

CRIMINAL



Episode 74: Catastrophe **Air date: September 8, 2017**

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Jimmy Scott: I would say overall, my childhood was good, except for the early run-ins with the police. I know I got to be well-known amongst junior officers and other police officers in Quincy.

Phoebe Judge: Jimmy Scott grew up in Quincy, Illinois, right on the Missouri-Illinois border. The two states are separated by the Mississippi River. Jimmy was close to his two brothers, Mike and Jeff. The three boys were just one year apart.

Sharon Scott: He would, I think, kind of mastermind something. And then they'd just... He was like a leader type.

Phoebe Judge: This is Jimmy's mother, Sharon Scott. She says that when her kids were little, they got in trouble all the time. Not anything too unusual; smoking cigarettes, ringing random doorbells in the middle of the night. Sometimes they built small fires in their yard. But Quincy is a small town. And so the Scott boys, and especially Jimmy, got reputations. And then, in 1982, when the brothers were 13, 12 and 11, they rode their bikes to their old school, Webster Elementary. The school had shut down the year before; the doors were locked. And so the brothers climbed up a fire escape, kicked through a window on the second floor, and snuck in.

Jimmy Scott: I know we did some ransacking through some of the classrooms. I got me a big red kickball. That was pretty neat.

Phoebe Judge: They wandered into the auditorium, where they'd been in school plays. The two older brothers, Mike and Jimmy, were smoking. The youngest brother, Jeff, asked for a cigarette, but his brothers said no. So he asked if he could hold the lighter. Jimmy dared Jeff to light one of the stage curtains on fire, and Jeff, who was 11, held the lighter against the curtain.

It caught on fire easily and they couldn't make it stop. Mike tried to stomp it out, but it was spreading up the curtains. They ran back towards the window where they'd broken in. And then Jimmy remembered that Mike had taken a grade book. Jimmy lit the grade book on fire too — he was worried about fingerprints — and threw it, along with the lighter, into a classroom, and closed the door. The brothers biked home and promised never to tell anyone.

By 2 AM, the entire town smelled like smoke. People, including Jimmy's parents, watched the school burn from their front porches. 80 firefighters worked through the night to put it out, but it was still burning the next morning. Four other fire departments were called in to help.

Jimmy Scott: We had no idea that it was going to burn to the ground. It was gutted. I think Mom knew, because that's one of the things she did, was she smelled our hands. And Mom knew that something was amiss, but she didn't know the extent or the scope. And I don't think we didn't either.

Sharon Scott: It was probably, I would say, probably about three days later that the police came to the house.

Phoebe Judge: Arson investigators worked with local teachers to identify any kids behaving strangely, which the Scott boys were. And Jimmy had even done some cryptic bragging. The police interviewed the brothers one at a time. Mike first, then Jeff, Jimmy last. They all confessed. They were tried before a juvenile judge with a court-appointed defense attorney. Mike, the oldest, got probation till he was 18, but he would go home with his parents that day. Jeff, the youngest, was sent to live with a foster family. Jimmy, who the judge determined was the instigator, was moved to a youth home to finish out the school year.

Jimmy Scott: Then, if I recall, I was sent to have an evaluation, a mental evaluation. And after that, I think I returned home.

Phoebe Judge: They diagnosed him with mild depression and ADD. By August of 1982, the whole family was back under the same roof, but things felt different. People criticized Sharon's parenting to her face. Other kids weren't allowed to play with the Scott brothers, especially Jimmy.

Jimmy Scott: People knew who I was. And I think that there was a fear, probably amongst teachers and others that, "What's he going to do? What's going to happen? Is he going to do something that's going to hurt me or anybody else?"

Phoebe Judge: After he graduated from high school, Jimmy spent a lot of time hanging out and drinking with his older half-brother, Dan. One night Jimmy had a lot of beers and then lit some wood on fire in an old carport, destroying an antique tractor. And he kept going from there.

Jimmy Scott: Small arsons here and there. I think dumpster fires, maybe a car fire, petty theft, just petty. If something happened in my neighborhood, the cops were the first one to call at our house. They was the first one to show up, "Where was you at? And what was you doing?"

Phoebe Judge: Right around this time, a man named Neil Baker was promoted to detective with the Quincy Police Department. And one of his first cases as a detective was a series of arsons: an apartment, an old carport, and a carwash. He says there wasn't much crime in Quincy. Detectives normally spent their time on misdemeanor marijuana cases. He was trying to find a pattern to the fires, and he was able to connect each fire to Jimmy Scott.

Neil Baker: One was a carwash on Broadway here in Quincy. He was mad at the owner because of something the owner did, I believe, to his brother. One was an old guy's garage here in town, a shed. He had a bunch of wood in it. He was showing off for some friends, he was in his late teens. And one was a young lady that had rebuffed his advances, and he set fire to her apartment house.

Phoebe Judge: When he went to arrest Jimmy, Detective Baker brought along his younger brother, Bruce, also a detective. They arrested Jimmy on six counts of arson and one count of disorderly conduct. Jimmy was 18 years old when he began his seven-year prison sentence. He'd only end up serving three of those seven years. When he got out of prison, he got a job at Burger King, he dated a woman named Susie, they got married, and he went back to hanging out at Dan's house every night.

Jimmy Scott: You know, I was a drinker, partier, loved to have fun. Loved my friends and my family.

Phoebe Judge: And then, all hell broke loose in Quincy, and Jimmy Scott was right in the middle of the worst of it. For today's story, we worked with contributor Noam Osband, who learned that in a small town, people have a very hard time forgetting who they think you are. I'm Phoebe Judge. This is Criminal.

[Music.]

Noam Osband: The summer of 1993 was a memorable one for people living on the Mississippi River in Illinois and Missouri. The winter before, they'd seen particularly heavy snowfall, and then that spring and into the summer, it just rained and rained and rained. Two to three times the normal amount of rain. The soil was saturated, so the rainwater just ran into the river.

Sharon Scott: I mean, we just had kept having rain, rain, rain, rain, rain, and everything just kept going up. The rivers kept going up. And they was trying to keep the levees from breaking, and they was breaking all the way up and down the Mississippi.

[Montage.]

Speaker 1: Thunderstorms are likely tonight, and the National Weather Service is still saying locally heavy rain.

Speaker 2: They are patrolling, they are sandbagging, they are cutting brush so they can get to even more levees so that they can maybe get some bulldozers in.

Speaker 3: This morning, I have declared a state of disaster for the city of Canton.

Speaker 4: Can you tell me what the river state is at Quincy, please?

Speaker 5: Where's it all going to go?

[Montage ends.]

Noam Osband: More than a thousand levees failed that summer along the Mississippi and Missouri rivers. 20 million acres were destroyed, more than 500 counties flooded, doing almost \$15 billion in damage. But the town of Quincy was safe. It sits up high on limestone bluffs, protected from the river. However, its sister city, just across the Bayview Bridge, West Quincy, Missouri, was not safe. Not at all. Their levee simply wasn't tall enough. So they tried to bulldoze the dirt from the base of the levee up toward the top, and then started lining it with plastic sheets and put sandbags on top of that. 3.5 million sandbags in all.

Sharon Scott: Well, everybody was working very hard to keep the levees from breaking. And it was a hot summer and everybody was just doing their part, filling sandbags and that.

Noam Osband: One of those volunteers was Jimmy Scott.

Jimmy Scott: I started working on the West Quincy levee, having patrol walk, pile sand bags. I think I did that for like four or five days.

Noam Osband: Jimmy says he took the work seriously and felt useful. When he finished working at the levees, he often went to Dan's house for beers. There were always a lot of other people hanging out there, watching baseball and drinking. And Jimmy told them stories about what he'd seen happening at the river. One evening, Jimmy played basketball with some teenagers in Dan's driveway. One of the boys asked Jimmy if he was scared the levee would break, to which Jimmy replied, "If the levee breaks, then we'll have good catfishing in West Quincy." On July 13th, engineers said the levee could hold 32 feet of water. The water level was at 31.9.

[Montage.]

Speaker 6: Hundreds of communities and thousands of people are bracing for the highest water in 20 years.

Speaker 7: I told my husband, "I'll stay till I see the first snake, and then I'm gone." [Laughs.]

Speaker 8: They think they've got the levee high enough. They're worried now about what's seeping through the bottom.

Speaker 9: Well, meanwhile, the levees at West Quincy and Hull, Illinois, are holding as tensions rise. Flood watch '93 is next.

[Montage ends.]

Noam Osband: On the night of July 14th, Jimmy was back at Dan's, and his wife Susie was there too. Jimmy chatted with a 16 year old named Joe Flax. Jimmy talked about wishing his wife wasn't always around. She worked across the river in Taylor, Missouri, and Joe Flax remembered Jimmy saying, "If that levee breaks, I hope it strands Susie over in Taylor, so I can party here without her."

On July 16th, the water was cresting. And even though the Army Corps of Engineers and National Guard had been able to make the levee taller by bulldozing sand upward, that process also thinned the levee walls pretty dramatically. Jimmy went down to the Bayview Bridge to help and told a National Guardsman that he'd already been taught how to spot trouble areas. Jimmy joined another volunteer and they got to work, inspecting a one mile stretch.

Jimmy Scott: There was a larger amount of water or seepage in one section of this levee. And I was like, "Well, we need to find somebody in charge and go tell him."

Noam Osband: According to Jimmy, they set out in opposite directions to try to find someone in charge. Jimmy walked south, and when he got to the Bayview Bridge, he found Sergeant Duke Kelly. This was just before 2 PM. Sergeant Kelly asked Jimmy to lead him back to the trouble spot. And according to Jimmy, the two men walked about a half mile before Sergeant Kelly realized they were walking toward a low-priority area.

Jimmy Scott: He stopped and said, "My main concern is with my guys south of the Bayview Bridge, but I'll make sure I inform somebody and let them know."

Noam Osband: Sergeant Kelly turned back, but told Jimmy to keep an eye on it, and that if it got worse to let someone know.

Jimmy Scott: Everybody thinks when they talk about a sandbag levee that it's sandbags, a row of sandbags. That wasn't the case. Every so often they had sandbags to where they used to usually sure up a depressed area. And the levee was like up and down, up and down. It wasn't a solid height all the way down the levee, it was up and down, up and down, up and down. I took sandbags from the brim and put them on a depressed area of the levee. [Sighs.]

You heard the levee break. I mean, being on the Bayview Bridge, I seen trees cracking, and it was loud. We heard the rushing water from half a mile away, a quarter mile away.

Noam Osband: A hundred foot gap opened in the levee. Over 14,000 acres of farmland were flooded. Barges were propelled from the river onto farmland, and one crashed into a gas station, which promptly exploded. The Bayview Bridge was shut down for two months, forcing drivers to go hours out of their way to cross the river.

[Montage.]

Speaker 10: All traffic on Quincy's Bayview Bridge was forced to stop when a levee just several hundred yards upstream of the bridge broke, and the fight to save all this land was over.

Speaker 11: And this happened three minutes ago. This was three minutes ago, folks. Water is spilling out over into West Quincy and people, understandably, are being asked to evacuate the premises because of a fire that has erupted at the [inaudible] storage station.

Speaker 12: Gentlemen, back behind the squad car, now.

Speaker 13: It's so difficult to describe, to see that quantity of water and to know that the destruction of what is coming, it's just moments away.

[Montage ends.]

Noam Osband: Jimmy says he was walking back to his car when he was stopped by Michelle McCormack, a reporter for local TV station WGEM. He told her that he'd seen water coming in, and moved sandbags on top of the puddle. After that, he stayed on the scene and helped the Coast Guard unload boats from a truck. And then he spoke with Michelle McCormack again for the 10 PM broadcast.

Neil Baker: That night I'm watching TV, the news. Because I watched the news. And I see James Robert Scott standing on the bridge talking to a reporter, and she was doing a fine job interviewing him.

Noam Osband: Detective Neil Baker was at home watching this, and he just couldn't believe Jimmy Scott was actually there to help.

Neil Baker: He did not look like somebody who'd been working on a levee, and the heat was incredible. It was very humid. It had been raining every frigging day for quite a while. This guy was a little sweaty and stuff because it was so hot. He didn't have on a life vest. He didn't couldn't answer this good reporter's, any of her softball questions, she wasn't interrogating him. "Who were you working with? Where were you working? What'd you have for supper? Where'd you have supper?" Couldn't answer anything. And I'm looking at him, I knew him from previous encounters, and it looked to me like this is a guy that had something to hide, and who could barely contain himself.

Noam Osband: The news made it clear that Jimmy was one of very few eye witnesses. Everyone else was working along parts of the levee that seemed weaker. Bob Noll, the sheriff of a neighboring Illinois County, also watched Jimmy live on TV and wanted to ask him a few questions.

Jimmy Scott: The first time I got interrogated was on July 17th, the day after the levee failed. The evening of July 17th, it was late at night. And lo and behold, who pulls up almost as we're getting out of the car, Sheriff Noll. "Can we talk to you?" I said, "Yeah. What's this about?" He said, "You know what it's about." And I told Susie, "He wants me to go around the Adams County Sheriff's Department." I said, "I'll be home." She said, "No, I'm going with you." And she

did. But I remember we come out and Susie asked me, said, "What's going on?" I was like, "They think I broke the levee." And she said, "Did you?" I said, "No, I didn't."

Noam Osband: Sheriff Noll's next move was to start questioning people who knew Jimmy. He talked with some of the teenagers who'd hung around Dan's house drinking. They told them what they knew and repeated things Jimmy said, about how a levee break would mean good catfishing.

[Montage.]

Speaker 14: On July 22nd, startling news as an investigation is announced into the West Quincy levee break.

Speaker 15: The Marion County, Missouri, and Adams County, Illinois, sheriff's departments, along with the Quincy Police Department, will be investigating the possible sabotage of the levee, specifically the sighting of an unfamiliar man on the levee at the time of the break. Commissioners say they called the law in in order to quell rumors and let levee workers know their efforts were not in vain.

Speaker 16: If this levee gave way of its own effort, we would almost have said it's the Lord's will and the Lord's will also, but if it has been caused by something other than natural occurrence, I believe that the whole community who has pitched in so valuably to help in this levee fight can feel that we were not defeated.

Speaker 17: Now obviously because the tangible evidence has been washed away, investigators will have to gather all the circumstantial evidence that they can.

[Montage ends.]

Neil Baker: The crime was in Missouri, not Quincy, Illinois. But it was a larger issue than that.

Noam Osband: Detective Neil Baker.

Neil Baker: And, of course, the Missouri authorities were pretty constrained what they could do because it was all underwater. So I interviewed pertinent people, I did an investigation, and as well as my brother, Bruce.

Noam Osband: The Baker brothers helped form a task force with other county, state, and federal law enforcement agencies to investigate the levee break. Even the FBI got involved. This went on for months. But Neil Baker felt Jimmy Scott had to be involved.

Jimmy Scott: Him and others said that I made statements that said I wanted the levee to break so I can do some fishing and partying and have Susie on the other side so I can mess around with other women and this and that. I'm not going to say that I didn't make some of the statements that were supposedly made. And I remember telling Neil Baker and his brother the same thing. If I said that, I don't remember, but it was just in a joking manner, regardless.

[Music.]

Noam Osband: On October 1st, the Baker brothers paid a visit to the Burger King where Jimmy worked. They waited in the parking lot for Jimmy to finish his shift.

Jimmy Scott: And as I'm getting ready to pull out, Neil Baker and Bruce Baker pull up in front and pull in front of my car, right where I couldn't pull out. And they come to the car and say, "James Scott?" I said, "Yeah?" "Step out the car." I said, "Yeah." They say, "We got a warrant for your arrest for burglary." "Okay, what'd I burglarize?" "Well, you going to have plenty of time to talk about that. We'll have plenty of time to talk about that." And we get down to Quincy Police Department and they put me in an interrogation room, or a holding room.

Neil Baker: We had actually five crimes to interview him about. Numero uno would have been the levee break, but we thought he might've committed an armed robbery, a purse snatching, a burglary to a vehicle, and bad checks.

Noam Osband: Jimmy admitted to writing bad checks and stealing a backpack from a truck. But, his story about the levee never changed. He told them what he told everyone else all along: that he moved sandbags. He said on tape that he moved at least four to five sandbags, and that he'd never intended to make the levee worse.

There's no physical evidence which shows that he broke it. It's mostly the fact he was there and that there were people, witnesses about things he said. Is that... I have no sense of if that's common or uncommon, for somebody to be convicted on that degree of evidence.

Neil Baker: Without any physical evidence? Well, physically he was there. Physically, he was the first one that saw it break. I know what you're getting at. Physical evidence I think is oftentimes overrated. It's a lot more flimsy than people think it is. And so I'd say, yeah. I'd say that's not that uncommon.

Jimmy Scott: I remember when my trial was going on, the OJ trial was going on. And I remember on the news, you'd see the OJ trial, OJ Simpson trial in big bold gold letters. Well here, when my trial was going, they had the James Scott trial. Same way, big bold gold letters.

Noam Osband: The main question of the trial was whether the levee would have failed regardless of Jimmy's presence. Jimmy didn't testify. His attorneys presented an expert named Charles Morris, a civil engineer from Missouri, who told the jury that the levee was absolutely in danger of failing on its own. Morris said that anyone sabotaging it would have died, swept away by the undercurrent. For the prosecution, experts testified to the strength of the levee. Detective Baker testified, describing Jimmy as a career criminal. And 16-year-old Joe Flax, who by this time was incarcerated himself, recalled Jimmy saying that he wouldn't mind his wife getting stranded on the Missouri side of the river. And then Joe Flax added something he'd never said before — that Jimmy planned to break the levee in advance of July 16th. After a three-day trial and four hours of deliberation, the jury reached a verdict.

Jimmy Scott: I'm the first and only person arrested, charged, tried, convicted, and sentenced of knowingly causing a catastrophe.

Noam Osband: Jimmy Scott was convicted under a Missouri law that makes it a felony to "knowingly cause a catastrophe." According to the law, one can cause a catastrophe by explosion, fire, flood, collapse of a building, or the release of poison, radioactive material, bacteria, viruses, or other difficult to confine forces. Catastrophe is defined as: death or serious physical injury to 10 or more people, or substantial damage to five or more buildings.

Did you know that law even existed? The law about intentionally causing a catastrophe? Had you—?

Jimmy Scott: No. Others didn't either. I'm thinking it's property damage. Matter of fact, when it come to my sentencing, I think my attorneys tried to find other cases that were similar. There is none. There is none like this at all.

Sharon Scott: I don't think they had enough evidence. All right, I'll just say it like this. I think they was looking for a scapegoat.

Noam Osband: Jimmy's mom, Sharon Scott.

Sharon Scott: And he was there, and think, "Well, Jimmy Scott was the one, he was over there, and he was the one that broke the levee."

[Music.]

Noam Osband: During sentencing the judge cited Jimmy's previous convictions, going all the way back to the fire at Webster Elementary. And then he sentenced him to life in prison. We met with Jimmy at the Jefferson City Correctional Center, a maximum security prison.

Jimmy Scott: I have one of the highest profile cases in this camp, the most unique in the state, being that there's no other case like mine at all. And when guys hear about it, "Are you kidding? You're in for murder." I say, "No, I'm not. This is what I'm here for."

Phoebe Judge: Have you ever been convicted of any violent crime?

Jimmy Scott: No.

Phoebe Judge: But you liked fire.

Jimmy Scott: That's one of the things that the judge said at my sentencing. He said it's funny that it started out with fire and ended with water.

Noam Osband: Jimmy's lawyers appealed his conviction on the grounds of procedural misconduct, arguing that the prosecution had not revealed all their witnesses beforehand. The Missouri Supreme Court gave Jimmy a new trial in 1998. This time, the defense called a soil scientist named R. David Hammer, who testified that when the Army Corps of Engineers bulldozed sand from the bottom of the levee walls to the top, they made the walls way too thin. He said it was "absolutely insane," adding that "it wasn't a matter of if that levee would fail, but when." Jimmy was found guilty a second time. He will be eligible for parole in 2023.

Jimmy Scott: There are probably things that I've done in my life, leading up to the flood, that I never got caught for that I should be in prison for, in my personal opinion. But as for the West Quincy levee, no.

Neil Baker: This is a guy that, I don't think there's much beyond what he would do.

Noam Osband: Detective Neil Baker.

Neil Baker: He broke that levee, in my opinion, because he's an arsonist at heart and it was similar to setting a fire. It was a very simple thing to do. People think, "How can one guy do all that damage?" A child could have done that damage. There was not much to it. So he did a hundred million dollars worth of damage.

Noam Osband: There were people in both trials who are experts who had said that the levee seemed like it might've broken anyways and levees had broken in other places. And so, has there ever been a time where you have doubted, I guess, since you first saw it on TV, whether or not he did it?

Neil Baker: No. Not ever. And remember, I have a history with Jimmy Scott. I've talked with him before and referenced other crimes before, and I have a feeling for when he's telling me the truth and when he's lying to me.

Sharon Scott: There's only two that knows what happened that night — and nobody's going to change my mind — that is God Almighty and Jim. That's the only ones. I can't change what happened. Everything happens for a reason. Everything happens for a reason. But me and the river don't get along. As far away from the river I can stay, I'm happy.

[Music.]

Phoebe Judge: Noam Osband.

[Music.]

Criminal is produced by Lauren Spohrer, Nadia Wilson, and me. Audio mix by Rob Byers and Johnny Vince Evans. Special thanks to Adam Pitluk, who wrote a book about Jimmy called *Damned to Eternity*; we'll have a link on our website. Our intern is Mathilde Urfalino. Julienne Alexander makes original illustrations for each episode of Criminal. You can see them at thisiscriminal.com. We're on Facebook and Twitter, @CriminalShow.

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Shows like The West Wing Weekly, where hosts Hrishikesh Hirway and Josh Malina, who was in The West Wing, break down every episode of the show. But it's a lot more than that. They also delve into political issues and source material that inspired the show. In a recent episode, they interviewed Canadian Prime Minister Justin Trudeau.

[Excerpt from The West Wing Weekly.]

Justin Trudeau: Hey guys.

Josh Malina: Hi. I was a little bit daunted when my Skype told me that, "Right Honorable Justin Trudeau is joining the conversation." [Laughter.] Can we establish your fanhood bonafides? Did you watch *The West Wing* when it was originally on?

Justin Trudeau: When I watched this episode, that was the first time I'd ever watched an episode of *West Wing* outside of the regular time slot, with the exception of the Ritchie debate one. I actually watched it a few years ago to try and bone up for my own debates. But I've never actually seen *West Wing* other than when it was scheduled to appear. And I saw pretty much all episodes.

[Excerpt ends.]

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