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FEDERAL BUREAU OF INVESTIGATION
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POSTAL

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

- RECORDED COPY -

WS 48/45 COLLECT

OCT 14 1935

MS BUFFALO NY 1110 A OCT 14 1935

Handwritten initials and signature

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION US DEPT OF JUSTICE PENNSYLVANIA
 AVE AT 9 ST NORTHWEST WASHINGTON D C

ARTHUR FLITENBERGER WA FORMER SUBJECT IO TWELVE THREE FOUR USA

EDDY ADVISES TRIAL SYRACUSE STARTED APRIL FIFTEENTH JURY DISAGREED APRIL TWENTY
 SEVENTH TRIAL MALONE NEWYORK STARTED JULY TWENTY THIRD AND ONE AUGUST
 FIRST JURY ACQUITTED BOTH CASES TRIED BEFORE FEDERAL JUDGE F H BRYANT

CONROY

1141 A

RECORDED
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 INDEXED

OCT 21 1935

23-2130-232

OCT 18 1935 P.M.

DEPT. OF JUSTICE

TAMM	ONE	FILE
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Handwritten mark



TELETYPE

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Jones	
Mr. Quinn	
Mr. Nease	
Mr. Gandy	

OCT 24 1935

FBI NEW YORK CITY

19-24-35

12-45 AM

LJC

DIRECTOR

PHONE. INFORMATION RECEIVED ARTHUR FLEGENHEIMER ALIAS [REDACTED] DUTCH

SCHULTZ JUST SHOT NEWARK NJ SUPPOSEDLY BY RIVAL GANGSTERS NEWARK JJ. REPORTED DYING IN NEWARK HOSPITAL.

WHITLEY

END

OK FBI WASHINGTON D C CLR

R

23-2130-233

OCT 25 1935 A.M.

RECORDED

OCT 26 1935

cc Mr. Lamm

TAX
DND

[Handwritten scribble]

JOHN EDGAR HOOVER
DIRECTOR

b7c
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C.
October 25, 1935.

Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Jones	
Mr. Quinn	
Mr. Nease	
Mr. Lester	
Mr. Gandy	
Miss Gandy	

Time - 9:10 A.M.

MEMORANDUM FOR THE DIRECTOR

Re: "Dutch" Schultz.

During a telephonic conversation which I had with Special Agent in Charge Whitley of the New York Office, he connected the death of "Dutch" Schultz as a result of his being shot by gangsters, and I asked him what his opinion of this matter is.

Mr. Whitley said that his theory of this matter, which theory he believes is concurred in by the New York Police, is that some of the big-shot gangsters up there decided it was about time for Schultz to step out of the picture; that he refused to gracefully step out, so they took the only other available course. Mr. Whitley said that Schultz did not appear to have been trying to break into many of the other rackets up there, but the others just wanted to gain control of those rackets which he has built up; that Schultz was the strongest competition they had, so they just wanted to get rid of him.

Respectfully,



E. A. TAMM

Handwritten initials

RECORDED

OCT 29 1935

23-2130-234

FEDERAL BUREAU OF INVESTIGATION

OCT 28 1935

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 26, 1935.

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

MEMORANDUM FOR THE DIRECTOR.

OC
10/26/35
67C

[redacted] New York Evening Journal telephoned me this morning from New York stating that an early edition of the New York Evening Sun contains a feature story stating that 40 G Men have concentrated in New York City in an investigation of the rackets. The story indicates that the Agents are inquiring into interstate commerce violations and that the drive was forecast by you following your recent survey of the racket situation in New York City. He stated the story grew out of the Schultz killings.

Following my conversation with you, I telephoned [redacted] and advised him that there is no foundation whatever to this story; that the recent Schultz shooting is not the subject of any investigation by this Bureau and that no men have been sent out in any racket drive.

[redacted] telephone number is [redacted]

Respectfully,

←
Clyde Tolson.

Wanted to see Tolson

RECORDED

INDEXED

OCT 28 1935

23-2130-235

FEDERAL BUREAU OF INVESTIGATION

OCT 26 1935 A.M.

U. S. DEPARTMENT OF JUSTICE

MATHEW
TAMM
FILE

October 29, 1935

1935 2:14 P.M.

RECORD OF THE BOARD

RE: JAMES EARL RAY

I interviewed Mr. Bailey at the last and stated that with respect to the recent meetings in New York I believe the best policy was to maintain silence and neither deny nor affirm any report as of this time.

I stated that I had seen an item in the New York Times and that some very important persons had been mentioned in connection with the case. I stated that I had seen an item in the New York Times and that some very important persons had been mentioned in connection with the case. I stated that I had seen an item in the New York Times and that some very important persons had been mentioned in connection with the case.

Mr. Bailey stated that the persons mentioned in the newspaper report by the New York Times that is the newspaper that I had seen in New York was a man named [redacted] but of the fact that I had seen in the newspaper that he had been killed and that he had been killed in the city of New York.

I indicated that Bailey to keep me informed regarding the case and to keep me informed regarding the case.

<p>OCT 29 1935</p> <p>F. B. I.</p> <p>U. S. DEPARTMENT OF JUSTICE</p>	<p>RECORDED</p> <p>23-5130-236</p> <p>FEDERAL BUREAU OF INVESTIGATION</p> <p>OCT 30 1935 P. M.</p> <p>U. S. DEPARTMENT OF JUSTICE</p> <p>Director</p>
-----------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------

Federal Bureau of Investigation

U. S. Department of Justice

Room 1403
370 Lexington Avenue
New York, N.Y.

November 9, 1935

Director
Federal Bureau of Investigation
U. S. Department of Justice
Pennsylvania Avenue at 9th St., N.W.
Washington, D. C.

23-2130-246
FEDERAL BUREAU OF INVESTIGATION
NOV 11 1935 A.M.
U. S. DEPARTMENT OF JUSTICE
RECORDED & INDEXED
FILE

Dear Sir: NOV 18 1935

Reference is made to Bureau letter of November 4, 1935 requesting information concerning several individuals who were either shot at the time Arthur Flegenheimer alias Dutch Schultz was killed in Newark, New Jersey, or whose names have been mentioned in connection with him.

The following are the records of these individuals:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b7c
b7d

copy
11-18-35

[Handwritten scribble]

b7c

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[REDACTED]

Director - 11/9/35

[REDACTED]

.....

Photographs of [REDACTED] are also attached. Photo-
graphs of the other individuals named were not available. [REDACTED]
[REDACTED] is requested that the Bureau furnish the New York
office with any additional records or information which might be
available concerning these parties.

b7c
b7D

Very truly yours,

R. W. Wiley

R. W. WILEY
Special Agent in Charge

Encl.

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FEDERAL BUREAU OF INVESTIGATION
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October 10, 1935

[Redacted]

b7c

Dear Sir:

Re: [Redacted] [Redacted] [Redacted]

Dear Sir:

For your information the enclosed copy of a letter
to the [Redacted] office of an [Redacted] [Redacted]
addressed to [Redacted] is [Redacted] [Redacted]
[Redacted] [Redacted] [Redacted] [Redacted] [Redacted]
to the Bureau by [Redacted] [Redacted].

b7c

The [Redacted] on the envelope attached to [Redacted]
[Redacted] [Redacted] the letter was mailed at Newark, New
Jersey, October 10, 1935, at 10 P.

Very truly yours,

J. Edgar Hoover,
Director.

Enclosure 10. 61877

COMMUNICATIONS SECTION
MAILED
OCT 17 1935
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Federal Bureau of Investigation

U. S. Department of Justice

1200 Broad Street National Bank Building
Trenton, New Jersey

November 9, 1935.

ag

Handwritten initials and lines on the left margin.

Director,
Federal Bureau of Investigation,
U. S. Department of Justice,
Pennsylvania Avenue at 9th St., N.W.,
Washington, D. C.

To: [Redacted]

b7c

Dear Sir:-

This will confirm oral information furnished to Mr. E. A. Tamm of the Bureau on November 5, 1935.

At 12:40 p.m., November 8th, 1935, [Redacted] Prosecutor of the Pleas, Essex County, Newark, N.J., telephonically communicated with me and stated that [Redacted]

[Redacted] was in custody in Newark, N.J., in connection with the murder of Arthur ²Alexander alias Dutch Schultz. Of course this fact has been publicly known for several days, since [Redacted] was located in New York City by the Police Department and returned to Newark for questioning. [Redacted] further advised that immediately after apprehension in New York City [Redacted] had refused at first to voluntarily accompany the Essex County Officers to Newark, but when he was confronted with the contents of the Federal Statute covering unlawful flight to avoid prosecution or giving up testimony, and threatened with the statement that the matter would be referred to this Bureau for investigation and prosecution in the Federal Court, he then agreed to go from New York City to Newark, N.J. He has therefore been held for several days in Newark, New Jersey, for investigation without a formal charge being placed against him and [Redacted] feels that he cannot be held much longer.

b7c

RECORDED & INDEXED

23-2130-248

It was related to me that [Redacted] is known to have been in the company of Dutch Schultz throughout the last day of the latter's life, and was present in the Palace Chop House, 12 East Park Street, Newark, New Jersey, about the time of the murder, it being alleged that [Redacted] shot [Redacted]

NOV 14 1935

Handwritten signature and initials at the bottom of the page.

b7c

Director

11-9-35

about two minutes thereafter and went to New York City, where he cut the neckband containing his name from his hat, changed his automobile license plates and did everything to conceal his presence and identity in New York City.

In view of the foregoing facts, and particularly because it is doubtful whether [redacted] can be detained much longer, [redacted] suggested that prosecution under the unlawful flight statute might be initiated by the U. S. Attorney, particularly under that part of the statute pertaining to the flight to avoid the giving of testimony. [redacted] also stated that there was great criticism involved in this case, and he did not want to be later criticized for not suggesting prosecution under the above named statute. He was assured that the facts would be discussed with the United States Attorney John J. Quinn, relative to the prosecution of [redacted] and at which time he informed that he thoroughly understood such procedure, particularly in view of the fact that possibly the facts did not constitute a violation.

As further related to Mr. Tamm, I personally conferred with U. S. Attorney Quinn, who, after consideration, advised that in his opinion the facts did not constitute a violation of the unlawful flight statute, and certainly did not warrant prosecution even though there be any doubt as to the existence of a violation. He referred specifically to the fact that although [redacted] had fled to New York from New Jersey, he voluntarily returned to New Jersey and was then available for any prosecution or giving of any testimony desired of him, in spite of the fact that no charge had been filed against him or a subpoena issued for him at that time. b7c

The final decision and declination of the U. S. Attorney was shortly thereafter telephonically furnished to Prosecutor [redacted] at which time he again expressed his appreciation for our interest and cooperation.

No further investigation is being conducted in connection with this matter.

Very truly yours,

A. L. Listerman

A. L. LISTERMAN,
Special Agent in Charge.

cc [redacted]

Federal Bureau of Investigation

U. S. Department of Justice

Room 1400
370 Lexington Ave.
New York City

November 4, 1935

RECORDED
INDEXED

23-2130-250

Mr. J. Edgar Hoover
Federal Bureau of Investigation
U. S. Department of Justice
Pennsylvania Ave. at 9th St., N.W.
Washington, D. C.

NOV 13 1935

NOV 6 1935

TAMM ONE

Dear Mr. Hoover,

Reference is made to my letter dated November 1, 1935, relative to developments in gang activities leading up to and following the recent killings of gangsters in New York City and transmitting certain records which were in the possession of Flanagan alias Schultz at the time he was killed.

Special Agent [redacted] of the Trenton office, who is resident agent at Newark, New Jersey, through contact with the County Prosecutor's office, has ascertained that there were quite a few letters, telegrams, cards and other papers found in the possession of Schultz and the three gangsters who were killed with him, which records were not turned over to the Intelligence Unit of the Internal Revenue Bureau. Agent [redacted] obtained possession of all these papers from the County Prosecutor and brought them to the New York Bureau office where photostatic copies were made which will be transmitted to you by the Trenton office. Photostatic copies of the papers and records were also made for the Trenton and New York offices.

Agent [redacted] of the County Prosecutor's office in Newark who originally secured possession of the papers and records, both from the bodies of Schultz and his three associates and from their rooms in the Robert Frost Hotel in Newark, has advised Agent [redacted] that all the papers, of every kind and description, were made available for photostating. Efforts are being continued through the office of the United States Attorney, Southern District of New York, to obtain possession of the papers and records allegedly found in the room of Louis (Pretty) Anberg, who was also slain, and it is expected that these will be secured and forwarded within the next few days.

As stated previously, I am endeavoring to keep closely in touch with this situation and you will be promptly advised of developments of interest.

Very truly yours,

E. Whitley

E. WHITLEY
Special Agent in Charge

Federal Bureau of Investigation

U. S. Department of Justice

627 Broad Street National Bank Building
Trenton New Jersey

November 7th, 1935.

Director,
Federal Bureau of Investigation,
U. S. Department of Justice,
Pennsylvania Avenue at 9th St., N.W.
Washington, D.C.

Dear Sir:

Reference is made to memorandum prepared by Special Agent [redacted] of this office, under date of November 6, 1935, relating to the papers and possessions found at the time of the killing of Arthur (Dutch) Schultz, Flegenheimer, Otto Berman, Abe Landau and Bernard (Lou) Rosenkrantz, at Newark, New Jersey, more

[redacted]
Dutch Schultz.

Copies of these have since been received from the New York Office, and although they are better likenesses than that appearing on the photostatic copy from which they were made, they are not very clear even in their present state.

The originals are thought to be in possession of [redacted] the Newark Police Department, and no effort will be made to procure the originals in the absence of Bureau instructions.

Copies of the aforementioned photographic reproductions are attached hereto for the Bureau files in connection with this matter.

Very truly yours,

W. L. Listerman

W. L. LISTERMAN,
Special Agent in Charge.

[redacted]

[redacted]

b7c
b7D

b7c

RECORDED

INDEXED

NOV 16 1935

33-2150-251
FEDERAL BUREAU OF INVESTIGATION
[redacted]

See serials 2617262

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

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Federal Bureau of Investigation

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

November 6, 1935.

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

Time - 10:15 A.M.

MEMORANDUM FOR THE DIRECTOR

Re: Dutch Schultz Gang.

During a telephonic conversation which I had with Special Agent in Charge Whitley at the New York Office, I inquired of him if he had received any additional information relative to the Dutch Schultz killings. He said that he had received a little additional general information which he was just about to write up for transmission to the Bureau.

He said that he talked this morning to a [redacted]

that the killing of [redacted] Sherman was an accident; that the people who killed him thought he had something to do with the Schultz killing, which is an indirect admission [redacted] that he knew who was responsible for the Schultz killings. It appears that because of some "bad blood" which existed between [redacted] Schultz, some of Schultz's loyal followers just took it upon themselves to eliminate [redacted] Schultz still has enough loyal men around town to cause some more trouble. One of the Schultz men [redacted] who was shot at the same time that Schultz was killed, is recovering in the hospital. [redacted] last evening that [redacted] unfinished business" and that he would be taken care of later. Mr. Whitley said the [redacted] indirectly admitted that he knows all about this affair, which he naturally would under the circumstances.

RECORDED & INDEXED

23-2130-253

Mr. Whitley said that he has learned that some information [redacted] relative to [redacted] which he had furnished to me yesterday is erroneous. Mr. Whitley said that he told [redacted] with Schultz some time after their fight. This is incorrect, [redacted] as Sherman broke with Schultz shortly after the fight, and has [redacted] up with him since that time.

There have been no more killings to date, despite the fact that two Schultz men [redacted] are missing. There has been quite a bit of speculation to the effect that these two have been killed and their bodies buried some place. [redacted] with whom Mr. Whitley talked this morning during the [redacted]

[redacted] replied that he would be scared to death for the reason that he has always been afraid of ghosts.

Mr. Whitley, incidentally, has not verified the reports of the finding of a second body at Monticello, New York, this being to Mr. Whitley's opinion "just talk".

Respectfully,

E. A. TAMM.

NOV 18 1935

DEAR HOOVER
DIRECTOR

Federal Bureau of Investigation

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

November 11, 1935.

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

Time - 4:31 P.M.

MEMORANDUM FOR THE DIRECTOR

Re: Dutch Schultz.

During a telephonic conversation which I had with Special Agent in Charge Whitley at the New York Office, I told him that I had discussed with you today the matter of taking all the exhibits in the above matter and running down all the telephone numbers and other information with a view that probably we will get a lot of useless information, but we probably get some pretty good information. I told him it was your opinion the man to be assigned to this investigation should become a walking encyclopedia of information on racketeering activities, the type of a man who, if we get into the investigation of some of these rackets, can direct the activities of other Agents. In this latter regard, I asked Mr. Whitley if he had any of his Agents in mind who would be suitable for such an assignment.

Mr. Whitley said that off-hand, the following Agents would occur to him in this regard:

[REDACTED] 23-2130-252

With regard to [REDACTED] Mr. Whitley said that in the racketeering aspect possibly better than any other Agent in the office at the moment.

Mr. Whitley said that he can go out and conduct a very thorough and intelligent investigation, but at the same time, it always leaves him rather uneasy to know of his [REDACTED] is working on miscellaneous investigations at this time, having been taken off of bankruptcy investigations at the time being.

DEC 12 1935

[REDACTED] is at this time working on the Fish Combination - Antitrust, and stands a chance of being so tied up for some time.

Mr. Whitley frankly said that he believed [REDACTED] would be one of the best if not the best man in the office for this assignment. However, he is at this time working on the case entitled [REDACTED] Export Corporation - Neutrality Matter, with Mr. Conboy. He said he talked with [REDACTED] on Saturday about this case asking him how much longer he was going to be tied up on it. [REDACTED] informed him that Mr. Conboy believed they can go to trial with the matter, in so far as the shipment of the machine guns is concerned, and if they do go to trial, it will mean that [REDACTED] will be tied up for about two more weeks.

to be used on this.
J. E. N.

Memo for the Director

-2-

11/11/35

[redacted] - This Agent was mentioned by Mr. Whitley. He was not considered for assignment to head the investigation, but would be a good man to assist in the same.

[redacted] - Mr. Whitley mentioned that [redacted] might be a good man to consider in connection with this matter, but I told him that I had a feeling possibly [redacted] was closer to those fellows than he would have us believe. I told him there is no doubt as to [redacted] loyalty to the Bureau, but there is always that feeling he is possibly too close to those fellows to be the man to assign to head this investigation.

[redacted] - Mr. Whitley said that [redacted] might be a good man to assign to this investigation, but he is at this time tied up on the [redacted] case, which Mr. Whitley understands went to trial this morning. b7C

I told Mr. Whitley to take no affirmative action in regard to this matter until an opportunity is had for further discussion in the Bureau. I asked him to keep the situation in mind, however, and to advise the Bureau in the event anything occurs to him which might be beneficial in the way of executive ability to handle the investigation.

Respectfully,


E. A. TAMM

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23-2130 SERIAL NR dated 11/12/35

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JOHN EDGAR HOOVER
DIRECTOR

[Redacted]

b7c

Federal Bureau of Investigation

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

November 14, 1935.

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

Time - 4:45 P.M.

MEMORANDUM FOR THE DIRECTOR

Re: Dutch Schultz inquiries.

During a telephonic conversation with Mr. Whitley of the New York Office, I mentioned our previous telephonic conversation relative to the assignment of some Agent to head the inquiries into the leads obtained in the above matter, and also mentioned to him the results of my discussion of the matter with you. I told him that the matter should be held in abeyance for the time being until Special Agent [Redacted] is in a position to take charge of this matter.

b7c

Respectfully,

[Handwritten Signature]

E. A. TAMM.

23-2136-253

NOV 16 1935

FEDERAL BUREAU OF INVESTIGATION
NOV 16 1935 A.M.
U. S. DEPARTMENT OF JUSTICE

TAMM ONE

[Redacted]

b7c

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

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

November 8, 1935.

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

Time - 1:30 P.M.

MEMORANDUM FOR THE DIRECTOR

Re: Dutch Schultz Affair.

Special Agent in Charge Listerman telephoned me from the Trenton Office and said that he had just received some information in which he thought the Bureau would be interested.

He just received a telephone call from [redacted] who is the prosecuting attorney in Essex County, New Jersey making an investigation in connection with the murder of Dutch Schultz. The first part of this week, the New Jersey authorities arrested in New York City [redacted] is one of the persons who was present when Schultz was killed, and he was located in New York City, according to Mr. Listerman, probably through the wire-tapping facilities of [redacted] who was formerly with the Bureau of Narcotics. They wanted [redacted] to return to New Jersey, but he refused to do it. It appears then that [redacted] or one of his assistants, flashed the unlawful flight statute in [redacted] face, whereupon he voluntarily returned to New Jersey.

Mr. Listerman said that the catch to the entire matter is the fact that they don't have anything on this man, and can't, therefore, hold him. In this connection [redacted] telephoned Mr. Listerman and wanted to know if the Bureau would institute prosecution against this man under the unlawful flight statute, with a view to prosecuting him for unlawful flight to avoid testifying. [redacted] states that [redacted] was at the restaurant in which Schultz was killed during the day, and up until about one hour of the shooting; that he probably fled about two minutes following the shooting. He fled to New York, changed his automobile number, cut the name out of his hat and haled up there to wait until things cooled off a bit. It was while in this condition that he was found and voluntarily returned to New Jersey.

[redacted] wanted Mr. Listerman to take this matter up with the United States Attorney, which was done by Mr. Listerman just a few minutes ago. The United States Attorney plainly says "nothing doing"; that even though [redacted] fled into New York, he returned voluntarily, and is now there for whatever testimony or other purposes they might want with him; that the prosecutor [redacted] just has his hands on a hot potato and doesn't know what to do with it.

Mr. Listerman said that he then contacted [redacted] and told [redacted] of the attitude of the United States Attorney, which attitude prevents the Bureau from doing anything in the matter. [redacted] according to Mr. Listerman, is afraid that some criticism might be directed toward him if he

Ask Listerman why he didn't tell [redacted] that he should be taken up with me before anything [redacted] than afterwards.

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Memo for the Director

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11/8/35

did not report this matter to the Department of Justice. In other words, [REDACTED] just wanted to "pass the buck" to the Bureau, so that if anything comes up in the future, they can refer to the fact that the Department of Justice was advised of this, and refused to do anything about it. b7c

Respectfully,


E. A. TAMM.