

juveniles, Jane Addams was a pioneering figure of great influence.

The American Institute of Criminal Law and Criminology and the Founding of the Journal of Criminal Law and Criminology

The *Journal of Criminal Law and Criminology* was founded in May of 1910 as the *Journal*¹⁴⁰ of the American Institute of Criminal Law and Criminology.¹⁴¹ The American Institute was a “happy conception of the law faculty of Northwestern University”¹⁴² which held the first National Conference on Criminal Law and Criminology, to celebrate fifty years of the founding of the School of Law at Northwestern University. The study of criminal law, sociology, criminology and urban conditions in Chicago were intertwined both at the University of Chicago Department of Sociology and at Northwestern University School of Law, under the leadership of John Henry Wigmore.

The 1910 Conference included delegates from the various professions and occupations concerned with crime, law enforcement and criminal law, and was the first national conference on criminal law and criminology in the United States.¹⁴³ This was a period when legal

tic yet politically astute individuals. . . .

SCHMIDT, *supra* note 110, at xiv.

¹⁴⁰ The *Journal* later carried the subtitle: “Official Organ of the American Institute of Criminal Law and Criminology; of the American Prison Association; and of the American Society of Military Law,” reflecting the *Journal*’s commitment to interdisciplinary work and practical applications. *See, e.g.*, 11 J. AM. INST. OF CRIM. L. & CRIMINOLOGY title page (1920).

¹⁴¹ According to its inside cover page,

The object of the American Institute of Criminal Law and Criminology “shall be to further the scientific study of crime, criminal law and procedure, to formulate and promote measures for solving the problems connected therewith and co-ordinate the effort of individuals and of organizations interested in the administration of certain speedy justice.”

18 J. CRIM. L. & CRIMINOLOGY inside cover page (1927). The address of the magazine and the Managing Editor, Robert H. Gault, a Professor of Psychology, was 357 E. Chicago Avenue. *Id.*

¹⁴² 1 J. AM. INST. CRIM. L. & CRIMINOLOGY 1, 2 (1910).

¹⁴³ Moreover,

The Conference [was] composed of about one hundred and fifty delegates representing the various professions and occupations concerned directly or indirectly with the administration of the Criminal law and the punishment of criminals, and included members of the bench and bar, professors of law in the university, alienists, criminologists, superintendents of penal and reformatory institutions, psychologists, police officials, probation officers and the like. Delegates attended from every section of the country. . . .

Id. at 2. The description of the founding of the *Journal* and the Institute continues in the



education was very much influenced by German and Continental scholarship generally, and as the century progressed by the development of psychiatry and psychology, as academic disciplines and clinical fields. The study of crime and criminology was well established in Europe, especially in Germany and Italy, and from its outset the *Journal* published research from Europe and abroad by criminologists and others.¹⁴⁴

The founding of the *Journal* at this time was spurred by civic goals for reform in Chicago in the area of criminal justice and the police. This interest in reform of the criminal justice system was tied to the founding of the first juvenile court in Chicago in 1899, to the establishment of the Municipal Court of Chicago in 1906,¹⁴⁵ and to other local and national reform movements. The police were always central to these concerns.

The provision of food and shelter for the poor and homeless was a job which had been relegated to the police during the nineteenth century.¹⁴⁶ The study of criminal law and criminology at Northwestern University School of Law had always included the study of the police, their changing role in the society, enforcement of the civil and

opening editorial of the first issue of the *Journal*.

¹⁴⁴ The *Journal* regularly published research reports from other parts of the United States and from all over the world, especially Europe, but also China and Japan, perhaps reflecting John Henry Wigmore's international interests and travel, and the character of international cooperation during at least part of this period. See, e.g., 11 J. AM. INST. OF CRIM. L. & CRIMINOLOGY 118, 118–43 (1920) (including a *Report on Prisoners of New Zealand; Statistics on the Arrests of Minors in Paris in 1918; Alcoholism and Crime in France; The New Federation of Labor*; and a *Note on Lynching, an Evil of County Government*, (including the number of lynchings by state for the year 1915)). From its inception the *Journal* was interested in the collection of statistics and in the formalization of criminology.

¹⁴⁵ See John H. Wigmore, *The Most Famous City Court in the World*, 6 ILL. L. REV. 591 (1912). See also, Roscoe Pound, *The Administration of Justice in the Modern City*, 26 HARV. L. REV. 302, 302–28 (1913). For a detailed study of this institution, see also Willrich, *supra* note 13.

¹⁴⁶ Monkkonen writes,

More than just controlling crime, the police job also included housing of the totally destitute and homeless. The practice of police lodging profoundly affected other police activity, including arrest behavior, in such a manner that to understand either of the two, the police or the homeless urban poor, one must understand the other.

MONKKONEN, *supra* note 1 at 88. Tramping was a way of life for many thousands of Americans, a way of life immortalized in the character of the “little tramp” created by Charlie Chaplin in a series of very popular films, first for Keystone and other film makers from 1914 to 1917. Then in 1919 Charlie Chaplin co-founded United Artists and went on to create his masterpieces, *THE KID* (Reelcraft 1921), *THE GOLD RUSH* (Charles Chaplin Prod. 1925), and *CITY LIGHTS* (Charles Chaplin Prod. 1931). See OXFORD COMPANION TO UNITED STATES HISTORY 111 (Paul S. Boyer ed., 2001).



criminal law, and the reform of corrupt practices among the police. The American Institute of Criminal Law and Criminology included police administrators on its board from the beginning.¹⁴⁷

The American Institute and the *Journal* were committed to judicial and penal reform. Its founders and members appear on the city commissions and civic committees of the day. The *Journal* and the Institute had as one of its primary goals the encouragement of the collection and publication of criminal and judicial statistics. The official reports of these early Commissions and Committees reflect this influence. One purpose of the collection of criminal statistics was to make a Report to the United States Congress, recommending the collection and standardization of crime statistics on a national basis.¹⁴⁸

The *Journal* was the first scientific publication in America¹⁴⁹ to devote itself entirely to the causes of crime and the study of criminology.¹⁵⁰ The *Journal* had a distinguished national and international board of editors and contributors from many disciplines, representing

¹⁴⁷ This *Journal* was titled the *Journal of the American Institute of Criminal Law and Criminology* from vol. 1 (May, 1910) through vol. 21 (Feb. 1931); *The Journal of Criminal Law and Criminology* from vol. 22, no. 1 (May, 1931) through vol. 41 no. 6 (Mar./Apr. 1951); *The Journal of Criminal Law, Criminology and Police Science* from vol. 42 no. 1 (May/June 1951) through vol. 63 no. 4 (Dec. 1972); and *The Journal of Criminal Law and Criminology* from vol. 64 (Mar. 1973) through the present.

¹⁴⁸ The Institute

appealed to the Congress to provide through the agency of the Census Bureau for the collection of full and accurate criminal and judicial statistics covering the entire country; and urged the enactment of legislation by the states, requiring prosecuting attorneys and magistrates to report to some state officer full information regarding crime committed within their jurisdictions and the punishment of offenders.

1 J. AM. INST. CRIM. L. & CRIMINOLOGY 1, 5 (1910).

¹⁴⁹ The impetus behind the founding of the *Journal* was “the need of efficient agencies for collecting and publishing criminal and judicial statistics” and “to establish a series of reports to be made to the next U.S. congress.” *Id.* at 3.

¹⁵⁰ “[T]here is no journal or bulletin published in the English language devoted wholly or in part to the cause of criminal law and criminology or to the problems connected therewith,” although many such journals existed abroad. *Id.* at 5.

America needs a journal which shall represent all classes of persons whose professional activities or private interests bring them into relation with the administration of the criminal law and who are seeking for modern solution of some of its most important problems. Very recently there has been a remarkable awakening of interest in the scientific study of crime and penal methods – an interest which is beginning to manifest itself in a productive research and investigation as well as in destructive criticism of antiquated methods and in constructive proposals of reform. Believing that an organ should be provided for promoting this new spirit of research and investigation, the American Institute of Criminal Law and Criminology has undertaken the establishment of this Journal.

Id. at 6.

institutions concerned with crime and criminal law, as well as a broad range of government officials.¹⁵¹ The *Journal* regularly published articles by judges, police administrators, probation officials and others with direct practical experience in the administration of the criminal law.¹⁵²

Some of this published research and statistical evidence may not have been based upon what would now be considered strong scientific categories.¹⁵³ Their concern with the corruption of the legal process and law enforcement, however, comes down to us with its relevance undiminished. The Institute was founded on academic norms of contemporaneous scientific research and from the outset the *Journal* and its editors were committed to the collection of objective data and statistics on a national scale.¹⁵⁴

The research of the period and the commentary surrounding its production and publication is relevant to the analysis of this database for several reasons: it provides a social and cultural context for the description of contemporaneous homicides and a perspective on the police, who they were and what their role was, and the data and de-

¹⁵¹ The participants in the American Institute included among others: Roscoe Pound, Professor of Law, Harvard University; George Wickersham, Attorney General of the United States; Louis D. Brandeis, Boston, Massachusetts, identified as a Member of the Suffolk County Bar, and subsequently a Justice of the United States Supreme Court; H.H. Goddard, Vineland, N.J., Psychologist, N.J. Training School; William Healey, Director, Juvenile Psychopathic Institute; Harry Olson, Chicago, Illinois, Chief Justice of the Municipal Court, and others representing many disciplines or with a variety of positions of institutional responsibility in the criminal justice system. The first Editor in Chief was James W. Garner, Professor of Political Science at the University of Illinois, Urbana, Illinois. John Henry Wigmore was an Associate Editor.

¹⁵² "We have in Chicago not less than five hundred professional pick pockets. If the criminologists could examine their heads they might be taken for bank clerks. They are the best dressed and the best looking young fellows in the city . . ." William N. Gemmill, *Crime and Punishment in Chicago*, 1 J. AM. INST. CRIM. L. & CRIMINOLOGY 29, 34 (1910). The author was a Judge of the Municipal Court of Chicago. And see in the same article: "Criminal statistics prove beyond any question that capital punishment for murder has not lessened the crime of murder, nor has brutal treatment for any offense contributed to the decrease of crime." *Id.* at 32. The reference to "examining their heads" is probably to a phrenological examination.

¹⁵³ Cesare Lombroso, who died in Turin in 1909 and was much admired as one of the founders of modern criminology, believed that left handedness and a penchant for tattoos was predictive of future criminal behavior. Phrenology, or the study of the bumps and shape of the head, was also considered a science and much discussed. See GEIS & BEINEN, *supra* note 67 (discussing the history of criminological theory in relation to the case of Leopold and Loeb).

¹⁵⁴ See, e.g., Louis M. Robinson, *A Plan for the Reorganization of Criminal Statistics in the United States*, 1 J. AM. INST. OF CRIM. L. & CRIMINOLOGY 44 (1910).

scriptions of legal institutions and procedures address fundamental questions concerning the rule of law and the causes and control of criminal behavior.

The sociology of the urban poor was developed through many of the landmark research efforts of this period.¹⁵⁵ Some of the immediate concerns of that time have passed, but the attention to the roots of crime and the connection between poverty, race, substance abuse and addiction, social deprivation, and crime is still relevant.¹⁵⁶ In accordance with the philosophical inclinations of the Progressives, much attention was paid to the poor, to racial issues, and to the study of urban blight and crime. Yet these reports are also very much of their times. Law enforcement and the control of crime were seen in terms of the control of the poor and the inferior classes.¹⁵⁷ The metaphors of disease and infection appear time and again.

The volatile politics of the labor movement in Chicago influenced the national progressive movement and encouraged the establishment of social service institutions and the ethnically-based community service organizations, such as the exemplary Hull House. In the arts and in the public discourse generally,¹⁵⁸ there was an out-

¹⁵⁵ See, for example, the titles of the publications of the Chicago School of Sociology and the description of the development of sociology as a discipline in MARTIN BULMER, *THE CHICAGO SCHOOL OF SOCIOLOGY: INSTITUTIONALIZATION, DIVERSITY, AND THE RISE OF SOCIOLOGICAL RESEARCH* (1984).

¹⁵⁶ A Bibliography on 'The Science of Criminology' compiled by Thorstein Sellin, editor, and published in November 1927, included 779 citations of publications, including 89 citations to publication on the subject of the police. See *The Science of Criminology* 18 J. CRIM. L. & CRIMINOLOGY 451, 451–84 (1927). Thorstein Sellin, an editor of the *Journal*, was at the time an Assistant Professor of Sociology at the University of Pennsylvania. *Id.*

¹⁵⁷ Monkkonen notes:

In the nineteenth century, the police acted as agents of class management, a variety of behavior that came under attack from reformers in the 1890's and that ended in World War I. The class that the police managed has, linguistically at least, disappeared—the "dangerous class." A descriptive term used throughout the last half of the nineteenth century, the "dangerous class" appropriately delineated for the larger society the faceless mass of people who made up the nation's paupers, tramps, and criminals.

Monkkonen, *supra* note 1, at 87.

¹⁵⁸ See CARL S. SMITH, *CHICAGO AND THE AMERICAN LITERARY IMAGINATION, 1880–1920*, 3 (1884). "Those who wrote about Chicago included several figures—such as Hamlin Garland, Theodore Dreiser, Henry Blake Fuller, Robert Herrick, Frank Norris, Carl Sandburg, Sherwood Anderson, and Willa Cather—who were central to the development of American literature." Smith elaborates:

This singing flame of city, this all America, this poet in chaps and buckskin, this rude raw Titan, this Burns of a city! By its shimmering lake it lay, a king of shreds and patches, a maundering yokel with an epic in its mouth, a tramp, a hobo among cities, with the grip of Caesar in its mind,



pouring of social philosophy, commentary on social conditions, and much discussion of the prevalence and intractable character of urban poverty and the associations between poverty, homelessness, idle and unemployed youth, and crime.¹⁵⁹

This work, whose purpose was at the time to persuade academics and policymakers to address the conditions of criminality, is now valuable for its perspective on the times and those conditions, and as a corrective to our preconceptions about the lack of sophistication in that generation's analysis of social problems. Children, especially "juvenile delinquents" and poor and abandoned children, were the subject of much serious study and public concern, as evidenced by the founding of the first juvenile court in the world in Chicago in 1899.¹⁶⁰ The creation of wealth and large private fortunes, and the establishment of a proud, literate, and civic-minded middle class encouraged an atmosphere where popular culture flourished, much of it explicitly reformist or with an edge of social commentary.¹⁶¹

Heavily influenced by German, British, and Italian scholarship, the study of homicide and criminology generally developed and became quantitative and systematic, and the recording of statistical information on a local, state, and national level became institutional-

the dramatic force of Euripides in its soul. A very bard of a city this, singing of high deeds and high hopes, its heavy brogans buried deep in the mire of circumstance.

Id. at 5 (quoting THEODORE DREISER, *THE TITAN* (1914)).

¹⁵⁹ Delinquency characterized certain neighborhoods. As new immigrants poured into such neighborhoods; their delinquency rates were high; as they moved into better neighborhoods, the delinquency rates fell, while high delinquency rates characterized the new ethnic groups that replaced them." Haller, *supra* note 75, at xiii.

¹⁶⁰ The Centennial of the founding of the Children's Court was celebrated in 1998–1999 with a lecture series sponsored by Northwestern University School of Law Children and Family Justice Center and Legal Clinic and the Child Law Center of Loyola University Chicago School of Law. Among others, the speakers included: Marian Wright Edelman, founder and President of the Children's Defense Fund; Claude Brown, author of *MANCHILD IN THE PROMISED LAND*; Gita Sereny, author of *CRIS UNHEARD: WHY CHILDREN KILL: THE STORY OF MARY BELL*; and Professor Cornel West, Department of Religion, Harvard University.

¹⁶¹ Examples which themselves in some cases had an effect upon the conditions they criticized include: UPTON SINCLAIR, *THE JUNGLE* (1906) (revealing details about the meat-packing industry, which spurred President Roosevelt to order a national investigation and the enactment of federal legislation); FRANK NORRIS, *THE PIT* (1903) (regarding speculation on the floor of the Chicago Board of Trade); DREISER, *supra* note 158 (focusing on a central figure, a self-made capitalist and financier, who takes on many of the details of the life of the actual financier Charles Yerkes, prominent at the end of the century in ownership of Chicago's streetcars and elevated railways); and many others. *See e.g.* SMITH, *supra* note 158, at 57–98 (with illustrations).

ized.¹⁶² The American Institute and those associated with the Journal were among the first to encourage the collection of national statistics on crime and the standardization of methodology. The amount of data collected at the time is astonishing, especially considering it was accomplished without computers, or even card sorters.

In addition to being sources of data and firsthand descriptions of urban circumstances, the early articles in the Journal are expressive of political and social attitudes about crime, criminal behavior, and the poor, which carried over to those whose job it was to control crime and the poor, the police.¹⁶³ The police saw their job as controlling the poor and the “degenerate or criminal” class. The governing class of elected and appointed officials, and some of the elite which supported them, conceived of their job in those terms as well.¹⁶⁴ Movements such as the eugenics movement also profoundly influenced attitudes towards crime and poverty.¹⁶⁵

¹⁶² Later researchers further systematized the study of homicide. See the pioneering and still relevant work H.C. BREARLEY, *HOMICIDE IN THE UNITED STATES* (1932). See also, e.g., U.S. DEP’T OF JUSTICE, *TRENDS, RISKS, AND INTERVENTIONS IN LETHAL VIOLENCE: PROCEEDINGS OF THE THIRD ANNUAL SPRING SYMPOSIUM OF THE HOMICIDE RESEARCH WORKING GROUP* (Carolyn Block & Richard Block eds., 1995). A tradition of studying patterns in homicides continued with Marvin Wolfgang’s research on homicides in Philadelphia from 1948 through 1952 and continues today, including this study. See MARVIN WOLFGANG, *PATTERNS IN CRIMINAL HOMICIDE* (1958).

¹⁶³ Consider this comment about the social role of the police in New York City:

From their early days, the uniformed police tied the city together in a way no other formal or informal branch of government could. . . . By virtue of the uniform alone, the police daily tied together an incredible multilingual, class-fragmented city. That they should have been in demand for returning lost children or delivering the votes that allowed urban political machines to fend off rural state machines simply reflects their unique position on the city’s streets.

MONKKONEN, *supra* note 1, 152–53.

¹⁶⁴ Monkkonen also notes:

The modified labeling perspective has given us a conception of the police as agents of the dominant society whose job it is to label criminal members of the “dangerous class”. . . . [L]abeling the “dangerous class” meant much more than crime control. It also meant class control, and the police dealt with all the things that made the “dangerous class” dangerous—crime, disease, poverty, their roving animals, and homelessness.

Id. at 23.

¹⁶⁵ As Haller notes:

During the period [1900–1930], a variety of reformers conducted intensive and often dramatic campaigns to reform the criminal justice system. To the extent that historians have examined such reform movement, they have tended to accept the reformers’ views of the system’s deficiencies. The reformers, however, lived largely outside the world of criminal justice and often held values and expectations that were incompatible with the expectations of persons who were a part of the system. As a result, reformers often misunderstood both the system and the impact of their reforms.



For many of the reformers of the period, urban poverty and homelessness were remedial social ills, and their manifestations were commercialized vice and urban crime. It was the duty of policymakers and citizens, with the help of data collectors and researchers, to cure the causes and symptoms. From its inception, the Journal included police administrators and those who studied the police as agents of social control among their contributors and on their editorial and advisory board. The Journal also published and commented upon official reports from prisons and law enforcement agencies, notes on national, international and state legislation, and analytical reports on crime and offenses from other states and countries.

The Criminology of the Period: The Official Reports on Crime and Vice

Three important governmental reports on crime and vice during this period were issued by special Commissions and Committees.¹⁶⁶ These official reports offer a wealth of social and criminological data, and in many ways remain exemplary models for research. They will only be briefly noted here. The 1929 Illinois Crime Survey especially deserves much careful study from present day researchers.¹⁶⁷ It includes detailed analyses and descriptions of the operations of the court system, the police, as well as essays on organized crime, homicide and felonies. Two other civic commissions on vice and crime, in 1911 and 1915, are also enormously valuable for an understanding of crime and its social context in these periods. In addition, three less ambitious, official, contemporaneous reports on the police themselves show the police responding to the concerns of the public, ward politicians, and government officials and include a description of the police as a bureaucratic institution, including charts of its administra-

Mark Haller, *Urban Crime and Criminal Justice. The Chicago Case*, 57 J. AM. HIST. 619 (1970).

¹⁶⁶ These reports are *The Social Evil in Chicago*, the *Report of the City Council Committee on Crime of the City of Chicago*, and *The Illinois Crime Survey*. See THE VICE COMM'N OF CHI., *supra* note 6; ALDERMAN CHARLES E. MERRIAM, REPORT OF THE CITY COUNCIL COMMITTEE ON CRIME OF THE CITY OF CHICAGO (1915); ILL. ASS'N FOR CRIMINAL JUSTICE, THE ILLINOIS CRIME SURVEY, *supra* note 96.

¹⁶⁷ The most detailed and ambitious of these official governmental reports, which came late enough to benefit from the extensive academic development of urban sociology in Chicago, and particularly relevant to the researchers on this Project, is the 1929 Illinois Crime Survey. This report includes: August Vollmer, *The Police (in Chicago)*, in THE ILLINOIS CRIME SURVEY, *supra* note 96, at 357-72; Arthur Lashly, *Homicide (in Cook County)*, in THE ILLINOIS CRIME SURVEY, *supra* note 96, at 593-640; John Landesco, *Organized Crime (in Chicago)*, in THE ILLINOIS CRIME SURVEY, *supra* note 96, at 813-1100.