

Summer 1935

Politics and Administration in the Practise of Penology

John Landesco

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

John Landesco, Politics and Administration in the Practise of Penology, 26 *Am. Inst. Crim. L. & Criminology* 235 (1935-1936)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

POLITICS AND ADMINISTRATION IN THE PRACTISE OF PENOLOGY¹

JOHN LANDESCO²

Eddie Jackson served one term in Pontiac and three in Joliet; the first two under a parole board for each prison, the last two under a State Parole Board; he served under Schooler at Pontiac and Murphy, Allen, Zimmer, Whitman, and Green at Joliet, as wardens. This affords the opportunity to compare different administrations.

In the main, we have here a study in politics and administration. It is also a study of penology in relation to the professional criminal.

Pontiac, 1897

When Eddie Jackson entered Pontiac in 1897 to begin serving his first prison term he was far from being a novice in crime, appalled at a prison sentence. He had been a criminal for a dozen years and had learned to accept prison as an impending possibility. Moreover, from his criminal associates he had heard so much of the details of prison life that he was mentally prepared for almost any situation which might arise. Finally, the political faction with which Jackson was allied, even though it could not save him from prison, did not desert him but allowed its influence to smooth the way for him even in prison.

"I had known a great deal of Pontiac from mixing with this class of people. It was just as if I had been there before. A man is smarter because he knows what he is up against."

Grant, saloonkeeper, clerk of Criminal Courts, and politician to whom Eddie had often been for favors "North" (at the Criminal Court and County Jail Building) had written to Pontiac to get him a good assignment through the assignment officer.

"I was not assigned to school because I had passed the fourth grade. Schooler was then the warden. Through the influence of people in Chicago I was put to work in the printing office. Grant had written down there (to secure a good assignment for Eddie).. I set type for six months, then

¹The following article represents a part of a comprehensive study of Chicago's underworld in the 1880's and 1890's.

²Member of the Illinois State Board of Parole.

I was put in charge of the stone. I never thought of being a printer, never liked it except in Pontiac."

While there, Jackson liked printing, but gave no thought to taking up the trade on the outside, but "printing taught me much of the spelling and reading I know."

In his first term at Pontiac he was punished heavily for small infractions; in his three subsequent prison terms, he was never punished. The petty offenses became grave because underworld code prescribed "keeping mum."

"While in Pontiac I got in trouble three or four times for chewing tobacco, which I wasn't supposed to have. The punishment was solitary—once for 24 hours, another time for 9 days, and still another time for 6 days. Tobacco was prohibited and I was punished for refusing to tell where I got it. When cross-examined, I would say I found it or somebody threw it in going by my gallery. It could be purchased from the guards or trusties at 50c a plug. The price outside was ten cents."

He lost time and served longer, almost double the "minimum on good behavior" because of repeated punishment in his first penal term. In the later sentences he did not lose a minute.

"I lost twenty months or over by punishment there, and did thirty months when I could have been out in eleven."

Visits from the Outside World

In contrast to the novice, the professional criminal is not likely to keep his incarceration a disgraceful secret from friends and relatives. Jackson's old pals of the underworld called regularly and brought him cash—Rose, the brothel madame who "mothered him" and with whom he had lived for the seven years previous, Tracey and Carlson, his "mob"-mates. They managed to get the visiting privileges as relatives, whereas the less experienced visitor might go away discouraged at times.

"I always had money. It was handed me in the visiting room when I received visitors from Chicago. Rose called on me a half dozen times. Tracey, Carlson, a half dozen others would come to call on me and were supposed to be cousins or brothers."

Prison Life and Regulations

He had no hardships and cared little for the usual privileges.

"I was never beaten. 'Fish' get beaten. There was no amusement or recreation outside of church on Sunday, which was by compulsion. Those

attending school were allowed to play baseball and to drill.

"They had one riot in the granite shop while I was there, with a lot of excitement. The printing shop was always at ease. Only the marching and the dining room were strict.

"There was a library there and I was allowed to draw one book a week. We received newspapers from Chicago which were censored before we got them.

"The silence system was the rule all through the reformatory but the business in the printing shop made silence impractical. In the cell we could talk to our cell partners.

"I don't think they reform one man out of a hundred.

"My impression is that if they gave a man enough work to do they would never have any trouble.

Prison Associates

"My cellmates were nothing particularly worthwhile—hayseeds. One was down there for stealing four or five hogs or something. I never saw them again.³

"There were a few celebrities there though—Harry Hannigan, then and later one of the noted 'Long and Short' men, a gang at Austin Avenue and Sangamon Street. Their business was holdup with a gun. Sam Eastman was another holdup man and a partner of Hannigan. He became a holdup man in Chicago after his release. There was George Jeffers, a pickpocket, who later turned out to be a safe blower. Just this summer, July, 1930, he has returned to Chicago from nine years solid at a Minnesota penitentiary. There was Jess Garrett, a pickpocket, who turned out to be a bank holdup in Michigan and Ohio—now doing two life sentences in Michigan. There was a nice fellow!

"Mercer, the foreman of the printing shop, was worth remembering as a nice fellow. I never had any trouble in the printing shop—all the reports came from the cell.

"In those days there were very few blacks. Most of the inmates were Polish, Bohemian, and Irish, with a sprinkling of Germans and a very few Scandinavians. I don't know ten Norwegian thieves. Carlson was brought into the graft by Tracey, who was Irish. I was brought in by Carlson and introduced to Tracey." (Eddie is a Norwegian.)

Parole

Prior to the formation of the State Parole Board, the warden of each institution had a separate parole board for his particular prison. Any board containing Warden Schooler and Bishop Fallows would be a board of character.

"Schooler was a good man but my only contact with him was upon arrival. As soon as my eleven months were up, every effort was made to

³The criminal from the metropolis is contemptuous of the "fish" or "hayseed."

get me out, but my punishment record was against me. Schooler could not be moved to remove or disregard the record.

"Rose (his woman) worked for me very hard. Even a state senator, Doyle, who had a hat business on the west side appeared for me. In fact, he paid three different visits down there and appeared before the warden and the board. In those days Pontiac had a separate parole board and Bishop Fallows was the big man on that board. Senator Doyle even reached Bishop Fallows. There were irregularities then, too, but only as far as the guards.

"Certainly every effort was made for me. There was Senator Doyle and Senator Ryan, who was located near Sangamon and Washington Streets. These men tried through others to intercede with Bishop Fallows.

"The efforts at parole involved no extra cost. Most of the favors were got by going around to saloons and spending money with politician-saloonkeepers.

"They weren't asking for it then as they do now. Prohibition has brought in two new features—the high rate of graft and the taking for a ride for failure to fix."

After Jackson was paroled, he had no parole agent to supervise him, but had to send in a monthly report to the warden, which could become merely perfunctory—as it did in his later paroles, despite supervision by agents. However, dealing with a warden of Schooler's character even Eddie Jackson had to serve a rigorous parole and work for the first and only period of his life at hard work for long hours. The employment supervision was accomplished by placing the parolee in a bona fide job under an honest employer.

"I was paroled to Herman Schmidt, a German. He was in the teaming business on South Water Street, with sixteen teams, doing work for the commission houses. I did not drive a team while on parole but acted as foreman—nowadays called tracers. I really worked—I really tasted work.

"I don't think I had a parole officer, but I was required to send a written report monthly to Schooler at Pontiac.

"For twelve months I worked for \$22.50 per week—hours 2 a.m. to 6 p.m. in the summer months in the fruit season, but kept my job. In the winter it was a little lighter—8 a.m. to 4:30 p.m."

The "Wheel-Horse" as Warden

Politicians, wheel-horses of the "machine," when awarded the position of warden of a large prison for political services frequently fail in this difficult administrative and disciplinary function. They fail because of the very traits of character and personality which make for their success as politicians; good fellowship, good nature, freehandedness, liberality, conviviality, toleration, comradery with all

classes and preference for even a life-long criminal if a staunch faction brother.

These attitudes on the part of the warden demoralize a prison and lead to terror, riots and catastrophe, even for the "beneficent" warden himself. Allen and Klein are examples.

A politician can develop into an administrator (Zimmer) and a careerist administrator can be undermined by politicians (Whitman) and the prison may thus be demoralized.

The Two Commitments of 1913

When Jackson entered Joliet in 1913, Allen was Warden.

"Ned Allen, the warden of Joliet, was a Roger Sullivan Democrat. He placed me as receiving clerk in the chair shop under Ripley, the superintendent, and later transferred me from there to the job of clerk for the steward in the warden's house. It was the best job in the prison with the exception of the warden's chauffeur. I slept and ate in the warden's house.

"I was personally acquainted with Allen. Though he lived in Joliet he was always on the payroll of the McLaughlin Construction Company, which was a part of the Sullivan organization in Chicago. This company was composed of Senator McLaughlin and Representative Benny Mitchell from the 5th district. It had the contract for all the cement and crushed stone supplied the School Board of Chicago. Both McLaughlin and Mitchell were later indicted under Hoyne for shortage of delivery.

"I had met Allen right up in McLaughlin's office. I am still a personal friend with McLaughlin and for a period prior to this commitment I had been on the same McLaughlin payroll, with Allen, receiving \$11 a day as inspector. *I was on that payroll until the time of my conviction and for seven months afterward, because I had stood pat in the face of Wood's attempts to get me to turn 'rat.'*

The Murder of Mrs. Allen

"The principal event during this prison term was the murder of Mrs. Allen. As clerk to the warden's steward, I was in the warden's quarters twice a day, at 5 a.m. and at 4 p.m.

"As often occurs in prison work, I, the convict, was doing all the steward's work. He was only drawing a salary—the same as all those officials.

"The Saturday previous to Mrs. Allen's murder, the warden left to go to Washington. About 2 o'clock that afternoon, I was sent to the hospital to secure five gallons of alcohol which Mrs. Allen was to use for rubbing purposes after her bath. That night she gave a party beginning about 9:30 p.m. to a theatrical troupe of nine, showing in Joliet. She was a former show woman herself. The party lasted until 4 a.m. There was plenty of good whiskey, champagne, brandy, and bottled beer. The guests left at 4 a.m., and at 7 a.m. the fire was discovered in Mrs. Allen's room.

"The house man, Joe Campbell, a negro, was out on the lawn with her dog when the fire was discovered. He used to be locked up in the cell house and didn't get out until 5 o'clock every morning. The fire was discovered by Captain Clarkson, the warden's bodyguard. The doors were broken in to gain access. This was unnecessary as entrance could have been made through the warden's private rooms.

"The bed clothes and the mattress were the only things that were afire. The five-gallon jar of alcohol was under the bed—but broken. She was in the habit of smoking in her room but the testimony was to the effect that she was not a smoker.

"My idea was that she had been smoking in bed and caused the explosion of the jar. I am convinced that Campbell, the negro, never killed her. She had a slight abrasion over her right temple and no fracture, according to Dr. Clements' testimony. The theory was that the negro had struck her over the temple with a thermos bottle containing lemonade. I think she received the abrasion from the explosion. I told Ned Allen that.

"Campbell was accused of the crime and immediately placed in solitary mainly to protect him against lynching.

"It was believed that he was the last man to go to the warden's quarters. It was his regular duty to bring the newspapers and get the dog.

"There was no work on Monday following the murder. On Monday noon in the dining hall 800 men staged a riot. They tried to get Campbell out of solitary to lynch him. On the wall of the solitary, four keepers were stationed with light guns. They throw a barrage with a spread instead of the usual rifle fire. Father O'Brien, the chaplain, interceded with the men, induced them to march back to the dining room and quieted them down. At 4 p.m., the same day of the riot, a committee of twenty men, selected out of the various shops, were taken over to the solitary to show them Campbell was not there—that he had been removed to the county jail in Joliet.

"Mrs. Allen was the best liked woman that ever stepped into the prison, a mother to all the men—the only woman who ever walked everywhere in the prison unguarded. She never wanted anyone with her on her tours of the prison, excepting an inmate by the name of Roche, a lifer. Time after time she would come down to my receiving room at noon when all the shops were closed and the men were moving about the yard, just to sit there and talk. She was intensely interested in inlaid furniture, which was being made for her there by the inmates. After I became clerk to the steward, she would have me make up sandwiches and lunches to send to the cells of eighteen or more inmates, boys she knew or those that were doing work for her. These lunches consisted of two sandwiches, a piece of pie, a banana, an apple, or an orange.

"Now, returning to the murder of Mrs. Allen, I believe that Campbell was accused in order to cover up one of the officers who was in love with Mrs. Allen.⁴ Campbell was convicted on the testimony of seventeen inmates. All of these were locked up in their cells at the time this murder occurred and knew nothing about it. But they were released on parole 90 days after Campbell's conviction.

⁴This statement is Jackson's version of the murder.

"I was also supposed to be a witness, but for the defense. Allen came to me and told me not to go up to testify. Had I testified I might have told them that the newspapers were brought up every morning at 5 a.m. This was long before the fire was discovered. The prosecution denied this because they feared that the access of the Negro to Mrs. Allen's quarters so early in the morning would blacken her character.

"Three days after I was released on parole I met Ned Allen at Waukesha at the fights and I told him the very things I am telling you."

Privileges and Abuses

Allen increased and enlarged the convicts' privileges and gave them many new ones, but the theme running through Jackson's account of these privileges is, "In a penitentiary every good thing is spoiled by the abuse of a few." The leaders in abuse are often the "old-timers,"—professional criminals of a non-preferential faction. The situation is a repercussion of the factional conflict in the outside world.

For the first time under Allen's administration, the inmates were allowed to tinker. They made beaded bags for ladies and fancy hatpins. This was before the day of bobbed hair. Mrs. Allen had the boys make these up for her and would send such articles to friends as gifts, but she always paid the boys for them.

"The privilege of tinkering and making articles was taken away immediately after Allen resigned and left. During his administration the state maintained a display room for the sale of these articles. Ten per cent of the sale price went to the state for the material used. It was discovered that the inmates were abusing the privilege by stealing the materials from the state. The inmates were permitted to send out and purchase tools or anything else needed. In a penitentiary every good thing is spoiled by the abuse of a few. We were granted more privileges under Dad Allen's administration as warden than under anyone else.

"For example, the inmates were allowed to receive Thanksgiving Day baskets from folk outside—edibles, underwear, sox, outside shoes (shoes manufactured for the market instead of the institutional shoes). These shoes could be purchased on the outside and sent in, or the inmate could buy them in the prison, made to order for \$2.15 to \$2.65, Sells-Schwab brand.

"The abuse of this privilege began on the very first Thanksgiving Day of its operation. In inspecting the packages we found narcotics were sent in, concealed in the dressing of turkey and chicken. Small bottles of whiskey were discovered, individual drinks as served on diners. Out of about 400 packages only four passed inspection. (The packages of 'old-timer' criminals passed inspection.)

"Mine passed inspection, a package sent to Long John Lipman, another intended for a clerk in the hospital, a forger, and another intended for a man who was in the prison for holding up a sporting house in Kankakee.

By the way, Long John⁵ was a good pal of mine in prison, and I think a great deal of him yet. I see they want to extradite him; want him in the east for a robbery.

"Ned Allen took office in March. He gave us this privilege for the first time the following Thanksgiving, and the very first time it was abused. Yes, sir—it was abused. *Allen had to learn by experience.* We must have found ten pounds of narcotics in the packages. Thirty men caused the stoppage of the privilege for the whole institution. At that time there must have been about two hundred under the cure for dopes out of the 1500 inmates.

"Ned Allen gave the prisoners the privilege of playing ball games; also the privilege of buying fruit and candy and cigarettes through the store (canteen).

"During Allen's and Zimmer's administrations the inmates had a correspondence bureau, supported by a Miss Gardner. If the inmate had no friends to correspond with, he was furnished two addresses of ladies on the outside with whom he could correspond. It was stopped at the same time in Sing Sing and Columbus, Ohio, because it was discovered that colored men were corresponding with white women. The stoppage of the bureau caused a riot. It occurred after two ladies from the east came to visit the inmate correspondents and found them to be two colored men.

"At that time it was easier to buy whiskey in the penitentiary than it is to buy it outside now. I cannot blame the keepers for dealing in whiskey when their wages were \$55.00 a month and keep, and they could get \$2.00 a quart for whiskey. Four out of five of the keepers were in this business.

"After the murder of Mrs. Allen, Warden Allen would no longer reside in the warden's quarters as required by law. He resigned and Warden Zimmer followed.

"There was no change in my good fortune after Zimmer became warden. He was a Sullivan Democrat. I stayed well fixed, in the same position. I knew him when he was selling kindling by the wagon load on the south west side in the old 9th ward.

"During Zimmer's administration there were no disorders except the usual few fights a day that you would expect among 1500 convicts. Both Ned Allen and Zimmer were well thought of by all the boys.

The Prison Sentence of 1924

"I was assigned to the furniture shop, under Ripley (superintendent of shops). He immediately assigned me to the shipping clerk and I was perfectly satisfied. I lost no 'good' time. I was never even reported. Under statutory 'good time' I would be released in six years and three months.

The Killing of Klein

"The killing of Klein, deputy warden of the new prison, the parole scandal and Clabaugh's iron rule, kept the prison in a constant glow of

⁵He became a powerful labor-racketeer and terrorist, who was accused of a long list of murders.

interest and uproar. As a phase of this Whitman was removed and Green was appointed warden."

(Klein was deputy warden in charge of the new prison (Statesville) under the warden of Joliet penitentiary.)

"While this killing occurred at the new prison and I was at the old, three miles away, despite the suppression of communication and the censoring and the deleting of the newspapers to prevent any knowledge of prison upheavals from reaching inmates, we knew this ten minutes later.

"We heard it through the grapevine, through keepers, trustees, outside men who deliver in wagons, warden's house officer, mess attendants, etc.

"I heard it from my foreman. It happened in the morning when I was at work in the shipping room. The shops were ordered closed a few minutes later and all inmates sent to their cell blocks. Once in the cell blocks communication was fast and easy. Though it is against the rule, one man can shout out and be heard all over the cell block at once. For all of the men and all of the cells there is only one keeper to contend with, as contrasted with marching line or the dining room.

"All shop keepers and foremen were ordered out to aid in the capture of the five or six escaped murderers of Klein. We were locked up for one and a half days. Then they captured three of the men and returned them to the jail of the town of Joliet.

"Klein was well liked by the majority of the old-timers. Who are the old-timers?—the thieves, the professional criminals. He had been appointed by Governor Dunne, was suspended later under Warden Murphy (a Republican under Lowden), and was reinstated under Small. He favored the old timers, gave them the best jobs. His suspension under Governor Lowden was due to his acceptance of a gift, a Hudson car, from John Strawsneider, a former associate of 'Yellow Kid' Weil, the notorious con man. Strawsneider was the secretary to Klein when Klein was at the old prison prior to his suspension. After his reinstatement under Small, Klein was made deputy of the new prison. He tried to get me transferred to new prison.

"I had known Klein while he was a Chicago copper at the crossing of Randolph and Clark Streets. Later he was in plain clothes at Stanton Avenue. During the time of his suspension he was in the auto accessories business at Michigan and 24th Street. I met him there a half dozen times.

"Klein was a great mixer and many old-timers had free access to his office, which was on the ground floor of the solitary of the new prison, which had no wall around it.

"Some men thought it was too bad he didn't get it sooner—others felt sorry for him. I went to deputy Carson (predecessor of Mr. Barrowman, deputy of the old prison) to suggest a collection among inmates for a floral piece. Warden Whitman would not allow it."

How An Administration Can Be Undermined

Klein as deputy was officially subordinate to Warden Whitman who was approaching the end of a long and creditable career as superintendent of penal institutions. How the demoralization re-

flected in the killing of Klein occurred is a mooted question. As a holdover from a previous administration, Whitman seemed to have lost control of his subordinates appointed during the Small administration. Further, he seems to have lost influence with equal and superior officials in related boards and sections of the State Board of Public Welfare. When he made an inmate a promise, therefore, he could not execute it, even though it were a just promise, whereas the "Wheel-horses" could accomplish "magic" even though the favor was "crooked."

Other conjectures were that his health was waning and that the worries and burdens of his family life undermined his morale.

"All classes of inmates hated Warden Whitman. They called him 'Promising John.' He always promised, whether it was a transfer to the new prison or a recommendation for parole or aid to the family. His wife was well liked. She often visited the families of inmates in Chicago and brought them food or clothing. She went to prison chapel every Sunday, but I never attended.

"I once asked Warden Whitman for a transfer to the new prison. He promised it, and it didn't happen. I then suggested that I could get someone from Chicago to get me transferred. He said, 'Politics don't run this prison anymore as it used to. You haven't got Ned Allen here.' I didn't like him.

"When Green was appointed warden the inmates and the majority of the keepers were pleased to have the change. Whitman had been starving the inmates. They were glad to see Green in. As soon as he came in the grub was improved. Two captains were fired for running a grocery store on prison groceries. Of course, Green was a Republican, but politics don't make any difference in a prison—as long as there is someone in power known to be 'copping the dough'."

The Colvin Parole

The account of each of his respective prison sentences and his paroles granted under Schooler and Murphy have been given earlier. His paroles under the Colvin and Clabaugh regimes follow.

"It occurred in February, 1918. I did exactly four years and eight months. I was paroled February, 1918, and discharged February, 1919."

Parole Supervision

"During this parole period I was wanted for violation of parole due to the failure to report one month. I had been given special permission to leave the state. I straightened this matter out at a cost of \$3,500.00. Why? My irregularity on parole was discovered when I was pinched in Detroit in June, 1918, and in Cleveland in October, 1918. I dealt with

Senator Mitchell and Colvin of the Parole board, who were both in office under both the Democratic and Republican administrations.

"As I said before, I received my final discharge in 1919. My parole was a roving one. I was at the time on the racket and in the saloon business in Detroit as well.

The Colvin Board

"The parole board gave me the maximum—6 years and 3 months. My case had been 'continued indefinitely' upon first hearing before the board. A half dozen appearances and the extreme efforts of Newton Arthurs resulted in an opportunity for another hearing, but by this time the parole scandal had broken out in the newspapers (Colvin). Cases were not being heard."

The Clabaugh Board—No Favors

"Then Clabaugh was appointed. *There were no favors.*

"Clabaugh was too hard. He called off the merit system, suspended all discharges from parole—nine cases out of ten where a man would go up before Clabaugh he got all of his time, even though he was a first-time loser.

"I was assigned to the furniture shop under Ripley. He immediately assigned me to the shipping clerk and I was perfectly satisfied."

Knows the Ropes

"I lost no 'good time'. I was never even reported. Under statutory good time I would be released in six years and three months. With the deductions under the merit system in addition, I could be released in four years, three months, and fifteen days."

Parole

The forms of administrative bodies are unimportant as compared to the quality of personnel.

Eddie Jackson's experiences in securing parole and during the periods on parole (subject to parole supervision) occurred under three administrations. These experiences reflect the character of the board, presumably performing the same function, under different types of personnel.

Jackson served the Pontiac sentence of 1897 and parole, and the first Joliet sentence of 1909 and parole under the old system, a separate parole board for each institution with the warden in control. In the first case he received punishment in prison (both solitary and increased incarceration) and had to work at hard, long, honest labor

during parole; in the second case, he "knows" he cannot be punished and receives the very minimum of imprisonment and parole.

The latter two sentences, under a State Board of Pardons and Paroles, again reflect important differences. Under the Colvin control his fate was much more of his own making or "fixing" than under the Clabaugh control when "there were no favors to be had" and he had to serve the maximum sentence.

Colvin's chairmanship of the State Board of Pardons and Parole ended in scandal, an expose of corruption in the granting of paroles and pardons for years previous. This expose, like those involved in this life-history, occurred when a rising faction leader was grooming himself for the candidacy for governor, expecting to run in an approaching primary against the incumbent.