

The University of Wisconsin Eau Claire

The Trial of Carmello Musso in 1914 Milwaukee

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Abstact

Carmello Musso' murder trial helps to illustrate the treatment of Italian immigrants in early twentieth century Milwaukee. The case also looks at elements of the view of woman in the early twentieth century. The way the trial proceeded points out how legal proceedings then differ from those of today.

Introduction

On January 28, 1914, a *Milwaukee Journal* sub headline read, “Wife of Victim said ‘Die! Die!’ Charges Child.”¹ The child was nine year old Rosa De Gratione. The police charged Rosa’s aunt, Carmello Musso, with killing her husband Joseph Musso, who died on January 6, 1914. Joseph Musso was an Italian Laborer in Milwaukee. He lived at 374 Cass Street with his wife and their three godchildren.² After he died there was an investigation. The police took eleven Italian residents in the area, including his wife, to the police station for questioning. All of these residents were released except for Musso who the police continued to hold.³ While at the police station she recalled what happened the night before Joseph Musso died.

Musso claimed that her husband had gone out drinking the night he died, and when he tried to return home he fell down the stairs several times. Musso then stated that, “During the night I got up to give the children a drink of water and while up, I walked into my husband’s room and asked if he wanted a drink. He was squirming in bed and tearing at his throat with his hands.”⁴ The next day Joseph Musso was dead. Her record of events did not match what the autopsy showed.

The physicians who performed the autopsy gave a different version of what happened to Joseph Musso. They said that Musso did not die from the alcohol he consumed but that someone had strangled him. They stated that, “Death was due to a

¹ “Italian Murder Hearing Begun,” *Milwaukee Journal*, January 28, 1914, 1.

² “Quiz Wife Of Dead Laborer,” *Milwaukee Journal*, January 7, 1914, 1. The children were the Musso’s godchildren but they were also related by blood. Carmello Musso was one of their maternal aunts.

³ Ibid.

⁴ Quoted in Ibid.

hemorrhage of the larynx caused by strangulation... and the imprint of finger nails was plainly visible on the left side of his neck. The marks would indicate that the man was engaged in a struggle before death.”⁵ The physicians believed that someone had murdered Joseph Musso.

Prior to Yockey taking the case the police were unable to get enough evidence against Musso to arrest her. After District Attorney Edward Yockey took the case he was able to obtain incriminating information about Carmello Musso. From Rosa’s testimony, District Attorney Yockey was able to get a warrant for Musso’s arrest.⁶ She was now charged with murdering her husband.

On March 27, 1914 the trial for the case State of Wisconsin v. Carmello Musso commenced. The case would last until April 12, 1914 when a jury found Carmello Musso guilty of murdering her husband. For the crime she was sentenced to life in prison.⁷ During the trial, the *Milwaukee Journal* was filled with articles about the trial. Through the *Milwaukee Journal* the citizens of Milwaukee were able to obtain knowledge about the court proceedings. The important arguments were laid out for the public to read.

One of the state’s key arguments in the Musso case revolved around the hyoid bone, a small bone in the neck that Joseph Musso’s autopsy showed to be broken.⁸ The physicians testifying for the state argued a fall could not have caused the hyoid bone to break. Dr. John C. McGovern testified that the hyoid bone is protected by the chin and a

⁵ Ibid.

⁶ “Looking For The Man In The Case,” *Milwaukee Journal*, January 12, 1914, 1.

⁷ “Mrs. Musso To Serve For Life,” *Milwaukee Journal*, May 11, 1914, 1.

⁸ “Musso Trial Nears Its End,” *Milwaukee Journal*, April 9, 1914, 1.

fall could not have broken it.⁹ Dr. McGovern said that the bone could only be broken from strangulation.¹⁰

Dr. D. W. Harrington disagreed with the testimony given by the state's doctor. He believed that the bone could be broken from a fall. He further explained that this was what he believed to have happened. He argued that strangulation could not have caused Joseph Musso's death because of the "infiltration of blood into the neck tissues."¹¹ When asked if the blood could have infiltrated the neck tissues from strangulation Dr. Harrington responded, "No, I don't think so; not unless there was continued choking for a period of two or more hours or a large blood vessel had been ruptured."¹² The state argued that only strangulation could have caused Joseph Musso's death. The defense argues that the hyoid bone could be broken by a fall and that because of the blood in the neck tissues it was unlikely that strangulation caused Joseph Musso's death.

Another major argument was whether Carmello Musso would have been able to strangle Joseph Musso. Dr. McGovern argued that when a person is strangled they become helpless within a half a minute.¹³ Given the short amount of time it takes for a person to become helpless, the state argued that despite Carmello Musso's small size she could have strangled her husband. Joseph Musso's neck was covered in fingernail scratches. The defense, while utilizing Carmello Musso's small stature to make it unlikely that she could kill her husband, also noted the condition of Carmello Musso's

⁹ State of Wisconsin v. Carmello Musso (1914), 207.

¹⁰ Ibid.

¹¹ "Muss Trial Nears Its End," *Milwaukee Journal*, April 9, 1914, 1.

¹² Quoted in Ibid.

¹³ Ibid.

nails. When the defense questioned the state's doctors they stated "that they had examined Mrs. Musso and that her fingernails were closely trimmed."¹⁴ The state argued that Musso could have easily committed the crime whereas the defense argued that it would have been difficult for Musso to have committed the crime. Aside from the testimony of Rosa, there were no other witnesses at the time of the murder.

The injustice of the trial was fixed shortly after the trials conclusion. After Musso had spent three years in prison, the governor pardoned her. On July 26, 1917, Governor Emanuel L. Philipp signed the pardon causing Carmello Musso to be released from prison.¹⁵

Carmello Musso was convicted of murder not based upon the evidence but because of prejudices of the men conducting the trial.¹⁶ The court did not give Carmello Musso a fair trial. District Attorney Edward Yockey convicted Musso of murder because of prejudices against women and Italians; as well as his manipulation of court proceedings.

Wives Who Killed Their Husbands

According to Jeffery S. Adler, wives began killing their husbands as a defense against their husband's abuse.¹⁷ Husbands in turn of the century Chicago were killing

¹⁴ "Musso Case Witness Jailed," *Milwaukee Journal*, April 1, 1914, 2.

¹⁵ Office of the Governor, Emanuel L. Philipps, Certificate of Pardon for Carmello Musso, 1917, Pardon Papers, 1917, Series 98, Box 171, Wisconsin Historical Society Archive.

¹⁶ In this instance "men" does not refer to people but actually to men. The lawyers were men, the judge was male, and all the jury members were male.

¹⁷ Jeffery S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920*, (Cambridge: Harvard University Press, 2006), 100-101.

their wives because they could not live up to Victorian ideals. They felt as though they had lost control of their family lives. Many of their wives had left them. So they killed their wives as a way to try to regain the control they had lost.¹⁸

The early twentieth century saw a change in the rights of women. Women began to demand certain rights from their husbands. They refused to accept their husbands' abuse. The rate of wives killing their husbands increased drastically. What could be seen as more shocking was that the law was unable to punish these women. Juries now applied the unwritten rule that, "...Gave a woman the right to use lethal force in resisting an abusive husband."¹⁹ Juries would not convict women who had killed their abusive husbands.

Juries used a loose definition of what constituted self-defense. Iva Barnes had planned to kill her husband but when she got to the street where she was going to meet him, she realized she had forgotten to grab her gun. She asked her husband to wait. She went back upstairs, grabbed the gun, returned to the street and shot her husband four times. When she went to trial the jury acquitted her.²⁰ Iva Barne's husband may have abused his wife, but at the time she committed the crime she was not in immediate danger. Her husband was not assaulting her, but instead was waiting for her to return. The jury still accepted the use of the new unwritten law in this case even though it was clearly not a case of self-defense.

¹⁸ Ibid., 64-73, 82-83; Jeffery S. Adler, "I Loved Joe, But I Had to Shoot Him", *The Journal of Criminal Law and Criminology* 23 3/4 (Spring-Summer 2002), 880 . Many of the men who killed their wives because of this loss of control committed suicide. In contrast women who killed their husbands very rarely showed any remorse for what they had done.

¹⁹ Adler, "I Loved Joe, But I Had to Shoot Him", 882.

²⁰ Ibid., 879 and 884.

This new unwritten rule did not apply to every woman. Evidence shows that middle-class white women in their thirties were able to successfully use the unwritten rule to escape murder convictions. Only seven out of eighty women tried for murdering their husbands from 1875-1920 were convicted²¹. Of the seven that were convicted: two were found to be criminally insane, two were given sentences of one year in prison, and the judge overruled the decision of one of the women.²²

The two women who were convicted of murdering their husbands did not meet the requirements socially established for the unwritten rule to be applied. The first of the two women convicted was a nineteen year old dressmaker. She “lacked the dignity and respectability of older, wealthier defendants.”²³ The other woman who was convicted was a forty-six year old Swedish immigrant. After she was convicted she remarked, “I suppose if I had been young and beautiful, I would have been turned loose just as the other women who have been tried for killing their husbands.”²⁴ This new unwritten law had guidelines that needed to be met before juries would apply it.

News of Chicago juries acquitting women who killed and admitted to killing their husbands had reached Milwaukee. The middle of March, less than two weeks before the trial of Carmello Musso started, the *Milwaukee Journal* ran articles about Chicago’s problem convicting women of murder. The *Milwaukee Journal* reports, “Mrs. Van Keurnen, a wan-faced pitiful little figure, swooned for the third time today and court

²¹ In Cook County, “every white woman who killed her husband between August, 1905 and October, 1918 was exonerated or acquitted, totaling thirty-five consecutive cases.” Ibid., 884.

²² Ibid.

²³ Ibid.

²⁴ “State Finally Convicts Woman in Murder Case,” *Chicago Evening Post*, 15 Jan. 1919, 9. Quoted in Ibid., 885.

bailiffs had to fight back crowds of sympathetic women who pressed forward to congratulate her.”²⁵ The papers showed the sympathy juries showed woman accused of killing their husbands. Not everyone was joyous over the release of these women.

The men prosecuted these cases were often furious about the outcomes. After the verdict for acquittal was given to Mrs. Dietz, the attorney for the state responded, “The blame is on the jurors... who seem ready to bring a verdict of acquittal whenever a woman charged with murder is fairly good looking or is able to turn on the flood gates of her tears or exhibit a capacity for fainting.”²⁶ In 1906, a Prosecutor remarked about the new unwritten rule that, “If this jury sets a precedent then any woman who is attacked by her husband can shoot him, there won’t be many husbands left in Chicago six months from now.”²⁷ With all of the attention to these Chicago, it would make sense that the District Attorneys in Milwaukee would not want this unwritten rule to be applied to Milwaukee. Unfortunately the show that some of these woman put on to gain acquittal are the same as a woman who was truly upset.

Musso was sick for a large amount of the time she spent in custody during her trial. As early as January 9, 1914, less than two days after the police brought her in for questioning, Musso complained of feeling sick. The physicians stated that, “she is suffering from hysteria and from illness for which she was recently treated at Trinity

²⁵ “Jury Acquits Chicago Woman,” *Milwaukee Journal*, March 15, 1914, 12. The women were congratulating Mrs. Van Keurnen because a jury had just acquitted her for the murder of her husband.

²⁶ “Hard To Convict Woman,” *Milwaukee Journal*, March 16, 1914, 1. This is one day after the acquittal of Mrs. Van Keurnen. Two women were acquitted in two days.

²⁷ “Finds Mrs. Troupe Guilty of Murder; Gives her 14 Years,” *Chicago Inter-Ocean*, 10 Jan. 1906, 1. Quoted in Adler, “I Loved Joe, But I Had to Shoot Him”, 883.

Hospital.”²⁸ Musso’s complaints of illness lasted until the end of her trial. About having to go to prison Musso stated, “They will never take me to prison. . . . First, they will take me to a grave. I am dying. I will never live to go to prison.”²⁹ After the guilty verdict was translated for her, Musso became very upset. When the guards came to take her from the room, she fainted.³⁰ This behavior matched both that of the women who were putting on a show in the courtrooms of Chicago as well as that of a woman who was truly hysterical.

Musso in many ways did not meet the requirements for the unwritten law that Chicago women used to gain acquittals. While Musso would have been considered white, her Italian heritage would have made her racially inferior to the white women who were applying the unwritten rule.³¹ Like many Italians her husband had been a laborer. From this job Joseph Musso made from \$40 to \$50 dollars per month.³² Joseph Musso also “owned a property worth \$10,000 on which there was a \$4,000 debt.”³³ While the Mussos were not the poorest people in Milwaukee they did not make enough money to be considered middle-class. They were worried about money. The only prerequisite for the unwritten rule that Musso did meet was her age. Musso was thirty-four years old when

²⁸ “Wants Woman Given Freedom,” *Milwaukee Journal*, January 9, 1914, 1.

²⁹ Quoted in “Jury Verdict In Trial Of Italian,” *Milwaukee Journal*, April 12, 1914, 1.

³⁰ *Ibid.*

³¹ The Italian rate for spousal murder was lower than the overall average in turn of the century Chicago. Between 1910 and 1920 an average of one in eight murders was a spousal murder, for Italians the rate was one in eighteen. Jeffery S. Adler, *First in Violence Deepest in Dirt: Homicide in Chicago, 1875-1920*, (Cambridge: Harvard University Press, 2006), 174.

³² “Child Asks For Her Playmate,” *Milwaukee Journal*, April 4, 1914, 1.

³³ *Ibid.*, 2.

the state was trying her for murder. The average age of women who killed their husbands in Chicago during this time was 33.4 years of age.³⁴

Prejudice Against Italians

Of the many requirements race seemed to be more important than other factors in convicting women of murdering their husbands. African American women were unable to successfully apply this new rule. Adler states that "...jurors often rejected the self-defense pleas of young, poor African American murdering wives, convicting them at nearly five times the rate of white husband killers."³⁵ In many instances, while still remaining racially Caucasian, Italians, especially Southern Italians, were associated with Africans. This is because many people believed that people from Italy were of at least partial African descent and therefore not as white as other European groups.³⁶

Musso's race not only did not allow her to apply the unwritten law it may also have made a jury more likely to convict her. Italians were seen as violent and naturally to have criminal tendencies. In *Deepest in Dirt, First In Violence*, Jeffery S. Adler argues that Italians were seen as "more alien, more dangerous, and more violent than... other naturally 'hot tempered' Southern European Immigrants."³⁷ The crime levels of Italians

³⁴ Adler, "I Loved Joe, But I Had to Shoot Him", 876.

³⁵ Adler, "I Loved Joe But I Had to Kill Him", 879,890; Adler, *First in Violence, Deepest in Dirt*, 104. Self-defense was a major component of the new 'unwritten law'. Women would often plan to kill their husbands but not do so until the next time they were abused. Though this was not always the case in certain instances women killed their husbands while they were sleeping and were still successful in applying the unwritten rule.

³⁶ Thomas A. Guglielmo, *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890-1945*, (New York: Oxford University Press, 2003), 27.

³⁷ Adler, *First in Violence, Deepest In Dirt*, 168.

did not help this stereotype. The Italian murder rate was high even for Chicago's already high murder rate. The Cook County coroner reported from 1910-1913 that, "...The Italian death toll from homicide exceeded the combined total of Bohemian, Polish, and Russian homicides."³⁸ While Italians had a low rate of spousal murder they had a very high murder rate, making them appear to be criminals before any evidence was shown.

Society saw Musso as a criminal even though Italian women committed few homicides. Italian women only committed three percent of all the murders committed by Italians in turn of the century Chicago.³⁹ For all the murders in Chicago women committed nine percent.⁴⁰ While Italian men may have committed a large number of murders compared with other racial groups, Italian women did not. Even among women who only committed a minority of murders, Italian women committed a small percentage of murders. Despite this the stigma of Italian heritage had already branded her a criminal. This caused Musso to be treated differently because she was Italian.

Musso was a victim of Italian prejudice and this prejudice helped to convict her of her husband's murder. She was not given the rights that the constitution entitled her. The police held Musso in the Police Station for more than forty-eight hours without charging her.⁴¹ During this time the police did not allow Musso to consult with Angelo

³⁸ Ibid., 169.

³⁹ Adler, *First in Violence, Deepest in Dirt*, 172.

⁴⁰ Adler, "I Loved Joe, But I Had to Shoot Him", 869.

⁴¹ "Wants Woman Given Freedom," *Milwaukee Journal*, January 9, 1914; The Supreme Court case *County of Riverside v. McLaughlin*, which decided that a person could not be held for more than forty-eight hours without being charged, was not decided until 1991, so it does not apply to this case. The length of time Musso was held is given to for background information not as an argument for infringement upon Constitutional rights. *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991).

Carminari, the man her relatives, “retained to appear for her.”⁴² Carminari came to the police station demanding to see Musso before she was asked anymore questions and the police refused to admit him.⁴³

After the police refused to allow Carminari to see Musso, Carminari went to the District Attorney to demand that he be allowed to see his client. District Attorney Yockey allowed Carminari to meet with Musso but he would not allow him to be present during any of the questioning.⁴⁴ The District Attorney granted Carminari the right to meet with Musso, but he would be unable to council her if he was not present when the police or district attorney were questioning her.

For most of the questioning that the police and district attorney conducted there was no translator present. When Musso was first brought into the police station the police did not know that she spoke any English so, they obtained a translator.⁴⁵ The police only had the translator until Captain Sullivan realized that, “She talks English fairly well, so that most anybody could understand her.”⁴⁶ After that there was no translator present while the police were questioning Musso. Not one of the police officers present spoke Italian so they had to rely on Musso’s English. Musso had knowledge of English but she did not know it well enough to be questioned without a translator. Throughout the trial Musso had relied upon a translator to understand, what people in the courtroom were saying. She did not realize the jury had found her guilty of murder until the translator

⁴² “Wants Woman Given Freedom,” *Milwaukee Journal*, January 9, 1914, 1.

⁴³ Ibid.

⁴⁴ “Wants Woman Given Freedom,” *Milwaukee Journal*, January 9, 1914, 1.

⁴⁵ *State of Wisconsin v. Carmello Musso* (1914), 348.

⁴⁶ Quoted in Ibid.

told her.⁴⁷ The answers Musso gave to the police were not accurate enough to be considered the truth without the presence of a translator.

During the trial translators were used when many of the Italian witnesses were giving testimony to make sure the witnesses accurately conveyed their testimonies. The language that a question was asked in could lead to the witness giving a different answer. When the state was questioning Nofrio Aiello, the prosecution asked if Musso told him that she wanted her husband buried the same day that he died. To this question, Aiello stated that that was what Musso told him.⁴⁸ During the cross-examination, the defense had the same question asked to Aiello, except they had the question asked in Italian. This time when a translator asked the question, Aiello responded, “Not to bury him – take him away from the house.”⁴⁹ The same question was given two different answers depending on whether the question was asked in English or whether it was asked in Italian. For many of the witnesses a translator was needed to obtain an accurate answer.

Besides getting different answers when a translator was not present, there were also some answers that could not be obtained because they were given in Italian and no one could translate them. When Yockey questioned Musso there no translator was present. Detective Albert H. Templin was with Musso for some of this questioning. When he was testified, the defense asked if he understood everything that Musso said. Templin could not say that he did. The defense then asked if he understood every word

⁴⁷ “Woman Found Guilty Of Murder,” *Milwaukee Journal*, April, 12, 1914, 1.

⁴⁸ *State of Wisconsin v. Carmello Musso* (1914), 276.

⁴⁹ Quoted in *Ibid.*

Musso said in English. To this Templin responded that he could.⁵⁰ The detective may have been able to understand Musso's English but they could not understand the answers that Musso gave in Italian. Any concepts or words that Musso did not know in English could not be expressed without the help of a translator. Because of this, the statements Musso gave to the police and the District Attorney were incomplete. The police and District Attorney may not have obtained an interpreter because they already believed that Musso was a criminal.

In Chicago, newspaper headlines promoted the stereotype of Italians as criminals by continuously reporting stories about Italians committing crimes.⁵¹ The newspapers would often print stories about supposed Black Hand crimes.⁵² The police would utilize the Black Hand's reputation to attribute crimes to them when the police did not have any leads. Between 1910 and 1920 nearly one hundred murders were attributed to the Black Hand. This is nearly one-third of the homicides committed by Italians during the same period.⁵³ The newspapers helped to promote the mysterious Black Hand by printing in large head lines about their latest supposed activities. In 1912, an Italian-American District Attorney remarked about Italians being blamed for crimes. The *Chicago Tribune* was not the only newspaper to promote Italian Stereotypes.

What the *Chicago Tribune* was doing to the reputations of Italians in Chicago, the *Milwaukee Journal* was doing in Milwaukee. The race of criminals seems to be most

⁵⁰ Ibid.

⁵¹ While the police arrested Italians quite often, the majority of Italians were not criminals.

⁵² The Black Hand was an Organized Crime Organization that was in Chicago in the early twentieth century.

⁵³ Adler, *First in Violence, Deepest in Dirt* ,181

important when the criminal is not of Northern European decent. The headlines prominently show the races of these immigrants making it seem as though they commit more crimes compared with other people. One article headline reads, “Italian Wields Gun In Street.”⁵⁴ The headline made the incident out to be more than it really was. Joseph Sorce came out to the street with a loaded rifle walked to the corner and threw his gun through a window. He then went back to his house and picked up a shotgun and returned to the street. It was at this time that the police arrested him.⁵⁵ While the man was carrying a gun in the street, he never fired it. The use of the word wield makes the man’s actions seem more sinister than they really were. The headline makes it seem as though the man were shooting the gun and going on a rampage, but instead all the police could charge him with was disorderly conduct.⁵⁶ On January 26, 1914, Anna Szodrowski’s husband stabbed her. He came home drunk and attempted to shoot his wife with a shotgun, but the gun was knocked away from him. He then picked up a butcher knife and stabbed his wife a few times before he could be stopped.⁵⁷ There is not one mention of race in this article. A disorderly conduct story mentioned race but an assault and battery⁵⁸ story did not.

The *Milwaukee Journal* showed the importance of race in the different treatment of the case of Catherine Hermes compared with the way Carmello Musso’s case was handled. Much like with the husband who stabbed his wife, Hermes race was not

⁵⁴ “Italian Wields Gun In Street,” *Milwaukee Journal*, March 15, 1914, 1.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ “Knifed, She Testifies,” *Milwaukee Journal*, January 26, 1914, 2. The wife does survive the stabbing.

⁵⁸ Ibid.

mentioned in any of the stories about her stabbing. Musso's Italian ethnicity played a large part in her murder trial stories.

On December 31, 1913 Catherine Hermes stabbed Daniel Sweeney, the man who was escorting her home, with a hatpin. Sweeney supposedly assaulted Hermes causing Hermes to defend herself. Hermes had stabbed Sweeney near the heart and Sweeney died from his wounds on January 15, 1914.⁵⁹ While Hermes was not married to Sweeney her reason for action was similar to the women in Chicago.

The newspapers portray Hermes as an innocent victim.⁶⁰ She was described as an innocent girl.⁶¹ Hermes mother stated about the incident, "It sounds like a story when I tell you that this was the first public dance Katie ever attended. ... But it was and it seems like the hand of fate that a thing like this should occur."⁶² When Hermes told her story the police and newspapers believed her.

When we got off I had only a block to go, and in the center of the block the man assaulted me. He pushed me to the ground. I was badly frightened and I screamed, but he did not stop. In some ways I got out one of my hat pins and I jabbed it into his body. It broke off and I drew out another one. This caused him to stop and I broke away and fled to my home. I believe I did what I had a right to do. I had given the man no reason for acting as he did. I acted as ladylike as I could throughout the evening.⁶³

⁵⁹ "Find Hatpin In Victim's Body," *Milwaukee Journal*, January 15, 1914, 16; "Pretty Girl Who Stabbed Man In Defense Of Honor, Says She's Sorry It Happened," *Milwaukee Journal*, January 16, 1914, 2.

⁶⁰ While Hermes was found to have been justified in the stabbing, the newspapers were presenting her as innocent before the case was closed.

⁶¹ In this instance innocent is used to mean naïve.

⁶² "Pretty Girl Who Stabbed Man In Defense Of Honor, Says She's Sorry It Happened," *Milwaukee Journal*, January 16, 1914, 2.

⁶³ Quoted in *Ibid*.

The newspaper presented the story so that the readers would show sympathy toward Hermes for the ordeal that she endured. While this may not have been a bad decision, there was a large contrast between the sympathy for Hermes, who admitted to stabbing Sweeney, and Musso who the state had accused of murder but not yet convicted.

The newspaper was far from sympathetic to Musso during her trial. Even before the case went to trial the newspapers were siding with the police and their treatment of Musso. When the police first brought Musso in they questioned her for nine hours straight. This was before she was charged with murder. The front page article of the *Milwaukee Journal* gives the police their chance to defend their actions against the allegation that they had given Musso the “third degree”. Captain Sullivan replied, “If questioning her is giving her the third degree, then we gave her that, for we questioned her closely concerning the incidents in her home the night previous to the death of her husband.”⁶⁴ The part of the story that showed the treatment that the police had given Musso was shown in the middle of the article as an insert. The protest came from Arminio Conte, an Italian consular agent.⁶⁵ Other than working on behalf of Italians he had no other connection with Musso. The newspapers gave Catherine Hermes a chance to tell her story but they kept Carmello Musso from telling hers.

The newspaper was not the only area where Catherine Hermes had an advantage over Carmello Musso. The police and District Attorney believed Hermes story. She said that she stabbed Sweeney because he had assaulted her, and that was taken as fact. About Hermes case the District Attorney said, “There is no question... that Miss Hermes

⁶⁴ “Denies Giving ‘Third Degree’,” *Milwaukee Journal*, January 8, 1914, 1.

⁶⁵ Ibid.

defended herself against the attack of Sweeney, and in my opinion she was justified in doing that. If Sweeney's death resulted from the wounds inflicted by her I do not think we would be justified in attempting to hold her responsible."⁶⁶ When the District Attorney heard Hermes story he accepted it and did not try to prove her wrong. Musso did not find the same trust with District Attorney Yockey.

Rosa De Gratione and District Attorney Yockey's Court Manipulation

Since the state's primary witness was also Italian, so it was advantageous for the prosecution to try and make her less Italian and more American. The *Milwaukee Journal* printed stories to help make Rosa seem more American. The *Milwaukee Journal* article, "Italian Lass Prefers Apple Pie To Sausage and Spaghetti and Gets It" reveals more about aspects of Italians in America than the headline might suggest. The State used Rosa as a symbol to show the racial inferiority of Italians. In the headline she took a preference to apple pie a food that was synonymous with America, whereas she rejected the spaghetti a food strongly associated with Italy.⁶⁷ She had forsaken what is Italian for what she believed to be the superior American.

The arguments Thomas A. Guglielmo makes in *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890-1945* match the treatment of Italians during the Musso case. Guglielmo argued that while people viewed Italians as white they still treated Italians as racially undesirable.⁶⁸ This puts into context why the newspaper would

⁶⁶ "Find Hatpin In Victim's Body," *Milwaukee Journal*, January 15, 1914, 16.

⁶⁷ "Italian Lass Prefers Apple Pie To Sausage and Spaghetti and Gets It," *Milwaukee Journal*, February 12, 1914, 2.

⁶⁸ Guglielmo, 15.

print the article about what Rosa preferred to eat. As a witness for the state, she was being separated from other Italians by taking on American characteristics. The more American and less Italian she was the more sympathetic an American jury could be toward her testimony

While making Rosa appear more American, the state was making Musso seem more Italian. Rosa began to show fear when other Italians were around and she would not speak with any of them. The only exception was that she would speak with her father when an interpreter was present.⁶⁹ The interpreter was needed because of Rosa's refusal to speak Italian. The *Milwaukee Journal* reported on Rosa's testimony, "The pretty little girl apparently made a deep impression upon the jury. She is unusually intelligent and talks excellent English."⁷⁰ The fact that Rosa spoke English gave her credibility. This distinguishes her from the other Italians who were, "condemned for their punitive degeneracy, mongrelized nature, and general physical, moral, and mental inadequacies."⁷¹ Her English made her intelligent compared with other Italians. She spoke the language of America and her testimony could be trusted.

The *Milwaukee Journal* may have attempted to make Rosa appear more American, but they could only make an Italian girl seem so American. Compared with other Italians she would be American, but compared with Americans of Northern European descent Rosa was still Italian. During the trial, the *Milwaukee Journal* had

⁶⁹ "Italian Lass Prefers Apple Pie To Sausage and Spaghetti and Gets It," *Milwaukee Journal*, February 12, 1914, 2.

⁷⁰ "Story Of Little Girl In Murder Trial Unshaken," *Milwaukee Journal*, April 3, 1914, 2.

⁷¹ Guglielmo, 61.

commended Rosa upon her intelligence and her English speaking ability.⁷² However, on May 1, 1914 after listening to the testimony of “Little Irene”, the *Milwaukee Journal* commented, “Little Irene was a remarkable witness, apparently far more intelligent and plausible than Rosa DeGracione [sic].”⁷³ While the *Milwaukee Journal* may have thought that Rosa was smart for an Italian, compared with an American girl she was far less intelligent.

Rosa also acquired an extreme fear of her Aunt Carmello Musso.⁷⁴ This is a complete change from when she was earlier interviewed saying that her Aunt was very nice.⁷⁵ Rosa showing fear toward other Italians was propagating negative stereotypes that were prevalent at the time. Society saw Italians as natural criminals.⁷⁶ When Rosa showed toward her race lowered the jury’s view of Italians because of criminal stereotypes about Italians. Showing Rosa’s fear would help the jury to associate Musso with Italian criminal tendencies and would make them more likely to find Musso guilty of the crime because she was Italian.

District Attorney Yockey never believed that Carmello Musso was innocent. He explicitly mentions his belief in Italians’ tendency toward crime. Musso said that she put

⁷² “Story Of Little Girl In Murder Trial Unshaken,” *Milwaukee Journal*, April 3, 1914, 2.

⁷³ “ ‘Just See, Irene, What He’s Done’,” *Milwaukee Journal*, May 1, 1914, 1.

⁷⁴ “Italian Lass Prefers Apple Pie To Sausage and Spaghetti and Gets It,” *Milwaukee Journal*, February 12, 1914, 2.

⁷⁵ “Pretty Little Italian Orphan Girl Weeps For Her Kind Aunt In Trouble,” *Milwaukee Journal*, January 17, 1914, 1.

⁷⁶ Guglielmo, 71. Stereotypes about hereditary criminal traits were originally only applied to Italians from Southern Italy but as time went on the distinction was often lost, causing people to apply the stereotypes to all Italians.

her bloody skirt in a bag of clean linens, so that the children would not see it.⁷⁷ District Attorney Yockey used this information to distance Musso from the jury's wives. He proclaims, "Would your [members of the jury] wife have a bag of linen like that and stick a dirty skirt in the middle of it. She says she put it there because she did not want the children to see it. She is clever in her Italian way."⁷⁸ District Attorney Yockey specifically mentions Musso's race during his closing argument. His prejudice toward Italians propelled this case forward.

Edward Yockey, like his parents, was born in Wisconsin. He was also of German descent.⁷⁹ During the early twentieth century, Milwaukee society had set up an unofficial ranking system for immigrants. Germans were at the top of this unofficial system. Gerd Korman commented in *Industrialization Immigrants and Americanizers: The View From Milwaukee, 1866-1921* that, "...By the 1880s Germans were usually thought of as being separate from other immigrant groups- almost as if they had gained the stature of native Americans."⁸⁰ Yockey was part of a family that had integrated itself within American culture. Many people of his ethnic background looked down on immigrants as "socially inferior."⁸¹ This may have caused Yockey to be more determined to convict Musso.

⁷⁷ "Likens Musso Case To Dorow's," *Milwaukee Journal*, April 11, 1914, 1. Musso claims that the skirt was bloody because she was sick.

⁷⁸ Quoted in *Ibid.*

⁷⁹ Ellis Baker Usher, *Edward Yockey*, vol. 5 of *Wisconsin: Its Story and Biography, 1848-1913*, (Chicago: The Lewis Publishing Company, 1914), 1076.

⁸⁰ Gerd Korman, *Industrialization, Immigrants, and Americanizers: the View From Milwaukee, 1866-1921*, (Madison, Wisconsin: The State Historical Society of Wisconsin, 1967), 43.

⁸¹ *Ibid.*

From the first moment he was assigned to the case, he made it his mission to convict Musso. He put an extreme amount of energy into getting Musso arrested and later convicted. Yockey may have put so much effort into this case because as district attorney, he only served for a two-year term. Yockey began serving as district attorney on January 6, 1913.⁸² This meant that he would be up for reelection that November. He would need to give the people a reason to vote for him. Winning a big case would be a nice start to an election year.

The District Attorney took great pride in getting Musso convicted. He gave a short speech showing all he put into getting his conviction.

This woman is guilty and it was my office that not only convicted her, but produced the evidence against her. Not one iota of the evidence produced was obtained by the police. They gave me no assistance whatever in this case. They might as well have been for the defense. The Sheriff was for the defense. We convinced the jury that an attempt was made at the jail to tamper with the state's chief witness, Rosa. I had the Italian woman detective sent to the jail to find out what Mrs. Musso was calling out to Rosa night after night.⁸³ This woman was taken into Rosa's room at night and she threatened her. The sheriff, the matron and Mrs. McGreal⁸⁴ talked with the child. We convinced the jury of all this.⁸⁵

District Attorney produced all the evidence against Musso. The strongest evidence the state had against Musso came from Musso's niece Rosa De Gratone. The District Attorney kept Rosa as close to him as he could. Whenever evidence was needed Rosa would produce it.

⁸² Usher, 1077. Yockey became district attorney exactly one year before Joseph Musso died.

⁸³ Musso was crying out to Rosa in Italian so, the District Attorney needed someone who could understand what Musso was saying.

⁸⁴ The Sheriff's wife

⁸⁵ Quoted in "Jury Finds Woman Guilty," *The Milwaukee Journal*, April 12, 1914, 2.

The police suspected Carmello Musso of killing her husband but they were unable to obtain enough information to get a warrant for her arrest. She had been held for over forty-eight hours and her lawyer Mr. Carminari was demanding action be taken. He stated, "Unless she is released or a warrant is issued within one hour I will demand a writ of habeas corpus."⁸⁶ Just when they needed evidence, the District Attorney obtained a statement from Musso's niece containing damaging statements against Musso.⁸⁷ This is how nine year old Rosa De Gratione first came to be a witness for the state against her aunt.

It was only after District Attorney Yockey talked with Rosa Gratione that she was able to give a statement. During preliminary proceedings Captain Sullivan was called as a witness for the state. When Musso's lawyers were cross-examining him he admitted that Rosa De Gratione had been at the police station while they were questioning Musso. He also admitted they had not obtained a statement from De Gratione. Captain Sullivan states that they were unable to obtain a statement because De Gratione was too frightened to give one.⁸⁸ The police had access to De Gratione but she would not give them a statement. The District Attorney went to talk with her and shortly after De Gratione gave the statement that allowed the District Attorney to take the case to trial.

At the time of Joseph Musso's death Rosa De Gratione and her two siblings, a brother and a sister, had been living with Joseph and Carmello Musso. The children's

⁸⁶Quoted in "Denies Giving the Third Degree," *Milwaukee Journal*, January 8, 1914, 1.

⁸⁷"Denies Giving the Third Degree," *Milwaukee Journal*, January 8, 1914, 1.

⁸⁸"Held for Trial," *Milwaukee Journal*, January 30 1914, 2.

father was traveling in California trying to make a living as a salesman and had left his children with the Mussos.⁸⁹ Rosa De Gratione was living with the Mussos when Joseph Musso died. Since she was present at the time of the murder her testimony allowed the state to issue a warrant for the arrest of Carmello Musso.

Rosa De Gratione claims that Carmello Musso had argued with Joseph Musso and then had attacked him. After which Joseph Musso had gone to his room. Her aunt then left the room and went to Musso's room and while she was gone, Rosa De Gratione claimed she heard her Uncle moan as if he had been in pain. Then Carmello Musso returned to the room.⁹⁰ While she did not witness her aunt killing her uncle, this testimony clearly implicates Carmello Musso as her husband's murderer.

The state was holding Carmello Musso in the County Jail while she stood trial for the murder of her husband; the state was also holding Rosa as a witness for the state. Since she had given a statement against her aunt, Rosa was kept in the custody of the state. She was kept in a detention center, where she would remain as a witness for the state.⁹¹ While her brother and sister were staying with their Aunt Josie⁹², Rosa was held in state custody. Rosa could have stayed with her Aunt Josie and still have been able to provide testimony for the state. She was kept in custody because District Attorney Yockey wanted to keep her where he could quickly have access to her.

⁸⁹ "Fight to Free Child Witness," *Milwaukee Journal*, January 21, 1914, 1.

⁹⁰ "Woman Now Is Held For Trial," *Milwaukee Journal*, January 10, 1914, 1.

⁹¹ "Looking For The Man In The Case," *Milwaukee Journal*, January 12, 1914, 1.

⁹² "Pretty Little Italian Girl Weeps For Her Kind Aunt In Trouble," *The Milwaukee Journal*, January 17, 1914, 1.

On January 21 Musso's attorneys went to the district court to demand that bail be set for Rosa. Since, "the matter had not been brought before the court by the district attorney and the case had not been set for Wednesday, Judge Page refused to take action."⁹³ The district attorney held all of the power in this case, since he had not brought up the matter of bail the matter could not be brought up. The district attorney would not bring up the topic of bail because he did not want the De Gratione girl to be released. Even though there was no reason why she should not have been allowed to be released on bail, the district attorney would not allow it willingly.

When Musso's lawyers were unable to get Rosa released, they went to the detention center with the girl's father and made a formal demand to the Chief Probation Officer W. F. Zeurner and Superintendent A. J. Elliot for Rosa to be released.⁹⁴ The state had some ground to keep Rosa when she had just her aunt to stay with, but now her father had returned from California and had the right to demand his daughter's release. She should have been released on bail and been allowed to stay with her father. The Chief Probation Officer and Superintendent denied the lawyers this demand with the backing of District Attorney Yockey, who said, "He would fight to the supreme court, to keep the child under the surveillance of his office."⁹⁵ Neither Rosa nor her father had done anything that would give justification to District Attorney Yockey's demand that she not be released.

⁹³ "Fight to Free Child Witness," *Milwaukee Journal*, January 21, 1914, 1.

⁹⁴ Ibid.

⁹⁵ Quoted in Ibid.

District Attorney Yockey argued that Rosa De Gratione's father did not have a claim to his daughter because he had been away in California and Rosa De Gratione and her siblings had not been under his care for more than two years.⁹⁶ Yockey questioned the timing of De Gratione's father. He proclaimed, "Now when Musso is dead the father suddenly appears with the attorneys for the woman we [the state] allege killed him, and demands that she be surrendered to him."⁹⁷ The District Attorney implied that there is some devious nature to the father's return. He thought that it was strange for the father to return only after Musso is dead. This would be a good time for the father to return. He was able to go to California because he had a safe place for his children to live. Now that that safe place was gone the father returned to help his child.

Musso's lawyers believed that the state did not have a right to hold Rosa, and that the state needed to give a reason for why they would not release the girl. After being denied a second time the release of Rosa, Musso's lawyers began preparing a writ of habeas corpus that would force Chief Probation Officer Zeurner, Superintendent Elliot and District Attorney Yockey to, "Show why the girl should not be summarily released or admitted to bail in the sum of fifty dollars, which they assert is the maximum amount provided for in the case of witness held for appearance."⁹⁸

Bail was eventually set for Rosa De Gratione but it was a very large sum and the district attorney still would not allow her to be released. The bail for Rosa De Gratione was set at \$2500.⁹⁹ This sum was much larger than what Musso's lawyers believed the

⁹⁶ Ibid.

⁹⁷ Quoted in Ibid.

⁹⁸ Quoted in Ibid.

maximum amount to be. Even at this large sum De Gratione's father's attorneys said that they would pay the money for De Gratione's release.¹⁰⁰ With bail set Yockey would not release his hold upon the girl. He stated that if the bail was paid he would start up new proceedings to keep De Gratione in his custody.¹⁰¹ With bail set Yockey would have to release her if it was paid, but even after the court had already decided that there was no reason that the girl should not be released, Yockey still would not allow her to be released. There is no reason that Yockey should have fought so hard to keep the girl under his authority.

District Attorney Yockey did not want to keep Rosa De Gratione under his authority to keep her safe. There was a rumor that, "a death ring in the Third Ward was preparing to kidnap the De Gratione girl."¹⁰² The police decided that the rumors were false and they did not give Rosa De Gratione any extra protection.¹⁰³ District Attorney Yockey who put so much effort into keeping the girl in custody did not get her any extra protection. Even though the rumors were false, he did not assign a single extra guard. He fought so hard to keep Rosa De Gratione saying, "It is upon the child's story that we shall convict her aunt and we propose to keep her where she will be properly cared for and where she will be available when the woman is brought to trial."¹⁰⁴ The District

⁹⁹ "Held For Trial," *Milwaukee Journal*, January 30, 1914, 2.

¹⁰⁰ Ibid.

¹⁰¹ Ibid..

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Quoted in "Fight to Free Child Witness," *Milwaukee Journal*, January 21, 1914, 1.

Attorney did not assign any extra guards for his primary witness. He seemed to be more concerned with keeping her than he was with keeping her safe.

After making her initial testimony Rosa made a confession to her matron. Rosa De Gratione declared that she had lied and was deeply upset because of it. To her matron Rosa said, "...I wish I was good like you and could get into heaven."¹⁰⁵ When the matron asked the girl what she meant. Rosa told what she had done:

'I lied twice', the girl said, and she was crying 'Now I am a bad girl for always. I said that I saw my aunt choke my uncle and said that I saw him when he came home that night. I lied both times. I was a sleep and I did not know anything of what happened until aunt woke me up and told me uncle was dead'.¹⁰⁶

Rosa De Gratione was obviously very upset about having lied when she was up on the witness stand. She stated that she did not believe she would be able to get into heaven because she lied. She believed that she has lost her chance for salvation because of her actions. The mystery is why Rosa would lie about having witnessed the murder of her aunt. In an interview De Gratione tells the reporter that her aunt never hurt her. She said her aunt, "never, never whipped me."¹⁰⁷ What would make a nine year old girl lie about something that would get her aunt, who had been kind to her, in trouble?

The matron told Rosa De Gratione to tell District Attorney Yockey that her testimony was false. To this De Gratione responded that she already had.¹⁰⁸ The District Attorney did not seem to be very upset when he heard that the testimony of his key

¹⁰⁵Sheriff McGreal is the person who is telling the story to the newspaper, so he is the person being quoted. For March 29, 1914 Sheriff McGreal is the one speaking unless otherwise noted. Quoted in "Sheriff Tells of Girl's Story," *Milwaukee Journal*, March 29, 1914, 12.

¹⁰⁶ Quoted in Ibid.

¹⁰⁷ Quoted in "Pretty Little Italian Orphan Girl Weeps For Her Kind Aunt In Trouble," *Milwaukee Journal*, January 17, 1914, 1.

¹⁰⁸ "Sheriff Tells of Girl's Story," *Milwaukee Journal*, March 29, 1914, 12.

witness was false. When the Sheriff confronted him about the girl changing her story, District Attorney Yockey responded, “Pshaw, it doesn’t make any difference as far as the case is concerned whether Rosa sticks to her story or not. I have plenty of other evidence to convict this woman.”¹⁰⁹ This information had been what had brought this case to trial. If this little girl had not given her testimony Carmello Musso’s warrant would not have been obtained and the case would not have gone to trial.

Fortunately for the District Attorney, Rosa’s statement that she made in court did not change from what she had earlier testified. “With her story shaken only in a few minor points little Rosa De Gratione... withstood two hours of rigid cross-examination... and left the witness stand with the assertion that what she told was the truth.”¹¹⁰ Something had happened between when she told her matron and the sheriff about her testimony being false. Her testimony had returned to the story that would convict her aunt.

Through the rest of the trial Rosa’s story did not change. It was not until after the jury convicted Musso that Rosa again changed her story. Rosa quickly changed her story on May 8, 1914. This was the day after she was released from the detention home. Shortly after her release she returned to the story she had told the matron, the sheriff, and the sheriff’s wife. “...Rosa De Gratione. 9 repudiated all of her testimony in municipal court within ten hours after she was given her liberty. ...”¹¹¹ Before she had been under

¹⁰⁹ Quoted in Ibid.

¹¹⁰ “Story of Little Girl In Murder Trial Unshaken,” *Milwaukee Journal*, April 3, 1914, 1.

¹¹¹ “Changes Story,” *Milwaukee Journal*, May 8, 1914, 2 .

the control of District Attorney Yockey. The real reason the District Attorney did not want Rosa released would soon become apparent.

When Rosa was asked why she had lied she said that District Attorney Yockey had forced her to. Regarding Rosa's confinement Mock, an attorney for the defense, stated, "This was the first time since the death of Joseph Musso that she has been a free moral agent. During the time she was held at the detention home she was directly in charge of the district attorney and was not responsible for her statements."¹¹² She had been under the protection of the very man who she needed to be protected from. Yockey manipulated Rosa into giving him the testimony he wanted her to give. He used Rosa to get Musso arrested and continued to use her until he could secure a guilty verdict for Musso.

While the court was questioning Rosa's story she revealed the truth about what she had gone through during the trial. "When asked why she lied, she said Mr. Yockey slapped her face, and that he also promised her \$1 a day to 'say what was written down in the paper.'"¹¹³ The day after Rosa told the sheriff that her testimony had been false; she had spent the morning with District Attorney Yockey in his office.¹¹⁴ After that morning Rosa did not again say that she had lied until after she had been released from the detention center and was no longer under the authority of the District Attorney.

The day after the sheriff told the newspapers that Rosa's testimony had been false, there was a hearing looking into this change. "Mr. Yockey had charged that the state's

¹¹² Quoted in "Child's Stories Are Under Fire," *Milwaukee Journal*. May 9, 1914, 1.

¹¹³ *Ibid.*

¹¹⁴ "Picking a Jury," *Milwaukee Journal*, March 30, 1914, 1.

witness was tampered with...”¹¹⁵ Since Rosa was under the Sheriff’s care, Yockey accused the Sheriff of allowing someone to tamper with his witness. After Rosa was released she claimed that it was Yockey who made her lie. So the state was the one who tampered with its own witness. For this tampering Yockey went unpunished. The closest thing to a punishment was a possibility of Tusanio De Gratione, Rosa’s father, taking legal action against Yockey. *The Milwaukee Journal* put the article at the end of the newspaper, right next to the comics.¹¹⁶ The chance of a legal suit did not stop Edward Yockey from marrying Miss Gertrude Gannon on June 3, 1914 just over a month after the *Milwaukee Journal* printed the stories accusing him of manipulating Rosa.¹¹⁷

Conclusion

The newspapers and legal system found Carmello Musso guilty of murder before her case ever made it to trial. Musso was never given a fair trial. The evidence in the case was not what the court or the jury focused on when deciding whether or not to convict Musso. She was convicted because she was an Italian woman.

The large number of women in Chicago who were killing their husbands at this time made it more plausible that Musso would have killed her husband. It did not matter that Musso did not fit the profile of the typical husband killer and she did not meet the criteria needed to use the new unwritten rule like the women in Chicago were using. She was not from a wealthy middle to upper class family. She was from a working class,

¹¹⁵ Ibid.

¹¹⁶“De Gratione May Sue,” *Milwaukee Journal*, May 8, 1914, 17.

¹¹⁷ “Milwaukee Public Prosecutor To Wed,” *Milwaukee Journal*, May 30, 1914, 5. Despite the dispute that District Attorney Yockey had with Sheriff McGreal, the Sheriff and his wife were among the guests at the wedding.

maybe with more money than some but still working class. Society may have considered Italians white but they were seen as racially inferior to people of Northern European descent. Musso was very close to the mean age of husband killers but that was the only similarity. What hurt Musso more than the fact that she was a woman, was that she was Italian.

That Musso was Italian made it easier for a jury to believe she was a criminal despite the fact that Italian women committed very few murders even compared with other women. Italians may have committed more crimes than many other racial groups but men committed a vast majority of these crimes.

Even more than actual crimes committed by Italians, the stereotypes about Italians helped to convict Carmello Musso. Many people believed that Italians were born criminals, that criminality was an inherited trait among Italians. The high crime rate among Italians did not help this stereotype. Despite the fact that few Italians actually were criminals, all Italians were believed to be prone to crime. Newspapers helped to spread these stereotypes.

Newspapers, including the *Milwaukee Journal*, put in their headlines the stories of Italian crimes. The race of criminals seemed to be most important when the crimes were committed by Italians. When a crime was committed by a person of 'good' European descent, race was not mentioned. When the crime was committed by a person of 'bad' European descent, such as an Italian person, the race became very important. The newspapers were not the only source of Italian prejudice in the case of Carmello Musso.

The District Attorney believed the stereotypes that Italians were criminals. He was convinced that Musso committed the murder even when no evidence could be found

District Attorney Yockey created some.¹¹⁸ He manipulated Rosa into testifying things that she did not see in order to get Musso convicted. When there were allegations made that Rosa's testimony was false, Yockey claimed that someone had tampered with the states witness and that is why Rosa had changed her story. The truth was that he was the one who influenced Rosa and she was feeling remorse. Rosa returned to her created story again after spending more time with Yockey. After she was released, Rosa told what Yockey had done to her. In the end Carmello Musso was convicted of a crime she did not commit and District Attorney Yockey went unpunished for forcing a nine year old girl to give false testimony against her kind aunt.

¹¹⁸ All of the evidence that the police had other than the testimony of Rosa De Gratione was circumstantial and they would not have been able to convict Musso with it.

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U.S. Bureau of the Census. *United States Federal Census Carmella Muss, 1910*. Bureau of the Census. Washington, DC, 1910.

This gives the information collected about Carmello Musso in 1910, before the murder of her husband. This data also shows that Mrs. Musso was unable to either read or write.

U.S. Bureau of the Census. *United States Federal Census about Camello Musso, 1920*. Bureau of the Census. Washington, DC, 1920.

This shows where Carmello Musso was in 1920. It shows that she was in prison. This was after she was pardoned for murder, so she was back in prison for shoplifting.

U.S. Bureau of the Census. *United States Census, 1910, Wisconsin, Milwaukee*. Bureau of the Census. Washington, DC, 1910.

This gives an account of the number of Italian born people were living in Chicago in 1910. There are no other restrictions placed upon this search other than that it only includes people who were born in Italy.

U.S. Bureau of the Census. *United States Census, 1910, Wisconsin, Milwaukee, Third Ward*. Bureau of the Census. Washington, DC, 1910.

This gives an account of the Italian born people living in the third ward within Milwaukee. When compared with the census data looking at the total number of Italian born within Milwaukee, the large concentration of Italians within the third ward is illustrated.

U.S. Bureau of the Census. *United States Census, 1870-1950*. Bureau of the Census. Washington, DC, 1870-1950. "Wisconsin: Persons Born in Italy" *Historical Census Browser*. University of Virginia Library. [http://fisher.lib.virginia.edu/collections/stat/histcensus /php/newlong3. php](http://fisher.lib.virginia.edu/collections/stat/histcensus/php/newlong3.php)

This illustrates how the number of Italian born people living in Wisconsin was increasing as the twentieth century progressed. Though there did appear to be a decline in the number of Italians midway through the century. This data also helps to show in pure numbers how many more Italian born people were living in Milwaukee compared with other counties in Wisconsin.

Primary Sources

Eau Claire Leader Telegram, Eau Claire, Wisconsin, 1914-1918.

This shows how brutal the case was by way the article was titled. "With Bare Hands" seems to indicate a primal animalistic killing. This also shows how important the case was since the verdict made it onto the first page of a paper in Eau Claire which is a good distance from Milwaukee.

Oakland Tribune, 1914-1918

This shows a look at how far the facts of this case have spread. Information about this murder had spread to California. This also shows how her Italian Heritage had hurt Mrs. Musso.

Oshkosh Daily Northwestern, Oshkosh, Wisconsin, 1914-1918.

This shows a distance in the time from when the *Leader Telegram* declared that Mrs. Musso was guilty. This also shows the severity of the crime in society's eye due to the judges special order that Mrs. Musso spend every January sixth in solitary, the anniversary of the day she killed her husband.

Milwaukee Journal, 1914-1918.

The *Milwaukee Journal* had numerous stories printed about the Musso trial. This will help to obtain a view of how the public thought about the Musso trial. It will show the importance of race within the public view of the trial.

“*La Crosse Tribune*, La Crosse, Wisconsin, 1914-1918.

This shows how the case began and that it was printed in places other than Milwaukee, where the murder took place. It also gives insight into how early Carmello Musso was arrested, since her husband died on the sixth of January and this article is from the seventh.

Usher, Ellis Baker. *Edward Yockey*. Vol. 5 of *Wisconsin: Its Story and Biography, 1848-1913*. Chicago: The Lewis Publishing Company, 1914.

This work gives short biographies on people of prominence in Wisconsin. One of the people included was Edward Yockey, the District Attorney for the Musso case.

Wisconsin Governor. *Wisconsin. Governor: Pardon Papers, 1837-1981*. Series 98. Box 171. Wisconsin Historical Archives. University of Wisconsin--Madison. Madison, Wisconsin.

This gives will give direct information about what was occurring during the trial itself. It contains the trial transcript and this present a view of how the trial was conducted as well as showing ways in which Mrs. Musso's Italian heritage and lack of understanding of reading, writing and English hindered her ability to prove her case.