

# STAPLETON CONFESSES KILLING

The Syracuse Journal, Syracuse, NY, Saturday, November 5, 1921

BREAKS DOWN AND TELLS OF KILLING AFTER FIVE DAYS

SAYS HE SHOT IN DEFENSE OF PROHIBITION AGENT VAN TASSEL, WHO WAS BEING  
ATTACKED BY THE BOOTLEGGER

MALPASS NOT DECIDED ON ACTION

PENDING FULL WRITTEN STATEMENT OF MAN WHO CONFESSED, THE DISTRICT ATTORNEY  
WILL RESERVE DECISION ON PROSECUTION

James A. Stapleton, Federal prohibition agent, has confessed the killing of Bruno Nistico, shot to death in a booze raid at Faatz's hotel on the Cicero plank road Monday night.

After five days' continuous grilling, during which he had repeatedly denied all knowledge of the shooting, Stapleton broke down late Saturday afternoon and admitted responsibility for Nistico's death.

He shot in defense of Arthur Van Tassel, also a Federal Prohibition agent, whom Nistico is alleged to have been attacking when he died, Stapleton says.

District Attorney Malpass refused to say whether Stapleton would be held. Decision will await the making of a formal statement by Stapleton. So far the confession has been only verbal, but late in the afternoon Stapleton was making a formal statement before a stenographer, which it was expected he would sign.

Stapleton's admission clears up the mystery surrounding Nistico's death which had been puzzling police and county authorities since the night of the killing. Examination and

cross-examination of the eight witnesses of the shooting had revealed only suspicion – there was no direct evidence as to who had shot the dead man.

Each one of the four Federal and police officials, the three informers, and Joseph Spoto, driver of the booze truck, had disclaimed all knowledge of who fired the fatal shot.

## PROCESS OF ELIMINATION

By the process of elimination District Attorney Malpass, Sheriff Ten Eyck and Chief of Police Cadin, who conducted the joint probe, had narrowed their inquiry to two men, Stapleton and Van Tassel.

Louis Snow and John Kulas, the two motorcycle policemen, had been able to prove that they were not at the actual scene when Nistico fell. Both had left by the front door, when the booze truck, bearing Nistico and Spoto and a third man, still to be identified, drove to the rear of the hotel.

Kulas saw the several shots fired as he ran to the rear. Clarence H. Beam, alias Harry Yates, ran at Kulas side, Snow went around

the other side of the hotel. He was able to show he did not even see the shooting.

William Hannon, another of the informers, remained in the hotel during the entire affray.

The witnesses agreed that as the truck drove up, Stapleton and Van Tassel ran from the rear door and shouted to Nistico that he was under arrest.

### NISTICO FIRED TWICE

As they did so, Nistico is alleged to have arisen from his seat and fired two shots at them. Then he leaped from the truck and buckled into Van Tassel, the first at hand. A moment later, Nistico fell dead, shot through the head.

Stapleton now admits firing the shot that killed Nistico.

He feared Nistico would kill Van Tassel. Two shots had already been fired by the bootlegger. He rushed at Van Tassel, the smoking revolver in his hand. Van Tassel dropped his gun – or it was knocked out of his hand, Stapleton does not know which.

It was Van Tassel's life, or Nistico's, Stapleton says he believed. He fired one shot and Nistico fell.

Stapleton's confession will not affect the plan of Coroner Crane to hold public inquest into the killing next week. Several details still remain unexplained.

Most important among these, the authorities say, is the reason why Stapleton waited five days to confess the shooting when he was acting in accordance with his duty and

protecting the life of his associate, as he says.

Those probing the case had been convinced for several days that Stapleton was the guilty man, they say. At first, he had told a coherent and plausible story: That when the truck appeared he had rushed to the left hand side and had covered Spoto, the driver, with his revolver. He remained in this attitude throughout, he declared.

### SPOTO SUPPORTED LIE

Curiously, this version was corroborated by Spoto. He said repeatedly that Stapleton's revolver had been pointed at him (Spoto) the entire time. He swore Stapleton did not fire.

Gradually, however, bit by bit, Stapleton's story was broken down by others involved in the raid. In his original version, Stapleton had said that he had loaded his revolver upon reaching the hotel, then just before the booze truck arrived, he had removed the cartridges.

Kulas and Snow had upset this testimony. They told the investigators, in the presence of Stapleton, that it was not until after Nistico was dead that Stapleton had emptied his gun.

When Kulas and Snow ran up after the shooting, they said, Stapleton stepped forward, "broke" his revolver and emptied the shells on the ground.

"I hope to God I never have to load this gun again," they quoted Stapleton as saying. Then Stapleton burst into tears, Kulas and Snow testified.

### BREAKS UNDER PROBE

Under continued cross-questioning, Stapleton admitted three facts. Asked why he had not told the truth originally, he declined to answer. More and more contradictions crept into his narrative, until finally, the prohibitions agent was hopelessly confused.

Saturday afternoon, Mr. Malpass' office, he finally said, "I guess I'll have to tell the truth." And confessed.

Stapleton, Van Tassel, Beam, Hannon, John Timmons – the third informer – and Spoto, all were brought to Mr. Malpass' office and stenographers took their sworn testimony. Kulas and Snow were the only principals not present. The statements were taken behind closed doors.