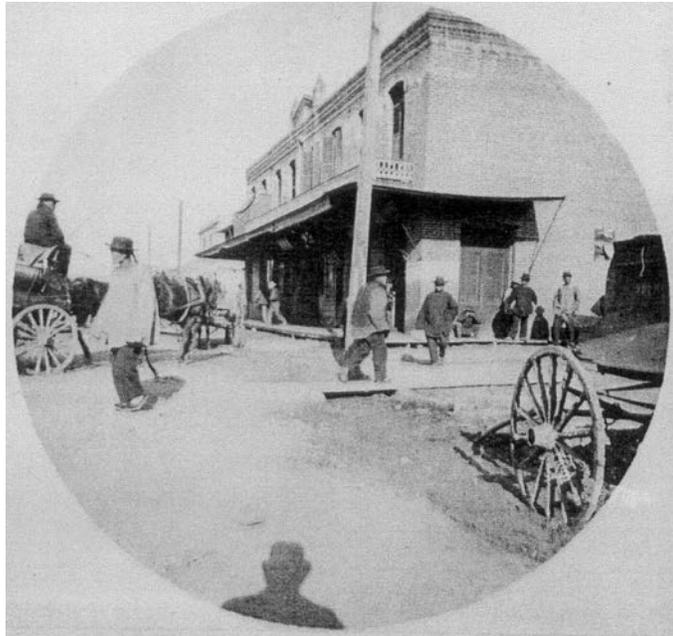


**Legal Dimensions of the Chinese Experience
in Los Angeles,
1860-1880**



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Senior Thesis in American History
California Institute of Technology
June 2000**

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Legal Dimensions of the Chinese Experience in Los Angeles, 1860-1880

On October 24, 1871, a massacre of eighteen Chinese in Los Angeles brought the small southern California settlement into the national spotlight.¹ Within a few days, news of this “night of horrors” was reported in newspapers across the country.² This massacre has been cited in Asian American narratives as the first documented outbreak of ethnic violence against a Chinese community in the United States.³ This is ironic because Los Angeles’ small population has generally placed it on the periphery in historical studies of the California anti-Chinese movement. Because the massacre predated Los Angeles’ organized Chinese exclusion movements of the late 1870s, it has often been erroneously dismissed as an aberration in the history of the city.

The violence of 1871 was an outburst highlighting existing community tensions that would become part of public debate by decade’s close. The purpose of this study is to insert the massacre into a broader context of anti-Chinese sentiments, legal discrimination, and dehumanization in nineteenth century Los Angeles. While a second incident of widespread anti-Chinese violence never occurred, brutal attacks directed at Chinese small businessmen and others highlighted continued community conflict.⁴ Similarly, economic rivalries and concerns over Chinese prostitution that underlay the 1871 massacre were manifest in later campaigns of economic discrimination and vice suppression that sought to minimize Chinese influence within municipal limits. An analysis of the massacre in terms of anti-Chinese legal, social and economic strategies in nineteenth-century Los Angeles will elucidate these important continuities.

¹ De Falla, “Lantern in the Western Sky,” 88. In this study, the terms “Chinese” and “Chinese American” are used interchangeably to refer to residents of Chinese extraction living in California.

² Los Angeles *Star*, 10/26/1871. De Falla, “Lantern in the Western Sky,” 58.

³ Chan, *Asian Americans*, 48. Daniels, *Asian America*, 59.

⁴ Raymond Lou has discovered that there is no positive correlation between the growth of the Chinese population and assaults by Anglos between 1870 and 1900, and thus at least that aspect of the anti-Chinese movement was an outgrowth of cyclical community tensions. Lou, *The Chinese American Community*, 98-100.

Chinese Community Development in California

Driven by political and economic uncertainties in China and rumors of gold and opportunity in California, the first Chinese arrived in America in 1849. Rotating credit systems, indentured servitude through the “credit ticket” system or family resources funded the immigrants’ expenses.⁵ Recognized as adept and economical workers, the Chinese were initially welcomed in northern California, but almost immediately those hospitable sentiments faded. Large numbers of Chinese competing in the declining placer mining industry threatened Anglo miners and made the Chinese a target of hostility and harassment. The California Legislature implemented the Foreign Miner’s Tax in 1850, which assessed \$20 per month from miners ineligible for United States citizenship. Although initially directed towards Latin American miners, selective application meant that Chinese Americans rapidly became the primary victims of the assessment.⁶

Chinese immigrants were early and active participants in numerous occupational sectors. Many entrepreneurs settled in San Francisco and outlying communities as merchants and labor contractors. As San Francisco’s economy became increasingly industrial, Chinese were employed in cigar and shoe manufacturing concerns. Discrimination and an unbalanced gender ratio forced Chinese into an occupational niche of traditional feminine jobs: they opened laundries and restaurants and worked as domestic servants in numerous western communities.⁷ In the late 1860s, Chinese were hired in vast numbers by the Central Pacific Railroad as an inexpensive workforce integral to the swift progress of the transcontinental line. Following the completion of the railroad in May 1869, many newly unemployed Chinese turned to agriculture, becoming field workers in ethnic labor crews or leasing land as tenant farmers.⁸

⁵ Chan, *Asian Americans*, 5-8. Daniels, *Asian America*, 9-12, 13-15.

⁶ Chan, *Asian Americans*, 46. Daniels, *Asian America*, 19, 33. Saxton, *The Indispensable Enemy*, 52. Takaki, *Strangers from a Different Shore*, 82.

⁷ Chan, *Asian Americans*, 33-34. Daniels, *Asian America*, 21.

⁸ Chan, *Asian Americans*, 32-34. Daniels, *Asian America*, 19.

Following patterns of European immigrants in northeastern urban centers, Chinese clustered in a small, dilapidated locale in downtown San Francisco that soon was labeled “Chinatown.”⁹ Merchants emerged as leaders of the fledgling community and eventually Chinatown was ruled by an organization popularly known as the “Chinese Six Companies.” The Six Companies was an umbrella organization of the clan and district associations with which individual Chinese were primarily associated. Besides functioning as a traditional immigrant mutual protection agency, the Six Companies also served as an “organ of social and economic control.”¹⁰ Chinese tongs, the rivals of the Six Companies, were secret societies formed primarily to offer their members protection. Tongs controlled underground industries including gambling, prostitution and the opium trade.¹¹

Unlike their European counterparts that brought families and planned on settlement in the United States, Chinese immigrants were primarily young male “sojourners” and constituted a bachelor society. Patriarchal Chinese cultural values that confined women to the domestic sphere, financial considerations and American anti-Chinese legislation severely curtailed women’s immigration to California.¹² Beginning with the passage of an 1870 law forbidding the importation of “Mongolian, Chinese, and Japanese females for criminal or demoralizing purposes,” Chinese women were targeted with immigration restrictions. Other statutes were enforced with a primary emphasis on restricting female immigrants. Immigration officials applied the 1875 Page Law, which forbade the entry of Chinese contract laborers, felons and prostitutes, with the assumption that the majority of Chinese women were seeking entry for purposes of prostitution.¹³

⁹ Daniels, *Asian America*, 18-19.

¹⁰ Daniels, *Asian America*, 24. The proper name for the Chinese Six Companies was the Chinese Consolidated Benevolent Association. Clan and district associations were outgrowths of community organization found in villages and districts of rural China, from which most immigrants originated.

¹¹ Daniels, *Asian America*, 25-26, 118-119. In China, tongs were originally anti-government movements in the Guangdong province that had political and criminal function. Because of Chinese exclusion from political life in the United States, criminal tongs were the most prominent and the political aspects were seldom expressed. Daniels points out that eventually members of tongs and the Six Companies gained respectability in each other’s organizations.

¹² Yung, *Unbound Feet*, 18-22.

¹³ Chan, *Asian Americans*, 45.

A multi-pronged anti-Chinese movement developed alongside the Chinese American community. Sucheng Chan has characterized anti-Chinese activity into seven categories: “prejudice, economic discrimination, political disenfranchisement, physical violence, immigration exclusion, social segregation, and incarceration.”¹⁴ Wanton violence perpetrated against Chinese dates from the 1850s, when attacks and robberies of Chinese miners were commonplace.¹⁵ These attacks have been linked to the 1850 Criminal Proceedings Act that disallowed court testimony by racial minorities. In 1863, the law was amended to include African Americans while disallowing Chinese testimony. Ultimately the passage of the Federal Civil Rights Bill of 1870 made this law a dead letter, and Chinese testimony was admitted beginning in 1873.¹⁶ Subsequent violent outbreaks by laboring interests against Chinese communities were recorded in Chico, California in 1877 and Rock Springs, Wyoming Territory in 1885. In the 1880s, expulsions also plagued California Chinese communities in Pasadena and Humbolt County, as well as in Seattle and many other locales.¹⁷

Several types of discriminatory laws targeted Chinese Americans. San Francisco, for instance, implemented several rounds of anti-Chinese ordinances. An 1870 law levied a \$2 monthly tax on laundries using a one horse delivery wagon, \$4 on those using two horses, and \$15 on those using no horses, as the Chinese did. Between 1873 and 1884, fourteen separate ordinances were passed by the Board of Supervisors as attempts to curb Chinese laundries. Other ordinances harassed

¹⁴ Chan, *Asian Americans*, 45.

¹⁵ Chan, *Asian Americans*, 46, 48. Daniels, *Asian America*, 33-34. Many of these attacks were related to the enforcement of the onerous Foreign Miners’ Tax of 1850. Since the collectors received a percentage of the taxes they obtained, extortion of Chinese became commonplace. Recognizing that Chinese had no legal protection, Anglo miners often showed little restraint in driving Chinese off their claims. In 1862, the California State Legislature received a list of 88 Chinese that were murdered by Anglos, eleven of which were killed by collectors of the Foreign Miners’ Tax. For a discussion and illustration of the routinely brutal treatment of Chinese as part of the implementation of the Foreign Miner’s Tax, see William Deverell, Foreword to Saxton’s *The Indispensable Enemy*.

¹⁶ Daniels, *Asian America*, 34. De Falla, “Lantern in the Western Sky,” 182. In 1872, California State lawmakers were reviewing Section 14 of Act Concerning Crimes and Punishments that prevented Chinese from testifying in court. On 1/1/1873 when law went into effect, the prohibition of Chinese testimony was simply left out and none of the politicians were politically condemned as being pro-Chinese. Chan, *Asian Americans*, 48. In San Francisco, evidence offered by Chinese witnesses was virtually never accepted except in cases involving other Chinese. This was not observed in Los Angeles in the late 1870s.

¹⁷ Chan, *Asian Americans*, 49-51. The expulsions in Pasadena, Humbolt County and Seattle, Washington Territory all occurred in 1885. Lou, *The Chinese American Community*, 103.

the Chinese community, including the Cubic Air Ordinance that required 500 cubic feet of air for each lodger in a boardinghouse and a queue ordinance that ordered all inmates in the San Francisco city jail to have their hair cut within one inch of the scalp.¹⁸

The first attempt at Asian exclusion was an 1855 capitation tax, which assessed a \$50 fee “on the immigration to this state of all persons who cannot become citizens thereof.” An 1862 “police tax” assessed a \$2.50 monthly tax on all Chinese for the purposes of protecting white labor from “coolie” competition. Two acts were passed in 1870 against the importation of “coolie labor” and Asian women “for demoralizing purposes.” Although the courts declared all of these laws unconstitutional, they illustrate early exclusionist sentiments against Chinese Americans.¹⁹ Two subsequent laws were more devastating to Chinese immigration rights: the Page Law of 1875 and Chinese Exclusion Act in 1882. Unlike the Page Law that was only effective in reducing the admission of Chinese women, the 1882 Act largely closed the door on all Chinese immigrants. It suspended the admission of Chinese laborers for ten years but allowed for certain loopholes, including an exemption for Chinese merchants, students, and travelers. Chinese immigration was further tightened with renewal of the Exclusion Act in 1892 and 1888 passage of the Scott Act that forbade reentry of Chinese residents once they left the United States.²⁰

Immigration restrictions were a very visible part of the Chinese exclusion movement, yet equally important were regional attempts at political disenfranchisement and social segregation. In withholding naturalization from first-generation immigrants, the Chinese were denied the privileges of citizenship. Although it seems that some early Chinese were naturalized in local courts, the U.S. Circuit court ruling *In re Ah Yup* (1878) explicitly made Chinese ineligible for citizenship.²¹

¹⁸ Chan, *Asian Americans*, 46. Daniels, *Asian America*, 39. This discriminatory law was especially annoying to Chinese Americans because it was only enforced in Chinatown, where Chinese tenants, rather than their white landlords, were arrested.

¹⁹ Chan, *Asian Americans*, 54. Daniels, *Asian America*, 35-36.

²⁰ Chan, *Asian Americans*, 54-55. Daniels, *Asian America*, 56-57.

²¹ Chan, *Asian Americans*, 47.

Chinese prostitutes, long the target of immigration exclusion, became the first targets of social segregation. In 1854, the San Francisco Court of Sessions convicted several Chinese madams for keeping “houses” and gave them a choice between a \$1000 fine or removing themselves outside “certain limits” proscribed by the court. Through the 1860s, police officers and public health officials urged, largely unsuccessfully, that Chinese prostitutes relocate to a “more secluded locality.”²² Segregationists had more success in the public school system. Chinese students were given a separate “evening” school in 1859, which was ultimately terminated by the superintendent in 1871.²³ Attempts to segregate entire Chinese American communities were also undertaken. Plague quarantines gave San Francisco health officials the opportunity to isolate Chinatown from the rest of the city. In 1879, the U.S. Circuit overturned a law passed by the California Legislature that obligated incorporated municipalities to remove Chinese from their territorial limits.²⁴

Anglo society expressed discriminatory ideas about Asians in many ways. Statewide violence, immigration restrictions, cultural repression and legal harassment created a hostile environment for Chinese Americans. Localized efforts at segregation, economic exclusion and enforcement of health statutes were equally damaging tactics. Although anti-Chinese sentiments did not spread uniformly across the state, the treatment of Chinese Americans in northern California was a prominent example that Angelenos variously emulated or publicly condemned.

The Chinese American Community in Los Angeles

In the late nineteenth century, San Francisco served as a port of entry and home to a significant percentage of the Chinese in the United States. The Bay City was significantly more populous than the southern California settlement of Los Angeles.

²² Chan, *Asian Americans*, 56.

²³ Chan, *Asian Americans*, 57.

²⁴ Chan, *Asian Americans*, 56-57.

Table 1: Chinese Population in the United States, 1870-1900. ²⁵

Year	Los Angeles	San Francisco	California	United States
1870	234		49,277	63,199
1880	1,169	21,475	75,132	105,465
1890	4,424	25,833	72,472	107,488
1900	3,209	13,954	45,753	89,863

In 1862, when the first anti-coolie clubs were being organized in San Francisco, Chinese were relatively recent and unobtrusive Los Angeles residents.²⁶ The 1850 Census records only two Chinese employed as servants of Angeleno Robert Haley.²⁷ Harris Newmark described the development of a fledgling community by 1860, when Chinese opened small businesses and worked as servants and agricultural laborers.²⁸ From the census figures given in the following table, the Chinese community only emerged as an appreciable minority in Los Angeles after 1870.

Table 2: Chinese and Total Population in Los Angeles, 1850-1900. ²⁹

Year	Total Population	Rate of Increase	Chinese Population	Rate of Increase
1850	3,530		2	
1860	11,348	221%	15	550%
1870	15,309	35%	234	2027%
1880	33,381	118%	1,169	400%
1890	101,454	204%	4,424	278%
1900	170,298	68%	3,209	-27%

²⁵ Daniels, *Asian America*, 73, 90. Through 1900, the majority of Chinese Americans that did not settle in California lived elsewhere in the west, notably Washington, Oregon, Nevada and Arizona. Of the Chinese in California that did not settle in San Francisco, the majority settled in other northern California communities and counties. In 1890, several northern California cities had greater Chinese populations than Los Angeles: Oakland, Sacramento, Stockton and San Jose. See Daniels, *Asian America*, 71.

²⁶ Daniels, *Asian America*, 36.

²⁷ Lou, *The Chinese American Community*, 20. Harris Newmark recorded that the first Chinese was brought to Los Angeles as a servant in 1854. Newmark, *Sixty Years in Southern California*, 123.

²⁸ Newmark, *Sixty Years in Southern California*, 278.

²⁹ Lou, *The Chinese American Community*, 16.

Table 3: Chinese Population Compared to Total Population, City and County of Los Angeles, 1850-1900.³⁰

Year	City Population	Percent of Total	County Population	Percent of Total
1850	2		2	
1860	14	0.3%	15	
1870	172	3.0%	234	1.5%
1880	605	5.4%	1,169	3.5%
1890	1,871	3.7%	4,424	4.4%
1900	2,111	2.1%	3,209	1.9%

Raymond Lou’s sensitive portrayal of the Los Angeles Chinese provides us with a unique and comprehensive study of this small community. The years between 1860 and 1870 marked a period of initial settlement, as small groups of Chinese emigrated from the north with friends and kin.³¹ Lou argues that the rapid community development demonstrated “the extent to which Chinese residents of Los Angeles were excluded from participating in the dominant society. Prevented from expressing themselves as normal humans... the Chinese developed their own outlets for human interaction.”³² Like other settlers, Chinese were not attracted to Los Angeles in large quantities in the 1850s and through much of the 1860s because of limited economic opportunities. Unlike northern California and San Francisco, its urban hub, Los Angeles did not boast extensive mineral wealth or emerging industries. The principal attraction of southern California was agricultural: the region boasted a mild climate and cheap land as a consequence of the division of the Mexican ranchos.³³

Ironically, agriculture was a minor interest of the earliest Chinese settlers. Of the 29 identified Chinese living in Los Angeles in 1860, the majority were employed in the city’s five or six Chinese laundries, with the balance employed as cooks or domestic servants.³⁴ Entrepreneurs were also a part of the small community. In March 1860, several Chinese formed a company to compete in

³⁰ Lou, *The Chinese American Community*, 18. City population also cited in Greenwood, *Down by the Station*, 9.

³¹ Lou, *The Chinese American Community*, 22.

³² Lou, *The Chinese American Community*, 33.

³³ Lou, *The Chinese American Community*, 15.

the local fishing trade. The next year Chun Chick established the first Chinese store on Spring Street opposite the court house, announcing himself as “a Chinese merchant to the public.” Patronized by Anglos and Chinese alike, Chick carried preserves and other items that had previously been unavailable in Los Angeles.³⁵

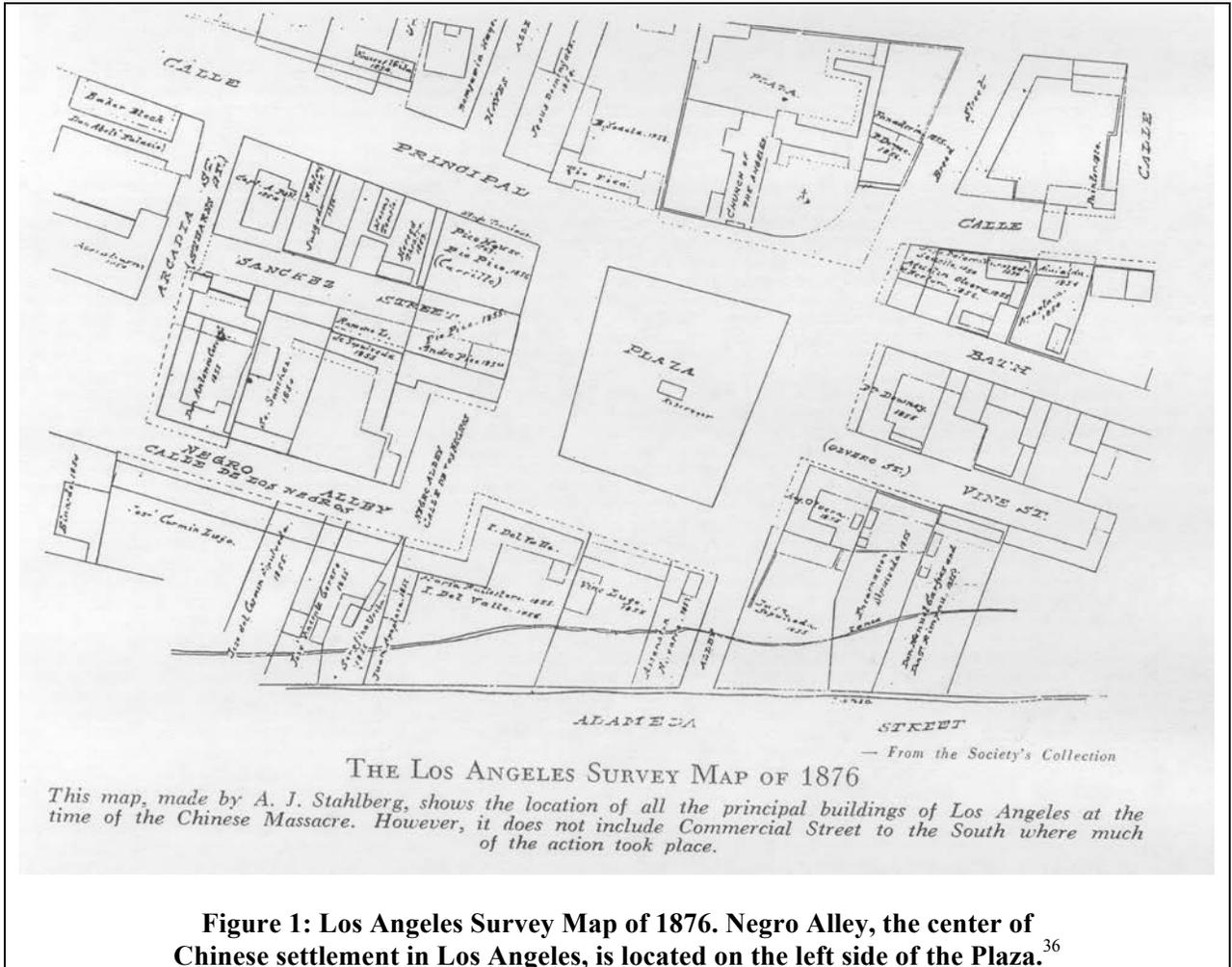


Figure 1: Los Angeles Survey Map of 1876. Negro Alley, the center of Chinese settlement in Los Angeles, is located on the left side of the Plaza.³⁶

With the decline of the mother lode, the completion of the transcontinental railroad and the beginnings of southern California railroad construction, Chinese moved to Los Angeles in increasing numbers. In 1870 Chinese Americans comprised 3% of the city population, with nearly half settling in “Negro Alley,” located next to the downtown Plaza. Negro Alley was a notoriously rough

³⁴ Lou, *The Chinese American Community*, 20.

³⁵ Lou, *The Chinese American Community*, 20. Newmark, *Sixty Years in Southern California*, 297-298.

³⁶ De Falla, “Lantern in the Western Sky,” 69.

neighborhood with a high concentration of saloons, houses of ill fame and gambling parlors.³⁷ Harris Newmark described the street as “as tough a neighborhood, in fact, as could be found anywhere, and a large proportion of the twenty or thirty murders a month were committed there.”³⁸ Nonetheless, there existed a great deal of interaction between Chinese and non-Asians in Negro Alley. According to Lou, area businesses, particularly local merchants and gambling parlors, accepted Chinese patrons without reservation.³⁹

Racial discrimination and fears that Chinese would lower property values sequestered the Chinese in this small ethnic community. By the 1880s, a rapidly growing population compelled modest community expansion eastward toward the oft-flooded Los Angeles River and southward from Negro Alley.⁴⁰ This expansion highlights community segregation: the Chinese Americans were only allowed to settle in questionable areas away from Anglo settlements on the other side of the Plaza. As the population expansion outpaced permitted geographic growth, Chinatown became increasingly crowded.⁴¹

The 1871 Los Angeles Massacre provides a valuable glimpse into the Chinese community at this critical time of development. Laundrymen, cooks, domestics and common laborers comprised 79% of the Los Angeles Chinese population in the 1870 census.⁴² Yet, the presence of at least two satellites of rival San Francisco community organizations demonstrates the extent to which local Chinese were under-enumerated by Census takers.⁴³ Lou postulates that the membership fees alone would have been insufficient to support the associations and hint at a number of Chinese employed in

³⁷ Lou, *The Chinese American Community*, 22. Newmark, *Sixty Years in Southern California*, 31. Negro Alley, popularly referred to as ‘Nigger Alley’ or in Spanish, *Calle de los Negros*, was a small lane near the plaza that was the location of the first Los Angeles Chinatown.

³⁸ Newmark, *Sixty Years in Southern California*, 31.

³⁹ Lou, *The Chinese American Community*, 24.

⁴⁰ The creation of new streets and extension of existing avenues came as a result of these population pressures. Sanchez Street was cut through between Los Angeles and Main Streets, Ferguson Alley connected Los Angeles and Alameda. “By the 1880s... the area from Alameda to Sanchez [Street], north to Marchessault, and extending to the east side of Alameda, was depicted as Chinese.” Greenwood, *Down by the Station*, 10.

⁴¹ Lou, *The Chinese American Community*, 38-39.

⁴² Lou, *The Chinese American Community*, 23.

⁴³ *Los Angeles Star*, “The Night of Horrors!” 10/26/1871. The obituaries of the murdered Chinese mention several companies, including the Nin Yung, Chin Wa, Hap Waa, and Sam Yep.

underground or Chinese-patronized businesses, notably brothels and gambling parlors that the associations used for financial support.⁴⁴

Table 4: Chinese Occupational Trends in Los Angeles, 1870-1900.⁴⁵

Occupation	1870		1880			1900		
	absolute	% total	absolute	% change	% total	absolute	% change	% total
Agriculture	27	11.5%	348	1289%	32.4%	1307	375%	43.6%
Business*	n/a	n/a	50	n/a	4.7%	285	470%	9.5%
Professional	2	0.8%	8	300%	0.8%	47	425%	1.6%
Laundry	49	20.8%	152	210%	14.2%	575	278%	19.2%
Domestic	52	22.1%	237	356%	22.1%	358	51%	11.9%
Labor	68	28.8%	195	1502%	18.2%	132	-54%	4.4%

* includes all retail services and manufacturers.

The Chinese Massacre of 1871

The Los Angeles Massacre occurred on the night of October 24, 1871, when at least eighteen Chinese were brutally beaten, shot and hanged by a lynch mob that had taken control of the city.⁴⁶

The trigger of the violence was a dispute between two Chinese tongs, the Hong Chow Company and the Nin Yung Company, over the possession of a prostitute named Ya Hit. Each company had a principal leader with impressive community influence.⁴⁷ Yo Hing, a cigar manufacturer, was the leader of the Hong Chow and Sam Yuen, a merchant of the Wing Chung Company, was the leader of the Nin Yung.⁴⁸

The dispute over Ya Hit had a long history. In December 1870, she was apprehended by Santa Barbara police officers in Los Angeles on a trumped-up charge. A local newspaper noted: “The woman arrested in this City on Thursday has been several times arrested in a similar manner, and her

⁴⁴ Lou, *The Chinese American Community*, 24-25.

⁴⁵ Lou, *The Chinese American Community*, 49.

⁴⁶ The *Star* listed eighteen deceased by name in the aftermath of the riot, although their initial prediction was twenty-one dead with one other Chinese death due to gunshot wounds the following day. Los Angeles *Star*, 10/25/1871, 10/26/1871. Bell writes that twenty-one Chinese were hanged and an unknown number shot because the corpses and wounded were concealed by their countrymen. Bell, *On The Old West Coast*, 176.

⁴⁷ Lou, *The Chinese American Community*, 27. Lou has characterized Yo Hing and Sam Yuen “as heads of major social/political organizations enjoyed executive powers that exceeded Anglo standards of petit bourgeois. Both men made decisions that influenced the fundamental character of social interaction among a substantial portion of the community.”

⁴⁸ De Falla, “Lantern in the Western Sky,” 66.

possession as often [sic] changed hands from one Company to that of another – through the instrumentality of law.”⁴⁹ A few days before the riot, the Los Angeles *Daily News* contained a derogatory report about City Court Justice Trafford marrying Ya Hit to a Hong Chow member.⁵⁰ The introduction of a western-style marriage added confusion to the patterns of Chinese prostitute ownership and was the Hong Chow Company’s innovative tactic to acquire legal possession of the contested woman. The day before the riot, a small gunfight occurred in Negro Alley between members of the rival companies in which no one was hurt or arrested.⁵¹

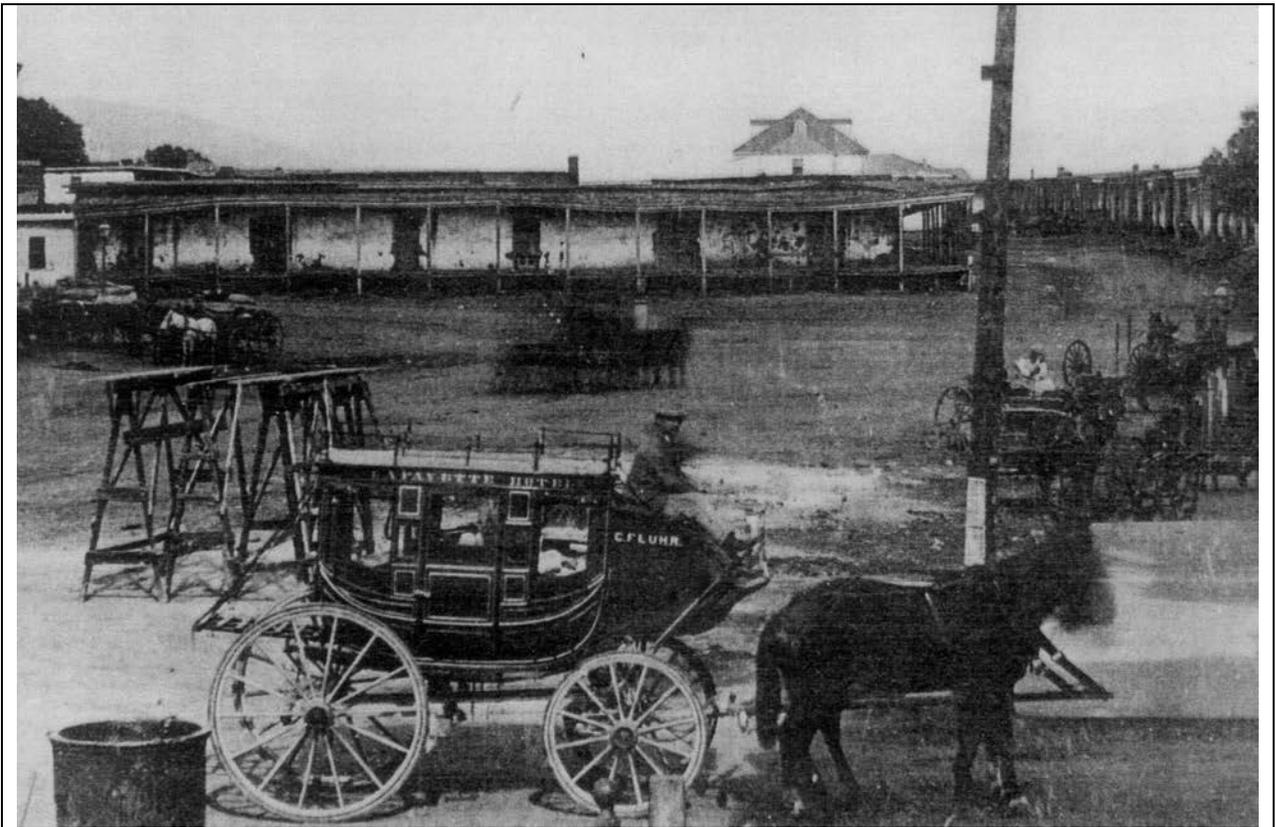


Figure 2: Los Angeles Plaza Area, ca. 1875. The single story adobes of the Coronel Block are in the background and Negro Alley is on the right-hand side.⁵²

⁴⁹ Los Angeles *Daily News*, 12/24/1870, cited in De Falla, “Lantern in the Western Sky,” 67. In Widney, “The Great Chinese Massacre,” he records that a warrant was sworn out for her arrest on the charge of stealing jewelry, and she was arrested and returned to Los Angeles.

⁵⁰ Los Angeles *Daily News*, 10/20/1871, cited in De Falla, “Lantern in the Western Sky,” 66.

⁵¹ Los Angeles *Daily News*, 12/24/1870, cited by De Falla, “Lantern in the Western Sky,” 67.

⁵² Huntington Photographic Collection, Album 58, Photo 394. “Stagecoach from Lafayette Hotel ca. 1875.” Los Angeles Plaza Area.

Another altercation occurred on the morning of the riot, during which Ah Choy of the Nin Yung Company was arrested. Sam Yuen swore out Ah Choy's bail in the city court, but the skepticism of the court required that attorney A. J. King and Sheriff Emil Harris accompany Yuen to his store to witness the \$6000 in gold he pledged.⁵³ Later that afternoon, more gunfire broke out in Negro Alley. Policeman Jesus Bilderrain, overhearing the shots, arrived on the scene to find a small street fight in progress between the rival tongs.⁵⁴ Ah Choy had been mortally shot in the neck, and upon observing Bilderrain, both groups of Chinese fled into the nearby Coronel Block, a Negro Alley structure housing numerous Chinese businesses and apartments. Bilderrain instructed Adolph Celis, a witness at the scene, to help him catch any of the fleeing Chinese. At that point, Sam Yuen and another Chinese emerged from one of the Coronel Block houses and called to Bilderrain, "Over here!" Bilderrain charged at Yuen, and the two Chinese opened fire on the officer and Celis. In pursuit, Bilderrain dashed into the Coronel Block house he had observed Yuen and his companion disappear into, and emerged on the porch with a bullet wound in his shoulder.⁵⁵

Around 5 P.M., Officer Estevan Sanchez and Robert Thompson, an ex-saloon keeper turned rancher, subsequently attempted to enter the Coronel Block and arrest the concealed Chinese. As Thompson approached the door, he was met by "a barrage of shots" and staggered back with a fatal bullet wound in his chest. Chief of Police Baker next appeared on the scene, ordering the Coronel Block surrounded so the culpable Chinese could not escape.⁵⁶ Before Baker conveniently disappeared, he disarmed a Chinese male named Wong Tuck who had attempted to flee the area. On Tuck's second escape at approximately 6 P.M., this time with an ax, the crowd apprehended him. Officers Harris and Richard Kerren attempted to take him to jail, but they were overpowered by the

⁵³ De Falla, "Lantern in the Western Sky," 68.

⁵⁴ The exact number of Chinese involved in the gunfight is not specified in accounts of the massacre, although it was described as "several." See De Falla, "Lantern in the Western Sky," 71.

⁵⁵ De Falla, "Lantern in the Western Sky," 71-72. Widney, "The Great Chinese Massacre," Widney describes the Coronel buildings as "an old adobe one story house, roofed with brea, and extending across the upper end of Los Angeles Street from where the Pico house now is, to Nigger Alley, a narrow extension of the easterly side of Los Angeles Street northward. An alley lay between where the Pico House is and the Coronel building, the plaza being on the north. The Coronel building was therefore bounded on all four sides by open thoroughfares. This building was wholly occupied by Chinese and really constituted their headquarters."

mob and Tuck was the first Chinese hung at the corner of Temple and New High Streets.⁵⁷ Unlike the subsequent victims who were placed in the city jail yard, Wong Tuck's body was discovered the next day in the city cemetery, where it had been dragged on the night of the massacre.⁵⁸

The standoff continued for several hours. Rumors spread rapidly through the city about the wounding of Bilderrain and the murder of Thompson. By 6 P.M., a large crowd had gathered outside the Coronel Block. City Councilman George Fall, president of the volunteer fire company, allowed the fire hose to be used on the Chinese in the building.⁵⁹ Between 6 and 9 P.M., Mr. King, a fiery-tongued orator and employee of Los Angeles' only railroad, presented an anti-Chinese speech to the crowd.⁶⁰ Finally, around 9 P.M., the impasse was broken with a maneuver instigated by Refugio Botello.⁶¹ Members of the crowd climbed onto the roof of the Coronel Block, chopped holes in the brea, and shot down upon the Chinese hiding inside. Charles Cox threw a burning fireball into the building, and was forced to retrieve it by Officer Harris. His ability to recover the incendiary device without provoking Chinese gunfire inspired other members of the mob to enter the Coronel Block. Inside, the mob found dozens of Chinese cowering in the interconnected apartments. These innocent victims were killed in their rooms or taken outside to be beaten and hanged.⁶²

⁵⁶ De Falla, "Lantern in the Western Sky," 72.

⁵⁷ De Falla, "Lantern in the Western Sky," 74, 76. *Los Angeles Star*, "The Chinese Outrage," 10/25/1871.

⁵⁸ De Falla, "Lantern in the Western Sky," 162. *Los Angeles Star*, "Mob Rule," 10/26/1871.

⁵⁹ De Falla, "Lantern in the Western Sky," 74, 168.

⁶⁰ De Falla, "Lantern in the Western Sky," 81.

⁶¹ The *Los Angeles Star* has a slightly earlier chronology, reporting that the Coronel building was finally stormed at approximately a quarter to 9 P.M. *Los Angeles Star*, "The Chinese Outrage," 10/25/1871.

⁶² De Falla, "Lantern in the Western Sky," 82-85. The busiest gallows, despite the owner's objections, were the posts in front of Goller's wagon shop, approximately one block from Negro Alley.



Figure 3: Lynching site at John Goller's Wagon Shop, ca. 1875.⁶³

By 11 P.M. the riot was over. The Los Angeles *Star* reported the death tolls: “fifteen Chinamen were hanged, three shot to death, and... one of the wounded will die of his wounds.” The victims were hung in one of two principal venues in the city. Ten victims were lynched at John Goller's wagon shop, five were hung at Tomlinson's Corral, the same locale as vigilantes had hung the accused murderer Lachenais the previous year.⁶⁴ The remaining four Chinese were shot in Negro Alley or its immediate vicinity. Of the Chinese that were spared, many fled to the countryside, several were rescued from the mob and placed in jail or went their for their own protection.⁶⁵ Afterward the bodies were laid outside the city jail and a Coroner's Inquest was conducted over them.

⁶³ De Falla, “Lantern in the Western Sky,” 165.

⁶⁴ Los Angeles *Star*, 10/25/1871 contains reference to Lachenais lynching. Goller's wagon shop was located on the “on the west side of Los Angeles street below Commercial.” The Tomlinson's Corral, was located at the corner of Temple and New High Streets. Bell, *On The Old West Coast*, 179.

⁶⁵ Los Angeles *Star*, “The Chinese Outrage,” 10/25/1871.



Figure 4: Chinese corpses outside city jail following massacre, 1871.⁶⁶

In parallel with the killings was the looting of Chinese corpses and the plundering and vandalism of Negro Alley stores and apartments. The widespread pillaging of Chinese businesses indicates an economic opportunism that helped motivate the violence.⁶⁷ The dead were not spared; local newspapers reporting that nearly all of the corpses had been plundered, some of the victims “were robbed... whilst hanging from their improvised gallows.”⁶⁸ Rumors that Chinese stockpiled large amounts of cash and jewelry, like the \$6000 in gold housed in the Wing Chung store observed earlier in the day by King and Harris, provided an irresistible incentive.⁶⁹ A newspaper account marveled at how “almost every compartment in the compound had been ransacked, trunks, boxes and locked receptacles of all kinds broken open in the search for money or valuables.” Thousands of

⁶⁶ Bell, *On The Old West Coast*, 156. Caption: “Dead Chinamen in jail yard after the great Los Angeles massacre.” From the *Los Angeles Star*, 10/26/1871: “The Jail yard where the bodies had been deposited was visited yesterday by crowds of Chinamen seeking missing friends and relatives. After the bodies had been viewed by the jury, the Coroner gave permission for their removal.”

⁶⁷ Ranger Horace Bell’s account of the massacre, in which he claimed “to give the truth of it *which has never yet been put in print*,” [Bell, *On The Old West Coast*, 168, emphasis in original] argued that the riot was economically-motivated. He argued that disputes between rival tongs were “purely local among the Chinese themselves” and that Sam Yuen’s courtroom admission that he possessed \$7000 in gold in his Negro Alley store precipitated the riot. Bell claimed a false complaint against Yuen was sworn out the same afternoon and served by Robert Thompson and Bilderrain, a “gambler connected with the police office.” Yuen objected to his arrest and refused to leave his store, containing the \$7000 in a chest, unprotected. In an ensuing scuffle, Yuen shot Thompson and other Chinese who had meanwhile entered barricaded the door. Bilderrain was shot through the leg from shots fired from *outside* by the gathered mob. In the end, Bell described how “the town waxed rich over [the] victory” as “the following day citizens, including policemen, publicly displayed their booty from Chinatown.” He stated that an estimated \$40,000 was stolen from the mob during the riot. For his full account of the massacre, see Bell, *On The Old West Coast*, 168-177.

⁶⁸ De Falla, “Lantern in the Western Sky,” 85, 161. *Los Angeles Star*, “The Night of Horrors!” 10/26/1871.

⁶⁹ *Los Angeles Star*, “The Night of Horrors!” 10/26/1871. “The Chinese are fond of gold, jewelry, and generally have large quantities of it for the adornment of their women. This well known fact attracted the thieves; and was doubtless the main cause to the thoroughness of the search for plunder.”

dollars in gold and jewelry were stolen from numerous Chinese. During the massacre, Officers Harris and Gard testified that they had guarded the Wing Chung store, yet the \$6000 fortune in gold disappeared during the riot and was never recovered.⁷⁰

Despite the large numbers of citizens who participated in mob violence, anti-Chinese sentiments were not universally held by Angelenos. Some measures were taken by a minority of private citizens to stop the massacre. In opposing the mob, these citizens assumed great personal risk in attempting to save Chinese captured by the rioters or by concealing Chinese in their homes or businesses.⁷¹ Judge R. M. Widney described how he was threatened and forcefully opposed by mob participants in attempting to rescue Chinese.⁷² Attorney Henry Hazard testified before the post-massacre Coroner's Jury, "I got on a wagon and expostulated with the crowd, but was pulled down by my friends, who feared lest I should be injured."⁷³ Other witnesses recounted how many citizens hid their Chinese employees in their homes. Judge W. H. Gray was reputed to have hidden a score of Chinese in his basement and Judge Trafford of the City Court held Sam Yuen in his courtroom.⁷⁴

Paul De Falla drew a distinction between members of the mob who boasted "We will hang all the Chinese in town" and the "dispassionate" citizens who did not want to see the Chinese hanged without some sort of "legal show."⁷⁵ Widney's firsthand account of the massacre is a reflection of these divisions. In depicting himself as an individual working to save Chinese from the crowd, Widney differentiated the suspected murderers of Robert Thompson from the innocent Chinese. In

⁷⁰ De Falla, "Lantern in the Western Sky," 84, 168. In 1872 Sam Yuen was preparing a lawsuit for damages due to the extensive property loss the Wing Chung Company suffered during the riot. After Chinese witnesses were permitted to testify in Court in 1873, he sued Los Angeles City in District Court and lost on the grounds that he had instigated and participated in the riot, thus making him ineligible to recover damages. The court also ruled that Yuen had been negligent and not demonstrated "reasonable diligence" in failing to report the riot in progress to city officials. On appeal, the Supreme Court issued an opinion concurring with the lower court that Yuen had initially fired at Bilderrain and thus instigated the riot. [De Falla, "Lantern in the Western Sky," 182. *Los Angeles News*, 6/21/1872, 6/25/1872. Supreme Court opinion in *California Reports*, vol. 47.]

⁷¹ De Falla, "Lantern in the Western Sky," 86-87. Widney, "The Great Chinese Massacre," A partial listed of those who attempted to save the Chinese were Judge Robert M. Widney who presided at the massacre trials, attorney Henry T. Hazard, R. R. Widney, John Lazzarovich and J. M. Baldwin.

⁷² Widney, "The Great Chinese Massacre."

⁷³ *Los Angeles Star*, 10/26/1871. See inquest testimony of Henry T. Hazard.

⁷⁴ De Falla, "Lantern in the Western Sky," 87.

⁷⁵ Quote from Widney, "The Great Chinese Massacre." De Falla, "Lantern in the Western Sky," 86-87.

his description of one round of hanging, Widney observed that “among the victims was a fourteen year old China boy whom I felt confident must be innocent.” Later the clustering of the mob at neighboring intersections led Widney to recognize “that a general massacre of innocent as well as guilty was underway.”⁷⁶

Despite these artificially-drawn divisions between the heroes, the murderers and the spectrum in between, it is difficult to fully characterize community sympathies. Certainly a large segment of the city population participated or observed the massacre. Widney estimated the crowd to be comprised of 2000 to 3000 individuals.⁷⁷ During the trial he mentioned that “many citizens, or a majority of the most respectable citizens approved of the acts of the rioters.”⁷⁸ Emil Harris corroborated the sentiment that large numbers of people were involved, testifying that a group of at least 100 captured a Chinese man he had taken into protective custody.⁷⁹ Bell’s account assigned blame for the massacre to a broad segment of community members: the “police force... that furnished the leaders of the mob,” “leading merchants” that provided the mob with rope, and “persons of position and influence, that had boasted of their guilt while the affair was still hot.” A spectator at the inquest, Bell alleged that “every one summoned as a witness was a person that had participated... on the side of the attackers.”⁸⁰

Witness testimony recounted several instances where city officials and law enforcement were incapable of, or unwilling to, challenge the mob. Several leading city officials, including Mayor Cristobal Aguilar and Police Chief Baker, witnessed the early stages of disorder and then were absent during the duration of the riot.⁸¹ Officers admitted to the Coroner’s Jury following the riot that they had personally turned over Chinese to the mob and that none of the victims had anything to do with

⁷⁶ Widney, “The Great Chinese Massacre.”

⁷⁷ This is a significant fraction of city residents, considering that the total census-enumerated Los Angeles county population was 15,309 in 1870.

⁷⁸ Widney, “The Great Chinese Massacre.” *People vs. L. M. Mendell et. al.*, 12/2/1871, Instructions to Jury.

⁷⁹ Los Angeles Star, 10/26/1871. See inquest testimony of Emil Harris.

⁸⁰ Bell, *On The Old West Coast*, 172, 174-175.

⁸¹ De Falla, “Lantern in the Western Sky,” 74-75, 169.

the shooting of Thompson or Bilderrain.⁸² Historian Paul De Falla has argued that these accounts indicated that the officers thought it useless to make arrests during the riot because the Chinese were outside the protection of the legal system.⁸³

In the end, an impenetrable wall of silence among non-Chinese witnesses ensured that only a small group of participants were ever indicted. Of the nine defendants in the Chinese massacre trials in District Court, two were acquitted and the remaining seven were convicted of the lesser charge of manslaughter and sentenced to terms of two to six years each in state prison. The following year, in June 1873, their convictions were overturned by the Supreme Court on grounds that the indictments failed to allege that one of the Chinese victims, Dr. Chee Long Tong, had been murdered, and the defendants were released from prison.⁸⁴

⁸² De Falla, "Lantern in the Western Sky," 169.

⁸³ De Falla, "Lantern in the Western Sky," 170.

⁸⁴ Fifteen individuals were initially indicted in the massacre trials. See Los Angeles District Court Records, 12/1871. *People vs. L. F. Crenshaw et. al.*, 12/2/1871, Verdict and Supreme Court Opinion. The defendants Louis Mendel, A.R. Johnson, Charles Austin, P.W. McDonald, Jesus Martinez, Estevan A. Alvarado and L.F. Crenshaw were sentenced in February 1872. De Falla, "Lantern in the Western Sky," 179.

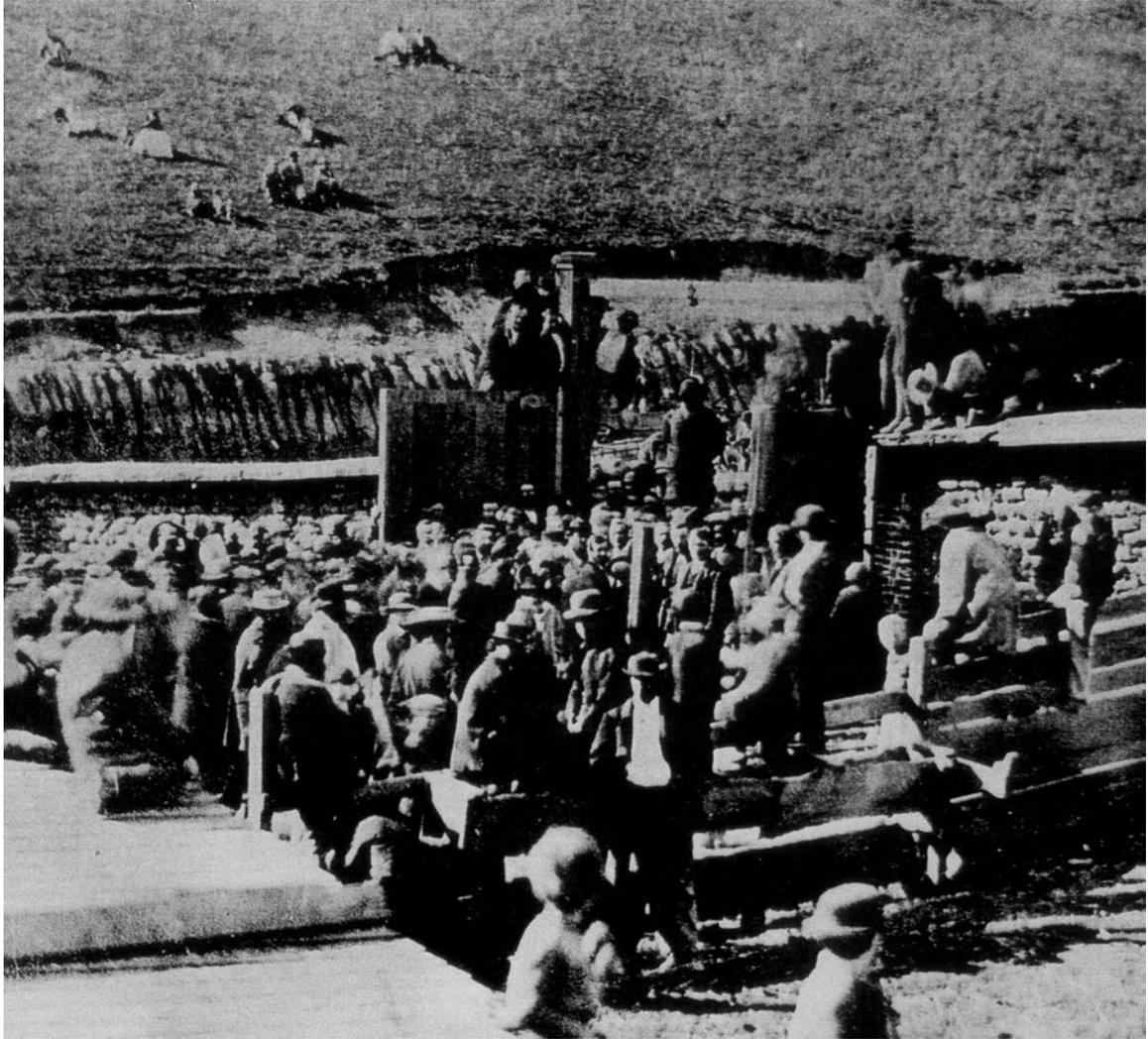


Figure 5: The Lynching of Lachenais at the Tomlinson Corral, December 1870.⁸⁵

In 1871, Los Angeles was in transition from a frontier settlement to an established town that had yet to fully shed its recent history of lawlessness. Local vigilance committees attracted membership from among the Anglo elite in an attempt to mold the early community to their perceptions of justice.⁸⁶ At least two men charged with murder by the criminal court were lynched

⁸⁵ Huntington Photographic Collection, Pierce 1376. Lachenais' was hung at the Tomlinson Corral, the same site where many Chinese were hanged less than a year later in the 1871 massacre. Note the spectators on the distant hills and the close proximity of the milling crowd to Lachenais' body, indicating a carnival-like atmosphere.

⁸⁶ Historian Richard Brown has characterized American violence and vigilantism since the American Revolution. See *Strain of Violence*, chapter 5 for a discussion of the 1856 San Francisco Vigilance Committee. The 1871 Massacre in Los Angeles is distinguished from earlier forms of organized vigilance in California because of its racial component. None of the contemporary Los Angeles vigilance committees acknowledged

before they could be brought to trial.⁸⁷ Judge R. M. Widney, who presided over the 1871 Massacre trials, was the leader of the Los Angeles Law and Order Party. Widney was careful to emphasize the pains he went to ensure that no members of his organization participated in the massacre. Local newspapers commended a “Vigilance Committee” for its support of city officials and considerable efforts in suppressing the riot.⁸⁸ The pervasiveness and secrecy of vigilance committees was highlighted in the investigation of a juror in one of the massacre trials, William Griffin, for vigilante connections. Although Griffin denied membership in the Home Guard Vigilance Committee that had been responsible for the recent lynching of Lachenais, he admitted to participating in the 1855 hanging of an alleged murderer in Tuolomne County.⁸⁹

The carnage in Los Angeles was reminiscent of the 1884 massacre and expulsion of Chinese from the coal mining community of Rock Springs, Wyoming Territory. Chinese had been brought to Rock Springs by railroad interests in 1875 to break up a labor strike.⁹⁰ Nine years later, a fight between Anglo and Chinese miners precipitated an ultimatum that the Chinese leave the town within the hour. Many Chinese did not heed the warning and forty-five minutes later the Anglo mob began a rampage through Chinatown in which twenty-eight Chinese were fatally shot and fifteen others wounded. During a second sweep, Chinatown buildings and their inhabitants were burned to ensure the Chinese could not return. Railroad officials perceived as responsible for importing the Chinese were also ordered to leave town, and for several days Rock Springs remained in control of the mob. Subsequently, a grand jury largely comprised of Rock Springs residents returned no indictments.⁹¹

Despite resonance between these two manifestations of brutal anti-Chinese violence, important differences distinguish the two massacres. Rock Springs was an industrial mining town

participation in the Massacre, although it remains unclear whether individual members participated in the violence. See *The Great Chinese Massacre*, *Los Angeles Star*, 10/25/1871.

⁸⁷ *People vs. Charles Wilkins*, 12/17/1863, lynched by a mob on the date of the indictment. *People vs. David Stevenson alias “Buckskin”*, 5/3/1871, killed by a Sheriff’s posse in Baja California. Other incidents of lynching occurred in the 1850s.

⁸⁸ Widney, “The Great Chinese Massacre.” *Los Angeles Star*, 10/26/1871.

⁸⁹ *People vs. L. F. Crenshaw et. al.*, 12/2/1871. Investigation of Wm. Griffin for actual bias as juror in case. *Los Angeles Star*, 10/25/1871.

⁹⁰ Storti, *Incident at Bitter Creek*, 65-68.

with a large constituency of unionized labor. By contrast, Los Angeles in 1871 was still a small, predominantly rural settlement with no well-developed labor interests. The Chinese in Rock Springs represented a group of imported workers intended to impair and humiliate the Anglo miner's union. Thus the directive that the Chinese and their supporters leave the mining community was an integral motive underlying the violence. The motivations for the Los Angeles massacre are ambiguous and emanate from more than simple occupational competition. The majority of Los Angeles Chinese in 1870 were not in direct competition with labor, instead employed in ethnically-segregated sectors as merchants, laundrymen, domestics and cooks.⁹² As argued by Raymond Lou, the labor model does not fully explain the anti-Chinese movement in Los Angeles before 1900.⁹³ Although isolated attempts were made to burn Negro Alley residences and newspapers in the aftermath of the carnage advocated the immediate removal of Chinese, neither effort was successful. Citizen intervention was integral in preventing arsonists. The speed with which expulsion arguments disappeared from public debate and their advocates adopted legal strategies were indicative of deep community divisions.⁹⁴

Another important distinction between the massacres is how each community understood the underlying causes of their respective disturbance. By interpreting the dispute in terms of a labor issue or simple lawlessness, different groups were blamed for the resulting violence. Leading citizens in Los Angeles attributed the carnage to a lawless, often foreign, class of unprincipled individuals. These accounts draw clear class and racial distinctions between the "better classes" that publicly opposed the violence and the mob participants.⁹⁵ Paul De Falla has highlighted a tendency of

⁹¹ Storti, *Incident at Bitter Creek*, 108-125, 155-156. Chan, *Asian Americans*, 49.

⁹² See Table 4: Chinese Occupational Trends in Los Angeles, 1870-1900.

⁹³ Lou, *The Chinese American Community*, 138.

⁹⁴ Los Angeles *Star*, 10/25/1871. "Little doubts exists but that such measures will immediately be taken as will entirely rid the city of their accursed presence.... During the excitement last night several methods were proposed, among which was one, that a brief period of time be allowed for every Chinaman to leave the county. The most moderate course which could be pursued would be to withhold from them all business and all employment." Los Angeles *Star*, 10/26/1871. From inquest testimony of Harris: "I heard a cry of fire, ran then and got on the roof with officer Gard, and several citizens, requested the people not to set fire to the buildings, and to existing this one, which was done."

⁹⁵ Widney, "The Great Chinese Massacre." Widney was a proud member of the "Law and Order Party" which, he recounts, "had recently been organized by business and law abiding citizens to cooperate with the officers of the law in surpressing [sic] violations of the law" by various "criminal elements."

Coroner's Jury witnesses to identify members of the mob as Irish, Mexican, or foreign.⁹⁶ The Rock Springs-led grand jury transferred the blame from the labor union to the railroad, stating in their decision that there "appears to be no doubt [that] abuses existed that should have been promptly adjusted by the railroad company and its officers."⁹⁷

The Criminal Court System

The Los Angeles criminal court system provides a basis for understanding the legal experience of Chinese Americans between 1860 and 1879. This venue was chosen because economic and cultural barriers frequently limited Chinese participation in the civil court system. As parties in 86 of a total of 1075 criminal indictments appearing before the County and District Courts during this time period, Chinese were visible participants in the early legal system. Frequently Chinese were over-represented, appearing in murder, prostitution and gambling charges in higher proportions than their population would indicate.⁹⁸ Breakdowns of indictments by ethnicity of plaintiff and defendant for two common types of crime, assault and theft, indicate that Chinese were generally equally represented in both categories.⁹⁹

From the first state constitution of 1859 until the constitution of 1879, the criminal court system continued largely unchanged. The courts were divided into four levels: Justices', County, District, and Supreme Court. The Justices' Court consisted of three judges: the ex-officio County Judge and two magistrates elected from among the local justices of the peace.¹⁰⁰ This court was the point of entry for many types of proceedings: it had jurisdiction for assault, petit larceny, breaches of the peace and all misdemeanors punishable by fines of less than \$500. Additionally, it investigated witnesses and determined if there was sufficient evidence to present the case before the county grand

⁹⁶ De Falla, "Lantern in the Western Sky," 122-123. *Los Angeles Star*, 10/26/1871. One of the witnesses, H. C. Austin, testified, "there were in the crowd Germans, Irishmen and Mexicans." In Widney, "The Great Chinese Massacre," he relates, "A large, foreign-born person, apparently a miner, was very officious and demonstrative. He thrust his revolver in my face and threatened to shoot if I interfered."

⁹⁷ Storti, *Incident at Bitter Creek*, 156.

⁹⁸ See Appendix A.

jury. The County Court heard appeals from Justices' Court actions, held exclusive probate jurisdiction and original jurisdiction of extraordinary remedies, including injunctions and *habeas corpus*. The District Courts had similar jurisdiction to its successor, the Superior Court, and in its criminal context generally heard only murder or manslaughter cases. The Supreme Court was the highest judiciary, serving as the state court of appeals, and functioned much as it does in the present day.¹⁰¹

New Perspectives on the Massacre

The 1871 massacre was a large-scale, publicized illustration of strained community relations and anti-Chinese violence. It served as both a precedent and caution for future treatment of Chinese Americans. Although no violent anti-Chinese incident ever rivaled the massacre, the Chinese were still subjected to dehumanizing and often violent treatment and were victims of legal, occupational and social discrimination.

The first section analyzes the Chinese legal experience in Los Angeles during the initial immigration period preceding the Chinese Exclusion Act of 1882.¹⁰² With the admissibility of Chinese testimony in court beginning in 1873, Chinese Americans emerged as regular participants in the legal system. Despite this development, they still faced the animosity of a larger community that often abridged their legal rights. The corruption of local law enforcement, coupled with hostility of non-Chinese witnesses, irregular Grand Jury procedures and questionable court proceedings and sentencing by Anglo judges, critically influenced Chinese legal treatment and mirrored community anti-Chinese sentiments.

The development of the Chinese exclusion movement of the late 1870s, along with individual and collective challenges by Chinese, is addressed in the second section. Although it is difficult to

⁹⁹ See Appendix B for correlation grids between ethnicity of the defendant and victim.

¹⁰⁰ The Justice's Court, or the City Court, was initially known as the Court of Sessions until 1864.

¹⁰¹ Bacon, "Pioneer Courts and Lawyers of Los Angeles," 211-212.

demonstrate overall community resistance through the actions of a small minority of Chinese in the courts, a pattern emerges of Chinese demanding protection and recognition of their rights within the legal system. In challenging extra-legal procedures, notably discriminatory city ordinances and illegal imprisonment, Chinese Americans sought to eliminate discrimination by city officials. Organized efforts to exclude Chinese industries that were patronized by the larger community, notably laundrymen, vegetable peddlers and the underground industries of gambling and prostitution, are further illuminated through the courts. Community harassment through the selective enforcement of health regulations is visible in the prosecution of Chinese laundries and boardinghouses.

Finally, the dehumanization of Chinese Americans in Los Angeles will be explored to illustrate anti-Asian sentiments in Los Angeles. Cultural misunderstandings mark continued barriers between Chinese and Angelenos. Popular perceptions of Chinese as an undistinguished population that threatened American social and economic norms were routinely manifest in overlooking the individuality of Chinese Americans. The labeling of Chinese with demeaning pseudonyms in the courtroom and satirical caricatures in the local press rejected Chinese humanity. Brutal and randomly directed pre- and post-mortem violence, beginning with the 1871 massacre, demonstrate the degree to which Chinese were objectified. That these violent attacks were satirized or dismissed as a necessary stage in community development into the twentieth century betrays a dangerous and continued tendency to dehumanize Chinese Americans.

¹⁰² Daniels, *Asian America*, 9. Roger Daniels characterizes the early period of Chinese immigration as the interval spanning the Gold Rush in 1848 and the Chinese Exclusion Act of May 1882.

The Chinese American Legal Experience in Los Angeles

I think if the question was put to the public this way, that those Chinamen who are already here should be protected the same as any other person who is living here, who comes here and relies upon the laws of the country for protection—that public opinion would be in favor of extending to those Chinamen that protection and preventing any further immigration of Chinese.¹⁰³

In 1877 James Bassett, the editor of the *Los Angeles Herald*, appeared as a witness before a congressional Joint Special Committee convened to investigate the question of Chinese immigration. His assertion that the public wanted to recognize Chinese legal rights on an equal basis with other citizens was a professed ideal, not community practice. In reality, an impressive program of legal harassment and discrimination was implemented to close the door on Chinese immigration. Although the Los Angeles criminal court system was a point of intersection for a broad range of social classes and ethnicities in the late nineteenth century, participants were not all favored with similar treatment.¹⁰⁴ Legal irregularities that occurred during criminal proceedings illustrate the inconsistent and questionable application of state and municipal law to Chinese residents. In some instances, the laws were specifically meant to attenuate Chinese rights, as with the 1863 revision of the California Criminal Proceedings Act that prohibited Chinese testimony in court.¹⁰⁵

In practice, the court was occasionally used by community elites, including Chinese Americans, to obtain preferential treatment. In 1872, merchant Sam Yuen was finally tried for the murder of Robert Thompson that precipitated the massacre. His belated trial, following the sentencing and imprisonment of the massacre defendants, illustrates a network of connections that some Chinese maintained within the legal and law enforcement community. Less-prominent citizens who could also afford qualified legal representation versed in the subtleties of the court were able to successfully have their charges dismissed, demand jury trials that often resulted in lighter sentencing, or use the appeal process to have their cases thrown out or reheard on legal technicalities.

¹⁰³ Joint Special Committee, Testimony of James M. Bassett, 1138.

¹⁰⁴ The papers of the Los Angeles District and County Criminal Courts from 1860-1879 at the Huntington Library were used in this study. Often included in these cases were papers from the city Justice Courts that were appealed to either system. Before 1864, the County Court was known as the Court of Sessions.

Yet for the majority of Chinese Americans in Los Angeles, the reluctance of Anglo witnesses to testify on their behalf, hostility of juries, corruption of police and irregular treatment at the hands of local judges were defining characteristics. The unwillingness of the larger community to uphold Chinese legal rights consistently, despite such public professions to allow resident Chinese the same legal freedoms as Anglos, attenuated community relationships in early Los Angeles.¹⁰⁶

Some limitations are implicit in the legal analysis of the Chinese community in Los Angeles. To a large extent, the cases that arrived at the district and county courts are an elite glimpse into criminal prosecutions in early Los Angeles. These courts were often the second-round in the life cycle of a criminal case; previously most defendants were examined by a city court justice, held to answer before the grand jury if the evidence was deemed adequate, and then indicted by the grand jury.¹⁰⁷ This two-part process easily filtered out the more mundane assaults and day-to-day crime: in order to appeal their case before a higher court, parties would have to post bail and incur additional legal and court expenses which were often higher than the comparatively small fines assessed in the city court.¹⁰⁸

The cases of the most socially-marginalized individuals often began and ended in the city courts. The cultural ignorance and economic struggles of many Chinese immigrants would have disproportionately disadvantaged more mundane cases from appearing in these higher tribunals.¹⁰⁹ Evidence of this filtering can be observed in comparing instances of violence appearing in local newspapers with the surviving docket. In 1872, a newspaper summary of the city court cases

¹⁰⁵ Daniels, *Asian America*, 34. De Falla, "Lantern in the Western Sky," 182.

¹⁰⁶ Los Angeles *Star*, 8/3/1876 cited in Locklear, "The Celestials and the Angels," 246. "The Chinese who are here now, are here lawfully, and if we are to get rid of them it will have to be done lawfully."

¹⁰⁷ For an example of this process through the City Court, see *People vs. Jose Gaines*, 5/28/1879.

¹⁰⁸ An example of the additional hassle and expenses of appealing to the County Court can be observed in *People vs. Susan, a Chinawoman*, 8/24/1878. In the City Court, Susan was convicted of living in a house of ill fame and fined \$20. Following the judgment, her attorney filed a notice of appeal and she was required to post a \$25 bond before being released.

¹⁰⁹ An analysis of extant Los Angeles City Court records demonstrates the more mundane nature of cases that were heard in that court. Only 4 of the 18 indictments involving Chinese defendants occurring between 1855 and 1889 involved major charges, notably murder (2 cases) and grand larceny (2 cases). The remaining cases were more minor crimes: assault (5 cases), theft-related (3 cases) or prostitution (2 cases). See Los Angeles Justice's Court Collection, 1855-1889, Huntington Library.

recorded that Justice Trafford heard a case of John Doe assaulting a Chinaman and a complaint was sworn before Justice Gray by Ting Sing following an assault by three other Chinese.¹¹⁰ The previous month, violence between Chinese had been ridiculed in a story about a brutal fight between two members of the “Lo family.” The report detailed how one opponent used “bottles, boulders, and whatever else... in order to demolish his antagonist” before they “made up... with a nip of tangle-foot at a doggerly in the vicinity.”¹¹¹ Despite the satire of the newspaper report, this story of a fight ending with a drink might hold symbolic truth for the Chinese community. Living in a society in which Chinese were granted few legal rights, minor violence might have been handled through extralegal channels rather than the unfamiliar municipal legal system. Whether through resolution at the city court level or community mediation, none of the above altercations involving Chinese appeared in the county criminal court.

Another limitation to Chinese cases moving to the higher courts was California law. In 1863, the California legislature revised the Criminal Proceedings Act of 1850 to prohibit any Mongolian, Indian, Indian half-caste or Chinese from testifying in a court of law in any case involving a white person, regardless of whether the testimony was supportive or opposing.¹¹² The practical results were emphasized in an 1872 court report turned satirical editorial.

AQUITTED.—Chinamen have almost concluded, at last, that they have not the shadow of a show in our court of Justice. True it is no fault of the Judges for the Statues are plain as to the course they must pursue. No Mongolian is competent according to the Statutes to testify against a white man, in any case whatsoever. J. M. Riley escaped punishment on the strength of that Statute. A complaint had been lodged at Justice Gray’s court accusing him of assaulting a Chinaman. The upper story of the complainant bore evidence of severe castigation, and had he been a white man would have gone far with the jury summoned toward convicting the accused. John was placed on the stand, but his tongue was tied so that he could not testify against his abuse, and consequently Riley was acquitted.¹¹³

¹¹⁰ Los Angeles *Daily News*, “Before the Justices,” 8/6/1872.

¹¹¹ Los Angeles *Daily News*, “Set-To,” 7/27/1872.

¹¹² De Falla, “Lantern in the Western Sky,” 60.

¹¹³ Los Angeles *Daily News*, 8/11/1872.

Historian Paul De Falla has argued that popular attitudes disregarding Chinese rights that contributed to the 1871 Chinese massacre were a direct outgrowth of this statute.¹¹⁴ No Chinese testimony is extant in the massacre trial records. Although the Criminal Proceedings Act had long created a discriminatory courtroom environment and thus was permissive of illegal activities against Chinese, the statute was only one factor in a broader context of discriminatory treatment and community antagonism. Most profound was the apparent chilling effect the Act had on Chinese courtroom activity. When the prohibition against Chinese witnesses was left out of the January 1873 revision of the Act Concerning Crimes and Punishments, appreciable numbers of criminal cases involving Chinese Americans appeared in the Los Angeles courts.¹¹⁵ It was only in 1873 that a criminal cases involving Chinese appeared in the county or district courts that were not related to a round of 1862 prostitution indictments or the 1871 massacre.¹¹⁶

Understanding the ability of Chinese Americans to secure illicit favors from law enforcement and judges can often be little more than conjecture. However, the controversy surrounding the 1871 massacre permits a more substantive analysis of Chinese relationships to various judicial and city officials in the early 1870s. The visibility of these extralegal interactions provide indications of the influence that certain Chinese Americans, especially the elite merchant class, could exercise among key leaders within the Anglo community.

Historians have recognized that special community respect was granted to Chinese merchants and generally withheld from ordinary Chinese citizens. Merchants, aided by their proficiency in English, greater contact with non-Chinese and high positions in Chinese tongs and cultural associations, acted as cultural liaisons between the alienated Chinese and Anglo communities.¹¹⁷ This tradition of respect originated from the earliest Chinese settlement in Los Angeles in 1859, when

¹¹⁴ De Falla, "Lantern in the Western Sky," 65. "The chain of events which led to the massacre of Chinese in Los Angeles can of course be traced back to the law of 1863 placing the Orientals in California outside the protection of the courts..."

¹¹⁵ De Falla, "Lantern in the Western Sky," 182

¹¹⁶ The first of five criminal cases that appeared in 1873 was *People vs. Charlie Ah Ching et. al.*, 3/31/1873..

¹¹⁷ Lou, *The Chinese American Community*, 236-7.

local Anglos held early merchants in high esteem while stigmatizing the women they kept for prostitution.¹¹⁸ Rival leaders of two prominent Chinese associations on the eve of the 1871 massacre, Sam Yuen, a merchant, and Yo Hing, a cigar manufacturer, were among the most powerful of this privileged elite.¹¹⁹

Prominent Chinese in Los Angeles had a history of providing gifts and financial incentives to law enforcement. In October 1870, a fatal gunfight occurred between Marshal Warren and Officer Dye over the privately-posted reward for capturing a runaway Chinese prostitute.¹²⁰ Contemporary newspaper and witness accounts indicate the extent to which bribery and gifts continued to flow between prominent Chinese and city officials in the early 1870s. In 1872, the *Los Angeles Star* noted gifts of beautiful Chinese embroidery given by the Wing Chung Company, owned by Sam Yuen, to Officers Gard and Harris for their assistance during the massacre.¹²¹ In fact, Officer Harris provided bodyguard service to Ah Choy, one of Sam Yuen's retainers, from his court appearance to Chinatown on the morning of the riot.¹²² Officer Gard and Harris' interest in protecting Yuen's store, with its \$6000 in gold, transcended efforts to preserve the lives of ordinary Chinese. It was never established what happened to a woman Gard found in the Coronel Block and turned over to L. F. Crenshaw, one of the massacre defendants. Several Chinese handed over to the crowd by Officer Harris with the admonition "to take to jail" were all hanged nearby, within sight of Negro Alley.¹²³

Sam Yuen's connections apparently extended to the judiciary as well. It was rumored that Justice Trafford hid Yuen in his courtroom during the course of the massacre.¹²⁴ Perhaps coincidentally, in July 1872, two Chinese reportedly appeared in Trafford's courtroom and presented

¹¹⁸ Locklear, "The Celestials and the Angels," 242.

¹¹⁹ De Falla, "Lantern in the Western Sky," 66-67.

¹²⁰ De Falla, "Lantern in the Western Sky," 168. Lou, *The Chinese American Community*, 297. Dye was tried for the murder of William C. Warren in Los Angeles city court. See City Court records, *People vs. Joseph F. Dye*, 11/1/1870.

¹²¹ *Los Angeles Star*, 1/31/1872, cited in De Falla, "Lantern in the Western Sky," 168 and Stern & Kramer: 166.

¹²² De Falla, "Lantern in the Western Sky," 168.

¹²³ De Falla, "Lantern in the Western Sky," 84.

¹²⁴ De Falla, "Lantern in the Western Sky," 87.

him with a gift of “two beautiful fans.”¹²⁵ More surprisingly was Yuen’s ability to delay arrest, prosecution and apparently manipulate the legal system in the aftermath of the massacre. In 1871, Officer Bilderrain swore out a complaint before Trafford that Yuen had murdered Robert Thompson, thus accusing him of the action that instigated the riot. Yet Yuen’s trial was “informally” continued from term to term and no efforts were made by the police to apprehend him, despite the fact that local newspapers consistently noted his presence in Los Angeles.¹²⁶ The subsequent appointment of Macey Hartley to the police force ended the deadlock; within 72 hours of Hartley joining the force, Yuen was arrested.¹²⁷ In October 1872, a full year following the massacre, a Los Angeles *News* editorial complained of Yuen’s trial being repeatedly continued.¹²⁸ In November, Yuen was finally brought to trial. Officer Bilderrain altered his story and testified on Yuen’s behalf. Because the prosecution’s star witness had suddenly changed his story and decided to defend Yuen, the jury returned an acquittal “after an absence of but a few minutes from the Court room.”¹²⁹

Los Angeles attorney Jackson Graves provides insight into legal motivations to act as defense counsel in a Chinese murder case, in which Wong Chew Shut was accused of killing labor contractor Yo Hing.¹³⁰ Graves was induced to represent Shut at a new trial solely on the basis of high legal fees paid by “friends of the defendant.”¹³¹ Judge Bronson assisted Graves in writing a bill of exceptions to the charges, and obtained certifying signatures from district attorney Rodney Hudson and Judge Sepulveda without them reading it. With a bill of exceptions the Supreme Court granted a new trial, much to the aggravation of Hudson and Sepulveda. Graves managed to secure a sentence of life

¹²⁵ Los Angeles *Daily News*, “Celestial Gift,” 7/18/1872.

¹²⁶ Los Angeles *News* cited by De Falla, “Lantern in the Western Sky,” 175, 180. Los Angeles *Daily News*, 6/25/1872, 10/24/1872.

¹²⁷ De Falla, “Lantern in the Western Sky,” 180.

¹²⁸ Los Angeles *News*, 10/24/1872, 10/29/1872.

¹²⁹ De Falla, “Lantern in the Western Sky,” 181. Los Angeles *News*, 11/20/1872.

¹³⁰ According to Horace Bell, the Yo Hing of the 1878 murder trial is the same Yo Hing that led the Hong Chow Company in the 1871 Massacre. He described Hing as “a suave, polished, educated Oriental, well liked and respected by all decent citizens.” Bell, *On The Old West Coast*, 176-177. Hing was killed by two hatchet or cleaver blows to the head, delivered by a member of a rival tong. Graves, *My Seventy Years in California*, 275. Bell, *On The Old West Coast*, 177.

imprisonment for his client, and later Shut, despite admitting he had committed the crime, was “pardoned by the Governor... on condition he return to China.”¹³² The economic resources of Shut’s wealthy associates demonstrate the extent to which financial inducements were instrumental in obtaining preferential treatment in the Anglo legal community.

Courtroom Experiences

The balance of Chinese cases from the 1870s, including the massacre, do not suggest behavior rivaling the sophisticated manipulation of the legal system evidenced in Sam Yuen or Wong Chew Shut’s trial. Non-cooperation from the larger Los Angeles community significantly impacted typical Chinese legal experiences. The unwillingness of law enforcement to provide protection, juries to render impartial decisions and witnesses to volunteer evidence attenuated Chinese legal rights. For most Chinese, these realities were more significant than the ability of a few elite countrymen to evade punishment.

Judges had an authoritative role in upholding Chinese legal rights. Potential bias from the bench in jurisdictional rulings, admission of evidence, decisions on attorney petitions, and harsh sentencing had wide-reaching impact on Chinese Americans. Marginalized Chinese, often lacking effective legal representation, sometimes found themselves subject to stiff sentences. In 1878, Ah Sam was found guilty of petty larceny for stealing three pairs of pants valued at twelve dollars from the store of Polaski & Goodwin. His sentence in County Court was unusually stiff: five month in county jail.¹³³ As each day of jail time was given a \$1 equivalent in the 1870s, his imprisonment was equivalent to a \$150 fine.¹³⁴

¹³¹ Jackson Graves reports that he was paid at least \$5000 in legal fee for this case alone. This large sum led Graves to recall stating to Judge Sepulveda: “I told him the Chinaman’s money looked very good to me.” Graves, *My Seventy Years in California*, 276.

¹³² Graves, *My Seventy Years in California*, 275-279.

¹³³ *People vs. Ah Sam*, 1/22/1878. Lou, *The Chinese American Community*, 185-186.

¹³⁴ In the 1870s, the two Chinese Americans indicted for petit larceny were charged with stealing less-expensive articles than their Anglo counterparts, pants and pillows, as opposed to saddles, lumber, and livestock. *People vs. Whu Hing*, 2/13/1879. In a more typical case, Whu Hing was accused of stealing one pillow and fined \$8 or 8 days in County Jail.

Lom Lin's trial for diverting water from a *zanja* to irrigate his land without a license was a battle of wills between Lin and the city court judge.¹³⁵ An item previewing the case in a local newspaper anticipated the tension, noting: "A Chinese water-stealing affair will be ventilated in the City Court at 10 o'clock this morning. For pure, unadulterated swearing commend us to one of these cases."¹³⁶ Lin objected to the charge on two principle grounds: he was not present when the water was allegedly diverted and his farm was located outside the city limits and hence beyond the court's jurisdiction. The judge overruled each of his objections, finding that

farmers were responsible for the unlawful taking of water used on their farms. If the reverse of this was established, farmers can leave farms at any time the need irrigation, [sic] and his hired man will water his farm at the expense of his neighbor. Besides, it is almost impossible to prove complicity in such cases.¹³⁷

The judge's legal reasoning amounted to little more than artifice to smooth the way towards a conviction. Even after evidence was admitted that "proved that said farm and the *zanja* were it was cut was outside the City limits," the judge's rationale represented little more than ploy to justify his desire not to dismiss the case:

1st That defendant should have asked a change on venue on this ground before he said he was ready for trial.

2nd because *no other court has jurisdiction* in case of the unlawful use of the waters of Los Angeles River under the ordinances.

3rd The citizens who receive water outside the city limits have tacitly agreed to be controlld [sic] by the same ordinances that the citizens of Los Angeles made for the benefit of irrigators [sic], and *in the many similar cases which have come before this court, not one has plead a want of jurisdiction of the court.* [emphasis mine]¹³⁸

Penalizing Lin because no other defendant had ever objected to a water prosecution utilizing a jurisdictional argument demonstrates Judge Peel's prejudiced desire to hear the case. After being assessed a \$15 fine, Lin appealed the case to the county court where he received relief. The county judge agreed with Lin's objections, ruling that because the crime was committed beyond the southern

¹³⁵ *Zanja* is Spanish for irrigation ditch. Los Angeles Star, 1/4/1877. "Suggestions from the New Police Commissioner." This item in the newspaper, as part of a pledge of police reform, gave a listing of ordinances that would now be enforced. "Any person is subject to arrest, fine or imprisonment... For throwing filth into canals or taking water therefrom without permission."

¹³⁶ Los Angeles Star, 8/8/1877.

¹³⁷ *People vs. Lom Lin*, 8/9/1877, Transcript of Docket.

boundary of the city it was out of the City Court's jurisdiction and Lin could not be tried without further "city legislation."¹³⁹

The role of ordinary citizens in legal affairs also influenced the experiences of Chinese Americans. Individuals biased by pervasive anti-Chinese sentiments could disrupt proceedings by producing prejudiced evidence and decisions as witnesses jurors, and grand jurors. Because prejudice is typically a private and subtly manifested predilection, especially during legal proceedings, it is difficult to fully characterize. Nonetheless, racially oriented inconsistencies in witness testimony and allegations of juror irregularities indicate that anti-Chinese community prejudice was also expressed in the courtroom.

The silence of Coroner's Inquest witnesses following the massacre was debilitating to the Chinese community's prospects of justice. Witness silence motivated by widespread participation and community pressure pervaded the accounts. Those that testified frequently claimed they could recognize or identify massacre participants, but were reluctant to give particular names.¹⁴⁰ This denial was epitomized in the testimony of Edward Wright, who ended his account of a hanging with the disclaimer, "[I] don't know the names of any of the parties who used the ropes, but... [I] see them everyday around town."¹⁴¹ Eventually witnesses came forward that were willing to identify certain individuals.¹⁴² Despite the contemporary acknowledgment that leading citizens sanctioned if not participated in the massacre, none of the defendants were prominent citizens. That many massacre defendants were ethnic minorities, known participants in Los Angeles' underworld or possessed criminal records bolstered popular claims that rioters were lawless, marginal elements.¹⁴³

¹³⁸ *People vs. Lom Lin*, 8/9/1877, Transcript of Docket.

¹³⁹ *People vs. Lom Lin*, 8/9/1877, Decision of Court.

¹⁴⁰ For an editorial about the reluctance of witnesses to identify members of the mob and their likely elusion of justice, see *Los Angeles Star*, "Identification," 10/28/1871.

¹⁴¹ De Falla, "Lantern in the Western Sky," 162. *Los Angeles Star*, "Coroner's Inquest Testimony," 10/26/1871-10/28/1871.

¹⁴² De Falla, "Lantern in the Western Sky," 169. *Los Angeles Star*, "Coroner's Inquest Testimony," 10/26/1871-10/28/1871. See especially testimony of Emil Harris, W. W. Widney, and A. R. Johnson.

¹⁴³ *People vs. Jesus Martinez (4)*, 12/2/1871. The fifteen indicted for massacre participation were L.F. "Curly" Crenshaw, D.W. Moody, L.M. "Fatty" Mendell, Jesus Martinez, A.R. Johnson, Charles Austin, P.M. McDonald, J.C. Cox, Edmund Crawford, Refugio Botello, Ramon Dominguez, Adolf Celis, J.G. Scott, John

A possible instance of witness compulsion emerged in the trial of Louis Spinner for shooting laundryman Ah Mong. The circumstances leading up to the assault were disputed by Spinner and the Chinese witnesses. Spinner claimed the Chinese had attacked after he inquired about some missing buttons, while the laundrymen alleged that Spinner had stolen \$30 he had previously observed in Ah Mong's possession.¹⁴⁴ Following Spinner's conviction, attorney W. W. White appealed the case with new evidence he had been "handed": "a paper [with] writing in Chinese characters by one Ah Boy, a Chinaman then in confinement at the county Jail."¹⁴⁵ Ah Boy's affidavit fully corroborated Spinner's story, alleging that the Chinese were concealing stolen buttons and Spinner had shot Ah Mong only after the Chinese had launched an unprovoked attack.¹⁴⁶ It is unclear whether this affidavit was motivated by a tong rivalry, volunteered, extracted, or bargained from the imprisoned Ah Boy.

Ethnic loyalties might often have been an influential factor in witness testimony. In criminal cases with parties of different racial identities, witness accounts were frequently divided along ethnic lines. In an alleged theft that occurred during a street fight between two groups of youths, Chinese and Hispanic witnesses presented partisan versions of the events. On evidence proving that his watch had been stolen during the altercation with two Hispanic youth, Lee Ling was able to secure a conviction in the city court. The defendants appealed and presented the affidavits of three witnesses, all of Hispanic ancestry, alleging that no theft had occurred.¹⁴⁷

More compelling was a case of alleged assault by Jose Gaines against Ah Hong, the traveling companion of Leonidas Molina. Although Molina was on good enough terms with Ah Hong to provide him with transportation on his wagon, he was reluctant to concur with Ah Hong and witness

Doe [Estevan A.] Alvarado, Richard Roe Doland. Five defendants were of Hispanic extraction. Cox was a known troublemaker who attempted to burn down the Coronel building. De Falla, "Lantern in the Western Sky," 82. Crenshaw was reportedly involved with "low women, pick-pockets, and cut-throats." Louis Mendell was tried in city court for theft just a few months before the Massacre, see City Court, *People vs. Lewis Mandll* [sic], 5/21/1871.

¹⁴⁴ City Court, *People vs. Ah Hay and Ah Mong*, 10/15/1879. The witness accounts were contained in this related city court case.

¹⁴⁵ Ah Boy was being held on charges that he assaulted another Chinese, Ah Shim. *People vs. Ah Boy and Ya Noy*, 11/22/1879.

¹⁴⁶ *People vs. Louis Spinner*, 11/21/1879.

Ah Toon in identifying Gaines as the culprit. Although Gaines had confessed the crime to Officer Estevan Sanchez, Molina and the other Hispanic witnesses emphasized Gaines' good character and hypothesized that another had committed the crime. Molina, in particular, despite his close proximity to Ah Hong and own harassment by the same man, claimed not to have seen "the cutting" nor observed which way the attacker went.¹⁴⁸ It is difficult to determine whether Molina's unhelpful testimony was motivated by his loyalty to Gaines or his own complicity in the crime. Yet again the pattern emerges of four Hispanic witnesses giving testimony at odds with the statements of two Chinese Americans.

Juries could also be a source of bias towards Chinese. Because Chinese residing in America were ineligible for citizenship, they were also prohibited from such activities as voting and jury service.¹⁴⁹ In the massacre murder trials, there was great concern over jury impartiality. In the midst of L. F. Crenshaw's trial, prosecution attorney E. J. C. Kewen began an examination of D. W. Griffin "for actual bias as a Juror in [a] case." Griffin's own alleged participation in the secret Home Guard Vigilance Committee and negligence in reporting to the grand jury that his employee was a participant in the riot were scrutinized during the inquest.¹⁵⁰

Near the conclusion of the massacre trials, Judge R. M. Widney gave extensive instructions imploring the jury not to be influenced by community opinions. "The fact that many citizens, or a majority of the most respectable citizens approved of the acts of the rioters, or assisted therein," he cautioned, "is no mitigation or justification of the offense."¹⁵¹ A unique set of instructions to the jury in the massacre trial reveals Widney's concern with racial and cultural prejudice biasing the jury. He counseled, "The jury has no right under their oaths to permit any prejudice against race, religion or other condition to influence them in the slightest degree in forming a verdict and should they do so

¹⁴⁷ *People vs. Moreno and Barelvas*, 11/23/1873. In the city court trial, Emil Harris and Ramon Benitez also testified on behalf of Lee Ling.

¹⁴⁸ *People vs. Jose Gaines*, 5/28/1879.

¹⁴⁹ Chan, *Asian Americans*, 47.

¹⁵⁰ *People vs. L. F. Crenshaw et. al.*, 12/2/1871, Examination of D. Wm. Griffin.

¹⁵¹ *People vs. L. M. Mendell et. al.*, 12/2/1871, Instructions to Jury.

they would be guilty – of, at least, moral perjury....”¹⁵² The instructions and juror bias investigation indicate the understandable uneasiness of members of the court felt about jury impartiality, especially since members of the jury were possible mob-sympathizers or even participants. Widney’s fears proved to be well-founded: of fifteen indicted, only seven were found guilty and given light sentences on the lesser charge of manslaughter.¹⁵³

The grand jury indictments themselves came under scrutiny in the late 1870s. The proper procedure of the grand jury was the center of focus in the case of Ah Gee, who was convicted and sentenced to one year in prison for stealing \$160 in gold coin from James Gorman. A. J. King, attorney for Gee, petitioned for the dismissal of the case on grounds that “certain irregularities” had occurred, namely “the Grand Jury did not vote before the Foreman signed the indictment” and “the indictment had not been read aloud to Grand Jury and none of the members or foreman knew of its contents save by hearsay.”¹⁵⁴ The judge denied the petition but the Supreme Court upheld the objections, suspended the judgment and remanded the case to the county court for retrial.¹⁵⁵

Other Chinese were indicted by the grand jury for violent crimes with hazy details. Attorneys in *People vs. Ah Kee et. al.* objected to the indictment on grounds that the victim of the alleged assault was not specified.¹⁵⁶ Long Sing Duck was indicted solely on the testimony of a Chinese doctor and his father that Dock had admitted to a month-old killing, although the witnesses could not provide any details about the crime, settle on a name and no corpse was located.¹⁵⁷ The imprecision of details leaves open questions about whether these indictments stemmed from ulterior motives drawn from racial distinctions.

¹⁵² *People vs. L. M. Mendell et. al.*, 12/2/1871. Instructions to Jury.

¹⁵³ *People vs. L. F. Crenshaw et. al.*, 12/2/1871, Verdict. The defendants Louis Mendel, A.R. Johnson, Charles Austin, P.W. McDonald, Jesus Martinez, Estevan A. Alvarado and L.F. Crenshaw were sentenced in February 1872. A little over a year later, in June 1873, they were released from prison by order of the Supreme Court. De Falla, “Lantern in the Western Sky,” 179.

¹⁵⁴ *People vs. Ah Gee*, 7/13/1876, Bill of Exceptions.

¹⁵⁵ *People vs. Ah Gee*, 7/13/1876, Remittitur.

¹⁵⁶ *People vs. Ah Kee et. al.*, 11/21/1876.

¹⁵⁷ *People vs. Long Sing Duck*, 11/23/1878. Ah Bau and Doctor Ah Bau “2d” testified against Duck. The victim was variously referred to as Lo Ah Dock and Ah Tok.

On a daily level, many criminal charges against Chinese originated with police officers, with whom the community had more intimate contact.¹⁵⁸ The implications of police corruption or irregular procedure would be most immediately manifested in levels of criminal prosecutions involving Chinese Americans. The ineffectual structure of the early police force was incapable of insulating local law enforcement from corruption charges throughout the 1870s. Members of the local force were political appointees nominated by their friends on the city Board of Police. Before 1873, the nominal police chief, the City Marshal, was not allowed to discipline or suspend his officers.¹⁵⁹ In 1872, an editorial called “to account for neglect of duty” the City Marshal and Officer Gard, for swearing complaints against two individuals in city court and then not appearing to testify against them. Concerned about a general lack of vigilance, the editor complained of how “when wanted, [the officers] are least likely to be found” except in “the classic retreat of... some cosy [sic] bar-room.”¹⁶⁰

More serious allegations of police dishonesty towards Chinese also plagued the Los Angeles police. At the 1873 trial of Charley Ah Ching and Ah Chow on charges of burglary and grand larceny from Ah Kom, the defense attorney examined witness Officer Emil Harris about a possible instance of irregular procedure, asking, “Did you not inform these defendants or one of them or their friends of these defend[ants] and that if they paid you the money or put it under your control that they would not have to come into Court to answer this charge of Burglary[?]” Harris flatly denied that allegation, claiming that he had strictly followed the district attorney’s instructions “not [to] interfere in the lawyers [sic] business.”¹⁶¹ These allegations imply that Harris had falsely instructed Chinese defendants uneducated in legal proceedings with the intent to harm their case. District Attorney Cameron Thom’s advice reveals a possible history of unsolicited police interference and counsel to naïve defendants.

¹⁵⁸ For examples of police officers swearing out complaints that led to indictments, see *People vs. Lee Ting*, 7/17/1877, *People vs. Ah Young et. al.*, 5/8/1878, *People vs. Susan, a Chinawoman*, 8/24/1878, *People vs. J. Cung et. al.*, 1/21/1879..

¹⁵⁹ De Falla, “Lantern in the Western Sky,” 79.

¹⁶⁰ *Los Angeles News*, 8/15/1872.

¹⁶¹ *People vs. Charley Ah Ching et. al.*, 3/31/1873.



Figure 6: Chinese and Los Angeles Policeman, ca. 1890.¹⁶²

In 1877, the Board of Police Commissioners admitted the previous shortcomings of the department. A newspaper item written by the commission secretary declared, “As a change in the police system in Los Angeles has encouraged... a thorough reform, we... [feel] an additional weight of responsibility resting upon us.”¹⁶³ In the late 1870s, some Anglos outside law enforcement were able to utilize public perceptions of police corruption for their own interests, as illustrated in the case of Henry Lewis, who was convicted of stealing \$12.50 “by force and intimidations” from Ah Fat in Chinatown. Witness testimony revealed that Lewis portrayed himself as a policeman to at least two Chinese in Negro Alley. That one Ah Hee responded to Lewis’ queries about his behavior as if he were a policeman is especially significant in light of evidence that Lewis did not so easily intimidate the white community. An item appearing in the *Los Angeles Star* following his arrest remarked that Lewis’ “appearance was so much against him that two of our hotels refused to grant lodging to such a looking individual.”¹⁶⁴ Lewis subsequently approached Ah Fat and “took twelve and a half dollars.” Ah Fat challenged Lewis, who responded, “I am a policeman,” and threatened to “come for [him] on

¹⁶² Huntington Photographic Collection, Album 403, pg. 2. Candid photographs of Los Angeles Chinese and law enforcement around 1890. Note the early LAPD uniform.

¹⁶³ *Los Angeles Star*, 1/4/1877.

the morrow & take [him] to the Court house.” Lewis apparently did not expect any resistance, running away when Ah Fat and other nearby Chinese “commenced to holler at him.”¹⁶⁵

Ah Fat’s objections to Lewis’ behavior were indicative of a wider skepticism directed to those who portrayed themselves as policemen in the Chinese community. Ah Young and the Chinese he employed in his laundry were indicted for an assault against Officer C.A. Ketler. Suspicious of Ketler’s assertions that he was a police officer because of his lack of a star and unwillingness to divulge his identifying number, Young ordered Ketler out of his laundry, announcing “that [he] was no policeman but a hoodlum.”¹⁶⁶ Unwilling to tolerate such treatment, Ketler attempted to continue in his duties as an officer and ended up in a street brawl with the laundrymen.

As anti-Chinese sentiment colored the legal experiences of Chinese Americans, community relations were further eroded. The exclusionist prosecutions of Chinese in the late 1870s illustrated continued anti-Chinese bias. Yet Chinese Americans did not public express their frustrations outside legal channels, instead opting to work within the system. By the late 1870s, many Chinese Americans responded by becoming more legally sophisticated and hiring skilled Anglo attorneys to appeal discriminatory prosecutions. The development of Chinese exclusion in Los Angeles and individualized responses by the Chinese American community are the focus of the following section.

¹⁶⁴ Los Angeles *Star*, 11/24/1876.

¹⁶⁵ *People vs. Henry Lewis*, 1/25/1877.

¹⁶⁶ *People vs. Ah Young et. al.*, 5/8/1878.

Exclusion and Resistance: Community and Courtroom Confrontations in the late 1870s

In the late 1870s, a marked shift occurred in cases appearing before the Los Angeles criminal court. Chinese Americans appeared as parties in a larger number of criminal cases than ever before and the nature of the prosecutions had changed. The following table illustrates this increased representation of Chinese in the courtroom, with almost 80% of criminal prosecutions involving Chinese occurring after 1875. In addition to simple assault and theft charges, Chinese began appealing to higher courts over issues such as employment discrimination and illegal imprisonment.

Table 5: Chinese Criminal Indictments By Five Year Period, 1860-1879.¹⁶⁷

Years	Total Indictments, All Cases	Percent of Total	Total Indictments, Excluding 1871 Massacre	Percent of Total
Total, 1860-1879	86		58	
1860-1864	5	5.8%	5	8.6%
1865-1869	0	0.0%	0	0.0%
1870-1874	35	40.7%	7	12.1%
1875-1879	46	53.5%	46	79.3%

This transformation paralleled the rise of the organized anti-Chinese movement in Los Angeles during the same time period. As Chinese exclusion became a more visible concern in Los Angeles, criminal cases began to reflect a newfound strategy of legal exclusion. Pressures for Chinese community, occupational, and vice suppression were expressed in a round of crackdowns targeting Chinese small businesses, health code violations, and immoral industries. Many individuals within the Chinese community responded assertively, using the court systems to resist such exclusionist pressures. In attempting to censure illegal procedures, notably false arrests and imprisonment, Chinese Americans used the criminal courts as a venue to demand recognition of their legal rights. By the late 1870s, a tension between exclusion and resistance existed within the criminal courts, as well as in the local community as a whole.

¹⁶⁷ Los Angeles District and County Criminal Court Records, Huntington Library.

Chronology distinguished the exclusion movements of northern and southern California. Legal attempts at political and economic exclusion had existed in California for almost a decade before the first Chinese arrived in Los Angeles.¹⁶⁸ The organized Los Angeles exclusion movement belatedly commenced after 1870.¹⁶⁹ Population and labor demographics contributed to the late development. The Chinese community was first established in 1860 and grew slowly until 1875, when large numbers of laborers were imported for railroad work.¹⁷⁰ Organized labor, a critical constituency in organized Chinese exclusion movements, did not become an interest in Los Angeles until the mid-1870s.¹⁷¹

Such differences in demographics, industrial development and labor activism have led some historians to assert that Los Angeles' manifestation of the anti-Chinese movement was neither as lengthy nor as deep-seated as in northern California.¹⁷² These arguments are careful to designate the 1871 Chinese Massacre as an event outside organized exclusion.¹⁷³ That the formation of labor-oriented exclusion organizations occurred in the late 1870s does not illegitimize anti-Chinese sentiments that existed in Los Angeles on the eve of the massacre. Likewise, a smaller Chinese population did not smooth relations between Chinese and Angelenos or make the emerging ethnic community less threatening. The broad tacit support by city officials and prominent citizens of the

¹⁶⁸ Newmark, *Sixty Years in Southern California*, 188. Harris Newmark's description of the anti-Chinese sentiment in Los Angeles in 1855: "At that time, most of the opposition to the Chinese came from San Franciscans, there being but few coolies here." As the first Chinese were recorded in Los Angeles in the 1860 census, the better part of a decade elapsed between the emergence of anti-Chinese sentiments in northern California and Chinese emigration to southern California.

¹⁶⁹ The anti-Chinese movement became an issue in northern California politics in 1867. See Bacon, Walter A., "Fifty Years of California Politics."

¹⁷⁰ Locklear, "The Celestials and the Angels," 240. The US Census figures support this assertion: the Chinese community in Los Angeles between Census years 1870 and 1880, increased from 234 to 1169. Cited in Lou, *The Chinese American Community*, 14.

¹⁷¹ Locklear, "The Celestials and the Angels," 240.

¹⁷² Locklear, "The Celestials and the Angels," 239. "The facts are, however, that agitation in Los Angeles developed far later than it did in San Francisco, was more difficult to arouse and sustain, and was, on the whole less passionate and less violent."

¹⁷³ Locklear, "The Celestials and the Angels," 244. "Within the context of this study a most important point regarding the massacre of 1871 is that it is not a part of any anti-Chinese movement. It was not an attempt to drive the Chinese from town nor discourage them from coming. At this time there was no anti-Chinese movement afoot in the city. The Chinese population was still quite small and was engaged in occupations which did not directly compete with any significant number of whites.... The murdering and looting of October

massacre violence, as well as the estimated thousands that filled the streets, indicates that there existed something more complex than simple working class rivalries.¹⁷⁴ The motivations for the riot seem to have been a mixture of economic envy and opportunism, community suspicion and racial prejudice.

By 1871 the Chinese community had become an emerging threat to Angelenos. The satirical stories that appeared in local newspapers mirrored the contempt and racial cognizance of Anglos toward Chinese Americans. The wealth and power of individuals like Sam Yuen and Yo Hing were not overlooked by the larger community, but perhaps fostered jealousy and suspicion.¹⁷⁵ There was surprisingly little competition between Chinese and Anglo workers; Chinese Americans were employed in industries that had few non-Chinese participants. Many Chinese were laundrymen, vegetable peddlers, cooks or domestics, industries in which Anglos scorned participation. With the excuse of the shooting of Robert Thompson and Officer Bilderrain, Angelenos eagerly utilized the opportunity to express their darkest impulses towards violence.

A troubling theme that recurs throughout Los Angeles historiography is the perception that the 1871 massacre marked a rite of passage in early city development rather than a manifestation of virulent anti-Chinese emotions.¹⁷⁶ Local newspapers in the nineteenth century often celebrated the “good results” of the massacre, citing it as a watershed after which Los Angeles became a more law-abiding community.¹⁷⁷ Ironically, these same sources recognized the broad community support of the massacre but denied implications that it represented anything more than general lawlessness. The massacre was explained or dismissed as a typical and necessary step in the transition between the

24 seems to have been more the dying breath of a period of general lawlessness than an expression of any city-wide sentiment against the Chinese.”

¹⁷⁴ Widney, “The Great Chinese Massacre.” Widney estimates 2000 to 3000 people were in the mob.

¹⁷⁵ Los Angeles *Star*, “The Night of Horrors!” 10/26/1871.

¹⁷⁶ Widney, “The Great Chinese Massacre.” Locklear, “The Celestials and the Angels,” 244.

¹⁷⁷ Los Angeles *Daily News*, 10/29/1872, “A Year Ago.” “But with all of the horrors of a year ago before us, it is gratifying to note that since then the knife and pistol have not been so frequently at work as previously. In fact, we have resolved ourselves into an orderly community, and will bear comparison with any other community in the State.”

lawless frontier and the established city. This perspective dehumanized the victims and tacitly legitimized the violence perpetrated against the early Chinese community before organized exclusion.

Southern California exclusionists attempted to distinguish themselves from their northern brethren, if only rhetorically. An 1873 meeting of a Los Angeles anti-coolie club was critical of violent action espoused in the north and called instead for congressional action. This public reluctance to employ violent tactics and advocacy of legal methods to effect exclusion was evident in the opinions of local Angelenos expressed to state and national governments. An impassioned letter written by H. D. Barrows of Los Angeles in October 1878 spoke out about the “quasi slaves” who lived “like hogs” and threatened to “swamp our civilizations.” But Barrows’ missive did not argue explicitly for violence but instead suggested, “let us legislate against the... deluge that threatens us!”¹⁷⁸ The community sentiments expressed by *Herald* editor James Bassett that preface this section showed similar hostility to continued Chinese immigration but advocated legal remedies. Bassett conceded that “those Chinamen who are already here should be protected the same as any other person who is living here.”¹⁷⁹

This apparent reluctance to employ violence to further Chinese exclusion had deeper roots than immigration patterns and municipal demographics. Psychologically and publicly, Angelenos were attempting to distance themselves from the tainted heritage of the 1871 massacre. Newspaper editors led the retreat, arguing that

The Chinese who are here now, are here lawfully, and if we are to get rid of them it will have to be done lawfully. To fan the fame of prejudice against these people by tumultuous meetings can only lead to violence, and the people of this city will not tolerate violence. We cannot forget that scenes were witnessed in this city six years ago which were disgraceful and inhuman in the extreme, and which called forth the condemnation of the civilized world.¹⁸⁰

Alexander Saxton’s detailed history of the anti-Chinese labor movement in northern California provides a broader context for similar events in Los Angeles. The Workingmen’s Party

¹⁷⁸ “A Los Angeles Lettersheet of 1878.” H. D. Barrows to G. E. Talbot, 10/8/1878.

¹⁷⁹ Joint Special Committee: 1138-1141.

emerged in October 1877 under the divided leadership of Denis Kearney and Frank Roney. Objecting to competition with Chinese laborers, the railroad officials who employed them in prodigious numbers and corrupt party politicians, Kearney staged a public meeting on Nob Hill “on the front stoop of the Central Pacific’s officialdom.”¹⁸¹ Their most telling moments emerged in 1878 when the Workingmen swept 41 of the 106 seats in the state constitutional convention. Lacking any broad-reaching plan for the new constitution, the Workingmen merely facilitated the enactment of the Granger program and numerous anti-Chinese clauses. Article XIX, in particular, outlawed the employment of Chinese in state or local public works and by private corporations. The article also sanctioned almost any action that state or local authorities might undertake, including enforced ghettoization, removal of Chinese from city limits and police action against “dangerous” aliens. Saxton has argued that the implementation of these clauses, which were widely anticipated to be invalidated in court, represented “a plea for private violence with the implication that the authorities... would condone and welcome such assistance.”¹⁸²

Although anti-Chinese organizations had flared up in Los Angeles for brief spans since the early 1870s, the organized, sustained movement began in May 1876 with the founding of an anti-coolie club. Although membership never exceeded 300, the club’s meetings were widely attended and it managed to convince the City Council not to award public works contracts to persons employing Chinese.¹⁸³

A drought and economic recession accompanying the completion of the transcontinental railroad heralded the beginning of depression in 1876. For the first time Los Angeles laborers began organizing themselves, announcing a labor meeting in August 1876 and forming their own branch of the California Workingman’s Party, the Los Angeles Workingman’s Club No. 1.¹⁸⁴ The

¹⁸⁰ Cited in Locklear, “The Celestials and the Angels,” 246. Editorial published in *Los Angeles Evening Express*, 8/2/1876. Reprinted in *Los Angeles Star*, 8/3/1876-8/4/1876.

¹⁸¹ Saxton, *The Indispensable Enemy*, 118.

¹⁸² Saxton, *The Indispensable Enemy*, 127-129.

¹⁸³ Locklear, “The Celestials and the Angels,” 245.

¹⁸⁴ Locklear, “The Celestials and the Angels,” 246-7.

Workingmen's tactic was to institute oppressive taxes that would force the Chinese from the city.

With allies on the City Council, a business licensing tax was implemented that primarily targeted the Chinese-dominated laundry and vegetable-peddling sectors.¹⁸⁵

With respect to Chinese expulsion, the Los Angeles exclusionists were less confrontational than the northern Workingmen leaders. Rather than mandating removal, Los Angeles leaders utilized connections on the City Council to design policies they hoped would induce Chinese exclusion with minimal friction, notably business license taxes, the enforcement of health statutes and the suppression of Chinese vice industries.

By the late 1870s, the Los Angeles courts had become the enforcement mechanism of Chinese exclusion. The three-pronged attack on Chinese small businessmen, health code violations and vice industries occupied a growing number of cases. Chinese Americans were not passive recipients of this latest round of oppression. By the end of the 1870s, Chinese residents were using the criminal court as a forum to uphold their legal rights and prosecute abuses by city officials. A significant number of Chinese appealed to the courts to protest against false imprisonment and occupational discrimination. Recognizing the newfound assertiveness of the Chinese community and perhaps fearing expensive litigation, the courts became increasingly mindful of Chinese rights. As perhaps a measure to limit the burgeoning number of Chinese appeals, judges cautioned officers to follow correct procedures during arrests and the first recorded search warrants in a Chinese criminal action were issued in 1879.¹⁸⁶

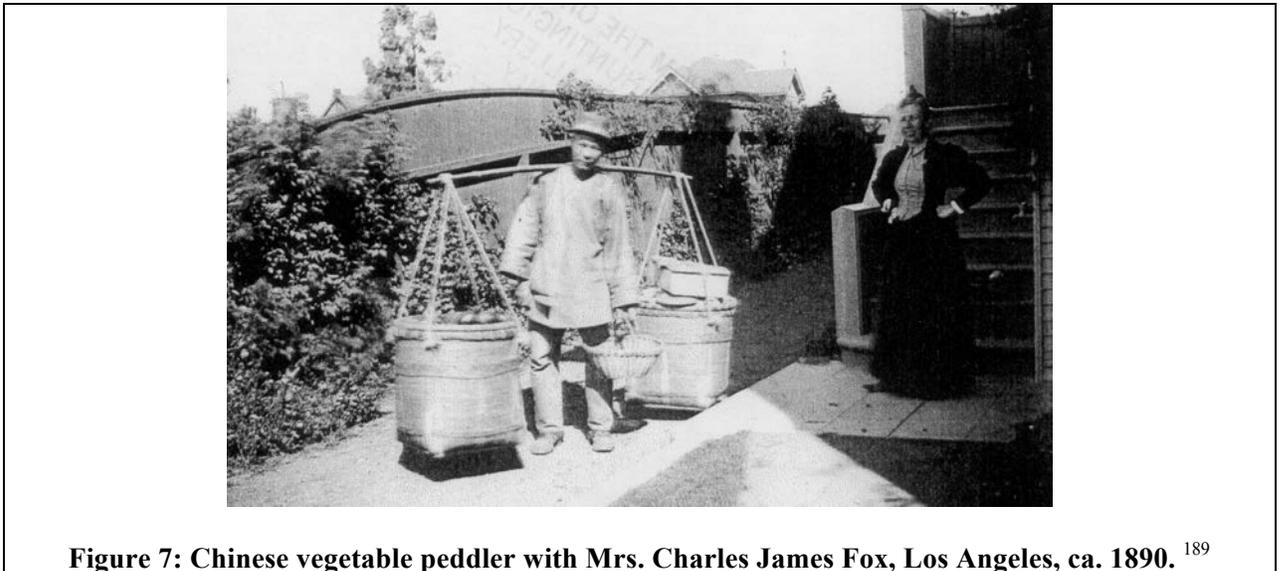
The Campaign against Chinese Vegetable Peddlers and Laundrymen

A pattern of informal discrimination against Chinese vegetable peddlers originated in the early 1870s, when a few entrepreneurs began to successfully compete in the fresh produce market.

¹⁸⁵ Locklear, "The Celestials and the Angels," 248.

¹⁸⁶ For an admonition from the bench to observe correct arrest procedures see *People vs. J. W. Davis*, 3/25/1879. The first recorded search warrant in a Chinese case was issued in a dispute over missing laundered articles, see *People vs. Ah Shug*, 4/18/1879.

Each day, these small merchants traveled outside the confined limits of Chinatown to set up stands on major city streets or took their wagons to their customers' homes. Because of the nature of the business, peddling required some proficiency in English, and Chinese vendors sometimes developed close relationships with their customers.¹⁸⁷ Marshall Stimson, writing in the late 1880s, recalled his family's vegetable peddler, although the details of his story were belied by his use of the generic "John Chinaman" label: "He was absolutely trustworthy and kept correct accounts. He was very fond of talking to any member of the family who would listen... John Chinaman always brought my mother Chinese lillies [sic] and candy and leeche nuts for the Children on Chinese New Years."¹⁸⁸



The familiar sight of these peddlers making their daily routes of the city concurrently became a target of editorial satire. Short newspaper items appearing in 1871-72 chronicled and ridiculed the arrival of Chinese vegetable peddlers. Just days before the 1871 Massacre, the *Los Angeles Star* satirized "the coming Mongolian" of the developing Chinese American community as a "vegetable

¹⁸⁷ Lou, *The Chinese American Community*, 130.

¹⁸⁸ Stimson, *Fun, Fights, and Fiestas in Old Los Angeles*, 35-6 cited in Lou, *The Chinese American Community*, 131.

¹⁸⁹ Huntington Photographic Collection, Album 343, Photo 136. "Chinese vegetable peddler with basket of wares poses with Mrs. Charles James Fox, Los Angeles, ca. 1890."

monger... [who] can sell fewer vegetables for more money than any of his celestial or terrestrial competitors. We predict for him a brilliant and successful career.”¹⁹⁰

The ironic prediction of the *Star*'s editor came to pass by the end of the decade; in 1880, fifty of the sixty licensed peddlers in Los Angeles were of Chinese extraction.¹⁹¹ Other items ridiculed the intelligence of the emerging entrepreneurs. In 1872 the *News* related a story about a “vegable” peddler who, much to the “merriment” of those on Main Street, overlooked a loose harness on his old nag. After this was called to the peddler's attention and he disregarded the caution, the spectators “generally conceded that the horse was as intelligent as the maste[r].”¹⁹²

Vegetable peddlers' extensive contact with non-Chinese also exposed them to discrimination and danger. Runaway horses were a persistent and deadly hazard in early Los Angeles. Typical newspaper stories chronicled frequent deaths and injuries from such accidents and highlighted instances of such disturbances among vegetable peddlers.¹⁹³ In the mid-1870s, newspapers revealed a popular sport among Los Angeles youths was to incite runaway vegetable wagons by “striking the horse with well-thrown stones.”¹⁹⁴ By 1874, local newspapers noted that stoning of Chinese, especially vegetable peddlers, had become an everyday occurrence.¹⁹⁵ The bolting and overturning of one vegetable truck ended with the peddler being “assisted” by a group of “gamins” who were “careful... not to deposit their gleanings anywhere outside of their capacious pockets.”¹⁹⁶ Raymond Lou has persuasively argued that these unpunished adolescent pranks constituted a little-acknowledged but important manifestation of routine anti-Chinese harassment.¹⁹⁷

¹⁹⁰ Los Angeles *Star*, “The Coming Mongolian,” 10/21/1871.

¹⁹¹ Lou, *The Chinese American Community*, 130.

¹⁹² Los Angeles *Daily News*, “No Sabe,” 7/16/1872.

¹⁹³ Los Angeles *Daily News*, “Frightful Runaway,” 7/24/1872. A horrific description of a Chinese man dragged to his death through the city after his mustang took fright.

¹⁹⁴ Los Angeles *Star*, 5/21/1879, 8/26/1879. Los Angeles *Express*: 8/22/1874, 12/1/1876. Cited in Lou, *The Chinese American Community*, 95.

¹⁹⁵ Lou, *The Chinese American Community*, 112.

¹⁹⁶ Los Angeles *Daily News*, 9/24/1872.

¹⁹⁷ Lou, *The Chinese American Community*, 94.

Chinese exclusionists found a convenient target in the vegetable peddler. Through cooperation, Chinese Americans had come to dominate the produce market.¹⁹⁸ They divided the city into individual routes to reduce competition and organized a clubroom where vendors gathered in the evenings to coordinate their activities. To increase production and organize distribution, farmers specialized in certain crops and peddlers gathered each morning in Chinatown to distribute the produce such that each peddler had a broad selection.¹⁹⁹ The level of coordination and success was threatening to exclusionists, yet it also assured occupationally-oriented discrimination would only be a significant hardship to Chinese Americans. Another aggravation was that peddlers, unlike laundrymen, could obtain some level of respect from their white patrons.²⁰⁰

Vegetable peddlers were explicitly targeted by city ordinances. In 1876 the City Council required that all peddlers acquire a permit. Following the victory of the Workingman's Party in 1878, the license fee increased in February 1879 from \$3 to \$10 per wagon per month.²⁰¹ The peddlers responded decisively and went on strike. Afraid of expensive lawsuits, a special committee recommended that the City Council restore the \$3 fee until May 1. In spite of the recommendations and continuing strike, the Workingman-dominated Council voted at their next meeting to raise the monthly license fee to \$25.²⁰²

A legal battle began with the February 1879 license fee increase. The Chinese peddler's union began an effective campaign to fight the exorbitant assessment. After four days on strike, the vendors resumed business and passed the added cost on to their customers.²⁰³ Consistent with reports that 9 out of 10 households were dependent on Chinese peddlers, a general public outcry arose and

¹⁹⁸ Lou, *The Chinese American Community*, 134. At the time of the licensing controversy, Lou estimates that 80 to 90% of all vegetable peddlers were Chinese. Locklear, "The Celestials and the Angels," 248 records that Chinese peddlers in 1876 outnumbered their non-Asian counterparts 47 to 2.

¹⁹⁹ Lou, *The Chinese American Community*, 138. Locklear, "The Celestials and the Angels," 248-249.

²⁰⁰ Lou, *The Chinese American Community*, 135.

²⁰¹ Reference to increase in licensing fee in *People vs. Lee Bung*, 4/12/1879, and in newspaper item enclosed in court papers.

²⁰² Lou, *The Chinese American Community*, 132. Locklear, "The Celestials and the Angels," 248-249. Locklear claims the licensing fee of \$3 from 1877 was raised to \$20 per month per wagon in January 1879.

²⁰³ Locklear, "The Celestials and the Angels," 249.

petitions to repeal the licensing tax plagued the Workingmen's Party.²⁰⁴ In addition to their popular-front campaign, the Chinese vendors began a legal attack on the assessment. It was reported that Chinese vendors taxed themselves \$2 each in order to obtain legal counsel to challenge the licensing fee.²⁰⁵ In April, Lee Bung was convicted in a lower court for peddling without a license and appealed to the county court. He petitioned for a new trial on grounds that "the ordinance imposes a municipal charge [upon him and] all other persons who peddle vegetables, which is unfair, partial, extortionate, oppressive in restraint of trade, and contrary to public policy..."²⁰⁶

Bung's petition was noteworthy because it was a class-action lawsuit aimed at overturning racially-oriented occupational discrimination. The cooperation among Chinese peddlers is further apparent by statistics given in witness testimony, alleging that there were 27 or 28 wagon peddlers in the city whose average profit was \$8 to \$10 per month, which made the licensing fee of \$10 prohibitive and destructive to business.²⁰⁷ Judge Stephen White agreed that the tax was "unreasonable." Issuing the only existing opinion in a Chinese criminal case, he concluded that it was not in the spirit of the legislature "to place the municipal body above the law" and allowed Bung a new trial.²⁰⁸

The legal challenges continued after the Bung case. To test its constitutionality, fifteen Chinese vendors were arrested in July 1879 and argued that under the 1879 California Constitution, Chinese were prohibited from obtaining business licenses.²⁰⁹ In response, Judge Sepulveda declared the offending section unconstitutional. The vendors persisted in protest, using duplicate license numbers to avoid the daily hazard of arrest. In 1883, following the passage of the Chinese Exclusion

²⁰⁴ For statistics, see Locklear, "The Celestials and the Angels," 248-249. Petitions to overturn decision in August 1879, see Locklear, "The Celestials and the Angels," 249.

²⁰⁵ Los Angeles *Herald* and *Star*: 1/29/1879 - 2/6/1879 cited in Locklear, "The Celestials and the Angels," 249.

²⁰⁶ *People vs. Lee Bung*, 4/12/1879

²⁰⁷ Locklear disagrees, alleging that by 1879 there were at least 50 wagon involved in door-to-door trade and in 1876, Chinese had outnumbered Anglo vendors 47 to 2. Locklear, "The Celestials and the Angels," 248-249.

²⁰⁸ *People vs. Lee Bung*, 4/12/1879. The opinion is unique in the criminal court from 1860 to 1879.

²⁰⁹ The 1879 constitutional convention, as previously discussed, was dominated by the Workingmen and other anti-Chinese forces and contained many discriminatory articles.

Act, the licensing fee strategy was abandoned and Chinese vendor fees were reduced to \$5 per fiscal quarter.²¹⁰

Vegetable vending was not the only profession targeted by the City Council as part of the anti-Chinese movement. Chinese laundries were a second victim in Los Angeles' licensing fee campaign. Chinese had likely dominated the laundry business from the late 1860s, and by 1872 approximately eleven laundries were in operation that collectively employed one hundred Chinese.²¹¹ Their influence grew, and by 1879 Chinese laundries outnumbered their Anglo counterparts by ten to one and employed close to three hundred of their countrymen.²¹²

In 1872, 14 of the 15 Chinese laundrymen refused to pay a \$5 licensing tax levied by the City Council.²¹³ Later, in the revised January 1879 tax ordinance that also targeted vegetable vendors, "regular" laundries were differentiated from "poor [Anglo] women" who did "washing" and had their license fee increased from \$5 to \$25 per laundry per month.²¹⁴ To this, laundrymen did not respond as strongly as the vegetable peddlers and adopted a "wait and see" tactic that utilized evasion rather than direct challenge. Local newspapers circulated allegations that the "wily Mongolians" were plotting to open a single consolidated laundry under one roof and divide the cost of the assessment.²¹⁵

Several circumstances made laundrymen targets of larger community hostility and exclusion. Laundries by nature were local annoyances, their operation frequently resulting in excess wash water running into the streets and angering city health officials. An 1887 city court prosecution of three wash houses accused the Chinese proprietors of emptying "their wash water and other obnoxious substances" into a nearby gully. Prosecuting witnesses, including the county health officer, alleged that the water "smells very bad, [and] is offensive, indecent, and obnoxious to the senses, and causes

²¹⁰ Lou, *The Chinese American Community*, 136-137.

²¹¹ Locklear, "The Celestials and the Angels," 242 cited 11 laundries. Lou, *The Chinese American Community*, 34 records both 15 Chinese laundries.

²¹² Locklear, "The Celestials and the Angels," 248-249. Maxwell's *Directory*. An 1887 Directory records at least 29 Chinese laundries and 11 regular (non-Chinese) laundries.

²¹³ Lou, *The Chinese American Community*, 34, 119-121.

²¹⁴ Locklear, "The Celestials and the Angels," 248-249.

²¹⁵ Los Angeles *Herald*: 1/29/1879, 2/2/1879. Los Angeles *Star*, 2/2/1879 – 2/6/1879, cited in Locklear, "The Celestials and the Angels," 249.

disease.” Although other witnesses, including several medical doctors, alleged that “the gulch is cleaner at the defendants place” than near a neighboring livery stable and water closet, the defendants were nonetheless fined \$25 each.²¹⁶

Chinese laundrymen often worked late into the night to finish the day’s work, angering their neighbors with the noise and joviality that accompanied their work.²¹⁷ There was also a fear of fire associated with laundries, as in the destruction of John Lazzarovich’s store in a blaze alleged to have originated either from “an adjoining Chinese wash house” or an arsonist.²¹⁸ Raymond Lou has observed that many of the complaints associated with laundries were easily applicable to many other types of annoying businesses in early Los Angeles.²¹⁹



Figure 8: Lee Sing Laundry, Wilmington, ca. 1885.²²⁰

Wash houses were among the minority of ethnic business establishments that located their premises outside Chinatown for the convenience of their non-Chinese customers. Because they

²¹⁶ *People vs. Hung Wee et. al.*, Justice’s Court, 11/23/1887.

²¹⁷ See Lou, *The Chinese American Community*, 124.

²¹⁸ *Los Angeles Daily Star*: 8/15/1871. R. M. Widney records Lazzarovich as assisting him during the riot in saving numerous Chinese from the mob. Widney, “The Great Chinese Massacre.”

²¹⁹ Lou, *The Chinese American Community*, 124.

²²⁰ Huntington Photographic Collection, Album 180, Photo 226. “Lee Sing Chinese Laundry, Wilmington, Los Angeles County, exterior with four workers, ca. 1885.”

symbolized an intrusion into non-Chinese neighborhoods and served as a point of contact with the surrounding community, it is not surprising that laundries became sites where anti-Asian hostility was translated into violence.²²¹

The city court case of William Lockwood, accused of assaulting two Chinese laundrymen, was highlighted in several articles of the June 1877 *Los Angeles Star*.²²² The newspaper firmly sided with Lockwood, an eighteen-year-old Anglo youth who was reported to tell “a very straight-forward story” that “convinced most of the spectators” that he fired upon the Chinese in self-defense.²²³ The altercation escalated after Lockwood built a “fire so near the Chinaman’s laundry as to soil the clothes by sparks and cinders.” When reprimanded by the proprietor, Lockwood struck him with a hoe, after which the laundryman secured his own hoe. He next shot at his opponent, and a third Chinese, Ah Kun, fired on the youth. Lockwood returned fire, and at the end of the confrontation, two Chinese were wounded, one in the leg and the other in the cheek.²²⁴ The editors were hostile to the Judge’s ruling in favor of the Chinese and unsympathetic to at least one of the victims, insisting that his “leg... wound is a mere nothing.” The paper conceded that the victim shot in the cheek “may have a serious time of it if he is not properly cared for.”²²⁵ Five Chinese were taken into custody for assaulting Lockwood, and it is unclear the outcome of these arrests except for Ah Kun, who could not be positively identified and was released.²²⁶

Less dramatic assaults on laundry proprietors reflected the potential hazards of routine business encounters. Ah Eng, a washerman, swore a complaint against his customer, Mary Macey, for assault and battery. When attempting to collect payment, “Mary blackened one of his eyes, scratched his face and ordered him away from the house.” The editor jocularly predicted that “when [Mary] settles with Judge Peel she will probably think it would have been cheaper to pay the

²²¹ Locklear, “The Celestials and the Angels,” 121.

²²² *Los Angeles Star*: 6/7/1877 – 6/10/1877.

²²³ *Los Angeles Star*: 6/8/1877.

²²⁴ *Los Angeles Star*: 6/9/1877.

²²⁵ *Los Angeles Star*: 6/9/1877.

Chinaman's bill on the start."²²⁷ Editors also connected these incidents of violence to popular anti-Chinese sentiments in Los Angeles. An arrest warrant was issued against a drunken customer who beat up a Chinese washerman for not surrendering his clothes, even though he withheld payment.

The editor remarked,

It is scarcely the right way to settle the all-absorbing Chinese question by hiring one of the heathens to do your washing, and then punching him in the face because he will not give up the clothes without the money. Yet a drunken fellow did the very thing... and succeeded in collecting quite a crowd of sympathizing white men, who appeared delighted to see the Chinaman get the worst of the tussle.²²⁸

The editors explicit mention of exclusion was especially meaningful during this time of increasing agitation for the removal of Chinatown and the assessment of high licensing taxes directed at Chinese businessmen. These newspaper stories indicated that anti-Chinese violence could be an everyday manifestation of prevalent community and political pressures.

Laundrymen were a recurrent presence in the criminal courtroom, explicitly appearing as parties in 6 of the 85 cases involving Chinese. By the late 1870s they frequently appeared to answer charges that they stole their patrons' clothing.²²⁹ As a first contact between the Chinese and Anglo communities, laundrymen were sometimes the victims of randomized violence, as in the unprovoked shooting at an ironer at work in a laundry.²³⁰

Despite the apparent passivity of Chinese laundrymen in the late 1870s, these small businessmen were far from the submissive victims of Anglo violence and legal discrimination. A street brawl between Officer Ketler and several laundrymen is an indication of extralegal assertiveness. In 1878, Ketler accompanied one Mr. Gray to a Chinese "Work-house" to retrieve his

²²⁶ *Los Angeles Star*: 6/10/1877. The 6/7/1877 article lists the two Chinese victims and two others "who were mixed up in the fracas" as the initial four Chinese arrests. Ah Kun was brought into custody late on the evening of 6/7/1877.

²²⁷ *Los Angeles Star*, 8/2/1877.

²²⁸ *Los Angeles Star*, 9/5/1877.

²²⁹ See *People vs. Hop Chung* 7/18/1877: Chung acquitted for the alleged theft of Rosa Moreno's petticoat, *People vs. Ah Shug* 4/18/1879: Shug appealed conviction for converting Emma Riley's clothing "to his own use."

²³⁰ *People vs. Antonio Castillo* 11/22/1877.

clothing. Despite Gray's claim that he had paid the \$2.50 he owed, the Chinese proprietors disagreed and would not release the disputed articles.

Unable to produce his policeman's star, the Chinese remained skeptical of Ketler's assertions that he was indeed a police officer. After Mr. Gray was sent to obtain a warrant, Ah Young, the proprietor, ordered Ketler out of the laundry. After placing his hands on Young and instructing him to "behave himself," Ketler was then "closed on" and struck at by the ironers. Drawing Young into the street, Ketler solicited assistance from passing Anglos to help him arrest the laundrymen.²³¹ This assault on a police officer symbolized a growing anger towards the Anglo community. Their hostility towards Ketler and Gray reveals a distrust and poor relationship with hostile Anglo customers and perhaps the police department itself.

The Anti-Chinese Public Health Campaigns

Throughout the 1870s, public opinion almost universally agreed that Chinatown should be obliterated.²³² The Chinese themselves were generally tenants and owned little of the property in Negro Alley. Because the garbage, rotting fruit and vegetables and occasional animal carcass were attributed to the Chinese rather than their poor accommodations and negligent city garbage collectors, it was argued that Chinatown was a health menace. Other health officials argued that Negro Alley apartments were dirty, a breeding ground for vermin, and otherwise unfit for human habitation.²³³ An 1880 report entitled "Chinatown: The Crying Evil of Our City" characterized Negro Alley as "a great social evil in every respect" and a health hazard because of the flagrant disregard for the Cubic Air Ordinance.²³⁴

²³¹ *People vs. Ah Young et. al.* 5/8/1878 All of the Chinese defendants were assessed a \$20 fine or 20 days in the County Jail.

²³² Before its demolition in 1888, Chinatown was located in 'Negro Alley,' the venue of the 1871 massacre, a small alley off the Plaza in downtown Los Angeles. Chinatown consisted of a series of run-down old adobe shops and apartments.

²³³ Lou, *The Chinese American Community*, 147-148.

²³⁴ Lou, *The Chinese American Community*, 153-154.

Public health became an emerging concern with the development of Los Angeles. Often perceived as unclean, Chinese frequently found themselves as targets of public hygiene campaigns. As agitation to remove the Chinese from the Plaza increased, exclusionist pressures were translated into strict enforcement of state health laws and local hygiene agendas.

Beliefs of Chinese immorality and uncleanness were translated into false perceptions that Chinese consumed dogs and rats.²³⁵ Allegations of disease were used to stigmatize Chinese residents and formed the basis of health arguments for Chinese exclusion and segregation. An outbreak of smallpox in 1876 led to an inspection and attempt to disinfect Chinatown itself. The smallpox hysteria had important economic implications for the Chinese community, as Anglo patronage of Chinese businesses dropped precipitously during the three-month scare. Yet in retrospect it was noted that not a single case of smallpox had originated in the Chinese quarter.²³⁶ As part of the Chinatown removal campaign, health officers sent to inspect Negro Alley's Asian residents alleged that "nearly all... showed more or less signs of syphilis."²³⁷

Since the state Supreme Court had not yet ruled on provisions of the recent 1879 California Constitution regarding the expulsion of Chinese outside municipal districts, one of the few legal alternatives open to city officials was the rezoning of Negro Alley.²³⁸ The City Council began this effort in 1877 by renaming Negro Alley to Los Angeles Street.²³⁹ In 1881 Los Angeles Street, which was interrupted midway by Negro Alley, was extended from Arcadia to Alameda Streets and officially the alley ceased to exist. Objecting to the potential loss of their profitable holdings, local landlords refused to cooperate with city plans to eliminate Chinatown.²⁴⁰ Eight months later, costly

²³⁵ Lou, *The Chinese American Community*, 147. *Los Angeles Star*, 5/25/1872 cited in Lou, *The Chinese American Community*, 88.

²³⁶ *Los Angeles Express*: 9/22/1876, 9/23/1876, 1/22/1877 cited in Lou, *The Chinese American Community*, 146-147. The vegetable peddlers were especially impacted.

²³⁷ *Los Angeles Times*: 4/14/1882, cited in Lou, *The Chinese American Community*, 155.

²³⁸ Lou, *The Chinese American Community*, 154.

²³⁹ Locklear, "The Celestials and the Angels," 250.

²⁴⁰ *Los Angeles Herald*: 6/18/1881 cited in Lou, *The Chinese American Community*, 155.

litigation instigated Negro Alley landowners and shopkeepers continued to delay the street opening.²⁴¹

Thwarted in their attempts to move or destroy Chinatown, city officials began to enforce sewage ordinances and the state Cubic Air Ordinance. By the late 1880s, the dispute was reaching the point of confrontation. In 1887, two attempts were made by vigilante groups to destroy Chinatown with fire. In July, an unsuccessful arson attempt was made on Ah Sing's merchandise store in Negro Alley. A second attempt, this time at 2:30 A.M. and involving the complicity of the neighborhood fire department, succeeded in burning down fifteen or sixteen Chinatown stores.²⁴² The resulting \$75,000 worth of damage, coupled with the fact that northern California fire insurance companies had canceled Negro Alley policies following the first arson attempt, made the fires acutely disastrous to the Chinese community.²⁴³

In 1888, the City Council passed another ordinance to extend Los Angeles Street to the Plaza, which required the removal of buildings in Chinatown that extended across Los Angeles Street to form one side of Negro Alley. The Board of Public Works unexpectedly began the demolition work early one morning at 4 A.M. and managed to clear most of the obstructing buildings before an injunction could be obtained.²⁴⁴ The Chinese were resettled in a new neighborhood at the corner of Ducommon Street and Labory Lane.²⁴⁵

In December 1877, Prudent Beaudry was fined \$5 in criminal court for the misdemeanor of allowing "slops and sewage" from several of his properties to run into Aliso Street.²⁴⁶ Although it is unclear whether the residents of the offending Aliso Street properties were of Chinese extraction, Aliso Street's close proximity to Chinatown coupled with Beaudry's ownership of the Chinese-

²⁴¹ Los Angeles Times: 2/12/1882, 3/17/1882 cited in Lou, *The Chinese American Community*, 155.

²⁴² Lou has argued that the fire department was allied with the vigilante groups. It is compelling evidence that the local fire station was located across the street from Negro Alley, yet the firemen did not respond for almost an hour after the buildings were ablaze.

²⁴³ Lou, *The Chinese American Community*, 157-159.

²⁴⁴ Kuhrts, "Reminisces of a Pioneer," 66-68.

²⁴⁵ Lou, *The Chinese American Community*, 161-2.

²⁴⁶ *People vs. Prudent Beaudry*, 12/1/1877.

occupied Beaudry Block in Negro Alley do not make the association improbable.²⁴⁷ This case is indicative of the public pressure to censure landlords who contributed to dirty conditions and the growing impatience with private littering of public thoroughfares. Beaudry's solitary prosecution for street littering was a unique case in the criminal court.²⁴⁸ Generally prosecutions for public nuisance had tapered off by the late 1870s: there were eleven nuisance cases between 1870 and 1874, and three prosecutions for the remainder of the decade.²⁴⁹ The timing of the indictment corresponded to a period of growing frustration of city officials with Chinatown property owners who would not agree to the removal of Chinatown. Beaudry's sudden prosecution might reflect the selective enforcement of city statutes as a response to political pressure and public agitation.

Among the most notorious California health statutes was the Cubic Air Ordinance of 1876 that stipulated 500 cubic feet of air be furnished for each tenant in a boardinghouse.²⁵⁰ Selective application and the reality that Chinese Americans, prohibited from free settlement throughout the city, were often forced to live in tightly crowded rooms made this law of particular concern to the Chinese community. Notably, the law had been in effect statewide for several years before it was first enforced in Los Angeles. In January 1879, the city Health Officer caused ten Chinese to be arrested in violation of the Ordinance. Even with evidence on its side, the trial resulted in a hung jury and the city could not secure a conviction. Rather than ordering a retrial, the judge dismissed the case

²⁴⁷ As the Beaudry Block was located on Negro Alley, it was likely occupied by Chinese businesses and apartments. References to the Beaudry Block appear throughout the coverage of the 1871 Chinese massacre. The testimony of H. T. Hazard mentions the Beaudry Block's location "opposite" the Coronel building, *Los Angeles Star*, 10/26/1871 and De Falla, "Lantern in the Western Sky," 72. Ah Choy, a member of the Nin Yung Company and participant in the events leading to the riot, lived in the Beaudry Block in 1871. [De Falla, "Lantern in the Western Sky," 68.] In the newspapers, Yo Hing leader of the rival Hong Chow Company alleged extortion of one of his countrymen who operated a store out of the Beaudry Block. [*Los Angeles Star*, 10/30/1871.]

²⁴⁸ The cases for "obstructing a public highway" were *People vs. Henry Dalton*, 10/24/1870, and *People vs. Jacob Lower*, 6/2/1871, and keeping a "filthy stable" were *People vs. Guadalupe Anzara*, 3/12/1874, and *People vs. Joshua Hewitt*, 3/20/1874.

²⁴⁹ See Los Angeles County Criminal Court records. Typical nuisance charges included disturbing the peace.

²⁵⁰ The official name of the Cubic Air Ordinance was the Lodging House Act of 1876.

on the grounds that “the city could lose a fortune in pursuing such a hopeless case” and the Cubic Air Ordinance became a dead letter in Los Angeles.²⁵¹

The judge was responding to a newfound assertiveness in the Chinese American community. Five days after his January arrest under the Cubic Air Ordinance, Charlie Tam swore out a complaint that he had been arrested with three other Chinese “under color and pretense of legal authority... without warrant, or legal process of any kind.” Tam’s description of the events revealed blatant disregard of Chinese legal rights by participating police officers. After midnight, the officers arrived at his room and “demanded admittance to the room where he then was and said they... would shoot if the door was not opened.” Tam complied and opened the door. During their subsequent arrest, Tam testified that he was “not informed by any of the defendants that they had a warrant for the arrest of himself or any of the other inmates in that room.”²⁵²

City Health Officer W. Lindley, testifying on his own behalf, reported that the room where the four Chinese were lodging only “contained 438 cubic feet of air” and did not conform to the requirements of the ordinance. The violation notwithstanding, contention existed on several levels about the lawfulness of taking the Chinese into custody. Lindley freely admitted that the officers “had no warrant of any kind to arrest” the Chinese residents. Tam corroborated, testifying that he overheard a disagreement among the officers whether “they could not make the arrest because it was after 12 o'clock [sic] at night.” In the end, prolonged deliberations resulted in nothing but a deadlocked jury. Like the original prosecution, the case was dismissed on the rationale that it would “save cost and expenses.” The judge characterized the community division in his assessment that “such a state of feeling exists in this community as to this case that a Jury could not be found that would agree.”²⁵³

In many respects, the Lindley case was groundbreaking for the Chinese community. It represented the first instance where Chinese were able to confront irregular law enforcement

²⁵¹ Locklear, “The Celestials and the Angels,” 252.

²⁵² *People vs. W. Lindley et. al.*, 2/18/1879, Testimony of Charlie Tam.

procedures and convince part of an Anglo jury. Although Lindley and the police officers were never punished, the case illustrated divided opinions in Los Angeles about illegal arrest of Chinese. Two judicial dismissals on grounds of cost implied ambiguous support of the illegal enforcement of anti-Chinese ordinances.

The Exclusion of Chinese Vice Industries

Chinese Americans were historically associated with immorality. When their community was first established in the late 1860s, Chinese were forced to settle in Negro Alley by the low rents and discrimination that prevented their settlement in other residential areas of the city. Nonetheless, they were popularly connected to the neighborhood industries. Negro Alley's reputation, coupled with widespread accusations of questionable morality, made "moral depravity... an indelible stamp on the Chinese character."²⁵⁴

For most of the 1860s and 1870s, Chinese vice industries were allowed to continue with the tacit approval of city officials. Los Angeles was a notorious venue for gambling in the second half of the nineteenth century and successfully attracted rough elements.²⁵⁵ Until 1875, gaming occurred openly in Los Angeles without censure. Games that were particularly popular among Chinese and Anglos alike were fan tan and the Chinese lottery. Fan tan was a boisterous game that involved direct participation in betting and encouraged joviality and social interaction.²⁵⁶ The Chinese lottery, which became the most popular gambling activity after 1890, differed from fan tan because of its anonymity: customers purchased tickets from commissioned sales agents and thus avoided the stigma

²⁵³ *People vs. W. Lindley et. al.*, 2/18/1879.

²⁵⁴ Lou, *The Chinese American Community*, 141-142.

²⁵⁵ Lou, *The Chinese American Community*, 209.

²⁵⁶ Lou, *The Chinese American Community*, 206: "Fan tan is a game of chance in which the players bet on numbers, from one to four, of buttons (or any like object remaining from a random quantity that the dealer had placed beneath a cup or bowl and counted out in groups of four. The last group determines the winner. Players also have the option of betting odd or even. Direct player participation in witnessing the entire sequence of drawing buttons, covering, betting, and counting undoubtedly contributed much to the excitement and suspense that made this game so popular."

of social intercourse with Chinese.²⁵⁷ Periodic raids indicated temporary breakdowns in arrangements between city authorities and Chinese proprietors.²⁵⁸

The suppression of Chinese vice industries, notably gambling and prostitution, became a leading concern by the late 1870s. Widespread participation was noted with alarm in local newspapers and led to crackdowns on Chinese vice. Where originally Anglo participants in Chinese vice industries were perceived as aberrant individuals, broader involvement lent support to the idea of Chinese as the corrupting element of white Christian society.²⁵⁹ Community objections to Anglo/Chinese social interaction became an underlying cause of the increased police raids and oppression.²⁶⁰

Suppression shadowed the development of gambling. In 1873, the city fathers closed all gaming houses for a brief span and issued a city ordinance against public playing of monte and faro, games supported by the non-Chinese community.²⁶¹ Few arrests were made, and no indictments appeared in the county courts for gambling.²⁶² Following the brief crackdown, open gambling continued unchecked for several more years. Despite the high degree of interaction between the different ethnic groups that gathered downtown in Negro Alley, no editorials appeared condemning the activity.²⁶³

²⁵⁷ Lou, *The Chinese American Community*, 207.

²⁵⁸ Lou, *The Chinese American Community*, 145.

²⁵⁹ Lou, *The Chinese American Community*, 141-143.

²⁶⁰ Lou, *The Chinese American Community*, 44, 143.

²⁶¹ Los Angeles *Evening Express*, 1/3/1873 cited in Lou, *The Chinese American Community*, 210.

²⁶² See Table 6: Gambling Indictments in the County Court, 1875-1879. No indictments for gambling appeared in the Courts before 1875.

²⁶³ Lou, *The Chinese American Community*, 210.

**Table 6: Gambling Indictments in the County Court, 1875-1879,
 Breakdown by Ethnicity and Game Type.**²⁶⁴

Year	Total	Chinese			non-Chinese		
		Faro	Fan Tan	Other*	Faro	Fan Tan	Other*
1875	6				6		
1876	15		2		9		4
1877	2		1		1		
1878	5			1	2		2
1879	0						
Total	28	0	3	1	18	0	6

* = indicates indictments for rondo or where the game type was not specified.

Beginning in 1875, a series of indictments for gaming surfaced in the criminal courts. The above table illustrates the breakdown of gambling prosecutions in the latter part of the 1870s.

Notably ethnic divisions appear within the indictments, as Chinese were exclusively prosecuted for playing fan tan and non-Chinese for playing characteristically Anglo games such as faro and rondo.

The representation of Chinese in the above table is somewhat misleading. Anglo defendants were typically prosecuted individually for gambling, whereas Chinese were often indicted in large groups.²⁶⁵ The depersonalization of Chinese defendants is apparent in the way the indictments were drawn. While large numbers of Anglo arrests sometimes occurred in short time periods, each infraction was handled separately. This trend is apparent in an 1876 crackdown where ten Anglo men were arrested over a seven day period in late November, yet indicted individually.²⁶⁶ By contrast, two of the four Chinese indictments during this time included long lists of defendants, namely *People vs. Lee Ting and 34 Chinamen* and *People vs. Charles Cook, Din, Foo, John Wong, Jo Sang, Hin & Pone, John Doe 13 Chinamen*.²⁶⁷ This pattern meant that the average number of Chinese defendants

²⁶⁴ Los Angeles County Criminal Court Records Collection at Huntington Library, 1860-1879. There were no gambling indictments in the District Court during this time period.

²⁶⁵ The only exceptions to individual prosecutions were two co-indictments of David Biddler and W. A. Wells. See *People vs. Biddler et. al.*, 10/12/1878 and 12/3/1878.

²⁶⁶ Los Angeles County Criminal Court Records Collection at Huntington Library, 11/21/1876-11/28/1878.

²⁶⁷ *People vs. Lee Ting et. al.*, 7/17/1877 and *People vs. Charles Cook et. al.*, 11/23/1878

in a gambling case was 13 as opposed to 1.08 for Anglos, or alternatively, more Chinese were indicted in four cases than non-Chinese were prosecuted in twenty-four cases.²⁶⁸

Raymond Lou has argued that the development of the Chinese gaming industry was “a manifestation of community resistance.” Although not all Chinese participated in gambling, the majority supported the activity as a means of community legitimization.²⁶⁹ The initial period of open gaming was perceived as a sanction of Chinese gambling activities and became a precedent for the community to subsequently evaluate acceptable levels of police intervention.²⁷⁰

In the era of unabashed gambling, occasionally Chinese were assertive in protecting themselves from fraud. Wung Goph swore a complaint against four Anglos that were allegedly part of a fraud ring, in which one man used a strap while his partner “won” \$50 while making “simulated bets” against Goph. The indictment charged that the defendants “fraudently [sic] represent[ed] to Wung Gopp that a certain trick and device commonly called the strap game was a game of chance at which the said Gopp could win money whereas in truth... [it was] mere trick at which it was impossible to win against the person using the strap..”²⁷¹

In June 1877, the police came under scrutiny by the City Council on allegations they were colluding with gambling proprietors by allowing fan tan, which had become a state criminal offense, to continue. Because of this pressure, twenty Chinese were arrested and fined in city court for playing fan tan in the next month.²⁷² A newspaper item appearing shortly after the investigation ridiculed the arrest of the Lee Ting defendants, describing “a procession of thirty-nine Chinamen, tied together in couples with a lone rope” being escorted to jail.²⁷³ Group prosecutions were dehumanizing and resulted in a lack of differentiation among individual Chinese. The witnesses at the group trial made little efforts to distinguish between the defendants, and on the basis of such

²⁶⁸ The total number of defendants for each of the four Chinese cases was 15, 34, 2, and 1. For the 24 non-Chinese cases, 22 indicted one individual and 2 indicted two individuals.

²⁶⁹ Lou, *The Chinese American Community*, 205-206.

²⁷⁰ Lou, *The Chinese American Community*, 211.

²⁷¹ *People vs. Beegan and Driscoll*, 2/27/1875, and related indictment, *People vs. McLaughlin and Dodson*, 3/1/1875.

testimony, the group was found guilty by the jury and assessed a \$10 fine or 10 days in the county jail, with the alleged dealer assessed a \$50 fine.

The appeals process of the Lee Ting case typifies Chinese community resistance to gambling prosecutions. Objecting to their treatment, the Chinese appealed to the county court for a new trial. Initially the convicted Chinese were successful and secured a dismissal of their case, yet subsequent legal ‘technicalities’ resulted in a reversal of the dismissal; the court’s order to dismiss the case was annulled based on the finding that no appeal was ever filed.²⁷⁴ The legal complexities did not go unnoticed by a local editor, who highlighted the irregularity to his audience:

It will be seen from our law intelligence that Judge O’Melveney has reversed his former decision in the famous Chinese gambling case, and the Chinamen now stand convicted. The police are now looking up the Chinamen who received back their money which had been deposited for bail under the previous order.²⁷⁵

In another case, “John Doe” Jinnie attempted to dismiss his indictment for fan tan on grounds that the “deft [sic] was not indicted by a grand jury but said so called indictment was found by 18 men who styled themselves a grand jury.” Jinnie’s questioning of the validity of the grand jury resulted in an investigation that required the deputy clerk to sign an affidavit that the indictment was correctly presented.²⁷⁶

Frequently Chinese raised objections to prosecutions on grounds that the police officers could not identify them or did not understand the rules of the alleged gambling game. In the 1876 prosecution of Ah Poe and Chinaman Johnnie, Officer J. L. Fonck’s own testimony highlighted his ignorance of fan tan, the game they were charged with playing: “I didn’t know whether they were playing at the game or not... I did not understand the game... It was I think like any other gambling game where they put the money down & when they win they take the money up.” Cross-examination brought out his uncertainty about the identities of Poe and Johnnie, the alleged dealers. Despite the

²⁷² Los Angeles Express: 6/29/1877, 7/2/1877 cited in Lou, *The Chinese American Community*, 213.

²⁷³ Los Angeles Star, 6/28/1877.

²⁷⁴ *People vs. Lee Ting et. al.*, 7/17/1877.

²⁷⁵ Los Angeles Star, 7/31/1877.

²⁷⁶ *People vs. John Doe Jinnie*, 9/7/1876.

fact that sixteen Chinese were participating in the alleged gambling and Fonck testified that the Chinese participants “all look pretty much alike,” Fonck assured the court he could identify Johnnie as the fan tan dealer.²⁷⁷

Successful prosecutions like the Lee Ting case changed the nature of Chinese gaming. Even though the crackdown abated in July 1877, fan tan operators were forced to adapt their activities in light of the new public standards that no longer condoned public gambling. Chinese gaming still thrived, yet its public presence was muted. By no longer conducting their business in the open, Chinese gambling enterprises gave the appearance of propriety without going underground.²⁷⁸

The compromise was short-lived. By the 1880s, the parlors were forced to operate covertly and operators implemented methods to evade police detection. Functioning undercover in Negro Alley, many parlors had entrance signals known only by trusted patrons.²⁷⁹ By 1881, an elaborate and effective system of lookouts was established in Negro Alley for advanced notification of police raids. These added precautions served to confine fan tan gambling almost exclusively within the Chinese community. Additionally, gaming interests began paying protection money to local law enforcement. By 1887 it is estimated that the local police were accruing \$150 to \$2000 from gambling payoffs alone.²⁸⁰

An explicit act of community insurgency occurred in 1885, when a police raid on a fan tan parlor nearly precipitated an “armed rebellion” in Chinatown because of what was described as “an amateurish way to raid a tan game.” After police used axes to break through the front door and destroyed the furniture in an attempt to locate nonexistent fan tan gamblers and paraphernalia, an estimated 700 to 800 “hooting and yelling” Chinese surrounded the officers. When other policeman arrived and the disturbance had ended, the rapidly-growing crowd “suddenly quieted and in a few

²⁷⁷ *People vs. Ah Poe et. al.*, 9/7/1876.

²⁷⁸ Lou, *The Chinese American Community*, 214.

²⁷⁹ Lou, *The Chinese American Community*, 217.

²⁸⁰ Lou, *The Chinese American Community*, 217-218.

moments dispersed.” Although the newspaper reported no explicit censure of the police officers by the assembled Chinese, no analogous raid was ever repeated.²⁸¹

Gambling suppression continued through the mayorship of William Workman in 1887-88. His son, Boyle Workman, characterized the approximately five thousand Chinese residents of Los Angeles as “inveterate gamblers.” Recalling a series of uneasy interactions between Mayor Workman and a Chinese community leader in the late 1880s, Workman wrote,

The town had a “boss” who was as powerful as any Tammany leader. He would not take anti-gambling laws seriously. He made many calls upon my father, suavely suggesting means by which gambling could be left undisturbed, but the hints were just as politely ignored. One day Father came home to find a large box of very fine cigars, sent as a gift from the Chinese “boss”.... the box was filled with closely stacked \$20 gold pieces. ‘My God, Boyle, that Chinaman thinks he can bribe me,’ stormed my father. He wrapped the box and sent it back without a word of explanation.²⁸²

This account illustrates Anglo perceptions of the importance of bribery for the continued vitality of Chinese gambling in early Los Angeles.

Chinese prostitution in northern California presents an important context for understanding its development in Los Angeles. Race and class dynamics created a need for Chinese prostitutes in early California. Chinese cultural values and American immigration policies that discouraged the arrival of Chinese women in the United States created a highly unbalanced sex ratio in the early community. Additionally, certain sectors of the American economy demanded a mobile male labor force unencumbered by women and families. Anti-miscegenation attitudes later institutionalized into law prohibited sexual relations between Chinese and others and forced many Chinese men to live a bachelor’s existence.²⁸³

²⁸¹ Los Angeles *Times*: 11/12/1885 cited in Lou, *The Chinese American Community*, 216. The rapid gathering of such a large group of Chinese would have represented a significant demonstration of community solidarity in early Los Angeles. Between 1880 and 1890, the Census recorded between 605 and 1,871 Chinese residents in Los Angeles City. Even by conservative estimates of a crowd of 700 individuals and Chinese population of 1,500 people, this crowd would have represented 40% to 50% of Los Angeles’ Chinese American community.

²⁸² Workman, *The City that Grew*, 226-227.

²⁸³ Yung, *Unbound Feet*, 29.

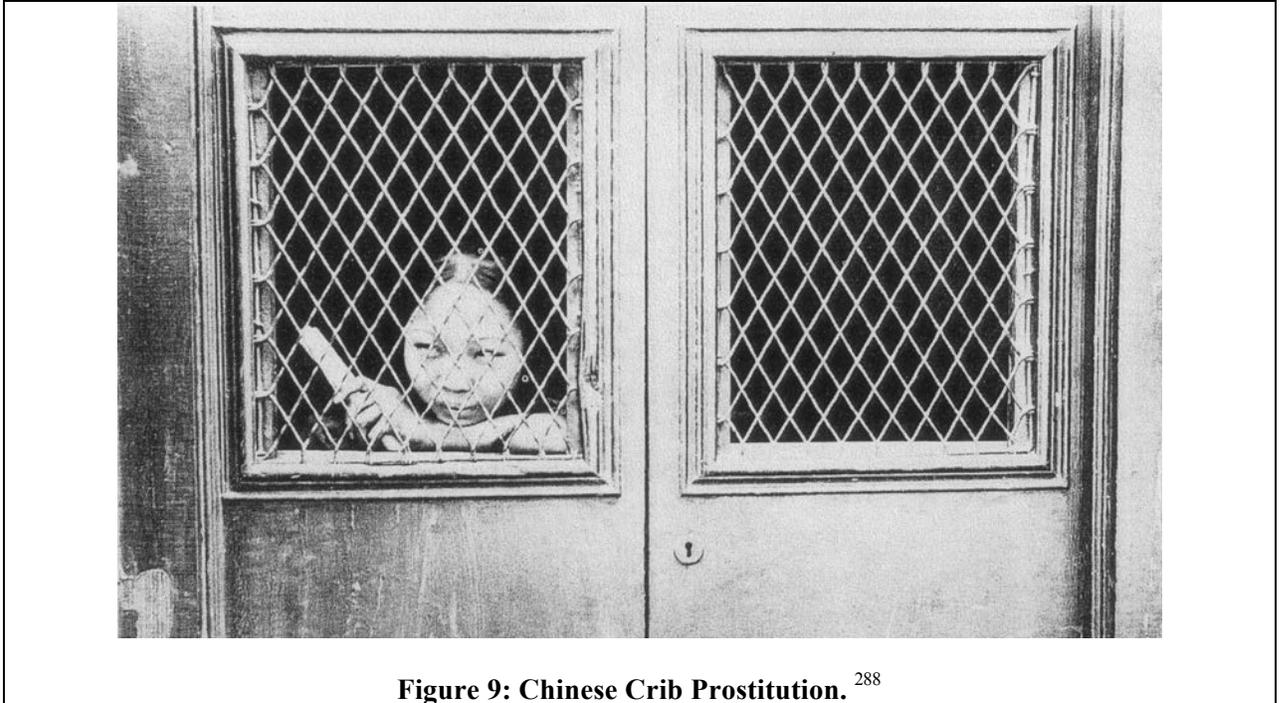
By contrast to white prostitutes who came to San Francisco as independent professionals, Chinese women were almost always imported as unfree labor, having been kidnapped, lured or purchased from poor families in China.²⁸⁴ The trade in women was lucrative and accounted the large majority of pioneer Chinese women that had been sold into prostitution. In the 1870s, women purchased in China for as little as \$50 could be resold in America for up to \$1000. Historians have estimated that prostitutes produced average annual net profits of \$2500 for their owners.²⁸⁵ The high value of Chinese prostitutes in early California led to the eruption of several bloody tong wars in early San Francisco over the possession of a single woman.²⁸⁶ Although their terms of service were specified by contracts, these illiterate women were not protected from contract violations and stiff illness clauses could extend their service indefinitely. Most Chinese prostitutes were physically and mentally abused so severely that few outlived their contracts, which averaged four to six years.²⁸⁷

²⁸⁴ Throughout this study, the term ‘owner’ is used to describe Chinese men who maintained possession and control of Chinese women for purposes of prostitution. Although these relationships were frequently controlled by contracts, Judy Yung has characterized Chinese prostitutes as an “indentured or enslaved” population outside legal protection. Yung, *Unbound Feet*, 27.

²⁸⁵ Chan, *Asian Americans*, 105. Yung, *Unbound Feet*, 27, 30. Estimated percentages of Chinese women employed as prostitutes in San Francisco in the late nineteenth century are: 85 to 97% in 1860, 71% in 1870, and 21-50% in 1880; cited in Yung, *Unbound Feet*, 29.

²⁸⁶ Yung, *Unbound Feet*, 30. “In 1875, for example, two tongs battled it out with knives, daggers, clubs, and hatchets after a Suey Sing Tong member was assassinated by a Kwong Dock Tong member over the possession of Kum Ho, a prostitute.”

²⁸⁷ Yung, *Unbound Feet*, 27-28. Many contracts specified an extra month of service for every ten days of illness. Under such provisions, pregnancy, menstrual periods, and sickness easily extended terms of service.



Although some Chinese women were sold to wealthy men as concubines or mistresses, the majority ended up in brothels. Finely-decorated parlor houses were populated by exotic Chinese courtesans and “sing-song girls” who provided entertainment. While some of prostitutes in this category managed to be bought by clients or purchase their own freedom by accumulating gifts, they continually faced the danger of having their possessions confiscated or being sold to another establishment.²⁸⁹ By contrast, the “cribs” represented the end of the line for many prostitutes. Housed in back-alley shacks of no more than twelve by fourteen feet, these prostitutes were forced to take turns soliciting sex to passing poor laborers, teenage boys and drunkards for as little as twenty-five cents. Harshly abused by both their owners and customers, most women ultimately became hopelessly diseased and were abandoned on the streets or locked in dark rooms to die.²⁹⁰

Prostitution in Los Angeles evolved with the Chinese American community. The first reported Chinese prostitute arrived in Los Angeles in 1859 and attempted suicide within six weeks.²⁹¹

²⁸⁸ Yung, *Chinese Women in America*: 22.

²⁸⁹ Yung, *Unbound Feet*, 28.

²⁹⁰ Yung, *Unbound Feet*, 28.

²⁹¹ Locklear, “The Celestials and the Angels,” 242. Cited in *Los Angeles Star*.

Early census records subtly indicate the existence of Chinese prostitution. Thirty-nine Chinese women were listed in the 1870 census, indicating a gender ratio of approximately 1:5. Aside from three women listed as “keeping house,” a large proportion of the remaining thirty-six were likely prostitutes. In nine suspected households, collectively there averaged twice as many women living with older males. The average age of the women in these residences was 22.3 years, much older than the average age of Chinese domestic servants.²⁹² The high concentration of scarce women in a few households, coupled with the high economic value placed on young Chinese women for prostitution, is compelling demographic evidence for an active Chinese prostitution industry in early Los Angeles.²⁹³



Figure 10: Chinese women crossing street, Los Angeles, ca. 1900.²⁹⁴

Chinese prostitutes in the early 1870s had an unfortunate relationship with the criminal courts. Early on, tongs and brothel owners developed an effective and popular method of using law enforcement and the judicial system to control runaways. When a prostitute was discovered missing, her owner immediately filed a formal complaint in criminal court, usually alleging grand larceny for the alleged theft of his money or property. When the woman was recovered by law enforcement, her

²⁹² Judy Yung has recounted the experience of young girls bound as *muy tsai*, or domestic servants, for wealthy Chinese American wives. See Yung, 37-41.

²⁹³ Lou, *The Chinese American Community*, 29-32, 42. Lou highlighted these nine households from a group of nineteen based on criteria of more than one female living in a household with at least one male. By 1880 only 19 women enumerated in the census fell into a suspicious category. Lou has hypothesized either an under-enumeration or, more likely, a decrease in the number of Chinese prostitutes.

²⁹⁴ Huntington Photographic Collection, Pierce 9872. “Scenes in Chinatown,” ca. 1900, six photos.

bail was posted and later forfeited when she never appeared in court, again in the custody of her owner.²⁹⁵ The tong rivalry over Ya Hit, which precipitated the Chinese massacre, involved such legal maneuvering, when one tong utilized the courts to swear out false charges against her.²⁹⁶

These flagrant practices occasionally incited public outrage, prompting the Los Angeles *Express* to caution, "It is about time our courts and our officers ceased to lend themselves to carry out the vile behests of the Chinese traders in flesh."²⁹⁷ Because of these scandals, the courts eventually began ruling against owners when they brought charges against runaway Chinese women.²⁹⁸

Violence against Chinese prostitutes was a pervasive yet publicly unrecognized condition in Los Angeles. Violence and other forms of intimidation were important strategies for owners to maintain a docile captive workforce. However, no cases appeared in the criminal court between 1860 and 1880 that involved violence towards an identified prostitute.²⁹⁹ In short, organized resistance to violence was not a reality for Los Angeles' most oppressed class: the battered prostitute. Local newspapers, on the other hand, contained ready evidence of private violence. The Los Angeles *Star* reported in 1870 about the infamous murder of a San Bernadino prostitute. Four tong men sent to recover the runaway woman instead tortured her over a slow-burning fire for two hours. Perhaps most disturbing was the community complicity in such violence: neither the American nor Chinese bystanders witnessing this event made an attempt to stop the tong men or notify the authorities.³⁰⁰

²⁹⁵ Lou, *The Chinese American Community*, 297-298. In 1870, a Chinese prostitute was accused by her owner, Singlee, of absconding with Ah Chung and Ah Chew to San Diego with \$400 to \$500 of his property. Sing charged them with grand larceny and additionally posted a \$100 reward that became the basis of the fatal dispute between Officer Dye and Marshal Warren. Drawing much attention in the Los Angeles *Express* in 1873, the San Diego community rallied around Sing Gee, a fugitive prostitute from Los Angeles. She had been charged by her owner, Ah Pot, with stealing \$290. After marrying Ah Quok in San Diego, and receiving protection from her husband and his employer, Gee was kidnapped by Officer Emil Harris and brought back to Los Angeles.

²⁹⁶ De Falla, "Lantern in the Western Sky," 66.

²⁹⁷ Los Angeles *Express*, 7/15/1873 cited in Lou, *The Chinese American Community*, 298.

²⁹⁸ Los Angeles *Express*, 2/23/1872, 6/1/1875, 11/17/1877 cited in Lou, *The Chinese American Community*, 299.

²⁹⁹ Los Angeles County Criminal Court Records Collection at Huntington Library, 1860-1879.

³⁰⁰ Los Angeles *Star*, 11/16/1870, 11/29/1870, 12/7/1870, 12/18/1870 cited in Lou, *The Chinese American Community*, 300.

Despite their cultural isolation, some prostitutes managed to turn to the police for help. In 1871, Sing Lee was arrested and fined \$10 for beating a woman in his charge when she objected to her sale to another brothel owner.³⁰¹ Even though some women could summon the courage to appeal to law enforcement, the fear of retribution was a strong deterrent. One Chinese woman who was visibly “cut, bruised and bloodied about the head” nonetheless refused to identify her owner to the police.³⁰²

The primary targets of prostitution-related indictments in early Los Angeles were Chinese men and Anglo women. In 1862, a crackdown on Chinese houses of ill-fame resulted in six indictments charging thirty-two individuals. A similar repression of Anglo disorderly houses and houses of ill-fame occurred in February and September 1875. Twenty-three indictments were issued against five men and twenty women. The following table summarizes patterns of prostitution indictments in the criminal court:

**Table 7: Prostitution Indictments in County Court, 1860-1879,
 Breakdown by Gender and Charge Type.**³⁰³

Year	Total	Chinese					non-Chinese				
		Male	Female	House of Ill-Fame	Disorderly House	Prostitution	Male	Female	House of Ill-Fame	Disorderly House	Prostitution
1862	6	6		6							
...											
1871	1							1	1		
1872	0										
1873	0										
1874	1							1			1
1875	23						5	20	7	16	
1876	0										
1877	0										
1878	2		1			1	1		1		
1879	0										
Total	33	6	1	6	0	1	6	22	9	17	0

³⁰¹ Los Angeles *Star*, 7/19/1871 cited in Lou, *The Chinese American Community*, 301. Sing Lee is apparently the same individual as in the San Diego runaway prostitute incident of 1870.

³⁰² Los Angeles *Express*, 2/10/1873 cited in Lou, *The Chinese American Community*, 301.

³⁰³ Los Angeles Criminal Court Records Collection at Huntington Library, 1860-1879. No prostitution indictments occurred in District Court. Large spans were omitted in which no prosecutions occurred.

It is notable that individuals were most commonly prosecuted for keeping “disorderly” establishments for purposes of prostitution rather than soliciting sex. This pattern, coupled with newspaper items, indicates that community pressure might have motivated many of the indictments. Editorials predating criminal indictments sometimes appeared in local newspapers complaining about the continued operation of houses of ill-fame in residential areas, urging “censure and condemnation” of city officials if they did not “squench” such “disgraceful harem[s].”³⁰⁴

Only one female was prosecuted in county court for the crime of directly selling sexual favors. Officer Fonck accused Susan, a “Chinawoman,” for residing in a house of ill fame on Sanchez Street. Represented by an attorney, Susan appealed the \$20 fine.³⁰⁵ This assertiveness distinguished Susan from the Anglo proprietors of bawdy houses indicted in 1875, who managed to evade court appearances or simply paid their fines and retreated from the public spotlight.³⁰⁶

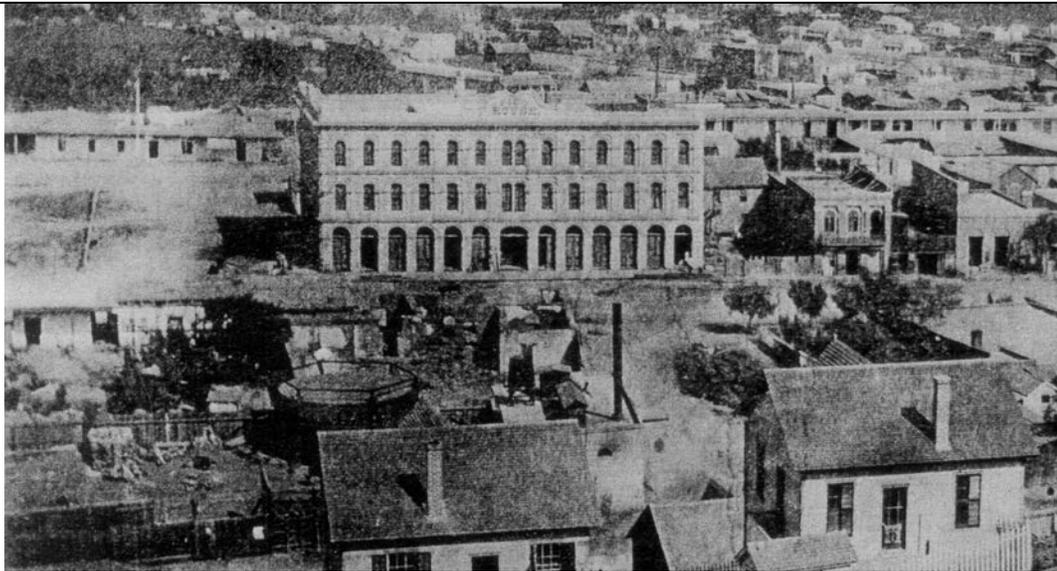


Figure 11: View of the Pico House with low adobes of Sanchez Street in background, 1870s.³⁰⁷

³⁰⁴ Los Angeles *Star*, 4/8/1872. See also Los Angeles *Daily News*, 10/22/1862, for a notice preceding indictment.

³⁰⁵ Officer J. F. Fonck was the policeman of *People vs. Ah Poe and Chinaman Johnnie*, 9/7/1876, that swore a complaint for gambling despite his ignorance of fan tan.

³⁰⁶ Twenty-three prostitution cases appeared in county court in 1875. Of the four recorded convictions for, all paid their fine rather than serving jail time. Thirteen of the remaining cases managed to evade arrest or have their cases dismissed.

³⁰⁷ Huntington Photographic Collection, Album 58, Photo 394. View of Pico House with old adobes of Sanchez Street visible in background from late 1870s.

This table does not reveal the full extent of prostitution activities in early Los Angeles. Several Anglo and Chinese women who appeared in other contexts in the criminal court were alleged to be prostitutes. These indictments indicate the existence of a prostitution district on Sanchez Street behind the Pico House hotel that apparently housed both brothels and cribs. Virtually all of the women identified or charged with prostitution in the criminal court were explicitly recorded as living in that locale.³⁰⁸ Two prostitution cases appearing in the city courts provide insight into this small district.

The testimony of Officer John Fonck provides a vivid image of crib prostitutes soliciting customers in the late 1870s:

this morning about 1/2 past 1 o'clock [sic] I was passing by Sanchez Street and defendant Ah Hoo called me and pulled me by my coat through a hole in the fence, and asked me how I liked it I asked her what she ment [sic] she said you fuck me for two bits. I said what then she unlocked the door and took me by my clothes. you come in me give you two fucks for two bits. by that time two more women came and tried to get me inside...³⁰⁹

A contemporary case illustrated the presence of Chinese American brothel prostitutes in Los Angeles. While accusing a Chinese prostitute of stealing \$380, Henry Armbruster contradicted himself about the circumstances of how he ended up in her room where the alleged theft occurred. First claiming that the woman “called [him] in,” under cross-examination Armbruster admitted he had been drinking before he “went into the China Womans Room” and waited for her. The testimony of a seventeen-year-old witness provides an image of a brothel prostitute being harassed by a drunken customer:

I was standing at the Cor[ner] of the Pico House I saw this China Woman... with a little white dog with her and a Bunch of keys in her hand and containing a Police Whistle in her hand and she stopped at the Cor[ner] and as I walked along toward China Town I saw... [Armbruster] staggering towards the China Woman.³¹⁰

³⁰⁸ *People vs. Susan*, 8/24/1878. Susan was said to “unlawfully reside in a house of illfame [sic] situated on the east side of Sanchez Street.” *People vs. J. W. Davis*, 3/25/1879. Ang Goon testified that she was “arrested her at her house back of Pico House.” *People vs. Ah Sing*, 8/21/1878. Anglo prostitute Carrie Peppers admitted she resided with James McDowell in the “back of the Pico house on Sanches [sic] St.”

³⁰⁹ *People vs. Ah Hoo et. al.*, City Court, 5/18/1876. Although the three Chinese prostitutes and their alleged pimp appealed their \$20 fines to the County Court, no record of the proceedings survived in the higher court records.

³¹⁰ *People vs. Mary Jane and Sarah Jane*, City Court, 4/10/1879.

The testimony of two Chinese laborers highlighted the comparative independence of a white prostitute in early Los Angeles named Carrie Peppers. Peppers lived and received support from James McDowell in a small house on Sanchez Street.³¹¹ She employed two Chinese, Ah Sing and Ah Sam, as domestic servants and errand boys. Six weeks before the trial, Peppers moved into another house in Wilmington. Subsequently she accused her previous employees of implausibly stealing a beaver coat belonging to McDowell. Testifying on their behalf, the Chinese defendants revealed a different side of the Peppers/McDowell relationship. Ah Sing characterized Carrie Peppers not as McDowell's mistress but as his brothel manager. He testified, "I was employed at Mrs Ps [sic] house cleaning house it was a house of prostitution. she was the landlady." Sing claimed that Peppers herself instigated the events leading to the alleged theft of the coat:

Last Monday she came to see me and told me that Sunday night she and Mr McDowell had a fight that he McDowell had choked her and cut her face and hurt her skin and made her leg all black and asked me for medicine and I gave it to her. On Tuesday about 3 O'clock or 1/2 past 2 she said cannot get along with him so I had better leave to [the] Country but I have got no money, and she said to take the coat and sell it.³¹²

Ultimately the court acquitted Ah Sing of the burglary. This trial demonstrates an important distinction between Anglo and Chinese prostitution. Unlike her Chinese counterparts, Peppers was an independent agent. With comparative ease, she was able to leave a violent situation without fears that she would be reclaimed by an owner or tong.

Alleged Chinese prostitutes appeared in the criminal courts in proceedings unrelated to typical prostitution indictments. Ang Goon used the court system to prosecute Officer J. W. Davis for false imprisonment after arresting her without a warrant for allegedly soliciting prostitution. Ang Goon alleged that she was married and living with her husband, a laundryman, for two years. On the evening of her arrest, she testified of hearing a knock on her door, and after opening it "a boy caught her and... whistled and then J.W. Davis this defendant came and arrested her and took her to the

³¹¹ During the trial, Peppers was defensive of her past and current living arrangements, stating, "I have been married but now living with a friend who supports me which is all the same."

police office and searched her body.” In response, J. W. Davis alleged Ang Goon to be ignorant of his status as a police officer. He testified that while on duty in Chinatown, Goon approached him and offered him sexual favors.³¹³

Although Ang Goon was personally not able to obtain legal relief, the judge’s ruling indicates growing sensitivity to Chinese legal rights. Under cross examination, Davis admitted, “I had no warrant to arrest this woman.” With this confession and the glaring presence of Goon’s attorney, the Judge likely felt constrained. As a compromise between conviction and dismissal, he instead issued a censure to ensure future observation of legal procedure, discharging Davis with the “admonition to make no more arrests of this kind without warrants.”³¹⁴

A careful examination of the Chinese testimony lends support to the perception that Ang Goon was a prostitute. Goon’s husband was an illusory figure in the discussion. Ah Toy, her husband’s friend, personally went to the Police Chief’s Office, learned the amount of the bond, and claimed to have raised the money with Goon’s mysterious husband, before returning to personally take her out of jail. Her husband’s absence in court and only passive role in bailing her out of jail are likely indications of his nonexistence. Goon herself admitted that other women lived in the same residence behind the Pico House, carefully noting that “they live in other rooms.” The high economic value of young Chinese women in early California coupled with Census data indicating that many households occupied by multiple females were brothels makes her assertions less credible.³¹⁵ Although it is impossible to know if Goon was herself a prostitute, it is likely that she was at least living in a house where prostitution was taking place.

The Davis case is a further indication of the cyclical suppression of prostitution. Officer Davis testified that he had “driven her [Ang Goon] off the street a great many times” without arrest.

³¹² *People vs. Ah Sing*, 8/21/1878, Testimony of Ah Sing.

³¹³ *People vs. J. W. Davis*, 3/25/1879, testimony: “J.W. Davis. Sworn. Am the defendant in this action. on the night of the 17th of March I was on duty in China Town. This woman came to me. She did not know me to be a Police Officer. She asked me, you fucke [sic] me. I asked her what she said and she repeated the same thing. I made a grab to catch her but She got away in side of the gate there is a synare[?] hole in the fence I have driven her off the street a great many times she has a habit of talking that way.”

He attributes arresting her on that particular evening to the counsel of “the older officers and my Captain... to pull anyone I found doing that [soliciting prostitution].” The instruction of leading police officers to take action against prostitutes in this case seemed to emanate from pressure by city officials and the public.

Chinese defendants used allegations of prostitution to discredit Chinese women. Kim Fung accused four Chinese men of violently assaulting and robbing her of between \$98 and \$118 worth of jewelry in a “small house” in Negro Alley.³¹⁶ Fung presented her story in lurid detail:

I followed the man who called me and went into a small house with him... there was a great many there. It was a society they all belong to it, they whipped me in that house. Ah Chee whipped me. One of them held a butcher knife, they tried [sic] to search my body. These three men took hold of my hands, hit me once and held my leg and took my things. Ah Quong choked me. The other took out knife and tried to cut me... Ah Goon took out a knife to cut me I told them to let me alone.³¹⁷

None of the other witness testimony confirmed Fung’s testimony. Included in the appeal to the county court were two affidavits by defense witnesses that had overtones of Fung’s ulterior motives. Ah Ging referred to Fung by the alias “Sin Toy,” a pseudonym that hinted at her possible employment as a prostitute. Fung’s acquaintance, a Chinese woman named Wee Fa, provided the most damning testimony. Testifying “I have known Kum [sic] Fung more than a year [and] have lived part of the time in the same house with her,” Fa claimed to have been with Fung right before the alleged attack. She alleged that Fung was not wearing “any jewelry like that claimed to be lost” nor had Wee Fa ever seen any of the missing jewelry.³¹⁸ If Kim Fung was a prostitute, it is difficult to understand her apparently independent role in this legal proceeding, unless she and Wee Fa were pawns in a dispute between rival tongs.

³¹⁴ *People vs. J. W. Davis*, 3/25/1879.

³¹⁵ Lou, *The Chinese American Community*, 29.

³¹⁶ Fung’s complaint in the city court listed the value of the jewelry as \$98 while the indictment gave a revised figure of \$118 for “one pair of bracelets of the value of \$35.00, one pair of earrings of the value of \$15.00, five hair pins of the value of \$55.00, one stone bracelet of the value of \$8.00 and one finger ring of the value of \$5.00.”

³¹⁷ *People vs. Ah Goon et. al.*, 11/30/1878.

³¹⁸ *People vs. Ah Goon et. al.*, 11/30/1878.

Chinese exclusion emerged as a broad campaign in nineteenth century Los Angeles. It encompassed not only the suppression of vice industries such as gambling and prostitution that were concurrently condemned in the Anglo community, but also economic discrimination and segregation. The feeble cries during the 1871 massacre to remove Chinese Americans intensified by the late 1870s as the Asian community experienced a rapid population influx and growth in economic power.³¹⁹ The different facets of exclusion were united in a common goal to harass or legally compel Chinese to relocate outside the city limits. Although resistance to anti-Chinese campaigns did not eradicate or appreciably lessen exclusionist pressure, at times Angelenos found themselves the victims of legal harassment, as Chinese used the courts to stymie the discriminatory programs. The continued pushing of Chinatown away from the Plaza, first in 1887 and again in 1933, did not attenuate Chinese influence in Los Angeles.³²⁰ Although discrimination severely constrained Chinese Americans until at least the mid-twentieth century, the community had demonstrated itself as an integral ethnic and economic force.

³¹⁹ In 1880, the city Chinese community reached its highest in population proportion; Chinese Americans comprised 5.4% of the city population.

³²⁰ Greenwood, *Down by the Station*, xiv-xv, 1, 13. These dates are approximate, since community relocation is a gradual process, despite the fires and structure demolition that hastened the move.

Dehumanization: Satirical and Violent Hostility to Chinese

I had another exciting time with twenty Chinamen. They were hired in San Francisco and brought by steamer to San Pedro, where the agent turned them over to me... When the Chinamen got a glimpse of the desert, they broke and ran back, scattering through the hills. I unhitched one of my mules and with my trusty rifle, gave chase. I caught up with some of them and told them to go back, but they kept on running away from me, so I “winged” two of them. That brought them to their senses and they turned back with me to the team, where I turned doctor and dressed their wounds. I got them all safe to Slate Range. They made pretty fair cattle. One, who had been hurt in the runaway and had lost one eye, afterwards settled in Los Angeles and became a merchant. He was one of my best friends in the city, and gave presents to my children every Christmas until he went back to China.³²¹

After a prominent career as the Los Angeles Fire Commissioner, Chairman of the Board of Public Works, and City Councilman, J. Kuhrts wrote of an ironic experience with a hired gang of Chinese laborers in the late 1860s. Kuhrts’ account demonstrates the duality of opinion with which many Angelenos approached Chinese. In dealing with the hired laborers, he easily transitioned between the roles of hunter and doctor. Later, the same Chinese man could coexist in his consciousness as “one of [his] best friends” and a runaway “cattle” that deserved discipline with bullets. These apparently conflicting sets of ethnic opinions symbolized larger community interactions between Chinese Americans and Angelenos in early Los Angeles. Especially in groups, Chinese were easily dehumanized and labeled with the pejorative “cattle” or, more typically, “John Chinaman.” Yet in individual circumstances, some prominent Chinese were bestowed with community respect and recognition.

Tomas Almaguer has argued that notions of Manifest Destiny and “free labor ideology” contributed to European American’s perception of entitlement to privileged economic mobility in the American West. Some early exclusionists predicted that Chinese “coolies” as an undifferentiated group would succeed African American slavery and threaten Anglo free labor. Categorized as nonwhite and derided as heathens, Chinese became the victims of virulent ethnocentrism. Almaguer

³²¹ Kuhrts: 62-23.

points out that Chinese Americans have the “ignoble distinction” as the first immigrant group excluded on the basis of race.³²² Strong racial stereotypes and cultural ignorance often created a barrier to understanding Chinese Americans as individuals. These notions of Anglo economic and racial privilege fostered insensitivity toward Chinese identity and humanity and served to rationalize violence and discriminatory treatment.

Racial and cultural misunderstandings presented a significant barrier and source of confusion between the Chinese and Angelenos. Because the criminal court was an Anglo legal forum that was compelled to arbitrate disputes between various ethnicities, cultural misunderstandings characterized many proceedings. The most common sources of confusion were Chinese language, gambling games and opium culture.

Instances of language awkwardness are evident in the very records themselves and in courtroom disputes over Chinese interpreters. English approximations of Chinese names were frequently spelled phonetically or several ways in the same document.³²³ The city and county court cases of Louis Spinner highlight the importance of language. Spinner and other Anglos present during the assault of Ah Mong were questioned extensively by Mong’s attorney about whether the Chinese spoke or made threats in English to try and undermine Spinner’s farfetched story that he did not understand what the Chinese were doing before they allegedly assaulted him.³²⁴ In county court, an Anglo interpreter hired by the Spinner’s defense attorney indicated that interpreters often found their duties to be fraught with guesswork: “I enclosed a translation of the paper you handed me. It is written in horrible style & at the beginning (or rather the ending of the original) it is doubtful whether the man meant what I have given, or whether he was not left out a sentence or two which would be necessary to make out the sense.”³²⁵

³²² Almaguer, *Racial Fault Lines*, 5-6.

³²³ In *People vs. Moreno and Barelás*, 11/29/1873, the victim was variously referred to as “Ah Ying” or “Lee Ling.” *People vs. Edward Moore*, 9/8/1874: in the indictment the victim was referred to as “Wan Lun” and “Wan Lung.”

³²⁴ City Court, *People vs. Ah Hay and Ah Mong*, 10/15/1879.

³²⁵ *People vs. Louis Spinner*, 11/29/1879, Letter to Mr. Allen Esqr. from J.C. Nevirs.

Because testimony was such an integral part of trial proceedings, disputes over interpretation plagued many cases. In early Los Angeles criminal trials, both the prosecution and the defense procured their own interpreters. On the second day of Ma Chock's perjury trial, the prosecution motioned "to recall interpreters and witnesses on grounds that the testimony is not being interpreted correctly" by their own interpreter. The defense objected on grounds that both interpreters had agreed to the translation and Yo Hing, the prosecuting witness who was described as "one of the most intelligent and wiley [sic] Chinaman in the State of California understanding both the English and Chinese languages," would have objected if something had been misinterpreted.³²⁶ The court upheld the objection and interpreter Ah Ching was dismissed, an Anglo installed, and the Chinese witnesses reexamined.³²⁷

The replacement of an interpreter of Chinese extraction with a trusted Anglo was not an isolated event. Members of the criminal court were often as distrustful of Asian interpreters as other members of the Chinese community. In one trial, defense attorney J. H. Lucas was blocked from communicating with his client using Chinese interpreter Ah Tom based on the objections of Officer Hull that Tom was a "suspected... accomplice" of the accused and the communication was only a "pretext" to prevent the recovery of stolen goods.³²⁸ As the trial transcript reveals:

The court under the circumstances requested the attorney to select some other interpreter, naming among others an American Interpreter. But Mr. Lucas, declined to accept any consultation with the prisoner except through Ah Tom, and asked that the court rule upon his motion for leave to use that interpreter. And the Court being satisfied that other interpreters equally expert and available could be had, and believes that the seeds of Justice would be preserved by preventting [sic] communication between the prisoner, and Ah Tom, declines to allow said Tom to see or communicate with said prisoner or be interpreter for said Lucas.³²⁹

Chinese gambling and opium presented two other activities with which Los Angeles law enforcement were frequently unfamiliar. Several successful fan tan prosecutions were reliant on

³²⁶ The prosecuting witness Yo Hing, a prominent member of the Chinese community, was the leader of the Hong Chow Company during the 1871 massacre.

³²⁷ *People vs. Ma Chock*, 8/19/1877.

³²⁸ *People vs. Ah Gam*, 9/29/1877.

³²⁹ *People vs. Ah Gam*, 9/29/1877.

witnesses who admitted limited familiarity with or even ignorance of the rules.³³⁰ The limitations of officers' cultural literacy was evident in the prosecution of several Chinese on opium charges. Officers Englehardt and McFadden claimed to observe "some Chinamen lying on the benches or bunks" near an opium pipe in their Negro Alley room. Although correctly identifying the pipe, Englehardt admitted that "I did not see any opium & dont know whether it was opium smoke or not & don't know opium when I see it." The Chinese used cultural practices to defend themselves. Denying that any opium had been recently smoked in the room, two of the three witnesses testified that it was common practice among Chinese to visit one another, and thus there was a legitimate reason why so many Chinese were gathered in the room.³³¹

Other evidence of the cultural barriers that persisted between the two communities was the persistent Anglo fascination with events and activities involving Chinese. Local newspapers frequently listed the status of the Chinese community during 1871-72, reporting on religious ceremonies, large gatherings or even periods of silence in Chinatown.³³² Other items listed the convergence of large groups of spectators to observe or ridicule Chinese Americans. Merriment at the antics of a mysterious vegetable peddler or the assault of a laundryman were described in similar terms.³³³ A mass arrest of Chinese gamblers tied together with a "long rope" precipitated the formation of a "large crowd" who "surrounded the unlucky Celestials as they marched along, but nothing but good humored remarks were passed."³³⁴ The continued formation of mobs of onlookers, much like the gathering of citizens that prefaced the 1871 massacre, demonstrates that Chinese remained pigeonholed and degraded as cultural curiosities long after a large Chinese American community had been formed.

³³⁰ See testimony of the following gambling cases: *People vs. Ah Poe et. al.*, 9/7/1876; *People vs. Lee Ting et. al.*, 7/17/1877; *People vs. Charles Cook*, 11/23/1878.

³³¹ *People vs. J. Cung et. al.*, 1/21/1879.

³³² *Los Angeles Daily News*, 7/25/1872, 8/6/1872. *Los Angeles Star*, 10/16/1871.

³³³ *Los Angeles Daily News*, 7/16/1872. *Los Angeles Star*, 9/5/1877.

³³⁴ *Los Angeles Star*, 6/28/1877.

Recurring themes of Chinese dehumanization provide an important perspective on the Chinese experience in nineteenth-century Los Angeles. From prostitution indictments that targeted the earliest Chinese settlers to the arbitrary selection and coarse treatment of victims during the 1871 massacre until the decade's close, the objectification of Chinese Americans consistently occurred. Dehumanization has two principle aspects: the denial of individuality and insensitivity to the human qualities of others. Neglect of Chinese American individuality was manifest in the labeling of Chinese defendants with derisive pseudonyms, the frequent trials of large groups of Chinese on vice charges and randomly-directed assaults. Chinese humanity was overlooked in brutal pre- and post-mortem violence in the 1871 massacre and subsequent assaults, as well as greater sensitivity to the emotional qualities of animals than to individual Chinese.

The significant cultural and language differences that separated Chinese from those that had been allowed to integrate into American society were apparent in the first prominent Chinese criminal court cases.³³⁵ These initial prosecutions of Chinese Americans represented the denial of individuality, ironically at a time when the Chinese population was at its smallest. Over the course of three days in November 1862, six groups of Chinese were indicted pseudonymously for keeping houses of ill-fame. As the next cases involving Chinese were murder trials relating to the Chinese massacre in 1871, almost nine years later, these early indictments present an glimpse of the relationship between Chinese and the predominant society at a time of early Chinese community development.³³⁶

An 1862 notice about disorderly houses in the Los Angeles *Daily News* that predated the indictments by two weeks indicated the growing intolerance with Chinese settlement and alleged their immoral activities in Los Angeles. The pointed criticism strongly insinuated that the Chinese had used police bribery to ensure the brothel's continued operation. The paper reported:

³³⁵ Two other cases appeared in city court involving Chinese defendants in 1862, one for assault on another Chinese and another for grand larceny. See *People vs. Tuc Wy*, 3/6/1862 and *People vs. Sing Shing*, 6/25/1862. Like the criminal courts records, a significant gap followed these initial prosecutions and no further cases appeared until 1870.

DISORDERLY—There are several disorderly houses kept in various parts of the city, dance houses, &c., which it is the duty of the officers to looked to [sic]; “John’s” establishment on Main near San Pedro street, we are informed is a great source of annoyance to quiet citizens in that locality. “John” says “he pay policemen dola-hap [dollar and a half];” this is to be supposed is for the “privilege.” How is it?³³⁷

No testimony survives among the court papers, but the indictments and newspaper accounts provide a small glimpse. Thirty-two Chinese individuals were charged with the crimes of keeping houses of ill-fame where they “resorted to for the purposes of prostitution and lewdness....”³³⁸ The outcome, as reported in the local newspaper, listed Ah Hu and fifteen other Chinese fined \$26 each or equivalent jail time.³³⁹

The charges point to a perception among city officials and others that the small Chinese community, and its immoral industries, were becoming a substantial concern. Historians have noted that in the early stages of Chinese immigration when “their presence was still novel,” Chinese Americans were assigned “unusual qualities” and marked as targets for “derisive humor.”³⁴⁰ A distinguishing characteristic of these early indictments is the manifestation of popular anti-Chinese humor in the naming patterns assigned to these first Chinese defendants.

Indicted under pseudonyms, the Chinese were labeled with names that ridiculed the perceived peculiarity of their ethnic names.³⁴¹ Some of the Americanized names had merely humorous connotations, such as “Sky Hi” or “Long Luk,” or rhymed with one another as in “Ring, Ding, Fling, Sing & Rinn.” Yet coarser sensibilities were revealed in the indictments when expletives were

³³⁶ See Table 2: Chinese and Total Population in Early Los Angeles, 1870-1900.

³³⁷ Los Angeles *Daily News*, 10/20/1862.

³³⁸ *People vs. Ho Gum et. al.*, 11/8/1862.

³³⁹ Los Angeles *Star*, 11/22/1862.

³⁴⁰ Lou, *The Chinese American Community*, 88, 89. See items in Los Angeles *Daily News*, 7/18/1872, 7/23/1872, 9/21/1872. Los Angeles *Star*, 5/25/1872, 8/26/1870 cited in Lou, *The Chinese American Community*, 88, 90.

³⁴¹ A complete listing of defendant pseudonyms in the November 1862 misdemeanor cases is as follows:

People vs. Ring et. al.: Ring, Ding, Fling, Sing & Rinn

People vs. Ho Gum et. al.: Ho Gum, Chin, Fin, Hin & Gut

People vs. Chick Lick et. al.: Chick, Lick, Rum, Hum, Gum

People vs. Ah Hoy et. al.: Ah Hoy, Ah Ho, Ah Choy, To Dy, Co Hum, Ah Yoi, Ah Com, Sky Hi, Long Luk

People vs. Duck Wi et. al.: Duck Wi, She Rif, Hi Oh Fuk

People vs. Bum et. al.: Bum, Huck, Puin[?], Clap, Pox

integrated into the naming patterns, notably “Hi Oh Fuk.” Larger cultural assumptions about Chinese rampant sexuality and disease are implicit in an indictment where the colloquial terms for venereal disease, “Clap” and “Pox,” appeared as defendants.

The repetition of prominent Chinese names and defendant aliases from previous city court cases in the prostitution pseudonyms is an indication of Anglo inexperience with Chinese naming conventions. Among the first indicted was one “Chick.” Angeleno Harris Newmark reported that in July 1861, a year before the indictments, merchant Chun Chick “caused a flurry” throughout the city when he opened his store in Los Angeles. Later that year, however, Chick appeared on a delinquent tax list along with three other Chinese.³⁴² Either Chick was the actual target of the indictment, or the resentment towards Chinese involved in illegal activities was expressed by one of the few Chinese names publicly familiar to the Anglo community. Variants of the pseudonyms “Tuc Wy” and “Puc Wy” used in a March 1862 city court assault trial involving Chinese appeared in the November indictment of “Duck Wi.”³⁴³

In the 1870s, the press and the courts would usually use “John Doe Chinaman” or simply “John” to generically indicate early Chinese. Early usage of derogatory names indicates the dehumanization of the earliest Los Angeles Chinese into mere objects of ridicule and amusement.³⁴⁴ Yet multiple-meaning pseudonyms did not entirely disappear from the county courtrooms. Two unknown Chinese initially indicted for the 1871 murder of Robert Thompson were named Sam Slat and Slim Set. The name “Slim Set” was anomalous to the majority of Cantonese-sounding names

³⁴² Newmark, *Sixty Years in Southern California*, 297-8. The other Chinese appearing on the delinquent tax list in 1861, according to Newmark, were Sing Hop, Ching Hop, and Ah Hong. There is also some indication that court officials might have used actual Chinese names as a model for their pseudonyms. In addition to Chinese that appeared on the 1861 tax list, three Chinese appeared as parties in 1862 Justice’s Court cases: Ah Nom, Sing Shing, Louis Fok and Ah Han. The similarities between Ah Nom, Ah Han and the somewhat realistic defendant pseudonyms in *People vs. Ah Hoy* indicate some effort at making the pseudonyms look or sound like authentic Chinese names.

³⁴³ See Justice’s Court *People vs. Tuc Wy*, 3/6/1862.

³⁴⁴ See articles in *Los Angeles Star*, “Vegetable John as a Driver” 7/16/1872, “No Sabe” 7/23/1872.

used in the criminal court by the 1870s. In 1878, the alias “Sin Toy” was used in an affidavit to identify a young Chinese American witness alleged to be a prostitute.³⁴⁵

The denial of Chinese individuality through uniform group treatment can be observed in the analysis of several nineteenth century Chinese proceedings. The 1877 prosecution of Lom Lin for illegal use of city water indicated judicial impatience with Chinese witnesses. Lin, in his defense, had brought several Chinese to appear on his behalf, but only two were allowed to testify. According to the minutes of the court, “Several other Chinamen were present and ready to testify they were there at the time and that they did not cut the ditch nor knew nothing of it having been done. The Court said it was unnecessary to multiply evidence *as he was satisfied they would all swear alike.*”³⁴⁶ [emphasis mine] Assumptions that groups of Anglo witnesses would testify to the same facts never disqualified their testimony in other proceedings; generally each account was dutifully recorded by the clerk. Denying Chinese witnesses their expression in the courtroom was as much a denial of their individuality as an instance of racial discrimination.

The assumptions of uniformity among Chinese carried over to the Lee Ting prosecution. Thirty-five Chinese were indicted for being “present in a room... where a banking game... was being conducted.” Harris’ cultural ignorance of the Chinese gambling games coupled with a strategy to accuse all of the Chinese defendants simultaneously was nevertheless successful. All thirty-five defendants were jointly found guilty and fined \$10 each.³⁴⁷ The court summary of Emil Harris’ testimony highlighted the tendency of both law enforcement and the court to overlook Chinese individuality during the trial: “he saw and helped arrest *all* the defts [sic] while in the act of playing and witnessing the banking game Tan – knew that *each* of the defendants was there – The game was in operation [sic] when he went in – *all* the defts here [in court] were present.”³⁴⁸ [emphasis mine] This group legal proceeding made it impossible to distinguish individual levels of involvement and

³⁴⁵ *People vs. Ah Goon et. al.*, 11/30/1878.

³⁴⁶ *People vs. Lom Lin*, 8/9/1877.

³⁴⁷ *People vs. Lee Ting et. al.*, 7/17/1877.

³⁴⁸ *People vs. Lee Ting et. al.*, 7/17/1877.

hence guilt in the alleged gambling transactions, and thus individual justice was replaced by a mass-produced legal burlesque.

The trial of Ah Fook on charges of animal cruelty was a unique prosecution during the period of analysis; no other indictment for animal cruelty was discovered despite notices of arrest on similar charges in the local papers. During the trial, the prosecution witnesses testified “that said Horse had a sore on his Back” and “also a sore on his eye [that] looks like a scratch.”³⁴⁹ By using the article “him” instead of “it” and describing the wounds in graphic detail, the prosecution endeavored to humanize the horse and make it more worthy of pity than Ah Fook in his struggles to earn a living. Recognizing and legitimizing the horses’ suffering came at the price of Ah Fook’s own individuality, and he was assessed an \$8 fine.

The generally random selection of victims during the 1871 Chinese Massacre demonstrates the degree to which the line between ‘guilty’ and ‘innocent’ Chinese became blurred and every member of their community deemed deserving of vigilante punishment. The crowd targeted a broader base of Chinese than the small group of tong members believed to be responsible for Robert Thompson’s death. The entire Coronel Block, a center for Chinese businesses, was initially marked for vengeance. When the mob finally entered the building later that evening, dozens of innocent Chinese were discovered and indiscriminately beaten and lynched.

The roster of victims during the riot further illustrated the mob’s cultural and emotional insensitivity to individual distinctions. Chinese women and children were not spared the brutality of the mob. Widney recounted that his efforts to save the Chinese were made on account of men, women and children. Officer Richard Kerren was brought to trial on the charge that he had shot at two Chinese women who had been placed on nearby hay scales during the Massacre.³⁵⁰ The Los

³⁴⁹ *People vs. Ah Fook*, 10/29/1878.

³⁵⁰ *People vs. Richard Kerren*, 1/5/1872. The Chinese women were given the pseudonyms, Cha Cha and Fan Cho.

Angeles *Star*'s account of the massacre reported that two eighteen year old youths were hung and that "one man... attempted to hang a woman."³⁵¹

Isolated attempts to save Chinese during the massacre and the privileged legal treatment of Sam Yuen present counter examples to the general practice of dehumanization. Besides benefiting from his wealth and community connections, Yuen had another defense against prosecution for the murder of Robert Thompson: individual recognition and esteem outside the Chinese community. As a prominent merchant, Yuen was able to credibly publicize his side of the events underlying the riot and more easily obtain community attention and sympathy.³⁵² In addition to protection from his tong members, Yuen's credibility allowed him to move safely about Los Angeles while he awaited trial. Recalling that a Frenchman suspected of murder had been lynched in Los Angeles the year before the massacre, the community tolerance was remarkable.³⁵³

The brutal treatment of the massacre victims further reveals how violence was used to dehumanize the Chinese. The magnitude and nature of the violence led the Los Angeles *Star* to comment that the violence did not abate "until the very horror of the scenes became sickening to the participators themselves."³⁵⁴ Venting anti-Chinese sentiments on victims through violence both before and after death demonstrated the extent to which Chinese were objectified. Eyewitness reports detailed how one victim was dragged by the neck until dead "on the way to the place of execution."³⁵⁵ The Los Angeles *Star*'s description of the victims following the massacre was labeled "a ghastly spectacle." The report observed that "some of the bodies were half naked, and nearly all had been robbed."³⁵⁶ Others had been clubbed while hung from the makeshift gallows before their deaths.³⁵⁷

The most prominent victim of the riot was "the Chinese Doctor" Chee Lun "Gene" Tong, a medical doctor well-known outside the Chinese community. Unlike Sam Yuen, Dr. Tong's

³⁵¹ Los Angeles *Star*, "The Night of Horrors!" 10/26/1871.

³⁵² Los Angeles *Star*, "Yo Hing Denounced... Statement from the Nin Yung Company," 10/31/1871.

³⁵³ For editorial frustration with Yuen's freedom, Los Angeles *News*, 10/24/1872, 10/29/1872. The Frenchman, Lachenais, was lynched in December 1870.

³⁵⁴ Los Angeles *Star*, "The Chinese Outrage," 10/25/1871.

³⁵⁵ Los Angeles *Star*, "The Chinese Outrage," 10/25/1871.

individual recognition arguably made him a greater victim of the mob. Rumored to have “a large amount of money,” his apartment in the Coronel Block was thoroughly plundered. Torture might also have been used to obtain to location of his wealth, the *Star* observing “human gore... traced in all directions” through his living quarters. Like some of the other victims, it is uncertain whether his death predated his hanging: the *Star* reported him “shot through the head and hung” noting his corpse was “without pants.”³⁵⁸

It is notable that an appreciable minority, five of the eighteen victims, were reported to have multiple types of violence or extensive bullet wounds throughout their bodies.³⁵⁹ That varied violent attacks likely continued on Chinese persons after death was succinctly summarized in the brief obituary:

Fung Woo, cook, came from San Francisco recently—Nin Yung Company—shot, stabbed and hung.³⁶⁰

But for many victims, it is clear that violence and rough treatment were wreaked on Chinese corpses following death. Dr. Gene Tong’s fingers had been cut off in order to steal a ring he had been wearing.³⁶¹ The Los Angeles *Star* reported that the rope broke on the first attempt to hang Wong Tuck, and it was only after a second rope was procured that the execution was completed.³⁶² During the Coroner’s Inquest, W. W. Widney testified that he “saw the Chinaman [Wong Tuck] hanging from the gate of the corral; the mob seemed to be amusing themselves by jerking his head up against the beam.”³⁶³ Other witnesses reported that bodies of Chinese murdered in the Coronel house were

³⁵⁶ Los Angeles *Star*, “The Night of Horrors!” 10/26/1871.

³⁵⁷ Los Angeles *Star*, “The Riot,” 10/27/1871.

³⁵⁸ Los Angeles *Star*, 10/26/1871, 10/27/1871.

³⁵⁹ Los Angeles *Star*, “The Night of Horrors!” 10/26/1871.

³⁶⁰ Los Angeles *Star*, “The Night of Horrors!” 10/26/1871.

³⁶¹ De Falla, “Lantern in the Western Sky,” 85.

³⁶² Los Angeles *Star*, “The Chinese Outrage,” 10/25/1871.

³⁶³ Los Angeles *Star*, “Inquest Testimony,” 10/26/1871. W. W. Widney was a brother of Judge R. M. Widney, another eyewitness to the massacre and the presiding district judge during the Chinese massacre trials. Wong Tuck was the first Chinese victim to be hung during the massacre. According to De Falla, Wong Tuck was captured by the mob and hung much earlier in the evening than subsequent victims. De Falla, “Lantern in the Western Sky,” 76.

thrown out into the street and pummeled by the drunken mob.³⁶⁴ Others questioned the assumption that Chinese laying in the streets were corpses, testifying “a dead Chinaman was thrown into the street and another which I supposed to be not quite dead was then brought out and thrown also into the street.”³⁶⁵

The pattern of violence directed at arbitrary Chinese was not an isolated incident. Historical scholarship has noted that Chinese were especially victims of violence when isolated from their own community, for example those that worked that worked outside Chinatown in Los Angeles or the rural areas beyond. Raymond Lou observed that 57% of violent attacks against Chinese involved agricultural workers and were of an especially violent nature, involving torture and burying people alive.³⁶⁶

In the decade following the massacre, three criminal court cases detailing random, unprovoked attacks against Chinese highlight a tendency to deny Chinese individual recognition. In 1874, Edward Moore was charged with assault with intention to commit murder for an attack on two Chinese, Wan Lung and Ah Sam. The indictment alleged that while Lung and Sam were “then and there abed in a certain tenement the said Edward Moore did discharge a pistol loaded with powder and ball through the walls of said tenement with the felonious intent to kill....” The defense argued that Moore was insane and incapable of deliberation. The jury’s finding of two verdicts, one declaring the prisoner to be sane while the second acquitted Moore on grounds of “not guilty by reason of insanity” seemed to indicate that his insanity might have been more of an effective defense than a psychological reality.³⁶⁷

³⁶⁴ De Falla, “Lantern in the Western Sky,” 84. For references to drunkenness among mob members, see the Los Angeles *Star*, 10/26/1871-10/27/1871, particularly the Coroner’s Inquest testimony of A. R. Johnson and D. W. Moody.

³⁶⁵ Los Angeles *Star*, 10/26/1871, Inquest Testimony of Emil Harris.

³⁶⁶ Lou, *The Chinese American Community*, 113-114.

³⁶⁷ *People vs. Edward Moore*, 9/8/1874

The pattern of random, unprovoked attacks and acquittals continued throughout other cases. In 1875 Juan Jose Romero was charged with shooting at Lum Chung and striking him in the leg.³⁶⁸ At the trial of Antonio Castillo for assaulting him, Ah Vaugh testified that he was an ironer at work inside a Chinese laundry at the time of the attack. Claiming he had never seen nor spoken to Castillo before or during the time of the assault, Vaugh alleged that Castillo “talked bad... & said he wanted to kill me” before shooting at the wall over his head and running away. Castillo, claiming he had been drunk, was fined \$40, which he promptly paid.³⁶⁹

Throughout the rest of the 1870s, the raw brutality of the attacks mirrored the experiences of the Chinese massacre. In 1878, J. H. Steinhart was indicted for a brutal assault of Wong Ben. Wong Ben’s complaint described a demeaning assault in which Steinhart was accused of “striking and beating affiant [Wong Ben] over the head with a whip; and by biting and bruising affiants finger with his teeth....”³⁷⁰

The activities of criminals like John McCormic and O. H. Downs in the mid-1870s demonstrates the degree to which such dehumanizing violence may have been ethnically targeted. In November 1876, a gang robbery occurred where three masked men robbed two citizens of \$15 late in the evening on Temple Street.³⁷¹ A week later, the *Star* wrote of the “second of the new series of outrages”:

a party of masqued [sic] men, supposed to be five or six in number, entered the above-named place, and seized, and bucked and gagged the inmates, five in number, and then proceeded to search the place for valuables. Not being successful, they commenced to torture them by burning the soles of their feet and mashing in their heads with evidently blunt instruments, in order to compel the Chinamen to inform them where their money and other valuables were secreted. The injuries they received would put to blush the horrors of past ages—one of the Chinamen will lose an eye, another is threatened with the lock-jaw, and another is at the Chinese hospital in very bad condition.³⁷²

³⁶⁸ *People vs. Juan Jose Romero*, 9/28/1875

³⁶⁹ *People vs. Antonio Castillo*, 11/22/1877.

³⁷⁰ *People vs. J. H. Steinhart*, 11/7/1877.

³⁷¹ *Los Angeles Star*, 11/3/1876.

³⁷² *Los Angeles Star*, 11/10/1876.

McCormic and Banning were indicted for burglary and grand larceny for two separate robberies victimizing eight Chinese. Each was sentenced to ten years in state prison, a verdict upheld by the California Supreme Court.³⁷³ The outrage against the “Chinese robbers” died down comparatively quickly.³⁷⁴ In December 1878, a little over two years later, the county court dismissed the indictment and released McCormic from jail following the death of Banning.³⁷⁵ The different styles of robbery being perpetrated by outlaw gangs in early Los Angeles might have had cultural roots. The perceptions that Chinese maintained abundant caches of money and jewelry that had motivated the 1871 massacre likely existed five years later. With that set of cultural stereotypes, armed gangs would have been less likely to accept Chinese assertions that they only possessed \$15 than the excuses of two Anglo men wandering around saloons in downtown Los Angeles.

The dehumanization was largely an outgrowth of broadly held cultural stereotypes and ignorance. Early Angelenos’ cultural illiteracy and hesitance to gain a greater understanding of Chinese settlers bred cultural prejudice and the development of stereotypes. Humorous pseudonyms were an immature manifestation of this general cultural ignorance. The random targeting of Chinese victims for brutality and the group treatment of Chinese in the criminal courts resulted from the entrenchment of racial prejudice. These patterns betray Angelenos perceptions of Chinese Americans as an undifferentiated population more reminiscent of “cattle” than individuals.

The sensational 1871 massacre should not be studied in isolation or footnoted as an unfortunate instance of anti-Chinese violence that occurred a few years too soon to be classified as a legitimate episode in Chinese exclusion. The initial, scattered episodes of anti-Chinese behavior provide an important framework to the apparently rapid formation of an organized exclusion movement in Los Angeles after 1875. Legal harassment of Chinese brothel owners became a

³⁷³ *People vs. John McCormic and Frank Banning alias O.H. Downs*, 11/22/1876. There are two separate cases of same date.

³⁷⁴ *Los Angeles Star*, 11/24/1876. The term “Chinese robbers” was used in the newspaper with respect to Banning and Downs as the trial was followed.

template for subsequent campaigns against gambling establishments and the Chinese-dominated laundry and fresh produce industry. Newspaper items from the early 1870s that ridiculed and caricatured the early settlers betrayed an initial blush of suspicion and cultural ignorance of Chinese Americans.

In addition to the continuities this violent outburst had with Chinese exclusion, the massacre has a more personal significance to Los Angeles. As the first instance of racially-motivated violence that achieved national attention for the City of Angels, the massacre prompted public contemplation and censure. As has been argued in this study, the massacre stemmed from the racism and incipient exclusionist sentiments shared by a majority of Angelenos, and was not a final indulgence of lawlessness. However, the massacre's unpalatable brutality coupled with concurrent urban transformation aroused a public consciousness that proved the death knell of widespread sanctioned violence and frontier crime.

But anti-Chinese sentiments did not go the way of horse thievery. The juvenile indictments of Chinese brothels in the early 1860s and rampant lynching of the massacre were molded to fit the social constraints of a newly-settled society. The mob became a Workingman's Party, the noose a city ordinance. With its own appreciable and threatening Chinese community by 1880, Los Angeles rapidly became integrated into the emerging statewide and national exclusion movement.

The story of the anti-Chinese movement does not end in 1882 with the passage of the Chinese Exclusion Act that curtailed Chinese immigration. But this initial period of Sino-American community relations was an important incubator for the subsequent national programs of systematic racially-based immigration restrictions. The most unfortunate heritage of Chinese exclusion was its durability: the dehumanizing arguments were repeatedly resurrected in later decades as a ready-made framework for other anti-Asian movements, including the "yellow peril" hysteria of the 1920s and the tragic internment of Japanese Americans during World War II.

³⁷⁵ *People vs. McCormic and Banning*, 11/22/1876.

Appendix A: Defendant and Victim Ethnicity in Selected Charges by Decade, 1860-1879. ³⁷⁶

Defendant Ethnicity By Indictment, 1860-1869									
Los Angeles County/District Courts									
Charge	Total	Numerical				Percentage			
		Anglo	Chinese	Hispanic	Indian	Anglo	Chinese	Hispanic	Indian
assault	61	26		29	6	42.6%		47.5%	9.8%
embezzlement	1	1				100.0%			
gambling	0								
larceny	122	52		66	4	42.6%		54.1%	3.3%
murder	34	20		10	4	58.8%		29.4%	11.8%
perjury	4	2		2		50.0%		50.0%	
prostitution	6		6				100.0%		
theft/robbery	16	6		8	2	37.5%		50.0%	12.5%

Defendant Ethnicity By Indictment, 1870-1879									
Los Angeles County/District Courts									
Charge	Total	Numerical				Percentage			
		Anglo	Chinese	Hispanic	Indian	Anglo	Chinese	Hispanic	Indian
assault	147	84	8	49	6	57.1%	5.4%	33.3%	4.1%
embezzlement	37	25	2	10		67.6%	5.4%	27.0%	
gambling	28	22	4	2		78.6%	14.3%	7.1%	
larceny	173	85	3	83	2	49.1%	1.7%	48.0%	1.2%
murder	76	41	11	22	2	53.9%	14.5%	28.9%	2.6%
perjury	23	13	1	9		56.5%	4.3%	39.1%	
prostitution	27	25	1	1		92.6%	3.7%	3.7%	
theft/robbery	92	55	4	32	1	59.8%	4.3%	34.8%	1.1%

Defendant Ethnicity By Indictment, 1860-1879 [Total]									
Los Angeles County/District Courts									
Charge	Total	Numerical				Percentage			
		Anglo	Chinese	Hispanic	Indian	Anglo	Chinese	Hispanic	Indian
assault	208	110	8	78	12	52.9%	3.8%	37.5%	5.8%
embezzlement	38	26	2	10		68.4%	5.3%	26.3%	
gambling	28	22	4	2		78.6%	14.3%	7.1%	
larceny	295	137	3	149	6	46.4%	1.0%	50.5%	2.0%
murder	110	61	11	32	6	55.5%	10.0%	29.1%	5.5%
perjury	27	15	1	11		55.6%	3.7%	40.7%	
prostitution	33	25	7	1		75.8%	21.2%	3.0%	
theft/robbery	108	61	4	40	3	56.5%	3.7%	37.0%	2.8%
Total	847								

³⁷⁶ Los Angeles District and Criminal Court Collection, 1860-1879. Huntington Library. These indictments represent only a typical subset of the 1075 cases appearing before the criminal courts. Ethnic designations were determined by surname. "Assault" includes all charges of assault, assault & battery, and assault to murder. "Theft/robbery" also includes burglary charges. "Prostitution" includes all prostitution-related charges: disorderly house, house of ill-fame, and soliciting prostitution.

Victim Ethnicity By Indictment, 1860-1869									
Los Angeles County/District Courts									
		Numerical				Percentage			
Charge	Total	Anglo	Chinese	Hispanic	Indian	Anglo	Chinese	Hispanic	Indian
assault	61	28		24	8	45.9%		39.3%	13.1%
embezzlement	1	1				100.0%			
gambling	n/a								
larceny	122	80		37		65.6%		30.3%	
murder	34	17		12	4	50.0%		35.3%	11.8%
perjury	4			2				50.0%	
prostitution	n/a								
theft/robbery	16	7		6		43.8%		37.5%	

Victim Ethnicity By Indictment, 1870-1879									
Los Angeles County/District Courts									
		Numerical				Percentage			
Charge	Total	Anglo	Chinese	Hispanic	Indian	Anglo	Chinese	Hispanic	Indian
assault	147	81	11	49	4	55.1%	7.5%	33.3%	2.7%
embezzlement	37	29		6		78.4%		16.2%	
gambling	n/a								
larceny	173	118	2	47		68.2%	1.2%	27.2%	
murder	76	23	27	20	4	30.3%	35.5%	26.3%	5.3%
perjury	23	3	2	3		13.0%	8.7%	13.0%	
prostitution	n/a								
theft/robbery	92	69	6	14		75.0%	6.5%	15.2%	

Victim Ethnicity By Indictment, 1860-1879 [Total]									
Los Angeles County/District Courts									
		Numerical				Percentage			
Charge	Total	Anglo	Chinese	Hispanic	Indian	Anglo	Chinese	Hispanic	Indian
assault	208	109	11	73	12	52.4%	5.3%	35.1%	5.8%
embezzlement	38	30		6		78.9%		15.8%	
gambling	n/a								
larceny	295	198	2	84		67.1%	0.7%	28.5%	
murder	110	40	27	32	8	36.4%	24.5%	29.1%	7.3%
perjury	27	3	2	5		11.1%	7.4%	18.5%	
prostitution	n/a								
theft/robbery	108	76	6	20		70.4%	5.6%	18.5%	
Total	786								

Appendix B: Plaintiff vs. Defendant Ethnicity for Theft and Assault, Los Angeles, 1860-1879.³⁷⁷

Assault Indictment Grid – Plaintiff vs. Defendant Ethnicity						
Victim	Defendant					Total
	Anglo	Chinese	Hispanic	Indian	Multiple	
Anglo	91	2	13			106
Chinese	5	4	2			11
Hispanic	11		55	6	1	73
Indian			6	5		11
Multiple				1		1
Total	107	6	76	12	1	202

Theft/Robbery and Burglary Indictment Grid – Plaintiff vs. Defendant Ethnicity						
Victim	Defendant					Total
	Anglo	Chinese	Hispanic	Indian	Multiple	
Anglo	44	3	26	1	1	75
Chinese	2	2	1		1	6
Hispanic	6		13	1		20
Indian						0
Multiple			1			1
Total	52	5	41	2	2	102

³⁷⁷ Los Angeles District and Criminal Court Collection, 1860-1879. Huntington Library.

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