4-1937

Groucho Marx- FBI Files part 4

Lost people on

U. S. Jury Indicts 2 Marx Brothers

Los Angeles, April 14 (AP)—The federal grand jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, it was disclosed.

These were accused of broadcasting songs that without permission of the owners. Warrants for their arrest were issued and bail was fixed at $5,000 each. Chico's wife, Conchita, and three other defendants, including a corporation, were also indicted.

28.377

WASH POST

APR 15 1952

Two Marxes Indicted Under Copyright Law

Los Angeles, April 14 (AP).—The Federal Grand Jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a misdemeanor.

They are charged with broadcasting over the radio last September a skit, "Mr. Diffe and Mr. Daffe," without permission of the writers, Garrett and Carroll Graham.

Warrants for the arrest of the Marx brothers were issued and bail was set at $1,000 each.

William Fleet Palmer, assistant federal attorney, said convictions on the charges carry sentences of not more than [illegible] days in jail, maximum fines of [illegible] or both.

The Graham brothers recently filed a $50,000 damage suit against Groucho and Chico Marx, the Columbia Broadcasting System, Bon Ami Broadcasting Co. and the R. J. Reynolds Tobacco Co. in connection with publication of the skit.

The Marx brothers, answering the civil suit, denied the copyright violation charges, declaring the script they used was written by Al Boasberg, Hollywood author, in collaboration with the Graham brothers, and that Boasberg only offered their use of the script.

Groucho Marx

NEW YORK DAILY NEWS,
Forwarded by New York Office
APR 15 1937

38-397

BEST COPY AVAILABLE

MARX BROTHERS

2 Indicted On Skit

LOS ANGELES (AP)—The Federal grand jury yesterday indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a spokesman said.

They are accused of broadcasting last September a skit on Harpo and Mr. Duffy without permission of the writers, Dorothy and Carroll Graham.

Warrants for the arrest of the Marx brothers were issued and bail was set at $1,000 each.

William Fleet Palmer, assistant federal attorney, said conviction on the charges carry maximum of six years and $5,000 in fine, or both, and loss of rights of copyright.

Spot
Meade +
M

28 · 319-46

STAR LEDGER
NEWARK, N. J.
6-13-57

Two Starks Indicted

[redacted]

28-377-1

Indict 2 Marx Bros. On Copyright Charge

GROUCHO MARX

CHICO MARX

28-377-N

2 Marx Boys' Radio Skit Under Probe

[redacted]

39-399-15

BEST COPY AVAILABLE

FEDERAL BUREAU OF INVESTIGATION

[illegible]

[illegible] 19, [illegible]

Special Agent in Charge,
Los Angeles, California

[illegible]
[illegible]
[illegible]

Dear Sir:

The Bureau desires that it be advised as [illegible] the exact status of this case as of the present time.

Very truly yours,

J. E. Hoover

John Edgar Hoover
Director

RECORDED [illegible]

[illegible]

JUL 13 1937

[illegible]

BEST COPY AVAILABLE

FEDERAL BUREAU OF INVESTIGATION

LOS ANGELES

Day in Court With Two Marxes

First Round Won by — Comedy Pair

A SCENE FROM [illegible]

2 Marx Brothers May Plead in Copyright Case

Facing charges of copyright infringement, two of the four Marx Brothers — Groucho and Chico — are expected to plead before Federal Judge George Cosgrave today.

In the Federal indictment the two brothers are accused by Garrett and Carroll Graham, writers, with asserted unauthorized use in a national radio broadcast of a script titled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble."

The Marx Bros. indicated they would plead not guilty and ask for a jury trial.

Scott

28-399-10

BEST COPY AVAILABLE

Groucho, Chico Marx Face Federal Court

GROUCHO MARX
Faces Copyright
Infringement Charge

BEST COPY AVAILABLE

28-399-11X

lcs/mm

Bu.File #

October 6, 1937

United States Marshal,
Los Angeles, Calif.

Dear Sir:

Referring to fingerprints forwarded by you, please be advised that an examination of the fingerprint records of the Federal Bureau of Investigation fails to disclose any data concerning the following:

[redacted] Julius E. [redacted]

Copy to:
Sac.Field Div.,
Los Angeles,
Calif.

cc-Bureau

RECORDED
&
INDEXED

28-399-11X

Very truly yours,

J. Edgar Hoover
Director

CC-18

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C.

WFS:LL
28-339

Date October 14, 1937
10:55 A. M.

MEMORANDUM FOR MR. TAMM

Re: GROUCHO MARX, et al;
COPYRIGHT ACT.

[redacted] in [redacted] office of the Criminal Division called, requesting to know if the Bureau had received any information subsequent to the report of Special Agent [redacted] dated August 19, 1937, at Los Angeles, California, in the above entitled matter. I advised her I did not know offhand whether a report had been received, but that I did know the Bureau was in receipt of several newspaper clippings relative to this case.

b7C

I called this file and ascertained that the Bureau had not received a report since that of Agent [redacted] and [redacted] was advised to this effect. At this time, she referred me to [redacted] in the Criminal Division, and I informed him that from a newspaper clipping which appeared in the Los Angeles Daily News for September 28, 1937, it appeared the court at Los Angeles had taken under submission a motion for dismissal of an indictment charging the Marx Brothers with violation of the Copyright Act. I further informed him this newspaper clipping indicated that the Marx Brothers had declared through their attorneys that if the motion for dismissal is denied they will plead not guilty and ask for an early trial.

b7C

[redacted] stated that apparently from the information he had received this motion had been decided, and said he would greatly appreciate it if this Bureau would ascertain the status of this case at the present time. Accordingly, I have prepared a telegram for the Los Angeles office, requesting it to submit a report immediately reflecting the status of this case, and I informed [redacted] that immediately upon receipt of a [illegible] a copy would be forwarded to the Criminal Division.

b7C

28-339-12

RECORDED [illegible]

E. S. Bacon

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

[redacted]

To: COMMUNICATIONS SECTION

Transmit the following message to: [redacted]

[redacted]

WESTERN UNION

BEST COPY AVAILABLE

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

October 1[illegible], 1937

MEMORANDUM FOR MR. TAM[illegible]

Re: Groucho Marx, et al
COMMUNICATIONS ACT.

b7C

Reference is made to my memorandum dated October 16, 1937, advising that [redacted] of [redacted] Office, Criminal Division of the Department, had called me relative to the status of the above entitled case.

Upon receipt of a telegram dated October 16, 1937 from the Los Angeles Office advising that the motion to dismiss the indictment had been denied and that the defendants were to plead not guilty on October 13th, the trial being set for October [illegible], 1937, I immediately called [redacted] and advised her of this information, at which time she stated she would give this information to both [redacted] and [redacted]

b7C

At 3:00 P.M. on the same date, [redacted] called to verify this information and I also gave him the information set forth in this telegram and informed him that as soon as a report was received a copy thereof would be immediately forwarded to him.

b7C

Respectfully,

E. E. Hoover

[illegible]

[illegible]

BEST COPY AVAILABLE

POSTAL

OCT 16 1937

NIS 24 CONT COLLECT VIA MACKAY RADIO

FR LOSANGELES CALIF 1305 OCT 16 1937

DIRECTOR

FBI JUSTICE WASHN DC

GROUCHO MARX ETAL COPYRIGHT. MOTION TO DISMISS PENDING DEFENDANTS

TO PLEAD NOT GUILTY OCTOBER EIGHTEENTH. TRIAL TO BE SET FOR

OCTOBER TWENTY EIGHTH

MANSON..

930P

RECORDED 25-37

POSTAL

OCT 30 193[illegible]

[illegible] COLLECT VIA MACKAY RADIO

[illegible]

[illegible]

FBI JUSTICE WASH DC

[illegible] COPYRIGHT. [illegible]

BOTH DEFENDANTS WERE TODAY SENTENCED [illegible]

[illegible]

[illegible]

POST

[illegible]

[illegible] COLLECT [illegible]

[illegible] LOS ANGELES CALIF [illegible] NOV 1 1967

DIRECTOR FEDERAL BUREAU OF INVESTIGATION

US DEPT OF JUSTICE(VIA MACKAYRADIO)

[illegible] MARX ETAL COPYRIGHT USDC WERE JUST IMPOSED SEVERAL [illegible]

THOUSAND DOLLARS EACH DEFENDANT STAND COMMITTED UNTIL BAIL

WAS SOME..

BEST COPY AVAILABLE

3 Marx Brothers To Face Trial Today

Indicted by the Federal grand jury on charges of copyright piracy, Groucho and Chico Marx, stage, radio and film celebrities, today are scheduled to go to trial before a jury in the court of Federal Judge George Cochran.

The Marx Brothers allegedly produced over 3 million copies of a copyrighted radio skit, "The Hollywood Adventures of Groucho and Mr. Dooley," originally written by Carroll Carroll, Harold Orlob, [illegible]

76-377-P

Brooks and Olive Tell True Names

Pair Deny Charge of U. S. Copyright Infringement

Brooks and Olive Mae [illegible] of the famed Mae brothers, made personal appearance in United States District Judge George Congdon's court yesterday and pleaded not guilty to charges of copyright infringement and [illegible] their true names.

Brooks Mae, as the [illegible] "true name" spoiled Chief Clerk Craig by spelling his initials [illegible]

"Is, I'm Julius [illegible] Brooks."

Olive made known that [illegible] Mae. Following the [illegible] of not guilty, each of the [illegible] brothers, Brooks and Olive, [illegible] and Leo, was under [illegible] bond. They are represented by [illegible] Wright, Assistant United States Attorney. Carl [illegible] prosecuted for the Government.

The two brothers are charged with unlawfully reproducing [illegible] and broadcasting [illegible]

Groucho and Chico To Appear for Sentence Today

GROUCHO (LEFT) and CHICO MARX PUT FINGER ON THE SITUATION

2 Marx Brothers Found Guilty, Face Jail Term

2 MARX BROS. FOUND GUILTY OF PIRATING

Groucho and Chico Convicted on Charge of Violating Federal Laws Covering Copyrights

FACE ONE-YEAR JAIL TERM

Movie Comedians Will Appeal Verdict; Pair to Appear Tomorrow for Sentence

Groucho and Chico Marx, who earn fabulous sums by being funny, didn't feel a bit mirthful yesterday.

A jury in Federal Judge George Congrove's court took just 67 minutes to find the Marx brothers guilty of violating the Federal copyright laws.

The two, among the most highly paid entertainers in the world, were charged with converting to their own use a radio favor which had been submitted to them for possible purchase.

They face a penalty of a year in jail or $1000 fine. Judge Congrove instructed the Marxes to appear tomorrow for sentence.

[illegible]

SEARS TO PLEAD

At that [illegible] Attorney Orville Thomas begged to be heard in protest.

"Your honor," he cried, "that [illegible] can be taken to mean that I bring to a guilty verdict. I wish to take exception to it."

"The admonition," Judge Congrove replied coolly, "would refer to any verdict, guilty or innocent."

Shortly before the jury began its deliberations, Groucho had sauntered through the courtroom, inquiring, with a wide grin, "Where can we find a jail where the boys play the right kind of bridge?"

But his expression changed as he watched the other twenty of the jurymen.

Groucho sat with his face buried in his hands as the Judge delivered his instructions.

Chico fidgeted nervously in his chair and played with a pencil.

Assistant United States Attorney [illegible]

BEST COPY AVAILABLE

Marx Brothers Ask Advice On Best Prison

Marx Brothers Case Near Jury

Closing Arguments In Copyright Trial Scheduled for Today

Closing arguments in the trial of Groucho and Chico Marx, film and radio comedians, are to be made today and the copyright infringement criminal case is expected to go to the jury by noon.

Both defendants vehemently denied guilt when they took the witness stand yesterday.

Testimony in United States District Judge Cooper's court disclosed that the Marx brothers and their radio script writer, the late Al Boasberg, had the skit in dispute in August, 1933, but disregarded it because their plans to go on the radio were postponed for a year.

The script, "The Backward Adventures of Mr. Dilson and Mr. Dobbin," written by Groucho and Cornell Grafton, Boasberg's uncredited writer, presented alleged proof for work in a radio skit broadcast by the two Marx brothers on September 1, [illegible] and [illegible] charged.

Glum Groucho & Chico Marx Await Sentence in Theft of Radio Skit

By [illegible]

HOLLYWOOD, Nov. 1—Groucho and Chico Marx were called into Federal Court today to be sentenced for violating the copyright law.

Groucho, [illegible]

APPEAL EXPECTED

Maximum penalty for the offense is a year's imprisonment and a [illegible] fine. There was little likelihood the celebrated comedians would go to jail soon, because their attorney was preparing to appeal from their conviction.

They were at liberty under [illegible] bond each awaiting sentence after a jury found them guilty in [illegible] minutes Saturday of using a skit for a radio broadcast without paying for it.

A DIRECT STEAL

The accusers who said they composed the skit were the brothers Garrett and Carol Graham. The Marx Brothers presented it as "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" and the Graham brothers said it was a direct steal from a script they had submitted to the Marxes for approval.

It was the first conviction on copyright infringement charges in several years at the movie colony.

ONLY 2 INVOLVED

Only two of the original team of four Marx brothers, [illegible]—Groucho, identified with the [illegible] "mustache" [illegible], and Chico, whose specialty is [illegible] Harpo, the [illegible] of the team, whose forte is pantomime, had no part in the radio performance. [illegible]

The broadcast [illegible]

GROUCHO MARX

[illegible]

Court Convicts The 'Mad Marxes'

LOS ANGELES (AP)—Groucho and Chico Marx, early comedians, were convicted in Federal Court yesterday of infringing on a copyright in a radio broadcast—a verdict that Groucho said in tragic jocose "might mean a full jail for us."

After the verdict, he said Chico, usually serious, had nothing to say.

The misdemeanor conviction carries a maximum fine of $1,000 or maximum jail sentence of one year, or both.

Judge George Cosgrove said sentence would be imposed next Monday. Defense counsel declared they would ask for a new trial.

While the jury was out, the Marx brothers solemnly told reporters they had been in "show business" for many, many years and never had any idea of "infringing" anything.

So far as could be determined, this is the first time in the history of the Hollywood film colony that any one has been convicted of plagiarism charges. There have been many civil suits for damages alleging theft of literary material.

Marx Pair Guilty Of Copyright Violation

2 Film Comedians Face Year in Jail Or $1,000 Fine

LOS ANGELES, Oct. [illegible] (UPI)—A mixed-bread jury required just 47 minutes today to convict Groucho and Chico Marx of violating the Federal Copyright laws.

The brothers, among the highest paid comedians of radio and screen, were found guilty of conspiring to take over an 8-million dollar which had been submitted to them for approval.

FACE JAIL OR FINE

Faced with a penalty of $1,000 fine or a year in jail, Chico and Groucho, who had their smiles when they went to court yesterday, unmoved they, said nothing any trial individually.

Federal Judge Chargers [illegible] granted the comedians to appear in court Monday for sentencing.

"VIOLATION PROVED"

A minute before the judge read the jury's instructions, the jurors had heard Assistant U. S. Attorney Carl Hardy demand in his summing-up that the jury convict.

"We have already proved," he said, "that there was violation of the copyright laws of the United States in this case. We ask a verdict of guilty."

Good

Hit Sheet

2 Marx Brothers Fined $2,000

Pair Plan Appeal In Copyright Case

LOS ANGELES Nov 1—(AP)—Groucho Marx and Chico Marx, screen comedians, were fined $1,000 each by United States District Judge Congrove today on a charge of infringing a copyright.

Their attorney gave notice of appeal.

The men admitted by a hung jury Saturday of using in a radio broadcast certain "gag" material which Carroll and Garrett Graham submitted to them previously and which they had rejected.

The Marx brothers contended during their trial that the late Al Boasberg, screen writer, provided the gags they used in the broadcast. They declared they did not recall the substance of the gags. Mrs. Boasberg and Mr. Boasberg testified for the plaintiffs, and did not deny that Boasberg might have written the gags.

Post Intelligencer
Seattle, Washington
November 2, 1937

arx Brothers Fined $1000 ach in Copyright Case

Comics Post Appeal Bond; Deny Guilt

Groucho and Chico Marx, comedy stars of the stage, screen and radio, yesterday were fined $1000 each by United States District Judge Congreve for taking off on a copyrighted radio script.

The judge expressed a doubt as to the validity of the indictment on which the Marx brothers were convicted by a jury Saturday, but said he was convinced, as was the jury, that a deliberate appropriation of the copyrighted work was made.

FILE APPEAL BONDS

The defendants were ordered committed to the Orange County Jail to remain there until the fines were paid, but upon the filing of an appeal bond they were permitted their liberty.

The comical Marx brothers were extremely serious as they were haled before the bar of justice and heard the stern judge declare that whether the indictment was valid or not they had certainly committed a moral offense.

GARDEN FAIL THERE

The offense on which they had charged is classified as a misdemeanor and carries a maximum penalty of one year in jail or $1000 fine, or both.

The Marxes were convicted of using a radio script on September [illegible], without paying the author, Gerard and Gerald Graham, brothers, who had originally sold it to them for purchase.

This is the first conviction under the copyright laws during years of similar cases tried in Federal court.

APPEAL PROBABLE

The defendants' attorneys, Lloyd Wright, Theodore Thomas and Charles Sullivan, indicated last week appeal would be taken. After the trial, Groucho Marx made the follow[illegible] statement:

"It looked well [illegible] years of hard [illegible]

Marx Brothers Fined $2000

[illegible]

"We are [illegible] have every faith that the [illegible] will be reversed when [illegible] matter is [illegible] Court."

[illegible] the defendants [illegible] the charge [illegible] fail to [illegible] these [illegible], the fines were paid, but upon the filing of an appeal bond they were permitted their liberty.

The twin [illegible] Marx brothers were extremely serious as they were haled before the bar of justice and heard the stern judge declare that whether the indictment was valid or not they had certainly committed a moral offense.

CARRIES JAIL TERM

The offense on which they stand convicted is classified as a misdemeanor and carries a maximum penalty of one year in jail or $1000 fine, or both.

The Marxes were convicted of stealing a radio script on September 1, 1934, without paying the authors, Garrett and Carroll Graham, brothers, who had submitted it to them for purchase.

This is the first conviction under the copyright law among scores of similar cases filed in Federal court.

APPEAL PROMISED

The defendants' attorneys, Lloyd Wright, Hyde Thomas and Charles Millikan, intimated they would appeal.

After the sentence, Groucho Marx made the following statement:

"My brother and I after twenty-eight years of honest endeavor in the theatrical field, in which we hope we have brought to our public entertainment and happiness, are faced with the indignity of having been convicted of a misdemeanor.

"We know that we are [illegible] of any intentionally taking anyone's property. As [illegible] we have written for the stage, screen and radio broadcasts that [illegible] plots are different to [illegible] and unknowingly [illegible].

NO RELATIONS TOLD

"That we should have been [illegible] and during negotiations [illegible] a civil suit, [illegible] and then found guilty on [illegible] which we deny [illegible] we could not, by the wildest [illegible] of the imagination, be construed to [illegible] in guilty [illegible] taking of another's property. It is my [illegible] that [illegible].

"We have instructed our [illegible] to make an appeal. There [illegible] proceeding to do that. While [illegible] the defense changed to [illegible] a misdemeanor [illegible] the crime have been to this country for more than [illegible] years [illegible] taking [illegible] property or without [illegible]

Turn to Page 2 (Column 3)

'arx Bros. Fined, cape Jail Term

...o and Chico Marx, celebrated screen wise-...elt greatly relieved yesterday.

...were relieved at not being sentenced to jail ...conviction of broad-...nected radio script ...author's consent.

...ordered of $1000 ...subject to action ...court to which they ...will appeal from the ...United States Dis... ...ney, but were ...relief," said Chico, ...and Federal Judge ...ignore decree the ...

...glad, Groucho and ...

...ne to shell out a thousand ...ck. But John, boy, there ...a terrible thought."

Groucho smiled coyly. She ...ous he used to be funny and ...tched where he said.

"Well, I was expecting the ...ward, so I'm well satisfied."

The award would have been a

(Continued on Page 4, Col. 4-6)

$2000 Fine Ordered for Marx Brothers

(Continued From Page One)

...year in jail in addition to a $1000 fine," Luther Groucho said.

"It's a miscarriage of justice. We never knowingly lifted any material from anybody."

They gave oral notice of appeal.

They were convicted last Tuesday of infringing a copyrighted radio broadcast from Carroll and Garrett Graham. Bedlevered ...them. It took a jury only 67 minutes to bring in a verdict of "guilty."

The Graham brothers had submitted the manuscript to the Marx brothers, who rejected it. Their defense was the script they said was prepared for them by the late Al Boasberg, a Hollywood gag writer, and that there was no similarity between it and the Graham manuscript.

Judge Congrove delayed the sentence for a while yesterday until he could read the script which the Marx brothers were informed of plagiarizing.

"The appropriation of another's work has been made," said the judge afterward. "The provisions have been violated flagrantly. While the defendants may have been hastily drawn into the Marx attorney, we believe it comes to me that that does not lessen the moral offense. I order the defendants committed to jail until the fines are paid."

A United States marshal walked spontaneously over to ...two comedians and said:

"You'll have to come into my office for a minute."

They were released under bond and formal notice of appeal made.

Groucho Marx then issued a formal statement signed by himself and Chico. It said, in part:

"After twenty-eight years of honest endeavor . . . we are faced with the indignity of being convicted of a misdemeanor.

"We have no new business. . . . While it is true the offense charged is a misdemeanor . . . we are compelled by the strict unfairness of the trial procedure to demand that the matter be submitted to a higher court."

78-399-10

2 Marx Brothers Found Guilty

LOS ANGELES, Oct. 31—(U.P.)—A unanimous jury required just [illegible] hours yesterday to convict Groucho and Chico Marx of violating the federal copyright law.

The brothers, among the highest paid comedians of radio and screen, were found guilty of converting to their own use a radio horn which had been submitted to them for approval.

Faced with a penalty of $1,000 fine or a year in jail, Chico and Groucho, who had their mother, Minnie, with them when they went in court yesterday, announced they would seek a new trial immediately.

Federal Judge Congrove directed the defendants to appear in court Monday for sentence.

Groucho and Chico are accused in a federal indictment with theft of "Hitler" material from a book, "Mr. Bibble and Mr. Bobble," written by Carroll and Garrett Graham, nonsense poets.

Post Intelligencer
Seattle, Washington
October 31, 1939

FEDERAL BUREAU OF INVESTIGATION

LOS ANGELES, CALIFORNIA [illegible]

Los Angeles	11-23-37	10/18, [illegible]	[redacted] b7C
CHARACTER:		[illegible] 11/2/37	[illegible]

JULIUS H. MARX, alias Groucho Marx
LEO MARX, alias Chico Marx.

SYNOPSIS OF FACTS:

Julius H. Marx surrendered to U. S. Marshal, Los Angeles, 9-27-37, released on [illegible] bond. Motion to dismiss indictment denied, [illegible] both subjects entered pleas of not guilty 10-18-37. [redacted] former member of [illegible] [illegible] [illegible] Marx [illegible] experimental [illegible] in 1936. [redacted] formerly in charge of [illegible] program, states Marx brothers selected [illegible] material for broadcasts [illegible] from several [illegible] [illegible] attended rehearsals [illegible] [redacted] [illegible] b7C

Both subjects found guilty after trial by jury [illegible] Sentenced [illegible] [illegible]

[illegible]

[redacted] b7C

REFERENCE: [illegible] California, [illegible]

[illegible]

BEST COPY AVAILABLE

AT LOS ANGELES, CALIFORNIA.

JULIUS H. MARX, accompanied by his attorney, [illegible] WILLIAMS, appeared at the office of the U. S. Marshal in Los Angeles, Calif., on September 27, 1937, and was fingerprinted by the Marshal and assigned No. 5922. Williams, on the same date, argued a motion to dismiss the indictment on the ground that it did not constitute a violation. At that time he declined to comment or permit his clients to comment to the court regarding their possible defense. On the same date, Julius Marx was released on $1,000.00 bond.

On October 18, 1937, a motion for dismissal was overruled, and both subjects entered pleas of not guilty. Date for trial was set as October 26, 1937.

Inquiry by the writer at the office of WILLIAM ROY & COMPANY, [illegible] Hollywood Blvd., revealed that [redacted] Angeles, presently a writer with Metro Goldwyn-Mayer Studios, with which the Marx Brothers were under contract at the time of the Camel Caravan broadcast on September 1, 1936, had been, on the last mentioned date, the executive of Wm. Roy & Company in charge of the advertising for the R. J. Reynolds Tobacco Co., and directly in charge of the Camel Caravan hour broadcast.

b7c

[redacted] upon interview, stated that in August 1936, he recalls that through the ZEPPO MARX AGENCY at Los Angeles he negotiated for the services of GROUCHO, CHICO and HARPO MARX on the Camel Caravan broadcast for September 1, 1936; that the defendants in the instant case signed a contract with the William Roy & Company, Inc., and pursuant to the terms of that contract the defendants furnished their own script, which selection was made by them from a large number of scripts which they had in their possession. He stated that [illegible] was present with the defendants when the script was decided upon; that he personally witnessed the rehearsals and the broadcast; that there were two rehearsals preceding the actual broadcast, both extending over a period of about two hours, and that MARX defendants were present at the rehearsals and broadcast. He indicated that because of his business connections he would be [illegible] but would testify to the facts above set forth. He also stated that to the best of his knowledge CHICO MARX held out for another script, other than the one that was used, presumably because he had some "better laughs" up to the time of the first rehearsal. [redacted] stated that the William Roy & Company, Inc., would contract the original contract with the Marx Brothers, the compensation given the Marx brothers for their participation on the program, and the two transcript scripts which appear of mimeographed sheets made by [illegible] two [illegible] actually employed by the William Roy & Company, Inc., during the [illegible]

b7c

[redacted] presently in charge of the R. J. Reynolds Tobacco Company's account with William Esty & Co., Inc., stated that his records contained the original contract with the Marx brothers, which he displayed to the writer. This contract, dated August 28, 1936, provided for a broadcast on September 1, 1936, on the Camel Caravan, and with rehearsal dates from 8:00 to 10:00 P. M., August 31, 1936, and from 5:00 to 6:30 P. M., September 1, 1936, including the broadcast. The signatories, in addition to the William Esty & Company, were GROUCHO, CHICO and HARPO and ZEPPO MARX, the contract being with Zeppo Marx covering the services of the other three. The contract specified that the artists Groucho, Chico and Harpo should furnish their own material and should save the Reynolds Tobacco Company, the broadcasting Company and William Esty & Company from any damages due to the use of such material. The sum specified in the contract, for which, [redacted] informed agent, the Marx brothers received payment, was $6,750.00. [redacted] requested that this matter be treated in strictest confidence, [redacted] as its publication during the course of the trial would embarrass the agency in its dealings with other artists. [redacted] stated that the cancelled check for the services of the Marx brothers had been delivered.

b7c

b7c

[redacted] secretary to [redacted] stated that she had been secretary to [redacted] and typed up the contract with the Marx brothers and knew to her own knowledge that a check had been forwarded to the Zeppo Marx Agency for payment; that she was requested by William Esty & Company to keep a word-for-word record of the program as it was actually broadcast, and that she did so on the night of September 1, 1936. She signed an agreement "on broadcast" script and stated that she would obtain from the William Esty & Company files a mimeographed copy of the original broadcast program known to the one on which the "on broadcast" script notes were made, and thereby get the script a translation of any changes made from the original "on broadcast" script.

b7c

b7c

[redacted] and [redacted] informed agent that in New York, at the time of the Camel Caravan broadcast, a record was made of the program, but that they were unable to state whether or not that record was presently in existence. [redacted] stated that at the present time a record is made of Camel Caravan broadcasts in Hollywood.

The writer conferred with Assistant U. S. Attorney [redacted] with regard to the record of the broadcast, and was advised that it would be necessary for an investigation to be conducted in New York over the matter of obtaining the record and the witnesses necessary to testify [illegible] introduction in court, instead of the "on broadcast" script, [illegible] evidence of the actual broadcast.

b7c

[redacted] Mr. Bartley stated that the GRAHAM brothers had informed him that [redacted] would be able to furnish information concerning the part which AL BOASBERG played in connection with the negotiations between the Marx brothers and the Graham brothers in 1938.

b7c

[redacted] was interviewed at the Byron Salwick & Company, Inc., 9460 Wilshire Blvd., Beverly Hills, California, in the presence of his attorney, [redacted] He stated that in 1938 he was an employee of the Zeppo Marx Agency, which was engaged in the business of handling the artistic efforts of the Marx Bros.; that the agency, in 1938, negotiated with the Graham brothers for the use of the script entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble"; that the script was to be used by the Marx Bros. in a proposed radio broadcast, negotiations for which were underway in New York by [redacted] the two acting in conjunction with GUSTAV MARX, the New York representative of the Zeppo Marx Agency; that the Marx Bros., particularly GROUCHO, were pleased with the artistic efforts of AL BOASBERG, and preferred at that particular time to have Al Boasberg brush up any scripts which they used; that accordingly, Al Boasberg was retained by individuals unknown to him and had a difference with the Marx Bros. and the Graham brothers regarding the aforementioned script, that Boasberg owned no rights in the script and claimed his efforts $[illegible].00, [illegible] was paid by [redacted] in New York to GUSTAV MARX, who in turn paid the money to the Zeppo Marx Agency in Hollywood, where [redacted] paid the money to Boasberg. [redacted] flatly refused to state that Boasberg was retained by the Marx Bros. He stated that he could not testify that Boasberg had any interest in the Graham brothers' copyright, but that he could not positively state that he [redacted] had informed the Marx Bros. that the material was copyrighted by the Graham brothers. He stated that his understanding was that Boasberg would collaborate with the Graham brothers on their [illegible] program if the Marx brothers' radio deal went through, but that he understood he had been compensated and that he had not seen the Graham brothers thereafter [illegible] after this request to view [illegible]

b7c

[redacted] was very frank in his remarks that he considered the Marx brothers innocent of any malice, but that they could not be guilty of the infringement as charged. In the opinion of the writer, [redacted] would be a convincing witness.

b7c

In the Retail Merchants Credit Association, Subway Terminal Bldg., Los Angeles, court determined that JULIUS H. MARX, with WIFE, of 720 North Hillcrest Road, Beverly Hills, California, and LEO MARX, with WIFE, of 9460 Wilshire Boulevard, Beverly Hills, California, and other defendant, together with the Lower [illegible] Inc., had been served as partial defendant, together with the Metro-Goldwyn-Mayer Studios, Loew's, Incorporated, and others, in a suit in Superior Court, Los Angeles, in the sum of $150,000.00, brought August 28, 1937, by HENRY DARGER and DAVID WEINSTEIN for plagiarism in the screen "A Day at the Races." The records also indicated that the MARX had been defendant in [illegible]

small suits, one for $500.00 damage and the other for $150.00 on an account. It should be noted that newspaper stories regarding the murder of LEE BRENNER, Los Angeles gambler, indicated that a check bearing the signature of GUSTO MARX was found on the person of the deceased Brenner.

On October 20, 1937, the instant case was continued over until the following day for trial because of congestion in Judge Cosgrove's court. On October 20, 1937, a jury returned a verdict of guilty as to each of the defendants, and on November 1, 1937, Judge Cosgrove sentenced the defendants to fines of $1,000.00 each and to stand committed in the Los Angeles County Jail until paid.

A new trial was denied, and notice of appeal was filed and the appeal bonds were furnished by the defendants.

A description of subject JULIUS H. MARX, alias Groucho Marx, as obtained from observation and records of the U. S. Marshal's office, is as follows:

Name	JULIUS H. MARX
Age	47 years
Height	5'9"
Weight	157 lbs.
Build	Medium
Hair	Black
Eyes	Brown
Complexion	Dark
Scars and marks	None visible
Occupation	Actor
Residence	New York
Nationality	American
U. S. Marshal's	20422

The Bureau has advised that there are no prior records of arrest for either of the subjects.

On November 1, 1937, the Bureau was advised of the sentences imposed upon these subjects.

Disposition sheet is being submitted to the Bureau herewith.

2 Marx Brothers File Appeal

Claiming they were convicted on evidence insufficient for a guilty verdict, Groucho and Chico Marx yesterday filed notice of appeal in their criminal plagiarism case.

The notice was filed in the Ninth Circuit Court of Appeals of San Francisco. Under their given names, Julius and Leo, Groucho and Chico asserted that, besides "insufficient evidence," the indictment was faulty and errors were to be found in the trial and in instructions to the jury.

A jury in Federal Judge George Chaney's court deliberated less than an hour Saturday before returning a verdict in which the comedians were found guilty of "stealing" the copyright laws by "taking" portions of radio material prepared by Darrell and Barnett Graham, Hollywood writers. On Monday the Marx brothers appeared before Judge Chaney for sentence and were fined $1000 each, bringing the full sentence which the jury might have given [illegible]

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2 Marx Brothers File Appeal Here

Comedians Seek to Have Conviction Set Aside

Groucho and Chico Marx, two and Harpo Marx, yesterday asked for another day in court in an effort to set aside a conviction for violation of the Federal copyright laws.

Through their attorneys, the third of the Marx Brothers filed notice of appeal in the United States District Court here. A Federal jury in Los Angeles last week found them guilty of converting to their own use a radio [illegible] which had been submitted to them for approval.

Sentence of $1,000 fine or a year in jail was pronounced.

Marx Brothers Fined $2000 In Radio Case

Groucho and Chico Marx, a pair of men faced contempt charges, were fined $1000 each in Federal Court yesterday for criminal copyright infringement in the use of a radio skit broadcast last year.

United States District Judge George Cooper gave them the maximum fine for the speed limit of 50 miles an hour.

Groucho Adverse Ruling Reduction
Of $10,000 Bail

399

W.P.I., LOS ANGELES, CALIFORNIA.
(Name and address of contributor)

Mr. J. E. Hoover, Director
Division of Investigation
Department of Justice
Washington, D. C.

Dec. [illegible]

Dear Sir:

Following are the dispositions of cases on which fingerprints have been called to the Division of Investigation:

Division File Number	Print Number	Name and Alias	Disposition
[illegible], Los Angeles, Calif.		JULIUS H. MAX, alias [illegible]	$1000 fine; to stand committed to [illegible] jail until paid.
[illegible], Los Angeles, Calif.		LEO MAX, alias CHICO MAX.	do.

Very truly yours,

[illegible]

Marx Brothers Lose Fine Appeal

SAN FRANCISCO, April [illegible] — The convictions of Groucho and Chico Marx of the [illegible] were upheld by the Ninth Circuit Court of Appeals (Calif.) here [illegible] by a three-judge panel of the United States District Court here. The brothers were found guilty of violating the copyright law in respect to [illegible] Marx's [illegible] and ordered to pay the payment was made.

Early

Bl Long

Marx Brothers File Appeal in Radio Case

SAN FRANCISCO, April 7. (AP) The appeal of two of the Marx brothers from their conviction on a criminal charge of copyright infringement was submitted today to the Federal Circuit Court.

The brothers, Groucho, whose true name was listed in the appeal as Julius, and Chico, whose name is Leo, were convicted in Los Angeles last year. They were accused by Harold and Groucho Grohan of using a radio skit without permission and in violation of a copyright.

Jury Indicts Two Marxes

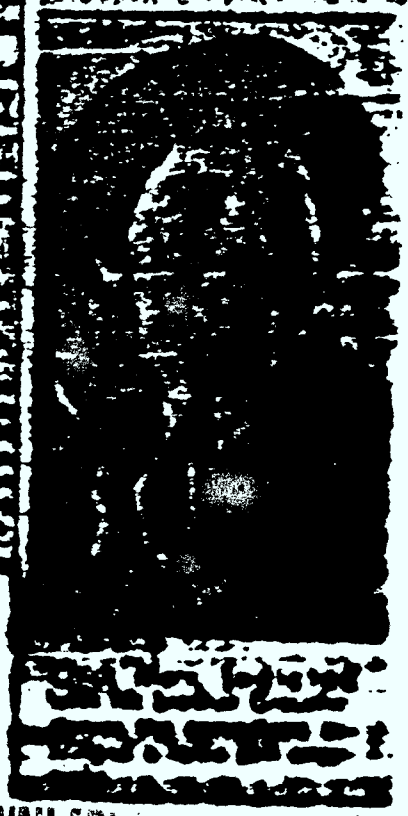
Copyright Violation Laid to Groucho and Chico, Comedians

Groucho and Chico Marx, the comedians, yesterday were named in an indictment returned by the Federal grand jury charging them of copyright infringement in connection with the use of a radio skit, and were ordered to post $500 bail, both pending their appearance for pleading next Monday.

The indictment specifically charges the Marx brothers with having illegally given a radio skit over Station WJZ and the Columbia Broadcasting System last September.

NOT SO FUNNY

Groucho Marx, above, was indicted yesterday with his brother Chico on copyright infringement charges.



The Joke Is on Them

Marx Boys To Answer Jury Charges

11-399

CHICO MARX FINGERPRINTED

Chico Marx, named with his brother, Groucho, in a Federal indictment returned Wednesday charging copyright infringement, surrendered at the United States marshal's office yesterday.

After being fingerprinted, he posted [illegible] surety bond.

Groucho, he said, is en route to Honolulu and will surrender on his return.

The Marx brothers were charged

[illegible] Broadway [illegible] last September. The Sidewalk Adventures of Mr. Bobbin and Mr. Dobbin, without the permission of Garrett and Correll Company, who claim to be the sole owners.

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Marxs Appeal

SAN FRANCISCO, Nov 6—Groucho and Chico Marx, the comedians, yesterday filed notice of appeal to Ninth Circuit Court of Appeals from a Federal conviction on a charge of copyright infringement.