

# PROHIBITION OFFICER KILLED BOOTLEGGER

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STAPLETON, IN CONFESSION, ADMITS FIRING SHOT THAT CAUSED DEATH OF NISTICO  
FEAR OF RESULTS HAD KEPT LIPS SEALED FOLLOWING FATALITY AT FAATZ HOTEL, HE  
TELLS AUTHORITIES.

AGENTS FROM WASHINGTON SECURE STORY AFTER SEVERE GRILLING

Assured that the Federal government would support him in any act which he had committed in the line of duty, James A. Stapleton, local prohibition enforcement officer, broke down under a severe grilling yesterday afternoon and confessed that he was the man who shot Bruno Nistico, bootlegger, ambushed by the police, at the Faatz hotel, Monday night.

Immediately after Stapleton's confession, Arthur Van Tassel, a brother revenue officer corroborated the story, saying "Stapleton is right; I was standing by his side at the time."

The confession dispels a mystery which baffled investigators for five days and involved every member of the raiding party, consisting of Van Tassel, Stapleton, John Kulas and Louis Snow, Syracuse policemen, Harry Beam, who had been swindled by Nistico in a liquor transaction, and Beam's two friends, William F. Hannon and John Timson.

When District Attorney Malpass and Federal Agents Baker and Lecharon asked Stapleton why he had not admitted the shooting earlier he is said to have replied:

"I was afraid I would be putting my foot into it, and get into trouble."

"Reassured by us that he would not," said Baker, in telling of the confession. "Stapleton came across with his whole story. For my part I

commend him. I think he showed great courage in what he did and deserves credit."

HOPED HE WOULD NEVER HAVE TO  
RELOAD WEAPON

Until this afternoon, Stapleton had denied he fired the fatal shot although other officers testified in secret investigation that he had "broken" his revolver and with tears in his eyes said:

"I hope to Heaven I never have occasion to load this again."

TRAP WAS SET FOR NISTICO

Stapleton signed his confession shortly after 5 o'clock last night after being questioned throughout the day, with no time for noon or evening meals by District Attorney Malpass and Sheriff Ten Eyck in the presence of Federal prohibition officers from Washington.

Immediately after District Attorney Malpass conferred with Coroner S. Ellis Crane over the telephone and it was decided that the coroner should call a formal inquest for investigation of the death of the bootlegger for tomorrow morning. Mr. Malpass, in effect, turned Stapleton over to the coroner and the coroner decided that the prohibition officer, who for more than a week has been the storm center of the mystery, should be paroled in the custody of Claude Lecaron, Federal agent working from the national prohibition headquarters at Washington.

And shortly after 7 o'clock, Stapleton, his shoulders stooped with fatigue, and his face drawn with strain of a week during which he says he has not slept, his eyes in the pale yellow electric lights appeared like dark circles of shadows, walked down the corridor and out of the Court House. For the first time since the fatal shooting he had some idea of what was to be the outcome of the fatal episode at the Faatz hotel.

#### DRIVER OF TRUCK STILL HELD

District Attorney Malpass immediately gave orders that Van Tassel, Harry Bream and John Timons, who had been incarcerated in the county jail should be released, and that William F. Hannon, the former prohibition officer, who was said to be instrumental in "framing" the ambush which resulted in the bootlegger's death, should be allowed to go. He would have released Spoto, the driver of the truck that took Bruno and his two barrels of water to the hotel, but the prohibition officers requested he be held on a charge of transporting liquor. He will be arraigned on that charge before United States Commissioner Higbee tomorrow morning.

Stapleton in his signed statement declared that he decided to tell the truth about the shooting of his own free will and accord yesterday noon. Throughout the morning he had been alternately grilled by District Attorney Malpass and questioned by Claude Lecaron and John R. Baker, federal agents working from the national prohibition headquarters in Washington, who came to Syracuse at the request of Mr. Malpass. It was plain from his attitude that the Federal agents advised him to tell the truth, as they believed that he would receive fair treatment at the hands of the district attorney and the sheriff.

#### AUTHORITIES WINK AT EVASIONS

Though there was no statement in the confession of the reasons why Stapleton

(Continued on Page 28, Column 2). First three paragraphs on p. 28 are almost totally illegible

Stapleton's statement covered his actions from the moment ... Bruno was killed. He received...

...was unloaded at the time."

He ??? ??? that his statements to the sheriff and the district attorney that he unloaded his revolver before the ??? and not afterwards was a ??? ??? ??? of the consideration that he ??? ??? ??? of him when he realized the bootlegger was dead.

#### THREW AWAY EMPTY SHELL

Stapleton told of unloading his gun in the dark following the shooting, of throwing away the empty shell left in the barrel by the bullet and of putting the remaining cartridges in his pocket.

Whether he substituted an undischarged cartridge for the exploded one was not covered in the statement.

Telling the events that led to the arrival of the party of prohibition officers, informers and city police at the Faatz hotel about 6 o'clock in the evening, Stapleton told of waiting in a room in the rear of a hotel and there planning what was to be the capture of the bootlegger, "with the goods." It was agreed, he said, that Stapleton and Van Tassel should remain in the rear room and go into the yard through a back door when the truck with the alleged liquor arrived, and that the two police officers, Kulas and Snow, should go out the front of the house and come to the back yard one on either side of the house to prevent escape of the quarry. While there, Stapleton said he carefully loaded his gun; he knew, he declared, that Bruno was alleged to be a bad man.

About 6:30 o'clock, he asserted, someone hollered "Here they are," and he and Van Tassel stepped out into the yard. He said Van Tassel went first and approached the truck, which had

stopped a short distance from the door. He tells of seeing Van Tassel cover Bruno with his revolver, and says he heard his partner say: "We are Federal officers. Throw up your hands."

#### SAW BRUNO CLOSE IN WITH VAN TASSEL

One man whom he said he afterward learned was Bruno, jumped from the truck and stepped toward Van Tassel. Stapleton said he then passed Van Tassel and went to the front of the truck to cover Spoto, the driver. Then Bruno started shooting, according to the confession, and Stapleton heard Van Tassel cry out. Stapleton said he turned and saw Bruno closing in on Van Tassel.

"I saw two flashes from Bruno's gun shoot toward Van Tassel," runs the statement. "Van Tassel hollered. I then turned and shot Bruno. Bruno fell backward to the ground. I then turned and covered the driver. I did not know whether or not he was armed. I ordered him to hold up his hands and then took the driver into the building."

Stapleton says that Van Tassel tried to get Michael H. Stapleton, a cousin of James Stapleton, and prohibition enforcement head, on the telephone, and failed. Van Tassel then got the automobile according to the confession and with Hannon and Beam drove back to Syracuse. In about an hour Stapleton says that Van Tassel returned to the scene of the shooting with his cousin. The body of the bootlegger had not been disturbed, he says, and it lay on the ground outside... [illegible]

Stapleton says he told them he had unloaded his revolver. The confession, according to the version ??? ??? to the district attorney, makes no mention of the ??? telling how Stapleton ??? when he learned that the bootlegger was dead, nor how he ?? ?? ?? to load this gun again."

#### THOUGHT TO BEAT BRUNO TO IT

Near the end of the confession, after relating the story in chronological order, Stapleton makes this statement.

"I thought at the time I ... my... would kill my fellow officer, Van Tassel, unless I tried(?)"

Stapleton stated he was 45 years old and his home was at 162 Cottage street, Auburn, and that he was married and had five children. He said he entered the prohibition enforcement service August 26(?), 1921.

His confession covered fully his actions on the night ride to the Faatz hotel. He declared that he reported to the office in the federal building at 10:30(?) o'clock, having returned from a trip to Utica and Binghamton. He told of being sent that morning to Brewerton to see whether liquor was being sold at a certain hotel there. He returned shortly before 5 o'clock and there met Van Tassel, who, he said, told him "about this deal with Hannon." He then went with Van Tassel to the Empire Hotel and there met Hannon, and they procured the automobile that took them to the Faatz hotel. He said that when they were about to start Snow and Kulas, city motorcycle police, came along, and Van Tassel asked them to go along. The police, he said readily agreed, and the start was made.

#### INVESTIGATORS SENT FROM WASHINGTON

Following Stapleton's confession, District Attorney Malpass explained his reasons for asking the prohibition enforcement officials at Washington to send investigators to aid in the examination of Stapleton and others concerned in the shooting. He said that all of the witnesses of the shooting agreed that the bootlegger fired the first shot, and that he was killed after having fired at the officers.

"For this reason, it seemed apparent that if Stapleton fired the shot that killed Nistico and in

that case he could not be accused of murder,” said Mr. Malpass. “But we had to get at the truth, and the co-operation of the prohibition department appeared to be essential. I wired the prohibition department early in the week, and Mr. Lecaron and Baker came Friday night.

“But don’t understand by this move that I propose to back lawless enforcement of the prohibition laws,” he continued. “I want to co=operate with them as long as they keep within the law, and no longer.”

#### PRAISE FOR LOCAL AUTHORITIES

The Federal agents, Lecaron and Baker, praised the district attorney and the sheriff or the manner in which they conducted the investigation. Baker said:

“Mr. Malpass was all the way through eminently fair, careful and unwilling to jump at unwarranted conclusions. Unlike many men in similar positions he wasn’t to be stampeded by popular speculation into fevered attempt to hang somebody.”

While they refused to discuss openly whether the shooting of Nistico might precipitate any reorganization of local prohibition enforcement forces, they intimated that they believed their chiefs would exonerate Stapleton from blame and that it would not be thought he acted unwisely in not telling the truth immediately after the killing. They pointed out that Michael h. Stapleton had advised his cousin from the first to tell the whole [truth] [actual text came from previous paragraph ----temps to hang somebody.”]