

Jeffrey S. Adler

## Shoot to Kill: The Use of Deadly Force by the Chicago Police, 1875–1920

The American police have a long history of violent behavior. From the baton-wielding patrolmen of the nineteenth century—invariably nicknamed “Clubbers”—to the four New York City policemen who fired forty-one shots at an unarmed, twenty-two-year-old Guinean immigrant named Amadou Diallo in 1999, American law enforcers have often relied on rough justice and lethal force to establish their authority and to maintain law and order. In 1976, American police officers killed almost 600 suspects, and approximately half of the states continued to rely on vague, centuries-old common-law standards that justified the use of deadly force against fleeing suspected “felons.” At the close of the twentieth century—even as states and municipalities abandoned that loose legal standard, largely in response to a 1985 U.S. Supreme Court decision—the annual death toll averaged nearly 400. Police shootings have fueled massive social unrest in the United States and ignited many of the major race riots of the twentieth century, including those in Harlem (1943), Miami (1980, 1982, 1984, and 1989), Washington, D.C., (1991), and New York City (1992). In 1978, Gilbert Pompa, a Justice Department official, termed police shootings “the most volatile and potentially divisive force in the nation today.”<sup>1</sup>

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1 For the “Clubber” epithet and Diallo, see Marilyn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston, 2003), 41, 297. For late twentieth-century figures, see Lawrence W. Sherman, “Execution Without Trial: Police Homicide and the Constitution,” *Vanderbilt Law Review*, LXXI (1980), 71; Jerome H. Skolnick and James J. Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York, 1993), 41; Fern Zittler, “Policeman’s Use of Deadly Force in Illinois,” *Chicago-Kent Law Review*, XLVIII (1971), 253; Nicholas John DeRoma, “Justifiable Use of Deadly Force By the Police: A Statutory Survey,” *William and Mary Law Review*, XII (1970), 68; Jodi M. Brown and Patrick A. Langan, “Policing and Homicide, 1976–98: Justifiable Homicide by Police, Police Officers Murdered by Felons,” Report of the U.S. Department of Justice, Bureau of Justice Statistics (2001), iii; *Tennessee v. Garner et al.*, 471 U.S. 1 (Washington, D.C., 1985). For riots, see Paul A. Gilje, *Rioting in America* (Bloomington, 1996), 172–173. For the Justice Department official, see Gilbert

Despite the social and political impact of this violence, scholars have undertaken relatively little research on the history of American law enforcement's use of deadly force—or “police homicides.” Historians have produced a rich literature about the social and institutional development of municipal law enforcement, though they have seldom documented the level of police homicide or tracked changes in the rates of such violence. As a consequence, we know more about attitudes toward police violence than about the violence itself. Even the most social-scientific historical examinations of American policing have devoted little attention to this issue. Although labor historians and other scholars have written valuable studies of policing and police brutality, particularly during strikes, they have not examined longitudinal trends in the use of deadly force. Similarly, scholarship on the role of law enforcers in street life has made significant contributions to our understanding of urban society and to the history of policing but has not focused on long-term patterns of police homicide.<sup>2</sup>

Sociologists and criminologists have also produced important studies of policing and police violence. Often relying on ethnographic research techniques, and enhanced by the unique perspective of police officers who have become criminologists, these

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Pompa, quoted in William A. Geller and Kevin J. Karales, “Shootings Of and By Chicago Police: Uncommon Crises Part 1: Shootings By Chicago Police,” *Journal of Criminal Law and Criminology*, LXXII (1981), 1814.

2 For the social and institutional development, see Roger Lane, *Policing the City: Boston, 1822–1885* (Cambridge, Mass., 1967); Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830–1870* (Chicago, 1973); Robert M. Fogelson, *Big-City Police* (Cambridge, Mass., 1977); Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, Mass., 1977); David R. Johnson, *American Law Enforcement: A History* (Arlington Heights, Ill., 1981). The notable exception to this scholarship is Dennis C. Rousey, “Cops and Guns: Police Use of Deadly Force in Nineteenth-Century New Orleans,” *American Journal of Legal History*, XXVIII (1984), 41–66. For two excellent review essays on the history of American policing, neither of which examines police homicide, see Lane, “Urban Police and Crime in Nineteenth-Century America,” in Michael Tonry and Norval Morris (eds.), *Modern Policing* (Chicago, 1992), 1–50; Eric H. Monkkenon, “History of Urban Police,” in *ibid.*, 547–580. For attitudes, see Johnson, *Street Justice*. For social scientific perspectives, see Monkkenon, *Police in Urban America, 1860–1920* (New York, 1981); Catrien C. J. H. Bijleveld and *idem*, “The Dynamics of Police Behavior: A Data Reanalysis,” *Historical Methods*, XXIV (1991), 16–24. For labor history, see Sidney L. Harring, *Policing a Class Society: The Experience of American Cities, 1865–1915* (New Brunswick, N.J., 1983). For street life, see Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800–1887* (Philadelphia, 1979); Marcy S. Sacks, “‘To Show Who Was in Charge’: Police Repression of New York City’s Black Population at the Turn of the Twentieth Century,” *Journal of Urban History*, XXXI (2005), 799–819.

scholars have explored the institutional values, and the “cop culture,” that fuel the employment of extreme force as well as the use of deadly force over short periods. Concentrating on contemporary society, however, this scholarly literature has rarely included a well-developed historical dimension.<sup>3</sup>

The paucity of scholarship about the history of such deadly force is not surprising. Calculating rates of homicide and charting long-term shifts in those rates is tedious, even when source material is extant. But the relevant sources are especially difficult to find in cases involving law enforcers. Police departments, for example, have often been reluctant to make information accessible. Annual reports, from the nineteenth century to the present, frequently remain silent about the use of deadly force by the police. The politics of law enforcement and the tenets of cop culture, including the proverbial “thin blue line,” combine to shroud police homicide in mystery. For instance, recent annual reports of the Chicago Police Department, which feature precise data on topics ranging from “property crimes against seniors” to the “fleet inventory,” include no mention of the use of deadly force by Chicago police officers, despite a brief section about “allegations of misconduct.” Legal documents are often of limited value—at least insofar as the effort to reconstruct rates of police homicide is concerned—because most cases are treated as “justifiable” killings and do not progress to grand jury proceedings or criminal trials. Newspaper accounts are rich sources, though local journals do not report every case, frustrating the efforts of scholars trying to chart long-term trends in police homicide. Thus, our understanding of the history of this politically charged, explosive, issue is based on a modest empirical foundation, permitting only an impressionistic sense of when and why American police officers began to use deadly force.<sup>4</sup>

Fortunately, a remarkable set of homicide records from the

3 Skolnick and Fyfe, *Above the Law*; Fyfe, “Blind Justice: Police Shootings in Memphis,” *Journal of Criminal Law and Criminology*, LXXIII (1982), 707–722; Jerry R. Sparger and David J. Giacomassi, “Memphis Revisited: A Reexamination of Police Shootings after the Garner Decision,” *Justice Quarterly*, IX (1992), 211–225.

4 See, for example, *1996 Annual Report of the Chicago Police Department* (Chicago, 1997). For legal issues, see Sherman, “Execution Without Trial”; Gerald D. Rubin, “Justifiable Homicide by Police Officers,” *Journal of Criminal Law, Criminology and Police Science*, LIV (1963), 226; Richard W. Harding, assisted by Richard P. Fahey, “Killings By Chicago Police, 1969–70: An Empirical Study,” *Southern California Law Review*, XLVI (1973), 284–315.

late nineteenth and early twentieth century that contains cases in which Chicago policemen employed deadly force has survived. From the 1870s through the 1920s, the Chicago Police Department compiled a log of its homicide cases, along with a brief description of each one. The records are distinctive for two reasons. First, police clerks maintained them consistently. The number of cases for each year from the mid-1870s onward is nearly identical to that of the tallies in health department sources and other records; a capture-recapture technique for the estimation of missing data confirms the extraordinary comprehensiveness of the police logs. Second, the records report even those deaths that were to be ruled justifiable homicides, as well as other deaths for which coroner's juries exonerated the policeman involved, thereby forestalling further legal proceedings. Cases in which police officers employed deadly force, including those that would be termed self-defense shootings or justifiable homicides, appear in the records as "homicides."<sup>5</sup>

Policemen in turn-of-the-century Chicago had an unusual incentive for reporting cases in which they employed deadly force. The local criminal-justice system, hardly a paragon of blind justice, was extremely lenient during this period, convicting killers in fewer than one-quarter of its homicide cases. For killings in which policemen used deadly force, local prosecutors secured convictions in only 1 percent of cases. Nearly certain to receive sympathetic treatment from coroners, prosecutors, and jurors, policemen who killed had little reason to hide their actions and every reason to report the cases since legal proceedings were sure to support them and therefore close the files. The number of police homicides recorded in the logs is consistent with other contemporary sources, such as the totals registered by Progressive reformers who investigated local law enforcement.<sup>6</sup>

To be sure, Chicago's social situation, or the behavior of its police officers, during the age of "Bathhouse" John Coughlan and

5 Chicago Police Department, "Homicides and Important Events, 1870-1920," Illinois State Archives, Springfield.

6 Adler, "It Is His First Offense. We Might As Well Let Him Go": Homicide and Criminal Justice in Chicago, 1875-1920," *Journal of Social History*, XL (2006), 5-24. For similar assessments, see Arthur V. Lashly, "Homicide (in Cook County)," in John H. Wigmore (ed.), *The Illinois Crime Survey* (1929; reprint, Montclair, N.J., 1968), 606; Edith Abbott, "Recent Statistics Relating to Crime in Chicago," *Journal of Criminal Law, Criminology, and Police Science*, XIII (1922), 356.

“Big Bill” Thompson was hardly “typical” of the country’s cities at large. Chicago grew faster, experienced greater political corruption, and suffered from higher levels of violence than most other American cities. Nonetheless, in its overall patterns of homicide and police homicide, and in the development of its law-enforcement institutions, Chicago appears to have followed national trends. Moreover, scholars have learned to be cautious about the matter of representativeness; after all, much of the most influential scholarship about the history of the American police has focused on New York City, though it would be folly to argue for that city’s typicality.<sup>7</sup>

In short, surviving sources make it possible to chart levels of police homicide in Chicago over an extended period. Focusing on the period from 1875 until 1920, this article analyzes the rate at which Chicago policemen employed deadly force and examines the social and institutional factors that influenced police homicide. When and why did Chicago law enforcers begin to use deadly force and what factors accounted for shifts in the rate at which local policemen killed?<sup>8</sup>

Between 1875 and 1920, Chicago police officers killed 307 people, accounting for one homicide in every eighteen committed in the city. Chicago policemen claimed three times as many victims as local gangsters during this era. In a city renowned for its bloody strikes, local law enforcers killed almost two and half times as many Chicagoans as died in labor conflict.

As leading police historians have demonstrated, early law enforcers worked in a hostile environment. Established during an era of soaring violence, when riots were commonplace and when social divisions cleaved cities into competing neighborhoods, American policemen, in Chicago and elsewhere, faced a daunting task.

7 Lincoln Steffens, “Chicago: Half Free and Fighting On,” *McClure’s Magazine*, 21 (1903), 563–577; Maynard Shipley, “Crimes of Violence in Chicago and in Greater New York,” *Popular Science Monthly*, 73 (1908), 127–134. The paucity of comparable sources makes it difficult to prove that Chicago followed national trends, but for suggestive evidence, see Monkkonen, “Homicide in New York, Los Angeles, and Chicago,” *Journal of Criminal Law and Criminology*, XCII (2002), 820; Rubin, “Justifiable Homicide by Police Officers,” 229.

8 Unless otherwise noted, the quantitative evidence in this essay comes from a data set of every recorded homicide in Chicago from 1875 to 1920, based on police homicide files and annual reports, newspaper accounts, prison registers, court records, health department reports, and other sources. For a fuller description of this data set, see Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875–1920* (Cambridge, Mass., 2006), 279–284.

They were expected to maintain order, yet they lacked legitimacy and remained shackled to a partisan, often corrupt, institutional structure in which they were encouraged to use their influence and muscle for overtly political tasks, such as safeguarding their patrons and quelling labor unrest. All the while, American law enforcers battled to command respect and to control the streets. According to Johnson, “brute force recommended itself so often not only as a quick way to restore peace but also as a means of establishing a patrolman’s dominance and preserving his personal safety.”<sup>9</sup>

Conditions in late nineteenth-century Chicago exaggerated the potential for police violence. The city underwent explosive growth, had a history of bloody strikes, and fostered political institutions that proved to be unusually corrupt. More than any other single event, the Haymarket bombing shaped the city’s late nineteenth-century cop culture. Following a strike at the McCormick Reaper Works in early May 1886, 200 policemen gathered to squelch a small rally organized by labor leaders to demonstrate support for the eight-hour workday and, ironically, to protest police attacks on workers. Someone hurled a bomb into the police line from an alley, killing one policeman and triggering a flurry of gunfire in which six other policemen died and sixty sustained injuries. The deaths of the local law enforcers hardened the resolve of Chicago’s policemen to reclaim control of the streets. The bombing also terrified prominent Chicagoans, who demanded more zealous police efforts to control radicals and ruffians.<sup>10</sup>

Based on common-law tradition, Illinois criminal law afforded policemen considerable latitude in the use of deadly force. If a policeman, “in the execution of his office,” encountered resistance from a suspected felon, was assaulted, or felt his life to be endangered, he was “justified” in using deadly force to protect himself or to “prevent the escape of the accused.” In addition, “justifiable homicide” included the use of deadly force against rioters or others whose actions threatened police officers. Such criminal codes typically included generic language outlining the

9 Johnson, *Policing the Urban Underworld*, 185.

10 Carl Smith, *Urban Disorder and the Shape of Belief: The Great Chicago Fire, The Haymarket Bomb, and The Model Town of Pullman* (Chicago, 1995), 101–174; Richard C. Lindberg, *To Serve and Collect: Chicago Politics and Police Corruption From the Lager Beer Riot to the Summerdale Scandal, 1855–1960* (Carbondale, 1991), 59–78.

limits of self-defense in justifiable homicides, stating that “an officer should, of course, exhaust every means in his power to arrest an offender before resorting to the use of his revolver or other weapon, but he should not hesitate to do so where it appears to be absolutely necessary to save his own life or to prevent his receiving great bodily injury.” Beating or shooting suspects who resisted arrest, who fled, who attacked police officers, or who appeared to threaten them ordinarily fell within the plastic definition of justifiable homicide.<sup>11</sup>

Local law enforcers also stretched the already loose definitions of justifiable homicide and self-defense. Although late twentieth-century policemen sometimes fabricated accounts after the fact or planted “drop guns” to fit their behavior within legal strictures, Chicago policemen between 1875 and 1920 were less legalistic. Rather, they insisted that a combination of state law and workplace custom authorized them to use force when “necessary,” guided largely by their own discretion. Police officials also believed that common sense and public safety dictated the “liberal use of the officer’s club” to preserve order.<sup>12</sup>

Abetted by the thrall of street life and supported by commanding officers, by law, and by tradition, Chicago policemen during the 1870s and 1880s often employed force to maintain order, beating striking workers, harassing tramps, and coercing confessions out of suspects. In the late nineteenth-century city, rough justice trumped the rule of law. Describing police tactics during the 1880s, one local law enforcer explained that “it was not customary for a policeman to arrest anyone for a small matter, then. The hickory had to be used pretty freely.”<sup>13</sup>

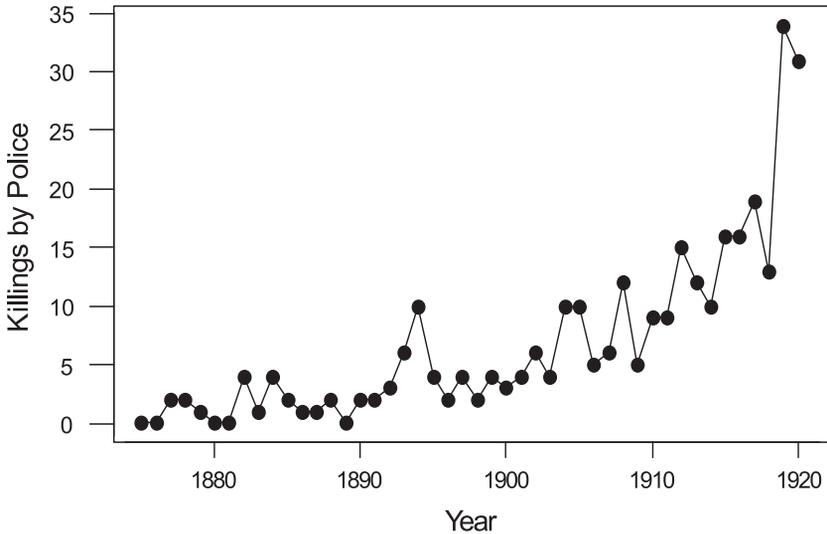
Despite their quick resort to force, Chicago policemen seldom killed suspects during this era. Between 1875 and 1890, they used deadly force twenty times. Local law enforcers carried guns and clubs, and by all accounts they were quick to employ these

11 Ossian Cameron, *Illinois Criminal Law and Practice: Illustrated and Construed by the Decisions of the Court with Forms of Indictments* (Chicago, 1898), 196–197; R. Waite Joslyn, *Criminal Law and Statutory Penalties of Illinois: A Compilation of the Statutes and Decisions as to Crimes and Offenses, in the State of Illinois* (Chicago, 1920), 92; *Chicago Tribune*, 24 March 1909.

12 See Mark H. Haller, “Historical Roots of Police Behavior: Chicago, 1890–1925,” *Law and Society Review*, X (1976), 303–304. For quotation, see *Chicago Daily News*, 9 Jan. 1883.

13 Local law enforcer quoted in Haller, “Historical Roots of Police Behavior,” 318. Also see John J. Flinn, *History of the Chicago Police from the Settlement of the Community to the Present Time* (Chicago, 1887), 343, 359.

Fig. 1 Killings by Chicago Police, 1875–1920



SOURCE “Chicago Police Department: Homicide and Important Events, 1870–1920.”

weapons. Yet, Chicago policemen at the time generally managed to beat, club, and shoot criminals, radicals, tramps, and political enemies without inflicting lethal wounds.

The number of police homicides, however, rose during the 1890s and then soared during the early decades of the twentieth century (see Figure 1). Between 1890 and 1900, the death toll climbed to thirty-nine, nearly double that of the previous fifteen years. Chicago policemen killed sixty-five people during the first decade of the twentieth century and 153 residents during the 1910s. In 1920, local law enforcers shot and killed thirty Chicagoans. The most violent year was 1919, when Chicago police officers killed thirty-four residents, including five during the city’s bloody race riot. Nor was the increase in the use of deadly force merely a reflection of the city’s rapid growth; the number of such incidents rose at five times the rate of local population growth. Similarly, the jump was not a function of the increasing size of the police department; between the late 1870s and 1920 the rate of killings per police officer more than tripled. Police work in the city was undeniably dangerous, as the Haymarket bombing dem-

onstrated; 103 policemen were killed from 1875 to 1920. Nonetheless, Chicago law enforcers were three times more likely to kill in the line of duty than to be killed.<sup>14</sup>

Between the late 1870s and 1920, the rate of police homicide in Chicago quintupled. The cop culture forged in the early days of municipal law enforcement permitted the use of force, but Chicago policemen did not employ deadly force at high levels until the closing decade of the century. Thus, the roots of modern police homicide can be traced not to the first or even second generation of law enforcers but rather to the turn-of-the-century era.

Two factors, in combination, triggered the explosion in police homicide. First, the city experienced a sharp increase in violent crime. Chicago's homicide rate jumped during the 1890s, and this trend continued into the 1920s. Notwithstanding a few peaks and valleys, the city's homicide rate had been relatively steady during the 1870s and 1880s. But it climbed by 49 percent between the late 1880s and the early 1890s, and by an additional 90 percent between the early 1890s and 1920, making Chicago the most violent major urban center in the nation. Yet, the police homicide rate rose considerably faster than Chicago's spiraling overall rate of lethal violence.

Perhaps as important as the increase in the homicide rate was the change in the nature of violent crime in the city between the 1870s and the 1920s, contributing to the surge in police homicide. Many factors, including rising levels of racial conflict and domestic violence, fueled Chicago's crime epidemic, though a sharp increase in robbery commanded particular popular attention. During the 1870s and the 1880s, drunken brawls had been the leading cause of homicide in Chicago. By the early twentieth century, robbery homicide far surpassed saloon fights to become the leading source of lethal violence in the city. Chicago's robbery—homicide rate rose elevenfold between the late 1880s and 1920. By the 1910s, the city had achieved national and international renown for its robberies and robbery homicides; in 1918, Chicago led the United States in these crimes. Chicago had fourteen robberies for every robbery in all of England and Wales.<sup>15</sup>

14 For police employees, see Wesley G. Skogan, unpub. ms., "Chicago Since 1840" (Urbana, 1976), 90–91.

15 For shifts in violence, see Adler, *First in Violence, Deepest in Dirt*. For robberies, see George Kibbe Turner, "The City of Chicago: A Study of Great Immoralities," *McClure's*

Robbery (and robbery homicide) proved to be uniquely frightening to respectable Chicagoans. Barroom brawls tended to be closed affairs, in which the local ruffians pounded and pummeled one another. Describing one such killing in 1887, the stodgy *Chicago Tribune* explained that the murder was “confined to lower elements, and therefore but little notice was taken of it.” Middle-class Chicagoans, by virtue of their virtue, easily avoided this bloodletting. But robberies were a different matter altogether. In these crimes, a savage, “lower element” preyed on their social betters. The crimes were vicious; the robbers were predatory and “cold blooded”; and the victims often belonged to the city’s middle class.<sup>16</sup>

Feelings of middle-class vulnerability transformed concern about violent crime into a “panic.” “Hold-up men,” Sinclair wrote in *The Jungle*, “kept the whole city in terror.” According to one journalist, “with nothing to stop them, bands of thugs and hoodlums prowled the streets from dusk to dawn. They robbed every pedestrian they encountered, and many of these holdups were remarkable for their brutality; sometimes the footpads stripped their victims, tied them to lamp posts, and cut shallow slits in their flesh with razors.” Local ministers warned women to stay off the streets at night, and Chicago gun dealers reported record sales, as middle-class men armed themselves out of “fear of the midnight prowler.” “Good citizens are taking lessons in how to remain self-possessed, fish the weapon from a deep hip-pocket and get it leveled at the footpad before the latter has time to think of shooting,” the *Chicago Record* noted in 1893.<sup>17</sup>

Prominent ministers and other commentators leveled blister-

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*Magazine*, 28 (1907), 590; “America’s High Tide of Crime,” *Literary Digest*, LXVII (1920), 12; *Chicago Daily News*, 28 Feb. 1918; Henry Barrett Chamberlin, “Crime as a Business in Chicago,” *Bulletin of the Chicago Crime Commission*, 6 (1919), 6.

16 For brawls, see *Chicago Tribune*, 7 June 1877; for “cold blooded,” *Chicago Tribune*, 27 Nov. 1916.

17 For “panic,” see *Chicago Times-Herald*, 19 Oct. 1895. Late nineteenth-century Chicagoans used the word “panic,” but this article employs it in a sociological sense—to describe a socially constructed reaction to a public crisis. Upton Sinclair, *The Jungle* (1906; repr. New York, 2002), 280. For quotation from journalist, see Herbert Asbury, *Gem of the Prairie: An Informal History of the Chicago Underworld* (1940; repr. DeKalb, 1986), 208. For guns, see *Chicago Tribune*, 22 Jan. 1906; *Chicago Evening Post*, 15 Jan. 1906; *Chicago Record-Herald*, 22 Feb. 1906; *Chicago Times-Herald*, 19 Oct. 1895; *Chicago Record*, 20 Nov. 1893.

ing criticism at local law enforcers. According to one observer in 1897, “The police force is so weak that men and women are held up and robbed almost nightly.” At one “mass meeting” in 1906, a speaker demanded that city officials hire an additional 1,000 policemen and then lamented that even 10,000 new law enforcers might not be enough. Steffens, a muckraking journalist, suggested that the Chicago police department was “so insufficient (and inefficient) that it cannot protect itself.”<sup>18</sup>

Police officials responded to the criticism with aggressive new crime-fighting strategies, instructing patrolmen and detectives who encountered robbers to “shoot to kill.” This policy transformed the use of deadly force. Unlike in earlier years, when most police homicides were unanticipated and unintentional, the new policy defined deadly force as an explicit crime-fighting tool. Beginning in the 1890s, police chiefs, inspectors, and captains directed their men to shoot and to “shoot first.” In 1899, Chief Joseph Kipley urged policemen to “shoot to kill” criminals or other dangerous characters. Also in 1899, Inspector John D. Shea announced that “it is about time for the policemen of Chicago to be instructed to shoot to kill when they have a gang of holdup men pointed out to them.” Eight years later, Chief George Shippy added, “I want men under me who can shoot and shoot straight. We will strike awe to the cheap murderous thugs who think nothing of killing a man to get his money.”<sup>19</sup>

After a robber killed a police officer in 1915, Chief James Gleason advised his men “to carry their revolvers so they could draw them in a hurry.” Gleason explained that Chicago policemen “must be ready to shoot first if necessary,” a message underscored three years later, when police officials told local law enforcers “don’t let them [criminals and suspicious characters] shoot first.” Police chiefs promoted patrolmen who killed robbers, and one alderman proposed an immediate promotion for “all police who killed criminals,” arguing that “some incentive is needed to quicken the trigger fingers of the police.” The shoot-first policy,

18 For weak police, see George W. Steevens, *The Land of the Dollar* (1897; repr. Freeport, New York, 1971), 150; for mass meeting, *Chicago Tribune*, 22 Jan. 1906. Steffens, “Half Free and Fighting On,” 563.

19 For Kipley, see *Chicago Tribune*, 6 March 1899; for Shea, *Chicago Tribune*, 6 Jan. 1899; for Shippy, *Chicago Record-Herald*, 24 Aug. 1907.

according to municipal leaders, would “protect the lives of the citizens of Chicago.”<sup>20</sup>

Chicago policemen also shot first to protect themselves, since turn-of-the-century robbers tended to be armed and far more dangerous than their predecessors. “Formerly the footpad rarely resorted to violence save as a means of avoiding arrest,” the *Chicago Daily News* reported in 1903. “To day [sic] the robber’s weapon is used to injure, maim, and kill. Having robbed, he is likely to beat his unresisting victim into insensibility. In short, he is a murderer as well as a robber.” The new generation of armed robbers also made the streets more perilous for local law enforcers, since these criminals, according to Shippy, “love to shoot at the slightest provocation.” Thus, a shift in criminal behavior reinforced the quick resort to lethal force.<sup>21</sup>

Although not every police homicide was in response to an attempted robbery, the increase in robberies and robbery homicides sparked a hue and cry for aggressive policing, which, in turn, generated the surge in the use of deadly force by Chicago law enforcers (see Figure 2). Between the late 1880s and 1920, the police homicide rate climbed by 858 percent, while the robbery homicide rate swelled by 850 percent. The robbery panic made crime fighting the highest priority for police officials, and local law enforcers argued that “cleaning up” the city required a shoot-to-kill policy.<sup>22</sup>

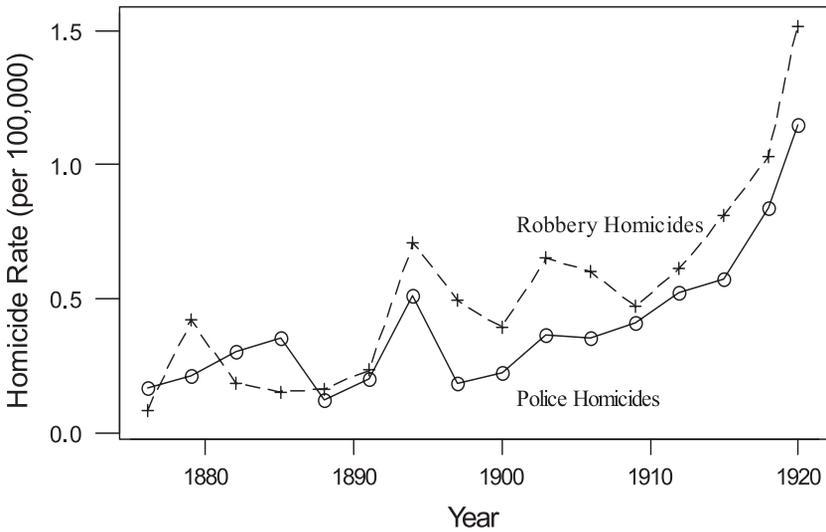
Demographic factors probably “quickened the trigger fingers” of turn-of-the-century policemen as well. During the 1870s and 1880s, both Chicago law enforcers and their suspects tended to be white and of northern European extraction. While the ethnic and racial backgrounds of local policemen remained largely unchanged through the early years of the new century, residents, and especially criminals and suspected criminals, were increasingly southern or eastern European and African American. Between 1890 and 1920, the city’s Polish-born population grew nearly sixfold; the Italian-born population rose more than tenfold;

20 For Gleason, see *Chicago Tribune*, 16 Jan. 1915; *Chicago Tribune*, 14 Sept. 1918; for officials, *Chicago Times-Herald*, 23 Dec. 1900; *Chicago Tribune*, 24 Aug. 1907; *Chicago Record-Herald*, 24 Aug. 1907; *Chicago Tribune*, 26 Dec. 1920.

21 *Chicago Daily News*, quoted in “Increase of Crime in Chicago,” *Literary Digest*, XXVII (1903), 858. For Shippy, see *Chicago Record-Herald*, 4 Jan. 1908.

22 *Chicago Record-Herald*, 24 Aug. 1907.

Fig. 2 Police Homicides and Robbery Homicides, 1875–1920 (Three-Year Averages)



SOURCE “Chicago Police Department: Homicides and Important Events, 1870–1920.”

and the African American population increased eightfold. Surviving records shed little light on the ethnic backgrounds of police-homicide victims. City officials, however, systematically recorded the racial backgrounds of the suspects that they killed. From 1910 to 1920, African Americans comprised 3 percent of Chicago’s population and 21 percent of the police-homicide victims. Facing mounting pressure to use their guns to protect the good people of the city from robbers and confronting a racially different and seemingly more alien, dangerous class of criminals, Chicago policemen shot often and shot to kill during the decades after 1890.<sup>23</sup>

Between 1890 and 1920, 85 percent of police homicides involved the use of deadly force either to apprehend fleeing suspects or to defend themselves, but the two justifications typically over-

23 For the police force, see Lindberg, *To Serve and Collect*, 15–16. *Report of the Population of the United States at the Eleventh Census: 1890, Part I* (Washington, D.C., 1895), 671–672; *Fourteenth Census of the United States: Population, Vol. II* (Washington, D.C., 1923), 291. Many Chicagoans believed that African Americans contributed significantly to the spike in robberies. See Chicago Commission on Race Relations, *The Negro in Chicago* (Chicago, 1922), 440.

lapped; escaping suspects frequently appeared willing to employ violence in order to avoid arrest. In 41 percent of police homicides, Chicago law enforcers discharged their weapons specifically to apprehend fleeing suspects. Some law enforcers reported that they intended only to frighten or to wound an escaping suspect. More often, policemen reported that, after “warning shots” had failed to slow the suspect, they “shot on business principles.” In April 1906, for example, Officer James Mulhern explained, “I repeatedly called to [James] Roach to stop before I fired my revolver and then [I] shot three times in the air, thinking he would halt. When I saw he was getting away I took deliberate aim.” Again and again, local policemen testified that they were “being outrun and took the only means to bring the fugitive to a halt.” Patrolman Frank Madden, who killed twenty-two-year-old Bernard Scickowski in January 1910, stated, “I didn’t shoot until I was convinced that there was nothing else to do. They [a group of men mis-identified as robbery suspects] all had a good start and were getting away when I opened fire. I didn’t take careful aim. I just fired in the direction of the five men, and the first shot got Scickowski.”<sup>24</sup>

It hardly mattered what the suspect had done—or was believed to have done. One police sergeant, for example, assured his patrolmen that “an officer is within his rights in killing a prisoner who tries to escape, even though the offense was trivial,” an opinion shared by local coroners, prosecutors, and jurors. Nearly two-thirds of the fleeing men killed by Chicago law enforcers were suspected of being robbers or burglars, though the police also shot men suspected of committing “trivial” offenses and then fleeing. In August 1904, two Chicago policemen chased, shot, and killed John Brady after he had taken two hams from a meat market and had refused to obey the command to “halt.” Local law enforcers killed a purse snatcher when he tried to escape arrest, and they fatally shot Nicholas Finley because the thirty-two-year-old loiterer refused to comply.<sup>25</sup>

24 Rousey, “Cops and Guns,” 58, found a similar pattern for New Orleans. For efforts to frighten, see *Chicago Times-Herald*, 22 Oct. 1895; for “business principles,” *Chicago Tribune*, 20 March 1891; for Mulhern, *Chicago Tribune*, 23 April 1906; for “being outrun,” Clifton R. Wooldredge, *Hands Up! in the World of Crime or 12 Years a Detective* (Chicago, 1906), 252; for Madden, *Chicago Evening Post*, 13 Jan. 1910.

25 For the trivial offense, see *Chicago Record*, 14 Aug. 1893; for Brady, *Chicago Record-Herald*,

Although Chicago police officers believed that they possessed the legal authority to shoot fleeing pickpockets and ham filchers, turn-of-the-century cop culture also contributed to the liberal use of deadly force. When they explained their use of deadly force, Chicago law enforcers reported that they fired at fleeing suspects not just because they were escaping criminals but also because the suspects had defied them—by refusing to halt. This retaliation by Chicago policemen for perceived challenges to their authority later observers were to dub “contempt of cop.” Whereas Gilded Age law enforcers in Chicago used their batons to counter disrespect, turn-of-the-century policemen, emboldened by departmental policy, used their service revolvers. Detective Sergeant Walter Evans emphasized that Edward Burgess, a suspected holdup man, “refused to obey a command to halt.” After chasing the suspect for a block, Evans “shot him in the back.” In July 1914, two groups of plainclothes officers engaged in a deadly gunfight when they failed to recognize each other as fellow policemen, and appeared to defy each other’s commands. The result was one death and four injuries.<sup>26</sup>

Between 1875 and 1920, Chicago policemen shot in self-defense in 44 percent of the cases in which they employed deadly force. Occasionally, with behavior both threatening and defiant, rowdy young men attacked law enforcers who had commanded them to disperse. More often, fleeing suspects made motions indicating that they were reaching for weapons, prompting Chicago policemen to shoot in self-defense. In many police killings, the intentions of the suspects were unmistakable. George Lyttthouse, according to Detective Anthony Hulverson, pulled away, drew a gun, “pointed the weapon directly at me,” and announced, “You are not going to get me.” Hulverson testified to a coroner’s jury, “I wouldn’t have fired if he hadn’t pointed a weapon at me.” Likewise, in 1915, Officer John Sullivan shot a suspect “who had a revolver and pointed it at me,” explaining, “It was him or me.”<sup>27</sup>

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28 Aug. 1902; for Monroe and Finley, *Chicago Tribune*, 4 Oct. 1902; *Chicago Tribune*, 23 May 1915.

26 For contempt of cop, see Paul Chevigny, *Edge of the Knife: Police Violence in the Americas* (New York, 1995), 43, 130, 140. For Evans, see *Chicago Evening Post*, 14 Aug. 1920; for plainclothes detectives, *Chicago Tribune*, 17 July 1914.

27 For Hulverson, see *Chicago Evening Post*, 28 April 1911; for Sullivan, *Chicago Daily News*, 10 April 1915.

Shooting first and shooting to kill necessitated a proactive approach to crime fighting. Local policemen could not wait until holdup men struck, both because such delays jeopardized public safety and endangered the law enforcers themselves. Thus, the shoot-to-kill policy extended considerable discretion to Chicago policemen. In order to protect city dwellers, they had to anticipate the actions of criminals and aggressively pursue (and even kill) suspicious characters. All at once, policing became more dangerous, popular sentiment demanded more aggressive law-enforcement tactics, and a new crime-fighting strategy encouraged Chicago policemen to employ lethal force against suspects. Thus, local law enforcers began to rely on their weapons more than before and exercise less discretion in doing so, blurring the distinction among fleeing felons, suspicious strangers, and noncompliant tramps.

The shoot-to-kill order produced errors and miscues. Chicago policemen killed one person by mistake for every nine escaping, menacing, or attacking suspects that they killed. Nearly three-fourths of these victims died when policemen fired into crowds and killed innocent bystanders or when local law enforcers shot misidentified suspects. Not infrequently, Chicago law enforcers tripped while they chased and shot at fleeing suspects. Sometimes their bullets traveled wide of their marks; other times their warning, or inadvertent, shots became lethal. In August 1904, Officer Timothy Reardon “stumbled over a lot of wire, which caused [his] revolver to be accidentally discharged,” killing Chester Severson. Other local law enforcers unintentionally killed residents when they “stumbled into some bushes and [their] revolver was accidentally discharged” or “tripped over a loose board while running.” Officer Harry Deas accidentally shot and killed a sixty-five-year-old woman as she stood in her kitchen preparing dinner. Deas explained that he “was running and had poor control of his aim. The bullet intended to stop the boy [in an alley along Dearborn Street] struck the kitchen of the home.” In other instances, Chicago law enforcers shot to kill but targeted the wrong person. Detective Alexander Scott, for example, killed Joseph Finn in March 1909, after mistaking him for “‘Pickles’ Kilroy, a character well known to the police.”<sup>28</sup>

28 The one-in-nine figure is based on my analysis of all homicides by the police. Edith Abbott, “Recent Statistics Relating to Crime in Chicago,” 357, calculated a similar proportion. For Reardon, *Chicago Inter Ocean*, 17 Aug. 1904; for stumbling and tripping, *Chicago Tri-*

Chicago policemen, including inspectors and chiefs, were unapologetic about mistakes or collateral damage. Occasional errors, though unfortunate, were simply part of the cost of ridding the city of murderous holdup men and vicious thugs. If they did not meet force with force, the police would be accused of being incompetent or of coddling the bloodthirsty footpads who preyed on innocent Chicagoans. Even in cases where plainclothes detectives killed immigrants who spoke no English, or did not realize that the detectives were policemen (and hence did not comply with “halt” commands), police officials defended the use of deadly force, insisting that law enforcers could not, and should not, take any chances when public safety was at stake. Complying with the shoot-to-kill order, plainclothes Detective Sergeant Frank Lorenz shot and killed forty-seven-year-old Charles C. Dietrich while he was working at the furniture business that had employed him as an auditor for two decades. On a Sunday evening in 1920, police officers assumed that the man that they saw in the firm’s office was a safecracker. When Lorenz rapped on the office window, Dietrich thought that he was a robber and moved away. Lorenz then shot him in the back. Police officials argued that Dietrich’s suspicious behavior had necessitated the shooting, which they termed justifiable.<sup>29</sup>

The most egregious mistakes in the use of deadly force led police officials to “modify” the shoot-to-kill policy but not to rescind it, or even to scale it back. In 1910, after a policeman shot a child playing with his friends, mistaking him for a holdup man, Police Chief LeRoy Steward clarified the policy “so there can be no doubt by the police as to when they are to shoot and when they are to refrain from murdering and maiming innocent persons, announcing, “Our men are not instructed to shoot down women and children.” The chief, however, defended the aggressive use of deadly force, even in this particular instance: “This boy probably was large for his age. Anyway, in the dark, it is as the French say: ‘All cats are gray.’ If it had been a hold-up and the policeman had not shot, why then the victim of the hold-up and the public

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bune, 22 Sept. 1911; *Chicago Times*, 11 Aug. 1890; for Deas, *Chicago Tribune*, 28 Nov. 1915; for Scott, *Chicago Tribune*, 20 March 1909.

29 For mistakes, see *Chicago Record-Herald*, 24 Aug. 1907; for coddling, *Chicago Inter Ocean*, 27 Sept. 1910; for “halt,” *Chicago Tribune*, 21 Nov. 1892; *Chicago News Record*, 21 Nov. 1892; for Lorenz, *Chicago Tribune*, 7 June 1920; *Chicago Evening Post*, 7 June 1920.

would have been crying out that a policeman was there and let the thief get away.”<sup>30</sup>

Middle-class Chicagoans, particularly newspaper editors and prominent ministers, generally endorsed the police stance on the use of deadly force and supported local law enforcers who made deadly errors in judgment. The *Chicago Tribune*, for example, defended the policeman who shot and killed Dietrich: “Accustomed to dealing with dangerous criminals, [detectives] anticipated a gun battle with a bandit.” With sensibilities much different from those of early twentieth-first-century journalists, early twentieth-century editors and reporters rarely criticized aggressive law enforcers during the robbery panic. Jurors—in inquests, grand jury proceedings, and criminal trials—also offered unwavering support for shoot-to-kill policing. They exonerated Deas, who accidentally killed a sixty-five-year-old woman in her kitchen, and Scott, who, while drunk, mistook an innocent man for “Pickles” Kilroy. Similarly, a coroner’s inquest jury exonerated Frank Madden, who killed someone when he mistook a group of men for robbery suspects and then fired into a crowd. “We, the jury,” they announced, “believe that Patrolman Madden was misled by the circumstances to believe that the decedent was a holdup man attempting to escape arrest. We believe that Patrolman Madden was justified in firing his revolver, and we exonerate him from all blame.” Jurors returned convictions in 3 of the 307 police homicides between 1875 and 1920. Two of the cases predated the robbery panic of the 1890s, and the third case involved an African American policeman killing a white resident. In short, with few exceptions, middle-class Chicagoans supported shoot-to-kill crime fighting.<sup>31</sup>

Progressive reform crusades constituted the second factor that encouraged the use of deadly force and ingrained such behavior in twentieth-century cop culture, at least in Chicago. Reformers launched repeated investigations of the city’s police department during this era, including major probes in 1898, 1904, 1912, 1917, and 1928. They also repeatedly scrutinized local legal institutions, particularly in 1915, 1922, and 1929. Though spanning more than three decades and spearheaded by different groups with diverse

30 *Chicago Inter Ocean*, 27 Sept. 1910. Also see Chevigny, *Edge of the Knife*, 24.

31 For Dietrich, *Chicago Tribune*, 7 June 1920; for Madden, *Chicago Tribune*, 15 Jan. 1910.

methods and varied goals, the reports offered consistent—and scathing—assessments. “The condition [of the police] is ‘rotten,’” a 1904 investigation succinctly explained. A 1928 report concurred, terming the city’s police department “rotten to the core.” Nearly every investigation determined that local law enforcers were poorly trained and poorly disciplined, too often drunk or lounging in grog shops. Most damning, according to the reformers, the police department remained infected by local politics and close ties to gambling hall operators, brothel keepers, and street criminals. “Pickpockets and hold-up men are under police protection,” a 1912 civil service commission report revealed.<sup>32</sup>

These reformers initiated far-reaching changes in local law enforcement. One police chief—Charles Healey—resigned and was arrested in 1917. The reformers also helped to create a training program for recruits and transformed the organizational structure of the local force. In many ways, the Chicago police modernized during this era, leading the nation in the application of scientific crime-fighting techniques, such as the use of the Bertillon criminal identification system and the use of fingerprinting. Although reformers failed to root out corruption, they began to establish basic procedural and behavioral standards of police professionalism.<sup>33</sup>

Shoot-to-kill policies, however, remained largely unquestioned, and local law enforcers became increasingly deadly; the rate of police homicide nearly tripled between 1910 and 1920. For all of the attention focused on the ills of the Chicago police and for all of the energy invested by the city’s Progressive reformers, critics and investigators typically did not count the excessive use of

32 For police, *Chicago Tribune*, 2 March 1904; Steffens, *Shame of the Cities* (New York, 1904); *Report of the City Council Committee on Crime of the City of Chicago* (Chicago, 1915); Haller, “Police Reform in Chicago, 1905–1935,” *American Behavioral Scientist*, XIII (1970), 649–666. For “rotten,” see *Chicago Tribune*, 12 March 1904; Citizen’s Police Committee, *Chicago Crime Problems* (1931; repr. Montclair, N.J., 1969), 3; for poor discipline, Committee of Investigation Appointed by the 40<sup>th</sup> General Assembly, “Senate Report on the Chicago Police System” [1898], repr. in *Chicago Police Investigations* (New York, 1971), 12–13; Alexander R. Piper, “Report of an Investigation of the Discipline and Administration of the Police Department of the City of Chicago, 1904,” repr. in *ibid.*, 8–9. For 1912 report, see H. M. Campbell, John J. Flynn, and Elton Lower, “The Chicago Police—Report of the Chicago Civil Service Commission,” *Journal of the American Institute of Criminal Law and Criminology*, III (1912), 79, 81.

33 For scandal, see “Chicago’s Police Scandal,” *Literary Digest*, LIV (1917), 179–180; “Chicago’s Police Investigation,” *Outlook*, 115 (1917), 133; for scientific advances, Lindberg, *To Serve and Collect*, 24; Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge, Mass., 2001), 152, 177–181.

deadly force among the misdeeds of local law enforcers. In fact, reformers refrained altogether from criticizing the popular crime-fighting campaign. Investigative reports, some of them hundreds of pages long, rarely mentioned the scores of accidental shootings or the hundreds of justifiable homicides by local police officers.<sup>34</sup>

Nonetheless, the criticism and resulting reform of the Chicago police significantly affected police homicide, though in an ironic way: It encouraged the use of deadly force. Anxious to counter the charges leveled by reformers, to demonstrate their independence from local criminals, and to establish their commitment to crime fighting, police officials waged highly publicized wars against street criminals and offered shoot-to-kill orders as evidence of their professionalism. Detectives and patrolmen, who hoped to distance themselves from allegations that they consorted with criminals, embraced the use of deadly force, which fit well with a cop culture that venerated assertions of occupational authority and personal dominance. Set against the backdrop of a crime wave and concomitant demands for police reform, the embrace of deadly force was evidence against the notion that, as an investigation of 1904 put it, “some of the police are afraid of the thieves.” Thus, local law enforcers now had license to employ deadly force, the use of which enhanced their authority and, paradoxically, shielded them from criticism.<sup>35</sup>

The reign of Al Capone, Dion O’Banion, and their associates cemented the shoot-to-kill policy. Robbery and murder spiked during the 1920s. Chicago’s homicide rate rose by 33 percent, and the police homicide rate followed suit, climbing by 24 percent during the decade. The Leopold and Loeb case, the Beer Wars of the mid-1920s, and the St. Valentine’s Day Massacre sustained the social and institutional alchemy that had forged shoot-to-kill policing at the close of the nineteenth century. During the 1930s and 1940s, when the city’s violent crime rate dropped, the police homicide rate fell as well. By the 1950s, 1960s, and 1970s, however,

34 The notable exception among critics was the reformer Abbott, who observed in 1922 that “the shooting down of 37 citizens by policemen in the course of a year without trial and in many cases without warning is in line with the traditions of the frontier rather than those of a settled community governed by law” (“Recent Statistics Relating to Crime in Chicago,” 357).

35 Piper, “Report of an Investigation,” 47; Johnson, *Street Justice*, 8, 87.

the rate of police homicide in Chicago had returned to 1910s levels.<sup>36</sup>

Quantitative data tracking the use of deadly force in Chicago revise our understanding of the history of American law enforcement in two ways. First, the patterns of police homicide indicate that, at least in Chicago, the liberal use of deadly force dates not to the early days of street justice, the rough-and-tumble “Clubber” era, but to the Progressive era, when a surge in violence, a crime panic relating to an increase in robbery and middle-class vulnerability, and Progressive demands for more vigorous, more professional crime fighting blended to produce a new shoot-to-kill strategy. This cluster of pressures, both real and constructed, reinforced the inclination of local policemen to view suspects as dangerous and to use violence to maintain order. Such a coincidence of timing added a powerful new component to a long-established cop culture, legitimizing not only the use of force against suspects but also the use of deadly force. From the 1890s onward, deadly force became an intentional tool of crime-fighting professionals, instead of the accidental outcome of clumsy law-enforcement tactics. Although some historians have speculated that Progressive reformers unwittingly unleashed a new wave of police violence, previous studies have not included empirical evidence to support this view or linked a change in police homicides to the social and cultural history of the era.

Second, and more speculative, the data suggest that, at least in the use of deadly force, late twentieth-century Chicago cop culture had its roots in the shoot-to-kill policy of the opening decades of the century. Though more systematic, longitudinal research needs to be conducted on the later years, the similarities between the two periods are striking. From the 1950s through the 1970s, Chicago police officers killed suspects at rates similar to

36 For 1920s, see John Landesco, “Organized Crime in Chicago,” in Wignore (ed.), *Illinois Crime Survey*, 921–933; Lashly, “Homicide (in Cook County),” 606; *Report of the Department of Health of the City of Chicago for the Years 1926 to 1930 Inclusive* (Chicago, 1931), 1138. Levels of police homicide for the 1950s through the 1970s derive from various studies examining short spans of time. For 1923–1954, see Thorsten Sellin, *The Death Penalty* (Philadelphia, 1959), 60; for 1950–1960, Rubin, “Justifiable Homicide by Police Officers,” 229; for 1969–1970, Harding, “Killings By Chicago Police,” 285; for 1974–1978, see Geller and Karales, “Shootings Of and By Chicago Police,” 1839.

their 1910s counterparts and employed deadly force for comparable reasons. During the earlier era, 11 percent of police homicides were accidental, compared with 12 percent during the late 1970s. Moreover, late twentieth-century policemen, like their early twentieth-century counterparts, disproportionately killed African American residents. Ironically, the quick resort to deadly force by Chicago law enforcers began as an assertion of professionalism and as a response to critics.<sup>37</sup>

37 The racial disparity was enormous throughout the century, but it was more pronounced in the earlier period. During the late 1910s, African Americans comprised 3.6 percent of Chicago's population and 28 percent of the victims of police homicides, whereas from 1969 to 1970, they comprised 33.8 percent of population and 74.7% of the victims of police homicides. Stated differently, during the late 1910s, Chicago policemen killed African-American residents at a rate of 5.95 per 100,000. According to Harding's research, the rate for 1969/70 was 2.59 ("Killings By Chicago Police," 311). By the mid-1970s, African Americans comprised between 40 and 45% of Chicago's population and 63.8% of police homicide victims. See Geller and Karales, "Shooting Of and By Chicago Police," 1836-42, 1848.