

boy being goaded into shooting another boy, she added, "this tale could be duplicated almost every morning; what might be merely a boyish scrap is turned into tragedy because some boy has a revolver."⁴⁵ In verdicts, coroner's juries also often voiced their concerns about the availability of guns. For example, in a case involving a thirteen-year-old boy shooting his twelve-year-old friend, the jury declared: "From the evidence offered the jury are inclined to the belief that this is an accidental case . . . and [also] recommend that the police see to it that arrest and punishment under the law be meted out to people selling fire arms and to all individuals carrying fire arms unlawfully, also that the confiscation of said arms be made."⁴⁶

The death of Mary Radek did not involve a handgun, but according to the coroner's physician's initial report, her death appeared to be another form of "accidental" juvenile homicide; in this case, death by baseball.⁴⁷ According to the report, a twelve-year-old girl had thrown a baseball at Mary Radek, which hit her in the abdomen.⁴⁸ Although there are a couple of cases in the homicide database that involved children being killed after being hit accidentally in the head by baseball bats,⁴⁹ it seems highly unlikely that a twelve-year-old girl (or boy) could throw a ball hard enough to rupture another girl's appendix. The circumstances surrounding Mary's death appeared

⁴⁵ JANE ADDAMS, *THE SPIRIT OF YOUTH AND THE CITY STREETS* 60–61 (Univ. of Ill. Press 1972) (1909). She quoted the following article:

A party of boys, led by Daniel O'Brien, thirteen years old, had gathered in front of the house and O'Brien was throwing stones at Nieczgodzski in revenge for a whipping that he received at his hands about a month ago. The Polish boy ordered them away and threatened to go into the house and get a revolver if they did not stop. Pfister, one of the boys in O'Brien's party, called him a coward, and when he pulled a revolver from his pocket, dared him to put it away and meet him in a fist fight in the street. Instead of accepting the challenge, Nieczgodzski aimed his revolver at Pfister and fired. The bullet crashed through the top of his head and entered the brain. He was rushed to the Alexian Brothers' Hospital, but died a short time after being received there. Nieczgodzski was arrested and held without bail.

Id. at 61. According to the Chicago Homicide Database, Nieczgodzski was initially held over by the coroner's jury, but later acquitted in court. See Chicago Homicide Database, *supra* note 28, Case No. 1970.

⁴⁶ Inquest No. 56,848, Upon the Body of Hyman Seltzer, County of Cook, State of Illinois, on the 21 + 23 Day of Nov. 1910, Cook County Coroner's Inquest Records, 1871–1911 (available on microform at the Illinois Regional Archives Directory, Northeastern Illinois University, Chicago, Illinois).

⁴⁷ Inquest No. 55,849, Upon the Body of Mary Radek, County of Cook, State of Illinois, on the 2nd + 9th Days of Sept. 1910, Cook County Coroner's Inquest Records, 1871–1911, *supra* note 46.

⁴⁸ *Id.*

⁴⁹ See Chicago Homicide Database, *supra* note 28, Case Nos. 8205 and 8580.

suspicious, and people from her neighborhood began to speak out about the case.

The newspaper descriptions of Mary's killer that appeared a week after her death made it sound as if one of today's so-called "superpredators" had been transported back in time. The *Chicago Daily Tribune* reported that the killer was "[o]ne 14-year-old girl in the neighborhood of Halsted and Fifteenth streets [who] is terrorizing a whole Bohemian settlement, according to the assertions of residents."⁵⁰ It added, "[t]he Bohemian residents of the neighborhood put the blame of the girl's death upon an older girl of a different nationality. They say they have appealed in vain for protection for their children to the police of the Maxwell street station."⁵¹ The article concluded with a terrifying description of the murder:

An older sister told of the death of the little girl. While she was playing in a vacant lot at the corner of Halsted and Fifteenth streets late Thursday afternoon, Aug. 30 with two other companions of the same age [8], they claim the older girl attacked them. The other girls ran away, but the Radek girl was unable to get away, and received blows on the head and stomach. Little Marin, 722 West Fifteenth street, one of the companions of the girl at the time of the attack, told the story last night. She said that the older girl first hit them all on the head with a baseball which she carried in her hand. Two of them ran away and when they turned around they claim they saw the big girl hitting the Radek child in the stomach with the ball in her hand. The mother of the accused girl denies that her daughter had anything to do with the death of Mary Radek.⁵²

It should be noted that this story, which a modern reader would assume to be front-page news, ran on page three, and the accused girl's name did not appear in the article.⁵³

The coroner's jury met the next day to determine the cause and circumstances of Mary Radek's death, and to decide what should be done with Verna Daly, the girl who had allegedly killed her.⁵⁴ There were only four witnesses at the inquest: Francis Radek, who was listed as a housewife and was probably Mary's mother; Lillie Marvan, who appears to have been a neighbor; David W. Carroll, the police officer who investigated the case; and Henry Reinhardt, the Coroner's Physician.⁵⁵ It is unclear why the neighborhood children,

⁵⁰ *Say Beating Killed Girl*, CHI. DAILY TRIB., Sept. 8, 1910, at 3.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Inquest No. 55,849, *supra* note 47.

⁵⁵ *Id.*

who, supposedly witnessed the brutal beating, including Mary's older sister, did not testify. In many other cases of juvenile homicide which we examined from this era, children did testify at inquest hearings.⁵⁶

The verdict of the coroner's jury offered a mixed message: Verna was responsible for Mary's death, but not entirely culpable for it. The jury declared:

From the evidence offered the Jury are of the opinion the result of a blow in the abdomen by a base ball, said thrown at the deceased with intent to do bodily harm by one Verna Daly living #729 W. 15th Street, on Aug. 30 1910. [T]he happening taking place in an Empty lot immediately across the street from the residence of the said Verna Daly. Owing to the extreme youth of the accused Verna Daly the Jury recommend that she be permitted to remain in the custody of her parents for the present [and] until the case is taken up by the Juvenile Court to which the police are requested to bring immediate notification.⁵⁷

Clearly, the jury did not think that this was a case of accidental homicide, but at the same time they believed that the girl belonged in the custody of her parents, not in jail, and that her case should be heard by the juvenile court, not the criminal court. Unfortunately, there are no extant juvenile court files from 1908, which makes it difficult, if not impossible, to know what ultimately became of Verna Daly.⁵⁸ Given what we know about the juvenile court's handling of girl's cases in this era, it is most likely that the court would have committed Verna for her minority to the State Reformatory for Girls at Geneva.⁵⁹

⁵⁶ See, e.g., Inquest No. 46,990, Upon the Body of Joseph Donnersberger, County of Cook, State of Illinois, on the 19th Day of Oct. 1908, Cook County Coroner's Inquest Records, 1871–1911; Inquest No. 56,848, Cook County Coroner's Inquest Records, 1871–1911, *supra* note 46; Inquest No. 58,337, Upon the Body of Alexander Griggs, Cook County, State of Illinois, on the 13th Day of Jan. 1911, Cook County Coroner's Records, 1871–1911.

⁵⁷ Inquest No. 55,849, *supra* note 47.

⁵⁸ There are approximately 2700 extant case files from the court's founding in 1899 until 1926, but it is not known why these select records were preserved. Every child who entered the juvenile court system was assigned a permanent case number and all his or her subsequent legal papers were filed under this number. The case files are impounded and researchers must receive permission from the presiding Chief Judge of the Cook County Juvenile Court to look at them. The records are held at the Cook County Circuit Court Archives, Richard J. Daley Center, Chicago, Illinois.

⁵⁹ See generally, ANNE MEIS KNUFFER, REFORM AND RESISTANCE: GENDER, DELINQUENCY, AND AMERICA'S FIRST JUVENILE COURT 79–98 (2001) (providing a comprehensive account of how in the early twentieth century the Cook County Juvenile Court handled cases of girl delinquency).