

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

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

(Signed) Robert R. Taylor, Jr.

Sworn to and subscribed
before me this 24th day
of March, A. D. 1921.

VERI. AFFIDAVIT OF RUTH GASKIN

STATE OF FLORIDA)
COUNTY OF DADE) SS

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

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

(Signed) Ruth Gaskin

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

IX. AFFIDAVIT OF DR. SAMUEL D. LIGHT

STATE OF FLORIDA)
COUNTY OF DADE) SS

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

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

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

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

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

(Signed) Samuel D. Light

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

(Signed) Helen F. Focney
Notary Public.

My commission expires 2-19-30

X. AFFIDAVIT OF CAPTAIN WILLIAM P. TREMBLAY

STATE OF FLORIDA)
COUNTY OF DADE) SS

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

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

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

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

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

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

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

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

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

II. AFFIDAVIT OF JOHN WM. COOPER, JR.

STATE OF FLORIDA)
COUNTY OF DADE) SS

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

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

-9-

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

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

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

(Signed) John William Cooper, Jr.

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

(Signed) Helen T. Toomey

Notary Public State of Florida
My commission expires 3-19-30

XII. AFFIDAVIT OF EDWARD MIRMAIER

STATE OF FLORIDA)

COUNTY OF Dade) SS.

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

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

(Signed) Ed. Mirmaier

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

78

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

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

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

A further check of the immigration records revealed:

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

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

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

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

UNDEVELOPED LEAD:

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

PENDING

79

April 8, 1929.

WHD:ACB
92-122-21

MEMORANDUM FOR MR. WELLS

RECORDED

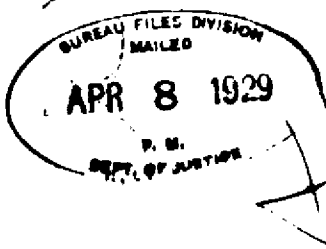
With further reference to the case involving Alphonse Capone and Mr. Kenneth Phillips - Contempt of Court Matter, there is transmitted herewith for your information, a copy of the report of Special Agent J. J. Perkins, dated April 2, 1929, at Jacksonville, Florida.

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

Very truly yours,

Director.

Encl. (122112).



REC:ASS
62-120-22

April 8, 1929.

APR 8

RECORDED

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

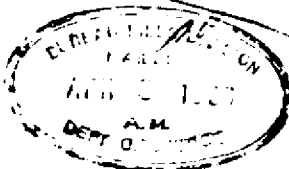
Dear Sir:-

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

Very truly yours,

Director.

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



81

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

April 10, 1929.

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

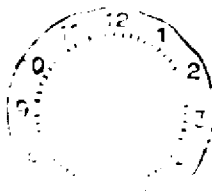
Dear Sir:

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

GEQJ:MTH

Yours very respectfully,

GEORGE E. JOHNSON,
United States Attorney.



RECORDED

APR 13 1929

69-180-22

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

82

REC-30
65-100-25

April 18, 1929.

RECORDED

APR 19 1929

MEMORANDUM FOR MRS. WILLERBAND,
Assistant Attorney General.

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

Very truly yours,

Director.

Enc. #129082

BUREAU FILES DIVISION
MAILED

APR 18 1929

P. M.

U. S. DEPT. OF JUSTICE

83

Department of Justice
Bureau of Investigation

12

Chicago, Illinois
April 15th, 1929

~~CONFIDENTIAL~~

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

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

Dear Sir:

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

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

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

Very truly yours,

J. J. CONNELLEY
Special Agent in Charge

KJC:FEM

cc: U.S. Attorney, Chgo

APR 17 1929

RECORDED

APR 19 1929

69-880-23

BUREAU OF INVESTIGATION
APR 17 1929 A.M.
DEPARTMENT OF JUSTICE
Div. Two

memo. Two. Chgo. 4-15-29
84

Department of Justice

Bureau of Investigation

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

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

Dear Sir:-

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

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

Very truly yours



George A. Campana
Special Agent in Charge.

GAC:LA

RECORDED & INDEXED

*Reper
6-5-29
JUN 8 1929*

64-180-24

JUN 3
FILED

85

JUN 8 - 1929

REC-75
66-126 - 24

June 3, 1929.

RECORDED

JUN 6 - 1929

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

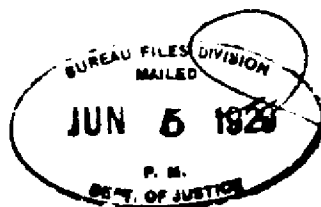
Dear Sir:-

Reference is made to
your letter dated May 22, 1929 relative to
the case entitled: - ALPHONSE CAPONE and
KENNETH PHILLIPS - Contempt of Court and
Perjury Matters.

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

Very truly yours,

Director.



86

WFO:38
69-180

June 4, 1929.

MEMORANDUM FOR MR. WILLIAMSON,
Assistant Attorney General.

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

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

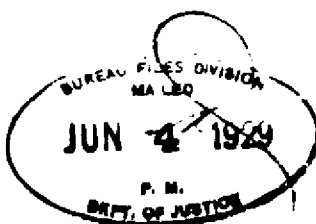
Very truly yours,

Director.

69-180

RECORDED
B

69-180-25	
JUN 5 1929	
	FILE



87

ENC: 38
69-180

40252

June 13, 1939.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL WILLIAMSON:

Attention: Mr. Smith.

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

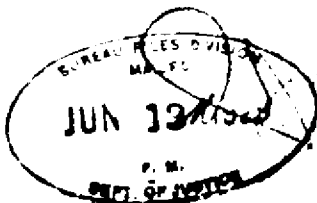
There is also enclosed, a photostatic copy of an affidavit which Dr. Phillips executed in connection with this case.

Very truly yours,

Enc. #126222

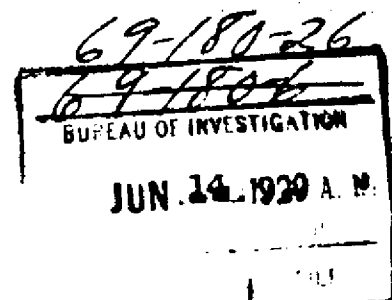
Director.

69-180



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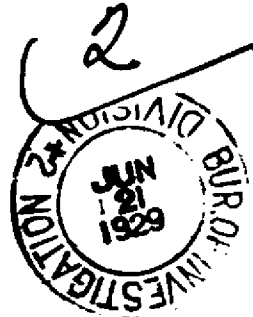


88

Department of Justice

Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO ILLINOIS



June 19th, 1929

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

Chicago File: 69-19

~~CONFIDENTIAL~~

Dear Sir:

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

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

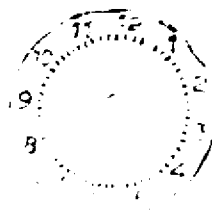
Very truly yours,

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

RJC:JMS

CC U.S. Atty. Chicago.

69-180



Reply 6-24-29
RECORDED
bx

JUN 25 1929

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

89

REC-38
66-158-57

June 24, 1929

RECORDED

JUN 25 1929

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

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

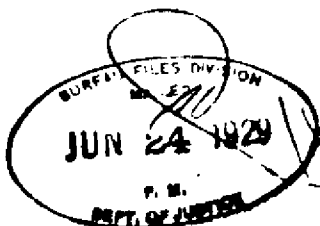
Dear Sir:-

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

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

Very truly yours,

Director.



90

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

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

JUN 1929

REPLY

234121

June 24, 1929.

69 180

2

MEMORANDUM FOR MR. HOOVER
Director, Bureau of Investigation

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

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

Respectfully,

Maule Walker Millsband
Assistant Attorney General

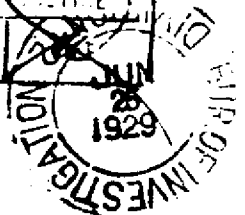
RECORDED

JUN 28 1929

69-180-28

BUREAU OF INVESTIGATION	
JUN 28 1929 A. M.	U. S. DEPT. OF JUSTICE

W. J. [Signature]



*2 encl
H. J. [Signature]
P. H. J. [Signature]
4/10/29*

*Laurel [Signature]
6/27/29*

REC:MMH
65-150-65

June 27, 1929.

RECORDED

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

JUN 28

Dear Sir:

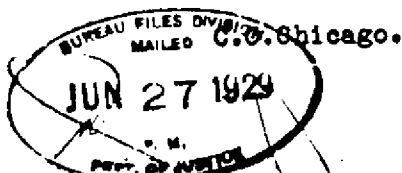
Reference is made to the case concerning MR. KENNETH PHILLIPS and ALPHONSE CAPONE - Contempt of Court and Perjury. In regard to this matter, you are advised that the Bureau is in receipt of a memorandum from Assistant Attorney General Willebrandt requesting that the facts of this case be presented to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

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

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

Very truly yours,

Director.



92

ENC: 36
62-284-22

RECORDED

JUL 19 1929

July 18, 1929.

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

Dear Sir:-

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

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

Very truly yours

Enc. 36

cc - Jacksonville Office

Director.



THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 7-12-29	PERIOD FOR WHICH MADE: 7-11-29	REPORT MADE BY: Felix O. Cox.
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.		CHARACTER OF CASE: CONSPIRACY TO OBSTRUCT JUSTICE PERJURY	
SYNOPSIS OF FACTS: <u>SUMMARY REPORT</u>			
<p>In this case the Subject Kenneth Phillips, M. D., at Miami, Florida, on the 5th day of March, 1929, made an affidavit stating in brief that he is personally acquainted with Subject Alphonse Capone and that he had been professionally attending the said Capone continuously since January 13, 1929, and that the said Capone was suffering with Broncho Pneumonia Pleurisy and was confined to his bed at his home on Palm Island, from the 13th day of January to the 23rd day of February, 1929, or ten days prior to the date of the affidavit and that it would be dangerous for the said Capone to leave the mild climate of Florida and proceed to the City of Chicago, Illinois; and that his professional opinion was that such a trip would impair the safety of the said Capone and that there would be a grave risk of collapse which might result in his death from recurrent Pneumonia. This affidavit was to be used by the said Capone for the purpose of obtaining a continuance of his response to a Grand Jury subpoena at Chicago, Illinois, and was presented to Judge Wilkerson of the United States District Court at Chicago for that purpose. The time covered by this affidavit namely from January 13, 1929 to ten days prior to March 5, 1929, the said Alphonse Capone was not sick nor confined to his bed as is sworn to be a fact by the said Kenneth Phillips, M. D., but was well, strong and able to be about in his usual manner, and therefore the affidavit is wholly false and without foundation.</p> <p>The witnesses for the Government in this investigation, each of whom made an affidavit as to what he would swear to are as follows:</p> <p>(1) SIDNEY JOSEPH NEWCOMB, 3346 S. W. 24th Street, Miami, Florida, will testify that he was employed by the Miami Jockey Club at Hialeah, Florida, during the racing season of 1927 and 1928; that on January 17, 1929, Alphonse Capone was</p>			
APPROVED AND FORWARDED: <i>J.P. Sub, atty</i>		DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT FURNISHED TO: 6 Bureau 4 Jacksonville		BUREAU OF INVESTIGATION JUL 15 1929 A.M. DEPARTMENT OF JUSTICE ROUTED TO: Div. Two FILE	
		RECORDS AND INDEXED: JUL 18 1929 CHECKED OFF: JUL 19 1929 JACKETED: <i>5</i>	

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

(2) JOSEPH JENKINS, for the past six years connected with the Miami Police Department, will testify that he was assigned to duty at the Hialeah Race Track, Hialeah, Florida, by Sheriff Scarborough, Miami Police Department, from January 17, 1929, to March 13, 1929, and that he frequently during the race season observed Al Capone at the races.

(3) W. B. WOOD, Police Officer of Hialeah, Florida, will testify that he was assigned to duty at the Hialeah Race Track, Hialeah, Florida, from January 17, 1929, to March 13, 1929, and that a man was pointed out to him as Al Capone by W. H. Foster whom he was told was Al Capone's carter. That the carter his regular beat carried him in front of the box occupied by the man known as Al Capone and that he personally observed this man in his box nearly every Thursday, Friday and Saturday during the continuation of the racing season.

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

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

(6) J. M. CORONAS, Police Officer, Hialeah, Florida, will testify that he did continuous duty at the horse races at Hialeah, Florida, from January 17, 1929 to March 13, 1929; that on January 18, 1929, the second day of the races, he observed Al Capone at the race track, and from that date up to and including March 13, 1929, the day the races closed, he observed the said Capone at least twenty-four different times of the meet; that between February 1, and February 15, 1929, he observed the said Capone at the races at least thirteen different times; that he knew the said Capone and remembers distinctly his being there; that he saw parking automobiles in front of the race track and that Capone drove a \$10.00 tip and thereafter he looked forward to his daily coming with a great deal of interest; that at first Capone looked to be a person of interest toward the end of the meet, did not look so well.

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

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

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

(9) CAPTAIN WILLIAM F. COOPER, who is Captain of the Steamship New Northland, which operates the route between the Port of Miami, Florida, and the Port of Nassau, Bahamas, will testify that on February 2, 1929, the said ship left the Port of Miami, Florida, and among the passengers on board the said ship were Al Capone and his party, who were clearly identified by the Captain as being the same Al Capone who was in the Port of Miami, Florida, on the said day, and who was in perfect health and apparently enjoying himself. The Captain also testified that he saw Al Capone and his party returning to the Port of Miami, Florida, on the said day, and that he saw Al Capone once during the return trip, but that he appeared to be in perfect health.

(10) JOHN WILLIAM COOPER, JR., who resides at 408 Ocean Drive, Miami, Florida, will testify that he is District Traveling Passenger Agent for the Hanson Steamship Lines, at Miami, Florida, which operates the Steamship New Northland, plying between the Port of Miami and the Port of Nassau, Bahamas; that on February 2, 1929, he was at the Municipal Pier No. 2, Miami, Florida, watching passengers boarding the said steamship; that among the passengers boarding the vessel that date was Al Capone, his brother Alfred Capone, Ben Phillips and others; that he personally saw the said Capone board the ship that day and saw Capone stand on the deck of the Northland as it left the Port of Miami.

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

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

Out-bound manifest records show that the American Seaplane BU 6815 departed from Miami, Fla., for Miami, Bahamas, February 2, 1929, leaving on board Al Capone, J. N. Clark, W. C. Ciofalo and Philip Deane.

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

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

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

Alphonse Capone, Subject of this investigation,
Capone commonly known as "Scar Face", the subject's criminal
record is such that it is believed the same will be indicated in the
the United States. To say the least, he is a well known character and his
in this case does not attempt to set forth in detail, but in fact it gives the
criminal record of Subject Capone.

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

ENC. 2
62-120-62

July 12, 1929.

RECORDED

MEMORANDUM FOR THE ASSISTANT ATTORNEY GENERAL IN CHARGE
OF PROMISES.

Attention: Mr. Smith.

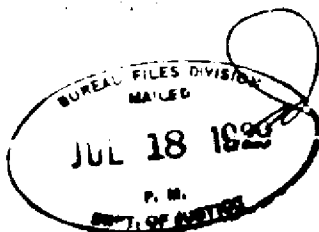
With reference to your memorandum dated June 24, 1929 relating to the case entitled: - ALFRED GARDNER and KENNETH PHILLIPS, M. D. - Contempt of Court and Perjury Matters, there is enclosed herewith, for your information, a copy of a report of Special Agent Felix S. Cox, dated July 12, 1929 at Jacksonville,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

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

Very truly yours,

Enc. (12693)

Director.



69-180

POST OFFICE BOX 1408
CHICAGO, ILLINOIS

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

ALPHONSE CAPONE
MR. EDWARD PHILLIPS, R.
Contempt of Court and
Perjury.

Dear Sirs:

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

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

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

Very truly yours,

RECORDED

E. J. CONNELLEY,
Special Agent in Charge

69-180-38

RJC:JMS

Director
CC Jacksonville

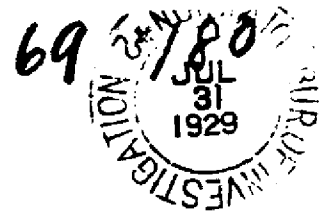
JUL 27 1929

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

99

Department of Justice

Bureau of Investigation
POST OFFICE BOX 1405
CHICAGO, ILLINOIS



July 29th, 1929
Chicago File: 89-19

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

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

Dear Sir:

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

Very truly yours,

E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

RECORDED

AUG 5 - 1929

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

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(COPY)

UNITED STATES ATTORNEY

Northern District of Illinois

Chicago

July 21, 1934

Re: ALBERTO CAPONE
DR. ROBERT PHILLIPS
Contempt of Court and Perjury

Mr. E. J. Connelley

Special Agent in Charge,

Chicago, Illinois.

Dear Sir:

In the above matter, I am writing the Attorney

General today asking that the United States Attorney

at Miami, Florida, be requested not to proceed in the
matter.

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

Yours very respectfully

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

GEQJ:MEH

69-180-31

101

P. O. Box 34

Parksville, Tenn.

Jan. 22, 1933

Mr. E. J. Connelley

P. O. Box 1808

Chicago, Ill.

RE: ALPHONSE CAPONE; ST. JOSEPH PHILLIPS;
CONTEMPT OF COURT; PERJURY

Dear Sir:

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

Very truly yours,

J. P. MacFarland
Special Agent in Charge

JPM:CB

cc: Director

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

REC-36
62-100-51

August 3, 1929.

RECORDED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL IN CHARGE
OF PROSECUTION.

Attention: Mr. Smith.

AUG 5 - 1929

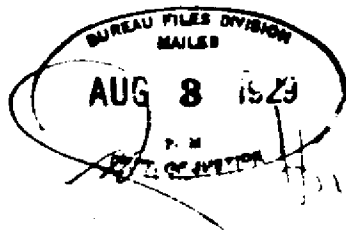
Further reference is made to the case
entitled: - ALPHONSE CAPONE and DR. HERBERT
PHILLIPS - Contempt of Court and Perjury.

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

Very truly yours,

Enc. #100555

Director.



103

U. S. Department of Justice
Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS

69-180

January 25th, 1930

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

Chicago File: 69-19

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

Dear Sir:

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

Very truly yours,

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

EJC:JMS

CC Jacksonville

RECORDED

JAN 31 1930

69-180-32
JAN 27 1930
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104

378:70
89-180-22

January 30, 1930.

RECORDED

JAN 31 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST.

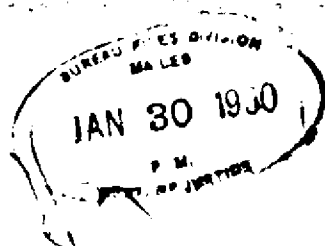
With further reference to the case
entitled: - ALFRED CAPONE, SR. KENNETH
PHILLIPS, -Contempt of Court, Perjury, there is
transmitted herewith, a copy of a letter dated
January 25, 1930, which the Bureau has received
from the Agent in Charge of the Chicago Office.

Very truly yours,

Director.

Enc. 452336

gm



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STW:AM
68-100-20

March 27, 1933

RECORDED
MAR 28 1933

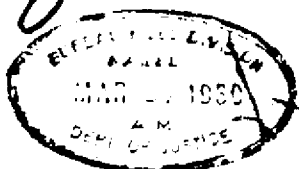
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST

With further reference to the case entitled
ALFRED CARONE, DR. KENNETH PHILLIPS, Contempt of
Court, Perjury, there is attached hereto for your in-
formation a copy of a letter dated March 20, 1933 which
the Bureau has received from the Chicago office.

Very truly yours,

Director.

Inc. 488712.



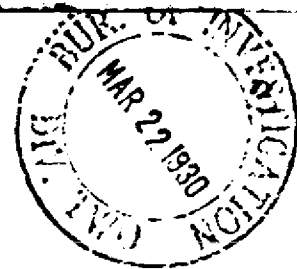
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U. S. Department of Justice
Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS



March 20th, 1930

Chicago File 69-19

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

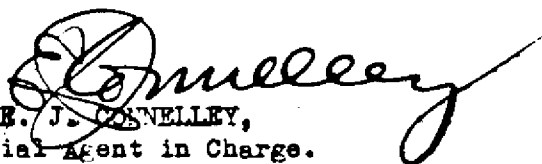
RE: ALPHONSE CAPONE
Dr. Kenneth Phillips,
CONTEMPT OF COURT
PERJURY.

Dear Sir:

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

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

Very truly yours,


E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

69-180-33

MAR 28 1930

MAR 27 1930 107

comes to
Youngquist
3/27/30

Mr. Tice

Jm

MM:JC

April 9, 1930.

MEMORANDUM FOR THE DIRECTOR:

R. W. Johnson, messenger applicant.

Mr. Stovall, Special Agent applicant has no appointment.

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

Very truly yours,

H. Nathan.

69-180

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

RECORDED & INDEXED
APR 14 1930

RECORDED

WAM:AMP
69-180-88

April 17, 1930.

APR 19 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST

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

Very truly yours,

Director.

Incl. #767113.

BUREAU FILE

SW
11/11/30

11

109
8

THIS CASE ORIGINATED AT

Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: Apr. 11, 1930	PERIOD FOR WHICH MADE: Apr. 9, 1930	REPORT MADE BY: J. P. MacFarland
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.		CHARACTER OF CASE: CONTRACT BY COURT PERJURY	
SYNOPSIS OF FACTS: United States Attorney W. P. Hughes advises no action contemplated to be taken in this matter until case pending against Subject Capone at Chicago, Ill., is finally disposed of.			
DETAILS: On April 9, 1930 the writer conferred with United States Attorney W. P. Hughes at Jacksonville, Florida, relative to what prosecutive action he contemplates instituting in this matter. Mr. Hughes stated that no action will be taken in this district until the case pending against Subject Capone at Chicago, Ill., is brought to trial.			
PENDING			
DETAILS: <div style="text-align: right;">DO NOT WRITE IN THESE SPACES</div>			
APPROVED AND FORWARDED: <i>J. P. MacFarland</i>	SPECIAL AGENT IN CHARGE	69-180-35	RECORDED AND INDEXED: APR 15 1930
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 2 Chicago 3 Jacksonville (1, U. S. Atty. Jax.) ML		BUREAU OF INVESTIGATION APR 14 1930 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: APR 19 1930 JACKETED:
		ROUTED TO: Div. Two	

JTW:AMP
69-180-

May 2, 1930.

Mr. C. I. Keep,
P. O. Box 967,
Pittsburgh, Pa.

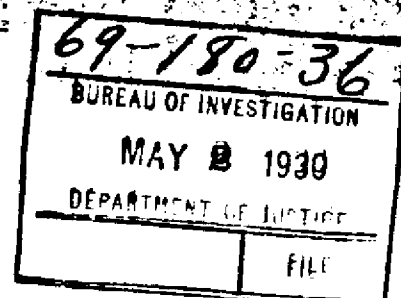
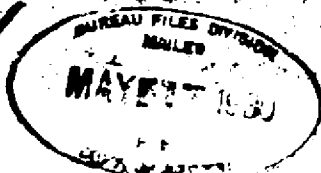
Dear Sir:

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

Very truly yours,

Director

RECORDED



P. O. Box 987,
Pittsburgh, Penna.

MAY 5, 1930.

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

Dear Sir:

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

May 1, 1930.

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

The Pittsburgh office has no file in this matter.

Very truly yours,

(Signed) C. L. Keop.

C. L. Keop,
Special Agent in Charge.

CC Bureau ✓

69-180
BUREAU OF INVESTIGATION
MAY 5 1930
112

April 24, 1936.

MEMORANDUM FOR THE DIRECTOR

Re: AL CAPONE

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

In April, 1928, an investigation was conducted at the request of the United States Attorney for the Southern District of New York for the purpose of locating one, A. J. CAPONE, whose presence was desired at New York City in the case entitled U.S. vs. HUNSON, ETAL. Capone was located in Chicago and appeared as a witness in the above proceeding. On August 29, 1934, Capone was located by Agents of the Chicago office of the Bureau, it being stated at that time he was wanted as a witness in a civil suit which the Government brought for damage to a mail truck. This investigation was instituted at the request of the United States Attorney in that City. It was reported in December, 1925, that Capone, JOHN TORRES and one ROGER VANILLA had purchased a tract of land at Clearwater, Florida, for \$125,000.

An affidavit was presented to Federal Judge Willerson, March 12, 1929, at Chicago, Illinois, sworn to before United States Commissioner Spittler at Miami, Florida, by Dr. AUGUST PHILLIPS to the effect that Capone for six weeks subsequent to January 15, 1929, had been confined to his bed at Miami because of illness and, consequently, was unable to respond to a Grand Jury subpoena issued for him from the Federal Court at Chicago. The United States Attorney doubted the truth of the affidavit submitted and referred the matter to the Department. Subsequently, the Bureau was requested by the former Assistant Attorney General in charge of Prohibition to conduct an investigation of the matter, which disclosed that the affidavit submitted over the signature of Dr. Phillips was not true as Capone during the time indicated in the affidavit, had attended several sporting events at Miami and was otherwise actively engaged. A citation for contempt was issued against him in Chicago on March 27, 1929,

69-180

Recorded copy in 62-23331-6

113

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

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

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

Respectfully,

J. J. Waters.

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