

Spring 1935

Chicago's Criminal Underworld of the 80's and 90's

John Landesco

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

John Landesco, Chicago's Criminal Underworld of the 80's and 90's, 25 *Am. Inst. Crim. L. & Criminology* 928 (1934-1935)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

CHICAGO'S CRIMINAL UNDERWORLD OF THE '80'S AND '90'S

II.¹

JOHN LANDESCO

1. *Politics and Criminal Justice.*

When a rising political faction in control of the machinery of political prosecution seeks to capture other public offices in order to enhance its control it employs the exposé. For this purpose it must prosecute notorious criminals whose names make news, and expose the cooperation afforded them by the incumbents of public offices which the faction desires to capture. The specific charge may be a "frame." The prosecution may offer the criminal immunity for State's evidence against the officials. Here the criminal is punished for failure to help the expose.

Under the old allegiance and loyalty to factional bosses and factional comrades, in the organization and in public office, the criminal takes "the bitter with the sweet," learns to suffer the fate of his faction and make sacrifices for his comrades as they would for him. He establishes his claim on the faction leaders by doing service.

Jackson was an adherent of the Sullivan Democratic faction.

"I gave loyalty without stint or limit, did anything useful without regard to my own security (later we describe his assignment and activities on election day) in the 13th and 14th wards. The 13th then ran from Kinzie to Harrison and Western to Chicago Avenue, and the 14th from Kinzie to Chicago and Ashland to 40th Avenue."

It is true the faction failed him in the criminal court in the trial resulting in his first conviction to Joliet, but the prosecution was in the hands of an enemy faction and the pressure of the press was great. But there were many other stations on the road to retribution still held by his own faction; here he received every aid and comfort.

"This case was pending in the Supreme Court for six months. Alderman Hammond and William Rourke were on my bond for \$5,000 each. Hammond was my friend and a Roger Sullivan man.

¹An earlier contribution under this general title and authorship appeared in this Journal, Vol. XXV, No. 3.

"I finally went to Joliet and stayed eleven months and one day. I might not even have had to stay the extra day but it was a holiday, Thanksgiving. I knew in advance that I would not have to stay one day over eleven months, and I was discharged from parole by Warden Murphy in six weeks after my release on parole. Sullivan, a Democrat, interceded with Murphy, a Republican, a holdover in a Democratic administration, who had been in the office for thirty years previous. There was no money involved. My influence with Sullivan was due to my usefulness in elections in various ways."

"Miss —— (the young divorcee who at this time was his companion) first petitioned for pardon. By advice of wise politicians I didn't push this petition on account of my previous record and the embarrassment it might cause the governor (a Democrat). I got my parole through Roger Sullivan's brother, who was often my stepping partner at night when I was pleasure bent. Boethius Sullivan, Roger's son is still my friend."

The favors done by the boss and organization were on the basis of friendship and in return for loyal service. This friendship extended within the faction from the national committeeman, a party boss, to the low criminal, loyal in the ranks.

Since the development of the syndicate which is on a more business-like basis the syndicate may continue in power despite changes of factions or parties in power by contributing to both or all factions likely to win. In the earlier days the political loyalties were on a more strictly feudal basis, of loyalty to the faction bosses. Then the criminal, when an important cog in elections, would find himself caught in the reverses of the losing faction.

2. *Change of Administration.*

When a change of administration seems imminent, the incoming party may seek to discredit and depose the office holders of the party in power through an exposé of corruption on their part. At such a time, the criminal with political connections faces a crisis; if he remains loyal to his faction he may easily be made to suffer. The extent of such loyalty and the methods used by the incoming faction are plainly evident in the account which follows of the conflict between the Sullivan and Harrison factions of the Democratic party. The immediate shift in public office was the election of Wood (a Harrison Democrat) to succeed Eaton (a Sullivan Democrat) as state's attorney. The Harrison faction wished also to secure the

appointment of chief of detectives for one of their men. Jackson was a Sullivan Democrat and hence on friendly terms with Eaton and the chief of detectives then in office. Through exposing the friendship of Eaton and the chief of detectives with Jackson, a notorious pickpocket, the Harrison faction would discredit their opponents in the estimation of the public and secure the removal of the chief of detectives.

"During this period, 1910-13, I had four indictments against me over at the 'north side' at different times. All of them had been stricken off prior to the incumbency of Wood as state's attorney—Eaton had been my friend. I often waived preliminary examination in order to get my case to him. He had been my attorney at different times previous to his becoming state's attorney. Wood came into office in 1913."

"In the Democratic party there was factional strife between the Sullivan faction and the Harrison faction. Wood was a Harrison Democrat. His faction wanted to remove Captain Sutton, who was the chief of detectives and to replace him with Inspector Feeney.

"I was called to Wood's office and asked to sign affidavits to the effect that I had been paying protection to Sutton and Briggs, which I refused to do. 'I wouldn't commit perjury' In fact, Wood promised me that if he had the evidence against Sutton he would not indict him but would force him to resign. I refused. Wood then threatened me with the re-indictment of the four cases stricken off during the Eaton administration. Two weeks later I was brought to trial on three charges of grand larceny. One of these charges was three years old. I was tried on two cases at the same time and found guilty of both."

"Thus jury was packed for the prosecutor. I tried to get at some of the jurymen—but no chance. Goldman as usual secured the venire list from the clerk before the jurymen were ever in court. It is well known that the clerks control the juries and can transfer them from one court to another. The approach to the veniremen failed. I am certain these jurymen were fixed against me because they were men that would have gone along."

"Pat Carmody was Wood's main man at 35th and Indiana. Wood was out to his place every night but Carmody could do nothing. Frank McCarthy was Wood's first assistant prosecutor. He could do nothing. Wood insisted on my signing the affidavits in return for a non-suit."

"I was tried before Judge Dennison, a Sullivan Democrat. *We*

tried everything, but the Judge was coming up for election in November, 1913, and he feared the newspapers.

"I received two sentences—the first, one to five years; the second, one to ten years *consecutive* (running separately one after another). I actually took four years and eight months."

"As to a pardon, I had to wait until Governor Dunne got out of office, because he belonged to the Harrison-Hoyne faction."

"After I went to the penitentiary on these two sentences they revived the two other indictments and served warrants on me. *I, therefore, withdrew my petition for appeal on the first two in my effort to get the second two quashed. On account of the newspapers it was useless to go to trial.*"

"Ten days after my arrival at the penitentiary, Frank McCarthy, Wood's first assistant prosecutor, came down to Joliet and called me to the warden's office. He told me to sign the affidavits and then I could appeal, and the prosecution would confess error in the two trials resulting in my conviction. I refused.

"I have had my worst luck and my best luck in Chicago. My bad luck came all through politics. If I had never stuck my nose into politics I could have squared 'em' (his charges or raps)."

When two opposed political factions come into conflict, the criminal may become a pawn and his prosecution by one faction on real or "framed" charges may follow, not in the interests of justice or law enforcement, but either as a means of forcing his faction into compliance or as punishment of the criminal himself for failing to aid the opposing faction. The approaching election of the judge, even of Jackson's faction, made the judge wary concerning the issue, and pardon was delayed until a governor of the opposing faction left office.

The conviction of 1913 when the Sullivan and Harrison factions came into conflict was not the only one meted out to Jackson as a result of his loyalty to his political party. In 1924, Jackson again became seriously involved in a political conflict.

3. *The Prosecution of Election Frauds.*

Not only through the payment of petty graft to petty officials does the professional criminal gain his power of defeating the machinery of criminal justice. He pays his obligations to the fixer-politician by active participation in politics and elections. The fixer politician uses him in election frauds. When the criminal becomes of sufficient

vote-getting importance, the faction in command of the machinery of prosecution in the criminal courts punishes him for aiding the "outs." He may be "framed" in the specific case but charged with his usual professional crime. The prosecution results in conviction but the punishment is for helping the enemy on election day.

"My political strength was based on the fact that I had charge of repeaters. In those days registration was only required every four years. We started out early in the morning about twelve ballots ahead. The repeater would be handed a ballot and told to bring out the ballot that was in the booth. That gave us the opportunity to mark them and return them to the box. It also eliminated the necessity of erasing; when the requirement was established that ballots must be marked in ink we could use ink.

"Each ward had its own workers, both Republican and Democratic. The names were all registered, any names at all. Twenty-five repeaters can roll up as high as 800 votes. Often we would trade repeaters, when one of the wards needed them. For instance, Bob Duncan could ask me to bring my repeaters to his ward. We would funnel these repeaters into any 'bad ward,' that is, any ward where our chances were weak—take them from all over and funnel them into this ward. As I said before, no erasures or changes were necessary and the frauds were not detectable from the record. If a repeater was challenged he immediately ran out, declaring that he was going out to get an affidavit."

The command of repeaters on election day had been Eddie's service to the party and factional organization for a score of years or more. He obeyed the command of his superiors whether it was in the interests of candidates under his own party label or another, if the bosses had made trades or deals. But the control of the machinery of criminal prosecution was in the hands of the boss of a new machine in the spring of 1924. Robert E. Crowe was State's Attorney.

"In the spring of 1924 at the primary I had eighteen men, all thieves, out around the polls in favor of our Municipal Judge Jones, a Democratic municipal judge who was running against a Republican judge for Circuit Court Judge. All sides were using mobs of repeaters. We ran into fifteen different mobs of repeaters that day—the Republican side had them as well as we."

"I ran into David Harmon of the —th ward. He was with State's Attorney Crowe at the time. He wanted to know who I was with

and I told him. There was an argument about politics and Crowe told me to leave Chicago and stay out.

"I met Harmon at Ohio and Kedzie Avenue on the corner a half block from the polling place. He knew me at once. I knew him when he first came into politics in the old 20th—when the ward ran from Ashland to Western and Lake Street to Harrison. He asked me who I was with. I gave him the name of the Democratic judge. He flushed and said, 'Eddie, you're against me.' I tried to explain, 'I thought you was tradin'.' I was informed the evening before that there was a trade being made and that they wanted the Democratic judge in place of the Republican. I promised Harmon then and there that the balance of the day the votes we put in would be for his candidate and that I would make a record of how many we put into each precinct ballot box—(this was 10 a. m.)."

"At 4:45 that night I brought him a list to —th ward headquarters. Harmon and myself were in there, and seven or eight of their workers. Harmon offered me a roll of money for what I had done but I refused it. I accepted two drinks of whiskey out of a drawer.

"Two days later was my next meeting with him,—met him at Jack Ryan's saloon, on N. Franklin. He accused me of double-crossing him. Some of the precincts I reported didn't get half the amounts of votes in that I listed. I claimed that the judges must have counted them out. He told me that Judge Crowe, then State's Attorney, had told him that the first time I was jammed up or had anything over 'north' (criminal court), I was through and that he advised me to leave town. There would be no fixing downtown.

"At that time I had plenty of money and was laying off, doing nothing around Chicago (nothing in his own racket)."

When this ominous episode occurred he had just returned after several years in Michigan and Ohio, the most prosperous of his entire career, recounted in a later chapter.

"At this time I was not on my own graft, but selling booze wholesale. I wanted to try the saloon business in Chicago but the wife and I couldn't agree. She wanted me to work only days and not be there at night."

"The night of May 30th, Decoration Day, I was with a police lieutenant and had been with him from 4 p. m. I was conducting him around to saloons where he sold whiskey. He had 500 cases and was giving me a commission of \$10 a case for helping him sell.

"About 10:30 at night we had a smashup at Jefferson and 12th

Street. We had the car towed into a garage at Union and 12th, and were without a car. We then started on our way home, were through for the evening because he had to report for duty at 12 o'clock. There was no taxi in sight so we got on a northbound Halstead Street car to go as far as Adams Street. The street car was crowded; we stepped to the inside and were hanging on straps."

"At Van Buren Street quite a crowd of people got on. We noticed a mob working, a mob of Jews. I didn't know them. At about Jackson and Halsted a passenger complained of losing his purse. At Adams Street a uniformed man got on the car, heard the complaint, and noticed me inside the door. He took me off the car because he knew me. He told the complaining witness I was a pick-pocket,—said, "He must be one of them." The lieutenant who was with me told this cop whom he knew that I was on the inside of the car all of the time. He couldn't afford to tell him that I was with him.

"I was taken to Desplaines Street Station, booked for larceny, released on bonds of Charlie O'Connor, who was in the leather belting business. I reached O'Connor through the 27th Ward Democratic club.

"The following morning before the Judge I waived examination in order to protect my lieutenant friend against having to testify; also to give us time to take care of the sucker whom we could not find the night before."

"It is customary to take care of a sucker before he testifies. The sucker was taken care of later, was given his money back by Mike Mitchell, 'one of the boys.' He did shut up but they scared him into talking. The State's Attorney men went to him and locked him up for not answering the subpoena. He was scared into testifying."

"We secured the minutes of the grand jury,—secret minutes, supposed to be kept locked in a vault under a custodian. The minutes showed that he testified that eight or ten people got on the car at Van Buren and Halsted. After he rode a half block he missed his purse. He didn't know who took the purse and could not accuse anyone. At Adams Street the police officer in uniform got on, saw me, pulled me off the car and told him I was a pickpocket and mentioned my name to him."

"After the indictment (I was indicted on the case when, according to the testimony, there was no good reason for it) Mike Mitchell went up and seen him again. He promised Mike that when the case

was called again he would testify to nothing but the truth, and that was all we wanted."

"The case was tried before a judge, who, it seems, was bitter against pickpockets because he himself had been picked for \$800 when he was an alderman. He granted us three continuances, however."

"I was defended by Newton Arthurs, who was formerly an assistant State's Attorney. He comes from the west side. He was connected with the Teamsters' Unions, and was supposed to have an 'in' over there. I had money and friends, otherwise I would have got on a train (jumped his bond, becoming a fugitive)."

"I could have settled a forfeited bond in them days for 10%. I forfeited the bond in this case twice. The first time when the ten days for appeal expired and the appeal was not ready. We returned to the judge and he granted five days more, at the same time raising the \$5,000 bond to \$10,000. At the end of fifteen days I forfeited this bond and stayed in Chicago. *The sheriff would not serve me. He was a Sullivan Democrat.*

"Believing the evidence securely favorable we tried to waive a jury and take a bench trial. The Judge would not allow it. We thought we had such an easy case to beat we didn't try to get at the jurymen."

"Alderman Hammond suggested that he thought he could get to the Judge but he didn't succeed very well. The judge only allowed me ten days for an appeal in a court of law when I know I am entitled to ninety. I forfeited bond."

"Arthurs appealed the case to the Supreme Court and got a reversal and remand. This cost close to \$4,000. The sucker had \$69 or \$89 in his purse; we gave him \$200."

"Forty days after my conviction the Supreme Court granted a supersedeas with bonds of \$5,000. I then surrendered to the Judge with my Supreme Court release on bonds,—the forfeiture was set aside. Less than sixty days after filing the appeal I got my reversal and remand. This is a 1924 case entitled 'State of Illinois vs. Jackson.' The case is well known because it was the smallest brief ever handed up to the Supreme Court in an appeal. Arthurs only cited one case, A Peoria case."

"The case remanded, I was tried before Judge Kelly in December, 1924 and found guilty. My sentence was one to ten years. There was no error to hang an appeal on. Kelly gave us every break that was ours. We got a 30-day stay pending a motion for an appeal. I was committed to the penitentiary on this and the following case at

the same time, to run concurrently." (The question, "concurrent or consecutive" was raised in court after release on parole, see later).

"While this case was pending, I was picked up, identified, and charged with larceny before Judge Haskell. The complaining witness refused to prosecute. He said that when he signed the complaint he didn't know what he was signing. The case was continued three times in municipal court, because they could not get the prosecuting witness. On this account they locked him up for refusing to answer the subpoena of the court. He was given thirty days in jail for contempt.

"He was a structural iron worker from around Paulina and Madison Street. No one had approached or talked to him. It was not necessary. He had been picked for a purse containing \$34, a check, his union card, and a wedding ring, but he had no evidence against me. He would not testify. He stayed in jail for ten days before he was released through the efforts of a Congressman, who was president of an iron workers' union.

"My case was repeatedly continued by the judge for six weeks, while we continually demanded trial. I saw the handwriting on the wall. In this case I was to be 'gotten.'

"At the preliminary hearing I was bound over,—even though the complaining witness testified he would not swear who took the pocketbook. I was indicted and placed under bond in the amount of \$5,000. Newton Arthurs was my lawyer and tried my case before Judge Haskell, January, 1925. I was committed for this and the preceding case by Judge Haskell on sentences of one to ten years to run concurrently.

"I got my release May 10, 1929."

"After I got this release, which was my last one, one of the newspapers published an item about it. Judge Kelly took notice of the item and seemed to have been taken by surprise, as he was under the impression that the two sentences he imposed on me were to run consecutively, and that, therefore, I was out too soon. I was called before Judge Kelly,—Newton Arthurs was my attorney. Hinton G. Clabaugh appeared in behalf of the Parole Board, and submitted a copy of my commitment papers, showing that the two sentences were to be concurrent and not consecutive. In a newspaper statement Judge Kelly held Clabaugh to task.

"If you recall I stated that Judge Kelly had imposed his sentence after Judge Haskell had imposed his. I had served Judge Kelly's

sentence. Judge Haskell was dead. Kelly thought I fixed the clerk? —\$800.”

This record of the experiences of Eddie Jackson with the institution of criminal justice exhibits most of all of the defense mechanisms developed by the organized racket in the course of its conflict with the due process of law. As such, this history of the prosecution of a criminal is revealing in its discharge of the problems to be faced by those interested in legal reform and in improvements in the administration of criminal justice.

From the point of views of theories and practice of punishment and reformation, it lays the basis for understanding the point of view and attitudes of the professional criminal toward the law and legal justice.

What is said about factions is not directed at the particular faction with which this pickpocket was identified. It is rather a description of the workings of the political organization in relation to the criminal underworld. The political unit appears to be the ward group of precinct workers organized by the ward boss who allies himself with a city-wide faction. The “fixers” recorded in this study were identified each with his faction or boss, or was a minor boss himself; when deals were made and factions changed, the subordinate followed his boss.

This study suggests how prosecutors can become factional retainers; the courts of justice, the arena of combat, and the penal institutions are the prizes to gain and hold in the factional conflict regardless of the specific faction, as borne out by the history of Organized Crime.

Eddie Jackson's success as a pickpocket depended upon his ability to evade frequent arrests, trials and convictions. His immunity was made more secure by his allegiance to the political faction in power. His work in organizing groups of repeaters who were taken from precinct to precinct to roll up the vote for his party made him a valuable party member. In return for this service he was immune from punishment for picking pockets. Nevertheless, his reputation as a pickpocket made it a simple matter for the opposing political faction, when it came into power, to secure a conviction and prison sentence. The mechanisms of defense, which worked smoothly with friendly legal officials, were useless in dealing with an unfriendly political organization.

Eddie Jackson's account of his convictions to prison become more than the history of an individual criminal. Rather it is a

description of the influence of politics and the press upon this course of legal action. Jackson broke the law for years without being convicted. His convictions came only when the press demanded conviction or when conviction became part of a political struggle for supremacy.

APPENDIX

Interview with William B. Austin 1-11-1928

For some years I have thought that the better elements of Chicago society, those who wish to rank themselves in what is called the better class, have been disgusted with the connection between crime and politics; and with this in view I have taken some pains to look up this point. But it so happened that my actual experience was the best point which I received.

This case involved \$17.00, extended over a period of thirty months. It started on the 24th of September, 1924, and was concluded in the Supreme Court of Illinois a few months ago.

I was standing on the rear platform of a southbound Clark Street car. The weather was balmy and pleasant. I had on a light fall overcoat. Standing behind me was a man about 28 years of age and standing behind him was a young lad of 15. As the street car would lurch the man behind me would bump or jolt into my back more than was justified by the slackening of the speed of the car. At that time I thought he might be a pickpocket and I felt in my right-hand trousers pocket and found the \$17.00 I knew I had put there intact. When we reached the north end of the Clark Street bridge there was another lurch and I felt a movement near my right-hand trousers' pocket and immediately a man, who afterward said his name was David Stark, jumped off the car. I immediately felt in my pocket and found the money gone. I jumped off the car and the 15-year-old lad jumped after me. The lad ran around me and was able also to keep up with the thief, who had jumped on a northbound Clark Street car which was just pulling out. The lad shouted in a loud voice that there was a pickpocket on the car and a uniformed officer who happened to be on the car immediately went through the car, which was quite crowded, and selected the thief out of all the people aboard. He immediately took the thief off the street car and I came up to where the officer was standing with the thief and identified him and the young lad also identified him.

A police wagon came along north bound just at that time and

we were all put into it and taken to the Chicago Avenue Station, where Stark, the thief, was well known to all of the policemen in the station—in fact I would say that he is well known to almost every policeman in Chicago and has committed innumerable grand larceny crimes and has been arrested on several occasions and always released, or wore out the complainants by continued continuances, changing of venue and jumping of bonds. The case became quite famous, simply because I saw fit to follow it up and finally landed Stark in the penitentiary. During that period he took 14 continuances, jumped his bond 4 times, took 4 changes of venue, and I caught up with him when he had jumped his final bond, in New York City, where he was locked up in the Tombs for robbing someone in New York. There was no effort whatever made by the proper authorities of this city to see that he was properly bonded. I was approached upon numerous occasions during the thirty months when his case was pending, by members of the State Senate, the House of Representatives, President of a well-known political Club, numerous clerks of courts including one chief deputy clerk of the Appellate Court, to release this man. They could give no reason why I should release him except that in one instance the President of the political club—intra parietes (came inside the walls) approached me and asked me if I would release the man, and I said “Why should I release this man?” I said, “I have shown him to be an ex-convict and he confessed to me that he had been a thief all his life,—and why should I release him?” The President of the Club said, “He is one of the best workers in the Republican party.” I said, “Where is he now?” (he having jumped his bond at that time.) He said “He is at the Sherman House with all the different wings of the Republican party.” I immediately told the President of the Club, that I did not understand what business he had in this thing. Then immediately I had a *capias* issued from the sheriff’s office and they captured the thief in the midst of the Republican meeting and had him in jail inside of two hours.

The last attorney in the courts of this county who defended this man was a member of the House of Representatives. His chief champion was a member of the State Senate several years. He was also backed up by several judges and the whole pickpocket trust, which I am informed consists of about 60 to 100 men who chip in a percentage of their collections each day to pay political expenses and lawyer’s fees. The lawyer in the final trial of the case before Judge Gemmill and one of the most noted criminal lawyers of this city received a fee of \$1,000 per day for his services.

The culprit was finally sentenced by the court to from one to ten years. One year of his sentence expired a few weeks ago and he endeavored to get released, but through the influence of a few citizens he is still in Joliet and should remain in Joliet at least for the term of five years. These services covered three days' work in court.

There will always be criminals with us as there are always poor with us, but there would be many less criminals with us if the law-enforcing machinery of our county did its duty as it should. There is no reason on earth why the professional bondsman should be accepted on major offenses. I know of cases where professional bondsmen carry in their pockets the written releases of bonds which have been forfeited—and for a consideration—deliver them.

This is a small case but it exemplifies the fact of the connection of crime with politics in our city and is only one instance of many thousands of the same kind of cases.

Referring to this one particular crime, the pickpocket is one of the lowest-down, cheapest type of criminals; a rat among crooks, preying upon women and men carrying hard-earned wages home to their families; Stern nevertheless apparently had plenty of friends. He obtained continuance after continuance, delay after delay. And many prominent men in politics and possibly in other lines of life devote their time to approaching or frightening men who have the courage to endeavor to protect the public from criminals of this type.

—WILLIAM B. AUSTIN.

This man had ten aliases.

I had ascertained the fact that Stark had been incarcerated in Sing Sing twice, in the Penitentiary of Massachusetts once, in the New Hampshire penitentiary once; that he had been confined in work-houses and bridewell institutions so that the total number of times he was in prison was not less than ten; and he had been arrested innumerable times and freed.

He had \$277 on his person when I got him at 10:30 A. M. the first time.

I understand there is or was a restaurant on Sheridan Road which is headquarters for the pickpockets of the city; there they meet and plan their day's work; pro rate their receipts for political and lawyer expenses and then divide the remainder.

One interesting incident of the affair was the release by Judge Lawrence Jacobs of this man Stark, on a worthless bond signed by the Chief Clerk of Branch No. 1 of the Appellate Court.