

JOURNAL GETS FIRST EYE-WITNESS STORY OF KILLING

The Syracuse Journal, Syracuse, NY, Thursday, November 3, 1921

POLICE NOT NEAR WHEN SHOTS WERE FIRED AT NISTICO

KULAS SAYS HE AND BROTHER OFFICER RAN OUT FRONT DOOR AS NISTICO DROVE TRUCK UP TO REAR OF HOTEL – DISTRICT ATTORNEY AND CADIN SAY POLICE ARE BLAMELESS

The shooting of Bruno Nistico at the Faatz Hotel on the Cicero road is still baffling the authorities. The shooting occurred Monday night and since then county authorities have been pursuing a vigorous investigation in an effort, futile so far, to fix the responsibility.

The Journal presents to-day exclusively the first complete story by an eye-witness of the killing of Bruno Nistico, Wyoming st., bootlegger shot to death in a booze raid at the Faatz Hotel on the Cicero plank road last Monday night.

It is the story of John Kulas, one of the two motorcycle policemen who participated in the raid, both of whom have since been cleared by Chief Cadin and District Attorney Malpass of all suspicion in the killing.

Kulas version of the affair, which is corroborated by his associate, Motorcycle Patrolman Louis Snow, is named by both the district attorney and the chief of police as the most credible of all the confused and contradictory stories that have handicapped and blocked the probe into the circumstances leading to Nistico's death.

Another new phase of the case is the elimination as a suspect of Dominick Di Polo, E. Washington st. barber who, until Thursday morning had been designated as a

fugitive since immediately after the shooting.

DiPolo gave himself up to Mr. Malpass Thursday, and was able to show, the district attorney says, that he was nowhere near the Faatz Hotel at the time Nistico was shot. His alibi is substantiated by John Timmons, one of the three informers who accompanied the police and Federal agents on the raid, and Mr. Malpass says that unless unexpected testimony contradicting Di Polo is brought to light, he will be released.

MYSTERY IN THIRD MAN

Di Polo having been cleared of all connection with the bootlegging expedition and its fatal sequel, new mystery enters the case regarding the identity of the third man who is known to have been riding the booze truck, and who escaped immediately after the shooting began.

The seven raiders all agree that Nistico and Joseph Spoto, who drove the booze truck, were accompanied by a third man. None can name him however. Spoto the only living witness, declares he does not know the man's identity.

Police and county officials have begun a canvass of all those known to have been associated with Nistico, since he entered the bootlegging field and before. This missing

man's importance as a witness can hardly be exaggerated, Mr. Malpass points out.

POLICE WERE IGNORANT OF FRAME-UP

In his statements to the Journal, John Kulas denies that either he or Snow knew that the raid in which they were invited to participate by James A. Stapleton and Arthur Van Tassel, the two Federal agents, was actually a "frame-up" plotted by Clarence Beam – or "Harry Yates," as he was more generally known – in revenge for Nistico having swindled him of \$700 in a sale of a barrel of water which Nistico had represented to Beam as containing grain alcohol.

"Snow and I had just finished our day's duty and were standing in front of the trolley terminal, about to go home, when Stapleton and Van Tassel told us they had learned that a barrel of alcohol was going to be delivered to the Faatz hotel in the early evening, and asked them to help capture the stuff." Kulas' story begins.

The request was no different that [*sic*] scores of others, members of the motorcycle squad have received from Federal operatives and sheriff's deputies for aid in police work outside the city. Our orders have been that we were to co-operate with these officials, just as we would expect their co-operation in the vent [*sic*] the circumstances were reversed.

"Nothing was said by either Stapleton or Van Tassel of Nistico having been framed. They simply told us that Hannon, Timmons and Beam had tipped them off that a truckload of 'alki' was scheduled to be delivered at Faatz's and we were going along to point out the men who were to

make the delivery. If we had even suspected the whole thing was a plant we would have refused to go."

The Hannon referred to by Kulas is William Hannon, a former Federal prohibition enforcement agent, resigned several months ago. It was he who represented himself to Nistico as owner of the Faatz hotel and offered Nistico \$1,000 for a barrel of grain alcohol, delivered at the hotel. This was at Beam's suggestion, and Hannon, Beam and the latter's "friend," John Timmons known also variously as Timmin and Tyminski – then went to Stapleton and Van Tassel with the conspiracy.

SECRETED IN HOTEL

Kulas then went on to tell how the four officials and three informers secreted themselves in the Faatz Hotel, greatly to the displeasure of the latest proprietor, William Corey, and how Timmons watched down the road for the advent of the booze truck.

Nistico took the wrong road first, turning into a crossroad 100 yards south of the hotel. Timmons warned the raiders the truck had arrived, then ran down the road to guide Nistico into the trap.

"We all waited inside the hotel until the truck had been driven into the circular driveway which leads from the plank road. Nistico stopped a few yards away from the back door of the hotel," Kulas continued.

POLICE AT FRONT DOOR

"According to the plan made in advance, Snow and I started out the front door, while Stapleton and Van Tassel left by the rear. This was so as to make it as difficult as

possible for any of those on the truck to get away.

“It was pitch dark and I almost had to feel my way along, just having left the brilliantly lighted interior of the hotel. Although our plan had been to leave Beam and Hannon inside the hotel, Beam followed Snow and me out the front door. Hannon, however, obeyed instructions and remained inside – throughout the whole business, as far as I know.

“Snow and I separated at the door. Snow going around the hotel toward the rear at one side and I the other. Beam walked along with me.

THE ACTUAL SHOOTING

“Just as I got to a point where I could dimly distinguish the outlines of the truck in the

darkness – I was still perhaps 30 yards away – I heard Stapleton shout something, and saw two revolver flashes at a point which was apparently the seat of the truck. These must have been the two shots fired by Nistico when Stapleton shouted to him that he was a Federal officer and that Nistico was under arrest.

“Then I saw and heard several more shots fired – three or perhaps four more. I couldn’t make out who was shooting, or at whom. But more than one man fired – I know that. I started to run, and drew my own revolver. It was apparent that Stapleton and Van Tassel were in trouble, and I meant to help them out. As I ran I fired a shot into the ground. I held the muzzle directly downward: the bullets couldn’t possibly have hit anyone.”