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## Pinball Wars: Slot Machines, Pinball Games, Racketeering, and Murder in Mid-Twentieth Century Rural Illinois

Benjamin Bradley  
benbr14@gmail.com

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PINBALL WARS: SLOT MACHINES PINBALL GAMES RACKETEERING AND MURDER  
IN MID-TWENTIETH CENTURY RURAL ILLINOIS

by

Benjamin J. Bradley

B.A., Southern Illinois University, 2018

A Research Paper

Submitted in Partial Fulfillment of the Requirements for the

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Approved by:

Jonathan Bean, Chair

Pamela Smoot

Joe Sramek

Graduate School

Southern Illinois University Carbondale

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## **AN ABSTRACT OF THE RESEARCH PAPER**

Benjamin J. Bradley, for the Master of Arts degree in History, presented on April 1, 2021, at Southern Illinois University Carbondale.

**TITLE: PINBALL WARS: SLOT MACHINES PINBALL GAMES RACKETEERING AND MURDER IN MID-TWENTIETH CENTURY RURAL ILLINOIS**

**MAJOR PROFESSOR: Dr. Jonathan Bean**

Pinball was seized upon by organized crime for its ability to pass as an amusement device rather than a gambling mechanism. Pinball inherited this role from slot machines, which were often disguised as novelty toys or vending machines to circumvent increasingly strict anti-gambling laws in early twentieth century America. Pinball uniquely filled the role as a gambling device because of its ability to appear as a game of skill and amusement rather than of chance and speculation.

In January of 1960, Bunice Tyner, a resident of Marion, Illinois was murdered in what the local press dubbed a pinball war. His murder marked a high point in a struggle by organized syndicates fighting for regional monopolies on the coin-operated machine industry, especially those machines related to gambling. The close tie of pinball machines to the gambling industry in their early inception caused many Americans to view them as mechanisms of vice. However, the lucrative money the machines could help generate in small towns allowed their tolerance, even when the machines were used for the purposes of illegal gambling. The press generated around the violent struggle for control of pinball is a lens for which to study the culture, politics, and underground world of southern Illinois.

## **ACKNOWLEDGEMENTS**

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## HEADING 1

### THE MURDER OF BUNICE TYNER

On the chilly Thursday evening of January 28, 1960, the body of fifty-eight-year-old Bunice Tyner was found in the back of his brand new 1959 Oldsmobile, on a remote farm road, just south east of Goreville, Illinois. Tyner had been shot at least twice, both bullets fired “under the right shoulder,” one found still in his coat. His killers bludgeoned his head to the point of being unrecognizable. Johnson County Sherriff, Glenn Dallas, had “never seen a man beaten like he was.” An autopsy concluded the attacker or attackers had likely ambushed Tyner and beaten him over the head with a crowbar like object. After the beating, he was shoved into the back seat of his car and shot. Just two months later, investigators found a bloody hatchet near where they discovered Tyner’s body.<sup>1</sup>

Tyner’s murder remains unsolved as of this paper and in all likelihood, the case will remain cold. According to the newspapers, Tyner had not led the life of a saint. He worked as a bootlegger during prohibition and associated with men caught running prostitution rings. He married multiple times and openly took a mistress for the final seven years of his life. Tyner

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<sup>1</sup> “Weather History Archive” *The Old Farmer’s Almanac*, accessed 26 November 2019, <https://www.almanac.com/weather/history>; “Restaurant Owner Brutally Bludgeoned, Shot to Death: Bunice Tyner’s Body Found in Johnson County, Investigate Possibility of ‘Pinball War,’ Robbery,” *The Marion Republican*, January 29, 1960; “Father Tyner Was Killed From Ambush in 1927,” *The Marion Republican*, January 30, 1960; “No Good Leads in Tyner Case: Sheriff Thinks Shooting Was Dictated By ‘The Syndicate,’” *The Marion Republican*, February 1, 1960; “Marion Man Found Slain: Bunice Tyner Is Beaten And Shot; Pinball Link Under Investigation,” *The Southern Illinoisan*,” January 29, 1960, 1; “In July Statement Victim Told Newsmen of Pinball Pressure” *The Southern Illinoisan*,” January 29, 1960, 1; “Anyone See Bunice Tyner? Investigators Seek Clues,” *The Southern Illinoisan*, January 31, 1960, 1; “Car Driven Into Strip Pit: Tyner may Have Received Strong Warning,” *The Southern Illinoisan*, January 31, 1960, 1; “Clues Still Sought: Evidence Hard To Find In Tyner Murder Case,” *The Southern Illinoisan*, March 23, 1960, 13; “Bunice Tyner, 58, Beaten to Death” *The Billboard*, February 8, 1960, 77; WCIHS, “1960, The Cold Case Murder of Bunice Tyner” accessed October 1, 2019, <https://www.mihp.org/2013/12/1960-the-cold-case-murder-of-bunice-tyner/#more-7552>; Sam Lattuca, “Looking Back: Pinball Machines and Syndicated crime in Marion history” *Carbondale Times*, October 11, 2017, <http://www.carbondaletimes.com/lifestyle/20171011/looking-back-pinball-machines-and-syndicated-crime-in-marion-history->; Special thanks to the SIUC University Archives, especially Walter Ray and Matt Gorzalski for suggesting the Tyner case and lending their microfilm reader to look into *The Marion Republican* and *The Southern Illinoisan*.

operated multiple cafe's and taverns some of which were shut down for selling alcohol without a license. He had been arrested for buying stolen liquor with intent to sell, though after a hung jury, the courts dropped the case. Finally, a lien was filed against Tyner for unpaid federal taxes in 1957. When his wife received news of his death, "she told officers 'I'd expected it.'" However, none of his associates were believed to be suspects. Rather, the papers, Tyner's girlfriend Verbal Helms and Sheriff Glen Dallas revealed Tyner's desire to "expand his pinball operations" led to his death. *The Marion Republican* warned of the "Possibility of Pinball War."<sup>2</sup>

Before his death, Tyner claimed to be under threat from a group Sheriff Dallas, *The Marion Republican*, and *The Southern Illinoisan* referred to as "the syndicate." The papers at the time identified Edward L. "Buddy-Buddy" Harris of nearby Chester, Illinois as the leader. Despite being questioned for two hours, local authorities never charged Harris or anyone else for the murder. *The Southern Illinoisan* revealed after the murder, Tyner and a few other local tavern owners had told the newspaper, local officials and competitors pressured them into selling their pinball machines to Earl Walker. Walker had sold his units to Harris the same year, though details are unavailable regarding their relationship. The harassment believed to be associated with the syndicate continued.<sup>3</sup>

If they are to be believed, Tyner and business partner Willard "Tiny" Rhoades both experienced more than empty threats in the months leading to the murder. *The Southern Illinoisan* reported Rhoades' tavern and home in Herrin, Illinois had been set on fire in January 1959. The fire in the tavern destroyed pinball and slot machines, and police suspected arson in both cases. In March of the same year, authorities closed a tavern owned by Tyner for illegally

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<sup>2</sup> "Brutally," *Republican*; "Leads," *Republican*; "Warning," *Southern*, 1; "Lien Filled," *The Southern Illinoisan*, May 12, 1957.

<sup>3</sup> "Pressure," *Southern*, 1; "Warning," *Southern*, 1.



selling whiskey. Tyner claimed in July that a local government official threatened “trouble” if he continued to operate his own pinball machines instead of Walker’s just before they closed his club. Finally, two months before his murder, Tyner’s 1958 Ford truck was stolen and driven into a strip mine pit after he had gone to *The Southern* to complain about racketeering by Harris and unfair and selective treatment by local government and police. *The Southern* did not publish Tyner’s complaints until after his death because “at the time because it was impossible to get independent corroborative evidence.”<sup>4</sup>

A murder, or even a “war” over the operation of pinball machines may seem ridiculous by today’s standards, though actually the issue was present throughout much of America, and particularly rural and southern Illinois during the mid-twentieth century. Rather than a game for amusement, “operators” used pinball, from its inception in the 1930s and throughout the 1960s for gambling.<sup>5</sup> Significant profits from illegal gambling and its history with organized crime created an environment of regional racketeers. They controlled territories like feudal lords, ignoring state laws and sometimes resorting to violence to drive out competition. Rural areas may have been particularly susceptible, where counties or small towns might significantly increase revenue by charging small licensing fees for “amusement devices” and ignoring the more nefarious usages. Tavern owners may have welcomed the machines as a means of attracting customers or receiving a cut of the pinball profits. Meanwhile the owners or as they often referred to themselves the “operators” of these machines often used any means possible to ensure no matter the tavern, only their machines would be in use.

In 1950, Illinois Governor Adlai Stevenson claimed the biggest challenge to the state to

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<sup>4</sup> Ibid.

<sup>5</sup> “Operators” was a commonly used term to refer to the owner of the pinball machines, especially ones who owned machines in multiple establishments. Harris and Walker would both be considered operators.

be illegal gambling, and the state and local officials which refused to enforce the law.<sup>6</sup> Illinois allowed gambling only at horse tracks with state approval. Ironically, many manufactures of pinball and slot machines called Chicago home. The decades prior had seen some of the most notorious organized crime syndicates in U.S. history, with the Shelton Gang officially ending their involvement in gambling that same year when the only living brother of the original Shelton trio moved to Florida.<sup>7</sup>

Also, in 1950, state police, under orders of the Governor, raided taverns in the town of Lincoln and Logan County, just thirty miles from Springfield, the Illinois State Capital. There, a group calling themselves the “Lincoln Pinball Association” (LPA) stood trial and fought to regain possession of dozens of pinball machines the state police seized, arguing the pinball machines were merely “amusement devices.” State police attempted to construct two narratives in the case. First, that the pinball machines had very intricate wiring that allowed automatic payouts to be turned on and off. Second, the larger issue the community faced was racketeering by the LPA to eliminate competition from Logan County. According to Darold Leigh Henson, an English professor, and Illinois historian, wrote the presiding judge disallowed this part of the testimony because it was irrelevant. Perhaps most interesting of all from the Lincoln case, the Logan County sheriff testified on behalf of the LPA, claiming as the automatic payouts were turned off, the pinball machines were no longer gambling devices.<sup>8</sup>

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<sup>6</sup> “Gambling His Big Headache, Stevenson Says,” *Alton Evening Telegraph*, January 3, 1950, 1; “Governor Says Gambling His Greatest Trial: He Suggests Electing Vigorous Officials,” *Woodstock Daily Sentinel*, January 3, 1950, 1.

<sup>7</sup> Tara McClellan McAndrew, “Booze Blood and Bombs: Prohibition in Southern Illinois,” NPR Illinois, August 13, 2020, <https://www.nprillinois.org/post/booze-blood-and-bombs-prohibition-southern-illinois#stream/0>; “Shelton-Birger Partnership Dissolves Into War” *The Southern Illinoian*, last modified February 27, 2014, [https://thesouthern.com/progress/section3/shelton-birger-partnership-dissolves-into-war/article\\_54c5cefe-0012-11e1-ba48-001cc4c03286.html](https://thesouthern.com/progress/section3/shelton-birger-partnership-dissolves-into-war/article_54c5cefe-0012-11e1-ba48-001cc4c03286.html).

<sup>8</sup> Darold Leigh Henson, “The Gambling Raids in Lincoln and Logan County, Illinois, During the Late Route 66 Era,” <http://www.geocities.ws/findinglincolnillinois/pinballwizards.html>, last modified c.2004.

In February 1955, Boy Scouts from Marion Post #140 went to a City Council meeting. Mayor William Shannon allowed the Scouts to ask questions to the council. One boy asked, “if gambling with pinball machines was against the law?” The Police Commissioner, E.E. Weber responded on the city’s behalf, stating if the city licensed machines then they did not “pay off” ergo, not gambling devices. When asked if the machines paid off, the boy scout replied, “about twenty-five of them do,” before naming three establishments in and around Marion. One of the tavern owner, the same Bunice Tyner who would be murdered in just a few years, plead guilty. He and two others were fined \$35.20.<sup>9</sup>

This paper does not seek to solve the mysteries surrounding the Tyner murder. The case certainly suggests organized crime and gambling existed in Illinois outside of Chicago, and further in rural America, not just major cities such as Las Vegas. The above adds little new information to the story. Much of the story can be found on the Marion Illinois History Preservation’s website, or a 2017 article published in *Carbondale Times* by historian Sam Lattuca. However, the circumstances surrounding the murder, specifically the notion of a syndicate formed around the operation of pinball machines, likely seems strange to a reader in the twenty-first century. Pinball in middle twentieth century America was not viewed as a game of entertainment, but as an attempt by organized crime to bypass haphazard gambling laws thrown together by the Federal and State governments with no real way of enforcing them.

How did a game which is perhaps better known for its inclusion on Windows 95 and XP garner the reputation of a gambling device and means of vice? Why was a criminal syndicate organized around the operation of pinball in rural Illinois? Did this exist in other parts of the U.S.? The pinball machine’s origins are filled with “vice,” questionable business practices, legal

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<sup>9</sup> “Boy Scout Surprises Marion, Ill., With Gambling Report; 3 Fined,” *St. Louis Post-Dispatch*, February 8, 1955, 1.

issues, and organized crime. Many early and mid-twentieth century Americans found pinball synonymous with gambling, and the older machines often had more in common with what are today considered slot machines. The term slot machine became common vernacular in the U.S. by the 1880s, though did not always mean what we today attribute it to, a gambling device.<sup>10</sup> The majority of these early machines are more akin to what we today call vending machines, for example placing a nickel into a slot may dispense a cigar. In many cases, they were gambling devices, controlled by underground syndicates and racketeers. The following sections will explore the ways in which slot machines became gambling devices, how pinball machines come directly from these gambling devices, and their ties to racketeering and organized crime.

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<sup>10</sup> A search for the term “slot machine” generates nearly 300 hits between 1840-1879 in a search query of the Newspaper.com archives. The decade of the 1880s generates over 2,000 hits and the 1890s generates nearly 55,000.

## HEADING 2

### GAMBLING AT THE TURN OF THE TWENTIETH CENTURY

The history of the early U.S. and gambling is a rollercoaster of cultural icons, religious values, business opportunities and failures, and differing opinions. The late historian John C. Burnham's *Bad Habits* (1993) discusses rumors about George Washington playing cards, Benjamin Franklin running lotteries, and the existence of cock fighting, and horse racing in early America. Puritans successfully outlawed many forms of gambling from 1840-1860 and "nineteenth-century people never doubted that gambling was invariably associated with the other "minor vices" of the day. Despite this, the practice continued to be "widely and openly tolerated in American communities."<sup>11</sup>

At the turn of the century, gambling was tolerated in designated areas, especially around sports. The term "sports" itself commonly meant playing cards for money. Spectator sports during the middle and later half of the nineteenth century became rife with betting from horse racing to baseball. Seth S. Tannenbaum's research in "The Ever, Watchful Eye of the Magnate" revealed the tolerance of betting in ballparks across the U.S. during the early twentieth century, so long as it was pushed to the fringes of the stadiums.<sup>12</sup> Illinois legalized pari-mutuel betting (a money pool with a house cut) at racetracks in 1927. The Great Depression and appeal of tax revenue caused sixteen states, by 1935, to adopt similar measures.<sup>13</sup> Casinos emerged off the shore of California, on boats just far enough off the coast to allow drinking and gambling during prohibition. "Gambling fitted perfectly into the consumer culture that was developing in the U.S.

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<sup>11</sup> John C. Burnham, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior, and Swearing in American History*, (New York, NY and London, UK: New York University Press, 1993), 147-150.

<sup>12</sup> Seth S. Tannenbaum, "The Ever Watchful Eye of the Magnate: Policing and Ballpark Gambling in the Twentieth Century," *All In: The Spread of Gambling in the Twentieth-Century United States*, (Reno, NV: University of Nevada Press, 2018), 44-69.

<sup>13</sup> Burnham, *Habits*, 158.

in the late nineteenth and early twentieth centuries” thriving on the periphery of society.<sup>14</sup> In the midst of it all, machines of a new industry yielded profits for their inventors and owners.

There were certainly people across the U.S. opposed to gambling on moral and religious grounds, but also those who recognized “a potent social liability” within gambling.<sup>15</sup> In 1906, the U.S. House of Representatives passed legislation making gambling illegal in U.S. Territories. New Mexico’s Governor, Herbert James Hagerman, urged the bill’s passing on both religious grounds and “the welfare and permanent advancement of the people of New Mexico.” The bill failed in the Senate, and New Mexico 1908. The Arizona territory followed New Mexico’s example, passing its own gambling law the same year.<sup>16</sup> Citizens were concerned not just with moral issues, but boys and fathers squandering time and money on needless games rather than food and supplies for their families. Many progressives added gambling to their crusade against vice. From 1908 until 1927, gambling in the states, territories, and localities remained illegal. Gambling in non-parimutuel forms remained illegal until 1931, when Nevada legalized casinos. More importantly, state and local governments held the authority, not the federal government. Many states, such as Illinois, found state law being ignored at the municipal or county level, with local authorities who did little to enforce laws that interfered with private businesses generating revenue for their towns.

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<sup>14</sup> Burnham, *Habits*, 160-161. Burnham does make an important note that many, gamblers and entrepreneurs alike, were unsuccessful.

<sup>15</sup> Burnham, *Habits*, 153.

<sup>16</sup> *Report of the Governor of New Mexico to the Secretary of the Interior*, (Washington, DC: Government Printing Office, 1906), 70; *Report of the Governor of New Mexico to the Secretary of the Interior*, (Washington, DC: Government Printing Office, 1907), 6; Burnham, *Habits*, 152.

### HEADING 3

#### ORIGINS OF THE SLOT MACHINE

By 1851, the San Francisco gold rush turned that city into an urban, diverse, and largely lawless city. A Frenchman, Albert Benard de Russailh, recalled high costs of living, well-paying jobs, “women and good restaurants abound... the police force is largely made up of ex-bandits,” and of course “innumerable stuffy gambling-houses.”<sup>17</sup> By the 1880s, the city became racially segregated, with districts seemingly frequented by all races, though ownership was blocked off by race. A map of what one paper deemed “Chinatown” from 1885 reveals dozens of “Chinese Gambling House, Chinese Prostitution, and Chinese Opium Resorts.”<sup>18</sup> Local historian Daniel Steven Crafts claimed an area between “Montgomery to Stockton along Pacific Street,” known as the Barbary Coast, to be synonymous with the white gambling houses and brothels, while “black and Hispanic establishments were concentrated on Broadway between Grant and Stockton” just a few blocks over, and “French houses could be found primarily on Commercial Street.”<sup>19</sup> In this environment, some of the first slot machines built for gambling began development, production, and operation.

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<sup>17</sup> Albert Benard de Russailh, “Social Life in 1851: A Frenchman’s View”, accessed 20 November 2019, [http://www.foundsf.org/index.php?title=Social Life in 1851: A Frenchman%27s View](http://www.foundsf.org/index.php?title=Social_Life_in_1851:_A_Frenchman%27s_View), FoundSF.org is an independent archive and maintains that Russailh is a primary source, though it is—uncharacteristically—poorly cited. Their publishing does not say where the testimony comes from, but it is likely Clarkson Crane’s 1931 translation of Russailh’s journal titled *Last Adventure 1851*. The book was published by Westgate press, and a copy unavailable for checkout exists at Illinois State University Special Collections. A copy of the original journal *Journal de voyage en Californie à l’époque de la ruée vers l’or: 1850-1852* is (presumably) available for checkout at the University of Illinois at Urban-Champaign.

<sup>18</sup> W. B. Farwell, John E. Kunkler, E.B. Pond, “Official Map of ‘Chinatown’ in San Francisco”, accessed December 2019, <https://www.loc.gov/resource/g4364s.ct002129/?r=0.008,0.212,0.902,0.465,0>; The map was “prepared under supervision of the Special Committee of the Board of Supervisors in July of 1885 and published in the *San Francisco Daily Report* newspaper, it curiously declares gambling houses to be only in Asian districts, with likely white owned gambling houses as simply “white businesses.”

<sup>19</sup> Daniel Steven Crafts, “Barbary Coast” accessed 20 November 2019, [http://www.foundsf.org/index.php?title=BARBARY\\_COAST](http://www.foundsf.org/index.php?title=BARBARY_COAST); Crafts is an Emmy winning composer who grew up in the San Francisco Bay area. His digital essay includes pictures of the area, and the 1896 map seems to back up many of his claims, but the work is not cited to academic standards.

While scholarship is scant on specifics about early slot machines, private collectors and enthusiasts such as Jerry Ayliffe have endeavored to keep the history alive. Numerous sources credit Charles Fey as the inventor of what today is recognized as a “slot machine.” Dates for his most famous machine, the three-wheeled “Liberty Bell,” range from 1885 to 1905.<sup>20</sup> At least two sources claim Fey’s business partner, Gustav Schultz, should receive the credit for the first modern machine, the “Horseshoe”, in 1893. The machine featured a roulette wheel and an automatic payout mechanism.<sup>21</sup> A 1980s collector’s guide, while admitting the impossibility of finding every slot machine, lists the three earliest machines built in 1893. Differentiated from slot machines as “trade simulators,” they had no automatic payouts. The book identified the “Malley Investor” from 1895 as the oldest slot machine, one with automatic payout. Meanwhile, the book dated Fey’s “Liberty Bell” to be from 1905, though noted it for the original three-wheel design.<sup>22</sup>

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<sup>20</sup> Marshall A. Fey, “Charles Fey and San Francisco’s Liberty Bell Slot Machine” *California Historical Quarterly*, 54, No. 1 (Spring 1975), 57-62, Marshall Fey is the grandson of Charles Fey. This article first claims invention of the machine in 1895 (p. 57) but then in a picture description claims 1885, in fairness, M. Fey does hint at the existence of other machines within the same era, M. Fey also accuses Chicago based Mills Novelty Company of theft of a machine in order to reproduce its design, but provides no evidence. He appears to earn a living based off the achievements of his grandfather. His book *Slot Machines: America’s Favorite Gaming Device* was published in 2002 by Liberty Belle Books and was not used in this study over concerns of overt bias, and due to most other works relying heavily on the book already; “CHL No. 937 Liberty Bell Slot Machine Site” accessed on 24 November 2019, California Historical Landmarks (CHL) claims 1895 on their website, but the picture of the historical marker claims 1894 for the first slot machine and 1898 for the Liberty Bell; Dan Glimne, “Slot Machine,” *Encyclopedia Britannica Online*, accessed 21 November 2019, Glimne claims Fey built the machine “4-11-44” in 1894, the “Card Bell” in 1898, and the Liberty Bell in 1899; Jack Harpster, *King of the Slots: William ‘Si’ Redd*, (Santa Barbara, CA: Praeger, 2010), 68-69; Harpster, a longtime journalist, uses the same dates as *Britannica* except for the Card Bell which he states was invented in 1897, Harpster also claims the machines were made illegal that year, but provides no evidence.

<sup>21</sup> Tony Wohlers and Eric Schmaltz, “Charles August Fey,” *Immigrant Entrepreneurship: German-American Biographies*, (Updated March 25, 2014), <https://www.immigrantentrepreneurship.org/entry.php?rec=51>, Wohlers and Schmaltz are both professors of history and have the most thoroughly researched presentation on the matter, though often fall back on Fey’s 2002 book, they failed to provide a patent number for the “Horseshoe” they sight the following source; “Gumball Slot Machine.” *Wisconsin Historical Society*, (May 22, 2008) <https://www.wisconsinhistory.org/museum/artifacts/archives/003346.asp>, this link was taken down sometime after April 22, 2014, it can be viewed on the Wayback Machine.

<sup>22</sup> Jerry Ayliffe, *American Premium Guide to Jukeboxes and Slot Machines: Gumballs-Tradesimulators-Arcade*, (Florence, AL: Books Americana Inc., 1985), 2, 14, 61, 104, 107, 113.



While other machines existed at the time, many “nickel-in-slot” devices either could not pay back winnings or acted as entertainment or vending devices, patrons would present a winning ticket or simply inform the house they had won. Many of the early manufacturers began in the lawless city of San Francisco, but references to “slot machines” or “nickel-in-the-slot machines,” for gambling or other purposes, appeared in papers in every state before 1900.<sup>23</sup> The Liberty Bell may have indeed been the first three-wheeled slot machine, and the Horseshoe the first automatic payout mechanism for gamblers. Regardless, these two features formed contemporary definitions of the slot machine and probably contributed to their popularity.

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<sup>23</sup> Newspapers.com search query, [https://www.newspapers.com/search/#query=%22slot+machine%22&dr\\_year=1870-1900](https://www.newspapers.com/search/#query=%22slot+machine%22&dr_year=1870-1900), states in 1900.

## HEADING 4

### BUSINESS ISSUES

Biter: “Say, this slot machine is a swindle. I’ve dropped five nickels into it and haven’t gotten anything back yet.

Owner of the Machine: “Did you read what it says on top of the machine?”...

Biter reads: “Drop a nickel in the slot and confirm the statement that all the fools are not dead yet!”<sup>24</sup>

The concept of automatic payouts intrigued business owners. “Coin-operated machines are a supreme example of American marketing genius. They were the clerks that never needed a holiday, were always on the job on time, were never sick, and never asked for overtime pay.”<sup>25</sup> Burnham refers to slot machines only in passing, understating their influence in the spread of gambling in the twenty-first century. Many early slot machines mimicked card games, allowing patrons to play poker without the establishment needing to pay someone to deal the cards. “It put commercialized gambling on a five-cent basis and made gambling easily accessible to the public. No other machine was ever invented from which the profits derived were so fabulous on so small an investment.”<sup>26</sup>

Throughout the early twentieth century manufacturers literally added bells and whistles to their machines, giving them the capability to play music, or dispensing a piece of candy or gum, regardless of hitting a jackpot. Designers intended machines to be inviting, encouraging players to put in *just one more* nickel. The dispensed pieces of gum, mints or other small novelties not only encouraged play, but gave the owners of the machine an alibi if accused of gambling. The candy dispensed guaranteed a facade as a simple vending machine. By the 1930s,

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<sup>24</sup> “Pungent Paragraphs” *Idaho Semi-Weekly World*, January 24, 1890.

<sup>25</sup> Ayliffe, *Guide*, 2.

<sup>26</sup> Anonymous, “Slot Machines and Pinball Games,” *The ANNALS of the American Academy of Political and Social Science*, 269, (1950), 62, the editor of *ANNALS* notes the author was connected with an ongoing investigation into slot machine operations and needed to remain anonymous.

pinball would be an extension of this, claiming to be a game of skill rather than chance, with its primary purpose being amusement rather than gambling.

Using a moderate estimate of when the first modern slot machines for gambling began production, the devices likely spread across the U.S. within a few years. Mills Novelty Company, arguably the largest producer in the twentieth century U.S., began producing machines in Chicago as early as 1895. By 1900, Mills bought ads in papers from Brooklyn, New York to Fort Smith, Arkansas. Many recognized those cities in particular to be hotbeds of gambling in early twentieth century America.<sup>27</sup> Despite laws and unpopularity within moralist circles, slot machines used for gambling purposes made their way into bars, taverns, and inns across the U.S.

Exact numbers of manufactured and operated machines are more difficult to find. By 1939, there were fifty-one manufacturers of “vending, amusement, and other coin operated machines,” with a yearly value of \$23,143,000 according to the U.S. Department of Commerce.<sup>28</sup> This was the first and only time the category appeared in *The Statistical Abstract of the United States*. Four issues play into estimating how lucrative and widespread slot machines became by this time. First, the estimate only considers the production of new slot machines and not the secondhand market. Second, only Nevada had legalized slot machine gambling, and writers of the time believed an underground market existed.<sup>29</sup>

Third, the U.S. Department of Commerce groups “vending, amusement, and other coin operated machines” together. This means gambling devices and vending machines all sold under

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<sup>27</sup> Ayliffe, *Guide*, 14; “For Sale Nickel In Slot Machines,” *The Brooklyn Daily Eagle*, May 22, 1898, 29; *Fort Smith Times*, June 24, 1900, 3.

<sup>28</sup> U.S. Census Bureau, *Statistical Abstract of the United States: 1944-45*, 66, (U.S. Department of Commerce, 1945), 825, for comparison 39 manufacturers produced \$29,707,000 worth of sewing machines and industrial equipment.

<sup>29</sup> Anonymous, “Slot”; Rufus King, “The Rise and Decline of Coin-Machine Gambling,” *Journal of Criminal Law and Criminology*, 55, no. 2, (June 1964), 203.

the same category. In fact, because “slot machine” may have commonly referred to any device operated by coin slot, the amount of gambling devices is extremely hard to pin down. *The Industrial Arts Index* refers to both gambling and vending machines as “slot machines” in its 1957 printing, suggesting the trend continued well into the mid-twentieth century.<sup>30</sup> Finally, many devices had dual purposes as discussed earlier. It is entirely possible devices being sold legally as vending slot machines, had a secondary purpose as gambling devices.

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<sup>30</sup> Roberta Purdy, editor, *The Industrial Arts Index Forty-Fifth Annual Volume 1957*, (New York, NY: The HW Wilson Company, 1958), 1885.

## HEADING 5

### LEGAL ISSUES

It should come as little surprise then, where the slot machine spread, legal issues quickly followed. In Topeka, Kansas police and government officials debated, their legality in 1894 while just across the border Kansas City, Missouri declared them “gambling paraphernalia” in 1899.<sup>31</sup> In 1897, the city of Pocatello, Idaho convicted saloonkeepers for rewarding drinks for winners of roulette slot machines.<sup>32</sup> While these examples used existing gambling laws as grounds to restrict and ban use of slot machines, this often did little to stamp out their use. By the twentieth century, localities and states followed suit, passing laws to outlaw not gambling, but specifically slot machines.<sup>33</sup> A San Francisco grand jury, in 1897, had ruled slot machines to be illegal gambling devices, yet citizens ignored the law entirely, forcing the city to pass a new law in 1911.<sup>34</sup> Manufacturers, sellers, and operators of these machines naturally sought to protect their investments from the laws. Much of the business moved underground.

However, many states and localities likely recognized the benefits non-gambling device slot machines could have for local business owners. With gambling already outlawed, passing an additional law against slot machines may have seemed unnecessary, especially when many of them may just dispense a cigar, or display someone’s weight. Machines do not take days off, leave the store, or pay taxes, great advantages over hired employees. Chicago passed city ordinances in 1901, taxing the operation of slot machines which dispensed cigars.<sup>35</sup> In North

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<sup>31</sup> “The Slot Gamblers,” *The Topeka State Journal*, July 11, 1894, 5; “Against Slot Machines,” *The San Francisco Examiner*, January 17, 1899, 3.

<sup>32</sup> “For Playing Solo,” *The Idaho Statesmen*, July 29, 1897, 1; “Slot Machine Bill Passes Assembly,” *The San Francisco Examiner*, March 11, 1911, 6.

<sup>33</sup> For some examples, Haverhill, MA: “Slot Machines Illegal,” *The Boston Globe*, May 19, 1899, 4; Dayton Ohio: “Council,” *The Dayton Herald*, November 25, 1899, 4; Alameda County, California: “County Division Ahead: Bill Making Slot Machines Illegal Gets Big Majority,” *Alameda Daily Argus*, February 28, 1901, 4.

<sup>34</sup> “Slot Machines are not Legal,” *Fairbanks Daily Times*, September 17, 1911, 1.

<sup>35</sup> “For Slot Machine Tax,” *Chicago Tribune*, October 22, 1901, 3.

Carolina during 1903, after a bill banning all slot machines failed, one taxing the operation of the machines quickly passed.<sup>36</sup> The trend was followed nation-wide, culminating when the federal government passed a slot machine tax in 1941.<sup>37</sup> The steadfast mechanical employee went to work for the government.

Manufacturers of slot machines wasted no time finding loopholes in laws targeting their machines. Many early machines added functions to dispense mints, gum, or candy to claim the customer received a product for their nickel, and the trade was a fair one. Fey's own Liberty Bell machine originally used card suits as displays but quickly replaced them with fruit, theoretically the flavor of gum which it would dispense.<sup>38</sup> To this day, fruit remains a common theme on the wheels of machines. Other machines dispensed tickets or tokens with no cash value, or marked "not redeemable," though often operators or barkeeps exchanged prizes behind the counter.

Legal scholar Rufus King recalled in 1964, "the traditional slot machine was clearly on the wane by the 1930s."<sup>39</sup> As pinball machines became popular in the 1930s, manufacturers like Mills found opportunities to skirt gambling laws and replace the slot machines by creating "arcade councils" or "pinball tables". The internet pinball database recorded at least forty-one pinball machine designs produced by Mills in the 1930s and 1940s.<sup>40</sup> Manufacturers shipped machines as arcade or amusement devices. The entertainment value of the game could be considered fair trade for the nickel put into the slot, or so it was argued.

Confident in their argument, Mills Novelty Company published ads in *Billboard*

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<sup>36</sup> "On The Revenue Act," *The Wilmington Morning Star*, February 26, 1903, 1.

<sup>37</sup> King, "Coin-Machine," 204.

<sup>38</sup> Ayliffe, *Guide*, 14, 61.

<sup>39</sup> King "Coin-Machine", 201.

<sup>40</sup> "Search the Internet Pinball Database," accessed December 10, 2019, <https://www.ipdb.org/search.pl?mfgid=218&sortby=name&searchtype=advanced>.

magazine for their “Pearl Harbor One Shot Payout” machine in 1935.<sup>41</sup> *Billboard* magazine dedicated an entire section to coin-operated “amusement machines” through the 1930s and 1940s advertising automatic payout features.<sup>42</sup> With some states allowing legalized gambling, Mills and other corporations could argue the ads targeted those markets. If found to be selling in other states, manufacturers could argue the machines were for amusement, non-gambling purposes, and the operators were responsible. Furthermore, some games required owners turn on the automatic payout feature. Manufacturers could claim that only the owner of the machine was responsible, as they had enabled the gambling features.

Whether a game of pinball or dispensing of candy, these innovations to gambling machines typically did not fool the courts. The judge of an 1894 case in Topeka declared all slot machines gambling devices whether they dispensed cigars or candies.<sup>43</sup> In 1925, a Michigan judge refused to grant injunction against law enforcement officials seizing “self-vendors”, citing case law from four similar trials. The judge found that while someone putting a nickel in the slot knew he would receive something in return, the chance of winning a greater prize enticed customers to continue to play, thus constituting gambling.<sup>44</sup> Broader effects of this decision meant even when the player could not benefit monetarily, the law considered games of chance gambling.

In a 1931 New Hampshire case, a similar ruling on machines dispensing novelty items such as tokens marked “no value” and “for amusement only” as winnings. The New Hampshire Supreme Court ruled even if patrons could not trade tokens for cash or prizes, “the slot machine

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<sup>41</sup> John Gray, “Pearl Harbor Billboard Ad,” accessed December 7, 2019, <https://www.ipdb.org/showpic.pl?id=1770&picno=26371>, originally published October 1935.

<sup>42</sup> For examples, see <https://www.americanradiohistory.com/Billboard-Magazine.htm> accessed December 7, 2019.

<sup>43</sup> “Gamblers,” *Topeka*, 5.

<sup>44</sup> *Gardner v. Daugherty*, 10 F.2d 373 (E.D. Mich. 1925), accessed December 10, 2019, [https://owl.purdue.edu/owl/research\\_and\\_citation/chicago\\_manual\\_17th\\_edition/cmos\\_formatting\\_and\\_style\\_guide/legal\\_public\\_and\\_unpublished\\_materials.html](https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/legal_public_and_unpublished_materials.html), the case is also cited in King, “Coin-Machine,” 200.

was a gambling machine, and the use made of it an act of gambling, within the meaning of the statute.”<sup>45</sup> Similar to the previous case, hazarding money for a payout, whether or not the payout was cash, constituted gambling. Throughout the early and mid-twentieth century, courts frequently ruled in similar manners. This is true of the 1950-51 case in Lincoln, IL where despite local law enforcement and officials testifying on behalf of the owners of the pinball machines, claiming that the pinball games were no more than amusement devices, the court eventually ordered their destruction and fined the members of the Lincoln Pinball Association.

The state and local law enforcement in the Lincoln case is just a single example in the broader issue at hand in the “pinball wars.” The courts were the culmination of the legal system. Manufacturers, operators, and tavern owners came to realize that if they wanted to avoid legal process. Manufactures only needed to persuade local officials and law enforcement that their machines were illegal, or even that laws against them were not worth enforcing. The 1894 case in Topeka, KS, serves as an early example. A newspaper article in *The Topeka State Journal* claimed that while the lawyers largely disagreed, the Chief of Police, Henry Lindsey, saw the enforcement of gambling laws against slot machines as “both far-fetched and without benefit to anybody.”<sup>46</sup> Therefore, slot machine operators had two options, convince local law enforcement their slot machines functioned only as vending machines or simply keep the machines out of the view from people who might report them.

Historian John Burnham argued in *Bad Habits* that vices such as gambling, drinking, drug use, and prostitution often intentionally associated with each other throughout the nineteenth and twentieth centuries. Burnham and others noted how vice existed on the periphery,

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<sup>45</sup> State v. Mint c. Machine, 85 N.H. 22 (N.H. 1931). The case is also cited in King, “Coin-Machine,” 201.

<sup>46</sup> “Gamblers,” *Topeka*, 5. The article also notes the Judge may be persuaded to side with the police view that not all slot machines were gambling devices.



or in segregated parts of communities, which tended to stay out of the news and public eye.<sup>47</sup>

Historian Robert Donnelly argued in Portland, Oregon during the 1950s, public officials only began to enforce gambling laws when coin-operated gambling machines moved from the peripheries into the city limits.<sup>48</sup> In the case of gambling, this may have been a strategic ploy to keep from the public eye and minimize complaints from progressives and moralists.

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<sup>47</sup> Burnham, *Bad Habits*.

<sup>48</sup> Crafts, "Barbary"; Robert C. Donnelly, "Organizing Portland: Organized Crime, Municipal Corruption, and the Teamsters Union," *Oregon Historical Quarterly*, 104 no.3 (Fall 2003).

## HEADING 6

### TROUBLE IN ILLINOIS

Illinois effectively made gambling illegal in 1845, when it added to the state's criminal code that any lost wager could be collected by the loser, and if the loser failed to claim it a third party with the state receiving half of the collection.<sup>49</sup> In 1895, the state General Assembly clarified further that machines running games of hazard or chance "be subject of seizure, confiscation and destruction by any municipal or other local authority."<sup>50</sup> However, by 1897, the *Chicago Tribune* reported widespread gambling with slot machines with very selective enforcement. Illinois had no universal enforcement of these laws as municipal and local authorities exercised discretion in the definition of gambling devices.

The *Chicago Tribune* questioned the motive of Chicago Police Superintendent and Chief Joseph Kipley, when he ordered a ban slot machines and craps games. Kipley stated the games "were calculated to lead young men astray... 'Slot machines teach boys to gamble, and they must go.'" Yet, the *Tribune* noted Kipley's orders only affected the up-town district of Chicago, while the levee district largely ignored the order, and opening gambling continued there.<sup>51</sup> Kipley again ordered raids and removal of slot machines in the city. The *Tribune* claimed the order had little effect, because operators and taverns received advance notice of the order, allowing them to hide their machines. This newspaper further alleged the city tax on slot machines directly contributed at least \$25,000 to the re-election campaign of Democratic Mayor

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<sup>49</sup> Walter H. Moses, "Federal Regulation and State Gambling Laws," *Vanderbilt Law Review*, 1 No. 4 (June 1948), 572.

<sup>50</sup> Law as quoted in: Rufus King, "The Pinball Problem in Illinois—An Overdue Solution," *The Journal of Criminal Law, Criminology and Political Science*, 17, 1968, 2

<sup>51</sup> "He Ties the Tiger: Chief Kipley's Band on Craps and Slot Machines," *Chicago Tribune*, September 21, 1897, 2. The levee town district would go on to be the red-light district associated with Al Capone in the coming decades.

Carter Harrison Jr.<sup>52</sup> A mere four months after he order raids, Kipley was openly mocked for his “fake” enforcement of gambling laws in the satire section of the *Tribune*.<sup>53</sup>

In 1907, a slot machine distributor, J. Schultz, testified before a grand jury to paying friends of the mayor \$20,000. The deal supposedly guaranteed Schultz’s machines would “run along unmolested.” In prior raids, the city ignored machines owned by or leased from Schultz.<sup>54</sup> Chicago continued to be a hotbed for bribed law enforcement and organized crime throughout the early twentieth century, all while the largest manufacturers of slot machines operated out of the city.

Schultz could not only protect his investment from the law, but he could also eliminate his competition. The *Chicago Tribune* reported on a handful of tycoons, who supposedly divided Chicago’s gambling districts. Organized crime could turn law enforcement into a weapon to remove competition, and politicians while law enforcement could turn it into a public relations campaign.

By the 1930s, two prominent gangs controlled much of the gambling in Illinois, the world famous Al Capone operating out of Chicago’s levee district controlling much of the vice in the Chicagoland area, and the lesser known but equally violent Shelton Brothers Gang controlling everything in the state south of Peoria. The Sheltons exercised broad control, using airplanes to drop bombs on their rivals and armored cars to patrol streets during prohibition. Both the Sheltons and Capone established gambling houses with card games, slot machines, and pinball. While King claimed the traditional slot machine’s popularity to be wanning by the 1930s,

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<sup>52</sup> “Orders To Raid Slot Machines: Chief Kipley Send Out Peremptory Instructions for Their Removal. Slow In Enforcement,” *Chicago Tribune*, November 25, 1900, 3.

<sup>53</sup> “A Line-o’-Type Or Two,” *Chicago Tribune*, March 1, 1901, 6.

<sup>54</sup> “Give Hilbert One Last Chance to Confess: Grand Jury Will Once More Ask the Mayor’s Friend to Reveal Secrets,” *The San Francisco Examiner*, April 23, 1907, 2.

accountants for Al Capone testified that just two of the gangster's dozens of gambling houses brought in \$375,000 combined annually, while the total gambling operation may have brought in nearly \$25,000,000 annually in 1929.<sup>55</sup>

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<sup>55</sup> Douglas O. Linder, "Al Capone Trial (1931): An Account," accessed December 10, 2019, <http://law2.umkc.edu/faculty/projects/ftrials/capone/caponeaccount.html>; Commission on the Review of the National Policy Toward Gambling, *Gambling in America*, (Washington, DC: 1976), 40. The CPI inflation calculator estimates \$375,000 in 1929 to be worth \$5.6 million in 2019.

## HEADING 7

### INCREASED ENFORCEMENT

It could be argued that the movement to begin enforcing gambling laws on slot machines, pinball, and gambling devices only occurred with the onset of gang wars fought over their operations turned violent, suggesting gambling itself was not the issue. The efforts of local officials to chase the notorious Sheltons, represent an answer to Governor Stevenson's call for crack downs on gambling dens. Municipalities increased enforcement forced the Sheltons to continuously relocate their center of command. This, combined with wars between syndicates and infighting led to the end of the Sheltons in Illinois by the 1950s.<sup>56</sup>

Henson's arguments on the Lincoln case suggest the presiding judge may have been sympathetic to the LPA at first but sided with public opinion when he thought there may be a promotion to the state supreme court if he made a name for himself.<sup>57</sup> Whether or not this is true, it certainly suggests political power may be an element in the enforcement of Illinois's gambling laws.

Others echoed Chief Kipley's anti-gambling arguments from thirty-seven years prior, noting that slot machines unfairly targeted "the child with a nickel clutched in his grimy fist."<sup>58</sup> More than just young boys being led astray though, the *Scientific American* also notably introduced economic class into the argument:

"It is not the man who can financially afford to spend a few dollars to gain the vicarious thrill of gambling who is the victim of the slot machine. It is rather... the poor, part-time worker who is induced to part with money... the beckoning finger of easy money lures them on, and having lost what little they have, they immediately lay plans for recouping, and the final result all too often is the beginning of a life of crime."<sup>59</sup>

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<sup>56</sup> McAndrew, "Booze".

<sup>57</sup> Henson, "Lincoln".

<sup>58</sup> "Tiger," *Chicago Tribune*, 2.

<sup>59</sup> "Slot Machines," *The Scientific American*, 151 no. 1 (July 1934), 9.

The journal voiced similar prohibitionist views of the early twentieth century even in the midst of the Great Depression. Was slot machine gambling on the decline by the 1930s?

While New York “Mayor Fiorello LaGuardia relished dumping illegal slot machines into the harbor,” a mere five years after his tenure in office, the *New York Herald Tribune* and *Brooklyn Eagle* reported the return of widespread gambling collaborated by police and gamblers.<sup>60</sup> On the other side of the country, Nevada legalized casino gambling in 1931, with a ten-dollar licensing fee per month per slot machines. The *Nevada State Journal* called the move “legalized liberty” in response to the “wide resentment against all forms of restrictive legislation” referencing the Eighteenth Amendment.<sup>61</sup>

Proponents of the bill cited individual liberty, business opportunity, and potential state revenue as reasons to allow the bill. Business opportunity during the Great Depression may have been an attractive option. The largest American slot machine manufacturers produced at least eighty-nine new models during the decade.<sup>62</sup> A Gallup Poll taken in 1938 revealed twenty-three percent of respondents had played a slot machine, two percent more than people who had played cards, and thirteen percent more than those who bet on horse racing.<sup>63</sup> The slot machine remained the most popular, and perhaps the most widespread form of gambling throughout the 1930s.

Capone’s trial for tax evasion may have been a forewarning of what loomed on the horizon for slot machines and their distributors. By targeting Capone, the U.S. Government

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<sup>60</sup> Mathew Vaz, “The News from Brooklyn is Disturbing,” *All In: The Spread of Gambling in Twentieth-Century United States*, (Reno, NV: University of Nevada Press, 2018), 27.

<sup>61</sup> “Liberal Legislation,” *Nevada State Journal*, March 19, 1931, 4; “Nevada’s Wide Opening Gambling Bill Goes to Governor Balzar,” *The Oshkosh Northwestern*, March 18, 1931, 4.

<sup>62</sup> Ayliffe, *Guide*.

<sup>63</sup> George Gallup Jr., *The Gallup Report* as cited in: Timothy J. Flanagan and Kathleen Maguire (editors), *Sourcebook of Criminal Justice Statistics—1989*, (Albany, NY: The Hindelang Criminal Justice Research Center, The University of Albany, 1990), 215, poll question: “Have you done any of the following thing in the past 12 months? Played cards for money, Played a slot machine, Played the numbers game, Bet on a horse race.”

showed willingness and ability to prosecute cases of organized crime, racketeering, and vice instead of such matters falling to local or state courts. The power of the Internal Revenue Service and the Federal Government likely cautioned crime syndicates from operating as freely as they had during the early twentieth century.

Further, by prosecuting Capone, the U.S. Government went after an owner and slot machine distributor, not just the tavern owner who kept it in their shop. King noted the local law enforcement often laid the blame on the “location owners,” those who owned the establishment in which the games were played.<sup>64</sup> Many tavern or bar owners did not directly own these machines, rather a local “jobber” or “operator” would distribute machines to various establishments. For example, in the case of Bunice Tyner, he believed by purchasing his own pinball machines he went against the grain of this system. The local jobbers, Earl Walker and later “Buddy-Buddy” Harris allegedly intimidated Tyner in order to force him and others to use their machines.

What we do not know in the case of Tyner, is just who he upset by trying set up his own machines. From the 1920s through the 1950s Williamson County, IL, where Marion is located, had a reputation of gang wars related to prohibition and gambling. This first manifested itself in the war between bootlegging gangs of the Sheltons and Birger against the prohibitionist Ku Klux Klan.<sup>65</sup> Later the Sheltons and Birger turned on each other, with the Sheltons’ eventually muscling their way into control. By the 1950s though, due to imprisonment and murders, the Sheltons had largely lost control to a handful of smaller operators.<sup>66</sup> Current research leaves the question as to whether the inheritors of the Sheltons’ territory, likely including Lincoln and

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<sup>64</sup> King, “Coin-Machine,” 204.

<sup>65</sup> McAndrew, “Booze”.

<sup>66</sup> Phil Luciano, “In a Hail of Gunfire, Shelton Gang was driven out of Illinois,” *The McDonough County Voice*, last modified July 3, 2008, <https://www.mcdonoughvoice.com/article/20080703/NEWS/307039828>.

Marion, IL, worked together, or paid a larger syndicate to stay out of their own territory. Buddy Harris's reign over Williamson County lasted until the late 1960s or early 1970s, expanding beyond pinball to vending machines, by which time the federal government had begun getting involved. His exit from the scene notably did not bring a complete end to the racketeering, but the violence seemed to die down.<sup>67</sup> Raids on taverns and gambling dens by the FBI in the 1960s, combined with cultural shifts in how the public viewed both gambling and pinball led to a large decline in the violence of the pinball wars in Southern Illinois.

The Federal Government alerted the public to how widespread gambling operations had become. In 1941, Congress successfully passed a stamp tax on coin-operated machines. At the law's onset, devices for amusement were taxed annually at \$10, while those for gambling were taxed annually at \$50.<sup>68</sup> Unlike many state laws at the time, slot machines and gambling were not illegal under federal law. This allowed the federal government to differentiate between the types of coin-operated machines, make it part of the public record, and the jobber-operator-tavern scheme more transparent.

The transparency of slot machines and arcade game ownership allowed an anti-gambling public to hold local law enforcement and government officials accountable.<sup>69</sup> Minnesota estimated it removed 8,000 gambling slot machines after the conclusion of World War II.<sup>70</sup> Just across the border in Wisconsin, IRS records showed 10,000 registered slot machines in the late 1930s and early 1940s. Despite Wisconsin's strict anti-gambling laws written in its constitution, the number increased to at least 45,000.<sup>71</sup> A movement to elect new public officials and create

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<sup>67</sup> "Accused of threatening investigators Harris Indicted," *Southern Illinoian*, December 20, 1968, 3; "Vending Machines and Gambling Figure in Area Crime," *Southern Illinoian*, August 13, 1978, 3.

<sup>68</sup> King, "Coin-Machine," 204; Act of Sept 20, 1941, 55 Stat. 722, 26 USC 4461-2, <https://www.loc.gov/law/help/statutes-at-large/77th-congress/session-1/c77s1ch412.pdf>

<sup>69</sup> Ibid.

<sup>70</sup> John Williams, *Gambling in Minnesota: A Short History*, (Minnesota: House Research Department, 2005), 7-8.

<sup>71</sup> Jonathan Kasparek, "Void in Wisconsin," *The Wisconsin Magazine of History*, 90 No. 1, 36-47.



stricter anti-gambling legislation began to take shape across the United States when many Americans feared the implications of organized crime and racketeers.

These measures helped create a new relevance for the pinball machine. Like the gambling devices that manufacturers disguised as vending machines in the early twentieth century, the pinball machine of the mid-twentieth century could be promoted, sold, and operated as a simple “amusement device.” Many amusement machine manufacturers built in free replay functionality for high scores. Gambling machine manufacturers would often build in a refund mechanism, dispensing winnings based on the number of games won. This was the case with several machines seized by the State Police in Lincoln, IL, with one officer describing them as “the most complicated system of wiring and lights I have ever seen.”<sup>72</sup> Further, if machines did not have the payout function, the location owner could manually award winnings and clear the free games, as in the previously discussed case involving Bunice Tyner and a Boy Scout.<sup>73</sup> This ultimately contributed to the argument for banning pinball, for gambling or amusement, should be illegal as well.

The debate centered on the definition of gambling, and whether free replays fit the definition. A court case in 1942 in Illinois found all free game machines were illegal. The Illinois court relied on a broad definition of a gambling device as one in which money is staked on chance. The lack of control over many elements of the pinball machines meant the player staked money on the chance of a free replay.<sup>74</sup> New York used similar arguments, and also argued pinball machines took up valuable war materials, especially metal.<sup>75</sup> Even if the machines were

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<sup>72</sup> As quoted in, Henson, “Lincoln”.

<sup>73</sup> King, “Coin-Machine,” 202-203; Anonymous, “Games”; Daniel Reynolds, “The Pinball Problem,” accessed November 21, 2019; <http://refractory.unimelb.edu.au/2010/07/18/the-pinball-problem-daniel-reynolds/>; Rufus King, “Pinball”.

<sup>74</sup> *People v. One Pinball Machine*, 316 Ill. App. 161 (1942); also cited in King, “Coin-Machine,” 206.

<sup>75</sup> Reynolds, “Pinball.”

not technically illegal, the sacrifice for the greater war effort superseded simple amusement device manufacturing. The New York law remained in effect until a 1976 pinball demonstration showed the game required some level of skill.<sup>76</sup>

Jennings & Company and Mills Novelty Company, the two biggest slot machine manufacturers did indeed seem to be harmed by the wartime economy. Both companies had begun developing pinball machines in the 1930s, but both ceased development and production by the early 1940s.<sup>77</sup> However, the largest blow dealt to the American gambling coin-operated machine manufacturer was the enactment of another federal law.

In 1950, U.S. Senator Estes Kefauver of Tennessee launched a Special Committee, which toured major American cities to investigate racketeering and organized crime. Kefauver had many of his committee hearings on television and quickly became popular within American households. The committee further exposed the extent of organized crime and racketeering in the U.S., specifically in gambling, slot machine, and pinball operations.<sup>78</sup> The committee's actions put public pressure for federal restrictions on gambling.

In 1951, U.S. Senator Edwin Johnson of Colorado, proposed a bill which targeted the slot machine without making it completely illegal. As the chairman of the Committee on Interstate Commerce, Johnson introduced a bill which made the transportation of slot machines across state lines illegal as the findings of the Kefauver Committee came to light. The passing of the bill dubbed the "Johnson Act" served as an immediate response, harming the American slot machine industry, but importantly allowed continued pinball operations for the next couple of

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<sup>76</sup> Rebecca Paul, "Pinball Prohibition," last modified May 4, 2016, <https://www.6sqft.com/pinball-prohibition-the-arcade-game-was-illegal-in-new-york-for-over-30-years/>.

<sup>77</sup> Search the Internet Pinball Database," accessed December 10, 2019; <https://www.ipdb.org/search.pl?mfgid=218&sortby=name&searchtype=advanced>.

<sup>78</sup> King, "Coin-Machine," 204; King, "Pinball." United States Senate, "Kefauver Crime Committee Launched," accessed December 15, 2019, [https://www.senate.gov/artandhistory/history/minute/Kefauver\\_Crime\\_Committee\\_Launched.html](https://www.senate.gov/artandhistory/history/minute/Kefauver_Crime_Committee_Launched.html).

decades. The Johnson Act failed to outlaw pinball and slot machines outright. However, major slot machine manufacturers took a huge blow. The inability to transport their machines without difficulty may have doomed them, as Mills and Jennings only produced nine new models of slot machines in the decade following the passing of the Johnson Act. Neither company returned to producing pinball machines.<sup>79</sup>

By the 1960s, King noted British, German and Japanese markets boomed with their own slot machines and gave the remaining American manufacturers “brisk competition.”<sup>80</sup> While the legalization of gambling on tribal lands and in Atlantic City, New Jersey seemingly came too late to save either Mills or Jennings, both effectively defunct by 1980, coinciding with a notable decline in violence surrounding coin operated machines and games. While some pinball companies managed to avoid the gambling moniker in the late 1960s and 1970s, they soon found themselves competing with video games in arcades, and eventually home gaming consoles. Much of the pinball industry dried up by the 1990s.

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<sup>79</sup> Internet Pinball Database; “Manufacture: O.D. Jennings & Co.,” accessed December 15, 2019, [https://www.arcade-museum.com/manuf\\_detail.php?manuf\\_id=589&orig\\_game\\_id=&sort=3](https://www.arcade-museum.com/manuf_detail.php?manuf_id=589&orig_game_id=&sort=3); “Manufacturer: Mills Novelty Co.,” accessed December 15, 2019, [https://www.arcade-museum.com/manuf\\_detail.php?manuf\\_id=730&orig\\_game\\_id=&sort=3](https://www.arcade-museum.com/manuf_detail.php?manuf_id=730&orig_game_id=&sort=3). Mills Novelty Co. still exists as of 2019, though only as a repair company for mechanical music machines. The modern company cites its last dealings in the slot machine industry as the 1980s: <https://millsnovelty.com/>.

<sup>80</sup> King, “Coin-Machine,” 207.

## HEADING 8

### CONCLUSIONS

From the 1930s through the 1960s, operators used pinball machines to bypass gambling laws in a socially conservative United States. From the 1940s-1960s gambling crusades at different levels of government cracked down hard on the pinball industry. At the same time, pinball and other slot machines generated massive revenues for their operators and for tavern owners using the devices to attract customers. However, the gray legal space which the machines occupied often required arrangements with local officials and law enforcement to not look too hard at the machines in operation. Tolerance of gambling houses was nothing new to local government officials in Illinois, where notorious gangs under command of the likes of Al Capone and the Shelton brothers ran gambling houses with slot machines in the early twentieth century.

By the time pinball entered the scene, it fell seemingly fell into the hand of the heirs of organized criminals, and pinball rackets carved out regional territories in southern Illinois, intimidating and even killing potential competition. The lucrative revenue these machines seemingly brought in for both operators and local governments likely contributed to the conception of pinball machines as dangerous mechanisms of vice, empowering higher levels of government to intervene in their production, distribution, and operation.

Further research may show a stronger link to organized crime. This was a delicate balance for small town government officials to hold, as these games of gambling or amusement could be great revenue generators, law enforcement may not what to disrupt local businesses, but moral conservatives and Boy Scouts demanded gambling be kept in check. It is likely southern Illinois is not the sole rural area where this proved true, especially before the enactment of the

Johnson Act. There are also potential questions raised about what role politics played. Rural southern Illinois is a traditionally republican region in a traditionally democratic state. Marion, IL where Tyner had lived had a republican mayor every year as far back as at least 1957.<sup>81</sup> There is also a rich collector community for both pinball machines and slot machines. A deeper study into the games themselves and their larger impact on culture especially in the 1970s could be a future avenue for research as well.

This paper sheds light on the use and connotations of the pinball machine in rural southern Illinois, in an era of American history which associated the machine with vice. The murder of Bunce Tyner will remain unsolved, but if indeed he was a casualty of a pinball war, that alone suggests the credibility of that belief. However, there is an argument to be made that the illegality of gambling and slot machines led to the widespread criminal syndication of the trade in Illinois. At the very least, it demonstrates a history of corruption within municipalities in Illinois, reinforcing a tired reputation. What governing body made the devices illegal also mattered. In Illinois, state law made slot machines and gambling on pinball illegal, but largely left enforcement to municipalities. From 1941 on, the Federal government taxed the same devices, which at the state level, were illegal.

The history of pinball in Illinois then provides two lessons. First the over policing of activities in which relatively little harm is done may lead to greater damage than the activity itself. Second, even something as innocent as a game intended for a child's amusement is prone to be used as a means of swindling and taking advantage of people.

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<sup>81</sup> "Cooksey Seeks Treasurer Post in Williamson," *Southern Illinoisian*, December 20, 1951, 3.

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*San Francisco Examiner*

*St. Louis Post-Dispatch*

*Topeka State Journal*

*Wilmington Morning Star*

*Woodstock Daily Sentinel*

**VITA**

Graduate School  
Southern Illinois University

Benjamin Bradley

[Benbr14@gmail.com](mailto:Benbr14@gmail.com)

Southern Illinois University Carbondale

Bachelor of Arts, Economics and History, December 2018

Research Paper Title:

Pinball Wars: Slot Machines, Pinball Games, Racketeering and Murder in Mid-Twentieth Century Rural Illinois.

Major Professor: Jonathan Bean

Publications:

"Finding the Sweet Spot: The Culture and Economics behind SIU Parking Policy, 1946–1989," *Legacy*: Vol. 19: Iss. 1, Article 2.