

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK :

- against - :

JAMES J. HINES; J. RICHARD DAVIS alias
DIXIE DAVIS; ABRAHAM WEINBERG alias BO
WEINBERG alias MORRIS KLEIN; GEORGE
WEINBERG; JOHN COONEY alias JOHN SYKES
alias JOHN EGGELSDEN alias JOHN
SILMORE; SOL GIRSCH alias SOLLY; HARRY
SCHOENHAUS alias BIG HARRY; HARRY WOLF
alias LITTLE HARRY; MARTIN WEINTRAUB
alias MOE WEINTRAUB, :

Defendants :

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THE GRAND JURY OF THE COUNTY OF NEW YORK, drawn
for the EXTRAORDINARY SPECIAL AND TRIAL TERM OF THE
SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW
YORK, by this indictment, accuse the above named
defendants of the crime of CONSPIRACY, committed as
follows:

1. From in or about the month of March, 1931,
up to and including January 13, 1937, in the County of
New York, the above named defendants, James J. Hines;
J. Richard Davis alias Dixie Davis; Abraham Weinberg alias
Bo Weinberg alias Morris Klein; George Weinberg; John
Cooney alias John Sykes alias John Eggelsden alias John
Silmore; Sol Girsch alias Solly; Harry Schoenhaus alias Big
Harry; Harry Wolf alias Little Harry; Martin Weintraub alias
Moe Weintraub, unlawfully, willingly, wilfully, knowingly, and
corruptly conspired, combined, confederated and agreed,
together and with each other and with Arthur Flegenheimer

alias Dutch Schultz alias The Dutchman, now deceased; Bernard Rosenkranz alias Lou Rosenkranz alias Lulu, now deceased; Abraham Landau alias Abe alias Misfit, now deceased; Otto Berman alias Dutch Otto alias Abadaba alias Havasack, now deceased; Alexander Pompez; Joseph Mathias Ison alias Big Joe alias Spasm; Masjo Joseph Ison alias Little Joe; "John Doe" said name being fictitious, the true and real name being unknown to the grand jury; "Richard Roe," said name being fictitious, the true and real name being unknown to the grand jury; and divers other persons to the grand jury unknown (all of said defendants, together with said Arthur Flegenheimer alias Dutch Schultz alias The Dutchman; Bernard Rosenkranz alias Lou Rosenkranz alias Lulu; Abraham Landau alias Abe alias Misfit; Otto Berman alias Dutch Otto alias Abadaba alias Havasack; Alexander Pompez; Joseph Mathias Ison alias Big Joe alias Spasm; Masjo Joseph Ison alias Little Joe; "John Doe", "Richard Roe"; and divers other persons to this grand jury unknown are hereinafter called the Conspirators) to commit crimes, to wit, crimes of contriving, drawing, and proposing lotteries, in that the said Conspirators did unlawfully, wilfully, willingly, knowingly, and corruptly, conspire to contrive, propose, and draw lotteries, and assist in contriving, proposing, and drawing lotteries, each of such lotteries being a scheme based on drawn and selected numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance, among persons who paid, and agreed to pay, a valuable consideration for such chance, such lotteries also being known as the "numbers game" and "policy", and crimes of keeping,

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"lottery"
established

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occupying, and using, places, rooms and apparatus for policy playing, and of delivering and receiving money and other valuable consideration in playing policy and in aiding in the playing thereof, and of possessing, knowingly, writings, papers and other documents, representing and being records of chance, shares, and interests in numbers sold and selected, and to be sold and selected.

2. For a considerable period of time prior to the inception of the aforesaid conspiracy, the numbers game, which was played in the City of New York, and, in particular, in the County of New York, was contrived, controlled, supervised, conducted, and operated by persons generally referred to and known as "bankers" or "policy bankers", each of whom was engaged in contriving, controlling, conducting, and operating his respective lotteries and numbers games, independently and without any domination or control whatever by any other person or persons.

3. It was a part of the said conspiracy that the Conspirators should form an organization, which was, and became, known as the "Combination," to acquire control of the said independent bankers and of all organized groups engaged in the business of conducting lotteries and numbers games, and to acquire for the profit and advantage of the Conspirators all, or a substantial part, of the aforesaid lottery and numbers enterprises conducted by the said independent bankers and groups.

4. It was further a part of the said conspiracy that the Conspirators should place all such lottery enter-

✓ prizes under their control and management, with a unified system of accounts for such lotteries and numbers games instead of separate accounts for each of the said lotteries and numbers games, and that they should impose divers rules and regulations upon the said bankers and the other persons engaged with the said bankers in the conduct and operation of the said enterprises.

5. It was further a part of the said conspiracy that the Conspirators should communicate with the aforesaid bankers, and the other persons engaged with them, in the contriving, conduct and operation of the aforesaid lotteries and numbers games, and that they should demand that the said bankers permit the Conspirators to participate with them, the said bankers, in their said lottery enterprises, and turn over to the Conspirators a share of the profits derived by them from the said lotteries and numbers games and that the Conspirators should then and there threaten the said bankers, and those engaged with them in their said enterprises, that unless the said bankers comply with the aforesaid demands, the Conspirators would intimidate the said bankers and those engaged with them, and inflict, and cause to be inflicted, upon them grievous bodily injury and other harm, and would prevent the said bankers from operating and otherwise conducting the said lottery enterprises.

6. It was further a part of the said conspiracy that for the purpose of assuring a greater domination and control of the aforesaid lottery enterprises conducted by the independent bankers and independent groups, that the Conspirators should substitute in place of the employees and servants employed by the bankers their own employees

and aides who would be answerable to, and subject to the direction of, the Conspirators alone.

7. It was further a part of the said conspiracy, for the purpose of assuring uninterrupted operation of the Conspirators' lottery and numbers enterprises, of inducing those persons engaged in the operation and conduct of the said enterprises to continue therein, and of inducing other persons to join in the conduct and operation thereof, that the Conspirators should agree and arrange with the bankers, and the other persons engaged in said enterprises, to provide for and to furnish and post bail for the said bankers and such other persons at any time any of said persons might be arrested and committed for any crime and charge dealing with, and relating to the said lottery and numbers enterprises that they were operating and conducting; and that the Conspirators should agree and arrange with the bankers and the said other persons to take charge of any case of arrest resulting from participation in the aforesaid criminal lottery enterprises, and supply and furnish attorneys and legal services in connection with the conduct and defense of any such case and criminal prosecution; and that the Conspirators should further arrange and agree, in the event of the conviction of such persons, that they would pay any and all fines that might be imposed upon them, and compensate them and the members of their respective families for any time they might spend in jail upon imposition of jail sentences.

8. It was further a part of the said conspiracy for the purpose of assuring uninterrupted operation of the Conspirators' lottery and numbers enterprises, and for

the purpose of earning greater profits and of inducing those persons engaged in the operation and conduct of the said enterprises to continue therein, and of inducing other persons to join in the conduct and operation thereof, that the Conspirators should agree, among themselves, and arrange with the said bankers to influence, bribe and intimidate judicial officers and others charged with the duty of enforcing and administering the laws of the State of New York, to refrain from properly performing their duties to the end that those engaged in these criminal enterprises would be permitted to continue their criminal acts unmolested and without being subjected to the punishment and penalties provided by law.

9. And it was further a part of the said Conspiracy that the Conspirators should represent that they dominated and controlled judicial officers and others charged with the duty of enforcing and administering the criminal laws of the State of New York, and that the Conspirators would cause such public officers to be derelict in their duties of enforcing the criminal laws of the State of New York and that those joining and engaged in this criminal enterprise would receive the benefit and protection afforded by such dereliction of duty.

10. It was further a part of the said conspiracy that after the Conspirators had gained control and domination of the lotteries and the numbers games by force, intimidation and inducements, as aforesaid, that they should demand and obtain divers and additional sums of money out of the proceeds realized from the managements, operation, and conduct of the aforesaid lottery and numbers enterprises.

11. And it was further a part of the said conspiracy that the Conspirators should represent that they were able to fix, control, and determine, and cause to be fixed, controlled and determined, the winning number upon which the lottery money was to be paid and distributed to the person or persons holding the number selected, and should agree so to fix, control, and determine, and cause to be fixed, controlled and determined, such number, in consideration of payment to them of divers sums of money, the exact amount of which is to this grand jury unknown, by certain bankers with whom they had entered into such agreements, for the purpose of minimizing the amount of money to be paid and distributed by the said bankers by assuring the selection of a number upon which only a small amount of money had been played.

12. And it was further a part of the said conspiracy that the Conspirators should fix and control, and cause to be fixed and controlled, the reported betting results at the race tracks, designated as official, so as to assure the selection of a particular number upon which the lottery money was to be paid and distributed, pursuant to the aforesaid agreement.

OVERT ACTS

13. FIRST: In furtherance of the said conspiracy, and to effect the objects thereof, in or about the month of March, 1931, the defendants J. Richard Davis and George Weinberg communicated and conferred with Joseph Mathias Ison, and arranged that the Conspirators should participate with the said Ison in the contriving, operation, and conduct of his lotteries and numbers games.

14. SECOND: And in furtherance of the said conspiracy, and to effect the objects thereof, in or about the month of December, 1931, the defendants J. Richard Davis and George Weinberg communicated and conferred with Alexander Pompez and arranged that the Conspirators should participate with the said Pompez in the contriving, operation, and conduct of his lotteries and numbers games.

15. THIRD: And in furtherance of the said conspiracy and to effect the objects thereof, in or about the month of March, 1932, the defendants James J. Hines, George Weinberg, and others engaged in said conspiracy, namely, Arthur Flegenheimer alias Dutch Schultz alias the Dutchman, Abraham Weinberg alias Bo Weinberg, Bernard Rosenkranz alias Lou alias Lulu, conferred and discussed plans to influence, intimidate and bribe judicial officers and others charged with the duty of enforcing and administering the criminal laws of the State of New York, and agreed to influence, intimidate and bribe judicial officers and others. It was further agreed among the above named that James J. Hines was to receive large sums of money for his participation in the said conspiracy and did at that time receive from Arthur Flegenheimer alias Dutch Schultz alias The Dutchman, a first payment of One Thousand Dollars (\$1,000) in cash.

16. FOURTH: And in furtherance of the said conspiracy, and to effect the objects thereof, in or about the month of July, 1932, the defendants moved into certain premises located at No. 351 Lenox Avenue in the County and City of New York, and used the said premises as headquarters for the contrivance and direction of the lotteries and numbers games to be carried on by the Conspirators.

17. FIFTH: And in furtherance of the said conspiracy, and to effect the objects thereof, in or about the month of April, 1933, the defendants J. Richard Davis, George Weinberg, Abraham Weinberg and John Cooney directed and summoned the aforesaid bankers and others to attend a meeting which was held at the aforesaid premises located at No. 351 Lenox Avenue.

18. SIXTH: And in furtherance of the said conspiracy, and to effect the objects thereof, on or about May 30, 1933, the defendants J. Richard Davis, George Weinberg, Abraham Weinberg and John Cooney directed and summoned a number of other persons engaged in the lotteries and the numbers games, known as controllers, to a meeting held at the aforesaid premises known as No. 351 Lenox Avenue.

19. SEVENTH: And in furtherance of the said conspiracy, and to effect the objects thereof, on or about May 30, 1933, the defendants George Weinberg, Abraham Weinberg and J. Richard Davis demanded that the aforesaid controllers should accept less payment for the services rendered by them than they had previously received and threatened the said controllers that unless they consented thereto they would be assaulted and otherwise injured.

20. EIGHTH: And in furtherance of the said conspiracy, and to effect the objects thereof, in or about the spring of 1933, the said defendants J. Richard Davis, George Weinberg, Abraham Weinberg and John Cooney caused the bankers to vacate the premises wherein they were operating their banks in the County of New York and caused

the said bankers to move all of said banks from the said County of New York to the City of Mount Vernon, in the County of Westchester, and thereafter on each business day caused the policy slips collected in the County of New York to be transported therefrom and delivered to the aforementioned bankers in Mount Vernon.

21. NINTH: And in furtherance of the said conspiracy, and to effect the objects thereof, in or about the month of January, 1934, the said defendants J. Richard Davis, George Weinberg, Abraham Weinberg, and John Cooney caused the aforesaid policy banks which had become located in the City of Mount Vernon, County of Westchester, as aforesaid, to be removed therefrom to the County of New York and to be therein operated.

22. TENTH: And in furtherance of the said conspiracy and to effect the objects thereof, on or about September 16th, 1935, XXXXXXXXXXXXXXXX Alexander Pompez did contrive, propose, and draw a certain lottery, being a scheme based on selected numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid a valuable consideration for such chance and did pay and distribute, and cause to be paid and distributed, a certain sum of money, the amount of which to this grand jury is unknown, to persons whose names to this grand jury are unknown, as holders of the selected and winning number.

23. ELEVENTH: And in furtherance of the said conspiracy and to effect the objects thereof, on or about the 25th day of April, 1936, XXXXXXXXXXXXXXXX Masjo Joseph Ison did contrive, propose, and draw a certain lottery, being a scheme based on selected numbers for the distribution

of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid a valuable consideration for such chance and did pay and distribute a certain sum of money, the amount of which to this grand jury is unknown, to persons whose names to this grand jury are unknown, as holders of the selected and winning number.

24. TWELFTH: And in furtherance of the said conspiracy, and to effect the objects thereof, on or about September 16, 1935, the defendants George Weinberg received the sum of Six Hundred Dollars (\$600) from Joseph Mathias Ison as a weekly payment in consideration of the agreement by the said Conspirators to fix and control and determine the particular number upon which the lottery money was to be paid and distributed.

25. THIRTEENTH: And in furtherance of the said conspiracy, and to effect the objects thereof, on or about October 1, 1935, the defendant George Weinberg received the sum of Six Hundred Dollars (\$600) from Joseph Mathias Ison as a weekly payment in consideration of the agreement by the said Conspirators to fix, control, and determine the particular number upon which the lottery money was to be paid and distributed.

26. FOURTEENTH: And in furtherance of the said conspiracy, and to effect the objects thereof, on or about October 8, 1935, the defendant George Weinberg received the sum of Six Hundred Dollars (\$600) from Joseph Mathias Ison as a weekly payment in consideration of the agreement by the said Conspirators to fix, control, and determine the particular number upon which the lottery money was to be paid and distributed.

27. FIFTEENTH: And in furtherance of the said conspiracy, and to effect the objects thereof, on or about October 16, 1935, the defendant George Weinberg received the sum of Six Hundred Dollars (\$600.) from Joseph Mathias Ison as a weekly payment in consideration of the agreement by the said conspirators to fix, control, and determine the particular number upon which the lottery money was to be paid and distributed.

SECOND COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

*Date -
Not Holiday
or Sunday*

The above named defendants in the County of New York, on or about the 29th day of May, 1935, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such a chance, such lottery being known under the name of the "numbers game" and "policy."

THIRD COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 12th day of July, 1933, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

FOURTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 29th day of August, 1933, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

FIFTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING,

AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 14th day of February, 1934, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy."

SIXTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 19th day of February, 1934, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy."

SEVENTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 2nd day of April, 1934, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

EIGHTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 10th day of May, 1934, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to

pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

NINTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 12th day of July, 1934, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

TENTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 17th day of September, 1934, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the

selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

ELEVENTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 19th day of November, 1934, feloniously, wrongfully, and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy".

TWELFTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 2nd day of September, 1935, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy."

THIRTEENTH COUNT:

And THE GRAND JURY OF THE COUNTY OF NEW YORK AFORESAID, by this indictment, further accuse THE ABOVE NAMED DEFENDANTS OF THE CRIME OF CONTRIVING, PROPOSING, AND DRAWING A LOTTERY, committed as follows:

The above named defendants, in the County of New York, on or about the 22nd day of October, 1935, feloniously, wrongfully and wilfully did contrive, propose, and draw, and assist in contriving, proposing, and drawing a certain lottery, to wit, a certain scheme based on the selection of numbers for the distribution of property, to wit, money, the amount of which to this grand jury is unknown, by chance among persons who had paid and agreed to pay a valuable consideration for such chance, such lottery being known under the name of the "numbers game" and "policy."

All of the acts and transactions alleged in each of the several counts of this indictment are connected

together and constitute parts of a common scheme and plan.

THOMAS E. DEWEY
District Attorney
New York County