



Sunday, 5 January 2014

The Chaperau Case

Scandals involving stars are headline news today and things were no different several generations ago. Charges against Jack Benny in a smuggling case made the front pages of newspapers but, in the end, the whole scandal had no effect on his career.

In the book *Sunday Nights at Seven*, Jack relates what happened as he recalled it. He was convinced by his lawyer, Bill Donovan, to change his plea to "guilty." So that's what he did. Donovan, incidentally doesn't appear to have been in court the day it happened.

Here is the Associated Press story on what happened in court that day. The judge must have known in advance the change was going to happen; it's unlikely he would have pronounced a sentence on the same day otherwise. To be honest, the judge was being a jerk. There was no need to bully and humiliate Jack Benny in court. The judge starts off by saying it was easy for him to be victimised by a smooth-talker, then immediately turns around and says he shouldn't have been. The judge knew his comments would make the front page, so he used his spotlight for all it was worth.

This version of the AP story appeared on the front page of Wisconsin's *Rhineland Daily News*.

Jack Benny Is Fined \$ 10,000, Placed on Probation for Year **Radio Comedian Pleads Guilty to Smuggling Charge in U. S. Court.**

Admits His Shame

Usually Gay Radio Star Is Nervous, Somewhat Timid in Courtroom.

NEW YORK, April 4 (AP)—Jack Benny, radio, stage and screen comedian, threw himself upon the mercy of federal court today and admitted his guilt to charges of smuggling, based upon his purchase of \$2,131 worth of jewelry as a gift for Mary Livingstone, his wife and partner. Benny was sentenced by Judge Vincent L. Leibell to pay three fines, totalling \$10,000 and to serve a year and a day in prison. The prison sentence, however, was suspended.

George Burns, also a famous radio and stage comedian, pleaded guilty to virtually the same charges Dec. 12. He was fined \$8,000 and given a suspended sentence of one year and a day.

Albert N. Chaperau, a co-defendant with Burns as well as in the indictment against Benny, pleaded guilty to both charges and is still awaiting sentence. Both Benny and Burns purchased jewelry which he had brought into the country.

No Actual Smuggling.

The government at no time contended the two comedians had actually done any smuggling.

Benny's New York attorney, Carl E. Newton, approached the bench when court convened. He looked at Judge Vincent L. Leibell and said:

"The defendant asks permission to change his plea."

The judge glanced down at him and at Benny, who was waiting nervously.

"Is this the defendant?" he asked.

"Yes, sir," replied Newton, indicating Benny.

The comedian was wearing a natty brown suit and wine-colored tie.

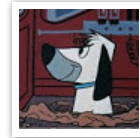
"How do you plead?" asked Judge Leibell.

"Guilty," said Hollywood's famous voice in loud tones.

"To all three counts of the indictment?"



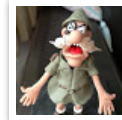
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Fernando Liera Blog Cartoons



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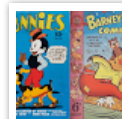
Movies with Michael



Cowboy Church #67 - Hello my friends and welcome back for another

service of cowboy church. Today's musical selection begins with Gene Autry singing "Dear Hearts and Gentle Pe..."
6 hours ago

Termite Terrace headlines



Question for All You Cartoon Collectors! - OK so I've been doing some

looking around. Bosko apparently had a comic book and I'm wondering if any of you know of

"Yes, sir."

The courtroom was packed with an estimated 400 spectators, mostly admirers of the wise-cracking radio and screen comedian, with standees lining the wall at the back of the room.

Benny's face today was sober in contrast to the airy grins with which he faced the grand jury at the time of his appearance during the investigation.

Benny's council, Carl E. Newton, attempted to address the court in the comedian's behalf after U. S. Attorney John T. Cahill had outlined the indictment, but Judge Leibell shut him off.

"I don't want to know anything about that," the judge said. "If you can tell me the circumstances surrounding Benny's acquaintanceship with Chaperau and any extenuating circumstances in regard to it, I would be glad to listen."

Many Women in Court.

Sprinkled in the packed courtroom were expensively-dressed women, wearing mink coats.

Throughout the proceedings, the usually self-assured comedian appeared timid and at times his voice was low. Occasionally he smoothed his grey hair and fingered his necktie.

Newton began his explanation as Judge Leibell had suggested.

Benny and Miss Livingstone, he said, met Chaperau casually in Hollywood in the summer of 1937. Mr. and Mrs. Benny went to Europe, and in Paris, Newton said, Benny bought two diamond-studded gold clips and a diamond-studded gold bracelet with a total value of \$2,131.

They then went to Cannes and were at breakfast one morning when Chaperau greeted them and renewed his acquaintanceship. As they were leaving Cannes for the north of France and their ship back to the United States, Chaperau boarded the train and suggested that Benny give him the jewelry as he could bring it in duty-free.

Benny and his wife arrived in New York on Aug. 30, 1937, and Chaperau followed on October 7 with the jewelry.

"Somewhere on his person he secreted the jewelry which got past the customs," defense counsel said.

"During October," he continued, "Chaperau turned the jewelry over to Benny through a third person. On Jan. 10, 1939, Benny voluntarily turned the jewelry over to the United States and assisted the government by appearing before the grand jury.

"He has no criminal record. He is 45 years of age, a born American citizen, lives with his wife and adopted child in Beverly Hills, and by occupation is an actor and radio comedian.

Judge Leibell asked what the duty would have been on the smuggled articles, and was informed that it would have amounted to about \$700. The court, addressing Benny, then declared:

"Sometimes men who are prominent in pictures and radio are just easy marks for smart people. But you should have been smart enough not to have fallen in with such a plan.

"You have undoubtedly made a fortune and shouldn't have fallen in with a scheme to defraud the United States government and the country in which you acquired your prominence and wealth. It was small stuff.

"If I thought you really planned to do so and it was your own suggestion, I would take a very different view of the case.

'Stupid Play'.

"Every shrewd person seeks out those who are prominent and you are in a position today you perhaps thought you would never occupy. It is a bitter end to a stupid play."

Judge Leibell continued:

"I doubt that men such as Benny are to be envied. He is going to pay a heavy fine. He must realize he cannot do these things. I do not think, however, a jail sentence would serve the ends of justice, but the lesson must be such as to bring home to him and to all others that they must be constantly on guard and play fair with their government."

Judge Leibell then turned to Benny and said:

"You must feel very much ashamed of yourself standing here today. It is a very poor return from you to your government and to all people who have made so much of you."

Benny stood with downcast eyes, a forlorn figure, and replaced in a voice that was scarcely audible.

"I am ashamed."

Judge then pronounced sentence and ordered Benny to report at two-week intervals to the probation officer of the federal district court in Los Angeles for one year.

Sunday Nights at Seven reveals one veiled reference to the case was made on the Benny radio show. The premise was that Jack was hunting with Phil Harris when a deadly rattlesnake began to hiss. Benny asked the snake to please go away because he was in enough trouble already. The snake slithered away.

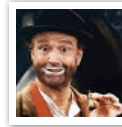
And what happened to, dare I say, the other "snake?" Chaperau was sentenced to five years. A district court cut the time to 17 months and 15 days but on April 12, 1940, the sentence was commuted by President Roosevelt to time served, meaning he was jailed about 15 months. Stated the AP that day: "It was said that Chaperau's sentence was commuted because of the assistance he gave the federal government in prosecuting the [Benny and Burns] cases."

But that wasn't the end of it. Chaperau had the audacity to sue the Bennys and Burns. The case wrapped

additional covers you could share! ...

15 hours ago

Way Too Damn Lazy To Write A Blog



Born on July 18, 1913 - Red Skelton - *Today's post commences

with the Guzzler's Gin routine ...

1 day ago

News From ME

Sorry... - As far as I know, I do not have any diseases. I just have too much to deal with right now so I won't be blogging much if at all. I'm postponing all the web...

1 day ago

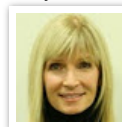
Cartoon Research

In His Own Words: H.T. Kalmus on Disney in Technicolor - Suspended Animation #276 Many references may be found regarding two-strip Technicolor. I have been guilty of discussing Walter Lantz's King of Jazz (1930)...

2 days ago

AFRTS Archive

Mary Turner 1985 - Mary Turner today Mary Turner really rocked the house.



Normally when any of the jocks got a reaction, it'd be split.

The ones that were really liked wou...

4 days ago

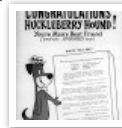
The World of Knight



TONIGHT, 11:54 PM. - COPYRIGHT T 2020 BY MILTON KNIGHT

4 days ago

Yowp



Hanna-Barbera Birthday Did-You-Knows - 63 years ago today, some

forms were signed by George Sidney, Bill Hanna and Joe Barbera creating what eventually became the biggest TV cartoon operation i...

1 week ago

Supervised By Fred Avery: Tex Avery's Warner Brothers Cartoons

Wabbit Twouble: A Small Addendum to An Outstanding Podcast -

up in 1945.

Suit Is Dismissed

NEW YORK, March 22. (AP)—Supreme Court Justice Ernest E. L. Hammer today dismissed a suit for \$7,682, brought against entertainers Jack Benny, Mary Livingston, George Burns and Gracie Allen.

The suit was instituted by Albert N. Chaperau, who was fined that amount by the government in 1943 [sic] for failure to declare jewelry brought from abroad. Chaperau sued the entertainers on grounds that he was acting as bailee for them when he brought the jewelry into the country.

About the same time, we find him co-producing a comedy called "Make Yourself at Home" at the Barrymore Theater on 47th Street that was panned by the *New York Sun* and the *Brooklyn Daily Eagle*. There was no mention of his career as a convicted smuggler.

The only future reference I can find to Chaperau after this is on a passenger manifest for an Air France flight to New York of March 31, 1954. The manifest states he was en route to Miami. Next to Chaperau's name is a hand-written notation: "Det. and Deport." We can only presume he was arrested and kicked out of the country, despite being born in Philadelphia. By then, Chaperau and the smuggling case were long forgotten. Jack Benny was still a star.

Posted by [Yowp](#) at 07:11



Labels: [Jack Benny](#)

5 comments:



J Lee 5 January 2014 at 08:25

The aftermath of the incident would also end up costing NBC Jack Benny, since they stupidly included smuggling trial prosecutor Cahill among their team of contract negotiators with Jack and his MCA representatives. You have to assume Jack believed Cahill knew in advance what Leibell was going to do and held a grudge over it. Having the guy show back up in his life a decade later with a chance at payback meant William Paley was probably the smuggling trial's biggest winner.

[Reply](#)



Yowp 5 January 2014 at 13:56

I have a hard time believing Jack Benny was "holding a grudge" or looked for "a chance at payback." It makes a nice story, though.

Too much money was at stake to make a huge, precedent-setting career decision based on emotions, if such existed a decade later. Business is business. Jack took the better offer, just like countless people I've known in radio over the years.

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J Lee 5 January 2014 at 15:41

I'd say the CBS option of owning your own show and getting a better tax deal vs. NBC's attitude that Jack Benny was only Jack Benny because of the network he was on was by far the contributing factor in the network jump. But being able to sign the deal with Bill Paley while going against an NBC legal team that included John T. Cahill at the very least had to assuage a little bit of whatever pangs of remorse Jack might have felt over leaving his longtime network home.

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bgrauman 5 January 2014 at 18:27



Original animation drawing from Wabbit Twouble with color notations

for the ink and paint department. Release date: 12/20/41 Availability: Looney Tunes Gol...
3 weeks ago

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[The Lady and the Tiger](#) - From the Cathy Hill Archive of Unpublished Comics comes "The Lady and the Tiger". This story was drawn before Cathy started the "Mad Raccoons" series. U...
4 weeks ago

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[Cartoon Logic Podcast](#) - And yet another distraction from this brick and mortar blog... I've entered the world of podcasting with renowned animation director and historian Bob Jaques...
10 months ago



Likely Looney, Mostly Merrie

[That's all, folks!](#) - My posts have gotten thinner over the years. I'm aware of that. I've been hopeful for a long time, that I can remain active with blogging and sharing furth...
1 year ago



Dr. Grob's Animation Review

[The Flying Man](#) - 'The Flying Man' is a very short absurdist film in which a man drops his coat to take a swim in mid air. Another man with a dog drops by, tries the same th...
2 days ago

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According to Milt Josefsberg in his book, "The Jack Benny Show", Jack met his writers after the NBC meeting was over, and told them, "Fellas, it's settled, We're moving to CBS." They waited until Jack was ready to tell them why, and he LET them know why. He told them NBC had sent THREE attorneys to convince him to stay, and that one of them was the "United States District Attorney" [Cahill] that "persecuted me instead of prosecuting me in that so-called smuggling case ten years ago!". Jack added the network had the GALL to send him as a negotiator, and that was the main reason he was taking the CBS offer.

[Reply](#)

Alan Ramsey 5 January 2014 at 19:42

And the Bill Donovan who was Jack's lawyer was none other than "Wild" Bill Donovan, who oversaw the OSS Intelligence agency during World War 2. In Joan Benny's book, Donovan gave Jack the advice to plead guilty and to be honest and apologetic about the incident, as dragging the affair out in court would make Jack appear to be guiltier in the eyes the public.

Also, Donovan told Jack that if he took his advice, the public would be forgiving and the whole thing would eventually blow over. And he was right.

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