

# Touhy's End

MILTON MAYER

**T**HE STOLEN YEARS, by Roger Touhy, with Ray Brennan. Pennington Press. \$4.50.

I suppose that nothing in Roger Touhy's life became him like the leaving it. When he was murdered in Chicago last December 16, after twenty-five years in prison and twenty-three days on parole, he finally got what he had been fighting for—attention to his case.

Only once before had he ever got close: in 1954 a Federal judge found him innocent of the kidnapping for which he'd been sent up. In a 774-page opinion, Judge John P. Barnes held that Touhy had been railroaded twenty years before by State's Attorney Tom Courtney of Cook County (Chicago) and Courtney's chief of police, Dan Gilbert. The idea was to kill one bird with two stones—to get rid of Touhy for Capone and to save the kidnappee, one Jake the Barber Factor, from extradition to England, where he was wanted on an eight-million-dollar swindle charge. The kidnapping, said Barnes, was a hoax. It was a successful one: Secretary of State Hull stayed Jake's extradition so that he could be around for Touhy's trial.

Anybody would have done for Factor's purpose, but Touhy was just the ticket. He was fighting the Capone mob on two fronts. The Capones were trying to take over his beer business along with some unions whose treasurers were friends of Touhy's. Touhy, said Judge Barnes, was the only obstacle between Capone and the unions. And the relationship between the state's attorney and the Capones was such, said the judge, that "during the entire period that Courtney was in office, no syndicate [Capone] man was ever convicted of a major crime . . . The syndicate could not operate without the approval of the [state's attorney's] office . . ." Courtney, incidentally, is now a judge himself.

So several people had reason then and later to want Touhy dead. And as long as he was in prison—his sentences added up to 298 years—he was dead. But parole gave him

a chance. He was only sixty-one, and his twenty-five years of fighting his case had kept him marvelously spry.

As it happens, Jake the Barber was in Chicago the night of the murder. At the fatal instant he was in the company of a government tax accountant; Jake used to be a big gambler and he has income-tax trouble. Presently engaged in real estate, he keeps the rain off in Beverly Hills, California. Police Captain Emeritus Dan Gilbert also happened to be in Chicago when Touhy was plugged. Dan, too, is a southern Californian now. He is presently engaged in real estate. Back in 1950 Dan had almost stolen home on the Democratic ticket for sheriff when the Chicago *Sun-Times* discovered that he had paid taxes on an income of \$45,000 although his salary was only \$9,000. Of course some of the people who had wanted Touhy dead were dead themselves. Capone, for one. Capone had heirs and assigns, but their joints were creaking by this time and they were mostly retired to those parts of Florida where bad boys go when they don't die.

**I**F YOU WANT the details—except who killed Touhy—you can read Touhy's autobiography. He was a dead-end kid (and a parochial-school valedictorian), and when he was out of work after the First World War he got a trucking job and that's how he got into the beer business. (Transportation, next to water, was and is the most important ingredient of beer.)

True, he hired a lot of killers to keep from getting killed. True, too, some of the people who were found in ditches, or not found at all, were employees of his competitors in the beer business. They all lived outside the law—and all the beer drinkers with them—and died outside the law. Law-abiding society turned its legal powers over to people like Courtney and Gilbert and thought it had no further interest in the Touhys.

The moral is inescapable: Crime doesn't pay—not everybody, anyway.

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