

# The INSIDE GAME

The Official Newsletter of SABR's Deadball Era Committee



VOL. XIX, NO. 3: "LET'S GET THIS LUMPY LICORICE-STAINED BALL ROLLING!"

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## SPECIAL BLACK SOX ISSUE

This October will mark the 100<sup>th</sup> anniversary of one event that Major League Baseball will likely not be celebrating: the playing of the infamous 1919 World Series. But the corrupted Chicago White Sox versus Cincinnati Reds championship match represents a landmark that *The Inside Game* cannot ignore – the close of the Deadball Era. This issue of the newsletter is devoted to the scandal that emanated from the era-ending Series, and is our first single-subject issue in more than a decade. The issue also forms a modest part of SABR's effort to set the historical record straight on the Black Sox affair.

Since its founding in 2009, the Black Sox Scandal Research Committee has worked diligently to uncover the true facts of the scandal, promoting original research, releasing a cutting-edge bi-annual newsletter, and publishing the informative chronicle *Scandal on the Southside* (SABR, 2015). In anticipation that many of the hoary canards about the Black Sox might be regurgitated this centenary year unless counteracted, the Committee compiled and



*The Sporting News, October 7, 1920*

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circulated the authoritative corrective *Eight Myths Out* this past spring. The portrayal of club owner Comiskey as tight-fisted; the apocryphal Cicotte bonus; Harry F., and the “stolen” grand jury confessions are among the Black Sox fables unmasked. Readers who have not yet checked out same are urged to give it a look on the SABR website or by googling eightmythsout.

Committee chairman Jacob Pomrenke, Bruce Allardice, David Fletcher, and others involved in the *Eight Myths Out* project have generously contributed insightful articles and reminiscences to this issue of *The Inside Game*. Three post-Asinof additions to the Black Sox canon are also reviewed herein. We even have a critique of a recently-debuted Black Sox opera: *The Fix*. This September, the newsletter will return to its usual format. But for now, we hope that you enjoy this retrospective look at the scandal that attended the end of the Deadball Era.

Bill Lamb, Editor



Bill Sykes 1920

## The **INSIDE GAME**

The Official Newsletter of SABR's Deadball Era Committee

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## CULMINATION OF CORRUPTION: THE BLACK SOX SCANDAL AND THE DEADBALL ERA

by Jacob Pomrenke

*I remembered, of course, that the World's Series had been fixed in 1919, but if I had thought of it at all I would have thought of it as a thing that merely happened, the end of some inevitable chain. It never occurred to me that one man could start to play with the faith of fifty million people — with the single-mindedness of a burglar blowing a safe."*

F. Scott Fitzgerald, *The Great Gatsby*.

The Deadball Era is remembered by most baseball fans — when it is remembered at all — for its cast of colorful characters like Ty Cobb and Rube Waddell and John McGraw; for its gritty, small-ball style of play dominated by workhorse pitchers named Matty and Three Finger and the Big Train; and for ushering in a wave of beautiful, modern, concrete-and-steel ballparks such as Fenway Park and Wrigley Field, which have played host to some of the most memorable moments in the game's history. The faded images and flickering footage we have from this period offer only a glimpse of the monumental changes that baseball underwent in the first two decades at the turn of the twentieth century, when the sport truly became America's national pastime.

When the Deadball Era began in 1901, the National League was just beginning to emerge from the self-destructive team ownership groups of “syndicate ball,” the upstart American League was about to challenge the NL’s supremacy as the only established major league, and the World Series was not yet a twinkle in Barney Dreyfuss’s eye. By the time the era came to a close in 1919, the two major leagues were joined together at the hip, after successfully fighting off the Federal League and surviving the uncertainty of World War I. A new superstar, Babe Ruth, was about to lead baseball to new heights with his prodigious home runs.

Both on and off the field, there were vast differences that characterized the sport's evolution from the start to the end of the Deadball Era. Although many of baseball's power brokers remained the same, how the game was played and how the leagues conducted their business changed drastically between 1901 and 1919. Throughout all the changes, the unsavory stench of corruption remained a constant presence in baseball, bubbling under the surface year after year until it finally boiled over with the fixing of the 1919 World Series. The Black Sox scandal launched a crisis of confidence within the sport that ultimately defined this period and changed the game forever.

One hundred years after the 1919 World Series, we are still asking how the scandal even happened in the first place. Why did eight Chicago White Sox players on a championship team throw away their careers for a short-sighted bribe from gamblers? And why hasn't a scandal of this magnitude ever happened in baseball before or since?

The answer to those questions will be debated for the next hundred years, but one thing is certain: There is no way the Black Sox scandal could have happened in any other time except the Deadball Era. The confluence of forces that determined how the plot originated, how the World Series played out, how the scandal was exposed, and how baseball officials dealt with it all were unique to this period. This context is crucial to understanding what historians Dr. Harold and Dorothy Seymour called "the darkest hour" in baseball history.

From beginning to end, the Deadball Era was the most corrupt period in baseball history. The scandal that marked its final days also served as a symbol of its greedy impulses and ethical lapses. From top to bottom, the sport's failure to account for a massive threat to its integrity in exchange for widespread popularity and profits is the common thread that connects the entire era. Game-fixing incidents didn't originate in the Deadball Era, of course — those go back to the sport's earliest days as a competitive activity, even before it became openly professional after

the Civil War. The first documented fixed baseball game occurred in 1865 and the National League, in just its second year of existence, banned four Louisville Grays players for throwing games in 1877. But those scandals from an earlier generation had been largely forgotten by the turn of the twentieth century.

It's instructive to understand just how intertwined baseball and betting were during the Deadball Era, and how many opportunities the game's leaders had to curb that influence before the Black Sox scandal. By 1903, gambling flourished at major-league ballparks and American League president Ban Johnson, baseball's most powerful authority figure, ordered an end to all betting by fans during games. But this pronouncement was ignored by most team owners and did not have the desired effect. Months later, Boston catcher Lou Criger was approached by gamblers who offered to bribe him and star pitcher Cy Young to fix the first modern World Series between the AL and NL champions. Rumors of fixed games and bribery attempts plagued nearly every fall classic after that, with suspicion surrounding star players such as Rube Waddell of the Philadelphia A's and Smoky Joe Wood of the Boston Red Sox.

An incident involving Wood in the 1912 World Series prompted syndicated columnist Hugh Fullerton to publicly warn against gamblers' growing influence in baseball: "The muckerishness of the 'fan' is exceeding itself in muck this fall. Boston howled that it was 'all fixed' then raved over the team when it won. [So] New York screamed that the Giants were throwing the series. For a comparatively trifling bet Wood risked Boston's title and the wealth that accrued to the winners. Stamp out gambling and the end of talk of crookedness is at hand."

But other than Ban Johnson's occasional announcements to the media that baseball took the threat of game-fixing seriously, officials continued to turn a blind eye to incidents of corruption for the rest of the decade. First baseman Hal Chase — known as the "Black Prince of Baseball" — earned a reputation as the most notorious fixer in the major leagues,

moving from team to team and bribing teammates and opponents alike for years. But he escaped punishment even after his manager, the well-respected Christy Mathewson, turned him in to the National League for these transgressions in 1918.

This was the *laissez-faire* environment that baseball had cultivated for two decades by the time a group of Chicago White Sox players first discussed the idea of fixing the 1919 World Series. In modern times, we might call this a lack of institutional control. The total lack of enforcement against game-fixing, bribery attempts, or the casual wagering that permeated the sport served to embolden the Black Sox in going through with their ill-conceived plans. There is no way of knowing if the Black Sox players even considered the possibility of punishment, but nothing in baseball's recent history suggested that anything would happen to them if they were caught fixing the World Series. Baseball officials — including White Sox owner Charles Comiskey — at first tried to cover up the scandal before Judge Kenesaw Mountain Landis was hired as commissioner in the fall of 1920 with a mandate to start cleaning up the game. Landis's decisive actions in banning the Black Sox (and any other players who had any association with game-fixing) finally put an end to the rampant corruption that had plagued the sport throughout the Deadball Era.

There were ample opportunities for baseball's leaders to take these problems seriously, and perhaps nip the Black Sox scandal in the bud before it ever had a chance to fester, but they failed to do so. There is plenty of blame to go around for how this culture of corruption developed — from the many players who tried to earn a quick buck by betting on (and sometimes throwing) their own games, to the fans and hardcore gamblers who placed wagers on everything that moved on the field, to the executives who encouraged these practices in the hopes of boosting the sport's attendance and popularity. Dr. Harold and Dorothy Seymour summed up the Deadball Era appropriately in their classic volume, *Baseball: The Golden Age*: “The evidence is abundantly clear ... that the



**Hal Chase**

groundwork for the crooked 1919 World Series, like most striking events in history, was long prepared. The scandal was not an aberration brought about solely by a handful of villainous players. It was a culmination of corruption and attempts at corruption that reached back nearly twenty years.”

The Black Sox Scandal was not “a thing that merely *happened*,” as F. Scott Fitzgerald succinctly described it. It was not a fall from grace, a loss of innocence, a banishment from the Garden of Eden, or any other fanciful trope that avoids placing blame on anyone involved. No matter how much baseball would like us to believe in the myth of “the single sin,” in the words of historian David Q. Voigt, that fallacy has always been a fairy tale.

In fact, Fitzgerald had it right all along in the words he wrote just before his most famous passage about the Black Sox scandal in *The Great Gatsby*: it was “the end of some inevitable chain.” That chain of corruption, which connects the entire Deadball Era, could have been cut off at any point down the line if only baseball had taken seriously this existential threat to its integrity. But the chain held strong from the first link to the last, culminating in the fixing of the 1919 World Series, until it was finally broken by a new commissioner who changed the culture and cleaned up the game.

*Jacob Pomrenke is SABR's Director of Editorial Content. He is also the longtime chairman of the Black Sox Scandal Research Committee and editor of its bi-annual newsletter. In 2015, Jacob served as editor-in-chief of Scandal on the Southside: The 1919 Chicago White Sox, and this Spring as editor/publisher of the record-correcting Eight Myths Out project.*

Cleaning Up.

—By Ripley



Robert Ripley

Chicago Tribune, September 24, 1920

CINCINNATI, SEPT. 25, 1919

Mr. Coyle Shay,

Dear Sir:

While you are writing all of those verses of poetry why don't you get busy and wake up some of these here suckers which is putting a lot of good jack on the Cincinnati team because the Braves win from the Athletics back in 1914 and it would be just as much sense in betting that way as it would be to say Pershing wasn't a general just because he didn't paddle a skiff across the Delaware like Washington done and some of these birds that are betting and yelling about the Reds must of got a lung full of that humburger show the Tri-State put on and it's gone to their skull and how the health authorities ever let that poison gas aloose on the public is a mistry to me.

Why don't you wise these goofs up that everybody should ought to know by this time that the only reason that Boston bunch win from the Athletics in 1914 was because of internal dissention on the inside of Connie Mack's club and every man on the team hated the other one and who couldn't beat a bunch which was scrapping amongst themselves and if anybody thinks the Reds is going to be the world's champions they will go home with their pockets just as full of jack as that first dove's mouth was that Noah sent out to find a landing place. I am here attending a bootleggers' convention and they tell us the Cincy players is tickled to death because they know they are bound to get the losers share which is about a thousand bucks per man each and that's more money then some of them ever seen before. And I ain't knocking the reds which is a good ball team but they stack up with the White Sox just like our old Memphis tax rate stacks up with the one which we got now and if that ain't rubbing it in on us poor property owners then all as I've got to say is that I'm a liar and I'm goin' to make part of my taxes back by putting all I got on the Sox and if they lose two games I'll think baseball is crooked.

W. W.

The (Memphis) News Scimitar, September 30, 1919

## **THE BLACK SOX WITNESSES WHO DIDN'T TESTIFY**

by Bruce Allardice

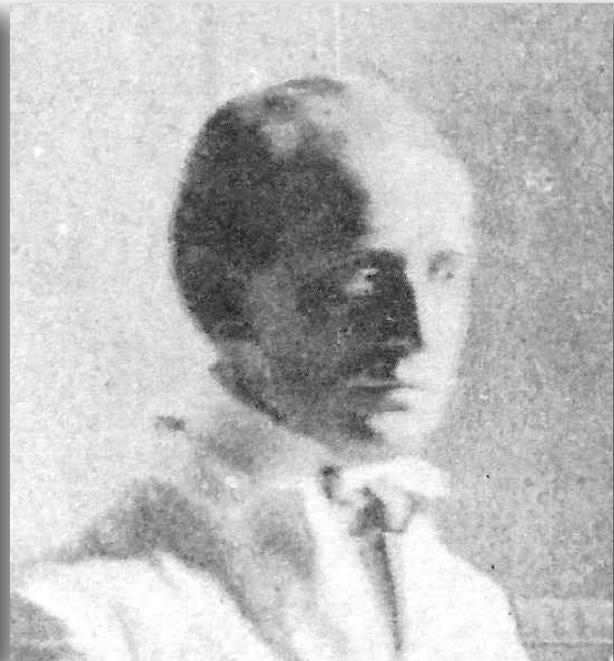
The Black Sox scandal is noted as much for what was NOT brought out, as what WAS. Most of what we know about the scandal derives from the direct in-court testimony of the principals involved — the players, and the gamblers. However, in a conspiracy of this size — involving eight players and at least a dozen gamblers — word was bound to leak out to, among others, the associates of the players. This article traces two of these associates — the White Sox team dentists — what they knew about the scandal, and why they weren't called to testify.

In September 1920, the Black Sox scandal grand jury called Dr. Raymond Prettyman to testify regarding George "Buck" Weaver, the Sox's star third baseman. Dr. Prettyman is described in newspaper reports as Buck Weaver's, and the team's, dentist, and Weaver's close friend — so close, in fact, that he helped post Weaver's \$10,000 bond after the indictments were issued.

We don't know exactly what Dr. Prettyman testified to behind the closed grand jury doors.

But contemporary newspaper reports quote Prettyman as telling two unrelated stories concerning the scandal. In the main story, Dr. Prettyman was at the Weaver house, talking to Weaver's mother-in-law, Rose Cook. Mrs. Cook told Prettyman that Fred McMullin, a White Sox utilityman and known fixer, had delivered a package to Weaver's home after the Series. Buck wasn't home, so Mrs. Cook took the package, with McMullin warning her to handle it carefully, as it contained "a large amount of currency." Cook told Prettyman the package contained Weaver's share of the World Series fix payoff, presumably passing along what McMullin told her. Prettyman further testified about being told that when Weaver returned home he angrily rejected the package, threatening to toss the package into the street if it wasn't taken away.<sup>1</sup>

Speaking to reporters outside the Cook County courthouse, Prettyman bragged that his testimony would prove his friend Weaver's innocence. In response to the Prettyman newspaper articles, McMullin admitted visiting Weaver's home at the alleged time, but claimed that the package contained no money or jewelry. According to McMullin, the package contained neckties worth less than \$5. He further claimed



**Buck Weaver; Dr. Raymond Prettyman, from the Chicago Tribune, September 29, 1920; Dr. Fred P. Barnhart, courtesy the F. P. Barnhart III family.**

that the story was so absurd that he and Weaver treated it as a joke. For his part, Weaver denied ever receiving such a package.<sup>2</sup> The two accounts (Prettyman's and the two ballplayers') cannot be reconciled — but it seems implausible that McMullin would make a special trip merely to deliver a few neckties.

Besides implicating McMullin (and by implication the other Black Sox), Prettyman had more to say, mostly hearsay.<sup>3</sup> According to the *Chicago Daily Journal*, Prettyman told Assistant State's Attorney Ota P. Lightfoot that the World Series had been fixed, and that the plot had been instigated by a Sox player who resided at Chicago's Warner Hotel — impliedly Eddie Cicotte, who lived at the Warner. Prettyman's information came from a friend and fellow dentist, Dr. Fred P. Barnhart, who in turn got his information from stockbroker Clark Eastes.<sup>4</sup> Dr. Barnhart, who was Shoeless Joe Jackson's dentist and a big Sox fan, confirmed Prettyman's testimony. However, Eastes denied telling Barnhart this, perhaps fearing that he'd be indicted if he admitted knowledge of the fix.<sup>5</sup>

If he had been called to the trial, the erudite, distinguished-looking Dr. Prettyman would probably have made a very credible witness. That said, it must be remembered that the Black Sox prosecution faced severe legal difficulties. There simply was no existing law making it illegal to throw baseball games. The prosecution instead had to invent a charge of "conspiracy" to "defraud the public," a novel charge that legal experts then and today consider difficult to prove. In a pennant-fix case the year before, the trial judge had dismissed similar charges brought against Pacific Coast League players for failure to allege a criminal offense under the laws of California.<sup>6</sup>

Perhaps more important, Prettyman's "package" testimony and repetition of what Barnhart had said was hearsay, allowed in a grand jury hearing, but inadmissible in trial. The prosecution proffered the direct testimony of various conspirators to prove its case, and any attempt to introduce Prettyman or Barnhart hearsay might only complicate an already confusing case. The defense lawyers at the trial

did not call Mrs. Cook to testify, probably because they assumed the jury would discount the exoneration testimony of a close Weaver relative. Plus, they were confident that Buck wouldn't be convicted on the evidence that the prosecution presented, so discountable exoneration testimony simply wasn't needed. And if called, Mrs. Cook might implicate McMullin or the other defendants on cross-examination, which the defense wanted to avoid.

At the trial and thereafter, Buck Weaver claimed he never took part in throwing the 1919 World Series, pointing to his .324 series batting average and his errorless defense at third base. Nevertheless, Judge Landis barred him from Organized Baseball because of proof that Weaver knew about the Series fix but failed in his duty to notify the team.<sup>7</sup> If Dr. Prettyman or Mrs. Cook had testified at the trial to what newspapers claimed Prettyman said to the grand jury, it might have provided valuable evidence as to Weaver's true state-of-mind regarding the fix. It all adds to the list of Black Sox scandal "we'll never knows" that bedevil historians.

#### **DRAMATIS PERSONAE:**

Rose Haney (Mrs. James H.) Cook (1863-1943), mother of Helen Cook Weaver. In 1920, the Weavers lived at 5326 Michigan Avenue, Chicago.<sup>8</sup>

Dr. Raymond Barrett Prettyman (1876-1955), head of the Kenwood Branch of the Chicago Dental Society. He attended the University of Michigan and Northwestern, and practiced dentistry in Argentina, Rockford, Illinois, Chicago, California, Ohio, and Florida. An avid sports fan, his brother Horace is a legend of Michigan football. Dr. Prettyman lived at 365 E. 51<sup>st</sup> Street in Chicago, and had offices at 203 E. 39<sup>th</sup> Street near the ballpark.

Dr. Frederick Palen Barnhart (1870-1945) lived at 4930 Michigan Avenue in 1920. He attended Northwestern Dental College with Emerson Prettyman, Raymond's brother. According to the Barnhart family, he was Joe Jackson's dentist.

Jonathon Clark Eastes (1876-1954) was a livestock merchant and sheep buyer with offices

in Chicago and Omaha. He lived at 4336 Michigan Avenue, near Comiskey Park in 1919.

*Early baseball and Civil War scholar Bruce Allardice is a professor of history at South Suburban College in South Holland, Illinois. He is a regular contributor to the newsletter of the Black Sox Scandal Research Committee and a 2013 recipient of the McFarland-SABR Baseball Research Award.*

## ENDNOTES

For an overview of the scandal, see *Scandal on the South Side: The 1919 Chicago White Sox*, Jacob Pomrenke, ed. (Phoenix: SABR, 2015).

1. For Prettyman's charges, see William F. Lamb, *Black Sox in the Courtroom* (McFarland., 2013), 77; *Chicago Daily Journal*, September 25 and 30, 1920; *Chicago Tribune*, September 26 and 29, 1920; and *Boston Globe*, *Seattle Times*, and *New York Tribune*, October 2, 1920. The *Chicago Tribune*, September 26, 1920, reports Weaver's anger, but says he eventually accepted the money — which would contradict Prettyman's desire to exonerate Weaver.
2. *Boston Globe*, *Cincinnati Enquirer*, and *Hackensack* (New Jersey) *Record*, September 27, 1920.
3. "Hearsay" is defined as "the report of another person's words by a witness, which is usually disallowed as evidence in a court of law."
4. Mistakenly labeled "Estes" and "E. P." Barnhart in the newspapers.
5. Understandably, the prosecution never called on Eastes to testify at trial.
6. The best book on the Black Sox trial is Lamb, *Black Sox in the Courtroom*. For one contemporary (and very thorough) account predicting the legal difficulties the prosecution might face, see the *Brooklyn Eagle*, September 25 and 30, 1920. For the Pacific Coast League scandal, see Larry Gerlach, "The Bad News Bees: Salt Lake City and the 1919 Pacific Coast League Scandal," *Base Ball, A Journal of the Early Game*, Vol. 6, No. 1 (Spring 2012), 35-74.
7. The whole issue of Weaver's guilt, or lack thereof, has been rehashed innumerable times. At a minimum, it seems certain that Weaver participated in the fix meetings. There are also strong indications that Weaver threw games in 1920. See Bruce S. Allardice, "Playing Rotten, It Ain't That Hard to Do': How the Black Sox Threw the 1920 Pennant," *Baseball Research Journal*, Vol. 46, No. 1 (Spring 2016).
8. Death notice in the *Chicago Tribune*, October 27, 1943.

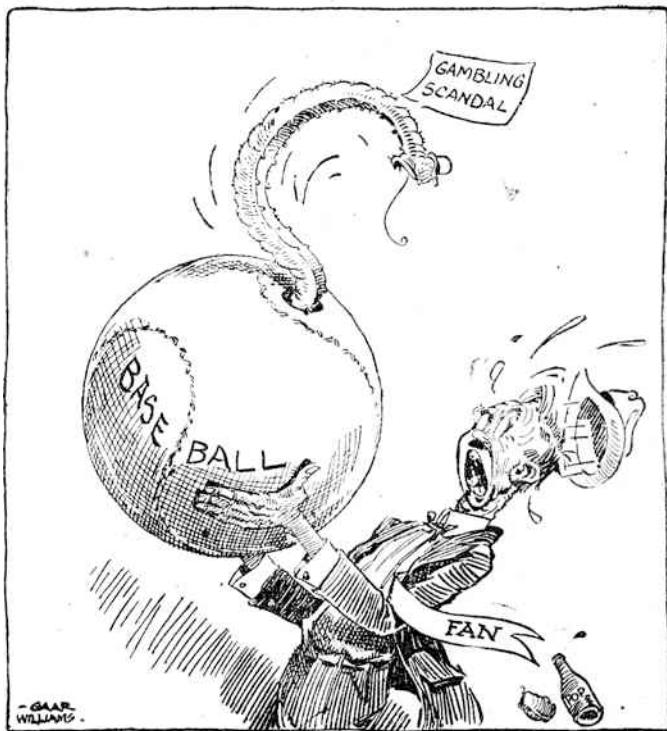
## "DARN! THOSE SOX" . . . By DICK MANSFIELD



Dick Mansfield

Washington Herald, October 3, 1919

## Just When Your Favorite Fruit Is Right



Gaar Williams

New York Tribune, October 10, 1920

## **REMEMBRANCE OF GENE CARNEY, THE B-SOX TRAIL MASTER**

by David Fletcher

I first came across Gene Carney in February 2003 after I had just begun to work on my “Clear Buck” project. From February 2003 up until his death in July 2009, Gene and I exchanged more than a 1,000 private emails and we were together for two key meetings in 2003 that had major impact in the direction of his research and his seminal book *Burying the Black Sox*.<sup>1</sup>

Reading his brilliant essays *Notes from the Shadows of Cooperstown* (named because he lived in Utica close to Cooperstown in upstate New York) was my first link to Gene and indicated he had a growing interest in the Black Sox story. His book idea on the Black Sox scandal was in its early embryogenesis and he was interested in my idea to shake up MLB by staging a “Clear Buck” protest with the Buck Weaver family at the 2003 All-Star game at the New Comiskey Park in Chicago set for July 15, 2003.

Gene had written a draft chapter about Buck Weaver and he wanted my feedback. He had linked Buck Weaver to the 1992 Al Pacino movie *The Scent of a Woman* because the character Charlie Simms, like Buck, was conflicted about staying silent to not rat out his classmates. Gene believed that the Black Sox story was a “A Cold Case, Not A Closed Case.” He passionately believed that the case needed to be reopened and investigated. He was ready to go down the rabbit hole to explore every possible lead regarding the Black Sox scandal and was able to harness the power of the internet to facilitate his research along with the help of Black Sox Yahoo group and SABR members.

Like other scandals, such as Watergate, Gene believed the cover-up was the real story, and that one needed to follow the money to uncover the important leads on the what really happened. For most of 2003, we would talk by phone or e-mail every day about what new information or lead we had uncovered. Gene was particularly



***Gene Carney***

interested in the friends and business associates of Charles Comiskey, who were members of the Woodland Bards Association. He had me take a picture of the Woodland Bards Association plaque that hung above the fireplace in the Bards Room at Old Comiskey Park that was now on display in the new Comiskey Park. On the plaque were all the names of the Association members. He then researched every person on that list and what possible connection he had to the Black Sox. Again, Gene felt it was essential to follow the money and he believed that Comiskey’s cronies had some connection to what happened.

Gene would do a lot of research at the nearby National Baseball Hall of Fame Library, where he had developed a key relationship with Tim Wiles, the Hall’s Director of Research. Meanwhile, I would go off and do research all

over the Midwest, going to *The Sporting News* archives in St. Louis, the Chicago History Museum, Hugo Friend's daughter Cindy Pritzker's penthouse high above Chicago's famed Oak Street Beach, and the Hudnall law firm in Milwaukee (lead partner George Hudnall represented Comiskey when he was sued civilly by Joe Jackson in 1924).

It was exciting for us to find some new twist to the story and share it with each other. Gene wrote, "The same David Fletcher who is staging the Buck Weaver protest has become my active ally in my search to nail down more about the fix, cover-up, and uncovering (I'll keep going until I have a contract and a deadline for final manuscript)."<sup>2</sup>

### **THE JUNE 2003 MILWAUKEE TRIP: A PIVOTAL MOMENT IN CARNEY'S RESEARCH**

After Gene Carney went to Milwaukee in late June 2003, his research on the B-Sox became an obsession that led him to become the preeminent authority on the Black Sox scandal. Gene's trip to Milwaukee that I shared with him was the epiphany of his work on the B-Sox. He wrote, "My interest in the Black Sox Scandal began at summer's end in 2002 and by following June, I was sufficiently addicted to the subject in 2002 that I had to visit Milwaukee. Why Milwaukee? Because I had learned that in 1924 that city was the site of a trial that pitted Shoeless Joe Jackson against his old employer, the Chicago White Sox, who were incorporated in Wisconsin. For B-Sox addicts, it was the Trial of the Century."<sup>3</sup>

In late May 2003, we received an invitation from attorney Tom Cannon to look at the 1924 trial transcripts and other evidentiary material from the Joe Jackson suit against Charles Comiskey. (The Jackson suit was filed in Milwaukee because the White Sox were a Wisconsin corporation). Tom Cannon, the grandson of Ray Cannon, the attorney who represented Jackson, had possession of these materials thanks to the forethought of a court clerk, who called him asking him if he wanted the trial material because it was going to be destroyed in a purge of office files.

I picked up Gene at Milwaukee's Mitchell Airport on the night of June 26 for what became a transformative experience in his thoughts on the B-Sox scandal and would forever change the content and format of his future book about the Black Sox cover-up. He was wearing a "Baseball is Timeless" T-shirt and a pair of blue shorts that, along with eyeglasses, gave him the look of a classic baseball nerd. All the way to our hotel he could not contain his excitement about what we were going to do tomorrow. Just a mile away from MLB Commissioner Bud Selig's office was a treasure grove of material that provided new insights to what occurred during the 1919 World Series and its aftermath. For two days, we pored over trial and deposition transcripts, trial exhibits, affidavits, correspondence, photographs, and press clippings.

Gene was very excited about the experience because this was the mother lode of research material for him to write about. "David, you are wrong – I need to rewrite not just Chapter 4 but almost EVERY chapter! I plan to rework the whole book outline!" Gene wrote in a June 28 email to me after he got home from Milwaukee. So I was with Gene when he completely revamped his book *Burying the Black Sox, How Baseball's Cover-Up of the 1919 World Series Fix Almost Succeeded*. He finished the manuscript in the summer of 2005, and it was published by Potomac Books in March 2006.

### **THE ELIOT ASINOF HOOK-UP IN AUGUST 2003**

Early on in our relationship, Gene was very critical of Jerome Holtzman<sup>4</sup> and Eliot Asinof regarding their research and works about the Black Sox. Published in 1963, Asinof's *Eight Men Out* had been called the definitive history of the scandal. Gene was particularly critical of *8MO* which he called historical fiction, totally devoid of footnotes or endnotes (which Gene repeatedly told me he enjoyed the most when reading a book. His own *Burying the Black Sox* is filled with them).

I began a relationship with Eliot because of the Buck Weaver protest in July 2003, and he wanted to meet me. I set up a late August 2003 visit to his home in upstate New York not far

from Cooperstown,<sup>5</sup> and I asked if I could bring along a fellow B-Sox addict. Prior to our trip, Gene and I composed multiple questions we wanted to ask Eliot, and solicited the Black Sox Yahoo group for more input. We had used *Bleeding Between the Lines*, the 1979 Asinof memoir about the making of *8MO*, as an outline for the interview of the person considered the leading authority on the Black Sox. Asinof had touted that only through painstaking research was he able to delve “into the scandal’s causes and morality,” and “explode its myths and distortions” to arrive at the “real truth.” Prior to the trip I had discovered a November 1938 book length feature story in *True Detective* magazine which appeared to be an outline for *8MO*.<sup>6</sup> As Gene wrote, “It (*True Detective*) was the first attempt to tell the whole story.”<sup>7</sup> Asinof denied ever seeing it before he wrote his book.

As Gene recounted in a posting on *Shadows*, we spent six hours with Eliot at his home.<sup>8</sup> Asinof told us that relied heavily on major newspaper accounts of the scandal and interviews with a few survivors. His four main sources were White Sox center fielder Happy Felsch, White Sox pitcher Red Faber, former featherweight boxing champion and fix intermediary Abe Attell, and Hugo Friend, the Black Sox criminal trial judge. Asinof also said that he had 50 hours of taped interviews with Attell. I politely asked if I could go up in his attic and retrieve the tapes, but Eliot demurred.<sup>9</sup>

Unlike Asinof, Gene and I had read the Milwaukee trial transcripts and other evidence that was available to Asinof in 1962 if he had looked for it. It was clear that Gene knew more about the B-Sox story than the “master” did. Asinof revealed that one of two fictional characters whom he had inserted in the *8MO* narrative was created on the advice of counsel. This make-believe character was intended to prevent screenwriters from purloining Asinof’s work with a claim that his story was in the public domain. Asinof further revealed to us that “Harry F.,” the thug who threatens Lefty Williams prior to Game Eight, was one of *8MO*’s fictional characters. As most readers now know,



**Gene Carney peppers Eliot Asinof with questions at his home in Ancramdale, New York**

the “Harry F.” tale, repeated through many subsequent accounts of the B-Sox story, never occurred. But Asinof would not tell us who the second fictional character in *8MO* was.<sup>10</sup>

I left our meeting believing that we knew more than the teacher, and sensed that Eliot knew that he was no longer the preeminent authority on the Black Sox. A month later, Asinof praised the draft of Carney’s first chapter “The Trial That Nobody Noticed.”<sup>11</sup>

#### **WANTED**

After our two landmark research trips in 2003, Gene drew up a Top 10 “Most Wanted List” of research material.<sup>12</sup> Same included:

1. *Harry (Grabiner)’s Diary.*
2. *Collyer’s Eye.*
3. Huge Fullerton articles with Christy Mathewson’s diagrams.
4. 1921 criminal trial material. Hard to believe it ALL vanished.
5. Comiskey’s papers October 1919–October 1920. These would like finding the Watergate tapes.<sup>13</sup>

6. Kid Gleason's memoirs.<sup>14</sup>
7. *The (National) Police Gazette's* coverage of the B-Sox scandal.<sup>15</sup>

Some items on the list we found, but others, such as Harry's Diary and the Gleason interviews, proved elusive and remain undiscovered.

#### **THE SEARCH AND DISCOVERY OF COLLYER'S EYE**

*Collyer's Eye* was a Chicago gambling and financial news periodical that began publishing in 1915. On October 18, 1919, Frank O. Klein, the *Eye's* investigative reporter, broke the story that after the World Series ended on October 9, 1919, seven Sox players were suspected of throwing the Series and that club owner Comiskey was offering a \$10,000 reward for information.

Publisher Bert Collyer became a footnote to the history of the Black Sox even though his trade paper had provided the information that Comiskey needed. Though there were scattered mentions of the role of *Collyer's Eye* as the publication that broke the scandal in the years that followed,<sup>16</sup> the *Eye* was ignored by the mainstream media. But in reviewing the Ban Johnson papers it was clear that the AL President (who wanted to sink his arch-rival Charles Comiskey) had not ignored the stories published by *Collyer's Eye*.

Only once the grand jury had been convened and Cicotte confessed in late September 1920 did Bert Collyer get some limited recognition on the basis that he was "the man who uncovered the selling out by seven members of the White Sox to a gamblers' syndicate last fall, whereby the Sox

tossed off the world's series to the Reds. The fixing charges made in Mr. Collyer's newspaper created a sensation a year ago, but their accuracy was widely questioned, and even President Comiskey offered a reward of \$10,000 to anyone who could prove them. Mr. Collyer proved them, even to the extent of printing affidavits and positively declaring that seven members of the Chicago team were guilty. Almost a year later a Cook County grand jury took up the investigation of these charges, and not only indicted the seven accused players, but wrung confessions from them implicating prominent eastern gamblers in the plot, some of whom have been indicted, and others, it is believed, soon will be."<sup>17</sup>

Gene had asked the question in late 2003: Why has any trace of *Collyer's Eye* been erased? Who had copies in their scrapbooks? Bert E. Collyer? Frank O. Klein? Can their families be found? All copies of *Collyer's Eye* had seemingly disappeared, even though it was clear that it was a missing link that contained important clues regarding the Black Sox story. Gene and I, along with other members of the Black Sox Yahoo group, had scoured the country (and the internet) trying to find this publication. After several months of searching in vain, I tried one more possible place that might have this publication: The university library at the University of Illinois at Urbana-Champaign, which is located less than 3 miles from my medical office building. I reached out to the library and on January 4, 2004, I was sent an email from researcher K. Kern that the library had copies of *Collyer's Eye* from 1920 through 1942, but that same were actual paper versions,

796.05  
sep WHITE SOX INDICTED VINDICATE COLLYER'S EYE

**Grand Jury Probe Verifies Facts as Printed in This Paper**

BY J. ASHLEY STEVENS

LOOKING backward from the finding of the Grand Jury which this week indicted eight of the Chicago White Sox for alleged accepting of bribes to throw the 1919 world's series with Cincinnati is the verification of a remarkable series of stories printed in this paper, the heads of which are reproduced on this page, and which were the first to break the story.

**COLLYER'S**

Vol. 6, No. 27 Copyright, 1920 by Collyer's Pub. Co. CHICAGO, SATURDAY, OCT. 2, 1920 PRICE TWENTY-FIVE CENTS

not microfilm.<sup>18</sup> Within 15 minutes of learning that what I was searching for the past several months was located within walking distance of my office, I had in my hands the last surviving copies of *Collyer's Eye*. I immediately called Gene about the discovery.

The front page of the October 2, 1920 issue of The *Collyer's Eye* contained a graphic depicting the paper's headlines published a year prior which said it all. The publication had been hidden in the stacks of the university library and provided first-hand accounts of the Black Sox scandal that had not been seen in more than 85 years. In October 2005, around the time that the White Sox were in the World Series, the library found *Collyer's Eye* for the years 1918-1919, and converted these crumbling newspapers into microfilm that allowed researchers to access these important documents. Collyer and Klein had gotten the big scoop but as Gene said, they never got the credit that they deserved for their trailblazing role in the uncovering the 1919 World Series fix. As Gene later wrote in the January 17, 2004 issue of *Shadows*,

I began my research by trying to do one of the hardest possible things that is humanly possible — or so it seems at times — giving credit where credit is due — in this case, to whomever brought the “Black Sox scandal” to light. ... (Lee) Allen, a very reputable historian, described (*Collyer's Eye*) as “a rather disreputable sporting publication.” Allen said that the Eye “printed an article that not only alleged skullduggery but actually named the eight players who would eventually be indicted.” I can now correct Lee Allen. The Eye named only seven; Buck Weaver was not on their list. And I can do this thanks to one of my main partners in this adventure, David Fletcher, who found copies of *Collyer's Eye* seven miles from his home, in a dusty college library basement. (Author's note: Actually three floors up on the stacks.) Not all of them, just 1920-1925. But one of the issues, that of October 2, 1920, summarizes the Eye's coverage of the Fix starting with their issue of October 18, 1919,



### ***The Discovery of the Last Known Copies of Collyer's Eye on January 5, 2004***

which not only noted the rumors of the Fix, but named Abe Attell as the fixer.

Writing after the scandal was made public, the Eye's business manager Hugo L. Eberhardt wrote in “The Editor's Horn” that the Eye had actually been very cautious, holding off releasing their stories until their inquiry “found actual fire behind the elusive smoke.” Eberhardt: “We were for clean sport and advocates of it at no matter what cost.” Crediting Bert Collyer for his “persistency and vigor,” Eberhardt added, “Devoid of animosity, with no axe to grind, with nothing but the slogan ‘Clean Sport,’ in mind, Bert refused to let his paper be swerved from a relentless investigation.” The Eye was proud that it had used “caution and good judgment,” with Cicotte’s confession confirming that the fix indeed was in.

*Collyer's Eye* recalled its efforts to achieve what finally had been accomplished by Chicago's grand jury, nearly a year after the Series ended. The indictments handed up were “the vindication of a remarkable series of stories printed in this paper ... the first in time and value of possibility of the baseball scandal.” Not only were they the first to expose the scandal of the 1919 World Series a



week before the scandal broke wide open, the *Los Angeles Times* (and no other paper I've seen) printed the list of those who were going to be subpoenaed to come before the grand jury. The list included Bert E. Collyer and Frank O. Cline (Klein). There is no evidence in the coverage of the grand jury hearings that Bert Collyer or Frank Klein were ever given the chance to testify.<sup>19</sup>

### **THE SEARCH FOR HARRY'S DIARY: THE B-SOX HOLY GRAIL**

The search for Harry's Diary, the document that Gene Carney called the Rosetta Stone of the Black Sox scandal, proved elusive in Gene's lifetime and still remains undiscovered in 2019. Harry Grabiner, according to 1959 White Sox owner Bill Veeck, evidently sat down after the 1919 Series to create a written record of events, possibly at Comiskey's suggestion. If there was a full-scale investigation (this never happened), both men would be asked hard questions. "What did you know and when did you know it? The Watergate questions, now familiar to Americans," wrote Gene.

It was not until 43 years after Grabiner had created this legal defense file for his boss — referred to as CAC in the journal entries — that a 23-year-old White Sox office boy named Fred Krehbiel, who was Bill Veeck's nephew, briefly unearthed this key mystery document, one that contained information on how the Black Sox scandal unfolded from the viewpoint of White Sox management. In August 1963, right after graduating from Lake Forest College, Fred stumbled upon a long-lost ledger book and legal pad with two dozen pages of handwritten notes hidden behind a table in the bowels of Comiskey Park when he was asked to clean a storeroom. The documents were remnants of journal entries written by Harry Grabiner.

This vital missing link to baseball history vanished after it been discovered. Except for a few snippets published in the 1965 Bill Veeck book *The Hustler's Handbook* and two pages of the actual diary posted on the Internet at blackbesty.com, it is still missing. The other 26-plus pages of Harry's Diary are still lost and

remain the unexamined Dead Sea Scrolls for Black Sox researchers.

In 2003, Eliot told Gene and me that Ed Linn (who co-wrote *The Hustler's Handbook* with Veeck) had typed up Harry's Diary and given him a copy. But this copy was not returned after Asinof loaned it to someone for the ESPN Classic documentary on the Black Sox aired in 2000. Even Harry Grabiner's last private secretary with the White Sox, Grace Patricia Ryan Samfillippo, did not know where the diary was located. Or even that such a diary existed. Recalled Samfillippo in a 2007 interview that I conducted: "Harry talked about the Black Sox and the investigation a lot. He offered to share the players' contracts to show their wages were similar to other players of that era. But my (great) uncle Charlie (Comiskey) refused to show them. He felt it was unnecessary to prove his character to anyone."

When I first interviewed Fred Krehbiel in 2011, he said that he read the diary after he found it but did not appreciate its significance, and gave it to his Uncle Bill. Fred does not have a copy. Nor does he know whether a copy still exists. He even hooked me up with Ed Linn's daughter in May 2012, but she, too, did not know where Harry's Diary is. As of February 2019, Fred still had no idea where what he found in 1963 can be located.

### **ALFRED AUSTRIAN LEGAL FILE ACQUIRED BY CHM IN LATE 2007**

It was unclear how Black Sox documents, whose existence was previously unknown, ended up together or where they had been for more than eight decades. Mastro Auctions in Burr Ridge, Illinois, declined to reveal the identity of the two sellers but said that they probably purchased the box without knowing exactly what was inside. Later, I found out that this was not true and that the materials were allegedly taken from the garage of the Hinsdale, Illinois, home of Charles Comiskey II shortly after his death in August 2007.

In November 2007, Gene was heartened when additional rare Black Sox court documents surfaced. These papers would be auctioned off.

(Author note: On November 27, 2007, the Chicago Baseball Museum suspiciously lost out its leading bid for the documents with 12 seconds left in the auction. Two years later, fraudulent bidding practices led to federal court conviction and imprisonment of Mastro Auctions executives). Prior to the auction, Mastro brought the documents to a Chicago law firm for me to review with the late attorney Paul Duffy. I was able to spend an hour with the documents and was even allowed to make a couple photocopies. I chose to review the Hunter Detective Agency reports and immediately shared their content with Gene, who would later write about Comiskey's Detectives.<sup>20</sup> It was not until May 2009 that Gene got to inspect the rare documents that I was privileged to see in November 2007.

#### **GENE'S JUNE 2009 TRIP TO CHICAGO TO REVIEW THE ASINOF PAPERS AND ALFRED AUSTRIAN FILE DOCUMENTS**

The two boxes of material containing documents from the 1921 criminal trial against eight White Sox players accused of throwing the 1919 World Series include a partial court transcript that was on Gene's Most Wanted list. The collection also included documents from the 1924 Joe Jackson lawsuit as well as key documents on the formation of the Commissioner's Office.

I immediately contacted Gene in April 2009 when the late Paul Duffy and I had the privilege of getting a sneak preview of the Asinof papers at the Chicago History Museum. Gene fired off a series of emails and questions regarding my time reviewing the documents which he had hoped had provided documentation to the previously un-footnoted *8MO* book. I told Gene how disappointed I was to find out that *8MO* was really a clip job book and had remarkably little research or new information actually uncovered by Asinof even though he was able to firsthand interview Happy Felsch, Judge Hugo Friend, Red Faber, Abe Attell, and a few minor actors in the scandal. Gene shared my belief that *8MO* was really James T. Farrell's non-fiction account of the Black Sox scandal. Farrell had attended the 1919 Series games played at Comiskey Park, and his teen-age heart had been broken by his

Southside heroes. Gene particularly enjoyed my recounting of two lengthy Farrell letters on whom to interview and what they possibly knew.

It was clear to Gene and me after meeting with Eliot in 2003 and after reviewing the Asinof papers in 2009 that without James Farrell *8MO* would have never happened. Gene immediately went out and got a biography of Farrell, which has an account of how he had met with Asinof and encouraged him down the B-Sox Trail.

#### **DEATH AT AGE 63 AND HIS ENDURING LEGACY**

Gene Carney last wrote about the B-Sox in "Shadows" on June 15, 2009, following his trip to the Chicago History Museum. "I suspect that once these transcripts 'get around' – maybe on the internet – we will see a lot of folks sympathizing with the players, whose side, I think, most fans instinctively take. As I've written before, Judge McDonald, (White Sox attorney Alfred S.) Austrian, and (Cook County Assistant State's Attorney Hartley) Replogle all had agendas. But so did the players, and the fact that their stories about being promised much, then being indicted, may only be as believable as the possibility that they were very well coached for their court appearance. So in the end, we are all put in the jury box. We listen (read), then talk amongst ourselves, and only much later make up our minds."

Gene died on vacation in Alaska at age 63 after retiring from his job at the American Red Cross. It is hard to believe that he has been gone for 10 years. He was a generous researcher who loved to share the various new secrets or insights he sleuthed out. One of Gene's last private exchanges with me in May 2009 was his one of his greatest laments: "I only wish James Farrell had been a little older at the time of 1919 Series because he would have written the definitive account of B-Sox." I shared Gene's lament because James T. Farrell was the classic diehard Southside Sox fan who I identified with since the Sox were my team, and Farrell would have shed more light on this murky story that is more than exacting revenge on a skinflint owner.

It was Gene Carney's efforts that really shined light on this story. Gene looked at clues available or ignored by Eliot Asinof and others who have

gone down the B-Sox trail. His diligence to find the answers to longstanding questions about baseball's darkest days is sadly missed. Gene's mission endures with SABR and 1919 Black Sox Yahoo group members still chasing down leads for a case that still is not closed.

*Dr. David Fletcher is an Illinois physician and a nationally-recognized expert on workplace safety. He is also the founder of the Chicago Baseball Museum and a longstanding member of SABR's Black Sox Scandal Research Committee.*

## ENDNOTES

1. I really liked Gene's original title: *Never on a Friday*. White Sox club owner Charles Comiskey (1859-1931) believed that he had cursed Comiskey Park and his franchise forever by violating the Irish Catholic-based superstition about "never on a Friday" when the ballpark opened on Friday, July 1, 1910. The Friday superstition also played a prominent role in the Black Sox scandal according to J.L. Brown. In "The Big Baseball Scandal," an article that appeared in the May 1939 issue of *The American Mercury*, Brown reported that the White Sox players who conspired to toss the 1919 World Series all agreed early on about one thing: no money should be passed on a Friday.
2. Gene Carney, *Notes from the Shadows of Cooperstown*, May 19, 2003.
3. Gene Carney, "New Light on an Old Scandal," *Baseball Research Journal*, Vol. 35, 2006, 76-78.
4. In November 2007, the Chicago History Museum acquired the private papers and books of Chicago sportswriter Jerome Holtzman, the first official historian of Major League Baseball. The Holtzman papers included his Black Sox research file – except for a report to Commissioner Bud Selig that recommended that the MLB reinstate Buck Weaver. Gene Carney was critical of Holtzman, viewing his Black Sox research as sloppy and his scandal writings error-filled. Before his death in July 2008, I spent more than 50 hours spread over the course of a year with Holtzman, who still considered himself the preeminent Black Sox scholar and authority, even though Gene and others had discovered so much more of the scandal story. Gene's seminal book *Burying the Black Sox* was not in the Holtzman collection.
5. Gene and I did a side trip to the Hall of Fame library before we visited Asinof and had to sign a confidentiality agreement that permitted MLB to review anything that we wrote about research taken from the Ban Johnson Collection.
6. Alan Hynd, "The Great World Series Baseball Mystery," a book-length feature published in the November 1938 issue of *True Detective*, 48-64, 94-97.
7. Email of Noel Hynd (son of *True Detective* article writer Alan Hynd) to Gene Carney, June 18, 2003.
8. Carney, "Notes from a Road Trip Six Hours. A Day Spent with Eliot Asinof," *Notes from the Shadows of Cooperstown*, September 7, 2003.
9. After Asinof died in 2008, his research and papers was acquired by the Chicago History Museum. My assessment of Asinof's research for *8MO* was that it was even more limited than he purported. For example, the 50 hours of taped interviews with Abe Attell were not there. I was convinced that *8MO* was mostly a news clip job and that he had just followed the outline of Alan Hynd's 1938 *True Detective* article. In keeping with his background as a TV scriptwriter, Asinof added the dramatic story angle that Comiskey was a skinflint. In time, analysis of the Asinof source material led to publication of "It Ain't So, Kid. It Just Ain't So: History's Apology to Shoeless Joe Jackson, Charles Comiskey, and the Chicago Black Sox," by Daniel Voelker and Paul Duffy, *Chicago Lawyer*, September 2009, a further puncturing of the myths of *8MO*.
10. For *Eight Men Out*, Asinof admitted to us that he had relied on newspaper accounts of the September 1920 grand jury proceedings, not the grand jury transcripts. Although the customary rule of grand jury secrecy was not observed, the reliability of much Black Sox reportage on the proceedings was questionable. Thereafter in *Bleeding Between the Lines*, Asinof revealed that while criminal trial judge Hugo Friend had suggested that he review the record of the 1924 trial of the Jackson civil suit in Milwaukee, Asinof had not done so and thus failed to incorporate the Black Sox revelations of that trial into *8MO*. He also neglected to consult the numerous interviews of scandal participants and observers published between 1919 and 1962. See Jacob Pomrenke, "No Solid Front of Silence: The Forgotten Black Sox Scandal Interviews," *Baseball Research Journal*, Vol. 45, No. 1 (Spring 2016).
11. After we met with Eliot, I sent him a videotape of *Witness*, the controversial TV drama that Asinof wrote about the Black Sox scandal. Famed Chicago novelist James T. Farrell had helped Asinof with his teleplay, but MLB was unhappy with it and tried to prevent the January 28, 1961 airing of the show. On December 19, 2003, Eliot wrote me a letter which stated: "Thanks for WITNESS. I disliked it so much when it was made

that I was surprised when I saw it again. ... As for your idea of a new version of *EMO* (he used the letter *E* rather than the number *8*), forget it. Nor do I have any desire to talk further about the book, or my research on it. ... I have little interest in pursuing such matters." Yet when Eliot was the featured speaker at the March 2004 *NINE* conference in Arizona, he spoke at length on *Eight Men Out*. Asinof even ended up writing the forward to mentor Farrell's late-career novel *Dreaming Baseball* (Kent State University Press, 2007). To me, *8MO* was Eliot Asinof's epitaph.

12. Carney's original Most Wanted list had only seven items, but he subsequently expanded it to ten in *Shadows*, January 12, 2004.
13. Sadly, no such Comiskey papers from the Black Sox time span have been found, and his descendants tell me that none exist. The files of White Sox corporation counsel Alfred S. Austrian were acquired by the Chicago History Museum in 2007.
14. We never unearthed any remembrances by Gleason.
15. Our research of *The Police Gazette* yielded nothing of significance.
16. Col. John R. Stingo's "Yea Verily" column as published in *The Sporting News*, January 12,

1946: The longstanding controversy over who first broke the sensational Black Sox scandal of 1919 resumed after the death of Hugh Fullerton. ... The consensus of opinion in late years is that Bert E. Collyer, founder of *Collyer's Eye* really unearthed the scoop of the century.

17. "Bert Collyer, Chicago Sport Publisher, On A Short Visit To Toronto," *Toronto World*, November 2, 1920.
18. Email of Kathleen Kern, UIUC Reference Librarian to the author, January 5, 2004. The university library holds *Collyer's Eye*, Vols. 6-28, 1920-1942. Located in the main stacks, the volumes bear call number Q796.05 CO, and are on paper, not microfilm. I was unable to find the earlier years of *Collyer's Eye* anywhere, despite a World CAT and RUN which combined provide a list of the holdings of over 37,000 libraries.
19. Frank O. Klein was likely a pseudonym used by various *Eye* staffers, including Bert Collyer himself. For more, see Bruce Allardice, "Collyer's Eye's Ace Reporter: Who Was He?" Black Sox Scandal Research Committee newsletter, December 2016, 3.
20. Gene Carney, "Comiskey's Detectives," *Baseball Research Journal*, Vol. 38, No. 2 (Fall 2009, published posthumously).



New York Tribune, October 12, 1919

## **GRAND JURY PROSECUTOR HARTLEY REPROGLE AND PUBLIC EXPOSURE OF THE BLACK SOX SCANDAL**

by Bill Lamb

In early September 1920, Judge Charles A. McDonald, the presiding judge of the Chicago criminal court system, announced that a grand jury would be impaneled to investigate reports that a recent game between the Chicago Cubs and Philadelphia Phillies had been fixed. The grand jury would also probe Chicago's lucrative, popular, but technically illegal, baseball pool selling operations. The McDonald announcement was greeted with a yawn by Cook County State's Attorney Maclay Hoyne, the Windy City's chief law enforcement official. With Chicago awash in violent crime, racial tensions that had not long ago erupted into a deadly riot re-boiling, and with a looming Democratic primary election threat to keeping his job to contend with, Hoyne had no intention of expending much in the way of attention or office resources on sports-related kerfuffles. Attendance at the baseball grand jury proceedings would therefore be assigned to a staff nonentity,<sup>1</sup> an inexperienced junior prosecutor named Hartley Repogle.

The publicity-fond Hoyne soon came to regret his offhand treatment of the matter – for within weeks the grand jury probe had morphed into a sensational investigation of the 1919 World Series. As the proceedings progressed, high-profile witnesses like pillars of the game John McGraw and Charles Comiskey, White Sox stars Eddie Cicotte and Shoeless Joe Jackson, and underworld financier Arnold Rothstein trooped to the courthouse to testify, all of which received extensive press coverage nationwide. Courtesy of an astonishing and unremediated breach in grand jury secrecy, near-verbatim excerpts of witness testimony appeared in newsprint almost daily.<sup>2</sup> And, much to Hoyne's chagrin, nary a day went by without publication of comment on the probe by ASA Repogle.

Hoyne's efforts to wrest control of the investigation away from his previously-unknown subordinate and/or to re-direct its focus were met with vigorous opposition by Judge McDonald, grand jury foreman Henry Brigham, and hostile public opinion. In the end, Hoyne could do no more than look on with irritation and envy as Repogle enjoyed two months of unexpected celebrity. And then it was over, as a new complement of prosecutors assumed responsibility for the Black Sox case, their arrival a by-product of landslide Republican Party victories in the elections of November 1920. With that, Hartley Repogle quickly receded into the obscurity whence he came. What follows is the life story of this briefly important Black Sox scandal figure and exposition of the role he played in public exposure of Series corruption.

Hartley Leonard Repogle took a roundabout route to his passing brush with public notoriety. He was born on May 30, 1880 in Loysburg, a small south-central Pennsylvania farming community about 30 miles south of Altoona. Hartley was the fourth of five children<sup>3</sup> born to farmer Daniel Zook Repogle (1844-1901), and his wife, the former Mary Elizabeth Border (1842-1931), both of whom descended from families that had worked local land for generations. Hartley attended school through high school graduation, and then began his working life as a school teacher in nearby Morris Grove.

Around 1906, Repogle returned to being a student himself, enrolling in Dickinson College School of Law in Carlisle, Pennsylvania. He obtained his law degree in 1909, but only briefly entered into practice. Within months, Repogle took a position with a fraternal organization, the Masonic Temple's Loyal Order of Moose, which promptly dispatched him to the Pacific Northwest to organize a lodge in Spokane.<sup>4</sup> About a year later, he relocated to Chicago where he was admitted to the Illinois bar on October 4, 1911. But rather than practice law, Repogle remained in Moose employ, assuming the post of national director at organization headquarters.<sup>5</sup> In 1914, LOM National Director Repogle

oversaw a two-day celebration in Chicago attended by 50,000 lodge members, and then took charge of the order's annual convention in Milwaukee.<sup>6</sup> Thereafter, the advent of American entry into World War I saw Replegole expand his horizons, attempting to supplement his Moose salary by working as a self-employed motion picture maker and solo law practitioner.<sup>7</sup>

The circumstances that landed Replegole a post in the Cook County State Attorney's are unknown. But it seems likely that he, or a patron, must have had some form of political connection to the hyper-partisan Democrat Maclay Hoyne. Whatever the case, Replegole was sworn in as a Hoyne assistant in or about November 1919. Despite his age (now 39) and having been a lawyer for ten years, Replegole had virtually no courtroom experience. Consequently, he spent his first nine months on the job quietly, his activities drawing little public notice. The only Replegole court appearance to garner press attention was a bail hearing on a small-change theft case wherein his opposition to pretrial release drew a threat to "get" Replegole from an angered accused.<sup>8</sup>

Detailed exposition of the event that changed all that – the eruption of the Black Sox scandal – is beyond the scope of this profile. Suffice it to say that the original stated purpose of the grand jury probe had nothing to do with the 1919 World Series. But that quickly changed once the body was impaneled. Prominent Chicago citizen/baseball fan Fred Loomis<sup>9</sup> and influential *New York Sun* sportswriter Joe Vila championed use of the grand jury to explore disquieting rumors about the integrity of the previous season's Fall Classic. More important, a similar course was privately being urged upon Judge McDonald by a long-time acquaintance: American League President Ban Johnson. McDonald was agreeable, and by the time the grand jury conducted its first substantive session on September 22, 1920, its primary task had become investigation of the 1919 Series.

The immediate problem confronting the proceedings was the lack of visible investigation



**ASA Hartley Replegole**

of Series fix rumors. The SAO had invested no time or effort into the matter, and while White Sox club owner Charles Comiskey had, he was content to keep the findings of his privately-retained investigators confidential, and see if the gathering storm could be ridden out. Not so Ban Johnson, bent on using the proceedings as a vehicle for destroying former friend Comiskey, now a bulwark of opposition to Johnson's domination of American League affairs. Like Comiskey, Johnson had conducted his own discreet investigation into rumors about the 1919 Series, the results of which he would now spoon-feed to ASA Replegole via quiet back channels.<sup>10</sup> Unhappily for Replegole and ASA Ota P. Lightfoot, another junior prosecutor assigned to the proceedings,<sup>11</sup> the Johnson investigation had not uncovered much in the way of hard proof of Series corruption. It mostly memorialized what St. Louis-area gamblers had alleged about the reputed fix.

Reogle made his scandal speaking debut on September 20, informing the press that “the state’s attorney’s office is not yet ready to inquire into the activities of promoters of baseball pools, but is interested at this time only in uncovering any evidence of any player deliberately ‘throwing’ a ball game for money.”<sup>12</sup> This scatter-shot approach led to much of the early proceedings being devoted to the alleged bribe offered New York Giants pitcher Rube Benton by teammates to dump a 1919 game against the Cubs. Rumors about the fixing of the White Sox-Reds World Series were only explored superficially via tales or trivia extracted from former Cubs owner Charles Weeghman, ardent Chisox fan/Series betting loser Sam Pass, a Chicago landlady Henrietta Kelley, the Buck Weaver family dentist, and the like.<sup>13</sup> Days into the probe, however, proof of Series corruption came in an unexpected form: a Philadelphia newspaper interview of self-admitted Series fix insider Billy Maharg. According to Maharg, eight White Sox players had dumped Game One, Game Two, and Game Eight of the 1919 Series at gamblers behest in return for a \$100,000 payoff.<sup>14</sup>

Although Philadelphia resident Maharg, far beyond the subpoena power of the Cook County grand jury, would never appear before the panel, his quickly-syndicated account of Series wrongdoing produced dramatic consequences in Chicago. Alfred Austrian, the White Sox astute corporation counsel, immediately recognized that previous efforts to cover up World Series dirt were no longer viable, and that Sox owner Comiskey needed to be placed ahead of fast-breaking scandal developments. Accordingly, Austrian would take the steps required to ensure that Comiskey was portrayed as selfless, willing to sacrifice his own ball club for the greater good of the game. Thus on the morning of September 28, Game One losing pitcher Eddie Cicotte, already publicly named as a likely grand jury target, was summoned to the Austrian law office. There, he quickly broke down under interrogation by Austrian about the Series fix. Cicotte was then whisked to the Cook County Courthouse to repeat his fix revelations to the

grand jury under questioning by Reogle. Identified by Cicotte as fellow Series fix participants were Chick Gandil, Fred McMullin, Buck Weaver, Lefty Williams, Swede Risberg, Happy Felsch, and Joe Jackson – the players soon to be branded the Black Sox.

At the conclusion of the Cicotte testimony, the grand jury immediately voted to indict the eight players for the generic crime of conspiracy to commit an illegal act. More specific charges would be drafted and formally returned in court later.<sup>15</sup> Further grand jury objectives were then revealed in a grandiose Reogle statement to the press: “This is just the beginning. We will have indictments within a few days and before we get through we will have purged baseball of everything crooked and dishonest. We are going after the gamblers now. There will be indictments within a few days against men in Philadelphia, Indianapolis, St. Louis, Des Moines, Pittsburgh, Cincinnati and other cities. We’ve got the goods on these men and we are going to the limit.”<sup>16</sup>

But first Reogle had to handle another evidential gift supplied to him by Alfred Austrian: a ready-to-confess Joe Jackson, freshly delivered from a Cicotte-like encounter at the Austrian law office. And it is with Jackson that Reogle’s lack of investigative and courtroom experience becomes most evident. Reogle managed to elicit Jackson admissions that he had been propositioned privately by fix ringleader Chick Gandil; that Jackson had agreed to enter the conspiracy in return for a \$20,000 payoff, and that he had received a \$5,000 payoff installment from co-conspirator Lefty Williams the evening before the Sox departed for Cincinnati to play Game Five.<sup>17</sup> But rather than have Jackson narrate fix-related events in chronological fashion, Reogle’s questions jumped around from event to event and then doubled back, muddling in the process clear statement of Jackson’s understanding/knowledge of player-gambler meetings and/or his role in other key fix activities. Worse yet, Reogle failed to confront Jackson with the contradiction that lay at the heart of his

testimony: Jackson's admission of agreement to participate in the Series fix and his acceptance of payment therefor versus Jackson's insistence that he had given his best and played to win at all times during the 1919 Series. An experienced prosecutor would have immediately confronted Jackson with the irreconcilability of the two and required Jackson to explain, if he could, just how he could have done two mutually exclusive things at the same time. But Repleglo did not, and this shortcoming in his examination produced a grand jury record ambiguity that has allowed both modern-day Jackson critics and Shoeless Joe supporters to invoke his grand jury testimony in support of their positions.

The following day, the corroborative testimony of Lefty Williams brought the grand jury appearances of fix participants to a close.<sup>18</sup> From there, the panel spent another month poking around scandal margins, but these sessions shed little further light on the corruption of the Series. Meanwhile, outside the grand jury room, State's Attorney Hoyne did his best to intrude upon the proceedings. Now a sullen lame duck vacationing in New York City – Hoyne had lost his primary bid for re-nomination – he publicly questioned the legality of the indictable charges reportedly returned by the grand jury.<sup>19</sup> Hoyne then directed that grand jury proceedings be held in abeyance until he returned to Chicago.<sup>20</sup> The reaction in Chicago was swift and furious, with Judge McDonald and grand jury foreman Brigham loudly vowing to press on without SAO assistance,<sup>21</sup> while Sox counsel Austrian embarrassed Hoyne with a widely-published tutorial on the statutory soundness of the reported charges.<sup>22</sup> The absence of a specific sports corruption statute in the federal penal code, meanwhile, was decried by Repleglo in a nationally-syndicated wire service article. Lawmakers were urged "to make it a felony by anyone to offer a bribe to any baseball player to play our national game other than on the merits, also making it a felony for any player to accept a bribe. Let Congress act," Repleglo declared.<sup>23</sup> Chastened by the adverse reaction, Hoyne



***Repleglo with Joe Jackson, September 28, 1920***

rescinded his directive, publicly endorsing the grand jury's work to date.<sup>24</sup>

A week later, the game's establishment was relieved by the Repleglo announcement that the grand jury had uncovered no evidence that the 1920 pennant winners (Cleveland and Brooklyn) had been corrupted.<sup>25</sup> Still the probe forged on, with the indignant protestations of innocence uttered by underworld financier and reputed Series fix mastermind Arnold Rothstein before, during, and after his grand jury appearance attracting major press attention.<sup>26</sup>

In a publicly-released interim report, the grand jury praised its legal advisers. "Mr. Repleglo is especially commended for his persistent diligence and his competence in his handling of the baseball matter," the report stated.<sup>27</sup> On the afternoon of October 29, 1920, the previously-voted indictments were formally unveiled in court. The sweeping multi-city charges earlier promised by Repleglo were nowhere in evidence. Rather, the accused were confined to the eight Black Sox players and a seemingly random crew of gamblers that included one-time featherweight boxing champ Abe Attell, and ex-players Hal Chase and Bill Burns. Charged in prolix legal language were various forms of conspiracy to commit theft by deception or by

means of a confidence game.<sup>28</sup> A week later, the panel concluded its work by returning indictments charging various baseball pool operators, and submitting a six-page final report on its findings regarding this form of gambling. The grand jury also recommended that Replogle be retained as special prosecutor for the case by the incoming Republican SAO administration.<sup>29</sup>

On November 20, 1920, Replogle submitted his resignation. He had been an Assistant Cook County State's Attorney for approximately one year, and would now take a sales management position with Tamms Silica Company, a local manufacturer of paints, cement, and other building trade materials.<sup>30</sup> Once sworn into office, new State's Attorney Robert E. Crowe declined to comment on the grand jury's recommendation that Replogle be specially retained to handle the Black Sox case.<sup>31</sup> But clearly prosecution of the high-profile case was not to be entrusted to an attorney with Replogle's minimal courtroom experience. The case would ultimately be assigned to a three-man team of criminal trial veterans: Second ASA George E. Gorman, and special prosecutors Edward A. Prindiville and John F. Tyrrell.<sup>32</sup>

After delays necessitated by administrative dismissal of the original indictments and re-presentation of the case to a new grand jury for superseding charges, the Black Sox case finally went to trial in June 1921. Toward the end of the proceedings, Hartley Replogle made a courtroom appearance – but not as an attorney. Rather, he was summoned as a prosecution witness during a hearing conducted out of the jury's presence to determine the admissibility of the grand jury testimony of Eddie Cicotte, Joe Jackson, and Lefty Williams, each of whom claimed that he had been promised non-prosecution by Replogle, Judge McDonald, and/or Alfred Austrian prior to his grand jury appearance. Denials of such promises ever being made by Replogle and McDonald were accepted by the court, and the Cicotte/Jackson/Williams grand jury testimony was subsequently recited to the trial jury at length. All to no avail, as the accused were acquitted days later.<sup>33</sup>



**Replogle, seated right, in 1935 Houston Chronicle photo**

In the aftermath of the Black Sox case, the name Replogle receded from newsprint, appearing only in occasional social page articles recounting attendees at the Chicago Opera and other cultural affairs.<sup>34</sup> In 1929, Replogle relocated to Gary, Indiana, where he opened a real estate office.<sup>35</sup> There, the long-time bachelor also acquired a bride, a local woman named Laura (surname unknown) some 24 years his junior. By 1935, the couple had moved to Houston where Replogle was installed as regional director of the Texas-Louisiana-Oklahoma territory by his old-time employer, the Loyal Order of Moose.<sup>36</sup> The 1940 US Census placed Hartley and Laura Replogle back in Gary where he resumed his real estate practice. But within two years, the child-less Replogle marriage appears to have dissolved, as Hartley identified his sister Rebecca as his nearest relation in his World War II draft registration form.<sup>37</sup> By that time, Replogle had become a major residential developer. He also served as chairman of the Gary Public Housing Authority.

In late-December 1944, Replogle remarried, taking 46-year-old Gary school teacher Marie Volz as his second wife.<sup>38</sup> Sadly, Replogle did not get much time to enjoy a second chance at wedded bliss. On July 13, 1947, he suffered a heart attack. Death ensued six days later at Mercy Hospital in Gary.<sup>39</sup> Hartley Leonard

Replogle was 67. His remains were thereafter transported to Pennsylvania for funeral services followed by interment in the Replogle family plot at Oak Ridge Cemetery in Altoona. Survivors included second wife Marie, and sisters Rebecca Haffly, Theo Martz, and Ariel Replogle.

## SOURCES

Sources for the biographical information recited above include US and state census reports and Replogle family posts accessed via Ancestry.com; newspaper reportage of Replogle's time in Chicago and Gary, Indiana; and obituaries, particularly those published in the *Altoona (Pennsylvania) Tribune* and *Bedford (Pennsylvania) Gazette*, July 21, 1947.

## ENDNOTES

1. Although the grand jury is an arm of the judiciary, grand jury proceedings are conducted by a prosecutor, not a judge.
2. The black letter law principle that grand jury proceedings were to be confidential was soon reaffirmed by Illinois's highest court. See *People v. Goldberg*, 302 Ill. 559, 135 N.E. 84 (Sup. Ct 1922). When the failure to enforce mandatory grand jury secrecy was noted, the press reported that court officials were "desirous of giving the national game the benefit of publicity in its purging." See the *Atlanta Constitution* and *Los Angeles Times*, September 29, 1920.
3. Hartley had four sisters: Ophelia (born 1872), Theodosia (1875), Ariel Sally (1877), and Rebecca (1887).
4. See "City News," *Spokane (Washington) Press*, September 25, 1909: 7, and "New Fraternal Order Organized," *Spokane Press*, September 30, 1909: 3.
5. As subsequently noted in "Good Works Underway by L.J. Thomas," (*Juneau Alaska Reporter*, February 26, 1916: 8.
6. See "50,000 Moose in Chicago," *Rockford (Illinois) Register-Gazette*, July 13, 1914: 8, and "Moose Going to Chicago," *Rockford (Illinois) Republic*, July 22, 1914: 9.
7. The occupations reported by Replogle to Selective Service officials.
8. "Threat To 'Get' Lawyer Doubles Captives' Bond," *Chicago Tribune*, February 20, 1920: 17.
9. Years later, it was revealed that the Loomis letter was actually penned by *Chicago Tribune* sportswriter James Crusinberry. Crusinberry was also a significant grand jury witness in the early sessions of the probe.
10. Among other places, Johnson's influence upon the grand jury probe is reflected in correspondence contained in the Black Sox file at the Giamatti Research Center, National Baseball Hall of Fame and Museum, Cooperstown, New York.
11. Lightfoot had joined the SAO in November 1918, but like Replogle, had virtually no courtroom experience. His previous assignment had been prosecuting tax code violations. See "Hayden Bell Quits Hoyne To Join County Board," *Chicago Tribune*, July 31, 1919: 7.
12. "Call Baseball Chieftains To 'Scandal' Quiz," *Chicago Tribune*, September 21, 1920: 1.
13. For a detailed account of early grand jury proceedings, see William F. Lamb, *Black Sox in the Courtroom: The Grand Jury, Criminal Trial and Civil Litigation* (Jefferson, North Carolina: McFarland, 2013), 37-47.
14. Published in the *Philadelphia North American*, September 27, 1920.
15. As reported in the *Los Angeles Times*, September 29, 1920, and elsewhere.
16. See "White Sox Indicted," *Los Angeles Times*, September 29, 1920: 12.
17. The transcript of the Jackson grand jury testimony can be viewed on-line at [www.blackbetsy.com](http://www.blackbetsy.com) and elsewhere.
18. At the conclusion of the Williams testimony, the grand jury added gamblers Joseph "Sport" Sullivan and Rachael Brown to the indictment.
19. As reported in the *Chicago Daily News* and *Chicago Journal*, September 30, 1920. Hoyne intended to have SAO secretary George Kenney oversee the grand jury investigation in his absence. But Replogle and Lightfoot deeply mistrusted Kenney (and perhaps Hoyne, as well), denying Kenney access to probe evidence and keeping him otherwise in the dark. Years later, Kenney was identified as the likely thief of evidence discovered missing from the SAO vault.
20. "Halts Sox Inquiry: Hoyne Doubts Jury Power: 'Uncertain If Any Crime was Done,' He Says," *Chicago Tribune*, September 30, 1920: 1.
21. As reported in the *Chicago Evening Post* and *Chicago Journal*, September 30, 1920, and *Chicago Herald-Examiner*, October 1, 1920.
22. See e.g., "Baseball Probe Goes to Grand Jury," *Kansas City Star*, and "No Loophole for Indicted," *Seattle Star*, September 30, 1920.
23. See International News Service articles such as "Judge McDonald Refuses to Halt Baseball

Probe," *Richmond Times-Dispatch*, October 1, 1920: 1.

24. See the *Chicago Herald-Examiner*, October 2, 1920.

25. As reported coast-to-coast. See e.g., "Pennant Winners Free from Connection to Scandal," *Norwich (Connecticut) Morning Bulletin*, October 5, 1920: 4, and "1920 World Series Draws Clean Bill," *The (Portland) Oregonian*, October 5, 1920: 14.

26. See e.g., "Rothstein Comes as Grand Jury Witness; Gedeon Also Here," *Chicago Tribune*, October 26, 1920: 20. The ensuing exoneration of Rothstein (and St. Louis Browns second baseman Joe Gedeon) also drew headlines. See "Gedeon and Rothstein Exonerated," *Grand Forks (North Dakota) Herald*, October 27, 1920: 6, and "Rothstein Is Cleared of World Series 'Fixing,'" *New York Herald*, October 27, 1920: 13.

27. As quoted in the *Chicago Evening Post* and *Chicago Journal*, October 2, 1920.

28. As reported in the *Chicago Herald-Examiner*, *Chicago Tribune*, and elsewhere, October 30, 1920.

29. Per the *Chicago Tribune*, November 7, 1920.

30. Per "Hoyne Aide at Helm of Baseball Inquiry Quits, Enters Trade," *Chicago Tribune*, November 21, 1920: A8.

31. See "Eight Indicted Sox To Be Put on Trial within Three Weeks," *Chicago Tribune*, December 29, 1920: 15.

32. Gorman, a former US Congressman, had been practicing law since 1895. Now in private law

practice, Prindiville had only recently been First Assistant Cook County State's Attorney, while Tyrrell was an expert on criminal procedure and motion practice.

33. For further exposition of Black Sox trial proceedings related to the grand jury confession evidence, see again Lamb, *Black Sox in the Courtroom*, 118-124.

34. See e.g., "Occupants of the Boxes," *Chicago Tribune*, November 9, 1926: 36, and "Society at the Opera," *Chicago Tribune*, January 27, 1927: 31, and January 10, 1929: 31.

35. Replogle had first dabbled in real property during his time in the Pacific Northwest some 20 years earlier. See "Property Actions," *Olympia (Washington) Recorder*, December 29, 1911: 1, and February 24, 1917: 1.

36. See "Moose Meet, Plan Membership Drive for New Lodge Here," *Houston Chronicle*, January 15, 1935, and "New Officers of Moose Lodge Are Installed," *Houston Chronicle*, January 31, 1935, with group photo of Replogle and other LOM dignitaries..

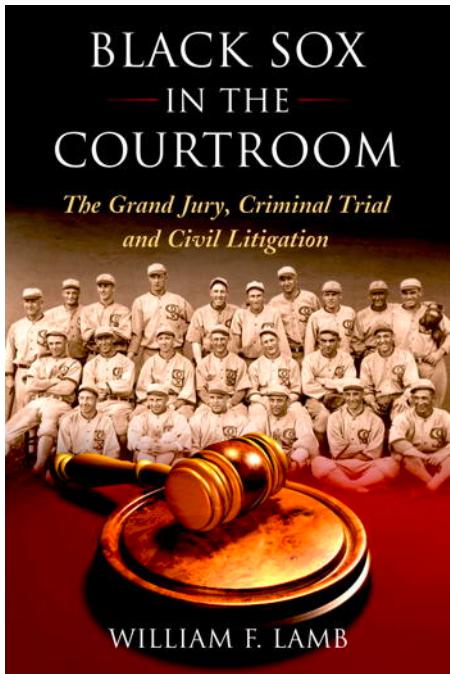
37. Whether the first Replogle marriage was ended by death or divorce was undiscovered by the writer.

38. The wedding took place in the bride's original hometown of Milwaukee. See "Gesu Church for Nuptials," *Milwaukee Sentinel*, December 25, 1944: 17.

39. The Replogle death certificate lists the official cause of death as "acute hemorrhagic infarct of the heart."



New York Tribune, October 10, 1920



## BLACK SOX IN THE COURTROOM: THE GRAND JURY, CRIMINAL TRIAL AND CIVIL LITIGATION

By William F. Lamb

2013, McFarland  
[ISBN: 978-0786472680, 240 pp. \$25.00 USD. Softcover]

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One thing quickly comes to mind when reading Bill Lamb's outstanding book about the legal proceedings surrounding the Black Sox Scandal: Why has no one written such a thorough, in-depth review before? After all it's been one hundred years since that fateful 1919 World Series we reflect upon today. Certainly, the litigation slugfest leading up to and following the 1920 grand jury indictments has been the subject of many

## BLACK SOX BOOKS – THREE ENTRIES IN THE CURRENT CANON

For more than 40 years following its publication in 1963, *Eight Men Out: The Black Sox and the 1919 World Series* by Eliot Asinof was considered the definitive account of the Black Sox scandal. But more recently, 8MO has been subjected to critical analysis and reappraisal. For most scandal aficionados, the post-Asinof canon begins with *Burying the Black Sox* by Gene Carney, published in 2006. This ground-breaking work in scandal scholarship and its late author are remembered in the excellent article by David Fletcher, infra.

Set forth below are assessments and summaries of three other fairly-recent books about the Black Sox. Each of these was reviewed by the newsletter shortly after their publication. The purpose of taking a fresh look at them is not to revise the judgments originally rendered by our reviewers. Rather, the object here is to provide presently-engaged and future Black Sox researchers with an idea of what each of the three has to offer. And if another consideration of these works prompts newsletter readers to give them a try, so much the better.

scandal-related books and articles written over the past century. However, there had never been a study like the one undertaken by Lamb. Availing himself of both old and newly discovered sources, he scrutinizes and dissects the legal struggles that played such a large part in the public disclosure of the fix and the eventual banishment of the implicated White Sox players. Since the book's publication in 2013 it is difficult to imagine any serious student of the scandal speaking or writing about it without referring to Lamb's work.

Perhaps one of the reasons no one had previously focused on the legal proceedings to such an extent is the challenge it presents to an untrained eye. This was not a problem for Lamb, a retired New Jersey

prosecutor who has handled and tried numerous criminal cases over the course of his career. Lamb understands the legal complexities that he analyzes and relates to his readers. He understands it from the standpoint of the Illinois state attorneys who prosecuted the case, and like any prosecutor worth his salt, he understands it from the viewpoint of those defending the accused. The material in lesser hands would have quickly become a maze, difficult to understand and follow. Instead, in simple language Lamb adds clarity and structure to what heretofore was quite fragmented because no single knowledgeable writer had examined the case and told the entire story, beginning to end.

Lamb accomplishes his task by keeping chapters relatively short, allowing readers to catch their breath after reading several pages of rather dense material. This is particularly important because he does not waste words. He makes each one count, seldom if ever losing focus. The book weighs in at a remarkably succinct 204 pages yet delivers comprehensive coverage of the topic. The text is supplemented with a wonderful glossary of “Black Sox Persons and Places,” a bibliography, an index, and a liberal number of footnotes extremely helpful to those utilizing the book as a launching pad for their own work. Where appropriate authors notes appear to explain unusual legal concepts, though they occasionally interrupt the flow of the text. Placement at the start of a chapter or at the bottom of the page might have been a preferable option.

At the outset Lamb makes sure the reader understands the limited scope of his work. It is not intended to be a “definitive” account of the scandal, and he doesn’t deliver judgment as to the guilt or innocence of the players. Instead, he evaluates how the actions or non-actions of the accused played out as their cases proceeded through the court system, a task he deems “modest.” Lamb sets the table for the courtroom action by summarizing the scenarios leading up to it. Chapters one to three, which capsulize the regular season, the 1919 World

Series, and the rumors of scandal, are seven, eleven, and five pages, respectively. Chapter four serves as an excellent primer on the little-known and oft misunderstood workings of a grand jury. In this instance it acted both unlawfully and unethically in its consideration of the issues related to baseball gambling. In chapters five and six, Lamb takes great pains and is remarkably successful in making sense of the often contradictory statements of the participants which appeared in a variety of forms, including grand jury testimony and interviews with newspaper reporters.

One of the most intriguing portions of the book, chapter ten aptly entitled “Extradition Follies,” discusses a topic which has previously received scant treatment: the handling, or rather mishandling, of the attempted extradition of indicted fixer Hal Chase back from California. As a result of this bungling, Chase became the first defendant in the case to be in the clear as long as he remained out of Illinois. Equally enlightening is Lamb’s treatment of the courtroom hijinks performed by notorious New York City criminal attorney William J. Fallon. His juggling act resulted in a failure to extradite defendant Abe Attell, an alleged henchman of gambling kingpin and fix suspect Arnold Rothstein. In chapter thirteen Lamb deftly explodes the widely-held notion that

missing grand jury confessions of White Sox players Joe Jackson, Eddie Cicotte, and Lefty Williams presented the prosecution with an insurmountable obstacle for success.

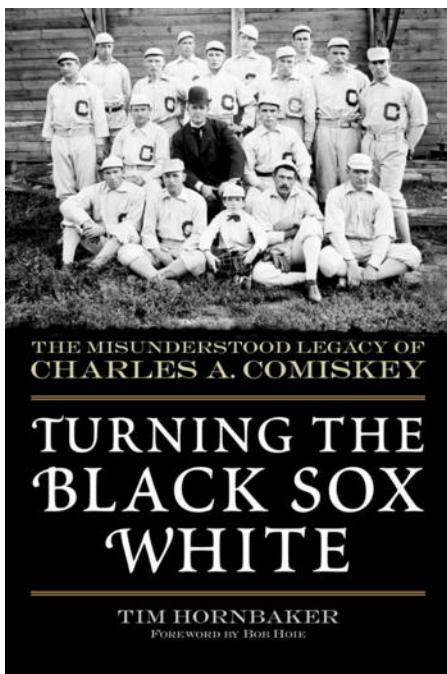
The Black Sox trial itself is skillfully covered in chapters twelve through sixteen. One of the most important points Lamb makes – almost completely ignored by others who have tackled the trial – is that “theoretically” the law in this case worked to the prosecution’s advantage. Lamb points out it made absolutely no difference legally in defense of the specific charges whether a player did or did not play to win or changed his mind and withdrew from the fix mid-stream. Guilt was still established. On the other hand, the presiding judge, Hugo M. Friend, delivered a defense-oriented charge when he advised the jury that the State of Illinois was required to prove intent to defraud the public and others, not simply that they threw games. Lamb convincingly argues that the verdict resulted from “jury nullification,” a legal term he explains in the book and expanded upon in his subsequent writings.

A fascinating postscript to the Black Sox criminal proceedings took place in Milwaukee, Wisconsin when Joe Jackson, Happy Felsch, and others sued the White Sox ballclub for breach of contract. The ensuing civil litigation which resulted in a jury trial in 1924 is described

in its fullest and most authoritative form to date by Lamb in chapters 17 thru 24.

In his final chapter Lamb discusses the “treatment” of the legal aspects of the scandal over the years, detailing how little of substance or accuracy has been written. He reminds readers his objective was to provide “a thorough, informative, and reliable account of the judicial proceedings” that came out of the events surrounding the 1919 World Series. In this regard he met and exceeded his objective. He once again states he does not aspire to be “definitive,” but despite protestations to the contrary this book is most certainly definitive within its narrow confines. Until Lamb, no one had placed the Black Sox pretrial, trial, and post-trial proceedings under such a powerful microscope or written about them so ably. It is hard to imagine anyone will do so in the future. Bill Lamb’s *Black Sox in the Courtroom* is and shall remain a Black Sox scandal classic.

*Rick Huhn is an original member of the Black Sox Scandal Research Committee. He serves as co-chair of the Hank Gowdy (Columbus, Ohio) Chapter of SABR, and is the author of three highly-regarded Deadball Era books.*



## TURNING THE BLACK SOX WHITE: THE MISUNDERSTOOD LEGACY OF CHARLES A. COMISKEY

By Tim Hornbaker

2014, Sports Publishing  
[ISBN: 978-1613216385. 400  
pp. \$24.95 USD. Hardcover]

Reviewed by  
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Tim Hornbaker takes on an ambitious task in *Turning the Black Sox White: The Misunderstood Legacy of Charles A. Comiskey*. Going up against the long-held notion that Comiskey’s parsimonious ways were a catalyst for the Black Sox scandal, Hornbaker attempts to reshape the legacy of the longtime White Sox owner as someone who was benevolent and forward-thinking, and, most critically,

was an innocent victim of players who sold him out as owner of the Chicago White Sox. “Finally,” writes Hornbaker in the Introduction, “almost 100 years of misrepresentations about Charles Comiskey can be made known.”

Crystallized in Eliot Asinof’s *Eight Men Out* (1963), Comiskey’s supposed refusal to pay his star players, thus inspiring a *de facto* player economic revolt, has been imprinted in the lore of baseball history. Comiskey, the story goes, spent lavishly on everything except player salaries, over which players had no negotiating power under baseball’s firmly-entrenched reserve clause. Permeating the book, including in Bob Hoie’s Foreword, is the notion that contemporary Black Sox scholars have taken their cues about Comiskey primarily from Asinof, resulting in a trope about Comiskey’s underspending on player salaries which has been passed down among the generations.

Rather than being a re-evaluation of Comiskey and the Black Sox from beginning to end, most of the book follows the form of a traditional Comiskey biography. It provides in-depth treatment of everything from Comiskey’s opinions of the Brotherhood of Professional Baseball Players to his time owning a team in Sioux City in the Western League. Because of the granular detail that Hornbaker includes about Comiskey’s

early life, Comiskey's relationship with the Black Sox is nowhere near as central to the book as the title might suggest. In fact, the first two-thirds of *Turning the Black Sox White* includes little mention of the 1919 scandal at all. Instead, the crux of Hornbaker's reassessment is included in roughly the last 100 pages, most consequentially in a chapter titled "Setting the Record Straight."

Yet all of the surrounding details are hardly dicta. Whether Comiskey is snapping at Captain Pickett in St. Paul in 1895 to be a better leader, to Comiskey buying his players \$50 suits during the 1904 pennant race to encourage continued good play, to noting how Comiskey provided Nick Altrock and Fielder Jones with raises following the 1906 World Series championship, Hornbaker's portrait of Comiskey as a well-intentioned and forward-thinking baseball professional is consistent. Further, Hornbaker employs arrestingly complimentary language. Hornbaker says of Comiskey as a player: "It was nearly impossible to outwit him, and if a player wasn't on top of their game, thinking at all times, Comiskey would have the upper hand — at bat or in the field."

Indeed, the author's plaudits span many spheres. Comiskey, says Hornbaker, was "a revolutionary in the field" at first base. Hornbaker writes that "Comiskey had an innate affection for loyalty and sought that quality in his players."

Referring to Comiskey in 1912, Hornbaker says: "Garnering mainstream attention for his commitment to sportsmanship, his gentlemanly behavior, and civic contributions, Comiskey was acknowledged as a brainy diplomat, regardless of the crowd he entertained." Hornbaker also asserts that Comiskey, just prior to the Black Sox scandal, had "earned the utmost admiration in the sports world."

The early incidents allow Hornbaker to paint Comiskey as someone who was intuitive, mindful, noble, sagacious, financially-generous with his players, and who routinely does the right thing. If Comiskey shows occasional fits of anger in the book, it is typically in the context of his high expectations not being met. What is harder to discern in the book is Comiskey's motivations. Following a 1902 Supreme Court decision, for instance, which tightened clubs' reserve rights over players, Comiskey is quoted as saying that he had "never heard such an un-American decision" and that he had consulted several attorneys who offered that a contract which bound a player for life is "unconstitutional."

It can be perilous to rely on one particular individual's statements to the press alone as being definitive. In the book, Comiskey's public quotes are often accepted as being accurate and complete on their face. Left unexplored, on several occasions, are what Comiskey's real intentions

were: did he really believe what he said to the press? Did he have reasons to say one thing and do another? Even if Comiskey's motives were pure, the questions are worth asking. What would bolster the book considerably is more complementary material from primary sources or analysts, putting these Comiskey quotes into context.

Hornbaker relies on a multi-pronged approach to argue that Comiskey's reputation should be reevaluated in the context of the Black Sox scandal. In citing Hoie's 2012 salary research, as published in *Base Ball: A Journal of the Early Game*, Hornbaker contends that Chicago's roughly \$90,000 payroll — which put the White Sox near the top of the league — is evidence that low salaries did not undermine the "overall morale" of the 1919 team, as Asinof had alleged. In addition, Hornbaker proposes that each member of the Black Sox had individual motivation for being in on the fix, beyond any kind of dissatisfaction with Comiskey. Lefty Williams came close to being hit in the head by a batted ball in July 1919, for one, and Hornbaker suggests that Williams then became open to Chick Gandil's coaxing, after being faced with his own baseball mortality. That Gandil was concerned about his post-career financial security following a stomach ailment in conjunction with appendicitis and that Swede Risberg was expecting a second child with his wife are among examples Hornbaker cites to make the

case that external factors, rather than Comiskey's financial dealings, inspired the players' sellout.

Further, Hornbaker posits that a salary dispute with Buck Weaver "helped mold a larger perception that Comiskey was underpaying his talent," even while Comiskey was paying top dollar to Eddie Collins. The author also suggests that Comiskey misjudged how much baseball had become a business after the Federal League uprising and that, in spite of Comiskey's longstanding willingness to spend lavishly in order to acquire players and to compromise in salary negotiations, Comiskey was, in Hornbaker's view, "going to wear the same badge his other owners wore: being a penny-pincher and cheap." In the book, Comiskey's ostensibly-selfless motives often collide with forces beyond his anticipation and control.

But paying handsomely to acquire players (as contemporary owners often did) and paying players in accordance with their on-field achievements are two different things. Hornbaker notes that Comiskey spent record amounts to acquire players, including \$65,000 for Collins and \$100,000 for Willie Kamm. The money used to purchase players, of course, never made it to the players themselves, and high-priced acquisitions were a coin of the realm. Moreover, even if the White Sox did have a top payroll in 1919, the players still

could have believed they were underpaid. Salaries, which were set unilaterally, were not necessarily to the players' satisfaction under baseball's restrictive system, even if they came out above their peers. In noting that players on other teams had done so, Hornbaker asks: "If the (1919 White Sox) players were all being paid 'starvation salaries,' why didn't they all hold out for more money prior to the 1919 season?"

Countless personal reasons may factor into those calculations, but a lack of holdouts does not necessarily imply that a broad salary-motivated discontent was not brewing among the players. Then there are two Comiskies to reconcile: the fair-minded, generous negotiator who Hornbaker predominantly portrays and the one quoted in the book who claimed publicly that he was "through with" Ed Walsh during a tough contract negotiation in 1909, stating that the team would win the pennant without the team's star pitcher. It is certainly plausible that Comiskey's players did not hold out because doing so would have been fruitless and put their jobs in peril.

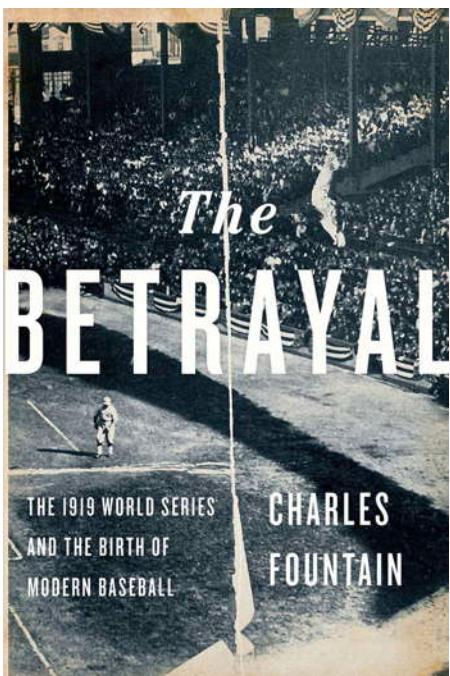
Hornbaker's book makes an impressive contribution to the Comiskey literature with his probing, nuanced research, especially of Comiskey's formative years. *Turning the Black Sox White* is at once a matter-of-fact biography as well as an effort to rehabilitate Comiskey's professional reputation. Hornbaker's assessment of Comiskey's less-

than-expected impact on the Black Sox scandal certainly makes the reader consider Comiskey from a new vantage point. Still, Comiskey often comes across in the book as an unwitting bystander in a drama in which he is centrally involved, which can strain credulity. To endorse Hornbaker's theory wholeheartedly would require almost everything we have accepted about Comiskey to be incorrect and for a remarkable confluence of events to have conspired against the Hall of Fame owner. Regardless, Hornbaker has added several pieces to the puzzle. Further analysis, particularly evaluating Comiskey's motivations with more scrutiny, will be needed before Comiskey's place in baseball history can take a wholesale shift.

*John McMurray is chairman of both the Deadball Era and Oral History committees.*



**Charles A. Comiskey, c. 1920**



## THE BETRAYAL: THE 1919 WORLD SERIES AND THE BIRTH OF MODERN BASEBALL

By Charles Fountain

2015, Oxford University Press  
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Reviewed by  
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With the 100-year anniversary upon us, the 1919 Black Sox will be a noteworthy news story this summer. This is great for baseball enthusiasts and allows those who have heard the stories but may not be overly familiar with the facts to follow up on their interests and further explore the scandal.

In *The Betrayal*, Charles Fountain does a fine job of relaying information that most of us familiar with the situation know in detail. Where I think he



Brown in the Chicago Daily News.  
Chicago Daily News, August 4, 1921

came up short is in providing concise and up-to-date information for those who may be looking for more. Fountain also spends considerable time on ancillary events. Is it really necessary, for example, to have a recap of Hal Chase and the earlier gambling shenanigans of the late nineteenth century? To me these chapters seem to be padding more than furthering the story.

To be fair, Fountain does provide updated information from Elliot Asinof's *Eight Men Out* which is always the baseline for all future information regarding the Black Sox scandal. It is probably about time that we eliminate for all time the belief that White Sox owner Charles Comiskey was cheap and that led to the players revolting and ultimately throwing the series.

Overall, I found *The Betrayal* an interesting read, but better suited for those looking for an understanding of the overall general times and era rather than for readers seeking new and eye-opening information on the specific events of the

1919 World Series. It's worth a read, for those who want to know baseline background information. The book is very well written and informative for those who may pick up a copy as they start hearing more and more from this summer and fall's sure to be highly-publicized remembrances.

*Mark Dugo is a longtime SABR member and serves as an assistant editor for both The Inside Game and the Black Sox Committee newsletter. He is also on the review committee that selects the annual Larry Ritter Award winner and is the current president of SABR's Charlotte chapter.*



**Charles Fountain**

## THE FIX A NEW OPERA BASED ON THE BLACK SOX

Reviewed by  
**Dan Levitt**  
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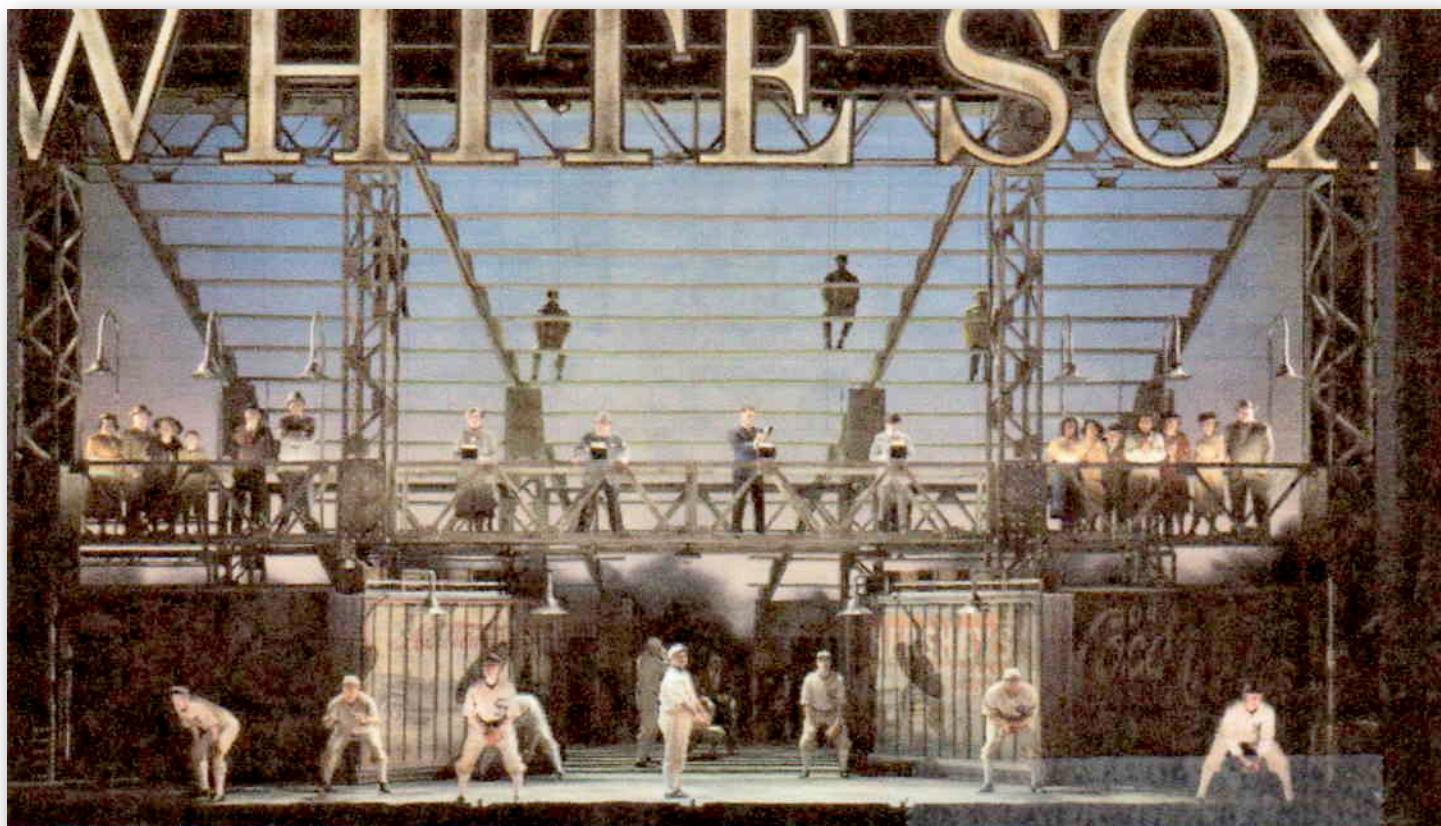
For his first opera, celebrated composer Joel Puckett chose to use the Black Sox scandal as his theme. "The story has everything one expects from grand opera," Puckett explained, "legendary heroes with massive character flaws, villains, love, greed, betrayal. In short, this story was already an opera, it just needed some music!" While the plot only loosely follows the actual history of the fix, Puckett uses it to highlight larger themes, such as the imbalance in power between the bosses and the

working class and the dreadful outcomes that can result from competing loyalties under traumatic circumstances.

Whether consciously or not, Puckett takes significant liberties with the story. Rather than identify the numerous areas where the plot differs from the actual history, for this audience a summary of the plot should illuminate many of the discrepancies. The opera opens with White Sox owner Charles Comiskey's attorney Alfred Austrian in South Carolina negotiating a contract with Joe Jackson. He is clearly lowballing Jackson, and Austrian is trying to take advantage of him. The illiterate Jackson, wishing his wife was home to advise him, decides he doesn't have any alternatives and signs with an "X". When Jackson's wife Katie

returns, she bemoans the contract also noting that the team can "fire" him with two weeks' notice (nearly all contracts had what was dubbed the "ten-day" clause).

The story then moves to late in the 1919 season where Lefty Williams corners Jackson to let him know that a group of players is considering throwing the Series, and they need him. Eddie Cicotte was particularly bitter because Comiskey owed him \$25,000 from the previous year for winning 30 games for which he never got paid. At a meeting of the eight players in Chicago, they declare whether they're in or out. Weaver says he's out and leaves. As the final player polled, Jackson reluctantly agrees because he doesn't want to let the others down. There's no further reference to Weaver,



*The Fix*

Photo by Cory Weaver

though he is apparently one of the eight in later courtroom scenes.

On the gambling side, Sleepy Bill Burns tries to approach gangster Arnold Rothstein for backing, but Abe Attell, as his bodyguard, blocks him. Burns eventually gets to see the Big Bankroll, but Rothstein turns him down. Nevertheless, Attell likes what he hears and convinces Burns the two of them can pull it off—they don't need any money up front; the two will tell the players that they will get their money after the Series because the money is tied up in wagers. Chick Gandil, as the ringleader of the players, accepts this position.

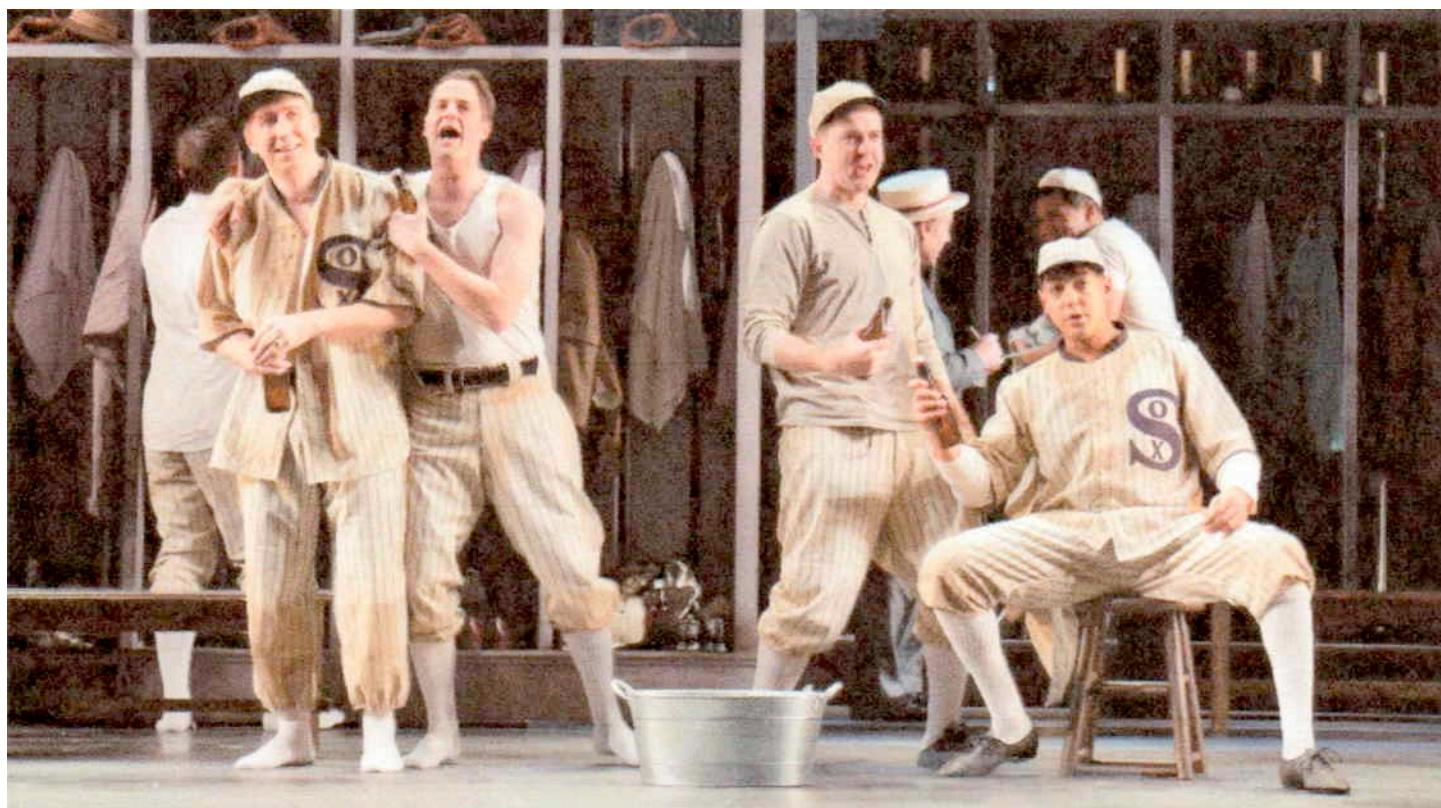
As the Series starts, Cicotte hits the first batter of the first game

to signal the fix is on. Hugh Fullerton and Ring Lardner, who are both key characters in the story – Fullerton as the skeptic and Lardner as the true believer – lament that this could mean the rumors of a fix are true. At several points in the opera, the Lardner character refers to Jackson as a “God on earth.” With the Sox down three games to one, Jackson and Williams decide to play to win because they feel they are at risk of not getting any money.

Several games later the players celebrate at a saloon after they have just won two in a row. Gandil realizes Jackson is having second thoughts, at which point Burns and Attell appear. They hand Gandil \$20,000, which they tell him is from Rothstein:

\$10,000 for Jackson and \$10,000 for Cicotte. Gandil and his henchman Fred McMullin keep half and give \$5,000 to each player. A gangster also confronts Jackson and lets him know that if they don't lose, his wife will be killed. When Williams hears this, he offers to throw the game.

The second act opens in the White Sox locker room at the end of the 1920 season with the players in a somber mood, despite having again qualified for the World Series. Rumors of a fix of the 1919 Series abound, and Jackson is wracked with guilt. He confesses to his wife, who suggests he make a clean breast of everything at the courthouse. In somewhat of a non-sequitur, the next scene has



St. Paul Pioneer Press, March 17, 2019; Photo by Cory Weaver

***Joshua Dennis as Shoeless Joe Jackson, Daniel Walton as Happy Felsch, Christian Thurston as Buck Weaver, and Calvin Griffin as Eddie Cicotte in Minnesota Opera Company world premiere of The Fix***

Jackson confessing to Austrian and a stenographer, and under pressure from Austrian he names the other players involved, effectively blowing open the fix. When he confesses, Jackson says he always played to win, that he couldn't play any other way.

With the players exposed, Austrian, Comiskey, and Commissioner Landis meet. Austrian initially hopes Landis will just fine the players, but Landis makes it clear he has a more dire punishment in mind. Austrian and Comiskey eventually see this as a silver lining as they will be able to get out from under some bloated contracts and find some young power hitters like Babe Ruth. Exactly how Comiskey is a cheapskate but also burdened with overpriced contracts with the Black Sox players remains unclear. The trial is one of the better scenes. Burns is the star witness, and Puckett gives him several funny and clever lines. The players are found not guilty of the various conspiracy charges and celebrate that evening. Landis then gives his ruling that he is banning the eight.

The opera itself was quite enjoyable, particularly the second act. The subject matter, however, left Puckett with two difficult characteristics that were never fully overcome. The main characters of the story are all men, leaving little room for female characters. In fact, only Joe Jackson's wife Katie had a solo role in the production, played well by Jasmine Habersham. The sheer number

of players made it hard to tell them apart, given they were often dressed in uniform.

Not surprisingly, the opera made Joe Jackson the central character, and Joshua Dennis sang the role expertly, highlighting his moral dilemmas, though no 32-year-old major league veteran could be quite as feckless as Jackson was portrayed. Gandil, played by Wei Wu, was another standout. Austrian was the clear villain and afforded many of the best lines.

Puckett did a nice job of matching music to the emotion of the scene and the general plot line. For example, in the first act much of the music was complex in tone, dramatizing the angst of the players, particularly Jackson. This leads to the second limitation of the subject matter. Because of the complexity of the plot, too much of the opera was recitative, resulting in too few arias and ensembles. Testifying to this shortage, there was no clapping during the performance other than at the end of the first act and the end of the opera itself.

The staging was well done, with a backdrop of bleachers so that the action appeared to take place under them. The various locations of the action—the locker room, nightclubs, offices, courtroom—were all nicely set to the era and easily transformable from one to another. The actors did several pantomimes of warming up and playing, and these baseball scenes were quite passable. Jackson also swung his bat from the left side.

The pre-opera talk also requires a little commentary. The discussion and demonstration of the music was enlightening and entertaining. The illustrations of the leitmotif “I’m Forever Blowing Bubbles” and the influence of Jelly Roll Morton, an important jazz musician of the era, were likewise interesting and enjoyable. In the discussion of the fix itself, however, some of the facts were incorrect. For example, Comiskey was not a skinflint who blatantly underpaid his players in comparison to other owners; it’s not correct that the players never did get paid; the antitrust challenge that led to the U.S. Supreme Court ruling that baseball was not subject to antitrust laws was not brought by the players but by the Baltimore Federal League franchise; the Supreme Court did not rule baseball was too important to be governed by antitrust laws but because it did not fit the definition of interstate commerce; and Arnold Rothstein was not a Chicago gangster—he was a New Yorker.

Baseball was at the heart of American society and culture for nearly all of the twentieth century. Let’s hope other artists follow Puckett’s example and use the national pastime to illustrate their messages and themes.

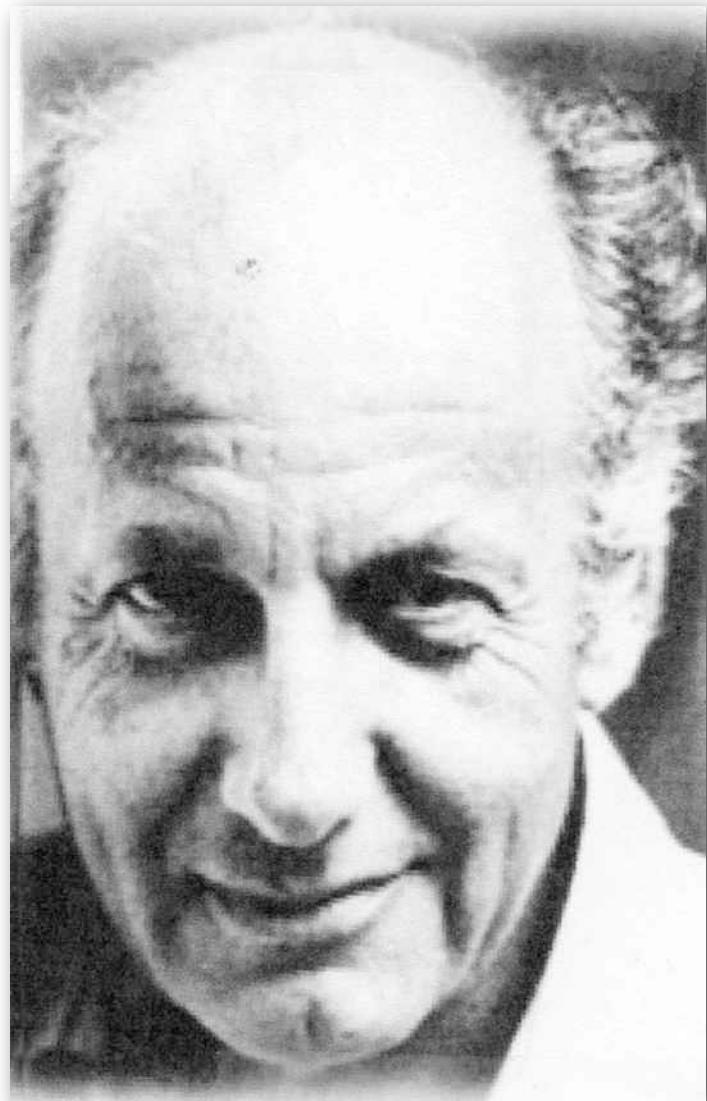
*The Fix* was debuted by the Minnesota Opera Company and ran from March 16 to 24. Minnesotan Dan Levitt is the editor of the newsletter’s book review section and the 2015 Bob Davids Award winner, SABR’s highest accolade.

**BASED ON A TRUE STORY:  
ELIOT ASINOF, JOHN SAYLES,  
AND THE FICTIONALIZATION  
OF THE BLACK SOX SCANDAL**

by Bill Lamb

Since first published in 1963, *Eight Men Out: The Black Sox and the 1919 World Series* by Eliot Asinof has popularly been viewed as the definitive exposition of the Black Sox scandal – an authoritative account of the interaction between gamblers and corrupted Chicago White Sox players; the exposure of the fix conspiracy; the ensuing judicial proceedings; and the expulsion from Organized Baseball of Shoeless Joe Jackson, Buck Weaver, Eddie Cicotte, and the others by Commissioner Landis notwithstanding the not guilty verdicts rendered at their criminal trial. Over the more than half-century since *8MO* was released, however, our understanding of the scandal has not remained static. To the contrary, it has expanded significantly. And while we may not know everything that attended the debasement of the 1919 Series, we now know a lot more about the matter than Asinof did.

The revelations of new Black Sox-related evidence, including the trove of long-lost scandal artifacts acquired by the Chicago History Museum in 2007, have prompted critical reappraisal of *Eight Men Out*. In the writer's view, *8MO* remains an engaging read to this day. But it can no longer be considered reliable history. Rather, the work belongs in the category of historical fiction, a based-on-a-true-story treatment of the Black Sox affair, complete with the fictional characters, invented dialogue, and made-up events inherent to the genre. But the book's central flaw may be omniscience, a narrative voice that regularly penetrates the minds of the scandal's actors, revealing the innermost thoughts of all involved, including many – Arnold Rothstein, Kid Gleason, Sport Sullivan, etc. – who were closed-mouthed about the scandal when it publicly erupted in the early 1920s and long-dead by the time that Asinof commenced his research for the book.



**Eliot Asinof**

To substantiate the downgrading of *Eight Men Out*'s place in scandal history, the text below examines various Black Sox-related matters – both large and small – that Eliot Asinof got wrong. Or made up. To the extent that the evidence permits, the writer will then attempt to set the historical record straight. More expansive treatment of Asinof errata is provided in the Appendix of the Black Sox Scandal Research Committee's Eight Myths Out project, accessible on-line via <https://sabr.org/eight-myths-out/appendix>. Thereafter, this exercise will be repeated for the 1988 John Sayles film version of *Eight Men Out*, a handsomely-costumed historical fraud that has done far greater damage to accurate public perception of the Black Sox scandal than the Asinof book, there being an

incalculable number of viewers of the Sayles film in movie theaters, television reruns, DVD, and via streaming for every reader of Asinof.

In their defense, neither Eliot Asinof nor John Sayles was the original fabulists in the Black Sox case. Nor did they invent the scandal's central myth, i.e., that the perfidy of the corrupted players was grounded in the miserly wages paid by White Sox club owner Charles Comiskey. The notion that Comiskey was tight-fisted, rather, was invented by Black Sox defense attorneys in 1921, part of an ultimately successful strategy to deflect responsibility for Series corruption onto culprits other than those on trial. Today, we know better. As irrefutably established by bona fide player salary data reviewable at the Giamatti Research Center in Cooperstown, the 1919 Chicago White Sox had one of the highest payrolls in baseball. As noted by Black Sox scholar Bob Hoie in his illuminating article "1919 Baseball Salaries and the Mythically Underpaid Chicago White Sox,"<sup>1</sup> defense dissembling about what the players had been paid did not go unaddressed by Black Sox prosecutors. Same was refuted during trial by introduction of actual salary data, with those salary figures contemporaneously reported in the press.<sup>2</sup> No matter. The defense allegation that Comiskey was a skin-flint boss who underpaid his players had taken hold in public consciousness.

Although a shock when exposed, the fixing of the 1919 World Series did not stay long in the minds of most baseball fans. Fueled by the astonishing home run production of pitcher-turned-everyday slugger Babe Ruth, the game was entering a golden age, soaring to unprecedented popularity. Deadball Era events like the Black Sox scandal quickly became ancient history to the game's followers. But whenever the scandal did resurface, most often in random columns by then-sportswriter Westbrook Pegler, the niggardly salaries purportedly paid by Comiskey was a recurring theme.<sup>3</sup> By the early 1960s, however, nothing substantial on the scandal had been published for years.

# EIGHT MEN OUT

THE BLACK SOX *and the* 1919 WORLD SERIES

ELIOT ASINOF



## EIGHT MEN OUT: THE ASINOF BOOK

A sympathetic reading of his 1979 memoir *Bleeding Between the Lines* permits the view that Eliot Asinof wanted to write an historically credible, non-fiction account of the Black Sox scandal. But 40 years after-the-fact, he lacked the means to do so. Vital documentary evidence, particularly the grand jury and criminal trial transcripts, had gone missing; surviving scandal operatives were few and mostly unwilling to talk to Asinof, and the sheer passage of time had shrouded events. Rather than abandon the project, Asinof adopted an alternative course. He would author a plausible account of how scandal-related events COULD have happened. To do this, he would employ literary license, integrating vintage newspaper reportage, information supplied by two cooperative fix-insider informants,<sup>4</sup> and available shards of history with content supplied by artistic

imagination. Regarding the latter, Asinof filled in the blanks where the historical record was lost or silent by using fictional characters, invented dialogue, and author-manufactured events to sustain reader interest and move the action forward. Representative examples of same are discussed below. But for those desirous of even more detail, specific (but non-exhaustive) identification of 73 instances of factual error or misrepresentations, 18 invented colloquies, 32 mind-readings, and the at-least one fictional character extant in the pages of *Eight Men Out* is provided in the accompanying Appendix.<sup>5</sup>

Whether it was Asinof's intention or not, the public took *Eight Men Out* literally, assuming the narrative was an authentic evidence-based account of the Black Sox scandal – a process facilitated by the book's lack of bibliography, footnotes to sources, or other indicia of where Asinof had drawn his material from. Seemingly immune to scholarly scrutiny, the *8MO* fabrications start early. In the Preface, for example, Asinof states: “[Reputed fix financier Arnold] Rothstein’s partner, Nat Evans, dies in 1959 permitting [Asinof informant] Abe Attell, another ex-Rothstein associate, to reveal his participation in the fix.”<sup>6</sup> In fact, Evans [nee Evensky] died in a Manhattan hospital on February 6, 1935.<sup>7</sup> Also stated in the Preface: “Three of the eight ball players signed confessions, but they were stolen from the Illinois State’s Attorneys Office before trial.”<sup>8</sup> Actual facts: There were no “signed confessions” in the Black Sox case. Stolen from the Cook County (not Illinois) State’s Attorneys Office were the original typed transcriptions of the grand jury testimony of Eddie Cicotte, Joe Jackson, and Lefty Williams. Like all grand jury testimony transcripts, these documents were unsigned. More important, the theft was discovered well in advance of trial, after which the missing transcripts were recreated by means of the preserved handwritten shorthand notes of grand jury stenographers Walter J. Smith and Elbert Allen. During the Black Sox trial, the grand jury testimony of defendants Cicotte, Jackson, and Williams was read to the jury at length.<sup>9</sup>

The falsity of Asinof’s relentless portrayal of Sox club owner Comiskey as a penny-pincher who grossly underpaid his employees has been exposed by Bob Hoie and other modern Black Sox researchers. As previously stated, the 1919 White Sox payroll was among the highest in baseball, well above that of their Series rival, the Cincinnati Reds. And the putatively victimized Eddie Cicotte was more-than-adequately compensated, being the second-highest paid pitcher in baseball for the 1918-1919 seasons. Only Washington Senators ace Walter Johnson was paid more.<sup>10</sup> Equally spurious is the claim that Cicotte was euchred out of a promised bonus for winning 30 games (during the 1917 season according to Asinof. Filmmaker Sayles transfers the bonus to the 1919 season for dramatic purposes). The bonus claim is entirely apocryphal.<sup>11</sup> Indeed, during post-scandal civil litigation instituted by several other banished players, Cicotte reportedly said, “I am not suing Comiskey myself. He paid every nickel I was entitled to ... and I have no ill-feelings against him.”<sup>12</sup> Finally, Cicotte was not prevented from winning 30 games either season, as he was given the late-campaign starts needed to achieve 30 wins during both campaigns, bonus or not.<sup>13</sup>

When the narrative in *Eight Men Out* segues into scandal set-up territory, the author flunks a sports trivia test. Among other things, Asinof misinforms (presumably innocently) readers about informant Abe Attell’s background and the former featherweight champion’s boxing record<sup>14</sup>; mangles the names of various ballplayers and fix-connected gamblers<sup>15</sup>; misidentifies other book characters<sup>16</sup>; and provides erroneous baseball stats.<sup>17</sup> In a far more serious vein, Asinof then makes a muddle of Joe Jackson’s grand jury testimony, misstating important aspects of its content and confusing public remarks made by Jackson outside the grand jury room with what Jackson had said previously inside it. Page space limitations preclude exposition herein but the specifics are provided in this article’s Appendix. See Part I, Factual Errors and Misstatements Made by Asinof, notes 37-45. See also, Bill Lamb, “An

*Ever-Changing Story: Exposition and Analysis of Shoeless Joe Jackson's Public Statements on the Black Sox Scandal,"* *Baseball Research Journal*, Vol. 48, No. 1 (Spring 2019), 37-48.

No serious issue can be taken with Asinof's charge that Sox club owner Comiskey acted self-interestedly following the corruption of the 1919 World Series. Despite public posturing about wanting to get to the bottom of Series fix rumors, Comiskey acted to conceal the fix, withholding incriminating information about the Black Sox gathered by his private investigators. He also extended new contracts, with handsome salary increases to boot, to Joe Jackson, Happy Felsch, Swede Risberg, and Lefty Williams, despite the fact that each had been implicated in the Series fix. But Asinof's insinuation (and an express charge of the Sayles film) that Comiskey funded the Black Sox legal defense fails the proof test – because there is none. In *Bleeding Between the Lines*, Asinof reveals that this contention was the surmise of trial judge Hugo M. Friend.<sup>18</sup> But Friend offered no proof in support of his speculation during his 40-years-after-the-fact conversation with Asinof. And not a scintilla of evidence that Comiskey paid for the Black Sox lawyers has emerged in the near-60 years since Friend voiced the notion.

Doubtless well-intended Judge Friend was not just the source of one literary bum steer. He was also the apparent inspiration of a vivid *Eight Men Out* cover-up vignette that is patently false. A 1931 biography of recently-deceased attorney William J. Fallon, briefly the star of the New York City criminal defense bar, portrayed him as the mastermind of strategy pursued by suspected Series fix financier Arnold Rothstein to avoid indictment by the Cook County grand jury.<sup>19</sup> When Asinof was doing his book research some four decades later, Friend told him that "I'd heard that Fallon and Rothstein met with Alfred Austrian, Comiskey's attorney," when the pair came to Chicago.<sup>20</sup> And seemingly on this basis, Asinof proceeds to place Fallon center-stage for the Rothstein grand jury appearance. "For the first and only time during its lengthy session, a witness was permitted the company and support

of counsel during questioning. William J. Fallon accomplished this by holding that condition as the price of his client's testimony. If they wanted Rothstein, they had to take Fallon with him."<sup>21</sup>

This is nonsense. As reported at the time in the press, negotiations to get Rothstein, a New York resident beyond the subpoena power of the Cook County grand jury, to appear and testify voluntarily were conducted with Rothstein attorney Meier Steinbrink, not Fallon.<sup>22</sup> Nor did Fallon accompany Rothstein to Chicago; Fallon never left New York. At the same time that Rothstein was testifying before a far-away grand jury, Fallon was on his feet in the Manhattan courtroom of Judge Joseph F. Mulqueen successfully opposing a prosecution motion to delay the imminent trial of the conspiracy/war bond robbery charges lodged against client Nicky Arnstein.<sup>23</sup> Actually accompanying Rothstein to Chicago was another of his regular attorneys, Hyman Turchin.<sup>24</sup> The historical record, however, is utterly devoid of evidence that Turchin, or any other Rothstein lawyer, was present in the grand jury room during Rothstein's testimony.

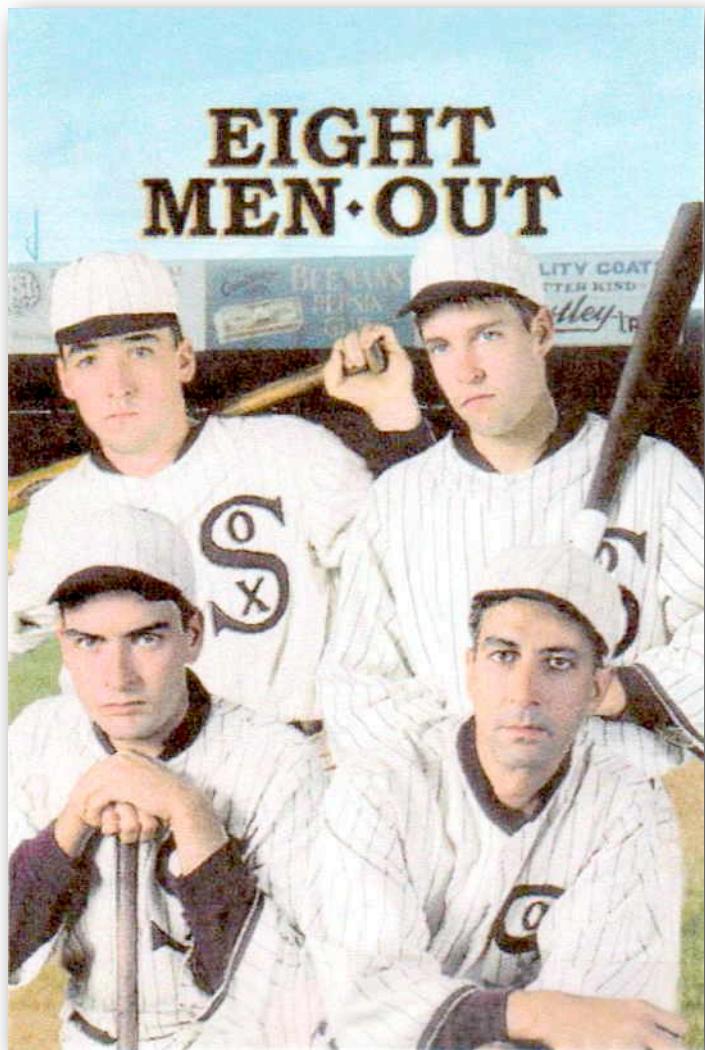
The *Eight Men Out* account of Black Sox-related judicial proceedings is marred by factual error<sup>25</sup> but, to Asinof's credit, it does not pretend (as does the Sayles film and the Ken Burns 1994 PBS documentary *Baseball*) that the Cicotte, Jackson, and Williams grand jury confessions suddenly disappeared on the eve of trial, or that the confessions were not used by prosecutors during their case, as indeed they were, extensively. But one scandal fiction intentionally created by Asinof has permanently embedded itself into retellings of the Black Sox saga. For copyright protection purposes, Asinof was advised to insert something original and distinctive into his manuscript so that it might serve as a tell-tale sign of unauthorized use of his work by later Black Sox authors.<sup>26</sup> To accomplish this, Asinof created fictional characters, the most memorable of whom is *Harry F.*, the thug "with a raspy voice" who threatens Lefty Williams into his dismal pitching effort in Game Eight. Although this make-believe villain became enshrined in

subsequent treatments of the scandal, Asinof never actually instituted copyright infringement litigation against those plagiarizing his work. But he reportedly took private satisfaction whenever *Harry F.* was incorporated into a Black Sox "documentary."<sup>27</sup>

A detailed accounting of the invented dialogue and other manifestations of literary license infused into *Eight Men Out* by its author is set forth in Asinof Appendix, Part II, and need not be retyped here. The same goes for the instances of narrative omniscience that pervade the book. See Asinof Appendix, Part III. Suffice it to say that the Asinof source for such revelations as Sport Sullivan's "surprise" at Nat Evans' delivery of \$40,000 in fix payoff money (on page 36); what Arnold Rothstein was thinking after the White Sox won Game Seven (page 112); Lefty Williams' assessment of his self-worth as he warmed up to pitch Game Eight (page 114); and that Kid Gleason "felt frightened for himself" in the face of swirling Series fix rumors (page 180)<sup>28</sup> is an unsolved mystery. None of these men are known to have unburdened themselves on such matters while living, and all four were dead by the time that Eliot Asinof decided to write about the Black Sox scandal.

#### **EIGHT MEN OUT: THE SAYLES FILM**

Some 25 years after Eliot Asinof's *Eight Men Out* was published, Orion Pictures released John Sayles's film version of the book. Like everyone else in 1988 (including the writer), Sayles considered Asinof's work to be non-fiction. And a tolerant reading of events would not begrudge Asinof the intention of trying to produce a factual account of the Black Sox scandal, even though it is obvious nowadays that he failed to do so. The Sayles's film is another matter entirely. Sayles's objective was not to document history on film. It was to provide movie audiences with entertainment and to make a profit at the box office. To that end, his screenplay – Sayles served as screenwriter and director of the film, acted the role of Chicago sportswriter Ring Lardner, and co-wrote one of the soundtrack's original songs, as well – exhibits no compunction about departing from



**Movie Ad**

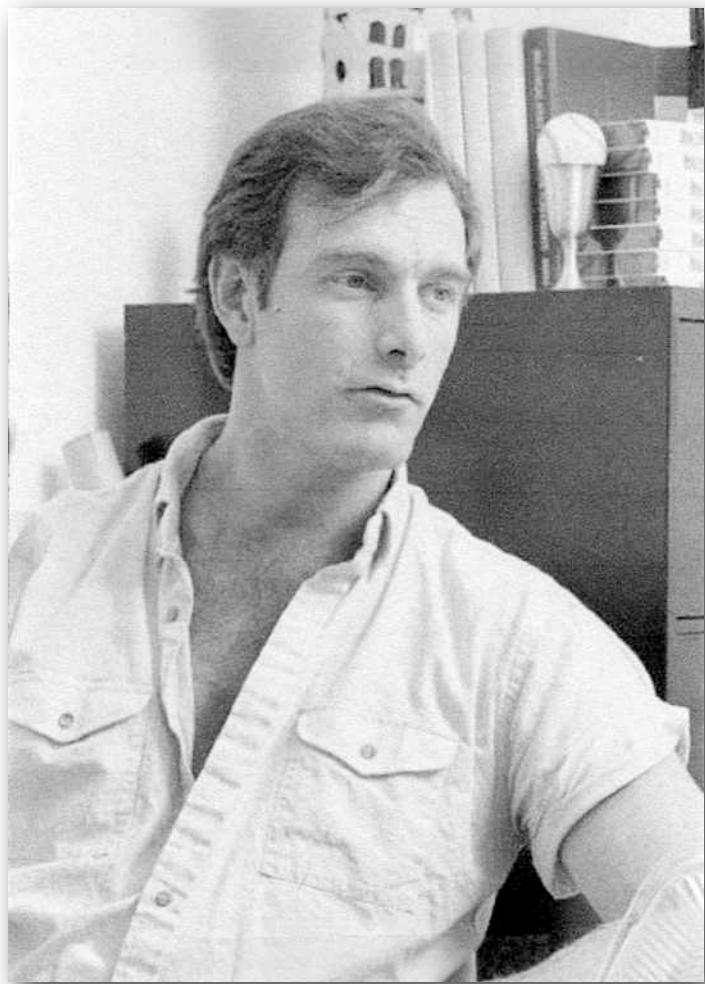
the Asinof text where cinematic goals can be better achieved by Sayles's own collection of fictional characters, invented dialogue, and made-up events. The results, at best, are mixed, with the risible, historically-fraudulent depiction of events in and about the Cook County Courthouse being the film's lowlight.

In offering this critique, the writer appreciates that creative artists like Eliot Asinof and John Sayles have the right to imbue their depictions of real-life events with a point of view. Although contrary to the weight of the evidence extant when the film was made (and virtually crushed by damning scandal artifacts recovered during the past 30 years), it was Sayles's prerogative to portray Buck Weaver as a non-fix participant, Eddie Cicotte as a most reluctant conspirator, and Black Sox players as exploited by their

employer. Far less legitimate, in what purported to be a “non-fiction” work, was the buttressing of these viewpoints with contrived renderings of fact. Or Sayles’s resort to undergirding his sympathies with scenes and characters that are either entirely fictional, or real but deliberately portrayed in a false light. John Sayles, of course, did not invent the highly fictionalized non-fiction historical movie. To the contrary, filmdom abounds with other, more egregious, illustrations of the form. See e.g., *The Birth of a Nation*, D.W. Griffith’s 1915 portrayal of heroic Reconstruction Era Ku Klux Klansmen saving Southern virtue from drunken, rapacious former slaves, or *JFK*, Oliver Stone’s near-deranged 1991 take on the Kennedy assassination. Clearly, no rational person would equate the fixing of a sporting event to the national tragedies distorted by Griffith and Stone. But like the Griffith and Stone films, the movie version of *8MO* is of a kind, the pseudo-historical tale proceeding from a discredited central premise – for Sayles that being motivation supplied the corrupted players by the purported miserliness of White Sox owner Charles Comiskey.

Given its less-than-two-hours running time, the *Eight Men Out* film could not possibly incorporate all the mistakes contained in the Asinof book. But recitation of instances where the film faithfully reproduces an already-noted Asinof fact error or invention is both redundant and pointless. The errata lists contained in Sayles Appendix are, therefore, confined to original errors and misrepresentations, invented dialogue, and made-up events that Sayles injected into *Eight Men Out* entirely on his own. Here is but a sample of the mistaken or phony Sayles-created matters presented in the film.

After a languid rolling out of the film’s credits, Sayles wastes little time injecting fantasy into his film, as viewers are immediately introduced to *Scooter* and *Bucky*, the fictional street urchins whom film hero Buck Weaver will use as a sounding board for expression of his love of baseball, professions of fix innocence, etc.<sup>29</sup> Sayles then sets about getting facts wrong. In his very first baseball scene, he depicts lefty-batting



**John Sayles**

Eddie Collins as a right-handed hitter. Seconds later and against a St. Louis Browns right-handed pitcher, switch-hitter Buck Weaver also bats righty.<sup>30</sup> After the White Sox win the game to clinch the 1919 pennant, the film switches to the locker room where the players’ bonus from club owner Comiskey for the winning the championship is a case of flat champagne. Actual facts: The original source of this scene is likely Chick Gandil’s notoriously unreliable 1956 *Sports Illustrated* article which stated: “I recall only one act of generosity on Comiskey’s part. After we won the World Series in 1917, he splurged on a case of champagne.”<sup>31</sup> To fit his movie portrayal of Comiskey as a “cheap bastard,” Sayles makes the champagne flat, and presents it as a substitute for (fictitious) cash bonuses promised the Sox players for winning the 1919 AL pennant.

To economize on exposition, the film condenses events attending the coalescing of the plot to fix the upcoming World Series. In the process, Sayles takes abundant liberty with the historical record. For example, the film portrays Swede Risberg (rather than Gandil collaborator Eddie Cicotte) as co-architect of the fix conspiracy. To that end, the film has Risberg recruit Shoeless Joe Jackson to join the fix. Actual fact: According to his grand jury testimony, Jackson was propositioned solely by Chick Gandil.<sup>32</sup> While an enthusiastic fix participant, Risberg was not involved in the fix recruitment process. The pace of the film's factual errors picks up as the 1919 World Series begins. Just before Game One starts in Cincinnati, Sayles places fix gamblers Bill Burns and Billy Maharg in seats at Redland Field. Actual fact: Neither Burns nor Maharg attended the Series opener.<sup>33</sup> After control artist Cicotte hits Reds leadoff batter Morrie Rath to signal that the fix is on,<sup>34</sup> Sayles focuses on Buck Weaver. To demonstrate that the innocent Weaver has rejected fix overtures and is playing to win, the game action has Weaver making a diving stop of a hot shot to third and then rifling a strike to scowling first baseman Gandil for the putout. Actual facts: Jake Daubert, the Reds second batter, singled to right-center, sending Rath to third. Rath then scored on a sacrifice fly hit by third batter Heinie Groh.<sup>35</sup>

After the Sox threw Game One, the film shows Fred McMullin delivering a payoff to Joe Jackson in his hotel room. But Jackson, portrayed as depressed by his agreement to participate in the fix, is indifferent to the money. Actual facts: The payoff, \$5,000 of the \$20,000 promised Jackson, was delivered by Lefty Williams (not McMullin) before the team left Chicago for Game Five in Cincinnati (not after Game One).<sup>36</sup> Nor was Jackson indifferent about his fix money, as he had quizzed Gandil about the non-delivery of expected payoff installments after Game One, Game Two, and Game Three.<sup>37</sup> Indeed, Jackson was still miffed about his fix shortchange after his grand jury appearance a year later. Back in his hotel room that evening, Jackson complained: "I got \$5,000 and they

promised me \$20,000. All I got was the \$5,000 that Lefty Williams handed me in a dirty envelope. ... I never got the other \$15,000 that was coming to me."<sup>38</sup> Once Series corruption exposure newspaper headlines hit the screen, Sayles presents an unconcerned Happy Felsch regaling tavern patrons with tales of his connection to the fix. Actual fact: A seemingly contrite Felsch confessed his involvement in the fix to *Chicago Evening American* reporter Harry Reutlinger in the privacy of the Felsch apartment.<sup>39</sup>

As contrived as these aspects of the film are, screenwriter-director Sayles saves the worst for depiction of Black Sox-related legal proceedings, presenting a cringe-worthy cinematic farce with imaginary events and preposterous courtroom events dominating the final third of the film. For a particularized list of the film's courthouse fables, see the Sayles Appendix, Part I, Notes 17-20, and Part II, Notes 10-15. For here, two examples of fantasy Sayles injected into the film are: (1) a pretrial conference of the Black Sox and their lawyers presided over by White Sox corporation counsel Alfred Austrian, a completely imaginary event so farfetched yet malign in its depiction of the distinguished Austrian that it would likely have spawned legal action – if the law did not prohibit a defamation lawsuit being instituted on behalf of the decades-deceased barrister, and (2) the film's placement of baseball commissioner Landis in the courtroom gallery throughout the proceedings. In fact, Landis, still an active sitting federal district court judge in 1921, had a busy court calendar of his own to manage and never set foot inside the Cook County Courthouse.<sup>40</sup> Yet another Sayles invention involves a trial scene wherein Buck Weaver jumps up and loudly announces his displeasure with defense counsel, his frustration with their decision not to have the defendants testify, and his desire to have a separate trial, only to be threatened with contempt for the outburst by Judge Friend. Actual Fact: As extensive contemporaneous reportage of the Black Sox proceedings attests, Weaver never uttered an audible word during the

course of the trial. The film incident is entirely invented.

Although there are other worthy contenders, the nadir of the Sayles film probably resides in depiction of defense cross-examination of fix insider Billy Maharg. When Maharg refers to Black Sox confessions, defense counsel inquires where these confessions are. Gathered press and courtroom spectators are then stunned by prosecutors' revelation that the players' incriminating grand jury statements have been stolen – the unstated implication being that as a consequence, the jury will never hear the confession evidence. This, in turn, allows disillusioned newsmen Hugh Fullerton and Ring Lardner to affirm their suspicions that the trial's outcome has been prearranged and that Not Guilty verdicts are assured the Black Sox. Actual facts: As the historical record establishes, the missing confessions were old news by the time that Maharg took the witness stand on July 27, 1921. Seven months earlier, the theft of the grand jury testimony and other evidence had been publicly revealed and widely reported in the press.<sup>41</sup> Left unmentioned by filmmaker Sayles is the fact that the missing transcripts of the Cicotte, Jackson, and Williams grand jury testimony had been recreated well in advance of trial and deemed admissible in evidence by Judge Friend. And by the time that Maharg testified, the jury had already heard the three players' grand jury testimony at length.<sup>42</sup> Indeed, even the Asinof version of *Eight Men Out* acknowledges prosecution use of the confession evidence.<sup>43</sup> In sum, the dramatic missing confessions courtroom scene of the Sayles film is a fraud.

If the missing confessions scene is the film's most dishonest trial moment, an overwrought pre-verdict scene is its most ludicrous. After the jury has been returned to the courtroom to deliver its verdict but before same is announced, Judge Friend declares that if anyone present wants to make a statement, now is the time. At this, indignant Buck Weaver rises to protest his innocence, complain about not being allowed to testify, and the like. Actual facts: Apparently,

Sayles thinks the rendering of a verdict in a criminal case involves a ritual akin to that performed by a justice of the peace before he pronounces the happy couple husband and wife. But it does not. At the moment before verdict is rendered, the courtroom invariably goes deathly silent, with no defendant or spectator remarks sought or tolerated. The only statements elicited are those taken from the jury foreperson or the court clerk. The film's imaginary pre-verdict Weaver soliloquy is an unmitigated howler, farcical for film viewers with any modicum of real-life criminal trial verdict-taking experience.

In the film's final scene, a banished-from-Organized Baseball Buck Weaver wistfully watches from the sidelines as fellow exile Joe Jackson swats a triple for a semipro team from Hoboken, New Jersey. In the interview included in the 20th anniversary DVD of *Eight Men Out*, Sayles admitted the event was a product of artistic imagination, not fact. This, in the writer's opinion is entirely fitting, as a make-believe scene provides an apt coda for a film so thoroughly suffused with fantasy.

Since the *Eight Men Out* film was released in 1988, there have been other treatments of the Black Sox scandal, most notably a segment in the Ken Burns PBS documentary *Baseball*. Because these works have, perhaps understandably, treated the Asinof book and Sayles film as historically accurate, Black Sox myths and misrepresentations have been perpetuated. The purpose of this article is not to advocate suppression of the book or film versions of *Eight Men Out*, as both retain value as entertainment. But neither work is reliable history. As we near the centennial of the 1919 World Series and others turn their talents to retrospective looks at the Black Sox scandal, it is hoped that the artistic imaginings of Eliot Asinof and John Sayles will not be mistaken for fact. The actual story of the fixing of the 1919 Series, to the extent that it is available to us in the historical record, provides material every bit as riveting as the based-on-a-true-story fictionalization of the Black Sox saga that baseball fans have been given for the last half-century.

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## ENDNOTES

1. Published in *Base Ball, A Journal of the Early Game*, Vol. 6, No. 1, Spring 2012, 17-34.
2. See e.g., the *Chicago Journal* and *Chicago Evening Post*, July 19, 1921, and *Chicago Herald-Examiner*, July 20, 1921.
3. Pegler is best remembered today as an anti-New Deal political commentator. For a sampling of his writings on the Black Sox scandal, see Hoie, "1919 Baseball Salaries," 18-20.
4. Identified in his memoir, Asinof's two fix insider-type informants were ancient boxing champ turned gambler Abe Attell, an engaging but incorrigible rogue not overly fussy about the truth, and banished White Sox centerfielder Happy Felsch, an amiable dunce who participated in the fix but had little understanding of how it worked or who financed it. Asinof also spoke to Clean Sox hurler Red Faber who imparted virtually no insight into the fix, and Judge Hugo M. Friend, the 82-year-old jurist who had presided over the Black Sox criminal trial some four decades earlier. See Eliot Asinof, *Bleeding Between the Lines*, (New York: Holt, Rinehart and Winston, 1979), 93-94, 103-117.
5. Essentially a one-hit-book wonder, Asinof returned to the Black Sox scandal in 1990, recycling the errors of *8MO* and adding a few new ones in *1919: America's Loss of Innocence* (New York, Donald I. Fine, Inc., 1990).
6. Eliot Asinof, *Eight Men Out: The Black Sox and the 1919 World Series* (New York: Holt, Rinehart and Winston, 1963), Preface, xii.
7. See Bruce Allardice's comprehensive profile of Nat Evans for the SABR BioProject, citing the Evans obituary and follow-up story published in the *Saratoga Springs (New York) Saratogian*, February 6 and 10, 1935.
8. Asinof, *Eight Men Out*, Preface, xii.
9. As reported in the *Chicago Herald-Examiner*, *Chicago Tribune*, *Savannah Daily News*, and elsewhere, July 26, 1921.
10. Per Bob Hoie, "Black Sox Salary Histories, Part II," *The Inside Game*, Vol. XII, No. 2, May 2013, 23-24. See also, Jacob Pomrenke, "American League Salaries," *Scandal on the Southside: The 1919 Chicago White Sox* (Phoenix: SABR, 2015), 294-297.
11. Hoie, "1919 Baseball Salaries," 18-19, and Gene Carney, *Burying the Black Sox: How Baseball's Cover-Up of the 1919 World Series Fix Almost Succeeded* (Washington, DC: Potomac Books, Inc., 2007), 193-198.
12. Per letter of private investigator John R. Hunter to White Sox corporation counsel Alfred S. Austrian, dated August 22, 1922, located in the Chicago History Museum Black Sox file, Box 1, Folder 6.
13. As established by review of Retrosheet game logs for the 1917 and 1919 Chicago White Sox. See also, Gene Carney, "The Mysterious Mr. Cicotte" in *Mysteries from Baseball's Past: Investigations of Nine Unsettled Questions*, Angelo J. Louisa and David Cicotello, eds. (Jefferson, North Carolina: McFarland, 2010), 93-94.
14. For the particulars, see Appendix: Factual Errors and Misstatements Made by Asinof, notes, 13-15.
15. Ibid., notes 16, 17, 21, 23, 27, 33, and 34.
16. Ibid., notes 18, 19, 20, 24, 26, 31, 35, and 36.
17. Ibid., notes 20, 28, 30, and 32.
18. Asinof, *Bleeding Between the Lines*, 111.
19. See Gene Fowler, *The Great Mouthpiece: A Life Story of William J. Fallon* (New York: Covici-Friede, 1931), 201-206.
20. Asinof, *Bleeding Between the Lines*, 111.
21. Asinof, *Eight Men Out*, 218.
22. See e.g., the *Chicago Tribune* and *Richmond Times-Dispatch*, October 20, 1926.
23. As reported (with mention of Fallon by name) in "Dooling Loses Again," *New York Evening World*, October 26, 1920. See also, "Arnstein Bond Case Is Ready for Trial," *New York Herald*, October 26, 1920, and "Arnstein Trial Is Set for Next Week," *New York Tribune*, October 26, 1920.
24. As reported in the *Chicago Evening Post*, October 26, 1920. Turchin's identity as Rothstein's legal counsel during his Chicago trip was subsequently confirmed by Alfred Austrian while testifying in the trial of Joe Jackson's civil suit against the White Sox, as memorialized in the Jackson case trial transcript, pp. 929-937.
25. See Appendix: Factual Errors and Misstatements made by Asinof, notes 51-63, 65-68, and 70.
26. As explained in *Bleeding Between the Lines*, 42-43. More detail is provided in Appendix, Part

II: Asinof Fictional Characters, Invented Dialogue, and Manufactured Events, Section A.

27. As per Chicago Baseball Museum founder David Fletcher, recalling a late-life conversation that Asinof had with him and fellow scandal researcher Gene Carney. See Black Sox panel discussion at the 2013 SABR Convention viewable on YouTube.
28. Page references correspond to the 1988 paperback edition of *Eight Men Out*.
29. The purposes of this article do not include laying out the case against Buck Weaver. Suffice it to say that many Black Sox researchers (including the writer) view the evidence implicating Weaver in the fix of the 1919 Series as near-overwhelming, and that a number of his teammates, particularly Eddie Collins and Dickey Kerr, thought Weaver was among the Black Sox players who threw regular 1920 season games, as well.
30. For the way that the two actually batted, see the Baseball-Reference entries for Eddie Collins and Buck Weaver.
31. "This Is My Story of the Black Sox Series," by Arnold (Chick) Gandil as told to Mel Durslag, *Sports Illustrated*, September 17, 1956.
32. See grand jury testimony of Joe Jackson, September 28, 1920, at JGJ 5-7 to 13; JGJ 7-13 to 24.
33. See Rob Edelman, "For the Record: The Movies, *Eight Men Out*, and Historical Accuracy," *Base Ball, A Journal of the Early Game*, Vol. 6, No. 1, Spring 2012, 103.
34. According to Asinof in *1919: America's Loss of Innocence*, 300. Before the grand jury, Cicotte had testified that he was supposed to walk the Reds lead-off batter, and hit him by accident, as memorialized in the January 14, 1924 Cicotte deposition for the Jackson civil suit against the White Sox.
35. As reflected in the game play-by-play that Sayles told viewers of the 20th anniversary DVD edition of *Eight Men Out* he had in his possession while writing the screenplay. For a more convenient reference for game action, see William A. Cook, *The 1919 World Series: What Really Happened?* (Jefferson, North Carolina: McFarland, 2001), 17-26.
36. As per JGJ 5-7 to JGJ 6-14 and JGJ 7-20 to JGJ 8-1, and grand jury testimony of Claude (Lefty) Williams, September 29, 1920, at WGJ 26-30 to WGJ 27-26 and WGJ 30-4 to 17.
37. See JGJ 9-24 to JGJ 10-18.
38. As reported in the *Chicago Journal*, *Chicago Tribune*, *Cincinnati Post*, *New Orleans State*, and elsewhere, September 29, 1920.
39. As recounted by Reutlinger in the *Chicago Evening American*, September 30, 1920.
40. Landis's whereabouts and activities during the trial of the Black Sox case are reported in the news articles cited in Sayles Appendix, Part II, note 11. Landis, however, kept abreast of developments in the Black Sox case by the delivery of daily copy trial transcripts to his chambers in the federal courthouse, as reported in the *Chicago Evening Post*, July 26, 1921.
41. See e.g., the *Boston Globe*, *Chicago Tribune*, and *Washington Post*, December 8, 1920.
42. As reported in the *Chicago Herald-Examiner*, *Chicago Tribune*, *Savannah Daily News*, and elsewhere, July 26, 1921.
43. See Asinof, *Eight Men Out*, 257-260.

After Tuesday's game the Cincinnati fans were so disgusted that they started many rumors. Among these was a story that Eddie Collins had been bribed by gamblers to throw his games, that Duncan of the Reds failed to win his second game because he was celebrating the night before. Of course all such reports were pure bunk but they hurt baseball just the same.

*Bridgeport Times and Evening Farmer, October 11, 1919*



Gene Ahern

Pensacola (Florida) Journal, July 1, 1916

## **McFARLAND-SABR AWARD TO MCMURRAY**

Congratulations to Deadball Era Committee chairman John McMurray. His outstanding article "Addie Joss and the Benefit Game" was among the works chosen for this year's McFarland-SABR Award. The award is conferred annually upon the best articles on baseball or biography published during the preceding year. John's piece on the Joss benefit game appeared in *Base Ball, New Research on the Early Game*, Vol. 10, 2019.

## **NEW DEADBALL ERA COMMITTEE MEMBERS**

*The Inside Game* is pleased to welcome to the committee the following SABR members who have expressed interest in the Deadball Era:

**Brett Bosley**  
**David Clark**  
**Tim Fodge**  
**Peter Lutz**  
**Mark Morowczynski**  
**Chad Osborne**  
**Chris Ropes**  
**Steven Wyder**

We look forward to their active participation in committee endeavors. These new committee members, as well as our newsletter contributors, can be contacted via the SABR directory.

## **CORRECTION**

Our last issue's profile of 1908 New York Giants team physician Joseph Creamer by Bill Lamb misidentified the Creamer birthplace and capital of Prince Edward Island. Same is Charlottetown, not Charlottesville. Thanks to Canadian SABR colleagues David Matchett and Bill Humber for clueing in the geographically-challenged author.

## **GAMES/BIOPROJECT**

Since our last newsletter, the Games Project and BioProject have posted a number of entries that should be of interest to DEC members. Deadball Era game accounts include the July 1901 contest wherein Harry Davis became the first American Leaguer to hit for the cycle; a June 1912 game in which Chief Myers did the same; and an account of Heinie Groh's July 1915 cycle game, all by Mike Huber. Also, a May 1902 game featuring two deaf players, Dummy Hoy and Dummy Taylor, by Michael Harrison; and Jacob Pomrenke pieces about the string of 1919 scoreless innings pitched by Eddie Cicotte, and a May 1919 on-field fistfight between Chick Gandil and Tris Speaker. Meanwhile, the BioProject has published profiles of Deadballers Ralph Carroll, Eddie Abbaticchio, Vic Aldridge, Harry Lochhead, Al Huenke, King Cole, and Dr. Joseph Creamer. We suggest that you give these a look if you have not done so already.

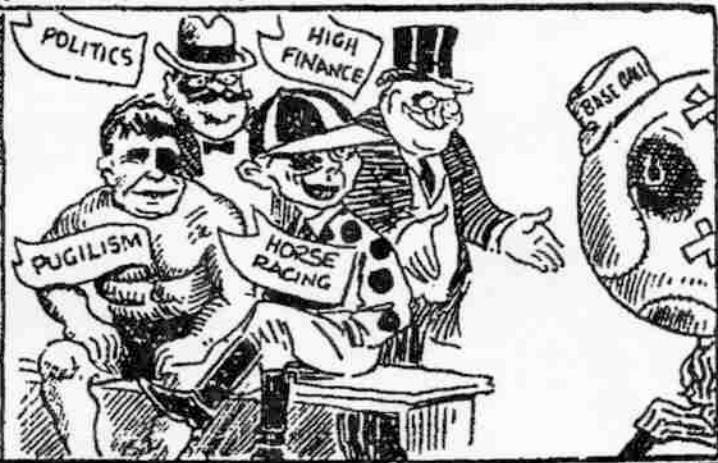
For readers who cannot get enough of the Black Sox, be sure to check out the June issue of the Black Sox Scandal Research Committee newsletter for the latest scandal-related news and committee activities from chairman Jacob Pomrenke, and research articles on *Collyer's Eye* and more evidence of corrupt Sox play in 1920 (Bruce Allardice); White Sox corporation counsel Alfred Austrian (Bill Lamb); Swede Risberg's post-expulsion playing days in North Dakota (Thomas E. Merrick), and the actual betting odds on the 1919 World Series (Kevin P. Braig).

# THE CHANGING WORLD

[Copyright: 1920: By The Chicago Tribune.]



*Our national sport as it has been regarded.*



*It now joins the "Black Eye club."*



*In America, 1775.*

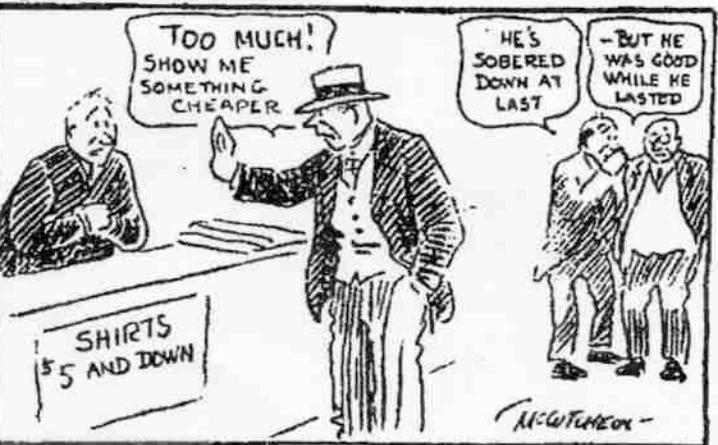


*In Ireland, 1920.*



*The squanderlust a few months ago.*

by John T. McCutcheon



*At present.*

Chicago Tribune, September 24, 1920