

tive structure.¹⁶⁸

THE 1911 CHICAGO VICE COMMISSION REPORT; THE REPORT OF THE CITY COUNCIL COMMITTEE ON CRIME OF THE CITY OF CHICAGO IN 1915, AND THE 1929 ILLINOIS CRIME SURVEY

The 1911 Chicago Vice Commission Report

The 1911 Chicago Vice Commission was appointed by reform Mayor Fred A. Busse and was comprised of representatives of the professions and important civic institutions in the city.¹⁶⁹ The Commission had prostitution and the white slave trade as its primary concerns; however, it also included extensive reporting on the role of the police and the connection between the sale of liquor, saloons, and prostitution.¹⁷⁰

Reform efforts always had the regulation of saloons and the question of the possible banning of alcohol in their background. The saloons were regulated by licenses given out by the Mayor's office. City regulations on closing hours and how and when they could ad-

¹⁶⁸ See CHL. (ILL.) CIVIL SERVICE COMM'N, *supra* note 131 (containing three reports addressing the administration of the Chicago Police Department).

¹⁶⁹ Created by an ordinance of the City Council of Chicago, with doctors, lawyers, professors of academic institutions, representatives of the religious community and the business and professional elite, its purpose was:

to inquire into conditions existing within the limits of the city with reference to vice of various forms including all practices which are physically and morally debasing and degrading, and which affect the moral and physical welfare of the inhabitants of the city. The Commission shall from time to time transmit to the Mayor and the City Council, a written report of existing conditions, as it may find them, respecting vice, with such recommendations as it shall deem advisable for the suppression thereof.

THE VICE COMM'N OF CHL., *supra* note 6, at 6 (quoting the Chicago ordinance creating the Commission). The Commission held ninety-eight conferences within six weeks and received the support of the principal civic organizations in the city as it prepared its Report. *Id.* at 9.

¹⁷⁰ The Report states:

The Commission has found in its investigation that the most dangerous immoral influence, and the most important financial interest, outside of the business of prostitution as carried on in houses, is the disorderly saloons. The proprietors of these places are using prostitutes as an adjunct to the sale of beer and liquor, and are allowing them to openly solicit for immoral purposes in their rear rooms . . . During the period of its investigation the Commission has secured definite information regarding 445 saloons in different parts of the city. The investigators have counted 929 unescorted women in these saloons, who by their actions and conversation were believed to be prostitutes. In fact they were solicited by more than 236 women in 236 different saloons, all of whom, with the exception of 98, solicited for rooms, "hotels," and houses of prostitution over the saloons.

Id. at 34-5.

vertise or open their doors or windows proliferated. The police had the discretion not to enforce these regulations. The number of ordinances and their contradictory aspects, as well as the recognized policy of the state legislature to leave regulation of the city to home rule, were reasons for the absence of law enforcement in the vice districts.

Mayor Busse was swept into office on a reform ticket, although later commentators have questioned how much he was able to accomplish. Certainly the 1912 “closing,” or refusing to tolerate under the former terms, the segregated vice districts was a milestone.¹⁷¹ Ironically, sitting on the City Council and voting for the creation of the Commission in 1911 were two council members who allegedly controlled much of the prostitution and other illegal enterprises in the Loop.¹⁷²

Mayor Busse appointed his own Superintendent of Police who reported that the segregated vice districts of the city were “beyond the control of law enforcement.”¹⁷³ The vice districts were reputed to have no legitimate law enforcement there. The Commission blamed the police, but saw other elements as accomplices.¹⁷⁴ Police discre-

¹⁷¹ One author notes:

While commercialized vice in Chicago has persisted in spite of ‘lids,’ closings and moral crusades, it has never returned in the flagrant form in which it existed in 1912 and it has not concentrated in an open, accessible mart like that of the old Twenty-second Street district. Chicago’s vice resorts, dispersed through a wide area of the city, are subdued and unobtrusive.

WALTER C. RECKLESS, *VICE IN CHICAGO* 8 (1933).

¹⁷² “The motion prevailed . . . by yeas and nays as follows: *Yeas*—Kenna, Coughlin . . .” THE VICE COMMISSION OF CHICAGO, *supra* note 6, at 5. The votes of Aldermen Kenna and Coughlin refer to Mike “Hinky Dink” Kenna and Bathhouse John Coughlin, Aldermen who represented the notorious first ward on the Levee. See SIMPSON, *supra* note 76, at 50.

¹⁷³ According to the report:

The tolerance and indifference toward the law by the citizens have gone so far in Chicago that for years the people have seen develop under their very eyes a system of restricted districts under police regulation, the result of which has been to nullify the law, and render it inoperative. . . . So it happens that the people of Chicago, by their tacit consent, have put aside the operation of the law, and made it a thing to be manipulated this way or that, according to expediency.

THE VICE COMM’N OF CHI., *supra* note 6, at 144. The new General Superintendent of Police “found that there were certain so-called restricted districts where the operation of law had been nullified by custom and precedent.” *Id.* This regime did make an attempt to at least document this situation.

¹⁷⁴ The report states:

Again, it is submitted that it is not fair to lay the blame entirely upon the police, the servants of the people, who as servants, do their employer’s will. As a result of this attitude toward the law on the part of the community, the police department has been in a sense demoralized and has come to exercise a discretion which was never intended it should have.

Id. at 144.

tion was identified as part of the problem.¹⁷⁵ The police had too much responsibility, and hence were subject to being bribed. How these allegations might be verified almost one hundred years later is a question left for another day.

In keeping with the reform agenda and the broad civic and religious concerns of the Committee in 1911, the recommendations include legislation, provisions for sex education, the establishment of venereal disease clinics, and other practical findings. Consistent with its moral and religious roots, the Commission did not see the “solution” to these problems as lying in the reform of the law.¹⁷⁶ The Report also commented frankly about the economic incentives to prostitution¹⁷⁷ and the role of racial segregation¹⁷⁸ in the protection and

¹⁷⁵ The report further notes:

One of the Municipal Court judges who appeared before the Commission in a conference said that in his opinion “it is this discretion which makes graft in the police department possible. . . . We have in every large city in this country the anomalous situation of the police officers, the guardians of the law, attempting to regulate an unlawful business, a condition which is certain to produce more or less corruption.”

Id.

¹⁷⁶ The report states:

SUMMARY:

First. Custom and precedent has established in Chicago certain restricted districts, where the laws and ordinances of the state and city are practically inoperative in supporting houses of prostitution.

Second. Because of this condition certain public officials have given a certain discretion to the Police Department and have allowed police rules and regulations to take the place of the law and ordinances in these districts.

Third. As a result of this discretion certain members of the police force have become corrupt and not only fail to strictly obey the rules and regulations in the restricted districts themselves, but have failed to adequately enforce the law and ordinances, outside the restricted districts.

Fourth. This attitudes has not only been assumed toward the law and rules and regulations, but has resulted in failure to report to headquarters places in all section of the city where immoral and dissolute persons congregate.

Fifth. In addition, officers on the beat are bold and open in their neglect of duty, drinking in saloons while in uniform, ignoring the solicitations by prostitutes in rear rooms and on the streets, selling tickets at dances frequented by professional and semi-professional prostitutes; protecting “cadets,” prostitutes and saloon keepers of disorderly places.

Id. at 160

¹⁷⁷ The report elaborates:

The Economic Side of the Question. The life of an unprotected girl who tries to make a living in a great city is full of torturing temptations. First, she faces the problem of living on an inadequate wage: Six dollars a week is the average in mercantile establishments. . . . Hundreds, if not thousands, of girls from country towns, and those born in the city but who have been thrown on their own resources, are compelled to live in cheap boarding or rooming houses on the average wage

promotion of prostitution in the city.¹⁷⁹ The social evil was prostitution, but the social consequence was venereal disease which was not curable with penicillin until after World War I. Although the influence of the temperance movement on the Commission was strong, the Commission did not recommend a complete ban on the sale of alcohol, even in the vice districts. Its recommendations primarily concerned the protection, education, and treatment of children, and the provision of medical treatment to persons with venereal disease.¹⁸⁰

The concern for juveniles, and the connection between crime, unemployment, and the lack of education and opportunity for young men and women¹⁸¹ persisted through all of these reform movements and was a hallmark of the Progressive era. All three of these Reports

of six dollars. How do they exist on this sum? It is impossible to figure it out on a mathematical basis. If the wage were eight dollars per week, and the girl paid two and a half dollars for her room, one dollar for laundry, and sixty cents for car fare, she would have less than fifty cents left at the end of the week. That is provided she ate ten cent breakfasts, fifteen cent luncheons and twenty five cent dinners. . . .

Id. at 42–43.

¹⁷⁸ The report explains:

Invariably the larger vice districts have been created within or near the settlements of colored people. In the past history of the city, nearly every time a new vice district was created downtown or on the South Side, the colored families were in the district, moving just ahead of the prostitutes. . . . In summing up it is an appalling fact that practically all of the male and female servants connected with houses of prostitution in vice districts and in disorderly flats in residential sections are colored. The majority of entertainers in disorderly saloons on the South Side are colored men who live with, and in part upon, the proceeds of white women. The apparent discrimination against the colored citizens of the city in permitting vice to be set down in their very midst is unjust, and abhorrent to all fair minded people.

Id. at 38–39.

¹⁷⁹ The report notes:

A former Chief of Police gave out a semi-official statement to the effect that so long as this degenerate group of persons confined their residence to districts west of Wabash avenue and east of Wentworth avenue they would not be apprehended. This part of the city is the largest residence section of colored families.

Id. at 38.

¹⁸⁰ The sale of cocaine by prescription was allowed, but regulated, in pharmacies at the time of this report. Use of cocaine in the vice districts and elsewhere was common. *See id.* at 317–19.

¹⁸¹ Consider that:

In addition to this proximity to immoral conditions young colored girls are often forced into idleness because of a prejudice against them, and they are eventually forced to accept positions as maids in houses of prostitution. Employment agents do not hesitate to send colored girls as servants to these houses. They make the astounding statement that the law does not allow them to send white girls but they will furnish colored help!

Id. at 38.

are replete with statistics and recommendations regarding juveniles, juvenile detentions, and the criminal justice system. The data in this 1911 Report suggest several avenues for further research using the 1911 database in conjunction with these homicide files.¹⁸²

Mayor Busse was defeated after one term, and the reform efforts apparently diminished after his regime ended.¹⁸³

The 1915 Chicago City Council Report of Crime

Following the 1911 Chicago Vice Commission, the 1915 Chicago City Council Report was even more ambitious and sophisticated, a path-breaking effort to describe patterns in crime, especially juvenile crime, and to use that analysis for public policy recommendations.¹⁸⁴

The Chicago City Council Report¹⁸⁵ is noteworthy today for its scope and broad policy agenda. The Report includes information on arrest patterns, dispositions, descriptive statistics on juvenile defendants and probation, and reports on professional criminals and the re-

¹⁸² For example, the 1911 Vice Commission Report lists the number of houses of prostitution in each police precinct by precinct number. A number of homicide reports in this data set include precinct number, and could be matched with precincts with large or small numbers of houses of prostitution to see whether homicides were less, or greater in those districts with a large number of houses of prostitution, or whether there was an absence of reporting of homicides in some periods in those districts. Or, to test the extent of the absence of law enforcement or the effect of “closing” the segregated vice district, the number of homicides, or the number of arrests and convictions for murder or manslaughter before, during or after the official closing could be compared. See THE VICE COMM’N OF CHI., *supra* note 6, tbls. I–V, 357–61.

¹⁸³ This is how a contemporaneous observer described late nineteenth century reform efforts in Chicago:

They [the reformers] had no theory at all—nothing but wrath, experience, common Chicago sense, and newspapers ready to back reform, not for the news, but for the common good. Theories they had tried; and exposures, celebrated trials, even some convictions of boodlers. They had gone in for a civil service reform law, and, by the way, they got a good one, probably the best in any city in the country. But exposures are good only for one election; court trials may punish individuals, but even convictions do not break up a corrupt system; and a “reform law” without reform citizenship is like a ship without a crew. With all their ‘reforms,’ bad government persisted. There was that bear garden—the City Council; something ought to be done to that . . .

STEFFENS, *supra* note 15.

¹⁸⁴ The 1915 Chicago City Council Report includes extensive statistics and tables on various kinds of crime from 1905 until 1913, and an extensive bibliography. The Report includes statistics comparing murder and other offenses with similar offenses in New York City and London. This Report lists 262 murders in Chicago for the year 1913, in comparison to 131 for New York during the year and 36 for London for the same year. MERRIAM, *supra* note 166, at 9.

¹⁸⁵ See MERRIAM, *supra* note 166.

lationship between crime and prostitution.¹⁸⁶ Some analytic categories would not be included today, but the systematic data on age, gender, offense, disposition, and other fundamental demographic and criminal justice events such as arrests and convictions are important contributions. The interlocking corruption of city government officials, the judiciary, and the police continued to preoccupy reformers.¹⁸⁷

The 1915 Chicago City Council Report surveyed the entire criminal justice system, especially as it affected juveniles, including juvenile detention, arrest patterns and conviction patterns, parole, incarceration, with extensive statistics and detailed descriptions of crimes and circumstances to back up their recommendations and conclusions.¹⁸⁸ Not surprisingly, the findings included the finding of corruption and graft in the agencies of criminal justice.¹⁸⁹ The Report focused more on lawyers and city officials than did the 1911 Report.¹⁹⁰

¹⁸⁶ See, e.g., Edith Abbott, *Statistics Relating to Crime in Chicago*, in THE ILL. ASS'N FOR CRIMINAL JUSTICE, *supra* note 96, at 17–88f, 46–59, 73–78, 88a; Morgan L. Davies & Fletcher Dobyns, *Description and Analysis of Criminal Conditions*, in THE ILL. ASS'N FOR CRIMINAL JUSTICE, *supra* note 96, at 153–96, 172–74, 195–96.

¹⁸⁷ The report notes:

By becoming political powers, they [organized crime leaders] have been able not only to secure immunity for themselves, but in a large measure to make our city government itself a partner in crime. Their feudal tenure of office and their Warwick-like power to make and unmake political candidates and to control the policies of the city government has been astounding. The careers of the captains of our professional gunmen have been much longer than those of any of our political representatives, our mayors, our chiefs of police, or even of our college presidents.

Andrew Bruce, *Introduction* in THE ILL. ASS'N FOR CRIMINAL JUSTICE, *supra* note 96, at 815.

¹⁸⁸ The report summarizes:

Summary of Findings. . . . The treatment of crime in Chicago is wholly inadequate in that: Many professional criminals escape the penalties of the law and prey at will upon society. . . . The police and criminal justice statistics in Chicago are wholly incomplete and are not even assembled or published by any authority. . . . Professional criminals have built up a system which may be called a 'crime trust,' with roots running through the police force, the bar, the bondsmen, the prosecutor's office, and political officials.

MERRIAM, *supra* note 166, at 9–10.

¹⁸⁹ The report notes:

We find collusion between members of the detective force and professional criminals. Graft, favoritism, and political influence tend strongly toward a demoralization of the police force, and particularly the detective branch of service . . . We find a close connection between alcoholism, 'dope,' prostitution, gambling, and crime.

Id. at 10.

¹⁹⁰ The report further notes:

There is a group of criminal lawyers whose work includes dealing with the police, furnishing professional alibis and professional witnesses, jury fixing, spiriting away of witnesses, exhaus-

Some of their findings replicate the concerns of those now working to reform the criminal justice system.¹⁹¹ The police were implicated in the reports of graft and corruption.¹⁹² The allegations and graft and corruption among the police which came to the attention of the Committee were referred to the State's Attorney and resulted in at least some prosecutions.¹⁹³ This was a period when investigative grand juries took the lead in reform efforts.¹⁹⁴

The City Council Report in 1915 was followed after World War I by the even more ambitious Illinois Crime Survey in 1929.¹⁹⁵ The establishment of the Illinois Association for Criminal Justice for the purpose of conducting the Survey was another collaboration of law enforcement, the private bar, and the citizens of Chicago.¹⁹⁶

tive continuances, and all the underground activity of all around 'fixers.' . . . Appointment in the office of City Prosecutor and State's Attorney are made on a political basis; hence the permanent appointment of expert prosecutors is made impossible.

Id.

¹⁹¹ "Thousands of innocent persons are annually imprisoned in the County Jail, many of them under disgraceful conditions, tending to create criminals. . . . The present machinery catches poor, petty and occasional criminals, and punishes them severely, but fails signally to suppress the professional criminal." *Id.* at 9–10.

¹⁹² "Police organization and methods are wholly inadequate to deal with the crime situation in Chicago, assuming the integrity of all members of the force. Incompetence, lack of discipline, and aggressiveness are noticeable on a large scale." *Id.* at 11.

¹⁹³ See Morgan L. Davie, *Report of Attorney for Committee: Findings and Recommendations*, in MERRIAM, *supra* note 166, at 161:

There has, however, been presented to this Committee, testimony to show that certain members of the Detective Bureau were in active collusion with various classes of criminals and that in some cases, not only were the proceeds of crime divided, but criminals were forced to ply their occupations, that the corrupt officials might have their plunder. There is every reason to believe that this system has been in existence for a great many years. As a result of the disclosure of this Committee and the indictments by the state's attorney, this system has been greatly checked and large numbers of professional criminals have left Chicago. . . . The corrupt officials heretofore referred to, maintained their power over the criminal world by the method of arresting the criminal, who refused to obey orders or divide the plunder, and holding them in custody under shocking physical surroundings and refusing to bring them before a court for fixing of bonds and admission to bail.

¹⁹⁴ "In May, 1911, the United States Supreme Court reaffirmed the broad inquisitorial powers of grand juries." RICHARD D. YOUNGER, *THE PEOPLE'S PANEL* 223 (1963).

¹⁹⁵ See *THE ILL. ASS'N FOR CRIMINAL JUSTICE*, *supra* note 96.

¹⁹⁶ Haller notes:

The decision to found the Illinois Association for Criminal Justice and undertake a survey of crime and criminal justice was made by the state's most prestigious civic leaders in a period when a breakdown of law and order appeared to have reached crisis proportions. By 1924, the beer wars between bootlegging gangs were open and notorious, as rival gangs publicly shot each other while the police and courts were unable or unwilling to intervene to restore law and order. . . . By the early summer of 1925, the members of the Illinois State Bar Association, on the