mark, former chief investigator for the state's attorney, a storm center in the "gambling-war" controversy between the prosecutor and Chief of Police Fitzmorris, since then appointed to the specially-created position of assistant state fire marshal for Cook county, and still later sentenced to six months in the Lake county jail for refusal to answer questions concerning the alleged Small "jury-fixing."

Cochrane, called before the grand jury, readily admitted the "shadowing" of Baumann and the apparent attempt to discredit the juror in his home neighborhood, but refused to tell who hired him! He was sentenced to the county jail and a summons for Newmark was sent out at the instance of the court. The former chief sleuth for the state's attorney fled in a fashion to which the public has since become accustomed—but finally was brought before the jury only to deny all knowledge of the identity of the "client" who commissioned his agency to do the "shadowing."

His was the agency that did all the "secret service" work for Gov Small at the trial of the executive on charges of conspiracy to convert interest on state funds. It also has conducted "confidential" investigations for the state's attorney.

Other Attacks on Inquiry.

There were many other mischievous and malicious attempts to undermine the morale of the grand jury and to discredit its work in ways that were dark and tricks that were, for the most part, vain. They were met by the men themselves and through the newspapers, whose editors were fully informed of what was going on, and by the court.

Employers of wage earners on the jury responded to an appeal for support of the investigation, published in all papers at my request, and in every instance recognized the prior right of the public to the time and efforts of the men who were performing a notable service.

Only the Opening Skirmish.

All of this, however, was only the opening skirmish in an incredible campaign of calumny, a part of a well-defined, carefully conceived conspiracy to kill the graft inquiry long before it had led into the quarters to which it came after the public prosecutor of Cook county removed himself from the investigation, with the consent of the court and grand jury—and the attorney-general of Illinois was called in to continue and complete the work.

Of the circumstances and considerations which caused Mr. Crowe to request to be relieved of control of the school-graft inquiry, I shall speak in another article. There have been many crises in the conflict between this grand jury and "influence" that failed to kill its effectiveness, even when funds to finish its work were refused by the county board a few months ago.

It has been the fate of this grand jury to be forced to fight for its life from almost the very beginning, and it has been the fortune of the court and the community that this indeed has proved itself to be a fighting grand jury!

A Showdown.

ARTICLE XIV.

Adroitly it has been made to appear at various times since State's Attorney Crowe ceased to function with the special grand jury that certain of his powers, privileges and duties imposed by the statutes and his oath of office were "usurped" by Attorney-General Brundage at the arbitrary order of the chief justice of the Criminal court and the grand jury.

In contradicting this carefully cultivated impression there can be no controversy created for the reason that the original letter, signed by the public prosecutor and sent to me on the night of Nov. 3, 1922, in which the state's attorney asked the court to supplant him in the school-graft investigation with a "qualified member of the bar which it would be advisable for your honor to select without suggestion from me," is before the writer.

Let it be understood, therefore, that the abandonment of the special grand jury's inquiry into school affairs by the public prosecutor of Cook county antedated by almost a week any appearance of the attorney-general or his assistants before the jury and in addition, specifically relinquished responsibility for the prosecution of some forty indictments then pending.

Drive to Halt Inquiry.

Throughout the month of October I had been made aware, in increasing instances, that a determined drive to discourage the grand jury and thereby to halt or end their inquiry, was under way. Restlessly the jurors reacted from one rumor to another that the school investigation would end either just before or immediately after the county election called for Nov. 7, 1923.

They were told in different and devious ways that "politics was being played"—that "McKinley had been called off" by a bipartisan combination of political "bosses"—"that the inquiry couldn't get any further because it was hurting certain candidates' chances at the coming election" in which the public prosecutor—in his political phase—was interested.

Persistently the rumor began to be current that the chief justice or the state's attorney, or both, had been "reached" by certain casual "callers," big and little cogs in both party machines, who were seen circulating about the Criminal court building corridors, about my courtroom and chambers door. Persistently, too, a poisonous propaganda, pointed principally at the character and alleged ambitions of the chief justice of the Criminal court, came to the grand jurors in anonymous letters, telephone messages and by word of mouth.

Greenacre Is "Shadowed."

Special Prosecutor I. T. Greenacre, the attorney for the Chicago Teachers' federation, who had been appointed an assistant state's attorney as a guarantee of good faith to the teachers, was finding himself "shadowed" everywhere and his brief cases and memorandum files in his office had been ransacked surreptitiously. Telephone wires leading into my chambers had been "tapped"; every juror had received "inside information" concerning myself and my motives in insisting upon a full, fair and complete inquiry.

The grand jurors learned that the testimony taken by the state's attorney's stenographers—the Central Court Reporting agency—was either "leaking" to lawyers and witnesses interested in the inquiry or was being told outside the juryroom by some one in a position to hear it all. An investigation disclosed that the Central Court Reporting agency, which had been organized by William L. Corris, was closely allied to the Small-Thompson-Lundin organization, through Charles E. Ward, main cog in the machine and already under indictment! The jury stopped that "leak" by selecting its own stenographers.

Jurors Demand Showdown.

On an evening in late October the grand jurors came before me in open court, dismayed somewhat by subtle signs and presentments that they were being harassed and impeded by "influence," but plainly determined to defeat any and all attempts to destroy their inquiry—either from within or without. They had come for "A Showdown" on a situation that seemed strange and sinister, even in an atmosphere surcharged with suspicion and "thick" with politics.

It had become extremely difficult to get witnesses, wanted by the jurors to furnish necessary links in the chain of evidence, before them. Those who came before the jury in answer to subpœnas came reluctantly and in ill-concealed contempt. In one instance it required two weeks or more to bring an assistant state's attorney before the jurors for questioning as to evidence uncovered by him connecting a city official with school coal contracts. He finally was permitted by his superior to appear, at the direction of the court.

Another witness, Mortimer B. Flynn, the millionaire coal merchant who was reported to have sold as much as 100,000 tons of coal to the school board without bidding in competition with anybody, was openly defying the grand jury by refusing to produce the books, records of disbursements and canceled checks and vouchers of the Pottinger-Flynn Coal company of which he was owner.

Belligerently Flynn had boasted that he "could and would cause an explosion that'll blow a floor out of the Criminal Court building" if compelled to testify concerning the disbursement of large sums of money by him, including a highly important "contribution" of more than $100,000 to a certain official, the $23,000 which "Doc" Reid eventually admitted receiving and another considerable sum paid into "The campaign fund" of a Cook county law enforcer.

Attachment for Flynn.

For the reason that these are or should be matters still pending before the special grand jury, I shall not, unless challenged to do so in the immediate future, reveal the real story which Mortimer B. Flynn went such lengths to conceal from court and grand jury. It is sufficient for this narrative to re-

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."