

3 *The*
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*A Detailed Account
of Police Brutality*

THE THIRD DEGREE

A DETAILED AND APPALLING
EXPOSÉ OF POLICE BRUTALITY



BY EMANUEL H. LAVINE

THE VANGUARD PRESS
NEW YORK

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**MANUFACTURED IN THE UNITED STATES OF AMERICA
BY THE H. WOLFF ESTATE**

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PUBLISHER'S FOREWORD

MANNY LAVINE—for so I have known him—has been a police reporter for twenty-five years. During this quarter of a century he has rarely written a news account that has appeared in the press. For so swiftly must a metropolitan journal function, that the district or police headquarters man seldom has time to do more than obtain the facts and then rush to a telephone to transmit his news to his office. Over the wire he gives the salient points of the story to a so-called “re-write man,” who proceeds to fashion an account of the incident.

During these twenty-five years, however, Manny Lavine has been using his eyes and his ears. His work demanded quickness and accuracy of perception, courage, pertinacity, integrity. Not everything that he saw could find its way into the columns of his paper, but nothing that he witnessed was forgotten. So closely did he become identified with police headquarters that he won the complete confidence of high police officials and was often the only

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reporter admitted when prisoners were subjected to such questionings as he describes in this volume.

Manny Lavine is no "reformer." He is a reporter. He believes that his own opinions are of slight validity as compared to the actual facts; he is a staunch adherent of the reporters' creed: the public is entitled to the truth. Perhaps it is not surprising that he himself sympathizes with the policeman's point of view. But in preparing this book, he has abandoned his own sympathies—or, if you will, his prejudices—and has written, coldly and objectively, an account of what he has seen. As a factual and detailed description of police brutality, this account forms an invaluable record.

Yet the book is far more than this, for the author has not limited his disclosures to facts relating to the third degree. Many readers will here, for the first time, observe the actual functioning of the police—in fact, and not in theory. Moreover, this volume, though it makes no attempt to explain the apparent failure of democracy, contains hints valuable for the solution of this enigma.

It will be only natural for the reader to inquire why so few of the incidents that Manny Lavine describes ever found their way into the daily press, and why such accounts as appeared were based, usually,

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on the statements of the arrested men themselves and were, therefore, readily discounted. To a layman it might seem sufficient explanation to reply that the editorial code is less demanding and rigid than the reportorial, but this retort is too glib and ready to be wholly convincing.

Rather must the answer be sought in the gradual toughening of the newspaper conscience on this subject. Many of the facts that Mr. Lavine discloses are unknown in the city rooms of metropolitan newspapers, but in none of them will these disclosures be received with surprise. Such practices exist and have always existed; that is the way a police department is conducted. I do not think I do my many newspaper friends an injustice by summing up thus their point of view.

It is for the public to decide whether these practices are really necessary and inevitable. The police in Great Britain, infinitely more efficient than our own, operate without resort to violence or to any of the "persuasive" methods described in this volume.

A word in conclusion: It is neither Mr. Lavine's nor my own desire to encourage prosecution of any policeman or police official for what has occurred. Despite the gross and callous brutality of these scenes, it would be manifestly unfair to punish an

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individual when it is the system in its entirety that is at fault. For the "third degree" is not an exhibition of blood lust on the part of a single policeman; it is an integral and regular part of police routine and in the police station itself excites no more comment than the arrest of a riotous drunkard.

Furthermore, both Mr. Lavine and I are sufficiently well acquainted with the police system to realize that if any one were to be convicted as the result of the disclosures in this book, it would be not the policeman most guilty—were it possible to single out such an individual—but the policeman who had had the ill fortune to incur the enmity of some superior and who therefore would be sacrificed gladly as a peace offering.

JAMES HENLE

President, The Vanguard Press.

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Chapter I

THEY CANNOT TELL A LIE

“SHELLACKING,” “massaging,” “breaking the news,” “working on the —————,” “giving him the works” and numerous other phrases are employed by the police, throughout America and the world—with the exception of a very few countries—as euphemisms to express how they compel reluctant prisoners to refresh their memories regarding the commission of a crime, or the location of missing participants, loot, or evidence.

I shall endeavor to explain, from my experience and observation, the methods used by various police officers to this end, but I shall not disclose their identities, for I do not see that this would accomplish any good. I shall attempt to enumerate, with as little editorial comment as possible, the results obtained by this pressure from the police. Whether the police were justified in these specific instances and are justi-

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fied in their general policy will be left to the judgment of the reader.

Solutions of about seventy percent of all cases where solutions are finally attained come as the result of using forceful or persuasive methods in some form. Different means are resorted to, according to the case. The effectiveness of mere persuasion depends altogether upon the type of the individual and his crime.

The so-called roughneck is hit with everything but the foundation of the building, and there have doubtless been times when such a man has suspected that even this has bounced up and struck him. Where speed is essential in apprehending accomplices about to obtain a bankroll and skip town, or when the police are especially angered—say by the murder of another policeman—fine technique in questioning prisoners is tossed to the winds. I have seen a man beaten on the Adam's apple so that blood spurted from his mouth; I have seen another put in a dentist's chair and held there while the dentist, who seemed to enjoy his job, ground down a sound molar with a rough burr.

I cannot possibly describe every "massaging" by the police I have witnessed, for I cannot remember them all, any more than the reader can recall every

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time he has seen a street car pass. There is nothing, from the police point of view, exceptional or startling in the application of the third degree; it is simply a part of the normal routine.

But it must be remembered that strong-arm men, *gorillas*, and tough gangsters who cheerfully commit dastardly and murderous assaults, are usually not afraid of a mere arrest. Through political connections and similar ties or by intimidation and bribery of complainants and witnesses, they almost invariably "beat the rap." Nothing is more instructive than to examine the record of a well-known criminal and note how often he is arrested and how seldom convicted; some of our most dangerous thugs have not a single conviction against them.

But though a court case is a matter to be laughed at, "massaging" by the police is a different affair. It is remarkable that the same gangster who would kick a stranger in the abdomen or use a blackjack on a passing citizen for refusing him the price of a drink, will either whimper or scream with fear when the "workout" begins.

I am not giving any opinion on the value of the "third degree" when I say that it is unfortunate many of our most vicious criminals are protected

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from it by their political associations. If the "third degree" is used on prisoners at all, those are the ones who most deserve it. Under the present system it is applied, for the most part, to the poor, the ignorant, and the friendless.

In contrast, when an educated person is put under arrest, an appeal is made to him by reasoning and by promising assistance. However, such a person is often amazingly ignorant of the law and retains an inflated confidence in his own ability to match his wits against the police. He will often be talkative, and if he is, the contest can end only one way—assuming he is guilty—for ultimately his glibness will betray him—he will talk so much that he will disclose a hole or gap in his alibi. After this he can usually be shamed into a confession by pointing out to him the weakness of the structure of lies on which he has depended.

In an endeavor to commit a so-called perfect crime or to build an alibi on lines suggested by famous but wholly impractical writers of detective fiction, readers of this drivel usually leave themselves open to almost childish contradictions; they safeguard against everything except the obvious. Or at other times the structure of their crime may be almost sound, but the purchase of articles used in commit-

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ing the crime can easily be traced and thus the identity of the criminal established.

These people do not understand that the only perfect alibi is no alibi at all—simply refusal to talk. But in the end even this is no defense, for a suspect will be kept awake by the police from twenty-four to ninety-six hours, and in the end almost anyone will succumb to the barrage of questions and “come clean.”

With dope addicts—and many criminals have this habit—the procedure is clearly indicated. All that is necessary is to deprive a “hophead” of narcotics somewhat beyond his usual period of dosage; after this he will be so anxious to get some of the precious stuff that he will gladly barter his soul—or his mother’s soul—for it.

Other criminals are tricked into talking by making them believe that their pals have confessed and implicated them. Sometimes results are obtained by telling a prisoner his pal has accused him of firing the fatal shot; he will indignantly deny this and give the details of the murder in order to fasten the actual killing on the other; the prisoner does not realize that an accessory to a murder or a felony resulting in a murder is equally as guilty as the actual murderer.

From a police point of view, foreign types are the

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hardest to handle. They have no alibi to offer that can be shattered by investigation. They usually commit their crimes alone, sometimes through fear of bodily harm, and will admit nothing under the worst sweating. The amount of punishment a person of that sort can withstand is almost unbelievable. He will pretend he cannot understand a single syllable of English, and seems to have considerable difficulty even in understanding an interpreter. To admit anything or to implicate a fellow countryman would result in his death. Occasionally, however, the police gain their point by a quaint method of their own; they threaten to notify the gang anonymously that he is a police informer.

The subsequent chapters of this book will describe some of the "third degree" scenes that I have witnessed. It will be noted that in some of the cases when the police have been most zealous, their ferocity is accounted for by the fact that a member of the force has been killed or injured. Occasionally there is no effort to obtain information; the victim is simply beaten in retaliation. In such an instance, of course, the police are assuming punitive as well as administrative functions.

But I have not confined this book merely to the brutal application of "third degree" methods. I

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have tried to describe the actual functioning of the police department in its conflict—when it does conflict—with crime. For this purpose it is necessary to understand something about the protagonist and the antagonist. The next two chapters will be devoted to them—the cop and the criminal.

Chapter II

THE COP

THE rank and file of the New York Police Department is composed of as fearless a body of men as can be found in any unit numbering over 18,000 men, in any part of the world. Many of them, as well, are intelligent. They are as honest as God made them.

The average patrolman or detective is usually a product of the tenements. He may have spent a year or two at high school. Some of the newer recruits, attracted by the \$3,000 yearly salary and prospects for promotion through competitive examinations, either finished high school or in a few rare cases attended college for a year or two.

Most of the men "went on the cops" because they were square pegs who weren't succeeding in their respective positions. They were either apprentices, helpers, truckmen or chauffeurs, who averaged

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about twenty-five dollars a week. The job to them seemed an easy way to earn a good steady income. It also eliminated the dangers of being laid off or fired. The pension also acted as a further incentive for the job.

Many patrolmen after appointment seek the detective bureau, or an assignment as a plain-clothes man with some inspector. Either job gives him an opportunity to kill considerable time. With the gold shield he can crash dances, parties, theaters, ball games or the races. He simply tells his superior, if that is necessary, that he is on a "plant" or is going to meet his "stool" informer and get some "info" on a job in his precinct.

The "wise detective" is usually too busy to prepare properly for an examination, and considers his smattering knowledge of the Book of Rules and Ordinances sufficient to enable him to make the list for promotion. As one old timer remarked, "I never flopped at an exam yet, because I am always busy on a case when it comes along."

This type of detective, and unfortunately he is in the great majority, will do anything to hold his "detail," especially if he is getting the "Big Money." First-grade detectives receive the same salary as regular police lieutenants. "Wise detectives," who

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dread going back into "harness," or uniform, and losing their extra pay, sail along the lines of least resistance. They antagonize no one and only make such arrests as are essential. A little pressure from a well-connected politician, lawyer or Assistant District Attorney, will cause them to suffer from aphasia, which will result in the prisoner being released.

The foreign born and the supposedly stupid cops decide they are handicapped and continue to go to school after they join the force. Without seniority or "commendations," which carry extra credits, they usually make an excellent showing on the examinations and quickly reach higher ranks.

A recently retired inspector could neither read nor write English when, as a motorman, he decided to become one of "the finest." He went to school for about a year before he put on his uniform and never stopped going until he passed the examination for a captaincy. In the old days, it was an easy matter to have a paid substitute take the examination or, for a slight cash consideration, to obtain the questions a day or two in advance.

Most of the old type, with virtually no schooling to boast of, never aspired to gain promotion. They simply went on the job because it offered better pay

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than they were receiving, and required less effort. Many old-timers never made more than a half dozen arrests in their whole careers. I knew some that never made a single arrest. They were always busy when an arrest was to be made or an accident card filled out. The truth was they couldn't write nor read well enough to make out an arrest card or an affidavit.

They played politics, were good fellows and were liked by everyone. They would be consulted by wives, husbands, and sweethearts on their beat. If the baby were ill, Pat would be called in place of the doctor or ambulance surgeon. In his pretty little way and without offending anyone he would annex almost everything, including a red-hot stove on the Fourth of July. This was "honest graft."

For pulling a good trick for some political boss or his own police boss, one of the more ambitious ones would go in the Detective Bureau and become a "dick." If the "drag" were big enough, he would, in an incredibly short time, get first-grade money, which is about one thousand dollars a year more than a first-grade patrolman. The racket is to get the "Big Money" for some rookie receiving very small pay. That gives him the same salary as a lieutenant, without his studying and passing the

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sergeants' and lieutenants' examinations, and waiting for appointment.

This offers a great incentive for a cop, not to be too much of a cop. During some previous administrations the "Big Money" was bartered for about six hundred dollars, payable in advance, unless a cop made himself particularly agreeable to some politicians who had the appointment as patronage. There are many things a cop can do for a politician, even on election night. For instance, a persistent watcher for the opposition may decide to fracture his own skull by diving to the sidewalk, thereby eliminating himself as a nuisance. Or someone may take exception to the way the ballots are marked and substitute some new ones. All the fast work performed around election time is usually done in illegal registrations or when the polls are closing.

Even the new voting machine does not furnish complete protection, for a "tutor" accompanies the voter into the booth to explain the mechanism to him. It may not be done according to the latest bridge rules, but it is being done in the tenement districts. The good cop doesn't worry too much about the presence of the "tutor" in the booth, unless there is a suspicious stranger in the place. The latter would be taken out of the place on some pre-

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text, or, if he persisted in his endeavors as a law-abiding citizen to see that the law was not violated, he might accidentally slip and injure his head. The boys in their big-hearted way would get him an ambulance or a private doctor.

The "stronger" the political friend, the more consequential the detectives become. Many have more authority, or care less for authority, than their superiors. They openly defy their chiefs and get whatever post or time off they desire. Police inspectors usually have strong political and business friends. Some business men who contribute heavily to the election coffers and to any dinner or testimonial to an office-holder, can get almost anything they want by calling City Hall or Tammany Hall.

Any promotion or demotion above the rank of captain is discretionary with the Police Commissioner. No examination or special qualifications are necessary. The candidates are sort of picked from the wind. The commissioner goes into a trance or séance, and the spirits tell him whom to promote in rank with the subsequent increase in salary. A captain is very anxious to hold an inspectorship for three years. After that he can be reduced in rank but he still gets an inspector's salary.

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A good cop is usually good because he has a tough boss. If the captain can leave the station without being observed by the cop or sergeant who is running the signal monitor box, he may distribute a few complaints or "valentines" for derelictions of duties. That kind of boss can sometimes get his men to stay out and do close to sixty minutes of patrol to the hour. They are very rare.

As a rule, however, the men "get the wire" as soon as the "boss" or captain leaves his office, unless he announces that he is going to bed, locks his door and leaves by way of the window. I have known a captain to sign himself in the blotter as going to bed, go down a ladder or cross a roof to leave for an inspection of his men or conditions without being observed. What he learns when all hands are ignorant of his presence is usually different from what he is told in written and oral reports.

Unfortunately, the job requires more Captain "Honest" Dan Costigans or Lewis Valentines honestly to check and investigate citizens' complaints. The result would be to weed out the unworthy members of the force. Instead of aiding these investigators, however, the rank and file hate them. They don't realize that it is not a reflection against the department but against a minority of the men who

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should mercilessly be driven from the force.

The police system, so often referred to and denied, is the worst and most powerful influence in the department. Almost to a man, they will stick together, stretch conscience and at times "swallow the Bible," as the quaint phrase has it, to save some drunken loafer who committed a vicious crime, or to protect some grafter or thief from getting his just punishment. Men of that type, who are greatly in the minority, continually involve the police department in scandal.

Good, honest cops will often take a "rap" or complaint, or permit suspicion to be attached to them, rather than tell the truth or testify against a fellow cop. It is an exaggerated case of misguided loyalty.

We have had cops arrested and convicted for everything including the robbing and killing of the people they were assigned to protect. Some have been convicted for working with thieves and disposing of the loot. I have seen members of the department appropriate to their own use half or three-quarters of the recovered proceeds of a robbery. Yet honest cops, instead of welcoming a house-cleaning, violently resent it as a reflection against the entire department.

Years ago, a conscientious, or "tough," sergeant,

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was assigned to a west-side precinct. After handing out a few complaints to the boys for being off post, visiting in speakeasies known as restaurants, and doing what they were not being paid to do, he narrowly escaped being assassinated. He had a habit of riding along the river front in some unsuspecting-looking conveyance so that he could hide and watch a cop. About the second week of his stay, he managed to hide unobserved in the hallway of a warehouse. A few minutes after his vigil started, three shots rang out and missed his head by inches.

An examination of the guns of the patrolmen on post failed to reveal one from which shots had been fired recently. For his own good, the sergeant was transferred out of the precinct. He vowed he would get the man who fired the shots, if it cost him his life. The powers that be who presided in the precinct at that time, didn't give a darn for the sergeant, but were afraid that his murder might start an investigation and clamping down of the lid.

The late Police Commissioner Rhineland Waldo was the only man who was successful in keeping a majority of the men on post. He did it by establishing the "Peg Post." The men were put on fixed posts at crossings and street intersections for an hour of duty. It was tough, but it kept the men out

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where a citizen could find one without starting a riot. He also kept them out by having "shoo-flies," or officers in civilian clothes, pick the men up for violating the rules of the department.

Yet despite all this, the average detective is about as good as one can expect. He is no mind reader, magician or highly developed scientific marvel. Given a fairly certain bit of information or address or some sort of definite clue, he can by persistent efforts get some results. If there are no tangible clues to work on, he cannot make progress despite the protests of the tabloids and certain office-seekers.

Small birds do not fly into Police Headquarters and whisper their information for the sole purpose of solving baffling mysteries. Good thieves and killers also neglect, as a rule, to leave their forwarding address. The scientific business of picking up some cigar or cigarette ashes, placing them under the laboratory microscope, and promptly finding the user of the rare blend, goes well for the movies or crime novels. In actual police duty, matters don't work out that way.

A commanding officer goes through a certain routine of assigning his men to run down every possible clue or bit of information. If no results are obtained, he simply waits until something breaks to

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work on. Stool pigeons or informers, anonymous telephone calls from disgruntled sweethearts or partners, tapping of telephone wires, interception of telegrams or messages, and the trailing or following of friends or relatives, often result in arrests in otherwise hopeless-looking cases.

Newspaper accounts often hamper the police by warning the culprit or accessory that his identity is known. Often the detectives, in their habit of denying everything, cause reporters to print harmful information. They sometimes pay more attention to keeping reporters from obtaining a story than they do to its solution. District reporters usually reach the scene of a crime with the cops. In many instances they can get more information than the police, for inhabitants of tough districts hate the police and refuse them any assistance.

Pawnbrokers always inform the police when some person attempts to pawn a very valuable piece of jewelry for a trifling sum. Certain pawnshops in busy or out-of-the-way places are continually covered by the police. A thief, hard-up for ready cash, may risk "hocking a piece of ice." Amateurs almost always dispose of their loot by pawning it immediately after the robbery.

The old-time cop usually was friendly to everyone

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on his beat and received valuable information about evil-doers. As a result of such information many a detective and many a commanding officer has been rewarded and commended for excellent detective work. It meant no promotion or credit to the cop, so he let his "dick" friend get the credit for the arrest or recovery of the property.

All this is very different from the eloquent flapdoodle about the "crime laboratory" at Police Headquarters and its ultra-scientific methods. The truth is that in the past some police commissioners have wanted to impress their newly developed Park Avenue friends with the fact that the large army under their command is composed exclusively of intellectual giants. So the commissioner starts a school for the scientific development of modern Sherlock Holmeses to solve all difficult crimes.

One particular commissioner spent ten thousand dollars fitting up a crime laboratory with the most scientific instruments and apparatus. It was similar to those used in some European countries. The difference was that our European friends employed trained laboratory workers with college degrees, while ours placed in charge cops with a little influence but no knowledge.

I walked into the "Crime Lab" one day and asked

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the detective in command what it was all about. He promptly replied, "How the hell do I know?" I asked him what he was supposed to tell the police students if they asked any questions, and smilingly he chirped, "Funny stories."

Noticing that only a dozen of about two hundred bottles, jars and phials were open, I suggested that he open some more and remove some of their contents, to give them the appearance of having been used.

The next commissioner, realizing the laboratory's uselessness, had it thrown out. He was followed by another with a desire for imparting superior knowledge to his reluctant students, so another ten thousand was spent in starting a new crime laboratory.

Chapter III

THE CRIMINAL

THE first law of the underworld is "Don't Talk." This precept has been impressed not only on its members but on the peaceful inhabitants of tenement sections infested by thugs.

What happens, then, when a murder is committed—say in an Italian neighborhood?

I have been at the scenes of homicides, a few minutes after the crime, when dozens and sometimes hundreds of people questioned by the police would not even admit hearing any shots or witnessing the occurrence. I recall one summer's evening when at least ten or twenty shots were fired on a busy thoroughfare, resulting in several deaths or mortal injuries. After the outburst of artillery had subsided, the residents went back to their chairs, stoops or windows, absolutely oblivious to the presence of victims, police or reporters. "I must have been inside

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feeding the baby," or "I thought it was the backfire of an automobile and paid no attention to the noise" was the type of excuse offered.

Even five- and six-year-old children will deny hearing or seeing anything unusual happen. They seem to be inculcated with the "no talking" habit from infancy. Often on a newspaper assignment that involves no police angle, it is almost impossible to get children to disclose their identity or admit that their parents are home.

On numerous occasions I have witnessed parents in mortal terror of identifying the murdered body of their own son, lying on the sidewalk or hallway. Hours later, when they thought their presence would not be apparent, they would silently tread their way to the police station or morgue, to make the necessary identification.

I have heard parents of a murdered man absolutely deny knowledge of the murderer or his motive, even though the criminal was in the very building or in the neighborhood, making preparations for a hasty flight.

Nor is the victim more loquacious.

It is a pathetic sight to be present when the latter, about to die, confronted with his murderer, shrugs his shoulders, closes his eyes as though to blot out a

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horrible apparition and feebly whispers, "That's not the man who shot me." Fear that he will be killed if he recovers, or dread that some other member of his family will meet a similarly untimely end, seals his lips.

In most types of Italian shootings or killings, the police simply go through the routine formality of conducting an investigation and filling out regulation report cards to be forwarded to their commanding officer for his perfunctory perusal. They receive absolutely no help from anyone concerned. Even where some patrolman or detective happens to be present when the crime is committed, it is usually impossible to obtain sufficient evidence or corroboration to convict.

The worst that can happen to the killer is that he is caught with the gun in either his hand or pocket, which is a misdemeanor unless he has a previous conviction, which would automatically make it a felony. But a gangster is usually quick enough to throw the gun away before anyone can discover it on his person.

If the victim is one of the minor members of the gang, his murder goes unavenged, unless his death is intended as an insult to his boss. Then the insult must be eradicated if it takes half-a-dozen lives.

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Such conditions prevail in Chicago more than in New York. Killings mean interruption of business and consequent loss of money; the metropolitan boys, therefore, refrain from promiscuous murders.

When a gangster gets sentimental about quitting the racket and reforming so he can go straight and marry and settle down, the gang believes that he is getting yellow or soft, and usually takes him for a ride. His death is attributed to some rival organization. His pals and boss can't understand anyone giving up easy money to go to work. Many times they decide, somewhat logically, he must be going "nuts." So they seal his lips. Or they may fear that he is severing his connections with the old gang to better himself by hooking up with a rival one.

Moreover, the leader takes it as a personal affront, because people will say he was unable to hold his gang intact. There may be an inference that he is tight or petty in his dealings. All racketeers want the reputation of being liberal spenders.

Usually at the slightest intimation that the working conditions are not satisfactory, the leader will smilingly offer to increase the ante or allowance. A few hours or days later, the dissenter, on some pretext, will be sent to a lonely spot and knocked off.

Or the leader, to show his brutal authority, will

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whip out a gun and shoot the dissenter down in the presence of the crowd to impress them forcibly with the fact that rebellion means instant death. He will then order the dead man's pal to take him to some remote spot and "dump the stiff."

The most desperate type of gangster-killer is the half-wit hero-worshiper. When the latter is handed a rod by the boss or his lieutenant and told to "knock off" so-and-so, he has achieved his seventh heaven. He is prouder than nine peacocks. Most of the gang kid him into believing that after the murder he will be considered a tough guy and be honored and respected by all. No longer, due to his physical underdevelopment, will the gang "razz" him. He will be known by all gangland as the guy who had guts enough to croak "Tough Tony."

He is promised a fabulous sum for the job, and a position of trust with the "big guys" when the next important job comes along. Henceforth, being a big shot, he will share with the leaders in equal proportions in the distribution of the proceeds of the gang's activities. This process of preparing the murderer for the murder is known in crime parlance as "steaming up."

Kid Dropper, one of the most notorious gangsters on New York's East Side, was shot and killed by a

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specimen of this type of physical and mental weakness, accompanied by a captain of detectives and several of his own men, he left the Essex Market Police Court. He was about to seat himself in a taxicab when the killer, a mere slip of a boy who had mingled with the milling mob of admirers and morbidly curious, ran out and pumped several shots into the Dropper. In the excitement the boy didn't even attempt to escape, but remained so that no one could accuse him of being yellow and running away.

The only thing the gang neglected to tell our "tough gunman" was that he would be forced to do from twenty years to life for his escapade and while in Sing Sing wouldn't be in a position to regale his listeners with accounts of his toughness. The wardens are rather unappreciative of the personal exploits of their charges and do not permit soap-box speeches. Only his youth, appearance, and comparatively clean record saved him from electrocution.

The usual reward for killings of that kind is instant death to the killer to silence his boastings. Gangsters know that his type either boasts or talks when subjected to slight pressure. Dead men tell no tales and never identify anyone, so the gang employs the only means available for its own preservation.

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Many of the important gang leaders are not concerned in the manner or means employed by their lieutenants in obtaining certain results. That is why the lieutenant is considered an efficient aide and gets a large proportion of the split. If it develops that a rival ran into a stray bullet while someone was practicing target-shooting, that's just too bad.

In their big-hearted and generous spirit the boys give the fellow a swell funeral, with a tin copper-colored casket. It looks almost like bronze! They usually go out among the neighbors and merchants to collect a few dollars for the funeral and the victim's family. They ordinarily collect enough to bury him in a Tiffany-made, solid bronze casket! It is just an opportune moment to annex a few lonesome donations that are used later to buy the girl a new mink coat.

The gangsters send telegrams of condolence and huge but cheap floral pieces, and gather in large numbers at the wake to extol the virtues he would or should have had, if he hadn't been killed. His death must be swiftly avenged. As a rule, the killer and his gang attend to the details of the funeral and act as pall bearers. If they want to make a favorable impression to bear out their proverbial good-fellowship, they pass around a hat and collect a few hun-

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dred dollars for the bereaved family. Before it is counted it looks like a few thousand. The story will be circulated that it was at least a couple of thousand dollars.

The usual bunk about swift retaliation is again uttered at the grave to avert suspicion, and to gain possible recruits from the numb-brained hanger-ons. They always need simple-minded but loyal followers. Also, the gang must have someone with a clean record to carry the guns in a brief case, violin case or in innocent-looking bundles of fruit or vegetables. Explosives or tools for a job are also entrusted to these innocent-looking youths.

Occasionally, a really tough egg is trained to be a killer, just as game roosters are trained for fighting. The boss's or lieutenant's first job is to make a drug addict of the promising thug. As the habit grows, he is supplied with the "snow" without cost. If he hesitates to do a job they shut off his supply. He soon discovers it is a costly and vicious habit he has developed, though his patrons in the beginning told him he could quit any time he wanted to.

Inability to get his regular shot on time will cause him to change his mind about his unwillingness to do a little shooting. He is sent out to do his job without his shot, or merely with a reduced dose—

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just enough to make him anxious to return quickly.

But the hard-boiled gang lieutenant fully realizes that if the police entertainment committee slap him in the nose or do some shouting, accompanied by the waving of hands in a threatening manner, he will have an attack of palsy, and talk his head off. Hence the insistence that he return to headquarters or "the meet" as quickly as possible after his particular function has been completed. Often, too, his reward for his achievement is to be taken for a ride. The gang chieftains are not chancing "a long ride to the Big House or a trip to the House with the Green Shutters."

Recruits of this type are plentiful and can easily be replaced. No one misses them, with the exception of their families. Many times the latter are thankful.

I make the flat assertion that youthful killers on the East Side can be hired to "knock off" or "put a guy on the spot" for from twenty-five to three hundred dollars, depending on the victim's prominence. "Big Heads" are worth the larger sums, and the reward scales down to the smaller sums for the "Punks."

In a recent talk with a lieutenant for a tough gangster, the latter, in a very serious strain, re-

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marked that a "guy must be damn careful in picking a kid to do a job. You must be sure that he won't talk if he is caught and the bulls start kicking him around. You know it is murder if he squawks and no one wants to burn for just having a guy knocked off, when there is only a century (one hundred dollars) in the deal. You are not even around when the guy gets the works and they try to stick the job on you. That's a hell of a law."

Honor among thieves is a myth, especially among the young and inexperienced. A little "massaging," and they quickly make up their minds that misery loves company, and tell everything they know about the crime for which they were arrested and about others. They are not averse to stealing a pal's girl friend or holding out on the distribution of the loot.

With tough eggs, however, this doesn't happen so often, because it calls for immediate gun play. And when it comes to shootings, no one wants to be on the receiving end.

Although most of the gangsters involved in the Chicago killings originally came from New York, the metropolitan natives, as I have explained, don't resort to murder on their home territory unless it is essential. As a New Yorker I must insist, however, that we have just as many rackets here and that just

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as much money is contributed by business men to the gangsters and racketeers as in Chicago.

The proceeds, however, are distributed with as little friction as possible. I know of one gangster, brother to a "Big Shot," who is on a peace-time salary allowance of from one hundred to two hundred dollars a week from six different unions or protective bodies. Besides that, he runs booze and dope as a side issue.

The present-day business agent or racketeer is a veritable fashion plate. His silk underwear and shirts are made to order at the best shops on Fifth Avenue. His clothes are tailored to perfection by artists who overcome any physical defects, by judicious tailoring.

He travels extensively, many times joining exclusive tours, and frequents all parts of the world during his off- or slack-season, or when some "business deal" has run foul of the law.

Many of our socially prominent ladies would be horribly upset, if they learned who their solicitous, suave, well-manicured and immaculately attired escorts really are.

Men of the Capone or Rothstein type could mingle with any company if their identities were unknown. They have graduated from the "rough stuff" class

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and have become business promoters. They put up the bankroll and receive thirty percent of the earnings without assuming any risk either from arrest or from financial loss. They are not interested in any of the ramifications involved in the deal, whether it be booze, dope or smuggling Chinamen, as long as it shows a good margin on the asset side of the ledger.

What their agents do to safeguard the deal and the bankroll is no concern of theirs. In the fall, when they send their children to college, they seek the comforts of the southern climes, while their private secretaries attend to their financial duties. They can depend on the honesty of their secretaries, because secretaries know they never lose their jobs for double-crossing their bosses—they lose their lives.

Chapter IV

THE BURGLARS' UNION

CRIME in every possible form, like business, has progressed to the stage where the little, unorganized participant hasn't much chance of success. He may eke out an existence, but that is about all he can expect. The old-timer in all walks of criminality is suffering from a superiority complex. He is continually telling about what he used to do. The present youngster, if he uses his head, can run rings around him without exerting himself. Instead of committing a series of petty crimes, he allies himself with a well-organized group, and "pulls off" something worth while.

Sums that looked dazzling in the old days are considered chicken feed by the modern law-breaker. Tough jobs are overcome by the use of the brain and not brawn. Punishment under the Baumes Law is more severe, and this calls for extreme caution.

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The gang joins a political club and makes itself generally useful around election time. It can also be depended on to do rough-house work for the political boss on primary days, and its members act as protectors for the club's gambling games. No thugs will stick up a political club that has the proper kind of membership. It means a shooting or a fractured skull.

The gang organization also makes all necessary arrangements for the immediate disposal of the loot. Part of each job is set aside as a sort of contingent fund to be drawn against during the time the gang must lay low or in the event that a member is arrested.

Most gang members realize that, though political leaders can reach judges, it is up to the gangsters to help by killing the case. The judge must appear to be above suspicion when he makes his decision to dismiss the charge for lack of legal evidence. If it takes a dozen or more adjournments to discourage the complainant, the judge will grant them to their attorney because someone is ill or trying a case in another court.

Some of our worst offenders have been arrested thirty to forty times without a conviction, or have been permitted to plead to some petty crime when

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there was enough evidence to send them to Sing Sing for a long stretch.

The bozo, as we say, that is made an example of by some of our "lecturing judges" is some foolhardy, overgrown, but mentally undeveloped youngster. Such a lad may believe that all he requires is a gun and that he can keep sticking up storekeepers and citizens every time he needs a bankroll. The fact that he may be arrested during the commission of a crime never dawns on him.

How can anyone resist him when he has a gat? Sometimes he has a streak of luck and commits several crimes before he gets caught. Many times he gets nabbed on the first job. He tackles some small dealer who is foolish enough to fight to save about four dollars in the till.

The lad either gets frightened or nervous and shoots down his victim or runs out of the store, gun in hand, with a yelling mob at his heels. Not being a member of the "Burglars' Union" and possessing little enough brains and having no influence to see that complaining witnesses are intimidated or bribed, he is convicted and becomes the object of a brilliant oratorical outburst by some learned jurist.

"Society must be protected and the court, much as it regrets to impose the maximum sentence, must

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make an example of young desperados as a deterrent to others," quotes the judge.

Young Bozo, after a career of crimes that netted him about fifty dollars, spends the next twenty years in the "Big House" wondering how Kid The Lug, after being accused of twelve killings and a thousand assaults, keeps out of jail.

The only way that society gets rid of the full-fledged member of the Burglars' Union is by the process of self-elimination by one of his own group. Being overladen with easy money, one of the lads will get ambitious and attempt to muscle in on some graft out of his own domain, or, human nature being what it is, he may decide to borrow one of his pal's molls.

The offended gentleman, if he hasn't the gumption to shoot it out or ambush the other, will tip off the cops anonymously when the latter is about to do a job, especially if it is out of town. He will make his getaway before the fun starts and pretend that he barely escaped. To accomplish this, without arousing suspicion, requires considerable use of brain matter. However, I assure you it has been done.

Just one illustration to show how important it is, in the underworld, to have good connections:

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Three full-fledged members of the Burglars' Protective Union were arrested in Brooklyn a little over a year ago for committing a burglary in the Williamsburg section of Brooklyn. The detectives from the main office at Manhattan Police Headquarters were on their trail for weeks when they finally caught them red-handed, leaving with the swag.

Despite every effort made to force them to trial, some influence obtained nineteen adjournments for them. Their attorney always had some excuse to explain why his clients were not prepared to go on trial. Recently they were permitted to plead to a misdemeanor charge because, if convicted of burglary with their records, they would have received about forty years each.

The detectives who were offered all kinds of inducements to pull off were driven leg weary, owing to the many postponements.

But even scabs, who aren't regular members of the Burglars' Union, sometimes find it possible to obtain protection. For instance:

A member of the Auto Squad arrested a city fireman, who was always buying and selling automobiles to occupy his tedious hours, for having sold a stolen or *bent* car to a complainant.

When the fireman found the detective obdurate,

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for it was alleged he had sold similar bargains, he offered the detective ten thousand dollars. Whether the sum was too large or whether the detective too honest, the fact remains that he made the arrest.

In court, after making the complaint, the detective was insulted and abused by the magistrate, who thought it was an outrage to arrest a fellow civic worker. Our detective, who had a perfect case, threatened to go to the District Attorney's office and lay his evidence before the Grand Jury.

A birdie whispered to him that he would lose his detail, so he quit in disgust and still wonders who got the ten grand.

Some thieves find it more profitable to work with the police and return swag, so that the insurance company's reward can be collected and split. Under a former New York régime, over a million dollars worth of furs were returned without a legitimate arrest being made.

Why a police executive will tolerate such a scandal is beyond me. If a detective can locate the furs in some isolated and deserted loft he surely should be in a position to discover the person who stole them and who then courteously left them to be picked up and returned for the reward.

All good pelts bear an identifying mark, and legit-

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imate dealers will not handle them when they know they are swag. Through the Furriers' Alliance they are notified when certain skins are stolen. The cheaper furs are usually taken to fur dyers and the color quickly changed to prevent their being identified.

Just why politicians are invaluable can be judged from the following experience. Several years ago on election night, I visited the headquarters of a political boss, known as the mayor of ——— Street.

He is almost six feet and weighs about two hundred and fifty pounds. He was gesticulating wildly, shouting and cursing.

When I approached, he yelled at the top of his voice, "My reputation is ruined, my record is broken—it's terrible—lousy Bolsheviks got into my district and ruined my record. I'll find out who they are and run them out of my district. If I had them here I'd strangle them with these hands."

After a spell I sympathized with him about losing the district. That almost brought on an epileptic attack. He yelled, "Who in hell said I lost the district—two lousy Bolshevik ———s voted Republican!"

Another illuminating incident occurred when a ham politician was arrested in front of Terrace Gar-

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den, where the annual political dances were held. He insisted on acting disorderly and insulting the patrolman who attempted quietly to get him to go inside. On the way to the police station he bit and kicked the officer.

The desk lieutenant, being wiser in the ways of the world than the youthful cop, tried to get him to withdraw the charge, but the latter was insistent. He threatened that he would hold the lieutenant personally responsible for his prisoner.

Several pals of the politician came in and whispered to the lieutenant about releasing the prisoner. He explained the circumstances and they tried to do business with the cop, who refused to be pacified.

About two hours later, a call came over the police telephone. The lieutenant rang for the doorman and said: "Bring up that blankety blank." When the prisoner was brought before him, the lieutenant politely told him he could go.

He then took the police arrest book, went back to the page that contained the record of the arrest, and tore it from the blotter. Turning to me he quietly remarked: "Too bad I haven't my time in." The cop, who had been offered fifty dollars to buy a new suit if he forgot the matter, lived in the Bronx. He was transferred to Staten Island early the next

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morning. He had something to think about on his beat.

A certain well-known political office-holder, who was in the Assembly when this episode occurred, had a brother who was a notoriously vicious petty thief. The latter got away with everything this side of murder, and probably beyond, because of his brother's popularity and power.

On this particular evening, a call came to the East Fifty-first Street precinct that a cop was being killed on Third Avenue. We all rushed down and found the cop and prisoner under the safety fender of a trolley car. The politician's brother held on to the cop's right wrist with both hands to prevent him from using his gun. The cop was determined to kill him, for he had come upon the thief kicking a victim into unconsciousness.

After they were both dragged from under the car, the gangster noticed some of his pals and friendly cops, and his courage returned. He passed a slurring remark to the cop about going to Goatville the next day. The cop, who was a German over six feet tall and afraid of nothing, swung his night stick at the other's head; unfortunately, he missed, but the club hit the wall of a building against which they were standing and broke in two.

When about to sit down in the trolley, someone

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rammed the thief's head through the trolley window, breaking the glass into hundreds of slivers, over a dozen of which stuck in his hair. I thought they went into his skull, and expected him to bleed to death.

When the politician learned his brother had been arrested, he became insanely furious. Despite the fact that a man had been frightfully kicked and beaten into unconsciousness for attempting to prevent the thief from robbing him, and an attempt had been made to kill the cop, the politician became enraged on his brother's behalf.

Rushing into the station house, he yelled at the captain, with a voice that could be heard for a block: "You fat yellow-bellied son-of-a-bitch, are you trying to ruin me politically by locking up my kid brother? If you had to make an arrest, why in hell didn't you take one of the bums out of my joint?" (He ran a saloon.)

Nothing could mollify his anger, even when the captain, almost pleading, tried to explain that his brother had been identified as the man who had assaulted the complainant, then in Flower Hospital in a critical condition with a fractured skull and internal injuries.

His personal vanity was injured and it was the

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only thing that counted. After several postponements, the case was dismissed because the complainant failed to appear to press the charge. They forgot to tell the magistrate that he recovered from his physical injuries but, as a result of the terrific kicking in the head, he had to be committed to an insane asylum.

Chapter IX

THEY GOT JUSTICE F. O. B.

MEMBERS of the "Cry Baby Gang"—so named by the police for reasons that will appear—were sent to jail for a series of crimes in the Bronx, Queens and Manhattan. The District Attorneys of the three boroughs vied with each other to try the youths for crimes committed within their respective jurisdictions. Behind this story, however, are illuminating facts that bear directly on the subject of this book.

Six youths decided that all they needed to become successful financiers and live a life of ease and luxury, was to get a couple of guns and persuade people to part with their surplus moneys. Formerly the chaps had been members of the "Chelsea Dock Gang," a group of boys who stole everything that wasn't nailed down along the water front.

If a truck driver were foolish enough to leave his wagon or automobile unguarded for a minute, some

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of the contents or the entire thing disappeared. The promising young lads committed a series of petty crimes, increasing in magnitude until they reached the stage where they thought only "punks" committed misdemeanors of that nature. In short, they were ready for their career.

Once launched upon it, they jumped from borough to borough, stealing a cab or automobile and then sticking up some speakeasy or restaurant and abandoning the conveyance as soon as they reached a haven of safety. In their wanderings they were alleged to have shot a clerk in the arm during the progress of sticking up the Liccione Bank in the Bronx, and they were also accused of the shooting of "rookie" Patrolman James A. Broderick during the robbery at the Loft candy factory in Long Island City.

For a robbery at Roosevelt Hospital, New York County put in a claim for the boys. They were also accused of stealing a \$2,470 payroll on July 16 from the William F. Kenny Company at Long Island City.

The Bronx detectives arrested the gang, which consisted of the following: Leo Hecker, twenty-one; Philip Oberst, twenty; Frank Kerrigan, twenty-three; James O'Connor, twenty-one; Peter Mahoney, twenty-three, and Bernard Frankel, twenty.

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I will relate the progress of the case, without comment. The youths were tough West Side "gophers" who wouldn't hesitate to use a gun in making a getaway or if they happened to take a dislike to a victim because he didn't accede quickly enough to their command to "stick 'em up."

Their attorney placed the men on the witness stand at their trial in the Bronx so that they could tell the manner in which the detectives had obtained their "voluntary" confessions.

Philip Oberst gave his version as follows: "I went to a house on West Thirteenth Street to get five cases of rye whiskey for a man who was to pay me some money, when seven detectives rushed in and, without saying a word, pushed me into a bedroom.

"The detectives called me a lot of names and beat me by continuous punching and kicking until I fell to the floor. Then they got me on my feet and held me so I wouldn't fall. One of the detectives got on the bed and kicked me, while the others hit me in the face, with their hands, and on the body with blackjacks. They knocked me out, and I don't remember how I reached Police Headquarters.

"At that place they again beat and kicked me until I again became unconscious. They then coached me as to what to say when questioned. My

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jaws were swollen and I couldn't eat anything. When they took me to the bank on July 27, they told me if I didn't do as I was told, I'd get the same dose over again."

Leo Hecker's account of how he was "persuaded" to confess was given to the jury in this manner: "The bulls picked me up on the West Side and somebody hit me in back of the ear with something and I fell to my knees. While I was in that position I was kicked in the ribs continuously until one of the detectives hailed a taxicab.

"I was pushed into the cab and punched and abused all the way to the Bathgate Avenue police station. I was forced by constant beating with rubber hose and blackjacks into admitting participation in the Liccione Bank and Roosevelt Hospital hold-ups. When their commander showed up I denied the admissions and told him what had happened and how the detectives beat me unmercifully. 'Too bad that happened, I wouldn't stand for that kind of treatment of prisoners by my men,' he said as he walked out of the room.

"As soon as he left, five of the detectives pounced on me at one time and they beat and kicked me into unconsciousness. They struck my arms with blackjacks until they were too sore to lift up. About

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the time I was coming around, their boss came in smiling and said, as he rubbed his hands, 'Can we get down to business now?'

"He asked me what part I played in the Roosevelt Hospital hold-up. I said, 'I didn't.' Several of the detectives turned to me and shouted, 'Didn't you just tell me you were one of the fellows who stuck up the joint?' I said, 'yes,' to that and everything they asked, because I feared further beatings."

He continued: "I hadn't slept for a day and a half and I had nothing to eat. They finally gave me a sandwich, which I couldn't eat on account of my swollen mouth and jaws. The detectives kept shouting questions at me. I pleaded with them to permit me to lie on the floor and get some sleep, but they only laughed at me.

"When I complained to the head of the Detective Division about my treatment he ordered the men to take me and the other boys downstairs and 'stick pins in them to within two inches of their lives.'

"When we were taken to the office of the District Attorney in the Bronx I complained of our treatment, and he quickly replied, 'I wouldn't care if they had broken your skull, as long as they didn't do it in my office.'"

Bernard Frankel told the same story of being

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“exercised” by half a dozen detectives. He said: “Some one said that Commissioner McLoughlin was coming down to talk to us at Police Headquarters. One of the detectives gave me one of his clean shirts and made me take mine off because it was soaked with blood. He made me wash up and threatened to beat hell out of me if I told the Commissioner that I was beaten.

“As soon as Commissioner McLoughlin left he made me take off the clean shirt and kicked and beat me until the blood was rushing in great quantities from my mouth and nose.”

Frank Kerrigan testified as follows: “They beat me with pieces of rubber hose until I dropped unconscious. When I came to, I was again beaten until I was forced into signing the confession. I repeatedly asked for a drink of water, but was told I would get nothing until I confessed to the hold-ups.”

The other members of the gang testified to about the same treatment, with some variations. At about that stage of the trial, Louis Long, of 1851 Bathgate Avenue, who served as Juror Eight, caused a mistrial by demanding, in open court, to be withdrawn from the case. He said he would start a movement to abolish third degree methods of obtaining evidence.

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He sent a letter to each of the defendants and to Judge James M. Barrett in which he said, "Beatings of prisoners by policemen to force confessions is a disgrace which causes enlightened people in the whole world to curl their lips when we boast of our constitutional liberty."

Nevertheless, the boys ultimately were convicted in the Bronx for the Liccione Bank robbery and shooting, and received the following sentences: Hecker was found guilty as a second offender, having been previously convicted for some petty crime, and was sentenced to serve a flat sentence of twenty-two years. Oberst, Kerrigan, Mahoney and Frankel were condemned to serve from seventeen and a half to thirty-five years, and O'Connor apparently escaped imprisonment by turning State's evidence and testifying against his pals.

Conflicting demands were made by the District Attorneys of Queens and Manhattan. The story of the beatings were played up by the papers and the robbers were baptized the "Cry Baby Gang." For squealing about their beatings they were rushed to trial for the Queens candy factory robbery and the shooting of Patrolman Broderick. Usually the District Attorneys, aided by the police, try thieves for the worst of a series of crimes and let it go at that.

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But the "Cry Baby Gangsters" were taken over to Queens and tried before Judge Frank E. Adel as second offenders, with Hecker as a third offender. The boys were quickly found guilty and Hecker was sentenced to life imprisonment. The others received a minimum of forty years to life, and O'Connor collapsed when he received from fifteen to thirty years. He had been persuaded by the detectives that he would be set free if he "turned up the gang."

Judge Adel at the time of imposing sentence said: "They are enemies of society. They are young, but a gun in the hands of a youth is just as deadly as one in the hands of an older man. They had no sympathy for their victims. They did not carry guns for self-defense. Bandits need expect no sympathy in Queens."

The second sentences were to run *after* the expiration of the first. There was no use putting the boys on trial for the Roosevelt Hospital job because they had to serve a minimum of fifty-seven and a half years for the first two jobs. These sentences were a terrible object lesson to robbers and thieves: NEVER TO SQUEAL ABOUT THE POLICE BEATING THEM TO OBTAIN CONFESSIONS.

Many of the worst criminals in the city and country have escaped with lighter sentences than these

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boys received. Their punishment was worse than a sentence to life imprisonment, for with the latter they would have been eligible for a pardon after serving twenty years.

As a relief from the "Cry Baby Gangsters," who were foolish enough to complain of a mere *massaging* (and I have seen many worse than what they received), it is a relief to turn to another "gopher" who, stupid as he was at first, managed in the end to get the right idea.

The gentleman in question, who possessed considerable local political influence (because he could be depended on for strong-arm work around election time), was in the habit of drifting into a number of poolrooms, where crap, poker and other small games were run, for a quick ten or twenty dollar *touch*, which of course was never intended to be returned.

The proprietor, who was paying for protection, was afraid of the citizen, but became peeved when the touches became too regular and complained to the inspector's man, who paid him friendly visits weekly.

Two plain-clothes men were nonchalantly playing pool when the "gopher" appeared and asked for the boss in his best Tenth Avenue language. Two billiard cues bounced on his derby, shoulders and

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body until the detectives became tired. They then dragged him to the stairway, slid him to the street, kicked him into the gutter, and quietly walked away.

He rushed to his political guardian, with murder in his eye, and protested about the cops beating him up without provocation, when he went in to play billiards with the boys. Mr. Politician, who was of the legalistic type, shouted: "This is an outrage! No one will beat up a friend of mine and get away with it. We'll demand an immediate investigation at the inspector's office."

A few telephone calls and the meeting was arranged. While there, waiting for the inspector, the "gopher" was called into another room to be examined by the doctor. The lights were turned off and the shades drawn. He was badly beaten and detained until the politician left.

When the politician found out what had happened, he was highly indignant. The inspector was very solicitous and couldn't understand how such a thing could possibly have occurred under the circumstances, and suggested that possibly the gopher got drunk and fell down a flight of stairs. The politician told the inspector to go to hell and arranged for another investigation at the District Attorney's office, with a view to a Grand Jury indictment.

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In some mysterious manner the same thing happened while waiting for the Assistant District Attorney. Somehow or somewhere someone or something beat the tar out of the thug for being a squealer.

Mr. Politician instantly realized that he must take drastic action in order to uphold his reputation. The beatings that the "gopher" had received didn't bother him, but the fact that anyone he was personally interested in could receive such a deal was beyond him.

He came back that afternoon and interviewed the District Attorney after a conference with the Higher-ups and Tammany Hall. No one was going to make a "punk" out of him.

The contact had its desired effect and another Assistant District Attorney was personally assigned to him with instructions to follow the case through to a satisfactory conclusion.

Mr. Gopher was hurriedly summoned. "Jim," said his political mentor, "meet Assistant District Attorney —————; we are going to hold another investigation."

That was as far as he got. "What?" shrieked Jim, who had almost swooned at the mention of the word "investigation." "To hell with you and your investigations. Looka what they got me."

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Assistant District Attorney ————— in a solicitous voice said, "That's what we are here for, to hold an investigation and determine how you got those terrible gashes, bruises and abrasions."

"Listen, guy, dem's beauty marks. Dese in de front, I got falling on a soft rubber sponge, and dem on top I got when the sidewalk came up and landed on me head, and de ones in de back I got when me sister's baby hit me wid her rattle."

The investigation got no further.

Chapter XIII

NIGHT-STICK LORE

As I wrote in an earlier chapter, the New York policeman is as absolutely fearless as a man can be. In only rare instances has one of them waited for help before attacking a criminal gang or attempting a rescue. In this connection I recall a tragic incident that occurred in the old Gas-House section of New York a number of years back. Matt ——— was a regular he-man cop of the old school. Due to an injury he received in stopping a runaway, he was assigned to the Recreation Pier at the foot of East Twenty-fourth Street.

One day an excited and outraged citizen called up several newspapers and informed them that a cowardly policeman on that pier had refused to save a drowning man, and that the cop had walked away while the man sank.

I went down and found a disconsolate patrolman,

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on the verge of tears. Although brought up on the East Side where children learn to swim almost from the time they can walk, his parents, who were strict disciplinarians, had refused him permission to associate with the boys who frequented the water front, and he had never learned to swim.

"If I jumped after him, it would simply have meant suicide, because I can't swim a stroke," he explained.

Nothing could make him forget that he had failed to perform what was called his duty, and he took to drinking heavily. He disappeared about a month later, and nothing more was heard of him until some time later when his body floated to the surface, at almost the identical spot where the man had sunk.

At times, one realizes, it is very difficult for a cop to maintain his ideals and remain on the force. He may make an arrest and have the prisoner turned out by the desk lieutenant or captain. If he should insist on going through with the arrest, he would naturally incur the enmity of his superiors, and receive numerous "sees" or visits from the sergeant, who would be out to get him for some dereliction of duty. And if the sergeant can't get him, that officer will stretch his conscience to save his legs.

Or sufficient pressure may be put on the policeman

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by a superior who is greatly indebted to a politician or some merchant or to the owner of a "liquid" restaurant. The cop soon learns that it doesn't pay to be too good nor too conscientious. His job calls for eight hours of continuous patrol with a half-hour respite for lunch. It is much more pleasant "to take it in," rest in some comfortable place, and smoke between his hourly reporting periods.

Or he may have it fixed with the man on the signal monitor box or telephone to be credited with calls he is supposed to make. A soft detail indoors or a berth in an inactive detective precinct is preferable to doing sixty minutes to the hour in the early hours of a winter's morning, with the possibility of making an arrest and being compelled to spend his day off in court.

The tendency of the present-day politician is to be suave and diplomatic until it hurts. Like the modern racketeer, who is silk-shirted and well-dressed, the district leader must discard the old-time harsh, or "gorilla," tactics. Instead of hounding the unsullied rookie and having him promptly transferred to the sticks, "for being an unreasonable mug," the politician approaches him with an offer to make him a "fly-cop" or detective with first-grade money in a short time.

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If the patrolman refuses to accede to the Big Boss's request, he is given a tough post and through the grape-vine wireless, the sergeant suddenly becomes very conscientious, as far as that cop's post is concerned. The sergeant, if he is one of the boys, will get him, right or wrong. To make it easier, the local or borough inspector will send out a "shoo-fly" officer in plain clothes to get him.

Furnishing charges against him is "in the bag" so far as that cop is concerned. He will be charged with everything but murder. That is one he would prefer being charged with. A few days' loss of pay besides the time lost at the inspector's office and in the trial room (usually through some peculiar circumstance the trial comes on his day off), will cause him to think—and think hard. He figures that he must serve twenty-five years before he is eligible for retirement, and that is a long time to be a good cop, with abuse instead of reward. So he usually decides to become a "regular guy" and take the line of least resistance.

Some years back it was customary for even conscientious cops who did "sixty minutes to the hour" to accept a complaint unjustly in order to bolster up the sergeant's record, for the sergeant would not want to waste time to get his man. If the cop re-

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fused, the gentleman would be charged with everything but stealing the station-house. Some citizen would notify him of some unusual occurrence in a house and when the cop emerged from his investigation within the building, the citizen would have disappeared but the "old sarge" would be there to leer at him—and give him a ticket for being off post for an hour or more.

Woe to the cop who collects anything from a doughnut to a Rolls-Royce and doesn't "see the sergeant." Several years back a young, likeable rookie was assigned to a post in the Roaring Forties, near some good gambling houses and palaces where "ladies of the evening" disported.

After standing in front of a brownstone house for a few minutes looking over the sights, a colored girl would come out of the basement and, without comment, smilingly hand him a five dollar bill. By the time he got through admiring the pretty buildings on the block he had forty-three dollars. About an hour later, the sergeant came along and asked him how tricks were. "Swell," responded the cop. He didn't know he was supposed to split, and was afraid to admit finding or getting anything. Tenth Avenue with the tough eggs was his post after that.

The cop himself is subjected to petty grafting.

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To make a good showing for the captain he must contribute to every appeal, especially religious ones, whether he belongs to the faith in question or not. Contrary to the rules of the department, dinners, testimonials and presents are given to superiors and often to members of their families. Under certain administrations, parts of his equipment are changed. He is usually compelled to pay from two to three times the value of the new equipment, because it is made or sold by only one firm.

This sort of thing impels some cops to decide to become hard-boiled, and they begin collecting souvenirs. One of the funniest instances I can recall was on the lower East Side. A young unmarried patrolman went from store to store and even among the push-carts, and asked for a bathing suit for his wife. He told them a story about losing his pay check shooting crap. I ran into him a bit later, and he was still "doing his stuff." I followed him until he had collected ten suits, which he sold for fifteen dollars.

But the story about a cop losing his salary shooting crap in the station-house isn't always false. Sometimes a rookie begins his career of graft as the result of being "cleaned out" in one of these games. If he is married and has a family he simply

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must borrow money to tide him over. Or, if he can't borrow, he may decide to use persuasive methods to get enough money to live until next pay day.

I witnessed a crap game in which a Special Service man lost over a thousand dollars and a Federal narcotic agent over eighteen hundred. The latter took out his blackjack, kissed it, muttered some sort of a successful prayer and came back fifteen minutes later with three hundred berries, as he insisted on terming them. I must report that he lost these as well.

Cops become imbued with the "take and gimme" habit by observing the actions of their superiors. If his captain is honest, the cop must watch his step, because he knows he will get into hot water if detected grabbing souvenirs. Many times, however, the bosses, from the sergeant up, will "cut" all kinds of money, particularly the bootleg variety, which is regarded as the cleanest. The bootlegger pays for every case of liquor or barrel of beer from the time it leaves his place until it reaches its destination. To "cover" the local state police, sheriffs, marshals, etc., they are told to busy themselves at some other point. They get paid whether they are present or away.

According to former Police Commissioner Grover

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A. Whalen, there are over thirty-two thousand speakeasies in Greater New York. The beer runners allow one dollar for the police for every half barrel of beer delivered. The cop and those higher up share in the windfall.

On the basis of Mr. Whalen's own figures, at least thirty-two thousand half barrels are delivered in the greater city daily, and so at least thirty-two thousand dollars is given the police each day for the privilege. This means two hundred and twenty-four thousand dollars a week; about one million dollars a month or twelve million a year.

These figures do not include the thousands of cases of hard liquors and wines carted through the streets daily, from which revenue is collected. It does not include the sums contributed to the inspector's men or Federal agents by the speakeasy proprietors.

Once in a while some hungry bird tips off a brother cop who accidentally runs into the truck and gets himself a Christmas present. Some even get a few pals and hijack the truck and its contents by pretending to be rival beer or hard liquor runners. That often results in hasty conclusions—and in killings by the losers of the booze, who figure that the other gang was getting too powerful. They promptly wire for help from professional killers and pay them

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fancy prices to knock off the "big heads" of their rivals, who in that particular case are innocent. It is a swell racket for the cops and means only a slight cost for another floral piece and wasting a day by attending another funeral.

The lowest and most contemptible type of graft is collecting "blood money," that is, shaking down prostitutes, poor peddlers, newsboys and starving small storekeepers who violate the law in a petty sort of way. Some patrolmen work with garagekeepers on their beat by compelling owners of automobiles to remove their cars from in front of their homes.

Some collect revenue from lawyers and bondsmen for tipping them off on arrests, from undertakers when deaths occur on their post, and from ambulance chasers when they have or hear of an accident in which there is a good possibility of collecting damages.

Police field-day games and various entertainments and dances are also prolific sources of graft. The tickets are re-sold so many times that they are almost worn threadbare by the time the event takes place.

The trick is to sell tickets in blocks and then ask for them to be distributed to our wounded veterans of the World War. Invariably it works. A promi-

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ment ex-brewer bought ten thousand at a dollar apiece, and at the impassioned speech of the lieutenant gave them back to him to be distributed gratis to the soldiers.

Being a good business man, he copied the numbers. He examined a large block of tickets which a friend of his had bought and found that they were his tickets. A check-up among other wealthy friends disclosed the same results. Some traffic cops in conspicuous places made a fortune reselling tickets. The cop on post, in his own little way, didn't fare so badly, either.

The police band and glee club were in for a considerable investigation a few years ago, when a discrepancy of over fifty thousand dollars developed. Instead of the money being used to buy new instruments every week, those in charge took trips to Europe, purchased twenty-five-hundred-dollar automobiles and managed to use up the balance.

Like most inside investigations, this one had too many ramifications and died an unnatural death.

Cops, especially plain-clothes men, often stretch their conscience in making an arrest, making out a complaint or presenting a case in court. To cover the fact that they had no search warrant to invade a man's home they always use the canard about the

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anonymous letter or phone call complaining about immoral conditions.

If in their wild rampage of breaking locks and doors they discover liquor, it is always to be found in full view on the table or buffet—so swear the officers. Apparently law violators always keep contraband in full view so the police can find it. Legally the police have no right to search without a warrant or to present such evidence in court. This discrepancy is easily overcome by falsehood and results in a conviction.

Very few patrolmen, even the hardest of the hard-boiled, want the job that consists in “body-snatching,” or arresting women for disorderly conduct or prostitution, and obtaining their conviction on “stretched testimony.” It is rarely that a prostitute actually solicits anyone. She will give her admirer every opportunity to pick her up without her soliciting him. Usually when a plain-clothes man testifies that the unfortunate woman picked him up, he is not telling the truth.

Many citizens assume that because the police occasionally raid a speakeasy, gambling den or a disorderly house, the department must be administered honestly. Alas, spectacular raids are staged many times to coerce reluctant hold-outs into

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“kicking-in” with their contribution—or to increase it.

Some gambler or proprietor of a speakeasy will learn that some rival has opened a joint close by and is doing business without “seeing the cops.” He will immediately notify the latter and ask why he had to pay when the other bird doesn’t come across.

Immediately the raiding squad, armed with axes, crowbars and hammers, will tip off the newspapers about the coming raid, wait for the photographers, and with great gusto break into the place and smash everything in it.

The prisoners will be taken in patrol wagons to the station house and kept from being bailed as long as possible. Some one will whisper to them to go to Jim’s place, because he is protected and is never molested. The newspapers innocently help the collectors of contributions by their willing publicity.

Years ago a cop, known for his propensity for whacking colored violators across the shins with a long locust-wood night-stick, was transferred to the “sticks” for talking out of his turn to a Negro politician.

Cops in the outlying districts are inclined to be clannish and are reluctant to have anything to do with a new arrival. Our friend was an outcast. They wouldn’t tell him a thing about the work or the

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amount of patrol to be done, and even begrudged him a civil answer.

During the month in which he was learning the ropes, there were numerous complaints from the property owners on his post, which was miles long, that flag-stones, fences and shrubbery were being stolen during the night. These thefts usually occurred while he was at the other end of his post. Not having anything to do, and being afraid to "take it in," because the sergeant might give him a complaint, he determined to find out who was committing the petty depredations.

He cruised his post, hidden in the rear seat of a newly made friend's automobile. The neighing of a horse attracted his attention. Making his way cautiously, with his gun ready for action, he came upon the horse. From the harness he discovered that it belonged to one of the precinct's mounted men. A short distance away were three cops, laboriously removing flaggings with crow bars. Covering the three, he demanded from them under threat of arrest whether he was to be admitted to the "union," with its full rights and privileges. He made no arrest, but insisted that if they needed any more material to beautify their homes, to get it from some other bird's post.

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If a cop on post is "wise," he makes friends with people who can inform him of violations of gambling, liquor or vice laws. He can also get valuable information about criminals and crimes. He can either turn his information over to his captain to curry favor, or obtain a financial gratuity from the persons guilty—or both.

As an old-time captain once remarked to me, following the announcement of an investigation by the District Attorney's office: "Honesty is all right in its place; but there are joints in my precinct that I couldn't touch without immediate banishment and punishment. If the people who own or operate these places, that I am forbidden to raid, insist on voluntarily giving my wardman weekly contributions that run into a thousand or more a week, and if this money is deposited in the 'velvet-lined' drawer of my desk, I would be a darned fool to turn it over to the 'Lost and Found Bureau.' I would like to meet the church deacon who would refuse to take it under the circumstances."

Old Captain "Whiskers" Chapman, who was a tough old gent for enforcing the law, once was transferred to the Old Tenderloin, below Forty-second Street, to give the good old voters an idea how law and order should and could be observed in that

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section. The idea, of course, was that he would let things alone, but that his reputation for honesty would protect the administration.

However, Captain Chapman had ideas of his own. Getting some husky men with him, he picked up an assortment of axes, bars and sledge-hammers. With much gusto, he cleaned out about a dozen disorderly houses. His men left nothing but ruin in their wake. Someone told him that the ritziest dance hall was the Haymarket on the southeast corner of Thirtieth Street and Sixth Avenue, and that it had never been raided because of its political and police connections.

He swooped in there and, despite threats and protestations, smashed and tore up everything in the place. The swell ladies and their equally swell boy friends were either booted into the street or placed under arrest. The raid caused a furor, but it produced the result desired by Captain Chapman. The next morning a transfer was issued forthwith sending him to hibernate with the goats in Wakefield. He turned out to be poor election material for the organization that thought his reputation for honesty would befuddle the honest voter into supporting the administration.

Old-time politicians virtually ran the department during this period, through the local precinct. It

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was rarely necessary for a district leader to go downtown to obtain results. The grapevine wireless usually informed the inspector how the political boss stood with Tammany Hall or the powers that be. Most promotions were bought and the officers made no bones about stating how much they paid for a promotion or detail to the red-light precinct. A Tenderloin captain promptly started out with his men to get back his original investment in order to be able to work on "velvet."

In those days an obstreperous political boss could make or break a member of the department with little effort. If a cop were conscientious and performed his duty faithfully, his reward was an immediate transfer to some precinct furthest from his home. Or he would be given a post in a tough section, where the neighbors' children were careless in dropping pieces of brick chimneys, particularly when the tough cop went by. Or his side partner would be sent on an errand when the gang decided to muss up the cop without warning. Many a cop has been given an inspector's funeral to cover or allay a guilty conscience.

They didn't think the gang would kill him—just knock the conceit out of him, so he wouldn't have such a high opinion of himself. One such youngster

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saved his life by quick thinking. He grabbed a gangster by his hair, and jammed his gun into the thug's ear. Then he whispered that if one missile were thrown, he would blow the other's head off. Our brave gangster almost cried to the gang to lay off, until a more opportune time.

A good cop was always needed in Staten Island if he lived in the Bronx, or City Island if he happened to vote from Brooklyn. If he tried, after several months of traveling, to move his family near his precinct, some kind-hearted brother officer, to win a smile of approval from the political chief, would promptly inform the latter when the cop, according to the rules of the department, notified the police lieutenant that he had moved. Just as soon as the cop was comfortably settled in his new home, a short ride or walk from the precinct, he would again be transferred in the opposite direction.

It finally made him realize, to his dismay, that it didn't pay to fight Tammany Hall. He would go to the offended political boss and humbly apologize for being such a "crab." He promised to become one of the boys and be regular. If he were not the type for certain jobs, at least he could be depended on not to see nor hear anything that was not according to the Book of Rules.

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I was present when a former district leader, now a prominent office-holder, called a police captain every name on the most obscene roster of rare cuss words, for being stupid enough to put a tough cop on a post which the district leader's brother, a vicious thief, frequented. The cop had objected to a citizen being frightfully mauled while being robbed. I tell this story in some detail in another chapter.

In some precincts, the men belonging to the local political club would insist on picking out their posts and would escape reserve or extra duty on numerous occasions. They never received a complaint. If a conscientious or over-ambitious sergeant gave them a "valentine," the captain would bawl him out for looking for trouble, and refuse to sign it. If the sergeant persisted, the captain would give him a complaint for some technical violation and, through the local politician, usually the alderman or assemblyman, have him transferred.

Present-day political bosses, as I have stated, work differently. They are, to some extent, afraid of the newspapers and in order to avoid unfavorable criticism they incline to be more diplomatic. Instead of punishment they offer rewards in the form of an easy or lucrative detail for the cop who is willing to see things their way.

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The more intelligent type of cop soon realizes that he is a member of a sort of peace-time military organization, without regular army discipline and with a great deal more money. If he takes to the job, he begins to prepare himself for promotion by attending some preparatory school. He makes friends and believes in living and let live. He also learns it is beneficial not to hear nor see too much that may get him into difficulty.

Regular cops are given certain posts, after the sergeant gives them his approval. Some posts are good for hotel meals and gratuities; others are in dead sections along the river front or in some unattractive and dreary tenement district. The sergeant usually assists the lieutenant in making up the post assignments. The favorites who take care of the bosses are usually taken care of by them. "Faithful to the faithful" is their creed.

Detectives always feel superior to patrolmen, although both are of the same rank. Detectives are simply detailed to their duties, and can be reduced and assigned to uniform duty by the head of the detective division, upon the recommendation of a commanding officer of a division or precinct providing the detective has no political or influential backing.

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On numerous occasions I have seen department heads grit their teeth at the behavior of some detective. To report him would simply mean incurring the displeasure of his "backer." Any order the department head might issue would be countermanded.

Detectives and patrolmen usually hate each other, and only on rare occasions will the cop, unless he is a novice, offer any information or assistance to the "bull" or "dick." Occasionally a detective will talk a cop into letting the former have the credit for a good arrest. It means nothing to the cop's record and he loses a lot of time in court, in the Grand Jury room, District Attorney's office and the trial room. A promise of a suit of clothes or some other gift may cause the hesitant cop to make the trade. For the detective it may result in advance in grade and salary.

Newspapers, and sometimes police commissioners, seem to believe that merely by demanding arrests they can be obtained. Occasionally the results are ludicrous. I remember when, during the administration of the late Rhinelanders Waldo, an order was issued, after a series of bomb outrages, that unless an arrest were made by the detectives of the precinct, they would lose first-grade money and be reduced back to uniform. It made the "bulls" determined to

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arrest some one. The consequences were amusing.

I was at a dance in Terrace Garden with two detectives of the East Sixty-seventh Street station, when we were notified that someone had blown the front out of one of John Bozzuffi's houses on East Sixty-fourth Street. We rushed over and found the result of a master's work. The front of the building looked as if it would drop momentarily into the street.

The two detectives glanced about for a victim to be arrested. Someone must be arrested when an order of that kind is issued. About that time a young Italian came along. Both "dicks" had the same thought in mind. Putting their arms around him solicitously, they inquired if he were married.

"Me no married," innocently quoted the youth.

"Marvelous," said the senior. "Let's buy him some breakfast before throwing him in the can."

He was locked up, charged with acting in concert with two others not under arrest in setting off the bomb that so artistically decorated the exterior of the Bozzuffi building.

After two twenty-four-hour adjournments he was turned loose for lack of evidence. As one of the detectives explained, if he had anything to do he wouldn't be out at 3 A. M., and being single, his ab-

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sence didn't hurt anyone and it saved their details. When the commissioner issues an order that makes it mandatory to make an arrest regardless of evidence, an arrest must be made.

A rather humorous tale about a rescue comes to mind. A sergeant about to take a lieutenant's examination decided that a rescue from drowning was worth a commendation. A commendation carries a point in an examination, so he prepared himself for the baptism. When he went on patrol he left in the station house his gun and everything that would interfere with his swimming.

At the North River he found a dock rat asleep on the string-piece and gently picked him up and heaved him overboard. Doffing his hat, coat and shoes he leaped overboard for the gallant rescue.

The victim, who was born and brought up along the waterfront, and who could swim rings around the officer, woke up when he struck the cool water and thought his rescuer was drowning. He immediately grabbed him, and in the short struggle the sergeant became exhausted and had to be carried to the dock by the bum.

Our sergeant was credited with the rescue, and received a commendation from the department and two medals, one of which carried fifty dollars in gold

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with it. The bum received the large sum of fifty cents and a promise of having his skull fractured if he mentioned the fact that he had rescued the sergeant.

Our hero was reimbursed by the department for the new uniform which he tore in the performance of his duty and a gun which was lost. He was made a lieutenant about a year later.

One of the saddest and costliest jokes ever perpetrated by the police was a little marriage they performed in the East Fifty-first Street Station.

An ignorant couple came in to make inquiry about being united in the holy state of matrimony. After a consultation, it was decided by the lieutenant and several detectives to make the couple extremely happy by an immediate ceremony.

One of the detectives reversed his collar and put on his dark coat backwards, giving him the outward appearance of a priest. A copy of the old city directory answered the purpose of the Bible.

After an elaborate and obscene ceremony, supposedly taken from the Bible, the couple were informed that they were legally wed. They also received considerable information relating to sex matters.

The marriage certificate was written on the back

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of an old election form used in the stations after election as scrap paper.

About six weeks later the newlyweds showed their elaborately decorated marriage certificate, which bore nude cupids in every conceivable form, to one of their friends who had received only a plain white certificate from the local Polish priest.

The second couple went to the priest and wanted to buy one of the fancy certificates. When the priest saw the work of art and learned of its origin he went to the late Cardinal Farley.

An immediate investigation was ordered by the District Attorney's office with instructions to arrest everyone concerned. There was considerable apprehension in the precinct. It looked as if a dozen members of the force would be indicted and convicted, or at least dismissed.

Mustaches were shaven off, different hair-cuts ordered and every attempt made to disguise the appearance of the guilty policemen. The pressure from the Cardinal's office precluded any "fixing" or covering up.

The injured couple were finally appealed to and offered a small sum to leave the jurisdiction of the state. However stupid they were about the marriage ceremony, they evidently were good business

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people, for before they consented to take the vacation they held out for—and received—ten thousand dollars.

With that they went to Pennsylvania, bought a chicken farm, and lived prosperously and happily thereafter on the generosity of the New York police—without their blessings.

Not often does the joke turn out to be at the expense of the police. I recall an altogether different incident centering about a popular lieutenant known for his fondness for so-called practical humor. One St. Patrick's night the Ancient Order of Hibernians were holding their annual entertainment and dance. Out walked one of the officers bedecked with a banner that stretched across his chest. He wore a green necktie and a shamrock boutonnière. He was the proudest Irishman in the world when he walked out upon the street. "How did that big Swede get to an Irishmen's dance?" asked our joking lieutenant.

The Irishman made the quickest ascension on record. "Who is a big Swede, you dirty black-guard?" he demanded. It took six cops to subdue him finally by knocking him unconscious. They took him to the East Fifty-first Street station in a patrol wagon. There he was as full of fight as ever.

Turning to the desk lieutenant he yelled, "Let me

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kill that black-guard, Your Worship. He is the only man that ever called me a big Swede." They had to arrest him on a disorderly conduct charge in order to cover up the policemen for the assault.

The same lieutenant, at the recent vote on the referendum for an increase in pay for policemen and firemen, walked over to the blackboard where the figures were posted and erased one of the digits. This made it seem that the public had voted four to one against the increase. He then proceeded to kid the cops reporting for duty about how little the public thought of them. If several citizens were assaulted that night it should be on his conscience. All the cops vowed vengeance.

One of the worst instances within my recollection of a citizen being abused took place in an upper East Side station. An elderly, well-dressed owner of a brownstone house just off Madison Avenue came in to complain about the annoyance caused by youthful skaters.

Our lieutenant was fond of a joke and anxious to take chances. Pretending to make an entry on the blotter, he called the man an old crabby son-of-a-bitch.

The citizen indignantly objected to the remark, whereupon our lieutenant said he heard nothing.

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He quietly rang the bell for the doorman, who promptly returned with a newspaper heavily soaked in water.

Turning to the man, he solemnly inquired whether he brought that loafer in with him, pointing toward the door. As the man turned, the lieutenant struck him on the side of the head, thoroughly saturating him. As the man turned to protest, the lieutenant struck him over the head with the heavy police-blotter, or entry book, almost knocking him unconscious.

While the elderly man was recovering his breath, the police officer amused himself by dipping his finger into the ink-well and drawing a face on the man's bald head. The lieutenant apparently was enjoying himself, because he took an ink-dropper and squirted red ink down the back of the old man's head and neck, giving him the appearance of being badly injured, and of bleeding profusely.

The man was so badly used that he was unable to articulate and blindly staggered to the street. A few minutes later a patrolman called up for an ambulance for an old man with a fractured skull. When he described him, the lieutenant said, "Forget it; he's only a drunken old fool."

I expected a dozen investigations, and therefore

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told the lieutenant not to count on me to "eat the Bible." I couldn't appreciate the humor of abusing a man over sixty years old. The man, however, never complained either to the Commissioner or Inspector concerning his treatment. His family evidently believed him to be intoxicated, and couldn't imagine anything like that happening within the citadel of the law.

Chapter XIV

JUDGE NECESSITY: HE KNOWS NO LAW

“ORDER in the Court, all persons arise,” shouts the court attendant, as the Judge enters and takes his place on the dais. “His Honor the Judge of this Court,” the attendant further announces. “Hear ye, hear ye, all persons having business in this Court, give your attention that you may be heard. Please be seated and stop all conversations,” he concludes in a grumble.

Federal Judge Francis A. Winslow of New York sent his resignation to President Hoover on April 1, 1929. He faced probable impeachment charges due to his activities in receiverships and bankruptcies.

Grover M. Moscovitz, Federal Judge for the Eastern District of New York, was censured by the House Judiciary Committee for appointing certain

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members of a law firm, to which his former partner belonged, to various lucrative receiverships in bankruptcy cases.

Report said that the sub-committee headed by Representative Michever of Michigan had found "nothing corrupt in these transactions, yet this procedure throws the court open to criticism and misunderstanding." It did not find sufficient facts upon which to ask an impeachment.

General Sessions Judge Francis X. Mancuso resigned from the bench on September 3, 1929, after his activities as chairman of the collapsed City Trust Company had been investigated. He was indicted for accepting twelve checks for \$1,000 each, but the indictments were dismissed. The company failed for \$5,000,000.

Magistrate Albert H. Vitale on March 13, 1930, was ordered removed from the bench by a unanimous verdict of the five judges of the Appellate Division of the Supreme Court. He was accused of having accepted a loan of \$20,000 from the Rothmere Mortgage Corporation, controlled at the time of the loan by the racketeer and gambler, Arnold Rothstein.

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Vitale was severely attacked and criticized by former Police Commissioner Grover A. Whalen, for being host at a dinner that was held up by gunmen in search of a murder contract. A detective who had lost his gun was severely punished for attending the high-toned party at which many ex-convicts were present.

Magistrate George F. Ewald of the Traffic Court resigned his position on July 14, 1930. He was accused of dismissing charges of speeding against William Badger, a third offender, after Badger's friend, Abe April, had bought \$1,000 worth of Cotter Butte Mine stock on which Ewald was alleged to have been paid a \$250 commission. Ewald was also alleged to have received 100,000 shares of stock of the company for his influence in selling the shares which were almost worthless. He was a director in the company.

Ewald was known as the "Jailing Judge." In a single week in March, 1929, he sent one hundred and sixty automobile drivers to jail for speeding. Speed violators who purchased stock received suspended sentences. His private files contained letters from many politicians who interceded for friends, and always obtained dismissal of the complaints or

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suspended sentences. Later the charge that Ewald had paid \$10,000 for his position was investigated by the Grand Jury.

County Judge W. Bernard Vause of Brooklyn, known for his vitriolic lectures and the severity of his sentences and also distinguished as an advocate of the whipping-post for criminals, decided to quit the bench on June 9, 1930. He was sentenced to six years in a Federal prison on July 30, 1930, for using the mails to defraud, in the conduct of the defunct Columbia Finance Corporation, which failed for over \$400,000.

Federal Judge Coxe sentenced Vause to five years on twelve counts of fraud, and one year on a conspiracy charge. He was also investigated for "earning" \$250,000 from the United American Lines for leases of two city-owned piers in 1926, which he helped that company obtain.

Supreme Judge Justice William T. Collins was cleared of a misdemeanor charge in connection with accepting a free trip to Europe, which he took with his family as the guest of County Judge Vause in the summer of 1930. Judge Collins denied all knowledge of the pier leases. He stated that he

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knew Judge Vause for many years and thought he was his personal guest.

Magistrate Francis X. McQuade was accused by Norman Thomas, former Socialist candidate for Mayor, of holding a job as treasurer of the New York Giants while sitting on the bench. This is contrary to law. He said, "McQuade's acceptance of \$10,000 a year from the National Exhibition Company (N. Y. Giants) is enough, under the law, to bring about his removal."

These are only a few of the recent judicial upheavals. Apparently, the sentencing of a judge to jail will soon no longer be news. Back in 1911 there was real excitement when Curley Joe Cassidy, political boss of Queens, served a year in Sing Sing (before being pardoned by Governor Whitman) for selling a Supreme Court judgeship nomination for \$10,000 to William Willett. The latter also served time in the same penal institution for being foolish enough to get caught making the purchase.

Almost the first thing that Chief Magistrate Joseph E. Corrigan did after being appointed to his present post was to transfer twenty-four clerks about

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the various courts. Most of them were shifted from the locations they had held for years. His only comment was "for the good of the service." It was!

It was the most dramatic shake-up in the history of that branch of the service. He promised to make more changes. This movement preceded the recent investigation of the alleged sale and purchase of magisterial and other judicial posts.

Well, what of it? The average judge who occasionally does a trick for the boys should not be censured too severely; he and the trick are part of a political system that has been in force for a great many years in every city or town in the world where a small political group controls the party. These groups, usually the product of some successful saloon or dive, are in control because they can do things.

As long as we permit some political boss, fat-headed or shrewd, to designate who our judges shall be, we shall have judges who do tricks.

Go into a courtroom. Look at the judge. He is probably the son or nephew of one of the leaders in the district. He started his career as a youth by delivering speeches around election time and assisting the boss generally.

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While at law school or immediately after graduating he ingratiated himself into the gang's good graces by interceding for law violators of all types among the voters. He also devised means to overcome civil service rules and studied the "practical politics" of registration and voting. In the air he breathed was the idea that this was all part of the system.

After a while he got used to doing things for the boys *sub rosa* and he has never gotten out of the habit. He knows that the political boss in a close fight needs the boys to put his candidates over. It may mean considerable illegal registrations or strong-arm methods to keep doubtful people from voting.

There is a bare chance that you will wander into the wrong courtroom. Occasionally we get a judge who balks about doing something for the boss. Take a good look at that judge. He will not be a candidate for re-election.

Recently I dropped into a branch of General Sessions where a jury was being selected to try a young man for murder. The judge was extremely busy making calculations and notations. Every few minutes the Assistant District Attorney and the attorney for the defense would lock horns on questions asked

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the prospective jurors. It was a routine case.

Hardly looking up from his important papers, the judge would mumble "sustained" to any objection the Assistant District Attorney made. My curiosity got the better of me, for I knew that most judges are not so interested in any individual case as to read papers referring to it while sitting on the bench.

I kept slipping nearer and nearer until I was close enough to observe that the learned and conscientious judge was reading a racing chart and doping out prospective winners at Saratoga.

A lawyer, while waiting recently for his case to be reached in one of the General Sessions courts, was astounded at the manner in which the learned jurist reached his decisions in two cases. One prisoner was a youth, a first offender, who was arrested in a hold-up with some armed companions.

After a very severe lecture about how society must be protected from the depredations of the present generation, the youth was sentenced to Sing Sing for from two and a half years to five.

The other, a tough egg who had given the police considerable trouble on many occasions, was charged with the same offense. It was not brought out

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whether he carried a gun. The judge began by giving him a severe lecture and concluded by stating that, "several influential friends have interceded in your behalf. I was determined to make an example of you, but I am going to give you an opportunity to redeem yourself for society's sake." The thug gifted with such a capacity for friendship was given a suspended sentence.

As a matter of fact, the worst injustice of "justice" is the alternating leniency and severity of our judges in imposing sentences for similar crimes. A man convicted before one judge for some form of hold-up with a gun will receive either a suspended sentence or from one to five years. Another poor sinner with no influence with the higher-ups will get from ten to forty years.

How prisoners doing "a stretch in the Big House" can comprehend the ways of the law, when they realize how similar their crimes are and how disproportionate their sentences, is a conundrum to me.

That is why I am in favor of removing all discretionary sentencing power from our learned judges. Certain crimes, depending on previous convictions, should automatically carry certain sentences. The judge is present to see that the prisoner is given a fair trial and to prevent any abuse of power whether

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by the District Attorney or by the defense.

The judge should be merely an interpreter of the law. If any leniency should be shown to the prisoner, a memorandum of the extenuating circumstances should be attached to his papers. Affidavits by the District Attorney, judge or others officially connected with the case should accompany his entrance to prison and be acted upon accordingly.

No prisoner should be pardoned without the consent of the District Attorney or others officially connected with the case. A former big-hearted Governor with a penchant for pardoning offenders of the worst type had some relatives who usually obtained \$10,000 as a legal fee for obtaining the clemency.

No one would object to a first offender receiving effective help and sympathy after serving part of his sentence, but unfortunately those who obtain pardons are usually those with political influence.

One of our "lecturing" judges in Queens County, New York, was carried away by local newspaper hysteria a few years ago and sentenced a defective seventeen years of age to thirty nine years in Sing Sing.

The lad had committed a series of flat robberies.

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His final exploit was to enter the home of a policeman who was away working. The defective lit several matches and painfully burned the patrolman's wife in an endeavor to make her reveal the hiding place of some jewelry he knew she possessed! The youth was quickly apprehended while trying to dispose of some loot and brought to trial.

After being tried and convicted on several counts, he received the usual lecture, which he did not understand nor appreciate. Then came the heavy sentence. Even the cops who made the arrest felt sorry for the boy, who should either have been sent to some correctional institution or the State Hospital for the Criminal Insane at Matteawan.

Another judge—this one in Brooklyn—always delivered a severe lecture before imposing the maximum sentence on some prisoner who had no political influence.

On this particular day, a criminal whose case attracted unusual publicity was being harangued with dramatic and sensational intensity. The prisoner was so overcome by the lecture that he fainted and fell across his lawyer's table. Our learned jurist, noticing that the reporters were taking copious notes on his prepared speech, continued to denounce the

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man as a vicious menace to society. This continued, despite the fact that the prisoner in his unconscious state was unable to benefit by the words of wisdom being uttered by the upright jurist.

It is a well-known fact that almost any kind of verdict can be obtained before certain judges—if you employ the right lawyer. The “right” lawyer’s fee may be considered excessive by some, but not by the persons receiving the favorable decisions. Former law partners of judges, for instance, do a very lucrative business trying cases before them.

Before the Baumes Law, certain law firms did a land-office business turning out prisoners charged with almost everything but murder, and sometimes that, by trying their cases before the proper judges. The recent investigations of New York’s judiciary has had a tendency to make them more careful. In police English, the case must be “flat” before it is brought to trial.

A judge in one of the superior courts has a peculiar trait; he does everything possible to safeguard the interests of a prisoner. Often when the lawyer for the defense neglects to stress an important legal point the judge himself will do so. If

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an Assistant District Attorney attempts to bulldoze a witness or the defendant (if the latter takes the witness stand) he will hold the prosecutor to the letter of the law.

The prisoner hardly needs a lawyer to safeguard his interests during the course of the trial. After battling with everyone in the prisoner's behalf, the judge, if the man is declared guilty, will invariably give him the maximum sentence for the crime. The more he strives to protect the malefactor from conviction, the more severe he will be when it comes time to mete out justice.

Many experienced members of the bar insist that a defendant gets a fairer trial from a jury than from a group of judges. Jurors may be ignorant of the law and other things, but as a rule will attempt to render an honest verdict—I am assuming, of course, that the jurors are “amateurs” and that neither side has been energetic enough to corrupt them.

When jurors err, it is usually to give the defendant the better of it. In some courts, including Special Sessions, New York, where three judges try prisoners, the judges are apt to become prejudiced. They hear so many lies that they assume that everyone is lying, and find a man guilty before half the

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evidence in his behalf has been introduced.

Then politics, influential friends, religious and fraternal associations can influence the verdict. One judge will ask his associates either to acquit or convict a prisoner in exchange for the same favor at a later date.

Many cases, where influence or pressure is used, are tried in the private chambers of the judge and never reach the open court or jury. The judge hears the case and with the CONSENT of the Assistant District Attorney frees or suspends sentence on the prisoner.

Cases involving prominent persons are often tried in the judge's private chambers, sometimes to save them from the humiliation of associating with the rabble but usually in order for the judge to ingratiate himself into their favor.

Justice is often very severe where the prisoner has made the horrible mistake of stealing from some bank or prominent corporation. Despite the fact that it may be his first offense and that the circumstances may warrant leniency, the complainant demands swift and severe punishment. Tremendous pressure is brought to bear at the District Attorney's office, and the most capable prosecutor tries the case

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before a judge noted for his long sentences. The prisoner is railroaded to jail in an incredibly short time, as an example to the other under-paid employees of that and similar institutions. It is *only* in cases of this kind that justice is swift, certain, and merciless.

Almost no attempt is made to administer law in New York's Municipal Courts. Many of the decisions are based purely on mob psychology. The judge, especially if it is near his time for re-election, will render all his decisions without any regard for law or facts.

Some time ago a friend of mine, a well-known lawyer, tried a case in an East Side municipal court and took exception to the learned judge's decision in the case which he was trying for one of his most important clients. "Your Honor," he protested, and was about to cite the precedents in his favor.

"Wait a minute, please, save your breath," said the judge. "I am not interested in the legal elements of this case. The defendant is a poor woman, and I am deciding this in her favor. You, as a lawyer, know your recourse is in an appeal. That takes it away from this court," he explained in a semi-aside.

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The judge was perfectly willing that the law be administered against a poor woman—but not in his court near election time.

A certain New York State Supreme Court Justice was a bane to honest police inspectors trying to prevent gambling at street bazaars that ostensibly were held for charitable purposes. The sponsors of these carnivals would get some small foreign church to “stand for” the bazaar; the persuasion would consist either of threats or ten percent of the proceeds of everything but the gambling. The gamblers knew it would be impossible to run a roulette wheel or crap game openly unless they had church backing.

One of our best known police inspectors, who was always on the “up and up,” whenever a “church bazaar” was advertised, would spend considerable time there and prevent the boys from doing business on a large scale. In order to overcome that little difficulty, although the boys were willing to pay plenty for the privilege, they would apply to their Supreme Court pal for a writ preventing the police from interfering with the pastime until a date three days hence.

The police were absolutely restrained from in-

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terfering during that interval under the penalty of being cited for contempt of court. The writ was returnable the morning after the affair.

Monte Carlo was merely a series of petty gambling games compared with what happened on those occasions. Thousands and thousands of dollars would be won and lost openly. All the thieves, gunmen and bootleggers would gamble and drink to their hearts' content! It was done under the protection of the State Supreme Court, and in the name of religion.

Carved in the granite façade of New York's new County Court House near City Hall is the following inscription: "The True Administration of Justice is the Firmest Pillar of Good Government."

Chapter XV

GOOD MEN AND TRUE

THIS chapter about the jury will be short. There will not be anything particularly sweet about it.

The twelve good men and true are the foundation of our judicial system, and our judicial system is the foundation of our government. God help us!

In the previous chapter I may have seemed to argue that it is better to trust a jury than a judge or an assortment of judges. That is merely because I know jūdges.

New York once had a strange misfit as mayor, a man so stupid that he could hardly have kept a job as clerk in a men's furnishing goods store. The saying about him used to be that where his own interests weren't concerned he was absolutely honest. I think that was a slight exaggeration in the mayor's favor.

However, it's true about the jury. But that says

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nothing for its intelligence. There is little to say.

An effort is sometimes made to get an intelligent jury. There are intelligent men in all walks of life, but the simplest way of getting together twelve men who at least can follow a case and know at the end what it's about is to take them from the business executive-professional class.

These men are busy. They give all kinds of excuses. Let George do it!

George does it. While you are dropping in at a courtroom to take a look at a judge, glance at George, too. One glance will be enough.

George may be a specimen of *homo sapiens*, but you know where the accent goes. George can hold one thing in his head at a time. God alone knows what it will be. It may be a phrase from the judge's charge—it may be a resentment against one of the witnesses—it may be a glob of sticky sentiment from the attorney for the defense who pleads with the jury to send this poor boy home to the bosom of a grey-haired mother. Incidentally, the sickness rate among these grey-haired mothers must be extraordinarily high—in almost every case they are too ill to appear in court.

It is usually safe to assume that George understands English, though this doesn't mean that he

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can actually comprehend what is going on in court. But during the scandal that followed the recent Park-Utah Mining trial, New York was astounded to learn that one of the jurymen actually could not understand English. However, when he was offered two hundred dollars to vote for acquittal, he understood that.

Incidentally, he took the two hundred dollars. Occasionally, George is sap enough to take a promise instead. That's a promissory note on which he'll never collect. After the trial the attorney for the defense, who has made the promise, tells him to go to the District Attorney and complain of being swindled. The ordinary criminal lawyer isn't straight even in his crooked work.

The nation was shocked recently when, in criminal proceedings against Harry Sinclair, oil multi-millionaire, the report was circulated that one of the jurors boasted that after the trial he'd have an automobile a block long. But you don't have to be a multi-millionaire to bribe a juror. In the Park-Utah case two hundred dollars did it. That's about the usual price—perhaps a shade steep.

A large part of this nation doesn't believe what the copy books say. No one can tell what a jury is going to do. But there is a man, or a group of

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men, who are VITALLY interested in what it is going to do. They are more interested in that than in anything in the world.

What does this mean? Think it over. If a man already has committed burglary or arson or highway robbery or merely murder, is he going to have scruples about bribing a juror? Remember, just one juror is enough to obtain a disagreement. Is his lawyer going to have scruples? Perhaps—but there are other lawyers. Besides, success in court attracts clients, and there is one *sure* way to be successful.

The late William J. Fallon practiced it. He was one of the most brilliant lawyers that ever lived—and without any doubt the most magnetic figure the courts of New York have ever seen. *But he didn't take any chances.* Whenever there was a case at all doubtful he kept an ace in the hole. Of course, he fought tooth and nail in the courtroom—employed all his eloquence, all his charm. That made it easier for the juror he had bribed to hold out for a disagreement or, if the chances were better, to win over the other jurors to acquit the prisoner.

The other side of the case is presented in the Federal courts in New York City. There the chances are rather against the defendant, for somehow or other jurors known to favor the prosecution are fre-

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quently called. Yet the Park-Utah case was tried in a Federal court.

The arithmetic is very simple. Prosperous citizens evade jury duty as much as possible. Citizens not so prosperous, to whom the three dollars a day seems a big fee, carry the burden. They are not always intellectual giants. They are not invariably proof against a bribe that looms enormous in their eyes.

Think this over the next time you are called for jury duty.

Chapter XVI

CITADEL OF JUSTICE

ANY suggestion or intimation that public officers have bought and paid for their positions is usually met with a violent denial. However, it is interesting to note that the purchase of a minor judgeship is now being investigated by the Federal Attorney in New York City. As a matter of fact, everything has its price, and there is a definite scale of prices for public positions of *honor and trust*.

The reader with a good memory will recall that Curly Joe Cassidy went to Sing Sing for selling a Supreme Court judgeship. I have a hunch that we are about to see some political leaders follow him, for there has been a growing carelessness in such matters.

Some time ago an acquaintance, a newly appointed member of the bar, who has a decidedly foreign accent, approached me to inquire what means

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to pursue to become an Assistant District Attorney. He insisted that he would spend ten thousand dollars, if necessary, to get the job.

I suggested that he join his political club and take the leader out to lunch and talk "turkey" to him, but warned him not to mention the amount he was willing to contribute.

The incident completely passed out of my mind until I ran into him at the scene of a homicide, wearing a gold shield. Casually I inquired the origin of the shield or its authority. I was proudly informed that he was a member of the District Attorney's staff. I asked him if he had gotten his dough back as yet. He winked and remarked: "Give me a chance—it was a good investment."

This does not necessarily point to corruption on the part of the ex-District Attorney who appointed this deputy. The D. A., as he is called, makes his appointments, in large part, on the nomination of district leaders. And a district leader has to live.

But it would be genuinely surprising if a D. A.'s staff, collected in this manner, functioned efficiently. District Attorney Thomas C. T. Crain, in a review of his first six months in office, declared the investigation of the Magistrate's courts resulted in a great many more defendants being held for a higher grade

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of offenses and pointed out that since January 1, 1930, the Grand Jury had returned 2,791 indictments, as compared to 2,130 during the first half of last year.

However, no report was made as to the number of convictions obtained during the same period. Arrests and indictments mean nothing. It is like an indiscriminate police ballyhoo round-up of hundreds of prisoners following a crime wave. Such a round-up is merely a cheap smoke-screen, which takes the policemen away from performing legitimate duties. They never pick up anything but bums and punks. The real thieves get "a wire," and play poker.

One conviction of a notorious criminal is more important than the arrest and indictment of hundreds of prisoners if this results in "turn-outs" or acquittals.

It would be every bit as surprising if a D. A. staff, gathered in the same manner, proved wholly deaf to political persuasion. Please remember that my acquaintance, who apparently paid a sum of money to get on the D. A.'s staff, was the same human being *after* he paid the money that he was *before*. In other words, being an Assistant District Attorney didn't make him a saint—nor even a good

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citizen. If he was a briber before, what is he now?

One of the worst cases of political interference that I ever encountered involved a friend of mine. He had had a cheap political hanger-on arrested for assaulting him. The bum had struck him, smashing his glasses and inflicting a deep gash under the eye—this after breaking into his private office and wrecking things in general for nothing but a drunken, fancied wrong.

It was virtually impossible to get the complaint clerk to make out a complaint for anything but a weak disorderly conduct charge. A threatened appeal to the magistrate caused a slight change in the clerk's attitude. Seeing that the complainant, with my approval, was determined to go through with the charge, the case was postponed until Magistrate _____, a regular guy, sat in that court a week later.

It was generally known that a certain well-known gin-mill-owning politician near the Criminal Court was responsible for having obtained the appointment for the magistrate in question. Everyone knew that he had that particular ornament to the bench "in his vest pocket," as the quaint phrase has it.

Being naïve enough to believe that justice could be meted out in this case, I went to the late Chief

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Magistrate, William McAdoo, and explained the circumstances and the judge's connections, and asked that the case be tried on its merits without political interference.

Magistrate McAdoo was sympathetically inclined and promised to see that we obtained justice. I also saw the District Attorney's chief assistant and explained the case to him and received the same assurance.

There was an evident tenseness in the courtroom when the case was called. The Assistant District Attorney assigned to the court was very much in evidence physically, but apparently had been stricken deaf and dumb. Accidents of this kind happen in cases of this type.

The complainant was insulted horribly by the opposing attorney, and accused of everything but murder and arson. He paled, and was afraid that he, instead of the prisoner, would go to jail. At no time during the unjust and uncalled-for interrogating did the learned judge or Assistant District Attorney offer the slightest protest.

The prisoner lied as only an East Side cheap political punk could lie. His story was so obviously false that even the hardened attendants smiled and walked away. Despite the fact that the privacy of

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a man's office had been invaded and he had been badly beaten in the street without provocation, the learned magistrate, leaning over in all his judicial dignity, exclaimed: "I find the preponderance of evidence in favor of the defense."

This man's acquittal was due simply to the political rottenness that makes it so difficult to enforce the law in the modern American city. Conditions in Chicago or any other troublesome place could be clarified in a remarkably short time if politics could be prevented from influencing the police, the District Attorney's office, and the learned and respected judges.

It is useless for the police to make arrests, if the prosecuting attorney improperly prepares a case, or permits the "wind" to carry off important evidence, weapons, or positive witnesses. "Influence" is so powerful at times, that Grand Jury evidence, the identity of the principal complaining witnesses and other valuable information, "leaks" to the friends of the prisoner.

It may be an office boy or it may be the office cat that steals or divulges it, but it leaks out just the same and ruins the case for the prosecution.

The defense is given every opportunity to offset the people's case by conflicting and perjured evi-

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dence. Respectable witnesses are insulted and accused of heinous or degenerate acts to take the edge from their damaging testimony. Sometimes witnesses are either bribed, intimidated, kidnaped or killed to prevent them from making damaging statements. At other times all the evidence is mislaid or lost through the carelessness of the janitor.

Where pressure from some reform body or other influential source is brought to bear to obtain an honest trial, the weakest-kneed prosecuting attorney is chosen to try the case. Some chap with good social connections but a pathetic knowledge of law is selected for the task. His assistant at the last minute will have an attack of "political influence" and be unable to appear and help in the prosecution. The assistant, however, neglects to phone until it is too late to get another man with some ability to assist the prosecutor. The latter is usually made to believe that the case is one hundred percent perfect and that he can establish a good record by handling the case alone.

As a rule, everything is prepared for either a mis-trial or an early acquittal. The attorney for the offense is one of the best criminal attorneys available, and he comes into court with a bullet-proof prepared case. The results are always the same—

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no conviction or a conviction for a minor offense. Everyone goes home happy except a few disgruntled citizens who know the facts.

I do not want to minimize the difficulties faced by the police and the District Attorney's office. Most of these can be solved by the application of a certain amount of unfashionable and disagreeable honesty. But occasionally one encounters a criminal who is capable of baffling any prosecutor. I recall when an Italian about twenty-five years old was arrested in a government warehouse with several others when he presented four withdrawal permits, each calling for the release of one hundred barrels of whiskey.

It was two days after the new Federal Enforcement Officer's appointment—and his signature was forged! A copy had been obtained from some papers he had signed in Washington and duplicated so perfectly that it puzzled him. The forms were the regular ones, obtained surreptitiously from Federal Enforcement headquarters.

The Italian was a walking fashion plate and wore a sable-lined overcoat worth about four thousand dollars. He had in his pockets, when searched, sixty-eight thousand dollars in cash and bank books showing deposits of over one hundred and fifty thousand dollars in a month. While he was being ques-

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tioned by the Federal officers someone drove off with his Lincoln limousine, which sported a specially constructed and tailored interior.

He was asked by the Federal Attorney and the Enforcement Officer what he was doing in the warehouse. "Warehouse, what house?" he innocently queried.

"Don't you know this is a Federal liquor warehouse?" stormed the eloquent Federal Attorney.

"I dunno understand what warehouse you mean," he replied, smiling innocently.

"What brought you to this place?" asked the officer.

"It was like this, boss, I wuz riding in my automobile when a man asked me at Prince Street, hey, Tony, you wanna make ten dollars, and I say to him, what I do for the ten dollars, and he say nuttin, just you take me for a little ride on the West Side, so I take the ten dollars and ride him over here."

"Which one of these men did you bring over?" queried the Federal Attorney.

"Him not here, maybe gone away," the other replied innocently.

They went out to look for the automobile and discovered, as aforesaid, that someone had driven off

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with it while the prisoner was being questioned.

"Tony, someone stole your car," one of the agents apprehensively informed him. "Dat's oke wid me, him insured, donn worry," he answered blandly.

He was questioned about the bankroll of sixty-eight thousand dollars which he carried. "Him belong to my cousin Tony on Mulberry Street, he gonna buy a house and he tell me to hold his money," he explained with utter innocence.

Fifty different questions about Tony's identity, his address or the location of the supposed house, brought the same phrase, "Him belong to my cousin Tony on Mulberry Street, he gonna buy a house on Mulberry Street."

The man thought he might be able to point it out if taken to the neighborhood but the agents told the District Attorney he was "just wasting time with that bozo."

They then questioned the person in charge of the warehouse as to which one of the five men present came in with the withdrawal permits. He looked around, stuttered, faltered and then announced, "I am not sure."

"Was it one of these five men?" quickly countered the Federal Attorney.

"I am not sure," the other drawled.

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“Was anyone else in the office at the time?”
“There may have been,” the warehouse man replied.

The Federal Attorney turned to the Federal Enforcement Officer and slowly said, “———, you and I were honor men at college and considered ourselves bright. These people are supposed to be stupid and ignorant. Yet this Italian has more money—and he was willing to spend it for one load of booze—than we will earn in our entire careers, and we are supposed to be smart. If you can do anything with that bird you are a better man than I.”

As the Italian was being taken to his cell for the night, or until someone obtained bail for him, he turned to the Federal Attorney and, smiling stupidly—but innocently—said, “Good night, boss.”

Chapter XVIII

YOUR CITY, TOO

TO PROVE that cops are cops, whether in New York or Timbuctoo, I will relate the following story as told to me by a fellow news-gatherer for a large New York newspaper.

In the early spring of 1923 the following incident occurred to two men; the first man we will call John, and his pal, Mac. They had been comrades overseas for fourteen months and had spent most of their time in the first-line trenches.

John, who had spent three years at a local medical school, found his studies very depressing, so he decided to abandon his courses for a time and follow Horace Greeley's advice about going West. That last word had had an entirely different meaning for the boys in France.

Both donned parts of the overseas uniform and decided to hitch-hike it to the coast. They soon dis-

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covered that the fanfare of war was over and that the average citizen was afraid of anything in uniform. It took them over a week to make Chicago. In that city they bought an old car and, after tuning it up, bought a paster "Welcome to the Golden West," put it on the front windshield and set forth.

John had six hundred dollars in cash and Mac about half that sum. They planned to pitch camp each night near some large city. They were more or less women-haters and had decided in advance not to have anything to do with the fair sex, at least until after they reached their destination. Women had broken up better partnerships than theirs, so they decided to benefit by the experiences of others.

However, one day soon after leaving Chicago, they noticed a girl, in hiking outfit with a pack on her back, in the middle of the road. She signaled them to halt and asked instructions for reaching the next town. When they explained everything, she asked them if they would be kind enough to give her a lift for the thirty-odd miles.

They looked at each other and thought of their resolution about the fair sex. With a nod of approval they motioned the girl to get into the tonneau. She was a beautiful girl, with a keen sense of humor and very intelligent. She explained that she was

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the daughter of a prominent surgeon in Chicago and had decided to hitch-hike to Hollywood to see an aunt. Her dad was immensely wealthy, but during his absence from home she got the happy inspiration.

The young lady proved, that evening, to be a perfect cook and to possess considerable knowledge of the outdoors. She had been an officer in her local girl scout outfit, she said. After supper they thought the young lady would move along but she apparently had other plans. She asked permission to camp near them, and they finally but reluctantly fixed up some arrangement in the car for her.

She threw in her supplies, and everyone was happy. Soon the boys had practically promised to take her to the coast in return for her services as cook and maid.

The next day they pitched camp just outside Lincoln, Nebraska. After their supper chores had been completed, they were sitting around the log fire smoking when several Lincoln cops came along in a flivver and told the outfit to pack up. When John asked what it was all about, one of the cops curtly ordered him to "button up yer lip, or I'll button it fer yer."

After being brought before the night captain they were all held for investigation. The captain called

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the girl a foul name while booking her and John, being chivalrously inclined, jumped forward to remonstrate. His reward was a blow with a blackjack and a push that sent him reeling back.

They were searched and their money taken from them. They asked for the privilege of calling local counsel or keeping a few dollars to buy food or cigarettes. The captain laughed at them and said, "We supply all the food you care to eat." They asked permission to wire their folks of the arrest. The officer shook his head negatively and ordered them thrown into the bull pen. They were held incommunicado for no reason of which they were aware.

The bull pen was a room about twenty by twenty-five feet with two small windows near the ceiling. A sort of platform ran around almost the full length of the room and extended about six feet from the wall. They found seventeen lousy bums, mostly tramps taken off freight cars, lying on the community bed picking bugs or lice either from themselves or the bed.

Some of the older guests of the city of Lincoln amused themselves by racing the bugs and guiding them with match sticks. To show their sporting fever they would "bet you a thousand my horse wins."

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There were no toilet facilities except a bucket that smelled as if it had not been cleaned in a year. There was no water, no watch to tell the time by, and practically no sun came through the windows, which faced the wall of a fire-house.

John and Mac were summoned before the toughest prisoner, who announced that he was the president of the Kangaroo Club and would hold court to instruct them in their duties. They were also told to describe the circumstances of their arrest and were asked whether they ever did time in any of the Big Houses of the country.

The longer the sentence and the tougher the jail, the more respect the other prisoners had for the new arrivals. They told the president to go to hell and paid no attention to him. He became annoyed and, with the backing of his cabinet, began an attack upon them.

John and Mac were both good boxers. In about four seconds Mr. President thought the building had collapsed. The other prisoners came to the aid of their fallen chief. The two Easterners grabbed two stools and used the same tactics they had employed in café fighting in France. They drove the men into a corner and laid open the heads of half the crowd.

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Several keepers came rushing in and separated the fighting throng. From then on John and Mac had no more trouble with the bums. They decided to go to bed inasmuch as the only available stools had been broken in the *mêlée*. However, they had not reckoned with the bugs.

Both boys had seen plenty of vermin in France; but there you could get soap and water and cleansing fluids, and you could get your clothes deloused at intervals. Here was no escape. John and Mac walked the floor during the first night.

In the morning two bologna sandwiches and some discolored fluid—without sugar or milk—termed coffee was served to each prisoner. The noon-day meal consisted of the same dose with the addition of some dishwater, labeled soup. Supper was similar to the breakfast.

This went on for six days. Any query as to when they would be arraigned or what they were being held for, or of getting some money to buy food, resulted in the same reply, "The Chief isn't ready for you yet."

Finally a keeper came through wearing a fraternal emblem and John, belonging to that organization, appealed to him in desperation, to "please get me out of this lousy hell hole before I go crazy."

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In a little while he was summoned to the chief, who also belonged to the same organization.

After thoroughly convincing himself that he was a bonafide member of the organization, the chief decided to help him. He said that the girl, who was nineteen years old, ran away from home.

Her father, a wealthy physician with considerable influence in Chicago, had the Chief of Police of the latter city wire all the towns along the Lincoln Highway to Los Angeles.

The chief further told him that the girl's father wanted them sent to prison because he believed that they had arranged to take his daughter in their car. The car was purchased in Chicago and bore a license plate from that city. By a strange coincidence the trio left on the same day.

"Young fellow, you are a lucky citizen. We were going to hold you for further investigation for nine more days. At the end of that time we were going to arraign you and charge you with violating the Mann Act in bringing a girl in from another state for immoral purposes," the chief declared.

The boys protested that they treated the girl with the utmost respect and had never even uttered a cuss word in her presence. "I believe you now, but I was firmly convinced of your guilt. After your

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trial you would have been given the maximum sentence and fine," the chief added. "We wired New York, Chicago and Los Angeles police departments to see if you were wanted, especially after finding about a thousand dollars in your possession."

"Don't we get any redress for our horrible treatment and the week spent in this horrible hole?" they asked.

"You should be thankful you didn't get a new address," quickly retorted the chief. It was unnecessary for him to advise them not to give another girl hitch-hiker a lift.

After getting themselves deloused along the lines used in the best A. E. F. circles, John and Mac walked to the garage where the police had placed their car and deliberately smashed the windshield containing the colorful paster, "Welcome to the Golden West."

Another instance is also very much to the point. This one is from the East. Two New York newspapermen were assigned to investigate vice conditions in Atlantic City for their paper. They were questioning a married woman from Philadelphia who had been kidnaped and forced into a house of prostitution in Atlantic City, where she was kept until her escape.

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Through some underground channel the local police were tipped off and grabbed the reporters for impersonating United States Federal Agents. Before going to the famous seashore resort the latter, however, divested themselves of everything of an identifying nature. That puzzled the cops; they couldn't make out what the men's business was.

The reporters were arraigned before the desk officer who pretended to make an official entry of their arrest. It subsequently developed that he simply made the entry on a slip of paper. They were denied the privilege of communicating with counsel or friends.

The arresting officers told the turnkey to put them in cells far apart and to make sure that they did not communicate with anyone, because they were desperate characters. The cells were vile.

When the reporters tried to bribe the keeper to send out a message for them, he said, "Nix on that. If there is anything else you want, even women, booze or a shot of hop, you can get it for money. Nothing for nothing in this joint—but no messages."

The men were lined up later in the evening and attempts made to fingerprint them. One of the reporters said, "If you go through with the fingerprinting you will answer for it and it won't be to

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a judge of the lower courts." After many conferences they were again urged to come clean on their identity and mission. Upon their refusal, a detective pulled out a blackjack and gun and said, "These things will make you talk."

A colored prisoner to whom they had given some cigarettes whispered that men were said to have been beaten to death and their bodies disposed of. The men feared assassination in their cells and were afraid to go to sleep.

Detectives and cops came in to look them over, as though they were animals in a zoo, and many uttered threats about getting them before they left town. For some reason the officers in charge suspected that they might be government agents and feared an official Federal investigation if any harm befell the prisoners. This probably served to protect the men against actual violence.

Both reporters, having covered Manhattan Police Headquarters, were thoroughly familiar with police vernacular and routine, and this rather fastened the suspicion in the cops' mind that they must be government men. After fifteen hours in a cell without being arraigned before a judge, the reporters were turned loose.

At first they were suspicious that this was a ruse

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by the local cops to turn them out so that they could be followed by gunmen employed by the powerful vice ring dominating Atlantic City, and either killed or critically injured. The reporters, therefore, demanded police protection to the railroad station, although both had automobiles stored in local garages. Their request was denied officially but local police followed to see that they were not molested.

The arresting officer was himself arrested several weeks later, when he was found in a Philadelphia hotel with a girl who had been forced into a house of ill repute. He was convicted of violating the Mann Act.

I have selected these incidents because they happen to have come to my attention. It would be just as easy to discover fifty more; a veritable catalogue of police third-degree methods is contained in a recent issue of the *Harvard Law Review*.* As a matter of fact, I am convinced that police methods in all our large cities are substantially the same. And I have written to little purpose if I have not demonstrated that the third degree is much more than merely an occasional or a secondary weapon

* *Harvard Law Review*, February, 1930.

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in the hands of the police; it is actually the main reliance of the police in obtaining information from stubborn prisoners. In its use the law is candidly, cheerfully and consistently violated by those who are sworn—and paid—to uphold it.

I repeat: There is nothing exceptional nor startling, from the police point of view, in the use of the third degree. Once in their hands, your influence may save you but your innocence will not—if the police believe you possess information that is valuable to them.

The reader of this book, let us assume, is a free-born American citizen. He is supposed to carry the protection of his government with him wherever he goes—in bandit-infested China, in the turbulent Balkans, in the Sahara, or on the high seas. At home he may, without undue danger, spend his leisure hours in a speakeasy or gambling house or in even less savory institutions that are operated in defiance of the law. The only place where no protection can be guaranteed to him is in the police station. Once you pass its green lights you are beyond the law.