

THE RACKETEER AND THE REFORMER

How James Munsene Used Clarence Darrow To Become The Bootleg King Of Warren,
Ohio.

by

Jonathan A. Kinser

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Jonathan A. Kinser

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Signature:

Jonathan A. Kinser, Student Date

Approvals:

Dr. Fred Viehe, Thesis Advisor Date

Dr. William Jenkins, Committee Member Date

Dr. Donna DeBlasio, Committee Member Date

Peter J. Kasvinsky, Dean of School of Graduate Studies & Research Date

ABSTRACT

James Munsene, a reputed bootlegger in Warren, Ohio, had been tried so many times for allegedly attempting to bribe the Trumbull County Sheriff in 1925, that the case had become known colloquially as his annual bribery trial. The 1928 trial appeared to be merely a repeat of the previous two trials until Munsene revealed that the identity of his new lead defense counsel was none other than world famous defense attorney, Clarence Darrow. Darrow's decision to defend Munsene elevated the trial from a marginally important local bribery trial, to a nationally covered media event.

For Clarence Darrow, the trial was supposed to be a triumphant return to the Ohio county where he was born, raised, and first practiced the law. Darrow had attempted to retire from the practice of law for many years and he hoped to do so with a victory in front of a home crowd. For Munsene, the trial marked the third attempt by Trumbull County Prosecutors to convict him of offering a five hundred dollar bribe to Sheriff J. H. Smith. If Darrow could secure Munsene a victory, the racketeer hoped to expand his operations in Warren. Munsene did not intend to leave the lucrative business of bootleg alcohol. In fact testimony in the first two trials implied that he was looking to establish control over gambling activities in the area as well. The fates of Darrow and Munsene both hinged on the outcome of the trial. Munsene's need for an acquittal was obvious, as he faced three years in prison. Darrow's need for a victory was less apparent, but no less important. Darrow had always longed to impress the people where he had grown up, and no matter how much prestige he gained nationally, he still did not feel respected in his hometown. All of that could change if he could just secure one last victory. Though the outcome of the trial was not exactly what either man had had in mind, it had an enormous impact on both crime and politics in Warren, Ohio and the Mahoning Valley for decades.

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Introduction

On the morning of May 7, 1928, Warren, Ohio changed significantly because of events taking place forty miles north of town in the small, Ashtabula County seat of Jefferson. Though seemingly inconsequential and essentially lost to the historical record, on that day in Jefferson, a trial began that dramatically influenced the future of Warren and ushered in an era of unprecedented crime and racketeering. These events would ultimately lead to the domination of Warren politics and life by organized crime elements, which lasted for well over half of a century.¹

On that May morning in Jefferson, James Munsene faced a judge and jury for the third time on charges of attempted bribery for an offense that dated back to November 1925.² Twice Munsene had been tried and convicted, and twice he had successfully appealed his conviction. The first two trials had been sensational events in Trumbull County, but received little attention outside of the area, however; the third trial would become national news and a front page story throughout Ohio.³ The dramatic difference in the amount of attention surrounding this case was due to famed attorney Clarence Darrow's decision to represent Munsene at the trial.

¹ A special section of the *Warren Tribune Chronicle* dated Sunday, December 12, 1999, looked back at crime and politics in the Mahoning Valley over the last century. The first major crime event the article's timeline lists is the 1928 bribery trial of James Munsene. The timeline chronicles numerous other organized crime activities of the next seven decades, culminating in the 1999 conviction of Youngstown mob boss Lenny Strollo. "Crime and Politics: Mahoning Valley often center stage for high rollers," *Warren Tribune Chronicle*, 12 December 1999, 1E-4E.

² The spelling of the defendant's name can be a confusing subject. The official family spelling, which is on his grave marker, is James Mancini. The spelling on court documents and on the trial transcript is James Muncine. Most local newspapers and the public spelled it James Munsene. For the purposes of this paper, I will use James Munsene as it was the most popular and widely used spelling of his name.

³ The *Warren Tribune*, *Youngstown Vindicator*, *Niles Daily Times*, *Western Reserve Democrat*, *Ashtabula Star Beacon*, *Cleveland Plain Dealer*, *New York Times*, *Steubenville Herald Times*, *Jefferson Gazette*, *Columbus Dispatch*, and the *Chicago Daily News* among others ran articles dealing with the 1928 trial of James Munsene.

At first glance, the employment of Clarence Darrow as Munsene's lead defense counsel seems surprising. By the time of the trial Darrow had become a household name, having been in the spotlight for years as the attorney for the damned; a man who seemed to relish defending those that society fought hardest to punish. What would draw a man of his standing and fame to a small, rural courthouse in Ohio? The answer to that question is surprisingly simple. The trial was to take place in the courts where he had begun his legal career, and where he now wished to end it. Though Darrow's reasons for taking the case and its significance in his career will be discussed, these topics are not the focal point of this thesis. The trial itself remains marginal when discussing Darrow's fame in the courtroom, but the effect Darrow's defense had on James Munsene's criminal career, and the effect that Munsene's criminal career then had on the city of Warren is anything but marginal. Simply put, Clarence Darrow's defense of James Munsene was the beginning of a series of events, which led to the domination of Warren, Ohio, by organized crime elements.

This thesis will analyze the life and criminal career of James Munsene both before and after his 1928 bribery trial, and will establish that the 1928 trial represents the moment in time when Munsene made the transition from small-time criminal to the leading figure in the Warren rackets for over a decade.

Chapter One

James Munsene, like many first generation immigrants, was determined to take advantage of all of the opportunities the United States held for an ambitious young man, and by the 1920s, he was well on his way to becoming a wealthy man. Munsene, who was born in Collelongo, Italy, in 1889, had arrived in the United States in 1904.⁴ By 1905, Munsene worked in the mining industry in Morgantown, West Virginia. Approximately, a year later, he was employed as a tin catcher at a mill in nearby Clarksburg. Over the course of the next fifteen years, Munsene worked in a number of mills, in an assortment of towns in West Virginia, Pennsylvania, and Ohio. During those years of working in the mills, the year 1914 to be specific, Munsene met and married his wife Lucy Durandetti. They were wed in Steubenville, Ohio, and in that same year, their first son Nofry was born. Munsene found employment at Trumbull Steel in 1915 and moved his growing family north to the rapidly expanding steel town of Warren, Ohio.⁵

In the early 1920s, Warren was in the midst of an incredible manufacturing growth spurt that would make it one of the major industrial centers in the state. The city had increased its number of manufacturing facilities from an estimated 12 in 1910 to an impressive 62 by 1920.⁶ During that same period, the population of Warren grew 144% from 11,081 people in 1910 to 27,050 by 1920.⁷ This rapid growth caused spending in the city to increase at an equally impressive rate. This spending came in the form of investments and expansion of businesses in the area, which allowed the manufacturing

⁴ A Trial Transcript exists and is in the possession of the author. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 22.

⁵ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 22.

⁶ L. C. Vinson, *The Book of Warren*, (Warren, Ohio: The Perkinswood Companies, 1920), n.p.

⁷ Ibid.

boom to continue unabated. There was also an increase in consumer spending resulting from the workers' increased wealth.

James Munsene found himself right at home in this rapidly growing area, and around 1920 he left the mill to pursue his own business ventures. For a partner he chose his brother-in-law, Bernard Monfrino, and the two purchased a grocery store in Pittsburgh.⁸ Though their business was in Pittsburgh, Munsene continued to reside in Warren. He was now the father of three children, having been blessed with two more sons since moving to Warren, and his family was firmly rooted at their farm on the west side of town. Munsene and Monfrino ran their grocery store for around three years before they sold the business. It was at this time Munsene found his true calling in the restaurant and nightclub industry. Munsene and Monfrino's first club was located in Atlantic City, New Jersey, on the corner of York Avenue and Boardwalk.⁹ The two operated this club for two years, and the time Munsene spent there away from Warren each summer would become a major point of interest in his later bribery trials.¹⁰

By the summer of 1925, James Munsene was a success in the restaurant business. He would never again work in a steel mill, but his understanding of the working man would serve him well in his later business ventures in Warren. Also by 1925, his family

⁸ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 24.

⁹ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 25.

¹⁰ Mrs. Smith and Mrs. Walker, the Sheriff's cook, both claimed in their testimony that Munsene visited the Sheriff during the summer of 1925. Mrs. Smith's testimony concerning the subject occurred during her direct examination. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 29-30. Mrs. Walker's testimony, the most extensive concerning the alleged summer visit, was brought out in Darrow's cross-examination. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 80-84. Contradicting the ladies' account regarding the summer visit, James Munsene testified that he stayed in Atlantic City for the entire summer of 1925, and that he never visited the Sheriff during that time. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 26. Strangely enough Sheriff Smith disagreed with his wife and cook, and testified that Munsene only visited in the spring and November. The Sheriff, asked first by the judge and later by Darrow, testified both times that he had no recollection of such a visit. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 52, 57-58.

had finished growing, as a daughter, Marian, born in 1924, joined her three older brothers, Nofry, Tullio, and Warren. When Thanksgiving 1925 rolled around, life was going well for James Munsene, and he felt financially secure enough to bring his knowledge of the restaurant and club business back to Warren, where he sought to open a club.

Based on testimony from the 1926 court case, and the fact that he was already known as the “Bootleg King of Warren,” it seems that Munsene was already a regular participant in the Warren club scene as of 1925.¹¹ However, the facts are hazy as to whether or not he was already an owner or investor in any of the clubs in the “flats” district of Warren.¹² Whether he was an owner of a club or not at that time does not matter. This decision to open a new club, be it his first, or another in a line of clubs, caused him to have a conversation with Trumbull County Sheriff John H. Smith in late November of 1925 that would land Munsene in trouble.

Around Thanksgiving night 1925, Munsene visited the home of Sheriff John H. Smith. It is agreed that the two men had a discussion in the Sheriff’s office over whether or not Munsene should open a club in Warren. However, neither of the men involved in that discussion would later agree upon the particulars of the discussion. Sheriff Smith alleged that in their conversation Munsene discussed opening up a gambling club in

¹¹ As early as 1926, James Munsene was being called the Bootlegger King in Warren, that reputation would be greatly enhanced after Darrow defended him from 1928-1930. First mention of the nickname can be found in the February 22, 1926 edition of *The Warren Tribune*. “Munsene Bribery Trial Sensation, Sheriff Quizzed on His Charges: Big Crowd Gets Thrill as Man Police Call “Bootlegger King” Goes on Trial--- Sheriff Alleges He Was Offered \$500 Bribe and \$500 a Month---South St. Club Raid Feature of Morning Testimony,” *The Warren Tribune*, 22 February 1926, 1.

¹² In the February 22, 1926 *Warren Tribune*, Sheriff J. H. Smith is quoted as saying that Munsene had asked him to quit ramming his places, because the raids were bad for business. He also alleged that Munsene had once told him of a “Double Beer Plot.” The Sheriff claimed that Munsene had told him that in 1924 he had brought two shipments of beer into Warren. One shipment he allowed to be captured by the Sheriff on the south side of town, because at the same time he was unloading a shipment on the north side of town, which allowed him to pay for his losses and still make a substantial profit. “Munsene Bribery Trial Sensation: Sheriff Quizzed On His Charges,” *The Warren Tribune*, 22 February 1926, 1.

Warren. Smith claimed that he told Munsene not to pursue such a venture. In response to the Sheriff's negative response, Munsene allegedly offered the Sheriff \$500 a month if he would let the club operate anyway. Munsene for his part denied having made any such offer. Nevertheless, a few days later Sheriff Smith arrested Munsene and he was charged with attempted bribery.

After his arrest, James Munsene quickly sought the legal council of local attorneys, Harvey Burgess and R. I. Gillmer. Trumbull County Prosecuting Attorney Wick W. Pierson would represent the state and preparations were made for the case to be tried in Judge William Duncan's courtroom in February of 1926. Early testimony in the case was sensational, and surrounded allegations of Munsene's bootlegging career, instead of the actual bribery charge. From the first prosecution witness to the last, the question of whether or not James Munsene was a bootlegger hung over every aspect of the trial. Smith spoke of raids carried out on clubs in the flats, but could not prove that Munsene had any actual business interest in any of them. His testimony served to insinuate the connection, but all of his proof was circumstantial at best.¹³ The only aspect of the case that the Sheriff could positively testify about was that he had had a meeting with James Munsene. The particulars of their discussion at that meeting, however, were no more than the Sheriff's word against Munsene's.

In spite of the fact that Munsene had never been tried, convicted, or even arrested for any liquor or gambling violations up to this point, the prosecution apparently successfully convinced the jury that he was a bootlegger. Having listened to the

¹³ "Munsene Bribery Trial Sensation: Sheriff Quizzed On His Charges," *The Warren Tribune*, 22 February 1926, 1.

arguments that Munsene was a bootlegger, it seemed only a matter of time before the jury returned a guilty verdict against Munsene.¹⁴

The only option left for the defense was an attempt to get the entire case thrown out on a technicality involving the wording of the indictment. Harvey Burgess argued that the case should be dismissed, because in the state of Ohio a bribe could only be a bribe if it were offered for a specific purpose. Since the Sheriff had already testified that, he could not prove that Munsene was the owner of any club in Warren, and that he could not link Munsene with liquor or gambling activity, then an attempt at bribery could not have occurred. Burgess' basis for this argument was that Ohio law did not cover bribery without a purpose, and with nothing to protect, Munsene could not have been attempting to buy the Sheriff's protection.¹⁵ The judge quickly brushed this confusing argument aside and the trial was given over to the jury. After little more than two and a half hours and nine ballots, the jury returned with a guilty verdict.

Immediately after the verdict was read, the appeals process was begun. Harvey Burgess quickly drew up a bill of exceptions, and had the verdict reversed by the end of September 1926.¹⁶ Of the several allegations that Burgess presented in his bill of exceptions, most were disregarded, but one in particular stood out and caused the appellate court judge to overturn the common pleas court's decision. The allegation that led to the reversal of the common pleas court decision dealt with the instruction of the

¹⁴ Much of the prosecution's questioning of Sheriff Smith dealt with Munsene's involvement in bootlegging activities in Warren. One particular incident involving a large shipment of beer and liquor was discussed at length and made the front page of the *Warren Tribune*. "Munsene Bribery Trial Sensation: Sheriff Quizzed On His Charges," *The Warren Tribune*, 22 February 1926, 1. Judge Duncan himself biased the jury by stating to the court that the evidence tended "to show that at the time the bribe was offered the defendant was conducting bootlegging." "Munsene Case," *The Warren Tribune Chronicle*, 23 February 1926, 2.

¹⁵ "Munsene Bribery Case Nears Jury," *The Warren Tribune*, 23 February 1926, 2.

¹⁶ September Term 1925, Trumbull County Criminal Appearance Docket, Book 10, 3881. These documents are located in the Trumbull County Archives, located in Warren, Ohio.

court in regards to the issue of an alibi.¹⁷ Judge Duncan, in his instructions to the jury, had stated that the defendant had to prove his alibi absolutely, while the law only asks that the defense raise a reasonable doubt.¹⁸ Therefore, the charge to the jury was deemed prejudicial and the decision of the lower court was reversed.¹⁹

Not long after the appeals court decision to overturn the verdict, the Trumbull County Prosecutor's Office made the decision to try Munsene again on the bribery charge. Lynn B. Griffith Sr. had taken over the prosecution from Wick Pierson, and the trial was set to begin in May of 1927. The defense line up changed as well. While Harvey Burgess remained as Munsene's lead counsel, Attorney Gillmer departed and was replaced by a Cleveland attorney named Luther Day. The addition of Luther Day is important to note, because of the prestige that he brought to the trial. Day was the son of the late Chief Justice Day of the United States Supreme Court, and a highly respected attorney in Ohio.²⁰ With both sides prepared, Munsene's second bribery trial began in the courtroom of Judge William Carter on May 17, 1927.

Regardless of the prestige his lawyers brought to the courtroom, the verdict in the 1927 trial would again find James Munsene facing sentencing. The trial itself had changed very little; the prosecution again stressed Munsene's reputation as a bootlegger, and presented the same witnesses. The most interesting new strategy to emerge from the 1927 trial was the defense team's challenge of any jurors who had ever been members of

¹⁷ The article from which this information was gathered dated to James Munsene's second appeal. However, the judge at that trial had stated that his reason for the reversing the decision was identical to the reason the court of appeals had reversed the decision following the first trial. "James Munsene Also Granted New Trial," *Warren Tribune Chronicle*, 22 September 1927, 1.

¹⁸ "James Munsene Also Granted New Trial," *Warren Tribune Chronicle*, 22 September 1927, 1.

¹⁹ *Ibid.*

²⁰ "Munsene Will Fight Bribery Conviction," *Warren Tribune Chronicle*, 19 May 1927, 1.

the Ku Klux Klan.²¹ The mention of the Klan in jury selection represented a shift in strategy for the defense, and though it would not be brought up at this trial, the Klan would become a major factor in subsequent years. Despite claiming that the case was a political frame up in both of the first two trials, and hinting that the KKK was involved, it was obvious from the guilty verdict that the defense needed to do something different the next time to exonerate their client.

After successfully appealing the verdict for a second time, using virtually the same exception as they had in their first appeal, the defense line up for the upcoming third trial experienced yet another change.²² Harvey Burgess would return for the defense, but Luther Day would not. The loss of Day left the defense team without a star attorney, and even though it had not changed the outcome of the trial, Munsene sought out another high profile attorney. The question was whom could he hire that was bigger than Luther Day was in Ohio? Prosecuting Attorney Lynn B. Griffith, in his closing argument at the last trial, had given high praise to Munsene's defense attorneys when he called them "Goliaths of the bar."²³ Little did he know that Munsene had an even bigger legal warrior waiting in the wings to defend him at the upcoming third trial. The name of this legal giant was Clarence Seward Darrow.

²¹ Mrs. Frank Morris of Girard, and Jerome Gray were rejected after having admitted that they had once been members of the Klan. "Sheriff Up As Witness Vs. Munsene," *The Warren Tribune*, 17 May 1927, 1.

²² Judge J. W. Roberts handled the appeal, and the decision was reversed because Judge Carter, like Judge Duncan before him, had prejudiced the jury by stating in his instructions to the jury that Munsene had to prove his alibi absolutely, whereas the law only requires that the defendant produce reasonable doubt. "James Munsene Also Granted New Trial," *Warren Tribune Chronicle*, 22 September 1927, 1.

²³ "Munsene Will Fight Bribery Conviction," *The Warren Tribune Chronicle*, 19 May 1927, 1.

Chapter Two

By the time the sun had begun to rise into the sky over the sleepy little town of Jefferson, Ohio, on the morning of Monday, May 7, 1928, the town was abuzz with the sounds of activity. By no means was that day an example of a normal morning in Ashtabula's county seat. On this spring morning, the situation was far from normal, as outsiders had been arriving in the little farming community for the past few days, and additional visitors began to arrive from neighboring communities. As the number of people in town increased to unmatched levels, it would have been obvious that a major event was about to take place.

The activity in town all seemed to be focused on the century old courthouse situated in the center of town. Anticipation was high, and there was a palpable sensation in the air that something big was going to happen, as people flocked to the courthouse. Most of the visitors drove into town in automobiles, though a few came on horse drawn wagons. Some of the people were dressed in flashy new suits, others in simple farmers' overalls.²⁴ This combination of metropolitan and rural styles created a carnival-like atmosphere as people jostled into the courthouse. The diverse mixture of people arriving at the courthouse that morning resulted mainly from an influx of reporters and lawyers arriving in town. The *Chicago Daily News* even sent a correspondent, Charles Schwartz, to cover the trial and the homecoming of one of Ohio's most famous former residents.²⁵ The diversity was appropriate, however, as it was representative of the contrasting details of the background of the man that had attracted all of this attention. That man, Clarence S. Darrow, arrived at the courthouse around nine-thirty that morning when Bailiff T. L.

²⁴ "Darrow Wins Opening Tilt At Jefferson," 8 May 1928, 1.

²⁵ "Distinguished Guest at Colonial Tea Room in Kinsman," *The Jefferson Gazette*, 15 May 1928, 4.

Webber officially opened the court.²⁶ Darrow had stayed in the county's namesake city, at the Ashtabula Hotel, having arrived in town on Sunday. Who was this man that everyone had come to see, what sort of man could inspire people to travel across the country to a small rural courthouse in Northeast Ohio? Who was he indeed?

Prior to his involvement in the Munsene trial in 1928, Clarence Seward Darrow had already become one of the most famous defense attorneys in America, and one of the most influential thinkers of his time.²⁷ Before going on to national fame in Chicago, Darrow had already had a long and storied past in Northeast Ohio. He was born in Trumbull County in the small town of Farmdale, just outside of the slightly larger small town of Kinsman in the year 1857. Clarence was the fifth child born to Amirus and Emily Darrow, two freethinking radicals in an area of the country where this was far from the norm. After a tumultuous childhood, which Darrow himself has written extensively about, two of his siblings, Edward and Mary Darrow, enrolled Clarence in law school at Michigan University in the year 1877. He would only attend law school for one year though, as he felt guilty for imposing a financial burden upon his siblings, and instead chose to apprentice at a law office in Youngstown in order to prepare for the bar exam.²⁸ Despite his distaste for organized education, and with the experience he gained as an apprentice, Clarence did learn enough to allow him to take and pass the Ohio Bar exam.

²⁶ "Discharge Jury Panel in Munsene Case," *The Jefferson Gazette*, 8 May 1928, 1.

²⁷ Darrow was so famous at the time of the Massie Trial in 1932, that mail addressed "Clarence Darrow, Chicago," would reach him. He was also renowned enough that when faced with the prospect of finding an attorney for Lt. Massie, one of his fellow officers immediately recommended Darrow because he was the most famous trial lawyer at that time. Kevin Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 412-413. Further evidence of Darrow's renown can be found in Irving's *Clarence Darrow for the Defense*, where the author quoted several prominent figures at the time of Darrow's death praising his contributions to society. Irving Stone, *Clarence Darrow For the Defense* (New York: Doubleday, Doran & Company, Inc., 1941), 519.

²⁸ Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 22.

After successfully completing the Bar exam, Darrow set up a practice in the area, finally settling in the small town of Andover, and began his career as a lawyer. The going was tough and he was not earning very much money. After a few years, he moved from Andover, Ohio, in southern Ashtabula County, where he had helped with the process of incorporating the village, to the city of Ashtabula, where he hoped to find more clients. He was soon elected without contest to the position of city solicitor and was well on his way to becoming a permanent fixture in the courthouses and politics of Ashtabula County.²⁹ In 1887, Darrow attempted to purchase a house in Ashtabula and was turned down. The wife of the seller refused to sign the deed, because she did not think that he would ever earn enough to pay for the cost of the house, which was \$3500.³⁰ In disgust, Darrow moved with his wife to Chicago, where he would go on to international fame.

Years later in 1928, Darrow related this story to an audience at the Kiwanis Club in Ashtabula. After telling the story, he threw in a bit of his own philosophical views and took the opportunity to make light of the area he once called home when he said, “Nobody is the captain of his soul, not even a deck hand on a raft. Take yourselves for instance. How do you happen to be in Ashtabula yet? Every one knows you’re not staying here on purpose.”³¹ More important than his opinion of Ashtabula, is the fact that he left, and upon leaving Ohio, Clarence Darrow’s incredible legal career found its true beginning in Chicago, Illinois.

²⁹ Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 29.

³⁰ Gerald Carson, “Darrow For The Defense,” *Timeline*, October/November 1990, 4.

³¹ Charles Schwarz, “Darrow Awakens Boys Back Home: Knocks Boosters as He Tells of Chance That Led to His Fame,” *The Chicago Daily News*, 9 May 1928, 8.

Early on in Chicago, Darrow found disappointment and loneliness; the success that he had hoped for was not forthcoming. It was not until 1895, when he left a job with the Chicago and Northwestern Railway to defend Eugene Debs in the Pullman case, that Darrow found the fame that he had been seeking. Through his success in the Pullman case, Darrow became involved with a number of cases related to organized labor. In 1898, he successfully defended Thomas Kidd against conspiracy charges brought by the Paine Lumber Company in Wisconsin. His victories continued to pile up over the next decade in which he served as counsel for the striking miners before the U. S. Anthracite Coal Arbitration Commission in 1903, and won an acquittal for Big Bill Haywood in the assassination of former Idaho Governor Frank Steunenberg in 1907. In addition to his many legal battles during that period, Darrow divorced his first wife Jessie, married his second wife Ruby, and even found time to publish, *Farmington*, an autobiographical novel about his childhood. Despite the negative and positive changes to his personal life, professionally everything seemed to be going his way, until 1911, and the start of the most difficult period of Darrow's life.

The year, 1911, found Clarence Darrow embroiled in yet another major labor dispute. This time it was the murder trial of the two McNamara brothers in Los Angeles. The McNamara brothers, John J. and James, stood accused of bombing the *L. A. Times* building and killing twenty men. The case was a nationwide sensation because John J. McNamara was the secretary-treasurer of the Structural Ironworkers' Union. Following his arrest, the union mounted a massive nationwide campaign to defend and vindicate the two accused men. Samuel Gompers, president of the American Federation of Labor, (A. F. L.), felt that the only attorney capable of defending the McNamara brothers was

Clarence Darrow. Unfortunately, at the time Darrow had his heart set on retiring and wanted nothing to do with the case. This probably had to do with the fact that he almost certainly felt the brothers were guilty.³² In desperation, Samuel Gompers threatened, “You will go down in history as a traitor to the great cause of labor if now, in our greatest hour of need, you refuse to take charge of the McNamara case.”³³ The threat worked and Darrow reluctantly took the case.

From the start, the defense of the McNamara brothers looked grim for Darrow. The publisher of the *L. A. Times*, Harrison Gray Otis, held tremendous influence in Los Angeles at the time and was willing to use all of his power to guarantee that someone would hang for the crime. The town itself, because of its leaders, was radically anti-union and it seemed that there would be all-out war between the prosecution and the defense as they prepared their cases for the trial. Both sides employed tactics which today would be looked upon as corrupting the justice system. These tactics included threatening witnesses into testifying, kidnapping witnesses, secreting witnesses to other states or even other countries so that they could not testify, bribing witnesses through plea agreements, and even attempting to bribe jurors.³⁴

Illegal arrests, forced testimony, and all other corruptions of justice aside, what caused the greatest stir was the alleged attempt by the defense to bribe the jurors. The truth about Darrow’s involvement will probably never be known. Whether he had already decided to enter guilty pleas for the McNamaras before the bribery scandal

³² Geoffrey Cowan, *The People v. Clarence Darrow* (New York: Times Books, 1993), 121-123.

³³ On Darrow’s reason for taking the case, Cowan wrote, “...if he refused, the consequences could be unbearable. He would lose his most important client, undermine his ability to serve as a management-labor mediator, be deemed a traitor by his most loyal friends, and if Gompers could be believed, damage rather than enhance his place in history.” Geoffrey Cowan, *The People v. Clarence Darrow*, 122.

³⁴ For a more detailed account of this trial see Geoffrey Cowan’s *The People v. Clarence Darrow*.

erupted, or if the decision was made in an attempt to create an alibi for himself will probably never be known. In any case, not long after one of Darrow's men was arrested while attempting to bribe a juror, a secret agreement was reached between the prosecution and the defense.³⁵ The plea agreement called for the McNamaras to plead guilty, with James, the bomber, being sentenced to life in prison, and John J., the conspirator, receiving a fifteen year sentence.³⁶ Not long after the end of the McNamara trial, the prosecution indicted Darrow on two charges of attempting to bribe members of the McNamara jury pool.³⁷ The most difficult battle of his career had begun.

For the next two years, Clarence Darrow fought for both his career and more importantly, his freedom. He hired the most expensive and celebrated lawyer in the West, Earl Rogers, to defend him. Later after Rogers' drinking and depression took their toll, Darrow even defended himself.³⁸ It was a difficult struggle, as circumstantial evidence pointed towards Darrow's guilt, but after shaking off his own depression, Darrow delivered one of his greatest closing arguments at the first trial and was acquitted.³⁹ For the second trial, Darrow defended himself and the ordeal ended in a hung jury.⁴⁰ Despite having never been convicted of either charge, Darrow's reputation was shattered and he returned home to Chicago a virtual pariah amongst his old friends and acquaintances. The next few years were very difficult and Darrow's public career

³⁵ Cowan, *The People v. Clarence Darrow*, 235-269.

³⁶ *Ibid.*, 268.

³⁷ Darrow's indictment took place on January 29, 1912. *Ibid.*, 291.

³⁸ *Ibid.*, 375.

³⁹ The jury took only forty minutes to reach its not guilty verdict, for a trial that had lasted an exhaustingly long ninety-two days. *Ibid.*, 375, 430. Most of Darrow's closing argument can be found in Cowan's book, *The People v. Clarence Darrow*, beginning on page 415 and concluding on page 427.

⁴⁰ Darrow's first bribery trial was for the attempted bribery of George N. Lockwood. Cowan devoted one hundred thirty pages to that trial. Cowan, *The People v. Clarence Darrow*, 302-432. The second trial dealt with the alleged attempted bribery of juror candidate Robert Bain. In that case, Darrow represented himself without the assistance of Earl Rogers who was hospitalized following a nervous breakdown. The jury deliberated for forty hours but could not reach a verdict and the trial ended in a hung jury. Cowan devoted less than a page to the proceedings of that trial. *Ibid.*, 433.

seemed to be over. That is until World War I erupted in Europe, and the opportunity arose for Darrow to salvage his career and once again endear himself to America's citizens.

After Germany invaded Belgium in 1914, Clarence Darrow surprised and shocked many of his leftist friends when he supported the idea of American intervention in Europe. By the time America entered the war in 1917, Darrow had made innumerable speeches in support of the Allies' cause and had restored his reputation with many of the leading political leaders in Washington, including President Wilson.⁴¹ Darrow's patriotic endeavors during the First World War resurrected his career and helped to clean up his tarnished reputation. Following his successful efforts during the war, his career would reach unparalleled heights during the next decade. Even with the phoenix-like rebirth of his career, Darrow would never forget how it felt to be on trial, and emerged from the McNamara ordeal with a new understanding and compassion for those facing prosecution in America's courts.⁴²

Clarence Seward Darrow became a household name in 1924, when he saved the notorious thrill-murderers Nathan Leopold and Richard Loeb from the death penalty. His defense of the two young men had been unorthodox at best, as he secretly decided to plead them guilty to murder in order to have a better chance of saving them from being executed. His legal scheming worked and his efforts were reported across the country. Darrow's closing remarks to Judge Caverly remain as one of the most eloquently worded pleas for mercy ever delivered in a courtroom. The plea took its toll on Darrow, leaving

⁴¹ Kevin Tierney pointed out in his biography of Darrow that, during the First World War Darrow had become "the darling of the establishment, courted by government officials and by the President of the United States himself, with whom he had a private meeting on Aug. 1, 1917..." Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 292.

⁴² Cowan, *The People v. Clarence Darrow*, 432.

him to remark that, “When I closed I had exhausted all the strength I could summon. From that day I have never gone through so protracted a strain, and could never do it again, even if I should try.”⁴³ In spite of his exhaustion, Darrow continued to work at a feverish pace, and was the central figure in two other high profile cases that took place in the 1920s. In 1925, he led the defense team in the Scopes Monkey Trial. The trial secured his place in American history because of its carnival-like atmosphere, international interest, and his incendiary cross-examination of his former friend William Jennings Bryan. His last major trial took place in Detroit, where he successfully defended the Sweet family against murder charges in 1925 and 1926. However, Darrow still felt that something was missing in his stellar legal career- a win in his old home county. Darrow had only defended one person in Trumbull County and, though he initially won that trial, the decision was overturned on appeal. Darrow had to fight the case all the way up to the Ohio Supreme Court in order to finally win the case, but this occurred after he had already moved to Chicago.⁴⁴

With all of his success, why was Darrow so concerned with impressing the people back home? The answer to this question is quite simple; he wanted acceptance from those people that had known him as a child. The people in his hometown had known him since he was an innocent young boy, not yet tainted by the evils of adulthood, and yet he

⁴³ Clarence Darrow, *The Story of My Life*, 242.

⁴⁴ *Jewell v. Brockway*, commonly known as the Harness Case, began in June of 1885 and would last until 1894. Disputed ownership of a horse harness was the root of the charges. Darrow’s client, a young man named James Brockway, was accused of stealing a horse harness from a drunkard named G. E. Clark. The legal guardian of Clark and his property, Cornelius Jewell, had brought the charges. Brockway claimed that Clark had given him the harness as payment for caring for Clark during an extended illness. Jewell countered that there was no agreement and that Brockway had in fact stolen the property. Darrow successfully tried the case in a local court, but the decision was overturned on appeal. Darrow stuck with his client despite moving to Chicago before the Ohio Supreme Court finally ruled that the harness did in fact belong to his client James Brockway. For more on the case see the June Term 1885, Trumbull County Court Appearance Docket, Book 16, p. 245, 519, 582-588.

was not accepted even then. Darrow felt that the only time he had ever been accepted by anyone occurred when as a boy, he had hit a homerun to win a baseball game in Kinsman.⁴⁵ He thought that if he could win one trial back home, maybe he could also finally win over his former neighbors and his peers. This longing to impress the folks back home was nothing new; he had been quoted years earlier in 1899, saying in a slightly defiant tone,

I have learned what a cheap thing fame is, and what it costs to do your duty, and care little for the opinions of the herd when I think I am right. I know that I know more than they, and that my motives are so much above theirs that they cannot comprehend me; and as I can live without them there is really no reason why I should care. But, all the same, the time will come when both towns (Kinsman and Andover. ---cor.) will claim me...⁴⁶

He had waited almost thirty years from the time that he uttered this remark, before he made his attempt to win a trial in his old home county, but the time was right in 1928.

The year 1928 was a good year for Darrow to consider retirement. His last major trial had been completed in 1926 and he was financially secure enough to live on his savings. As his numerous rumpled and battered suits would attest, Darrow was known for his miserly ways. Money had not often been an issue in Darrow's life and yet it was always an issue. He originally left Ashtabula because of money, he defended most of his clients because of their lack of money, he was called a sellout for defending clients with money, and he was called a toothless lion for turning his debating skills into entertainment and making money on the lecture circuit. It seems that when it came to

⁴⁵ Darrow described the event in his autobiographical novel, *Farmington*, by saying, "The ball went flying over the roof of the store, and rolled down to the river-bank on the other side. I had gone quite around the ring before anyone would get near the ball. I can never forget the wild ovation in which I ran around the ring, and the mad enthusiasm when the home-plate was reached and the game was over." This was his proudest moment in his old home county. Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 10.

⁴⁶ *Western Reserve Chronicle*, "Burg Hill.," 22 November 1899, 1.

money, Darrow could not win for losing. However, a series of investments during the 1920s, most involving his son Paul's connection with the Greeley Gas & Fuel Company of Greeley, Colorado, appeared to be extremely profitable. In 1928, Greeley Gas & Fuel was sold to the National Gas & Electric Corporation and both Clarence and his son Paul made a substantial profit on their stock.⁴⁷ With his sizeable nest egg set aside and seemingly secure, it is no wonder that for the first time in his career, Clarence Darrow could seriously consider retiring from the practice of law and devote his final years to writing.

While Darrow's sun was setting, back in his old home county, the sun was just beginning to rise on James Munsene's career. Early in 1928, James Munsene had heard of Clarence Darrow's interest in winning a case in Trumbull County. Acting on this knowledge, he learned that Darrow would soon be visiting Kinsman and he decided to ask him to be his counsel. Munsene learned the exact day of Darrow's upcoming trip to Kinsman, and arranged with his lawyer Harvey Burgess, to intercept him as he drove into town. They met Darrow just outside of Kinsman and Munsene asked him to represent him in court. Despite being extremely active on the debating circuit, which was a highly lucrative occupation for Darrow at that time, he agreed to take the case and informed Munsene that he would not charge him a dime.⁴⁸ Having himself once been charged with bribery, Darrow could relate to Munsene and this personal connection may have piqued his interest in the case. Most importantly, Darrow saw this as a chance to win a last case before his retirement, and to do it in the county where he first practiced law.⁴⁹

⁴⁷ Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 390.

⁴⁸ "Darrow Making His Final Plea," *The Steubenville Herald Star*, 7 May 1928, 12.

⁴⁹ A number of newspapers at the time of the Munsene bribery trial of 1928 referred to the case as Darrow's retirement trial. "Darrow Making His Final Plea: Famous Lawyer Plans To End Career Where He Began

The trial also presented Darrow with a chance to strike a blow against Prohibition, which he loathed, by defending a reputed bootlegger. Darrow had spoken out against the prohibition of alcohol for years, and had recently written a book on the subject.⁵⁰ In fact, the trial of James Munsene would not be the first time that Darrow attacked the issue of Prohibition while speaking in Ohio. Almost twenty years earlier to the day, on May 2, 1909, Darrow discussed the issue in front of a full house at the Opera House in Youngstown.⁵¹ Darrow had come to town to plead the wet case, as the citizens of that community prepared to vote on whether or not Youngstown should go dry.

Darrow's argument was a simple one; he claimed that alcohol was not the cause of crime and death, but rather poverty was at the root of these problems. At the time of this speech, Darrow was still the golden boy of the labor movement, and the speech was loaded with socialist sentiment. In the speech, Darrow gave numerous examples of how the money being spent by prohibitionists would be better spent trying to improve living conditions for the poor. Darrow claimed that more American lives would be saved and the world would be a better place, if one tenth of the money being spent trying to

It," *The Steubenville Herald Star*, 7 May 1928, 1. "Darrow's Case Ready For Jury: Noted Lawyer Closes His 'Retirement Case' With Plea For Tolerance," *The Steubenville Herald Star*, 11 May 1928, 1. The *Cleveland Plain Dealer* claimed that Darrow insisted that the trial would be his last. "Darrow Wins Opening Tilt At Jefferson," 8 May 1928, 1. "Darrow Here In 'Last' Legal Fight," *Ashtabula Star Beacon*, 7 May 1928, 1. An article in the Jefferson, Ohio newspaper opened with the statement, "Will Darrow win his last legal battle, was the question on the lips of hundreds of his friends and admirers Friday." "Munsene Case In Hands Jury- Still Out," *The Jefferson Gazette*, 12 May 1928, 1. Even the *New York Times* wrote, "Clarence Darrow, criminal lawyer, who wanted to win a case in his home county of Ashtabula before he deserts the court room, had the prospect today of attempting it all over again next month." "Darrow Jury Disagrees," *New York Times*, 13 May 1928, 7.

⁵⁰ Darrow had been an outspoken opponent of Prohibition for a number of years and had coauthored a book with Victor Yarros, which denounced the law. Clarence Darrow, and Victor S. Yarros, *The Prohibition Mania: A Reply to Professor Irving Fisher and Others* (New York: Boni and Liveright, 1927).

⁵¹ On Sunday May 2, 1909, at the Opera House in Youngstown, Ohio, Clarence Darrow addressed a large audience on the issue of whether or not Youngstown should become a "dry" city. The speech was published in pamphlet form by an organization or publisher called The Great Commoner. The Great Commoner, *Speech of Hon. Clarence S. Darrow Of Chicago At The Opera, House, Youngstown, Ohio Sunday, May 2, 1909*, n.d.

eradicate demon rum were spent trying to eradicate tuberculosis.⁵² Darrow's most emotionally- charged remarks occurred near the end of the speech when he discussed life in tenement houses. Darrow claimed,

In the great cities most of the poor live in crowded tenement houses, and are in need of good air, sunshine and food, and one-half of the children die before they are five years old--one-half of the workingmen's children die before they are five years old. They don't die because they have had too much "rum," but because they didn't have enough milk and food, enough sunshine, enough air and enough earth. Do the prohibitionists care? Have they ever done anything to prevent this condition? Why, you can kill the other half, and they wouldn't care a continental, unless they die from 'booze.'⁵³

Darrow would continue speaking, discussing how labor bills were sidetracked in favor of anti-alcohol legislation, and he would finish up by admonishing the crowd to "keep all your liberties," but the appeal to emotion had been made when he discussed the fate of the nation's poor children.⁵⁴ This was the hallmark of a Darrow speech, the aspect that made them great, that won over, at least for the moment, even those who had a dissenting opinion-his ability to appeal to the emotions of his audience.

Through this speech Darrow offered insight into his own oratorical techniques and gave his opinion as to how lawyers could be successful in the courtroom. To illustrate his point, Darrow made light of prohibitionists' speeches, mocking their stories, and their "shoes for little Johnny," but admitted that their technique, which bore striking similarity to his own, was successful. Darrow claimed that the reason this technique was

⁵² The Great Commoner, *Speech of Hon. Clarence S. Darrow Of Chicago At The Opera, House, Youngstown, Ohio Sunday, May 2, 1909*, n.d., 13.

⁵³ *Ibid.*, 14.

⁵⁴ *Ibid.*, 15.

successful was that it had feeling, and feeling moved people.⁵⁵ The speech also contained Darrow's most honest interpretation of what a lawyer had to do to be successful in the courthouse. He said,

Now I have been engaged in a profession for a number of years (I would not dare say this if I were in Chicago, but I don't care about the lawyers here), and we fellows who try cases before jurors know that the last thing a juror is ever interested in is a fact; and it is the last thing that we are ever interested in. What we are after is a situation that will appeal to feelings; the prejudices, the emotions of man; for you can reach men a good deal easier through their feelings and prejudices and emotions than you can through your reason, for they have got more of them.⁵⁶

In his upcoming defense of James Munsene, Darrow would have to rely heavily on the skills that he had developed as an orator delivering emotion-laden speeches, like the 1909 anti-Prohibition speech in Youngstown, and the courtroom tricks he had learned during his long and storied career.⁵⁷ Obviously, he would attempt to appeal to the emotions of the jury, in the Munsene trial, but he was an old man now, and some questioned how much fight was left in him.

With Darrow in charge of the defense, the decision was made to file for a change of venue in order to remove Jim Munsene's notoriety from the case. In Warren, Munsene's name was readily connected with gambling and bootleg liquor, which took the jury's focus off the facts of the case. The defense hoped that by moving the trial to the sleepy little town of Jefferson, it would be able to focus the jurors' attention on the discrepancies in the prosecution's case. One distraction that the defense did try to use to

⁵⁵ The Great Commoner, *Speech of Hon. Clarence S. Darrow Of Chicago At The Opera, House, Youngstown, Ohio Sunday, May 2, 1909*, n.d., 6.

⁵⁶ *Ibid.*, 6.

⁵⁷ According to Geoffrey Cowan, "Clarence Darrow once noted that 'a jury watches every movement of a lawyer, and the verdict depends to a considerable on what the jury thinks of him.'" Cowan, *The People v. Clarence Darrow*, 357.

its advantage was Darrow himself. The defense hoped that because this was to be Darrow's last case, the sense of nostalgia created by his presence would influence the jury to side with him and allow the great Clarence Darrow to win his final trial.⁵⁸

Whether or not their strategy would work was yet to be seen, but it was obvious from the incredibly diverse turnout that James Munsene would not be the focus of this trial. That honor obviously went to Darrow, which was exactly what the defense had hoped would be the case.

With the limitations of Darrow's advanced age facing the defense, he was seventy-one at the time, it was decided that, despite his reputation, additional attorneys would be necessary to make victory possible. In addition to Darrow, Munsene retained Harvey Burgess, and hired two other lawyers, Francis Poulson of Cleveland, and H. J. Redmond of Ashtabula, to round out his all-star legal team. Poulson had earned prominence in the Cleveland legal circle through his participation in the 1921 trial of Mrs. Eva Katherine Kaber, whom he saved from the electric chair.⁵⁹ H. J. Redmond was crucial to the defense, because of his incredible popularity in Ashtabula County. He had won a number of sensational cases there in his twenty odd years of practicing law and gave the defense a local influence that the prosecution could not match. The pre-trial preparations were now complete, and Munsene had his high-profile legal team on the case, but the question remained, as to whether all of this would be enough to convince a

⁵⁸ The *Warren Tribune Chronicle* noted that virtually no interest was being shown in the defendant, James Munsene. The paper even claimed that if one were to remove Darrow from the case, it would be of as little interest to the people of Ashtabula County as "the passing of a last year's Ford car." The paper further stated that "How much of the attention is admiration and how much curiosity, cannot be determined. Whatever it is, it packs the court room to the doors at every session." The defense had successfully created an atmosphere, which would have been very conducive to keeping the focus off Munsene and the facts of the case. "Testimony In Munsene Case," *Warren Tribune Chronicle*, 9 May, 1928, 2.

⁵⁹ "Darrow to Try Muncine Case," *The Niles Daily Times*, 22 February 1928. 1.

jury that he was innocent. The stage was set for a legal showdown in the Ashtabula County courtroom of Judge Charles Sargent.

Before the trial began, however, Darrow made sure to stir up attention for himself, and to sharpen his oratorical skills, by participating in a debate in Youngstown. The debate pitted Darrow against Rabbi I. E. Philo over what Darrow termed the myth of the soul.⁶⁰ Darrow loved debating and he relished the chance to share his views on religion with a large audience. Darrow was also motivated by money to take part in debates, and by the time of this debate, he had become the biggest box-office draw in America.⁶¹ Aside from money, Kevin Tierney, a Darrow biographer, best described Darrow's motivation for debating when he wrote, "Platform speaking did for Darrow what Dr. Johnson believed the prospect of hanging did for a condemned man---it cleared the mind wonderfully. He had a magical ability to rise to an occasion. Before an audience he became a giant...Always he liked the drama of advocating an unpopular position."⁶² Simply put Darrow needed to debate to reinvigorate himself, to build his confidence.

The debate against Rabbi Philo took place at Stambaugh Auditorium in front of an audience of five hundred people on May 3, 1928. Newspaper headlines the next day claimed that Darrow had the more convincing argument, but that more people in the audience believed the Rabbi. This was no surprise as Darrow was an expert at this topic by the time he addressed the crowd in Youngstown. He had been delivering this speech in one form or another for most of his life, and had been receiving pay for it for half a

⁶⁰ The debate was actually over the question, "Is Man a Machine?" and it would be the second time in a week that he would take part in such a discussion. Darrow had already debated the question in Columbus, Ohio earlier that week against Rabbi Jacob Tarish. "Darrow, Proud of Old Ohio, Glad He's to Debate Here," *Youngstown Vindicator*, 2 May 1928, 1.

⁶¹ For further information regarding Darrow's success on the debate circuit, see Kevin Tierney's biography, *Darrow*, pages 386-402.

⁶² Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 393-394.

decade.⁶³ The theatrical nature of a Clarence Darrow debate was said by many to be a wonder to behold, but could he still apply those skills in a courtroom? Did the old lion of the bar have enough fight left in him to win one last case for a hopeless defendant with public opinion calling for a conviction? The answer to those questions would have to wait until the trial opened on May 6, 1928.

⁶³ Tierney, *Darrow*, 395-396.

Chapter Three

The third trial of James Munsene got off to a slow start, as selection of the jury became the first point of contention in the case. Prosecutor Griffith had just begun asking the first potential juror, a Mrs. Hannah Martinson, if “the fact that the accused had twice been convicted of the crime, for which he was being tried, would have any influence with her in reaching a verdict,” when Attorney H. J. Redmond of the defense immediately objected to the question.⁶⁴ Redmond’s objection, with Darrow in agreement, forced Judge Sargent to dismiss the entire jury pool and adjourn the court for the day.⁶⁵ The objection and the subsequent dismissal of the jury was the result of the defense team’s contention that the prosecutor’s question had created a prejudice against their client, by informing the jury panel of the outcome of the previous trials.

The second round of jury selection began the next day, and the process concluded by the end of the afternoon session of court.⁶⁶ Darrow had conducted the defense team’s examination of the jury in his famous manner. He spoke to the jurors in a friendly, familiar way, as if he were talking to old friends, all the while attempting to create the perfect jury. Contemporaries knew Darrow for his ability to select and relate to his juries, but there was a difference this time. This would be the first time Darrow tried a case with women on the jury.⁶⁷ Darrow did not mention it at the trial but he later wrote about his negative opinion of women serving on a jury. He felt they took the

⁶⁴ “Munsene Case is Delayed at the Start,” *The Warren Tribune Chronicle*, 7 May 1928, 1.

⁶⁵ *Ibid.*, 1.

⁶⁶ “W.C.T.U. Juror Hits Back At Darrow,” *Youngstown Vindicator*, 8 May 1928, 1.

⁶⁷ “Testimony In Munsene Case,” *Warren Tribune Chronicle*, 9 May, 1928, 2. Solly Adams, “Darrow’s Genius in Picking Jury Resulted in Deadlock: Psychology of Intimate Questioning Won Silent Promises of Jurors to ‘Stick It Out,’” *The Youngstown Vindicator*, 12 May 1928, 2. Paul Hodges, “Darrow Will Try Case Over Again,” *Cleveland Plain Dealer*, 12 May 1928, 10. “Testimony In Munsene Case,” *Warren Tribune Chronicle*, 9 May, 1928, 2.

responsibility too seriously and were “all puffed up with the part they feel that they play.”⁶⁸

One female candidate in particular, a Mrs. Victoria Chapin of Austinburg, stood out from the rest during the selection process and she caused enough of a stir to make the front page of a number of papers covering the trial.⁶⁹ Chapin, a member of the Women’s Christian Temperance Union, or WCTU, admitted to Darrow that she had read about the case. When asked if she had discussed it with her family, she snapped back at Darrow, “...we have more important things to talk about in our homes than bootleggers.”⁷⁰

Darrow wasted no time excusing her from the box after the outburst.

Not long after Mrs. Chapin’s dismissal, a locomotive fireman was questioned about his own admission that he had read a number of articles related to the case. His reply was that he, “wasn’t interested in Munsene, it was your renown that made me read about it.”⁷¹ To this, Darrow “smiled, shrugged his shoulders and turned to his associates with a nod.”⁷² The fireman was not dismissed and the defense strategy to focus the jury’s attention on Darrow, not Munsene, or the facts of the case seemed to be falling into place.⁷³ The jury itself consisted of ten men and two women, and seemed to be tailor-made to Darrow’s specifications, but it remained to be seen if that would be enough to exonerate his client.

⁶⁸ Gerald Carson, “Darrow For The Defense,” *Timeline*, October/November 1990, 10.

⁶⁹ “W.C.T.U. Juror Hits Back At Darrow,” *Youngstown Vindicator*, 8 May 1928, 1. “Jury In Munsene Case Is Filled,” *Warren Tribune Chronicle*, 8 May 1928, 1.

⁷⁰ “W.C.T.U. Juror Hits Back At Darrow,” *Youngstown Vindicator*, 8 May 1928, 1.

⁷¹ *Ibid.*, 1.

⁷² *Ibid.*, 1.

⁷³ The jury consisted of ten men and two women: Glen A. Hause, truck driver, Ashtabula; Mrs. Flo B. Young, Jefferson; Mrs. Mary A. Booth, Ashtabula; James Guernesey, railroad fireman, Conneaut; J. A. Kessler, clothing dealer, Ashtabula; A. F. Flood, retired farmer, Conneaut; Duane M. Webb, automobile dealer, Geneva; R. E. Shank, farmer, Conneaut; F. J. Kembel, jeweler, Ashtabula; H. M. Wilkes, clothing clerk, Ashtabula; C. O. Ritter, farmer, Dorset township; and John Hanni, farmer, Monroe township. “Jury In Munsene Case Is Filled,” *Warren Tribune Chronicle*, 8 May 1928, 1.

Following jury selection, the state called its first witness, Sheriff J. H. Smith. His testimony was essentially the same as it had been in the previous two trials. The Sheriff described how the defendant visited the Trumbull County Jail on two occasions in November. The first occasion supposedly took place on November 25th or 26th, when Munsene allegedly asked the Sheriff what he would do if Munsene were to open a gambling establishment in Warren. Under oath, the Sheriff claimed that he told Munsene that he would have to raid the gambling hall. He then testified that Munsene inquired about what the Sheriff would do if he were to receive an envelope with five hundred dollars inside of it. In response, the Sheriff told Munsene that he would have to prosecute. Allegedly, Munsene pushed the issue further inquiring what the Sheriff would do if he received an envelope containing five hundred dollars and did not know who sent it. Again, the Sheriff replied that he would turn the money over to the prosecutor. On November 27th, the Sheriff claimed that the recently discussed letter did in fact arrive. When the Sheriff received the letter, he immediately opened it in the presence of Attorney Jay Buchwalter, a local lawyer. The envelope contained five hundred dollars and a note stating that at least that much or more would be coming to the Sheriff every month.⁷⁴ Smith testified that the next day he took the letter and money to the prosecutor's office and the case against Jim Munsene began. Following this initial, direct examination by the prosecution, the defense chose to defer their cross-examination and the next witness for the prosecution was called to the stand.⁷⁵

Mrs. Smith followed her husband to the stand and reported essentially the same testimony she had given in the first two trials. She claimed that on November 27, 1925,

⁷⁴ "Testimony in Munsene Case Starts," *The Warren Tribune Chronicle*, 9 May 1928, 1.

⁷⁵ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 1-8.

there was a knock at the front door of their home, which, incidentally, was attached to the County jail at the time, and the Sheriff's nine-year-old son, Donald, answered the door. Outside there was a man who asked to see Mrs. Smith. Upon reaching the doorway, she claimed that the man gave her an envelope and asked her to hand it on to Sheriff Smith. After stating that she would and closing the door, Mrs. Smith delivered the envelope to the Sheriff. During her testimony, Mrs. Smith also identified James Munsene as the man who had brought the envelope to their home. She claimed that she had seen Munsene's face in March 1925, while he was in jail following a raid on South Street gamblers.⁷⁶

Unlike their strategy following Sheriff Smith's initial testimony, Darrow and the defense chose to immediately cross-examine Mrs. Smith. Aside from the selection of the jury, this would be the first activity by Clarence Darrow in a Northeast Ohio courthouse in over forty years. The focus of his cross-examination centered on three key items. These three items were Sheriff Smith's relationship with Attorney Buchwalter, the layout of the Sheriff's home, and Mrs. Smith's ability to recognize James Munsene. The most intriguing of these areas of inquiry was the relationship the Sheriff had with Attorney Buchwalter. Darrow battered Mrs. Smith with a flurry of questions concerning the frequency of visits that Buchwalter had made to see the Sheriff. When Mrs. Smith seemed to be avoiding an answer, Darrow rebuked her and deftly steered her towards the reply that he sought. Through his intense questioning, Darrow successfully linked Attorney Buchwalter to a number of private visits to see the Sheriff, but he was unable to coerce Mrs. Smith into admitting that her husband and Buchwalter were closely associated in politics and an undisclosed organization.⁷⁷

⁷⁶ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 8-19.

⁷⁷ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 19-30.

W. W. Clemens, Mrs. Smith's father and a Sheriff's deputy, testified next.

Deputy Clemens informed the court that he had on two occasions admitted Munsene into the jail to talk with Sheriff Smith. Darrow uncovered nothing new from Clemens, and seemed content in gaining only that during their meetings, Munsene and the Sheriff were always alone.⁷⁸

Prosecutor Griffith next recalled Sheriff Smith to the stand to answer questions regarding the content of the bribery letter and to elaborate on the circumstances surrounding Munsene's visits to his home.⁷⁹ Smith read the alleged bribery note to the court, which stated, "Mr. J. Smith. I will see you every first of the month. I expect to do better later."⁸⁰

Building off the content of the letter, and in an attempt to tie the language of the note to James Munsene, Prosecutor Griffith led the Sheriff through a detailed account of Munsene's last visit to the Sheriff prior to the delivery of the bribe envelope. Despite a number of objections, Griffith was successful in his attempt to convince Judge Sargent to allow testimony relating to the exact nature of Smith and Munsene's conversation from that night.

Sheriff Smith claimed that Munsene had asked, "Sheriff, how long are you going to keep on ramming my places?" To which he claimed to have replied, "Jim, just as long as you keep violating the law."⁸¹

⁷⁸ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 31-38.

⁷⁹ Listed as "State's Exhibit One," the envelope containing the bribe was addressed to "Mr. J. Smith, Sheriff, Trumbull County." Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 44.

⁸⁰ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 46.

⁸¹ Ibid.

This was an important moment for the prosecution. Its ability to establish the image of James Munsene as a bootlegging racketeer, who was a repeat offender- though never tried on any such charges- had been an important component of their successful strategy from the previous two trials, but the testimony was only allowed under strict conditions set forth by Judge Sargent.⁸² In his ruling on the issue he stated, "...this evidence is received as bearing upon the respective relations of the witness toward the defendant and the defendant toward the witness and as bearing upon the question of whether the defendant had a motive to commit the alleged offense charged in the indictment."⁸³

This situation did not sit well with Darrow, and he immediately requested that the court strike the testimony from the record. When Judge Sargent asked why he objected to the testimony, Darrow explained that he took exception "to the substance of the evidence."⁸⁴

The judge overruled Darrow's objection and Prosecutor Griffith continued his questioning of Smith. Having scored with his last inquiry, Griffith chose to test how far the judge would allow him to go into Munsene's illicit activities, which were peripheral to the actual trial when he asked, "Sheriff, what is the fact as to whether or not previous to this second conversation that you had with Mr. Muncine, whether you or your deputies had raided any of Mr. Muncine's places?"⁸⁵

⁸² I say successful because in both the 1926 and the 1927 trials, the prosecution had established Munsene as a bootlegger, and had won guilty verdicts in both trials. The decisions had been thrown out on appeal as a result of error on the part of the judges in the previous trials not the prosecutors.

⁸³ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 50-51.

⁸⁴ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 51.

⁸⁵ The spelling of the defendant's surname in the transcript was "Muncine," almost all newspaper accounts have the spelling as "Munsene" and most people knew his name with that spelling, despite the fact that the proper spelling is "Mancini." I use "Munsene," because that seemed to be the most popular; however,

This was more than the defense could allow and they vehemently objected to this question, which they almost certainly saw as an attempt to vilify their client. However, before the judge could rule on the objection, Griffith withdrew the question. Aside from a few inconsequential questions, the prosecutor had finished with the witness. Smith's testimony thus far had categorized Munsene as a bootlegger of some renown in Warren, but the question of how well he would handle the cross-examination of Clarence Darrow had yet to be answered.

Once his cross-examination of Sheriff Smith began, Darrow wasted little time in his effort to link Smith and Attorney Jay Buchwalter to an organization to which they both allegedly belonged prior to the bribery attempt in 1925. Darrow blistered Smith with questions concerning his relationship with Buchwalter, asking, "Before you were Sheriff did you ever have any business with him?" He continued, "Did he ever transact any business for you?" Pressing on, Darrow asked, "Or you with him: you and he were members of an organization together, were you not: without asking you what one, I want to show your relations; you were members of an organization?"⁸⁶

For his part, the Sheriff answered defensively, "I could not say to that."⁸⁷

"You don't know whether you were or not?" Darrow shot back.⁸⁸

"Indeed I can't say whether we were or not: it may be possible; I am a member of a number of organizations," replied Smith.⁸⁹

additional spellings do exist and can be quite confusing. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 51.

⁸⁶ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 53.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

With that slight admission Darrow continued, “You never met him at any meeting of an organization that you now remember?”⁹⁰

The Sheriff would admit that he had “seen him at meetings of organizations,” but he “couldn’t recall any particular one.”⁹¹ Darrow did not press the subject any further at this point. Instead, Darrow contented himself to asking about the meetings that Smith had had with Munsene prior to the alleged bribery attempt. Darrow settled for a moment on a series of questions dealing with why the Sheriff had not arrested Munsene after he had allegedly insinuated that he would be soon sending the Sheriff envelopes of money, but Darrow soon abandoned that line of questions. Darrow finished his cross-examination with a string of questions relating to the handwriting on the envelope and the bribery note. Following this line of questions, Darrow established that the handwriting had never been identified as James Munsene’s. Content that he had scored enough points with the witness, Darrow announced that he had no further questions.

Sensing trouble and seeking to reconnect James Munsene to the bribery letter, Prosecutor Griffith recalled Mrs. Smith to ask her a few more questions about the envelope containing the bribe. He ended his inquiries with two questions, which he carefully worded to incriminate Munsene. Griffith asked, “Now was the envelope, at the time you handed it to the Sheriff, in the same condition that it was at the time you received it from the hands of James Muncine?”⁹² Mrs. Smith answered in the affirmative and Griffith attempted to press the issue further, asking, “Who handed you that envelope?”⁹³ However, before Mrs. Smith could reply the defense was vigorously

⁹⁰ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 53.

⁹¹ Ibid., 53.

⁹² Ibid., 70.

⁹³ Ibid., 70.

objecting and Judge Sargent ruled in their favor, and thus ended Mrs. Smith's time on the stand.

Jay Buchwalter was the next to take the stand. Prosecutor Griffith, apparently feeling that Darrow's dogged questioning of the Smiths' regarding their affiliation with Buchwalter was a prelude to a major component of the defense strategy, kept his questioning of the attorney brief. Griffith questioned the attorney on just the facts surrounding his participation in the events that took place the night the bribe was delivered. Buchwalter testified that he had been present when the Sheriff opened the bribe envelope, and he reasserted that he had counted the bribe and set its value at five hundred dollars.

Not surprisingly, Darrow's cross-examination of Attorney Buchwalter focused on the connection between the two men, and the mysterious organization to which both were allegedly members. Darrow began by asking if Buchwalter was a member of any organization to which the Sheriff belonged. Buchwalter's claim that he was not, was obviously not the answer Darrow was fishing for so the questions continued.⁹⁴

"Have you ever met him in connection with any organization?" Darrow continued.⁹⁵

"Yes," replied Buchwalter.⁹⁶

"You represented the organization you met him in connection with, didn't you?"⁹⁷

"Yes."⁹⁸

⁹⁴ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses Addendum, 4.

⁹⁵ Ibid., 5.

⁹⁶ Ibid., 5.

⁹⁷ Ibid., 5.

At last, Darrow seemed to be illustrating what connection existed between Buchwalter and Smith, as he asked, “And you had a number of matters in connection with your organization while he was Sheriff?”⁹⁹

“There was one piece of litigation that was quite extensive I represented the organization in,” was Buchwalter’s reply.¹⁰⁰

Following that response, which seemed to be leading where Darrow wished to go with his line of questioning concerning this mysterious organization, Darrow unexpectedly switched subjects and would not visit the topic again with Buchwalter. What was the organization, why was it so important that the Sheriff and an attorney were members of this unnamed organization? Darrow would never answer these questions in the courtroom, but luckily, the newspapers did. Following the day’s testimony, the mysterious group, which escaped mention in court, was identified by a number of newspaper accounts as being the Ku Klux Klan.¹⁰¹ This revelation had come out during the second trial, but did not make its way into the court proceedings.¹⁰² During this trial, however, Darrow was attempting to insinuate that the men’s affiliation with the Klan showed that an ethnicity-related conspiracy might be at the root of the charges.

The defense team’s Klan conspiracy theory was not a far-fetched or unbelievable hypothesis. The city of Warren, and for that matter the entire Mahoning Valley, had seen a large amount of Klan related activity during the early 1920s culminating in a landslide for Klan-backed politicians in the 1923 elections. In 1923, the Klan gained control of the

⁹⁸ *Ibid.*, 5.

⁹⁹ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses Addendum, 5.

¹⁰⁰ *Ibid.*, 5.

¹⁰¹ “Darrow Conducts Cross-Examinations in Munsene Case,” *The Jefferson Gazette*, 10 May 1928, 1.

¹⁰² Jury candidates had been quizzed about any possible affiliation they may have had with the Ku Klux Klan, and two were dismissed because of their answers, but the KKK was not addressed in any testimony. “Sheriff Up as Witness vs. Munsene,” *The Warren Tribune Chronicle*, 17 May 1927, 1.

Warren mayor's office, several city council chairs including council president, county auditor, and one school board seat.¹⁰³ Colonel Evan A. Watkins, a major force behind the Klan movement in the area, held a meeting the day after the elections, with four of the five newly elected Klan mayors of the Mahoning Valley. At the meeting, he emphasized the law enforcement focus of the new administrations. Watkins, who claimed to have once been a member of British army intelligence corps, claimed that "the police departments of the various cities will work together under the regime. A network for the detection of crime will extend from Struthers to Warren. There will be a war on the bootleggers."¹⁰⁴ The Klan had come to power by taking advantage of the nativist population's belief in Protestant moral reform and a promise of tougher law enforcement.¹⁰⁵ Both of these features were aimed at foreign-born bootleggers, in other words, men like James Munsene.

Munsene's choice of Harvey Burgess as his original defense counsel also had ties to the Klan controversies of the early 1920s in Warren. Burgess served as County Prosecutor during a November 1924 grand jury, which filed 104 indictments against men involved in a riot stemming from a planned Ku Klux Klan march in Niles.¹⁰⁶ Burgess, who had lost his position in the 1924 election, was forced by Governor Victor Donahey to allow the incoming prosecutor Wick W. Pierson to assist with the grand jury process. Pierson's appointment as a special assistant had come about because it was felt that Burgess was too hostile towards the Klan and its members. During the trials, which took place in 1925, the two switched roles, and Burgess served as assistant to Wick Pierson.

¹⁰³ William Jenkins, *Steel Valley Klan: The Ku Klux Klan in Ohio's Mahoning Valley* (Kent, Ohio: The Kent State University Press, 1990), 64.

¹⁰⁴ *Ibid.*, 76.

¹⁰⁵ *Ibid.*, 165.

¹⁰⁶ *Ibid.*, 142.

In one trial in particular, Attorney Buchwalter defended Rex Dunn, a Klansman, who was convicted of assault in the shooting of Niles resident Frank McDermott.¹⁰⁷ This trial no doubt formed the basis for the defense team's contention that Buchwalter was affiliated with the Klan.

The connection between the Ku Klux Klan and Sheriff J. H. Smith also was rooted in the aftermath of the Niles Klan Riot. Smith defeated Sheriff John "Brickey" Thomas by more than 6000 votes in the November 1924 election, largely because the residents of the County were upset with how Thomas had handled the riot of the previous month.¹⁰⁸ A Klan-sponsored pamphlet, *The Truth about the Niles Riot*, had placed the blame on Sheriff Thomas, claiming that his poor decision-making had caused much of the violence.¹⁰⁹ The pamphlet claimed that Thomas acted in such a way that he encouraged the riot and impeded the Klan's right to hold a peaceful march through Niles. Whether or not he himself was a Klansman is uncertain; nevertheless, Smith's election as Sheriff of Trumbull County was directly-related to the riot, and the Klan vote.

These revelations, most likely common knowledge in Warren, would have been much more helpful to the defense if they had been revealed during witness testimony. Instead, the jurors, all residents of either central or northern areas of Ashtabula County, were never made fully aware of what organization Darrow was talking about. As a result, the defense squandered and lost a valuable aspect of their strategy, which seemed to be within their grasp during Buchwalter's turn on the stand.

Following Buchwalter's testimony, the jurors took a trip to the Trumbull County Jail, which consequently was also the Sheriff's home, to see where the crime took place.

¹⁰⁷ Jenkins, *Steel Valley Klan*, 143.

¹⁰⁸ *Ibid.*, 142.

¹⁰⁹ *Ibid.*, 141.

The prosecution had motioned for this trip, in order to show the jury the layout of the Sheriff's home to make visualizing the residence easier during testimony. They left the courthouse at about 3:30 PM and, upon their return, were dismissed until court resumed at 9 o'clock the next morning.¹¹⁰

Mrs. Helen Walker was the next witness called to testify by the prosecution.¹¹¹ At the time of the alleged bribery, Mrs. Walker was the Sheriff's cook. She testified that she had seen Munsene hand Mrs. Smith the bribe. In her testimony, she claimed that from where she was standing down the hall, she could see the man standing on the porch by looking through the open doorway. The defense later claimed that the layout of the hall, the lighting in the hallway and kitchen, and the fact that Mrs. Smith was standing in the door would have made it impossible for her to see the caller. Mrs. Walker's testimony differed very little from the earlier trials, but this time it would become a talking point in a Clarence Darrow closing argument.

Following Mrs. Walker's testimony, the defense began calling its witnesses to the stand. First up was Thomas Fagadore. Just as he had in the first two trials, Fagadore, a Warren City Police patrolman, was called as an alibi witness and delivered the same testimony as before. Attorney Harvey Burgess made sure to ask only simple questions of the Warren patrolman, as Fagadore was not known for his mastery of the English language or his intelligence.¹¹² To end his initial testimony, Fagadore identified Andrew

¹¹⁰ "Testimony in Munsene Case," *The Warren Tribune Chronicle*, 9 May 1928, 2.

¹¹¹ In the time since the alleged bribery had taken place, Helen Walker, had gotten married. Her maiden name at the time of the crime was Wilkins. The 1928 transcript has her listed as Helen Walker. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Prosecution Witnesses, 71.

¹¹² Later testimony would reveal that Fagadore was a Romanian immigrant. Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 14. A popular myth about Fagadore, dating from his time as a beat cop in Warren, was that he once found a dead horse on Kenilworth SE, and he drug it over to Pine St. to fill out the report on the incident so that he could actually spell the street name correctly. Retired Judge Lynn B. Griffith Jr. related this story to me. The name of the street on which the horse was

Sargent and Mike Gillette as the two men that he observed eating dinner with Munsene during the time that the alleged bribery attempt occurred. This was important because those men would later be called to the stand to corroborate his testimony.

From the start of his cross-examination, Prosecutor Griffith was on the attack. He questioned Fagadore at length about the patrolman's claim that he had observed the restaurant at 517 Pine St. SE from twenty-five minutes to eight until ten o'clock that night. In his defense, Fagadore claimed that he observed the restaurant for such a lengthy period because he "had seen the Sheriff's deputies go around back with a ladder" and wondered why they were "monkeying around" behind the building.¹¹³ Fagadore then told of how he waited until he heard a gun shot before joining deputies as they raided the restaurant. Prosecutor Griffith succeeded in confusing and disorienting Fagadore on the stand, but the witness stuck to his testimony. The next day, the defense recalled Fagadore to the stand to testify that he had mistakenly fixed twenty-five minutes to eight as the time from which his observation of 517 Pine St. SE had begun, when he had actually meant twenty-five minutes to nine PM. Prosecutor Griffith took advantage of the opportunity to question the reliability of the witness' testimony by pointing out that Fagadore had made the mistake eleven times in his testimony the day before and never once had thought to correct himself.¹¹⁴

Aside from the attempts to connect Sheriff Smith and Attorney Buchwalter to the Klan without actually identifying the organization as the Klan, Thursday, May 10, 1928, was the first time in the third trial of James Munsene that testimony deviated significantly

found could be changed, so long as it was challenging to spell, but Pine St. was always its final destination, in order that the notorious flats district road could serve as the joke's punch line.

¹¹³ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 6.

¹¹⁴ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 20.

from the first two trials. It was on this day that the defense would call its first new witnesses to the stand, and they had a few surprises in store. The first new witness for the defense was a former deputy named Thomas Thomas.

Under Harvey Burgess' direction, Thomas contradicted the testimony of Mrs. Wilkins, when he claimed she told him that she did not believe Munsene would have been foolish enough to bring the bribe himself.¹¹⁵ When brought back to the stand to answer questions regarding this alleged statement, Mrs. Wilkins flatly denied that she had ever said such a thing. Prosecutor Griffith's cross-examination of Thomas damaged his credibility, when it was learned that Sheriff Smith had fired Thomas as a deputy because he was a drinker. Darrow would seize upon the question of Thomas' honesty and his drinking in his closing argument.

After Fagadore and Thomas offered their testimony, the defense called the defendant, James Munsene to the stand. He appeared before the court dressed like a Hollywood star and exuded an air of calm that stood up to any line of questioning he faced. Clarence Darrow handled the direct-examination of the witness and began with a number of questions concerning Munsene's personal history and activities since arriving in America in 1904.¹¹⁶ Darrow's intention for this line of questioning was to illustrate to the jury that James Munsene was a hard working immigrant, who had worked his way up from a position as an unskilled water boy in 1905 to that of a successful restaurateur in 1925.¹¹⁷

Darrow then led Munsene through a detailed discussion of Munsene's November visit to the Sheriff's home. Munsene related essentially the same story that Sheriff Smith

¹¹⁵ "Says Munsene was Framed," *The Warren Tribune Chronicle*, 10 May 1928, 2.

¹¹⁶ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 22.

¹¹⁷ *Ibid.*, 21-25.

had testified to, but with one glaring exception, he made no mention of any discussion of money.

In response to this omission, Darrow asked, “Did you offer to give him any money if he would let you run this club?”¹¹⁸

“Mr. Darrow, there was never no money mentioned in our conversation.”¹¹⁹

Darrow pressed him further, “Did you ask him in case somebody would send him five hundred dollars...”¹²⁰

Cutting the question short Munsene interjected, “No sir, I did not do that, Mr. Darrow.”¹²¹

Wishing to drive home the point, Darrow finished, “What would he do about it- you heard his testimony?”¹²²

“I heard his testimony; there was no money mentioned in our conversation, at no time.”¹²³

Satisfied with Munsene’s adamant denial, Darrow proceeded. His next move was to cast doubt on whether Mrs. Smith could have positively identified Munsene as the man who delivered the bribe. To this effect, Munsene testified that he had never met the Sheriff’s wife prior to his preliminary hearing in Judge Hervey’s courtroom.¹²⁴

Darrow’s remaining questions for the witness were concerned with Munsene’s alibi for the night the bribe was allegedly delivered to the Sheriff. Darrow carefully guided Munsene through a narrative account of his activities that night, making sure to

¹¹⁸ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 31.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid., 33.

link Munsene's answers to the earlier testimony of the defense witnesses. Munsene asserted that he ate dinner with his family before heading out to the Flats district in Warren. According to his testimony, he played a few games of pool at an unnamed billiards hall before walking across the street to the restaurant at 517 Pine St. SE. Munsene then claimed that he arrived at the restaurant at 8:30 or 9 PM and remained there until 11 PM. Two friends, Mike Gillette and Andrew Sargent, met him around 9 PM and were with him until after 9:30. Munsene claimed he was present for the raid carried out against the restaurant just before 10 PM and asserted that he finally went home around 11 PM and went to bed.

During the cross-examination, Munsene stuck to his story and Prosecutor Griffith was unsuccessful in his attempts to rattle the witness. In his final questions, Griffith attempted to insinuate that Munsene was involved with illicit activities at the restaurant at 517 Pine St. SE. Munsene stood his ground and denied any knowledge of any illegal activities at the restaurant, and Griffith dismissed the witness.

Andrew Sargent, who worked with Munsene at a steel mill in Farrell, Pennsylvania, was called to the stand to corroborate Munsene's testimony. As he had in the last two trials, Sargent confirmed that he had eaten dinner with Munsene the night of the alleged bribery. Likewise, Mike Gillette, another friend of Munsene, testified, as he had in the first two trials, that he had spent time with Munsene on the night of the alleged bribery. Gillette's testimony was hurt by the fact that he had once been "incarcerated in the Canton workhouse for a period of sixty days in connection with the transportation of a stolen automobile."¹²⁵ Gillette had admitted to his incarceration under direct examination by defense attorney Harvey Burgess, but the prosecution would focus on this

¹²⁵ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 60.

point to discredit his testimony. Clarence Darrow would also bring Gillette's criminal record back into the picture during his closing argument, but his intention would be to show that a man's honesty should not be permanently discredited for mistakes he had made in his youth.¹²⁶

Following Mike Gillette's testimony, the defense recalled Sheriff Smith for further cross-examination. While on the stand, Smith admitted to Darrow that a man named James Bane had once served him as a special deputy. Smith denied, however, that he had ever discussed, with Mr. Bane, the possibility of framing James Munsene.¹²⁷

The final witness for the defense was James Bane, a hotel owner from Niles, Ohio. James Bane's testimony represented the culmination of the defense strategy claiming that Sheriff Smith was a Klan-backed nativist who had framed James Munsene, because he was a Roman Catholic, Italian-immigrant. Bane, a one-time special deputy under Sheriff Smith, claimed for the first time in court that Smith had been planning to frame James Munsene from the first few months after he had been elected Sheriff of Trumbull County.¹²⁸ Following Darrow's earlier insinuations, Bane admitted that he had belonged to a certain organization, which had also once counted Sheriff Smith as a member.¹²⁹

Finally, Darrow asked Bane a rambling and somewhat confusing question,

And did you say to him: "How did you and Jim Muncine come out" and did he reply "Jim, don't like you very well" referring to you; did you ask what Jim had to say and did the Sheriff reply that Muncine did not like Jim Bane and look out for him; did you reply, "I don't know what he would have against me"; and did the Sheriff then say "I am going to frame Jim on a bribery charge"; did you

¹²⁶ "Darrow's Plea for Munsene," *The Warren Tribune Chronicle*, 11 May 1928, 1.

¹²⁷ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 60-61.

¹²⁸ "Munsene Framed Witness Says," *The Warren Tribune Chronicle*, 10 May 1928, 1.

¹²⁹ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 64.

reply “I should not do that, it doesn’t appeal to me”? Did that conversation take place?¹³⁰

Bane answered the question in the affirmative, but the testimony was hardly convincing. Prosecutor Griffith grilled the witness over the fact that this, the third trial, was the first time that Bane had testified about this alleged incident. Additionally, Griffith showed that Sheriff Smith had once replevied a car from Bane and that he had once run against Smith for Sheriff.¹³¹ Darrow would counter that Bane had been defeated in the Republican primary, and that Smith ran for the Democratic Party, but the damage was done to Bane’s weak testimony, and the defense rested its case.¹³²

Both the prosecution and the defense had called all of their witnesses, so the case proceeded to closing arguments. Clarence Darrow asked for an hour and a half to deliver his closing statement. The prosecution asked for significantly less time and would be the first to deliver its address to the jury.

Assistant prosecutor William McClain gave the first half of the State’s closing argument to the court on May 10, 1928. In his address, he labeled bribery “a defiant challenge to organized society,” and stressed that the case, though not involving Ashtabula County, was of importance to all Ohioans.¹³³ McClain urged the jury to make its decision without being influenced by the defense team’s celebrity or by its one hundred plus years of legal experience.¹³⁴ He insisted that the jury instead base its decision squarely on the facts presented in the case. To close up his argument, he read the jury the indictment against Munsene, and again implored them to base their decision

¹³⁰ Trial Transcript, No. 4481 State of Ohio v. James Muncine, Defense Witnesses, 65.

¹³¹ Ibid., 65-66.

¹³² Ibid., 66-67.

¹³³ “Jury Debating the Munsene Case,” *The Warren Tribune Chronicle*, 11 May 1928, 1.

¹³⁴ Ibid.

on the material presented in the trial, not on the ability of the counsel of either the State or the defendant.

Darrow followed with a plea for tolerance for his client. He addressed the jury in an intimate manner, and made light of the prosecution's earlier warning to the jury regarding his speaking ability.¹³⁵ Darrow declared that he just wanted to discuss the facts of the case with the jury. He pointed out the inconsistencies that were present in the testimonies of the Sheriff, Mrs. Smith, and Mrs. Walker, and wondered why the Sheriff had not gone to the prosecutor when Munsene had first approached him. He also pointed out an instance when Mrs. Walker and Mrs. Smith had mistakenly identified Munsene as a visitor to the Sheriff in the summer of 1925. Testimony had shown that Munsene was in Atlantic City at the time of the alleged visit, and even the Sheriff did not remember the visit. Darrow claimed that if they had mistaken him then, it was not improbable to claim they had mistaken him as the letter bearer in November. He brought up the State's declaration that "a person having once seen Munsene could never forget his face."¹³⁶ He brushed this remark aside by declaring, with a smile directed at the two female jurors, "There are faces in the jury box that I could remember better than the face of my client."¹³⁷

The visit alleged by the State's two female witnesses that was supposed to have occurred in the summer came up again in Darrow's address. Darrow attacked their declaration that they had kept dinner waiting two hours while the Sheriff talked to Munsene. He claimed that no wife or cook would have ever let the Sheriff live that

¹³⁵ "Darrow's Plea for Munsene," *The Warren Tribune Chronicle*, 11 May 1928, 1.

¹³⁶ "Darrow's Talk to Munsene Jury," *The Warren Tribune Chronicle*, 11 May 1928, 2.

¹³⁷ Ibid.

down, saying, “That is not the way with women and cold dinners.”¹³⁸ The fact that the Sheriff did not remember the alleged meeting, the late supper, or the browbeating that he would have received, in Darrow’s opinion, again proved the possibility that the women could have misidentified Munsene. This line of reasoning seemed to be directed at the female jurors, in order to help them relate the situation to their own experiences, and to aid in their understanding of Darrow’s argument.

Darrow also questioned how Mrs. Walker would have seen Munsene on the night he allegedly delivered the bribe. He pointed out testimony establishing the fact that Mrs. Smith weighed around 250 pounds. He hinted that this would have made it difficult to see around her if she had been standing in the doorway, “She may have gotten a glimpse at him but that is all.”¹³⁹ He asked the jury, “Are you going to take away the liberty of my client on this sort of testimony?”¹⁴⁰ He made sure again to note that the Sheriff had not seen Munsene the night the bribe arrived. He also comically mentioned that he did not doubt the testimony of Jay Buchwalter, stating, “Mr. Buchwalter is honest, I know because he is a lawyer.”¹⁴¹ In the same breath, however, he stated that Buchwalter also had not seen the man who brought the letter; he had only counted the bribe.

Darrow next voiced his concern over the prosecution’s dismissal of the testimony of Thomas Thomas and James Bane. He declared that both men were at one point hired by the Sheriff as deputies. This he asserted meant that the Sheriff had trusted and thought highly enough of them at one time to employ them. He wondered why they were now considered liars by the prosecution. He addressed the dismissal of Deputy Thomas,

¹³⁸ Darrow’s Talk to Munsene Jury,” *The Warren Tribune Chronicle*, 11 May 1928, 2.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

saying that his drinking did not automatically make him a liar. At this point Darrow took a crack at Prohibition declaring, “If people are all to be condemned, who take a drink, then we will have to discard the greater number of our statesmen, orators, any amount of lawyers, and a goodly number of our preachers.”¹⁴² He again brought the Ku Klux Klan into the case when he mentioned that Bane, who was once the Sheriff’s friend, also had been a member of a “certain organization to which the Sheriff belonged.”¹⁴³ He questioned how the jury could be asked to throw away the testimony of these two men, who had been so close to the Sheriff.

Darrow continued, addressing the envelope and bribery note. He could not understand how the prosecution had never taken the time to compare the note with a sample of Munsene’s writing. As a result, he declared that the prosecution had in no way shown anything that had connected his client with the writing of the note.

In closing, Darrow mentioned that all that is needed to prove an alibi is to produce some doubt in the mind of the juror that the defendant was present where the crime took place. He implored the jury to find his client innocent if any such doubt had been raised in their minds. His client’s innocence, however, was not the focus of his final arguments. The possible prejudice against his client because he was a foreigner, instead, turned out to be the last topic that Darrow discussed.

Darrow adamantly declared, “I know there is a prejudice because my client is a foreigner, yet none of us can trace our pedigree very far before it takes up beyond the ocean. The only real Americans are the Indians, and we have killed them nearly all

¹⁴² “Darrow’s Talk to Munsene Jury,” *The Warren Tribune Chronicle*, 11 May 1928, 2.

¹⁴³ Ibid.

off.”¹⁴⁴ By pursuing this topic, Darrow seemed to want the jury to do two things in regards to prejudice. First, he wanted the jury to ignore the fact that Munsene was not born in the country. In this regard Darrow hoped the jurors would put aside their own possible prejudices, and like the prosecution, Darrow urged them to look only at the facts of the trial, which he believed in no way had proven his client’s guilt. By contrast, the second thing he wished to accomplish with his discussion of prejudice was to point out that Munsene was a foreigner and that it made him a likely target for persecution, from such groups as the Ku Klux Klan. It seems likely that Darrow employed this argument to strengthen the defense claim that Munsene was being framed.

The prosecution again took the floor after Darrow concluded his remarks. Judge Sargent, however, did not wish to turn the case over to the jury on that day. He claimed that the jury would not give proper treatment to the case if it began deliberations late in the day. He, therefore, declared that closing arguments would be finished in the morning and adjourned court for the night.

On the morning of May 11, 1928, Prosecutor Griffith gave the State’s final argument. He focused on the State’s duty to seek the truth and to uphold the law of the land. His remarks were brief and he concluded with fifteen minutes of time still allotted to him.

Judge Sargent then delivered the case to the jury. Before he did so, he underscored exactly what the jury’s responsibilities were in the case. Judge Sargent also made an effort to avoid the mistakes of his predecessors in their charges to the juries in the first two trials. He spelled out the definition of reasonable doubt, and spoke of the

¹⁴⁴ “Darrow’s Talk to Munsene Jury,” *The Warren Tribune Chronicle*, 11 May 1928, 2.

law's presumption of innocence.¹⁴⁵ He then briefly spoke of bribery and informed the jury that it was their responsibility to determine guilt or innocence. The case went to the jury shortly after 10 o' clock that morning. The wait for a verdict had begun.

On May 12, 1928, when the jury returned, Clarence Darrow's disappointment in the outcome of the trial must have been great. The jury had returned to the courtroom the previous night and declared that they could not reach an agreement. They had taken ten ballots and each time had not been able to reach an agreement. The last vote had resulted in seven jurors voting for conviction and five voting for acquittal.¹⁴⁶ His goal was to win one last trial on his old stomping ground and he had failed. He declared that he would be back to try the case again, but his enthusiasm for another trial seemed much lower than before he originally took the case.

The fourth trial began on May 20, 1929. It was originally scheduled to start on May 6, but defense attorney Harvey Burgess' wife was gravely ill and the defense had filed for a continuance.¹⁴⁷ Subsequently, Mrs. Burgess had succumbed to complications caused by a severe case of pneumonia and died.¹⁴⁸ Thus, it was on a somber note that the defense again came into the courtroom seeking to exonerate James Munsene. This time there was very little interest in the trial, as it was the fourth time the case had gone to court. The public assumed that nothing new would emerge from the proceedings.¹⁴⁹ The only difference in the case was centered on personnel changes on both the defense and the prosecution. Francis Poulson did not return to the defense and George H. Birrell, his

¹⁴⁵ "Jury Debating the Munsene Case," *The Warren Tribune Chronicle*, 11 May 1928, 1.

¹⁴⁶ "Munsene Case to be Retried," *The Warren Tribune Chronicle*, 12 May 1928, 1.

¹⁴⁷ "May 20 Is The Date Set For Munsene Case," *The Warren Tribune Chronicle*, 7 May 1929, 1.

¹⁴⁸ "Mrs. Burgess Passes Away," *The Youngstown Daily Vindicator*, 8 May 1929, 11.

¹⁴⁹ "Munsene Trial Under Way Today: Interest Is Not Great," *The Warren Tribune Chronicle*, 20 May 1929, 1.

assistant George Secrest and F. J. Bishop, a former Ashtabula County prosecutor and resident of Andover, Ohio, a town near Jefferson, now made up the prosecution.¹⁵⁰

The most interesting aspect of the 1929 trial revolved around the shared past of the lead attorneys for both the State and the defense. Though not widely noted in the press of the time, Clarence Darrow and Prosecutor George H. Birrell were linked together in many ways, including a murder. Both men had grown up in Kinsman and both were associated with the descendents of the founding family of their town. One particular Kinsman, Alfred, was the shared connection that drew Darrow and Birrell together. Their mutual association with Alfred Kinsman dated back to 1907 and led George Birrell to hold even the name Clarence Darrow in utter contempt.

Birrell's father, George W. Birrell, a prominent businessman and banker in Kinsman, had for a number of years been trustee for Alfred Kinsman's inheritance.¹⁵¹ The relationship was strained at best and the situation reached its boiling point on the day of June 18, 1907. On that day, Alfred Kinsman entered Birrell's dry goods store in a rage, and attempted to purchase shells for the shotgun he was carrying. The clerk wisely refused the sale, but the situation only got worse. George W. Birrell entered upon the scene, greeted Alfred Kinsman, and for his troubles was shot in the chest and killed.¹⁵²

The crime was a local sensation, and because Thomas Kinsman, Alfred's brother, was a State Senator at the time, the case received some media attention outside of the area.¹⁵³ Most importantly, the case received the attention of Clarence Darrow. At the

¹⁵⁰ "Munsene Case Delayed At Start," *The Warren Tribune Chronicle*, 6 May 1929, 1

¹⁵¹ "George W. Birrell, Kinsman Banker: Shot to Death Tuesday Night By Alfred Kinsman, Brother of Senator Thomas Kinsman---Deed Occurred in Dead Man's Store," *The Warren Daily Tribune*, 19 June 1907, 1.

¹⁵² Ibid.

¹⁵³ Ibid.

time, Darrow was involved in the Pettibone case in Idaho, but the Kinsman family attempted to retain his services for the trial.¹⁵⁴ Alfred Kinsman had been a classmate of Darrow and the two had maintained a friendship through the years. Darrow made every effort to represent Kinsman at his murder trial, but his failing health towards the end of the Pettibone case would not allow this to happen.¹⁵⁵ Instead, W. S. Anderson, an attorney from Youngstown, represented Kinsman. In the end, Alfred Kinsman was found by a jury trial to be insane and was locked in the asylum for the rest of his life.¹⁵⁶ This result was not satisfactory for George H. Birrell, and he never forgave Darrow for even considering defending the man that had murdered his father.

Aside from the tension between Darrow and Birrell, the case proceeded as it had in 1928 with few noticeable differences. The defense, nevertheless, did have one last bombshell in store for the prosecution. This surprise came during the closing argument phase of the proceedings. Prosecutor Birrell had just finished the first half of his closing statement and given the floor over to the defense, when Clarence Darrow shocked the entire courthouse by declaring that the defense would make no closing argument, and moved that the judge immediately instruct the jury.¹⁵⁷ The judge consented and without delay instructed the jury as to their duties and gave the case over to their deliberation. Darrow's move left the prosecution only halfway through their closing remarks and made it impossible for them to finish. The defense apparently chose its strategy to keep F. J. Bishop from continuing the State's closing statement and possibly using his familiarity

¹⁵⁴ "Darrow Detained," *The Warren Daily Tribune*, 30 November 1907, 1.

¹⁵⁵ "Atty. Darrow Can't Come," *The Warren Daily Tribune*, 14 January 1908, 1.

¹⁵⁶ Documents relating to this case can be found at the Trumbull County Archives. April Term 1907, Trumbull County Criminal Appearance Docket, Book 5, 796.

¹⁵⁷ "Munsene Case in Hands of Jury," *The Warren Tribune Chronicle*, 24 May 1929, 1.

with the jurors to the State's advantage.¹⁵⁸ The consensus on the street was that the jury would quickly reach a conclusion.

The belief that the jury would reach a speedy decision proved only slightly wrong as deliberations took ten hours.¹⁵⁹ The case went to the jury at 1:30 PM and deliberations lasted until around midnight when Judge Sargent declared that the jury could not reach a decision. They had taken four ballots and the last ballot proclaimed eight jurors for conviction and four against conviction.¹⁶⁰

The decision to discharge the jury led the prosecution to move that a new trial date be set as soon as possible. The date of October 28, 1929, was set for the fifth Munsene bribery trial. That date would not mark the start of the fifth trial, however, as the defense filed for a continuance, in order to allow Clarence Darrow to remain as lead counsel. He was in Europe at the time the trial was scheduled.¹⁶¹ Of note is the fact that the original date of the fifth trial was scheduled for the day before the infamous stock market crash that would send the United States into the Great Depression. The stock market crash may have had an effect on the way the trial finally ended in June 1930. By that time, the case's cost to Trumbull County had been estimated at a sum well over two thousand dollars.¹⁶² In light of the new economic conditions caused by the stock market crash, taxpayers obviously would not want this expense increasing. The stock market crash may have also influenced the defense team. Clarence Darrow had been defending

¹⁵⁸ "No Verdict in Munsene Case," *The Warren Tribune Chronicle*, 25 May 1929, 1.

¹⁵⁹ "No Verdict in Munsene Case," *The Warren Tribune Chronicle*, 25 May 1929, 1.

¹⁶⁰ *Ibid.*

¹⁶¹ Darrow had spent a year in Europe in an attempt to relax and improve his health, which had begun to fail. His failing health may have also played a role in his choosing to enter a guilty plea for his client. "Fifth Muncine Case Opened Monday," *The Jefferson Gazette*, 3 June 1930, 1.

¹⁶² "Munsene Case," *The Warren Tribune Chronicle*, 25 May 1929, 2.

Munsene free of charge for almost two years, and when the market crashed, he lost most of his savings, leaving him in need of a paycheck.¹⁶³

It, therefore, should come as no surprise that the bribery case against James Munsene never again went before a jury. Scheduled to start in June of 1930, the trial came to an abrupt end when both sides agreed to a plea bargain. In addition to the financial concerns of the county and Darrow, both sides also had to take into consideration the problem of finding yet another jury to try the case fairly, before reaching the agreement. James Munsene would plead guilty, in exchange for a sentence of one-year probation and a fine of all taxable-costs of the five trials.¹⁶⁴ Initially, Munsene was not in favor of such an agreement, but his counsel finally must have convinced him that this would be the best solution to his legal quandary.¹⁶⁵ However, it would not provide Darrow with the outcome he had hoped for in his retirement case.

¹⁶³ By December 1931, Darrow and Ruby were so destitute that they could not even afford to purchase Christmas cards. Instead, Ruby created a number of crude but painstakingly detailed cards, which expressed their hope for a better year than they had just experienced. Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 401.

¹⁶⁴ "Munsene Pleads Guilty- Paroled," *The Warren Tribune Chronicle*, 3 June 1930, 1.

¹⁶⁵ "Doesn't Favor Guilty Plea," *The Warren Tribune Chronicle*, 2 June 1930, 2.

Chapter Four

The big story going into the 1928 trial of James Munsene had been his legal counsel, Clarence Darrow, but coming out of the 1930 plea agreement, it was obvious that James Munsene and his continuing success as the “Bootleg King” of the area would be the real story. After the agreement was in place, Munsene went back to his old habits, and back to the Flats district in Warren. The trial, its incredible length, its numerous versions, and its famous attorneys had made James Munsene a legend in Warren. He was untouchable, the State had tried four times to send him to the penitentiary, and four times they had failed. It is true that he was convicted, but the plea agreement was nothing compared to a prison sentence. James Munsene had beaten the system, and he had done it in such a sensational manner that everyone in town knew who was in charge in the Flats.

With his increased notoriety, James Munsene returned to his numerous business ventures in Warren at the conclusion of his bribery trial. Having avoided a prison sentence, Munsene could again turn his full attention towards making money and gaining power over the local entertainment scene. For a year or so following the conclusion of his bribery trial, Munsene had to take things slow in order to avoid possible legal repercussions relating to the terms of his probation, but that did not mean he stopped working. Running the rackets is a secretive endeavor, and, as a result, the day-to-day history of James Munsene and his activities in Warren are currently lost to the historical record. However, that does not mean that all of James Munsene’s life after the bribery trial has been lost, for, luckily, Munsene’s name appeared on the front page of the *Warren Tribune* several times throughout the next decade.

Shortly before 6 AM, on the morning of February 15, 1933, while many Warren residents remained nestled in their beds, Steve Steimovlis braved the cold air and the elements as he returned home from his job at the Warren Sanitary Bakery. On the way to his home at 158 Vine S. E., he passed through the “flats” district of Warren, as he had done a number of times before, but that day his walk would be far from ordinary. As Steimovlis passed by the notorious speakeasy known as “Jim’s Place,” located on the corner of Pine and Clinton S. E., a loud explosion shattered the calm of that brisk morning. The force of the explosion sent Steimovlis reeling backward and shards of glass rained down upon him, cutting the back of his left hand.¹⁶⁶ As Steimovlis recovered his wits following the blast, another man named Dominick Valentino burst out of the devastated bar and shouted for help.¹⁶⁷

Within minutes, a crowd of spectators gathered near the scene of the explosion. Among those gathered in the street were members of Mani Ash’s family, who lived directly across the street, and whose sleep had been shattered when the explosion occurred. In addition to the Ash family, around fifty men who had been sleeping nearby at the Salvation Army center, which was situated on the opposite corner of the street, gathered in front of the wrecked building, many having been physically thrown out of their beds. The crowd also included Warren patrolmen, Nelson Thompson and George Mock. The patrolmen, fearing a fire, had called the Warren Fire Department when they arrived on the scene just before 6 AM. Nelson and Mock had been in the area only

¹⁶⁶ “Speakeasy Blast Motive Sought,” *Warren Tribune Chronicle*, 15 February 1933, 1.

¹⁶⁷ “Police Quiz Fails To Find Blast Clue,” *Warren Tribune Chronicle*, 16 February 1933, 1.

minutes before the blast, having both used a call box at the corner of Pine and Fulton S.E., and reported having seen nothing out of the ordinary.¹⁶⁸

As the morning progressed more and more investigators arrived on the scene to survey the damage and search for clues. The damage to both the target building and the surrounding area was extensive. For almost a block in either direction, windows in storefronts and homes had been shattered.¹⁶⁹ Suffering the most damage were “the Trumbull Hardware Co., 540; the new Pine Grocery, 541; a vacant building at 606; a shoe repair shop at 612; the Plantellos Grocery, 616; the Center Coffee House, 622; a laundry at 624; a vacant storeroom at 633; a restaurant at 630; the Moidel building; the Skopos grocery, 631; the Acropolis Barbershop, 623; and the Salvation Army center on the north east corner of Pine and Clinton.”¹⁷⁰ The intended target of the bomb, “Jim’s Place,” obviously received the most extensive damage, having numerous windows shattered, and a wall driven from its foundation. More powerful than the bomb and the damage that it caused was the unspoken message that it represented that chilly morning in 1933; the battle for control of the rackets in Warren had begun.

In an attempt to find a possible motive for the bombing of the notorious speakeasy, police and fire officials questioned a number of people associated with the place over the next several days, but came up with very few answers. Early on there was excitement over the possibility that the bombers might be the same ones that struck the home of Youngstown Sheet and Tube executive A. W. Smith’s home on January 27 of that year, but that idea was soon dismissed.¹⁷¹ The best lead officials had came from

¹⁶⁸ “Speakeasy Blast Motive Sought,” *Warren Tribune Chronicle*, 15 February 1933, 1.

¹⁶⁹ *Ibid.*, 2.

¹⁷⁰ *Ibid.*, 2.

¹⁷¹ “Police Quiz Fails To Find Blast Clue,” *Warren Tribune Chronicle*, 16 February 1933, 2.

George Caristianos, the owner of the Star Lunch, who claimed that while walking to work that morning near Elm S.E. a speeding car approached him from the west. He claimed that the auto sped off in the direction of Youngstown S.E., but offered no description of the vehicle and had not seen the license plate.¹⁷²

The investigation that followed the bombing of “Jim’s Place” was less than a month old and seemingly going nowhere, when the Flats were once again rocked by a deafening explosion. At approximately 11:55 PM, on the night of March 14, 1933, an explosion took place at the rear of “Jim’s Place.” It was considerably less powerful than the blast that had rocked the building the month before, but this bomb endangered the lives of far more people as a result of the location and time of its detonation. Being located behind the building, the bomb endangered the lives of more innocent people because its blast radius was much closer to a number of residences. In addition to its location, the time of detonation made it more dangerous as a number of men were still inside the speakeasy. When the blast occurred, one man and his beer were allegedly thrown to the ground by the force.¹⁷³ In a scene reminiscent of the first bombing, a crowd of people assembled outside of the structure, having been drawn by the deafening sound of the blast, which could be heard throughout the city.

As with the first bombing, the second attack on “Jim’s Place” was followed by a police investigation, and like the first investigation few leads would develop. The only thing the police were confident of was that an out of town group of racketeers was responsible for the attack. While the investigations of the bombings languished and became less likely to be solved, the police shifted their efforts against Munsene and his

¹⁷² “Speakeasy Blast Motive Sought,” *Warren Tribune Chronicle*, 15 February 1933, 2.

¹⁷³ “Bomb Again Rocks ‘Jim’s Place’,” *Warren Tribune Chronicle*, 14 March 1933, 1.

establishment, and like the bombers sought a way to close the doors to “Jim’s Place” forever.

The year 1933 must have been a difficult one for James Munsene as he faced enormous pressure from both sides of the law. In addition to the pressure being exerted on him by out of town racketeers seeking to muscle in on his profits, he was also facing dogged efforts by the police, who sought to place a padlock on his establishment. Sheriff Roy Hardman and Prosecutor George Secret led an effort to permanently lock up Munsene’s business, which had been deemed a nuisance.¹⁷⁴ For years, beginning with his bribery trial, Munsene and his speakeasy had been the target of a number of raids. Most had been led by then Prosecutor George H. Birrell, who had raided the place a half a dozen times before his term expired on January 1, 1933.¹⁷⁵ Birrell’s raids likely had done more damage to the establishment than either one or both of the blasts had done as he and a team of men systematically smashed everything in the bar with axes. These raids on Munsene’s establishment and a number of others during the years Birrell spent as prosecutor earned him the nickname the “Axe-buster.”¹⁷⁶

The most recent raid against Munsene’s speakeasy had occurred eight days after the bombing on February 23, 1933. That afternoon a taskforce led by federal agents swooped down on the bar and three other speakeasies in Warren and arrested eight men. In addition to the arrests, the agents also confiscated an assortment of alcoholic beverages. At “Jim’s Place,” the agents made their “biggest booze haul,” confiscating “two kegs of draft beer, several quarts of bonded whiskey, crème de menthe, cognac, gin,

¹⁷⁴ “Speakeasy Blast Motive Sought,” *Warren Tribune Chronicle*, 15 February 1933, 2. “Way Cleared For Pine S.E. Padlock,” *Warren Tribune Chronicle*, 1 June 1933, 1.

¹⁷⁵ “Speakeasy Blast Motive Sought,” *Warren Tribune Chronicle*, 15 February 1933, 2.

¹⁷⁶ “Jim Munsene and Nephew Murdered,” *Warren Tribune Chronicle*, 25 March 1941, 9.

alcohol, wine and corn whiskey.”¹⁷⁷ Agents had purchased alcohol at “Jim’s Place” the day after it opened following the first bomb blast, prompting this raid.

One of the agents involved in the raids asked a man under arrest if he had ever been arrested before. “‘No, never,’ the prisoner replied. ‘You must be twins then,’ the federal man replied, ‘I’d swear I’ve picked you up here twice before. We’ll see if your fingerprints are like the other fellow’s I got here.’”¹⁷⁸ These comments illustrate the ineffective nature of such raids by showing that the fines and an arrest record were no deterrent for the men who frequented the speakeasies. That same agent promised that the agents would return in the future and hinted at an escalation in the amount of force used against the lawbreakers. He was quoted as saying, “One of these days we’re going to throw a real party for these boys, tear gas and everything. We’re getting tired of having them break bottles when we come in.”¹⁷⁹

These raids were nothing new in the “Flats” district of Warren and were frequent in February 1933. Two days before the first bomb exploded at “Jim’s Place,” another raid had taken place on Pine S.E., which resulted in the arrests of six men on charges of gambling.¹⁸⁰ In that instance, the men were given a five dollar fine and had to pay court costs.¹⁸¹ The amazing thing about all of the raids that took place in Warren and at businesses with ties to James Munsene is that he never personally was arrested or charged with any crime after the end of his bribery trial. Despite allegedly owning a notorious nightclub through out the entire Prohibition Era and despite having a reputation as a bootlegger of the highest caliber, James Munsene never personally faced legal troubles

¹⁷⁷ “Dry Agents Nab Eight In Raids On Joints Here,” *Warren Tribune Chronicle*, 24 February 1933, 1.

¹⁷⁸ *Ibid.*

¹⁷⁹ “Dry Agents Nab Eight In Raids On Joints Here,” *Warren Tribune Chronicle*, 24 February 1933, 1.

¹⁸⁰ “7 Nabbed In Raids By Police, Sheriff,” *Warren Tribune Chronicle*, 13 February 1933, 1.

¹⁸¹ “Fine Six Gamblers,” *Warren Tribune Chronicle*, 14 February 1933, 2.

again.¹⁸² The fact that Munsene never again faced a judge on a liquor charge is a testament to the reputation he gained following the protracted and successful outcome of his bribery trial and also the techniques he employed to control the rackets in Warren. For the decade of the 1930s, James Munsene would prove time and time again that he could not be stopped.

When the dust settled on the “Flats” following the bomb blasts at “Jim’s Place,” Munsene still had the pesky issue of the padlock order staring him in the face. Being no stranger to legal battles, Munsene again employed enough legal maneuvering to resolve the issue in his favor. Though authorities had first attempted to padlock the club in March of 1933, the issue was still tied up in court in June of that same year. With the repeal of the Eighteenth Amendment on the horizon, James Munsene found himself needing to replace bootleg liquor as his number one product and having to create new ways to reap profits from the club scene. Munsene’s answer to the changing environment of the nightclub scene was to step up his efforts in terms of entertainment and, more importantly, gambling.

When it came to entertainment in Warren, Ohio, nobody did it better than James Munsene. Upon the repeal of Prohibition, James Munsene renamed his club, which for years had simply been known as “Jim’s Place,” christening it the Hollyhock Gardens Nightclub. With its elegant new name and a completely remodeled interior, Munsene elevated the one-time speakeasy from a small-time gambling and drinking club to a first-

¹⁸² Whether or not Munsene actually owned the club has not been established. Munsene seems to have been very careful not to allow himself to be directly attached to either the building or the illegal events taking place at the clubs. In this way, he was able to profit while other men in his employ withstood any legal repercussions. As early as 1933, and as late as 1936, the local newspaper referred to Munsene as the alleged owner of both “Jim’s Place,” and its later incarnation, the Hollyhock Gardens Nightclub, but never uncovered a paper trail to support their allegations. “Speakeasy Blast Motive Sought,” *Warren Tribune Chronicle*, 15 February 1933, 1. “Progress Slow in Arson Investigation,” *Warren Tribune Chronicle*, 10 October 1936, 1.

class restaurant and cabaret. With such fine facilities and a well-connected showman at the top, the Hollyhock soon became one of the premiere nightspots in northeast Ohio. Beginning with Estelle Taylor, former wife of boxing legend Jack Dempsey and star of the opening night floorshow, Munsene lined up entertainers from all over the country to perform at his club.¹⁸³ Other entertainers who performed at the Hollyhock were “Pinky” Hunter and his band, Fifi D’Orsay, Max Baer, one time heavyweight champion of the world, Irene Bordoni, and Sophie Tucker.¹⁸⁴

More famous than any other performer at the club, but a virtual unknown at the time was Perry Como. Como had come to Warren from Pennsylvania, where he had worked as a barber in a small steel town. The local legend around Warren claims that Como worked as a dishwasher at the club until one night a singer on the bill became ill, and Como stepped forward as a replacement.¹⁸⁵ Munsene was apparently so impressed that Como became a regular at the club, which is evident from the appearance of his name in an advertisement for the club’s new floorshow, which started November 7, 1935.¹⁸⁶ During the short time that Como performed at the club, Ted Weems, of the Ted Weems Orchestra, witnessed Como’s act and immediately signed him to a contract as his featured singer.¹⁸⁷ From that point on, it was just a matter of time before Perry Como became one of the most famous crooners of that generation.

¹⁸³ Though no set date of operations for the Hollyhock Gardens, under James Munsene, has been set, it seems that it only operated full-time from August 1934 to New Years Day 1936. “Hollyhock Gardens Starts Season With Estelle Taylor,” *Western Reserve Democrat*, 30 August 1934, 1.

¹⁸⁴ “Featured Gaming, Top Entertainers: Famed Hollyhock is Falling to UR,” *Warren Tribune Chronicle*, 16 January 1973, 13.

¹⁸⁵ *Ibid.*

¹⁸⁶ Also on the bill were headliners Olive White, and Max Pepper. Filling out the rest of the bill, on which Como’s name appeared in the middle, were Doreane and Douglass, Vicki Joyce, the six Dorothy Frank girls, and Freddie Carlone and his orchestra. “Extra,” *Warren Tribune Chronicle*, 7 November 1935, 17.

¹⁸⁷ “Featured Gaming, Top Entertainers: Famed Hollyhock is Falling to UR,” *Warren Tribune Chronicle*, 16 January 1973, 13.

Following New Years Day 1936, the Hollyhock Gardens closed its doors, and because of a number of future events was never again operated by James Munsene. Around the time he closed down operations at the Hollyhock, James Munsene and his business partners began operations at the Prime Steakhouse. The Prime Steakhouse consisted of a restaurant and gambling parlor, and was located nearby on South Park Avenue. The year 1936 passed without incident for Munsene, until September of that year, when he and his business ventures were again the targets of outside racketeers. On the night of September 27, 1936, at approximately 11:25 PM, a fire tore through the Hollyhock Gardens.¹⁸⁸ Upon investigation, it was determined that the fire was the work of arsonists. Both the police and fire departments launched an investigation, but like the search for the bombers three years earlier, the investigation would have no success in locating the culprits.

One thing the Hollyhock had offered, which was far more lucrative for Munsene than the stage shows, was gambling. During its heyday, the gambling parlor on the second floor of the club was one of the finest in the Midwest.¹⁸⁹ The success of gambling at the Hollyhock, and to a lesser extent at the Prime Steakhouse, led Munsene to undertake an even more successful business venture, dog racing. In the late 1930s, dog racing was still legal in Ohio, and Munsene saw it as an excellent way to expand both his power over the area and his wallet. To this effect, Munsene began operating a dog track in Fowler, Ohio, sometime around 1937.

The Fowler dog track was by all accounts an enormous financial success. The track was so successful that despite the Depression, owners were able to support a one

¹⁸⁸ "Hunt Hollyhock Blaze Firebugs," *Warren Tribune Chronicle*, 28 September 1936, 1.

¹⁸⁹ "Featured Gaming, Top Entertainers: Famed Hollyhock is Falling to UR," *Warren Tribune Chronicle*, 16 January 1973, 13.

hundred dollar a night sweepstakes.¹⁹⁰ Making this sweepstakes even more impressive was the fact that the track operated six nights a week for the entire summer. In addition to the sweepstakes, the track offered visitors a chance to bet on eleven races a night. The success gained at the Fowler track led Munsene to invest in a sister track located nearby in Lake Milton at Craig Beach in 1939.

Munsene enjoyed his most successful year with the dog tracks in 1939. It was in this year that Munsene organized a race between Olympic champion Jesse Owens and a greyhound named Didder, in what may be the most successful and widely attended event in Fowler township history. On the night of August 30, 1939, Owens, barely three years after winning three gold medals at the 1936 Olympics, posted up to race a greyhound with an estimated crowd of 15,000 people in attendance.¹⁹¹ Unfortunately, at this time, the results of that race are not known, as the local newspaper failed to report the outcome the following day. Regardless of the outcome, James Munsene undoubtedly benefited much from that race.

In September 1939, Munsene shifted his dog racing operation to Craig Beach at Lake Milton. In addition to dog racing, the Lake Milton track was known for the high quality of entertainment that often accompanied the races. On opening night, September 11, 1939, the musical headliner was Ben Bernie and his lads, accompanied by the Bailey Sisters, but this was just the beginning. In addition to the races, the track also hosted a number of musical acts. The most famous musical act to perform at the track was Duke Ellington and his orchestra, who performed there June 25, 26, and 27, 1940.¹⁹² In

¹⁹⁰ Sweepstakes tickets and race programs can be found at the Fowler Local History Museum in Fowler, Ohio.

¹⁹¹ "Fowler Greyhounds," *Warren Tribune Chronicle*, 29 August 1939, 12.

¹⁹² "Crack Track Records at Lake Milton Oval," *Warren Tribune Chronicle*, 24 June 1940, 9.

addition to gamblers and music lovers, the tracks also targeted a family audience, employing such gimmicks as monkey jockeys to draw crowds.¹⁹³ No matter what gimmick was employed the tracks did draw crowds and the venture was a huge success for Munsene and his partners. The tracks were doing so well that special trains actually ran from Pittsburgh to Youngstown on three occasions during the summer of 1940 to accommodate the high volume of visitors.¹⁹⁴ The only problem with all of his success was that it attracted the attention of some very powerful and dangerous men from outside of the area, and this attention would cost Munsene dearly in the very near future.

While Munsene was achieving unparalleled financial success in the late 1930s with his assortment of business dealings both legal and otherwise, his old defense attorney Clarence Darrow was not fairing nearly as well. As it turned out, Darrow's defense of James Munsene would not be his last foray into the courtroom. Having lost all of his savings and living in poverty three years into the Depression, Darrow agreed to defend Lt. Thomas Massie and his accomplices in a notorious murder trial in Honolulu, Hawaii in 1932.¹⁹⁵

Many of his contemporaries viewed Darrow's involvement in the case with scorn and his reputation suffered as a result.¹⁹⁶ The main reason for the disappointment people showed at his decision to defend Massie centered on Darrow's reputation as a defender of minorities, while Massie and his mother-in-law and codefendant Grace Fortescue had

¹⁹³ "Crack Track Records at Lake Milton Oval," *Warren Tribune Chronicle*, 24 June 1940, 9.

¹⁹⁴ "Believe Munsene was Slain for 'Putting Muscle' on 'Bug,'" *The Youngstown Vindicator*, 26 March 1941, 6.

¹⁹⁵ For a detailed study of the Massie Trial, see either David Stannard, *Honor Killing: How the Infamous "Massie Affair" Transformed Hawai'i* (New York: Viking Penguin, 2005), or Kevin Tierney, *Darrow: A Biography* (New York: Thomas Y. Crowell, Publishers, 1979).

¹⁹⁶ Longtime friend Harry Elmer Barnes and a number others wrote Darrow to express their disappointment in his decision to defend Massie and the others. They felt that he was betraying his reputation and selling out to the forces of reaction. Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 413.

made a number of bigoted comments while awaiting their trial. Regarding the matter of race, it should be noted that at first Darrow refused to take the case, as he feared his own remarks on the matter from prior trials and speeches would be used against them.¹⁹⁷ To clarify the numerous differences between their opinions and his own, Darrow sent the defendants a copy of his closing statement in the Sweet trial.¹⁹⁸ According to a Darrow biographer, Kevin Tierney, there is no record of exactly how Darrow's and Mrs. Fortescue's differences were settled, but by March 12, 1932, Darrow agreed to take the case.¹⁹⁹

It is obvious even to a casual observer that Darrow's decision to try the Massie case dealt very little with the case itself. His decision to try the case was financial. First, he would be paid a fee, which he was in great need of, and second he would be able to visit the Hawaiian Islands, something that he had longed to do but could not afford.²⁰⁰ Darrow would have done himself a great favor had he been more open with his friends at the time regarding just how dire his financial situation was, but instead he chose only to hint at the problem when explaining why he took the case, and because of this the harsh criticism continued. In a letter to Harry Elmer Barnes, Darrow wrote, "...of course, I have occasionally in the past represented people of wealth, and there have always been criticisms when I have done this; especially was this true in the Loeb-Leopold case. I don't know what I should have done if now and then a fairly well-to-do client had not come my way; the ravens have never called on me."²⁰¹ He was more direct about the

¹⁹⁷ Tierney, *Darrow*, 412.

¹⁹⁸ *Ibid.*, 412.

¹⁹⁹ *Ibid.*, 412.

²⁰⁰ Tierney noted that Darrow probably would not have even considered the case, "but for his acute financial difficulties." *Ibid.*, 412.

²⁰¹ *Ibid.*, 414.

matter when he addressed it in his memoirs, stating, "...the so-called 'depression' had swept away practically all the savings that I thought I had for keeping me comfortable to the end, and I needed the fee. This was not at all large, but it was sufficient."²⁰²

Regardless of his reasons, Darrow took the case and it became known as his final trial, and further obscured the history of the Munsene trial, which he had hoped to be his last.

Following the close of the Massie trial, Darrow slipped further and further into obscurity. In 1934, Darrow was appointed to the chairmanship of the National Recovery Act Review Board.²⁰³ This position brought with it a vital income and for a time lifted Darrow's sagging spirits, but it paled in comparison to his former triumphs in the courtroom. The chairmanship would be Darrow's last major foray into the public arena.

The remainder of Darrow's life was remarkably ordinary. Like all people, his advanced age brought with it a myriad of health problems, and greatly limited his activities. By his eightieth birthday, he could not even give an interview to his friends with the newspapers, and as his biographer Irving Stone put it, "Clarence spent a slow painful and ugly year dying."²⁰⁴ Release came for the anguished legal warrior on March 13, 1938. Ruby had remained by his side for thirty-five years and his death was both a merciful end to their mutual suffering of the past year, and a tragic conclusion of their shared life.²⁰⁵

For forty-eight hours following his death, the funeral home on Sixty-Third Street in Chicago did not close its doors.²⁰⁶ A constant throng of mourners passed by the

²⁰² Clarence Darrow, *The Story of My Life*, (New York: Charles Scribner's Sons, 1932), 459.

²⁰³ Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 427.

²⁰⁴ Stone, *Clarence Darrow For the Defense* (New York: Doubleday, Doran & Company, Inc., 1941), 516.

²⁰⁵ Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 438.

²⁰⁶ ²⁰⁶ Stone, *Clarence Darrow For the Defense* (New York: Doubleday, Doran & Company, Inc., 1941), 516-517.

mahogany casket in which lay the body of America's great defender, a man whose exploits would inspire a biographer forty years after his death to write these words of praise:

Darrow was unique. Neither before nor since has any man arisen with his particular greatness. He carved out a niche in history, a voice for the inarticulate, the oppressed, the poor, and besides a figure of great intellectual importance and an artist with words who in America has never been surpassed.²⁰⁷

The extent of the admiration people held for Darrow was evident at his funeral service, where despite a torrential downpour a large crowd of mourners that could not fit into the already filled Bond Chapel at the University of Chicago stood outside to honor the man.²⁰⁸ It was a fitting memorial for a man whose life had affected so many.

Less than one year before Clarence Darrow's death, James Munsene was beginning to experience problems of his own. The empire he had created in Warren was beginning to experience its first significant problems since his bribery trial. In May of 1937, John Venetta, a longtime partner of Munsene, filed a lawsuit seeking the dissolution of their partnership and requesting that all shared establishments be put into receivership until the lawsuit reached a settlement.²⁰⁹ Ben F. Floyd, a deputy sheriff, was named receiver for both the still vacant Hollyhock Gardens, and the bustling Prime Steak House.²¹⁰ Venetta sought to recover the value of his investment as of April 1, 1935, when he retired after an undisclosed disagreement with Munsene, and thirty percent of

²⁰⁷ Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 439.

²⁰⁸ Stone, *Clarence Darrow For the Defense* (New York: Doubleday, Doran & Company, Inc., 1941), 517-518.

²⁰⁹ "Munsene, Aids Named in Suit," *Warren Tribune Chronicle*, 28 May 1937, 1.

²¹⁰ Ibid.

the net accruals of the investment since that date.²¹¹ This positively identified Munsene for the first time as at least a partner in the ownership of Warren's most notorious clubs. More importantly, it showed that Munsene faced an increasing number of problems, both from within and without, as he sought to maintain control of Warren's rackets.

Munsene's problems continued to grow towards the end of the 1930s as he faced increasing pressure from city officials concerning his activities in the flats. The first wave of trouble came in the form of police officers being stationed inside the Prime Steak House at all times. Munsene's nephew and business partner, Felix Monfrino, challenged this action, taking the city to court over the matter in 1938, but Judge Lynn Griffith Sr. ruled in favor of the city.²¹²

The Steak House's troubles continued when, in July 1939, City Solicitor George Buchwalter and Mayor Dan Gutelius petitioned the Court of Common Pleas to issue a padlock order.²¹³ The petition stated, "In spite of the efforts of the police department, gambling continues to flourish in this place and by reason of the malicious and determined action of the defendant in continued violations of the law, notwithstanding numerous prosecutions and penalties, the plaintiff has no other adequate remedy but to seek a permanent injunction."²¹⁴ Adding fuel to the fire, The Steak House had recently been raided by the state liquor department and Monfrino's liquor license had been suspended, because agents had found gambling devices.²¹⁵ This suspension would become a major problem for Monfrino in September of 1939, when police arrested him

²¹¹ Venetta claimed he was owed \$33,356.00 for his time with Munsene; this figure did not include the thirty percent of the net accruals that he also sought. Ibid.

²¹² Griffith as you may remember was the prosecutor in both the 1927 and 1928 bribery trials. Monfrino had claimed that the city's actions had violated his constitutional rights, but with Griffith's decision the police presence continued. "Padlock for Steak House City's Plea," *The Reserve Democrat*, 20 July 1939, 1.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

for possessing, with intent to sell, intoxicating liquors.²¹⁶ Monfrino was convicted and faced thirty days in county jail, but like his uncle before him, Monfrino was able to get the case tied up in the appeals process, so that he could avoid serving time and continue operating the Steak House.²¹⁷

The year 1940 found Monfrino still facing jail time, but Munsene for the moment seemed to be in the clear. The summer season at the dog tracks was a success and all seemed bright, until Munsene, under pressure from the state of Ohio, chose to close the Lake Milton dog track in October rather than be subjected to an investigation.²¹⁸ The pressure from both the local and state authorities was the least of James Munsene's problems though. Munsene had fought and essentially beaten the system before, but never had he faced the number of problems and threats to his business enterprises as he would with the coming of the New Year and the worst year of his life.

The troubles of 1939 and 1940 must have still been fresh in James Munsene's mind in January 1941, when disaster of a singularly personal level struck and almost claimed his life. On January 30, 1941, Munsene accompanied by four acquaintances was involved in an automobile accident. Munsene lost control of his car and struck a steel-laden truck, seriously injuring himself and two other passengers and killing the remaining two passengers in the vehicle. Killed were Frank Rock, a local tailor, and Ambrose Di Paolo, a retired grocer from the area. Along with Munsene, Guy Lombardi and Dominic Rossi survived the accident, but all were hospitalized with serious injuries. Munsene and

²¹⁶ Further information on the courtroom proceedings surrounding this case can be found at the Trumbull County Archives. January Term 1940, Trumbull County Civil Appearance Docket, Book 87, 45104.

²¹⁷ Monfrino's case is peculiar for the fact that it continued even after his death and was not resolved until August of 1941.

²¹⁸ Munsene closed the racetrack at Craig Beach in October of 1940, when the state threatened him with an investigation. "Hunt Hired Gangsters in Murder of James Munsene, Felix Monfrino," *Warren Tribune Chronicle*, 25 March 1941, 1.

Rossi, the most seriously injured of the survivors, spent the next two weeks in the South Side Unit of Youngstown Hospital recovering from their injuries.²¹⁹

Nearly a month after the car accident Munsene was still dealing with its effects. Only days after his release from the hospital, Munsene was in court facing two charges stemming from the accident. The first charge brought against him concerned the fact that he was driving the vehicle without a license, and the second charge dealt with operating a vehicle with license plates issued for another car.²²⁰ Attorney George Buchwalter represented Munsene and the hearing took place in the court of Mayor George Wilson in Canfield.²²¹ Munsene plead guilty to both charges and was fined fifty-five dollars, but Mayor Wilson suspended thirty-five dollars of those fines.²²² The light punishment for the car accident was the last good luck that Munsene would have as things were about to take a turn for the worst.

The night of March 24, 1941, Earl B. Huffman sat at the bar at the Prime Steak House talking with James Munsene. Huffman had come to the Steak House to discuss a debt Munsene owed to the Co-Operative Adjusting Co. and Physicians and Hospital Credit Bureau. The debt dated back to Munsene's recent car accident and Huffman, the manager of the collection agency, had taken it upon himself to discuss the matter personally. While the two men waited for a third party to arrive, Huffman overheard someone ordering Haig and Haig Scotch Whiskey. Out of curiosity, Huffman looked

²¹⁹ "Munsene Pleads Guilty, Pays \$20 Costs as Result of Fatal Crash," *Warren Tribune Chronicle*, 22 February 1941, 1.

²²⁰ "Munsene Pleads Guilty, Pays \$20 Costs as Result of Fatal Crash," *Warren Tribune Chronicle*, 22 February 1941, 1. The license plates on the vehicle were attached to a vehicle in Nofry Munsene's name, which is why Munsene was charged with driving with improper tags. "Munsene's Condition Reported Serious, Rossi's Still Critical," *Warren Tribune Chronicle*, 1 February 1941, 1.

²²¹ Munsene's counsel George Buchwalter is the same George Buchwalter who only two years earlier, as City Solicitor of Warren, attempted to padlock the Prime Steak House.

²²² "Munsene Pleads Guilty, Pays \$20 Costs as Result of Fatal Crash," *Warren Tribune Chronicle*, 22 February 1941, 1.

past Munsene to see who ordered such a drink, and noticed two well-dressed men standing next to Munsene at the bar. As the two men drank their whiskey, Huffman turned back to Munsene to continue their conversation regarding the medical bills. In reference to the man they were waiting for, Munsene informed Huffman, "I'm going up on Pine St. and look for my friend," and with those words James Munsene spoke for the last time.²²³

The report of gunfire filled the barroom. Huffman turned toward the sound, and saw the muzzle of a gun pointed at him, the man motioned Huffman out of the way and he quickly complied. "Keep away. Keep out of this," the gunman told Huffman as his accomplice lined the bar's patrons up against a wall.²²⁴ While the gunman continued firing on Munsene's now slumping form, the other man stood guard at the open side door of the bar. It was at this moment that Felix Monfrino entered upon the scene from the restaurant side of the Steak House. Felix shouted and charged at the gunman firing on his uncle, but he had not seen the second man at the door and this oversight would prove fatal.

Seeing Monfrino charge towards his partner, the man at the door fired. The first shot tore through Monfrino's shoe and struck him in the right foot, but he continued to stagger towards his uncle's assailant.²²⁵ The second shot struck Monfrino in the heart, making a widow of his wife and robbing his three young children of a father. As Monfrino fell, his killer shouted to the man at the bar, "Come on, let's go." Munsene's murderer hesitated and in a cold calculated manner replied that he wanted to "make sure

²²³ "I was Talking with Jim When Gunmen Shot Him," *Warren Tribune Chronicle*, 25 March 1941, 1.

²²⁴ *Ibid.*

²²⁵ "Jim Munsene and Nephew Murdered," *Warren Tribune Chronicle*, 25 March 1941, 9.

he's done," as he fired more shots into Munsene's body.²²⁶ Convinced that Munsene was dead, both gunmen fled out the side door and into the night.

As the smoke cleared on the scene, Huffman noticed that two shots had creased his jacket, but he escaped with only a bruise on his arm. Meanwhile, the barroom was in a frenzy. Shouts of, "Get the license number," were added to the commotion as the killers exited the barroom. Outside of the bar, Nofry Munsene, James' oldest son, bumped into one of the gunmen, but was unable to stop him as the two men fled in a nearby automobile, and as quickly as the chaos had started it was over.²²⁷

Police arrived on the scene within minutes and several deputies went off in hot pursuit of the shooters. An ambulance arrived, but it was to no avail as both men had died almost instantly. After cordoning off the scene, detectives began interviewing the numerous witnesses to the crime. The frenetic pace of the events that had transpired at the Steak House showed no signs of slowing, and news of the shooting rapidly spread around the city, resulting in the formation of a large crowd outside the restaurant. Until the bodies of Munsene and Monfrino were removed from the building, the grim realization of what had just occurred had not sunk in, but upon seeing the two men carted out on stretchers, many in the crowd were moved to tears. Many men by reputation not thought to be emotional or sentimental wept openly.²²⁸ At the sight of her husband's body, Genevieve Monfrino collapsed and was placed under the care of a physician. The prospect of raising their three children, the eldest just six years old, by herself must have

²²⁶ Accounts differed as to how the shooting played out that night, Huffman's account is used here, because of all the people in the bar he was the most involved. Bartender Jack Harris, who had served the men drinks and was only a few feet away when the shooting started corroborated his story. "I was Talking with Jim When Gunmen Shot Him," *Warren Tribune Chronicle*, 25 March 1941, 1.

²²⁷ That the assailants were still armed, while Nofry was not, probably played a major role in his inability to stop the men. "Gunmen Slay Munsene and His Partner," *The Youngstown Daily Vindicator*, 25 March 1941, 8.

²²⁸ *Ibid.*

compounded her grief. A physician was also sent to the Munsene home to care for James' wife Lucy and their daughter Marian. The timing of the murder would have been especially traumatic for Lucy Munsene, for March 24, 1941 happened to mark the twenty-seventh anniversary of her wedding to James.

Back at the scene of the crime, the hunt for the killers was on. Detectives swarmed over the barroom, collecting every shred of evidence they could find that might give them some clue as to the identity of the killers. Their efforts to track down the coupe in which the men had sped off had come up empty, and investigators knew that they would have to rely on physical evidence collected at the scene and any clues that they could gain by interviewing the numerous witnesses to the shooting. When asked that night to comment on a possible motive behind the killings, Police Chief B. J. Gillen would not say, but he did express his belief that due to the "cold, deliberate manner," of the killings, they were searching for "hired killers."²²⁹

Based on the assumption that hired guns had committed the murders, special detectives took key witnesses to police departments in various nearby cities, to view files of "rogue gallery" photos, in hopes of identifying a suspect.²³⁰ Despite traveling to a number of cities, including Pittsburgh, and Cleveland, witnesses could not make a positive identification. This meant that the only promising lead the police had at the time, and the key to their entire investigation were the two whiskey glasses the murderers had brazenly drank from moments before the shootings. The thumb and forefinger prints

²²⁹ "Hunt Hired Gangsters in Murder of Jim Munsene, Felix Monfrino," *Warren Tribune Chronicle*, 25 March 1941, 1.

²³⁰ "Police Check Nearby Cities Underworlds," *Warren Tribune Chronicle*, 25 March 1941, 1.

left on those glasses represented the authorities' best chance at bringing the killers to justice.²³¹

By Wednesday evening, March 26, funeral arrangements for the two slain men had hastily been made and Warren prepared to mourn the passing of its most notorious citizen. The relationship that the city of Warren had with James Munsene was a complex one. On the surface, many citizens and city officials seemed to disagree with and dislike the activities that Munsene brought to the area. However, upon further investigation a different picture of the relationship between Munsene and the citizens of Warren emerges.²³² Even though many people claimed to be against the activities that took place at Munsene's clubs, there was never a shortage of patrons. The dog tracks too never wanted for business and the large crowds present for the races would have undoubtedly created business for other local establishments.

It was Munsene's decision-making in determining what business ventures he wished to pursue and the manner in which he operated his establishments that caused many of Warren's citizens to respect Munsene and mourn his death. One local paper claimed that, "In 25 years of racketeering in Trumbull County, Munsene never was known to be involved with anything that included women. Operating houses of prostitution was neither attractive nor lucrative to Munsene. He even frowned on them as

²³¹ "Say Munsene Sought New 'Bug' Fields," *The Youngstown Daily Vindicator*, 26 March 1941, 1.

²³² *The Warren Tribune Chronicle* and the *Youngstown Daily Vindicator*, contained numerous quotes and comments pointing out Munsene's popularity in articles that appeared immediately after the murders. The *Warren Tribune* claimed, "He was a generous donor to charitable institutions and was known as one who, 'would take off his shirt' to help one in need, especially children and aged persons and those whom he considered friends." "I Was Talking With Jim When Gunmen Shot Him," *Warren Tribune Chronicle*, 25 March 1941, 9. "Notables from Many Cities Won and Lost at Munsene's," *The Youngstown Daily Vindicator*, 25 March 1941, 6.

“skills” in a gambling place.”²³³ More important to his success and standing in the community than his decision to stay out of prostitution and other more frowned upon rackets, was the manner in which James Munsene reputedly did business. His reputation was built on fairness, and if one can believe it honesty. In a straightforward manner, Munsene reportedly once said he had no reason to cheat because the odds were stacked in his favor anyway.²³⁴ Munsene’s power and the respect that people had for him was built on “friendship, rather than gangster-like authority.”²³⁵

Felix Monfrino’s funeral took place on Thursday, March 27, 1941. A crowd estimated at over four hundred people participated in the event, and four large cars were necessary to transport all of the floral pieces to the cemetery.²³⁶ Despite the enormous turnout for Monfrino’s funeral, it paled in comparison with that of James Munsene, which took place the next morning. Over six hundred people attended services, which were held at Munsene’s home, and the funeral procession included an estimated one hundred and ten automobiles and stretched for over a mile and a half.²³⁷ Twelve of the cars in the procession contained flowers, which were massed around Munsene’s grave at

²³³ “Believe Munsene Was Slain For ‘Putting Muscle’ on ‘Bug,’” *The Youngstown Vindicator*, 26 March 1941, 6.

²³⁴ “Notables from Many Cities Won and Lost at Munsene’s,” *The Youngstown Daily Vindicator*, 25 March 1941, 6.

²³⁵ “Believe Munsene Was Slain For ‘Putting Muscle’ on ‘Bug,’” *The Youngstown Vindicator*, 26 March 1941, 6.

²³⁶ “Hundreds Jam Rites For Slain Gang Victims,” *Niles Daily News*, 28 March 1941, 1.

²³⁷ Both Felix Monfrino and James Munsene’s funerals were held at home, and though both men were Catholic, their funeral services were performed by Reverend W. L. Burner of the Second Christian Church. The two slain men were members of St. Mary’s Catholic Church in Warren but the Church refused to bury them. “Gang Victims’ Funerals Held Amid Throngs,” *The Youngstown Daily Vindicator*, 28 March 1941, 4. “Munsene Rites Draw Throng,” *Warren Tribune Chronicle*, 28 March 1941, 1. A lower estimate of ninety cars was made by the Niles newspaper. “Hundreds Jam Rites For Slain Gang Victims,” *Niles Daily News*, 28 March 1941, 1.

what the Warren newspaper noted may have been the largest funeral in the town's history.²³⁸

Following the funerals, the hunt for Munsene's and Monfrino's killers stalled, and the investigation looked like a bust. However, in August 1945, an arrest was made in Tucson, Arizona, that would change everything. Police Sergeant William E. Johnson had been pursuing leads in the Munsene murder case since the beginning, but had not experienced a major break until 1944, when the identities of the two gunmen were finally discovered and secret indictments were handed down by a Trumbull County grand jury. Once the indictments were made, the Federal Bureau of Investigation was brought in to assist in the capture of the two suspects. The F.B.I. became involved when one of the suspects fled, which allowed them to invoke the Fugitive Felon Act, bringing the apprehension of Munsene's murderer under federal jurisdiction.²³⁹ Authorities quickly located one of the suspects, Charles Monazym, who was already serving time in federal prison at Leavenworth, Kansas, but the other suspect, Thomas Viola proved more difficult to capture. Over the next year, Sgt. Johnson tracked Viola through a number of cities across the country, including a number in Ohio, before the F.B.I. arrested him in Tucson.²⁴⁰

After a protracted extradition process, Viola arrived in Cleveland, December 12, 1945, where he remained until the start of his trial.²⁴¹ Finally, after further delays, the

²³⁸ "Munsene Rites Draw Throng," *Warren Tribune Chronicle*, 28 March 1941, 1.

²³⁹ Edward J. Allen, *Merchants of Menace- The Mafia: A Study of Organized Crime* (Springfield, Illinois: Charles C. Thomas, 1962), 133.

²⁴⁰ "Hold 2 Accused In Murder Of Munsene, Nephew In '41," *Warren Tribune Chronicle*, 9 August 1945, 1.

²⁴¹ Much of the delay in bringing Viola back to Warren resulted from confusion over whether federal authorities or Trumbull County authorities were responsible for bringing him back. "Munsene Murder Suspect To Get Hearing Next Week," *Warren Tribune Chronicle*, 10 August 1945, 1. "Await Extradition

murder trial of Thomas Viola began on March 24, 1946, exactly five years, to the day, after the murder.²⁴² The trial pitted Prosecutor Paul J. Reagen against famous Pennsylvania attorney, Charles Margiotti, a former state attorney general. Other notable attorneys involved in the trial were Lynn Griffith Sr., George H. Birrell, and Wick W. Pierson, ironically, all of them had served as prosecutors against Munsene in his bribery trials. Griffith sat as the judge at the arraignment, Birrell acted as the trial judge, and Pierson assisted Margiotti with Viola's defense. Despite Viola's famous counsel, the jury in his murder trial returned a guilty verdict on April 8, 1946.²⁴³

In a curious twist of fate, the trial of his killer, Thomas Viola, would itself turn out to be a lengthy legal battle. Like Munsene and his bribery trial, Thomas Viola appealed his murder conviction several times. Over the span of the next two years, and after a number of appeals, the case, the first ever from Trumbull County to do so, reached the Supreme Court, which upheld the decision of the lower courts.²⁴⁴ With the Supreme Court ruling, and because Charles Monazym, Viola's accomplice was never tried for the murders, when it at last ended, the Viola trial became the last court case to feature James Munsene as its primary focus.²⁴⁵

Action On Munsene Murder Suspect," *Warren Tribune Chronicle*, 17 August 1945, 1. "Viola Being Held In Cleveland Jail," *Warren Tribune Chronicle*, 13 December 1945, 1.

²⁴² A trial date had previously been set for February. "Viola Trial Is Set For February," *Warren Tribune Chronicle*, 11 December 1945, 1. "Three Jurors Tentatively Seated At First Session," *Warren Tribune Chronicle*, 25 March 1946, 1.

²⁴³ Though he had been facing the death penalty, the jury made a recommendation for mercy, saving Viola from being executed. 1944 Term, Trumbull County Criminal Appearance Docket, Book 17, 8022.

²⁴⁴ The Viola murder case was the first of its kind from the county to ever be appealed to the highest court in the United States. The defense alleged sixteen errors by the court in its appeal. "Reagen Rites To Be Held Tuesday A. M.," *Warren Tribune Chronicle*, 9 August 1948, 1.

²⁴⁵ Thomas Viola was temporarily pardoned by Governor James A. Rhodes on March 15, 1966. The purpose of the pardon was to allow Viola, who was "in imminent danger of death from lung cancer," to die in the company of his sisters in Detroit. That the governor would pardon Viola is somewhat interesting, when one considers that Viola had escaped from prison on September 22, 1960, and was not captured until March of 1961. While on the run from authorities, Viola was placed on the F.B.I. Most Wanted Criminals list, and briefly was a suspect in the shooting of Richard Stanley in Warren. "FBI Nabs Con in Detroit

Conclusion

Independent of each other, Clarence Darrow and James Munsene lived very busy and exciting lives. Yet the brief time during which their paths crossed had a profound impact on the both of them. For Clarence Darrow, it was a lackluster end to a storied career. Obviously, the outcome of the trial had not been what he had been hoping for and this begins to explain why he never wrote about the trial despite the high hopes he held when he entered into it. His failure in the Munsene bribery trial was yet another sour grape sown in the farmland of northeast Ohio, and Darrow did not find it a worthy topic for the story of his life. It seems that Darrow's refusal to mention the Munsene trial spilled over into the works of all of his biographers as well. Following his lead and seemingly unaware of its existence, not one has ever mentioned this trial.

For James Munsene, the trial was the catalyst that set in motion his meteoric rise to power in Warren. Before the trial Munsene had met with only limited success in the rackets he sought to control. After the trial, though, Munsene's moneymaking ability increased exponentially. This newfound respectability as a racketeer is in part due to Clarence Darrow's defense of Munsene. Despite the need to accept a plea, Munsene essentially escaped punishment for his crime, so the trials cannot be considered a loss. Paying a fine had never really been a problem for Munsene. He had been doing it for years. Munsene almost constantly bailed out men arrested in raids on his place and later in his career it was common practice for "his lieutenants" to "furnish cash bond when

Apartment," *Niles Daily Times* 28 March 1961, 1. A letter written by Governor Rhodes allowing Viola to be temporarily pardoned is included with other court documents related to the Viola murder trial. 1944 Term, Trumbull County Criminal Appearance Docket, Book 17, 8022. Charles Monazym would live much longer than his accomplice, social security death index records show that he did not die until 1997 at the age of 85. Social Security Administration. *Social Security Death Index, Master File*. Provo, Utah: MyFamily.com, Inc., 2005. Accessed online at Ancestry.com, on 17 October 2005.

numbers ‘writers’” were arrested.²⁴⁶ The light punishment, coupled with his ability to provide himself with the best defense lawyer in America all lent weight to an aura of invincibility for Munsene and allowed him to expand his operations in Warren.

Darrow’s defense of James Munsene unintentionally launched the young businessman-racketeer’s career to unparalleled heights and firmly established him as the “Bootleg King of Warren,” and allowed for the expansion of his criminal operations. Should Darrow’s success in the courtroom be seen then as a hindrance to justice? Were his “undeniable talents” being used for “inexcusable ends”?²⁴⁷ Of Darrow, it was once said, “Fairly won prestige was used, perhaps unconsciously, in ways that bred disrespect for law and condoned anti-social acts of impulse.”²⁴⁸ This quote can be equally applied to Darrow’s defense of Munsene, because of the manner in which the defense aided Munsene’s later career. Even though Darrow entered into his trials with the intention of upholding justice and defending the rights of America’s citizens, his success at trial may have sometimes had the opposite effect. Munsene’s later career illustrates this conclusion.

It is impossible to empirically gauge the exact effect Darrow’s defense of Munsene had on Munsene’s organized crime career, though it obviously helped to further entrench him as the elite racketeer in Warren. One thing that can be determined is the effect Munsene’s criminal activities had on Warren and the growth of its criminal culture. Following his bribery trial James Munsene became the undisputed king of the Warren

²⁴⁶ “Munsene Slaying Climaxes Series of Racket Crimes,” *The Youngstown Daily Vindicator*, 25 March 1941, 8.

²⁴⁷ The words are Kevin Tierney’s and deal with Darrow’s decision to defend Massie. Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 413.

²⁴⁸ Oscar Cargill made this comment in regards to Darrow’s decision to participate in the Massie trial. Tierney, *Darrow* (New York: Thomas Y. Crowell, Publishers, 1979), 413.

rackets, and this new title allowed him to expand his operations. In the decade following his arrest and trial, Munsene took control of two greyhound tracks, opened the Prime Steakhouse, and transformed Jim's Place into the glitzy Hollyhock Gardens Nightclub. All of this success was greatly aided by Munsene's ability to avoid legal problems following his bribery trial.

Through the trial, Munsene had gained notoriety and a measure of local fame, which allowed him to deal effectively with the police and politicians. Having been the first major racketeer to take up residence in Trumbull County, and having been the first to very publicly run afoul of the law, and beat the rap, Munsene should be viewed as the racketeer prototype for Trumbull County. When Munsene was murdered, the *Warren Tribune* ran an extensive article, which detailed many of his exploits over the years including his involvement in local politics. "Tho not a citizen of the United States, Munsene often was said to be the silent man behind candidates in city and county elections and it is known that occasionally he spent considerable money in behalf of candidates whom he was known to favor."²⁴⁹ Based on Munsene's design and benefiting from his reputed efforts to control politics in Warren, much more dangerous gangsters were able to gain a foothold in Trumbull County.

The most notorious of these thugs to move their operations to Trumbull County were the Farah brothers, and their associates, the Licavolis.²⁵⁰ Through their mafia-

²⁴⁹ "Jim Munsene and Nephew Murdered," *Warren Tribune Chronicle*, 25 March 1941, 9.

²⁵⁰ Twin brothers, Mike and John Farah, would remain active in the Warren rackets until the 1960s. Mike Farah was murdered on June 10, 1961. He was shot as he chipped golf balls in his front yard. The gangland-style murder was carried out by an unknown assassin, who fired a shotgun from a car as it passed by Farah's home. "Mike Farah Dies After Two Men Shoot Him Down On Lawn Of Home," *Warren Tribune Chronicle*, 10 June 1961, 1. The Licavolis, brothers Thomas and Peter, and cousin James, came to Ohio from Detroit, where they were major figures in the Detroit Purple Gang. Thomas never made it to the Mahoning Valley, as he was sentenced to life in prison in Toledo in 1934. Peter quickly moved on to Miami Beach and finally Tucson, Arizona, as of 1960 he had only served short prison terms despite facing

fronted town of Halls Corner, just north of Youngstown, and its famous gambling hall, The Jungle Inn, this group of men would take rackets crime in the area to unprecedented levels. The Farahs, and their Licavoli partners, gained enough power by the late 1930s, that they are considered by some to have been responsible for Munsene's death.²⁵¹ Lending credibility to this theory was the fact that once Munsene was removed, the Farahs violently ruled over the Trumbull County underworld for the next two decades. Their hold on the politics of the county ran much deeper than Munsene's influence had and plunged the Sheriff's Department into a scandal-plagued decade, culminating in the infamous siege at the Jungle Inn in August of 1949.²⁵² Unfortunately, the corruption of politics in the region did not end with the closing of the Jungle Inn by the governor in 1949.²⁵³ The seed had been sown, and the violence and scandal would attract the attention of the entire nation and earn Youngstown the infamous moniker Bombtown, USA.²⁵⁴

Regardless of how one feels on questions concerning the negative or positive ramifications of Darrow's courtroom successes, his involvement in the Munsene trial highlighted an important period in the history of Warren, Ohio. Between the two of them, Darrow and Munsene left a lasting mark on this history, which having now been rediscovered, should be explored and preserved for the ages. Further examination of this

charges of armed robbery, kidnapping, and murder. James Licavoli stayed the longest in the area and received a "coming out" party from his fellow gangsters in Youngstown, when he was released from prison in 1946 following a year in prison for blackmail. Allen, *Merchants of Menace* (Springfield, Illinois: Charles C. Thomas, 1962), 64-65.

²⁵¹ Allen, *Merchants of Menace* (Springfield, Illinois: Charles C. Thomas, 1962), 132.

²⁵² Allen, *Merchants of Menace* (Springfield, Illinois: Charles C. Thomas, 1962), 128-129.

²⁵³ In his 1962 book, Former Youngstown Chief of Police Edward J. Allen called the Farah's "the chief political powers in Trumbull County" and claimed, "that their power...extended into Mahoning County as well." Allen, *Merchants of Menace* (Springfield, Illinois: Charles C. Thomas, 1962), 140.

²⁵⁴ Youngstown's, Bombtown, moniker arose from the fact that from 1951-1961, there were seventy-five bombings. Allen, *Merchants of Menace* (Springfield, Illinois: Charles C. Thomas, 1962), 240.

topic and related studies, will aid in our understanding of how organized crime shaped and molded many aspects of our community and how it continues to influence the Mahoning Valley to this day.

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