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Oregon's Racial Purity Regime: The Influence of International Scientific Racism on Law Enforcement, Legislation, Public Health, and Incarceration in Portland, Oregon During the Victorian and Progressive Eras (1851-1917)

Katherine N. Bush
Portland State University

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Oregon's Racial Purity Regime:
The Influence of International Scientific Racism on Law Enforcement, Legislation,
Public Health, and Incarceration in Portland, Oregon During the Victorian and
Progressive Eras
(1851-1917)

by
Katherine N. Bush

A thesis submitted in partial fulfillment of the
requirements for the degree of

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in
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Thesis Committee:
Katrine Barber, Chair
Marc Rodriguez
Patricia Schechter

Portland State University
2021

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Abstract

In 1983, the Oregon State legislature repealed the eugenic sterilization law that had been in use for 60 years. Initially passed during the Progressive era, this law epitomized the State's legacy of surveilling, policing, caging, and inflicting brutality on marginalized and racialized communities who were deemed dangerous, threatening, or contagious. Public health leaders, political officials, law enforcement authorities, and private charities worked together as a multivalent system to maintain racial purity in the State. This racial purity regime drew upon a legacy of international pseudo-scientific racism to justify and bolster policies, legislation, and practices that targeted impoverished communities, people of color, and women who exhibited behaviors outside of accepted gender norms. The policies and actions of this regime resulted in the sterilization of over 2,600 individuals at the hands of the State between 1923 when the Oregon legislature passed the final version of its Eugenics law and 1983, when it was repealed.

The establishment of discursive rhetoric linking race, gender, and class with disease, contagion, biological inferiority, and danger was vital to the maintenance of white supremacy in the state of Oregon. Nebulous and broadly applicable statutes enabled law enforcement to surveil, police, and cage racialized and marginalized communities who threatened the authority of elite white Oregonians. It was imperative that reproduction was curbed, either through the sterilization, forced removal from the city, or incarceration during reproductive years of populations deemed aberrant. These measures, enacted and enforced through legal means, solidified the hegemony of

Oregon's caste system. Despite the repeal of the sterilization law almost forty years ago, the ruinations of eugenics and scientific racism remain prevalent in public health, medicine, and policing today.

Dedication

This thesis is dedicated to my parents, John and Brenda Bush, who have always supported and cultivated my love of history.

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I would like to thank the wonderful faculty and staff I met during my time at Portland State University. I am indebted to numerous professors who have propelled my thinking, inspired my research, and offered unending reassurance to their students. The classes I took with Dr. Jennifer Tappan and Dr. Patricia Schechter were especially formative, and I am extremely grateful for their support. I appreciate the assistance Dr. Marc Rodriguez provided as my first advisor as I began the thesis process. I am beholden to Dr. Katrine Barber, my current advisor, for the input, communication, and encouragement she provided throughout this process.

I was awarded the Oregon Heritage Fellowship from the Oregon State Historical Preservation Office in 2020. An early version of chapter three of this thesis, originally entitled “The Spaces of Policing/The Policing of Spaces: Pathologizing Mental Illness and Poverty in Progressive Era Portland” was published on the agency’s website.¹ I am grateful for the agency’s contributions to my work and their support of heritage organizations in Oregon.

Finishing my thesis during the COVID-19 pandemic did pose difficulties for accessing archives and archival documents. I was unable to retrieve some materials towards the end of my research process. However, the archivists at the City of Portland Archives, Oregon State Archives, and the Oregon Historical Society helped me

¹ Katherine N. Bush, “The Spaces of Policing/The Policing of Spaces: Pathologizing Mental Illness and Poverty in Progressive Era Portland,” Oregon Parks and Recreation Department, State Historic Preservation Office, (Portland, Or, 2020), <https://www.oregon.gov/oprd/OH/Documents/The%20Spaces%20of%20Policing,%20The%20Policing%20of%20Spaces,%20Katherine%20Bush.pdf>. Accessed 1/19/2021.

immeasurably, both before and during the pandemic. I am grateful for their guidance, knowledge, and enthusiasm for history and research.

I would also like to thank the other history students at Portland State University, whose feedback and support throughout my time in my graduate school was indispensable. During the research process, I drew on work produced by PSU students in the history department and numerous other departments. The exemplary work developed by Portland State University graduates was indispensable for my thesis, and speaks to the importance our university plays in analyzing and contextualizing the history of the Pacific Northwest region.

I am also lucky to have friends and colleagues outside of PSU who have offered encouragement and assistance while writing my thesis. Eden Redmond has been especially helpful. She helped me develop my framework, edited drafts, and listened to me talk about my research. I am forever grateful.

Last but not least, I would like to thank my family. Without them, my time at PSU would not have been possible. I would also like to thank my partner, Derek Yates, for his support, patience, humor, and kindness which made graduate school much more fun.

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Chapter 1: Introduction

“It is often forgotten that in the name of public health the state is licensed to palpate, handle, bruise, test, and mobilize individuals, especially those deemed dangerous, marginal, or needy.”²

This thesis explores the social, cultural, and political milieu surrounding disease, public health, and contagion in Portland, Oregon from 1851 to 1917. While “health” and “medicine” are widely viewed as neutral, I argue that notions of health and disease were central to the maintenance of white supremacy in Oregon ascribing medicalized diagnoses to identities as dense transfer points of power and knowledge production. Theories of genetic determinism, and medicalized and pathologized behavior deemed aberrant or deviant were developed and disseminated in the nineteenth and twentieth centuries, and led to the development of vast systems of social, medical, and judicial control to ensure the discontinuation of degenerate familial lines. By placing blame on individuals from racialized and marginalized communities, medical practitioners, politicians, and charity workers wielded pseudo-scientific theories, legal statutes, and reforms to effectively “[divert] attention from deeper underlying causes of scarcity, cutbacks, or other social problems.”³ Medicine, police, and charities suffuse into all aspects of society. This multivalent system worked in concert to comprise Oregon’s racial purity regime to ensure racial purity in the state. Examining these connections places

² Warwick Anderson, "States of Hygiene: Race 'Improvement' and Biomedical Citizenship in Australia and Colonial Philippines," In *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Ann Laura Stoler, 94-115. (Durham and London: Duke University Press, 2006): 97.

³ Garland E. Allen, “The biological basis of crime: An historical and methodological study,” *Historical Studies in the Physical and Biological Sciences* 31, no. 2 (2001): 221.

Portland, Oregon into a transnational history of settler colonialism, racist medical theories, and repressive and violent legislation in service of maintaining white supremacy.

The hierarchical categorization of people within a settler colonial context is reflective of the system of governmentality which undergirds the State power apparatus in imperial spaces. Governmentality enforced notions of white prestige and moral respectability as a mechanism of discipline and social control throughout settler colonial society.⁴ The medical establishment, government, police force, and the elite, white community functioned together as an apparatus of power that created and enforced proscribed bourgeois behaviors onto settler colonial society. Ann Laura Stoler contends in *Carnal Knowledge and Imperial Power* that the management of empire was incumbent upon orderly and hierarchical associations between European manliness, racial memberships, and sexual morality. From these criteria, implicit and explicit categorizations were created that allowed for the exclusion of and violence towards polities that existed in the social and cultural grey area between the seemingly fixed categories which had been created by the ruling elite.⁵

Settler colonialism is a system organized around the acquisition of land, with the intent to house a “new, permanent, reproductive and racially exclusive society” that will

⁴ Michel Foucault, *Discipline & Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1979), 208.; Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2010): 205-206.

⁵ Stoler, *Carnal Knowledge and Imperial Power*, 6-8.

“remove, dominate, and replace Indigenous populations.”⁶ The settler colonial mission of elimination extends beyond Indigenous populations, as it also seeks to “block, erase, or remove racialized outsiders from...claimed territory.”⁷ In constructing the “racialized outsider,” elite, white Oregonians codified laws that enshrined behavior norms which ultimately solidified a racial caste system in the state. Medical theories developed in the nineteenth and twentieth centuries “proved” the inherent, biological difference of racialized, impoverished, or female people or people whose sexual behavior fell outside of heteronormativity. These theories undergirded statutes and reforms used to surveil, police, and incarcerate individuals deemed dangerous or threatening to the extent, settler colonial social order.

The maintenance of white prestige was integral to the solidification of Oregon’s racial caste system. Establishing behavior norms and codes of conduct for the state’s white population was based on a “critical, class-based logic” that was essential in the creation of a settler colonial identity which privileged white, European, bourgeoisie males as a norm against which others were judged.⁸ The “potential or actual presence” of “unfit” or poor whites within a population was central to the implementation of social and cultural reforms.⁹ Social and cultural reforms targeting unfit and impoverished whites for

⁶ Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: The University of North Carolina Press, 2017): 7.

⁷ Lytle Hernández, 7-8.

⁸ Stoler, *Carnal Knowledge and Imperial Power*, 24-25.

⁹ Stoler, *Carnal Knowledge and Imperial Power*, 35.

confinement or removal, were viewed as imperative for the re-establishment and maintenance of public and social order.¹⁰

The creation of hierarchical categorizations of persons illustrates the colonial impulse to order, record, and simplify people to create legible and less mobile populations as a means of control. Stoler asserts that, “classification...is not a benign cultural act but a potent political one.”¹¹ State power apparatus’ used manufactured and medicalized identities like “insane,” “vagrant,” “deviant,” or “feeble-minded” to simultaneously individuate and group populations that did not adhere to established social norms. Medical practitioners were integral in the development and codification of these categories. Theories touting the inherent biological difference of radicalized, impoverished, and marginalized populations were used to justify the policing, separation, and eventually the eugenic sterilization of people who were ascribed categories of difference by the state.

The machinery of observation that was created to support this system of elimination similarly functioned as a mechanism of social control. Policing, surveillance, and legislation created and maintained social norms by constructing pathways for incarceration in carceral institutions for racialized and marginalized populations in Portland, Oregon. Incarceration functioned within the settler colonial context as an eliminatory option for aberrant populations, especially when people were separated from

¹⁰Michel Foucault, *History of Madness*, ed. Jean Khalfa, trans. Jonathan Murphy and Jean Khalfa (London and New York: Routledge, 2009): 57-59.

¹¹ Stoler, *Carnal Knowledge and Imperial Power*, 8.

society during their reproductive years. The fear surrounding dysgenic couplings between the unfit or mixed-race couples necessitated mechanisms to separate, remove, or eliminate dangerous, contagious, or racialized communities from the city in order to ensure and promote pure breeding.

The policing and regulation of sex and sexuality was integral to maintain racial strictures and white supremacy. The locus of much of this regulation was on the reproductive systems of female bodies, either by preventing unfit women from procreating or promoting the breeding of fit women. Racialized thinking suffused “the most benevolent reforms” and programs focused on the management of bodies through both positive and negative eugenic programs.¹² Racial membership was measured by private behaviors, rather than by how a person conducted themselves in public.¹³ By the nineteenth century, sex and aberrant sexuality came under the purview of medical practitioners and penal institutions. From a position of neutrality and objectivity, scientists, physicians, and psychiatrists imbued analysis of sex and sexuality with morality. This led to a focus on perversion, deviance, and aberrance which pathologized and medicalized any behaviors that fell outside of established societal norms.¹⁴ The emergence of public health expanded the protectionist, medical ethos to encompass all of society. It was imperative to detect, separate, and treat populations who had the potential

¹² Ann Laura Stoler, “Intimidations of Empire: Predicaments of the Tactile and Unseen,” in *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Ann Laura Stoler (Durham and London: Duke University Press, 2006): 5.

¹³ Stoler, *Carnal Knowledge and Imperial Power*, 6.

¹⁴ Michel Foucault, *History of Sexuality Volume 1: An Introduction*. trans. Robert Hurley (New York: Vintage Books, 1990): 1, 54.

to affect the cleanliness and purity of the social body.¹⁵ While public health emerged during a time of contagion and epidemic disease, the deployment of policies expose the racist underpinning of medico-judicial systems and law enforcement apparatuses. Public health became an integral function of society in Portland, Oregon as marginalized and racialized communities were identified and categorized as contagious, diseased, unsanitary, and dangerous to the elite, white population.

The intersections between public health, public policy, and law enforcement elucidate important elements of the Progressive reform movement. The use of pseudo-scientific, racist medical theories to justify the targeting of marginalized and racialized individuals as unfit and dangerous is done under the guise of community safety and as a therapeutic alternative for the individual. Michel Foucault's book *History of Sexuality, Volume 1: An Introduction*, first published in 1978, examines the development of scientific theories about sex and sexuality by academics and physicians to generate knowledge about behaviors, deviance, and normalcy.¹⁶ Released in 2009, Susan M. Schweik's *The Ugly Laws: Disability in Public* examines the use of statues targeting physically disabled and impoverished communities as a tool to surveil, police, and segregate or incarcerate individuals whose presence in a public space affronted and disrupted social order. Schweik's book connects physical disability, disease, and aberrant behavior with immorality, danger, and the need to rid cities of visible blights and

¹⁵ Foucault, *History of Sexuality*, 55.

¹⁶ Michel Foucault. *History of Sexuality Volume 1: An Introduction*. Trans. Robert Hurley. New York: Vintage Books, 1990.

nuisances.¹⁷ Ann Laura Stoler's 2010 book, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, explores imperialism, sexuality, race, and class and provides important theoretical framework about categorical delineates based on class, behavior, and sexuality. The desire to classify and regulate individuals who exist in interstitial colonial spaces was predicated on the need to identify and control difference.¹⁸ My research places Portland, Oregon in conversation with these scholars, and expounds on their research to situate the development of public health and medico-judicial policies in service of social control.

Eugenics policies represent the coalescence of public health and medico-judicial policies. Scholars disagree as to the goal of eugenic programs. Some believe that the support for eugenics among elite, white Americans was in service of a white supremacist agenda. Others suggest that the preservation of social order for the benefit of class interests, was central to the promotion of eugenic policies.¹⁹ I believe that these ideas are not mutually exclusive. Alexandra Minna Stern's 2005 book, *Eugenics Nation: Faults and Frontiers of Better Breeding in Modern America*, explores the growth of hereditarianism and eugenic ideologies in the context of the US West. The medicalization of Westward Expansion was integral to the codification of legislation, carceral systems,

¹⁷ Susan M. Schweik. *The Ugly Laws: Disability in Public*. New York and London: New York University Press, 2009.

¹⁸ Ann Laura Stoler. *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. Berkeley: University of California Press, 2010.

¹⁹ Allison C. Carey, *The Margins of Citizenship: Intellectual Disability and Civil Rights in Twentieth-Century America*,(Philadelphia: Temple University, 2009): 61.

and social attitudes towards populations deemed undesirable in the Progressive era.²⁰ Laura Lovett's 2007 book *Conceiving the Future: Pronatalism, Reproduction, and the Family in the United States, 1890-1938* contextualizes the social and cultural milieu surrounding the notion of "race suicide" in America and situates that fear on the reproductive capabilities of white middle-class women. The emergence of "pronatalist" nostalgia campaigns centered on mythologized notions of traditional, rural farm families and the glorification of motherhood. These campaigns and their messaging bolstered positive eugenic programs to promote procreation among "fit" populations.²¹ An examination of Progressive era Oregon offers a different context through which to consider the adoption and implementation of eugenic ideologies and policies. My thesis will show that in Oregon the maintenance of white supremacy and the preservation of social order were at the forefront of state building. At the turn of the century, incarceration and eugenics became an integral piece of this mission. However, white Oregonians developed systems of control to maintain white supremacy and social order prior to the imbrication of eugenics into the state in the form of legislative statutes targeting racialized and marginalized communities, surveillance and policing of these communities, and, ultimately, the separation of undesirable persons from the community.

²⁰ Alexandra Minna Stern. *Eugenics Nation: Faults and Frontiers of Better Breeding in Modern America*. Berkeley: University of California Press, 2005.

²¹ Laura Lovett. *Conceiving the Future: Pronatalism, Reproduction, and the Family in the United States, 1890-1938*. Chapel Hill: University of North Carolina Press, 2007. Accessed August 15, 2020.

Separation could occur either through forced removal from the city by law enforcement, sentencing in sex segregated work crews, or incarceration.²²

Eugenic sterilization was not the sole method through which racial homogeneity was achieved. The carceral continuum and the influence of medico-judicial discourse on the surveillance, policing, and caging of racialized and marginalized communities elucidate the processes through which individuals were targeted, patrolled, and separated from the community at large as a means of social control. Michel Foucault's 1979 book *Discipline and Punish: The Birth of the Prison*, probes the development of the penal system in the West. The control of the body as a form of punishment and sequestration in disciplinary institutions is vitally important for the maintenance of social control. Panopticism is not relegated to disciplinary institutions, but influenced everyday surveillance to ensure and maintain social control.²³ Khalil Gibran Muhammad's book, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, released in 2010, examines nineteenth and twentieth century theories developed by social scientists and their use of data and statistics to link race and crime. These theories offered seemingly "race neutral" and "scientific" information and language to justify and bolster the policing and incarceration of Black Americans.²⁴ Published in

²² I will not directly address the use of work as punishment in Portland, Oregon during the period under examination in this thesis. For a more in depth examination of male poverty in Portland during this period, see Marin Elizabeth Aurand, "The Floating Men: Portland and the Hobo Menace, 1890-1915," (Portland State University: Portland, Or., 2015).

²³ Michel Foucault. *Discipline & Punish: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage Books, 1979.

²⁴ Khalil Gibran Muhammad. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge: Harvard University Press, 2010.

2017, Kelly Lytle Hernández's book *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* probes the history of settler colonialism and white supremacist ideology in the US West as it directly relates to the creation of the carceral state and systems of selective incarceration in these spaces. Throughout her work, Hernández surfaces the stories of individuals who faced persecution and violence at the hands of the state. These stories are vitally important to reinforce the humanity of the horrific, and shaped how I approached my research and writing.²⁵ Alice Bonzom's 2018 article "Female Offenders at the Confluence of Medical and Penal Discourses: Towards a Gender-Specific Criminology (1860s-1920s)" analyzes how women were selectively policed based on pseudo-scientific theories of inherent, gendered biological difference. These differences translated into distinct categories of criminal deviance applied specifically to women that was used to arrest and incarcerate women who behaved outside of accepted behavior norms.²⁶ The prevalence of caging racialized and marginalized communities during their reproductive years for assumed deviance speaks to the prevalence and suffusion of pseudo-scientific ideologies in Oregon's carceral continuum during the Progressive era.

The Pacific Northwest's regional history is an essential element of this thesis, and the mythologized pioneer past of Oregon suffuses the social and cultural milieu of the state. I draw upon sources produced by scholars about Oregon and Portland to examine

²⁵ Kelly Lytle Hernández. *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*. Chapel Hill: The University of North Carolina Press, 2017.

²⁶ Alice Bonzom. "Female Offenders at the Confluence of Medical and Penal Discourses: Towards a Gender-Specific Criminology (1860s-1920s)." *Cahiers victoriens et édouardiens*, 87 no. 87 Printemps (2018): 1-11.

the regional historical context. Leanne Claire Serbulo's 2003 master's thesis "Women Adrift, Sporting Girls and the Unfortunate Poor: A Gendered History of Homelessness in Portland, 1900-1929" and Marin Elizabeth Aurand's 2015 master's thesis "The Floating Men: Portland the Hobo Menace, 1890-1915" explore the effects of poverty and homelessness on men and women. These sources were integral for the examination of gendered treatment of impoverished men and women in Portland, and how gendered impoverishment was conceptualized by society at large.²⁷ Andrew Nils Bryan's 2002 master's thesis, "The Response to Left-Wing Radicalism in Portland, Oregon, from 1917-1941," expounds on the ideas of poverty as an inherent danger, and integrates the notion of labor activism as a threat and the need for increased federal law enforcement authority to enforce social control during war time.²⁸

Scholars researching the history of law enforcement in Portland, Oregon offered indispensable insight for my thesis. Charles Abbott Tracy's 1979 articles "Police Function in Portland, 1851-1874" chronicle the development of Portland's law enforcement apparatus over twenty-three years. The thrust of policing from its inception was the protection of property and the elite population of the city. This trend is born out in the development, function, and power structure of the force. Abbot Tracy also recounts the bureaucratization of law enforcement in Portland, and the coalescence of public health

²⁷ Leanne Claire Serbulo. "Women Adrift, Sporting Girls and the Unfortunate Poor: A Gendered History of Homelessness in Portland 1900-1929." Portland, Or., Portland State University, 2003; Marin Elizabeth Aurand. "The Floating Men: Portland and the Hobo Menace, 1890-1915." Portland State University: Portland, Or., 2015.

²⁸ Andrew Nils Bryan. "The Response to Left-Wing Radicalism in Portland, Oregon, from 1917-1941." Portland, OR: Portland State University, 2002.

enforcement within that bureaucracy.²⁹ Gloria Myer's 1993 master's thesis "Lola G. Baldwin and the Professionalization of Women's Police Work, 1905-1922" explores the development of law enforcement programs centered on women and girls in Portland, Oregon, championed by white, female Progressive reformers. The movement of white women into the public sphere, and notably positions of authority, demonstrates the imbrication of social hygiene ideologies, reform movements, and law enforcement.³⁰ Daniel Voorhies' 2003 senior thesis "The Development of Policing in Portland, Oregon 1870-1903: Professionalization and the Persistence of Entrepreneurial Modes of Policing" offers insight into the evolution of Portland's law enforcement apparatus from an entrepreneurial to a "professional" police force. Voorhies examines the political and economic context surrounding this change and the inability of reforms to take place due to these conditions.³¹ Understanding the history and development of a police force is vital to contextualizing modes of enforcement and selective methods of policing. Integrating this context with the expansion of public health administration and the

²⁹ Charles Abbot Tracy. "Police Function in Portland, 1851-1874. Part I." *Oregon Historical Quarterly* 80, no. 1 (Spring 1979): 4-29; Charles Abbot Tracy. "Police Function in Portland, 1851-1874: Part II." *Oregon Historical Quarterly* 80, no. 2 (Summer 1979): 134-169; Charles Abbot Tracy. "Police Function in Portland, 1851-1874: Part III." *Oregon Historical Quarterly* 80, no. 3 (Fall 1979): 286-322.

³⁰ Gloria Elizabeth Myers. "Lola G. Baldwin and the Professionalization of Women's Police Work, 1905-1922." Portland, Or., Portland State University, 1993. See also: Gloria E Myers. *A Municipal Mother: Portland's Lola Greene Baldwin, America's First Policewoman*. Corvallis, Or.: Oregon State University Press, 1995.

³¹ Daniel Voorhies. "The Development of Policing in Portland, Oregon 1870-1903: Professionalization and the Persistence of Entrepreneurial Modes of Policing." Portland, Or., Reed College, 2003.

incorporation of reformist ideologies is imperative to understanding the persecution of racialized and marginalized populations who were deemed unfit and undesirable.

These secondary sources assisted in the construction of a framework for my thesis that links medicine, public health, the state, the carceral continuum, and elite, white Oregonians. These intersections worked in conjunction to codify a racialized hierarchical caste system that sought to maintain white supremacy through the use of seemingly “neutral” data which justified discriminatory legislation, policing practices, and segregation from society. It was imperative that these systems work together to preserve racial, class, and gender strictures in service of white supremacy. In order to understand the intellectual underpinnings of this system of control, I researched academic and scientific discourses produced between the eighteenth and twentieth centuries. Writings by European and American medical practitioners and academics in this period chronicle the development of pseudo-scientific theories that justified white supremacy, and in turn proved the inherent, biological difference of racialized and marginalized communities. I then turned to primary sources produced in Oregon and Portland to surface language and rhetoric that echoed those theories. Legislation, ordinances, newspaper articles, arrest records, and annual reports illustrate how these international ideas influenced elite, white Oregonians from state building through the Progressive era. The adoption of language and rhetoric naturalizing innate difference as a threat to the white community, and the deployment of law enforcement to maintain racial, class, and gender strictures exemplifies the imbrication of racist, pseudo-sciences into everyday life in Oregon in order to maintain strict, racial hierarchies.

The stories of individuals subjected to Oregon's racial purity regime are difficult to surface, as most documents are produced by those in power. In order to find those vital narratives, I utilized newspaper articles, arrest records, and various committee minutes to find these stories. Surfacing individuals imbues a narrative of state violence with humanity, and the consequences of the racist and unjust policies enacted in this period. Materializing these stories requires reading against the archival grain, as they exist in the liminal spaces of records created by the state. Another essential element of my thesis is academic journal articles written in the nineteenth and twentieth centuries. The rhetoric and language used in these articles surfaces in state and local statutes, news paper articles, and municipal reports to describe communities deemed undesirable and threatening. These articles demonstrate the enduring legacy of racism in medicine, psychology, sociology, and other academic fields.

In chapter one, I analyze medical and academic theories developed in European countries and America that "proved" innate, biological difference based on race, class, and gender. These theories effectively established metrics for determining the "fit" and "unfit," seemingly based on neutral, scientific evidence. However, the authors of studies based their theories on the inherent superiority of individuals of European ancestry. These pseudo-scientific theories reflected and, in turn, justified hierarchical caste systems that undergirded legal statutes, law enforcement Progressive reforms, and the development of multivalent systems of removal, segregation, detention and incarceration in service of white supremacy. Written by medical practitioners and academics from across the globe, these articles and the discursive tradition they represent signal the complex, transnational

web of pseudo-scientific racism that existed, and continues to exist, worldwide. I chronicle the development of these theories, and the persistent use of racist and dehumanizing language throughout these works, which ultimately echoes in legislation, ordinances, and the social climate of Portland, Oregon.

In chapter two, I establish how pathologizing poverty as a contagious and dangerous disease supported and justified the surveillance and policing of marginalized populations in Portland, Oregon from its incorporation in 1851 through 1917. To more fully understand how poverty-as-contagion was surveilled, policed, and recorded, I investigate the development of the city's law enforcement apparatus and its close relationship with the local political bureaucracy, beginning with the city's incorporation in 1851 and ending with labor protests in 1917. I scrutinize the social and cultural milieu in which these laws were passed, events when they were deployed, and which populations were targeted in order to understand how the control and exclusion of populations assumed to have ill health were essential to the maintenance of social control and public health.

In the third chapter, I analyze how normative conceptualizations of gender and concerns about dysgenic and mixed-race couplings resulted in the increased and unequal incarceration of girls and women deemed aberrant. The emphasis on traditional, heteronormative, patriarchal families influenced how women living, working, and moving in urban spaces were surveilled, policed, and perceived. As a result, public and private programs were implemented specifically to protect white women, and in turn preserve whiteness and feminine virtue. Assumptions of inherent inferiority and

propensity to mental illness influenced how women's behavior was perceived and reacted to. Female sexuality not adhering to patriarchal, heteronormative strictures ostensibly proved derangement and deviance. It was incumbent upon the state to control the bodies of white women to ensure the purity of future generations. The implementation of positive eugenic programs, like marital laws, eugenic contests, and education programs, promoted breeding amongst "fit" populations. Conversely, detention homes, sterilization, and incarceration functioned as negative eugenic programs to dissuade "unfit" women from procreating.

Researching the legacy of policing and exclusion of populations deemed aberrant presents some difficulty, as much of this history exists in liminal spaces. Ordinances and policing were malleable in response to perceived threats and dangers to the citizens of Portland. In order to make connections between contagion, poverty, radical activism, race, and sexuality, it is necessary to examine the persistent rhetoric describing populations who challenged social control. Throughout this paper, I use anachronistic terminology that describes people, medical diagnoses, and socio-economic statuses. I have made the decision to engage this terminology because this language reveals the imbrication of white supremacist ideologies in medicine, government, law enforcement, and eventually gained widespread usage throughout society. I believe that identifying this language, and how it was used to "Other" specific communities in service of a racialized caste system, can assist in the identification of similar rhetoric used today. This language had, and continues to have, power and influence over how racialized and marginalized communities are perceived, regarded, and legislated in society. Rhetoric that targets,

dehumanizes, and criminalizes populations deemed aberrant imbues those in power with the authority to diminish, confine, and brutalize populations with little recourse.

Chapter 2: The Influence of International Scientific Racism on Portland, Oregon's Eugenic Programs, 1769–1918

In the nineteenth and twentieth centuries, academics and medical practitioners conceptualized physiological and mental difference through a lens of hierarchical relationships of race, gender, class, and heredity. Hierarchical caste systems, justified by pseudo-scientific theories, naturalized elite, white, males as the superior, normative center. These relationships of difference were assumed to be biological, inherent, and immutable. The evidence used to identify these differences manifested in behaviors that did not adhere to accepted societal norms. Impoverishment, licentiousness, emotionality, and criminality seemingly proved marginalized and racialized communities' status as biologically and mentally inferior to elite whites, the population that maintained the dominant position in the hierarchical caste system.

Colonial medical theories operated within a transnational context. By the 1800s, the professionalization of medicine coupled with revolutionary medical developments like vaccinations imbued Western medical practitioners with a belief in their superiority.³² Just as other forms of knowledge were circulated, notions of inherent biological inferiority based on race, class, and gender were reciprocally shared between imperial

³² David Arnold, "Introduction: Disease, Medicine, and Empire," in *Imperial Medicine and Indigenous Societies*, ed. David Arnold (Manchester: Manchester University Press, 1988): 12.

Arnold points to the development of the cowpox vaccine in the 1790s and the later development of scientific medicine by Louis Pasteur and Robert Koch in the 1880s and 1890s, as well as the establishment of medical schools, as pivotal moments for the reification of western medicine.

powers.³³ The complex web of imperial control and medicine transversed the globe along trade routes. Medicine and public health were essential aspects of knowledge production, which supported the power of the state by proving inherent, biological difference, and thus justifying policies that separated and eliminated populations deemed different and dangerous. The genesis of mental health treatment in colonial America illustrates this reciprocal relationship, and the development of policies and institutions that reflected hegemonic power structures.

English colonists brought ideas and attitudes about mental illness and its causes to the American colonies.³⁴ Individuals with mental illnesses were “grouped with the indigent, vagrant, chronically ill, and other societal dependents,” discursively linking mental health with disease and dependency. Care for impoverished and mentally ill individuals was a function of kinship and community groups.³⁵ In the eighteenth century, “insanity” was assumed to be a result of physiological changes in the body which ultimately affected the psychological functions of the individual. The assumption was that someone suffering from mental illness had “degenerated to the condition of animals.”³⁶ The colonial state made little differentiation between the mentally ill and the

³³ Dr. Mark Harrison, historian of military and colonial medicine, notes how the definition of “race” change substantively after the 1800s, when it came to “signify an inherent physical quality that was unalterable and definitive of certain peoples.” As the British consolidated imperial control in India at the turn of the eighteenth century, notions of inherent racial superiority were sharpened. Mark Harrison, *Climates and Constitutions: Health, Race, Environment and British Imperialism 1600-1850*, (Oxford: Oxford University Press, 1999): 14-16.

³⁴ Loren A. Broc, “Religion and Insanity in America from Colonial Times to 1900” (University of Rochester, 2013): 97.

³⁵ Appleman, 423.

³⁶ Broc, 9.

impoverished. This relationship persisted, as categories and definitions of health grew and solidified with independence and the establishment of individual states, as well as the early professionalization of medicine.

Attitudes of early American medical practitioners reflected European social and cultural norms, and thus reflected attitudes of European superiority.³⁷ Behaviors that fell outside accepted social norms necessitated investigation by medical professionals as a means to define and categorize difference. In 1769, Scottish physician William Cullen developed a nosological system for disease classification. Nosology was the branch of medicine concerned with the classification of diseases. Cullen divided diseases into genera, classes, orders, and species, which was similar to botanical and zoological classification systems.³⁸ Almost thirty years later, French physician Philippe Pinel built on Cullen's nosological system to define and categorize mental illnesses. Pinel's classificatory system included four categories: mania, melancholia, imbecility, and degeneration. These categories denoted symptoms of the classified illnesses, rather than possible causes.³⁹ In 1800, British physician John Johnstone wrote in the *Medical and Physical Journal* that, "melancholy, lunacy, insanity, and madness, are the same disease — a disease of the organs of the mind, called into action by vehement passions, or by

³⁷ Arnold, 9.

³⁸ William Cullen, *Nosology: or, a Systematic arrangement of diseases, by classes, order, genera, and species; with the Distinguishing Characters of each and Outlines of the Systems of Sauvages, Linnæus, Vogel, Sagar, and MacBride*, (Edinburgh: Printed by C. Steward and Co., 1800): xvii-xx.

³⁹ Michael Farrell, *Psychosis Under Discussion: How We Talk About Madness*, eBook (London: Routledge, 2017): 15.

injuries of different organs of the body.”⁴⁰ Johnstone described these diseases as hereditary and chronic.⁴¹ The classification and delineation of early conceptualizations of mental illness was largely based on the aberrant behavior exhibited by individuals. Writings from early nineteenth European medical practitioners illustrate the desire to classify, and the process of refining classifications of diseased bodies which allowed for the individuation of persons and the ascription of a medicalized identity based on visible, behavioral difference.

The belief in categorization based on condition and behavior carried over with European colonists to the United States. These beliefs were evident in early relief policies towards impoverished communities. In 1820, Massachusetts senator and educator Josiah Quincy III released the eponymous “Quincy Report” which distinguished between classes of paupers: the impotent poor and the able poor. The impotent poor referred to those who were incapable of working, children, sick, and disabled. The able poor applied to those who are capable of working but chose not to.⁴² Quincy advocated for the relief of the impotent poor and promoted the able poor to support themselves in order to suppress the breeding of idleness and laziness. Central to his argument was the concern over increasing state expenditures for poor relief, and the concurrent rise in the pauper class. Quincy, like others during this period, viewed poverty as the result of a personal, moral

⁴⁰ John Johnstone, “Medical Jurisprudence,” *Medical and Physical Journal* 4, no. 9 (September 1800): 261.

⁴¹ Ibid.

⁴² Michael B. Katz, “Poorhouses and the Origins of the Public Old Age Home,” *The Milbank Memorial Fund Quarterly. Health and Society*. 62, no. 1 (Winter, 1984); 114.

failure and the limited intellectual capacities of the working classes. His report reflects the fear of growing populations of dependent classes which would in turn require a greater financial burden on the rest of society. The Quincy Report is an early example of nosological categorizations used to delineate between worthy and unworthy poor, and the discriminatory use of relief funds to support populations defined as more deserving.

Nearly twenty years later, themes of breeding degeneracy put forth in the Quincy Report appeared in the 1841 issue of the *Provincial Medical and Surgical Journal*. British medical practitioner Thomas Poyser affirmed the “fearful extent to which insanity prevails among the poor.”⁴³ Poyser went on to assert that insanity was “unquestionably” caused by habits and environment of an individual, a belief that was a precursor to the Lamarckian concept of hereditary degeneracy.⁴⁴ However, Poyser believed that this cause was not acknowledged or known to the poor which ultimately led to “improvident marriages,” or illegitimate children.⁴⁵ Poyser went on to discursively link poverty, mental illness, and gender by suggesting profligate unions “[have] a tendency to destroy maternal feelings.”⁴⁶ Poyser’s essay articulated a fear of dysgenic couplings and their eventual progeny, blaming women for this situation. His assertion that a woman’s

⁴³ Thomas Poyser, “On the Necessity of Establishing Pauper Lunatic Asylums,” *Provincial Medical & Surgical Journal* 2, no. 48 (August 28, 1841): 435.

⁴⁴ The Lamarckian theory of heredity posited parents’ chronic, negative habits, like poverty, alcoholism, drug addiction, or criminality, would produce mental illness and physical weakness in subsequent generations. This theory was named for French naturalist Jean-Baptiste Pierre Antoine de Monet, chevalier de Lamarck. Diane Paul, *Controlling Human Heredity: 1865 to Present*, (New Jersey: Humanities Press, 1995): 40.

⁴⁵ Thomas Poyser, 435.

⁴⁶ *Ibid.*

subnormal behavior indicated her mental unfitness, and thus her unsuitability to be a mother, gendered conceptualizations of mental illness and fear of unfettered reproduction. The abandonment of a child or inability to care for a child, which Poyser connected to individual traits instead of socioeconomic conditions, was further evidence of a mother's diminished mental capacity and could indicate further generational devolution.

The notion of “insanity” as an incurable, hereditary, and deranging disease was echoed in the United States three years later. According to the first volume of the *American Journal of Insanity* from 1844, edited by Massachusetts doctor Amariah Brigham, insanity was “a chronic disease of the brain” that caused “derangement of the intellectual faculties, or prolonged change of the feelings, affections, and habits of the individual.”⁴⁷ Brigham differentiated “moral insanity” from insanity as a disease of the brain that could cause similar effects as a brain injury, “which may impel men to commit great crimes, while the intellect is not deranged, but overwhelmed and silenced by the domination of a disordered impulse.”⁴⁸ Like the chronic nature of “insanity,” “moral insanity” affected the function of the brain and impelled the person to commit crimes. Like Poyser and Johnstone, this definition enshrined the notion that intellectual incapacity, undesirable behavior, and uncontrollable emotionality indicated mental

⁴⁷ “Article I: Definition of Insanity— Nature of the Disease,” *The American Journal of Insanity*, 1 (October 1844): 97.

1844 was the same year the Association of Medical Superintendents of American Institutions of the Insane was established, which later became the American Psychiatric Association. The Superintendent of Oregon’s first asylum, Dr. J.C. Hawthorne, was a member of the this organization.

⁴⁸ “Article I: Definition of Insanity— Nature of the Disease,” 110-111.

derangement and deviance as an inherent condition or a physiological result of a disease or injury.

In 1854, a few years after the publication of *The American Journal of Insanity*, physician Edward Jarvis penned an influential study of insanity in 1854. Jarvis claimed that higher rates of insanity among the poor and mentally ill were the consequence of their “‘imperfectly organized’” brains and feeble constitutions.⁴⁹ He also argued that foreigners were susceptible to insanity because of their intemperance and inability to adapt to the conditions of American society.⁵⁰ By linking poverty and mental illness with foreign-ness, Jarvis bolstered dominant societies’ fears that an increase of immigrants would lead to future generations of inherently insane populations in America. Building on the nosological categorizations of earlier medical practitioners, Jarvis justified the grouping of immigrants into the “unworthy” poor category, restricting their ability to access available, yet limited, relief systems.

While Jarvis established the inherently suspect nature of foreign populations due to their proclivity to disease and degeneracy, a tome released four years later codified the danger women of color posed to society. American physician William Sanger’s *The History of Prostitution*, published in 1858, reiterated prevailing attitudes towards marriage and family structures as synonymous with morality. In a section on contemporary cultures, Sanger examined systems of courtship, marriage, and divorce

⁴⁹ Allan V. Horowitz and Gerald N. Grob, “The Checkered History of American Psychiatric Epidemiology,” *The Milbank Quarterly* 89, no. 4 (December 2011), 630-631.

⁵⁰ *Ibid.*

among Indigenous tribes in North America and Africa. Sanger asserted that “the social institutions of the North American Indians are so generally uniform as to render it possible to sketch the whole at one view.”⁵¹ Writing about the varied cultures and customs of Indigenous groups in North America as if they were all the same was an effective tool to racialize and dehumanize Native people. In his chapter on Africa, which is entitled “Barbarous Nations,” he similarly homogenized Indigenous groups on the continent into a singular body.

After asserting that Native women were treated as “property” and “slaves” by their husbands, Sanger surmised that

[I]t is difficult to form any opinion as to the morality of females among a people where marriages are contracted and dissolved so easily. We may safely say that they have very little idea of chastity, notwithstanding their general, although not invariable fidelity when married, which may probably be induced more by fear of consequences than sense of duty.⁵² While he does concede he could find no evidence of prostitution, he suggested “the predominate motive seems to be an inordinate sexual appetite, which must be gratified, if not in legitimate marriage then by illicit intercourse. We are told that in most large assemblies of Indians there are to be seen voluptuous looking females, whose passions urge them to this.”⁵³ Sanger’s arguments are cultural evaluations based on Eurocentric conceptualizations of normative behavior. The near-pornographic description of Native

⁵¹ William W. Sanger, *The History of Prostitution: Its Extent, Causes And Effects Throughout the World*, (New York: Eugenics Publishing Company, 1937), 373.

⁵² Sanger, 381.

⁵³ *Ibid.*

women was meant to not only to disturb and repulse the reader, but also glorify the elite, white, heteronormative, patriarchal family structures of America.

In “Barbarous Nations,” Sanger claimed that “some of the most wild and savage tribes of the human family are to be found in the immense peninsula of Africa.”⁵⁴ Similar to his descriptions of Native people’s amorality and hypersexuality, Sanger claims that

Between the tropics the people are notorious for licentiousness. Morality is a strange idea to them, nor is a man restrained by any social law from intercourse with as many females as he pleases. The result is, that women are regarded strictly as marketable commodities, and the commonest feelings of humanity are unknown.⁵⁵

Sanger recounted anecdotal stories of husbands who treated their wives as property and cited evidence of syphilis affecting entire groups across the continent of Africa. Like his contemporaries, Sanger viewed Western European societies as normative centers against which all other societies were judged. The acceptance of Eurocentric normalcy not only shaped their academic theories, but also cast societal structures from non-European cultures as their diametric opposites, thus categorizing people of color as immoral and deviant. Sanger centered much of his ire on the bodies of women of color. In 2015, sociologist Sabrina Strings asserted that Black women were not only made sexual targets through this discourse but were also cast as “‘dangerous’ in much of the nineteenth- and early twentieth-century medical literature.”⁵⁶ Placing blame for disease and fecundity solely on women of color allowed white men to elide culpability for committing sexual

⁵⁴ Sanger, 385.

⁵⁵ Sanger, 386.

⁵⁶ Sabrina Strings, “Obese Black Women as ‘Social Dead Weight’: Reinventing the ‘Diseased Black Woman,’” *Signs* 41, no. 1 (Autumn 2015): 111.

violence. Sanger's treatise on prostitution exemplified the idea that bodies of color were inherently dangerous, due to their licentiousness and amorality, which would invariably lead to interracial couplings, mixed-race progeny, and the spread of venereal diseases. The threat posed by unrestrained breeding, especially of undesirable populations, was woven throughout Sanger's work.

One year later, the release of Charles Darwin's *Origin of Species* offered Victorians a scientific theory to explain, and ultimately address, the propagation of undesirable populations. *Origin of Species* was a pivotal scientific text that was integral to the emergence of eugenics. Darwin argued that evolution happened through competition, in which the organisms with the most advantageous traits would have the highest likelihood of survival and ability to reproduce. He theorized that the process of natural selection would eventually lead to the "physical and mental improvement of organic beings."⁵⁷ Darwin did not apply his theories to humans, however many Victorians inferred that advances made in medicine and increased access to charity affected the natural selection process. Darwin did not advocate for measures to counter the propagation of degenerate populations.⁵⁸ However, the fear of the degenerate "Other" and the financial burden they posed to the greater community goaded calls from politicians and elite whites for the separation and removal of these populations in order to benefit society.

⁵⁷ Marius Turda and Diane Paul, "Eugenics, History of," *International Encyclopedia of the Social & Behavioral Sciences* 8 (2015): 253.

⁵⁸Ibid.

Fears of interracial couplings pervaded much of this discourse, as scholars referenced “pure” blood and leaned on theories of animal husbandry to contextualize interracial couplings. In 1862, California physician Arthur B. Stout published *Chinese Immigration and the Physiological Causes of the Decay of the Nation*, a tract in which Stout lauded the supremacy and “Divine excellence” of the Caucasian race, and warned of the degeneration that would occur from “destructive amalgamations.”⁵⁹ He claimed that “[b]y the adoption of bad blood we voluntarily introduce the deadliest foe to our existence.”⁶⁰ The locus of Stout’s fear and anxiety about the degeneration of the white race was centered on mixed-race progeny, with which “hybrid creatures” would overrun America.⁶¹

Two years later, Reverend F.W. Farrar authored “On Hybridity,” an essay discussing the harmful nature of interracial unions. Early in the piece, Farrar calls in to question the term “species” when applied to “all human races,” arguing that

[I]t is a mere playing with words to assert that the intermixture of all human races is ‘eugenesic,’ and then to say that we have, in any valuable sense, proved the unity of the human species; on the contrary, we have merely been reasoning in a vicious circle, and misusing philosophical terms.⁶²

⁵⁹ Arthur B. Stout, *Chinese Immigration and the Physiological Decay of the Nation* (1862), (San Francisco: Agnew & Deffenbach, Printers): 7.

⁶⁰ Stout, 9.

⁶¹ Stout, 13.

⁶² F.W. Farrar, “On Hybridity,” *Anthropological Society of London*, vol. 1 (1864): ccxxii.

According to Webster’s Dictionary, eugenesic is a term deriving from “Eugenesis,” meaning strong reproductive powers, or generations with full fertility between different species or races, specifically referring to hybridity in prior generations.

He suggested that “hybrid” unions were “one of the three *causa degenerationis*, which... caused the primeval white race to degenerate into dark varieties; the other two being climate, and mode of life.”⁶³ Farrar’s essay described the inherent, biological difference between “the human races” and asserted that these couplings were dysgenic; degeneration and infertility of future generations ostensibly proved the biological dissimilarities between the races. Both Stout and Farrar warned of the deleterious effects mixed-race unions would cause the white race, using animalizing and metaphorical imagery to suggest the degenerative effects sexual relations between people of color and whites would invariably have on future generations.

Towards the end of the decade, academics further established discourses linking degeneracy, poverty, and criminality. In 1869, British prison surgeon Bruce Thompson wrote “The Hereditary Nature of Crime,” an essay in which he asserted that “the treatment of crime is a branch of psychology.” Crime was a congenital, mental, and chronic disease which would be passed onto succeeding generations.⁶⁴ The connection between psychology and criminality asserted in Thompson’s essay reflected the prevailing understanding of crime as a result of innate, biological difference. Diminished mental capacity would often result in criminal acts due to the inability of the individual to control their impulses or emotions. Three years later, California’s Commissioner in Lunacy, E.T. Wilkins, made similar assertions in a report given to the governor.

⁶³Farrar, ccxxv.

⁶⁴ Alice Bonzom, “Female Offenders at the Confluence of Medical and Penal Discourses: Towards a Gender-Specific Criminology (1860s-1920s),” *Cahiers victoriens et édouardiens*, 87 no. 87 Printemps (2018): 3.

According to Wilkins, “[p]overty and insanity often spring from the same source. Persons who are weak in intellect, undisciplined, unbalanced, fickle, or excitable, are wanting in the elements of success, and are poor for this reason.”⁶⁵ Wilkins’ assertion that mental and emotional weakness would unfailingly lead to poverty and insanity, viewed in conjunction with Thompson’s claim that mental deficiency led directly to criminality, illustrated the burgeoning theories of the immutability of degeneration and the threats they posed to society as a whole. In chapter 3, politicians in Portland, Oregon used similar justification to pass ordinances to target, police, and remove impoverished communities in from the city’s incorporation.

That same year, Charles Darwin published *The Descent of Man*, a book examining human evolution in which he warned that if “lower classes continued to outbreed their social superiors, evolutionary regress would result.” Darwin reinforced the analogy between human and animal breeding, but believed more education on heredity degeneracy would ultimately curb breeding among undesirable classes.⁶⁶ In an anecdotal story about a patient from 1873, British physician Henry Maudsley suggested that “the brain stopped short of its human development, and ‘remains arrested at or below the level of an organ[utan]’s brain.”⁶⁷ He described this patient as an “ape faced idiot

⁶⁵ E.T. Wilkins, “Insanity and Insane Asylums: Report of E.T. Wilkins, M.D., Commissioner in Lunacy for the State of California, made to his excellency H.H. Haight, Governor.” (California: T.A. Springer, State Printer, 1871): 53.

⁶⁶ Diane Paul, *Controlling Human Heredity, 1865-Present*, (New Jersey: Humanities Press, 1995): 6.

⁶⁷ Gerald V. O’Brien, *Framing the Moron : The Social Construction of Feeble-Mindedness in the American Eugenic Era* (Manchester: Manchester University Press, 2016): 58. Accessed August 15, 2020. ProQuest Ebook Central.

[who] grins, chatters, and screams like a monkey.”⁶⁸ These pieces show the discursive connections made between criminality, insanity, and poverty in the late nineteenth century by prominent British and American academics. These prominent men engage rhetoric that dehumanized and placed blame on mentally ill and impoverished communities for their existence and behavior. They engaged dehumanizing language and fear mongering about the fecundity, character, and behavior of working class and impoverished populations, and legitimized classificatory language that served to differentiate people based on arbitrary measures of perceived difference.

The academic theories put forth earlier in the decade establishing a “scientific” link between poverty, mental deficiency, disease, hereditary degeneracy, and criminality culminated in investigations performed by American eugenicists who researched and studied supposedly degenerate family clans. Beginning in the 1877, the authors of these works, known as “family studies,” focused on impoverished families who lived in isolated, rural areas.⁶⁹ These investigations utilized genealogical techniques, anecdotal evidence, rudimentary social science theories, and prevailing notions of biological inferiority to construct new and bolster accepted theories linking poverty, criminality, mental illness, and hereditary degeneracy.⁷⁰ The main thrust of these studies was to further solidify the biological basis of social problems.⁷¹ Despite the veneer of data,

⁶⁸ Ibid.

⁶⁹ Academics who engaged in these family studies applied the term “family” loosely in order to imply the fecundity and licentiousness of the women in these families.

⁷⁰ Nicole Hahn Rafter, *White Trash: The Eugenic Family Studies, 1877-1919*, (Boston: Northeastern University Press, 1988): 1.

⁷¹ Rafter, 5.

statistics, and science, family study authors imbued their texts with language that dehumanized their subjects and moralized on their behavior.

Contemporary anthropologist Robert Jarvenpa argued in his in-depth analysis of “The Nam Family” study from 1912 that many of the families scrutinized in these studies were of bi-racial and tri-racial ancestry which further ostracized and isolated them within their communities. This development of “evidence” associating mixed-raced ancestry with criminality, poverty, mental and moral degeneracy further naturalized America’s hierarchical caste system. An individual’s socio-economic status was not associated with oppression or marginalization, but instead was linked with personal, moral failings related to hereditary degeneracy.⁷² While the impoverishment experienced by the families was a central theme of each study, the author categorized their economic hardships as a personal weakness without taking into consideration the economic structures that likely excluded mixed-race populations from full and robust participation. By discursively linking people of color and mixed-race ancestry to disease, criminality, and deviance, family study authors were able to further question the worth and humanity of people of color, working class and impoverished Americans, and women who gave birth mixed-race children. The immoral behaviors, licentiousness, innate criminality, and propensity to disease enumerated by the authors, represented each family’s status as dangerous outsider.⁷³ The emphasis on degenerate families highlighted in the studies not only

⁷² Robert Jarvenpa, *Declared Defective: Native Americans, Eugenics, and the Myth of Nam Hollow*, (Nebraska: University of Nebraska Press, 2018), 2.

⁷³ Rafter, 27-28.

created a representative “Other” for readers but identified specific populations who challenged the primacy of the stable, heteronormative, patriarchal family unit as a bedrock of social stability. The families who appeared in these studies posed a threat to society.

Authors of family studies broadened the hierarchical system of caste established in the medicalized rhetoric of the Black body, as they applied racialized “Othered” language to impoverished, mixed-race families. Many of the family studies speak to the influence of women of color and “half-breed” women in the degeneration of families.⁷⁴ The thread of maternal culpability surfaces throughout these studies, placing blame on mothers as the locus of familial degeneration. Family study authors discursively linked miscegenation with behavior traits like laziness, criminality, immorality, and a propensity to disease and physical disabilities. These behaviors, many family study authors argued, would result in an inordinate cost burden on society to support these families. These assertions created a discourse about citizenship and participation further legitimizing eugenic theories of hereditary degeneracy. “Society would be cleansed of social problems” if the “breeding” of persons with “bad germs” was prevented.⁷⁵ Despite the veneration of rurality and nostalgia for traditional, large, farm families during the Progressive era, these studies speak to the degenerative effects of country life that lacked the social control mechanisms of urban areas.

⁷⁴ Rafter, 7-8.

⁷⁵ Rafter, 1.

The behaviors outlined in the family studies showed the inability of the subjects to “conform to white middle-class sensibilities of the day.”⁷⁶ However, the conclusions drawn by family study authors were imbued with pseudo-science and moralizing language that cast certain families as inherently different and dangerous to society. The inheritability of traits deemed undesirable, and the “evidence” provided by family studies, further justified the need to prevent the procreation of undesirable and unfit populations. These family studies helped to create a discourse about race, behavior, class, and sexuality that further codified America’s hierarchical caste system. This caste system further justified Progressive era reform movements and the engagement of social control mechanisms to regulate and restrain the bodies of women presumed to be degenerate or dangerous. By preventing the breeding of feeble-minded women, many white, middle and upper class Progressive reformers believed that they could solve the problems of society using science, data, and rational solutions. Family studies placed maternal culpability narratives central to emergent notions of the “female juvenile” and eugenics, as the State increasingly took control of the female body to ensure the “purity” of blood lines.

Sir Francis Galton, British polymath and cousin to Charles Darwin, published *Hereditary Genius* (1869) an examination of “eminent men by profession” that ultimately “proved” that if a father was gifted, a son would likely be gifted. Galton’s piece, arguably

⁷⁶ Jarvenpa, 3.

the first modern work of the eugenics movement, established the primacy of heredity.⁷⁷ He coined the term “eugenics” fourteen years later in 1883 to refer to the study of the improvement of the human race through breeding, but it would not gain ubiquity in America until the 1890s. He theorized that the selective breeding practices used for livestock and crops could also be used to breed the strongest and healthiest people as a means to ensure the longevity of the human race. From its inception, eugenics assumed the intellectual and physical superiority of Anglo-Saxons, based on Galton’s initial research on prominent, British families.⁷⁸ Evidence and data was gathered to prove the fitness or unsuitability of newly arrived immigrants, who “brought with them inferior cultures and defective biological stock.”⁷⁹ By using a biological argument to explain morality and deviance, Galton naturalized the power and privilege of the middle and upper classes. In turn, the weakness and misfortune of the working and lower classes was thus made elemental.⁸⁰ At the turn of the century, eugenic logic became an integral force in Progressive era social control mechanisms.

Although the promotion of elite, white, male superiority was an essential core of the eugenics movement, white women and the control of their bodies was also central to

⁷⁷ Turda and Paul, 254; Nicholas W. Gillham, “Cousins: Charles Darwin, Sir Francis Galton and the Birth of Eugenics,” *Significance* (Oxford, England) 6, no. 3 (2009): 134.

The concept of controlling reproduction to improve the human race was not new when it was proposed in the nineteenth century. References to state control of procreation appeared in Plato’s *Republic* in the fifth century B.C., Tomasso Campanella’s *City of the Sun* in 1623, and the sermons of Christian John Humphrey Noyes in the 1840s. Diane Paul, *Controlling Human Heredity, 1865 to the Present*, (New Jersey: Humanities Press, 1995): 5.

⁷⁸ Carey, 54.

⁷⁹ *Ibid.*

⁸⁰ Carey, 58.

the maintenance of white supremacy. The majority of adherents to the eugenics movement were “middle-class, white, Protestant, well-educated professionals.”⁸¹ Eugenicists placed a significant amount of blame for “race suicide” on middle and upper class white women, on women from “good stock” who were not having enough children. Conversely, women of “inferior stock...were believed to reproduce often and indiscriminately with inferior men.”⁸² Eugenicists believed that unchecked procreation among undesirable stock and interracial procreation, “posed a grave threat to the quality of the population.”⁸³

Concurrent with the rise of eugenics was the emphasis on the “female delinquent” or “female offender,” a term coined by Italian criminologist Cesare Lombroso in the 1890s who theorized crimes committed by women were “biological in nature” and stressed the underlying “sexual and psychological factors.”⁸⁴ This character solidified the connection between race betterment, sexuality, deviancy, and criminality. Medical professionals and scientists already agreed that women were more likely to succumb to mental derangement in comparison to men due to women’s innate difference and limited intellectual faculties. In the context of eugenics, the offenses committed by females epitomized an existential crises for the cause of race betterment.⁸⁵ During the rise of eugenics, crimes committed by women took on new severity, as they came to represent

⁸¹ Carey, 57.

⁸² Carey, 55.

⁸³ Carey, 54.

⁸⁴ Bonzom, 6.

⁸⁵ Bonzom, 7.

the female offender's inherent diminished mental capacity, lack of self-control, heightened emotional state, and their potential threat to society as a whole.⁸⁶ These feeble-minded women concerned eugenicists whose main focus was the betterment of the "race." Women who either violated statutes or subverted societal norms, and especially female recidivists, threatened the extant social and patriarchal order. The overarching concern with purity centered the control of women's bodies, sexuality, and their reproductive capabilities as imperative for the maintenance of white supremacy. Women who engaged, or were accused of engaging in, deviant and aberrant behavior proved their unfitness, mental inferiority, and criminality. These behaviors challenged patriarchal social control and introduced the potential for contributing to the degeneracy of the white race.

Viewed within the racialized context of eugenics and the emergence of the female offender, women's sex and sexuality also took on greater importance. Within academic texts, authors continued to cast women of color as hyper-sexual and fecund. In 1884, Harvard paleontologist and geologist Nathaniel Southgate Shaler wrote the article "The Negro Problem." Shaler argued that formerly enslaved Black Americans would devolve into their "animal nature" when not under the system of control that existed under enslavement. He theorized that the "real dangers that this African blood brings to our state [lay in] the peculiarities of nature which belong to the negroes as a race."⁸⁷ Using

⁸⁶ Bonzom, 5.

⁸⁷ Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, (Cambridge: Harvard University Press, 2010): 17-18.

whiteness as a medicalized, normative center, Shaler argued ““our own race inheritance”” proved the brains of Black Americans ceased developing at an earlier stage. He concluded that this biological, development difference left ““the negroes’ with an animal nature unaltered by the ‘fruits of civilization.’”⁸⁸ Physicians, criminologists, and sociologists used animalizing and exoticizing language to discursively link sex and sexuality with degenerate or perverted behaviors, and described those traits as biologically essential to women of color. Academics directly equated increased sexuality and mental deficiency to women of color, so when white women exhibited licentious behaviors, they challenged racial hierarchies, and thus challenged racial purity. The removal of women who exhibited sexually licentious or deviant behaviors from the community, either to detention homes, state institutions, or prisons, was seen as a necessary measure to prevent disease and dysgenic progeny.

By the late 1800s, wide-held fears about the increased populations of defectives and the burden those housed in state institutions posed to society resulted in academics utilizing vituperative and debasing rhetoric to dehumanize mentally ill and impoverished populations. In 1893, W.A. Croffut wrote in response to assertions that “defective” populations were increasing as per the 1890 census, that “[t]he multiplication of lunatic asylums does not imply an increase of lunatics but an increase of benevolence.”⁸⁹ He applied the same logic to the enlarged population of criminals, asserting that “records...

⁸⁸ Ibid.

⁸⁹ W.A. Croffut, “Do The Fittest Survive?,” *The North American Review*, 146, no. 437 (April 1893): 504.

seem to show that crime is increasing, while they would really show only that crime and criminals are more thoroughly under the ban of law.”⁹⁰ Crofutt claimed the improved quality of medical care, food, and housing as directly correlating to the longevity of life for these defective populations.⁹¹ His assessment of increased institutional populations speaks to the expanded surveillance and policing of persons deemed aberrant. One year later, W. Lloyd Andriezen, a doctor at the West Riding Asylum, looked outside of institutional walls to the proliferation of undesirable people. He posited that people settling in “cretin-producing valleys” were a direct cause in the spread of insanities and neuroses.⁹² Andriezen insisted that while the environmental factor does cause sterility in subsequent generations of cretins, the movement of new populations to these areas does not allow for the “race” to be “stamped out.”⁹³ Andriezen cited the famous family study *The Jukes*, which will be discussed later, to argue that the “cretin race” had not yet been exterminated due to breeding and intermarriage.⁹⁴ It is from these couplings that “[cretins] are propagating a vice which is potent for the evil of their progeny.”⁹⁵ Andriezen’s use of the term “race of cretins” is an effective rhetorical tool to dehumanize the subjects he is studying who he feels should not procreate due to their “insanities and

⁹⁰ Ibid.

⁹¹ Crofutt, 505.

⁹² W. Lloyd Andriezen, “Discussion on the Prevention of Insanity,” *The British Medical Journal* 2, no. 1758 (September 8, 1894), 519-520.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Andriezen, 519-520.

neuroses.” The fear of unrestrained procreation of defective populations and the cost burden these populations impose on society surfaces throughout such pieces.

The animalizing of marginalized groups was a tactic employed to dehumanize and codify hierarchical power structures. This cast doubt on the humanity and worth of racialized and marginalized populations, and justified discriminate use of social support. Allusions to “primitive” and “savage” behavior served to link the feeble-minded with a “reversion to the original type,” a suggestion that their existence was “a throw-back to the darkest jungle days.”⁹⁶ Similarly, language likening people with mental or physical disabilities with insects or parasites alluded to their inherent sub-humanity and insinuated any social support or charity was tantamount to dependency on society. Nineteenth and twentieth century physicians used language to describe sex workers that animalized certain behavior linking licentiousness with a primal drive that sex workers did not have the mental capacity to control. Likewise, the assumed fecundity of feeble-minded women and women of color meant that they, their offspring, and every subsequent generation, would depend on support from charities or the state to survive.

Use of the term feeble-minded increased during the Progressive era as a catch-all that categorized a person as mentally deficient when they exhibited or were suspected of exhibiting inappropriate or deviant behaviors. Feeble-minded was used to target people,

⁹⁶ O’Brien, 67.

notably children and women, for separation from society before they could procreate.⁹⁷ In this period, presumed mental illness or aberrant behavior signified an individual's need for charity, institutional support, or likelihood to engage in criminal behavior, casting them as a societal problem and burden. By the late 1800s, the number of people labeled feeble-minded increased exponentially. This increase can be attributed to the "rhetorical transformation of feeble-mindedness from a condition of little consequence to a pressing national epidemic."⁹⁸ Women who exhibited behaviors that did not adhere to accepted notions of heteronormative and chaste feminine virtues, or were suspected in engaging in these types of behavior, were increasingly labeled as feeble-minded, as they were seen to have little control over their behaviors and desires.

Women's sexual behaviors elicited increased concern and study. A *British Medical Journal* article from 1901 warns of the effects a feeble-minded adult, whose "animal passions" are controlled by the mind of a child, might have on the whole of society.⁹⁹ The

⁹⁷ Mark A. Largent, "The Greatest Curse of the Race," *Oregon Historical Quarterly*, 103, no. 2 (Summer 2002), 190.

These behaviors or assumed behaviors were inherently gendered. When applied to men, deviance included rape, child molestation, and homosexuality (referred to as "crimes against nature). For women and girls, promiscuity, pregnancy out of wedlock, or exhibiting behaviors that suggested promiscuity or cut against norms of femininity could result in a labeling of "feeble-minded." Persons deemed "insane" could also be categorized as "feeble-minded."

⁹⁸ Carey, 55-56.

For example, Isaac Kerlin from the Elwyn Institute in Pennsylvania showed that between 1870 and 1880, the general population increased by 30% but "idiocy" grew by 200%. Similarly, Frederick Wines, US Census Bureau consultant, found that "feeble-mindedness" was identified two and one half times the rate identified in 1870.

⁹⁹ "The Problem of the Feeble-Minded," *The British Medical Journal*, 2, no. 2130 (October 26, 1901), 1283.

The article includes a definition for "feeble-minded" as a "term...used in America 'to include all persons, from those with minds to most abject idiot.'" The Oregon State Legislature established an Institution for the Feeble-Minded in 1907. The Institute was formally opened in 1908, and 38 "feeble-minded persons" were admitted. *1913 Oregon Bluebook*, Oregon State Archives, Salem, Oregon.

author suggests that uncontrolled, feeble-minded girls will “easily [fall] into vicious courses, and one perverted feeble-minded woman is a source of moral contagion to all around.”¹⁰⁰ Writing in the same year, American naturalist Amos W. Butler asserted that “[t]he feeble-minded are a disturbing element. Their life is a degenerating force.”¹⁰¹ Butler similarly theorized that in the feeble-minded person, the “animal passions are usually present and are often abnormally developed,” which ultimately leads to a lack of reason and control. This affliction will predominately effect feeble-minded women, and “[o]ne perverted feeble-minded woman can spread throughout a community an immoral pestilence which will affect the homes of all classes, even the most intelligent and refined.”¹⁰² The use of “animalizing” language dehumanized and depersonalized people who were categorized as feeble-minded.¹⁰³ Both articles exemplify the fear surrounding the possibility of the spread of diseases which were perceived to affect the morality of those afflicted. As will be discussed in chapter 4, state and local officials and private charity groups established a robust system of surveillance, policing, and detention homes in Portland, Oregon to combat the city’s feeble-minded female population as a protective measure.

¹⁰⁰ Ibid.

¹⁰¹ Amos W. Butler, “A Notable Factor of Social Degeneration,” *Science* 14, no. 351 (September 20, 1901), 444-445.

¹⁰² Ibid.

¹⁰³ Susan M. Schweik, *The Ugly Laws: Disability in Public*, (New York and London: New York University Press, 2009): 100-101.

The threat of feeble-minded women portrayed in the writings of prominent medical and academic journals represented the threat posed to “American” society from aberrant and deviant women, from inside the country. Edward A. Ross, a professor of sociology, wrote “The Causes of Race Superiority” in 1901. Ross turned his attention to dual threats facing America: the increased population of non-Western European immigrants and the decreased marriage and procreation rates of white Americans. After a lengthy discussion of the progress made by the “races” of the world, Ross asserted that “[t]he superiority of a race cannot be preserved without *pride of blood* and an uncompromising attitude toward the lower races.”¹⁰⁴ Ross lamented the impending “race suicide” facing white Americans, as immigration increased, and marriage and family sizes declined for Native born in the twentieth century. He argued that the fecundity of newly arrived Asian immigrants would numerically supplant white Americans without a drastic change in marriage and breeding habits.¹⁰⁵ In order to counter the impending “race suicide” facing white Americans, more “fit” and “pure” couples needed to have children.¹⁰⁶ Themes of maternal culpability surfaced in Ross’ piece, as emphasis was placed on the need for intensified procreation by white Americans. White women had a duty to their nation to reproduce. Oregon established programs emphasizing the procreation of pure and fit couples, using medical examinations and scientific language to determine couplings that would produce the healthiest babies.

¹⁰⁴ Edward A. Ross, “The Causes of Race Superiority,” *The Annals of the American Academy of Political and Social Science*, 18 (July 1901), 85.

¹⁰⁵ Ross, 88.

¹⁰⁶ Ross, 88-89.

Racialized theories about women of color as hyper-sexual, fecund, and dangerous intensified in the new century. Economist Joseph Alexander Tillinghast published “The Negro in Africa and America,” in 1902. Throughout his paper, he described Black women as “lacious[sic],” and claimed their lack of chastity and fecundity would only lead to increased procreation in “civilized conditions.”¹⁰⁷ Tillinghast claimed that these “heritable” traits proved “why illicit relations came into being under slavery, became wide-spread, and important in their results.”¹⁰⁸ Tillinghast’s assertion that women of color were to be blamed for their sexual assaults further developed the notion that women of color are inherently licentious, and that biologically determined behavior absolved men from any criminality in their actions. By continuing to place blame on women of color, Tillinghast further solidified the link between sexuality and criminality.

The possibility of contagion necessitated the separation of diseased bodies, in order to ensure the health and safety of society. In 1904, Dr. W. König of the Dalldorf Asylum in Berlin, theorized that both the environment of an individual and their potential hereditary transmission were reflected in the germ cells of the mentally ill.¹⁰⁹ By 1905, heredity took on greater threat to society at large. T.B. Hyslop, physician at Bethlem Asylum, wrote

As families become more unstable from a nervous point of view,
there seemed to be greater tendency for the progeny to suffer from

¹⁰⁷ Joseph Alexander Tillinghast, *The Negro in Africa and America*, *Publications of the American Economic Association* 3, no. 2 (May 1902), 65.

¹⁰⁸ Tilinghast, 115.

¹⁰⁹ W. König, “The Problem of Heredity from the Psychiatrial Aspect,” *The British Medical Journal* 2, no. 2285 (October 15, 1904), 965-967.

tuberculous and other forms of infection. Idiots and imbeciles showed this in an extreme degree...not only were individuals prone to degenerate by terminal infection but processes of heredity...[and] the influence of germ life.¹¹⁰

Publications by König and Hyslop reflected a solidification of the pathologization and medicalization of difference. Aberrance, according to these two medical practitioners, was a hereditary and biological condition that was invariably passed on to subsequent generations. Both of their pieces are suffused with fear and anxiety about the inevitable and spreading conditions of hereditary degeneracy. Six years later, the release of two family studies corroborated the biological nature of degeneracy, while placing blame on female family members for generational decay.

Published in 1912, eugenicists and psychologist Henry H. Goddard's *The Kallikak Family: A Study in the Hereditary of Feeble-Mindedness* was one of the most successful and popular family studies. The monograph begins with "The Story of Deborah," a detailed examination of an inmate of Goddard's institution the New Jersey Home for the Education and Care of Feeble-minded Children. After including notes about Deborah's "progress" throughout her years-long stay at the institute, Goddard asserted that her history represented "a typical illustration of the mentality of a high-grade feeble-minded person, the moron, the delinquent, the kind of girl or woman that fills our reformatories."¹¹¹ The reason for Deborah's mental condition was "heredity" according to Goddard, and what followed was a detailed, genealogical examination of her family.

¹¹⁰ T.B. Hyslop, "The Heredity of Insanity," *The British Medical Journal* 2, no. 2346 (December 16, 1905), 347.

¹¹¹ Henry H. Goddard, *The Kallikak Family: A Study in the Heredity of Feeble-mindedness*, (New York: MacMillan, 1912), 11.

The Kallikak family lived near their ancestral home, “in the midst of a populous farming country.”¹¹² However, Goddard’s investigation turned up anecdotal evidence from farmers in the area that “the family had always been notorious for the number of defectives and delinquents it had produced; and this notoriety made it possible to trace them back for no less than six generations.”¹¹³ Two strains of the Kallikak family emanated from the patriarch, Martin Kallikak; one strain was legitimate and one was illegitimate. A soldier in the Revolutionary war, Martin Kallikak had a romantic tryst with a “feeble-minded girl” with whom he fathered a “feeble-minded son.”¹¹⁴ After his tryst, Martin Kallikak “straightened up and married a respectable girl of good family,” and it was from this legitimate line that a family of radically different character were born.¹¹⁵ The illegitimate, feeble-minded son was the grandfather of Deborah, and the progenitor of an extensive family line that included “sexually immoral persons, including prostitutes,” “confirmed alcoholics,” and epileptics.¹¹⁶ Goddard confirmed that over 200 of the family members were feeble-minded, based on “Mendelian expectations.”¹¹⁷ The degeneration of the illegitimate Kallikak family line was due to the innate, biological inferiority of the mother. Goddard recommended the segregation and, in some instances, the sterilization of the feeble-minded to prevent the proliferation of families like the

¹¹² Goddard, 15.

¹¹³ Goddard, 15-16.

¹¹⁴ Goddard, 29.

¹¹⁵ Ibid.

¹¹⁶ Goddard, 18.

¹¹⁷ Goddard, 20-24.

Kallikaks and lessen the financial burden they posed on society as dependents.¹¹⁸

Goddard's study depended on themes of maternal culpability and the importance of heteronormative, traditional family structures.

The same year the Kallikak study was released, Charles B. Davenport and Florence H. Danielson released the first family study from the Eugenics Record Office (ERO), a well-funded organization associated with the Americans Breeder's Association. Davenport and Danielson's "The Hill Folk: Report on a Rural Community of Heredity Defectives" included detailed genealogical explanations and charts about the "Hill Folk," warned of the exponentially increasing feeble-minded and pauper populations, and expressly advocated for sterilization, also known as negative eugenic programs, to control the reproduction of defective populations.¹¹⁹ Davenport and Danielson enumerated the Hill Folk's cost burden to society due to their criminality and institutionalization which they estimated to be a cost of nearly half a million dollars to the state.¹²⁰ Davenport believed that strict punishment could deter criminality caused by environmental circumstances of the individual.¹²¹ The ERO produced numerous subsequent family studies like "The Hill Folk" that utilized Mendelian theories of hereditary degeneration, easy to read genealogical charts, and the promotion of eugenic

¹¹⁸ Rafter, 74.

¹¹⁹ Rafter, 11.

¹²⁰ Rafter, 107.

¹²¹ Allen, 188.

sterilization. These studies, and the ERO as a scientific organization, had widespread appeal and influence on cultural discourse and legislative policy during this period.

The strains of criminality and insanity maintained their importance in academic discourse through the 1910s. Paul E. Bowers, physician at the Indiana State Prison, wrote in his 1914 essay “The Recidivist” about the historically close relationship between the treatment of the insane and the criminal.¹²² In explaining a study he conducted on men convicted four or more times of a crime at the Indiana State Prison, Bowers claimed that “the marks of constitutional inferiority were uniformly present,” including both anatomical and psychological defects like malformed skulls and/or sexual perversions.¹²³ Bowers claimed that only 23 percent of the men could be classified as feeble-minded, and that “[t]he feeble-minded are not in themselves inherently criminal or anti-social.” However, “[m]ost prostitutes may be classified within the range of feeblemindedness.”¹²⁴ The low percentage of men to which he attributed the feeble-minded classification follows the generally accepted notion that women were more likely to be affected by this affliction due to their inherent inferiority.¹²⁵ Bowers’ study reinforced the notion that criminality, subnormality, and feeble-mindedness were immutable conditions and those

¹²² Paul E. Bowers, “The Recidivist,” *Journal of the American Institute of Criminal Law and Criminology* 5, no. 3 (September 1914): 404.

¹²³ Bowers, 407.

¹²⁴ Bowers, 410.

¹²⁵ Women’s status as inherently dependent, either on patriarchal figures or the State, similarly linked female mental illness and criminality. While criminological discourse regarding male offenders shifted slightly for first time offenders to a language of individual responsibility, female offenders were assumed to be susceptible to mental derangement and deleterious influences, and thus needed to be segregated within an institutional population.

afflicted would likely reoffend and end up in state facilities. Discourse emphasizing cost burden, criminality, and recidivism were integral to the passage of eugenic sterilization laws as a benefit to society, and a therapeutic option to the inmate. In chapter 4 I will discuss the passage of the first iteration of Oregon's sterilization law in 1917.

Two prominent eugenicists, Madison Grant and Lothrop Stoddard, released books in the late 1910s and early 1920s that had widespread, international appeal. Grant's *The Passing of the Great Race* presented genetic theories that justified hierarchical rankings of European "races," with the "Nordic" race situated at the top. He argued that the "Nordic" race needed to be saved from "inferior stocks" by systems of sterilization and quarantine.¹²⁶ Six years later, Stoddard, a historian and ardent promoter of white supremacy, published *The Menace of the Under-Man*. Stoddard argued for the inherent superiority of the Caucasian race, warning that "under-men" posed a danger to civilization because their existence was "an instinctive and natural revolt against civilization."¹²⁷ Both Grant and Stoddard reified white supremacy through a hierarchical caste system for categorizing worthy immigrants based on pseudo-scientific conceptualizations of "race" and "difference." By delineating those not at the top as inherently "inferior," these eugenicists discursively linked non-white immigrants or people of color as threats to civilization. As immigration and urbanization increased, politicians, academics, and prominent citizens cited eugenic pseudo-scientific theories to

¹²⁶ Isabel Wilkerson, *Caste: The Origins of Our Discontents*, (New York: Random House, 2020): 80.

¹²⁷ Lothrop Stoddard, *The Revolt Against Civilization: The Menace of the Under-Man*, (New York: Charles Scribner's Sons, 1922): 24.

justify policies targeting immigrants, expanding state and federal law enforcement apparatuses to counteract “radical” labor movements, and intensify the surveillance and policing of female bodies to protect America. These trends are visible in Oregon during the Progressive era.

The theories discussed in this chapter describe the intellectual framework that suffused political, social, and cultural discourse in Portland, Oregon from its incorporation in 1851 until the end of the Progressive era. The maintenance and solidification of a racialized caste system through a robust and bureaucratizing law enforcement apparatus necessitated the imposition of social control mechanisms. In order to ensure social control, elite, white Portlanders implemented policies targeting aberrance and deviance, which were enforced by a politicized police force.

Chapter 3: Poverty in Portland, Oregon: 1851–1917

As soon as state creation began in Oregon, legislators passed laws to address the care of dependent populations living within the territory. Care of the poor, a term that specifically referred to persons unable to secure a living due to “bodily infirmity, idiocy, or lunacy or other cause,” was the responsibility of extended and immediate kinship networks. But “when any person becomes a pauper from intemperance or other bad conduct,” that person would only merit support from parents or children.¹²⁸ If kinship networks were unknown or unable to provide aid, support would come from county treasuries in which the person was a resident. The law established residency requirements for paupers to obtain assistance which specifically limited access for outsiders. Distinguishing between “worthy” and “unworthy,” and local and stranger, was not unique to the Oregon Territory. Rather, conceiving of “poverty” as an inherent, biological failing of the individual has been endemic to the development of local and state laws, and the surveillance and policing of poverty has been the function of law enforcement throughout the eighteenth and nineteenth century America. Physicians in Europe and America developed medical theories in the eighteenth and nineteenth centuries that linked poverty, mental illness, and inherent criminality. They also connected criminality to environmental factors, which fueled anxieties that poverty and criminality could spread like a disease.

¹²⁸ Oregon Territory, *Laws of a General and Local Nature Passed by the Legislative Committee and Legislative Assembly at Their Various Successive Sessions from the Year 1843, Down to and Inclusive of the Session of the Territorial Legislature Held in the Year 1849: Except Such Laws of Said Session as Were Published in the Bound Volume of Oregon Statutes, Dated Oregon City, 1851*, (Salem, OR: Asahel Bush, Territorial Printer, 1853), 712-713.

This law also included a provision to punish a person who knowingly brought and left a non-resident pauper into any county in Oregon. That person was subject to a fine of \$100 for every offense.

In eighteenth and early nineteenth century America, support for dependent populations was a function of the local community. Towns and counties organized systems of relief over which officials maintained responsibility.¹²⁹ Kinship networks provided support in the form of confinement to ensure the maintenance of order within a community.¹³⁰ Economic crises among the working class were common, and lacking a nationwide network of social services, they were subject to patchwork systems of relief.¹³¹ Support was offered to the “poor,” which broadly referred to widows, orphans, aged, sick, insane, and disabled. However, relief was denied to those classified as “rogues” and “vagabonds,” a distinction based on the assumed moral character of the individual.¹³² These categories largely referred to populations who were strangers to a community, existing outside of the extent kinship structures of the community that were responsible for providing support. Without tying poverty to the rise of industrial capitalism, the ascription of moralized categories denoting worth squarely placed blame on the individual while neglecting the effect economic circumstances had on working class populations.

In the nineteenth century, a mythologized version of Oregon’s pioneer past undergirded much of the state’s identity; hardy, rugged, and hardworking white migrants

¹²⁹ Michael B. Katz, “Poorhouses and the Origins of the Public Old Age Home,” *The Milbank Memorial Fund Quarterly. Health and Society* 62, no. 1 (Winter, 1984), 113.

¹³⁰ Laura I. Appleman, “Deviancy, Dependency, and Disability: The Forgotten History of Eugenics and Mass Incarceration,” *Duke Law Journal* 68, no. 3 (December 2018), 424.

¹³¹ Katz, 112.

¹³² David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, (Boston: Little Brown & Company, 1990), 4-5.

tamed the vacant wilds of the Pacific Northwest and established an Edenic homeland. Harvey W. Scott, then editor of the *Oregonian*, included descriptions of early settlers of Portland in *History of Portland, Oregon*, released in 1890. The men who populated the young city were industrious, intelligent, active, and brought wives and children. Scott contended that even for those accustomed to hard work, Oregon's fir trees were "rude and formidable," and "many a raw hand emerged from the forest sore and distressed, and like Noah's ark pitched inside and outside with pitch."¹³³ Portland's elite brandished this frontier mythology, imbued with Providential justification, to portray early white settlers of the West as the hardiest and healthiest stock.¹³⁴ Since only the fittest white settlers were able to make the journey west, "only the strongest men became founders of Portland."¹³⁵ For Oregonians, the perpetuation of the pioneer mythos established cultural and social boundaries for inhabitants based on narrow conceptualizations of race, fitness, behavior norms, and economic status that directly related to a person's ability to access the privileges of citizenship. The creation of distinctions between unhealthy and healthy inhabitants of Portland was a necessary precursor for exclusion, separation, and removal of supposedly contagious and foreign populations.

Increased populations and rapid urbanization in the late 1800s required Americans to rethink dependency, criminality, and the role of social control mechanisms. If

¹³³ Harvey W. Scott, *History of Portland, Oregon: With Illustrations and Biographical Sketched of Prominent Citizens and Pioneers*, (Syracuse, NY: D. Mason & Co., Publishers, 1890) 88.

¹³⁴ Marin Aurand, "The Floating Men: Portland and the Hobo Menace, 1890-1915," (Portland, OR, Portland State University, 2015), 3.

¹³⁵ Aurand, 22.

physicians were able to understand why people turned to itineracy, sex work, or crime, which were all behaviors indicating mental deficiency or insanity, reformers would be able to strengthen social order.¹³⁶ Laziness and deviancy were believed to be a result of hereditary degeneracy and a person's environment, and would spread if left unchecked.¹³⁷ Pathologizing poverty and deviance as a contagious and dangerous disease supported and justified the surveillance and policing of marginalized populations in Portland. In order to more fully understand how poverty as contagion was surveilled, policed, and recorded, I examine the development of the city's law enforcement apparatus and its close relationship with the local political bureaucracy, beginning with the city's incorporation in 1851 and ending with labor protests in 1917.

The Progressive Era ranged from about 1890 to 1920 and was a tumultuous period. Industrialization, urbanization, and migration drastically changed cities including Portland, Oregon. The influx of seasonal laborers, young, single women, and immigrants challenged the hegemonic power structure within the city. Many middle and upper class white Portlanders reacted to these demographic changes by adopting the Progressive era reform ethos which focused on bettering society through social control mechanisms like municipal legislation, an expansion of the city's medico-legal bureaucracy, and increased police surveillance on populations deemed dangerous.

History of the Portland Police Bureau, 1851–1874

¹³⁶ Rothman, 58.

¹³⁷ Rothman, 71; Appelman, 426.

The creation of Portland's law enforcement apparatus was deeply intertwined with the growth of the city's political bureaucracy.¹³⁸ The 1851 incorporation charter included provisions for the creation of a city council composed of a mayor, five council members, and a recorder. This early governance was imbued with the power to pass ordinances to protect the health, safety, and property of Portlanders and appoint a marshal to enforce those ordinances.¹³⁹ The marshal system of local law enforcement consisted of an appointed marshal and deputies, who were tasked with the preservation of the health and social order within a specific locale.¹⁴⁰ Marshals and deputies did not earn a regular salary, instead they received fees for performing certain tasks like serving warrants, collecting delinquent taxes, and court appearances. Sociologist Allan Levett coined the term "entrepreneurial policing" to describe this system of law enforcement that utilized "informal, non-rule bound behavior and reliance on fees rather than salaries."¹⁴¹ This type of policing resulted in officers focusing attention on infractions that would yield the highest fees.¹⁴² Unlike the proactive policing of modern law enforcement, which

¹³⁸ Daniel Voorhies, "The Development of Policing in Portland, Oregon 1870-1903: Professionalization and the Persistence of Entrepreneurial Modes of Policing" (Portland, Or., Reed College, 2003), 26.

¹³⁹ Charles Moose, "The Theory and Practice of Community Policing: An Evaluation of the Iris Court Demonstration Project," (Portland, OR: Portland State University, 1993), 51; Voorhies, 19-20.

¹⁴⁰ Charles Abbot Tracy, "Police Function in Portland, 1851-1874. Part I," *Oregon Historical Quarterly* 80, no. 1 (April 1979), 18.

Charles Abbot Tracy contends that Portland's marshal was able to appoint deputies with the 1853 city charter revision, but "such action was not recorded as taking place until July, 1858."

¹⁴¹ Voorhies, 1.

¹⁴² Ibid.

emphasizes the deterrence of crime and disorder through police presence, city marshals typically responded to criminal offenses at an individual's request after the fact.¹⁴³

The city council passed an ordinance providing for the appointment of “a competent, and discrete person to act as Marshal” at their first meeting in 1851. The marshal served under the mayor, and largely executed judicial and administrative tasks on behalf of the city’s chief executive. Initially, the prevention of crime was not the major concern of the city council. Rather, the main focus for law enforcement was the maintenance of health and the collection of taxes.¹⁴⁴ The same year the city was incorporated, the city council allocated funds for the construction of a jail within the city limits.¹⁴⁵

As the city grew, migration and immigration to Portland also increased. Between 1850 and 1860, the population of the city grew from 821 to 2,874 residents. During this ten-year period, the population of foreign-born residents increased from 51 to 728.¹⁴⁶ Coincident with these increases, the marshal and city council increased attention to the policing of morality and the maintenance of social norms. State legislature revisions to the city charter in 1853 moved Portland towards a more definite urban police function. The mayor and city council, which was expanded from five to nine members, now shared police powers. Law enforcement officer’s role within the community was expanded as

¹⁴³ Voorhies, 20.

¹⁴⁴ Abbot Tracy, “Police Function in Portland, Part I,” 9-10.

¹⁴⁵ City Auditor, Council Minutes, A2001-003, 1851, Portland City Archives, Portland, Oregon.

¹⁴⁶ Charles Abbott Tracy, “Police Function in Portland, 1851-1874: Part II,” *Oregon Historical Quarterly* 80, no. 2 (Summer 1979): 136.

well, including the establishment of a night watch. The new charter also clearly identified behaviors that defied accepted social norms. Using their new police powers, the mayor and city council could “license, tax, restrain, prohibit, and suppress” gambling, sex work, and disorderly conduct in public or private places.¹⁴⁷ City leaders did three things in the revised city charter: they delineated abnormal behaviors, conceptualized “normalcy,” and identified the functions of local government that could be used to ensure social control. The policing of behavior norms was further codified with additional ordinances passed between 1857 and 1858. These ordinances imposed annual licensing fees on saloons, monetary bonds on drinking establishments to ensure “orderly conduct,” prohibition of sales to intoxicated persons, and closure of saloons on Sundays. This expanded focus necessitated an expansion of the police force itself. In 1858, two deputies were added to the city’s payroll.¹⁴⁸ The ordinances passed in this ten-year period continued to indicate the development and codification of societal norms and centered law enforcement focus on the maintenance of behavior norms and implementation of social control.

The preservation of health was consistently a primary concern for Portland’s early leaders and law enforcement. The same year the charter was revised, the city council established the Committee on Health and Police to “assume responsibility for major concerns within the growing community.”¹⁴⁹ The committee was made up of three city

¹⁴⁷ Abbot Tracy, “Police Function in Portland, Part I,” 17-18.

¹⁴⁸ Douglas Jon Kenck-Crispin, “Charles A. Moose: Race, Community Policing, and Portland’s First African American Police Chief,” (Portland, Or., Portland State University, 2016), 17.

¹⁴⁹ Abbot Tracy, “Portland Police Function, Part I,” 19.

council members, and dealt with sanitation, saloons and liquor licenses, contagious disease, and sex work. Historian Charles Abbott Tracy contends that this committee had significant influence over the growth of the Portland police, although they functioned with few guidelines.¹⁵⁰ This committee continued to play an important role in the development of ordinances that policed aberrant behaviors within the city under the guise of the maintenance of public health.

Between 1853 and 1869, the city experienced periodic smallpox outbreaks, an extremely communicable disease. Council members responded by passing ordinances including instilling the police chief with the powers of a public health officer, the construction of a “pesthouse” for smallpox patients, and passing red flag laws, which required the placement of red flags on buildings to alert people to locations of contagious disease outbreaks.¹⁵¹ Tensions arose between residents of Portland, local news outlets, and infected residents who traveled to the city. Increasing population, disease outbreaks, and fear of contagion from beyond the city’s borders led to the 1864 city charter revision, which implemented quarantine regulations to “prevent the introduction of contagious diseases into the city” and “remove persons afflicted with such diseases therefrom to suitable hospitals provided by the city for that purpose.”¹⁵² This act was deployed in June 1869 when Mayor Bernard Goldsmith ordered law enforcement officials to

¹⁵⁰ Ibid.

¹⁵¹ Jack Smolensky, “A History of Public Health in Oregon,” (Eugene: University of Oregon, 1957), 37-47; Abbot Tracy, “Police Function in Portland, II,” 139.

The “pest house” was a hospital facility specifically constructed to quarantine small pox patients. The marshal was responsible for transporting patients to the pest house.

¹⁵² Smolensky, 37-47.

quarantine “a large number of Chinese immigrants who were suspected of being infected with smallpox.”¹⁵³ The numerous ordinances centering specifically on contagious diseases and the organization of the Committee on Health and Police illustrate the importance of public health as a matter of public policy and law enforcement. It simultaneously reflects the impulse to indict outsiders as dangerous to the health of the community, and the need to identify and separate dangerous elements.

Between 1862 and 1863, racially restrictive state legislation influenced the function of policing in Portland. The State legislature enacted an annual poll tax of five dollars on “each and every negro, Chinaman, Kanaka and mulatto, residing within the limits of this State.”¹⁵⁴ If a person was found in violation of this law, they were forced to “work one day on such highways for every half dollar of such tax due and unpaid” to pay off their debt to the state.¹⁵⁵ The poll tax, coupled with Black exclusion laws in the State Constitution, was passed in the lead up to and passage of the Emancipation Proclamation. Even though Oregon forbid slavery, the state also had racially restrictive laws limiting the residency of people of color within the state. The passage of the Fourteenth Amendment in 1866, and its adoption by the Oregon legislature in 1867 nullified racially restrictive language in Oregon’s constitution, but it did not affect the passage of legislation that could be selectively applied based on racist attitudes and racially selective policing. On October 24, 1866, the Oregon State legislature passed a law criminalizing mixed-race

¹⁵³ Abbot Tracy, “Police Function in Portland, Part II,” 161.

¹⁵⁴ “Laws of Oregon,” *The Weekly Oregon Statesman*, December 1, 1862.

¹⁵⁵ *Ibid.*

unions entitled, “An Act to prohibit amalgamation and the intermarriage of races.”¹⁵⁶ The law prohibited marriage between a white person and “any other person having one-fourth of Indian, Kanaka, negro, or Chinese blood under penalty of imprisonment in the penitentiary not less than one nor more than four years.”¹⁵⁷ Passed almost one year after the end of the Civil War and the ratification of the Fourteenth Amendment, this law demonstrated white Oregonian’s fear and anxiety about mixed-race relationships, and the progeny of those relationships whose existence challenged the state’s racial caste system. It was incumbent upon Portland’s law enforcement apparatus to maintain social order, including racial segregation, and statewide laws specifically criminalizing people of color assisted in the maintenance of a racial caste system.

Beyond the racially restrictive laws passed at a statewide level and the expansion of policing health, the adoption of the new charter in 1864 further delineated the marshal’s function as the officer of the peace within Portland. The tasks of the marshal included the execution of all legal processes, attendance at all sittings of the Recorder’s Court and meetings of the city council, management of the city prison, collection of delinquent taxes and assessments, and maintenance of order within city limits. The new charter maintained the fee structure of the marshal, but linked fees to enforcement of state laws instead of city ordinances.¹⁵⁸ Furthermore, revisions to Oregon’s criminal code on October 19, 1864 established a preventative method of policing by requiring police

¹⁵⁶ “Laws of Oregon: Passed at the Fourth Regular Session of the Legislative Assembly, held September, 1866,” *Morning Oregonian*, November 2, 1866.

¹⁵⁷ “Oregon Legislature, Fourth Regular Session,” *Morning Oregonian* September 29, 1866.

¹⁵⁸ Abbot Tracy, “Police Function in Portland, Part II,” 147.

“attendance at exposed places.”¹⁵⁹ This criminal code was deployed in Portland the following month with the expansion of the police force to include “four special deputies to act as night spies or detectives, and two as regular policemen.”¹⁶⁰ Marshal Henry L. Hoyt implemented these changes after consulting with the city council, and the Committee on Health and Police.¹⁶⁰ The night watch functioned as a private police force within the city.

On September 30, 1869, the passage of ordinance 722 expanded the function and policing power of the marshal. This ordinance required the city auditor to give the marshal a list of all licensed business in the city to help law enforcement. These lists included saloons, liquor retailers, and liquor establishments that employed women.¹⁶¹ The focus on crime prevention broadened the scope of surveillance and enforcement of laws.¹⁶² The expansion of Portland’s law enforcement bureaucracy, and surveillance and policing in the nighttime hours evidenced a concentration on crimes of vice and unwanted mobility as a mechanism of social control. Read in conjunction with the recently passed law targeting mixed-race unions, the increased attention to activities taking place in the city after hours is suggestive of the need to police certain unwanted and undesirable behaviors. Despite this increased attention on liquor establishments, and, notably, female employment in these spaces, more than half of the sitting councilmen and

¹⁵⁹ Ibid.

¹⁶⁰ Abbot Tracy, “Police Function in Portland, Part II,” 149.

¹⁶¹ Abbot Tracy, “Police Function in Portland, Part II,” 161-162.

¹⁶² Voorhies, 20-21.

the Police Chief owned saloons, and the mayor was a well-known patron of these establishments.¹⁶³

The 1870s marked increased movement toward the professionalization and bureaucratization of the Portland Police Force. In 1870, the population of Portland reached 9,000. By September, the city council passed Ordinance 852 which established a full-time, salaried police force, created a hierarchical chain of command, and codified the rules and duties of officers. This ordinance officially established the Portland Metropolitan Police Force.¹⁶⁴ Just one month later, the Oregon Legislature passed Senate Bill 34 (SB 34), which established the Board of Police Commissioners. This new state commission oversaw all police matters in Portland including appointing a police chief, and employment decisions and discipline of officers. Notably the city of Portland had to pay all the costs. The governor appointed Commissioners which shifted power from municipal to state control.¹⁶⁵

The passage of SB 34 signaled the competition for control of Portland's police force between the Republican and Democrat political factions. Portland's city council was largely controlled by Republicans while the state legislature was dominated by Democrats.¹⁶⁶ The shift from local to state control is indicative of the system of political

¹⁶³ Abbot Tracy, "Police Function in Portland, Part II," 161.

¹⁶⁴ Voorhies, 29.

¹⁶⁵ Jewel Lansing, *Portland: People, Politics, and Power, 1851-2001*, (Corvallis, Or., Oregon State University Press, 2003): 135-138; Voorhies, 29; Moose, 52.

¹⁶⁶ Abbot Tracy, "Police Function in Portland, II," 166-169.

partisanship that influenced the formation of Portland's law enforcement apparatus. From its inception, the police force reflected their jurisdiction's dominant political party.

Additional ordinances were issued in the 1870s, further unifying health and law enforcement. On July 18, 1873, Portland's first Board of Health was appointed. Membership included the mayor, chairman of the Committee on Health and Police, and the chief of police. The Board of Health dealt with sanitary conditions of the city.¹⁶⁷ In 1874, Ordinance 1434 situated matters of public health not already under the auspices of the Board of Health, under the purview of the police department.¹⁶⁸ The function of the Board of Health was limited until the city council passed an 1881 ordinance that clearly outlined the Board's role. The newly delineated responsibilities of the Board included the appointment of a physician to investigate and care for cases of contagious diseases, the designation of all police officers as "health inspectors," required reports from physicians and police chiefs about persons with infectious diseases, and an expanded flag law to denote a greater variety of contagious diseases.¹⁶⁹ Portland's police force enforced health ordinances based on their personal conceptualizations and understandings of disease, contagion, and ill health.

With the adoption of professionalized elements in the 1870s, the Portland Police Force moved towards a more recognizable form of policing. These reforms reflected broad ideological changes: a national movement towards modernization, sanitation, and

¹⁶⁷ Smolensky, 50; Lansing, 215-216.

¹⁶⁸ "New To-Day— Ordinance No. 1434," *Morning Oregonian*, February 17, 1874.

¹⁶⁹ Smolensky, 56-57.

bureaucratized social control. However, the professionalized elements adopted by the Portland Police Force in this era were largely performative. In his senior thesis, historian Daniel Voorhies defined “professionalism” as “requir[ing] individuals to develop expertise in special and complex body of knowledge.” In order to utilize knowledge, powers, and privileges associated with law enforcement expertise, it is necessary for police officers to engage in extensive trainings.¹⁷⁰ Though the Portland Police Force had adopted elements indicative of modern, urban policing beginning in 1870, like a hierarchical chain of command and salaried pay structures, these changes did not substantively change the nature of police function as an apparatus of state power to protect property, collect taxes, and enforce social norms in Portland.

The implementation of specialized training and examinations for individual officers were not instituted until the turn of the century. By 1903, all police department appointees were required to take a Civil Service exam, except the Chief of Police.¹⁷¹ The questions asked on the 1903 exam largely centered on the candidate’s literacy, nativity, criminal history, and a brief survey of his physical condition.¹⁷² However, eight officers failed the exam and were discharged from the force.¹⁷³ More professional reforms were enacted with the appointment of Leon V. Jenkins as Chief of Police in 1919, notably, the

¹⁷⁰ Voorhies, 4.

¹⁷¹ "Mayor Speaks on his Appointments: Who Are Candidates for Civil Service Examinations," *Oregon Daily Journal*, January 27, 1903.

¹⁷² "Civil Service Exams," *Oregon Daily Journal*, January 27, 1903.

¹⁷³ "Eight Stars To Be Dropped: The Slaughter Of Police Officers Begun," *Oregon Daily Journal*, April 24, 1903.

establishment of the first Police Academy.¹⁷⁴ Despite the institution of professional reforms, the Portland Police Bureau was not devoid of scandal or corruption in the 1900s.¹⁷⁵ The Portland Police Bureau faced numerous allegations of unconstitutional searches, inequitable application of liquor laws, and the use of liquor held as evidence for personal consumption by officers and city officials after the passage of Prohibition laws at the state and national level in 1915 and 1919, respectively.

Policing Poverty Through Vagrancy Laws, 1870–1917

Prior to the passage of vagrancy laws, disorderly conduct ordinances similarly targeted undesirable behaviors. Disorderly conduct was a catchall category that could be ascribed to numerous behaviors. This nebulous category was especially useful when “police think a person has violated the law but know that evidence, witnesses, or proof will be difficult.”¹⁷⁶ Portland’s disorderly conduct ordinance, first passed in 1854, criminalized “riotous, disorderly, or violent conduct in any streets, house, or place whereby the peace or the quiet of the city may be disturbed” and “indecent or immoral practices.”¹⁷⁷ This ordinance was updated periodically to include more sections describing behaviors deemed “disorderly.”

¹⁷⁴ Moose, 53-54.

¹⁷⁵ In 1915, the Portland Metropolitan Police Force was renamed the Portland Police Bureau.

¹⁷⁶ Eric H. Monkkonen, “A Disorderly People? Urban Order in the Nineteenth and Twentieth Centuries,” *The Journal of American History* 68, no. 3 (December 1981), 542.

¹⁷⁷ City Auditor, City Recorder, Council Ordinance, “An Ordinance to Prevent and Restrain Rioting and Noise, Disorderly Conduct, or Indecent and Immoral Practices,” A2000-023, 1854, Portland City Archives, Portland, Oregon.

After 1870, vagrancy laws became key tools in policing growing populations of mobile, white, male laborers who traveled west on newly expanded intercontinental railroads. Portland's economic and industrial growth relied heavily on seasonal laborers, who worked in extractive industries in forests and farmland surrounding the city.¹⁷⁸ Despite the important role played by seasonal labor in the growth of Portland's economy, city officials saw the increased population of mobile, young, white males who largely congregated in the North End of the city as undesirable, necessitating increased surveillance by law enforcement to police socially aberrant behaviors.¹⁷⁹ Also referred to as "Whitechapel" after the "working class, waterfront vice district" of London, England, the North End was a colloquial name for the downtown waterfront district linked with vice, crime, and impoverished populations.¹⁸⁰ Their assumptions about these populations rested on medicalized social theories developed in the eighteenth and nineteenth centuries that linked poverty, heredity, and contagion to the existence and proliferation of aberrant behaviors among working class and impoverished communities. Moreover, social norms were further codified in the late 1800s, as Portland's elite repurposed the pioneer narrative to create an image of Oregon as Edenic and salubrious.

In the late 1800s, the Immigration Board of Oregon published pamphlets that described the history, climate, and trade of the state in an effort to make migration and

¹⁷⁸ Aurand, 13.

¹⁷⁹ Todd DePastino, *Citizen Hobo: How a Century of Homelessness Shaped America*, (Chicago: University of Chicago Press, 2003), 17-19.

¹⁸⁰ Chris D. Sawyer, "From White Chapel to Old Town: The Life and Death of the Skid Row District, Portland, Oregon," (Portland State University, Portland Oregon, 1985): 115-117.

settlement attractive to wealthy, healthy, and white families. In 1877, the Immigration Board of Oregon published a pamphlet that relied heavily on Edenic imagery portraying Oregon as uncivilized and in a state of nature, “And Nature’s own hand has given to this whole region such a finished look, that one involuntarily is deluded into the belief of being in a country long a seat of civilization, and not in one where the white race appeared only two generations since.”¹⁸¹ At the end of each pamphlet, a section outlined the type of white settler that would do best to migrate to the West. In 1877, the authors cautioned idlers and confirmed invalids from settling in Oregon.¹⁸² Similarly, in 1882 those without sufficient means and the elderly were expressly deterred from emigrating to the West.¹⁸³ According to an 1888 pamphlet, “men of capital and brains” are best suited to the conditions of Oregon.¹⁸⁴ The emphasis on the health, wealth, and race of settlers demonstrates the boundaries of normalcy and socially acceptable behavior established by state and local elites.

Therefore, visible displays of poverty, disease, and physical disability on the streets of Portland were seen as direct affronts to Portland’s established social order.

¹⁸¹ Oregon State Board of Immigration, *Oregon: Facts Regarding Its Climate, Soil, Mineral and Agricultural Resources, Means of Communication, Commerce and Industry, Laws, Etc., Etc., for General Information*, (Boston, MA: Oregon State Board of Immigration, 1877), 9. Hereafter *Oregon*.

¹⁸² *Oregon*, 43.

¹⁸³ Oregon State Board of Immigration, *The Pacific Northwest: Facts relating to the history topography, climate, soil, agriculture...etc., of Oregon and Washington Territory...Also an appendix containing suggestions to emigrants, a short description of several counties...Issued for the information and guidance of settlers and others*, (New York, 1882), 78.

¹⁸⁴ Oregon State Board of Immigration, *The New Empire: Oregon, Washington, Idaho. Its resources, climate, present development, and its advantages as a place of residence and field for investment*, (Portland: Ellis and Sons, Printers, 1888), 44.

Vagrancy laws became tools to attend to this affront because the amorphous definition allowed police officers to broadly apply this ordinance as a means of social control. Passed in 1870, ordinance 907 defined and criminalized “vagrancy.” The ordinance defined persons without visible means of living or lawful occupation or employment, healthy persons begging for support, and persons found to roam about the streets without any lawful business, or persons living in or around houses of ill fame were defined as “vagrant.”¹⁸⁵ The year the ordinance was passed, 787 arrests were made in Portland, two of which were for the crime of vagrancy. More than a year later, the *Morning Oregonian* indicated “at least one individual has been arrested under the vagrant act.”¹⁸⁶

Vagrancy laws were used in racially biased ways to rid cities of people of color. For example, in 1871, the vagrancy ordinance was used to facilitate the forced removal of Native Americans from Portland and Oregon City. A State law forbade the employment of Indigenous persons off of a reservation without a pass. Without employment, all Indigenous persons were thus defined as “vagrants” and “disorderly,” and were subject to punishment. Described as an “unmitigated nuisance” to the city, Indian Superintendent Alfred B. Meecham authorized Major Joseph Magone and O.A. Brown to “clear the Indians out.”¹⁸⁷ According to Portland arrest data from that year, police arrested 47 vagrants out of a total of 1,814 arrests. For comparison, in the previous year the police

¹⁸⁵ “Ordinance No. 907,” *Morning Oregonian*, December 13, 1870. Section 3 explains that Ordinance 907 repeals “section ten of Ordinance No. 476, entitled ‘An Ordinance concerning offenses and disorderly conduct.’”

¹⁸⁶ “At Last,” *Morning Oregonian*, January 17, 1871.

¹⁸⁷ “The Indians to be Removed,” *Morning Oregonian*, July 29, 1871; “The Indian Nuisance,” *Morning Oregonian*, May 16, 1871.

force had arrested two vagrants.¹⁸⁸ Read in conjunction with articles regarding the use of the vagrancy ordinance, this data suggests the large jump in arrests for vagrancy was directly related to the forced removal of Native persons from Portland. By August 16, 1871, a *Morning Oregonian* article explained that just a month after “the removal of the vagrant siwashes from the city limits... a serenity...reigned supreme,” because the city was no longer subjected to “drunken revels.”¹⁸⁹

Police also used the vagrancy ordinance to target Chinese residents. The following year, in April, the *Morning Oregonian* alerted readers to an “infestation” of thieves in Portland. The author included the unattributed claim that “some assert...the majority of thefts committed are perpetrated by Chinamen.” In reference to the newly passed vagrancy ordinance, the author suggested that those without viable employment or whose employment cannot be accounted for “should be uniformly treated as vagrants.” The use of the vagrancy ordinance to remove “the noxious presence of men of doubtful calling,” according to the author, would only benefit Portland.¹⁹⁰ While the *Morning Oregonian* does not reference a specific number of arrests resulting from this supposed “infestation,” out of 1,654 arrests made in Portland in 1871, 16 vagrants were arrested. Both articles utilized language and rhetoric of contagion and deviance, like “infestation,” “noxious,” and “nuisance,” to evoke impressions of intrusion, danger, and contamination

¹⁸⁸ “Criminal Records,” *Morning Oregonian*, March 28, 1874.

¹⁸⁹ “Quiet,” *Morning Oregonian*, August 16, 1871.

Siwash is a Chinook Jargon word for Native American Indians used by colonizing forces, but is now largely considered to be derogatory.

¹⁹⁰ “Infested,” *Morning Oregonian*, April 10, 1872.

in reference to communities of color living in Portland. The newly passed vagrancy ordinance not only allowed law enforcement to forcibly remove people of color from Portland based on assumed idleness. It was also an effective tool in further justifying the exclusion of the “Other” because of fear of contagion and socially aberrant behavior.

In the late 1800s, arrests were both a public and physical interaction between marshal or deputy and suspected criminal. Without communication systems and dedicated police transportation, these altercations relied on the ability of the officer to control the arrestee as they walked or took public transportation to the police department.¹⁹¹ Actually describing the process of arrest during this period is difficult due to the lack of detailed rules and regulations for law enforcement officers. However, engrained behaviors from the fee-based system continued to influence methods in policing.¹⁹² Vagrancy charges, like other violations of city ordinances, were misdemeanors. Upon arrest, defendants would appear before the Police Judge or Recorder and enter a plea of guilty or not guilty. The Police Judge was the judicial officer of the Police Court, who oversaw violations of Oregon Law and Portland ordinances.¹⁹³ According to research done by sociologist Clarinèr Freeman Boston, most defendants pled guilty and paid fines, or if unable to pay their fine, served a jail sentence. If the defendant pled not guilty, they “were adjudicated, received a verdict, and if found guilty,

¹⁹¹ Monkkonen, 541-542.

¹⁹² Voorhies, 28-31.

¹⁹³ Clarinèr Freeman Boston, “An Historical Perspective of Oregon’s and Portland’s Political and Social Atmosphere in Relation to the Legal Justice System as it Pertained to Minorities: With Specific Reference to State Laws, City Ordinances, and Arrest and Court Records During the Period— 1840-1895,” (Portland, OR: Portland State University, 1997), 82.

paid a fine and/or was sentenced.”¹⁹⁴ Arrests for city ordinance violations would have resulted in a same-day hearing.¹⁹⁵

The use of the vagrancy ordinance to forcibly remove communities of color in Portland did not subside, but changes in migratory patterns and economic stability altered the enforcement of vagrancy laws as the fear and anxiety of local leaders shifted to a different population deemed threatening. In September 1873, a Wall Street crash resulted in an economic recession that gripped the nation. Layoffs, wage cuts, strikes, and mass unemployment resulted in increased populations of itinerate, working class white males.¹⁹⁶ While the international recession lasted only five years, the “tramp era” persisted until 1910.¹⁹⁷ Prior to the 1873 depression, the term “tramp” defined an “invigorating walking expedition.” With the increased population of itinerant, working class white men, the term came to signify the extreme mobility of this growing population.¹⁹⁸ Because most tramps did not have a nuclear family, property, or permanent employment, they were seen to have rejected normalized notions of masculine behavior.¹⁹⁹ Permanent, domesticated, heteronormative family units were conceived of as bedrocks of a stable society. The resulting “Tramp Panic” is illustrative not only of the

¹⁹⁴ Boston, 25-26.

The Recorder oversaw violations of Oregon Law committed within the city from 1851 to 1870. This position has the same authority as the Justice of the Peace. After 1870, the position of Recorder was repealed, and replaced with the Police Judge or Justice of the Peace.

¹⁹⁵ Boston, 118.

¹⁹⁶ DePastino, 4.

¹⁹⁷ Hernández, 46.

¹⁹⁸ DePastino, 5.

¹⁹⁹ DePastino, 25.

fear and anxieties middle class and elite Oregonians felt towards migratory populations of impoverished and unemployed laborers, but the possible societal disruptions this population posed.

Although the economic depression did not substantially affect Oregon until 1893, the ubiquitous anxiety and fear of the “tramp” took hold well before then. A 1871 *Morning Oregonian* article distinguished between the social positions of “the steady man” and “the wanderer.”²⁰⁰ The former described as “a public benefit,” while the latter “will always be poor, is generally a nuisance and what is known as a ‘tramp,’ which word is rapidly becoming synonymous with a thief and vagabond.”²⁰¹ In a brief report on the 1872 passage of a vagrancy ordinance in Seattle, Washington, the author included an advisory to readers to “keep their doors locked, for there will no doubt be quite a rush of vagrants from Seattle to this city in consequence” of the ordinance.²⁰² By 1878, writers at the *Oregonian* were urging law enforcement to “vigorously enforce” the vagrancy ordinance, noting that the police were “making it tropical for vags and bums.”²⁰³ That same year, Governor S.F. Chadwick’s biennial report called for the passage of vagrancy laws at the state level. He argued increased crime, the economic depression, and the continued influx of “tramps” and “vagabonds” from California necessitated a swift response from the state legislature. Governor Chadwick concluded: “In a State like ours,

²⁰⁰ “Rolling Stones,” *Morning Oregonian*, February 4, 1871.

²⁰¹ Ibid.

²⁰² “Coming Hither,” *Morning Oregonian*, October 20, 1872.

²⁰³ “Brief Notes,” *Morning Oregonian*, August 28, 1878.

where any man who will work can make a living, it ought to be a crime for a healthy person to beg.”²⁰⁴ The rhetoric employed by newspapers and politicians reinforced notions of mobile, seasonal laboring communities as inherently different from, and dangerous to, populations with steady employment and a fixed residence. People who chose not to succeed in a land of opportunity like Oregon must have done so because of personal, moral failings, and were a threat to the security and health of Oregon. These stories also reiterated fears of outsiders fast approaching the city of Portland, which would necessitate increased surveillance and policing to ensure the protection and safety of the community.

As the population of undesirably mobile, impoverished laborers and unemployed white men continued to move into Portland, city officials sounded the alarm predicting an increase in crime. In 1885, the Portland police warned of an impending “army of tramps” making its way into the city.²⁰⁵ The specter of an unknown, advancing enemy nearing Portland built on existing fears swirling around increasing populations in the North End. Two years later, the Oregon State Legislature passed a state-wide “Vagrancy Law.” This statute established a legal definition for “vagrant” as any

idle or dissolute persons who have no viable means of living or lawful occupation or employment by which to earn a living; all persons who shall be found within the State of Oregon begging the means of support in public places, or from house to house, or who shall procure a child or

²⁰⁴ “Biennial Message of Gov. S.F. Chadwick to the Legislative Assembly of the State of Oregon, Tenth Regular Session— 1878,” (Salem, OR: Mart V. Brown, 1878), 40.

²⁰⁵ “Dealing With Tramps and Beggars,” *Morning Oregonian*, June 30, 1885.

children so to do, all persons who shall live in or about houses of ill-fame or ill repute, shall be deemed vagrants.²⁰⁶ The language used in the state law was almost identical to Portland's ordinance. With the passage of this law, persons arrested as vagrants were subjected to state courts and carceral facilities. The *Weekly Oregon Statesman* suggested that the state had declared "vagrancy an offense against the peace and dignity of the state."²⁰⁷ The state-wide statute highlights the intersecting anxieties regarding poverty, mobility, and criminality in the state's legal discourse. Oregon's vagrancy law was repealed two years later due to concerns about the additional costs of arrests, prosecution, and confinement of offenders placed on tax payers. However, city and county vagrancy ordinances throughout Oregon were still largely in effect.

Portlander's concerns about unemployed or underemployed populations did not decrease after the repeal of the state vagrancy law. The estimated population of itinerate, seasonal laborers in Portland's North End in 1890 was approximately 3,000. Just ten years later, that population increased to approximately 5,000 or 6,000.²⁰⁸ In 1901, the Secretary of Police Commissioners sent a letter to the Portland city council addressing the "large number of 'Hobos' and tramps...crowding the city jail."²⁰⁹ He suggested that these prisoners "be employed in cleaning Streets or crushing rocks and repairing

²⁰⁶ "The State Vagrancy Law," *Albany Democrat*, June 10, 1887.

²⁰⁷ "Another Vagrant," *Weekly Oregon Statesman*, May 20, 1887.

²⁰⁸ Aurand, 37.

²⁰⁹ City Auditor, Annual Report of Police Chief, AF/15491, 1881-1914, Portland City Archive, Portland, Oregon.

roads.”²¹⁰ In that year, Chief of Police D.M. McLauchlan reported that 282 people were arrested for vagrancy, out of a total of 3,803 arrests.²¹¹ Mayor H.S. Rowe’s annual message from 1901 contended that while Portland had seen an increase in smallpox cases in the last year, “many of these were indigent persons sent in from outside districts.”²¹² By identifying seasonal, highly mobile laborers as outsiders, city officials promoted notions of unknown and foreign populations as carriers of disease and immorality while simultaneously dehumanizing and devaluing impoverished communities. City and state officials engaged rhetoric and discourse that perpetuated medical theories that cast economically marginalized populations as inherently diseased, immoral, criminal, and foreign.

The prevalence of cases suggests that the vagrancy ordinance was policed heavily within the city not only as a means of social control but also an attempt at deterrence. On April 14, 1901, cases before the Police Court were the highest they had been in six weeks, with “fully one-half” of the cases consisting of “vagrants and inebriates.” The likely punishment for these cases was a twenty to thirty day sentence at the city rock pile.²¹³ Two months later, Chief Daniel M. McLauchlan ordered patrolmen in the North

²¹⁰ Ibid.

²¹¹ “Mayor’s Message and Municipal Reports for the Fiscal year Ending December 31, 1901,” (Portland, Oregon: Schwab Brothers Printing and Lithography Company), 201-204.

Arrests for “drunkenness” in 1901 eclipsed vagrancy arrests, totaling 1,346.

²¹² “Mayor’s Message and Municipal Reports for the Fiscal year Ending December 31, 1901,” 22-23.

²¹³ “Rock Pile Recruits: Police Gather in Many Vagrants and Drunks,” *Oregon Daily Journal*, April 14, 1902.

End to “bring in all suspicious looking characters.”²¹⁴ As a result of this order, four vagrants were arrested, and despite sentencing in the Police Court, their punishment would be commuted if they left the city immediately.²¹⁵ In 1904, Chief Charles H. Hunt marched sixteen “hobos” from the police station to “the east side of the Burnside bridge” and told them leave to city.²¹⁶ Later in the day, eight more vagrants were “sent out and ordered to head from the city.”²¹⁷ Continued instances of vagrancy ordinance violations indicated that heavy policing to deter vagrancy was not successful. The reliance on forced removal in lieu of punishment suggests that political leaders and law enforcement wanted to rid the city of undesirable populations, as a means of visible social control.

At the turn of the century, increased immigration from Eastern and Southern European countries, expanded membership in labor unions like the Industrial Workers of the World (IWW), and the growth of leftist political parties stoked fear and nativist sentiment among white, middle-class Oregonians.²¹⁸ Federal, state, and local authorities viewed the adoption of radical political ideologies as antithetical to American ideals and argued that those ideologies had foreign origins. Tensions between employers and labor unions and labor strikes throughout the country increased the public’s fears of the perceived power of working-class radicals. Rising to prominence in 1907, the IWW

²¹⁴ “Punishing Vagrants,” *Oregon Daily Journal*, June 23, 1902.

²¹⁵ *Ibid.*

²¹⁶ “Two Dozen Hoboes Are Marched Out Of Town,” *Oregon Daily Journal*, December 26, 1904.

²¹⁷ *Ibid.*

²¹⁸ Andrew Nils Bryan, “The Response to Left-Wing Radicalism in Portland, Oregon, from 1917-1941,” (Portland, OR: Portland State University, 2002), 4-7.

offered union membership to the unskilled laborers who held seasonal positions in mines, lumber yards, and on farms, and would typically find themselves identified as “tramps” or “vagrants.” The IWW office was located in the heart of Portland’s North End on Burnside Street.²¹⁹ The union office was situated among the hotels, saloons, gambling houses, and brothels that elicited derision from middle and upper class Portlanders, and subjected residents of the North End to surveillance and policing. Armed with a powerful critique of industrial capitalism and the detrimental effects of the wage labor system, the IWW embodied the fears and anxieties of Oregon’s middle and upper classes.

In 1911, the Oregon State Legislature again passed a state-wide vagrancy law. The legal definition of vagrancy included in the new law was similar to the 1887 state law and Portland’s ordinance. However, the 1911 definition was expanded to include persons with the “physical ability to work” who were unable to find employment within ten days or those who turned down work when offered. Although the newly passed law did not overtly target political activists, the portion of the definition that denoted persons engaging in “violent or riotous, or disorderly manner” or using “any abusive or obscene language in any street, highway, house, or place whereby the peace and quiet of the neighborhood or vicinity may be disturbed” allowed the newly passed law to be broadly applied to labor activists and political radicals.²²⁰

²¹⁹ Aurand, 36.

²²⁰ *Oregon Laws: Showing All the Laws of a General Nature in Force in the State of Oregon, Including the Special Session of 1920*, (San Francisco: Bancroft and Whitney, 1920), 1234.

On July 15, 1913, an IWW demonstration resulted in the arrest of at least ten members and supporters of the organization on charges of vagrancy and disorderly conduct. Citing events that took place at the demonstration, including speeches that vilified public officials, desecration of the American flag, and “endeavoring to create a general strike,” the mayor, sheriff, and police chief declared their intention to finish the “war” with the IWW.²²¹ An article in the same edition of the *Oregon Daily Journal* included a quote from the secretary of the IWW in San Francisco, California, who asserted that an army of one hundred IWW, Socialists, and Socialist Labor party members from California was making their way to Portland to lend support to the Portland chapter of their organization.²²² Like the frequent stories about armies of tramps destined to inundate the city in the late 1800s, the specter of an unknown, invading army of disruptive radicals incited fear amongst the general public. Officials responded by increasing surveillance and policing of labor activists and political radicals.

Labor strikes and demonstrations throughout Oregon affected the ability of industries integral to the war effort to produce goods. Reactions to these events, and especially to the IWW, bolstered notions that labor union members and leftist political followers were treasonous and unpatriotic.²²³ One day after President Woodrow Wilson proclaimed America’s entrance into World War I, US Attorney General Clarence L. Reames announced that the state of Oregon would vigorously prosecute “disloyal

²²¹ “Start War to Finish on I.W.W.; No Further Insults to Flag, Indecent Talk on Streets to Stop,” *Oregon Daily Journal*, July 16, 1913.

²²² “I.W.W. Start for Portland,” *Oregon Daily Journal*, July 16, 1913.

²²³ Bryan, 22-23.

utterances and acts.”²²⁴ Reames extolled the broad applicability of the vagrancy law, and how it could be used “in practically every instance where intemperate or violent language is used against the government.”²²⁵ Like the justification used during the Portland IWW demonstrations in July 1913, language critical of the government would be specifically targeted, citing the section from the vagrancy ordinance which referenced disordered behavior and obscenities.

Anti-radical attitudes and actions in Portland in the years preceding and following America’s entrance into World War I reflected larger, national trends. In 1917 and 1918, Congress passed the Espionage Act and the US Immigration Act. These federal laws imbued authorities with increased power and latitude to prosecute and imprison labor activists suspected of engaging in treasonous or seditious speech, and even the ability to deport foreign members of labor unions, notably the IWW.²²⁶ Laws, policing, and societal attitudes cultivated during this era helped solidify an “American” identity linked with patriotism, capitalism, domesticated family ties, and stable employment. By discursively linking labor unions, labor activists, and certain political ideologies with foreign-ness and aberrant behaviors, state and local leaders effectively added a narrow interpretation of “Americanness” to the paradigm of poverty, health, and criminality. The broad use of vagrancy laws during the first Red Scare delineates how government authorities in

²²⁴ “Government Is Ready to Suppress Disloyal Utterances and Acts,” *Oregon Daily Journal*, April 7, 1917.

²²⁵ *Ibid.*

²²⁶ Bryan, 9; 41.

Portland manufactured notions of subversive or dangerous populations in the city that resulted in their increased surveillance, policing, and confinement.

Ordinances and state laws passed between 1851 and 1911 that targeted vagrancy, behavior, and health successfully criminalized poverty, mobility, and activism. The malleability of the legal definition of “vagrant,” expanded police powers, and widespread societal anxieties during the “Tramp Panic,” allowed law enforcement officers to apply ordinances and laws at their discretion. Normative social constructs about race, class, and political ideologies influenced how and when vagrancy laws were applied. Emphasis on the normativity of stable work and employment, especially in the context of an economic recession and limited social welfare institutions, meant seasonal labor and begging as a means of survival were perhaps the only option for some Portlanders during this era. However, city ordinances and state laws specifically precluded their mobility and visibility within city limits.

The maintenance of social norms through public health reinforced the notion that health was synonymous with “‘Americanness,’ and health officers helped determine who was considered part of the body politic.”²²⁷ Imbuing the Portland Police Force with the powers of public health officers solidified the connection of state power with preservation of Portland’s salubrity. Like the fluid and malleable interpretations of “vagrant,” health functioned as coded language to refer to societal and cultural norms that were used to deny access to those who exhibited behaviors that were outside of accepted norms.

²²⁷ Natalie Molina, *Fit to be Citizens? Public Health and Race in Los Angeles, 1879-1939*, (Berkeley, CA: University of California Press, 2006), 14.

The emphasis placed on traditional, white, heteronormative, patriarchal family structures as integral pieces of American society affected women's ability to exist both inside and outside that proscribed structure. As we shall see in the next chapter, control of women and their ability to reproduce was essential to the maintenance of white supremacy and hierarchical caste systems.

Chapter 4: The Criminalization of Sex: 1871-1923

Sex was, and continues to be, a public issue between the State and the individual.²²⁸ In Portland, sex work existed in the city long before the city council acknowledged it as a “problem” in an ordinance targeting bawdy houses passed on March 1, 1871.²²⁹ Although the city council adopted a vagrancy ordinance one year earlier that included a provision targeting persons who resided in or around houses of ill fame, the bawdy house ordinance specifically targeted sex workers. The law required the prosecution of the owner, operator, or employee of “every house or place used for the purpose of prostitution, fornication or lewdness.”²³⁰ Women who were found guilty under this ordinance could end up in jail for no more than a year, but would likely be fined five dollars.²³¹ The police chief prosecuted these cases based on his reasonable belief that someone had violated the ordinance.²³² Historian Charles Abbott Tracy suggested that the prosecution of sex workers was likely not the primary concern of Portland police, due to the fact that from 1870 to 1875 they only made 16 arrests for prostitution. However, arrests for prostitution increased to 60 during the period 1877 to 1879.²³³ The close

²²⁸ Foucault, *The History of Sexuality*, 26.

²²⁹ Charles Abbot Tracy, “Police Function in Portland, 1851-1874: Part III.” *Oregon Historical Quarterly* 80, no. 3 (Fall 1979): 294.

²³⁰ “Ordinance No. 959: An Ordinance to Suppress Bawdy Houses,” *Morning Oregonian*, March 11, 1871.

²³¹ Abbot Tracy, “Police Function in Portland, Part III,” 294.

²³² “Ordinance No. 959: An Ordinance to Suppress Bawdy Houses.”

²³³ Abbot Tracy, “Police Function in Portland, Part III,” 294-295.

relationship between sex work and saloons, and the seeming lack of enthusiasm to enforce the bawdy house ordinance, could be attributed to elite Portlander's financial investments in North End real estate. However, numerous overlapping ordinances targeting women and women's sexuality suggests that the control of women's reproductive abilities was an area of increasing anxiety and concern for Portland's elite.

The rapid changes wrought by industrialization and urbanization reinforced the importance of the family unit, motherhood, and children, and society's role in their protection. In the preceding Victorian era, the doctrine of separate spheres gave women the moral authority over family life in the private sphere, while men existed in "the competitive world of the public sphere."²³⁴ Progressive female reformers did not seek to subvert women's prevailing status of dependency, either on her husband or the state. Rather, they used accepted notions of female inferiority to advocate for reforms to ensure the protection of women, children, motherhood, and the family.²³⁵ Women leveraged their roles as moral authorities and dependents to gain access to political power, as female reformers stressed the inextricable links between the home and the community.²³⁶ The political power gained by female Progressive reformers was largely focused on white, middle-class women. This power was amassed by reinforcing class divisions, parsing

²³⁴ Laura Lovett, *Conceiving the Future: Pronatalism, Reproduction, and the Family in the United States, 1890-1938*, (Chapel Hill: University of North Carolina Press, 2007): 4.

²³⁵ Eileen Boris, "Reconstructing the 'Family': Women, Progressive Reform, and the Problem of Social Control," in *Gender, Class, Race, and Reform in the Progressive Era*, eds. Noralee Frankel and Nancy S. Dye (Lexington, KY: University of Kentucky Press, 1991): 73.

²³⁶ Nancy S. Dye, "Introduction," in *Gender, Class, Race, and Reform in the Progressive Era*, eds. Noralee Frankel and Nancy S. Dye (Lexington, KY: University of Kentucky Press, 1991): 3.

citizenship, and emphasizing the moral superiority of middle and upper class, white women. Although the ethos of the Progressive era appeared to be different from those of the Victorian era which preceded it, similar strictures of race, class, gender, and immigration status suffused the movement and its reforms.

Progressive reformers relied on engrained notions of difference, based on racial and class hierarchies developed in prior decades. Racist, pseudo-scientific theories developed in the nineteenth century that purported to prove racial difference, gave a scientific basis to the “naturalness” of race, and ideas of blood purity.²³⁷ The ability to claim a racial identity was predicated on the ability to definitively prove belonging to a family unit. Those who were unable to prove their heritage, ancestry, or genealogy existed on the margins of emergent racialized boundaries.²³⁸ Wealthy, white Progressive reformers viewed themselves as righteous and moral, and it was their duty to work to better their society and those in it.

The policing, incarceration, and sterilization of aberrant populations became a moral imperative for Oregon’s Progressive era reformers. Reducing criminal potentialities and the cost burden of charity on the broader population would not only benefit society as a whole, but proponents of carceral institutions and eugenicists viewed separation through incarceration, and eugenic sterilization programs as therapeutic measures for those burdened with subnormal mental dispositions. However, the

²³⁷ Brian Donovan, “The sexual basis of racial formation: Anti-vice activism and the creation of the twentieth-century ‘color line,’” *Ethnic and Racial Studies* 26, vol. 4 (2003): 710.

²³⁸ *Ibid.*

arguments used by eugenicists belied their larger objective: the maintenance and solidification of the hierarchical caste system based on race, class, gender, and immigration status. The underlying message of the physicians and academics was the inherent inferiority of any non-white or culturally non-Anglo-American person. This inferiority was theorized to be heritable, contagious, and thus an immanent danger because it could be passed down to the next generation. The inherent hypersexuality and fecundity of women of color and feeble minded white women posed a danger to the maintenance of racial purity in Oregon.

The Rise of Eugenics: Confining the Aberrant Female Body, 1907-1923

A central element of social protection reforms was the regulation of the female body to ensure the maintenance of female virtue. The Portland Police Force established an auxiliary division devoted to the protection of women on December 23, 1907.²³⁹ Lola Baldwin lobbied tirelessly for the establishment of the Women's Protective Division, arguing that Portland "would 'be known from east to west as the city which believe[d] in protecting and cherishing pure, sweet, young womanhood."²⁴⁰ Baldwin had previously worked with the Traveler's Aid Society, an arm of the YMCA, to prevent young women and girls from falling prey to vice during the Lewis and Clark Centennial Exposition in 1905. Women and girls from all over Oregon and the country came to Portland prior to

²³⁹ Gloria Elizabeth Myers, "Lola G. Baldwin and the Professionalization of Women's Police Work, 1905-1922," (Portland, Or., Portland State University, 1993): 12.

²⁴⁰ Myers, 13.

the start of the Expo to find employment.²⁴¹ In her final report as a member of the Traveler's Aid Society after the closing of the Expo, Baldwin warned that the end of the preventative policies used by the Society would result in a marked increase in crime and the victimization of young girls throughout Portland.²⁴² As the Expo closed, many of the job opportunities for young women also terminated, leaving scores of unemployed women with scant resources or job opportunities.²⁴³ Reformers often did not directly address the effects industrial capitalism and the wage labor system had on women, children, and the family. Women and children were compelled to enter the work force in order to support working-class families because of the precarious economic situation. Instead, reformers proposed changes that centered on the betterment of city and municipal services, and eventually on social protections for women and children.²⁴⁴ The implementation of a law enforcement apparatus specifically focused on the protection of women is illustrative of the Progressive era municipal reforms.

Loss of employment opportunities from the Lewis and Clark Centennial Exposition was not the sole arbiter of girl's and women's tenuous economic situation in Portland. At the turn of the century, Portland experienced a period of business growth that brought increased wealth to the city's elites. However, the wealth generated from that growth was not distributed throughout the city due to the lack of business taxes and

²⁴¹ Myers, 5-6.

²⁴² Myers, 9.

²⁴³ Ibid.

²⁴⁴ Dye, 4.

regulations which resulted in the underfunding of many public services, including public health and sanitation services.²⁴⁵ During this period, 20 percent of women in the US worked outside the home, making them 18 percent of the labor force. Notably, young, single women made up a majority of this new labor force. This trend was echoed in Portland, with 23.4 percent of women over the age of ten working at the turn of the century.²⁴⁶ The lack of employment opportunities in rural areas forced women to migrate to urban areas for work at younger ages than their male counterparts, who typically left home at the age of 20.²⁴⁷ Industrialization and wage labor necessitated women's movement into the labor force. However, the intractability of proscribed gender roles made this shift a threat to the entrenched social order.

Assumptions regarding the high likelihood of working class and impoverished women to be feeble-minded necessitated a female-centric police force to surveil and police this population. The Women's Protective Division was inaugurated during the term of Mayor Harry Lane, a physician and supporter of the social hygiene movement. The ethos of the auxiliary law enforcement unit was firmly within the burgeoning Progressive era movement which was centered on the purification of society. By mitigating the number of young girls who fell into sexual immorality, Portland's social control mechanisms would prevent the proliferation of unwed mothers, venereal disease, and

²⁴⁵ Leanne Claire Serbulo, "Women Adrift, Sporting Girls and the Unfortunate Poor: A Gendered History of Homelessness in Portland 1900-1929," (Portland, Or., Portland State University, 2003): 20.

²⁴⁶ Serbulo, 32.

²⁴⁷ Serbulo, 33.

prostitution in the city. However, historian Gloria Myers argues that Lola Baldwin struggled to fit her traditional and moralizing views on gender, firmly rooted in the Victorian era, within the Progressive era reliance on scientific reforms.²⁴⁸ Baldwin's approach to policing centered on the maintenance of Victorian era racial, class, and gender structures.

As Portland's population increased and the city continued to grow, the focus of the WPD changed. During the Victorian era, charity workers viewed the uncontrolled sexuality of fallen women to be "temporary 'sinful' aberrations" from which they could be rescued.²⁴⁹ The emergence of the female delinquent in the Progressive era shifted blame and juridicial focus onto the female body. Portland's Progressive reformers viewed women who engaged in sexually licentious behaviors, or who were presumed to engage in these behaviors, as giving in to their baser and primal instincts. This ostensibly placed these women within the category of feeble-minded.²⁵⁰ While women had previously been subjected to arrest, prosecution, and incarceration, the female delinquent was significant in that it squarely placed nearly all the blame for sexual behavior on the female. The development of the female delinquent further solidified the connection between the sexuality and mental deficiency. This affiliation justified the increased surveillance, detention, and eventual eugenic sterilization of sex workers in order to protect society as a whole.

²⁴⁸ Myers, 18-22.

²⁴⁹ Myers, 40.

²⁵⁰ Myers, 43.

Arrests made by officers of the WPD reflected the increased scrutiny and blame placed on women. In 1908, a man convicted of “contributing to the delinquency of a minor” was released when Baldwin discovered that the girl involved was of “habitual loose character.”²⁵¹ Similarly, a streetcar conductor was arrested for sex with a minor, but the case was dismissed when it was revealed the young girl involved had “spent hours loitering in a streetcar waiting room” and was known to have been “intimate with a middle-sized Greek.”²⁵² In both cases, Baldwin herself spoke to the good reputations of the men arrested, which directly contributed to their release, despite the girls involved labeled “minors” in each case.²⁵³ These instances reflect the increasing fear of uninhibited female sexuality, and the possibility of the progeny that would be produced from these liaisons. If presumably feeble-minded women engaged in sexually licentious behavior, their progeny would in turn be feeble-minded and would be a burden to society, either due to their need for charity, institutionalization, or the crimes they were likely to commit. The case of the young girl who was supposedly intimate with a Greek indicated the racialized layer of these fears: intimacies with foreign men would result in children who would defy notions of racial purity and challenge the hierarchy of race imbricated in Oregon’s social fabric. The Women’s Protective Division of the Portland Police Force typified the Progressive era approach to social control of the female body, as it manifested in Portland, Oregon. Baldwin and the other officers of the WPB wanted to

²⁵¹ Myers, 42-43.

²⁵² Ibid.

²⁵³ Ibid.

maintain social norms by separating classes, genders, and races. The policing of behaviors, especially the behaviors and assumed transgressions of women, became the focus of the WPD.

These fears of dysgenic couplings and women's integral role in the unmaking of Portland's caste system necessitated intervention from the courts. The proliferation of detention homes in the city coincided with the increased concern over women whose sexuality posed a threat to society, who were declared feeble-minded or found themselves under state or federal scrutiny, and could be sentenced to incarceration in these facilities. In 1903, federal immigration authorities arrested two newly arrived French women in Portland. Their arrest was predicated on the belief that both women would lead "improper" lives in the city. While they awaited deportation, Lea and Victoria Gautier were held at a Catholic detention home located in North Portland, House of the Good Shepard.²⁵⁴ Immigration inspectors from the Washington Department of Commerce and Labor, the regional federal outpost out of which immigration investigations were executed, wanted to find the "procurers" who brought the women into the United States. Despite several months of inquest, the investigators were unsuccessful and both women were able to stay in the country.²⁵⁵ Immigration officers conducted numerous other surveillance operations throughout the Pacific Northwest during this period and

²⁵⁴ "Lea, But Not 'The Forsaken,'" *Oregon Daily Journal*, December 18, 1903.

²⁵⁵ "French Women To Be Deported," *Oregon Daily Journal*, October 20, 1903.

orchestrated investigations, raids, and arrests of immigrant women throughout the region.²⁵⁶

The arrest and incarceration of the Gautier's illustrated the state's increased concern with curbing women's sexuality and a deepening reliance on detention homes as an essential part of Oregon's gendered carceral continuum. The incarceration of deviant women in detention facilities is illustrative of Progressive era reforms centered on the inherent difference between men and women, and the need to surveil, police, and incarcerate women in a different, gentler manner than men. However, these detention homes mirrored patriarchal familial structures, continuing to place marginalized and working class women in dependent positions. Indeterminate sentencing, compulsory medical examinations and vaccinations, industrial, domestic and maternal education programs, and inadequate monetary support did little to actually help women confined in these facilities. The long-term incarceration of young women for undesirable and immoral behavior reflected the desire to separate and segregate marginalized and working class women during their reproductive years.

Many detention homes, including the House of the Good Shepard, the Louise Home, the Florence Crittenton Home, the St. Elizabeth's Home, and the Salvation Army Rescue Home, were private facilities associated with or administered by religious

²⁵⁶ "To Enforce The Exclusion Law," *Oregon Daily Journal*, September 22, 1903, 2.

organizations.²⁵⁷ They offered lodging, food, compulsory medical exams and vaccinations, and industrial and moral education programs for young women and girl. These reform-minded programs centered on the idea that female inmates could be turned into contributing members of society. Compulsory medical examinations and vaccinations became an integral function of detention homes for women after 1907 when the Wasserman test was discovered. This test detected syphilis, a sexually transmitted infection that had been discovered just two years earlier. Shortly after the discovery of the Wasserman test, Lola Baldwin requested that all girls who came to her attention were given the test to ascertain their STI status. The test was administered and paid for by the State Board of Health. A positive result could result in the legal quarantine of the girl at the request of the policewoman by the state officials.²⁵⁸ Despite use of reformist language and a veneer of “science,” the ideologies undergirding these detention facilities differed little from Victorian era social norms. The fear of the fallen woman and the diseased female body, coupled with the emphasis on maternal culpability exemplified in the family studies discussed earlier, affected women’s ability to access adequate assistance. Female-

²⁵⁷ The House of the Good Shepherd, established in North Portland in 1902, was associated with national Catholic organization, with the mission to assist poor, young women. They provided lodging, education, food, industrial education, and Catholic-centric, moral “education.” The Florence Crittenton Home, originally opened as The Women’s Refuge Home for Fallen Women by the Women’s Christian Temperance Union in 1892 and operated as a shelter for sex workers. After it became associated with the national Florence Crittenton organization, it reorganized to focus on unwed mothers. The Salvation Army Rescue Home was focused on unwed mothers, and the mission statement referred to the women incarcerated in the facility as “homeless.” The Saint Elizabeth’s Home established in 1909 on the east side of the city, was administered by the Sisters of John the Baptist. Serbulo, 91-103; Terri Silvis, “Villa St. Rose,” National Register of Historic Places Nomination Form (Washington, D.C.: U.S. Department of the Interior, 2000), Section 7 and Section 8. <https://npgallery.nps.gov/GetAsset/9f73e644-b44b-4564-8356-8b7a1c9f85fd>.

²⁵⁸ Myers, 51.

led charity organizations opened and operated detention homes for sex workers, female delinquents, and eventually unwed mothers, as early as 1892.²⁵⁹ Prior to this period, women who were arrested were subject to fines and short terms of incarceration, or they could pay off police officers to avoid the court system altogether. In some instances, women charged as prostitutes by the Police Judge were allowed to leave the city instead of serve time, much like their male counterpart, the vagrant.²⁶⁰ With the emergence of the Progressive era reform movement, the popularity of societal improvements achieved through rational, scientific solutions necessitated an institutional system that detained, sequestered, and attempted to train and educate young women to ensure their proper entrance back into society. However, women's dependent positions imbued these facilities with immense power over inmates' treatment during detention, and their length of incarceration.

The social status of unwed mothers changed markedly in the first decade of the 1900s, resulting in an increased need for institutions specifically for this population of young women.²⁶¹ Notably, the Louise Home, opened in 1908, a social service institution specifically for unwed mothers, delinquent girls, and sex workers, funded by Reverend William G. MacLaren and associated with the Portland Commons, a Christian

²⁵⁹ Serbulo 103.

²⁶⁰ Serbulo, 80.

²⁶¹ Serbulo, 91.

While pregnancy out of wedlock was considered to be a social taboo prior to this period, communities and kinship networks would support unwed mothers and their children.

philanthropic organization.²⁶² The pregnant inmates at Louise Home remained at the facility for six months, three months prior to their due date and three months after. The girls who were deemed “fit” to care for their children were compelled to keep their children. In the case of venereal disease, girls were kept until they were cleared by a physician, and during their stay an investigation was done to ascertain persons with whom they had contact and efforts were made to compel them to also get treatment. Delinquent cases were often placed in the home via the court system, and some were ultimately placed in private homes in what functioned as a precursor to a foster care system. Portland’s Juvenile Court was established in 1905. This Progressive era reform was integral to funneling young girls to detention facilities like the Louise Home for aberrant behaviors or petty crimes in hopes of reforming them. This also coincided with the creation of “childhood” as a concept, due to child labor laws which made children less of a labor market commodity and increased concern about juvenile delinquency.²⁶³

Policing morality was not just under the purview of the Women’s Protective Division. In 1909, Mayor Lane declared that every Portland police officer was a member of the “moral squad.” Prior to this, the moral squad was a plain-clothes auxiliary unit tasked with the enforcement of laws pertaining to vice, gambling, and morality. With Mayor Lane’s announcement, it became municipal policy to entrust “the morals of the

²⁶² Serbulo, 81, 103. Allen J., Jan A. Johannesen, “Louise Home Hospital and Residence Hall,” National Register of Historic Places Nomination Form, (Salem, OR: Statewide Inventory of Historic Properties, 1987): Section 7 and Section 8. <https://npgallery.nps.gov/GetAsset/85b2504d-6f82-4555-b6d3-aaa389e9a299>. Hereafter, “Louise Home Hospital and Residence Hall.”

²⁶³ “Louise Home Hospital and Residence Hall.”

city to the patrolmen on the beats, and hold them responsible for the results.”²⁶⁴ Mayor Lane told reporters that they would use every officer to “purify” the city, including its suburbs, to address rumors of women from the North End district moving into out of the red light district.²⁶⁵ The intensification of policing crimes of immorality reflects broader trends of the Progressive era and the desire to implement municipal reforms to purify the city. These reforms also happened at the state level, and took a more modern and scientific approach to purification.

Concurrent with the establishment of the Women’s Protection Division and the increased attention to the regulation of sex and sexuality, and particularly the role of sex work, was the first attempt to pass a eugenic sterilization law in the Oregon State Legislature. Perennial advocate for eugenic sterilization legislation, Dr. Bethenia Owens-Adair, used her status as a medical professional and a woman to advocate for and legitimize these laws in Oregon. She argued that by preventing parents prone to disease or crime from breeding, Oregon could achieve the “purification and betterment of humanity.”²⁶⁶ Although the first attempt to pass a sterilization law in 1907 was not successful and the path to the passage of a law was laborious, Dr. Owens-Adair and other Oregon eugenicists gained support for sterilization and normalized the surgical procedure in everyday discourse during the sixteen year process.²⁶⁷ Building on fears of race suicide

²⁶⁴ “Entire Force Is On Moral Squad,” *Morning Oregonian*, January 26, 1909.

²⁶⁵ Ibid.

²⁶⁶ Bethenia Owens-Adair, *Human Sterilization*, (Warrenton, OR, 1910): 1.

²⁶⁷ For a discussion on the challenges to Oregon’s eugenic sterilization laws, see Mark A. Largent, “The Greatest Curse of the Race,” *Oregon Historical Quarterly*, 103, no. 2 (Summer 2002), 188-209.

and hereditary degeneration pervading national discourse as immigration and urbanization increased at the turn of the century, a majority of Oregonians came to accept eugenic sterilization as a therapeutic procedure for deviant and subnormal inmates of prisons, asylums, and state homes, and an alternative to expensive state institutions that posed a cost burdened to wider society.

Eugenic ideologies seeped into myriad aspects of everyday life, including family planning exhibits and contests, which will be discussed later in this chapter, legislation that regulated marriage, and the court system. In 1913, the Oregon legislature passed a law requiring medical examinations of those applying for marriage. The law meant to ensure that both parties were “free from contagious or infectious venereal disease” prior to marriage.²⁶⁸ Before the passage of the law, which penalized physicians who knowingly made false statements about the health of marriage license seekers, members of the State Board of Health affirmed their support for their bill citing “the carelessness and inability of many physicians in making these examinations.”²⁶⁹

In May 1914, Municipal Judge John H. Stevens established the “Morals Court and Court of Domestic Relations,” a closed court session in which cases involving “morality” that did not necessitate a jury would be heard.²⁷⁰ Two days later, the *Oregon Daily Journal* reported that the Morals Court heard four cases: a man “accused of making domestic trouble” from excessive drinking, and “three colored girls arrested for

²⁶⁸ “Marriage Law Cited,” *Sunday Oregonian*, May 25, 1913.

²⁶⁹ Ibid.; Health Division, Board of Health Minutes Health 1914-1922, vol. II, 96A-019, Oregon State Archives, Salem, Oregon.

²⁷⁰ “Municipal Morals Court Established,” *Oregon Daily Journal*, May 24, 1914.

disorderly conduct.” In lieu of prison time for the man, Judge Stevens allowed him to “sign a pledge for one year,” and his wife agreed to give him another chance. The three girls, however, were placed on parole after they “promised to mend their ways.”²⁷¹ The article does not make it clear if these cases were linked. The 1917 Mayor’s Annual Report referenced the Morals Court, suggesting that this judicial process was still in use three years later. The Municipal Judge in 1917, Arthur Langguth assured the city in a report that the Moral Court sessions were not “designed to deprive anyone of a public trial,” but rather are used to protect defendants from the public’s “indecent curiosity.”²⁷² By establishing a judicial venue through which infractions against morality could be adjudicated and punished, women deemed aberrant were subjected to additional measures of surveillance and policing, in lieu of traditional judicial processes. Statutes like the marriage examination law and the establishment of the Morals Court functioned alongside the eugenic sterilization bill to promote and ensure pure breeding. Although passed prior to the successful codification of a sterilization law in the state, these policies similarly sought to curb the procreation of unfit populations.

The 1917 sterilization law proposed by Dr. Owens-Adair targeted feeble-minded inmates in state institutions. This law also established the State Board of Eugenics, a committee made up of superintendents of state carceral institutions whose members

²⁷¹ “Morals Court Session,” *Oregon Daily Journal*, May 16, 1914.

²⁷² City of Portland Oregon, *Mayor’s Message and Annual Reports for the Fiscal Year Ending November 30, 1916*, (Portland, Oregon, 1929): 48-49.

decided which inmates in their respective institutions were to be sterilized.²⁷³ Oregon's sterilization laws emphasized crimes of a sexual nature and those involving "moral deviants."²⁷⁴ Eugenicists, progressive reformers, and proponents of social hygiene were concerned with economics, poverty, and overpopulation. Reproduction and control of the body placed the locus of hereditarian and racialized fears of "race suicide" firmly onto women and their bodies.²⁷⁵ Feeble-minded and immigrant women were believed to have a propensity for sexual licentiousness, which ultimately threatened the health and purity of the white race. The ability to regulate the movement of these women, and control their reproductive capabilities were important aspects to ensure the survival and dominance of the fittest in Oregon.

Shortly after the passage of the 1917 sterilization law, Portland opened the Cedars, a detention home for female sexual delinquency and venereal disease in Portland.²⁷⁶ Oregon's role as supplier of raw material for war manufacturing, and the location of army bases in and around Portland placed increased focus on the moral status of the city at the onset of World War I. During this period, labor agitators were not the only population that faced increased scrutiny and repression. Women in Portland were

²⁷³ Largent, 199.

The 1917 sterilization law allowed inmates to appeal to the county circuit court if they were targeted for the procedure. An earlier iteration of the sterilization law had given the state complete authority to involuntarily sterilize persons confined within state institutions.

²⁷⁴ Largent, 197.

"Moral deviants" or "sexual perverts" were terms used to describe homosexuals, or persons caught engaging in homosexual acts.

²⁷⁵ Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002), 120.

²⁷⁶ Myers, 62.

subjected to broadened public health and social hygiene campaigns meant to protect male soldiers stationed in the city. Although concerns about social diseases like syphilis and gonorrhea had pervaded public health discourse prior to WWI, the influx of young, male recruits into the city put the issue into stark repose for federal and local officials. Prosecution and internment of labor agitators and “fallen women,” or those deemed likely to become prostitutes or radicals, during World War I was focused primarily on the impoverished in each group.²⁷⁷ The desire to incarcerate sexually deviant and radical people represents the confluence of beliefs surrounding feeble-mindedness, sexual licentiousness, criminality, and poverty as inherent threats to the community and the nation, and a need to prevent dysgenic coupling to preclude degenerate breeding.

Lola Baldwin had previously advocated for a facility like the Cedars as early as 1909, but was unable to secure both city council support and funding until 1914 and 1917, respectively. When funds were secured in 1917, Mayor George Baker declared that the Cedars would ““rid the community from the diseased women of the underworld.””²⁷⁸ The detention facility was the first of its kind in the United States, and demonstrated a cooperative partnership between federal and state law enforcement agencies to combat “threats to the moral and physical purity of the nation’s soldiers and potential recruits.”²⁷⁹ In the first two months operation, the Cedars detained over 200 women, averaging just 17

²⁷⁷ Adam Hodges, “‘Enemy Aliens’ and ‘Silk Stocking Girls’: The Class Politics of Internment in the Drive for Urban Order during World War I,” *The Journal of the Gilded Age and Progressive Era* 6, no. 4 (October 2007): 433.

²⁷⁸ Serbulo, 82-83.

²⁷⁹ Hodges, 447.

years old.²⁸⁰ The Cedars, like other detention homes in the city, emphasized separating young women during their reproductive years.

Much of the focus of this carceral facility was on separating unfit, diseased, and licentious women from young soldiers in order to protect men. National defense and public health agencies feared recruits and industrial workers would contract venereal diseases, which could effect the war effort.²⁸¹ In 1918, Congress passed the America Plan, which authorized the US Public Health Service to give states one million dollars per year to fund efforts to curb venereal diseases. Championed by Oregon senator and former state governor, George Chamberlain and California Representative Julius Kahn, state's eligibility for funding required increased surveillance and reporting of suspected venereal disease cases.²⁸² Oregon's strategic importance to the war effort necessitated increased protection of male participants in that effort. Between 1918 and 1919, the Sub-Committee for Civilian Cooperation in Combating Venereal Diseases produced a pamphlet entitled "Do Your Bit To Keep Him Fit." The pamphlet spoke of the dangers soldiers faced during their leisure hours when they "drift into the so-called 'Red Light' districts or fall prey to hordes of street-walking prostitutes who are probably even now crowding like vultures

²⁸⁰ Serbulo, 83-84.

²⁸¹ Amy L. Fairchild, James Colgrove, and Ronald Bayer, "The Myth of Exceptionalism: The History of Venereal Disease Reporting in the Twentieth Century," *Journal of Law, Medicine, and Ethics* 31 (2003): 627.

²⁸² Ibid.

into your community.”²⁸³ It was up to municipal governments and citizens, according to the Committee, to eliminate vice districts, and to do so was to “feel a deep sense of responsibility and sincere loyalty to the cause for which we are fighting in this war.”²⁸⁴ Aberrant and presumably diseased women posed a grave threat to soldiers and the war effort. The use of animalizing language to refer to sex workers evoked fear and unease, casting deviant and diseased women as the pivotal element imperiling America’s security.

In February 1918, Dr. Franklin Martin, a member of the advisory commission of the Committee for Civilian Cooperation in Combating Venereal Disease, corresponded with Mayor Baker about the “campaign against venereal diseases” in Portland.²⁸⁵ Dr. Martin urged Mayor Baker to adopt eight measures in order to curb vice and venereal disease in the city which included increased policing of sex workers, the detention of “infected and uninfected prostitutes” to detention facilities for treatment, rehabilitation, and the long-term incarceration in the State Institute for the Feeble-Minded for women determined to be feeble-minded, and the passage of an ordinance requiring all physicians to report venereal diseases to the city health officer.²⁸⁶ To ensure the protection of soldiers and industrial workers, aberrant women incurred expanded surveillance, policing, and incarceration. Although the literature largely focuses on venereal disease, the use of

²⁸³ “Do Your Bit to Keep Him Fit,” Sub-Committee for Civilian Cooperation in Combating Venereal Disease, Council of National Defense, 1918-1919, 2006-010, Box 6 Folder 28, University of Houston Library Special Collections Repository, Digital Collection. <https://id.lib.uh.edu/ark:/84475/do3412z420b>. Accessed January 5, 2021.

²⁸⁴ Ibid.

²⁸⁵ Allen G. Rushlight, Detention Home, AD/6444, 1913, Portland City Archives, Portland, Or.

²⁸⁶ Ibid.

animalizing language and the entrenched legacy of women acting outside of gender strictures as an indicator of mental deficiency suggests that these measures were not just focused on the mitigation of sexually transmitted infections. The separation of women deemed aberrant from society at large curtailed unwanted pregnancies, which would diminish the proliferation of progeny with weak traits due to hereditary degeneracy.

Just a week after securing funding for the Cedars, the city council passed an “Ordinance for the Control of Venereal Disease,” a broadly written law that required city health officers to “‘immediately use every available means’ to confirm infection and the source of infection, ‘in all suspected cases of venereal diseases in the infectious stages.’” The law further allowed health officers to hold women for examinations, limit the mobility or quarantine persons “reasonably suspected” of carrying a contagious disease as a public health measure. Historian Adam Hodges notes that the ordinance did not include a standard for “reasonableness,” thus leaving its use up to the health officers. Due to the common assumption that sex workers were likely carriers of contagious diseases, this law expanded the opportunity for the increased policing, surveillance, and detention of sex workers and women assumed to be sex workers.²⁸⁷ Like the nebulosity of the vagrancy ordinance passed nearly fifty years earlier, the venereal disease ordinance allowed for wide applicability of the law. The ramifications of this ordinance, unlike the vagrancy statute, were far harsher due to the increased power afforded health officers to investigate possible infections, forced medical examinations, and indeterminate sentencing which could result from a positive test result.

²⁸⁷ Hodges, 449.

Although detention facilities like the Cedars engaged in indeterminate sentencing of inmates, the need to control deviant women did not cease once they left these institutions. In February 1918, a system of parole was established for women released from the Cedars.²⁸⁸ Operated by Anna Murphy, who was the parole and education officer for both the Kelly Butte and Cedars facilities, contact with the parolees was maintained for “as often and for as long as [Murphy] requested or [the parolee risked] referral to the courts.” Murphy was involved in private aspects of these women’s lives and would sometimes interfere in relationships she found inappropriate. In her notes, Murphy listed more than half of the women she surveilled as having serious behavior problems.²⁸⁹ Like the detention homes from which they were released, paroled women had difficulty securing housing, employment, or financial funding after spending months or years in carceral facilities. Enormous importance was placed on maintaining surveillance over paroled women to ensure adherence to social and behavior norms as a continuation of separation-as-eugenics programs.

Detention facilities like the Cedars continued to function after the end of WWI. Funding for the Cedars eventually ran out in 1923, and despite attempts by the Women’s Protective Division head Martha Randall, who took over the after Lola Baldwin’s retirement, the city council had little interest in maintaining the facility with one city commissioner arguing that the conditions at the Cedars were akin to “a first-class hotel,”

²⁸⁸ Hodges, 452.

²⁸⁹ Hodges, 452-453.

and did little but pamper the “law breakers” in the facility.²⁹⁰ Although The Cedars closed, Portland’s web of detention homes continued to function as part of a gendered carceral continuum.

The same year the Cedars closed, the final version of Oregon’s eugenic sterilization law passed prompted by a challenge to the proceeding legislation. An inmate at the state penitentiary, Jacob Cline, challenged the existing law in 1921, citing its unconstitutionality because of the lack of due process afforded those whose cases were presented to the Board of Eugenics.²⁹¹ This version allowed for the sterilization of “all feeble-minded, insane, epileptics, habitual criminals, moral degenerates and sexual perverts who are a menace to society.” To avoid court challenges, the law was written such that a person could only be sterilized if they consented to the procedure or a court ruled that they should be sterilized.²⁹²

By 1922, 15 states had passed sterilization laws.²⁹³ Eugenic sterilization was emblematic of negative eugenic programs, preventative measures to curb the reproduction of populations deemed unfit. The determination of “fitness” was a subjective endeavor, influenced by engrained notions of normativity, racial hierarchies, and traditional morality. In order to combat increasing immigration, urbanization, and populations of the unfit, eugenicists advocated for programs that promoted the protection

²⁹⁰ “Detention Home Denied,” *Morning Oregonian*, March 8, 1923.

²⁹¹ Largent, 200.

²⁹² Largent, 201.

²⁹³ Largent, 192.

of white women and the breeding among fit populations. These positive eugenic programs coexisted with eugenic sterilization and were integral in the codification of Portland, Oregon's racial caste system.

White Slavery and Better Babies: Protecting White, Female Virtue Through Positive Eugenic Programs, 1910-1917

In the 1910s, salacious narratives of white slavery reinforced the idea that young, white women were vulnerable victims of the sexual depravity and criminality of racialized populations.²⁹⁴ At the same time, the proliferation of positive eugenic programs like Better Baby contests, throughout the nation promoted good breeding practices among middle and upper class, white populations. Sponsored by the *Women's Home Companion*, these contests, held at local and state fairs alongside livestock exhibits, invited mothers to

²⁹⁴ The term "white slavery" emerged during the 1830s labor movement to refer to the low wages and conditions English and American workers experienced. The use of the term "slavery" evoked images of enslavement in the United States, and implied concerns of political and economic disempowerment of white laborers. Mara L. Keire chronicles the gradual sexualization of white slavery through the rhetoric used by British Abolitionists, who used the term to refer to the exploitative relationship between the capitalist state and sex workers. By the late 1800s, the term came to signify "involuntary brothel prostitution." Legal historian Tera Eva Agyepong asserts that by linking "whiteness" and "slavery," the sexual violence women of color endured was further sublimated under the weight of white female virtue. White slavery narratives represented a new iteration of fears of racialized sexual transgressions, and worked to solidify hierarchical norms for interactions based on gender and race. Mara L. Keire, "The Vice Trust: A Reinterpretation of the White Slavery Scare in the United States, 1907-1917," *Journal of Social History* 35, no. 1 (Autumn 2001): 7.; Tera Eva Agyepong, *The Criminalization of Black Children: Race, Gender, and Delinquency in Chicago's Juvenile Justice System, 1899-1945*, (Chapel Hill, N.C., The University of North Carolina Press, 2018): 95-96.

bring their babies to be judged on their physical and mental prowess by leading professionals.

Although these two historical moments may seem disparate, they exemplify two sides of the same eugenic coin. White slavery narratives and Better Baby contests evolved during Oregon's emerging discourse on social control and eugenics. As more women moved out of their family homes to cities in pursuit of employment and educational opportunities, their increased freedom and mobility was seen as a threat to the cornerstone of American security—the white family.²⁹⁵ Women's proximity to the dangers of the city similarly threatened the future of the country and necessitated the increased surveillance and regulation of the female body. White slavery cases antagonized fears and anxieties of white, middle-class Portlanders, as they played on engrained notions of the sexually dangerous outsider and the need to maintain pure bloodlines.²⁹⁶ The victims of these stories were often described as “innocent” and “naive,” and usually were newcomers to the city from a rural town. Better Baby contests promoted the propagation of racially pure children from suitable families. The narrative of good breeding was centered on an idealized reinterpretation of the traditional, large, rural family. Both applications of bodily regulation exemplify the tension between Progressive reformer's reliance on science as the solution for societal problems and a worldview rooted in nostalgia.²⁹⁷ The protection and regulation of the female body was

²⁹⁵ Leslie J. Harris, “Rhetorical mobilities and the city: The white slavery controversy and racialized protection of women in the U.S.,” *Quarterly Journal of Speech* 104, no. 1 (2017): 34.

²⁹⁶ Donovan, 710.

²⁹⁷ Harris, 30.

centered on whiteness as a source of virtue, casting women of color as the binary opposite to white femininity.

By the 1910s, white slavery stories emerged during a period of increased mobility and immigration. In March 1910, the *Oregon Daily Journal* ran a full-page article entitled “Nation-wide war on white slavery.” The author described an international system of sex trafficking in which “men and women visit Europe, persuade girls to come to America by offers of employment at large pay only to immure them in dens of vice.”²⁹⁸ The author recounted similar arrangements happening to young girls from China and Japan who were brought to the United States.²⁹⁹ By highlighting the foreignness of sex workers, the author alluded to the inherent difference and thus the dangers the racialized “Other” posed to the Portland community. Despite the possible exploitation that immigrant woman faced, the author was more concerned with the safety of “American” girls. In describing stories of young girls in cities enticed by fortune tellers in Atlantic City, a young wife snatched while waiting for a carriage outside of a railway station, or an attractive man visiting a country town, courting a young girl, and luring her away from her family, the dangers posed by the modern city to the young, innocent girl were enumerated in numerous, racialized ways.³⁰⁰ The stories included in the *Oregon Daily Journal* article specifically underscored the threat of white slavery to American girls, thus

²⁹⁸ “The Nation Wide War on White Slavery,” *Oregon Daily Journal*, March 6, 1910, 1.

²⁹⁹ Ibid.

³⁰⁰ “The Nation Wide War on White Slavery,” *Oregon Daily Journal*, March 6, 1910, 2.

forging discursive links between whiteness and Americanness within the emergent narratives of sexuality and social control.

Four months after the *Oregon Daily Journal* article was published, the United States Congress passed the Mann Act, also known as the White Slave Traffic Act, to prohibit the transportation of white women across state lines for immoral purposes. The initial target of this law was sex trafficking, but the application of the law “came to be applied to non-commercial mobility that involved the intent of sex, leading one judge to analogize any ‘illicit intercourse’ with prostitution.”³⁰¹ Assumptions about the hypersexuality of people of color based on scientific racism, coupled with the increased mobility of Black Americans after Emancipation, influenced how this law was applied. For example, the federal government attempted to charge heavyweight boxing champion Jack Johnson with Mann Act violations shortly after the law was passed. Johnson was accused of kidnapping a young, white woman named Lucille Cameron across state lines for immoral purposes. Cameron, who later married Johnson, refused to implicate the boxer. The FBI then began a targeted investigation against Johnson to find other Mann Act violations and unearthed another white woman Johnson was alleged to have had a relationship with. He was arrested and convicted in 1912.³⁰² News stories about “white slavery” invoked Johnson’s name to remind readers of what could happen if color lines were not maintained and strengthened.

³⁰¹ Harris, 39.

³⁰² Harris, 39.

In 1911, the Oregon legislature passed a white slavery statute. In an article promoting the law, the *Morning Oregonian* described the victims of these schemes as “young and innocent girls...enticed into this country, oftentimes by trick and artifice” and “American girls, lured to cities by the clever persuasions and promises of employment.”³⁰³ Ultimately, the girls who fell victim to white slavery would only “re-appear...in the police court or the morgue.”³⁰⁴ White slavery narratives cast women as perpetually dependent victims in need of protection from either the state or their family. It was imperative that the virtue of young, white women was protected. If not, they would inevitably fall to criminality, sexual depravity, or succumb to death. The author described the perpetrators of these crimes as “organized gangs of lecherous parasites...swarming in the country.”³⁰⁵ The villains in these stories were typically depicted as the racialized “Other,” Black or foreign men who inveigled innocent girls to a life of debauchery. The use of animalizing and dehumanizing language to describe perpetrators of white slavery further solidified the moral differences between the racialized “Other” and the normative, and thus superior, white race. The image of a “swarming” horde of sexually deviant criminals antagonized white, middle and upper class fears about outsiders entering Portland, bringing crime and disease.

³⁰³ “Oregon Should Advertise,” *Morning Oregonian*, January 11, 1911.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

These stories emerged as large numbers of Black Americans moved to northern cities, and immigration from Southern and Eastern European increased.³⁰⁶ In Portland, the African American population numbered 2,500 in 1910, accounting for 1 percent of the total population.³⁰⁷ That same year, the Japanese population numbered over 3,000, while the Chinese population decreased to 0.6 percent of the total state population.³⁰⁸ The vilification of marginalized communities as sexually deviant and dangerous to the virtuous and innocent white female epitomized Progressive reformer's desire to prevent "race suicide" and the growing prevalence of eugenic theories in everyday life. The young, innocent white female in these stories came to personify a virtuous, moral center for the country, and the preservation of her virtue was necessary to ensure the maintenance of the Nation because of her role as mother and nurturer to future, pure bred generations. The denigration of white women or perceived denigration was seen as violation of the nation. The fears and anxieties of white Americans surfaced in the casting of Black men, immigrants, and the inherently criminal as the villains in these tales, illustrating the perceived threats these populations posed to the nation as a whole.

Mayor Allen Rushlight responded to public concern over white slavery and a city-wide crusade against liquor and vice by proposing the convening of a Vice Commission in 1911. The Portland City Council established the Vice Commission with the passage of an ordinance in September. The membership of the commission totaled fifteen, including

³⁰⁶ Donovan, 708.

³⁰⁷ Myers, 44.

³⁰⁸ Kristofer Allerfeldt, "Race and Restriction: Anti-Asian Immigration Pressures in the Pacific North-west of America during the Progressive Era, 1885-1924," *History* 88, no. 1 (2003): 56.

Lola Baldwin, three ministers, and four doctors.³⁰⁹ Their purpose, as stated in the ordinance, was “to inquire into the conditions within the limits of the city of Portland with reference to Vice of various forms, including all practices which are debasing and degrading and which affect the moral and physical welfare of the inhabitants of the city...”³¹⁰ The commission released a final report of their findings in 1913, which included all six commission reports on the various aspects of what they termed the “Social Evil” in Portland.³¹¹ The reports dealt subjects such as hotels and lodging, medical aspects, and law enforcement.

The commissioners found that in Portland an estimated 3,000 women worked as full-time sex workers.³¹² Over half of the female “moral offenders” from the commission’s sample population interviewed for the report were “native born,” but this information did little to disrupt the racialized view of foreign and immigrant communities as inherently immoral and prone to criminality.³¹³ Their investigation found that commercialized vice mainly took place in Portland’s Northend, or what they called the “poor man’s neighborhood.”³¹⁴ They discovered that vice was encroaching on respectable neighborhoods in the form of apartment houses and immoral businesses on

³⁰⁹ Serbulo, 76; Lansing, 282.

³¹⁰ City Auditor, Folder 144—Combined Reports of the Vice Commission, A2001-059, 1913, Portland City Archives, Portland, Oregon, ii. Hereafter, “Vice Commission Report.”

³¹¹ Vice Commission Report, i.

³¹² Serbulo, 65, 76, .

³¹³ Myers, 43.

³¹⁴ Vice Commission Report, 46.

main thoroughfares.³¹⁵ This encroachment posed possible dangers to the community which was highlighted in the responses from the questionnaires the commission sent to 128 licensed physicians and surgeons to get information on the “medical aspects” of vice. The respondents claimed that of all diseases reported, 21 percent were for venereal diseases. Over 50 percent of the physicians and surgeons queried believed that venereal diseases should be reportable and sex workers should undergo medical examinations.³¹⁶ The commission’s reports presented sex work and sex workers as an inherent danger and contagion to the community at large. The growing population and the corresponding increase in sexually transmitted infections were presented as threats originating from inside the city that necessitated reforms to address the increasingly widespread problem.

The Vice Commission report outlined the plethora of local and state laws that targeted solicitation, prostitution, and bawdy houses. They found that laws meant to curb prostitution inordinately affected women. From 1911 to 1912, 1,504 women were arrested on charges related to prostitution. In comparison, 372 men were arrested on charges of “offenses against decency and morality” during that same period.³¹⁷ These disproportionate charges, according to the commission’s report, resulted in women being forced to “be more a public nuisance” in order to pay legal fines.³¹⁸ While the report does acknowledge the inequitable legal burden placed on women arrested for morality and

³¹⁵ Ibid.

³¹⁶ Vice Commission Report, 155-156.

³¹⁷ Vice Commission Report, 91.

³¹⁸ Ibid.

vice crimes, they ultimately concluded that “most professional prostitutes, a large percentage of occasional prostitutes and a certain percentage of men who are arrested for this class of crime are either subnormal or abnormal.”³¹⁹ The language employed by the Vice Commission linking sex work with mental illness echoed medical theories that linked immoral behavior with mental weakness. Although the commission did acknowledge the role men played in sex work, city officials did not take on the recommendation to remedy the discriminatory application of laws, and female sex workers in Portland continued to face increased scrutiny as white slavery narratives invoked increased fear of interracial couplings.

Between 1911 and 1913, the Portland Police and the Women’s Protective Division engaged in a spate of raids on bars where white women and Black men consorted together. In April 1911, Portland police arrested two nineteen year old women, who were named in the news article, at a rooming house on Burnside Street. Two Greeks were also arrested, but were “released after being taken to police headquarters.” Both women were held as police made a white slavery investigation into “another Greek,” who had sent them tickets to travel from San Francisco to Portland to work in a cafe. While the male suspects never faced prosecution, the two women came under federal scrutiny for their involvement in a suspected white slavery plot.³²⁰ Two years later, Portland police raided a “resort” in which “white women were harbored in [a] place for negroes.”³²¹ Working

³¹⁹ George L. Baker, Detention Home, A2000-003, 1917, Portland City Archives, Portland, OR.

³²⁰ “White Slavery Suspect,” *Morning Oregonian*, April 9, 1911.

³²¹ “Five Women Are Caught In Raid,” *Oregon Daily Journal*, November 1, 1912.

together with the Women's Protective Division, an investigation of the resort took place ten days prior to the raid, determining that Birdie Flowers, the Black woman who ran the facility along with Margaret Mont Mosierre, a white woman who was married to a Black man, had "carefully laid and carried out" a plan to run the brothel.³²² The *Oregon Daily Journal* referenced Jack Johnson in their article about the raid to evoke images of interracial sex in the minds of readers.³²³ These cases evince the belief that communities of color posed the greatest threat to the safety of white women and their virtue, requiring the state to intercede in order to maintain social control.

Like the drive to protect young, white girls from victimization, the concerted effort of the state and women's auxiliary groups to promote good breeding among the desired classes reveals the pervasive anxiety around reproduction. These programs are characteristic of "positive" eugenics, the promotion of reproduction amongst "fit" populations.³²⁴ National campaigns targeting good breeding, healthy babies, and fit families used idealized notions of family, motherhood, and the home to repurpose and normalize eugenic theories into traditional and nostalgic packaging.³²⁵ Better Baby contests took place across the United States, with sponsorship from the *Women's Home*

³²² Ibid.

³²³ Ibid.

³²⁴ Lovett, 9.

Conversely, negative eugenics were programs like forced sterilization programs, incarceration to prevent procreation of "unfit" populations, and marriage and immigration restrictions.

³²⁵ Lovett, 2.

Companion, beginning as early as 1908.³²⁶ Oregon adopted Better Baby contests four years later, as positive eugenic programs and child welfare policies gained momentum nationwide.

Oregon's first Better Baby competition was held at the State Fair in Salem, Oregon in August 1912. Lauding the involvement of "women physicians," the scientific baby show included eugenic lectures for mothers.³²⁷ Mothers were instructed not to bring diseased babies in for examination which were held throughout the week of the state fair and included medical exams and measurements of Oregonian infants.³²⁸ The Women's Medical Association of the State of Oregon managed the State Fair examinations, and the Oregon Congress of Mothers oversaw the display of eugenic and child welfare exhibits.³²⁹ Building on allusions to animal breeding, these examinations and exhibits extolled prescribed breeding practices as a scientific endeavor that offered financial returns for the state and nation by increasing populations of quality and healthy progeny. With a focus on the scientific standardization of babies for the purposes of promoting pure breeding, fitness, and national pride through eugenic education, these contests constructed and normalized an everyday eugenic vocabulary for Oregonians to employ when discussing fitness, procreation, and who had the right to bodily autonomy.

³²⁶ Steven Selden, "Transforming Better Babies into Fitter Families: Archival Resources and the History of the American Eugenics Movement, 1908-1930," *Proceedings of the American Philosophical Society*, 149, no. 2 (June 2005): 206.

³²⁷ "Babies From All Over State Will Enter Fair Show," *Oregon Daily Journal*, August 15, 1912.

³²⁸ "No Diseased Babies Wanted," *Statesman Journal*, August 29, 1912.

³²⁹ O.M. Plummer, "Oregon Eugenics Exposition Attracts Nation's Attention," *Oregon Daily Journal*, May 5, 1913.

Women's organizations in Portland adopted the Better Baby contests the next year. In June 1913 the North Portland Women's Auxiliary organized a Better Baby contest as part of the annual Rose Festival. The contest was described as a part of the "popular, yet scientific movement to insure better babies and a better race."³³⁰ Using a standardized scorecard developed by the *Women's Home Companion*, babies aged one to four were "scientifically" judged on their perfections and imperfections.³³¹ The examination process, conducted by medical professionals with parents present, was described as follows:

Baby is stripped, weighed, measured, examined for perfections and defects, and then its mental or intelligence measure is taken by means of scientific tests. If the baby comes up to a certain standard it is eligible to enter the final contest for prizes. If it falls below the standard the parents are told why.³³²

The uniform scorecard, filled with biometric information from the toddler contestants, would "supply to the medical profession what has long been sought—measurements of the standard child."³³³ The winningest baby from Portland would go to the Oregon State Fair to compete in the statewide competition. Contests promoting positive eugenics demonstrate the expansive reach eugenic and racial betterment theories had in American society in the 1910s. While these events might seem somewhat benign on the surface, in

³³⁰ "Baby Contest Will be Conducted in June," *Oregon Daily Journal*, May 19, 1913.

³³¹ "Trip to Salem for Winner—Eugenic Contest in Peninsula Park Open to Babes from 1 to 4." *Morning Oregonian*, May 21, 1913; Fancine Uenuma, "'Better Babies' Contests Pushed for Much-Needed Infant Health but Also Played Into the Eugenics Movement," *Smithsonian Magazine* January 17, 2019. <https://www.smithsonianmag.com/history/better-babies-contests-pushed-infant-health-also-played-eugenics-movement-180971288/>

³³² Anna Steese Richardson, "'Better Babies,' A New National Slogan That Appeals," *Oregon Daily Journal*, May 4, 1913.

³³³ "Baby Contest Will be Conducted in June."

their promotion of healthy families and better parenting through science, their subtext reflects the integration of racist, eugenic theories into everyday life.³³⁴

The *Oregon Daily Journal* printed an article written by Anna Steese Richardson, co-founder of the Better Baby contests, to promote the competitions in Oregon. Richardson likened the worldwide preeminence of America in the production of livestock and crops to the contests which would force “the entire world [to] acknowledge the supremacy of its babies.” By adopting a scientific and standardized approach “the unprofitable acre and the unpromising colt are standardized and made profitable. The Better Babies movement follows the same argument. It makes babies’ better, and, therefore, more profitable to the nation.”³³⁵ Richardson asserted that the cost of raising and educating a healthy baby would be much less of a burden to the family and to the state.³³⁶ Richardson used references to agriculture and animal husbandry for a much different purpose than nineteenth century academics. Instead of using these analogies to malign procreation, Richardson was attempting to link positive eugenic programs with standardization, scientific rational, and, ultimately, profitability for the entire nation. The emphasis on standardization and science as tools to ensure “better babies” revealed the

³³⁴ The emphasis on childhood health was not without merit, however. In the early 1900s, childhood mortality was high and a portion of the Better Baby contests was devoted to the promotion of hygiene, nutrition, and adequate medical care for infants. Early public health campaigns in Portland, like Dr. Esther Pohl-Lovejoy’s milk purity campaign and hygiene programs in schools, similarly reflected the desire to ensure proper health amongst the city’s juvenile population. However, the ideological foundation of many of Better Baby contests was based on notions of hereditary degeneracy and eugenics. This resulted in the promotion of white, middle- and upper-class families breeding, to the exclusion of families who were in some way “Othered.”

³³⁵ Richardson, “‘Better Babies,’ A New National Slogan That Appeals.”

³³⁶ Ibid.

result of decades of racist, pseudo-scientific theories promoting the advantageous traits of the white race. Within the arguments put forth extolling the benefits of positive eugenic programs are references to nationalism and a desire to produce the best “American” babies.

Jane Hamer Kanzler, a three-year-old girl from Eastmoreland, won the 1913 Better Baby contest at the Oregon State Fair. Scoring a perfect 1000, the judges pointed to the beauty of Janes’ complexion, “her skin is fair, her cheeks rosy,” and found her to be “perfect in body, of fine mentality and of sunny disposition— an irresistible combination.”³³⁷ As the winner in Oregon, Jane and her parents not only won a cash prize and accolades in her home state, she was also sent to the Panama-Pacific Exposition in San Francisco to enter into the “world championship for the most perfectly formed child.”³³⁸ These competitions affirmed nationalistic white supremacy in the rhetorical elevation of babies who achieved high marks in seemingly objective and scientific standards, but ostensibly proved the preeminence and normativity of healthy, white, middle class American children. Programs promoting the procreation of “fit” populations reinforced traditional gender norms that strengthened racialized and classed hierarchies through the reification of white motherhood. However, ensuring purity of blood necessitated deeper investigation into the health of multiple generations.

³³⁷ Edith Knight Holmes, “Oregon’s Perfect Baby Girl Is Triumph for Eugenics,” *Sunday Oregonian*, October 12, 1913.

³³⁸ “‘Portland Day’ At State Fair Attracts Horde of Visitors,” *Oregon Daily Journal*, October 2, 1913.

By the 1920s, the positive eugenic ethos of the Better Baby competition expanded to include the entire family. These contests, known as the “Fitter Family for Future Firesides,” included extensive medical, psychological, and genealogical examinations of an entire family to determine their hereditary fitness. These contests aimed to ascertain the physical and mental health of a family in hopes of determining the fitness of children for marriage and preventing dysgenic matches. Developed initially by Dr. Florence Sherbon and Mary T. Watts, the first competition took place in Topeka, Kansas in 1925.³³⁹ According to Historian Mark A. Largent, two “Fitter Family” competitions took place in Oregon.³⁴⁰ Years earlier than the development of the Fitter Family competitions, women’s charity organization in Portland, Oregon instituted a robust eugenic education and medical examination program focused on the family.

In the same year Portland held its first Better Baby competition, the Oregon Congress of Mothers established the Parents Education Bureau in the city.³⁴¹ The Oregon

³³⁹ In 1923, both Drs. Sherbon and Watts had guest lecture positions at Oregon Agricultural Culture during the summer session.

³⁴⁰ In a lecture at Oregon State University, Dr. Mark Largent spoke of two Fitter Family competitions taking place in the state. I was unable to ascertain the dates or locations of these contests, and as of writing, I am waiting to hear back from an email I sent to Dr. Largent about my research question regarding the specifics about the contests. I also contacted the Oregon State Archives, American Philosophical Society who have the archival records of the American Eugenic Society, the Willamette Heritage Society, and the Oregon Historical Society and was unable to locate any information about Fitter Family contests in Oregon. Many of the records from this era were unfortunately not preserved.

³⁴¹ The Oregon Congress of Mothers was a self-proclaimed educational organization officially established in 1905 after existing as an unofficial group called the “Home Training Association,” who came together in 1904. The Home Training Association was focused on ascertaining what was lacking in the education of young people in Portland, which led what the *Morning Oregonian* called “the morals of young people...being publicly discussed.” The group eventually connected itself to the National Congress of Mothers in 1905, and thus changed their name. “Important Work is Undertaken by Oregon Congress of Mothers,” *Sunday Oregonian*, April 13, 1913.

Congress of Mothers, like other private charity organization operating at the time, were integral in developing and instituting expansive education programs to ensure the suffusion of eugenic ideology in schools, the promotion of proper marriages, and sponsorship of lectures and exhibits aimed at curbing the spread of venereal diseases, and to normalize and popularize eugenics and sterilization programs. Groups like the Oregon Congress of Mothers and the off-shoot organization, the Parents Education Bureau, were integral in instituting family oriented, positive eugenic programs in Portland.

Located inside the Multnomah County Courthouse, the Parents' Education Bureau focused on the education of mothers-to-be and mothers, and held weekly eugenic tests for babies. Medical professionals conducted the weekly tests in which babies were examined and measured, using similar methods and standardized scorecards as the Better Baby competitions. At the culmination of the exam, the medical professional would "suggest such treatment as will correct defects shown by the tests" to the parents.³⁴² The bureau asserted "these tests are tests, not contests, no prizes are being given. The object is purely educational, to show the mother not where her baby is perfect, but where it may need care for proper development."³⁴³

The Parents Education Bureau also offered weekly talks and demonstrations for mothers and mothers-to-be, focusing on proper hygiene, childcare techniques, and distributed literature about "prenatal influences, infant hygiene, sex physiology,

³⁴² "Assistance to Mothers Is Offered," *Oregon Daily Journal*, March 8, 1920.

³⁴³ Ibid.

adolescence and other help for child culture.”³⁴⁴ Members of the Oregon Congress of Mothers claimed that the prevalence of young girls falling into vice influenced their educational programming. One of the members argued that “no girl should marry without full knowledge of the laws of nature...the course of the Congress extends from infancy to old age and its aim is to produce a wholesome race of citizens mentally and physically strong.”³⁴⁵ By educating young girls and parents, both the Oregon Congress of Mothers and the Parents Education Bureau believed that they were helping future generations of children, especially those “boys and girls who are learning the art of criminal conversation by environment and lack of parental restraint and direction.”³⁴⁶ In reflecting on the disrespectful attitude of adolescents, educators working for the bureau asserted that “the poison is in the blood and it wont come out that way.”³⁴⁷ The activities of the Oregon Congress of Mothers and Parents Education Bureau reflected the broader, national movement towards the creation of “scientific” motherhood. This was an attempt to align traditional, patriarchal domestic gender roles with Progressive era emphasis on science and rationality. The references to “a wholesome race” and “poison in the blood” illustrated the overarching concern with sexuality and reproduction, and the imbrication of eugenic ideologies into common vocabulary.

³⁴⁴ Ibid.; Chester L. Carlisle, M.D., “University of Oregon in Child Welfare,” *Child Health Magazine*, 2, vol. 1 (June-Dec. 1920): 176.

³⁴⁵ “Important Work is Undertaken by Oregon Congress of Mothers,” *Sunday Oregonian*, April 13, 1913.

³⁴⁶ “Work Done for Youth Gains Wide Attention,” *Sunday Oregonian*, October 12, 1913.

³⁴⁷ Ibid.

Despite the onset of World War I, the popularity of the weekly eugenic tests performed by the Parents Education Bureau did not diminish. In the year of 1917, over 7,900 young women visited the facility for lectures and educational seminars and the bureau conducted eugenic examinations on 15 to 20 babies each week.³⁴⁸ In April 1917, the *Sunday Oregonian* described the eugenic tests as a patriotic imperative for Oregon children, "...the babies are growing up healthy and hearty and are being drilled to be good citizens in complying with the rules and regulations that make for health and happiness."³⁴⁹ The author argued that the results from the Bureau's work could already be seen in the "exceedingly high" rating of Oregon babies and the states "reputation for being one of the healthiest...in the union."³⁵⁰ The coalescence of positive, eugenic education programs and patriotism symbolizes the overall purpose of the medicalization and pathologization of aberrance as a tool to reify health, whiteness, and normalcy as synonymous with "Americanness."

These historic moments represent the suffusion of racial purity and eugenic narratives in American culture, coupled with the rise in scientific motherhood. Better Baby contests and family-centered eugenic educational programs, and their promotion of white, healthy, heteronormative, patriarchal families illustrated the moral obligation of "fit" populations to breed and white women's duty to be mothers. The white slavery narratives of young, vulnerable girls tricked into prostitution by deceptive and dangerous

³⁴⁸ "Parents' Bureau Does Great Work," *Morning Register*, October 19, 1917.

³⁴⁹ "Baby Tests Still Interest, Despite Whims of Public," *Sunday Oregonian*, April 1, 1917.

³⁵⁰ *Ibid.*

racialized and marginalized communities emphasized not only the need to protect white, feminine virtue, but also the threats communities of color posed to white Portlanders. These events, in their own ways, popularized notions of racial purity and eugenics in Portland, Oregon through sensational stories of white, female victimhood and tales of human progress as told through a lens of tradition and nostalgia. While campaigns to maintain racial purity ranged from overtly racist to more covert, an aspect of their outcome was the manufacturing of an American identity based on purity of blood, an identifiable racial heritage, and an adherence to behavior norms. This movement helped to solidify the discursive link between health, whiteness, and “Americanness,” thus casting people of color, immigrants, and people actually or presumed to be unhealthy as outside of the accepted, normative center.

Epilogue

The history of policing, incarceration, separation, and eugenic sterilization in Portland, Oregon is not unique. It's part of an international, transhistorical narrative of power, oppression, and state violence that continued into the late twentieth and twenty-first centuries. In the nationalistic and pro-eugenic milieu of the post-World War I era, the implementation of eugenic policies continued unabated in Oregon, across the US, and throughout the world. In 1924, the US Congress passed the Johnson-Reed Immigration Act which placed quotas on the number of immigrants who could come to America based on the 1890s census. Due to this quota system, the United States denied entry to Eastern European Jews in the 1930s, ultimately subjecting them to the genocidal violence of the ascendent Nazi regime.³⁵¹ Three years later, a Supreme Court case upheld the constitutionality of involuntary sterilization in the *Buck v. Bell* case. Carrie Buck, an eighteen year old inmate of a state institution, was involuntarily sterilized by the state of Virginia based on her birth of an illegitimate child, history of feeble-mindedness, and her mother's mental deficiency. Justice Oliver Wendell Holmes declared in the court's opinion that "three generations of imbeciles are enough."³⁵² Eugenicists supported both the Johnson-Reed Immigration act and the *Buck v. Bell* case, as they addressed the outward and inward threats facing America.

³⁵¹ Allen, 195.

³⁵² Alexandra Minna Stern, *Eugenics Nation: Faults and Frontiers of Better Breeding in Modern America*, (Berkeley: University of California Press, 2005): 12.; Schweik, 255.

The promotion of racial purity by American eugenicist was not limited to the geographical borders of the United States. In the 1930s, Nazi officials often cited works written by American eugenicists when implementing their expansive sterilization and mass extermination programs. The eugenic tomes written by Madison Grant and Lothrop Stoddard in 1916 and 1922, respectively, were translated into German and read throughout Nazi Germany. Adolf Hitler wrote Grant a personal note, informing the author that *The Passing of the Great Race* was his “Bible.” Stoddard’s *Menace of the Under-Men* became required reading in all German schools, and in December 1939 Stoddard met with Hitler.³⁵³ The Alabama State Health Officer, Dr. J.N. Baker, lauded the Nazi eugenic sterilization program in 1935, declaring that

the entire civilized world is watching the bold experiment in mass sterilization...It is estimated that some 400,000 of the population will come within the scope of this law...It is estimated that, after several decades, hundreds of millions of marks will be saved each year as a result of the diminution of expenditures of expenditures for patients with hereditary diseases.³⁵⁴

In extolling the virtues of the Nazi regime’s sterilization program, Dr. Baker echoes the arguments used decades earlier about the burdens racialized and marginalized communities imposed on society. This speaks to the enduring legacy of eugenics, marginalization, and the desire to eliminate populations deemed onerous using medicalized and pathologized language to justify this violence.

Eugenics lasted thirty years in the US before that ideology fell out of favor.

However, eugenic theories endured in academia, medicine, and legislative policies that

³⁵³ Wilkerson, 80-81.

³⁵⁴ Allen, 216.

continued to effect the lives of racialized and marginalized populations. Historian Alexandra Minna Stern points out that many negative eugenic programs persisted into the twentieth century. It was not until the 1960s that legislation replacing immigration quotas based on national origins passed and the Supreme Court overturned federal laws forbidding interracial unions.³⁵⁵ The continued association between race and I.Q. exposes the legacy of eugenics and racialized “standards” suffused with objectivity and science.³⁵⁶ In the 1990s, an era historian Garland E. Allen referred to as the “decade of the brain,” theories purporting to link human behavior traits and genetic predisposition, the human genome project, and advances in neuroscience seemed to offer answers for persistent questions about human behavior. However, as government funding increased for academics who claimed that genetics could explain the predisposition of Black populations to crime, there seemed to be little difference from the assertions made in the 1990s than those made in the 1890s.³⁵⁷

The assumption of inherent, biological difference persists in medicine as well. In 2017, a nursing textbook was pulled by Pearson publishing after an advocate pointed out a section on “cultural competencies” was rife with racist stereotypes. The section, which advised nursing students that “a clients’ culture influences their response to and beliefs about pain,” included references like “Jews may be vocal and demanding,” “Native Americans may prefer to receive medications that have been blessed by a tribal shaman,”

³⁵⁵ Stern, 125.

³⁵⁶ Allen, 220.

³⁵⁷ Allen, 184-185.

and “Blacks often report higher pain intensity than other cultures,” among other stereotypes.³⁵⁸ More recently, a whistleblower who worked as a nurse at an Immigration and Customs Enforcement detention center in Ocilla, Georgia came forward in September 2020 alleging immigrant women held at this facility “received questionable hysterectomies.”³⁵⁹ In the allegation, the whistleblower claims that a gynecologist performed hysterectomies or tubal ligations on detainees who did not fully understand what was happening or without their consent. The Department of Homeland Security denies the allegations, providing documentation of only two hysterectomies taking place at the facility.³⁶⁰ These examples of current medical racisms in America have deep connections to the archaic medical theories of the nineteenth century. The suffusion of racism and dehumanization in aspects of current medical practice and carceral institutions has a direct connection to the language and rhetoric developed in the nineteenth and twentieth centuries, and ultimately have the same objectives. Despite overt eugenic

³⁵⁸ Scott Jaschik, “Anger Over Stereotypes in Textbook,” *Inside HigherEd*, October 23, 2017. <https://www.insidehighered.com/news/2017/10/23/nursing-textbook-pulled-over-stereotypes>

³⁵⁹ Rachel Treisman, “Whistleblower Alleges ‘Medical Neglect,’ Questionable Hysterectomies of ICE Detainees,” *National Public Radio*, September 16, 2020. <https://www.npr.org/2020/09/16/913398383/whistleblower-alleges-medical-neglect-questionable-hysterectomies-of-ice-detainee>; Caitlin Dickerson, Seth Freed Wessler and Miriam Jordan, “Immigrants Say They Were Pressured Into Unneeded Surgeries,” *The New York Times* September 29, 2020. <https://www.nytimes.com/2020/09/29/us/ice-hysterectomies-surgeries-georgia.html>

³⁶⁰Ibid.

The Department of Homeland Security has recently requested a change to their records schedule, which would reclassify complaints as “temporary.” This reclassification would allow the department to destroy records concerning the alleged unnecessary hysterectomies, as well as documents concerning accusations of sexual assaults and the subsequent deportation of witnesses in those cases, and the seizure of protestors by federal law enforcement agents during protests. This destruction would not only impede lawsuits, but would inhibit future research into these areas. For more information, please see “Letter to the National Archives and Records Administration on DHS Document Destruction,” Government Accountability Project, Last modified September 30, 2020, <https://whistleblower.org/letter/letter-to-national-archives-and-records-administration-on-dhs-document-destruction-proposal/>.

language falling out of favor by the 1930s, the persistence of the ethos of eugenics and white supremacy continues to have disastrous ramifications on people.

Oregon's State Board of Eugenics was renamed the Board of Social Protection in 1967, and remained in use until 1983. By the end of the program, the state of Oregon sterilized over 2,600 people. Governor John Kitzhaber publicly apologized for the program in 2002, citing the "misdeeds that resulted from widespread misconceptions, ignorance and bigotry."³⁶¹ There are few documents to record the atrocities that happened in Oregon from 1917 to 1983, however. Records about Oregon's eugenic sterilization program, according to an *Oregonian* article, have disappeared or were shredded at the request of a state employee, but in a Kafka-esque twist, there is no record of that request. An employee from the nonprofit Portland Habilitation Center, who the state contracts with for shredding, affirmed the claim that the documents were shredded, noting that, "We had to decide ethically because we had an obligation to destroy them, but we were thinking, 'Someday these could be the evidence of an atrocity.'" And indeed, stories of girls as young as 9 who were sterilized by the state of Oregon, case files, consent forms, and any record of the Board of Eugenic's work during its 20 year history are gone.

Destroying unauthorized documents is a misdemeanor, but no one has been held accountable for the destruction of the eugenic records.³⁶² While barbaric and difficult to contemplate, it is imperative that historic records are maintained in order to hold the

³⁶¹ "Governor apologizes to eugenics-law victims," *East Oregonian* December 2, 2002, updated December 13, 2018. https://www.eastoregonian.com/news/local/governor-apologizes-to-eugenics-law-victims/article_366ba351-35af-5149-bafd-ada79601cb59.html

³⁶² Julie Sullivan, "Eugenics Records Shredded," *Oregonian*, July 30, 2002, <https://freerepublic.com/focus/news/724958/posts>.

powerful to account. Without the documentation to show the use of state-sponsored eugenic sterilization programs that targeted impoverished, disabled, homosexual, and potentially aberrant women, this horrendous and important history has the potential to be erased and forgotten, thus absolving the state of Oregon from any culpability.

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