THE PASTICHE PROSECUTOR: A SPECULATIVE INTRODUCTION TO MR. DISTRICT ATTORNEY

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There is just one small, long-out-of-print book devoted to the exploits of “Mr. District Attorney”: Mr. District Attorney on the Job (1941), the first chapter of which is printed below at pages 307-338. Nevertheless, to many Americans he is a familiar figure – the first great “ripped from the headlines” crime drama lawyer. If you were born before 1950, there is a good chance that as an impressionable youth you heard or saw Mr. District Attorney.¹ His runs on radio (1939-53) and in comic books (1939-42, 1948-59) were long and successful; in the movies (1941-42, 1947) and on television (1951-52, 1954-55) less so.² As a Founding Figure of lawyering in popular culture, Mr. District Attorney has been the subject of some study by modern scholars of law in society, and he will probably enjoy more attention in the future.³

¹ See, e.g., The Eyes of a Schoolboy, TIME, Nov. 20, 1944 at 60 (“One evening early in 1942 Harris Wofford Jr., 15, was doing his Latin homework and simultaneously listening to his favorite radio program, Mr. District Attorney.”).


³ See, e.g., David Ray Papke, Mr. District Attorney: The Prosecutor During the Golden Age of Radio, 34 U. TOL. L. REV. 781 (2003); Steven D. Stark, Perry Mason Meets Sonny
One aspect of Mr. District Attorney that merits study is his provenance, because the source (or sources) of his character might shed light on the development of the fictional lawyer as action figure. It is a commonplace that dramatic portrayals of lawyers tend to be, well, unrealistically dramatic. That makes sense. Dramatists are in the business of attracting audiences, and an accurate portrayal of a life in the law would not attract many listeners or viewers. In the old days, audiences were attracted to a type of dramatically amalgamated fictional lawyer: part fearless investigator (tracking down clues and wrongdoers) and part courtroom gladiator/magician (engaging in emotion-packed confrontations and dramatic revelations). The Perry Mason television series (1957-66) is a fine, and now much-criticized, example. Modern audiences seem to like a lawyer who is a single fragment rather than an amalgam, with the fragment being a sophisticated version of the high-passion/low-professionalism courtroom aspect of the earlier Perry Mason type. Lawyers on Law & Order (1990-2000), for example. Characters of both types can and often do have fine qualities, but verisimilitude is rarely one of them.

But their dramatic implausibility pales before the professional life of their precursor, Mr. District Attorney. He spent little time in his office and less in the courtroom, but a great deal out of doors, chasing clues and criminals and saving innocents: “The listener could, as a result, quite easily take Mr. District Attorney to be more a part of law enforcement than a member of the legal profession.” Yet he is invariably described as “inspired” by or “model[ed]” on Thomas E. Dewey, the renowned New York prosecutor and District Attorney

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4 See David Ray Papke et al., Law and Popular Culture 11 et seq. (2007).
6 See, e.g., Elka Jones, Reality vs. fantasy in occupational portrayals on the small screen, Occupational Outlook Q. 10 (Fall 2003); but see Asimow and Mader at 69 (The 1933 film “Counselor at Law is unique in the entire history of motion pictures in its grimly realistic depiction of the daily life of a practicing lawyer.”).
7 Papke, 34 U. TOL. L. REV. at 791; see also, e.g., pages 307-338 below.
Above: New York County District Attorney Thomas E. Dewey (center, with moustache) meeting with members of the news media in Washington, DC. Below: New York City Mayor Fiorello LaGuardia (left) and Patrolman Joseph Lamb (right) arriving at a fire in Long Island City.
in the 1930s and ’40s. Dewey achieved great success as a crime-fighter, but he did so the way any good lawyer would – by researching and mastering the law and facts and then presenting his cases persuasively in court. Unlike Mr. District Attorney, Dewey was not in the habit of “joining the police in a dramatic automobile chase,” or invading a mob-controlled insane asylum to rescue a damsel in distress. Thus, while Dewey’s cases provided storylines for episodes of Mr. District Attorney – the story printed below, for example, is obviously based on his 1938 prosecution of taxicab racketeer Joseph Biondo and his confederates – Dewey’s work habits just as surely were not the basis for Mr. District Attorney’s activities.

But that does not mean Mr. District Attorney was pure fantasy. There was another prominent, crime-fighting lawyer in New York at that time, and he was well-known for his habit of getting out from behind his desk to race through the streets with the police: Mayor Fiorello LaGuardia. He was famous, for example, for leading raids in search of then-illegal slot machines, and then smashing the offending machines with a sledgehammer.

So, the tradition that Dewey inspired Mr. District Attorney rings true, in part. But it might be more fair to say that Mr. District Attorney was a Dewey-LaGuardia pastiche, in which Dewey inspired the stories, LaGuardia inspired the action, and both men – known for their integrity and public spirit – inspired his noble commitment “not only to prosecute to the limit of the law all persons accused of crimes perpetrated within this county but to defend with equal vigor the rights and privileges of all its citizens . . .”

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9 See generally, e.g., RICHARD NORTON SMITH, THOMAS E. DEWEY AND HIS TIMES chs. 4-9 (1982); ROBERT HUGHES, ATTORNEY FOR THE PEOPLE chs. 2-33 (1940).
10 Papke, 34 U. TOL. L. REV. at 791; pages 329-331 below.
11 See Lucania Aide Held In Taxicab Racket, N.Y. TIMES, July 14, 1938, at 1.
12 See, e.g., Mayor Plays Role As Head Of Police, N.Y. TIMES, Sept. 16, 1945, at 1.
14 DUNNING at 465.
HARRINGTON LAUGHED. Harrington was the detective assigned to the District Attorney’s office.

“Say, D.A.,” he said, “I don’t know what it is you got on the ball, but ever since you’ve been elected we haven’t had any trouble.”

“I don’t know,” said the District Attorney doubtfully. “It has been kind of quiet, but something tells me we’re in for plenty of trouble. Harrington, you can’t convince me that just because I was elected a month ago – every racketeer in the city skipped out of town. They’re not afraid of me.”

“The trouble with you, D.A.,” laughed Harrington, “is that you’re a pessimist.”

“I wish I could be sure of it,” answered the District Attorney, “but what do you make of this?” The District Attorney picked up his copy of “The Daily Express.”

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The text and pictures are from *Mr. District Attorney on the Job* (1941) (ch. 1 of 2).
Harrington looked at the newspaper. “Y’mean that taxicab accident?” he asked.

Mr. District Attorney nodded his head. “Three people were killed in that smash-up, Harrington.”

“Oh, that was just an accident, D.A. Things like that are bound to happen. A cab gets out of control – smashes into another, and someone gets hurt.”

“Harrington,” said the D.A. “I’ve been looking through the accident reports. Do you realize that in the last month, over thirty people have been injured in cab accidents? Something queer is going on there, and I don’t like it.”

“Have you talked with the cab drivers yet, D.A.?”

“Yes, and they all claim their accidents were the result of natural causes. Y’know – bad brakes, blowouts, and things like that.”

“And you don’t believe them, is that it, D.A.?”

“I certainly don’t. There’s something else causing those accidents, and I’m going to find out what it is. The life of every pedestrian in this city is in danger until we put an end to the lawless wrecks that are bringing sudden death to innocent bystanders.”

While the District Attorney was making this promise to Harrington, Bill Walker, an honest cab driver, was cruising up and down a street on the other side of the city, looking for a fare. As he neared the corner, Bill heard a man call for a taxi. The passenger got in and gave Bill the address. As Bill shifted into second, he saw another taxicab bearing down on him. He jammed on his brakes, but it was too late. The other cab crashed right into him.

Before Bill could get out of his cab, the other driver backed up and yelled, “Walker, that’s a little present
from the Brotherhood.” Then he speeded away.

“The dirty rats,” said Bill under his breath. Then quickly he turned around to face his passenger. “How do you feel, sir?”

But there was no answer. The passenger was stretched out on the floor of Bill’s cab – unconscious.

A crowd gathered. Bill yelled, “Get an ambulance. This man’s hurt.”

Five minutes later the ambulance arrived, accompanied by a prowl car. Bill made his report to the police officers.

As the ambulance tore away with its bell clanging, and the crowd disappeared, a husky-built, red-haired man came over to Walker.

“Hello, Walker. What’s the matter. Y’ have an accident?”

Bill turned suddenly. “What are you doing here, Scanlon?”

Scanlon laughed. “Don’t get touchy, Walker. I just happened to be passing by and saw your cab get slapped.”

“I don’t suppose you had anything to do with it,” said Bill through tightened lips.

“No. But it’s a shame you didn’t belong to the Taxi Drivers’ Brotherhood,” sneered Scanlon. “Maybe things like this wouldn’t happen to you, if you did.”

“Scanlon, I’m not going to join your racketeering outfit if you smash a hundred cabs on me.”

Scanlon shrugged his shoulders. “Okay, Walker. Have it your own way, but don’t say I wasn’t a pal when I tried to warn you.” And leaving Bill to survey the wreckage of his cab, Scanlon moved off.
“Red” Scanlon was pleased with himself as he walked across town. Scanlon was president of the Taxi Drivers’ Brotherhood, and its membership was increasing daily.

Sure it was a racket. The cab drivers all knew that, but Scanlon felt sure none of them would dare talk to the D.A. No, Scanlon had the Brotherhood right in his pocket.

They were afraid of him, and rightfully so. They all knew what happened when you spoke to Scanlon out of turn. A smile came to “Red” Scanlon’s lips. A blackjack’s a handy little gadget, he thought, when a fellow threatens to shoot his mouth off.

As Scanlon walked up the steps of a beautiful apartment house, his smile faded. Of course, every once in a while, he ran across a wise-guy – a cab driver who wouldn’t scare so easily. Bill Walker was a man like that. No matter how hard Scanlon tried to get him to join the Brotherhood, Walker always refused. Even smashing his cab didn’t frighten him. Well, Scanlon thought, maybe the Boss would have a couple of ideas.

Scanlon paused a moment outside the door of Apartment 2S. After straightening his tie, he knocked. From inside the room a voice said, “Come in!” Scanlon opened the door.

Inside the room were two men. One was Leonard Brisbane, the lawyer for the Taxi Drivers’ Brotherhood. The other was Victor Malcom, who gave Scanlon and Brisbane their orders.
“Hello, Scanlon,” said Malcom. “What kept you? Brisbane and I’ve been waiting for you. You know I don’t like to wait for people.”

“I’m sorry, Boss,” apologized Scanlon, “but I was on my way over here, and I happened to see one of our boys bust up another cab on a sucker.”

“Sit down, Scanlon. That’s just what Brisbane and I want to see you about,” said the Boss. Malcom looked angry.

“What’s the matter, Boss?” asked Scanlon, his face no longer smiling.

“It’s the new D.A.,” answered Malcom.

Red Scanlon relaxed. “That chump,” he laughed. “Now don’t worry about him, Boss. He hasn’t any idea what’s going on. He thinks all these taxi wrecks are . . .”

Malcom interrupted, “Scanlon, the District Attorney is no fool. Remember that. And he’s getting suspicious about those wrecks. I want you to cut them out.”

Scanlon’s voice showed his disappointment. “Cut ’em out? If I do that, Boss, I’ll never get those cab drivers to join the Brotherhood.”

“Scanlon, you’re a handy man with a blackjack or a gun – but you haven’t an ounce of brains in your head.”

Scanlon started to protest, but Malcom cut him short. “We started organizing the taxi drivers over a month ago. I told you at that time you could do whatever you wanted. Smash cabs or skulls, it made no difference to me. But it hasn’t worked out. We’re not getting the membership we want, and the D.A.’s getting wise.”

“Well, what do you want me to do, Boss?” asked Scanlon.

Malcom’s reply opened Scanlon’s eyes wide.
“I want every cab driver in the city to join the Brotherhood. Once we’ve got a hundred percent membership, we’re going after the taxi fleets. That’s where the big money is. We’ll get a rake-off on every gallon of gas – every quart of oil – all the tires – everything that’s used on the cabs. But first, we’ve got to own those independent drivers, body and soul.”

“But, Boss, if we cut out these smash-ups, we’ll never get those drivers to join. That’s what I’ve been saying all along,” was Scanlon’s reply.

Malcom ignored the president of the Brotherhood. Instead he turned to the lawyer, “Brisbane, tell Scanlon what you’ve discovered.”

Brisbane was ready. “Scanlon, I’ve been doing a little investigation work for the Boss. Do you know a cab driver by the name of Bill Walker?”

Scanlon grinned. “Sure, that’s the monkey whose cab was smacked around this morning.”

“We want him in the Brotherhood,” said Brisbane. “Walker has a lot of influence with the men who are holding out against us. If he joins, he’ll bring two hundred drivers with him.”

“I know,” replied Scanlon. “But what am I going to do with a guy like that. I’ve busted his cabs, and he still won’t join. Worst of all, he tells the other drivers to stay away.”

“Offer him an office in the Brotherhood. If he wants to be vice-president, tell him that’s okay,” suggested Malcom.
Scanlon protested. He didn’t like the idea. He was in favor of taking care of Walker in his own way.


“And if it doesn’t work?” asked Scanlon hopefully.

The Boss leaned forward from his chair. “Then you’ve got my permission to try anything you want. And, Scanlon, when I say ‘anything,’ I mean just that.”

That night, Bill Walker was at home talking to his wife. Mrs. Walker was worried as Bill recounted the day’s happenings.

“Bill,” she said, “you’ve got to do something. You were lucky today. They didn’t hurt you, but someday you won’t be, and they’ll be bringing you home on a stretcher. Maybe you ought to join the Brotherhood.”

“Join that bunch of crooked racketeers?” said Bill. “Never!”

Mrs. Walker pleaded with him, but Bill refused to listen.

“Don’t you see, Nancy. It’s not only myself,” he said. “The other cab drivers are depending on me. If I leave them to join Scanlon’s rotten outfit, I’d be just another rat – running to save my own skin. And you wouldn’t want me to do that.”

Just then there was a knock on the door. Bill opened it. Outside were Scanlon and two of his mugs. Scanlon and his boys pushed their way into Bill’s apartment.
Scanlon came to the point immediately. "Walker, I got a special invitation for you to join the Brotherhood. The Big Boss sent it, and he says if you want to be an officer in the Brotherhood, that’s all right with him too. Fair, ain’t it. What do you say?"

Bill’s answer was short. “I don’t know who your Boss is, Scanlon – but you can take his invitation and cram it down his throat.”

“You don’t want to be too hasty about this, Walker,” replied Scanlon. “If you don’t want any trouble, you’ll join up.”

Bill didn’t bother to answer him. He pointed to the door, and motioned Scanlon and his thugs to get out of his home. But Scanlon didn’t move. Instead, he reached into his hip pocket, and pulled out a piece of lead pipe. Mrs. Walker screamed. Scanlon yelled to one of his thugs to shut her up.

“Scanlon, if that thug touches my wife, I’ll...”

Scanlon interrupted. “She’s not going to get hurt, Walker. We’re saving that for you.”

The two men whom Scanlon had brought with him, proceeded to tie Mrs. Walker to a chair. “Shall we blindfold her, Scanlon?” asked one of them.

“No. Just shove a gag in her mouth. I want her to see everything. We’re going to give her a free show she’ll never forget.”

Then once again Scanlon turned to Walker, “Okay, sucker,” he said. “This is your last chance – are you going to join the Brotherhood?”
Through clenched teeth, Bill Walker gave him his answer. “No!” With that, Scanlon went to work. He brought the lead pipe crashing down on the skull of Bill Walker. While Mrs. Walker watched helplessly, the other two thugs pulled out blackjacks of their own. Although Scanlon needed no help, they pitched in. A few minutes later, Bill lay on the floor – unconscious, blood streaming from a score of wounds.

The three men looked down at their handiwork. Scanlon motioned toward Mrs. Walker. “She’s fainted, Scanlon,” said one of the thugs. “Ain’t it a shame, ’cause we really gave a swell performance on her husband.”

Scanlon laughed. “Come on boys, let’s get out of here. If there’s one thing I can’t stand it’s the sight of blood.”

Three hours later, a neighbor of the Walkers discovered the scene. The police and an ambulance were quickly summoned, and the District Attorney’s office notified. Harrington and the D.A. went quickly to the hospital.

The District Attorney introduced himself to Walker. But strangely enough, Walker refused to say anything.

He only kept repeating, “I’ve got nothing to say.”

“You should have,” answered the District Attorney. “You were almost murdered.”

“That’s my business.”

“Look, Walker,” continued the D.A. “Are you going to take this beating lying down?”

“No. But I’ll take care of those rats in my own way.”

The District Attorney tried to explain to Bill Walker that there was more to his case than a plain beating. The whole thing was part
of a taxicab racket that threatened the lives of hundreds of men.

“Walker,” said the D.A. “I’m out to smash that racket, and I need your help.”

Still Walker would not tell what he knew.

The District Attorney pointed out that this wasn’t squealing. It was Bill Walker’s duty, like the duty of every honest citizen, to give the police all the help he could.

But the District Attorney got the same answer again. “This fight is my own personal business. I don’t want any outsiders butting in. Now, will you and Mr. Harrington please leave me alone? I don’t feel so good.”

As the District Attorney turned to go – he tried one last time. “Walker, if you don’t talk, maybe your wife will.”

Bill Walker became angry. “Leave her out of this,” he cried. “She doesn’t know anything.”

Mr. District Attorney closed the door quietly. Bill Walker didn’t know that his wife was in the same hospital with him. But when they walked into Mrs. Walker’s room, the District Attorney at once realized that it would be pointless to question Bill’s wife – that she would be unable to tell them anything. Mrs. Walker was on the verge of madness. The terrible shock of seeing her husband beaten had unhinged her mind.

The D.A. turned to the doctor. “Tell me,” he said, “will this poor woman recover her senses?”
The doctor looked worried. “Mr. District Attorney, I can’t tell you that – no doctor can. Mrs. Walker may recover and then again she may not. Her chances are fifty-fifty.”

“Well, isn’t there something you can try, Doctor?” asked the D.A. anxiously.

The doctor shook his head.

“I want her to get the best care, Doctor. I’ll arrange to take care of all extra expenses.”

“We won’t be able to keep her here long,” explained the doctor. “The State Hospital for the Insane takes all our mental cases. Mrs. Walker will probably be moved there in a day or so.”

“Well, see that both Walker and his wife get everything they need,” said the District Attorney, as he and Harrington took their leave.

The following morning at the headquarters of the Brotherhood, Red Scanlon received a phone call from Malcom. Scanlon had good news for his boss.

“You know, Boss,” he said. “Ever since we gave Walker that going-over, the drivers have been joining the Brotherhood like mad. They can’t come in fast enough. Walker was the right man to get.”

Malcom agreed.

“Boss, that ain’t all,” laughed Scanlon. “The boys are going to give me a testimonial dinner. Gonna pay their respects for all I’ve done for the Brotherhood. Ain’t that rich?”

Malcom enjoyed the joke too. “Scanlon, why don’t you invite our friend, the District Attorney, to your dinner? I’m sure he’d enjoy it.”
The idea appealed to Scanlon, and he told Malcom he was going to mail a special invitation to the District Attorney that very night.

Then Malcom got down to the purpose of his phone call.

“Scanlon,” he said, “I want you to come up to my apartment. There’s something you’ve got to do.”

“What is it, Boss?”

“The District Attorney has been up to see Walker at the hospital,” replied Malcom.

“Don’t worry about that, Boss. Walker knows enough not to talk to the D.A.”

“Scanlon, we’ve got to be sure of that. The same goes for his wife.”

Scanlon protested. “But, Boss — the dame’s gone nuts. She’s crazy. She can’t put the finger on us.”

Malcom’s voice was hard. “Listen, Scanlon — you may be president of the Brotherhood, but I’m giving the orders. You be at my house in five minutes. I’ll tell you what I want done.”

Scanlon heard the click of the receiver as Malcom hung up.

As “Red” Scanlon started across town to visit his Boss, Bill Walker was sitting up in the hospital for the first time. “Good morning,” he greeted the nurse. “Breakfast looks good.”

“Well, I’ve got just what you like, Mr. Walker,” smiled the nurse. “How’s the jaw feel?”

“Not so bad as it looks, I hope. Boy, if Nancy could see me now, she’d throw a fit,” laughed Bill.

“Nancy — oh, you mean your wife?”

“That’s right,” agreed Bill. “Wonder how she’s getting along.”

“They took her to the insane asylum this morning,” replied his nurse.
Bill was speechless! Then he asked the nurse to repeat what she had just said. He didn’t know that anything was wrong with his wife. The nurse became frightened. Bill threatened to get out of bed, unless she told him the complete story. There was nothing else she could do to quiet him, so the nurse told him how the shock of seeing Bill almost murdered before her eyes had driven Mrs. Walker insane.

When she finished her story, Bill said, “Nurse, I want you to do something for me. Go out and call up the District Attorney right away. Tell him Bill Walker is ready to talk. I’m ready to tell him everything.”

The nurse hurried from the room. A few minutes later, the door to Bill’s room opened again. Bill sat up in bed.

“Nurse, did you do what I . . . ?” Walker stopped short.

The person who had entered the room was a man. He walked slowly over to Bill’s bed. He was wearing the white uniform of a hospital doctor. Bill’s eyes narrowed with fear, as he recognized the man who came toward him. It was Scanlon!

“The Boss ordered me to pay you another call, Walker. That’s why I’m here.”

Bill didn’t say a word. He looked as though he were hypnotized. With a swift movement, Scanlon pulled out his gun. With every ounce of strength at his disposal, he brought the butt crashing down against the skull of Walker. Bill moaned and slumped
down in his bed. Again Scanlon raised the gun; once more he brought it down. This time there was not a sound from Bill Walker. Pausing only to make sure that he had done his work well, Scanlon left the lonely hospital room. His Boss would no longer be troubled by Walker.

A half hour later, Mr. District Attorney and Harrington discovered the body of Bill Walker. The D.A. made a complete investigation, but no one in the hospital had seen the murderer enter Walker’s room.

Back in his own office, the D.A. and Harrington went over the files in the Walker case. It was obvious to both men that Walker was killed because his murderers were afraid he would tell what he knew about the taxi racket. Harrington suggested that the D.A. bring in Scanlon, the President of the Brotherhood, for questioning.

“It’s no use, Harrington,” answered the District Attorney. “We don’t have a thing on him. A smart lawyer would have him out in an hour.”

Harrington agreed. Just then the phone rang.

“Mr. District Attorney?” asked the voice at the other end of the wire.

“Yes. Who is this?”

“Mr. District Attorney, this is Dr. Sydney. I’m the Director of the State Hospital for the Insane. A peculiar thing happened this morning, and I think it’s a case for your office.”

“What is it, Doctor?” asked the District Attorney.

“Our ambulance was held up, and one of our patients was kidnapped.”

The District Attorney was tense. “Doctor, was the patient Mrs. Bill Walker?”

The Doctor’s voice showed his surprise. “That’s right, Mr. Dis-
trict Attorney. How did you know?”

“Never mind,” snapped the D.A. “I’ll be right out to see you, Doctor.”

In a very short time they were driving up to the entrance of the State Insane Asylum. They were immediately shown into Dr. Sydney’s office. The first thing the District Attorney asked to see was the driver of the ambulance. The driver’s name was Jack Peters.

“Sit down, Peters,” said the D.A. “I’d like to ask you a couple of questions. How long have you been working for the State Insane Asylum?”

“Eight years,” was the reply.

“Ever have any trouble transporting before?”

“No, Mr. District Attorney. Ask anyone around here, they’ll all tell you that Jack Peters has a good record,” was the reply.

“All right, Peters,” said the D.A. “Suppose you tell your story from the beginning. I’d like to get all the facts straight.”

“Well, I got my orders last night to go down to the City Hospital early this morning and get a patient to bring back here.”

“The patient was Mrs. Walker?” the D.A. interrupted.

“That’s right. So at six o’clock, I filled the ambulance with gas and went down there. I picked up the patient and started back here.”

“Just a moment,” questioned the D.A. “Wasn’t there a doctor
Mr. District Attorney

with you?”

“Yeah – he’s upstairs in bed. They fractured his skull.”

Harrington whistled. “You must’ve had a close call, Peters.”

“Yeah. Lucky for me my skull’s thicker. I just got a lump. But it put me on the blink.”

“Go on with your story,” said the District Attorney kindly.

“Well, I was driving along kind of slow so it’d be easy on Mrs. Walker, when a taxi pulls in front of us, and forces me over to the curb. I stopped the ambulance. Before I can get a word out of my mouth, one of the guys that gets out of the taxi conks me over the head with a blackjack. And that’s all I remember, except when I came to, I was lying in the back of the ambulance next to the doctor.”

“Where was the ambulance when you came to?” asked the D.A.

“Now that’s a funny thing to ask,” replied Peters. “Because it was about a block from where we were parked when I got hit over the head.”

“Then someone drove that ambulance while you were unconscious.”

Peters agreed. “The engine was steaming hot when I drove it back. They must’ve done ninety miles an hour in it.”

The District Attorney sat back to figure the thing out. In all probability, Mrs. Walker wasn’t driven off in the taxi, but she was kidnapped in the ambulance itself. And Peters claimed that he had filled the ambulance with
gas that morning. If Peters only drove from the Asylum to the Hospital and back again, it should be a simple thing to figure out how much gas the kidnappers used. The District Attorney turned to Harrington.

“Harrington, I want you to go out to the garage. Check how much gas is left in that ambulance.”

“Right, D.A.”

“And, Harrington – give that ambulance a thorough examination. I don’t want any clues overlooked. Fingerprints or what have you. I want to get Mrs. Walker back – and get her back safely.”

In a short while, Harrington was back. He had given the ambulance a thorough going-over, and was ready to make his report. The first thing he discovered, he told the District Attorney, was a lot of mud on the wheels and under the mudguard.

Mr. District Attorney turned to Peters. “Peters, did you ever take that ambulance off the city streets?”

“No, sir,” was the reply.

“Then it stands to reason the kidnappers drove the ambulance somewhere out in the country.” Then, turning back again to the detective, “How far has the ambulance been driven, Harrington?”

“Well, as near as I can figure it, D.A., about four gallons were used. The mechanic told me they use a gallon to make the round trip between here and the City Hospital. That leaves three gallons to be accounted for. And since they only average six miles on a gallon on that buggy, the kidnappers must’ve driven it eighteen miles altogether.”

“Nice work, Harrington,” complimented the District Attorney. “That means the most the kidnappers could have driven is nine miles
in one direction, and nine miles back to return the ambulance. Come on – let’s get back to the office. We’ve got to get hold of a map, and figure this thing out.”

When the District Attorney and Harrington walked into their office later that afternoon, they were met by Miss Rand, the D.A.’s secretary. She turned over to the District Attorney the invitation to attend the dinner given by the Taxi Drivers’ Brotherhood in honor of Red Scanlon. The D.A. was taken aback at the nerve of Scanlon.

His first thought was to tear up the invitation, but then he said to his secretary, “Miss Rand, you might drop Scanlon a note, thanking him for his invitation. If I’m not too busy, I’ll be glad to appear.” Then, turning to Harrington, “Come on – let’s get down to work.”

The District Attorney had a large surveyor’s map brought to his office. It showed the location of every street in the city. He drew a small circle around the street where the ambulance had been stopped, and around that a still larger circle.

“What’s the second circle for, D.A.?” asked Harrington.

“Harrington, that circle represents a radius of nine miles from where Mrs. Walker was kidnapped. If the ambulance only traveled eighteen miles in all, then Mrs. Walker is somewhere in this area,” said the D.A., pointing to the larger circle.

“I see,” said the detective. “But now where do we go? It’ll take us
months to cover every house on every street you’ve marked. Why, in that time they can kill Mrs. Walker, and get rid of her body so we’ll never find it.”

“I know that,” answered the D.A. “But I want you to take a good look at that map, and tell me what you see.”

Harrington peered intently at the map, and then, shrugging his shoulders, “You’ve got me, D.A. It looks like any other map to me.”

“I don’t mean that, Harrington,” laughed the District Attorney. “But if you look at the part I’ve drawn a circle around, you’ll notice one thing. Every one of those streets, with one exception, is paved.

“Harrington, are you forgetting the mud you found on the wheels of the ambulance, and under the mudguards?”

“I get it,” yelled the detective. “The ambulance must have been driven along this road here.”

“Exactly. That dirt road is Mountain Boulevard. Now if we go nine miles out on Mountain Boulevard, what do we find?”

Harrington looked at the scale of the map, and after measuring out what would be nine miles, he said, “It would put us somewhere around here, D.A.” His finger rested on a spot that to all appearances was deserted. He looked disappointedly at his chief.

“We’ll check it,” said the District Attorney. “There must be something around there. Unless –”
“Unless what?” asked Harrington.

“Unless the kidnappers put Mrs. Walker in a private car there, and then drove the ambulance back.”

Harrington was crushed. “If they did that, D.A., we’ll never catch them.”

“Nonsense, Harrington. All criminals make mistakes, and you’ll never get me to believe that these kidnappers didn’t.”

Harrington brightened. “You’re right, D.A. They’re all dumb.”

“That’s the spirit,” grinned the District Attorney. “Let’s get the car, and go out to Mountain Boulevard. We’ll drive nine miles out on it — that should give us our answer.”

Mountain Boulevard was reached in a few minutes. The two men watched anxiously as the speedometer measured each mile.

Just as it showed they were nearing the end of the ninth mile, the District Attorney yelled, “We’re right, Harrington. There it is.”

He pointed to a huge building that had apparently been built recently. Only the roof of the building could be seen, for the lower floors were hidden by a great wall.

Outside was a sign that read, “Dr. Rousse’s Private Sanitarium.”

Harrington read the name aloud. Then he turned to the District Attorney.

“That must be it, D.A. What a swell place for a hide-out! They could keep Mrs. Walker there forever, and
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no one would be the wiser. We going in now?” he asked.

“No, Harrington, it wouldn’t be any use. I feel just as sure as you do that Mrs. Walker is in that Sanitarium – but if we walked in there now, what chance do you think we’d have of finding her?”

“What do you mean, D.A.?” asked Harrington, puzzled.

The District Attorney explained. A big place like the Sanitarium must have a number of secret rooms. If he and Harrington went in there, in their official capacity, the kidnappers would cover up tight. They would never be able to find Mrs. Walker.

“Well, what’ll we do?” asked Harrington.

“Harrington, it’s up to us to get in that Sanitarium without anybody finding out. Then we can look around – and what we find is wholly up to us.”

“You mean we’ll have to sneak in?”

The District Attorney laughed. “Right the first time, Harrington. Say, there’s a lunch wagon over there. Let’s go in, have some coffee, and make our plans.”

“D.A.,” begged Harrington, “look, it’s getting dark. I’m not afraid of much – but walking into a nut-house this late, ain’t my idea of fun. Can’t we put this thing off till tomorrow morning?”

“You’re not really afraid, are you, Harrington?”

“Well, not exactly, but –”

“Good! I knew I could depend on you,” laughed the District Attorney. “Now let’s get that coffee.”

For over an hour, the two men sat in the lunch wagon, making their plans, but the District Attorney was satisfied with none of them.

“There must be a better way to get in, Harrington,” he said, “and we’ve got to find it.”

Just then the door to the lunch wagon opened. The District Attorney looked up idly – and then he nudged the detective who sat alongside of him.
“Harrington, take a good look at the man who just came in,” he said quietly to the detective.

“Don’t tell me, D.A.” said Harrington. “I know that face. I’ve seen it before.” Then he snapped his fingers excitedly. “It’s ‘Sammy – the Stool’, ain’t it? We had him in the police line-up about a month ago.”

“That’s Sammy, all right,” replied the District Attorney. “I wonder what he’s doing out here. Harrington, suppose we find out.”

The District Attorney and Harrington got up from their chairs, and walked over to the lunch counter where Sammy was talking to the owner.

“Hello, Sammy,” greeted the D.A. “Remember us? I’m the District Attorney, and this is Mr. Harrington.”

“You got me wrong, mister,” said the little man. “I don’t know you.”

Harrington refreshed his memory. “Quit the stalling, Sammy. I’d never forget your face. Let’s see, you served two years for robbery, one year for armed hold-up, and –”

Sammy snapped, “That’s right, I’m Sammy. But what do you guys want of me now? I ain’t done nothing. I’m going straight.”

“That’s fine, Sammy,” the D.A. congratulated him. “But what are you doing out here?”

“I’m an attendant up in Dr. Rousse’s Sanitarium. I’m going straight. That’s the truth, Mr. District Attorney. I take care of the
patients – they need a man like me there to help them.”

“Doing what?” asked the District Attorney.

“Y’know – minding the patients. They’re all crazy, and some of them are dangerous.” Sammy’s answer showed his nervousness. “I swear I’m going straight. I ain’t done nothing.”

“Relax, Sammy,” said the D.A. “I know you’re going straight. I just want to ask you a couple of questions. Where’s Mrs. Walker?”

“Mrs. Walker?” Sammy repeated. “I don’t know no Mrs. Walker. Who is she?”

“A patient in Dr. Rousse’s Sanitarium,” answered the District Attorney. “She was brought in this morning.”

But Sammy swore that no patients had been brought in that morning, and that he didn’t know any Mrs. Walker.

“Sammy,” said the D.A. “I’m going to give you one last chance. Either you tell me where Mrs. Walker is, or you’re coming downtown to the office with us.”

The bluff worked. “Look, Mr. District Attorney. I know all the patients in that place. If Mrs. Walker’s there, Doctor Rousse’s got her under cover.”

“Where would he hide her?” The D.A. fired the question.

“In the sub-basement, maybe.”

“All right, Sammy,” said the District Attorney. “We’re going to take a look at that sub-basement.”

“We can’t,” Sammy protested. “Doctor Rousse would murder me. Nobody can go down there.”
“You’re wrong, Sammy,” came back the D.A. “We’re going down there, and we’re going down there right now. What’s more, you’re going to get the keys for us.”

Sammy was almost in tears. “You don’t know what you’re saying, Mr. District Attorney. Those cases down there are violent. Doctor Rousse is the only one who can go near them.”

But all of Sammy’s arguments proved to no avail, and finally the worried ex-convict agreed to take Harrington and the District Attorney to the sub-basement of Dr. Rousse’s Private Sanitarium.

The District Attorney gave Sammy no time to change his mind. In a few minutes, the three men were on their way. Fortunately, Sammy had the keys to the giant gates that guarded the Sanitarium. Once inside the place, Sammy disappeared – only to reappear a short while later. In his hand, he carried the keys to the sub-basement. Then Sammy led the District Attorney and Harrington to the garage behind the big house. As they walked he explained – a tunnel led from the garage to the sub-basement.

Soon all three of them were in the tunnel. From a distance, the District Attorney could hear the sound of insane laughter. Harrington shuddered once or twice. They must have traveled close to a hundred yards the D.A. figured, when Sammy stopped them in front of a heavily padlocked steel door. Motioning for them to be quiet, Sammy went to work with his keys. Although it seemed hours, it was but a few minutes, and the door swung back on its hinges.

The light from the District Attorney’s flashlight appeared to be the signal for an outbreak of wild cries and laughter.

“Open it, Sammy,” he commanded.

Sammy turned the key – the door opened. Inside a strange figure lay huddled in a corner. It was a man, and he was chained to a hook that was cemented in the floor. The man whimpered like a beaten dog.

“Who’s this, Sammy?” asked the District Attorney.

“His name is Ward,” answered Sammy. “He’s been here ever since I can remember. He’s really crazy, Mr. District Attorney, I’m not kidding you.”

“But is it necessary to keep him chained up in all this filth?” asked the D.A.

“Don’t ask me,” replied Sammy. “I just work here. Why don’t you ask Dr. Rousse?”

“I will,” promised the District Attorney. “Your friend, Dr. Rousse and I are going to have a talk before long. But this isn’t finding Mrs. Walker. Take us to the next cell.”

Sammy locked the door, and once again the three men moved forward in their search in the madhouse. And while the desperate search continued underground, in Union Hall, back in the city there was a big celebration. This was the night that Scanlon was the guest of honor at the Brotherhood Dinner.

Scanlon was pretty well pleased with himself that night. Why
not? His taxi racket was flourishing, Mr. and Mrs. Bill Walker were out of the way, and even the boss, Malcom, admitted he was satisfied with the situation.

The dinner was just about over, and as the men settled back in their chairs, Scanlon got to his feet.

“Fellow members of the Brotherhood,” he began, “I’m very glad to be here tonight because I don’t ever like to miss a good feed. There’s only one reason I ain’t bowled over with joy completely, and that’s because my old friend, the District Attorney, ain’t here with us to say a few words. I asked him to come, but he’s a busy man and –”

Just then, there was a commotion at the other end of the hall.

“Hey, what’s going on there?” shouted Scanlon. “I’m making a speech, and if you guys back there can’t keep quiet, I’ll come over and –”

Again Scanlon was interrupted, this time by Malcom who was tugging at the sleeve of his coat.

“Quiet, Scanlon,” he said. “Can’t you see – it’s the D.A.”

A grin came over Scanlon’s face. “The D.A. – that’s great.” Then he shouted to the other end of the hall, “Come right in, Mr. District Attorney. Bring your party right up to the speaker’s table.”

While the District Attorney and his party walked toward Scanlon’s table, Malcom looked worried.

“What’s the matter, Boss?” asked Scanlon. “This is great, ain’t it?
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Being honored by the D.A.”
“I’m not so sure about that, Scanlon.”
“There you go again, Boss,” laughed Scanlon. “Always worried about nothing.”

As the District Attorney approached the table, Scanlon put out his hand. The D.A. ignored it.
“Sorry, I’m late, Scanlon,” he said. “Couldn’t be helped.”
“That’s all right, Mr. District Attorney. Glad you could make it.”
“Harrington,” said the D.A., “ask the lady to sit down there next to you.”
“Certainly, D.A.”

Scanlon nudged the D.A. “Who’s the dame with the veil,” he chuckled, “the wife?”
“No. I’ll introduce her later, Scanlon. But go on with your speech. You were talking when we came in.”
“O. K. I’ll be through in a minute.” Scanlon turned to the Brotherhood members again.

“Fellers – I ain’t got much more to say to you. We got a fine organization – everything is running smooth. My friend, the D.A. here, was a little worried about the taxi accidents we were having. But that’s all over. Now we got a careful organization – there’s a hundred percent membership – and we’re at the top of the heap. We’ll stay there if we all pull together. And now I’m going to call on my friend, the District Attorney,
to say a few words to you, Mr. District Attorney,” Scanlon conclud-
ed.

There was a wave of applause as the District Attorney got to his
feet.

“Members of the Taxi Drivers’ Brotherhood,” he began, “it gives
me great pleasure to be able to address you at this time when you
are paying tribute to your fearless, and shall I say ruthless – leader,
Red Scanlon.”

As if the word “ruthless” were a
signal, the crowd became tense.
Scanlon shifted in his seat nervously.
The District Attorney continued.

“All of you heard Mr. Scanlon say
that the taxi accidents have stopped. I
am forced to agree with him – they
have stopped! But in the place of
smashing of machines has come a
smashing of men!”

The crowd leaned forward expectantly. Scanlon looked worried
– he puffed on a cigar that long since had gone out. Malcom started
to get up from his seat, but he found a hand resting on his shoulder.
It was Harrington.

“What’s the matter, Mr. Malcom? Don’t you know it isn’t polite
to leave while the District Attorney is talking?”

Malcom sat down.

Again the D.A. continued. “You all
know Bill Walker. He’s an honest,
upright fellow – like most of you men,
who earn your livings driving cabs in
this city. And all of you remember
what happened to Bill. That’s probably
why you joined this organization – so
the same thing wouldn’t happen to
you.”

“Hey, listen – shut up with that
stuff,” shouted Scanlon.
“I’ll be finished in a second, Scanlon,” answered the D.A. Then he smiled, as he concluded, “Members of the Taxi Drivers’ Brotherhood,” he said, “it gives me great pleasure to announce that this organization is dissolved! You are free of the racketeers that have been preying on you. Scanlon, I arrest you for the murder of Bill Walker.”

“That’s a lie,” Scanlon cried. “I didn’t kill him.”

The District Attorney turned to the heavily veiled woman who was sitting next to Harrington.

“Mrs. Walker,” he said, “will you lift that veil?”

Mrs. Walker did as the District Attorney asked. “Mrs. Walker,” he went on, “is this the man that came to your apartment and beat your husband?”

“Yes. That’s the man,” she answered simply.

The sweat poured down Scanlon’s face.

“She’s crazy, I tell you. She was in the nuthouse. She don’t know what she’s saying.”

“I’m perfectly sane, Mr. Scanlon,” Mrs. Walker answered. “I believe the District Attorney has a doctor’s certificate to prove it.”

“I have,” added the D.A. “Scanlon, she was out of her mind. But you couldn’t let well enough alone. You had to kidnap her and take her out to Doctor Rousse’s Sanitarium.”

“No, I didn’t,” Scanlon cried. “You’re making this all up.”

The District Attorney ignored the interruption. “And your good
friend, Dr. Rousse, wanted to keep her out of her mind, but he overstepped his mark. The treatment he gave her shocked her back to normal.”

“I don’t know nothing about it,” the racketeer shouted.

The D.A. was relentless. “But you do know about killing Bill Walker!”

“I didn’t,” Scanlon protested. “He died in the hospital.”

“Yes – as a result of the terrible beating you gave him!”

Scanlon was almost in tears. “The beating didn’t kill him. He was hit over the head in the hospital.”

Like a fighter, the D.A. was in fast. “How do you know that, Scanlon?” he asked.

Scanlon faltered. “I – er – somebody told me.”

“You’re lying, Scanlon. Only two people beside myself know that Bill Walker is dead. The nurse and the doctor at the hospital. They would not tell because they’re busy right now convincing the entire staff of the City Hospital that Bill Walker is alive in his room. The only way you could possibly know that he was dead was to have committed the murder yourself!”

Scanlon knew he was beaten. He slumped forward in his seat while Harrington fastened the handcuffs on him. Then he shook his head as if to clear his senses.

“Mr. District Attorney,” he begged, “give me a chance. I’ll talk – I’ll tell you plenty. I’m not the only one in this.”

“Scanlon,” Malcom shouted. “Keep your mouth shut. You don’t know what you’re saying.”

“I think he does, Malcom,” said the D.A. “Let Mr. Scanlon speak.”
“Scanlon, I’m warning you. Talk and you’ll regret it,” was Malcom’s threat.

Scanlon ignored the order. “Mr. District Attorney,” he began. “I killed Bill Walker, but it wasn’t my idea.” Then pointing to his boss, “There’s the man who –”

Malcom got up slowly from his seat. His hand was pointing at his underling. In it was a revolver. “I told you to keep quiet, Scanlon. Now you’ll listen.”

A shot rang out. But it was not to find its target. As Malcom’s finger clenched around the trigger, the D.A. tripped Scanlon’s chair. Over went Scanlon – the bullet finding its mark in the plaster where, a split second before, his head had rested.

Before Malcom could squeeze the trigger again, a revolver leaped into Harrington’s hand. It barked once – twice. There was a low moan from Malcom, as he slumped to the floor.

Union Hall was now in an uproar. Harrington quieted the cabdrivers as the District Attorney bent over Malcom’s prostrate form.

“Well, D.A.?” queried Harrington.

The District Attorney stood up. “He’s dead, Harrington,” he said quietly. Then the D.A. turned to Scanlon, “Come on, Scanlon. We’re going downtown.”

An hour later, Red Scanlon was in the city jail. Police were rounding up his entire gang of thugs. The taxi racket had been smashed.

At his trial, Red Scanlon was found guilty of the murder of Bill Walker. It was the jury’s sentence that he be electrocuted. And six month’s later, Red Scanlon paid for his crime. But the once-bold crook
proved yellow when he was no longer dealing the cards. Despite his boasts that he wasn’t afraid of anything, the racketeer was carried the “last mile” to the little green room where the executioner was waiting. He fought while the guards fastened him into the chair, and cried hysterically until that final moment when the executioner pulled the switch.

So died Red Scanlon – bad man and racketeer. And Mr. District Attorney proved that he meant to keep his promise: “Rackets in this city must go; they must be smashed at any cost!”

Mr. District Attorney had ended his first case.