

The Record Keepers

I would not be here, now, sweating in the August humidity of 2005 writing this, with an ink pen on a yellow legal pad, had I not read on an otherwise ordinary sunny Wednesday morning in August of 1998, an account in the *Chicago Tribune* describing the restoration of an extraordinary set of books, a systematic record of homicide cases kept by the Chicago police, uniformly and without interruption over a period of sixty years, from 1870-1930.

It was unusual to be in Chicago in August, and I might just as well have missed that story. The article by Charles Madigan in the *Tempo* section on August 19, 1998 immediately captured my attention. Its headline—"Crime—Chicago Style"—and the black and white pictures made clear this was a story about murder, and I had been doing research on homicide since beginning my first criminology project in Ibadan, Nigeria, more than twenty-five years earlier.

The pictures—newspaper photographs from murder cases of the 1920s—linked the set of historical police files to images of men and women who, as I read the article in the summer of 1998, were shockingly modern. These were city people. The men wore black three button suits and hats, the women demure dresses with precisely embroidered white collars. The men were pictured smoking cigars, grinning, ducking beneath their hats on the way to lockup, or staring straight and boldfaced at the camera.

Madigan's article told a story about the conservation of a set of large, leather-trimmed volumes containing case descriptions of homicides that

read like movie scripts, thousands of stories: “fresh from the street, summarized by some clerk with perfect handwriting and an educational background that obviously emphasized sentence structure, punctuation and complete thoughts, however dark they might have been, the books amount to unfiltered news.” [Charles M. Madigan, “Crime-Chicago Style,” *Chicago Tribune, Tempo*, August 19, 1998, p. 1,7.]

More than 11,000 stories, in fact. Three years later when duplicates were removed, after coding and seemingly endless data cleaning, there were individual records for 11,439 victims, including names and addresses, and more than 9,000 individual defendants, most of them named. The 11,439 homicides were typically identified by an address for the place where the crime occurred, a date, and included information about the criminal prosecution.

The Homicide Books began soon after the great Chicago fire in 1871, and the records continued without interruption through periods of civil strife, economic prosperity and depression, through the building up and tearing down in a great city as its population doubled—twice. They kept on going through waves of expansion and contraction of economic and industrial activity, through the great migration of Blacks from the American South and alongside the continuing immigration from overseas of Germans, Swedes, Poles, Russians, Jews, and Irish.

By the turn of the century this was a city of big money, retail stores, manufacturing and shipping, railroads and streetcars, home to the meat packing industry, lumber mills, and 750 newspapers and journals, including the *Chicago Tribune* and the *Inter-Ocean*, and several other daily papers each with a circulation of over 300,000. Among its other civic agencies was a suicide bureau. In 1904 more than 77,000 horses lived within the city limits, which were constantly changing throughout this period, as were the streets, as the city settled and re-leveled itself, redrew its boundaries, and redefined itself once again among its teeming neighborhoods.

There were public libraries, public schools, parents and teachers communicating in dozens of languages, thousands of churches and shops, huge mansions for the rich, and for the poor: tenements, defined by law simply as any house or building let out to more than three families. The phrase “tenement dwellers” came to stand for the privations of the working poor, often employed doing piecework in the garment trades, especially the newly arrived immigrants from Prussia, Russia, and Bohemia. National investigators from the United States Department of Labor came to the Chicago slums—their term—in the deep depression of 1893 and counted how many lived where and in what conditions, and

exactly how little money they earned. Our own homegrown Chicago reformers, then later the Progressives, defined and then took on their social problems: juvenile vagrancy and delinquency, prostitution, alcoholism, the spread of diseases, especially the often fatal venereal diseases, literacy, the improvement of the status of women, children, immigrants and blacks, and the establishment of the rule of law.

During all of these times, in all of these places and among all of these people, homicides occurred, and were recorded by the police in the tall, staid, leather-trimmed record books, according to a simple, systematic index based upon the name of the victim and the date of the killing. The Homicide Books catalogued violence in an orderly and predictable manner, even if the killings were senseless, and the police and judges were unpredictable.

Homicides happened on the busy thoroughfares, in living rooms and kitchens, in expensive bedrooms in the mansions and on the factory floors, in armed confrontations with the police and the National Guard, at labor meetings by the lake and on picket lines. Homicides occurred on Sundays and Wednesdays, in December and in July, spiked dramatically after 1918, and a rotation of anonymous record keepers kept writing down the names and addresses, and the facts in the systematic order prescribed.

The handwritten records marched through sixty years, different ink when a different transcriber noted whether the weapon was a knife or a gun, changes in the style of lettering as the pedagogy of penmanship changed. The names and addresses of victims and defendants told a story of economic migrations and ethnic neighborhoods, and the recorded names of the arresting police officers gradually changed from being Irish. The first Negro police officer was appointed in 1872. Throughout all this time there was a person writing it down, doing his job, making the record, and keeping track of cases using a chronological alphabetical system, which was easy for later generations to figure out. Then the record keeping suddenly stops. In 1930. Without anyone offering a bureaucratic explanation or saying why.

Perhaps the keeping of these Homicide Books was discontinued in response to Washington asking for the keeping of crime records using a new national system. The United States government, the Federal Bureau of Investigation, the FBI Crime Reports—still an important source of records on homicides in the United States—began in, and continued from, the 1930s. But neither the present FBI homicide reports, nor the disaggregated, detailed version, the Supplemental Homicide Reports, have the immediacy of these succinct case sum-

maries in the five volumes of *The Homicide Books, 1870-1930*, from one hundred years ago.

Is it the identification with a particularly vital place? The historical distance—so far, yet so near. The street names, and the names of the people, formal, yet familiar. The period was rich, and the set of records spans much that is important in the contradictory history of Chicago and the nation: the World Columbian Exposition in 1893 and the severe economic depression that followed; race riots in 1919 and the continuing pressure of race and ethnicity in the politics of the city; the Spanish Flu in 1918 and the struggle to establish public health institutions; temperance, prohibition, and epidemic alcoholism; the fight for suffrage and against sex slavery for women; the periodic attempts to clean out the Augean stables of the corrupt Chicago City Council and ward politics; and the palpable presence of the law and legal institutions on every page, sometimes in conditions of embarrassing undress.

Today, visible reminders of this period are everywhere: in the grand, massive granite structures on the lake and river; in the city's glorious parks and fountains; in the many photographs and written accounts and academic studies of how people lived and what they saw around them; in the political tracts and ambitious plans for reform; in the tumultuous history of the organized labor movement before and after Haymarket; and in the city's art and literature, still strongly and defensively identified with this place. Novels, newspapers, paintings, grand staircases and balconies, and hundreds of thousands of photographs remain.

These photographs raise more questions than they answer, images of elaborately dressed men and women engaged in provocative, undocumented activities; a young boy about ten, grinning, carrying a younger child on his back; another smoking and standing in a garbage strewn alley; a band playing in the rain next to an unidentified body of water on a forgotten holiday; a group of women in white shirtwaists and long black skirts and a man in black with a book—perhaps a Bible—walking up to the edge of an enormous cistern at Joliet Prison; another group of women in prison, all wearing identical white cotton pinafores and skull caps, holding lesson books upright in front of them. They all seem as if they are waiting for us to take account of them.

This city proudly recorded that it used up fifty-two million barrels of cement in 1907. Then there are the parades long gone, thousands of men and sometimes just women, marching down La Salle Street or Michigan Avenue, often in uniform, sometimes carrying banners and flags, in the rain, in the snow—in Chicago the weather is always part of

the story—the gray stone buildings draped in red, white, and blue bunting, and horse carriages waiting at the curb. Troops being sent to the Philippines? The Armistice in 1918? Temperance? Suffrage?

So much evidence, including from the Homicide Books, of how people lived and worked, rich and poor, on the streets, in the tenements, in their elaborately furnished, dark mansions. People documented what they saw and how they wanted that changed. Injustice, unfairness, there was a passion for making things better, for making Chicago the greatest city in the world. The commentators gave themselves license to say what they thought was wrong with what they saw, and what should be done about it, in a fierce, forthright manner which seems more foreign than their high boots or ruffled collars. When they saw something they thought was wrong they had a passion to do something to make it right, or so it seems from the written records they left behind.

In the late fall 1998, I finally got to the archives of the Chicago Police Department. The gloom had set in and the heat and humidity of August was hard to remember. It had taken many entreaties over the phone to set up an appointment to look at the actual Homicide Books, in the flesh, so to speak. The police archives were then on State Street—they have since been moved again—and being taken back into the office required being announced and admitted through a series of locked gates and steel doors, with police officers on walkie-talkies approving my progression at every barrier.

The office of the archivists themselves, two no longer young police officers who were once again the caretakers of the Homicide Books, was a small, windowless room with a government issue desk and the floor completely covered with papers and folders stacked to the ceiling. The two friendly officers in charge of the archives retrieved the big heavy Homicide Books from a locked safe, and cleared off a place on a chair, placing the first volume in my hands. I asked about the photographs. No one knew anything about official police photographs, although there might have been some once. Seeing page after page of handwritten case summaries, I asked if these Homicide Books could possibly include all the homicides in Chicago during the period. I knew an affirmative answer was a sentence to years of work. And it was.

I had spent much of the previous two decades studying patterns in homicide and capital punishment, nationally and in New Jersey, since the reinstatement of the death penalty in New Jersey in 1982. As soon as I saw

that the Chicago records had been kept systematically and chronologically, I knew this was an important new source of data on homicide for scholars and legal historians.

My first obligation, a self imposed one, was to make available the factual information about these thousands of homicides during a period of importance in a place of historical significance. My own research on homicide and capital punishment had begun when I was a law student in the early seventies in Ibadan, Nigeria, where the heat and unremitting humidity destroyed both paper records and the will to record. In 1998 after decades of working with criminologists and criminal lawyers on issues of homicide and capital punishment, and witnessing historic legal developments unfold, I knew this set of homicide records must not only be preserved, but made accessible to scholars and others. The records were a mirror and a window.

The first and most immediate goal of preserving the contents of the Homicide Books had already been accomplished in Springfield by the Illinois State Archives copying the Homicide Books onto microfilm, and making copies of the microfilm available for a small fee. I got the microfilm. The microfilm of the handwritten records now had to be copied again: a word for word, sentence by sentence, the transcription including periods, commas, dashes, misspellings, inaccuracies, duplications, and any and all other bits of data, exactly as originally recorded. That laborious task was the first to be accomplished; it took more than one year.

There was one single important addition with this third copying: a new sequential record number for each case, beginning with the first entry in the first Homicide Book for 1870–1911, the first entry being under the letter A. Case No. 1 wasn't the first homicide recorded, but it was the first case in the Homicide Books and the first case in what was to become our newly created data set. The addition of a new, independent record number for every case anticipated the needs of future quantitative researchers, including myself. This number, our new number for each entry became the case tracking number, or locator, for all the cases as they traveled from one information management system to another, and eventually to the outside world and to other researchers.

After the cases were turned into typed versions of the handwritten case entries, they became coded numbers and words on a spreadsheet. Then the data were aggregated and summarized and transformed into charts and graphs and tables. Each case kept the same case number through all the data transformations: in the sequential text file, in the displays of the data in the various programs used for the management of

the quantitative variables; in later sorts and manipulations of the data, and finally on the interactive platform for the cases on the Web site.

Each permutation introduced its own way of looking at the homicide cases and at the history they called forth. I searched for and found outside funding, and the Northwestern Law School provided consistent, important support. After the second summer of coding, at the end of another sunny August, twenty part-time student employees—some in saris, some in shorts and sandals—sat in an air-conditioned room full of computers and entered into computers all of the data from the twelve pages of data collection for each of the more than 11,000 cases. That part took only a couple of weeks, including double entry for accuracy. Each case was translated into a series of codes for more than 300 variables, to be eventually reduced to 125 working variables. With each successive version the data and the cases became more systematic and more abstract.

Independent homicide researchers were recruited for an academic Conference on Homicide in Chicago and to write research papers for publication in Northwestern's *Journal of Criminal Law and Criminology*, itself founded at the School of Law in 1911. Everyone now wrestled with issues of conceptualization, program compatibility, and comparability across data sets. Researchers took the cases and the data and related the information to their particular interests and areas of expertise, sometimes reformatting and recopying our version, and together they provided a kaleidoscopic view of the cases and the period. The Conference was held at the Northwestern University School of Law in November of 2000, and the weather cooperated. None of the researchers from around the country was prevented from coming by snow, sleet, or inclement conditions for flying, not even those coming from Boston.

Another crisp, russet fall came around, and with the pumpkins and chrysanthemums came some basic quantitative results. Tables, graphs, and charts could now be made. Time series, percentages, cross tabulations emerged from the computer like ghosts from a closet. Regressions were not far behind. Questions which could not have been asked before quantification now hung in the air, unanswered: Why was the increase in homicides so large after 1918 and through the 1920s? Automobile accidents, organized crime and prohibition, a phenomenon of reporting, demographics?

The variables of interest to criminologists, urban historians, sociologists, and legal scholars included: age, race, gender of victim and defendant, weapon, location and address of the homicide; relationship of victim and defendant (captured, in order to preserve the richness of the data set, on five differently defined variables); outcome at trial, sentence

**Gender of Defendant by Gender of Victim,
Percentages and Frequencies, All Cases, 1870-1930
(N=8864)**

	Male Victim	Female Victim	Total
	%	%	%
	(N)	(N)	(N)
Male Defendant	92%	85%	90%
	6421	1570	7991
Female Defendant	8%	15%	10%
	586	287	873
Total	100%	100%	100%
	7007	1857	8864

Note: The total is 8,864 because only cases where gender of victim and gender of defendant were both know were included.

imposed; a number of important and precise dates for legal adjudications and events; as well as names, addresses, and other miscellaneous information. The data set, as we were now calling it, made newly accessible information for genealogists, and anyone with an interest in crime, such as mystery writers, novelists, and playwrights.

I was still enough of a humanist to create, within the quantitative data set, files which were simple verbatim descriptions, or shorthand entries for circumstances of the homicide, relationship of the parties, or location. These descriptions then could be retrieved, with the names, addresses and dates, alongside the quantitative codes on a spreadsheet. In the slang of quantitative researchers, the data from the 11,439 historical homicide cases could now be sliced and diced, analyzed in hundreds of ways.

The dates, names, and addresses in the records were always important; and they remained so in the new database. Dates tracked other events—trials, the decisions of grand juries and coroner’s juries—and led to other sources. Addresses were keys to neighborhood and ethnicity. With the coded data files, it was possible to do entirely new kinds of sorts and searches, *e.g.*: to pull up all 288 cases which occurred on Halsted Street between 1870 and 1930, ranked by date.

This list is a micro-history of the city. Halsted Street was one of the great spokes leading into the city. People walked, rode, and drove into the center along Halsted Street for sixty years. As routes and neighborhoods and demographics changed, those changes are reflected in the

homicides on that street. When the streetcar came in, it brought one kind of change. When the saloons moved farther away from the center, the residential pattern changed. Here is a sample of life on Halsted Street, as seen through the progression of its homicides:

September 24, 1876

Smith, James, 28 years old, fatally injured in drunken brawl in saloon . . . [case no. 2123]

August 14, 1877

Polz, Henry, died, home, 709 S. May St., from pistol wound in left breast received during labor riot at Halsted St. viaduct, July 26, '77 . . . [case no. 1856]

May 8, 1880

Tobin, Minnie, 17 years old, knocked down with hammer and trampled to death, 129 N. Halsted St., by her drunken father . . . [case no. 2405]

November 19, 1880

Mong, Ye, Chinese laundry man, shot dead in front of his laundry, 187 N. Halsted St., by Edward Powers, who was arrested and confined, claiming the shooting was in self defense, the Chinaman having followed him with a knife . . . [case no. 1416]

July 20, 1884

Harvey, Ada, alias Daisy Clifford, prostitute, 18 yrs., shot dead in room, 48 S. Halsted St., by Clem Sudkemp, 27 yrs., who committed suicide by shooting . . . [case no. 871]

May 23, 1897

Dawson, Mrs. Nellie, shot dead, 80 1/2 S. Halsted St., by her husband John Dawson, who escaped . . . [case no. 549]

June 22, 1903

Dettimer, Williams, 38 years old, died in County Hospital. Shot in fight with negroes . . . [case no. 586]

June 5, 1904

Fussey, Louis, 30 years old, shot dead, 61st and Halsted Sts., by Officer Axel Burglind, whom he assaulted. Off. Burglind discharged by Coroner's Jury June 6, 1904, but censured for being too hasty in shooting . . . [case no. 755]

November 13, 1910

Braasch, Mrs. Pauline, 32 years, died at home, 3342 N. Halsted St., from abortion . . . [case no. 317]

October 11, 1915

Boerema, Henry—Age 5—Struck down and killed by auto in front of 7346 So. Halsted St . . . [case no. 3017]

October 26, 1915

Kapper, Sam,—Age 28—shot to death at Harrison and Halsted Sts., in shooting affray between union and non-union garment workers . . . [case no. 4113]

June 5, 1923

Ritter, Rudolph—Age 30—Fatally assaulted 2/18/23 in vicinity of Van Buren and Halsted St., supposedly a disorderly house . . . [case no. 6917]

November 7, 1924

Barbas, Angelo—Age 35—Shot to death at 2:15 A.M. just as he emerged from a restaurant at 735 So. Halsted St., by two or more unidentified men who used shot guns. Barbas, who was convicted for murder he committed about a year ago, was out on a writ . . . [case no. 5837]

June 27, 1928

Manos, Nick, alias Mavronatis—Age 35—shot to death in front of 401 So. Halsted St. at 4:10 AM, 7/27/28 by Jerry Matura, for no apparent reason. Matura, who was heavily intoxicated, went into a nearby restaurant, boasted he had 'just got a Greek' and went to sleep . . . [case no. 10508]

August 16, 1930

Rodriguez, Maria—Age 28—Found dead in a clothes closet on 8/16/30, in her home, 2nd fl., 17 So. Halsted St., with her throat cut. She had apparently been hidden there for the past two or three days. Murdered by an unknown Mexican, alleged to be her husband, whose arrest was recommended by the coroner . . . [case no. 10934]

Just as easily it was now possible to retrieve all abortion cases—that is, all cases in which women died after an illegal abortion—all murder/suicides, all homicides with a gun in 1900, and other categories, in-

cluding miscellaneous and random categories, such as all homicides involving a victim or defendant named Reilly or Smith. This was one of the great gifts of the coded, database: it could show you the unexpected. It was like browsing in the open stacks of a great library.

Data creation followed a disciplined protocol: deciding what could and should be preserved in a quantitative file and how to define the variables. The work involved part-time independent research assistants over the summer and consultations with graduate students, data management experts, and quantitative social scientists along the way. This was not an approach that lawyers typically took to homicide cases. Certain data were critically important: names and addresses of specific victims and defendants, the dates of the homicide and subsequent legal events; descriptions of the scene or comments by the arresting officer; dates of coroner's inquests, trials, and hangings—events which might be reported in the local newspapers, if you could find those newspapers, if they still existed.

And were there newspapers during this period! Our appetite for constant news is not new, just the way we receive it. Newspapers published several editions a day, as well as “extras” or special editions to report an event of importance: the declaration of war, a strike, the death of a public figure. In addition, there was news from ticker tapes, the wireless telegraph, later the phone. In novels of the period people send love notes across town several times a day. News was everywhere—in saloons and salons. And people wanted the latest all the time. Being able to get the news was one reason people chose to live in cities. When the pony express riders went to the frontier, their saddlebags were filled with newspapers, eagerly awaited, read, and passed on, even though their content was no longer news in the cities.

More than 750 newspapers and periodicals were printed and distributed in Chicago around 1910, in tens of languages and dialects. Several of them, including the estimable *Chicago Tribune*, had a circulation exceeding 300,000. The *Chicago American*, the *Chicago Inter-Ocean*, the *Chicago Record-Herald*, the *Chicago Evening Post*, and for this project, the all important *Chicago Tribune* published without interruption during the entire period and is now available—for a fee—online with the capability of being searched for names and by date.

Now, the circulation of the *Chicago Tribune* is over 600,000, and it is eighth in the country in circulation. Readership has been sadly declining and the circulation of the *Chicago Tribune* is surpassed by the ahistorical *USA Today* (2.3 million); the grammatically correct, wan *Wall Street Journal* (2.1 million); the standard bearer and still the pre-

eminent national newspaper for news, the *New York Times* (1.1 million); the *Chicago Tribune's* own wholly owned *Los Angeles Times* (900,000); the *Washington Post* (707,690), which at least analyzes and reports on Washington news and gossip; and two other undistinguished dailies.

All the major newspapers today are busy trying to make money with the new technology. All now have Web sites, and deliver their news and pictures as email subscriptions, in addition to functioning as old-fashioned newspapers with a print edition. Only the *Wall Street Journal* makes money on their Web version because from the outset they have charged a fee for the Web subscription, and they offer certain proprietary financial data online. All Web news outlets report breaking news and post color photographs of disasters, the latest murder, all to the accompaniment of bouncing, brightly colored advertisements, which fish for your attention with lines and words on rhythm. The Web versions of the newspapers update their breaking news in real time, scooping their own print editions.

Not that 1890s *Chicago Tribune* wasn't filled with sensationalism and advertisements. Murders, adulteries, the speculations of politicians, and their underlings then, as now, sold papers and were the staple of the front page and breakfast table conversations, over coffee at the clubs and at home. Crime was always front page, and one good murder could be counted on to sell papers for weeks, and months, then and now. And selling papers makes advertisers happy. The advertisements are time capsules, messages intended to sell tickets to theatrical performances and baby carriages—and now, a record of what people wore, how they looked, how they imagined themselves, and what they aspired to be and own.

The online scans available for a fee from the historical *Chicago Tribune* clip a story and its continuation and present it surrounded by a blank white field, leaving the reader without the special experience of reading a newspaper page by page with several stories on each page. The layout of the page, the last minute additions, the commercial banners that sneak into the margins, the breaking news headlines—all these items have large cultural value. The lotteries, the baseball scores, the weather—always connected to how we experience time—the political gossip as refracted through the headlines and placement on the page, and the space given to stories, all these tell who thought what was important on that day, at that time and that place.

The research was becoming more about the times, and about sea changes in the way people lived, over the decades, changes brought by electricity, the arrival of the automobile on the streets, and the disappearance of the horse.

The date of the coroner's jury is usually included in the case summary, and those coroner's jurors may have given interviews to reporters. Coroner's inquests were lively proceedings. There was no requirement of secrecy surrounding testimony before the coroner's jury, unlike the grand jury. The police officers, not the state's attorneys, offered the state's case at the coroner's Jury. One reason for the keeping of the Homicide Books in the form they were kept may have been so that the police officer would have the basic facts about the murder and the scene when testifying before the coroner's jury. The coroner's historical archives might even have a transcript of the proceedings, including the verbatim testimony of witnesses. If the case had generated sufficient interest, the witnesses' testimony before the coroner's jury would be transcribed and reported in the daily newspapers. And those reported accounts were vivid, immediate. Suddenly, people dead for more than a century were speaking, and seemed very present and alive.

Two years into the research, I found myself driving a rental car through snow and sleet, and the construction of the Big Dig at the Boston airport, to visit Nicholson Baker and the American Newspaper Repository in New Hampshire, to look at copies of the actual *Chicago Tribune* for what I was now referring to as my period. The distinguished novelist Nicholson Baker and his wife had rescued the last surviving print copy of many nineteenth- and early twentieth-century newspapers and found a home for them in an abandoned millhouse in Vermont. I was traveling hundreds of miles to read the print editions of the *Chicago Tribune* from 1880 forward, which included the World Columbian Exposition, and the important day, June 26, 1896, on which Governor John Peter Altgeld pardoned the three Haymarket defendants who had not been hanged on that clear, cold November day in 1887.

The centerpiece of the front page of the *Chicago Tribune* on June 26, 1896, was a large rectangle featuring ink drawings of the heads and shoulders of the twelve jurors in the Haymarket trial of 1886—not the four anarchists who were hanged (always a visual guaranteed to sell newspapers, a hanging); not the police officers who died during the incident (the ostensible reason for the hysteria surrounding the Haymarket trial); not the flamboyant judge (who sat on the bench flirting with the well-dressed young women at his side), but the twelve men who decided the fate of the 1880s terrorists, head and shoulder portraits showing elaborate neckwear and large amounts of fashionably trimmed beards and moustaches. It took my breath away.

The governor's pardon message was only ostensibly the news on June 26, 1896—the 18,000 words which he composed himself over a period of days, excoriating the jurors and the judge, the bailiffs, the prosecutors for the standards of law at that trial. There were drawings of some of the other principals, and of the Haymarket monument to those who had been hanged, but it was the twelve male jurors who were front and center. They were still the news. The layout of the front page showed the art of studied visual composition, and conveyed a substantive message. And here it was in front of me, on a cold snowy morning, when I was days from home, reading the front page with the noise of the river behind.

Altgeld's political career was destroyed by this act of clemency. Not a single local newspaper, nor the international press, nor the leading citizens of Chicago, not even Jane Addams, supported the clemency decision. William Dean Howells was alone as a literary figure in praising Altgeld. Many commentators focused on the fact that the pardon overturned a jury verdict, not that the verdict and the trial were characterized by juror bias, outright bribery, lies on the stand, and other corruptions of the legal process. Yet the *Chicago Tribune* story wasn't about Altgeld, his political career, the injustices, or even the fact of the commutations. The story in 1896 was still about the trial, a retelling of the collective drama of the Haymarket trial in the fall of 1886. As if anyone had forgotten it. And that was the message conveyed.

When I ask myself now, four years later still, what was thrilling about seeing that 1896 front page live, so to speak, I have no simple answer. Partly it was the hunt: for copies of the papers from the period, spurred on by the startling discovery that the originals of nineteenth- and early twentieth-century newspapers have been systematically destroyed by libraries and archives, those in charge of preserving our heritage. Partly there was something appropriate about the fact that the only uninterrupted run of the print copy of the *Chicago Tribune* was in a warehouse in an abandoned mill town in New England, and getting to it required a plane trip and hours of driving through the snow. The online edition of the *Chicago Tribune*, not available in 2000 when I made the trip to the warehouse on the river in New Hampshire, might have revealed later that the portraits of the jurors were at the center of the front page, but that would have deprived me of the thrill of finding it for myself, at the end of a long emotional journey. If every fact is accessible at a keystroke, then everything retrieved has the same cost, or no cost, or no value, because it was never lost, and thus can never be found.

Then there were the items I wouldn't have known to ask for: in the original newspapers the front-page reports of the arrivals and departures of minor European royalty (Princess Diana's predecessors), with breathless descriptions of their haberdashery and jewelry, as well as their solemnly reported comments upon the weather—always the weather—and their surprise at the beauty of Chicago. Nor would I have seen the advertisements for the rattan baby carriages with the enormous hoods and wheels or the suede shoes with tassels. All these were worth the trip to the deserted mill town where the American Newspaper Repository then kept its treasures, worth the driving through snow on unfamiliar country roads, worth the maze of the Big Dig, the incompetence of MapQuest, and even the aching back.

Thanks to the British Museum, which had saved and bound a strange collection of nineteenth- and twentieth-century American and European newspapers, and the resourcefulness of Nicholson Baker and Margaret Brentano, founders of the American Newspaper Repository, and their determination to save those remaining copies, I was able to look at the same newspaper and read the same story which John Peter Altgeld himself and an outraged public read on June 26, 1896. It was a defining moment.

The 1896 print edition wasn't even very fragile. Because the newspapers had been bound and kept flat inside a heavy book—like the Homicide Books—the paper was well preserved, just a little brown around the edges, as if it had been slightly singed by the passage of a century. These were rather thin pages of an otherwise recognizable newspaper, without photographs, capable of being turned without gloves and read. "Remember," Nicholson Baker gently reminded me, "this is the sole surviving copy in the world."

The technology for reproducing photographs in newspapers was not perfected until around 1911, so that these copies of the *Chicago Tribune* from the 1880s and 1890s, and even into the early twentieth century, featured sketches and line drawings as visuals. For the duration of the World Columbian Exposition the Sunday edition of the *Chicago Tribune* included a tinted drawing, capable of being framed, of a scene from the Fair, the Liberal Arts buildings or the Japanese Island. Later, the *Chicago Tribune* published a literary supplement every Sunday with some sixty pages of original fiction, including serialized fiction, by the best and most famous writers of the day, Dreiser, Sinclair Lewis, and many, many women. An online search would have found none of this.

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When I first was reading the law in New Jersey some thirty-five years ago, before going to Nigeria and turning myself into a homicide researcher, in those days, not long ago in real, historical time, courts, the official receivers and keepers of the records, would not accept any kind of copies, of briefs or complaints, or affidavits, for filing or any other purpose. In Nigeria when I did research on homicide cases before the state supreme court, the records I finally got my hands on after a great deal of searching were original handwritten case reports by judges. There were no copies. The judges' handwritten summaries of the facts and the law was all that remained of the case, and this is just how the British Assizes were recorded. Occasionally an exceptional writer, a master of narrative would appear, and there would be more than just the facts and the result.

Sitting at a small wooden desk in Ibadan on the top floor of the courthouse, in a small tidy room with a few moldering books on its shelves, watched over by a single silent clerk, there, dripping in the Nigerian humidity—no air conditioning there, then—I copied out the information I needed from these handwritten reports of state supreme court cases. They were the only records of the judgments of this court—a perfectly respectable court, where the able Nigerian lawyers and judges argued in white wigs and black robes—and they had been keeping those for only a few years. Written in the succinct formal British tradition, there was enough there to get started. Besides, I had only completed one year of law school, and I was teaching myself criminal law.

I transferred the basic information onto coded sheets, then onto rectangular punch cards, and got back the quantitative summaries on green bar paper. The conscientious American academic setting up the computer center at the Nigerian university—the computer itself took up all of the space in a house-sized, air-conditioned building—persuaded me to be the first to archive my data at the new computer center for the use of future researchers. I did, and as of a few years ago, no one else had since archived their research or made use of my data. Those files are unreadable now, and all of the computational power of that house-sized machine can be held in the palm of my hand.

When I was a law student the copying machine and the computer had not yet revolutionized the practice of law. Generations of lawyers and judges relied on real, live clerks and legal secretaries to copy the law by hand, and later to pound it out on manual typewriters with twelve carbon sheets behind the original. Typewritten copies had been accepted by courts in the United States since the turn of the century. Even a mere thirty years ago American courts, ever punctilious, would not ac-

cept erasures, corrections, or smudges. The Law archived its collective wisdom in shelf after shelf of identically bound books whose very titles—*Tenth Decennial Digest*—not to say their contents could not be challenged. Error did not exist there. Law students were trained in the art of editing and writing by being the publishers of law reviews, because this was preparation for the specialized publications and briefs for the federal courts. The miraculous Wite-Out had not yet come and gone. Strong-armed secretaries—their biceps developed from wrestling with piles of documents and hoisting tied brown case files—knew how to spell and understood the grammar of an English sentence. These women might also have been in charge of keeping track of a lawyer's court appearances, travel schedule, his wedding anniversaries, family birthdays, and other markers of the lawyer's life. They are replaced now by an army of much higher paid legal assistants, time management programs, electronic calendars, paralegals, word processors, personal desk assistants, spreadsheets, and computer filing systems.

The very term itself—word processing—tells us that what we are doing when we highlight phrases and paragraphs and move them around the document on the screen is not writing. Writing is sitting down with a pen, or a brush, and paper, or something like it, to record in a sequential way our thinking, the conversation inside our heads. So we compose sentences, and do what writers have thought of as writing, in Europe at least since the Middle Ages, and in China and Egypt and elsewhere for thousands of years.

There is writing that is indentations on clay tablets, and writing that is stylized figures on the side of a sarcophagus. All communicate between the absent writer and the present reader. Part of the message is: this is how we lived, what we thought and felt, at this time and this place. This is what we looked like, what we ate and drank, where we put our heads at night, this is how we reproduced, loved, and buried our dead. And now we will be telling future generations about ourselves on the Internet, using the word processing programs, although still saving and printing perhaps for a few decades more. What goes out on the brand new Internet is also the record of the past for the future.

Before the paperless world actually arrives, as historians and writers, as humanists in the broadest sense, we need to ask how our records will be kept, and retrieved. Going to the courthouse or the police files or the coroner's archives, or to the newspapers and looking for the records of our lives and deaths, the tracks of our contemporaries and our children, is not going to be an option one hundred years from now. Is our society going to leave behind nothing but the rubbish of forgotten code and un-

usable machines, and have no readable record of this present, unique, time and space bound experience of the human condition?

If the prior system of record keeping was faulty and haphazard, at least something was preserved. And courts, especially courts, and other legal bodies, considered it their duty to organize and keep, to write down, and to count and copy, for the record, trivial or important, what happened to people before the law once a case was a case and was stamped with an official number and seal of judgment. In civil matters it was reports of feuds among the living over money and property; in criminal cases it was about murder and mayhem, and physical harm. Courts may have thought they were filing these cases away for their orderly selves, but they were keeping them for us.

After the basic information on the 11,439 cases of homicide from 1870–1930 had been transformed into quantitative data and tracking codes, and the qualitative information—names, addresses, dates of significant legal markers in the case, circumstances and relationships among the parties—were included and made available in summary form, after the academic conference in 2000, after the publication of the first set of research papers in the *Journal of Criminal Law and Criminology*, then the question became: How to make all this data and the 11,439 case summaries available to other researchers and potential researchers, to educators and the public, for genealogists, for high school and college students and their teachers, murder mystery fans, for anyone, in short, and for free? Another bronze and russet fall had turned into a silver, cold winter. I was wearing sweaters and thick socks as I sat surrounded by out of print books and pamphlets from the 1890s.

By this time I had fallen in love with the history of Chicago and had come to see the homicides as 11,000 historical tableaux. Each case report froze, as if on a windowpane, a sequence of fragmentary interactions, or scenes between victims and defendants, bystanders and the police. Then defendants and the families of victims came before the law's minions—bailiffs, court officials, jailors. Each case was a series of vignettes, very thin slices of the law in one of its many reincarnations.

There were so many actors—judges, jurors, victims, their bereaved loved ones, police, prosecutors and defense attorneys—hangmen. These tableaux of time-stopped lethal interactions were set out on the changing map of Chicago streets and to the tempo of the ongoing pulse of everything else that was happening in the city—explosive economic development, the Progressives' passionate attempts to clean up the city

and the poor, the rise and fall of Yerkes' street car empire, the parade of mayors and aldermen and police chiefs, the risible excesses of wealth.

Sometimes a celebrated case captured the collective imagination of a generation, or a century, and those legal interactions came to stand for everything else from that time and place: Haymarket, Leopold and Loeb, McSwiggin. Then the records and commentary bloomed into thousands of pages and pictures. Everyone had an opinion, and the principals basked in the footlights. Just as intriguing were the dramas involving people whose names were never known and thus could never be forgotten. The accounts of their deaths were the only records of their lives one hundred years later, or so it seemed. I took it upon myself to fill in as many details and connections as possible, to make it easy for others to find their subjects, using the police records as a way to find photographs, obituaries.

By 2003, five years into the project, another winter had turned to another muddy spring, and another sleepy summer. A new class of students in bright pants and dull sweatshirts, all with laptops, was on campus. It was now self-evident that the Web was where all these cases, in their old and new frames, needed to be placed, or stored, or repositioned. From the beginning the goal had been to make the 11,000 cases accessible. Now that was made specific as a goal: to put all the cases up on the Web in their original—now transcribed—format, the sequentially numbered case summaries, and simultaneously to link the text transcription of cases to the 125 coded variables of criminological and historical interest. Initially I simply planned to park the coded data set at a university research data archive, for the use of social scientists, professional criminologists, and legal scholars. The development of the Web created the potential for far wider distribution. I was fortunate for having proceeded slowly.

The technical people first said it couldn't be done, that the sequentially numbered cases in their original narrative form could not be linked to the quantitative data so that the two could be viewed together. A Northwestern undergraduate solved what turned out to be not a trivial conundrum, demonstrating again that those for whom computers are a first language, a primal vocabulary, are most likely to find the solutions to the puzzles.

Fall turned into another glassy January, and after months of work by others, all the cases and the coded variables were there and ready to go up on the Web. The 11,439 cases had been liberated from my computer, from the designer's computers, from the microfilm, from the printed

page, from the twelve pages of paper for the coding for each case, and from their original incarnations, as handwriting in the tall heavy Homicide Books in the vault in the Chicago Police Archives. I was still clinging to my Xeroxed copies of the microfilm, and to my printouts of the data, for security. But something significant had happened. The cases had entered the new world.

We were now in the dark, short days of the final development stage for the site, equivalent to the tenth or twelfth or twentieth draft for a writer. We knew where we were going, the shape was there, but the form and surface could both be altered. Things could be added and taken out, just as they could before going to print. Whole configurations could be reorganized and moved around. A core of people were involved in the creative process. The designer found archives of photographs, and they added new dimensions. The technical people had their areas of expertise. I had mine.

Everything was sitting on a single server, and could be brought up and displayed on a large screen in an instant. The Web seemed to be an infinitely expandable space, a notebook without any spirals or covers. Why ever stop adding or revising? All the paper remnants of the world of 1870–1930 could go up there. Thanks to the strength of its design, the Web site now could incorporate photographs and drawings, as well as whole books, newspaper articles, reproductions of historic documents, legal filings, in addition to all versions of the 11,439 cases. Now the challenge was: how would all this historical information be structured and managed?

The original organizing scheme of the police Homicide Books was based upon the chronology of the murders, each entry alphabetized by name of victim and ordered by date of the homicide. When cases entered the legal system, the legal procedures and categories were the organizing system. What order governed the Web?

A homicide is designated by the police as a suspected murder, the people involved are now characterized as defendants and victims: more transformations into legal categories. Other legal events continue the procedural progression: the coroner's jury refers to the state's attorney; the state's attorney, the prosecutor, takes the case to the grand jury, which either does or does not produce an indictment. Later the case may go to trial and judgment with a verdict handed down. One legal event follows another in an orderly sequence, ending with a hanging. The existence of a formal case after the homicide leads to the possibility that other records exist elsewhere in another archive.

The legal categories had been coded and carried over into the quantitative database, but once the cases were coded, the legal categories no longer controlled the organization of the information, as they had in the court records. For example, prior to the quantification, if a researcher wanted to find every homicide that resulted in the death penalty in the Homicide Books in the period 1880–1890, the only way to do that was to go through every case as they appeared and make a note, or copy out, each capital case. A researcher would have to do exactly what I did when I was sweating over the records of criminal trials in Nigeria in the early 1970s. Every researcher had to invent and impose a new order, tailored to an individual goal. Now, the interactive database allowed anyone to look for any category or identifier: women, police, children, Russians, guns, or suicides.

A variable had been created for whether a case was a capital case and whether a death sentence had been imposed. It was now possible to pull out by code all of the capital cases, or all of the death sentences, in the database. The first round of coding and quantification had greatly facilitated legal analysis, but it was laborious and required familiarity with spreadsheets and programs for quantitative analysis. The new interactive database brought the ease of information retrieval to a new level. To access the details of a crime, it was no longer necessary to be trained in quantitative analysis. A variable could identify all capital cases, or all gun cases, or all female defendants, and the interactive design allowed all cases in that category to be pulled up instantly, and to be listed chronologically.

The initial entry into the database, what was put into the police records, was controlled by the police for their own institutional purposes. The records of subsequent legal events were controlled by a host of anonymous actors: county clerks, prosecutors, coroner's juries, grand juries, judges, lawyers, petit jurors. A researcher going to the Cook County Clerk's office would look for cases by indictment number or day of judgment, then by name of the defendant. The coroner's archives would keep their records by date of death and name of the victim. The police records were ordered by chronology of the homicide and the alphabetical ordering of names of victims. The interactive database was not hemmed in by any of these imposed orders. What then was to be the new logic for the data on the Web, and how was it to be apprehended? New text needed to be written, introducing the cases and background materials to a new audience. The Web site was not just for lawyers and homicide researchers who came knowing what they were looking for.

What was to inform, to illuminate all of this information? The character of the explanatory writing changed. As a writer I no longer had control over how what I wrote would be read. There was no check or editorial guidance, or verification, as to what text would be put on the Web site to accompany the cases and the large new quantities of other material. Little paragraphs, or a few sentences, were dropped into slots on the Web site. There was no opportunity to build a narrative or develop an argument. Thumbnail descriptions were tied to cases, to documents, and to publications on the site. Bits of text were linked to cases, to photographs, to commentary. I created new large amorphous topic areas, such as “civil unrest” and “the rule of law” and plopped large chunks of variegated text under those headings. I didn’t know in what sequence or how the material would be viewed.

Others worried about the capabilities of servers and programs, and of navigation systems. Ski season came and went, and I slogged across the snowy parking lot on days when it seemed the sun was only shining elsewhere, to work in the windowless den of the computer design team—professional staff, faculty, graduate students, undergraduates. We complained about the weather and snacked on high carbohydrate hibernation foods. Programs with names like Sequel or Flash were the subject of heated arguments. It reminded me of when I was on the board of a Chinese language school many years ago, and listened to incomprehensible, passionate debates about the relative merits of various Mandarin character transcription systems. The titles were intriguing, but I didn’t understand any of the discussion. Periodically someone would jump on a nearby computer as if it were a horse standing at the hitching post, and they would be off typing at a gallop. I took to just asking as simply as possible if I could do what I thought I wanted to do. The technical wizards showed me I could do things I never would have thought to ask for. This was truly a new world, and to first encounter it in this setting—a windowless room filled with computers, screens and cameras—was somehow appropriate. No one worked with pen or paper. To reach the small, utilitarian table and chairs in the center of the room, it was first necessary to climb over cables and tripods and heavy metal suitcases of equipment. The real work places, ergonomic wonders of comfort and lightness, faced the computer screens.

The English language, and its structure, our Roman system of dates to cut into time, the street names to identify place, names of individuals, our categories for legal events, and the new case tracking numbers were important for labeling and sorting, but they were only identifying

tags in this world. They were the nametags on the luggage. They had no meaning for the people designing the system that was going to stitch all of this information together. How would this material be ordered now that it had escaped its physical boundaries in the Homicide Books? The old physical books were confined, limited, and inaccessible, but at least you knew what was in there and where they were.

For the system to have any coherence, the names and dates of the cases had to remain prominent in the new organizing system. They were our alphabet and calendar rolled into one. We had to retain some of the traditional ordering of information, while breaking apart the old legal categories. No matter what the new technical issues were, or what else was up there, these were still cases of law, and our audience was people interested in these homicide cases, not just other computers. The Web site had to be able to communicate not only with other servers and Web sites, but real, live people were going to be looking at the screen at the other end, just as there had been real live people writing in the Homicide Books a hundred years ago. Some of the structure imposed by the legal system had to be retained. That was the first imprimatur of order. Treating each case as a distinct unit would be another fundamental organizing principle. That was how the police treated the cases, how the courts treated the cases, how people generally thought of them, and that was not going to be changed. We would retain that logic, and that dictated much of the structure of the Web design. The procedural spine of the legal system survived the transportation to outer space, at least for this project.

Meanwhile, what was this writing? It wasn't an essay, or a scholarly discussion in which you could count on the reader knowing the difference between manslaughter and murder. It wasn't a forum in which someone was going to correct your mistakes, or point out that your argument was unsupported. You could make any sort of foolish statement and not be contradicted. Yet, it wasn't fiction, and certainly not poetry. It was just prose, the great residual category for bad and good writing.

I privately decided I wasn't going to knowingly make any false or untrue statements, and that I would only make assertions I would be comfortable defending if an intelligent, educated interlocutor were looking at the computer screen over my shoulder. I was going to hold my own writing to a professional standard of precision and factual accuracy. If I expressed an opinion, it was identified as such. Everyone counseled that the pieces had to be short. Pieces? They were paragraphs or sentences that popped up at a click, like those cartoon advertisements on

the newspaper Web sites. Still, I would try to make my sentences educational, without being too serious. And I kept my dedication to grammatically correct sentences, and my diction was what I came to think of as quasi-academic. I aimed for a fact specific, consistently neutral, and informative tone, like that of a well written, reliable background piece in a respected newspaper or magazine. I called up a critical and intelligent editor to read over my shoulder.

As I began to write the text, or *content*, as it was called, for an imagined new reader online, I was writing into the blizzard of my ignorance as to who was out there and what their interests or level of education might be. We promised ourselves in the future to survey the visitors to the site. In the meantime I knew nothing about who was going to be reading this, or if anyone would. And someone else was deciding where these nuggets of text would go.

Notice that now everything is a group effort. At the early stages of the project I was sitting with a pen and yellow pad and writing in my usual manner, and what I was writing was sentences and paragraphs for an article, for a book, either fiction or nonfiction. Now I switched to composing on the computer. I would write the sentences, define a topic, explicate it a bit, and then give the development group the text, and they would place it in some drawer or cupboard on the Web site. The content under the large subject matter categories—the *Rule of Law*, *Capital Punishment*—took the form of short introductory essays aimed at the literate college undergraduate, or the perceptive gentle reader, the imagined, welcoming intelligence believed in by all writers.

The writing was very different from writing an essay for a journal or a newspaper, a publication with an established style, where the publication dictates the form and style, and the writer has some sense of who the readers are. The formalities and the subject boundaries here were uncertain, or nonexistent. There were no student law journal editors to ask whether every statement needed a footnote, no grammarians to question the placement of a semicolon. The sequence of the text would be controlled by the reader, now called the visitor. The term properly implied a transitory, flimsy relationship between writer and reader.

Giving up control of the sequence in which a writing is to be read means giving up control of mood, narrative voice, identification with character or author, the building of an imaginary world, forming and anticipating a sequence of responses through rhythm and repetition of metaphor and image, giving up the art of composition. Can writing for the Web ever be a literary art, or even a craft, absent these constraints,

I ask myself, typing madly. The freedom and mobility of text on the Web site are exhilarating. And all those trees to be saved! But, still . . .

When the Web design was finally revealed, I was mesmerized by its spectacular, full-color beauty. It was so much more than text. Sequences of evocative photographs and images, text and image linked to dates and a time line, imposed coherence to the huge variety of material. The cases, those same 11,439 cases, are still the spine of the Web site, anchoring the subject and its trajectories. Without the cases the site is a rich but random collection of historical texts and images. The written text, the commentary, the words, the word created images, the sentences I write provide context, but are not by themselves the most expressive part of the site. The beauty of the design is what takes your breath away, along with the realization that there is such a long historical record there. The words, the text, the photographs are descriptive accompaniment to the archive of 11,439 cases, the still beating heart of the project.

The Web site included the entire symposium issue of the *Journal of Criminal Law and Criminology* devoted to the first academic research on the homicide cases, all three-hundred-plus pages of academic discourse, graphs, tables, charts, was “up there,” as I was thinking of it. Also on the site were contemporaneous works such as the 1500 pages of the 1929 *Illinois Crime Survey*, a monumental work of criminology and urban history, difficult to obtain in print and essentially unavailable to those without access to a first rate university library. Once I discovered how easy it was to put up whole books, those rich contemporaneous studies of the social and legal system, as well as original documents, such as transcripts of the confessions of Leopold and Loeb, there seemed to be no walls to the expansion of this virtual library of contemporaneous materials and commentary. The cases had led me through libraries and archives to other Web sites, and to photographs and documents whose expressive richness raised more questions and whetted my appetite.

Almost everything from this period was in the public domain and currently not easily accessible to the general public in print. I was intoxicated with the prospect of resuscitating worthy and forgotten works, such as the 1929 *Illinois Crime Survey* and the *Report of the 1919 Commission on Race Relations*, another tome, filled with interesting commentary and narrative, with page after page of statistics. The commentary in *If Christ Came to Chicago* by William Stead, called the most famous journalist of his day, is as brilliant and insightful today as when it was published. And there were special reports and civic documents by

committees and commissions, spurred on by the passionate and literate Progressives who loved to count and categorize. Everyone wrote, it seemed, and wrote so well. And they loved to describe people and circumstances, and collect statistics. Portraits of homelessness, vagrancy, prostitution, drunkenness, juvenile delinquency—the poor, the rich, their income and no taxes—it was all there documented, and forgotten.

As the winter dwindled down, I sat bundled in my magnificent, draughty work place, next to the leaky leaded windows—another reminder of the early twentieth century—deciding what should be added, put in or out, what could or should be scanned, and how to characterize these forgotten publications and tracts. Who could now be believed? Where was the check on accuracy for these passionate outcries for reform, for justice, for the rule of law? Why had so little of it all come about when so many, including the rich and the powerful, wanted it?

Every day as I walked into the Northwestern University School of Law building I encountered the large, sober, reverential portrait of Levy Mayer, the man who was the principal opponent of the Progressives' wages and hours legislation in the courts and in the state legislature at the time of Florence Kelley and John Peter Altgeld. He was not forgotten, the building bore his name, but his adversaries were. Did that mean he won the ideological battle? Most of the commission reports were self explanatory; but some—the Reports on Sin and Vice and the many Evils—required linkage to the present, an introduction. They were what we would now call self published, and in a city where 750 journals and magazines flourished, they came and went and somehow people figured out what they wanted to read and who was reliable.

The first person accounts and life stories needed no explanation. I had a new appreciation for the knowledge and skill of librarians, indefatigable friends of the project whom I talked to almost every day. Together we looked forward to the day when all this text would be off our shelves, off my floor and out of their offices, delivered to the Web to be read by others. We were co-conspirators in the plot to make available books and documents about this period of Chicago history, and we were helped by the fact that most of our material was government documents or written prior to 1924. But I still couldn't get away from thinking of the Web as a physical place, capable of being destroyed or brought down.

We now called ourselves the Chicago Historical Homicide Project, and cheerfully linked to other Web sites, archives, and special collections. Events and people from the period—crusading judges, women

from Hull House, flamboyant defense attorneys who may have had little or no connection to the homicide cases, child prostitutes, women sewing in tenement houses, homeless and disabled veterans, truant boys and girls about to be shipped out of the unhealthy city to work as indentured servants on farms—walked onto the virtual stage, our Web platform. The city committees issued weighty reports; the newspapers published their own investigations. So many ideas about so many issues that are still issues today—crime, education, social disintegration, violence, poverty, abysmal working conditions. Only the nationalities—for Bohemia read Guatemala, for Russia, read Mexico—had changed. The commentators were literate and optimistic, interested in getting people to do something about the social wrongs visible all around them.

As we put up more and more historical material, the words of the dead and the photographs were creating the narrative tone of the Web site. The voices from the period were as expressive as the pictures. The reports on special topics were self-contained, published as books or pamphlets, and meant to be read autonomously. And each had its own individuality. These texts, whether it was an account of life in a brothel, or detailed drawings describing how to make a bomb, added context and richness, but didn't create a structure for the whole. And if my new text wasn't leading the reader to turn the page, to click from one topic to another, to go from one idea to another, then what was providing the organizational framework? Images, certainly. The contemporaneous voices. The timeline, still. Although their prim order in the Homicide Books had been broken apart as the controlling narrative sequence, the 11,439 individual homicides were still the backbone, the continuing track through the six decades. The sequence of murders, the quintessential criminal act, was providing the structure, the form.

If a visitor was interested in women, or guns, or gang murders, strikes, or the killing of children, or the death penalty, the cases with those characteristics could be easily retrieved. A gray and rainy spring came around, and I stared at photographs of large women dressed in black standing under black umbrellas, some horse-drawn carriages waiting beside them, a march to demand the closing of the Levee, Chicago's notorious district of gambling and prostitution. I knew in those low sky, glowering Chicago days when it seemed as if the gray would be there forever, that the Web site would never be finished; and prostitution, lawlessness, and gambling, still solidly dug in, would never be eliminated.

Topics such as *Labor Unrest* and *Legal Corruption* incorporated huge, wet bundles of text about events and people, and were hung out like

sheets and shirts and on the temporal clothesline. The pictures of the women were haunting. There they were, standing next to a stove, surrounded by wheezing children, sleeping on the piles of unfinished sewing on the bed, when the sky was black with soot, and there was no indoor plumbing. The entire text of *Hull House Maps and Papers* had to be up there, especially the ethnicity and wage maps. The slightly blurred image of the 1894 text describing the “sweating system,” and the astonishing colored maps of the weekly income and ethnic identity of the households in the worst slum in Chicago, had to be accessible, to everyone—teachers, students, the inquisitive housebound, anyone who cared. The subject remained relevant, as art the maps easily survived one hundred years—beautiful, precise, factual, timeless in their scope and challenge.

The home page provided the initial organizational framework. It had text, pictures, and directions for navigation to other parts of the site—a book jacket and a table of contents merged into one—but more flexible and interactive, and of course governed by a click, not the turn of the page. I was now conducting live, filmed interviews with researchers on the project, recording how the researchers today thought about the historical cases, and how their present work had been influenced by research on the historical cases.

Then, why not interview some judges in their eighties who grew up in the twenties and were trained by lawyers who actually knew the Cook County court system of the 1920s? Spring came. We shed our winter layers of wet wool and down, and all of us vowed to be more diligent about going to exercise at the gym right next door. It rained and rained, making the black pavements shining and slippery. I thought of the women with their black umbrellas standing at the end of the temperance parade. The technicalities of publishing photographs in newspapers was just developing, and the umbrellas, the puddles, and the carriages were a blurred, inky black—atmospheric, if imprecise.

The days were getting longer, and the optimistic students who worked on the site biked to work in sandals and cardigans, arriving shivering in our cave walled with computer screens. They were thinking about their coming graduation and hoping they would be in more clement climates in graduate school next year. The young, in time differently and focused on the future—tomorrow, next year, next week, hoping for better weather then, helping to transport the past into the present.

Launch day for the Web site was set for June 7, 2004, and it dawned

bright and fair. The now several dozen faculty, students, and others involved in the project eagerly awaited the countdown. There was a university press release. This was like a publication date, but different. The *Chicago Sun Times* ran a half page story on the Web site and the availability of information on 11,000 cases of homicide in Chicago from 1870–1930, with some pictures. We waited.

The site received 77,000 hits in the first three days, seriously threatening to shut down the Northwestern University development server at the School of Communication where it was housed. We were ecstatic and in a state of shock. The technical people scurried to keep the server running. After that initial rush, traffic settled down to about 30,000 visitors per month, and leveled off there. A year later it is at the level of approximately unique 16,000 visitors per month. Dozens of people are still downloading all 11,439 cases, in coded and in text format, with the count now at close to a thousand for people who have downloaded all the cases. We still don't know who they are, or who the 77,000 were who cruised by on opening day.

What does this mean for me, the writer, the person who started out to tell a story and to release 11,000 case narratives from their imprisonment in microfilm so they could become data and fly away to other researchers and writers? Nothing I had ever written—except possibly an Op-Ed in the *New York Times*—had ever reached 77,000 people. But was this publishing? Who knew whether or not these 77,000 visitors, perhaps from another planet, and certainly from another era, actually read a word. Certainly only a very tiny percentage visited most of the Web site or read most of the content.

Still, the fact that a thousand people would download the entire data set of 11,439 cases implies that the goal of making the data set easily available to a large number of people for free accomplished. The interactive format of the Web site made the data set assessable to far more people than would have been willing to read all of the handwritten cases on a microfilm reader. People may not have cared to read what I and my colleagues said about them or the period, but they wanted the cases. The cases, coded and in their original text form, continue to be downloaded in their entirety every day. I now look at them from a different, disaggregated perspective, not as 11,000 individual dramas, but as thousands and thousands of data points which have now been shared with hundreds of thousands of others, like bits of dust thrown up into the sky.

Thanks to the ease of operation of the interactive design, anyone with a minimal familiarity with a computer and standard programs, any-

one who can click, can bring up all gun cases, or all homicides involving husbands and wives, abortion, all homicides in a saloon, or which occurred on December 25th or July 4th. It is not necessary to be familiar with quantitative data processing techniques in order to do such a customized search. Anyone who has ever purchased something over the Internet with a credit card can now review all 11,000 cases of homicide as recorded by the police from 1870–1930. This opportunity for the instantaneous reordering of cases is something that would never have been imagined by a police scribe in 1880 carefully writing the names, dates, and circumstances of the arrest and conviction in homicide cases. And the way the information will be used in the future cannot now be anticipated by those of us reading this page.

So, why the hesitancy, why not just plunge into the sparkling and amorphous world of the Web? Why not just replace all the paper, documents and books with on line access to text? After all, the telephone, the telegraph, the printing press, all other technologies which were to have revolutionary impact, were first resisted, then adopted piecemeal, then finally became part of the landscape. Educational institutions are beginning to think about developing archives and libraries of Web sites. It may take a while, but we are headed towards a world where information is not stored or found in physical books. No more big stone libraries filled with bound books and writing, no more reliance upon physical text. Once text is up there, it is up there forever, indestructible, permanent, interactive, there for everyone to edit or copy. Every day thousands of new sites go up on the Web, and every day thousands come down without leaving a trace that they had ever been there. Not even a pile of ashes.

The practice of law has already been revolutionized by this transformation in text management. Law firms have been quicker to adopt the new technology than academic institutions. Most courts now function on the assumption that everyone involved in a case will have access to all relevant papers simultaneously and online. Depositions are taken live with long distance video hook ups. Evidence, motions, affidavits, judgments, precedential case law, statutes, briefs—what was once handed around as printed paper to be copied—is now accessed through the Web and sent electronically, all participants downloading it in their own places at the same time. If the new technology is good enough for the law, why not for literature, why not for the rest of our writings?

What is the downside, in the slang of the day? For courts there are huge problems with verifying factual accuracy. Anything and everything

goes up on the Web, and who knows its provenance. Documents can be altered without leaving a trace of intervention. But courts and adversarial attorneys have always and will continue to wrestle with issues of forgery and authenticity. Lawyers, librarians, and the rest of us will find new ways of verifying text. After all, figuring out who is telling the truth, exposing confidence men and imposters, has been the business of courts of law since their inception. Whether it is detecting a phoney signature, sniffing out a scam, finding a faked filing, decoding unauthorized textual changes in a security filing, the enterprise—finding out who is lying, and who is truthful—is the same. The old-fashioned trappings of the law, the swearing on the Bible, the sealing of documents with stamps, colored wax or gold, the dressing up in robes and wigs, the tying of ribbons around official documents were always meant to distance, to intimidate, and they can still serve that purpose. The paper trail leading to trials can be replaced by electronic documents, while the live drama of a trial is preserved.

My aesthetic hesitations come in part from a sense that presentation on the computer flattens and makes undistinguishable all writing, all text, all ideas, all information. Everything looks the same when it comes off the Web and onto the computer screen. The computer and the Web are great equalizers, and that is to be applauded. Opportunities for education and self-instruction are now available in remote mountain villages and in the poorest city, if there is Web access. Schools need not have walls or classrooms, nor museums or libraries. Great texts, and our humble police records, no longer need to be locked away within their physical prison, accessible only to those with the keys to the vault. Who could not be in favor of that? Books, maps, records, works of art, music, financial information, history, previously only available to a tiny, literate wealthy elite in a few places where there were libraries, can now be made available to everyone. The Web is the largest document known to any civilization, already holding more information than all of the books in the Library of Congress.

Perhaps the Internet will do what television has failed to do: create and make affordable high-quality mass education on a worldwide scale. So much of traditional, legal, book-bound education was directed to keeping the undesirables out, and that part of the game has changed. Still, the new world of the Web is technically challenging, and elites will always find ways to erect gates to shut. The Web should not just be for the global distribution of advertising and pornography, racial hatred and calls to violence. Literacy at the very least, and then beyond that,

education. On the Web you have to be able to read, even if computer literacy is not the same as the old-fashioned reading of books. The economic, technical, political, and legal barriers to achieving the goal of providing education on the Web are a serious challenge to the West, the richest society in recorded history, and literacy alone is not enough.

Mine is not a hesitation, then, about the astonishing possibilities for education on the Web, but rather a wistfulness, a longing for some parts of the old: the special feeling of holding an original hundred year old document in your hand, the conspiratorial crackle of old paper, the soft feel of newspaper from 1896. The computer has leveled the playing field in the great global game, but now all texts are presented as equals. The poem, the novel, pornography, advertisements, cartoons, fake reality, sensationalized news, the hysterical and unthoughtful, the accounts of mass murders and rapes—all get the same treatment, the same representation in high contrast. The way we used to live didn't allow the whole world to come in every minute, all day and all night.

I am grateful that 77,000 people cruising the Internet stopped off at our site at launch date, even though they threatened to crash the host server. How many stayed long enough to notice that the 1929 *Illinois Crime Survey* among its 1500 pages included an unsurpassed essay on "Homicide in Chicago," as well as John Landesco's meticulously researched and elegantly written chapters on the history of organized crime in Chicago? There is more truth about violence to be found in those pages than in a thousand reality based cop shows.

The floury feel of old documents, their spicy smell, the rustle they make in their boxes, as if they are waiting for you, their surprising silken sheen, the sense of awe that comes from reading handwriting from a hundred years ago—these can be preserved. The occasional ink blot in the Homicide Books, when the pen is put down, the less than perfect rectilinear formation of the letters as the record keeper, perhaps an unpracticed new recruit, more comfortable holding a gun than a pen, looked up, hearing a clatter as something dropped on the concrete floor of the Harrison Street police station. Perhaps in answer to a shout for help, the pen is put down for a moment, leaving a blot to protest the interruption on the page of the Homicide Book. The telling comments—"unknown female white baby found dead in hallway by tennents [sic]"; "motive was jealousy"—showing that a live, sentient person apprehended the information as it was being recorded. These comments are worth a hundred data points. The contemporaneous diction, the expressive phrase are lost when the information in the sentences is recoded into analytic variables.

The computer will have to find its own expressive language, a new grammar, a new diction, perhaps one that melts together words and pictures in a new way, something as revolutionary as the moving picture or animation. Control over the manner and timing of the apprehension and comprehension of images will be part of this new art on the Web. It was so when the Buddhist monks took their paintings and sculpture into the caves of Dunhuang in the ninth century, and it remains so today.

I am wondering, who will be the record keepers of our lives, and deaths, for the next generation? If the law contains so much of our history, our politics, our documents, our pictures of ourselves, how are we going to archive the information from today's cases? So much goes through the daily feed of print and photographs, that nothing is saved, or archived. It all becomes technologically inaccessible very quickly. Courts, hospitals, police, universities do not maintain records to be accessible fifty years from now, or even five years from now. Because of the law we know Martin Guerre's wife, Mary Queen of Scots, and Mrs. Palsgraf. In the future, who will come to know us?



Cook County Criminal Court Building and Jail.
(Chicago History Museum.)

The papers say there have only been a few times since 1871 when the temperature has risen above one hundred in the summer in Chicago, and today it is well over 104. I am remembering the heat wave of a decade ago when hundreds died in stifling rooms because they were poor or disabled or abandoned. The Progressives would have made sure it wouldn't happen again. I am thinking of how many Augusts I have spent here. Today there is no one outside walking on the sidewalk, a few hardy souls stand knee deep, silent in the lake, still cool in August. Air conditioning is no longer considered an innovation, but a necessity.

Keeping a record of how we live, of who we are, is a fundamental human obligation, requiring a pause, then dreaming, followed by the writing of words and sentences, the consideration of images. It requires thinking about what is important. Sometimes this record keeping, the sorting out, doesn't go quickly, and sometimes written words shouldn't be skimmed, but read slowly. This is why I am back with my pen and yellow pad, once again dripping in sweat in another Chicago August, intoxicated by the scope of the Web, but writing an old fashioned essay which will appear in print with other old-fashioned essays, to be read slowly.

Contemplation is required in the face of contradiction, human cruelty and injustice; before the joy and sweetness of love; the ironies of history. The recognition of the chance intersection of circumstances, individuals, and opportunity, at a particular time and place, demands a pause, an intake of breath. The conundrums of Haymarket, the tissue of fabrications wrapped around the murder of McSwiggen. Reading history, we know how events came out—everyone is dead at the end—but the echoes and ramifications, the “what-ifs,” remain mysterious. We know how laughably wrong prognosticators were in the past, people such as the secretary of transportation whose policies were based upon the firm conviction that commercial air travel had no future. Ordinary people would never get in a plane, or tolerate having airports near to the cities where they lived. How to decide who to believe today?

Many said that photography would make painting obsolete, and that the motion picture would destroy the theater, but certain utilitarian functions of theatre and painting, telling the facts of history, preserving the actual look of the present, were only shifted. Painting and theater are flourishing, perhaps because they have shed their limited utilitarian traditions. Art on the Internet is being born. It will be interactive, use words but perhaps not have words as its central form of communication. The artists will find a way not to be restricted to the small scale of the common computer screen. Because it will be people finding

new ways to communicate with people on the other end, even though there is much technology in between, there will be art.

Is there a new logic for getting from the beginning to the end of a story? We recognize what a story is, although we may not be able to precisely define it. When the record keepers wrote down these cases they weren't a collection of stories. The log was a list of independent, autonomous acts of violence. Hints of a story appear in the collection of cases when circumstances are described, or actual speech is quoted. One of the great attractions of murders is that they are stories where we know one part of the ending, the end of the victim's life. Our curiosity is simultaneously piqued and satisfied. The story can then travel in either direction, forward with the story of the defendant before and after the murder, or backwards to the life of the victim and what precipitated the murder. Then the structure of the legal system is superimposed, adding counterpoint, irony, and the opportunity to bring in other characters, other scenes: the arrest, a grand jury, an indictment, a trial, an appeal, perhaps an execution. The controlled order of who can speak, to whom, and about what topic, in what order, all that formality of the trial regarding the release of words provides structure, adds drama, makes a story. The interest in murder, murder mysteries, and crime will not go away.

Without law the human need for stories remains, the need for art, for craft, for beauty, to make sense of the world is essential to the human condition. Those police officers, our scribes, were sometimes fourteen-year-old boys with a rudimentary knowledge of reading and grammar, yet they served this then future generation well and responsibly. Doing their procedural duty, they wrote it down, honestly, simply, including the dates and details and the names, and a comment or two, so that we coming later could look for more. And because this city spoke out, wrote it down, we found their records.

Will subsequent generations be able to say the same thing about us: that we preserved and left for them the accounts of how we lived and died, of the quality of our lives, the feel of what it was to be on the streets and in the houses and public buildings in this city, at this time. Law and literature have that function, separately and together.

Soon it will be fall again, this summer's drought will have come to an end. The students will put on their wind breakers, their Chinese-made sneakers, everyone with a new, lightweight laptop, and another generation of freshmen will complain about the weather and the wind as September goes to October. And some of them will learn to become

record keepers. Some of them will be looking into the past. Some will be readers, all will be familiar with computers. Some will be artists on the Web. Some will be writers. Some will take on the obligation to keep the accounts of how life was lived by their generation, and to find what we left behind. And we will watch and help them, while we are still here, in another August.

A Note on Sources

The Chicago Historical Homicide Project Web site can be found at homicide.northwestern.edu. The interactive database gives access to all 11,439 cases from 1870–1930. *Hull House Maps and Papers*, *The 1929 Illinois Crime Survey*, *If Christ Came to Chicago*, the “Symposium Issue” of *The Journal of Criminal Law and Criminology* can all be found there in their entirety under *Publications*.

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