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cies in two ways—giving them a gun which will promptly settle an argument with a law-breaker; and preventing these portable machine guns from falling into improper hands.

DANGEROUS AND DEADLY

GEORGE W. KEENAN¹

Editor's Note: Mr. Keenan, the author of the following article, is a graduate of the training class in scientific methods of crime detection conducted by Northwestern University's Crime Detection Laboratory in 1931. The police department which he represents is headed by Mr. Andrew J. Kavanaugh, one of the most progressive Chiefs of Police in the United States.

The question frequently arises in assault cases as to what constitutes a dangerous or deadly weapon, and it has been proven that almost any sort of instrument, depending upon the manner in which it is manipulated, may be construed as dangerous or deadly. To go a bit farther—What constitutes a dangerous or deadly fire arm? It has been the contention of the anti-pistol group, that if fire arms were completely banned by law, crimes of violence would almost completely disappear, and crime of all sorts be materially reduced. To the contrary it has been pointed out that were a fire arm desired, one very effective could be constructed with the tools, and from the materials, found in the ordinary home work shop or basement. But this effort is hardly necessary. The temporarily baffling circumstances surrounding one of the cases of the Rochester Police Department, the details of which follow; show the toy store shelves to be laden with very effective fire arms.

From one of the outlying precincts came a call reporting an attempted shooting. The investigating officers found a household consisting of a man, his wife, and a three year old son in a state of terror-stricken confusion. Their somewhat incoherent stories seemed to agree, however, that after having eaten supper, the husband had gone to the living room to read the evening paper, and the child had been playing on the floor near by with his toy soldiers, while the mother busied herself about the kitchen. There had been a loud report, the child had cried out, and the father rushed to the kitchen. Seeing his wife apparently unharmed, he had run outside and circled the house in quest of the gun wielder. Finding no one either about the house, or on the street, he had re-entered his home and called the police.

¹Bureau of Identification, Rochester, N. Y., Police Department.

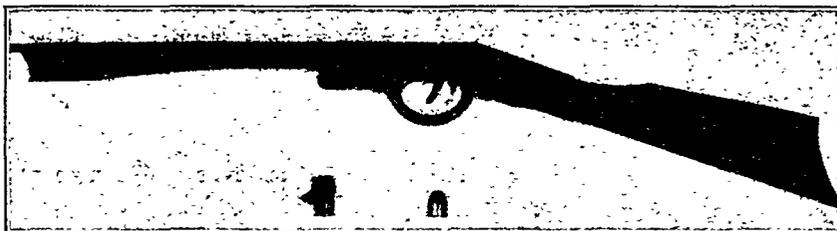


Figure I.
Pop-gun, empty fired shell, and bullet figuring in accident.



Figure II.
Forward end of pop-gun barrel as split open on firing of 45 caliber automatic pistol cartridge, the recovered components of which appear in the illustration.

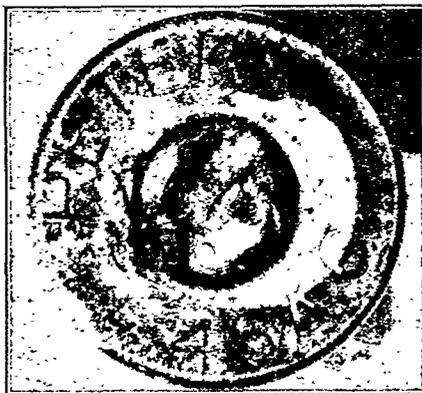


Figure III.
Head of fired shell showing primer indentation made by plunger of pop-gun.

Examination of the premises showed a bullet hole through the partition separating the living room from the kitchen, in such a position as to make it appear that the shot had been fired from a window in the direction of the chair in which the man had been sitting. The

bullet had continued through the partition, and across the kitchen, entering the wall near where the wife had been washing dishes. There was no place of exit on the outside of the house, the missile having obviously spent itself, and dropped between the plaster and the outer sheeting.

There seemed quite a probable solution however. The man at whom the shot appeared to have been fired was an addict. For some time prior to the incident he had obtained his supply of narcotics through illegal channels. Shortly before this shooting; however, he had been before a medical board, and the fact had been established that in all probability his addiction had come about through a series of injuries and treatments during the war, after which decision, he had received a minimum dosage each day from legitimate sources. Further, not so long since, the local authorities, in co-operation with the Federal Narcotic men, after months of careful preparation, had made a round-up of some sixty addicts and peddlers—almost the entire group within the city. After having been granted a legal daily supply, the man no longer frequented his old haunts, and no longer bought from his regular peddler, although he was several times approached. It was his opinion, and it seemed logical, that some of the narcotic group, who had escaped the drive, believing him to have turned informer, and to have been the cause of the round-up, had attempted to take his life.

The investigation proceeded along this line until the next day, when the floor board was removed from the kitchen wall, and the bullet recovered from between the partition, where it had dropped after having penetrated the plaster and lath. It was taken to the laboratory at headquarters for examination, whereupon, the case took on a more complex and baffling aspect.

The missile was of the ordinary .45 calibre metal jacket type, but most extraordinary in that it bore no trace of lands or grooves. Microscopic examination failed to show any markings, other than those on the nose acquired during its passage through the plaster, some small particles of which remained imbedded in its extreme tip. Much puzzled, the investigating officers returned to the house, and a most exhaustive search was conducted. On one side of the room, under a davenport, was found a child's pop gun, the barrel split open, and in another part of the room, a .45 calibre cartridge case, the primer deeply punched, and one side blown out. The explanation was as simple as it was unusual. The child had been playing with his pop gun and toy soldiers, and had lost the cork. In his search for something to take its

place, he had come upon an unexploded .45 cartridge for his father's service gun. Almost a perfect fit, he had forced the primer end of the shell into the barrel of the pop gun, cocked the piece, and pulled the trigger. The results were a bit startling no doubt, even to the youth. On the side of the plunger toward the cartridge protruded a small knob, perhaps an eighth of an inch in length, which struck the primer squarely in the center, with an effect equal to that of the most carefully made firing pin. The explosion which followed forced the barrel of the pop gun open along its seam, and burst out the side of the brass shell, but still gave enough impetus to the bullet to penetrate three thickness of lath and plaster before falling spent to the floor between the last thickness of plaster and the outside wall. Quite enough force, I think you will agree, to do "Grievous bodily harm," and to classify the weapon as "Dangerous and Deadly."

The child had been too young, and too frightened, to know what had taken place, and the seemingly harmless pop gun had, no doubt been thrust aside in quest of something more significant. Had the bullet never been recovered, and the absence of rifling marks noted, it seems highly probable that the incident would still be listed as an attempted homicide by person or persons unknown, and it may have been a long time before another such occurrence would have added the pop gun to the already long list of weapons designated "Dangerous and Deadly."

