



**FEDERAL BUREAU OF INVESTIGATION**

**ALPHONSE CAPONE**

**PART 7 OF 11**

**BUFILE: 69-180**

SUBJECT Capone Alphonse

FILE NUMBER 69-180

SECTION NUMBER 1

SERIALS 1-54X

TOTAL PAGES 218

PAGES RELEASED 218

PAGES WITHHELD 0

EXEMPTION(S) USED 0

69-180-1

March 21, 1929.

RECORDED

REC:AMV

MAR 22 1929

MEMORANDUM FOR MRS. WILKBRAND  
Assistant Attorney General

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

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

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

Very truly yours,

Director.

BUREAU FILES DIV. Encl. #129445.  
MAILED

MAR 21 1929

P. M.  
DEPT. OF JUSTICE



ASSISTANT ATTORNEY GENERAL WILLEBRANDT-BPK

TO

3-7-34

OFFICIAL INDICATED BELOW BY CHECK MARK

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

Memorandum  
for  
Mr. Hoover

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

March 18, 1929.

In re: Al Capone.

The Attorney General,  
Washington,  
D. C.

Sir: Attention: Mrs. Mabel Walker Willebrandt.

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

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

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

Very respectfully,

*George E. Q. Johnson*

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

DA:FM.  
Enc.

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

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

for six weeks, was confined to his bed at his home

on Palm Island, and has been out of his bed only for ten

days, but has not fully recovered from said disease;



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

(Signed) KENNETH PHILLIPS M.D.

Sworn to and subscribed before me this

5th day of March, A. D. 1939.

JAMES P. SPILLER

Notary Public, State of Florida.

9

REC:AMF

March 21, 1929

69-180-1

RECORDED & INDEXED  
MAR 22 1929

Mr. C. A. Caspary,  
P. O. Box 58,  
Jacksonville, Fla.

69-180-1

Dear Sir:

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

Rev 62-20034

In this connection there is transmitted herewith a copy of a memorandum which the Bureau has received from Assistant Attorney General Villebrant, as well as a copy of a letter from the United States Attorney at Chicago, Illinois, and a copy of the affidavit in question. You will observe that the affidavit indicates that Capone was confined to his bed for a period of six weeks since January 15, 1929, and that he had been out of bed for a period of approximately ten days prior to March 5, 1929.

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

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

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

- 2 -

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

Please give this matter your very prompt attention.

Very truly yours,

Director.

Encl. #129643.

MEMORANDUM

March 22, 1929.

MEMORANDUM FOR MRS. WILKERHANT  
Assistant Attorney General

69-180

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

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

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

Very truly yours,

RECORDED  
Director.

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

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

12

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

March 23, 1929.

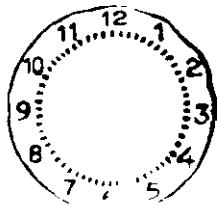
MEMORANDUM FOR THE DIRECTOR

69-180

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

Respectfully,

*Stagg*



MAR 23 1929

RECORDED & INDEXED  
MAR 25 1929

69-180-3  
~~69-180-3~~  
MAR 25 1929

Div. One

Noted  
13

69-180-4

REC:AMV RECORDED

March 25, 1929.

MAR 26 1929

MEMORANDUM FOR MRS. WILLENBRANDT  
Assistant Attorney General

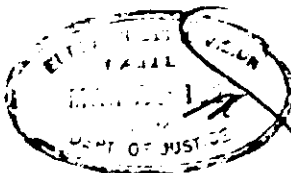
69-180  
~~Confidential~~

There is transmitted herewith for your information a copy of the report of Special Agent J. E. Burdge, dated March 23, 1929, at Jacksonville, Florida, relative to the case entitled: ALPHONSE DAPONE and ~~KENNETH~~ PHILLIPS, M. D. - Contempt of Court and Perjury. Two copies of the report in question have been forwarded to United States Attorney George E. Q. Johnson, of Chicago, Illinois, who was advised that in accordance with information obtained during a telephone conversation with the Bureau's Jacksonville Office this morning, four affidavits have already been mailed after being obtained from informants listed in the report, and the remaining affidavits are being obtained and will be placed in the mails today. Immediately upon receipt of the supporting affidavits, they will be forwarded to United States Attorney Johnson, in accordance with your request.

Very truly yours,

Director,

Encl. #129409.



Department of Justice  
Bureau of Investigation

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

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

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

Dear Sir:

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

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

Very truly yours

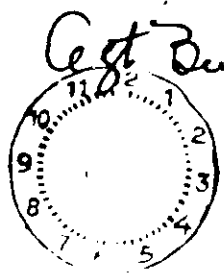
J. R. Burdge  
Acting Special Agent in Charge

JRE:CB

RECORDED

MAR 26 1929

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



MAR 25 1929

recd  
Miami  
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m 4 8 8

*Capt Burdge advised by telephone  
4 affidavits mailed at 1:00 am. Saturday night.  
Remainder probably mailed to Bureau  
by Capt Perkins from Miami Sunday  
at Monday AM.  
3/25/29*

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THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 3/23/29	PERIOD FOR WHICH MADE: 3/21, 22/29	REPORT MADE BY: J. R. Burdge
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.		CHARACTER OF CASE: CONTEMPT OF COURT PERJURY	

SYNOPSIS OF FACTS: Jax. File 69-9  
74

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

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

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

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

DO NOT WRITE IN THESE SPACES 16

APPROVED AND FORWARDED: <i>J. R. Burdge</i> SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: MAR 26 1929
COPIES OF THIS REPORT FURNISHED TO: 6-Bureau 4-Jacksonville <i>2 copy U.S. Attorney Chicago</i> <i>1 copy U.S. District Court Chicago</i> <i>1 copy Chicago office</i>	CHECKED OFF: JACKETED:
BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE MAR 25 1929	
ROUTED TO: <i>Mr. Tamm</i>	FILE



DADE COUNTY, )

CITY OF MIAMI, )

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

(Signed) KENNETH PHILLIPS M. D.

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

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

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

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

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

J. M. CORONEAS, detective, Hialeah Police Department, Hialeah, Fla., states that he was on duty at the Hialeah Race Track, Hialeah, Fla. from January 17, 1929 to March 13, 1929; that Subject Capone came to the track on January 20, 1929, and attended every race during that month with the exception of being absent for about three days due to being sick with a cold; that from Feb. 1, 1929 to Feb. 25, 1929 Subject Capone was in attendance at the races at least thirteen times; that it is his opinion that he saw Subject Capone at the Hialeah races at least twenty five days of the racing season, namely, from Jan. 17, 1929 to March 13, 1929. Detective Coroneas further states that he is very positive in his estimation of the days that Subject Capone was present at the races for the reason that he was constantly on the look-out for Subject Capone and his crew, as he considered it his duty to keep them under observation, and whenever possible he stood near the box occupied by Subject Capone and his associates.

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

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

*off*

*18*

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

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

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

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

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

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

PENDING

19

COPIES  
SERIALIZED

69-10-1

March 23, 1929.

MHO:AMV

69-180

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

Dear Sir:

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

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

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

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

RECORDED

Very truly yours,

69-180-5	
BUREAU	CHICAGO
MAR 26	9 21

Encl. #129465  
CC - Chicago Office.

Director.

*JH*  
*R*

msd

March 25, 1929.

MEMO:AMV

RECEIVED  
SECTION 2

69-180

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

Dear Sir:

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

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

Very truly yours,

Director.

Encl. #129466.

RECORDED

DA

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

22

C O P Y

DEPARTMENT OF JUSTICE  
OFFICE OF UNITED STATES ATTORNEY

CHICAGO

March 25, 1929.

RE: ALPHONSE CAPONE.

The Attorney General,  
Washington, D. C.

Sir:

Attention Assistant Attorney General  
Label Walker Willebrandt.

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

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

Respectfully,

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

GEQJ:MMH

RECORDED

MAR 26 1929

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

23

69-180-7

March 25, 1929.

RECORDED

REC:AMV

MAR 26 1929

MEMORANDUM FOR MRS. WILLENBANDT  
Assistant Attorney General

69-180

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

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

Very truly yours,

Director.

Encl. #153006.

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

24



ENC:AMV

March 25, 1929.

62-20690.

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

Dear Sir:

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

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

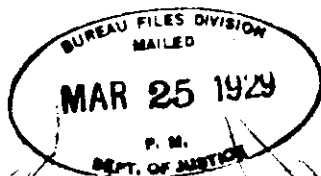
Very truly yours,

Director.

Encl. #123008.  
CC - Chicago Office.

RECORDED & INDEXED

69-180-8  
BUREAU OF INVESTIGATION  
MAR 26 1929  
D: 25



March 25, 1929.

WEO:AMV

62-20690.

**MEMORANDUM FOR MR. WILKINSON**  
**Assistant Attorney General**

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

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

Very truly yours,

Director.

RECORDED

Encl. #183008.

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

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

26

Dade County            )  
                          ) ss  
State of Florida        )

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

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

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

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

I solemnly swear that the above statement is the truth.

J. M. Coroneas,

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

Agnes I. Powers,  
Notary Public.

Not

Department of Justice

Bureau of Investigation

Dade County }  
State of Florida } ss

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

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

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

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

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

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

Agnes J. Gowers  
Notary Public.

Notary Public for Florida at Large  
My Comm. Expires March 13, 1932

Department of Justice

Bureau of Investigation

Dade County                    )  
                                  ) ss  
State of Florida            )

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

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

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

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

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

I solemnly swear the above affidavit represents the truth.

C. E. Bebler

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

James J. Powers  
Notary Public.

Department of Justice  
Bureau of Investigation

Dade County                    )  
State of Florida                ) ss

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

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

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

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

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

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

Further affiant says nothing.

M. G. Wood.

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

James J. Sullivan  
Notary Public.

Dade County )  
State of Florida ) SS

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

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

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

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

I solemnly swear that the above statement is the truth.

J. M. Corneas

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

Agnes J. Powers  
Notary Public.

Department of Justice  
Bureau of Investigation

Dade County }  
State of Florida } ss

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

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

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

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

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

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

*Agnes J. Roberts*  
Notary Public.

Notary Public at Large

1929



Department of Justice

Bureau of Investigation

Dade County                    )  
                                  ) ss  
State of Florida )

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

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

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

he, affiant,

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

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

I solemnly swear the above affidavit represents the truth.

C. E. Bebler

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

Agnes J. Roberts  
Notary Public.

Department of Justice

Bureau of Investigation

Dade County )
State of Florida ) ss

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

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

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

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

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

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

Further affiant deposes and says:

M. G. Wood

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

[Signature]

69-180

MEMO

WASHINGTON, D. C.  
MARCH 25, 1939.

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

JOHN EDGAR HOOVER

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

JOHN EDGAR HOOVER  
DIRECTOR

RECORDED

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

**Department of Justice**

**Bureau of Investigation**

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

2

WRITTEN AT MIAMI , FLORIDA.

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

69-180

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

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

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

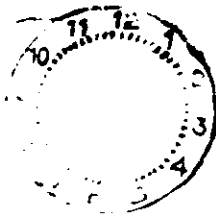
On tomorrow (Sunday) afternoon's mail, Mr. Perkins will forward the remaining affidavits to you.

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

Very truly yours, **RECORDED**

*George A. Campaña*  
**GEORGE A. CAMPANA**  
Special Agent in Charge.

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



MAR 26 1929

MAR 26 1929

*Handwritten signature and scribble*  
36

The 4 affidavits re  
Al Capone were attached  
as enclosures

81

March 26, 1929.

HONORARY

Honorable Geo. H. Q. Johnson,  
United States Attorney,  
Chicago, Illinois.

69-180

Dear Sir:

With further reference to the case involving  
AL CAPONE and DR. EDWARD PHILLIPS - Subsequent of Court  
Matter, there are transmitted herewith for your infor-  
mation, the original affidavits obtained from Sidney  
Joseph Kowalski, Joseph Jenkins, Ruth Sackin and Robert  
H. Taylor, Jr.

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

"THIS INFORMATION IS RELAYED BY BROTHERS  
OUTERED PASSAGE MANIFEST REVEALS THAT  
ON FEBRUARY EIGHT VOYAGE NUMBER FIFTY ONE  
ALPHONSE CAPONE AND FIVE OTHERS WENT BARBAR  
SCOP SAME VESSEL ENDORS MANIFEST VOYAGE  
NUMBER FIFTY TWO REVEALS SAME PARTIES LEFT  
BARBAR FEBRUARY TWELVE ARRIVING MIAMI FEB-  
RUARY THIRTEEN EIGHT THIRTY MORNING SCOP I  
HAVE DIRECTED PARTIES SECURE AFFIDAVIT FROM  
CAPTAIN OF VESSEL AND FORWARD DIRECT TO YOU  
SOONEST"

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

Very truly yours,

Director.

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

RECORDED

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

38

69-180-13

March 26, 1929.

MAR 27 1929

HHC:AMV

MEMORANDUM FOR MRS. WILLEBRANDT  
Assistant Attorney General

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69-180

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

Very truly yours,

Director.

Encl. #133011.

BUREAU FILES DIVISION  
MAR 26 1929  
DEPT. OF JUSTICE

39



From

OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

OFFICIAL INDICATED BELOW BY CHECK MARK

Attorney General .....

General Donovan .....

General Willebrandt .....

General Marshall .....

Mr. Carusi .....

Mr. Baldwin .....

Mr. Stewart .....

Mrs. Rishel .....

Assistant Director .....

Mr. Baughman .....

Mr. Boddis .....

Bureau Filing Section .....

Mr. Cunningham .....

Miss Gandy .....

Mr. Grimes .....

Mr. Keep .....

Mr. McKean .....

Personnel Filing Section .....

.....

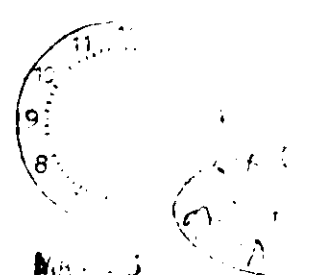
.....

.....

*Mr. Hoover*

*Page 2 sent*

*Received by  
Special Agent*



GOVERNMENT PRINTING OFFICE

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

*cc [illegible]  
[illegible]*



2

Department of Justice  
Bureau of Investigation

Miami, Fla.  
March 24, 1929.

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

Dear Sir;

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

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

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

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

Trusting these affidavits will be of some value I remain

Very Truly Yours

*James J. Perkins*  
James J. Perkins.

C.C.  
SAC Campana.  
Jacksonville, Fla.

69-180-13

MAR 27 1929

SEARCHED  
SERIALIZED  
INDEXED  
FILED

41

MAN 215 27

Department of Justice

Bureau of Investigation

STATE OF FLORIDA )  
                          ) ss.  
COUNTY OF DADE )

Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Sidney Joseph Lewcomb, who resides at 3516 S.W. 24th Street, Miami, Fla. and who being first duly sworn, deposes and says; that he has been employed by the Miami Jockey Club located at Mialeah, Fla. during their last two meetings, that is to say during the seasons of 1927 and 1929.

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

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

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

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

*Winn E. Ketch*

*Sidney Joseph Lewcomb*  
Affiant

Department of Justice

Bureau of Investigation

STATE OF FLORIDA )

COUNTY OF DALLAS )

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

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

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

*Joseph Jenkins*  
Affiant

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

*Missie E. K... ..*

Department of Justice

Bureau of Investigation

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

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

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

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

Department of Justice  
Bureau of Investigation

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

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

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

*Robert E. Taylor, Jr.*  
Affiant

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

*Ruth Gaslin*

Department of Justice  
Bureau of Investigation

STATE OF FLORIDA )  
                          ) SS.  
COUNTY OF DAKA )

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

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

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

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

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

*Minis Etcher*

*Sidney Joseph Newcomb*  
Affiant

Department of Justice  
Bureau of Investigation

STATE OF FLA (DA )  
COUNTY OF DALL )

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

Affiant states that he was assigned for special duty at the Hialeah Race Track, Hialeah, Fla. by Sheriff W.P. Johnson with the sanction of Chief of Detectives L.C. Scarborough, Miami Police Dept. Affiant states that from January 17, 1939, he did continuous duty at the race track at Hialeah, Fla. until the end of the meet March 13, 1939.

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

*Joseph Jenkins*  
AFFIANT

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

*Finnis E. Clark*

Department of Justice  
Bureau of Investigation

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

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

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

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

*ABA*  
Notary Public  
Miami, Fla.  
March 24, 1929



Department of Justice

Bureau of Investigation

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

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

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

*Robert D. Hancock, Jr.*  
Affiant

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

## HALTS CAPONE OUSTER

Judge Grants Permanent Injunction  
Against 20 Florida Sheriffs

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

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

INDICATED ON THIS MESSAGE

AMERICA

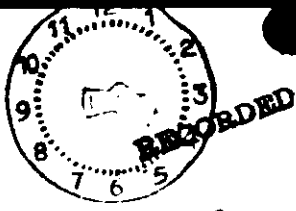
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THE WORLD

WLT 1 WEEK END LETTER

29 SM 85 COLLECT GOVT  
JACKSONVILLE FLO MAR 25 29

2



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

DIRECTOR BUREAU OF INVESTIGATION

69-180

WASHN DC.

MAR 25 1929  
MAR 27 1929

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



MAR 25 1929 U.S. Atty Johnson - Mrs. Willebrandt + Chi office a kind of 4PM



MAR 27 1929

# Department of Justice Bureau of Investigation

2  
69-188-54  
BUREAU OF INVESTIGATION

Miami, Florida,  
March 25, 1929.

MAR 27 1929

RECORDED & INDEXED

MAR 27 1929

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

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

Dear Sir:

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

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

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

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

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

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

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

Department of Justice  
Bureau of Investigation

-2-

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

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

Very truly yours,

*James J. Perkins*  
J. J. Perkins,  
Special Agent

CC  
SAC  
Campana

Department of Justice  
Bureau of Investigation

STATE OF FLORIDA )  
COUNTY OF DADE )

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

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

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

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

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

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

*Wm. Tremblay*  
MASTER SS NEW NORTHLAND.

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

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

# Department of Justice

## Bureau of Investigation

STATE OF FLORIDA )  
COUNTY OF DADE )

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

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

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

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

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

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

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

55

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

STATE OF FLORIDA )  
COUNTY OF DADE )

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

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

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

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

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

*Samuel D. Light*  
\_\_\_\_\_

Sworn and subscribed to before me a Notary Public

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

Notary Public  
My commission expires 2-19-30



COPY.

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

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

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

~~Confidential.~~

Dear Sir:

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

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

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

Yours very truly,

H. E. Aspinwall (Sgd)

Manager in Nassau.

69-180-15

57

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

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

By United Press

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

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

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

### Affidavit of Illness

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

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

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

### Fixes \$5000 Bail

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

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

It was reported that a small group of people at Lopez, Lower California, visited the government ships, the Washington and the Kootenai, when the Santa Rosalia port and...

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

69-180

File

H.

NOT RECORDED

58

69-180-15

March 27, 1929.

HIC:ALY

RECORDED

MAR 27 1929

MEMORANDUM FOR MRS. WILSON  
Assistant Attorney General

~~Confidential~~

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

Very truly yours,

Director.

Encl. 1133025.

69-180

By messenger  
3/27/29

BUREAU OF INVESTIGATION
MAR 27 1929
DEPARTMENT OF JUSTICE
FILE

59

69-180-15

March 27, 1929.

RECEIVED  
MAR 27 1929

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

Dear Sir:

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

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

Original affidavits made by William F. Tremblay,  
John William Chayer, Jr., and Dr. Samuel B. Lightfoot.

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

Very truly yours,

Director.

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

60

Department of Justice.

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

March 28, 1929.

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

Dear Sir:

Re: Alphonse Capone.

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

Again, I wish to thank you for your cooperation and helpfulness in this matter.

GEQJ:MTH

Yours very respectfully,

GEORGE E. Q. JOHNSON,  
United States Attorney.

RECEIVED  
MAR 30 1929  
69-180

61

MAR 30 1929

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

U.S. DEPT. OF JUSTICE

Department of Justice

Bureau of Investigation

Miami, Fla.

March, 28.1929.

2

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

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

Dear Sir;

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

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

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

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

Very Truly Yours

*James J. Perkins*  
James J. Perkins  
Special Agent.

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

RECORDED

APR 1 1929



MAR 30 1929

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

Department of Justice

Bureau of Investigation

( State Of Florida )  
County of Dade ) SS

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

Affiant states that on February 2nd., 1929 at ten thirty A.M. he piloted Seaplane NC 6813 from Miami Florida to Bimini, Bahama carrying the following passengers; Al. Capone, J.R.Clark, N. Circella and P.L . De Andrea .

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

Affiant further states that the Al. Capone referred to herein is the same Al. Capone that owns a residence at Palm Island Miami Beach, Florida and who has a scar on one side of his face. Affiant states that the said Al. Capone appeared to be in good health during the time that he took the trip from Miami, Florida to Bimini, Bahama and return.

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

*E. Nirmaier*

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

April 1, 1929.

REC:ACE

69-180-17

RECORDED  
APR 1 1929

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

69-180

Dear Sir:-

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

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

Very truly yours,

Director.

Encl. #153041.

CC Chicago Office.

*By Special messenger  
4-1-29*

64



April 1, 1929.

REC:ACS

MEMORANDUM FOR MR. PHILLIPS

69-180

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

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

Very truly yours,

Director.

Encl. #153067.

RECORDED

18

69-180-155

APR 2 1929

FILE

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

65

Department of Justice.

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

2

March 27, 1929.

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

Dear Sir:

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

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

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

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

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

APR 2 1929

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

69-180-19  
APR 2 1929

GEQJ\*MTH

Yours very respectfully,

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

*file*  
*66*

# CAPONE SNEERS AS CONTEMPT WRIT IS SERVED

THE WASHINGTON HERALD

MARCH 28, 1929.

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

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

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

### NOT CRIMINAL RECORD

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

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

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

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

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

### BOND IS READY

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

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

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

### M. BEL IS BLAMED

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

The particular case against Capone right now is whether or not he was actually too ill to come to Chicago, March 13, when he was summoned here under a Government subpoena. The Government demands if he was able to attend here

otherwise he would be held in contempt of court.

*[Handwritten signature]*  
67

NOT RECORDED

69-180

April 1, 1929.

69-180-19

RECORDED

APR 2 1929

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

69-180

Dear Sir:-

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

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

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

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

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

Very truly yours,

Director.

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

68

Department of Justice.

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

April 3, 1929.

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

Dear Sir:

I acknowledge receipt of your letter of April 1, with enclosure #133061, being the affidavit of Edward Nirmaier, and photostat letter of James J. Perkins, Special Agent at Miami, Florida, in the <sup>2<sup>nd</sup></sup> Capone matter, for all of which accept my thanks and high appreciation.

GEQJ:MTH

Yours very respectfully,

*George E. Q. Johnson*

GEORGE E. Q. JOHNSON,  
United States Attorney.

RECORDED

APR 5 1929

69-180-20

BUREAU OF INVESTIGATION
APR 5 1929 A. M.
DEPARTMENT OF JUSTICE

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THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 4/3/29	PERIOD FOR WHICH MADE: 3/21-28/29	REPORT MADE BY: J. J. Perkins
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.		CHARACTER OF CASE: CONTRAIT OF COURT PERJURY	
SYNOPSIS OF FACTS:  <p style="text-align: right;">Sax. File 69-9</p> <p>Reporting further investigation and incorporating twelve affidavits secured from persons interviewed relative to activities of Subject Capone during period January 15, 1929 to February 25, 1929, same showing conclusively that information contained in affidavit of Subject Phillips dated March 5, 1929 is materially false. Pending Bureau instructions.</p>			
REFERENCE: Report of Agent J. R. Burdge, Jacksonville, 3/23/29.			
DETAILS: <u>AT MIAMI, FLORIDA</u>			
<p>Pursuant to Bureau instructions, the following affidavits were secured from persons interviewed, originals of which have been forwarded to the Bureau:</p> <p style="text-align: center;"><u>I. AFFIDAVIT OF SIDNEY JOSEPH NEWCOMB</u></p> <p>STATE OF FLORIDA ) COUNTY OF DADE ) SS</p> <p>DETAILS: Before me the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Sidney Joseph Newcomb, who resides at 5346 S. W. 24th Street, Miami, Fla. and who being first duly sworn, deposes and says: That he has been employed by the Miami Jockey Club located at Hialeah, Fla. during their last two meetings, that is to say, during the seasons of 1927 and 1929.</p> <p>Affiant further states that his employment was usher or attendant to those that had rented boxes, further during the season of 1929 he was personally</p> <p style="text-align: right;">DO NOT WRITE IN THESE SPACES</p>			
APPROVED AND FORWARDED: <i>George A. Campana</i>	SPECIAL AGENT IN CHARGE	69-180-21	RECORDED AND INDEXED: APR 6 1929
COPIES OF THIS REPORT FURNISHED TO: 6-Bureau 4-Jacksonville		BUREAU OF INVESTIGATION APR 6 1929 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: APR 8 1929 JACKETED:
<i>W. C. Johnson</i> <i>Chas. J. ...</i> <i>Mrs. Willibrand</i> 4/8/29 H.H.C.		ROUTED TO: FILE	76

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

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

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

(Signed) Sidney Joseph Newcomb  
Affiant

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

#### II. AFFIDAVIT OF JOSEPH JENKINS

STATE OF FLORIDA )  
COUNTY OF DADE ) SS

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

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

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

(Signed) Joseph Jenkins  
Affiant

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

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III. AFFIDAVIT OF M. C. WOOD

DADE COUNTY  
STATE OF FLORIDA ) SS

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

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

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

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

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

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

Further affiant sayeth not.

(Signed) M. C. Wood

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

(Signed) Angus I. Powers  
Notary Public.

IV. AFFIDAVIT OF C. E. BEBLER

DADE COUNTY  
STATE OF FLORIDA ) SS

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

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

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

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That he, affiant, personally observed a man who has been pointed out to him and who he understands is Al Capone, referred to in the press from time to time as a "Chicago Gangster", this observation being made at the above mentioned race track during the season of 1929, which was run off from January 17, 1929 to March 15, 1929.

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

I solemnly swear the above affidavit represents the truth.

(Signed) E. E. Sobler

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

(Signed) Agnes I. Powers  
Notary Public

V. AFFIDAVIT OF W. R. FOSTER

DADE COUNTY )  
STATE OF FLORIDA) SS

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

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

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

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

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

(Signed) W. R. Foster

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

(Signed) Agnes I. Powers  
Notary Public.

VI. AFFIDAVIT OF J. M. CORONEAS

DADE COUNTY )  
STATE OF FLORIDA) SS

J. M. Coroneas, being duly sworn, on oath deposes and says:  
That he is a police officer of Hialeah, Florida, and has been such for about a year prior to this date;

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

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

I solemnly swear that the above statement is the truth.

(Signed) J. M. Coroneas

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

(Signed) Agnes I. Powers  
Notary Public

VII. AFFIDAVIT OF ROBERT R. TAYLOR JR.

STATE OF FLORIDA )  
COUNTY OF DADE ) SS

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

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