

IDENTITY OF BOOTLEGGER'S SLAYER STILL A MYSTERY

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MALPASS MAY CARRY QUIZ TO HIGH OFFICIALS

PROSECUTORS BAFFLED IN ATTEMPTS TO IDENTIFY NISTICO'S SLAYER

KULAS MADE REPORT

MOTORCYCLE COP WENT DIRECTLY TO POLICE HEADQUARTERS AFTER SHOOTING

After two days of investigation of the bootlegger killing at the Faatz hotel in the Cicero road, District Attorney Malpass has failed to elicit information fixing the identity of the person who shot Bruno Nistico.

Facing failure in this direction, almost exhausted by the prolonged, grueling task, the prosecutor may exert pressure against officials involved in the stool-pigeon plot that led to the death of the quarry.

However innocent or excusable in the homicide or accidental death of the bootlegger, both officials and others involved may be rated accessories after the fact, or at least moved against through official channels for deviation from duty.

The public mind is questioning a situation in which federal and municipal police officers were at least on lookers at a killing and subsequently aren't [*sic*] knowing no vital fact.

BOOTLEGGER SHOWED FIGHT

Unusual elements enter the mystery of the death of Nistico. It has been established by the stories of all concerned that he showed fight when commanded to surrender in the hotel yard at Faatz's, where he had just arrived with a cargo comprising barreled water and alcohol.

It was decided today that John Kulas and Louis Snow, Syracuse motorcycle police who assisted in ambushing Nistico, were acting with

propriety, as far as precedent and custom in police activities go. Chief of Police Cadin submitted a report covering the presence and activities of the patrolmen and it was accepted officially by Commissioner of Public Safety Miller.

The shooting was outside of the city limits and the jurisdiction and interest of the city police in such activity had been questioned not only by the public but officially.

KULAS REPORTED IN PERSON

It develops that Patrolman Kulas reported the affair about 7:45 o'clock at police headquarters in person. After the death of Nistico he and Arthur Van Tassel, one of the federal revenue men concerned, came to the city Patrolman Snow and James A. Stapleton, the other dry agent, remained at the place with the body. Sheriff Ten Eyck and deputies are reported to have arrived there about 8:15 o'clock. The violent death was reported regularly and through official channels only by the officers in person instead of by telephone.

The opportunity for doctoring or fixing the situation in the hour between the arrival of disinterested official investigators and the actual killing has been stressed, and the district attorney has not overlooked this factor.

The police officers quizzed yesterday all answered questions, although the prosecutor admitted that he did not think they told all they

knew. They have every assurance that they cannot be proceeded against for a homicide in the course of duty, but either they do not know who fired the fatal shot or they are not telling.

DRIVER DISCLAIMS OWNING GUN

Kulas, Snow and Nistico, it is believed, carried 32-calibre pistols. The third pistol of this size held by the district attorney and coroner is said to be either Nistico's or that of Domenico De Polo, the missing witness, a companion of Nistico on the truck. Joseph Spoto, the driver of the truck, disclaims the gun. He was covered with a gun by Stapleton, according to the stories of both of them, and had no opportunity at the moment to use one.

Two .38-calibre guns held by the authorities are said to have been carried by the two revenue officers. Van Tassel was grappling with Nistico when the killing took place. The raider dropped his gun, he swore.

The possibility that Nistico was hit by a bullet from the dropped gun is not excluded from speculation. Still another possibility was pointed out in the absence of De Polo who is not known to have had a gun or not to have had one.

STAPLETON EMPTIED GUN

The earliest report was that Van Tassel's gun was fully loaded after the shooting. Stapleton is said to have emptied his gun after the shooting and to have said:

"I hope to God that I never have occasion to load this gun again."

This man is demoralized by what happened and his own account is that he emptied his gun before the arrival of the truck.

Whether Nistico was killed by a 32 calibre bullet or one of 38 calibre has not been ascertained. Coroner Crane leaned to the belief it was a 38 calibre bullet.

The victim will be buried tomorrow morning in Assumption cemetery after funeral services at 8:30 o'clock at St. Peter's church.

William E. Corey, proprietor of Faatz's, his housekeeper and other attendants there were questioned but could throw no light on the mystery. They described a series of shots in rapid succession, sounding like a motor cut-out.

The investigation proceeded today to the unofficial witnesses, including Spoto, the driver, William F. Hannon, a former dry agent, John Timson, alias Timmins, alias Timinski, and Harry Beam, previously tricked by Nistico and instigator of the scheme to trap and arrest him.

PATROLMAN KULAS AND SNOW GIVEN CLEAN BILL BY COMMISSIONER

John Kulas and Louis Snow, the two Syracuse policemen who participated in the Cicero road ambush Monday night, were given a clean bill of health today by Frank t. Miller, commissioner of public safety.

After a long conference, which was attended by Chief Cadin and Sebert T. Friedrich, deputy commissioner of public safety, Commissioner Miller said that nothing had developed in the investigation which would warrant bringing charges against patrolmen or suspending them.

"The two patrolmen were picked up in the street by the federal officials," said Commissioner Miller. "They have been drafted by federal officials for service before. We have nothing against them."

Commissioner Miller said Chief of Police Cadin informed him that such drafting of local police by federal officials was not an uncommon practice.