

## CHAPTER IX

### ELECTION FRAUDS

At the second session of the United States Congress, 1791-93, James Jackson contested the election of Anthony Wayne from Georgia, charging:

That the election in Effingham County was contrary to law, being held under the inspection of three persons, *one* of whom was a justice of the peace, although the law requires that all three shall be justices; (2) that there were 9 more votes given than there were duly qualified voters in the county; (3) that the votes of Glynn County were suppressed, the return of them having been committed to the Hon. Judge Osborne, who had taken them to transmit them to the governor, but instead thereof had conveyed them to Anthony Wayne, the sitting member; (4) that after the closing of the legal poll of the county of Camden the return of the votes (being 15 for General Wayne and 10 for General Jackson, the petitioner) was delivered to Judge Osborne, the presiding officer, who with some other persons, did afterwards hold a second election, and augmented the votes considerably in favor of General Wayne; (5) undue and corrupt practices at the election, as the setting down the names of persons as voters who were not present, and the keeping back the tax returns for the county of Camden, which was the only check upon the persons offering to vote.<sup>1</sup>

Congress unanimously voted to unseat General Wayne, but after long debate refused to seat General Jackson, declaring the seat vacant instead. At the following Congress the election of Francis Preston from Virginia was contested on the ground of violence, intimidation, and irregularities in the conduct of the election. It appeared that a company of Federal troops, stationed near the voting place in one county, had intimidated the voters. A number of altercations and fights occurred during the day, a magistrate was knocked down by troops, and voters were refused admission at the polling place if they stated that they were going to vote for

<sup>1</sup> Quoted in Chester H. Rowell, *Contested election cases*, p. 39 (1901).

the petitioner. The defense made for the sitting member was that "riots and intimidation were an established custom and quite a matter of course in all Southern elections of the time." The sitting member retained his seat.<sup>2</sup>

Practically every session of Congress from that time until the present has witnessed numerous election contests, practically all based upon allegations of voting frauds and irregularities. The informal methods with which elections were conducted in many communities during the early history of the country is somewhat humorously illustrated by the following summary of the procedure in one voting precinct in Tennessee in the election of 1828:

In the precinct of Berry's, Claibourne County, a large gourd was used as a (ballot) box; on the evening of the first day it was stopped and tied with a handkerchief and taken charge of by one of the inspectors who locked it in his house overnight. There was no evidence of fraud, and the officers of election were proved to be men of good character.<sup>3</sup>

A few years later it was proved in a congressional contested election that in one Philadelphia precinct the officers were sworn on a city directory instead of the Bible, and took oath "to do justice by their party."<sup>4</sup>

Violence and intimidation at the polls, which now have all but disappeared, were formerly quite common. In a contested congressional election case in 1857 from Maryland the committee report, as summarized by Chester Rowell, stated:

The committee quoted from the governor's message on the subject, the proclamation of the mayor, and the accounts in non-partisan newspapers to show that it was a generally conceded fact that the election in question was marked by riots and violence. It was claimed by some that the disturbances were the results of attacks by members of the American Party upon naturalized citizens, and by others that the foreign born citizens were the aggressors; but in either case the effect upon the validity of the election would be the same. The fatal results

<sup>2</sup> *Ibid.*, p. 43.

<sup>3</sup> *Ibid.*, p. 90.

<sup>4</sup> *Ibid.*, p. 113.



of the riots at previous elections had left the city in a state of alarm, and the rioters at this election took advantage of this feeling and were largely able to exercise the same intimidation as at previous elections without the necessity of resorting to the same degrees of violence. An abstract of all the testimony was given, showing at each precinct the presence of large bodies of excited men, who prevented the Democratic challengers from acting and intimidated the Democratic voters, especially those of foreign birth, from approaching the polls. Individual cases of assault were shown at most of the polls. The witnesses for the sitting member, on the other hand, testified that the election was much quieter than usual, and that the pushing and shouting around the polls was not such as to prevent anyone from voting who desired to do so.<sup>5</sup>

Following the Civil War election frauds and violence were widely prevalent throughout the country, but especially in the Southern states. In a contested election from South Carolina in 1875 the House committee found:

The testimony showed in every precinct in the city of Charleston such fraud, repeating, bribery and intimidation committed by friends of the contestee, apparently with the aid and collusion of the election officers, that the committee unanimously agreed that the vote of the whole city must be thrown out.<sup>6</sup>

In New York City during this period, particularly during the reign of Tweed, gross frauds marked the elections. Tweed openly testified as to these frauds before the Board of Aldermen some years later:

Q. Now, Mr. Tweed with regard to elections—to the management of the elections for the city and county officers—and generally, the elections for the city and county: When you were in office, did the Ring control the elections in this city at that time?

A. They did, sir; absolutely.

Q. Please tell me what the *modus operandi* of that was. How did you control the election?

A. Well, each ward had a representative man, who would control matters in his own ward, and whom the various members of the general committee were to look up to for advice how to control the elections.

<sup>5</sup> *Ibid.*, p. 157.

<sup>6</sup> *Ibid.*, p. 321.

Q. The General Committee of Tammany Hall?

A. Of the regular organization. . . .

Q. What were they to do, in case you wanted a particular man elected over another?

A. Count the ballots in bulk, or without counting them announce the result in bulk, or change from one to the other, as the case may have been.

Q. Then these elections really were no elections at all? The ballots were made to bring about any result that you determined upon beforehand?

A. The ballots made no result; the counters made the result. . . . That was generally done in every ward by the gentleman who had charge of the ward. . . .

Mr. Cole: Mr. Tweed, did you ever give any directions to any persons, to falsify or change the result of the actual *bona fide* ballots cast in any election?

A. More in the nature of a request than a direction.

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Q. Can you state now, at this time, whether the election which took place in the City of New York at that time (1868) was a fair and honest election?

A. I have not the details in my memory.

Q. What is your best impression?

A. I don't think there was ever a fair or honest election in the City of New York. . . . I think that was the year in which a great many people were naturalized. . . .

Q. Was that the year the Inspectors of Election lumped the votes and declared them without counting the vote?

A. I shouldn't be surprised if it was. . . . I think it was. . . .

Q. What I desire to find out is whether or not the vote which was given in the City of New York wasn't made so as to get some way or other of offsetting the vote which was given from the rest of the state?

A. I do not know that. I know we took means to prevent them from doing what they wanted to do. . . . Well, one of the means, I know, was to get entire possession of the telegraph wires and keep them busy, one of us proposed to telegraph the whole Bible over them, if it was necessary.<sup>7</sup>

<sup>7</sup> Tweed Ring Investigation, pp. 133-37, 225. Quoted in M. R. Werner, Tammany Hall, pp. 130-32.



A committee of the House of Representatives which investigated the election frauds in connection with the election of 1868 reported:

On the 30th and 31st of October, when only two days intervened until the day of the election, gangs or bodies of men hired for the purpose, assembled at these headquarters where they were furnished with names and numbers, and under a leader or captain, they went out in ones and twos and threes and tens and dozens, in nearly every part of the city, registering many times each, and when the day of election came these repeaters, supplied abundantly with intoxicating drinks, and changing coats, hats, or caps, as occasion required to avoid recognition or detection, commenced the work of "voting early and often," and this was carried on by these vagabonds until, wearied and drunken, night closed on the stupendous fraud which their depravity had perpetrated.

With all the concealment which cunning could invent, or perjury secure, or bribery purchase, or the fear of punishment inspire, or the dread of violence from bands of conspirators and democratic desperadoes could command, or the blandishment of more accomplished knaves could entice, or the hopes of office could buy, or fear of the loss of place could bring, all of which would naturally conspire to throw obstacles in the way of or defeat the investigation of the committee, it is by no means possible that the extent of these frauds has been revealed, even in any one ward.<sup>8</sup>

Following the Civil War election frauds were rampant throughout the country. They flourished particularly in the large cities under the boss and machine rule of this period. Drinking, rioting, bribery, and intimidation of voters at the polls were looked upon as the normal conduct to attend the election. Gradually, however, these practices came to be looked upon with disfavor, and state election laws were amended to correct the worst abuses. Registration laws, stricter election laws, and finally the Australian ballot marked the progress in election reform. Honest elections have become the established rule in most sections of the country, and boisterous conduct at the polls is confined to a few large

<sup>8</sup> House Report No. 41 on election frauds in New York, pp. 40-45 (1868). This and other parts of the report are quoted in Werner, pp. 135-52.

cities. Election frauds have not disappeared, but they are going. No community can longer afford to tolerate election thievery.

In order to present the problems of election frauds to-day as a phase of election administration, it is necessary to introduce at this point a detailed account of the frauds which prevail in the large cities. The accounts are offered as case studies. Official reports and documentary evidence are quoted in considerable detail. Election frauds are by no means confined, however, to these cities. Recent investigations have brought to light election scandals in the particular cities covered, but it would be a mistake to assume that other cities are free of election frauds.

Following the detailed account of election frauds in Philadelphia, Chicago, Pittsburgh, and Cleveland, an analysis is made of the various types of fraud and the factors and conditions which produce them, and finally suggestions are offered of means to prevent frauds.

**Philadelphia.** Philadelphia has been notorious for many years for its election frauds. Before the requirement of personal registration in 1906 it was commonly said that all of the signers of the Declaration of Independence were still regularly voted in the city. In the early case of *Page v. Allen*, Justice Reed said:

I was counsel for Mr. Kneass in 1851 and for Mr. Mann in 1856 and from what I saw in those contested elections I was fully convinced that the election laws were totally ineffective in preventing frauds, and subsequent exposures have confirmed me in my opinion. In some districts of the city's plague spots fraudulent voting is the rule and honest voting the exception.<sup>9</sup>

In 1894 it was estimated by the *Philadelphia Times* that there were 50,000 fraudulent names on the assessors' lists in Philadelphia. The *Press*, a leading Republican paper,

<sup>9</sup> 59 Penn. State Reports 365.



estimated the number at 80,000.<sup>10</sup> At this time the assessment lists constituted the registration system for the city. The method of padding the registration (assessment) lists and carrying on voting frauds was brought out in the case of *Commonwealth v. Hogan*, as summarized in an editorial in the *Record* at the time:

That the assessor of the division kept a house of prostitution.

That he padded the list with fraudulent names registered from his house.

That two of the names used as election officers were assessed from his house.

That he was already under a criminal charge for like frauds as assessor.

That a burglar only a month out of prison acted as an election officer under the name of one of the regular officers.

That this burglar had formerly lived in the assessor's house and had been registered therefrom.

That the constable of the division likewise kept a disreputable house and had the assessor's list padded with fraudulent names as living in his house.

That two others of the pretended election officers were assessed from that infamous place.

That the constable's son fraudulently acted as election officer under the name of someone else.

That a policeman was likewise assessed as living in this abominable resort.

That the major part of more than 200 names on the assessor's list were registered from brothels, badger houses, gaming houses, and other places of revolting wickedness.

That the election was held in the house of prostitution maintained by the assessor.

That the man named as judge had also a criminal charge for a like offense pending against him.

That 252 votes were returned in a division that had less than 100 legal votes within its boundaries.<sup>11</sup>

One man who was convicted of repeating in the November election of 1898 admitted that he had voted thirty-eight

<sup>10</sup> Cited by Clinton Rogers Woodruff "Election methods in Philadelphia," *Annals of the American Academy*, Vol. XVII, pp. 188-89 (Mar. 1901).

<sup>11</sup> Also cited by Woodruff.

times, while another confessed to having voted thirty-three times at that election. Intimidation also played an important rôle in the carrying of elections, especially intimidation by policemen. The Municipal League of Philadelphia issued a pamphlet entitled "Stumbling Blocks" following the election of November 1900, citing ten cases of brutal police interference and intimidation at the polls.

Professor Austin F. MacDonald has written a significant and interesting account of the election frauds in the Republican primary and in the general election of 1925.<sup>12</sup> The interest in the Republican primary (which, of course, is equivalent to an election in Pennsylvania) centered around the contest between Benjamin H. Renshaw and Leopold Glass for one of the judgeships in the municipal court. Renshaw had been appointed by Governor Pinchot to fill a vacancy; Glass was the nominee of the Republican machine. The candidacy of Judge Renshaw would not have been taken seriously but for the fact that the re-election of the sitting judge was traditional. The Republican organization was intent upon winning the election because of the fact that there were some six hundred employees under the municipal court, involving an annual pay roll of approximately \$1,000,000. As the primary campaign drew to a close, the nomination of Glass was generally conceded, but the actual results exceeded the expectations of the organization leaders. The vote stood: Glass, 229,077; Renshaw, 72,600. To quote from Professor MacDonald:

In division after division huge totals piled up for Glass, while not a single vote was recorded for Renshaw. In many sections of the city 300 to 0 was a typical division vote. And then came the reaction. Scores of letters were sent to Judge Renshaw by outraged citizens who declared that although they and many of their friends had voted for him, ciphers were placed opposite his name on the tally sheet displayed outside their polling place. The "errors" were not confined to one division or ward, but were found in practically every part of Philadelphia.

<sup>12</sup> "Philadelphia's political machine in action," *National Municipal Review*, Vol. XV, pp. 28-35 (Jan. 1926).



Judge Renshaw charged that he had been cheated out of at least fifty thousand votes. The Committee of Seventy, an organization of citizens which had worked for years for clean elections in Philadelphia, took up the case of Judge Renshaw and started out to make a door-to-door canvass in some of the zero divisions to secure affidavits from voters who had voted for him. The organization was thoroughly frightened and proceeded to warn the voters. In one precinct the Vare division leader received word that his precinct was to be investigated only a few minutes before the representatives of the Committee of Seventy arrived. From house to house he and his workers went telling the residents always that "The Committee of Seventy is coming. When you are asked if you voted for Renshaw, say you never heard of him." When the representatives of the Committee of Seventy called they had the same reply house after house: "Renshaw? We never heard of him." Later on many of the residents complained that they had been deceived; they expected a committee of seventy, and only two persons appeared. The division leader who later told the story said: "It wasn't that we were afraid that they would find somebody who had voted for Renshaw. My division is made up mostly of foreigners who can be depended upon to do the right thing. But many of those whose ballots were cast never went to the polls, and we couldn't let them tell the committee that they stayed home on election day."

In other districts, however, particularly before the organization realized what was taking place, the committee was more fortunate. In one district, for example, where Renshaw was recorded as having received no votes, eleven affidavits were secured from voters to the effect that they had voted for Renshaw, and still other voters stated that they had also voted for Renshaw, but declined to sign an affidavit for fear of reprisals from the organization. The Committee of Seventy with evidence of this kind went into court to secure a recount of certain districts, but the court, favorable to the political organization, ruled that fraud or error had not been proved,

and refused to permit a recount. At that time the state law required positive proof of fraud or error before a ballot box could be recounted. In the meantime many of the zero returns for Renshaw were mysteriously altered. Ciphers were transformed into sixes, and in some precincts a "2" or "3" became a "5." Later on more evidence was collected and the courts finally held that fraud had been established, and some of the precincts were recounted. Many of the precincts showed a substantially accurate return of the ballots, but in others the discrepancy between the recount and the original return was startling. In one division the original return showed Glass 120 votes and Renshaw 6, while the recount gave Glass 65 and Renshaw 56.

T It was at this time that the discovery was made that many fraudulent names had been placed upon the registration books. Under the Dunn Act, passed several years earlier, the registrars in each district were supplied with a copy of the registration books of the previous year, ostensibly to speed up the registration, so that each voter formerly registered would not need to be required to answer all of the many questions usually asked. The answers could be filled in from the previous registration book. Actually, in many precincts the registration officers simply copied into the new registration books the names of all of those formerly registered, and if the voters failed to show up to sign the new books, the registrars signed for them at the close of the day. This process resulted in a highly padded registration in the transient sections of the city, where frauds are most commonly practiced. As one attorney familiar with election matters put it: "Why, that law simply played right into their hands. The division registrars couldn't have thought up all of the fictitious names necessary to pad the list, with the various items of age, birthplace, etc. This gave them a list ready made, and when they copied in these names during the day with no one present and registering, even bystanders would not suspect that frauds were being perpetrated."



At the final election in 1925 Judge Renshaw was again a candidate, but the event which attracted most attention was the death of the Republican organization candidate, Judge Patterson, for the office of district attorney. His serious illness and operation shortly before the election caused the Republican organization to have stickers printed bearing the name of a substitute candidate, Frederick J. Shoyer. By noon on the day of election, Judge Patterson was rapidly sinking and it became apparent that he could live only a few hours longer. The organization was greatly concerned about the office of district attorney, and believed (erroneously as it later turned out) that if the successful candidate died, Governor Pinchot would fill the vacancy by appointment. The leaders went into conference about three o'clock in the afternoon and decided to distribute the stickers to the precincts throughout the city, but at this late hour it was impossible to get the stickers to many of the precincts until four o'clock or even later. In spite of the fact that the polls closed at seven o'clock that evening, many of the districts rolled up a miraculous vote for the sticker candidate. In many precincts the election officers promptly pasted the stickers on the ballot before handing them out to the voters, which, of course, is contrary to state law, and is equivalent to marking the ballot for the voters. In some districts the Shoyer stickers were actually pasted over the name of Patterson. In other districts the precinct officers pasted the stickers on the ballots when they were taken from the ballot box at the close of the election. But the final result stood: Patterson, 168,795; Shoyer, 124,895. The machine was not able to substitute its candidate at that late hour. To the amazement of many politically informed persons the vote cast for Shoyer in some of the districts where election frauds are usually expected was very small. MacDonald quoted the explanation of one of the election inspectors of this phenomenon as follows:

"It wasn't a lack of time that beat us. After the polls closed we could simply have opened the ballot boxes and pasted on as many stickers as

we pleased. The trouble was that we had made out the tally sheets early in the day, and given Patterson enough votes to make his election sure. Those tally sheets go to the judges of the Court of Common Pleas, and as they are marked in ink on special paper, it is almost impossible to erase them."

"Isn't it rather dangerous to prepare the final record of the election before even half the votes have been cast?" he was asked.

"No, indeed," he assured his auditors. "We always do that. If we actually counted the ballots our job wouldn't be finished until the next morning. At any rate, the division leader is at the polling place all day, and he knows how almost every person will vote. By checking them off as they deposit their ballots he can tell exactly how the election is going. In our division there was only one person of whom we weren't sure. We were determined to learn whether she voted for or against us, so while she was marking her ballot the judge of election dipped his pen in a bottle of ink and then drew it around the slot in the ballot box. The woman's ballot naturally became smeared with ink as she deposited it, and when we later opened the box we had no difficulty in distinguishing it from the others."

"Weren't you afraid to take such chances?" queried another listener. "You fellows are in trouble already because of what happened at the primary election."

"We didn't take any chances this time. There was a lot of fake voting at the primary election, but not at the November election. We didn't record a man as voting unless he actually voted, or unless we knew he could be depended on. For example, I was sure my mother wouldn't come to the polls, so it was quite safe to cast her ballot for her. The people who live next door to us are the right sort, but they're lazy and like to stay at home. So I told them I would cast their votes for them. But we played the game fair."

The investigation conducted of the 1926 election in Pennsylvania by a special committee of the United States Senate, touching upon the legality of the election of William S. Vare, brought to light widespread and flagrant election frauds. It had been generally supposed in Philadelphia prior to 1925 that the city was free of election frauds, but the testimony of the best informed witnesses was to the effect that these election malpractices had prevailed for years. Nowhere in the country is the power of the party organization more secure than it is in Philadelphia, which raises the significant



query of what occasion there is for election frauds to be committed. Indeed, at the elections when frauds were exposed, the popular majority of the machine candidates was overwhelming, showing that there was no need for illegal practices to win. The explanation usually offered in Philadelphia is that many of the precinct workers, anxious to make a good showing in their districts and to procure political advancement, stole votes and engaged in other corrupt practices. The "higher ups" in the organization complained that these tactics were quite unnecessary and indicated unjudicious zeal on the part of the district workers. Another explanation offered was that many of the division committeemen were so "hard boiled" that they committed these frauds in order to boast of them.

The Senate special committee did not investigate the election frauds of the 1926 election until after more than a year had elapsed, when it was too late to uncover many details. As a matter of fact, the investigation was confined almost entirely to an examination of the ballots, poll lists, registers, and other records of the election, and the only frauds discovered were those which were apparent upon the face of the records or from an inspection of the ballots themselves. It is hardly necessary to point out that these probably represent only a small part of the total frauds which were committed.

In the local election of 1925 and in the Republican primary of 1926 the returns from many precincts showed a unanimous vote for the favored candidate. This was almost inexplicable in view of the fact that the other candidates had paid watchers in each precinct, and the unlikelihood that several hundred voters would all cast their ballots for a single candidate. In many of the zero precincts voters reported that they had voted for the candidate who was not credited with any votes. This experience taught the machine a lesson—that it was always advisable to report at least a few votes for the unfavored candidate, and this mistake was not made again. However, despite this experience, the records and the ballots for the

1926 general election showed upon their face that serious frauds had been committed. The committee employed handwriting experts, attorneys trained in election matters, and detectives. The work of the counsel for the committee was well done, though confined, as previously stated, almost entirely to the ballots and the records.

The recount of the vote cast for United States Senator in the one thousand five hundred election districts of the city showed that only 181 had reported a correct count, or, as the Committee pointed out, the average chance which a Philadelphia voter has to have his vote counted correctly is, according to this recount, less than one in eight. In the entire city, Vare gained 894 votes upon the recount in 258 election districts, and lost 6096 votes in 958 divisions, a net loss of 5202 votes. Wilson gained 5918 in 958 divisions, and lost 418 in 148 districts, a net gain of 5500. These changes in relation to the whole vote are not as striking as the results of recounts in Chicago and some other cities, but they unquestionably indicate fraud. Unless there is connivance, the errors tend to offset each other, but in this case Vare lost over five thousand votes and Wilson gained a similar number. Of course, this does not indicate the extent of voting frauds. The committee discovered from an examination of the ballots and the records substantial evidence of other and greater voting frauds.

The types of frauds and irregularities discovered by the committee were classified as follows: (summarized from the report):<sup>18</sup>

1. *Fraudulent returns.* Indicated by a net gain of over 10,000 votes by Wilson upon the recount.

2. *Failure to tally votes.* The state law requires the precinct officers to tally the votes upon the official tally sheet as they are counted. The tally sheets from many precincts contained no tally marks, but merely a straight line instead. This

<sup>18</sup> Senatorial campaign expenditures, 70 Cong. 2 sess., S. rept. 1858, pp. 30-40.



does not necessarily indicate fraud, but does prove failure to comply with the state law on the subject.

3. *Records of persons voting.* In Pennsylvania there are three records kept of voters who cast their ballots: the two registration books, one of which is checked when the voter applies for a ballot and the other when he deposits in the box, and the poll list, which is prepared as the voters are checked off the first register. A comparison of these three records showed a great deal of discrepancy between them as to the names of persons who voted.

4. *Voters not registered.* Registration is a requirement for voting by state law in Pennsylvania for cities of first class, Philadelphia. Nevertheless, more than two thousand unregistered persons were permitted to vote contrary to state law. These names were discovered by a careful check of the registration books with the poll lists. The defense was later made by the attorneys for Mr. Vare that these persons were actually registered, but that the election officers made mistakes in taking down their names. For example, one of the names of unregistered persons permitted to vote was that of Joseph Rodgers, but the registration lists contained the name of Gus Rodgers, and it was insisted that Joseph Rodgers and Gus Rodgers were one and the same person. Similarly it was insisted that Thomas Hogan was George Hogan, that Alfred McGovern was Joseph McGovern, that Hyman Goldstein was Henry Goldstein, and so on. Doubtless a few of these cases were caused by the failure of the precinct officers to record the names correctly, but certainly this explanation will not stand up where the first names were entirely different, unless, as may have been the case, the election officers actually permitted one member of a family to vote for another.

5. *Repeaters.* In a number of districts, the names of some voters appeared twice or more on the poll list, indicating that the voter was permitted to vote a second time. In the entire city there were 635 cases of this kind.

6. *More ballots than voters.* In 395 divisions there were more ballots in the box than there were names on the official poll lists. In many more districts there were more ballots in the ballot box than the number of names checked on the registration books, but in most cases this was probably due to negligence. In one precinct, the fourth division of the eleventh ward, there were seventeen more ballots in the box than names on the voting list, and in addition, three of these ballots were unfolded and could not possibly have been deposited through the slot in the box. An examination in this division showed also seven forged signatures on the registration books.

7. *Padded lists of voters.* According to state law the poll list is made up as the voters appear to vote, and in consecutive order. In many precincts, however, blocks of names were discovered on this list in alphabetical order, indicating very strikingly that the election officers had written these names in the poll list without the voters actually appearing, and had not even bothered to mix them up so as to conceal this fraud. Where the election officers are corrupt and willing to carry it out, the cheapest and easiest method of stealing votes is simply to have them write in the names of persons who have failed to vote during the day, or of persons who the precinct captain has assurance will not vote, and deposit ballots for them. It is inconceivable that the actual voters would come to the polls in alphabetical order, with those whose names begin with A first, B next, and so on. Yet this is what the poll books of some election districts indicated. The two following samples of alphabetical lists have been taken from the Committee report. It will be noticed that there are some breaks in the alphabetical arrangement, presumably the names of voters who came in while this was being done, and who were permitted to vote, probably not at all suspecting the voting frauds being carried on under their very eyes.

An example of two alphabetical groupings in the list of voters from the twenty-second division of the twenty-fifth ward is given below:



Bell, Frank	Nellingher, Emma	Johnson, Elizabeth
Binns, Robert	Parker, Edward	Kaiser, Elizabeth
Carbeck, Elizabeth	Parker, James	Karcher, Frieda
Donnelly, John F.	Parker, Robert	Karcher, Ernest
Edelman, George	Renzi, Tony	Mulhearn, Daniel
Grossmiller, Howard	Schnitzler, Emil	Moffert, Elizabeth
Hofkin, George	Smith, Catherine	Moffett, John
Kline, Sarah	Trevinson, Anna	MacMullen, Leona
McAnney, Howard		McGovern, Chas. P.
McAnney, Ida.	Ball, George	Rielly, Elsie
McCortney, Edward	Ball, Jean	Rielly, Thomas
McMillian, William,	Davis, Marie	Rielly, John
Jr.	Gerson, Sarah	Schmertzler, Robert,
Nickel, Raymond	Gerson, Leonard	Jr.
Nickel, Harry	Grunthall, Benjamin	Sober, Abraham
Nugent, Mahlon	Hines, Chas.	Sullivan, Murial
Nellenger, John	Johnson, William	Sullivan, Marion

(The last twenty-four names above are the last twenty-four names in the list.)<sup>14</sup>

8. *Unfolded ballots in the ballot boxes.* Many ballots were found without any creases whatever, indicating quite clearly that they were not placed in the box legally during the day of the election through the small slot. Other ballots were found to have been folded only once, also indicating that they were not deposited in the ballot box through the slot. Still other ballots were discovered with identical folding creases, indicating that a group of ballots were folded together, for otherwise the creases could not have been identical. Seventy hundred and seventy-five ballots were found which could not have been legally deposited in the boxes, but this, again, does not at all represent the total number of ballots illegally stuffed into the box at the close of the day. In many precincts, doubtless, the election officers were careful to fold and crease the ballots which were stuffed, for this method of discovering fraudulent votes was not new. During the hearings the attorneys for Mr. Vare attempted to prove that ballots could be rolled and deposited in the boxes, thus with-

<sup>14</sup> *Ibid.*, pp. 34-35.

out creases, but upon trial it was discovered that this highly improbable method of depositing ballots actually could not be done with the large ballot.

9. *A few persons marked many ballots.* The handwriting expert employed by the Committee discovered that in many precincts a large number of ballots had been marked by one or a few persons. Some of these cases were doubtless assisted voters, but the number in many precincts greatly exceeded the number of voters who were assisted.

10. *Crosses added to the ballots.* Seven hundred and thirty-eight ballots were found in the thirty-six districts to have been marked by two persons. This was readily discoverable by a handwriting expert, sometimes because of different pencils or different colored ink being used for the different marks.

11. *Ballots marked in piles.* Evidence was discovered that many ballots had been marked while in a pile, which, of course, is a plain indication of fraud. The evidence consisted largely of "phantom" crosses. If a group of ballots are marked in a pile, it is inevitable that some of the marks will be carried through to the ballot underneath, but in phantom, or only the indentation showing. Other indication of ballots marked in this way were stray lead marks extending over to the edge of the paper.

12. *Ballots unaccounted for.* Although the law provides that all ballots, used and unused, shall be returned to the election office and accounted for, the investigations showed that this law was not observed. The total number of ballots unaccounted for was 18,954, divided between 144 election districts. Ballots unaccounted for do not necessarily prove fraud, but there is at any rate a considerable suspicion of fraud, for ballot box stuffing, the substitution of ballots, and the "endless chain" fraud (later described) all involve the use of extra official ballots.

The following account of the results of the investigation of some of the election districts may indicate more clearly than



the above classification of types of fraud the extent and character of these frauds. These accounts have been taken from the report of the committee.

*Second ward, nineteenth division.*—In the nineteenth division of the second ward, the ballot box contained no less than 32 stuffed ballots; but the voters' list contained 60 names arranged in alphabetical order in groups of 7, 15, 17, 8, and 13. Included among the 32 ballots which had been stuffed in the box were 16 which were all found together, and which, as was apparent from the tears where the ballots had been detached from the stubs, had all been torn off the stubs at the same time. The same thing was true of another group of 13 ballots included in the 32, while the remaining three were scattered through the box.

*Fourteenth ward, ninth division.*—The ninth division of the fourteenth ward affords an instance where the fraudulent practices began with the registration preceding the election. Here, according to the report of Mr. Ullmer, 15 signatures were falsified by one or more of the registrars and one additional signature was falsified by some other person. The recount of the votes showed that Vare lost 20 votes and Wilson gained 18. The ballot box contained seven ballots, all marked straight Republican, found together in the box, containing identical creases, indicating that they had been placed in the box at the same time by the same person, as well as having been marked by the same person. It also contained a group of eight ballots similarly marked and found together and containing identical creases, indicating that they had been placed in the box at the same time by the same person, as well as having been marked by the same person. It also contained eight other ballots, not found together in the box, but also all marked straight Republican, all folded together so as to indicate that they were all placed in the box at the same time and also containing distinctive tears, indicating that they had been removed from the stubs at the same time. Finally, it contained one ballot, marked straight Republican, and totally lacking in the creases necessary to enable it to have been inserted through the slot.

The voters' list contains the names of six persons who were not registered and seven erasures and alterations.

*Twenty-second ward, fifty-eighth division.*—In the fifty-eighth division of the twenty-second ward the tally sheet was bare of tallies; the recount netted Wilson a gain of 19 votes and there were 15 ballots returned as spoiled and canceled which had probably been fraudulently tampered with by the election officers. The latter, however,

accounted for 100 more ballots than had been issued to them, according to the records of the county commissioners, and the list of voters clearly indicated the full extent as well as the wide variety of fraud perpetrated. It contained the names of 10 "repeaters" and 7 names which were not on the registration books, and yet the voting check list fell short of accounting for the total ballots in the box by 29 votes.

*Twenty-fifth ward, twelfth division.*—In the twelfth division of the twenty-fifth ward seven signatures were reported to have been falsified by the registrars and nine by other persons, according to Mr. Ullmer.

The tally sheet contained no tallies whatever and the recount of the votes showed that Vare had been credited with 23 more votes than he was entitled to, and Wilson with 20 less. Thirteen ballots in the box bore indications of having been tampered with after having been marked by the voters, and in the list of voters were found the names of 5 persons who had not registered, and of 10 "repeaters." The number of persons checked in the voting check list as having voted was 15 less than the number of ballots in the box.

*Thirtieth ward, ninth division.*—The ninth division of the thirtieth ward is one of those examined by Mr. Melcher. In this division a large number of ballots were segregated and submitted to him for expert examination of the markings. To account in part for the deposit of these ballots in the box, 49 names were inserted in alphabetical order in the list of voters, but no attempt was made to have the voting check list correspond with the other figures, since the checks contained therein failed to account for the number of ballots in the box by 11.

*Thirty-second ward, twenty-ninth division.*—In the registration books of the twenty-ninth division of the thirty-second ward appeared, according to Mr. Ullmer, six names were falsified by one or more of the registrars.

Ninety-two ballots were segregated after the opening of this box, upon the request of the investigators of the committee, because of the opinion that these ballots represented the efforts of a small group of political workers rather than the bona fide votes of citizens. This opinion was strongly confirmed by the discovery in the list of voters of 32 names in alphabetical order. The only conclusion possible is that the box was stuffed with at least 32, and probably the whole 92 ballots, even though the precaution of folding them was not overlooked.<sup>15</sup>

<sup>15</sup> *Ibid.*, pp. 40-43.



The testimony of Mr. Fox, district attorney of Philadelphia from 1926 to 1928, and assistant district attorney for fifteen years prior to that time, who had charge of the prosecution of many of the registration and election fraud cases, is particularly significant. Perhaps no one in Philadelphia was better informed about election fraud cases than Mr. Fox. He was summoned before the Committee and testified on May 8, 1928. The following excerpts have been taken from his testimony:<sup>16</sup>

Mr. Fox: Yes, The thirty-fourth division, thirty-ninth ward, you asked about, Mr. Clapp?

Mr. Clapp: Yes.

Mr. Fox: In that case there were three men named Cleary, the sons of a ward committeeman, I believe, who was not indicted; and in that case there was a total registration of 446, and a vote of 450. In other words, not only was there the extraordinary situation of every person who had registered coming out to vote, but four additional persons who had not registered coming out to vote. It is very uncommon, in the usual course of things, that everyone who registers, of course, comes out to vote; and vice versa. We produced about 25 men and women who testified that they had not voted, and with regard to whom the records showed, the ballot check list and the voters' list, that they had been recording as having voted, by the defendants, these three Clearys. I can not recall whether they plead guilty, or were acquitted; but at any rate, they were sentenced to six months apiece.

\* \* \* \*

Mr. Clapp. What is the next case?

Mr. Fox. The twenty-second division of the forty-fifth ward. In that case there was an acquittal. There, the total registration was 375; and again we had the phenomenon of every person who had registered voting, and 3 additional, because the total in this case was 378.

Mr. Kelly. What was the registration?

Mr. Fox. The registration was 375.

The Chairman. What ward was that?

<sup>16</sup> Hearings before a special committee investigating expenditures in Senatorial primary and general elections, United States Senate, 70th Congress, 1st Session, May 8, and 19, 1928, Part 2, pp. 25-46.

Mr. Fox. The twenty-second division of the forty-fifth ward. The principal complaint of our witnesses in that case was that a number of them, perhaps 12 or 15, working people up in the northeastern section of the city, some of them some distance removed from the polls and their work, had arrived late, two or three or four minutes after 7, and were told that they should go home, that the polls had closed; and then our examination of the voters' check list and the ballot check list and the voters' voting list showed that they had been voted in spite of that fact.

The Chairman. You say there was an acquittal?

Mr. Fox. There was an acquittal in that case.

The Chairman. How did that happen? Did that happen because you could not show that the judges knew that these people who had voted in the name of some one else were voting in that way?

Mr. Fox. It is pretty hard, as you know, to diagnose what passes in the minds of a jury or certain members of it. I assume that would be as good an explanation of that acquittal as any other. It was the opinion of the Commonwealth that there would be a conviction in that case.

Senator King. Their contention was the same there, that they had been imposed upon by persons impersonating voters; is that it?

Mr. Fox. Yes, except for this rather unusual incident, that these people who had been told to go home had voted, according to the records.

\* \* \* \*

Mr. Clapp. Referring to the registration and election cases generally, without going into specific details, can you give the committee some idea of the typical evidence produced from those cases, covering both 1925 and 1926 cases in your experience as district attorney?

Mr. Fox. The registration cases are easily described. They consist in forgeries of names of eligible voters, or the names of persons who are dead or who have moved out of the division. I remember one case I think in the second ward, where the name of a young girl 10 years old, secured from a tombstone down in one of the old cemeteries there, was used. They were wholesale frauds, forgeries, ranging from the case of one man who forged, according to our handwriting experts, 200 and some odd names, down to forgeries of four or five names. That, in the rough, is a description of the methods of registration frauds. The election frauds took on various characteristics. They were votes cast growing out of these illegal registrations. That is, the forged names or persons bearing them were thereafter voted. That



was the most common one. There were cases where ballots had been put in the ballot box, and if I remember in one case the ballots were gotten out of the box without a single crease on them. The sitting judge referred to that himself. It would have been manifestly impossible for them to have been cast in a legal way because of the small aperture in the ballot box through which the ballot must go, requiring it to be folded and refolded at least four times. These ballots were entirely virgin of any creases.

The Chairman. Is it the law that they shall be folded?

Mr. Fox. No; the law says that the ballot must be deposited during the voting hours, and then the ballot box must be locked during those same hours. The conclusion is that the ballots must be put into the ballot box, and in the only way possible, through this small aperture.

One of the points brought out in the testimony of Mr. Fox was the activity of the political organization in defending the election officers charged with frauds, and also in obstructing investigations of election frauds. After the registration investigations of 1925 and 1926 were well under way, the detectives found that in every precinct the residents had been warned of their coming and told what to say. They readily admitted that certain voters on the registration lists no longer resided at the addresses from which they were registered, but always said that these voters had moved away since the day of the election. The testimony of Mr. Fox upon the efforts of the organization to obstruct investigations of election frauds follows:

Mr. Clapp. While you were district attorney, were there reported to you any instances of pressure being exerted on complainants and witnesses in election cases?

Mr. Fox. That is a pretty broad question. May I give several instances in connection with the very last election?

Mr. Clapp. Yes.

Mr. Fox. In which I was one of the victims, so to speak.

Mr. Clapp. Go ahead.

Mr. Fox. We had two cases where complaints came from the same ward downtown, the Thirty-ninth ward. In one case the charge was that under the new voters' assistance act, a small coterie of men connected with the division headquarters were voting practically all of

the voters, were going into the booths with them and forcing them to accept their assistance to mark their ballots. We had complaints in that division from perhaps a dozen different sources, not related, which led me to believe that the complaints were well founded. I sent a number of my district attorney's detectives there, and they gathered a number of witnesses. Two of them were particularly intelligent and presented the case to me on the basis of which I was about to issue an arrest. When they came to me, they told me that they would refuse to testify, that they would go back on the affidavit which I had drawn up and which they had never signed, because they had been served with notice that if they prosecuted, they would be run out of the ward and their business would be boycotted in the ward. We abandoned that case. There was another case in another division of the Thirtieth ward, but I forget what the charge was. It did not have to do with illegal assistance, but I think it had to do with chain ballots.

The Chairman. Chain ballots?

Mr. Fox. Yes.

The Chairman. What is a chain ballot?

Mr. Fox. An original ballot, so the prosecutor told me, had been procured in some way by the division leader. He stood outside and marked the ballot as he thought it should be marked, and he gave it to the voter who went into the booth with his own ballot that he had been given by the judge of the election, folded that and put it in his pocket, deposited the ballot that had been marked for him, and then brought out the original ballot to the man outside who marked it in turn for another voter. This man, a little merchant down there, stated that he had observed that being done I think he said in 35 or 40 cases. I drew up an affidavit for him, and he gave me a list of the people who had been helped in that way. About 12 o'clock that night his wife called me on the phone and weepingly told me that I must keep her husband from testifying in that case or swearing out a warrant, because he had been visited since the time he had been at my office—I had him come to my private office because I felt he would not want to come to the district attorney's office—between the time he had come to my private office and the time that he had gone back to his home he had been visited by a dozen different people who had threatened that he would be put out of business there, and I never could get anything further in that case. They are the only two cases I recall at the moment.

Mr. Fox also pointed out in statements to the Committee that these election frauds in Philadelphia had been carried



on for years, and should not be regarded as isolated cases, but rather as a general system.

Mr. Clapp. You have told the committee about your experience for about 15 to 20 years as district attorney in the prosecution of election frauds as well as other cases. Is it your opinion that the registration and election frauds which have been committed from time to time while you have been in office are isolated or unconnected, or do you have definite opinion in regard to their relation one to the other?

Mr. Fox. I do not see how they can be considered as isolated. It seems to me that there is a similarity of method and identity of object that smacks as part and parcel of this same general system. I do not mean to even infer or insinuate that what happens in some divisions of the twenty-fourth ward is directed from sources all the way at the top, but I can recall a case in the very lowest section of the city, the very southwestern corner of the city, having much resemblance to a case in the geographically opposite end of the city, with the same methods pursued, the same objective aimed at; so that I cannot believe, looking at it dispassionately at this time, that they are isolated cases. I feel it is all part and parcel of the same system, yes; but I am bound to say that that is merely an observation, and it is not fortified by any provable facts that I would offer in the trial of a case. That is a conclusion of mine—a general conclusion.

The Chairman. Is that your conclusion, based upon your whole experience there as prosecutor and a citizen in Philadelphia?

Mr. Fox. That is correct, sir.

\* \* \* \*

The Chairman: And these crooked methods that you have been describing here, would you say that they have been in general use, generally speaking, throughout the city of Philadelphia, for a number of years?

Mr. Fox. Yes.

The Chairman. And they have been in use by this organization?

Mr. Fox. Yes.

The Chairman. Do you believe you have had anything approximating an honest and fair election in the city of Philadelphia for a number of years, based on your information and your examination? I am asking for an opinion based upon your examination and your experience and observation.

Mr. Fox. I believe that there has not been an election in my experience that has been thoroughly honest; that there have been tricks

and corrupt methods used in every one; but I believe that the result in some has been more affected by those corrupt methods than in others.

**Chicago.** Chicago has also had a long and notorious history of election thievery. Before registration of voters was required by state law in 1865 charges of election frauds were common. The two following accounts taken from the *Chicago Tribune* in 1863 and 1864 are illustrative of the time:

The main causes of our defeat are these: first, frauds of an enormous and most flagrant character. . . . In the Sixth Ward there were almost as many illegal votes as legal votes polled. Both parties canvassed the ward thoroughly before election, and agreed that there were about seven hundred votes in the ward, and yet over twelve hundred were polled on election day. Can any sane man doubt that the most disgraceful frauds were perpetrated? But for the illegal votes in Third Ward alone, Mr. Bryan (the defeated candidate) would be mayor of Chicago. The same frauds were perpetrated in Bridgeport and in other wards. A wagon load of voters openly attempted to vote in four wards, and finally succeeded in voting by leaving their wagon at a corner and scattering themselves around.

Early yesterday morning crowd after crowd of imported voters passed up Clark Street with their carpet bags in their hands, on their way to the depot, whence they took their departure for Joliet, Sycamore, and other places where they belong. They had accomplished their mission. They had received a dollar per head voted, and were satisfied.<sup>17</sup>

The shameless manner in which the voting was carried on in the Seventh and Eighth Wards is the occasion of indignant comment all over the city. It is undoubted that both of these wards were carried by gangs of men who had already voted in the Fifth and Sixth wards. For some reason, perhaps through the connivance of the Board of Police Commissioners, there was but a single police officer at each precinct in these wards, and it was as much as a man's life was worth to challenge the cattle who came in droves of fifty and deposited their ballots, first in the Fifth, and afterwards in the Seventh and Eighth Wards. Some four men attempted to challenge these scamps at one precinct of the Eighth Ward, but O'Rafferty, he who is elected alderman, ordered the thing stopped, and threatened to throw the first man

<sup>17</sup> *Chicago Daily Tribune*, April 23, 1863.



who objected into the gutter. There was a large gang of shoulder hitters around the polls, and had the attempts been made to continue the challenges, our men would have been driven from the ground.<sup>18</sup>

In 1865 because of these widespread fraudulent practices a registration law was enacted. This law, however, was weak and did not prove to be effective in preventing these practices. In 1885 the legislature passed the City Election Act, which was quickly adopted by Chicago. While this law apparently worked satisfactorily for a number of years, especially under the vigorous administration of Judge Orrin C. Carter, by 1908 a special grand jury was called to investigate the conduct of elections, and 179 indictments, principally against precinct election officers, were returned. These persons, however, were freed when later the entire direct primary law under which they had operated was held unconstitutional. From that time on it was generally believed that election frauds were widely practiced in hotly contested elections in Chicago. The annual report of the Citizens' Association for 1919 contains the following statement:

It has been a matter of common knowledge in Chicago during recent years that thousands of fraudulent votes have been counted in each election in certain wards.

In a special report by the same organization upon election fraud prosecutions, December 18, 1925, the following account of election thievery is given:

At the election of April 7, 1925, the Citizens' Association placed investigators in certain precincts in the Forty-second Ward where we had found that frauds were habitually committed. Late in the forenoon of that day one of these investigators, who was stationed in the polling place of the sixteenth precinct at number 1016 North Wells Street, telephoned to us that only one election official was on duty in that polling place and that he was busily engaged in writing names in the poll-books without regard to the number of persons actually voting. He reported that up to that time not more than 60 persons had cast their ballots, while 373 names had been recorded in the poll-books as voting. We made complaint to Mr. Anthony Czarnecki, Election

<sup>18</sup> *Ibid.*, April 21, 1864.

Commissioner, who immediately went with our Secretary to lay the matter before Judge Jarecki.

According to the observation of our investigators, one or the other of whom was in the polling-place continuously from 6:30 A.M. to the time that the polls closed, only about 125 persons actually voted during the day. The number recorded on the poll-books as having voted was 509, and that number of ballots was found in the ballot box. Only one election official was on duty in the precinct from 8:15 A.M. until 3 P.M., the others absenting themselves apparently under orders to give him a free hand in manufacturing votes.

#### OFFICIALS TAKEN INTO CUSTODY

By order of Judge Jarecki the three election officials on duty in the precinct when the polls closed, Charles Newman, Fred Nehring and William Burke, were arrested and brought to the Election Commissioner's office, where they were examined that night by Mr. Joseph B. Fleming, Attorney for the Election Board, and by Mr. Neil J. Harrington, his assistant. Judge Jarecki held them under bonds on the sworn complaint of Robert Jeske, one of our investigators.

Knowing that a hard fight would be made for Burke and his associates by the influential politicians back of them, we requested the coöperation of the Chicago Bar Association in prosecuting the cases, in a letter to Mr. John M. Cameron, its president, under date of April 11. The Bar Association promptly responded to our request and Mr. Russell Whitman and Mr. Fleming, representing jointly the Bar Association, the Election Board and the Citizens' Association, called upon State's Attorney Crowe with a view to getting the cases put before the Grand Jury. They requested that this be done without the preliminary hearing which State's Attorney Crowe makes it a practice to require in criminal cases. The State's Attorney refused, however, to allow the case to go to the Grand Jury without a preliminary court hearing, which in such a case necessarily lays bare the evidence against the accused and greatly diminishes the likelihood of success in the prosecution.<sup>19</sup>

Failing to secure the coöperation of the prosecuting attorney, the Citizens' Association, with the assistance of the Chicago Bar Association, urged Judge Jarecki to make use of the power vested in him by state law to punish the precinct

<sup>19</sup> Citizens' Association of Chicago, Special report upon vote fraud prosecutions, December 18, 1925, pp. 2-3.



officers guilty of election frauds under his power of contempt. In Illinois the election commissioners of cities which have adopted the City Election Act are appointed by the county judge, who in reality is the head of the election system. After the judges and clerks of election are commissioned and sworn in they become officers of the court, subject to punishment for contempt in case of misbehavior. The important fact about this is that contempt proceedings before the county judge do not require a jury trial, but are tried summarily, without the usual technicalities and delays. It is notorious that election fraud cases are difficult to prosecute because the witnesses are intimidated or are bought off, and after serious delays have been secured, it is always practically impossible for the state to present a case. The juries, too, are always appealed to by the defending attorney, even when the guilt is quite obvious, that these persons are the "small fry"—that back of them stands the real offenders who profit by the frauds and who should be punished. The power of the county judge to impose sentences under his power to punish for contempt had not been tested before the supreme court of the state at that time, and it was necessary for test cases to be carried before that court. This was done, and the power upheld. A large number of election officers have since been punished for misconduct at the election, being sentenced by the county judge under his contempt power. The Illinois special commission on the revision of election laws recommended to the state legislature in 1931 that this power be extended to county judges throughout the state as a means of securing effective punishment of election frauds.<sup>20</sup>

Notwithstanding these prosecutions and convictions for election frauds, the Republican primary of 1926 probably was the worst election ever held in the city. Violence, intimidation, repeating, kidnapping, ballot-box stuffing, and every sort of malpractice prevailed. In certain sections of the city gangs of thugs and gunmen went from precinct to precinct,

<sup>20</sup> Report, pp. 40-41, (March, 1931).

terrorizing the election officers and watchers. Following the election the county judge, upon the request of the Citizens' Association, secured the services of a private detective agency to make a house-to-house investigation in some of the wards where fraud seemed to be most rampant. The detective agency hired for this purpose had previously been used in similar work for the Association, and the men knew their business. The investigation started in the Twentieth Ward, where it was commonly believed that frauds had been practiced for years. It required a month to complete the canvass of ten precincts of that ward. The canvassers were threatened by gunmen and then were promised soft jobs if they would make satisfactory reports. Two policemen were secured to accompany and give protection to each team of canvassers, but it soon proved necessary to secure two additional policemen for each team, so that when the canvassers went into a residence to make inquiries, the four policemen stood at the door to protect them. Eight persons registered from the home of the ward boss were found not to be living there. The results of the investigation of this ward have been summarized in part as follows.

In the investigation of ten precincts of the 20th ward it was found that 211 persons were willing to sign affidavits that they had not voted; 37 admitted not voting, but would not sign; 112 were listed as voting more than once; the names of 20 dead persons were affixed to ballots; 918 voters had moved, more than 80 per cent of them before primary election day, and 1611 voters were unknown at the addresses from which they were registered. There were 22 voters of whom information was not available; 100 registered from non-existent numbers; 42 registered from down town houses; 22 from vacant lots; 21 from school houses; and 18 from outside the precinct. Votes were also cast in the names of five children who did not vote, the McQueeney investigation shows.<sup>21</sup>

A few precincts of the Twenty-Seventh and Forty-Second wards were investigated, making a total of twenty-three precincts. The investigation was confined to persons who were

<sup>21</sup> *Chicago Daily News*, September 29, 1926.



recorded as having voted in the election. In these twenty-three precincts it was found that 5690 fraudulent votes were cast in the primary, or an average of 247 votes per precinct—approximately 44 per cent of the total votes in these precincts. By “fraudulent votes” is meant the number of persons recorded as having voted who testified that they did not vote, or who had moved away prior to the primary, were unknown, registered from fictitious addresses, voted twice, and so forth. The following table, compiled from summaries prepared by field investigators, indicates the results of the investigation:<sup>22</sup>

*Results of the Investigation of Frauds in the Chicago Primary Election of April 15, 1926*

Ward	Precinct	Registered voters	Votes cast	Fraudulent votes
20.....	1	554	529	194
	3	710	552	98
	6	761	660	273
	7	732	610	384
	8	866	665	221
	9	546	530	160
	11	781	780	389
	12	820	785	382
	23	650	462	177
	24	581	566	352
	27.....	8	696	656
10		765	623	246
11		631	580	279
12		745	623	251
13		744	673	352
15		542	461	213
30		586	525	166
42.....	10	743	396	90
	16	646	584	350
	18	922	414	152
	23	563	444	255
	28	395	369	174
	37	503	438	234
	23	15,482	12,925	5,690

A recount was conducted of the vote in the Republican primary for part of the city, with amazing results. The discrepancy between the original return and the vote tabulated

<sup>22</sup> Detailed reports of the field investigation and other materials have been supplied to the writer by Judge Edmund K. Jarecki, County Court of Cook County.

upon the recount was so great that it was apparent that no count whatever had been made in many precincts. Many startling discrepancies may be cited. For example, in the Thirteenth precinct of the Twenty-Seventh ward, Joseph P. Savage was credited with 365 votes for county judge, while upon recount he received only 278; for another office Francis L. Boutell received 379 upon the original count, but only 235 upon the recount. In this same precinct Charles L. Gerds was credited with receiving no votes whatever on the original count, whereas the recount showed that he had polled 220 votes, while another candidate for the same office was given 351 votes on the original return, but received only sixty-eight votes on the recount. Also in this precinct, Leo Kline was not given a single vote upon the original return, but received 236 votes on the recount, while Harry Klatso, who stood next to him on the ballot, and who polled 350 votes according to the original return, received only 239 on the recount. Numerous other examples could be cited from this precinct. In the Twenty-Fourth precinct of the Twentieth ward, Charles L. Gerds, who was given 316 votes on the original return, received only 125 upon the recount, while Freeman L. Fairbank was given 382 upon the original return and but 177 upon the recount. On the other hand, William Morgan, credited with sixty-two votes upon the original return, polled 254 upon the recount. The most amazing discrepancy of all, however, was found in the Eleventh precinct of the Twentieth ward, where William R. Fetzer was recorded with 674 votes, but upon recount had only 10! In a number of precincts the total discrepancies between the original count and the recount was approximately five thousand votes each! The deliberate purpose to steal the election, to turn in returns which had no relation to the actual vote cast, was apparent in all of these precincts, though it is not assumed for a moment that this state of affairs was general throughout the city.

The following table shows the original returns and the recount returns in three of the worst precincts:



*Election Frauds as Revealed by a Recount of the Ballots in Three Chicago Precincts,  
Republican Primary, 1926<sup>1</sup>*

Candidate	7th Precinct 20th Ward		11th Precinct 27th Ward		15th Precinct 27th Ward	
	Original return	Recount	Original return	Recount	Original return	Recount
Joseph P. Savage.....	490	447	309	105	305	289
Daniel P. Trude.....	12	40	2	3	5	4
George B. Arnold.....	485	453	306	100	20	125
Charles J. Peters.....	17	36	2	3	290	139
Titus Haffa.....	482	456	297	102	275	173
Thomas A. Boyer.....	20	28	2	6	30	65
Francis L. Boutell.....	479	437	306	102	170	162
William Busse.....	23	34	—	2	130	66
Charles Gudgel.....	—	—	—	—	—	2
Charles F. Blaine.....	—	3	—	3	—	4
Francis L. Boutell.....	479	451	306	90	260	163
John W. Gibson.....	450	450	302	89	240	136
John A. Pelka.....	462	450	302	86	240	137
Andrew C. Metzger....	463	446	304	89	235	142
Charles S. Peterson....	445	446	306	88	235	142
Louis E. Golan.....	479	446	305	87	—	130
Henry S. Goins.....	425	445	304	87	—	116
Harry A. Newby.....	408	338	303	86	—	133
Louis Nettelhorst....	410	41	305	88	—	127
Charles L. Gerds.....	305	32	301	84	—	115
William H. Wesbey....	—	5	—	2	280	103
Morris Siegleman.....	—	4	—	2	—	28
Charles F. Blaine.....	—	25	—	3	—	57
Charles N. Goodnow....	—	25	—	3	220	74
Charles H. Rosberg....	—	21	—	3	230	66
Albert E. Elmore.....	—	98	—	—	225	60
William S. Braddan....	406	448	—	—	—	63
Joseph Esposito.....	477	21	—	1	20	68
Leo M. Novak.....	—	24	—	—	—	63
Herman M. Mendelsohn	—	21	—	3	—	51
Rudolph Mulac.....	—	21	—	—	200	59
William C. Thorsen....	—	3	—	—	—	24
John Thompson.....	—	1	—	3	—	13
George Albert Strong...	—	1	—	1	—	5
Harry E. McBeth.....	—	—	—	1	—	2
Fred Richard Platt....	—	1	—	3	—	4
Edward A. Russell....	—	2	—	3	—	4
Nathan Ginsburg.....	—	1	—	2	—	4
James J. Sullivan.....	—	2	—	—	—	4
John T. Riley, Sr.....	—	2	—	—	—	6
Danny Goodman.....	—	2	—	3	—	5
Joseph F. Burns.....	—	4	—	2	—	5
William J. Manley.....	—	4	—	1	—	5
Asa G. Adams.....	—	83	—	8	—	14
Harvey M. Adams.....	—	7	—	3	—	19
Stanley C. Armstrong..	445	254	301	89	75	113
Herbert W. Auw.....	451	325	301	87	75	99
William Richard Brand.	—	1	—	5	—	13
John A. Bugee.....	502	383	303	67	285	155

<sup>1</sup> These return sheets have been kindly supplied to the writer by Judge Edmund K. Jarecki.

*Election Frauds as Revealed by a Recount of the Ballots in Three Chicago Precincts, Republican Primary, 1926<sup>1</sup> (Continued)*

Candidate	7th Precinct 20th Ward		11th Precinct 27th Ward		15th Precinct 27th Ward	
	Original return	Recount	Original return	Recount	Original return	Recount
Joseph P. Burke.....	—	25	—	1	—	32
Arthur Carlsten.....	—	—	—	—	—	12
Robert L. Cohan.....	—	3	—	2	—	8
Lee Cohn.....	—	9	—	1	—	7
Leo P. Day.....	—	1	—	5	—	5
Frederick W. Elliott....	—	20	—	2	—	43
Alfred O. Erickson.....	—	20	—	—	—	12
Freeman Leroy Fair- bank.....	435	289	304	75	75	115
Edwin A. Feldott.....	—	7	—	—	—	5
Robert E. Gentzel.....	380	155	313	64	304	227
J. Kent Greene.....	—	19	—	2	—	14
Henry P. Heizer.....	—	21	—	1	—	17
Samuel Heller.....	502	469	—	3	—	62
George B. Holmes.....	—	81	—	5	—	13
Frederick R. Huber....	—	4	—	1	—	3
Sabato Insalata.....	—	2	—	1	—	2
Laurence B. Jacobs....	502	420	301	88	306	145
Rush B. Johnson.....	—	3	—	2	—	5
Samuel B. King.....	—	66	—	4	—	7
Harry Klatzco.....	502	418	—	94	306	174
Leo Klein.....	446	409	302	95	226	179
Sylvester J. Konenkamp	—	23	—	17	—	55
Edward H. Luebeck....	—	55	—	10	241	100
John R. McCabe.....	—	36	—	6	266	104
Eugene McCaffrey.....	—	2	—	5	—	16
Robert E. McMillan....	415	271	309	92	308	149
Harry C. Moran.....	—	14	—	12	—	16
William L. Morgan....	—	148	301	86	226	110
John Sbarbaro.....	328	337	310	87	287	121
Joseph W. Schulman....	502	423	310	95	301	195
Morton John Stevenson.	—	3	—	6	—	11
Oscar Thonander.....	—	—	—	3	—	15
Samuel H. Trude.....	—	68	—	4	—	50
Henry M. Walker.....	—	17	—	5	—	17

<sup>1</sup> These return sheets have been kindly supplied to the writer by Judge Edmund K. Jarecki.

In order to present another picture of the evidence afforded by this recount, there is given below the results of the original count and the recount for three candidates, covering the twenty-three precincts for which data are available. These three candidates profited in most of the precincts evidently by



deliberate fraud, or failure to count the ballots at all, but it is interesting to note that all three candidates gained votes by the recount in from one to four precincts. By the recount Fairbanks lost 2171 votes in nineteen precincts, an average of 114 votes to the precinct! He gained eighty votes in four

*A Comparison of the Original Return with the Recount of Three Candidates for Nomination for Municipal Judge, Republican Primary, Chicago, 1926*

Ward	Pre- cinct	Fairbanks			Fetzer			Gentzel			
		Original count	Re- count	Loss	Original count	Re- count	Loss	Original count	Re- count	Loss	
20...	1	293	86	207	294	101	193	287	113	174	
	3	282	263	19	353	326	27	342	317	25	
	6	324	315	9	476	408	68	310	295	15	
	7	435	289	146	502	392	110	380	155	225	
	8	558	494	64	564	576	+12	576	568	8	
	9	368	324	44	368	384	+16	368	321	47	
	11	480	349	131	674	10	664	687	351	336	
	12	510	485	25	540	522	18	520	449	71	
	22	156	59	97	318	262	56	311	264	47	
	24	382	177	205	406	208	198	406	218	188	
	27...	8	290	268	22	410	274	136	433	337	96
		10	326	164	162	295	217	78	351	284	67
		11	304	75	229	100	22	78	313	64	249
		12	361	170	191	328	196	132	321	232	89
13		349	186	163	335	263	72	378	238	140	
15		75	115	+40	304	235	69	304	227	77	
42...	30	361	280	81	378	367	11	400	366	34	
	10	86	48	38	88	58	30	72	45	27	
	16	5	18	+13	101	164	+64	7	16	+9	
	18	180	33	147	122	48	74	106	50	56	
	23	10	21	+11	206	50	156	175	43	132	
	37	—	16	+16	245	83	162	241	81	160	
	28	210	19	191	200	29	171	40	25	15	

Total Discrepancy.	2,251	2,595	2,196
Total Loss.....	2,171	2,503	2,187
Total Gain.....	80	92	9

other precincts. Fetzer lost 2503 votes in twenty precincts, an average of 125 votes to the precinct, but gained ninety-two votes in three other precincts; while Gentzel lost 2187 votes in twenty-two precincts and gained nine votes in one precinct. A similar record for certain other favored candidates would show equally striking results. Indeed, in almost every pre-

cinct some other candidates lost as many or more votes upon the recount as any of these three.

The Citizens' Association published a special bulletin on the prosecution of vote frauds, dated September 29, 1927, in which an account of the evidence produced at the trials for a few precincts was summarized. These prosecutions brought to light practically all types of voting frauds—ballot box stuffing, repeating, substitution of ballots, and failure to count the ballots at all. The following excerpt from the report presents a good picture of the situation:

#### The Quinn Precinct

In the trial of Charles B. Thompson, Edward Heller and Harry T. Hughes, who had served as officials in the 23rd precinct of the 42nd Ward on November 2, 1926, the defendants appeared pleased by the bravado of one of their witnesses who testified that he was a bootlegger. On cross-examination and by other evidence the State subsequently proved that the bootlegger was chauffeur for William J. Connors, who as a Democratic candidate for assessor last year had been one of the principal beneficiaries of election frauds and had furnished bail for several of the officials who perpetrated them. The trial resulted in the conviction of all three defendants, with jail sentences of one year each for Thompson and Heller, and three months for Hughes.

The next trial resulted in the conviction of five officials who had officiated in the same precinct at the mayoralty election on April 5, 1927, namely, Edward Heller, Ernest Moeller, Frank Schadeck, Martin Nelson and Joseph G. Keil. Heller was sentenced to jail for another year, the term to begin upon expiration of his sentence in the previous case; and sentences of one year each were imposed upon the other four defendants.

The nature of the evidence in the last case is indicated by the reports of the investigators which the Citizens' Association had placed in the 23rd Precinct at the mayoralty election. They reported that "Artie" Quinn, Democratic Precinct Captain, carried the key of the ballot box throughout election day, repeatedly removed "bunches" of ballots from the ballot box and either altered them or substituted others in their place; that he directed all proceedings in the polling place; and that when the polls closed it was found that there were 474 ballots in the box and only 464 names on the poll lists, whereupon Quinn burned ten of the ballots. They further reported that all of the remaining 464 ballots were marked for the Democratic candidate for



Mayor, but that Quinn remarked ten of them for the Republican candidate. Upon the trial the reports of the investigators were corroborated in essential particulars by the testimony of more than one hundred witnesses, most of whom testified that they lived in the precinct and voted for the Republican candidate.

### The "O'Brien" Precinct

In another case, at the conclusion of the trial of John Sherry, Democratic judge, Sam Cantanzore, Republican judge, and Robert White, Democratic clerk, who served as election officials in the 16th Precinct of the 42nd Ward on November 2, 1926, Judge Jarecki said:

"There is only one thing I can do in this case. There were 401 ballots found in the ballot box, but it is evident that not more than 100 persons voted; and even their ballots are found, upon inspection, to have been tampered with in such a way that the result of the election cannot be ascertained. We have here every kind of fraud imaginable, perpetrated in this election, and I find the defendants, guilty, each and every one of them, and impose the penalty of one year in the County Jail upon each of them. Mr. Sheriff, take them into custody immediately."

That finding confirmed the report of our investigators, headed by James H. McQueeny, which the Citizens' Association had previously furnished to Messrs. Case and Neimeyer, showing that John Sherry, while serving under the alias of Harry J. Smith, had placed about 100 marked ballots in the ballot box at the beginning of the election, although but ten persons had voted, and that from time to time during the day many names of persons who did not vote were copied from the registers into the poll books, and additional ballots stuffed in the box. The report also showed that at the end of the day, when it was found that there were 401 names on the registers but only 371 ballots in the box, 30 additional names were written in the poll books and 30 additional ballots marked and counted.

### 57 Varieties of Fraud

When there were not voters in the polling place, Sherry would walk to the back door and holler "all right." Then men would come from the rear room and from the second floor with bunches of ballots that they had marked, and Sherry would open the ballot box and the men would drop the ballots in the box. At intervals during the day Sherry and O'Malley (an official who has never been apprehended) would take about ten ballots at a time and go into a polling booth and mark them and put them in the ballot box. About 100

ballots were marked in this way. These, with 100 ballots that were marked before the polls opened and put in the ballot box, and a package of 100 ballots that Sherry took to the rear room and upstairs, made a total of about 300 ballots that were marked for persons who did not enter the polling place to vote, and a like number of names were written in the poll books.

Our investigators further stated in their report that after the polls closed many "straight" Republican ballots were converted into "straight" Democratic ballots by the simple expedient of erasing the cross in the Republican party circle and putting a cross in the Democratic party circle; and even after all the illegal operations mentioned the election officials got into a wrangle about the number of votes to be given to various candidates in the returns, the argument becoming so warm that State Representative Lawrence C. O'Brien, long known as the boss of the precinct, was summoned to settle the controversy. According to the observers, wine and whiskey were drunk on the premises during the day by various persons, including the judges and clerks.

#### Crookedness at Three Elections Shown

Sherry, White, and Cantanzore were sentenced to jail terms of one year each for offenses committed at the election of November 2, 1926. Sherry and White were then convicted again for offenses committed at the mayoralty election of April 5, 1927, and sentenced to jail terms of two years each. After their admission to bail in habeas corpus proceedings before other judges, further charges were filed against them for misconduct at the judicial election of June 6, 1927. When that case was called for trial White failed to appear and his bond was forfeited. In the trial of Sherry the evidence showed that 126 judicial ballots and numerous proposition ballots had been marked and returned as voted, but that only 26 voters had actually appeared at the polls. The ballots had not been folded, indicating that they had never been placed in the box. Sherry was found guilty and sentenced to an additional term of one year.

The 1928 primary provided a repetition of the frauds and violence which prevailed at the 1926 primary, except that at this election it was fully expected. This was the famous "pineapple" primary. The homes of Senator Deneen and Judge John A. Swanson, the latter candidate for prosecuting attorney, were bombed shortly before the election. In the vernacular of the underworld at the time bombs were called



"pineapples." On Saturday before the election the following amazing story appeared in the Chicago Daily News of April 7, 1928:

HOODLUMS READY FOR VOTE THEFTS  
Sluggers and Kidnappers Massed to Save  
Crowe-Thompson Ticket

Armed hoodlums by the score have been summoned to serve Tuesday, primary day, as the shock troops of an army of "floaters," "stingers," short pencil artists and ballot crooks who will jam Crowe-Thompson bailiwicks in a desperate attempt to steal the election for their favorite candidates.

Investigation by the *Daily News* reveals that sluggers, gunmen, kidnappers and hoodlums, well trained in terroristic tactics, are being signed up for electoral work in the 1st, 2nd, 3rd, 13th, 17th, 20th, 24th, 27th, 29th, 30th, 42nd, 43rd, and 50th wards among others.

In the 1st ward, where Danny Serritella is carrying the Crowe-Thompson banner for committeeman, a small army of men and women are being lined up to vote early and often. Known hoodlums have been frequenting the last few days a small office that Serritella is using at 407 Garrick building, 64 West Randolph Street.

Bouncer in Command

Abe Ahrends, whilom bouncer at Colisimo's and with a long and unsavory record, will be in charge of the shock troops.

In the 2nd and 3rd wards, where there were signs of revolt against Mayor Thompson's dominance, Dan Jackson, Oscar DePriest, and George Kersey have retained a battalion of common soldiers to mop up after Johnny Woolley, Jack Hardy, Harry Lewis, Porter Hudson, Jeff Starks and other "bad men" of the district do their stuff.

The 13th ward, out near the stockyards, the scene of three ballot box robberies last primary day, appears scheduled for further hectic times. Johnny (Dingbat) Oberta, protegee and lieutenant of Joe Saltis, south side beer baron, is running for republican ward committeeman and state senator.

Saltis to Aid Oberta

Oberta, playing lustily on an "America First" calliope, will have the moral and military support of Saltis and Paddy Sullivan and there are reports that even Frank McErlane and his brother Vincent, names to be reckoned with in games where pistols are trumps, may come out of their semi-retirement to aid Oberta.

The 20th ward, where anything might happen—and usually does—will see a fine turnout of the militia. Morris Eller, long the boss there, is seeking nomination for his old job as sanitary trustee and has pledged himself to carry the ward for the Crowe-Thompson ticket. “Leggie” Philipps, Izzy Hochstein and Isadore Goldberg are in as training for Tuesday. Their efforts will be aided by such members of the “Forty-Twos” as are not in jail.

In the 24th ward, “stingers” headquarters are to be maintained in a lunchroom at 1225 South Kedzie Avenue, owned by Bennie Glazer, and Ben “Zuckie” Zuckerman will be in charge. The Mayor Grill, a bar operated by Hirschie Miller at 13th Street and Kedzie Avenue, will also be a gathering place for the hoodlum clan. . . . (There follows an extended similar account of the organization for election thievery in other wards.)

On the day of the primary hundreds of independent watchers were commissioned by Judge Jarecki to safeguard the polls, many of whom were attorneys provided by the Bar Association. These watchers were assigned in pairs. In some precincts their credentials were not recognized, and they were thrown out; in other precincts watchers and challengers were kidnapped and held in confinement for hours. Terrorism prevailed widely, though the presence of independent watchers doubtless prevented many frauds. The following account of the election was printed in the Chicago Daily News on the afternoon of the day of the election:

HEAVY VOTE MARKS FIGHT ON MACHINE; ONE MAN IS SHOT  
DENEEN MAN BEATEN ON WAY TO VOTE, “TAKEN FOR RIDE”; THUGS  
BLOCK STREETS NEAR BALLOTING PLACES TO SCARE CITIZENS

#### Clashes as Polls Open

Chicago's primary election campaign, which attracted the attention of the nation with its bursting bombs, gang play and political hoodlumism, was climaxed early today by a series of kidnappings, sluggings and general disturbances at some of the polling places in the river and industrial district wards.

Hardly had the polls opened at 6 A.M. than reports began reaching the offices of the election commissioners in the city hall of voters being intimidated on their way to vote, of precinct election workers being apprehended and slugged on the street and prevented from reaching the polling places where they were to work and of almost continuous



clashes between representatives of the various factions in the two parties.

#### Deneen Man Slugged

Arthur Robert Taylor, a Deneen captain in the 5th precinct of the 5th ward, was slugged and supposedly kidnapped as he stepped from the front door of his home, 5340 Cornell Avenue, by six men armed with shotguns who threw him into a green sedan, the windows of which were plastered with Crowe campaign posters, and drove away.

Taylor collapsed under the blows rained on his head and was half dragged to the car which had been parked at the curb. He was on his way to the Caroline Hotel, 5480 Cornell Avenue to vote before taking up his duties for the Deneen-Emerson state and county tickets.

His head bleeding profusely from severe cuts and bruises, Taylor was later found at 72nd Street and Winchester Avenue, where he said he was thrown out by the men who had seized him. He was taken to St. Bernard's hospital, where he was placed under the care of physicians.

He is the personal bailiff of Judge Fred Rush.

Mrs. Taylor who witnessed the abduction was hysterical when questioned by the Hyde Park police.

#### Shot on Way to Poll

A man known as Dotherd, believed to be a Deneen worker in the 13th precinct of the 20th ward, was shot and seriously wounded as he was en route to the polling place at 914 West 14th Street. The Maxwell Street police picked Dotherd up from the sidewalk and rushed him to the county hospital. He was unable to name his assailants.

Titus Haffa, alderman of the 43rd ward and candidate for the ward committeemanship at today's election, who had been reported kidnapped last night, was located by one of the eighty detective squads that scoured the city for him fast asleep in the corner of the 43rd Ward Republican club.

George Ringler, secretary of Haffa, in reporting his disappearance, told the police he had left the alderman in front of the Plaza Hotel, North Clark Street and North Avenue, at 8 o'clock last night, and that he was going inside to complete election plans. Two hours later, when he failed to return to the clubhouse, he was reported kidnapped.

#### Twentieth Ward Sends Alarm

Election violations were reported from the 16th precinct of the 20th ward and caused a dash of election officials and detective bureau squads to the scene of the trouble. Election hoodlums were said to have

refused to permit a dozen citizens on their way to vote to enter the block in which the polling place was located.

At the polling place in the 18th precinct, 1222 Blue Island Avenue, the stuffing of ballot boxes was reported.

A Deneen worker was reported kidnapped from the polling place in the 23rd precinct of the 20th ward. Ballot box stuffing was also reported there.

A report was received from the 8th precinct of the 31st ward that suspicious characters were frequenting the voting place at 949 West Chicago Avenue, and voting many times each.

David Chesrow, a Deneen leader in the 27th ward, telephoned the election board that repeaters were at work in the 11th precinct at 762 West Monroe Street, the 32nd precinct, 2117 West Madison Street, and 3rd precinct, 704 South Morgan Street.

#### Autos Await SOS

Fifty automobiles, each assigned to a special squad of election board investigators, were parked in front of the city hall an hour before the polls opened, ready for instant use in event of trouble in any section of the city.

More than 500 volunteer poll watchers reported to County Judge Jarecki at the Hotel LaSalle last night. The meeting had been called through the Employers' Association of Chicago, which was asked to supply citizens to watch the count following the close of the voting places late this afternoon.

Later in the day the violence and terrorism was climaxed by the murder of Octavius Granady, negro candidate for Republican ward committeeman in the Twentieth ward. He was shot down in the street by gangsters in an automobile, armed with a machine gun, who had been terrorizing the ward during the day. Ten days later, April 20, an editorial in the Chicago Tribune summarized the events of the day as follows:

#### THE CRIMES OF THE ELECTION

More details of the crimes committed election day in many precincts are being made known and it becomes more apparent that the election results saved the city and state from what it is no exaggeration to term a disaster. It also becomes more apparent that there is work still to be done. If it is possible there must be punishment. It must be exemplary and deterrent punishment.



The Murder of Esposito before and of Granady on election day had immediate attention, but they were not detached crimes. They were bits of a planned and schemed terrorism executed by the criminal allies of political organizations. It was the intent to steal the election by illegal voting, by destroying ballots, by stuffing ballot boxes, falsifying returns, terrifying precinct officials, watchers and workers, and by slugging, kidnapping, and killing candidates and their supporters.

It was the experience of Arvid Tanner, a watcher for the Chicago Bar Association, to be kidnapped from a Twenty-fourth ward precinct with two other citizens and confined in a vacant apartment with some fifteen or sixteen other men, both white and black. C. R. Hansen, another watcher for the Chicago Bar Association, was slugged and locked up. Another victim was Morton Pearlman, a judge of election. Earl B. Kribben, a watcher for the City club, was kidnapped by men armed with pistols and sawed-off shotguns, beaten and thrown into a room with four Negroes, two of whom were unconscious from injuries.

Evidently the city does not know the half of it or a tenth of it. Citizens who were attacked, injured and locked up may feel that it would be tempting fate to complain or tell their stories and that it would be futile to tell the police. So far as can be known the police in their duties at the polls and in the precincts were of no protection to the endangered citizens. The number of persons subjected to this organized attack by gangsters may never be known but the known cases are enough.

If criminals engaged by politics to influence an election by violence and intimidation had been successful in doing so there would have been virtually an end of democratic government here. This city and state would have had conditions with which Haitians were familiar before the U. S. marines were sent in.

Luckily the people were in a great state of indignation. They were ready to overturn their scandalous governments, and they came forth to do it in such numbers that the criminal methods could not prevail. With a narrow margin, with the decision in a few votes, they would have done so.

It is unwise to consider a good political outcome as anything more than a check. It is nothing to be relied upon as permanent. It does not destroy. As a check it should be made as exemplary as possible, and with respect to crime as an influence in elections there should be an effort to make it final.

That is the work which faces the city and state, particularly this county, now. These criminal gangs which have been employed in poli-

tics must be punished and broken up and their association with political management discovered if possible. The higher up that responsibility can be traced the more effective the check will be, the more nearly the city will come to eliminating such methods and preventing a comeback undertaken in the same fashion.

It is a contest for unterrified polling places and it is against killers and thugs and their employers. It is up to all reputable and responsible authority in the community and requires the support of all people who realize what they have been through and what they have escaped.

The connection between election frauds and organized crime in Chicago is referred to time and time again in the Illinois Crime Survey, published in 1929. The factors in Chicago which give rise to election frauds, and the conditions under which frauds are carried on are summarized in the following quotation:

*Election Frauds.* During primaries and elections, the evidence of the alliance of gangsters and politicians has again and again become a public scandal. The mutuality of their services is not difficult to discover. The gangster depends upon political protection for his criminal and illicit activities. He, therefore, has a vital business interest in the success of certain candidates whom he believes will be favorably disposed to him. The politicians, even the most upright, have a lively sense of the active part played in politics and elections by underworld characters. The gangsters and their allies always vote and bring out the vote for their friends, but the church people and other "good" citizens stay away from the polls, except for presidential elections and those occasional local elections, like the April 10, 1928, primary when the issue of good citizenship versus organized crime was dramatically staged.

Election frauds are one of the ways in which gangsters and gunmen have repaid politicians for favors received. Fraudulent voting has been a perennial problem of municipal study in Chicago, and repeated investigations have been made. Only a summary is given here of the history of election frauds in Chicago. It is sufficient, however, to show the conditions responsible for the rise and persistence of election frauds and the failure of attempts to eliminate them.

An examination of vote fraud investigations since 1900 discloses the following facts:

(1) The geographic area within which vote frauds occur is limited and can be traced on the map of the city.

(2) The authorities over the election machinery, the county judge,



the election commission, and the state's attorney's office, repeatedly carry on the same conflicts around the same legal points, arising out of duplication of function and overlapping and division of authority.

(3) The partisanship of the County Board of Commissioners determines its action in appropriating funds for special investigations.

(4) The incumbent state's attorney always opposes and impedes the appointment of special prosecutor and special grand jury to investigate election frauds if possible; (a) by efforts to stop the County Board's appropriation; (b) by efforts to gain priority in the appointment of a favorable special prosecutor and a favorable grand jury. Repeatedly there have been two or more special grand juries investigating vote frauds at the same time.

(5) The incumbent state's attorney tries to capture the services of the attorney general, who is in a position to take charge of as many grand juries as are in the field at any given time.

(6) When the dominant party is in the process of splitting into factions and factional bipartisan alliances occur, there is great activity in vote fraud investigation, with all the jockeying and maneuvering to capture the control of election machinery and prosecution and to secure advantageous publicity. This activity has seemed more often, in the past, to have as its aim factional advantage in political battle rather than the impartial suppression of vote frauds.

(7) The actual frauds that can be legally proved are committed by underlings. They refuse to testify as to the identity of their superiors in the conspiracy and it is, therefore, always impossible to convict the "higher-ups." The underlings under the gag of silence are usually sentenced for contempt of court by the county judge. Where prosecution is undertaken in a criminal court, it fails in a large number of cases because of lack of evidence. The political bosses furnish the money and attorneys to fight the cases, but they are seldom or never implicated by the testimony.

(8) The earlier centers of vote frauds were the areas in which dives, saloons, "flops," and rooming houses abounded, and the homeless or transient man was available in large numbers as purchasable votes. This area was increased by the new immigration into territories dominated by political manipulators of the previous generations. Later, foreign leaders were developed under the tutelage of the earlier crooked politicians. In all of the foreign districts there have always been great numbers of immigrants who would stand aloof from politics because of what they regard as "low-down" local leaders and their crooked methods. The registration, and the voting in these wards has always been small compared to the total population, and largely

limited to the controlled vote. When racial or national group consciousness can be awakened through conflicting situations, the politician can turn out a large number of legitimate votes.

(9) The young of the immigrant groups, beginning with the child at play in the street, were assimilated uncritically into all of the traditions of the neighborhoods in which they lived. Street gangs were their heritage, conflict between races and nationalities often made them necessary—conflict and assimilation went on together. The politician paid close attention to them, nurturing them with favors, and using them for his own purposes. Gang history always emphasizes this political nurture. Gangs often become political clubs.

(10) Through every investigation the most constant element is the connivance of the police, witnessing and tolerating the vote frauds and resisting investigation by refusing to give testimony. Through it all is the evidence that the police defer to the politician because of his power over their jobs.

(11) Slugging and intimidation of voters is a chronic complaint through this entire period. With the advent of bootlegging arose the new phenomenon of the armed wealthy gun chief becoming the political boss of an area.

(12) While every fraud ever committed has been practiced within the last eight years, it can also be said that within the last few years there has been the most effective, impartial fight upon vote frauds through prosecution. For this, civic agencies, supported by private funds, and an honest county judge, impartially driving toward the objective of clean elections should be accredited; the more emphatically because of the disadvantages of the chaotic governmental machinery which the prosecution has to employ and the odds against them in fighting the most powerful political organization in the history of Chicago.

**Pittsburgh.** Pittsburgh has had a history of voting frauds which rivals that of Chicago and Philadelphia. In 1921 a pamphlet was published by James H. Gray, now (1933) judge of the Common Pleas Court of Allegheny County, and Charles C. McGovern, now chairman of the board of county commissioners, with the title "Stuffing Ballot Boxes," describing the conditions, profits, and various methods of voting frauds. Voting frauds have been regularly committed for years in the organization-controlled wards of the city, which lie in a strip along the river front, locally known as "The



Strip." Election conditions in Pittsburgh have been so notorious that when the referendum vote was held in the city upon the adoption of the voting machines the speakers from civic organizations in urging voters to vote affirmatively on the proposition asserted that the adoption of voting machines would virtually enfranchise the voters of the city, that prior to that time the electors were deprived of the franchise by the corrupt acts of the election officers. A general picture of the situation, which is not overdrawn, is afforded in the following resolution adopted by the Allegheny County Bar Association, October 7, 1927:

WHEREAS, It appears by reason of matters being developed by the official returning board presided over by President Judge John A. Evans, and Judge A. B. Reid in the counting of the returns of the voting by the people of Allegheny County at the Primary on Tuesday, September 20, 1927, the investigation and special count of the ballots in the boxes from various election districts, widely scattered throughout Allegheny County, and many informations which have been ordered by the District Attorney of Allegheny County, that the right of suffrage is denied many of our people, that illegal voting is rampant, that ballot boxes are stuffed, that unofficial ballots are printed, cast and counted, that hundreds of erasures and alterations have been made to mark ballots for candidates other than those marked for by voters, and that in this particular election nominations were made for nine Judges of the Allegheny County Common Pleas court, our most important judiciary, and

WHEREAS, It appears that such outrageous practices and perversion of the ballot are believed by many to have been the custom for many years past but never heretofore so forcibly exposed and positively proven, therefore be it

*Resolved*, That the Allegheny County Bar Association condemn all such practices . . . and also be it

*Resolved*, That the President of the Allegheny County Bar Association appoint a special committee of not less than five lawyers to urge and assist the district attorney of Allegheny County in investigating all these matters so destructive of the right of voting, and energetically prosecute each and every violator of the election laws. . . .

The investigations of the special committee of the United States Senate, covering the 1926 election, included Pitts-

burgh, but less intensively than Philadelphia, and was confined to a recount of the ballots and an examination of the records. Nevertheless, this scrutiny of the records and the ballots themselves showed wholesale frauds in the form of ballot-box stuffing, the entry of the names of voters in the poll lists in alphabetical order, unfolded ballots in the box, ballots marked with "phantom" crosses, and other evidence of fraud. The following account is contained in the report of the committee:

The comparison of votes originally returned for senatorial candidates with the results of the recount of those votes shows the existence of less fraudulent counting than in Philadelphia. One hundred and sixty-seven of the 689 election districts of Pittsburgh show a correct count of the senatorial vote by the election officers, and the average chance of a Pittsburgh voter to have his vote counted correctly was therefore more than twice as great as that of a Philadelphia voter. With 689 divisions in the city, Vare gained 184 votes in 90 divisions and lost 1,380 in 320 divisions, a net loss of 1,197 votes. Wilson gained 1,287 votes in 327 divisions and lost 164 in 83 divisions, a net gain of 1,123. Other candidates for Senator gained 30 votes in the entire city.

\* \* \* \*

A considerable number of fraudulent ballots were cast, however. One way in which this is made evident is by comparing the total number of names recorded as voting in the voting check list and the total number of names recorded in the list of voters for each division with the highest vote returned as cast for any office in the division and with the total number of ballots in the ballot boxes. In 150 divisions the highest vote for any office exceeds the number of names written in the list of voters (after the deduction of repeated names) and in 170 divisions it exceeds the number of names checked in the voting check list as having voted. These divisions are scattered through every ward in the city.

The total number of ballots in the boxes of 106 divisions exceeds the number of names written in the lists of voters (after the deduction of repeated names), and in 147 divisions there were more ballots in the boxes than there were names checked in the voting check lists. In 7 divisions the number of ballots cast actually exceeded the number of registered voters in the divisions, and in 4 other divisions the



election officers returned more votes than there were registered voters.<sup>28</sup>

\* \* \* \*

The elections in Pittsburgh in 1927 and 1929 were subject to scrutiny by reason of a recount, and the ballots and returns were carefully inspected. As a result of the 1927 recount, which revealed flagrant frauds, a large number of precinct officers were prosecuted, and, after the completion of a test case, many of them pleaded guilty and were sentenced. The 1929 recount, for which detailed data are available, showed quite clearly that the organization was not ready to give up its fraudulent practices without a fight. While, in the main, the returns corresponded to the ballots in the box, a close scrutiny of the ballots in the box showed many ballots fraudulently marked. Large numbers of ballots, running in many precincts to over a hundred each, were marked by one or a very few persons, usually identical in the persons voted for. Part of these were accounted for by the heavy assisted vote, but by no means all. Ballots containing "phantom" crosses were found in forty of the seventy-six precincts inspected. Phantom marked ballots indicate that they were marked while they were stacked up in a pile. Obviously this could not happen to a ballot marked legally in the voting booth. As the report of the investigating committee stated: "Nobody has been able to suggest to the recount board how phantom crosses can be supposed to come upon ballots in any legal manner, therefore it appears that these 356 phantom ballots is evidence of the practice of fraud in connection with the ballots among which it was found."

The chairman of the 1929 recount board, Mr. Ward Bon-sall, who was experienced in election recounts, with great care proceeded to scrutinize the ballots of the seventy-six precincts recounted. The clerks who conducted the recount were able to identify groups of ballots which had been marked by the same person, and also groups on which crosses had been

<sup>28</sup> Senatorial campaign expenditures, 70 Cong. 2 sess., S. rept. 1858, pp. 47-51.

made on the same ballot by two persons, and to detect alterations, or other evidences of fraud.

The following summary of the findings in the seventy-six precincts recounted is taken from the report of the recount board:

The attached Table shows that in more than half of the boxes, namely, in 40, we have found ballots containing what we have come to call "phantom crosses," namely, the impressions of crosses being made on a ballot or other paper lying on top of the ballot containing the phantom. The name "phantom" was given such crosses because they can be seen on the back of the ballot along with the crosses actually on the ballot when the light falls upon the side of the ballot toward the eye, but when the ballot is held toward the light, the "phantoms" disappear from view while the lead pencil crosses remain visible.

Many hundreds of ballots contained one phantom cross made when the voter marked his police and firemen's referendum ballot on top of his Primary ballot; but these were always disregarded, and no ballot was reported as containing phantom crosses unless it contained at least two such crosses.

In all, some 356 ballots have been reported as containing two or more phantom crosses.

Nobody has been able to suggest to the Recount Board how phantom crosses can be supposed to come upon ballots in any legal manner; therefore it is proper to report that every one of these 356 phantom ballots is evidence of the practice of fraud in connection with the ballots among which it was found.

There was fraud in the marking of the ballots, as shown in the Table, in 53 boxes, and in 14 of those 53 there was also fraud in the election board's return, while 4 boxes showed fraud in the return without fraud in marking. There were, however, 29 boxes showing fraud in marking without showing fraud in the return—that is, the ballots were illegally marked, and then counted and returned as so marked.

There were 63 of the 76 boxes that showed substantial error in the count or return, while 71, or all of the 76 but 5, showed "fraud or substantial error" sufficient for the return of the \$50 deposit under the Act of 1927.<sup>24</sup>

<sup>24</sup> Pages 7-10 of mimeographed report supplied to the writer by Mr. Ward Bonsall.



**Cleveland.** Rumors of election frauds persisted in Cleveland for a number of years prior to 1928, when after the primary election of August 14, the Cleveland Bar Association petitioned Governor Vic Donahey for a special investigation of the primary and election generally in Cuyahoga County. Governor Donahey ordered the investigation, which was carried on under the direction of Attorney General Edward C. Turner. The State Emergency Board appropriated \$50,000 for the investigation, over the protest of the Cleveland Republican organization. A special grand jury was impaneled on September 24, with Henry S. Sherman, former president of the National Car Wheel Foundry Company as foreman. In the meantime a suit had been filed to force the burning of the primary ballots, but this was denied by the court. The ballots were delivered to the grand jury, which proceeded to recount 109 precincts, to examine the records and the ballots themselves, and to hear witnesses.

On October 26, a month after the grand jury started work, it recommended the removal of the entire election board and its clerks. A few days later this was done and an entirely new board installed only a few days before the heavy 1928 presidential election. The new board promptly removed 378 precinct officers.

Although less than one-sixth of the precincts of the city were investigated, the grand jury returned forty-one indictments against thirty-one precinct officers. The general election conditions, particularly the count, were quite similar to the state of affairs in Chicago, Philadelphia, and Pittsburgh. The following quotations and summaries of the findings are taken from the Cleveland Plain Dealer, December 8, 1928:

The oral testimony and statements taken before the grand jury and the attorney general consists of many volumes. Some of this testimony discloses that the names of dead persons, of persons on the high seas and in various foreign lands at the time of the last primary election, as well as the names of many other persons who did not go near the polls on August 14, 1928, and who did not vote absent voters' bal-

lots, are recorded in certain of the poll books as having cast their votes.

In one instance where a witness was denied the privilege of voting on the ground that he was too late—that the polls were closed—we found not only the name of this witness, but many other names recorded on the poll books as voting after him.

When we were impaneled no definite charge against any specific persons was available. No transcript from examining courts or magistrates had been filed—no prima facie case had been made up against anyone.

It therefore became necessary for us to make a careful investigation to ascertain whether the rumors and criticisms respecting our election machinery had any basis in fact. As our attention had been directed particularly to the August 14, 1928, primary, we began our investigation with an examination of the poll books, registration records, alphabetical lists, tally sheets, summary sheets, official count and ballots of that election.

#### Work Not Complete

On account of the very large amount of detail therein involved the work of fixing the responsibility for all of the irregularities found in that election alone has not yet been completed, and cannot be completed within the limits of this term of court.

We realize from the court's charge that careful investigation should always precede indictment. It is further essential that we should first find out what, if anything, was done before attempting to fix responsibility therefor.

Our investigation has disclosed a shocking recklessness and carelessness in the handling of elections in Cuyahoga County, both in the booth and at the board of elections. (No reference is intended to be made herein to the board as now constituted.)

While many of the booth officials were persons of long experience in the work, we have found a claimed ignorance and lack of understanding of duties that is difficult to believe.

There has been an almost universal disregard of the statutes prescribing the method of counting and tallying the vote, with the result that the door to fraud and error has been left wide open. That both fraud and error were prevalent in the last primary election we are thoroughly convinced.

In counting the ballots, instead of the count of each ballot being made, as required by law, by all the judges as each ballot is drawn singly from the box, and instead of the clerks forthwith tallying such vote on the official tally sheets, the ballots were dumped out of the box and divided among teams, the membership of which teams has not always been limited to the regular booth officials, and the tallying has



been made on loose paper and the results thereafter transferred, or attempted to be transferred, to the regular tally sheets. In the last primary, and in primary elections generally, we find it to be quite common for the officials representing the respective parties to count their own party ballots.

Not only does this disregard of the lawful method of counting and tallying result in a multitude of errors, but it makes fraud easily possible. Certainly there is no excuse for the inability of six election officials to count 50 ballots correctly. Yet in Ward 1, Precinct K, the 50 Democratic ballots there cast were counted incorrectly for 55 different candidates. In other words, the officials of this booth made mistakes in respect of each of 55 candidates in counting 50 ballots. In this same precinct there were 71 Republican ballots cast and mistakes in respect of 49 candidates were made in counting them.

In Precinct Y, Ward 1, the report points out the following discrepancies: Peter Witt had 93 votes, but was given credit for 71; George S. Myers had 69 votes, but was given credit for only 6; William G. Pickrel had 13 votes, but was given credit for 56; Cyrus Locher had 53, but was credited with only 43; Graham P. Hunt had 34 votes, but was given credit for only 24. The report continues:

Out of 100 candidates the votes of five only were counted correctly, and of this five correctly counted three candidates had one vote each, one four votes and the other nine votes.

On the Republican ticket in this same precinct the votes of 93 candidates were incorrectly counted.

In Precinct R, Ward 13, the following discrepancies were shown in the report: James T. Begg had 50 votes, given 109; Theodore E. Burton had 59 votes, given 103; J. G. Tomson had 57 votes, given 109; Walter E. Cook had 60 votes, given 102; J. H. Harris had 39 votes, given 100; L. G. Collister had 48 votes, given 107; Fred R. Williams had 43 votes, given 106; Arthur H. Day had 61 votes, given 99.

\* \* \* \*

While 31 votes was the highest credit given to any other candidate on the Republican ticket, and this in one instance only, more than 100 Republican candidates received less than ten votes in this precinct. But 26 candidates, other than the ones first above mentioned received more than ten votes.

In Precinct O, Ward 3, East Cleveland, the total number of Republican ballots found in the bag was 60, the report says, although there were 61 names on the poll book.

\* \* \* \*

Clarence J. Brown, Republican candidate for secretary of state, uncontested, was given 72 votes as against 47 actually received. Bert B. Buckley had 43 votes, was given 66. Theodore E. Burton had 44, was given 71; Simeon D. Fess had 47, was given 71; Fred R. Williams had 37, given 60; Frank R. Lander had 17, given 23.

For prosecuting attorney Arthur H. Day was given 36 votes as against 21 actually received, while George B. Harris was given credit for 50 votes as against 34 actually received, making a total of 86 votes credited for prosecutor as against 60 ballots found in the bag and 61 names on the poll book.

\* \* \* \*

In Ward 30, Precinct M, the following discrepancies are pointed out in the report, among many others: James T. Begg had 79 votes, given 144; Myers Y. Cooper had 29 votes, given only ten; Fred Kohler had 27 votes, given 13; Gilbert Bettman had 47 votes, given 136; Simeon D. Fess had 92 votes, given 154; Theodore E. Burton had 103 votes, given 165; Chester C. Bolton had 101 votes, given 175; John D. Fackler had 26 votes, given 5; George B. Harris had 36 votes, given 19; Arthur H. Day had 115 votes, given 170; Frank R. Lander had 89, given 21; Fred R. Williams had 52, given 161.

\* \* \* \*

#### Analyze Jackson Count

In a partial report filed by the special grand jury heretofore discharged it was pointed out that Perry B. Jackson had been counted in at the Board of Elections.

In Ward 18, Precinct J, Perry B. Jackson was given credit for 191 votes, yet a count of the ballots shows but 139 so marked.

In Ward 11, Precinct K, Perry B. Jackson was credited with 90 votes, although a count of the ballots shows but 38 so marked.

In either two of the foregoing precincts there was sufficient overcounting to have changed the result of the primary election, even if the official count had been correct. (Jackson was counted in by 67 votes.)

We have cited some of the more flagrant cases so far uncovered which need further investigation to fix responsibility therefor. It would make this report unnecessarily long to attempt to give all cases discovered which require further investigation. However, some interesting comparative statistics can be made up from the count of the ballots already made.

As to the examination of the ballots:

This work is slow and tedious. It calls not only for a recount of the ballots, but also a careful inspection of each ballot.



We have found ballots which we are confident were never voted by the electors.

Some of them have never been folded, other than to put them in the bag.

Other ballots indicate plainly that they have been torn off the pack in a bunch.

Some ballots show indentations from some other paper marked on top of them, indicating that they were marked while in the pack or pile.

In several precincts so far examined we have found a number of erasures and the insertions of other "X" marks apparently by a different hand than the rest of the marks.

On many ballots we have found "X" marks which we believe were placed on the ballots by another than the voter.

In many cases voters do not vote for candidates for all offices nor for the full number of possible candidates, and from our examination of the ballots we believe that in many instances "X" marks have been added to such ballots.

In other instances we have found "X" marks placed in front of the name of an additional candidate for some office, thereby nullifying the elector's vote for that office.

#### Partial Picture of Primary

We have given a partial picture of the August 14, 1928, primary—a picture of which no citizen should be proud. In addition to the indictments herewith returned others will probably follow at a later term of court. While the punishment of those guilty in the past should not be neglected, yet the greater problem is to prevent a recurrence of such things and such conditions as are herein described.

**Election Frauds Elsewhere.** The voting fraud conditions in Chicago, Philadelphia, Pittsburgh, and Cleveland should not be looked upon at all as unique or exceptional in this country. Similar frauds prevail in many other cities and other type of frauds are practiced in rural districts.<sup>25</sup> The numerous contested elections before Congress, practically all of them alleging frauds, form ample proof of this statement. The writer has been told of election frauds in many other parts of the country. In Seattle he has heard from many sources that the returns were altered so as to defeat a city manager charter

<sup>25</sup> For an account of election frauds in Louisville, see my Registration of voters, pp. 372-77.

voted upon in 1926. In Kansas City a former chief clerk showed him the returns from many precincts which, being in even numbers of hundreds for and against propositions, could not possibly have been based on an actual count. Another resident of Kansas City, undoubtedly the best posted man on election affairs in the city, related to the writer that in many precincts the election officers make no pretense of counting the referendum votes, and frequently did not count the votes for candidates.

It is sometimes supposed that election frauds are confined to large cities. The plain facts are that the elections in rural districts are conducted much more irregularly than in cities, and often fraudulently. When a hotly contested election takes place election frauds are liable to be committed anywhere. Nevertheless, it should be added that the bulk of frauds are found in the large cities, under lax and unsuitable election laws, where the voters are not acquainted with each other, and in the machine controlled precincts, particularly in sections of the city where bootlegging, vice, and crime are prevalent. In almost every large city in the United States the boundaries of the election fraud area could be definitely located on the map. This, of course, is true of cities with strong political machines. Where the party organizations have lost strength, and are not in a position to accord protection to violators of the election laws, election frauds have practically disappeared. Happily this is the case in many communities throughout the country.

**Types of Voting Frauds.** From the foregoing pages it appears that fraudulent voting is a matter involving a wide variety of offenses. A discussion of the several types of frauds is, therefore, called for.

*Registration Frauds.*<sup>26</sup> Many election frauds may be traced to a padded registration list. If corrupt precinct captains can put on the registers the names of persons who have died or

<sup>26</sup> For a more extended account, see my *Registration of voters*, pp. 350-78.



moved away from the precinct, or who have never resided there, or fictitious names, these names can and will be voted on election day. While formerly it was a common practice for the party organizations to use gangs of repeaters on the day of the election to vote such names, sending them from precinct to precinct, the usual method to-day is to have a corrupt precinct election board merely write in these names upon the poll list and place ballots in the box for them. This eliminates the bother, expense, and danger of exposure incident to the use of repeaters. Padded registrations are likely to be found in the transient sections of large cities, in machine controlled precincts containing lodging houses, cheap rooming houses, houses of prostitution, and the like. The technique of padding the registers varies from one place to another. With corrupt and collusive registration officers, there is, to be sure, no problem about it at all. The registrars simply write in the names from a list supplied to them by the precinct captain. Various investigations of registration books in Chicago and Philadelphia by handwriting experts establish the fact that the signatures of many registered voters in certain precincts have been written in by the person who entered the other items in the register. If it is necessary, however, to send in persons to register, this may be easily done in the transient sections by rounding up every adult in the precinct on the day of the registration, the precinct captain knowing full well that many of them will not be on hand on election day. Another method is to organize groups of repeaters (they are called "stingers" in Chicago) to go from precinct to precinct to register under a different name at each place. Still another method is for the precinct captain to watch carefully the list of registered voters, making use of the names of persons who have moved away since registering. This is particularly available where the method of purging the lists and making transfers is defective.

*Repeating.* The term "repeating" is used to describe the practice, formerly very prevalent, of sending persons from

precinct to precinct to vote under the names of bogus voters, and sometimes under the names of *bona fide* voters. Witnesses have testified in various election fraud investigations and contested elections that they voted eight, ten, twenty, and even forty or fifty times. In an unusual case in Colorado in 1905 one person testified that he had voted over a hundred times on election day. As stated above, this practice is no longer used to any great extent. Ballot-box stuffing and counting frauds have been found to be more suitable, less expensive, and less subject to blackmail.

*Ballot-box stuffing.* Fraudulent ballots may be placed in the ballot box by the precinct officers in a variety of ways. If the entire board is corrupt, the names of fictitious voters on the registration lists may be entered on the voting list during the day, and the ballots slipped into the box during the day, or at the close of the election. Of course, if this is done, the precinct officers must be careful that no watcher is on hand to see it, and may pick a time when there are no watchers present, or when some honest member of the precinct election board is away. Another method is to write in, after the close of the polls, the names of voters who failed to vote. In order for this to be done, however, the entire board must be corrupt, and watchers have to be ejected. One of the most common indications of voting frauds is the presence on the poll list of a group of names in alphabetical order, indicating quite clearly that the election officers merely wrote in the names of these voters and cast ballots for them. Since the poll lists are uniformly made up in the order that the voters appear, an alphabetical arrangement would indicate that the voters appeared in alphabetical order, which obviously would never occur.

It is relatively easy for a corrupt precinct captain to secure a number of official ballots and to have them marked up and ready to be stuffed into the box when a favorable opportunity presents itself. While at times these alphabetical lists of voters appear at the close of the poll list, more frequently they ap-



pear earlier, sometimes with a sprinkling of other names, indicating that they were written in while the polls were open, perhaps when one or more honest election officers were away. Placing the names upon the poll lists in alphabetical order indicates carelessness on the part of the corrupt officers, who do not even bother to mix the names up so as to avoid suspicion. Doubtless in many precincts the officers, if corrupt, are more careful, and much padding may not be apparent from the poll list.

*Chain Ballots.* The Australian ballot is designed primarily to prevent bribery, since the corrupt politician who pays the bribe cannot be sure that the elector votes as he has promised. In order to get around this difficulty, the device generally used is for the political worker or precinct captain to secure one or more official ballots at the beginning of the day. These he marks and places in the hands of bribed or controlled voters with the instructions to bring back the unmarked ballot given to them in the polling places, and to deposit the marked ballot in the box. This process, or "chain" is kept up all day, thus guaranteeing to the briber the votes for which he pays. There is no evidence to indicate that this practice is carried on widely. The more common method followed is that of assistance to voters.

*Assistance to Voters.*<sup>27</sup> In practically every state some provision is made for assistance to be given to the voters who are unable to mark their ballots. In many cities this device is used to destroy the secrecy of the poll, for all voters under obligation to the precinct captain are instructed to ask for assistance. Many of the voters willingly ask for assistance, though in other cases they are intimidated or bribed and assistance is forced upon them. The number of voters assisted in some of the precincts of our large cities is perfectly amazing, there being no effort whatever to confine the assistance to persons unable to read and write, or unable to mark the ballot because of physical infirmity. In one precinct in Pittsburgh, for exam-

<sup>27</sup> See also above, Chap. VI.

ple, the Bonsall report<sup>28</sup> indicates that 195 voters were assisted. Intimidation, as well as bribery, may be carried on through this practice. The voter may often ask for assistance because he is afraid of an overbearing precinct captain. All the evidence points to an extremely wide abuse of the provision for giving voters assistance.

*Intimidation and Violence.* In a number of recent elections in Chicago whole sections of the city were intimidated and even terrorized by the gun play of gangsters. This may be done to scare away from the polls the voters of the opposition, or to subdue and control the precinct officers, who thus intimidated may be willing to commit or to see committed various frauds without raising a protest. Watchers or honest election officers may be reduced to impotence by gun play and intimidation at the polls. Kidnapping has also been used in Chicago to get rid of determined and courageous watchers.

*Altering Ballots.* Elections may be stolen by altering the ballots. If the voter fails to vote for all of the candidates that he is entitled to vote for, the election officers may add crosses to his ballot for favored candidates. Likewise, they may spoil votes cast for unfavored candidates by placing additional crosses on the ballot, causing it to be thrown out for these offices. The ballots examined in Chicago, Philadelphia, and Pittsburgh were scrutinized for evidences of erasures and changes of the ballots, and many such cases were discovered. Of course, the voter himself might have made these erasures, but any considerable number may be looked upon always with suspicion.

*Substitution of Ballots.* The ballots cast by the voters may be discarded and other ballots substituted. This is usually done after the close of the election. The evidence in Pennsylvania indicates that many ballots were not accounted for or returned by the precinct officers, indicating that frauds may have been committed. While there have been notorious cases of ballot substitution, this form of fraud is not common.

<sup>28</sup> Page 4.



*False Count and False Returns.* Many election frauds have been perpetrated in the count. There are many varieties of false counting, ranging from failure to count the ballots at all, to such frauds as reading the votes off incorrectly, or if read correctly, recording them incorrectly. In states where fraud or error must be proved as a prerequisite to a recount, the precinct officers have little or no fear of a possible recount, and may turn in false returns with impunity. The conditions which surround the counting of the ballots are usually such as to make errors almost inevitable and fraud easily perpetrated. Although the state laws require the election board to count as a single team, with one person reading off each ballot, another checking, two tallying, etc., the count is not usually conducted in this manner. It is quite common for the work to be divided between two or more teams, and sometimes political workers and watchers are pressed into service. If errors or frauds are made, it is impossible to hold anyone responsible, for no records whatever are made of the counting by each individual or team. The count at a heavy election, involving a long ballot, and lasting far into the night, offers many opportunities for false counting and alteration of ballots. Sometimes the corrupt work is done late in the night after the honest watchers have departed.

*Altering Returns.* The precinct returns may be altered either by clerks in the election office or by the election officers themselves in charge of delivering the returns. There have been many cases of this kind.<sup>29</sup>

**Factors and Conditions Responsible for Frauds.** There is a very close relation between election frauds, machine politics, organized vice and crime, and racketeering. Isolated, individual cases of election frauds are uncommon and unimportant. Election frauds cannot be carried on successfully and upon a wide scale without protection, without the pre-arrangement of election officers who will "deliver" if necessary, and

<sup>29</sup> See above, Chap. VIII.

without the backing of a powerful political organization. In all of the election prosecutions in Philadelphia, Pittsburgh, and Chicago the plea was made that the precinct officers who committed the frauds were underlings, and that the real persons who should be punished were the "higher-ups" who ordered the election frauds. By the statements of their own attorneys, these political organizations are convicted of ordering and carrying out frauds on a large scale. A strong, powerful political machine, enjoying the vast spoils of patronage, contracts, favors, privileges, and graft coming from the control of the government of a wealthy city, may be expected to use every weapon at hand to retain this control when seriously threatened. In the ranks of the organization will be found all sorts of persons: some respectable and conscientious, others corrupt and unscrupulous. In the sections of the city where frauds are carried on, the precinct captain is out to win by fair means or foul, and his sharp practices and frauds at the polls often enhance rather than lower him in the estimation of the community. Practices at the polling places which would not be tolerated in other sections of the city attract little attention here. The precinct captain selects precinct officers who will obey his orders, frequently persons who are willing to go to any lengths to win the election.

The alliance between politics and crime, so frequently revealed in Chicago election practices, is a natural one. The bootlegger, the saloon keeper, the proprietor of a gambling house, or the matron of a disorderly house must have protection. Businesses of this kind cannot be operated successfully without protection, and are rarely attempted without it. This element of society, combined with the racketeers and other criminal elements, make a working agreement with the political machine. On election day they throw their weight to their political allies. Election frauds, violence, terrorism, ballot-box stuffing, kidnapping, and even murder are all in a day's work for them. Without this tough element, accustomed to violating the laws and to rough tactics, election crimes of



intimidation and violence would not be committed. Many election frauds may be attributed to an alliance between vice, crime, bootlegging, and politics.

The great majority of election frauds, according to all available evidence, are committed by the precinct election officers, whose sworn duty it is to protect and safeguard the sanctity of the ballot box. In the worst sections of our large cities many election officers appointed upon the recommendation of precinct captains are selected with a view to their usefulness in crooked work at the polls. Several years ago a former election commissioner of Chicago related to the writer that he had sent out to each person just appointed as election officer (some 15,000 persons in all) a form notice of the fact that he had been appointed. The envelope did not bear a return address to the election office, but instead a return to a post office box. The result was that more than six hundred of the notices were returned as undeliverable! These persons had just been appointed as election officers upon their individual and personal application. The conclusion cannot be escaped that the organizations had filed applications for fictitious persons, or persons who had moved away, to serve as election officers and had secured their appointment. The party organizations unquestionably planned to substitute other persons, who in some cases would serve under the names of the persons legally appointed.

Striking evidence of the low character of election officers was submitted by twenty-five citizens of Chicago in a petition for the removal of the chairman of the board of election commissioners in 1930. With the assistance of the prosecuting attorney, these citizens had the list of precinct election officers for fifteen wards of the city checked against the police records. In these fifteen wards there were 2965 election officers. At the hearing 830 police record cards (not including violations of traffic laws) were presented for persons having the same names as those of the election officers. Included in these 830 cards were 364 covering 193 persons appointed as election

officers (there were duplicates in numerous cases) where both the name and the address were identical with the name and address of the person appointed as election officer. There were seventy-five more cards covering these same names, but from other addresses. In addition there were 368 police record cards covering 161 additional persons appointed as election officers of the same name, but from a different address. Many of these names were distinctive, such as Tony Cerra, the bomber, Christ George, and others, and in all probability were the same persons appointed as election officers, while other names were very common and afforded little presumption that they were of the persons appointed as election officers. The total number of election officers involved in this check with the police records was 354. Taking into account the fact that 191 cases involved both the same name and the same address, it would seem to be reasonable to assume that this evidence shows probably from 250 to 300 election officers with police records. The police records showed that these persons had been arrested for various crimes as follows: Accessory to murder, assault and battery, assault to commit a felony, assault with a deadly weapon, attempt to commit rape, attempt to kill, attempted robbery, attempted burglary, bookmaking and pool selling, bombing, burglary, carrying concealed weapons, criminal conspiracy, contributing to the delinquency of a child, crime against nature, disorderly conduct, keeper of a disorderly house, inmate of a disorderly house, patron of a disorderly house, driving away an automobile without owner's consent, embezzlement, gaming, gambling, larceny, malicious mischief, murder, obtaining money under false pretenses, prohibition law violations, rape, receiving stolen property, robbery, robbery with a gun, vagrancy, and others. Some were convicted; some were acquitted; many had long police records.

The following excerpt is taken from the complaint and petition filed, illustrating the type of persons appointed as



election officers in one precinct. Other cases even more sensational and involving longer criminal records, could be cited:

35. Frank Younker, "butcher," 406 South Halsted Street, Judge of Election for the 5th Precinct of the 27th Ward. The said Frank Younker, together with Christ Ross, Mike Russo and Roger Keough were selected for the year 1930 as poll officials for said precinct and in said precinct an investigation recently made shows that many offenses were committed at the registration and canvass in March, 1930, and at the election in April, 1930. The picture of said Younker is No. 48172 at the Bureau of Identification and the records show the following:

May 18, 1910, indictment for attempt to commit burglary. S.O.L.

January 12, 1912, sentenced to jail on plea of guilty to larceny under an indictment for burglary.

January 20, 1917, sentenced to House of Correction on a charge of larceny.

June 4, 1918, plea of guilty to indictment charging burglary.

36. Christ Ross, "clerk," 528 South Halsted Street, Republican Judge for Precinct 5 of Ward 27. The said Christ Ross was chosen a poll official for the year 1930 without investigation to determine whether he is the Christ Ross who in 1928 was arrested on a charge of manslaughter, or the Christ Ross who in 1927 was fined for assault and battery.

37. Roger Keough, "teamster," 408 South Halsted Street, Clerk of Election for Precinct 5 of Ward 27. The said Roger Keough was chosen a poll official for the year 1930 without investigation to determine whether he is the Roger Keough who in 1921 was held to the Grand Jury for robbery, bail \$45,000.00, and sentenced to the House of Correction.

38. Mike Russo, "chauffeur," 520 South Halsted Street, Republican Judge for Precinct 5 of Ward 27. The said Mike Russo was chosen a poll official for the year 1930 without investigation to determine whether he is the Mike Russo who in 1925 was accused of robbery and receiving stolen property and in 1928 was accused of assault and battery and keeping a disorderly house.

39. Frank Gallo, "janitor," 528 South Halsted Street, Republican Clerk for Precinct 5 of Ward 27. The said Frank Gallo was chosen a poll official for the year 1930 without investigation to determine whether he is the Frank Gallo who in 1920 and 1921 was arrested

for disorderly conduct and in 1927 was fined for assault and battery and assault with a deadly weapon, and in 1927 was twice arrested for disorderly conduct and in 1929 was arrested for being an inmate of a disorderly house, and in January, 1930, was arrested for disorderly conduct.

There can be no hope for honest elections when persons with criminal records are appointed as elections officers. A practice almost as bad is the more common one of precinct captains appointing members of their immediate families or close relatives to serve on the election boards. Respectable, honest, capable election officers, under no obligation to precinct captains, are essential to the honest conduct of elections.

The polling places used in some cities are selected with an eye to illegal practices and frauds. The use of public buildings, with plenty of space, light, and air, and with an atmosphere of respectability tends to reduce the rowdiness which sometimes prevails at the polls. The use of basement rooms in apartments, of small shops, and congested quarters tends to facilitate frauds.

The use of paper ballots undoubtedly is conducive to voting frauds. The paper ballots must be counted by hand, frequently requiring several hours or longer, under conditions late at night which are likely to facilitate frauds. The election officers are quite exhausted after the long day at the polls, and are not fit to carry on the count for hours afterwards. The watchers are likely to leave if the count lasts for hours, and various short cuts may be used. In the confusion, poor light, mingling of ballots, etc., it is easy for ballots to be altered or substituted, and for the count to be falsified. If the ballot is short and the count can be completed within a very few hours, these dangers are not present. Another danger of fraud is that the returns may be held up for hours or even days. There have been many cases of returns being held back deliberately to see if more votes are needed, and how many, so that the corrupt precinct officers may, if necessary, write in the names of as many more voters as are needed to swing the election.



**Prevention of Frauds.** It is quite obvious that election frauds cannot be prevented by the prosecution of the offenders. This method has been used in many cities as a deterrent of election crimes, but always with similar results. Convictions are difficult; in fact, almost impossible to secure. The prosecuting witnesses are bought off or are intimidated. Juries are reluctant to convict the precinct officers, whom they regard as the "underlings" for the machine. Election frauds are generally carried on with the consent and protection of the police department, and frequently with the understanding that the prosecuting attorney will not press the cases. The political machine which profits from the frauds is ready at all times to defend election criminals. Prosecutions, even when accompanied by convictions, have not been effective in deterring voting frauds in Chicago, Philadelphia, and Pittsburgh. Other means must be employed. The election law must be strengthened and the personnel improved. In no other way can election frauds be eliminated.

Honest election officers, removed from political control, particularly that of the precinct captain, are essential. It would serve no useful purpose to review in detail the recommendations made in another chapter on this point.<sup>30</sup> The practice of delegating the actual selection of precinct officers to the party organizations, and hence to the precinct captains, must be discontinued. Honest, capable, independent officers can be secured and are being secured in many cities where it is known that the election office itself and not the party organization make the selections.

The procedure of the conduct of the election and count requires improvement. Every voter should be required to sign the poll list when he applies to vote, and the signature should be compared with that on the registration record. This simple device, which facilitates rather than retards the conduct of the election, is a powerful deterrent against ballot box stuffing, repeating, and other frauds. One strong point in this

<sup>30</sup> See above, Chap. IV.

procedure is that a permanent record is made, which may be scrutinized after the close of the election. Better supervision and inspection of the work of the precinct officers is needed as a precaution against bad practices.

The use of more desirable polling places is of importance in the prevention of frauds. The best practice is to make no use whatever of rented shops or quarters, but to hold all elections in public buildings. This is entirely feasible, particularly if somewhat larger precincts are used. The adoption of voting machines makes impracticable many forms of frauds, such as ballot box stuffing, the alteration of the ballots, the substitution of ballots, and a false count. The precinct officers, to be sure, may hand in a false return sheet where voting machines are used, but this is unlikely. The adoption of voting machines is highly important in communities afflicted with voting frauds.

An easy, economical, and certain method of bringing about a recount constitutes an important protection against voting frauds. If the precinct officers know that the ballots may be recounted and scrutinized for evidence of frauds, and the records examined, they will be much more reluctant to commit frauds.