



short-story contest winner

1st place  
MICHIGAN Bar Journal

# In the Market

By Hon. William C. Whitbeck

*“Grandpa,” the boy says to me, “why don’t you ever talk about your father? Was he a bad man?”*

*“No, he was just a different kind of man. But he wasn’t a bad man. Your father wouldn’t have named you after him if he had been a bad man.”*

*“Was he a lawyer like you?”*

*I laugh aloud. “He was the furthest thing from a lawyer. But he’s probably why I became a lawyer.”*

*“Dad said once that he was a bootlegger. Is that true?”*

*“Truth is what you make of it, Sammie. Let’s just say he was in that line of work.”*

*“Tell me.”*

*I hesitate. The story of Sam Cahill’s life is not the sort of thing one normally tells a child. But the boy should know something of where he came from and who better to tell him than me? And better that he knows it all, not just the rumors. And so I settle back and close my eyes and I am a boy again.*

My father was a stubborn but unlucky farmer. Of course, he had the Irish sickness. For us, the best drink is always the next one. But he worked hard, rising before dawn and pushing himself through the day, often without noticeable effect. Our fields were no rockier than those of our neighbors, but he smashed his plow at least once each spring, or broke the axle of his wagon, or caught his harrow in among the fence posts and barbed wire. He drove a pitchfork halfway through his foot one summer and spent the rest of the year fighting off tetanus, mainly with blended whiskey. Our neighbors, stolid Germans all, took pity on our small family and brought in the crops while my father lay in the back bedroom, wrapped in blankets and shame. In Prohibition he saw an opportunity and he became a cooker.

My father hid his pot-still in the barn that flanked our small frame house and he devoted himself to its operation with the urgent intensity of a man desperate to redeem himself from failure. He listened with close attention to the instructions of his patrons, a large distilling syndicate from Detroit, and he turned the tillage of the farm entirely to corn.

Once he had finished the still, dug the fire pit, and assembled the copper coils, he worked steadily in the old barn. I was fascinated with the still and I sat with him at night. I listened to the bubbling of the mash and watched as he carefully drained off the toxic doublings from the first and the last of the batch, inhaling the smoke of the slow burning fire mixed with the sharp fumes that rose from the distilling alcohol.

My father was a conscientious operator and he flourished briefly at his trade. During the summer, he each week exchanged scores of large milk cans, filled to their wide necks with high-grade ethyl alcohol, for 50-lb bags of sugar from his suppliers and for the regular cash payments that their driver peeled off his roll of bills when he was satisfied with the product.

As with everything in Sam Cahill's life, it was too good to last. One crisp fall evening the sheriff stopped by to pay his respects. My father and I were in the barn, tending the fire, when the sheriff arrived. He smiled pleasantly down at me and patted my shoulder. He was an enormous man, with a bulging stomach and a face that sloped inward to his chin. He balanced a heavy double-bladed ax on his shoulder like a toy. His eyes were calm and he never raised his voice.

"We're about to go into partnership, Sam," he said.

"I don't need a partner," my father said, and the sheriff slapped him twice across the face with his left hand, and then drove the butt of the ax handle deep into his stomach, so that he fell backward across the still. My father screamed and rolled out of the fire pit and the sheriff jabbed the ax handle into his groin, pinning him to the dirt floor.

I was calling frantically for my mother and my brother, Peter, by then and the sheriff backhanded me across the mouth, as if he were swatting a fly. He turned back to my father, pulled him to his knees, and said, in the same soft voice, "You'll want to see this, Sam."

My father watched, kneeling in the dirt and clutching himself, as the sheriff methodically destroyed the still. When he was finished,

he picked up one of the full milk cans and splashed the alcohol carefully against the wooden walls of the barn.

"Get out of here now, Sam," he whispered, and my father and I stumbled out. We stood silently next to our house as the sheriff, his face alight with pleasure, burned the barn.

My father was a prudent man and he made no attempt to re-enter the production side of the business. Rather, after a month-long drunk, he became a puller. Canadian wartime prohibition expired in 1920 and those companies holding charters from the federal government in Ottawa could again legally manufacture the full range of intoxicants, just as the United States clamped down the lid on its own production. Canadian breweries and distilleries were quickly in full-time operation. The flow of beer, wine, and spirits across the Detroit River, the strait that separates the province of Ontario from the state of Michigan, soon became a torrent.

The product poured over the black stretch of water, in fair weather and foul. It came in fake funeral processions in which every car was packed with whiskey. It came by boat in the choppy waves of summer and by car on the chopped ice of winter, by airplane and by submarine, by the bottle, by the case, by the barrel, by the trainload. Fully 80 percent of all the liquor that moved into the United States during Prohibition coursed through the narrow neck of the Windsor-Detroit funnel. There were 25,000 illegal saloons in Detroit, including a number of school pigs that sold whiskey to young children. Little Harry's, Pinky's, and the other speakeasies on East Jefferson did a roaring business, day in and day out.

It was into this cauldron that my father plunged. His concept was by no means original. He would buy, quite legally, in Canada, pull his commodities quickly and quietly across the river in a small boat and then sell them, quite illegally and quite profitably, in Lansing to the hotels, speakeasies, and blind pigs that ringed the Capitol. The farm was the cover for his new enterprise.

During the summer months, we would husband our small crop of tomatoes, cucumbers, peppers, and melons until we had enough for an early morning run to the Eastern Market in Detroit. Occasionally we might actually sell some of our undersized produce to a gullible housewife, but the experienced shoppers passed us by without hesitation and we would idle the day away,





sitting on upended crates and watching the rich urban stew as it bubbled around us.

My father was mainly concerned with sneaking a pull from the bottle in his back pocket, but I was fascinated by the diversity of dress and dialect, the mixture of the customs and culture of the old world with the clang and the clatter of the new. Poles from Hamtramck shouldered impatiently in front of downriver Hungarians. Bearded Jews bartered with hard-handed Italian stonemasons. Negro domestics filled their shopping bags with fresh fruit and vegetables for the evening meals they prepared for their employers out on the Gold Coast. Gypsies with their flashing vests and their flashing hands worked their way through the crowds and I would delight in watching them pick the pockets of the unwary.

The market would empty in the evening. My father and my brother, then in his early teens, would rattle off in the darkness, leaving me to stand a forlorn watch over our unsold goods. They would row the lugger across the river, a man and his boy out for some evening exercise. Then they would make the purchase from my father's supplier, known to the trade only as King Canada.

The return trip was the difficult part. Since my father was usually well gone by then, Peter would row the small boat back with the oars carefully muffled. The Prohibition Navy, a motley collection of police pugs, bored customs officials, and raw Coast Guard recruits, was corrupt but inefficient, and they rarely apprehended the small-time operators. The real danger came from the pirates and hijackers who operated from the downriver Barbary Coast. They were pitiless hoods that my father managed to avoid through a combination of patience and caution.

After the two smugglers returned from their evening's adventure, I would hop aboard the ancient truck and Peter would drive slowly back home. Our cargo would clink and jounce in the back under the canvas tarpaulin, and my father would mumble to himself in his drunken half-sleep.

When I was not in school, I would often make the rounds with my father as he plied his trade in Lansing. Hotels were among his

biggest customers, and the stop at the old Downey was my favorite. Legislation was passed in the lobby, governors and senators were made and unmade in the bar. With Prohibition, the drinking moved upstairs and I would sit quietly in one of the leather chairs in the foyer, my feet dangling in front of me over the green marble floor, while my father transacted his business. I did not view him as a criminal. In those years, he was my only hero.

My father's line of work, however, was not one that favored heroes, particularly those that drank too much. As Prohibition wore on, the free market of the cross-river trade gave way to a net of cartels, complete with assigned territories and complex commercial rules.

At the center of the web was the Purple Gang, radiating outward from the back alleys and crowded tenements of Detroit's east side. They were as purple, one of their early victims said, as spoiled meat. When there was movement on the web, whether it was bootlegging, extortion, insurance fraud, or hijacking, the Purples felt the movement and responded. With over 500 murders to their credit, they were particularly good at discouraging competition.

My father was given the opportunity to merge with the Eastside Mob, a rival of the Purples that branched out from bank robbery into bootlegging by taking control of the upper Detroit River. An emissary from the mob delivered the invitation personally one sunny Saturday morning as we were setting up our stand at the market. When my father declined, the mobster merely nodded. I thought him a polite man, very unlike the sheriff.

That evening, the two smugglers came back from their run without a cargo. King Canada had refused my father's money, without explanation and without regret. The situation was the same with the other major suppliers and my father ultimately was compelled to work his way through the labyrinth of inlets and coves that lined the Canadian side of the river.

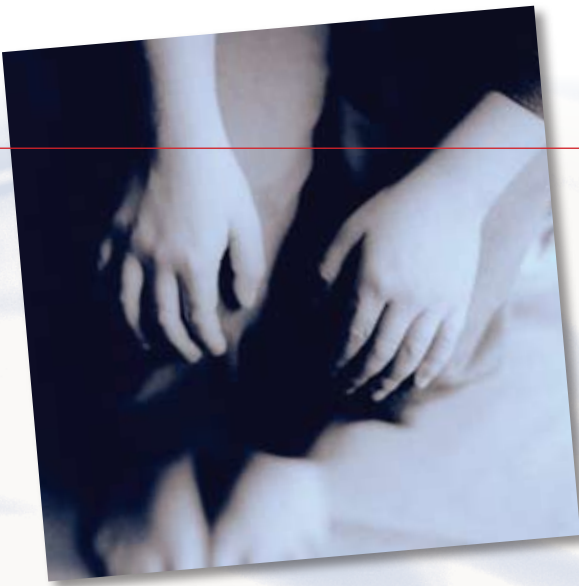
He began picking up odd lots from the small operators who backed their trucks down to the water's edge and sold to all comers. The transactions were conducted swiftly, since the Canadian coast was notoriously dangerous. The parties counted the money out and loaded the cases into the boat in a matter of minutes. The sellers often made side arrangements with the hijackers and signaled them by flashlight when a boat carrying a full load was on its way across.

My father knew the risk but he persisted, his fear of another failure outweighing all other fears. When he and Peter left me at the market, he would squeeze my shoulder, take a swig from his bottle, and walk to the battered truck without looking back. I would run behind the truck until it turned onto the street and disappeared into the darkness.

Then I would wait, huddled in a blanket against one of the warehouses that lined the market, until they returned, wet and exhausted from the pull across the river. I would run to my father and he would hold me again, but his face would be set and tired and his mumbles would turn to moans on the slow drive west to our farm.

One August evening, the truck did not return. I stayed silently at our stall all the next morning. When the panic finally overwhelmed me, I sought out the fattish beat cop who patrolled the





market. He was sitting on a folding kitchen chair in the shade of one of the warehouses. In front of him was a card table piled with food, his spoils for the day. He ate steadily as he listened to me. When I finished, he looked at me for a moment and then simply waved me away. Ultimately, though, he agreed, in exchange for all of our produce, to drive me to the old Beaubien police station and there I found my brother.

Peter sat on a long wooden bench at the front of the station. He was alone and the flood of police business eddied around him. He clasped his arms over his chest and rocked back and forth with a slow deliberate rhythm. When I sat down next to him, he glanced at me once with no movement of his head and then he looked up at the tin ceiling. His voice when he finally spoke was as parched and fine-grained as sandpaper.

"Dad's gone," he said. "I'm supposed to wait here until they find him, his body."

It was as if a door had swung shut, out of my sight and hearing, and now I could only push at it, childishly. When Peter began to talk, he spoke without inflection or pause, and with each word that door became more firmly stuck shut.

The run to Windsor was routine, and so was the pickup. But when Peter rowed the lugger out into the river for the return trip, a sleek dun powerboat roared suddenly out of the fog and cut its engines alongside the lugger. The man at the wheel wore a silvery gray suit and a matching fedora. His voice hung on the mist as he ordered my father and brother to load the cases of whiskey into the larger boat. My father dropped one of the cases but the man only laughed at his drunken clumsiness. When they finished, the man in gray emptied his tommygun into the wooden rowboat at the waterline.

When the boat finally sank, my father clutched at Peter and began to thrash in the darkness of the river, alcohol and panic fueling his struggles. "At first I thought we'd make it easy," Peter said. His voice was now a curious singsong, and he looked up at the ceiling while he rocked.

"Then I started to get tired and I swallowed some water. I let go of Dad just for a minute to rest and he grabbed me and we both went under. I couldn't get behind him and I couldn't see. He

was kicking and I was kicking and then he just stopped. Maybe I hit him down there."

He gave me another slanting, sideways glance. "I had to, otherwise we'd of both drowned," he said.

I knew then that the door would never again open and I began to sob. But no one in the station paid me the slightest attention and after a short time I stopped.

My father's body washed ashore the next day. My mother took the bus to Detroit and we all drove home together. The three of us were jammed in the front of the truck and my father was wrapped in the tarpaulin in the back. His body was beginning to bloat and the skin of his face and hands was puckered and whitish gray. We buried him quickly and Peter and I never again spoke of the circumstances of Sam Cahill's death.

The man who left my father to drown in the dark was a romantic figure. The tabloids that recorded his exploits called him the Gray Ghost. In fact, he was only a feral thug who stole and killed on both sides of the river without scruple or remorse. Within a year, he too was dead. The Ghost stiffed a large Canadian supplier. The supplier let a contract and the Purples executed it. According to the tabloids, they set out to make an example of the Ghost. Lev Bernstein shot him six times and then draped his body over the wheel of his powerboat and launched it, afire, into the Detroit River. It was all in a day's work and the Purples were good at that kind of work.

It was as if a door had swung shut, out of my sight and hearing, and now I could only push at it, childishly.

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*The boy looks up at me. "Did you get any of them, those Purple Gang crooks?" he asks.*

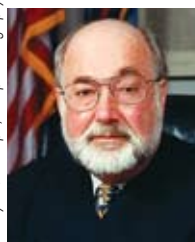
*"No, by the time I became a prosecutor they were all gone. But there are always plenty of crooks and I got some of them."*

*"Was your father a crook?"*

*"Sammie, he was just a man, trying to survive in a tough time. He ended up on one side of the law. I ended up on the other. It was illegal, what he did, but he wasn't a crook."*

*I am an old man now and I have no faith left in certainties and I decide to tell him the last thing. I know that later, when his father confronts me, I will regret saying it. But truth is what you make of it. "Looking back on it, I'm not sure how much difference it made. It's just how you choose up sides." ■*

Photo by David Trumple, Trumple Photography



*William C. Whitbeck is the chief judge of the Michigan Court of Appeals. He has served on the court for over eight years; the Michigan Supreme Court appointed him as chief judge for successive two-year terms in 2001, 2003, and 2005. Chief Judge Whitbeck is a graduate of the Medill School of Journalism at Northwestern University and the University of Michigan Law School.*