

OUR CENTURY

1938

AT A GLANCE

Parties elect leaders amid tumult

Politics was a contact sport in Cleveland during the 1930s, and never more than on Aug. 16, 1938, when Democrats and Republicans held simultaneous conventions 12 blocks apart to elect county chairmen. The police, anticipating trouble, had uniformed men prominently stationed at both meetings.

The leading Republican candidates were George Bender and Rees Davis. The Plain Dealer described one of the incidents, when Sam Levin, a city official, tried to interrupt Bender: "Bert Haddad, Bender's floor manager, jammed Levin to the floor and a seething crowd of Bender and Davis partisans were starting to mix it up when police quelled the uprising." When the tumult died down, Bender had been elected.

At the Democratic meeting, former Mayor Ray T. Miller was challenging longtime Chairman Burr Gongwer, who had been a Plain Dealer reporter and Mayor Tom L. Johnson's secretary. Police had to send two additional squads to back up those already there. After what The Plain Dealer described as "nearly an hour of punching, booing, yelling and applauding," Gongwer declared the convention out of control and recessed it.

The Miller supporters refused to leave and, after the Gongwer supporters had stomped out, proceeded to elect Miller chairman. Two days later, a meeting of the "recessed" convention, which the Miller camp boycotted, re-elected Gongwer. Cleveland now had two groups claiming to be the Democratic organization.

Eventually, the Miller forces collected affidavits showing 568 of the 1,132 precinct committeemen had voted for him. He was recognized as the official chairman.



The first Superman comic in 1938.

Jerry Siegel and Joe Shuster started collaborating on comic books while they were students at Glenville High School, with Shuster illustrating Siegel's plots. In 1934, Siegel had an idea for a new kind of superhero. It took until 1938 to get it published, in the first issue of "Action Comics."

"Superman" was an instant sensation, spawning radio and television shows, a Broadway musical and a series of movies. Siegel and Shuster, however, had signed away their rights to the character for \$130 and were committed to drawing it for a paltry sum. When they sued to recover the copyright in 1948, they were fired.

They failed to win back the copyright, but got \$100,000 in the suit. In 1978, after a campaign led by the Cartoonists' Guild, Warner Communications Inc., which had acquired the copyright, agreed to pay them each \$20,000 a year for life. Siegel died in 1992 and Shuster in 1996. Superman still flies high at 60.

Indians President Alva Bradley said the 1938 Indians would "reflect the personality, the desire to win, the animation of our new manager, Oscar Vitt." Nineteen-year-old Bob Feller won 17 games; so did Mel Harder, and Johnny Allen won 14. Two rookies contributed mightily: left fielder Jeff Heath hit .343, just missing the batting championship, while third baseman Ken Keltner hit .276 with 26 home runs. Hal Trosky hit .334, Earl Averill .330 and Frankie Pytlak .308.

The Indians battled the Boston Red Sox for the pennant right up to the Tribe's final series with the Detroit Tigers. The Indians managed to keep Hank Greenberg, who had 58 home runs, from hitting two more to tie Babe Ruth's record, but they lost the series. On the final day of the season, Feller struck out 18, a major league record, but the Tigers' Harry Eisensadt emerged with the win, 4-1.

"Aviatrix" Jacqueline Cochrane won the Bendix Trophy with an average speed of 249.777 mph from Los Angeles. Roscoe Turner won the Thompson Trophy for the third time with a record speed of 283.419 around the pylons, and thereupon retired.

'Mad Butcher' spreads panic

Ness' future clouded by slow action on case

By Fred McGunagle

Three unemployed men were scavenging in the lakefront dump on Aug. 16, 1938, when they made a grisly discovery — three neck vertebrae, seven dorsal vertebrae, 22 ribs and two pelvic bones, all neatly wrapped in brown paper. A skull and more bones were nearby.

The discovery sent a shudder through the city. The "Mad Butcher" had left No. 11. Hundreds crowded to the site near E. 9th St. to watch police search. One of the onlookers noticed a foul odor and looked for the source. It was No. 12, in nine pieces.

In his 1950 book, "Butcher's Dozen," crime writer John Bartlow Martin said of the Butcher: "Let us say it: He was that almost unknown creature, a master criminal. . . . It can be argued powerfully that he was the greatest murderer of all time."

Police had tried everything since finding the first victims in April 1936. They even sent out undercover detectives as "Butcher Bait." They rode the rails and lived in hobo camps where the Butcher found many of his victims. The bodies were expertly dissected, drained of blood and cleaned of any clues. They showed up every few months, just about the time the uproar over the last body was dying down.

It was almost as if the Butcher were taunting authorities — and the latest bodies were within sight of City Hall, where Safety Director Eliot Ness had his office. Not since Nos. 1 and 2 had the Butcher left two victims to be found together.

Ness, a victim of his own reputation as a crime fighter, was under growing pressure. After the discovery of No. 10 four months earlier, a letter to the

editor of The Plain Dealer had sarcastically suggested that everybody was hunting the killer except Ness.

Now Ness put 20 detectives on the case. Because Coroner Samuel Gerber theorized the killer's surgical skill suggested a "mad doctor," they rounded up people recently released from mental hospitals and doctors who had been dismissed from their hospitals. Under the guise of fire inspections, they combed the near East Side to find the killer's "murder lab."

Finally, a frustrated Ness led a small army of police in an early morning raid on hobo camps, taking the hobos to jail and then burning down their shacks. Many saw the raid as a grandstand stunt. The Press editorialized, "The throwing into jail of men broken by experience and the burning of their wretched places of habitation is not likely to lead to the solution of the most macabre mystery in Cleveland history."

But the murders stopped — at least officially. Police didn't realize it at the time; they continued to detail much of the department to the case. Despite similar murders in the New-castle, Pa., a short time later, and despite similar murders in other cities over the next decade, including the "Black Dahlia" case in Los Angeles — the Butcher is officially listed as having murdered 12. (Later authors agreed a woman found a year before Nos. 1 and 2 was a Butcher victim; they labeled her No. 0).

In 1961, four years after Ness had died, Oscar Fraley wrote a book called "Four Against the Mob," in which he said Ness had told him he had found a suspect he believed to be the murderer. Because he couldn't prove it and because the suspect had



Coroner Samuel Gerber examines a foot from one of the murder victims.



The front page of The Plain Dealer, April 3, 1939, depicting the panic that ensued from the 12 murders.

political connections, Ness allowed him to be committed to a mental hospital. He would not tell Fraley the name.

Fraley had a poor reputation for accuracy — he had hyped Ness' Chicago exploits in "The Untouchables" — and the 1961 book attracted little attention. However, in 1996, Marilyn Bardsley documented on an Internet site that the suspect had been Francis E. Sweeney, a doctor who suffered from mental illness and alcoholism and was a first cousin of U.S. Rep. Martin L. Sweeney.

As for Ness, his once-brilliant career began to go downhill with the Butcher case. He upset proper Clevelanders by divorcing his second wife and marrying a third. He began to drink more heavily, and in 1942, was involved in a hit-skip accident. Not long afterward, he resigned as safety director. In 1947, he ran for mayor, but lost badly. His business attempts failed, and when he died in 1957 at the age of 53, he was insolvent.

In 1997, the Cleveland Police Historical Society discovered that his ashes never had been properly disposed of. At a memorial service in Lake View Cemetery, biographer Paul Heimel told several hundred people that Ness' Cleveland accom-



Eliot Ness, casting a vote for himself in the 1947 mayoral election.

plishments far exceeded his TV-hyped Chicago exploits. Police bagpipers from Cleveland and Chicago gave him a proper sendoff as his ashes were scattered in a lake.

McGunagle is a Cleveland freelance writer.

Ness as an icon

Eliot Ness' Cleveland exploits — along with those of his nemesis, "The Mad Butcher of Kingsbury Run" — have produced a cottage industry of books in the last 11 years. They started in 1987 with the first of five "Eliot Ness in Cleveland" novels by Shamus Award-winning mystery writer Max Alan Collins, who pronounced Ness "the most famous real-life American detective of all."

In 1989, Steven Nickel wrote "Torso: The Story of Eliot Ness and the Search for a Psychopathic Killer." John Peyton Cooke's 1994 "Torsos" was a fictional version of

the murders. The first Ness biography came in 1997: Paul Heimel's "Eliot Ness: The Real Story." The torso murders make up a third of John Stark Bellamy's 1998 "The Maniac in the Bushes and More Tales of Cleveland Woe."

Marilyn Bardsley's biography of Ness and fictional diary of the killer are on the Internet at: www.crimelibrary.com

A musical, "Eliot Ness . . . in Cleveland" ran briefly in Denver early this year.

—Fred McGunagle

LOOKING AT A YEAR

Feb. 4: Adolf Hitler appoints himself commander of the German armed forces.
March 14: Germany annexes Austria. German troops march into the country without any opposition from the Austrian army.
June 22: Avenging the only knock-

out defeat of his career, Joe Louis regains his heavyweight boxing title, knocking out Max Schmeling in the first round.
July 4: Helen Wills Moody wins her eighth Wimbledon tennis title.
Oct. 5: Hitler's troops march into Czechoslovakia, again without oppo-

sition.
Oct. 30: Thousands of Americans panic during the radio broadcast of H.G. Wells' "The War of the Worlds," a fictional account of an invasion of the planet by aliens from Mars.
Dec. 10: Pearl Buck, author of "The Good Earth," wins the Nobel Prize for

literature.
Born: John Dean, Manuel Noriega, Morgan Freeman, Rudolf Nureyev, Liv Ullmann, Jerry West.
Died: Famed lawyer Clarence Darrow, Supreme Court Justice Benjamin Cardozo, cartoonist Elzie Segar, rubber magnate Harvey Firestone.



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