

CRIMINOLOGY

LUNATICS AND ANARCHISTS: POLITICAL HOMICIDE IN CHICAGO

EDWARD M. BURKE*

As a former member of the Chicago police department, a practicing Chicago attorney and longtime member of the Chicago City Council, I am intrigued by political homicide in Chicago.

The colorful mayhem and peculiar prairie personality of Chicago provides us with no lack of curious cases and characters on which to focus our investigations.

Over the past three decades I have had a front row seat from which to observe that home grown Chicago phenomenon known as “political suicide.” I am sure you too can recall those fascinating episodes of local politics in which notable Chicago politicians have crashed and burned. Often we can identify the telltale wounds that have resulted as largely being self-inflicted.

You might remember the surprise snowstorm in early 1979 during the tenure of Chicago Mayor Michael Bilandic. Many Chicagoans found themselves trapped by the blizzard-like conditions and were enraged at the weather. Chiding Mayor Bilandic for not being fast enough to remove the snow, the storm became the vehicle for the Mayor’s ousting during the election that ironically followed on the heels of the storm.

Bilandic’s successor, Jane Byrne, became embroiled in a bitter struggle with Chicago Firefighters over a contract early in her term of office. A firefighters strike ensued. Rancor of the highest order be-

* Alderman Edward M. Burke is the Dean of the Chicago City Council; Chairman of its Committee on Finance; Democratic Ward Committeeman; Alderman of the 14th ward in Chicago since 1969; a partner at Klaffer and Burke, Chicago; a former Chicago Police Officer; a renowned student of Chicago history and the co-author of *INSIDE THE WIGWAM, CHICAGO PRESIDENTIAL CONVENTIONS, 1860–1996*. This paper was presented on Friday, November 17, 2000, Northwestern University School of Law, Symposium on Patterns in Chicago Homicides.

came rampant. And the residue of the strike, many believe, became Byrne's undoing.

It all seemed reminiscent of the old days, during the 1850's, when Chicago Mayor Levi Boone engaged in a bitter contest with German beer garden owners, raising the fees on liquor licenses and closing the popular watering holes on Sundays. A turbulent encounter during a protest march resulted in serious casualties and became known as "the Chicago beer riots." Boone was voted out of office at the first opportunity, as Germans made common cause with the Irish. Political suicide has been a longstanding Chicago tradition.

The reality of political homicide, however, was unfamiliar to Chicagoans until the tragedy surrounding the death of the beloved Mayor Carter Henry Harrison I. Chicago was sixty years old before it had to face the trauma of political assassination.

It came, ironically, on the eve of the close of the World's Columbian Exposition, October 28, 1893. Sadly, during what was the city's most stunning international achievement—the visit of 27 million people from around the world to view the exotic fair showcasing Chicago—the erudite, five term mayor was slain.

Under Carter Harrison I, Chicago came of age and developed into the capital of the American heartland. He was popular and well respected. He was a Democrat – and a politician whose long career bridged the wide gulfs of class and ethnicity in Chicago with effectiveness and great success.

He was known as "the common man's mayor." And he loved nothing better than riding through the city's neighborhoods mounted on his white horse greeting citizens. It was said that his door was 'always open.' Unfortunately, it was just such openness that led to his demise.

As Chicagoans looked forward to the dramatic ceremonies that were to conclude the World's Fair the following day, Harrison dined at home with his family in their elegant near Westside mansion at what is now Ashland and Jackson.

Following dinner, he caught a quick nap. At 7:30 p.m., Eugene Patrick Prendergast, of Lincoln Park, a twenty-five year old struggling Irish immigrant who worked as a newspaper delivery man, rang the mayor's bell for the second time that night. He insisted on speaking to the mayor himself. Shortly after being admitted to the hallway, the family maid informed the mayor of a visitor. Prendergast, impatient with waiting, boldly entered the hall and made his way to the parlor in which the mayor sat. Witnesses say that shortly after that,

they heard shots ring out. And by the time they could make their way to the first floor, Prendergast was out the door and shooting back at the Mayor's butler.

Within seconds Preston Harrison, one of the mayor's sons, discovered his father mortally wounded upon the parlor floor. Blood was everywhere. Quickly, a nearby neighbor, Dr. Foster, arrived and determined the wounds were fatal. Twenty-three minutes later the mayor died.

Within forty-five minutes of the shooting, Prendergast had made his way to the Des Plaines Avenue police station. Walking in calmly and business like, still holding a .38 caliber Smith and Wesson revolver, he announced to the sergeant on duty that he had just shot the mayor. Already alerted by telephone call of the mayor's death, police immediately placed Prendergast under arrest.

Chicago was soon seized by the horror of the news of Mayor Harrison's assassination. Fear and a sense of terror gripped the city. A genuine feeling of deep personal mourning fell upon Chicago as flags were lowered to half-staff. Inside the Harrison house family and friends gathered and grieved. The 68 year old, twice widowed mayor had planned to be married for a third time in only a matter of weeks. His fiancée, Miss Annie Howard, present in the home that night, was driven to hysteria by the events, necessitating sedation.

In the aftermath of the assassination, the mechanisms of the criminal justice system in Cook County went quickly to work.

Within hours of the shooting, Chicago's newspapers were reporting on the questionable mental stability of the suspect. Prendergast gladly acknowledged that he had shot the mayor because he had refused to appoint him to the office of Corporation Counsel – a job for which he had no training. Speculation as to his sanity was rampant. Chief Brennan of the Chicago Police Department, who spoke with the suspect within 20 minutes of his arrest, announced to the press, "He is crazy. As crazy as a bed bug." Another police official remarked that "he seemed out of his right senses." Assistant Chief of Police Kipley stated, "Prendergast had talked and acted like a crazy man." In fact, few details emerged from the police with the exception of comments on his state of mind.

The day following Chicago's first political homicide, the inquest into the mayor's death was held in the Harrison home. Prendergast, now acknowledged as "the murderer," by Chicago's daily *Inter Ocean*, was brought to the late mayor's home where witnesses be-

fore the coroner's jury identified him as the shooter. He was ordered bound over to the Grand Jury.

It was soon discovered that Prendergast had been writing threatening letters concerning the Corporation Counsel's position, not only to Harrison, but to Adolph Kraus, the Corporation Counsel himself. "I want your job. Do not be a fool. Resign. Third and final notice," one note read.

The press reported that prior to traveling out to the mayor's home, on October 28th, Prendergast had visited Kraus in his City Hall office, warning him to resign then and there or face the consequences. Kraus only escaped violence when he tricked Prendergast into believing he was about to vacate the office for him. Kraus lost his intruder in the crowded lobby of City Hall. That evening, when Prendergast visited the mayor, Harrison wasn't as lucky.

By the time Prendergast came to trial, less than five weeks later, the question of his sanity, riveted Chicagoans, and was central to the prosecution's case. At his three-week trial, "expert" witnesses testified that although he was a "crank," he was, in fact, sane when he pulled the trigger and murdered Harrison. They paid little attention to the report that he had suffered a severe head trauma as a child that left him impaired, or the fact that his grandfather had died in Ireland in a lunatic asylum.

On December 29, 1893 the jury quickly returned a verdict of guilty and sentenced Prendergast to hang. They set March 23, 1894 as the date for his execution. But on March 22, just one day before the capital sentence was to be carried out, Prendergast's brother, had a motion filed on his behalf, citing section 285 of the Criminal Code by which a condemned criminal's post sentence insanity bared his execution. Judge Chetlain granted a stay of execution, ordering that a new sanity trial be held.

At this juncture, Prendergast received a new defense 'dream team' led by young Chicago attorney named Clarence Darrow – perhaps the death penalty's most outspoken critic in Chicago. It was his first murder defense. Darrow set out to shatter the opinions of the state's medical experts. One doctor, over 80 years of age, he characterized as "a relic of a forgotten age," and another doctor who had stopped practicing medicine had all the skills he insisted of a "butcher." A third expert, he pointed out, had been dismissed by the state when he found correctly that the accused was insane.

Darrow was relentless in identifying Prendergast's severe mental disabilities and his further mental disintegration while incarcerated.

Prendergast's irrational behavior was at the heart of Darrow's defense. "Was the state so interested in taking a life that lawyers should travel beyond the truth and beyond the record and beg the jury to violate their oaths for the sake of giving justice a victim," he pled.

Bizarre correspondence written by Prendergast to officials across the country, as well as in Chicago, demonstrated his unstable mental capacity. Prendergast requested that single tax advocate Henry George and Baltimore's Cardinal Gibbons each testify at his trial.

Darrow cited Prendergast's odd obsessions with things like support of the single tax theory, the gold standard and the new grade crossings for Chicago's elevated train system, as examples of his insanity. Prendergast claimed these espoused theories were the cause of his shooting Mayor Harrison. He continued to display distinct but irrational thinking.

Throughout his incarceration, Prendergast continued to write letters, over and over, in which he made such statements as, "I was obliged to shoot the mayor because he betrayed my confidence and interfered with me in the discharge of my duties, both in the abolishing of grade crossings and in the advocating of the single tax."

Facing the new Prendergast jury, Darrow pleaded: "You have been asked to ignore all the learning and the science of the past. You have been asked to forget all the humanity of civilization which the years of progress and enlightenment have given the world. You have been asked to do all this for the sake of giving the law a victim."

On July 3, 1894, however, that jury brought in a verdict of sanity on Prendergast, sentencing him to hang, ten days later, on Friday, July 13. Darrow's petitions to Illinois Governor John Altgeld, and Lieutenant Governor Joseph Gill, fell on deaf ears. Prendergast was hanged as ordered. It was the only case Darrow was ever to lose.

Curiously enough though, Chicago's first political homicide, and Prendergast's fate, appears in reality to have truthfully rested on the curious and tragic set of historical conditions of the times outside the control of all involved in the case.

Just six years earlier, Chicago was embroiled in a terrifying labor dispute that erupted into the famous Haymarket Riot of 1886. With labor organizers and anarchists marching through the streets of Chicago, it did not take much for the situation to disintegrate into calamity and misfortune. You may remember that four convicted anarchists were hanged for their part in the riots and the resulting loss of police life.

However, Darrow was later able to convince Illinois Governor Altgeld, Darrow's law partner, to eventually free the remaining convicted Haymarket anarchists in 1893. The result proved to be politically unpopular in Chicago and damaging for Altgeld. His promising political career ended with his defeated at the polls in his bid for reelection in 1896.

So when Darrow once again petitioned for Altgeld's intervention, this time in the Prendergast case in 1894, the Governor, more interested in 'damage control' over the Haymarket episode, refused to listen.

In addition, Prendergast's trial was played out against a further tragic episode of Chicago labor violence that erupted in the notorious Pullman strike of 1894. Chicagoans had grown fearful of the lawlessness such episodes brought about. Federal troops lined Chicago streets the summer of the Prendergast second trial. And the instability that resulted in the shock and fallout from Harrison's assassination created a culture in which justice needed to appear hard and severe. Thirty-three years later Darrow would return to the rhetoric he used in Prendergast's defense, making use of it in his defense of two other Chicagoans Nathan Leopold and Richard Loeb.

Chicago's second political homicide actually occurred outside the city, forty years after the Harrison assassination - in Miami Florida, amidst the early euphoria that followed the election of Franklin Delano Roosevelt.

Chicago Mayor Anton Cermak, who carried Chicago for FDR, in the 1932 election, traveled to Miami to meet the President-elect on February 15, 1933. Having just listened to Roosevelt address a crowd of 15,000 at Miami's Bay Front Park, Cermak was shot in the right side just below the ribs by an assassin's bullet, said at the time to be aimed at Roosevelt.

The shooter, Giuseppe Zangara, was immediately apprehended on the spot by members of the crowd. He turned out to be a short, impoverished, Italian immigrant and admitted anarchist. News bulletins flashed the details of the attempt on Roosevelt's life. Cermak, mortally wounded, was rushed by automobile to a nearby hospital.

Zangara was quickly jailed and arraigned twelve hours later. His trial on four counts of attempted murder - three other people were shot in addition to Cermak - began February 20, 1933, five days later, before Dade County Judge E.C. Collins.

Pleading guilty in his broken English, the little anarchist, who newspapers said once attempted to shoot Italian King Victor Em-

manuel, was sentenced to 80 years in prison – 20 years for each count. He said to the judge – “O judge, don’t be stingy. Give me hundred years.”

Sadly, two weeks later, on March 6, Mayor Cermak succumbed to his wound. And that day, Zangara was charged with murder. Just four days later, March 10, 1933, he was sentenced to die in the electric chair. The sentence was carried out just 10 days later, on March 20th—just five weeks from arrest to execution.

From the night Zangara shot Cermak, until the day the switch was thrown at the Florida State Penitentiary at Raiford, only thirty-three days had passed. Florida didn’t cotton to anarchists anymore than Chicago did.

By all accounts you might expect these events to have brought Chicago’s second political homicide to a speedy end. However, years later, in 1957, former Cook County Circuit Court Judge John H. Lyle, offered a strange twist to the events.

Lyle, a great friend of Cermak’s and a former Chicago Alderman, enjoyed a tough reputation on the bench due to the high bails he set on Chicago mobsters. Often, it is said, they ran as large as \$100,000 so that he could keep hoodlums behind bars. Lyle, it is said, was the man who coined the phrase “public enemy.”

Judge Lyle, who ran for Chicago mayor in the Republican primary against Mayor Big Bill Thompson in 1931, stated that he firmly believed that FDR had never been the target of Zangara’s bullet. Instead, he insisted, Cermak’s death was in fact a mob hit. It was retaliation, he said, for Cermak’s attempt to have Frank Nitti, the leader of the Capone gang during ‘Big Al’s’ imprisonment, removed and replaced with Cermak’s own man Ted Newberry.

Nitti was sitting in his 221 North LaSalle office on December 19, 1932, when two Chicago Police detectives, Harry Lange and Harry Miller, both sergeants from the Special Gang Detail, walked in without any warrant, accompanied by two uniformed Chicago police officers they had enlisted for the job.

Nitti’s hands were raised in the air when Lange shot him three times in the stomach, neck and chest. Lange then gave himself a superficial flesh wound in the arm that, he later said, he received from Nitti.

Nitti however did not die. And unfortunately for Lange and Miller, Christopher Callaghan, one of the uniformed police officers, testified as to the truth of what really happened. The result was that charges were brought against Lange and Miller. Callaghan also noted

that before the raid on Nitti, Lange and Miller visited Mayor Cermak in his office.

Former assistant state's attorney Abraham Lincoln Maravitz defended Lange and Millar and was able to get them off with a verdict of simple assault with a \$100 fine. Later Ted Newberry's body was found in Indiana in early January 1933.

Judge Lyle went on to insist that Cermak's death was actually a mob hit ordered by Nitti. And that Zangara, far from being a real anarchist, in fact, had the iron will of the mafia. After he carried out the mafia decree to hit Cermak, his lips were forever sealed. "The mafia doesn't have to kill you inside the Chicago City limits. It can kill you in New York or Miami or at the big fights or the World Series, cause you always go places like that," Lyle wrote.

In each of these instances of political homicide in Chicago, events appear to be driven by the historical forces greater than the individual assassin. And most importantly the results of these crimes had far reaching effects on Chicago and the nation.

It is speculated, for instance, that had Carter Harrison I not died in 1894, he, not William Jennings Bryan, would have been the candidate of choice of Altgeld and the Democrats in 1896. His sturdy achievements as a tested big city mayor, and his family's presidential pedigree which counted among it two U.S. Presidents - great grandfather Benjamin Harrison and grand uncle William Henry Harrison - might have been just the thing to put him over the edge against William McKinley that year. Who knows how *that* might have altered American history. It certainly would have altered Teddy Roosevelt's. Ironically as you know, McKinley was also the victim of an assassin's bullet.

And the assassination of Cermak brought its own widespread change to both Chicago and national politics. In the aftermath of Cermak's death, local Democrats chose the Sanitary District's Ed Kelly to succeed as mayor. It began the long line of Bridgeport Irish mayors from the 11th Ward and gave birth to the Chicago Kelly-Nash machine as it came to be known. In addition, Kelly was the man responsible for helping to put FDR in the White House for a historic third term in 1940. And in 1944, he was part of the inside circle who convinced Roosevelt to dump Vice President Henry Wallace and make the obscure Missouri Senator Harry S. Truman the party's Vice Presidential nominee.

The worlds of 1893 and 1933 were in some ways very different from our own, lacking the protective judicial insulation of the past 50

years. The rarity of political homicide, then, unleashed justice that was swift, unrelenting and harsh. It is fair to say that in spite of the many mitigating factors that would alter such events today, each shooter was doomed from the start. To us, each of the assassins might appear to be, in fact, nothing but poor, pathetic misfits, victims themselves of the tragedy of the times. They were sad individuals who were at the mercy of the forces of their age.

On the day of his death, Carter Harrison addressed a large crowd of big city mayors gathered at the Columbian Exposition on what was known as "Cities Day." His words, his last spoken in public, carried a haunting boast, as he looked forward to his future and that of the city he so deeply loved. "I intend to live for more than a half century, and at the end of that half century London will be trembling lest Chicago shall surpass her." Sadly, he did not live to see the wonder that grew to be this modern city on the lake.

Chicago suffered tremendous losses in the deaths of Mayors Harrison and Cermak. In each instance the traumatic incidents themselves became powerful political and cultural catalysts for growth and change. Each homicide demonstrates unique cultural applications of punishment for crime. Each in their own way demonstrates powerful and turbulent forces at work in their own time. But each emerges with its own peculiar Chicago character, still tantalizing our curiosity and teasing our interest.

Immediately after he was shot, Anton Cermak summed up what, I believe, is the spirit of Chicago sacrifice, the kind of fortitude that has helped this city to survive and thrive. As he spoke to President-elect Roosevelt at Jackson Memorial Hospital in Miami, his words were simple and strong, "I am glad it was I, instead of you."

BIBLIOGRAPHY

HARRISON SOURCES

Assassin is Hanged, CHI. TRIB. July 14, 1894 at 1.

Harry Barnard, *Carter Henry Harrison I*, CHI. SUN-TIMES, Feb. 18, 1979

Carter Henry Harrison Assassinated, CHI. INTER-OCEAN, Oct. 29, 1893 at 1.

Perry R. Duis & Glen E. Holt, *The Mayor Nobody Knows*, CHI. MAG., Oct. 1980 at 214-218.

Execution is Stayed, CHI. INTER-OCEAN, Mar. 23, 1894 at 1-2.

Expiates His Crime: Assassin Prendergast Suffers the Extreme Penalty, CHI. INTER-OCEAN, July 14, 1894 at 1.

His Last Hope Gone, CHI. INTER-OCEAN, July 13, 1894 at 1.

Inquest To Be Held, CHI. TRIB. Oct. 29, 1893 at 1.

May Not Be Hanged: Prendergast to be Tried Regarding His Sanity Today, CHI. INTER-OCEAN, Mar. 24, 1894 at 1-2.

Pleads Not Guilty, CHI. INTER-OCEAN, Nov. 3, 1893 at 1.

Prendergast To Plead Guilty Today, CHI. TRIB., Nov. 2, 1893 at 1.

June Sawyers, *'He Deserved To Be Shot,' said the Mayor's Assassin*, CHI. TRIB. MAG., Oct. 9, 1988 at 11.

Trembles in the Court, CHI. DAILY NEWS, Nov. 2, 1893 at 1.

Will Be Tried Soon, DAILY INTER-OCEAN, Oct. 30, 1893 at 1.

Will Hang Today, CHI. TRIB. July 13, 1894 at 1.

Will Lie in State, CHI. INTER-OCEAN, Oct. 30, 1893 at 1.

WILLIAM ADELMAN, HAYMARKET REVISITED (1976).

PAUL AVRICH, THE HAYMARKET TRAGEDY (1984)

CLARENCE DARROW, THE STORY OF MY LIFE (1932)

EMMETT DEDMON, FABULOUS CHICAGO (enlarged ed.1981)

PHILIP FONER, THE AUTOBIOGRAPHIES OF THE HAYMARKET MARTYRS (1969)

WORLD'S COLUMBIAN EXPOSITION, THE GRAPHIC, Dec. 23, 1893 at 523-524

EDITH OGDEN HARRISON, STRANGE TO SAY (1949)

RICHARD LINDBERG, RETURN TO THE SCENE OF THE CRIME (1999)

ARTHUR G. LINDELL, THE COMMON COUNCIL (1965)

NORMAN MARK, MAYORS, MADAMS AND MADMEN (1979)

JUNE SKINNER SAWYERS, CHICAGO PORTRAITS (1991)

HAYMARKET SCRAPBOOK (Dave Roediger & Franklin Rosemont, eds) (1986)

KEVIN TIERNEY, DARROW: A BIOGRAPHY (1979)

ARTHUR WEINBERG, CLARENCE DARROW: A SENTIMENTAL REBEL (1980)

CERMAK SOURCES

American Tragedy, CHI. AM., Mar. 2, 1933

Arraignment of Zangara Set for Tomorrow, CHI. TRIB., Mar. 7, 1933

Assassin Paces Murder Charge in First Degree, CHI. DAILY NEWS, Mar. 7, 1933

Attempt to Assassinate Roosevelt Shows Peril Public Servants Face, CHI. HERALD EXAMINER, Feb. 17, 1933 at 1.

Cermak Better is Opinion of His Physicians, CHI. TRIB. Feb. 21, 1933 at 1.

Cermak in Critical Condition at Hospital; 'Glad It Was Not You,' He Tells Roosevelt, N.Y. TIMES, Feb 16, 1933 at 1.

Tarleton Collier, *Goes to His Death with Curses for Capitalism*, CHI. AM., Mar. 20, 1933 at 1-2

John W. Dienhart, *Cermak Tells His Own Story! 'Sure, I Can Carry On,' He Says*, CHI. HERALD EXAMINER, 1933

Willard Edwards, *Heart and Long Condition is Latest Anxiety*, CHI. TRIB. Feb. 18, 1933 at 1-2.

Give Mayor Chance: Bullet Meant for Roosevelt, Endangers Life of Cermak, CHI. DAILY NEWS, Feb. 16, 1933 at 1.

James A. Hagerty, *Assassin Shoots 5 Times*, N.Y. TIMES, Feb. 16, 1933 at 1-2.

Italian Police Check Zangara Record with Attacks on Emanuel, CHI. DAILY NEWS, Feb. 16 1933.

Edward J. Kelly, *The Murder of the Mayor*, HERALD-AM., May 7, 1947 at 24.

The Late Anton J. Cermak, HOUSE OF CORRECTION, CITY OF CHICAGO WORLD'S FAIR EDITION, 1933 at 10-11.

John H. Lyle, *A Little Man With Burning Eyes Killed Chicago's Mayor. Was it a Mafia Plot?*, CHI. TRIB, Apr. 14, 1957

Man Who Fired at Roosevelt Electrocutted, CHI. TRIB. Mar. 20 1933 at 1.

Mayor Cermak—Citizen, Public Servant, American. CHI. HERALD EXAMINER, Mar. 7, 1933.

Jack McPhaul, *The Shot That Shaped Chicago Politics*, CHI. SUN TIMES MAG., Feb. 10, 1963 at 16–18.

Barry Paris, *The Bullet that Missed FDR*, CHI. TRIB. Feb. 15, 1983.

June Sawyers, *Tony, We Hardly Knew Ye, Cried a Mourning City*, CHI. TRIB. MAG. Feb. 8, 1987 at 9.

Leroy T. Vernon, *Attack Reveals Lack of Law for Adequately Punishing an Assassin Whose Bullets Fail.*, CHI. DAILY NEWS, Feb. 16, 1933 at 1.

Want No One to Help Me, Zangara Insists in Court, CHI. HERALD EXAMINER, Feb. 17, 1933.

Walter Wright, *Assassin Tells Story of Attack: Hates 'Rich.'* CHI. DAILY NEWS, Feb. 16, 1933.

Zangara Charged with Attempts to Murder, CHI. DAILY NEWS, Feb. 16, 1933 at 1.

Zangara Given Death Penalty By Miami Judge, CHI. TRIB. Mar. 11, 1933 at 1.

Zangara Sorry Bullets Didn't Kill Roosevelt, CHI. HERALD EXAMINER, Feb. 17, 1933 at 1.

Zangara's Traits Much Like McKinley's Assassin, CHI. HERALD EXAMINER, Feb. 17, 1933.

Zangara Will Face Death in Chair as Assassin of Cermak., CHI. TRIB., Mar. 7, 1933 at 1.

Paul W. Zemitzsch, *Anton Cermak's Chicago, Familiar Politics, Problems*, CHI. TRIB. Mar. 20, 1983.

ROGER BILES, *BIG CITY BOSS IN DEPRESSION AND WAR: MAYOR EDWARD J. KELLY OF CHICAGO* (1984).

ORID DEMARIS, *CAPTIVE CITY: CHICAGO IN CHAINS* (1969)

HAROLD F. GOSNELL, *MACHINE POLITICS: CHICAGO MODEL* (1968)

PAUL M. GREEN, *Anton J. Cermak: The Man and His Machine*, THE MAYORS: THE CHICAGO POLITICAL TRADITION 99-110 (Paul M. Green & Melvin G. Holi, eds. 1995)

VIRGIL PETERSON, *BARBARIANS IN OUR MIDST* (1952)

BLAISE PICCHI, THE FIVE WEEKS OF GIUSEPE ZANGARA: THE MAN WHO WOULD ASSASSINATE FDR (1998)

JUNE SKINNER SAWYERS, CHICAGO PORTRAITS (1991)

ROBERT J. SCHOENBERG, MR. CAPONE (1992)



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).

