

FEDERAL BUREAU OF INVESTIGATION

ALPHONSE CAPONE

PART 9 OF 11

BUFILE NUMBERS:

69-180

62-20619

subjects Capone Alphonse FILE number 69-180 section number 3 5 ERÍALS 12-14. 606AL PAGES 244 Pages released 224 pages wightero 20 exempoion(s) used 676 67D 178:00M 69-180-92 December 11, 1931.

MUNICIPALITY FOR AMELITANY ACTORIES CHICAL TORNIGHTER

Reference is made to a memorandum which I directed to you under date of December 4, 1931, transmitting a copy of a telegram received from the Special Agent in Charge of the Chicago, Illineis, effice of the Bureau of Investigation relative to alleged irregular activities on the part of Alphonse Capene while in the custody of a United States Harshal at Chicago.

With further reference to this matter, I om attaching for your information a copy of a letter dated December 7, 1931, received from the Special Agent in Charge at Chicago concerning this matter.

Yesy truly yours,

Director

Engl. 704350.

DEC 11 1931

L of Justice

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M. S. Bepartment of Justice

Bureau of Investigation

P.O. Box 1405, Chicago, Illinois



DEC 91331 AT

AIR MAIL

December 7, 1931.

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

69 - 10

Dear Sir:

Confirming my telegram of December 3, 1931, regarding alleged undue liberties being granted to Alphonso Capone, please be aivised that on December 3, 1931, U.S. District Judge James H. Wilkerson handed me the original of the following telegram, with the request that I give same appropriate attention:

*TIGHT OF INFORM YOU THAT AL CAPONE IS USING THE COUNTY JAJI FOR VICE LIVUOR BUSINESS AND TRANSACTS FROM THERE FOULDLY AS MUCH IS NOT MORE THAN SE USED TO AT HIS OLD HADDURATURE AT THE LEXINGTON HOTEL HIS VISITORS SEEM TO BE COMMISS ALL DAY LONG AS WELL AS IN THE EVENING I AT EDLOYED AT THIS BRANCH OF SERVICE AND CAN NOT UNDERSTAND MRY EVERY PRIVILEGE IS EXTENDED TO HIM AND NOME TO THE OTHERS PLEASE INVESTIGATE

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At the time of the discussion with Judge Wilkerson the question was raised as to whether the allegations even if true would constitute a violation or a contempt of court, inasmich as Al Capone is not serving the sentence recently imposed upon him, but on the contrary has been remanded to the custody of the U.S. Marshal, pending the disposition of the case by the Circuit Court of Appeals.

Pursuant to Bureau instructions, I today conferred with U.S. Attorney George E.Q. Johnson, regarding this matter, at which time he informed me that on December 2, 1931, he likewise received a telegram concerning alleged undue liberties being granted to Capone. The wording of the telegram received by Mr. Johnson is identical with that received by Judge Milkerson.

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TOF JUSTICE

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Mr. Johnson is having one of his assistants render an opinion as to whether the allegations even if true would constitute contempt of court or any Federal violation. Pending this decision by the U.S. Attorney's office I am taking no action. In the event that the District Attorney's office is of the opinion that by reason of subject Capone being remanded to the Marshal rather than committed to jail, there is no Federal violation or contempt of court involved, it would appear that the matter in question is more or less an administrative one to be adjusted by the U.S. Marshal. Maturally I shall take no part in any administrative measure, and assume that such action if desirable will be amicably adjusted by the U.S. Attorney and the U.S. Marshal, or by the Department itself.

I have caused inquiry to be made with a view to determining the source of the telegram in question, and am informed by the hestern Union Telegraph Company that the message in question was delivered to the Western Union Office at 1512 West Madison Street, Chicago, Illinois, on December 2, 1931. The original message was typed on a Fostal Telegraph blank, and bore no name or return address. Miss A. Kulatta, the employee who accepted this telegram, will not return to duty until tomorrow afternoon, at which time the manager of the mestern Union Company will interview her with a view to determining whether she remembers the party who delivered the message in question to the branch office, or can give any information regarding the identity of this party.

Upon being advised of the opinion of the U.S. Attorney's office regarding the matter in question as alluded to above, the Bureau will be advised accordingly. At any rate I shall undertake no investigative activity in connection with this case until the Bureau has been fully informed thereof.

MME

Special Agent in Charge.

WALL/cec

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CAPONE JURY PLOT IN TRIAL REVEALED Ster 12/8/31

Judge Wilkerson Swaps Venire After He Learns Ten Had Been Approached by Gang.

DEC1-143117

CHICAGO, December 8.—An alleged attempt to tamper with justice in the recent income tax trial of Alphonse Capone was revealed last night by Dwight H. Greene, assistant United States district attorney, who said the plan was frustrated by Federal Judge James H. Wilkerson.

Addressing the Air Corps Officers' Association, Greene said that the prosecutors had learned that Capone agents thad obtained the names and addresses of 100 veniremen called for Judge Wilkerson's court and had aiready approached 10 of them.

"At the last moment." he said, "Judge Wilkerson sent his whole venire to Judge Barnes and Judge Barnes sent his to Judge Wilkerson. Thus we got a venire that the Capone agents knew nothing about "The presecutor added that the pistol brought into court by Camona's extend

about."

The presecutor added that the pistol brought into court by Capone's friend. Philip d'Andrea, was carried for a definite and serious purpose.

"It was a death threat for a cartain witness to make sure his memory would be defective on the stand," he said.

Capone was convicted and sentenced to 11 years. D'Andrea was sentenced to jail for six months for carrying the weapon.

Washington Har 12/8/31

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WH:DSS

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

December 16, 1931.



DEC 161031 PM

MEMORANDUM FOR THE DIRECTOR.

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On the 15th. instant Special Agent in Charge McSwain called on the telephone and advised that a conference was then in progress in the Bureau of Investigation between Assistant United States Attorneys and the Warden of the jail at hicago relative to the reported privileges granted to Al Capone; that the office of the United States Attorney, after considering the facts in the case had decided that if the allegation proved to be true the same would constitute a Contempt of Court punishable in the Federal Court and that he, Mr. McSwain, anticipated that he would probably receive a request at the conclusion of the conference to conduct an investigation by interviewing the Deputy Wardens and employees about the jail. Agent in Charge McSwain was advised that in the event he did receive such a request from the United States Attorney he would be authorized to proceed with such an investigation.

Very truly yours,

W. W. Hughes.

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M. S. Department of Justice

RECEIVED

Bureau of Investigation

P. 0. Box 1405, Chicago, Ill.



DEC 1 0 1931 AT

December 7, 1931.

9-180

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

Dear Sir:

Re: Alphonse Capone; Kenneth Phillips, M.D.; Contempt of Court;

Per jury.

With reference to the above entitled case, please be advised that the United States Circuit Court of Appeals has rendered no decision on the appeal of Subject Capone from the sentence imposed by United States District Judge James H. Wilkerson on March 2, 1931, at Chicago, Illinois.

Pending the decision of the Circuit Court of Appeals on the appeal of Subject Capone, no action will be taken by the United States Attorney regarding the prosecution of Subject Phillips.

Very truly yours,

W. A. McSwain,

Special Agent in Charge.

WALL: RMB #69-19

Form No. 1

FILE NO. This gase originated at Chic go, Illinois

MONEYPENNY, Superintendent CIBSON, Assistant Superintendent COOK GODNING 1"IT



Informents allege undue liberties and special privileges being granted Alphones Capone, Tederal prisoner incarcerated in the Cook County Jail. Interrogation of Subjects, other efficials of institution, and prisoners unproductive of evidence to substantiate allegations.

AT CHICAGO. ILLINOIS.

This investigation is predicated George E. Q. Johnson, United States Attorney, Wicago, telegrem received by Honorable James H. Wilkerson, Intellect District Judge #Unicago, Illinois, from an anonymous seurce, which telligram was handed to Agent by Judge Wilkerson for appropriate attention

On December 14, 1931, a conference was had in the office of the United States Attorney, Chicago, Illinois, at which time there were present Mr. Johnson, United States Marshal H. C. W. Laubenheimer, Mr. William Fromlich, Special Assistant to the Attorney General, Mr. Dwight Green, etc. Assistant United States Attorney, Mr. Arthur R. Medden, Special Agent in: Charge, Intelligence Unit, Treasury Department, and this Agent. Mr. Johnson dvised that he had received a telegrem from an anonymous source, alleging

DEC 1 9 1931

REPORT FURNISHED TO: Pureau ಸ್ಟ್ರಿ.೦ಟ್ರಂ District Judge Wilkerson

DETAILS:

that Alphonse Capone, a federal prisoner now intercereted in the Cook County Jail, is receiving special privileges and undue liberties. This telegram is identical to telegrams received by Judge Wilkerson and Mr. David T. Moneypenny, Superintendent of the Cook County Jail. In addition, information has been received by Mr. Madden, as well as Mr. Johnson, from informants concerning special privileges extended to Alphonse Capone. A resume of the information at hand and which was discussed at the above conference is as follows:

"Information has been received from time to time to the effect that Al Capone, since he has been confined in the Cook County Jail, has been receiving many privileges not accorded to ordinary prisoners. In the first place, it is said that he has been assigned to commodious quarters in the jail hospital, and that Philiph D'Andrea and Three-Fingered Jack White, who are also incarcerated in the jail, and who occupy quarters removed from the one, are very frequently permitted to visit Capont in the hospital quarters, and stay with him as long as they see fit.

It is said that Capone is allowed to receive visitors, sometimes in large numbers, at almost any hour of the day or night, regardless of the regularly established rules for visiting. Among those who are said to have visited Capone with greater or less frequency, and often at irregular hours, are Jack Guzik, Mrs. Jack Guzik, Sack Guzik's son, Frank Rio, Paul, Villa, Lefty Louis (Little New York), Hymie Mevine, Red Barker, Dann Serritella, Harry Hochstein, Miller the bondsman, Alderman Prigano John Patton, Congressman Grenata, and Italian alderman whose name is not definitely known, another Italian said to be a sanitary district Trustee, Porky Dillon, Murray Kumphries, John User, Georga Howlett, Bon-Bon Allegretti, John Torrio, Marion (Al's girl friend), San Hars, Rocco/DeGrezzia, Elistroig, and others.

It is said that on Thanksgiving Day, Capone was permitted to have a dinner in the jail, at which time he had twenty or more guests. It is said that the dinner was prepared by a ceterer or by some extering company, and was thereafter brought into the jail.

It is stated that on Monday, December 7, 1931, spone were ived some twenty or twenty-two Italians and others from Berrale, flow York, and elsewhere in the East.

It is said that Capone has been permitted to keep a supply of whiskey in the jail, which he serves to his guests.

It is alleged that Bon-Bon Allegratii on accasions has absorted a number of women to Capone's quarters in the joil and that on at least one occasions, these women int on a bacene performance for the entertainment of Capone's guester.

It is said that Capone's woman, Marion, has been permitted to visit him in his quarters in the jail on numerous occasions.

It is said that Capone has access to a telephone in the jail, and that opportunity has otherwise been afforded to him to conduct his illegal operations while incarcerated in the institution. It is stated that his liquor business has been continued from the jail, largely through Hymie Levine, Jack Guzik, and Frank Rio.

It is alleged that Red Barker, the Labor racketeer, is a frequent visitor to Capone, and that together they have been planning various illegal Labor activities.

It is stated that Capone directly or through his representatives had distributed large amounts of money to jail employees, particularly to Superintendent Moneypenny and a man named Gibson, who is said to be one of Moneypenny's assistants.

It is stated that some time within the past two or three weeks.

Superintendent oneypenhy, with some other many had business in

Springfield, Illinois, in connection with the case of Frankfiell,
who is under sentence of execution on a murder charge. It is

stated that Moneypenny and his associate took women with them to

Springfield, Illinois, or met women at Springfield, and that
Capone or his representatives furnished a substantial quantity of

li nor to be used in some form of a celebration in connection with
the trip to Springfield. It is recited that there are several

hospital patients in the jail who bleep in a cormitory adjoining Capone's quarters, and that Capone has been permitted to similar himself with respect to these prisoners very much as master and servant.

The following telegram, en December 2, 1931, was sent to Federal Judge Wilkerson, United States Attorney Johnson, and Superintendent Moneypenny:

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 COMING ALL
DAY LONG AS WELL AS IN THE EVENING I AM EMPLOYED AT THIS
BRANCH OF SERVICE AND CAN NOT UNDERSTAND WHY EVERY PRIVILEGE
IS EXTENDED TO HIM AND NONE TO THE OTHERS PLEASE INVESTIGATE

(SIGNED) A"

Investigation by this office disclosed that the above message was delivered to the Western Union Telegraph Office at 1512 W. Medison Street at 8:28 P.M., December 2, 1931, by a white man who is described as being 5'9" tall, 55 years of age, and attired in dark clothes. The messages were typed at the time they were brought in and the innivious pringing them in laid them on the counter of the office with \$1.25 and told the Western Union employee, Miss A. Kuleta, to send the messages and keep the change."

Mr. William Froelich, Special Assistant to the Attorney General; at the request of Mr. Johnson, rendered an opinion that the irregularities, if true, would constitute contempt of court, notwithstanding that Capone was not actually committed to the Cook County Jail by the Court, and is not serving a sentence. As a matter of information to the Euredu, it will be stated that Capone has been remanded to the custody of the United States Marshal by the Court, pending an appeal to the Circuit Court of Appeals, and the Marshal in turn has placed Capone in the Cook County Jail for safe keeping.

The advisability of initiating an inquiry in connection with this case was discussed at the conference, and Mr. Johnson was of the opinion that

newspaper publicity would in all probability be attendent to an inquiry of this nature, and thus, in the absence of any information of an avidentiary character, or anything to positively indicate that the allegations were true, he believed a general investigation unvise. Accordingly, he suggested that Superintendent Moneypenny and the other officials of the institution be openly approached before following the matter further.

Accordingly, Mr. David T. Moneypenny, Superintendent of the Cook County Jail, was questioned at the Chicago Office of the Bureau on December 15, 1931, by United States Marshal Laubenheimer, Assistant United States Attorney Clawson, Mr. Madden, and Agent. Mr. Moneypenny stated that Al Capone is confined in the hospital ward, located on the fifth floor of the Cook County Jail; that this hospital can accommodate approximately twelve prisoners, but that the average sumber of inmates of the hospital since the incarceration of Capone therein has been four; that Capone was placed in the hospital ward rather than in a regular cell block because a man of his character would undoubtedly cause considerable trouble if placed in a cell block with forty or fifty other prisoners. The charges in question were called to Mr. Monaypenny's attention, at which time he stated that he had no knowledge of any such privileges being granted Capone or any undue libertles being taken by that individual. He recited that visitors are allowed to see Capons on a pass, which is issued either by himself or one of the Assistant Superintendents; that these passes are a matter of record for the past thirty days, but passes issued prior to that time are not available; & inamuch as when they become a month old, they are destroyed. He recited that visitors seeing Al Capone must talk to the latter through the wire mesh, and none other than his attorneys and possibly Capone's mother and sisters are permitted to actually enter the hospital and takk to Capone other than through the wire mesh. He denied that D'Andrea or Three Fingered Jack White were permitted to visit with Capone or that Capone kept whiskey in his cell. Likewise, Mr. Moneypenny denied any knowledge of any women visiting Capone's quarters other than Capone's mother and sisters. The various allegations previously mentioned were all denied by Mr. Moneypenny, and he stated that if such conditions were existing, that it was without his knowledge, and certainly without his sonsent. Mr. Moneypenny did state that food is sent in twice a day from the outside for Capone, but that this is not an unusual practice, as all prisoners are permitted to receive food from the outside. Mr. Moneypenny was of the opinion that this food was being sent in by Capone's mother, but was unable to advise authoritatively.

Mr. Moneypeany stated that aphone in the ho quarters but that this is a local phone and no prisoners are permitted to use this telephone for making calls outside of the prices. With-regard to the allegations concerning money, Mr. Money panny regited that when? Capone came to the institution, he had \$500 which was deposited with the Chief Clerk, and no additional deposits have been made by Capone since 🕒 that time. Mr. Moneypenny was unable to give detailed information regarding the withdrawal of this money, but stated that seme is a matter of record and is available. Mr. Moneypenny denied that he had received any money : from Capone, or had eaten meals with him in the institution. Mr. Moneypenny offered his cooperation in the investigation, and agreed to have the other Assistant Superintendents and such persons as were deemed 🛬 necessary, call at the Chicago Office for interview. This procedure of having the officials come to the Chicago Office, rather than be intergieved at the County Jail, was deemed advisable by Assistant United States Attorney Clawson, in order to preclude the possibility of newspaper publicity.

While Mr. Moneypenny was in the Chicago office, Assistant Superintendent George Gibson of the Cook County Jail was called in and questioned. He corroborated the statements of Mr. Moneypenny concerning the reason for placing Capone in the hospital ward, and stated that to his knowledge no such privileges have been extended to Capone or undue liberties granted him. Mr. Gibson related that except on visitors day, which is once a week, all persons visiting Capone must have a pass, which pass is either issued by Mr. Moneypenny, himself, Gibson, or one of the other Assistant Superintendents. Mr. Gibson was confronted with all of the allegations hereinbefore mentioned, and denied any knowledge of same. Upon questioning he admitted that some time ago Superintendent Moneypenny had received certain anonymous communications concerning privileges being granted Capone, and that at Mr. Moneypenny's instance, he made a personal investigation, but found no evidence to substantiate the allegations.

While Mr. Moneypenny and Mr. Gibson were in the Chicago office, errangements were made to have John O. Baster, an immate of the hospital ward, brought to the Chicago office for questioning.

John C. Bester, immate of the Cook County Jail, under sentence of one to fourteen years for forgery, was interviewed, and stated that he has been in the Cook County Jail since March, 1931; that he is designated as the attendant of the hospital ward, and is charged with the duty of cleaning the hospital ward and caring for the sick petients confined therein. He drew

diagram of the hespital, which is attached hereto and marked Exhibit I which shows the bed occupied by Capone. It will be sated from this Exhibit that the hospital consists of one large rotal especie of the Property diolding twelve beds, and one ante-room which contains one bedrations stated that Capone sleeps in the large room and that the bed in the ante-room is used by any patient who has a contagious disease. The recited that the door connecting the main room of the hospital and the ante-room is never locked and that all prisoners in the hespital room have absolute access to both of these rooms; that visitors being brought to the hospital room sit on the outside of the wire mesh in the ante-room and the inmetes sit on the inside of the wire mesh in the ante-room of the hospital ward. He states that Capone has an average of three or four visitors daily but that these visitors always talk to Camme through the wire mesh and are never permitted to enterthe hospital ward itself; that the only visitors to see Capone whom he knows are Capone's mother, sisters, and one brother. "He does not know their names, but states that Capone pointed them out as his relatives. Baster states that all of the prisoners eat together on one table in the large room in the hospital, and that Capone, who is a very light enter, sits at Ulls table with them. Baster recited that Capone has two meals sent in each day, one at noon, and one at night; that Capone usually eats these meals in the large room with the other inmates of ... the hospital and shares his food with them at times. Baster claimed he did not know who prepared this food, but assumed that it was Capone's mother. He also recited that on occasions he has seen Capone's lawyers and Capone's mother inside the wire mesh in the ante-room, but has never seen any other visitors there. He denied that he had ever seen any whiskey in the hospital quarters in the possession of Capone or .. any of the other immates, and that likewise, no women had ever visited there and put on an obscene performance. He likewise stated that no women prisoners or other women have been permitted in the hospital to see Capone or anyone else.

Baster recited that the noen Thanksgiving meal was eaten in the main room of the hospital by all of the prisoners, and that Capone was at this meal with them. According to Baster's recollection, there were present at this meal Capone, Prisoner Novak, Prisoner Keenan, a colored prisoner whose name he does not know, and himself. He stated that Capone had food brought in for the evening meal on Thanksgiving Day, but would not be specific as to whether this meal was eaten by Capone in the ante-room or in the main room with the other prisoners.

He denied seeing any other prisoners eating Thanksgiving dinner with Capone in the ente-shember, and scouted the idea. The various other allegations mentioned above were gone into with Baster but he denied ... knowledge of any of them, and positively stated that Capone is receiving no privileges or liberties not granted to other prisoners. He stated by that the hospital is not commodicusly equipped and that the ente-room is not used by Capone exclusively, but is used by all the inmates of the hospital. When questioned concerning the deer connecting the ante-room and the main room of the hospital, he stated that this four is usually open, but could not advise as to whether it is possible for same to be locked. He was rather hazy and vague on questions concerning the possibility of Capone locking the door connecting the ante-room and the main room and indulging in liberties in the ante-room. Baster stated that to his knowledge, neither Philip D'Andrea nor Three Fingered Jack White, who are inmates of the Cook County Jail, had ever been permitted to visit Capone in the hospital ward. He states that Capone plays cards with the other prisoners, reads, and does his share of the work; that Capone does not assume the attitude of master over the other prisoners. Bester denied that he had ever received any money from in its Capone, or was aware that Capone is distributing any money to prisoners or officials of the institution.

Edward Conittell, Assistant Superintendent, Cook County Jail, residence 1647 Birling Street, Chicago, Illinois, advises that he works at the institution from 7:45 A.M. to 5:45 P.M. and has been on this shift since the first of October; that one of his duties is to circulate throughout the jail every morning and take requests from the prisoners for special passes; that Capone usually asks for two or three a day and that sometimes these are granted and sometimes not; that he is not acquainted with any of the visitors that come to see Capone other than Capone's mother and sisters and brother; that Capone's mother usually comes once a day and Capone's sisters, three times a week; that he has never seen any other women come to visit Capone, and that the length of the visit of Capone's mother and immediate relatives is usually from ten to forty-five minutes; that while on duty he has never allowed but one individual to see Capone without a pass, and that was Capone's. brother. Mr. Nittell states that he was on duty on Thanksgiving Day, end during the noon hour visited the hospital and found Capone and the three other immetes of the hospital having dinner in the large room of the ward; that there were no visitors present, and likewise no whiskey being consumed. He states that he has never saten with Capone, and to his nowledge, no visitors have ever taken meals with him. With regard

to risitors being allowed in the quarters with Capone, he states that this has never happened to his knowledge, and that all of the visitors with the exception of Capone's mother and lawyers are required to remain on the outside of the hospital ward and talk through the wire mesh. Capone's lawyers and his mother are occasionally permitted to enter the hospital ante-room and talk personally with Capone, but this is done only when an official of the institution or a guard is present. He states that he himself on one occasion has taken Capone's mother up and allowed her to talk to Capone in the ante-room, but that he was present all the while and took her out of the institution upon the conclusion of the visit, which was approximately thirty minutes. He states that the largest number of visitors he has ever seen Capone have at one time were three, the names of thom he does not recall; but whom he beliaves to have been Italians.

Mr. Nittell generally denied all of the allegations hereinbefore mentioned, and positively stated that to his knowledge no such
privileges or undue liberties were being granted to Capone.

in. Equare JimeDonald, Assistant Superintendent, Cook County Jail, residence 1904 George Street, Chicago, Illinois, states that he has been at the Cook County Jail for three years, and at the present time is working from 4 P.M. until 12 P.M. He stated that during this period he circulates through the jail and visits the hospital ward; that no visitors are ever allowed at the institution after 4 P.M. and that the lights of the institution are cut off at 9, P.M. With regard to the hospital, he states that the lights are cut off at 10 P.M., but that by reason of the arrangement, it is possible for the inmates of the hospital to cut on the lights after the guard has gone. Mr. McDonald denies that any large number of visitors had ever been to see Capone, and states that to his knowledge the usual average of visitors to see Capone is approximately three or four per day. although he has no positive knowledge someorping this as he does not report to duty until 4 P.M., at which time all visiting hours are over; that on one occasion since Capone has been in the institution, the work latter's mother called at the jail after 4 P.M., and not having a pass, the doorman notified him, McDonald; that he made an exception and took Mrs. Capone up to see her son and remained with her there for a few minutes, but that this is the only occasion he has ever permitted any visitor to see Capone after 4 P.M.; that Capone usually has his dinner sent in each evening, and that this is taken up to the hospital by some guard at the institution; that he does not know who prepares these mouls or who sends them in, but that this is a usual custom for

prisoners to have meals brought in from the entside. He Menied agecifically the various allegations contained herein and stated that to his knowledge no special privileges have ever been granted Capone and no made liberties taken by that individual. With regard to Red Barker, he stated that this perty called at the jail one evening about 7 P.M. but that he refused to permit him to see Capone. McDonald denies that any liquor is allowed in the hospital ward or that any women have been entertained by Capone.

Herman Jordan, Assistant Superintendent, Cook County Jail, residence 6045 Dorchester Amenue, advised that he has been employed by the Cook of County Jail for three years; that his hours are from midnight to 8 A.M.; that he is the only Assistant on duty at this time, and is therefore in complete charge of the institution; that he makes the rounds of the institution about every hour and can positively state that during his shift no visitors whatever have ever been allowed to see Capone or anything irregular has occurred in the hospital ward. He states that he fre uently goes to the hospital ward during his shift and sees Capone and the other inmates sleep; that Capone sleeps in a bed in the large room of the hospital with the other prisoners, and does not use the ante-room as his exclusive quarters as charged. Mr. Jordan was very positive in his statements that none of the alleged privileges and undue liberties have ever been extended furing his shift, namely, from midnight to 8 A.M., or for that matter, during any other time.

Mr. John Dohmann, Relief Assistant Superintendent, Cook County Jail, residence 1463 Rascher Avenue, Chicago, Illinois, was interrogated in the presence of Assistant United States Attorney Clawson, and stated that his hours at the institution very; that on some days he is on the day shift, while at other times he is on the night shift. He states that he while on duty makes the rounds of the prison and is very femiliar with conditions there, and is positive that if any special privileges were being extended to Capone or any undue liberties being exercised by that individual, that he, Dohmann, would be aware of it; that he saw Capone for the first time on December 15, in the morning, at which time while on duty, assistant Superintendent Gibson banded s him a pass and told him to take Capone's mother and sister up to see Capone; that they talked to Capone through the wire mesh, and did not go into the ante-room; that he has never seen any other women there to see Capone other than the above relatives; that he believes the allegation concerning the obscene show is ridiculous, and likewise, he

is positive that Capone has no Riquor in the hospital. In states that he has never received any complaint from any of the other prisoners concerning such privileges to Capone, and likewise has never been aware of any unusual conditions existing. He states that he is positive that if such conditions were existing, even though while he were not on duty, that he would receive some information concerning them.

Dohmann is of German extraction, and was very frank in his answers and created quite a good impression.

Mr. Joseph Novak, Officer, Cook County Jail, residence 2284 Melrose Avenue, Chicago, Illinois, was interrogated. He advised that he has been an officer of the institution for 23 years, and works from 7:50 A.M. to 3:50 P.H. According to Novak, while on duty he has charge of the fourth and fifth floors, known as the to and D blocks. This includes the hospital ward, and accordingly, Novak has supervision over this part of the institution. He states that the largest number of immates that have been in the hospital ward since Capone has been incarcersted therein has been four, and that at the present time the inmates at the hospital are Baster, prisoner Novak, and Capone; that these prisoners all live in the large room of the hospital and eat their meals there together. He likewise stated that Capone has two meals sent in each day, but that he does not know by whom. It is his belief that these meals are eaten by Capone in the large room with the other prisoners and the food at times shared with the other prisoners. ' He states that he has never permitted any persons to see Capone after visiting hours and has never allowed any person to see Capone even during visiting hours without the regulation pass except on visitors day, when no passes are rejuired. The various allegations mentioned herein were fully discussed with Officer Novak and he denied that any of same are existing at the present time, or have existed while Capone has been incarcerated in the institution. He states that Capone has never given him any money or offered him any, and that he himself has never extended any special privileges to Capone.

William A. Daley, Guard, Cook County Jail, residence 5808 8.
Sacramento Avenue, Chicago, Illinois, was interviewed and states that he has been employed as a Guard for about 20 months, and that his hours are from 7:45 A.M. to 5:45 P.M. Daley states that he has charge of the various prisoners who are termed as Trusties, and who perform the various

jobs in the jail; that twice a week he cleans the hospital ward, and that during the rest of the time the attendant, Baster, is charged with the duty of keeping the hospital clean; that it is Baster is duty to care for the sick immates and so all the work necessary in the hospital ward; that he has never been in the hospital thile visitors were there, and has nothing whatever to do with the admission of visitors to the institution; that he has never seen any women in the hospital or visiting Capone, and has no knowledge of any liquor being consumed there. Mr. Paley was questioned at length but could supply no material information regarding the matter in question.

At the Cook County Jail, Mr. H. C. Pfeuffer, Chief Clerk, was interviewed by Special Agent H. E. Hollis with reference to the disbursements made by Alphonse Capone since his incarceration in the Cook County Jail. In the presence of Agent Hollis, Mr. Pfeuffer exemined the records, and his records disclosed that under date of October 26, 1931, Mr. Capone deposited with the Chief Clerk the emount of \$500. On November 4, 1931, on order of Capone, \$100 was delivered by the Chief Clerk to a Mrs. Kaviceki, and under data of November 24, 1931, \$100 was given to Mr. James Cabries by the Chief Clerk. Under date of December 8, 1931, the amount of \$200 was disbursed to Mr. J. Russell, so that at the present time there is a balance of \$100 in the account of Alphonse Capone. The purposes for which these disbursements were made are not reflected on the records.

Mr. Joseph Keller, Law Clerk at the Cook County Jail; was interviewed by Special Agent H. E. Hollis with reference to the passes issued to visitors calling to see Mr. Capone. Mr. Keller advised Agent Hollis th t the method in providing passes is as follows: The Assistant Superintendent of the institution calls on each prisoner daily and re uests him to furnish the names of persons who will visit the prisoner during the following day. This list is then sent to the Superintendent's office and the passes made out by a minor administrative official. When the visitors call at the Cook County Jail, it is determined whether a pass has been issued for that particular individual, and if so, he is admitted to see the prisoner. Mr. Keller was requested by Agent Hollis: to produce the passes as to the visitors calling to see Mr. Capone since his incarceration in the Cook County Jail. Mr. Keller stated that all of the passes had not been retained, and that the only passes in his & possession at the present time are those passes issued since November 25, 1931, the balance having been destroyed. Mr. Keller further stated that there was no definite rule at the institution as to the period of time

these passes shall be retained. An examination of the passes issued for visitors to see Capone since Movember 23, 1931, was made, and it appears that seventeen passes were issued. These passes so not reflect the name of the visitor, but carry the designation as either "wife", "mother", "cousin", "brother", or "friend". In some instances, the passes provide for two cousins, other instances, two friends, and likewise, - so that more than one individual was admitted to see Capone on one pass.

These passes reflect the following visitors:

November	23,	1951	1 cousing
₩ 1	84	المعطوسة المائية المعادية	Wife.
•	27		1 friend.
pi 🖈	27		Mr. Hockstein.
-	2 8		2 cousins.
••	3 0		Mrs. A. Capone.
Dec.	2		2 friends.
. 🖶	-6	er german er	Brother, many ways many and was
=	6		Mrs. A. Capone and friend.
	7		Wife. To y at the state of the
. #	8		Brother and one.
, ₩	. 9		S cousins.
**	11		Mrs. Capone, Mother and two.
•	12	, - · · · · · · · · · · · · · · · · · ·	Wife.
*	14		Brother and sister.
	15	,	2 friends.
	15		Mother and mister.

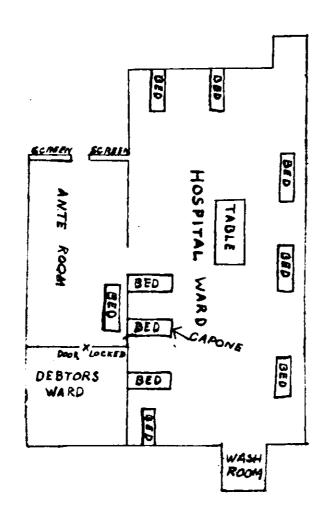
These passes all bear the initials T. K., indicating that Mr. Keller, the law clerk, approved all of same. Mr. Keller informed Leent Hollis that he was unable to make any statement as to the identity of any of the individuals visiting Capone, on the passes in question. He further stated that the passes on which the name of Mrs. Capone or other relatives appeared, he was not positive that the persons visiting Capone were actually the ones named in the passes. The only persons confined in the hospital ward on the fifth floor of the Cook County Jail at the present time are Al Capone, Walter Novak, and John O. Baster.

Mr. Welter Howak, immate of the hospital ward, upon interplem by Special agent H. E. Hellis, stated that he was presently wader a life sentence, and that he would make no statement of any mature to this agent, and refused to discuss the instant matter in any manuer.

Agent Hollis visited the hospital ward and ascertained that the arrangement of seme is in accord with the diagram alluded to above and marked as Exhibit A. At the time of this visit on the part of Agent Hollis, he observed nothing in the hospital ward other than the regulation prison equipment consisting of beds, tables, and chairs. The bed occupied by Capone is in the large room of the hospital ward and is no different from the beds used by the other prisoners. In addition, we Hollis states that from his exemination, there does not appear to be any luxuries or special accommodations provided for this prisoner other than those enjoyed by all of the inmates of the hospital.

The above facts were discussed with United States Attorney
Johnson and likewise there was discussed the advisability of subpoenaing
before a Federal Grand Jury the persons mentioned in this report, as well
as those individuals who are not immates of the institution but who are
alleged to have visited Capone. Mr. Johnson was of the opinion that an
inquiry of this character would naturally result in considerable
newspaper publicity, and in view of the facta to date, he did not believe
such action warranted, and that further inquiry would be unnecessary at
this time. In addition, Mr. Johnson informed agent that arrangements
had been effected with Mr. Moneypenny to the effect that henceforth,
no persons shall be allowed to visit Alphonse Capone in the Cook County
Jail without a pass from the United States Marshal.

A.S. Department of Instice Bureau of Investigation



HOSPITALOWARD

1904 July for your grander I

23

69-180-95

M. S. Bepartment of Justice

Bureau of Investigation P. O. Box 1405 Chicago, Illimois



December 18, 1951

DEC 2 2 1931 PM

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

69-180

Dear Sir:

With reference to the investigation conducted by this office concerning alleged undue liberties granted Al^OCapone, who is now incarcerated in the Cook County Jail, there are attached hereto as of possible interest powspaper clippings taken from Chicago papers.

Special Agent in Charge

WAM: AB 3 Inclosures

RECORDED INDEXED

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MOLTABLESSY 1931 P.M. NT OF JUSTICE

CHICAC. DRILY

U. S. Opens Inquity Into Capone Gang Rule From County Jail Cell

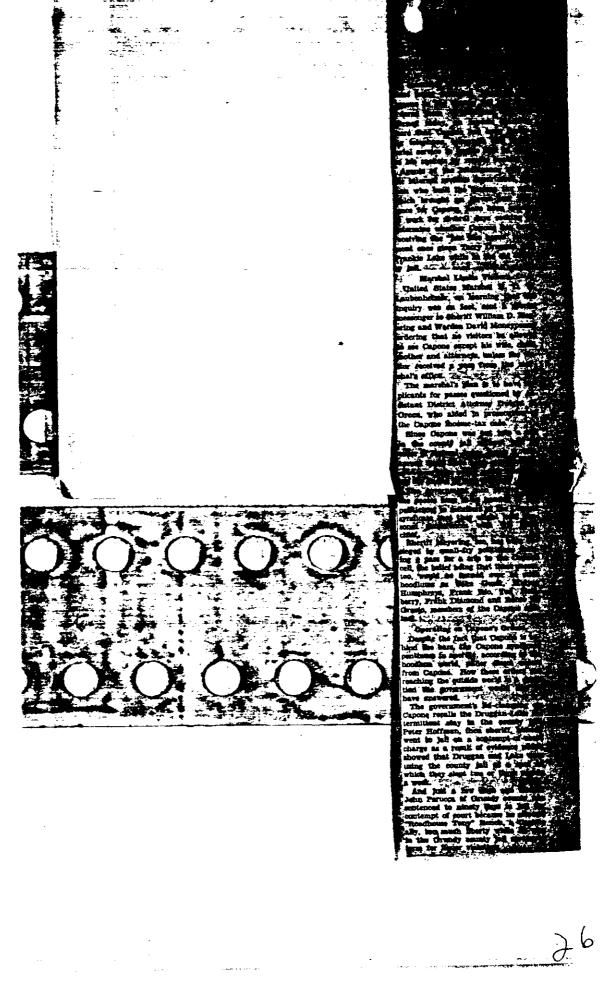
Racket World Operating on Schedule Under Mysterious System

MARSHAL CLAMPS

A searching inquiry less the ment jette accorded "Scarlans id".
Capone in the county just her most ordered from Washington, id, was learned today, im reports established there that. Capone this lessing sending the sending to the sending sending the sending to the sending sending to the sending sending to the melants by relating sending to the injuries of the limitation of the sending sending sending to the sending sending sending to the sending sendi

United States Marched M. Caubenheimir, on learning the Laubenheimir, on learning the Integrity was do feet, and of commonwayer in Statest William D. May sering and Worden David Matasappear serioring that the Capanay income the William Capanay income the William Capanay income the William Capanay income the William Capanay in July 1988, and 1988

69-180-96





Val. 1. No. 80

Pall Associated Press Service

CHARGE CAPONE RULES FROM JAIL; U. S. PROBES

Investigation of the treatment ac- mitted to me a toler corded Alphonse Capone at the county telegrams, employ a jail was ordered today by officials of hold conferences with me the department of justice at Wash-board of directors, Marray Humphreys, ington following reports that Al still Frank Rio, Tell Newberry, Frank is operating his enterprises.

U. S. Marcha! W C. Laubenheimer some time ago ordered that as one be admitted to the gang chief's cell without a special pass from him, except Al's wife, child, mother and attorneys. Since then, Laubenheimer of Stickney, while he was a said, he had been besieged for requests in the Grundy county jail. for passes by politicians who, he fears, turn the papers over to Capone hench-

investigation into reports of Capone's Lake to use the county fall as a mailcontinuing influence and especially to ing address while they termine whether he has been per posedly serving a center

Diamond, Rocce De Gre Curit.

Sheriff John Perucca of Morris, Ill. several days who was sentenced M serve 94 days in jull for special favore granted to Tony Rench, former mayor

The investigation into Capone's in finence also recalled the Agents of the special futelligence Hoffman several years ago for perunit were ordered to conduct a quiet mitting Terry Druggan and Frank

69-180-96

Gangsters Daily Visitors at Jail, Tipster Wires Washington; Al Living in Luxury

MYSTERY CALLS TRACED

Warden and Aids Questioned; Politicians Linked: Ban on Passes Ordered by Marshal

(Pioture on Back Page.) 🦯 Officials of the Department of Justice and officers of the United States District Court here have conducted a searching inquiry into reports that Al Capone has been accorded special privileges in the county jail, it was admitted in Washington last night.

The investigation, it was revealed. began ten days ago when three anonymous telegrams, all worded the same, were received by Federal Judge James H. Wilkerson, United States District Attorney George E. Q. Johnson and Warden David Moneypenny of the jail. HOODLUMS DAILY VISITOHS.

They asserted that Capone was receiving hoodlum henchmen daily as visitors, that he was allowed to make phone calls and send telegrams and, in short, was running his underworld machine from behind the bers.

The order came from the Department of Justice at washington that the inquiry must be pushed to the limit to determine whether the inrisible bower of the Capital maer than that of the government, which makes that law.

PARINE OF PROPER CASEA Investigators reported last at Day "had been unable to sul tiets" information that Cupons ad meed telephone and telegraph to direct gang operations. There pras no comment, however, en elle umber and identity of his visitors at the jell at all hours of the day.

Nor was anything said shout the "anofficial" report that Capone, in jail or temporarily out, had held comference with his gang intimates at

micht.

When investigators visited the fail they found Capone confined to dormitory on the fifth floor, where he has the use of a comfortable hospital sot, a soft mattress, clean linen and a private

Turn to Page 2, Column 2.

CAPONE PASS PLOT N

Continued From First Page.

shower. Buch comforts are not aldowed to the ordinary run of prisoners, who must occupy cells in the tiers and find restricted relaxation in the "bull pens."

STREAM OF CARS NIGHTLY.

They discovered that late at night expensive automobiles were parked within the jail shadows. Guarding were men who had every appearance of hoodlums. The pres-ence of these cars has not yet been explained, and federal investigators would not reveal whether any of the men had been questioned.
It was learned definitely, how-

ever, that Warden Moneypenny, Deputy Warden George Gibson and several guards and prisoners were interrogated to learn the nature of Al's life in jail.

BAN ON VISITORS ORDERED.

When this questioning was over, an order was issued by U. S. Marshal H. C. W. Laubenheimer that no one should be allowed to wisit Capone without a pass signed by the marshal or his chief deputy, Edward A. King.

Exceptions were made in the cases of Capone's mother, his wife. his son and his lawyers, Albert Fink and Michael J. Ahern.

Even when the pass order was issued, the determination to see Capone persisted, as shown in the flood of requests for these tickets. POLITICIANS INVOLVED.

Laubenheimer said he had been tterally bessiged with repe passes by petty politicians who, he

fears, may turn them over to Al's lieutenants. Strengthening this suspicion is the conviction that the better known Capone leaders would hesitate to apply, themselves, for a pass from the marshal.

Raiph Capone Sends Seif a Christmas Greeting!

Ralph Capone, who is serving a three-year sentence for income tax evasion at the McNeil Island federal prison at Seattle, is devoting his leisure to the interior decoration of his cell, according to word received from the prison yesterday.

He has festooned the four steel walls of his sleeping quarters with little red balls and with green and white crepe paper. And on the lintel of his cell door he has chalked

a greeting to himself: "Merry Christmas!"

Xansas City Journal-Post

December 18, 1931

OFFICIALS DENY AL CAPONE IS DIRECTING GANG

U. S. Investigation in Jai Finds No Basis for Reports.

CificAGO, Dec. 28.—The federal investigation of AliCapone's sojeurn that respect the sense with announcement that reports the gang chieftian was directing his stime syndicate from behind the tern were unfounded.

The investigation, canducted by United States District Attorney, George E. Q. Johnson and United States Marshel E. C. W. Laubenbeimer, revealed that while the big fellow" was not carrying on his fasterests by telephone, telegraph and special messenger, as an anaponymous telegram to Johnson had declared.

White-haired Warden David Moneypenny, who takes pride the Cook county's "crack proof" jail, indignantly denied charges that Capone received special privileges while awaiting outcome of his appeal from his income tax sentence.

"These charges are a let of poppycock." Moneypenny declared. "Capone's in a cell like any other hoodlum. He's getting an special privileges and I'm not letting anyone see him unless I know who he is and what he wants."

Marshal Laubenheimer, when informed that Washington officials had directed an inquiry into Capone's jail life, ordered that all visions except the gangster's wife, child and shother must have a pass from the marshal.

DIVONE STONE

DEC 231931 PM

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INDEXED HIS

69-180-967

ILS. Department of Justice

Bureau of Investigation

P. 0. Box 1405, Chicago, Ill.

December 19, 1931.

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

Dear Sir:

There is attached here to as of possible interest a clipping taken from the Chicago Herald and Examiner, Chicago, Illinois, under date of December 19, 1901, relative to the recent investigation concerning alleged liberties granted AT Capone, an inmate of the Cook County Jail.

Very truly yours,

McSwain. Special Agent in Charge.

WALLERIAS

LECORDED άz

DEC 2 1 1931

INDEXED

P.M.

BAR MYSTERY Pair on Final Visit to Capone

U. S. Blocks Al's Last Contact With Gang; One Arrival Hides Name; 'Weiss' Felled

Two mysterious applications for passes to see Al Capone at the sounty jail dormitory, where he has been living in comparative luxury, were rejected yesterday.

The applications were suspected as a final effort by the gang leader to communicate with his underlings before his contacts with the outer world are stopped entirely by the federal policy of vigilance.

MARSHAL ENFORCES BAN.

The order that no one may see Capone unless he has a pass signed by United States Marshal H. C. W. Laubenheimer or his chief deputy, Edward A. King, was issued after investigation of reports that hood-jum henchmen were visiting Al at the jail at all hours.

Al's wife, mother, son and lawyers are exempt from this ruling.

One of yesterday's applicants was a man who said his name was "Weiss," that he was going to California and that he wanted to bid his old friend, Al, adjeu.

The request was referred to Assistant District Attorney Samuel G. Clawson, who has been investigating the Capone liberties.

CLAWSON BLOCKS VISIT.

Mr. Clawson decided the California trip could be made without Weiss saying farewell.

The other pass applicant gave no name but said he had tailed to Marshal Laubenheimer and that the latter told him it would be "O. K."

When asked when and where he talked to Laubenheimer, the man gave an answer that Mr. King knew was impossible and he sent the man away.

Warden David Moneypenny of the County Jail explained why Capone had been assigned to the dormitory roem, with its hospital bed, soft mattress, clean linen and private shower hath, instead of a sell in a tier with ordinary inmates. "I didn't want him mangling with the other prisoners," he said, because I was afreid hird here a had Chicago Herseld 4 Examinar 12/11/31

Sinh

69-180-97

A. S. Department of Justice

Bureau of Investigation

P. 0. Box 1405, Chicago, Ill.





DEC 2 21931 AM

DIV.2

December 19, 1931.

DEC 2 21936 Fbr.

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

Dear Sir:

69-180

The Bureau's attention is invited to my report dated December 17, 1931, in connection with the case entitled DAVID TO TONIMPHINY, SUFERICTENDENT; GEORGE GIBSON, ASSISTANT SUFERICTENDENT, TOCK COUNTY JAIL; CONTENT OF COURT, which relates to alleged privileges gr nted Alphonse Capone, an inmate of the Cook County Jail.

It will be noted that the inquiry in question was conducted in a manner suggested by United States Attorney Johnson, who was very anxious to preclude the possibility of any newspaper publicity. Notwithstanding this fact, the newspapers received information regarding the investigation, copies of which newspaper articles have been forwarded to the Bureau.

Yesterday afternoon I again conferred with Mr. Johnson with a view to determining whether any additional investigation was desired, insatuch as the inquiry had been made public through the newspipers. Mr. Johnson expressed the opinion that he did not believe additional investigation warranted, and accordingly, no further action need be taken. Notwithstanding this decision of the United States Attorney which was a reiteration of the opinion quoted in the report alluded to above, I am holding this case open for a period of thirty days with a view to reporting any possible developments.

Very this Burs

BUREAU OF INVESTIGATION

W. A. McSwain,

Special Agent in C

PARTIE MISTINE

FILE N

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azi:RiB

69-180-95 BECORDED

DEC 28 1931

MEMORANDUM FOR ASSISTANT ATTOREST CHIZRAL TOUSCOUTSE

In the case entitled DAVED T. MORETPERST, et al.

there are transmitted herewith copies of the following reports:

Agent

Office

Date

T. A. Hodwaln

Chicago, Illinois

12-17-11

together with a copy of Exhibit I.

HOB

Yery truly yours,

Director.

DELLE TILES DIVISION Incl. # 729/02

DEC 23 1931

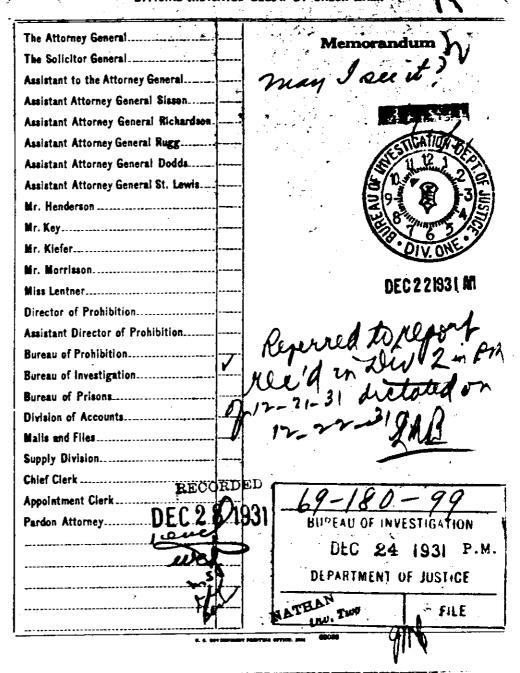
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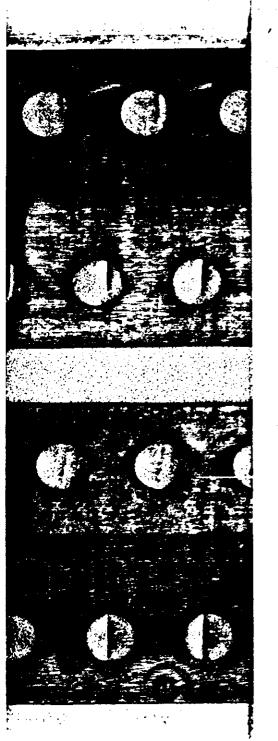
33

SCICTANT ATTONEY GE

ASSISTANT ATTORNEY GENERAL YOUNGQUIST

OFFICIAL INDICATED BELOW BY CHECK MARK





Department of Justice

UNITED STATES ATTORNEY
Worthern District of Illinois
826 Federal Building

CHI CAGO

Becember 18, 1931

Hon G. A. Youngquist, Assistant Attorney General, Washington, D. C.

My dear Mr. Youngquist:

I am in receipt today of a

copy of a report on the jail matter, and I assume that the original has been transmitted to the Bureau in Washington, so that it will be available. If not, kindly let me know and I will have a copy made and have same forwarded to you.

Yours very sincerely,

(s) George E. Q. Johnson,

United States Attorney

GEOJ:P

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69-180-99

CEIVED

DEC 30 1931

M. S. Department of Instice

Bureau of Investigation

POST OFFICE BOX 1405 CHICAGO, ILLINOIS.



DEC 291931 PM December 23, 1931.

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

Dear Sir:

In re: DAVID TAMONEYPENNY, et al CONTEMPT OF COURT

In connection with the above captioned case, Where is being transmitted, as of possible interest to the Bureau, an article which appeared in the *Chicago/Daily Times of December 21, 1931, relating to a trip made by Warden Moneypenny, Superintendent of the Cook County Jail, in a Cadillac car supposedly belonging to AlCapone.

Very truly yours,

E. P. GUINANE, Acting Special Agent in Charge.

EPG:MG

69-41

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JAN2 62

MARE WARDEN'S CAPI IN AL CAPONE'S MO Didn't Know Owner

which is lated in the Honne recircle for a Callilac car owned by MagiCallac car owned by MagiCallac car owned by MagiCallac car owned by MagiCallac car wife.

"The man who left the car said he county fail, Al Capone is now a fediment of the Cook car before in the Cook county fail, and cook car before in the Cook county fail, penitentary. Lincoln printed on Dec. 18:

Collina of Al Capone's lécylinder de Al Capone's lécylinder du la capone's lécylinder du la capone de la c la Lincoln Garage

Suest, though

In the car,

The case was to the Parker

Managemay of the county jail last week made at the jail.

The property with the prop

taken over Capully car pending settement of Chicago from the yesterday in the stended a hearman structured shaper, whose appeal supreme court.

Betarning from Springfield

Supreme court.

Three members of the Chicago mare here has might went on to re-

white trainfection notage disability valve trouble.

"The cur bore license No. 1.275 525, which is listed in the license received for a Calillac car owned by Manjica. At a wife.)

"The main who left the car said he southy fail. Al Capona is now a federal prisoner in the Cook county fail, a Capona is now a federal prisoner in the Cook county fail, bentlenting trainfar to Leavenworth.

Returning from Springfield

The warden, who evidently has there over Capone's permanal stairs, and he was returning to Cheage from Springfield, where he attended a hear-ling yeakerday in the case of Frank Bell, convicted slayer, whose appeal from execution in sending before the Springfield, where he attended a hear-ling yeakerday in the case of Frank Bell, convicted slayer, whose appeal from execution in sending before the Springfield, where he sending before the Chicago party here last night went on to Chicago party here last night went on to Chicago party here last and prohibition charges, it was add he had run through his left at 10 clock last night after the Capone car had been forced to sell his wife's lewelt to raise funds and was behind on payments on his two 16-levels for time funds and was behind on payments on his two 16-levels for the funds and Emment:

"On Monday, Dec. 14, in the company don and parole board in behalf of Prank Bell. Evans and the atternays called for me at my home in a large car, Later on the same day, we were returning when the car stailed at Lincoln, ill.

Walted for Car

"Lavy, Byrna and Evana want back by frain and the rost of us waited until the car get fixed. I discussed the stell matter with several people who were around the garage, teiling them who I am. I don't know now, nor did I know then, to whom the car be-

(Continued on page 4, ool. 2)

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(M.S. Bepartment of Justice RECEIVED Bureau of Investigation P.O. Box 1405, Chicago, Illinois. January 11, 1932. JAN 14 1932 AN Director, Bureau of Investigation, Department of Justice, 69-180 Washington, P.C. KNEWSPAPER CLIPPINGS Dear Sir: Attached hereto as of possible interest, is a clipping taken from the Chicago Herald & Examiner, under date of January 8, 1932, concerning the appeal of Alphonso, Capone from his conviction for income tax evasion. A. McSwain, Special Agent in Charge. WALL/cec

CHICAGO HERALD & KXAMINER JANUARY 8, 1932.

U.S. Court Ready for Capone Appeal

Al Capone's appeal from his conviction and eleven-year sentence for income tax evasion will come before the United States Circuit

before the United States Circuit Court of Appeals at its term beginning Tuesday.

Also on the calendar, made public yestersay, are appeals of Tony ("Mopa") Colpe from a deportation order, and of Jack ("Machine Gun") = McGurn and his "blond alibi" wife, Louise Rolfe, from Mann act sentences. The government prepared to file its brief today.

69-180-101

January 29, 1932.

877:EGD 69-180-102

MEMORANDOM FOR ASSISTANT ACTOMICS GENERAL TOURISMENT

December 14, 1931, respecting the alleged illegal activities on the part of Alphonse Capone, while in enstedy of a United States Marchal at Chicago, there is transmitted herewith, for your information, a copy of the report of Special Agent in Charge V. A. McGunia, dated at Chicago, Illinois, Japanery 22, 1932,

As will be noted, investigation of this matter has been concluded at the request of the United States Attorney at Chicago.

Very trely yours,

Director

Incl. #73/899

JAN 29 1932

OFFI. OF JUSTICE

Y

Form No. 1 THIS CASE ORIGINATED AT. Chicogo, Illinois Mini 201922 m PERIOD FOR WHICH MADE: REPORT MADE AT: Jan. 22, 1932 Jan. 22.1932 Chicago, Illinois DAVID T. MONEYPENNY, Superintendent; GEORGE GIBSON, Assistant Superintendent; m Contempt of Court COOK COUNTY JAIL No additional developments in connection with this case, and United States Attorney Johnson, Chicago, Ill. advises no additional inquiry desired. - C -AT CHICAGO, ILLINOIS. DETAILS: There have been no developments in connection with this case, and under date of January 18, 1932, Agent conferred with the United States Attorney, George E. Q. Johnson, Chicago, Illinois, at which time the latter advised that no additional inquiry in connection with this case is desired at the present time; 5 1932 A.M 3 - Bureau 1 - U.S.Atty.Chica.o 2 - Chicago

1-29-182

M. ~ 4

the Acting Special Agest in Charge of the office, Bureau of Impostigation, relative to pertain undup privileges have been adverted I am entirely in accord with the by Acting Special Agent in Charge Pertis to Assistant Saited States Attorney Clargon and the Bulton Brates Marchal et Chica to the effect that there is no Special Agent of the Bureau of Investigation available for such as assignment, mer is there any necessity for a Special Agent of the Bureau of Investigation being assigned to work with the Deputy Marchale guarding Caper l copy of the attached lett

HN EDGAR HOOVER DIRECTOR

in the second

A. S. Department of Instice Bureau of Inbestigation Washington, A. C.

P. 0. Box 1405, Chicago, Ill.



JAN 2 3 1932 Pft

January 26, 1932.

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

Dear Sir:

- 180

Reference is made to the report of Special Agent in Charge N. A. McSwain, dated December 17, 1931, in connection with the case entitled DAVID T. LONEYPENTY, SUPERINTENDENT, GROWLE GERENT SUMERINTENDENT, COCK COUNTY JAIL; CONTELL T OF COURT, concerning possible privileges granted to Alphonse Canone, an inmate of said jail.

Yesterday afternoon I received a telephone call from ir. Clawson, Assistant United States Attorney, during which he stated that it would be necessary to re-open the inquiry. inasmuch as he had received information to the effect that Capone had been allowed to have visitors other than those who possessed proper passes for such visits. I am informed that only six passes have been granted to persons for the purpose of visiting Capone in the County Jail. These six people are said to be his immediate family and attorneys.

hr. Clawson and I discussed this matter this morning at his office. He stated that he had very little information so far upon which any definite inquiry might be bered. However, Lr. Clawson believed that some inquiry should be made, in order that he might be in a position to request the Attordey Ceneral to grant the authorization for the employment of Deputy Lians als to be placed in this Jail as guards, to prevent unauthorized visits with Capone, and further to prevent the latter from carrying on his business from the Jail.

Mr. Clawson suggested that I have a conference with Mr. Moneypenny at my office today, at which he intended to be present, together with -r. Laubenheimer, the United States Marshal.

This conference was arranged and held in my office this morning, the same being attended by the four above mentioned parties. Er. Moneypenny expressed surprise at the rumors prevalent, adding that all of his assistants and superintendents were persons in whom he had implicit faith. He added, however, that he realized the possibilities of unauthorized persons visiting Capone in the jail, but that he knew of no way in which the present manner of allowing such visits might be improved, and urgently requested advice and instructions, with emphasis upon the fact that he was extremely desirous of carrying out the wishes of the United States Marshal with regard to this matter.

Various probable solutions to this proposition were discussed, such as the placing of Capone in a cell block instead of the hospital or convalencent ward, a portion of which space he is now occupying. It was thought, however, that none of the matters discussed would solve the problem, except the placing of Deruty Parshals therein as guards to consider the passes and the persons allowed to visit Canone. Mr. Laubenheimer stated that he would write to the Attorney General today and request authority for employment of these. In this connection it might be stated that Ir. Laubenheimer mentioned that it would be very desirable if we could also place one of our S pecial Agents to work with the Deputies on the day shift until final disposition is made of this case. In Innharhaimen was informed that while I would be very glad to cooperate to any extent possible, I did not believe that the assignment of an Agent to such duty would be possible, due to my limited personnel here at the present time.

It is my impression that four Deputy Marshals, properly selected, would be sufficient to carry out the plan and accomplish the purpose, and that the assignment of an Agent for work of this nature would not be at all necessary. It appears that at the present time no further action should be taken on this matter by this office.

For your information I am enclosing herewith a newspaper item appearing in the Chicago Daily Tribune in this morning's issue. I will keep in close touch with the situation here, and will advise you immediately when any developments take place.

Very truly yours,

M. H. Cumi

M. H. Purvis, Acting Special Agent in Charge.

MHP:RLB #69-41

CHICAGO DAILY TRIBUNE

1-26-32

Chicago file #69-41

DAVID T. MONEYPENNY, SUPERINTENDENT; GEORGE GIBSON, ASSISTANT SUPERINTENDENT; COCK COUNTY JAIL; CONTEMPT OF CO RT.

V. S. OPENS QUIZ INTO AL CAPÓNES CALLERS AT JAIL

A report that fleutenants of Al Capone were visiting the gang leader in his county jail cell regularly disguised as "Mr. Smith" or "Mr. Jones" reached the federal building yesterday and an immediate investigation was launched by both District Attorney George E. Q. Johnson and United States Marshal H. C. W. Laubenheimer.

When Capone was given into the keeping of Warden Moneypenny at the jail on Oct. 24 the warden was told not to allow him any visitors except those who obtained a pass from the marshal's office. This was done to prevent Capone from instructing his henchmen and carrying on his "business" while awaiting the outcome of his appeal from his income tax sentence of eleven years.

Warden Moneypenny has followed those instructions faithfully and only six passes have been issued to Capone visitors. But gangland, according to the report, has found an open door by a simple subterfuge. Because of crowded conditions at the jail Warden Moneypenny has had to place other prisoners in the "convalencent ward" with Capone. These men received "Mr. 8 mith" and "Mr. Jones" as their guests, it was reported.

Thus the gang leader is alleged to carry on his "business." Messages were carried to his cell, and messages went back to the underworld.

"I'll put a stop to that if I have sto move him," Marshal Laubenheimer of declared when he learned of the system used to circumvent the government's ruling. "I was understand he now why we haven't had a lot of gangster looking reflows coming to as a complete season."

THEST OF CITY

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1-A-18A-10

CHIC GO HERALD AND EXAMINER, JANUARY 27, 1932

DAVID T. MONEYPENNY, SUPERINTENDENT; GEORGE GIBSON, ASSISTANT SUPERINTENDENT; COOK COUNTY JALL; CONTEMPT OF COURT. CHICAGO FILE #69-41

Tighten Up Jail Rules on Capone

Further restrictions against visitors were ordered by United States Marshal H. C. W. Laubenheimer and Warden David Moneypenny yesterday, after an investigation of charges that Al/Capone runs his business from within the county fail.

As a result of the orders, Capone will have contact with only two other prisoners in the hospital ward. At the same time, federal officials reconsidered the issuance of a pass to State Representative Charles Coa, who explained he wanted "to say 'hello' and how are you" to the gang chief.

48

69-180-104

M. S. Bepartment of Justice

Bureau of Investigation

P. 0. Box 1405, Chicago, Ill. DIVISION ONE
FEB 21 1932 PI

January 50, 1932.

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

Dear Sir:

69-180

There is attached hereto a newspaper item to appearing in the Chicago Herald and Examiner of today concerning the pay-off headquarters for police in connection with the various operations of Al Capone.

Very truly yours,

M. H. Curi

M. H. Purvis, Acting Special Agent in Charge.

Lig

THEN W

HP:RMB

FEBA-18

DUREAU OF INVESTIGATION OF A.M.

ASSISTED OF JUSTICE

TO DO FILENCE

POLICE HELP TO CAPONE

Aid of Alcohol Dealer Bares
Details of Protection and
Payoffs; Expect Indictments

Confession of arrangements for the protection of Capone liquor operations, revealed yesterday, is expected to have a direct bearing on the return of income tax indictments against several police captains who have been under federal investigation.

The confession, made by Homer West, Negro chauffeur for Sam Rinella, convicted Capone distiller, tells of police convoys for deliveries of alcohol, districts in which the gang had immunity at all times and of regular collections by police at a "payoff" headquarters.

JUBY GETS DATA.

Into mation of captains mecones, first obtained by the special county grand jury a year ago, has sen the nover by the federal staff. I adequate explanation was ever made by several of the captains for large deposits made at their banks.

West's confession, made after he had served a short sentence for operating a still, was disclosed by Daniel Anderson, assistant United States attorney. It is expected to be a major factor in the income tax cases.

COULD 'DO ANYTHING.'

"There were some police districts where we could do anything," West stated in his confession. "I could drive sixty miles an hour through them. If a motorcycle *officer chased us, he would signal to go ahead when he saw that Rinelia was in the car. Other districts we had to be careful about."

The "payoff" for police was made in a barber shop in Twenty-second st., it was stated and officers and squads came there for their menay. CARRIES \$50,000 IN CASE.

Rinella's business was so profitable that he sometimes had \$50,000 in cash after a deal, West said.

The was sentenced Monday to 50

69-180-105

1

17 m ind 60-320-303, February & 1934,

MINORANDE POR ASSISTANT ATTOREST CREEKAL STEROS.

19

I am attaching berete a soft of a letter received from the Arting Special Agent in There of the Chicage, Ellinois office, Burden of Investigation, relating to an allegation that certain units privileges have been accorded ALFHORES CAPONE, while incorporated in the Speck County Pail, Chicago.

I am entirely in accord with the statements made by Acting Special Agent in Charge Pursis to Assist United States Atterney Clarson and the United States Marshal at Chicago, to the effect that there is no Special Agent of the Dursen of Investigation available for such an assignment, now is there my necessity for a Special Agent of the Sureau of Investigation being assigned to work with the Deputies Marshal guarding; Capenes

A copy of the attached letter has been forwarded to the Director of the Bureau of Prisons.

They bruly years,

Bnol - #126927

LICORDE

69-180-101

FEB 2 1932 P.M

DEPARTMENT OF LISTINE

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FEB 1 = 1932

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RECEIVE



65-100-107

Pairway 4, 250.

*FIB-81932#

PROPERTY FOR ASSISTANT ATTORNEY CHERAL STREET,

February 1, 1932, relative to an allegation that certain under privileges have been accorded Alphonse Capene, while incorporated in the Cook County Jail, Chicago, I am attaching hereto a supy of a letter received from the acting Special Agent in Charge of the Shicago, Illinois, office of this Bureau.

Fory truly jours

Mroctor

Inclosere 7731970.

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52

FEB 6 1932

A. S. Department of Justice

Bureau of Investigation

P. O. Box 1405, Chicago, Ill.



February 1, 1932.

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

49-180

Dear Sir:

With further reference to my letters to you dated January 26 and 27, 1932, concerning the case entitled DAVID T. OMONEYPENNY, SUPERINTEDENT: GEORGE GIBSON, ASCISTANT SUPERINTED ENT, 5 COOK COUNTY JAIL, CONTEMPT OF COURT, while in the Federal Building today I talked with Mr. Clawson, Assistant United States Attorney, and later to Mr. Laubenheimer, the United States Marshal. Mr. Clawson informed me that the United States Marshal had not written a letter to the Attorney General requesting authority to employ additional Deputy Marshals as was indicated in my letter of January 26. The matter appears to be in the same status as 1t was on January 26, inasmuch as no definite action has been taken.

Shortly after the conference mentioned on January 26, I received two telephone calls from Mr. Moneypenny, wherein he stated that he had no definite developments to report, but that he had been very quietly investigating the matter at the County Jail. In his last conversation with me, he stated that he and the Sheriff had spent a great deal of time conferring as to possible means of clearing up the situation, but that no solution had been found. Mr. Moneypenny takes every opportunity to inform me of his sincere efforts to circumvent any action by which Al Capone might continue the supervision of his so-called business interests in Chicago. I have no information to the effect that he is insincere, and in fact, in view of the situation at the Cook County Jail, the manner in which it is built, etc., I am not certain that he has the means at hand with which to correct the situation.

Mismo Rue Princeron J. 6

Incidentally, Mr. Moneypenny informed us confidentially at the conference on January 26 that his seriousness of purpose might further be substantiated by the fact that he desired no unfavorable publicity, because he hoped at some time in the future to secure the position of Warden of the Penitentiary at Joliet, Illinois.

I was informed by Mr. Laubenheimer that a conference was held last Friday with the Sheriff and that the latter was to advise the Marshal concerning this matter at once. However, Mr. Laubenheimer states that he has not received any call from the Sheriff up to the present time. The Marshal further advised me that he offered as a suggestion to the United States Attorney, that Capone be sent to the Great Lakes Naval Training Station or to Fort Sheridan, preferably the former, and placed in the brig there, but that this suggestion had probably not met with a favorable reaction.

Mr. Laubenheimer again suggested that the presence of an Agent of this Bureau at the Jail to supervise the passes of persons visiting Capone on visiting days would, he felt sure, be the most logical solution. He was, of course, informed that I did not believe the solution to be muite logical, and that it was without my jurisdiction, and that the limited personnel of this office did not allow such procedure in any event. It is my belief that this idea is definitely out of his mind now.

Mr. Laubenheimer further stated that the Sheriff has not called, although he has been expecting him to do so momentarily, and it appears that no concrete action is being taken to prevent Capone's communication with outsiders, unless it is being done at the Jail, and at the present time no inquiry has been made there. I am holding this matter in the present status, and intend to make no inquiry at the Jail unless further developments take place, inasmuch as I believe such inquiry there would be fruitless.

For your further information, and with reference to my letter of January 27, 1932, with which was enclosed a newspaper item appearing in the Chicago Herald and Examiner of that date concerning State Representative Charles Coia, please be advised that Mr. Laubenheimer informed me this morning that his information is that Mr. Coia is taking this matter up with Senator James Hamilton Lewis with the request that the Senator in wire of the Attorney General the reason why "a citizen who is clean" cannot be allowed the privilege of a visit with Capone. Mr. Coia, I am informed, still has the pass which grants him permission to visit with Capone, but the Marshal states that to date he does not believe Mr. Coia has used it.

Very truly yours,

im P # M

M. H. Purvis, Acting Special Agent in Charge.

#69-41

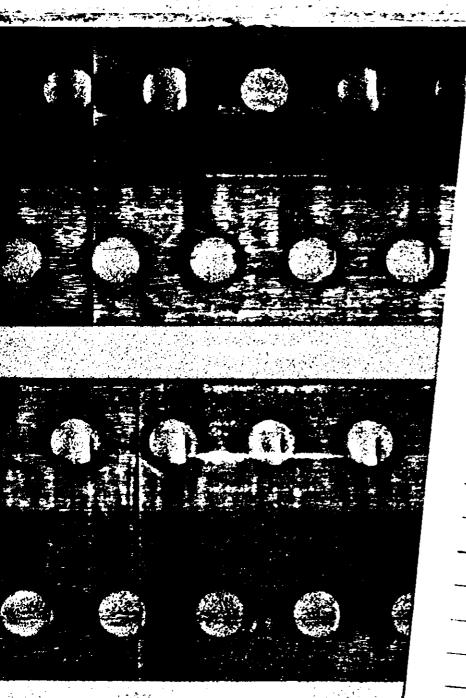
69-100-

MENORANDOM POR THE SCHOOLS.

gith further reference to the investigation concerning the alleged wides privileges which have been eccorded alphones Capene, while interpreted in the Cont County Jail, Chicago, Ellinois, there is being franchited herewith a copy of a letter received from the Acting Special Agent in Charge of the Chicago, Ellinois, effice of this Bereau.

Yery truly yours,

BROOMSELL BROOMS

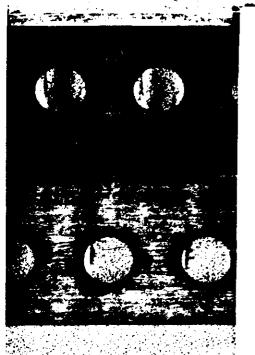


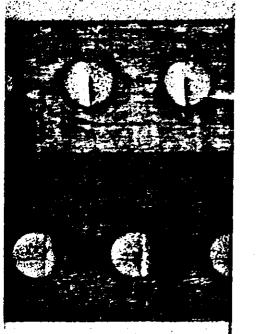
Bureau of Investigation

From:	Division Six.
	February 12th 1932

1902
To:DirectorMr. WathanMr. Tolson.
Miss Gandy.
Chief, Div. 2. XChief, Div. 3. Chief, Div. 4.
Chief, Div. 5. Chief, Div. 7. Chief Div. 7.
Chief, Div. 9. Chief, Div. 10. MR. COFFEY: Mr.
Attached is the record of Al Capone, as requested.
JGM

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ASSISTANT	ATTORNEY GE	NERAL YO	UNGOUST?
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The Attorney General	Memorandurg JUSTIC
The Solicitor General	DIVISION ONE
Assistant to the Attorney General	Have yores 1 1832 PM
Assistant Attorney General Sisson	PEDI 1 ISSZ FII
Assistant Attorney General Richardson.	longer tim call
Assistant Attorney General Rugg	100000000000000000000000000000000000000
Assistant Attorney General Dodds	Ly in sached
Assistant Attorney General St. Lewis	1 - marken
Mr. Henderson	(a)
Mr. Key	par .
Mr. Kiefer	
Mr. Morrisson	
Miss Lentner	2/.
Director of Prohibition	
Assistant Director of Prohibition	
Bureau of Prohibition	-1 mygun
Director, Bureau of Investigation	news for 32
Director, Bureau of Prisons	7/20
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Chie Olerk	BUPEAU OF INVESTIGATION
Appolament Fork	EFR. 15 1932 P.M.
Pardon Attorney	
	DEPARTMENT OF WARDING
	Capt Charle FILE
	No. 274
77	

C • P

Richmond and Henrico County Branch

of

WOMEN'S ORGANIZATION
for

NATIONAL PROHIBITION REFORM
Hotel John Marshall
Richmond, Virginia
Dial 3-3138

February 10, 1932.

Department of Justice Washington, D.C.

Gentlemen:-

 $(\exists$

will you please send me information on the items mentioned below:

How many times was Al Capone arrested before his final conviction?

What charges were brought against him before his final arrest and conviction.

How many, and what were the indictments were against him in his final trial?

A copy of the Judge's charge to the jury convicting Capone.

Very truly yours,

(s) Julia Sully Executive Secretary

L FEB 17 1952

BUREAU OF INVESTIGATION

FEB 15 1932 P.M.

DEPARTMENT OF JUSTICE

THE THE THE PARTMENT OF THE

DEPARTMENT OF JUSTICE Bureau of Investigation

Washington, D.C.

October 30, 1931.

United States Marshal, Chicago, Ill.

Doar Sire

Referring to your print received Oct, 30, 1931, regarding Alphonse Capone, \$---, the fellowing is an abstract of subject's fingerprint record on file in the Bureau of Investigation:

Subject as Alphonus Capone, FB-5496, received Philadelphia County Prison, Holmesburg, Pa., May 14, 1929, arine carrying concealed deadly weapons; sentence 1 year.

As Alphonse Capone, \$90725, arrested Fhiladelphia, Pa., (PD), May 17, 1929, charge suspicious character and carrying concealed deadly weapons; disposition not given.

As Alphonsus Capone, #C-5527, received St. Pen., Philadelphia, Pa., August 8, 1929, from Philadelphia, crime carrying concealed deadly weapons; sentence 1 year.

As Alphonse Capone, #3563, arrested Miami, Florida, (FD), May 8, 1930, charge investigation - vagrancy; released on writ, May 8, 1930.

As Alphonse Capone, #C-28169, arrested Chicago, Ill., (FD), Feb. 25, 1931, charge general principles; disposition not given.

As Alphonse Capone, f..., arrested by U.S. Marshal, Chicage, Ill., date, charge and disposition not given. (Print received Dct. 30, 1931).

The following notations appear on our records:

*Al Capone, New York City, suspected of murder; discharged. Al Capone, Chicago, Ill., suspected of murder; discharged. U.S. Marshal, Chicago, Ill.

(Motations continued):

Alphonse Capone, Chicage, 1-23-25, suspicion; discharged. Alphonse Capone, New York City, 12-27-25, hosicides discharged. #3563, PD Miami, Florida, 5-13-30, investigation; released on write. #3563, PD Miami, Florida, 5-19-30, vagrancy; forfeited \$160

Yery truly yours,

J. E. Hoover Director.

Copy to Philadelphia Co. Prison,
Holmesburg, Pa.
PD Philadelphia, Pa.
St. Pen., Philadelphia, Pa.
PD Miami, Florida.
PD Chicago, Ill.
Bureau Office. Chicago.

69-180-109

RECORDED

BPC+BOB

February 13, 1932,

INDEXED

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EMORAHOUN FOR ASSISTANT ATTORNEY COMMENT. TOURCORNEY

There is betarned herewith the original letter addressed to the Department, dated at Richmond, Virginia, Sebruary 10, 1932, from Julia Sully, Ensewtiwe Secretary, Women's Organisation, Sational Prohibition Reform. In accordance with your request, there is also attached herete a sopy of the criminal record of Al O Capone, as reflected in the files of this parent.

Yery truly years,

Alrecter.

Inal. #730696



nenerue:

H. S. Pepartment of Justice

Bureau of Investigation

P. O. BOX 1405, CHICAGO, ILL.





February 27, 1952 1932 M

69.180

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

O

Re: Alphonse Capone; KennethOPhillips, M.D. Contempt of Court; Perjury.

Dear Sir:

With reference to the above captioned case, please be advised that inquiry at the office of the Clerk of the U.S. Circuit Court of Appeals reveals that no decision on the appeal of Subject Capone on the sentence imposed by U.S. District Judge Wilkerson on March 2, 1931, has been given.

February 26th being the last day of the January session of this court, it would appear from the statement of K. J. Carrick, Assistant Clerk, that the chances for a decision on this case within the next thirty days are very good. He stated that the new term begins on the second Tuesday in April 1932 and that the prospects are good for disposition of all cases now on the docket before that time.

Very truly yours,

Sim P. H.M

M. H. Purvis, Acting Special Agent in Charge.

LPO:HJ 69-19

RECORDED

MAR 7 - 1932

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H. S. Bepartment of Justice

Bureau of Investigation

P. 0. Box 1405, Chicago, Ill.



February 29, 1932.

MAR 2 # 1932 PM

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

O

Dear Sir:

69-180

There are attached hereto newspaper items appearing in the Chicago newspapers concerning the appeal of Alphonse Capone. It will be further noted that the item appearing in the Chicago Herald and Examiner dated February 25, 1932, states that Deputy United States Marshals have been placed in the County Jail for the purpose of guarding Capone, to prevent his carrying on his gang activities from his cell.

Very truly yours,

M. H. Buris

M. H. Purvis, Acting Special Agent in Charge.

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& DNDEXED

MAR 4 - 1932

GO-180-11

GIREAU OF INVESTIGATION

MAR - 2/A.M.

DEALT MENT C. JUSTICE

DIRECT CONTROL PILE

14

26.32

U.S. POSTS CONTINUOUS GUARD FOR AL CAPONE

Three Eight-Hour Shifts at Cell Atter Charges Chief Is Running Gang From Jail

On orders direct from Washington, a twenty-four-hour-aday guard by deputy United States marshals was placed over Al Capone in the county jail yesterday.

The action is the government's answer to persistent reports that Capone is running his gang from his cell.

Supporting this belief was the admission by Samuel G. Clawson, assistant United States district attorney, that he and his associates have received "coaffidential information," not sufficient to warrant eriminal action, but important amough to demand inquiry, BIG SHOTS CALL.

Murray Humphries, Jake Guzik, Joe Fusco and George ("Red") Barker are among the "big shot" gangsters who have been visiting Capone at the jail, according to reports reaching the government.

Other reports have been that Capone has actually been allowed to leave the jail, that he has been allowed to entertain his friends at elaborate banquets and that he has been given numerous privileges.

Because of these reports three deputies have been assigned to trutch the swire chief will, sank synthing an eight-hour child.

Paul Wenderlich und the first Seputy to take past by the homelike dormitory where Capone has enjoyed the clean shoets and comfirtable surroundings that do not go with regular calls.

Mewspapermen were ealled in by Marshal H. C. W. Laubenheimer, Sheriff William D. Meyering and Warden David Moneypenny to hear of the step. The trie had been in conference for almost two hours.

Laubenheimer said his orders are to permit ship Capone's wife, his 30-year-old mother, his son and his attorneys, Michael Ahern and Albert Fink, to visit him. He will not even be allowed visiting day privileges accorded other prisoners.

The marshal said the orders resulted from several conferences of Department of Justice officials and district attoracy's effice representatives. He would not say whether Judge Wilkerson, who sentenced Capone to eleven years' imprisonment for income tax fraud, participated.

APPEAL BULING SOON.

Capone's case is expected to be ruled upon soon by the United States Court of Appeals.

Reports that he had been receiving undue liberties have arisen before and resulted in investigation.

Orders were issued that no one should see Capone unless he had a pan, from Marshal Laubenheimer, approved by the district attorney's office.

JUE GENERAL PASSES. ..

Despite this precaution, there have been persistent seports that hoodiums have obtained general passes to visit the jail and have used this entree to get to Capona.

Under the new and more rigid surveillance the government intends to make certain that, if Capone has not been properly guarded heretofore, he will be from now on

64

69-180-111

CHARTET COMBRATION

\$50,000 Stands, 45 The United States (Chris

1

Tery already had been permit-ted to speam in the hospitalthred week. Assisting him in the year-tealitry was his former heer part-ner, Frankin Lake, who is serviced eighteen seenide for his issome tax tenthers.

Druggan left Chifago complain-leg he was a "wary sick man," but admitting he was willing acough to get this over." As the train pulled out a shoed young woman ras through the station in a wais at fort to bid him good by Asked LEAVES COMPLAINING.

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N UPHELD:

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H. S. Bepartment of Justice

Bureau of Investigation

P. O. Box 1405, Chicago, Ill.



March 1, 1932.

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

Dear Sir:

69-180 MM

There are forwarded herewith newspaper

items and editorials concerning Alphonse Capone.

MAR-71372 PM

Very truly yours.

Some H. M

M. H. Purvis, Acting Spec.Agt. in Charge.

MHID: RMB

Hend 819 or Visit

4 An 9 - 1932

BUREAT OF INVESTIGATION

WAR - 3 A.M.

GARAGE OF MICHE

WARE TO CHE

TO THE FILE

EXPECT CAPONE TO WAIT IN JAIL A MONTH LONGER

U. S. to Withhold Action Pending Rehearing Plea

Al Capone, it appeared yesterday, will' remain in the county jail for at least another month before being taken to a federal penitentiary to serve his eleven year term for income fax dodging.

United States Attorney George E. Q. Johnson and his assistants had been considering the propriety of requesting the United States Circuit. Court of Appeals, which on Saturday affirm. The court of Appeals, which on Saturday affirm. The court of the gangster's immediate transfer to the penitentiary. But after a conference late yesterday, Mr. Johnson issued the following state-

ment:

"Government's counsel do not expect to take any action until defendant's counsel have made clear their course."

Will Ask a Rebearing.

This course was made clear by Attorney Michael Ahern, who said he would file a petition for a rehearing within the twenty days he is allowed by the Circuit court. District Attorney Johnson was not officially apprised of this determination, but in view of the defense plans it was regarded as unlikely that the prosecution would take any action until after the motion for a rehearing was acted upon.

The government is allowed ten days after the defense files, its petition for a rehearing in which to file an answer, although ten days are selded needed, and the Circuit sourt usually acts promptly upon such a petition.

Prepared to Seek Will ...

apply to the United States Surfeme court for a writ of certiorari at the Circust court refuses a rehearing of the Capone appeal, and he would be allowed ninety days to sile this petition. But if the rehearing is denied, the prosecutors, it was reported, will certainly oppose the granting of a stay of execution for Capone for the three months.

63

69-180-11>

ETROPOLITAN EDITION

PRICE TEN CENTS

ELD

GANGDOM CHIEF LOSES FIGHT IN APPEALS COURT

Faces a Quick Trip to Leavenworth.

The possibility of an early trip to Leavenworth peritentiary confronts Ai Capone, foremost public enterny, whose conviction and sentence to given years' imprisonment for income ax evasion was affirmed yealerday by the United States Circuit Court of Appeals.

peals.
Capone has been in the county isfl, without credit toward his prison sentence, since Oct. 24. He was denied ball by both Federal Judge James H. Wilkerson and the Circuit Court of Appeals, but a writ of supersedeas was craited, staying his removal to the sententiary.

Prosecutors Study Opinion

Under a rule of the Groun court & defendant has twenty days in which to apply for a rehearing of his appeal, Juring which time the prison mandaw as customarily stayed. However, this is within the discretion of the court.

United States Attorn)
Q. Johnson and his austrants and
they desired until tomorrow to analyse
the Circuit court's opinion before deciding what course to follow, but it
was understood they will most for the
ssuance of the mandate to take

the fact like Charge year dense, bailery



Al Capone, gang chieftain, whose eleven years' prison for \$50,000 fine for income ten freud was uphald yesterday by United Circuit Court of Appeals.

69-180-112

After a motion for a raber denied the decime has also in which to allo a political for

in which to like a patition for a writ-of ortifereri with the Supreme court. This can be spend while the defendant is in the pentiuritary, as in the case of Virgil Etutinger, mail robber. Nulther Attorphy Michael Ahern nor Attorney Ahert Fish would be reached yayterday, but throughout their conduct of the defense they lestheir conduct of the defense they leg-dicated that the case would be taken, if necessary, to the Suprema court, a Appeals Court Ruling.

The opinion of the Circuit court wall

unanimous and it upheld Capone's conviction on all of the five counts set up by the jury in its verdict of guilty, namely, willful attempts to evade and defeat income taxes for the years 1925, 1926, and 1927 and willful bliure to file income tax returns for the years 1928 and 1929

Judges Samuel Alschuler, Evan A. Evans, and Will M. Sparks heard the appeal and Judge Sparks wrote the opinion, which federal prosecutors termed exhaustive and clear cut.

The merits of the defense con tions were found by the Appellate court to be at most technical, and a the errors relied upon, if conceded not sufficient to affect the substantial rights of the defendant.

The Defense Contentions.

ne ustanse contended that the to quidictment was phrased in the generio terms of the statute and was not sufficiently particular to enable accused to prepare a proper defense, on accused to prepare a proper defense. ⊸a It was sleo contended that Capone could have been tried twice for the same offense, had he been found not guilty on the evidence adduced at the first trial

Judge Wilkerson erred, it was charged, in not sustaining, first, a demurer to the indictment, and second, a motion in arrest of judgment, These were the only assignments of error, there being no attack on the sufficiency of the evidence.

"Interpreting these constitutional provisions," said the Circuit cours's opinion, "courts have quite generally held that where the offense is purely statutory, having no relation to the common lew, it is, as a general rule; sufficient in the indictment to charge the defendant with acts coming fully within the statutory description in the substantial words of the statute.

An Essential of Indictment,

"But it is also true that the ac-"But it is also true that the ac-cused must be apprised by the tak-dictment, with reasonable certainty, of the nature of the accusation, against him, to the end that he may, prepare his deircuse and plead the judgment as a bar to any subsequent prosecution for the same offense."

The upinion pointed—out that the cases in which indictments have been attacked on these constitutional, grounds are legion, that some have, been held good and genera bad, de-

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\$112.601.24

3.123,091.24.

The sentence imposed by Judge Will Rerson, besides a \$50,000 fine and one of the prosecution, aggregates to years in the penitentiary and one year in juil, the juil term to be served after open position of the penitentiary form.

Capone pleaded gullty after the Capone pleaded guilty after the indictment was returned, having an understanding with the prosecution that
a recommendatop as to his punishment would be made to the court. But
before he appeared for sentence, reports purporting to come from the
defense and stating that the punishment was to be two and one-hair
years were published.

When the case was called Judge

When the case was cafled Judge.
When the case was cafled Judge.
Wilkerson recognised the propriety of
an agreement between the government and a defendant in suchange for
a piec of guilty and the duty of the
court to give consideration to the govserment's recommendation. But he
made it plain that the court could
not be bound as to its sinus judgment
and told capone:

"It is utterly impossible to bargain with a federal court."

Tried Before a Jury.

Tried Before a Jury.

The pies of guilty was withdrawn and Capone went to trial t-fore a jury. The government showed by the testimony of witnesses and by documentary evidence that Capone was engaged in the gambling business in Cicero as one source of income, and that he admitted this to state authorities in Miami, Fia.

The profit of these Cicero gambling betablishments were shown to have eun into thousands of dollars a month. Telegraphic records showing the Transmission of some \$100,000 to Capone in Florida by Cicero gamblers ewers introduced.

"A so-called confession letter, tendered by Capone's civil tax expert
to revenue agents, admitted that he
was the member of a "syndicate" and
that his profits ranged as high as
\$100,000 a year. Income of at least
\$100,000 was admitted in this letter,
and the letter was received into evidence.

and the letter was acceived into evisend the letter was received into evisense.

Finally, the government introduced
by idence of Capone's lavish expenditures, including thousands of dollars
a month for his bills at the Metropole
hotal and latar the Lexington hotel.
The purchase of sixteen cylinder aukomobiles, luxurious household furnishings, personal effects bentting the
wardrobe of an oriental potentate.
had diamond studded belt buckles as
gifts for friends also was shown by
the government.

GEN.MA,REPORTED AS SLAIN, BEGINS JOB AS 'PUPPET'

TOKIO, Feb. 17.—[U. F.]—Gen. Ma Than-shan. recently respected asso-cinated, has begun his duties as gov-nerace of Hedlungkiang province at Fluidahar. He will attend the promul-nation of the new Manchurian state hat Changchun March I, the Nippon Li Gen. Ma, who become a here in Phinese open as a result of Ma Zenat-lytow lattic in defense of Tritother Insulate the Jepanes MR Jall, Okto-Juportid murdered in Chinese dis-TOK10, Peb. 17.-[U. P.]-Gen. Ma ported murdered in Chinese dis-table Thursday from Harbin, Man-wris, He has follow loss in Chinese non, jap

PART I-PAGE

sore the courts.

"In the instant case," the spinion went on, "the indictment is not de-Scient in this respect, for it states the total amount of appellant's insome for the years in controversy; it sets forth the credit to which appallant is entitled; it describes his civil Sondition as that of a married man " with one dependent, and informs him as to the exact amount of the tax , Aug.

"It is contended by appellant that "the indictment should have specified the means by which he attempted to evade or defeat the payment of the tax. But, the statute mays that every attempt to evade or defeat the pay-ment of income tax is a violation of

attempt to evade or easent the payment of income tax is a violation of the law.

"We are convinced that the allegation in relation to appellant's attempt is evade and defeat the payment of the tax in the instant case is sufficient, and that the objection thereto is one of form rather than substance. The form is indeed quite general, and this fact would have abundantly justified appellant in asking the control of payment in the district attorney to furnish a hill of particulars as to the specific attempts to grade and devertured we cannot presume that the request would have been restured.

"But appellant made no such request, and he now has no reason to pomplain."

Somplain.—

The opinion reviewed some of the fritations of the defense, and reterred to other, after which this conclusion was reached:

In all the cases relied upon by appellent which we have specifically referred to, as well as other cases which he has cited, it is quite appearant that the defendant's constitutional rights were not sufficiently protected by the allegations of the indictment; but we last as each souditions existing with relation to the indictment; but we last a such souditions described by the paint and the policy of the protected and analysis. It is not to be denied that appaint about the policy of the protected and the policy of the

dictment and we think he is so picted.

The court's opinion coincided in modewapects with the contentions of all electricity of the court of the coincide in the content of the coincide in th

 C

Appeals Court Upholds Prison Term for Al Capone







Left to right: Judge Will M. Sparks, who wrote opinion upholding Capone sentence: Fresiding Judge Samuel Alschuler and Judge Evan A. Evans, who concurred in Ending.

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JUDGE WILKERSON AND CAPONE.

The United States Circuit Court of Appeals has affirmed unanimously the conviction of Alphonse Capone. In so doing the court has underwritten and approved the conduct of the trial by Judge Wilkerson and the sentence of eleven years' imprisonment which Judge Wilkerson imposed.

The action of the higher court is significant in connection with the opposition which has developed to Judge Wilkerson's promotion to the Appellate bench. Before Capone appeared for trial an understanding had been reached with the government for pleas of guilty to some of the charges against him. Capone thought, rightly or wrongly, that he was going to receive a light sentence.

Judge Wilkerson refused to become a party to such an arrangement. He served notice that if Capone wished to plead guilty he must understand that no arrangements regarding his sentence would be regarded as binding by the judge. Accordingly, Capone pleaded not guilty, the jury returned its verdict and the judge imposed a sentence far more severe than Capone had expected to receive.

Gangdom, as Chicago well knows, is not without its political allies. They are to be found in every branch of the government, federal, state and local. Gangdom has key men in office and organized voting strength. It is not without significance in this connection that Capone was able to come to an understanding regarding his sentence with the department of Justice. Today gangdom is moving heaven and earth to punish the man who defied its leader and upset his arrangements.

There is in the opposition to Judge Wilkerson's confirmation something more than a blind frenzy for revenge. If Judge Wilkerson is promoted the impotence of gangdom will have been revealed. If the confirmation is denied, every official, and particularly every federal judge, will have received unmistakable notice that gangsters are not to be treated like ordinary defendants but as a privileged class in the community. Those are the alternative which today confront the United States senate.

14 69-180-11×

M. S. Department of Justice

Bureau of Investigation

P. O. BOX 1405, CHICAGO, ILL.





March 23, 1932.

MAR 261832 PfDirector,

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

Dear Sir:

There is attached newspaper item appearing in the Chicago Herald & Examiner, dated 3/23/32, concerning the disposition of the Income Tax Fraud case against Al Capone by the United States Circuit Court of Appeals.

Another item is enclosed from the same paper relative to five Capone henchmen being arrested.

Very truly yours,

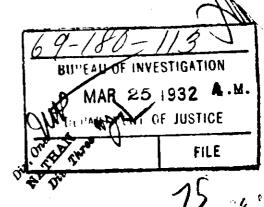
m.H. Burn

M. H. Purvis, Acting Special Agent in Charge.

MP:HJ

69-180

MAR 28 1932



* NIWSPAPER OLIPFINGS

FIVE CAPONE CHIEFS PARADE --IN SHOW UP!

Pringer &

Street & Street

Humphries, Gambling Leader, Seized; Hunt, Appealing Gun Charge, Caught With Pistol

Five Capone henchmen—directors of the Capone syndicate since Al has been put in jail—were arrested yesterday and paraded last hight at the showup at the detective bureau,

Murray Humphries, known as general manage, of Capone's gambling interests, was picked up as he sat in his automobile in front of the New Southern Hotel at Thirteenth st. and Michigan av. Selzed with him were two lesser ights in the organization, Bandwig and Ben Bahrin.

SQUAD NABS TWO.

About the bureau squad picked up flam and Joesfunt, brothers, in front of 6831 Teffery av.

Sam Hunt has an extensive police record. He was arrested foliowing a shooting on the North Side, carrying a machine gun in a golf bag.

ARRESTED WITH GUN.

Later, Sam was arrested with a revolver after a shooting near the Art Institute. He is appealing a sentence for carrying concealed weapons. When he was arrested yesterday he carried a snub-nosad revolver.

Several hours after the five arrests. John H. Johntry, attorney, appeared at the Criminal Courts Building and saked for write of habeas corpus for the quintet. He withdrew his application, however, after police promised to book the prisoners.

U.S. SPEEDING Capone's case

Prospect for an early disposition of Al Capone's income that fraudcase by the United States Circuit Court of Affects was in propaget yesterday white the government filed its answer to Capone's pettion for a patearing of his case by the Circuit fourt.

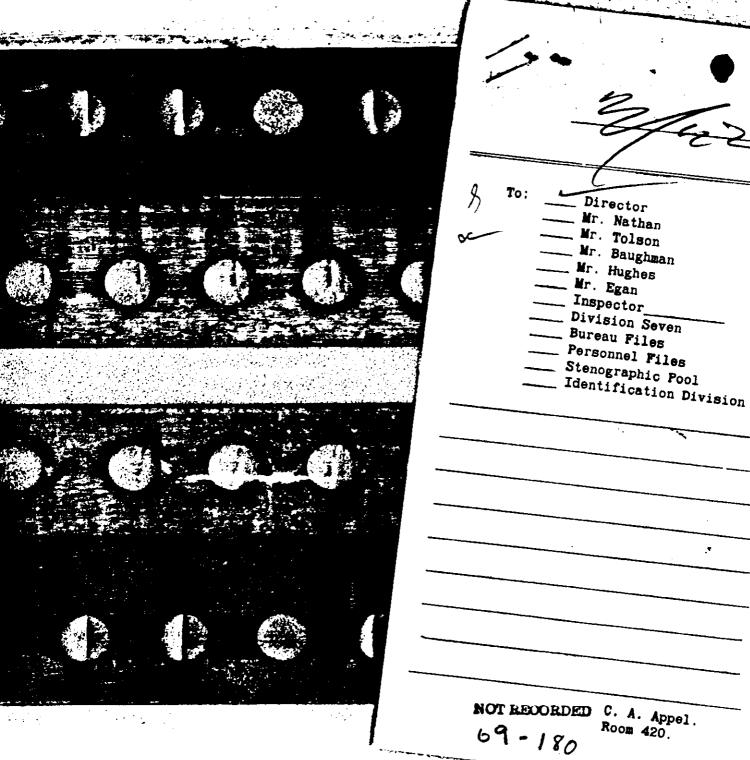
The government's answer, filed

The government's answer, flied by Jacob L. Grossman, assistant district attorney, was brief, asserting that the case land been "fully and forcefully argued" and given thorough consideration by the court in affirming the lower court conviction and sentence of eleven years in Leavenworth.

Observers expressed belief the Circuit court's decision may be made known this week.

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69-180-113



The Man who

A DUST-COVERED BOO AND A BALTIMOREAN'S DED



EMESIS OF AL GAPONE

X Baltimore Sun March 20 1932

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IREASURY officials are confident that the filing of income-tax returns, completed last Tuesday, produced several million dollars worth of tangible proof that agents of the Internal Revenué Bureau are effective aids to the exchequer. For by their work in the Capone case it is believed they have convinced tax evaders that the Government always gets its man, even if he he a king of gangdom. The work of those men scared nearly a million dollars in delinquent taxes out of racketeers in Chicago alone last year.

Those sleuths, who operated in Chicago, were led, incidentally, by a man who has called Baltimore his home for the last four years. He is Frank J. Wilson, 6008 Clover road, who probably appears to his neighbors more like an insurance agent or salesman than as the man who collected the fuel that went into the fires that burned the props that stood under the house that Capone jack

mis is a heretofore untold story of a vast web of evidence woven by many agents and many agencies until it stretched into far corners of the land; of how they "built a lot of heat" around Capone; of a super-racketeer fighting back, struggling to sever each strand of evidence as it tangled about him; of terrified witnesses and of big-time gamblers unprofessionally addicted to bridge; of Scarface Al's "big mistake"; of an innocentlooking book covered with five years' dust, and, lastly, of the difference between a man's pen and pencil writing that dramatically solved the riddle of the book and sealed the web into an unshatterable whole.

Mr. Wilson, who, until the World War changed the course of his life, was a Buffalo real estate agent, is reticent about his part in the Capone case, but quick to elaborate the results the case is expected to effect. For example, explaining that men who have filed inadequate returns or none at all in the past may escape prosecution by voluntarily filing "delinquent" or "amended" returns and accepting the proportional fines and interest

thereon, Mr. Wilson said:

"One big gambler who had not made any return for several years has come through with a payment of over \$300,000. He confessed that he had been scared by the Capone case. 'Delinquent' returns in Chicago during the investigations last year were almost double those of the previous year, increasing nearly \$1,000,000, and we know that we scared most of it in,

"SOME PROPLE SAY," he continued, "that the Government shouldn't accept taxes on crimipal incomes, that it's 'tainted money.' Well, if we didn't go after them and make them pay up, we'd not only be helping them conyince themselves they've above all law, we'd also be setting up a tax-exempt group and discriminating against honest citizens, wouldn't

That the curviction of Science to eses that led up to it have made a hating pression on the dodgers, Mr. Willege is confident. He also is confident that the Internal Revenue Bureau under David Burnet, commissioner, can hold to the pace I set in the Chicago clean-no.

TO ILLUSTRATE the department's attitude toward men of the Capone ak and its determination to bring them to the bar of justice, Mr. Wilson quoted Commissioner Burmet as saying:

"In the eyes of the Federal Government a gangster is merely a person—act, a per-

SOMARC.

"Recently indictments have been secured against a number of men whose names have Secured prominently in the press as opponents of constituted authority. Some are in the penitentiary. Others are headed in that direction, guided to their journey's end by the effective and determined work of the represeptatives of several cooperating agencies. The Bureau of Internal Revenue takes a natural pride in its part of this accomplishment, not because of the notoriety of the men involved, but because it is a forward

and compelling step in the disintegration of organizations that had set themselves above. the law.

"I've read that others are 'aspiring to the vacant thrones.' Speaking for one branch of the Federal service, my only observation is that the income-tax laws still are on the statute books, and there are no exemptions for 'master minds.'"

MR. WILSON'S MODESTY about his status as Uncle Sam's ace income-tax investigator and about his work as chief of the agents, sent to Chicago when word came down from highest Governmental circles that the income of Scarfare Al was to be investigated once and for all, was emphasized by his insistence that there could have been no success without the flawless and wholehearted cooperation extended by many agencies of the Government.

These, as enumerated by Mr. Wilson, included not only his chief, Elmer L. Irey, head of the Internal Revenue Bureau's Intelligence Unit, and Commissioner Burnet, but also the Department of Justice, the Postoffice Department, the Commissioner of Narcotics, the Bureau of Immigration, semi-pub-Sc organizations and, last but not least, George E. Q. Johnson, and his staff in the office of the United States Attorney at Chi-

It fell to Mr. Wilson's single lot, however, to uncover the bit of evidence that clinched the case against Capone, proving to the satisfaction of court and jury what the world had long known-that Scarface Al, beer baron and super-racketeer, though he had reported day incalculable thousands a more

Baltimore 50 m March 20 1912

Here's the way Mr. Wilson tells the story:
"We'd been working for months and we didn't seem to have got anywhere. I was pretty discouraged and if it hadn't been for the encouragement given us by Commissioner Burnet and Mr. Irey, would have given up several times and gone home. We just didn't seem able to get any evidence linking directly with Capone, and when we did we couldn't get witnesses to make it stick.

"EVERY ONE was bostile. Every witness we needed was dumb as an oyster when it came to talking about Capone. They were a hundred times more afraid of being killed by Capone guns than they were of having to serve a prison term for perjury.

"I was working late at my office, checking up to see just what we had accomplished. By midnight I had decided that it amounted to just about nothing and was ready to go home. I started to put my papers away and the file was locked. I was afraid to leave them out. There were some old files open there that couldn't be locked.

"I thought I'd take the papers out of them, put my stuff in and put the papers back on top of mine. As I was doing this I uncovered a ledger. It had been lying there in that file for about five years and the label on it didn't mean a thing to me. But curiosity made me open it.

"As soon as I looked inside that book I knew we had our case. It was the account of a big gambling house. The memorandum on it said it had been taken in a 1926 raid on a gambling joint in a little Illinois town. I knew the place and I knew there was no house there doing that big a business. I was certain these were the accounts of Capone's gambling joint at Cicero. Later we found out the police had made two raids that day and the books they seized had got mixed up.

"WE HAD BEEN COLLECTING SAMPLES of handwriting of all the men in any way connected with Capone. We compared them with the handwriting in the book, which showed that between May, 1924, when the place opened, and December, the house made about \$300,-000, and in two years cleared about \$600,000. None of the handwriting samples matched.

"Well, we worked another month, collecting samples of handwriting and comparing them with the book, but they didn't jibe. It was pretty certain these accounts had been kept by Leslie A Shumway, who, we had established, was cashier of the house, but the handwriting wasn't the same. One day I had an idea. We got another jumple of Shatainny's handwriting, this time one in ink; the other had been in pencil.

"That ink specimen solved our problem. It matched Shumway had two different styles of writing. When he used a pencil his writing was swift and sure like a certified public accountant's; when he used a pen he wrote like a schoolboy, with a slow, unformed scrawl.

"Well, we had the evidence we'd been hoking for. Now, our job was to find our witnesses and get them to stand up to it. We looked for Shumway. Weeks passed. Word came through underground channels that he was in Florida.

"It wasn't hard to find him there. Shumway, a confirmed gambler, liked cards 30 much that, whenever he had some time off, wherever he was he'd be almost sure to turn up at the Elks' Club for a friendly game of bridge.

"WE WENT TO FLORMA and found Shunrway working for Capone in a gambling house there. Now, Internal Revenue agents have power to subperm a man and to examine him under oath. We issued a subporna for Shunrway to appear in a case involving the White Steel Company, which doesn't exist, to my knowledge. The subporna was nerved on Shunrway half an hour before he was to appear at the postoffice so he wouldn't have much time to think things over.

"Of course, Shunway said he didn't know anything about the White Steel Company. The agent serving the summons said there'd probably been some mistake but that Shumway had better appear, that he'd be excused as soon as the authorities found out their mistake.

"Once we had Shumway where we wanted him, we showed him the records. It took some time, but we finally convinced Shumway that Capone's day was done and that he had better come clean. You could do that with only a few of Capone's henchmen.

"But the fact that we got any of these men to talk was the result of a carefully laid plan. We had to convince them Capone could be convicted, that he was not bigger than the Government. We had to build a lot of heat around Capone, and we did it by Baltimore Sun March 20 1932

