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UNITED STATES BOARD OF PAROLE

Transcript of Minutes

Case of Otto P. Higgins
Register No. 55996-
Institution Leavenworth, Kansas
Date July 17, 1940
Present T. Webber Wilson, Member

(Applicant called)

Judge Wilson:

Q. Have a seat Mr. Higgins. Otto P. Higgins, you are from Kansas City Mr. Higgins?

A. Yes, Sir.

Q. Married or single.

A. Married

Q. Any children?

A. I have two now.

Q. Two? How old are they?

A. One is 26 and one is 27

Q. Did you plead guilty to this charge?

A. Yes, Sir.

Q. Attempting to evade and defeat income taxes and you got two years. Have you probation to follow this sentence?

A. Five years.

Q. Five years. Accused you of failing to make the proper income tax return reports for the calendar years 35, 36, 37 and 38, is that about right?

A. Yes.

Q. They claim the amount involved was about \$55,000. Did you make any settlement of that?

A. Yes, Sir, it is pending now, we have agreed on an amount.

Q. I see, you will pay it, whatever is agreed on if you are able.

A. If I get enough time.

Q. I see

A. That's been agreed on too.

Q. You were director of the Police Department there in Kansas City?

A. Yes, Sir.

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Q. It is not necessary to ask you this question but I consider it a matter of form. "You were never in trouble before."

A. No, Sir.

Q. What are you going to do Mr. Higgins when you get out?

A. Why I have a printing plant and some newspapers and Mrs. Higgins is working there now trying to keep her afloat until I get out, until I take it over. I lost my license to practice law since I have been here and have to go back into the publishing business and printing business.

Q. Were you in the world war?

A. Yes, Sir.

Q. Went over seas?

A. War Correspondent.

Q. Honorably discharged when and where?

A. No, I was a war correspondent.

Q. War correspondent, but you did go over seas

A. Yes, Sir.

Q. But you weren't in the military service?

A. No.

Q. What paper were you with at that time?

A. The Kansas City Star.

Q. The Kansas City Star. No other case is pending against you?

A. There is one in the state courts, however, I am expecting that to be disposed of in the next two or three weeks.

Q. The reason I ask you that is I notice something about it here, the rule is you understand that would have to be removed before they can consider this case on its merits. When do you expect it to be disposed of?

A. In the next three or four weeks.

Q. What is that charge over there?

A. I was charged with certifying a pay roll of policemen for two weeks in January, 1935, when in fact they alleged that these policemen were doing some painting for me instead of doing police duty. There are three counts on that.

Q. You understand that it will be disposed of?

A. Yes, Sir.

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Q. What do you do here Mr. Higgins?

A. I work in the multigraph department of the school.

Q. I see.

A. I do a lot of printing for the institution and also the New Era.

Q. Well now, that is all I care to ask you Mr. Higgins, unless you want to say something to the Board. If there is any statement you want to make I will be glad to hear you?

A. Well, I am very anxious of course to make a parole. That is readily understandable, I have never been in any trouble before in my life, We had what you would call a political upset in our neighborhood and I am 50 years old and I have lost my license to practice law which I have been doing for the last twenty years and I have got to start into the printing business and I have had that for some ten or eleven years but never paid much attention to it, never tried to build it up because I was a lawyer and practiced law all the time and I have got to go back into that, However, I owe the Government some \$9,000 and we have agreed on and I have got to raise most of that and my wife is trying to keep the ship afloat until I get out. My mother is 84 years old and some few weeks ago she left my place and went over to her own place where she is living over there alone, I was the only one that has been able to handle her in the past.

Q. If the detainer is removed then the Board can act upon the merits of your case.

A. I haven't done anything toward attempting to get a parole on account of this case pending and I hoped that the matter would be held up until such time as we had an opportunity to dispose of it, and if that is done it will give me an opportunity to get some letters in and do what I could.

(Applicant excused)

Judge Wilson:

The applicant is an American white man, 49 years of age who has a wife and two daughters. He comes to this institution from Kansas City, Missouri on a plea of guilty to an indictment charging him with attempt to evade and defeat income taxes to serve two years for said offense. It will be noted that he will be on a five-year probation after he is released after he terminates this sentence.

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The district attorney says that this man failed to report his income taxes received by him during the calendar years 1935, 36, 37, 38, and that the total amount of unreported income of the four years in question amounted to approximately \$55,000. The evidence showed that the prisoner received this income from protected gamblers and from other forms of organized vice for which he provided protection by virtue of his office as director of the Kansas City Police. There are no mitigating circumstances and the aggravating circumstances are that the income unreported by this prisoner was derived from the lowest and worst elements of organized underworld of Kansas City.

The district attorney rates him as a menace to society and recommends against parole.

However, Judge Collet says he does not concur in the recommendation of the district attorney and he says "I see no reason why this defendant should not be treated as anyone else who does not have a previous bad record - if he has earned consideration by his conduct there - he should receive it."

Judge Collet makes this recommendation and writes it out in his own handwriting.

There is a long report in the file from the Treasury Department giving the details concerning this violation. This man was a servant of Pendergast in the city of Kansas City like many others who were serving under this corrupt regime. He served the master and of course it resulted in his incarceration in this institution.

This man was never arrested before.

He says there is a case pending against him down there in the state court where he is charged with paying policemen when the policemen were rendering some personal service to him by painting his house. He says he understands that that case will be disposed of in the near future.

Of course, as long as that case is pending against him he will not be in a parole status. He states for that reason he hadn't completed his application and he desires to get letters from outstanding people in Kansas City as to his character and standing in the community and submit them to the Parole Board before final action is taken in his case. We think he is entitled to that consideration.

There is a letter in the file from Mr. Sidney Houston, associate editor of the National Tribune and he says –

"I have known Mr. Higgins since 1914 when he and I worked together on the Kansas City Star. After that when I was in France as a soldier in the American Army I met up with Higgins on numerous occasions when

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"he was representing the Kansas City Star over there. Following the war I knew him as a lawyer and head of the Police Department in Kansas City. I have always found him to be honest and above board. Apparently he made one misstep which was noted by the Federal Government, but in my estimation this is not in keeping with his character.

"I am fully convinced that he is justly entitled to parole as soon as the law will permit."

There is a communication in the file from the City Administration, Director of Police, Kansas City, Missouri. This is the usual questionnaire as sent out to former employers of prisoners. They asked the new City Administration if - "was this employee punctual," and they answered "never." Question - they asked if he got along well with his superiors, his fellow workmen, and with those under him, and they answered "no." Question - they asked did he support his family and their answer is "?". Question - they asked what kind of associates did he have and they answered "the underworld." Question - they asked was he ever promoted, demoted or discharged and they answered "resigned under fire." Question - they asked did he pay his debts and they answered "some of them." Question - they asked was he honest, sober and industrious and they answered "no." Question - they asked would you employ him in the future and they answered "no." So this report speaks for itself.

This man was never arrested before.

He maintained a spotless institutional record. The deputy warden, Mr. Shuttleworth says his conduct and adjustment have been satisfactory to date and they rate him as trustworthy, friendly, pleasant, energetic and faithful.

The neuropsychiatrist in his report says that he is a man of superior intelligence, with a

good personality and that there is no evidence of any mental or physical disease. This man has shown a very favorable attitude here and he works in the office of the educational director. His attitude regarding the political situation in which he became emmeshed and which sent him here is hard to ascertain. He certainly wishes wholeheartedly that he had never become involved in politics and seems also to feel rather deeply about the wrong that was committed under a corrupt city administration. He plans to stay out of politics as he has to anyway for he has five years probation and to give his entire attention to sane country newspapers which he maintains and which he believes will adequately support him.

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This man makes a very excellent impression upon the Board. This man has a good background and of course he was guilty of a very serious violation of the law in the instant case but he already has been punished for that and the thing the Board is concerned with in taking into consideration his past record, is whether or not he is a fit subject and a safe person to be released on parole. But as indicated above there is a case pending against him which he says will be disposed of in the near future, and even if there were no cases pending against him, we desire to consider this case further and to continue it to Washington, in order that this case may be considered by and discussed with the other members of the Board.

I hereby certify the foregoing to be a true and correct transcript of my notes and all there [Ms. illegible] at the time, place, and on the [Ms. illegible]

R. F. Muhan

9-5-40

RFM:vc