SE ACCUSES THE OFFICER ON TRIAL

(Continued From Page One.)

ted his testimony and cross examination might occupy the entire day. Before going on the stand Rose said:

"I am going to make good. I know what I'm up against, but I'm going through with it. I don't care what happens. I have only one regret in going on the stand—I have met and known some decent people, and now though me they will be besmirched. I think that nobody but myself need be dragged into this, but I suppose it is a part of the penalty. I shall tell every detail of the most awful plot that ever was hatched."

Jurors Guarded.

The jurors are held in the strictest seclusion at their hotel when not in court. Even telephone connections in their rooms were cut off.

There was a craning of necks in the crowded courtroom as the bald headed gambler began to testify. Rose said he had known Rosenthal for twenty years and Becker for several years. The witness did not look at Becker as he gave his testimony, but the former police officer watched Rose intently. He spoke in deliberate tones.

"Did you have business relations with Becker?" he was asked.

"Yes, I collected money for him."

"I object as incompetent," shouted John F. McIntyre, counsel for the defense.

Objection Overruled.

"Overruled," ordered the court.

Rose then told of meeting Rosenthal and Becker in the Elks' club on a New Year's celebration. Mrs. Rosenthal was present. Becker said to Mrs. Rosenthal, according to the witness, "now don't worry. Herman and I have a thorough understanding. He is my friend and I stand by his friend and his troubles are all over."

Rose said he met Becker again at his home and at the Union Square hotel, when Becker told him the details of the proposed partnership in a gambling house between Becker and Rosenthal.

"Becker," Rose testified, "said Herman had made a proposition to him that he go into partnership with Rosenthal in running a gambling house and had asked him to invest $5000 in it. I said no one ever made any money in the gambling business with Rosenthal."

Becker as Rosenthal's Partner.

Becker, however, continued the witness, did not agree and made a proposition to allow Rose to take a 25 per cent share in the business of the proposed establishment. Becker took a $2500 chattel mortgage on Rosenthal's property and arranged for a "dummy" to hold the mortgage.

"Becker asked me," the witness went on, "if I would take the mortgage, and I said I would."

The witness told of conversations with Becker in which the police lieutenant intimated what were the profits of the gambling house. "I reported to him on one occasion that the house had made several thousand dollars," said Rose. "He told me to tell Rosenthal to send him $100. I went to see Rosenthal and Rosenthal said he wouldn't give it, because he thought he hadn't had a square deal on the mortgage.

"I told Becker. Becker said that just as soon as his attention was called to that place he would raid it. He told me to tell that to Rosenthal. I told Rosenthal. Rosenthal said:

"'You tell Becker he can't raid this place unless he gets the proper evidence, and he can't get it because I know all his men and they can't get in here.'

Raid Threatened.

"'So that's his attitude, is it,' Becker said when I told him this. 'All right; I'll raid it. Tell Rosenthal.'

"Rosenthal sent back word by me to Becker, 'Tell that fellow he'd better not start anything with me.'

"The next day Becker told me that Commissioner Waldo had called his attention to the place and he (Becker) would have to raid it. I told Rosenthal. Rosenthal said, 'Tell Becker he can't scare me; I don't believe Commissioner Waldo ever called his attention to my place.'

"Several days later Becker told me that complaints were pouring in and he would have to raid the place. He told me to see Rosenthal and tell him to do him a favor.

"'Tell him he has to stand for a raid,' Becker said. 'I did him a favor and he can't do one for me. I'll raid the place and it will relieve me from worry, and in a few days he can reopen his place and everything will be all right.'

"Rosenthal replied to me: 'You tell Becker he must think I'm crazy to stand for such a thing. He might as well take a torch and burn it up. It's my place and I'm going to handle it the way I think best.'"

"I saw Becker and told him what Rosenthal said.

Made Becker Angry.

"'Well I'm going to raid the place and raid it in a few days—within a week.'

"I told Becker it would only cause trouble and he said 'Don't you worry about that; it won't cause me any trouble; it will only cause trouble for Rosenthal.'

"Do you want me to tell that to Rosenthal?" I asked.

"'No,' he answered, 'I'm through with that fellow.'

"A few days later Becker told me that he was going to get two men from the strongarm squad to swear to the evidence.

"'That's awfully dangerous, Charlie,' I said.

"'No,' he said, 'it's all right, I'll let Rosenthal satisfy the mortgage first. I'll raid his place if it's the last thing I do.'

"'All right,' I said. 'I'm not going to be in the house when it's raided.'"

The house was raided.

"Later," Rose testified, "Rosenthal complained to Becker that policemen were stationed in front of his place, and said he was sore because his wife's nephew was taken in the raid."

Rose said his next meeting with Becker was at his own house.

"He told me," said Rose, "that Rosenthal was calling him up every day asking a meeting to find out what he was going to do about the indictments against the men arrested in Rosenthal's place. He put Rosenthal off. Soon after Becker said Rosenthal had begun to talk around street corners that he was in partnership with Becker and was going to show him up.

Waldo's Great Faith.

"Becker a few days later told me of having seen Commissioner Waldo and that the commissioner had heard of Rosenthal's charges and had not believed them.

"Becker said to me 'That fellow Rosenthal is getting dangerous.'

"I said, 'Nobody will believe Rosenthal!'"

"'Well,' he answered, 'so long as Commissioner Waldo doesn't believe him, I guess there's nothing to worry about.'

"I asked Becker if he had taken the policeman out of Rosenthal's place. He said 'No.'

"'Well,' I told him, 'as long as that man stays there Rosenthal will talk.'

"'I don't care much what he says,' Becker replied."

"'Did you and Becker discuss newspaper interviews that Rosenthal had given?'

"'Yes, Becker told me that I shouldn't worry about that; that he had Jack Sullivan looking after the papers and that Rosenthal couldn't get anything printed. Later Becker told me a morning paper had gotten an affidavit from Rosenthal and was going to print it.

"'I guess Rosenthal means to do what he said he would—to squeal and break me,' Becker said.

"'I'll get a couple of gang men,' I told Becker and go around and tell Rosenthal that if he doesn't stop his attack on you, something will happen to him.'

"'Oh, hell!' Becker said. 'I don't want the fellow beaten up. If I did I'd beat him up myself or have him beaten up for resisting arrest. But a beating up won't do for him. He must be put where neither you nor I, nor anybody else, will ever have to worry about him again.'

"'What do you want done with Rosenthal?' I asked Becker during the conversation," the witness testified.

Insisted on Murder.

"'I want him murdered, shot, croaked, dynamited or anything,' Becker replied. 'I want him put where we will never have to worry about him again.'"

The witness here told of Becker's alleged instructions to him to get out on bail "Big Jack" Zelig, the gang leader, then in the Tombs, and have Zelig's men put Rosenthal out of the way.

"Do you know sentiment at police headquarters is so strong that 'they don't care if Rosenthal is put out of the way?' Becker asked. 'I want you to go over to the Tombs and see Zelig and ask him to give orders to croak Rosenthal tonight. I will see that Zelig is out on the street.'

"Becker gave me $100 to take to Zelig. 'I'll meet you tomorrow morning to see what Zelig says,' he told me. 'Tell him that there will be no danger to his gang.'

"I saw Zelig and gave him the $100 and told him that it came from Becker," Rose continued. "Zelig said, 'I don't want that $100. I want to get out of here. You and Becker got me into this trouble.' I told him that the $100 was just a little favor from Becker and that he was not to worry.

"Zelig said: 'If you want to do me a favor, get me out. I won't do anything for Becker unless he does get me out.'

"I saw Becker next day and told him that Zelig wanted to get out and would not do anything unless he did get out."

Rose said he went to the home of the four gunmen, "Gyp the Blood" and his pals, and explained the Rosenthal-Becker situation. He told them, he said, that Becker would "frame them up" if they did not "croak Rosenthal."

Agreed to Kill Gambler.

"They agreed to do it that night," Rose said they had delayed "doing the job" and Becker had insisted that they "hurry it along." He told of a plan to kill the gambler at the Garden restaurant. It failed, he said, because of a suspicion that private detectives were present and guarding Rosenthal.

"Becker got hot at this," Rose added. "He kept asking, 'Why all this stalling? Why don't you get him?' One day he said: 'Now, this is going on too long. Either you are stalling them or these fellows are stalling you.'

"I told Becker that a detective scared the boys off at the Garden restaurant," Rose continued. "'Detective!' he said. 'Wake up and shoot Rosenthal in front of a policeman. Get through with it, get it over!'"

The witness then passed quickly to the events immediately preceding the murder. He told of going to "Bridgie" Webber's gambling place, and thence to the Lafayette baths, where he met Jack Sullivan.

Becker Impatient.

"'I received a telephone message from Becker,'" Rose testified. "'He asked me if I had heard of subpoenas issued by the attorney for 'Dollar John' and if I had fixed it so that 'Dollar John' would corroborate Rosenthal before the grand jury. I told him it had not been fixed.'

"Becker said, 'I told you what this thing would come to if you didn't get rid of this fellow. Why don't you do it tonight?' I said I'd do my best.

"I remained at the baths that night and had dinner with Sam Schepps, Vallon and Plitt. They came in a machine."

Plitt has been described as Becker's press agent.

Rose testified that Vallon, Schepps and himself went to Fourteenth street and Second avenue and got an automobile. Then they went to "Dago Frank's" house.

"I asked Frank where the rest of the crowd was," Rose continued.

"He said they had received a message to come downtown to 'Bridgie' Webber's place.

Murder Party Gathers.

"We went to 'Bridgie' Webber's place and saw 'Bridgie,' 'Gyp the Blood,' 'Lefty Louie' and 'Whitey' Lewis on the sidewalk. We all went up into 'Bridgie's' place and had drinks. 'Bridgie' said, 'Herman Rosenthal is at the Metropole.' Everybody got up then and went out."

"Who went out?"

"'Lefty,' 'Gyp,' 'Whitey,' 'Dago Frank' and 'Bridgie.' I stayed behind and was waiting when word came in that Rosenthal had been shot." Rose said he went to the Lafayette baths and telephoned to Becker.

"'Did you hear the news?' I asked him. 'Yes,' Becker said. 'I congratulate you.'"

"'How did you get the news so soon?' I asked Becker.

"'I got it from a newspaperman,' he said.

"'Are you coming down town?' I asked him.

"'I'll be right down,' he replied.

That was about 2:30 o'clock, Rose said. Becker came down about dawn, met Rose on the sidewalk with "Bridgy" Webber at "Bridgy's" gambling place.

Glad Deed Was Done.

"I am glad it's done," Becker said.

"Becker said he was late in coming down," Rose added, "because he had stopped at the police station to see Rosenthal's body. 'If it was not for District Attorney Whitman being there I'd have reached around and cut his tongue out,' Becker said to me," Rose said slowly and deliberately.

"'Don't worry, Jack,' Becker told me. 'The only thing to do now is lay low till it blows over.'"

Rose said he hid at Harry Pollock's home with Sam Schepps. Rose telephoned Becker and was told not to worry, but to stay where he was. Becker told him, Rose continued, that he should sign an affidavit saying that he (Rose) had advanced the $1500 which Becker loaned Rosenthal.

"I told Becker it was a poor thing to do, now that the man was murdered," Rose said, "but he insisted. At midnight he sent his lawyer, John W. Hart, with the affidavit. I signed it."

Becker Plainly Worried.

Before Rose was half through with his story drops of perspiration were standing on the brow of the accused police lieutenant. He did not once take his eyes off the witness. Mrs. Becker, who sat near her husband, looked steadily at the floor. Attorney McIntyre, Becker's counsel, volleyed objection after objection until he was reprimanded by Justice Goff. Twice he demanded that court be adjourned on the ground that it was a legal holiday and each time the court cut his argument short.

"'Bridgy' Webber gave me $1000 after the shooting at Fiftieth street and Eighth avenue," declared Rose, continuing his testimony. "I gave it to 'Lefty Louie.'"

"When was this?" asked Mr. Moss.

"On the Tuesday afternoon after the shooting. The shooting was early Tuesday morning."

"What did you say to 'Lefty Louie' when you gave him the money?"

"I told him, 'There's $1000 for you, Louie. You and the rest of the boys lie low for a few days. Becker says above all things you must not talk and that everything will be all right.'"

The witness was then turned over to the defense.

Cross-Examination.

"You will have only today to cross-examine Jack Rose," Justice Goff notified Becker's counsel. "You will finish his cross-examination if I have to sit here till midnight."

"Rose, are you a murderer?" was the first question.

"No."

"Did you procure the murderers of Spanish Louie?"

"I did not."

"Were you guilty of that murder?"

"No," shouted the witness.

"Did you kill Kid Twist?"

"No."

"Did you ever see him?"

"No, I've heard of him."

"Did you procure his murderers?"

"No."

"Was Sam Schepps with you when you signed the affidavit sent you by Becker at Pollock's home?"

"He was."

Admits Perjury.

"You signed that paper under oath, did you?"

"Yes."

"And thereby committed perjury?"

"Yes, I did," admitted Rose coolly.

"Why did you do this?"

"I did it for Becker; I would have done anything for him that night."

"What is your name?"

"For twenty years," the witness said, "I've been known as Jack Rose."

"Did you know James M. Sullivan in Connecticut?"

"Yes, he was my press agent when I used to get up prize fights in New Haven, Waterbury, Hartford and other cities."

"And when you were apprehended for murder, he became your lawyer, didn't he?"

"I was never apprehended," Rose replied emphatically. "I gave myself up at police headquarters."

"Were you held for murder in this case?"

"Yes."

Rose said he came here from Poland when he was 24 years old. He is now 37, he added.

Rose refused to say whether he had lived in Connecticut with a woman not his wife.

"You once forged some union label stamps, didn't you?"

"Never," replied Rose.

Mr. McIntyre sought further to unfold Rose's history. The witness said that about twenty years ago he ran two gambling houses and three or four years ago he had an interest in a gambling house called the Hesper club.

"Was Rosenthal interested in the Hesper club with you?"

"He was."

"Was that your first business connection with Rosenthal?"

"No; I was employed by Rosenthal in his gambling house in East Broadway twenty-one years ago."

Rose added that he also had been engaged in the theatrical business and had variously been a gambling house proprietor, bookmaker and play-producer.

Expert Poker Player.

"What did you do for a living in 1910?"

"I was an expert poker player."

"Did you not swear, in a lawsuit against Rosenthal in 1907," demanded Mr. McIntyre, reading from a printed record, "before a supreme court justice, that you were not interested in gambling houses?"

"I did."

"Did you tell the truth then?"

"Yes."

"I made up my mind," Rose volunteered, "to quit gambling for the sake of my family and lead a respectable life."

"When?"

"Oh, two years ago," Rose replied, wearily, "three years ago, four years ago, six years ago, ten years ago, twenty years ago—and I hope to lead a respectable life again."

"How did you terminate your interest in Rosenthal's gambling house?" pursued Mr. McIntyre.

"It terminated when Becker raided the place."

"And you and Rosenthal fell out then?"

"Yes; our relations were strained after that."

"Weren't you known as a stool-pigeon for the police?"

"No; I was known as a collector."

"When Rosenthal told the district attorney about relations with Becker, did you learn that Rosenthal had given your name to the district attorney?"

"Becker told me so."

"And you felt that Rosenthal had squealed on you, didn't you?"

"I felt so, yes. I felt that Becker's interest and mine were the same."

"Did you tell a newspaper reporter that you resented Rosenthal's squealing on you?"

"I did not."

"Didn't you say that the squealer should be put out of the way?"

"No."

"Or anything resembling that?"

"Yes; I told that to Becker."

A moment later Rose declared he had told Becker no such thing.

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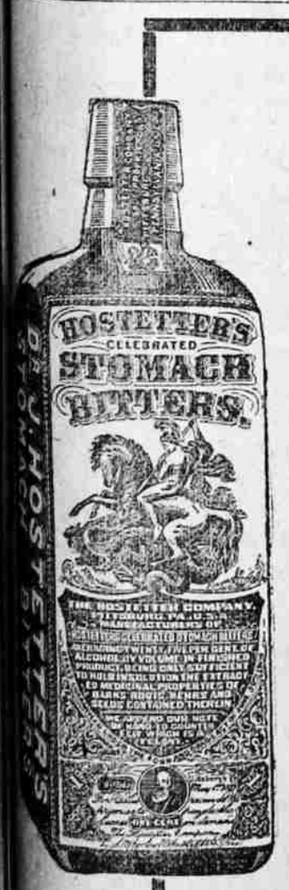

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