

serve on in the future, you will never sit on a more important case. The verdict will give you as citizens an opportunity to vindicate the law and to say to a defendant of this character: you can't ridicule, flaunt or deride the authority of the United States Government!"

In his closing remarks, which lasted for 80 minutes, Defense Counsel Moore stressed two points: (1) Has it been proved that the defendant had taxable income and (2) has the defendant willfully evaded his tax payments? Noting that said defendant seemed to be a kindly dispositioned man, Moore claimed that the only reason his client was on trial was for violation of Prohibition laws, laws which were no longer in force. He kept reminding the jurors that it was not a racket case, not an assault case but an income tax case and that no prejudice should influence their decision.

After the charge by Judge Bryant the jury was given the case at 4:30 P.M. on July 31. They deliberated for 28 hours and 20 minutes, returning twice to the courtroom for further clarification and information. At 8:55 P.M. Thursday, August 1 they reached their decision and the foreman, Leon Chapin, announced the verdict — not guilty. This came as a definite surprise to everyone, including Schutlz, and was greeted by cheers and applause from the throng of spectators, an outburst quickly suppressed by the Judge, who was visibly astonished, disappointed and thoroughly exasperated. In fact he practically "lost his cool." "Your verdict," he declared, "is such that it shakes the confidence of law-abiding citizens in integrity and truth. It will be apparent to all who followed the evidence in this case that you have reached a verdict not on the evidence but on some other reason. You will go home with the satisfaction, if it is indeed a satisfaction, that you have rendered a blow against law enforcement and given aid and encouragement to people who would flout the law. In all probability they will commend you. I cannot!"

Understandably the men who had just been scolded were themselves outraged, humiliated and indignant. They resented the implication that they had been influenced by the pre-trial ballyhoo and showed it in no uncertain manner by rapidly cutting the principal character down to size. When the jubilant Dutchman walked across the courtroom with hand held out to thank the jurors, much to his surprise and chagrin the first man he approached ignored the gesture and shriveled him with this remark: "Mr. Schultz, I wouldn't shake hands with you under any circumstances — especially here!"

There were a few people in town who weren't quite so particular so when Dutch called at Moore's office the two secretaries accepted presents of 5 pound boxes of chocolates. He had already congratulated and thanked both Main and Moore profusely for their victorious legal efforts and promised that he would take care of them very generously. However, except for the retainer fees already paid them, the expectant lawyers never saw a dollar of the sizeable fees he still owed them — let alone handsome bonuses.

As could be expected reactions to the verdict from Federal and State officials were tinged with consternation and disapproval. Attorney-General Cummings called it "a terrible miscarriage of justice," while the N.Y.S. Tax Commissioner expressed "amazement."

Speaking for his fellow jurors, foreman Chapin gave this explanation: "I am sure that no man on the jury approves of racketeering or anyone connected with it. In fact the jury considers Schultz to be a public enemy. But the fact that he was a racketeer and in the beer business could have no bearing on the case. We felt that the Government did not prove its case. The whole discussion centered around whether or not he was guilty of willfully evading tax payments. We were instructed to follow the evidence and that's what we did. Pre-trial influence had no bearing whatsoever on the verdict, which was 9 to 3 for



*The Dying Dutchman*

acquittal. "An easy acquittal", Schultz boasted afterward.

However, the end of the line was rapidly nearing for the 33 year old mobster. During his absence upper-echelon thugs such as Albert Anastasia, Lucky Luciano and Louis (Lepke) Buchalter had opportunely moved in on many of his enterprises and decided to eliminate him as a ruthless and unnecessary rival.<sup>1</sup> Less than three months after his return to his restless bailiwick Schultz and three bodyguards were relaxing in the back-room of the Palace Chop House and Tavern in downtown Newark, N. J. Schultz left his compatriots to answer the call of nature shortly before Charlie (The Bug) Workman and one of his business associates arrived on an important mission. On their way there one of the assassins casually opened the toilet door and cut down the occupant with a single rusty .45 slug [a variation was use of garlic-coated shells to expedite gangrene] Simultaneously, the second exterminator zippered the Dutchman's protectors before they could unlimber their own arsenal. On their way out they discovered that they had already got their man.

Although gravely wounded Dutch hung on well into the next day. While receiving the last rites of the Catholic Church, he delivered a lengthy, delirious and cryptic soliloquy which featured such moralistic maunderings as these: "Mother is the best bet and don't let Satan draw you too fast.... A boy has never wept nor dashed a thousand kim." [?]....

Although Malone, because of its nearness — less than 10 miles — to the Canadian border, was anything but a monotonous town during Prohibition, Saranac Lake was also downright lively indeed. Trudeau San was well populated with many well-heeled, thirsty

<sup>1</sup>It was the considered opinion of the Big Six (Murder, Inc.) that Schultz had to go because he had openly announced that he was going to kill Thomas Dewey, smartest prosecutor in the business. The Boss Hoods felt that Dutch's threat constituted very poor public relations.