Department of History
University of Wisconsin Eau Claire

Biased Justice:
Ethnicity, Gender, and Justice in Progressive Era Milwaukee

By: Lauren Gilstrap

A Paper Submitted to
The Department of History
In Candidacy for the Degree of
Bachelor of Arts

Dr. Oscar Chamberlain

Cooperating Professor: Dr. Jane Pederson

Eau Claire, Wisconsin
16 May 2016
Abstract

This capstone analyzes the relationships between the Irish, Italian, and German-Americans in Progressive Era Milwaukee in the context of the justice system. A particularly dramatic case, the 1914 trial of the Italian immigrant, Carmello Musso, for the murder of her husband, is analyzed. A closer examination of newspaper accounts, arrest records, trial transcripts, and the Wisconsin Governor’s pardon files reveal the local attitudes, alliances, and prejudices that existed in Progressive Era Milwaukee. Within the courtroom, tensions surfaced between German-American District Attorney, Edward Yockey, the Irish-American elected Sheriff of Milwaukee County, Lawrence McGreal, and the Italian immigrant community that fought to protect Carmello Musso. The Carmello Musso case exposes ethnic, religious, gender, class, and political conflicts which collectively resulted in a biased justice system in Milwaukee during the early twentieth century.
Introduction

In 1914, the trial of the Italian immigrant, Carmello Musso, for the murder of her husband began. Within the courtroom tensions surfaced between German-American District Attorney, Edward Yockey, the Irish-American elected Sheriff of Milwaukee County, Lawrence McGreal, and the Italian immigrant community that fought to protect Carmello Musso. Complicated circumstances, and tensions between key players within the Carmello Musso court trial expose ethnic, religious, gender, class, and political conflicts which collectively resulted in a biased justice system in Milwaukee during the early twentieth century. In order to understand how the actions of the key players within the Musso trial became biased by ethnic, religious, gender, class, and political stereotypes, this paper will examine the history of the Irish, Italian, and German immigrant groups that lived in Milwaukee during this time, and the details of the trial itself.

Social Darwinism, Ethnic Stereotypes, and Southern Italian Identity

At the turn of the twentieth century, Milwaukee saw a mass immigration of southern Italians.¹ As one of the final immigrant groups to join Milwaukee’s expansive and diverse population, Italians faced many ethnic, religious, political, and economic challenges. During the late nineteenth and early twentieth centuries, America, not unlike the rest of the world had become obsessed with the concept of social Darwinism and the hierarchical rankings of individual racial and ethnic groups. Southern Italians were not excluded from this ranking, and suffered from criminal anthropology and ethnic stereotypes because of it. Many southern Italians were preconceived by their birth location and physical appearances to be inferior to their northern European brethren, as well as prone to criminal acts and immoral behavior.

Peter D'Agostino, a previous professor of History and Catholic Studies at the University of Illinois-Chicago, analyzed the connections between ethnic identity and crime, specifically the preconceptions that certain Italians, and later Americans, shared about Southern Italians and their supposed inclination towards criminal activities. D'Agostino argues that the “founder of criminal anthropology, Cesare Lombroso (1835-1909), and three of his followers, Giuseppe Sergi (1841-1936), Enrico Ferri (1856-1929), and Alfredo Niceforo (1876-1960), were all socialists who linked racial inferiority to southern Italian culture.”

D’Agostino suggests that American socialists used the Italian school’s racial understanding through criminal anthropology as an authoritative source that allowed them to create a racial hierarchy between ‘new’ and ‘old’ immigrants. This allowed for American socialists to explain and justify their belief that ‘new’ immigrants to America were inferior to ‘old’ immigrants, having less exposure to Western culture which, in their opinion, was superior to the old country. Cesare Lombroso, through the publication of his journal, *Archive of Psychiatry, Criminal Anthropology and Penal Science*, and his book, *Criminal Man*, claimed to have discovered physical characteristics that directly corresponded with a type of criminal, known as the “born criminal.” These physical characteristics of the body “were ancient “savage” evolutionary remnants inherited from an earlier stage of development.” Lombroso then argued that these natural anomalies directly corresponded with criminal behavior and moral inferiority. Lombroso would later claim that, “an “inferior civilization” marked by a “criminality of blood” existed in southern Italy.”

American scholars, D'Agostino suggests, used Lombroso’s criminal anthropology “as a type of

---

3 Ibid.
4 Ibid, 322.
5 Ibid.
6 Ibid, 323.
expert commentary on southern Italian deviance.”7 Lombrosians used criminal anthropology in order to justify and expand upon existing racial stereotypes, and used this understanding to continue to discriminate against the newest immigrant group to the U.S., the southern Italians.8

In the article, “Black hands and white hearts: Italian immigrants as ‘urban racial types’ in early American film culture,” Giorgio Bertellini, a professor at the University of Michigan-Ann Arbor describes how Italian immigrants were stereotyped as innately violent through media in the twentieth century. Bertellini argues that during the late nineteenth century, urban settings came to represent an American modernist approach to overindulgence in capitalism and consumption.9 Media during this time began identifying ‘invading’ immigrant groups with, “the lower, darker, ‘pathological’ organs of the city – the dreary quarters of shady alleys, filthy boarding houses, opium dens and all-night dives.”10 In his article, Bertellini discusses Jacob Riis, a Danish immigrant that worked as a police reporter, social worker, writer, and photographer during the nineteenth and twentieth centuries.11 As Bertellini explains, Riis, like many other Americans at the time, “referred to Neapolitans and Sicilians as ruthless brigands or members of Camorra or Mafia organizations engaged in daily violence and blackmail against other.”12 In his works Riis typically characterized Italians as unfortunate, poor individuals that were “gifted with redeeming traits (honesty, love for the family and beauty).”13 Media became an effective tool in convincing Americans that Italians’ allegedly had a strong, and natural correlation with violence and criminal organizations which were usually called Black Hand societies. These Black Hand

7 Ibid, 339.
8 Ibid.
10 Ibid.
11 Ibid, 382.
12 Ibid, 383.
13 Ibid, 385.
societies were depicted in “vaudeville sketches, newspaper articles and cartoons.”\textsuperscript{14} Print, however, wasn’t the only form of media perpetuating these ethnic stereotypes. Bertellini explains in his article that the Mafia film became extremely popular in American culture during the early twentieth century.\textsuperscript{15} “Proto-gangster films,” Bertellini argues, “depicted Old World Italians as brutal and drunken individuals, entertaining regular relationships with the Mafia, and busy threatening the American way of life that other, ‘converted’ Italians had begun embracing.”\textsuperscript{16}

Both D'Agostino and Bertellini come to the conclusion that social Darwinism along ethnic diversity, created a breeding ground for ethnic ranking and the discrimination of Southern Italians during the late nineteenth and early twentieth centuries. Both historians provide research that addresses similar concepts through varying sources. Although Bertellini focuses more on ethnic stereotypes of Italians through media, D’Agostino does an effective job of showing the same ethnic stereotypes and their societal impacts through analyzing criminal anthropology. They both discuss the ways in which ethnic stereotypes, through media attention and criminal anthropology, became prominent in American society and how they justified the American idea of the inferior, foreign immigrant. However, they don’t address how these stereotypes of the Southern Italian as “brutal and drunken individuals, entertaining regular relationships with the Mafia,” who were “busy threatening the American way of life,” may have impacted the justice system during the Progressive Era.\textsuperscript{17} In this research, I examine these historians’ works more closely in order to address how the ethnic stereotypes that became prominent during the Progressive Era had influenced justice and crime, specifically in Milwaukee in the context of the Carmello Musso trial. I analyze how stereotypes of Southern Italians as brutal criminals who

\textsuperscript{14} Ibid.
\textsuperscript{15} Ibid, 388.
\textsuperscript{16} Ibid, 397.
\textsuperscript{17} Ibid.
were commonly involved with the mafia may have had an impact on the criminal perception of and eventual conviction of Carmello Musso.

**Irish, Italian, and German Immigrant Groups in Milwaukee**

Wisconsin, especially Milwaukee, is rich in its immigrant history. Expressed annually through its many ethnic festivals, Milwaukee paints a proud history of its diverse ethnic background. Although many of the state citizens claim German ancestry, two other ethnic groups, the Irish and Italians, hold important roles in Milwaukee’s immigrant history. Each ethnic population enforced its own social norms, acknowledged different gender roles, and held various occupations in Milwaukee in the Progressive Era. These unique social distinguishers led to tensions between the individual ethnic groups, produced predicaments within the different immigrant populations, but eventually created a true fusion of ethnic diversity in Milwaukee. A short description of the three immigrant populations and their diverse lifestyles during the progressive era serves as a backdrop for the issues raised by the 1914 trial of Carmello Musso for the murder of her husband.

With about 34% of Wisconsin’s population claiming German heritage in the early twentieth century, it is difficult to miss the immense impact that this immigrant group had on the state’s historical and modern identity.\(^{18}\) A close examination of the work, *Germans in Wisconsin*, shows in great detail how German immigrants impacted Wisconsin throughout history.\(^{19}\) Not only did German immigrants have an immense impact on the state of Wisconsin, but they also “played the greatest role in the peopling of the United States” out of all of the Western European immigrant groups.\(^ {20}\)

---


\(^{19}\) Richard Zeitlin is a historian and past director of the Wisconsin Veterans Museum and previous employee at Old World Wisconsin and The Wisconsin State Historical Society.

in three major waves. The first wave came from southwestern Germany due to overpopulated and mortgaged farms, crop failures, and potato blights.\textsuperscript{21} Many German emigrants in this first wave were also “‘freethinkers’: intellectuals, radicals, religious dissidents, advocates of Free Thought, and reformers of all kinds.”\textsuperscript{22} These so-called “Forty-Eighters” were political refugees who had set their hopes on reform and a new democratic order in Germany.\textsuperscript{23} These hopes were dashed when the 1848 and 1849 revolutions were suppressed throughout Europe, causing many of them to eventually settle “in Milwaukee, or within the city’s growing orbit…later to play important roles in politics, government, and organized labor.”\textsuperscript{24} The second great wave of German immigrants came from northwestern Germany, a region with prosperous grain farms. In the 1850s, an upsurge in cheap American wheat began to depress the world market for grain and caused many owners of Germany’s grains farms to fear foreclosure, and sell out while they had the opportunity to do so.\textsuperscript{25} In addition to the foreclosure of the grain farms, northwestern Germany was filled with unemployed farmers anxious to start anew abroad. Many of “these emigrants came from the lower-middle economic strata; as one historian observed, they were ‘people who had a little and had an appetite for more.’”\textsuperscript{26}

The third and largest wave of German immigration, mainly from northeastern Germany, began in 1880. By “1890 fully 35 percent of Wisconsin’s residents had been born in Germany.”\textsuperscript{27} Northeastern Germany was the territory of the land-owning aristocracy.\textsuperscript{28} In the mid-nineteenth century, the “unification and industrialization of the region eliminated or consolidated thousands of peasant holdings…thus creating a landless agricultural class whose

\textsuperscript{21} Ibid., 6. 
\textsuperscript{22} Ibid. 
\textsuperscript{23} Ibid., 7. 
\textsuperscript{24} Ibid. 
\textsuperscript{25} Ibid. 
\textsuperscript{26} Ibid. 
\textsuperscript{27} Ibid. 
\textsuperscript{28} Ibid.
best opportunity or improvement lay in emigration.”29 Economic factors, although extremely significant, were not alone in attracting German immigrants to Wisconsin. Religious leaders and institutions also served as factors, with many seeking religious freedom and escape from maltreatment.30 German Catholics were extremely numerous in Wisconsin during the late nineteenth and early twentieth centuries, “and Germans (or German speakers) dominated the Catholic hierarchy in the state from the time the Diocese of Milwaukee was created in 1843 until the present.”31 Many Catholic immigrant groups migrated from underdeveloped rural areas of Europe, typically coming from poverty-stricken families. These groups “tended to settle in the major urban areas of the Northeast and the Midwest, where they clustered together in intensely ethnic communities that retain an ethnic character even today.”32 The appeal for these immigrants “of common language, national feeling, and belief in a common descent was sufficient in only a few minor cases to outweigh the attraction of religious affiliation as an organizing impulse.”33 Ethnic identities intermingled with religious affiliation were a source of pride for many immigrant groups, especially those immigrant groups that belonged to the Catholic Church in Milwaukee at this time.

These strong ties between ethnicity and religion often times resulted in heated relationships between immigrant groups in Milwaukee, one such case being between the German and Irish. Arch Bishop Austrian Frederick X. Katzer, a German Catholic, “became known as the leader of the ‘Germanizers’ during the factious Americanist disputes of the late nineteenth century. After failing to derail his nomination to Milwaukee, Archbishop John Ireland bitterly

29 Ibid.
30 Ibid., 11.
31 Ibid., 12.
commented in a letter to Cardinal James Gibbons that he was ‘thoroughly German and thoroughly unfit to be an archbishop.’”34 One of Milwaukee's German priests, Peter Abbelen, wrote to Pope Leo XIII during this time, demanding the end of discrimination against German churches in America. Denouncing “the forced assimilation of German Catholics by depriving them of their distinctive language,” he argued: “Let us leave this 'americanization' to its natural course, to a gradual amalgamation. It will come of itself, especially when and where immigration ceases.”35 It was language that kept ethnic tensions high in the Catholic Church at this time, with Germans wishing to conduct their services in German, the Italians in Italian, etc.36 As long as language remained a part of the churches, the problem of ethnic division would not disappear.

Throughout the immigration process, German immigrants in Milwaukee concentrated in settlements according to their home villages, provinces, and religious backgrounds. This “selective process has been termed “chain migration,” whereby the bonds linking one group to another in the homeland often determined where the newcomer would settle in the New World.”37 Much of German social lifestyle revolved around their “churches, horticultural societies, cultural clubs, the socialist press, and the informal institutions of the beer hall and neighborhood tavern.”38 Drunkenness was common amongst German immigrants in Wisconsin, with alcoholism assuming a destructive role in German communities.39 Overtime, a sense of “pan-Germanness” began to form with immigrants spending more time in German churches, living in German neighborhoods, and socializing in German taverns.40 By the 1860s, “German-born workers constituted almost half of Milwaukee’s wage earners,” dominating “the brewing,  

35 Ibid., 90.  
36 Ibid., 91.  
38 Ibid., 19.  
39 Ibid., 22.  
40 Ibid., 17.
carpentry, cigar making, and tailoring industries.” In 1870, almost 40 percent of German-born workers in the United States worked at skilled trades. German-born organizers led the struggle for workers’ right to organize in Wisconsin shops and factories in the twentieth century. German activists also sought improved sanitary conditions in Wisconsin, as well as better education and improved factory conditions. Many German immigrants were well-educated and “quickly earned the respect of the intellectual and political elite in the United States.” Their dedication to education was especially great, with many Germans contributing monetary funds to establish and maintain private German-language schools in Wisconsin.

German farmers weren’t the only European group forced to immigrate due to economic stresses. Famine in Ireland devastated the island and transformed the country so drastically that historians speak of both pre-famine and post-famine Ireland as if they are two distinct and separate countries. Millions of Ireland’s poor relied on the potato as their main source of nutrition and staple ingredient in cooking, making the potato blight of 1845 a monumental catastrophe. Between 1846 and 1851, “approximately one million people died of starvation and disease.” About 1.5 million people left Ireland between 1845 and 1854 because of the potato blight, many of which set sail for the United States. The bulk of the Irish population in Wisconsin came from this group of immigrants, along with those who left the country in the decades before the famine. Irish immigrants had a significant impact on American

---

41 Ibid., 22.
46 David Holmes, a contemporary historian of Irish history explains this in his book, Irish in Wisconsin.
48 Ibid.
49 Ibid.
50 Ibid., 14.
immigration. In the 1890s alone, “almost four hundred thousand Irish emigrated to the United States.”

51 Between 1820 and 1860, the Irish were “never as few as a third of all immigrants, and in the 1840s they were nearly half (45.6 percent).”

52 By 1850, “Wisconsin had approximately twenty-one thousand residents who were born in Ireland, about 6.4 percent of the total population.”

53 Similar to the Germans, newly arrived Irish immigrants identified themselves by the locality they came from in Ireland, with clan identities playing a significant role in Irish communities.

54 Many Irish immigrants who migrated between the years 1812 and 1852 arrived on their own, not in family groups. This could also account for why newly-arrived Irish immigrants often times resided in areas with other Irish immigrants. It was a way to make new family and friends in an unfamiliar world.

Discrimination by native-born Americans slowly drove the Irish population closer together, creating a sense of Irish nationalism, which became more significant than their original clan based identification system. Religion was also a source of discrimination amongst the Irish immigrant population. In the early nineteenth century, the majority of Irish immigrants were Catholic.

55 The “ethnic heritage of the white population in the United States in the early to mid-nineteenth century was overwhelmingly Anglo-Saxon. Their religious background and cultural assumptions were similar to the population of Great Britain, the rulers of Ireland.”

56 The overall view by the native-American population of Catholicism as a “dangerous, anti-democratic religion that promoted ignorance, superstition, and blind obedience,” led to Catholicism

---


52 Ibid.


54 Ibid., 18.


57 Ibid., 19.
becoming a “badge of national identity” for the Irish. The Irish immigrants greatly identified with the Catholic Church, and “an attack on it was seen as an attack on them, and vice versa.” This bond between Catholicism and ethnic identity, and the fact that in most places in the U.S. the Irish made up the majority of the Catholic populations, meant that the Irish immigrants could quickly take control of the Catholic churches in the United States--clinging to the religious identity that made them unique. This was not true in Wisconsin, however, because the church hierarchy was mostly composed of Germans. This caused tensions between “Irish and German clergy, and also caused problems for the laity of both nationalities.” In the mid-1800s, the major religious struggle in the Catholic Church was not between the “Irish (and later Irish Americans),” but between them “and the Germans (and later German Americans).” The struggle over control of the Catholic Church between Irish and German Catholics would continue to pose a problem for the American Church into the twentieth century. Also unique to the Irish immigrant population was the high percentage of female immigrants. Many of these “immigrant women were single, another aspect unique to Irish immigrants, and they left for the same reasons as their male counterparts. This often meant that single Irish men could start families in America with people from their own culture, with whom they felt comfortable.” The reason behind this unique female immigrant situation lies in the position of women in Irish society. Many women in Ireland were deprived, disadvantaged, and poor. Their positions

58 Ibid.
61 Ibid., 49.
63 Ibid., 140.
declined even further after the great famine.\textsuperscript{65} Irish immigrant women that migrated to the United States worked as housewives and domestics, “in dressmaking, millinery, laundering, teaching, and nursing.”\textsuperscript{66} In Wisconsin, “farm work and the teaching professions were more likely occupations than mill work.”\textsuperscript{67} Most of the Irish men spent their time working as manual laborers in large cities like Milwaukee.\textsuperscript{68} Many of the Irish immigrants were forced to live in urban settings out of necessity if they did not farm for a living. Many new immigrants looked to settle among their fellow countrymen in these urban areas. Living in large cities allowed for an easy transition, with many living adjacent to family or friends and in near proximity to Catholic churches.\textsuperscript{69} The Irish in Wisconsin were very active in politics, with “the Irish, even more than the Germans,” serving as “staunch supporters of the Democrats.”\textsuperscript{70} The Irishmen in Wisconsin “were particularly active as local Democratic chairmen and officeholders not only in Irish communities but also frequently in localities where Germans or Norwegians outnumbered them.”\textsuperscript{71}

The Italian immigrants were not unlike the Irish and German immigrants who had come earlier. As historian Diane Vecchio explained in her book analyzing Italian immigrant life, labor, and gender history, the Italian immigrants also sought a new life, separate from economic depression. Many of these Italian immigrants came from the southern parts of Italy, from Sicily, Calabria, Abruzzi, and Basilicata, where many areas were overpopulated and economically

\textsuperscript{67} Ibid., 21.
\textsuperscript{68} Ibid., 32.
\textsuperscript{69} Ibid., 21, 28.
\textsuperscript{70} Ibid., 42
poor.\textsuperscript{72} Italian men typically worked in agricultural fields and returned home only once a week. The women “burdened with domestic chores and childcare, stayed behind and did other work such as spinning, weaving, or making handicrafts to supplement the family income.”\textsuperscript{73} As urbanization and capitalist ideals quickly emerged in Italy, many Italian women were motivated or forced to seek employment in urban settings. At the turn of the twentieth century many women accepted positions as teachers and midwives, with women making “up about 68 percent of all teachers in Italy” by 1901.\textsuperscript{74} Many Italian immigrants were called to the United States by relatives who had already established themselves. Immigrants “relied on personal contacts and communications with friends and relatives, a process of social networking…that often began in the village of origin and continued outward with migration and incorporation into the host society.”\textsuperscript{75}

At the beginning of the twentieth century, Milwaukee saw a mass immigration of southern Italians. Milwaukee during the early 1900s had a population of about 374,000, with Italian immigrants making up about “5,000 of Milwaukee’s foreign-born in 1910.”\textsuperscript{76} The Italian immigrant families, similar to other immigrant groups, met a harsh economic reality in America. On a rare occasion an individual immigrant earned enough to support even a modest standard of living. The Dillingham Commission noted that in 1900, “33.2 percent of first-generation Italian males were laborers, the highest percentage of general laborers for any class of immigrants.”\textsuperscript{77} As one of the final immigrant groups to join Milwaukee’s expansive and diverse population, “Italians were confronted with a labor market that was dominated by ethnic patronage. Germans

\textsuperscript{72} Edward Corsi, “Italian Immigrants and Their Children,” \textit{Annals of the American Academy of Political and Social Science} 223, (1942): 100.
\textsuperscript{74} Ibid., 13-14.
\textsuperscript{75} Ibid., 17.
\textsuperscript{76} Ibid., 25-26.
\textsuperscript{77} Ibid., 18.
owned and operated a large number of businesses and industries in Milwaukee, and, as a rule, hired other Germans." This meant that Italians had to find economic support through their own ethnic backgrounds, in neighborhoods that celebrated their own culture. This was also true for Italian immigrant women, who had difficult times finding wage labor in Milwaukee’s light industries due to German owned and operated businesses. Many Italian women sought other alternatives for employment, finding economic sanctuary at home using skills they brought over from Italy - such as sewing. Some Italian women also began the business of taking in boarders. As one report in Milwaukee noted, “the proportion of families keeping boarders or lodgers among South Italians is so large as to make the proportion of wives who contribute to the family fund higher than in any other race.” The practice of taking in boarders “did not exist in Italy or Sicily, since a household and its house was defined by the nuclear family,” and therefore, “in many ways reflects Italian women’s willingness to adapt to the demands of a new environment.” However, as many immigrant families came to understand, there were many risks involved in taking boarders into one’s home. Boarders were typically either single males or men whose wives remained in Italy, which created opportunities for “unwanted sexual advances or romantic relationships” between boarders and the women who ran the boarding businesses.

These three immigrants groups, the German-Americans, the Irish-Americans, and the Italian-Americans, are represented in the different key players involved in the Carmello Musso court case. The three groups’ history and diverse lifestyles during the progressive era in
Milwaukee shed light on the circumstances of the 1914 trial of Carmello Musso for the murder of her husband.

**The Murder of Joseph Musso**

On January 6th, 1914, on 374 Cass Street in the Third Ward of Milwaukee, Wisconsin, Joseph “Joe” Musso was declared dead due to suffocation. The Musso family had been visiting Carmello’s cousin on the night of January 5th, where Joseph had allegedly consumed too much alcohol. Once home Joseph was strangled to death, but how this happened is uncertain as almost every party involved in the case had a different version of the story. Carmello Musso was eventually convicted in the Municipal Court of Milwaukee County on April 11th, 1914 for first degree murder and was sentenced on May 11th, 1914 by Judge A.C. Backus to imprisonment in the state prison at Waupun, Wisconsin for and during the term of her natural life.85 Two years later on August 26th, 1916, Carmello, still arguing for her innocence, applied for a pardon for the crime for which she was convicted, and was finally granted that pardon on July 26th, 1917.86 This paper will examine every reported version of the murder narrative in an attempt to understand what really happened that fateful night, why the outcome of the case resulted in the way that it did, what parts the individual players had in the circumstances of the trial, and how ethnicity impacted the circumstances of the trial.

---

85 State of Wisconsin vs. Carmello Musso, Municipal Court (1914), 7-8.
The police investigations of the case started off on January 7th, the day after the death of Joe Musso, with Carmello as the primary suspect. Once at the police station, Carmello was asked to recall what had happened on that tragic night. Carmello insisted that, “When my husband came home late Monday night he was very drunk. He fell downstairs several times before he got into his room. He went to bed in the front room and I slept in a rear room with the three small children of my dead sister.”87 Later that night Mrs. Musso claimed that she “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.”88 When the coroners came to the Musso home on January 7th, 1914, Mrs. Musso told them that Joe “Musso drank heavily,” causing his eventual death, and that he “had a bottle of whisky with him the night before.”89 The coroner asked her to retrieve the bottle and after smelling it he concluded that it “had not contained whisky recently.”90 Helen McCarthy, a neighbor of Mrs. Musso, was called to testify in the Milwaukee County Municipal Court, and claimed that “Mrs. Musso wanted to bury her husband at once and asked me the best way to do it. When I suggested calling in the coroner she objected and said she didn’t want officials meddling with the case.”91

The physicians assigned to the case found many disturbing differences between what Mrs. Musso had claimed about Joe Musso’s death, and the story that Joe’s body told. The physicians declared that “the amount of alcohol we could discover could not have caused Musso’s death. Death was due to a hemorrhage of the larynx, caused by strangulation. There were many marks and bruises on the face and arms 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

88 Ibid.
90 Ibid.
91 Ibid., 2.
struggle before death.”92 Albert F. Young, a physician and surgeon in the case, had examined Mrs. Musso for marks after the death of Mr. Musso. He remarked that, “The first time I saw her [Carmello] there was dirt beneath that finger nail, and the finger nail was out beyond the flesh, and the next time I saw her that finger nail was bitten or cut off.”93 Throughout the length of the trial, the physicians also argued amongst themselves over the broken hyoid bone94 found in Joe Musso’s postmortem examination. Dr. D.W. Harrington, called to the court stand, testified that “the hyoid bone could have been broken by a fall,” because there was “infiltration of blood into the neck tissues.”95 John J. McGovern, one of the physicians that conducted Mr. Musso’s postmortem examination, claimed that the hyoid bone could not be broken by a fall, even if the bone was exposed. He testified, “You can’t expose it [hyoid bone] unless you kill your man, unless you take out the bone, it is protected by the chin.”96

Mrs. Musso appeared to have been hiding evidence, or attempting to destroy it. After police searched her home they found the defendant’s, Mrs. Musso’s, white skirt which she had

“concealed in a bag between layers of clean clothes; this bag was secreted in a folding bed which had not been used for some time. On the skirt was found human blood spots; there was also found soiled man’s underwear with blood spots; there were also blood spots found on parts of the woodwork of the house. Defendant [Carmello Musso] admitted cutting into pieces a bloody suit of underclothing of the dead man; some of these pieces, half burned, were found in the kitchen stove; other parts, under a sink.”97

Daniel Hopkinson, a Milwaukee physician, examined the skirt found in the Musso home and announced that “There is a stain on the inner side of the waist band here which was cut

---

93 State of Wisconsin vs. Carmello Musso (1914), 222.
94 The hyoid bone is found in the throat between the chin and thyroid cartilage.
95 “Musso Trial Nears its End,” Milwaukee Journal, April 9th, 1914, 1.
96 State of Wisconsin vs. Musso (1914), 207.
out,…and this stain was examined and found to be blood, and this blood is human blood.” Mrs. Musso claimed that the blood on the skirt had been hers, caused by a sickness, not her husbands. Mr. Edward Yockey, the District Attorney in the case, told the court that he believed that the blood stains “came from Joe Musso’s mouth,” not from Mrs. Musso’s illness.

![Figure 2: Milwaukee Court House, 1908.](http://www.family-images.com/wi/wi.htm)

The most shocking testimony of the court case came from Carmello Musso’s own niece and goddaughter, Rosie de Gratiano. Rosie, only nine years old at the time of the trial, was introduced to the court as the “only eye witness to Joseph’s murder.” Rosie testified to the court that on the night of January 5th, 1914, her uncle and godfather, Joseph, had come in through the back door of the home and had instantly gotten into a fight with Carmello. The couple fought over money that Joseph had and refused to give to Carmello. Rosie told the court that “they

98 State of Wisconsin vs. Musso (1914), 527.
99 Ibid., 805-806.
100 “Murder Case Goes to Jury Saturday Noon,” Milwaukee Journal, April 11th, 1914, 1.
101 http://www.family-images.com/wi/wi.htm. Carmello Musso was tried at the Milwaukee Court House for the murder of her husband, Joseph Musso.
[Carmello and Joseph] went to the front—then my godmother choked my godfather and said ‘Die, die, die.’” She continued her testimony by explaining that her godmother and godfather went to the front room, after Joseph had been strangled, and Carmello “took off his outside pants and the inside pants my godmother left on him, and the shirt of my godfather was all bloody, and my godmother took the scissors and cut it and took it off on him and then my godmother burn it…on the stove.” She said that her godfather moaned on the chair then left to go to bed where he continued to moan in pain. Later that night, Carmello called the children, including Rosie, and told them, “to look that our godfather is dead,” and to “tell the people that he fell down twice on the steps…Tell me the story or else I kill you.” On January 8th, 1914, while speaking to the District Attorney Edward Yockey, Rosie admitted that “Mrs. Musso often hit him [Joseph Musso] and also stated that Mrs. Musso was always mad at her uncle.”

The Testimony of Rose de Gratiano

The testimony of Rosie de Gratiano was not only shocking, but it was also extremely controversial. The child had a different perception of the story or related events almost every week, with the only exception being the one statement, pointed out by Defense Attorney Edward Mock, that she “repeated many times and did not vary,” which was, “I saw my godmother choke my godfather.” The jury initially seemed very impressed with Rosie, with a firm stance on what she had witnessed, and clearly demonstrating unusual intelligence and speaking perfect English, which was seen as unusual for an Italian immigrant child of her age. Mr. Edward Mock, however, later called Rosie “a romancer, saying that the Montessori system,” the school

---

103 State of Wisconsin vs. Musso, (1914), 403.
104 Ibid.
105 Ibid., 404.
106 Ibid., 1035.
system that she attended, “teaches that children do not lie but love to romance and let their imagination roam.”

A crucial controversy enters into Rosie’s story with the introduction, by the defense, of another Italian woman, Esther Pierucini. Pierucini testified in the court of Illinois that she was hired by District Attorney, Edward Yockey, to travel to Milwaukee, gain access to the jail where Mrs. Musso and Rosie were being kept, and listen to and translate into English anything that Mrs. Musso and Rosie said to one another in Italian. Mr. Yockey informed Pierucini that he believed that Mrs. Musso threatened Rosie in some way. Mrs. McGreal, the patron of the county jail where Mrs. Musso and Rosie were being kept, as well as the wife to Lawrence McGreal the Sheriff of Milwaukee County at the time, was also introduced to Miss Pierucini and told the plan. When Miss Pierucini was admitted to the county jail she gave the fake name, Anna Palmyra. She listened to everything that Mrs. Musso said and recorded it on a piece of paper which she later gave to Mr. Yockey. Miss Pierucini testified that Rosie would often sing in jail and Mrs. Musso would respond by crying and moaning and saying in Italian, “How can you sing? What courage have you to sing when your poor Carmello is here and you have abandoned her, and you will never see your Carmello again? How can you sing when I have taken the bread out of my mouth and have given it to you? Oh, you are a traitor, Rosie, what are you saying to them, tell the truth, for the sake of your dead mother, tell the truth.”

During her time in the county jail where Rosie and Carmello were being kept, Miss Pierucini and Mrs. McGreal asked Rosie to tell them the truth of what she saw on the night of

---

110 State of Illinois, County of Cork Municipal Court, (17 April, 1914,) 978-981.
111 Ibid.
Joseph Musso’s death. Rosie supposedly responded by saying, “I am afraid, I am afraid to tell the truth.” Miss. Pierucini responded to Rosie assuring her that she must not be afraid to tell the truth, “Mr. Yockey,” she said, “wants you to tell the truth.” Rosie responded to Miss Pierucini saying, “I am afraid to tell the truth, because Mr. Yockey has it all written on paper, and I can’t go home.” Miss Pierucini responded once again by assuring the child that she mustn’t be afraid of Mr. Yockey, and Rosie then responded by claiming, “I was asleep, and I don’t see my godmother choke my godfather.” Miss Pierucini and Mrs. McGreal then asked Rosie why she didn’t tell the District Attorney the truth, and she told them that “she wanted to, but that he would not let her: that he told her she must stick to what was done on the paper,” referring to the fact that when Rosie first was questioned about the death of Joseph Musso she had told Mr. Yockey that she had witnessed the murder and he recorded the confession down on a piece of paper. Rosie then told Miss Pierucini and Mrs. McGreal that she planned to share the truth in court, the truth that she had just revealed to them. After this, Miss Pierucini felt that her job was finished and she wished to return home to Chicago. She saw Mr. Yockey once again and gave him the notes that she had taken of Mrs. Musso’s dialogue and told him that, “If she [Mrs. Musso] is guilty, she plays her part very good, as I could never think that she was guilty by the way she acts.” Mr. Yockey responded by saying that they had plenty of evidence on Mrs. Musso and that Miss Pierucini shouldn’t be so sure of Mrs. Musso’s innocence.

Rosie did not hold onto this new confession very long. Controversy continued when Rosie was later interviewed in court about the events that occurred between her and Miss Pierucini while in the county jail with the question, “What did the Italian lady [Miss Pierucini]

112 Ibid.
113 Ibid.
114 Ibid.
115 “Italian Woman is Identified,” Milwaukee Journal, April 6th, 1914, 1.
say would happen to you unless you said you were asleep that night and you didn’t see anything?” Rosie responded to the question, “She [Miss Pierucini] says that you didn’t see anything, and if you say that if you didn’t see anything, all right, and if not, your mother will kill you.” Miss Pierucini claimed that this was a lie, and that any “language or utterance” similar to this statement was “absolutely false and without any basis whatsoever.” When Mr. Mock, the defense attorney, later questioned Rosie about the statement that she shared with Miss Pierucini and Mrs. McGreal on the night in the county jail, he first asked if she ever stated in court that she saw her godmother choke her godfather, then after her affirmation, he asked Rosie “Did someone tell you that you must say that when you went to court?” Rosie responded by saying that Mr. Yockey had made her admit to seeing her godmother murder her godfather, even though it was a lie, and he made her say it by slapping her. Mr. Yockey immediately rejected these claims. He also said that he “never offered or gave Rosie De Gratiano any money or made any promises to give her any money; that affiant [Mr. Yockey] never, by way or inducement or intimidation—or in any other manner attempted to influence the story that Rosie De Gratiano told him.”

Children and Gender in the Justice System

Rosie’s testimony and interactions with multiple figures in the court case tell us much about not only the treatment of different ethnic groups in Progressive Era Milwaukee, but also about the treatment of women and children at that time. Edward Yockey, a German and English first generation immigrant, was accused of bribing and intimidating the young Italian, Rosie, in

---

118 Ibid.
119 State of Wisconsin vs. Musso, Exhibit “A” Statement of Rosie De Gratiano made at Room 74 Sentinel Building, on the 3rd day of May, 1914, 993-996.
120 Ibid., 994-995.
121 State of Wisconsin vs. Musso, (1914), 1010.
order to force her to admit to seeing her godmother murder her godfather. Even though Rosie lived through the “century of the child,” a time where the “child was to be rescued from the ignorance, neglect, and outright abuse which had so often characterized his treatment in the past,” circumstances had not changed in her favor. Rosie was compelled to tell different versions of her witness story either by Mr. Yockey, Mr. Mock, Mrs. McGreal, Mrs. Musso, Miss Pierucini, or another outside source. On May 7th, 1914, after finally being released from the county jail, Rosie had a talk with her father where she admitted that she had lied about seeing her godmother murder her godfather. Mr. Mock pointed out that this was “the first time since the death of Joseph Musso that she has been a free moral agent,” implying that she was most likely sharing the truth because of this. A close examination of the trial reveals that Mr. Yockey was invested in proving that Mrs. Musso was guilty of murder, especially through his hiring of Miss Pierucini. Why go out of his way to hire a separate agent to investigate Mrs. Musso when he had “lots of evidence” on Mrs. Musso? Why didn’t Miss Pierucini tell Mr. Yockey that Rosie had supposedly admitted to lying to the court? If she truly wanted to tell the court the truth, wouldn’t Miss Pierucini also share this fact with Mr. Yockey, the District Attorney of the case? There is also a possibility that Mr. Yockey had been influenced by an authoritative and pro-discipline upbringing, and this had impacted his treatment of the young Rosie. As a German immigrant born in the 19th century, Mr. Yockey may have been raised in an authoritative and disciplinary family. In the 19th century German parents utilized “Soloman’s rod,” or a staff or stick, to discipline “disobedient” and “wicked” children. Even though this practice was not as common in the United States, many German immigrants expressed remorse for its unpopularity in

---

124 State of Illinois, County of Cork Municipal Court, (17 April, 1914,) 978-981.
125 F. J. F. Schantz, *Domestic life and characteristics of the Pennsylvania-German pioneer : a narrative and critical history prepared at the request of the Pennsylvania-German society* (Pennsylvania-German Society, 1900), 54.
America, saying they missed the use of “Solomon’s rod” in the home. Was Rosie chosen by Mr. Yockey as the sole “witness” because she was a child and a girl who was in Mr. Yockey’s opinion, easily manipulated and intimidated into saying whatever he wanted? If Rosie really had never seen her godmother kill her godfather and was manipulated into telling the lie, why was her brother Henry, only two years younger, not chosen to do it? Was it because he was a male, and not female, and was seen as more righteous and not as easily manipulated because of his gender? Even the presiding Judge August C. Backus, another German first generation immigrant, ordered the jury to “eliminate the story of the little Rosa entirely” and was still convinced that the jury had enough evidence to find Mrs. Musso guilty.

On April 21st, 1914, an anonymous letter arrived in the Milwaukee district attorney office warning Mr. Yockey that he, along with young Rosie, were in danger. The letter warns that “they will kill you and the little girl Rosa…They all go to see Mrs. Musso free or kill you at the office in the city hall…They are all black hands.” Scholars still argue as to whether or not the phrase “Black Hand” refers to a specific type of crime, or a mafia ran by Sicilian Italian immigrants in America. Robert Lombardo, an Associate Professor of Criminology and Criminal Justice at Loyola University in Chicago, argues that “Black Hand” was simply a variation of crime that involved “a crude method of extortion by which wealthy Italians and others were extorted for money. Victims were simply sent a letter stating that they would come to harm if the blackmailers demands were not met.”

---

126 Ibid.
127 State of Wisconsin vs. Musso, (1914),700.
simply a method of extortion carried out by individuals or small groups of offenders.”

Lombardo’s research examined 280 newspaper accounts of Black Hand crime occurring between 1892 and 1931, and concluded that 83% of the offenders involved in Black Hand crime were Italian. Were the authors of the letter Italian immigrants? Were they protecting Mrs. Musso who was herself a Sicilian? The threats may have been generated by Italian immigrants who were invested in protecting Mrs. Musso, one of their own.

**Gender and Ethnicity in the Circumstances of the Musso Case**

Issues of gender and ethnicity played an important role in the circumstances of the Carmello Musso court case. Carmello was born in Sigiliano, Sicily. Carmello and Joseph had been married for fifteen years before his death, and had married in Italy and traveled to the United States eleven or twelve years before the court case. After their initial arrival to the United States, the couple lived in New Orleans for about two years. They then moved to Milwaukee where they lived for ten years before the case. Joseph Musso was a city laborer in Milwaukee, and Carmello stayed home taking care of the children and took in boarders. This business of taking in boarders was fairly common for Italian immigrant women. As mentioned earlier, one report in Milwaukee noted, “the proportion of families keeping boarders or lodgers among South Italians is so large as to make the proportion of wives who contribute to the family fund higher than in any other race.” In many cases of taking in boarders there were noticeable problems that were created from the unique situation. Boarders were usually single males or men

---

131 Ibid.
132 Ibid., 267.
133 State of Wisconsin vs. Musso, (1914), 697.
134 Ibid., 698.
135 Ibid.
whose wives remained in Italy, which created opportunities for “unwanted sexual advances or romantic relationships” between boarders and the women who ran the boarding businesses.\footnote{Ibid., 67.}

As a southern Italian woman who took in boarders at her home on 374 Cass Street, Mrs. Musso was vulnerable to claims that Italian women who took in boarders were adulterous. During the trial of Mrs. Musso, she was questioned multiple times about one of her boarders, her cousin, Matt DeNofio. Matt had lived with the Mussos for twelve years but had left the house about a year before the murder of Mr. Musso.\footnote{“Musso Trial Nears its End,” Milwaukee Journal, April 9\textsuperscript{th}, 1914, 1.} Mr. Yockey, the District Attorney, asked Mrs. Musso if her and her husband had ever quarreled about Matt, and whether any of those quarrels related to Mrs. Musso giving Matt money.\footnote{State of Wisconsin vs. Musso, (1914),756-758.} Mr. Yockey also questioned Mrs. Musso about Matt’s sudden removal from the home, asking “was it not because your husband insisted that he leave?” She denied these claims, but Mr. Yockey implied that Mrs. Musso and Matt were having an affair, or some sort of relationship that Mr. Musso actively rejected. Mrs. Musso claimed that Matt had left their house because “His sister, Mrs. Nuccio, came to this country and he went to live with her.”\footnote{“Musso Trial Nears its End,” Milwaukee Journal, April 9\textsuperscript{th}, 1914, 1.} Matt was at the Nuccio home “on the night previous to Musso’s death,” and Mrs. Musso said she “saw him at 8 a.m. the following day. She merely spoke to him.”\footnote{Ibid.} Mr. Yockey also implied that Matt might have had something to do with Mr. Musso’s death, possibly, because Matt and Mrs. Musso wanted to share a romantic life together. Yockey asked Mrs. Musso, “You wanted Rosie to say she never saw her godmother choke her godfather that night, that is what you meant by the truth, isn’t it? And that is the story that you and Nuccio and Matt drilled into Rosie from three o’clock until six o’clock in the morning Tuesday January
Mrs. Musso once again denied these claims, but Matt had suspiciously left the city immediately after Musso’s murder, giving more credibility to Yockey’s claims.144 Had Mrs. Musso and Matt DeNofio shared a romantic relationship which led them to conspire together in Joseph Musso’s death? Or was Mrs. Musso a victim to assumptions and stereotypes about Italian women’s infidelity as a component of taking in boarders?

A close analysis of the Musso court case also shows troubling tensions between the German District Attorney, Edward Yockey, and the Irish Sheriff of Milwaukee, Lawrence McGreal. Lawrence McGreal was elected as Sheriff of Milwaukee in 1912 as a Democrat.145 He was “heavily involved in civic improvement in Milwaukee County and was a member of the Merchants and Managers Association of Milwaukee, Citizens Business League of Milwaukee, and the Milwaukee Athletic Club.”146 McGreal was born in New York as a child of two Irish immigrants.147 Tensions emerged between the two law enforcement officials during the trial as a result of the testimony of Rosie de Gratiano. As mentioned earlier, when Rosie was in jail she shared with Mrs. McGreal, Lawrence McGreal’s wife, and Esther Pierucini that she had lied to Mr. Yockey about seeing her godmother murder her godfather. Because of this fact, Mrs. McGreal was called to the witness stand during the trial. Mrs. McGreal, after being told by Rosie that she had lied, took Rosie to Sheriff McGreal the next morning to tell Mr. McGreal the story that Rosie had shared with her.148 Sheriff McGreal did not report this new testimony to the District Attorney. During the court trial Sheriff McGreal was also called by the defense to testify and told this story. He said that when he asked Rosie why she did not go to Mr. Yockey to tell

143 State of Wisconsin vs. Musso, (1914), 831.
144 “Musso Trial Nears its End,” Milwaukee Journal, April 9th, 1914, 1.
146 Ibid.
148 “Italian Woman is Identified,” Milwaukee Journal, April 6th, 1914, 1.
the truth she responded saying that she had made several attempts to, but Yockey responded with, “You must tell this; you must stick to the truth. What is written down here is the truth, not what you say.”

Why, after hearing this, did Sheriff McGreal not share the information with the District Attorney? Was this because Sheriff McGreal had already known about Rosie’s talk with his wife and wanted Rosie to retract her confession that she had seen the murder? Sheriff McGreal had also requested “to be relieved from serving process in this cause and from taking charge of jury” at the beginning of the Musso case on March 28th, 1914. It leads one to believe that the two shared animosity towards one another and were unwilling to work together, either that or Mr. Yockey had made it very clear that Mr. McGreal was not to intervene in the case. Was this a result of ethnic tensions between German and Irish groups in Milwaukee during this time? Did having an Irish Sheriff serve with a German District Attorney in a mainly German city cause tensions? During the early twentieth century, a large portion of Wisconsin’s population declared German heritage. This was a great deal larger than the Irish population in Wisconsin. Perhaps Mr. Yockey was not happy about the election of an Irish-American to work with him, and this caused tensions between the two from the beginning.

Tensions also existed between the Irish and German immigrants in Milwaukee due to economic and religious relationships. As mentioned earlier, German Catholics dominated the Catholic hierarchy in the state from the time of the creation of the Diocese of Milwaukee in 1843 until the present. This was difficult for the Irish immigrant population in Milwaukee to cope

---

149 Ibid., 2.
151 Richard Zeitlin, Germans in Wisconsin (Madison, WI: The State Historical Society of Wisconsin, 2000), 5. About 34% of Wisconsin’s population declared German heritage.
152 David G. Holmes, Irish in Wisconsin (Madison, WI: Wisconsin Historical Society Press, 2004), 16. In the mid-late nineteenth century, “Wisconsin had approximately twenty-one thousand residents who were born in Ireland, about 6.4 percent of the total population.”
with primarily because Roman Catholicism was seen as their “badge of national identity.”¹⁵⁴ This caused tensions between “Irish and German clergy, and also caused problems for the laity of both nationalities.”¹⁵⁵ Yockey and McGreal both originated from Catholic families, meaning that this larger religious tension between the two ethnic groups could have affected their personal and professional relationships.¹⁵⁶

Both Italian and Irish immigrants shared economic difficulties in Milwaukee due to the German dominance of the labor market. Irish and Italians “were confronted with a labor market that was dominated by ethnic patronage. Germans owned and operated a large number of businesses and industries in Milwaukee, and, as a rule, hired other Germans.”¹⁵⁷ Economic circumstances could have caused some resentful feelings between the Irish and Italian immigrants towards the German immigrants. This could also account for Sheriff McGreal and his wife’s transparent support for Mrs. Musso, an Italian immigrant, and Mr. Yockey’s avid attempts to convict the Italian woman. During the court trials, Mr. Yockey directly attacked Mr. McGreal for his actions. He addressed the jury saying,

“Gentlemen of the jury, I’ll tell you why I did not cross-examine Sheriff McGreal. It was because I was considerate of him; because I did not want to bring out the truth. If I had questioned him he would have had to answer and tell you how he, an official of Milwaukee county law and order, came to appear in this case as a witness for a person accused of murder. His connection with the defense’s case would have been revealed. That is why I took Rosie de Gratiano from the county jail, so that she would be no longer in the custody of Sheriff McGreal as a state’s witness. Why did not the sheriff come to this district attorney with the story Rosie de Gratiano told him? Instead of calling in the counsel for the defense and giving him ammunition to combat the state’s case, he should have told me first. I am the state’s attorney

¹⁵⁵ Ibid., 49.
and the witness was the state of Wisconsin’s, not Mr. Mock’s.”

This is a definite illustration of Mr. Yockey and Mr. McGreal’s strained relationship. Mr. Yockey believes that Mr. McGreal hid information from him and attempted to destroy his case against Mrs. Musso. Mr. Yockey suggested that Mr. McGreal was incapable of handling the problems of law and order of the Milwaukee County on account of the fact that McGreal did not trust its leader, the District Attorney, with crucial and valuable information. These ethnic tensions most certainly had an impact the circumstances of the Musso case.

The issue of ethnicity and language also comes into play during the Musso court case. Mr. Yockey mocked Mrs. Musso throughout the trial declaring that her suspicious activities, such as hiding bloody clothes amongst clean clothes and saying that they were her own bloody clothes from sickness, showed her cleverness “in her Italian way.” What connection do these activities have with her being Italian? There appears to be no reasoning for the statement besides that of Mr. Yockey mocking her ethnic identity. With this statement, Yockey could be assuming that the jury will associate Italians with crime, a common prejudiced belief in the early twentieth century.

Language, as aspect of ethnic identity, also became an issue in the trial. There were multiple arguments during the trial as to whether or not Mrs. Musso can speak English, and to what extent her skills in English are, if she is able to speak it. The first time that Mr. Yockey brought up this issue was when he was questioning Helen McCarthy, Mrs. Musso’s neighbor. Mr. Yockey asks her, “Does she [Mrs. Musso] understand English?” To which Mrs. McCarthy

---

responded, “Very good.”161 Later during the trials Mr. Yockey once again brings up this issue of language when he asks John T. Sullivan, Captain of police in the City of Milwaukee, “Did you talk with her, - carry on your conversation with her [Carmello Musso] in English?” Mr. Sullivan responded by saying, “The first night that she came into my office she made it look as though she could talk [sic] the English language, and I called for an interpreter, and during the conversation I saw that she could speak the English language, and the next morning I talked to her and she answered me very fluently.”162 The final time that this issue is brought up is during Mr. Yockey’s cross examination questioning of Mrs. Musso. He asks Mrs. Musso, “Don’t you think you want to talk English to me?” And Mrs. Musso, through her interpreter said, “she don’t think she will understand you, she can speak a little but not enough to understand you.”163 Mr. Yockey is implying, through his consistent questioning of the issue, that Mrs. Musso did know English when first being interrogated after Mr. Musso’s murder. He implied that as an Italian immigrant, she was able to use her ethnic identity to her advantage and pretended that she did not know English. This ethnic identity, Mr. Yockey argued, allowed her to come across as naïve and innocent, and allowed her to dodge certain questions that could get her into trouble. Why, however, would Mrs. Musso know English when she lived in a predominantly Italian neighborhood in Milwaukee and worked with other Italian immigrants while taking in boarders? She could have picked up English during her two years living in New Orleans when she first arrived in the United States, but after living and working an Italian neighborhood in Milwaukee for over ten years after living in New Orleans her English skills were probably limited or no longer existed. Also why, if Mrs. Musso spoke such skilled and experienced English, would Mr. Yockey feel the need to hire an Italian woman from Chicago to translate Mrs. Musso’s Italian

162 Ibid., 348.
163 Ibid., 748.
speech while she was locked up at the county jail? Wouldn’t Mrs. Musso speak English to her
goddaughter that demonstrated unusual intelligence and spoke perfect English? Was this
simply an argument against Mrs. Musso to say that she used her ethnicity to act ignorant while
hiding information?

Only two years after her sentence, on July 26th, 1917, Mrs. Musso was pardoned. Ethnicity seemed to play a part in the pardon of Carmello Musso. Governor E.L. Philipps, after considering Mrs. Musso’s pardon request and release from the Waupun State Penitentiary, wrote to attorney Edward Mock asking if there was anyone to care for Mrs. Musso after her release. Mr. Mock responded with a letter saying, “Your letter of the 23rd inst., in reference to Carmello Musso, at hand, and in reply will state that immediately upon receipt of same I interviewed several prominent Italians here, who are very much interested in this unfortunate woman, and I have been assured by them that so far as her future is concerned it will positively be taken care of.” The Italian immigrants in Milwaukee were not unlike other immigrant groups in that they “relied on personal contacts and communications with friends and relatives, a process of social networking…that often began in the village of origin and continued outward with migration and incorporation into the host society.” It was common for Italian immigrants in Milwaukee to find economic support through their own ethnic backgrounds, and in neighborhoods that celebrated their own culture. This ethnic solidarity appeared to have impacted Mrs. Musso’s pardon and release from prison. Because there were “several prominent Italians” who were “interested in this unfortunate woman” and her future, Mrs. Musso’s pardon and release may

168 Ibid., 28.
have been guaranteed. Ethnic community ties were strong with the Italian immigrants in Milwaukee, especially with the southern Italian families with Sicilians making “up 65 percent of the city’s Italian population” after 1900.\textsuperscript{169} Governor Philipps’ official reasoning for pardoning and releasing Carmello Musso was “because she was in the advanced stages of consumption,” and “The doctor advised that she could live but a short time.”\textsuperscript{170} This, however, does not mean that Governor Philipps was not concerned with her ability to function and survive after her release from prison. Evidently, by his writing to Edward Mock, he was concerned for her well-being after being released. The fact that the Italian community stepped forward and guaranteed her well-being and future may have had an impact on Governor Philipps’ decision to pardon and release her.

\textbf{Conclusion}

Carmello Musso was ultimately found guilty in murdering her husband, Joseph Musso. Her trial, however, was unfair and the participants were blinded by biased ethnic attitudes. Carmello was most certainly attacked for her identity as an Italian immigrant and as a woman. It seemed that the jury had bought into Mr. Yockey’s idea that Mrs. Musso had relations with Matt DeNofio, and that they, along with the Nuccio cousin, worked together to murder Mr. Musso. Mr. Yockey took advantage of stereotypes of Italian women being adulterous, criminals and immoral, especially Italian women that took in boarders, including Mrs. Musso. He attacked her ability to speak English, arguing that she was capable of speaking English without providing sufficient proof of it. He used this idea to imply that Carmello was hiding information by acting ignorant in front of interrogators, without questioning or providing an explanation as to why she would have known English living in an Italian neighborhood and community. Mr. Yockey also

seemed to take advantage of the young Rosie de Gratiano, beating, bribing, or threatening her into saying that she saw her godmother murder her godfather. Mr. Yockey had no reason to intervene this way besides the fact that he clearly saw Mrs. Musso as guilty from the beginning, with his own biased opinion about Italian women. The presiding judge, August C. Backus, also a German, seemed to share in these biased opinions of Italian women. He personally wrote to Governor Philipps saying that he had no reason to doubt Mrs. Musso’s guilt in murdering her husband, and that he saw no reason as to why the governor should pardon her. The ethnic tensions between the Irish Sheriff McGreal and the German District Attorney Yockey are also great. The Sheriff and his wife both wished for Mrs. Musso to be found innocent, possibly as a consequence of both immigrant groups’ suffering under a mainly German-run economy and religious structure, or possibly because she truly was innocent. The McGreals did their best to protect both Mrs. Musso and her niece, Rosie, and tried to convince the court that Rosie had been influenced to say that she had witnessed her aunt murder her uncle. Mr. McGreal also wrote a letter to Governor Philipps to convince him of Mrs. Musso’s innocence. He wrote, “Perhaps no one, except her attorneys, know more, first hand, about this poor little Italian woman and her life’s sorrow, than Mrs. McGreal and myself, and we both have the same opinion regarding her innocence.”

Perhaps Governor Philipps heeded Mr. McGreal’s words, seeing them as beyond ethnic biases, and these also served as a reason for his pardoning of Mrs. Musso.

No matter if Mrs. Musso was truly guilty or innocent, one cannot deny that political, gender, religious, and ethnic identities greatly affected the conduct of the participants, and the overall circumstances of the trial. If the trial of Mrs. Musso was so impacted by these ethnic and gender tensions and biases, then surely other cases of the time period in Milwaukee shared these

similarities. These issues resulted in a biased justice system during the Progressive Era, one that was corrupted by ethnic divisions and stereotypes.
Lawrence McGreal’s Letter to Governor Emanuel Philipps is a manuscript that describes the McGreal family’s opinions about Carmello Musso and her innocence. The letter is a part of the Governor Pardon Papers from 1837-1981 which is stored at the Wisconsin Historical Society Archives.

Edward Mock’s Letter to Governor Philipps is a manuscript responding to the Governor’s inquiry into whether or not Carmello Musso had community members that would care for her if she were to be pardoned and released from prison. The letter is a part of the Governor Pardon Papers from 1837-1981 which is stored at the Wisconsin Historical Society Archives.

Emmanuel Philipps letter to the Honorable Winefred Zabel is a manuscript explaining that he was officially pardoning Carmello Musso for advance stages of illness. The letter is a part of the Governor Pardon Papers from 1837-1981 which is stored at the Wisconsin Historical Society Archives.

Edward Yockey’s letter to Governor Philipps is a manuscript describing the general events of the Carmello Musso trial. It specifically addresses the issue of the bloody skirt and shirt that Musso had hidden in her home and had later admitted to cutting up and burning. The letter is a part of the Governor Pardon Papers from 1837-1981 which is stored at the Wisconsin Historical Society Archives.

Milwaukee Journal articles provide media interpretations of the trail of Carmello Musso, and provide insight into how popular the case was in Milwaukee at the time of the trial. The journal articles provide detailed explanations of the trial including direct quotes and similar evidence that was presented in the actual trial records. All journal articles were accessed through the Milwaukee Journal Sentinel online archives.

Government


The State of Illinois court records describe the questioning of Esther Pierucini, an Italian immigrant that was hired by District Attorney Yockey to translate Rosie de Gratiano and Carmello Musso while they were being kept in the Milwaukee County jail. The manuscripts describe her involvement in the Musso case. The records are a part of the State of Illinois, County of Cork Municipal Court Papers which are kept as part of the Govern Pardon Papers of 1837-1981 stored at the Wisconsin Historical Society Archives.


The evidence “Exhibit ‘A’” is a document used in the Carmello Musso trial that describes the confession of Rosie de Gratiano. In this document, Rosie admits that she was told to confess that her godmother had murdered her godfather, and that District Attorney Yockey had slapped her to influence her to make this confession. The document is a part of the Governor Pardon Papers from 1837-1981 which is stored at the Wisconsin Historical Society Archives.


The State of Wisconsin vs. Musso court records describe in great detail the trail of Carmello Musso for the murder of her husband, Joseph. The records provide verbatim account of the defendant, witnesses, prosecutors, lawyers, etc. narrations during the trial. The records are a part of the Governor Pardon Papers from 1837-1981 which is stored at the Wisconsin Historical Society Archives.


U.S. Bureau of Census provides details as to where prominent figures in the trail of Carmello Musso lived, who their parents were, where the individuals originated along with their families, and what their occupations were. The census records were accessed through the website *Ancestry.com.*

Other Sources


This website allowed me to search key players names from the court case and find information about where they, or their families, were buried and what types of churches (Protestant or Catholic) they were buried in.

Schantz, F. J. F. *Domestic life and characteristics of the Pennsylvania-German pioneer : A narrative and critical history prepared at the request of the Pennsylvania-German society.* Pennsylvania-German Society, 1900.

The Pennsylvania-German Society journal article provides details about 19th century German discipline techniques. The article explains that in the 19th century there is evidence that German parents utilized “Soloman’s rod” to discipline disobedient and naughty children. The article is from the Pennsylvania-German Society and was accessed through the Darlington Digital Library of the University of Pittsburgh.

Secondary Sources

Books


Roger Daniel’s book provides a detailed history of immigration and ethnicity in America. The book provided background information about different immigrants groups, their history before and after arriving in America, and general insight into the lifestyles of these groups.

Barbara Greenleaf’s book provides context about the history of the child in America during the twentieth century. Greenleaf explains that the twentieth century was the “century of the child” where laws and regulations were being created in order to protect the rights and innocence of children.


Thomas Guglielmo’s book analyzes ways in which Italian immigrants, especially Southern Italian immigrants, moved their way up in the social hierarchy of American society from 1890 to 1945. Initially these Italian immigrants were compared to Black Americans, and over time received the higher status of white American. Guglielmo’s book is interesting and beneficial in order to understand the general misunderstanding and dislike towards the Italian immigrant population at the time.


David Holmes’ book provides a detailed account of the history of the Irish in Wisconsin. Holmes discusses the political, social, religious, and labor history of the Irish in Wisconsin, as well as Irish immigrant population numbers during the nineteenth and twentieth centuries. Using a wide array of primary and secondary sources, Holmes’ book is valuable to gain a general understanding of the history of the Irish in the state.


Robert Lombardo’s book analyzes and interprets the crimes committed by the Black Hand Italian Mafia in Chicago around the 1920s. Lombardo examines how Black Hand crimes impacted the social, mental, and emotional health and lives of Sicilian immigrant families both being targeted specifically by the group, and the population in Chicago more broadly. Lombardo’s writing on the types of crime committed by the group and the social impacts that they had are important because the Black Hand was involved with the Carmello Musso case, threatening to murder both Rosie, Carmello’s niece, and District Attorney, Edward Yockey.


Sister Justille McDonald’s book gives a detailed and beneficial account of the political history of the Irish in Wisconsin during the nineteenth and twentieth centuries. Sister McDonald argues that the Irish were typically Democrats who held many offices in Wisconsin, even in areas where other immigrant groups outnumbered them.

Diane Vecchio’s book provides a detailed account of Irish women’s history, labor history, social history, and general Italian history in urban settings in America. She describes the social, political, and religious transformation that Italian immigrants faced when immigrating to America. Vecchio specifically analyzes Italian women’s history and explains different labor trends in the nineteenth and twentieth centuries.


Richard Zeitlin’s book provides context for the history of German immigrants in Wisconsin. He explains the history of immigration to the United States by separating the history into three separate major waves of immigration. He also goes into detail about the social, political, and religious history of German immigrants in Wisconsin between the eighteenth and twentieth centuries.

**Articles**


Richard Alba’s article describes the background history of many American Catholic immigrant groups. It provides insight into what their lives may have been like before coming to America, and how that changed after their arrival in the United States.


Avella’s article provides insight into the ethnic tensions associated with Milwaukee Catholicism during the early twentieth century. The article explains the struggle during the twentieth century between ‘americanization’ and the desire to hold onto traditional German or other ethnic identities from the homeland.


Giorgio Bertellini’s article describes how Italian immigrants were stereotyped as innately violent through the media of film in the twentieth century. His article sheds light on why the trial of Carmello Musso was so popular, and why the media portrayed her in an ethnic stereotyped way. It also helps to understand possibly preconceptions that law officials or the public might have had about Italian immigrants, especially Italian immigrants involved in some way with crime.

Edward Corsi’s article provides context for the history of the Italian immigrants before coming to the United States. He explains what regions of Italy many of the immigrants originated from as well as the social and political states the country was in. This assists in understanding why many Italians, especially Southern Italians, decided to immigrate to America.


Peter D’Agostino’s article discusses nineteenth century Italian scholars and ways in which they argued that they could analyze different anatomical features in order to determine characteristics, personality and inclinations of a person. Some of these scholars argued that Southern Italians, by examining their anatomy in this way, were more impulsive than their Northern neighbors which made them more inclined to become criminals. This article is important because it exposes certain preconceptions that Italians and later Americans had about Southern Italians and their involvement with criminal actions.


Robert Lombardo’s article provided information about the Black Hand and Italian mafia crime. It argued that the Black Hand was not a part of the Italian mafia, or a gang, but rather a specific type of crime that involved blackmauling and threats.


Timothy Smith’s article provided background knowledge on religion and its ties to ethnicity in America during the nineteenth and twentieth centuries. One of the main things that I learned from this article was that there is a close connection between ethnicity, language, and culture with religion during this time period, and this meant that many immigrant groups tried very hard to hold onto those ethnic ties when related to their religion.

Websites


This website provided background information about the Montessori education system. It gave information about the history of the system, the founder, and why the system is set up the way that it is today.