

BLACK SOX SCANDAL



Vol. 5, No. 2, December 2013

Research Committee Newsletter

Leading off ...

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Chairman's Corner

By Jacob Pomrenke
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I didn't really expect to find anything groundbreaking in the James T. Farrell papers at the University of Pennsylvania this summer, but I always go into these searches with a sense of optimism.

Thanks to the times we live in and the digital resources now available, a vast majority of my research is done online, running searches through newspaper archives, genealogy records and the like. If you're actively doing research, you're probably using some of the same tools like Paper of Record, ProQuest and Ancestry.com.

But some of the most rewarding research I've done in recent years has been offline — finding obscure references in local libraries and rare collections at historical societies that aren't available anywhere else.

Not all of that information is valuable, of course. There's a reason these sources have been buried deep in the library stacks for so long. But you never know what you're going to find.

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Future SABR Vice President Bill Nowlin is pictured as an extra on the set of John Sayles' film *Eight Men Out* in late 1987 or early 1988 at Owen J. "Donie" Bush Stadium in Indianapolis, Indiana. Nowlin said he was invited to become an extra by Mason Daring, who composed the film's score. "They fitted me out (in period clothing)," he said. "I also had to get a 1919 haircut; my hair was far from short beforehand." (Photo: Courtesy of Bill Nowlin.)

'There is no signed confession'

\$1M offer seeks Black Sox documents that don't exist

By William F. Lamb
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One of the central myths of the Black Sox Scandal was resurrected in July 2013 when a sports memorabilia auction house offered \$1 million for the confessions of Joe Jackson and company.

In a widely publicized press release announcing the offer, Lelands.com of Bohemia, New York asserted that the Black Sox "signed confessions detailing their involvement in the fix ... but just before the start of the trial, the confessions mysteriously disappeared from the district attorney's office. ... Without the confessions, as well as a lack of evidence, the case fell apart and all eight players were found innocent."¹

Despite the eye-catching price tag and considerable media buzz (particularly on sports radio), the offer found no takers. The reason is simple: the documents sought by Lelands do not exist. And they never have.

As will be demonstrated in the paragraphs below, just about everything presented as fact in the Lelands' press release is wrong. But Lelands is hardly to be taken to task for seeking imaginary Black Sox artifacts. The auction house was merely acting upon a commonly held misunderstanding of the Black Sox saga.

Much of the blame here must be borne by Eliot Asinof, whose riveting 1963 account of the scandal in *Eight Men Out* is marred by factual error and,

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Henrietta Kelley: Eddie Cicotte's mystery woman

By Robert Erland

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Appearing in the *New York Tribune* on September 29, 1920, was this report:

Bearing on to-day's developments was the disclosure of the testimony to be given by Mrs. Henrietta D. Kelly, keeper of a rooming House where many White Sox players lived, and, known as the "woman of mystery."

Mrs. Kelly's testimony, according to Mr. Replegle, will have to do with a conversation which Eddie Cicotte is reported to have had with his brother, Jack Cicotte, after the second game of the Series. Referring to the loss of the game by the White Sox, the pitcher is reported to have said: "I don't give a damn. I got mine."¹

Henrietta D. Kelley, star witness and woman of mystery, but, was she also the sister of Eddie Cicotte?

After all, Eddie said it himself, "... went to my sister's house at 3909 Grand Boulevard. Her name is Henrietta D. Kelly (sic). My brother* and oldest girl were there."²

A review of available genealogical records shows that Henrietta D. Kelley was the daughter of William John Dunnigan and Ann Shepard. Henrietta was born in Newton Robinson (located in the southern part of Ontario), Canada.³ She immigrated to the United States (her statements regarding her immigration vary between 1880, 1882 and 1893) and married William Kelley in Chicago, Illinois on February 12, 1902.⁴

By 1910, William Kelley was dead and Henrietta was working as a "commercial traveler - furniture," i.e., a furniture salesperson on Calumet Ave. in Chicago.⁵ She apparently supplemented her income by taking in lodgers at her residence. In 1920, as enumerated in the federal census taken on 20 January of that year, she was residing at 3909 Grand Boulevard, Chicago, but no occupation was given.⁶

It was here two months prior that Eddie Cicotte met his brother and oldest daughter, Rose.⁷

In 1930, Henrietta and her sister, Charlotte, owned and managed the South Shore Arms Hotel on Hyde Park Boulevard in Chicago.⁸ Henrietta died on 9 September 1934 in Chicago and was buried with her parents in Michigan.⁹

Henrietta's full name was likely Henrietta Dunnigan Kelley. Why Eddie Cicotte referred to her as is sister is, unfortunately, known only to Eddie himself.

* Author's note: As noted in the *New York Tribune* article,

Eddie has been attributed with a brother named "Jack." A review of the Cicotte family in the U.S. Censuses of 1870, 1880 and 1900 shows no one named "Jack." Eddie's brothers are: George, Charles, James, Ira and Alva. His two sisters are: Ida and Clarinda.

Notes

1. *New York Tribune*, September 29, 1920, page 2.

2. Lamb, William F., *Black Sox in the Courtroom*, Chap. 6, End Note 23.

3. Ancestry.com. *Illinois, Deaths and Stillbirths Index, 1916-1947*. Accessed online November 3, 2013.

4. Ancestry.com. *Cook County, Illinois, Marriages Index, 1871-1920*. Accessed online November 3, 2013.

5. Ancestry.com. *1910 United States Federal Census*. (Chicago Ward 6, Cook, Illinois, Enumeration District: 0314.) Accessed online November 1, 2013.

6. Ancestry.com. *1920 United States Federal Census*. (Chicago Ward 3, Cook, Illinois, Enumeration District: 133.) Accessed online November 1, 2013.

7. Ancestry.com. *1910 United States Federal Census*. (Detroit Ward 18, Wayne, Michigan, Enumeration District: 0273.) Accessed online November 3, 2013.

8. Ancestry.com. *1930 United States Federal Census*. (Chicago, Cook, Illinois, Enumeration District: 2428.) Accessed online November 3, 2013.

9. Ancestry.com. *Illinois, Deaths and Stillbirths Index, 1916-1947*. Accessed online November 3, 2013.



Henrietta Kelley, in-season landlord for various White Sox players. She reportedly overheard Eddie Cicotte make incriminating statements at her boarding house. A reluctant Grand Jury witness who denied having any relevant knowledge of fix.
(Chicago Tribune)

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Commemorating the 50th anniversary of *Eight Men Out*

By Jacob Pomrenke
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The SABR 43 "50th Anniversary of *Eight Men Out*" panel was held Friday, August 2, 2013 in Philadelphia with special guests Pat Anderson, the niece and surrogate daughter of Buck Weaver; author Bill Lamb; Chicago Baseball Museum president David Fletcher; and moderator Jacob Pomrenke.

Among those in attendance were Atlanta Braves manager and SABR member Fredi Gonzalez, and Braves radio broadcaster Jim Powell. The Braves were in Philadelphia to open a three-game series against the Phillies later that night.

Anderson told stories about growing up with her uncle Buck and aunt Helen, while Lamb, Fletcher and Pomrenke discussed the legacy of Eliot Asinof's *Eight Men Out* given all that has been learned about the Black Sox Scandal since the book was first published in 1963.

Video: [Watch the *Eight Men Out* Panel on YouTube](#)
Audio: [Listen to the *Eight Men Out* Panel](#) (49:02; 44.9 MB)

Here are some highlights:

ON WEAVER'S EFFORTS TO GET REINSTATED

Anderson: "Baseball was Buck's life. He could not lie about that. If he could have been reinstated, it would have been the most wonderful thing in the world. In almost every picture you've ever seen of him, he had that big grin on his face. He believed in himself, and many of his fans and his friends believed in him too.

"My sister Bette worked for the *Sun-Times* for many years, and she always worked hard at trying to get different people interested in Buck — give him another chance, let's get something started for him. ... But every time we'd get such enthusiasm for him, we thought, 'Now they're going to pay attention,' they didn't. ... (Baseball commissioner) Happy Chandler once told Buck, 'It's old news, nobody cares about it.' I didn't like him either."

ON WEAVER'S FRIENDSHIP WITH TY COBB

Anderson: "To me, the most unlikely friend he had was Ty Cobb. He was known to be a pretty rough player. He always made sure to sharpen his spikes. Of course, Buck did too but he just made it known he had them and then they got out of his way. ... Once, the two of them fought



From left, Bill Lamb, David Fletcher and Patricia Anderson participated in a panel discussion on August 2, 2013, at SABR 43 in Philadelphia, Pennsylvania, to commemorate the 50th anniversary of *Eight Men Out*. (Photo: Laura Rumolo.)

(under the stands) like a couple of tigers. Ty was over 200 pounds and he was over 6 feet tall. Buck was 5-foot-10 and 170, and he beat the tar out of Cobb. And after that, Cobb couldn't say the nicest things about Buck. Buck was always the third baseman on his all-time all-star team. ... Cobb admired Buck. And I've always admired my uncle for standing up for himself."

ON THE LEGACY OF *EIGHT MEN OUT*

Fletcher: "I think it's certainly a seminal work, but ... we want to get the most accurate picture of history. There's just lots and lots of glaring errors. ... It's still a great work, but unfortunately, it's cast a lot of characters over the years — like Comiskey as a skinflint, as the villain — it doesn't really tell the true story. It's sparked a lot of interest, but it's not the final picture."

ON THE PLAYERS' DEGREES OF GUILT

Pomrenke: "Buck Weaver certainly knew about the fix. But so did everyone else. There was nobody who he could tell that didn't already know. Charles Comiskey was aware of the fix as early as Game 1 of the World Series. In Bill's book, he's got a nice nugget from the Grand Jury testimony that Chicago Cubs secretary John Seys was the stakesholder for bets placed by Abe Attell, one of the gamblers fixing the World Series. So nobody who Buck could tell didn't already know. Yes, he had guilty knowledge but so did everyone else."

Lamb: "With apologies to Mrs. Anderson and her

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Atlanta Braves manager Fredi Gonzalez, center left, and broadcaster Jim Powell, center right, were in attendance for the *Eight Men Out* panel at SABR 43. (Photo: Laura Rumolo.)

► SABR 43

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family ... I do not share the view that Buck Weaver was not a participant. I think there's a substantial body of evidence that he did more than just appear at meetings, which he admittedly did. Every Black Sox player who ever spoke publicly about the affair named him as a fix participant. That includes Eddie Cicotte, Lefty Williams, Joe Jackson, Chick Gandil, Bill Burns, Billy Maharg, inferentially Happy Felsch, and Harry Redmon. ... There are, in fact, two witnesses who maintain that Buck Weaver was present in Room 708 of the Sinton Hotel when money was distributed to the Sox after they lost Game 2. That was in the civil deposition of Bill Burns, corroborated by the civil deposition of Billy Maharg, for the Joe Jackson lawsuits. Now I agree that there are relative degrees of guilt, that people like Jackson and Weaver who may have gone along, and in Jackson's case taken money, are not in the same class of 'villain,' if you will, as Cicotte and Gandil. But I think there is a fairly significant body of evidence that should not be ignored ... and in my estimation, that includes Buck Weaver."

ON THE HOLY GRAIL OF MISSING BLACK SOX DOCUMENTS

Fletcher: "The Harry Grabiner diary — I don't know where it is. Nobody knows. I got to know the person who discovered it, Fred Krehbiel (Bill Veeck's nephew.) He doesn't know where it's at. But Eliot (Asinof) said he saw a typed copy of it in 2001 when ESPN did a special on the Black Sox. He asked the producer for a copy and it was never given back to him. It's sad it was never copied."

For more coverage of SABR 43 in Philadelphia, visit SABR.org/convention.

► CHAIRMAN

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Is there one nugget out there that would change everything we thought we knew about the Black Sox Scandal? OK, I'm not *that* optimistic.

But even when you don't find anything profound — you always find something new and interesting.

When I met up with committee members Jim Hawking and Bob Komoroski at Penn's Rare Books Library on July 30 in Philadelphia, I was hoping to learn more details about James Farrell's friendship with his old White Sox idols Buck Weaver, Ray Schalk and Red Faber, and their later lives in Chicago when Farrell knew them.

But the only significant find related to the Black Sox Scandal is a lengthy handwritten article on the 1919 World Series that is [printed in this newsletter on page 5](#).

And in an article titled "Fragments of a Baseball Article," written circa 1953, Farrell goes into detail about what it was like to sit in the left-field bleachers for Games 3, 4 and 8 of the 1919 World Series. He spends a bit of time describing Eddie Cicotte's failed cut-off in Game 4 ("at the time, it flashed through my mind that he shouldn't have done this"). There don't exist many first-hand accounts of attending the 1919 World Series, and while this was written about 35 years after the fact, it's still interesting to hear Farrell's experiences in his own words.

We also found early drafts of Farrell's essays on the Baseball Anonymous group that Schalk co-founded to help indigent ballplayers, on the legacy of Big Ed Walsh, on Farrell's visit to the Baseball Hall of Fame and Museum in Cooperstown in 1954, and Farrell's thoughts as the White Sox became perennial contenders again in the late 1950s.

Some of these essays, such as "Baseball Players Called Her Ma," on the baseball-friendly boarding-house owner Elizabeth McCuddy, and "Ray Schalk: The Perfect Catcher," were originally published as chapters in Farrell's book *My Baseball Diary*.

There were also dozens of boxes with manuscripts from Farrell's posthumous novel *Dreaming Baseball*, most of which we didn't go through too closely.

All the pages I copied from our visit to the University of Pennsylvania library are now available for download in this folder online: <http://bit.ly/farrell-papers>

A special thanks goes out to Jim Hawking, who had the foresight to have a dozen boxes of Farrell's baseball-related papers transferred to Philadelphia from storage across the river in New Jersey so we could look at them on our visit. Thanks also to John Pollack and Ellen Williams at the University of Pennsylvania for helping to facilitate our research trip.

For more information about SABR's Black Sox Scandal Research Committee, contact chairman Jacob Pomrenke at buckweaver@gmail.com.

JAMES T. FARRELL: THE 1919 WORLD SERIES FIX

Editor's note: One of the documents found in the uncataloged James T. Farrell papers at the University of Pennsylvania was this handwritten article labeled "The Fixing of the 1919 World Series." Farrell wrote often about the Black Sox Scandal, but this article appears to be unpublished. In the 1950s and '60s, Farrell lived in Chicago and was friends with Buck Weaver, Ray Schalk, Red Faber and other ballplayers of his youth. Farrell also served as an adviser to Eliot Asinof as the latter was writing "Eight Men Out."

By James T. Farrell

Transcribed by Paul Hallaman

PALO ALTO, Calif. — I did a considerable amount of research concerning the 1919 "fixed" World Series which resulted in the expulsion of eight White Sox ball players, the so-called "Black Sox" from organized baseball.

The White Sox players who were barred were supposed to have, and quite obviously did, throw the series to the Cincinnati Reds. The public revelation of some of the facts, and the confessions of some of the White Sox players produced a scandal which about wrecked organized baseball. The true story of what happened might never be known, and some of it has perhaps gone to the grave.

Among the eight banned players, "Shoeless" Joe Jackson, a great hitter, and "Buck" Weaver, whom Ty Cobb and Connie Mack, as well as many others, considered the greatest third baseman who ever lived, are no more.

Fred McMullin, a substitute infielder and one of the barred players, is also gone. Others who might have known some of the facts are also beyond speech.

One story which has never been



According to author James T. Farrell, when Chicago White Sox manager Pants Rowland, right, left the team in 1918 he told owner Charles Comiskey, left, that "a strong hand was necessary to hold the team in hand. Without this, there would be trouble." (Photo credit: SDN-060105, Chicago Daily News negatives collection, Chicago History Museum)

followed through and publically [sic] printed is that of a triple double cross instead of the "double double cross" which has been much written of.

A member of the 1919 Cincinnati team told a baseball writer that gamblers had tried to get to members of the Cincinnati team. Before one of the games, this player blew his top in the Cincinnati club house, told off one of the Reds pitchers and, I believe, threatened to beat him up. The reason was a fear that this pitcher had been reached.

I interviewed Heinie Groh, Cincinnati third baseman, and Ed. [sic] Roush, center fielder, in Florida a little over four years ago. Both Groh and Roush, Cincinnati stars, told me that they had not suspected any throwing of games at the time. But then, I had only met and they apparently did not want to open up the entire painful story.

At the time of the series, a Chicago newspaper reported an alleged attempt by gamblers to reach some of the Redleg players. According to this

printed story, girls had been imported from Detroit for a party to which the Cincinnati players were invited.

Clarence Rowland, White Sox manager from 1915 to 1918 inclusive, told me that when he left the White Sox as manager in 1918, he told Charles A. Comiskey, White Sox owner, that a strong hand was necessary to hold the team in hand. Without this, there would be trouble.

Rowland's son, mascot of the team while his father was manager, recounted the same tale. Clarence Rowland also said that when he saw the gamblers with so much money, in the lobby of the Sintin [sic: Sinton] Hotel in Cincinnati, he knew that something was wrong and warned Comiskey.

One of the Cincinnati writers, now dead, rather indignantly dismissed rumors of crookedness which circulated while the series was in progress.

However, newspaper men told me that this writer thought differently, was suspicious, and didn't seem to believe

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► FARRELL

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that the series was on the level. The reason why newspaper men did not print the story at the time of the series was fear of libel suits. This is the explanation which several offered to me and it seems true.

The previous year, Christy Mathewson, the great New York Giant pitcher, had suspended Hal Chase, the first baseman, because Mathewson was convinced that Chase was throwing games. Chase appeared at a hearing of the National Commission, which was the authority in baseball previous to the appointment of Judge Kenesaw Mountain Landis, but was cleared. The clearance was given because of advice to the National Commission that Chase would have grounds for a big libel suit if he were suspended.

Ed Barrow, Boston Red Sox manager in 1918 and 1919, and later the General Manager of the New York Yankees, was afraid during the season that professional baseball would be destroyed as a result of the public exposure which Barrow expected to happen.

A young Boston player, already on his way to stardom, was told by Barrow: "You might not have a job next season." Barrow explained why and he also told the player that he, Barrow, would lose his money and the work of his lifetime.

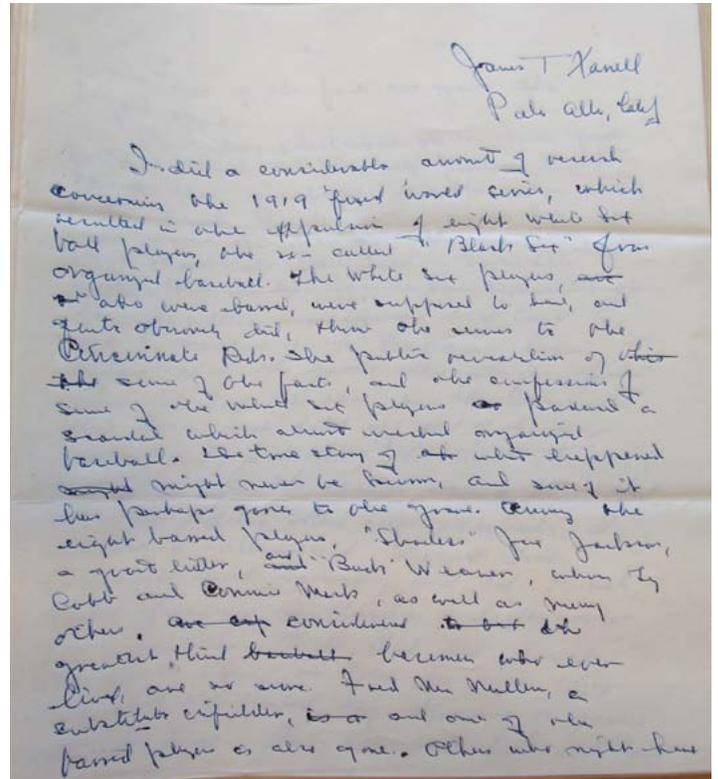
Some years after the scandal, Eddie Collins, great White Sox second baseman, and regarded as a superior in intelligence to most players of this time, told a Chicago newspaper man that he had not realized how weak Joe Jackson was, and that he regretted not having tried to help Jackson. Perhaps, Collins reflected, Jackson might have been saved.

In 1926, a public hearing was held in Chicago by Judge Landis, the baseball commissioner. Ty Cobb and Tris Speaker had been charged collusion in betting in late-season ballgames between the teams, which they respectively managed, the Detroit Tigers and the Cleveland Indians. Cobb and Speaker were cleared.

But "Chick" Gandil, White Sox first baseman in 1919, and regarded as ringleader among the eight disbarred players, testified before Landis, and testified in support of some of the accusations charging the payment by White Sox players of Detroit players for throwing a series to the Sox in 1917. The charges were not proven, however.

A newspaper man, and one who covered the "fixed" series, said that Bill James, a White Sox second string pitcher in 1919, and an ex-Tiger, was so angry that he wanted to shoot some of the disbarred players.

Another baseball man told me that he had warned Comiskey against bringing Gandil back to play on the White Sox. Gandil broke in with the Sox, went to Washington and Cleveland and was bought by Comiskey after the 1916 season. This baseball man said there had been rumors about Gandil for a long time.



Pictured above is a page from an unpublished, handwritten article by James T. Farrell about the 1919 World Series fix discovered in the uncataloged collection of his papers at the University of Pennsylvania. (Photo credit: Jacob Pomrenke)

Gandil was a fine first baseman. He filled the one position in which the White Sox had been weak during the 1916 season, when the club finished second to the Boston Red Sox. The White Sox won the pennant and world series in 1917.

Waite Hoyt, who pitched against the White Sox during the 1919 season, described Gandil's playing ability as follows: "He played first base the way Gil Hodges does."

A sports writer said that Kid Gleason, White Sox manager in 1919, spoke to him on the night after the first game, which the Sox pitcher, Eddie Cicotte later confessed to having thrown. This writer suggested to Gleason that he pull the suspected players out of the lineup, but that Gleason pointed out that such action would arouse great suspicion. This seemed more dangerous to Gleason.

The writer, who told me this story, declared that he could have written the story during the series, but that his paper wouldn't print it for fear of libel.

Marty Bleeker, Chicago tavern keeper and closest friend of Buck Weaver, said that if Weaver could have gained reinstatement, John McGraw, New York Giants famous manager, would have given Weaver a contract with a ten thousand dollar salary. Weaver maintained his innocence until his dying day.

This is part of what I learned by questioning many persons about the series. The rest is of the same order.

Before a baseball scandal, a rioting city

"City of Scoundrels: The 12 Days of Disaster That Gave Birth to Modern Chicago,"
by Gary Krist
(Crown Publishing Group, 2012)

By Jacob Pomrenke
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As the first-place Chicago White Sox wrapped up a four-game series with the St. Louis Browns on Sunday, July 27, 1919 at Comiskey Park, one of the largest race riots in American history was erupting just two miles away at the 29th Street Beach on the South Side.

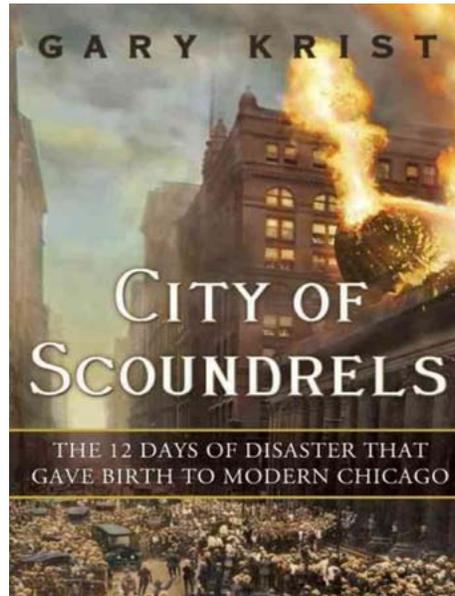
Eugene Williams, a black teenager, was swimming with friends when he supposedly drifted across the invisible line in Lake Michigan that separated the whites-only beach from the black beach. White bathers began throwing rocks at Williams from the shore. He was struck in the head and eventually drowned, setting off five days of violence that terrorized the city.

Thirty-eight people died during the rioting, which extended across the city's "Black Belt" neighborhoods and into the downtown Loop.

It's impossible to say what effect the Chicago race riot had on the White Sox's fateful season, and baseball is only given scant mention in Gary Krist's *City of Scoundrels: The 12 Days of Disaster That Gave Birth to Modern Chicago*, about a two-week span in July-August 1919 which also included the fiery Wingfoot dirigible crash that killed 13 in the Loop and a massive police search for a missing 6-year-old girl on the North Side.

The White Sox left for New York on Monday, July 28 — the first full day of the rioting — for an extended two-week road trip against the Yankees, Red Sox, Athletics and Senators.

But the White Sox players lived and



worked on the South Side, where most of the violence took place, and so did their families. During the worst of the rioting, armed militia regiments drilled in the parking lot adjacent to Comiskey Park, waiting for a call to action. The Washington Park neighborhood where Buck Weaver and Joe Jackson both owned businesses "became a hotbed of racial tension" during the riot, according to the Chicago Historical Society.

For Black Sox scholars, Krist's book offers an important context on life in Chicago during those terrifying days in the summer of 1919, events that are rarely mentioned in books about the baseball scandal.

In addition to the riot, *City of Scoundrels* focuses on the tumultuous political feud between Chicago mayor William Hale "Big Bill" Thompson and Illinois governor Frank Lowden, two Republicans and former allies. Their feud exacerbated the violence when Thompson stubbornly refused to call in the state militia for four days after the rioting began. Chicago police were helpless to stop the roving gangs of rioters — one of them is said to have included 17-year-old Richard J. Daley,

the future mayor — who attacked commuters and others who happened to be in the wrong place at the wrong time.

One of Big Bill Thompson's many enemies would later prove to be prominent in the Black Sox scandal investigation: State's Attorney Maclay Hoyne, who had unsuccessfully run for mayor as an independent against Thompson in April 1919.

Hoyne also lost his bid for reelection as State's Attorney in the fall of 1920, largely because of his inflammatory behavior after the riot. As Krist reports, Hoyne's "one-sided prosecution of the riot cases ... actively alienated large segments of the population." After Hoyne presented 34 consecutive cases with black defendants, the all-white grand jury staged a "strike," refusing to hear another case until at least one white defendant was brought in.

In 1920, Robert Crowe defeated Hoyne in the election for State's Attorney; he carried out the prosecution of the Black Sox criminal trial the next summer.

The toxic political climate affected how city and state leaders responded to the growing crises, leading to perhaps more violence and more deaths than there might have been. The book's subtitle is "The 12 Days of Disaster That Gave Birth to Modern Chicago," but not much of a connection is drawn between these events and how they affect the Windy City today. Indeed, the only incident included in this book that is remembered much today is the race riot, one of the worst in U.S. history.

However, Krist's description of the origin and development of the riot is superb. So is his analysis of the political feud between Thompson and Lowden. Chicago in 1919 was a dramatic, dangerous and exciting place — these events are well worth studying, and like the city itself, this book is thrilling and entertaining for those reasons alone.

► CONFESSIONS

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[viewed online](#).² Cicotte did not sign the statement that he gave at the Austrian office (as it was not transcribed until a later date) and it was not used during ensuing judicial proceedings in the case.

The only case-related document that Cicotte signed was the Waiver of Rights form that was presented to him prior to his grand jury appearance.³ Cicotte then testified under oath before the grand jury about the corruption of the 1919 World Series. Unlike the grand jury testimony of Joe Jackson and Lefty Williams, the transcript of the Cicotte grand jury testimony has not survived. Substantial portions of the Cicotte testimony, however, are preserved in Cicotte's January 14, 1924 deposition for Joe Jackson's breach-of-contract lawsuit against the White Sox.⁴

A summary of the Cicotte grand jury testimony created by an unidentified Cook County prosecutor, as well as an unfinished affidavit draft (which Cicotte never signed), are also still extant, among the Black Sox-related documents acquired by the Chicago History Museum in December 2007.⁵ Interestingly, the account of fix involvement that Cicotte presented to the grand jury differed significantly from what he related in the Austrian office. When questioned by Austrian and Replogle, Cicotte admitted tossing hittable pitches to the Reds and making deliberate fielding misplays in Game 1 and Game 4. But before the grand jury, Cicotte maintained that he had undergone a change of heart early in Game 1 and had tried his best to win in both contests.

More important for present purposes, the grand jury testimony of Eddie Cicotte would not be a "signed confession," whatever the extent of culpability admitted by Cicotte. Back in the days before modern sound recording devices, grand jury testimony was taken down in pencil by a shorthand stenographer assigned to the grand jury. Sometime thereafter, the stenographer created a typed transcript of the testimony from his shorthand notes. The typed transcript was then delivered to the prosecutor's office for safekeeping, while the stenographer retained his shorthand notes.

A grand jury witness like Eddie Cicotte signed neither the stenographer's shorthand notes nor the typed transcript of his testimony. In fact, he would never even see them.

The exercise with Cicotte was repeated with Joe Jackson later on September 28, 1920. He, too, was confronted with fix accusations in the Austrian law office. While there, Jackson placed two telephone calls to the chambers of Judge Charles A. McDonald, the chief justice of the Chicago criminal courts. At first, Jackson maintained his innocence to an openly skeptical McDonald. Thereafter, Jackson asked McDonald for the chance to appear before the grand jury and make a clean breast of his involvement in the World Series fix.

The content of the conversations that Jackson had in the Austrian office, on the telephone with Judge McDonald and later in McDonald's chambers at the courthouse, was the subject of a hotly contested mid-trial hearing during the Black Sox criminal case. But these conversations were not memorialized contemporaneously; obviously, if they had been, what was said would not have been the subject of dispute at trial. More to the point, the extra-judicial statements of Joe Jackson on September 28 were neither "signed" nor "confessions."

What does qualify as a confession of sorts is the touchstone of much Black Sox controversy to this day: the grand jury testimony of Joe Jackson.

Prior to testifying, Jackson signed the obligatory Waiver of Rights form. Under questioning by ASA Replogle, Jackson then rendered testimony about his involvement in the fix that is difficult to reconcile, being entirely inconsistent on key issues.

On the damning side of the ledger, Jackson provided a fairly detailed account of the fix from his perspective, admitting in the process that he had agreed to dump the Series and that he had accepted \$5,000 of a promised \$20,000 payoff for his participation in the fix.

Notwithstanding that, Jackson testified that he had done nothing on the field to earn his fix payment. He had played to win at all times during the Series, and had compiled the stats (including a Series-high .375 batting average) needed to bolster that claim.

As with Cicotte, Jackson's grand jury testimony was taken down by the grand jury stenographer. Jackson never saw, much less signed, the transcript of that testimony. Readers of this article, however, can [review it via various websites](#).⁶

Before the day was out, Jackson gave a widely reported interview in which he complained about non-payment of the outstanding \$15,000 in bribe money still owed to him; declared that brush-off of his payment inquiries by Gandil, Risberg, and McMullin was what had prompted Jackson to testify about the fix before the grand jury; and revealed that the Black Sox had attempted to throw Game 3, only to be thwarted by the shutout pitched by Dickey Kerr.⁷

Inarguably, the post-grand jury Jackson interview constituted an admission of fix complicity. But a published newspaper story is not the equivalent of a "signed confession" by a Black Sox player, no matter how inculpatory its content.

On the morning of September 29, 1920, Lefty Williams was questioned at the Austrian law office and admitted his involvement in the World Series fix. As with Cicotte, the Williams interrogation was memorialized in shorthand by a law firm stenographer and [transcribed thereafter](#).⁸ But Williams did not sign the office statement. The only scandal-related document signed by Williams was the Waiver of Rights form presented to him prior to his appearance that afternoon before the grand jury.

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Williams then testified at considerable length regarding the fix. As was customary, the Williams grand jury testimony was memorialized in the shorthand notes of the grand jury stenographer. A typed transcript of the testimony was later sent to the Cook County State's Attorney's Office for safekeeping.⁹ Like Cicotte and Jackson, Lefty Williams never signed the transcript of his grand jury testimony.

The fourth Sox player to confess fix involvement was Happy Felsch. The forum for the Felsch confession was not the Austrian office or the Cook County Courthouse. It was the Felsch residence where Happy confessed his fix participation to sportswriter Harry Reutlinger of the *Chicago Evening American*. According to Felsch, public report of Cicotte's grand jury testimony was "true in every detail," and Felsch lamented that his \$5,000 fix payoff was no more than the money that he would have received "by being on the level if the Sox had won the Series."

The Felsch-Reutlinger interview was published in the September 30 edition of the newspaper.¹⁰ As with the others, Felsch did not sign anything memorializing his guilt.

Indictments against the Black Sox and gambler co-defendants were formally returned by the grand jury on October 25, 1920. Chick Gandil, Swede Risberg, Fred McMullin, and Buck Weaver publicly proclaimed their innocence, with Weaver particularly adamant about his intention to fight the charges in court.

Meanwhile, press attention to the Black Sox scandal deferred temporarily to coverage of the November 1920 elections. A new Cook County State's Attorney, Chicago Circuit Court Judge Robert E. Crowe, was swept into office by the Republican Party landslide.

Within a day of taking the oath of office on December 1, 1920, Crowe was informed of disarray in the high-profile Black Sox prosecution that his administration would be assuming. Among other problems, the original transcriptions of the Cicotte, Jackson, and Williams grand jury testimony, as well as the Waiver of Rights forms signed by the three, were missing.¹¹ The former, however, was more of an office embarrassment than a threat to the Black Sox prosecution.

In addition to unflattering press revelations about the lack of evidence security in the SAO, report was received that *New York Herald* editor Keats Speed was shopping edited copies of the stolen transcripts to the *Chicago Tribune* and other newspapers for a \$25,000 syndication fee. Unsubtle public reminder of the legal consequences arising from unauthorized possession of grand jury material, however, dissuaded others in the Fourth Estate from taking up the Speed offer.

Meanwhile, the theft of the transcripts was cured internally by simply having grand jury stenographers Elbert

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larly and specifically the overt acts, if any, which were done and performed by your petitioners, or any or either of them in pursuance of said alleged conspiracy and that they set out particularly in what manner and by what means the several games of said series, which were lost by said Chicago Club, could have been won by said Chicago Club, and the players thereof, and that your petitioners be furnished with such other and further information as will enable them to know particularly what is the nature of the charge against them so that they may be able to properly prepare their defense.

And your petitioners will ever pray.

George Weaver
Joe Jackson
Claude Williams

STATE OF ILLINOIS }
COUNTY OF COOK } SS.

GEORGE WEAVER, JOSEPH JACKSON and CLAUDE WILLIAMS, being severally first duly sworn, on oath, depose and say that they have read the foregoing Petition, by them subscribed and that the matters and things therein stated are true, except as to such matters as are stated to be upon information and belief, and as to such matters so stated your petitioners on such information and belief, believe them to be true.

George Weaver
Joe Jackson
Claude Williams

SUBSCRIBED AND SWORN to before me, this 14 Day of February, A.D. 1921.

William B. Walker
NOTARY PUBLIC
Clerk Circuit Court

The Black Sox players did not sign their "confessions" (grand jury testimony transcripts), but Buck Weaver, Joe Jackson and Lefty Williams did sign this affidavit submitted by the defense to grant a bill of particulars, which requires the prosecution to clarify in writing the charges brought against the accused. As Bill Lamb notes, "These affidavits/certifications were significant historically because they constituted a formal repudiation by Jackson and Williams of their grand jury testimony." (Source: BlackBetsy.com.)

Allen (for Cicotte and Jackson) and Walter Smith (Williams) type up new transcripts of the testimony from their handwritten notes.

Far more troubling to the Crowe administration was the absence of cooperation that prosecutors had anticipated from Cicotte, Jackson, and Williams. Notwithstanding sworn admissions of fix participation before the grand jury, the three were now aligned with their co-defendants and seeking to have their grand jury confessions suppressed on legal grounds.

In time, prosecutors filled this void in their case via the cooperation of gambler co-defendant Bill Burns and unindicted co-conspirator Billy Maharg, both of whom would testify for the State at trial. Before that, however, the transcript of Joe Jackson's grand jury testimony made an unexpected public appearance, proffered in evidence by defense counsel William J. Fallon during June 1920 extradition proceedings against co-defendant Abe Attell conducted in the Bronx.

The criminal trial of the Black Sox case commenced in July 1921, but without Black Sox defendant Fred McMullin.

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Jury selection was already in progress by the time McMullin arrived in Chicago, and the charges against him were therefore severed. McMullin (and other non-appearing accused) would be tried separately at a later date.

A detailed account of the Black Sox criminal trial is beyond the scope of this article.¹² Suffice it to say that the grand jury testimony of Eddie Cicotte, Joe Jackson, and Lefty Williams was admitted in evidence during the proceedings. Prior to that, however, Judge Hugo M. Friend conducted an evidentiary hearing out of the jury's presence to determine whether, and to what extent, the grand jury testimony was admissible.

Rejecting defense contentions that the testimony had been induced by broken off-the-record promises of leniency, the court sanctioned prosecution use of the grand jury record — but only after all reference to non-confessing defendants (like Chick Gandil, Buck Weaver, etc.) had been removed from it.¹³

On July 27, 1921, grand jury stenographer Walter Smith and Special Prosecutor Edward A. Prindiville provided a question-and-answer-type courtroom recital of the Cicotte/Jackson/Williams grand jury testimony for the trial jurors. Unfortunately for the State, the editing process had drained that testimony of much of its incriminating content. Worse yet, the substitution of the anonym Mr. Blank for the name of co-defendants often reduced the Cicotte, Jackson, and Williams accounts of the fix to near-gibberish.

For example, the grand jury had heard Eddie Cicotte testify that those attending a World Series fix meeting held at the Ansonia Hotel in New York were “Claude Williams, Joe Jackson, Arnold Gandil, George Weaver, Oscar Felsch, Charles Risberg, and Fred McMullin,” plus himself. But at the criminal trial, those attending the meeting with Cicotte were identified as Mr. Blank, Mr. Blank, Mr. Blank, Mr. Blank, Mr. Blank, Mr. Blank, and Mr. Blank. The anesthetizing effect of such bloodless and repetitive testimony was compounded by the sweltering heat of the mid-summer courtroom and by the length of time devoted to the recitations.¹⁴

In the end, admission of the grand jury testimony (aka the Cicotte, Jackson, and Williams confessions) availed the prosecution nothing. The accused Sox players and their gambler co-defendants were all found not guilty by the jury.¹⁵

Immediately thereafter, Prosecutor Crowe threw in the towel, administratively dismissing the still-outstanding charges against Fred McMullin and the fugitive gambler defendants.

But Black Sox-related judicial proceedings were not over yet. In the aftermath of their banishment from Organized Baseball by Commissioner Landis, first Buck Weaver, and thereafter Happy Felsch, Swede Risberg, and

Joe Jackson instituted civil lawsuits against the White Sox, seeking damages for breach of contract, defamation, restraint on their livelihood, and other injuries.

In defense of these suits, White Sox counsel Austrian procured the grand jury transcripts that had been utilized during the Black Sox criminal trial from the State's Attorney's Office. These transcripts were subsequently used during the pretrial deposition of Eddie Cicotte and Lefty Williams by the civil suit lawyers, and substantial portions of Cicotte and Williams grand jury testimony were thereafter infused into the civil trial record when grand jury stenographers Allen and Smith took the witness stand at the trial of the Jackson lawsuit.

The grand jury record was also used — to devastating effect — during the courtroom cross-examination of Joe Jackson by White Sox trial counsel George Hudnall, an encounter later grossly misrepresented by Asinof in *Eight Men Out*.¹⁶ Jackson's repeated insistence (over 100 times) that he had not given the testimony memorialized in the grand jury transcript so outraged Judge John J. Gregory that he cited Jackson for perjury and vacated the \$16,711.04 award returned in Jackson's favor by the jury. Sometime thereafter, the Black Sox civil suits, including that of Jackson, were quietly settled out of court for modest sums.

By the time that the civil suits settled, the Black Sox Scandal had largely faded from public view. And it remained a matter of only occasional interest until the late 1950s, when a Rothstein biography recounted the connection of AR and his operatives to the affair.¹⁷ Unhappiness with his portrayal in this account (and more likely the need for money) provoked an ensuing scandal expose by fix henchman Abe Attell.¹⁸

Sustained interest in the Black Sox was thereafter rekindled by the publication of *Eight Men Out* by Eliot Asinof in 1963. But by the time that Asinof commenced his research, the record of the Black Sox criminal trial had long vanished from court archives.¹⁹ This prompted Asinof to rely largely upon the recollection of geriatric scandal survivors, most notably Attell, an engaging rogue not overly fussy about historical accuracy, and Happy Felsch.

Notwithstanding Asinof's use of invented dialogue, imaginary characters, and artistic license to fill in the blanks, 8MO remains a compelling read. But taking Asinof as a factually reliable authority on the Black Sox scandal is akin to treating Gore Vidal's fanciful treatments of American history at face value. Sadly, however, that is exactly what many later chroniclers of the Black Sox affair have done, repeating Asinof misstatements/errors/inventions to the point where they have become part of the accepted narrative of the scandal.

Among the most recent consequences of this unfortunate phenomenon is the Lelands solicitation of the “signed confessions” of the accused players — their public offer of

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\$1 million dollars for delivery of Black Sox documents that do not exist.²⁰ Needless to say, months after its offer went public, Lelands still has its money.

Notes

1. As reported in *USA Today*, July 18, 2013, and elsewhere.

2. See Eddie Cicotte transcripts at <http://www.1919.blacksox.com/transcripts2.htm>.

3. The waiver signed by Cicotte advised him of the legal rights that he was surrendering as a grand jury witness, rights roughly analogous to the familiar *Miranda* warnings of today. Unsigned facsimiles of the waiver form presented to Cicotte (and subsequently, to Joe Jackson and Lefty Williams) are among the Black Sox case artifacts preserved at the Chicago History Museum.

4. A rare copy of the Jackson civil trial transcript is held by the Chicago Baseball Museum.

5. Although the source of these long-lost Black Sox documents has not been publicly disclosed, circumstances suggest that they came from the successors of the Austrian law firm.

6. See e.g., <http://1919.blacksox.com/transcripts1.htm>.

7. First published in the *Chicago Tribune*, September 29, 1920, and then nationwide by Associated Press outlets. See e.g., *Steubenville (Ohio) Herald-Star*, September 29, 1920. Unlike the more celebrated “Say it ain’t so, Joe” anecdote, the authenticity of this Jackson statement has not been credibly challenged.

8. See <http://www.law.umkc.edu/faculty/projects/ftrials/blacksox/williamsconfession.html>.

9. Long among the missing Black Sox case documents, the transcript of the Williams grand jury testimony re-emerged in 2007 and can now be reviewed at the Chicago History Museum.

10. For a more convenient reference, see <http://www.1919.blacksox.com/transcripts3.htm>.

11. An inquiry into the theft of the grand jury evidence came to naught, with former State’s Attorney Maclay Hoyne, SAO secretary George Kenney, and various Black Sox defense attorneys disclaiming any connection to the larceny. A widespread theory, originally circulated by influential *New York Sun* sportswriter Joe Vila, had the theft underwritten by NYC gambling kingpin Arnold Rothstein, via funding supplied to defense counsel William J. Fallon and Henry Berger, who then paid Kenney to steal the transcripts from the SAO vault.

12. For a detailed account of the Black Sox criminal trial, see William F. Lamb, *Black Sox in the Courtroom: The Grand Jury, Criminal Trial and Civil Litigation* (Jefferson, North Carolina: McFarland, 2013), 111-148.

13. This editing process (called redaction) is mandated by the Confrontation Clause of the Sixth Amendment and rules of evidence regarding hearsay testimony.

14. Complaints about the amount of courtroom time consumed by the recitation of the Cicotte, Jackson, and Williams grand jury testimony were registered by the press. See e.g., *Chicago Herald Examiner*, July 27, 1921.

15. Contrary to present-day perception, the prosecution presented a facially strong case against Eddie Cicotte, Joe Jackson, Lefty Williams, Chick Gandil, and gambler defendant David Zelcer. Although the basis for the jury’s not-guilty verdict is unknowable, it is the writer’s view that the outcome may have turned on predictable jury disdain of co-defendant testimony; the toll that editing took on the grand jury transcript evidence, and testimony by club secretary Harry Grabner about the robust financial health of the White Sox franchise notwithstanding the loss of the 1919 World Series. Above all, however, lurks the specter of jury nullification, the willful refusal of the jurors to apply the law to the defendants because they identified with the accused, or because they took a dislike to Sox owner Charles Comiskey and his corporation, or because they based their verdict on sentiment rather than reason.

16. The Asinof claim that the Jackson grand jury transcript disappeared after its theft from the State’s Attorney’s Office in late 1920 and remained lost until it emerged from George Hudnall’s briefcase during the Jackson civil trial in February 1924 is completely bogus. Indeed, the entire civil courtroom scene about the “surprise” unveiling of the transcript recounted on pages 289-290 of 8MO is a fabrication, another example of the artistic license exercised by Asinof in crafting his account of the Black Sox scandal.

17. See Leo Katcher, *The Big Bankroll: The Life and Times of Arnold Rothstein* (New York: DaCapo Press, 1958.)

18. See Abe Attell, “The Truth Behind the World Series Fix,” *Cavalier*, October 1961, 9-13, 89, 96. The Attell article was ghostwritten by Eliot Asinof, as evidenced by material contained in the Eliot Asinof papers maintained at the Chicago History Museum.

19. The reassembly of the Black Sox judicial record began in October 1988 when the successors to the Austrian law firm provided the Chicago Historical Society (now the Chicago History Museum) with a copy of the Jackson grand jury transcript. Other case artifacts were thereafter posted online by the Chicago Court Clerk’s Office and by Black Sox researchers. More recently, a treasure trove of case-related documents, including a copy of the long-missing transcript of Lefty Williams’ grand jury testimony, was acquired at auction by the Chicago History Museum. Thus, a good part, if far from all, of the criminal case record, including Black Sox “confessions,” is now available for public inspection.

20. The controversy that followed the Lelands press release was the subject of a full-page article in the *Wall Street Journal*, August 2, 2013.