

Immunity or Absolution?

ARTICLE XV.

In the course of any such official investigation as the special grand jury inquiry into the school scandals and the graft that grew to gigantic proportions in practically every branch of municipal government under the Thompson-Lundin administration of the city hall, it is inevitable that every ounce of political pressure will be brought to bear on prosecutors.

Whether he be the public prosecutor of the county or as powerful a personage as the attorney-general of Illinois—it is inevitable that the man charged with the duty of presenting evidence to a grand jury, of advising its members as to the law and of drawing the indictments that begin a prosecution, is a product of our political system.

It is not impossible for a public prosecutor to become the beneficiary of political support and power and yet fulfill the duties of his high office to a degree that deserves public confidence and respect. It is impossible, however, for the holder of a public office in which enforcement of the law should be the first consideration to continue in the character of party leader or political chief of a faction fighting for control of a party without compromising himself officially in the building up of "an organization."

Many Elements for Machine.

Into that personal organization which a political public prosecutor sets out to build must go all the complex characteristics of the ward bosses, the diversified racial groups, the army of understrappers in every corner of a cosmopolitan city and county, and the camp followers of each party organization and its subdivisions, the criminals, crooked contractors and corruptionists.

During a campaign the candidate of either party is constantly being brought into contact with the best and worst elements in politics but it is the worst element that is most active and that sees in the camaraderie of a county-wide campaign the chance to become known personally to a potential public prosecutor and to put him "under obligations" in some strong manner.

It is only human for a candidate to want and welcome support from almost any quarter, and under our primary system it becomes necessary to conduct

two campaigns—one for nomination and the second for election. Thus he is compelled to solicit support for his candidacy over a period of many months stretching between a spring primary and late fall election, with the result that the day after election, if successful, he is confronted first with the necessity of "keeping promises" to many more claimants for "favours," concessions than can properly be granted, and jobs than he has control over.

Then begins the "trading" with this or that office-holder and between the bosses of his "organization." The public prosecutor speedily finds that he must either become a "boss" himself or the puppet of his party or faction. It is again inevitable, perhaps, that human nature prompts him to begin the building of a personal political organization. The punitive and protective powers of his position as public prosecutor, embracing the practical control of grand juries, the machinery for indictment and trial and the privilege of negating any criminal proceeding by "nolle prosequi," have vast potentialities to the party or factional leaders he must enlist in recruiting an organization of his own.

Politics Inpedes "Sweeping."

All of this is prerequisite to an understanding by the public of the reasons why "sweeping grand jury investigations" of civic scandals such as the school board and city-hall graft charges, seldom sweep clean—or seldom continue to sweep at all so soon as it becomes apparent that their effect is to be "bad"—politically.

That the "influences" which often hog-tie the holders of high public offices, have been at work from the beginning of the special graft grand jury inquiry to persuade the public prosecutors, in their political phases, against an impartial, impersonal and complete investigation of the conduct of certain offices can be stated here with certainty and conviction.

There have been many times that the difficult decision of whether to discharge his duty fairly and fearlessly in the presenting of all matters connected with that cancerous state of corruption—or to "deal out" this or that powerful politician whom the evidence at hand, or to be had, involved in a criminal

conspiracy—was presented not only to the public prosecutor, but to the chief justice of the Criminal court.

In the case of the special grand jury a rising tide of public opinion has constantly supported twenty-two men with an uncommon sense of civic duty—a combination powerful enough to prevail even against political pressure and considerations which I have been made to feel perhaps as fully as either the state's attorney or his political ally, the attorney-general.

Greatest Recent Shock to Politics.

In an inquiry extending over a year the inevitable effect of which was to shake Chicago's political life as it had never been shaken in many years the pervasive power of "politics" to protect its own was put to such a test as perhaps it will never know again. Not merely immunity for past misdeeds by persons prominent in political life, but "absolution" for future misfeasance, malfeasance and misappropriations by spoilsmen in positions of public trust was being sought through the suffocation of the inquiry.

The statute of limitations has expired on some of the graft cases that have been exposed by the special grand jury—and immunity from prosecution has resulted for that reason. In other instances pressure from within and from without has prevented the completion of inquiries into angles of investigation of criminal charges connected with the acts of former city officials and employes, contractors who have done business with the city up to the present administration and politicians formerly included among Lundin-Thompson leaders.

In the conduct of the graft inquiry by the special grand jury under the direction of the attorney-general of Illinois many elements antagonistic to a fair and complete investigation of graft and breach of trust by past and present public officials have come to the attention of the members of the grand jury and of myself. Many of these influences and elements were at work. It is true, long before Mr. Brundage superseded the state's attorney in charge of the inquiry—others have sprung from the continued political partnership of these two public prosecutors.

"I have no friends to reward nor enemies to punish," the attorney-general of Illinois said to the special grand jury on Nov. 9, 1922, in personally assuming charge of the school board investigation. "This is an inquiry of such vital importance to the public that

to permit politics to enter it in a would be contrary to every notion of public policy and public

"The only instructions I have to my assistants is to go to the bottom of these charges and to see that no guilty person is permitted to escape, but I have also cautioned to present no one to this grand jury for indictment unless the evidence warrants not alone indictment but conviction before a petit jury."

Forty Indictments Before CI

It will serve no good purpose to count the remarkable series of attempts that were made to prevent the resumption of the school investigation under the auspices of the attorney-general. Up to the entry of the attorney-general had been evidence presented by E. Gorman and Special Prosecutor T. Greenacre which resulted in the turn of forty or more indictments charging various conspiracies, fraud of the school board against trustees, officers and employes, and firms which had "done business" with the school system.

Mr. Greenacre had resigned special assistant state's attorney Oct. 30, before the abandonment of the inquiry by the public prosecutor in order to make public his reasons for doing beyond the bare statement in court and the grand jury have themselves 100 per cent."

Trials of these forty or more indictments would have occupied at least a year and the attention of most assistants to the attorney-general as a result of the abandonment of the state's attorney of the prosecuting cases growing out of the inquiry as well as the grand jury investigation itself.

It was decided to follow the suggestion of Mr. Greenacre to facilitate trial of these cases by combining one "blanket indictment" charging a general conspiracy to commit various acts.

Indict Lundin After Long

In the several months that followed there were frequent meetings of the grand jury—much activity among assistant attorneys-general, much maneuvering among Chicago politicians and finally—the indictment of Lundin, political leader of Chicago; Virtus C. Rohm, his camp in that amazing army of men that was "the Thompson organization," and twenty others who had already been jointly and severally

named in the separate indictments voted while the state's attorney was in charge.

Lundin, though periodically promising, in personal letters to the public prosecutor, to appear as a witness before the grand jury, chose to keep away from Cook county and Illinois until after his indictment. He returned on the heels of a sensation that overshadowed even the Lundin indictment—the announcement of Thompson's refusal to run again for mayor of Chicago and his "release" of his ward leaders and lieutenants from fealty to the organization that had already begun to dissolve.

The Thompson announcement was made Jan. 26—a few hours before the special grand jury met to "close up the school graft inquiry" and apparently anticipated the voting of "the blanket indictment" against Lundin, Rohm et al.

The scramble among politicians who had been formidable figures in the "city hall organization" was only equaled by the eagerness with which other political leaders, who had been denouncing them for years, sought to attract the strongest of the ward leaders who had been Lundin's to the republican faction headed by the two

public prosecutors — Brundage and Crowe!

Seek to Broaden Inquiry.

Throughout the two months that the attorney-general had been in charge, the grand jurors had glimpses of graft trails leading into city hall offices and departments of public service beside which the plundering of the public school's appeared picayunish. Through the attorney-general's assistants and through their own committee they had come to me to inquire if the scope of their inquiry could be broadened so as to include all of the rotten ramifications of graft in public office in Chicago.

On the morning of Jan. 27, with the Lundin indictment and the Thompson decision to desert his political machine both public property, I appeared before the grand jury and informed them that if they departed from their previous determination to complete the clean-up of graft, waste and extravagance in all public offices which they had started, because of the disintegration of a political party or faction, the public might well lose its confidence.

They replied that they were more determined than ever to clean out the crooks and grafters from Chicago and did not regard their work as finished.

The Paralyzing Force of Party Politics.

ARTICLE XVI.

With the politicians busy on the work of rebuilding "organizations" and recruiting from the ranks of erstwhile enemies the same subtle change came over the graft inquiry in the month preceding the primary election for the mayoralty nomination that had come before the county election in November. Names that had figured frequently in the testimony before the grand jury now were heard linked with those of the two political leaders who were the principal law-enforcing officials of the county and state.

Men who had evaded the grand jury, refused to sign "immunity waivers," hidden out from subpoena servers and fled from the state rather than produce books and records of "receipts and disbursements" returned to town and were reported to be holding "round-table" conferences with "Brundage-Crowe leaders." The attorney-general and the public prosecutor were reported, in a signed

newspaper story, to have conferred with three colored "bosses" of the late Lundin organization and to have bidden for their political strength.

Meanwhile, many matters before the special grand jury were at a standstill and again stagnation was setting in. Mortimer B. Flynn, the monopolist of city hall coal contracts, who had fled from the jurisdiction of the court to escape an attachment for contempt for failure to comply with an order to turn over certain records of "campaign contributions," returned to town and opened negotiations with an assistant attorney-general. He was not compelled to come before the jury but instead was granted "immunity" from even testifying in exchange for producing his books—a bargain to which court and jury refused to be parties.

Flynn Forced to Testify.

Flynn was forced to appear before the jury after Secretary Seelenfreund