



**John Dillinger posing with the wooden gun he used to escape from Crown Point Jail, after being captured in Tucson, AZ, January 25, 1934. Ironically, this picture was taken at the Dillinger family farm while it was watched by the FBI. They never noticed.**

## WITHOUT A SHOT FIRED:

### The 1934 Capture Of The Dillinger Gang In Tucson by Stan Benjamin

*John Dillinger, Public Enemy #1, and three of his gang members, along with three of their lady friends, were captured in Tucson, Arizona on January 25, 1934.*

The Dillinger gang was wanted in the Midwest for a variety of crimes ranging from murder to bank robberies. After committing one robbery, the gang came to Tucson to lay low for a while. Some of the crimes the gang had committed included a jailbreak from Michigan City, IN; a jailbreak from Lima, OH, in which the sheriff was killed; killing a policeman in Chicago, IL; killing still another policeman; \$74,000 robbery of the Greencastle Bank in Indiana; \$53,000 robbery of a bank in New Carlisle, OH; \$27,000 robbery of a bank in Racine, WI; \$24,000 robbery of a bank in Farrell, PA; \$21,000 robbery of a bank in Indianapolis, IN; \$12,000 robbery of a bank in Montpelier, IN; \$3,500 robbery of a bank in Daleville, IN; and a \$2,800 robbery of a bank in Buffton, OH. It is said that Dillinger stole more money in 12 months than Jesse James did in 16 years.

With machine guns, automatic rifles, and bulletproof vests, the gang far out-gunned most police departments from that period. Despite that, the gang was apprehended in Tucson without a shot being fired. Here is that story.

In the early 1930s, crime was exceedingly bold in its operation. The sound of machine gun fire and the speeding get-away car were common in many cities. In their wake lay the dead and injured on the streets and sidewalks. This was a time when life was cheap. Racketeers in some cities made it no secret they both owned and ran local governmental administrations. Those who could not be bought were blackmailed. If that did not work, and some persisted in resisting and getting in the way, they were simply killed.

Typical of the 1930s was the armed and well-planned robbery of banks. One of the all-time masters of bank robbing was John Dillinger, a genius at his worst. He led a gang of ruthless and clever men who carried out one successful bank robbery after another. Each member of the gang was chosen for his particular ability. The result was that every bank job was planned and carried out with the

precision of clockwork. The Dillinger gang was known throughout the world, and if they were well-known, they were wanted twice as badly.<sup>1</sup>

Tucson was not very large in the 1930s, with a population of less than 40,000. Bounded by Drachman Street on the north, Tucson Boulevard to the east, Grande Avenue on the west, and South Tucson to the south, the city comprised about seven square miles.

Tucson was protected by a police force of around thirty-five officers, earning an average salary of \$140.00 a month. Motor officers made ten dollars more a month as they were required to purchase boots and other special equipment. The department provided each officer with a badge, a night stick, and a cap buzzer (hat badge).

Officer Frank Eyman recalled decades later that when he started with the police department in 1930,

We had two police cars and six motorcycles. One car was a Chevrolet touring car and the Captain drove a Studebaker President touring car. When a call would come into the Police Department, the Captain would usually take the call and he would stop by the Meyer Street beat and pick up one of the officers to go with him, 'cause they usually walked in pairs on Meyer Street. The six motorcycles were Indians and Harleys. Two were owned by the city, and officers owned the other four. We worked eight hours a day and got one day a month off.<sup>2</sup>



Records indicate at least several members of the Dillinger gang arrived in Tucson on January 21, 1934. Charles Makley, traveling with Russell "Art" Clark and his girlfriend, Opal Long, drove a new 1934 Studebaker. Clark and Makley went to a realty company to see if they could rent a house and were directed to one at 927 N. 2nd Avenue.

When they arrived on that cool, damp day, they were greeted by Hattie Strauss, the owner. Hattie said they seemed like nice enough folks but they wanted to move right in and she had just waxed the hardwood floors so she told them she would gladly rent the house to them, but they would not be able to move in until the next day.<sup>3</sup> They agreed to this and departed, heading for the Hotel Congress at 311 E. Congress Street.

Over the next few days other gang members arrived in

Tucson. Two of the cars had Florida license plates and one had Wisconsin plates. Harry Pierpont, with his girlfriend, Mary Kinder, arrived in a new 1934 Buick with Florida plates. John Dillinger, with Evelyn "Billie" Frechette, came in a new 1934 Hudson sedan.

On the evening of January 21st, while Makley and Clark were enjoying themselves at Charlie Chase's nightclub located at 75 S. Stone Avenue, they encountered two talkative salesmen. Clark had his fill of how the men were acting, and told them to come to his room at the Hotel Congress where he would "buy them a drink and show them something." What Clark showed them were machine guns and bulletproof vests.

Early the next morning, a fire broke out in the basement of the 15-year old, three-story Hotel Congress. It was believed to have started in the area of the furnace and oil



**The fire at the Hotel Congress that spelled the end of the Dillinger Gang.  
(Credit: Arizona Historical Society)**

**(Right) What the typical room was like at the Hotel Congress**



supply around 7:00 a.m. and gained considerable headway before being reported to the Fire Department at least 20 minutes later.

Flames roared up the elevator shaft and to the roof as the 100 hotel guests woke to smoke, shouting, and confusion. Three general alarms brought every possible piece of fire-fighting equipment and Chief Joe Roberts's full complement of men. Three pumpers were put into service, providing five streams of water directed upon the fire.

Mrs. Helga Nelson, day clerk at the Hotel Congress, had been on duty just a few minutes when the fire shot up from the basement. Glued to her telephone exchange box, Mrs. Nelson stayed at her post calling all the rooms and awakening guests. As she completed calls to the second floor rooms, the extreme heat reached the telephone system and it went dead. Employees and police officers

dashed up to the third floor spreading the alarm. All guests escaped the hotel without any injuries.<sup>4</sup>

Russell Clark and Charles Makley, along with their lady friends, were spending the night in rooms on the third floor. The stairs were filled with smoke and jumping from the third floor surely meant serious injury. They noticed that an aerial ladder from the Tucson Fire Department had been placed at a window ledge on the third floor. With the help of several firemen, the two couples descended the ladder to the street. At the urgent request of J. C. Davies, later identified as an alias for Makley, Tucson Firemen William Benedict and Kenneth Pender went back up to the third floor rooms. They rescued the group's luggage and were given a \$12 tip. Benedict and Pender later commented that several pieces of the luggage were very heavy.



**The Hotel Congress as it appears today. Notice how the Hotel is only two stories tall today, after the third story was destroyed in the fire in 1934. (Photo Tracie Hill)**





**The Tucson Firemen recreating their finding the ID of the hotel guests that they helped.**

Later that same day, the two firemen were looking at a copy of True Detective magazine when they spotted, on a page devoted to pictures of wanted criminals, several familiar looking faces. They resembled the two men they had encountered at the Hotel Congress fire earlier that morning, whose heavy luggage they had rescued from a third floor room.

At about that same time, Deputy Sheriff Maurice Guiney was passing the firehouse, so Benedict called him in and told him what they had learned. Guiney intended to act on the information he was given and returned to the Sheriff's office, only to find that all the deputies were out on other business. Deputy Guiney further learned the Tucson Police were already aware of the same information, obtained from a different source, and were taking action.

Between 1929 and 1939, except for private telephones in some Tucson businesses, the Gamewell call box was the only communication link between the police officer on the beat and the station. Eighteen telephone call boxes were scattered throughout the city.



**The Tucson Gamewell Police Flashlight  
(Displayed at the Tucson Police HQ)**

There were two ways to use the call box. In emergencies, or when an officer needed help but could not stay to talk, he would insert his key in the top keyhole marked "Wagon Call" and turn the key. He could then remove the key and continue with whatever action he was taking. Using the Wagon Call keyhole would send a signal into the Police Department in the form of a ticker-tape, punching out the number of the box the call was coming from. Since the officer was not on the line to talk, this meant he needed help.



**Gamewell Police Telegraph  
(Displayed at the Tucson Police HQ)**

The second and more common use was for the officer to open the door of the call box, crank the handle, and talk directly to the police station, exchanging information. Used in conjunction with the call box telephone were red colored lights suspended over the centers of intersections throughout town. The lights were positioned so they could be seen from all four directions. If the desk sergeant needed an officer, he would turn on the red light and eventually an officer would see it, go to the nearest call box, and contact the station. The red lights were called flashers. Call boxes were used until the early 1960s, even though by 1939 the Tucson Police Department had obtained their first two-way police radio.

“I had been out on the firing range and stopped by the station on my way home,” remembered Officer Milo “Swede” Walker years later.<sup>5</sup> “While I was there a call came in on the Gamewell callbox system — because in those days we did not have car radios. The call came in from Officer Harry Lesley at Fourth and Toole Avenues. He asked if there were any detectives around. Well, old Sergeant Forbes was on duty and he said, “No, there isn’t. I will try and get one. What do you want?”

“I want him to meet me at Fourth and Toole,” Walker recalled Lesley saying, “Got something important.”

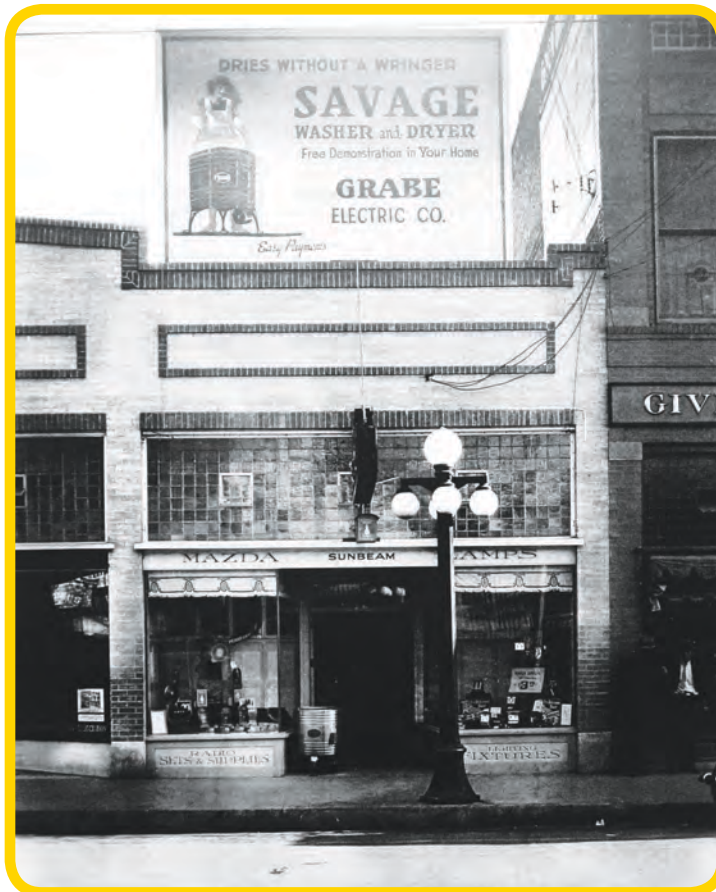
“Sergeant Forbes put on the flasher, but flashers were hard to see during the daytime,” Walker continued. “Meanwhile, Captain Jay Smith had heard about Lesley’s request so he got into his own car, a Packard, and drove to Fourth and Toole. I followed him to the Toole underpass.”

“When I pulled up;” Walker continued “[Smith] had Officer Lesley in the front seat and the two salesmen in the back seat. Both officers had removed their caps. As I pulled up [in those days cars had running boards], I put my foot on the running board and asked, ‘What you got, Skipper?’ He said, ‘Shove off, Swede. We don’t want any police equipment around here,’ so I left.”

Continuing his recollection of that fateful day, Walker said, “This was where we got our first information that there were some questionable visitors in Tucson. Captain Smith found out they had luggage when they left the Hotel Congress, so he went to Farragut Transfer, which was located right at Fourth and Toole, and talked to the owner, who told him they had taken some real heavy bags up to 927 N. 2nd Avenue. The driver gave the officers a de-

scription of the two men that went there. The description was of Clark and Makley. At this time, we knew we had some suspicious people in town but were not sure who they were.”

Armed with the information from the two salesmen, and from the two Tucson firemen, the Police Department put the house at 927 N. 2nd Avenue under 24-hour a day surveillance as they continued to compile information. By January 25th, the department was ready to take action.



**Grabe Electric Company at 26 E. Congress St.  
(Credit: Arizona Historical Society)**

That morning, a man and woman left the house and got into a new 1934 tan Studebaker sedan and headed for the downtown area. The car stopped at Grabe Electric Company at 26 E. Congress Street and the couple went inside. Police were fairly sure the man was Charles Makley. Officers followed them into the store and Identification Officer Mark Robbins informed Makley he was under arrest as a fugitive. Makley was taken to the Police station where he was positively identified by his fingerprints.

It was determined the lady with Makley was a local girl, picked up the evening before, and since she had no connection to the gang, she was released after being cautioned

about choosing her friends more carefully in the future. Charles Makley, a.k.a. J. C. Davies, age 43, was the first member of the Dillinger gang arrested in Tucson. When apprehended, he had \$794.07 on him.

It was around 11 a.m. when Capt. Smith, Officers Frank Eyman, Kenneth Mullaney, Mark Robbins, Chet Sherman, and Dallas Ford headed for 927 N. 2nd Avenue. The plan was for Sherman to carry a letter up to the house as if he were a messenger. He knocked, and Opal Long opened the door.

“She was Clark’s moll,” recalled Walker. “She was a red-headed gal, and boy, just as tough as a boot. I’ve heard a lot of profanity in my time, and in fact I have a pretty fair vocabulary of cuss words. But, man, she was something else.”<sup>6</sup>

Sherman asked for Russell Clark, but because that was not the name he was using, and since Clark heard the conversation, he came straight towards the door. The way Clark was coming and the speed he was walking convinced the police officer he was in trouble, so he attempted to draw his gun, a .45 caliber automatic. By the time he had the gun drawn, Clark was on him. Clark put one hand over the gun, blocking the hammer from falling, and with the other hand picked Sherman up, and the fight started. Clark was trying to get into the bedroom where his own gun was.

Along with fighting Clark, Sherman was also being hit and kicked by Long, so he started hollering for help, bringing in Mullaney, Eyman, and Ford. The latter was packing

a .38 revolver and hit Clark with it so hard he bent the ejector pin on the cylinder, but still did not knock Clark down. Mullaney then hit Clark “right between the horns” with an iron claw, and even this did not slow him down, but it did allow Sherman to get free from him, after which all the officers piled on Clark. By this time the fight had moved into the bedroom of the house and the officers were able to handcuff both Clarke and Long.<sup>7</sup>

“My family moved to Tucson in 1915 and we lived at 604 E. First Street,” Nathaniel McKelvey said years later. As a boy, McKelvey witnessed the arrest of Clark and Long, and he remembered, “One day I was helping my brother work on his Model T Ford when we noticed a commotion at 927 N. 2nd Avenue. Two Tucson Police cars pulled up in front of the house. My brother and I climbed up on our fence to get a better view. Within several minutes, officers came out of the house leading a man who was handcuffed. A lady was also taken from the house and they all got into the two police cars and drove away. The handcuffed man was Russell Clark. The date was January 25, 1934.”<sup>8</sup>

When he arrived at the downtown police station, Clark was still bleeding from his head wound so the officers called for the city nurse from Dr. Howard’s office upstairs. Clark asked her if she had any aspirins in her pocket and she replied she did not. Clark told her, “Boy, I sure got a headache,” so the nurse said she would get him something. She brought him a cup of water and several aspirins. He thanked her very much for her help, then pulled a ring off his finger saying, “Here, I want you to have this.” She told him, “Why, I don’t want that ring.” He replied, “Don’t be foolish. That’s all mine. It’s paid for, and where I am going, I’ll never see it again.” The nurse accepted the ring and later took it to Greenwald (not Gruenwald) and Adams to be appraised. It was worth \$2,000, a lot of money during the 1930s. Russell “Art” Clark, age 34, was the second gang member arrested. When caught, he had \$1,264.70 in cash on him.

Early that afternoon, motor officers Milo “Swede” Walker and Earl “Mickey” Nolan arrived at the police station to work the evening shift. When they heard about the capture of Makley and Clark, they commented that the previous day they had encountered a man while using the call box phone on 18th Street. They said he was a well-dressed fellow, driving a new 1934 Buick with Florida plates, which had a car radio in it. Walker commented that it was the first car radio he had ever seen.



**Russell Clark with his head bandaged after having a .38 cal. revolver bent over his head during his arrest.**

**(Credits Arizona Historical Society)**



**Close Inn Motel on 6th Ave. (Credit: Stan Benjamin)**

The fellow stopped and talked, informing the officers he thought a car behind him might be following him. Nolan took off after the car on his motorcycle and returned within a few minutes, telling the fellow that there was a young man in the car with containers who was looking for water as his mother did laundry for a living. Later, after Harry Pierpont was arrested, he told Walker that whenever he saw a car he suspected might be a police tail, he would tell a policeman, and if it actually were a tail, it would be blown. Walker told Captain Smith that the fellow mentioned he was staying at the Close-Inn Motel on south 6th Avenue.<sup>9</sup>



**Harry Pierpont, in the police station, shortly after being arrested. He didn't want his picture taken, but with encouragement from several officers, it was. Shown left to right are Captain Ben West, Pierpont, Motor Officer Frank Eyman, and Sheriff John Belton. (Credit: Tucson Police Department)**

Armed with this information, Capt. Smith and officers Eyman and Nolan took one of the police cars and headed south on 6th Avenue. At 19th Street, they saw the new Buick, traveling north and made a U-turn before stopping the car. Eyman approached it and informed the driver that, because they had out-of-state plates, they needed

a “visitor sticker” to be driving in Tucson. Eyman told the driver, who later turned out to be Pierpont, that if he would accompany him to the police station, he would be given a visitor sticker and would not be stopped any more. The driver agreed, but said he did not know the way, so Officer Eyman offered to ride along and give directions.

With this, Eyman climbed into the back seat and sat on top of several large lap robes, which served as heavy covers. He later learned that under the robes were guns and vests. As the car pulled away, Eyman looked back and saw that the police car was still sitting at the curb, having stalled. Plus, it was difficult to start.

In the car with Pierpont was his girlfriend, Mary Kinder. When they arrived at the police station, Kinder asked if she should wait in the car, and Eyman suggested she would be a lot warmer inside so she went with them into the station.

Eyman and Pierpont walked back into the Chief's office while Kinder stayed out front with the booking sergeant. As they entered the room, Pierpont noticed in the corner of the office several machine guns, bullet-proof vests, and additional equipment which he recognized as belonging to other gang members. Seeing this, Pierpont went for his gun, a .38 super in a shoulder holster, but Nolan, Eyman, and Smith were too fast for him and took his gun away. The officers then searched Pierpont and found a second gun, which Eyman said “was down in his sock.” It was the gun taken by Pierpont after he killed Sheriff Sarber during a jailbreak in Lima, OH.<sup>10</sup>

Harry Foley was the desk sergeant on duty the day the gang members were arrested and booked into the city jail. When they were searching Pierpont, Swede Walker recalled many years later, “There was a little piece of paper that they took out of his pocket and put it down on the counter in front of the desk sergeant, so he could list all of his property. When Pierpont saw that little piece of paper out there, he reached over and grabbed it, shoved it in his mouth, and started chewing on it. That damned Foley, he was gonna get it out of there. So he goes in with his finger and he got the hell bit out of him.” The piece of paper had the name of a person who had snitched on the gang and Pierpont was going to “take care of him” later.<sup>11</sup>

Three gang members were now in custody. Not sure what else might happen, the chief instructed Detective James Herron and Motor Officers Walker and Mullaney to go





**(Above) Trustee Section of the Tucson City jail in 1954.**

**(Credit: Stan Benjamin)**

**(Right) Machine guns, rifles, pistols, revolvers, and bulletproof vests were all taken from the Dillinger gang during their capture in Tucson. The gang had more firepower by far than the local police officers. The vests, dark blue in color, matched the clothing the gang members usually wore when wearing the vests. Shown here are several of the officers who helped capture the Dillinger gang. Shown left to right are Mark Robbins (the ID man who identified the gang members by fingerprints), Chief of Police C. A. Wol-lard, and Officer Chet Sherman.**

**(Credit: Tucson Police Department)**





**927 N 2nd Ave., Where John Dillinger was arrested.**

back to 927 N. 2nd Avenue and stake out the house in case more criminals should come by.

Walker remembered that they arrived at the house around dusk at 6:00 p.m. Detective Herron took up a position across the street while Mullaney and Walker went around to the back door and forced it open, entered the house, and positioned themselves inside by the front door.

Shortly, a black Hudson went north on 2nd Avenue, made a U-turn, and parked in front of the house. There were a man and woman in the car. The man got out and started up the walk. He stopped just short of the front door and started to turn.

“That was when I kicked open the front door and said, ‘Stick ‘em up!’” Walker recalled vividly 40 years later. “The man paused for a second and then said ‘I’ll be damned.’ By this time, Herron had come up behind the man with his gun drawn. Several of us then went to the car and took the lady out, who later was identified as Evelyn ‘Billie’ Frechette.”<sup>12</sup>

“I was covering Dillinger with a shotgun,” Walker continued, “and he would only raise his hands shoulder high until I pulled back the hammer on the shotgun, then he raised his hands over his head. At this time, we searched him and found he was carrying two guns, a .45 automatic and a .38 super. Later, the courts awarded the .45 to me and the .38 super to Herron.”

“All the time we were at 927 N. 2nd Avenue,” Walker went on, “we did not know we had captured John Dillinger. We did not learn who he was until we arrived at the

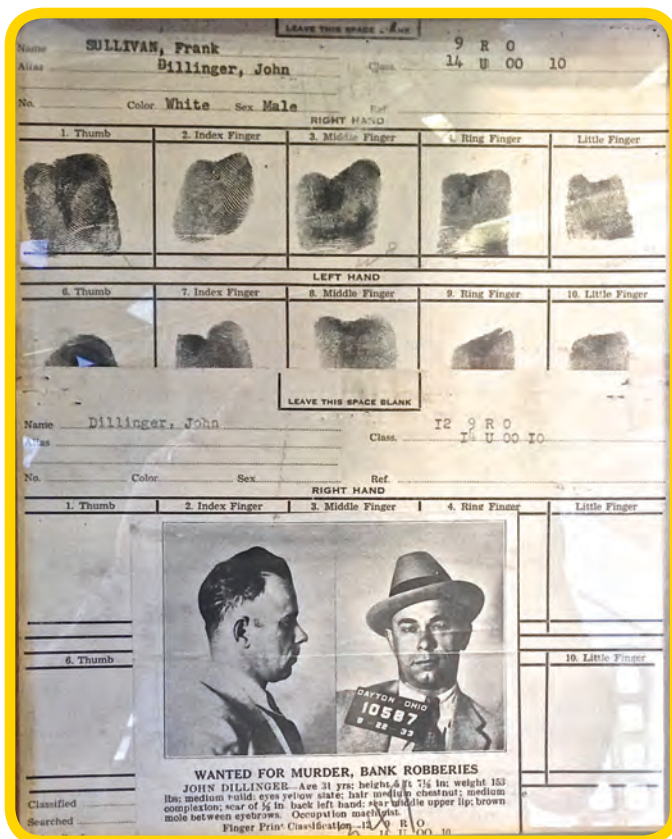


**John Dillinger in January of 1934**

police station and Mark Robbins, our fingerprint man, identified him. Robbins handed him the fingerprint card and said ‘Here John, you might just as well sign your real name here.’ Up to this time, the man kept telling us his name was Frank Sullivan.” When captured, Dillinger was not wearing a bulletproof vest.

Despite that, Dillinger later told Walker about the benefits of having bulletproof vests. “He said most lawmen carried the standard .38 caliber revolver,” the police officer remembered, “and the bullet it fired would not go through the vests. He told me that when he shot Officer O’Malley during a bank robbery, a second officer shot at him two or three times, hitting him in the vest, and the bullets ‘just rocked off of him.’”<sup>13</sup>

It turned out the capture of Dillinger was luckier than the police officers could have known. “If Dillinger had done like Evelyn Frechette wanted him to do, we might not have captured him,” Walker said. “She wanted to go into town and eat dinner first and then go up to 927 N. 2nd Avenue to see Clark and Makley. The newspapers had put out ‘Extras’ telling the news about what gang members had been captured. If they had gone to dinner, they probably would have heard about the previous captures and left town.”<sup>14</sup>



**(Left) Finger print card and mug shot of “Frank Sullivan” the alias used by John Dillinger at the time of his arrest. (Above) The mug shots of the whole Dillinger gang when arrested in Tucson. (Both items are on display at the Tucson Police HQ.**

After his arrest, Dillinger was searched by Captain Ben West. “I do not claim the glory of catching Dillinger,” he said, “but I did search him when he was being booked and found about \$6,500 in his pockets. He turned to me and said that I would be foolish if I turned in that money, but I did.”

Sometime later, several of the officers were talking to Pierpont, and he asked how much total money the police had confiscated from the gang. “We told him we heard it was around \$16,000,” Walker said.<sup>15</sup> “Pierpont asked us how much of that did the police keep. When we told him the police did not keep any of the money, and that it was all turned in and accounted for, he said, ‘Boy, you’re not as smart as I thought you were.’”

“The evening John Dillinger, was captured,” Walker remembered, “we first booked him into the city jail, but because he was a felon, he was supposed to be transferred to the county jail. We called over to the Pima County Sheriff’s Department, and they sent deputies Ora Shinn and Jerry Martin to pick up Dillinger to take him over to the county jail. When they started out the door, they didn’t handcuff him or anything. Mickey Nolan spoke up and said, ‘Hey fellows, you’d better handcuff that man,

because he isn’t any ordinary criminal.’ One of the deputies said: Well, let the Son of a B run. That’s what we want. Then we can shoot him in the back and save the county money.”<sup>16</sup>

After Dillinger got to the county jail, he told Pierpont what had happened. Even though the gang members called the Tucson police department, “hick town cops,” the four criminals had been captured without a shot being fired.

The next day, when Deputy Jerry Martin was in the jail area, Pierpont collared him and called him assorted names. Pierpont told him: “I have been in bigger and better jails than this one here, and I’ve always got out of ‘em. I’ll get out of this one and when I do, I will come after you.”

With Dillinger’s capture, Walker had another job to do. “They used me as a guinea pig to drive his car around,” Walker reminisced, “thinking maybe if there was some more of the gang here they might recognize the car, and so on and so forth, and in doing so, I’d make contact with ‘em. So I come home and changed clothes, ‘cause I was in uniform. I put on civilian clothes and went out and got in the car and started off. I was going down 9th Street and I



**The gang is back together in court after being picked up one by one by the Tucson Police. Shown left to right are Russell Clark, Charles Makley, Harry Pierpont, John Dillinger, and Opal Long. Standing behind Clark is Chief Wollard and to his left is Milo "Swede" Walker, one of the officers who captured John Dillinger. (Credit: Milo Walker)**



**The train carrying Pierpont, Makley, and Clark before leaving Tucson. (Credit: Arizona Historical Society)**

had the radio turned on. I was listening to KSL, Salt Lake City, and thought to myself, 'What's happening to this world anyway? Here I am in Tucson, Arizona, listening to a beautiful orchestra playing up in Salt Lake City, a thousand miles away from us down here.'

Continuing, Walker said "So all of a sudden, I hear a break in the program, and the announcer comes out and says, 'Flash! Flash! Flash! We just received word that John Dillinger, Public Enemy Number 1, and his gang have been caught in Tucson, Arizona,' and here I was driving John Dillinger's car down the street, listening to his radio, when this thing come in."

The day after the fugitives were captured and securely locked up in the county jail, Sheriff John Belton held an open house and allowed the public to walk through to see the notorious Dillinger gang. Dillinger, Clark, and Pier-

pont were in cell block one, while Makley was in a cell in the Trustees' area. Hundreds of Tucsonans filed through the jail to see Public Enemy Number 1. According to Frank Keefe, a retired Tucson police captain, one lady stopped in front of Dillinger's cell and said, "Your mother must be ashamed of you." Dillinger snapped back in a loud voice, "I don't have a mother," and the lady jumped back.<sup>17</sup>

Also on January 26th, the gang was in court for arraignment. The criminal action was the Writ of Habeas Corpus and Extradition Case: Indiana vs. Ohio vs. Wisconsin. The gang was trying for Wisconsin, since there was no death sentence hanging over them there. Eventually, the officials from Indiana got Dillinger and Ohio got the others.<sup>18</sup>



**Shown here are the officers who were involved in the apprehension of the Dillinger gang, along with the guns taken during the arrest. Standing, left to right are Detective Dallas Ford, holding a police shotgun; Chief of Police C. A. Wollard; Sergeant Harry Foley, who was the booking sergeant at the City jail; Officer Frank Eymann; Captain Jay Smith; Officer Chet Sherman; and Detective James Herron. In front are Motor Officers Milo "Swede" Walker, Kenneth Mullaney, and Earl "Mickey" Nolan. Not shown is Identification Officer Mark Robbins who, using fingerprints, identified each of the gang members.**

A few days after the arrests, Walker said of Clark, who still had a bandaged head because of his wound, "Clark was setting there in his shorts, I don't think he had any socks on either, and he made a remark. He said, 'Well, I'll tell you one thing, as soon as I get out of this joint, and I will be out of here because I've been in bigger jails than this one and I've got out of 'em, the first place I'm gonna go to is a sporting goods store. I'm gonna buy me a head gear, 'cause it seems like every time we get into any trouble, some son of a bitch has to hit me over the head.'"<sup>19</sup>

With the gang in jail, the wheels of justice began to turn. "Working the Dillinger case was my life for several years," declared Harvey Hire many years later. "I graduated from Purdue with a bachelor's degree in 1932, and a master's degree in chemical engineering in 1933. With those, I was given the opportunity to become one of the first Indiana State Police detectives."<sup>20</sup>

"Our entire department, including clerks, only consisted of 44 people" Hire continued. "One problem we encountered was that so many of the local police departments

were corrupt we could not take them into our confidence and use them to help us make arrests. Many times we attempted to make an arrest with questionable information provided by stool pigeons, and usually due to the short time we had, we could only assemble a few good men."

"We were sure glad to receive the news that Tucson Police had captured the Dillinger gang," Hire said. I was one of the officers who came out to escort the gang back east. Six of us came — Captain Matt Leach, Verne Shields, Gene Ryan, Don Winn, myself, and a lady by the name of Marie Rott. She came along knowing we were going to take Mary Kinder back. One of my jobs was 'Purser' for the trip and I paid all the expenses.

"On one of my visits to the Pima County jail," Hire recalled, I noticed there was one armed guard at the first floor cell door, and another armed guard at the cell door on the second floor. While talking with the second floor guard, I asked if he was concerned about the rumors there may be more gang members in town and what if they tried to free Dillinger. In a calm voice he said, 'The only

way up here is through this cell door. I won't open it, and no gang members will leave here alive."<sup>21</sup>

Harry Pierpont, Charles Makley, and Russell Clark were returned by train to Ohio to be tried for the shooting death of Sheriff Sarber, which occurred while they were freeing Dillinger from jail. Mary Kinder was also sent back east on the same train, but she was transferred at Kansas City to a train bound for Indianapolis where she had to face a grand jury investigation that she aided in a September 26, 1933, jail break. As they were leaving Tucson, hundreds of people crowded the platform at the local railroad station to catch a glimpse of the four fugitives who were being extradited back east to stand trial for numerous crimes. They were taken on a specially chartered and guarded train car on the Southern Pacific Railway.

Along the way east, Hire recalled "when we headed back with the gang, I rode on the train. I remember we had to stop in El Paso, Texas, and get the bandage on Russell Clark's head changed." When asked about any reward money being paid for the capture of the gang, Hire said, "The only reward that we paid was 100 dollars for each man of the group who had escaped from the Indiana State Prison at Michigan City, that was all. Who we paid, that I don't recall."<sup>22</sup>

Eventually found guilty of numerous crimes, Pierpont, Makley, and Clark were all sent to prison. Makley, while awaiting execution at the Ohio State Prison, was gunned down during a September 22, 1934, escape attempt. In the same jail break attempt, Pierpont was badly wounded, but lived long enough to die in the electric chair on October 17, 1934. Clark was sentenced to life in prison for his role in killing Sheriff Sarber, and he remained behind bars until August 1968. Dying of cancer, Clark was released under a medical parole and passed away in Detroit on December 24, 1968.

On January 30, 1934, John Dillinger was flown to Chicago, and from there he was taken to the Crown Point Jail in Indiana. Five weeks later, Dillinger, using a hand-carved wooden gun, made a daring escape. He remained on the loose until July 22, 1934, when he was shot and killed by lawmen and federal agents as he left Chicago's Biograph Theater.

Which Tucson police officers arrested the members of the Dillinger gang here in Tucson? The following information was taken from the official police arrest reports.



**John Dillinger**  
Milo "Swede" Walker,  
James Herron,  
Kenneth Mullaney



**Harry Pierpont**  
Capt. Jay Smith,  
Frank Eyman,  
Earl Nolan



**Charles Makley**  
Frank Eyman,  
Kenneth Mullaney,  
Mark Robbins,  
Chet Sherman,  
Dallas Ford



**Russell Clark**  
Frank Eyman,  
Kenneth Mullaney,  
Mark Robbins,  
Chet Sherman,  
Dallas Ford

**Chief Christopher A. (Gus) Wollard**, was born in 1888 and died in 1941. Gus joined the Tucson Police Department in 1926, and in 1930 was appointed Captain. In 1933, he became Chief of Police. Due to health problems, Wollard resigned as Chief in October 1938 and was restored to the position of Captain. Over time he was granted several 90 leaves of absence, the third leave of undetermined length. Gus tried to return to work in 1940, but bad health did not permit it. On November 25, 1941, at age 53, C.A. Wollard passed away and was laid to rest in the Masonic plot at the Evergreen Cemetery.

**Captain Jay D. Smith** joined the Tucson Police Department around 1925 and was the Captain in charge of the traffic section in 1934. Jay passed away on January 9, 1945.

**Captain Ben West**, whose law enforcement career spanned 37 years, spent over 23 of those with the Tucson Police Department. Born on a small ranch in Texas, he started as a railroad detective and in 1921 joined the Tucson police. By 1930, he had been promoted to Captain. Ben West passed away on February 15, 1953, and was laid to rest in Evergreen Cemetery, Tucson.

**Detective James Charles Herron, Sr.**, was born July 1894, and died in January 1955. From 1915 to 1919, Herron was a scout with the Mexican cavalry chasing Pancho Villa. In 1920 he moved to Tucson for his health. He became a Deputy US Marshal in 1928 only to give that up in 1930 to join the Tucson Police Department. In 1934, Herron became a detective and retired from the police department on December 1, 1949. He went to work for the Pima County Sheriff's Department. On January 12, 1955, at age 60, James Herron passed away.

**Frank A. Eyman** was born on March 8, 1898. He joined the Tucson police on July 1, 1930, and remained there until his retirement on July 1, 1950. In 1951 he was elected Sheriff of Pima County and served two 2-year terms. He was appointed Warden of the Arizona State Prison in Florence in 1955, a position he held for over 17 years, retiring in August 1972. Frank Eyman was the founder of the Fraternal Order of Police, Tucson Lodge #1, the first FOP in Arizona. During the early 1970s, this author interviewed Frank Eyman several times.

**Dallas S. Ford, 1879- January 8, 1936.** was born in 1879 and died January 8, 1936. Dallas started his career in law enforcement around 1917 with the Tucson Police Department. He was "elected" Chief of Police on January 1, 1921, and served until December 31, 1924. After leaving the department, he ran unsuccessfully for sheriff. He then returned to the Tucson police and assumed the position of Chief of Detectives under Jack Dyer, who had replaced him as chief. As Chief of Detectives, a position he held from 1925 until his death, Dallas was involved in many important cases. On January 8, 1936, at age 56, Dallas Ford passed away and was laid to rest in the Evergreen Cemetery, Tucson.

**Mark L. Robbins** started with the Tucson police around 1924. That was the year the FBI officially began maintaining a permanent record of fingerprint cards. In December 1932, Robbins was chosen Vice President for Arizona of the National Association for Identification and received his commission.

**Harry Hugh Lesley** was walking a police foot beat in 1934. He was 57 years old and had been with the Tucson Police Department since 1922. He first arrived in Tucson in 1899 and is reported to have been a direct descendant of Henry Clay. On March 25, 1963, at age 86, Harry passed away.

**Chester W Sherman** joined the Tucson Police Department around 1930 as a motorcycle traffic officer. Sherman passed away on August 30, 1957.

**Kenneth A. Mullaney** joined the Tucson Police Department in October, 1933, as a traffic officer.

**Harry E. Foley** started with the Tucson Police in 1923 and remained with the department until retiring in 1951. On October 5, 1976, at age 79, Foley passed away and was buried in Holy Hope Cemetery, Tucson.

**Earl C. "Mickey" Nolan** worked with the US Border Patrol for 12 years before joining the Tucson Police Department on October 5, 1933, as a motorcycle traffic officer.

**Milo "Swede" Walker** joined the Tucson Police Department on December 7, 1931, and remained until December 8, 1951, when he retired. From 1952 until 1957, Swede was employed by the Pima County Sheriff's Department. He left them for several years and returned from 1960 to 1974, retiring as a captain. Walker was born on January 30, 1904, and passed away on January 1, 1977. He was buried at South Lawn, Tucson. During the early 1970s, the author interviewed Milo Walker on a number of occasions.

**John F. Belton** was the Sheriff of Pima County in 1934. Before being elected to that office, Belton spent a few years with the Tucson Police Department, from about 1914 to 1917. He returned to the Tucson Police Department in 1922, where he remained, serving as a motorcycle officer between 1930 and 1932, until being elected Sheriff on November 8, 1932. He was born in Kansas in 1888 and passed away in Tucson on March 24, 1937, at the age of 49.

## Notes

1. Interview of M. Walker, Tucson radio show, October 17, 1960, with Pima County Deputy Howard Briggs.
2. Author's interview with retired TPD officer, Frank Eyman, 1974.
3. Author's 1974 interview with Hattie Strauss at 927 N. 2nd Ave.
4. Arizona Daily Star, January 24, 1934.
5. Author's interview with retired TPD officer Milo "Swede" Walker, 1974.
6. Story told to author by Milo "Swede" Walker
7. Story of Clark's arrest told to the author by retired Officer Frank Eyman, 1974.
8. Interview by author with Nathaniel McKelvey, Tucson, Arizona, January 2003.
9. From author's interview with Milo "Swede" Walker, 1974.
10. Story about stopping Pierpont and making the arrest told to author by Frank Eyman, 1974.
11. Story about Pierpont being searched told by Milo "Swede" Walker to author, 1974.
12. Story of the capture of Dillinger told to author by Milo "Swede" Walker, 1974.
13. From an interview with Milo "Swede" Walker, April 13, 1974.
14. Story told to author by Milo "Swede" Walker, who spoke with Evelyn Frechette.
15. Amount told to author by Frank Eyman and Milo "Swede" Walker, 1974.
16. Story told to author by Milo "Swede" Walker, who was at the jail during this time.
17. Interview by author with retired TPD Capt. Frank Keefe, 1974.
18. Case information provided by Andrew Dowdle, Pima County Superior Courts.
19. Author's interview with Milo "Swede" Walker, 1974
20. Author's interview with retired Indiana State Police detective Harvey Hire, April 25, 1974.
21. Ibid.
22. Ibid.

*This article is of special interest because the author, former Tucson police officer Stan Benjamin, was able to personally interview each of the police officers and others cited in this story. It is about as close to an eye-witness recounting of the story as one could get.*  
-The Editor



### About the Author

Stan Benjamin started his law enforcement career in 1960 when he was assigned to Davis Monthan Air Force Base in Tucson, where he worked all facets of security police and law enforcement. In 1966-67, Stan was a reserve sergeant with the South Tucson police, serving as their firearms instructor. He became an officer with the Tucson Police Department in 1967 and remained there until retiring in 1987.

From 1974 until 1980, Stan was the TPD historian, and even though his assignment changed in 1980, his interest in history continued. Between 1984 and 1986, he completed five books about Arizona law enforcement uniform patches. After retirement, he began researching and writing about the history of law enforcement in Arizona towns, producing 15 different books.

Married for over 43 years, the author lives in Tucson with his wife, Connie. They have two children and five grandchildren.

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