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FIREARM DEATHS, GUN AVAILABILITY, AND LEGAL REGULATORY CHANGES: SUGGESTIONS FROM THE DATA*

GREG S. WEAVER**

INTRODUCTION

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

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

* An earlier version of this paper was presented at Learning from the Past, Living in the Present: Patterns in Chicago Homicides, 1870-1930. November 17, 2000, Northwestern University School of Law, Chicago, Illinois. I would like to thank the office of Alderman Edward A. Burke of the Chicago City Council and the Municipal Reference Collection staff of the Chicago Public Library for their invaluable assistance.

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¹ ERIC LARSON, *LETHAL PASSAGE: HOW THE TRAVELS OF A SINGLE HANDGUN EXPOSE THE ROOTS OF AMERICA'S GUN CRISIS* 131 (1994).

² *Id.*

³ *Id.*

⁴ LARSON, *supra* note 1, at 132.

⁵ *Id.*

⁶ *Id.*

tion of the city's concealed weapon law.⁷

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

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

⁷ Jack Kelly, *Gangster City*, 46 AM. HERITAGE 71–72, (1995). See also RICHARD LINDBERG, *TO SERVE AND COLLECT: CHICAGO POLITICS AND POLICE CORRUPTION FROM THE LAGER BEER RIOT TO THE SUMMERDALE SCANDAL* (1991).

⁸ LAURENCE BERGREEN, *CAPONE: THE MAN AND THE ERA* 109 (1994).

⁹ D. KIRK DAVIDSON, *SELLING SIN: THE MARKETING OF SOCIALLY UNACCEPTABLE PRODUCTS* 57 (1996).

¹⁰ ROBERT G. SPINNEY, *CITY OF BIG SHOULDERS: A HISTORY OF CHICAGO* (2000).

¹¹ DAVIDSON, *supra* note 9.

¹² National Firearms Act of 1934, ch. 757, 48 Stat. 1236, 26 U.S.C. § 1132 (1934) (current version at 26 U.S.C. § 5801-5872 (1995)).

¹³ *Id.*

¹⁴ FRANKLIN ZIMRING & GORDON HAWKINS, *THE CITIZENS GUIDE TO GUN CONTROL* (1987). See Federal Firearms Act of 1938, ch. 850, 52 Stat. 1250; 15 U.S.C. § 901 (1938) (repealed 1968).

United States until 1968. In that year a number of firearms laws were passed at the federal, state and local levels that increased restrictions on the sale, transportation and possession of firearms.¹⁵

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

I. FIREARM LAWS IN CHICAGO

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

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

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

¹⁶ See CAROLYN REBECCA BLOCK, et al, GUIDE TO ILLINOIS FIREARM DATA, (1992). See also CHI., ILL., CODE ch.11 § 1 (1983).

¹⁷ LINDBERG, *supra* note 7, at 2.

Furthermore, section 5 of the 1837 code regulated—primarily for fire concerns—the storage of gunpowder.¹⁸

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

Returning to laws in Chicago, the Municipal Code of 1849 placed additional restrictions on the storage and sale of gunpowder and gun cotton.²³ However, the 1881 code reflects significant changes in at least two areas. Sections 1215 through 1223 of Article 14 of the city code of 1881 not only prohibited the carrying of a concealed handgun, but an added measure required a permit to carry a concealed weapon. The concealed weapon permit was to be approved by the mayor and issued by the city clerk.²⁴ In 1905 the concealed weapon law was further strengthened to allow the city to confiscate firearms possessed in violation of statutes.²⁵ As such, these modifications (particularly 1881) are in some ways similar to the often-cited Sullivan Law (1911) of New York, which made ownership of a handgun illegal unless an adverse possession permit was obtained from police.²⁶ Events associated with Prohibition were defi-

¹⁸ CHI., ILL., LAW AND ORDINANCES § 5 (1837).

¹⁹ CLAYTON E. CRAMER, CONCEALED WEAPON LAWS OF THE EARLY REPUBLIC: DUELING, SOUTHERN VIOLENCE, AND MORAL REFORM 47–48 (1999). Philip D. Jordan notes that under the Ordinance of 1787, the “disorderly” discharge of firearms was prohibited in the Northwest Territory, which included restrictions on firing weapons in communities. PHILIP D. JORDAN, FRONTIER LAW AND ORDER: TEN ESSAYS 12 (1970). Jordan further suggests that a number of Midwestern states subsequently enacted statutes based upon this ordinance. *Id.*

²⁰ CRAMER, *supra* note 19, at 47–48.

²¹ *Id.* at 83.

²² *Id.*

²³ Chi., Ill., Ordinance to regulate the Keeping and Conveying of Gun Powder and Gun Cotton, *reprinted in* CHI., ILL., CHARTER OF THE CITY OF CHICAGO AND AMENDMENTS WITH RULES OF COUNCIL AND ORDINANCES 67–69 (1849).

²⁴ CHI., ILL., CODE, ch. 14, art. XIV, § 1217–1223 (1881).

²⁵ CHI., ILL., CODE, ch. 72, § 2454–2469 (1905).

²⁶ Don B. Kates, Jr., *Toward a History of Handgun Prohibition in the United States, in* RESTRICTING HANDGUNS: THE LIBERAL SKEPTICS SPEAK OUT (Don B. Kates, Jr., ed. 1979).

nately influential in the passage of federal legislation that at least in theory increased firearm regulation.²⁷ By the early 1930's, the reputation of Chicago was well established as a place where firearms could be obtained easily. While the city did attempt to place restrictions on the sale and possession of firearms, many surrounding towns did not, and laws were further weakened because weapons, ammunition, and accessories could be purchased by mail order.²⁸ For example, in 1922, law enforcement discovered that silencers could be purchased by mail order.²⁹

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

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

²⁷ *Id.* at 22.

²⁸ LEE KENNETT & JAMES LAVERNE ANDERSON, *THE GUN IN AMERICA: THE ORIGINS OF A NATIONAL DILEMMA* 189 (1975). The authors note that following the formation of the Chicago Crime Commission in 1919, an attempt was made to enforce more rigorously the city's ban on carrying concealed firearms. *Id.* However, two subsequent court cases considerably weakened the concealed gun law. See *People v. O'Donnell*, 223 Ill. App. 161 (1921) (holding that permits issued in other Illinois cities must be recognized as valid in Chicago); *City of Chicago v. Thomas*, 228 Ill. App. 65 (1923) (holding that municipal penalty for concealed weapons conviction cannot exceed that authorized by the State).

²⁹ KENNETT & ANDERSON, *supra* note 28, at 202.

³⁰ See National Firearms Act, *supra* note 12.

³¹ *Kates*, *supra* note 26, at 12.

³² *Id.* at 16–18.

³³ VIRGIL PETERSON, *BARBARIANS IN OUR MIDST: A HISTORY OF CHICAGO CRIME AND POLITICS* 50 (1952).

ening.³⁴ In 1877, upon hearing of incidents in Pittsburgh where mobs successfully robbed gun stores and pawnshops to obtain weapons and fearing similar occurrences in the city, the Superintendent of the Chicago Police Department issued a request that gun dealers and pawnshop brokers secure store firearms.³⁵ Many businesses complied, and a number of merchants turned in weapons and ammunition to the city for safekeeping. During the civil unrest of that year, a mob surrounded a gun store on State Street, but it was dispersed by the Chicago Police Department without incident. On the other hand, a gun store located at 522 Halsted Street was robbed.³⁶ The owner, M.J. Privy, did not comply with the aforementioned request of the Superintendent and a large number of weapons—including those displayed in storefront windows—were taken.³⁷ However, it appears that the Chicago Police Department realized some success in confiscating a large number of firearms before they could be used. In an effort to avoid further violence during riots occurring during 1877, the Chicago Police Department confiscated 125 stands of government-owned weapons that were stored at a hall owned by the McCormick Company.³⁸ At the time of the arrest of leaders of the Haymarket Riot in 1886, a large number of weapons were secured as well—one of many instances in which weapons were confiscated by law enforcement.³⁹

II. THE CONTROVERSY OVER GUN AVAILABILITY

There is some debate over the extent to which firearms were available to and accessible by the public, particularly during the nineteenth century. Inquiry into this matter is complicated further by the difficulty of identifying specific sources of firearms. However, placing this question in historical context provides some clarification. Prior to the 1830's, there were few guns produced domestically. In fact, the federal government and state militias frequently were unable to arm their troops adequately.⁴⁰ During this time blacksmiths produced some of the firearms available, many of which were of ques-

³⁴ See JOHN S. FLINN, *HISTORY OF THE CHICAGO POLICE* (1973).

³⁵ *Id.* at 165.

³⁶ *Id.* at 164–65.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 323.

⁴⁰ ALEXANDER DECONDE, *GUN VIOLENCE IN AMERICA: THE STRUGGLE FOR CONTROL* 47 (2001).

tionable quality and also difficult to maintain.⁴¹ In particular, guns made of iron were, without care, subject to rusting—which would increase the potential for malfunction. Courtwright suggests that not only was malfunction commonplace, but also that a greater number of firearm deaths could be attributed to accidental shooting than to murder.⁴² For the average person, firearms also involved a significant financial investment, often several months' wages, an amount that many could not afford.⁴³

In addition to the importance of the Civil War in terms of its influence on the supply of weapons, this conflict also had an important impact on attitudes relating to violence and the use of guns. Not only did the war provide an opportunity for many to gain access to become versed in the use of guns, but it also, from a cultural perspective, reinforced the notion that carrying a firearm was acceptable and/or necessary.⁴⁴ In that regard, these experiences served to desensitize many to violence, particularly in situations when its use was perceived to be warranted—such as in maintaining order or when one's honor or reputation had been questioned.⁴⁵ Coupled with dramatic population growth and the social disorganization that accompanied it, that the potential for violence increased should not be surprising.⁴⁶ While a small portion of the post Civil War homicides were committed by any of the estimated 26,000 Chicagoans who served during the war,⁴⁷ the resulting impact on attitudes via culture should not be forgotten.

Peterson has suggested that circumstances particular to the city prior to and following the war encouraged many persons to carry weapons for protection.⁴⁸ One of the many economic downturns experienced in the United States during the nineteenth century culminated in the Panic of 1857. Many of those experiencing unemployment turned to crime and Peterson states that “desperados, petty criminals, and just plain riff raff” moved to the city.⁴⁹ Once the war ended, many former soldiers came to Chicago, allegedly lured by the

⁴¹ KENNETT & ANDERSON, *supra* note 28, at 39–40.

⁴² DAVID T. COURTWRIGHT, *VIOLENT LAND: SINGLE MEN AND SOCIAL DISORDER FROM THE FRONTIER TO THE INNER CITY* 37 (1996).

⁴³ Kates, *supra* note 26, at 11.

⁴⁴ KENNETT & ANDERSON, *supra* note 28, at 152–53.

⁴⁵ *Id.* at 151.

⁴⁶ Jeffrey S. Adler, “My Mother-in-Law is to Blame, but I’ll Walk on Her Neck Yet”: *Homicide in Late Nineteenth-Century Chicago*, 31 *J. Soc. Hist.* 253, 253–54 (1997).

⁴⁷ *Id.* at 265.

⁴⁸ PETERSON, *supra* note 33, at 25.

⁴⁹ *Id.* at 34.

city's abundance of gambling and prostitution establishments. As a consequence, it appears that citizens began to arm themselves due to fear of becoming the victim of a crime.⁵⁰

Kennett and Anderson note that production of firearms increased dramatically during the war.⁵¹ Improvements in technology made it easier to produce better quality and smaller, more efficient guns at a lower cost.⁵² Not only did production increase, but Union soldiers were also permitted to keep their weapons after the war ended—an important point, given that the Union used approximately four million small arms during the war.⁵³ After the conflict ended, the U.S. government canceled all outstanding orders for firearms. In some instances, the government sold surplus weapons back to the manufacturer for less than the original cost. A large number of these surplus weapons were made available for sale to the public. Gun manufacturers, eager to reduce their inventories, dramatically lowered prices. For the first time, firearms were within the financial means of many Americans.⁵⁴

According to Marohn, between 1855 and 1895, there were very few gunsmiths or powder/ammunition dealers in the city of Chicago. By 1895 there were fewer than twenty each of gunsmiths or gun dealers listed in the city directory. Recall from the previously cited example involving Al Capone, however, that hardware stores sold firearms, as well as department stores such as Sears and Montgomery Ward, and sporting goods stores.⁵⁵ In a number of instances large manufacturers purchased small-scale producers and gunsmiths. It was during this period that gun manufacturers and retailers began utilizing newly developed mass media outlets to advertise their products in newspapers and other periodicals. These advertisements, which frequently contained testimonials from satisfied customers, could be found in a variety of print publications. Inexpensive and cheaply made handguns, some referred to as “suicide specials” by collectors, were standard fare. Initially, firearm manufacturers and retailers hoped these ads would lure prospective buyers to local out-

⁵⁰ *Id.* at 25.

⁵¹ KENNETT & ANDERSON, *supra* note 28, at 91.

⁵² *Id.* at 97.

⁵³ *Id.* at 91.

⁵⁴ *Id.* at 93; Kates, *supra* note 26, at 13. See *American Firearms: Effect of the McKinley Tariff*, N.Y. DAILY TRIB., Sept. 12, 1892, at 4 (commenting on dramatic increase in production following passage of the McKinley Act, which placed a tariff on imported weapons).

⁵⁵ Richard C. Marohn, *The Arming of Chicago Police in the Nineteenth Century*, 13 CHI. HIST. 41, 46 (1982).

lets. However, it became apparent that the developing railroad system and postal service made direct transactions possible, thus further expanding the potential market.⁵⁶

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

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

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

⁵⁶ KENNETT & ANDERSON, *supra* note 28, at 99. See also COURTWRIGHT, *supra* note 42, at 43.

⁵⁷ BORIS EMMET & JOHN E. JUECK, CATALOGUES AND COUNTERS: A HISTORY OF SEARS, ROEBUCK AND COMPANY 35 (1950).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ DAVID L. COHN, THE GOOD OLD DAYS: A HISTORY OF AMERICAN MANNERS AS SEEN THROUGH THE SEARS ROEBUCK CATALOGS, 1905 TO THE PRESENT 431-47 (1940); EMMET & JUECK, *supra* note 57, at 37, 106 (the sporting good section consisted largely of firearms and accessories).

⁶¹ EMMET & JUECK, *supra* note 57, at 77.

⁶² KENNETT & ANDERSON, *supra* note 28, at 100.

quired). That year, Sears began to request that the purchasers provide their ages, occupations, and the names of two character references.⁶³ In 1922, however, Sears required proof of permit if required locally.⁶⁴ Two years later Sears discontinued sales of handguns via mail. While reasons for this decision included an apparent decline in sales, the difficulty of complying with the increasing number of local restrictions on handguns and negative publicity were important as well.⁶⁵

In sum, evidence suggests possible explanations for how the supply of weapons increased in Chicago, particularly following the Civil War. Be it from greater availability through advancing technology/production or weapons kept following the war, it does not appear that during the latter half of the nineteenth century guns could be obtained if desired. In addition to outlets such as dealers, department stores, hardware stores, and mail order, it appears that a secondary market existed as well. Adler shows that weapons could be purchased at pawnshops or even at saloons. In fact, there are recorded instances in which guns were borrowed from saloonkeepers and subsequently used in homicides.⁶⁶

III. GUN HOMICIDE IN CHICAGO, 1870–1930

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

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

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

⁶⁴ KENNETT & ANDERSON, *supra* note 28, at 194.

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

⁶⁶ Adler, *supra* note 46, at 261; Jeffrey S. Adler, “*If We Can’t Live in Peace, We Might as Well Die*”: *Homicide–Suicide in Chicago, 1875–1910*, 26(1) J. URBAN HIST. 12 (1999).

Then, rates for total and gun homicides for each year are calculated using population data derived from *Chicago Since 1840: A Time Series Data Handbook*, compiled by Wesley G. Skogan.⁶⁷ Please note that non-census-year population data are linear estimations for the respective years.

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

⁶⁷ WESLEY G. SKOGAN, *CHICAGO SINCE 1840: A TIME-SERIES DATA HANDBOOK* (1996).

Figure 1
Total Homicide Rate

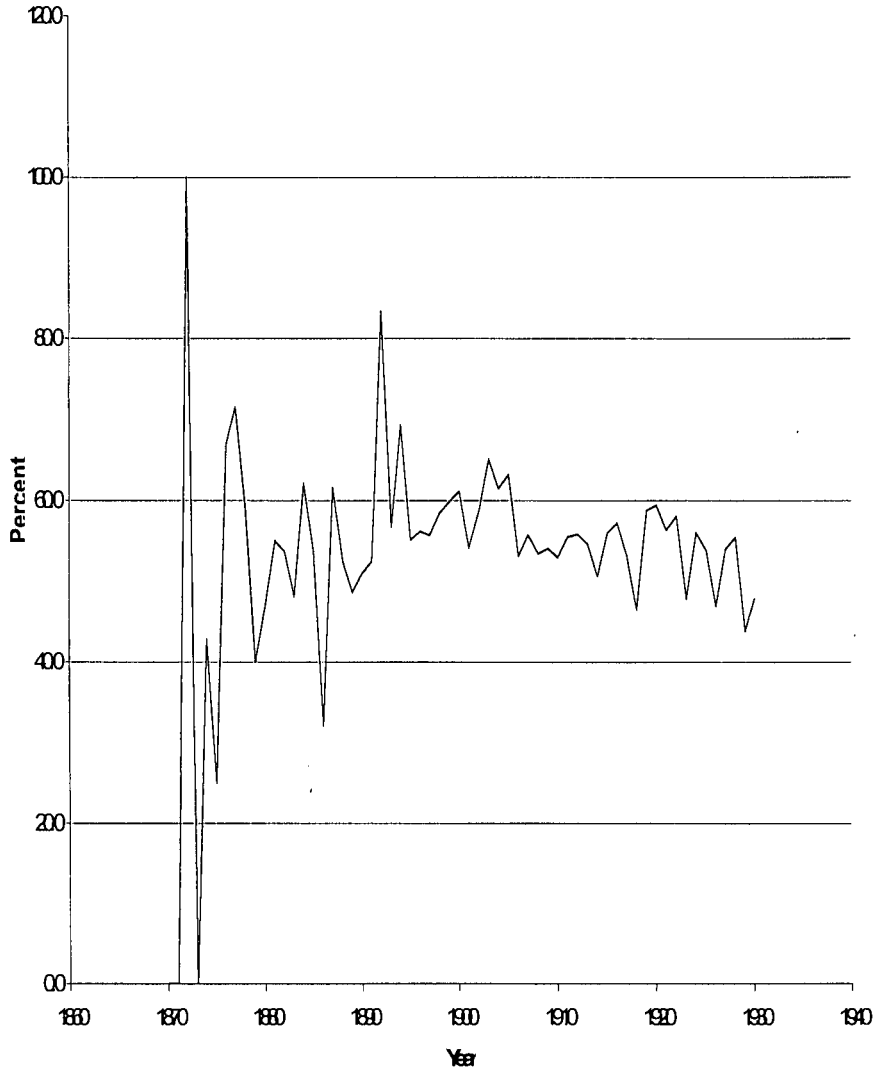
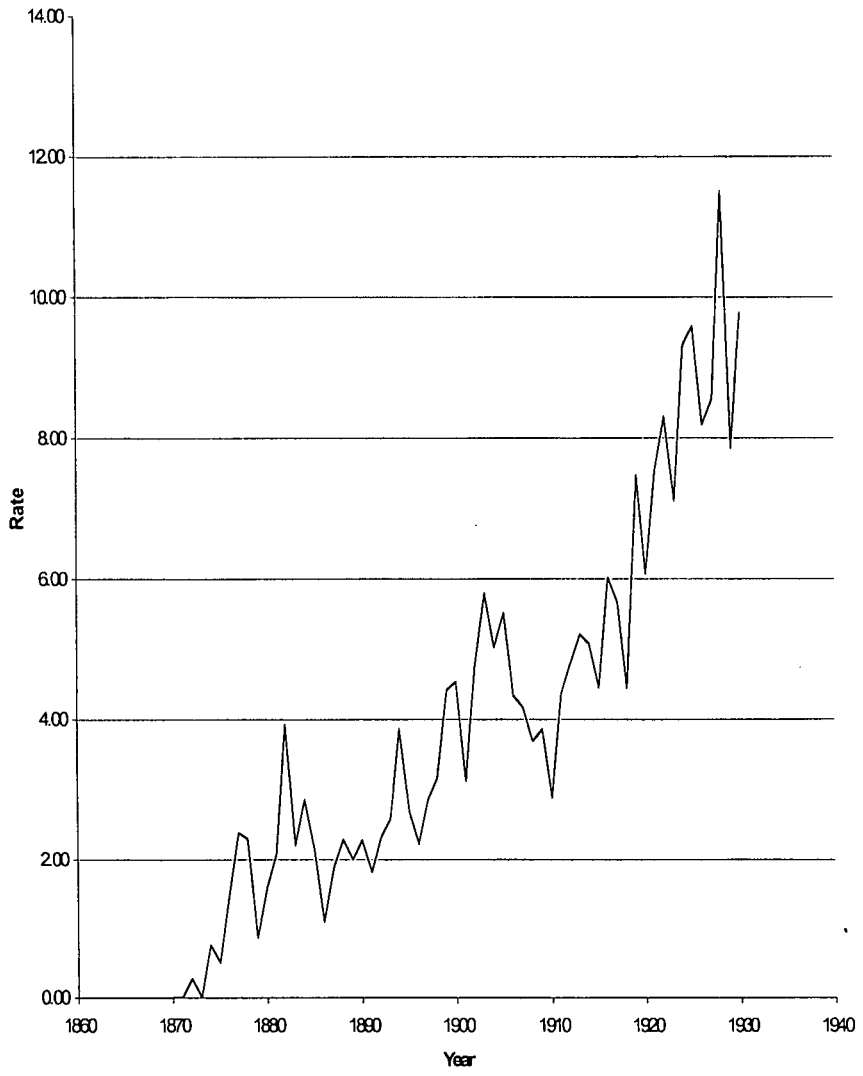


Figure 2
Gun Homicide Rate, 1870-1930



As stated previously, the period between 1870 and 1930 included a number of significant events related to changes in the homicide rate, including instances of civil unrest. During the latter half of the nineteenth and into the early twentieth century, several notable instances of civil disturbance—most notably involving labor struggles—occurred in many cities including Chicago. These events, coupled with rapid population growth in the city, definitely influenced social life in many ways, including increased violence. Two sets of circumstances are important. First, some incidents were associated with an event itself, such as 1877, when thirty strikers were killed during a railroad strike.⁶⁸ Second, in some instances, the impact of labor disputes and struggles may have influenced violent behavior beyond the event itself, straining relations between groups and facilitating a milieu that increased the likelihood of violence.

Particularly during the later part of the nineteenth century the massive influx of immigrants was viewed negatively by the predominantly Anglo-Protestant establishment. For the most part, immigrants were viewed as anarchists intent on undermining the existing social order. Added to this notion was the concern that stores of weapons were being amassed for this purpose. In that regard it is possible that increased restrictions on the possession of concealed weapons were motivated by these concerns.⁶⁹

In addition to the railway strike of 1877, the gun homicide rate often increased during those years when key incidents occurred. Surprisingly, one of the most notable instances, the McCormick Strike of 1886, occurred as homicide rates experienced a brief decline. The gun homicide rate also experienced an increase during 1893 and 1894, during which time the mayor of Chicago was murdered and federal troops were mobilized in the city to end a strike against the Pullman Palace Car Company.⁷⁰ Between 1898 and 1905, during another general upturn in the gun homicide rate, the city experienced the Stockyard Strike of 1902 and the Teamsters Strike of 1905. In 1902 National Guard Troops were mobilized during an incident in which numerous injuries resulted. The 1905 strike was a continuation of the former action, in which several conflicts between police and strikers resulted in the deaths of fourteen persons.⁷¹

⁶⁸ Matthew Taylor Raffety, *Chicago, in VIOLENCE IN AMERICA: AN ENCYCLOPEDIA* 213–16 (Ronald Gottesman, ed. 1999)

⁶⁹ Kates, *supra* note 26, at 7–30.

⁷⁰ Raffety, *supra* note 68, at 213–16; SPINNEY, *supra* note 10, at 107–213.

⁷¹ SKOGAN, *supra* note 67, at 103; LINDBERG, *supra* note 7, at 73–75.

Following declines in the gun homicide rate during the latter half of the first decade of the twentieth century, the city experienced a reversal in this trend. Over the following twenty years, the total gun homicide rate in Chicago more than doubled.⁷² In 1911, the year of the Garment Workers Strike, the gun homicide rate was 4.36.⁷³ However, influenced by conflicts related to control of labor unions (primarily between 1911 and 1920) and Prohibition, the gun homicide rate peaked (for the period) at 11.51, by 1929.⁷⁴ Perhaps the best example of how tension between the groups can result in violence is the race riots of 1919. An economic recession exacerbated by racial tension contributed to the events of July 1919, when a young black male was killed as he swam on a white-only beach on Lake Michigan. This even triggered six days of rioting throughout the city.⁷⁵ By the time the National Guard was called in to restore order, thirty-eight persons had died and thousands were injured.⁷⁶

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

⁷² LINDBERG, *supra* note 7, at 73–75.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ SPINNEY, *supra* note 10, at 172–74.

⁷⁶ *Id.*

⁷⁷ Mark. H. Haller, *Organized Crime in Urban Society: Chicago in the Twentieth Century*, 5 J. OF SOC. HIST. 210, 210–34 (1971–72).

⁷⁸ SPINNEY, *supra* note 10, at 177.

⁷⁹ *Id.* at 177.

⁸⁰ *Id.* at 177–78.

Figure 3
Percentage Firearm Homicides, 1870-1930

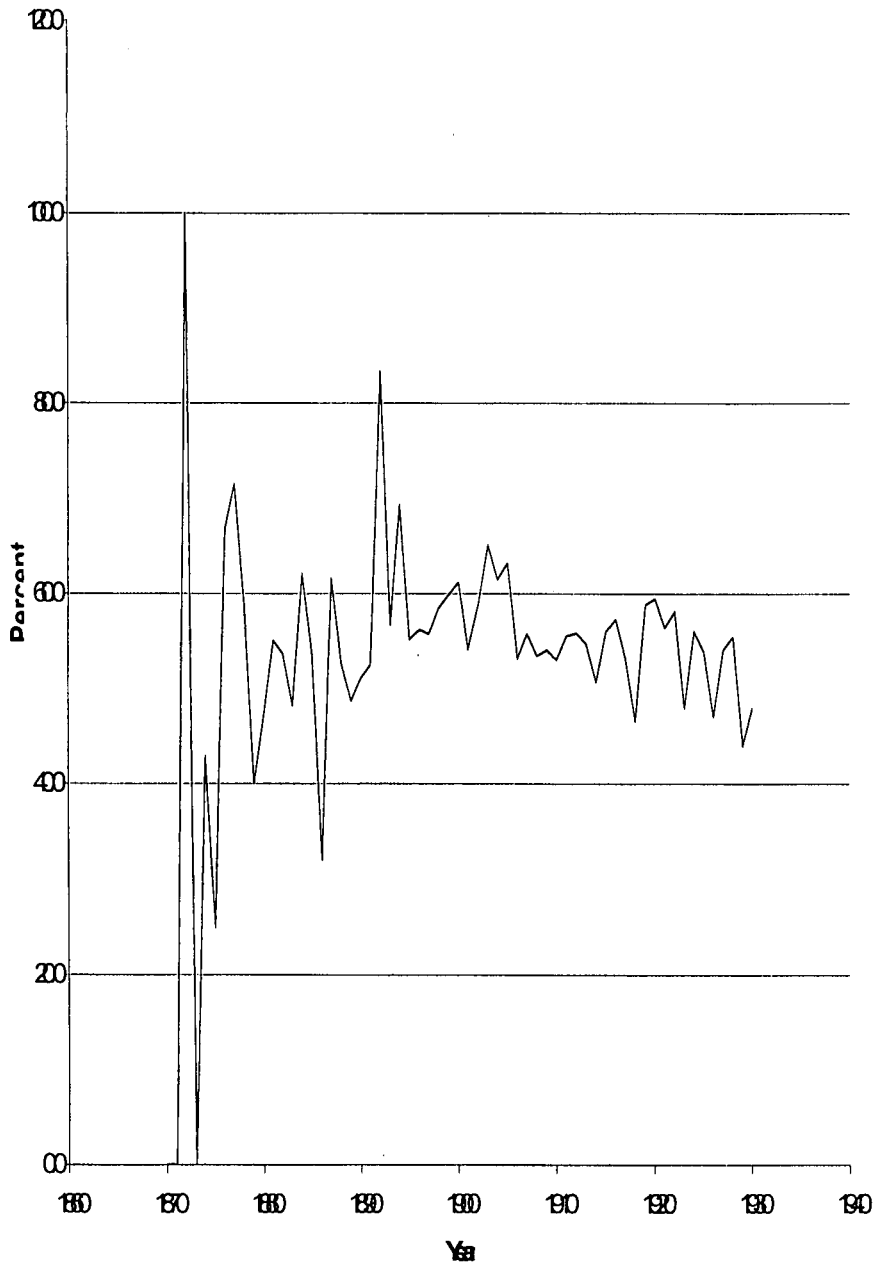


Figure 3 reflects the percentage of gun homicides for each year between 1870 and 1930. For the entire period, the average percentage of homicides committed with firearms is 52.7%. As indicated on the graph, there is greater fluctuation between 1870 and 1889. From 1890 to 1928, however at least fifty percent of homicides were committed with a firearm each year, excluding 1918, 1923, and 1926, in which 46.5, 47.9, and 47.0% of the homicides, respectively, a gun was used.

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

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

CONCLUDING REMARKS

It is not surprising that as the homicide rate increased in Chicago between 1870 and 1930, so did the homicide gun rate. As a consequence, restrictions on firearms implemented prior to 1870 increased during and after the period, but the effectiveness of these statutes remains in question. Restrictions on firearms, particularly handguns, increased during the 1880's and 1920's. The former may best be characterized as a time of civil unrest that included a number of incidents of violence. During the decade a number of labor disputes and

strikes occurred. Likewise, the previously cited examples during the Prohibition era were no doubt influential in the passage of increased restrictions on firearms.

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

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

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

Of course, the overall lack of information pertaining to supply and availability of firearms makes this task more difficult, but a number of other possibilities exist and deserve exploration. Recall the concern that immigrant groups were amassing weapons for use in criminal and subversive activities. A number of examples illustrating this point were identified, but it is difficult to determine the extent to

which these weapons were used. Nonetheless, a number of possibilities exist. For example, during the latter third of the nineteenth century, the Clan Na Gael, comprised primarily of Irish Immigrants, achieved a degree of prominence in the Chicago political structure. It has been suggested that their activities also included providing both money and weapons to groups attempting to liberate Ireland from British rule. If true, what were the sources of these weapons and were they sent to Ireland or did they remain in the city?⁸¹ Examples such as this reflect the complexity of identifying specific factors, but doing so would no doubt prove beneficial.

As noted previously, a general lack of information on availability of firearms continues to present problems. During most of the period in question little, if any, data was compiled on firearms. The Chicago Police Department did not begin to record information on the number of confiscated weapons until 1938.⁸² There are other avenues, however, that we should continue to explore. For example, in 1919, the federal government for the first time levied an excise tax on sales of both firearms and ammunition.⁸³ Preliminary inquiries by this author indicate that data on collections *may* be available at the national as well as local level. Particularly in regard to the local level, this information, if available, would allow for comparison of Chicago to other large cities in terms of sales of firearms and ammunition during the last ten years of the period in question.

In addition, use of indirect measures of availability should be explored. One such measure that warrants further examination is the use of information pertaining to violation of concealed weapon laws. Data obtained from the annual reports of the Chicago Police Department to the City Council includes the number of charges annually for violations of the city's concealed weapon laws between the years 1874 and 1930, as well as monthly data for 1875-78, 1882-83, and 1885-88.⁸⁴ Unfortunately, data on arrest/convictions are available for only a few of these years.

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

⁸¹ LINDBERG, *supra* note 7, at 81.

⁸² BLOCK *et al.*, *supra* note 16, at 28.

⁸³ DAVIDSON, *supra* note 9.

⁸⁴ CHI. POLICE DEP'T, ANNUAL REPORTS OF THE SUPERINTENDENT OF POLICE TO THE CITY COUNCIL (1874-1930).

persons increased dramatically. Recall, however, that in 1893 and 1894 federal troops were utilized in ending the Pullman Strike. As expected, it does appear that charges for these violations increased during the period of unrest involving labor disputes and/or strikes. Examination of monthly data reveals further that charges for violation of the concealed weapon statute did increase in the months associated with major incidents. While these rates fluctuated during Prohibition, violations of concealed weapon statutes remained at the lowest levels of any decade during the period of 1870 and 1930.