

THE CASE OF MARTIN DURKIN

By Martin Grams, Jr.

On August 25, 1937, *Gang Busters* presented "The Case of Martin Durkin," which caused a storm of legal complications for Phillips H. Lord. Dramatized on *G-Men* two years earlier, this script involved F.B.I. agent Edwin C. Shanahan, who had been assigned by J. Edgar Hoover to break up a stolen auto racket run by Martin Durkin, well-known Midwestern operator. Durkin had a quick trigger finger, having wounded three policemen in Chicago and one in California. Without success, Shanahan had canvassed all agencies, garages and repair shops in Chicago where Durkin was believed to be centering his activities. Then he was notified that Durkin had been in a certain garage. Shanahan followed the tip and a group of Chicago policemen stationed themselves in the garage and waited. Hours passed. The police left and promised to send another shift to replace them. Shanahan was alone when Durkin pulled in. He leveled his gun and demanded that Durkin surrender. Pretending to open the door, Durkin reached instead for his gun and shot the G-Man point blank. Then he gunned the car and backed out of the garage, as the dying officer fired shots after him.

From that moment every resource of all the law enforcement agencies in the country was directed at Durkin. The G-Man knew that Durkin's two weaknesses were money and women. They questioned Durkin's attractive girlfriend Betty Werner, who lived with her uncle Lloyd Austin. She said she never heard from him, but later her uncle told the police secretly that Durkin was going to visit her that evening. The police and federal authorities planned a trap for him. Officers were stationed at various points in the house. Sergeant Gray, the ace marksman of the Chicago police was stationed at the back door with a sawed-off shot gun. The suspense was not prolonged. A car stopped at the back gate and Durkin climbed the steps. His girlfriend was about to shout out a warning when Grey stood and



SA Edwin C. Shanahan

opened fire as Durkin reached the top step. The wily Durkin, however, had worn a bullet proof vest and the shot did no harm. He pulled his gun and shot Sergeant Gray. In the resulting confusion, the girl's uncle was caught in the police crossfire and killed. Durkin made good his escape with only a flesh wound.

After this incident, Hoover told his men that Durkin must be taken at all costs, dead or alive. His description and fingerprints were given the widest circulation possible. Hoover felt that his need for money would lead him back into the car racket and Durkin had a penchant for stealing expensive Cadillacs, Packards and Pierce Arrows. He would walk into a showroom and demand a certain car be delivered to him early the following morning, serviced with gas and oil, for which he would pay cash on delivery. That night he would steal the serviced car and depart. Then he would change the license plate and sell it in another state.

On January 10, 1926, the Los Angeles office of the F.B.I. was notified that a new phaeton, with brown top, green body and red wooden wheels had been stolen.

On Sunday, January 17, a sheriff in the little Texas town of Pecos saw a phaeton parked in front of a store. He looked inside and saw a new .44 Winchester rifle on the floor. When a breezy young man and girl came out of the store he inquired about the rifle. The man claimed to be Fred Conley, deputy sheriff of Los Angeles County, and introduced his "wife." He said they were going hunting and asked the sheriff for some help. When the Sheriff said he would like to see their identification papers, the couple returned to their hotel to get them and promised to come right back. Naturally, they did not. The rather naïve Sheriff reported the incident to the El Paso office of the F.B.I. The hunt was intensified in the rugged section known as the "Big Bend of the Rio Grande." Two days later they found the car, disabled in a clump of mesquite. They learned the couple had traveled to Alpine, 150 miles to the south, by train. In Alpine, they had taken the Texas Special of the Missouri, Kansas and Texas R.R. to St. Louis at 11 a.m. that day.

At 9:30 a.m. on January 20, 1926, a group of heavily armed agents in plain clothes met the train at the station before St. Louis. Passengers were alarmed as grim-faced men paraded down the length of the third car and pulled guns before a compartment. The passengers were herded out. A G-Man knocked on the door and Durkin answered. They grappled with him and prevented him from reaching his gun. He and his 18-year-old bride of two weeks were captured.

Five days after the *Gang Busters* presentation of "The Case of Martin Durkin" was broadcast, the following appeared in the August 23, 1937 issue of *Time Magazine*:

"Every week since January 1936 Colgate-Palmolive-Peet Co. has been advertising Palmolive shaving creams with a Wednesday night coast-to-coast radio melodrama entitled *Gang-busters*. Produced by smart young Benton & Bowles advertising agency, which claims 20,000,000 listeners for the program, *Gang-busters* dramatizes actual criminal careers. The killing of Dillinger gangster Homer Van Meter was the subject of one hair-raising episode. But *Gang-busters* has not confined itself to dead law-breakers. The dramatization of the capture of Massachusetts' murdering Millen Brothers was broadcast prior to their electrocution and many a live but lesser robber, forger and gangster has had his story told. Until last week there had never been a squawk from the criminal.

"Last week dapper little Martin J. 'Marty' Durkin, known in his gunning heyday as 'The Sheik' and now in his twelfth year of a 35-year term in Joliet (Ill.) Penitentiary for killing a Federal Agent in Chicago in 1925, was announced as the principal character in the *Gang-busters* weekly dramatization. 'They've got no right to use my misfortune to peddle soap,' said Lawyer Irving S. Roth for convict Durkin, eligible for parole in seven more months. Into court at Chicago marched Mr. Roth, seeking an injunction against the broadcast. Surprised, Benton & Bowles quickly dropped Durkin's tale, instead told one about a rich New Yorker named Shattuck who pursued a thieving butler across the ocean, caught him in France and had him sent to Devil's Island.

"Everybody knows that no criminal has any legal protection against the publication of the facts of his conviction. Murderer Durkin's chief hope for an injunction was therefore based on an unusual Illinois

statute which makes it unlawful to exhibit for pecuniary gain criminal or deformed persons. Federal Judge J. Leroy Adair pondered, decided 'exhibiting' meant displaying the person as on a vaudeville stage, refused the injunction. Benton & Bowles's Manhattan publicity department shot out an exultant news release claiming 'freedom of speech in commercial broadcasting was upheld for the first time in radio history.' Promptly Murderer Durkin's biography was announced for the *Gang-busters* show this week."

Durkin escaped the chair by convincing a jury that he had thought Shanahan was a hijacker. Durkin had indeed gone to court in 1937 to prevent his case from being broadcast, and lost.

Martin Grams, Jr. is the author of numerous books about old-time radio and the following above contains excerpts from his latest book, Gang Busters: The Crime Fighters of American Broadcasting, © 2004, Martin Grams, Jr., reprinted with permission.

From the Desk of
the Editor
by Carol Tiffany



It is hard to believe that this is our last issue of RWUN for 2004. It has been a very eventful year and one many of us will never forget. I hope that all of you have had a wonderful Thanksgiving and will be experiencing a joyous Christmas Season.

While we are still dealing with damage from our "season of storms" here in the Plywood State, we are also getting ready for the Holidays. As always, your editor wraps presents and "decks the halls" to the sound of the great old OTR Christmas shows. We have included in this issue a list of some of the best of these for your suggested holiday listening.

We have received several suggestions from readers that we add a "Letters to the Editor" column to the newsletter. I would appreciate some more feedback on this issue from our members. Would you like to have such a forum in our newsletter?

As the year ends, I want to thank all of the talented authors and contributors without whose efforts we would not enjoy such a diverse and interesting newsletter. Kudos also to Larry Weide, whose quiet work in setting up and getting the newsletter to the printer is invaluable.

Merry Christmas and good listening to all...

December, 2004