

Chapter 7

‘Goodbye, Herman’

Three dazzling arc lights, white and garish, blazed in the darkness that had fallen over Manhattan, mercilessly illuminating the peeling façade of a narrow, six-storey building on the north side of West 43rd Street. Although most respectable New Yorkers were in bed by now, the temperature in the city still hovered in the eighties and the building’s two doors both gaped open. Inside, passers by could glimpse a shabby lobby, hung with cheap net curtains, and the entrance to a dimly-lit café. The sounds of chatter and laughter and of a pianist pounding out the latest ragtime tunes mingled together and drifted from the interior.

This was the Hotel Metropole, owned by Big Tim Sullivan in partnership with a pair of gamblers named Jim and George Considine*, and once one of the jewels of the Sullivan empire. By the summer of 1912, admittedly, the hotel was so far past

* The Considines had first partnered Sullivan years earlier, at Miner’s Theatre on the Bowery. Jim Considine ran a saloon on 6th Avenue much frequented by leading confidence men and also owned a lobster palace known as Considine’s Café that stood a few blocks from the Metropole. Within months he and his brother would go into business with Arnold Rothstein, backing a sumptuous new gambling house known as the Holley Arms Hotel out on Long Island.

its peak that it was close to bankruptcy. But even in its present depressed state, the Metropole had two saving graces in the eyes of its loyal customers. The first was its location, in the heart of the Tenderloin a mere 50 yards from Times Square. The second was its coveted 24-hour drinks licence — obtained through Sullivan's influence — which allowed the Café Metropole to remain open around the clock and attracted a noisy late-night crowd. The hotel was particularly popular with boxers, gamblers and actresses.

A few minutes before midnight on 15 July, the most notorious gambler in New York waddled up West 43rd and turned into the lobby. Herman Rosenthal was clad in the same rumpled pink shirt that he had been wearing a few hours earlier at his meeting with Whitman, and dabbing at his sweaty forehead with a bright silk handkerchief. Rosenthal was a regular visitor to the hotel, and the Metropole's other patrons evidently recognised him; eyewitness accounts attest that conversation in the hotel stopped as he entered the lobby, and the piano player in the lounge ceased playing in mid bar. But Herman himself seemed blithely unconcerned.

Barely pausing to glance around, the gambler rolled into the café and slumped down at a table for four, sweating profusely. Summoning a waiter, Rosenthal ordered himself a horse's neck —bourbon, a twist of lemon and a ginger ale — and three large Havana cigars. He seemed nearly prostrated by the heat, swatting listlessly at the clammy air with the cardboard fan he clutched in one fat hand. But his eyes were still bright and alert. The waiter who delivered his drink noted that

they darted constantly from side to side, between an exit opening onto the street and the connecting door to the hotel.

Precisely what Herman was doing at the Metropole that night was never fully ascertained. Certainly he knew the hotel well; it stood only two blocks south of his home and he was often to be found in its private gaming room (run, it was said, by Arnold Rothstein) or taking refreshment in the café. But to walk knowingly into a place filled with gamblers, men whose very livelihoods were threatened by his conniving with Whitman, was to invite — at the very least — harsh words; and to dawdle in a restaurant only hours before a dawn appointment with the DA struck some men as eccentric, even for a night owl such as Rosenthal.

There were many, Whitman prominent among them, who were certain that the gambler was thoroughly embittered, and had every intention of giving evidence as planned next morning. But others, including some of Herman's oldest acquaintances, were equally convinced that Rosenthal had no intention of doing anything so dangerous. These men felt sure that the gambler had come to the Metropole to keep some other appointment, and that he expected to be met — perhaps by Rothstein, perhaps by some emissary from the Sullivan clan — and paid as much as \$15,000 for his silence. At seven the next morning, they contended, Herman Rosenthal fully expected to be standing not at the door of Charles Whitman's apartment, but on a platform at Grand Central Station, waiting for the train that would take him out of New York.

Whatever the gambler's intentions, he was plainly in no hurry to leave the Café Metropole. At around ten to one he invited three passing acquaintances to join him, and the four men spent more than half an hour in animated conversation, talking over the events of the past few days. When these companions rose and left, Rosenthal looked up and peered around him, scanning the faces of the other diners for people that he knew.

'What do you boys think of the papers lately?' he smirked to one knot of gamblers at a nearby table. 'You aren't sore at me, are you?'

'You're a damned fool, Herman,' one of them replied — or so the papers reported the exchange next day.

A few minutes later, while Rosenthal was sipping at another drink, the door leading to the Metropole swung open and another gambler entered. It was Bridgey Webber, Herman's sworn enemy. Glancing around from side to side, Webber circled swiftly round the room, brushing past his adversary as he did so.

'Hello, Herman,' said Webber in a pleasant tone.

If Rosenthal was surprised to be addressed so politely by a man whom he had once tried to have killed, he gave no sign of it. 'Hello, Bridgey,' he returned with equal affability. But Webber wasted no more time on pleasantries. He continued

his circuit of the room, leaving the café at a brisk walk by the same door he had entered by.

Herman finished off his drink and glanced at his watch. It was now twenty minutes to two. He pushed back his chair and heaved himself to his feet. ‘I guess the morning papers must be up,’ he declared ostentatiously, knowing perfectly well that most of the Metropole’s customers knew about his meetings with Whitman and could guess the likely headlines in the press. Stepping out into the street, Rosenthal found a newsboy near the hotel entrance. He purchased one copy of the *American* and one of the *World* —each of which led with lengthy accounts of his allegations against Becker — and flicked quickly through them both. The *World* gave greater credence to his story, and he bought another seven copies of that paper and took them back to the café. As he reached his seat, Herman held up the first edition of the *World* and waved the paper over his head in triumph; it was, after all, the first time he had ever featured so prominently in the press. ‘What about that for a headline?’ he crowed to the men at the next table, pressing copies into their hands.

Rosenthal settled back into his chair, spreading his own paper open and smiling to himself. He read the news attentively for a few more minutes. Then, just after five to two, he was interrupted by a short, well-dressed stranger who had entered the café through the street door and come up to his table.

‘Herman,’ the newcomer said, ‘there’s somebody wants to see you outside.’

Rosenthal seemed unsurprised to be accosted in this way. He set down his drink, gathered up the remainder of his papers, and, clutching at the last of his cigars, rose from his chair and followed the unknown man into the night.

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Even at two in the morning, the roads around Broadway were generally busy, filled with revellers, gamblers, prostitutes, their clients and the dregs of the theatre crowd. During the summer months, the Tenderloin was even busier than usual as New Yorkers sought refuge from the clammy heat by lolling outside on fire escapes or pacing the streets in search of the slightest breeze. Yet on this particular July evening, West 43rd seemed oddly quiet.

The street outside the Metropole had begun to clear soon after Bridgey Webber left the building. By about 1.40am the taxi rank near the hotel — which was always crowded in the early morning hours — had emptied as a dozen cabs were despatched one by one on a variety of errands, most of them to the outer boroughs of New York. Several men and women who had been loitering in the vicinity of the Metropole were asked to move on by tough-looking men one passer-by recalled as ‘East Side types’. Most took the hint and walked quickly away. By ten minutes to two there were only a handful of pedestrians outside the hotel. According to one witness, Herman Rosenthal’s old partner Beansey Rosenfeld

was among them. Another was an employee of Webber's who stood loitering by the hotel door.

A few minutes later, the silence that had fallen over West 43rd was broken by the growl of a powerful car engine. A large grey tourer, its roof down and its headlights on, had turned left off Sixth Avenue. The car drove slowly towards the Metropole, pulling over to the south side of the road as it approached. It was a Packard taxi, registration 41313 New York — the same car, owned by Louis Libby, which had been used to shoot up Jack Sirocco's café in the spring. The driver coasted to a standstill thirty yards from the hotel, leaving the motor idling. A moment or two later, both passenger doors opened and three or four dark-suited figures got out and walked towards the Metropole, coming to a halt in shadows opposite its entrance. The Packard's chauffeur and another man stayed in the car.

They did not have long to wait. At three minutes to two, a round figure appeared silhouetted in the doorway of the Hotel Metropole. Herman Rosenthal had come to claim his due.

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Rosenthal stood blinking in the dazzle of the hotel's lights, the sweaty handkerchief he had used to mop his face protruding from a pocket, his Havana still dangling from one plump hand. Just ahead of him, a figure wearing a felt hat

lifted a hand to the brim as if in signal and then darted away. Instantly, the men waiting opposite hurried over the road towards him, pulling revolvers from beneath their jackets as they came.

Herman squinted uncertainly from side to side, evidently trying to locate the man who had called him from his table. He did not seem to realise that anything was wrong. The Metropole's arc lights had blinded him — 'the illuminations were as powerful as a spotlight on the stage', one man who knew the scene explained — and he may not even have sensed the arms now thrusting out towards him. His eyes were given no time to adjust; a moment later, the unnatural quiet enveloping West 43rd was shattered by the crisp staccato of several shots. The gambler was hit immediately, blood erupting from his face, his knees buckling as he crumpled face down on the pavement. His unlit cigar tumbled from slackened fingers, somersaulting on the concrete. A thick sheaf of morning papers slipped out from beneath his arm and fell softly to the ground, shrouding half his body with headlines shouting his name while, beneath the flimsy pages, a sticky, spreading pool of blood matted his hair and began to run towards his nose and mouth. In another moment, the assassins were crouching over him. 'I gotcha!' one of them exclaimed.

Investigation would eventually establish that at least three rounds had been fired. The first bullet had missed its target and embedded itself at head height deep in the wooden frame of the Metropole's front door. But the second had struck Rosenthal in the face, passing through his cheek and jaw and shattering some

teeth. At least one fragment lodged itself in the gambler's neck as he pitched forward and began to fall; and at that instant the third round had entered Herman's head an inch above the hairline, passing through his skull, destroying his brain and killing him instantly. The fatal bullets had been fired from a range so close that burns caused by muzzle flash had etched themselves onto the dead man's skin.

At the first sound of gunfire, the driver of the Packard gunned its engine and the slate-grey car emerged from the shadows, turning a lazy half circle in the street. Rosenthal's killers leaped onto its running boards and the vehicle moved away at a sedate pace, gathering speed as it headed east down 43rd Street and turned left onto Madison Avenue. New Yorkers ambling along Madison turned to watch as the vehicle accelerated noisily into the distance, the men on the running boards scrambling to clamber on board as it went.

The sudden crack of gunfire had been clearly heard within the Hotel Metropole; at least one customer looked up in time to see the muzzle flashes from the murderers' revolvers. The men and women in the café who rushed to the doors to discover what had happened found the street outside already filling as pedestrians came running from as far off as Broadway. They were too late to get a good look at the gunmen, but just in time to see one of the gambling types from the café walking unhurriedly onto the street. This man stepped casually over the body lying in his path, turned and bent at the waist, his hands thrust deep in his pockets as he studied Rosenthal's bloodied face. 'Hello, Herman,' he said, smiling. Then

he straightened up. ‘Goodbye, Herman,’ the man added, and walked swiftly away.

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News of the shooting spread through the Tenderloin like wild fire. By five past two, not even quarter of an hour after the murder had occurred, a crowd 15 or 20 people deep had formed around the body. Many members of this mob were gamblers with little reason to like Rosenthal; one reached over and tugged at the corpse’s shoulders, turning the body onto its back and exposing its wounds for everyone to see. Word of the dead man’s identity passed swiftly through the crowd.

It took only a few minutes for reporters to arrive. One of the first men on the scene was the owlish Alexander Woolcott — then covering police matters for the *New York Times* but soon to become the same paper’s waspish theatre critic* — who came puffing up from Broadway. Woolcott had reported plenty of murders in his time, but the scene awaiting him outside the Metropole stuck firmly in his mind. ‘I shall always remember the picture of that soft, fat body wilting on the sidewalk,’ he recalled in later years.

* A few years later Woolcott was, of course, a founding member of the Algonquin Round Table, a famed gathering of wits that numbered among its members Robert Benchley, Heywood Broun and Dorothy Parker.

‘I shall always remember the fish-belly faces of the sibilant crowd which, sprung in a twinkling from nowhere, formed like a clot around those clamorous wounds. Just behind me an old-timer whispered a comment which I have had more than one occasion to repeat. “From where I stand,” he said, “I can see eight murderers.”’

The police who hurried to the scene did what they could to control the milling crowd, but chaos prevailed for nearly quarter of an hour, and by then the heaving mass of rubberneckers knotted around Rosenthal was several hundred strong. Eventually Jim Considine summoned a waiter from the Metropole and a hotel tablecloth was pressed into service as a makeshift shroud. A platoon of 40 police reserves, summoned from nearby precincts, appeared and cleared a space around the body. Soon after that, a doctor arrived to examine the corpse; death, he concluded, had probably come instantly. At about 2.30, the bloody cadaver was rolled onto a stretcher and loaded into in a police ambulance, which made its way, bell tolling, to the 16th Precinct stationhouse a quarter of a mile away. After that, the vast crowd of spectators gradually dispersed. Amongst those glimpsed leaving the scene was Bridgey Webber, who set off at a smart pace towards Times Square.

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The clean getaway effected by Herman Rosenthal’s murderers was a considerable embarrassment for the police. No fewer than six officers had been within a

hundred yards of the Metropole when the killing took place: one was standing on duty on Seventh Avenue, another on Broadway, and two more had paused for a moment on the corners of West 43rd itself. A fifth man, Lieutenant Edward Frye, was walking east along the same street only 30 yards or so from the hotel, while the sixth policeman, Detective Billy File, had actually been sitting in the Café Metropole, only a few feet from Rosenthal, when the gambler rose to go onto the street. File, a burly former boxer who had once sparred with the great heavyweight Jim Corbett, was off duty and his attention was focussed on the girl singer he was entertaining, but he reacted quickly to the sound of gunfire, leaping to his feet, drawing his revolver as he rose, and thrusting a passing waiter to one side as he made for the door. Finding it already blocked by a press of fellow customers desperate to discover what the commotion was about, File wasted valuable seconds forcing his way through the crowd. By the time he reached the pavement, the tail lights of the fleeing Packard were already receding into the distance.

Looking quickly up and down the street, File spotted a single taxi sitting parked in some shadows; its driver had been asleep for nearly half an hour and had escaped being moved on by the unofficial dispatcher at the taxi rank. Rousing the drowsy cabbie, File — joined by Lieutenant Frye — hand-cranked the cab and set off in pursuit. By the time the men reached Madison Avenue, however, the Packard was long gone. They cruised as far north as 59th Street in search of it before abandoning the chase and returning disconsolately to the Metropole.

While Frye and File were gone, other patrolmen began interrogating members of the crowd. Several bystanders came forward to tell confused accounts of the murder; there was very little agreement between them. Some said that one killer had done all the shooting, others that two or three different men had fired. Several had seen the passengers from the Packard crossing the street, but a waiter from the Metropole said he thought a single assassin had been crouching behind one of the giant plant pots that stood outside the hotel entrance, while a passer-by insisted five shots had been fired from a moving car. The one thing all the witnesses agreed on was that none had got a clear sight of the gunmen. The only descriptions the police came up with were of anonymous-sounding men with middling builds and unremarkable clothes, their faces concealed beneath the brims of hats.

The best hope of tracing the killers seemed to be locating their vehicle.

Automobiles were not so common in New York City in 1912 that the sudden appearance of one, driving at speed, at well past two in the morning would not attract attention, and it transpired that several men and women on both West 43rd Street and Madison Avenue had turned to watch the murder car as it roared by. Several had noted the plate — one witness had even jumped out in front of Frye and File's taxi to shout the details out as they sped past. The trouble was that bystanders recalled the number differently. By the end of the night the police had collected no fewer than seven different versions. According to the desk sergeant who noted the first details of the killing in the police blotter at the 16th Precinct, the dead gambler

‘was shot and killed by four unknown men about 24 years, white, 5 feet 5 or 6, smooth faced, dark complexion and hair, who after shooting Rosenthal jumped into a waiting automobile No. 13131 NY or 14131 NY.’

Several other witnesses insisted that the number had been 43131 NY. On that basis, so far as the baffled detectives leafing through their statements in the station could see, almost any combination of the numbers 1, 3 and 4 might be the correct one.

One witness didn’t think he had the right number for the grey Packard; he knew. Charles Gallagher, an unemployed cabaret singer, had been walking towards Broadway when he heard the shots. Moments later, the Packard had swept past him at low speed, men still clinging to its sides. He got a good look at the plates and — elbowing his way through the mass of people flocking to the hotel entrance — found patrolman Thomas Brady beginning to take statements. Several members of the crowd were shouting out versions of the number plate — all wrong. Eventually the singer caught Brady’s eye.

‘No,’ he insisted. ‘41313 NY is the right number.’

The policeman seized Gallagher by the shoulders, hustled him backwards through the crowd, and pressed him up against the hotel wall. He did not seem grateful for the information. ‘You’re wanted as a material witness,’ Brady snapped,

summoning one of the reserves arriving at the scene. The second policeman hurried Gallagher away to the 16th Precinct, where he was told to give his story to a harassed sergeant. The desk man wrote it down. 'Name?' he added. Gallagher told him. 'Address?' 'I've already given it to the detective,' the singer protested. 'I don't want any notoriety.' At this the sergeant lost his temper. 'He's a witness. Lock him up,' he snarled to a patrolman, and Gallagher was hauled off to the cells. He was flabbergasted by his treatment. 'They didn't give me a chance to explain that I only wanted to help them,' he told a *World* man the next day. 'By the way they treated me I began to think they thought I was the man who shot Rosenthal.' The singer's escort fumbled with some keys, opened the door of an empty cell and propelled him roughly into it. Gallagher slumped down on a wooden cot as the heavy door swung shut. The authorities' best hope of solving the Metropole shooting was left fuming behind bars.

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It did not take long for word of the murder to reach the better parts of town.

Rhinelanders Waldo was the first senior policeman to learn of Rosenthal's demise; the telephone in his suite at the Ritz-Carlton rang at about 2.30am. The Commissioner responded to the news by barking out, 'Ye Gods!' Then, assured by his assistants that the local precinct had things well under control, and deciding he would rather not disturb the irascible Mayor Gaynor in the middle of the night, Waldo went back to bed.

At roughly the same time, Herbert Bayard Swope was bulldozing his way into the 16th Precinct building on West 47th Street. Like most newspapermen, Swope was a confirmed cynic, particularly when it came to the police. He knew that Rosenthal was far from popular with the NYPD, especially now, and particularly among senior officers, who resented the allegations he had levelled against three of their number in the press. The *World* man looked on in growing anger at the chaos enveloping the station house; he was astonished to hear so many different versions of the licence plate bandied about, and found the desk policeman's treatment of Charles Gallagher still more of a concern. So far as Swope could see, the cops were doing their best to lose the Packard's number; if they were left to their own devices for much longer, the whole investigation could easily be compromised. There was only one thing he could do. Swope pushed his way to a telephone and placed a call to DA Whitman.

Whitman was fast asleep in his apartment on East 26th Street when the insistent ringing of the phone jerked him awake. He stumbled out of bed and picked up the receiver. At the other end of the line, shouting to make himself heard above the hubbub of the station, Swope rattled off a hurried summary of events at the Metropole, then told the District Attorney that he really ought to get over to the 16th Precinct right away. Whitman demurred. Surely, he grumbled, this could wait until morning.

'No. You've got to come right now,' Swope said.

‘But I’m in *bed*. I’ve got my *pyjamas* on,’ the DA wailed. In the end Swope was forced to hail a taxi, drive down to Whitman’s home, and virtually chivvy him into his clothes. The two men then went down to the street, got back into the cab, and headed for West 47th Street.

Thanks to Swope’s intervention, the District Attorney arrived at the 16th Precinct not long after 3am. He went straight to a vacant office and sat down at the desk. As he did so, the phone rang. This time the caller was William Day, the precinct captain, one of the men accused by Rosenthal of graft. Someone had finally told Day that the most sensational murder in years had been committed on his doorstep, and the captain was telephoning to find out whether it was really necessary for him to come all the way back into town from his home in Brooklyn to take charge. Having had his own sleep rudely disturbed, Whitman was in no mood to be merciful. Yes, he told the captain, ice in his voice, it certainly was. For good measure the District Attorney had Day’s boss, Inspector Edward Hughes, routed out of bed as well. Then he settled down to try to find out what was going on.

Whitman’s first discovery was Willoughby. Hearing from Swope and several other newsmen that a vital witness had been detained, he had the angry singer brought up from the cells. It took the DA several minutes and more than one apology to calm Willoughby down and get his story, but when he did he realised the number matched the details given by another witness, Thomas Coupe, a desk

clerk at the Elks' Club across the road from the Metropole. It had been Coupe who had leapt into the path of Billy File's taxi shouting out the details of the murder car; like Willoughby, he had the number right. The vital lead was passed on to a bleary-eyed Inspector Hughes as he entered the stationhouse. Hughes hastened off to check the details in a register.

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In the midst of this confusion, no-one had thought to tell Lillian Rosenthal of her husband's death. The news was eventually broken by a reporter from the *American* who arrived outside Herman's apartment on West 45th Street shortly before three in the morning. The house was dark and he had trouble gaining admittance; the patrolman still stationed inside was suspicious, thinking this was another of Rosenthal's ruses to lure the police out of his home. But at length the door opened and a dishevelled Mrs Rosenthal appeared. When the reporter told her what had occurred, she collapsed in hysterics.

'I had a premonition that something terrible was going to happen,' she sobbed to her visitor. 'When Herman left home I felt certain all was not right, and I told him so. He just laughed — he always laughed. He had been warned so many times, and it's true I've told him so frequently that I feared for something, that he — well, he just went.' When she had recovered herself somewhat, Mrs Rosenthal asked the newspaperman to take her to the Metropole. She threw what the reporter thought looked like an 'automobile duster' over her bulky frame and slipped into

some shoes. But the second she stepped out onto the pavement, she collapsed. By the time the *American's* man had calmed her and got her down to the hotel, Herman's body was long gone and there was little left to see.

Charles Becker, meanwhile, was still wide awake. He had attended the fights at Madison Square Garden earlier that evening, had a drink at a hotel, and then given several friends lifts home in Colonel Sternberger's tourer — passing only a block from the Metropole as he did so — before returning to his own apartment off 165th Street at 2am. Helen was lying in bed waiting for him. She got up to make her husband a roast beef sandwich; Becker ate it slowly. He had just finished when a telephone in the apartment rang. He and his wife exchanged glances; the number was private and ex-directory.

Mrs Becker picked up the phone and handed the receiver to her husband. It was Fred Hawley, Becker's reporter friend from the evening *Sun*.

'Charley, have you heard the news?' asked Hawley.

'What news?' Becker replied.

Hawley told him. Becker seemed incredulous, asking the reporter if he was drunk.

'No, Charley, listen to me,' Hawley begged. 'Herman Rosenthal has been killed. I am working on the story and want a statement from you. What do you know about it?'

There was a brief pause before Becker replied. 'I don't know anything about the murder,' he said, speaking with care. 'But I do know a lot of things about Rosenthal. I am mighty sorry he has been killed because I had the goods on him and was about to show him up for keeps.'

Hawley scribbled in his notebook. 'I think you ought to come down,' he finished. 'I think you ought to get on the job.'

Becker talked Hawley's suggestion over with his wife. 'I didn't know what to do,' he admitted later. 'I told Hawley if I come downtown people may think that I have come down to gloat over the death of a man who has attacked me. If I don't come down, the newspapers will say that when told about Rosenthal's death I evinced no interest or emotion.' In the end curiosity got the better of the lieutenant and he decided to go. It took him until 3.30 to get to the subway station at Times Square; by then the street outside the Metropole was quiet again and he headed for West 47th Street instead. He arrived at the precinct house shortly before 4am, just as a large slate-coloured touring car drew up outside. It was the missing Packard taxi. Several policemen jumped down, flung open a passenger door, and dragged a stocky man with dark wavy hair into the station. The prisoner was Louis Libby; he looked very apprehensive.

A cordon of patrolmen held the knot of reporters gathered outside the 16th Precinct back. Becker, still wearing his civilian clothes, brushed past them and

hastened up the steps in Libby's wake. The first room that he came to was Captain Day's office, which was crowded with policemen and officials. The lieutenant was about to enter when he noticed Inspector Hughes raising a hand to wave him off. Becker backed out, startled, and as he did so he glanced down at the figure sitting in the captain's chair. The eyes that met his were not Day's. They belonged to District Attorney Whitman.

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The police had traced the Packard easily enough. The registration details supplied by Willoughby and Coupe led them downtown to a garage on the north side of Washington Square, where Acting Captain Arthur Gloster found a gaggle of mechanics cleaning cars. Accosting one of them, Gloster demanded to be shown around. The second or third vehicle he came across was Libby's Packard, which had been reversed into its parking space. Its plate, 41313 NY, was clearly visible.

'When did this come in?' Gloster asked the garage hands.

'Twelve o'clock. It has been down to Coney Island,' one of them replied. The policeman reached out a hand and ran it across the Packard's bonnet. It was still hot to the touch.

'Keeps warm a long time, doesn't it?' Gloster observed with a grim smile.

The garage doors were all secured and several patrolmen set off to find the taxi's owner. They traced Libby and his partner Shapiro to a boarding house on Stuyvesant Place and hauled both men out of bed. By the time they got back to Washington Square, Gloster had got the mechanics talking. One of them admitted that Libby had returned the taxi to the garage shortly after 2.15. When he did so, the man added, he had asked them to spin the Coney Island story to anyone who asked. Gloster had heard enough. He bundled the chauffeur and his partner into the murder car and headed for the 16th Precinct.

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Lieutenant Becker hung around inside the stationhouse for nearly half an hour after Libby was brought in. At one point, when he caught Whitman's eye, he told the DA he wanted to go into the station's makeshift morgue to view Rosenthal's corpse. Whitman — so he later said — at once suspected that the lieutenant was planning to plant evidence of some sort on the corpse. 'Never you mind going near it,' he said sharply. 'I've been all over that body.' Defeated, Becker retreated to the pavement outside the precinct building, where he slouched against an iron railing trading theories with waiting newsmen. Most of the reporters thought that rival gamblers had arranged the murder, but the lieutenant disagreed. 'I'll lay you five to one it was some of Spanish Louis's gang,' he said.

At about 4.30am, Becker felt a tap on his shoulder. He turned; it was Inspector Hughes.

'Have you seen the body yet?' Hughes asked.

'No,' Becker replied.

'We'll get a look at it,' Hughes said, and he led Becker into the stationhouse's yard. The two men peered through a window into the back room where the corpse was lying. It was still covered in blood. 'Whoever done him, done him good,' Hughes muttered. He and Becker then walked together back inside the Precinct building, where they found a highly unorthodox line-up underway. Libby, dressed in greasy overalls and his chauffeur's cap, was standing in the middle of a row of plain clothes officers, all of whom were wearing suits. Unsurprisingly, Thomas Coupe, the Elks' Club clerk, had no trouble picking Libby out.

'That's him,' Coupe declared. The clerk then gave a statement, positively identifying the chauffeur as the man who had killed Rosenthal. Libby, he added, had not been alone in the touring car, but had fired all the shots.

Coupe's deposition crowned a satisfactory night's work for the police. At dawn the DA went out onto the front steps of the precinct house and gave the waiting reporters a full statement. Coupe, Whitman said, had made a firm identification and could describe the murder and the scene in detail. 'He will make a splendid witness,' the District Attorney added. Then he ducked back into the station to continue his investigation.

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In the course of the next day, things returned slowly to normal in the 16th Precinct. Whitman relinquished control of the stationhouse shortly after breakfast, returning to his usual office in the Criminal Courts building and leaving Day and his men to get on with the tedious job of typing up witness statements and collating evidence. One of their first tasks was to inventory Rosenthal's possessions and move the body to the Bellevue morgue. The contents of the dead man's pockets proved to consist of some keys, his handkerchief and a little over \$85 in cash. Herman had not been armed and had told friends he would never carry a gun, insisting: 'If they are going to get me, they will get me.'

Shortly after Whitman's departure, Rhinelander Waldo appeared to give his own brief statement to the press. The murder of underworld figures was not uncommon in New York, and incidents of this sort did not usually attract attention; at least six similar crimes were committed in July 1912 — two on the same day that Rosenthal was shot — and none received more than a few weary lines of coverage in the press*. But the death of such a prominent informant, just hours before he was scheduled to give evidence of spectacular police corruption, was no ordinary affair, and Rosenthal's murder was the lead story in every daily paper in the city. Waldo knew he and his men would be expected to solve the

* The police response was similarly muted. None of the dozen or so murderers responsible for these other killings was ever caught.

crime and that failure to bring the investigation to a successful conclusion might even cost him his job. Few were surprised when he announced that the full resources of his department would be thrown into tracing Herman's killers.

Waldo's determination to bring somebody to book for the Metropole shooting was only increased by the knowledge that many New Yorkers suspected the police themselves of arranging the affair. The morning edition of Swope's *World* reported that the NYPD had been reduced to 'a state of terror' for fear that Rosenthal's death would be traced to its doors. The same paper openly speculated that the gambler's enemies on the force had organised the shooting and expressed surprise that Becker himself had yet to be suspended from duty and was apparently not even a suspect.

So far as Inspector Hughes and the men responsible for investigating the murder were concerned, however, the matter was not quite so clear-cut. Their only real leads were still Libby and Shapiro, and the two chauffeurs were refusing to say much about the events of the previous night. Most of the morning was devoted to questioning the pair, but progress remained slow.

To the newspapermen still clustered outside the stationhouse, this was hardly surprising. Experienced correspondents who had been inside the building reported that Hughes's handling of his prisoners was extremely peculiar. The two suspects had been let out of their cells, and reporters from several papers were shocked to find them standing in a corridor unsupervised, deep in conversation. Even when

Libby and Shapiro were brought up to the interview room, they were interrogated with unusual restraint. When Aaron Levy —a lawyer with long experience of defending East Side ‘characters’ who had been hired to represent both prisoners —arrived at the 16th Precinct late in the afternoon, he was startled to discover that neither of his clients had been beaten up. ‘I was certainly surprised to find both men sound as a dollar when I first saw them,’ Levy confessed to the waiting members of the press. ‘Usually men who are picked up for a cowardly murder are given such a third degree that they are not very presentable in court twenty-four hours afterwards. But these two boys were looking fine.’

In fact — though the reporters did not know it — Hughes had every reason to be cautious. By the middle of the afternoon he knew that Libby had a solid alibi; the chauffeur had spent the previous evening in his room, and no fewer than five of his fellow lodgers came forward to confirm that they had seen him there. To complicate matters further, lawyer Levy decided that both his clients would give their statements directly to the DA. This was clever thinking; no policeman was going to take too many liberties with Libby and Shapiro in such circumstances, at least not while the memory of Willoughby was so fresh in their minds.

By the end of a long day of questioning, Hughes had coaxed no more than a few scraps of information from his suspects. Libby readily admitted that he had known Rosenthal slightly; both men had once been members of the Hesper Club. He agreed that Jack Zelig was one of his best customers. But he denied all knowledge of the murder and said that he had no idea who the Packard’s

passengers had been. Shapiro, meanwhile, confessed that he had driven to the Metropole. Hughes guessed, given the history of the car, that he must have known his customers were gangsters. But there was no way of proving it, and the chauffeur refuted that charge indignantly, repeatedly insisting he had been as shocked as anyone when Rosenthal was shot. He claimed not to have recognised his passengers, adding that when he had been slow pulling away in the aftermath of the murder, one of them had pistol-whipped him into driving faster — an odd thing to do to a trusted associate. An ugly bruise along the hairline on Shapiro's scalp seemed to support this claim.

It was only at the end of a frustrating afternoon that the police finally obtained the information that they needed: the name of the man who had phoned to book the taxi to the Metropole. The caller had been Bald Jack Rose. 'The car,' lawyer Levy confided to reporters after talking with his clients, 'was hired from the Café Boulevard stand by telephone. The man making the call said his name was 'Jack', and the [operator], who had rented the car many times to Rose, claimed he recognised the voice.'

It was a vital breakthrough. If the police could only find Jack Rose, he could lead them to the gunmen in the Packard; in all likelihood he also knew who had hired the men and why. But the chauffeurs' information was important for another reason: it promised to link Becker, the gambler's employer, to the crime.

In 1912 leads of this sort rarely remained unpublished for long, and by evening most of New York's dailies had been tipped off about Rose. Only a handful chose to publicise the story, which was still uncorroborated at this point. The *World*, predictably, was one of those that did.

The paper had no doubt what Rose's involvement meant. 'Herman Rosenthal,' it proclaimed in ringing tones next morning,

'was murdered in cold blood by the System.

'The System is the partnership between the police of New York City and the criminals and New York City.

'The System murdered Herman Rosenthal because he threatened to expose it and had begun to expose it... It murdered him because he came to the *World* office Saturday night and made affidavit as to the System's activities. It murdered him because he had declared that he would submit his evidence to the press of New York and make public the criminal profits that the police derive from the protection of lawbreakers. It murdered him in a desperate effort to save itself from destruction.'

It was left to District Attorney Whitman to add the coda that the *World* merely implied. The DA had spent the day inspecting the murder scene and trying to discover why the men on patrol near the Metropole had not done more to catch

the fleeing gunmen; he did not return to his apartment until three on the morning of 17 July, 24 hours after he had been hustled out of bed by Swope. But when he did so, the newsmen were still waiting for him.

Several reporters cornered Whitman in the lobby of the building and pressed him for a statement. They wanted to know more about Libby, naturally. But they also wanted to hear the DA's theories about the motive for the murder. Whitman, it transpired, had reached some firm conclusions on the subject. He professed himself astonished that the police on duty in the Tenderloin had managed to in half a dozen different numbers for the murder car — 'all of them wrong' — and said that he believed 'there was much police interest and activity behind the slaying of Rosenthal'.

'I accuse the Police Department of New York,' the DA added in conclusion,

'through certain members of it, with having murdered Herman Rosenthal.

Either directly or indirectly, it was because of them that he was slain in cold blood with never a chance for his life.

'I have the necessary proof that there were five policemen there, two were within 100 feet of it, one was within 40 feet at the time the crime was committed', and not one of them attempted to do anything that would naturally be done by the police under the circumstances... Five men were able

* Whitman evidently meant Detective File and Lieutenant Frye.

to shoot to pieces the head of a Grand Jury witness and escape without being even seriously inconvenienced... The police permitted this murder and deliberately allowed the murderers to escape. ’

Whitman did not add that Charles Becker was one of the members of the force to whom he was referring, but he might as well have done. By the early hours of 17 July, the lieutenant was already the DA’s leading suspect.

Notes

The Metropole Hotel This was the hotel immortalised in Cole Porter’s song ‘Ace in the Hole’. James Morton, *Gangland: The Early Years* p.114.

Rosenthal at the Metropole New York *American, Sun, World* and *Journal* 17 Jul 1912; Logan 5-15. Newspaper accounts differ considerably in the small details of events at the hotel. Only a few of the discrepancies are material, however. They will be discussed later.

Rosenthal’s intentions Klein 419, 425, 427. According to a statement Rosenthal gave to the *World* — which was not published until the day after the murder — ‘There is only one man in the world who can call me off, that is the big fellow, Big Tim Sullivan, and he is as honest as the day is long and I know he is in sympathy with me. He don’t want to see anybody hurt. My fight is with the police. It is purely personal with me. I am making no crusade and my friends know all about it. I am not going to hurt anyone else, and if I can’t go through with this without bringing anyone else in, I’ll quit.’ *World* 17 Jul 1912.

The Considines May Sharpe, *Chicago May* p.47; Leo Katcher, *The Big Bankroll* pp.25, 109; David Pietrusza, *Rothstein* p.93.

Rosenthal's companions The identity of Rosenthal's companions is uncertain. The *American* of 17 Jul 1912 identifies them as gamblers by the names of 'Big Judge' Crowley, Sandy Clemons and 'MacMahon'. Logan, 7, says the three were 'Fat Moe' Brown, 'Butch' Kitte and 'Boob' Walker, the last-named of whom was a hoodlum who often worked as an enforcer for Bridgely Webber. Webber, in a statement to Deputy Police Commissioner Dougherty, said there were actually four men at Herman's table, and named them as 'Boob Walker, Hickey, Butch and Moe Brown.' Klein 19.

Murder scene *New York Times* and *World* 17 Jul 1912; Klein 130; Logan 13–14.

Taxi rank cleared *New York World* 22+28 Jul 1912. At Becker's trial that October, the prosecution would imply that one of the mysterious men employed in clearing the rank was none other than Charles Becker. This was clearly not the case; several people could give the lieutenant an alibi for about this time. Klein 184.

Rosenthal's murder and aftermath An interview with the New York coroner regarding Rosenthal's autopsy, in the *New York American* 18 Jul, contradicts numerous earlier reports that the gambler had been shot five times, which have been accepted by earlier writers on the case. Several of the dead man's wounds had, in fact, been caused by fragments of the two bullets that did hit him. For the details of the murder itself and its aftermath, see *Times* and *World* 16+17 Jul; *Evening Post + Sun*, 16 Jul; *Journal* 17 Jul 1912; Klein 7–8, 315; Logan 14, 16, 20; Jonathan Root, *The Life and Bad Times of Charlie Becker* p.15.

Alexander Woolcott Woolcott, *While Rome Burns* p.212.

Webber leaves the scene Klein 28–30.

Police response New York *World* 16 Jul; *American* 17 Jul; *Journal* 20 Jul 1912.

Number plates New York *Sun* 16 + 17 Jul; *World* 17 Jul; *American* 18 Jul 1912.

Murderers' description and the police blotter The 16th precinct blotters were kept in the station house basement at West 47th Street for years; they were mined by Meyer Berger for an article published in his *The Eight Million* pp.138–9.

Charles Gallagher New York *World* 17 Jul ; *American* 18 Jul 1912.

Word of the murder spreads New York *Times*, *World*, *Sun*, *American* and *Tribune* 17 Jul 1912; Allan Lewis, *Man of the World* p.30; EJ Kahn, *The World of Swope* p.148; Berger, op.cit. p.XX; Klein 14–17; Logan 22–4, 28–33.

Lifts home Becker had the use of the car loaned to him by Colonel Sternberger of the 22nd Regiment. His companions were Deacon Terry, the *American* reporter, and Jacob Reich (Jack Sullivan), a newspaper distributor known as 'The Kings of the Newsboys', of whom more below. New York *American* and *Sun* 18 Jul 1912.

Mrs Rosenthal New York *American* 16 + 17 Jul 1912. According to the *American*, Mrs Rosenthal alleged that her husband had gone to the Metropole to keep an appointment with Charles Becker. This allegation did not appear elsewhere and was never picked up by the District Attorney or used in Becker's trials. It was almost certainly a fabrication. But, if true, the allegation would be a vital piece of evidence in favour of the lieutenant's guilt.

Hawley and Becker Klein 180, 242.

Arrest of Libby New York *American* 18 Jul 1912. The *Post* of 16 July suggests that Libby was arrested as he was leaving the garage.

Becker, the body and Whitman's statement New York *World* 17 Jul 1912; Logan 36–8.

Events of 16 July New York *Post and Sun*, 16 Jul; *World, American, Journal, Times*
17+18 Jul 1912.

'I was certainly surprised...' New York *American* 18 Jul 1912.

Who drove the car Libby and Shapiro, it transpired, worked alternate shifts as drivers of the taxi. Libby took the daylight hours and Shapiro the night. Libby, rather than Shapiro, had returned the car to the garage after the shooting simply because Shapiro was so apprehensive about his role in the murder that he drove directly to Stuyvesant Square to tell his partner what had happened. He then begged Libby to return the vehicle to the garage for him. Ibid.

Only give a statement to the DA No doubt the two chauffeurs also wanted to make sure they were not seen to be betraying Rosenthal's murderers. 'We don't want to queer anybody else,' Shapiro emphasised in a statement given to the *American* (17 Jul 1912).
'We'll get out of this trouble all right. Nobody has squealed.'

'Murdered in cold blood...' New York *World* editorial, 17 Jul 1912.

'I accuse...' New York *Journal* and *World* 17 Jul 1912.