

Chinatown Declared a Nuisance: Creating a Public Health Crisis in Merced, California, 1883-1908

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San Francisco, the city with the largest Chinese population in California during the late nineteenth and early twentieth century, used the anti-Chinese tactic of creating a public health crisis, well documented in local policy and rhetoric. The white establishment frequently brought to light the overcrowded living conditions of the Chinese and characterized it as innate uncleanness in order to racialize and subjugate Chinese communities at the local level. This research examines the degree to which this phenomenon was present in Merced, California during the late nineteenth and early twentieth centuries. By using newspaper archives, Merced City and County Ordinance Books, as well as contemporaneous public health reports from San Francisco and Sacramento, this research seeks to understand the attitude of white Merced residents towards health and safety in and around Merced's Chinatown. This project argues that anti-Chinese legislation adopted in Merced was consistent with efforts made by other localities to prevent Chinatowns from infringing on white spaces, thereby reproducing and adapting a common anti-Chinese tactic to address local racial tensions.

The action taken by Merced officials mirrors anti-Chinese efforts in San Francisco. The first recorded instance of a Chinatown in California being declared a public health nuisance came in March of 1880, when the San Francisco Board of Health performed a raid on Chinatown and reportedly discovered unsanitary living conditions throughout the community. Officials recalled "smoke...stench and rottenness" overwhelming them as they entered Chinese tenement

¹ The author, being also an editor, recused himself from the editing process regarding this article. It received no special treatment and was required to conform to all standard requirements.

buildings.² They also claim to have encountered rooms filled with “poor wretches suffering from a loathsome disease.”³ In describing their findings, the Board of Health laid out exactly what laws the Chinese violated, listing two health ordinances and sixteen subsections, as well as the Fire Ordinance and Cubic Air Ordinance. While this assessment seems comprehensive, many of the provisions cited were extremely subjective and vague, such as Section 18 of Health Ordinance 1.074, which prohibited “dangerous or detrimental pursuits” and Section 6 of Health Ordinance 1.196, which declared “foul or offensive privies” a nuisance.⁴ Local legislators gave words like ‘dangerous’ or ‘foul’ no definition in these provisions, which made their interpretation and enforcement entirely subjective. Vague provisions such as these gave law enforcement officers full discretion to police residential spaces, allowing for, if not inviting, racial bias. As a result, health officers were empowered to use their anti-Chinese prejudices when performing raids on Chinatown.

Anti-Chinese rhetoric across California was woven with political strategy and propaganda. Mayor Isaac Kallloch, the first and only member of the Workingmen’s Party of California (WPC) to serve as Mayor of San Francisco—a party whose slogan was “The Chinese Must Go!”—received the full support of the San Francisco Board of Health.⁵ The Board smeared both Democratic and “vile” Republican leadership, arguing that the WPC and Mayor Kallloch were taking necessary steps to protect the people of the city from the “filthy conditions” of Chinatown by declaring it a “nuisance,” an issue previously ignored by San Francisco’s leadership.⁶ The public perception of Chinatown as a threat to the health and safety of San

² Isaac Kallloch, “Resolutions of Condemnation Adopted” in “Chinatown Declared a Nuisance” (San Francisco Board of Health, 1880), 3.

³ Kallloch, “Chinatown Declared a Nuisance,” 4.

⁴ Ibid. 5.

⁵ Huping Ling and Allan W. Austin, *Asian American History and Culture: An Encyclopedia* (Routledge, 2015), 382.

⁶ Kallloch, “Introduction” in “Chinatown Declared a Nuisance,” 2.

Francisco's white population bolstered the white nationalist platform of the WPC. The Board of Health intentionally and skillfully crafted a piece of political propaganda that fabricated, or at least vastly overexaggerated, the health crisis in order to deepen racial divides and justify local anti-Chinese legislation..

Upon their arrival to America, most Chinese migrants passed through, if not permanently remained in, San Francisco where they could receive lodging, financial assistance, and employment from organizations such as The Chinese Consolidated Benevolent Association, (known in the American press as the Six Companies.)⁷ As most migrants were single males, dormitory style housing was the norm and was often, out of necessity, widely overcrowded. These men frequently sent remittances back to family in China; in 1860 it was estimated that about \$10 million was shipped by Chinese laborers back to China every year.⁸ As a result, tenants lacked the resources to improve their living conditions. Furthermore, legal segregation from white neighborhoods increasingly marginalized the Chinese migrants, as the tactic allowed cities to spend most, if not all, of their budget in developing white communities over Chinatowns.⁹ On July 29, 1870, San Francisco signed the Cubic Air Ordinance into law. As Historian Shirley Moore notes, this measure is an anti-Chinese piece of legislation that set out to break up Chinese tenement houses.¹⁰ The ordinance stated that more than one person per 500 cubic feet of space would be prohibited in residences within the boundaries of San Francisco's

⁷ Sucheng Chan, *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943*. (Temple University Press, 1994), 153.

⁸ Carey McWilliams, *Factories in the Field: The Story of Migratory Farm Labor in California*. (University of California Press, 2000), 66.

⁹ Jessica Trounstein, *Segregation by Design: Local Politics and Inequality in American Cities*. (Cambridge University Press, 2018), 107.

¹⁰ Shirley Ann Wilson Moore, "'We Feel the Want of Protection': The Politics of Law and Race in California, 1848-1878." (*California History Vol. 81 No. 3-4*, 2003), 112.

Health District.¹¹ In the Board of Health's Chinatown raid of 1880, officers discovered rooms of 10 by 12 feet where "12 persons eat and sleep," as well as a single tenement house that held "200 Chinamen."¹² Whether or not the numbers in the Board of Health's report were exaggerated, many, if not all, Chinese tenement houses were likely in violation of the Cubic Air Ordinance, fulfilling the laws intended purpose of expelling the Chinese from San Francisco.

Merced's press acknowledged the enforcement of the Cubic Air Ordinance in San Francisco, amplifying the anti-Chinese tactic to Merced and the surrounding area. The *San Joaquin Valley Argus*, Merced's most prominent newspaper in the late nineteenth century, used its platform to project the success of the Cubic Air Ordinance to its audience. Several times between September and December 1887, the paper cited police raids on Chinatown, claiming, "there were 169 Chinese pulled in two nights of last week for violators of the cubic-air law."¹³ The cases of Cubic Air Violations cited in the *Argus* always included dozens, sometimes hundreds, of Chinese who were jailed for their violations. If there were smaller, perhaps less successful raids, they were not reported in the *Argus*. In tandem with these reports of successful raids under the Cubic Air Ordinance, the paper often included in the same column the number of Chinese migrants that disembarked on California soil. The 1887 *Argus* stated just below the Cubic Air violations, "the steamer Gaelic arrived from China...last week... there were 246 Chinese aboard."¹⁴ The fixation on the number of Chinese coming in and out of San Francisco's Chinatown alongside the projection of the Cubic Air Ordinance's success reflects the increasing anxieties Merced's white establishment had with its own growing Chinese population. San

¹¹ Joshua S. Yang, "The Anti-Chinese Cubic Air Ordinance." (*American Journal of Public Health*, 2009), 440.

¹² Isaac Kalloch, "Chinatown Declared a Nuisance," 4.

¹³ Rowena Steele, "San Francisco Happenings." *The San Joaquin Valley Argus*, September 21, 1887, Merced County Library.

¹⁴ *Ibid.*

Francisco officials channeled their racial anxiety into concrete laws in order to expel the Chinese; Merced chose to follow their lead.

As the population of Chinatown grew, the area of Merced's Main Street occupied by Chinese homes and businesses grew similarly apace. The *San Joaquin Valley Argus* included an editorial piece about three Chinese washhouses and "ten or twelve houses of ill-repute" that spilled out of Chinatown and onto Main Street, cutting it "in two." The editor of the *Argus*, Rowena G. Steele, called on the local government to use "lawful means" to eradicate what she thought to be a nuisance.¹⁵ As the *Argus* in particular had a fascination with anti-Chinese legislation in San Francisco and its effectiveness in jailing Chinese in large numbers, this call to action to restrict the local Chinese population from the public and economic space of Merced's Main Street seemingly drew inspiration and legitimacy from San Francisco's already well established and institutionalized anti-Chinese legislation and rhetoric.

Merced's Board of Trustees laid out a set of city ordinances, including provisions for a health district. Ordinance no. 10, enacted in 1889, was established to "define and punish" any public health nuisance found within Merced's city limits. Section 13 of this Ordinance specified that "every house, room, or place...where opium, or any preparation or compound thereof is... distributed or given away" shall be declared a nuisance.¹⁶ San Francisco's Board of Health had a similar provision prohibiting "houses of ill-fame" and "gambling houses."¹⁷ White Californians associated opium smoking and addiction with Chinese populations and, while opiate addiction was a problem across lines of race and class, the justice system shifted much of the blame and

¹⁵Rowena Steele, "Should Be Made to Move On." *The San Joaquin Valley Argus*. December 1, 1883, Merced County Library.

¹⁶ Archives of the City of Merced, California, Clerk's Office, Merced, California (hereafter ACMC), April 16, 1889, Ordinance no. 10, Section 13, "To Define and Punish Any Public Nuisances and Offenses Against the Public" *Ordinances of the City of Merced*, Volume 1 (1889-1910), 4.

¹⁷ Isaac Kalloch, "Chinatown Declared a Nuisance." 5.

attention to Chinese people. Merced County Ordinances also included anti-Chinese provisions, including Section 20 of Ordinance no. 82, enacted in 1908, which called for all cases of “Asiatic Cholera” to be reported to the county Board of Health. Any discovery that a resident had not reported any such case resulted in a misdemeanor charge.¹⁸ Asiatic Cholera was widely thought to be the result of Chinese trade and immigration. The California State Board of Health, in their biannual report of 1886, published an address by Dr. John H. Rauch, who argued that “assaults of foreign pestilence” such as Asiatic cholera, (as well as other diseases he thought to be the fault of Chinese migrants including syphilis and smallpox), should be treated by the United States Congress as if it were “an armed enemy.”¹⁹ The County Ordinance distinguished between Cholera and Asiatic Cholera, implying that Section 20 targeted Merced’s Chinese population specifically.

The most shocking and important provision, Ordinance no. 96, enacted in 1908, lays out the responsibilities of the Health Officer. Section 5 of this ordinance states that the health officer, appointed by the Board of Health, can enter any premises and should he find a residence “liable from overcrowding” he has the right to “remove the nuisance therein named.”²⁰ Recall San Francisco’s Cubic Air Ordinance, which called for any more than one person per 500 cubic feet of space to be removed from that residence. The county provision in Merced is incredibly similar. While the likelihood of San Francisco officials following zoning laws down to their exact number is questionable, in Merced County’s ordinance, no specific number of cubic feet per person is offered at all. With “overcrowding” lacking a clear definition, the health officer, an

¹⁸ Merced County Board of Supervisors “Ordinance Book of Merced County,” Ordinance 82, Section 20. 1908, 52.

¹⁹ California State Board of Health, “Report of the State Board of Health of California.” (Sacramento, California, 1886), 61.

²⁰ “Ordinance Book of Merced County,” Ordinance 96, Section 5. 1908. 65

unelected official, was empowered to interpret the law. The health officer could enter any premises within the limits of the Merced Health District without a warrant, and should he find that there were too many Chinese people for his liking, he had the legal power to ‘remove the nuisance,’ which would mean arresting them on a misdemeanor charge. The health officer was essentially empowered to arrest Chinese bodies at his discretion, with only the oversight of the Board of Health, the writers of this law.

Much of the dealings of the Board of Health still lie under a shroud of mystery. Most of the subsequent minutes from the Board of Health meetings are not included completely or regularly in the local newspapers, and copies of them elsewhere have yet to be uncovered. What is known, however, is that at its inception in August of 1884, the board was comprised of Dr. G. P. Lee, Chairman, Dr. E. S. O’Brien, Secretary, Dr. H. N. Rucker, and C. E. Fleming, Health Officer. The circumstances under which Fleming was appointed, as well as his occupation outside of the Board of Health, are also unknown. In their first meeting, the board took care of a few pieces of business. One being empowering the health officer “to hire men and teams to proceed to work in the alleys of the town,” as well as making a statement to the public that should they wish to make “complaints of any nuisance that may exist” to do so in writing.²¹ That familiar word ‘nuisance’ was used in this call for complaints from Merced citizens. While this certainly pertained to infrastructural and health issues in all of Merced, the call also allowed the opportunity for additional complaints from Merced residents about Chinatown, a space characterized as a public health threat to the white population by the local news media.

The use of the term ‘nuisance,’ while common in these discussions, is also purposefully vague. The conditions that were necessary to declare a nuisance varied with time and place,

²¹ Rowena Steele, “Proceedings of the Board of Health.” *The San Joaquin Valley Argus*. August 22, 1884.

allowing health officials to adapt criteria to fit whatever conditions Chinese residents lived in, thereby maximizing their restrictive power. The overcrowding of dormitories and tenement houses was common among all Chinatowns, as Chinese laborers often did not have access to better living conditions. However, sanitation issues with exposed sewers and privies were not unique to the Chinese, shown by the *San Joaquin Valley Argus*' claim that the Main Street Sewer was a "disgrace to the town."²² Yet, white establishments and households were certainly not the subject of criminal prosecution for their lapses in sanitation in the same way their Chinese counterparts were. Further, these laws only placed offenders in jail for a period of time, rather than addressing the sanitation and public health problems that were ever present, which ensured an endless cycle of prosecution of Chinese residents.

White Californians' aversion to Chinese people forced these communities to be pushed to the margins of a city. While out of sight of most of the population, Chinese communities were left infrastructurally underserved in the way of sewers and waste management, leading to an increased risk of illness. Services such as sewer, alley, and road maintenance, a city or county responsibility, were ignored in Chinatowns almost universally, contributing to the dilapidated conditions Chinese populations often found themselves in. Historian David Torres-Rouff, in his study of Los Angeles' Chinatown claims that most tenants were renters, therefore few "would have the opportunity to request sewers for their neighborhoods."²³ The same was likely the case in Merced, making landlords, not the Chinese themselves, responsible for the lack of adequate sewer infrastructure in Chinatown. However, this inaction on the part of city officials and property owners was instead framed as an inherent character flaw of the Chinese. Rather than

²² Rowena Steele, "Nearing Merced." *The San Joaquin Valley Argus*, February 5, 1887, Merced County Library.

²³ David Samuel Torres-Rouff, *Before L.A.: Race, Space, and Municipal Power in Los Angeles, 1781-1894*, (Yale University Press, 2013), 223.

acknowledging the marginalization of these communities and providing services to assist them, local government and authorities argued instead that the Chinese were inherently unsanitary. This, in combination with the spatial segregation of white and Chinese communities, allowed for the racialization of Chinese people, that the local government then used to justify its anti-Chinese legislation.

While Chinese people made up one of the first waves of non-white immigrants to receive such severe treatment, discrimination disguised as concerns for public health has not stopped with them. Today, in cities all across the United States, housing and infrastructure are neglected in communities inhabited by black and brown bodies. In Queens, New York, illegal basement apartments house an estimated tens of thousands of both documented and undocumented migrants.²⁴ Cities like Los Angeles and Seattle have rapidly growing homeless populations, with entire streets taken up by people sleeping in tents or on cardboard, while local services do not provide adequate assistance.²⁵ Again, as in the case of Merced's Chinatown, conversations on these topics in the press often pull focus from the institutions that force people into poverty and prevent them from escaping it, and diverting focus onto marginalized and racialized populations. Public health concerns in Chinatowns all across California were real just as they are today in many localities. The causes and solutions presented by white establishments, however, fail to address the underlying issues.

²⁴ Stewart, Nikita, Ryan Christopher Jones, Sergio Peçanha, Jeffrey Furticella, and Josh Williams. "Underground Lives: The Sunless World of Immigrants in Queens." *The New York Times*, October 23, 2019

²⁵ Beason, Tyron. "As We Vent over Homelessness in Our 'Jewel' of a City, Let's Not Forget Our Shared Humanity." *The Seattle Times*, April 1, 2019.

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