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

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

Silence Would Hamper Justice.

But there are matters and things connected with the work of this jury, as well as with the conditions that surround the Criminal court as to which silence serves only the sinister ends of those who defeat justice as a daily occupation. In as unautobiographical manner as is possible for a novice at newspaper writing it will be my aim to tell of these things to the public through The Daily News in the hope that an awakened interest in "Crime and the Civic Cancer—Graft" may continue to support those seekers of the causes thereof.

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

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

What's Wrong with the Criminal Court?

ARTICLE II.

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

"Politics and Procedure!"

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

It is no reflection on any of the successors of Mr. Deneen to state the inescapable conclusion that no lawyer of standing, ability and integrity can be chosen as a candidate for state's attorney of Cook county who is not in addition a shrewd and resourceful politician. The development of "the organization" in local politics to its present high state of efficiency precludes the possibility and it is indeed a powerful personality who could place his sense of duty above the temptation to further his own ambition by satisfying the demands of spoils politics.

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

Impressed with Own Power.

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

—rarely both. In the case of Deneen, who combined qualities of political sagacity and resourcefulness with outstanding ability, a belief in the broad principle that "good politics" can be played by a prosecutor only by administering his office with energy, efficiency and fairness was justified.

It is idle for any observer of Criminal court conditions to pretend that an "archaic procedure" renders judges and prosecutors powerless to perform miracles in the swift and certain administration of justice. A considerable share of the responsibility must be borne by the bench personnel as well as the prosecutors.

Miracle men are not necessary to making the administration of justice in Cook county a swift certainty. The retrogressive record of the Criminal court during the decade past can be charged up to the lack of close cooperation between both branches of the law-enforcing establishment, the inevitable inefficiency of political office-holders and the pernicious results of a rule of rottenness in public affairs generally.

"Justice delayed is justice defeated" —the platitudinous proverb is as true as it is trite. Although it is admittedly no part of the duty of a judge to invade the province of the prosecutor by forcing cases to trial, it has been proved in the Criminal court in the last year that 50 per cent of the delays in disposing of pending indictments are unnecessary.

"Never look at the name on an indictment!" is as good a piece of advice for a judge of the Criminal court today as when the late Judge Goggin gave it—but immeasurably more difficult to follow.

The subtle influences exerted, the surreptitious fashion in which certain extraneous elements of criminal cases —such as the personality of the defendant, his "connections" and the pointed "interest" this or that political "friend of the court" has in the case—are presented to prosecutors and judges by attorneys retained for their "pull" and "in."

Off-Hand Contact with Counsel.

The loose organization of the Criminal court lends itself to a laxity of procedure and an off-hand contact between court and counsel which is the reason why "influence" is an overpowering consideration among clients of Criminal court lawyers. That such a condition is possible readily arises from the fact that forty-two members of the Circuit and Superior courts are ex-officio judges of the Criminal court, and that assignment to service "on the north side" as a rule comes to us in the last year or two of our elected term.

The psychology of a situation that perennially places in the Criminal court men who must in the immediate future look to "the organization" for renomination in a convention of party managers is all in favor of the delays that defeat justice. A judge particularly the chief justice, has a continuous queue of callers whose mission is to cajole him into a compromise with conscience when, indeed, it is not a downright demand that he ignore his oath in order to please this or that poobah of the party who "is interested in this boy." To a "boss" his heelers and precinct captains never grow up, but remain "the boys."

In increasing instances during my term as presiding head of the court I was made fully aware of the fixed idea that my service in the state legislature for several sessions, my appointment to the city civil service commission as the minority member under Mayor Busse, and my selection as chief justice made me a "political judge."

There is nothing holier-than-thou then in the attitude of mind I find myself in after two full years of working out an answer to "What's Wrong with the Criminal Court?"

Justice Need Not Be Lame.

Politics is a potent, but slow-working poison for which there are antidotes as powerful to prevent the pollution of the fountain of justice entirely. Justice may be blind, but it need not be lame and halt even under "an archaic system of procedure," so long as such judges as the seven who were my associates during the last year bulwark the bench by standing out as stanchly against improper influences as did Judges George Kersten, Marcus A. Kavanagh, John R. Caverly, Jacob H. Hopkins, Oscar E. Hebel, John A. Swanson and Philip L. Sullivan.

Much has been made of my report to the presidents of the American Bar association and the Illinois state and Chicago bar bodies, in which was reflected the reduction of pending criminal cases to the lowest level in ten years, and the consequent clearing up of congested calendars to a point that permits of trial for any accused person within thirty days of indictment. This is the longest step toward making the prosecution and punishment of crime in

Cook county a swift certainty that has been taken in twenty years, and it has been as widely noted and warmly commended throughout the country as even I, myself had hoped.

Despite this demonstration of what can be accomplished under existing conditions in speeding up the work of the court it will not be denied by the writer at least, that this achievement in administration of justice "is but a step in the right direction," as has been said.

But a beginning has been made, and it is my belief, based on the experience of the last two years, that the prompt prosecution and punishment of crime is possible without radical reforms of procedure, even in an atmosphere so surcharged with politics as the Criminal court building. The court itself must be provided with a permanent character, however, if it is to be free from the influences in which the public prosecutor begins—and frequently ends—his career.

Only Clerk Is Permanent.

In its present form the Criminal court consists of an elected clerk, who is the only person whose relation to the court has any vestige of permanence. The transient character of the court, due to the annual replacement of judges by the executive committees of the Circuit and Superior courts in accordance with their rules, precludes any permanent policy on the part of the judiciary, and has resulted in a system of supervision of the grand jury by the state's attorney, which makes the machinery for finding indictments an annex to his office.

Thus the grand jury, a constituent though independent arm of the court, impaneled each month and intrusted with the duty of starting the machinery of prosecution in every individual case that comes before the court for trial, eventually may be made a powerful aid to an office in which political considerations conceivably come first.

Agitation for the abolishment of the grand jury as a method of formulating a criminal charge has invariably been predicated on the charge that it is an "archaic survival of the cumbersome common law," that its secrecy no longer protects the innocent, and that an indictment based on "probable cause" indicates to an uninformed public that some sort of a preliminary hearing which resulted in a verdict of quasi-conviction has been had. Finally in the hands of an unscrupulous state's attorney the responsibility for revengeful acts in the return of indictments, unwarranted even by the ex-parte evidence, may be shifted by the prosecutor to the twenty-three citizens who make up a grand jury.

Again it appears to the writer that abuses which have at times crept into the grand jury system are due not so much to the defects of procedure as to the surrender of responsibility and supervision by the court itself. The custom of permitting any prosecutor to have complete control over an impartially independent arm of the court is pernicious per se regardless of any personality involved.

Urges Changes in Legal Status.

The Criminal court of Cook county—the most important tribunal of its character in the country—should have at least as stable and permanent organization as the Municipal court of Chicago, should be recognized by statute, and be given a specific rather than an ex officio status with a permanent administrative head with continuing jurisdiction.

It must be recognized that a permanent reorganization of the court which would bring about reforms in procedure that are impossible under the present system, must depend for success on the personnel of its judges. The selection of men susceptible to the prosecuting influence must be guarded against, just as much as under the present system the resistance to influences inimical to prosecution and punishment is of prime importance.

The first function of the court is to guarantee fair and impartial trial by jury for all charged with criminal offenses. If, for example, a permanent personnel could be chosen for the Criminal court of jurists such as Judge George Kersten, whose careful consideration for the rights of accused persons, coupled with his long experience in the trial of criminal cases and his ingrained sense of duty is as well known as his integrity, the problem would be easy.

call that a citation for contempt of court entered that evening resulted in the summary sentencing to jail of Flynn's auditor and bookkeeper for refusal to reveal to the jury the hiding place of certain books, check-stubs, voucher-registers and other documents which later were obtained by the grand jury. Also an attachment for Flynn was issued that resulted in his becoming a fugitive from process servers for several months.

Impressed by the apparent intensity of interest shown by the grand jurors in the Flynn contempt proceeding, I determined to force a showdown on the entire situation before the deadly work of discouragement and demoralization had progressed so far that even the powerful antidote of an aroused public opinion would not be strong enough to save the inquiry from suffocation by the "influences" at work.

Special Prosecutor Greenacre had come to me in chambers and told of his intention of resigning as a special assistant to the public prosecutor, convinced as he was that the school graft investigation could not be conducted to a full and fair conclusion so long as it was subjected to the powerful pressure of politics. I prevailed upon him to remain for a time sufficient to make certain that the investigation was not killed, in the dark at least. The time appeared to me to have arrived to let the light in.

Puts Matter Up to Jury.

"Let's forget the relation of judge and jury and speak plainly as between men," I said to them on that October evening. "Is there anything else in the minds of the members of the grand jury that should be discussed at this time? If there is anything else that is desired of this court in the way of counsel, assistance or advice, I wish to know it. What's wrong, and in what way can the court sustain you further in this inquiry?"

There followed the most remarkable recital of conditions that has ever confronted a grand jury under my control —a recital that was far-reaching in its results and effects. Declaring their dissatisfaction with the turn the investigation had recently taken, they complained that "evidence was being presented in a confusing manner; that witnesses were not found; that testimony was being 'tipped off' to persons under inquiry; that time was being taken up with unimportant witnesses while links in the chain of evidence necessary to a conclusive case of conspiracy were missing."

"We are convinced that the big criminals at the source of all this rottenness in the school system are escaping us—and we want to know why" said the secretary, the late Mr. Seelenfreund. "We feel that we are being fooled by some one and we want to know who and why? Witnesses come before us who know nothing or have forgotten what they did know; other witnesses we call for time after time but they do not come. We have learned enough to convince us that there is something rotten somewhere. We do not wish to reflect on any one but we want to know why trails of evidence of a criminal conspiracy lead right up to the doors of certain prominent people —then stop suddenly short. We have heard evidence and indicted a number of individuals—they are the small-fry, the minor hirelings—the big ones are being shielded. By whom?"

Promises to Follow Directions.

Assured by the court that any witnesses wanted by the jury would be brought in by the court on contempt citations or attachments, that the jury could and should direct its own inquiry, independent of any outside influence, Mr. Seelenfreund countered quickly with the query:

"Has this court the power and authority to appoint a special prosecutor who is not a politician, if asked to do so by the grand jury? We desire to reflect on nobody, but we believe if this investigation is to be finished at all something must be done to change the conditions under which it is and has been conducted."

"Let me say now that this court has full power and authority under the law and the Supreme court decisions to appoint a special state's attorney," I replied, "and let me say further that nothing and no one shall stand in your way.

"However, the important thing to this grand jury as well as to the court is to see to it that no controversey between the elected public prosecutor and either the court or jury shall be allowed to endanger the investigation. If the grand jury, after returning to executive session, decides that action by the court looking toward appointment of additional or different advisers is necessary then the court is ready to act. However, it would be my suggestion to confer with the state's attorney as a matter of courtesy through a committee, then if you decide another at-

torney is necessary make your selection and inform the prosecutor that you desire him to be appointed. In the event of any refusal to co-operate with you it will then be time enough to return to the court and renew your request."

Jury Asks for Healy.

The jury in executive session voted unanimously to request Former State's Attorney John J. Healy to take charge of its inquiry. The public prosecutor was called before the jury and informed of its action and requested to concur in it. He acquiesced and announced his intention of tendering control of the investigation to Mr. Healy. The latter, able and experienced as a public prosecutor, but with a large and lucrative private law practice, was in fact offered an appointment "as an assistant state's attorney to aid and advise in the investigation" and courteously declined to accept any divided responsibility.

Then it was that the court was again called in and asked to assume responsibility after the special committee of the grand jury had reported its inability to accept any of the suggestions offered by the state's attorney as to his successor in the inquiry—and had asked to be relieved without recommending any selection.

A crisis had come in an inquiry which the court regarded as of vital importance not only to the school system of Chicago but to the entire civic structure. The situation had become stagnant and I was confronted with one of two courses to pursue, viz: Appoint a special state's attorney, independent of the regularly elected public prosecutor and assume responsibility for running the inquiry on the rocks of certain 'quo warranto' action by the state's attorney or, in the other alternative, to direct a law-enforcing official with as great or greater constitutional powers to take charge.

Court Helped by Bar.

The alternative, obviously, depended upon the willingness of that law-enforcing official, the attorney-general of Illinois, to assume the burden of directing the inquiry. Then it was that the court enlisted the influence of the Chicago Bar association, through its resolute president, Roger Sherman, who now heads the Illinois State Bar association and of William H. Sexton, the chairman and the committee on administration of criminal justice of the association.

Thus began that sterling ser the grand jury, to the public, bench and to the cause of public in Chicago generally that has guished the Bar association's repr tives on a dozen different oc when that and "the city hall gra vestigation into which it logical would have died had it not be the splendid services of Former John P. McGoorty, John M. Ca Walter H. Jacobs, Russell B. Wh Charles Center Case and Presiden ton and Sherman.

At an executive meeting betwe Bar association committee, a com from the grand jury and myself decided to request the attorney-g of Illinois, Edward J. Brundage, chief law officer of the state power to enter any inquiry by a jury or any trial of a criminal c any county of the state at an is unquestionable, to take over vision of the school graft investi That was the evening of Nov. 3, four days before the county el and at the suggestion of the Bar ation officials it was decided tc pone any action on the situatior the following week.

State's Attorney Asks Reli

At midnight I received a spec livery letter from the state's at in which he asked to be relieved ther responsibility for the cond the "school board scandal" an prosecution of indictments a found.

"In view of the wholly basele unfounded reports which have be culated in regard to the conduct state's attorney's office in conr with this investigation it has oc to me that it would be advisabl your honor should select withou gestion from me a qualified mem the bar to conduct this examinat the future," the public prosecuto in part:

"It is my hope that your honc personally supervise the conduct grand jury investigation under t rection of the attorney so select you and I respectfully suggest th select a lawyer to take charge c special grand jury and conduct th ther investigation into the school dal and to direct all prosecutior cluding both indictments alreac turned and those which may be after found."

Immunity or Absolution?

ARTICLE XV.

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

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

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

Many Elements for Machine.

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

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

It is only human for a candidate to want and welcome support from almost any quarter, and under our primary system it becomes necessary to conduct two campaigns—one for nomination and the second for election. Thus he is compelled to solicit support for his candidacy over a period of many months stretching between a spring primary and late fall election, with the result that the day after election, if successful, he is confronted first with the necessity of "keeping promises" to many more claimants for "favors," concessions than can properly be granted, and jobs than he has control over.

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

Politics Impedes "Sweeping."

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

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

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

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

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

Greatest Recent Shock to Politics.

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

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

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

"I have no friends to reward nor enemies to punish," the attorney-general of Illinois said to the special grand jury on Nov. 9, 1922, in personally assuming charge of the school board investigation. "This is an inquiry of such vital importance to the public that to permit politics to enter it in a would be contrary to every co tion of public policy and public

"The only instructions I hav to my assistants is to go to t tom of these charges and to s that no guilty person is perm escape, but I have also caution to present no one to this gra for indictment unless the eviden rants not alone indictment but viction before a petit jury."

Forty Indictments Before Cl

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

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

Trials of these forty or more ments would have occupied at year and the attention of most assistants to the attorney-gener result of the abandonment state's attorney of the prosecu pending cases growing out of t inquiry as well as the grand vestigation itself.

It was decided to follow the tion of Mr. Greenacre to facilit trial of these cases by combinin one "blanket indictment" cha general conspiracy to commit acts.

Indict Lundin After Long

In the several months that there were frequent meetings grand jury—much activity am sistant attorneys-general, muc neuvering among Chicago pol and finally—the indictment of Lundin, political leader of Chica Illinois; Virtus C. Rohm, his camp in that amazing army of men that was "the Thompson organization," and twenty othe had already been jointly and s

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

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

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

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

Seek to Broaden Inquiry.

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

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

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

The Paralyzing Force of Party Politics.

ARTILE XVI.

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

Men who had evaded the grand jury, refused to sign "immunity waivers," hidden out from subpœna servers and fled from the state rather than produce books and records of "receipts and disbursements" returned to town and were reported to be holding "round-table" conferences with "Brundage-Crowe leaders." The attorney-general and the public prosecutor were reported, in a signed newspaper story, to have conferred with three colored "bosses" of the late Lundin organization and to have bidden for their political strength.

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

Flynn Forced to Testify.

Flynn was forced to appear before the jury after Secretary Seelenfreund

had sought for five hours to obtain information from him in the offices of the attorney-general—information of paramount importance to the inquiry—without assistance from the special assistant attorney-general who had given the "immunity" grant.

"What they have given Flynn is not alone immunity but absolution," said Seelenfreund in reporting to me his reasons for demanding that the chief contributor to the "campaign fund" of "Doc" William H. Reid, Chicago's commissioner of public service, be compelled to testify. Whereupon he was compelled to appear and testify to many things that are a part of the record of a grand jury which is still sitting

The Flynn incident, coupled with other things that could be cited, led to the second "open court" hearing in which the late Secretary Seelenfreund charged that "politics had made an honest inquiry impossible" and again revitalized the grand jury's inquiry by disclosing to what lengths political influence had gone to save certain individuals invaluable to an organization but deeply involved in the mire of official misconduct. There is no real reason to recount that remarkable recital again.

Successive Crises in Inquiry.

In the months that have followed there have been successive crises caused by the sinking of the probe deeper and deeper into the disgraceful things that were the results of a rule of rottenness. As "expert fee scandals," paving "ring" promotions, fire department "slush" funds, street-and-alley vacation graft and board of local improvement exposes have come to the surface there has been a strong, steady influence at work to halt the horror that confronted politics.

Early in July a crisis, foreshadowed for some time by the sudden reassurance of certain persons and firms under investigation, came to the grand jury on the eve of a verdict in the Lundin case and the departure of the attorney-general for Europe. At a meeting of the grand jury immediately preceding the "vindication" verdict of acquittal for "the big boss" and his fourteen co-defendants on the banket-conspiracy charge of defrauding the schools of $1,000,000, an announcement was made that appeared to mean the end of the municipal-graft inestigation.

"Before leaving for Europe the attorney general gave irrevocable instructions to conclude this investigation, so far as his office is concerned, at the end of this week, unless the county board appropriates an additional fund to continue and complete the inquiry," the assistant attorney general in charge of the jury declared. "We have left only $22,500 of the $165,000 originally appropriated for this and the school-board investigation and the attorney-general has instructed us to conserve this for the prosecution of indictments already voted. Consequently we have no choice but to quit!"

Jury Refuses to Quit.

"The question of prosecution of pending indictments is no concern of the grand jury—we're conducting an investigation only—and if the attorney general wants to quit he can do so, we won't," quickly replied one of the grand jurors. "That money was appropriated for this investigation and if the attorney general later is unable to prosecute indictments for lack of funds the state's attorney will have to or the county board will be forced to provide more money."

Informed of the impasse created by those "irrevocable instructions" I went before the grand jury and interrogated its members and the attorney-general's representative, Frederick A. Brown, in substance as follows:

"Has this grand jury, in your judgment, concluded its investigation of alleged irregularities and violations of law which have come to its attention under your direction?"

"We haven't even half finished the 'city hall' inquiry and it will require at least $50,000 and several months time to do so," admitted Mr. Brown.

"Has the attorney-general given any alternative instructions before leaving for Europe under which the inquiry may be continued until at least such time as the county board may meet—or an opportunity be given to the public to become informed as to the condition that has arisen and the necessity for funds?"

"As I have stated to the jury, my only instructions are ironclad—to wind up our work with this investigation next Saturday—unless the county board agrees by then to provide funds sufficient to continue and complete this work. I have been given no discretion either to modify or disregard those instructions," Mr. Brown replied.

Thereupon the court turned to the jurors and inquired:

"Does this jury desire to continue and complete this investigation?"

Jurors Insist on Going Ahead.

"Yes," was the unanimous reply. "We have worked nearly a year and now when the end is in sight we don't want to see our work go for nothing. If the attorney-general quits—why can't this court appoint a special state's attorney?"

"The court will not concur in any abandonment of this inquiry while the grand jury is ready to function—in any event until such time as the public has had an opportunity to learn of the plight of public justice in this community," I answered. "There will be no change in the conduct of this inquiry until the county board has refused finally to provide the necessary funds."

Again the court communicated with the Chicago Bar association, which has stood so splendidly behind the school board and city hall graft investigations from their inception. And again there came before a special meeting of the county board finance committee, called by its keenly conscientious chairman, Commissioner Charles S. Peterson, the bar association committee on the administration of criminal justice, composed of John M. Cameron, Former Judge John P. McGoorty, Russell B. Whitman, Walter H. Jacobs and Charles Center Case, Jr.

Confronted by four legal opinions which held that in the absence of any "emergency such as fire, flood, riot or otherwise" an additional appropriation by the county board to a law-enforcing arms of the courts would be illegal, President William H. Sexton and the Bar association committee courageously contended that the expense of such an inquiry as the special grand jury's was "a public charge fixed by law" and consequently mandatory upon the county board. Morecver they supported their stand with a strong and searching legal opinion, signed by each of the six.

But the board of commissioners—with four notable exceptions—failed to recognize a public duty as its own and refused to appropriate further funds.

In justice to the majority of the county board it must be remembered that there were four legal opinions presented to the members by counsel opposed to any appropriation for the attorney-general of Illinois or the grand jury and, chief among these opinions was that prepared by the political partner and statutory subordinate of the chief law officer—the state's attorney of Cook county. His was an extraordinary effort to "advise."

An inconsistent parallel might be pointed to the $100,000 "emergency appropriation" for the "labor war prosecutions" of 1922, previously asked and obtained by the public prosecutor whose political prestige and official place were now employed in an attempt to cut off funds for the completion of the graft inquiry. It was as unnecessary as his influence on the fate of the grand jury was unimportant for again public opinion played the trump card!

Business Men Called to Meet.

Under the auspices of the Union League club's public affairs committee headed by Attorney Harry Eugene Kelly, a conference of fifty business men of the type and caliber of Wyllys W. Baird, president of the club and former president of the Association of Commerce, was called to which were invited the representatives of the grand jury, the attorney-general and myself. President Baird presided.

In plain words these broad-visioned business and civic leaders were told by the writer of the pass to which politics had brought the enforcement of law and the administration of justice in Cook county through the partnerships and alliances that paralyze public officials. They were told bluntly that the court and grand jury were ready to function and that it was plainly "up to the public" whether an inquiry of vital importance to good government should end because of the withdrawal of financial support.

No appeal to those present to subscribe to any "fund for the grand jury" was made by any one—and none was necessary. Harry Eugene Kelly, himself a former United States district attorney at Denver, Col., for four years, announced through the press that the public affairs committee of the Union League club would provide funds sufficient to continue and complete the special grand jury's graft inquiry.

And within one week the $50,000 asked of the county board by the attorney-general was available! President Baird and Mr. Kelly informed Mr. Brundage and the members of the special grand jury that the funds would be disbursed as desired and "absolutely without reservations"—except that it was to be expended for the purposes of investigation.

"The Union League club and the contributors of these funds are not interested in indictment or prosecution of any one," said Mr. Kelly. "Only are they concerned with upholding the

hands of honest law-enforcers and in making certain that there shall be no miscarriage of justice through the nonfeasance of those whose sworn duty it is to administer justice. With funds sufficient to sustain this inquiry the duty of driving crooks and grafters out of public office is directly placed on those who have sworn to do their duty by the public!"

Can the creators of political "machines" and their creatures ignore that challenge? And can the grafters continue confident that they will be given: "Immunity or absolution—which?"

Can Chicago Clean Up?

CONCLUSION.

Can Chicago clean up?

To the ultimate degree that Chicagoans wish it to be clean! To a degree measured only by the manner in which the men and women of Chicago and Cook county meet their responsibilities and exercise their rights as citizens to vote at all elections, and thus force the naming of honest and efficient officials.

Everything is comparative, especially in a city such as the Chicago of to-day, a city slowly and painfully cleansing itself of civic sores, that were fed from the cancer—graft. And so the things that were commonplace in the community one year ago must be contrasted with conditions as they are after six months of cleaning out the cesspools, if the cleanup is to continue.

Can Chicago clean up? Consider the results already accomplished by an aroused civic conscience and a powerful public opinion that to-day is standing solidly behind the man who means to enforce the law—Mayor Dever.

Out of a miasma of malfeasance, corruption and conscienceless evasion of duty by county, state and federal officials, there has come a clearcut challenge to the citizenship of Chicago, Cook county and Illinois from a courageous executive in the city hall, who recognizes a paramount public duty to enforce the law, regardless of personal preferences and political pressure.

Law and Order Basis of Society.

Law and order are the substructure of society. On the security of life, property and person depends everything good in government, and in evasion and violation of the law are to be found retrogression and ruin.

Regardless of the rotten condition of the body politic proved to have existed in Chicago for years the writer is hopeful that there is a cure for the civic cancer—and that the cure is slowly but surely being effected. Chicago has not and will not go to "the dogs" so long as a decent citizenship will support its servants in public office who put law enforcement and the discharge of their duty above political aggrandizement and personal interest.

Even in the Criminal court building, sharply contrasted with the conditions incidental to vice and graft investigations of which I have spoken in unsparing terms, there has been a remarkable record of results in the last two years as regards the prosecution and punishment of crime.

To the members of the state's attorney's trial staff headed by First Assistant Edgar A. Jonas as well as to the personnel of the Criminal court judiciary for the years 1922 and 1923 the writers desires again to acknowledge his recognition of a great public service. Untiringly that first assistant to the public prosecutor, Mr. Jonas, has labored to build up the energy and efficiency of an arm of the court without which any effective effort at law-enforcement through prosecution of crime would have been impossible.

2,745 Indictments in Year.

It is in the speedy trial of all criminal cases and the energetic enforcement of all law that any assurance of safety for the community must be found. During the year ended Aug. 1, 1923, there were 2,745 indictments disposed of in the Criminal court with a consequent reduction of pending criminal cases to the lowest level in twenty years—from 1,460 to 660. There were 1,227 defendants convicted, of whom 953 were sentenced to penal institutions, ten to death. There were 264 acquittals.

For the first time in many years it was possible to give any defendant who desired it, a trial within thirty days of indictment. That is the summarized story of one "cleanup" that came from the close co-operation between the judges of the Criminal court and the prosecuting staff.

Many times throughout the months since Chicago awoke to an understand-

ing of what was wrong with it internally I have asked myself the question: "What is needed most to bring about a cleanup of conditions?"

Can it be said that more law is needed —more agencies of government—more money to provide means of enforcing the law? Certainly not in a city such as Chicago where millions are at hand and there is more machinery of government than in any other American city except New York.

Not All Due to "Politicians."

In a community where common honesty and common sense among public officials have been conspicuously absent in the past it seems to me at least that the root of the evils of maladministration, waste and graft cannot honestly be said to spring solely from the original sins of "politicians."

It goes deeper than that in any American community of importance where there has been for years a rule over the majority by a minority of the voters—not alone through any debauchery of the election machinery but because of a surrender by so-called "good citizens" of their right to vote at all.

Good men and women in any city are overwhelmingly in the majority, I have found, in every instance where public opinion could be crystallized. The bad minority which has ruled, however, is always united and at all times energetic, shrewd and efficient in getting out its entire strength.

There are approximately 1,000,000 registered men and women voters in Chicago and Cook county, without taking into consideration the 200,000 or 300,000 unregistered voters of the "country towns" of the county. Yet there has seldom been a total vote to exceed 500,000 or 50 per cent of those qualified in Chicago alone. The condition is not peculiar to Chicago, for even at that record-breaking presidential election of 1920 there were only 26.654,866 votes cast out of 54,442,332 men and women of voting age in the United States. President Harding was elected by an 8,000,000 majority—yet his total vote was only one-third of the grand total of citizens who could have voted for their highest public official—but didn't.

No "Cleanup" Except at Polls.

In America no "cleanup" in civic affairs can come to a successful conclusion anywhere but at the ballot-box. Yet we find a vast, unorganized majority of the voters, uninformed as to the things that underlie local government, acquiescing in anything that a mobile minority chooses to do.

Politics cannot be blamed exclusively for conditions which come upon a community through the failure of the majority of its "good citizens" to go to the polls and vote. The good citizen who is too good to take an interest in American politics is too good to be an American citizen.

We do not need new laws so much as we need the enforcement of those that are now on the statute books. There have been both too much law-making and too much law-breaking in Chicago and Illinois as well as the nation. The national tendency has been to legislative "cure-alls" for any and every condition of community life as well as the regulation and restriction of every habit of individual life.

Still it must be recognizel that the restriction of "personal liberty" has come because we have had too many citizens who have taken liberties with that liberty. All laws look "blue" to the individuals who break them and there can be no piecemeal enforcement of law and order. Easy nullification of the law—of any law—is perhaps the greatest of modern evils in a community such as Chicago. In its wake has come the inevitable reaction to excessive and in some cases, mischievous interference by lawmakers with "personal liberty."

Must Act at Every Election.

There is no cure-all for "Crime and the Civic Cancer—Graft" other than that which is always at hand for an intelligent public—the pressure of an aroused opinion against vicious and venal acts by public officials. And that opinion is impotent unless it makes itself manifest by expression at each and every election.

What this or any other city needs isn't an "eruption" in politics but less corruption in politicians who have been elected to positions of trust. Chicago "always gets the government it deserves"—it has been said with considerable conviction to support the saying—but that is a cynicism that I have found to be wholly false.

In the war against commercialized vice last winter I learned as chief justice of the Criminal court that Chicago could "clean up" a civic sore that was the most shameful condition which could come upon a community.

Within the short space of three or four months I had presented to me two contrasting reports from the Juvenile Protective association—the first in January and the second late in March. At

the beginning of this year there were between 500 and 1,000 open and notorious places of prostitution in Chicago, protected by the police, paying tribute to police and politicians and feeding the civic cancer with millions of dollars and thousands of votes, recruited from the ranks of vice-lords and their subjects.

City Called Cleanest of Size.

To-day I am told by the Juvenile Protective association and the Illinois Vigilance association that Chicago is the cleanest city in America of its size from the standpoint of vice. What brought this "cleanup?"

Certainly it was not indictment and prosecution in the Criminal court of Cook county for the panders, prostitutes and police protectors. Nor was it alone the energetic campaign of eradication ordered by the new mayor of Chicago.

To some newspapers of Chicago can be credited any cleanup that has come to this city through an aroused public opinion. Many times in the months since graft, vice and a criminal conspiracy between political overlords and public officials first began to be uncovered, I have asked myself the question: "What wouldn't they have done if it were not for the papers?"

The professional politician could not be blamed alone if an apathetic public had tacitly thrown up the job of governing itself. The public could have had little chance to learn the results of its apathy and indifference and to become aroused to action against the administrators of public affairs who had betrayed their trust—had not the newspapers undertaken the task of treating the civic cancer with the radium of exposure and publicity.

The pendulum of public opinion has been swinging against the prostitution of public office for some six months and the results are beginning to be seen. Certainly signs of the "cleanup" are in evidence and considerable has been accomplished since the school-graft scandal and the special grand jury's revelations drove a disgraceful set of spoilsmen out of office.

Only a Beginning Made.

The business of boodling is no longer an industry protected by politicians in power, an honest administration of municipal affairs has succeeded the spoils machine of Thompson-Lundin—and yet there has been only a beginning. There will be no cleanup of every corner of public service and public trust until community interest and the civic conscience can be quickened to a degree that will make itself manifest at each and every election.

There can be no bribery of public officials if business men recognize the fact that the official who is bribed or "influenced" to illegitimate acts is no worse than the one who bribed him.

So long as the business man and the better citizen tolerate by inaction conditions that could not continue to exist if they would only discharge the duties of citizenship—there can be no permanent cleanup in Chicago. We do not need any politics in either our religious or business life but we do need all the religion and business we can get into politics.

Partisan politics is a permanent and potentially valuable influence in our civic life. It provides the processes and the machinery for the selection of public officials—without a political system there could be no such thing as an intelligent selection of candidates for public office.

Some Love Politics as Game.

There are many politicians—not all of them of my own party—who are in the "game" because they enjoy the and the recognition that comes from success in any endeavor. These men put more of their time and money into the work of up-building of "organizations" than they ever take out either in power, prestige or in pecuniary returns.

The writer as well as every other judge of a court in Cook county is a product of the partisan political system—but he is not necessarily a pawn on a political chessboard. He has been criticized and condemned at times throughout the last two years in the Criminal court and told he has 'made more enemies than any other judge on the bench."

So be it. He has also been told in thousands of letters from the mothers and fathers of Chicago—from the moral leaders of the community and the business men and public officials whose good opinion he values that his work in the Criminal court has not been entirely in vain. If in the telling of the story of "Crime and the Civic Cancer—Graft," he has accomplished anything further in awakening the public to the perils that constantly menace good government in Chicago he is content.

To the thousands of enemies he may have made the writer has only this to say; the encouragement and commendation contained in one heart-felt consoling letter from only one Christian mother in Chicago more than compensates for the curses and jeers of 10,000 lawbreakers.

(THE END.)