VESIS OF THE THIRD DEGREE

When a reporter was not informed how Inspector Byrnes obtained McGloin's confession, he gave his own explanation in a phrase that has become inseparably connected with police' inquisition the world over.

roughly, appeared one day in Thirtieth street. He oner knew was that he had been brought in as a District Attorney. It will be for him to decide." avenues. While making no attempt to scrape ac- That classification has done excellent service in he was an escaped convict. By the time he reached have nothing to fear, but others are left to guess his story. When it had been transcribed he signed the resort where McGloth was to be that afternoon what the police mean, and in the solitude of the cell

men prone to crime expect to be shadowed and are have no occasion to suspect the true cause. When cried:constantly on guard against it. By the plan now McGloin arrived at Headquarters Moran, Morrissey. "I give up Inspector. It is all true. But save me adopted various policemen had opportunity to observe and Banfield were already there, but no one of them save me!" He was completely broken and in a frenzy McGloin and his associates as if casually and nothing knew of the arrest of the others, and nothing had of fear. whatever occurred to excite suspicion that the gang been said to any of them to disclose the cause of "Get back into your chair, McGloin," was the rearrest. They were allowed to remain in separate ply. "I don't know what I can do, but George Lauthier, with a stubble heard and dressed cells undisturbed for several hours. All each pris- prepared to make a statement I will submit it to the

quaintances, he let remarks fall which implied that police work. Persons unjustly detained under it

low the gang. Experience has taught detectives that why he was taken and that his companions should floor, clasped the Inspector about the knees an

McGloin's Confession.

· A stenographer was summoned and McGloin told Most of it is related. The party had tried that evening to "film-flam" Hanler. The attempt failed because Hanler had been tricked by the same game only a little while previously. This time he ordered the party out under threat of calling the police. The quartet decided to return after the saloon was closed and work revenge on Hanier for not falling into their trap. They broke in the front door and proceeded to upset the place, reckless whether Hanier nterfered or not. As soon as they heard him moving overhead, however, Moran, Morrissey and Banfield started to get away. McGloin did not pr to be frightened off so easily and stepp hall to await Hanier's appearance. He fired as soo as Hanier appeared at the top of the stairway. He declared that he did not aim to kill

When McGloin had been returned to his cell a...cl the confession the other men were taken singly fore the Inspector. The confession was read to them and they in turn confessed. Banfield proved a little obdurate, but that had been anticipated and three confessions, and his own made the fourtif and completed the police end of the case.

That night Inspector Byrnes gave out the story. He did not tell everything related, but the confessions were shown, so that the reporters got all that the prisoners had said. The murder occurred on December 29. Public excitement over it lasted a fortnight. January 31 was the date of the arrests and confessions. It was published widely that the police had worked the third degree to procure the confessions. It had not been thought wise to say anything of the device by which McGloin had been seated to face the court across which his companions were marched, the police not being in the habit then. more than now, of exploiting the means employed to gain results. The confessions omitted nothing concerning the murder, and that was the story which the police thought the public wanted.

There was no legal proof on the day of the arrests that these were the men who had visited Hanier's place. From the beginning it had been believed the murder was committed by young men belonging in that part of the city. It was not such work as tried criminals would have done. The task was to locate the men. Circumstances, many of them trivial, pointed to these four. The scene in the saloon when Mc-Gloin scoffed at the reward notice was the culminating circumstance. If any one of the four at the time of the arrest had been faced with the charge of murder there would have been danger that the others would have heard of it and all would naturally have

braced themselves with denials, Against such denials evidence must have been wholly circumstantial and not strong enough to convince a jury. The Inspector planned to surprise Mc-Gloin into confession, not alone by what was said but also by making McGloin see his companions under arrest. Thus filled with fear he easily fell into the trap set for him. The other three had no reason to suppose that there was anything in the crossing of the court beyond a transfer of cells. They could not know that McGloin saw them, much less that they were paraded on his account. McGloin's confession came when he felt bimself caught. Then he was mainly anxious to save his skin.

In February the trials occurred. McGloin was convicted of murder in the first degree and hanged in March. The other three went to prison for twalva

The Case of Unger.

The third degree had an airing when Edward Unger confessed to the murder of August Bohle. Unger kept a saloon, and Bohle, a butcher, resided with him. The killing occurred in a fight. Then Unger cut up the body, packed it in a trunk, sent it to Baltimore and threw the head into the East River. Part of the body was wrapped in a coat, from which Unger had neglected to remove the business card of a Brooklyn butcher with whom Bohle had relations. The police did not make public any information about the card. Unger protested his innocence until transferred to a cell containing the sofa on which Bohle had fallen in the fight and the knife and saw used to dismember the body. That sight set him howling, and he told his story. The public knew nothing of the scene in the celf. Full details of the killing were issued, but enough was withheld as to means of detection to feed sensation for quite a while. Unger made out a case of self-defence and rec. wed a sentence of twenty years.

There was much talk of the third degree when Chastine Cox confessed to the murder of Mrs. Jane L. De Forest Hull. Dr. Hull, the victim's busband, fell under suspicion. At the inquest a wkness appeared who declared that while seated in Bryant Park one evening he had been approached by an aged man (whom he identified as Dr. Hull), who produced \$160 and promised to give it to him if he would kill Mrs. Hull. The police got from Dr. Hell a list of Mrs. Hull's missing jewelry, some of which oney immediately recovered in pawnshops where a negro had left it. They noted that there had been no forceful entry into the house, and Cox, who had been a sec-

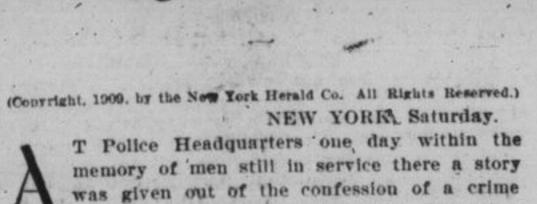
vant in the house; was missing. They traced Cox to Boston. When he was arrested there Mrs. Hull's watch was found on him. Cox confessed without pressure, The motive behind the testimony at the Coroner's was never investigated, but the witness was a convict, and he had been procured by a person whom the poll'e habitually distrusted.

Cox suffered the death penalty. These are sample instances in which the third degree had conspicuous public parade. Exact narration; of the means by which the several confessions were obtained seemed inexpedient to the police in their accounts of current work. Hence at such times inference and imagination had pienty of rope. Unger's transfer to a cell containing the implements of his butchery may be noted as the only instance in which terror was invoked to force confession. As to charges of prolonged crueity, the law entitles It had been arranged that twenty minutes after every prisoner to a prompt hearing before a magis-

Inspector expressed the opinion that something might, of reward. Lauthler witnessed this performance, and the inspector knew to the minute when that ternoon Thomas Moran, Robert Morrissey and Fred McGloin had himself well in hand when he entered criminals are to be learned only at close range-

outmatch any criminal. He has the tremendous adgratiate herself with Michael E. McGloin, one of the left the front door the only means of exit, and by "Louis Hanler was killed with that," said the In- vantage of being single minded in his work. If he others. There the two policemen who had locked the Talk drifted on about the Hanler murder. Sud- soon wear down the criminal whom he ordinarily

> "Detection of crime in this city has come from McGloin's pocket. Then he passed the watch to the came confused, but the Inspector continued quietly worked out when he makes an arrest. In any coand seemed to compare the watch with a written de: "You swear that you know nothing about this tions that would dismay one untrained. That is endknows his business he knows how to trace crope and to fasten it where it belongs. That is all this. the third degree in New York, or ever was."



which had left no immediate clew. The newspapers had failed to trace it and it seemed to baffle the police. Much comment had been affoat on the incompetency of the force. When the affair cooled and the public had shelved it away among things to be forgotten the confession came out.

Among the writers at Headquarters was one who had worked hard on the case and had not spared the police. Some of the questions he asked about circumstances leading to the confession did not yield replies to satisfy him. His newspaper displayed the news, as did all others, but in lieu of a clear explanation of the way the exposure had come about he

"The police put the prisoner through the third degree and wrung a confession from him."

It proved a good catch phrase. Explaining nothing. it left much to the imagination. The public-liked it and it made itself at home in police parlance. No longer in active service, it is still paraded on occasion and everybody recognizes it.

There has never been an attempt to give an exact definition of it. Its survival through the stress of years may be due to the mysticism that envelops it. Were it susceptible to reduction in fixed terms it possibly would have lived out its season and then gone to the realm of the multitude of abandoned phrases that once had vogue. Vagueness has been its charm, for it enables one to place his own construction on it and it does not provoke cross-examination. No one confesses inability to understand it.

Undue pressure, intimidation, cruelty lurk in it; it may mean anything in the range of espionage, from common spying to a comradeship cultivated to win confidence and then betray it; charges of physical torture have been velled behind it; it has always implied methods surely abnormal and usually not legiti-

Rumor worked the third degree with much dillgence in connection with the murder of Louis' Hanler, who kept a French wine shop and saloon in Twenty-sixth street between Sixth and Seventh avemues. He resided with his family above the saloon and was shot at the top of a stairway leading from a hail on the saloon floor to the upper part of the house. around to assist in restoring the unfortunate. The When the police arrived they found the floor of the confusion incident to such an affair gave opportunity

and must have gone into the hall with intention to night of the murder, but failed to trap him. fire. Thieves are like rats-dangerous when cornered The police believed men of this kind would rid but preferring to run if they have the chance. Hay- themselves as soon as possible of the pistol and of ing been noisy enough to rouse Hanler to be ep on everything taken by them from the saloon which the floor above and having heard him to paring to might be identified. This surmise proved correct. It " tained only a wallet used by Hanler in the day time near Thirtieth street the detectives came upon a

theory that personal enmity furnished the motive for killed by a bullet of 22 calibre, the murder. Not a fact could be found, however, to In a very few days the police felt confident that poister that theory. Hanter did a small business and they knew who had committed the crime. They led a quiet life. The saloon was not a rowdy resort. lacked legal cyldence. There was no need to hasten Neither his family nor his neighbors could suppose arrests, for the suspects had no thought of detection, that is had an enemy. The case opened avenues for and consequently no notion of quitting the neighborsufficient conjecture to keep public interest in it at hood. Conversion of moral certainty into proof that tension for a fortnight. No apparent headway hav- would hold in a court called for a high order of detecing then been made toward clearing it, notices were tive skill, posted in Tenderloin resorts offering \$500 reward for A woman was obtained to assist in further work. he seemed to be fuddled with drink. He dropped into evidence that would lead to the arrest and conviction She had previously frequented the Tenderloin. Once a seat at a table adjoining McGloin's, ordered a giass of the guilty

Tracing the Crime. Almost at the beginning the police dismissed the suggestion of personal enmity. They felt certain also 10; better luck somewhere else. The visitors at Manier's were reckless. Not finding money, they became noisy and destructive. The shooting was wanton and had behind it no motive other than bravado.

shared their work-accordingly. Suspicion turned toward a coterie known in the pre- to do." cinct as the Seventh Avenue Gang, composed of debetes in that direction. Old enough to work, they terview which then occurred she promised to inengaged in no regular employment. Their faces betime familiar in saloons of shady repute in that part far as she might know of them, and to hold her own

At that time the trick called "flim-flamming the bartender carefied some attention. The Seventh Ave-, one Going won some natoriety from its proficiency in his trick A man would enter a saloon, call for a pt as of heer and offer a bill of large denomination in

come took stock of the till.

saioon wet with the stock of wine which Hanier car- for one of the party to slip behind the bar and empty ried. The spigots of all the barrels in the saloon had the till. Then the party would go away, carrying the been turned open and the cash drawer was empty. loose cash. This trick had been played once of Whoever shot him heard him preparing to descend Hanier. It developed that it was tried again on the

He Was Completely Broken and in

Frenzy of Fear

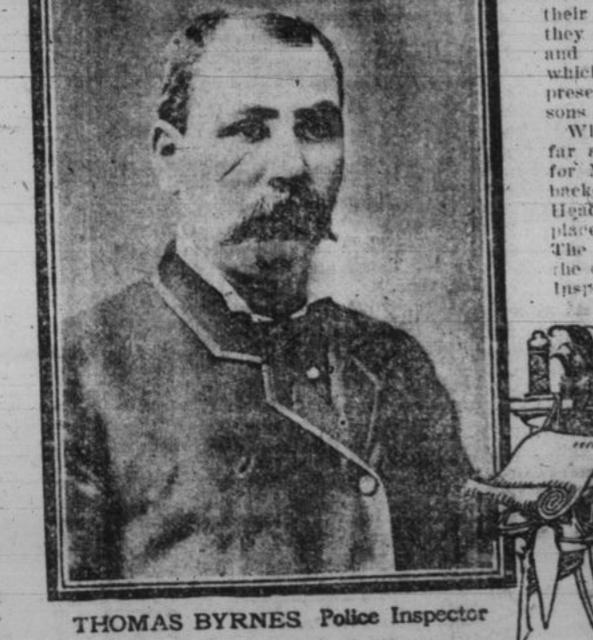
descend, the intruders evidently had no wish to get an ash barrel in Twenty-sixth street near Seventh away. The wanton waste of wine pointed to malice avenue were found a cigar box from Hanier's and the and the empty cash drawer proved little, for it con- empty wallet, and at a pawnshop in Ninth avenue, for bills which he took upstairs with him at night. pistol of 32 calibre left there by a young man the Surface appearances were compatible with the morning following the murder. Hanier had been

when arrested she told a story so pitiful that funds of something and dozed off. The company at the sawere provided through the police to send her to her loon paid no attention to him. home in Northern New York. Inspector Byrnes had - Detective (now Inspector) Schmittberger entered charge of the Detective Bureau at Headquarters at and tacked directly over the table at which McGloin be had if she really wanted it.

give you something to do," he said.

Seventh Avenue Gang; to reportion his movements, so that door the Inspector entered. He proceeded to a spector. "Did you ever see it before?" counsel. She had no idea why this was to be done, except that the police wished to keep track of him. There was no hint that he had already engaged in crime. She was left to infer that it might be desirable at some time to recognize him and that this means had been chosen to make his face known to

In a day or so she reported that she had become When the bartender furned to get change friendly with McGloin. From time to time neckties and similar small gifts were handed to her to present the same caller, with several companions, to McGloin. By that means detectives were able to while the saloon. While the bartender go where the girl said he was to be at stated times. was serving their order one of them would fall to the to pick him out in a crewd and to become acquainted . "Take that man to the office," he said, and Me-Naturally the bartender would step with the faces of his associates. The girl's work ob- Gloin was under arrest.



From a Photo Taken at the Time of the McGloin Inquisition and Published in "Professional Criminals of

rear room where, were seated McGloin and several "No, Inspector; I had no hand in that." Inspector, who drew a bit of paper from his pocket to pred with questions. Finally he said:-

The Third Degree.

Murder Under Third Degree

the time, of the Hanler murder. On the way home sat a notice of the reward of Somroffered for Hanler's the arrival of McGloin a policeman should enter the one night he saw a crowd gathered at a corner. It impresses, leaving this woman there seattered at his approach, leaving this woman there. scattered at his approach, leaving this woman there read the notice. When Schmittberger went out there was shot, that ten minutes later Moran should alone. The Inspector recognized her and asked her was a general guffaw in the saloon, and McGloin, be led across the court, that after another ten minhis viet is fruitless he goes away quietly and hopes why she had returned to the city. She said the story who had been the chief scoffer at the notice, exof her former life here had reached her home, making claimed? "A fellow ain't really tough until he has still another ten minutes Bantield should cross the it impossible for her to remain there. She dreaded knocked out his man." They be langued and dung court. The Inspector could not see into the companions to come back, but there was nothing else to do. The his hand in contemptuous defiance toward the offer but he knew that McGloin must see his companions, meaningless as applied to methods in this city.

Banfield, members of the gang, would be at three dif- the office. He began to talk about the watch, declared by association with them. When a detective learns That was the police estimate of the case and they "Well, I can't find it," the girl replied. "If ___ ferent places and that McGloin would go to the saluon it was his own, that he had been unjustly suspected them the scene and outward circumstances of a ferent places and that McGloin would go to the saluon it was his own, that he had been unjustly suspected them the scene and outward circumstances of a ferent places and that McGloin would go to the saluon it was his own. think it so easy suppose you give me something where Lauthier had found him, Detectives were sent and that he had done nothing whatever to deserve crime enable him to judge by what class of criminal to arrest the three men first mamed and inspector arrest. The inspector asked him about various af- it was committed. Then he knows how and where "Come to the office to-morrow at three and I will Byrnes and two officers started out for McGlain. In the Tendericin, in which McGloin said posi- to push his search. He has a problem to solve which structions were to arrest without stating the cause. Vively he had no part. When at the end of twenty habit has made professional, The Inspector directed his two men to bok the minutes the pistol was brought in the Inspector no-

side doors joined him. All the occupants of the room denly McGloin gave a start. He had seen Moran meets, for the criminal thus questioned has all the were ordered to back against the wall and hold up cross the court. The Inspector persisted in questions things he has ever done buzzing in the top of his their arms. McGloin stood at one end of the line, about Hanler. While McGloin was stumbling over head, and that soon tires him. The man assigned to search the party began his work an account of his whereabouts that night a policeat the other end. When he came to McGloin he man led Morrissey across the court. McGloin's face, reasoning on experience and from quick and delooked carefully at a watch that he had taken from petraged that he saw him. The story halted and be- cisive action. The detective's case is pretty well

case. Suppose Banfield and the others say that you

The question was timed with reference to the crossing of the court by Banfield, which occurred

their wits are sharpened to recall the various things they have done that might subject them to arrest and to decide how to meet charges in respect to whichever of these things may account for their present detention. The cell reflections of such persons not only tax ingenuity but breed fear. When the cell experience that day had gone as far as he thought necessary Inspector Byrnes sent for McGlein. As the Inspector sat at his desk he backed close to a window overlooking a court at Headquarters. For that occasion he had a chair placed very near the desk and facing the window. The occupant of that chair must see what passed in the court, and if it made any impression on him the Inspector would know it from his appearance.

Edward Unger, Who Confessed