

PART I. HISTORICAL OVERVIEW

The Emergence of the Marine Hospital Service

In 1892, a cholera epidemic killed tens of thousands across Eastern Europe and Germany. Ships full of immigrants arriving at the port of New York from Hamburg had cases of cholera on board, and the city was in a panic to stop the arrival of the deadly disease. While the city was spared from a cholera epidemic through massive federal and state intervention, the confusion and infighting between the state and federal authorities very nearly let the healthcare crisis get out of hand. As a result of the 1892 cholera scare, the U. S. Congress passed the 1893 national quarantine act, which for the first time gave the Marine Hospital Service the power to intervene in local quarantine inspection and control. In order to understand events in San Francisco during the 1900 plague crisis, we need to start with an understanding of the 1893 quarantine law, its history and its politics.

Once an issue of local politics, quarantine had always been controversial. Nobody was particularly sure that local quarantines worked to keep out infection, and the methods used to enforce quarantine were often unwelcome in the extreme. As one National Board of Health (NBH) inspector said of the 1878 New Orleans epidemic, “A quarantine is their abomination,” it is “at war with every interest in New Orleans, destroying commerce, and

preventing the city from being one of the grandest on the Continent.” As to the efficacy of quarantine, it had not been of much use in New Orleans. While destroying the city’s commercial life, quarantine provided the port with little protection. As far as anyone could tell, “It keeps out ships, and merchants, and capital and dont [sic] keep out yellow fever.” According to the inspector, quarantine was generally viewed as worse than failure, because it destroyed the economy of the city without protecting it from the disease it was put in place to protect against. The inspector noted that “This view is not advocated alone by merchants and businessmen and tradespeople, but by a large number of the best medical men in New Orleans.”¹⁵

On board ship, quarantine historically meant isolation through imprisoning all aboard for up to forty days (thus the origin of the word *quarantine*) until the fire of disease “exhausted its material,”¹⁶ with the healthy aboard left to be consumed by the epidemic. On shore, outbreaks often caused panic and wholesale abandonment of infected areas. Neighboring towns would quarantine against one another, stopping the flow of people, traffic, and commerce. During the South’s yellow fever season, typically starting in early summer and lasting until the first local frost, infected areas were further weakened by the cutoff of trade and transportation, often coming in the form of the infamous “shotgun quarantine.” While commerce would be brought to a halt, so too

15 M. S. Craft to T. J. Turner, 24 August 1879, National Board of Health, Reel 15; quoted in Margaret Humphreys, *Yellow Fever in the South*, Health and Medicine in American Society Series (New Brunswick, New Jersey, Rutgers University Press, 1992), 93, n. 38.

would the traffic bringing food into the affected local communities, so that besides facing the horror of contagious disease, quarantined communities also faced economic destruction and famine.

This destruction in trade was often as much a product of regional economic rivalry, coming in the form of “commercial” quarantines, as it was a public health response. The economic effects experienced by New Orleans were a case in point. The yellow fever quarantines had brought considerable suffering to New Orleans and the surrounding communities. As Margaret Humphreys explains the problem in *Yellow Fever and the South*, “The fever of 1878 spread so effectively because of the railroad network that enabled passengers and mosquitoes to travel quickly into the rural communities of Mississippi, Louisiana, and Tennessee, and it was the same network’s fledgling patterns of trade that were to be sorely damaged by the local inland quarantines of 1878.”¹⁷

In late fall of 1878, after frost had brought an end to the fever season, the New Orleans’ business community held a meeting to study and discuss the disastrous fever season. As one of the meeting reports said of the quarantine, “The City of New Orleans has found itself, at the close of the late epidemic, under circumstances of peculiar and unprecedented commercial embarrassment.” What the business leaders found was a

16 A. N. Bell, “The U. S. Marine Hospital Service and Quarantine,” *The Sanitarian* 12 (January to June, 1884): 326.

17 Margaret Humphreys, *Yellow Fever in the South*, Health and Medicine in American Society Series. (New Brunswick, New Jersey, Rutgers University Press, 1992), 87.

“system of artificial trade lines created by the railroads which carried imports and exports of the West directly to and from the East, denying New Orleans the trade that was “naturally due exclusively to her merchants” by right of their location at the mouth of the Mississippi.¹⁸ During the recent epidemic, while New Orleans was embargoed, the interior rail lines running to the north of New Orleans remained unaffected and flourishing, and by the end of the epidemic the city’s customers had learned to acquire commodities from other sources.”¹⁹

The reports found that the interior quarantines were, by and large, economic in nature, and that rival business communities were using quarantine against New Orleans to gain a larger share of regional trade. The damage to New Orleans’s economy was almost incalculable: the loss of business during the 1878 fever season was but a drop in the bucket compared to the irreparable loss in business which would come as a result of the loss of business clients and long term contracts. Once it became established that the new railroad lines could and would ship goods past New Orleans and could do so more reliably and without fear of interruption brought on by quarantine, the city’s future was dimmed. Much of New Orleans’ traditional business in cotton and other exports from the Mississippi River region would now be exported through interior railroad towns. As the city’s business community saw it, continued interior quarantines would establish New

¹⁸ *Picayune*, 22 November 1878; quoted in Margaret Humphreys, *Yellow Fever in the South*, Health and Medicine in American Society Series (New Brunswick, New Jersey, Rutgers University Press, 1992), 87-88, n. 20.

¹⁹ Humphreys, 87-88.

Orleans “as a leper among cities, with which it will be forbidden to conduct the operations of trade or exchange the offices of a common humanity for a period of at least one third of each year.”²⁰

The 1878 yellow fever season not only affected the New Orleans region, but also brought devastation and hardship throughout much of the South, as hundreds of local quarantines paralyzed towns large and small. In Memphis, Tennessee, a city with a population of just under 34,000, yellow fever caused 5,000 deaths. Because mild forms of yellow fever can be, and often were, mistaken for other diseases, mortality rates for the disease are hard to calculate. Estimates of mortality caused by yellow fever range from ten to sixty percent of people who contract the disease.²¹ Within this range, one can easily imagine that half or more of Memphis was prostrate with hemorrhagic fever during the summer of 1878!

The most notable response to this devastation was a drive towards the nationalization of quarantine control. The federal government created the NBH in March of 1879. The Board was charged with coordinating the actions of the nation’s state and municipal boards of health. The NBH, whose members were drawn primarily from the American Public Health Association leadership, was charged with advising local boards

20 Ibid., 88.

21 Thomas P. Monath, “Yellow Fever Virus,” in Gerald L. Mandel, et. al., eds., *Principles and Practices of Infectious Diseases*, 2nd ed. (New York: John Wiley & Sons, 1985), 923-926; quoted in Margaret Humphreys, *Yellow Fever in the South*, Health and Medicine in American Society Series (New Brunswick, New Jersey, Rutgers University Press, 1992), 6, n. 2.

of health, providing some monetary support where needed, and if necessary, stepping in to take local control of quarantine functions where the NBH deemed it warranted.

The NBH's initial charter was granted by Congress for a period of four years, with the expectation of annual renewal. Unfortunately, its funding was not renewed, and it ceased activities in 1884. The failure of this pilot program for national quarantine administration was due more to state and federal politics than to lack of NBH enthusiasm. On the state level, the NBH's attempts to interfere with local quarantine politics were actively resented and rebuffed by the local and state politicians, who asserted states' rights under the Constitution. At the federal level, the NBH was in competition for money and authority with John B. Hamilton, Supervising Surgeon-General, who headed the MHS from 1879 until 1891.²²

Hamilton was appointed supervising surgeon general in April 1879, one month after the National Board of Health came into existence. As the second head of the MHS, his primary responsibility was to protect and foster the service. The 31-year-old Hamilton brought energy, wit, and charisma to his role. He quickly developed into a skilled politician, combining bureaucratic acumen with sharp negotiating skills. Throughout the NBH period, Hamilton was in a constant struggle with the supporters of the National Board, led by John Shaw Billings, Surgeon General of the Army. Hamilton

²² "John B. Hamilton (1879-1891)," Office of the Surgeon General, accessed March 24, 2002, <<http://www.surgeongeneral.gov/library/history/biohamilton.htm>>.

was ultimately successful in his struggle against the NBH in 1884, defeating the funding act before Congress which would have continued the NBH's charter.²³

While the MHS emerged as the primary public health agency in the federal government, Hamilton's fight with Billings created a vocal opposition against him which would dog Hamilton throughout the rest of his career. During the remainder of the 1880's Hamilton spent a great deal of time on Capital Hill defending the MHS to Congress and protecting the service against a resurgent movement to resurrect the NBH. In 1887, to quell criticism that his agency was falling behind the times in public health science, Hamilton created the service's first laboratory to study disease. To do so, Hamilton brought into the service a young physician and Ph.D. in the new science of bacteriology, Joseph James Kinyoun.²⁴

Kinyoun, fresh from studies in Europe with the world's leading bacteriological laboratories, was a rising star within the scientific community. Under Hamilton's patronage, Kinyoun established the service's hygienic laboratory at the Staten Island Quarantine Station. The Staten Island station was then under the command of Walter Wyman, the service's senior quarantine officer. Although within Wyman's command, Kinyoun's laboratory was Hamilton's pet political project and functioned outside of Wyman's control. In retrospect, it would appear that the Wyman-Kinyoun relationship

²³ For a general overview of the National Board of Health and its struggle with the Marine Hospital Service, see Wyndham Miles, "A History of the National Board of Health, 1879-1893," TMs. (photocopy) pp.160-225. MS C 237, Wyndham Miles papers, History of Medicine Division, National Library of Medicine, National Institutes of Health, Bethesda, Maryland.

must have gotten off to a bad start from this awkward beginning. Wyman was known as a strict disciplinarian,²⁵ and Kinyoun, in his letters, comes across as self assured and somewhat egotistical. One can easily speculate that the egos of these two men clashed from the very beginning.

Kinyoun's laboratory, built into the attic of the Staten Island Marine Hospital, established the MHS as the top health care research agency within the federal government. With Kinyoun's state-of-the-art facility available to study the new science of bacteriology, the MHS was in the forefront of the war against epidemic diseases such as diphtheria and cholera. The high profile laboratory and its young director generated much needed publicity and political credit for Hamilton and his agency. The laboratory established by Kinyoun would eventually grow to become the National Institutes of Health (NIH).

In addition to establishing the nation's first hygienic laboratory, Hamilton began the process of creating a string of national quarantine stations protecting American ports. During the 1888 yellow fever outbreak, local quarantines throughout the south brought the region's economy to a standstill. In Florida, where the fever had broken out, the state had not yet established a Board of Health, instead relying on local boards to deal with the outbreaks in piecemeal fashion. This lack of coordination within Florida was loudly criticized by her neighboring states. In Jacksonville, Florida, where the largest public

24 Miles, 211, and "John B. Hamilton," Office of the Surgeon General.

health battle was fought against the disease, much of the city was evacuated under a MHS plan and placed into quarantine camps located in the surrounding countryside. While the neighboring states were able to fend off the spread of yellow fever from Florida, the general disruption caused by the epidemic was enormous. Hamilton, whose MHS was tasked with fighting the outbreak in Florida, used the occasion to further advance federal control of quarantine functions.

Citing Florida's failed quarantine policy and the lack of regional cooperation and coordination among the surrounding states as practical examples, Hamilton pushed for the creation of federally built and controlled quarantine stations to protect the nation's ports. In August, 1888, President Grover Cleveland was faced with an economically crippling epidemic in the South and an upswell of political pressure from northern financial interests invested in the southern economy. He signed into law a construction bill that would establish federal quarantine stations to protect the nation's health and economy. The stations would ring the coastline, from Boston and Delaware Bay to Key West, then over to San Diego and San Francisco, and on up to Puget Sound. Administered by the Marine Hospital Service, the quarantine stations would be on the front lines providing defense against imported diseases.

The stations were to be built on the Holt model, developed in 1884 in Louisiana to defend New Orleans from the constant threat of yellow fever and the ensuing

25 Bess Furman. *A Profile of the United States Public Health Service 1798-1948*. (U. S. Department of Health Education and Welfare, National Institutes of Health, National Library of Medicine: U. S. Government Printing office, 1969), 199.

quarantines.²⁶ Joseph Holt's new system of "Maritime Sanitation" relied primarily on high-pressure steam to disinfect baggage and cargo. According to Holt,

The new system contemplates the detention of a ship only so many hours as may be required to cleanse her by the aid of powerful appliances, as speedily as can be effected. The time will vary from ten hours to two or three days, according to the size of the vessel, nature of the cargo, sanitary condition, and probability or not of special danger.²⁷

The goal of the new system was to eliminate as far as practicable the quarantine delays that were so devastating to commerce.

As far as Hamilton was concerned, federal responsibility for the day-to-day cost of conducting quarantine operations was actually an additional benefit of building modern quarantine stations to be run by the MHS. Locally controlled quarantines were infamous for charging fees for inspection and disinfection, whether the services were needed or not. The financial burden to shipping and the extra expense charged to passengers trapped aboard quarantined vessels was odious to all concerned (excepting, of course, those local interests collecting the fees). Hamilton argued that the new federal stations "would free the affected states from the expense of maintaining quarantine stations, and benefit commerce by removing the burdensome fees that those stations currently operating were forced to charge for their services."²⁸

26 Humphreys, 129.

27 Joseph Holt. "The New Quarantine System," *New Orleans Medical and Surgical Journal* 72 (June 1885): 535-545.

28 Humphreys, 129.

Despite concern from states' rights advocates that the MHS would be violating their constitutional powers, the plan went forward. From the federal standpoint, the responsibility to protect interstate commerce outweighed a state's right to police quarantine inspection. Hamilton ordered local maritime survey inspections and the selection of suitable locations for federal facilities. As far as Hamilton was concerned, the sooner the building got under way the less chance there was to reverse the policy. In the opinion of Walter Wyman, Hamilton's chief quarantine officer, the stations, when completed, would be a *fait accompli* on the road to federal control. The presence of the stations, by definition, would establish a national quarantine service.²⁹

As head of the MHS's quarantine inspection effort, Wyman was responsible for the creation of the new quarantine stations. For San Francisco, Wyman chose Angel Island, in the middle of the San Francisco Bay. The island was already in use as a military transport base for operations in the Pacific. It would serve admirably as the site for a new quarantine station designed to protect the West Coast. The San Francisco station was built and opened for service in spring of 1892. Wyman saw to it that the quarantine stations, upon completion, established the MHS as the supreme force in control of the nation's public health. Wyman made sure that the new stations would be in control of local quarantine inspections, and that he would be in control of the stations when they opened.

29 Ibid.

In a move that would prove key to the San Francisco conflict, Wyman was appointed as supervising surgeon-general of the MHS on June 1, 1891, when John Hamilton stepped down from the position. Hamilton appears to have decided to step down temporarily for political reasons after losing a battle to increase MHS salaries to match those of the military medical officers.³⁰ According to Bess Furman, an official historian of the Public Health Service, Hamilton supposedly cut a deal with Wyman that would allow him to reclaim the title of supervising surgeon-general. When the time came, and Hamilton returned to Washington to resume his role as head of the service, Wyman refused to recognize the agreement, having become comfortable in the position.

³¹ Hamilton stayed on with the service for several years, fighting a losing battle to regain his position. The intra-office politics between the supporters of Hamilton and those of Wyman, are, for the most part, lost to history. Clearly, however, Wyman prevailed. One action which strengthened his hand politically was the move of Kinyoun's laboratory to Washington DC. The laboratory was set up in a building across the street from the capitol building, where Kinyoun's modern hygienic science could be put on display to Congress. According to Furman:

Congress made constant use of the bacteriological laboratory which had been set up close by. Dr. Kinyoun was asked to report on the ventilation of the House of Representatives. He found illuminating gas in the air, due to leaky gas pipes. The carpet on the floor of the House and in the galleries, he said, had been 'saturated with tobacco expectoration' which "tends to make it odorous." He

30 "John B. Hamilton," Office of the Surgeon General.

31 Furman, 201.

found the air “further vitiated by persons smoking.” He recommended a general overhauling and electric lighting in all parts of the building to exclude gas leaks.³²

While the planning had begun under Hamilton’s administration of the agency, the laboratory’s move occurred during what was to be Wyman’s temporary duty as surgeon general. After securing control from Hamilton, Wyman had no interest in sharing congressional attention. Kinyoun’s prestige within the MHS began to erode as Wyman moved him out of his laboratory and placed him on routine assignments away from Washington.³³

When a cholera epidemic threatened New York City in 1892, Wyman ordered Hamilton and Kinyoun to go there and manage the situation. If they succeeded in their task, Wyman would get credit for making the right decision. If they failed, their careers with the service would be over and Wyman would have rid himself of Hamilton and his protégé. In fact, Hamilton effectively stopped the onslaught of a cholera epidemic which had devastated Europe. Governor Roswell Pettibone Flower of New York (1892-1895) and the city’s port authorities struggled against Hamilton over certain issues, but Hamilton won out and Wyman reaped the credit.³⁴ The fear of economic disruption that cholera could bring to the United States, which was already suffering from a business downturn, caused Congress to pass the interstate, or “National” Quarantine Act of 1893.

32 Furman, 214.

33 Ibid., 214-221.

34 Ibid., 208-211.

The Quarantine Act and Wyman's Push for Federal Control

Signed into law on February 15, 1893, the national quarantine act granted additional and extensive powers to the Marine Hospital Service to oversee, and if necessary, take over local quarantine functions. While the 1893 law left the initial responsibility for quarantine functions in the hands of local authorities, it opened the door to federal control if and when the MHS deemed it in the national interest to take over local quarantine functions.

Rather than imposing direct and immediate control, the 1893 law gave the MHS oversight responsibility for local quarantine operations conducted by the local authorities.

The MHS would:

Examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, co-operate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases . . . and at ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases.³⁵

At such ports where local laws were deemed insufficient to prevent the introduction of disease, "The Secretary of the Treasury shall . . . make such additional rules and regulations as are necessary," to be

Enforced by the sanitary authorities of the States or municipalities, where the State or municipal health authorities will undertake to execute and enforce them;

35 National Quarantine Act, Statutes At Large, 27, sec. 2, 108, 114. (1893).

but if the State or municipal authorities shall fail or refuse to enforce said rules or regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary.³⁶

In other words, the MHS would henceforth oversee all state and municipal quarantine functions. Where deficiencies in quarantine operations were due to lack of local laws concerning such, the MHS would provide such laws. Where deficiencies in operations were seen to be caused by lack of ability or will on the part of local authorities, then the federal officials would, under the authority of the president, take physical control of the quarantine operations by placing MHS personnel on quarantine duties. The law gave local authorities the rights and responsibilities to maintain adequate local quarantine operations, but if the state or local health authorities failed to do so, the federal authorities would step in and take control.

In framing the new law, Surgeon General Wyman had apparently learned a lesson from his predecessors on avoiding direct collisions with state's rights issues when it came to quarantine politics. Perhaps he had heeded the warning and taken advice from a letter he received in October of 1892 from Jerome Cochran of the Alabama Board of Health. Cochran wrote to Wyman suggesting that the MHS should avoid the direct takeover and management of local quarantine functions, which he felt would generate too much opposition from local and state politicians. Cochran wrote that any "attempt to legislate the local quarantine authorities out of existence will fail." Instead, Cochran suggested that Wyman allow the shift towards a national quarantine service to take its course. Why

36 Ibid.

not, asked Cochran, “allow the evolution that is now going to continue? There is no doubt as to the ultimate outcome.”³⁷ As an article in *Harper’s Weekly*, dated August 26, 1893 put it:

Under this law it is not contemplated that the local authorities, when efficient and thorough in their work, shall be either superseded or interfered with. It is made the duty of the Supervising Surgeon-General of the United States Marine Hospital Service to see that the local authorities are efficient and zealous, and to take charge of the work or supplement it in cases where he deems such course as necessary.³⁸

Despite of the wording of the law and the positive spin expressed in *Harper’s*, many local quarantine officials discerned a slow creep towards national control of their local prerogatives. In August of 1897 the Conference of State Boards of Health met in Nashville, Tennessee, to discuss the problem. In a paper delivered to the conference, Richard M. Swearingen, health officer for the State of Texas, argued that the nationalization of quarantine functions was unconstitutional. He said that the 1893 law, then in effect, ought to be repealed or, failing that, amended to reduce the power of the Marine Hospital Service and, very specifically, that of Surgeon-General Wyman.

Interpreting the law differently than *Harper’s Magazine*, Swearingen proclaimed that:

When this remarkable enactment is stripped of its technical verbiage, in plain English it means that sovereign States can not be entrusted with the police

37 Cochran to Wyman, 10 October 1992, Marine Hospital Service Records, Alabama State Board of Health; quoted in Margaret Humphreys. *Yellow Fever in the South*, Health and Medicine in American Society Series. (New Brunswick, New Jersey, Rutgers University Press, 1992), 130-132, n. 48.

38 “The National Quarantine” *Harper’s Weekly*, August 26, 1893, as reprinted at <<http://www.fortunecity.com/littleitaly/amalfi/100/quaran93.htm>>.

regulations necessary to protect the public health, and that the Federal Government, with vastly superior knowledge, must stretch forth its mighty arms in our defense.

In this law there is no provision made for testing the merits of any controversy that might arise between State and Federal authority, nor of deciding questions of competency of any officer, nor for court-martial in case of charges of incompetence or neglect of duty...no tribunal before which shall be determined the grave question of setting aside the laws of the State. It depends solely upon the opinion of the chief, and his opinion, upon the report of some inspector of the Marine Hospital Service, to the effect that the State rules are not satisfactory. What a parody on constitutional government! When one man [Wyman], without even in the form of trial, can set aside the laws of a State, it is a despotism, subversive of every principle of freedom, and unworthy of the American people.³⁹

Swearingen was agitated over a fight between Texas and the MHS concerning the Sabine Pass quarantine station guarding the entrance to Port Arthur, Texas. The Texas authorities had been forced to back down in a clash with the MHS, and were smarting from the humiliation. In concluding his remarks to the conference, Swearingen warned that to give way to the MHS on quarantine issues would lead to the destruction of states' rights under the Constitution:

We are confronted by a growing power that threatens to monopolize all sanitary matters and control all systems of public health. The evolution of the Marine Hospital Service within a few years from a charitable institution, caring only for sick sailors, into a vast machine of power, is one of the marvels of the century; and unless a halt is called, it foreshadows, at no distant date, the doom of all State and municipal quarantines.⁴⁰

In this, Swearingen seemed to be in ironic agreement with Cochran regarding the ultimate outcome of the 1893 act.

39 R. M. Swearingen, "The Relation of Federal to State Quarantine." *Sanitarian* 39 (1897): 427-434.

40 Ibid.

Surgeon-General Wyman cast the issue somewhat differently than Swearingen.

Addressing the conference, Wyman pointed out that under previous law,

Quarantine was permitted to be exercised by the states as a police function, and even in the present law, which gives national supremacy, it is provided that assistance shall be given to the states or municipalities by the federal authorities, the supremacy of the latter being asserted only when the state or local authorities fail or refuse to enforce the uniform national regulations.⁴¹

Nonetheless, Wyman emphasized the flaws in independent, local quarantine administration, which was often poorly equipped to deal with the physical functions of quarantine. He noted that local quarantines were as likely to serve competitive commercial interests as they were to be applied to disease prevention:

As a result of the old system, prior to 1893, each State had its own quarantine requirements. Different cities in the same States had different requirements. One city, in order to divert trade from its neighboring rival, would be less exacting than the latter in inspection and treatment of infected vessels. Some cities found quarantine to be a means of considerable revenue, laying heavy charges for unnecessary inspection and perfunctory disinfection of vessels. The position of Quarantine Officer became extremely lucrative, and one of the principle offices to be used as a reward for political service, and a source from which could be derived contributions for partisan purposes. No wonder, then, that this system was faulty, a burden upon commerce, and did not protect.⁴²

Wyman went on to assert that under the United States Constitution, the federal government had the right and responsibility to regulate and protect interstate commerce. Since haphazard local quarantine regulations and enforcement disrupted such commerce, Congress had acted in 1893 to create unified national quarantine regulations. While

41 Walter Wyman, "The Quarantine System of the United States," *Sanitarian* 39 (1897): 418-427.

reiterating that the national regulations were only minimum requirements, and that the states, under the new law, were free to “add to them,” Wyman suggested that:

A strong sentiment for exclusive national control is developing, even in States, which have been heretofore most thoroughly identified with the States’ rights doctrine, and also in the interior States, whose borders may not touch the sea, but may be reached by infection brought across it.⁴³

Wyman applied the 1893 quarantine act to challenge local authorities from New York to Florida, Key West to Galveston. In June of 1897, while writing to Milton Rosenau to discuss the battle over the San Francisco Quarantine station, Wyman described his strategy in Mississippi:

I suppose you have heard about the controversy with the Miss. State Bd. of H. concerning the Ship Island Quarantine. Two members of the State board dropped in with a view of having the order of the Sec’y [Secretary of the Treasury] to the Coll^r [Collector] of Customs changed so that he would accept the pratique of the State quarantine authorities, but they got a very direct, straight from the shoulder blow from the Sec’y & must have gone away discouraged. They threatened to treat our quar. statⁿ [quarantine station] at Ship Island as an infected location, & in fact did quarantine against it., & threatened our supply boat from Biloxi. The Sec’y simply ordered a rev. cutter there to act as our supply boat if necessary, but they weakened, & we are having no trouble at present.

The present policy seems to be to go on our way ignoring local quarantines when they interfere with us & letting them do all the kicking and making appeals to the law. I give you this as a pointer.⁴⁴

42 Ibid.

43 Ibid.

44 Wyman to Rosenau, June 28, 1897. #4289, Rosenau papers, Southern Historical Collection, University of North Carolina Library, Chapel Hill.[henceforth called “Rosenau papers.”]

In a personal letter to Rosenau dated a few months later, Wyman reiterated this “policy:”

Just now we are in a contest with Texas...A dangerous state of affairs exists at Sabine Pass, where a town was built right around the quarantine station for the purpose of using the ballast of discharged vessels for raising the grade. Ballast was being discharged from infected ports. We have given Magruder a boat and a yellow flag and a United States ensign, and instructed him to board at the head of the jetties, near the mouth of the Pass, and to send vessels from infected ports to Ship Island. The Collector of Customs has been instructed not to admit vessels to entry at Sabine Pass Without Magruder’s certificate. The State contemplates removing its quarantine station, but is very dilatory about it, and we have taken this action.

Rosenau was in the middle of a battle for control over the port of San Francisco with the local authorities. Wyman’s confidence is impressive. “Do not let the bickerings of the local authorities worry you,” he wrote,

They were to be expected. The law, I am sure, is on our side, and I believe that if the matter ever goes to the courts it will be bad for the State quarantines. Even if a court should decide against us there could be an appeal, and even if the highest courts should decide adversely it would show Congress the necessity of sweeping action, and would ultimately work to our advantage. I thoroughly appreciate the good work you are doing.⁴⁵

When Wyman wrote to Rosenau in 1897, he had been in control of the Marine Hospital Service for six years. The national quarantine act of 1893 had allowed Wyman to strengthen the service’s hand well beyond anything Hamilton ever controlled. As previously noted, this legislation act transferred quarantine and inspections powers from the states into the hands of Wyman’s MHS. The legislation strengthened Wyman’s control in indirect ways as well: it permanently disbanded the National Board of Health,

45 Rosenau papers, Wyman to Rosenau, August 7, 1897.

the MHS's primary rival within the federal government. This left the MHS and Wyman in command of the nation's public health bureaucracy. Free from the need to compete for political attention, Wyman was able to take full advantage of the powers granted to the MHS under the new regulations.

By the time the new law was passed, the service had built nine federal quarantine stations and had moved effectively to take control of local quarantine inspection whenever and wherever Wyman saw an opportunity for the MHS to step in. During the yellow fever outbreak of 1897, the battle between the states and the MHS was renewed with vigor. The weakness of the various state's quarantine administrations; their lack of coordination; and local political bickering, corruption, and profiteering all provided the opportunity Wyman had been seeking. The situation was on the mind of A. N. Bell, editor of *The Sanitarian*, when he commented on the war of words between Swearingen, Health Officer for the State of Texas, and Supervising Surgeon-General Wyman:

Legislation has been all sufficient for the occasion, but the fault is and has been the lack of organized effort by those who are entrusted with their execution, severally and jointly. Not one of our State Boards of Health is lacking in law—indeed, for the most part, the laws makes it the duty of the State Boards of Health to organize and supervise the local boards of health, and empowers them to enforce preventive measures. But these boards have been so constantly jealous of their exclusive rights and privileges that any effort to exercise the national health laws, under the direction of the Surgeon-General of the Marine Hospital Service, without express invitation is more vigorously fought than any disease against which they should jointly contend...On the subject of quarantine there appears to be no unity of either sentiment or effort, except it be in opposition to any interference by the Marine Hospital Service, lest as if the duties of that service were not, or could not be made helpful in the one primary object—the protection of the public health. The members—*all of them*—not merely the executive

officers of the State Boards are supposed to possess that knowledge, and to *organize* it.⁴⁶

In 1897, as the pandemic of bubonic plague was working its way around the globe from Asia towards the Americas and San Francisco, the MHS was already fighting local quarantine battles in a political war to control the nation's public health bureaucracy. Although the struggle to control San Francisco's quarantine administration had begun when the Angel Island Quarantine Station opened for business in the spring of 1892, it was only after the beginning of the plague pandemic, and the realization that the disease would make it to San Francisco, that Wyman's attention focused on Angel Island.

Rosenau's Battles In San Francisco

Surgeon General Wyman's first concern was to take control of San Francisco's quarantine inspection from the local authorities. In 1896, when it became obvious from foreign reports that the Asian plague epidemic had become a world-wide pandemic, Wyman placed a trusted MHS officer and friend, Milton Rosenau, in position at San Francisco to ready the port for what appeared to be the inevitable importation of bubonic plague. Wyman must have foreseen that San Francisco held the key to preventing the pandemic from spreading to the United States and that the port simply had to come under control of the MHS.

46 A. N. Bell, editorial, *Sanitarian*, 39 (1897): 451.

Rosenau was chosen for the San Francisco post in 1896 in part because he was already in the city. He had been placed on temporary duty in San Francisco in September of 1895 in response to reports of cholera on board the steamer *Belgic* in route to San Francisco from Asia.⁴⁷ During the 1892 cholera epidemic, he had been placed in Antwerp to inspect ships leaving for America. He was well trained in cholera inspection and detection procedures.⁴⁸ In November 1895, Wyman ordered Rosenau to stay on in order to scientifically analyze the city's water supply at the request of Mayor Adolph Sutro.

Still, Rosenau's stay on the west coast was supposed to be a brief one: Rosenau had been working with Kinyoun in the Washington laboratory, and had every reason to expect to return once Sutro's water study was completed.⁴⁹ Wyman had even written to Rosenau in December of 1895 to deny his request to have his personal effects transferred out to San Francisco on the grounds that he wouldn't be there long enough to need them. As Wyman put it, "you are informed that it is the intention of the Bureau to order you to return to your station on completion of your examination of San Francisco water. Therefore, under the circumstances, it is presumed that you will not wish the above effects sent to San Francisco."⁵⁰

Wyman's plans were about to change, however. With the reports of plague coming out of Asia, Wyman decided that he needed to take control of the local

47 Rosenau papers, Wyman to Lyman G. Gage, May 14, 1897.

48 Furman, 214.

49 Furman, 214.

50 Rosenau papers, Wyman to Rosenau, December 10, 1895.

quarantine administration in San Francisco, and that it was better to do so with a trusted officer in place. In March 1896, Rosenau was detailed to Angel Island as quarantine officer in charge of the facility.⁵¹

Upon assuming control of the station, Rosenau began the process of transferring control away from the local quarantine officials. One of his first orders of business was to let the San Francisco Board of Health, in possession of his recently completed water study, know that he was in town and available. The letter read in part:

Dear Sirs: I am in receipt of a telegram from the Surgeon-General directing me to disinfect the baggage of all Chinese immigrants landing in San Francisco, and I respectfully request the cooperation of your board to aid me to carry out this timely precaution...I have also the honor to invite the attention of your board to the fact that I am prepared to make bacteriological diagnosis of suspected cases of plague, cholera, or diphtheria that may come into your quarantine, and desire to place my services and my laboratory at your disposal.⁵²

Many members of San Francisco's Board of Health were happy to have federal help.

After all, California's legislature had passed a joint resolution in 1895 "to urge upon the Secretary of the Treasury that the Department assume entire control of the Maritime Quarantine Service at the port of San Francisco."⁵³ The timing of Rosenau's assignment could not have been better, since the first reports of plague on board trans-Pacific steamers began circulate in April 1896.

51 Ibid., 214.

52 Ibid., 214-215.

53 Rosenau papers, Wyman to Lyman G. Gage, May 14, 1897.

The first San Francisco newspaper reports claimed that a Chinese passenger on board the *S. S. Gaelic*, running between San Francisco and Hong Kong, died of plague at the port of Yokohama, where his body was removed. The article assured its readers that “no pains will be spared by the Board of Health to see that all danger of contagion is eradicated from the Gaelic before her mails, cargo and passengers are allowed to land in this City.”⁵⁴ Wyman, according to the report, had already telegraphed Rosenau and told him to inform the city Board of Health that the ship was on its way to San Francisco from Honolulu. The quarantine station at Angel Island was on high alert. So was the San Francisco Board of Health, which ordered its local quarantine officer, Dr. W. P. Chalmers, to be on the lookout for the *Gaelic*, which was due to arrive on April 18.

Two days after San Francisco began receiving news of plague aboard the *Gaelic*, the *San Francisco Chronicle* reported that the Asian press was suppressing the news of disease. Under the headline “Plagues Raging in the Orient,” the *Chronicle* reported “Only the most meager reports relative to the cholera and smallpox plagues known to be raging in various parts of China and Japan are contained in the papers brought by the steamer *Rio*, which arrived yesterday, owing to the strict press censorship being exercised.”⁵⁵ Fear of quarantine was causing predictable results in the port cities along the *Gaelic*'s route, cities whose trade was likely to be adversely affected. In Asia, as in the United States, local business interests often exerted pressure to hide news of disease outbreaks in order to protect trade and market share.

54 “Plague on the Gaelic,” *San Francisco Call*, April 8, 1896.

In 1896, with the *Gaelic* steaming towards San Francisco, all of the issues which had come to light in earlier disease control campaigns would come into play again in California. The first battles would be over jurisdictional control: both the MHS and the city's local quarantine officer were on the lookout for the *Gaelic*, and it was soon to become a bone of contention as to who was in control of the port's quarantine functions.

When The *Gaelic* arrived in port on April 18, it was quarantined at Angel Island for disinfection. Chalmers, on the tugboat *Governor Perkins*, escorted the ship to the quarantine station after meeting the vessel upon her entry through the Golden Gate. While there was no plague or smallpox among the passengers inspected, the process highlighted a deficiency in the MHS operations: it had not been able to provide Dr. Rosenau with a boat or crew with which to meet the arriving vessels requiring inspection. This left the local quarantine officer, Dr. Chalmers, free to perform the incoming inspections and charge the local inspection fees on which his income depended, while Rosenau could only watch from Angel Island.⁵⁶

In mid June, Wyman sent a hand written letter to Rosenau, marked "confidential," in which he laid out the service's plans to Rosenau. Wyman told Rosenau that he had requested an increase in the agency's budget to cover the cost of acquiring a boat, to be commissioned as the *Sternberg*, and that he hoped that the pier and wharf on Angel Island could be repaired using funds "out of the repairs and preservation appropriation

55 "Plague Raging in the Orient," *San Francisco Chronicle*, April 10, 1896.

for the next fiscal year.” Further, he said, “You will be given a boarding official” and be expected to board ships coming in from foreign ports. “I trust you will get the disinfecting apparatus on the Omaha in good working order” he wrote. The service had acquired a hulk from the Navy and converted its coal boilers into steam generators to be used for high- pressure steam disinfection. On the subject of the local quarantine officer, Wyman told Rosenau, “My plan is to ignore the officer. He can now proceed with the boarding if he wants to, but he must not interfere.”⁵⁷

Help arrived when Wyman sent another service officer, Rupert Blue, to assist Rosenau with the inspection duties. Their transportation problem was solved with the purchase of an old launch, christened as the *Sternberg*. Per Wyman’s instructions, by mid July, 1896, the MHS was ready to take over quarantine functions at San Francisco. Surgeon General Wyman sent a letter to the San Francisco Board of Health informing it of the service’s intention: “Congress made appropriations sufficient to enable the service to perform the entire quarantine function at the port of San Francisco,” and therefore, “with the approval of the Secretary of the Treasury,” Rosenau had been directed, “on July 1st, or as soon thereafter as practicable, to begin the boarding and inspection of all Vessels requiring inspection.”⁵⁸

56 San Francisco Chronicle, April 16, 1896; “Along The Water Front,” San Francisco Call, April 19-20, 1896; and “Guarding Against Oriental Plagues,” San Francisco Chronicle, April 19, 1896.

57 Rosenau papers, Wyman to Rosenau, June 15, 1896.

58 Rosenau papers, San Francisco City Board of Health to Wyman, July 1, 1896.

The Board had initially welcomed Rosenau's presence, happy to have the MHS disinfection and laboratory facilities at Angel Island available to support its operations, but had no interest in turning over local quarantine control to the MHS. No doubt the prospective loss of revenue figured largely in their concerns: the fees collected by Dr. Chalmers supported the budget of the board. The board wrote back to say that Wyman's plans would not float:

In reply thereto, we call your attention to the plain language of the Laws of the State of California, under which this Board was appointed to carry out, through its Quarantine Officer, the functions of boarding and inspecting Vessels [sic] requiring inspection... We are unable to find any warrant in any provision of U.S. Statutes... [for] the statement in your letter, that this inspection by the Local Quarantine Officer 'has been permitted to be continued,' or that Congress appropriated moneys, 'to perform the entire quarantine function' at the Port of San Francisco.

On the contrary, the U.S. Statute of April 29, 1878, provides especially 'that there shall be no interference in any manner with any quarantine Laws or Regulations, as they now exist or may hereafter be adopted under State Laws.'

We both believe and hope that our respective duties may be carried out without friction, and possibly to greater efficiency of the quarantine service, until the exclusive and tremendous responsibility of safeguarding the Nations [sic] health from infectious diseases shall have been fully fixed and determined... You state that you are acting under the instructions of the Honorable Secretary or the U. S. Treasury; we are acting under the commanding laws of a Sovereign State, and, as her Officers sworn to maintain those Laws, we shall attempt to enforce them so long as we are in charge of that duty.⁵⁹

Clearly, the city Board of Health had seen through Wyman's bluff and called him on it. It's response to Wyman had matched his officiousness, and showed that it intended Dr. Chalmers to continue to act in his official capacity. As far as the board was

59 Ibid.

concerned, the MHS should stay on its island and out of San Francisco's business. The press got hold of the story, and ran with it. "Defies the Federal Government," read one headline, and "The Board of Health Defiant" declared another.⁶⁰ The federal tax collector at the port was ordered by the Treasury Department to accept certificates of inspection from both the MHS and the local quarantine officer until things got straightened out.⁶¹

The Treasury Department was acting, in part, to put an end to an inspection war that had started between Chalmers and Blue. The two services had begun a fight over who could get to the incoming vessels first in order to perform the quarantine inspection. As one of the local papers had the story:

When this order was received a curious war was in progress on the water front. The steamship Mariposa from Australia was sighted at an early hour and the national and local quarantine officers set out to board her. Dr. Chalmers, the local quarantine officer, slipped out from his berth along the sea wall in the tug Governor Perkins and was away on his mission before the Federal officer, Dr. Rosenau, was apprized [sic] of the fact that a vessel had been sighted.

When the Governor Perkins was off Angel Island Dr. Blue, assistant Federal officer, put off in the launch Sternberg and headed for the incoming steamer. It might have been a pretty race if the Sternberg was anything like as fast a boat as the Perkins, but she is not, and the Federal doctor was left far behind. Dr. Chalmers boarded the Mariposa...and quickly completed his inspection and filled out the necessary certificate. He had concluded and was climbing down over the rail when the Sternberg steamed up in a big flurry.

⁶⁰ Rosenau papers, "Defies The Federal Government," and "The Board Of Health Defiant," n.p. July 2 or 3, 1896. The clippings were collected by Rosenau and indicate the sort of press concerning the struggle that he found interesting and useful to preserve. Rosenau did not keep citation notes indicating which San Francisco newspapers the cuttings came from. The dates listed are an educated guess based on the content of the articles.

⁶¹ Rosenau papers, "Local and Federal Authority Equal." n.p. July 3, 1896.

Dr. Blue saluted the State officer and presented himself and his credentials to the wondering captain of the big ocean liner. He was accorded the same privileges and courtesies as Dr. Chalmers, and made a formal inspection of the vessel. When he demanded the ship's bill of health, however, he found that Chalmers had taken all of the papers. He immediately informed the captain that he would not enter the ship unless the proper documents were presented to him, and the captain told Chalmers to give them up.

Chalmers refused, and then there was a scene. The captain again demanded that Chalmers give up possession of the papers, saying that he did not care to run counter to Federal authority in any way. Chalmers flatly declined to heed the request, and then the captain in language enlivened by picturesque sea phrases told Chalmers that if he did not obey him instantly he would take the papers by force and throw him overboard. Chalmers weakened. Dr. Blue promptly issued a certificate on Federal authority, and the big steamship docked without delay. At the Custom-house both the Federal and State certificates were presented and duly entered by the entry clerk. All parties concerned enjoyed a general smile over the incident.⁶²

While the humor of the situation was not lost on the press, it is hard to imagine that Dr. Chalmers smiled on his way back to the office. Wyman was facing a growing political problem over the MHS actions in San Francisco, and Rosenau was becoming a target. Not long after the the confrontations between Chalmers and Rosenau began to generate continuing press coverage, Wyman sought to remove Rosenau from harm's way by replacing him with his ex-boss and active critic, John Hamilton, but Hamilton chose to resign from the service rather than take the unpleasant assignment.⁶³ Rosenau would have to stay put for a while longer.

Washington Intervenes

62 Ibid.

63 "John B. Hamilton," Office of the Surgeon General.

In October of 1896, Acting Secretary of the Treasury W. E. Curtis, reversed himself and issued orders stating that only federal inspection certificates would be honored at the San Francisco customs-house. Then as now, customs inspection was a singularly crucial step on gaining entry to the port. Without it, all other steps were superfluous unless one intended to enter the port illegally. While Dr. Chalmers of the San Francisco Board of Health was free to issue inspection certificates, the customs-house would now only accept certificates from Rosenau or Blue.⁶⁴ To ensure that Blue could actually make good on the service's intention, and beat Chalmers in the race out to the incoming ships, the service purchased a new steam launch, the *Bacillus*, to outrun the *Perkins*.⁶⁵

The San Francisco authorities were not prepared to give up the fight, however. On January 20, 1897, Chalmers wrote to J. G. Carlisle, Secretary of the Treasury under President Grover Cleveland, to complain that the Marine Hospital Service personnel at Angel Island were overstepping their legal authority. Chalmers charged that Rosenau and Blue were interfering with his ability to do his job as local quarantine officer.

Furthermore, said Chalmers, the MHS appeared to be trying to take over his job:

For some reason which I do not understand an effort seems to have been made to take the whole matter of quarantine of the port of San Francisco out of my jurisdiction, and place it in the hands of the United States authorities, where I respectfully suggest it does not belong under the laws as they exist. In many instances the United States quarantine officer has taken from incoming vessels

64 "Federal Authority Alone Recognized," *San Francisco Chronicle*, October 11, 1896.

65 Furman, 215.

there bills of health (hereafter mentioned) so that when said vessels are boarded by myself there were no data upon which I could base any opinion as to the condition of the vessel or the port of departure. This, of course, has very seriously hampered my duty. This is a very serious grievance as you can well understand, when I state that the original bill of health is required at the Custom House, and the duties of my office require me to file the duplicate with the Board of Health of the City and County of San Francisco.

The United States Quarantine officer, upon a number of occasions, has given authority to the captains of vessels from foreign ports to go ashore before the quarantine officer of this port has inspected the vessel. The United States Quarantine Officer has made it a daily practice to board a vessel and make inspection prior to the arrival, if possible, of the local quarantine officer, grant free pratique and depart. This course absolutely nullifying the intent of the law with reference to quarantine... This action has occasioned a great deal of annoyance to the shipping people and passengers of this port.⁶⁶

Indeed, the tug of war between the two had become a nuisance to all concerned, and had to be ended. Wyman received a copy of Chalmers' letter of complaint from his boss, Secretary Carlisle, and had to explain what he, Rosenau, and Blue were up to. The seven-page letter of complaint, also signed by San Francisco Mayor James Phelan, and members of San Francisco's Board of Health, required a response. Fortunately, the city Board of Health had literally telegraphed its intentions, wiring a summary of the complaint to the Treasury Department before the full text of the letter had arrived by mail to the Secretary's office. Anticipating the need to mount a defense, Wyman and Rosenau discussed the situation via telegram. On January 22, Rosenau suggested that

The President be requested to assume control of the quarantine at this port, in accordance with Section 3 of the act of 1893. Refer to correspondence concerning the misconduct of quarantine affairs here, and the apparent inability of the local board of health to control matters satisfactorily, and their refusal to answer specific charges. The Chamber of Commerce has passed strong

66 Rosenau papers, Chalmers to Carlisle, January 20, 1897.

resolutions favoring Federal Control, and all the shipping interests desire the same. Urge prompt action.⁶⁷

Wyman then telegraphed Rosenau, asking him to “Wire briefly substance chamber commerce resolutions and any additional neglect local officer for presentation to the president.” It is clear that Wyman expected to be called into a meeting with President Cleveland over the issue and he wanted to be prepared.⁶⁸

The showdown in Washington came at a critical moment. At the beginning of January, Wyman has issued orders to all MHS staff to increase efforts directed at stopping bubonic plague from reaching the U.S. “In view of the prevalence of the bubonic plague in India and China,” Wyman said, increased attention was to be given to quarantine inspections as stipulated under the 1893 law. This meant that the Service’s quarantine inspectors based at foreign ports were to be on heightened alert for signs of plague in their daily inspection routines.⁶⁹

On January 21, 1897, it was announced that Dr. Waldemar Mordecai Haffkine of the Pasteur Institute, while working in a Calcutta laboratory, had produced a vaccine that prevented bubonic plague. The vaccine used dead plague bacteria, and although patients usually reacted strongly to the vaccine itself as the immune system created the appropriate antibodies, it seemed to provide a real level of protection against contracting

67 Rosenau papers, Wyman to L. G. Gage, May 14, 1897.

68 Rosenau papers, telegram, Wyman to Rosenau, January 24 1897.

69 *Public Health Reports*, (January 22, 1897): 65-66.

the disease.⁷⁰ While this news was heartening, it did not stop the MHS from following Wyman's orders for increased vigilance. In addition, vaccine or not, San Francisco's quarantine situation still needed to be straightened out.

Wyman's defense of the Marine Hospital Service's actions in San Francisco rested on the impending threat that bubonic plague posed to the nation, and on San Francisco's questionable ability to handle the job of quarantine inspection. Specifically, Wyman intended to prove that Chalmers was incompetent and neglectful, and that under the rules of the 1893 quarantine law, the MHS had the right and responsibility to step in and take over the local quarantine inspection. The meeting with the President must have gone well, because on January 26, 1897, Cleveland announced that he was "placing all quarantine matters at the port of San Francisco under the charge of the National Government." As the *Chronicle* reported, "This is a direct result of the conflict which raged between the State and national authorities, and is the outcome of Dr. Chalmer's [sic] exercise of authority as to State control of the quarantine service."⁷¹

Given the tradition of states' rights, however, the efficacy of President Cleveland's proclamation in resolving the matter remained in doubt. Shortly after the president's order, Wyman wrote a private letter to Rosenau asking for detailed proof against Chalmers and the "inefficiency of his service." The letter went on to say that Rosenau needed to be careful not to push the locals too far, since "I am informed on the

⁷⁰ *San Francisco Chronicle*, January 21, 1897.

⁷¹ "Quarantine at San Francisco," *San Francisco Chronicle*, January 26, 1897 and "Government Wins," *San Francisco Bulletin*, January 26, 1897.

highest authority that even after you are detailed by the President... The effect of the Presidential detail will be partly moral, and will give only additional force to your position,” and not absolute authority. “I let you know this personally rather than officially so that if any strong impression is made on Chalmers by the President’s action, it may hold good,” he wrote.⁷² In other words, if Chalmers wanted to read more authority into the president’s action than it actually carried, Rosenau would be well advised not to let the cat out of the bag.

Predictably, the authorities in San Francisco were unhappy with the results of their letter of protest. Up until January 1897 the struggle for control of San Francisco’s quarantine functions had been a matter of limited concern, with a certain element of humor and good-natured competition. Cleveland’s response to the city’s letter of protest was a direct slap in the face to San Francisco authority, and the stinging rebuke was not to be forgotten. In some ways, the hardening of political positions, and indeed, personal animosity, exercised in San Francisco towards the MHS grew out of the January exchange of political fire. Political egos were wounded in the exchange, and San Francisco authorities would not forget the insult.

During the spring of 1897, both sides in the conflict tested their strength against one another. On the one hand, the MHS moved forward, building a case against Chalmers and the city Board of Health that would allow it to take formal control. At the same time, the city continued to contest its right, under state law, to carry out quarantine

⁷² Rosenau papers, Wyman to Rosenau, January 28, 1897.

inspection. The waterfront became the stage on which several bitter disputes were played out between the two services.⁷³

In early May, Rosenau submitted his formal indictment of Chalmers and the city Board of Health's quarantine inspection. Wyman attached a cover letter to Rosenau's documentation and delivered it to his new boss, Lyman Gage, Treasury Secretary under the new administration of President William McKinley. In the letter, Wyman produced affidavits proving that Chalmers had, among other things, failed to provide for proper inspection and disinfection of arriving passengers, baggage and cargo.⁷⁴ On several occasions, he interfered with Rosenau's attempts to disinfect baggage. As the local quarantine officer, he failed to meet incoming vessels in a timely manner, preferring to sleep through their arrival and then perform inspections at his convenience. Chalmers issued permits without performing the required inspections, having the permits delivered by the pilot on board his launch *Perkins*. Furthermore, he pre-endorsed blank permits to be issued in his absence by his clerk, in the office, where the captains of incoming vessels were expected to pick them up. Finally, Wyman attached copies of previous requests made by both California and San Francisco authorities that the Marine Hospital Service take over full control of the port's quarantine inspection.

The letter was all Wyman had hoped for and more. In bureaucratic detail, it laid out the history of the present conflict, point by point. Not only did it show evidence that the local quarantine officer was failing to perform quarantine inspection, but also that he

⁷³ "More Quarantine Trouble," *San Francisco Chronicle*, April 12, 1897.

was refusing the service's help. It clearly showed that ship owners and operators had a particular preference for a single local inspection regime, and their preference was for the federal policy of offering free pratique in place of the local quarantine inspection fees charged by the State. As icing on the cake, Wyman could prove to the President that California had, on several occasions, invited the MHS to take over. He made it appear as if the only opponent to the service's plan to take over quarantine inspection at San Francisco was the local quarantine officer, "prompted chiefly, it is believed, by pecuniary motives." Wyman added that Chalmers "has proved himself wholly incompetent to perform the duties imposed by the local laws, and has frequently ignored the quarantine laws and regulations of the United States."⁷⁵

Wyman had only one request to make: "In these circumstances the detail of Passed Assistant Surgeon Rosenau as quarantine officer for the port of San Francisco, by the President, appears to be an absolute necessity in order to protect the country from the introduction of foreign pestilence."⁷⁶ President McKinley signed his approval to the request on May 17, 1897. Rosenau, with the full authority of the new President behind him, would have to stay in San Francisco for a little while longer.

The first reaction of the San Francisco authorities was one of defiance. When the federal takeover was announced, Edmond Godchaux, secretary of San Francisco's Board of Health, announced that the board would continue to inspect incoming vessels, and that

74 Rosenau papers, Wyman to L. G. Gage, May 14, 1897.

75 Ibid.

76 Ibid.

while it might not have the authority to stop ships from entering the port, “it does claim the power and the duty under the law of inspecting all persons and freight attempted to be landed . . . as well as the right to charge fees for the services.”⁷⁷ Godchaux pointed out that “The same question has arisen at other seaports, in New York and New Orleans, and neither State nor city has consented to surrender its right to inspection in the interests of public health,” or in the collection of fees.

It wasn’t long before the tests began. Claiming sole authority over the quarantine inspection for San Francisco, Chalmers ordered the MHS to disinfect all incoming mail. The Service balked and Chalmers took his complaint to the Post Office. In addition, Chalmers began to order arrest warrants made out against any captain who refused to pay his fees. Before long, Rosenau was having to answer subpoenas to appear as a material witness and Wyman was having to answer inquiries coming out of the Post Office about the Service’s refusal to disinfect mail. As Wyman noted, “it is not unlikely that the demand for the disinfection of mails by the local authorities when the national authority determine that it was unnecessary, was made more as an attempt at legal obstruction than for public safety.”⁷⁸

By August, Wyman was writing to Rosenau thanking him for news clippings about all of the cases Chalmers was taking to court. “I wish to keep track of these cases,” he wrote, “And intend to consult the Attorney-General to see that the Government’s

77 “Single Control of Quarantine,” *San Francisco Chronicle*, May 19, 1897.

78 Rosenau papers, Wyman to Harrison J. Barrett, June 23, 1897.

interests are looked after as far as may be possible. I have little fear as to the result.”⁷⁹ In the same private letter to Rosenau in which Wyman told of the troubles the Service was experiencing with the Texas authorities over Sabine Pass, he spoke his mind concerning the mail: “I will say, right now, however, that the U.S. is on top! . . . It is absurd to think of placing ourselves under the orders of Chalmers with regard to these matters.”⁸⁰

The bureaucratic war that would later erupt in San Francisco between the MHS and California political forces can be easily traced back to Rosenau’s assumption of quarantine responsibilities in the spring and summer of 1897. Wyman’s leadership alienated local politicians in every state in which the MHS had business. In San Francisco, Wyman used the tactics he developed in New York, Mississippi, Louisiana and Texas to take control of local quarantine inspection, circumventing local quarantine authority by first duplicating functions, and then, using the law he tailored, placing his federal officers in control of local quarantine duties. As the *San Francisco Examiner* explained, “This same controversy is an old one,” but it also noted that:

The Federal Service in the past has made vigorous efforts to obtain control of quarantine at the ports of New York and New Orleans, but people in those States, having more pride in their State institutions than the people of California, were successful in resisting the encroachments of the service . . . San Francisco being the next port in importance, the attempt is now being made to wrest it from the State authorities, and our people, less progressive than those of New York and Louisiana, are sufficiently apathetic to allow the capture to be made without any resistance.⁸¹

79 Rosenau papers, Subpoena issued to Rosenau, July 23, 1897 and Wyman to Rosenau, August 7, 1897.

80 Rosenau papers, Wyman to Rosenau, June 28, 1897.

81 “State and Federal Officers In Conflict On Quarantine,” *San Francisco Examiner*, September 18, 1897.

Indeed, even as the political forces behind the city Board of Health were trying to fend off the Marine Hospital Service, other political interests in San Francisco were siding with the federal authorities. The Chamber of Commerce was quite open about its dislike for the local inspection fees, and the press picked up the story:

The Chamber of Commerce at its annual meeting in January adopted resolutions declaring the State service worthless and a burden to commerce, urged the National Government to take entire charge of quarantine and advised shipowners and officers to refuse to pay the State fees, offering to join in the expense of the litigation which might possibly ensue.⁸²

The shipping interests in San Francisco were behind the federal takeover because it would standardize the quarantine inspection regulations at their United States ports of call, streamline the inspection procedures, and eliminate the burden of local inspection fees charged to the shippers. In San Francisco, one of the largest shipping concerns was the “O. & O.,” or Occidental and Oriental, owned by the Southern Pacific Railroad. The owners of the O. & O. were in favor of the increased profits promised by a federal takeover, and decided to back the federal position. O. & O. captains were under orders to obey only federal inspection officers, and management agreed to fund the court cases being brought against its ships.⁸³

82 Ibid.

83 Rosenau papers, undated attachment to letter, Wyman to L. G. Gage, May 14, 1897. Part of Wyman’s May 14, 1897 formal request for the MHS to take control of the San Francisco quarantine inspection is a resolution by the San Francisco Chamber of Commerce addressed to American ship owners using the port of San Francisco. In the resolution is a request that the ship owners refuse to pay local inspection fees and help pay for the litigation of a proposed test case challenging local inspection authority. The Occidental and Oriental Steamship Company took up the challenge, and ordered their

Similarly, where the *Examiner* backed the city Board of Health in a call to arms, the *San Francisco Call* referred to the city's quarantine inspection as a sinecure and an incubus, saying "There is no need in this city of a State quarantine office nor a State quarantine officer. There are many uses to which the money of the taxpayers can be better applied than at maintaining a futile pretense at doing something which the National Government is already doing to the satisfaction of the public."⁸⁴ The city's business elite were prepared to back the federal government when they saw it in their best interests to do so, while the local politicians were fighting to maintain the local spoils system. Between the two competing interests, Wyman found a home for his service in San Francisco.

Wyman followed the plan he had developed and placed Rosenau in charge of San Francisco's quarantine inspection. In other ports where Wyman tried to enforce MHS supremacy over quarantine matters, the service had encountered strong local opposition. San Francisco was no different in this respect from any of the other ports in which the

captains to refuse cooperation with the local inspection. The resulting policy lead to several conflicts in the harbor. See "Single Control of Quarantine," *San Francisco Chronicle*, May 19, 1897 and "'Who Bosses the Yellow Flag?'" *San Francisco Call*, September 13, 1897.

84 "A Sinecure And An Incubus," *San Francisco Call*, January 18, 1898.

service had taken control of quarantine inspection. Where California would differ from the other states would be in the scale of the war it was prepared to fight against federal control. As a consequence, ensuing political battles in San Francisco over quarantine issues would be long and bitter.