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A STUDY OF UNSOLVED MURDERS IN WISCONSIN FROM 1924-1928*

MAX STERN

CHAPTER I

Introduction

In 1912 Arthur Train, district attorney of New York City for many years, published a book in which he asked the following perplexing question. "How about the killings where the murderer is never caught?"¹ This is how he answered his own question. "The prisoners *tried* for murder are only a fraction of those who *commit* murder. True, and the more deliberate the murder, the greater, unfortunately, the chance of the villain getting away. Still in cases merely of suspected murder, or in cases where no evidence is taken, it would be manifestly unfair arbitrarily to assign motives for the deed, if deed it was. No, one must start with the assumption, sufficiently accurate under all circumstances, that the *killings in which the killer is caught are fairly representative of killings as a whole.*"² (Italics mine.)

It is not quite clear how Mr. Train can reconcile the first sentence of this statement, "the prisoners tried for murder are only a fraction of those who commit murder," with the last part, "the killings in which the killer is caught are fairly representative of killings as a whole." If one were to ignore the first part of the statement, and consider only the latter part, it might seem that the author of this statement was talking about the quality of murders committed rather than the quantity. This interpretation would, no doubt, clear up this matter in short order. This is not the case, however, because the first statement clearly indicates that he is talking about quantity.

However he has answered it, this author raised a question in the year 1912 that has been gaining in importance to a marked degree of late. The high powered automobile, the concrete highway, the aeroplane and swift motorboat, the alliance between organized crime and administrators of justice in many places, all have contributed to widening the gap between the number of crimes committed and the number of people convicted for these crimes. Thus Arthur V. Lashley

*A Thesis submitted for the degree of Bachelor of Arts in the Department of Sociology, University of Wisconsin, Madison, Wisconsin, 1930.

¹Arthur Train, *Courts, Criminals and the Camorra*, (New York, 1912), p. 70.

²*Ibid.*, p. 70.

says of Cook County, "The police do not catch more than twenty per cent of those who commit felony crimes."³ While this figure is not representative of the situation throughout the country as a whole, it nevertheless points to the existence of a grave problem.

The question raised by Arthur Train which was, "How about the killings where the murderer is never caught?", is not a simple one, and therefore will not allow of a simple answer. Nevertheless, an attempt is made in this paper to answer this very question by asking and answering in part three other questions, namely, (1) What is an unsolved murder?⁴ (2) What is the extent of unsolved murders in Wisconsin? (3) Why are such unsolved murders as we have, unsolved, and to whom may responsibility be attached?

In the course of this study I drew freely from the files of the Milwaukee Journal Library and those of the Wisconsin State Journal. I wish to thank Mr. L. W. Hutchcroft of the Bureau of Vital Statistics for the unselfish way in which he gladly gave me much of his valuable time, and for the material aid he rendered me. I am deeply indebted to Mr. Henry C. Mohler for his valuable advice and clarification on many points in this thesis. I wish to acknowledge my debt to both Chiefs Laubenheimer and Trostle of the Milwaukee and Madison Police Departments respectively, for allowing me free use of their files. I also want to render my appreciation to Professor J. L. Gillin, at whose suggestion this study was undertaken, for his helpful guidance. In conclusion I wish to extend my thanks to the coroners of Wisconsin without whose co-operation this study would not have been possible.

CHAPTER II

Problems in Methodology

Since this is the first time any attempt has been made to determine the extent of unsolved felonious homicides for so large a territory as an entire state over a period of years, the question of the best approach to the problem was quite a perplexing one. The number of problems that arose in the course of this study was large, much larger than was anticipated, and, as we go along, it will become evident what some of

³"The Illinois Crime Survey," *Journal of Criminal Law and Criminology*, Vol. XX, No. 4, February, 1930, p. 598.

⁴As long as a killing remains unsolved, it is not easy to determine, whether, if the killer were found, he would be sentenced for murder or manslaughter, therefore the term should be "unsolved felonious homicide" which includes murder and manslaughter. The term, "unsolved murder," whenever used in this paper, unless especially indicated to the contrary, will be used then as the equivalent of "unsolved felonious homicide."

these problems were and the extent to which they allowed of solution, if at all. At this point it will perhaps be interesting to review some of the methods that suggested themselves in the first attempts to get at a workable methodology.

The first avenue of approach that suggested itself was to thumb through the leading newspapers and pick out those felonious homicides that were not cleared by the police. Considering the fact that a five year period was to be covered, one can very easily see that the amount of time needed to follow this method through would be tremendous. Moreover, after some newspapers were carefully examined, it was found to be quite impossible to determine when a particular homicide could be said to be unsolved. This method thus was quickly discarded.

A second method which seemed to be much more promising than the first one considered in the attempt to get at the problem, concerned itself with the death certificates on file at the State Board of Health. A certificate containing the cause of death of every person who dies in Wisconsin is required by law to be deposited with the State Board of Health. An examination of these certificates would reveal the names of all persons who were victims of foul play. It was planned to secure the names of such persons who met their death in this manner during the years 1924 to 1928 inclusive. After obtaining these names, the list could be compared with the records of the state penal and correctional institutions. If the prison records showed that there were no convictions for the death of certain persons on the list procured from the State Board of Health, it would be reasonable to assume that their deaths constituted unsolved felonious homicides. There were many objections to such a procedure. Unfortunately for this purpose, the State Board of Health files its death certificates not by causes of death but by counties. This meant that every certificate of death for the five year period mentioned would have to be examined to get at the names of those persons who were feloniously killed. There were roughly 160,000 deaths in Wisconsin from 1924 to 1928 inclusive. Having no clerical aid, this task seemed quite impossible. The second objection to this method was that those killings classed as justifiable or excusable could not be differentiated from the felonious killings.⁵ There are, no doubt, other objections that could be raised in this connection, but those mentioned are perhaps sufficient to show why the method was quickly abandoned.

⁵This objection had to be met ultimately no matter what method were to be used to get at the problem. A consideration of how it was met will be discussed in Chapter V.

The method finally settled upon was to get the information directly from the county coroners by means of a short questionnaire. The mere fact, however, that this was the method adopted to carry the study through, does not mean that it does not have its faults. As a matter of fact, as will be pointed out in a later chapter, there are a considerable number of legitimate objections to this particular method of approach to the problem. Among other things, it had at least one advantage over all other methods tried, namely, it allowed of a development of the problem at a money and time expenditure within reasonable reach.

Having decided upon the best angle from which to attack the problem, the next question was to delimit the study within reasonable bounds. In experimenting with easily accessible and objective data, and especially data that can be subjected to laboratory techniques, the problem as to how far one should go in analyzing the experimental material is a relatively simple one. In this type of experimentation, moreover, the sphere of activity can, in many cases, be limited quite definitely before the experiment is begun. When one must depend in a large measure on the accuracy, good-will, and spirit of co-operation of some seventy-one county coroners for the desired raw material, and then on the newspapers of the state for refining this raw material, the matter of delimiting the problem, in any great measure, is quite impossible. In an experiment of this kind—if an experiment it may be called—the process of establishing boundary lines must of necessity, therefore, be a gradual one.

The following is what we had originally hoped to find out. In the first place, it was thought that to determine the exact number of unsolved murders in the state would be interesting. If determining the extent would be interesting, it was thought that finding out why each of these unsolved murders was unsolved would prove even more interesting. Were these murders unsolved because the police were inefficient? Because the detecting methods employed were bad? In other words, did the police fumble the ball? Or, perhaps, the solution of these crimes failed in part because of a serious lack of policing facilities. Perhaps it was not the police at all who were at fault. Maybe the police worked diligently in this particular case and built up a perfect case of circumstantial evidence against a murderer only to have the courts bungle their part of the job and set him free. Possibly the jury was bribed, or a judge intimidated, or a witness scared out of town. A whole series of such situations could be possible, and to find them

out would prove most interesting, to say the least. There are a number of telling reasons why the answers to these questions could not be obtained. As a feature writer on one of Wisconsin's large newspapers stated, "Bungling by the police rarely gets into the newspapers; an unwritten agreement between us prevents that". This man then proceeded to tell how the police of that town had handled a certain case of murder so amateurishly that an almost certain conviction turned out to be an unanimous acquittal of the alleged guilty person. With the newspapers eliminated as a possible source of information, the next mine of information is the detective who worked on the case. But, then, as was quickly found out, this mine never opens. Most detectives are wholly inaccessible to begin with, and, in addition, it would be quite absurd to expect a detective or any other public official, for that matter, to admit that he had made a mistake in the performance of his duty. The only other way of obtaining such information, then, is to visit the actual scene of the killing, and also go through the court dockets. In the latter case an examination of court records from the beginning of the trial to the end would quite plainly show whether a judge was prejudiced in favor of the defendant, or whether a star witness for the state mysteriously disappeared at the crucial moment.

The above discussion serves a two-fold purpose. It shows the difficulty of defining the limits of a study of this kind, and, at the same time, suggests a few ways in which this problem could be further attacked. This, of course, is given in the hope that some day people will take crimes against person as seriously as they do crimes against property.

CHAPTER III

Definition of an Unsolved Felonious Homicide

Although the term "unsolved felonious homicide" is used repeatedly by some writers, very few attempts have been made to present a clear cut definition of the term. In questioning authorities in the field of criminological research it became evident that the only common denominator which characterized their conceptions of the meaning of the term was their whole-hearted disagreement as to a definition of the term. As will be shown later on in the chapter, an adequate definition of this term is absolutely essential to a proper interpretation of results obtained.

Perhaps the best way to get at the problem is to discuss the different constructions that people connected with criminology have put on

the term either in conversation or correspondence with the writer. Out of all their contributions, we may arrive at a workable definition of the term.

"An unsolved felonious homicide," says one person with confidence, "is a killing in which no one has been brought to trial." This definition would be a good one if it were not for the fact that policemen who kill persons resisting arrest, rarely, if ever, are asked to stand trial. Such killings would be classed as justifiable homicides, and as such, not only are these killings not classed as unsolved felonious homicides, but there is not even an element of felonious intent in them, according to the law.

Another person offered this definition: "It is a killing in which no conviction has been made excepting in cases of justifiable homicides." Although this definition seems to tell the whole story it too breaks down when it is put to the test of actual cases. Take a concrete situation something as follows: Here is a man who has committed a brutal murder. He admits having committed the murder, yet the jury refuses to convict him on the ground that he was insane at the time of committing the murder. In other words, he was not morally responsible, therefore the crime becomes an excusable homicide. Or, take a case which occurred recently. Two inmates of the hospital for the criminal insane got into a fight. In the course of the fight one of the two broke a chair over the other's head and killed him. The man who did the killing was never brought to trial for this crime, and therefore could not possibly have been convicted for the killing. Here again, presumably, is a case of excusable homicide, yet under the definition, this killing would have to be classed as an unsolved felonious homicide.

In the course of this study, occasion was had to communicate with the Chicago Crime Commission, and this same question was also put to them for answer. Their reply in part was as follows: "There have been numerous constructions placed on the term 'unsolved murders'.⁶ Some agencies have tabulated all murders in which no convictions resulted as unsolved. The rule here is to classify as unsolved those cases where a coroner's jury returned a finding of murder by a person or persons unknown and where no change of status occurred later. In other words, it is assumed here that a murder is unsolved if it is not discovered by whom it was committed."

⁶The term "murder," it was understood between us, carried the meaning of felonious homicide as it included the concept of both murder and manslaughter.

On first reading this answer as to what constituted an unsolved felonious homicide seemed to define the term completely and adequately. It does as far as the usual run of felonious homicides go. Again one invariably meets the exception. Consider the latter part of the last sentence of the definition: "A murder is unsolved if it is not discovered by whom it was committed." What about this situation? Here is a woman by the name of Clara O. found buried in a thick part of the woods near L. It is found that she was four or five months pregnant, and that Erdman O. her former sweetheart had disappeared immediately after the girl was found missing. It is also ascertained that the girl's father disapproved of her meetings with Erdman, and that several days after the girl was missing her father had a dream, and from this dream he was able to lead authorities to the shallow grave of his daughter in the thickest part of the woods. The case attracted national attention and a State Senate committee was asked to make an investigation to determine who was responsible for the murder. Their decision named Erdman O. as the murderer.

In the above case, apparently we have found out "by whom it was committed". Are we to consider this a solved case or are we going to question the validity of part of the definition? The implications in this case afforded opportunity for thought. Finally the Chicago Crime Commission was asked for an explanation of this apparent discrepancy between their definition and the findings in this case. Their reply, in part, was that, "If it is established reasonably who committed the crime of murder the case would be considered as solved whether the person was apprehended or not."

While this definition, in its amended form, seems reasonable, it fails to cover an important group of cases of which the following is a striking example.

On December 2, 1924 a young policeman was shot and killed near "Death Corner" in the midst of Madison's "Little Italy". This is the newspaper account of the affair on the following day.

"Cold blooded slaying of officer Herman D., young Madison policeman, at midnight near "Death Corner" was believed solved today with the finding of two shotguns within a half block of the scene of the murder.

"Sam D., police character, is believed by police to be one of the murderers. Police and district attorney's office investigators base their conclusions that D. is the man on the finding of the butt of half a shotgun in his possession when he was arrested early today, and the

fact that D. had probable cause for feeling against [Herman] D. because of his arrest by that officer a month ago for driving while intoxicated.

"According to their own stories V. the other suspect and D. were together last night before H. D. was shot.

"Both V. and D. showed signs of fight when officers on the manhunt attempted to capture them. They were both armed when picked up by a police squad. As officer L. M. came upon V., the latter attempted to pull a gun on him. M. knocked the revolver from the suspect's grasp and struck him across the face with the muzzle of his own gun."

It might be added, that according to the police, the butt half of a shotgun found in the pocket of one of these two suspects was established beyond reasonable doubt to be the missing part from one of the two shotguns found immediately after the murder. This fact together with the facts brought out above led police authorities to believe that they had a perfect case. The evidence against the accused men was apparently incontrovertible. It was the only time that Madison police officials could assert with reasonable assurance that a particular Italian had committed a murder.

Under this last definition of an unsolved felonious homicide, this crime would have been considered cleared or solved, since it was "established reasonably who committed the crime". Yet a few months later a jury returned a verdict of not guilty and failed to convict these men. The police steadfastly believed these men to be guilty of the crime of murder. A jury of twelve citizens in a courtroom did not believe these men to be guilty and indicated so by acquitting them of the charge. Is this a solved homicide? According to the definition we would have to class it as such. The police authorities thought otherwise, however, and placed it in the category of "unsolved murders". The opinion of the Chicago Crime Commission on this point is not very illuminating. Their answer to the question which arose out of these circumstances was that, "If a person is apprehended and a jury refuses to convict him the question of solution would become merely a matter of opinion."

At least two things should be clear from the discussion thus far. First, that there is a wide variation as to the meaning attached to the term among students of criminology. Second, that no hard and fast definition can be given to this term which would include all cases. With these facts clearly in mind, let us consider the following defini-

¹*Wisconsin State Journal*, December 3, 1924.

tion. An unsolved felonious homicide is *a killing responsibility for which has not been attached to any person, within at least a year of the commission of the killing, to the satisfaction of a court or jury with the exception of killings construed by the courts as justifiable or excusable homicides*. A careful reading of this definition will show that most of the faults found with other attempts at defining this term have been taken cognizance of. In addition another point has been inserted which in the opinion of the writer is very important from the standpoint of practicality both to the research worker and the police statistician. That point is, of course, the statement to the effect that the police and the courts are given one year to clear up a felonious homicide. This standard, it must be admitted, is a purely arbitrary one. In Wisconsin, where, it is generally conceded, police and court machinery work in a quick and efficient manner, a year is quite sufficient. Not very many felonous homicides take more than a year to be cleared up in Wisconsin, so that the number solved a year after this sort of crime is committed is exceedingly small. If one were to take a city like Chicago, however, where judicial action is delayed by many obstructions for long periods of time, a legitimate objection to this point could be raised. In Chicago perhaps, the line should be drawn at the end of two years, perhaps three, all depending on the relative amount of time necessary for legal procedure.

The main consideration involved is not that something magical occurs at the end of a year or two years, perhaps, which puts a killing into the unsolved category. The important point is that the student of criminology will be able to go to Milwaukee, let us say, and get figures which will be consistent and which can be calculated to show the actual situation prevailing in that city for a definite period of years with respect to felonious homicides.

There are other considerations, a number of cases perhaps, that would not find themselves covered by this definition. Again the inadequacy of any definition must be stressed because of the many extraneous circumstances that must be considered in each individual killing. No dogmatic definition can cover them all.

The importance of a uniform and comprehensive definition of this term can not be too strongly stressed. Arthur V. Lashley, who made a study of homicides in Cook County covering the years 1926-1927, adopted the following definition. "Unsolved or uncleared murder is murder in which no charge has been filed and no arrest made after a finding by the coroner that a murder has been committed."⁸

⁸*Illinois Crime Survey*, 1929, p. 619.

In accordance with this definition he finds 36.58⁹ per cent of the total number of murders committed to be unsolved. This means that in 63.42 per cent of the cases "charges had been filed and arrests had been made". However, only 21.82¹⁰ per cent of the total number of people charged with murder in Cook County, were convicted of that or a lesser charge. Even the latter figure is not comparable with the figure arrived at by the writer according to the definition adopted by him.

These figures will be gone into more fully in a later chapter, but were brought in at this point merely to show how absurd a comparison between two areas could be when different standards are used to arrive at a definition of the same term.

CHAPTER IV

The Coroner

Before presenting the results obtained from the present inquiry, a brief discussion of the coroner and his office would not be out of place. In fact, an intelligent interpretation of the results is directly dependent on some understanding of the coroner's function as a county official.

According to the law "It shall be the duty of the county board of such county to provide for the use of such coroner a suitable office room at the county seat of the county, and it shall be the *duty* of such coroner to *keep in his said office proper books containing records of all inquests* by him held, *setting forth the time and place of holding such inquests* and the names of the jurors serving thereon, together with a brief statement of the proceedings thereof."¹¹ [Emphasis mine.]

In the light of the above extract from the law governing Wisconsin coroners, let us examine some of the returns made by these coroners in response to a brief questionnaire asking for the following information:

1. Name of person murdered.
2. Date of murder.
3. Place of murder.
4. Probable cause of murder.

Information was asked on unsolved murders committed during

⁹*Ibid*, p. 620.

¹⁰*Ibid*, pp. 627-8.

¹¹*Wisconsin Statutes*, Section 366.17, 1927.

the years 1924 to 1928 inclusive. Following are some typical answers received:

"None that I know of."

"There have been no murders that have not been solved to my knowledge."

"I have not heard of any."

"Since my term have not had any."

"The only case in county to my knowledge is the case of M. R. whose body was found in the River in the early spring of 1927. Full particulars may be obtained from sheriff's office in J."

"I am serving my first term as coroner of G. County beginning Jan. 1st, 1928, during that time till now there has been no unsolved murder cases."

"I was not coroner of County until last fall. Mr. of this city was coroner from 1924-26 and Mr. from 1926-28. I think if you write to them you will be able to get the information you want."

"I have only been in office since 1927 and have no murder case since then and have no record of any before that time."

"I am sorry to say I cannot answer your questions."

"3 B's. Two Bro's.—one Sister. Murdered Town of Troy—1926—None other."

A careful check-up of the last report, which is from a coroner who is a doctor, revealed that these three people were murdered in 1922 and not 1926 as he would have us believe.

Out of fifty-four coroners who answered at all, fourteen made statements like those above. This does not, however, mean that all of the remaining forty coroners have records while the first fourteen *have not*. Let us give these forty the benefit of the doubt, and say that they do have records. But what about the others? They constitute twenty-four per cent of the counties covered, and from the evidence presented above there is every reason to believe that they do not keep records or else they failed, in some cases, to consult them if they do have records. This deduction may not be warranted, but until evidence is produced to prove the contrary it will have to stand. This is but one link in the growing chain of evidence which tends to force one to conclude that the coroner's office is, in many cases, just a political football.

It is no longer a closed secret that men who are the least fit to hold the office of coroner are elected to it. In every state where the

coroner system prevails, the coroner is called upon to initiate an inquest to determine in what manner a person met his death, and who killed him, if possible, when it appears that a person has met his death by unlawful means. This is a job for a person with both legal and medical training, yet most of our coroners possess training in neither field. Yet it is on the advice of the coroner that rural and urban police begin their inquiries about the death of certain people supposed to have been murdered.

In a survey of the coroner's office made by the Missouri Association for Criminal Justice, the statement was made that, "medical men in many states have felt keenly the disgraceful condition which the present system has permitted and the absurdity of non-medical coroners passing upon pathological questions of great public importance."¹²

Anyone who respects human life and recognizes the importance of maintaining respect for human life will agree that it takes more than an ordinary person to determine whether a man has died of natural causes or has been murdered. Yet nowhere in the law can be found any statement as to qualifications necessary to aspire to the office of coroner. As a result, in the main only undertakers, furniture dealers, and doctors of low repute, who cannot maintain themselves by their practice alone, seek the job of coroner.¹³

Here in Wisconsin, we had an interesting situation before the coroner was raised to the dignity of a public official by the new law relating to the coroner's office. Until this new law was passed the coroner was held under the thumb of the district attorney or justice of the peace in most rural counties.¹⁴ Under the old law a coroner did not have the power to initiate investigations into deaths. He could not hold an inquest until he was directed to do so by the district attorney or the justice of the peace. Another factor which tended to paralyze the activities of the coroners of many of our rural counties is the fact that the county boards refused to loosen their hold on the purse strings. This situation still prevails in many counties. In many cases, to save the few dollars necessary to hold an inquest was thought more important than to look into a death highly suspected of being an unlawful one. Thus, in several cases of killings reported by coroners as unsolved murders, they specifically stated that no inquest was held, without having been asked for such information.

¹²*Missouri Crime Survey*, New York, 1926, p. 85.

¹³*Ibid.*, p. 83.

¹⁴For this and other information relating to the office of coroner, I am indebted to L. W. Hutchcroft of the State Board of Health.

That data obtained in the manner stated from public officials such as described above cannot be taken uncritically is quite obvious. Discussion of the coroner was necessary to bring this point out. The writer does not believe that it is his place to suggest changes that might prove helpful in improving the present coroner system. A thorough study of the coroner and his office in his particular local setting is necessary to make any remarks beyond those already made. The discussion here is meant primarily as a preliminary to intelligent interpretation of such results as were obtained. For anyone who desires to know of thoroughgoing reform that has been done in connection with the coroner's office, reference should be made again to the *Missouri Crime Survey*. In Part II of this survey there is an excellent discussion of the so-called "Medical Examiner System" as it works out in Massachusetts which was the first state to adopt the system, and of modified forms of this system as adopted by Vermont, Connecticut, New Hampshire, and Rhode Island.

CHAPTER V

Results

The figure representing the ratio between the number of unsolved felonious homicides and the total number of felonious homicides committed in Wisconsin for the five year period 1924 to 1928 inclusive is 22.54 per cent. In other words, 22.54 per cent of all felonious homicides committed in Wisconsin are never solved. The validity of this figure can be very seriously questioned, and the writer would be the last one to argue to the contrary. To present this result without pointing out some of its known shortcomings would render it both misleading and valueless. Therefore an account of how this result was arrived at is essential.

Of the seventy-one county coroners in the state, fifty-four responded to either one or the other of two letters written to them. The total number of felonious homicides reported unsolved for the five year period included in the study was thirty-nine.¹⁵

There is no agency or bureau that compiles homicide statistics in such a manner as to separate out the non-felonious from the felonious homicides. The Bureau of Vital Statistics of the State Board of Health compiles homicide figures by counties under the following categories: (1) Homicide by firearms (2) by cutting or piercing instruments (3) By other means. In order to separate out the justifiable

¹⁵The reliability of data obtained from the coroners was discussed at length in Chapter IV.

and excusable homicides a roundabout method had to be used. It is impossible to obtain an exact figure which represents the percentage of all homicides which are not felonious or involuntary. Nevertheless an approximation of that figure may be obtained by comparing the total number of felonious homicides as shown by police records of a city for a year with the total number of homicides as reported by the mortality statistics of the United States Bureau of Census for that year. The percentage varies somewhat from year to year, but if a large enough sample is used the variations are ironed out to a large extent. Thus E. H. Sutherland reports that the proportion of all homicides which are non-felonious in Washington, D. C., varied from 13.3 per cent in 1914 to 51.8 per cent in 1918, with an average of 32 per cent for the period 1914-1918.¹⁶ In 1920 the figure for Detroit was 26.6 per cent and that for Chicago 31.5 per cent.¹⁷

Before using the above figure of 32 per cent a fairly successful attempt was made to verify it by enlarging the sample somewhat. The cities chosen were Milwaukee, Chicago, Washington, St. Paul and Minneapolis. The period covered was 1922 to 1926. This period was chosen for two reasons; first, in order to get as far away from the war period as possible, second, because this period was close to the five year period covered in this study in which data was obtainable. St. Paul and Minneapolis were chosen because it was thought that the environmental conditions in these cities represented the situation in northern Wisconsin as closely as could be obtained. However, comparable data could not be secured from the police departments of these two cities, so they had to be dropped. The following tables show the results obtained for Milwaukee, Chicago and Washington respectively.

TABLE I

PROPORTION OF ALL HOMICIDES COMMITTED IN MILWAUKEE DURING 1922-1926,
WHICH ARE NOT FELONIOUS

Year	*Total	Felonious	HOMICIDES COMMITTED	
			†Justifiable and Number	Excusable Per Cent
Totals	87	58	29	32.6
1922	15	10	5	33.3
1923	21	11	10	47.7
1924	11	8	3	27.2
1925	19	14	5	26.3
1926	21	15	6	28.6

*Data obtained from Mortality Statistics, Reports of Bureau of Census.

†Data obtained from Milwaukee Police Department.

¹⁶E. H. Sutherland, *Criminology*, (Philadelphia, 1924), p. 38.

¹⁷*Ibid*, p. 38.

TABLE II
PROPORTION OF ALL HOMICIDES COMMITTED IN CHICAGO DURING 1922-1926,
WHICH ARE NOT FELONIOUS

Year	*Total	Felonious	HOMICIDES COMMITTED	
			†Justifiable and Excusable Number	Per Cent
Totals	1946	1391	557	28.5
1922	334	230	104	31.2
1923	321	233	88	27.4
1924	415	307	108	26.0
1925	461	321	140	30.4
1926	415	300	115	27.7

*Data obtained from Mortality Statistics, Reports of Bureau of Census.

†Data obtained for 1922-1924 from Annual Police Reports; for 1925-1926 from Commissioner of Chicago Police.

TABLE III
PROPORTION OF ALL HOMICIDES COMMITTED IN WASHINGTON, D. C., DURING
1922-1926, WHICH ARE NOT FELONIOUS

Year	*Total	Felonious	HOMICIDES COMMITTED	
			†Justifiable and Excusable Number	Per Cent
Totals	249	171	78	31.4
1922	43	38	5	11.7
1923	48	26	22	45.8
1924	45	29	16	35.6
1925	61	31	30	49.2
1926	52	47	5	9.6

*Data obtained from Mortality Statistics, Reports of Bureau of Census.

†Data obtained from Annual Reports of Metropolitan Police, Washington, D. C.

In making the calculations, the total number of homicides committed were obtained from the Mortality Statistics of the United States Bureau of Census. It was noticed that where the police offered a figure purporting to represent the total number of homicides committed in that city, it invariably was smaller than the Federal homicide figure. This difference can be accounted for by the fact that the police do not get a record of all justifiable or excusable homicides. Thus the coroner may, in many cases, get to the scene of a killing and make a decision of justifiable homicide before police arrive. Having made that decision, the police may not even be informed of the killing. Or, in the case of an inmate of a hospital for the criminal insane killing a fellow-inmate, the case is reported to the coroner, but not to the police. There are a number of other examples that might be cited to bring out this point, but these will suffice to indicate how the discrepancy between local police and Federal mortality statistics could arise.

Attention should here be called to the fact that the range of percentages for the five year periods shown above is of no significance,

especially for Milwaukee and Washington. The relatively small number of homicides reported for each year could very easily be upset by any number of unusual circumstances that may occur one year and not another. The significant thing is that over a period of years the unusual circumstances seem to cancel each other out.

When the totals for the entire five year period is considered for each city, it may be seen that the averages for Milwaukee and Washington substantiate the figure arrived at by Professor Sutherland almost perfectly. Considering the tendency on the part of the Chicago crime figures to be officially understated,¹⁸ the average for that city, 28.5 per cent, as compared with the others is very good. In view of these facts the writer felt that Sutherland's figure of 32 per cent had been sufficiently verified to justify use of that figure for the purpose of separating felonious from non-felonious homicides.

The total number of homicides committed in the fifty-four counties of the state studied was 255.¹⁹ From this number 32 per cent was taken, leaving 173. This latter figure represents the number of felonious homicides committed in Wisconsin for the five year period studied. Dividing this number into the total number of unsolved felonious homicides found for this area and period which was 39, we get 22.54 per cent.

As has been suggested previously, the figure finally arrived at probably understates the situation in Wisconsin with respect to unsolved felonious homicides, on the grounds of the probable inaccuracy of the coroners' data. The method used in separating the felonious from the non-felonious homicides may also tend to invalidate the figure somewhat. On the other hand there are at least two factors which tend to strengthen the validity of the result. First, the fact that the sample used is large enough, and is representative of all sections of the state; second, the fact that the figure obtained for Milwaukee County alone is 23.08 per cent. It is a well known fact that statistics kept by the Milwaukee police department are complete and accurate. The writer interviewed Coroner H. J. Grundman of Milwaukee County and is satisfied after an examination of his ledgers that the records kept by him tell the whole story. Forty per cent of the total number of unsolved felonious homicides for the state occurred in Milwaukee County. In view of this fact and considering

¹⁸At short time ago the Chicago Crime Commission made a study of crimes reported to local stations and crimes appearing on the official ledger in Chicago. The results of this study were published in *Criminal Justice* No. 57, March 1929, pp. 8 ff.

¹⁹*Reports of State Board of Health of Wisconsin, 1924-1928.*

the accuracy with which statistics are kept there, the inference drawn that the figure obtained for Milwaukee, in some degree corroborates the figure obtained for the entire state, is justified.

Granting, then, that there is some validity to the figure arrived at, what does it show? Does the fact that 22.54 per cent of the felonious homicides committed in Wisconsin go unpunished give cause for alarm?

The answer to this question can come only from a comparison of the situation in this state with that found in other states. Unfortunately for our purposes, the number of inquiries into this question is extremely small.

The only study that could be located was made by Mr. Arthur V. Lashly, director of the Illinois Crime Survey, in which he arrived at a figure indicating the number of unsolved felonious homicides in Cook County, Illinois, for the two year period 1926-1927. The figure obtained by him, as previously stated, was 36.58 per cent. This figure is not, however, comparable with the one arrived at for Wisconsin, because the two figures do not tell the same story. The figure for Cook County represents the number of murders in which either no person was arrested or in which no prosecution was started. Mr. Lashly in arriving at his figure was not concerned with whether or not a person once arrested ever stood trial, or, if prosecution was started whether or not a conviction resulted. As a matter of fact, he is of the opinion that once a person is arrested in connection with a particular murder, that murder may be considered as solved as far as the police are concerned. The "responsibility," from that point on, "is upon the process of prosecution and judicial administration."²⁰

For one who is unacquainted with the ineffectiveness of the Cook County courts, this statement may seem absurd. However, even if one gives due consideration to the fact that the courts, in many cases, fail to function in the manner that is expected of them, there is still reasonable grounds on which the validity of the statement may be questioned. Quite aside from the fact that the courts, in many instances, can be gotten to grant a guilty man his freedom, it is quite conceivable that there are a number of cases of murder in which the wrong person is arrested, or, in which the evidence against him is so flimsy and inconclusive that the court has no other choice but to free him of the charge placed against him. Whether the blame is placed on the police or shifted to the court, the fact remains that where a conviction is not obtained, the murder, to all intents and purposes,

²⁰*Illinois Crime Survey*, 1929, p. 621.

remains a mystery, and cannot therefore be placed in the "solved" category.

Curiously enough, Mr. Lashly makes this observation himself. "In the cases of gang murders," he says, "where prosecutions were started, taking them out of the unsolved class, there were no convictions resulting from any of such prosecutions, so all of them may well be rated mysteries."²¹

The importance of this point is brought home in a more striking fashion when it is considered that in only 21.82 per cent of the cases in which arrests were made was there a verdict of guilty returned of either murder or a lesser charge.²² The above discussion is not given with the view in mind of discrediting Mr. Lashly's approach to the problem. After gaining an understanding as to how he arrived at his figure, his result cannot be said to be misleading, and it is for that purpose that the above discussion was considered necessary.

The percentage of murders committed in Cook County in 1926-1927 in which someone was convicted is fourteen.²³ Therefore the percentage of cases in which no convictions were obtained, 86 per cent, is the figure which is comparable to the one arrived at for Wisconsin. When 22.54 per cent is placed side by side with 86 per cent, the obvious conclusion that can be drawn, and it is a conclusion that has been come to more than once, is that police and court machinery are much more effective and reliable in Wisconsin than in Cook County. No more than that can be said, for the reason that the comparison is a lopsided one. After a study of this sort is made in some state whose population composition and whose machinery for dispensing justice is in any way comparable to that found in Wisconsin, a satisfactory conclusion may be drawn, within certain limits, as to whether or not the figure representing the total number of unsolved felonious homicides, 22.54 per cent, should be a source of great concern to Wisconsin.

CHAPTER VI

Italian Murders in Milwaukee and Madison: A Comparison

In dealing with murders committed by Italians, more particularly those committed by southern Italians and Sicilians, the police face a situation not encountered very often by them in the course of their attempts to establish the identity of the murderer. This situation is characterized by an unwillingness on the part of these people to divulge

²¹*Illinois Crime Survey*, 1929, p. 621.

²²*Ibid.*, p. 629.

²³*Ibid.*, taken from Table 12, p. 622.

any knowledge or information that they may possess in connection with a particular murder committed by one of their countrymen. With the knowledge that death is the reward of anyone who either by word or deed aids police in capturing the murderer, the discreet Italian seals his lips when questioned by police authorities. This has been the experience of the police in both Madison and Milwaukee.

Thus in the case of the killing of Pete S. on October 15, 1924, Madison "police in their investigation were confronted by a wall of silence and seeming ignorance when they questioned residents in the neighborhood."²⁴ Again, immediately after the murder of Anton B., "Shrugs of shoulders met every question put by police to residents of the district [Greenbush] and Italians who gathered in the crowds. As is usual in shooting cases near 'Death Corner,' information of any kind was refused."²⁵

After the sensational murder of Carmelo S. in Milwaukee's "Little Italy," "The Italians who had heard the shots remained discreetly within their own doors, fearing to see who has been the latest victim of the mysterious murderers, whose crimes have baffled the police for the last two years."²⁶ When the police attempted to gain information which might lead to the discovery of the guilty one, ". . . every foreigner questioned professed ignorance and claimed to know nothing whatever of the affair."

The immediate reason for the existence of such a situation in which Italians refuse to give any incriminating evidence, as stated above, is fear lest the murderer or his friends visit death upon them. The historical reason may be found by examining the origins of such highly organized criminal groups as the Camorra in Naples and the Mafia in Sicily. No doubt, an examination of these organizations and their activities which are international in scope would prove both interesting and illuminating. However, for the purposes of this paper, enough has been said, perhaps, to indicate the difficulties encountered by police in their attempts to cope with problems arising out of murders committed by southern Italians and Sicilians.²⁷

The following table reveals the number of murders which police authorities are reasonably certain were committed by Italians. The

²⁴*Wisconsin State Journal*, October 16, 1924.

²⁵*Ibid*, February 24, 1924.

²⁶*Milwaukee Sentinel*, December 31, 1912.

²⁷For an excellent account of the origin of the Camorra see Arthur Train, *Courts, Criminals and the Camorra*. For a detailed and equally good account of the activities of members of the Mafia and Camorra, see *Illinois Crime Survey*, Part III "Organized Crime in Chicago" worked up by John Landesco.

figures for the number solved and those unsolved are presented by single years.

TABLE IV

COMPARISON OF THE NUMBER OF MURDERS COMMITTED BY ITALIANS IN THE CITIES OF MADISON AND MILWAUKEE FROM 1910 TO 1929 INCLUSIVE*

Year	MILWAUKEE			MADISON		
	Total	Solved	Unsolved	Total	Solved	Unsolved
Totals	32	21	11	13	..	13
1910	2	1	1	..	..	..
1911	1	..	1	..	..	..
1912	5	1	4	..	..	..
1913	2	1	1	1	..	1
1914	3	1	2	1	..	1
1915	3	3	..	..	..	..
1916	1	1	..	..	..	..
1917	1	1	..	..	..	..
1918	1	1	..	1	..	1
1919	..	..	..	..	..	..
1920	1	1	..	..	..	..
1921	..	..	..	..	..	..
1922	3	2	1	1	..	1
1923	..	..	..	1	..	1
1924	1	1	..	6	..	6
1925	2	2	..	..	..	..
1926	3	2	1	..	..	..
1927	1	1	..	..	..	..
1928	..	..	..	1	..	1
1929	2	2	..	1	..	1

*Data obtained from the Police Records in Madison and Milwaukee.

The very first thing to impress one as the above table is examined, is the fact that out of thirty-two murders committed by Italians in Milwaukee, the police were able to solve twenty-one of them, and the fact that Madison police did not succeed in unraveling a single one of their Italian murder mysteries. The contrast is striking and every indication points to the conclusion that Madison police are far inferior to Milwaukee police in their ability to cope with murders committed by Italians. The superficial observer would come to this conclusion, but do the facts bear him out?

A minute examination of the type of murders that were committed by Italians and solved by the police of Milwaukee reveals the following facts.

Every Italian murder that was solved by Milwaukee police resulted either from a row, a quarrel, a fight, a card game, unrequited love, attempt at robbery, or from domestic marital troubles. Without attempting to detract from the merit of Milwaukee's police force, which is considered by many as one of the finest in the country, the fact remains that it does not take an extraordinary amount of ability to solve a murder in which the murderer walks into the station and surrenders

himself to the police after committing the crime. This occurred in two instances. In other cases the murderer who had killed in the heat of passion awaited the arrival of police. In still other cases the police had to extend themselves considerably before the perpetrator was apprehended, but in most of these cases the police did not bump up against a stone wall. They received a good deal of co-operation in many cases from eye-witnesses, and such information as they requested from other Italians. The case must not be made too simple. As was said before, the police of Milwaukee must be given due credit for their ability. The fact remains, however, that none of these murders solved by them was committed as a result of a vendetta or a feud in which the "omerta" usually operates to paralyze the activities of the police. All the well planned murders executed deliberately by the organized factions that flourished in Milwaukee prior to 1915 remain mysteries to the present day, as far as the police are concerned.

In Madison the situation is quite different. Every case of Italian murder except one, could be traced back either to the "Black Hand," a *modus operandi* used in extorting money from Italians, or else to feuds between rival liquor dealers. In all such cases the activities of the police were paralyzed by the operation of the "Omerta" which forbade any Italian from divulging any information that he had regarding the particular murder under threat of death. The one exception was the case of the shooting of John L. by Italians when he resisted their attempts at burglarizing a warehouse where he worked as a night watchman. This was in 1913 and was the first murder committed by Italians in Madison.

The next most striking observation made from Table IV is the fact that after 1914 murders by organized groups seem to have ceased almost entirely in Milwaukee, and the fact that from that year on the number committed in Madison grew to alarming proportions. How can these facts be accounted for? The material that could be obtained in an effort to account for this situation is such that no definite reasons can dogmatically be brought forth and presented. A few hypotheses can be presented to explain the situation, but it must be borne in mind that being hypotheses they lack definite scientific proof.

1. In 1915 twenty-five Italians were arrested in Milwaukee after a riot in the Bay View district. Fifteen of this number were found to be carrying guns. Judge Backus sentenced them to twenty-five years each in Waupun prison. As each one secured his release deportation proceedings were successfully carried out against him. These measures apparently had the proper effect on some of the troublemakers of the

Italian community as evidenced by two facts. First, during the fifteen year period that followed only two unsolved murders occurred. Second, the Italian population of Milwaukee shrank from 35,000 in 1917 to 27,000 in 1929.²⁸

2. A constant vigilance is kept over the haunts of gamblers and bootleggers. Every new arrival from outside of Milwaukee is immediately picked up and charged with vagrancy no matter what the amount of money found on his person. If the prisoner demands a jury trial he is asked to put up a two hundred and fifty dollar bond. According to information obtained, eight out of ten who put up the bond leave town before their case comes up for trial. Those who do not demand a jury trial are either sentenced to from thirty to ninety days in the House of Correction, or else they are given twenty-four hours to leave town. It is claimed that in this way out-of-town gamblers and bootleggers are not given a chance to gain a foothold in Milwaukee and in this way the murder rate is kept at a low figure.

3. An Italian friend of the writer's who claims to know the situation in both Madison and Milwaukee, although his home is in Milwaukee, offers the following explanation. He said, "As far as Milwaukee is concerned, from the beginning of the prohibition era, the Italians have united into one big family in connection with their bootlegging activities. There are no rival booze rings present." In Madison we have an entirely reverse situation. "There," he says, "the entire Italian community is broken up by the factional strife of opposing bootleg rings."

The theory concerning Madison is confirmed to some extent by newspaper reports. Thus in an indignant editorial on the front page of one of the local newspapers following the fatal shooting of a night patrolman in the Italian colony, the statement is made, " . . . Murder will thrive in Greenbush as long as moonshine thrives there."²⁹

Following the killing of Anton N. on March 16, 1924, the statements were made that "Factional strife in Madison's foreign colony resulted in the murder early Sunday night of Anton N. He was for several years acknowledged chieftain of half of several thousand residents in Madison of Italian descent." ". . . Authorities were unable to determine what was behind the feudal shootings," but one of the three theories advanced was that ". . . rivalry between

²⁸This hypothesis and the one immediately following are based on information secured from the head of the Bureau of Identification of the Milwaukee Police Department.

²⁹*Wisconsin State Journal*, December 3, 1924.

rum runners and distributors has reached such a stage that each faction is intent upon scaring the other out."³⁰

4. The last hypothesis is in connection with the government in Milwaukee. Before 1914 during the Rose administration, Milwaukee, it is generally admitted, was a wide open city. The entire tenure of office of David S. Rose as mayor was replete with graft and corruption. During this time from 1900 to 1914 with the exception of two years when Emil Seidel was mayor, it is said, there was a close alliance between crime and government.

From the time that the present Socialist administration headed by Mayor Daniel W. Hoan was put into office in 1914, graft and corruption were reduced to a minimum. Crime and vice no longer were allowed to flourish under the protecting arm of government. The present administration is credited by many with having made Milwaukee one of the cleanest and most efficiently governed cities in the country. In view of the fact that the unsolved murders ended with the incoming of the present administration, it may very well be that an honest, efficient and fearless mayor may have had something to do with it. It may be only a coincidence, but it is not likely that it is in view of the above facts.

As was said above, each one of the explanations presented is nothing but a hypothesis. It may be that one of these explains the situation, perhaps all of them put together come closer to an answer than any one of them. There is no other way of determining that point except by one method, namely, a closer scientific study of the problem.

CONCLUSION

This study has been presented for what it is worth and no more. Its defects and limitations have been pointed out so far as we have become aware of them. After making due allowance for inaccuracies in the assembling and handling of the data, it is hoped that the reader has been impressed by a number of things.

First: A uniform definition of the term "unsolved murder" is essential before an understanding of the problem is possible. Not only does this fact apply to this particular term alone, but it is also evident that if any progress is to be made along the line of criminological research in general, a mutual understanding of terms is necessary. The American Association of Police Chiefs has recognized this point and in their book, *Uniform Crime Reporting*, which they

³⁰*Ibid*, March 17, 1924.

published recently, they have attempted to put crime statistics gathered by police on a comparable basis. This was accomplished by defining and categorizing terms used daily by police in keeping crime records. The writer feels that this study has shown the need for adopting a uniform definition of the term "unsolved murder" and recommends that the Committee on Uniform Crime Reporting adopt either the definition here presented or some other suitable definition of the term.

Second: The coroner's office has been shown to be nothing but a political football in many counties. It is occupied by men of questionable ability and qualifications. It is hoped that the coroner's office will be looked into more fully sometime in the near future, and that proper steps will be taken to correct some of the evils growing out of it.

Third: A further and more complete study of the problem of unsolved murders is necessary. It could be made an important method of determining the ability and efficiency of our police and courts in their handling of the gravest crime that can be committed against human life.

Fourth: A central agency to which local police officials in the state should send all criminal statistics is clearly necessary.

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