

AFTERWORD TO "LUNATICS AND ANARCHISTS: POLITICAL HOMICIDE IN CHICAGO"

LEIGH B. BIENEN* AND THOMAS J. O'GORMAN**

The assassination of Mayor Carter Harrison is included in this data set as Case No. 898, the entry appearing below in its entirety.

898: 1893 Harrison, Carter, H., Mayor of Chicago, shot dead at his home, 231 Ashland Av., by Eugene J. Prendergast, who was arrested, tried and hanged July 13, 1894. (Judge Brentano).

The facts of the case as reported here are confirmed by several independent sources, including copies of original records obtained from the Office of the Clerk of Criminal Court of Cook County¹, and from other sources. The original records were obtained from the Office of the Clerk of the Criminal Court of Cook County included the following: The case was Case No. 33802, People v. Prendergast, and the jury verdict was filed December 29, 1893. The records include the original typed instructions on the law to the jury, including the instructions on the imposition of the penalty of death and the instructions on the insanity defense. The original record includes the signed verdict sheet finding the defendant guilty of murder and fixing the sentence at death, signed by the twelve jurors and certified by John C. Schubert, Clerk.

The record also includes several medical opinions and notes. One note on medical stationery dated December 15, 1893, directed to the State's Attorney Jacob Kern, by Dr. Brower finds the defendant: "insane (medically) and that the form of insanity is paranoia - As to his legal insanity, which as I understand it, is about synonymous with

* Leigh B. Bienen is a Senior Lecturer at Northwestern University School of Law.

** Thomas J. O'Gorman is a Scholar-in-Residence at the Newberry Library of Chicago.

¹ Copies of these contemporaneous court records in the case of People v. Prendergast, Case No. 33802 are on file at the Northwestern University School of Law Library, Chris Simoni, Librarian, along with other contemporaneous reports and records compiled for this Symposium Issue. For additional information on the coroner's inquest on October 29, 1893, signed by the coroner and seven members of the coroner's jury, and some transcriptions from the testimony of witnesses, as well as the biography and family history of Mayor Carter Harrison, see JAMES T. MCKENNA, THE FOUR ASSASSINS OF ELLSWORTH, LINCOLN, GARFIELD, HARRISON (1894), also on file at Northwestern University School of Law Library.

responsibility, I have some doubt—because of insufficient information as to family & personal history.” The cover note attached to this medical note says: “Dr. Browen [sic] say PEJP is ‘insane.’ His opinion left out of discussion.”

The record also included an affidavit of Dr. A.J. Baxter, a physician and surgeon, stating that he was empowered and authorized by the State’s Attorney, Jacob J. Kern to ‘secure medical experts to testify in the case of the People v. Prendergast in regard to said Prendergast’s mental condition. This affiant further states that among said physicians he conversed with Daniel R. Brower, the physician who testified on behalf of the defendant in this case . . . This affiant further states that at a meeting held at his office a few days before the defense rested their case [one of two named doctors] said that he regarded Prendergast as a paranoiac, but that he knew the difference between right and wrong and that he had the power of doing or not doing the act, if he had felt so disposed, for which he was being tried.” The second named doctor substantially concurred. “This affiant further states that he never instructed either [named doctor] that their services would not be needed in behalf of the people, but this affiant is informed and believes the fact to be that the state would have put [the two doctors] on the stand, had it not been for the defense subpoenaing them and . . . [upon one doctor’s] refusal to testify without being paid by the defense”

This affidavit is dated February 13th 1894. The transcription of the day is not clearly legible.

The court records also include an Order of Execution, dated February 5, 1894, and two continuances of the execution, one to March 23, 1894 and a second continuance of the execution to April 6, 1894.

The court records also include the affidavit, filed July 30, 1894 of the Sheriff of Cook County, James S. Gilbert, stating that “on the thirteenth day of July AD 1894 at 1148 o’clock in the forenoon of said day in the Common Jail of said County, I did, as such Sheriff, duly execute Patrick Eugene Prendergast in conformity with the sentence of the Criminal Court of said County of Cook. . . .” This affidavit includes the signatures of twelve witnesses to the execution by hanging. Seven of the twelve witnesses are doctors.

The court record also includes a blurred copy of the typed transcript of the closing argument of Clarence Darrow (53 pages). Clarence Darrow and two others represented the defendant at his trial on the issue of insanity only. The new trial before a jury began on January 20, 1894 and resulted in a second verdict of guilty and the impo-

sition of the death sentence. Clarence Darrow went to Springfield to plead for clemency before Governor Altgeld.²

At the time newspaper reports and other popular pamphlets and booklets regularly included quotations from trials, reported speech, dramatizations, and descriptions of actions and reactions of witnesses and family members.

The murder of Mayor Anton Cermak is not included in this data base since it occurred in 1933 after the termination of the records here. Several people, for example, Judge John H. Lyle, in this narrative are referred to elsewhere. Among other sources, the narrative of the killing of Mayor Cermak and the possible motivation of the killers relies upon: John H. Lyle, "A Little Man with Burning Eyes Killed Chicago's Mayor. Was it a Mafia Plot?" *Chicago Tribune*, April 14, 1957; *Chicago Tribune*, March 7, 1933, "Zangara Will Face Death in Chair as Assassin of Cermak"; *Chicago Daily News*, March 7, 1933, "Assassin Faces Murder Charge in First Degree"; *Chicago Herald Examiner*, April 8, 1933, "Mayor Cermak—Citizen, Public Servant—American"; *Chicago Daily News*, February 16, 1933, "Attack Reveals Lack of Law for Adequately Punishing an Assassin Whose Bullets Fail"; *Chicago Daily News*, February 16, 1933, "Zangara Charged with Attempts to Murder."

² ARTHUR AND LILA WEINBERG, *CLARENCE DARROW: A SENTIMENTAL REBEL* 41–48 (1980). Only a passing reference to the case is included in: IRVING STONE, *CLARENCE DARROW FOR THE DEFENSE* (1941). Other books about Clarence Darrow include: RICHARD J. JENSEN, *CLARENCE DARROW—THE CREATION OF AN AMERICAN MYTH* (1992); JOHN C. LIVINGSTON, *CLARENCE DARROW—THE MIND OF A SENTIMENTAL REBEL* (1988); and KEVIN TIERNEY, *DARROW – A BIOGRAPHY* (1979).