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Given the nationwide interest in the case, and the multiplicity of defense attorneys, jury selection in the Black Sox trial took longer than anticipated. The prosecution and defense eventually went through the regular jury pool of 100 people, plus five more special venires of 100, for almost 600 prospective jurors in all, before settling on the

By Bruce Allardice
bsa1861@att.net

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By Jacob Pomrenke
buckweaver@gmail.com

Last month, the Boston Globe responded to the U.S. Supreme Court’s decision in a landmark case on sports betting with a call for prudence if and when gambling on our favorite games is made legal. The Globe’s editorial board made its case this way:

Chicago White Sox players were so vulnerable to corruption in 1919 for one main reason: their salaries. ... The most vulnerable athletes now aren’t professionals ... the vast majority of college athletes have no chance of playing professionally, and know it, making them vulnerable to the kind of financial lures that snared [Eddie] Cicotte back in 1919.

While we can debate which athletes may be most susceptible

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In the 1915-16 offseason, Buck Weaver and Jim Scott of the Chicago White Sox launched a vaudeville tour with the four Cook Sisters: from left, Harriet, Marie, Vesta, and Helen. Helen Cook Weaver, Buck’s wife, was already a popular singing star on the stage by the time she met the ballplayer who would become her husband. The story of Helen’s life and career is told for the first time on page 18. (Photo: GingerKid.com)
to the lures of gamblers following the Supreme Court’s decision in Murphy v. NCAA, we can no longer point to the mythically low salaries of the Black Sox as the prime example of this phenomenon.

The story of the underpaid 1919 White Sox — popularized in Eight Men Out and blindly repeated by many writers since then — has been thoroughly debunked, with Rick Huhn, Bill Nowlin, and Len Levin, is now available from the SABR Digital Library.

Scandal on the South Side is the first comprehensive book focused on the star-studded, dissension-riddled team that won the 1919 American League pennant and then threw the World Series — with full-life biographies of every player and official involved with that fateful team.

This book isn’t a rewriting of Eight Men Out, but it is the complete story of everyone associated with the 1919 Chicago White Sox.

Order the book: The book can be ordered online at SABR.org/ebooks.

All SABR members can download the e-book edition for free in PDF, EPUB, or Kindle formats. SABR members also get a 50% discount to purchase the paperback edition. The retail price is $19.95 for the paperback or $9.99 for the e-book.

Read the bios online: All biographies from the book can also be read online at the SABR BioProject. Visit SABR.org/category/completed-book-projects/1919-chicago-white-sox to find them all.

For more information about SABR’s Black Sox Scandal Research Committee, e-mail buckweaver@gmail.com.
The 1921 Black Sox tour of Oklahoma

By Ron Coleman
ronandvicki@msn.com

On August 3, 1921, following the acquittal of the Chicago White Sox players charged with conspiring to throw the 1919 World Series, Judge Kenesaw Mountain Landis made the following statement:

“Regardless of the verdict of juries, no player that throws a ball game, no player that entertains proposals or promises to throw a game, no player that sits in a conference with a bunch of crooked players and gamblers where the ways and means of throwing games are discussed, and does not promptly tell his club about it, will ever play professional baseball.”

Landis’ banishment was soon followed by the minor leagues banning the players, too; a statement by J.H. Farrell, chairman of the National Association, on August 5 closed the door on all organized professional baseball.

But the Black Sox — Eddie Cicotte, Happy Felsch, Chick Gandil, Joe Jackson, Fred McMullin, Swede Risberg, Lefty Williams, and Buck Weaver — were used to this type of treatment. Months before the trial, amateur and semipro baseball organizations were making arrangements to distance themselves from the crooked players. Throughout the summer of 1921, the former White Sox players had attempted to play games in and around Chicago only to find difficulty in scheduling other teams. The Chicago Booking League was one of many groups that refused to allow the team of disgraced players to enter the league.

They found better luck outside the state, receiving invitations to play from promoters in various cities throughout the Midwest. One such offer was addressed to Buck Weaver in mid-July and it came from J.C. Hunt of Oilton, Oklahoma. It read:

“Can you, Jackson, Felsch, and Cicotte come to Oilton within ten days for game? Answer at once. Will wire you terms.”

This ten-day timeline conflicted very closely with the end of the trial and it does not appear that the initial offer was accepted. But by the end of August, at least some of the players were headed to Oklahoma to take up Hunt on his offer. Hunt had successfully lured Walter Johnson to Oklahoma to pitch in postseason exhibition games in 1919 and 1920, and now he was hoping to draw larger crowds to come see the infamous Black Sox.

Although some sensational newspaper reports claimed that all eight of the Black Sox, plus exiled St. Louis Browns infielder Joe Gedeon, were all coming to play, it’s unclear just how many of the Chicago players showed up in Oklahoma. The presence of Eddie Cicotte was confirmed by numerous reports, as was Chick Gandil, Joe Jackson, and Swede Risberg. At least one report proclaimed that Buck Weaver and Happy Felsch were on vacation and would join the tour in coming days, but they don’t appear to have ever shown up in Oklahoma at all. Lefty Williams does not seem to have made the trip and while there was a player named “McGovern” announced in one lineup that might have been a mistaken identity for Fred McMullin, news accounts place him in California after the trial, not touring the Midwest with his former teammates.

The Black Sox tour began on August 21 in Duncan, an oil boom town of just under 4,000 people about 90 miles in the shadow of the shame. Newspapers in Oklahoma, including this front page from the El Reno Daily Democrat on August 17, 1921, promoted the Black Sox barnstorming tour of their state in the summer of 1921, weeks after the Chicago ballplayers were acquitted in a criminal trial and then banned from organized baseball by Judge Landis. (Courtesy of Ron Coleman/The Gateway to Oklahoma History)

Continued on Page 4
southwest of Oklahoma City, and lasted for nearly two weeks. They traveled all around the state, from El Reno to Hobart to Oilton, winning all of the games that can be documented so far and dominating the local competition.

The *Oklahoma Leader* reported a tour schedule with proposed game dates; additional dates from other newspaper accounts have been added to provide a more complete schedule (see accompanying chart at right).

No box scores and very few game details were reported in the Oklahoma newspapers that are currently available on gateway.okhistory.com or newspapers.com. The majority of the articles were found to advertise the scheduled games or provide an editorial for the positive and negative opinions that influenced attendance at the ballgames. Perhaps some of the local newspapers from the host towns may provide more interesting detail concerning the games and players present for the events.

The opinions concerning the Black Sox were divided into two camps. An illustration of the pro-Sox camp was reported in the *El Reno Daily Democrat* on August 19:

> “Every man, woman and child who wants to see Cicotte, Jackson, Felsch and company perform at Legion park is requested to appear at the mayor’s office at the city hall tomorrow morning and make their opinions known. These men have been exonerated by the courts and we must respect the law.”

> “Abraham Lincoln Said: ‘Let reverence for the law be breathed by every mother to the lisping babe that prattles on her knee; let it be taught in schools, colleges and seminaries; let it be preached in pulpits and proclaimed in legislative halls; let it become the political religion of the nation.’”

> “Let’s revere the law and go out and see Cicotte, Jackson, Felsch and Co. perform at Legion park next Tuesday.”

An example of an anti-Sox editorial was reported in the *Wichita Daily Times* on August 18:

> “Despite the fact that the Chicago Black Sox are generally regarded as guilty as they were before their recent trial, and despite the fact that it was thought that no fans who called himself a real fan would ever turn out to see them play, Duncan promoters have decided to take a chance and have arranged a game for them with the Duncan club to be held in the near future.”

> “Yes, the Black Sox are among us or will be in a few days. Jackson, Felsch, Risberg, Gandil, Cicotte and Williams will all be in Duncan soon to give the fans the horse laugh as they did in Chicago when ‘acquitted’ by a jury of ‘12 tried and true men.’”

> “The players know that they cannot play in the larger cities and have evidently turned their attention to the smaller ones. Real fans have black-balled them.”

Once the Black Sox arrived in Oklahoma City, an inquiry was sent to Judge Landis asking whether the Sox had been barred from performing in parks controlled by organized baseball. Landis replied, “Certainly, they are barred from organized baseball parks.” A clarification of his ruling and that of J.H. Farrell of the National Association was also published establishing:

> “All parks in Oklahoma operated by clubs under the national association will be closed to the Black Sox and all the games played must be contested in cities and towns not in organized baseball or played in independent parks. Every player in organized base ball is under obligation not to play games against the ‘Black Sox.’”

The negative outcry caused Eddie Cicotte to offer to pitch in Oklahoma City for free during the tour. He indicated that he would throw “nine to twenty innings” if the fans wished to see him. When it was reported that the crowd sizes in Duncan did not meet expectations, Cicotte reassured an El Reno reporter in a telephone interview that “six thousand fans jammed in the park to watch them play at Duncan, the largest crowd that ever attended a baseball game.”

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### 1921 Oklahoma Tour Results

<table>
<thead>
<tr>
<th>Date</th>
<th>Site (Opponent)</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sun., Aug. 21</td>
<td>Duncan</td>
<td>W, 6-1</td>
</tr>
<tr>
<td>Mon., Aug. 22</td>
<td>Duncan</td>
<td>W, 4-3</td>
</tr>
<tr>
<td>Tue., Aug. 23</td>
<td>El Reno</td>
<td>W, 17-2</td>
</tr>
<tr>
<td>Wed., Aug. 24</td>
<td>Hobart</td>
<td>W, 7-6</td>
</tr>
<tr>
<td>Sun., Aug. 28</td>
<td>Oilton (vs. Yale)</td>
<td>W, 8-2</td>
</tr>
<tr>
<td>Tue., Aug. 30</td>
<td>Anadarko</td>
<td>n/a</td>
</tr>
<tr>
<td>Wed., Aug. 31</td>
<td>Hobart</td>
<td>W, 8-6</td>
</tr>
<tr>
<td>Thu., Sept. 1</td>
<td>Ada</td>
<td>n/a</td>
</tr>
<tr>
<td>Fri., Sept. 2</td>
<td>Lawton</td>
<td>W, 12-6</td>
</tr>
<tr>
<td>Sun., Sept. 4</td>
<td>Oilton</td>
<td>n/a</td>
</tr>
<tr>
<td>Mon., Sept. 5</td>
<td>Guthrie</td>
<td>W, 6-0</td>
</tr>
<tr>
<td>Sun., Sept. 11</td>
<td>Cement</td>
<td>cancelled</td>
</tr>
</tbody>
</table>

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game in Southern Oklahoma."16

He also stated that in order to assure the public that his intentions were not predatory, “he will fling a frolic for the American Legion any time absolutely free of charge at El Reno, they to get all receipts.”17

The moral dilemma facing opposing teams when choosing to play the Black Sox was not their only issue. Once a game was played, the repercussions began to set in as evidenced by an article resulting from El Reno’s participation against the shunned team:

“… Soon there will be nothing but bandits playing the baseball profession in this state. El Reno is besmirched by affiliating with the ‘Black Sox’ and hence will carry the contagion to our sister city, Yukon. Incidentally, Duncan, Hobart, Lawton, Oiltom, Guthrie, Ponca City, and a host of other municipalities are infected by associating with Ed Cicotte and are unfit to play with. Verily, it would seem that if Judge Landis persists in his contempt for the courts, baseball will be unable to recruit its ranks from [Oklahoma].”18

The August 23 matchup with the El Reno town team was heavily advertised in the El Reno Daily Democrat and constitutes many of the articles found on gateway.okhistory.com. Located about 30 miles west of Oklahoma City, El Reno was the home of future All-Star infielder Harlond Clift, who would have been 9 years old in 1921. On August 17, an article in the Daily Democrat opened with the exciting news:

“The greatest array of playing talent that ever marched on a baseball field will be the guests of El Reno at Legion Park next Tuesday. The guests will comprise such diamond luminaries as Eddie Cicotte, Joe Jackson, Hap Felsch, Swede Risberg, Joe Gedeon, Arnold Gandil, Claude Williams, Buck Weaver, etc.”19

The following day, the El Reno Daily Democrat published the lineups and advertised again for the planned showdown. Two local park board members vehemently opposed the scheduling of the Black Sox, but they were “ultimately subdued by the superior force of overwhelming numbers” as fans packed the hastily built grandstand in El Reno to watch Cicotte strike out “every man that faced him save one” in a 17-2 victory.20

The other heavily advertised game on the tour was a Labor Day meeting on September 5 in Guthrie. Readers were enticed by exciting descriptions such as found in the Mulhall State Journal on September 1:

“Special trains will be run from many towns and the interurban will run several special cars from Oklahoma City to accommodate the crowds that will come to see the Black Sox play. The Guthrie ‘Bearcats’ have been strengthened and will put up a stiff game. Oiltom will send over 500 ball fans in a train of six coaches. … Ample parking facilities have been arranged for the vast crowd of automobiles that will be here.”21

Only a brief paragraph about the game was mentioned in the Guthrie State Register afterward, simply noting the Black Sox’s 6-0 win.22

The few facts provided in most reports were simply the final score, the Black Sox pitcher (in each reported case it was Cicotte), and occasionally the crowd size.

The tour seems to have ended following the Labor Day game at Guthrie. Although an advertisement was found for a proposed game in the town of Cement on Sunday, September 11, no further articles were located to verify any games were played in Oklahoma beyond Labor Day.

Reporting in other areas of the country provides evidence that the Black Sox left Oklahoma and split up to return toward home. Chick Gandil is reported to have arrived in Los Angeles by the following week.23 Joe Jackson, Eddie Cicotte, and Swede Risberg traveled north back to Chicago, stopping off for one day on September 11 to play a single game in Macomb, Illinois, for the “championship of McDonough County.”24

Notes

3. “Chicago Black Sox are Not to Play in Racine,” Racine Journal-News, April 6, 1921, 9.
8. Ibid.
12. “Black Sox to Play in Duncan,” Wichita Daily Times, August 18, 1921, 8.
The Chicago White Sox’s connection with “Prince” Hal Chase, the notorious game-fixing first baseman who served as a go-between with gamblers during the infamous 1919 World Series scandal, has been well documented for nearly a century. The Black Sox players’ connection with a real prince, and the newest member of the British royal family, was only recently uncovered.

A story by Hugo Daniel that appeared in London’s Daily Mail on May 18, 2018 — the day before the celebrated Royal Wedding between Prince Harry and American actress Meghan Markle, now the Duke and Duchess of Sussex — revealed that Markle’s great-great uncle, Bill “Happy” Evans, was an accomplished player in baseball’s Negro Leagues for nearly two decades.

A fleet-footed center fielder and shortstop known as the “Gray Ghost,” Evans played alongside some of the greatest figures in the Negro Leagues, including Hall of Famers Josh Gibson and Oscar Charleston, his teammates with the Homestead Grays in 1930-31, considered to be one of the strongest teams in black baseball history.

Evans began his professional career in 1920 with the Gilkerson Union Giants, a team that was a founding member of Rube Foster’s Negro National League that year. The Union Giants, based out of Spring Valley, Illinois, traveled throughout the Midwest playing more than 100 games every summer against amateur, semipro, and both white and black professional opponents. As Negro Leagues historian Scott Simkus has written, team owner Robert Gilkerson “found a niche traveling to small country towns where citizens were starved for live entertainment. … [They] were one of the best ‘minor league’ black teams during the era of segregated baseball.”

In the summer of 1921, Evans and the Union Giants found themselves playing a game in Chicago against the South Side Stars — which included five of the suspended Black Sox players. Happy Felsch, Chick Gandil, Shoeless Joe Jackson, Swede Risberg, and Lefty Williams had formed a makeshift team to play ballgames while they were waiting for their criminal trial to begin a month later. They encountered some resistance at first from some fans and local politicians, but their first game on Sunday, May 8 against a local city league team, the Aristos, drew a reported attendance of 6,000 and another capacity crowd turned up on May 15 against a semipro team from Omaha, Nebraska.

One week later, on May 22, the Union Giants came to the Black Sox’s home park at East 75th Street and Greenwood Avenue on the South Side. Unfortunately, no
newspaper recaps or box scores are available from this game, but in a 1972 interview with author John Holway, Evans related his memories of playing against the Black Sox:

If you get Cum Posey’s memoirs, you’ll see where he said he would rather see me at bat with a man on third than anybody he’s ever seen. And I learned it from Buck Weaver and Happy Felsch of the Chicago Black Sox around 1921. See, I keep my hands in tight to my stomach when I bat. And I don’t watch the ball, I watch the pitcher’s left shoulder. … Josh Gibson, Ray Brown, Roy Partlow, Sammy T. Hughes, Felton Snow, those were my pupils. And Buck Weaver and Happy Felsch taught me.

We played the Black Sox two or three years when I was with Gilkerson’s Union Giants in Illinois, and I learned a lot from Felsch, Weaver, Swede Risberg, Chick Gandil, Joe Jackson, and Eddie Cicotte — I hit Cicotte pretty good. They formed a team after they were barred from baseball and barnstormed with us. There wasn’t a great deal of difference in our scores; they would win sometimes and we would win sometimes.

I’ve held Happy Felsch’s head in my lap, with him half drunk, and Buck Weaver, and saw those big tears come out of his eyes. ‘Bill, what can I do? You can’t fight them. How could I throw the games when I hit .300 in the Series?’

Now Joe Jackson was an ignorant man, who had lost the only thing he knew how to do. He really goofed. He could no more throw a ball game, but he was involved, he knew about the gambling.

I have fought for this all my life: If anybody is deserving of the Hall of Fame, I think they should put in all of those people who have paid every penalty that a man could pay.

Evans’ recollections first appeared in a 1975 magazine article and in Holway’s 2010 book Black Giants. While there is no clear evidence that he ever faced Eddie Cicotte or that their teams barnstormed together, Evans and the Union Giants did play at least eight documented games against the independent Rochester (Minnesota) Aces in 1923, when Swede Risberg was on that team. Evans did not record a hit in eight at-bats against Risberg as a pitcher.

In 1924, Evans moved on to Rube Foster’s Chicago American Giants and he also played for the Homestead Grays, the Indianapolis ABCs, and several other Negro League teams until retiring in 1937 and beginning a career in the aerospace industry. He married Tennessee native Lillie Ragland — whose older brother Steve was Meghan Markle’s great-grandfather on her mother’s side — and they moved to Los Angeles in the 1950s.

Lillie Evans became a pioneering real estate agent who was elected as the first black director of the Los Angeles Realty Board. Although Bill “Happy” Evans died when Meghan was 5 years old, she knew her great-great aunt Lillie well, according to a Daily Mail interview with Evans’ grandson, Bill Evans IV, on June 4. Lillie Evans died in 2004.

“They were crossing that color line and doing great, great things in a time when there was racism and segregation but they were able to bring things together and I see that in Meghan and in Prince Harry, they are going to do fantastic and wonderful things,” Bill Evans IV said.

AROUND THE WEB

Here are some other articles related to the Black Sox Scandal that have been published recently:

- In Replays, Rivalries, and Rumbles: The Most Iconic Moments in American Sports, edited by Steven Gietschier and published in November 2017 by University of Illinois Press, Daniel A. Nathan offers a nuanced summary and critique of recent research about the Black Sox Scandal — including our committee’s Scandal on the South Side book.
- With Major League Baseball strongly supporting the legalization of sports betting following a recent Supreme Court decision, Katie Strang at The Athletic asked people around baseball, “How Hard Would It Be To Fix An MLB Game?”
- In his final series for The National Pastime Museum before the website shut down in May, Jacob Pomrenke explored the enduring myth of the ‘stolen’ Black Sox grand jury confessions, American League president Ban Johnson’s ‘Great Black Sox Manhunt’ for Sleepy Bill Burns, and the 1920 stabbing of Chicago Cubs infielder Buck Herzog.
- At Sports Collectors Daily, Anson Whaley examines early baseball cards made of the Chicago White Sox first baseman in “Despite Modest Career, Early Chick Gandil Cards Remain Hot.”
- In Shoeless Joe Jackson’s home state of South Carolina, he was honored in April with his induction into the Textile Sports Hall of Fame. Read Ron Barnett’s story about Jackson’s induction ceremony in the Greenville News.
- John Thorn, MLB’s Official Historian, follows up on a story about floral tributes in baseball with the true tale of when longtime Chicago Cubs manager Frank Chance moved to New York and was honored by, among others … gambler Arnold Rothstein. Read the full story at Thorn’s Our Game blog.
- In March 2019, the Minnesota Opera will present The Fix: Shoeless Joe and the 1919 Black Sox Scandal, composed by Joel Puckett and based on the classic Eight Men Out story. Individual tickets go on sale in August 2018. Learn more at MNOpera.org.
Most of the prospective jurors “made every effort to dodge or otherwise avoid service,” perhaps fearing that the trial would be lengthy. One claimed he was going out of state to be married. Another claimed a sudden onset of deafness. All the jurors were asked questions about their knowledge — or lack thereof — of baseball; whether they had ever played amateur or professional baseball; whether they had relatives who played professional baseball; whether they were baseball fans; whether they wagered on baseball games; and whether they attended the 1919 World Series. Chicago Cubs fans were barred as jurors, presumably because they would have a bias against the Sox players. One prospective juror was excused simply because he occasionally attended a Cubs game. In general, the prosecution wanted baseball fans on the jury, on the theory that baseball fans would be more outraged at game-fixing and thus more likely to vote to convict.

In their questions to prospective jurors, lawyers for the defendants appealed to resentment that jurors might have toward wealthy team owners such as the Chicago White Sox’s Charles Comiskey. The Sporting News resented this attempt to “becloud the issue in question,” to excuse crookedness on the grounds that the players were poorly paid, that the players were (in the words of defense lawyers) little more than slaves, “bought and sold like negroes were before 1861.” For The Sporting News, these lawyer tricks merely exposed how guilty the players were, tricks that “should get small consideration from any set of jurymen who know anything about the national game and who have any regard for justice.” Tricks or not, the defense meme seems to have influenced the jury.

After two weeks, only eight jurors had been selected. Impatient with the delays, Judge Hugo Friend threatened both sides with evening sessions to speed up the selection process. The judge also ended the practice of examining each prospective juror individually. He ordered all the candidates for the jury into the room as a group, and selected one lawyer from each side to deliver the competing theories of the case. This way prospective jurors could answer quickly whether their minds were open, avoiding the endless repetition of routine questions asked of each juror. The judge’s threats and orders worked — the next day, the final four jurors were selected.

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By all accounts, the twelve men selected were average, lower-middle-class Chicagoans, who ranged in age from 28 to 50. Ten lived in Chicago, their homes scattered throughout the city. The other two lived in the suburbs. None of them professed any great interest in the game, although their post-trial behavior may suggest otherwise. After the not-guilty verdict was announced, "the courtroom was a love feast, as the jurors, the lawyers, and the defendants clapped each other on the back and exchanged congratulations. ... Jurors then hoisted [Joe] Jackson, [Lefty] Williams, and several other defendants on their shoulders and paraded them around the courtroom before the celebrants finally gathered on the courthouse steps for a smiling group photo."

Two jurors were quoted as wishing they would see Sox hurler Eddie Cicotte pitching for the Sox next year, and promising to cheer for him. Later that evening, jurors and defendants met at the Bella Napoli restaurant to celebrate together. The jurors and the ballplayers "left the restaurant together singing, ‘Hail, Hail, The Gang’s All Here.’" The Black Sox appear to have received as fair a trial, before as fair a jury, as could be expected, given such a highly publicized, emotional, and polarizing case. But judging by this trial, the later Black Sox civil lawsuits in Milwaukee, and the 1919 Pacific Coast League

The jurors’ signed not-guilty verdict for Joe Jackson on August 2, 1921. (Cook County Clerk of the Circuit Court Office)

— Bruce Allardice

THE BLACK SOX JURORS

- **William Barry**, the eldest of the jurors, served as jury foreman. William Hamilton Barry was born June 15, 1871, in Fond du Lac, Wisconsin, and died September 1, 1949 in River Forest, a Chicago suburb. In 1921 he was a hydraulic press operator, residing at 5949 West Lake Avenue.

- **William E. Deutcher Jr.**, age 30, was an auto mechanic, living in the suburb of Forest Park. He died on December 25, 1965.

- **Emil John Groskopf**, age 32, was a clerk living in suburban Harvey, in charge of a store room for Whiting Company. The longest lived of the jurors, Groskopf died on March 16, 1989, in Bakersfield, California. His obituary was the only one of the jurors’ to mention his Black Sox trial service.

- **Andrew Alfred Allen Johnson**, often misnamed Jackson in trial coverage, age 32, was a store fixtures carpenter, residing at 2855 Union Avenue. By 1942 he owned a cabinet shop in Chicago. He died on October 12, 1975 in suburban Homewood.

- **Herbert J. Jordan**, age 28, was a stationary engineer (janitor) at the Congress Hotel, living at 6121 Kenwood Avenue. The son of Irish immigrants, Jordan died on September 20, 1940, in a boiler explosion in Chicago.

- **Edward Linman**, age 36, was a clerk (timekeeper) for Illinois Steel Co., residing at 1366 East 61st Street. He died on February 12, 1934, in Chicago.

- **Paul Erdman Luebke**, age 39, was an electrician for the telephone company, residing at 3926 North Hamilton. The son of German immigrants, Luebke died on June 14, 1940, in Chicago.

- **John Paul Schoenhofer**, age 33, worked as a foreman for Darling & Co., packers, living at 5124 South Paulina. The son of German immigrants, Schoenhofer died on September 13, 1934, in Chicago.

- **Stephen Shuben** (aka Stefan Shubenski), age 42, was a merchant, residing at 2524 North Springfield. The Polish-born Shuben had served in the US Army from 1901 to 1904, and worked as a machinist in 1918. He died on March 8, 1948, in Chicago.

- **Joseph Vesely**, age 37, was a foreman for Air Motor Company, residing at 3155 North Ridgeway. The son of Bohemian immigrants, Vesely died on December 25, 1928, in Chicago.

- **Harry Willis**, age 34, was a “heater” for the Inland Steel Company, residing at 7933 Muskegon Avenue. Later employed there as a coke oven foreman, he died on October 11, 1947, in Chicago.

- **Paul Joseph Zieske**, age 36, was a florist, residing at 1635 Olive Avenue. He had been a maintenance man and by 1930 was a mechanic for a cemetery. The son of German immigrants, Zieske died on July 3, 1971, in Chicago.

— Bruce Allardice
The Black Sox’s ‘most effective’ defense lawyer

By Bruce Allardice
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Black Sox historian Bill Lamb described A. Morgan Frumberg as perhaps the most effective attorney for the defendants during the Black Sox criminal trial in 1921.1

Most observers described Frumberg’s closing argument at the trial as the most effective argument made by any of the defense attorneys.2 Frumberg, the lawyer for accused St. Louis gamblers Carl Zork and Ben Franklin, lambasted the prosecution for indicting the small-time gamblers — like his clients — and the Chicago White Sox ballplayers while letting slide Arnold Rothstein and other alleged kingpins of the plot to fix the 1919 World Series.

Abraham (Abram) Morgan Frumberg was born March 30, 1876, in Towanda, Pennsylvania, the son of Simon and Rachel (Hyman) Frumberg.3 His father was a prosperous merchant, active in Jewish affairs. Abram graduated from the New York Law School in 1897 and commenced practice in New York City. In 1900 he moved to St. Louis and soon became a leading member of the bar there.

According to one admiring biographical article, Frumberg “has always been most thorough and careful in the preparation of his cases, and his ability is demonstrated in the many favorable verdicts he has won. He was at one time provisional judge of the criminal correction in St. Louis, and is now [1921] accorded an extensive clientele that connects him with much important litigation.”4

Twice Frumberg ran for county judge, both times losing in the Democratic Party primary. In large part he lost because the St. Louis newspapers harped on Frumberg having disbarment charges (for “fraud, deceit, and gross unprofessional conduct”) filed against him in New York.5 Frumberg labeled the charges, involving legal work allegedly not performed, as frivolous. The charges were later dismissed.6

Frumberg often represented high-profile defendants with organized crime connections — for example, mobster

Game-fixing scandal15, the American justice system proved inadequate to police baseball.

Notes

3. Lamb, 144. For a more detailed examination of jury nullification, see Lamb’s article “Jury Nullification and the Not Guilty Verdicts in the Black Sox Case,” *SABR Baseball Research Journal*, Fall 2015. Newspaper reports cited by Lamb indicate the jurors informally told reporters that the verdict would have been the same had the defense presented no witnesses, suggesting that the jury decided (legitimately or not) that the state had not proven its charges.
6. *Chicago Tribune*, July 6, 1921. As an example, Special prosecutor Edward Prindiville asked jurors, “Do you believe baseball is an honest sport?” and “Do you believe in professional baseball?” See *New York Herald*, July 6, 1921.
12. The lawyers tentatively accepted at least one other prospective juror, but that man (Michael F. Lidgen, a clerk for the city’s elevated railway) was later excused. See the *Chicago Tribune*, July 6, 1921.
13. Lamb, 142, 144.
Max Greenberg, reputedly the brains of Waxyey Gordon’s liquor ring, both of whom helped run Arnold Rothstein’s bootlegging empire. Frumberg later represented Gordon in Al Capone-style tax fraud prosecutions. He also represented Morton S. Hawkins, charged in a $20 million mail fraud swindle. Other high-profile cases he handled included the Van Dyne embezzlement, the Koplar movie theater stock fraud, and Charlie Chaplin’s divorce.

In addition to his criminal law expertise, Frumberg had the sort of unusual experience that made him an ideal defense attorney for the Black Sox gamblers Zork and Frank- lin. Frumberg knew Zork and had business connections with him. Frumberg was familiar with the world of large-scale wagering, known for betting up to $10,000 on political races. He was also familiar with major-league baseball. In December 1915, he negotiated for the purchase of the Cincinnati Reds on behalf of his longtime friend, former St. Louis Browns owner Robert Lee Hedges.

Carl Zork and Ben Franklin were not part of the original Black Sox grand jury indictments. However, they had been prominently mentioned in the proceedings. They hired the 45-year-old Frumberg, who traveled to Chicago and conferred with Alfred Austrian, the White Sox team counsel under owner Charles Comiskey. The three claimed to have assisted the prosecution in its investigation. On March 26, 1921, the gamblers were indicted. Frumberg accompanied his clients to Chicago, where they posted bail.

On the eve of the trial, the prosecution of Ben Franklin was severed from the other defendants, due to Franklin’s illness. Following the acquittal of the Black Sox players on August 2, the charges against Franklin were dismissed. The prosecution’s case against Carl Zork proved feeble, resting on the testimony of a less-than-reliable witness, St. Louis theater owner and gambler Harry Redmon.

Frumberg kept Zork from testifying and instead hammered away at Redmon, picking away at details of Redmon’s testimony. Later in the case, Frumberg appeared as a witness for the defense and testified that Austrian, the White Sox attorney, had told him Redmon was a blackmailer who tried to shake down Sox management. Prosecutor George Gorman’s cross-examination of Frumberg became so heated that the two veteran attorneys almost came to blows. Gorman subsequently apologized and asked that his remarks about Frumberg be stricken from the record.

In his summation, Morgan Frumberg railed that the real guilty party — fix mastermind Arnold Rothstein — was not in the courtroom and, like other defense attorneys, he blamed American League President Ban Johnson for Rothstein’s non-indictment:

“Arnold Rothstein came here to Chicago during the Grand Jury investigation and immediately went to Alfred Austrian, the White Sox attorney. What bowing and scraping must have taken place when ‘Arnold the Just,’ the millionaire gambler, entered the sanctum of ‘Alfred the Great’? By his own testimony, Mr. Austrian admits conducting the financier to the jury and bringing him back unindicted. Why was this man [Rothstein] never indicted? Why were [gamblers Rachael] Brown, [Sport] Sullivan, [Abe] Attell, and [Hal] Chase allowed to escape? Why were these underpaid ballplayers, these penny-ante gamblers from Des Moines and St. Louis, who bet a few nickels perhaps on the World Series, brought here to be the goats in this case? Ask the powers in baseball. Ask Ban Johnson who pulled the strings in this case. Ask him who saved Arnold Rothstein.”

Frumberg’s plea proved effective: the jury acquitted Zork and the other defendants.

In 1930 Morgan Frumberg moved back to New York City, where he practiced law until his death on September 8, 1943.

Notes


2. Newspapers uniformly described Frumberg’s summation as “dramatic,” upstaging the summations of the other defense attorneys. Cf. Pittsburg (Kansas) Sun, August 2, 1921; Cincinnati Enquirer, August 2, 1921.

3. The best Frumberg biography can be found in Walter B. Stevens, Centennial History of Missouri (The Center State): One Hundred Years In The Union, 1820-1921 (St. Louis-Chicago: The S.J. Clarke Publishing Company, 1921).

4. Ibid.

5. St. Louis Post-Dispatch, July 30, August 5, August 7, 1912.


10. Sedalia Democrat, October 31, 1916. The wager was with Otto Stifel, part-owner of the St. Louis Browns. Years later, Stifel played a small part in the Black Sox Scandal because of a conversation he had about the fix

Continued on Page 12
Bulldog barrister: defense attorney Henry A. Berger

By Bill Lamb
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Although often overshadowed in newsprint by the histrionics of his colleagues, defense counsel Henry A. Berger may well have been the Most Valuable Attorney in the Black Sox criminal trial in 1921.

Co-counsel for gambler defendant Carl Zork, Berger lawyered like a legally trained bulldog, alert, aggressive, and fiercely devoted to his client’s protection. To safeguard the interests of Zork, as well as the other defendants, Berger was constantly in action. Before the criminal trial started, he likely facilitated the theft of grand jury transcripts from government evidence vaults.

Thereafter, Berger besieged and distracted prosecutors with a barrage of vexatious eve-of-trial motions, while helping to formulate the concede nothing/drag-out-the-trial defense strategy that ultimately served the accused well.

Most important, the only prosecution witness presented at trial against Zork was so effectively discredited by Berger’s personalized, highly combative cross-examination that the gambler’s acquittal was virtually assured even before the case was sent to the jury.

The tenacious, if at times unscrupulous, defense mounted by Berger in the Black Sox case was a hallmark of the barrister’s legal career. Before he entered private practice, Berger had learned his craft in the Cook County State’s Attorney’s Office, the agency that prosecuted Chicago’s criminal defendants.

Although there was no shortage of accused murderers, armed robbers, and other violent felons for junior Chicago prosecutors to cut their legal teeth on, Berger soon became the foremost practitioner of a particularly bare-knuckled office specialty: the investigation, indictment, and trial prosecution of Republican Party-connected city board members, officeholders, lawyers, judges, and other opponents of his boss, Maclay Hoyne, the rabidly partisan Democratic State’s Attorney.

Berger’s willingness to serve as his mentor’s political henchman, while rarely met with success in court, did not go unrewarded. After he left the SAO, Berger’s income from private law practice was amply supplemented by the sinecures of Hoyne-arranged government board appointments and legal work for the Democratic Party. Thus, 43-year-old Henry Berger was comfortably situated, professionally and personally, when a freakish building construction accident brought his life to a sudden end on a Chicago sidewalk in November 1929.

Henry Avrohome1 Berger was born on April 23, 1886, in Chicago. He was the oldest of six children born to shopkeeper David Berger (1859-1926) and his wife Sarah (née Anisz, 1863-1912), both poor Hungarian-Jewish immigrants.2 Despite his parents’ humble origins, young Henry was the beneficiary of a superb education, attending Lewis Institute, the University of Chicago, and Kent College of Law. Upon his graduation from law school in 1907, Berger entered both private practice and Chicago Democratic Party politics, in time assuming the “Jewish seat” on the 15th Ward Committee.

In 1911, he was appointed assistant city corporation counsel by Mayor Carter Harrison. Two years later, Berger was installed as an Assistant Cook County State’s Attorney by Hoyne, the newly elected office chief. Short and pudgy with a receding hairline, the new ASA was not a physically imposing figure. But once he gained a little courtroom

➤ Continued on Page 13
experience, an agile mind, assertive disposition, and utter ruthlessness of purpose made Henry Berger a fearsome litigator.

Shortly after his arrival in the SAO, Berger was in the news, named lead prosecutor in the capital murder trial of Antonia Musso, accused of fatally shooting her sleeping husband in his bed and then setting his mattress on fire. Mrs. Musso did not deny the deeds, but asserted that she had acted in self-defense. Improbably — or perhaps not, as pre-World War I Chicago juries were famously sympathetic to female murderesses — the jury bought the Musso defense and let her off.

But all was not lost for the case’s prosecutor. Henry Berger’s closing argument, complete with profession of reverence for womanhood (unspoiled by the dastardly conduct of the lady on trial) and his mention of “the one little woman in the world” for him, had stirred the emotions of someone seated quietly in the courtroom gallery, his beloved Dorothy Cole. While the jury was out deliberating its verdict, she accepted Berger’s proposal of marriage, tendered at the Cole family residence in north-side Chicago.

When the courtroom-absent Berger was informed of the trial’s outcome by telephone, he remained undismayed, telling an inquiring reporter that the acquitted defendant “isn’t any happier than I am tonight.” Henry and Dorothy Berger were married that April, and would later have three daughters: Marie (born 1914), Marjorie (1916), and Harriet (1924).

Marriage may have been bliss for the happy couple, but storm clouds were gathering in the courthouse for ASA Berger. In July, Judge Adelor Petit, furious with the chaotic condition of his court’s calendar and impatient with SAO excuses for failure to have their cases ready for trial, vented his displeasure on an unprepared-to-proceed Berger. A reluctant apology spared the young prosecutor from a contempt citation, but a long-adversarial relationship between Berger and the Chicago judiciary, particularly its Republican members, had been initiated.

Berger was also taking flak on the political front. Relocation with his bride had removed Berger’s residence from the 15th Ward, prompting anti-Hoyne Democrats to engineer Berger’s ouster from his committeeman’s post. Still, Berger persevered, resolutely handling the overtly political prosecutions that Hoyne entrusted to him. The relentless pursuit of aldermen, board members, judges, city vendors, and others connected to the sinkhole administration of Republican Mayor William Hale “Big Bill” Thompson generated frequent headlines, but achieved little success in court.

Handling such cases also earned Berger considerable courthouse disdain, with his prosecution targets often accusing him of suborning perjury and other unethical conduct in his zeal to win. But Berger’s reliability and determination only further endeared him to SA Hoyne. His bulldog prosecutor additionally served Hoyne’s political ambitions, Berger being among the campaign managers of the incumbent’s successful re-election bid in November 1917.

Given his closeness to Hoyne, surprise greeted the May 1919 announcement that Berger (and three other staff attorneys) had resigned from the Cook County State’s Attorney’s Office to enter private law practice. Hoyne publicly denied rumors of office dissension, and offered fulsome praise of Berger in particular.

“I regret seeing you leave this office, which you entered at my request and without any solicitation on your part,” Hoyne’s published acceptance-of-resignation letter said to Berger. “You are one upon whom I always relied upon during all my terms of office. You were always willing to undertake any task, no matter how disagreeable or laborious. You have always been resourceful, reliable, and industrious.”

The two, however, were not separated for long. The end of World War I had supplanted German Kaiser Wilhelm as America’s enemy-in-chief. The new menace was Communists, anarchists, and other political radicals. The campaign of repression launched by US Attorney General A. Mitchell Palmer seemed weak tea to Cook County’s chief law enforcement officer. Hoyne called Palmer’s roundup of Reds and other political undesirables “petty, pusillanimous, and pussy-foot policy.” To supervise the investigation/prosecution of local radicals, Hoyne formed an SAO task force. Berger, newly appointed as Special Assistant State’s Attorney, would lead these crusaders.

Soon thereafter, Hoyne’s attention was diverted by the prospect that his nomination for yet-another term in office would be challenged by Democratic Party rivals, and SAO...
pursuit of radicals faded from the headlines. By late September 1920, press attention was focused on an altogether different subject: a Cook County grand jury investigation of allegations that the outcome of the 1919 World Series between the Chicago White Sox and Cincinnati Reds had been rigged.

By the time the grand jury probe became press fodder, Hoyne had already lost his bid for re-nomination, decisively beaten in the Democratic Party primary by insurgent candidate Michael Igoe. Now a lame duck, a bitter Hoyne promptly departed for vacation in New York, leaving ASAs Hartley Replogle and Ota Lightfoot in charge of the grand jury’s probe of baseball. Hoyne’s defeat also precipitated Henry Berger’s return to private practice where, before long, he would be on the defense side of the Black Sox case.

Eventual client Carl Zork was not among those originally charged by the grand jury. Rather, Berger entered the case as Chicago-associate counsel for one of the scandal’s more unsavory conspirators, former featherweight boxing champion and full-time hustler Abe Attell, then resisting extradition from New York. Berger was retained by Attell’s lead attorney, William J. Fallon, the gifted but unprincipled star of the New York City criminal defense bar.

From a $50,000 slush fund provided by NYC underworld financier and reputed World Series fix mastermind Arnold Rothstein, Fallon dispatched $15,000 to Berger in Chicago, who then used the money to bribe Hoyne secretary George Kenney, a former Berger associate on the SAO antiradical task force. Once paid, Kenney stole grand jury transcripts and other prosecution evidence from the SAO evidence vault.

The theft came to light when Hoyne directed ASA Replogle to turn the grand jury evidence over to him. Mistrustful of Hoyne’s motives, Replogle instead contacted Judge Charles A. McDonald, who as presiding judge of Chicago criminal courts oversaw the grand jury. McDonald promptly countermanded Hoyne’s order. But too late. The grand jury transcripts, including those containing the confessions of indicted Black Sox stars Eddie Cicotte, Joe Jackson, and Lefty Williams, were missing.

Upon assuming office in December 1920, newly elected Cook County State’s Attorney Robert E. Crowe hauled Hoyne, Kenney, Replogle, Berger, and defense attorney Thomas D. Nash before the grand jury, but all denied connection to the matter. Officially, the theft remained a mystery and in the end, it proved a matter of little consequence, anyway. The missing transcripts were recreated by means of the preserved handwritten notes of grand jury stenographers Elbert Allen and Walter Smith, and used extensively by the prosecution at the ensuing trial of the Black Sox. But the accused, including the guilt-confessing Cicotte, Jackson, and Williams, would all be acquitted.

When government efforts to extradite Attell to stand trial in Chicago collapsed, Berger assumed the role of trial co-counsel for another Black Sox defendant, Carl Zork, a St. Louis shirtwaist manufacturer-gambler charged in the superseding indictments returned in March 1921. Zork was not accused of being in on the initial plots to fix the 1919 Series. Rather, he and gambling cohort Benjamin Franklin were indicted for attempting to organize a revived fix effort launched after the corrupted Sox players went rogue and unexpectedly won Game Three.

Senior counsel for the Zork-Franklin defense was A. Morgan Frumberg, an able and experienced attorney from St. Louis. Prior to trial, the two lawyers managed to get Franklin excused from the proceedings on grounds of illness. But their efforts to obtain similar relief for Zork were rebuffed by Judge Hugo M. Friend, the judicial novice assigned to preside over the Black Sox trial by Judge McDonald. Frumberg and Berger began to gear up for trial.

Although he represented a relatively minor defendant, Berger assumed a prominent role in the Black Sox defense. In the run-up to trial, Berger’s application for the issuance of testimony subpoenas for every participant (player and umpire) in the 1919 World Series signaled that a scorched-earth defense would be used by the accused.

Berger and Jackson/Williams attorney Benedict Short then elongated the jury selection process through questioning more designed to foster sympathy for their clients than to uncovering bias or favoritism. Then, with a jury finally selected and trial set to start, Berger unleashed a barrage of motions — to dismiss the charges, to suppress evidence, to limit the prosecution’s opening remarks to the jury, and the like. Judge Friend effectively denied them all, but if, as likely, the motions’ actual goal was to disrupt prosecution preparations, they had served their purpose well.

Like other defense counsel, Berger made little headway on cross-examination of Sleepy Bill Burns and Billy Maharg, the government’s two star witnesses against the accused players and gambler codefendant David Zelcer. Rather, Berger’s time to shine came when the prosecution presented its weak and ill-considered case against Carl Zork.

Strategic considerations, plus the need to shorten their proofs in an air-less, stifling summer courtroom, prompted prosecutors to reduce their rather tenuous evidence against Zork down to the testimony of Harry Redmon, an East St. Louis theater owner and heavy World Series betting loser. Redmon was among those who had attended the alleged fix revival meeting convened by Zork and Ben Franklin in Chicago’s Sherman Hotel after the Black Sox had unexpectedly won Game Three. In the weeks after the Series, Redmon confirmed fix rumors to emissaries sent to St. Louis by White Sox owner Charles Comiskey. Later, Redmon journeyed to Chicago and reiterated his assertions to Comiskey personally during a private meeting moderated by

Continued on Page 15
White Sox corporation counsel Alfred Austrian.

At trial, Redmon proved a thin-skinned and volatile witness, a sitting duck for an experienced cross-examiner like Henry Berger. First, Berger accused Redmon of being not a World Seriesbettor, but a Series bookmaker. Redmon heatedly denied it.

An even sorier subject for the witness was his post-World Series meeting with White Sox brass. Redmon angrily denied that club attorney Austrian had called him a “blackmailer,” and then challenged Berger to repeat that accusation to his face outside the courtroom. Several more insults were traded before Judge Friend regained control of the proceedings. Moments later, the flustered Redmon was excused from the stand, and the government’s case against Carl Zork pretty much left the courthouse with him.

When the defense turn came, the non-player defendants went first. Des Moines gambler David Zelcer led off, taking the witness stand to deny acquaintance with Burns and Maharg, as well as any connection to the World Series fix. But Zelcer was wounded by revelation of his close association with Abe Attell, and by Special Prosecutor Edward A. Prindiville’s shredding of a Zelcer alibi claim.

Having watched the Zelcer defense wobble, Frumberg and Berger wisely kept their client off the stand. Instead, they presented a parade of character witnesses who attested to Carl Zork’s civic virtue, and St. Louis Times sports editor Sid Keener, a convincing fact witness who undermined much of the Redmon testimony against Zork. The proof portion of the trial came to an abrupt and unanticipated end when the player defendants rested without any of the Black Sox taking the stand.

While the prosecution had presented a facially powerful case against defendants Cicotte, Jackson, and Williams, and a credible one against Chick Gandil, Swede Risberg, and David Zelcer, its proofs against Zork (as well as Buck Weaver and Happy Felsch) had been painfully thin. Over Berger’s vigorous objection, Judge Friend permitted the Zork/Weaver/Felsch charges to go to the jury, but he warned prosecutors that any convictions that might be returned against them were susceptible to being overturned by the court.

The lawyers got their final chance to speak to the jury, with Special Prosecutor Prindiville taking the lead. The accused, thundered the prosecutor, were “killers. They conspired to kill baseball, to murder our greatest sport.” But Prindiville considered Zork so insignificant that he did not even mention him by name.

The defense’s closing arguments appear apportioned, with refutation of a specific aspect of the government’s case assigned by attorney. In Berger’s case, this meant integrating passing swipes at the prosecution’s “two aces in the hole: Burns the club who knocks and Maharg the spade who dug up Burns,” and shots at White Sox owner Comiskey into a technical defense to the charges. The throwing of Series games, while it might have been wrong, did not constitute a crime under Illinois law, Berger said.

The Zork summation was then taken up by Frumberg who continued the task of identifying wrongdoers other than the accused at trial. The real culprits, like fix financier Arnold Rothstein, his agents, and malevolent American League President Ban Johnson, had been held harmless, Frumberg complained. This led him to wonder, aloud and effectively: “Why were these underpaid ballplayers, these penny-ante gamblers from Des Moines and St. Louis … brought here to be the goats in this case?”

Late on the evening of August 2, 1921, and after jury deliberations requiring less than three hours, the accused in the Black Sox case were acquitted of all charges. Although a spontaneous celebration erupted in the courtroom, most of the trial actors were subdued thereafter in their response to the verdict — except Henry Berger. The not-guilty verdicts represented nothing less than “a complete vindication of the most mistreated ballplayers in history,” exclaimed Berger, theatrically.

That view of the trial’s outcome, however, was not shared by Commissioner Kenesaw Mountain Landis. Less than 24 hours later, Joe Jackson, Eddie Cicotte, Buck Weaver, and the other Black Sox were permanently banished from Organized Baseball by the Commissioner and would never appear in a major-league game again.

Although it was the most celebrated entry on his resume, Henry Berger’s legal career did not end with the Black Sox case. For the remainder of his life, he practiced civil law with the firm of Felsenthal, Struckman & Berger, occasionally sparring with old adversaries on the Chicago bench.

The firm’s lobbying work on behalf of Democratic Party interests periodically placed Berger in the corridors of government in Springfield, the Illinois state capital.

Otherwise, Berger spent his working days in and around the Cook County Courthouse. In June 1928, years of faithful service to the party resulted in Berger’s appointment to a vacant Democrat seat on the board of the Chicago District Sanitary Commission. The multi-million dollar construction contracts awarded by the sanitary board made it a bribe magnet, and its corruption was an open secret. Happily for Berger, he had not been around long enough to get into trouble before a state investigation resulted in the indictment of virtually all of his fellow board members.

On the morning of November 1, 1929, a by-now prosperous Berger accompanied his wife on a shopping trip to downtown Chicago. Shortly after he and Dorothy separated, Berger turned onto LaSalle Street, where pedestrians were gawking at construction work being done on a new 34-story office building. As Berger went about his business, he was jostled by a distracted messenger boy. Apologies

Continued from Page 14

Continued on Page 16
were accepted gracefully, a smiling Berger saying, “That’s all right, lad. Worse things will happen to me.”

Seconds later, Henry A. Berger was dead, his skull crushed by falling construction material. He was 43.

Investigation later determined Berger’s death to have been accidental, caused when a snapped crane cable sent a 200-pound marble slab hurtling from the top floor down toward the street. The slab shattered upon striking a sixth-floor abutment, and Berger was killed by a heavy fragment that had ricocheted across the street.

Private funeral services were conducted at the Berger family residence on North State Street, with interment at Chicago’s Rosehill Cemetery. The deceased’s will was quickly admitted to probate, with Berger’s $300,000 estate left entirely to his widow, Dorothy Cole Berger. Henry was also survived by his three minor daughters.

Notes

1. Berger’s unfamiliar Hebrew middle name is a variant of Abraham. But by the time of the 1920 US Census, it had been changed to Albert.

2. Henry’s younger siblings were Isidore (born 1888), Olga (1890), Emmanuel (1892), William (1894), and Sadie (1896).

3. While Antonia Musso awaited trial, Chicago juries acquitted four of the previous five women accused of murder. Chicago Tribune, August 22, 1912.


9. Ibid.


11. The mechanics of the theft were revealed some years later by New York Sun sportswriter Joe Vila, relying on information supplied to him by former NYC attorney Eugene F. McGee, embittered by his 1925 disbarment and the dissolution of his longtime friendship with law practice partner Fallon.

12. The notion that the prosecution foundered on missing grand jury transcripts is one of the more enduring myths of the Black Sox case. The jurors heard redacted versions of the confessions of Eddie Cicotte, Joe Jackson, and Lefty Williams during trial, but acquitted them anyway. For the writer’s hypothesis regarding the likeliest cause of the trial’s outcome, see William F. Lamb, "Jury Nullification and the Not Guilty Verdicts in the Black Sox Case," SABR Baseball Research Journal, Vol. 45, No. 2, Fall 2015.

13. As reported in the Chicago Tribune, (Springfield) Illinois State Journal, and Rockford (Illinois) Register-Gazette, July 9, 1921, and elsewhere. Defense efforts to present expert opinion testimony on the bona fides of Black Sox play during the Series, however, were later barred by Judge Friend, one of the few legally dubious rulings rendered by the court in a generally well-tried case.

14. Left in the wings were corroborating witnesses like in-the-know St. Louis sharpies Joe Pesch and Tom Kearney, St. Louis Browns second baseman Joe Gedeon, and American League President Ban Johnson, overseer of the league’s internal investigation of World Series fix reports.

15. As reported in the Atlanta Constitution, Chicago Tribune, and New York Times, August 1, 1921.

16. The testimony actually ended with prosecution rebuttal witness Alfred Austrian, who denied that he had ever called Redmon a blackmail. Chicago Daily Journal.
July 30, 1921.
17. The charges against gambler defendants Ben and Lou Levi had been dismissed by the court at mid-trial on grounds of evidential insufficiency. Why the government diluted a coherent case against the Black Sox players and fugitive Rothstein operatives like Sport Sullivan, Rachel Brown (Nat Evans), and perhaps Abe Attell by putting Midwestern tinhorns like Carl Zork, Ben Franklin, and the Levi brothers into the mix is a mystery to the writer.

18. As reported in the Boston Globe and Washington Post, July 31, 1921.
19. Chicago Evening Post, August 1, 1921.
20. Chicago Evening Post, Rockford Register-Gazette, and Rockford Republic, August 1, 1921.
23. See e.g., “Righeimer Sends Republican Poll Judge to Cell; H.A. Berger Fined for Contempt of Court,” Chicago Tribune, October 7, 1922. The $200 sanction imposed on Berger by Judge Frank Righeimer was levied during a contentious voter fraud case.
25. Chicago Tribune, November 2, 1929.
27. “State Inquiry into Death of Henry Berger,” Chicago Tribune, November 2, 1929, and “Building Safety Laws Urged at Berger Inquest,” Chicago Tribune, November 9, 1929. A coroner’s jury recommended further inquiry into the conduct of the crane operator and a construction crew foreman, but no report of subsequent official proceedings was discovered by the writer.
Helen Weaver, star of the vaudeville stage

Editor’s note: After Eddie Cicotte testified to his involvement in the 1919 World Series fix, he was asked why he went along with the bribery attempt. His response — “I did it for the wife and kiddies” — became one of the most infamous lines associated with the Black Sox Scandal. Little is known of these “wives and kiddies,” the women and children whose lives were up-ended when the players were banished from baseball. This series will focus on their stories.

By Jacob Pomrenke
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During the celebrated honeymoon of Joe DiMaggio and Marilyn Monroe, the blonde bombshell actress returned to their hotel room after a visit to entertain U.S. troops in Korea. She began to tell the former New York Yankees star about the ovations she received from thousands and thousands of soldiers every day.

“Oh, Joe, you never heard such cheering,” Monroe exclaimed.

“Yes, I have,” he answered.

Buck Weaver and his wife both knew how it felt to be showered with the cheers of adoring fans, too. The Chicago White Sox infielder was beloved by fans on the South Side from the moment he joined the team in 1912, the same year he was introduced to Helen Cook by the manager of a hotel in San Francisco where they were both staying. Weaver was wintering in California following his rookie season with the White Sox; Helen and her three siblings, performing as the Cook Sisters, were on the West Coast swing of their national tour on the Pantages vaudeville theater circuit.

The 22-year-old Weaver’s infectious smile and enthusiasm had already made him a popular idol to the Comiskey Park faithful. They also endeared him to the “breathtaking young lady” with a “richly endowed figure” and a singing voice to match.¹ The 20-year-old Helen and her sisters, Bessie, Harriet (known as Hattie), and Marie, were one of the most popular singing groups in vaudeville at the time, regularly drawing sellout crowds at their shows all across the country. “Each day their performance is greeted by roars of applause,” one observer reported, “and they are never allowed to depart without several encores.”³

Weaver was delighted to discover that the sisters hailed from Pontiac, Illinois, and that the Cook family had recently moved to the Englewood neighborhood of Chicago, just a few miles from where the White Sox played. The sisters weren’t often at home — they had been touring virtually nonstop for the past three years — but Weaver vowed to stay in touch with the tall, blue-eyed brunette who had caught his eye as Helen left for a week-long gig at the Savoy Theater in San Diego and he readied for spring training.

Born on March 2, 1892, Helen was the fourth of James and Rose Cook’s seven children.⁴ James was an electrical engineer and Rose (née Haney) was the daughter of Irish immigrants. Helen and her sisters⁵ all showed a proclivity for music at a young age, singing in church choirs and lyceum programs in central Illinois. They were blessed with strong voices at a wide range of octaves, and on stage they supplemented their pleasing harmonies with bright, fashionable costumes that turned spectators’ heads. Their act quickly drew attention on the vaudeville circuit as they took their show on the road beginning around 1909.

The Cook Sisters “are the neatest, prettiest quartet of girls that has been seen here,” one reviewer wrote. “Their act is a musical act clear through, no dancing or comedy work being used. … They have perfectly blended voices, ranging from high soprano to almost a male bass.”⁶ They “sing rag time with a swing that stirs the audience into unconscious accompaniment,” another said.⁷ In addition to their aural stylings, “their act might be termed a fashion show as well, for the gowns worn by the members of the cast are said to be the latest from the Parisian modistes.”⁸

The 22-year-old Weaver’s infectious smile and enthusiasm had already made him a popular idol to the Comiskey Park faithful. They also endeared him to the “breathtaking young lady” with a “richly endowed figure” and a singing voice to match.² The 20-year-old Helen and her sisters, Bessie, Harriet (known as Hattie), and Marie, were one of the most popular singing groups in vaudeville at the time, regularly drawing sellout crowds at their shows all across the country. “Each day their performance is greeted by roars of applause,” one observer reported, “and they are never allowed to depart without several encores.”³

Helen Cook, above, and Buck Weaver were married for more than four decades. Before he reached the major leagues, she was already a star on the vaudeville circuit with her singing siblings, the Cook Sisters.

(Photo: Chicago Examiner, October 16, 1914)

➤ Continued on Page 19
the Cooks to a more prominent place on the bill as they made their way around the theater circuit in Cincinnati, Ann Arbor, Kalamazoo, and other mid-sized Midwestern cities.

“Maidens in pink with beribboned coiffures, the four Cook Sisters sang popular ditties, their ensemble singing being interspersed with solos, wherein one maiden occasioned mild surprise with her exceedingly deep baritone voice.”9 Their act included contemporary hit songs such as “Under the Yum Yum Tree,” “Meet Me Tonight in Dreamland,” and “I Want a Girl (Just Like The Girl That Married Dear Old Dad).”

In 1911, the sisters signed with the Pantages theater circuit and took their first trip to the West Coast, playing week-long shows that summer in Seattle, Portland, Sacramento, San Francisco, Los Angeles, San Diego, and Denver. The Cook Sisters “created a veritable sensation wherever they have been heard in their repertoire of harmonies.”10 In the fall, they hit the East Coast, playing venues from Washington, DC, to Philadelphia to Boston. In Bridgeport, Connecticut, “the charming soprano” Hattie Cook fell in love with a “well known speedy and fancy roller skater”11 named Frank Brower, whom she married there in February 1912.

While Hattie took some time off to celebrate her nuptials, Bessie, Marie, and Helen continued their tour. They all reunited in the fall for another West Coast swing on the Pantages circuit, where Helen met the man she would marry. Buck Weaver had unwittingly crossed paths with the Cook Sisters in 1911 when he was playing baseball for the San Francisco Seals of the Pacific Coast League while they were traveling down the coast on their first western tour. Following Weaver’s rookie season in the major leagues with the Chicago White Sox in 1912, he went back to California to spend the winter with his friend and former teammate, Ossie Vitt.12

The Cook Sisters spent most of December at the Pantages Theater in San Francisco, playing on the same bill with North Pole explorer Frederick Cook (no relation.) “The Four Cook sisters, young women attractively gowned and with pleasing voices, proved a big hit and were called back repeatedly,” the San Francisco Chronicle reported.13 During this time, Helen and Buck were introduced and immediately grew fond of each other’s company.

Their budding relationship remained at a long distance for nearly two years as Buck resumed his baseball career in Chicago and Helen and her sisters toured the country throughout 1913 and 1914. After the ’13 baseball season, Buck was invited to go on a promotional tour around the world co-organized by White Sox owner Charles Comiskey. According to Weaver’s biographer, Irving Stein, Buck invited Helen to come with him, but she “probably said she didn’t think it proper and stayed behind.”14 Buck brought

The four Cook Sisters from Pontiac, Illinois, began hitting the road around 1909 with their popular vaudeville act and spent most of the next decade touring the country. “Each day their performance is greeted by roars of applause,” one observer reported, “and they are never allowed to depart without several encores.” From left: Harriet, Marie, Bessie, and Helen Cook. Harriet later married former White Sox pitcher Jim Scott. (Photo: Decatur Herald, August 10, 1913)

home some jewels and other gifts for his fiancée; they had quietly become engaged and were set to be married on October 17, 1914.15

Their courtship wasn’t traditional and neither was their wedding. As the White Sox mounted an exciting three-games-to-one comeback in the postseason City Series against the Chicago Cubs, rumors swirled in the newspapers that the Sox team captain was about to get married. Weaver was spotted acquiring a marriage license hours after Game Six at City Hall with his friend and teammate Joe Benz, but he hotly denied the news when asked to confirm. “Off the diamond, I’m a private citizen. Get me?” he told the Chicago Examiner.17

Two days after Game Seven, Buck and Helen gathered privately at the Cook residence on LaFayette Avenue shortly after 2 o’clock in the afternoon to be married by the Rev. Willard Robinson of the First Church of Englewood. Only Helen’s parents, James and Rose, were in attendance. It’s unclear why neither Helen’s siblings nor any of Buck’s teammates were on hand, but Buck’s insistence on privacy in the face of so much public interest in his affairs may have compelled the couple to keep things quiet even among their closest friends and family.

Continued on Page 20
In any case, Weaver “couldn’t have been more up in the air” after the brief ceremony. When he went to Comiskey Park afterward to gather his belongings, he was greeted by owner Charles Comiskey, manager Jimmy Callahan, and the rest of the White Sox. “The boys down at the clubhouse presented us with a big, fat check as a wedding present,” Weaver said. “They were waiting for me when I came in. ... But I wouldn’t have taken the kiddin’ they gave me for a hundred checks.”

The newlyweds waited until spring training to take a honeymoon trip to California, which happened to coincide with the White Sox spring training camp in Paso Robles on the central coast. Their lives didn’t change much after they got married: Buck played baseball with the Sox all summer and Helen and her sisters resumed touring. But baseball increasingly played a large role in the Cook Sisters’ world. Hattie Cook’s first marriage had ended quickly and she was now in a relationship with one of Buck’s White Sox teammates, pitcher Jim Scott.

Following the 1915 season, Weaver, Scott, and the four sisters embarked on a vaudeville tour together around the Midwest. They opened their new show on November 2 at the Empress Theater in Chicago, where “3,000 loyal rooters of the south side thronged the vaudeville house.” In their act, they “talked baseball, danced, sang ballads, and ragtime. ... Buck teamed up with one of the girls and imitated Vernon and Irene Castle, the internationally popular ballroom dancers.”

One reviewer complained that the ballplayers weren’t given enough stage time: “It is a good sketch, but there is not enough of it. It should [give] Jim Scott, who really is the owner of an excellent voice, a chance to sing a song all by his lonesome, and Weaver an opportunity to display his footwork. Umpire Billy Evans says Buck is one of the best dancers he ever saw, and yet Buck is not called upon to display his skill in this act. They also refuse to let Buck sing a solo, but maybe that is a wise move. Perhaps they have heard Buck sing.”

When the ballplayers returned to the White Sox for the baseball season, the Cook Sisters picked right back up with their regular stage show, touring the country throughout 1916 and '17. Where they had once been a novelty as female stars in vaudeville, there were enough popular singing and comedy groups by now for Pantages booking managers to put together an “all-girl program,” with a bill that also included the Portia Sisters, the Three Symphony Maids, and a musical comedy called “The Courtroom Girls” that toured the West Coast during the spring of 1917.

In November, Hattie Cook and Jim Scott were married in San Francisco, where he was training with the US Army officer reserve corps at the Presidio. Scott was one of the first big-leaguers to enlist in the military during World War I. He left the White Sox to join the Army in August, just a few months before the team went on to win the World Series. Buck and Helen traveled west for the wedding and the Cooks welcomed another ballplayer into the family.

Soon afterward another Cook sister, Annetta Marie, also got married. Her husband, William Scanlan, was a pharmacist from Chicago. After nearly a decade on the road, the sisters’ days of traveling around the country on vaudeville tours were numbered.

With their youngest sibling, Vesta, having replaced the eldest, Bessie, in the singing act, they only played a handful of shows in 1918 — including at least one with all five of the sisters on the Fourth of July in Indianapolis — and briefly starred in an ensemble musical comedy called “Kentucky Belles.” The Cook Sisters’ final show together before settling in to married life may have been a Thanksgiving weekend set at the Majestic Theater in Fort Wayne, Indiana. They were still fan favorites everywhere they went and they left the stage at the top of their game.

Helen Weaver turned 27 just a few weeks before Opening Day in 1919, and she tried to adapt to her new life as a full-time baseball wife. For a brief time, there was some glamour in the role and newspaper photographers delighted in capturing her fashionable image with their cameras. But that life was abruptly cut short by the Black Sox Scandal. Buck was implicated in the plot to fix the 1919 World Series and permanently banned from organized baseball, throwing their world into disarray.

As Buck began what would become a lifelong quest to clear his name, he began working at his brother-in-law William Scanlan’s successful drug store at Halsted and 69th streets in Chicago. The pair later expanded the business into a chain of six stores before the Great Depression virtually
wiped them out. The Weavers shared an apartment on Michigan Avenue along with the Scanlans, James and Rose Cook, and three of the Cook siblings, Bessie, Vesta, and teenage brother Harold.

Life in the 1920s was a struggle for them all. Buck spent most summers chasing his baseball dream, playing in semipro and “outlaw” games all over the country, often with his old Black Sox teammates. In January 1927, he made a public appeal to baseball commissioner Kenesaw Mountain Landis for reinstatement and was denied a chance to get back in the game. One month later, Helen’s father, James Cook, died. Buck stayed home in Chicago that summer, hooking on with an independent team in nearby Hammond, Indiana. By then the Weavers had moved to their own apartment on the South Side and Buck worked odd jobs around the city between games, including stints as a painter, florist, and tile-setter.

In 1931, tragedy struck the family as William Scanlan died at age 40 after an attack of acute appendicitis, leaving his wife Marie and young daughters, Bette Lou and Patricia, without their husband and father. The girls all moved in with Buck and Helen, and the Weavers helped raise Marie’s children as if they were their own. Bette Lou and Patricia thrived under the watchful eye of Uncle Buck, who doted on his nieces with shopping outings to Marshall Field’s and camping trips to the north woods of Wisconsin. 

“That helped my mom tremendously,” Patricia told the Chicago Tribune in 2015, “because it was Depression time and my mom had been in show business — she didn’t know how to get a job.”

Around the same time, Buck’s old teammate, Jim Scott, and his wife Hattie moved back to Chicago and briefly lived with the Weavers and Scanlans at their bungalow on Winchester Avenue. This arrangement didn’t last long; the Scotts soon moved west to Los Angeles, where Jim found a job as an electrician at RKO Pictures. Later, Helen’s sister Vesta and mother Rose moved back in with the Weavers, too.

While life was hectic at times, the Weaver household was always full of love and levity. Another niece, Marjorie Follett, remembered Buck’s fondness for bread. “He loved bread,” she said. “When we’d go over there to visit, Aunt Helen would always set this beautiful table, linen napkins, china, and there’s always a plate with a stack of bread where he sat.” Buck taught Helen how to bowl and they were frequently seen out together, riding in his Chevrolet. They also had a dog named Goofy — “of course, he also called Aunt Helen goofy,” Follett said.

For about two years in the early thirties, Buck and Helen ran a sandwich shop on 95th Street called “Buck Weaver’s,” where the special was french fried spareribs. The restaurant was poorly managed, however, and they were forced to shut it down. Buck found a more enjoyable job as a pari-mutuel clerk at the Sportsman’s Park horse racing track in suburban Cicero, where he worked for many years.

In 1952, Helen suffered a serious stroke, resulting in partial paralysis on her left side. She learned to walk again with the help of a cane, but had to wear a knee brace to keep her leg from collapsing. Niece Bette Scanlan, who had by then started working at the Chicago Sun-Times where she was a reporter for decades, bought Buck and Helen a television set and they stayed at home every evening watching their favorite shows.

Buck died of a heart attack on January 31, 1956, ending their marriage after 41 years. The ballplayer and the vaudeville star, who had met on the other side of the country while each were at the top of their respective fields, remained devoted to each other long after the spotlights faded away.

Helen stayed in Chicago, living with her sister Marie for nearly a decade afterward. She died on September 7, 1965, at the age of 73 and was buried near her husband at Mount Hope Cemetery.

Notes

4. One of the Cooks’ children also died in infancy.
5. Vesta, the youngest daughter, later replaced Bessie in the Cook Sisters’ act after she turned 18.
9. The Oregonian, July 4, 1911. Two of the sisters, likely Bessie and Helen, could sing in deep voices, a trait frequently noted in reviews and which provided some comic relief during their shows.
16. In the early 20th century, the Cubs and White Sox faced each other in a sanctioned postseason series in years when neither team won the pennant. The “City Series” was hotly contested and popular among fans in Chicago, sometimes drawing larger crowds than the World Series. See Retrosheet.org/Regional%20Series/chi14.htm for box scores of the 1914 City Series.
19. Ibid.
23. For more on Jim Scott, see his SABR biography by John Bennett at SABR.org/bioproj/person/c679f80c.
26. Family lore has it that Scanlan and Weaver were once approached by Chicago rival Charles Walgreen to go into the drug store business together, but they turned him down. As of 2017, Walgreens is a $100 billion a year company with more than 8,000 locations in all 50 US states.
33. Ibid.
35. Thanks to David Fletcher and the Weaver family.