

FEDERAL BUREAU OF INVESTIGATION  
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION  
COVER SHEET

**SUBJECT: DESIARNAZ**

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EBF or Bulky.

# Unbearable Untouchables

By Richard Starnes

*Desilu Productions*



NEW YORK, March 13—Giving aid and comfort to tough Tony Anastasia is a little out of my line, but any sane person is obliged to make common cause with him in his campaign to drive "The Untouchables" off television.

Tony is a New York dockside labor boss with a history of violence and a reputation for orneriness. On his side one must observe that wishy-washy chaps seldom thrive in his rugged racket and, moreover, for all the pious allegations of wrong-doing lodged against him over the years, Mr. A. has a remarkable record for staying out of jail.

Anyway, tough Tony is out of sorts with "The Untouchables" because it persists in portraying gangsters of Italian descent. Tony is of Italian descent himself and, of course, has been shown how he is sensitive to the hoodlum bit.

Tony says his International Longshoremen's Association will boycott the products of Liggett & Myers Tobacco Co. unless its "Untouchables" mends its ways. The dock-wall-oppers have no right to use their waterfront labor monopoly to blacklist a television show or anything else, of course, but heaven knows "The Untouchables" is a frightful affront to civilized souls everywhere. Ordinary common decency demands that it be turned off, one way or the other.

My quarrel with the show isn't based on the ancestry of the gangsters it celebrates. I don't even know if they've given Italians a monopoly on hoodlum roles, as Mr. A. charges.

But this is a side issue. The real offense of "The Untouchables" is the awful sadism and violence that is its stock in trade. One night recently, Chip, who is 12, asked permission to stay up later than usual to watch the show. I knew, in a vague sort of way, that "The Untouchables" was a gangster series, but Chip is wise and level-headed beyond

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his years, and his petition was granted. It was an appalling mistake, and one I regret.

The play opened with an episode in a bordello, in which one of the resident doves of sin was awarded to a visiting hoodlum as a token of his colleagues' esteem. The thug turned out to be a man of curious (and transient) rectitude, however, and one of his equerries slapped the tart to get her off his boss' lap.

Well, for all her vile trade this girl didn't like being cuffed around, see, and she vowed vengeance. She quickly arranged (by bestowing her tarnished favors on another hoodlum) to have the chap with the ready fists machine-gunned. Thereafter there were a number of killings by gunfire, one gangster is sadistically beaten to a pulp (again a bit of vengeance arranged by the fallen woman), and this same hoodlum then has his tongue cut out, that he may never "squeal" again, of course.

There is more. The woman attempts (in terms unmissably specific) to seduce the hero, who is a prohibition agent. But playing house with a prostitute is not this lad's dish of tea and he scorns her advances. (This led me to hope she would stay in character by arranging to have him bumped off, but it did not work out that way.) Oh, retribution sets in for this precious package, all right, but not before most of the players are wallowing in their own gore. At the climax (a climax of egregious bad taste) this soiled pigeon is caught double-crossing the big guy and he is preparing to cut up her face so she will never again tempt mortal man when the cops bust in.

The show was an unspeakable, shocking atrocity against the human intellect and spirit. With all the skillful arts of the hucksters it peeled back part of the layer of civilization that mankind has constructed so painfully over so many centuries.

If our new frontier FCC won't dam this tide of TV sadism and filth, I'll just have to wish tough Tony luck, as much as I deplore his methods.



# Untouchables' Quiets Criticism By Italo Group, But Solon Still Frets

New York, March 19. — ABC and Desi Arnaz on the one hand, and Judge S. Samuel DiFalco and Justice Ferdinand Pecora of the National Italian-American League to Combat Defamation, have agreed publicly

that "The Untouchables" vidpix series will not use fictional characters with Italian names in the future. Arnaz, head of Desilu, which produces series, also agreed to increase size of the role of Nick Rossi, one of the program's heroes, and would attempt to show a "favorable" contribution of Italian-Americans to society.

But trouble for "Untouchables" may not have ended there. Congressman Alfred E. Santangelo, of the Federation of Italian-American Democratic Organizations of the State of New York, made this statement Saturday about the Arnaz-DiFalco accord: "If I understand their agreement correctly, they believe the assurances do not solve the problem. As we see it, the use of absolutely fictionalized characters ascribed to actual headlines, effect of such practice is to associate fictionalized nefarious things with true persons. Harm perpetrated by this association is irreparable; letters sent me indicate uninformed people believe the stories to be true whereas in fact they are absolutely fictional." Santangelo's group, also the N.Y. newspaper "Il Progresso" plus the

Productions, Inc.

meetings this week on "Untouchables."

The Congressman explained to DAILY VARIETY Saturday about meetings he and other Italo-American Congressmen held last January in Washington with Tom Moore and Al Schneider of ABC. Santangelo said program veep Moore was willing to do the same thing for him in January as Desilu promised Pecora and DiFalco Friday, but Santangelo did not feel this fulfilled his desire. ABC was willing, he said, to remove fictional Italians from "Untouchables" but sought to continue using real names like Frank Nitti in fictional situations. Santangelo would not accept these terms during the Washington meeting unless the web ended each program by noting for the audience it was "entirely fictional." The Congressman recalled ABC was willing to state it was partially fictional.

"The real Frank Nitti never washed dope in New Orleans, yet that is one of the stories," Santangelo, said. "All original 'Untouchables' material is exhausted. It's now a completely fictional program. We object to using true characters in completely fictional story. The same harm is done."

DiFalco's statement Friday noted Desilu had 12 more new "Untouchables" to air this season, of which eight had no Italian names at all. Of 19 repeat programs this summer, 12 do not contain any Italian characterizations, two others only "minor reference." One other repeat, the statement said, presented an "Italian immigrant group in a very favorable light." The statement said Pecora, DiFalco and Arnaz (accompanied by ABC officials) were "brought together by mutual friends."

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DAILY VARIETY  
Hollywood 28, California  
March 20, 1961  
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## TV Producer Agrees to Cut Italian Names

NEW YORK, March 17 (UPI)—Desi Arnaz, producer of "The Untouchables," and a group of Italian-American leaders announced today a friendly agreement had been reached providing a limit on use of Italian names for hoodlums on the ABC-TV program and a bigger role for an Italian detective.

The agreement resulted from protests by Italian-American groups against the use of fictional Italian names on the program. The protesters have picketed the program and declared a boycott of the products of one of the sponsors, Liggett & Myers, who subsequently dropped sponsorship of the show.

Anaz, president of Desilu Productions, met with Surrogate S. Samuel Di Falco, national chairman of the National Italian-American League to Combat Defamation, and former Supreme Court Justice Ferdinand Pecora, chairman of the league's advisory committee.

The points agreed upon included:

- "The Untouchables" will not give fictional Italian names to any characters in future productions.

- More importance will be given to the law-enforcing role of the Italian detective, Nick Rossi, who is Eliot Ness' right-hand man in the TV series.

- Arnaz gave full recognition to the fact that there are many judges, prosecutors, mayors, governors, legislators and other public officers throughout the country who are of Italian origin.

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# Zukor Honored As Milestone Recipient; SPG Awards To Wilder, 'Untouchables'

Film and television industry leaders paid tribute to Adolph Zukor last night as more than 1,000 persons witnessed the vet showman receive the Screen Producers Guild Milestone Award in ceremonies at the ninth annual SPG banquet in the International Ballroom of the Beverly Hilton.

Master of ceremonies Jerry Lewis read telegrams of congratulations from President John F. Kennedy and former President Dwight D. Eisenhower. Former Vice President Richard M. Nixon

also paid tribute to Zukor and declared that there is no "institution" that has "greater effect" than the motion picture to do good for the country. He also commented on the effect that bad films can have for the country.

Presentation of the Milestone Award to Zukor was made by Jimmy Stewart. Following the presentation, the SPG's Best Produced Picture award went to Billy Wilder for the Mirisch-UA production of "The Apartment."

The Best Produced Television Series Award went to "The Untouchables." Award was made to Alan Armer, Walter Grauman, Herman Hoffman, Lloyd Richards and Joseph Shaftel.

On the dais with Zukor as honored guests were Gov. Edmund "Pat" Brown, Barney Balaban, Jack L. Warner, Jack Karp, Mary Pickford, Bob Hope, Jimmy Stewart, Gina Lollobrigida, Natalie Wood and Debbie Reynolds.

No Intercollegiate Award was bestowed this year.

Mr. Tolson	✓
Mr. Parsons	✓
Mr. Mohr	✓
Mr. Belmont	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Malone	✓
Mr. Rosen	✓
Mr. Tavel	✓
Mr. Trotter	✓
Mr. W.F. Sullivan	✓
Tele. Room	✓
Mr. Ingram	✓
Miss Gandy	✓

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VARIETY  
HOLLYWOOD, CALIFORNIA  
MARCH 6, 1961  
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## 'Untouchables' upsets Italian congressmen

The threat of picketing against ABC by Italian-Americans because of the nationality of the "heroes" of *The Untouchables* of diminished last week following a meeting between two ABC officials and Rep. Alfred E. Santangelo (D-N. Y.) and colleagues in Washington last week.

Mr. Santangelo met with Thomas W. Moore, ABC programming vice president, and Alfred Schneider, ABC vice president for administration. The New York congressman charged that the use of Italian-named gangsters on the program depicting the racket-ridden 1920s defamed all Italian Americans. He also questioned the use of the documentary approach on the program which gave viewers the idea that the action was reenacted from real life.

The ABC officials explained that the network had taken steps some months ago to minimize the use of Italian names, and that some weeks ago it had begun labeling the program as "based on fact" but with dramatic, fictional license taken.

ABC insisted, however, that it retains the right to judge whether or not any defamation is involved in any program on its network. This Mr. Santangelo and his colleagues agreed was ABC's right; they denied any attempt at censorship.

Sitting in with Messrs. Santangelo, Moore and Schneider were Reps. Peter W. Rodino Jr. (D-N. J.), Victor L. Anfuso (D-N. Y.) and Joseph P. Adabbo (D-N. Y.).

Mr. Santangelo said that a report of last week's meeting would be submitted to the board of governors of the Italian-American Democratic Organizations of New York Feb. 13. At this time the board will determine whether or not to sanction a picket line against WABC-TV New York and to institute a boycott of Liggett-Myers Tobacco Co., a sponsor of the *Untouchables* program. If approved the picketing will take place March 9, Amerigo Vespucci Day.

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*Desilu Productions, Inc.*

BROADCASTING

WASHINGTON 6, D. C.

FEBRUARY 6, 1961

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# TV What's On? RADIO

## 'Untouchables' Protests A Sign of These Times

By BEN GROSS

(Reprinted from yesterday's late editions.)

The so-called racial, national and religious minorities are becoming more sensitive than ever over the TV portrayals of their members in an unfavorable light. The recent protest of Rep. Alfred E. Santangelo (D-N.Y.) and of the Federation of Democratic Italian-American Clubs of New York against "The Untouchables" is a sign of the times.

They resent the preponderance of Italian names given to the gangsters, bootleggers and racketeers shown in this exciting ABC-TV series. Those who complain point out that "The Untouchables" is fiction and as such



Robert  
Stack



Dina  
Merrill

tends to defame a large segment of our population who have contributed to this country some of its most valuable citizens.

The time has long gone when Negroes would stand for "Uncle Tom" characters on the home screens. The other groups are equally emphatic in their opposition to stereotypes.

But in view of this, let's see what was on the bill for last night's installment of "The Untouchables" (9:30 to 10:30). In it Eliot Ness, played by Robert Stack, clashed with a bootlegger, Augie "The Banker" Cismino, portrayed by Keenan Wynn. Also, other characters bore such names as Renzo and Luigi. If you ask me, these aren't Anglo-Saxons.

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 Mr. Conrad \_\_\_\_\_  
 Mr. DeLoach ✓  
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 Mr. Ingram \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

## ABC-TV Pledges 'Untouchables' Won't Portray Too Many Italians As Heavies

Washington, Feb. 1. — ABC, which has been touched plenty in Washington lately with gripes about "The Untouchables," finally gave in today and agreed to state at the conclusion of each future program: "Fictional and designated for entertainment."

Announcement was made by a Congressman — Alfred E. Santangelo (D., N.Y.) — who called two ABC execs to his office to protest strongly the bad stigma the show rubs off on Italian-Americans.

After the session with ABC veepees Thomas W. Moore and Alfred R. Schneider, both down from N.Y., Santangelo said they promised the programs henceforth "would not portray a disproportionate number of Italian characters or any other ethnic groups" in a manner defaming those groups.

Three other Congressmen — Victor Anfuso (D.-N.Y.), Peter Rodino (D., N.J.) and Joseph P. Addabbo (D.-N.Y.) — also participated in the meeting.

Santangelo said he told the ABC officials the program was "seriously injuring the good character and reputation of the great majority of American citizens of Italian origin." Further, he said, it "greatly distorts history."

Earlier, Federal Bureau of Prisons director James Bennett became so disturbed with a two-part fictional account of Al Capone's transfer from Atlanta to Alcatraz that he threatened to oppose license renewal before FCC of any ABC affiliate playing the second stanza.

*Desilu Productions*

*Feb 8/8/61*

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DAILY VARIETY

Hollywood 28, California

February 2, 1961

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**JACK O'BRIAN SAYS:****Carol Burnett:  
Endearing Nut**

Very good Garry Moore Show . . . Especially Carol Burnett in the Cinderella skit, a limn we thought no one could be caught out on and still be funny after all these years . . . Carol's an endearing nut . . . "The Untouchables" scored last week's top rating, says ARB: Bigger even than "The Fabulous Fifties" (31.5 to the FF's 27.6) . . . 77 Sunset Strip & Gunsmoke also out-ARBed the Fab. 50s . . . The Leland

Jack O'Brian: Hayward spec and Red Skelton were the only "live" shows in the top ten, and then a great deal of the Fab. 50s was on TV tape . . . Three each of Westerns and crime shows topped the ARB list . . . The Fabulous Fifties, oddly, was the lone Sun. show in the Top 10.

ARTHUR GODFREY'S SON DICK is equal partner in a new radio station to be built in Hollister, Calif., for a comparatively piddling amount by broadcasting standards: \$12,873 . . . Its estimated first-year revenue was set at \$48,000, making him a chip off the old cash register . . . Owners of WNEW & Ch. 5 here plunked down \$494,400 for TV station WTVF in Decatur, Ill . . . Ed Dukoff, West Coast press agent already suing Danny Kaye, filed suit for \$300,000 against Betty Hutton, still another dissatisfied client . . . Ben Lyon and Bebe Daniels ended their generation-long British radio-TV series on the BBC. Ben just became an executive producer for Associated Rediffusion ovah theah at \$35,000 per . . . Year, not week, as TV salaries sometimes zoom in the good old Ooo Esss Aye.

"77 Sunset Strip" will do a two-parter later to be spliced together for movie theatres . . . Arthur Godfrey may do several films for the American Cancer Society . . . Perry Como tonight does costume comedy for the first time on TV—first as Prince Danilo in a "Merry Widow" excerpt; then with whiskers, doubling as Danilo's dad (Saves money, that thrifty palsan).

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TONY WEBSTER, AUTHOR OF LAST NIGHT'S NBC-TV Startime play "The Greatest Man Alive," may have fashioned the dullest drama of the year. It was arch, coy, cute, pretentiously simple, precious but not valuable, selling syrup without a license—and a shame, to crown the tried and tremendous talents of Bert Lahr and Ed Wynn in anything so trite . . . It was a "comedy" about suicide, and a slow and deadening hour.



CAROL BURNETT  
*She Made an Impression*

BOB STACK WON THE WEEK'S nice-guy plaque by asking co-star billing for Anthony George his featured-billing pal of "The Untouchables." . . . Ron Ely (Gardner McKay's TV star in "Adv. in Paradise") weds Janet Triplett March 9 in Amarillo, Tex. . . . That same soggy seagoing saga with a 20.7 rating swamped Steve Allen's bottom-scraping whatzis with an 11.7 . . . "Cheyenne" was another ABC-TV opus to out-Trendex the opposition—sank NBC's "Riverboat" in its new Mon. night berth almost two to one: 22.6 to 13.1 . . . Cheyenne got a lasso all the way 'round Kate Smith and tied her up to Trendex . . . ABC-TV beat NBC-TV and almost tied CBS-TV for the full Monday night schedule in the Trendex countdown, now covering 29 cities.

DON DEFORE, FORMER "OZZIE & HARRIET" TV neighbor, takes over the FDR role originated by Ralph Bellamy in "Sunrise at Campobello" (Ralph played precisely two years in the role, to the day) for a six-week W. Coast tour starting in Santa Monica . . . Defore bought the Theatre Guild production's sets and hired the cast, except Bellamy . . . Ralph's in Fort Worth talking business with his oil well partner F. Fafurnum Hodge, prior to a Hawaiian vacation before the "Campobello" movie is filmed.

20th Century-Fox' TV operation is filming three pilots: "Home Town," "Home Team" and "Down Home." . . . George Burns is negotiating (for his next TV spec) with Ginger Rogers and Julie Andrews . . . Harriet Hilliard Nelson's observation on the way sons Ricky & David have taken to circus trapeze tricks: "It's a lot safer than driving sports cars." . . . Sickniks: MGM-TV has "Dr. Kildare" with Lew Ayres; Desilu plans "Believe Is My Home," another scalpel tale; and CBS-TV has Sidney Kingsley's "World in White," stemming from Sidney's honorable old Pulitzer Prize play "Men in White." . . . Let's not revive "Medic," please?

RED SKELTON, A GREAT CLOWN, kept forgetting his script last night and you couldn't much blame him . . . Helen O'Connell and Bob Eberly will be reunited for the big-band NBC special "The Swingin' Years." . . . Ed Wynn did a wonderfully typical actorish thing last night: In the Startime script he said (as the character in the play) that he was "72." . . . In real life, Ed's 74 . . . Ike's heart specialist Dr. Paul Dudley White will "Meet the Press" Sun.

NBC'S OFFER OF \$8,000,000 for a San Francisco TV station was snubbed . . . Broadcasting-Telecasting mag says TV screens will be free of wild medical claims in cigaret ads; all but one ciggie firm has agreed to quit the "doctors-say" bit . . . Looks like another TV jurisdictional battle over TV tape between AFTRA (TV actors union) and the Screen Actors Guild . . . Bet on AFTRA.

BING CROSBY SOLD HIS Los Angeles TV station for a big stack of stock in an automobile parts mfg. firm . . . Bob Considine will air a series of "Spotlight on South America" radio broadcasts during his trip through the cities Ike expects to visit (Feb. 15 through 18) . . . Sen. Kenneth Keating, another Repub. veep possibility, will be queried on the subject Sun, on "Direct Line," Ch. 4's 10:30 telephone inquisition.



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## Radio and Television

# Press Conference Hour Is Going to Be Flexible

By Lawrence Laurent

ABOUT THE only thing that could have been improved at President Kennedy's first live TV and radio press conference was the time. The American Research Bureau estimates that the average TV audience for a live program at 6 p.m. (earlier in the Central, Mountain and Pacific Time Zones) is about 16 million. The C. E. Hooper research organization in New York City estimates that 6 to 7 million radio sets are ordinarily in use at 6 p.m.



Laurent

Presidential Press Secretary Pierre Salinger promises the conferences will be held at other times. This leaves only one danger for the President, that peculiar TV malady called overexposure. If one appears on the box too often, all research indicates, he wears out his public acceptance.

**PEOPLE & PROGRAMS:** "The Untouchables" has been honored as the "most stimulating Gag Subject of

1960" by the National Association of Gagwriters. Certainly, such an honor is deserved, considering how many have gagged at the phony brutality of the series... Red Skelton, recuperating from an operation for a diaphragmatic hernia, is expected to return to his Tuesday night program, late in February... Hal March, rather inactive in TV since the unhappy history of "The \$64,000 Question," is reported in line for the job as host of a night time version of "Concentration."... In the current issue of TV Guide, Richard Gehman writes: "In person, Bobby Darin is fully as offensive as he is in public." This is the kind of publicity that made millionaires of Liberace and Elvis Presley... WMAL-TV and WMAL-Radio begin broadcasting editorials next Monday. Another recent addition to the broadcast-editorial ranks is radio station WFAZ. Earlier editorializers were WWDC, WTOP and WTOP-TV and WAVA... Nat Allbright now has a daily (8:10 a. m.) sports program on WPIK. A special showing of the "CBS Reports" film, "Harvest of Shame," will be held Monday in the ground floor auditorium of the new Senate Office Building. Members of the Congress are invited. Lee Coney will represent the CBS Television Network.

James L. Hymes Jr., professor of education and chairman of the childhood education department at the University of Maryland, will teach a course in "Human Development I" on WTOP-TV and WMAR-TV in Baltimore, beginning Feb. 7. Hymes is a mild-mannered man with an air of calm authority which inspires confidence and he should attract

large audience of parents and teachers.

The first series is concentrated on the behavior and development of children, from birth to the age of 6 years. It will be telecast Tuesdays and Thursdays at 6:30 a. m.

**LATEST DEVELOPMENT** in the continuing changes at CBS News is to make the sports department a separate unit of the CBS-TV Network. William C. MacPhail, son of Leland S. (Larry) MacPhail, has been appointed Vice President of CBS-TV Sports, reporting directly to the network president.

**ALADDIN**, Lawrence Welk's violinist, has a featured role with Nick Adams in a forthcoming episode of "The Rebel."... The cast recording of Phil Silvers' new Broadway musical, "Do Re Mi," will be broadcast Saturday (10 a. m.) on WGMS... John T. Madigan, a George Washington University alumnus and one-time reporter for the Washington Daily News, has been named ABC Director of News and Public Affairs. This is the first appointment of James C. Hagerty, ABC Vice President in Charge of News, Special Events and Public Affairs.

The Washington Post and Times Herald ☒  
 The Washington Daily News ☐  
 The Evening Star ☐  
 New York Herald Tribune ☐  
 New York Journal-American ☐  
 New York Mirror ☐  
 New York Daily News ☐  
 New York Post ☐  
 The New York Times ☐  
 The Worker ☐  
 The New Leader ☐  
 The Wall Street Journal ☐  
 Date

REC-58

NOT RECORDED

117 JAN 31 1961

JAN 27 1961

63 FEB 3 1961



Mr. Tolson	
Mr. Belmont	
Mr. Casper	
Mr. Conrad	
Mr. DeLoach	
Mr. Malone	
Mr. McGuire	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Room	
Mr. Ingram	
Miss Gandy	

Desilu Production

**Mustn't touch**

IN AN exhibition of poor taste and poorer judgment the retiring attorney general, William P. Rogers, has likened an episode of ABC-TV's *The Untouchables* to "payola and the quiz shows" and has called it "another example of broadcasters failing to fulfill their duties as trustees for the public."

Mr. Rogers made his remarks at the prodding of a subordinate, James V. Bennett, director of the Bureau of Prisons, who has been carrying on a running campaign against the show. Mr. Bennett has protested to the network and to the FCC and has threatened to intervene in license renewals of ABC-TV affiliates because the program showed prison guards in an unfavorable light.

It seems to us that Mr. Bennett's own performance is at least as unattractive as that of the fictional guards in *The Untouchables* episode. He has resorted to the kind of pressure that ought to be beneath a man in his position. As to Mr. Rogers' parting remarks, we can say only that he must have been distracted by the problems of packing.

It is in poor grace for a federal official to holler to the FCC when a television program treats a government service unkindly. Television, like any other medium of communication, is subject to the libel laws, and the courts are available to any person who feels wronged by a television performance. If Mr. Bennett thinks he or his bureau has been damaged, he has the right available to any citizen to sue.

No matter what the nature of the program in question, ABC-TV was absolutely correct in rejecting Mr. Bennett's demands for suppression of a second episode.

94-52549-A

NOT RECORDED  
117 FEB 8 1961

BROADCASTING MAGAZINE  
Washington, D. C.  
January 23, 1961  
Page 90

63 FEB 13 1961

## Radio and Television

# Phony Is Rogers' Word For

## 'The Untouchables'

By Lawrence Laurent

WE STILL haven't heard the last word of the complaints about "The Untouchables." In one of his last acts as Attorney General, William P. Rogers decided a recent program "was phony as the payola quiz shows."



Laurent

Under discussion were the two episodes of "The Big Train," a hoodlum-glorifying version out of never-never land, about the transfer of mobster Al Capone from the Atlanta, Ga., Federal Prison to Alcatraz prison. "The Untouchables" (out of ABC-TV, by Desilu Productions) depicted prison officials as catering to Capone's whims. In one scene a prison official accepted a bribe. In another a prison guard needlessly gunned down an inmate.

In a letter to Sen. Andrew F. Schoeppel (R-Kans.), Rogers wrote: "The program... seems to, like payola and the quiz shows, another example of broadcasters failing to fulfill their duties as trustees for the public..."

ROGERS apparently agrees with professional reviewers that the semi-documentary format of "The Untouchables" should impose restrictions on the producers. Rogers pointed out that the show gives the impression of being a portrayal of actual events. The program uses actual names of persons, but the plots are created by highly imaginative, if irresponsible, writers.

First criticism of "The Big Train" came from James V.

Bennett, director of the Federal Bureau of Prisons. Bennett has promised a protest to the Federal Communications Commission when the license of ten TV stations comes up for renewal.

Rogers said that neither he nor Bennett is trying to censor broadcasts but that they object to this "distorted portrayal" and its possible adverse effects on the prison system.

Schoeppel is the senior Republican member of the Senate Interstate and Foreign Commerce Committee, which passes on appointments to the FCC and which oversees FCC policies.

CBS NEWS correspondent Howard Kingsbury Smith created an excellent study of "The Keeper of the Rules: Congressman Smith and the New Frontier" on this week's "CBS Reports."

Rep. Howard Worth Smith (D-Va.) was pictured as witty, thoughtful, forceful, shrewd and unalterably opposed to virtually every liberal promise in the Democratic platform.

Rep. Smith's views moved Fred Danzig of United Press International to conclude: "If he was any more negative, he'd be a TV reviewer."

The program had a special

newsworthiness, coming right after the decision of the Democratic Caucus to add two members to the Rules Committee. This is supposed to shatter the power of a conservative coalition which has run the Rules Committee.

Reporter Smith is not related to Rep. Smith.

Mr. Malen  
Mr. McGuire  
Mr. Rosen  
Mr. Tamm  
Mr. W.C. Sullivan  
Tele. Room  
Mr. Ingram  
Miss Gandy

mfg report

file 8/9

The Washington Post and Times Herald  
The Washington Daily News  
The Evening Star  
New York Herald Tribune  
New York Journal-American  
New York Mirror  
New York Daily News  
New York Post  
The New York Times  
The Worker  
The New Leader  
The Wall Street Journal  
Date

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117 FEB 9 1961

JAN 21 1961

63 FEB 10 1961

## ABC, tv affiliates ignore Bennett threat

James V. Bennett, director of the Federal Bureau of Prisons, has declared war on *The Untouchables*.

Stung by what he alleged were "unfounded implications reflecting on the integrity of the officers of the bureau" in the Jan. 5 segment dealing with the transfer of gangster Al Capone from Atlanta federal penitentiary to Alcatraz, Mr. Bennett asked ABC-TV to postpone the second part. Upon the network's refusal, Mr. Bennett sent telegrams to 10 ABC-affiliated tv stations (all whose licenses are up for renewal) asking them not to carry the second part. If they did, he said, the Bureau of Prisons would

oppose their license renewals.

The wires went to WFGA-TV Jacksonville, WLOF-TV Orlando, WPST-TV Miami, and WEAT-TV West Palm Beach, all Florida, and to ABC-owned stations WABC-TV New York, KGO-TV San Francisco, WBKB (TV) Chicago, KABC-TV Los Angeles, WXYZ-TV Detroit and KQV Pittsburgh.

Mr. Bennett muffed the last one; KQV is owned by ABC but it's a radio station.

All stations announced they would carry the program, despite Mr. Bennett's threats.

What aroused Mr. Bennett, and

apparently prison guards everywhere, were scenes which indicated that guards transporting Capone by train from Georgia to San Francisco Bay had their hands out for bribes.

In responding to Mr. Bennett's first telegram, ABC General Counsel Omar F. Elder Jr. said that he didn't believe the tv audience regards the unfavorable portrayal of one or two individual guards as representative of others. Mr. Elder said the network must "respectfully" decline the request. Mr. Bennett had said he wanted the second part postponed until he could confer with the Attorney General and with the FCC.

*Desilo Productions*

*John F. [unclear]*

BROADCASTING MAGAZINE  
WASHINGTON, D.C.  
JANUARY 16, 1961  
page-62

**94-52549-A**

NOT RECORDED

117 JAN 31 1961

*35*  
65 FEB 3 1961

**"UNTOUCHABLES"**  
 ("The Noise Of Death")  
 (ABC-TV, Jan. 14, 9:30-10:30 p.m.)

With several other shows riding the Mafia gravy train, the public may eventually tire of TV's retrospective crime wave, but the one most likely to be remembered is personified by Robert Stack's dedicated, unrelenting, humorless characterization of federal agent Eliot Ness. It must be remembered, too, that this series kicked it all off. Further, this episode had the topical advantage of appearing in the same week the Apalachin delegates were given maximum sentences in New York Federal Court.

Ironically, this segment did need something to offset not a deficiency but an excess.

Co-star J. Carroll Naish made his portrayal of an old subordinate gang boss so sympathetic that he seemed incapable of the atrocities of which he was accused.

Forced to relinquish his power to a younger rival, he is unable to resign himself to obscurity and makes a final effort to assert his authority and regain the favor of the "boys in the country."

He displayed the kind of laudable courage and tenacity that heroes are made of, and, since the evidence against him was heresay, the audience may have accepted his bloody passing with mixed emotions.

But few series have had such a distinct personality, and Walter Grauman's direction of Ben Maddow's script maintained the expected impact.

Henry Silva and Mike Kellin made excellent gangster types and Norma Crane and Rita Lynn did credit to the distaff with support from Robert Ennenstein, Jerry Paris and Abel Fernandez.

It may not have been a television first, but Stack actually cracked a half-smile in this segment.

Executive producer Quinn Martin and producer Charles Russell continue helming a strong contender in the TV sweepstakes.

Mr. Tolson \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Parsons \_\_\_\_\_  
 Mr. Belmont \_\_\_\_\_  
 Mr. Callahan \_\_\_\_\_  
 Mr. DeLoach \_\_\_\_\_  
 Mr. Malone \_\_\_\_\_  
 Mr. McGuire \_\_\_\_\_  
 Mr. Rosen \_\_\_\_\_  
 Mr. Tamm \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Mr. W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Ingram \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

*Staffed*

*DESILU Productions file 8/8*

*[Signature]*

**94-52549-A**

NOT RECORDED

140 FEB 4 1960

**THE HOLLYWOOD REPORTER**

Hollywood, California

January 18, 1960

**57 FEB 8 1960**

**BEST COPY AVAILABLE**



## Prison head protests 'Untouchables' stations

James V. Bennett, federal director of prisons, Friday asked FCC for permission to appear in opposition to license renewals for nine tv stations which carried second part of Al Capone story on ABC's *The Untouchables*. He took action as he had threatened to do after all stations disregarded his request they not run program (see page 62).

Mr. Bennett also sent communication to Senate and House Commerce

Committees, asking for meeting to discuss Capone program, which he alleged maligned federal prison officers by showing some of them in collusion with gangsters.

In second show last Thursday night, ABC issued disclaimer that show intended to reflect on good name of Federal Bureau of Prisons or its personnel. This was done voice over closing credits.

ABC affiliates which are target of Mr. Bennett's ire: WLOF-TV Orlando, WFGA-TV Jacksonville, WPST-TV Miami, and WEAT-TV West Palm Beach, all Florida, and ABC-owned stations in New York, San Francisco, Chicago, Los Angeles and Detroit.

## NBC Radio's new clients

NBC Radio sales in past six weeks totaled \$3.2 million, of which all but \$952,000 was new business. Advertisers and their agencies included: Lever Bros.' Pepsodent Div. (Foote, Cone & Belding); General Motors Corp.'s Buick Div. (McCann-Erickson); Mogen David Wine Corp. (Edward H. Weiss); American Motors (Geyer, Morey, Madden & Ballard); Rolley Co., Sea and Ski Lotion (Foote, Cone & Belding); Kellogg (Leo Burnett); International Minerals & Chemical Corp., Accent seasoning (Needham, Louis & Brorby); Wagner Electric Corp. (Arthur R. Mogge); Readers Digest Assn. (Schwab, Beatty & Porter) and Sinclair Refining Co. (Geyer, Morey, Madden & Ballard).

*Desilu Productions*

*File 6/8/61*

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JANUARY 16, 1961  
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**94-52549-A**

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117 JAN 31 1961

**52 FEB 8 1961**

Inside stuff

How come federal Prison Director James V. Bennett showed so much savvy in his campaign against Al Capone segments of *The Untouchables* (ABC-TV) as to use threat of opposition to license renewals against 10 stations whose licenses actually are pending renewal (see page 62)? He won't talk, but record shows three former FCC staff lawyers now with Justice Dept.: Richard A. Solomon, former FCC assistant general counsel; Daniel R. Ohlbaum and Henry Geller, both formerly in FCC general counsel's office.

Desilu

Productions file 1/17

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WASHINGTON, D.C.  
JANUARY 16, 1961  
page-5

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JAN 31 1961

EX-113

96  
63 FEB 3 1961

52 FEB 8 1961

**JACK O'BRIAN SAYS:****Letters--We  
Get Letters!**

Letters—we get letters; just like Perry Como:

From an NBC operative:

"The spying and counterspying going on among the three networks in their antics covering the National Conventions is enough to fill many episodes of Peter Gunn. On our end, we've heard from the Los Angeles Sports Arena authorities that CBS has been found tracing our camera cables

to find out if we have latched onto any secret camera positions.

"The feeling here is that blond female correspondents, comedians interspersed between serious business, oxygen tanks and vibrator chairs for tired politicians is strictly gimmicky. NBC has vetoed such gimmickry.

"We have been offered the great opportunity to hire several aspirant-imitators of Will Rogers—several of the sick comedians among them—and they've all been turned down as strictly roadblocks to running a TV and radio newsroom operation."

RECENTLY WE WROTE of considerable dissatisfaction rising in many official places at the manner in which "The Untouchables"—which started out as a two-part Desilu Playhouse dramatization of Elliot Ness' heroically effective income tax rundown of Al Capone after everything else had failed—has spread its false claims of TV jurisdiction over the solution of almost everything in sight, from great FBI cases to the story of the slaying of Chicago's Mayor Cermak by a tragic nut who really was trying to assassinate President Roosevelt.

Many government heroes are having their bureaucratic toes and sometimes necks, stepped on. The simple truth is that Elliot Ness didn't solve a fraction of the cases Robert Stack is dramatized as cracking. The customary poverty of TV imagination encourages the strange fear that the public won't accept pure fiction in "The Untouchables" (although it comes pretty close most of the time) and that truth will harm its ratings.

Tolson ☒  
 Parsons ☒  
 Belmont ☒  
 Callahan ☒  
 DeLoach ☒  
 Malone ☒  
 McGuire ☒  
 Rosen ☒  
 Tamm ☒  
 Trotter ☒  
 W.C. Sullivan ☒  
 Tele. Room ☒  
 Ingram ☒  
 Gandy ☒

file 8/gent

The Washington Post and Times Herald \_\_\_\_\_  
 The Washington Daily News \_\_\_\_\_  
 The Evening Star \_\_\_\_\_  
 New York Herald Tribune \_\_\_\_\_  
 New York Journal-American ☒  
 New York Mirror \_\_\_\_\_  
 New York Daily News \_\_\_\_\_  
 New York Post \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Worker \_\_\_\_\_  
 The New Leader \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 Date \_\_\_\_\_

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EX-105

58 JUL 19 1960

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 117 JUL 13 1960

PERG. FILMS

The major trouble is the way it presents its utter fabrications as fact: Elliot Ness has had assumed for him credit for solving more TV crimes than Peter Gunn, Martin Kane, Richard Diamond and Frank Hogan.

NOW COMES a letter from a Brooklyn widow of an FBI man whose posthumous reputation has been muddled by "The Untouchables."

Because this lady asks that her identity not be divulged nor the precise contents of her letter, which contains considerable documentation to prove her regretful point, we shall paraphrase her sad complaint:

It seems her husband performed the role in the famous FBI "Ma Barker" case which "The Untouchables" attached to Elliot Ness' television cast of fictional characters.

The lady mentions the "cold, cynical, careless" attention to truth which goes into "The Untouchables" TV scripts. She thinks it is doing a disservice to Elliot Ness to have attached to his name at this posthumous date so many ridiculous, impossible feats of crime prevention and solution as to make that great hero's own estimable government service pale in importance.

The widow doubts her husband and his FBI mates battled Ma and Fred Barker for the benefit of Desi Arnaz and the show's ratings at the expense of actual history. Among the impressively documented history of her husband's work was a full page in the FBI publication "The Investigator," which relates his feats in the "Ma Barker" case, and the Bremer, Hamm and Weyerhauser kidnappings, the raid on John Dillinger's hideout and many others.

The lady seeks no aggrandizement, no recourse except to point up the fact that the show, contrary to what is so widely accepted by the public by its pseudo-realistic dramatization of crimes involving real characters and actual news stories, is not at all what it seems. The widow concludes with Shakespeare's: "But who filches from me my good name robs me of that which enriches not him, and makes me poor indeed."

(And if the lady will send her present address, we will return her treasured evidence forthwith.)



ROBERT STACK  
*Solves Too Much*

"DEAR MR. O'BRIAN," writes Ben Rothstein, 1220 Sheridan ave., Bronx 56, "Allow me to take exception to your recent reference to radio station WPAT as 'that doll of a station.' First, understand my criticism is that of an ex-musician. I willingly admit the music played is of the highest quality although lacking in excitement. My principal objection to WPAT's music policy is that it doesn't extend the courtesy of announcing the title of a selection nor the names of the performers.

"Many years ago, and I believe it was Fred Waring, a bandleader lost a suit which claimed that records are for home consumption and not the unpaid orchestras of radio stations. Thousands of musicians were denied employment as a result of the freedom to use other performers and other creative talents without paying musicians.

"It is true now that only a handful of the top musicians in the country make royalties from recordings. However, I will bet you the price of the Journal-American that the top musicians earn less than the top group of any craftsmen of any kind. This of course is beside the point.

"FOR THE LITTLE MONEY WPAT spends for its entertainment the least it could do would be to give credit on the air to the artists on the many fine recordings it plays. If I heard a strange vocalist on a fine recording, would I have to call WPAT and ask them who did what? I am sure the artists deserve better than they get from WPAT. They deserve at least this for what they give.

"One other thing: WPAT uses a type of music which, though of the highest calibre, is on the whole pretty bland. I get around quite a bit during the day and a lot of places are tuned to WPAT. However, since this is mostly background music, no one listens very closely. Do you think anyone starts listening when the commercial starts?

"It is my feeling that the advertising also blends into the unidentifiable background, too, regardless of the large audience WPAT certainly enjoys. As an afterthought, what does WPAT offer in the way of time for public service to justify its emphasis on music? I'm afraid I only can offer the head of WPAT the worst possible opinion of his station, even if you think it's a 'doll'."

Whew!



# Features Now Shooting

(Continued from preceding page)

Art director ..... Rino Mondellini  
Sound ..... Jean Monchablon



"EXODUS" (54)  
(Otto Preminger Prod.; UA release;  
Panavision 70 & Technicolor; shooting  
in Israel)

Cast: Paul Newman, Eva Marie Saint,  
Ralph Richardson, Lee J. Cobb, Peter  
Lawford, Sal Mineo, John Derek,  
Hugh Griffith, Felix Aylmer, David  
Opatoshu, Jill Haworth, Marius Gor-  
ing, Alexandra Stewart, Michael  
Wager.

Producer-director ..... Otto Preminger  
Assistant ..... Gerry O'Hara  
Photography ..... Sam Leavitt  
Art director ..... Richard Day  
Film editor ..... Louis Loeffler  
Sound ..... Jack Solomon

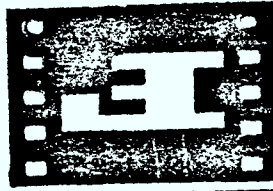
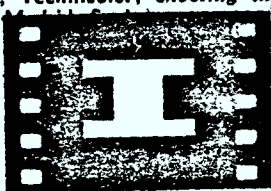
"KING OF KINGS" (25)  
(Samuel Bronston Prod.; Super-Tech-  
nirama 70; Technicolor; shooting in

wishes to thank...

OF THE  
CADEMY

& SCIENCES

CHABLES"



CALL

HOLLYWOOD

## SCRIPT TYPIST

Wanted all types of script typing  
Fast and reliable.  
Can pick up and deliver.  
at any time.  
EM. 4-6600



WARNERS TV DIV.  
WARNERS - HO. 9-1251  
Exec. Producer: William T. Orr  
Starring: Anthony Eisley, Robert Con-  
rad, Connie Stevens, Stanley Niss  
Producer: Stanley Niss  
"BOURBON STREET BEAT"  
Starring: Richard Long, Andrew Dug-  
gan, Ariane Howell, Van Williams.  
Producer: Charles Hoffman  
"77 SUNSET STRIP"  
Starring: Efrem Zimbalist Jr., Roger  
Smith, Edward Byrnes.  
Producer: Howie Horwitz  
"LAWMAN"  
Starring: John Russell, Peter Brown,  
Peggie Castle.

John Stephens  
Paramount - HO. 9-2411  
"THE REBEL"  
(A Fen-Ker-Ada Prod.)  
Starring: Nick Adams.  
Producer: Andrew J. Fenady  
Director: Irvin Kershner  
Camera: Arch R. Dalzell  
Film editor: Otto Lovering  
Casting: George Fenady  
John Guedel Productions  
CBS - OL. 1-2345  
"FOR BETTER OR WORSE"  
Host: Dr. James Peterson.  
Exec. producer: John Guedel  
Producer: Hal Cooper  
Directors: Lloyd H. Gaynes,  
James Varborough

Mr. Tolson ✓  
Mr. Mohr ✓  
Mr. Parsons ✓  
Mr. Belmont ✓  
Mr. Callahan ✓  
Mr. DeLoach ✓  
Mr. Malone ✓  
Mr. McGuire ✓  
Mr. Rosen ✓  
Mr. Tamm ✓  
Mr. Trotter ✓  
Mr. W.C. Sullivan ✓  
Tele. Room ✓  
Mr. Ingram ✓  
Miss Gandy ✓

*Handwritten signature*

*file*  
*Eng/gem*

*David A. Proctor*

THE HOLLYWOOD REPORTER  
Hollywood, California  
May 27, 1960

REC-61

1 94-52549-A

NOT RECORDED  
48 JUN 8 1960

50 JUN 6 1960

Tolson ✓  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 DeLoach ✓  
 Malone \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

## Marie Torre Reports

33

# What Happens if Ness Runs Out of Gangsters?

A question that preys on our mind as we view "The Untouchables" these Thursday nights is "How MANY gangsters did Elliot Ness lead into captivity?" Not that we're a stickler for the facts when it comes to gangland history, mind you! Just curious! In the months since "The Untouchables" came to ABC, Ness (as portrayed by Robert Stack, who, incidentally, gave Deanna Durbin her first movie kiss) has set a trap for at least one public enemy a week. Imagine! Ness' efforts as a Federal prohibition agent in the '30s led, according to what we're told by TV, to the seizure of such underworld figures as Al Capone, "Ma" (Kate) Barker and her boys, Dutch Schultz, Frank Nitti, Jake "Greasy Thumb" Guzik, Joe Bucco, George "Bugs" Moran, Big Jim Harrington, Salvatore Spitalo and too many others to mention here.



Marie Torre Newspaper files offer unalterable proof that Ness was a particular thorn in the activities of Al Capone, but the records on those other gangland leaders really do Ness no justice. His name isn't even mentioned in newspaper accounts about them.

Take the "Ma" Barker story. The old girl was slain in 1935 after a six-hour battle with Federal agents at a house in Oklawaha, Fla. According to the newspaper report: "The battle started soon after daylight when Department of Justice agents led by E. J. Connelley, of Cincinnati, surrounded the house on Lake Weir. Connelley approached and called to the occupants to surrender. Machine-gun fire was the answer. . . ." Not a trace of the Ness name in any of the Barker stories!

The obituary of Dutch Schultz, assassinated in 1935, also omits mention of Ness. Also the death report on Jack "Greasy Thumb" Guzik, who died of a heart ailment in 1956. Also the obituary of George "Bugs" Moran, a victim of lung cancer in 1957.

Even the 1943 death report on Frank Nitti, who was Al Capone's cousin and who had inherited his rackets, ignored the Ness name. An oversight, perhaps? A whole episode of "The Untouchables" was devoted to Ness' participation in the case, and to satisfy our curiosity we called on a lawyer who was United States Attorney in New York when Nitti was indicted by a Federal Grand Jury.



Robert Stack

TV - M-F 10-11 PM

file

Dorinda Productions

The Washington Post and Times Herald \_\_\_\_\_  
 The Washington Daily News \_\_\_\_\_  
 The Evening Star \_\_\_\_\_  
 New York Herald Tribune 33  
 New York Journal-American \_\_\_\_\_  
 New York Mirror \_\_\_\_\_  
 New York Daily News \_\_\_\_\_  
 New York Post \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Worker \_\_\_\_\_  
 The New Leader \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 Date \_\_\_\_\_

EX-105

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NOT RECORDED

40 APR 22 1960

APR 19 1960

"Ness' part in the Nitti indictment?" echoed the lawyer.  
"Who's Ness?"

But we're not as concerned about "The Untouchables" past as its future. The series is enjoying peak rating popularity and, forgetting the gangsters Ness helped apprehend, were there enough underworld fiends back in the '30s to keep the show running for the next two, three or more years? One gangster a week?

### Dinah Shore Rides Again

Dinah Shore and Chevy will ride together again next season for a tenth year on NBC. . . . Television Factbook estimates there are 91,002,800 TV sets in the world; the United States has 52,600,000, and 38,402,800 are in seventy-one other countries. . . . The entire "Today" show this Friday will be devoted to an extensive report on the South African racial problem. . . . An unconfirmed report has it that NBC has offered a \$50,000 bonus to the staff salesman who locates a sponsor for its coverage of the political conventions—representing \$3,000,000 in sponsorship. . . . Bob Hope, who vowed to "take it easy" after his recent illness, will increase his NBC shows from six to eight next season.

After weeks of uncertainty, "Dobie Gillis" won sponsor assurance of another TV whirl. . . . In place of the "Steve Allen Show" (Monday nights) next season viewers will be offered an anthology series headed by Barbar Stanwyck. Allen finds the arrangement agreeable, since he's publicly admitted he wants to concentrate on specials in the coming season, but it's not certain that he'll do them all. Allen's five-year contract with the network expires at the end of this season.

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Mr. Tolson \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Parsons \_\_\_\_\_  
 Mr. Belmont \_\_\_\_\_  
 Mr. Callahan \_\_\_\_\_  
 Mr. DeLoach ☒  
 Mr. Malone \_\_\_\_\_  
 Mr. McGuire ☒  
 Mr. Rosen \_\_\_\_\_  
 Mr. Tamm \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Mr. W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Ingram \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# **Jerry Thorpe Assumes Reins On 'Untouchables'**

Jerry Thorpe, staff producer-director on Westinghouse-Desilu Playhouse, has been named executive producer of "The Untouchables" tv series. Quinn Martin quits the Desilu post in May to go into business for himself.

Thorpe, with Desilu since 1953, when he megged the "I Love Lucy" series, also has directed many Lucille Ball-Desi Arnaz spex.

94-52549-A

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117 MAR 28 1960

DAILY VARIETY

Hollywood 28, California

March 17, 1960

F-1C  
 58 MAR 30 1960



Mr. Tolson	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Belmont	_____
Mr. Callahan	_____
Mr. DeLoach	_____
Mr. Malone	_____
Mr. McGuire	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Ingram	_____
Miss Gandy	_____

## Jerry Thorpe Helms '61 'Untouchables' //

Jerry Thorpe has been named by Desi Arnaz as executive producer of "The Untouchables" for the 1960-61 season on ABC-TV.

Thorpe, staff producer-director on the Westinghouse-Desilu Playhouse for two years, was originally brought to Desilu in 1955 to meg the "I Love Lucy" half-hours and has since directed many other studio-owned shows, including the hour-long Lucille Ball-Desi Arnaz specials, plus five pilots, all of which sold. His new post fills the vacancy that will be left by Quinn Martin, who leaves in May to go into business for himself.

*file 8/magenfeld*

REC-19

94-52549-A

NOT RECORDED  
117 MAR 28 1960

THE HOLLYWOOD REPORTER  
Hollywood, California  
March 17, 1960

F-100  
52 MAR 30 1960

Mr. Tolson	✓
Mr. Mohr	✓
Mr. Parsons	✓
Mr. Belmont	✓
Mr. Callahan	✓
Mr. Malone	✓
Mr. McGuire	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. W.C. Sullivan	✓
Tele. Room	✓
Miss Gandy	✓

# **Kin Claim Capone Untouchable On TV So Sue For Million**

Chicago, Dec. 30.—Is the late Al Capone untouchable if his career is "fictionalized" to the alleged detriment of his estate?

That's the core of a \$1,000,000 damage suit filed in Cook county (Chi) Superior Court this week against Desilu Productions, CBS TV, and the Westinghouse Corp.

stemming from the two-part "Untouchables" teledrama shown last April and repeated in October.

The action was taken in behalf of Capone's sister, Mrs. Mafalda Maritote of Chicago. Attorney Harold R. Gordon, who says neither she nor other Capone heirs were consulted about the program, said the suit is based on the question of property rights, and not on invasion of privacy. Courts, he explained, have held the latter claim is not "relational," meaning that a deceased person's privacy cannot be extended to a live heir not depicted. The property rights test, however, has previously been upheld by a Federal judge.

It appears a key issue will be just how "fictional" the Desilu presentation was. According to the lawyer, the program showed Capone in several relationships with femmes that either weren't true or are unprovable. The two-part, said Gordon, made use of the Capone likeness and intermingled fact and fancy that damaged the onetime mob chieftain's estate. Mrs. Maritote was named its administrator last fall expressly to push the suit.

Gordon said a similar action will be taken against Allied Artists for their "Al Capone" theatrical release unless current negotiations reach a settlement.

The Capone suit asks \$500,000 from Desilu, and \$250,000 each from CBS and sponsor Westinghouse.

REC-87 94-52549-A

NOT RECORDED

DAILY VARIETY 28 50  
HOLLYWOOD 28, CALIFORNIA  
December 31, 1959

51 JAN 29 1960

F410

ON THE AIR

# President's Return On TV Tonight

By BERNIE HARRISON  
Star TV Critic

As of this confused writing (late yesterday), it looks as if two local stations will have "live" TV cut-ins of the President's return tonight from his three-continent good-will tour.

Only NBC will cover his arrival at Andrews Field, which is scheduled to take place about 10:50 p.m.

That would be channel four, of course.

Neither CBS nor ABC is planning "live" coverage, but ABC's Washington affiliate, WMAL, is sending a crew on its own to Lafayette Square for the President's arrival at the White House, which should take place about 20 or 30 minutes later.

(WMAL-7 will not cover the Andrews landing, however.)

Since exact time of the Andrews arrival can only be guessed, viewers should check page one or late evening newscasts for the latest information.

There will be no coverage of the Presidential cavalcade en route from Andrews to the White House.

**Sad Coincidence:** It always seems to happen this way. Just as CBS-TV revealed yesterday that Playhouse 90 might give up its Thursday night spot to become an irregular "special," the much-lauded series was winning its umpteenth award.

It was, specifically, the Look Magazine award for Best Dramatic Series — the fourth straight year that newspaper editors and critics who make the selection have chosen it.

Not only that, Rod Serling collected Best Playwright Award for his "The Velvet Al-

ley" script for the same series.

Viewers, and even a critic or two who participated, will have their own opinions on several surprising winners. For example:

**Best Musical Series**—Telephone Hour (over Como, Shore, etc.)

**Best Single Dramatic Show**—"The Untouchables," Desilu Playhouse. (Over Faulkner's "Old Man," Ben Hecht's "The Third Commandment," to name two of a possible dozen!)

**Other Look awards include:**  
**Best Action Series**—77 Sunset Strip.

**Best Comedian**—Red Skelton.

**Best Variety Series**—Garry Moore.

**Best Quiz or Panel**—I've Got a Secret.

**Best Public Affairs**—Huntley-Brinkley.

**Best Educational**—Twentieth Century.

**Best Situation Comedy**—Father Knows Best.

Another oddity: The best single musical show of the year turned out to be a repeat of "An Evening with Fred Astaire."

Note: The reason for Play-

house 90's possible shift is to make way for a weekly variety show from 10 to 11 p.m., to be sponsored by Revlon, which gave up recently on The Big Party. If the deal goes through, CBS will also have to find a half-hour series for the 9:30 to 10 p.m. slot.

\*\*\*\*\*

**REFLECTIONS:** Charles Laughton is welcome on our TV screens any time of year, but he's particularly wonderful to have around during the Christmas season... His major contribution to Dinah's show Sunday was a Yuletide pantomime in which he played a bum... Laughton's delicious kick (of a package dropped by a youngster) was wondrous to see; never has grumpiness been so quickly and funnily established... (Note: Laughton will also be on Tennessee Ernie Ford's Dec. 31 show)... The sidebar interviews (Bill Henry's with the President's interpreter, especially) provided the liveliest interludes on NBC's Journey to Understanding Sunday night (8 to 9 o'clock)... The session with the reporter experts from various countries was a time-waster... Dick Clark closed out the brief TV career of World of Talent with a tribute to Jack E. Leonard, TV's Glower Champion.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach ☒ \_\_\_\_\_  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

file  
8  
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The Washington Post and Times Herald \_\_\_\_\_  
The Washington Daily News \_\_\_\_\_  
The Evening Star \_\_\_\_\_  
New York Herald Tribune \_\_\_\_\_  
New York Journal-American \_\_\_\_\_  
New York Mirror \_\_\_\_\_  
New York Daily News \_\_\_\_\_  
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The New York Times \_\_\_\_\_  
The Worker \_\_\_\_\_  
The New Leader \_\_\_\_\_  
The Wall Street Journal \_\_\_\_\_  
Date \_\_\_\_\_

Desilu Productions

DEC 28 1959

94-52549-A

DEC 22 1959

17 DEC 28 1959

pink

file

# Sound and Picture

By BOB CHANDLER

Productions

Mr. Tolson	_____
Mr. Belmont	_____
Mr. DeLoach	_____
Mr. McGuire	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Bob Stack, who went into "The Untouchables" with the understanding he'd star in only 11 of the hourlong Desilu segments, is now trapped but likes it. He's committed to do all of them — 26 with options for six more, and even the possibility of going to a full 39 shows.

"We found we couldn't lick the script problem on limited appearances," he says. "We were pretty much playing it by ear when we started, and we tried one show without the Elliott Ness character and saw it wouldn't work. That's when I agreed to do them all. Ness seems to be the focal point of the show, and without him it doesn't work."

Stack, like many another rising film star, naturally is concerned about a series' effect upon his availability, price and stature on the feature side. He thinks the series has already helped in terms of price and stature. "It feels good to let the other guy play the flash role. In pictures, I was always the neurotic, I had the flashy roles, and in a way these limit an actor. In the series I've got the 'good guy' role, and it seems to be making an impression on the public."

As to price, show has had a noticeable effect, with current talk finding Stack's pic price jumping about \$30,000 to around \$120,000 per pic. He feels it's due to the series, if for no other reason than the fact that his availability has been tightened. Actually, he thinks it's more than that, that the show has an "inside" flavor in terms of being viewed by the key Hollywood people, and the change of pace in his characterization is a factor as well. As to availability itself, he hopes to wind production in May, to be available for one picture. Meanwhile, Metro is prepping release of "The Last Voyage," which should cover his theatrical exposure till then.

Apart from working hard at tv and liking it, largely because of the kind of production values going into the show — "night for night" shooting, for example — Stack won't deny the incentive of his financial interest in the series — he owns 25% through his Langford Productions, which may produce indie films as well. But for the present, it's all television as far as he's concerned.

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S.D.

EX 109 REC-19  
94-52549-A-  
NOT RECORDED  
117 DEC 14 1959

DAILY VARIETY  
HOLLYWOOD, CALIFORNIA  
DECEMBER 4, 1959

130  
DEC 17 1959



*File*

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach ☒  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Gandy \_\_\_\_\_

*1-1*  
*By*

# Actor Sees Arnaz Charges Assault

LOS ANGELES, Nov. 10 (AP).  
—Actor David O. McCall, 54,  
sued Actor-Producer Desi Arnaz  
for \$100,000 damages yesterday.

Mr. McCall contended that  
Mr. Arnaz, 42, assaulted him  
without provocation at Desilu  
studios last July 10. He suf-  
fered back injuries and bruises  
he said.

*file 8*

The Washington Post and \_\_\_\_\_  
Times Herald \_\_\_\_\_  
The Washington Daily News \_\_\_\_\_  
The Evening Star *A-6* \_\_\_\_\_  
New York Herald Tribune \_\_\_\_\_  
New York Journal-American \_\_\_\_\_  
New York Mirror \_\_\_\_\_  
New York Daily News \_\_\_\_\_  
New York Post \_\_\_\_\_  
The New York Times \_\_\_\_\_  
The Worker \_\_\_\_\_  
The New Leader \_\_\_\_\_  
The Wall Street Journal \_\_\_\_\_  
Date \_\_\_\_\_

*94-52549 -A*  
NOT RECORDED  
47 NOV 13 1959

58 NOV 16 1959

NOV 10 1959

Tolson ☒  
 Belmont ☒  
 DeLoach ☒  
 McGuire ☒  
 Mohr ☒  
 Parsons ☒  
 Rosen ☒  
 Tamm ☒  
 Trotter ☒  
 W.C. Sullivan ☒  
 Tele. Room ☒  
 Holloman ☒  
 Gandy ☒

## Crime Series Starts Fast

By CYNTHIA LOWRY  
 Associated Press TV-Radio Critic

NEW YORK, Oct. 16 (AP)—

Nostalgia being a popular theme, "The Untouchables," an hour-long crime-fighter series which started on ABC last night is a good, commercial premise for a show.

The idea of the series is to take a band of Federal agents and turn them to cleaning up just about all the prohibition era crime. The opening show concerned itself—more or less factually—with the struggle to fill Al Capone's chair when the big man went to prison for income tax evasion. In the course of it, real names of dead hoods were dropped in among the fictitious ones.

It was a smooth, fast-paced show with considerable violence. There was some justification for the violence because the Chicago of the prohibition era was frequently the scene of machine gun and pistol play. Nehemiah Persoff, as the gang bookkeeper, turned in an especially effective performance.

Robert Stack played Elliot Ness, fictional leader of—I quote from a network publicity release—"a band of incorruptible ("untouchable") Federal crime fighters."

By the time we are at mid-season with the show, I suspect it will begin to strain our credulity that one Federal man gets all the meaty assignments. But, I suppose, that's show biz: you've got to have something to tie a series together. Next week, they'll bring Ma Barker and her bad boys to justice.

One drawback to the show is its enormous number of sponsors. The commercials turned up so often they interfered with the continuity.

The Washington Post and Times Herald \_\_\_\_\_  
 The Washington Daily News \_\_\_\_\_  
 The Evening Star 12-13 \_\_\_\_\_  
 New York Herald Tribune \_\_\_\_\_  
 New York Journal-American \_\_\_\_\_  
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 The Worker \_\_\_\_\_  
 The New Leader \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 Date \_\_\_\_\_

94-52549-A OCT 16 1959  
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 145 NOV 6 1959

58 NOV 9 1959

7177

DESIGN PRODUCTIONS

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

NOV 3 1960  
WESTERN UNION

Mr. Tolson	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Belmont	_____
Mr. Callahan	_____
Mr. DeLoach	_____
Mr. Malone	_____
Mr. McGuire	_____
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Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Ingram	_____
Miss Gandy	_____

BIA015 1134P EST NOV 3 60 SA320

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FBI

WASHDC

*Desilu Productions*

QUESTION IS THE PROGRAM THE UNTOUCHABLES TRUE OR FAKE IS THE  
LEADING CHARACTER IN THE PROGRAM 1 OR 10 MEN

1 10 7534.

EX 100

NOV 15 1960

*2nd out 11-10-60  
RWE: stop Howell to do local memo  
11-9-60  
RUE: jka*

*cc Mr. Jones*

*pub-8*

REC-91

94-52549-82

November 10, 1960

EX-103

[REDACTED]

B6

Dear [REDACTED]

Your telegram of November 3, 1960, has been received, and the interest which prompted your inquiry is appreciated.

I wish to advise that since the FBI does not cooperate in the production of the television program you mentioned, I cannot comment relative to the material that is being used. I would also like to point out that Mr. Eliot Ness was employed as a Prohibition Agent in the Internal Revenue Service and later was transferred to the Bureau of Prohibition in the Department of Justice. He was never a Special Agent of the FBI.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 3  
NOV 10 1960  
COMM-FBI

NOV 10 5 04 PM '60  
REC'D-READING ROOM  
FBI

NOTE: No record Bufiles identifiable with [REDACTED] Above acknowledgment is used due to fact that correspondent apparently believed Ness was an FBI Agent and "The Untouchables" is an FBI program as his inquiry was directed to the Bureau.

RECEIVED-DIRECTOR

- Tolson \_\_\_\_\_
- Mohr \_\_\_\_\_
- Parsons \_\_\_\_\_
- Belmont \_\_\_\_\_
- Callahan \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Malone \_\_\_\_\_
- McGuire \_\_\_\_\_
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- Tamm \_\_\_\_\_
- Trotter \_\_\_\_\_
- W.C. Sullivan \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Ingram \_\_\_\_\_
- Gandy \_\_\_\_\_

F-32

RWE:dkp

NOV 21 1960

MAIL ROOM ☐ TELETYPE UNIT ☐

DW

Gene  
H.H.A.



## TV-Radio Today

# 'Inoffensive Theater' Really Born of Truth

By Marie Torre

In Art Carney's recent misadventure on conformity, there was a sketch called "Your Inoffensive Theater," which mocked the great television preoccupation with bland, innocuous, insensate fare. The dialogue was wretched, but the idea was brilliant. More than brilliant, it was born of truth!

This milk-sop trend is evident everywhere in TV—in comedy, which has been crippled by the urge to be inoffensive; in drama, which has been diluted to the point where it's fighting for survival.

The ranks of cops 'n' robbers shows also felt the sting of public sensitivity the other day when a chapter in the Al Capone story on "The Untouchables" sparked a loud protest from James V. Bennett, director of the Federal Bureau of Prisons.

What ruffled Mr. Bennett was the scene in which a prison guard was depicted as plotting with Capone as he was being transferred with other prisoners from the Atlanta Penitentiary to Alcatraz Prison in San Francisco Bay. "To picture honorable and courageous officers as venal and a public institution like the Atlanta Penitentiary as loading to a character like Capone is an unforgivable public disservice," charged Mr. Bennett.

Neither ABC, on which the program was shown, nor producer Desi Arnaz, begetter of the "The Untouchables," was moved to withdraw the program, the only concession to Mr. Bennett being the inclusion of an announcement which noted that nothing in the show was "intended to imply any reflection upon the integrity of the courageous officers of the Federal Bureau of Prisons."

But was even this necessary? Are viewers so naive, so dense that every action on TV must be "spelled out," just as comedian Jonathan Winters found it necessary to clarify every action, every word in the aforementioned "Your Inoffensive Theater." When the word "hungry" was mentioned in the sketch, Winters was quick to point out, "We don't mean Hungary, but h-u-n-g-r-y; no offense to the people of Hungary."

The fuss about the crooked guard in the Capone story strikes an equally nonsensical chord. So much so that we find ourselves in complete sympathy with producer Arnaz when he says:

"We're getting to the point where it'll be impossible to depict the conflict between good and evil, the very core of drama. When we portray crooked Italians, the Italian people pick on us. When we portray crooked Irishmen, the Irish pick on us."

"Are we to deny there were crooked guards in the days of Capone? If you read the newspapers, you know that we have them today, too. There's good and bad in all things, all peoples, all professions. The important thing is that 'good' always



Art Carney

The Washington Post and Times Herald \_\_\_\_\_  
The Washington Daily News \_\_\_\_\_  
The Evening Star \_\_\_\_\_  
New York Herald Tribune 19  
New York Journal-American \_\_\_\_\_  
New York Mirror \_\_\_\_\_  
New York Daily News \_\_\_\_\_  
New York Post \_\_\_\_\_  
The New York Times \_\_\_\_\_  
The Worker \_\_\_\_\_  
The New Leader \_\_\_\_\_  
The Wall Street Journal \_\_\_\_\_  
Date \_\_\_\_\_

63 FEB 15 1961

NOT RECORDED

117 FEB 8 1961

Tolson \_\_\_\_\_  
Mohr \_\_\_\_\_  
Mr. Parsons \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Malone \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tamm \_\_\_\_\_  
Mr. W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Ingram \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Desilu Production

JAN 23 1961

comes out on the right side of the ledger, at least it does in our shows."

Ironically, "The Untouchables" can be validly criticized on at least two counts—its excessive violence, and its over-active imagination. The charge by Mr. Bennett is not criticism however. It's censorship, that's what it is!

We have it on NBC authority that Fred Astaire "will make what he has indicated will be his final TV appearance as a dancer when 'Astaire Time' is repeated on Feb. 20." . . . Ed Sullivan goes on record as a Western foe in a "Good House-keeping" article. "I wouldn't allow any youngster under fourteen to watch any TV Western," writes Sullivan. . . . Capsule critique on Jackie Gleason's new panel show, "You're in the Picture:" An embarrassing waste of talent! . . . Sid Caesar is at work on another TV satire, this one to be called "Twenty-five Years of Life" on NBC Mar. ch. 2. . . . Subjects to be debated on TV are "Should Church Pulpits Be Political Rostrums?" (NBC, Jan. 28) and "The Business of Health: Medicine, Money and Politics" (CBS, Feb. 2).

Post mortems on TV's Inaugural Coverage: One of the more colorful of the interviews with VIPs was the one with Mrs. Joseph P. Kennedy, the President's mother, who, unaware that the cameras were on her, proceeded to apply makeup during a chat with NBC's Frank Blair and Dina Merrill at the Inaugural Ball. . . . Miss Merrill, a socialite with an impressive acting record, was sadly miscast as commentator.

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# DAVE REQUE ON TV

## Even Gleason Rates Better Than This 39

**PRESIDENT KENNEDY** has a four-year contract, to be sure, but for his TV appearances it seems his option will be coming up for renewal every week.

As pointed out here yesterday he's video's hottest performer, but this week he's being handled like a comedian with eczema in the ratings department.

They treat Jackie Gleason better than this.

Mr. Kennedy's press conference tomorrow at 10 a. m. is being video-taped only. However, it's permitted that the tape be shown as soon as the conference ends.

Why his advisors think this is a significant change from a "live" telecast, I wouldn't know. Anyway, the network could show it almost as soon as "live" if they wanted to.

### CBS STAND

But CBS says it will air the conference to "the extent its content rates." This may mean, CBS execs say, that the tape will be shown only in part on the network's regular Doug Edwards and other news programs.

NBC said yesterday it had not yet scheduled the conference as a "special" show. It has, however, decided to do it on radio at 11:06 a. m., soon after the session is scheduled to end.

ABC (WMAL-7) here is the only network to fix a definite time to show the TV tape.

from 5 to 5:30 p. m. This is zero minus nothing for the bulk of office workers returning home.

### TENDENCY

As much as the actions of the other stations it indicates a tendency to wrap a blanket on Mr. Kennedy.

It's a strange contrast to the day when they were complaining about Jim Hagerly taking a couple of hours to clear movies of President Eisenhower's press conference before releasing them.

### NO CENSORSHIP

More about censorship—CBS denies there was any censorship behind its postponement of Circle Theater's study of communist espionage in America which had been scheduled for last Wednesday.

In announcing that the docu-drama will be shown on Feb. 15, CBS yesterday said, "We did not receive any request from the Federal government not to show it."

There has been a lot of commotion, about the postponement of this show, many commentators apparently seeking to indicate that the Kennedy Administration is ready to throw a censorship blanket on TV.

It may be remembered, however, that several programs have been postponed or called off recently, for reasons that involved the public interest. Included was an "Untouchables" episode about the Mena, because the Appalachian trial was still before the court.

A "study of the Black Sox" was postponed because of difficulties about libel and clearances. A comedy sequence in the last Art Carney special was yanked because it caricatured President and Mrs. Kennedy, in rather poor taste.

Maybe the Circle Theater episode is an example of hopping to a wishful conclusion from inadequate evidence. No one except the producers and network officials has seen it. The readiness of so many on-lookers to holler "censorship" is thus a little hard to understand.

Tolson ✓

Mohr ✓

Parsons ✓

Belmont ✓

Callahan ✓

Conrad ✓

DeLoach ✓

Malone ✓

McGuire ✓

Rosen ✓

Trotter ✓

Evans ✓

W.C. Sullivan ✓

Tele. Room ✓

Ingram ✓

Gandy ✓

O'Donoghue ✓

o Desilu Productions

The Washington Post and Times Herald \_\_\_\_\_  
 The Washington Daily News \_\_\_\_\_  
 The Evening Star \_\_\_\_\_  
 New York Herald Tribune \_\_\_\_\_  
 New York Journal-American \_\_\_\_\_  
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 Wall Street Journal \_\_\_\_\_  
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REC-85

NOT RECORDED

117 FEB 13 1961

FEB 7 1961

59 FEB 15 1961