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FROM BULLETS TO BRIBERY

Lacy Hollingsworth
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Al Capone is one of the most notorious mobsters in United States history. Capone was able to turn America’s “second city” into a politically corrupt, gang entrenched city in less than one decade. He received this great power and authority over Chicago from Johnny Torrio, the head mobster before Capone.1 Torrio was able to run his gang successfully in Chicago; however, Capone was able to form relationships with policemen, office holders, and other officials within the city who openly took bribes from him, ultimately giving him the keys to the city. Capone used this stronghold he had over the respected office holders to his advantage. He was able to run his illegal operations, such as bootlegging that was especially profitable because of the 1920s prohibition. These operations made him millions of dollars. The money Capone was making never showed up in his taxes; the money would simply be waiting for him in his bank accounts. The violent crimes and murders committed by Capone’s gang were the same way; there was never a record of any crime. Capone would order one of his mobsters to murder somebody but there could be no trace of evidence that suggested Capone was in any way involved. By never being directly involved in a crime, Capone was able to run Chicago and have the people eating out of the palm of his hand. One of the misconceptions about Chicago during this time period was that all officials and policemen were corrupt, or somehow had a connection with Capone. Though there was not a lot of justice seeking officials in Chicago, there were enough to help take Capone down. One of the main men investigating Capone was investigator Eliot Ness. Ness and his team, along with other agencies, were able to follow and investigate Capone’s actions and finally arrest and charge him. The actions of these men inevitably saved Chicago from many more years of corruption and violence. Capone rose to power in Chicago with the help of many policemen and public officials. The men who Chicago’s citizens relied on to keep them safe were taking bribes and side deals from Capone so he could run his illegal businesses. Without the few

men left who still believed in the preservation of law and order, Chicago would have been left to gang rule. Even though law and order was not the easiest task in the 1920s, these few justice seeking agencies stayed true to their oath to protect and serve and helped save Chicago from an unavoidable demise.

Much of the research done about Al Capone and the prohibition era is centered on the corruption of high standing officials and how Capone was able to use them as puppets while he was pulling their strings. Most of the officials during this time were working with Capone, and because of this, they have received the spotlight for the completely wrong reasons. These men have become notorious figures known for nothing but scandal and fraud. Little recognition or spotlight has been given to the few officials during this time period who were the true protectors of Chicago. Research done for this time period does not focus enough on the good guy; with all the scandal following Capone it is easy to understand why research has been focused on him.

Capone did influence Chicago in numerous ways, and in some ways his influences are still there today. However, without the courage and relentlessness of the few justice seekers left during the 1920s, Chicago would have been left helpless to, what many have referred to the gang world, the underworld of Chicago.

Al Capone was the most feared gang ruler in Chicago’s history. The first big Chicago mobster was Big Jim Colosimo who was in power until the May of 1920 when he was killed. Suspicion grew about his killing, concerning his Lieutenant body guard from New York, Johnny Torrio. The rumor circulating Chicago was Torrio had been the one to execute Colosimo. Torrio ironically succeeded Colosimo as the Lord of Chicago’s underworld.²

Similar to Torrio’s beginnings with the Chicago gang life, Colosimo hired a New York gangster from the Five Point’s Gang who came to Chicago to be his body guard; a twenty-three year old named Al Capone, who worked under Colosimo as a “lieutenant.” Capone was originally brought to Chicago as a gunman because his legendary, heroic performance in the Lost Battalion of the 77th Regiment in World War I. It is speculated that this is where he earned the scar on his left cheek. While he was working for Colosimo, he was in a knife fight where he gained more scars on his face; finally landing him the name “Scarface Al.” Both Torrio and Capone began to climb the ranks by managing different houses where Colosimo would conduct business. After the death of Colosimo, Capone rose to power to become a Senior Lieutenant with Torrio rising to position of the Lord of the underworld of Chicago. Torrio was able to rule Chicago’s underworld by becoming rich from prostitution, gambling, beer, and booze; much like Colosimo. However, after a four year reign over Chicago, Torrio decided to step down from his throne after almost being killed in an ambush; he passed the throne to Capone.

Capone’s first exertion of power came from the St. Valentine’s Day massacre on February 14, 1929. The aim of this massacre was to get rid of his rival gang called “Bugs Moran”. By using extreme violence, Capone sent out the message to other competing gangs that his gang, Capone Syndicate, was now in charge of Chicago. Capone was suspected for many murders. The murder of William McSwiggin is the murder Capone is most famous. McSwiggin was a well-respected crime fighting state’s attorney who was nicknamed the “Hangman Prosecutor.” He had successfully obtained seven death penalties in eight months involving gangland killings. The night of his murder he left his parent’s house to get drinks with Tom

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Duffy, a beer peddler and a police precinct captain in the suburb of Cicero; a known hot spot of Capone’s. Outside his parent’s house waited Jim Doherty, another beer peddler, Myles O’Donnell and his brother, William “Klondike” O’Donnell. One year earlier, McSwiggin had unsuccessfully prosecuted Doherty and Myles O’Donnell for the murder of Eddie Tancl, a saloonkeeper and a rival beer supplier in Cicero. In McSwiggin’s neighborhood, the line between gangsters and public officials was thinly drawn. After several stops to different bars the men called it a night; while walking to the car, McSwiggin and the other men were ambushed by a driving car. The O’Donnell brothers jumped to the ground to escape death, but McSwiggin, Duffy, and Doherty were killed instantly. It was later discovered that Capone’s gang and the O’Donnell’s gang had been on the verge of all-out warfare leading many to believe Capone was in charge of the killing of McSwiggin, even if he had not been the intended target.  

The Chicago Daily Tribune wrote an article claiming that secret warrants had been issued for the arrest of Capone in the complicity of this murder. Raids all over the city and country were made in efforts to find Capone. In each raid, Capone was never there. In one report it was said that Capone was hiding out with his henchmen in the woods of northern Michigan; when a squad of officers were sent there to capture him, Capone had escaped, and was reported he barely left the woods in time. In this particular case, the police were unable to find Capone at all. Capone is reported to have said that he would not go in for this crime until he thought it was the proper time to be taken. Capone was able to control the circumstances under which he was arrested. He eventually turned himself in to federal officials but was never, out of the four grand juries, found guilty of the murder of McSwiggin. Very few people in history are known to have had such great

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power they are able to control the courts. By saying he would not go in with the police until he felt the time was right establishes his power and rule over the city. Capone answered to no one but himself, even the police knew this. Every murder he was able to get away with he was able to build his reputation as a person nobody in Chicago, or even the country, wanted to encounter.

Through the McSwiggin case, it was learned that Capone had been operating his illegal businesses with immunity. Capone was paying Cicero public officials to ensure the safety of his gambling and bootlegging.⁹ Both the Capone and O’Donnell gangs were reaching out to public officials during elections for beer privileges. Although the grand juries could not prove that Capone and his men were involved with the murder of McSwiggin, they all agreed the O’Donnell-Capone beer war was the primary motive. The first jury said it perfectly, “A conspiracy of silence among gangs and intimidation by threats to murder witnesses make it almost impossible to solve the killing of gangsters by their rivals and of innocent bystanders.”

After the McSwiggin case, the public was able to finally see the relationship between criminal gangs and politics in Chicago. Organized crime in Chicago was successful because of the corrupt alliances it had with politics. The inability of the four juries in this case to reach a verdict made many of the educated and intelligent citizens in Chicago raise questions about the corruption in the Chicago and Cook County government. The primary question being asked was about the organized crime and how each time the city or county tried to make a case against it, the government body would be the ones to fail.¹⁰ The underworld of Chicago had such a harsh hold on the city and its officials that when raids were made it was only because of the public

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pressure by Chicago’s citizens and newspapers; many times the mobsters were forewarned about the raids to ensure their personal safety.¹¹

One of the main reasons Capone was able to rule Chicago as the lord of the underworld was because his men were so loyal. The men who worked for Capone were all willing to lay their lives down for him at any time. The amount of security Capone had rivals today’s security systems. He was never without a body guard, a running car, or henchmen scattered everywhere around him.

Corruption and bribery were normal aspects of Chicago life during Capone’s reign in the 1920s. Many city officials often took bribes from Capone; these bribes ensured the official’s personal safety as well as Capone’s safety against legal action. Capone illegally contributed $150,000 to the Chicago mayor’s race to ensure the man elected was who he wanted and who would be easier for him to do business with.¹² Along with bribery, Capone corrupted the Chicago police system. There is one instance where Capone and his men had somehow managed to wiretap police phones so they would know exactly when, and if, a raid was coming. It is not a wild accusation to assume that Capone’s gang was able to do this because of inside help within the police station through bribery of the officers. Many police officers at this time did not think that Capone could ever be stopped; they believed there was a loophole for Capone to go through every time he was charged with something.¹³

The Chicago Tribune was one of Capone’s harshest critics; however, as critical as they were about Capone they were just as critical about the breakdown in the legal system. One of the editorials called out the juries for taking bribes from the gangsters by saying this was just as common of an occurrence as was calling the court to order. The Chicago press was often angered every time there would be a gangster funeral, because there would be many of Chicago’s most affluent political leaders in attendance only convincing the press more that the gangs and politics were related. One of the most revealing cases about the corruption within the Chicago police department was the St. Valentine’s Massacre. Capone’s men came dressed as police officers, as if to raid rival gang Bugs Moran. The most shocking part of this massacre was not the amount of people killed, but the fact that Bugs Moran gang was not afraid of the police officers coming to raid their brothel. The newspapers called the honesty of the Chicago police station out; the gangsters were obviously not bothered by the police officers walking up to their brothel; this, ironically, led to the gangs’ ultimate massacre. The massacre made many newspaper editors and writers believe the police system and gangsters were somehow involved with each other.

Capone was able to become the law and order system in Chicago during his reign. He would invest his money in businesses and essentially begin to run these businesses however he liked. The owners’ only jobs were to run their businesses to the liking of Capone and tell their immediate community their businesses no longer needed the protection of the police because they had Capone on their side. The implication of the business owners saying Capone was their protection implied there was a complete breakdown in the law and order system in Chicago. One


of the main businesses involved in racketeering was the cleaning and dyeing business. The businesses would front as a clothing cleaning and dyeing company, but have illegal operations happening in the back rooms; like prostitution or alcohol sales. Capone claimed he could stop the racketeering among the cleaners and dyers, a task that the police had not yet been able to tackle. This was a very strategic move on Capone’s part because by becoming the “good guy” in a sense, he was telling people by going by his rules instead of Chicago’s, he could protect them better than Chicago’s own policemen; where the courts have failed to maintain law and order, Capone could bring justice.\footnote{Landesco. \textit{Organized Crime in Chicago}. 166-167.}

The breakdown of Chicago did not happen when Capone came into power. The breakdown of Chicago happened when Capone was able to assemble his forces inside the law and order system through the use of bribery and corruption. Many times when the Capone era is talked about, the only thought that comes to mind is “how did the law and order system of Chicago allow him to operate with such power?” The focus automatically goes to the corruption of the police officers and political officials. Not enough attention and respect is given to the few in Chicago, the police, lawyers, and judges, who actually put their lives on the line every day in an effort to get Capone out of their city. Without the dedication to their job, Capone could have run Chicago into the ground; the underworld would have been ruling Chicago for decades to come if it was not for the few who still believed in the oath taken as young officers to protect and serve their community.

During the roaring twenties and the prohibition era in Chicago, it was not hard to find a police officer who was or had worked with Capone. It was hard, however, to find a police officer who would not join forces with Capone. Eliot Ness is one of the most well-known figures in the arrest of Capone. He worked for United States Department of Justice prohibition detail. The job
of this detail was to stop Capone’s bootlegging of alcohol, cut off his income, and gather the income tax evasion information needed to send him to prison. Ness hand-picked nine other men in Chicago to help him on his quest to get Capone off the streets. This group of ten men became known to the underworld of Chicago as the “untouchables.” The driving force behind these men’s intense investigation of Capone and his gang was the realization that all the officials these men served with did not take their sworn oath “to protect and serve” as seriously as the untouchables did. This realization was made when this group discovered actually how “wet” of a city Chicago was and how little prohibition convictions were actually being made. By the time Ness had put together his team in 1929, it was estimated that Capone had killed or ordered the killing of about three-hundred men. Capone was also able to manipulate more police officers, political figures, and judges to work with him than any other criminal in history.

Ness and his team were the main driving force behind Capone’s arrest and conviction. There only needs to be a little bit of good in the world to help take down the bad; and this is precisely what the untouchables did. Most police officers during this time had little experience in the field; being a police officer was merely a job and not a way of life for many. This could possibly explain why many officers were able to be easily bribed; they were in this field of work for the consistent paycheck. When the possibility of getting paid more money to turn the other way for gangsters arose, many accepted. The officers who did not accept the bribes offered by Capone were considered the outsiders within the police station. Ness handpicked these nine men to fight Capone; he went through each of their files case by case until he found, what he thought, were true officers of the law.


For a successful arrest and conviction of Capone it would take more than the untouchables to bring him down. Ness also realized catching Capone red handed in his bootlegging schemes, along with the numerous murders he had already ordered, would be next to impossible. With this knowledge, Ness and his team took a completely different approach: taxes. For years Capone had been making millions of dollars without owning a single business or filing any type of tax form. Ness knew if he could find any type of business record from Capone or the businesses he had interests in then he would be able to finally charge him with a crime that had a lengthy prison sentence attached with it.  

Capone was a man with unlimited power in Chicago. His power did not stop in the underworld, but continued to infiltrate the city. One example of Capone’s exertion of power was his many attempts at Ness’ life. The police officers Capone was paying off at the police station had access to Ness’ office and car. Towards the end of Ness’ investigation, right before the evidence the illegal money was going straight into Capone’s pocket, Capone wired Ness’ car in an attempt to literally blow him up. Ness noticed the hood of his car looked tampered with and immediately called some of his trusted officers to undo the trap for him. If he had barely touched the ignition to his car, he would have blown up. This particular instance, along with many death threats over the phone, should have stopped Ness from continuing with his investigation. What Capone did not know, however, was each time Capone would make a charge at his life; it would only drive Ness into working harder. Many police officers would have called the investigation off, but the fact that Ness continued on serves to show the type of person and police officer he was.  

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Eliot Ness was essential to the conviction of Capone, but he and his team were not the only ones gunning for Capone. Frank J. Wilson, a secret service agent, worked ceaselessly alongside Ness to get Capone off the streets of Chicago. The two were finally able to charge Capone with income tax evasion. The diary of the former assistant state’s attorney, McSwiggin, surfaced and contained three ledgers of one of Capone’s gambling joints in Cicero, The Ship. The Ship earned over $3,000,000 in wagers from illegal gambling each year. The ledger contained the net profit of the joint for eighteen months, finally proving that Capone was making more than $5,000 a year.\footnote{21} Soon after Wilson found the ledger, Capone found out the ledger was now with the police. It was not long before one of Wilson’s undercover men, Eddie O’Hare, met with Wilson to warn him Capone knew about the ledger and soon after Wilson would end up dead. Wilson knew the possibilities of his death were likely but continued on with his investigation. In order to put the income of The Ship into Capone’s pocket, Wilson would have to match the handwriting to the gangster who wrote in the ledger. After going through what seemed like every gangster and hoodlum in Chicago, Wilson was finally able to make a match. Lou Shumway was one of Capone’s workers who worked in Miami at one of the many gambling sites called “Hialeah” owned by Capone. Shumway was nowhere to be found the first night of Wilson’s search, but the next night he found him in the back of a betting window at a dog race. Wilson stalked him until the next morning when he took him in; before Wilson even told Shumway why or where he was going, Wilson said his face was a nasty green. After some convincing, Shumway finally broke and admitted he had been the bookkeeper for The Ship in Cicero and the money all went to Capone; but still, there was no way to prove the money went to

Capone. A painstaking process finally led Wilson to find a transaction Fred Ries had made to a Cicero bank worth $300,000. After a stay in a cockroach filled jail cell, Ries finally admitted to putting the $300,000 from The Ship in Capone’s bank account. This confession gave Wilson and the others the evidence they needed to convict Capone.\(^{22}\)

Many judges during this time were able to be bribed by Capone if he or one of his workers were in some type of trouble. Judges, like the juries, were also able to be easily bribed. When Capone was arrested for income tax evasion there was not a doubt in his mind that he would be able to buy the jury off and end up not guilty. Before the trial started, Capone knew who the nine jurors would be; he knew their names, addresses, and what they did for a living. With this information Capone paid them each $1,000 in cash to reach a not guilty verdict at the end of the trial. James H. Wilkerson was named the federal judge who would oversee the trial. Before the trial started Wilson, one of the acting investigators of Capone’s case, went to the judge warning him that the jurors that had been chosen were already paid off by Capone. The judge took this into consideration and told Wilson and others that he would handle it in court during the trial. The day of the trial, the jury, who had already been paid by Capone, sat in the court room waiting for the trial to begin. Before the trial began Judge Wilkerson told his bailiff to take the jury in his court over to Judge Edward’s courtroom and replace them with Judge Edward’s jury.\(^{23}\) As soon as Judge Wilkerson decided to do this, the city of Chicago breathed a sigh of relief with a realization they had finally won their long time battle with Capone. Capone was convicted of violating the liquor law as well as income tax evasion. He was sentenced to eleven years in prison with a fine of $50,000 dollars.\(^{24}\) Without the courage of Judge Wilkerson there is no doubt that Capone would have been found not guilty. Few know of Judge Wilkerson’s

\(^{24}\) Ness. *The untouchables.* 249.
courage; most of the attention brought to judges during the 1920s is about the constant bribery and corruption associated with their positions. Not enough praise is given to heroes like Wilkerson who risked his life by trading the jury.  

Like Judge Wilkerson, Judge John H. Lyle also helped win the fight against Capone and his gang. Judge Wilkerson and Lyle stand out among the Chicago judges during this time because of their active roles in law and order. While many judges were being bought by Capone, Judge Lyle was issuing twenty-eight “Public-Enemy” warrants for the arrest of Capone and gangsters. When these gangsters were brought to his court he would issue abnormally high bonds between $50,000 and $100,000. Many saw this as Lyle sealing his fate with Capone and other big name gangsters because he was targeting the underworld.

One particular search warrant Judge Lyle sent out helped the police gain evidence of Capone’s illegal activities and ultimately helped send him to prison for ten years. One of the Chicago labor leaders Tommy Maloy, who was later murdered by Capone’s gang, told Lyle Capone had just got back into town from Florida to tend to some important business around the area. Lyle told this important information to Pat Roche, the chief investigator for the state attorney’s office, and then issued a search warrant to Roche for the seizure of Capone. One of Capone’s many houses and hideaways was in the town of Cicero; at this time the gangs were in charge of the police force and the politics. The McSwiggin murder was the first clue there was illegal activities surrounding Capone and his gang in Cicero. As Roche and his group of men approached Capone’s hideout, the Cicero police sent our sirens and gong sounds warning Capone and his gang to get out of town. When Lyle and Roche entered his hideout, there was no Capone to be found. Lyle thought because he was not there, the search and raid had been for nothing. Roche explained to him that because of this raid, even though there was no Capone,

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they were able to look through his entire hideout and find all sorts of information about his illegal businesses; information already known about from the diaries of McSwiggin. The information Lyle and Roche were able to obtain helped the government with its other income tax evasion cases already against Capone. A few weeks after the raid in Cicero, Capone decided to turn himself in to the authorities. He went to none other than Judge Lyle. The judge turned the case over to the government and Capone was convicted and charged with ten years in a federal prison. Without the information Lyle received about Capone’s hideout in Cicero, the government could have not made the Capone case so irrefutable.26

Each of these men helped win the city of Chicago back from Capone in their own individual ways. However, each man could not have been successful without the help of others who wanted Capone gone just as badly as they did. Many think all the Chicago police officers at this time were crooked and corrupted. The teams of Ness, Wilkerson, and Lyle all proved to be the opposite. Without these men and their teams, Chicago would have been lost to the underworld. Capone was able to infiltrate the system by targeting the weak, money motivated officials and police officers. Capone used manipulation and money, Capone was able to make sure these bribed officials would move up in the ranks in the Chicago political and law enforcements agencies. It was not a secret who was taking the bribe money from Capone. The Chicago Tribune is often known for calling Capone, his gang, and political candidates out for rigging elections. Even though this news source was able to call them out, there was nothing ever done about it. The power and hold Capone had on Chicago is truly astounding.

It is interesting to see how a few good men were able to stop the gang wars, violence, corruption, and bribery happening in Chicago. Too many times these men get overlooked. The issues during this time period were over illegal alcohol sales and gangs. Many ordinary citizens lost hope because of the hold Capone had on their city. They would leave their houses to go to work, not knowing if their neighborhoods would stay safe and violence free that day because the police were not in charge; Capone’s gang was. It is still unclear why so many political officials and police officers were under Capone’s influence. The only viable conclusion that could be made is the time period they lived in, the 1920s. The roaring twenties was a prosperous time in the United States because of the World War that had just been fought. The war was able to get the manufacturing industries, like the ones in Chicago, enormous profits. The money this industry made translated into the everyday lives of Americans, especially Chicagoans, by allowing them to have money for things other than necessities. Finally having extra money for wants rather than strictly needs, leads to the conclusion that greed, more than anything, can be attributed to Capone’s rise in power.

Many people during this time wanted all they could get their hands on, and with Capone’s unlimited resources he could provide this. Many of the police officers and political officials during this time seem to be hard-working, family men who just wanted to earn money for their family. Sometimes these men would do anything for their family to have as much as possible; and that includes taking money from Capone and his gang to look the other way at times. It is hard to classify every police officer or political official as crooked, especially when the circumstances about why he took the money is unclear. However, the officers and officials
who had malicious intentions when taking Capone’s bribes vastly outnumber the ones who took the money to better their families.

The untouchables, Wilson, Wilkerson, and Lyle all stayed true to their oath to protect and serve Chicago. The emphasis during the 1920s should not be on Capone’s gang or the corrupted officials during this time, but should be on the men who sacrificed their own lives to ensure that the citizens of Chicago could walk in their own neighborhoods without fear that Capone and his gang would be lurking around the corner. The actions of these men, along with many more who are not mentioned, helped save Chicago from its inevitable demise if Capone had stayed in power. Ness and the untouchables’ investigation of Capone’s tax evasion and illegal alcohol sales, Wilson’s investigation of Capone’s illegal ledgers, Wilkerson’s ruling in the court room and Lyle’s search warrants all played important roles in the arrest and conviction of Capone. On October 24, 1931 Capone was finally charged and all these men’s hard work had finally paid off when he pled guilty to the charges. The hard work of these enforcers of the law will never go unnoticed and Chicago will always be thankful they were able to overthrow the underworld. Law and order was not an easy job to do right in the 1920s, but these men proved Capone wrong and preserved law and order.
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