

URBAITIS - Joseph

7488

Alias -

Joseph Urbates

" Urbytis

John Davis

11-5-1946

Shot & Killed at Club  
Bon Air Supper Club  
Hoodville Rd,  
Toledo Ohio  
R.D.P.

Nov. 6, 1946

J. Edgar Hoover, Director,  
Federal Bureau of Investigation,  
U.S. Department of Justice,  
Washington, D.C.

F.B.I. #77797

Capt. H.S. Mulbar, Supt.,  
Michigan State Bureau of Crim. Iden., M.S.B. #1520  
E. Lansing, Mich.

Col. C.H. Cornwell, Supt.,  
Ohio State Bureau of Crim. Iden.,  
London, Ohio

Re - Joseph URBATIS our #7488  
Alias Joseph Urbaytis-Urbytis-Urbaetes  
PPC 25 0 11  
19 I --

Dear Sir:

The above named subject was shot and killed  
in this city on Nov. 5, 1946.

Kindly close your records accordingly on this  
subject.

Yours very truly,  
RAY E. ALLEN  
Chief of Police

By Paul Wiesenbergh, Asst. Supt.  
Bureau of Iden. & Records

PW:B

# Gunman Ends Life Of Joe Urbaytis At Supper Club

## Postoffice Robber Refuses To Bare Killer's Identity

Joe Urbaytis, member of the gang which staged the million-dollar Toledo postoffice holdup in 1921, was shot to death at 5:10 a. m. today in the rear entrance of his Bon-Aire Supper Club, an unlicensed after-hours establishment at 2188 Woodville Rd.

Shot through the chest and right shoulder, the 46-year-old Urbaytis died in a few minutes, refusing to reveal the identity of his slayer or slayers.

### No Witnesses Discovered

Police were unable to discover any witnesses to the slaying. Urbaytis apparently was shot down after he had admitted his slayer through the double-door entrance to his club.

First indication that the patrons, who crowded the front room of the converted 2 1/2-story frame home, had of the slaying was the sound of three shots.

Felix (Jimmie) Grudzinski, 46, of 4302 Jackman Rd., the bartender, and Edwin (Big Edge) Wojnarowski, 29, of 1353 West Woodruff Ave., described as Urbaytis' assistant, rushed to the rear door. They said they found Urbaytis sprawled at the foot of the stairs leading to the upper story. He was unarmed and attired in the topcoat and hat he usually wore about the place.

### Refuses To Identify Killer

Police quoted Wojnarowski as saying he asked the dying Urbaytis if he knew who had shot him. Urbaytis nodded that he did, but, with his last gasp, shook his head in emphatic refusal when Big Edge asked him in Polish for names.

Armed with a search warrant, sheriff's deputies entered the upper floors of the house more than four hours after the shooting and found them occupied by James Patrick (Pat) Dugan, his wife and 2-year-old son; Daniel Day, 65, a boarder, and Tom McCoy, 61, a club employee.

Deputies quoted Dugan as saying he had heard the shots and a short time later had been informed of his partner's death by a telephone call from the club.

### Three Questioned

"For all I know those bullets were meant for," Dugan remarked. Dugan, McCoy and Day are being questioned at the county jail.

A .38 caliber bullet was removed from the wall at the rear entrance.

Both the bartender and Wojnarowski said they knew of no threat of their employer's life and added he had appeared cheerful and unperturbed during the night as he presided over his club which contains a plentifully stocked bar, a dice table and several slot machines.

The bartender, Wojnarowski, and a patron identified as Edward Murphy, 51, who went to the rear door just as Urbaytis died, were taken to the county jail for questioning. Also taken to the jail were two patrons who arrived at the club after police were on the scene. They were listed by police as Raymond W. McMillan, 1929 East Bancroft St., a Veterans' cab driver, and Edward J. Lambert, 29, Fremont, O.

### Other Patrons Flee

Other patrons on the scene at the time of the shooting had fled before police arrived. A confusion in addresses when the shooting was reported by telephone sent Patrolmen William Deblen and William Crawford to 1588 Woodville Rd., a mile away.

Turn to Page 4, Col. 6



JOE URBAYTIS  
Gunman's victim  
Other Pictures on Page 4

# Gunman Slays Joe Urbaytis At Supper Club

Continued from First Page

They were calling the dispatcher at a police box when Grudzinski and Murphy approached them and guided them to the slaying scene.

Urbaytis was released in 1943 after serving 19 years in federal penitentiaries for his role in the postoffice robbery.

### Opens At 1:30 A. M.

The main ex-convict's wife, Mary, said he appeared in good spirits when she last saw him at 10:30 p. m. yesterday at their home, 618 Russell St. He ate dinner there before leaving for his Woodville Rd. club, which opened for business at 1:30 a. m.

The Bon-Aire Club was dusted for fingerprints by Sgt. Tom Case of the police identification bureau, who said he obtained several from the door through which Urbaytis admitted his slayer.

Findings of an autopsy performed by Coroner Frank Kreft at the Urbanski Mortuary today indicated that the murder was the work of one gunman. The bullet which lodged in the body after entering the right shoulder was identified by Detective Capt. Ralph Murphy of the Toledo police as a .38 caliber, the same size as the slug found in the woodwork at the slaying scene.

### Bullet Not Found

The bullet which penetrated Urbaytis' body has not been found and that discovered in the woodwork is believed to have been a wild shot.

Powder burns on Urbaytis' left hand indicated he had grappled with his murderer before he fell backward on the stairway. There was \$784.12 in cash in the dead man's pockets when the body was examined by detectives.

The shooting took place in Lucas County, just over the city line.

Liquor from Michigan and Illinois and some untaxed Ohio whisky was found in the Bon-Aire Club stock, deputies said. Owen Conway, state liquor control agent, said the establishment had been inspected two days ago and was not selling drinks at that time.

# Million-Dollar Mail Robber Bonds, Cash And Jewelry Formed Loot In Holdup By Gang In February, 1921

The million-dollar Toledo postoffice robbery in which Joe Urbaytis participated, took place Feb. 17, 1921, and it set off a nation-wide hunt for the armed gang.

Urbaytis was 21 when he led five men to the loading docks of the postoffice to "pull" one of the nation's most startling holdups. Much of the loot, consisting of Liberty bonds, commercial securities, cash and jewelry, valued at nearly \$1,000,000, was recovered.

With 13 others, Joe was convicted in Federal Court on a charge of conspiracy.

The story of the actual stickup, as told in Federal Court:

"A few days before the robbery, there was a meeting of George Rogers, Urbaytis, Charles Schultz and Eddie O'Brien in an apartment rented by Rogers at 617 West Delaware Ave. to discuss details of the robbery.

### Urbaytis Drives Car

There was a difference of opinion as to planning, and the first decision was to have Schultz drive the auto. This was changed and Urbaytis, who knew more about autos, took the wheel after motor trouble worried the bandit crew.

Urbaytis and Schultz had watched a mail truck for some time to get an exact line on its movements between the Union Station and the postoffice. Urbaytis had the keys to a garage in which a stolen automobile was kept.

They had planned to hold up a mail truck the night before the actual robbery, but they missed it.

While Urbaytis sat in the stolen car, the five robbers, Rogers, Schultz, James Sansone, James Colson and O'Brien, walked around the corner as the truck pulled up to the post office loading dock.

### Sacks Loaded In Car

A few seconds later, as the five held guns on two postal employees Urbaytis pulled up in the car and nine mail sacks were thrown into it. The car was driven back to the garage and the loot hidden, the six bandits returning to the apartment.

Later, the automobile was taken to Bates Rd. and abandoned. The next day, the loot was divided, Urbaytis taking his share of \$142,000 in bonds.

While the robbery was in progress, 25 postal employees were at work in the post office, but not one was aware of the holdup until told about it by Joseph Hughes, Weinrich and W. H. Milroy, the victims.

### All Were Captured

Urbaytis and Schultz were captured in Toledo two days after the robbery; O'Brien was arrested in Los Angeles; Rogers and Sansone were apprehended in Detroit, and Colson was taken in Davenport, Ia., following a gun battle with police.

Rogers was sentenced to 67 years in prison; O'Brien and Colson to 50 years each; Schultz to 40 years; Sansone to 39 and later, Urbaytis to 30 years. These sentences later were reduced.

All except Rogers have been freed. Urbaytis, released in 1943, is the

second of the original bandit gang of six to die. O'Brien died a natural death last winter.

On Labor Day of 1921 as Joe and his pals were in the county jail awaiting trial, he escaped with Charles Schultz and George Rogers.

### Captured In Columbus

Both Schultz and Rogers were captured shortly after the break, but it wasn't until nearly three years later that Urbaytis was captured in Columbus following a fight with a city detective during which Joe received a bullet in the abdomen.

Questioning of a Columbus safe robber suspect in May, 1924, led detectives to the rooming house where Joe, his brother, Frank, and two women had been living for some time after the postoffice robbery. Frank attempted to flee with Detective Harry Carson after him. It was then that Joe rushed into the house to fight the officer. Carson struck Joe on the jaw and the Toledo robber crashed over a stair railing and fell one flight, landing in the street on his shoulders.

### Fires At Detective

As Carson leaped downstairs, Joe pulled a revolver and fired wildly, missing the detective. Carson also drew his pistol and fired. Although the bullet struck Urbaytis in the back, he closed in on the detective.

In the ensuing melee, Carson's gun was kicked from his hand and a moment later, Joe's revolver was sent flying.

The detective managed to pick up his gun and send it crashing down on Joe's head. Still the Toledo bandit went at him. Urbaytis was struck three more times on the head before he fell to the ground.

Meanwhile, several other detectives had captured Joe's brother. Detective Carson didn't know until later in the police patrol wagon that he had captured the long-sought Toledo postoffice robber.

Joe told officers after his capture that he had wandered far following his escape from the jail in Toledo. On several occasions, the train on which he was riding, passed through Toledo, but he never got off, he said.

### Gave Interview

One of the most amusing incidents to arise during the time Joe was "among the missing," was a story carried by a Los Angeles newspaper. Joe, interviewed in the Biltmore Hotel, was called a wealthy Toledo bond salesman by reporters who wrote of an experience he had had while staying at a hotel in Casmarek, French Indo-China.

The story said Urbaytis left Toledo on Labor Day, 1921, "bent on seeing the world." He visited Europe and Asia to satisfy his desire, the story continued.

It was while he was staying at the Casmarek Hotel that he awakened one morning to find three crows at the foot of his bed.

"When the crows flew out the window, they took my scarf pin, diamond cuff links, collar buttons and lodge button," Los Angeles reporters quoted the Toledo "traveler" as saying.

Shortly after the interview, Joe disappeared. His capture in Columbus occurred two months later.

### Sentenced To 50 Years

Although little chance was given at the time for his recovery from the bullet and head wounds, Joe rallied and on Jan. 22, 1925, eight months after his capture, he was sentenced in Toledo to 50 years in the federal penitentiary at Atlanta.

Following three unsuccessful attempts to break out of the penitentiary, Joe was sent to Alcatraz Prison, in San Francisco Harbor, as one of the nation's most dangerous criminals.

On "The Rock" he became a model prisoner and later asked for a reduction of his sentence on several technical grounds. An Atlanta federal judge granted his plea, reducing the sentence to 25 years, making Joe eligible for parole.

### In Payroll Robbery

Joe was only 17 years old when he was charged, but never convicted of the 1915 Huebner Brewery

payroll robbery, one of the first in the nation.

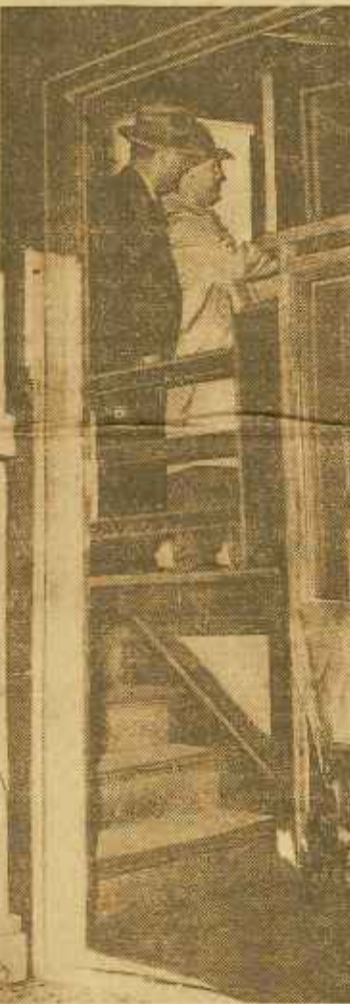
From then on, he was a marked man in the eyes of police. Every time there was a payroll robbery in Toledo, Joe was picked up as a suspect.

But police never found a gun in his possession and he would be released, only to be picked up again.

# Work Of 6-Man Band Led By Urbaytis



LITTERED BARROOM OF JOE URBAYTIS' NIGHT SPOT  
Cigarette stubs and empty glasses left by persons who fled slaying scene



SCENE OF SLAYING

Sergt. Thomas H. Case of the Toledo police department and Lieut. Alfred Bartkowiak of the Lucas County sheriff's office inspect the stairway on which the body of Joe Urbaytis was found.



SCENE OF SUPPER CLUB SLAYING  
The Bon-Aire Club at 2188 Woodville Rd.

## Deer Crashes Through Window In Apartment

Toledo Blade Bureau  
CLEVELAND, Nov. 5—A medium-sized deer jumped through a window today in the laundry room of an apartment building, shattering the glass and waking

the tenants. The deer then jumped out through another window and disappeared in traffic. Fletcher Reynolds, zoo director said he believed the deer saw his reflection in the window and assumed it was another deer.

## Burns Search Made Official

Suspect In Urbaytis Death Object Of Hunt

Search for Frank Burns, wanted for questioning in the slaying of Joe Urbaytis, Toledo postoffice robber, Nov. 5, 1946, in the Bon-Aire Supper Club, became official today. Joel S. Rhinefort, Lucas County prosecutor, has notified Paul Fakehany, superintendent of the Toledo Police Department identification bureau, that Burns is wanted for questioning and asked assistance in apprehending him.

Mr. Fakehany had written Mr. Rhinefort earlier in the week stating that no official request had been received to search for Burns. Mr. Fakehany said that police "wanted notices" bearing fingerprints and a recent picture of Burns would be sent to the Federal Bureau of Investigation, and Ohio State and Michigan Bureaus of Identification.

Urbaytis was shot to death in the Bon-Aire Club, 2188 Woodville St., under mysterious circumstances. Although 20 persons are known to have been in the place, investigators said they have not found the trigger man, nor any witness who admits having seen Urbaytis slain.

# No Small Time Stuff For Slain Ex-Convict

Urbaytis Started Big Jobs at Tender Age; Never a 'Minor Leaguer'

By DOC HOLST

Joe Urbaytis never was a minor leaguer. The juvenile courts never heard of him and neither did he face a police court judge on petty charges, as do most criminals before they graduate to the big time.

At 18, a smiling, blond-haired kid, he stood before the late Common Pleas Judge Bernard F. Brough charged with being the leader of a mob that had staged the \$37,785 Huebner brewery pay roll robbery, then a new type of crime. A directed verdict saved him for his big coup three years later.

No one ever knew whether at 16 he participated in Detroit's \$100,000 bonding house robbery that saw three detectives shot and killed, but he was accused of it. He was arrested by Toledo detectives on a fugitive warrant, but gruff Common Pleas Judge Byron Ritchie dismissed it for lack of evidence.

### Only One Conviction

Joe always was lucky with the state courts. His only conviction was the big one in Federal court for the \$1,000,000 Toledo postoffice robbery and even then his comrades had been serving time for three years before the gates of Atlanta and later Alcatraz, were to end his freedom for 18 years.

Urbaytis' personality was a puzzle to detectives. They never could understand why he devoted his time to pay rolls instead of confidence games, except that he was impulsive and liked big profits quickly. He possessed a convincing tongue, a quiet, deceptive demeanor and a sad, almost embarrassed smile that put people immediately off their guard.

In his preliminary work of "cas-

ing" prospective pay rolls, he posed as a physician, a young minister, a laborer, a salesman, a world traveler, a lecturer and even a policeman, he told detectives after his return three years ago from Leavenworth.

The only minor charge ever placed against him was made by another underworld character, who sold phoney diamonds to pedestrians, who thought they were buying stolen diamonds. Urbaytis admitted he had slugged the ring salesman and taken \$20 from him because it was owed to him.

A few weeks before the post office robbery, Urbaytis had planned to rob the Toledo News-Bee pay roll "just to scare old Neg Cochran," he told a reporter years afterward. He thought Mr. Cochran, then editor of the paper, was personally responsible for the publicity he was getting. Joe had a plan of the two floors. The office of Mr. Cochran on the second floor was circled, with a smaller circle around his chair. Joe's idea was to stand on the first floor and shoot up through the ceiling, making a circle of bullet holes around the chair without hitting Mr. Cochran. But it never came off. The post office job took up his time, he explained.

# Trigger Man 'Known' In Urbaytis Slaying

Witnesses Tell Argument Preceding Shooting of Ex-convict

The search for the slayer of Joe Urbaytis, Toledo postoffice robber, centered last night on a 65-year-old man, an old-time Toledo underworld character, who has been identified by witnesses as the man who shot Urbaytis at the rear door of his Bon-Aire supper club early yesterday.

The unexpected developments were disclosed last night when witnesses told police and deputy sheriffs about an argument between the two men in the club at 2188 Woodville road.

Deputy Lieut. Alfred Bartkowiak, county homicide chief, said he spent several hours last night in a search for the elderly man and would continue the effort at 7 a. m. today aided by other deputies. The deputy indicated he expected material developments today.

Police Capt. Ralph D. Murphy was told that Urbaytis attempted to put the man out of the club following an argument which started earlier.

### Describe Shooting

"Just how tough do you think you are?" witnesses quoted the man as saying before he drew a gun and shot Urbaytis three times, according to Captain Murphy.

The man, known to police as a pickpocket and minor racketeer, fled after the shooting, Captain Murphy said. He described the gunman as being a cripple who has the use of only one leg.

The police officer also was told that Urbaytis was carrying a pistol, but no weapon was found on his body.

The argument which preceded the shooting was described as a minor squabble "which did not pertain to gambling or bootlegging," Captain Murphy said.

### Served 18 Years

The \$1,000,000 Toledo post office robbery, which Urbaytis led on Feb. 17, 1921, and for which he served 18 years in Leavenworth, Atlanta and Alcatraz, has little if any connection with the slaying,

the officers believe, although they sought Charles (Split Lip) Schutz, a post office robbery pal, but now a legitimate salesman, to see if he could suggest a reason for the shooting.

The slaying was a distinct surprise to law enforcement officials, as a close check on the former bandit since his release from Leavenworth Feb. 13, 1943, had indicated his activities clear of motives that invoke gangster murders. Outwardly at least, he was engaged in nothing but the night club business and was regarded as having reformed.

See URBAYTIS, Page 2, Col. 8

# Urbaytis

Continued from Page One

James Patrick Dugan, associated with Urbaytis in the supper club, expressed complete ignorance of any motive for the killing and told Captain Kaufman that so far as he knew the shots may have been intended for him "instead of Joe." Dugan is held with three others in County jail for questioning only.

Detectives, however, discounted that theory because they said criminals in the Urbaytis circle usually know whom they are shooting at. They often kill someone for something he hasn't done, but they know whom they are shooting, they said.

### Knew His Killer

Urbaytis, known to detectives as a man who wouldn't "stool," nevertheless may have been shot by a member of some mob who thought he may have given information. Living only a minute or so after the shooting, the tight-lipped ex-convict remained true to the tradition of not naming his slayer.

Felix Grudzinski, 46, of 4302 Jackson road, and Edwin (Big Edge) Wojnarowski, 29, the supper club manager, were first to the rear floor after the sound of shots. They found Urbaytis gasping on the floor.

"Do you know who?" they both asked Joe.

There was a nod, signifying yes. "Who?"

There was another shake of the head, a refusal, and a moment later Urbaytis was dead.

Besides his wife, Mary, and son, Kenneth, Urbaytis is survived by his mother, Mrs. Anna Urbaytis.

# Onetime Mail Thief Shot At Supper Club

Toledo, Nov. 5. — (AP) — Joe Urbaytis, who served 19 years imprisonment for participating in a \$1,000,000 Toledo postoffice robbery in 1921, was shot to death early today in his supper club. Capt. Ralph Murphy of the Toledo police homicide squad said today.

Murphy said Urbaytis, 46, was shot in the chest and shoulder and died in a few minutes, stubbornly refusing to identify his slayer or slayers. Murphy added no witnesses to the slaying had been found.

# TOLEDO ROBBERY

## FIGURE SLAIN

Participant In Million Dollar  
Post Office Case In 1921  
Silent About Slayer

TOLEDO, O., Nov. 5—(AP)—Police were engaged Tuesday night in a roundup of all habitués of the Bon-Aire Supper Club for questioning in connection with the slaying of Joe Urbaytis, who was shot early Tuesday at the rear entrance of the club which he operated.

Urbaytis, one of the participants in the \$1,000,000 Toledo postoffice robbery in 1921, was shot in the chest and shoulder.

Among those sought for questioning, police reported, is Charles (Split Lip) Schultz, convicted confederate of Urbaytis in the postoffice holdup. Eight persons found at the club when police arrived were questioned by sheriff's deputies but the sheriff's office said no charges were expected to be placed against any of them.

Capt. Ralph Murphy of the Toledo police homicide squad said Urbaytis died in a few minutes and stubbornly refused to name his assailant. Murphy reported no witnesses to the slaying had been found.

Urbaytis, 46, served 19 years imprisonment for participating in the postoffice robbery. He and five other men held up a mail truck in February, 1921, and seized nine mail sacks filled with Liberty bonds, jewelry and cash. He was arrested two days after the crime.

Urbaytis and two of the other five men escaped from the Lucas county jail on Labor Day in 1921. Urbaytis was shot and captured in Columbus, O., four years later and was sentenced to 50 years imprisonment by Federal Judge John M. Killits. His sentence later was reduced to 35 years

# Urbaytis' Brother Hurlled Off Porch During Funeral

## Warrant Issued For Louis Bladzinski After Forcibly Denying Entry To Slain Man's Kin

Violence that marked the life and death of Joe Urbaytis, slain Toledo postoffice bandit, remained with him today.

The dead man's brother, Chester, was thrown off the porch of the Urbaytis' residence, 618 Russell St., after he sought to enter to attend the burial and informal last rites for the murdered ex-convict.

Chester was met at the door by Louis Bladzinski, Mrs. Urbaytis' brother. After a profanity-punctuated exchange of blows, Bladzinski hurled his brother-in-law to the sidewalk. The dead man's mother, Mrs. Anna Urbaytis, who accompanied Chester, entered the house alone.

### Chester Obtains Warrant

Later Chester obtained a warrant charging Louis Bladzinski with assault and battery.

Joe Urbaytis was buried in Forest Cemetery. The gunman who shot him early Tuesday at the Bon-Aire Supper Club still is at large.

No minister officiated at the funeral attended by more than 40 relatives and friends who crammed the small frame Russell St. dwelling. Among the mourners were Charles (Split Lip) Schuitz, Urbaytis' confederate in the million-dollar postoffice robbery 25 years ago, and Edwin (Big Edge) Wojnarowski, who was with him when he died.

### New Angle Uncovered

As Urbaytis was buried, Joel Rhinefort, county prosecutor, said a "new angle" had been uncovered in the murder investigation.

The prosecutor refused to elaborate on the new theory, but said information confirming it was obtained yesterday from Emerson F. Peters, 1923 Drouillard Rd., and his wife, Mary Alice.

Mr. Rhinefort emphasized that the search for Frank E. Burns, 69, still is in progress. Burns has been named as a suspect by Coroner Frank G. Kreft.

### Waitress Released

Delphine Gilbert, 30, waitress at the club, who has been held at the County Jail for questioning, was released last night.

The slain man's wife, Mary, yesterday filed application in Probate Court for appointment as administratrix of his estate, which, she estimated, consisted only of a 1942 automobile valued at \$2,000. However, it was pointed out that a preliminary estimate does not necessarily include all possessions.

Toledo Blade Nov 8, 1946





# 2 Freed After Urbaytis Quiz

## Bartender At Club Still Held In Death

Two of three men picked up yesterday for questioning in connection with the murder of Joe Urbaytis early Tuesday have been released, it was learned today.

They are Edwin (Big Edge) Wojnarowski, a hanger-on at the Bon-Aire Supper Club, 2188 Woodville Rd., where Urbaytis was slain, and Charles Puhl, 2210 Auburn Ave. cab driver.

Still held at the county jail for further questioning today is Felix Grudzinski, bartender at the club.

All told, sheriff's deputies and Joel Rhinefort, county prosecutor, have questioned a dozen persons who were at the club the morning of the shooting in their apparently fruitless quest for Urbaytis' slayer.

Police court hearing on assault and battery charges brought against Louis Blandzinski, the slain man's brother-in-law, by Chester Urbaytis, was ordered continued until Nov. 13 at the request of the latter. Chester, Joe Urbaytis' brother, obtained a warrant for Blandzinski after an altercation at the Toledo post office bandit's funeral yesterday.

# Urbaytis Murder Weapon Stolen From Policeman

NOV 20 1946

Revolver Found In Lot Identified As One Taken From Captain Timiney's Auto **BLADE**

The two bullets that killed Joe Urbaytis in his Bon-Aire Supper Club Nov. 5 came from a .38 caliber revolver stolen from Capt. George Timiney of the police division June 15, it was revealed today.

Identification of the weapon, found on a lawn in Park St. near Lagrange St. last Friday, was announced as sheriff's deputies questioned James R. (Russ) McCawley, 29, Bon-Aire Club bartender, arrested yesterday as a material witness to the shooting.

Lieut. Alfred Bartkowiak of the sheriff's office and Inspector Joseph Fruchey of the Toledo police, expressed the joint opinion that the murder weapon, from which two of five bullets had been fired, had been deliberately planted in the lot.

Captain Timiney reported the weapon stolen from the glove compartment of his auto parked at Huron and Adams Sts. between 10:30 p. m. June 15 and 1:30 the following morning, the two investigators said. Captain Timiney has been confined to his bed with injuries suffered in a fall at his home last month, they added.

Although the murder weapon and its holster were lying in wet grass when found, there was no trace of dampness on them. It was identified as the pistol used by the gunman who shot the Toledo postoffice bandit by Capt. Arthur Eggert of the Toledo police identification bureau, who also obtained fingerprints from the gun.

Turn to Page 6, Col. 2

# Urbaytis Murder Gun Identified

NOV 20 1946

Weapon Stolen From Captain Timiney's Car Continued From First Page

McCawley, arrested at 3 p. m. yesterday, has admitted being the author of a note naming Frank Burns as Urbaytis' slayer, which was found when morals squad officers raided his home, 1329 Felt St., earlier in the day, Lieutenant Bartkowiak said.

The note, addressed "To Whom It May Concern," read:

"If anything happens to me, call the police and tell them that Frankie Burns shot Joe Urbaytis." Lieutenant Bartkowiak said the Bon-Aire bartender told him he wrote the note because he feared bodily harm, but did not elaborate on what he expected to happen.

McCawley denied he was a witness to the shooting but admitted being in the supper club at the time, Lieutenant Bartkowiak said. He told the officer Burns also had been in the club that night and had been "very troublesome."

The bartender said he has had two telephone conversations since the shooting with Delphine Gilbert, 117 Seventeenth St., 30-year-old Bon-Aire waitress, and that the two of them had discussed the story they would tell police authorities, Lieutenant Bartkowiak reported.

Miss Gilbert was to take a lie detector test yesterday, but her attorney informed Lieutenant Bartkowiak she was ill and unable to appear.

Besides the note, morals squad officers who raided the McCawley home found and confiscated a small quantity of out-of-state liquor.

# Urbaytis Killer's Fingerprints Found

TIMES

NOV 21 1946

Police Silent on Check of Files; Hunt Pushed for Frankie Burns **7488**

Fingerprints found on the stolen police revolver which killed Joe Urbaytis, once-notorious post office robber, may convict the slayer, deputy sheriffs believed last night.

However, Inspector of Detectives Joseph Fruchey and Lieut. Alfred Bartkowiak of the sheriff's office remained silent on whether the prints discovered by Detective Capt. Arthur Eggert checked with anyone in the police files.

The weapon was found last Friday on a Park street lawn near Lagrange street. It was stolen June 15 from an auto parked by Detective Capt. George Timiney at Huron and Adams street. Captain Timiney is recovering from injuries suffered Oct. 27 in a fall down a stairway in his home.

Key To Killing Sought From Club Bartender

Sheriff's deputies today continued to question James R. (Russ) McCawley, 29, Bon-Aire Supper Club bartender, in an effort to find a key to a series of mysterious developments in the wake of the murder of Joe Urbaytis, Toledo postoffice bandit.

These developments included discovery of a note found in McCawley's home, 1329 Felt St., naming a Frankie Burns as Urbaytis' slayer and recovery of a stolen police revolver, which has been identified as the weapon used in the murder Nov. 5 at the Bon-Aire Club on Woodville Rd.

McCawley has not pressed for release from the County Jail where he is held.

TOLEDO BLADE: THURSDAY

Lieut. Alfred Bartkowiak of the Sheriff's office said.

Frank E. Burns, named a suspect in the coroner's murder verdict in Urbaytis' death, still is at large. The murder weapon was found on a driveway on Park St. near Lagrange St. Friday. Both Lieut. Bartkowiak and Inspector Joseph Fruchey of the Toledo police said it obviously had been planted there a short time before. The revolver was stolen from the auto of Detective Capt. George Timiney on the night of June 15.

Nov. 22, 1946

# Prosecutor To Aid Probe To Aid Probe

NOV 22 1946 **7488**

Prepares to Enter Urbaytis Case

Prosecutor Joel S. Rhinefort, tied up for a week in a murder trial, will confer today with Capt. Arthur Kaufman and Lieut. Alfred Bartkowiak of the sheriff's office regarding evidence in the slaying of Joe Urbaytis.

The slayer still is at large, with the investigators centering their search on Frankie Burns, 69-year-old missing ex-convict.

One of the persons to be questioned, this afternoon probably, will be James R. McCawley, 29, bartender in Urbaytis' Woodville road Bon-Aire supper club, where the shooting occurred Nov. 5.

Note Discovered

McCawley was picked up for questioning after the Police Morals squad, looking for untaxed liquor in his home, 1329 Felt street, came across a note stating that "if anything happens to me, Frankie Burns shot Joe U."

According to Lieutenant Bartkowiak, McCawley in a preliminary statement said he and Delphine Smith, 30-year-old waitress in the club, had discussed what stories they would tell the police.

The sheriff's officers have asked her to submit to a lie detector's test. She has agreed to the test, but her illness has delayed it.

Prints Too Vague

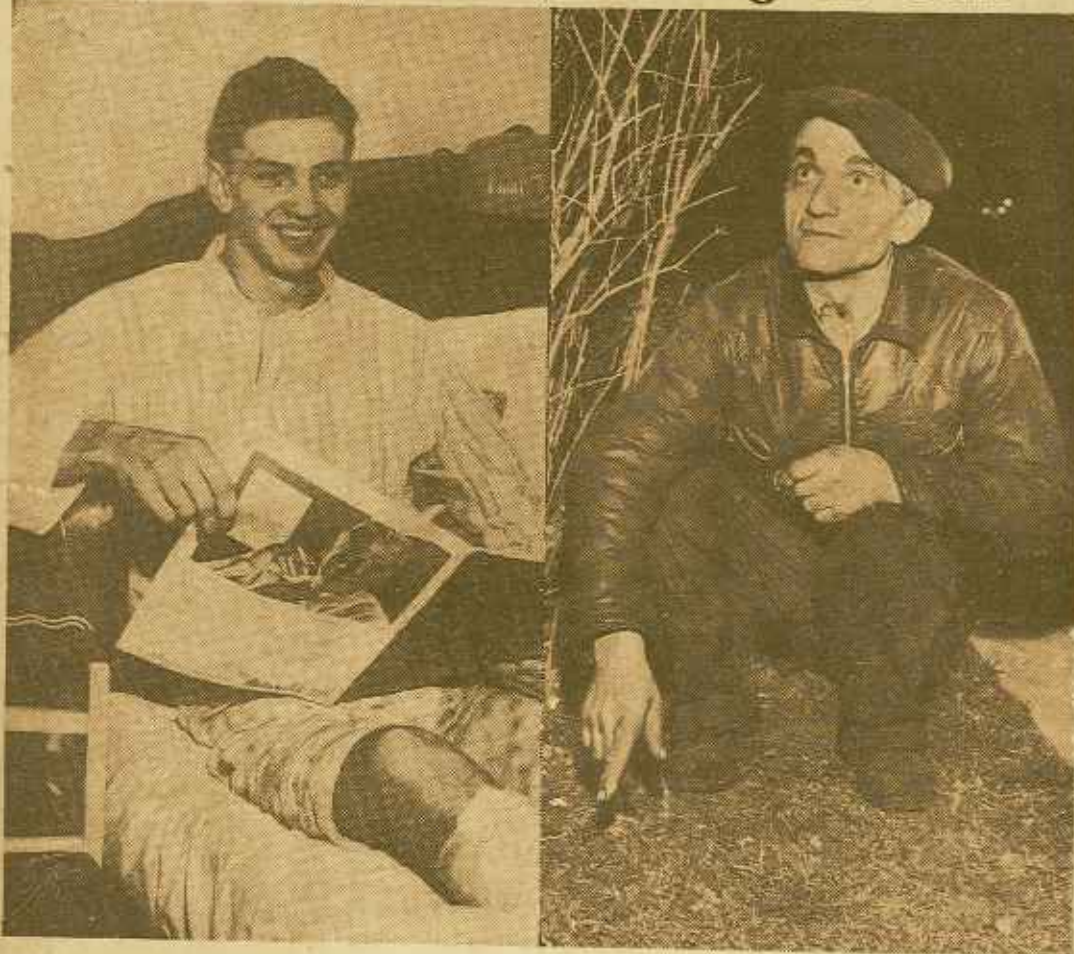
Hope that fingerprints on the murder gun, found a week ago on a Park street lawn, might help convict the slayer was dashed yesterday when it was revealed the prints were too vague for comparison, officials said.

As an aftermath of the shooting Municipal Judge Edgar Norris yesterday fined Louis Blandzinski, brother-in-law of the slain bandit, \$25 for assaulting Chester Urbaytis, Joe's brother, in an attempt to keep him from the funeral. Blandzinski was found guilty and asked for a new trial, which was denied.

# Tell of Prowlers, Finding of Gun

NOV 23 1946

TIMES



Richard Warchol, 20, of 17 West Streicher street, left, was one of two witnesses who yesterday said prowlers returned to the neighborhood where the stolen police gun used in the Election day slaying of Joe Urbaytis was dropped in a nearby yard. The prowlers tried to force their way into the Warchol home last Friday at about the same time police believe the revolver was either

thrown away or lost in flight. Young Warchol was shot accidentally in the leg on the opening day of the hunting season. John Osuch, 14 West Park street, at right, a neighbor of the Warchols, points to the spot behind a shrub in his yard where the gun was found 16 days after the murder. The revolver was stolen six months ago from the auto of City Detective Capt. George Timiney.

The police gun stolen from Capt. George Timiney and used in the Election day slaying of Joe Urbaytis, Toledo post office robber, may have been dropped in flight rather than "planted" in the West Park street residential section.

Newspaper investigators yesterday learned prowlers returned twice to the vicinity where the gun was discovered a week ago, apparently searching for the murder weapon.

The revolver and holster were found behind a shrub at the side of John Osuch's residence, 14 West Park street, five blocks from 2929 1/2 Lagrange street, where the slain man's mother, Mrs. Anna Urbaytis, and brother, Chester, reside.

First report that the prowlers had returned came from Richard Warchol, 20, a war veteran who was accidentally shot in a hunting accident at Napoleon on the first day of the season.

The Warchol family was awakened by someone trying their screen door Friday at about 2:30 a. m., the hour police believe the murder gun was dropped. They reside at 17 West Streicher avenue, along an alley passing near the Osuch home.

Dogs Bark Furiously

Stanley Warchol, the youth's father, heard someone strike a taut wire clothesline in the yard and then leap the fence and run down the alley. Dogs in the neighborhood then began to bark furiously.

Since the wire fence is nearly six feet off the ground, Mr. Warchol assumed the prowler was a tall man.

At about 2:30 Saturday, the following morning, Richard, who is confined to bed by his injury, heard the clothes line singing again. It is fastened to the garage and makes a noise when the garage door is opened.

"A few minutes later I heard an auto start up and move away," Richard said.

Auto Reported Entered

Ray Grayczak, Holland, O., son-in-law of Mr. Osuch, found the revolver Friday at 10 a. m. when he came to visit his relatives. He reported his auto was entered Sunday while parked outside the Osuch residence.

Investigators believe the prowler

might have become frightened by the commotion in the neighborhood and dropped the gun as he ran between the Osuch house and that of a neighbor.

Mr. Osuch said he was first awakened Friday by a car door slamming. He then heard the wire clothesline humming and the dogs barking. Mr. Osuch failed to discover the revolver since he left home by the front door when going to work.

Did Not Notice Strangers

Neighbors believe the prowler may have visited one of the five neighborhood taverns along Franklin avenue earlier. One night club, at the corner of Franklin avenue and Streicher street, is open until 2:30 a. m. It is several doors from the Warchol residence. The manager said he did not notice any strangers in the place before closing time.

It was learned yesterday Frankie Burns, an ex-convict who has been sought as a material witness since Urbaytis was slain at his Bon-Aire club on Woodville road, did not leave the city until the day following the killing.

Burns, who was in the club on the morning Urbaytis was shot twice with the police officer's revolver, visited a tavern with his landlady the night following the murder.

Police sources said he also was seen in a club at Monroe and St. Clair streets on the same night. A detective said several of Burns' friends approached him and told he was wanted in the murder.

Believed Panicked

Burns was quoted by the detective as telling his friends: "Well, here I am if they want me."

One police theory is Burns became panicky when he read newspaper accounts that he had been identified by witnesses as the killer and fled. No such evidence has been uncovered.

Discovery of the murder weapon after his disappearance lends credence to the belief Burns may not have been the actual slayer, but "knows too much," an investigator said.

Burns' auto was found abandoned in front of the Monroe street cafe after he disappeared.

Captain Timiney's revolver was stolen June 15 from the glove compartment of his car which was parked at Huron and Adams streets. Captain Timiney, who reported the theft the next morning, said the compartment apparently had been forced open with a screw-

# Hunt for Urbaytis Murder Gun By Midnight Prowlers Hinted

Investigators believe the prowler

**PISTOL SOURCE TRACED**

TOLEDO, Nov. 23—(AP)— A bullet from a pistol stolen from the glove compartment of Detective Captain George Timiney's

automobile last June 15 killed Joe Urbaytis, 46, ex-convict, on Nov. 5, Inspector Joseph Fruchey of the Toledo police said. Police still are seeking the slayer of Urbaytis,

who served 18 years in federal prisons for participation in the million-dollar postoffice robbery here in 1921, and was released three years ago.

COPY TO: Sheriff Hennessey      ATTENTION: Officer Bartkoviak  
Court House  
Toledo, Ohio

January 15, 1947

# 7488  
Urbaytus

Joel S. Rhinefort  
Lucas County Prosecutor  
Court House  
Toledo, Ohio.

RE: Frank BURNS TPD#3011

Dear Sir:

With reference to the above captioned subject and the killing of Joseph Urbaytus TPD #7488 on 11-8-1946; newspaper clipping and "Off Record Remarks" indicate that Frank Burns is an important suspect in the case.

In order that our Bureau of Identification and Records may be on the "ALERT" for this subject and a proper "RED FLASH" be placed against his file record, I would appreciate greatly if you will notify us in writing that you desire this subject for questioning in the killing of Joe Urbaytus.

Should you feel, however, that the facts so far do not necessitate such a procedure you may ignore this letter.

Assuring you always of our hearty and sincere cooperation.

I would beg to remain

Yours very truly,

RAY H ALLEN  
CHIEF OF POLICE

BY

Paul T. Fackenberg - Supt.  
Bureau of Ident. & Criminal

# FBI Captures Urbaytis Killer Suspect In Chicago

## Frank Burns Trapped At Hotel By Federal Agents After 11-Month Hunt

The 11-month search for Frank Burns, 69, leading suspect in the murder of Joe Urbaytis, came to an end on Chicago's South Side last night when he walked into a trap set by Federal Bureau of Investigation agents.

Burns had been sought since Urbaytis, a leader in the gang which staged Toledo's million-dollar post office robbery in 1921, was shot down early the morning of Nov. 5, 1946, in the rear entrance of the Bon-Aire Supper Club, an unlicensed after-hours tavern which Urbaytis operated at 2188 Woodville St.

### Indicted For Murder

Charged in a Lucas County grand jury's secret indictment with first degree murder and in a federal warrant with unlawful flight to avoid prosecution, Burns was held in Chicago's Cook County jail awaiting return to Toledo.

Two sheriff's deputies, Joseph Becker, Sr., and Dale Beals, left late last night for Chicago to claim the prisoner after the sheriff's office was notified Burns had waived extradition on the murder charge.

George R. McSwain, FBI agent in charge at Chicago, said that Burns admitted being in the Bon-Aire Club shortly before Urbaytis was shot. However, he denied that he had killed Urbaytis.

The capture of Burns was announced by E. C. Richardson, special agent in charge of the Cleveland office of the FBI.

### Hotel Surrounded

At last night's dinner hour, agents of the Chicago office surrounded the ABC Hotel on Throop St. to which the long trail of the fugitive finally had led them. As Burns left the hotel, the agents converged on him with drawn guns, Mr. Richardson said.

Unarmed, he offered no resistance, and readily admitted he had fled Toledo to avoid prosecution, the only charge on which federal officers questioned him, Mr. Richardson reported.

Urbaytis, shot through the chest and shoulder, died without revealing the identity of his assailant, but information gathered at a coroner's inquest and in investigations by police and the sheriff's office pointed to Burns as the key to solution of the slaying.

## Captured



**FRANK BURNS**  
FBI found him in Chicago

# Urbaytis Killing Suspect Seized

## Frank Burns Nabbed By FBI in Chicago

Continued from First Page

It is known that overtures have been made to Toledo authorities for some time for a deal by which Burns would agree to surrender. With two leading characters of Toledo's underworld acting as intermediaries, the primary stipulation was that the first degree murder charge would be reduced, possibly to manslaughter.

Another stipulation was that Burns was not to be questioned about the murder weapon. The gun, a .38-caliber revolver recovered two weeks after the slaying in a vacant lot on Park St. near Lagrange St., had been reported stolen from the glove compartment of Detective Capt. George Timiney's police automobile the previous June.

Ballistics tests determined the two bullets which killed Urbaytis came from the police gun.

### Tired Of Flight

Burns' intermediaries, with whom he kept in touch while moving from city to city, said he had tired of his flight.

Burns, known to have been hiding out in St. Louis at one time, was reported seen about 60 miles to the east in West Frankfort, Ill., early in September. Observed telephoning in a West Frankfort hotel, a man answering Burns' description left before police arrived.

Joel S. Rhinefort, county prosecutor, said today he had been approached by a Toledo attorney on behalf of Burns, but that he refused to discuss the matter until the fugitive was in custody. He would not disclose the attorney's name.

Arrest of Burns, whose police record extends back nearly half a century, may enable police to

establish the motive for the slaying of Urbaytis, whose only known activity outside the law at that time was in operation of the unlicensed club.

Two weeks after the shooting, police raided the home of James R. (Russ) McCawley, Bon-Aire bartender, and found a note in which McCawley had written: "If anything happens to me, call the police and tell them Frankie Burns killed Joe Urbaytis." The bartender, however, denied being a witness to the slaying.

Detective Capt. Ralph Murphy quoted a Bon-Aire waitress as reporting a quarrel between Urbaytis and Burns just before the shooting. Although as many as eight persons have been held as material witnesses at one time, not one has admitted seeing the shots fired.

Even if Burns had not waived extradition on the murder charge, he could have been returned to Toledo by a U.S. marshal on the federal charge of unlawful flight. Under procedure in such cases, federal authorities later drop their charges to allow the prisoner to be tried for the more serious offense.

## Urbaytis Killed 3 Years After Release From Prison

Joe Urbaytis was shot to death just three years after he had been released from the federal penitentiary at Atlanta, after serving nearly 19 years for his part in the Post Office robbery. He spent some of his term at Alcatraz.

Urbaytis was only 21 when he and five accomplices halted a mail truck as it pulled up to the loading dock at the Post Office at Madison Ave. and Fourteenth St. In the nine mail sacks they removed from the truck were nearly \$1,000,000 in Liberty bonds, commercial securities, cash and jewelry.

Most of the loot later was recovered, and all six men were captured. On Labor Day, 1921, Urbaytis and two of his accomplices escaped from the county jail where they were awaiting trial.

Urbaytis eluded capture until May, 1924, when he was shot in the abdomen in a gun fight with a city detective in Columbus. In January, 1925, he was sentenced to serve 50 years at Atlanta.

cide if and when Congress should meet in special session. He should not make his decision dependent upon the attitude in Congress."

Senator Cordon (R., Ore.) said it appears to him that "with the information the President apparently has on this situation, he should have decided whether to call Congress without waiting for committee meetings."

The criticism of the senators is at odds with the views of several other Republicans who, before Mr. Truman outlined the picture, expressed the hope the Administration would consult with Congress before taking any action.

# Burns Is Held In Milan Prison

## Suspect Detained On 'Flight' Charge

The jailing of Frank Burns, 64, on the first degree murder charge for which he has been indicted was stymied temporarily last night when federal authorities committed him to the U.S. prison at Milan, Mich.

Accused in the indictment of slaying Nov. 5, 1946, of Joe Urbaytis, notorious post office robber, Burns was returned to Toledo last night, less than 24 hours after his arrest by FBI agents in Chicago. He arrived at 7:05 p.m. in the custody of U.S. marshals.

The charge on which Burns is being held in Milan is unlawful flight to avoid prosecution. It was on this charge that the FBI entered the case, culminating an 11-month search with the arrest Tuesday.

### \$25,000 Bond Set

John J. Barone, U.S. commissioner, set bond at \$25,000. Even if Burns should raise the bond to effect his release on the federal charge, he would be rejailed immediately on the murder charge, Joel S. Rhinefort, Lucas County prosecutor, said.

Burns was taken immediately to the Federal Bldg. from the Union Station and was questioned by Detective Capt. Ralph Murphy, Gerald P. Openlander, assistant U.S. district attorney; Mr. Rhinefort and FBI agents.

Burns declined to make any statement as to who fired the shots that killed Urbaytis, it was learned, but indicated he would reveal, "at the opportune time," the reason for the slaying.

### Lesser Charge Sought

The possibility appeared that Burns may never face trial on the first degree murder charge. It is known that overtures have been made to county authorities to accept a plea of guilty to the lesser charge of manslaughter. The offer has not yet been ruled out.

Burns revealed he was in and around St. Louis most of the time he was eluding federal agents, but had made two trips to Ohio to confer with intermediaries who were attempting to arrange a deal whereby he would surrender. He said he had lived in Chicago six weeks before his arrest.

At the hearing before Mr. Barone, Burns refused to plead on the unlawful flight charge, saying he was hungry, tired and without counsel. His attorney, John J. Canelli, was called in and advised Burns to sign the waiver permitting his removal out of the local jurisdiction to Milan.

# Back To Face Charges



—Blade Photo—

**URBAYTIS MURDER SUSPECT ARRIVES IN TOLEDO**  
*Handcuffs are removed from Frank Burns, right, by U.S. deputy marshal at union station.*

On Oct. 8, Burns will be returned to Toledo for another hearing on the fugitive charge.

### Penalties For Crimes

Maximum penalty on the federal charge is five years' imprisonment and a \$5,000 fine. A manslaughter conviction carries a penalty of 1 to 20 years' imprisonment.

Dale Beals and Joseph Becker, Jr., Lucas County sheriff's deputies who made a hurried trip to Chicago to claim Burns, returned alone after federal authorities refused to turn the prisoner over to them.

Urbaytis was shot to death in the rear entrance of the Bon-Aire Supper Club, an unlicensed after-hours drinking spot he operated at 2188 Woodville St.

# Urbaytis Slaying Admitted By Burns In Surprise Plea

## Killer Sentenced To 1-20 Year Term For Manslaughter; First Degree Charge Dropped; Gun Still Mystery

Frank Burns, 64, under indictment for 11 months on a charge of the first degree murder of Joe Urbaytis, was allowed to plead guilty in Common Pleas Court yesterday afternoon to the lesser charge of manslaughter, with the consent of Joel S. Rhinefort, county prosecutor.

In a six-minute hearing held an hour after the court's official closing time, Judge John W. Hackett, at the request of Mr. Rhinefort, erased the first degree murder indictment against Burns and sentenced him to 1 to 20 years in the Ohio Penitentiary.

### Eligible For Parole Soon

Until U.S. agents turned him over to Lucas County authorities for prosecution on the murder charge, Burns had been held on a federal warrant charging unlawful flight to avoid prosecution. Conviction on this charge carries a maximum penalty of five years' imprisonment and \$5,000 fine. Under the sentence meted out to him yesterday, he will be eligible for parole in 10 months.

The secret indictment charging Burns with first degree murder had been on record since two weeks after Urbaytis, who led the million-dollar Toledo post office robbery in 1921, was shot to death Nov. 5, 1946, at the Bon-Aire Supper Club, an unlicensed drinking spot he operated on Woodville St.

### Lesser Plea Urged

When yesterday's court session opened, Prosecutor Rhinefort made a brief address in which he declared "justice would best be served" by accepting the lesser plea.

He then presented Judge Hackett an oral motion asking that the words, "purposely and with deliberate premeditated malice" be stricken from the charge that Burns killed Urbaytis.

John Canelli, Burns' attorney, replied just as briefly that his client was willing to plead guilty to the manslaughter count.

Judge Hackett granted Mr. Rhinefort's motion, sentenced Burns, then stepped from the bench.

"That was the fastest murder trial I ever saw," he said, laughing.

Burns was taken to County Jail with a note from Mr. Rhinefort directing that his commitment to the Ohio Penitentiary be delayed for two days to permit his attorney to talk with him.

Today, however, the prosecutor said he scheduled the surprise hearing yesterday because Mr. Canelli had to leave this morning for Chicago to attend a bowling meeting.

### Revolver Still Mystery

The sentencing of Burns without trial closed the lid on the secret of how Urbaytis met his death. Burns, jaunty and cheerful after hearing the sentence pronounced, said only, "He must have died of lead poisoning."

Also left unanswered was the question of how the slayer of Urbaytis came into possession of a police revolver.

Turn to Page 8, Col. 1



PAGE 8

# Burns Admits Killing Urbaytis

## 1-20 Year Term For Manslaughter Given

Continued from First Page

Ballistics tests had determined that the gun which shot Urbaytis had disappeared in June, 1946, from the automobile of Detective Capt. George Timiney, who had reported it stolen.

It was understood that the deal through which local underworld intermediaries for Burns had been trying to arrange his surrender carried a stipulation that he was not to be questioned about the gun.

### Gun Reported Seen

Sheriff's Lieut. Alfred Bartkowiak, who charged Mr. Rhinefort with ignoring the evidence he had accumulated during the 11 months he investigated the slaying, disclosed today he had uncovered a witness who claimed he saw the gun handed to Urbaytis on the night it allegedly was stolen.

Lieutenant Bartkowiak also revealed today that James R. McCawley, Bon-Aire bartender, had admitted to him that he was an eye-witness to the slaying. It was in McCawley's home that police found a note reading, "If anything happens to me, call the police and tell them Frankie Burns killed Joe U."

The officer, who said he felt confident he had enough evidence to convict Burns on the murder charge, disclosed he had received several threatening telephone calls demanding that he call off his investigation.

### Recalls Message

Lieutenant Bartkowiak said he had left a message in Mr. Rhinefort's office Monday seeking a conference on the Burns case, but that the prosecutor did not return his call. He added that he was not notified Burns was to be brought to Toledo yesterday and that he did not learn of the sentence until after the court session ended.

As late as 3 p.m. yesterday, Mr. Rhinefort denied there was any deal pending in the Burns case. At 11 a.m., however, he had asked Judge Hackett to remain available until 4 or 4:30 or possibly later.

### Agreement Reported

Today it was learned that the agreement on the manslaughter plea was arranged the night of

## Sentenced



FRANK BURNS

Admits killing Urbaytis

Oct. 1 in a conference which Burns, Mr. Canelli and Mr. Rhinefort held just after the prisoner had been committed temporarily to the federal prison at Milan, Mich.

Burns was returned yesterday from Milan by Reuben Spiess, U.S. marshal. He was expected back before the court's closing time, but Mr. Spiess was delayed at Milan and by a detour en route.

Burns arrived in Toledo at about 5 p.m. He was taken first to the marshal's office in the Federal Bldg. and then to the courthouse at 5:30.

Today, when Burns was taken to the Bureau of Identification and Records in the Safety Bldg. for fingerprinting, veteran detectives crowded around him and congratulated him on escaping with a comparatively light sentence.

### 'Lots Of Friends'

Returning to County Jail, Lieutenant Bartkowiak remarked to Burns, "You've got a lot of friends around here."

"I've always had a lot of friends here," Burns replied. "They like me."

"They must," the officer answered. He referred, he said, to the fact that only aged pictures of Burns, an ex-convict, could be found in the police records when he was sought as Urbaytis' killer.

Burns was captured by FBI agents Sept. 30 at his Chicago hotel.

# EX-CONVICT GIVEN 20-YEAR PEN TERM

LIMA NEWS 10-10-1947

## Pleads Guilty to Manslaughter In Surprise Move

TOLEDO, Oct. 10 — (INS) — Frank Burns, 59-year-old Toledo ex-convict, was to be removed to Ohio penitentiary today to begin a one to 20-year term for manslaughter.

In a surprise, mystery-shrouded hearing last night in Lucas-co common pleas court, Burns pleaded guilty to manslaughter in the fatal shooting of Joseph Urbaytis on Nov. 5, 1946.

County Prosecutor Joel S. Rhinefort urged acceptance of the manslaughter plea because he said justice would be served by the term and that evidence gathered by police was not sufficient to convict Burns of murder.

When asked by newsmen what occurred the night Urbaytis was slain, Burns replied, "How should I know. I wasn't there."

Burns' attorney, John Canellie, reported, however, that Burns explained the shooting of Urbaytis as the aftermath of a grudge between the two men. Canellie said the shooting was touched off after a night of excessive drinking in Urbaytis' after-hours night club on Woodville-rd.

Canellie stated the murder did not involve other underworld characters nor was it connected with the 1921 \$1,000,000 Toledo post-office robbery of which Urbaytis was the ringleader.

Sentence was passed by Judge W. Hackett.

# Prosecutor Defends Plea In Burns Case

## CLU Resolution Criticizing Rhinefort Rejected By Group

A long, narrative statement defending his reduction of the charge against Frank Burns from first degree murder to manslaughter was issued this afternoon by Joel S. Rhinefort, county prosecutor.

At the same time, the Central Labor Union's legislative committee rejected, after a 2½-hour debate, a resolution which would have, condemned the "extraordinary" court session late Thursday afternoon at which Burns was permitted to plead guilty to manslaughter in the slaying of Joe Urbaytis.

### Approval Needed

The committee voted down the resolution after Harry Card and Franz Berlachner, officials of the Teamsters' Union, protested the group had no authority to announce its action before presenting it to the CLU membership for approval.

Mr. Rhinefort, who previously contended he was forced to accept the manslaughter plea because of the weakness of the evidence against Burns, declared in his statement today that Sheriff's Lieut. Alfred Bartkowiak denied having an eyewitness to the slaying, as the officer reported yesterday.

The CLU resolution, prepared by Francis Hurd, CLU legislative agent, for approval by the committee today also provided for a telegram to Governor Herbert asking that he send special investigators to Toledo to make public "certain facts which the county prosecutor says cannot be revealed, particularly as to how Burns came into possession of a stolen police revolver which was used in the murder, and his knowledge of gambling in Lucas County."

### Plea Permitted

Burns, under indictment on a first degree murder charge, was allowed to enter the manslaughter plea, with the consent of Prosecutor Rhinefort, at a six-minute Common Pleas Court hearing Thursday an hour after the court's official closing time. Judge John W. Hackett sentenced him to 1 to 20 years in the Ohio Penitentiary with parole possible after 10 months.

Urbaytis, who led Toledo's million-dollar Post Office robbery in 1921, was shot to death at the Bon-Aire Supper Club on Woodville Rd. Nov. 5, 1946. The gun used in the slaying had been reported stolen the previous June from the police car of Detective Capt. George Timiney.

The CLU's legislative committee met today. The resolution it considered contended that the "public was shocked to be informed . . . that Burns . . . had been allowed to plead guilty of manslaughter at a session held in Common Pleas Court after regular hours . . .

### Procedure Protested

" . . . That the procedure of the county prosecutor's office in permitting the accused to plead guilty to a lesser charge . . . without a public trial appears to be highly irregular . . .

" . . . That the county prosecutor did not make all the facts public after the case was closed upon sentencing of the defendant to 1 to 20 years in the Ohio penitentiary, the prosecutor declaring 'many angles have accrued in this case which cannot be disclosed as yet' . . .

" . . . That there has been considerable public speculation as to what knowledge Burns had of after-hour spots and gambling in the county which had been operating openly although the Sheriff promised former Governor Lausche in 1945 that said places would be closed . . ."

And that "the public is entitled to know all of the facts surrounding the Urbaytis slaying and the guilty plea of Burns, who was apprehended by the FBI on a charge of being a fugitive from justice."

### Burns Case Statement Issued By Prosecutor

Joel S. Rhinefort, Lucas County prosecutor, this afternoon issued the following statement on the Frank Burns hearing:

"To the Editors of The Blade and Times:

"The press of Friday and Saturday has carried some articles pertaining to the case of State vs. Frank Burns, as to the method and manner of handling the same, and also the statement purported to have been made by Deputy Sheriff Alfred Bartkowiak.

"The first knowledge that I had that there was any claim that the sheriff's office had a witness who saw the shooting was when I read the article in The Toledo Blade of Oct. 10, 1947. Upon gaining this knowledge I immediately tried to get in touch with Sheriff Hennessy and Lieutenant Bartkowiak. I was unable to get in touch with them yesterday because both of them were out of the office and could not be reached, according to my information.

Turn to Page 2, Col. 7

# Prosecutor Defends Plea In Burns Murder Case

Continued from First Page

"This morning I succeeded in getting hold of Sheriff Hennessy and talked to him in my office and requested that he get hold of Lieutenant Bartkowiak. Sheriff Hennessy finally succeeded in locating him, and talked to him on the telephone and Sheriff Hennessy requested that I talk to him over the phone, which I did.

"I desire to advise you of the circumstances which occurred pertaining to the investigation and statements taken of different witnesses, and particularly witness James R. McCawley, who is referred to in the press as being an eyewitness.

"You will recall that the homicide occurred on Nov. 5, 1946. This office immediately began to interrogate witnesses who were at the Bon-Aire the morning of the shooting. Finally, on Nov. 9, 1946, McCawley was brought to the prosecutor's office and I interrogated him in the presence of Deputy Sheriff Joe Becker who brought him into the office. During this interrogation McCawley denied having seen the shooting.

## McCawley Reiterates Stand

"A verbatim stenographic report of this interview is available to you. He was then released by the sheriff's office, and on Nov. 19, 1946, McCawley again was picked up by the sheriff's office for questioning with reference to a note that was found in his room. On Nov. 22 he was brought to the prosecutor's office by Lieut. Alfred Bartkowiak and Deputy Sheriff Casper Oehlert and in their presence was interrogated by Assistant Prosecutor Harry Friberg, I being out of the city. McCawley again denied having seen the shooting. A verbatim stenographic report of this statement is available.

"Upon my return, McCawley still being held in the County Jail, I got in contact with Lieutenant Bartkowiak and requested that McCawley be interrogated again. He was brought to the prosecutor's office by Lieutenant Bartkowiak and Deputy Sheriff Oehlert, and in their presence and in the presence of Capt. Ralph D. Murphy, of the Toledo homicide squad, McCawley was interrogated a third time. I interrogated him and again he denied having witnessed the shooting.

## Questioned By Bartkowiak

"Lieutenant Bartkowiak and Captain Murphy also participated in the interrogation. A verbatim stenographic report of this interview is available.

"After this interrogation McCawley was ordered released from the County Jail by Lieutenant Bartkowiak.

"My present information is that on Dec. 17, 1946, McCawley was arrested by the federal authorities of Rochester, N. Y., for transporting a stolen automobile. On March 3, 1947, he was sentenced to serve a term of 16 months at the Lewisburg, Pa., Federal Prison for this violation, and as far as I know he is still in the federal penitentiary at Lewisburg, Pa.

"As heretofore stated this morning, Saturday, Oct. 11, I talked to Sheriff Hennessy in the prosecutor's office and requested that he get in touch with Lieutenant Bartkowiak in order to discuss the statement attributed to Bartkowiak that he had an eyewitness available.

## Cites Bartkowiak Denial

"Sheriff Hennessy located him over the phone and talked to him a few minutes and at that time I requested Sheriff Hennessy to advise him to come in so we could talk over the matter with reference to the eyewitness. Sheriff Hennessy informed me that Bartkowiak could not come in at this time and requested that I talk to Bartkowiak over the telephone, which I did.

"I asked him about his purported statement in the paper that McCawley was an eyewitness to the shooting. Bartkowiak stated that he did not make such a statement and that he had not seen or talked to McCawley since Nov. 25, 1946. I asked him further if he had any eyewitness to the shooting and he informed me that he did not.

"I then advised him that the press had quoted him in stating that he had attempted to get in touch with

me this week to advise me that he had an eyewitness.

"Mr. Bartkowiak advised me that the only reason that he wanted to get in touch with me this week was to state that he wanted to talk to Burns, who was in the Federal Reformatory at Milan, Mich., stating that since Burns was a federal prisoner he had taken the matter up with the United States marshal's office and they had told him to get in touch with me; that at no time did he seek to contact me for the purpose of claiming that McCawley was an eyewitness.

## Conferred Many Times

"I desire to further state that after Nov. 25, 1946, the date on which Lieutenant Bartkowiak stated that he last saw and talked to McCawley, I have talked to him numerous times about this case, over a period of several months, and at no time did Bartkowiak ever tell me that he had an eyewitness to the shooting.

"Since I was dissatisfied with the progress of the investigation, I told Mr. Bartkowiak on several occasions that I felt that a proper investigation was not being made and at last I informed him that I was going to seek the assistance of the FBI, which I did.

"I finally succeeded in securing the assistance of the FBI and, as you know, Burns was apprehended in Chicago by them and returned to Toledo under a federal warrant, charging him with being a fugitive from justice.

## Explains After-Hours Trial

"Statements were published pertaining to the lateness of the hour at which this case was disposed of. The reasons for this were well known to your reporters but did not appear in the press.

"So that there will be no question about what the facts were, I desire to state them. My information from the federal authorities was that Burns would be returned to Toledo about 3:30 or 4 o'clock in the afternoon of Thursday, Oct. 9, 1947. I then advised Judge John Hackett that I would have a matter to present to him about 3:30 or 4 o'clock on that date.

"I then notified The Blade and Times reporters of the hearing and the time it would be held and where, and both of them were present with the photographers. Later I was informed by the federal authorities that it was necessary for the marshal's office to meet a train about 1:15 or 1:20 and take into custody six prisoners who were being brought into Toledo to be transported to the penitentiary at Milan, Mich., and therefore they might not be able to return to Toledo with Burns until about 4:30 or 5 o'clock.

## Arrives After 5 P.M.

"When I was informed of this delay, I told the court of this fact and also notified the reporters. An additional delay was anticipated by reason of a highway detour outside of Milan.

"Finally, according to my information, Burns was brought in by the federal authorities to Toledo a little after 5 o'clock and taken to the Federal Bldg., at which time his attorney consulted with him at the Federal Bldg. I then was advised that Burns was to be brought to the courthouse, so I immediately informed the court and the newspaper reporters of the fact. Both The Blade and Times reporters were present, together with two newspaper photographers, and pictures were taken of the defendant at that time which appeared in your newspapers.

"If you desire to examine the numerous written statements that we have in the office, they are available to you or anyone else.

"I trust that you will give this statement in its entirety the same publicity that you have previously given this matter."

## The Prosecutor's Alibi

PROSECUTOR JOEL S. RHINEFORT, who spent a scant six minutes on a "murder trial," has now come forward with a 1,500-word statement defending his action. But to many citizens of Toledo, shocked by a barefaced judicial farce, the defense he offers for himself will surely seem as weak as he claims his case was against the prisoner.

Rarely has any prosecutor ever gone to such lengths to prove his own incompetence. There is no doubt that Joe Urbaytis was killed at his Bon-Aire Supper Club on the night of Nov. 5, 1946, because the corpus delicti was found at the scene of the crime. There is no doubt that he was killed with a gun which had belonged to a detective captain, because police subsequently found the murder weapon. There should be no doubt that he was killed by Frank Burns, because Burns admitted as much when he pleaded guilty to the manslaughter charge.

And yet Mr. Rhinefort insists most strenuously and argues most vehemently that in a whole year he couldn't dig up the evidence to prove it!

Even if he couldn't—and we aren't disposed to question the county prosecutor's appraisal of his own shortcomings—we still say that he should have put a better face upon the matter. Had he taken even a weak case into court and lost it, the public could at least have credited him with trying. But when he makes a deal with a police character who admits a killing without trying to prove it murder, it is not only the reputation of the prosecutor which suffers. The dignity of the law itself is affronted.

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And what is the alibi which the prosecutor offers when he tries much harder to defend himself than he did to convict a self-admitted killer?

Much of his lengthy statement is designed to discredit the testimony of a police officer who claims that he did uncover evidence against the slayer. There is some question about the strength of this evidence, but one would think the prosecutor's job would be to build it up rather than tear it down. Instead, Mr. Rhinefort seems to think that the more he weakens the case against Frank Burns the more he will strengthen his own.

As for the unseemly rush to put the deal over, which led to a six-minute trial after court hours, Mr. Rhinefort contends that what he did was justified because he informed reporters a few hours in advance of what he proposed to do.

Here again we feel that even if the prosecutor felt obliged to accept the manslaughter plea he could have put a better face upon the matter. Why be in such a hurry to go into court with so weak a case? Why do it at an odd hour when, regardless of the circumstances, a curious performance would look peculiarly fishy? Why jam it through in six minutes to make it look all the more like the deal it was and less like judicial proceedings?

In offering his alibi to a skeptical public, Mr. Rhinefort hasn't answered a great many questions people are asking. The most charitable interpretation to be placed upon his part in this curious case is that he doesn't know all the angles or the answers.

TOLEDO BLADE

# Burns Case Talk Ends In Deep Silence

'You Ask Him,' Says  
Rhinefort; 'No, Him,'  
Bartkowiak Suggests

The grievances of Alfred Bartkowiak, sheriff's lieutenant, and Joel S. Rhinefort, county prosecutor, in the handling of the Frank Burns case, were aired today behind closed doors, where the result of their 80-minute conference remained.

"Ask Mr. Rhinefort; he has a stenographic report," Lieutenant Bartkowiak said.

"Why don't you ask Lieutenant Bartkowiak?" Mr. Rhinefort said.

## Versions Of Case

The officer had charged the prosecutor ignored his evidence in allowing Burns to plead guilty to manslaughter in the slaying of Joe Urbaytis Nov. 5, 1946. The prosecutor had countered that the officer failed to co-operate with him in preparing the case.

All Lieutenant Bartkowiak would say of today's conference was to modify two earlier statements that he made after learning Burns was sentenced to 1 to 20 years in the Ohio Penitentiary at a six-minute Common Pleas Court hearing held late Thursday an hour after the court's official closing time. (At that hearing Prosecutor Rhinefort asked that the first degree murder charge against Burns be reduced to manslaughter.)

He denied today he had ever said he had an eye-witness to the shooting, declaring that the man in question was "just a witness."

## Evidence About Gun

He denied also he claimed a witness who had seen the murder weapon handed to Urbaytis five months before he was slain. This witness, he said, had merely been told by Urbaytis that the gun was given to him.

The weapon was a police revolver which Detective Capt. George Timiney had reported stolen from his police car in June, 1946.

Mr. Rhinefort said Lieutenant Bartkowiak had asked that the conference be kept secret and added that he was keeping the stenographic report "for my own protection."

## Told About Witness

He declared, however, that Lieutenant Bartkowiak told him today, for the first time, of the witness in the weapon question.

He said also that the case against Burns was "not necessarily" closed, but did not disclose what charges could be brought against the prisoner.

When Lieutenant Bartkowiak arrived for the conference, Mr. Rhinefort ushered reporters out of his private office and through the adjoining ante-room. He then shut the doors of the two rooms.

## Two Others Present

Only other persons present at the discussion were the prosecutor's secretary, Mrs. Helen Walpole, and Harry Friberg, assistant county prosecutor.

Just as Mr. Rhinefort's written statement Saturday in defense of the Burns hearing did not mention the murder weapon, his report on today's conference shed no new light on the mystery of how Urbaytis' slayer came into possession of Captain Timiney's gun.

Police Chief Ray E. Allen today broke his silence on the weapon mystery, declaring he was "certainly interested." He said he thought Burns "should be" questioned about it, but declined to say whether he would be.

Turn to Page 4, Col. 5

DAY, OCTOBER 13, 1947

# Talk On Burns Case Is Secret

Prosecutor, Deputy  
Mum About Result

Continued from First Page

Burns, who had been rushed to Common Pleas Court a half hour after he arrived in Toledo from the Milan, Mich., federal prison Thursday, was still in county jail today, four days after the hearing. Deputies said the papers committing him to the penitentiary were turned over to the sheriff this afternoon.

Mr. Rhinefort told reporters Thursday that Burns was being returned, but as late as 3 p.m. he denied knowing what would take place or that there was a deal arranged to reduce the charge. When the court hearing opened at 5:30, however, he was ready with an oral motion to strike the words "purposely and with deliberate, premeditated malice" from the murder indictment.

## What Prosecutor Said

The prosecutor, in telling Judge John W. Hackett at Thursday's hearing that weakness of the evidence justified the lesser charge, apparently refuted the statement by Harry Friberg, assistant county prosecutor, to the grand jury which indicted Burns on the first degree murder count in November, 1946.

Mr. Friberg, it is understood, assured the jury the prosecutor's office had enough evidence at hand to convict Burns on that charge.

Mr. Rhinefort said a man who identified himself as Donald Davis, a member of the executive board of the Building Trades Council, AFL, came to his office today to apologize for a resolution presented Saturday to the Central Labor Union's legislative committee.

The resolution, which would have condemned the "extraordinary" court session at which Burns was sentenced, was voted down by the committee.

# Burns To Leave For Penitentiary

## Storm Over Reduced Charge Still Remains

Frank Burns, confessed slayer of Joe Urbaytis, will leave tomorrow for the Ohio Penitentiary to begin serving the 1 to 20-year sentence which set off a controversy he will leave behind him in Toledo.

Burns has been held in County Jail since last Thursday night, although the Common Pleas Court hearing at which he was allowed to plead guilty to manslaughter with the consent of Joel S. Rhinefort, county prosecutor, was held within a half-hour after he was returned to Toledo from the Federal Prison at Milan, Mich.

Commitment papers transferring Burns to the penitentiary were not received in the sheriff's office from the court until yesterday afternoon.

Mr. Rhinefort had reported he had asked for the late hearing Thursday, held an hour after the court's closing time, because Burns' attorney, John Canelli, Jr., was leaving Toledo to attend a bowling meeting in Milwaukee. Mr. Canelli, however, was gone only overnight, returning Friday afternoon.

Turn to Page 4, Col. 2

# For Penitentiary

Continued from First Page

It apparently will be a puzzled Burns who will leave for the penitentiary tomorrow. Sheriff's deputies reported that the prisoner, after reading Mr. Rhinefort's claims of the weakness of the evidence against him, is wondering now if he could have obtained an acquittal in a trial on the first degree murder charge for which he had been indicted.

## Weapon Mystery Remains

Meanwhile, it appeared there would be no solution to the mystery of the murder weapon with which Urbaytis was shot to death Nov. 5, 1946, at the Bon-Aire Supper Club on Woodville Rd.

Ballistics tests determined the revolver was the one reported stolen from the police car of Detective Capt. George Timiney in June, 1946, and Burns, by his plea of guilt, has confessed using it. But both county and city authorities, while professing an interest in the weapon, have admitted inability to learn how Burns came into possession of the gun.

## DeAngelo To Question Burns

Sheriff's Lieut. Alfred Bartkowiak has claimed he has evidence to indicate the weapon was given to Urbaytis five months before he was slain.

Edward A. DeAngelo, safety director, said he planned to question Burns this afternoon and to discuss the weapon with Captain Timiney later.

Mr. DeAngelo conferred with Mr. Rhinefort today, but said the prosecutor could shed no new light on the gun mystery. He talked also with Lieutenant Bartkowiak and obtained from him the name of a police character, now a fugitive from justice, who claimed to have heard Urbaytis say the gun was a gift.

Detective Inspector Joseph Fruchey said today he was convinced Captain Timiney did not give away his revolver and pointed out the risk in disposing of police property.

## No Serial Number On Horse

Reminded of the officer who once sold a police division horse, Inspector Fruchey countered that the horse had no serial number stamped on it.

Captain Timiney was quizzed today by Chief Ray E. Allen and Inspector Fruchey. Chief Allen, who said he had heard rumors that the officer had been seen at the Bon-Aire Club and that he had given the gun away, asserted that Captain Timiney denied both and repeated the weapon had been stolen.

## Debt Dispute Reported

The motive for the slaying also remained in doubt, although reports have been circulated that it climaxed an argument over a \$1,400 debt.

Mr. Rhinefort received a letter today from the AFL-Bartenders, Waiters and Cooks, Local 216, declaring its opposition to a resolution, voted down Saturday by AFL-Central Labor Union's legislative committee, which would have condemned the Burns court hearing. The letter said the local felt the committee was out of order in considering such a resolution.

# Urbaytis Pals Deny Knowing Of Murder Gun

## Detector Tests Given 2 Intimates; Marinski Will Be Questioned

After fruitless lie detector tests of two intimates of the slain Joe Urbaytis last night, Toledo police today planned similar questioning of Stanley (Jerry) Marinski in their effort to determine how a police gun came into the hands of the man who shot and killed Urbaytis last November.

Charles (Split Lip) Schultz, one of the gang organized by Urbaytis to stage the million-dollar Toledo post office robbery in 1921, revealed no knowledge of who shot Urbaytis or the murder weapon, a pistol reported stolen by Detective Capt. George Timiney from his car five months before the slaying, Edward DeAngelo, safety director, said.

While maintaining a similar ignorance concerning the murder weapon under the lie detector, James (Russ) McCawley, bartender at the Bon-Aire Supper Club on Woodville Rd. the night of the slaying, told police that Frank Burns was the last person seen with Urbaytis before the shooting.

McCawley said that about 4 a.m. he heard Edwin (Big Edge) Wojnorowski, 1353 1/2 West Woodruff Ave., Urbaytis' associate in the after hours drinking and gaming spot, ask where Urbaytis was.

Turn to Page 8, Col. 8

# Urbaytis Pals Get Lie Tests

## 2 Deny Knowledge Of Murder Weapon

Continued from First Page

"Someone," McCawley related, replied that "Joe is having an argument with Burns" in a room adjoining the bar. At about that time there was the sound of shots.

McCawley was positive that before the shooting the bell at the entrance had not sounded to indicate the presence of a customer.

McCawley said he followed Wojnorowski at a distance as the latter ran down the stairs leading to the club entrance. He said he found Wojnorowski alone with the dying Urbaytis, who was lying on the stairs.

### Burns Starts Sentence

Burns, 69, this week began serving a 1 to 20 year term in the Ohio Penitentiary after he pleaded guilty to manslaughter in the Urbaytis slaying. He precipitated the current murder weapon probe when he denied after pleading guilty that he was the slayer or had had Captain Timiney's gun.

Marinski, 36, was picked up in Detroit Monday and agreed to return to Toledo voluntarily for questioning yesterday.

### What Marinski Said

In Detroit yesterday, Marinski told police of that city that Urbaytis had shown the murder weapon and a holster to him and another man at the Bon Aire Club. Detroit police quoted Marinski as saying Urbaytis boasted that the weapon was a present from Captain Timiney.

Marinski identified himself in Detroit as a former "stick man" in a dice game operated at the Bon Aire Club.

McCawley and Schultz were released after questioning last night.



## Weapon Focal Point In Urbaytis Hearing

TOLEDO, Oct. 20—(INS)—The murder weapon used in Joe Urbaytis' death last Nov. 5 will be the focal point in questioning today of Frank Burns, under a one to 20 year term in the Ohio penitentiary.

The weapon, a revolver, was reported stolen from Detective George Timany the day Urbaytis, notorious leader of the one-million-dollar Toledo postoffice robbery in 1920, was killed.

Burns, an ex-convict, pleaded guilty to manslaughter in the Urbaytis killing after his capture a few weeks ago. Toledo Safety Director Edward A. DeAngelo, however, said mysterious circumstances surrounding the reported loss of the revolver needed clarification.

DeAngelo was to be accompanied to Columbus by John Cannelli, attorney for Burns. DeAngelo reached his decision to question Burns after talking to James Patrick Dugan, Urbaytis' supper club partner.

# Safety Director To Quiz Burns

## Urbaytis Gun Inquiry Shifts To Penitentiary

The investigation revolving around the police pistol with which Joe Urbaytis was slain led back today to the man with whom it started.

Frank Burns, who last Wednesday began serving a 1 to 20-year manslaughter sentence in the Ohio Penitentiary for the slaying, re-entered the case when lie detector tests of other intimates of Urbaytis last Friday and Saturday failed to clear up the mystery of how the murder weapon came into the hands of the slayer.

### Flies To Columbus

Edward A. DeAngelo, safety director, who questioned Burns in the County Jail a day before he was committed to the penitentiary and obtained from him a flat denial that he knew anything about the gun, flew to Columbus today to quiz the prisoner again.

The decision to return to Burns for information was made after a statement by Stanley (Jerry) Marinski, confirmed by the lie detector Saturday afternoon, established that Urbaytis had the police pistol in his possession some time before he was shot to death with it.

The gun was one Detective Capt. George Timiney had reported stolen from his police car in June, 1946, five months before the slaying.

### Marinski's Statement

Marinski, former dice table attendant at the Bon-Aire Supper Club on Woodville Rd., where Urbaytis was killed Nov. 5, repeated his earlier statement that Urbaytis had shown him a gun two months before the slaying and told him it was Captain Timiney's.

But when Marinski was asked whether Urbaytis had said Captain Timiney gave him the pistol, he replied, "I can't be sure." The lie detector supported all his statements.

Turn to Page 4, Col. 1.

PAGE 4

# Safety Director To Quiz Burns

## Urbaytis Gun Inquiry Shifts To Penitentiary

Continued from First Page

Marinski disclosed that a gun had been kept in the Bon-Aire near the bottom step of a flight of stairs, at the foot of which the body of Urbaytis was found.

It was kept there, he said, so that it would be handy without the necessity of anyone carrying it around. He was unable to say whether it was the weapon with which Urbaytis was shot.

Released Friday night after the lie detector confirmed their statements that they knew nothing of the gun were Charles (Split Lip) Schultz, a confederate of Urbaytis in the 1921 million-dollar Toledo Post Office robbery, and James (Russ) McCawley, bartender in the Bon-Aire at the time Urbaytis was slain.

McCawley, however, declared that Burns was the last person known to have been with Urbaytis before the shooting.

Burns, who contended he pleaded guilty to manslaughter to avoid being "framed" on the first degree murder charge on which he had been indicted, has maintained that he did not shoot Urbaytis and that he never saw Captain Timiney's gun.

James Patrick (Pete) Dugan, Urbaytis' partner in the operation of the Bon-Aire, will be placed on the lie detector Tuesday, Mr. DeAngelo announced after questioning Dugan in his office yesterday.

Dugan was asleep in an upstairs room of the supper club at the time of the shooting, he told police.

# Burns Confesses Killing Urbaytis

## Convict Reveals How He Seized Revolver

Frank Burns yesterday afternoon confessed he killed Joe Urbaytis in the first positive statement to emerge from nearly a year of dodges and denials which marked the investigation into the slaying of the notorious post office robber.

In the Ohio Penitentiary, where he is serving a 1 to 20-year manslaughter sentence for the slaying, Burns admitted he fired "several" shots at Urbaytis after plucking a .38 caliber revolver from a holster tucked in Urbaytis' belt.

He made his statement to Edward A. DeAngelo, safety director, in the presence and at the advice of his attorney, John Canelli.

Mr. DeAngelo flew to Columbus yesterday in another attempt to determine how a police pistol came into the hands of Urbaytis' slayer. He came away with the confession but with no new information on the murder weapon, a gun which Detective Capt. George Timiney had reported stolen in June, 1946, five months before the slaying.

After his return to Toledo last night, however, Mr. DeAngelo disclosed that a Toledo woman, one of the witnesses questioned in the original investigation of the murder, had told him Urbaytis made a deal to obtain the gun from two underworld characters who claimed they had stolen it.

Turn to Page 4, Col. 5

# Burns Confesses Killing Urbaytis

## Convict Reveals How He Seized Revolver

Continued from First Page

Yesterday's confession came after Mr. Canelli, who interviewed Burns alone at the beginning of the questioning, asked the prisoner to help in clearing up the mystery of the pistol and received from him the same surly denial he had made before that he was responsible for Urbaytis' death.

### Details Revealed

But as the interview progressed, he revealed the details of the shooting and a few minutes later repeated the story to Mr. DeAngelo. As recounted by the safety director, Burns' story follows:

He had been drinking heavily at Urbaytis' Bon-Aire Supper Club on Woodville Rd. the morning of Nov. 5 and engaged in an argument with Urbaytis, who also had been drinking. There had been bad feeling between them for some time over various matters.

The argument took place on the landing atop the rear stairway entrance. Urbaytis, he said, called

him obscene names. They were standing close together, and as Urbaytis flung his topcoat back, Burns snatched the pistol.

"I don't believe he knew had it when I took two steps back and blasted away at him," Burns was quoted as saying. "Then I dropped the gun and got out of there."

Burns said he did not know what happened to the gun after he dropped it. Mr. DeAngelo, however, said he believes it was secreted from sheriff's deputies at the night club and later dumped on a lawn in the Lagrange St. district, where it was found 10 days after the slaying.

### Slaying Denied After Plea

Burns 10 days ago pleaded guilty to the manslaughter count, reduced from a first degree murder charge at the request of Joel S. Rhinefort, county prosecutor, in a late-hour Common Pleas Court hearing.

A week ago, when Mr. DeAngelo sought to question Burns about the murder weapon, the prisoner denied the slaying or that he had ever seen the gun. He repeated his denial the following day in the trip to the penitentiary with Burton Oberst, sheriff's deputy.

Mr. DeAngelo said he was satisfied with Burns' version of how he obtained the gun and said it corroborated evidence he obtained in questioning Stanley (Jerry) Marinski, former dice table attendant at the Bon-Aire, who said Urbaytis

had shown him the revolver two months before he was killed with it and remarked that it was Captain Timiney's gun.

The safety director said he also learned Urbaytis knew the two men who stole the gun and was trying to get it from them shortly after the theft.

He issued orders to the detective bureau and the morals squad to pick up the pair.