HOMICIDE IN NEW YORK, LOS ANGELES AND CHICAGO

ERIC H. MONKKONEN

Homicide rates are understood in large part by comparison. Almost without thinking we compare this year to last, this place to that. Usually we make modest leaps in time and space, taking adjacent sites and time periods in an effort to hold constant otherwise uncontrollable factors. But, in keeping the comparisons modest, we may lose the leverage necessary to make sense of rates. Simply put, the theoretical questions we must address are very different if the United States has always had rates and short term variations similar to those of the present as opposed to completely different ones. If, for example, the highs of 1990 and the lows of 1999 represent a range within which rates have always fluctuated, then the objects to be explained are customary and normal. If, on the other hand, they are extraordinary, or occur only in particular times and places, the explanatory task is very different. Establishing American homicide rates for a wide range of times and places is fundamental to our understanding of homicide. As a beginning of this effort, this paper reports on reconstructed homicide rates from six large and representative cities for 1900, and for what were the nation’s two largest cities—Chicago and New York City—over a long span.

In order to compare homicide rates from places separated by long distances in time or space, one must take more care than is customary to make data similar.1 Comparing this year’s count to last

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year's is perfectly reasonable because the population base is also comparable and extraordinary demographic events would be well known. Over longer time spans, at a minimum, adjusting counts to rates per population base is considered customary and basic. This form is the standard in most homicide studies, with a reporting of deaths per 100,000 population. This form is known as the "crude death rate," and its virtues are clarity, simplicity, and relatively easy construction.²

It makes sense to modify this customary approach when there have been large demographic changes, such as an increase in life expectancy or decrease in infant mortality. For example, in the twentieth century, as the United States completed its transition from a youthful, high mortality, high fertility regime to an older, low fertility low mortality one, the proportion of young males, 20–29 years old, in the total population decreased from 9.1% (1900) to 7.7% (1950) to 6.6% (2000).³ This is approximately a twenty-five percent decrease in one of the most violence prone age and sex groups. Without adjusting for this demographic shift and possibly even greater local variations, one runs the risk of comparing apples and oranges rather than long term rate changes.

The approach taken here is that used in health statistics, standardizing homicide rates per age groups to the distribution of the United States population in the year 2000. The resulting values, age standardized homicides per hundred thousand, can be interpreted as the rates that the target year and place would have had if its base population had the same age distribution as does the whole United States in 2000.⁴ This reference population is an arbitrary benchmark set by the Center for Health Statistics: until recently it had been the population in 1940.⁵ I use victim rather than offender ages as they are much more completely reported. Obviously, offender ages would be the better data to use, as offenders produce the homicides. Typi-

² I should note that for those doing medieval homicide research, estimating the denominator of population is often quite difficult.
⁵ Id. at 1.
cally, the reporting of victim ages is much more thorough and accurate, in part because a coroner processes victims. Offenders, if caught, are of interest for their actions and culpability, so officials are less assiduous in accurately reporting age. Where evidence on offenders is available, it demonstrates that offenders have a very similar age distribution to victims. For example, in 1995, for the whole United States, the correlation between the 11,760 homicide victim offender pairs over five years old was 0.43, while their mean ages were 32.4\(^6\) and 29.2\(^7\) respectively.\(^8\) The exceptions come at the extremes, child victims in particular having no offender analogues. For this reason, and to avoid the poor and probably inconsistent quality of child murder discovery and reporting, I use no victims under five years old.

The technique known as age standardization is designed to compare groups from populations with different age distributions.\(^9\) To calculate these rates, one needs the base population age distribution and the age of homicide victims. The United States Vital Statistics began to collect and publish such information beginning in 1900, but one cannot rely on complete coverage until 1930. At the city level, good coverage is more likely, but, unfortunately, the United States Vital Statistics lumped all violent deaths—e.g., homicide, suicide, and accident—together so that one cannot calculate those due to homicide from these sources. Prior years have some coverage in the United States census, but the coverage is not complete enough for a relatively small numerical category like homicide. The best year, 1850, depended on households recalling previous deaths, thus eliminating recall in the case of victims who had lived alone or died unknown.\(^10\)

\(^6\) For 18,915 victims out of 19,918 total.
\(^7\) For 12,451 total offenders.
\(^8\) The higher mean of victims reflects the larger number of victims over fifty-five: could the huge number of missing offenders and data peculiarities, such as multiple offenders among teenagers, bias these results? For pre-1875 New York City, with 1788 homicides, similar results obtained. The correlation coefficient was .33; the victim mean age was 31.8 (n=783) and the offender mean was 30.1 (n=379). For striking graphic on ages, see Michael D. Maltz, Visualizing Homicide: A Research Note, 14 J. QUANTITATIVE CRIMINOLOGY 397 (1998).
\(^9\) Anderson & Rosenberg, supra note 4, at 1.
Age standardizing practice groups ages on ten year intervals beginning with every five: e.g., twenty-five to thirty-four years old. The year 2000 standard population has been defined by the Center for Health Statistics, and I use their reference population here. Because some health departments grouped their age data on the zero years, e.g., 20 to 29, I have on occasion had to use a slightly different reference population. For the years when ages are grouped on the ten, I have used an appropriate reference population supplied to me by Robert N. Anderson of the Center for Health Statistics. The differences are tiny, but it is important to note that the practice of spanning the zero years smooths the largest region of age heaping: respondents are most likely to round to a zero year, then to fives and threes.\textsuperscript{11} Direct age standardization can be done if one has the age rates and population base of the original population: this is the “preferred” method. Otherwise, estimates of the actual age rates have to be created.\textsuperscript{12} The computations here are done using Stata 6.0 direct age standardization.\textsuperscript{13}

Ideally, the age standardized populations would be male, as men predominate in homicides, both as victims and offenders. Due to data limitations, I use as the population and victim age groups both males and females because sex based age groups cannot always be found or created for the earlier censuses. In order to compensate, I use, as a separate variable, the sex distribution (percent male) for the city’s whole population in order to test whether it might vary and exert a shaping impact on the rates.

The focus on big cities is not intended to be due to their higher homicide rates. It may come as a surprise to learn that until 1957, New York City’s homicide rate was lower than that of the whole United States. Rather, the advantage of the big city is consistency in health reporting and geopolitical boundaries. As the health data most often came to the health department from the county coroner, the only similar high quality source would be at the county level, but county health departments did not always do the reporting job of their big city cousins.

City selection for 1900 was designed to achieve regional coverage: East (New York City and Philadelphia), Midwest (Chicago), South (St. Louis), and West (San Francisco and Los Angeles).

\textsuperscript{13} \textsc{Stata Corp.; Stata Statistical Software: Release 6.0} (1999).
Louis had excellent vital statistics reporting for the late 1890’s and early twentieth century, so it serves as the most reasonable approximation to a southern city in the sample. Memphis, known, to its constant anger, as the murder capital of the United States, would have been an ideal, though small candidate, as would have New Orleans or Baltimore, but none seem to have produced the public health data needed. It is important to note that these cities represent great research targets: they may well have archival materials making the creation of a data series possible.  

New York City reached one million people between 1860 and 1870. Its political boundaries changed once, in 1898, when the surrounding cities became the five boroughs. It had more than enough political corruption to make one concerned about its murder data; coroners were elected officials who initiated homicide prosecutions until the early twentieth century. On the other hand, they were paid on a fee per body basis, so except for the very political victim, the coroners had a financial incentive to discover murder. The city had sophisticated annual health reports from as early as 1866, in a format consistently reporting causes of death by age group over the years. Reported in five year age groups, the data allow easy conversion to the ten year grouping centered on the decade as used for age standardizing. My earlier research on individual level homicides in New York City has demonstrated the quality of the post–1870 health reports.  

Chicago was unusual in that its murder books were kept by the Chicago Police Department. The books represent an astounding resource for scholars. The city grew tenfold between 1870 and 1930—three hundred thousand to three million—a rate exceeded only by Los Angeles. Although here it is categorized as midwestern, in 1870 it was still considered western. Occasionally the city had very good quality health reporting, which enables the individual level data to be checked against the counts reproduced in health department annual reports.

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14 For example, Baltimore has a guide to city deaths in the nineteenth century which suggests that the city archives has a full body of coroners’ inquests. BALTIMORE CITY ARCHIVES AND RECORDS MANAGEMENT OFFICE, SUSPICIOUS DEATHS IN MID–19TH CENTURY BALTIMORE: A NAME INDEX FOR CORONER INQUEST REPORTS AT THE BALTIMORE CITY ARCHIVES RELATING TO 4,000 DEATHS IN 1827, 1835–1860, 1864 AND 1867 (1986).
15 See ERIC H. MONNIKONEN, MURDER IN NEW YORK CITY (2001).
17 Such titles included CHI. (ILL.) BD. OF HEALTH, REPORT OF THE DEPARTMENT OF
St. Louis boasted an unusually sophisticated government. It published high quality reports and was often considered to have a technically progressive bureaucracy. Here I have labeled it as southern, but in many ways it was western or midwestern. In part the difficulty with regional labeling for the nineteenth century is that the south was so rural that all of its cities represented something very non-southern, not something southern. By 1900, its population was over half a million.

Los Angeles was very much a cow town in the late nineteenth century, with a population expanding and contracting in its boom and bust economy. Its Latino government was eclipsed in the late nineteenth century by Yankees. There is some evidence that in the early 1890's, Chinese murders were not even enumerated. Up through the 1920's, coroners' reports casually noted the large numbers of "justifiable homicides" by police officers, and if ever there was a western city which had the personal violence associated with that region, it was Los Angeles. This paper uses the original Inquest Registers, which are still held by the Department of Coroner and list every inquest and cause of death from 1894 on. Los Angeles was just beginning to become a large city in 1900, at over 100,000 people.

In the early 1850's, San Francisco entered the United States with a burst of vigilante violence, justified with reports of high levels of crime and violence. The city was known for its high proportion of men, many sojourners moving on the gold fields. By the latter part of the nineteenth century, its character had changed, with a strong and politically active labor movement and its earlier violence having faded. The city often produced good quality health reports, and I have been fortunate enough to have the research of historian Kevin Mullen to augment these. Although its growth rate never matched that of Los Angeles or Chicago, San Francisco was still three times Los Angeles' size in 1900. By 1920, Los Angeles had forged ahead of San Francisco in size.

Whenever any city's reported homicides in the health reports seemed suspiciously low, I rechecked them from a separate source. Philadelphia vital statistics, for instance, reported just eighteen homicides in 1900 (for 1899), yielding a crude rate of 1.4.  

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*Health of the City of Chicago for the Year (various dates) and Chi. (Ill.) Bd. of Health Annual Report of the Department of Health (1878–1895).*

*Samuel H. Ashbridge, Annual Message of the Mayor of Philadelphia, Containing the Reports of the Various Departments of the City of Philadelphia 324 (1901).*
research on Philadelphia had found an annual rate of 2.2 for 1895–1901, just for homicide indictments, and he casts some doubt on the health department methods.\textsuperscript{19} To estimate the true rate, I used capture–recapture sampling. Also known as the Chandra Sekar Deming method, this is a technique of estimating a true population when a complete census or list is unavailable: it is used most often in lieu of proper censuses and for research on wild animal populations. This method requires two samples, preferably independently drawn and random, to estimate the objects included in neither sample. It has been applied to historic homicide data in a pioneering effort by Douglas Eckberg for nineteenth century South Carolina.\textsuperscript{20} The Philadelphia health report data could be rechecked by working from two lists of homicide victims: First, Lane’s original sample of indictments, and second, a list of all homicides mentioned in the Philadelphia Ledger for that year.\textsuperscript{21} The new estimate: a crude rate of 4.4 homicides per 100,000, age standardized to 4.6. Unfortunately, not every city can be checked through capture–recapture, for not all have the possibility of using two lists of victim names. Of those cities reported here, I have been able to re–estimate the counts for Los Angeles as well as Philadelphia, 1900.\textsuperscript{22}

\textsuperscript{19} Roger Lane, Violent Death in the City: Suicide, Accident and Murder in Nineteenth–Century Philadelphia 71, 144–47 (1979).


\textsuperscript{21} I wish to thank Roger Lane for preserving and sharing his original research notes with me, and Petula Lu for searching the Ledger.

\textsuperscript{22} Capture–recapture for Philadelphia, 1900. Roger Lane has indictments for twenty–five murders, twenty of which are in the Ledger. Hence five are unique to the indictments (x1). The Philadelphia Ledger mentions forty–five murders, twenty–five of which are unique to it (x2). There are eight further possible murders mentioned in the Ledger. Twenty are in both sources, indictments and Ledger (C). See Lane, supra note 19, at 177.
The five decades between 1870 and 1930 cover a period of enormous change in American cities, from the technology of steam, telegraph and wagon to the telephone and automobile. Over that span, the United States became an urban nation, its population reaching fifty percent urban by 1920. It went through a period of national prohibition, and from an era of domination of urban politics by Yankee elites to immigrant machines. On the other hand, there were also significant continuities. Cities were places filled with immigrants. This was the era of the classic Big City with a big downtown. In the post–World War II era, urban growth took a new and quite different direction towards the multi–government metropolis, and the “typical” big city, like New York or Chicago, became atypical. Between 1850 and 1870, the nature of gun ownership probably changed. While it may well have been higher (perhaps as much as sixty percent) in the colonial period, the mass manufacturing era introduced inexpensive concealable weapons. Murders in both New York City and Los Angeles reflect the change: in both cities, guns accounted for about

\[
(X1\times2)/C=6.25
\]

\[X1+x2+c=xnu=5+25+20+6.25=56.5\text{ for new total.}
\]

His estimate: 66.5

The age distribution of victims for 1900 is:

<table>
<thead>
<tr>
<th>Age</th>
<th>Freq.</th>
<th>Age</th>
<th>Freq.</th>
<th>Age</th>
<th>Freq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>1</td>
<td>24</td>
<td>1</td>
<td>42</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>25</td>
<td>2</td>
<td>43</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
<td>27</td>
<td>2</td>
<td>45</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>28</td>
<td>1</td>
<td>46</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>1</td>
<td>29</td>
<td>1</td>
<td>49</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>2</td>
<td>30</td>
<td>1</td>
<td>50</td>
<td>1</td>
</tr>
<tr>
<td>15</td>
<td>1</td>
<td>31</td>
<td>2</td>
<td>57</td>
<td>2</td>
</tr>
<tr>
<td>21</td>
<td>1</td>
<td>32</td>
<td>1</td>
<td>73</td>
<td>1</td>
</tr>
<tr>
<td>22</td>
<td>1</td>
<td>34</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>32 known</td>
<td></td>
<td>50 total</td>
</tr>
</tbody>
</table>

I sum this and then inflate by missing % (*1.765) to get:

<table>
<thead>
<tr>
<th>Age</th>
<th>Freq.</th>
<th>Age</th>
<th>Freq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5–14</td>
<td>7</td>
<td>45–54</td>
<td>4</td>
</tr>
<tr>
<td>15–24</td>
<td>4</td>
<td>55–64</td>
<td>2</td>
</tr>
<tr>
<td>25–34</td>
<td>12</td>
<td>65–74</td>
<td>1</td>
</tr>
<tr>
<td>35–44</td>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
seven percent of murders before 1851 and about twenty-five percent (LA) and twenty-two percent (NYC) from 1855–1875. And the criminal justice system, never too highly sophisticated, still lacked clear criminal identification systems or coordination between places and agencies.

The most current theory predicts that violent behavior in American cities should have decreased in this era. Throughout Western Europe, the long term decline of rates in personal violence had begun in the late middle ages, and the second half of the nineteenth century saw rates—including legal executions—fall to record lows of around one per hundred thousand in northern Europe and England.

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23 Gun murder information drawn from the data described in Monkkonen, supra note 15 and archived at the University of Michigan, ICPSR and from research in several Los Angeles sources for the Mexican and American periods (1830–1875), totaling 345 homicides. These include the Huntington Library Manuscript Collections, Los Angeles Area Court Records, Los Angeles District Court, Criminal: Register of Actions Criminal, vol. 1, and Los Angeles Area Court Records, Los Angeles Criminal Cases (1861–1879) [boxes 1–24]. Also included are a list of Civil and Criminal Cases Presented in Los Angeles, Mar. – June, 1850 [in Spanish] at the Seaver Center, Los Angeles County Museum of Natural History, Alcalde Court Records, Criminal Finding Guide. These cover 1830–1850 and are trial transcripts and, in a few cases, exhumations of bodies, so they are more complete than court records. Also included is Los Angeles Star/Estrella (microfilm) (1851–1870) and Index to the Star in the UCLA Young Research Library, Special Collections, Shelf List Drawers. For the Daily Star, data was obtained from a card index of “murder and attempts to murder.” This index includes dates noted on the microfilm of the Daily Star. See also, Harris Newmark, Sixty Years in Southern California, 1853–1913 (Maurice H. Newmark & Marco R. Newmark eds., 1916) which contains many homicides which must have been clipped from the Daily Star, the microfilm edition of which has many gaps from clippings. Other newspapers for short runs include the Daily California Chronicle (1854) and the Los Angeles Daily News (1871). See also, Michael A. Bellesiles, Armies America: The Origins of a National Gun Culture 443–444 (2000) (claiming a post war emergence of a national gun “culture” with more guns available). I have not checked Bellesiles’ notes for the section of his book which I cite, and given the unreliability of his research, must urge caution. Further, I consider his notion of a gun “culture” almost impossible to define with any precision. I now suspect, contrary to his book’s main argument, that the colonial era had a much higher level of gun ownership than did the urban industrial era. What this has to do with “culture” remains unclear to me. Nevertheless, virtually any history of the United States recognizes growth of mass manufactured consumer objects, including guns, which began in the late 1830’s–1840’s. Handguns in particular became consumer items—growing simpler to operate and probably more reliable, especially with the post-Civil War marketing of pre-assembled ammunition. For recent published critiques of Bellesiles, see James Lindgren, Fall from Grace: Arming America and the Bellesiles Scandal, 111 Yale L.J. 2195 (2002), and Michael A. Bellesiles, Exploring America’s Gun Culture, 59 WM. & MARY Q. 243 (2002).

24 The literature on this topic is now huge. See, e.g., Medieval Crime and Social Control (Barbara A. Hanawalt & David Wallace eds., 1999); Heikki Ylikangas, Petri Karonen et al., Five Centuries of Violence in Finland and the Baltic Area (1998);
lows persisted through most of the twentieth century, with a slight rise towards its end. Whether theorized as the “civilizing process” or modernization, the suppression of impulsive violence is now understood as the consequence of the slow spread of the state and the related decline of impulsive violence, as well as the rise of internalized, predictable interpersonal norms of behavior—courtesy. The post–1960’s burst in American violence completely contradicts the predictions of these theories. Of course this one (large) instance has not yet been seen as enough to reject theories which account for so many places over half a millennium, though it is worth noting here that now some theorists talk of “decivilizing.” Spierenburg suggests that the unanticipated high rate of U.S. urban violence may come from a kind of place specific “decivilizing,” the state failing to penetrate all of urban society.


Even this idea has little explanatory relevance, especially when one considers the second half of the twentieth century, dominated by rising rates. Figure 1 shows national crude homicide rate estimates for the U.S. and England.29 Although the English pattern is subject to some controversy,30 work on many other individual cities throughout Europe suggests that this picture captures the trailing off from very high medieval crude rates averaging around twenty per hundred
It is not as though the U.S. is completely separate: the national rates of England and the U.S. actually fluctuate similarly, with a positive correlation throughout the twentieth century.\textsuperscript{32} The much greater size of the U.S. rate obscures this relationship in graphic form unless one uses a log scale.

Figure 2

*Age Standardized Homicide Rates, Chicago and New York City, by Decade, 1880–1930. Source: see text.*

Figure 2 compares the age standardized rates of Chicago and New York City, the two largest U.S. cities at the time. Several observations are of importance. First, the long series for New York shows several surprises: a relatively high rate throughout two centuries, a low period in 1900 when one would have predicted a high period, and a high rate at the beginning of the nineteenth century, in all


\textsuperscript{32} $r = .45$ for the twentieth century. It rises to .57 if we drop the war years, 1914–1921, when England’s rate plummeted as young men went to war. In a final massage, the correlation rises to .63 if we delete the post-1995 U.S. rates.
probability much higher than the current rate. Because the data are reported on the decade, at least two important high peaks for New York are invisible—those for 1857–1858 and 1862–1864—both of which exceeded rates at the end of the twentieth century. Similarly, the 1930 peak for Chicago actually masks a downturn, for the city’s crude rate had reached a high point in 1925 and then began to decline.33

Chicago has rates closer to one set of theoretical expectations; essentially it is a picture of sustained growth. If one wanted a city in which to confirm the theory that urban growth leads to high rates of violence, Chicago fits the requirements. Chicago and New York begin the period with rates around five and Chicago ends it with rates over ten. During the period, Chicago has doubled the rate of New York. The rates in most cities drop afterward, in a widely noted Depression effect.

Figure 2 really raises a question: should we talk about “American homicide rates” when the two major cities were so divergent? Do we use 1880 as the talking point? Do we say that New York does not count? Do we have two theories of change? Or, we could use Chicago to confirm Michael Bellesiles’ prediction that the growing American “gun culture” caused increasing homicide rates.34 At this point, one must conclude on a cautionary note: the two biggest United States cities contradict each other and most theories.

33 The 1920 data plotted here are from the public health reports, as the Chicago data set reports an unusually small number of homicides for 1920. The absolute counts, excluding vehicular and abortion related deaths, is 294 (1919), 229 (1920), 309 (1921), a twenty-two percent drop. The vital statistics data give an almost fifty percent higher result for 1920 than do the individual level data.

34 Bellesiles, supra note 23, at 443–444. Monkkonen, supra note 15, at 37–43. Note: I do not use vehicular or abortion deaths.
Table 1

Major City Rates and Populations, 1900. Source: see text

<table>
<thead>
<tr>
<th>Place, 1900s</th>
<th>Age Standardized Homicide Rate</th>
<th>Crude Homicide Rate</th>
<th>Population (in Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York City</td>
<td>3.4</td>
<td>3.8</td>
<td>3437</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>4.6</td>
<td>4.7</td>
<td>1294</td>
</tr>
<tr>
<td>Chicago</td>
<td>7.3</td>
<td>6.0</td>
<td>1100</td>
</tr>
<tr>
<td>St. Louis</td>
<td>10.25</td>
<td>11.4</td>
<td>575</td>
</tr>
<tr>
<td>San Francisco</td>
<td>12.3</td>
<td>12.2</td>
<td>343</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>14.9</td>
<td>15.0</td>
<td>102</td>
</tr>
</tbody>
</table>

Table 1 displays populations and rates for six major U.S. cities at the beginning of the twentieth century. Its ordering is by age standardized rates, but, it turns out, the order is also the same as the cities' sizes, crude rates, and geographical location on the continent: increasing from east to west and north to south. On the face of it the table rejects size as a cause of high homicide rates, leaving geography intact and much work for scholars to do. Simply put, New York City, the densest, most crowded, most—or one of the most—corrupt, filled with immigrants, should have had high rates, yet it recorded some of the lowest rates of the era.

Only a regional explanation holds together, but region is really a concept which encompasses more precise sets of explanations: e.g., the legitimacy of the state, criminal justice structure, real income, and so forth. By 1900, the west should no longer encompass the notion of a violent, stateless region. And the idea that Chicago in 1900 had a regional difference which would account for its homicide rate twice that of New York simply makes no sense.

The right data on homicides—age adjusted, male proportions included—prove to verify a few things, such as the sense that while age and sex composition matter, they do not matter as much as change over time as well as place specificity. Change over time then needs to be further decomposed. On the other hand, it becomes equally clear that the right data in and of themselves do not flatten out the huge temporal and regional differences across the United States. Even stranger, the biggest city, New York, with over three million people in 1900, had the lowest rates, while smaller places had higher ones. The better we understand homicide rates, the more challenging and interesting our task becomes.
FIREARM DEATHS, GUN AVAILABILITY, AND LEGAL REGULATORY CHANGES: SUGGESTIONS FROM THE DATA*

GREG S. WEAVER**

INTRODUCTION

On February 27, 1926 the story of a shooting incident involving a Thompson machine gun appeared on the cover page of the Chicago Tribune.¹ That day, Al Capone went to a local hardware store and ordered three of these weapons.² Capone used the Tommy gun on April 27th of that year in an attack against a rival bootlegger, James Doherty.³ These events launched an arms war of sorts among gangsters in Chicago that quickly spread to other cities.⁴ In what later proved a critical mistake on the part of Capone, one of the fatalities from this shooting was a prosecutor for the state of Illinois, William McSwiggin.⁵ Police raided Capone headquarters in retaliation, during which time a federal revenue agent found a ledger that would subsequently be used to convict Capone of tax fraud.⁶

Possession of the Thompson machine gun—a weapon capable of firing .45 caliber bullets at a rate of up to twenty-five rounds per second and deemed unsuitable for use by the Chicago Police Department because of potential danger to innocent bystanders—was not in viola-

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² Id.
³ Id.
⁴ Id., supra note 1, at 132.
⁵ Id.
⁶ Id.
tion of the city’s concealed weapon law.7

As will be shown, the incident described in the previous paragraph is an example typical of the seemingly paradoxical attitudes pertaining to firearms during the period. Even though possession and use of firearms in the city were, relatively speaking, strictly regulated, enforcement of these laws was generally lacking. For example: five days before his death in 1924, Frank Capone was arrested for violating the concealed weapon law of Cicero (a suburb of Chicago). The presiding judge dismissed the case and returned the weapons to Capone—commenting that he may need the firearms for the purposes of protection.8

On the other hand, however, highly publicized and often glamorized firearm incidents associated with Prohibition played an important role in the passage of subsequent gun legislation at the local, state, and federal levels. Following the “St. Valentine’s Day Massacre” of 1929, President Roosevelt proposed a bill that would regulate the sale and possession of handguns and machine guns alike, but these measures remained stalled in Congress until 1934.9 That year, prompted in part by the 1933 death of Chicago mayor Anton Cermak during an assassination attempt on President Roosevelt10 and the activities of John Dillinger, Congress passed the National Firearms Act of 1934.11 This legislation regulated the sale, manufacture, and civilian possession of machine guns and other “gangster type” weapons.12 The 1934 act originally contained a provision to place stricter regulations on the sale and possession of handguns, but it was removed before the final form of the statute passed.13 A second key law, the Federal Firearms Act of 1938, required that all gun dealers be licensed.14 These laws provided the bulk of gun legislation in the

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11 Davidson, supra note 9.
13 Id.
United States until 1968. In that year a number of firearms laws were passed at the federal, state and local levels that increased restrictions on the sale, transportation and possession of firearms.\textsuperscript{15}

The objectives of the present study follow a number of complementary paths: to explore Chicago gun homicides between 1879 and 1930, to outline significant developments in firearm laws in the city, and to identify possible factors that influenced changes in the increased availability of firearms. In doing so, gun homicide trends during the period will be examined and viewed in the context of significant events such a civil unrest, as well as the period of Prohibition.

I. FIREARM LAWS IN CHICAGO

In examining the development of legal restrictions on firearms in Chicago, a number of interesting points emerge. In 1982 the city enacted some of the strictest controls on gun purchases and possession in the country—particularly in regard to handguns. As of October 30, 1983, civilians were allowed to own handguns only if the weapon had been previously registered with the city prior to the effective date. Civilians were permitted to register rifles and shotguns, but the only handguns that could be registered include those in accordance with statute, or if done by an individual specifically exempted by the statute—such as peace or correctional officers and persons licensed to manufacture or sell firearms. There was much attention given to the city of Morton Grove in 1981, when a ban on the possession of all handguns was passed and implemented.\textsuperscript{16}

As noted by Lindberg, when the town of Chicago was formed in 1834, one of the first laws passed was a ban on firearms.\textsuperscript{17} While the specific nature of this statute was unidentified, it provided the foundation for a trend that continues to be followed. Three years later when the city was granted a municipal charter, Section 1 of the Municipal code of 1837 prohibited the discharge of firearms (the firing of weapons containing blank cartridges was allowed at the discretion of the Mayor or head of the Common Council, presumably for ceremonial purposes) within a specified area of the city. The penalty for this offense was a fine ranging between five and twenty-five dollars.

\textsuperscript{15} LARSON, supra note 1. See also National Rifle Ass'n, New U.S. Gun Laws Piled High By Now, 116 AM. RIFLEMAN 43 (1968).


\textsuperscript{17} LINDBERG, supra note 7, at 2.
Furthermore, section 5 of the 1837 code regulated—primarily for fire concerns—the storage of gunpowder.\textsuperscript{18}

That early restrictions were placed on firearms is rather interesting, particularly when viewed in the context of state law. Illinois, unlike several other states, had not yet placed restrictions on the carrying of concealed weapons.\textsuperscript{19} A number of states, beginning with Kentucky in 1813, regulated the carrying of concealed weapons.\textsuperscript{20} Illinois, on the other hand, appears to have employed a different approach. In 1820 the state executed a duelist.\textsuperscript{21} As such, many believed it was unnecessary to regulate concealed weapons because this action (the execution) served to show that such actions would not be tolerated, thereby serving as a general deterrent.\textsuperscript{22}

Returning to laws in Chicago, the Municipal Code of 1849 placed additional restrictions on the storage and sale of gunpowder and gun cotton.\textsuperscript{23} However, the 1881 code reflects significant changes in at least two areas. Sections 1215 through 1223 of Article 14 of the city code of 1881 not only prohibited the carrying of a concealed handgun, but an added measure required a permit to carry a concealed weapon. The concealed weapon permit was to be approved by the mayor and issued by the city clerk.\textsuperscript{24} In 1905 the concealed weapon law was further strengthened to allow the city to confiscate firearms possessed in violation of statutes.\textsuperscript{25} As such, these modifications (particularly 1881) are in some ways similar to the often-cited Sullivan Law (1911) of New York, which made ownership of a handgun illegal unless an adverse possession permit was obtained from police.\textsuperscript{26} Events associated with Prohibition were defi-
nitely influential in the passage of federal legislation that at least in theory increased firearm regulation.27 By the early 1930's, the reputation of Chicago was well established as a place where firearms could be obtained easily. While the city did attempt to place restrictions on the sale and possession of firearms, many surrounding towns did not, and laws were further weakened because weapons, ammunition, and accessories could be purchased by mail order.28 For example, in 1922, law enforcement discovered that silencers could be purchased by mail order.29

Clearly, legal restrictions on the ownership and possession of firearms—particularly concealed weapons—increased during the period. As noted previously, as early as 1813, states began placing restrictions on the carrying of concealed weapons.30 Because southern states were primarily the first locations to do so, it has been argued that one of the underlying motivations was to keep firearms away from blacks and poor whites.31 In a similar vein, it is not surprising that during the 1880's, attempts to enhance handgun restrictions in Chicago coincided with the increased presence of immigrants and instances of civil unrest. Specifically, there was concern among the predominantly Anglo-Protestant establishment that immigrants and anarchists would utilize firearms in subversive attempts to undermine the existing social order.32 Some evidence exists that substantiates these claims. For example, Peterson suggests that by 1886, approximately 3000 anarchists resided in the city—and that members of these groups were often encouraged to stockpile weapons.33

In response to these concerns, it appears that many citizens contributed supplies of both firearms and ammunition to the city for possible use in retaliation against individuals and groups deemed threat-

27 Id. at 22.
28 Lee Kennett & James Laverne Anderson, The Gun in America: The Origins of A National Dilemma 189 (1975). The authors note that following the formation of the Chicago Crime Commission in 1919, an attempt was made to enforce more rigorously the city's ban on carrying concealed firearms. Id. However, two subsequent court cases considerably weakened the concealed gun law. See People v. O'Donnell, 223 Ill. App. 161 (1921) (holding that permits issued in other Illinois cities must be recognized as valid in Chicago); City of Chicago v. Thomas, 228 Ill. App. 65 (1923) (holding that municipal penalty for concealed weapons conviction cannot exceed that authorized by the State).
30 See National Firearms Act, supra note 12.
31 Kates, supra note 26, at 12.
32 Id. at 16–18.
In 1877, upon hearing of incidents in Pittsburgh where mobs successfully robbed gun stores and pawnshops to obtain weapons and fearing similar occurrences in the city, the Superintendent of the Chicago Police Department issued a request that gun dealers and pawnshop brokers secure store firearms. Many businesses complied, and a number of merchants turned in weapons and ammunition to the city for safekeeping. During the civil unrest of that year, a mob surrounded a gun store on State Street, but it was dispersed by the Chicago Police Department without incident. On the other hand, a gun store located at 522 Halsted Street was robbed. The owner, M.J. Privy, did not comply with the aforementioned request of the Superintendent and a large number of weapons—including those displayed in storefront windows—were taken. However, it appears that the Chicago Police Department realized some success in confiscating a large number of firearms before they could be used. In an effort to avoid further violence during riots occurring during 1877, the Chicago Police Department confiscated 125 stands of government-owned weapons that were stored at a hall owned by the McCormick Company. At the time of the arrest of leaders of the Haymarket Riot in 1886, a large number of weapons were secured as well—one of many instances in which weapons were confiscated by law enforcement.

II. THE CONTROVERSY OVER GUN AVAILABILITY

There is some debate over the extent to which firearms were available to and accessible by the public, particularly during the nineteenth century. Inquiry into this matter is complicated further by the difficulty of identifying specific sources of firearms. However, placing this question in historical context provides some clarification. Prior to the 1830’s, there were few guns produced domestically. In fact, the federal government and state militias frequently were unable to arm their troops adequately. During this time blacksmiths produced some of the firearms available, many of which were of ques-

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35 Id. at 165.
36 Id. at 164–65.
37 Id.
38 Id.
39 Id. at 323.
tionable quality and also difficult to maintain. In particular, guns made of iron were, without care, subject to rusting—which would increase the potential for malfunction. Courtwright suggests that not only was malfunction commonplace, but also that a greater number of firearm deaths could be attributed to accidental shooting than to murder. For the average person, firearms also involved a significant financial investment, often several months’ wages, an amount that many could not afford.

In addition to the importance of the Civil War in terms of its influence on the supply of weapons, this conflict also had an important impact on attitudes relating to violence and the use of guns. Not only did the war provide an opportunity for many to gain access to become versed in the use of guns, but it also, from a cultural perspective, reinforced the notion that carrying a firearm was acceptable and/or necessary. In that regard, these experiences served to desensitize many to violence, particularly in situations when its use was perceived to be warranted—such as in maintaining order or when one’s honor or reputation had been questioned. Coupled with dramatic population growth and the social disorganization that accompanied it, that the potential for violence increased should not be surprising. While a small portion of the post Civil War homicides were committed by any of the estimated 26,000 Chicagoans who served during the war, the resulting impact on attitudes via culture should not be forgotten.

Peterson has suggested that circumstances particular to the city prior to and following the war encouraged many persons to carry weapons for protection. One of the many economic downturns experienced in the United States during the nineteenth century culminated in the Panic of 1857. Many of those experiencing unemployment turned to crime and Peterson states that “desperados, petty criminals, and just plain riff raff” moved to the city. Once the war ended, many former soldiers came to Chicago, allegedly lured by the

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43 Kates, supra note 26, at 11.
44 KENNEDY & ANDERSON, supra note 28, at 152–53.
45 Id. at 151.
47 Id. at 265.
48 PETERSON, supra note 33, at 25.
49 Id at 34.
city’s abundance of gambling and prostitution establishments. As a consequence, it appears that citizens began to arm themselves due to fear of becoming the victim of a crime.  

Kennett and Anderson note that production of firearms increased dramatically during the war. Improvements in technology made it easier to produce better quality and smaller, more efficient guns at a lower cost. Not only did production increase, but Union soldiers were also permitted to keep their weapons after the war ended—an important point, given that the Union used approximately four million small arms during the war. After the conflict ended, the U.S. government canceled all outstanding orders for firearms. In some instances, the government sold surplus weapons back to the manufacturer for less than the original cost. A large number of these surplus weapons were made available for sale to the public. Gun manufacturers, eager to reduce their inventories, dramatically lowered prices. For the first time, firearms were within the financial means of many Americans.

According to Marohn, between 1855 and 1895, there were very few gunsmiths or powder/ammunition dealers in the city of Chicago. By 1895 there were fewer than twenty each of gunsmiths or gun dealers listed in the city directory. Recall from the previously cited example involving Al Capone, however, that hardware stores sold firearms, as well as department stores such as Sears and Montgomery Ward, and sporting goods stores. In a number of instances large manufacturers purchased small-scale producers and gunsmiths. It was during this period that gun manufacturers and retailers began utilizing newly developed mass media outlets to advertise their products in newspapers and other periodicals. These advertisements, which frequently contained testimonials from satisfied customers, could be found in a variety of print publications. Inexpensive and cheaply made handguns, some referred to as “suicide specials” by collectors, were standard fare. Initially, firearm manufacturers and retailers hoped these ads would lure prospective buyers to local out-

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50 Id. at 25.  
51 KENNETT & ANDERSON, supra note 28, at 91.  
52 Id. at 97.  
53 Id. at 91.  
54 Id. at 93; Kates, supra note 26, at 13. See American Firearms: Effect of the McKinley Tariff, N.Y. DAILY TRIB., Sept. 12, 1892, at 4 (commenting on dramatic increase in production following passage of the McKinley Act, which placed a tariff on imported weapons).  
lets. However, it became apparent that the developing railroad system and postal service made direct transactions possible, thus further expanding the potential market.\textsuperscript{56}

It was during the final decade of the nineteenth century that an important yet controversial outlet for purchasing firearms made them more accessible than ever before: mail order. While a number of companies were involved in the sale of firearms via mail, Sears, Roebuck, and Company is generally regarded as being at the forefront of this enterprise. In 1892, six years after the first Sears catalog was issued, handguns were offered for the first time.\textsuperscript{57} The one page layout was devoted to a Smith and Wesson revolver.\textsuperscript{58} Over the next decade, firearms, ammunition, and accessories became featured items and assumed a more prominent position in the catalogs. One year later, the 1893 catalog devoted seven pages to firearms and accessories.\textsuperscript{59} By 1905, the apparent peak of mail order handgun sales for Sears, six pages of the 63-page sporting goods section were devoted to revolvers and ammunition.\textsuperscript{60} In fact, by this time Sears even owned a factory that produced firearms and customers were permitted to redeem profit sharing certificates for firearms.\textsuperscript{61}

The sale of handguns via mail did, however, prove to be quite controversial. For example, firearm manufacturers discovered that Sears would frequently sell handguns for less than the retail price. In turn, certain manufacturers (Winchester in particular) would attempt to either limit sales to Sears or refuse to fill requested orders. Sears responded by placing orders through dummy companies and this dispute continued for a number of years.\textsuperscript{62}

Secondly, that mail order sales were, in a manner of speaking, anonymous, also proved controversial. Apparently, prior to 1915 Sears made no effort to determine if the sale of a firearm via mail violated local statutes or if the purchaser possessed a permit (if re-

\begin{footnotes}
\item[56] KENNNETT & ANDERSON, supra note 28, at 99. See also COURTWRIGHT, supra note 42, at 43.
\item[57] BORIS EMMET & JOHN E. JUECK, CATALOGUES AND COUNTERS: A HISTORY OF SEARS, ROEBUCK AND COMPANY 35 (1950).
\item[58] Id.
\item[59] Id.
\item[60] DAVID L. COHN, THE GOOD OLD DAYS: A HISTORY OF AMERICAN MANNERS AS SEEN THROUGH THE SEARS ROEBUCK CATALOGS, 1905 TO THE PRESENT 431–47 (1940); EMMET & JUECK, supra note 57, at 37, 106 (the sporting good section consisted largely of firearms and accessories).
\item[61] EMMET & JUECK, supra note 57, at 77.
\item[62] KENNNETT & ANDERSON, supra note 28, at 100.
\end{footnotes}
quired). That year, Sears began to request that the purchasers provide their ages, occupations, and the names of two character references. In 1922, however, Sears required proof of permit if required locally. Two years later Sears discontinued sales of handguns via mail. While reasons for this decision included an apparent decline in sales, the difficulty of complying with the increasing number of local restrictions on handguns and negative publicity were important as well.

In sum, evidence suggests possible explanations for how the supply of weapons increased in Chicago, particularly following the Civil War. Be it from greater availability through advancing technology/production or weapons kept following the war, it does not appear that during the latter half of the nineteenth century guns could be obtained if desired. In addition to outlets such as dealers, department stores, hardware stores, and mail order, it appears that a secondary market existed as well. Adler shows that weapons could be purchased at pawnshops or even at saloons. In fact, there are recorded instances in which guns were borrowed from saloonkeepers and subsequently used in homicides.

III. GUN HOMICIDE IN CHICAGO, 1870–1930

The discussion that follows is based upon analysis of the victim file of the Chicago Homicide dataset (unless otherwise noted). In doing so, total and gun homicide counts were identified and then aggregated by year using Microsoft Excel and SPSS software packages.

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63 COHN, supra note 60, at 441–42. Included is a Notice to Purchasers from the 1915 catalog, which reads:

We keep a record of the name, caliber and serial number of every revolver and pistol we sell, together with the name and address of the purchaser and the date of purchase. This record is open at all times to any accredited peace officer. We solicit only the trade of responsible and reputable persons who have a legitimate right to purchase and own a revolver or pistol. We particularly solicit the trade of policemen, sheriffs, constables, game wardens, forest rangers, express and bank messengers and sportsmen of unquestionable character. To enable us to properly discriminate in the filling of orders for pistols, we must insist that purchasers comply with the following requests: Give age. (We do not sell to minors). Give occupation. Give name of tow citizens of your town as character witnesses.

64 KENNETH & ANDERSON, supra note 28, at 194.

65 COHN, supra note 60, at 442 (suggesting that newspaper coverage of homicides began to use the phrase “cheap mail order pistol” with increasing frequency).

Then, rates for total and gun homicides for each year are calculated using population data derived from Chicago Since 1840: A Time Series Data Handbook, compiled by Wesley G. Skogan. Please note that non-census-year population data are linear estimations for the respective years.

When viewed together, Figures 1 and 2 indicate the total and gun homicide rates for each year, as well as a depiction of gun homicides in comparison to the total homicide rate during the period. Overall, the gun homicide rate follows the same general pattern as the total rate—an overall increase that includes a substantial upturn following 1918. Prior to 1898, the gun homicide rate exceeded three (per 100,000 persons) during the years 1882–1894, at which time the gun homicide rate fell below that level in only one year (1910) during the remainder of the period. Following 1918, however, the aforementioned upswing in the gun homicide rate reappeared. The rate of 7.46 for 1919 dropped to 6.07 in 1920, but increased during the following eight years, peaking at 11.51 in 1928, the highest gun homicide rate of any year during the period between 1870 and 1930.

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Figure 1
Total Homicide Rate
Figure 2
Gun Homicide Rate, 1870-1930
As stated previously, the period between 1870 and 1930 included a number of significant events related to changes in the homicide rate, including instances of civil unrest. During the latter half of the nineteenth and into the early twentieth century, several notable instances of civil disturbance—most notably involving labor struggles—occurred in many cities including Chicago. These events, coupled with rapid population growth in the city, definitely influenced social life in many ways, including increased violence. Two sets of circumstances are important. First, some incidents were associated with an event itself, such as 1877, when thirty strikers were killed during a railroad strike. Second, in some instances, the impact of labor disputes and struggles may have influenced violent behavior beyond the event itself, straining relations between groups and facilitating a milieu that increased the likelihood of violence.

Particularly during the later part of the nineteenth century the massive influx of immigrants was viewed negatively by the predominantly Anglo-Protestant establishment. For the most part, immigrants were viewed as anarchists intent on undermining the existing social order. Added to this notion was the concern that stores of weapons were being amassed for this purpose. In that regard it is possible that increased restrictions on the possession of concealed weapons were motivated by these concerns.

In addition to the railway strike of 1877, the gun homicide rate often increased during those years when key incidents occurred. Surprisingly, one of the most notable instances, the McCormick Strike of 1886, occurred as homicide rates experienced a brief decline. The gun homicide rate also experienced an increase during 1893 and 1894, during which time the mayor of Chicago was murdered and federal troops were mobilized in the city to end a strike against the Pullman Palace Car Company. Between 1898 and 1905, during another general upturn in the gun homicide rate, the city experienced the Stockyard Strike of 1902 and the Teamsters Strike of 1905. In 1902 National Guard Troops were mobilized during an incident in which numerous injuries resulted. The 1905 strike was a continuation of the former action, in which several conflicts between police and strikers resulted in the deaths of fourteen persons.

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Following declines in the gun homicide rate during the latter half of the first decade of the twentieth century, the city experienced a reversal in this trend. Over the following twenty years, the total gun homicide rate in Chicago more than doubled.\(^{72}\) In 1911, the year of the Garment Workers Strike, the gun homicide rate was 4.36.\(^{73}\) However, influenced by conflicts related to control of labor unions (primarily between 1911 and 1920) and Prohibition, the gun homicide rate peaked (for the period) at 11.51, by 1929.\(^{74}\) Perhaps the best example of how tension between the groups can result in violence is the race riots of 1919. An economic recession exacerbated by racial tension contributed to the events of July 1919, when a young black male was killed as he swam on a white-only beach on Lake Michigan. This even triggered six days of rioting throughout the city.\(^{75}\) By the time the National Guard was called in to restore order, thirty-eight persons had died and thousands were injured.\(^{76}\)

The preceding events, however, were quite overshadowed by Prohibition, which began in January 1920. During the first year the gun homicide rate was 6.07 and steadily increased during the decade. With Prohibition came competition over the illegal alcohol market and not surprisingly, violence followed. After 1923 when the tenuous agreements between rival bootlegging gangs dissolved, a marked increase in violence resulted as a consequence.\(^{77}\) In 1926, for example, 76 of the 575 homicides for the year were “gangland murders.”\(^{78}\) Figures 1 and 2 reveal a marked continuation of the increase in both total and gun homicide rates through 1928. In addition to influencing the passage of stricter firearm legislation, the St. Valentine’s Day Massacre of 1929 ironically slowed the continuation of increasing homicide rates at the end of the decade. This event consolidated the power of Al Capone and his organization.\(^{79}\) As a consequence, the necessity of employing violence when dealing with rival gangs diminished.\(^{80}\)

\(^{72}\) Lindberg, supra note 7, at 73–75.
\(^{73}\) Id.
\(^{74}\) Id.
\(^{75}\) Spinney, supra note 10, at 172–74.
\(^{76}\) Id.
\(^{78}\) Spinney, supra note 10, at 177.
\(^{79}\) Id. at 177.
\(^{80}\) Id. at 177–78.
Figure 3
Percentage Firearm Homicides, 1870-1930
Figure 3 reflects the percentage of gun homicides for each year between 1870 and 1930. For the entire period, the average percentage of homicides committed with firearms is 52.7%. As indicated on the graph, there is greater fluctuation between 1870 and 1889. From 1890 to 1928, however at least fifty percent of homicides were committed with a firearm each year, excluding 1918, 1923, and 1926, in which 46.5, 47.9, and 47.0% of the homicides, respectively, a gun was used.

Also, viewing the yearly percentage of homicides committed with a firearm in the context of the aforementioned instances of civil unrest, labor disputes, and Prohibitions is quite telling. Generally speaking, the gun homicide percentage increased in those years when these events occurred. This finding suggests that the availability and efficiency of firearms was acknowledged. For example, in 1877, 71.4% of homicides for that year involved a gun. In 1887, the year following the McCormick Strike, this figure increased to 61.5% from 32.1% the previous year. Similarly, the gun homicide percentage is higher in the years of the Garment Workers Strike (1911) and the Race Riots (1919) than in the years previous to each event, respectively. Furthermore, Figure 3 reveals that guns were utilized in at least fifty percent of homicides that occurred in eight of the ten years of the decade of the 1920’s.

The relative consistency and stability of the percentage of homicides committed with a firearm, when viewed in the context of changes in the gun homicide rate is striking and raises a number of important questions. Recall that between 1870 and 1930 the firearm homicide rate increased approximately by a factor of 10—thereby augmenting the importance of the previous discussion of the firearm availability—and indicating, as suggested, that firearms became more readily accessible over time.

**CONCLUDING REMARKS**

It is not surprising that as the homicide rate increased in Chicago between 1870 and 1930, so did the homicide gun rate. As a consequence, restrictions on firearms implemented prior to 1870 increased during and after the period, but the effectiveness of these statutes remains in question. Restrictions on firearms, particularly handguns, increased during the 1880’s and 1920’s. The former may best be characterized as a time of civil unrest that included a number of incidents of violence. During the decade a number of labor disputes and
strikes occurred. Likewise, the previously cited examples during the Prohibition era were no doubt influential in the passage of increased restrictions on firearms.

As mentioned previously, firearms became more readily available, particularly after the Civil War. The extent to which firearm availability appears to have increased during this period is, however, remarkable. Two key findings should be noted: first, that the percentage of homicides committed with a firearm remained relatively stable during the period; and second, that the percentage of homicides committed with a firearm generally increased in those years characterized by civil unrest, as well as during the early years of Prohibition. The second finding suggests, given the high “stakes” associated with labor disputes and control over the illegal alcohol market, that a more efficient means of committing homicide was utilized—the firearm.

There are a number of questions that should be addressed in subsequent research. First, the relationship between firearms and homicides occurring during specific events of civil unrest should be examined more closely. That is, in those years characterized by civil unrest and a higher gun homicide percentage, how much of the increase is related to the event itself? Doing so will help to clarify the extent to which guns were utilized during protests, strikes, etc., and also will provide valuable information on whether such events potentially had a “lingering effect” exhibited by subsequent homicides.

A second area of inquiry involves specifically identifying sources of firearms and determining the extent to which availability increased. The increase in the supply of firearms appears to have been a consequence of a number of factors. There is little question that the development and utilization of technology made it easier to produce weapons more efficiently and at a lower cost. Furthermore, the Civil War not only increased the supply of available weapons, but also provided an arena in which many were trained in their use and arguably facilitated attitudes tolerant of violence. Finally, the ease of the purchasing of firearms via mail order made them readily accessible.

Of course, the overall lack of information pertaining to supply and availability of firearms makes this task more difficult, but a number of other possibilities exist and deserve exploration. Recall the concern that immigrant groups were amassing weapons for use in criminal and subversive activities. A number of examples illustrating this point were identified, but it is difficult to determine the extent to
which these weapons were used. Nonetheless, a number of possibilities exist. For example, during the latter third of the nineteenth century, the Clan Na Gael, comprised primarily of Irish Immigrants, achieved a degree of prominence in the Chicago political structure. It has been suggested that their activities also included providing both money and weapons to groups attempting to liberate Ireland from British rule. If true, what were the sources of these weapons and were they sent to Ireland or did they remain in the city? Examples such as this reflect the complexity of identifying specific factors, but doing so would no doubt prove beneficial.

As noted previously, a general lack of information on availability of firearms continues to present problems. During most of the period in question little, if any, data was compiled on firearms. The Chicago Police Department did not begin to record information on the number of confiscated weapons until 1938. There are other avenues, however, that we should continue to explore. For example, in 1919, the federal government for the first time levied an excise tax on sales of both firearms and ammunition. Preliminary inquiries by this author indicate that data on collections may be available at the national as well as local level. Particularly in regard to the local level, this information, if available, would allow for comparison of Chicago to other large cities in terms of sales of firearms and ammunition during the last ten years of the period in question.

In addition, use of indirect measures of availability should be explored. One such measure that warrants further examination is the use of information pertaining to violation of concealed weapon laws. Data obtained from the annual reports of the Chicago Police Department to the City Council includes the number of charges annually for violations of the city’s concealed weapon laws between the years 1874 and 1930, as well as monthly data for 1875–78, 1882–83, and 1885–88. Unfortunately, data on arrest/convictions are available for only a few of these years.

Preliminary analysis of this data suggests that in general, the rate of being charged with violation of the concealed weapon statute decreased during the period. The most notable exception to this trend appears to have occurred in 1892 and 1893, when rates per 100,000

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81 Lindberg, supra note 7, at 81.
82 Block et al., supra note 16, at 28.
83 Davidson, supra note 9.
84 Chi. Police Dep’t, Annual Reports of the Superintendent of Police to the City Council (1874–1930).
persons increased dramatically. Recall, however, that in 1893 and 1894 federal troops were utilized in ending the Pullman Strike. As expected, it does appear that charges for these violations increased during the period of unrest involving labor disputes and/or strikes. Examination of monthly data reveals further that charges for violation of the concealed weapon statute did increase in the months associated with major incidents. While these rates fluctuated during Prohibition, violations of concealed weapon statutes remained at the lowest levels of any decade during the period of 1870 and 1930.