

in Chicago," the stage was set for "the great vindication scene" for which "the fixers" had been creating the "atmosphere" for nearly a fortnight. Forgotten was the fact that the same superintendent of the Committee of Fifteen had declared in his annual report of 1915 "that vice in Chicago is rampant—more than seventy places of prostitution exist."

Police "Vindicate" Themselves.

Forgotten soon, too, were the concrete, circumstantial facts sworn to by investigators and corroborated by Dr. Bundesen, the Rev. Mr. Williamson, et al., investigators who were asked by an aid to the prosecutor if they had "criminal records" in the midst of their testimony. The cold, keen cross-examination of the witnesses who identified state senators as west side vice-lords; police captains as procurers of women for resorts in which they were "interested"; big politicians as protectors of prostitution; a millionaire real estate dealer as the owner of hundreds of parcels of property used for immoral purposes; city prosecutors as attorneys for vice-lords, was succeeded by a friendly invitation to the police to "tell us in your own way what there is to commercialized vice in Chicago." For almost a week they "vindicated" themselves.

It should have been funny to any one who watched it all with an understanding eye—particularly to a "political judge" who should have remembered he would be "up for re-election" within a few months, but to those fearless five minority members of that futile Feb-

ruary grand jury, to the earnest men and women who were working to clean Chicago of a pestilence worse than that which came in the wake of a war, to a million mothers and fathers of the city, county and state, it was tragic—the shame of Chicago.

To an "insider" it may have been "the fanciest piece of free-and-easy fixing that ever fooled a jury," and to the apologists for a vice-ridden city "a complete vindication of the police department and a city from its defamers." So much space has been devoted to it here because, though it turned out to be a boomerang on the men who mixed "the blackwash," it is the boldest by far and most perfect example of a conspiracy to defeat the ends of justice, impossible of accomplishment if there had been no partnership between politics and crimes. Impossible of punishment, too, this pollution of the wells of justice in a county controlled by those who for years have throttled decency in public office.

"Fixing" will go on in the Criminal court, in the federal building and in the city courts so long as the day is delayed when bi-partisan bosses will be forced or fooled into electing a Joseph W. Folk, a William Travers Jerome, or another Charles S. Deeneen to the public prosecutor's office.

As a phase of a general condition "fixing" is again the foaming "froth from the body of the bad brew" we have been making for many years in Chicago and Cook county—but more than that, it is a fine art for which an entire court building has been the "institute."

The Crime Against the School Children.

ARTICLE IX.

There are to-day enrolled in the public schools of Chicago between 25,000 and 40,000 more children than may be taught—even in the haphazard fashion of double-shifts made necessary in many schools by a shortage of seats and buildings.

There was lost to the school children of Chicago and the tax-payers through "waste, graft, extravagance and the leaks that led away from unwarranted expenditures" a staggering sum, somewhere between \$75,000,000 and \$80,000,000 in the seven years of a rule of rottenness in civic affairs that was Thompson-Lundinism!

There in two contrasting estimates, the first by the superintendent of schools and the second by one of the most conservative members of the special grand jury that inquired into school fund expenditures for many months, is to be found the summary of a situation which may well be called:

The Crime Against the School Children!

In an inquiry which was inherited from my predecessor as chief justice of the Criminal court, Judge Kickham Scanlan, I have learned that there was no limit to which the looters of school funds would not have gone were it not for the newspapers, the school teachers

led by Miss Margaret Haley of the Chicago Teachers' Federation and that splendid set of citizens who were the August, 1922, grand jury—and are the "special" body which is still following the trail of graft and corruption in Chicago after fourteen months.

Knows of No Similar Case.

Never to my knowledge has a political machine or its "pets" and parasites in public office done such destructive things to a department of public service so tremendously important to the city's welfare as the school system—and succeeded in escaping the wrath of an aroused public.

The demoralization of the schools during the regime that ended with the indictment and conviction of William A. Bither, the \$10,000 a year attorney for the school board, and the trial of Fred Lundin, Virtus Rohm and fourteen others charged with defrauding the schools of at least \$1,000,000 went far beyond the filching of money from public trust funds.

It resulted not only in the shortage of accommodations for so many children but, by accustoming teachers and pupils alike to an atmosphere of incompetency, waste and graft, taught the worst lessons of citizenship and civil government imaginable.

Consequences of Ring Rule.

Let us consider the consequences of the Davis-Severinghaus ring-rule of a school system, which spends upward of \$50,000,000 a year, as they have developed during many months of tireless inquiry by the grand jury and "pitiless publicity" on the part of the daily press.

Though the writer can claim no credit for initiating an investigation of such vast and vital importance to good government in Chicago, it is a point of pride with him that "every day in every way" he is hearing: "McKinley has made more enemies among politicians through that school inquiry than any other man in public life."

It is a matter of pride because the man who succeeded Kickham Scanlan as chief justice had watched an insidious "influence" at work in the Criminal court during a previous grand jury investigation of the school scandal and had seen the same set of spoilsmen slip through the meshes of the net as the result of an alliance between politics and the grafters. Ergo, if "McKinley has made more enemies" among that gentry he has left little undone and is content.

It is not my purpose either now or at any other time to disclose anything which transpired in that grand-jury room that could be classed as coming within the confidential relation of a judge to a jury. There are many things that have come to me informally, outside of court or chambers and through sources other than the grand jury, which may properly be made public without any violation of the professional ethics of bench and bar—and which in my opinion and that of many members of the special grand jury should be made known.

Watched Previous Inquiry.

In its essentials the charge that through a conspiracy between the board of education or a majority of its members and elected officers and certain favored contractors, individuals and concerns, there had been many instances of misfeasance, malfeasance and misappropriation of school funds and property, was not new to me. As an associate judge of the Criminal court I had been an interested observer of the original school-graft inquiry began in April, 1922, which resulted in the indictment of William A. Bither, former \$10,000 a year attorney for the school board and its reputed "boss," on the charge of obtaining some \$21,000 through the sale of buildings on school property.

That inquiry began and ended with the indictment of Bither and a real-estate renting agent named H. W. Kaup. Both were tried and convicted by a jury. The April grand jury went no further with the school-graft inquiry, although a thoroughgoing preliminary investigation by Assistant State's Attorney Ernest Stanley Hodges indicated the existence of an astounding state of affairs throughout the entire school system.

Throughout May and June repeated requests for a complete grand jury investigation were made to the public prosecutor by many organizations, such as the Chicago Teachers' federation, for which Miss Margaret A. Haley was spokesman; the joint committee on school affairs, made up of representatives of women's clubs and civic organizations; by several minority members of the Thompson-Lundin board of education through the press, and by the newspapers of Chicago, which were practically a unit in demanding an inquiry.

Another Investigation Begun.

It has been made known to me through the newspapers that as a re-

sult of this agitation for the reopening of a suddenly suspended investigation the July grand jury in the last ten days of its term began another inquiry at the instance of Capt. Ernest S. Hodges, who for a week presented an accumulation of evidence. That evidence apparently was sufficient to move the grand jurors to request that the state's attorney's representatives, Mr. Hodges and the prosecutor directly "in charge" of the jury, F. L. Fairbank, retire from the room while the jury deliberated as to whether it warranted the voting of true bills.

Hodges had been reported as complying immediately with the request of the grand jury, but his associate refused to retire, and instead was reported to have advised against any affirmative action by the jury on the evidence presented by Prosecutor Hodges. There were no true bills!

All of this I had been made aware of—but unofficially. There followed another "windup" to the inquiry into school affairs and the making public of a remarkable report which, while it admitted "existence of administrative evils, mismanagement and incompetence" in the conduct of the school system, evaded the question of fixing responsibility and recommended the adoption of Mayor Thompson's plan for "an elective school board" with remuneration for its members sufficient to attract as candidates big business men of broad experience! The report, it was charged, was prepared with the help of Fairbank.

New Demand for Lifting "Lid."

While the "whitewash" was still dripping public opinion began to be heard in no uncertain terms, and again "the lid" had to be lifted.

There came to the Criminal court building delegations of teachers marshaled by Miss Margaret Haley, delegations of mothers of school children and of clubwomen and there came Charles M. Moderwell, president, and Allen B. Pond, the founder of the Public Education association of Chicago, with a petition which set forth in sharp, terse language and with downright directness the charge: "It is our belief that these alleged 'evils of administration and mismanagement' referred to in the report of the July grand jury are in fact crimes punishable by the criminal code."

The petition concluded with the Public Education association's request that the August grand jury be directed to begin and pursue to a definite conclusion "an independent, fair and impar-

tial investigation" of the things set forth in the document addressed to Judge Scanlan. The grand jury was in fact so instructed. On Aug. 7, 1922, the public prosecutor personally announced that he would direct and be responsible for the presentation of evidence and placed in direct charge of the jury his second assistant, George E. Gorman.

Thus began the school-graft probe that was not concluded for six months by a grand jury composed of twenty-three citizens who have set a shining mark of self-sacrificing service to a community—an inquiry that has been carried on in spite of such a campaign of coercion, corruption and intimidation as was seldom if ever before seen. It has been my privilege for a full year to stand behind a set of citizens who could not be tricked or cajoled into conniving and compounding with those responsible for the crime against the school children.

Notable Service by Jury.

Elsewhere I shall see to it that the names of these twenty-three men of the "special grand jury," who have given their days and nights to the thankless task of running down the "rats" which have been at the foundation of local government in Chicago for many years, are made known to the public they have served so well. There has been a notable service in the course of which they have incurred enmities, and injured themselves and their families to insult and abuse.

To that departed member of the jury, Secretary Alexander B. Seelenfreund, who died last March of an ailment which was aggravated by long night sessions of the jury, and the strain of six months spent in seeing that public justice was not defeated, either from within or without, the public owes a particular debt of gratitude which I as its servant, have often acknowledged.

It was he whose keen mind and militant sense of duty saved the school investigation from suffocation at the hands of politicians on an occasion when the public prosecutor of Cook county requested me to relieve him of any further responsibility for the presentation of evidence to the jury. And on another occasion, of which I shall speak later, it was he who courageously came out from the grand jury room into open court with a challenge to "the politicians who are making an honest inquiry impossible," and again cleared the atmosphere of influences that had sought to discredit and destroy its work.

Foresaw Hampering of Jury.

From the first moment that my acquaintance with the men of that special grand jury began in September, 1922, I was convinced that an extraordinary effort would be made to defeat and discourage these jurors and that every trick known to the "framers" and "fixers" already at work would be tried. I was not in error on this point.

Purposely I have passed over the things I now know were done to defeat those two other investigations into school affairs for the reason that there is nothing of hearsay in this history or what has happened to halt, impede, block and embarrass the grand jury since it was first continued as a special inquisitorial body by Judge Scanlan into the beginning of my term as chief justice.

Throughout the six months of the school-board inquiry there have been many times that I have been tempted to forget the fettering code of ethics which forbade a judge disclosing to the public the things that came out of a secret grand-jury session—things that, if known, would have made instantly clear the reasons why it took a six months' investigation that could have been concluded in half the time to pry the paw of politics and privilege from the public-school system.

There have been other times that I did speak out, when the stench of that festering sore in the vitals of our school system was sickening. It became known to me that the teachers who stood between the children of their classes and the crooked spoilsmen in their seizure of the schools were being terrorized and intimidated by the agents of an anonymous "influence."

At the risk of being regarded as a sensation seeker I have turned to the public through the daily press, upon those occasions when it seemed necessary to let the light in on a dark corner where the particular attempt of the moment to defeat the ends of justice and to compound the crime against the school children was being made.

To the end that there shall never again be given an opportunity to spoils politicians and plunderers of public funds to regain control of the Chicago schools, to make of the mold in which citizenship is cast an influence to destroy and disillusion the confidence of the school children in civic ideals and the existence of anything good in government, I am writing this series. If thereby I succeed in making a few more enemies for myself and a great many more friends for the fine body of conscientious and courageous women who are the classroom teachers of Chicago it will be worth while.

The Silver Teapot and Those Who Filled It.

ARTICLE X.

A system of spoils politics under which the unclean hands of boodlers, grafters, wasters and plain "crooks" were laid on anything and everything connected with the Chicago public schools is aptly illustrated by "the silver teapot" episode of the school-graft grand jury investigation.

"The silver teapot," strictly speaking, was only the central piece in a sumptuous set of silver service presented to Albert H. Severinghaus, the vice-president of that Thompson-Lundin board of education which with two or three exceptions—J. Lewis Coath, Hart Hanson and Francis E. Croarkin—was at the time the boldest band of officials that ever came to the attention of this court!

Filled by Union Leaders.

"Those that filled it"—with something more seductive than tea were the officers and leaders of the organization known to the school system as the engineers-custodians union, whose directing heads were Charles E. Driscoll and James J. Spain.

For these men whose names are necessary to the narrative of "a story that tells itself," I have nothing but a certain sense of sympathy and an impersonal contempt—which was matched by that which they displayed for me in my official capacity as chief justice of the criminal court.

With an "inside" knowledge of things that they attempted to conceal from the court and grand jury—choosing to serve several days in the county jail