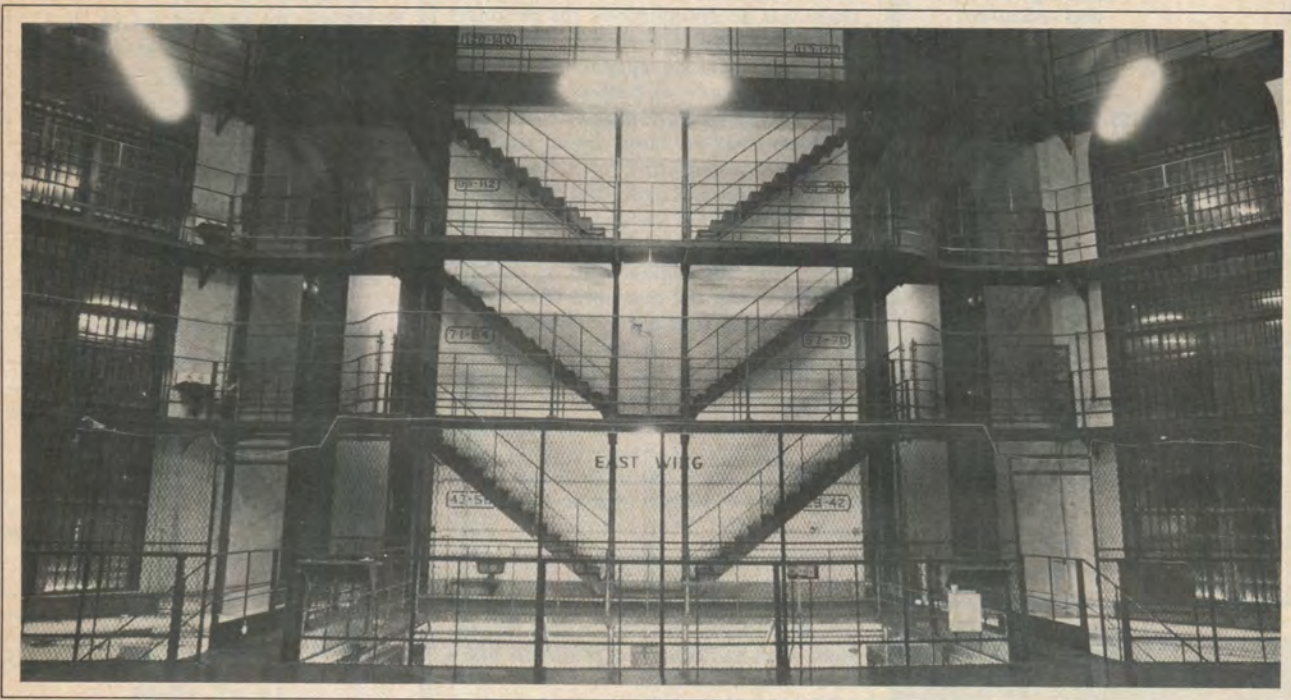


THE WAY WE WERE

By John Sedgwick

Notes on the Big House



In 1973 Judge Arthur Garrity spent a night in the slammer. The judge wasn't sleeping one off, nor had he been locked up for breach of conduct. He was doing a little research on a class action suit brought by the inmates of the Charles Street Jail against that venerable facility. They charged that being held there constituted cruel and unusual punishment. Sheriff Thomas Eisenstadt, speaking for the institution, said that things weren't really that bad. (From his point of view, that was probably true; it was discovered later that he had been diverting jail funds to his own use.)

Judge Garrity figured the best way to find out the truth about the accommodations at Charles Street was to go down and spend a night in the hulking granite and iron prison. So that's what he did. And he had breakfast with the inmates in the morning. By then he was convinced the inmates were right. The Charles Street Jail had to go.

It wasn't that easy, of course. The massive old prison had a number of champions, and some nostalgic value as well. The Charles Street Jail (or Suffolk County Jail, as it is officially known), with its single stubby tower and sooty granite walls, had been a fixture of the Boston

crime scene for more than a century. Designed, actually, by the same man who planned the flamboyant Old City Hall, the jail was completed in 1851. It is now the oldest public building in continuous use in the city; there is a movement afoot to make it a National Historic Landmark.

Of the three thousand prisoners incarcerated the year the jail opened, nearly fifteen hundred were drunks; there were only eleven murderers and six rapists, plus one Common Railer and Brawler and one Stubborn Child. Since then, of course, all manner of criminals—mass murderers, child molesters, forgers, drug pushers, con men, and pimps—have passed through the formidable gateway by the Charles Street MBTA station to be locked up in the jail's faded gray cells. The list of the jail's most distinguished inmates includes: the eight Brink's robbers (they were placed under heavy guard in eight adjoining cells along Murderers Row); New York's mass murderer Crazy Joe Donahue (who would soon be whisked away to the Big Apple in a box car, while surrounded by rifle-toting federal marshals); one twelve-year-old murderer so vicious the D.A. decided to try him as an adult; and the bank robber Teddy Green, one of the few criminals

with a sense of humor (asked his occupation when he was being booked at the jail, he answered, "Coin collector").

By the time Garrity checked in for the night, however, Charles Street Jail inmates weren't in a laughing mood. Originally used for convicted criminals, the jail, because of its in-town location, had become almost exclusively a detention center for defendants awaiting trial whom the state was unwilling to let out on bail. That was the key to Garrity's decision. In the eyes of the law, Garrity knew, these people were innocent, so any punishment had to be considered cruel and unusual. After spending the night there, Garrity realized that the Charles Street Jail was definitely punishing. He set June 30, 1976, as the last day the jail could hold innocent people prisoners.

It was about time. Some say the jail had been out of date in the nineteenth century. As Judge Garrity found out, the building was dim, cramped, and dirty. The granite exterior was essentially a giant X-shaped shell enclosing three separate cell blocks, honeycombed with cells, inside three of its wings. (The fourth contained administrative offices.) Elaborate fire escape-like walkways and stairways attached to the outside of these

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cell blocks provided the only passage from one cell to another. They gave the impression to anyone looking up from the center of the building that the whole place was inside out.

Made of rock and iron, the enormous shell acts as an echo chamber; as Garrity discovered, the noisiest train station didn't come close to the racket in the Charles Street Jail. There was a continual barrage of clanging doors, yells, loud-speaker announcements, shrill laughter. There was no dining room: the prisoners ate off makeshift tables along one corridor. There was no chapel, no reading room. There was no hospital, for, as an 1891 Warden's Report noted cheerily, "The cells are so large, light, and airy there is no need for one."

And the inmates had other complaints. Although the food was better than it had been in the fifties, when the inmates' only break from the regular fare of baloney and beans was the two hard-boiled eggs each prisoner received for breakfast on Easter morning, it was still bad. Like any old building near a river, the jail's site on the banks of the Charles made it attractive to rats, cockroaches, and waterbugs. It also had pigeons. Barely eight by eleven, the cells were too small for one person, let alone the two prisoners regularly squeezed into them—particularly since the inmates were allowed out but one hour a day. Finally, the plumbing was shot after a century of use. But, because the 1851 plans showing where all the pipes went had been lost, plumbers had a time trying to fix them.

Through the 1950s, however, inmates put up with these conditions. Some even liked them. Guards can remember a collection of high-class drunks who came into the jail every once in a while to dry out. They tended to be a bit surly for the first few days, but then, said one guard, "they were the greatest guys in the world. They treated this place like a club," he continued. "It's hard to believe, but they volunteered for jobs in the kitchen, did some painting, other odd jobs. They liked it here." One of them, an occasional hospital employee, came to the rescue late one night when a pregnant woman in the female annex suddenly discovered she was due. None of the guards knew what to do, and no medic was on duty. So the prisoner volunteered to deliver the baby. The guards let him out of his cell, the man did his work, and the prison population increased by one without a hitch.

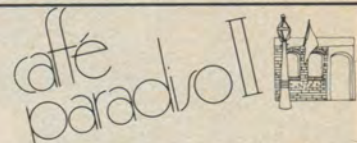
That kind of prisoner was long gone in the seventies. Tensions in the institution had built up year by year, until in the winter of 1972 the Charles Street Jail erupted in the worst riot any of the guards had ever seen. It began at lunch-time when one prisoner yelled that there was a bug in his soup. Suddenly, the whole place was in an uproar. Tables, plates, benches, railings, TVs, everything, flew in all directions. Since the guards

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didn't carry guns (for fear the weapons would be used against them by the prisoners), there was nothing they could do. They quickly evacuated the premises. By the time the Boston police came in with smoke bombs to restore order, the building was a shambles. Sheriff Eisenstadt took a hard line against the inmates, refusing to repair the damages (estimated at a quarter of a million dollars) more than minimally. "I'm tired of throwing bad money after good," he said, somewhat ambiguously. That's when the inmates sued. And that's when Judge Garrity ruled that the housing of unconvicted criminals in the jail had to stop.

Considerable haggling among city officials, Judge Garrity, and the inmates followed, the upshot being that certain stop-gap improvements were made at the jail—and the June 30, 1976, deadline came and went. Cells, for instance, were made single-occupancy (the women prisoners were moved to Framingham to make room), time allowed outside the cells was extended to four and a half hours, visiting days were increased, a recreation room was added, and the medical staff was beefed up.

As 1979 begins, the jail is still home to hundreds of presumably innocent people. And according to the latest plan, it will continue to be for some time, since the city council has voted \$15 million for a project to revamp the jail's interior, leaving the exterior intact. After six years of controversy, that seems to be the solution.

■

Ten years before Garrity checked into his Charles Street suite, prison officials had discovered another good reason to shut the jail down: the thick iron bars across the cell doors and windows had become so brittle with age that it took a high-grade hacksaw less than a minute to cut them. It had taken one Rocco Balliro a little longer than that to get through them when he made what would be the most flamboyant escape in the jail's history.

In 1963, Rocco Balliro was awaiting trial for the brutal murder of his former sweetheart, Mrs. Toby Wagner, and her two-year-old son. The twenty-three-year-old Rocco had told the guards they'd never hold him. "I've got nothing to lose," he'd said. During one tussle outside his cell, it had taken eight men to pin him down. As one guard put it, "He was no pussycat." And Rocco had broken out of one prison already. Still, the guards had only scoffed. Big talker.

True to his word, the night before Rocco was to go on trial for the Wagner shooting, he busted out. Somehow—no one knows quite how—Rocco managed to saw two bars off the window of his cell, slip out onto the catwalk, work his way to an unused cell block, get through a locked door, saw through two bars on another window, climb onto the roof, get down off the roof with a rope he'd fash-



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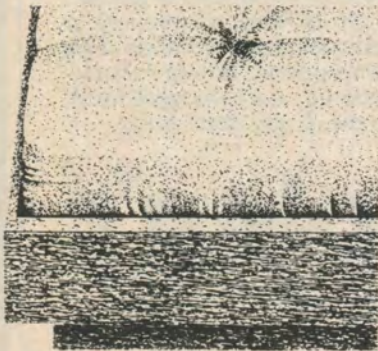
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ioned out of several prison blankets, run across the exercise yard to the outer wall, and use the blanket-rope again to climb the wall to the street.

Rocco was out. But, like most escapees, he didn't stay out for long. He was nabbed later in a Dorchester apartment and is serving a life sentence in Walpole.

One Charles Street guard estimated that one prisoner out of fifty tries to break out. Rarely, however, does he have access to a hacksaw, and so, few of the attempts succeed. One man blew the chief officer's brains out (there's still a dent in the guard-room floor where the bullet hit) to show what would happen to anybody else who tried to stop him, and he marched out of the jail in broad daylight. Another man used a gun to take a male nurse hostage and made it out the front door—only to step into the arms of two FBI agents who happened to be walking by. (Guards speculate that the guns were either smuggled in by visitors or tossed over the wall into the exercise yard.) The current chief officer, Joseph Donovan, foiled one escape attempt years ago, when, acting on a tip, he managed to get a gun away from an inmate before he could use it. He casually unlocked the man's cell, as if he just wanted a quiet word with him, and then slammed him up against the cell wall and shoved him out the door. "C'mon, man," said the prisoner. "At least let me get my shoes!" But instinct told Donovan to keep the barefoot prisoner where he was. As Donovan held him, other guards searched his cell from top to bottom. Sure enough, they found a loaded revolver in one of the man's shoes. "I shook for a full minute after that," said Donovan.

Another criminal got out by forging his own release papers and walking out the front door. Still another escaped by climbing down some scaffolding one night while the central tower was being repaired. But a third didn't do so well. He dived out a third-story window—and was knocked unconscious.

But the escapees they are still talking about down at the jail twenty years later was the time Elmer "Trigger" Burke broke out. He busted out in almost as much style as Rocco Balliro would a few years later.

Trigger was a professional hit man with forty notches in his belt. He was in the can for the attempted murder of Brink's gang member Joseph "Specs" O'Keefe, one of the few targets that Trigger failed to bag.

"He had the eyes of a killer—real cold," one guard remembers. But another said he was "mild-mannered, quiet, no trouble." That's probably why they let him out into the exercise yard one afternoon. It was a big mistake.

Trigger strolled around the yard for a few minutes with the other prisoners, chewing the fat. Suddenly, he made a dash for the big steel door of the solitary-

confinement wing by the street. A guard managed to catch up with the fugitive right by the entranceway and put a hand on his shoulder, but just then, someone pushed the door open from the inside. An arm reached out and shoved a gun between the guard's eyes. "Stand back, you," said a voice, "or you're done."

The guard stood back while Trigger Burke and his accomplice took off down the corridor, squeezed through a hole cut in the bars of one door, and pushed open two others that were supposed to be firmly locked. They were out. Safely on the street, they jumped into a waiting car and drove off. Tony Milano, who is still a guard at the jail, and two other men grabbed some guns and sped after the escapees, but lost them in Kendall Square.

Although the escape had several eyewitnesses, few of them paid much attention. They thought it was being filmed for a movie. The breakout was well planned enough to be taken for an MGM production. Some members of the gang had removed the padlock from the outermost, accordion-type gate and replaced it with one of their own. They had yanked out the cylinder of the lock to the thick door inside that. They had cut three bars on the door inside that one with a hacksaw. And, finally, they had jimmied the door leading to the exercise yard so neatly that it would open with a push. Investigators figured the gang must have been working on it for weeks. Guards said that, yes, come to think of it, they had noticed some suspicious characters loitering around that door at odd hours in the previous weeks.

Police later established that the escape had been orchestrated by Tony Pino, the mastermind of the Brink's robbery (and the Peter Falk of *The Brink's Job*). He had hired Burke to rub out fellow Brink's man Specs O'Keefe, because Pino feared Specs would spill the beans on the then-unsolved Brink's caper. As it turned out, Pino's fears were entirely justified. Thanks to Specs, Pino spent nearly fifteen years in jail.

As for Trigger Burke, he was pinched nearly a year later at Folly Beach, South Carolina, taken to New York, and electrocuted at Sing Sing.

Charles Street escapes may be less picturesque in years to come. One plan for the new jail there calls for the construction of a high-rise annex behind the existing building. How will prisoners break out of a skyscraper? If the jail's history is any indication, prisoners won't be stumped for long. If there are any left, that is. The plans also call for the renovation of the present jail at the same time the annex is going up: they'll be tearing down walls, replacing windows, pulling up floors, the whole bit—while the prisoners are still in the jail. Rocco Balliro, for one, must be wishing they'd thought of that one back in '63. It would have saved him a lot of trouble. □