

Nonetheless for most of this period the rich, who left more commentary on themselves and their environment, paid no taxes, spent lavishly, built themselves opulent residences and prior to World War I traveled without the encumbrances of passports, formal border crossings or currency regulations.<sup>26</sup>

The working poor,<sup>27</sup> on the other hand, had no social security, unemployment benefits, protection against discrimination, health insurance, job security, disability care or government provided payments from welfare or Medicaid.<sup>28</sup> And they were the lucky ones.<sup>29</sup>

[The Teamster's Strike of 1905 was] . . . the most violent labor conflict on record in a city famous for violent labor conflicts. Between April and August twenty-one people died, and more than four hundred suffered serious injuries. Police arrested 1,108 working men, charging most with petty assault (or "slugging," in worker parlance), and hauled them before the police courts. In a flurry of continuances, dismissals, and small fines, the union men received a measure of justice that the Chicago Evening Post called 'ridiculously inadequate.'

Willrich, *supra* note 13, at 65–66 (citation omitted).

<sup>26</sup> Consider this description of the life of one of Chicago's prominent citizens:

No puritanical workaholic (sic) [George] Pullman treated himself to the luxuries his wealth made possible. Still a clotheshorse, he ostentatiously courted the popular Hattie Sanger, the daughter of a construction company owner, and then dramatically married her alongside her father's deathbed. In 1876 the Pullmans moved into a newly constructed mansion on Chicago's fashionable Prairie Avenue. They raised four children and, despite Hattie's hypochondria, toured Europe and built summer homes on the St. Lawrence and in New Jersey. Traveling to the latter, one newspaper chided, required "a good many" Pullman cars to carry the family, twelve servants, five horses, three carriages, and a small mountain of bags, trunks, and furniture.

DAVID RAY PAPKE, *THE PULLMAN CASE: THE CLASH OF LABOR AND CAPITAL IN INDUSTRIAL AMERICA* 7 (1999).

<sup>27</sup> "In 1894 the U.S. Commissioner of Labor reported that 162,000 Chicagoans lived under conditions that fit his definition of a 'slum': an 'area of dirty back streets, especially when inhabited by a squalid and criminal population.'" Willrich, *supra* note 13, at 31.

<sup>28</sup> Thomas Bonner observes,

An American Medical Association Report . . . [in 1870] cited the sharp difference in mortality rates in Chicago between the wealthy inhabitants of the high and dry areas along the lake shore and the artisans and laborers who lived in crowded, wooden huts along the river . . . . But with the overcrowding that characterized the city after industry began to attract its hundreds of thousands of immigrant workers, the correlation between disease and social status became even sharper. With such living conditions as those described in the report of the Department of Health for 1893, it is not difficult to understand why this was so: "August 11<sup>th</sup>, 11:45p.m.—called at No. 399 Canal Street; found 15 beds in cellar, no plaster on ceiling or walls; dim, dirty lamp emitting sickening odors was the only light in cellar. Floor all rotted, sink used for urinal purposes; floor and woodwork impregnated with urine. Room measured 6 feet 9 inches from floor to bare joists. This is one of the filthiest of the whole lot. This cellar is run by a man who keeps a saloon upstairs."

THOMAS NEVILLE BONNER, *MEDICINE IN CHICAGO, 1850–1950*, at 134–35 (1991) (citation omitted).

<sup>29</sup> For example,

As the United States industrialized in the nineteenth century, Americans experienced physical



The chronically unemployed lived on the street or in abandoned buildings, or hit the road.<sup>30</sup> A 1911 Coroner's Report lists the astounding number of 253 deaths due to "transportation accidents," railroad and street car accidents, during a single six month period.<sup>31</sup>

To the extent there were almshouses, poorhouses, settlement houses, or providers of social and medical services to the poor, they were largely privately financed, or offered through religious institutions, and inadequate to meet the needs of the poor for food and shelter, especially in times of economic hardship. In times of economic downturn, thousands of homeless men roamed the streets and slept in public buildings.<sup>32</sup> The police both took care of and monitored the

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uncertainty and insecurity we would find intolerable today. Steamboats blew up. People drowned in shallow water, unable to swim. Trains regularly mutilated and killed pedestrians. Children got run over by wagons. Injury very often meant death. Doctors resisted the germ theory of disease. City elites responded to the horse manure that filled the streets by banning the pigs of the poor, which ate the manure. People too poor and too decrepit to support themselves when ill or old died in poorhouses, when fortunate. And in the midst of it, the police patrolled—men who at best had been trained by reading pathetic little rule books that gave them virtually no help or guidance in the face of human distress and urban disorder.

MONKKONEN, *supra* note 1, at 1–2.

<sup>30</sup> Consider the following contemporaneous description of quarter in a Chicago police station in the winter of 1891:

we enter an unventilated atmosphere of foulest pollution, and we see more clearly the frowzy, ragged garments of unclean men, and have glimpses here and there of caking filth on a naked limb . . . Not a square foot of the dark, concrete floor is visible. The space is packed with men all lying on their right sides with their legs drawn up, and each man's legs pressed close in behind those of the man in front.

*Id.* at 90.

<sup>31</sup> OFFICE OF THE CORONER OF COOK COUNTY ILL., REPORT PREPARED FOR JUDGES OF THE CIRCUIT COURT BY THE CHICAGO BUREAU OF PUBLIC EFFICIENCY 66 tbl.3 (1911).

<sup>32</sup> The erudite contemporary British minister and journalist William T. Stead described the scene of thousands of homeless "tramps" housed overnight in City Hall, the preferred homeless shelter in the severe winter during the financial panic and depression of 1893:

The heart and center of Chicago is the huge pile of masonry which reminds the visitor by its polished granite pillars and general massive and somber grandeur of the cathedrals and palaces of St. Petersburg. The City Hall and Court House form one immense building in which all the city and county business is transacted, both judicial and administrative . . . In this building, crammed with invaluable documents, the seat and center of the whole civic machinery, for want of any better accommodation, *there were housed night after night through the month of December [1893], from one to two thousand of the most miserable men in Chicago . . .* The tramps were not accommodated in the Council Chamber or in any of the offices. They were allowed to occupy the spacious, well-warmed corridors, and make such shift as they could upon the flags [flagstone floor]. No one was admitted to the upper stories, but every stair up to the first landing was treated as a berth by its fortunate occupant. Less lucky lodgers had to content themselves with a lay-out in the corridor. They lay with their heads against the wall on either side, leaving open a narrow track down the center.

WILLIAM T. STEAD, *IF CHRIST CAME TO CHICAGO*, 27–28 (Chi. Historical Bookworks 1990)

urban poor.<sup>33</sup> Police stations and other public buildings served as homeless shelters, especially during a harsh winter and in periods of economic depression or panic. Among other institutional developments the period saw the police weaning themselves from this role as they became professionalized.<sup>34</sup> However, then as now, the police can only be understood in the context of their times and what society asked of them.

The extraordinary movements for social reform<sup>35</sup> were spurred in part by extremes of poverty among urban laborers before and after the turn of the century in Chicago and elsewhere, and by the presence of an educated elite with a social conscience.<sup>36</sup> These periodic reform

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(1894) (emphasis added).

<sup>33</sup> According to Monkkonen,

Almost from their inception in the middle of the nineteenth century until the beginning of the twentieth, American police departments regularly provided a social service that from our perspective seems bizarrely out of character—they provided bed and, sometimes, board for homeless poor people, tramps. Year after year these “lodgers,” as the police referred to them, swarmed to the police stations in most large cities, where they found accommodations ranging in quality from floors in hallways to clean bunk rooms. Often, especially in the winter or during depression years, there would be food, usually soup—nothing fancy, but something. During very bad depression years or harsh winters, the numbers of overnight lodgings provided by a police department exceeded all annual arrests.

MONKKONEN, *supra* note 1, at 86.

<sup>34</sup> Monkkonen further states,

As we know and conceive them, police are rather new on the urban scene, appearing in London in 1829 and in the United States two decades later. Before this, British and American cities were policed by a hodgepodge of traditional civil officials and private individuals. By the end of the nineteenth century, police were ubiquitous in U.S. cities, and by the end of World War I they had reached the bureaucratic and behavioral development that we all recognize.

*Id.* at 24.

<sup>35</sup> Willrich observes,

“Progressives” shared a belief that only a rationally organized state managed by experts had the wherewithal to address the complex problems of a “modern” urban-industrial society. Equally important, progressives believed that the state *should* proactively manage social problems. Most progressives also shared a reformist—sometimes even radical—conviction that “modern” social life was irreducibly interdependent and that the state had a legitimate and necessary role in alleviating social inequities, including poverty, unsanitary housing and dangerous work conditions.

Willrich, *supra* note 13, at 2 n.2.

<sup>36</sup> One author notes,

Chicago at that time was a fruitful locale for such endeavors [explorations into the relation between the law and social knowledge]. Not only was the University of Chicago (where [Roscoe] Pound briefly taught in the years 1909 and 1910) center to some of the most advanced social scientific inquiry into turn-of-the-century urban industrial society, but the results of these inquiries were already being incorporated concretely in local juridical administration. The establishment of a new Municipal Court system in 1906 created a centralized and bureaucratized administration of criminal law that injected judicial governance into the daily detail of human life throughout