bespectacled treasurer of the Virginia Anti-Smith Committee in 1928, both charged with violations of the Federal Corrupt Practices Act. It was the same charge that Representative Tinkham had made last year; but Bishop Cannon had defied the Caraway Lobby Investigating Committee and walked out (TIME, June 16, 1930). Miss Burroughs had obdurately refused to testify before the Nye Senate Campaign Funds Committee which then threatened to cite her for contempt. Last week's charges, the ten counts of which could provide an aggregate of ten years in jail and $21,000 in fines, were made by the District of Columbia Grand Jury, which under District Attorney Leo Rover took over the evidence collected by the Nye Committee.

Counts. The allegations in the indictment are based upon the receipt by Bishop Cannon, for his campaign in Virginia against Alfred Emanuel Smith, of $65,300 from Edwin Cornell Jameson, Manhattan insurance man (TIME, May 7, *et seq.*). Federal statute requires that inter-State political contributions be filed with the Clerk of the House of Representatives. Bishop Cannon revealed disposal of only $17,000 of Fat Cat Jameson's money. The remainder, he has insisted, is his own business.

Four counts in the indictment charge Miss Burroughs with *willful* failure to report the full amount, and Bishop Cannon with "aiding and abetting" her, which if proved makes him equally guilty. Four counts charge mere technical, unwitting violations, implicating the Bishop in the same manner. The remaining two counts charge conspiracy "with divers other persons" to commit the (willful) felony and the (unwitting) misdemeanor.

Persecution. Bishop Cannon was in Atlanta at a church conference (see p. 221) when he heard of the indictment. No one was surprised to hear him say: "This is merely a plot to discredit me, a persecution by a Roman Catholic district attorney *acting under orders of his priest.*" (The case had been turned over by Catholic District Attorney Rover to Protestant Assistant District Attorney John J. Wilson, who presented the evidence to the Grand Jury last month.) With bond set at $1,000 and the trial slated for some time before Jan. 1, Bishop Cannon said he did not fear. He has previously defended his action on the ground that the Corrupt Practices Act deals only with Federal officers. Presidential electors, for whom the money was spent, are State officers, says he. It was indicated that his lawyer, Robert H. McNeill, might file a demurrer to the indictment upon this ground.

220

Time 10/26/31

Argument. Assistant U. S. Attorney Jacob I. Grossman estimated the Capone income at $120,000 in 1924; $250,000 in 1925; $195,000 in 1926; $220,000 in 1927; $140,000 in 1928; $104,000 in 1929—total $1,029,000. Declared he: "When they [the defense] put those gamblers on as witnesses they admitted that we had proved our case. Why prove deductions if we have not proved income?"

Mr. Fink, still feeling hurt, thought the language of the indictment was "vague, indefinite, uncertain," felt that a great injustice had been done to Snorkey in charging him with "attempting" to evade tax payments. Snorkey, he said, had only "omitted" to do his duty. In Washington, Treasury officials punched a hole in Snorkey's only defense by pointing out that race track losses could not be deducted from his income. If he lost consistently, they explained, the money he lost must have come from other sources than the track, and therefore he must pay income on it. Lawyer Ahern deplored the "great public clamor" against Snorkey, called him a "mythical Robin Hood." Prosecutor Johnson indignantly insisted the Government was presenting the case with "high purpose."

Charge. Judge Wilkerson hitched his chair toward the jury box and leveled his bushy brows at the jurymen, to deliver his charge. Excerpt:

"Mere failure to file an income tax does not constitute 'attempt' to evade or defeat the tax. . . . To convict you must find beyond reasonable doubt that there was intent to defraud and also some act done in furtherance of that intent. . . ."

Snorkey looked blissfully contented as the jury filed out. In a bright green suit ($135) and green-spotted tie he stood in the corridor and smiled. Also pleased with Judge Wilkerson's dispassionate charge were Counsel Ahern & Fink. A moment later Snorkey disappeared. It was 2.40 p. m.

Verdict. At 10:50 p. m. the jury was ready, but Snorkey was nowhere to be seen. Lawyer Ahern rushed to a telephone. Fifteen minutes later in popped Snorkey, panting, sweating. He tossed a green coat & hat on the counsel table, mopped his fat head with a green handkerchief. In came the jury.

"We, the jury, find the defendant guilty on counts 1, 5, 9, 13 & 18 in the second indictment, and not guilty on counts 2, 3, 4, 6, 7, 8, 10, 11, 12, 14, 16, 17, 19, 20, 21 & 22."

Judge Wilkerson looked puzzled. So did Messrs. Ahern & Fink. "Inconsistent," mumbled the prosecution. Snorkey grinned broadly.

Soon the meaning of the verdict became apparent. The jury had decided Snorkey feloniously "attempted to evade & defeat" the income tax in 1925, 1926, 1927, but in 1924 & 1928 he only "failed" to pay up. The jury apparently thought he had tried his best in 1929.

The prosecution huddled and counted up. For each of the two years Capone had merely neglected to pay his tax, he might be sentenced to a year in the penitentiary; for each of the other three years he could be given a five-year sentence; on every count he could be fined $10,000; total, 17 years, $50,000. Inconsistent or not, the Government was satisfied with the verdict, moved to attach his worldly possessions in lieu of the $215,000 he owed.

Snorkey did not think Judge Wilkerson would give him the maximum penalty. He grinned in all directions around the courtroom, then got to his feet, hurried to an elevator, descended to the street, jumped into a waiting automobile and disappeared into the sprawling city whose thousands of illicit night haunts were his Empire.

Pg 2 221

Bureau of Investigation

Room 318. 11-7 1931.

To:
- X Director.
- ___ Ass't. Director Nathan.
- ___ Miss Gandy.
- ___ Miss O'Brien.
- ___ Chief. Div. 2.
- ___ Chief, Div. 3.
- ___ Chief, Div. 4.
- ___ Chief. Div. 5.
- ___ Chief. Div. 6.
- ___ Chief, Div. 7.
- ___ Chief. Div. 8.
- ___ Chief, Div. 9.
- ___ Chief, Div.10.
- ___ Supervisor, Steno. Pool.
- ___ Inspector___
- ___ Miss Sheaffer.

222

Clyde A. Tolson.

Bureau of Investigation

From: Division Six.

10 / 30 1931.

To: ___Director.
___Mr. Nathan.
___Mr. Tolson.
X Miss Gandy.
___Mr. Egan.
___Chief, Div. 2.
___Chief, Div. 3.
___Chief, Div. 4.
___Chief. Div. 5.
___Chief, Div. 6.
___Chief, Div. 7.
___Chief, Div. 8.
___Chief, Div. 9.
___Chief, Div. 10.
___Mr.

I had this copy prepared believing Director might wish to have it.

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223

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

October [illegible]

NOV 2 [illegible] PM

[illegible]

As Alphonse [illegible]
Pa., August 8, 1929, from Philadelphia, while carrying concealed deadly weapons; sentence 1 year.

As Alphonse [illegible]

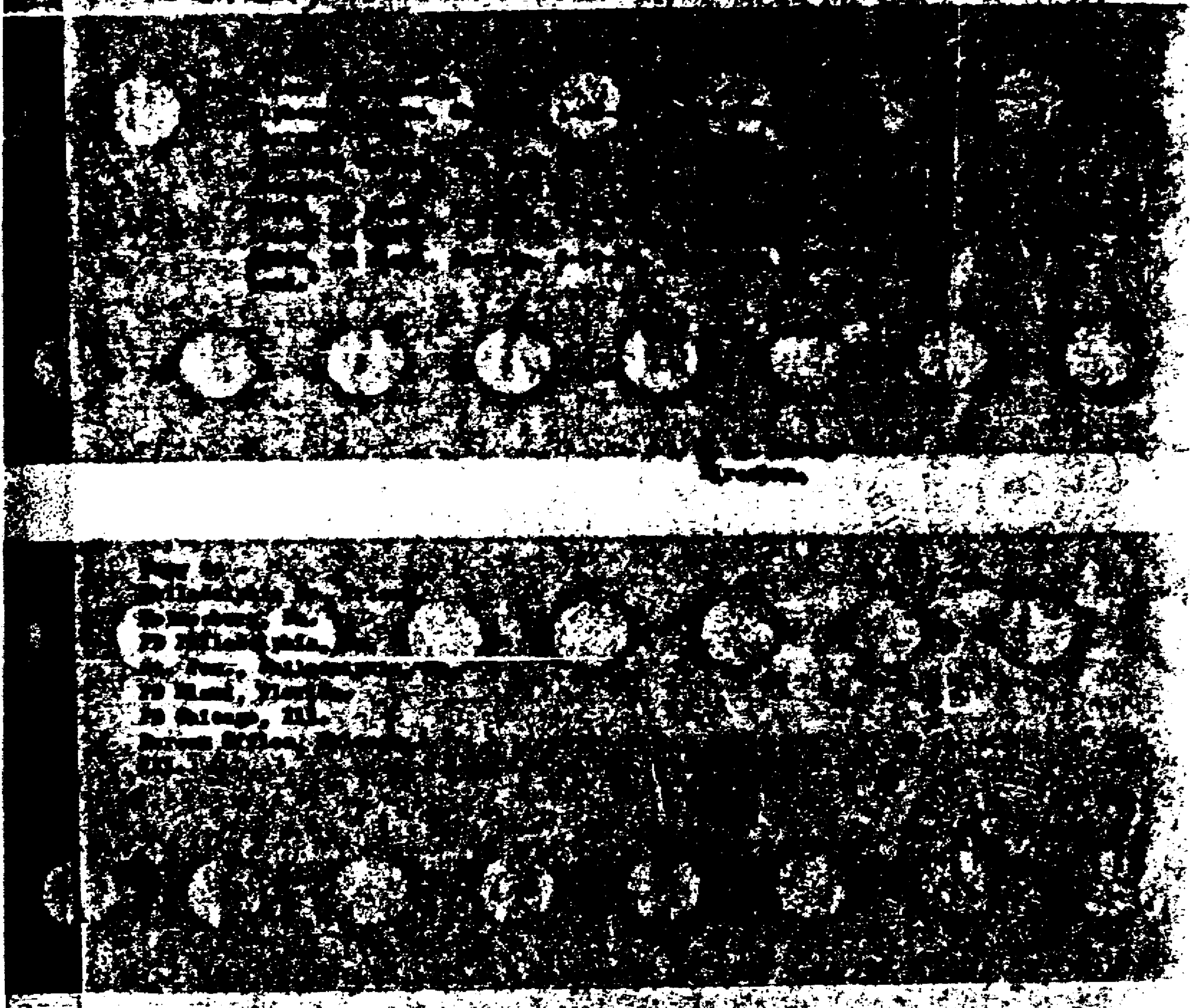
[illegible]

BUREAU OF INVESTIGATION
NOV 3 A.M.
DEPARTMENT OF JUSTICE

224

Page Two.
10-30-31,
Alphonse
Capone,
#---, U.S.
Marshal,
Chicago, Ill.

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



215

CAPONE'S BROTHER MUST SERVE TERM

Gangster Is Refused Review of Conviction on Income Tax Charge.

11/2/31

By the Associated Press.

Ralph Capone, brother of Al Capone, today was refused a review by the Supreme Court of his conviction of having made false statements in an attempt to compromise his income taxes.

The action ends the gangster's hope of a legal escape from his three-year sentence and a fine of $10,000.

Other gangsters have been watching the case.

Two Plead Guilty.

Terry Druggan and Frankie Lake, former Chicago beer barons, have pleaded guilty to income tax violations with the understanding that they might change their pleas if Ralph Capone won a review.

Obscured somewhat by the notoriety of his brother Al, Ralph nevertheless found underworld operations very profitable. At his trial the Government introduced evidence to prove that in a period of five years preceding April, 1929, he banked more than $1,800,000.

He failed to file a return or pay any tax during 1922, 1923, 1924 and 1925.

After the Government began investigating, Capone admitted to the internal revenue agent at Chicago that he owed the Government $4,082.

Offered $1,000 Compromise.

Asserting that he received an income of approximately $20,000 yearly from gambling, he offered to compromise by paying $1,000.

He claimed he had lost so much money on his race horses and in defending himself and his associates from criminal prosecutions that he was broke.

The Government made that admission the basis of prosecution against him. They said he had an extensive income from handling liquor.

After his conviction, Ralph Capone took his appeal to the Seventh Circuit Court, where he lost.

Washington D.C. Star 11/2/31

226

Kansas City St
10-29-31

NSAS CITY STAR. T

CAPONE GANG HIDES OUT

[illegible] AT LEXINGTON HOTEL FIND HEADQUARTERS EMPTY.

Search in Hangout of Racket Chief Reveals Precautions He Took Against Being Poisoned.

(By the Associated Press.)

CHICAGO, Oct. 29.—The Lexington hotel, "outlaw camp" of Alphonse Capone and his gang lieutenants, was raided by detective squads today and found deserted except for servants.

The raid was described by the Chief of Detectives, William Schoemaker, as part of his campaign to harass gangsters at every turn and arrest them on sight.

Detectives discovered Capone's often expressed fear of being poisoned extended even to his own hangout. On the fourth floor of the hotel, which apparently had been reserved entirely for Capone and his "boys," officers found a completely equipped kitchen with a chief, a second chief and a waiter who served only the gangster and members of his party. These three servants were the only ones found in the spacious quarters.

The hotel was described yesterday by Federal Judge James H. Wilkerson as an "outlaw camp" where the Capone gang "exercised a coercive interest over those with whom it came in contact."

As his headquarters was raided and his gang apparently scattered, Capone took on the aspects of a "model prisoner" at the Cook County jail. He is there pending an appeal on the conviction which brought him an 11-year sentence as an income tax dodger.

Kansas City Star 10-29-31

A C[illegible]geous Judge.

In his entire conduct of the Capone case Judge James H. Wilkerson of the federal court in Chicago has displayed a type of courage and a sense of strict justice that are heartening to the great body of American people who stand for the maintenance and supremacy of law. From the very outset, when the gangster appeared before him on a plea of guilty, there was evidence of a firmness and determination on the part of Judge Wilkerson that was most disconcerting to the man who had been brazen in his defiance of constituted authority. Capone was warned then that there could be no bargaining with the court, a point that the gangster was to grasp fully in later days.

Judge Wilkerson's denunciation of the whole band of lawless followers that Capone had gathered about him comes as another indication of the stern quality of this defender of law and justice. The jail sentence given the gangster's bodyguard who had appeared armed in court, together with the outright declaration that there had been "a shocking array of perjury" by Capone witnesses at the trial, is still further evidence of a rigid adherence to the demands of order and of a fixed purpose to deal out punishment where it is due. Gangdom in Chicago and elsewhere well may take heed to such procedure in a court of law. Justice is having its turn. The example of Judge Wilkerson ought to mark the opening of a new era in enforced respect for authority in this country.

227

A NEW TONE TO CHICAGO

Kansas City Star 10-28-31

CAPONE'S CONVICTION PUTS SPIRIT IN FIGHT ON CRIME.

City Prepares to Follow Up Elimination of Gang Leader With Final Threat at Grip of Racketeers.

CHICAGO, Oct. 28.—The conviction of Al Capone here by the federal government has given Chicago a moral stimulus which has aroused its civic consciousness to a greater degree than anything since the famous O'Leary cow started the historic fire that almost destroyed the entire city.

This, in effect, is the opinion of leading citizens and government officials who have fought the reign of crime here.

Foremost in combating the racketeers, gunmen and hoodlums who have considered Chicago their prey for the last ten years is the Chicago Employers' Association. Today, President Earle H. Macoy said the effects of "Capone's conviction, if they finally succeed in sending him to Leavenworth, will be wonderful. His incarceration will demoralize all his cohorts. Others who may seek to succeed him will fear to make the attempt.

NEW UNITY IN FIGHT.

"This conviction has done more to stimulate [illegible] than anything that [illegible] here, and it [illegible] us who seek to eliminate crime into a closer organization better fitted to continue our fight. We now have encouragement against what has sometimes seemed a redubitable wall.

"The gangsters fight together, with their fists closed and are highly organized. We are like the 'Cabots and the Lodges' willing to fight, but we have our fingers spread and hands open. Now we shall work together with closed fists."

The Chicago Employers' Association has been breaking up gangster methods here for the last few years when thugs sought to "muscle in" on legitimate business men.

One government official, closely associated with the Capone conviction, who asked that his name be withheld, made this assertion:

"[illegible] to succeed Capone. The minute anyone sticks his head up above the crowd of minor thugs and hoodlums and seeks to emulate Capone he will be advertising for 'bed and board' in Leavenworth, and those in authority will see that he gets it. The gangs will now begin to disintegrate and they will not be as formidable without their leader."

WIDE REACTION TO VERDICT.

Bankers, merchants and industrial leaders expressed pleasure on Capone's conviction.

Charles P. Megan, president of the Chicago Bar Association, said:

"The public will feel satisfaction in knowing the laws of the United States cannot be broken with impunity and that no offender is powerful enough to escape punishment."

William V. Brothers, chief justice of the circuit court, said the conviction is a "triumph for Chicago. It will do much to overcome the false reputation of Chicago in the nation and the world."

FEAR HOLDS GANG RIVALS.

Police Find No Pretenders to Leadership of Capone.

(By the Associated Press.)

CHICAGO, Oct. 28.—The Chicago police are going to go into the question as to who will attempt to take up the reins of gang leadership in Chicago now that Al Capone is locked in jail as an income tax dodger.

"Dago Lawrence" Mangano, listed by the Chicago crime commission as a "public enemy," was questioned on the subject following reports his followers had been planning to form a new syndicate to take the place of Capone's, but Mangano was prompt with a denial.

"I don't want to be king for a day," he told William Schoemaker, chief of detectives, implying he would expect to be killed if he assumed Capone's place as a gang leader.

KANSAS CITY JOURNAL-POST, WEDNESDAY, OCTOBER 28, 193

'FREE' IN JAIL CELL

Capone Gets Special Food and Has Visitors.

CHICAGO, Oct. 28.—(U.P.)—Al Capone, convicted of defrauding the government of income tax, will continue for a time at least to enjoy the comparative luxury of a stay in Cook county jail rather than immediately [illegible] his 10-year sentence at the federal penitentiary at Leavenworth.

[illegible] on bond [illegible] the jail [illegible] will enjoy a stay [illegible] execution of his sentence by the United States circuit court pending appeal of the case. Meanwhile, Capone's attorneys planned to carry their fight for bail to the United States supreme court.

The time spent in jail will not count on either the penitentiary sentence or the 1-year jail term imposed on Capone by Judge James H. Wilkerson. Because of this, the gang leader's attorneys obtained permission for their client to begin his term at Leavenworth if the supreme court denies a bail plea.

[illegible] the Cook county jail, Capone is able to receive visitors, have food sent in from outside and spend his time as he pleases in the special cell to which he was assigned.

3-YMA

Washington Herald
10-30-31

CAPONE 'FORT' RAIDED; YIELDS TRIO OF CHEFS

Hoodlums Gone, But Police Learn Gang Chief Had Five Radios and Period Furniture

CHICAGO, Oct. 29. (U.P.) While Alphonse (Scarface Al) Capone fretted in the city jail today, detectives raided his headquarters at the Lexington Hotel, known as "The Fort."

No hoodlums were present, no shotguns and no bombs, announced the officers, but they did discover just how luxuriously a gangster chieftain likes his living.

RENTED ENTIRE FLOOR

Capone, they learned, rented the entire fourth floor of the South Michigan Boulevard hostery and a large part of the third. He had a private kitchen which sparkled with stainless steel; a living room cluttered with period furniture, five radio sets, a bedroom, said the awed police, with the biggest and softest bed this side of Utopia.

In Capone's super-kitchen the officers obtained their only captives. Head Chef Jimmy Arcadi, self-admitted expert in preparing spaghetti; Second Chef Joe Abruzzi, whose specialty was spumoni, and Joe Jones, colored busboy, whose duty it was to serve the "Scarface."

SAW CAPONE OFTEN

Arcadi, Abruzzi and Jones insisted they didn't know for whom they worked, although they admitted seeing Capone frequently.

Chief of Detectives William (Shoes) Shoemaker said the Lexington raid was his first in a renewed attempt to "put all the gangsters in with Capone, where they belong."

Meanwhile Capone lounged as best he could on a hard-wood bench in his cell, awaiting final disposition of his 11-year prison sentence for income tax fraud. He played solitaire, read a detective story, and turned down Warden David Moneypenny's offer of "congenial work pushing a mop."

NOT RECORDED
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229

B Mrs Page 2

Portrait of a man talking to Capone

"WHAT I can't figure out with a guy like you," I said to him, "is you are in a big business. The biggest business men cheat a little, but they rarely give the Government a chance to catch them clowning with their income returns. You should have used your nut and paid it!"..."Why?" he snapped. "I have no business!"..."Then," I countered, "how are you going to explain all this—and your wealth?"..."Presents," he said. "My friends and cousins gave me it all"...I realized then that Capone wasn't so shrewd, and the beer in me gave me the courage to so tell him...A newspaper was brought in..."Hah!" I hah'd, "this is good. Look! It says people in New York saw you today on a train. And here's a report that you just passed through Albany!"...It was amusing to read those statements sitting with him in Miami Beach'...Then he tossed the paper as a couch...The paper's front page carried another tale about him being wanted in Chicago for the Colosimo murder..."That's another thing about you I can't figure," I said. "You're nuts over that boy of yours. Still you leave newspapers around the house like that where he can see such stories about you. That's not nice"..."Don't mean a thing," Capone replied indifferently. "He knows that anything they put in the papers about me is lie"...God bless Mr. Volstead—if it weren't for him there'd be no marvelous Capone beer...I think I know the recipe...It must be flavored with lightning!"

800

Page-2

230

3. MA

The Washington Herald 10/29/51.

[illegible] Winchell on Broadway

Portrait of a Man Talking to Capone

SOMETHING told me at the time I wouldn't see Capone for a long spell...I mean the last time I met him in his Florida mansion... He seemed pretty glum after he got that call from Chicago—and they told him that local politicians, aspiring for the heights, were reopening the Colosimo thing again...He never dreamed that they would finally trap him via the income tax gag...The size of Alphonse was what impressed me more than anything about him...A mutual friend asked me if I would like to meet Capone, and I said I would... Might have made a lot of coin from all those magazines that asked for an article on the visit titled "The Capones at Home"...But I told Capone I wouldn't go commercial on the call—and I didn't...He said he didn't care whether I did or not—that he never met a newspaper man yet who didn't cross him...Wonder if it is true what I heard about him?...That before retiring each night he cried like a baby.

I HAD always pictured him as a small and fat person...He's over six feet!...When I was entering his place, he saw me coming up the three steps leading to the parlor...He was playing cards with three huskies...Their backs were to the door—Capone faced it!...'Oh, come in!' he called as he saw me, and in the same breath he must have said to the others, 'Scram!' because they disappeared quicker than the bird race that [illegible]...He was sweeping the table clean of cards and chips...I sat down on a settee near his side of the table..."Sit over here," he said..."No, this is all right," I countered..."No, sit over here, please!"...I pointed, but I didn't move...My eye had caught sight of the largest automatic I ever saw...It was resting in one of the table nooks, where they keep chips, I guess, and he didn't want me to be startled...He covered the gun with one of his immense paws and hid it on the other side of the table..."I don't understand [illegible]," I [illegible] of something to say..."Here you are playing a game of cards with your friends, but you keep a gun handy"...."I have no friends," he said as he handed me a glass of grand beer.

AMONG other things I learned during that call was that every time you referred to it as his gang, he corrected you with 'my organization'..."Why don't you guys never put in the paper about my breakfasts and soup lines?" he asked me...Then he told with great pride how his Chicago philanthropies so congested traffic that the police urged him to shorten the hours...He argued long and loud about being blamed for everything—most of which he never did...'All I ask is that they leave me alone,' he said once...I didn't tell him so, but I thought of a lot of people who wished he would leave them alone...His beautiful mansion was really [illegible] place for him...He couldn't leave it without a heavy guard...When he moved it was [illegible]—by plane or boat—both of which were anchored in the waters adjacent to his home [illegible]...He told me of a [illegible] coup in Miami that exposed him for the Government—who told the officials he wasn't sick at all when all the while he thought he'd die from pneumonia..."Once," he was saying, "I was so sick I fell down a whole flight of stairs!"...The doctor's fee, he thought, was too stiff, and he paid him only half..."So he told the Government," said Capone, "that I was never sick"...He sighed heavily, and, with a prop smile, added: "That's the funniest thing. Anybody I have wined and dined right in my own house has crossed me"...He handed me the third beer...Swelegent!

THE call from Chicago came...Before it arrived Capone was in a gay mood...He likes to talk, it seems—and he was defending his reputation against a first impression...After the phone call he came back into the parlor and seemed away off..."What's the matter?" I asked, "nothing good?"..."Aw," he said, "that bunch in Chicago is trying to pin the Colosimo murder on me. That was years ago! All of us had a hearing! The hell with them!"...He told me about the time they nailed him in Philly, where he did time..."I was buying tickets back to Chicago," Capone said, "and I told the ticket guy in the cage at the station to keep the change. It was a $50 bill. So that's what I got for being helpful. He must have recognized me. So he phoned the police, I guess, and lost my fifty dollars"...The detectives, it appears, traced him and his companions to a movie house and bagged him when they came out...They had gone to kill time between trains..."What crazy cops they were," Capone barked. "They might have started a panic in that lobby with all those people. That's no time or place to get excited—and maybe a lot of people could get hurt!"

I WAS looking at him through one eye—his beer was too good..."Yeah," I said, "that's pretty dangerous, with all those people around"...One of the cops said, "Hello, Al," and Al returned the salutation..."Got a gun on you?" the officer queried..."Sure," said Al, "go and get it"...Capone explained to me that it was a good thing he didn't remove the gun himself, for that is what the cops wanted..."They'd have shot me down, claiming self-defense, get it?"...They took him before a magistrate there..."Oh, boy," said Capone, "you should have heard the call-down he gave me. He called me everything in the world. I was a bum, a rat, a this and that. He missed nothing. All the time I thought he was putting on a show for the benefit of reporters and others in the courtroom. So I took it all...But he wouldn't stop...He told me he was sorry that he couldn't put me in the electric chair right then, himself!...Finally I promoted a lawyer and figured the bail would be low...But the judge, who once was my pal, was trying to crash the spotlight with me. He continued giving me a piece of his mind. So when he said $35,000 bail and I started to peel it off my bankroll, he changed his mind and said the bail would be higher...In the time I spent in that jail it cost me $110,000...All over the $50 tip!"

New York Times 10-29-

69-180 Page 1.

231

232

KANSAS CITY

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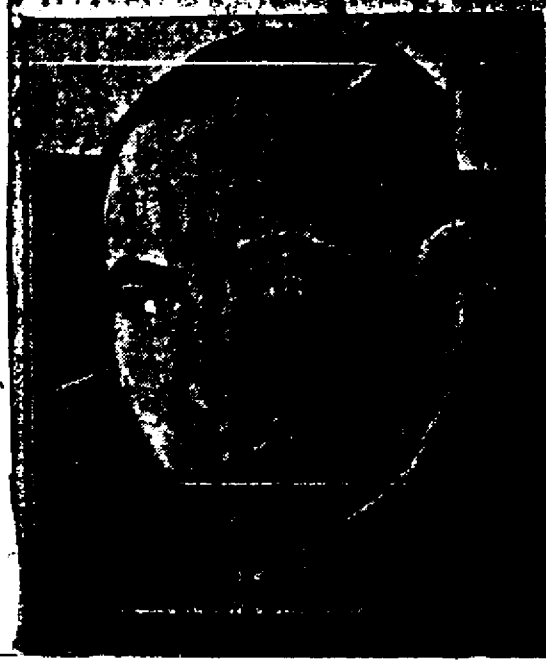
POST, S
RNAL-POST
24, 1931.

11 YEARS IN PRISON

GANG LEADER AND MUST PAY $50,000 FINE AS TAX DODGER

Judge Starts 11 in Jail



232

Dissected Body Theory in Arizona

Doctor's Clinic Where She Worked Says Body Was Uncovered the Day After Alleged Killing of Two Women

300 L. C. JOBLESS MARCH BY TRUCK TO SEE GOVERNOR

Following Parade and Speeches Group Starts Proposed Trek

PAGES. 10-24-31

CAPONE, 11 YEARS

Federal Court Brushes Aside Technicalities to Sentence the Chicago Gangster.

A $50,000 FINE WITH TERM

Judge Wilkerson Places Penalty Close to Maximum for Income Tax Violation.

Appeal to Delay Entry In Prison Now Offers Only Refuge to Racket Chief.

LAW PASSES VITAL TEST

Hoodlum, Stunned by Outcome, Curses as He Faces Time in Penitentiary.

(By the Associated Press.)

Federal Building, Chicago, Oct. 24.—"Scarface Al" Capone, underworld leader of Chicago, was sentenced today to eleven years' imprisonment for violating income tax laws and ordered to the Leavenworth penitentiary.

In addition to the sentences, two years in the Leavenworth prison and one year in the county jail, Capone was ordered to pay a $50,000 fine and the costs of prosecution, estimated at about $100,000.

Denial to Every Motion.

Federal Judge James H. Wilkerson not only passed a sentence more than twice as severe as had ever been given an income tax evader before, but at first denied every motion which would have given the big gangster his freedom while the case was appealed.

Later Judge Wilkerson ordered that Capone be held at the county jail until Monday to permit his attorneys to seek bond in the United States circuit court of appeals. The judge previously had ordered the gangster taken to Leavenworth penitentiary immediately.

The court employed the maximum possible penalties on the five counts on which Capone was convicted, but cut the penalty from the possible maximum of seventeen years by ruling that several terms should run concurrently.

As the gangster, downcast and apparently [illegible] the sentence was led from the courtroom he was handed a demand for taxes and immediately afterward a lien on his $40,000 Florida estate and on three safe deposit boxes in the Equitable Trust Company, a bank on the South Side of Chicago.

Curse at an Officer.

Capone appeared to lunge at E. P. Henthorn, a deputy collector of internal revenue, as he was served with the legal papers. His face grew livid and he cursed. Two deputy marshals held him.

Last Saturday night, when the jury returned its verdict convicting the gang leader on five counts and not guilty on eighteen, there was some doubt as to which side seemed most elated. But there was no doubt today. Capone, his huge shoulders hunched forward, was glum. His attorneys were almost frantic in their efforts to obtain his freedom pending appeal.

District Attorney George E. Q. Johnson, who directed the prosecution and asked the jury in his final plea to convict "this man who tried to set himself above the law," smiled briefly, but refused comment. It was the high point of his 3-year campaign against Chicago gangsters.

Plea Stand Against Delay.

The defense filed notice of an appeal and Michael Ahern, chief of defense counsel, asked that perfection of appeal should automatically serve as a supersedeas, asking Judge Wilkerson to instruct the marshal to delay taking Capone to Leavenworth penitentiary. The court refused.

The penalty assessed by Judge Wilkerson was five years and $10,000 on each of three felony counts and one year and $10,000 on each of two misdemeanor counts. Sentence on two of the felony counts is to run concurrently, however, as are the two misdemeanor sentences.

Judge Wilkerson, in ordering the defendant to prison immediately, said that if the higher courts should reverse the verdict on the felony counts, which charge evasion of income taxes for the years 1925, 1926 and 1927, Capone could be given credit for whatever time he had served, the credit to apply on the misdemeanor counts as well as his 6-month contempt of court sentence.

Capone was charged in the indictments with evading $215,000 taxes on a 6-year income of $1,038,654. The jury convicted him of evasion for only three years, however, on a $357,285 income in 1925, $195,677 income in 1926 and $218,054 income in 1927.

The two additional counts on which he was convicted were misdemeanors charging failure to file returns in 1928 and 1929. When Capone has served six months in Leavenworth he will be given credit for a contempt of court sentence of six months, passed by Judge Wilkerson last February.

This bulky, swarthy man, a notorious gangster for twelve years, internationally infamous head of his own syndicate for six, has spent less than one year in jail. The only previous term was in Philadelphia, where he served a little more than nine months of a 1-year sentence for carrying concealed weapons.

His notoriety as a ruthless gang leader figured only in the closing arguments of his income tax trial, and then briefly. Capone's attorneys said he was being persecuted to satisfy public clamor, that the government would have tried no other man on similar evidence and was merely trying to "get Capone." District Attorney Johnson told the jury he did not deny the "great public interest" in the trial, but he was not asking that body to consider it.

235

Kansas City Star K.
10-25-31

BLOW TO GANGLAND RULE

GOVERNMENT SCORES HEAVILY IN SENTENCE TO CAPONE.

Crime Leaders in Other Cities Are Expected to Feel the Lash of Federal Laws as Drive Continues.

(By the Associated Press.)

WASHINGTON, Oct. 24.—The government accepted Al Capone's sentence today as another milestone in its drive against gangland's flaunting of federal laws.

To agents who pit adding machines against more deadly gangster weapons, the successful prosecution of Capone was a new stimulus.

Elmer E. Irey, chief of the internal revenue bureau's special intelligence unit, said he was "pleased and satisfied" with the sentence, and added: "There will be no let-up in Chicago."

MAY GO TO SUPREME COURT.

Attorney General Mitchell refused to break the silence he has promised to maintain as long as the Capone case is in the courts. More legal fencing is expected with an eventual appeal to the supreme court, to which Ralph Capone, the racketeer's brother, has taken a sentence of four years for income tax evasion.

Irey, who conducted the investigation of Capone's case, said that with the criminal prosecution completed special efforts would be directed toward building up the civil case against the gangster.

Since the Capone investigation started on October 18, 1928, seven Chicago gang leaders have been convicted. Beside Al and his brother, Ralph, they include Jack Guzik, Frank Nitti, Sam Guzik, Terry Druggan and Frankie Lake.

SOME POLITICIANS INVOLVED.

Meanwhile, investigations of income tax frauds are progressing in New York City and Pittsburgh. Officials have declined to disclose the identity of those under investigation beyond saying gangsters, racketeers and some politicians are involved.

While gratified over their success against tax doggers, officials were quick to reiterate today that federal law violations are relatively minor in comparison with the flagrant disregard of state laws involving capital offenses and that state and municipal officials must co-operate to wipe out gang crime.

LIEN ON HIS "PALACE."

deral Government Seeks to Collect Unpaid Income Taxes.

(By the Associated Press.)

MIAMI BEACH, FLA., Oct. 24.—The federal government today blanketed Al Capone's lavish winter place here with a lien of $51,498.08 in its fight to collect $215,000 unpaid income taxes [illegible]

[illegible] Capone was sentenced in Chicago to serve eleven years in federal penitentiary and fined $50,000 for income tax payment evasion.

The barricaded white mansion of the gang chief entered court litigation for the third time as officials of the United States internal revenue department filed liens in both federal and circuit courts in Miami, naming Capone and his wife, Mae Capone, as transferees.

Eighteen months ago it was the subject of padlock proceedings, brought in criminal court in Miami after a raid by county officers netted a quantity of fine liquors.

Vincent C. Giblin and J. F. Gordon, at that time Capone's Miami attorneys, placed the gangster and other witnesses on the stand and defeated the padlock suit.

Later Giblin and Capone disagreed over attorney's fees and the lawyer attached furnishings, variously valued from $50,000 to $100,000, in the mansion. A reported settlement out of court halted the proceedings after some of the furnishings were removed to a storage warehouse.

Kansas City Star PR
10-24-31

Ill-Gotten Wealth Begins to Vanish, Too.

CHICAGO, Oct. 24.—Some of the wealth Al Capone has flaunted in the face of the law from Chicago to Florida today was being stripped from the gangster who now is on the way to prison.

While liens were filed against Capone's Chicago property, advices from Jacksonville, Fla., said similar action had been taken against the palatial winter home of Capone at Palm Island, near Miami Beach. The government is seizing the property to pay the $215,000 delinquent income tax which figured in the gangster's trial. But that is not all the gangster owes the government, the total figure being estimated in excess of a million dollars. Penalties would add half again as much to the bill, it is said.

RECEIVED

3

OCT 29 1931 P.M.

AL CAPONE'S GUARD GETS SIX MONTHS

D'Andrea Sentenced to Jail for Carrying Loaded Gun Into Federal Court.

Star 10/31/31

By the Associated Press.

CHICAGO, October 28.—Phil D'Andrea, gun-toting bodyguard of "Scarface Al" Capone, was sentenced to six months in the county jail by Judge James H. Wilkerson today for carrying his loaded pistol into Federal Court.

D'Andrea had been in the county jail since October 16, when he was found carrying a loaded pistol in the court room. He had been sitting directly behind Capone every day of the trial until his arrest and yesterday, throwing himself on the mercy of the court, the bodyguard admitted he had carried the weapon daily.

Paroled for Two Weeks.

Judge Wilkerson said the presence of an armed man during the trial of Capone's income tax evasion case was a direct menace to the court itself and adjudged D'Andrea guilty of contempt of court.

A two weeks' stay of execution was granted and D'Andrea was paroled to Michael Ahern, his and Capone's lawyer.

Before sentencing D'Andrea, Judge Wilkerson said it was clear he was a member of an "outlaw gang" which had conspired to intimidate Government witnesses in the Capone trial, but had caused defense witnesses to perjure themselves.

"This gang," the court said, "exercised a control over people with whom it came in contact that resembled nothing less than insurrection against the laws of the United States.

"I would have been totally blind had I not noticed the intimidation of witnesses. Time and again I noticed witnesses faltering on the stand."

Judge Charges Perjury.

Judge Wilkerson said the closing days of the trial, when the defense brought on a series of bookmakers to testify concerning Capone's losses on horse races, disclosed a "shocking array of perjury," which was of itself much worse than D'Andrea's offense. He said the witnesses were summoned to the Lexington Hotel, "the camp of this outlaw band," and instructed to perjure themselves.

D'Andrea was given a stay of execution after Attorney Ahern told the court his mother was ill. Ahern said she had not been informed of her son's troubles with the Federal Government and asked that D'Andrea be paroled so that he could go to his mother without being accompanied by a marshal.

In the meantime Capone remained in the county jail while his attorneys decided what to do next.

Is Kept in Jail.

Granted a supersedeas that allowed him to stay out of the penitentiary during appeal to the Supreme Court, but denied bail, the gangster was ordered kept in custody with no credit toward his 11-year sentence in Leavenworth for tax evasion. No deduction will be allowed for the time he spends in jail.

Attorney Ahearn said he might go to Washington to apply for bail to Justice Van Devanter, the Supreme Court member assigned to the seventh judicial circuit. If he were refused bail, Ahern indicated that he might ask to have the writ of supersedeas vacated, so Capone could be taken to Leavenworth to start serving his sentence, pending further legal action.

While Capone's lawyers were working for him, the gang leader remained in a hospital ward cell on the fifth floor of the jail. He eats the jail's cornmeal mush or oatmeal with his morning coffee and stewed fruit, but has his luncheon sent in by his family.

Washington D.C. Star 10/28/31

NOT RECORDED
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CAPONE GUNMAN GIVEN 6 MONTHS

GETS RESPITE FOR TWO WEEKS

Mother's Illness Responsible For Stay: Occasion Used By Court to Flay Scar-Face

CHICAGO, Oct. 28 (I.N.S.).—Six months in jail was the penalty levied today on Phil D'Andrea, Capone bodyguard, for carrying a revolver while attending the gang leader's funeral last night.

In sentencing D'Andrea, Federal Judge James H. Wickersham took occasion to assail Capone as the leader of an insurrection against the United States, and attacked the gang leader for forcing defense witnesses to commit perjury at his trial.

The jurist referred to Capone's call for witnesses to attend a meeting at the Lexington Hotel where their testimony was discussed.

D'Andrea virtually had thrown himself on the mercy of the court.

At the behest of defense attorneys, the court granted D'Andrea a two weeks' stay of execution because of the serious illness of his mother.

Washington Times.
10-28-31.

NOT RECORDED
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238

Washington Times
10/28/31

CAPONE LIKELY TO GO TO PEN AT ONCE

Wants to Get Credit for Time He Must Serve While His Appeal Is Being Decided On

CHICAGO, Oct. 28 (I.N.S.). Al Capone may capitulate to his adversary, the United States Government, and willingly go to Leavenworth penitentiary, his lawyers indicated today.

But this capitulation would be made only to avoid "wasting time" while his attorneys strive in the higher courts to win a reversal of the jury verdict finding him guilty of defrauding the Government out of his income tax.

Bail Plea Denied

The possibility that Capone may shortly ask to be taken to Leavenworth, where he is under sentence to serve a 10-year term, arose as a consequence of a ruling by the Circuit Court of Appeals, denying the gangster his liberty on bail.

The ruling, handed down yesterday, was that Capone must remain in the county jail [illegible] his appeal is disposed of, a matter of nearly two years if customary procedure is followed.

Thus, the appellate court's action in granting Capone's petition for a stay of sentence, while at the same time denying bail, is of no value to the convicted gangster's cause. Unless a court higher than the appellate orders Capone released on bail, he may voluntarily request to be sent to Leavenworth without further delay in order to receive credit on his sentence should his appeal be denied.

Case May Shift Here

Michael Ahearn, the gangster's attorney, intimated he may go to Washington and ask Supreme Court Justice Van Devanter for an order admitting his client to bond and vacating the appellate court's writ.

If customary procedure prevails, Capone's appeal may be argued before the appellate court in about two months and a decision rendered probably next February. If the appellate court rejects the appeal, another year will probably be consumed in filing and arguing the appeal before the United States Supreme Court.

Meanwhile, Capone spends much of his time in his tiny jail cell, amusing himself with solitaire.

Chicago, Illinois

November 3, 1931

RECEIVED

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

Dear Sir:

On November 3, 1931, a party giving his name as [redacted] Chicago, called by telephone and stated that he was an old resident of St. Joseph, Michigan, and that information had come to him indicating that Philip D'Andrie, alleged body guard of Capone, was the owner of some property in St. Joseph, Michigan, and was known to own a farm or a resort immediately adjoining [redacted] owned or rented by Fred Burke, notorious outlaw. [redacted] further stated that Capone was the owner of a hotel in Benton Harbor, Michigan. [redacted] stated that Sheriff Fred Cutler of St. Joseph, Michigan, could give considerable information relative to the holdings of the above parties in St. Joseph and Benton Harbor, and that Sheriff Cutler was entirely dependable and could be relied upon to give correct information to the proper parties.

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The above is submitted for your information and any disposition you see fit.

Very truly yours,

W. A. McGRAIN,
Special Agent in Charge.

LPG:RS
cc-Bureau

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U. S. Department of Justice

Bureau of Investigation

Washington, D. C.