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Author(s): Charles A. Tracy

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# RACE, CRIME AND SOCIAL POLICY: THE CHINESE IN OREGON, 1871 - 1885

Charles A. Tracy\*

## INTRODUCTION

The phenomenon of crime is composed of many social, economic and ideological elements; almost all are inter-related in various ways. In the United States racism is an important element. Our understanding of the relationships between these elements and crime is severely limited. It is common knowledge that all classes and racial groups are not proportionately represented in official crime statistics. However, most attempts to explain this observation have usually resulted in research findings that not only are ambiguous, but also fail to consistently support conventional theories (Pope, 1979:347).

Two of the many reasons for this situation are: (1) a widespread ignorance about crime and its correlates in the United States prior to 1930 when the systematic collection of crime statistics began, and (2) the over-use of static methods to analyze cross-sectional data and not enough use of dynamic models to examine time-series data.

The purpose of this study, therefore, is to help fill the significant gap in our knowledge about the relationship between crime and race by presenting a longitudinal description of the evolution of a racial community in an emerging urban center and the crimes associated with its inhabitants—in this particular case, the Chinese in Portland, Oregon, during the latter part of the 19th century.

For the most part the first cities of the Western Frontier did not pay much attention to keeping crime records. Even when such data were recorded they consisted mostly of arrest notations and descriptions of court dispositions. And there was little official interest in their preservation after the various officers involved in the legal process collected their fees. Many collections of 19th century legal documents

were destroyed by fire or neglect. Portland's early arrest records almost became a victim of the latter calamity when they were stored in the loft of a building during the 1950's and quickly forgotten. Fortunately, they were rescued almost 15 years later when a broken water pipe forced official attention to their existence. It was not until 1975, however—more than ten years after the collection was accepted for safekeeping by Portland State University's library, and more than 100 years after their first entry was made—that their rich historical content began to be uncovered and analyzed.

The period of time involved in this study is 1871 through 1885. The beginning year was chosen because it was the first complete year of arrest data after the establishment of Portland's first permanently organized, day and night police department in September 1870.<sup>1</sup> The ending year has no particular historical significance; it was selected only because of resource constraints. The limitations of this relatively short time period of 15 years are more than balanced by the high level of detail and continuity of the data.

There is considerable dispute about the accuracy of crime statistics based on police arrest records. Some social scientists argue they contain good indicators because of a positive relationship between validity and the timeliness of crime data gathering (Decker, 1977:49; Maltz, 1977:35; Zehr, 1975:118; Gattrell and Hadden, 1972:351; Tobias, 1967:256; and others). Others point to such distracting and distorting features as poor record-keeping practices, reflecting an incomplete picture of crime, influenced by departmental procedures and political policies, etc. (Decker, 1978:67-73).

From a historical perspective, these negative features are less important than the valuable knowledge about 19th century crime that can be gained from arrest records. Not only do they represent the largest portion of collected crime data for that period, their content also describes almost the total amount of crime known to the police at that time, for nearly all reported offenses were the result of arrests. Therefore, for the purpose of this study it is assumed arrest statistics are a valid measurement of crime.

The longitudinal study of 19th century American crime statistics is a relatively new scholarly activity.<sup>2</sup> Prior

\* Charles A. Tracy is a Professor of Administration of Justice and Urban Studies at Portland State University.

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to 1966, there was more than a 20-year hiatus before a small number of relevant studies could be found in the literature.<sup>3</sup> Since that year there has been an increasing interest in this approach to the history of crime. A fairly comprehensive review of the literature discovered at least 17 studies that, in part, statistically analyzed early crime data over time—with more than one-half of them produced in the past five years.<sup>4</sup>

Only a few of these studies of 19th century crime trends, however, used the personal attributes of arrestees as variables.<sup>5</sup> Those that did produced very general findings. For example, Powell's effort suggested that "... the Irish of the 1870's were appreciably more violent than the Negroes of today" (Powell, 1966:166). Monkkonen's strategy of matching criminals identified from court records with the 1870 census and city directories revealed that: (1) proportionately, blacks engaged in criminal behavior far less than whites; (2) criminals were poorer than noncriminals; however, the occupational status of criminals was practically the same as for noncriminals; (3) more Irish and English were criminals than their presence in the population would indicate; conversely, fewer German immigrants were criminals; and (4) both German and Irish immigrants were more likely to steal using trick and deception (Monkkonen, 1975:86-104). Greenberg's study of pre-19th century crime examined the ethnic distribution of major crime and found that: (1) acts of personal violence and violation of public order were not specific to any particular group; and (2) English and black New Yorkers accounted for a disproportionately large number of thefts (Greenberg, 1976:56-69).

The recent study conducted by Takagi and Platt is most relevant. Their comprehensive analysis of crime in San Francisco's Chinatown included an examination of the birthplace of prisoners in California prisons during 1854-1900. A significant part of this population was Chinese—averaging 15% between 1870 and 1890, while their percentage of the state population decreased from 8.7 to 5.9 (Berecochea, 1974, cited in Takagi and Platt, 1978:10). The authors also provide a critical review of the various theories that attempt to explain Chinese crime, ranging from 19th century explanations to the more contemporary cultural conflict, assimilation/acculturation, and cultural/personality theories—while offering their own Marxist analysis.

The value of historical research is principally determined by the soundness of the data from which inferences can be made. Therefore, the present study is based upon data contained in primary source documents. In addition to arrest journals, the original minutes and records of the Portland Common Council and the Portland Board of Police Commissioners, as well as the published proceedings of the territorial and state legislatures, were examined for evidence of legal actions and legislative intent.

Conventional primary sources for data related to the life of the Chinese in early Portland are extremely limited. Fires in 1872, 1873 and 1875 destroyed much of the original Chinatown, including any written records of their experience, and scarcely any descendants have told their story. Coverage of Chinese activities in the local newspapers

was infrequent and when it did occur the content reflected the sentiment toward the Chinese—ranging from paternalistic advice to sarcastic ridicule—with only a minimum of objective comment on their behavior. Nevertheless, newspapers do provide some useful detail. They were, therefore, systematically read to obtain trends in white attitudes toward the Chinese.

Chinese arrest data were extracted from 21 large bound volumes, each having at least 300 pages with approximately 25 handwritten entries on each page. The details of each arrest were categorized according to crime (based on UCR definitions); sex and age of arrestee; and racial, ethnic and/or national group of arrestee.<sup>6</sup> Arrest rates and trends were examined by monthly, yearly and 15-year study period analyses. An attempt was made to explain marked deviations from regular or expected arrest practices by linking them with socioeconomic and political events. The results of this investigation are presented primarily in a chronological format.

### THE CHINESE IN 19TH CENTURY PORTLAND

To place the analysis of 19th century Chinese arrest data in its proper perspective it is necessary to examine some of the demographic, economic and sociopolitical features of Portland's early history, as well as its Asian immigrants.

The city's growth from a small commercial port for ocean-going vessels to a medium-sized urban center was not as spectacular as some of its West Coast counterparts. Nevertheless, its population increased at a steady rate so that by 1890 it ranked fifth in size behind San Francisco, Denver, Los Angeles and Oakland. Most of the activities of its inhabitants were confined to a relatively small area, resulting in a density of population per square mile that ranged from 492 in 1851 (the year of incorporation) to 7,555 in 1890 (Voorsanger, 1956:119, cited in Merriam, 1971:31).

Like most new frontier communities, Portland's population was not homogeneous. The extent of its cultural mix, however, was greater than that of most other cities. As early as 1870, about 50% of its population was either born in a foreign country or had at least one foreign-born parent (U.S. Census Office, 1872:319). This ratio remained fairly constant throughout the remainder of the 19th century, with Portland ranking third among West Coast cities in percentage of foreign-born (Merriam, 1979:261). Indeed, in 1890 only 22% of its population was native to Oregon—a smaller percentage than any similarly sized city in the United States (U.S. Census Office, 1897:11-13). Portland's initial political leadership, however, was drawn disproportionately from persons born in the New England region (Merriam, 1979:37-38).

A small number of Chinese began to migrate to Oregon during the mid-1850's, traveling north from the worked-out mines in California to the newly discovered gold fields in the Rogue River area of southern Oregon. This initial migration was aided by the establishment of regular steamer

connections between San Francisco and Portland in 1851 (Barth, 1964:185).

The motive for the Chinese immigrant was primarily economic, for the land in China's southeastern coastal regions could not provide enough food or work for the dense population suffering from the poverty that followed the Taiping Rebellion in the first half of the 19th century. Most of Oregon's Chinese came from the T'ai-shan district of a single province of this area—Kwangtung (Ho, 1978:2). By 1870, Oregon had a larger percentage of Chinese miners (61.2) than any other Western state.<sup>7</sup>

The Chinese also came to Oregon to fill the demand for railroad construction laborers. Two competing companies broke ground on the west and east sides of the Willamette River in April 1868, employing more than 1,000 Chinese laborers for \$36 a month, while Caucasian laborers received the same wage plus room and board (*The Oregonian*, April 22, 1868). By 1870, there were four rail lines under construction, providing seasonal employment for a large number of Chinese immigrants. Their employment was to become a major sociopolitical issue throughout the 19th century. Many of these laborers merely debarked in Portland enroute to other places in search of work. Yet, as was the case in San Francisco, some stayed in Portland to live and work—and many others returned to the city only during the winter months.

Those who settled in the Portland area during this time were predominately males, and gained employment as common laborers, laundry workers, domestics, cooks and dishwashers. Most of them had accepted what was commonly thought of as "women's work" and, therefore, were probably not intensely competing with white males for employment. However, by 1880, there is some evidence that they were beginning to compete more with whites for jobs in mining, mechanical and the developing manufacturing industries (Corbett, 1977:77-78, 83)—a significant factor in the growing intensity of anti-Chinese sentiment associated with the last decades of the 19th century.

By the end of that century more than one-quarter of Portland's foreign-born were from China—the largest single national group in the city.<sup>8</sup> Like many minority groups, they established their own racial community close to Portland's business area near the waterfront, primarily because that was where most working opportunities were located rather than because of residential restrictions. The size of this Chinatown was surpassed only by San Francisco's during the 19th century (Lyman, 1970:69, cited by Takagi and Platt, 1978:7). Its commercial sector began in 1863 with eight businesses—seven laundries and one general mercantile store—located in seven city blocks. These two industries would account for almost two-thirds of the Chinese business effort in 1885 when Chinatown contained 121 businesses spread over 46 city blocks (Jones, 1979:3, 16). This growth, displayed over time in Table 1, was in spite of several disastrous fires and periodic attempts by various anti-Chinese groups to force them from the center of downtown.<sup>9</sup> Much of this steady expansion can be attributed to the important role the Chinese performed in laundering the clothes and linens of

	Number of Businesses														
	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1880	1885
Engraver															1
Jeweler															2
Barber															3
Dry Goods												2			1
Labor Contractor											1	-			5
Employment Office											1	-			1
Textiles Manufacturer											1	1	2		4
Intelligence Office											1	-	-		-
Druggist											2	-	-		4
Fruit Dealer											1	1	-		-
Tailor											1	1	-	1	7
Shoe Maker										1	1	1	1	2	3
Tobacco										1	1	2	1	-	5
Butcher										2	-	-	1	-	
Joss House									1	1	-	-	-	-	2
Grocer								1	-	4	-	3	3	1	6
Restaurant							1	1	-	-	-	-	-	-	1
Interpreter				1	1		-	-	-	-	-	-	-	-	
Physician			2	-	3	1	3	3	3	2	4	6	5	2	-
Merchant	1	2	2	2	2	2	1	4	5	5	12	7	12	24	32
Laundry	7	12	15	-	11	13	14	22	18	39	36	26	25	33	44

Source: Portland city directories. (Adapted from: Jones, 1979:30)

Table 1  
Chinese Businesses in 19th Century Portland

Portland's white population, as well as selling them desired merchandise. The development of Portland's Chinese business community was also influenced by the steady increase in the permanency of the city's Asian population. During the early years, most Chinese in the area were transient laborers who spent only the winter months in Portland and required minimal services. As they became less mobile—after the completion of the railroads and the depletion of mining resources—and settled in the city on a more permanent basis, their business needs began to become greater. By 1875, Chinatown was secure enough to begin moving northward and eastward from the riverfront area to obtain cheaper rentals and to patronize a growing white clientele.

The development of a ghetto, like a Chinatown, has become a common response by racial and ethnic minorities to American discriminatory practices. Steiner traces the history of Chinatowns back to Macao, near Canton, where in 1557 Portuguese traders encouraged the establishment of a Chinese community to serve their "fantasies" (Steiner, 1979:192-95). The idea was adopted by the Spaniards in the Philippines, where by 1747 Manila was populated by over 40,000 Chinese serving a few hundred Spaniards. The Chinese were confined to a walled-city when not working, and controlled by a licensing system that was the forerunner of California's and Oregon's discriminatory legislation.

One major difference distinguished the Chinatowns in the Spanish Empire from those developed in America—

armed revolt. Beginning in the early 1660's, the Chinese in Manila periodically launched rebellions against the Spaniards. There is no evidence to indicate that the Chinese in Portland engaged in similar uprisings during this study period.

So the Chinatowns of San Francisco and Portland turned inward, not outward.<sup>10</sup> They did not burn cities, rather their communities were burned. Facing the pressure of mob violence and oppressive laws, the people withdrew more and more behind invisible walls erected around their Chinatowns. Those who dared to go beyond the walls risked abuse and beatings, occurrences reported with considerable humor by Portland's newspapers.

Chinatown became not only a ghetto, but also a refuge. It was not secretive so much as it was self-protective—on its streets and in its houses, the people were safer than they were in the hostile city beyond (Steiner:196).

Merchant-creditors became the leaders in Chinatown with almost undisputed eminence, in contrast to their low position in China. They ruled the lives of Chinese immigrants through their positions of power in family and district associations.<sup>11</sup> There was frequent competition among these groups for control over legal businesses and such illicit enterprises as prostitution, gambling and opium trafficking.

These associations also served as judicial courts to resolve disputes among their members, as well as to determine responsibility in matters of crime and to prescribe punishment. The Chinese were not permitted to bring legal action against whites; however, the Portland records and newspapers contain numerous instances of the Chinese using the various city, county and state courts to press charges against other Chinese or against blacks. In contrast to the Chinese experiences in California, there were even several cases of whites prosecuted by the police for assault against the Chinese (*The Daily Oregonian*, Feb. 17, 1865; July 16, 1872; and others).

During the mid-1860's, there emerged on the West Coast secret societies known as Tongs, and as Triads in China. Behind the facade of social and benevolent clubs, these secret societies served as a means to organize rival criminal gangs that attempted to regulate both legal and illegal activities through extortion, beatings, kidnapping and murder (Barth, 1964:102-08; North, 1948:19-31). Portland's Tongs—or "Highbinder Societies," as they were later called—apparently conducted their activities in a fairly quiet manner during this study period for they were not mentioned in the newspapers nor the subject of official reports or action.<sup>12</sup>

## LAW, SOCIAL POLICY AND RACISM

The presence of the Chinese in Oregon and in Portland was disturbing to members of the white petty bourgeoisie and labor aristocrats especially in times of economic crises. In their criticisms of the Chinese, the focus was on race—Chinese skin color was not the same; their clothes were odd; their customs and religion were strange; and perhaps most important they provided a more highly exploited work force than white laborers. They were not seen as

permanent residents, much less citizens of the state or its communities. These popular sentiments began to be expressed in the form of criminal laws as early as 1856, shortly after the first members of the Chinese vanguard appeared in southern Oregon to mine the newly discovered gold deposits. One of the first of Oregon's racially discriminatory statutes required every Chinese miner to pay the local sheriff a monthly tax of two dollars for protection of property. Failure to pay this tax permitted the sheriff to seize all property and sell it within the hour to the highest bidder (*Oregon Laws*, 1857:13-17).<sup>13</sup>

This concept of legal control over the activities of certain racial groups was institutionalized in 1857 by several provisions in the first constitution of the Oregon Territory—i.e., (1) blacks and Chinese were prohibited from voting (repealed by 1927), (2) nonresident blacks were prevented from coming to the Territory (repealed by 1927), and (3) Chinese immigrants were prohibited from owning real estate or working a mining claim (repealed in 1946) (*Oregon Laws*, 1866:100-01, 122).

Portland's legislative body did not officially recognize a "Chinese Problem" until 1859, when several Chinese residents complained about the presence of some Chinese prostitutes. This complaint was quickly dismissed as not being important (Portland Council Files, 1859 Reports). The function of these prostitutes (almost all of whom were regarded as slaves) was apparently similar to that reported by Weiss in his study of Sacramento's Chinese—i.e., to serve the social-sexual needs of the city's unmarried or lonely Chinese men, with only occasional patronage by white men (Weiss, 1974:52).<sup>14</sup> This problem seemingly could not be resolved by the Chinese judicial process, as two years later a representative from a Canton association charged another from a Hong Kong association with keeping a bawdy house and making threats of murder (*The Oregonian*, Dec. 9, 1861).

The Chinese were also busy providing the many necessary, but poorly remunerated, services required in a growing urban community. In spite of the importance of such work, and the high probability no other persons were willing to do it, sentiment against the Chinese continued to be expressed through discriminatory laws. For example, during the 1862-1863 session of the Oregon legislature, a law was passed that required every black, Chinese, Hawaiian and mulatto to pay an annual tax of five dollars or be arrested and forced to work on the public streets (*Oregon Laws*, 1874-815-16).<sup>15</sup> The strength of this anti-Chinese sentiment, as well as its scope (which included criminal behavior), was evident in a joint resolution sent to the U.S. Congress by this legislature:

Whereas, the influx of large numbers of Chinese into this state are a cause of great complaint to the citizens, and a fruitful source of crime and disease, and offer a continual temptation to the commission of outrage and crime; and

Whereas, owing to the peculiarities of our constitution, this class of persons can never acquire political rights, nor enjoy social privileges amongst

us; and

Whereas, although a large portion of the wealth of the state derived from the gold mines thereof is obtained by this class of our foreign populations and transmitted directly to China, while no equivalent is returned; and

Whereas, it is almost impossible to collect the tax due the state upon the wealth thus acquired, owing to the extraordinary mendacity, duplicity, and cunning manifested by this class of persons; and

Therefore, be it resolved by the House and Senate concurring, that our senators and representatives in Congress be . . . instructed to use their influence with the Executive of the United States and the Senate to cause the existing treaties with China to be so modified as to prevent the immigration of Chinese to this state (*Oregon Laws*, 1862: 47-48).

Portland's Chinese were not without protectors, however. In 1863 and 1865, attempts were made to impose a prejudicial tax on Chinese washhouses. But the first ordinance was ruled unconstitutional in Multnomah County Circuit Court and the second ordinance was vetoed by Mayor Failing because of its discriminatory nature.<sup>16</sup>

The behavior of the Chinese population (which according to Portland's 1867 city director was around 325) was linked to the city's political economy in 1867, when a severe depression prompted Mayor Thomas Holmes, a prominent spokesman for the business community, to search for ways to decrease "... extravagant and useless police expenses" by either removing or heavily taxing the Chinese bawdy houses (Portland Council Proceedings, III:499-503). By this time they had become a fixture on Second Street, between Morrison and Alder, and were apparently operating with a certain amount of police protection, for according to a letter to one of the newspapers, the Chinese prostitutes used whistles to summon the police who "faithfully" responded (*Daily Oregonian*, Nov. 22, 1865). Neither action was taken by the council; however, they did move the development of the city's police forward by deciding to pay the city marshal and his two deputies a regular monthly salary—a decision that significantly reduced the entrepreneurial and speculative nature of policing in Portland (Portland Council Proceedings, III, April 10, 1867:547-48).

The problems associated with prostitution reached such a serious level in 1871 that a vocally concerned part of the community was able to convince the common council to pass an ordinance designed to suppress bawdy houses. This law required the chief of police to institute prosecutions and permitted him to collect five dollars for each person convicted (Portland Ordinances, III, No. 959, March 4, 1871:382-83).

Chief James H. Lappeus was soon to be placed in what must have been an uncomfortable position when he was instructed by the common council to enforce this ordinance against certain Chinese women.<sup>17</sup> He failed to act, notwith-

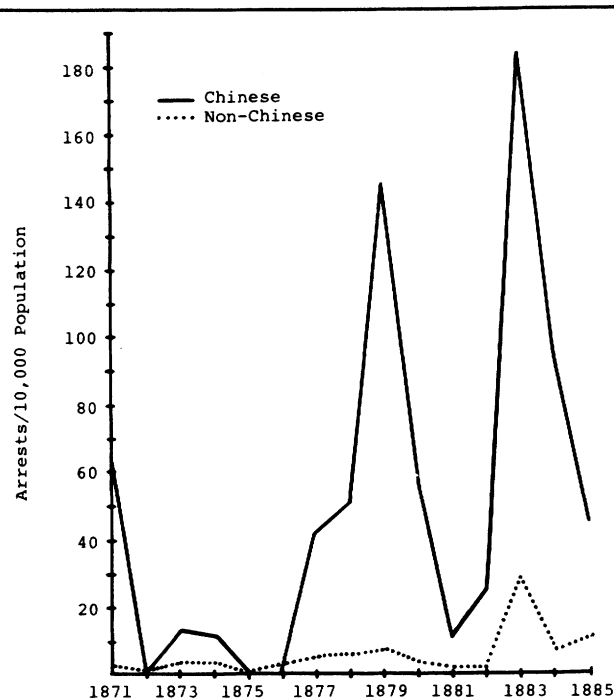


Figure 1

#### Chinese and Non-Chinese Arrest Rates for Prostitution

standing the fact that the order was initiated by Police Commissioner Hallock, acting as a councilman (Portland Council Proceedings, IV, Mar. 1, 1871:586).<sup>18</sup> The forces that originated this ordinance apparently reconsidered their position, for a second resolution that repeated the same order to the chief in very strong terms was defeated in the council several weeks later—with Hallock voting against it (Portland Council Proceedings, IV, May 17, 1871:627-68).

The immediate suppression of Chinese bawdy houses was, seemingly, considered to be a minor responsibility by Portland's Board of Police Commissioners. The subject is not recorded as being discussed at any of their meetings between 1870 and 1880, and the police were to arrest only 16 persons for prostitution (eight Chinese) during the six and one-half years of Lappeus' first term as chief (Tracy, 1976a:455-587). His replacement, Lucerne Besser, prosecuted 60 persons for prostitution (29 Chinese) during his tenure from July 1, 1877, to October 27, 1879.<sup>19</sup> Lappeus took over as chief again after Besser was dismissed and served as such until June 30, 1883. During this time he prosecuted 42 cases of prostitution (29 Chinese)—a remarkably low number since Portland was reported to have 30 "bordellos" in 1880 (Prassel, 1972:259). Figure 1 illustrates the selective enforcement practices of these chiefs, as well as the fact that Chinese prostitutes and keepers of bawdy houses were much more likely to be arrested than their white counterparts. Nevertheless, the patterns of their arrest rates were comparable and reflected periodic mass arrests of both groups—not an uncommon practice during the 20th century as well as the 19th century!

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
Part I Crimes.....	31 (13)	38 (23)	30 (19)	14 ( 9)	19 (19)	17 (23)	27 (23)	27 (19)	46 (24)	28 (15)
Part II Crimes.....	84 ( 4)	72 ( 4)	176 ( 8)	131 ( 9)	61 ( 6)	94 ( 7)	75 ( 3)	283 ( 9)	181 ( 5)	109 ( 3)
Violent Crimes.....	12 (19)	3 (12)	3 (12)	0 ( 0)	3 (17)	3 (17)	6 (22)	6 (16)	8 (24)	2 ( 5)
Property Crimes.....	19 (11)	35 (25)	27 (20)	14 (10)	16 (19)	14 (25)	21 (23)	21 (19)	38 (24)	26 (19)
Gambling.....	0 ( 0)	0 ( 0)	0 ( 0)	0 ( 0)	0 ( 0)	0 ( 0)	0 ( 0)	2 (33)	8 (73)	3 (20)
Opium.....	-	-	-	-	-	-	-	8 (100)	35 (51)	10 (29)
Assaults.....	12 ( 7)	17 ( 8)	17 ( 8)	6 ( 3)	5 ( 5)	12 (10)	10 ( 8)	7 ( 7)	12 ( 7)	16 ( 8)
Prostitution.....	4 (67)	0 ( 0)	1 (25)	1 (25)	0 ( 0)	0 ( 0)	5 (42)	7 (39)	21 (57)	10 (56)
Disorderly Conduct..	58 ( 7)	36 ( 6)	55 ( 8)	44 (10)	39 (10)	21 ( 4)	26 ( 3)	36 ( 3)	48 ( 3)	27 ( 2)
Drunkenness.....	0 ( 0)	1 (.1)	2 (.2)	4 (.6)	3 (.6)	1 (.2)	0 ( 0)	7 (.6)	1 (.1)	0 ( 0)
Other City Ordinances	9 (32)	7 (20)	68 (71)	93 (77)	10 (43)	52 (81)	36 (52)	208 (79)	41 (37)	21 (45)
All Arrests.....	115 ( 5)	110 ( 5)	206 ( 9)	145 ( 9)	80 ( 7)	111 ( 7)	102 ( 4)	310 (10)	227 ( 6)	137 ( 3)

Table 2: Number and Percentage of Chinese Among Total Arrests for Certain Crimes

Lappeus' replacement, William Watkinds, surpassed his record during his second month in office, arresting 65 persons for prostitution (21 Chinese).<sup>20</sup> Table 2 indicates Chinese females accounted for a relatively large percentage of arrests for prostitution between 1871 and 1885 (41%), while their part of Portland's female population probably never exceeded 10% during the same time period.

Obviously, there was some ambivalence among Portland's policy makers about the propriety of bawdy houses, both white and Asian. Even though an ordinance was enacted (20 years after the date of incorporation) to provide legal authority to suppress their operation, the enforcement of the prostitution laws was not only uneven across race but also over time.

There was less ambivalence about the Chinese laborer, however, even though his services were critical to the commercial growth of Portland. Ever since the Chinese began to move into the city, entrepreneurs found it profitable to exploit them as a cheap, yet dependable, work force. As long as they were used for the strenuous work on the railroads and in the mines, or performing "women's work" as house servants and laundrymen, their presence was reasonably tolerated. But when fiscal crises occurred towards the end of the 1860's, many Chinese were forced to compete directly with members of Portland's white working class for urban employment. Hostility toward the Chinese was promoted in the form of laws designed to regulate their lives and semi-secret societies, thereby blunting any potential criticisms of the political economy.<sup>21</sup>

Republicans and Democrats on Portland's common council joined forces in 1871 to condemn the "Chinese Menace." Their common position was clearly defined by the following resolution:

Whereas the question of Chinese labor coming in competition with the labor of our own citizens is one that demands the attention of every citizen of our young and growing State and in the view of

the direct communication between the countries of Asia and the State of Oregon large numbers of the Mongolian race are coming to our shore who are ready to fill every position requiring cheap labor and crowd every avenue to employment; and

Whereas when the Chinese are generally employed upon public works they receive their wages, hoard their money which is lost from sight of and does not find its way back to the channels of commerce, consequently paying money to Chinese laborers is a constant drain upon the circulating coin of the country, and only adds to the stringency of the money market. It is well known that the Chinese come among us not as citizens to buy lands, make homes, build houses, or to add wealth to the Country, but as leeches from the surplus hordes of Asiatic menials to sap our minds, to fill the places where labor is required on public works, as domestics in private families and when not employed congregate in great numbers in over crowded, dark, dingy, and filthy apartments; and

Whereas the Chinese do not add to the moral, social, political or intellectual status of this community, or the wealth and prosperity of our city and state, but on the contrary they are monopolizing many of the situations in our midst that could and would be profitably filled by our own citizens who instead of remaining idle and unable to procure situations would be gaining a competence by honest and honorable industry, adding material wealth to the country and independent homes for themselves in our midst;

Therefore, resolved: first, that we are not in favor of employing Chinese laborers upon city contracts; second, that we would respectfully request all persons having contracts for city work to desist from employing Chinese laborers on the same; third, that if any contractor shall employ Chinese

1881	1882	1883	1884	1885	Total
31 (17)	39 (17)	50 (14)	100 (29)	68 (34)	565 (20)
211 ( 6)	92 ( 2)	805 (11)	384 ( 8)	408 (14)	3166 ( 7)
4 (10)	6 (10)	13 (15)	45 (46)	16 (33)	130 (20)
27 (19)	33 (19)	37 (14)	55 (22)	52 (35)	435 (20)
8 (67)	0 ( 0)	473 (73)	3 (33)	31 (61)	528 (68)
5 (50)	0 ( 0)	27 (47)	11 (61)	58 (79)	154 (57)
22 (10)	21 ( 8)	32 ( 9)	54 (21)	28 (18)	271 (10)
2 (50)	5 (63)	42 (34)	23 (53)	13 (28)	134 (41)
29 ( 2)	21 ( 1)	52 ( 2)	113 ( 6)	55 ( 5)	660 ( 3)
4 (.3)	1 (.1)	1 (.4)	7 (.5)	0 ( 0)	32 (.2)
26 (43)	22 (28)	32 (41)	88 (58)	156 (81)	839 (61)
242 ( 7)	131 ( 3)	855 (11)	484 (10)	476 (15)	3731 ( 8)

labor upon any contract hereafter let by the city authorities, and said contractor shall afterward put in bids for work upon the streets or other public work, the proper committee having charge of the same are hereby authorized to disregard and reject such bid (Portland Council Proceedings, V, May 28, 1873:319a-21a).

Several weeks later, this sentiment was expressed in legislation when an ordinance was passed by the council that prohibited the employment of Chinese on city contracts. Mayor Wasserman, himself a member of a Jewish minority in Portland, rose to the occasion and successfully vetoed the ordinance, arguing it was in conflict with the laws and treaties of the U.S. (Portland Council Proceedings, V, June 11, 1873:321). It may also have been in conflict with the special interests of many prospering Portland entrepreneurs such as Ben Holladay who imported a large number of Chinese laborers to work on his railroad and other commercial enterprises.<sup>22</sup>

The council's effort to regulate the lives of the Chinese was not limited to just restricting their employment, but self-employment or entrepreneurship as well. It was a common belief that the living habits of the Chinese endangered the physical health of the city. And allegedly to protect this health, the infamous "cubic air" ordinance was passed on June 19, 1873. This act, similar to an earlier San Francisco law, required the chief of police to arrest all persons living in a building that contained less than 550 cubic feet of air for each occupant (Portland Ordinances, IV, No. 1347:445).<sup>23</sup> Fifty-two Chinese violators were arrested on June 26 and 27. All but two paid a five dollar fine and undoubtedly returned to their cramped quarters along Second Street, between Pine and Taylor, to spend their nights "... jammed together like so many sardines in low, dirty, and unhealthy apartments where each person was scarcely allowed a meager 100 cubic feet" (*The Oregonian*, June 28, 1873). Three more mass arrests of Chinese for violation of this ordinance took place prior to the end of this study—185 between September 16-25, 1878, 35 on

November 20, 1881, and 42 on December 16, 1885.

There were also other Portland ordinances enacted for the specific purpose of controlling Chinese entrepreneurship. For example:

- No. 1431 (February 5, 1874) prohibited cutting wood on sidewalks. Forty Chinese were arrested during February, prompting *The Oregonian* to comment on February 20 that the law was discriminatory since the Chinese could not read English and were often carrying out the orders of their white employers. Another mass arrest was made on September 5, 1876, when 42 Chinese were taken into custody.

- No. 1465 (April 6, 1874) prohibited carrying swill or other offensive material without being properly covered. Small groups of Chinese were periodically arrested for violating this ordinance.

- No. 2073 (November 9, 1877) prohibited smoking, buying, possessing or bargaining for opium.<sup>24</sup> Only a few Chinese were arrested for violation of this ordinance in 1877 and 1878, then there was a hiatus until 26 were taken into custody in November 1885. Chinese arrests accounted for almost 60% of all arrests for narcotic offenses between November 1877 and the end of 1885. Figure 2 indicates that the use of opiates was predominately a Chinese crime,

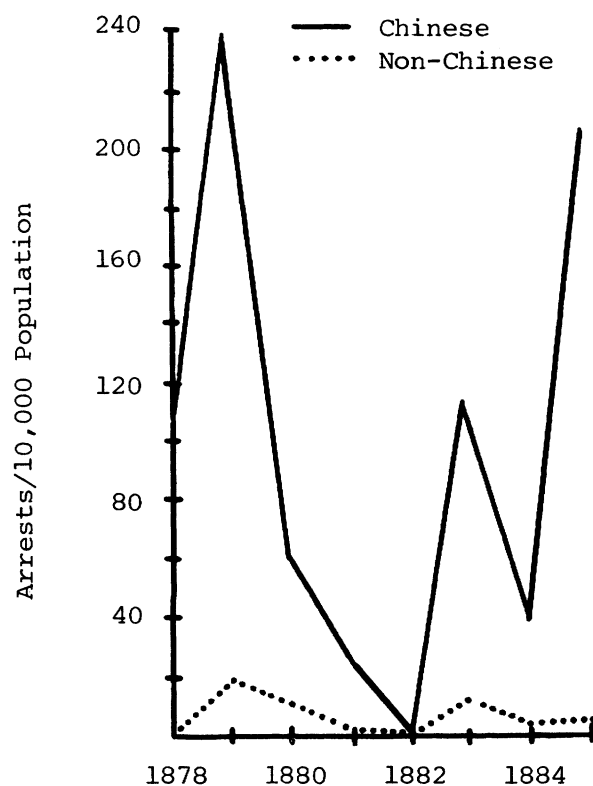


Figure 2

Chinese and Non-Chinese Arrest Rates for  
Opium-Related Crimes

(First Portland ordinance controlling the use of opiates  
was passed in November, 1878)



with a sharp increase in their arrest rate after 1882. Chief Lappeus' annual report for 1879 reveals some of the details associated with this particular problem:

Another evil, and a rapidly growing one, is the habit of opium smoking, which is ruining the health and destroying the minds of many of our young men and girls. There are a large number of these dens, kept principally by Chinese, where men and women, young men and girls—some not over 13 years of age—congregate and indulge in this vile and filthy habit, and sleep off the stupor, subject to the insults and indignities that may be committed upon them by those not under the influence and by the Chinese themselves. Some of the females who frequent these places are married and have families, and young girls of the most respectable class of society. Could their names be published society would stand amazed.

It is almost impossible for the police to find out these places, as they are generally in rooms to reach which it is necessary to pass through dark, winding passages and doors fastened and guarded, sometimes requiring a guide; and when the den is reached all is dark, the inmates having escaped

over roofs and by underground passages. Some more stringent and severe measures should be taken to break up these dens of infamy. No wonder that so many of our young girls fall from virtue. From the best evidence I have, there are about 500 to 600 white males and females who visit these dens in this city (Portland Annual Reports, 1880:15).

- No. 2177 (May 2, 1878) prohibited exposing for sale offensive parts of animals in public places.

- No. 2510 (August 24, 1879) prohibited driving swill carts during certain hours on certain days. Twenty Chinese were arrested for this offense between August 28, 1879 and August 9, 1880.

- No. 3354 (January 14, 1882), the "Chinese Theater Ordinance," prohibited playing anything other than a string musical instrument in any theater after midnight. Three Chinese theater owners were arrested on January 20, 1882.

- No. 3983 (October 18, 1883) prohibited carrying baskets, or any other things, suspended from poles across or upon shoulders.

These ordinances were certainly racist, but just labeling them as racist does not help to clearly understand the relationship of racism to another important concept. It

Table 3: Number of Chinese and Non-Chinese Arrests/10,000 Population

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885
Chinese Arrest Rates															
Part I Crimes.....	517	543	375	156	190	155	225	200	317	168	168	186	217	385	243
Part II Crimes.....	1400	1029	2200	1456	610	855	750	2096	1248	653	1141	438	3500	1477	1457
Violent Crimes.....	200	43	38	0	30	27	50	44	55	12	22	29	57	173	57
Property Crimes.....	317	500	338	156	160	127	175	158	262	156	146	157	161	212	186
Gambling.....	0	0	0	0	0	0	0	15	55	18	43	0	2057	12	111
Opium.....	-	-	-	-	-	-	-	59	241	60	27	0	117	42	207
Assaults.....	200	243	213	67	50	109	83	52	83	96	119	100	139	208	100
Prostitution.....	67	0	13	11	0	0	42	52	145	60	11	24	183	88	46
Disorderly Conduct...	967	514	688	489	390	191	217	267	331	162	157	100	226	435	196
Drunkenness.....	0	14	25	44	30	9	0	52	7	0	22	5	4	27	0
Other City Ordinances	150	100	850	700	100	473	300	1541	283	126	141	105	139	338	557
All Arrests.....	1917	1571	2575	1611	800	1009	850	2296	1566	821	1308	624	3717	1862	1700
Non-Chinese Arrest Rates															
Part I Crimes.....	197	113	116	123	65	43	65	66	76	78	74	85	120	91	44
Part II Crimes.....	1832	1551	1670	1232	815	1048	1545	1562	1704	1890	1631	1996	2737	1546	863
Violent Crimes.....	46	19	18	17	12	12	15	17	13	21	18	23	29	19	11
Property Crimes.....	149	97	97	106	54	32	53	53	62	63	58	62	94	77	34
Gambling.....	0	0	0	0	0	1	5	2	2	6	6	5	71	2	7
Opium.....	-	-	-	-	-	-	-	0	18	12	3	0	12	3	5
Assaults.....	159	169	179	154	82	81	77	49	80	94	99	101	124	77	46
Prostitution.....	2	0	3	3	0	2	5	6	8	4	1	1	33	7	11
Disorderly Conduct...	779	526	539	261	264	416	681	767	801	885	764	974	1153	679	354
Drunkenness.....	723	713	726	588	391	457	647	642	639	734	640	783	926	530	298
Other City Ordinances	18	25	25	17	10	9	24	31	36	13	18	25	19	23	12
All Arrests.....	2030	1664	1786	1103	880	1091	1610	1628	1780	1968	1705	2081	2857	1637	907

would seem that these early Portland ordinances served to create a readily available and dependable waged labor force (the Chinese) on the one hand, and to discipline the white working class on the other. Through legislation, Chinese entrepreneurship was made increasingly difficult, channeling them to work for wages when work was obtainable. The availability of Chinese wage laborers undoubtedly blunted demands by the white working class, if not actually reducing their wages. Thus, racism not only served to keep the working class divided, but also maximized the potential profits of the petty bourgeoisie and the bourgeoisie.

## RACE AND CRIME

Municipal ordinances are relatively easy to enact and can be quite responsive to community attitudes and problems. They are frequently discriminatory, however, as evidenced by the finding that Chinese arrests for violations of Portland's ordinances (other than those related to disorderly conduct, gambling, assault, opium, prostitution and drunkenness) during this study period accounted for over 60% of the total arrests of all persons.

Gambling was another activity that seemed to have been viewed differently according to the race of the gambler. It was an early concern of Portland's residents. Less than a year after the territorial legislature permitted them to incorporate on January 23, 1851, the common council passed the city's sixteenth ordinance prohibiting gambling in all forms (Portland Ordinances, I, No. 16, October 2, 1851). For a number of reasons—including the fact that many of the saloons in which gambling was conducted were owned by Portland's powerful entrepreneurs—this particular law was not strictly enforced. Indeed, the first recorded arrest appeared in 1876, with the first Chinese arrest noted in 1878.

With the exception of lotteries, most forms of Chinese gambling were unfamiliar to almost all of the other residents of early Portland.<sup>25</sup> The much larger white population had neither a desire nor a need to learn their games, for the more familiar ones of poker, faro and roulette were readily available to them in the many saloons outside of Chinatown. Most of the gambling took place in these saloons, yet the enforcement of Portland's gambling ordinances was apparently directed largely towards the city's small Chinese population playing fan tan in their many dens along Second Street—they accounted for 68% of all gambling arrests during the 15-year study period. (An article about Tong Wars in *The Oregonian*, May 9, 1890, reported that there were 80 Chinese gambling dens in Portland's Chinatown during 1888.) The Chinese were arrested more frequently for gambling than the non-Chinese, with an extremely sharp increase in 1883, when newly appointed Chief of Police Watkins implemented a short-lived moral crusade.

The consequences of shifting policies on gambling and prostitution, and the enactment of special municipal ordinances are reflected in arrest rates over time by offense and race. These data are presented in Table 3. The policies on gambling, as noted earlier, were specifically directed toward the Chinese. In 1878, for example, the ratio of

arrest rates for Chinese to non-Chinese was 7.5:1, reaching an all time high of 29:1 in 1883. Arrests for prostitution reflect the same racial policies—8.5:1 in 1878 and about 5.5:1 in 1883. Arrest rates for other city ordinances show the same general pattern—about 50:1 in 1878 and 7:1 in 1883.

The only offense for which the Chinese were arrested at a consistently lower rate than non-Chinese was drunkenness.

Given the anti-Chinese sentiments reflected in both law and social policy, it is difficult to interpret the consistently higher rates of Chinese arrests as compared to non-Chinese for Part I offenses. While racial oppression can produce a culture of resistance, manifesting itself in aggressive behavior, it is also important to understand that the Chinese immigrants were essentially young adults living in a predominately male society. The leveling influences of the family and other primary socializing institutions did not exist. Moreover, a thriving irregular economy was an important feature of Portland's early Chinese community, as reflected in the arrest rates for victimless offenses, where violence was undoubtedly an essential part of Chinatown's social organization.

The overall arrest rate for the Chinese was similar to that for non-Chinese, with a major downward deviation only during 1879-1882, after which a sharp increase surpassed the continuing upward trend of the non-Chinese. The ratio of females arrested to males arrested was approximately 1:17 for both populations.

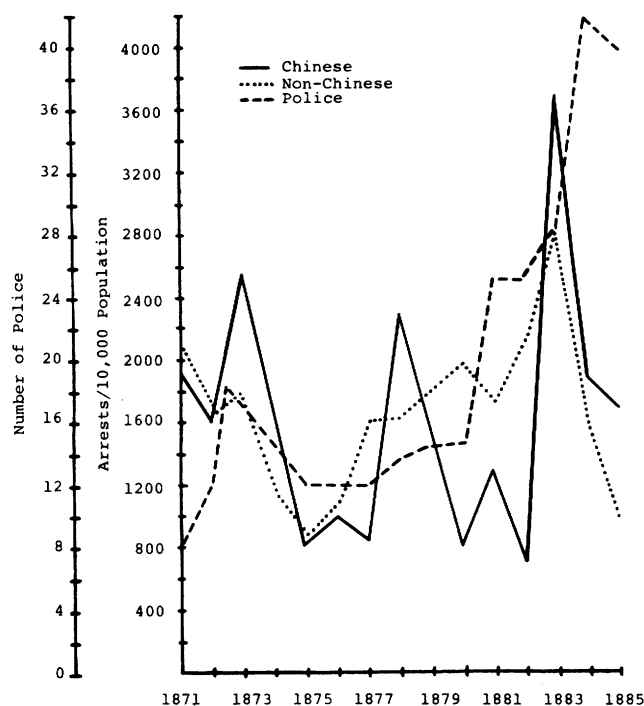


Figure 3  
Chinese and Non-Chinese Total Arrest Rates  
and Number of Police



*Blind justice?*

A frequent explanation for an upward arrest trend over time is a corresponding increase in the size of a police department. Figure 3 compares these two factors, and there appears to be a generally positive relationship between them with the exception of the first and last years of the study period.

This study ended data analysis after 1885, a year that would be noted by many historians for its intense violent treatment of the Chinese. For examples: on September 2, 1885, at Rock Springs, Wyoming Territory, unemployed white miners massacred 28 Chinese men and women, wounded 15 more, and destroyed over \$10,000 of their personal property. On September 7, 1885, five white men and two Indians attacked a camp of 35 Chinese at the hop yard in Squat Valley, Washington Territory, killing three of them and wounding three others. Such acts were repeated in several other Washington mining towns, forcing the Chinese to seek escape through the port cities of Portland and San Francisco and British Columbia. On September 28, 1885, an Anti-Chinese Congress met in Seattle and proclaimed all Chinese must leave western Washington by November 1, 1885. On November 3, over 300 Tacoma citizens forced hundreds of Chinese to abandon their property and move south to Portland. Similar "peaceable expulsions" occurred in smaller towns throughout Washington. On November 6, 1885, Governor Squire called for federal troops to protect the Chinese in Seattle after finding the police force was

sympathetic to the anti-Chinese mobs. Most of the Chinese left the city for Portland or San Francisco. And, as a final example, Portland's Anti-Chinese Congress met in February 1886 and ordered the city's Chinese population of over 7000 to leave the city by March 24, 1886. Only a determined show of force by city officials, using armed citizens and militiamen to complement the police, prevented bloodshed and expulsion of the Chinese.

### CONCLUSION

It is difficult to relate the findings of this study to other research because similar studies of 19th century minority populations have simply not been conducted. There has been some effort, however, to examine the general trends of 19th century crime in various parts of the United States. And Portland's experience appears to be relatively consistent with the findings of most of them—i.e., during the last quarter of the 19th century, arrests for serious crime decreased while the volume of arrests for less-serious crimes increased.

It is also difficult to compare the "criminal behavior" of Portland's Chinese—and the various socioeconomic and political influences that contributed to the shaping of their behavior—to other cities and other minority groups, for there is nothing to which it can be compared.

The Chinese came to Portland as skilled sojourners, first attracted to the area by the discovery of gold in the

Rogue River country during 1851 to 1852, and later by the beginning construction of railroad lines in 1868. The gold deposits were soon depleted, however, and Portland completed its transcontinental railroad link with the Eastern United States in 1883-1884. The economy of Oregon, and the nation, turned downward several times during the immigration of the Chinese. Oregon was in a depression in late 1853, the Panics of 1857 and 1873 were felt in Portland, and a nationwide depression struck in 1884, causing a serious decline in most of Portland's commercial activities.

Each time one of these economic reversals occurred, with the concomitant rise in unemployment, the presence of the industrious and cheap Chinese laborer became increasingly irritating to segments of the white population. Thus a volatile political issue produced a series of discriminatory laws to regulate (through harassment) the lives of the Chinese. Indeed, one of the most striking observations from this study is the extent to which the police were used to label the Chinese as "criminals" through the selective enforcement of local ordinances related to such victimless crimes as gambling, use of opium, prostitution, disorderly conduct, too many people in not enough space, carrying baskets with shoulder poles, etc.

There was an unmistakable degree of hypocrisy in the use of the laws to regulate the Chinese. On the one hand, Portland's common council passed discriminatory laws in outrageous indignation over the living habits of the Chinese under the guise that they endangered public health and their vices threatened the morality of the city. And the police were quick to enforce these laws, but only for a short time. On the other hand, Portland's entrepreneurs and capitalists were much more dependent on Chinese labor—initially for railroad construction and mining, and later in the service sector—than they cared to openly admit. Mass arrests were infrequent, yet they were effective in reminding the Chinese of their lesser political status and, perhaps even more important, in dampening the potential violence of anti-Chinese agitators. Indeed, Portland became known as a refuge for the Chinese in the latter part of the 19th century, when they were forcibly driven from other cities on the West Coast. Many became permanent residents and established roots in Portland that secured their place in the community to the present day.

In spite of the finding that most Chinese arrests (62%) resulted from police action without a victim, a large portion of Portland's small Chinese population was arrested for the more serious offenses. They averaged approximately 8% of the city's population during the 15-year study period, yet they accounted for 31% of all arrests for homicide, 21% for aggravated assault, 14% for robbery, 30% for burglary, and 19% for larceny. Their average serious crime arrest rate was three times higher than the same rate for the non-Chinese population. It was also found that almost all Chinese arrests were for crimes committed against victims of their own race. The explanation for their disproportionate number of arrests for serious crimes is undoubtedly related to demographic characteristics, the absence of primary social institutions, and the competition among the various Tongs and associations for control over legal and illicit economies.

The emergence of the latter must be understood within the context of a predominately male Chinese population due in part to legislation that prohibited the immigration of Chinese women.

This study began by focusing on 19th century police arrest data. It became apparent as the data were classified and sorted that the developing and changing political economy of Portland needed to be examined to understand how racism was employed to channel the Chinese into particular occupations and illicit activities on the one hand, and to discipline the white labor force and to shift white attention away from crises in the political economy on the other hand. The descriptions and analyses centered on structural factors. However, the study is incomplete without further examination of both cultures and the experiences of the Chinese—or what has been called the underside of history.

The issue of racism, for example, has its contradictory features. The city fathers of Portland went to great lengths to enact one ordinance after another to sharply limit the entrepreneurial activities of the Chinese, but they also intervened when mobs attempted to oust them from the city. It is tempting to offer a functional argument to explain this behavior—i.e., racism has its functional and dysfunctional features. But that does not necessarily lead to an analytic link between structures and cultures.

One line of analysis is to look at the changing class relations in early Portland. The social relations of production were initially based on mining and railway construction, with the work sites typically some distance away from what was to become an urban center. Both industries required large numbers of highly mobile workers who could be moved from site to site. The industries may be characterized as terminal in the sense that they had a completion or depletion point in time, resulting in mass layoffs of workers. The classes of capitalists and workers were clearly apparent in this 19th century period. And the history of both Oregon and California has shown that both classes expressed strong hostile sentiments toward each other, particularly during periods of mass layoffs. Early state legislation, such as the foreign miners tax, was certainly anti-Chinese, but it was also designed to exploit the working class *as a whole* by channeling the Chinese and other immigrants to become waged workers for capitalistic enterprises. This workforce was essential during the productive lifetime of these enterprises, a factor that is undoubtedly related to the paternalistic, rather than repressive, attitude of Portland toward its Chinese during this study period.

But when their services were no longer of major importance, the presence of the Chinese workers became much less tolerable and various means were used to isolate or eliminate them—thus further accentuating racial differences within the working class. Nineteenth century anti-Chinese social policy reached its zenith in 1882, when federal legislation prohibited further immigration of Chinese laborers, and emerging Chinatowns began their struggle for survival. In just a few years, however, history was repeated. The bourgeoisie turned to other nations and regions to

recruit workers for new industrial opportunities, and each new wave of immigrant workers encountered new forms of oppressive racial policies enforced by law—climaxing in 1942 when all the Japanese on the West Coast were imprisoned solely on racial grounds.

The history of the United States is filled with examples of the criminalization and repression of racial and national minorities, whereby the working class as a whole is divided against itself. This not simply a *historical* question, as the same dynamics are continually recreated and reproduced in capitalist society.

## FOOTNOTES

1. Portland was served by a lone city marshal from incorporation in 1851 to 1858, after which several deputies were also appointed. A Republican common council created a department of eight officers in September 1870, but a Democratically controlled state legislature quickly established a board of police commissioners, and Portland had a new department in November 1870. This action institutionalized political control of the police well into the 20th century, using them primarily as protectors of the legal and illicit commercial interests of Portland's plutocracy. By the end of 1885, Portland was a corrupt city in every sense of the word (for more detail see: Tracy, 1979).

2. For a comprehensive review of the historical study of crime see: Hindus, 1979:217-41; and Inciardi, 1977.

3. Charles A. Ellwood examined prisoner statistics and concluded that crime decreased rapidly from 1880 to 1895, and decreased slightly thereafter (Ellwood, 1910:378-85); Harold A. Phelps examined records of the Superior Court of Providence and Bristol Counties, New Jersey, for 1897-1927 and found that sex crimes, violent crimes and property crimes decreased, using three-year moving averages (Phelps, 1928:165-80); Sam Bass Warner examined court prosecutions in Boston for 1880 to 1932 and found that crimes of violence decreased from 1883 to 1900 (Warner, 1934); and A.H. Hobbs compared Philadelphia court records for 1790-1810 with similar data for 1937 and concluded crime had not increased (Hobbs, 1943:198-202).

4. Elvin H. Powell found that during the last half of the 19th century serious crime decreased, all crime increased, and minor crimes increased based on arrest data in Buffalo, New York, for 1854-1956 (Powell, 1966:161-71); Theodore N. Ferdinand found serious crime decreased, based on Boston arrest data for 1849-1951 (Ferdinand, 1967:84-99); Roger Lane summarized arrests for 1856 and 1884-1885 in Boston (Lane, 1967:230-35), and also found for the period 1834-1901 that all serious crime decreased and all crime increased in Boston as a result of an increase in minor crime, based on court records of prosecution and prison commitments (Lane, 1968:156-63); Michael J. Feldberg reported the occupations and nativity of rioters in Philadelphia for May to July, 1844 (Feldberg, 1970). Theodore N. Ferdinand found for 1853-1966 that serious crime decreased, vagrancy and sex crimes decreased, drunkenness remained stable, and simple assault and larceny decreased, based on Salem, Massachusetts, arrest data (Ferdinand, 1972:572-88); Edward M. Steel compared court indictments in Ohio County, Virginia, for 1801-1810 and 1960-1969 and found total crime had increased, violent crime had decreased, and property crime had increased (Steel, 1972:154-59); David R. Johnson displayed spatial distribution of property and personal crime patterns in Philadelphia for 1840-1870, based on a sample of newspaper accounts (Johnson, 1973: 89-110); Eric H. Monkkonen found that overall crime remained fairly stable with a slight decrease after 1870, based on Franklin County, Ohio, court data and state court data for 1865-1875, and has placed 1860-1920 arrest data for a large number of American cities in the Criminal Justice Archive and Information Network of

the Inter-University Consortium for Political and Social Science Research, P.O. Box 1248, Ann Arbor, MI 48106 (Monkkonen, 1975); Sidney L. Harring and Lorraine McMullen presented arrest rates in Buffalo, New York, for 1873-1900 and found that all arrests increased and arrests for public order offenses and violent crimes increased (Harring, 1975:5-14); Charles A. Tracy analyzed a large number of arrests for specific crimes by arrestee characteristics by month for 1864 to 1885 in Portland, Oregon, and found that total crime increased, serious crime remained stable, and minor crime increased (Tracy, 1976a and 1976b); Douglas Greenberg found a rise in crime proportional to population increase in pre-19th century New York, based on court records (Greenberg, 1976); Sidney L. Harring found that serious crime declined and public order offenses remained fairly stable in Buffalo, New York, based on arrest data (Harring, 1976); Wilbur R. Miller reported petty larceny increased for 1851-1855 and 1858-1867, and assault and battery decreased during the same time periods, based on New York arrest and court data (Miller, 1977); Paul Takagi and Tony Platt presented prisoner data in California for 1854-1900 (Takagi and Platt, 1978:2-25); and finally Eric H. Monkkonen found that total arrests increased and drunkenness or related arrests increased in San Francisco, 1863-1917 (Monkkonen, 1979: 335-43).

5. Two other studies are worth noting even though they analyzed early and mid-20th century statistics. Walter Beach examined Chinese arrests and prisoner data in California for 1900-1927, and found Chinese arrests accounted for 3.5% of the total number of arrests and only 1.44% of these were for serious crimes (Beach, 1932:93 cited in Kung, 1962:45-46). Shien-woo Kung analyzed UCR data for 1934-1960 and found 12.5% of the total Chinese arrests were for Part I crimes—35% personal and 65% property; 33% of Part II arrests were for narcotic offenses and 23% were for gambling (Kung:47-49).

6. For details regarding coding procedures and a complete analysis of the data see: Tracy, 1976a.

7. A typical broadside issued in Hong Kong in 1862 to recruit miners in Oregon stated:

To the countrymen of Ah Chan. There are laborers wanted in the land of Oregon, in the United States of America. They will supply good houses and plenty of food. They will pay \$24 a month and treat you considerably when you arrive. There is no fear of slavery. All is nice. The money required for the voyage is \$58. Persons having property can have it sold, or borrow money of me upon security . . . Signed, Ah Chan (Steiner, 1979:113-14).

Steiner presents evidence indicating that these early Chinese came as true immigrants who paid their own way rather than as coolies and contract laborers, as so many historians believed.

8. There were only a very small number of Japanese in the Portland area during the study period. The 1890 census counted 25 in Oregon, 20 of whom lived in Multnomah County (U.S. Census Office, 1894:606, cited by Yasui, 1975:229).

9. On December 22, 1872, a fire destroyed several blocks in Chinatown; on August 3, 1873, a fire started in a Chinese laundry and destroyed 20 blocks, 10 of which were occupied by Chinese businesses; and a later fire on January 4, 1875, consumed a number of Chinese-occupied buildings on the west side of Second, between Alder and Morrison. There was well-founded fear that the carelessness with which the Chinese tended their fires created a constant danger to Portland's wood-framed business district. This concern—compounded by perennial complaints of obnoxious smells, immoral behavior, and foreign practices—convinced many persons that the Chinese should be banished to the outskirts of Portland. This could have been accomplished if the power elite had supported this position, for as early as September 1865, the common council unsuccessfully attempted to pass ordinances that would empower them to prohibit

the Chinese from using any building for habitation without their permission (Portland Council Proceedings, III, September 15, 1865:160 and September 27, 1865:168).

10. For an excellent description of the events related to the emergence of San Francisco's Chinatown, see: Barth, 1964:Chapter VI.

11. Family associations, or clans, have their origins in the lineage communities of China, with male members bound together by ties of blood-loyalty based on descent from common ancestors. The major families in Portland's Chinatown are the Chins, Wongs, Lees, Chungs, Louies and Fongs. District associations were composed of people who spoke a common dialect or who came from the same district in China. Most of Portland's early Chinese spoke Cantonese and came from a single district, resulting in less diversified district associations than the complex situation found in San Francisco (Ho:22).

12. Portland's highbinder societies were disbanded on December 2, 1888, with the support of Chinese merchants after open warfare in Chinatown. They began to reorganize in May 1890, when many Chinese came to Portland from Los Angeles and San Francisco because of police suppression of gambling and prostitution. Those who opposed their operations were convicted in municipal and state courts on false charges supported by perjured testimony. Portland's Tong Wars were frequent throughout the early part of the 20th century, until a Tong Truce Agreement was reached on April 26, 1917. The term "highbinder" seems to have originated during the early 1800's in New York City, where it was used to describe Irish toughs.

13. This act was apparently based on a similar one enacted by California on March 30, 1853, that required a payment of four dollars per month (Wu, 1972:20-25).

14. The ratio of Chinese males to Chinese females was probably around 90 to one throughout Oregon during most of the 19th century (Corbett:77, 84), however, Portland's census of 1862 counted 36 Chinese males and 17 Chinese females (*The Oregonian*, October 25, 1862).

15. A similar act, entitled: "An Act to Protect Free White Labor Against Competition with Chinese Coolie Labor, and to Discourage the Immigration of the Chinese into the State of California," was approved by California on April 26, 1862 (Wu:26-32). These taxes were commonly referred to as "poll-taxes," a term that may have been derived from California's official title for the tax—"Chinese Police Tax."

16. On June 9, 1863, Ordinance No. 141 was passed, imposing taxes on various trades and occupations (Portland Ordinances, I:207-16). An ordinance specifically related to Chinese washrooms was passed by the common council on September 15, 1865, but was successfully vetoed on September 22, 1865 (Portland Council Proceedings, III: 160, 163).

17. Lappeus was a major Portland police personality from 1859, when he was first elected as city marshal, to 1883, when he was removed as chief for the second time because of questionable conduct. He was the owner of a prosperous saloon and active in the Democratic Party.

18. Absalom B. Hallock was a professional architect who was active in city politics as a Democrat. He was a dogmatic police commissioner and instituted many effective and efficient practices and procedures for the operation of the police department.

19. Besser was a minor figure in the Republican Party who served on the common council for nine consecutive terms prior to his appointment as chief. He apparently fell from favor after being discharged from office by a Democratically controlled board of police commissioners, and returned to private land speculation.

20. Watkins was an active Democrat who was appointed as a quasi-reform chief on July 18, 1883. He moved quickly to arrest large numbers of Chinese and Caucasians for gambling, opium offenses and prostitution during the first several months of his tenure. But after this initial burst of activity, the police settled down to business as usual. Watkins had received political appointments as superintendent of the state penitentiary in 1870 and 1874. He was a harness dealer by trade.

21. The Oregon state legislature passed a law in 1868 that would tax and regulate the Chinese, as well as prohibit their employment on public works. It was vetoed by Governor Wood on October 29, 1868, on the grounds that it violated certain sections of the state constitution and the July, 1868 treaty with China that provided for unrestricted immigration of Chinese to work on railroads. On May 1, 1879, President Hayes vetoed a federal bill that would have restricted Chinese immigration because it also violated the Burlingame Treaty of 1868. California, however, quickly adopted a provision to its constitution on May 1, 1879, that prohibited the employment of Chinese on public works. This action, later ruled unconstitutional by the California Supreme Court, was a response to growing anti-Chinese sentiment that in part was responsible for such violent acts as the massacre of 19 Chinese in Los Angeles on October 24, 1871 (Wu:148-52). This feeling was caused by high unemployment from the depression of 1873 and the fear that scarce jobs would be taken by Chinese immigrants. The movement was led by Dennis Kearney, leader of the California-based Workingman's Party that served as a vehicle for militant anti-Chinese agitation.

The movement soon became a national issue, resulting in the Chinese Exclusion Act, passed on May 6, 1882, by Congress over President Arthur's veto. It suspended for 10 years all immigration of Chinese laborers and denied citizenship to all foreign-born Chinese. The conventional explanation for this drastic measure is the so-called "California Thesis," i.e., the inability of California politicians to control the immigration of cheap Chinese laborers with constitutional state statutes forced the national political parties, evenly divided in the 1876 and 1880 elections, and faced with a general depression and severe labor unrest, to make concessions to this peculiar West Coast prejudice. Several alternate views have been presented to this thesis. Stuart Miller believes national and historical forces were behind the 1882 policy of exclusion—(1) fear that China's huge population would flood the nation with immigrants, (2) fear that Chinese sojourners offered a serious threat to the nation's health, and (3) a historical negative image of the Chinese that preceded them to the U.S. (Miller, 1969:4, 191-201). Alexander Saxton advances the theory that problems resulting from a free labor force being pressed into competition with indentured labor created a national organizing tool for labor, as well as a significant national political issue between the Republican and Democratic parties (Saxton, 1971). Regardless of the reasons for the exclusionary policy of 1882, it was to remain permanent until 1904, and was not repealed until December 17, 1943.

22. Ben Holladay arrived in Oregon in 1868 with a small fortune acquired from the sale of a prosperous stage coach business. He quickly secured controlling interest in the major railroad enterprises and advanced his commercial schemes by purchasing the services of many politicians. Holladay was severely criticized by many Portland residents for importing Chinese laborers to work on his many projects.

23. San Francisco Ordinance No. 939 was passed on July 29, 1870, and permitted a 500 cubic feet minimum.

24. 1878 is cited as the year of origination for the legal control of the use of opiates (by the Chinese), using a San Francisco municipal ordinance as an example (Takagi and Platt:11). Portland's ordinance may change this belief.

25. The principal game was fan tan, in which a banker divided a pile of objects into fours and players bet on what number would be left

at the end of the count. The lotteries were played with tickets containing 80 Chinese characters arranged in two sections of 40 each. The player crossed out 10 of the characters. Drawings were held in secret and the winners announced twice daily. The Chinese lotteries were apparently the forerunner of keno, a game popular in Nevada's gambling casinos (Weiss:52).

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