

# HISTORICAL ROOTS OF POLICE BEHAVIOR: CHICAGO, 1890-1925\*

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In order to understand patterns of police behavior in American cities at the turn of the century, it is important to grasp a crucial fact: the police, although they were formally engaged in *law* enforcement, were little oriented toward legal norms.<sup>1</sup> As late as 1900, when Chicago's police department numbered 3,225 men, there was no organized training. New policemen heard a brief speech from a high-ranking officer, received a hickory club, a whistle, and a key to the call box, and were sent out on the street to work with an experienced officer.<sup>2</sup> Not only were policemen untrained in law, but they operated within a criminal justice system that generally placed little emphasis upon legal procedure. Most of those arrested by the police were tried before local police justices, who rarely had legal training. Those arrested seldom had attorneys, so that no legal defense was made. Thus, there were few mechanisms for introducing legal norms into the street experiences and crime control activities of policemen.

If patterns of police behavior cannot be understood in terms of an orientation toward law, how can they be understood? Four interrelated orientations explain much of the day-to-day behavior of the police, as well as other criminal institutions, in their order maintenance functions during the late nineteenth and early twentieth centuries. First of all, police and courts were highly decentralized and often reflected, in important ways, the values

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1. See, for instance, Mark H. Haller, "Urban Crime and Criminal Justice: The Chicago Case," 57 *J. Am. Hist.* 619-635 (1970).
2. For size, see *Report of the General Superintendent of Police . . . for the Fiscal Year Ending December 31, 1900* (1901). Newspaper reports on induction of new policemen in *Chicago Daily News*, May 4, 1905; *Chicago Record-Herald*, March 20, 1906; and *Chicago Tribune*, November 3, 1906. Most newspaper stories in the period 1904 to 1908 are taken from the Herman F. Schuettler Scrapbooks (2 Vols.), Chicago Historical Society.

of local communities. Democratic sensitivities rather than legal norms were expected to guide police behavior and check abuses.<sup>3</sup> Secondly, the police, part of a larger political system, were a significant resource at the command of local political organizations. Police, courts, and prosecutor provided political leaders with patronage jobs, were a source of favors for constituents, and were important agencies for collecting the money that lubricated political campaigns. Thirdly, criminal justice institutions operated as rackets—providing the means by which policemen and other officials earned extra income. Finally, policemen and other criminal justice personnel developed informal systems of operation that reflected their own subculture and organizational needs. These informal methods of operation bore, at best, only an indirect relationship to the formal legal system.

In short, the police perceived their responsibilities from a number of overlapping orientations. The purpose of this paper is to examine several aspects of police organization and behavior in Chicago from 1890 to 1925 in order to explore the ways in which various orientations shaped day-to-day police behavior.

### RECRUITMENT AND CONTROL

America's major cities developed modern, unified police departments in the 1840's and 1850's. Chicago, a burgeoning rail center and Great Lakes port, established its department in 1855. By the post-Civil War period, in Chicago as in other cities, the department had two major branches. Most policemen were in the patrol service. They wore uniforms and badges, carried handguns and hickory sticks, and patrolled assigned beats. Other policemen served as detectives. They often wore plain clothes and were responsible primarily for criminal investigations. A military model determined the department's organization, symbolized by the fact that supervisory officers had military titles of sergeant, lieutenant, and captain.<sup>4</sup> In more than a century from the Civil War to the present, city police have undergone little change in organization or function. Those changes that occurred have resulted primarily from technology. Most important were communications and transportation advances: the call box,

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3. This has been argued by Wilbur R. Miller in an important article, "Police Authority in London and New York City, 1830-1870," 8 *J. Soc. Hist.* 81-95 (1975).

4. For founding of Chicago police, see John J. Flinn, *History of the Chicago Police* (1887; republ. Montclair, N.J., 1973), hereinafter Flinn, *Chicago Police*; also an excellent unpublished study by David R. Johnson, "Policing the Underworld, 1800-1885: An Experiment in Democratic Crime Control" (1975).

telephone, motorcycle, automobile, and radio. Of much less importance were new investigative techniques such as photography, fingerprinting, chemical analysis of evidence, and, eventually, computer storage and retrieval of information. Despite technological change, policing has remained labor intensive, so that the basic orientations of patrolmen and detectives have continued to determine police activities.

Chicago policemen came to their jobs from a skilled or semi-skilled blue collar experience and from an ethnic, disproportionately Irish, background. In 1887, in a city that was 40 percent foreign born, some 54 percent of the force was foreign born. In a city in which the Irish-born and their children were less than 20 percent of the population, about half the force was Irish—fully 35 percent Irish-born and another 13 percent, at least, of Irish parentage. Only the German-born, with 10 percent of the force, constituted a rival ethnic group within the department.<sup>5</sup> Ethnic diversity continued into the twentieth century, as a 1908 news story made clear:

Assistant Chief of Police [Herman] Schuettler's ambition to have every nationality represented on the Chicago Police force came one step nearer realization yesterday when Frank Z. Khubier . . . was sworn in as one of seventy-four probationary patrolmen. Khubier is a Persian, having been born at Teheran. . . . A Chinese patrolman is all that is lacking now, according to the assistant chief.

In 1913, at a time when the department numbered slightly more than 4,000, there were 83 black policemen.<sup>6</sup>

Biographical sketches of policemen in an 1887 history of the department listed such previous occupations as machinists and other skilled factory operatives, teamsters, construction workers, railroad men, and craftsmen of various sorts. Commenting on 84 new recruits in 1906, a newspaper noted: "Street car motor-men, press feeders, teamsters, city firemen, clerks and patrol wagon drivers were the principal occupations." Police work, then, ranked as a high status blue collar occupation.<sup>7</sup>

The background of the force was intimately tied to its methods of operation. Because new recruits, many of whom were born abroad and most of whom had left school by the age of 13 or 14, were put on the streets without training, it is clear that no legal expertise was expected of them. Instead, it was

5. These are my computations based on nearly 1,100 biographical sketches in Flinn, *Chicago Police* at chs. 19 & 23-28. Ethnic figures for Chicago from U.S. Bureau of the Census, *Compendium of the Eleventh Census: 1890* Part III, 75, 83 (1897).

6. *Record-Herald*, April 3, 1908; Juvenile Protection Association, *The Colored People of Chicago* (1913).

7. Flinn, *Chicago Police*; *Record-Herald*, Oct. 27, 1906.

through ethnic diversity that the department related to an ethnically diverse city in which substantial proportions of the population spoke no English and distrusted authority. Black detectives were assigned to pursue black felons hiding in black neighborhoods; Italian policemen before World War I were given special responsibility to control the "black hand" gangs that preyed on the city's Italians through extortion. When policemen were protectors or coordinators of crime, Jewish policemen were often the primary protectors of Jewish pickpockets and other Jewish thieves, while black patrolmen were assigned to the precincts of politically powerful black gamblers to help operate their gambling enterprises.<sup>8</sup>

During these years, little attention was given to formal training; when such training did appear, it had low priority and reflected the department's military conception of organization. Apparently beginning in the fall of 1910, a one-month school for recruits operated sporadically until it was abolished in 1919. Re-established in the 1920's, the school became institutionalized, and all recruits were required to attend. In the month of training about one-quarter of the time was devoted to close-order drill, another quarter to revolver and other weapons training, another to departmental rules and to laws and ordinances (learned in alphabetical order), and a final quarter to tours of courts and specialized divisions of the department. A 1929 study of the recruit school found not only that the instruction was inadequate but, as has generally been the case with police training, no recruit had ever failed the course.<sup>9</sup>

The police department operated under the pervasive influence of local ward organizations and the mayor's office. Until 1895 the Chicago police were not under civil service. Yet the introduction of civil service at that time, although altering the

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8. Humbert S. Nelli, *Italians in Chicago, 1880-1930: A Study in Ethnic Mobility* ch. 5 (1970) and *Chicago Daily News*, Nov. 21, 1907. For Jewish detectives working with Jewish criminals, see various investigative reports in Charles E. Merriam papers, Univ. of Chicago Library, including Report of Investigator Friedner, Nov. 20, 1914, and Report of No. 100, Nov. 12, 1914, and other reports in Box 88, folder 6. During a city council committee investigation of corruption, headed by Merriam, investigators were hired to hang out in the underworld and prepare daily reports. These reports are invaluable in providing a picture of police/criminal interaction.

9. For discussion of training, see Alexander R. Piper, *Report on Police Discipline and Administration* 13 (City Club of Chicago, Publ. No. 1, 1904); *Record-Herald*, March 20, 1906; Chicago Civil Service Commission, *Final Report: Police Investigation* 50 (1912); Police Department, City of Chicago, *Annual Report* 55 (1916); *id.* (1921-22), at 76; *id.* (1923) at 51; *id.* (1925) at 62; Citizens' Police Committee, *Chicago Police Problems* 79-84 (1931); and Mark H. Haller "Civic Reformers and Police Leadership: Chicago, 1905-1935," in Harlan Hahn, ed., *Police in Urban Society* esp. 49-50 (1971).

formal rules for recruitment and promotion, probably had little significant impact upon police behavior. Before civil service, a tradition had already grown up that, in general, a policeman had job security, so that little turnover occurred with a change in administration. But local ward leaders, both before and after the introduction of civil service, often influenced assignments and promotions. The police superintendent was generally chosen from among the captains and inspectors on the basis of his known loyalty to the party organization that won the last election; and, until the 1960's, his office was in city hall rather than police headquarters. Captains and inspectors were assigned to districts and precincts to work with locally powerful ward political leaders. Patrolmen and detectives, in turn, often linked themselves to political factions and, in any event carried out the political policies of local police captains. Those wishing to avoid punitive assignments far from home or ambitious to rise in the department had to be skillful in finding their way through the complicated maze of urban politics.<sup>10</sup>

As important cogs in political machines, policemen were expected to contribute a portion of their salaries to the dominant party. (Before the 1904 election, Mayor Carter H. Harrison had the police payday moved forward, so that the police would have an opportunity to make an extra contribution to the fund being raised for the mayor's supporters.) The police, in addition, sold tickets to party picnics, distributed campaign posters, and in some cases worked the precincts in the days before the election. Furthermore, powerful local politicians, especially in ethnic and slum neighborhoods, financed their organizations through levies upon businesses, and the police often assessed and collected such payments. This was true not only of illegal activities such as houses of prostitution and gambling dens but also of legal activities: saloons, pool halls, dance halls, and numerous retail stores. Finally, of course, police aided local politicians by ignoring or protecting those illegal activities carried on by local politicians and, sometimes, by harassing illegal activities of political rivals.<sup>11</sup> In many ways, then, police behavior was shaped by the

10. On job security before civil service, see David R. Johnson, "Law Enforcement in Chicago, 1875-1885," at 16 (unpublished research paper 1968). On introduction of Civil Service, Joseph Bush Kingsbury, *Municipal Personnel Policy in Chicago 1895-1915* (Ph.D. dissertation in Political Science, Univ. of Chicago, 1923). On political influence in the department, see Lloyd Wendt and Herman Kogan, *Lords of the Levee: The Story of Bathhouse John and Hinky Dink* 165, 175, 181-82, & *passim* (1943); also *Senate Report on the Chicago Police System* (1898); and numerous stories in Chicago newspapers.

11. On 1904 election, see *Inter-Ocean*, April 30, 1904. For other accounts of political activities, see Report of Investigator Thompson, Dec. 22,

organizational needs of political factions; control of the police department, because of its size and crucial role in the city, was a major prize that went with political success.

If police were tied to politics, they were also tied in important respects to the neighborhood. Patrolmen, because they walked their beats with only minimal supervision, spent much of their time in saloons, barbershops, and other neighborhood centers. In 1880, when the department proposed to install call boxes so that a policeman would have to report periodically to the station, the patrolmen resisted the innovation out of an unrealistic fear that they might have to patrol their beats. When an investigator studied the city's police for several months in 1903-4, however, he found only one patrolman in the city who walked his beat for as long as thirty minutes. Lax central supervision and police socializing on the job make it likely that policemen came to reflect the values of those members of the neighborhood with whom they had ongoing social contacts.<sup>12</sup>

In these formative years, then, the police had strong ties to local politics, neighborhood institutions, and ethnic communities. Neither their training nor the civil service system provided an alternative orientation toward a formal system of rules or laws.

### POLICE AND COURTS

Police behavior was also shaped in part by the criminal court system. (Unfortunately, the criminal courts and prosecutor are the legal institutions that have probably received the least study by legal historians.) Until 1906 police justices handled the bulk of routine criminal cases in Chicago. This included ordinance violations, misdemeanors, and preliminary hearings in felony cases. Although justices in Cook County outside the city received fees according to the fines that they levied, police justices in Chicago received a salary from the city and remitted the fines to the city treasury. (If a police justice held court at night, however, he could retain a portion of the fees as a form of overtime payment.) Police justices were selected locally and were active in local politics—thus reinforcing neighborhood and political dominance of the criminal justice system. In police districts with high arrest rates, the police courts of Chicago operated like lower

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1914, and many other reports by investigators in Merriam papers, Box 88, folder 5; *Record-Herald*, March 26, 1905 & April 29, 1907; *Chicago Tribune*, June 21, 1905 & April 18, 1907.

12. On call boxes, see Flinn, *Chicago Police* ch. 20. Police behavior on the beat is discussed in Piper, *supra*, note 9, esp. at 6-10, 44, and Appendix A and E. For follow-up news stories, see *Chicago Tribune*, March 21 & 22, 1904.



courts elsewhere: through the mass processing of persons arrested for minor offenses. Because few defendants had a specific charge made against them and few had defense attorneys, it seems clear that, when there was any hearing at all, inquiry was generally made not into legal guilt or innocence but rather into the status of the defendant in the community. Year after year, most defendants brought before the courts were discharged, so that the courts served as a clearing house where, following a lecture of warning, defendants were turned loose after several hours or several days in the police lockup.<sup>13</sup>

In 1906, after a reform crusade led by élite members of the local bar, Chicago became one of the first cities to replace the justice courts with a Municipal Court system for both criminal and civil matters. The municipal Court was a unified court, with a chief justice and associate justices who were required to be lawyers and were elected for terms of six years. Immediately after establishment of the Municipal Court, police arrests fell by one-third (from 91,554 in 1906 to 63,132 in 1907). According to the Chief Justice, the decline resulted because the new court imposed higher legal standards upon the police. But given the continuation of mass processing of most suspects, and the absence of defense attorneys for most defendants, the change in the lower courts did not result in more than a marginal introduction of legal standards into criminal justice.<sup>14</sup>

13. Sigmund Zeisler, "Report of the Committee on the Expediency of Calling a Constitutional Convention," in Illinois State Bar Association, *Proceedings of the Twenty-Sixth Annual Meeting*, Part II, 145-46, (1902); Robert McCurdy, "The Law Providing for a Municipal Court in Chicago," Illinois State Bar Association, *Proceedings . . . of the Thirtieth Annual Meeting* Part II, 82-84 (1906); Albert Lepawsky, *The Judicial System of Metropolitan Chicago* 99-101, 144-155 (1932).

14. For founding of the Municipal Court, see Herman Kogan, *The First Century: The Chicago Bar Association 1874-1974*, 110-116 (1974); McCurdy, *supra*, note 13, at 81-99; Municipal Court of Chicago, *First Annual Report . . . Dec. 3, 1906, to Nov. 30, 1907* (1907). Arrest statistics from *Report of the General Superintendent of Police for the years 1906 and 1907*; analysis of the statistics in the correspondence of Chief Justice Harry Olson in Municipal Court papers, Chicago Historical Society.

On mass processing and non-legal orientation, see Raymond Moley, "The Municipal Court of Chicago," *Illinois Crime Survey* esp. 404-10 (1929); Paul Livingstone Warnshuis, *Crime and Criminal Justice among the Mexicans of Illinois*, esp. ch. 4 (M.A. thesis Univ. of Chicago, 1930); Herbert S. Futran, *The Morals Court of Chicago* (typewritten research paper dtd. March 1928), Burgess papers. Nels Anderson in 1922 described a visit to the Municipal Court presided over by Judge Joseph S. LaBuy. The judge ordered that the bull pen be emptied, and some 50 defendants crowded in front of the bench. After making a few jokes, the judge asked how many were working men. Nearly all hands were raised. So the judge asked, "Is there anybody here that is not a working man?" One Polish defendant, who had not understood the question, raised his hand. His case was dismissed for being an honest man. The clerk began

The new court, despite the optimistic hopes of its supporters, increasingly fell under the influence of local ward politicians. Judgeships were a reward for service to political factions, judges generally continued to serve as ward leaders after election to the bench, and political considerations and political favors often shaped judicial decisions. In the 1920's, in fact, judges often did not hold court on election day, for the entire staff—bailiffs, clerks, and the judges themselves—were busy working their precincts. Furthermore, assistant corporation counsels and assistant states's attorneys were often assigned to local courts at the behest of local political leaders.<sup>15</sup>

Both policemen and court officials often used the criminal justice system to supplement their incomes. Before 1906, in police districts adjoining the skidrows and redlight areas, the police sometimes made night raids for profit. One hundred or more persons would be rounded up. The bailbondsman charged \$1.00 to \$5.00 for a bond and the police justice received a fee of \$1.00 from the defendant for agreeing to the bond. The money was, of course, shared with the arresting officers. After establishment of the Municipal Court, this particular racket ceased, but mutually beneficial relations continued between judges, bailiffs, bondsmen, police, and members of the underworld.<sup>16</sup>

### POLICE AND CRIME CONTROL

In order to understand the interrelationships of police and professional thieves, it is necessary to keep in mind a number of factors. To begin with, the main expertise of a detective was

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to call the names that the defendants had given when arrested but got no answers. When one man finally responded, he was complimented by the judge for remembering his name and his case was dismissed. The judge asked anyone with a dollar to raise his hand—the implication being that they would be fined a dollar. About half the hands went up. The judge then tried one man and fined him \$5.00, after which he asked: "How many of you men will go to work?" Every hand was raised. The judge warned, "If I catch any of you back here again I'll give you \$200 and costs," and dismissed them. More than 50 cases were thus disposed of in less than 30 minutes. See Document 80, Report of Visit to Police Court, Aug. 28, 1922, in Burgess papers.

15. On the background of judges, see Lepawsky, *supra*, note 13, at ch. 7; also Edward M. Martin, *The Role of the Bar in Electing the Bench in Chicago*, *passim* (1936); Judge M.L. McKinley, "Crime and the Civic Cancer—Graft" 6 *Chicago Daily News* Reprints, 4, 22-23 (1923). For general insight into management of the Municipal Court until 1930, see the extensive Municipal Court papers. On election day activity, see "Reports Concerning the Criminal Court," *Criminal Justice* 11 (1930); on assignment of prosecutors, see Samuel E. Pincus to Mayor William E. Dever, Nov. 18, 1924, in William E. Dever papers, Chicago Historical Society, folder 13.
16. *Senate Report*, *supra*, note 10, at 21; Franklin Matthews, "Wide-Open Chicago," 42 *Harper's Weekly* 90 (1898); William Stead, *If Christ Came to Chicago 19-20* (1894).



his knowledge of the underworld—his ability to recognize criminals and to keep informed concerning when and how they operated. For these purposes, detectives developed informers and maintained extensive informal relationships with the underworld. Often they exchanged freedom from arrest for information. Even conscientious detectives were so involved with the underworld that there was only a thin line between being guardians against crime and partners with criminals. In addition, relationships between detectives and thieves were often influenced by the fact that some thieves had ties with politicians made by performing services on election day or by hanging out in saloons operated by persons with political influence. As a result, there was often an uneasy alliance of professional thieves, police, and politicians.<sup>17</sup>

Pickpocket gangs, for instance, sometimes divided territories under the guidance of the police. Then, if an individual citizen lost his wallet and made a complaint, detectives would know which gang was working the area and could recover the stolen property. On other occasions, pickpocket gangs would take a patrolman into partnership. When a victim discovered a hand in his pocket, an obliging policeman would be at hand to hustle the pickpocket away (and later set him free). In the coordination of con games in 1914, the bunco squad insisted that a con man, newly arrived in the city, would be subject to arrest unless he sought out a member of the squad and made a payment of \$20.00. This gave the con man the privilege of operating; but, if a victim made a complaint to the police, then the con man involved was expected to share ten percent of the take with the police—apparently as a penalty for operating so ineffectively that a complaint resulted. The system even allowed for credit arrangements. A down-and-out con man could request permission to work until he had earned his \$20.00 fee.<sup>18</sup>

Close relationships between detectives and criminals could also be a basis for harassment. One of the standard crime control measures used by detectives was to “vag” known criminals until they left town. That is, known criminals were arrested for vagrancy (having no visible means of support) and taken to court

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17. See references in footnote 18.

18. On con men, see Informant B, Special Report, July 28, 1914, Merriam papers, Box 87, folder 4; Informant C, Special Report, Aug. 1, 1914, Merriam papers, Box 87, folder 5. On pickpockets, see *Chicago Journal*, Oct. 30, 1907; Memorandum from Fletcher Dobyns, Oct. 2, 1914, in Merriam papers, Box 86, folder 2; John Landesco, “The Criminal Underworld of Chicago in the '80's and '90's,” 25 *J. Crim. L. & Criminology* 341-57 (1934), and “Chicago's Criminal Underworld of the '80's and '90's,” 25 *J. Crim. L. & Criminology* 928-40 (1935).

to be fined. Faced with repeated arrests, thieves, might well seek a more congenial city in which to practice their professions.<sup>19</sup>

Members of the professional underworld, because of their knowledge of the realities of the system, did not approach the police and courts as legal institutions but as rackets to be manipulated. If possible, of course, underworld figures established mutually profitable relationships with policemen or politicians to protect themselves against arrest. If arrested, their first move was to attempt to bribe the arresting officer or the police sergeant. If that failed, a number of strategies remained: pay a political fixer to bring pressure upon the police or court; visit the complaining witness and offer full or partial restitution in return for an agreement to drop charges; or jump bail until witnesses were no longer interested. Only as a last resort did a criminal turn to a legal defense. Even then, he would feel that conviction resulted from his failure to find the proper strings for manipulating the outcome rather than from a triumph of legal norms.<sup>20</sup>

Another common police tactic, used when a particularly notorious crime occurred or when newspapers complained of a crime wave, was for police officials to order dragnet arrests. In the early 1890's, for instance, when the police were attempting to reduce crime on the near South Side, a newspaper reported:

All Thursday afternoon and evening the Harrison Street wagon was kept busy rattling over the pavements bringing in colored and white men and women of evil reputation. Some were arrested in the streets and alleys, and others were taken from the most notorious brothels on Plymouth and Custom House places. About 200 men and women of vile character were captured.

Last night the raiding was kept up with unabated vigor and at least 200 more prisoners were landed at the station.

In the event of a "crime wave," the purpose was to drive the "lawless elements" underground and, no doubt, to present the appearance of police vigor. After a notorious crime, those arrested in dragnet raids were searched and interrogated. This

19. Langdon W. Moore, *His Own Story of His Eventful Life* 466 (1893); printed Report of Activities from January 29, 1918, to June 24, 1918, of Vagrancy Court in Chicago, Municipal Court papers, folder 35. In *Chicago Post*, Nov. 1, 1907, Chief George M. Shippy was quoted: "Recently we have arrested every known pickpocket and had them arraigned in the Municipal Court. The judges have made records of their names, and each has been given a certain number of days in which to find respectable employment or get out of town." Also *Daily News*, April 19, 1907.

20. The court game is described in Clifton R. Wooldridge, *Hands Up! In the World of Crime, Or 12 Years a Detective* 471-76, & *passim* (1901); also Special Report by Informant B, Aug. 31, 1914, Merriam papers, Box 87, folder 4; Landesco, *supra*, note 18, "Criminal Underworld of Chicago," 341-346.

standard police technique was so firmly entrenched that in 1906 the police chief explained:

We can't do away with [the dragnet]. The detectives and patrolmen get their order to bring them all in. . . . And the chances are that nine times out of ten the persons picked up are not guilty of the crime. But if the tenth time we should get the guilty man we are well repaid, as is society.<sup>21</sup>

Finally, the police believed that, in the prevention of crime, the control of tramps and other rootless men was a central responsibility. As the major rail center and crossroads of the Midwest, as well as the most rapidly growing city in the nation, Chicago had a constant stream of persons flowing into and through the city. Skidrow areas west and south of the Loop housed thousands of men (and boys) who sought occasional work and often lived in the interstices of industrial society. In part, the police exercised control by their standard system of harassment through vagrancy and disorderly conduct laws. In 1876, the police Superintendent argued for a stronger vagrancy law "so that [strangers] could be sent out of the way of doing harm, without waiting until they commit some crime." For, he warned, "in the absence of any crime committed by them a good vagrancy law is the only safeguard, and the only way by which they can be effectually disposed of." Until at least the 1930's, vagrancy and disorderly conduct constituted between 40 and 66 percent of all arrests each year; those arrested were disproportionately young men, out of work, and often from out of town. Yet such statistics do not capture the complexity of police interreaction with the homeless. Police stations, until the opening of a municipal lodging house in the early twentieth century, were regularly thrown open in the winter as sleeping quarters for the homeless. Indeed, arrests often functioned partly as a disguised room-for-the-night, since most of those arrested for vagrancy and disorderly conduct were released after a warning by the judge. In a variety of ways, then, the police managed and serviced a root-

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21. Quotations from 1892 newspaper clipping in Burgess papers and from Chicago *Tribune*, Feb. 18, 1906. In August 1905 Chief John M. Collins ordered a squad of 54 detectives: "You are the men who are to catch thieves and hold-up men. I am going to send you into each quarter of the city after suspicious characters. There must be no partiality. Arrest every man you see loafing around with the look of a criminal. The streets will be safer with those fellows at Harrison street [station]. Pickpockets and confidence men are included in my orders." *Inter-Ocean*, Aug. 1, 1905; for follow-up, see *Inter-Ocean*, Aug. 3, 1905, and Chicago *Chronicle*, Aug. 6, 1905. See also Wooldridge, *supra*, note 20, at 440; Frances Opal Brooks, "Crime in 1908," at 6, 11, 24 (typewritten term paper dtd. Winter 1928), Burgess papers; stories in Chicago *Tribune*, Sept. 9, 1904; *Record-Herald*, July 23, 1905; and in Chicago newspapers for March 4, 1908.

less population that they, and others, defined to be particularly prone to crime and disorder.<sup>22</sup>

### POLICE AND PUBLIC MORALS

Throughout the nineteenth and early twentieth centuries, urban moralistic reformers were shocked by the drunkenness, gambling, and open prostitution that, from their point of view, corrupted the morals of youth and made cities dangerous and unpleasant places to live. They brought pressure upon politicians and criminal justice officials to secure enforcement of saloon closing laws and of laws forbidding gambling and prostitution. The policies of the police not only highlighted the distance that separated police values from those of moralistic reformers but also revealed much about the attitudes and forces that shaped police behavior.

In Chicago, although state law required that saloons be closed on Sundays and at a set hour each night, actual enforcement policies were mediated through the local political system. Despite their dedication and fervor, those citizens who favored temperance and strict enforcement of the liquor laws were a hopeless minority in the face of a strong support for "personal liberty." From 1873 until the coming of prohibition, no mayoral candidate stood a chance if he was suspected of favoring enforcement of saloon closing laws. Carter H. Harrison, III, the popular and respected mayor from 1897 to 1905, was clear in his statement of policy:

I don't believe in closing saloons on Sunday. I do believe in lowering the blinds and closing the front doors. . . . I don't believe in closing saloons at midnight. . . . Public sentiment is against enforcing them [saloon laws]. The man doesn't live who could shut up Chicago saloons on Sunday. I shall not try to do it.

Politicians, reacting to dominant opinion, determined that, behind the occasional semblance of a closed saloon, men might drink as they wished. The policy reflected police values, as well; for the police were recruited from among the Irish, Germans, and other groups that were the strongest friends of personal liberty.<sup>23</sup>

22. Quotation from *Report of the General Superintendent . . . 1876* 12 (1877). Statistics on arrests are my calculations from figures in the annual police reports; see also Johnson, *supra*, note 10, at 10-12. On the role of the police among tramps, see annual police reports; Nels Anderson, *The Hobo: The Sociology of the Homeless Man* (1923); and early chapters of Ben L. Reitman, "Following the Monkey," (unpublished autobiography in Library of the Univ. of Illinois at Chicago Circle).

23. Quotation from Matthews, *supra*, note 16, at 90. On the history of the saloon issue, see Arthur Burrage Farwell, "Sunday Closing in Chicago," printed history in Julius Rosenwald papers, Univ. of Chicago

Within the context of an open city, there existed, nevertheless, considerable neighborhood diversity. Many neighborhoods, in fact, had prohibition ordinances or local option—either because they retained their local saloon laws when annexed to the city in the late 1880's or because of a state local option law passed in the early twentieth century. The densely populated inner city had a high concentration of saloons, while the peripheral regions of the city, containing most of the land area but a minority of the population, excluded or restricted saloon operations. In some peripheral areas, neighborhood associations, spurred on by Protestant religious leaders, were able to shape their neighborhoods to their own values. But, despite vigorous legal and political campaigns, they were unable, except in tangential and temporary ways, to secure strict and uniform law enforcement applicable to the entire city. State law yielded to political pressures representing neighborhood customs.<sup>24</sup>

The coming of prohibition in 1920 created a new legal situation, but not a new political situation. Chicago politicians vied with each other in condemning the new laws, Chicago citizens expressed their opposition through several referenda, and the police chiefs in the 1920's—with one possible exception—kept liquor in their offices to serve visitors. Against a background in which federal enforcement was at first minimal and corrupt and in which bootleggers enjoyed local political protection, the city's police quickly established friendly relationships with bootleggers, gladly accepted favors that ranged from money to free booze, escorted beer trucks through the city's streets, and peddled confiscated liquor in station houses. Then from 1923 until 1927 Mayor William E. Dever, despite his personal opposition to prohibition, insisted that the police enforce the law; and a reluctant police force closed many breweries and distilleries and raided speakeasies. But the established relationships of police and bootleggers, combined with police opposition to prohibition enforcement, were too tenacious for the mayor to break. When Dever failed to win re-election in 1927 because of his attempts to enforce the law, the police rapidly and openly resumed the patterns of cooperation with bootleggers that had been disrupted but not de-

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Library, Vol. 12; John E. George, "The Saloon Question in Chicago," 2 *Econ. Studies* 96-100 (1897); Victor S. Yarros, "The Sunday Question in Chicago," *Nat. Munic. Rev.* 75-80 (1910). For the general political background, see Alex Gottfried, *Boss Cermak of Chicago* (1962); Joel A. Tarr, *A Study in Boss Politics: William Lorrimer of Chicago* 18-23, 192, & *passim* (1971).

24. Chicago Commission on the Liquor Problem, *Preliminary Report* (December 1916); Hyde Park Protective Association papers, Chicago Historical Society; Tarr, *supra*, note 23, at 184; Michael Perman, "Towards a Dry Chicago," undated, unpublished seminar paper.

stroyed during his administration. Once more, the political system shielded the police from pressures to treat the liquor problem as one of law enforcement.<sup>25</sup>

Police displayed a variety of attitudes toward gambling and prostitution. Policemen, themselves sports fans and bettors, attended the races at the tracks around the city and hung out at gambling houses, where they might play a friendly game of poker or place bets on their favorite nags. They had little more inclination to enforce gambling laws than they had to enforce saloon closing laws. As for prostitution, the police thought that such activity was inevitable and could not be prevented; hence, the best policy was to permit redlight entertainment districts rather than pursue a policy of enforcement that would drive prostitutes into respectable residential neighborhoods. When the redlight districts flourished in the years before 1913 or 1914, serious police efforts were aimed primarily at regulation rather than strict law enforcement. The police sometimes arrested streetwalkers; periodically they raided sporting houses that robbed customers or held young girls against their wills; and, to avoid upsetting respectable citizens, they removed houses from streetcar lines and tried to prevent naked girls from leaning out of windows to advertise their charms. But the police seldom bothered well-run brothels or interfered with soliciting in bars or second-class hotels. In short, until pressured to change their policies in the period of 1912 to 1914, the police acted to provide a minimal regulation of illegal activity.<sup>26</sup>

Police policies toward prostitution and gambling reflected local opinion as well as the values of the police themselves. In neigh-

25. Chicago bootlegging has been dealt with in numerous books and articles; for instance, John Kobler, *Capone: The Life and World of Al Capone* (1971). On drinking by police chiefs, Fred D. Pasley, *Al Capone: The Biography of a Self-Made Man* 163 (1931). On enforcement under Dever, see the extensive Dever papers. Much about local enforcement can be learned through Justice Department records; see Central Files of the Department of Justice, No. 23-23-0 through 626, in Washington National Records Center, Suitland, Md. For newspaper clipping and other records, see Chicago Crime Commission, Files No. 600-9, 3485, and others. On the prohibition referendum, see John M. Allswang, *A House for All Peoples: Ethnic Politics in Chicago, 1890-1936*, 119-121 (1971).

26. The structure of Chicago prostitution has been extensively dealt with: Walter C. Reckless, *Vice in Chicago* (1933); The Vice Commission of Chicago, *The Social Evil in Chicago* (1911); Charles Washburn, *Come into My Parlor: A Biography of the Aristocratic Everleigh Sisters of Chicago* (1936); Herbert Asbury, *Gem of the Prairie: An Informal History of the Chicago Underworld*, chs. 4, 8, 9 (1940). Relations of the police to the vice districts are revealed in the investigative reports, Merriam papers, Boxes 87 & 88. With regard to gambling, see Mark H. Haller, "The Rise of Gambling Syndicates," unpublished chapter for a book on the history of Chicago crime; also John Landesco, *Organized Crime in Chicago* chap. 3 (new ed. 1968); *Senate Report, supra*, note 10, at 13-14, 18-20.



borhoods where the men were interested in sports and gambling, gambling rooms, local bookmakers, and the policy wheels were accepted recreation activities. Within the segregated entertainment districts, customers and entrepreneurs wished the saloons, dancehalls, burlesque shows, and parlor houses to operate with minimal interference. Moreover, in tolerating gambling and prostitution, police acted in the service of powerful local politicians, some of whom collected substantial funds from entrepreneurs in the entertainment districts and many of whom were partners in gambling syndicates. Indeed, in some wards the political organization and gambling syndicates were so intertwined that they were virtually one and the same. In such wards local political leaders selected the police captain for the precinct chiefly on the basis of his sympathy with local gamblers, and some patrolmen in the neighborhood served virtually as employees of local gamblers.<sup>27</sup>

Finally, the tolerant attitude of policemen toward gambling and vice arose from a desire to supplement their incomes. Gamblers, despite their political influence, usually made goodwill contributions to the police, and assignment to the entertainment districts constituted a lucrative and interesting challenge for patrolmen and detectives. Toleration of neighborhood gambling and segregated red light districts, however, did not exist because of payoffs to police. Rather, the corrupt relationships institutionalized a policy of tolerance and regulation that the police would have followed anyway.<sup>28</sup>

### POLICE VIOLENCE

The basic theme thus far has been that the police were not oriented primarily toward legality in their law enforcement activities. No such discussion would be complete without considering the patterns of police use of illegal violence. Leaving aside the police use of violence in controlling riots,<sup>29</sup> there were essen-

27. See references in footnote 24. For the general impact of prostitution and gambling on politics, see Wendt and Kogan, *supra*, note 10; for the specific impact of gamblers, see Harold F. Gosnell, *Negro Politicians: The Rise of Negro Politics in Chicago* 122-135 (Phoenix ed. 1966); and Chicago Crime Commission, File No. 65.

28. See references in footnotes 24 & 25. For additional information about relations between police and prostitutes, see extensive investigative reports in Committee of Fifteen Files, University of Chicago Library; also Investigator's Report, "Law Enforcement and Police," Nov. 29, 1922, in Juvenile Protective Association papers, Library of the University of Illinois at Chicago Circle, folder 94, and other investigative reports in the J.P.A. papers.

29. For extensive discussion of police use of violence during riots, see Flinn, *Chicago Police*; Howard B. Myers, "The Policing of Labor Disputes in Chicago, A Case Study" (Ph.D. Dissertation, Univ. of Chi-

tially three circumstances under which violence, *as an accepted norm*, became part of police procedure.

First of all, many policemen believed that they should themselves, at times, mete out punishment to wrongdoers. Policemen on patrol, particularly in high-crime areas, were often expected to be able to physically dominate their beats and to handle suspicious persons or minor crimes without resort to arrest. This was particularly true before the installation of call boxes in 1880. Arrests were difficult to make. A patrolman, unable to summon assistance, had to walk his prisoner as much as a mile to the station house. Drunks might be taken in a wheelbarrow. Reminiscing about his early days on the force in the 1880's, a Deputy Superintendent stated in 1906: "It was not customary for a policeman to arrest anyone for a small matter, then. The hickory had to be used pretty freely."<sup>30</sup>

Furthermore, in many neighborhoods it was understood that adults might punish rowdy teenagers. Policemen, as adult authority figures, sometimes whipped delinquent boys, believing that this was a more effective deterrent than an arrest and incarceration among adult criminals. One day, for instance, the parents of a Polish teenager told Gus, a Polish cop, that their son was at the station on a charge of theft. Gus explained in an interview:

I went down and said, "Mike, did you take those things from that garage?" And he knew I had the goods on him, so he admitted it. Then, bang, I socked him with my fist behind the ear. I just kept on beating the stuffins out of him, then I said "Mike, you know better than that. You got a good father and mother; good Polish people. Don't let me catch you taking anything again; if you do, what you got now will be nothing to what you'll get then." Then I took him to the captain and said, "This boy has learned a good lesson." The captain let him go. The boy is a good boy now, and every time he sees me, he says, "Gus, I want to thank you for that trimming you gave me. It made a man out of me." That's my motto, scare 'em to death and knock the hell out of them, and then let them go."

While summary punishment by the police sometimes aroused public outcry, it was sanctioned by the police subculture and was often supported by local opinion.<sup>31</sup>

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ago, 1929); William M. Tuttle, Jr., *Race Riot: Chicago in the Red Summer of 1919* (1920); and news clippings in Schuettler scrapbooks.

30. *Chicago American*, June 17, 1906.

31. Quotation from Everett C. Hughes, "The Policeman as a Person," (typewritten research paper dtd. 1925), Burgess papers; there are other similar stories in this paper. See also H. Lowenthal, "Juvenile Officer Kasarewyski," (handwritten termpaper [1920's]), Burgess papers. An interesting discussion concerning a more recent period can be found in Gerald D. Suttles, *The Social Order of the Slum: Ethnicity and Territory in the Inner City* 204 (1968).

A second type of police violence occurred as a tactic to persuade a recalcitrant defendant to confess his guilt or to reveal the names of accomplices. Indeed, standard interrogation in important cases, and many less important cases, was to place a suspect in the "sweat box," as it was called, for hours or days, until he broke down under continuous questioning. Newspapers often reported such events without comment, as the following example from 1906 demonstrates:

John L. Voss, accused by the police of the murder of his wife and the burning of his home to destroy the evidence of his crime, yesterday admitted to Assistant Chief of Police Schuettler and Inspector George M. Shippy that he had purchased a revolver and a box of cartridges some time prior to the crime on Sunday morning.

The admission, wrung from the prisoner after three days of cross examination, is regarded as important.

Such interrogations were publicly justified by police spokesmen and were regularly conducted by detectives and by high officials in the department. For, as the *Chicago Tribune* pointed out: "Every police department in this country has its 'sweaters' or inquisitors, and long practice has made them adepts at the art, if so it may be called."<sup>32</sup>

The detention of suspects for hours or days without charges or legal safeguards was the context within which physical violence—the third degree—was often practiced to speed up the process of interrogation. The point is not that one can easily collect numerous harrowing stories of beatings used to secure confessions. (After the murder of Bobbie Franks, for instance, the Chicago police forced a confession from an innocent school teacher before the evidence finally pointed to Nathan Leopold and Richard Loeb.) The point rather is that, although police officials did not publicly admit the use of violence, the third degree was an accepted part of investigative work. Representatives of the State's Attorney, to say nothing of the police chief or other high officers, were sometimes present while the third degree was being administered. It was employed against juvenile as well as adult suspects; and elite reformers often gained knowledge of the system through their work with youthful offenders. By the 1920's, police terminology was that suspects were taken to the "gold fish room"—the "gold fish" being a length of cable or rubber hose used to strike the suspect without leaving marks.

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32. Quotations from *Inter-Ocean*, Aug. 1, 1906; *Chicago Tribune*, Feb. 18, 1906. For a long feature story describing Assistant Superintendent Schuettler's methods of sweating, see *Chicago American*, March 25, 1906. Other stories in *Inter-Ocean*, Aug. 1 & Nov. 6, 1906; *Chicago American*, Nov. 24, 1933.

When a court in the early 1920's excluded the confession of a defendant who had made a statement after being sweated (and beaten), one police official claimed that, if the decision was allowed to stand, ninety-five percent of the work of the department would be nullified. Another complained: "We are permitted to do less every day. Pretty soon there won't be a police department."<sup>33</sup>

Finally, the police subculture often sanctioned violence to uphold the personal dignity of the policeman. Such violence, given the absence of civil liberties organizations to monitor police violations of individual rights, was seldom recorded; and, when reported in newspapers, was difficult to distinguish from the random violence that some policemen occasionally visited upon citizens.<sup>34</sup>

In the case of police use of violence, as in other violations of law by policemen, there was little recourse for an aggrieved citizen. Very early, the police developed a group loyalty that required policemen to rally to the defense of an officer in trouble. Top officials of the department told new recruits that, if they could not say something good about fellow officers, they should remain silent. In 1906 a recruit showed that he had correctly learned the lesson when he told a reporter: "I will not report any police officer for neglect of duty, because I have been told not to. . . . If I reported some policeman I would likely be transferred to an outlying station." When charges were brought against a policeman, conviction was difficult for a number of reasons. As one city hall official told a reporter in 1905, "It is well nigh impossible to convict a favored policeman of any offense. . . . If ten witnesses testify to a certain set of facts, and their testimony is unshaken, the defendant puts twenty police witnesses on the stand to testify to an entirely different set of facts." There were other strategies, as well. Witnesses against police-

33. Quotation from news story cited in typewritten "Extract from Decision of Illinois Supreme Court, 1922," in John Howard Association papers, Chicago Historical Society, Box 4. For information about beatings of juveniles, see "The Gold Fish or Third Degree" [undated], a typewritten paper of a neighborhood boy; and "The Squealer" [undated], a statement by a delinquent, both in Burgess papers; also "The Treatment of the Juvenile Offender" (a handwritten speech in Evelina Belden Paulson papers dtd. March 1914) in Library of the University of Illinois at Chicago Circle. For adults, see Zechariah Chafee, Jr., et al., *The Third Degree: Report to the National Commission on Law Observance and Enforcement* 123-137 (republished 1969); George Murray, *The Madhouse on Madison Street* 259 (1965); and copy of letter of John B. Skinner to Morgan Collins, Sept. 16, 1925, in Chicago Crime Commission, File No. 600-9.

34. During late 1906, Chicago papers reported a number of cases of police brutality; see, for instance, *Record-Herald* and *Examiner*, Dec. 14, 1906, *Chicago Tribune*, Dec. 14 & 15, 1906.

men would be told the wrong date for a hearing so that they would not appear. In many cases, other policemen harassed, arrested or even drove out of town unfriendly witnesses. Already, the police saw themselves as a beleaguered and misunderstood group, dependent upon each other for support, and fiercely loyal to a cop in need.<sup>35</sup>

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It is important, in conclusion, to place these remarks in perspective. Obviously, policemen did not spend their whole time taking bribes, soliciting votes, harassing tramps, beating suspects, and assisting gamblers. Policemen on patrol, indeed, spent most of their time doing nothing at all—or in such routine activities as learning the beat or socializing with local people. Those assigned to outlying residential neighborhoods might go for days or weeks without making an arrest or engaging in law enforcement activities. Even when the police were active, they were often involved in functions only indirectly related to crime control. Police took injured persons to hospitals, mediated family quarrels, rounded up stray dogs for the city pound, returned lost children to parents, directed traffic on the downtown streets and at bridge crossings, removed dead horses from city streets, reported broken gas lamps, and performed the innumerable services that have always constituted most police work.

Furthermore, the police orientation toward values other than legal norms developed within a context in which the police mirrored what other groups within the society often defined as proper police behavior. The legislative intent in passing broad and vague statutes governing disorderly conduct and vagrancy was to provide tools by which local authorities could control those classes of the population that were, or seemed to be, threats to local social order. The use that police made of such statutes conformed to legislative intent. Although courts sometimes found that police acted illegally and the prosecutor sometimes criticized the police for inefficient handling of evidence, courts and prosecutors generally supported the non-legal orientations of the police. According to the value system accepted by most elected officials, politics was a matter of deals and favors; and most city agencies were as corrupt or as politically manipulated as the police. Hence, the orientation of the police was in keeping with the expectations of the officials elected to make policy and did not differ in kind from other municipal departments.

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35. Quotations from *Chicago Chronicle*, Dec. 21, 1906, and *Chicago Record-Herald*, March 26, 1905. See also *Record-Herald*, Sept. 24, 1907; *Chicago Tribune*, Jan. 3, 1907; and *Citizens' Association of Chicago, Bulletin* No. 12 (Jan. 20, 1904).

Finally, although groups of élite reformers often attacked the police for corruption and sometimes insisted that certain laws—laws dealing with alcohol or prostitution, for instance—be more vigorously enforced, the same groups often approved of dragnet raids and other harassing tactics. The non-legal orientation of the police, in short, reflected not only the beliefs and background of the police but the expectations of the wider society relevant in defining the role of the police.

Besides, state laws and municipal ordinances directly and indirectly influenced the police in a number of ways. The laws against gambling and prostitution, for instance, were the basis for the police definition of such activities as their particular responsibility. The police became, therefore, the major regulating agency; and the laws provided the leverage used by the police to enforce the regulations. Furthermore, when reformers launched campaigns against gambling or prostitution, the police bore the brunt of the attack. Likewise, the laws against burglary and larceny conditioned the complex ways that police and thieves adapted to each other through systems of informers, bribes, regulation, and harassment. The legal system, too, determined that prosecutors and judges would review certain police decisions on an ongoing basis. To some extent, the prosecutors and courts were a channel for political influence; to some extent the mass processing of less serious crimes and plea bargaining of felonies muted the degree to which prosecutors and courts could convey legal values; but, especially after creation of the municipal court in 1906, the courts and defense attorneys sometimes introduced legal values into the criminal justice process. In a variety of ways, the police made use of or took account of the law and legal institutions in carrying out their crime control functions.

During the twentieth century, in fact, a variety of factors have brought legal norms to bear upon police behavior at a gradually accelerating pace. There has been a growing requirement that judges, even in the lowest criminal courts, be lawyers and that such courts be courts of record. Concurrently, through expanding systems of public defenders and other means, defendants even in the lower courts increasingly have had counsel. Appellate courts have not only extended the right to counsel and imposed exclusionary rules concerning confessions and other types of evidence but have also declared unconstitutional many of the vague laws, including disorderly conduct and vagrancy laws, which once constituted the majority of arrests and were the means by which police detained and regulated those whom they



regarded as suspicious, deviant, or disturbing to the community. Finally, a number of civic organizations (often lawyer-dominated like the American Civil Liberties Union) have been founded and, in recent years, have more or less systematically monitored police behavior in large cities. As a result of a variety of pressures, police during the twentieth century, especially in major cities, have gradually, often grudgingly, brought their behavior more in keeping with legal norms. The trend has run counter to the historically entrenched police orientations and has been accompanied by bitterness on the part of both police and police critics.