

# Lifters of the Lid and What Happens to Them.

## ARTICLE I.

Two torrid terms in that hell-kitchen, the Criminal court of Cook county, should have served to convince me that neither by nature nor inclination am I to be considered a crusader or "reformer."

Not that the nomenclature annoys me. In contrast with other things I have been called throughout two years that the crucibles of crime have been bubbling about me either "epithet" is the mildest of maledictions occurring to those who "thought McKinley one of our boys."

But I have learned that "the lid" was not supposed to come off entirely, and that "a good judge" is a "stand-up fellow" who protects his political friends and punishes their enemies. It is a curious complex to conditions that have continued to exist during the dozen years of my service on the Superior court bench that real reform is neither permanent nor popular because "reformer" is a term of reproach.

### No Reformer Idea at Start.

Probably no other chief justice of the Criminal court ever entered on his twelve-month term with less inducement to lid lifting than the man who succeeded Judge Kickham Scanlan. I was more impressed with the imperative necessity of bringing into close co-operation all branches of the law-enforcing machinery to the end that congested court calendars might be cleared than with the notion that my selection meant that I was to join in the effort to save the city, state or nation by turning crusader or reformer.

Suppression of crime is spasmodic because public interest in its success and indignation at its failure is also sporadic; law enforcement is lax because reform is laughable; commercialized vice has great vitality and survives successive "clean ups" because it is a valuable political adjunct to any administration; gambling is a gigantic industry that makes millionaires of a few and

criminals of many. Nobody wants to be known as a "reformer" save a fearless few who are unmindful of the fact that they often classify in the public mind as "cranks" (or are coupled with the canny collectors who reform for revenue only).

### Press Usually Lifts Lid.

And the "lid" generally stays on until such time as internal combustion caused by the ignition of the poisonous vapors arising from commercialized vice, commercialized crime, the plundering of public funds and the betrayal of public trust blows it off. Rarely is the sunlight let in by some official agency—a fearless public prosecutor or some other incorruptible officeholder. Usually the lid lifting is done by a newspaper big enough and brave enough to risk public indifference and official connivance with vice, graft and crime.

In the case of the newspaper the reward is usually a lot of libel suits; the officeholder is treated to a backfire of poisonous propaganda or ridiculed as a reformer, while the fearless public prosecutor is marked for political death.

Reaching out for the reasons why Chicago and Cook county have for years been the hibernating place for the criminals of the country, why the winter wave of murder, robbery and burglary is a hardy perennial, and why the enforcement of all law—particularly prohibition—is or has been a side-splitting farce, we find the answer in the relation of all these things to each other.

### Great American Game—Graft.

Certain it is to me at least, after two years in the Criminal court, that crime is cradled in Chicago because its contributing factors have not been continually exposed to the light of day. Graft has grown in public toleration until it is now the Great American Game, and is inseparable with any and every branch of public service. Professional crime is a considerable industry that has its organizers, its

protectors and its advisers among public officials as well as its alliances with powerful political bosses.

There was a man—one of twenty-three members of the grand jury which has given distinguished service to Chicago and Cook county—who would have told the whole truth of what has happened to the lifters of the "lid" in that year-long investigation into school board and city hall graft charges. But the keen mind and militant spirit that was Alexander B. Seelenfreund, international secretary of the Order B'nai B'rith and secretary of the special grand jury, has been stilled by death.

Just as conscience makes cowards of us all, so service on the bench, fenced in by all the fetishes of judicial ethics and hedged about by hard and narrow notions of professional propriety, tends to produce a timidity among the wearers of the woolstaff which makes us easy prey in many instances for political overlords on whom we depend for renomination and re-election. We dare not defy the lightning by telling the truth to those for whom we are keepers of the covenant—the public.

Hypocrisy in high places is the rule rather than the exception, and it is traceable too often to the well-earned contempt for the judiciary among professional politicians who know the hesitancy with which a high-minded jurist becomes articulate in informing the public of a state of affairs that is a stench in the nostrils of us all.

#### **Discovers Pretense About Judges.**

Happily for me, I have sat in the Criminal court long enough to learn that the pretense that a judge is a presanctified vacuum, who must only echo what the Supreme court has said, and whose sense of professional proprieties proscribes against crying out against the causes of crime and corruption, is just that—a pretense, a pious fraud.

Throughout the two years I have learned also that there is nothing wrong with the public mind and conscience when aroused to the fact that crime is caused by public and official indifference, that it breeds in dark places and feeds upon the body politic in the form of the civic cancer—graft.

Studiously the strange theory that politics is a bar to the prosecution of public officials who betray their trust has been cultivated in Chicago. It is a novel but natural reaction to the reticence of those whose duty it should

be to treat the civic cancer with only other remedy when public protection fails—the radium of publicity.

Many times throughout my term as chief justice of the Criminal court have called for the calcium light of press to be turned into a dark cell where sinister influences were at work to kill off an inquiry of vital import to good government in Chicago. Only in the grand jury investigation of graft and vice, but in every other activity of the Criminal court have I served that a policy of lifting the lid of the crucibles of crime has resulted in a powerful public sentiment, against which the unholy alliance of crime and graft is puny.

In every corner of Cook county know now there are plain people who don't believe a judge's first duty is to a political party, as if he were its puppet, and that an overweening sense of ethical relation to the bench and must make him a mute observer of conditions that cause crime, menace property and public health, and demand as well as promote official corruption.

#### **Obligation to Dead Fighter**

Though no public duty devolves upon me to make myself a target for those who have an interest in keeping the court clamped down, there is an obligation on whose opinion I valued in life.

On the evening of a grand jury session that preceded his death by a few hours Alexander B. Seelenfreund came to my chambers in the Criminal court building, and reviewed the record of eight months' service as a juror. His was an amazing account of the conditions of civic affairs uncovered by this jury and of the fight against the posture waged by those who had erected the vast edifice of graft and corruption that was the municipal government. With prophetic vision he said:

"If I live until this grand jury finishes its work I shall feel it my duty as a citizen to tell the public the truth about the administration of justice in this community. For one must make the public understand who makes the crooks and grafters who are the partners of crime. There is a cancer eating out the heart of the government everywhere. A judge or a public prosecutor who paralyzed by politics would tell one of what he knows law and order would not be the farce it is. I mean no disrespect for the bench when I say I cannot do it—you would be criticizing your fellow judges and the law."

But if a grand juror knows and won't do it, who will?"

Here was a citizen still standing out against the subtle influences of bribery and cajolery, the terrorism of threats of violence and the poison pen of propaganda after experiences as a juror that had taken toll of health and strength. I shall keep faith with that man! In the keeping I intend to violate no confidence of the jury nor to depart in the slightest degree from the ethical relation of a judge to a grand jury's statutory obligation to secrecy as to its deliberations.

#### **Silence Would Hamper Justice.**

But there are matters and things connected with the work of this jury, as well as with the conditions that surround the Criminal court as to which silence serves only the sinister ends of those who defeat justice as a daily occupation. In as unautobiographical manner as is possible for a novice at newspaper writing it will be my aim to tell of these things to the public

through The Daily News in the hope that an awakened interest in "Crime and the Civic Cancer—Graft" may continue to support those seekers of the causes thereof.

In so doing I am challenging not only the criticism of those who believe a judge should "say nothing and saw wood," but my own cynicism concerning the fate of reformers and "Lifters of the Lid." I have been sawing several years, and I have been seeing several African dodgers in the Criminal court woodpile.

And when one considers that twenty-two men of this surprising special grand jury have given their days and their nights for a full year to the thankless task of following the slimy trails of the makers of misgovernment—and are still at it despite every obstruction erected by those under investigation and those whose duty it should be to sustain this inquiry—I shall be content at the conclusion to be classed as a "reformer"—and to keep my self-respect.

## **What's Wrong with the Criminal Court?**

### **ARTICLE II.**

"What's Wrong with the Criminal Court?" is the question which has been agitating the public mind since the days of Deneen. The answer to-day is the same as at all times throughout the twenty years since that keenly capable and courageous public prosecutor stepped from the state's attorneyship to the governor's chair at Springfield.

#### **"Politics and Procedure!"**

With the exception of John J. Healy, every successor to Charles S. Deneen as state's attorney of Cook county has found himself after election at the head of a vastly powerful political machine—the mainspring of which was and is ambition for advancement. The result has been a constant conflict between public duty and the weight of political influence in which the prosecution and punishment of crime and the protection of the public are subordinated to political expediency.

It is no reflection on any of the successors of Mr. Deneen to state the inescapable conclusion that no lawyer of standing, ability and integrity can be chosen as a candidate for state's attorney of Cook county who is, not in addition a shrewd and resourceful

politician. The development of "the organization" in local politics to its present high state of efficiency precludes the possibility and it is indeed a powerful personality who could place his sense of duty above the temptation to further his own ambition by satisfying the demands of spoils politics.

The grim, gray walls of the Criminal court building have been honey-combed by the busy builders of a patronage system in the center of which the state's attorney sits, surrounded by the satellites of the particular political machine that "put him over." His assistants are not—save for a few—his own selections, but represent the ramifications of "the organization," chosen chiefly for their outstanding ability "to deliver" politically in their wards and precincts.

#### **Impressed with Own Power.**

From the very first day in office the public prosecutor is impressed with his own great power and with the necessity of "playing good politics." On his conception of what constitutes "good politics" depends the success of his administration. He may be a failure as a political leader or a success as an all-important arm of the Criminal court interested only in the enforcement of law